

By: Senator(s) Boyd, Parker

To: Accountability,  
Efficiency, Transparency

SENATE BILL NO. 2083

1 AN ACT TO AMEND SECTION 25-41-7, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE THAT IF A PUBLIC BODY ENTERS INTO EXECUTIVE SESSION, THE  
3 BODY MUST INVITE ANY MEMBER OF ITS LEGISLATIVE ADVISORY OR  
4 OVERSIGHT COMMITTEE, IF PRESENT, TO STAY DURING THE EXECUTIVE  
5 SESSION; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 25-41-7, Mississippi Code of 1972, is  
8 amended as follows:

9 25-41-7. (1) Any public body may enter into executive  
10 session for the transaction of public business; however, all  
11 meetings of any public body shall commence as an open meeting, and  
12 an affirmative vote of three-fifths (3/5) of all members present  
13 shall be required to declare an executive session.

14 (2) The procedure to be followed by any public body in  
15 declaring an executive session shall be as follows: Any member  
16 shall have the right to request by motion a closed determination  
17 upon the issue of whether or not to declare an executive session.  
18 The motion, by majority vote, shall require the meeting to be  
19 closed for a preliminary determination of the necessity for



20 executive session. No other business shall be transacted until  
21 the discussion of the nature of the matter requiring executive  
22 session has been completed and a vote, as required in subsection  
23 (1) hereof, has been taken on the issue.

24 (3) An executive session shall be limited to matters allowed  
25 to be exempted from open meetings by subsection (4) of this  
26 section. The reason for holding an executive session shall be  
27 stated in an open meeting, and the reason so stated shall be  
28 recorded in the minutes of the meeting. Nothing in this section  
29 shall be construed to require that any meeting be closed to the  
30 public, nor shall any executive session be used to circumvent or  
31 to defeat the purposes of this chapter.

32 (4) A public body may hold an executive session pursuant to  
33 this section for one or more of the following reasons:

34 (a) Transaction of business and discussion of personnel  
35 matters relating to the job performance, character, professional  
36 competence, or physical or mental health of a person holding a  
37 specific position, or matters relating to the terms of any  
38 potential or current employment or services agreement with any  
39 physicians or other employees of public hospitals, including any  
40 discussion of any person applying for medical staff privileges or  
41 membership with a public hospital.

42 (b) Strategy sessions or negotiations with respect to  
43 prospective litigation, litigation or issuance of an appealable



44 order when an open meeting would have a detrimental effect on the  
45 litigating position of the public body.

46 (c) Transaction of business and discussion regarding  
47 the report, development or course of action regarding security  
48 personnel, plans or devices.

49 (d) Investigative proceedings by any public body  
50 regarding allegations of misconduct or violation of law.

51 (e) Any body of the Legislature which is meeting on  
52 matters within the jurisdiction of that body.

53 (f) Cases of extraordinary emergency which would pose  
54 immediate or irrevocable harm or damage to persons or property, or  
55 both, within the jurisdiction of the public body.

56 (g) Transaction of business and discussion regarding  
57 the prospective purchase, sale or leasing of lands.

58 (h) Discussions between a school board and individual  
59 students who attend a school within the jurisdiction of the school  
60 board or the parents or teachers of the students regarding  
61 problems of the students or their parents or teachers.

62 (i) Transaction of business and discussion concerning  
63 the preparation of tests for admission to practice in recognized  
64 professions.

65 (j) Transaction of business and discussions or  
66 negotiations regarding the location, relocation or expansion of a  
67 business, medical service or an industry.



68           (k) Transaction of business and discussions regarding  
69 employment or job performance of a person in a specific position  
70 or termination of an employee holding a specific position. The  
71 exemption provided by this paragraph includes transaction of  
72 business and discussion in executive session by the board of  
73 trustees of a public hospital regarding any employee or medical  
74 staff member or applicant for medical staff privileges and any  
75 such individual's credentialing, health, performance, salary,  
76 raises or disciplinary action. The exemption provided by this  
77 paragraph includes the right to enter into executive session  
78 concerning a line item in a budget which might affect the  
79 termination of an employee or employees. All other budget items  
80 shall be considered in open meetings and final budgetary adoption  
81 shall not be taken in executive session.

82           (l) Discussions regarding material or data exempt from  
83 the Mississippi Public Records Act of 1983 pursuant to Section  
84 25-11-121.

85           (m) Transaction of business and discussion regarding  
86 prospective strategic business decisions of public hospitals,  
87 including without limitation, decisions to open a new service  
88 line, implement capital improvements, or file applications for  
89 certificates of need or determinations of nonreviewability with  
90 the State Department of Health.

91           (n) Transaction of business of the boards of trustees  
92 of public hospitals that would require discussion of any



93 identifiable patient information, including without limitation,  
94 patient complaints, patients' accounts, patients receiving charity  
95 care, or treatment that could be identified to a patient.

96 (o) Investigative discussions, investigative  
97 strategies, probative strategies related to identifiable instances  
98 of human trafficking or commercial sexual exploitation, and  
99 discussions involving locations of shelters or safe-houses for  
100 victims of human trafficking or commercial sexual exploitation.

101 (p) Transaction of business of committees,  
102 subcommittees or boards that would require discussion of any  
103 identifiable information of victims of human trafficking or  
104 children under eighteen years old who are victims of commercial  
105 sexual exploitation.

106 (5) The total vote on the question of entering into an  
107 executive session shall be recorded and spread upon the minutes of  
108 the public body.

109 (6) Any vote whereby an executive session is declared shall  
110 be applicable only to that particular meeting on that particular  
111 day.

112 (7) If a public body enters into executive session, the body  
113 must invite any member of its legislative advisory or oversight  
114 committee, if present, to stay during the executive session.

115 **SECTION 2.** This act shall take effect and be in force from  
116 and after July 1, 2022.

