

SENATE BILL 2187

By Johnson

AN ACT to amend Tennessee Code Annotated, Title 4,
Chapter 3, Part 22 and Title 4, Chapter 3, Part 54,
relative to the Tennessee sports hall of fame.

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

SECTION 1. Tennessee Code Annotated, Section 4-3-5402(2), is amended by deleting the subdivision and substituting instead the following:

(2) "Commissioner" means the commissioner of tourist development, or the commissioner's designee;

SECTION 2. Tennessee Code Annotated, Section 4-3-5403(b), is amended by deleting the subsection and substituting instead the following:

(b) The board shall administer the hall of fame, pursuant to § 4-3-5404.

SECTION 3. Tennessee Code Annotated, Section 4-3-5403, is amended by adding the following as a new subsection:

The hall of fame is subject to examination and audit by the comptroller of the treasury in the same manner as prescribed for departments and agencies of the state pursuant to § 8-4-109.

SECTION 4. Tennessee Code Annotated, Section 4-3-5404(b)(1), is amended by deleting the following language:

There is created within the department the Tennessee sports hall of fame board.
and substituting instead the following:

There is created the Tennessee sports hall of fame board. For administrative purposes, the hall of fame is attached to the department.

SECTION 5. Tennessee Code Annotated, Section 4-3-5404(d)(2), is amended by deleting the language "The executive committee shall adopt bylaws prescribing the duties and functions of the committee."

SECTION 6. Tennessee Code Annotated, Section 4-3-5404(i), is amended by deleting the subsection and substituting instead the following:

(i) The commissioner may appoint hall of fame personnel subject to the approval of the board. Nothing in this subsection (i) prohibits members from submitting recommendations to the commissioner for the appointment of hall of fame personnel. The hall of fame's personnel shall not be considered state employees for any purposes. The hall of fame's personnel are subject to an annual performance review by the commissioner, and upon completion of the review, the commissioner shall report the findings to the board.

SECTION 7. Tennessee Code Annotated, Section 4-3-5404, is amended by deleting subsection (j).

SECTION 8. Tennessee Code Annotated, Section 4-3-5405, is amended by deleting the section and substituting instead the following:

(a) The board shall:

(1) Nominate and induct qualified athletes, athletic teams, sports personalities, and sporting events to the hall of fame in accordance with guidelines prescribed by the board, subject to approval by the commissioner;

(2) Conduct fundraising to support the hall of fame. Any funds raised by the board must be used to support the hall of fame and held by the department and accounted for separately for such use;

(3) Offer advice and guidance to the commissioner for purposes of the commissioner's administration of the hall of fame, including, but not limited to:

(A) Suggesting programs and campaigns that are designated to promote the spirit of sportsmanship and genteel competition both inside and outside the arena of athletic competition; and

(B) Recommending guidelines and criteria, consistent with the purposes of the hall of fame, for purposes of assisting the commissioner with the administration of a scholarship program under § 4-3-5407; and

(4) For good cause shown, review, reconsider, and renominate, in whole or in part, a previous class elected to the hall of fame.

(b)

(1) At least ninety (90) days prior to the beginning of each state fiscal year, the board shall submit a plan for operation to the commissioner and the comptroller of the treasury for the review and approval of the commissioner and the comptroller of the treasury. The plan of operation must be in such form as the department requires and must include, but not be limited to, the following:

(A) A budget for operating and capital expenditure;

(B) Contracts for services; and

(C) Policies and procedures adopted by the board to govern the expenditure of funds, including any such policies and procedures required by the department through rules.

(2) The plan of operation may be amended during the fiscal year with the written approval of the commissioner and comptroller of the treasury.

(3) Within ninety (90) days after the end of its fiscal year, the board shall annually submit to the department and comptroller of the treasury a report setting forth the board's accomplishments.

SECTION 9. Tennessee Code Annotated, Section 4-3-5406(a), is amended by deleting the language "In managing and administering the hall of fame" and substituting instead the language "In providing administrative support to the hall of fame".

SECTION 10. Tennessee Code Annotated, Section 4-3-5407(2), is amended by deleting the subdivision and substituting instead the following:

(2) Enter into any mutual agreements and contracts for the employment of personnel and operation of the hall of fame, excluding the requirements of § 4-3-1105. Nothing in this part or any other law, except title 9, chapter 8, shall be construed as a waiver of the state's immunity under the eleventh amendment to the Constitution of the United States or of the state's sovereign immunity for the board, its directors, officers, or employees;

SECTION 11. This act shall take effect upon becoming a law, the public welfare requiring it.