

By: Representative Shows

To: Agriculture

HOUSE BILL NO. 798

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.

