

**Amendment No. 6 to HB2385**

**Fitzhugh  
Signature of Sponsor**

**AMEND Senate Bill No. 2247**

**House Bill No. 2385\***

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 65-1-101(a), is amended by deleting the language "four (4)" and by substituting instead the language "three (3)"; by deleting the language "directors" and by substituting instead the language "commissioners"; and by deleting the following language:

one (1) shall be appointed by the speaker of the house of representatives, and one (1) commissioner shall be appointed by joint agreement among the governor, the speaker of the senate and the speaker of the house of representatives

and by substituting instead the language:

and one (1) shall be appointed by the speaker of the house of representatives

SECTION 2. Tennessee Code Annotated, Section 65-1-101, is amended by deleting subsections (b)-(f) and by substituting instead the following:

(b) The commissioners of the authority shall be state officers and shall serve for six-year terms, except as provided in subsection (g).

(c) Every March 1 prior to the expiration of the terms of office of the commissioners thereafter, the governor, the speaker of the senate and the speaker of the house of representatives shall each appoint (1) commissioner of the authority.

(d) All appointments of the commissioners shall be confirmed by joint resolution adopted by each house of the general assembly prior to the commencement of the term of office to which such commissioner is appointed.

(e) Any vacancy on the authority shall be filled by the original appointing authority for such position to serve the unexpired term and such appointments shall be confirmed in the same manner as the original appointment. However, if the general

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assembly is not in session and a vacancy occurs, the appropriate appointing authority shall fill such vacancy by appointment and the appointee to such vacancy shall serve the unexpired term unless such appointment is not confirmed within thirty (30) days after the general assembly convenes following the appointment to fill such vacancy.

(f) The term of office of each commissioner shall commence on July 1, following such commissioner's appointment.

SECTION 3. Tennessee Code Annotated, Section 65-1-101(g), is amended by deleting the subsection in its entirety and by substituting instead the following:

(g) In order to stagger the terms of commissioners, the terms of commissioners appointed prior to the effective date of this section shall expire as follows:

(1) The term of the commissioner appointed by the governor and the term of the commissioner appointed by the joint agreement of all the appointing authorities shall expire on June 30, 2012. The commissioner appointed by joint agreement shall be thereafter eliminated;

(2) The term of the commissioners appointed by the speaker of the house of representatives and the speaker of the senate shall expire on June 30, 2014; and

(3) Thereafter, all members shall serve six-year terms.

SECTION 4. Tennessee Code Annotated, Section 65-1-104, is amended by deleting the section in its entirety and by substituting instead the following:

**65-1-104.**

(a) A majority of the Tennessee regulatory authority shall constitute a quorum for the transaction of business. The authority shall elect one (1) of its commissioners to be chair of the authority for a two-year term.

(b) The Tennessee regulatory authority, with the advice of the executive director, shall establish policies for the efficient and economical internal management of the authority, to be administered by the executive director.

(c) Policies established by the authority shall be communicated to the executive director by the chair, and the chair shall be responsible for ensuring that policies established by the authority are fully executed by the executive director. In addition, the chair shall have the power and duty to conduct ordinary and necessary business in the name of the authority, such duties to include, but not be limited to the following:

(1) Prepare and call the docket of items to be heard during each scheduled meeting of the authority;

(2) Serve as the designated contact for all media inquiries to the authority; and

(3) Perform such other duties as the authority may require or as may be required by statute.

SECTION 5. Tennessee Code Annotated, Section 65-1-105, is amended by deleting the language “four (4)” and inserting the language “three (3)” at the beginning of subdivision (b).

SECTION 6. Tennessee Code Annotated, Title 65, Chapter 1, Part 1, is amended by adding the following as a new, appropriately designated section:

**65-1-109.**

(a) The executive director shall be appointed by joint agreement among the governor, the speaker of the senate and the speaker of the house of representatives for the initial term. Thereafter, the commissioners of the authority shall appoint the executive director. Except as provided in subsection (b), the term of the executive director shall be three (3) years. The executive director shall have at a minimum a bachelor’s degree and either a minimum of five (5) years’ experience in the regulated utility industry or a minimum of five (5) years’ experience in executive-level management, with a preference toward experience in economics, law, finance,

accounting or engineering. The executive director shall not be a commissioner of the authority.

(b) The authority may remove the executive director by a majority vote of the commissioners.

(c) The executive director shall have the principal responsibility of implementing the broad strategies, goals, objectives, long-range plans and policies of the authority as directed by the authority. Among the executive director's duties, which are not limited to the following list, are:

(1) Serving as chief operating officer of the authority responsible for the day to day management of the authority and the supervision and hiring of all staff members within the limits of available funds authorized from time to time by the legislature;

(2) Administering, monitoring, and reviewing the operating procedures of each division of the authority, ensuring that each employee and division of the authority fully executes in an efficient and economical manner, the separate duties assigned to each;

(3) Recommending to the authority such rules and policies as are necessary and appropriate to efficiently and economically provide for internal management of the authority;

(4) Implementing and administering rules and policies for the efficient and economical internal management of the authority;

(5) Coordinating the preparation of the report to the general assembly as required by Section 65-1-111;

(6) Supervising the expenditure of funds and being responsible for complying with all applicable provisions of state and federal law in the receipt and disbursement of funds;

(7) Keeping the official full and correct record of all proceedings and transactions of the authority; and

(8) Performing such other duties as the authority may require, from time to time, or as may be required by statute.

(d) The commissioners of the authority shall set the compensation of the executive director.

SECTION 7. The Tennessee Code Commission is requested to change appropriate references in Tennessee Code Annotated to reflect the change in the designation of persons serving on the Tennessee Regulatory Authority from "directors" to "commissioners", as supplements are issued and volumes are replaced.

SECTION 8. Section 3 and this section shall take effect upon becoming a law, the public welfare requiring it. All other provisions of this act shall take effect on July 1, 2012, the public welfare requiring it.