

HOUSE BILL REPORT

HB 2672

As Reported by House Committee On:
Commerce & Labor

Title: An act relating to local fireworks ordinances.

Brief Description: Concerning the effective date of local fireworks ordinances.

Sponsors: Representatives Moeller, Santos, Cox, Chase, Condotta and Lovick.

Brief History:

Committee Activity:

Commerce & Labor: 2/2/04, 2/5/04 [DPS].

Brief Summary of Substitute Bill

- Directs the State Fire Marshal to convene a task force of local fire officials and fireworks industry representatives to make a recommendation to the Legislature by December 1, 2004, regarding whether local governments should be able, when adopting ordinances stricter than state law, to have these ordinances become effective earlier than one year after adoption.

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives Conway, Chair; Wood, Vice Chair; Condotta, Assistant Ranking Minority Member; Hudgins, Kenney and McCoy.

Minority Report: Do not pass. Signed by 3 members: Representatives McMorris, Ranking Minority Member; Crouse and Holmquist.

Staff: Susan Kavanaugh (786-7106).

Background:

Under Washington law, fireworks for use by individual consumers may be sold and used around the Independence Day holiday from June 28 through July 5. They may also be sold from December 27 through December 31, but discharged only on New Year's Eve night. The State Fire Marshal publishes, each year, a listing of types of fireworks legal under state law.

Counties and cities may enact ordinances that are more stringent than Washington law in three areas only; they may:

- ban fireworks entirely;

- further restrict the days fireworks can be sold or used; or
- further restrict the types of fireworks that can be sold or used.

Local government fireworks regulations more restrictive than Washington laws may go into effect no sooner than one year after adoption.

City or county governments in 25 Washington counties either restrict or ban consumer fireworks.

Summary of Substitute Bill:

The State Fire Marshal is directed to convene a task force of local fire officials and fireworks industry representatives to make a recommendation to the Legislature by December 1, 2004, regarding whether local governments should be able to have fireworks restrictions they adopt go into effect with a delay of less than one year.

Substitute Bill Compared to Original Bill:

The period before a fireworks ordinance, more restrictive than state law, adopted by a county or city, may go into effect is not reduced from one year to six months.

The State Fire Marshal is directed to convene a task force to make a recommendation to the Legislature on the topic of reducing the minimum delay in effective date for local fireworks ordinances.

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.

Testimony For: It typically takes a local jurisdiction six to 12 months to go through the process of adopting a local fireworks ordinance. With the one year delay in effective date, it means it takes 18 to 24 months to put a local law in place. By reducing the delay in effective date to six months, this period is reduced to 12 to 18 months, a more reasonable period for dealing with local circumstances.

Testimony Against: Fireworks wholesaling and retailing is an unusual business, in that money is made from selling just a few days a year. The reason for the one year delay in effective date for local ordinances is that these businesses make their purchasing decisions 10 to 12 months in advance. The companies are hanging on by a thread. A few years ago, fireworks regulations were changed with less than a year's notice, and a company went bankrupt. The Fire Marshal's Association did not talk to the industry about this proposal.

Persons Testifying: (In support) Steve Swarhout, Washington State Association of Fire Marshals.

(Opposed) Jerry Farley, Independence Day Association.

Persons Signed In To Testify But Not Testifying: None.