

Amendment No. 1 to SB0242

Bailey
Signature of Sponsor

AMEND Senate Bill No. 242*

House Bill No. 1044

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

SECTION 1. Tennessee Code Annotated, Section 65-1-101, is amended by deleting the section and substituting instead the following:

(a) There is created the Tennessee public utility commission consisting of seven (7) part-time commissioners. The commission is composed as follows:

- (1) Two (2) commissioners appointed by the governor;
- (2) Two (2) commissioners appointed by the speaker of the senate;
- (3) Two (2) commissioners appointed by the speaker of the house of

representatives; and

(4) One (1) commissioner appointed by joint agreement among the governor, the speaker of the senate, and the speaker of the house of representatives.

(b)

(1) In making appointments pursuant to subsection (a), the governor, the speaker of the senate, and the speaker of the house of representatives shall strive to ensure that the Tennessee public utility commission is composed of commissioners who are diverse in professional or educational background, ethnicity, geographic residency, perspective, and experience. Except as otherwise provided in subdivision (b)(2), each commissioner of the commission must have at a minimum a bachelor's degree and at least three (3) years'

experience in a regulated utility industry, in executive level management, or in one (1) or more of the following fields:

- (A) Economics;
- (B) Law;
- (C) Finance;
- (D) Accounting; or
- (E) Engineering.

(2) One (1) appointee of the speaker of the senate in subdivision (a)(2) and one (1) appointee of the speaker of the house of representatives in subdivision (a)(3) must be a public member with no experience in a regulated utility industry.

(c)

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

(2) The commissioners of the commission are state officers, continue to serve until the commissioner's successor is appointed, and serve six-year terms as follows:

(A) The term of one (1) of the commissioners appointed pursuant to subdivision (a)(1) expires every six (6) years, beginning with the first term to end on June 30, 2017, and subsequent terms to end every six (6) years thereafter. The term of the commissioner reappointed by joint agreement among the governor, the speaker of the senate, and the speaker of the house of representatives that began on July 1, 2018, and is now an appointment of the governor expires every six (6) years, beginning with the term that ends June 30, 2024;

(B) The terms of the commissioners appointed pursuant to subdivisions (a)(2) and (3) expire every six (6) years, beginning with the first terms to end on June 30, 2014, and subsequent terms to end every

six (6) years thereafter; provided, however, that the first term of the public members appointed under subdivisions (a)(2) and (3) shall begin July 1, 2021, and expire June 30, 2026; and

(C) The term of the commissioner appointed pursuant to subdivision (a)(4) expires every six (6) years, beginning with the first term to end on June 30, 2018, and subsequent terms to end every six (6) years thereafter.

(d)

(1) All commissioner appointments must be confirmed by joint resolution adopted by each house of the general assembly within ninety (90) days after the appointment, if the general assembly is in session. If the general assembly is not in session, appointments must be confirmed within ninety (90) days after the general assembly next convenes following the appointment.

(2) Any vacancy on the commission must be filled by the original appointing authority for such position to serve the unexpired term, and each appointment must be confirmed in the same manner as the original appointment. If, however, the general assembly is not in session and a vacancy occurs, the appropriate appointing authority shall fill such vacancy by appointment and the appointee serves the unexpired term, unless the appointment is not confirmed within ninety (90) days after the general assembly convenes following the appointment to fill such vacancy.

SECTION 2. Tennessee Code Annotated, Section 65-1-104(d), is amended by deleting the first two sentences and substituting instead the following:

The chair shall assign each matter before the commission to a panel of five (5) voting members from among the commissioners. The remaining two (2) voting members of the commission, who are not assigned to a particular panel, shall not vote or deliberate regarding such matters.

SECTION 3. Tennessee Code Annotated, Section 65-1-105(b), is amended by deleting the language "five (5)" and substituting instead the language "seven (7)".

SECTION 4. This act takes effect upon becoming a law, the public welfare requiring it. Notwithstanding any provision of this act to the contrary, initial terms for the two (2) additional commissioner positions created pursuant to this act begin July 1, 2021.