

ASSEMBLY BILL NO. 689—COMMITTEE ON JUDICIARY

(ON BEHALF OF LEGISLATIVE COUNSEL)

MAY 20, 1999

Referred to Committee on Judiciary

SUMMARY—Amends Assembly Bill No. 284, Assembly Bill No. 590 and Senate Bill No. 471 of 1999 Legislative Session. (BDR S-1760)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~for omitted material~~ is material to be omitted.

AN ACT relating to legislative measures; amending Assembly Bill No. 284 of the 1999 Legislative Session to clarify that provisions apply to public water systems that serve a population of 100,000 or more, but only in a county whose population is 400,000 or more; requiring an advisory question concerning the fluoridation of water to be placed on the general election ballot in a county whose population is 400,000 or more; amending Assembly Bill No. 590 of the 1999 Legislative Session clarifying that a candidate for the office of city councilman must include in his declaration of candidacy the number of the ward that he seeks to represent; amending Senate Bill No. 471 of the 1999 Legislative Session to delay the date upon which legislative measures of local governments must set forth certain disclosures regarding unfunded mandates; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE
AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Sections 3, 4 and 5 of Assembly Bill No. 284 of this
2 session are hereby amended to read as follows:

3 **Sec. 3. 1. *The state board of health shall adopt regulations***
4 ***requiring the fluoridation of each public water system that serves***
5 ***a population of 100,000 or more in a county whose population is***
6 ***400,000 or more.***

7 **2. *The regulations must include, without limitation:***

1 (a) The minimum and maximum permissible concentrations of
2 fluoride to be maintained in such public water systems, except
3 that:

4 (1) The minimum permissible concentration of fluoride
5 must not be less than 0.7 parts per million; and

6 (2) The maximum permissible concentration of fluoride
7 must not exceed 1.2 parts per million;

8 (b) The requirements and procedures for maintaining proper
9 concentrations of fluoride, including any necessary equipment,
10 testing, recordkeeping and reporting;

11 (c) Requirements for the addition of fluoride to such a public
12 water system if the natural concentration of fluorides in that
13 system is lower than the minimum permissible concentration
14 established pursuant to paragraph (a); and

15 (d) Criteria pursuant to which the state board of health may
16 exempt a public water system from the requirement of
17 fluoridation upon the request of the public water system.

18 3. The state board of health shall not require the fluoridation
19 of:

20 (a) The wells of a public water system if:

21 (1) The ground water production of the public water system
22 is less than 15 percent of the total average annual water
23 production of the system for the years in which drought
24 conditions are not prevalent; and

25 (2) The wells are part of a combined regional and local
26 system for the distribution of water that is served by a fluoridated
27 source.

28 (b) A public water system:

29 (1) During an emergency or period of routine maintenance,
30 if the wells of the system are exempt from fluoridation pursuant to
31 paragraph (a) and the supplier of water determines that it is
32 necessary to change the production of the system from surface
33 water to ground water because of an emergency or for purposes
34 of routine maintenance; or

35 (2) If the natural water supply of the system contains
36 fluoride in a concentration that is at least equal to the minimum
37 permissible concentration established pursuant to paragraph (a)
38 of subsection 2.

39 4. The state board of health may make an exception to the
40 minimum permissible concentration of fluoride to be maintained
41 in a public water system based on:

42 (a) The climate of the regulated area;

1 (b) *The amount of processed water purchased by the residents*
2 *of the regulated area; and*

3 (c) *Any other factor that influences the amount of public water*
4 *that is consumed by the residents of the regulated area.*

5 5. *The health division of the department of human resources*
6 *shall make reasonable efforts to secure any available sources of*
7 *financial support, including, without limitation, grants from the*
8 *Federal Government, for the enforcement of the standards*
9 *established pursuant to this section and any related capital*
10 *improvements.*

11 6. *A public water system may submit to the health division a*
12 *claim for payment of the initial costs of the public water system to*
13 *begin complying with the provisions of this section regardless of*
14 *whether the public water system is required to comply with those*
15 *provisions. The administrator of the health division may approve*
16 *such claims to the extent of legislative appropriations and any*
17 *other money available for that purpose. Approved claims must be*
18 *paid as other claims against the state are paid. The ongoing*
19 *operational expenses of a public water system in complying with*
20 *the provisions of this section are not compensable pursuant to this*
21 *subsection.*

22 7. *As used in this section, "supplier of water" has the*
23 *meaning ascribed to it in NRS 445A.845.*

24 Sec. 4. NRS 445A.050 is hereby amended to read as follows:
25 445A.050 The provisions of NRS 445A.025 to ~~445A.045,~~
26 ~~445A.050,~~ inclusive, do not apply ~~to:~~

27 ~~1. To purveyors~~ to:

28 1. *A public water system that serves a population of 100,000*
29 *or more in a county whose population is 400,000 or more.*

30 2. *Purveyors* of bottled water who label their containers to
31 inform the purchaser that the naturally occurring fluoride
32 concentration of the water has been adjusted to recommended
33 levels.

34 ~~[2. To any]~~

35 3. *A* supplier of water who supplies water to less than 500
36 users.

37 Sec. 5. 1. This section becomes effective upon passage and
38 approval.

39 2. Section 3 of this act becomes effective upon passage and
40 approval for the purpose of adopting regulations and on October 1,
41 1999, for all other purposes.

42 3. Sections 1, 2, 4 and 4.5 of this act become effective on
43 October 1, 1999.

1 4. This act expires by limitation on January 1, 2001, if a
2 majority of the voters voting on the question placed on the ballot
3 pursuant to section 4.5 of this act vote affirmatively in all counties
4 in which the measure was placed on the ballot.

5 **Sec. 2.** Assembly Bill No. 284 of this session is hereby amended by
6 adding thereto a new section designated sec. 4.5, following sec. 4, to read
7 as follows:

8 **Sec. 4.5.** At the general election on November 7, 2000, in each
9 county whose population is 400,000 or more, an advisory question
10 must be placed on the general election ballot in substantially the
11 following form:

12 Should each public water system in this county that serves a
13 population of 100,000 persons or more cease the fluoridation of the
14 water?

15 **Sec. 3.** Section 3 of Assembly Bill No. 590 of this session is hereby
16 amended to read as follows:

17 **Sec. 3.** Section 5.020 of the charter of the City of North Las
18 Vegas, being chapter 573, Statutes of Nevada 1971, as last amended
19 by chapter 215, Statutes of Nevada 1997, at page 748, is hereby
20 amended to read as follows:

21 **Sec. 5.020** Primary municipal elections; declaration of
22 candidacy.

23 1. The city council shall provide by ordinance for candidates
24 for elective office to declare their candidacy and file the necessary
25 documents. *The seats for city councilmen must be designated by*
26 *the numbers one through four which number must correspond*
27 *with the wards the candidates for city councilmen will seek to*
28 *represent. A candidate for the office of city councilman shall*
29 *include in his declaration of candidacy the number of the ward*
30 *which he seeks to represent. Each candidate for city council must*
31 *be designated as a candidate for the city council seat that*
32 *corresponds with the ward that he seeks to represent.*

33 2. If for any general municipal election there are three or more
34 candidates for the offices of mayor or municipal judge, or ~~five or~~
35 ~~more candidates for the office of councilman,~~ *for a particular city*
36 *council seat*, a primary election for any such office must be held on
37 the Tuesday following the first Monday in May preceding the
38 general election.

39 3. Except as otherwise provided in ~~subsections 4 and 5,~~
40 *subsection 4*, after the primary election, the names of the two
41 candidates for mayor, ~~and~~ municipal judge and ~~the names of the~~
42 ~~four candidates for city councilman~~ *each city council seat* who

1 receive the highest number of votes must be placed on the ballot for
2 the general election.

3 4. If one of the candidates for mayor, ~~for~~ municipal judge *or a*
4 *city council seat* receives a majority of the total votes cast for that
5 office in the primary election, he shall be declared elected to office
6 and his name must not appear on the ballot for the general election.

7 ~~[5.—If a candidate for city council receives votes equal to a~~
8 ~~majority of voters casting ballots in the primary election:~~

9 ~~—(a) He shall be declared elected to one of the open seats on the~~
10 ~~city council and his name must not appear on the ballot for the~~
11 ~~general election.~~

12 ~~—(b) Unless all the open seats were filled pursuant to paragraph~~
13 ~~(a), the names of those candidates who received the highest number~~
14 ~~of votes but did not receive a number of votes equal to a majority of~~
15 ~~the voters casting ballots in the primary election, not to exceed~~
16 ~~twice the number of candidates remaining to be elected, must be~~
17 ~~placed on the ballot for the general election.]~~

18 **Sec. 4.** Section 3 of Senate Bill No. 471 of this session is hereby
19 repealed.

20 **Sec. 5.** This act becomes effective upon passage and approval.