Amendment No._____

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

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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.

(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.

(5) 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.

(6) 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.

(7) 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.

(8)

(A) If a governing body determines that limiting the public's physical presence at a meeting conducted pursuant to the subsection (e) is necessary to protect the public health, safety, and welfare, the governing body shall provide the public:

(i) Electronic access to the meeting if the governing body has the capability to do so. If the governing body does not have the capability to provide the public electronic access to the meeting, any meeting conducted pursuant to this subsection (e) must be recorded, and a recording of the meeting must be made accessible to the public within forty-eight (48) hours of the meeting ending and remain accessible to the public for at least one (1) year following the ending of the meeting; and

(ii) Notice of the meeting, which includes 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.

(B) Notice provided as described in this subdivision (e)(8) constitutes adequate public notice as required under this part or as otherwise required by law.

(C) For purposes of this subdivision (e)(8), a "recording of the meeting" must include audio of the meeting.

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

(10) 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.