

2017 Regular Session

HOUSE BILL NO. 533

BY REPRESENTATIVES HUNTER, BAGNERIS, BISHOP, COX, JACKSON,
MARCELLE, AND PIERRE

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

WATER/DRINKING WATER: Provides relative to drinking water standards

1 AN ACT

2 To enact Part V of Subchapter B of Chapter 5-F of Title 40 of the Louisiana Revised
3 Statutes of 1950, to be comprised of R.S. 40:1290.1 through 1290.4, relative to
4 drinking water; to provide for legislative findings; to require a collaborative effort
5 to improve public drinking water quality; to require reporting; to provide for a
6 termination date; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Part V of Subchapter B of Chapter 5-F of Title 40 of the Louisiana
9 Revised Statutes of 1950, comprised of R.S. 40:1290.1 through 1290.4, is hereby enacted
10 to read as follows:

11 PART V. STATE-LEVEL COLLABORATION TO
12 IMPROVE PUBLIC DRINKING WATER QUALITY

13 §1290.1. Legislative findings; purpose

14 A. The Legislature of Louisiana does hereby find and declare the
15 following:

16 (1) The provision of water for public use and consumption not only safe but
17 also acceptable in appearance, taste, and odor is of the highest priority.

18 (2) Water aesthetically unacceptable can undermine the confidence of
19 consumers, will lead to complaints, and could lead to the use of water from sources
20 which are less safe.

1 (3) Generally, consumers have no means of judging the safety of their water
2 themselves, but their attitude towards the water supply and water suppliers is often
3 greatly affected by the aspects of water quality they are able to perceive with their
4 own senses.

5 (4) It is natural for consumers to regard with suspicion water that appears
6 dirty or discolored or that has an unpleasant taste or smell. Even though these
7 characteristics may not in themselves be of direct consequence, they may
8 consequently cause a substantial number of persons to discontinue using a public
9 water system.

10 (5) On July 28, 2010, through Resolution 64/292, the United Nations General
11 Assembly explicitly recognized the right to safe and clean drinking water and
12 sanitation as a human right that is essential for the full enjoyment of life and all
13 human rights.

14 (6) In November 2002, the United Nations Committee on Economic, Social,
15 and Cultural Rights adopted General Comment No. 15, The Right to Water, which
16 states the human right to water is indispensable for leading a life in human dignity
17 and is a prerequisite for the realization of other human rights.

18 B. The purpose of this Part is to request the Louisiana Department of Health
19 to lead a collaborative effort to improve public drinking water quality in this state,
20 and to develop recommendations to the legislature concerning effective and
21 responsible practices to improve and maintain the quality of drinking water provided
22 by water utility systems.

23 §1290.2. State-level collaboration to improve public drinking water quality

24 A. The Louisiana Department of Health shall lead a collaborative effort to
25 evaluate the issues and conditions of drinking water treatment and distribution in
26 communities throughout Louisiana by performing a thorough evaluation of all of the
27 following:

28 (1) The sanitary survey results for each water utility system across
29 Louisiana.

1 (2) The effects deteriorating systems have on the safety, health, and
2 well-being of Louisiana families, communities, and businesses.

3 B. The Louisiana Department of Health shall engage and solicit, as
4 necessary, input, recommendations, and guidance from interested parties and
5 stakeholders including but not limited to any of the following:

6 (1) State and local agencies involved in the regulation, treatment, and
7 distribution of drinking water.

8 (2) Technical experts at the university and consulting levels.

9 (3) Water utility system owners and operators, community members, and
10 state legislators from areas with known public water quality issues.

11 §1290.3. Reporting

12 A. The Louisiana Department of Health shall develop a report of the results
13 of the collaborative effort required by this Part, including findings,
14 recommendations, and proposed legislation, if necessary, and shall submit the report
15 to the House and Senate committees on health and welfare no later than thirty days
16 prior to the convening of the 2020 Regular Legislative Session.

17 B. The Louisiana Department of Health shall submit an interim progress
18 report no later than thirty days prior to the convening of the regular legislative
19 session of each year until the final report required by Subsection A of this Section
20 is submitted.

21 §1290.4. Termination

22 The provisions of this Part shall terminate on December 31, 2020.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 533 Reengrossed

2017 Regular Session

Hunter

Abstract: Requires state-level collaboration to evaluate the issues and conditions of drinking water treatment and distribution in communities throughout La.

Proposed law requires the La. Department of Health (LDH) to lead a collaborative effort to evaluate the issues and conditions of drinking water treatment and distribution in communities throughout La. by performing a thorough evaluation of all of the following:

- (1) The sanitary survey results for each water utility system across La.
- (2) The effects deteriorating systems have on the safety, health, and well-being of La. families, communities, and businesses.

Proposed law requires LDH to engage and solicit, as necessary, input, recommendations, and guidance from interested parties and stakeholders including but not limited to any of the following:

- (1) State and local agencies involved in the regulation, treatment, and distribution of drinking water.
- (2) Technical experts at the university and consulting levels.
- (3) Water utility system owners and operators, community members, and state legislators from areas with known public water quality issues.

Proposed law requires LDH to develop a report of the results of the collaborative effort, including findings, recommendations, and proposed legislation, if necessary, and to submit the report to the House and Senate committees on health and welfare no later than 30 days prior to the convening of the 2020 Regular Legislative Session.

Proposed law requires LDH to submit an interim progress report no later than 30 days prior to the convening of the regular legislative session of each year until the final report is submitted.

Proposed law terminates on Dec. 31, 2020.

(Adds R.S. 40:1290.1-1290.4)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Limit the applicable secondary drinking water standards to color, corrosivity, iron, and manganese.
2. Change the required testing frequency from monthly to the regular testing schedule established by federal and state law, rules, and regulations.
3. Specify that public notice is required in an effort to mitigate liability and provide adequate notice.
4. Change the requirement that LDH appoint a fiscal administrator to an authorization.
5. Change the required time period for the appointed fiscal administrator to consult with the chief executive from timely to within 48 hours.
6. Specify that the fiscal administrator shall limit his duties to an advisory oversight capacity for a private entity.
7. Limit applicability of proposed law.

8. Make proposed law effective upon signature of the governor.

The House Floor Amendments to the engrossed bill:

1. Delete proposed law requiring enforcement of certain maximum secondary contaminant level standards.
2. Delete proposed law requiring public water supply tests.
3. Delete proposed law requiring public notice of excessive primary contaminant levels.
4. Delete proposed law requiring enforcement by DEQ, LDH, and the PSC.
5. Delete proposed law providing for a fiscal administrator.
6. Delete proposed law providing for penalties.
7. Delete proposed law authorizing a request for an appropriation through the Interim Emergency Board.
8. Delete proposed law authorizing utility bill reductions.
9. Delete the special effective date.
10. Delete provisions limiting applicability of proposed law.
11. Require LDH to lead a collaborative effort to evaluate the issues and conditions of drinking water treatment and distribution in communities throughout La.
12. Require LDH to engage and solicit, as necessary, input, recommendations, and guidance from interested parties and stakeholders.
13. Require LDH to submit a report of the results of the collaborative effort.
14. Require LDH to submit interim progress reports.
15. Terminate proposed law on Dec. 31, 2020.
16. Make technical changes.