

# PROGRAM BILL # 37

Legislative Bill Drafting Commission  
12093-01-6

S. -----  
Senate  
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IN SENATE--Introduced by Sen

--read twice and ordered printed,  
and when printed to be committed  
to the Committee on

----- A.  
Assembly  
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IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the  
Committee on

**\*PUBHEALA\***  
(Requires school districts and  
boards of cooperative educational  
services to conduct periodic testing  
of school potable water sources and  
systems to monitor for lead contam-  
ination in certain school buildings)

Pub Heal. school potable water te

## 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:

## IN SENATE

### Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship  
of this proposal:

s15 Addabbo	s31 Espaillat	s27 Hoylman	s25 Montgomery	s56 Robach
s52 Akshar	s49 Farley	s09 Kaminsky	s40 Murphy	s10 Sanders
s46 Amedore	s17 Felder	s63 Kennedy	s54 Nozzolio	s23 Savino
s11 Avella	s02 Flanagan	s34 Klein	s58 O'Mara	s41 Serino
s42 Bonacic	s55 Funke	s28 Krueger	s62 Ortt	s29 Serrano
s04 Boyle	s59 Gallivan	s24 Lanza	s60 Panepinto	s51 Seward
s44 Breslin	s12 Gianaris	s39 Larkin	s21 Parker	s26 Squadron
s38 Carlucci	s22 Golden	s37 Latimer	s13 Peralta	s16 Stavisky
s14 Comrie	s47 Griffio	s01 LaValle	s30 Perkins	s35 Stewart-
s03 Croci	s20 Hamilton	s45 Little	s19 Persaud	Cousins
s50 DeFrancisco	s06 Hannon	s05 Marcellino	s61 Ranzenhofer	s53 Valesky
s32 Diaz	s36 Hassell-	s43 Marchione	s48 Ritchie	s08 Venditto
s18 Dilan	Thompson	s07 Martins	s33 Rivera	s57 Young

## IN ASSEMBLY

### Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the  
multi-sponsorship of this proposal:

a049 Abbate	a034 DenDekker	a011 Jean-Pierre	a003 Murray	a076 Seawright
a092 Abinanti	a054 Dilan	a135 Johns	a133 Nojay	a087 Sepulveda
a084 Arroyo	a081 Dinowitz	a077 Joyner	a037 Nolan	a027 Simanowitz
a035 Aubry	a147 DiPietro	a094 Katz	a130 Oaks	a052 Simon
a120 Barclay	a115 Duprey	a074 Kavanagh	a069 O'Donnell	a036 Simotas
a106 Barrett	a004 Englebright	a142 Kearns	a051 Ortiz	a104 Skartados
a060 Barron	a109 Fahy	a040 Kim	a091 Otis	a099 Skoufis
a082 Benedetto	a071 Farrell	a131 Kolb	a132 Palmesano	a022 Solages
a042 Bichotte	a126 Finch	a105 Lalor	a002 Palumbo	a114 Stec
a079 Blake	a008 Fitzpatrick	a013 Lavine	a088 Paulin	a110 Steck
a117 Blankenbush	a124 Friend	a134 Lawrence	a141 Peoples-	a127 Stirpe
a098 Brabenec	a095 Galef	a050 Lentol	Stokes	a112 Tedisco
a026 Braunstein	a137 Gantt	a125 Lifton	a058 Perry	a101 Tenney
a044 Brennan	a007 Garbarino	a072 Linares	a086 Pichardo	a001 Thiele
a119 Brindisi	a148 Giglio	a102 Lopez	a089 Pretlow	a061 Titone
a138 Bronson	a080 Gjonaj	a123 Lupardo	a073 Quart	a031 Titus
a093 Buchwald	a066 Glick	a010 Lupinacci	a019 Ra	a055 Walker
a118 Butler	a023 Goldfeder	a121 Magee	a012 Raia	a146 Walter
a103 Cahill	a150 Goodell	a129 Magnarelli	a006 Ramos	a041 Weinstein
a065 Cancei	a075 Gottfried	a064 Malliotakis	a043 Richardson	a024 Weprin
a062 Castorina	a005 Graf	a030 Markey	a078 Rivera	a059 Williams
a145 Ceretto	a100 Gunther	a090 Mayer	a056 Robinson	a113 Woerner
a047 Colton	a046 Harris	a108 McDonald	a068 Rodriguez	a143 Wozniak
a052 Cook	a139 Hawley	a014 McDonough	a067 Rosenthal	a070 Wright
a144 Corwin	a083 Heastie	a017 McKeivitt	a025 Rozic	a096 Zebrowski
a085 Crespo	a028 Hevesi	a107 McLaughlin	a116 Russell	a020
a122 Crouch	a048 Hikind	a038 Miller	a149 Ryan	a033
a021 Curran	a018 Hooper	a015 Montesano	a009 Saladino	
a063 Cusick	a128 Hunter	a136 Morelle	a111 Santabarbara	
a045 Cymbrowitz	a029 Hyndman	a057 Mosley	a016 Schimel	
a053 Davila	a097 Jaffee	a039 Moya	a140 Schimminger	

1) Single House Bill (introduced and printed separately in either or  
both houses). Uni-Bill (introduced simultaneously in both houses and printed  
as one bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2  
signed copies of bill and 4 copies of memorandum in support (single house);  
or 4 signed copies of bill and 8 copies of memorandum  
in support (uni-bill).

1 Section 1. The public health law is amended by adding a new section  
2 1110 to read as follows:

3 § 1110. School potable water testing and standards. 1. In addition to  
4 school districts already classified as a public water system under parts  
5 141 and 142 of title 40 of the code of federal regulations, as such  
6 regulations may, from time to time, be amended, every school district  
7 and board of cooperative educational services shall conduct periodic  
8 first-drawn tap testing of potable water systems to monitor for lead  
9 contamination in each occupied school building under its jurisdiction as  
10 required by regulations promulgated pursuant to this section. The test-  
11 ing shall be conducted and the results analyzed by an entity or entities  
12 approved by the commissioner.

13 2. Where a finding of lead contamination is made, the affected school  
14 district shall: (a) continue first-drawn tap water testing pursuant to  
15 regulations promulgated pursuant to this section; (b) provide school  
16 occupants with an adequate supply of safe, potable water for drinking as  
17 required by rules and regulations of the department until future tests  
18 indicate lead levels pursuant to regulations promulgated pursuant to  
19 this section; and (c) provide parents or persons in parental relation to  
20 a child attending said school with written notification of test results  
21 as well as posting such test results on the school district's website.

22 3. First-draw tap testing shall not be required for school buildings  
23 that have been deemed "lead-free" as defined by section 1417 of the  
24 federal safe drinking water act.

25 4. The commissioner, in consultation with the commissioner of educa-  
26 tion, shall promulgate regulations to carry out the provisions of this  
27 section. Notwithstanding any other provision of law to the contrary,  
28 the regulations promulgated with regard to lead levels shall be consist-

1 ent with the requirements for those school districts classified as a  
2 public water system under parts 141 and 142 of title 40 of the code of  
3 federal regulations as such regulations may, from time to time, be  
4 amended.

5 5. The commissioner may grant a waiver from the testing requirements  
6 of this section for certain school buildings, provided that, the school  
7 district has substantially complied with the testing requirements and  
8 has been found to be below lead levels as determined by regulations  
9 promulgated pursuant to this section for such buildings.

10 6. Each school district and board of cooperative educational services  
11 conducting testing pursuant to subdivision one of this section and each  
12 school district classified as a public water system under parts 141 and  
13 142 of title 40 of the code of federal regulations, as such regulations  
14 may, from time to time, be amended, shall make a copy of the results of  
15 all such testing and any lead remediation plans available to the public  
16 on its website and any additional means as chosen by such district. A  
17 copy of the results of all testing shall also be immediately transmitted  
18 to the department and state education department in a format to be  
19 determined by the commissioner and to the county department of health in  
20 the local jurisdiction of the school building. The commissioner of  
21 education, in conjunction with the commissioner, shall publish a report  
22 biennially based on the findings from the tap water testing conducted  
23 according to the provisions of this section. Such report shall be sent  
24 to the commissioner, the governor, the temporary president of the  
25 senate, and the speaker of the assembly and shall be made available on  
26 the department's and state education department's websites.

27 § 2. Section 3602 of the education law is amended by adding a new  
28 subdivision 6-h to read as follows:

1 6-h. Building aid for testing and filtering of potable water systems  
2 for lead contamination. In addition to the apportionments payable to a  
3 school district pursuant to subdivision six of this section, the commis-  
4 sioner is hereby authorized to apportion to any school district addi-  
5 tional building aid pursuant to this subdivision for its approved  
6 expenditures, otherwise ineligible for building aid, in the base year  
7 for the testing of potable water systems required pursuant to section  
8 eleven hundred ten of the public health law and for the installation of  
9 filters and/or other effective remedial measures for immediate remedi-  
10 ation in cases where a finding of lead contamination is made pursuant to  
11 such section and verified by confirmatory sampling, provided that the  
12 cost of installation of such filters and/or other effective remedial  
13 measures shall be deemed an approved expenditure only if (i) such  
14 installation and/or other effective remedial measures have been approved  
15 or reviewed by a professional with expertise in the field of water qual-  
16 ity and remediation and (ii) such cost is incurred prior to July first,  
17 two thousand nineteen. Such aid shall equal the product of the building  
18 aid ratio defined pursuant to paragraph c of subdivision six of this  
19 section and the actual approved expenditures incurred in the base year  
20 pursuant to this subdivision.

21 § 3. Subdivision 6-e of section 3602 of the education law, as amended  
22 by section 10 of part A-1 of chapter 58 of the laws of 2006, is amended  
23 to read as follows:

24 6-e. Additional apportionment of building aid for building condition  
25 surveys of school buildings. In addition to the apportionments payable  
26 to a school district pursuant to subdivision six of this section, the  
27 commissioner is hereby authorized to apportion to any school district  
28 additional building aid in accordance with this subdivision for its

1 approved expenses in the base year for building condition surveys of  
2 school buildings that are conducted pursuant to this subdivision and  
3 subdivision four of section thirty-six hundred forty-one of this arti-  
4 cle. The amount of such apportionment shall equal the product of the  
5 building aid ratio defined pursuant to paragraph c of subdivision six of  
6 this section and the actual approved expenses incurred by the district  
7 in the base year for each school building so inspected, provided that  
8 the amount of such apportionment shall not exceed the building condition  
9 survey aid ceiling, and provided further that such approved expenses  
10 shall include approved expenses for testing of potable water systems for  
11 lead contamination pursuant to section eleven hundred ten of the public  
12 health law. For surveys conducted in the nineteen hundred ninety-eight-  
13 -ninety-nine school year, the building condition aid ceiling shall be  
14 twenty cents gross per square foot of floor area. For surveys conducted  
15 in the nineteen hundred ninety-nine--two thousand school year and there-  
16 after, the inspection aid ceiling shall be twenty cents gross per square  
17 foot of floor area, plus an amount computed by the commissioner in  
18 accordance with regulations adopted for such purpose, on the basis of an  
19 index number reflecting changes in the costs of labor and materials from  
20 July first, nineteen hundred ninety-eight.

21 § 4. The commissioner of health and the commissioner of education  
22 shall by December 1, 2016, submit to the governor, the temporary presi-  
23 dent of the senate and the speaker of the assembly a joint report on the  
24 initial results of the tap water testing of public school buildings  
25 conducted pursuant to section 1110 of the public health law. Such report  
26 shall identify the most common sources of lead contamination of the  
27 potable water systems of such buildings and shall recommend specific

1 appropriate short- and long-term remediation measures to address such  
2 contamination.

3 § 5. Paragraph b of subdivision 5 of section 1950 of the education  
4 law, as amended by section 80-a of part A of chapter 58 of the laws of  
5 2011, is amended to read as follows:

6 b. The cost of services herein referred to shall be the amount allo-  
7 cated to each component school district by the board of cooperative  
8 educational services to defray expenses of such board, including  
9 approved expenses from the testing of potable water systems of occupied  
10 school buildings under the board's jurisdiction as required pursuant to  
11 section eleven hundred ten of the public health law, except that that  
12 part of the salary paid any teacher, supervisor or other employee of the  
13 board of cooperative educational services which is in excess of thirty  
14 thousand dollars shall not be such an approved expense, and except also  
15 that administrative and clerical expenses shall not exceed ten percent  
16 of the total expenses for purposes of this computation. Any gifts,  
17 donations or interest earned by the board of cooperative educational  
18 services or on behalf of the board of cooperative educational services  
19 by the dormitory authority or any other source shall not be deducted in  
20 determining the cost of services allocated to each component school  
21 district. Any payments made to a component school district by the board  
22 of cooperative educational services pursuant to subdivision eleven of  
23 section six-p of the general municipal law attributable to an approved  
24 cost of service computed pursuant to this subdivision shall be deducted  
25 from the cost of services allocated to such component school district.  
26 The expense of transportation provided by the board of cooperative  
27 educational services pursuant to paragraph q of subdivision four of this  
28 section shall be eligible for aid apportioned pursuant to subdivision

1 seven of section thirty-six hundred two of this chapter and no board of  
2 cooperative educational services transportation expense shall be an  
3 approved cost of services for the computation of aid under this subdivi-  
4 sion. Transportation expense pursuant to paragraph q of subdivision four  
5 of this section shall be included in the computation of the ten percent  
6 limitation on administrative and clerical expenses.

7 § 6. This act shall take effect on the ninetieth day after it shall  
8 have become a law; provided, however, that effective immediately, the  
9 commissioner of health shall be authorized to promulgate any and all  
10 rules and regulations necessary to implement the provisions of this act  
11 on its effective date.