

2 State of Arkansas
3 90th General Assembly
4 Second Extraordinary Session, 2015

A Bill

DRAFT JAW/JAW
SENATE BILL

5
6 By: Senator B. King

7 Filed with: Senate Committee on State Agencies and Governmental Affairs
8 pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

9
10 AN ACT TO AMEND THE LAW CONCERNING WATER DISTRICTS;
11 TO ALLOW VOTERS TO ELECT "FOR" OR "AGAINST" WATER
12 FLUORIDATION; AND FOR OTHER PURPOSES.

Subtitle

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15 TO AMEND THE LAW CONCERNING WATER
16 DISTRICTS; AND TO ALLOW VOTERS TO ELECT
17 "FOR" OR "AGAINST" WATER FLUORIDATION.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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23 SECTION 1. Arkansas Code Title 14, Chapter 116, Subchapter 1, is
24 amended to add an additional section to read as follows:

25 14-116-108. Election for fluoridation of water.

26 (a) Before a water district fluoridates the water treated by the water
27 system serving the water district under § 20-7-136, the water district shall
28 hold an election of the qualified electors in the water district to determine
29 if the water district shall fluoridate the water.

30 (b)(1) An election under this section may be called by:

31 (A) Majority vote of the board of directors of the water
32 district; or

33 (B) A petition signed by no less than thirty-five percent
34 (35%) of the qualified electors in the water district.

1 (2)(A) Except as provided under subdivision (b)(2)(B) of this
2 section, an election under this section shall be held at the next general
3 election.

4 (B) A subsequent election in the water district under this
5 section shall not be held earlier than four (4) years after an election is
6 held under this section.

7 (3) Except as provided in this section, the election under this
8 section shall be held and conducted in accordance with the general election
9 laws of this state.

10 (4) The question of whether to fluoridate the water in the water
11 system shall be placed upon the ballots of the qualified electors in the
12 following form:

13 "FOR THE FLUORIDATION OF WATER IN [DESCRIPTION OF THE WATER
14 DISTRICT]

15 AGAINST THE FLUORIDATION OF WATER IN [DESCRIPTION OF THE
16 WATER DISTRICT]".

17 (c)(1) The petition under this section shall be filed with the county
18 clerk of each county within the water system no less than one hundred twenty
19 (120) days before the general election.

20 (2) No more than ten (10) days after the filing of the petition,
21 the county clerks shall:

22 (A) Verify the petition;

23 (B) Certify the petition; and

24 (C) Notify the county boards of election commissioners for
25 the counties within the water district and the board of directors of the
26 water district of the verification and certification of the petition.

27 (3) The petition shall clearly state:

28 (A) The boundaries of the water district; and

29 (B) That the petition is to elect "for" or "against"
30 fluoridation of the water in the water district.

31 (d) If the majority of the qualified electors of the water district
32 elect to prohibit fluoridation of water, the water system shall cease
33 fluoridation of the water within thirty (30) days of the certification of the
34 election results.

35 (e) As used in this section, "water system" means a facility,
36 including without limitation a parent system, consecutive system, or other

1 system that holds, treats, and supplies water directly or through a
2 consecutive system or consecutive systems to five thousand (5,000) persons or
3 more.

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5 SECTION 2. Arkansas Code § 20-7-136(b), concerning a statewide
6 fluoridation program, is amended to read as follows:

7 (b) ~~The~~ Except as provided under § 14-116-108, the company,
8 corporation, municipality, county, government agency, or other entity that
9 owns or controls a water system shall control the quantity of fluoride in the
10 water so as to maintain a fluoride content established by the Department of
11 Health.

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14 Referral requested by: Senator Bryan King

15 Prepared by: JAW
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