

Multiple Agency Fiscal Note Summary

Bill Number: 1251 E S HB	Title: Water system notices
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Estimated Cash Receipts

NONE

Estimated Operating Expenditures

Agency Name	2023-25				2025-27				2027-29			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Department of Health	.9	306,000	306,000	306,000	.0	0	0	0	.0	0	0	0
Total \$	0.9	306,000	306,000	306,000	0.0	0	0	0	0.0	0	0	0

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts									
Loc School dist-SPI									
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Department of Health	.0	0	0	.0	0	0	.0	0	0
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts									
Loc School dist-SPI									
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

Estimated Capital Budget Breakout

Prepared by: Breann Boggs, OFM	Phone: (360) 485-5716	Date Published: Final 3/10/2023
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Individual State Agency Fiscal Note

Bill Number: 1251 E S HB	Title: Water system notices	Agency: 303-Department of Health
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Part I: Estimates

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No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	1.0	0.8	0.9	0.0	0.0
Account					
General Fund-State 001-1	169,000	137,000	306,000	0	0
Total \$	169,000	137,000	306,000	0	0

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

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If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.

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If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).

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Capital budget impact, complete Part IV.

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Requires new rule making, complete Part V.

Legislative Contact: Megan Tudor	Phone: 360-786-7422	Date: 03/03/2023
Agency Preparation: Katie Osete	Phone: 3602363000	Date: 03/09/2023
Agency Approval: Kristin Bettridge	Phone: 3607911657	Date: 03/09/2023
OFM Review: Breann Boggs	Phone: (360) 485-5716	Date: 03/10/2023

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

There is no change in cost from the prior fiscal note. Rulemaking is still necessary for both the Department of Health and the State Board of Health.

Section 1: The Department of Health (DOH) and the State Board of Health (SBOH) shall adopt rules requiring Group A water systems to notify their customers prior to starting fluoridation or 90 days prior to a vote on discontinuing fluoridation. Notification methods will be in accordance with those outlined in this bill section. Rulemaking will include corrective action for those water systems that violate the notification requirements.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

None

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

Rulemaking is needed to amend the Group A Public Water Systems WAC to include the elements of notifying customers when water systems consider discontinuing fluoridation. DOH and SBOH will conduct this work on these WACS, respectively and with cooperation with each other. Costs are listed out separately here.

In conjunction with rulemaking DOH will also perform an environmental justice assessment. Based on the environmental justice assessment, each covered agency must seek, to the extent legal and feasible and consistent with the underlying statute being implemented, to reduce or eliminate the environmental harms and maximize the environmental benefits created by the significant agency action on overburdened communities and vulnerable populations.

Rulemaking DOH:

Assumptions:

- Section 2 requires DOH to amend Public Water Systems WAC chapter 246-290 to include the required notification of starting or discontinuing fluoridation elements.
- Due to the potentially challenging aspects associated with the development of this rule, given the topic, extensive stakeholder work will be necessary and will take 2 years.

To complete this one-time work, DOH will require 0.5 FTE in FY 2024 and 0.3 FTE in FY 2025 to:

- Provide guidance and rule writing.
- Conduct an environmental justice assessment.
- Coordinate with stakeholders (including waters systems, state agency staff, local agency staff, local decision makers, and effected constituent groups), facilitate and participate in stakeholder meetings, and lead development of policy-heavy components of the rule.
- Arrange meeting rooms, take notes during stakeholder meetings, and deal with other logistical and communication issues associated with the rulemaking.

Attorney General time to review and advise on rulemaking will be \$1,000 in both FY 2024 and FY 2025.

Travel required for stakeholder meetings:

Assumptions:

- Two subject matter experts from DOH will meet with stakeholders four times during the rulemaking process.
- Meeting space will be provided by local health partners at no cost.
- Meetings will be held in 4 locations: Spokane, Everett, Vancouver, and Yakima.
- Staff will carpool in state vehicles.
- All assumptions for costs in the fiscal note are based on similar rulemaking with similar work that the DOH has completed in the past.
- Travel is based on:
- Use of state vehicles and per diem costs

DOH rulemaking costs for FY 2024: 0.5 FTE and \$91,000

DOH rulemaking costs for FY 2025: 0.3 FTE and \$56,000

Rulemaking SBOH:

SBOH will conduct rulemaking in FY 2024 and FY 2025 to adopt rules in chapter 246-290 WAC (Group A Public Water Supplies) to include new fluoridation notification elements. SBOH will work closely with DOH to coordinate the update of these rules along with DOH's rule updates to chapter 246-290 WAC.

To complete this rulemaking including analyses required by the Administrative Procedures Act, the Regulatory Fairness Act, and the Heal Act as well as interested party and community outreach coordination, SBOH will require 0.5 FTE and \$78,000 in FY 2024 and 0.5 FTE and \$81,000 in FY 2025. This includes Office of the Attorney General costs of \$1,000 in both FY 2024 and FY 2025.

SBOH rulemaking costs for fiscal year 2024: 0.5 FTE and \$78,000

SBOH rulemaking costs for fiscal year 2025: 0.5 FTE and \$81,000

Total Cost for FN

FY2024: \$169,000 and 1 FTE

FY2025: \$137,000 and 0.80 FTE

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	169,000	137,000	306,000	0	0
Total \$			169,000	137,000	306,000	0	0

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	1.0	0.8	0.9		
A-Salaries and Wages	95,000	77,000	172,000		
B-Employee Benefits	33,000	27,000	60,000		
E-Goods and Other Services	33,000	27,000	60,000		
T-Intra-Agency Reimbursements	8,000	6,000	14,000		
9-					
Total \$	169,000	137,000	306,000	0	0

III. C - Operating FTE Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
ENVIRONMENTAL PLANNER 3	80,952	0.1	0.1	0.1		
ENVIRONMENTAL PLANNER 4	89,292	0.3	0.1	0.2		
MANAGEMENT ANALYST 4	82,896	0.2	0.2	0.2		
MANAGEMENT ANALYST 5	91,524	0.3	0.3	0.3		
wms02	114,360	0.1	0.1	0.1		
Total FTEs		1.0	0.8	0.9		0.0

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

None

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

Section 1: DOH and the SBOH will need adopt and update rules for group A water systems to include notification to its customers when considering starting or discontinuing of fluoridation and corrective action for those water systems that violate the notification requirements.

LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 1251 E S HB	Title: Water system notices
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Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

Legislation Impacts:

- ☐ Cities:
- ☐ Counties:
- ☒ Special Districts: Public water systems must follow the outlined requirements when considering discontinuing water fluoridation.
- ☐ Specific jurisdictions only:
- ☐ Variance occurs due to:

Part II: Estimates

- ☐ No fiscal impacts.
- ☐ Expenditures represent one-time costs:
- ☒ Legislation provides local option: Public water systems only have to complete the bills required actions if they want to add or remove fluoride from their water.
- ☒ Key variables cannot be estimated with certainty at this time: Cost to public water systems to provide public notice for a proposed removal of fluoride from their water.

Estimated revenue impacts to:

None

Estimated expenditure impacts to:

Non-zero but indeterminate cost and/or savings. Please see discussion.

Part III: Preparation and Approval

Fiscal Note Analyst: Brandon Rountree	Phone: (360) 999-7103	Date: 03/07/2023
Leg. Committee Contact: Megan Tudor	Phone: 360-786-7422	Date: 03/03/2023
Agency Approval: Allan Johnson	Phone: 360-725-5033	Date: 03/07/2023
OFM Review: Breann Boggs	Phone: (360) 485-5716	Date: 03/10/2023

Part IV: Analysis

A. SUMMARY OF BILL

Description of the bill with an emphasis on how it impacts local government.

CHANGES BETWEEN THIS VERSION AND PREVIOUS BILL VERSION:

Removed all of section 1 and the requirement for public water systems to seek and receive the most current information about the public health impacts of community water fluoridation from the department and its local health jurisdictions 90 days before a vote or decision from section 2.

SUMMARY OF CURRENT BILL:

This bill establishes the mandatory provision of a public notice by public water systems if they want to remove fluoride from their water source.

Sec. 1: If a public water system considers discontinuing the fluoridation of its water supply on a continuing basis they must notify its customers of its intentions at least 90 days prior to a vote or decision. Any public water system that violates the notification requirements of this subsection shall return the fluoridation of its water supply to its previous level until proper notification is provided under the provisions of this section.

B. SUMMARY OF EXPENDITURE IMPACTS

Expenditure impacts of the legislation on local governments with the expenditure provisions identified by section number and when appropriate, the detail of expenditures. Delineated between city, county and special district impacts.

CHANGES IN EXPENDITURE IMPACTS BETWEEN THIS VERSION AND PREVIOUS BILL VERSION:

The primary change made between versions was the removal of the requirement for public water systems to seek and receive the most current information about the public health impacts of community water fluoridation from the department and its local health jurisdictions 90 days before a vote or decision. This change would reduce expenditures for water systems by reducing the amount of work hours required to meet the requirements of the bill.

EXPENDITURE IMPACTS OF CURRENT BILL:

This legislation would have an indeterminate expenditure impact on local governments. The only costs associated with this bill would be the costs associated with posting the required public notice. However, the costs associated with posting public notice are assumed to be minimal because most public water systems already post public notices and collecting the required public health information should not require much work time.

C. SUMMARY OF REVENUE IMPACTS

Revenue impacts of the legislation on local governments, with the revenue provisions identified by section number, and when appropriate, the detail of revenue sources. Delineated between city, county and special district impacts.

CHANGES IN REVENUE IMPACTS BETWEEN THIS VERSION AND PREVIOUS BILL VERSION:

There were no changes made which would change the revenue impacts on local government

REVENUE IMPACTS OF CURRENT BILL:

This bill would not impact local government revenues.

Sources:

Local Government Fiscal Note, HB 1251, (2023)

House Bill Report, ES HB1251, Local Government Committee