

# SENATE BILL REPORT

## ESHB 1996

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As Reported By Senate Committee On:  
Natural Resources, Parks & Shorelines, March 28, 2001

**Title:** An act relating to exemptions from public inspection of data obtained by the department of fish and wildlife.

**Brief Description:** Protecting certain data obtained by the department of fish and wildlife.

**Sponsors:** By House Committee on State Government (originally sponsored by Representatives Lambert and Haigh; by request of Department of Fish and Wildlife).

**Brief History:**

**Committee Activity:** Natural Resources, Parks & Shorelines: 3/28/01 [DPA].

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### SENATE COMMITTEE ON NATURAL RESOURCES, PARKS & SHORELINES

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**Majority Report:** Do pass as amended.

Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, Hargrove, Morton, Oke, Snyder and Stevens.

**Staff:** Ross Antipa (786-7413)

**Background:** The Public Disclosure Act (PDA) requires state agencies to make available public records for public inspection and reproduction, unless records fall within a specific exemption. To promote access and open government, the act is construed liberally. Exemptions to the PDA are defined and narrowly construed. Generally, exemptions extend only to sensitive personal, financial, or vital governmental interests. Data exempt from public disclosure and reproduction may still be released to governmental agencies to comply with state or federal law and programs. Commercial fishers, sensitive wildlife data and the identity of recreational license holders could be protected by limiting the public access of Department of Fish and Wildlife information.

**Summary of Amended Bill:** Exemptions to the PDA are created for commercial fishing catch, sensitive wildlife and some recreational and commercial license holder data.

Exempt commercial fishing data includes logbooks provided to the Department of Fish and Wildlife under RCW 77.12.047 when it contains specific catch information that would result in unfair competition from other fishers. Sensitive wildlife data could include specific locations of sensitive, threatened or endangered species. Personal information of recreational and commercial license holders except name, address, type of license is exempt from public disclosure. The Department of Fish and Wildlife may disclose identifying information to government agencies concerned with management of fish and wildlife and to implement RCW 77.32.014 (invalidating fish and wildlife tags for non-support of dependent children). The Department of Fish and Wildlife may also disclose information to the Department of Social and Health Services and the Department of Licensing in order to implement RCW 46.20.291

(suspended drivers license for non-support of dependent children) and RCW 9.41.040 (illegal possession of a firearm).

**Amended Bill Compared to Substitute Bill:** Commercial license holders are protected from public record requests in the same manner as recreational license holders in the substitute bill.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** Certain types of personal data, commercial fishing data and sensitive wildlife data should be exempt from public record requests in order to protect the license buyers and the fish and wildlife resource.

**Testimony Against:** None.

**Testified:** Bruce Crawford, WDFW (pro); Rep. Kathy Lambert (pro).