

SENATE BILL REPORT

SHB 2642

AS REPORTED BY COMMITTEE ON LABOR & COMMERCE, FEBRUARY 25, 1994

Brief Description: Modifying fireworks enforcement protection services.

SPONSORS: House Committee on Commerce & Labor (originally sponsored by Representatives Heavey and Lisk; by request of Department of Community Development)

HOUSE COMMITTEE ON COMMERCE & LABOR

SENATE COMMITTEE ON LABOR & COMMERCE

Majority Report: Do pass.

Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Deccio, Fraser, McAuliffe, Pelz, Prince, Sellar, Sutherland, Vognild and Wojahn.

Staff: Patrick Woods (786-7430)

Hearing Dates: February 22, 1994; February 25, 1994

BACKGROUND:

In 1993, legislation was enacted merging the Department of Community Development and the Department of Trade and Economic Development into the Department of Community, Trade, and Economic Development. The director of fire protection is within the Department of Community Development and is responsible for enforcement of the fireworks code.

In the fireworks code, the definition of "special effects" covers effects that are a necessary part of a motion picture, radio or television production, theatrical, or opera. It is not clear whether fireworks at sporting events are covered. The word "city," as used in the code, is not defined.

There is some dispute over whether a fire protection district has the authority to deny a permit when a city government or a county government has already issued a permit.

Any applicant who has been denied a license is entitled to a hearing in accordance with the Administrative Procedure Act.

The department may seize and dispose of illegal fireworks, but must provide an opportunity for a hearing. Disposal may include sale to a fireworks wholesaler.

SUMMARY:

References to the Department of Community Development are changed to the Department of Community, Trade, and Economic Development.

The definition of "special effects" is amended to cover effects that are an integral part of a motion picture, radio or television production, or live entertainment. "City" is defined as any city or town.

All provisions in the fireworks code referring to the regulatory and permitting authority of local fire protection districts are stricken.

License application requirements are clarified. An applicant who has been denied a license is still entitled to a hearing, unless the denial was based on the failure to apply on time.

Illegal fireworks may be seized by the department or by state agencies or local governments having general law enforcement authority. The agency that seizes illegal fireworks is allowed to sell them to manufacturers who are authorized to possess and use them. In the event of a seizure of illegal fireworks by a law enforcement agency, the law enforcement agency must follow the same hearing procedures required of the department.

A statement is included in the fireworks code providing that the inclusion in this chapter of criminal penalties does not preclude enforcement through civil means.

The firearms and dangerous weapons provisions in Washington's statutory law are amended to provide that nothing in that chapter prohibits the possession, sale, or use of fireworks when possessed, sold, or used in compliance with the fireworks code.

Other technical changes are made to the fireworks code.

Appropriation: none

Revenue: none

Fiscal Note: available

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

TESTIMONY FOR:

The bill will provide the new Department of Community, Trade, and Economic Development and local governments with the necessary administrative authority to enforce the fireworks statutes. The removal of fire protection districts from under the Fireworks Chapter will streamline the existing fireworks permitting and general regulatory process.

TESTIMONY AGAINST: None

TESTIFIED: Jean Ameluxen, Dept. of Community Development (pro);
Wayne Ehlers, WIDA (pro); Dawn Vyvyan, Salish Fireworks (pro);
Jerald Farley, WA Independence Day Assn. (pro)