

By: Representatives Anderson (122nd), Hulum To: Marine Resources

HOUSE BILL NO. 660

1 AN ACT TO CREATE NEW SECTION 25-61-11.3, MISSISSIPPI CODE OF
2 1972, TO EXEMPT RECORDS OF ANY TYPE OF SEAFOOD LICENSE APPLICATION
3 OR ANY RECORDS RELATED TO THE HOLDERS OF SUCH LICENSE FROM THE
4 MISSISSIPPI PUBLIC RECORDS ACT OF 1983; TO AMEND SECTION 25-61-5,
5 MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** The following shall be codified as Section
8 25-61-11.3, Mississippi Code of 1972:

9 25-61-11.3. The records of the Department of Marine
10 Resources relating to applications for any licenses issued under
11 Title 49, Chapter 15, Mississippi Code of 1972, and all records
12 related to holders of such licenses, are exempt from the
13 provisions of the Mississippi Public Records Act of 1983, in
14 accordance with Section 25-61-11, and shall be released only under
15 the following circumstances:

16 (a) Upon order of a court having proper jurisdiction
17 over a petition for release of the record or records; or



(b) Upon approval by the Executive Director of the Department of Marine Resources for the benefit of the fishermen and the environment.

However, upon request, the records specified in this section shall be available to all law enforcement agencies.

SECTION 2. Section 25-61-5, Mississippi Code of 1972, is amended as follows:

25-61-5. (1) (a) Except as otherwise provided by Sections 25-61-9, 25-61-11, 25-61-11.2 * * *, 37-153-7 * * * and 25-61-11.3, all public records are hereby declared to be public property, and any person shall have the right to inspect, copy or mechanically reproduce or obtain a reproduction of any public record of a public body in accordance with reasonable written procedures adopted by the public body concerning the cost, time, place and method of access, and public notice of the procedures shall be given by the public body, or, if a public body has not adopted written procedures, the right to inspect, copy or mechanically reproduce or obtain a reproduction of a public record of the public body shall be provided within one (1) working day after a written request for a public record is made. No public body shall adopt procedures which will authorize the public body to produce or deny production of a public record later than seven (7) working days from the date of the receipt of the request for the production of the record.



42 (b) If a public body is unable to produce a public
43 record by the seventh working day after the request is made, the
44 public body must provide a written explanation to the person
45 making the request stating that the record requested will be
46 produced and specifying with particularity why the records cannot
47 be produced within the seven-day period. Unless there is mutual
48 agreement of the parties, in no event shall the date for the
49 public body's production of the requested records be any later
50 than fourteen (14) working days from the receipt by the public
51 body of the original request.

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

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



66 copying, or both, during regular office hours to any person upon
67 written request.

68 (4) Where any public body is preparing or conducting a
69 competitive procurement, the time limitations contained in this
70 section shall be tolled until the public body determines it will
71 not issue the procurement, cancels the procurement or issues a
72 notice naming its intended awardee.

73 (5) This section shall stand repealed on July 1, 2028.

74 **SECTION 3.** This act shall take effect and be in force from
75 and after July 1, 2025.

