

*****Pending*****

AMENDMENT No. 1 PROPOSED TO

House Bill NO. 713

By Senator(s) Committee

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

7 SECTION 1. Section 25-61-7, Mississippi Code of 1972, is
8 amended as follows:

9 25-61-7. (1) (a) Except as otherwise provided in this
10 subsection and in subsection (2) of this section, each public body
11 may establish and collect fees reasonably calculated to reimburse
12 it for, and in no case to exceed, the actual cost of searching,
13 reviewing and/or duplicating and, if applicable, mailing copies of
14 public records. However, a governmental or investigative law
15 enforcement agency that is conducting a criminal records check is
16 exempt from any fees established under this subsection for
17 electronic record production. Such fees as are authorized shall
18 be collected by the public body in advance of complying with the
19 request.

20 (b) The fee exemption established in this subsection
21 (1) shall only apply to a law enforcement officer or other
22 employee of a governmental or investigative law enforcement agency
23 who is conducting a criminal records check within the course and

24 scope of his official governmental or investigative law
25 enforcement agency duties.

26 (2) A public body may establish a standard fee scale to
27 reimburse it for the costs of creating, acquiring and maintaining
28 a geographic information system or multipurpose cadastre, as
29 authorized and defined under the Mississippi Public Records Act of
30 1983, or any other electronically accessible data. Such fees must
31 be reasonably related to the cost of creating, acquiring and
32 maintaining the geographic information system, multipurpose
33 cadastre or other electronically accessible data, for the data or
34 information contained therein or taken therefrom, and for any
35 records, papers, accounts, maps, photographs, films, cards, tapes,
36 recordings or other materials, data or information relating
37 thereto, whether in printed, digital or other format. In
38 determining the fees or charges under this subsection, the public
39 body may consider the type of information requested, the purpose
40 or purposes for which the information has been requested and the
41 commercial value of the information.

42 SECTION 2. This act shall take effect and be in force from
43 and after July 1, 2001.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 25-61-7, MISSISSIPPI CODE OF 1972, TO
2 EXEMPT GOVERNMENTAL AND INVESTIGATIVE LAW ENFORCEMENT AGENCIES
3 CONDUCTING CRIMINAL RECORDS CHECKS FROM FEES ESTABLISHED FOR COSTS
4 INCIDENT TO PROVIDING RECORDS UNDER THE OPEN RECORDS ACT; AND FOR
5 RELATED PURPOSES.