



State of Tennessee
PUBLIC CHAPTER NO. 332

SENATE BILL NO. 763

By Woodson

Substituted for: House Bill No. 1024

By Hawk, Eldridge, Sparks

AN ACT to amend Tennessee Code Annotated, Title 70, Chapter 1, Part 2 and Title 70, Chapter 1, Part 3, relative to wildlife resources.

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

SECTION 1. Tennessee Code Annotated, Section 70-1-302, is amended by adding the following as a new, appropriately designated subsection:

(1) The Wildlife Resources Agency is authorized to enter into partnership agreements with nonprofit organizations for the purpose of promoting and supporting the goals and objectives of the agency including, but not limited to, marketing opportunities.

(2) This subsection shall not be interpreted to abridge any powers or duties delegated to the agency in this part.

(3) The nonprofit partners shall have their boards of directors elected by a process approved by the governor or the governor's designee.

(4) The nonprofit partners shall be properly incorporated under the laws of the State of Tennessee, and approved by the Internal Revenue Service as organizations that are exempt from federal income tax under § 501(a) of the Internal Revenue Code, 26 U.S.C. § 501(a), by virtue of being organizations described in § 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3).

(5) Costs to underwrite the nonprofit partners' activities related to marketing opportunities shall be borne from revenues of the nonprofit partners and no state employee shall benefit from such proceeds. All proceeds in excess of the cost of operation shall be deposited exclusively into the wildlife resources fund as established in § 70-1-404 and shall not revert to the general fund.

(6) The nonprofit partners shall annually submit to the governor, the Speakers of the Senate and the House of Representatives, and the chairman of the Tennessee Wildlife Resources Commission, within ninety (90) days after the end of their fiscal year, a complete and detailed report setting forth their operation and accomplishments.

(7) The annual reports and all books of accounts and financial records of all funds received by grant, contract or otherwise from state, local or federal sources shall be subject to audit annually by the comptroller of the treasury. With prior approval of the comptroller of the treasury, the audit may be performed by a licensed independent public accountant selected by the nonprofit partner. If an independent public accountant is employed, the audit contract between the nonprofit partner and the independent accountant shall be on contract forms prescribed by the comptroller of the treasury. The cost of any audit shall be paid by the nonprofit partner. The comptroller of the treasury shall ensure that audits are prepared in accordance with generally accepted governmental auditing standards and determine if the audits meet minimum audit standards prescribed by the comptroller of the treasury. No audit may be accepted as meeting the requirements of this section until approved by the comptroller of the treasury.

(8) All full board meetings of a nonprofit organization concerning activities authorized by Section 2 of this act or pursuant to § 70-1-302(f) shall be open to the

public, except for executive sessions that include, but are not limited to, any of the following matters: litigation; audits or investigations; human resource issues; gift acceptance deliberations; board training; governance; donor strategy sessions; and security measures.

(9) All expenditures of a nonprofit organization relating to activities authorized by Section 2 of this act or pursuant to § 70-1-302(f) shall be open for public inspection upon specific request to the nonprofit organization.

SECTION 2. Tennessee Code Annotated, Title 70, Chapter 1, Part 2, is amended by adding the following as a new, appropriately designated section:

70-1-2_.

(a) The Wildlife Resources Commission is authorized to develop rules and regulations for corporate sponsorship on appropriate agency motor vehicles and vessels; provided, however, no corporate sponsorship shall be placed on agency law enforcement motor vehicles or vessels. Such rules and regulations may include, but are not limited to, signage placement, safety concerns and prohibited practices.

(b) Such commercial sponsorship shall not include, identify or promote:

- (1) Alcohol or tobacco products;
- (2) Adult-oriented establishments, as defined in § 7-51-1102 or § 7-51-1401;
- (3) Political candidacies, political issue advocacy, or political campaign advertising, as prohibited in § 2-19-144; or
- (4) Any unlawful conduct or activities.

(c) The department shall prefer sponsorship by organizations that are wildlife or boating related.

(d)(1) The sponsorship message shall include only the name and/or logo of the sponsor.

(2) The sponsorship message may only be located on the back of the vehicle or vessel.

(3) The logo of the sponsor shall not exceed four hundred (400) square inches in size, and the lettering identifying the sponsor shall not exceed eight inches (8") in height.

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

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PASSED: May 19, 2011



RON RAMSEY
SPEAKER OF THE SENATE



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 30th day of May 2011



BILL HASLAM, GOVERNOR