

Senate State and Local Government Committee 1

Amendment No. 1 to SB2897

Dickerson
Signature of Sponsor

AMEND Senate Bill No. 2897

House Bill No. 2815*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 8-44-108, is amended by adding the following new subsection (e):

(1) As used in this subsection (e), "governing body" has the same meaning as defined in § 8-44-102.

(2) Notwithstanding any law to the contrary, a governing body may hold meetings by electronic or other means of communication without a quorum physically present in the manner established under this subsection (e) if the governing body determines that meeting by electronic means is necessary to prevent the spread of COVID-19 or other related epidemics to protect the health, safety, and welfare of the public and members of the governing body. The determination must include that a state of emergency has been declared, and must be made for each meeting held pursuant to this subsection (e).

(3) Except as otherwise provided in this subsection (e), any meeting held under this subsection (e) must comply with the requirements of the open meeting laws compiled under this part.

(4) A governing body meeting under this subsection (e) shall document in the minutes of the meeting that meeting electronically is necessary to prevent the spread of COVID-19 or other related epidemics, including a recitation of the facts and circumstances upon which the determination was made.

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(5) A governing body meeting under this subsection (e) is limited to taking up essential business and shall not conduct business that can be reasonably delayed, in the judgment of the governing body, until after the state of emergency ceases to exist.

(6) Each member participating electronically or otherwise must be able to simultaneously hear each other and speak to each other during the meeting. A member participating in such fashion shall identify the persons present in the location at which the member is participating.

(7) A member of the governing body who participates in a meeting electronically under this subsection (e) is considered present for purposes of creating a quorum and voting on matters presented to the governing body for consideration during the meeting to the same extent as if the member was physically present at a meeting of the governing body, but not for the purposes of determining per diem eligibility.

(8) To the extent practicable, a member of a governing body not physically present at a meeting conducted pursuant to this subsection (e) must be provided, prior to the meeting, with any documents that will be discussed at the meeting, with substantially the same content as those documents actually presented.

(9)

(A) If there is state of emergency declared by the governor, a governing body may determine that limiting the public's physical presence at a meeting conducted pursuant to this subsection (e) is necessary to protect the public health, safety, and welfare to prevent the spread of COVID-19 or other related

epidemics. If the governing body makes the determination to limit the public's physical presence, the governing body shall provide the public:

(i) Electronic access to the meeting if the governing body has the capability to do so. A governing body shall make reasonable efforts to acquire technology or capacity to provide the public electronic access to its meeting during the emergency. However, if a governing body determines by a properly recorded vote that it has made reasonable efforts and does not have the technology or capacity to provide electronic access to meetings, the governing body shall make an audio or video record of the meeting. The recording shall be made available as soon as possible to the public, but no later than forty-eight (48) hours after the meeting and remain accessible to the public for at least one (1) year following the ending of the meeting; and

(ii) Notice of the meeting must include a statement that the meeting will be conducted in a manner permitting participation by electronic or other means of communication. The statement must include instructions by which the public may electronically access the meeting, if such access can be provided, or instructions on how to access the recording of the meeting. The governing body must publish or place the notice in a place that the governing body reasonably believes the public would be able to view the notice.

(B) Notice provided as described in this subdivision (e)(9) constitutes adequate public notice as required under this part or as otherwise required by law.

(C) For purposes of this subdivision (e)(9), a "recording of the meeting" must include audio of the meeting.

(10) All votes taken during a meeting held pursuant to this subsection (e) must be by roll call vote.

(11) This subsection (e) is repealed on February 15, 2021.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.