

HOUSE BILL REPORT

ESHB 2518

As Passed House:

February 16, 2002

Title: An act relating to the authority to issue civil penalties by health districts.

Brief Description: Establishing a one hundred dollar per day limit on civil penalties for violations of health statutes, rules, and regulations.

Sponsors: By House Committee on Local Government & Housing (originally sponsored by Representatives Edwards, Dunshee, Lovick, Berkey and Kirby).

Brief History:

Committee Activity:

Local Government & Housing: 2/4/02 [DPS].

Floor Activity:

Passed House: 2/16/02, 58-40.

Brief Summary of Engrossed Substitute Bill

- Limits local health boards' and health districts' authority to levy civil penalties to violations of environmental health statutes, rules and regulations, not to exceed \$100 per day.

HOUSE COMMITTEE ON LOCAL GOVERNMENT & HOUSING

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives Dunshee, Chair; Edwards, Vice Chair; Berkey, Hatfield, Kirby and Sullivan.

Minority Report: Without recommendation. Signed by 5 members: Representatives Mulliken, Ranking Minority Member; Crouse, DeBolt, Dunn and Mielke.

Staff: Amy Wood (786-7127).

Background:

Local boards of health, district boards of health, and health officers are vested with broad authority. These entities derive their power from the Washington Constitution, which

enables local officials to pass rules and regulations concerning the public health. Const. art. 11, s. 11. *Spokane County Health Dist. V. Brockett*, 120 Wn.2d 140, 147 (1992). The Washington Supreme Court has said of this Constitutional grant of authority:

"This is a direct delegation of the police power as ample within its limits as that possessed by the legislature itself. It requires no legislative sanction for its exercise so long as the subject matter is local, and the regulation reasonable and consistent with the general laws."

Lenci v. Seattle, 63 Wn.2d 664, 667 (1964).

The Legislature's broad grant of powers to local boards of health, district boards of health, and health officials is evident in RCW 70.05. RCW 70.05.010(3) defines "local board of health" to include both county and district boards of health. *Brockett*, 120 Wn.2d at 148-49. Local health officers are also vested with this broad authority and are required to perform certain duties identified by statute, RCW 70.50.070. *Brockett*, 120 Wn.2d at 149.

Summary of Engrossed Substitute Bill:

The authority of local boards of health and district boards of health to levy civil penalties is limited to violations of environmental health statutes, rules and regulations; and may not exceed \$100 per day.

Appropriation: None.

Fiscal Note: Not Requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: (Testimony for HB 1087 - Identical bill) HB 2518 will give health districts the same tools as county boards currently have. This will provide a more cost effective way to enforce environmental health regulations. There is concern over environmental dumping. This will provide an effective prevention tool. Nineteen of 39 counties currently organized as health districts. This measure will help reduce cost and ensure compliance with health regulations.

Testimony Against: (Testimony against HB 1087) Should not increase power to charge fees because there is no oversight. (Testimony against HB 2518) There are a number of questions raised by this bill yet to be answered.

Testified: (In Support - HB 1087 - Identical bill) Representative Dunshee; prime sponsor;

Rick Moekler, Snohomish Health District; David Swink, Spokane Regional Health District; and Vicki Kirkpatrick, Washington State Association of Counties.

(Opposed - HB 1087) Steve Gano, Miller Brewing Company.

(Opposed - HB 2518) Merton Cooper, citizen; and Jodi Slavik, Building Industry Association of Washington.