

BILL ANALYSIS

C.S.H.B. 997
By: Collier
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

There are concerns about a lack of local, state, or federal requirements to test school drinking water for lead contamination and exposure. These concerns are particularly notable considering the fact that lead contamination in drinking water can lead to developmental and behavioral issues and damage to the nervous system, especially in small children. C.S.H.B. 997 seeks to address these concerns by requiring public school districts and open-enrollment charter schools to conduct certain testing of potable water outlets at specified intervals to monitor the amount of lead in the water in school buildings and to publicize the test results.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the commissioner of education in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 997 amends the Education Code to require each public school district and open-enrollment charter school, in addition to any water test required by the federal Safe Drinking Water Act, to conduct first-draw tap tests of potable water outlets every five years, before the start of the school year, for purposes of monitoring the amount of lead in the water in each occupied school building under the jurisdiction of the district or charter school. The bill requires a district or charter school to perform the first-draw tap test by using existing qualified personnel or through a third party. If a person conducting a first-draw tap test determines that the amount of lead in a potable water outlet of a school building exceeds the level of lead considered safe for human consumption as established by rules adopted by the commissioner of education under the bill's provisions, the affected district or charter school is required to prevent the use of the potable water outlet until the district or charter school implements a lead remediation plan designed to lower the level of lead in the potable water outlet and tests confirm the water in the potable water outlet is safe for human consumption. The bill establishes that a district or charter school is not required to conduct a first-draw tap test on a water outlet if the outlet is located in a school building that is lead free, as defined by the federal Safe Drinking Water Act, and establishes that a district or charter school is not required to conduct the first-draw tap tests if the district or charter school has fewer than 1,000 students and is unable to secure funding for the tests from grants or donations.

C.S.H.B. 997 requires each district and charter school that conducts the lead testing under the bill's provisions to make the test results and any lead remediation plan available to the public by posting the information on the district's or charter school's website or by any other method the

district or charter school considers appropriate. The bill requires each district and charter school to submit that information, in a format approved by the Texas Education Agency, to each local health authority with jurisdiction in the municipality or county in which the district or charter school is located and to maintain a record of the information for a period not less than 12 years from the date the information was submitted. The bill requires the commissioner of education, in consultation with the Texas Commission on Environmental Quality, to adopt rules to implement the bill's provisions, including rules to establish the level of lead in drinking water that is considered safe for human consumption. The rules must be consistent with the requirements for districts or charter schools that are classified as a public water system under the federal Safe Drinking Water Act.

C.S.H.B. 997 applies beginning with the 2020-2021 school year. The bill requires a district or charter school that has completed first-draw tap tests of potable water outlets during the 36-month period preceding the bill's effective date to comply with the bill's provisions beginning with the 2022-2023 school year.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 997 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute expands the school districts to which the bill's provisions apply from independent school districts to any public school district.

The substitute replaces the requirement that the Texas Commission on Environmental Quality (TCEQ), in consultation with the commissioner of education, adopt rules to implement the bill's provisions with a requirement that the commissioner of education, in consultation with TCEQ, adopt those rules.

The substitute changes the entity that must approve the format of the certain information required to be submitted by a district or charter school to an applicable health authority from TCEQ to the Texas Education Agency.

The substitute changes the bill's effective date from December 1, 2019, to September 1, 2019.