



State of Tennessee
PUBLIC CHAPTER NO. 986

HOUSE BILL NO. 2387

By Representatives McCormick, Kevin Brooks, Don Miller

Substituted for: Senate Bill No. 2249

By Senators Norris, Bell

AN ACT to amend Tennessee Code Annotated, Title 4; Title 11; Title 16; Title 37; Title 38; Title 41; Title 49; Title 60; Title 62; Title 63; Title 64; Title 68; Title 69 and Title 71, relative to the restructuring of state agencies, committees, and boards and commissions.

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

SECTION 1. Tennessee Code Annotated, Section 64-1-602(a), is amended by deleting subdivision (1) in its entirety and by substituting instead the following:

(1) The agency shall be governed by a board of directors consisting of twelve (12) members;

SECTION 2. Tennessee Code Annotated, Section 64-1-602(a)(2), is amended by deleting subdivision (A) in its entirety and by substituting instead the following:

(A) The governor shall appoint one (1) director from each county named in Section 64-1-601(b). Each director shall be chosen from a list of three (3) candidates nominated by majority vote of the county legislative bodies of each county. Candidates shall include persons active in municipal, industrial, agricultural, commercial and citizen organizations, such as the Upper Duck River development association, and active in promoting comprehensive unified development of the resources and economic growth of the Upper Duck River watershed. The presiding officer of the governing body of each county shall certify such nominations to the governor. From the nominations, the governor shall appoint three (3) directors for terms of three (3) years and two (2) directors for terms of four (4) years. Successors shall be appointed for terms of six (6) years. Directors shall serve until their successors are appointed. If a vacancy occurs, the governor shall appoint a successor for the unexpired term; and

SECTION 3. Tennessee Code Annotated, Section 64-1-602(a)(2), is amended by deleting subdivision (E) in its entirety and by substituting instead the following:

(E) The governor shall appoint two (2) additional directors for terms of four (4) years. The governor may choose from a list of six (6) at-large candidates nominated by the board of directors. There is no residency requirement for the two (2) additional directors other than to be citizens of the state; and

SECTION 4. Tennessee Code Annotated, Section 64-1-602(a), is amended by deleting subdivision (3) in its entirety and by substituting instead the following:

(3) The board of directors shall elect a chair, vice-chair and secretary-treasurer and set a regular time and place for meetings of the board.

SECTION 5. Tennessee Code Annotated, Section 38-8-102(b), is amended by deleting subdivision (1) in its entirety and by substituting instead the following:

(1) The commission shall consist of:

(A) The attorney general and reporter;

(B) One (1) police officer below the rank of assistant chief, or equivalent rank, who shall be appointed by the governor for a term of four (4) years;

(C) Two (2) sheriffs and two (2) municipal chiefs of police, who shall be appointed by the governor and serve at the governor's pleasure;

(D) One (1) nonsupervisory police officer, who shall be appointed by the governor for a term of four (4) years;

(E) One (1) member of the senate and one (1) member of the house of representatives, who shall be appointed by the respective speakers and who shall be nonvoting members of the commission, to serve for a term of two (2) years;

(F) Two (2) citizens who are not connected with law enforcement to serve for a term of two (2) years, one (1) of whom shall be appointed by a resolution of the house of representatives and one (1) of whom shall be appointed by a resolution of the senate; and

(G) Three (3) additional members, whom the governor shall appoint for terms of three (3) years.

SECTION 6. Tennessee Code Annotated, Section 38-8-203 is amended by deleting subsection (a) in its entirety and by substituting instead the following:

(a) The police and law enforcement programs offered through the academy shall be under the jurisdiction of such agency or agencies of the state of Tennessee as the governor shall designate by executive order. The commissioner of the agency appointed pursuant to executive order shall hire the director of the academy. The director, subject to approval of the appropriate state officials, is authorized to employ any personnel that may be reasonably required.

SECTION 7. Tennessee Code Annotated, Section 41-7-102 is amended by deleting the section in its entirety and by substituting instead the following:

41-7-102.

(a) There is hereby created the Tennessee corrections institute.

(b) The Tennessee corrections institute shall be attached to the department of commerce and insurance, and the department shall serve as a fiscal agent for the institute.

SECTION 8. Tennessee Code Annotated, Title 41-7-106 is amended by deleting the section in its entirety and by substituting instead the following:

41-7-106.

(a) The board is authorized to enter into a contract or contracts with state, local, municipal, county or metropolitan correctional and criminal justice officials as may be necessary in order to carry out title 40, chapter 28, this chapter and chapter 21 of this title. In addition, the board has the power to contract with appropriate officials in other states who wish to utilize the services of the institute. The power to contract shall include the power to contract with public agencies or officials for enrolling trainees in general courses or establishing special courses and study projects designed to meet the needs of agencies or units of government.

(b) The board is authorized to accept and expend local, federal or foundation funds, contributions or grants as may be received and allotted for the purposes of this chapter.

(c) The board shall promulgate rules and regulations for the implementation and the effective operation of this chapter.

(d) The board has the right and power to call on the office of the attorney general and reporter for any necessary legal representation or assistance.

(e) The board may authorize its executive director or other official of the institute to execute contracts and take such other actions as it may specify from time to time.

SECTION 9. Tennessee Code Annotated, Title 41, Chapter 7, Part 1, is amended by adding the following language as a new, appropriately designated section:

41-7-109.

(a) The commissioner of the department of commerce and insurance shall hire the executive director of the board. The executive director shall perform all administrative functions for the board.

(b) The executive director is authorized to employ such personnel as may reasonably be required in accordance with the statutes and procedures administered by the departments of finance and administration and human resources.

SECTION 10. Tennessee Code Annotated, Section 41-7-105 is amended by deleting the section in its entirety and by substituting instead the following:

41-7-105.

(a) The correctional services programs of the institute shall be under the direction of the board of control of the institute. The board of control shall consist of seven (7) members:

(1) The governor or the governor's designee;

(2) The commissioner of correction or the commissioner's designee;

(3) The chair of the department of criminal justice of an institution of higher education in Tennessee, who shall be appointed by the governor;

(4) Two (2) sheriffs, who shall be appointed by the governor. One (1) shall be from a county with a population of two hundred thousand (200,000) or more and one (1) shall be from a county with a population of less than two hundred thousand (200,000);

(5) A county mayor, who shall be appointed by the governor; and

(6) A chief of police or a county commissioner, who shall be appointed by the governor.

(b) The initial term of members of the board shall be three (3) years, beginning on October 1, 2012. Successors shall be appointed for terms of four (4) years. Members shall continue to serve until their successors are appointed. If a vacancy occurs, the governor shall appoint a successor for the unexpired term; and

(c) All reimbursement for travel expenses shall be in accordance with the provisions of the comprehensive travel regulations promulgated by the department of finance and administration and approved by the attorney general and reporter.

SECTION 11. Tennessee Code Annotated, Section 16-3-908 is amended by deleting the section in its entirety and by substituting instead the following:

The council shall meet at such times and places as necessary and convenient.

SECTION 12. Tennessee Code Annotated, Section 71-2-104 is amended by deleting subsection (b) in its entirety and by substituting instead the following:

(b) The commission shall consist of twenty-two (22) members, who shall be persons who provide leadership in programs for the elderly and disabled in the state. Nineteen (19) of the members shall be appointed by the governor, in accordance with the provisions of this part. Members may come from such diverse areas as housing, recreation, employment, medicine, nursing, social service, business, adult education, long-term care, religion, research and advocacy. It is desirable that the commission membership reflect the geographic diversity of the state, and include minorities and women at least in proportion to their presence in the state's population and that at least one-half (1/2) of the membership be representative of the population served. Staff members of programs funded wholly or in part by the commission shall be ineligible to serve as commission members.

SECTION 13. Tennessee Code Annotated, Section 71-2-104(c), is amended by deleting subdivision (1) in its entirety and by substituting instead the following:

(1) Members of the commission shall be appointed as follows:

(A) One (1) person shall be appointed by the governor from each of the nine (9) planning and service areas, in consultation with each of the nine (9) advisory councils to the nine (9) area agencies on aging. The governor may appoint such persons from a list of two (2) persons nominated by each advisory council to the nine (9) area agencies on aging. In making these appointments, the governor shall strive to achieve adequate representation from both rural and urban areas. Nothing shall preclude members of the advisory councils from being appointed as commission members;

(B) One (1) member of the governor's personal staff, who shall be appointed by the governor;

(C) One (1) person who is an active member of a chartered, statewide organization that advocates exclusively for older persons shall be appointed by the governor. Each such organization may submit two (2) nominations for consideration by the governor;

(D) One (1) person who is an active member of a federally chartered organization with statewide membership and chapters chartered in this state, that advocates exclusively for older persons, shall be appointed by the governor. Each such organization may submit two (2) nominations for consideration by the governor;

(E) One (1) person who is an active member of a chartered, statewide organization that advocates exclusively for disabled persons shall be appointed by the governor. Each such organization may submit two (2) nominations for consideration by the governor;

(F) The commissioners of the departments of human services, health, veterans' affairs, mental health, and intellectual and developmental disabilities, and the director of TennCare or their designees;

(G) The executive director of the council on developmental disabilities;
and

(H) The speaker of the senate and the speaker of the house of representatives each shall name one (1) legislator from such speaker's respective house to serve on the commission as ex officio members without voting power to attend and sit with the commission in open meetings, in order to report back to the general assembly on actions being taken or considered by the commission.

SECTION 14. Tennessee Code Annotated, Section 71-2-104(e), is amended by deleting subdivision (1) in its entirety and by substituting instead the following:

(1) Members appointed to serve on the commission pursuant to this section shall be appointed in accordance with the criteria established in this section. Members of the

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commission as it existed prior to October 1, 2012, may be eligible for nomination and appointment pursuant to the criteria established in this section.

SECTION 15. Tennessee Code Annotated, Section 71-2-105(a), is amended by deleting subdivision (9) and by renumbering the remaining subdivisions accordingly.

SECTION 16. Tennessee Code Annotated, Section 71-2-107 is amended by deleting subsection (a) in its entirety and by substituting instead the following:

(a) The governor shall appoint the executive director. The executive director shall be the chief administrative officer of the commission. The director shall be a full-time employee of the commission and shall have such education as deemed necessary by the governor, with a minimum of five (5) years' experience in the fields of aging or disability or administrative experience necessary to properly operate and manage the programs under this part. The executive director shall have the authority to conduct ordinary and necessary business in the name of the commission in accordance with the provisions of this part and as determined by the commission from time to time.

SECTION 17. Tennessee Code Annotated, Section 37-3-104 is amended by deleting the section in its entirety and by substituting instead the following:

37-3-104. The commission shall be administered by an executive director. The governor shall appoint the executive director, who shall serve at the pleasure of the governor. The executive director shall be a full-time employee of the commission and shall be responsible for the administration of commission policies, rules and guidelines and the proper management and operation of the commission's programs and activities. The executive director shall be an individual who is professionally trained in one or more fields involving services to children and youth, who has a working knowledge of programs for children and youth, and who has previous employment experience in managing and delivering services to children and youth. The executive director's compensation shall be fixed by the governor.

SECTION 18. Tennessee Code Annotated, Section 37-5-305 is amended by deleting the section in its entirety and by substituting instead the following:

37-5-305.

(a) Each community services agency shall be governed by a community services agency board.

(b) There is hereby created and established a statewide community services agency. The statewide board of directors shall consist of the commissioner or the commissioner's designee and twelve (12) members appointed by the governor. The members appointed by the governor shall be as follows:

(1) There shall be one (1) member appointed from each of the nine (9) regional agency areas;

(2) There shall be one (1) member appointed from each of the three (3) grand divisions; and

(3) No two (2) members shall reside in the same county at the time of appointment or reappointment.

(c) The membership of each regional board serving a multi-county community services agency shall be appointed by the governor and shall consist of a representative of each county within the agency boundary and the commissioner or the commissioner's designee.

(d) The membership of each board serving a metropolitan community services agency shall consist of twelve (12) members appointed by the governor, with at least fifty percent (50%) of the appointments made from recommendations by the county mayor. If any municipality within the county has

more than sixty percent (60%) of the total population of the county, the governor shall appoint equal number from recommendations submitted by the county mayor and the mayor of the identified municipality.

(e) Appointees to a board governed by subsections (b), (c), and (d) may include, but not be limited to, representatives of the areas of law enforcement, mental health professionals, local education agencies, local courts, social workers, advocates, health care providers, consumers of services provided by the community services agency or persons having specialized knowledge or expertise in the service areas and public and private agencies that provide services to persons in need of services in Tennessee. The members of each board shall be appointed with a good faith effort to reflect a diverse mixture of race and gender.

(f) The term of a member of a board governed by subsections (b), (c), and (d) shall be four (4) years. The terms of initial appointments to the board shall be staggered as follows: one fourth (1/4) shall be made for a term of one (1) year, one fourth (1/4) for a term of two (2) years, one fourth (1/4) for a term of three (3) years, and one fourth (1/4) for a term of four (4) years. The governor shall make initial appointments to the statewide board of directors by July 1, 2012.

(g) Members of a board governed by subsections (b), (c), and (d) shall continue in office until the expiration of the terms for which they were respectively appointed and until such time as their successors are appointed.

(h) Vacancies occurring on a board governed by subsections (b), (c), and (d) because of death, resignation or lack of active participation, as determined by the governance policies of the community services agency, shall be filled in the same manner as a regular appointment for the remainder of the unexpired terms.

(i) Members of a board governed by subsections (b), (c), and (d) shall not be compensated for services rendered to the agency, but shall be reimbursed by the agency for actual expenses in accordance with the comprehensive travel regulations promulgated by the commissioner of finance and administration and approved by the attorney general and reporter.

(j) A board governed by subsections (b), (c), and (d) shall elect a chair from among its members. The board shall also elect other officers as the board finds necessary and appropriate. Such positions are for a term of one (1) year, but officers may be reelected to serve additional terms.

(k) If any matter before a board governed by subsections (b), (c), and (d) involves a project, transaction or relationship in which a member or the member's associated institution, business or board has a direct or conflicting interest, the member shall disclose to the board that interest and shall be prohibited from participating in discussions and voting on that matter.

SECTION 19. Tennessee Code Annotated, Section 4-20-103 is amended by deleting subsection (a) in its entirety and by substituting instead the following:

(a) The governor shall appoint an executive director for the Tennessee arts commission. The executive director shall have broad experience in art agency management. Prior to appointing the executive director, the governor shall request that the Tennessee arts commission conduct a search for qualified candidates. The commission shall submit to the governor at least three (3) interested and qualified candidates. The commission shall submit additional candidates at the governor's request. The governor shall appoint the executive director from among the recommendations submitted by the commission. In the event of a vacancy, the governor shall appoint a new executive director. The governor or the commission shall remove the executive director for neglect of duty or other just cause.

SECTION 20. Tennessee Code Annotated, Section 49-7-205 is amended by deleting subsections (a), (b), & (c) in their entirety and by substituting instead the following:

(a)

(1) The governor shall appoint an executive director.

(2) The executive director shall serve at the pleasure of the governor.

(3) The governor may define the executive director's duties and, within budgetary limitations, fix the executive director's compensation.

(4) The executive director must have the educational preparation and experience that qualifies the executive director, in the governor's judgment, to understand and evaluate the problems and needs of the state's institutions of higher learning and to direct the studies of the commission.

(b) Within budgetary limitations, and subject to the approval of the commissioner of human resources, the executive director may employ other professional and staff employees necessary to efficiently discharge the duties of the agency.

(c) The executive director and all other employees shall be reimbursed for travel expenses in accordance with the comprehensive travel regulations promulgated by the department of finance and administration and approved by the attorney general and reporter.

SECTION 21. Tennessee Code Annotated, Title 49, Chapter 11, is amended by adding the following language as a new, appropriately designated section:

49-11-204. The council for career and technical education shall be administratively attached to the department of education.

SECTION 22. Tennessee Code Annotated, Section 49-11-203, is amended by deleting subsection (d) in its entirety and by substituting instead the following:

(d)

(1) In carrying out the purpose of the council, the governor may appoint an executive director to support the administrative functions of the council.

(2) The executive director serves at the pleasure of the governor.

(3) The governor shall set the salary for the executive director.

(4) The executive director is authorized to obtain the services of professional, technical and clerical personnel necessary to carry out the council's functions under this part and to contract for services necessary for the council to carry out its evaluation functions.

(5) The expenditure of funds paid pursuant to (d)(4) is to be determined solely by the state council, and these funds may not be diverted or reprogrammed for any other purpose by any state board, agency, or individual. The council is administratively attached to the department of education to receive funds pursuant to either federal or state law and to act as its fiscal agent for purposes of disbursement accounting and auditing.

SECTION 23. Tennessee Code Annotated, Title 11, Chapter 2, is deleted in its entirety.

SECTION 24. Tennessee Code Annotated, Section 11-7-105 is amended by deleting the section in its entirety and by substituting instead the following:

11-7-105.

(a) In carrying out the purposes of the trust fund, the board is authorized to do the following:

(1) Acquire for the state, by purchase or by donation, and convey, sell, exchange, lease or otherwise transfer any interest in real property; the board, however, does not have the power of eminent domain;

(2) Make grants or loans to state, federal or local governments and to nonprofit organizations, in order to carry out the purposes of this chapter, including, but not limited to, grants or loans provided to acquire a fee simple or other interest in real property;

(3) Enter into contracts and cooperative agreements, other than grants or loans pursuant to subdivision (2), with state, federal and local governments, with private individuals and corporations, and with associations and organizations, as the trust fund may deem necessary or convenient for the fund to carry out the purposes of this chapter;

(4) Adopt, amend and repeal by-laws;

(5) Adopt policies and guidelines for the use of the trust fund, including the procedure for identifying projects, establishing conservation priorities and allocating money from the trust fund;

(6) Make such studies and recommendations concerning the conservation programs and policies of the department of environment and conservation as it may deem appropriate to a sound conservation program; and

(7) Take any other necessary actions to carry out the provisions of this chapter.

SECTION 25. Tennessee Code Annotated, Title 11, Chapter 7 is amended by adding the following language as a new, appropriately designated section:

11-7-110.

(a) In carrying out the purposes of the trust fund, the commissioner of the department of environment and conservation is authorized to appoint an executive director to carry out the provisions of this chapter;

(b) The commissioner of the department of environment and conservation shall set the salary for the executive director.

(c) The executive director may hire other staff necessary to carry out the provisions of this chapter.

SECTION 26. Tennessee Code Annotated, Section 69-3-104(a), is amended by deleting subdivision (1) in its entirety and by substituting instead the following:

(1) There is hereby created and established the Tennessee board of water quality, oil, and gas, referred to as the "board" in this part, which shall be composed of twelve (12) members as follows:

(A) The commissioner of environment and conservation, who shall be the chair of the board;

(B) The commissioner of health;

(C) The commissioner of agriculture;

(D) Nine (9) citizen members appointed by the governor for terms of four (4) years.

SECTION 27. Tennessee Code Annotated, Section 69-3-104(a), is amended by deleting subdivision (3) in its entirety and by substituting instead the following:

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(3) The board shall annually elect a vice chair from among its members, who shall preside over all meetings at which the chair is not present.

SECTION 28. Tennessee Code Annotated, Section 69-3-104(a), is amended by deleting subdivision (4) in its entirety and by substituting instead the following:

(4)

(A) The citizen members of the board shall be appointed as follows:

(i) One (1) of the nine (9) citizen members shall be from the public-at-large. The public member's occupation shall not be in the same primary area of interest as any other citizen member of the board;

(ii) One (1) member shall represent environmental interests and may be appointed from lists of qualified persons submitted by interested conservation groups including, but not limited to, the Tennessee conservation league;

(iii) One (1) member shall represent counties and may be appointed from lists of qualified persons submitted by interested county services groups including, but not limited to, the County Services Association;

(iv) One (1) member shall represent agricultural interests and may be appointed from lists of qualified persons submitted by interested farm business groups including, but not limited to, the Tennessee Farm Bureau;

(v) One (1) member shall represent the municipalities of the state and may be appointed from lists of qualified persons submitted by interested municipal groups including, but not limited to, the Tennessee Municipal League;

(vi) One (1) member shall represent small generators of water pollution and may be appointed from lists of qualified persons submitted by interested automotive groups including, but not limited to, the Tennessee Automotive Association;

(vii) One (1) member shall represent manufacturing industries and have current full-time employment with a manufacturing concern in Tennessee, shall hold a college degree in engineering or the equivalent, and shall have at least eight (8) years of combined technical training and experience in National Pollutant Discharge Elimination System (NPDES) permit compliance and management of wastewater or water treatment facilities, and may be appointed from lists of qualified persons submitted by interested business groups including, but not limited to, the Tennessee Chamber of Commerce and Industry;

(viii) One (1) member shall represent the oil and gas industry; and

(ix) One (1) member shall represent oil or gas property owners.

(B) The governor shall consult with the interested groups described in subdivision (A) to determine qualified persons to fill the citizen member positions on the board.

SECTION 29. Tennessee Code Annotated, Section 60-1-101 is amended by deleting subdivision (1) in its entirety and by substituting instead the following:

(1) "Board" means the board of water quality, oil and gas created by Section 69-3-104;

SECTION 30. Tennessee Code Annotated, Section 60-1-201, is deleted in its entirety.

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SECTION 31. Tennessee Code Annotated, Section 60-1-103(a), is amended by deleting subdivision (5) in its entirety and by substituting instead the following:

(5) A processing fee for permits shall be submitted with the application in an amount specified in rules promulgated by the board, which shall not exceed the amount stated in § 68-203-103(h) for an oil and gas permit.

SECTION 32. Tennessee Code Annotated, Section 60-1-202 is amended by deleting subsection (b) in its entirety and by substituting instead the following:

(b) The applicant for any permit must swear to facts set out in any application for a permit to drill or deepen a well, or reopen a plugged or abandoned well, under the rules made by the board pursuant to this title.

SECTION 33. Tennessee Code Annotated, Section 68-211-841 is deleted in its entirety.

SECTION 34. Tennessee Code Annotated, Section 68-211-111(a), is amended by deleting subdivision (1) in its entirety and by substituting instead the following:

(1)

(A) There is created an underground storage tanks and solid waste disposal control board that shall be composed of fourteen (14) members appointed by the governor as follows:

(i) One (1) person engaged in a field directly related to agriculture, who may be appointed from lists of qualified persons submitted by interested farm business groups including, but not limited to, the Tennessee Farm Bureau;

(ii) One (1) person who is employed by, or is the owner of, a private petroleum concern, with at least ten (10) years of experience owning or operating a wholesale or retail gasoline business with management responsibility for at least fifteen (15) underground storage tanks, who may be appointed from a list of qualified persons submitted by interested wholesale or retail gasoline business groups including, but not limited to, the Tennessee Fuel and Convenience Store Association. Such person shall have demonstrated leadership in the industry by membership and involvement in a trade association representing fuel distributors and convenience store owners;

(iii) One (1) person who is employed by a private manufacturing concern in Tennessee, who shall have a college degree in engineering or the equivalent and at least eight (8) years of combined technical training and experience in permit compliance and management of solid wastes or hazardous waste, who may be appointed from a list of qualified persons submitted by interested business groups including, but not limited to, the Tennessee Chamber of Commerce and Industry;

(iv) One (1) person employed by a private manufacturing concern in Tennessee, who shall have a college degree in engineering or the equivalent and at least eight (8) years of combined technical training and experience in the management of petroleum underground storage tanks and hazardous materials. This person may be appointed from a list of qualified persons submitted by business groups including, but not limited to, the Tennessee Chamber of Commerce and Industry;

(v) One (1) person who is a registered engineer or geologist or qualified land surveyor with knowledge of management of solid wastes or hazardous materials or the management of underground storage tanks from the faculty of an institution of higher learning, who may be appointed from a list of four (4) persons, two (2) of whom may be nominated by the board of trustees of the University of Tennessee system and two (2) of

whom may be nominated by the board of regents of the state university and community college system;

(vi) One (1) person with knowledge of management of solid wastes, hazardous materials, or underground storage tanks to represent environmental interests, who may be appointed from a list of qualified persons submitted by environmental groups including, but not limited to, the Tennessee Environmental Council;

(vii) One (1) representative of county governments, who may be appointed from lists of qualified persons submitted by interested county services groups including, but not limited to, the County Services Association;

(viii) One (1) representative of municipal governments, who may be appointed from lists of qualified persons submitted by interested municipal groups including, but not limited to, the Tennessee Municipal League;

(ix) One (1) person shall be a small generator of solid wastes or hazardous materials, who may be appointed from lists of qualified persons submitted by interested automotive groups including, but not limited to, a list of three (3) persons that shall be submitted by the Tennessee Automotive Association;

(x) One (1) person employed by a private petroleum concern with experience in the management of petroleum, who may be appointed from lists of qualified persons submitted by interested petroleum groups including, but not limited to, the Tennessee Petroleum Council;

(xi) One (1) person engaged in the business of management of solid wastes or hazardous materials;

(xii) One (1) person who is employed by, or is the owner of, a private petroleum concern, with at least five (5) years of experience owning or operating a wholesale or retail gasoline business with management responsibility for no more than five (5) underground storage tanks; and

(xiii) The commissioner of economic and community development or the commissioner's designee, and the commissioner of environment and conservation or the commissioner's designee, who shall be ex officio nonvoting members.

(B) The governor shall consult with the interested groups described in subdivision (A) to determine qualified persons to fill the positions on the board.

SECTION 35. Tennessee Code Annotated, Section 68-211-111(a), is amended by deleting subdivision (3) in its entirety.

SECTION 36. Tennessee Code Annotated, Section 68-211-111 is amended by deleting subsection (b) in its entirety and by substituting instead the following:

(b) In making the initial appointments to the board, three (3) members shall be appointed for a term of one (1) year, three (3) members shall be appointed for a term of two (2) years, three (3) members shall be appointed for a term of three (3) years, and three (3) members shall be appointed for a term of four (4) years. Upon expiration of these terms, members shall be appointed by the governor for a term of four (4) years. Vacancies resulting for reasons other than the expiration of the term shall be filled by the governor for the remainder of the term. In making appointments to the board, the governor shall strive to ensure that at least one (1) person appointed to serve on the board is at least sixty (60) years of age and that at least one (1) person appointed to serve on the board is a member of a racial minority.

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SECTION 37. Tennessee Code Annotated, Section 68-211-111 is amended by deleting subsection (g) in its entirety and by substituting instead the following:

(g) The board shall hold at least six (6) regular meetings each calendar year at a place and time to be fixed by the board. The board has the authority of the municipal solid waste advisory committee. The board shall also meet at the request of the commissioner of environment and conservation, the chair of the board, or three (3) members of the board. Eight (8) members shall constitute a quorum, and a quorum may act for the board in all matters. The board shall select a chair from its members annually. The department of environment and conservation shall provide all necessary staff for the board.

SECTION 38. Tennessee Code Annotated, Section 68-215-112, is deleted in its entirety.

SECTION 39. Tennessee Code Annotated, Section 68-215-103 is amended by deleting subdivision (1) in its entirety and by substituting instead the following:

(1) "Board" means petroleum underground storage tanks and solid waste disposal board created pursuant to Section 68-211-111;

SECTION 40. Tennessee Code Annotated, Section 69-7-309 is amended by deleting the section in its entirety and by substituting instead the following:

69-7-309. From time to time, the commissioner may appoint a technical advisory committee that shall advise the commissioner on matters related to the state's water resources. The commissioner may determine the identity and number of committee members and the term during which the committee will operate. The committee may be composed of representatives of federal, state, and local agencies with relevant authority and representatives of appropriate private organizations, including not-for-profit organizations. No member of the committee is entitled to a salary for duties performed as a member of the committee. No member is entitled to reimbursement for travel or other necessary expenses incurred in the performance of the member's official duties.

SECTION 41. Tennessee Code Annotated, Section 4-24-101 is amended by deleting subsection (b) in its entirety and by substituting instead the following:

(b) The commission shall be attached to the department of commerce and insurance, division of fire prevention, and the division shall serve as a fiscal agent for the commission.

SECTION 42. Tennessee Code Annotated, Section 4-24-107 is amended by deleting subdivision (4) in its entirety and by substituting instead the following:

(4) Employ a director for the purpose of full implementation of this chapter;

SECTION 43. Tennessee Code Annotated, Title 4, Chapter 24, is amended by adding the following language as a new, appropriately designated section:

4-24-113.

(a) Notwithstanding any law to the contrary, the director of the division of fire prevention shall:

(1) Act as chief administrative officer for the commission;

(2) Employ all consultants, investigators, inspectors, legal counsel and other personnel necessary to staff and carry out the functions of the commission, and assign the personnel in a manner designed to assure their most efficient use;

(3) Provide office space and necessary quarters for the commission;

(4) Maintain a central filing system for official records and documents of the commission;

(5) Promulgate rules and regulations for all administrative functions and activities of the commission;

(6) Enforce all regulations promulgated by the commission;

(7) Collect and account for all fees prescribed to be paid to the commission, and, unless otherwise prescribed by law, deposit the fees in the state treasury, and the commissioner of finance and administration shall make allotments out of the general fund as may be necessary to defray the expenses of the commission as provided by law; and

(8) Perform other duties the commissioner prescribes, or as prescribed by law.

(b) In providing the administrative functions the director shall consult with the commission, but the decision of the director in such matters shall be conclusive, except as otherwise directed by the commissioner.

SECTION 44. Tennessee Code Annotated, Section 62-11-106(2), is amended by deleting subdivision (B) in its entirety and by substituting instead the following:

(B)

(i) Notwithstanding any other law to the contrary, all moneys collected pursuant to this chapter shall be deposited in the state treasury in a separate fund to be known as the "locksmith and private security regulatory fund".

(ii) Disbursements from the fund shall be made solely for the purpose of defraying expenses incurred in the implementation and enforcement of the Locksmith Licensing Act of 2006 and the Private Protective Services Licensing and Regulatory Act.

(iii) No such expenses shall be payable from the general fund of the state.

(iv) Any part of the locksmith and private security regulatory fund remaining at the end of a fiscal year shall not revert to the general fund, but shall be carried forward to defray future expenses until all the funds are expended in accordance with the Locksmith Licensing Act of 2006 and the Private Protective Services Licensing and Regulatory Act.

SECTION 45. Tennessee Code Annotated, Section 62-35-137 is amended by deleting the section in its entirety and by substituting instead the following:

62-35-137.

(a) Notwithstanding any other law to the contrary, all moneys collected pursuant to this chapter shall be deposited in the state treasury in a separate fund to be known as the "locksmith and private security regulatory fund".

(b) Disbursements from the fund shall be made solely for the purpose of defraying expenses incurred in the implementation and enforcement of the Locksmith Licensing Act of 2006 and the Private Protective Services Licensing and Regulatory Act.

(c) No such expenses shall be payable from the general fund of the state.

(d) Any part of the locksmith and private security regulatory fund remaining at the end of a fiscal year shall not revert to the general fund, but shall

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be carried forward to defray future expenses until all the funds are expended in accordance with the Locksmith Licensing Act of 2006 and the Private Protective Services Licensing and Regulatory Act.

SECTION 46. Tennessee Code Annotated, Section 4-29-235(a), is amended by adding the following new subdivisions thereto:

- () Statewide community services agency, created by Section 18 of this act;
- () Tennessee board of water quality, oil and gas, created by § 69-3-104; and
- () Underground storage tanks and solid waste disposal control board, created by § 68-211-111;


SECTION 47. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 48. All rules, regulations, orders, and decisions heretofore issued or promulgated by any of the boards or commissions, which this act terminates or merges into another board or commission, shall remain in full force and effect. In the case of the boards or commissions that are merged with another board or commission by this act, all final rules, regulations, orders, and decisions together with any matters that are pending on the effective date of this act shall hereafter be administered, enforced, modified, or rescinded in accordance with the law applicable to the continuing board or commission.

SECTION 49. Section 18 of this act and the sunrise provision in Section 46 pertaining to the statewide community services agency shall take effect July 1, 2012, the public welfare requiring it. All other sections of this act shall take effect October 1, 2012, the public welfare requiring it.

HOUSE BILL NO. 2387

PASSED: APRIL 25, 2012


BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES


RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 10th day of May 2012


BILL HASLAM, GOVERNOR