

# SENATE BILL REPORT

## HB 2307

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As Passed Senate, March 2, 2018

**Title:** An act relating to requiring confidentiality in the release of sensitive fish and wildlife data.

**Brief Description:** Requiring confidentiality in the release of sensitive fish and wildlife data.

**Sponsors:** Representatives Van Werven and Young.

**Brief History:** Passed House: 2/14/18, 98-0.

**Committee Activity:** Agriculture, Water, Natural Resources & Parks: 2/19/18, 2/22/18 [DP].

**Floor Activity:**

Passed Senate: 3/02/18, 48-0.

### Brief Summary of Bill

- Requires that release of sensitive fish and wildlife data be subject to a confidentiality agreement.

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## SENATE COMMITTEE ON AGRICULTURE, WATER, NATURAL RESOURCES & PARKS

**Majority Report:** Do pass.

Signed by Senators Van De Wege, Chair; McCoy, Vice Chair; Warnick, Ranking Member; Honeyford and Nelson.

**Staff:** Karen Epps (786-7424)

**Background:** The Public Records Act (PRA), enacted in 1972 as part of Initiative 276, requires that all state and local government agencies make all public records available for public inspection and copying unless certain statutory exemptions apply. Over 500 specific references in the PRA or other statutes remove certain information from application of the PRA, provide exceptions to the public disclosure and copying of certain information, or designate certain information as confidential. The provisions requiring public records disclosure must be interpreted liberally while the exemptions are interpreted narrowly to effectuate the general policy favoring disclosure.

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*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.*

The PRA exempts certain sensitive fish and wildlife data that is collected and shared by the Washington Department of Fish and Wildlife (DFW) for research and management purposes. Sensitive fish and wildlife data generally includes location data or nesting sites of endangered or threatened wildlife as designated by the Fish and Wildlife Commission or the DFW, or other location data that could compromise the viability of a certain fish or wildlife population. Sensitive fish and wildlife data does not include reported predatory wildlife interactions.

Release of sensitive fish and wildlife data may be subject to a confidentiality agreement. There is an exception for the release of sensitive fish and wildlife data to the owner, lessee, or right-of-way or easement holder of private land who initially provided the data.

**Summary of Bill:** Release of sensitive fish and wildlife data must, instead of may, be subject to a confidentiality agreement. The exception for release of such data to the owner, lessee, or right-of-way or easement holder of private land who initially provided the data is maintained.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**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: Currently, the law says there may be a confidentiality agreement and this bill would change that to be there must be a confidentiality agreement. This bill adds protections for private citizens, fosters cooperation with DFW, and adds protection for wildlife. This bill builds on the work of the Legislature to protect ranchers that are being affected by wolf depredation and to protect DFW employees from having their personal data released. If passed, this bill would require DFW to have a confidentiality agreement in place with other agencies, public utilities, or educational institutions when sensitive fish and wildlife data is shared. This bill will protect forest landowners who share sensitive fish and wildlife information with DFW and be management partners in species recovery. By protecting this information, it avoids unwanted attention on those species if that information were disclosed, pressures on trespass, and business disadvantages for companies that may have those species on their land.

**Persons Testifying:** PRO: Representative Luanne Van Werven, Prime Sponsor; Jason Callahan, Washington Forest Protection Association; Cindy Alia, Citizens Alliance for Property Rights, and Cattle Producers of Washington; Tom Davis, Washington Farm Bureau; Nate Pamplin, DFW.

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