

PUBLIC RECORDS EXEMPTIONS ACCOUNTABILITY COMMITTEE

"SUNSHINE COMMITTEE"

PO Box 40100 • Olympia, WA 98504 • 360-753-6200 • www.atg.wa.gov/sunshine-committee

November 28, 2023

The Honorable Andy Billig
307 Legislative Building
P.O. Box 40403
Olympia, WA 98504

The Honorable John Braun
314 Legislative Building
P.O. Box 40420
Olympia, WA 98504

The Honorable Laurie Jenkins
339C Legislative Building
P.O. Box 40600
Olympia, WA 98504

The Honorable J.T. Wilcox
335C Legislative Building
P.O. Box 40600
Olympia, WA 98504

RE: Explosives Exemption Report per RCW 42.56.460(2)

Greetings:

In 2019, the Washington State Legislature amended RCW 42.56.460 to add a new section - (2) - creating an exemption from public disclosure for "[a]ll records obtained and all reports submitted as required by the Washington state explosives act, chapter 70.74 RCW. . . ." At the same time, the Legislature added a new statute, RCW 42.56.655, which requires the Washington State Public Records Exemptions Accountability Committee (Sunshine Committee) to "prepare and submit a report to the Legislature by December 1, 2023, that includes recommendations on whether the exemption created in RCW 42.56.460(2) should be continued, modified, or terminated."

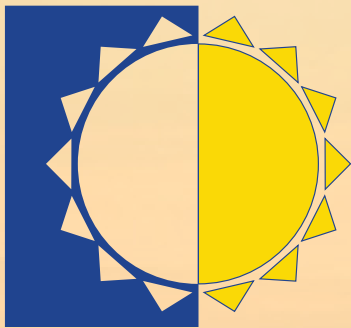
The statute goes on to state that "[n]o recommendations or action from the committee or the legislature will result in the continuation of the exemption created in RCW 42.56.460(2)." The members of the Committee were uncertain of the meaning of this language, but decided it was not pertinent to our analysis of the exemption.

This letter is intended to fulfill the Committee's obligations per RCW 42.56.655.

The Committee discussed the exemption at each of its meetings in 2023. A representative of the Department of Labor and Industries (L&I) attended one of the meetings to provide information and take questions from the Committee members. L&I supports maintaining the exemption because of concerns that making the exempted information subject to public disclosure raises the risk of individuals obtaining information about the location and storage of explosives for improper purposes which could endanger the public. No member of the public provided input or indicated an interest in providing input on this exemption.

Committee Members

Linda Krese (Chair)
Rowland Thompson (Vice Chair)
Rep. Larry Springer (D)
Sen. Sam Hunt (D)
Rep. Jenny Graham (R)
Sen. Jeff Wilson (R)
Lynn Kessler
Jennifer Steele
Ann Marie Soto
David Zeeck
Melissa Luck
Tricia Smith



RECOMMENDATION:

The Sunshine Committee voted unanimously to recommend continuing the exemption in RCW 42.56.460(2) without modification.

Respectfully submitted,

A handwritten signature in black ink, reading "Linda C Krese". The signature is written in a cursive, flowing style.

LINDA C. KRESE, Chair
Washington State Public Records
Exemptions Accountability Committee

LCK/bn

cc: The Honorable Jay Inslee
The Honorable Bob Ferguson
Pat McCarthy, Washington State Auditor's Office
Tammy Fellin, Washington State Department of Labor and
Industries
Washington State Public Records Exemptions Accountability
Committee Members