

## **HB 2841 STAFF MEASURE SUMMARY**

### **House Committee On Natural Resources**

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**Prepared By:** Kailey Kornhauser, LPRO Analyst

**Meeting Dates:** 3/7

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#### **WHAT THE MEASURE DOES:**

Exempts specific Department of Fish and Wildlife (Department) information from disclosure unless public interest requires disclosure in the particular instance (ORS 192.345). Allows Department to refuse disclosure of information relevant to Department ability to manage or protect described fish or wildlife species or individual members or populations of species.

Allows Department to refuse disclosure of information regarding species that are: sensitive, threatened, or endangered; proposed to be listed as threatened or endangered; or subject to specific monitoring. Allows Department to refuse to disclose species specific information about: location of individual members or populations, locations used by individual members or populations, or tracking and monitoring equipment or methods. Allows Department to refuse disclosure of information about a species, individual member of species, or populations of species if information is: unpublished results of research, monitoring, or evaluation; voluntarily provided by private land owner; capable of comprising viability of species due to value of species; history of harm to species; or a known demand for visiting, taking or disturbing species; or if the species has a limited distribution and concentration. Allows Department to disclose information to: federal government, a public body, public utility, credited college or university; tribal governments; owners, lessees of rights-of-way, or easement holders for private lands which information pertains; and resource management partners and stakeholders. Requires Department obtain signature of the recipient of the information in agreement to maintain confidentially.

Makes disclosure criteria and public record law exemption retroactive to September 1, 2018. Validates Department nondisclosures of information since September 1, 2018.

*Fiscal: May have fiscal impact, no statement yet issued*

*Revenue: May have revenue impact, no statement yet issued*

#### **ISSUES DISCUSSED:**

##### **EFFECT OF AMENDMENT:**

No amendment.

##### **BACKGROUND:**

The Oregon Department of Fish and Wildlife (Department) may currently refuse disclosure of information regarding the habitat, location, or population of any threatened or endangered species, unless the public interest requires disclosure in the particular instance (ORS 192.345 (13)). Any person denied the right to inspect or to receive a copy of any public record of a state agency may petition the Attorney General to review the public record and to determine if it may be withheld from public inspection (ORS 192.411). The Department maintains a list of sensitive species, which are subject to a decline in number such that they may become eligible for listing on the state Threatened and Endangered Species List (OAR 635-100-0040).

House Bill 2841 would exempt specific Department information from disclosure, and allow the Department to refuse disclosure of information relevant to the Department's ability to manage or protect certain fish and wildlife species or individual members or populations of species.

PRELIMINARY