

CONFERENCE COMMITTEE REPORT

Senate Bill No. 312 by Senator Mount

June 19, 2008

To the Honorable President and Members of the Senate and to the Honorable Speaker and Members of the House of Representatives:

We, the conferees appointed to confer over the disagreement between the two houses concerning Senate Bill No. 312 by Senator Mount recommend the following concerning the Reengrossed bill:

1. That House Committee Amendments No. 1 through 15 proposed by the House Committee on Health and Welfare and adopted by the House of Representatives on June 3, 2008, be adopted.
2. That Legislative Bureau Amendment No. 1 proposed by the Legislative Bureau and adopted by the House of Representatives on June 3, 2008, be adopted.
3. That House Floor Amendments No. 9 and 10 proposed by Representative Nowlin and adopted by the House of Representatives on June 12, 2008, be adopted.
4. That House Floor Amendments No. 1, 2, 3, 4, 5, 6, 7, 8, 11, 12, and 13 proposed by Representative Nowlin and adopted by the House of Representatives on June 12, 2008, be rejected.
5. That the following amendments to the reengrossed bill be adopted:

AMENDMENT NO. 1

On page 2, delete lines 27 through 29 in their entirety and insert the following in lieu thereof:

" **(b) A local election has been called on the exemption after the petition has been received by each governing authority pursuant to Subparagraph (a) of this Paragraph. Participation in the election shall be limited to those precincts in which the water system provides service. The local election shall be called and conducted by the governing authority of each municipality in whose jurisdiction the water system provides service if all of the registered voters served by the water system reside wholly within the jurisdiction of one or more municipalities. However, the local election shall instead be called and conducted by the governing authority of each parish in whose jurisdiction the water system provides service if either of the following applies:**

**(i) The water system also provides service to registered voters in unincorporated areas of one or more parishes.**

**(ii) The water system was created or franchised by the parish or parishes.**"

AMENDMENT NO. 2

On page 3, line 5 after "**same**" and before "**took**" delete "**municipality**" and insert "**jurisdiction**" in lieu thereof

Respectfully submitted,

Senators:

Representatives:

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Senator Willie L. Mount

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Representative Kay Katz

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Senator Sherri Smith Cheek

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Representative John LaBruzzo

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Senator Bill Cassidy

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Representative Rickey L. Nowlin

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The legislative instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Greg Waddell.

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## CONFERENCE COMMITTEE REPORT DIGEST

Senate Bill No. 312 by Senator Mount

### **Keyword and summary of the bill as proposed by the Conference Committee**

PUBLIC HEALTH. Provides for requirements for water fluoridation. (gov sig)

### **Report adopts House amendments to:**

1. Change reference in proposed law from minimum levels of fluoride to levels of fluoride that are within or outside the optimal range, as established in rules and regulations.
2. Stipulate that the petition requesting an exemption from compliance with proposed law must be signed by at least fifteen percent of the registered voters who reside in the precincts served by the water system, instead of thirty percent of the registered voters in all municipalities served by the water system.
3. Make technical changes.

### **Report rejects House amendments which would have:**

1. Provide that a water system shall be exempt by either (a) the governing authority approving the exemption by a majority vote after a public hearing, or (b) local election after receipt of petition.

### **Report amends the bill to:**

1. Provide for procedures for a local election being called on the exemption after the petition has been received by each governing authority pursuant proposed law.
2. Make technical changes.

### **Digest of the bill as proposed by the Conference Committee**

Present law provides that the intent of the water fluoridation program shall be to encourage each public water system with at least 5,000 service connections to provide fluoridation of its water supply by January 1, 2000.

Proposed law provides that each public water system that has at least 5,000 service connections and natural levels of fluoride that are outside the optimal range established in the rules and regulations adopted pursuant to present law shall acquire, install, operate and maintain appropriate equipment and material in order to maintain the level of fluoride in its water system in the optimal range for the purpose of protecting the dental health of citizens of this state, as established in the rules and regulations adopted pursuant to present law.

Proposed law provides that such public water system shall provide to the department no later than March 1, 2009, an estimate of the total capital costs to acquire and install fluoridation treatment equipment capable of maintaining fluoride levels within the optimal range for the purpose of protecting the dental health of citizens of this state, as established in the rules and regulations adopted pursuant to present law.

Proposed law provides that no public water system shall be required to comply with proposed law unless sufficient funds have been identified by the state, whether by appropriation, capital outlay, grants or similar means or source of funds, as available to that system for the cost of acquiring and installing fluoridation equipment and the cost of material required to fluoridate said system for at least six months from the date of initial installation.

Proposed law further provides that a public water system that has never used fluoridation to adjust fluoride levels in its water and whose water contains fluoride in amounts outside the range established in the rules and regulations adopted pursuant to present law as optimal for the purpose of protecting the dental health of the citizenry shall be exempt from compliance with proposed law provided all of the following apply:

- (1) A petition requesting the exemption has been signed by at least fifteen percent of the registered voters who reside in the precincts served by said water system, as certified

by the parish registrar of voters, and has been presented to the governing authority of each municipality or parish in whose jurisdiction the system provides service.

- (2) A local election has been called on the exemption after the petition has been received by each governing authority pursuant to proposed law. Participation in the election shall be limited to those precincts in which the water system provides service. The local election shall be called and conducted by the governing authority of each municipality in whose jurisdiction the water system provides service if all of the registered voters served by the water system reside wholly within the jurisdiction of one or more municipalities. However, the local election shall instead be called and conducted by the governing authority of each parish in whose jurisdiction the water system provides service if either of the following applies:
  - (i) The water system also provides service to registered voters in unincorporated areas of one or more parishes.
  - (ii) The water system was created or franchised by the parish or parishes.
- (3) Each local election pertaining to the exemption of said water system has been held in accordance with state and local law, and the certified results of each election show that a majority of the registered voters who cast a vote in said election approve the exemption.
- (4) No election on the same question in the same municipality took place in the four years immediately prior to the election in which the exemption was approved.

Proposed law authorizes the office of public health to promulgate regulations in accordance with the APA related to maintaining levels of fluoride in public water systems within the optimal range for the purpose of protecting the oral health of the citizens of the state.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 40:5.11(B) and (G))