

---

**Select Committee on Community  
Security Committee**

---

**HB 2646**

**Brief Description:** Exempting certain documents from public inspection and copying.

**Sponsors:** Representatives O'Brien, Ballasiotes, Kirby, Fisher, Jarrett, Schmidt, Edwards, Haigh and Lisk.

**Brief Summary of Bill**

- Exempts from public disclosure certain documents related to vital public services when a reasonable potential exists for the information to be of material aid to a person planning or intending sabotage interruption or damage to these services or to use the information to commit a criminal act.

**Hearing Date:** 2/5/02

**Staff:** Caroleen Dineen (786-7156).

**Background:**

The State Explosives Act (Explosives Act) defines "terrorist act" as an act that is intended to:

- intimidate or coerce a civilian population;
- influence the policy of a branch or level of government by intimidation or coercion;
- affect the conduct of a branch of government by intimidation or coercion; or
- retaliate against a branch or level of government for a policy or conduct of the government.

The Public Disclosure Act (PDA) requires agencies to make available for public inspection and copying all public records, unless the information falls within a specific exemption. The PDA is liberally construed, and its exemptions narrowly construed, to promote a public policy of keeping the public informed. The current exemptions are specific and focus generally on issues of personal privacy, personal safety, or vital governmental interests.

In 2001 the PDA was amended to exempt from public disclosure those portions of records containing specific and unique vulnerability assessments and specific and unique response

plans intended to prevent or mitigate criminal terrorist acts, the disclosure of which would have a substantial likelihood of threatening public safety. The 2001 amendment references the definition of "terrorist act" in the Explosives Act.

**Summary of Bill:**

Exempt from public disclosure are site plans, technical information, information contained in emergency preparedness plans, including engineering diagrams and drawings, equipment operating manuals, procedures and instructions relating to the use, location, and function of equipment that is vital to the continued functioning of essential public services, and procedures and instructions relating to planned service interruptions. This exemption applies where there is a reasonable potential that the information would be of material aid to a person planning or intending sabotage interruption or damage to vital public services, or planning or intending to use the information in the commission of a criminal act.

"Vital public services" is defined to include utility services (electric, natural gas, water, and sewer), transportation, communications, police, fire fighting, and other government services or facilities that are necessary to the public in the conduct of their daily lives and employment.

**Appropriation:** None.

**Fiscal Note:** Not Requested.

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