

1 **PUBLIC WATER SYSTEMS AMENDMENTS**

2 2003 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Roger E. Barrus**

5 **This act modifies the Safe Drinking Water Act by allowing voters in a county,**
6 **municipality, or water district the option to vote to add fluorine to or to remove fluorine**
7 **from the public water supply.**

8 This act affects sections of Utah Code Annotated 1953 as follows:

9 AMENDS:

10 **19-4-111**, as last amended by Chapter 291, Laws of Utah 2002

11 *Be it enacted by the Legislature of the state of Utah:*

12 Section 1. Section **19-4-111** is amended to read:

13 **19-4-111. Fluorine added to or removed from water -- Election required.**

14 (1) (a) [~~Notwithstanding any other provision of law,~~] Except as provided in Subsection
15 19-4-104(1)(a)(i), public water supplies, whether state, county, municipal, or district, [~~shall~~]
16 may not have fluorine or any of its derivatives or compounds added to or removed from them
17 without the approval of a majority of voters in an election in the area affected.

18 (b) An election shall be held;

19 (i) upon the[:-(a)] filing of an initiative petition requesting the action in accordance
20 with state law governing initiative petitions;

21 [~~(b)~~] (ii) in the case of a municipal, special district, or county water system, upon the
22 passage of a resolution by the legislative body or special district board representing the affected
23 voters, submitting the question to the affected voters at the next regular general election ^h [~~or~~
24 municipal general election] ^h ; or

25 [~~(c)~~] (iii) in a county of the first or second class, upon the passage of a resolution by the
26 county legislative body to place an opinion question relating to all public water systems within
27 the county, except as provided in Subsection (2), on the ballot at the next general election.



28 (2) If a majority of voters on an opinion question under Subsection (1)~~(c)~~(b)(iii)
29 approve the addition of fluorine to or the removal of fluorine from the public water supplies
30 within the county, the local health departments shall require the addition of fluorine to or the
31 removal of fluorine from all public water supplies within that county other than those systems:

32 (a) that are functionally separate from any other public water systems in that county;
33 and

34 (b) where a majority of the voters served by the public water system voted against the
35 addition or removal of fluorine on the opinion question under Subsection (1)~~(c)~~(b)(iii).

36 (3) Nothing contained in this section prohibits the addition of chlorine or other water
37 purifying agents.

38 (4) Any political subdivision which, prior to November 2, 1976, decided to and was
39 adding fluorine or any of its derivatives or compounds to the drinking water is considered to
40 have complied with Subsection (1).

40a ~~h [5] (a) IN AN ELECTION HELD PURSUANT TO SUBSECTIONS (1)(b)(i), (ii), OR (iii), WHERE A~~
40b ~~MAJORITY OF THE VOTERS APPROVE THE ADDITION OR REMOVAL OF FLUORINE TO THE PUBLIC~~
40c ~~WATER SUPPLIES, NO ELECTION TO CONSIDER REMOVING OR ADDING FLUORINE FROM THE~~
40d ~~PUBLIC WATER SUPPLIES SHALL BE HELD FOR A PERIOD OF FIVE YEARS FROM THE DATE OF~~
40e ~~APPROVAL BY THE MAJORITY OF VOTERS.~~
40f ~~(b) THE ELECTION TO CONSIDER REMOVAL OR ADDITION SHALL OCCUR IN AN~~
40g ~~EVEN-NUMBERED YEAR. h] h~~

Legislative Review Note
as of 11-21-02 10:41 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Fiscal Note**Public Water Systems Amendments***16-Jan-03***Bill Number HB0064***12:52 PM*

State Impact

Fiscal impact would be realized if a special election was held. However, if a resolution became part of a general election ballot, minimal cost would be required.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst