

CHAPTER NO. 349

SENATE BILL NO. 569

By Crutchfield

Substituted for: House Bill No. 69

By Buck, Odom

AN ACT To amend Tennessee Code Annotated, Title 33.

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

SECTION 1. Tennessee Code Annotated, Section 33-3-503, is amended by deleting the following language from subsection (c)(2):

“No reimbursement to an attorney under this subsection shall exceed one hundred dollars (\$100) for each day of in-court proceedings, with a maximum compensation for any one (1) proceeding of five hundred dollars (\$500).”

SECTION 2. Tennessee Code Annotated, Section 33-2-702, is amended by inserting the language "and to actively supervise such regulation to the fullest extent required by law" between the language "in this part" and "in order to promote".

SECTION 3. Tennessee Code Annotated, Section 33-2-704(c), is amended by adding the following language at the end of the subsection:

Should the department determine that additional time is needed to review the application, the department, upon written notice to the applicants, the attorney general and reporter and any intervenor, may extend the time for review for a period of thirty (30) days except that, in the discretion of the commissioner, the period may be extended for an additional thirty (30) days.

SECTION 4. Tennessee Code Annotated, Section 33-2-704(f), is amended by deleting the words "department shall" and by substituting instead the words "department may".

SECTION 5. Tennessee Code Annotated, Section 33-2-704(g), is amended by deleting the words "agreement shall" and by substituting instead the words "agreement may".

SECTION 6. Tennessee Code Annotated, Section 33-2-704(h), is amended by adding the following language at the end of the subsection:

Should the attorney general and reporter, after consultation with the department, determine that it is necessary to consult with the United States Department of Justice or the Federal Trade Commission, or determines that further information is needed to review the application, the department, upon written notice to the applicant, attorney general and reporter, and any intervenor, may extend the time for approval or disapproval of an application an additional forty-five (45) days.

SECTION 7. Tennessee Code Annotated, Section 33-3-704(j), is amended by deleting the language "with the department within thirty (30) days after termination".

SECTION 8. Tennessee Code Annotated, Section 33-2-704, is amended by adding the following language as a new subsection:

(l) Prior to making an application for a certificate of public advantage, the parties may submit an initial filing at least forty-five (45) days prior to filing the application. The initial filing shall summarize the proposed cooperative agreement, describe the affected geographic market areas and those matters described in subsections (f) and (g). The department shall review the initial filing within thirty (30) days of receipt of the filing, informing the parties of any deficiencies along with a statement of specific remedial measures as to how such deficiencies could be corrected. A review of the initial filing by the department does not constitute approval of the final application.

SECTION 9. Tennessee Code Annotated, Section 33-2-706(b), is amended by deleting the language "33-2-703(d)" and by substituting instead the language "33-2-704(d)".

SECTION 10. Notwithstanding any provision of law to the contrary, any increased costs resulting from this act in fiscal year 2001-2002 shall be paid from funds in the indigent defendants' counsel fund.

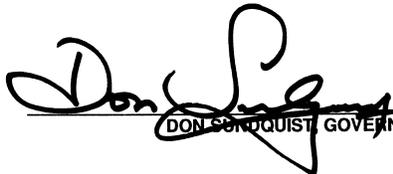
SECTION 11. This act shall take effect upon becoming a law, the public welfare requiring it.

**PASSED: May 31, 2001**

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

**APPROVED this 7<sup>th</sup> day of June 2001**

  
DON SUNDQUIST, GOVERNOR