

VETO MESSAGE ON SB 5970-S

April 23, 1997

To the Honorable President and Members,
The Senate of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 2, 3, 7, 15, 17, 19 and 24, Engrossed Substitute Senate Bill No. 5970 entitled:

"AN ACT Relating to expanding days of sale while not changing days of use of common fireworks and clarifying other provisions of the existing state fireworks law;"

Engrossed Substitute Senate Bill No. 5970 makes both substantive changes and technical corrections to the state fireworks law.

Section 2 and 3 of the bill, respectively, would make state licenses and locally issued permits freely transferable. When a limited number of permits or licenses exist, free transferability could result in all permits or licenses being controlled by a single entity or small group.

Section 7 would create a mandatory minimum penalty of not less than 30 days in jail and a fine of not less than \$5,000 for knowingly manufacturing, importing, transporting, storing, selling, or possessing with intent to sell as fireworks, explosives that are not fireworks. It would also reduce that crime from a class C felony to a gross misdemeanor; such a reduction is inappropriate. The mandatory minimum sentence prescribed in section 7 is inconsistent with our established sentencing guidelines and is unnecessary.

Section 15 of the bill is unnecessary after sections 2 and 3 have been vetoed.

Section 17 of the bill lengthens period during which fireworks may be sold. While the bill does not extend the period during which fireworks may be legally used, use would be extremely difficult to control during the extended sales period.

Section 24 of the bill would limit the fees that a city or county may charge for all fireworks sales authorizations to a total of \$100 per year, and for fireworks display permits to \$100 each. It also would specifically prohibit cities and counties from charging for the costs of business licenses, environmental impacts, inspections, and traffic and crowd control. I believe that local governments should not be prevented from recouping the reasonable costs they incur in allowing fireworks sales and displays.

For these reasons, I have vetoed sections 2, 3, 7, 15, 17, 19 and 24 of Engrossed Substitute Senate Bill No. 5970.

With the exception of sections 2, 3, 7, 15, 17, 19 and 24, I am approving Engrossed Substitute Senate Bill No. 5970.

Respectfully submitted,
Gary Locke
Governor