

By: Senator(s) Robertson

To: Public Utilities;
Appropriations

SENATE BILL NO. 3001
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 77-6-11, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE THE BOARD OF COMMISSIONERS OF THE MUNICIPAL GAS
3 AUTHORITY OF MISSISSIPPI TO PARTICIPATE AND VOTE IN MEETINGS VIA
4 TELECOMMUNICATIONS OR ELECTRONIC MEANS AND TO PROVIDE THAT SUCH
5 MEETINGS SHALL BE SUBJECT TO THE OPEN MEETINGS LAW; AND FOR
6 RELATED PURPOSES.

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

8 SECTION 1. Section 77-6-11, Mississippi Code of 1972, is
9 amended as follows:

10 77-6-11. The authority shall consist of a board of
11 commissioners appointed by the respective utility commissions of
12 the municipalities which are members of the authority. Each
13 municipality shall appoint one (1) commissioner who may, at the
14 discretion of the municipality, be an officer or employee of the
15 municipality, the appointment to be made by resolution. Each
16 commissioner shall have one (1) vote. Each commissioner shall
17 serve at the pleasure of the utility commission by which he was
18 appointed. Each appointed commissioner before entering upon his
19 duties shall enter into bond with a corporate surety in an amount
20 not less than Ten Thousand Dollars (\$10,000.00), conditioned on
21 the faithful performance of his duties, and shall take and
22 subscribe to an oath, before some person authorized by law to
23 administer oaths, to execute the duties of his office faithfully
24 and impartially, and such bond and oath shall be filed with the
25 governing authority of the appointing municipality and spread upon
26 its minutes. The premiums on such bonds shall be paid by the
27 municipality.

28 The board of commissioners of the authority shall annually
29 elect one (1) of the commissioners as chairman, another as
30 vice-chairman, and another person or persons who may but need not
31 be commissioners to serve as treasurer, secretary and, if desired,
32 assistant secretary. The treasurer shall enter into bond with a
33 corporate surety in such amount of not less than Twenty-five
34 Thousand Dollars (\$25,000.00), as may be determined by the
35 commissioners. The office of treasurer may be held by the
36 secretary or assistant secretary. The board of commissioners may
37 also appoint such additional officers as it deems necessary. The
38 secretary or assistant secretary of the authority shall keep a
39 record of the proceedings of the authority, and the secretary
40 shall be the custodian of all records, books, documents and papers
41 filed with the authority, the minute book or journal of the
42 authority and its official seal. Either the secretary or the
43 assistant secretary of the authority may cause copies to be made
44 of all minutes and other records and documents of the authority
45 and may give certificates under the official seal of the authority
46 to the effect that such copies are true copies, and all persons
47 dealing with the authority may rely upon such certificates.

48 A majority of the commissioners of the authority then in
49 office shall constitute a quorum. A vacancy in the board of
50 commissioners of the authority shall not impair the right of a
51 quorum to exercise all the rights and perform all the duties of
52 the authority. Any action taken by the authority under the
53 provisions of this chapter may be authorized by resolution at any
54 regular or special meeting, and each such resolution shall take
55 effect immediately and need not be published or posted. A
56 majority of the votes which the commissioners present are entitled
57 to cast shall be necessary and sufficient to take any action or to
58 pass any resolution, provided that such commissioners present are
59 entitled to cast a majority of the votes of all commissioners of
60 the board. Any commissioner may participate and vote in regular

61 or special meetings of the board, as well as meetings of various
62 committees of the board, via telecommunications or electronic
63 means, and such participation and voting shall have the same
64 effect as if the commissioner were physically present at such
65 meetings. Any meeting of the board of commissioners or of a
66 committee of the board at which one or more of the commissioners
67 is participating via telecommunications or electronic means shall
68 be subject to the Open Meetings Law (Chapter 41, Title 25,
69 Mississippi Code of 1972), and all discussions during the meeting
70 via telecommunications or electronic means, other than discussions
71 held in executive session, must be open to the public. Notice of
72 any meeting at which one or more commissioners may be
73 participating via telecommunications or electronic means shall
74 specify the location at which the meeting will be open to the
75 public.

76 No commissioner of the authority shall receive any
77 compensation for the performance of his duties hereunder; however,
78 each commissioner, other than a commissioner participating in a
79 meeting via telecommunications or electronic means, may be paid a
80 per diem as provided by Section 25-3-69 * * * while engaged in the
81 performance of such duties.

82 SECTION 2. This act shall take effect and be in force from
83 and after its passage.