

STATE OF MISSISSIPPI



JIM HOOD
ATTORNEY GENERAL

November 21, 2016

Honorable Tate Reeves
Lieutenant Governor
Post Office Box 1018
Jackson, Mississippi 39215

Honorable Terry Burton
President Pro Tempore
Mississippi Senate
Post Office Box 1018
Jackson, Mississippi 39215

Honorable Philip Gunn
Speaker of the House
Mississippi House of Representatives
Post Office Box 1018
Jackson, Mississippi 39215

Honorable Greg Snowden
Speaker Pro Tempore
Mississippi House of Representatives
Post Office Box 1018
Jackson, Mississippi 39215

Re: Publication of Legislative Contracts

Dear Gentlemen:

The policy recently adopted by the House is not effective to prohibit publication of legislative contracts such as the one with EdBuild. Section 25-61-17 of the Public Records Act does allow the Legislature to regulate public access to Legislative records. But, it also states: "However, notwithstanding the provisions of this section, the Legislature shall be subject to the provisions of Sections 27-104-151 through 27-104-159, "namely, "the Mississippi Accountability and Transparency Act." This law requires the EdBuild contract to be placed on the Transparency website (<http://www.transparency.mississippi.gov/>) within 14 days of execution. Please see the pertinent provisions of the Transparency Act quoted below. Therefore, the EdBuild contract should already have been published on the Transparency website.

I understand that the Senate is scheduled to consider a similar rule on Wednesday, November 23, 2016. The Transparency Act would also supercede any such Senate rule.

Please call me if you have any questions or would like to discuss.

Sincerely,


Jim Hood
Attorney General

cc: Laura Jackson, Director, DFA
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27-104-157: The Department of Finance and Administration shall have the authority to establish the form, processes and procedures, and timelines for agencies to report the information required by Sections 27-104-151 through 27-104-159. At the latest, each agency shall provide access to all required data within fourteen (14) days after the data becomes available to the agency. All agencies shall fully cooperate with the Department of Finance and Administration in compiling and providing all information necessary to comply with the requirements of Sections 27-104-151 through 27-104-159.

27-104-152: The Legislature finds that the public should be able to easily access the details on how the state is spending tax dollars and other state funds and what performance results are achieved for the expenditures. It is the intent of the Legislature that the state, acting through the Department of Finance and Administration, create and maintain a searchable website providing access, to the extent possible, to where, for what purpose and what results are achieved for all taxpayer investments in state government.

27-104-153 (b): "Agency" means a state agency, department, institution, board, commission, council, office, bureau, division, committee or subcommittee of the state. The term "agency" includes individual agencies and programs as well as multiple agencies whenever programs and activities involve more than one (1) agency. The term "agency" includes all elective offices in the executive, legislative and judicial branches of state government. The term "agency" does not include counties or municipalities.

(Emphasis added).