

By: Representative Brown

To: Judiciary A

HOUSE BILL NO. 1527

1 AN ACT TO AMEND SECTION 25-41-5, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE OPEN MEETINGS LAW NOTICE REQUIREMENT FROM THIRTY DAYS
3 TO FIVE DAYS ADVANCE NOTICE OF SCHEDULED DATE OF MEETING; TO
4 REMOVE THE EXCEPTION PROVIDED TO EXECUTIVE SESSIONS OF A PUBLIC
5 BODY; AND FOR RELATED PURPOSES.

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

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

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

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

27 (3) (a) Notice of any meetings held pursuant to subsection
28 (2) of this section shall be provided at least five (5) days in

29 advance of the date scheduled for the meeting. The notice shall
30 include the date, time, place and purpose for the meeting and
31 shall identify the locations for the meeting. All locations for
32 the meeting shall be made accessible to the public. All persons
33 attending the meeting at any of the meeting locations shall be
34 afforded the same opportunity to address the public body as
35 persons attending the primary or central location. Any
36 interruption in the teleconference or video broadcast of the
37 meeting shall result in the suspension of action at the meeting
38 until repairs are made and public access restored.

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

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

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

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