

By: Representative Shanks

To: Accountability,
Efficiency, Transparency

HOUSE BILL NO. 771

1 AN ACT TO AMEND SECTION 25-61-5, MISSISSIPPI CODE OF 1972, TO
2 EXTEND THE DATE OF THE REPEALER ON THE STATUTE GRANTING PERSONS
3 THE RIGHT TO INSPECT PUBLIC RECORDS UNDER 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.** Section 25-61-5, Mississippi Code of 1972, is
7 amended as follows:

8 25-61-5. (1) (a) Except as otherwise provided by Sections
9 25-61-9, 25-61-11, 25-61-11.2 and 37-153-7, all public records
10 are * * * declared to be public property, and any person shall
11 have the right to inspect, copy or mechanically reproduce or
12 obtain a reproduction of any public record of a public body in
13 accordance with reasonable written procedures adopted by the
14 public body concerning the cost, time, place and method of access,
15 and public notice of the procedures shall be given by the public
16 body, or, if a public body has not adopted written procedures, the
17 right to inspect, copy or mechanically reproduce or obtain a
18 reproduction of a public record of the public body shall be
19 provided within one (1) working day after a written request for a



20 public record is made. No public body shall adopt procedures
21 which will authorize the public body to produce or deny production
22 of a public record later than seven (7) working days from the date
23 of the receipt of the request for the production of the record.

24 (b) If a public body is unable to produce a public
25 record by the seventh working day after the request is made, the
26 public body must provide a written explanation to the person
27 making the request stating that the record requested will be
28 produced and specifying with particularity why the records cannot
29 be produced within the seven-day period. Unless there is mutual
30 agreement of the parties, or the information requested is part of
31 ongoing negotiations related to a request for competitive sealed
32 proposals, in no event shall the date for the public body's
33 production of the requested records be any later than fourteen
34 (14) working days from the receipt by the public body of the
35 original request. Production of competitive sealed proposals in
36 accordance with requests made pursuant to this section shall be no
37 later than seven (7) working days after the notice of intent to
38 award is issued to the winning proposer. Persons making a request
39 for production of competitive sealed proposals after the notice of
40 intent to award is issued by the public body shall have a
41 reasonable amount of time, but in no event less than seven (7)
42 working days after the production of the competitive sealed
43 proposals, to protest the procurement or intended award prior to
44 contract execution. However, in any instance where a person has



45 filed for a protective order for a competitive sealed proposal and
46 the court has not ruled on the protective order within ninety (90)
47 days of filing, then the public body may proceed with awarding the
48 contract without production of competitive sealed proposals and
49 the contract may be protested after execution.

50 (2) If any public record contains material which is not
51 exempted under this chapter, the public agency shall redact the
52 exempted material and make the nonexempted material available for
53 examination. Such public agency shall be entitled to charge a
54 reasonable fee for the redaction of any exempted material, not to
55 exceed the agency's actual cost.

56 (3) Denial by a public body of a request for access to or
57 copies of public records under this chapter shall be in writing
58 and shall contain a statement of the specific exemption relied
59 upon by the public body for the denial. Each public body shall
60 maintain a file of all denials of requests for public records.
61 Public bodies shall be required to preserve such denials on file
62 for not less than three (3) years from the date such denials are
63 made. This file shall be made available for inspection or
64 copying, or both, during regular office hours to any person upon
65 written request.

66 (4) This section shall stand repealed on July 1, * * * 2027.

67 **SECTION 2.** This act shall take effect and be in force from
68 and after July 1, 2024.

