

By: Senator(s) Blackmon

To: Rules

SENATE BILL NO. 2328

1 AN ACT TO AMEND SECTIONS 25-41-3, 25-41-5 AND 25-41-13,
 2 MISSISSIPPI CODE OF 1972, TO REMOVE THE EXEMPTION FOR LEGISLATIVE
 3 SUBCOMMITTEES AND LEGISLATIVE CONFERENCE COMMITTEES FROM THE
 4 PROVISIONS OF THE OPEN MEETINGS ACT; TO PROVIDE THAT THE OPEN
 5 MEETINGS ACT SHALL SUPERSEDE ANY CONFLICTING RULE OR JOINT RULE OF
 6 THE LEGISLATURE; TO PROVIDE THAT NOTICE OF CONFERENCE COMMITTEE
 7 MEETINGS SHALL BE GIVEN IN BOTH THE HOUSE OF REPRESENTATIVES AND
 8 THE SENATE; AND FOR RELATED PURPOSES.

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

10 SECTION 1. Section 25-41-3, Mississippi Code of 1972, is
 11 amended as follows:

12 25-41-3. For purposes of this chapter, the following words
 13 shall have the meaning ascribed herein, to-wit:

14 (a) "Public body" means: (i) any executive or
 15 administrative board, commission, authority, council, department,
 16 agency, bureau or any other policymaking entity, or committee
 17 thereof, of the State of Mississippi, or any political subdivision
 18 or municipal corporation of the state, whether such entity be
 19 created by statute or executive order, which is supported wholly
 20 or in part by public funds or expends public funds, and (ii) any
 21 standing, interim or special or conference committee or any
 22 subcommittee of the Mississippi Legislature. There shall be
 23 exempted from the provisions of this chapter the judiciary,
 24 including all jury deliberations, public and private hospital
 25 staffs, public and private hospital boards and committees thereof,
 26 law enforcement officials, the military, the State Probation and
 27 Parole Board, the Workers' Compensation Commission, * * * the
 28 arbitration council established in Section 69-3-19 and license
 29 revocation, suspension and disciplinary proceedings held by the
 30 Mississippi State Board of Dental Examiners.



31 (b) "Meeting" means an assemblage of members of a
32 public body at which official acts may be taken upon a matter over
33 which the public body has supervision, control, jurisdiction or
34 advisory power.

35 SECTION 2. Section 25-41-5, Mississippi Code of 1972, is
36 amended as follows:

37 25-41-5. All official meetings of any public body, unless
38 otherwise provided in this chapter or in the Constitutions of the
39 United States of America or the State of Mississippi, are declared
40 to be public meetings and shall be open to the public at all times
41 unless declared an executive session as provided in Section
42 25-41-7. If any joint rule or rule of either house of the
43 Mississippi Legislature, whether adopted before or after July 1,
44 2001, conflicts with the provisions of this chapter that are
45 applicable to committees and subcommittees of the Legislature, the
46 provisions of this chapter shall supersede the rule to the extent
47 of the conflict.

48 SECTION 3. Section 25-41-13, Mississippi Code of 1972, is
49 amended as follows:

50 25-41-13. (1) Any public body which holds its meetings at
51 such times and places and by such procedures as are specifically
52 prescribed by statute shall continue to do so and no additional
53 notice of such meetings shall be required except that a notice of
54 the place, date, hour and subject matter of any recess meeting,
55 adjourned meeting, interim meeting or any called special meeting
56 shall be posted within one (1) hour after such meeting is called
57 in a prominent place available to examination and inspection by
58 the general public in the building in which the public body
59 normally meets. A copy of the notice shall be made a part of the
60 minutes or other permanent official records of the public body.

61 (2) Any public body, other than a legislative committee,
62 which does not have statutory provisions prescribing the times and
63 places and the procedures by which its meetings are to be held



64 shall, at its first regular or special meeting after July 1, 1990
65 spread upon its minutes the times and places and the procedures by
66 which all of its meetings are to be held.

67 (3) During a regular or special session of the Mississippi
68 Legislature, notice of meetings of all committees and
69 subcommittees shall be given by announcement on the loudspeaker
70 during sessions of the House of Representatives or Senate or by
71 posting on a bulletin board provided for that purpose by each
72 body. Notice of meetings of conference committees and any other
73 joint committees or subcommittees composed of members of the House
74 of Representatives and the Senate shall be given in both House of
75 Representatives and the Senate in the manner provided by this
76 subsection.

77 (4) When not in session, the meeting times and places of all
78 committees and subcommittees shall be kept by the Clerk of the
79 House of Representatives as to House committees and subcommittees,
80 and by the Secretary of the Senate as to Senate committees and
81 subcommittees, and by both the Clerk of the House of
82 Representatives and the Secretary of the Senate as to any joint
83 committees or subcommittees composed of members of the House of
84 Representatives and the Senate, and shall be available at all
85 times during regular working hours to the public and news media.

86 SECTION 4. This act shall take effect and be in force from
87 and after July 1, 2001.

