

SENATE BILL 1607

By Marrero

AN ACT to amend Tennessee Code Annotated, Section 9-8-108, relative to board of claims powers and duties.

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

SECTION 1. Tennessee Code Annotated, Section 9-8-108(a), is amended by adding the following as a new subdivision (10) and by renumbering subsequent subdivisions accordingly:

(10) Shall hear claims for compensation by persons granted declaratory judgments pursuant to § 4-5-225 where it is determined by a court of competent jurisdiction that the policies and procedures relied upon by any state agency, department or institution to permanently terminate a person's participation or enrollment in a federally-funded program were not promulgated as rules in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5. Any award made by the board pursuant to this subdivision shall be subject to the following conditions:

(A) Compensation payable to such claimant shall be determined by the board based on all factors the board considers relevant including, but not limited to, the claimant's loss of earnings, loss of income, and any other ascertainable pecuniary harm resulting from closure of a claimant's business or termination of services; provided, however, that the maximum aggregate total of such compensation shall not exceed one hundred thousand dollars (\$100,000);

(B) Any claim for compensation under this subdivision (a)(10) shall be filed with the board no later than one (1) year from the date that the claimant is granted declaratory judgment pursuant to § 4-5-225; and

(C) This subdivision (a)(10) shall apply to declaratory judgments rendered on or after June 1, 2009.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.