

STATE OF TENNESSE

PUBLIC CHAPTER NO. 497

SENATE BILL NO. 2149

By Henry, Burchett, McNally, Woodson, Overbey, Haynes, Johnson, Harper, Stanley, Crowe, Tate, Ketron, Berke, Faulk, Burks, Stewart, Marrero

Substituted for: House Bill No. 2134

By Harwell, Naifeh, Armstrong, Tindell, McCord, West, Sargent, Dunn, Fitzhugh, McDaniel, Hill, Cooper, Kevin Brooks, Bone, Gilmore, Pruitt, Favors, Hardaway, Matheny, Todd, McCormick, McManus, Mike Turner, Shaw, Moore, Eldridge, Haynes, Sherry Jones, Ty Cobb, Ferguson, Pitts, Coley, Faulkner, Mr. Speaker Williams, Maggart, Lollar, Litz, Yokley, Curt Cobb, Fraley, Harmon, Curtis Johnson, Niceley, Shipley

AN ACT to amend Tennessee Code Annotated, Title 4, relative to the establishment of the Tennessee state museum commission.

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

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 20, is amended by adding the following language as a new part:

Section 4-20-301.

(a) There is created and established a state commission to be known as the Douglas Henry State Museum Commission, hereinafter referred to as "the commission", to consist of eleven (11) voting members.

(b) Two (2) members of the commission shall be appointed by the Speaker of the House of Representatives and two (2) members of the commission shall be appointed by the Speaker of the Senate. Such members shall serve two-year terms and shall not serve for more than two (2) consecutive terms.

(c) Six (6) members of the commission shall be appointed by the governor, with two (2) members to be appointed from each grand division of the state. Such members shall serve three-year terms and shall not serve for more than two (2) consecutive terms. The successor of any such members shall be appointed from their grand division.

(d) One (1) member of the commission shall be appointed jointly by the Speaker of the Senate and the Speaker of the House of Representatives as an at-large member. Such member shall serve a three-year term and shall not serve more than two (2) consecutive terms.

(e) The commission shall include, as an ex officio, nonvoting member, the executive director of the state museum, whose term shall be for so long as such person remains the executive director of the state museum.

(f) The commission shall include, as an ex officio, nonvoting member, the chair of the Tennessee Arts Commission as of January 1, 2009, who shall serve only one (1) two-year term beginning on July 1, 2009. Such member shall serve as a resource to the state museum commission. Notwithstanding any provision of § 55-4-215 or § 55-4-216 or any other law to the contrary, such member shall facilitate transition grants awarded from revenue granted from the sale of new specialty earmarked and cultural plates to the state museum commission from the arts commission, with such grant money to be used at the discretion of the museum commission for operating expenses. The commission shall be eligible to receive such transition grants pursuant to the authority granted to the member in this subsection (f) for the period beginning July 1, 2009, and ending June 30, 2011. Nothing in this subsection shall prohibit the commission from receiving transition grants pursuant to any other authority.

(g) In making appointments to the state museum commission, the governor shall strive to ensure that at least one (1) person serving on the commission is sixty (60) years of age or older and that at least one (1) person serving on the commission is a member of a racial minority.

(h) All vacancies shall be filled for the balance of the unexpired term in the same manner as original appointments.

(i) A quorum shall be six (6) voting members of the commission.

Section 4-20-302.

(a) The members of the commission shall be citizens of the state who have demonstrated active involvement in museums, museum governance, history, art, cultural heritage and enrichment, education, and who exemplify fundamental leadership skills and fundraising capabilities.

(b) The commission shall elect a chair from among its appointed membership. The chair shall serve in that capacity for one (1) year and shall be eligible for reelection. The chair shall preside at all meetings and shall have all the powers and privileges of the other members.

(c)(1) The members of the commission shall not receive any compensation for their services but may be reimbursed for actual and necessary expenses incurred in the performance of their duties as members of the commission.

(2) All reimbursement for travel expenses shall be in accordance with the comprehensive travel regulations as

promulgated by the Department of Finance and Administration and approved by the attorney general and reporter.

Section 4-20-303. The primary function of the commission shall be to oversee the operations of the state museum. The commission shall also be entrusted with establishing the strategic direction of the museum, with an emphasis on the educational and cultural enrichment of the citizens of this state. The commission shall work to ensure that the citizens of this state have access and exposure to the museum collections and special changing exhibits, and that the current collections are preserved appropriately and exposed to the public. The commission shall also work to ensure that future acquisitions are made in a deliberate manner in support of the mission and goals of the museum, for the purpose of educating the citizens of this state.

Section 4-20-304.

(a) The commission is authorized and empowered to:

(1) Oversee the operation of the state museum;

(2) Employ an executive director of the museum, experts and such other assistants as deemed necessary;

(3) Promulgate rules and regulations for its own governance, and for the operation and administration of the museum, with all such rules and regulations being promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5;

(4) Identify the necessary controls to ensure expenditures in accordance with the law of such public funds as may be appropriated to the commission;

(5) Make regular reports to the general assembly as required; and

(6) Adopt policies designed to fulfill the duties and to attain the objectives of the commission as established by law.

(b) The commission may request and shall receive from any department, division, board, bureau, commission or agency of this state such assistance and data as will enable it properly to carry out its powers and duties under this part.

(c) The commission shall be the sole governing authority of the state museum.

Section 4-20-305. The commission is the official agency of the state to receive federal funding related to the functions of the museum, and for re-granting to other appropriate entities.

SECTION 2. Tennessee Code Annotated, Section 4-12-101, is amended by deleting such section in its entirety and by substituting instead the following:

Section 4-12-101. There is created a state museum for the purpose of bringing together the administration of the various collections of articles, specimens and relics owned by the state, to be under the supervision of, and administered by, the Tennessee state museum commission, established pursuant to Chapter 20, Part 3 of this title.

SECTION 3. Tennessee Code Annotated, Section 4-12-102, is amended by deleting subsection (a) in its entirety and by substituting instead the following:

(a) The Douglas Henry State Museum Commission shall employ a museum director, experts and other employees as may be needed to properly care for and maintain the museum and to impart its educational value to the visiting public.

SECTION 4. Tennessee Code Annotated, Section 4-12-103, is amended by deleting the section in its entirety and by substituting instead the following:

Section 4-12-103. The executive director of the museum, experts and such other assistants as may be employed under this chapter, shall have their compensation fixed and paid by the Douglas Henry State Museum Commission consistent with the Department of Human Resources' policies and standards.

SECTION 5. Tennessee Code Annotated, Section 4-12-111, is amended by deleting subdivision (a)(2) in its entirety and by substituting instead the following:

(2) The amount of the fee or charge shall be determined by the Douglas Henry State Museum Commission, and proceeds from the fees or charges shall only be used by the commission to offset the cost of the special events or programs or other educational programs of the state museum.

SECTION 6. Tennessee Code Annotated, Section 4-29-232(a), is amended by adding a new subdivision thereto, as follows:

() Douglas Henry State Museum Commission, created by § 4-20-301;

SECTION 7. The duties and functions of the Tennessee Arts Commission relative to the operation of the state museum are hereby transferred to the Douglas Henry State Museum Commission.

SECTION 8. For the purpose of making appointments to the Douglas Henry State Museum Commission and for promulgating rules and regulations, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2009, the public welfare requiring it.

PASSED: June 2, 2009



RON RAMSEY
SPEAKER OF THE SENATE



KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 23rd day of June 2009



PHIL BREDESEN, GOVERNOR