

HOUSE BILL 2029

By Faison

AN ACT to amend Tennessee Code Annotated, Title 4,
relative to the creation of the state horse racing
advisory committee.

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

SECTION 1. Tennessee Code Annotated, Section 4-3-1304(a), is amended in the first sentence by inserting the language "and in § 4-36-101 relative to the state horse racing advisory committee," after the language "relative to the Tennessee athletic commission,".

SECTION 2. Tennessee Code Annotated, Section 4-3-1304(a), is further amended in subdivision (14) by deleting the language "or the board of law examiners" and substituting the language ", the board of law examiners, or the state horse racing advisory committee".

SECTION 3. Tennessee Code Annotated, Title 4, is amended by adding the following as a new chapter:

4-36-101.

(a) There is created as an independent entity of state government the state horse racing advisory committee, which shall consist of seven (7) members to be appointed by the governor:

(1) Five (5) public members;

(2) One (1) member who shall have a background in law enforcement, and who shall be appointed by the governor from a list of three (3) persons submitted by the director of the TBI; and

(3) One (1) member who shall have a background in accounting, and who shall be appointed by the governor from a list of three (3) persons submitted by the state board of accountancy.

(b) Of the members appointed:

(1) At least two (2) members shall be appointed from each grand division of the state; and

(2) At least four (4) members shall have a reasonable knowledge of the practices and procedures of horse racing.

(c) In making appointments to the committee, the governor shall strive to ensure that the committee is composed of members who are diverse in professional or educational background, ethnicity, age, race, gender, geographic residency, heritage, perspective, and experience.

(d) A vacancy on the committee shall be filled in the same manner as the original appointment.

4-36-102. To be eligible for appointment to and membership on the committee, a person shall:

(1) Have been a legal resident of this state for five (5) years immediately preceding the appointment, and shall be more than thirty (30) years of age;

(2) Be of such character and reputation as to promote public confidence in the administration of horse racing within this state;

(3) Not directly or indirectly or in any capacity own or have any interest in a horse racing track, including, but not limited to, an interest as owner, lessor, lessee, operator, manager, concessionaire, stockholder, or employee;

(4) Not be a public official or public employee;

(5) Not have been convicted of any gambling or gaming offense under the federal law or the laws of this state or any other state, or of an offense that is punishable as a felony under the federal law, the laws of this state, or any other state;

(6) Not accept any pecuniary or other form of reward or gift from any horse racing association or any other entity with pecuniary interest in horse racing; and

(7) Have no pecuniary interest or engage in any private employment in a business which does business with any association or any other entity involved in horse racing.

4-36-103.

(a) Members of the committee shall receive no compensation for their services, but shall receive the amount authorized by § 3-1-106(b)(1), for expenses for each day or portion of a day the member is engaged in the official business of the committee.

(b) Members shall also receive reimbursement for travel expenses in accordance with the comprehensive travel regulations promulgated by the department of finance and administration and approved by the attorney general and reporter.

4-36-104.

(a) A majority of the members of the committee shall constitute a quorum for the transaction of business or the exercise of its powers.

(b)

(1) Any member of the committee who fails to attend or participate in more than fifty percent (50%) of the meetings in a calendar year shall be removed as a member.

(2) The chair of the committee shall notify the appointing authority of any member who fails to satisfy the attendance requirement in subdivision (b)(1).

4-36-105.

(a) The governor shall appoint a chairman from the members appointed to the committee who shall serve at the pleasure of the governor. The chairman shall call the first meeting of the committee.

(b) The chairman shall:

(1) Attend all meetings of the committee;

(2) Keep a complete record of the proceedings at each meeting of the committee;

(3) Preserve, at the division of regulatory boards within the department of commerce and insurance, all books, documents, and papers entrusted to the care of the committee, and prepare for service any documents as may be required by the committee; and

(4) Be responsible for the carrying out of all requests and directives of the committee.

4-36-106.

All meetings of the committee shall be open and public in accordance with title 8, chapter 44. A public record of every vote and action taken by the committee shall be maintained at the division of regulatory boards within the department of commerce and insurance.

4-36-107.

The committee shall keep detailed records of all its meetings and business.

4-36-108.

(a)

(1) Effective July 1, 2016, the committee shall meet quarterly, or more often in the discretion of the committee, to develop recommendations for legislation related to the establishment of horse racing in this state, with the ultimate goal of vesting a state governmental entity with plenary power to control and regulate horse racing in Tennessee.

(2) In carrying out its duties, the committee may investigate, study, and report on any programs, initiatives, topics, or other matters as the committee deems appropriate to further the establishment of horse racing in this state.

(b)

(1) In carrying out the responsibilities of the committee, the committee may request the assistance of any agency of state government, and it is the duty of the agencies to promptly comply with such request for assistance by the committee.

(2) For administrative purposes, the committee shall be attached to the division of regulatory boards within the department of commerce and insurance, but for all other purposes, the autonomy of the committee and its authority are not affected by this subdivision (b)(2), and the department shall have no administrative or supervisory control over the committee.

(c) The committee shall complete and file a comprehensive report that includes, but is not limited to, all recommendations for legislation on the establishment of horse racing in this state prior to July 1, 2018.

SECTION 4. For the purpose of appointing members to the committee, 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, 2016, the public welfare requiring it.