



February 19, 2014

To: Chair Shields and Senate General Government, Consumer and Small Business Protection Committee Members

From: David Simmons, President

Re: Please, vote YES on HB 4093

Mr. Chair and Members of the Committee,

HB 4093 would create public records exemption for reports and agreements on proposals for mitigation related to sage grouse habitat voluntarily submitted to State Department of Fish and Wildlife or soil and water conservation districts.

HB 4093 brings Oregon privacy laws more in alignment with federal privacy laws that are currently in place.

Allow me to reiterate Oregon Cattlemen's Association statement that HB 4093 would not prevent soil and water conservation districts from collecting necessary information about ranch operations. It would not prevent soil and water conservation districts from disclosing information in the aggregate.

**VOTE YES ON HB 4093**

Thank you for your time. Do you have any questions?

**FOOD CONSERVATION AND ENERGY ACT OF 2008**  
**TITLE I – COMMODITY PROGRAMS**  
**Subtitle F – Administration**

**SEC. 1619. INFORMATION GATHERING.**

(a) *GEOSPATIAL SYSTEMS.*—The Secretary shall ensure that all the geospatial data of the agencies of the Department of Agriculture are portable and standardized.

(b) *LIMITATION ON DISCLOSURES.*—

(1) *DEFINITION OF AGRICULTURAL OPERATION.*—In this subsection, the term “agricultural operation” includes the production and marketing of agricultural commodities and livestock.

(2) *PROHIBITION.*—Except as provided in paragraphs (3) and (4), the Secretary, any officer or employee of the Department of Agriculture, or any contractor or cooperator of the Department, shall not disclose—  
(A) information provided by an agricultural producer or owner of agricultural land concerning the agricultural operation, farming or conservation practices, or the land itself, in order to participate in programs of the Department; or  
(B) geospatial information otherwise maintained by the Secretary about agricultural land or operations for which information described in subparagraph (A) is provided.

(3) *AUTHORIZED DISCLOSURES.*—

(A) *LIMITED RELEASE OF INFORMATION.*—If the Secretary determines that the information described in paragraph

(2) will not be subsequently disclosed except in accordance with paragraph (4), the Secretary may release or disclose the information to a person or Federal, State, local, or tribal agency working in cooperation with the Secretary in any Department program—

(i) when providing technical or financial assistance with respect to the agricultural operation, agricultural land, or farming or conservation practices; or

(ii) when responding to a disease or pest threat to agricultural operations, if the Secretary determines that a threat to agricultural operations exists and the disclosure of information to a person or cooperating government entity

*is necessary to assist the Secretary in responding to the disease or pest threat as authorized by law.*

*(4) EXCEPTIONS.—Nothing in this subsection affects—*

*(A) the disclosure of payment information (including payment information and the names and addresses of recipients of payments) under any Department program that is otherwise authorized by law;*

*(B) the disclosure of information described in paragraph*

*(2) if the information has been transformed into a statistical or aggregate form without naming any—*

*(i) individual owner, operator, or producer; or*

*(ii) specific data gathering site; or*

*(C) the disclosure of information described in paragraph*

*(2) pursuant to the consent of the agricultural producer or owner of agricultural land.*

*(5) CONDITION OF OTHER PROGRAMS.—The participation of the agricultural producer or owner of agricultural land in, or receipt of any benefit under, any program administered by the Secretary may not be conditioned on the consent of the agricultural producer or owner of agricultural land under paragraph (4)(C).*

*(6) WAIVER OF PRIVILEGE OR PROTECTION.—The disclosure of information under paragraph (2) shall not constitute a waiver of any applicable privilege or protection under Federal law, including trade secret protection.*