



State of Tennessee
PUBLIC CHAPTER NO. 59

HOUSE BILL NO. 306

By Representatives Montgomery, Sargent, Fitzhugh, Naifeh, Armstrong, Haynes, Dunn, Harry Brooks, Ragan, Shepard, McCormick, Hawk, Dean, Don Miller, Matheny, Eldridge, Watson, Floyd, Carr, Brown, Favors, Cobb, Womick, Sparks, Forgety, White, Hall, Camper, McManus, Kevin Brooks, Sanderson, Rich, Gotto, Shaw, Todd, Lollar, Marsh, Faison, Butt, Ryan Williams, Tidwell, Powers, Sexton, Parkinson, Richardson, Weaver, Towns, Hensley, Wirgau, Elam, Shipley, Stewart, Coley, Phillip Johnson, Cooper, McDonald

Substituted for: Senate Bill No. 336

By Senators Gresham, Woodson, Overbey, Haynes, Tate, McNally, Finney, Berke, Ford

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 9, Part 1, relative to foundations established for the benefit of the University of Tennessee.

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

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 9, Part 1, is amended by adding the following language as a new, appropriately designated section:

49-9-__.

(a) The University of Tennessee board of trustees is expressly authorized and empowered to designate one (1) or more foundations established to support the university, pursuant to § 49-7-107, or any existing foundation created to support a campus of the university, to receive and hold private gifts for support of the university unless the donor has specifically directed in writing that a gift be received and held by the university.

(b) The University of Tennessee is expressly authorized and empowered to enter into a fee-for-services agreement with one (1) or more foundations established to support the university, pursuant to § 49-7-107, or any existing foundation created to support a campus of the university, under which the foundation will provide development and alumni services for the university. An agreement for services under this subsection shall be subject to the prior approval of the University of Tennessee board of trustees and to all prior approvals required by state laws, rules, or regulations.

(c) The University of Tennessee is expressly authorized and empowered to enter into an agreement to lease university employees to one (1) or more foundations established to support the university, pursuant to § 49-7-107, or any existing foundation created to support a campus of the university, to carry out the mission of the foundation, including but not limited to providing development and alumni services for the university. Employees leased under the authority of this subsection shall remain eligible for participation in all university benefit programs for which they are otherwise eligible. An agreement for the lease of employees under the authority of this subsection shall be subject to the prior approval of the University of Tennessee board of trustees and to the prior approval of the attorney general and reporter as to form and legality.

(d) The University of Tennessee is expressly authorized and empowered to enter into a fee-for-services agreement to provide services, including, but not limited to, human resources services, information technology services, and accounting and financial services, to one (1) or more foundations established to support the university, pursuant to § 49-7-107, or any existing foundation created to support a campus of the university.

(e)

(1) All full board meetings of any foundation established to support the University of Tennessee, pursuant to § 49-7-107, or any existing foundation created to support a campus of the University of Tennessee, 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.

(2) All expenditures by any foundation established to support the University of Tennessee, pursuant to § 49-7-107, or any existing foundation created to support a campus of the University of Tennessee, shall be open for public inspection upon specific request.

(f) Nothing in this section shall be deemed or construed to waive or abrogate in any way the sovereign immunity of the state, the university or any officer or employee of the state or the university or to deprive any officer or employee of the state or university of any other immunity to which the officer or employee is otherwise entitled under state law.

SECTION 2. This act shall take effect upon becoming law, the public welfare requiring it.

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PASSED: MARCH 28, 2011



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 11th day of April 2011



BILL HASLAM, GOVERNOR