



January 31, 2023

SUMMARY OF BILL: Establishes limitations on when and how a member of a county legislative body (CLB) or a municipal legislative body (MLB) may participate in scheduled CLB or MLB meetings via electronic means, as well as the number of members who may participate electronically. Establishes certain access and notification requirements. Requires CLBs and MLBs to establish policies for the conduction of meeting with electronic participation. Repeals the act on July 1, 2026.

FISCAL IMPACT:

Other Fiscal Impact – Due to multiple unknown factors, the extent and timing of any recurring, permissive increase in local government expenditures, until July 1, 2026, cannot reasonably be determined.

Assumptions:

- Pursuant to Tenn. Code Ann. § 8-44-109, CLBs and MLBs are authorized to allow members to participate in meetings via electronic means, in certain circumstances; however, members participating via electronic means are ineligible for receipt of per diem.
- The proposed language:
 - Specifies CLB and MLB members are only allowed to participate in meetings electronically if they are dealing with a family or medical emergency, are called into military service, or are unable to attend in person due to inclement weather;
 - Prohibits CLBs and MLBs from conducting meetings utilizing electronic participation unless a quorum is physically present at the meeting location;
 - Limits the number of members who can participate electronically to three members;
 - Limits the number of times a CLB or MLB member may participate electronically to two times per year;
 - Requires for all meetings of a CLB or MLB conducted by electronic means to be accessible to the public in real-time live audio or video access and for a recording of such meeting to be made available to the public within two business days after the meeting; and
 - Requires public notice of such meeting to provide how the public can access the meeting.

- This analysis assumes:
 - Currently CLB and MLB members do not participate via electronic means frequently given that such participation is ineligible for per diem;
 - Under the proposed legislation, the number of CLB or MLB members who will participate electronically will be similar to current participation rates due to the specific criteria established for electronic participation;
 - Policies adopted by CLBs and MLBs will address per diem eligibility of members participating electronically;
 - Any CLB or MLB opting to allow electronic participation by members currently has the necessary infrastructure in place to meet the requirements for meeting electronically; and
 - Requiring additional information to be included in the public notice for meetings conducted electronically will not result in any significant fiscal impact to local government.
- In the event a CLB or MLB establishes a policy which maintains per diem ineligibility for electronic participation, the increase in local government expenditures is considered not significant.
- In the event a CLB or MLB establishes a policy which would grant per diem to members participating electronically, there will be a permissive increase in local government expenditures; however, due to multiple unknown factors such as, the number of CLBs or MLBs who will establish such policies granting per diem payments, the extent of per diem paid to individual members, and the timing of any payments, the extent and timing of any recurring permissive increase until July 1, 2026 cannot reasonably be determined.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

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