HOUSE BILL NO. 798

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

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

SECTION 1. (1) Except as otherwise provided in this section, information collected by the Mississippi Soil and Water Conservation Commission, hereinafter referred to as "commission", or a conservation district is not subject to the Mississippi Public Records Act of 1983 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 this assistance is to be provided on private land that:

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

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

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

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

(b) A person other than the owner or the owner's agent or tenant if:
(i) The owner or the agent or tenant consents in writing to full or specified partial disclosure of the information; and

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

(3) The commission or a conservation district may 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 information collected by the commission or local conservation district regarding:

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

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

(c) Other conservation program information.

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

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

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

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

(8) The commission or a conservation district may not be held liable for damage caused by a violation of this section.
(9) A reference in this section to the commission or a conservation district includes an officer, employee or agent of the commission or conservation district.

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

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