



Reprinted
March 3, 2020

ENGROSSED HOUSE BILL No. 1265

DIGEST OF HB 1265 (Updated March 2, 2020 6:54 pm - DI 92)

Citations Affected: IC 16-41; noncode.

Synopsis: Drinking water testing. Requires each person or entity having authority over a school building to test the drinking water in the school building before January 1, 2023, to determine whether the drinking water equals or exceeds the action level for lead of 15 parts (Continued next page)

Effective: July 1, 2020.

Jackson, Wolkins, Harris, Aylesworth

(SENATE SPONSORS — RANDOLPH LONNIE M, NIEMEYER, STOOPS,
RUCKELSHAUS, BUCK, FORD J.D., NIEZGODSKI, MESSMER, SANDLIN)

January 13, 2020, read first time and referred to Committee on Environmental Affairs.
January 23, 2020, amended, reported — Do Pass.
January 29, 2020, read second time, amended, ordered engrossed.
January 30, 2020, engrossed. Read third time, passed. Yeas 90, nays 2.

SENATE ACTION

February 11, 2020, read first time and referred to Committee on Environmental Affairs.
February 24, 2020, amended, reported favorably — Do Pass.
March 2, 2020, read second time, amended, ordered engrossed.

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Digest Continued

per billion. Provides that the testing requirement is satisfied if the drinking water of a school building: (1) was tested during the lead sampling program for school buildings conducted by the Indiana finance authority (IFA) in 2017 and 2018; (2) is tested in the lead sampling program conducted by the IFA in 2019 and 2020; or has otherwise been tested for compliance with the federal drinking water standards at least once since 2016. Requires that drinking water in school buildings located in Lake County be tested at least once in each period of two calendar years beginning in 2023. Provides that if a test of the drinking water of a school building indicates the presence of lead in the water equal to or greater than 15 parts per billion, the person or entity having authority over the school building is required to take action to reduce the lead levels in the drinking water to less than 15 parts per billion. Provides that the person or entity having authority over a school building that is subject to drinking water testing is required to seek state and federal money that is available for lead sampling or testing.



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Second Regular Session of the 121st General Assembly (2020)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2019 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1265

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 16-41-21.1-3 IS ADDED TO THE INDIANA
2 CODE AS A NEW SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2020]: **Sec. 3. (a) Except as provided in**
4 **subsection (b), each person or entity having authority over a school**
5 **building shall test the drinking water in the school building before**
6 **January 1, 2023, to determine whether the drinking water equals**
7 **or exceeds the action level for lead of fifteen (15) parts per billion,**
8 **or fifteen one thousandths (0.015) milligram of lead per liter of**
9 **water, established by 40 CFR 141.80 as in effect on January 1,**
10 **2020.**

11 (b) A person or entity having authority over a school building
12 that is subject to testing under subsection (a) satisfies the
13 requirement of subsection (a) with respect to a school building if
14 the drinking water in the school building:

15 (1) was tested during the lead sampling program for school
16 buildings conducted by the Indiana finance authority in 2017
17 and 2018;

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1 (2) is tested in the lead sampling program for school buildings
2 and child care facilities conducted by the Indiana finance
3 authority in 2019 and 2020; or

4 (3) has otherwise been tested for compliance with the
5 standards set forth in subsection (a) at least once since 2016.

6 (c) After calendar year 2022, the drinking water in every school
7 building located in Lake County shall be tested at least one (1) time
8 in each period of two (2) calendar years to determine whether the
9 drinking water equals or exceeds the action level for lead of fifteen
10 (15) parts per billion, or fifteen one thousandths (0.015) milligram
11 of lead per liter of water.

12 (d) If any testing of drinking water conducted under this section
13 indicates that the presence of lead in the drinking water is equal to
14 or greater than the lead action level of fifteen (15) parts per billion
15 established by 40 CFR 141, Subpart I, as in effect on January 1,
16 2020, the person or entity having authority over the school building
17 from which the water was taken for testing shall take action to
18 reduce the lead levels in the drinking water to less than fifteen (15)
19 parts per billion.

20 (e) Each person or entity having authority over a school
21 building that is subject to testing under this section shall seek any
22 state and federal grant money available for lead sampling or
23 testing, including any money available under the lead sampling
24 program for school buildings and child care facilities conducted by
25 the Indiana finance authority.

26 SECTION 2. [EFFECTIVE JULY 1, 2020] (a) The general
27 assembly finds:

28 (1) that:

29 (A) the historic prevalence in Lake County of heavy
30 industry and of the environmental problems associated
31 with heavy industry, including lead contamination; and

32 (B) concerns arising from the fact that lead accumulates in
33 the human body, so that the risk of lead poisoning
34 increases with repeated exposures to lead;

35 create a special need to protect the children of Lake County
36 against exposure to lead through the drinking water in school
37 buildings; and

38 (2) that, for purposes of Article 4, Section 23 of the
39 Constitution of the State of Indiana, the case of
40 IC 16-41-21.1-3(c), as added by this act, is one in which a
41 general law cannot be made applicable.

42 (b) This SECTION expires July 1, 2021.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1265, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

- Page 1, delete lines 1 through 17.
- Page 2, delete lines 1 through 3.
- Page 2, line 7, delete "or (c)".
- Page 2, line 7, delete "every:" and insert "**every school building**".
- Page 2, delete lines 8 through 13.
- Page 2, run in lines 7 through 14.
- Page 2, delete lines 28 through 40.
- Page 2, line 41, delete "(d)" and insert "**(c)**".
- Page 3, line 3, delete "the:" and insert "**the school building**".
- Page 3, delete lines 4 through 9.
- Page 3, run in lines 3 through 10.
- Page 3, line 24, delete "and child care facilities".
- Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1265 as introduced.)

WOLKINS

Committee Vote: yeas 10, nays 0.

 HOUSE MOTION

Mr. Speaker: I move that House Bill 1265 be amended to read as follows:

- Page 1, line 4, delete "located".
- Page 1, line 5, delete "in Lake County".
- Page 2, delete lines 9 through 25.

(Reference is to HB 1265 Digest Correction as printed January 24, 2020.)

ERRINGTON



HOUSE MOTION

Mr. Speaker: I move that House Bill 1265 be amended to read as follows:

Page 1, line 4, after "subsection (b)," insert "**each person or entity having authority over a school building shall test**".

Page 1, line 4, delete "in every school building located".

Page 1, line 5, delete "in Lake County shall be tested" and insert "**in the school building**".

Page 1, line 9, delete "The" and insert "**A person or entity having authority over a school building that is subject to testing under this section satisfies the**".

Page 1, line 9, delete "is satisfied".

Page 2, between lines 8 and 9, begin a new paragraph and insert:

"(d) Each person or entity having authority over a school building that is subject to testing under this section shall seek any state and federal grant money available for lead sampling or testing, including any money available under the lead sampling program for school buildings and child care facilities conducted by the Indiana finance authority."

Page 2, delete lines 9 through 25.

(Reference is to HB 1265 Digest Correction as printed January 24, 2020.)

JACKSON

 COMMITTEE REPORT

Madam President: The Senate Committee on Environmental Affairs, to which was referred House Bill No. 1265, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 6, delete "meets" and insert "**equals or exceeds the action level for lead of fifteen (15) parts per billion, or fifteen one thousandths (0.015) milligram of lead per liter of water, established by 40 CFR 141.80 as in effect on January 1, 2020.**".

Page 1, delete lines 7 through 8.

Page 1, line 15, after "2018;" insert "**or**".

Page 2, line 1, delete "2020; or" and insert "**2020.**".

Page 2, delete lines 2 through 3.

Page 2, line 7, after "Subpart I," insert "**as in effect on January 1,**

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2020,".

and when so amended that said bill do pass.

(Reference is to HB 1265 as reprinted January 30, 2020.)

MESSMER, Chairperson

Committee Vote: Yeas 9, Nays 0.

SENATE MOTION

Madam President: I move that Engrossed House Bill 1265 be amended to read as follows:

Page 1, line 17, delete "or".

Page 2, line 3, delete "2020." and insert "**2020; or**

(3) has otherwise been tested for compliance with the standards set forth in subsection (a) at least once since 2016.".

(Reference is to EHB 1265 as printed February 25, 2020.)

MESSMER

SENATE MOTION

Madam President: I move that Engrossed House Bill 1265 be amended to read as follows:

Page 1, line 12, delete "this section" and insert "**subsection (a)**".

Page 2, between lines 3 and 4, begin a new paragraph and insert:

"(c) After calendar year 2022, the drinking water in every school building located in Lake County shall be tested at least one (1) time in each period of two (2) calendar years to determine whether the drinking water equals or exceeds the action level for lead of fifteen (15) parts per billion, or fifteen one thousandths (0.015) milligram of lead per liter of water."

Page 2, line 4, delete "(c)" and insert "**(d)**".

Page 2, line 12, delete "(d)" and insert "**(e)**".

Page 2, after line 17, begin a new paragraph and insert:

"SECTION 2. [EFFECTIVE JULY 1, 2020] (a) The general assembly finds:

(1) that:

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- (A) the historic prevalence in Lake County of heavy industry and of the environmental problems associated with heavy industry, including lead contamination; and**
- (B) concerns arising from the fact that lead accumulates in the human body, so that the risk of lead poisoning increases with repeated exposures to lead;**
- create a special need to protect the children of Lake County against exposure to lead through the drinking water in school buildings; and**
- (2) that, for purposes of Article 4, Section 23 of the Constitution of the State of Indiana, the case of IC 16-41-21.1-3(c), as added by this act, is one in which a general law cannot be made applicable.**
- (b) This SECTION expires July 1, 2021."**

(Reference is to EHB 1265 as printed February 25, 2020.)

RANDOLPH LONNIE M

