

By: Representative Rotenberry

To: Judiciary B

HOUSE BILL NO. 583  
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 25-41-3, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE THAT THE OPEN MEETINGS LAW SHALL APPLY TO TELECONFERENCE  
3 AND VIDEO MEETINGS; TO AMEND SECTION 25-41-5, MISSISSIPPI CODE OF  
4 1972, TO AUTHORIZE PARTICIPATION IN PUBLIC MEETINGS OF PUBLIC  
5 BODIES BY TELECONFERENCE OR VIDEO MEANS UNDER CERTAIN  
6 CIRCUMSTANCES; TO AMEND SECTION 25-41-11, MISSISSIPPI CODE OF  
7 1972, TO CONFORM; AND FOR RELATED PURPOSES.

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

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

11 25-41-3. For purposes of this chapter, the following words  
12 shall have the meaning ascribed herein, to wit:

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



(b) "Meeting" means an assemblage of members of a public body at which official acts may be taken upon a matter over which the public body has supervision, control, jurisdiction or advisory power; "meeting" also means any such assemblage through the use of video or teleconference devices.

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

25-41-5. (1) All official meetings of any public body, unless otherwise provided in this chapter or in the Constitutions of the United States of America or the State of Mississippi, are declared to be public meetings and shall be open to the public at all times unless declared an executive session as provided in Section 25-41-7.

(2) A public body may conduct any meeting, other than an executive session called pursuant to Section 25-41-7, wherein public business is discussed or transacted, through teleconference or video means. If a quorum of the public body is physically assembled at one (1) location for the purpose of conducting a meeting, additional members of the public body may participate in the meeting through teleconference or video means provided their participation is available to the general public.

(3) (a) Notice of any meetings held pursuant to subsection (2) of this section shall be provided at least thirty (30) days in advance of the date scheduled for the meeting. The notice shall include the date, time, place and purpose for the meeting and shall identify the locations for the meeting. All locations for the meeting shall be made accessible to the public. All persons attending the meeting at any of the meeting locations shall be afforded the same opportunity to address the public body as persons attending the primary or central location. Any interruption in the teleconference or video broadcast of the meeting shall result in the suspension of action at the meeting until repairs are made and public access restored.



63           (b) Thirty-day notice shall not be required for  
64 teleconference or video meetings continued to address an emergency  
65 as provided in subsection (5) of this section or to conclude the  
66 agenda of a teleconference or video meeting of the public body for  
67 which the proper notice has been given, when the date, time, place  
68 and purpose of the continued meeting are set during the meeting  
69 prior to adjournment.

70           (4) An agenda and materials that will be distributed to  
71 members of the public body and that have been made available to  
72 the staff of the public body in sufficient time for duplication  
73 and forwarding to all locations where public access will be  
74 provided shall be made available to the public at the time of the  
75 meeting. Minutes of all meetings held by teleconference or video  
76 means shall be recorded as required by Section 25-41-11. Votes  
77 taken during any meeting conducted through teleconference or video  
78 means shall be recorded by name in roll-call fashion and included  
79 in the minutes. In addition, the public body shall make an audio  
80 recording of the meeting, if a teleconference medium is used, or  
81 an audio/visual recording, if the meeting is held by video means.  
82 The recording shall be preserved by the public body for a period  
83 of three (3) years following the date of the meeting and shall be  
84 available to the public.

85           (5) A public body may meet by teleconference or video means  
86 as often as needed if an emergency exists and the public body is  
87 unable to meet in regular session. Public bodies conducting  
88 emergency meetings through teleconference or video means shall  
89 comply with the provisions of subsection (4) of this section  
90 requiring minutes, recordation and preservation of the audio or  
91 audio/visual recording of the meeting. The nature of the  
92 emergency shall be stated in the minutes.

93           **SECTION 3.** Section 25-41-11, Mississippi Code of 1972, is  
94 amended as follows:



25-41-11. (1) Minutes shall be kept of all meetings of a public body, whether in open or executive session, showing the members present and absent; the date, time and place of the meeting; an accurate recording of any final actions taken at such meeting; and a record, by individual member, of any votes taken; and any other information that the public body requests be included or reflected in the minutes. The minutes shall be recorded within a reasonable time not to exceed thirty (30) days after recess or adjournment and shall be open to public inspection during regular business hours.

(2) Minutes of a meeting conducted by teleconference or video means shall comply with the requirements of Section 25-41-5.

(3) Minutes of legislative committee meetings shall consist of a written record of attendance and final actions taken at such meetings.

**SECTION 4.** This act shall take effect and be in force from and after July 1, 2003.

