

By: Senator(s) Harden

To: Universities and
Colleges

SENATE BILL NO. 2915
(As Passed the Senate)

1 AN ACT TO AMEND SECTION 37-101-3, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT THE CURRENT PRESIDENT OF THE UNIVERSITY STUDENT
3 BODY PRESIDENT'S COUNCIL SHALL HAVE A RESERVED SEAT AT MEETINGS OF
4 THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING AND
5 SHALL ADVISE THE BOARD ON AN ANNUAL BASIS; TO AMEND SECTION
6 25-41-5, MISSISSIPPI CODE OF 1972, TO AUTHORIZE A QUORUM OF THE
7 MEMBERS OF A PUBLIC BODY TO ASSEMBLE AT DIFFERENT PHYSICAL
8 LOCATIONS AND MEET THROUGH TELECONFERENCE OR VIDEO MEANS; AND FOR
9 RELATED PURPOSES.

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

11 **SECTION 1.** Section 37-101-3, Mississippi Code of 1972, is
12 amended as follows:

13 37-101-3. (1) The Governor, by and with the advice and
14 consent of the Senate, shall appoint the members of the Board of
15 Trustees of State Institutions of Higher Learning, one (1) member
16 from each congressional district of the state as existing as of
17 March 31, 1944, one (1) member from each Supreme Court district
18 and two (2) members from the state at large, with the terms of
19 each to begin on May 8, 1944. One-third (1/3) of the membership
20 of said board so appointed shall be appointed for a period of four
21 (4) years, one-third (1/3) for a period of eight (8) years and
22 one-third (1/3) for a period of twelve (12) years. On the
23 expiration of any of said terms of office the Governor shall
24 appoint successors, by and with the advice and consent of the
25 Senate, for terms of twelve (12) years in each case.

26 The current president, or his/her designee, of the Student
27 Body President's Council of Mississippi (SBPCM) shall have a
28 reserved seat at each meeting of the Board of Trustees of State
29 Institutions of Higher Learning. No less than once a year, the

30 board shall seek the advise and counsel of the student body
31 president's organization.

32 (2) In case of a vacancy on said board by death or
33 resignation of a member or from any other cause than the
34 expiration of such member's term of office, the board shall elect
35 his successor who shall hold office until the end of the next
36 session of the Legislature. During such term of the session of
37 the Legislature the Governor shall appoint the successor member of
38 the board from the district from which his predecessor was
39 appointed to hold office until the end of the period or term for
40 which said original trustee was appointed, to the end that
41 one-third (1/3) of such trustees' terms shall expire each four (4)
42 years.

43 (3) The Executive Director of the State Board for Community
44 and Junior Colleges, or his designee, and one (1) member of the
45 State Board for Community and Junior Colleges to be designated by
46 the chairman of said board, shall attend all regular meetings of
47 the Board of Trustees of State Institutions of Higher Learning.
48 Said community/junior college representatives shall have no
49 jurisdiction or vote on any matter within the jurisdiction of the
50 board. The Executive Director of the State Board for Community
51 and Junior Colleges and any designee who is a state employee shall
52 receive no per diem for attending meetings of the board, but shall
53 be entitled to actual and necessary expense reimbursement and
54 mileage for attending meetings at locations other than Jackson,
55 Mississippi. The designee of the State Board for Community and
56 Junior Colleges shall receive per diem compensation as authorized
57 by Section 25-3-69, Mississippi Code of 1972, for attending said
58 meetings, and shall be entitled to reimbursement for actual
59 expense reimbursement and mileage, which shall be paid from funds
60 appropriated to the Board of Trustees of State Institutions of
61 Higher Learning.

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

64 25-41-5. (1) All official meetings of any public body,
65 unless otherwise provided in this chapter or in the Constitutions
66 of the United States of America or the State of Mississippi, are
67 declared to be public meetings and shall be open to the public at
68 all times unless declared an executive session as provided in
69 Section 25-41-7.

70 (2) A public body may conduct any meeting, other than an
71 executive session called pursuant to Section 25-41-7, wherein
72 public business is discussed or transacted, through teleconference
73 or video means. * * * A quorum of the public body may be
74 physically assembled at different locations for the purpose of
75 conducting a meeting * * * through teleconference or video means
76 provided their participation is available to the general public.

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

89 (b) Thirty-day notice shall not be required for
90 teleconference or video meetings continued to address an emergency
91 as provided in subsection (5) of this section or to conclude the
92 agenda of a teleconference or video meeting of the public body for
93 which the proper notice has been given, when the date, time, place

94 and purpose of the continued meeting are set during the meeting
95 prior to adjournment.

96 (4) An agenda and materials that will be distributed to
97 members of the public body and that have been made available to
98 the staff of the public body in sufficient time for duplication
99 and forwarding to all locations where public access will be
100 provided shall be made available to the public at the time of the
101 meeting. Minutes of all meetings held by teleconference or video
102 means shall be recorded as required by Section 25-41-11. Votes
103 taken during any meeting conducted through teleconference or video
104 means shall be recorded by name in roll-call fashion and included
105 in the minutes. In addition, the public body shall make an audio
106 recording of the meeting, if a teleconference medium is used, or
107 an audio/visual recording, if the meeting is held by video means.
108 The recording shall be preserved by the public body for a period
109 of three (3) years following the date of the meeting and shall be
110 available to the public.

111 (5) A public body may meet by teleconference or video means
112 as often as needed if an emergency exists and the public body is
113 unable to meet in regular session. Public bodies conducting
114 emergency meetings through teleconference or video means shall
115 comply with the provisions of subsection (4) of this section
116 requiring minutes, recordation and preservation of the audio or
117 audio/visual recording of the meeting. The nature of the
118 emergency shall be stated in the minutes.

119 **SECTION 3.** This act shall take effect and be in force from
120 and after July 1, 2006.