

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

To: Fees, Salaries and
Administration

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2081

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 QUORUM OF ANY PUBLIC
5 BODY TO MEET BY TELECONFERENCE AT DIFFERENT LOCATIONS FOR PURPOSES
6 OF CONDUCTING A MEETING; AND FOR RELATED PURPOSES.

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

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

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

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

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

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

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

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

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

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

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