88S30099 BDP-D

By:  Gervin-Hawkins H.B. No. 42

A BILL TO BE ENTITLED

AN ACT

relating to the adoption of a healthy and safe school water plan by public schools.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Subchapter A, Chapter 38, Education Code, is amended by adding Section 38.041 to read as follows:

Sec. 38.041.  HEALTHY AND SAFE SCHOOL WATER PLAN. (a) In this section:

(1)  "Actionable lead level" means a hazardous, actionable concentration of lead in water, as determined by the commission.

(2)  "Commission" means the Texas Commission on Environmental Quality.

(3)  "Community water system" means a public water system that supplies water to the same population year-round.

(4)  "Water source" means any running water tap that is used for drinking or food preparation.

(b)  Each school district shall adopt a healthy and safe school water plan in accordance with rules adopted by the agency under Subsection (c) and with rules adopted by the commission under Subsection (d). The plan must include provisions for:

(1)  periodic testing for lead in school water sources by a community water system; and

(2)  reducing exposure to elevated levels of lead in school water sources.

(c)  The agency, in consultation with the commission, shall adopt rules to provide guidance to school districts on the adoption of a healthy and safe school water plan under this section. In providing guidance to districts under this section, the agency must provide procedures for:

(1)  collaboration with community water systems to conduct directed public education and lead monitoring at the school district campuses the community water systems service; and

(2)  the manner in which a school district:

(A)  must comply with Subsection (f); and

(B)  may be reimbursed under Subsection (i).

(d)  The commission shall adopt rules in accordance with 40 C.F.R. Part 141 to provide guidance to community water systems and school districts regarding:

(1)  sampling and testing for lead in school water sources;

(2)  the minimum lead concentration determined by the commission to be an actionable lead level;

(3)  the procedure for disabling a water source with an actionable lead level, as determined by the commission; and

(4)  the means by which a community water system or school district may reduce lead in school water sources, including by installing filters and replacing fixtures and water lines.

(e)  Each community water system, in accordance with commission rules adopted under Subsection (d), shall:

(1)  designate an employee to act as the point of contact between the commission and school districts served by the community water system;

(2)  contact school districts served by the community water system, if applicable, to coordinate water source testing in the district;

(3)  test each water source in school districts served by the community water system for the presence of lead;

(4)  maintain records for each water source in each school district served by the community water system, including:

(A)  the location of the water source; and

(B)  the date and results of each test conducted under Subdivision (3) for lead in the water source; and

(5)  submit a copy of the records described by Subdivision (4):

(A)  to the commission not less than once every four years; and

(B)  to the school district once the testing of a district campus water source has been completed.

(f)  In the manner prescribed by the rules adopted by the agency under Subsection (c), each school district shall:

(1)  designate an employee to act as the point of contact for the commission, the community water system, and the public regarding testing for lead in school water sources;

(2)  publish the information described by Subsection (e)(5) on each district campus's Internet website not later than the fifth business day after the date the district receives the information;

(3)  notify the parent or legal guardian of each student enrolled in the district and each district employee of the results of each test conducted under Subsection (e)(3); and

(4)  maintain a copy of the records submitted to the district by the community water system under Subsection (e)(5).

(g)  In the event that a school water source is determined by the commission to have an actionable lead level, the school district shall:

(1)  restrict access to the water source not later than 48 hours after learning the results under Subsection (e)(5); and

(2)  continue to restrict access to the water source until a subsequent test, conducted after appropriate lead abatement efforts are made, indicates the lead concentration at the source to be below the actionable lead level.

(h)  A school district may elect to perform the duties imposed on a community water system under Subsection (e) independently of and without assistance from the community water system.

(i)  To the extent that state and federal funds, including funding from the Infrastructure Investment and Jobs Act (Pub. L. No. 117-58) and the Water Resources Development Act of 2016 (Pub. L. No. 114-322, Title I, 130 Stat. 1632), are available to the agency for the purpose, the agency in coordination with the commission shall develop a grant program under which the agency reimburses a school district or a community water system for taking the following actions related to water sources in the district or a district served by the community water system, as applicable:

(1)  testing lead concentrations;

(2)  mitigating contamination through lead abatement efforts, including:

(A)  identifying the source of the contamination;

(B)  installing filtration systems; and

(C)  temporarily replacing the water source with bottled water or water from another source; and

(3)  replacing affected fixtures.

SECTION 2.  Not later than September 1, 2024, each school district and open-enrollment charter school shall adopt a healthy and safe school water plan as required by Section 38.041, Education Code, as added by this Act, and Section 12.104(b)(3)(K), Education Code, as applicable.

SECTION 3.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect on the 91st day after the last day of the legislative session.