

HOUSE BILL REPORT

HB 2774

As Reported by House Committee On:
State Government, Elections & Information Technology

Title: An act relating to exempting information relating to the regulation of explosives from public disclosure.

Brief Description: Exempting information relating to the regulation of explosives from public disclosure.

Sponsors: Representatives Condotta and Steele.

Brief History:

Committee Activity:

State Government, Elections & Information Technology: 1/26/18, 2/2/18 [DPS].

Brief Summary of Substitute Bill

- Exempts records obtained and reports submitted under the Washington State Explosives Act (Explosives Act) from the requirements of the Public Records Act (PRA).
- Clarifies that information related to the regulatory duties or actions of a state agency are not part of the Explosives Act exemption from the PRA.
- Requires the Public Records Exemption Accountability Committee to submit a report to the Legislature by December 1, 2022, making recommendations on whether the Explosives Act exemption from the PRA should continue.

HOUSE COMMITTEE ON STATE GOVERNMENT, ELECTIONS & INFORMATION TECHNOLOGY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Hudgins, Chair; Dolan, Vice Chair; McDonald, Ranking Minority Member; Kraft, Assistant Ranking Minority Member; Appleton, Gregerson, Irwin and Pellicciotti.

Staff: Travis Yonker (786-7383).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Background:

The Washington State Explosives Act (Explosives Act) regulates activities related to explosives and blasting agents, including the manufacturing, possession, storage, sale, purchase, transport, and use of such explosives and blasting agents. As part of the Explosives Act, certain records and reports are required to be generated, including various licenses, records of inspections, and records of seizure, forfeiture, and theft of explosives and blasting agents.

The State Fireworks Law (Fireworks Law) regulates activities related to fireworks, including the manufacturing, possession, storage, sale, purchase, transport and use of such fireworks. As part of the Fireworks Law, certain records and reports are required to be generated, including various licenses and permits, records of inspections, seizures, and forfeiture of fireworks.

The Public Records Act (PRA) ensures that public records in the custody of the state government, or its political subdivisions, are available for public inspection and copying. The PRA contains a number of exemptions, including an exemption for records and reports produced as required by the Fireworks Law. Records and reports produced related to the Explosives Act are subject to the PRA.

Summary of Substitute Bill:

All records obtained and reports submitted under the Explosives Act are exempt from disclosure under the PRA. However, this exemption does not extend to information related to the regulatory duties or actions of any state agency.

By December 1, 2022, the Public Records Exemptions Accountability Committee (Committee) must prepare and submit a report to the Legislature that includes recommendations on whether the exemption of records and reports under the Explosives Act should continue, be modified, or be terminated. If no action is taken by either the Committee or the Legislature, the exemption will continue.

Substitute Bill Compared to Original Bill:

The substitute bill clarifies that the Explosives Act exemption from the PRA applies to records obtained and reports submitted under the Explosives Act, but does not extend to information related to the regulatory duties or actions of a state agency. The substitute bill also requires the Committee to submit a report to the Legislature by December 1, 2022, making recommendations on whether the Explosives Act exemption from the PRA should continue.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on February 4, 2018.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) It makes sense that the location of explosives could be dangerous information to have available to the public. This information could lead to security vulnerability, terrorist activity, public safety concerns, and concerns rising to the level of national security. This bill gives an added layer of protection and helps weed out people with a malicious intent from obtaining this information. The Fireworks Law is already exempt from the PRA, so the location of a firework display magazine is protected, but not a magazine of explosives.

(Opposed) None.

(Other) There should be an amendment to clarify that the protected information is only the information obtained from an explosives licensee. That way the public still has access to hold an agency accountable to adequately complete its duties, while still protecting the location of explosives.

Persons Testifying: (In support) Representative Condotta, prime sponsor; Jon Andrews, International Society of Explosives Engineers; and Jerald Farley, American Promotional Events.

(Other) Rowland Thompson, Allied Daily Newspapers of Washington.

Persons Signed In To Testify But Not Testifying: None.