MISSISSIPPI LEGISLATURE REGULAR SESSION 2007

By: Senator(s) Lee (35th), Harden, Jackson (11th), Jackson (32nd), Jordan

To: Fees, Salaries and Administration

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2081

AN ACT TO AMEND SECTION 25-41-5, MISSISSIPPI CODE OF 1972, TO ALLOW EXECUTIVE SESSIONS OF PUBLIC BODIES TO BE HELD BY TELECONFERENCE AND TO CHANGE THE MINIMUM NOTICE REQUIRED FOR TELECONFERENCE MEETINGS; TO AUTHORIZE THE QUORUM OF ANY PUBLIC BODY TO MEET BY TELECONFERENCE AT DIFFERENT LOCATIONS FOR PURPOSES OF CONDUCTING A MEETING; AND FOR RELATED PURPOSES.

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

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

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

(2) A public body may conduct any meeting * * * through teleconference or video means. * * * A quorum of a public body as prescribed by law * * * may be at different locations for the purpose of conducting a meeting through teleconference or video means provided * * * participation is available to the general public.

(3) (a) Notice of any meetings held pursuant to subsection (2) of this section shall be provided at least five (5) days in advance of the date scheduled for the meeting. The notice shall include the date, time, place and purpose for the meeting and shall identify the locations for the meeting. All locations for the meeting shall be made accessible to the public. All persons attending the meeting at any of the meeting locations shall be afforded the same opportunity to address the public body as

persons attending the primary or central location. Any interruption in the teleconference or video broadcast of the meeting shall result in the suspension of action at the meeting until repairs are made and public access restored.

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

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

(5) A public body may meet by teleconference or video means as often as needed if an emergency exists and the public body is unable to meet in regular session. Public bodies conducting emergency meetings through teleconference or video means shall comply with the provisions of subsection (4) of this section requiring minutes, recordation and preservation of the audio or

audio/visual recording of the meeting. The nature of the emergency shall be stated in the minutes.

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