

HOUSE BILL REPORT

HB 2350

As Reported by House Committee On:
State Government Operations & Accountability

Title: An act relating to disclosure of energy infrastructure information.

Brief Description: Limiting the disclosure of energy infrastructure information.

Sponsors: Representatives Morris, Hudgins and B. Sullivan.

Brief History:

Committee Activity:

State Government Operations & Accountability: 1/11/06, 2/1/06 [DPS].

Brief Summary of Substitute Bill

- Exempts from public records disclosure information pertaining to energy infrastructure.

HOUSE COMMITTEE ON STATE GOVERNMENT OPERATIONS & ACCOUNTABILITY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives Haigh, Chair; Green, Vice Chair; Clements, Assistant Ranking Minority Member; Hunt, McDermott and Miloscia.

Minority Report: Do not pass. Signed by 3 members: Representatives Nixon, Ranking Minority Member; Schindler and Sump.

Staff: Kasa Tupua (786-7291).

Background:

The Public Disclosure Act requires all state and local government agencies to make all public records available for public inspection and copying unless the records lie within specific statutory exemptions. The provisions that require public records disclosure must be interpreted liberally and the exceptions narrowly in order to effect a general policy that supports disclosure.

The Washington Utilities and Transportation Commission (WUTC) regulates the rates, services, and practices of privately owned utilities and transportation companies. In 2000, the Legislature passed the Pipeline Safety Act (PSA) which requires the WUTC to collect location information and maps of pipelines from hazardous liquid pipeline companies, and gas pipeline companies with interstate pipelines, commercial gas pipelines, or gas transmission pipelines.

Additionally, the PSA requires the WUTC to evaluate and consolidate the information and maps into a statewide geographic information system (GIS). The GIS is made available to one-number locator services, which are services through which a person may request field-marking of underground facilities.

Summary of Substitute Bill:

Pipeline information exempt from public disclosure is specified to include the location of the pipeline of natural gas, hazardous liquid pipelines, pipeline pressure regulators, compressor stations, metering facilities, taps, breakout tanks, cathodic protection test sites, or valves. This information continues to be exempt from public disclosure if an agency provides information to a pipeline operator, or shares pipeline information with another agency.

Information of the location of natural gas and hazardous liquid pipelines contained on maps or map images of no greater detail than a scale of 1:24,000 is not exempt from public disclosure.

Substitute Bill Compared to Original Bill:

The substitute bill exempts from public disclosure specific information that reveals the location of the pipeline of natural gas, hazardous liquid pipelines, pipeline pressure regulators, and other facilities and equipment. The information continues to be exempt from public disclosure if an agency provides information to a pipeline operator, or shares pipeline information with another agency.

Additionally, information of the location of natural gas and hazardous liquid pipelines contained on maps or map images of no greater detail than a scale of 1:24,000 is not exempt from public disclosure.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed, except section 2 which reinstates prior law related to limiting the disclosure of energy infrastructure information after a scheduled expiration and takes effect July 1, 2006.

Testimony For: (In support) The Legislature should enact provisions that impose reasonable limitations and controls regarding universal public access to sensitive information pertaining to energy infrastructure. Information in the wrong hands could lead to significant damage to critical energy infrastructure serving the northwest. Similar data is exempt from public access on the federal level.

(With concerns) Provisions in the Public Records Act are amended to create a new exemption for pipeline map information created or obtained by the Washington Utilities and

Transportation Commission. While public access to pipeline information is necessary for public safety, limits on the release of the digital geographic information of energy infrastructure may be appropriate.

The language in the bill does not clarify whether basic map information is made available to the public, and other agencies such as the Department of Health's water division, Emergency Management Division of the Military Department, and the Department of Ecology Spill Prevention and Response Division may need access to more specific geographic data.

Testimony Against: Information necessary to public safety is limited. Allow the public to decide what information is necessary for their safety. The language in the bill is not clear, such that what specifically is being exempted is not defined, along with certain terms, such as a GIS or selected attributes. The bill as written, is not acceptable.

Persons Testifying: (In support) Representative Morris, prime sponsor; Dan Kirschner, North West Gas Association; Dan Coyne, Williams Gas Pipeline Company; and Brad Tower, Olympic Pipeline Company.

(With Concerns) Dave Danner, Washington Utilities & Transportation Commission.

(Opposed) Katie Hansen, Citizens Committee for Pipeline Safety; Carl Weimer, Pipeline Safety Trust; Leo Bowman, Benton County; and Rowland Thompson, Allied Daily Newspapers of Washington.

Persons Signed In To Testify But Not Testifying: None.