

By: Representative Holland

To: Agriculture

HOUSE BILL NO. 344

1 AN ACT TO PROVIDE THAT CERTAIN INFORMATION CONCERNING
2 CONSERVATION PLANS COLLECTED BY THE MISSISSIPPI SOIL AND WATER
3 CONSERVATION COMMISSION IS NOT SUBJECT TO THE MISSISSIPPI PUBLIC
4 RECORDS ACT; AND FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 SECTION 1. (1) Except as otherwise provided in this
7 section, information collected by the Mississippi Soil and Water
8 Conservation Commission, hereinafter referred to as "commission",
9 or a conservation district is not subject to the Mississippi
10 Public Records Act of 1983 and may not be disclosed if the
11 information is collected in response to a specific request from a
12 landowner or the landowner's agent or tenant for technical
13 assistance relating to a water quality management plan or other
14 conservation plan if this assistance is to be provided on private
15 land that:

16 (a) Is part of a conservation plan or water quality
17 management plan developed cooperatively with the commission or
18 conservation district; or

19 (b) Is the subject of a report prepared by the
20 commission or conservation district.

21 (2) The commission or a conservation district may disclose
22 information regarding a tract of land to:

23 (a) The owner of the tract or the owner's agent or
24 tenant; and

25 (b) A person other than the owner or the owner's agent
26 or tenant if:

27 (i) The owner or the agent or tenant consents in

28 writing to full or specified partial disclosure of the
29 information; and

30 (ii) The consent is attached to each plan or
31 report regarding the tract prepared by the commission or local
32 conservation district.

33 (3) The commission or a conservation district may disclose,
34 in a manner that prevents the identification of a particular tract
35 of land, the owner of the tract or the owner's agent or tenant, a
36 summary of information collected by the commission or local
37 conservation district regarding:

38 (a) The number of acres of land that are in a
39 particular conservation plan;

40 (b) The number of acres of land that are subject to a
41 particular conservation practice; or

42 (c) Other conservation program information.

43 (4) The commission or a conservation district shall provide
44 a person with notice regarding this section at the time the person
45 requests technical assistance from the commission or conservation
46 district.

47 (5) The commission or a conservation district may disclose
48 information to a law enforcement agency of this state or the
49 United States in compliance with a subpoena for the information.

50 (6) The commission or a conservation district may disclose
51 information relating to water quality complaints or compliance
52 failures to the Mississippi Department of Environmental Quality.

53 (7) The commission or a conservation district may disclose
54 to the attorney general information relating to a breach of
55 contract.

56 (8) The commission or a conservation district may not be
57 held liable for damage caused by a violation of this section.

58 (9) A reference in this section to the commission or a
59 conservation district includes an officer, employee or agent of
60 the commission or conservation district.

61 SECTION 2. This act shall cover information collected as a
62 result of existing or future conservation plans or reports.

63 SECTION 3. This act shall take effect and be in force from
64 and after its passage.