FILED FEB 27 1997

By David Counts

HB. No. 1808

A BILL TO BE ENTITLED

AN ACT

relating to the confidentiality of certain information obtained by the State Soil and Water Conservation Board or a soil and water conservation district.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 201, Agriculture Code, is amended by adding Section 201.006 to read as follows:

Sec. 201.006. CONFIDENTIALITY OF CERTAIN INFORMATION. (a) Except as provided by this section, information collected by the state board or a conservation district is not subject to Chapter 552, Government Code, and may not be disclosed if the information is collected in response to a specific request from a landowner or the landowner's agent or tenant for technical assistance relating to a water quality management plan or other conservation plan if the assistance is to be provided:

(1) under this code; and

(2) on private land that:

(A) is part of a conservation plan or water quality management plan developed cooperatively with the state board or conservation district; or

(B) is the subject of a report prepared by the state board or conservation district.

(b) The state board or a conservation district may disclose information regarding a tract of land to:

(1) the owner of the tract or the owner's agent or tenant; and

(2) a person other than the owner or the owner's agent or tenant if:

(A) the owner or the agent or tenant consents in writing to full or specified partial disclosure of the information; and

(B) the consent is attached to each plan or report regarding the tract prepared by the state board or conservation district.

(c) The state board or a conservation district may disclose, in a manner that prevents the identification of a particular tract of land, the owner of the tract, or the owner's agent or tenant, a summary of information collected by the state board or conservation district regarding:

(1) the number of acres of land that are in a particular conservation plan;

(2) the number of acres of land that are subject to a particular conservation practice; or

(3) other conservation program information.

(d) The state board or a conservation district shall provide a person with notice regarding this section at the time the person requests technical assistance from the state board or conservation district.

(e) The state board or a conservation district may disclose information to a law enforcement agency of this state or the United States in compliance with a subpoena for the information.

(f) The state board or a conservation district may disclose information relating to water quality complaints or compliance failures to the Texas Natural Resource Conservation Commission under Section 201.026.

(g) The state board or a conservation district may disclose to the attorney general information relating to a breach of contract.

(h) The state board or a conservation district may not be held liable for damage caused by a violation of this section.

(i) A reference in this section to the state board or a conservation district includes an officer, employee, or agent of the state board or conservation district.

SECTION 2. This Act takes effect September 1, 1997.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

75TH LEGISLATURE

COAUTHOR AUTHORIZATION
(please request your coauthors to sign this form in lieu of the front or the back of the original bill)

For chief clerk use only
Bill or Resolution Number: HB 1808

David Counts — signature of **primary** author

DAVID COUNTS — printed name of **primary** author

2-27-97 — Date

PERMISSION TO SIGN HB 1808 (bill or resolution #) HAS BEEN GIVEN TO **(check only one of the following)**:

✓ ALL REPRESENTATIVES

____ THE FOLLOWING REPRESENTATIVE(S): _____

I authorize the Chief Clerk to include my name as a coauthor of the legislation indicated above:

A2120 Alexander	Date	A2645 Cuellar	Date	A2935 Giddings	Date
A2115 Allen	Date	A2635 Culberson	Date	A2880 Glaze	Date
A2105 Alvarado	Date	A2670 Danburg	Date	A2985 Goodman	Date
A2135 Averitt	Date	A2675 Davila	Date	A2990 Goolsby	Date
A2160 Bailey	Date	A2625 Davis	Date	A3005 Gray	Date
A2200 Berlanga	Date	A2680 Delisi	Date	A3010 Greenberg	Date
A2250 Bonnen	Date	A3385 Denny	Date	A3020 Grusendorf	Date
A2275 Bosse	Date	A2705 Driver	Date	A3030 Gutierrez	Date
A2260 Brimer	Date	A2665 Dukes	Date	A3035 Haggerty	Date
A2255 Burnam	Date	A2660 Dunnam	Date	A2695 Hamric	Date
A2400 Carter	Date	A2650 Dutton	Date	A3170 Hartnett	Date
A2585 Chavez	Date	A2770 Edwards	Date	A3345 Hawley	Date
A2480 Chisum	Date	A2760 Ehrhardt	Date	A3180 Heflin	Date
A2525 Christian	Date	A2775 Eiland	Date	A3230 Hernandez	Date
A2520 Clark	Date	A2785 Elkins	Date	A3240 Hightower	Date
A2435 Coleman	Date	A2810 Farrar	Date	A3310 Hilbert	Date
A2565 Cook	Date	A2830 Finnell	Date	A3250 Hilderbran	Date
A2595 Corte	Date	A2840 Flores	Date	A3275 Hill	Date
A2600 Counts	Date	A2920 Gallego	Date	A3270 Hinojosa	Date
A2605 Crabb	Date	A2910 Galloway	Date	A3285 Hirschi	Date
A2610 Craddick	Date	A2930 Garcia	Date	A3305 Hochberg	Date

For chief clerk use only
Bill or Resolution Number: HB 1808

A3290 Hodge	Date	A3845 McReynolds	Date	A4435 Shields	Date
A3295 Holzheauser	Date	A3840 Merritt	Date	A4445 Siebert	Date
A3300 Horn	Date	A3850 Moffat	Date	A4525 Smith	Date
A3315 Howard	Date	A3860 Moreno	Date	A4530 Smithee	Date
A3355 Hunter	Date	A3865 Mowery	Date	A4550 Solis	Date
A3360 Hupp	Date	A3885 Naishtat	Date	A4505 Solomons	Date
A3375 Isett	Date	A3895 Nixon	Date	A4515 Staples	Date
A3380 Jackson	Date	A3875 Oakley	Date	A4510 Stiles	Date
A3415 Janek	Date	A3880 Oliveira	Date	A4570 Swinford	Date
A3405 Jones, Delwin	Date	A3886 Olivo	Date	A4585 Talton	Date
A3400 Jones, Jesse	Date	A4010 Palmer	Date	A4605 Telford	Date
A3440 Junell	Date	A4070 Patterson	Date	A4630 Thompson	Date
A3460 Kamel	Date	A4180 Pickett	Date	A4635 Tillery	Date
A3475 Keel	Date	A4185 Pitts	Date	A4640 Torres	Date
A3480 Keffer	Date	A4110 Place	Date	A2730 Turner, Bob	Date
A3465 King	Date	A4190 Price	Date	A4685 Turner, Sylvester	Date
A3485 Krusee	Date	A4200 Puente	Date	A4690 Uher	Date
A3490 Kubiak	Date	A4230 Rabuck	Date	A4720 Van de Putte	Date
A3450 Kuempel	Date	A4210 Ramsay	Date	A4990 Walker	Date
A3510 Laney	Date	A4240 Rangel	Date	A4995 West	Date
A3605 Lewis, Glenn	Date	A4235 Raymond	Date	A5035 Williams	Date
A3600 Lewis, Ron	Date	A4245 Reyna, Arthur	Date	A5010 Williamson	Date
A3615 Longoria	Date	A4236 Reyna, Elvira	Date	A5000 Wilson	Date
A3620 Luna,Vilma	Date	A4260 Rhodes	Date	A5020 Wise	Date
A3715 Madden	Date	A4315 Rodriguez	Date	A5015 Wohlgemuth	Date
A3750 Marchant	Date	A4320 Roman	Date	A4980 Wolens	Date
A2700 Maxey	Date	A4370 Sadler	Date	A5005 Woolley	Date
A3665 McCall	Date	A4420 Seaman	Date	A5025 Yarbrough	Date
A3650 McClendon	Date	A4460 Serna	Date	A5040 Zbranek	Date

HOUSE
COMMITTEE REPORT

1st Printing

97 MAR 19 PM 4:25
HOUSE OF REPRESENTATIVES

By Counts H.B. No. 1808

A BILL TO BE ENTITLED

AN ACT

relating to the confidentiality of certain information obtained by the State Soil and Water Conservation Board or a soil and water conservation district.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 201, Agriculture Code, is amended by adding Section 201.006 to read as follows:

Sec. 201.006. CONFIDENTIALITY OF CERTAIN INFORMATION. (a) Except as provided by this section, information collected by the state board or a conservation district is not subject to Chapter 552, Government Code, and may not be disclosed if the information is collected in response to a specific request from a landowner or the landowner's agent or tenant for technical assistance relating to a water quality management plan or other conservation plan if the assistance is to be provided:

(1) under this code; and

(2) on private land that:

(A) is part of a conservation plan or water quality management plan developed cooperatively with the state board or conservation district; or

(B) is the subject of a report prepared by the state board or conservation district.

(b) The state board or a conservation district may disclose information regarding a tract of land to:

(1) the owner of the tract or the owner's agent or tenant; and

(2) a person other than the owner or the owner's agent or tenant if:

(A) the owner or the agent or tenant consents in writing to full or specified partial disclosure of the information; and

(B) the consent is attached to each plan or report regarding the tract prepared by the state board or conservation district.

(c) The state board or a conservation district may disclose, in a manner that prevents the identification of a particular tract of land, the owner of the tract, or the owner's agent or tenant, a summary of information collected by the state board or conservation district regarding:

(1) the number of acres of land that are in a particular conservation plan;

(2) the number of acres of land that are subject to a particular conservation practice; or

(3) other conservation program information.

(d) The state board or a conservation district shall provide a person with notice regarding this section at the time the person requests technical assistance from the state board or conservation district.

(e) The state board or a conservation district may disclose information to a law enforcement agency of this state or the United States in compliance with a subpoena for the information.

(f) The state board or a conservation district may disclose information relating to water quality complaints or compliance failures to the Texas Natural Resource Conservation Commission under Section 201.026.

(g) The state board or a conservation district may disclose to the attorney general information relating to a breach of contract.

(h) The state board or a conservation district may not be held liable for damage caused by a violation of this section.

(i) A reference in this section to the state board or a conservation district includes an officer, employee, or agent of the state board or conservation district.

SECTION 2. This Act takes effect September 1, 1997.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

COMMITTEE REPORT

The Honorable James E. "Pete" Laney
Speaker of the House of Representatives

3-18-97
(date)

Sir:

We, your COMMITTEE ON AGRICULTURE AND LIVESTOCK

to whom was referred HB 1808 have had the same under consideration and beg to report back with the recommendation that it

(X) do pass, without amendment.
( ) do pass, with amendment(s).
( ) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

(X) yes ( ) no A fiscal note was requested.

( ) yes (X) no A criminal justice policy impact statement was requested.

( ) yes (X) no An equalized educational funding impact statement was requested.

( ) yes (X) no An actuarial analysis was requested.

( ) yes (X) no A water development policy impact statement was requested.

( ) yes (X) no A tax equity note was requested.

(X) The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor _____

Joint Sponsors: _____ / _____ / _____ / _____

Co-Sponsors: _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Patterson, Chair	X			
Swinford, Vice-chair	X			
Cook	X			
Flores	X			
Hupp				X
Oakley				X
Rabuck				X
Roman	X			
Turner, B.	X			

Total

6 aye
0 nay
0 present, not voting
3 absent

J P Patterson
CHAIR

BILL ANALYSIS

AGRICULTURE & LIVESTOCK
H.B. 1808
By: Counts
3-18-97
Committee Report (Unamended)

BACKGROUND

Water quality management plans or conservation plans are established by landowners and tenants in cooperation with the Texas State Soil and Water Conservation Board (state board) and/or local soil and water conservation districts (conservation districts). In an effort to conserve natural resources, these plans are voluntary and are established in a non-regulatory manner. There are instances where landowners or tenants are hesitant to enter into a water quality management plan or conservation plan due to their accessibility through the Open Records Act. This accessibility may lend to a sense of vulnerability concerning private property rights.

PURPOSE

This legislation would create Section 201.006, Agriculture Code, such that water quality management plans or conservation plans developed between land owners or tenants and the state board and/or local conservation district are not subject to the Open Records Act.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency or institution.

SECTION BY SECTION ANALYSIS

SECTION 1. Creates Section 201.006, Agriculture Code, which specifies as an exception to disclosure under the Open Records Act information collected by the state board or conservation district for a water quality management plan or other conservation plans. Specifies guidelines for the collection of information and to whom and how the information may be released. Establishes that the state board or conservation district, including officers, employees or agents, is not liable for damage caused by a violation of Section 201.006.

SECTION 2. Effective date: September 1, 1997.

SECTION 3. Emergency clause.

SUMMARY OF COMMITTEE ACTION

HB 1808

March 18, 1997 8:00AM
Considered in public hearing
Testimony taken in committee
Recommended to be sent to Local & Consent
Reported favorably without amendment(s)

WITNESS LIST

HB 1808
HOUSE COMMITTEE REPORT
Agriculture & Livestock Committee

March 18, 1997 - 8:00A

For:	Albrecht, Mr. Edward G. (TX Soil & Water Assoc.)
	Clark, Mr. Charles D. (TX Soil & Water Assoc.)
	Counts, Mr. David (Representative)
	Halbert, Mr. Wayne (himself)
	Lewis, Mr. Gib (Texas Wildlife Assoc.)
	Powers, Mr. Bill (Texas Farm Bureau)
	Small, Mr. Ed (TX & SW Cattle Raisers)
	Smith, Mr. John Earl (TX Soil & Water Assoc.)
On:	Buckley, Mr. Robert G. (TX Soil & Water Board)

3

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
75th Regular Session

March 14, 1997

To: Honorable Pete Patterson, Chair
Committee on Agriculture & Livestock
House
Austin, Texas

IN RE: House Bill No. 1808
By: Counts

From: John Keel, Director

In response to your request for a Fiscal Note on HB1808 (Relating to the confidentiality of certain information obtained by the State Soil and Water Conservation Board or a soil and water conservation district.) this office has determined the following:

Biennial Net Impact to General Revenue Funds by HB1808-As Introduced

No fiscal implication to the State is anticipated.

No fiscal implication to units of local government is anticipated.

Source: Agencies: 302 Office of the Attorney General
582 Natural Resources Conservation Commission
592 Soil and Water Conservation Board

LBB Staff: JK, BB, DM

HOUSE ENGROSSMENT

By Counts H.B. No. 1808

A BILL TO BE ENTITLED

AN ACT

relating to the confidentiality of certain information obtained by the State Soil and Water Conservation Board or a soil and water conservation district.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 201, Agriculture Code, is amended by adding Section 201.006 to read as follows:

Sec. 201.006. CONFIDENTIALITY OF CERTAIN INFORMATION. (a) Except as provided by this section, information collected by the state board or a conservation district is not subject to Chapter 552, Government Code, and may not be disclosed if the information is collected in response to a specific request from a landowner or the landowner's agent or tenant for technical assistance relating to a water quality management plan or other conservation plan if the assistance is to be provided:

(1) under this code; and

(2) on private land that:

(A) is part of a conservation plan or water quality management plan developed cooperatively with the state board or conservation district; or

(B) is the subject of a report prepared by the state board or conservation district.

(b) The state board or a conservation district may disclose information regarding a tract of land to:

(1) the owner of the tract or the owner's agent or tenant; and

(2) a person other than the owner or the owner's agent or tenant if:

(A) the owner or the agent or tenant consents in writing to full or specified partial disclosure of the information; and

(B) the consent is attached to each plan or report regarding the tract prepared by the state board or conservation district.

(c) The state board or a conservation district may disclose, in a manner that prevents the identification of a particular tract of land, the owner of the tract, or the owner's agent or tenant, a summary of information collected by the state board or conservation district regarding:

(1) the number of acres of land that are in a particular conservation plan;

(2) the number of acres of land that are subject to a particular conservation practice; or

(3) other conservation program information.

(d) The state board or a conservation district shall provide a person with notice regarding this section at the time the person requests technical assistance from the state board or conservation district.

(e) The state board or a conservation district may disclose information to a law enforcement agency of this state or the United States in compliance with a subpoena for the information.

(f) The state board or a conservation district may disclose information relating to water quality complaints or compliance failures to the Texas Natural Resource Conservation Commission under Section 201.026.

(g) The state board or a conservation district may disclose to the attorney general information relating to a breach of contract.

(h) The state board or a conservation district may not be held liable for damage caused by a violation of this section.

(i) A reference in this section to the state board or a conservation district includes an officer, employee, or agent of the state board or conservation district.

SECTION 2. This Act takes effect September 1, 1997.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

By: Counts (Senate Sponsor - Bivins) H.B. No. 1808

(In the Senate - Received from the House April 21, 1997; April 22, 1997, read first time and referred to Committee on State Affairs; May 6, 1997, reported favorably by the following vote: Yeas 13, Nays 0; May 6, 1997, sent to printer.)

A BILL TO BE ENTITLED
AN ACT

relating to the confidentiality of certain information obtained by the State Soil and Water Conservation Board or a soil and water conservation district.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 201, Agriculture Code, is amended by adding Section 201.006 to read as follows:

Sec. 201.006. CONFIDENTIALITY OF CERTAIN INFORMATION. (a) Except as provided by this section, information collected by the state board or a conservation district is not subject to Chapter 552, Government Code, and may not be disclosed if the information is collected in response to a specific request from a landowner or the landowner's agent or tenant for technical assistance relating to a water quality management plan or other conservation plan if the assistance is to be provided:

(1) under this code; and

(2) on private land that:

(A) is part of a conservation plan or water quality management plan developed cooperatively with the state board or conservation district; or

(B) is the subject of a report prepared by the state board or conservation district.

(b) The state board or a conservation district may disclose information regarding a tract of land to:

(1) the owner of the tract or the owner's agent or tenant; and

(2) a person other than the owner or the owner's agent or tenant if:

(A) the owner or the agent or tenant consents in writing to full or specified partial disclosure of the information; and

(B) the consent is attached to each plan or report regarding the tract prepared by the state board or conservation district.

(c) The state board or a conservation district may disclose, in a manner that prevents the identification of a particular tract of land, the owner of the tract, or the owner's agent or tenant, a summary of information collected by the state board or conservation district regarding:

(1) the number of acres of land that are in a particular conservation plan;

(2) the number of acres of land that are subject to a particular conservation practice; or

(3) other conservation program information.

(d) The state board or a conservation district shall provide a person with notice regarding this section at the time the person requests technical assistance from the state board or conservation district.

(e) The state board or a conservation district may disclose information to a law enforcement agency of this state or the United States in compliance with a subpoena for the information.

(f) The state board or a conservation district may disclose information relating to water quality complaints or compliance failures to the Texas Natural Resource Conservation Commission under Section 201.026.

(g) The state board or a conservation district may disclose to the attorney general information relating to a breach of contract.

(h) The state board or a conservation district may not be held liable for damage caused by a violation of this section.

(i) A reference in this section to the state board or a conservation district includes an officer, employee, or agent of the state board or conservation district.

SECTION 2. This Act takes effect September 1, 1997.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

* * * * *

FAVORABLE
SENATE COMMITTEE REPORT ON

SB SCR SJR SR (HB) HCR HJR 1808

By Bivins
(Author/Senate Sponsor)

5-6-97
(date)

We, your Committee on STATE AFFAIRS, to which was referred the attached measure, have on 5-1-97 (date of hearing), had the same under consideration and I am instructed to report it back with the recommendation (s) that it:

(X) do pass and be printed

( ) do pass and be ordered not printed

(X) and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. (X) yes ( ) no

A revised fiscal note was requested. ( ) yes (X) no

An actuarial analysis was requested. ( ) yes (X) no

Considered by subcommittee. ( ) yes (X) no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Senator Armbrister, Chair	X			
Senator Nixon, Vice-Chair	X			
Senator Cain	X			
Senator Carona	X			
Senator Ellis	X			
Senator Fraser	X			
Senator Gallegos	X			
Senator Galloway	X			
Senator Lindsay	X			
Senator Luna	X			
Senator Nelson	X			
Senator Shapiro	X			
Senator Whitmire	X			
TOTAL VOTES	13	0	0	0

COMMITTEE ACTION

(S260) Considered in public hearing
(S270) Testimony taken

COMMITTEE CLERK

CHAIRMAN

Paper clip the original and one copy of this signed form to the original bill
Retain one copy of this form for Committee files

WITNESS LIST

HB 1808
SENATE COMMITTEE REPORT
State Affairs Committee

May 1, 1997 - 2:30P

For: Schendel, Dick (TX Soil & Water Consv.), Goliad

On: Buckley, Robert (TX Soil & Consve.Board), Temple

Registering, but not testifying:

For: Benavides, Memo (TX Soil & Water Consv.), Laredo

Powers, Bill (TX Farm Bureau), Austin

Presnal, James (TX Assc. Nurseymen,Inc.), Bryan

BILL ANALYSIS

Senate Research Center

H.B. 1808
By: Counts (Bivins)
State Affairs
5-1-97
Engrossed

DIGEST

Currently, water quality management plans or conservation plans are established by landowners and tenants in cooperation with the Texas State Soil and Water Conservation Board (board) and/or local soil and water conservation districts (districts). In an effort to conserve natural resources, these plans are voluntary and are established in a non-regulatory manner. There are instances in which landowners or tenants are hesitant to enter into a water quality management plan or conservation plan due to their accessibility through Open Records Act. This accessibility may lend to a sense of vulnerability concerning private property rights. This legislation would create Section 201.006, Agriculture Code, such that water quality management plans or conservation plans developed between landowners or tenants and the board and/or district are not subject to the Open Records Act.

PURPOSE

As proposed, H.B. 1808 adds Section 201.006, Agriculture Code, to provide that water quality management plans or conservation plans developed between landowners or tenants and the State Soil and Water Conservation Board and/or a local soil and water conservation district are not subject to the Open Records Act, with exceptions.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Chapter 201A, Agriculture Code, by adding Section 201.006, as follows:

Sec. 201.006. CONFIDENTIALITY OF CERTAIN INFORMATION. (a) Provides that information collected by the State Soil and Water Conservation Board (board) or a local soil and conservation district (district) is not subject to Chapter 552, Government Code, and may not be disclosed if the information is collected in response to a specific request from a landowner or the landowner's agent or tenant for technical assistance relating to a water quality management plan or other conservation plan if the assistance is to be provided under this code and on certain private land.

(b) Authorizes the board or a district to disclose certain information regarding a tract of land to certain persons.

(c) Authorizes the board or a district to disclose, in a manner that prevents the identification of a particular tract of land, the owner of the tract, or the owner's agent or tenant, a summary of certain information collected by the board or district.

(d) Requires the state board or a district to provide a person with notice regarding this section at the time the person requests technical assistance from the board or district.

(e) Authorizes the board or a district to disclose information to a law enforcement agency of this state or the United States in compliance with a subpoena for the information.

(f) Authorizes the board or a district to disclose information relating to water quality complaints or compliance failures to the Texas Natural Resource Conservation Commission under Section 201.026.

(g) Authorizes the board or a district to disclose to the attorney general information relating to a breach of contract.

(h) Prohibits the board or a district from being held liable for damage caused by a violation of this section.

(i) Provides that a reference in this section to the board or a district includes an officer, employee, or agent of the board of district.

SECTION 2. Effective date: September 1, 1997.

SECTION 3. Emergency clause.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
75th Regular Session

April 23, 1997

To: Honorable Kenneth Armbrister, Chair
Committee on State Affairs
Senate
Austin, Texas

IN RE: House Bill No. 1808, As Engrossed
By: Counts

From: John Keel, Director

In response to your request for a Fiscal Note on HB1808 (Relating to the confidentiality of certain information obtained by the State Soil and Water Conservation Board or a soil and water conservation district.) this office has determined the following:

Biennial Net Impact to General Revenue Funds by HB1808-As Engrossed

No fiscal implication to the State is anticipated.

No fiscal implication to units of local government is anticipated.

Source: Agencies: 302 Office of the Attorney General
582 Natural Resources Conservation Commission
592 Soil and Water Conservation Board

LBB Staff: JK, JD, BB, DM

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
75th Regular Session

March 14, 1997

To: Honorable Pete Patterson, Chair
Committee on Agriculture & Livestock
House
Austin, Texas

IN RE: House Bill No. 1808
By: Counts

From: John Keel, Director

In response to your request for a Fiscal Note on HB1808 (Relating to the confidentiality of certain information obtained by the State Soil and Water Conservation Board or a soil and water conservation district.) this office has determined the following:

Biennial Net Impact to General Revenue Funds by HB1808-As Introduced

No fiscal implication to the State is anticipated.

No fiscal implication to units of local government is anticipated.

Source: Agencies: 302 Office of the Attorney General
582 Natural Resources Conservation Commission
592 Soil and Water Conservation Board

LBB Staff: JK, BB, DM

REQUEST FOR LOCAL & UNCONTESTED CALENDAR PLACEMENT

SENATOR CHRIS HARRIS, CHAIRMAN
SENATE COMMITTEE ON ADMINISTRATION

Notice is hereby given that HB 1808 (Bill No.), by: Bivins (Author/Sponsor),

was heard by the State Affairs Committee on 5-1, 1997,

and reported out with the recommendation that it be placed on the Local and Uncontested Calendar.

(Clerk of the reporting committee)

IMPORTANT: A COPY OF THIS FORM AND ~~TEN 10 COPIES~~ one (1) copy OF YOUR BILL/RESOLUTION **(COMMITTEE PRINTED VERSION)** MUST BE DELIVERED TO THE ADMINISTRATION COMMITTEE OFFICE, E1.714. DEADLINES FOR SUBMITTING BILLS WILL BE ANNOUNCED ON A REGULAR BASIS.

Original copy for Administration; yellow copy for sponsor; pink copy for committee files.

ENROLLED

H.B. No. 1808

AN ACT

relating to the confidentiality of certain information obtained by the State Soil and Water Conservation Board or a soil and water conservation district.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 201, Agriculture Code, is amended by adding Section 201.006 to read as follows:

Sec. 201.006. CONFIDENTIALITY OF CERTAIN INFORMATION. (a) Except as provided by this section, information collected by the state board or a conservation district is not subject to Chapter 552, Government Code, and may not be disclosed if the information is collected in response to a specific request from a landowner or the landowner's agent or tenant for technical assistance relating to a water quality management plan or other conservation plan if the assistance is to be provided:

(1) under this code; and

(2) on private land that:

(A) is part of a conservation plan or water quality management plan developed cooperatively with the state board or conservation district; or

(B) is the subject of a report prepared by the state board or conservation district.

(b) The state board or a conservation district may disclose information regarding a tract of land to:

(1) the owner of the tract or the owner's agent or tenant; and

(2) a person other than the owner or the owner's agent or tenant if:

(A) the owner or the agent or tenant consents in writing to full or specified partial disclosure of the information; and

(B) the consent is attached to each plan or report regarding the tract prepared by the state board or conservation district.

(c) The state board or a conservation district may disclose, in a manner that prevents the identification of a particular tract of land, the owner of the tract, or the owner's agent or tenant, a summary of information collected by the state board or conservation district regarding:

(1) the number of acres of land that are in a particular conservation plan;

(2) the number of acres of land that are subject to a particular conservation practice; or

(3) other conservation program information.

(d) The state board or a conservation district shall provide a person with notice regarding this section at the time the person requests technical assistance from the state board or conservation district.

(e) The state board or a conservation district may disclose information to a law enforcement agency of this state or the United States in compliance with a subpoena for the information.

(f) The state board or a conservation district may disclose information relating to water quality complaints or compliance failures to the Texas Natural Resource Conservation Commission under Section 201.026.

(g) The state board or a conservation district may disclose to the attorney general information relating to a breach of contract.

(h) The state board or a conservation district may not be held liable for damage caused by a violation of this section.

(i) A reference in this section to the state board or a conservation district includes an officer, employee, or agent of the state board or conservation district.

SECTION 2. This Act takes effect September 1, 1997.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

President of the Senate

Speaker of the House

I certify that H.B. No. 1808 was passed by the House on April 18, 1997, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 1808 was passed by the Senate on May 14, 1997, by a viva-voce vote.

Secretary of the Senate

APPROVED: _____

Date

_____

Governor

President of the Senate

Speaker of the House

I certify that H.B. No. 1808 (1) was passed by the House on April 18 (2), 1997, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 1808 was passed by the Senate on May 14 (3), 1997, by a viva-voce vote.

Secretary of the Senate

APPROVED:

Date

Governor

**** Preparation: CT25;

H.B. No. 1808 By David Counts

A BILL TO BE ENTITLED
AN ACT

Relating to the confidentiality of certain information obtained by the State Soil and Water Conservation Board or a soil and water conservation district.

FEB 27 1997 Filed with the Chief Clerk

MAR 3 1997 Read first time and referred to Committee on Agriculture + Livestock

MAR 18 1997 Reported ___ favorably ~~(as amended)~~ ~~(as substituted)~~

MAR 20 1997 Sent to Committee on ~~(Calendars)~~ (Local & Consent Calendars)

APR 18 1997 Read second time ([redacted]st.) ([redacted]d); passed to third reading ([redacted]) by a (non-record vote) ([redacted] ___ [redacted] ___ [redacted] ___ [redacted]ting)

Constitutional rule requiring bills to be read on three several days suspended (failed to suspend) by a vote of ___ yeas, ___ nays, ___ present, not voting

APR 18 1997 Read third time ([redacted]) finally passed ([redacted]) by a (non-record vote) ([redacted] ___ [redacted], ___ [redacted] ___ [redacted])

APR 18 1997 Engrossed

APR 21 1997 Sent to Senate

Sharon Carter
CHIEF CLERK OF THE HOUSE

OTHER HOUSE ACTION:

APR 21 1997 Received from the House

APR 22 1997 Read and referred to Committee on STATE AFFAIRS

MAY 06 1997 Reported favorably ___

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

Ordered not printed

Laid before the Senate

MAY 14 1997 Senate and Constitutional Rules to permit consideration suspended by (unanimous consent) ~~(___ yeas, ___~~ nays)

MAY 14 1997 Read second time, ___, and passed to third reading by (unanimous consent) ~~(a viva voce~~ vote) ~~(___ yeas, ___~~ nays)

MAY 14 1997 Senate and Constitutional 3 Day Rules suspended by a vote of 30 yeas, 0 nays

MAY 14 1997 Read third time, ___, and passed by (a viva voce vote) ~~(___ yeas, ___ nays)~~

May 14, 1997 Returned to the House

Betty King
SECRETARY OF THE SENATE

OTHER SENATE ACTION:

MAY 14 1997 Returned from the Senate (~~as substituted~~)
(~~with amendments~~)

_____ House concurred in Senate amendments by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ House refused to concur in Senate amendments and requested the appointment of a conference committee by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ House conferees appointed: _____, Chair; _____,

_____, _____, _____

_____ Senate granted House request. Senate conferees appointed: _____, Chair;

_____, _____, _____, _____

_____ Conference committee report adopted (rejected) by the House by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ Conference committee report adopted (rejected) by the Senate by a (viva voce vote)
(record vote of _____ yeas, _____ nays)

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