

HOUSE BILL 2386

By Calfee

AN ACT to amend Tennessee Code Annotated, Title 4;
Title 8, Chapter 4, Part 6 and Title 49, relative to
meetings of state agencies.

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

SECTION 1. Tennessee Code Annotated, Title 4, is amended by adding the following
as a new chapter:

4-39-101. This chapter shall be known as the "Tennessee Streaming Video Act".

4-39-102. As used in this chapter, "state agency" means any department,
commission, board, office or other agency of the executive branch of state government.

4-39-103. Meetings of each state agency created pursuant to this title and each
state agency listed in chapter 29, part 2 of this title shall be made available by the
agency for public viewing over the Internet by live streaming video accessible from the
agency's website. Archived videos of the state agency's meetings shall also be
available to the public through the agency's website and be permanently maintained on
the website.

4-39-104.

(a) State agencies that have not satisfied the requirements of this
chapter as of January 1, 2015, shall be in compliance no later than July 1, 2017.

(b) State agencies shall be deemed to have satisfied the requirements of
subsection (a) if they are administratively attached to an agency that provides
live streaming and archived video as required by this chapter to the responsible
agencies.

4-39-105. State agencies may use the public hearing rooms in the Legislative Plaza if streaming video is not otherwise available to them, subject to the requirements established for the use of such hearing rooms by the general assembly.

4-39-106.

(a) State agencies that are unable to meet the requirements of this chapter may petition the office of open records counsel for an exemption from the requirements upon demonstrating to the satisfaction of the office that the requirements would create a financial hardship on the agencies.

(b) The criteria to be used by the office of open records counsel in determining whether to grant the exemption shall include, but not be limited to, the ability of agencies to provide live streaming and archived video capabilities.

(c)

(1) Exemptions granted under this section shall be valid for one (1) year from the date of issuance. Agencies that have not satisfied the requirements of this chapter shall reapply each year upon the expiration of the exemption.

(2) Agencies that come into compliance after being granted an exemption under this subsection (c) shall notify the office of open records counsel of such compliance.

4-39-107. Costs of providing live streaming video of meetings of state agencies shall be absorbed within the existing budget of the respective agency responsible for providing such services itself or on behalf of a state agency administratively attached to the responsible agency.

4-39-108. State agencies that conduct telephonic meetings pursuant to state law shall be exempt from the streaming video requirements of § 4-39-103, but shall archive, maintain and make all audiotapes of such meetings available to the public through their websites as prescribed in this chapter.

4-39-109. This chapter shall not apply to meetings deemed to be confidential in accordance with state constitutional or statutory provisions including, but not limited to, those occurring pursuant to §§ 3-6-201 and 3-6-202.

SECTION 2. Tennessee Code Annotated, Section 49-1-301(d), is amended by deleting subdivision (4) in its entirety.

SECTION 3. Tennessee Code Annotated, Section 49-7-204(f), is amended by deleting subdivision (3) in its entirety.

SECTION 4. Tennessee Code Annotated, Section 49-8-201(c), is amended by deleting subdivision (2) in its entirety.

SECTION 5. Tennessee Code Annotated, Section 49-9-205, is amended by deleting subsection (d) in its entirety.

SECTION 6. This act shall take effect January 1, 2015, the public welfare requiring it.