

## **BILL ANALYSIS**

Senate Research Center

H.B. 1808  
By: Counts (Bivins)  
State Affairs  
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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 lead 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.