

HOUSE BILL REPORT

HB 1068

As Reported by House Committee On:

Local Government

Title: An act relating to providing for a public vote on the fluoridation of public water supplies.

Brief Description: Requiring a vote on any local ordinance providing for fluoridation.

Sponsors: Representatives Campbell, Bush and Rockefeller.

Brief History:

Committee Activity:

Local Government: 2/12/03, 3/4/03 [DPS].

Brief Summary of Substitute Bill

- Allows a local board of health to authorize the fluoridation of a public water system only after an affirmative vote by the voters residing within the area described in a board proposition of fluoridation.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives Romero, Chair; Upthegrove, Vice Chair; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern and Ericksen.

Minority Report: Do not pass. Signed by 4 members: Representatives Berkey, Clibborn, Mielke and Moeller.

Staff: Ethan Moreno (786-7386).

Background:

A variety of local government entities, including water-sewer districts, counties, and cities, may operate and regulate public water supply systems.

Water-sewer district powers include, among others, the authority to purchase, construct,

maintain, and supply waterworks to furnish an ample supply of water to inhabitants within and outside of the district. Water-sewer districts have full authority to regulate and control the use, content, distribution, and price of the supplied water in a manner consistent with legal provisions.

State law also provides that construction, operation, and maintenance of a water system is a county purpose. Subject to legal provisions, counties may, among other related authorities, establish, construct, maintain, control, and regulate water supply systems that supply water within all or a portion of the county.

The council of a city organized under the commission form of government may also provide for the erection, purchase, or other acquiring of waterworks within or outside the corporate limits of the city to supply the city and its inhabitants with water. The city council also has the authority to regulate and control the use and price of the supplied water.

A specific authorization granted in present law allows the elected board of commissioners of a water-sewer district to, by majority vote, fluoridate the water supply system of the district. The commissioners may submit a fluoridation proposition to the voters of the district at any general or special election. The proposition must be approved by a majority of the voters to become effective.

Summary of Substitute Bill:

A local board of health must not authorize fluoridation of a public water system as defined by RCW 70.116.030 unless: 1) a majority of the members of a local board of health vote to request the county legislative authority to cause a proposition of fluoridation to be submitted to the voters residing within the area described in the proposition; and 2) following an election on the proposition, a majority of the votes cast are in favor of fluoridation.

A new intent section of legislative findings specifies that the public's interest is best served when the voters affected by a fluoridation proposal make the final decision on whether to fluoridate a public water system. The intent section further specifies that such decisions are best made prior to the addition of fluoride to public water systems.

Substitute Bill Compared to Original Bill:

The substitute bill removes all original language, including requirements for voter approval of ordinances adopted by water-sewer districts, counties, or commission cities authorizing fluoridation of a public water supply. The provisions of the substitute bill allow a local board of health to authorize the fluoridation of a public water system only after an affirmative vote by the voters residing within the area described in a proposition

of fluoridation by the board.

The substitute bill also adds a new intent section with legislative findings that the public's interest is best served when the voters affected by a fluoridation proposal, prior to fluoridation, decide whether to add fluoride to the water system.

Appropriation: None.

Fiscal Note: Not Requested.

Effective Date of Substitute Bill: The bill contains an emergency clause and takes effect immediately.

Testimony For: The issues that this bill addresses are choice and control, not fluoridation. In general, decisions are best made at the local level by affected individuals, not by heavy-handed government officials. This bill is about process “ what we do and how to do it, as well as statewide policy. The public is consistently supportive of requiring voter approval prior to fluoridating a water supply. Fluoridating a water supply without voter approval may establish a precedent of encroaching on voter rights and may result in expensive legal battles. Allowing government officials make to make [fluoridation] decisions is the equivalent of telling individuals that they are not capable of making those decisions.

(In support with concerns) Some public health decisions may be unpopular.

Testimony Against: Governments/city councils already have the legal authority to fluoridate a water supply and this authority should be retained. Fluoridation decisions have always occurred through the actions of elected officials. Fluoridation is a local matter and local decision makers presently have the authority to send the issue to the voters.

Testified: Representative Campbell, prime sponsor; Representative Bush, secondary sponsor; Elaine Lewis; Marianne Lincoln, Opposing Fluoridation in Pierce County; Robert Matney; Bob Young, Mayor of the City of Bonney Lake; Stephen Bradley; Steve Lindstrom, Sno-King Water District; Emily Kalweit, Citizens for Safe Drinking Water; Dr. Ursula Hall, Citizens of Lakewood; John Becker; Mike Matson, Water Cooperative of Pierce County; and Jeff Johnson, Water Cooperative of Pierce County and Spanaway Water Cooperative.

(In support with concerns) Doreen Garcia, State Board of Health; and Vickie Ybarra, State Board of Health Committee on Children's Health and Well-Being.

(Against) David Michener, Washington State Dental Association; and Sean Pickard,

Washington Dental Service and Washington Dental Service Foundation.