

By: Senator(s) Harden

To: Judiciary, Division B

SENATE BILL NO. 2554

1 AN ACT TO AMEND SECTION 25-41-5, MISSISSIPPI CODE OF 1972, TO
2 ALLOW EXECUTIVE SESSIONS OF PUBLIC BODIES TO BE HELD BY
3 TELECONFERENCE AND TO CHANGE THE MINIMUM NOTICE REQUIRED FOR
4 TELECONFERENCE MEETINGS; TO AUTHORIZE THE MISSISSIPPI COMMISSION
5 FOR VOLUNTEER SERVICE TO MEET BY TELECONFERENCE AT DIFFERENT
6 LOCATIONS FOR PURPOSES OF HAVING A QUORUM TO CONDUCT BUSINESS; AND
7 FOR RELATED PURPOSES.

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

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

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

17 (2) A public body may conduct any meeting * * * through
18 teleconference or video means. If a quorum of the public body is
19 physically assembled at one (1) location for the purpose of
20 conducting a meeting, additional members of the public body may
21 participate in the meeting through teleconference or video means
22 provided their participation is available to the general public.
23 A quorum of the Board of Trustees of State Institutions of Higher
24 Learning as prescribed in Section 37-101-9, the State Board for
25 Community and Junior Colleges as prescribed in Sections 37-4-3 and
26 37-4-4 and the Mississippi Commission for Volunteer Service
27 prescribed in Section 43-55-7 may be at different locations for
28 the purpose of conducting a meeting through teleconference or

29 video means provided their participation is available to the
30 general public.

31 (3) (a) Notice of any meetings held pursuant to subsection
32 (2) of this section shall be provided at least five (5) days in
33 advance of the date scheduled for the meeting. The notice shall
34 include the date, time, place and purpose for the meeting and
35 shall identify the locations for the meeting. All locations for
36 the meeting shall be made accessible to the public. All persons
37 attending the meeting at any of the meeting locations shall be
38 afforded the same opportunity to address the public body as
39 persons attending the primary or central location. Any
40 interruption in the teleconference or video broadcast of the
41 meeting shall result in the suspension of action at the meeting
42 until repairs are made and public access restored.

43 (b) Five-day notice shall not be required for
44 teleconference or video meetings continued to address an emergency
45 as provided in subsection (5) of this section or to conclude the
46 agenda of a teleconference or video meeting of the public body for
47 which the proper notice has been given, when the date, time, place
48 and purpose of the continued meeting are set during the meeting
49 prior to adjournment.

50 (4) An agenda and materials that will be distributed to
51 members of the public body and that have been made available to
52 the staff of the public body in sufficient time for duplication
53 and forwarding to all locations where public access will be
54 provided shall be made available to the public at the time of the
55 meeting. Minutes of all meetings held by teleconference or video
56 means shall be recorded as required by Section 25-41-11. Votes
57 taken during any meeting conducted through teleconference or video
58 means shall be recorded by name in roll-call fashion and included
59 in the minutes. In addition, the public body shall make an audio
60 recording of the meeting, if a teleconference medium is used, or
61 an audio/visual recording, if the meeting is held by video means.

62 The recording shall be preserved by the public body for a period
63 of three (3) years following the date of the meeting and shall be
64 available to the public.

65 (5) A public body may meet by teleconference or video means
66 as often as needed if an emergency exists and the public body is
67 unable to meet in regular session. Public bodies conducting
68 emergency meetings through teleconference or video means shall
69 comply with the provisions of subsection (4) of this section
70 requiring minutes, recordation and preservation of the audio or
71 audio/visual recording of the meeting. The nature of the
72 emergency shall be stated in the minutes.

73 **SECTION 2.** This act shall take effect and be in force from
74 and after July 1, 2007.