

**PUBLIC CHAPTER NO. 923**

**SENATE BILL NO. 3086**

**By McNally, Burchett, Woodson**

**Substituted for: House Bill No. 2750**

**By Dunn, Tindell, Armstrong, Harry Brooks, Campfield, Strader, Niceley,  
Casada**

AN ACT to amend Tennessee Code Annotated, Title 8, Chapter 44, Part 1, 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(b), is amended by adding the following language as a new subdivision:

(4) Nothing in this section shall prohibit a governing body from complying with § 8-44-109.

SECTION 2. Tennessee Code Annotated, Title 8, Chapter 44, Part 1, is amended by adding the following language as a new, appropriately designated section:

§ 8-44-109.

(a) As a pilot project, the governing body of any county having a population of not less than three hundred eighty-two thousand (382,000) nor more than three hundred eighty-two thousand one hundred (382,100) according to the 2000 federal census or any subsequent federal census may, but is not required to, allow electronic communication between members by means of computer conferencing on the Internet, or Internet relay chat ("IRC"), only if such governing body:

(1) Makes the Web site through which such electronic communication is conducted available for viewing by the public at all times other than that necessary for technical maintenance or unforeseen technical limitations of the Web site;

(2) Provides adequate public notice of the governing body's intended use of the IRC;

(3) Controls who may communicate through the IRC; and

(4) Controls the archiving of such electronic communications to ensure that such electronic communications are publicly available for at least one (1) year after the date of the

communication; provided, that access to such archived electronic communications is user-friendly for the public.

(5) Provides computer access for members of the public to view the Web site at the local public library or at the building where the governing body meets;

(b) Any communication between members of a governing body in compliance with this section or for the sole purpose of scheduling electronic communication through an IRC in compliance with this section is exempt from the provisions of the Open Meetings Law compiled in this part.

(c) No member participating in an electronic communication complying with this section is deemed to be eligible for per diem for such participation.

(d) As used in this section, "governing body" has the same definition as defined in § 8-44-102.

SECTION 3. The office of open records counsel shall study the issue of governing bodies allowing electronic communication between members by means of computer conferencing on the Internet.

SECTION 4. This act shall take effect July 1, 2008, the public welfare requiring it, and shall cease to be effective on July 1, 2011.

**PASSED: April 24, 2008**

  
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RON RAMSEY  
SPEAKER OF THE SENATE

  
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JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

**APPROVED this 15th day of May 2008**

  
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PHIL BREDESEN, GOVERNOR