

AMENDED IN ASSEMBLY APRIL 5, 2016
AMENDED IN ASSEMBLY MARCH 31, 2016
AMENDED IN ASSEMBLY MARCH 18, 2016
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2124

**Introduced by Assembly Member Members Eduardo Garcia and
Lackey**

February 17, 2016

An act to add Section ~~189.4~~ 189.3 to the Water Code, relating to ~~school facilities; water~~, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 2124, as amended, Eduardo Garcia. ~~School facilities; water bottle filling stations; State Water Resources Control Board grant program.~~ *State Water Resources Control Board: grant program for school drinking water.*

Existing law establishes the State Water Resources Control Board as a state agency with authority over matters relating to water quality. Existing law requires the state board to formulate and adopt state policy for water quality control.

This bill would require the state board to establish a grant program to award grants to public elementary and secondary schools to improve access to, and the quality of, drinking water. The bill would specify various types of projects for which these grants could be awarded. The bill would require the state board to give priority to applicants that serve a disadvantaged community, as defined, and applicants with known violations of primary drinking water standards. The bill would require the state board to develop procedures for the submission of

applications for grants by local educational agencies and criteria for the evaluation of these applications, as specified. For applicants that do not serve disadvantaged communities, the bill would authorize the state board to require applicants to commit additional resources to a project or to give extra consideration to those applicants.

The bill would appropriate \$10,000,000, without regard to fiscal years, from the General Fund to the state board for allocation to local educational agencies as grants made pursuant to the bill. The bill would provide that funds allocated to local educational agencies pursuant to this bill would supplement, and not supplant, the other state funds apportioned to these local educational agencies for their support. To the extent that the funds appropriated by this bill are allocated to school districts, the amount of these funds would be applied toward the minimum funding requirements for school districts and community college districts imposed by Section 8 of Article XVI of the California Constitution.

~~Existing law requires a school district to provide access to free, fresh drinking water during meal times in school food service areas by July 1, 2011, unless the governing board of a school district adopts a resolution stating that it is unable to comply with this requirement and demonstrating the reasons why it is unable to comply due to fiscal constraints or health and safety concerns. Existing law establishes the State Water Resources Control Board as a state agency with authority over matters relating to water quality.~~

~~This bill would require the state board to establish, by regulation, a grant program for local educational agencies to install new water bottle filling stations on school campuses or to replace existing water fountains on school campuses with new water bottle filling stations. The bill would appropriate \$10,000,000 from the General Fund to the state board for allocation to local educational agencies for these purposes and would require the funds to supplement, not supplant, other state funds apportioned to those local educational agencies for their support. The bill would also provide that the funds appropriated by this bill would be applied to the minimum funding requirements for school districts and community college districts imposed by Section 8 of Article XVI of the California Constitution.~~

Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 189.3 is added to the Water Code, to read:*

2 189.3. (a) *The board shall establish a grant program to award*
3 *grants to public elementary and secondary schools to improve*
4 *access to, and the quality of, drinking water. The board may award*
5 *grants under this section for projects including, but not necessarily*
6 *limited to, any of the following:*

7 (1) *Installation of water bottle filling stations.*

8 (2) *Installation or replacement of drinking water fountains with*
9 *devices that are capable of removing any contaminants that are*
10 *present in the school's water supply.*

11 (3) *Installation of point-of-entry or point-of-use treatment*
12 *devices.*

13 (4) *Plumbing repairs that improve drinking water quality.*

14 (b) *The board shall implement this section by taking actions*
15 *including, but not necessarily limited to, the development of*
16 *procedures for the submission of applications for grants by local*
17 *educational agencies and criteria for the evaluation of these*
18 *applications. The actions taken by the board pursuant to this*
19 *subdivision shall not be subject to the rulemaking requirements*
20 *of Chapter 3.5 (commencing with Section 11340) of Part 1 of*
21 *Division 3 of Title 2 of the Government Code.*

22 (c) (1) *In developing the procedure for awarding grants, the*
23 *board shall do each of the following:*

24 (A) *Establish a set-aside fund for rural areas of not less than*
25 *30 percent.*

26 (B) *Establish a maximum grant amount.*

27 (C) *Give priority to each of the following:*

28 (i) *Applicants that serve a disadvantaged community, as that*
29 *term is defined in Section 79505.5.*

30 (ii) *Applicants with known violations of primary drinking water*
31 *standards.*

32 (2) (A) *In developing the procedure for awarding grants, the*
33 *board may do either of the following:*

34 (i) *Give extra consideration to applicants that commit additional*
35 *resources to a project.*

36 (ii) *Require applicants to commit additional resources to a*
37 *project.*

1 (B) The authority provided to the board pursuant to
2 subparagraph (A) does not apply to applicants that serve
3 disadvantaged communities.

4 SEC. 2. The sum of ten million dollars (\$10,000,000) is hereby
5 appropriated, without regard to fiscal years, from the General
6 Fund to the State Water Resources Control Board for allocation
7 to local educational agencies as grants to improve access to, and
8 the quality of, drinking water at public elementary and secondary
9 schools pursuant to Section 189.3 of the Water Code. The funds
10 allocated to local educational agencies pursuant to this section
11 shall supplement, and not supplant, the other state funds
12 apportioned to these local educational agencies for their support.

13 SECTION 1. ~~Section 189.4 is added to the Water Code, to~~
14 ~~read:~~

15 ~~189.4. (a) The board shall establish, by regulation, a grant~~
16 ~~program for local educational agencies to install new water bottle~~
17 ~~filling stations on school campuses.~~

18 ~~(b) Grant recipients may use grant funds only to install new~~
19 ~~water bottle filling stations on school campuses or to replace~~
20 ~~existing water fountains on school campuses with new water bottle~~
21 ~~filling stations.~~

22 ~~(c) For purposes of this section, “local educational agencies”~~
23 ~~include school districts, charter schools, and county offices of~~
24 ~~education.~~

25 ~~SEC. 2. (a) The sum of ten million dollars (\$10,000,000) is~~
26 ~~hereby appropriated from the General Fund to the State Water~~
27 ~~Resources Control Board for allocation to local educational~~
28 ~~agencies pursuant to Section 189.4 of the Water Code.~~

29 ~~(b) The funds allocated to local educational agencies pursuant~~
30 ~~to this section shall supplement, and not supplant, other state funds~~
31 ~~apportioned to these local educational agencies for their support.~~

32 ~~(c) For purposes of making the computations required by Section~~
33 ~~8 of Article XVI of the California Constitution, the funds~~
34 ~~appropriated pursuant to this section shall be deemed to be~~
35 ~~“General Fund revenues appropriated for school districts,” as~~
36 ~~defined in subdivision (c) of Section 41202 of the Education Code,~~
37 ~~and included within the “total allocations to school districts and~~
38 ~~community college districts from General Fund proceeds of taxes~~

- 1 appropriated pursuant to Article XIII B,” as defined in subdivision
- 2 (e) of Section 41202 of the Education Code.

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