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I N A S S E M B L Y

March 29, 2016

Introduced by M. of A. LUPARDO, GOTTFRIED, ROSENTHAL, GALEF, CAHILL, DINOWITZ, LAVINE, JAFFEE, SANTABARBARA, SOLAGES, HOOPER, MOSLEY, BLAKE, JOYNER, MAYER, LINARES, JEAN-PIERRE -- Multi-Sponsored by -- M. of A. ABBATE, COOK, GIGLIO, GLICK, McDONOUGH, McLAUGHLIN, PICHARDO, SIMON, THIELE -- read once and referred to the Committee on Education

AN ACT to amend the public health law and the education law, in relation to potable water testing and standards in schools

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The public health law is amended by adding a new section
2 1110 to read as follows:
3 S 1110. SCHOOL POTABLE WATER TESTING AND STANDARDS. 1. EVERY SCHOOL
4 DISTRICT AND BOARD OF COOPERATIVE EDUCATIONAL SERVICES SHALL, AS
5 PROVIDED IN REGULATIONS PROMULGATED PURSUANT TO THIS SECTION, CONDUCT
6 PERIODIC TESTING OF SCHOOL POTABLE WATER SOURCES AND SYSTEMS TO MONITOR
7 FOR LEAD CONTAMINATION IN EACH SCHOOL BUILDING UNDER SUCH DISTRICT OR
8 BOARD'S JURISDICTION (A) WHICH WAS BUILT PRIOR TO NINETEEN HUNDRED
9 EIGHTY-SIX, AND (B) WHERE REQUIRED BY REGULATIONS PROMULGATED PURSUANT
10 TO THIS SECTION. THE TESTING SHALL BE CONDUCTED AND THE RESULTS ANALYZED
11 BY AN ENTITY OR ENTITIES APPROVED BY THE COMMISSIONER.
12 2. THE COMMISSIONER SHALL ESTABLISH STANDARDS FOR ALLOWABLE LEAD
13 LEVELS IN SCHOOL POTABLE WATER. POTABLE WATER IN EACH SCHOOL SHALL NOT
14 CONTAIN LEAD LEVELS HIGHER THAN SUCH STANDARDS.
15 3. THE COMMISSIONER SHALL ESTABLISH REQUIREMENTS FOR THE REMEDIATION
16 OF SCHOOL POTABLE WATER THAT EXCEEDS APPLICABLE LEAD LEVEL STANDARDS,
17 INCLUDING REQUIREMENTS FOR RE-TESTING SUCH SCHOOL POTABLE WATER SOURCES
18 AND SYSTEMS.
19 4. EACH SCHOOL DISTRICT AND BOARD OF COOPERATIVE EDUCATIONAL SERVICES
20 SHALL MAKE A COPY OF THE RESULTS OF ALL TESTING CONDUCTED PURSUANT TO
21 THIS SECTION AVAILABLE TO THE PUBLIC ON ITS WEBSITE AND IN ADDITIONAL
22 MEANS AS CHOSEN BY SUCH DISTRICT OR BOARD AND SHALL NOTIFY PARENTS,
23 TEACHERS, EMPLOYEE ORGANIZATIONS AND ANY OTHER RELEVANT PARTY THAT SUCH
24 TEST RESULTS ARE AVAILABLE.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 5. THE COMMISSIONER, IN CONSULTATION WITH THE COMMISSIONER OF EDUCA-
2 TION, SHALL PROMULGATE REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS
3 SECTION. THE REGULATIONS SHALL ALLOW REASONABLE TIMES FOR SCHOOL
4 DISTRICTS AND BOARDS OF COOPERATIVE EDUCATIONAL SERVICES TO COMPLY WITH
5 SUCH REGULATIONS CONSISTENT WITH PROTECTING THE HEALTH OF SCHOOL
6 STUDENTS AND PERSONNEL.

7 S 2. Section 3602 of the education law is amended by adding a new
8 subdivision 6-h to read as follows:

9 6-H. BUILDING AID FOR POTABLE WATER SOURCES AND SYSTEMS TESTING. IN
10 ADDITION TO THE APPORTIONMENTS PAYABLE TO A SCHOOL DISTRICT PURSUANT TO
11 SUBDIVISION SIX OF THIS SECTION, THE COMMISSIONER IS HEREBY AUTHORIZED
12 TO APPORTION TO ANY SCHOOL DISTRICT ADDITIONAL BUILDING AID PURSUANT TO
13 THIS SUBDIVISION FOR ITS APPROVED EXPENDITURES IN THE BASE YEAR FOR THE
14 TESTING AND, WHERE NECESSARY, REMEDIATION OF POTABLE WATER SOURCES AND
15 SYSTEMS REQUIRED PURSUANT TO SECTION ELEVEN HUNDRED TEN OF THE PUBLIC
16 HEALTH LAW, PROVIDED, HOWEVER, THAT FUNDS APPORTIONED TO SCHOOL
17 DISTRICTS PURSUANT TO THIS SECTION SHALL NOT SUPPLANT FUNDS FOR EXISTING
18 DISTRICT EXPENDITURES OR FOR EXISTING CONTRACTUAL OBLIGATIONS OF THE
19 DISTRICT FOR THE TESTING AND REMEDIATION OF POTABLE WATER SOURCES AND
20 SYSTEMS. SUCH ADDITIONAL AID SHALL EQUAL THE PRODUCT OF THE BUILDING AID
21 RATIO COMPUTED FOR USE IN THE CURRENT YEAR PURSUANT TO PARAGRAPH C OF
22 SUBDIVISION SIX OF THIS SECTION AND THE ACTUAL APPROVED EXPENDITURES
23 INCURRED IN THE BASE YEAR PURSUANT TO THIS SUBDIVISION, PROVIDED THAT
24 THE LIMITATIONS ON COST ALLOWANCES PRESCRIBED BY PARAGRAPH A OF SUBDIVI-
25 SION SIX OF THIS SECTION SHALL NOT APPLY. THE COMMISSIONER SHALL ANNU-
26 ALLY PRESCRIBE A SPECIAL COST ALLOWANCE FOR THE TESTING AND REMEDIATION
27 OF POTABLE WATER SOURCES AND SYSTEMS AND THE APPROVED EXPENDITURES SHALL
28 NOT EXCEED SUCH COST ALLOWANCE.

29 S 3. This act shall take effect immediately.