

HOUSE BILL REPORT

SB 5972

As Reported by House Committee On:
State Government & Tribal Relations

Title: An act relating to extending the expiration date of a statute dealing with wildlife conflict resolution.

Brief Description: Concerning extending the expiration date of a statute dealing with wildlife conflict resolution.

Sponsors: Senators Warnick and Van De Wege.

Brief History:

Committee Activity:

State Government & Tribal Relations: 2/21/22, 2/23/22 [DP].

Brief Summary of Bill

- Extends the expiration date for Public Records Act exemptions for certain personal identifying information of persons involved in preventative measures involving wolf interactions, as well as persons involved in reports of and responses to wolf depredations, from June 30, 2022, to June 30, 2027.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL RELATIONS

Majority Report: Do pass. Signed by 6 members: Representatives Valdez, Chair; Lekanoff, Vice Chair; Volz, Ranking Minority Member; Dolan, Graham and Gregerson.

Minority Report: Without recommendation. Signed by 1 member: Representative Walsh, Assistant Ranking Minority Member.

Staff: Jason Zolle (786-7124).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Background:

Wolves in Washington.

The gray wolf is native to Washington. The species was, however, eradicated from the state by the 1930s. Isolated reports of wolves in Washington began to trickle in starting in the 1990s, and in 2008 the state documented its first pack in many years, as wolves naturally migrated in from Canada. Gray wolves have been listed under the state Endangered Species Act since 1973 and are protected statewide. Federal protection for wolves in the eastern third of Washington was terminated in 2011.

The Washington Department of Fish and Wildlife (WDFW) is responsible for protecting endangered species. Accordingly, the WDFW has adopted a gray wolf conservation and management plan to promote wolf recovery and minimize conflict with livestock. The plan includes preventative measures to control wolf depredation, including both nonlethal and lethal actions. The WDFW monitors wolf activity in the state and must publish on its website all reported interactions with wolves, including depredations on pets and livestock.

The Public Records Act and Exemptions Related to Wolves.

The Public Records Act (PRA) generally requires state and local governmental entities to make many government records available to the public upon request. There are, however, over 500 statutory exemptions for certain records or information contained in records.

The state enacted legislation in 2017 to add exemptions to public disclosure for certain information related to wolves in Washington. These exemptions are for the personal identifying information of:

- a person who has a damage prevention cooperative agreement with the WDFW or has deployed nonlethal, preventative measures to avoid conflicts with wolves;
- a person who reports a wolf depredation of a pet or livestock, and a person whose pet or livestock was the subject of the depredation; and
- a WDFW employee or contractor who responds to a depredation or assists in the lethal removal of a wolf.

The legal description or location of the property of any of the people above is also exempt from disclosure. These categories of wolf-related information are exempted from the WDFW's mandate to post online the details of all reported interactions with wolves.

These wolf-related exemptions expire June 30, 2022.

The Sunshine Committee.

The Public Records Exemption Accountability Committee, known as the Sunshine Committee, periodically reviews these exemptions and provides recommendations as to whether specific exemptions should be continued, modified, or terminated. The Sunshine Committee meets in public and considers input from interested parties. By November 15 of each year, the Sunshine Committee provides a report to the Governor, the Attorney General,

and the Legislature with its annual recommendations.

In a December 2021 special report to the Legislature, the Sunshine Committee made recommendations as to whether the wolf-related PRA exemptions should be extended. The Sunshine Committee recommended continuing the exemptions for people who enter into damage prevention agreements with the WDFW and for people who report a wolf depredation. The Sunshine Committee recommended expiring the exemptions for the WDFW employees or contractors who respond to a depredation or assist in the lethal removal of a wolf. The Sunshine Committee further recommended that if any of the exemptions are extended, they should be reviewed again in four years.

Summary of Bill:

The expiration date for all of the wolf-related PRA exemptions enacted in 2017 is extended from June 30, 2022, to June 30, 2027.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This is an important bill for anyone who may have an interaction with wolves and would need the help of WDFW officers to help resolve issues. Extending all of the existing PRA exemptions will help protect the anonymity of both producers and staff. There were WDFW staff members who experienced threats five years ago and no one should have to go through that in their job. Line employees should not be the face of the agency. The presence of wolves is an emotionally charged issue. Although the bill was introduced later in the process, it still followed all of the timelines.

(Opposed) None.

(Other) The Legislature specifically tasked the Sunshine Committee with providing advice about these wolf-related PRA exemptions, and the Sunshine Committee put in significant effort over four years. The Sunshine Committee was created by the Legislature to advise the Legislature, but this bill ignores the Sunshine Committee's recommendation to let the exemption for WDFW employees expire. This is not radical advice; all other public employees like police officers and judges do not get any special protections, even if their

work can cause strong emotions in people. There has been no evidence of threats and harassment against WDFW employees, just harsh public comment, which is generally protected speech. This issue has quieted down since five years ago. Also, there are concerns about the transparency of the process with this bill. It was introduced, heard, and voted out of committee in the same day just before policy cutoff in the Senate, and it was referred to this committee in the House late as well.

Persons Testifying: (In support) Senator Judy Warnick, prime sponsor; Tom Davis, Washington Farm Bureau; Ashley House, Washington Cattlemen's Association; and Tom McBride, Washington Department of Fish and Wildlife.

(Other) Katherine George and Rowland Thompson, Sunshine Committee; and Linda Krese, Washington State Public Records Exemptions Accountability Committee.

Persons Signed In To Testify But Not Testifying: None.