

**MINUTES OF THE
HOUSE POLITICAL SUBDIVISIONS
STANDING COMMITTEE**
Room 223 - State Capitol Building
January 22, 2004

COMMITTEE MEMBERS: Rep. Kory M. Holdaway, Chair
Rep. Roger E. Barrus, Vice Chair
Rep. Ralph Becker
Rep. Duane E. Bourdeaux
Rep. D. Gregg Buxton
Rep. Brad L. Dee
Rep. Carl W. Duckworth
Rep. Ann W. Hardy
Rep. David L. Hogue
Rep. Joseph G. Murray

STAFF PRESENT: Joseph Wade, Policy Analyst
Karen Holt, Committee Secretary

Note: A list of visitors and a copy of handouts are filed with the committee minutes.

Chair Holdaway called the meeting to order at 8:34 a.m.

Motion: Rep. Murray moved to approve the minutes of January 20, 2004. The motion passed unanimously with a vote of **9-0-1**, with Rep. Duckworth absent for the vote.

H.B. 181 Fluorine Cost Requirements (*Rep. M. Morley*)

Motion: Rep. Dee moved to adopt the following amendments:

1. Page 1, Lines 13 through 19:

13 This bill:
14 ▶ requires that local governments obtain estimates about the cost of adding fluorine
to
15 a water system from the petition sponsors and adopt those estimates before
authorizing the election [[~~is held~~]] to determine whether or not to add
16 fluorine;
17 ▶ [[~~requires the local government to allow citizens time to qualify an initiative~~
~~petition~~
18 ~~that revokes authority to add fluorine to the water system~~]] when the cost of adding
19 fluorine to the water system exceeds the original cost estimate by more than 10% ;
authorizes the local government to cancel the decision to add fluorine to the water
system, resubmit the question of adding fluorine to the water system to the voters; or

inform the voters of their right to seek an initiative petition cancelling the decision to add fluorine to the water system ;

2. *Page 3, Lines 69 through 79:*

69 (3) (a) Within 20 days after an initiative petition seeking the addition of fluorine to a
70 public water system is declared qualified for the ballot, the sponsors of the initiative petition
71 shall file a total cost estimate with the governing body.

72 (b) (i) Within [[~~20~~]] 30 days after passage of a resolution placing on the ballot
73 the question of
74 whether or not fluorine should be added to the public water supply, the county legislative
75 body,

76 the municipal legislative body, or the special district board that has jurisdiction over the
77 water
78 system shall adopt, by resolution, a total cost estimate estimating the total cost of adding
79 fluorine to the water system.

80 (ii) If the county legislative body, municipal legislative body, or the special district
81 board fails to file the cost estimate within [[~~20~~]] 30 days, the county clerk, municipal
82 clerk, or special
83 district clerk may not place the issue on the ballot.

3. *Page 3, Line 88 through Page 4, Line 110:*

84 (5) [[~~(a)~~]] If, after the voters approve the addition of fluorine to the water supply,
85 the
86 governing body determines that the total cost of adding fluorine to the water supply will
87 exceed
88 the cost estimate by 10% or more, the governing body [[~~shall, in a public meeting and~~
89 by a press

90 release:

91 — (i) inform the voters that the estimated actual cost of adding fluorine to the water
92 system has exceeded the total cost estimate;

93 — (ii) inform the voters of the new total cost estimate of adding fluorine to the water
94 system; and

95 — (iii) inform the voters that they may file an initiative petition to cancel the decision
96 to

97 add fluorine to the water system;

98 — (b) If, within six months of the public meeting where the new total cost estimate
99 of

100 adding fluorine to the water system is announced, no initiative petition has qualified for
101 the

100 ~~ballot, the governing body may proceed to add fluorine to the water system.]]~~

may, in a public meeting:

(a) direct that all efforts to add fluorine to the water be ceased immediately because of the increased cost;

(b) direct that the question of whether or not to add fluorine to the water be submitted to the voters for a new vote because of the increased cost; or

(c) inform the voters that they may file an initiative petition to cancel the decision to add fluorine to the water system.

101 [~~(3)~~] (6) Nothing contained in this section prohibits the addition of chlorine or other
102 water purifying agents.

103 [~~(4)~~] (7) Any political subdivision which, prior to [[~~November 2,~~
104 ~~1976~~]] December 31, 2003 , decided to and

105 was adding fluorine or any of its derivatives or compounds to the drinking water is
106 considered

107 to have complied with Subsection [~~(1)~~] (2) , (3), and (5) .

108 [~~(5)~~] (8) [[~~In~~]] Notwithstanding subsection (5)(c), in an election held
109 pursuant to Subsections [~~(1)~~] (2)(b)(i), (ii), or (iii), where a

110 majority of the voters approve the addition to or removal of fluorine from the public water
111 supplies, no election to consider removing fluorine from or adding fluorine to the public
112 water

113 supplies shall be held for a period of four years from the date of approval by the majority of
114 voters beginning with elections held in November 2000.

The motion to amend passed unanimously with a vote of **10-0-0**.

Rep. Morley introduced the bill as amended.

John Fellows, Associate General Counsel, answered questions regarding the bill. .

Motion: Rep. Dee moved to adopt the following amendments:

1. Page 1, Line 19: Delete "10%" and insert "25%"
2. Page 3, Line 90: Delete "10%" and insert "25%"

The motion to amend passed unanimously with a vote of **10-0-0**.

Speaking for the bill:

Doug Foxley, representing Holladay Water Company and White City Water Company
Lincoln Schurtz, Utah League of Cities and Towns
Beth Beck, Utah for Better Dental Health, Davis County

Gayle Ruzicka, Eagle Forum
Lorna Rosenstein, Davis County, private citizen
Mike Jerman, Utah Taxpayers Association

Speaking to the bill:

David Irvine, attorney for Utah for Better Dental Health
A handout was distributed.

Motion: Rep. Becker moved to adopt the following amendment:

Page 2, Line 43: After "fluorine" insert "based on available information"

Substitute Motion: Rep. Hogue moved to adjourn. The motion to adjourn failed with a vote of **3-6-1**, with Reps. Bourdeaux, Hogue and Murray voting yes, Reps. Barrus, Becker, Dee, Duckworth, Hardy and Holdaway voting no, with Rep. Buxton absent for the vote.

The motion to amend the bill passed with a vote of **6-3-1**, with Reps. Becker, Bourdeaux, Dee, Hardy, Holdaway and Murray voting yes, Reps. Barrus, Duckworth and Hogue voting no, with Rep. Buxton absent for the vote.

Motion: Rep. Dee moved that the committee report a favorable recommendation on H. B. 181 as amended.

Substitute Motion: Rep. Hogue made a motion to adjourn. The motion to adjourn failed with a vote of **3-6-1**, with Reps. Bourdeaux, Hogue and Murray voting yes, Reps. Barrus, Becker, Dee, Duckworth, Hardy and Holdaway voting no, with Rep. Buxton absent for the vote.

The motion to pass the bill out favorably passed with a vote of **7-2-1**, with Reps. Barrus, Becker, Dee, Duckworth, Hardy, Holdaway and Murray voting yes, Reps. Bourdeaux and Hogue voting no, with Rep. Buxton absent for the vote.

Motion: Rep. Hogue moved to adjourn. The motion passed unanimously. The meeting adjourned at 9:47 a.m.

Kory M. Holdaway, Chair