

HOUSE BILL 1420

By McCormick

AN ACT to amend Tennessee Code Annotated, Section 8-30-108 and Section 8-30-318, relative to the T.E.A.M. Act.

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

SECTION 1. Tennessee Code Annotated, Section 8-30-108(a), is amended by deleting the existing language and substituting the following language:

(a) There is created and established in the department of human resources a board of appeals. The board shall be comprised of a minimum of nine (9) members and a maximum of eighteen (18) members, in the discretion of the commissioner.

SECTION 2. Tennessee Code Annotated, Section 8-30-108(d), is amended by deleting the existing language and substituting the following language:

(d) The commissioner shall establish the compensation for the members of the board of appeals. The members shall be entitled to reimbursement for reasonable and necessary travel expenses in accordance with the state comprehensive travel regulations promulgated by the department of finance and administration.

SECTION 3. Tennessee Code Annotated, Section 8-30-318(h), is amended by adding the following language as a new subdivision (2) and redesignating the remaining subdivisions accordingly:

(2) At steps I and II, the complainant bears the burden of proof. At Step III, if the complainant appeals to the board of appeals, the complainant bears the burden of proof. If the state agency appeals to the board of appeals at Step III, the state agency bears the burden of proof.

SECTION 4. Tennessee Code Annotated, Section 8-30-318(i), is amended by adding the following language as a new subdivision (4) and redesignating the remaining subdivisions accordingly:

(4) The department shall forward the record of the case to sitting board members prior to meeting for review. The board's preliminary review of the record shall be limited to the Step I complaint, the Step I agency decision, the Step II complaint and the commissioner's step II decision.

SECTION 5. Tennessee Code Annotated, Section 8-30-318, is amended by adding the following language as a new, appropriately designated subsection:

A complainant who does not personally appear for a hearing before the board of appeals waives the complainant's hearing at Step III and the decision of the commissioner at Step II shall become final. The board of appeals shall not proceed with the hearing without the presence of the complainant.

SECTION 6. Tennessee Code Annotated, Section 8-30-318, is amended by adding the following language as a new, appropriately designated subsection:

An order of the board of appeals shall be final upon execution by the presiding board member. Settlement agreements entered into voluntarily by the parties shall be final upon execution by the parties. Once executed, the department shall forward a copy to the administrative procedures division for record purposes.

SECTION 7. This act shall take effect upon becoming a law, the public welfare requiring it.