

SENATE BILL 1681

By Gardenhire

AN ACT to amend Tennessee Code Annotated, Title 8,  
Chapter 44, relative to public meetings.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 8-44-108(a)(1), is amended by deleting the subdivision and substituting instead:

(1) "Governing body" means the governing body of a board, agency, or commission of state government, including state debt issuers;

SECTION 2. Tennessee Code Annotated, Section 8-44-108(a), is amended by adding the following as a new subdivision:

( ) "Electronic means of communication" means communication by video conference or audio conference and may include the use of an internet-based platform;

SECTION 3. Tennessee Code Annotated, Section 8-44-108(c), is amended by deleting subdivision (2) and inserting the following subdivisions and renumbering the subsequent subdivisions accordingly:

(2) If members of a governing body participate in a meeting using electronic means of communication, the governing body shall allow members of the public who are not in attendance at the physical location of the meeting to:

(A)

(i) View and listen to the meeting by electronic means in real time, if the meeting is conducted using video conference; or

(ii) Listen to the meeting by electronic means in real time, if the meeting is conducted with audio only with no video; and

(B) Participate or provide comment by electronic means of communication, if participation or public comment would normally be allowed at the meeting.

(3) A notice required by this part or other law and the agenda for the meeting must:

(A) State that the meeting will include members of the governing body who are participating by electronic means of communication; and

(B) Contain the telephone number, internet link, passwords, and all other information for members of the public to access the meeting electronically and to view, listen, and participate or provide comment, if public participation and comments are allowed in the meeting.

(4) A governing body shall not require members of the public to register in advance to view or listen to a meeting.

(5) A governing body that conducts a meeting allowing participation by electronic means of communication shall make a video recording of the meeting, or an audio recording if the meeting was held without video, and post the recording or a link to the recording on its website that contains information about the governing body and its meetings. The governing body shall post the recording as soon as possible but no later than three (3) business days after the meeting. The governing body shall retain the recording for at least five (5) years after the recording was created.

SECTION 4. Tennessee Code Annotated, Section 8-44-108(d), is amended by deleting the last sentence of the subsection and substituting instead:

Subdivisions (c)(1)-(6) apply to meetings held pursuant to this subsection (d).

SECTION 5. Tennessee Code Annotated, Section 8-44-108, is amended by adding the following as a new subsection:

( ) A member of a governing body shall be physically present for at least fifty percent (50%) of the governing body's meetings during a calendar year. If a member of a governing body is not present for at least fifty percent (50%) of the meetings per calendar year for two (2) consecutive calendar years, the chairperson of the governing body shall declare the member's office vacant and replace the member in the manner prescribed by law. The member who is removed is not eligible to fill the vacant office.

SECTION 6. This act takes effect July 1, 2022, the public welfare requiring it.