



State of Tennessee

PUBLIC CHAPTER NO. 848

SENATE BILL NO. 2109

By Lundberg, Watson

Substituted for: House Bill No. 2346

By Ragan

AN ACT to amend Tennessee Code Annotated, Title 4 and Title 49, relative to higher education.

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

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 8, is amended by adding the following as a new part:

49-8-701.

(a) Notwithstanding this title or title 4, chapter 29 to the contrary, if a state university board ceases to exist in accordance with the Tennessee Governmental Entity Review Law, compiled in title 4, chapter 29, or if a state university board is vacated by an act of the general assembly that does not provide for the simultaneous reconstitution of the state university board, then the management, governance, powers, and duties of the state university board are transferred to the Tennessee higher education commission at 11:59 p.m. on June 29 of the year in which the state university board ceases to exist pursuant to title 4, chapter 29, or one (1) minute prior to the effective date of an act of the general assembly vacating the state university board, if the act does not provide for the simultaneous reconstitution of the state university board, as applicable.

(b) Notwithstanding this title or title 4, chapter 29 to the contrary, the commission shall exercise the management and governance functions, and execute and assume the powers and duties, of a state university board as provided in this title, for a state university whose local governing board of trustees ceases to exist pursuant to the Tennessee Governmental Entity Review Law, compiled in title 4, chapter 29, or for a state university whose local governing board of trustees is vacated by an act of the general assembly that does not provide for the simultaneous reconstitution of the state university board.

(c)(1) The commission shall not exercise or perform one (1) or more of the commission's powers or duties as prescribed in § 49-7-202 for a state university for which the commission is serving as the state university board pursuant to this section with regard to the state university's academic programs, capital projects, or operating budget requests, if the commission has previously acted on the matter in the commission's role as the state university board.

(2) In order to avoid any conflicts of interest, the commission shall delegate to the commission's executive director one (1) or more of the commission's powers or duties as prescribed in § 49-7-202 with regard to the academic programs, capital projects, or operating budget requests for a state university for which the commission is serving as the state university board, and for which the commission has previously acted in the commission's role as the state university board. Notwithstanding another law to the contrary, the executive director is authorized to perform the delegated power or duty on behalf of the commission for the respective state university and any action taken by the executive director pursuant to such a delegation has the same force and effect as if the action were taken by the commission.

(3) The executive director shall, at the next scheduled commission meeting, present all information related to the executive director's performance of a power or duty delegated to the executive director under this subsection (c).

(d) This section does not alter, invalidate, or otherwise terminate any contracts, holdings, or interests of a state university.

49-8-702.

The Tennessee higher education commission shall submit written notification of its assumption of the management and governance of a state university under this part to the appropriate joint evaluation committee created in § 4-29-103, as required under § 4-29-122.

49-8-703.

(a) All rules promulgated by a state university board that are in effect upon the Tennessee higher education commission's assumption of the management and governance for the state university pursuant to this part continue in effect and are deemed to be rules of the commission for the respective state university.

(b) All policies, procedures, and guidelines adopted by a state university board that are in effect upon the Tennessee higher education commission's assumption of the management and governance for the state university pursuant to this part continue in effect and are deemed to be the policies, procedures, and guidelines of the commission for the respective university.

(c) Upon the reconstitution of a local governing board of trustees for a state university for which the Tennessee higher education commission is serving as the state university board pursuant to this part, all rules, policies, procedures, and guidelines for the state university that are in effect upon the reconstitution of the local governing board of trustees continue in effect and are deemed to be the rules, policies, procedures, and guidelines of the reconstituted state university board.

49-8-704.

Upon the reconstitution of the local governing board of trustees, pursuant to § 49-8-201, for a state university for which the Tennessee higher education commission is serving as the state university board pursuant to this part, the reconstituted state university board shall assume the management and governance of the state university, and assume all powers and duties of a state university board as provided in this title.

49-8-705.

The Tennessee higher education commission may promulgate rules to effectuate this part. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 2. Tennessee Code Annotated, Section 49-8-201(f)(6), is amended by deleting subdivision (B) and substituting instead the following:

(B) Elected or appointed officials; provided, that this subdivision (f)(6)(B) does not apply to members of the Tennessee higher education commission, if the commission is serving as a state university board pursuant to part 7 of this chapter;

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.


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PASSED: April 15, 2024


RANDY McNALLY
SPEAKER OF THE SENATE


CAMERON SEXTON, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 1st day of May 2024


BILL LEE, GOVERNOR