

HOUSE BILL No. 1357

DIGEST OF INTRODUCED BILL

Citations Affected: IC 13-18-28.

Synopsis: Independent testing of Lake Michigan water. Requires the commissioner of the department of environmental management to engage an independent testing service to test and analyze the Indiana waters of Lake Michigan and report to the commissioner the results of its testing and analysis at least four times per year. Provides that the independent testing service must test and analyze the Indiana waters of Lake Michigan for the presence and concentration of pollutants that are known to constitute the greatest environmental problems for the Indiana waters of Lake Michigan. Requires that the results of the testing and analysis be made available to the public.

Effective: July 1, 2020.

Hatcher

January 15, 2020, read first time and referred to Committee on Environmental Affairs.



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.

HOUSE BILL No. 1357

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

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

1 SECTION 1. IC 13-18-28 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2020]:
4 **Chapter 28. Independent Testing of Lake Michigan Water**
5 **Sec. 1. As used in this chapter, "independent testing service"**
6 **means a provider of water testing and assessment services:**
7 **(1) that:**
8 **(A) is not a part of; and**
9 **(B) is independent from;**
10 **the department;**
11 **(2) that may be:**
12 **(A) a not-for-profit entity; or**
13 **(B) a for-profit entity; and**
14 **(3) that has experience in testing for the presence of pollutants**
15 **in bodies of water.**
16 **Sec. 2. The commissioner shall engage an independent testing**
17 **service to test and analyze the Indiana waters of Lake Michigan**



1 and report to the commissioner the results of its testing and
2 analysis:

- 3 (1) at least four (4) times per year; or
4 (2) more frequently than provided in subdivision (1) if the
5 commissioner considers more frequent testing necessary.

6 **Sec. 3. The independent testing service engaged under this**
7 **chapter must test and analyze the Indiana waters of Lake Michigan**
8 **for the presence and concentration of the pollutants that are known**
9 **to constitute the greatest environmental problems for the Indiana**
10 **waters of Lake Michigan, including:**

- 11 (1) heavy metals such as lead, chromium, mercury, and
12 cadmium;
13 (2) chemicals such as polychlorinated biphenyls (PCBs),
14 polynuclear aromatic hydrocarbons (PAHs), perfluoroalkyl
15 and polyfluoroalkyl substances (PFAS), and polybrominated
16 diphenyl ethers (PBDE); and
17 (3) pollutants from human activity, such as fecal coliform
18 bacteria, microplastics, and pharmaceuticals.

19 **Sec. 4. The results of the testing and analysis of the independent**
20 **testing service under this chapter shall be made available to the**
21 **public.**

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

- 24 (1) that the unique character of Lake Michigan:
25 (A) as one (1) of the five (5) Great Lakes, which contain
26 more than twenty percent (20%) of the world's surface
27 fresh water;
28 (B) as a natural asset of enormous value to the state of
29 Indiana, in that it:
30 (i) offers very popular places of tourism, including both
31 a state park and a national park;
32 (ii) is a source of drinking water, industrial process
33 water, cooling water, and water for agricultural
34 irrigation;
35 (iii) provides the means of transporting enormous
36 quantities of commercial material in freighter ships; and
37 (iv) provides excellent recreational opportunities,
38 including fishing, boating, hiking, camping, sightseeing,
39 and field observation of rare plants, animals, and insects;
40 and
41 (C) as a water body that has experienced the
42 environmental effects of heavy industrial activity and large



1 **human population for many decades;**
2 **creates a special need to monitor and protect the water of**
3 **Lake Michigan; and**
4 **(2) that, for purposes of Article 4, Section 23, of the**
5 **Constitution of the State of Indiana, the case of IC 13-18-28,**
6 **as added by this act, is one in which a general law cannot be**
7 **made applicable.**
8 **(b) This SECTION expires July 1, 2021.**

