

By: Senator(s) Blackmon

To: Judiciary

SENATE BILL NO. 2772
(As Passed the Senate)

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 TELEPHONIC OR VIDEO MEANS UNDER CERTAIN CIRCUMSTANCES;
6 TO AMEND SECTION 25-41-11, MISSISSIPPI CODE OF 1972, TO CONFORM;
7 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 policymaking 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.



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

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

37 25-41-5. (1) All official meetings of any public body,
38 unless otherwise provided in this chapter or in the Constitutions
39 of the United States of America or the State of Mississippi, are
40 declared to be public meetings and shall be open to the public at
41 all times unless declared an executive session as provided in
42 Section 25-41-7.

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

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



63 (b) Thirty-day notice shall not be required for
64 telephonic or video meetings continued to address an emergency as
65 provided in subsection (5) of this section or to conclude the
66 agenda of a telephonic 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 telephonic or video
76 means shall be recorded as required by Section 25-41-11. Votes
77 taken during any meeting conducted through telephonic 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 telephonic medium is used, or an
81 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 telephonic or video means as
86 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 telephonic or video means shall comply
89 with the provisions of subsection (4) of this section requiring
90 minutes, recordation and preservation of the audio or audio/visual
91 recording of the meeting. The nature of the emergency shall be
92 stated in the minutes.

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



95 25-41-11. (1) Minutes shall be kept of all meetings of a
96 public body, whether in open or executive session, showing the
97 members present and absent; the date, time and place of the
98 meeting; an accurate recording of any final actions taken at such
99 meeting; and a record, by individual member, of any votes taken;
100 and any other information that the public body requests be
101 included or reflected in the minutes. The minutes shall be
102 recorded within a reasonable time not to exceed thirty (30) days
103 after recess or adjournment and shall be open to public inspection
104 during regular business hours.

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

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

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

