

HOUSE BILL REPORT

HB 1673

As Passed House:
March 11, 2019

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 Steele, Eslick, Goehner and Riccelli.

Brief History:

Committee Activity:

State Government & Tribal Relations: 2/15/19, 2/20/19 [DP].

Floor Activity:

Passed House: 3/11/19, 97-1.

Brief Summary of Bill

- Exempts records obtained and reports submitted under the Washington State Explosives Act from public disclosure under the Public Records Act.
- Requires the Sunshine Committee to evaluate by December 1, 2023, whether this exemption should be continued.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL RELATIONS

Majority Report: Do pass. Signed by 9 members: Representatives Gregerson, Chair; Pellicciotti, Vice Chair; Walsh, Ranking Minority Member; Goehner, Assistant Ranking Minority Member; Appleton, Dolan, Hudgins, Mosbrucker and Smith.

Staff: Jason Zolle (786-7124).

Background:

The Washington State Explosives Act (Explosives Act) regulates activities related to explosives and blasting agents, including their manufacture, possession, storage, sale, purchase, transport, and use. The Explosives Act requires the creation of certain records and

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reports. For instance, those wishing to manufacture, store, deal, or purchase explosives must submit an application for a license to the Department of Labor and Industries detailing the location of and reason for wanting to work with explosives, among other things. Explosives dealers must also file a report of interstate sales. Fingerprinting and criminal history record checks are required of anyone seeking a license to work with explosives. Records are also created when law enforcement seizes and initiates forfeiture proceedings against those possessing, selling, or using explosives in violation of the law.

The Public Records Act (PRA) generally requires state and local agencies to make many government records available to the public upon request. There are, however, over 500 statutory exemptions for certain records or information contained in records.

Washington created the Public Records Exemption Accountability Committee, known as the Sunshine Committee, in 2007 to review these exemptions from public disclosure and provide recommendations as to whether exemptions should be continued, modified, or terminated. The Sunshine Committee meets in public and considers input from interested parties. By November 15 of each year, it provides a report to the Legislature with its annual recommendations.

Summary of Bill:

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

By December 1, 2023, the Sunshine Committee must submit a report to the Legislature recommending whether the exemption for Explosives Act records should continue, be modified, or be terminated.

Appropriation: None.

Fiscal Note: Not requested.

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

Staff Summary of Public Testimony:

(In support) The public should not know the whereabouts of explosives. This bill protects those who work in avalanche control or work with fireworks; they are legitimate companies that are required to tell the government where their explosives are stored. This bill adds a layer of safety and security to the public and the nation.

(Opposed) None.

(Other) People might want to know if they live in proximity to explosives. Realtors are supposed to disclose when a house is located near a hazard. Usually, if directing the

Sunshine Committee to review an exemption, the exemption has a sunset date, which ensures that the Committee's review is meaningful.

Persons Testifying: (In support) Representative Steele, prime sponsor; and Jon Andrews, Pacific Northwest Chapter of the International Society of Explosives Engineers.

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

Persons Signed In To Testify But Not Testifying: None.