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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. **3265**

02/10/2022 Authored by Howard; Jordan; Hansen, R.; Wazlawik; Boe and others
The bill was read for the first time and referred to the Committee on Education Policy
03/07/2022 Adoption of Report: Amended and re-referred to the Committee on Education Finance

1.1 A bill for an act
1.2 relating to education; modifying lead testing and remediation requirements in
1.3 schools; requiring a report; appropriating money; amending Minnesota Statutes
1.4 2020, section 121A.335.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2020, section 121A.335, is amended to read:

1.7 **121A.335 LEAD IN SCHOOL DRINKING WATER.**

1.8 Subdivision 1. **Model plan.** The commissioners of health and education shall jointly
1.9 develop a model plan to require school districts to accurately and efficiently test for the
1.10 presence of lead in water in public school buildings serving students in kindergarten through
1.11 grade 12. To the extent possible, the commissioners shall base the plan on the standards
1.12 established by the United States Environmental Protection Agency. The plan may be based
1.13 on the technical guidance in the Department of Health's document, "Reducing Lead in
1.14 Drinking Water: A Technical Guidance for Minnesota's School and Child Care Facilities."
1.15 The plan must include recommendations for remediation efforts when testing reveals the
1.16 presence of lead above five parts per billion.

1.17 Subd. 2. **School plans.** By July 1, 2018, the board of each school district or charter
1.18 school must adopt the commissioners' model plan or develop and adopt an alternative plan
1.19 to accurately and efficiently test for the presence of lead in water in school buildings serving
1.20 prekindergarten students and students in kindergarten through grade 12.

1.21 Subd. 3. **Frequency of testing.** (a) The plan under subdivision 2 must include a testing
1.22 schedule for every building serving prekindergarten through grade 12 students. The schedule
1.23 must require that each building be tested at least once every five years. A school district or

2.1 charter school must begin testing school buildings by July 1, 2018, and complete testing of
2.2 all buildings that serve students within five years.

2.3 (b) A school district or charter school that finds lead at a specific location providing
2.4 cooking or drinking water within a facility must formulate, make publicly available, and
2.5 implement a plan that is consistent with established guidelines and recommendations to
2.6 ensure that student exposure to lead is minimized. This includes, when a school district or
2.7 charter school finds the presence of lead ~~at a level where action should be taken as set by~~
2.8 ~~the guidance~~ above five parts per billion in any water source that can provide cooking or
2.9 drinking water, immediately shutting off the water source or making it unavailable until the
2.10 hazard has been minimized.

2.11 (c) A school district or charter school must test for the presence of lead after completing
2.12 remediation activities required under this section to confirm that the water contains lead at
2.13 a level less than five parts per billion.

2.14 Subd. 4. **Ten-year facilities plan.** A school district ~~may~~ must include lead testing and
2.15 remediation as a part of its ten-year facilities plan under section 123B.595.

2.16 Subd. 5. **Reporting.** (a) A school district or charter school that has tested its buildings
2.17 for the presence of lead shall make the results of the testing available to the public for review
2.18 and must notify parents of the availability of the information. School districts and charter
2.19 schools must follow the actions outlined in guidance from the commissioners of health and
2.20 education. If a test conducted under subdivision 3, paragraph (a), reveals the presence of
2.21 lead ~~above a level where action should be taken as set by the guidance~~ five parts per billion,
2.22 the school district or charter school must, within 30 days of receiving the test result, ~~either~~
2.23 ~~remediate the presence of lead to below the level set in guidance, verified by retest, or~~
2.24 directly notify parents and school staff of the test result, provide educational materials on
2.25 lead in drinking water, and share a plan for remediation. The school district or charter school
2.26 must provide parents and staff with quarterly updates on the remediation efforts until
2.27 remediation is complete. The school district or charter school must make the water source
2.28 unavailable until ~~the hazard has been minimized~~ testing shows the presence of lead does
2.29 not exceed five parts per billion.

2.30 (b) School districts and charter schools must report their test results to the commissioner
2.31 of health in the form and manner determined by the commissioner. If a test reveals the
2.32 presence of lead above five parts per billion, the school district or charter school must also
2.33 report its remediation efforts. The commissioner of health must post, and annually update,
2.34 the test results and remediation efforts on the department website, by school site.

3.1 Subd. 6. **Commissioner recommendations.** By January 1, 2025, and every five years
3.2 thereafter, the commissioner of health must report to the legislative committees having
3.3 jurisdiction over health and kindergarten through grade 12 education any recommended
3.4 changes to this section, including whether to change the level of lead that requires
3.5 remediation. The recommendations must be based on currently available scientific evidence
3.6 regarding the effects of lead in drinking water.

3.7 **EFFECTIVE DATE.** This section is effective July 1, 2022.

3.8 **Sec. 2. APPROPRIATION.**

3.9 Subdivision 1. **Department of Health.** The sums indicated in this section are appropriated
3.10 from the general fund to the Department of Health in the fiscal years designated.

3.11 Subd. 2. **Lead remediation in schools and child care settings.** \$0 in fiscal year 2022
3.12 and \$4,108,000 in fiscal year 2023 are appropriated from the general fund for lead in drinking
3.13 water remediation in schools and child care settings grant program under Minnesota Statutes,
3.14 section 145.9271. Of the total fiscal year 2023 appropriation, \$908,000 is for administration
3.15 and \$3,200,000 is for grants. The general fund base for this appropriation is \$3,080,000 in
3.16 fiscal year 2024, of which \$740,000 is for administration and \$2,340,000 is for grants; and
3.17 \$3,082,000 in fiscal year 2025, of which \$742,000 is for administration and \$2,340,000 is
3.18 for grants.

3.19 **EFFECTIVE DATE.** This section is effective July 1, 2022.