

1st Sub. H.B. 181

FLUORINE COST REQUIREMENTS

Representative **Sheryl L. Allen** proposes the following amendments:

1. *Page 1, Lines 13 through 22:*

13 This bill:

14 ▶ requires that local governments adopt estimates about the cost of adding fluorine to
15 a water system before and after an election to determine whether or not to add
16 fluorine is held; =

▶ requires that the governing body of a local government inform water systems within its jurisdiction that a petition to add fluorine is being circulated;

▶ requires the governing body to constitute a committee to develop recommended cost estimates, and defines the membership and duties of the committee;

17 ▶ when the final estimate of the cost of adding fluorine to the water system exceeds
18 the original cost estimate by more than 25%, authorizes the local government to
19 cancel the decision to add fluorine to the water system, resubmit the question of
20 adding fluorine to the water system to the voters, or inform the voters of their right
21 to seek an initiative petition cancelling the decision to add fluorine to the water
22 system unless certain conditions are met ; and

2. *Page 3, Line 86 through Page 4, Line 97:*

86 (3) (a) Whenever an application for a petition requesting the addition of fluorine to a public water system is filed, the governing body shall:

(i) give notice that the petition is being circulated to every water system that would be required to add fluorine under the petition; and

(ii) direct each water system to begin developing a preliminary total cost estimate for the water system.

87 (b) Within 30 working days after a petition seeking the addition of fluorine to a public water system is declared qualified for the ballot, the sponsors of the petition shall file a
88 preliminary total cost estimate with the governing body. =

(c) (i) The governing body shall refer the preliminary total cost estimate to a the Fluorine Cost Review Committee constituted as required in Subsection (3)(c)(ii).

(ii) The governing body shall establish a Fluorine Cost Review Committee composed of :

(A) a representative from each water system that is or may be affected by the petition who has experience in the water system's accounting, finance, and procurement system and who has authority to commit the water system to a preliminary cost estimate;

(B) a representative from the governing body's planning entity;

(C) a representative from the county health department, who shall serve as chair.

(iii) The Fluorine Cost Review Committee shall:

(A) meet as often as necessary;

(B) review the preliminary total cost estimate submitted by the petition sponsors;

(C) develop and adopt a recommended preliminary total cost estimate that represents the Fluorine Cost Review Committee's best estimate of the cost to add fluorine to all of the water systems affected by the petition; and

(D) submit the recommended preliminary total cost estimate to the governing body .

89 ~~[(b)]~~ (d) (i) Whether the election to determine whether or not fluorine should be added to a

90 public water system was triggered by petition or by the governing body, the governing body
91 that has jurisdiction over the water system shall, no later than 45 calendar days before the date
92 of the election ~~[(c)]~~ :

(A) review the recommended preliminary total cost estimate received from the Fluorine Cost Review Committee; and

(B) adopt ~~[(a)]~~ the official preliminary total cost estimate that estimates the total cost of adding

93 fluorine to all of the water ~~[-system-]~~ systems affected by the petition .

94 (ii) If the governing body fails to adopt ~~[(the)]~~ an official preliminary total cost estimate no later than

95 45 calendar days before the date of the election, the preliminary total cost estimate submitted
96 by the petition sponsors is considered adopted and becomes the official preliminary total cost
97 estimate.

3. Page 4, Lines 106 through 116:

106 (5) (a) (i) If the voters vote to add fluorine to one or more water systems, the governing body shall direct the Fluorine Cost Review Committee to meet to develop a recommended final total cost estimate.

(ii) The Fluorine Cost Review Committee shall meet and:

(A) adopt a recommended recommended final total cost estimate that represents the Fluorine Cost Review Committee's best estimate of the cost to add fluorine to all of the water systems affected by the petition; and

(D) submit the recommended final total cost estimate to the governing body .

107 (b) No later than 180 calendar days after the date of an election in which the voters
vote to add fluorine to a water system, the governing body shall :

(i) review the recommended final total cost estimate received from the Fluorine Cost Review
Committee; and

108 (ii) adopt a final total cost
estimate.

109 ~~[(b)]~~ (c) Except as provided in Subsection (5)(d), ~~[[f]]~~ if the final total cost
estimate exceeds the preliminary total cost estimate by 25% or
110 more, the governing body may, in a public meeting:

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

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

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

(d) (i) Whenever the final total cost estimate for a water system within a first or second class
county exceeds by more than 25% the average final total cost estimate of all other water systems
within that county, the governing body, in consultation with the county health department, shall
determine whether or not the higher final total cost estimate exceeds the average because of a
decision to overbuild, add cosmetic or aesthetic system components, or add redundancy beyond
applicable federal or state standards.

(ii) If the governing body determines that the excess cost is due to any of the factors enumerated
in Subsection (5)(d)(i), the governing body may not act as authorized by Subsection (5)(c).