



Mississippi State Senate

SENATOR TERRY C. BURTON

PRESIDENT PRO TEMPORE

31st District

Lauderdale, Newton and Scott Counties

101 Rew Street
Newton, MS 39345
Telephone: 601-683-6695

COMMITTEE ASSIGNMENTS:

Rules, Chairman
Legislative Budget Committee
Appropriations
Education
Energy
Medicaid
Municipalities
Public Health and Welfare
Universities and Colleges

August 28, 2018

Honorable Jim Hood
Attorney General
Post Office Box 220
Jackson, Mississippi 39205-0220

Dear General Hood:

This letter is in response to your letter dated July 18, 2018, to all members of the State Senate requesting copies of all communications, e-mails and text messages between the Mississippi Senate, the Office of Lieutenant Governor and the Mississippi Department Transportation related to the frontage road project connecting the Oakridge and Dogwood Subdivisions with Dogwood Festival Boulevard and its shopping centers. I am responding on behalf of all members and staff of the Mississippi Senate.

Under Section 25-61-17, Mississippi Code of 1972, the Mississippi Senate may regulate public access to its records, and pursuant to that statute, the Senate Rules Committee many years ago adopted a policy regarding the release of records of the Senate. I am enclosing a copy of this policy and Senate Rule No. 141 which provides for the confidentiality of Senate internal records. This response has been approved by the Senate Rules Committee and prepared by committee counsel.

Sincerely

Terry C. Burton
President Pro Tempore, Mississippi Senate
Senator and Chairman of Senate Rules Committee

EXHIBIT

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POLICY REGARDING REQUESTS FOR EXPENSE RECORDS OF
MISSISSIPPI STATE SENATE

Under Section 25-61-17, Mississippi Code of 1972, the Mississippi State Senate may regulate public access to its records. The Senate Rules Committee adopts this policy regarding the release of specific expense records of the Senate and the Office of the Lieutenant Governor, when requested by members of the public. The specific expense records contemplated by the policy are:

- (1) The telephone expenses of the Senate, which shall include the telephone expenses of any individual Senator, the Lieutenant Governor or any staff that are paid by the Senate;
- (2) The compensation, mileage allowance and office expense allowance authorized to be paid to a legislator in Section 5-1-41, Mississippi Code of 1972;
- (3) The daily expense allowance authorized to be paid to a legislator in Section 5-1-47, Mississippi Code of 1972;
- (4) The reimbursement for expenses of a Senator, the Lieutenant Governor or staff for attending to legislative business during the interim between legislative sessions; and
- (5) The actual travel expenses associated with the attendance of individual Senators, the Lieutenant Governor or staff at meetings of legislative organizations or conferences.

No other records are subject to release under this policy. The adoption of this policy does not alter the authority of the Senate Rules Committee to either adopt a policy that differs from this policy, or decide not to adopt a policy regarding the release of expense records.

All requests for expense records of the Mississippi State Senate must be made in writing to the Secretary of the Senate. The request shall state the exact records of specific expenses being sought. Immediately upon receipt of such a request, the Secretary shall notify the Chair of the Senate Rules Committee about the request. The Secretary will make every effort to respond to the request within 30 days, or within a reasonable period of time depending upon the type of request and the circumstances under which the request was made.

If the request is for expense records pertaining to any individual Senator or the Lieutenant Governor, the Secretary of the Senate shall immediately inform the individual Senator(s) or the Lieutenant Governor about the request. Before releasing the expense records requested, the Secretary shall provide the individual Senator(s), or the Lieutenant Governor, with a copy of the records that will be released under this policy, unless the request is a comprehensive request for the expense records of every member of the Senate. In the latter situation, the Secretary is not required to provide a copy to each Senator and the Lieutenant Governor in advance of the release of the records; however, any individual Senator who is notified of such a comprehensive request, or the Lieutenant Governor, may receive a copy of the records if he/she so requests. An individual Senator and the Lieutenant Governor may obtain a copy of any of his/her individual expense records and release same.

Any expense records requested of the Secretary of the Senate shall be released to the requesting individual in recapitulation form only, summarizing the types of expenses or reimbursements paid during the periods of time requested. In responding to a request for expense records, the Secretary may only release information summarizing the total amounts of specific expenses paid with respect to an individual Senator, the Lieutenant Governor or the entire Senate Staff during the previous calendar year, except that telephone expense records may be released on a monthly basis. No Senate telephone expense records may be released in a form that discloses the phone number or name of the individual being called by a Senator, the Lieutenant Governor or a staff member.

Should the Secretary of the Senate determine that more than a minimal amount of time will be required to retrieve the information being sought, the requesting individual shall be charged a research fee per hour of staff time required, with the amount of the hourly research fee to be prescribed by the Senate Rules Committee. The Secretary shall report to the Senate Rules Committee the name and address of any person making a request for information about expense records, along with the type of information requested and released.

CONFIDENTIALITY

141. (1) No employee of the Senate shall reveal to any person outside his department the contents or nature of any request for services made by any member of the Senate except with the written consent of the person making such request.

(2) All confidential communications between members of the Senate and staff attorneys are protected by an attorney-client privilege.