

February 7, 2023

The Honorable Adam Thomas, Chairperson  
House Committee on Education  
300 SW 10th Avenue, Room 218-N  
Topeka, Kansas 66612

Dear Representative Thomas:

**SUBJECT:** Fiscal Note for HB 2142 by House Committee on Education

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2142 is respectfully submitted to your committee.

HB 2142 would create the Get the Lead Out of School Drinking Water Act. The bill would require Kansas schools to comply with legal limits on lead content in school drinking water. Beginning in the 2024-2025 school year, each school would be required to provide drinking water with a lead concentration below one part per billion for all students and staff. On or before January 1, 2025, each school would be required to inventory all drinking water outlets in each school building. Schools would be required to remove any drinking water coolers that contain lead, as determined by the Environmental Protection Agency (EPA). Schools would be required to install a water filter used for cooking or drinking and schedule annual testing for drinking water in the school. Schools would be required to prepare a document with health effects of lead contamination to provide parents and employees upon request. Buildings used by early childhood programs would be given priority in implementing the requirements of the bill.

The bill would provide specific timelines and guidance for continued testing of water after water filters are installed, along with remediation procedures if lead concentrations exceed one part per billion. Schools would be required to provide bottled water if there is not sufficient drinking water for students and staff because of lead contaminates.

The Department of Health and Environment would be authorized to award grant funds for schools to pay for costs of filtration, testing, and other remediation measures, subject to appropriations. Schools that have 70.0 percent or more students receiving free or reduced meals would be given priority when approving applications for grant funds.

On or before May 1, 2024, each school would be required to implement a plan for maintenance of water filters and filtration systems, based on guidance and training issued by the Department of Health and Environment.

The Department of Health and Environment indicates that the enactment of HB 2142 would require a new program in the agency with first-year expenditures totaling \$1,168,088. This estimate would include 7.00 FTE positions at a cost of \$440,033 (including fringe benefits) in the first year. These positions would include 1.00 Engineer, 4.00 Regulatory and Compliance Specialist, 1.00 Public Service Executive—Grant Manager, and 1.00 Chemist II. In addition, the new program would require other operating expenditures totaling \$728,056, including \$11,748 for computers, \$1,308 for software, \$40,000 for one vehicle for staff travel, \$250,000 to develop and deploy a data system, \$250,000 for office rent, phones, travel, and training expenditures, and \$175,000 for laboratory equipment. The agency notes that cost estimates for the new positions are on-going and reflect starting salaries which may need to be increased to attract and retain qualified candidates. The cost for the vehicle would be considered one-time, as well as the costs for developing and deploying the data system. However, annual costs for the system would be approximately \$40,000 for annual licenses and maintenance.

The Department estimates that expenditures totaling \$957,820 would be required for annual school sampling costs, including \$888,580 for laboratory analysis (2,308 samples X \$11 per test X 35 samples per school = \$888,580) and \$69,240 for shipping costs to the state laboratory (2,308 samples X \$30 shipping cost = \$69,240).

The Department notes that the EPA does have available grants for voluntary testing for lead in schools in the current fiscal year and the most recent grant allocation for Kansas was \$272,750. However, these grants only cover the cost of sampling and cannot be used for administrative costs. The appropriation for the federal grant is determined by Congress on an annual basis and may not be available in future years. As a result, the agency would require State General Fund appropriations for both testing and administrative functions. Without state or federal funding, schools would be required to pay for all testing costs. Any fiscal effect associated with HB 2142 is not reflected in *The FY 2024 Governor's Budget Report*.

Sincerely,



Adam Proffitt  
Director of the Budget

cc: Amy Penrod, Department of Health & Environment  
Craig Neuenswander, Department of Education