



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB0354

by Rep. David McSweeney

SYNOPSIS AS INTRODUCED:

New Act

Creates the School Water Supply Testing Act. Provides that beginning January 1, 2018, water supplies available for drinking water use in all classroom-instruction public school facilities, non-home-based private school facilities, charter school facilities, and special education facilities shall be tested for lead at least once a year. Provides that water suppliers shall be responsible for such testing and associated expenses. Contains provisions concerning testing expenses, rate relief, and reimbursements. Provides that test results shall be public; provided to the school district or governing body of a tested school, and the Environmental Protection Agency; and published online by water suppliers. Creates the School Water Supply Testing Fund. Provides that any monies paid by the federal government to the State to test local school water shall be deposited into the Fund and such monies shall be used for the purposes set forth in the Act. Provides that the Agency may adopt rules concerning the Fund and to implement the Act. Effective immediately.

LRB100 04335 MJP 14341 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the School
5 Water Supply Testing Act.

6 Section 5. Purpose. The purpose of this Act is to make sure
7 that water supplies utilized by students in buildings used for
8 classroom instruction are safe from contamination by lead.

9 Section 10. Definitions. For the purposes of this Act:

10 "Agency" means the Environmental Protection Agency.

11 "School" means any public or private elementary or
12 secondary school, including a charter school. "School"
13 includes, but is not limited to, a "public school" as defined
14 in Section 21A-5 of the School Code, public special education
15 facilities, and private special education facilities. "School"
16 does not include a home-based private school.

17 Section 15. Testing of water supplies. Beginning January 1,
18 2018, water supplies available for drinking water use in all
19 classroom-instruction school buildings shall be tested for
20 lead, as measured in parts per billion, at least once a year.
21 Each test shall be performed at one location within each

1 free-standing building in which classroom instruction is
2 performed and need not be performed on each individual drinking
3 water tap or fixture. Water suppliers shall be responsible for
4 the testing at each school they supply. Water suppliers may
5 either conduct testing themselves or hire a contractor to
6 conduct testing. Any contractor hired by a water supplier to
7 conduct such testing shall make a complete disclosure of the
8 test results to the water supplier.

9 Section 20. Testing expenses. Testing shall be performed at
10 the expense of the water supplier. This expense, unless
11 otherwise funded in whole or in part by reimbursement grants,
12 shall be considered a cost of safe operations. If the water
13 supplier is a public agency, then they are authorized to seek
14 rate relief from the municipality or other unit of local
15 government that supervises their rates. If the water supplier
16 is a privately-owned utility, then they are authorized to seek
17 rate relief from the entity that regulates their operations.
18 Prior to seeking rate relief, a water supplier shall seek
19 partial or total compensation from reimbursement grants
20 disbursed from the School Water Supply Testing Fund for the
21 cost of this testing initiative.

22 Section 25. Test results. Test results are public documents
23 and shall be provided at no cost by the water supplier to the
24 Agency and the school district or governing body of the tested

1 school. Test results shall be published by the water supplier
2 that paid for the test on a publicly accessible website within
3 5 business days of being made available to that water supplier.

4 Section 30. School Water Supply Testing Fund. The School
5 Water Supply Testing Fund is created as a special fund outside
6 the State treasury into which any monies paid by the federal
7 government to the State to test local school water shall be
8 deposited and such monies shall be used for the purposes set
9 forth in this Act. The Agency is authorized, but not required,
10 to set forth guidelines and procedures by administrative rule
11 to distribute any future resources transferred from the federal
12 government to the School Water Supply Testing Fund to local
13 water authorities. Such guidelines, if adopted, shall take
14 account of monies paid in any given year from the federal
15 government directly to a unit of local government, a local
16 water authority, or a school district for the purpose of
17 testing lead in school drinking water. Notwithstanding any
18 other provision of law, the School Water Supply Testing Fund is
19 not subject to sweeps, administrative charges or chargebacks,
20 or any other fiscal or budgetary maneuver that would in any way
21 transfer any funds from the School Water Supply Testing Fund
22 into any other fund of the State.

23 Section 35. Rulemaking. The Agency may adopt rules under
24 the Illinois Administrative Procedure Act to implement the

1 purposes of this Act.

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.