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

Section 1. Tennessee Code Annotated, Section 4-29-216(a), is amended by deleting item (19) in its entirety.

Section 2. Tennessee Code Annotated, Title 4, Chapter 29, is amended by adding the following as a new section:

Section ____.

(a) The following governmental entities shall terminate on June 30, 2001:

() Tennessee utilities commission, created by Section 65-1-101;

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

(a) There is created the Tennessee utilities commission consisting of three (3) members to be appointed as provided in this act. Members shall serve until their term of office expires and their successors are appointed. The term of office of each commissioner appointed pursuant to the provisions of this act shall commence on February 1.

The terms of public service commissioners in office on June 30, 1995, shall be extended until the January 31 immediately following the expiration of their term of office to provide an orderly transition to appointed commissioners as provided by this act.

Commissioners of the public service commission in office on June 30, 1995, shall

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continue in office as commissioners of the Tennessee utilities commission pursuant to the provisions of this act.

Section 4. Tennessee Code Annotated, Section 65-1-101, is further amended by deleting subsections (c) and (d) in their entireties and by substituting instead the following:

(c) At the expiration of the term of office of commissioners of the public service commission in office on June 30, 1995, successors shall be appointed as follows:

(1) The governor shall appoint a commissioner from a list of nominees as provided in this act to fill the first vacancy on the commission;

(2) The senate shall appoint a commissioner from a list of nominees as provided in this act to fill the second vacancy on the commission;

(3) The house of representatives shall appoint a commissioner from a list of nominees as provided in this act to fill the third vacancy on the commission; and

(4) Thereafter, subsequent commissioners shall be appointed by such appointing authorities every six (6) years from a list of nominees as provided in this act.

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(1) If a vacancy occurs on the commission prior to the expiration of the term of office of a commissioner in office on June 30, 1995, the appointing authority that would have appointed the successor commissioner for the commissioner who has vacated such office shall appoint, from a list of nominees as provided in this act, a commissioner to fill the unexpired term of office. Any other vacancy shall be filled by the appointing authority for such commissioner who has vacated the office from a list of nominees as provided in this act to fill the unexpired term of office.

(2) If a vacancy occurs on the commission during a recess of the general assembly either between annual sessions or after the general assembly has adjourned sine die, and such vacancy would be filled by appointment of the senate or house of representatives, then such vacancy shall be filled by the speaker of the house entitled to make the appointment. Such appointment shall be from a list of nominees as provided in this act and such appointment shall be an interim appointment which shall expire thirty (30) days after the convention of the next session of the general assembly. During such thirty (30) day period the appropriate house shall appoint a commissioner from a list of nominees as provided in this act to serve the remainder of the unexpired term.

(e) The commissioners shall be residents of Tennessee, qualified voters and not less than twenty-five (25) years of age.

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(f) The members of the Tennessee utilities commission shall comply with the code of judicial conduct as promulgated by the Tennessee supreme court except that such members may accept appointments to governmental committees, commissions, or other positions concerned with regulatory issues. For the purpose of applying the code of judicial conduct, but for no other purpose, a commissioner shall be considered a judge and the office of Tennessee utilities commissioner shall be considered a judicial office.

Notwithstanding the one hundred eighty (180) day limitation in Canon 7B(2) of the code of judicial conduct, a commissioner elected to office prior to January 1, 1995, may establish a committee to raise funds to retire campaign debts incurred prior to January 1, 1995. In all other respects, the commissioner and the committee shall comply with the provisions of Canon 7.

A commissioner who knowingly or willfully violates the code of judicial conduct as made applicable by the provisions of this section commits misconduct in office and may be ousted from office in the manner provided in Tennessee Code Annotated, Title 8, Chapter 47.

Section 5. Tennessee Code Annotated, Section 65-1-102, is amended by deleting the section in its entirety and by substituting instead the following:

(a) There is created a Tennessee utilities commission nominating committee to be composed of seventeen (17) members as follows:

(1) The following members shall serve as ex officio, voting members:

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- A. Comptroller of the Treasury,
- B. Attorney General and Reporter,
- C. Commissioner of Finance and Administration, and
- D. Director of the Division of Consumer Affairs in the Department of Commerce and Insurance;

(2) The following members shall be appointed by the speaker of the senate:

- A. One (1) representative of the telecommunications industry,
- B. One (1) representative of the railroad industry, and
- C. One (1) representative of the utilities industry;

(3) The following members shall be appointed by the speaker of the house of representatives:

- A. One (1) representative of the telecommunications industry,
- B. One (1) representative of the utilities industry, and
- C. One (1) representative of the Tennessee AFL-CIO Labor

Council;

(4) The following members shall be appointed as follows:

A. One (1) representative of local government to be appointed jointly by the Tennessee Municipal League and the Tennessee County Services Association,

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B. One (1) consumer representative to be appointed by the Tennessee Leadership Council of the American Association of Retired Persons, and

C. One (1) consumer representative to be appointed by the Tennessee Association of Legal Services; and

(5) The following members who shall be selected by and represent the following organizations:

A. One (1) representative of the Tennessee Bar Association,

B. One (1) representative of the Tennessee Association of Business,

C. One (1) representative of the Tennessee Black Caucus of State Legislators, and

D. One (1) representative of the Tennessee Women’s Political Caucus.

(b) In order to stagger the terms of members of the nominating committee, initial terms of office shall be as follows and after such initial appointments, members shall be appointed to six (6) year terms of office:

(1) The following members shall be appointed for two (2) years:

A. One (1) representative of the telecommunications industry, appointed by the speaker of the senate,

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B. One (1) representative of the utilities industry, appointed by the speaker of the house of representatives,

C. One (1) representative of the Tennessee Bar Association,
and

D. One (1) representative of the Tennessee Women’s Political
Caucus;

(2) The following members shall be appointed for four (4) years:

A. One (1) representative of local government, appointed jointly by the Tennessee Municipal League and County Services Association,

B. One (1) representative of the utilities industry, appointed by the speaker of the senate,

C. One (1) representative of the railroad industry, appointed by the speaker of the senate,

D. One (1) consumer , appointed by the Tennessee Association of Legal Services, and

E. One (1) Tennessee AFL-CIO Labor Council representative, appointed by the speaker of the house of representatives; and

(3) The following members shall be appointed for six (6) years:

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A. One (1) representative of the telecommunications industry, appointed by the speaker of the house of representatives,

B. One (1) consumer , appointed by the Tennessee Leadership Council of the American Association of Retired Persons,

C. One (1) representative of the Tennessee Black Caucus of Legislators, and

D. One (1) representative of the Tennessee Association of Business.

(c) At least four (4) of the appointed members of the nominating committee shall be residents of each grand division of the state.

(d) No more than two-thirds (2/3) of the members of the nominating committee shall be of the same gender.

(e) The nominating committee shall be convened by the speaker of the senate.

(f) Members of the nominating committee shall not receive any compensation for their services but shall be reimbursed for their official travel expenses in accordance with the comprehensive travel regulations promulgated by the department of finance and administration and approved by the attorney general.

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(g) The nominating committee shall present a list of three (3) candidates to the appropriate appointing authority at least ninety (90) days prior to the occurrence of a vacancy on the Tennessee utilities commission. If an unexpected vacancy occurs, the governor shall notify the nominating committee that the vacancy exists and within sixty (60) days of such notice, the nominating committee shall present a list of three (3) candidates to the appropriate appointing authority.

(h) If the appropriate appointing authority fails to appoint a member of the Tennessee utilities commission from the first list of candidates submitted by the nominating committee, then such authority shall request the nominating committee to submit three (3) new candidates for consideration. The appropriate appointing authority shall then make the appointment from the second list presented by the nominating committee. The nominating committee shall present the second list within thirty (30) days of the request for the second list.

(i) No person who has served in the general assembly shall be eligible to be appointed as a commissioner of the Tennessee utilities commission unless two (2) years separates such person's service in the general assembly from commencement of such person's term of office as a commissioner.

(j) Candidates proposed by the nominating committee shall be competent and knowledgeable in one or more fields, which shall include, but not be limited to: public affairs, law, economics, accounting, engineering, finance, natural resource conservation,

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energy, or another field substantially related to the duties and functions of the Tennessee utilities commission.

(k) The nominating committee shall operate in accordance with the provisions of *Mason's Manual of Legislative Procedure*.

(l) Vacancies on the nominating committee shall be filled in the same manner as the original appointment to fill the unexpired term.

(m) The nominating committee shall be attached to the office of the comptroller of the treasury for administrative purposes only. Such office shall keep and maintain all records of the committee as well as furnishing any secretarial or other assistance it may require. Such office shall also notify all members of the committee of any vacancies on the Tennessee utilities commission and of the date, time and location of any committee meetings.

Section 6. Tennessee Code Annotated, Section 65-15-107, is amended by adding the following new subsection:

(f) No certificate of convenience and necessity to operate or contract hauler permit pursuant to the provisions of this part shall be required for carriers of household goods, motor vehicles otherwise regulated pursuant to the provisions of Tennessee Code Annotated, Section 65-15-104, and limousines. For purposes of this subsection, "limousine" means a motor vehicle for hire designed and/or constructed to accommodate and transport passengers, not more than eight (8) in number, exclusive of the driver.

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Section 7. Notwithstanding the provisions of Tennessee Code Annotated, Title 65, Chapter 15, to the contrary, vehicles not required to obtain a certificate of convenience and necessity or contract hauler permit pursuant to the provisions of Tennessee Code Annotated, Section 65-15-107(f), shall be regulated by the department of safety. The department of safety shall register such vehicles and regulate such vehicles for compliance with safety and insurance requirements as if such vehicles were registered and regulated as motor carriers under the provisions of Tennessee Code Annotated, Title 65.

Section 8. (a) The responsibility for enforcement of the provisions of Tennessee Code Annotated, Title 65, Chapter 15, is transferred to the department of safety. All personnel and support personnel employed by the public service commission on June 30, 1995, who are responsible for enforcing such provisions shall be transferred to the department of safety. Such responsibility for enforcement and personnel shall be transferred in accordance with a plan of transfer developed by the Tennessee utilities commission, department of personnel, department of safety, department of finance and administration and the comptroller of the treasury. Such transfer shall be completed in an orderly manner, as soon as practicable, but no later than July 1, 1996. Such plan shall include the transfer of equipment, furnishings and computer hardware and software as necessary to fulfill the transferred responsibility.

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(b) Each employee transferred to the department of safety pursuant to the provisions of this act shall retain the rank such employee holds on the date of transfer.

(c) Each employee transferred to the department of safety pursuant to the provisions of this act shall retain the salary such employee is receiving on the date of transfer. Such employees shall be eligible for any salary increases given to general state employees pursuant to the general appropriations act and such increases, if any, shall be given in accordance with the provisions of such act.

(d) No employee transferred pursuant to the provisions of this act shall be subject to the provisions of Tennessee Code Annotated, Sections 8-30-312 through 8-30-314.

Section 9.

(a) Notwithstanding the provisions of Tennessee Code Annotated, Section 8-30-101(a)(23)(J), to the contrary, all employees of the public service commission on June 30, 1995 shall be members of the "state service" as such term is defined in Tennessee Code Annotated, Section 8-30-101.

(b) In addition to the designations of career and executive service employees in Tennessee Code Annotated, Section 8-30-208, the following members of the state service as designated in subsection (a) of this section shall be included in the executive service:

- (1) Members of the Tennessee utilities commission,

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(2) The executive director of the Tennessee utilities commission,

(3) The personal staff of the members of the Tennessee utilities commission,

(4) The division directors and assistant division directors of the Tennessee utilities commission, and

(5) Any attorneys employed by the Tennessee utilities commission.

(c) In addition to the designations of career and executive service employees in Tennessee Code Annotated, Section 8-30-208, all other members of the state service as designated in subsection (a) of this section and not included in subsection (b) of this section shall be included in the career service.

(d) The provisions of Tennessee Code Annotated, Title 8, Chapter 30, Part 3, relative to noncompetitive and entrance tests and appointment and promotion lists shall not apply to personnel transferred pursuant to the provisions of this act. Any employee so transferred shall, however, be eligible to compete for a promotion pursuant to the provisions of such chapter.

(f) The provisions of Tennessee Code Annotated, Sections 8-30-325 and 8-30-326, shall apply to all employees designated as members of the state service as provided in subsection (a) of this section.

Section 10. The department of personnel shall report to the speaker of the senate and the speaker of the house of representatives no later than January 1, 1996,

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on its recommendations on implementing and applying the provisions of Tennessee Code Annotated, Title 8, Chapter 30, Part 3, relative to noncompetitive tests, entrance tests and selection of employees through the use of appointment or promotion lists to employees designated as career employees pursuant to the provisions of this act. The department of personnel shall also report its recommendations to the speakers no later than January 1, 1996, on any proposed change in salary, rank or employment of any employee transferred by the provisions of this act and on salary equalization among employees employed by the Tennessee utilities commission and executive branch agencies. Such report shall also include proposed amendments to appropriate provisions of Tennessee Code Annotated to fully implement the provisions of this act and recommendations of the department in such report. The department of personnel shall make interim reports on such matters to the ad hoc special joint committee to study the public service commission if such committee is continued after its report to the general assembly is filed with the clerks of the respective houses.

Section 11. The Tennessee code commission is requested to change references to the public service commission to references to the Tennessee utilities commission as sections, parts, titles, chapters and volumes of the Tennessee Code Annotated are amended, repealed, revised and replaced. After the effective date of this act, any reference to the public service commission shall be deemed a reference to the Tennessee utilities commission.

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Section 12. It is the intention of the general assembly in enacting the provisions of this act that all employees of the public service commission on June 30, 1995, shall not be terminated, demoted, suffer diminution in salary or rank, or any other adverse consequence as a result of this act. It is the further intention of the general assembly that any change in the status of any such employee shall not occur except by:

- (1) transfer as provided by the provisions of this act,
- (2) discipline or dismissal for cause after an opportunity for due process under the civil service system,
- (3) salary increases as provided by the provisions of this act, or
- (4) promotion of an employee pursuant to the applicable rules and regulations of the civil service system.

Section 13. The provisions of this act shall take effect on July 1, 1995, the public welfare requiring it.