

HOUSE BILL 2009

By McCormick

AN ACT to amend Tennessee Code Annotated, Title 65,
relative to the Tennessee Regulatory Authority.

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

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

65-1-101. Creation; terms of directors; vacancies

(a) There is created the Tennessee regulatory authority consisting of three (3) directors. The directors shall be appointed as follows: one (1) shall be appointed by the governor, one (1) shall be appointed by the speaker of the senate, and (1) shall be appointed by the speaker of the house of representatives. In making the 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 Regulatory Authority is composed of directors who are diverse in professional or educational background, ethnicity, geographic residency, heritage, perspective and experience.

(b) The directors 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 directors thereafter, the governor, the speaker of the senate and the speaker of the house of representatives shall each appoint (1) director of the authority.

(d) All appointments of the directors 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 director 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 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 director shall commence on July 1, following such director's appointment.

(g) In order to stagger the terms of directors, the terms of directors appointed during 2008 to commence terms of office on July 1, 2008, shall expire as follows:

(1) The term of the director appointed by the governor and the term of the director appointed by the joint agreement of all the appointing authorities shall expire on June 30, 2011. The director appointed by joint agreement shall be thereafter eliminated.

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

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

(h) Any reserves of the authority remaining at the end of each fiscal year shall be transferred to the general fund to be administered by the Department of Finance and Administration.

SECTION 2. Tennessee Code Annotated, Section 65-1-104, is amended by deleting subsection (d) in its entirety and by substituting instead the following:

61-1-104. Quorum; powers and duties of chair.

(d) The chair shall assign each matter before the authority to a panel of at least two (2) voting members, from among the directors.

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

SECTION 4. This act shall take effect on July 1, 2011, the public welfare requiring it.