



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB6596

by Rep. David McSweeney

SYNOPSIS AS INTRODUCED:

New Act

Creates the Public Water Supply School Testing Act. Provides that beginning January 1, 2017, water supplies available for drinking water use in all classroom-instruction public school buildings and charter school buildings 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 school districts and the Environmental Protection Agency, and published online by water suppliers. Creates the Public Water Supply School 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.

LRB099 22227 MJP 49596 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 Public
5 Water Supply School Testing Act.

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

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

11 "Agency" means the Environmental Protection Agency.

12 "Public school" has the meaning provided in Section 21A-5
13 of the School Code.

14 Section 15. Testing of water supplies. Beginning January 1,
15 2017, water supplies available for drinking water use in all
16 classroom-instruction public school buildings shall be tested
17 for lead, as measured in parts per billion, at least once a
18 year. Each test shall be performed at one location within each
19 free-standing building in which classroom instruction is
20 performed and need not be performed on each individual drinking
21 water tap or fixture. Water suppliers shall be responsible for

1 the testing at each public school they supply. Water suppliers
2 may either conduct testing themselves or hire a contractor to
3 conduct testing. Any contractor hired by a water supplier to
4 conduct such testing shall make a complete disclosure of the
5 test results to the water supplier.

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

19 Section 25. Test results. Test results are public documents
20 and shall be provided at no cost by the water supplier to the
21 Agency and the school district of the tested school. Test
22 results shall be published by the water supplier that paid for
23 the test on a publicly accessible website within 5 business
24 days of being made available to that water supplier.

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

21 Section 35. Rulemaking. The Agency may adopt rules under
22 the Illinois Administrative Procedure Act to implement the
23 purposes of this Act.

24 Section 99. Effective date. This Act takes effect upon

1 becoming law.