GOVERNOR OF MISSOURI

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JEREMIAH W. (JAY) NIXON
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TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Committee Substitute for House Bill No. 1414, entitled:

AN ACT

To amend chapters 261 and 267, RSMo, by adding thereto two new sections relating to agricultural data disclosure.

I disapprove of Senate Committee Substitute for House Bill No. 1414. The reasons for disapproval are as follows:

Senate Committee Substitute for House Bill No. 1414 (House Bill No. 1414) would bar from public disclosure an expansive list of information provided to government agencies by agricultural producers and owners of agricultural land. This veil of secrecy would apply to broad categories of information and data relating to an agricultural operation, farming or conservation practices, environmental or production data, and details on land and farm assets that is received by a government agency in its administration of a myriad of programs, the full extent of which is not defined in the legislation. The implementation and decision-making involved in government programs should be accomplished in an open and transparent manner with limitations on disclosure being narrowly tailored. House Bill No. 1414 would starkly swing the pendulum against the public's right to access information needed to evaluate the expenditures of tax dollars by government agencies and does not receive my approval.

House Bill No. 1414 would shield information and data submitted to a government agency "in connection with such [agricultural] producer or owner's voluntary participation in a program…." The term "program" is not defined in House Bill No. 1414 and the only limitation in its breadth can be found in the use of the term "voluntary participation." As a result, sweeping amounts of information submitted to government agencies by agricultural interests relating to government programs that are "not compulsory" would be blocked from the public. To illustrate the extreme reach of this bar to disclosure, the government agency receiving the information would be prohibited from sharing the information with employees within the <u>same</u> agency except under limited circumstances laid out in the legislation.

While it is deeply troubling that the General Assembly would erect such a comprehensive barrier to the public having access to information used by its government in the administration of programs funded by the taxpayers, it is particularly offensive that this blanket of secrecy would apply to information submitted to programs that involve the awarding of public funds. For instance, the state's Soil and Water Program awards millions of dollars each year to agricultural interests for a variety of projects. Participation in this program is clearly "voluntary" and, under House Bill No. 1414, information and data submitted by an applicant for an award under the Soil and Water Program would "not be considered a public record and [would] not be subject to disclosure under chapter 610." This is just a single example of the abusive reach of this ill-conceived legislation.

Government must be open and transparent to its citizens. House Bill No. 1414 is an odious effort to shield from our residents otherwise public records relating to various taxpayer funded programs and, in some instances, used by government agencies to award taxpayer funds and will not receive my approval.

In accordance with the above stated reasons for disapproval, I am returning Senate Committee Substitute for House Bill No. 1414 without my approval.

Respectfully submitted,

Jeremiah W. (Jay) Nixon
Governor