

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 of 1999 Legislative Session. (BDR 40-1760)

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 ~~[omitted material]~~ is material to be omitted.

AN ACT relating to water; amending Assembly Bill No. 284 of the 1999 Legislative Session to make the provisions of the bill applicable to water authorities; revising the manner in which the advisory question is stated; and providing other matters properly relating thereto.

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

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

Sec. 3. 1. *The state board of health shall adopt regulations requiring the fluoridation of all water delivered for human consumption in a county whose population is 400,000 or more by a:*

(a) Public water system that serves a population of 100,000 or more; or

(b) Water authority.

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

(a) The minimum and maximum permissible concentrations of fluoride to be maintained by such a public water system or a water authority, except that:

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

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

1 (b) The requirements and procedures for maintaining proper
2 concentrations of fluoride, including any necessary equipment,
3 testing, recordkeeping and reporting;

4 (c) Requirements for the addition of fluoride to the water if the
5 natural concentration of fluorides is lower than the minimum
6 permissible concentration established pursuant to paragraph (a);
7 and

8 (d) Criteria pursuant to which the state board of health may
9 exempt a public water system or water authority from the
10 requirement of fluoridation upon the request of the public water
11 system or water authority.

12 3. The state board of health shall not require the fluoridation
13 of:

14 (a) The wells of a public water system or water authority if:

15 (1) The ground water production of the public water system
16 or water authority is less than 15 percent of the total average
17 annual water production of the system or authority for the years
18 in which drought conditions are not prevalent; and

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

22 (b) A public water system or water authority:

23 (1) During an emergency or period of routine maintenance,
24 if the wells of the system or authority are exempt from
25 fluoridation pursuant to paragraph (a) and the supplier of water
26 determines that it is necessary to change the production of the
27 system or authority from surface water to ground water because
28 of an emergency or for purposes of routine maintenance; or

29 (2) If the natural water supply of the system or authority
30 contains fluoride in a concentration that is at least equal to the
31 minimum permissible concentration established pursuant to
32 paragraph (a) of subsection 2.

33 4. The state board of health may make an exception to the
34 minimum permissible concentration of fluoride to be maintained
35 in a public water system or water authority based on:

36 (a) The climate of the regulated area;

37 (b) The amount of processed water purchased by the residents
38 of the regulated area; and

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

41 5. The health division of the department of human resources
42 shall make reasonable efforts to secure any available sources of
43 financial support, including, without limitation, grants from the

1 *Federal Government, for the enforcement of the standards*
2 *established pursuant to this section and any related capital*
3 *improvements.*

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

16 7. *As used in this section:*

17 (a) *"Supplier of water" has the meaning ascribed to it in NRS*
18 *445A.845.*

19 (b) *"Water authority" has the meaning ascribed to it in NRS*
20 *377B.040.*

21 **Sec. 4.** NRS 445A.050 is hereby amended to read as follows:

22 445A.050 The provisions of NRS 445A.025 to ~~445A.045,~~
23 *445A.050*, inclusive, do not apply ~~to:~~

24 ~~1. To purveyors~~ to:

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

27 2. *A water authority, as defined pursuant to NRS 377B.040,*
28 *and any political subdivision that receives all or a part of its water*
29 *supply from such a water authority in a county whose population*
30 *is 400,000 or more.*

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

35 ~~2. To any~~

36 4. *A* supplier of water who supplies water to less than 500
37 users.

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

40 2. Section 3 of this act becomes effective upon passage and
41 approval for the purpose of adopting regulations and on October 1,
42 1999, for all other purposes.

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

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

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

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

14 Should the water authority and each public water system in this
15 county that serve a population of 100,000 persons or more continue
16 the fluoridation of the water?

17 **Sec. 3.** This act becomes effective upon passage and approval.