

By: Representative Gunn

To: Appropriations

HOUSE BILL NO. 788

1 AN ACT TO AMEND SECTIONS 27-101-1 AND 27-101-3, MISSISSIPPI
2 CODE OF 1972, TO REQUIRE THAT THE ANNUAL REPORT REQUIRED TO BE
3 PREPARED BY EACH BOARD, AGENCY, COMMISSION AND DEPARTMENT OF
4 GOVERNMENT, AND BY EACH EDUCATIONAL, ELEEMOSYNARY AND OTHER
5 INSTITUTION OF THE STATE SUPPORTED IN WHOLE OR PART BY THE STATE,
6 SHALL BE PUBLISHED ELECTRONICALLY ON THE OFFICIAL INTERNET WEB
7 SITE OF THE RESPECTIVE ENTITY; TO AMEND SECTION 21-101-5,
8 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE DEPARTMENT OF
9 FINANCE AND ADMINISTRATION MAY AUTHORIZE THE NONELECTRONIC
10 PUBLICATION OF A LIMITED NUMBER OF COPIES OF SUCH ANNUAL REPORTS
11 IN MERITORIOUS CASES; TO AMEND SECTION 25-51-1, MISSISSIPPI CODE
12 OF 1972, TO PROVIDE THAT THE ELECTRONIC FORM OF EACH AGENCY
13 PUBLICATION SHALL CONSTITUTE THE PUBLIC RECORD OF THAT AGENCY, FOR
14 PURPOSES OF THE MISSISSIPPI LIBRARY COMMISSION BEING THE STATE
15 DEPOSITORY FOR PUBLIC RECORDS OF ANY GOVERNMENT AGENCY; TO AMEND
16 SECTIONS 25-51-3 THROUGH 25-51-7, MISSISSIPPI CODE OF 1972, IN
17 CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

19 **SECTION 1.** Section 27-101-1, Mississippi Code of 1972, is
20 amended as follows:

21 27-101-1. (1) Each and every educational, eleemosynary and
22 other institution of the State of Mississippi supported in whole
23 or in part by the state, and each and every board, agency,
24 commission and department of government, except the Departments of
25 Insurance and of Education, shall prepare, on or before December
26 31 of each year, a detailed report covering the annual period
27 ending the preceding June 30. The Insurance Department shall
28 prepare, on or before December 31 of each year, a like report
29 covering the annual period ending the preceding March 1. The
30 Department of Education shall prepare, on or before December 31 of
31 each year, a like report covering the annual period ending the
32 preceding August 30.

33 (2) Each agency, board, commission, department and
34 institution required by this section to prepare an annual report

35 also shall prepare an executive summary of the report that is not
36 more than three (3) pages long.

37 **SECTION 2.** Section 27-101-3, Mississippi Code of 1972, is
38 amended as follows:

39 27-101-3. * * * Each annual report required by Section
40 27-101-1 shall be published electronically on the official
41 Internet web site of the respective institutions, board, agency,
42 commission or department. One (1) copy of the executive summary
43 of each annual report shall be sent to the Governor, the
44 Lieutenant Governor, and the Speaker of the House of
45 Representatives * * *. Each person to whom an executive summary
46 is sent may receive the information necessary to obtain the annual
47 report in electronic form, upon request to the agency, board,
48 commission, department or institution that prepared the report.

49 **SECTION 3.** Section 27-101-5, Mississippi Code of 1972, is
50 amended as follows:

51 27-101-5. The Department of Finance and Administration may
52 authorize the nonelectronic publication of a limited number of
53 copies of the annual or other reports in meritorious cases.

54 **SECTION 4.** Section 25-51-1, Mississippi Code of 1972, is
55 amended as follows:

56 25-51-1. The Mississippi Library Commission, hereinafter
57 referred to as the "commission," shall be the state depository for
58 the public records issued by any government agency for public
59 distribution. Each agency publication shall be made available in
60 an electronic form and the electronic form shall constitute the
61 public record. The record shall be placed on the official
62 Internet web site of the commission. The libraries of state
63 agencies, public junior colleges, colleges, public universities
64 and public libraries located in the state may also become
65 depositories of state agency publications that are available on
66 the commission's official Internet web site, when designated as

67 such by the director of the * * * commission upon their written
68 request to this effect.

69 **SECTION 5.** Section 25-51-3, Mississippi Code of 1972, is
70 amended as follows:

71 25-51-3. Each agency of state government shall furnish to
72 the director of the * * * commission the necessary information to
73 provide its publications and public records in an electronic form
74 for placement on the official Internet web site of the commission.
75 The director of the * * * commission shall transmit this
76 information to each depository * * *. These records shall be made
77 accessible by the depository receiving them to any person desiring
78 to examine the same.

79 **SECTION 6.** Section 25-51-5, Mississippi Code of 1972, is
80 amended as follows:

81 25-51-5. Each agency of state government shall furnish
82 annually to the director of the * * * commission * * * a list of
83 all its publications made available for public distribution * * *.

84 **SECTION 7.** Section 25-51-7, Mississippi Code of 1972, is
85 amended as follows:

86 25-51-7. A recorder of documents shall be appointed by the
87 director of the * * * commission in his office, whose functions
88 shall be to administer the provisions of Sections 25-51-1 through
89 25-51-5, under the supervision of the director of the * * *
90 commission.

91 **SECTION 8.** This act shall take effect and be in force from
92 and after July 1, 2005.