

HOUSE BILL 1253

M3, F1

9lr1766
CF SB 481

By: **Delegates Solomon, Lafferty, Boyce, Bridges, Brooks, Cain, Carr, Conaway, D.M. Davis, Fraser-Hidalgo, Gilchrist, Guyton, Harrison, Healey, Holmes, Ivey, Jalisi, Korman, Lehman, J. Lewis, R. Lewis, Lierman, Lopez, Love, Moon, Palakovich Carr, Queen, Shetty, Stein, Stewart, ~~and Wells~~ Wells, Attar, and Barve**

Introduced and read first time: February 8, 2019

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2019

CHAPTER _____

1 AN ACT concerning

2 ~~Environment~~ **Drinking Water Outlets in School Buildings – Elevated Level of**
3 **Lead and Grant ~~Program~~ Programs**

4 FOR the purpose of altering the definition of “elevated level of lead” for purposes of certain
5 provisions of law relating to the testing for the presence of lead in certain drinking
6 water outlets in certain school buildings; specifying that the issues to which the
7 Interagency Commission on School Construction is required to give priority in
8 awarding grants from the Healthy School Facility Fund include the presence of lead
9 in drinking water outlets in school buildings; requiring the Interagency Commission
10 on School Construction, in consultation with the Department of the Environment, to
11 establish certain application procedures; requiring the Department of the
12 Environment, in consultation with the State Department of Education, to establish
13 and administer a certain grant program to assist local school systems with certain
14 costs associated with implementing certain remedial measures; requiring the
15 Department of the Environment, in consultation with the State Department of
16 Education, to establish certain application procedures and award certain grants in a
17 certain manner; requiring certain federal funding received by the Department of the
18 Environment or the State Department of Education to be made available to award
19 certain grants; ~~authorizing the Governor to include in the annual budget bill an~~
20 appropriation for the grant program specifying other sources of funding for the grant
21 program; authorizing the Department of the Environment, in consultation with the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 State Department of Education, to adopt certain regulations; providing for the
2 retroactive application of a certain provision of this Act; declaring the intent of the
3 General Assembly; providing for a delayed effective date for certain provisions of this
4 Act; and generally relating to the testing for the presence of lead in drinking water
5 outlets in school buildings.

6 BY repealing and reenacting, without amendments,
7 Article – Environment
8 Section 6–1501(a)
9 Annotated Code of Maryland
10 (2013 Replacement Volume and 2018 Supplement)

11 BY repealing and reenacting, with amendments,
12 Article – Environment
13 Section 6–1501(c)
14 Annotated Code of Maryland
15 (2013 Replacement Volume and 2018 Supplement)

16 BY repealing and reenacting, without amendments,
17 Article – Education
18 Section 5–322(a)
19 Annotated Code of Maryland
20 (2018 Replacement Volume and 2018 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article – Education
23 Section 5–322(j) and (k)
24 Annotated Code of Maryland
25 (2018 Replacement Volume and 2018 Supplement)

26 BY adding to
27 Article – Environment
28 Section 6–1503
29 Annotated Code of Maryland
30 (2013 Replacement Volume and 2018 Supplement)

31 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
32 That the Laws of Maryland read as follows:

33 **Article – Environment**

34 6–1501.

35 (a) In this subtitle the following words have the meanings indicated.

1 (c) "Elevated level of lead" means a lead concentration in drinking water that
2 exceeds [the standard recommended by the U.S. Environmental Protection Agency in
3 technical guidance] **5 PARTS PER BILLION**.

4 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
5 as follows:

6 Article – Education

7 5–322.

8 (a) In this section, "Fund" means the Healthy School Facility Fund.

9 (j) (1) In each of fiscal years 2020 and 2021, the Governor shall appropriate
10 at least \$30,000,000 to the Fund.

11 (2) (i) Subject to subparagraphs (ii) and (iii) of this paragraph, the
12 Interagency Commission on School Construction shall give priority in awarding grants to
13 schools based on the severity of issues in the school, including:

14 1. Air conditioning;

15 2. Heating;

16 3. Indoor air quality;

17 4. Mold remediation;

18 5. Temperature regulation;

19 6. Plumbing, INCLUDING THE PRESENCE OF LEAD IN
20 DRINKING WATER OUTLETS IN SCHOOL BUILDINGS; and

21 7. Windows.

22 (ii) No jurisdiction may receive more than a total of \$15,000,000 in a
23 fiscal year.

24 (iii) The amount of the grant is not required to cover the full cost of
25 the project.

26 (k) (1) Subject to [paragraph] PARAGRAPHS (2) AND (3) of this subsection,
27 the Interagency Commission on School Construction shall establish application procedures
28 for school systems to request funds under this section.

1 (2) The Interagency Commission on School Construction shall establish
 2 award procedures to make awards distributed from the Fund not more than 45 days after
 3 receiving an application.

4 (3) (I) THE INTERAGENCY COMMISSION ON SCHOOL
 5 CONSTRUCTION, IN CONSULTATION WITH THE DEPARTMENT OF THE
 6 ENVIRONMENT, SHALL ESTABLISH APPLICATION PROCEDURES FOR SCHOOL
 7 SYSTEMS TO REQUEST FUNDS UNDER THIS SECTION TO ASSIST WITH THE COSTS OF
 8 IMPLEMENTING REMEDIAL MEASURES TO ADDRESS THE PRESENCE OF LEAD IN
 9 DRINKING WATER OUTLETS IN SCHOOL BUILDINGS.

10 (II) THE APPLICATION PROCEDURES ESTABLISHED UNDER
 11 SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL INCLUDE PROCEDURES FOR
 12 PRIORITIZING APPLICATIONS, WITH PRIORITY FIRST GIVEN TO APPLICATIONS
 13 REQUESTING FUNDS FOR WATER FOUNTAINS OR BUBBLERS, AND THEN TO
 14 APPLICATIONS REQUESTING FUNDS FOR:

15 1. FAUCETS OR TAPS THAT ARE USED OR POTENTIALLY
 16 USED FOR DRINKING OR FOOD PREPARATION;

17 2. ICE MAKERS; OR

18 3. HOT DRINK MACHINES.

19 Article – Environment

20 **6-1503.**

21 (A) **THE DEPARTMENT, IN CONSULTATION WITH THE STATE DEPARTMENT**
 22 **OF EDUCATION, SHALL ESTABLISH AND ADMINISTER A GRANT PROGRAM TO**
 23 **PROVIDE GRANTS TO LOCAL SCHOOL SYSTEMS TO ASSIST WITH THE COSTS**
 24 **ASSOCIATED WITH IMPLEMENTING REMEDIAL MEASURES TO:**

25 (1) **ADDRESS ANY FINDINGS OF ELEVATED LEVELS OF LEAD IN**
 26 **DRINKING WATER OUTLETS IN SCHOOL BUILDINGS; ~~OR~~**

27 ~~(2) **UPGRADE DRINKING WATER SYSTEMS IN SCHOOL BUILDINGS**~~
 28 ~~**THAT DO NOT HAVE FUNCTIONING DRINKING WATER OUTLETS.**~~

29 (2) ADDRESS ANY FINDINGS OF LEAD CONCENTRATIONS IN DRINKING
 30 WATER OUTLETS IN SCHOOL BUILDINGS THAT EXCEED 5 PARTS PER BILLION
 31 BEFORE THAT STANDARD TAKES EFFECT ON JUNE 1, 2020;

1 **(3) INSTALL DRINKING WATER OUTLETS IN SCHOOL BUILDINGS THAT**
2 **DO NOT HAVE FUNCTIONING DRINKING WATER OUTLETS DUE TO ELEVATED LEVELS**
3 **OF LEAD; OR**

4 **(4) REPAIR, RECONFIGURE, OR REPLACE THE OUTLET PLUMBING OR**
5 **PREMISES PLUMBING CONTRIBUTING TO ELEVATED LEVELS OF LEAD IN DRINKING**
6 **WATER.**

7 **(B) THE DEPARTMENT, IN CONSULTATION WITH THE STATE DEPARTMENT**
8 **OF EDUCATION, SHALL:**

9 **(1) ESTABLISH APPLICATION PROCEDURES FOR THE GRANT**
10 **PROGRAM;**

11 **(2) REQUIRE EACH APPLICATION TO INCLUDE A PLAN FOR**
12 **IMPLEMENTING REMEDIAL MEASURES, INCLUDING ~~COSTS~~;**

13 **(I) WHETHER THE LOCATION OF THE LEAD AFFECTING THE**
14 **DRINKING WATER OUTLET IS IN THE SERVICE LINE, PREMISES PLUMBING, OUTLET**
15 **PLUMBING, OR OUTLET; AND**

16 **(II) COSTS ASSOCIATED WITH THE PLAN;**

17 **(3) AWARD GRANTS ON A COMPETITIVE BASIS AND BASED ON THE**
18 **AVAILABILITY OF FUNDING TO EACH LOCAL SCHOOL SYSTEM THAT:**

19 **(I) APPLIES FOR A GRANT IN ACCORDANCE WITH THIS**
20 **SECTION; AND**

21 **(II) DEMONSTRATES THAT THE LOCAL SCHOOL SYSTEM HAS**
22 **COMPLETED COMPREHENSIVE TESTING FOR THE PRESENCE OF LEAD IN DRINKING**
23 **WATER OUTLETS IN SCHOOL BUILDINGS IN ACCORDANCE WITH § 6-1502 OF THIS**
24 **SUBTITLE; AND**

25 **~~(4) PRIORITIZE APPLICATIONS THAT DEMONSTRATE THE HIGHEST~~**
26 **~~LEVEL OF NEED AND HIGHEST NUMBER OF DRINKING WATER OUTLETS THAT~~**
27 **~~REQUIRE REMEDIATION; AND~~**

28 **~~(5) AFTER PRIORITY IS GIVEN UNDER ITEM (4) OF THIS SUBSECTION,~~**
29 **~~PRIORITIZE APPLICATIONS THAT PROPOSE THE MOST COST-EFFECTIVE~~**
30 **CONSISTENT WITH ANY APPLICABLE FEDERAL LAW OR REQUIREMENT, PRIORITIZE**
31 **APPLICATIONS BASED ON FACTORS DETERMINED BY THE DEPARTMENT,**
32 **INCLUDING:**

1 **(I) THE APPLICANT’S LEVEL OF FINANCIAL NEED;**

2 **(II) THE PERCENTAGE OF DRINKING WATER OUTLETS THAT**
3 **REQUIRE REMEDIATION; AND**

4 **(III) THE COST-EFFECTIVENESS OF THE PROPOSED REMEDIAL**
5 **MEASURES, WITH PREFERENCE GIVEN TO PROPOSALS FOR REMEDIAL MEASURES**
6 **THAT REQUIRE MINIMAL UPKEEP, INCLUDING THE INSTALLATION OF WATER**
7 **FILLING STATIONS.**

8 **(C) (1) IF THE DEPARTMENT OR THE STATE DEPARTMENT OF**
9 **EDUCATION RECEIVES ANY FEDERAL FUNDING FOR ADDRESSING THE PRESENCE OF**
10 **LEAD IN DRINKING WATER OUTLETS IN SCHOOL BUILDINGS, THE FUNDING SHALL**
11 **BE MADE AVAILABLE TO AWARD GRANTS IN ACCORDANCE WITH THIS SECTION.**

12 **(2) IN ADDITION TO ANY FUNDING PROVIDED UNDER PARAGRAPH (1)**
13 **OF THIS SUBSECTION, ~~THE GOVERNOR MAY INCLUDE IN THE ANNUAL BUDGET BILL~~**
14 **~~AN APPROPRIATION FOR THE GRANT PROGRAM~~ FUNDING FOR THE GRANT PROGRAM**
15 **CONSISTS OF:**

16 **(I) MONEY APPROPRIATED IN THE STATE BUDGET FOR THE**
17 **GRANT PROGRAM; AND**

18 **(II) ANY ADDITIONAL MONEY MADE AVAILABLE TO THE GRANT**
19 **PROGRAM FROM ANY PUBLIC OR PRIVATE SOURCE.**

20 **(D) THE DEPARTMENT, IN CONSULTATION WITH THE STATE DEPARTMENT**
21 **OF EDUCATION, MAY ADOPT REGULATIONS TO IMPLEMENT THE REQUIREMENTS OF**
22 **THIS SECTION.**

23 SECTION 3. AND BE IT FURTHER ENACTED, That the modified definition of
24 “elevated level of lead” under § 6–1501 of the Environment Article as enacted under Section
25 1 of this Act shall be construed to apply retroactively and shall be applied to and interpreted
26 to affect any regulation adopted under § 6–1502 of the Environment Article that requires
27 follow-up procedures for test results that indicate an elevated level of lead in any drinking
28 water outlet in an occupied public or nonpublic school building whether the test was
29 conducted before or after the effective date of Section 1 of this Act.

30 SECTION 4. AND BE IT FURTHER ENACTED, That it is the intent of the General
31 Assembly that a local school system is eligible for a grant award from the Healthy School
32 Facility Fund or from the grant program established under § 6–1503 of the Environment
33 Article, as enacted by Section 2 of this Act, to implement remedial measures to address any
34 finding of a lead concentration in drinking water outlets in a school building that exceeds
35 5 parts per billion before that standard takes effect under § 6–1501 of the Environment
36 Article, as enacted by Section 1 of this Act.

1 SECTION 5. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take
2 effect June 1, 2020.

3 SECTION ~~4~~ 6. AND BE IT FURTHER ENACTED, That, except as provided in
4 Section 5 of this Act, this Act shall take effect June 1, 2019.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.