

By: Representative Coleman (29th)

To: Judiciary B

HOUSE BILL NO. 1393

1 AN ACT TO AMEND SECTION 25-41-5, MISSISSIPPI CODE OF 1972, TO  
2 REVISE TELECONFERENCE REQUIREMENTS FOR OPEN MEETINGS; AND FOR  
3 RELATED PURPOSES.

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

5 **SECTION 1.** Section 25-41-5, Mississippi Code of 1972, is  
6 amended as follows:

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

13 (2) A public body may conduct any meeting, other than an  
14 executive session called pursuant to Section 25-41-7, wherein  
15 public business is discussed or transacted, through teleconference  
16 or video means. \* \* \* Members of the public body may participate  
17 in the meeting through teleconference or video means provided  
18 their participation is available to the general public.

19 (3) (a) Notice of any meetings held pursuant to subsection  
20 (2) of this section shall be provided at least thirty (30) days in  
21 advance of the date scheduled for the meeting. The notice shall  
22 include the date, time, place and purpose for the meeting and  
23 shall identify the locations for the meeting. All locations for  
24 the meeting shall be made accessible to the public. All persons  
25 attending the meeting at any of the meeting locations shall be  
26 afforded the same opportunity to address the public body as  
27 persons attending the primary or central location. Any

28 interruption in the teleconference or video broadcast of the  
29 meeting shall result in the suspension of action at the meeting  
30 until repairs are made and public access restored.

31 (b) Thirty-day notice shall not be required for  
32 teleconference or video meetings continued to address an emergency  
33 as provided in subsection (5) of this section or to conclude the  
34 agenda of a teleconference or video meeting of the public body for  
35 which the proper notice has been given, when the date, time, place  
36 and purpose of the continued meeting are set during the meeting  
37 prior to adjournment.

38 (4) An agenda and materials that will be distributed to  
39 members of the public body and that have been made available to  
40 the staff of the public body in sufficient time for duplication  
41 and forwarding to all locations where public access will be  
42 provided shall be made available to the public at the time of the  
43 meeting. Minutes of all meetings held by teleconference or video  
44 means shall be recorded as required by Section 25-41-11. Votes  
45 taken during any meeting conducted through teleconference or video  
46 means shall be recorded by name in roll-call fashion and included  
47 in the minutes. In addition, the public body shall make an audio  
48 recording of the meeting, if a teleconference medium is used, or  
49 an audio/visual recording, if the meeting is held by video means.  
50 The recording shall be preserved by the public body for a period  
51 of three (3) years following the date of the meeting and shall be  
52 available to the public.

53 (5) A public body may meet by teleconference or video means  
54 as often as needed if an emergency exists and the public body is  
55 unable to meet in regular session. Public bodies conducting  
56 emergency meetings through teleconference or video means shall  
57 comply with the provisions of subsection (4) of this section  
58 requiring minutes, recordation and preservation of the audio or  
59 audio/visual recording of the meeting. The nature of the  
60 emergency shall be stated in the minutes.

61           **SECTION 2.** This act shall take effect and be in force from  
62 and after July 1, 2006.