

SENATE BILL REPORT

HB 1673

As Passed Senate, April 10, 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: Passed House: 3/11/19, 97-1.

Committee Activity: State Government, Tribal Relations & Elections: 3/22/19, 3/27/19 [DP].

Floor Activity:

Passed Senate: 4/10/19, 46-1.

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 recommend to the Legislature by December 1, 2023, whether the exemption should continue, be modified, or be terminated.

SENATE COMMITTEE ON STATE GOVERNMENT, TRIBAL RELATIONS & ELECTIONS

Majority Report: Do pass.

Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Zeiger, Ranking Member; Bailey, Hasegawa, Hawkins and Takko.

Staff: Jarrett Sacks (786-7448)

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, including reports by manufacturers

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of explosives, persons engaged in storing explosives, and explosives dealers. Some reports under the Explosives Act contain information relating to the location and types of explosives and the distance of the explosives from railroads, highways, utilities, and other buildings.

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, including various licenses and permits, records of inspections, and records of seizure and forfeiture of fireworks.

The Public Records Act (PRA) requires state and local agencies to disclose requested written records to the public for inspection and copying upon request, unless the information fits into one of the various specific exemptions under the PRA or as otherwise provided in law. The PRA contains a number of exemptions, including an exemption for records and reports produced as required by the Fireworks Law.

The Public Records Exemption Accountability Committee (Sunshine Committee) was formed in 2007 to provide annual recommendations to the Legislature on whether existing exemptions to the PRA should be continued, modified, or terminated.

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: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Current law allows access to magazine locations and private information of private citizens who work as blasters, which compromises public safety and the security of the private individuals. The bill preserves the safety of the first responders because they still have access to the information. The information is not accessible in other states.

OTHER: The bill does not impact the regulatory entities like the local fire departments and withholding the locations of the magazines is probably a good idea.

Persons Testifying: PRO: Jon Andrews, Stevens Pass Mt. Resort; Jerry Wallace, Wallace Technical Blasting, Inc.

OTHER: Rowland Thompson, Allied Daily Newspapers of Washington; Michael Brunson, citizen.

Persons Signed In To Testify But Not Testifying: No one.