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Sequence Number: 03-11-17
Rule ID(s): 62462
File Date: 3/13/17
Effective Date: 6/11/17

Proposed Rule(s) Filing Form

Proposed rules are submitted pursuant to Tenn. Code Ann. §§ 4-5-202, 4-5-207, and 4-5-229 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within ninety (90) days of the filing of the proposed rule with the Secretary of State. To be effective, the petition must be filed with the Agency and be signed by ten (10) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of ten (10) or more members, or any standing committee of the General Assembly. The agency shall forward such petition to the Secretary of State.

Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).

Agency/Board/Commission:	Department of Treasury
Division:	Division of Claims Administration
Contact Person:	Rodney Escobar, Director for the Division of Claims Administration
Address:	502 Deaderick Street, Andrew Jackson Building, 15th Floor, Nashville, Tennessee
Zip:	37243
Phone:	(615) 741-9957
Email:	Rodney.Escobar@tn.gov

Revision Type (check all that apply):
X Amendment
___ New
___ Repeal

Rule(s) (**ALL** chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please make sure that **ALL** new rule and repealed rule numbers are listed in the chart below. Please enter only **ONE** Rule Number/Rule Title per row)

Chapter Number	**Chapter Title**
0300-02	Criminal Injuries Compensation Program
Rule Number	**Rule Title**
0300-02-.07	Maximum Award Limit

(Place substance of rules and other info here. Please be sure to include a detailed explanation of the changes being made to the listed rule(s). Statutory authority must be given for each rule change. For information on formatting rules go to http://sos.tn.gov/sites/default/files/forms/Rulemaking_Guidelines_August2014.pdf)

Amendments

Chapter 0300-02

Criminal Injuries Compensation Program

Rule 0300-02-.07 Maximum Award Limit is amended by removing the language contained in paragraph (2) in its entirety and substituting it instead with the following language, so that as amended, it shall read:

(2) Award Limit and Requirements. For a claim or claims filed with the division requesting compensation for a crime committed against a victim, the maximum compensation award shall not exceed thirty-two thousand dollars ($32,000.00); this maximum compensation award shall be effective on July 1, 2017 and shall apply to all claims filed for crimes occurring on or after such date. For a claim or claims filed with the division requesting compensation for a crime occurring between July 1, 2016 and June 30, 2017, the maximum compensation award shall not exceed thirty-one thousand nine hundred dollars ($31,900.00). Maximum compensation awards apply to the aggregate of all claims filed arising from a single crime against a victim.

Authority: T.C.A. §29-13-106(h).

* If a roll-call vote was necessary, the vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the State Treasurer on 02/01/2017, and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of ninety (90) days of the filing of the proposed rule with the Secretary of State.

Date: February 1, 2017

Signature:

Name of Officer: David H. Lillard, Jr.

Title of Officer: State Treasurer

HEATHER SCZEPCZENSKI
STATE OF TENNESSEE NOTARY PUBLIC
COUNTY OF DAVIDSON
MY COMM. EXP. MARCH 10, 2019

Subscribed and sworn to before me on: February 1, 2017

Notary Public Signature: Heather Sczepczenski

My commission expires on: March 10, 2019

All proposed rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Herbert H. Slatery III
Attorney General and Reporter

2/8/2017
Date

Department of State Use Only

Filed with the Department of State on: 3/13/17

Effective on: 6/11/17

Tre Hargett
Secretary of State

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PUBLICATIONS

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process, all agencies shall conduct a review of whether a proposed rule or rule affects small business.

Not applicable.

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 "any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments." (See Public Chapter Number 1070 (http://state.tn.us/sos/acts/106/pub/pc1070.pdf) of the 2010 Session of the General Assembly)

It is not anticipated that the proposed rules will impact local governments.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

(A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

T.C.A. §29-13-106(h) provides that no later than October 1st of each year, the State Treasurer shall compare the maximum award limit for the Criminal Injuries Compensation Program with the average maximum award limits from other states' Criminal Injuries Compensation Programs. In the process of making this comparison, if the State Treasurer determines that the maximum award limit for Tennessee Criminal Injuries Compensation Program is less than one hundred five percent (105%) of the national average, then the State Treasurer shall adjust Tennessee's maximum award amount to an amount equal to one hundred five percent (105%) of the national average; provided, that the maximum award shall be rounded up to the nearest one hundred dollars ($100.00). The adjustment shall be effective on July 1st of the next fiscal year and shall apply to claims filed for crimes occurring on or after July 1st of the next fiscal year. Applicable law also provides that the adjustment shall be made by promulgating rules in accordance with the Uniform Administrative Procedures Act.

In or around September, 2016, Department of Treasury Staff engaged in a nationwide comparison of maximum compensation limits. Department Staff's comparison yielded the following data: $31,900 is Tennessee maximum award limit for fiscal year 2016-2017; $30,418 is the average maximum award nationally; $31,939 is the indexed figure of one hundred five percent (105%) of the national average; Tennessee's maximum award limit is less than the index figure; $32,000 is the adjustment required to Tennessee's maximum award limit pursuant to T.C.A. §29-13-106.

(B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

T.C.A. §29-13-106(h) requires the State Treasurer to make an adjustment in Tennessee maximum award limit for its Criminal Injuries Compensation Program

(C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

The persons affected by this rule are claimants filing a claim with the Criminal Injuries Compensation Fund as provided in T.C.A. §29-13-101, et seq.

(D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule or the necessity to promulgate the rule;

The Department is unaware of any Attorney General opinions or any judicial rulings that directly relates to this rule.

(E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars ($500,000), whichever is less;

For fiscal year 2016, approximately seventy-five (75) claims were paid by the Department's Criminal Injuries Compensation Program that met the maximum award amount of thirty thousand dollars ($30,000.00). For fiscal year 2017 to date, approximately twenty-five (25) claims were paid that met the maximum award amount of thirty-one thousand nine hundred dollars ($31,900.00). It is difficult to anticipate the number of claims that will meet the maximum award limit contained in these proposed rules in fiscal year 2018. If we assume that a maximum of seventy-five (75) claims will be paid at the maximum amount for 2017 as were paid for fiscal year 2016 and we also assume that the same number of claims meet the maximum award threshold limitation in fiscal year 2017-2018 that met the threshold in fiscal years 2016 and 2017, and the fiscal year 2018 claims are paid at the increased maximum award limit of thirty-two thousand dollars ($32,000.00), then it is anticipated that

there will be an increase in annual expenditures in the amount of seven thousand five hundred dollars ($7,500.00) to ten thousand dollars ($10,000.00).

(F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Rodney Escobar, Director for the Division of Claims Administration; 502 Deaderick Street, Andrew Jackson Building, 15th Floor; Nashville, Tennessee 37243; (615) 741-9957; Rodney.Escobar@tn.gov and Alison Cleaves, Assistant General Counsel; 502 Deaderick Street, Andrew Jackson Building, 15th Floor; Nashville, Tennessee 37243; (615) 253-6150; Alison.Cleaves@tn.gov.

(G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Rodney Escobar, Director for the Division of Claims Administration; 502 Deaderick Street, Andrew Jackson Building, 15th Floor; Nashville, Tennessee 37243; (615) 741-9957; Rodney.Escobar@tn.gov and Alison Cleaves, Assistant General Counsel; 502 Deaderick Street, Andrew Jackson Building, 15th Floor; Nashville, Tennessee 37243; (615) 253-6150; Alison.Cleaves@tn.gov.

(H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Rodney Escobar, Director for the Division of Claims Administration; 502 Deaderick Street, Andrew Jackson Building, 15th Floor; Nashville, Tennessee 37243; (615) 741-9957; Rodney.Escobar@tn.gov and Alison Cleaves, Assistant General Counsel; 502 Deaderick Street, Andrew Jackson Building, 15th Floor; Nashville, Tennessee 37243; (615) 253-6150; Alison.Cleaves@tn.gov.

(I) Any additional information relevant to the rule proposed for continuation that the committee requests.

Any additional information requested by the committee relevant to the proposed rules will be provided promptly upon request.

RULES

OF

BOARDS OF CLAIMS

CHAPTER 0300-02

CRIMINAL INJURIES COMPENSATION PROGRAM

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0300-02-.01 through 0300-02-.06 Repealed

0300-02-.07 Maximum Award Limit

0300-02-.01 REPEALED.

Authority: *T.C.A. §§ 9-8-108(a)(10), and 29-13-101, et. seq.* ***Administrative History:*** *Original rule filed April 18, 1978; effective May 18, 1978. Amendment filed May 30, 1979; effective August 31, 1979. Repeal filed October 26, 1999; effective February 28, 2000.*

0300-02-.02 REPEALED.

Authority: *T.C.A. §§ 9-8-108(a)(10), and 29-13-101, et. seq.* ***Administrative History:*** *Original rule filed April 18, 1978; effective May 18, 1978. Repeal filed October 26, 1999; effective February 28, 2000.*

0300-02-.03 REPEALED.

Authority: *T.C.A. §§ 9-8-108(a)(10), and 29-13-101, et. seq.* ***Administrative History:*** *Original rule filed April 18, 1978; effective May 18, 1978. Repeal filed October 26, 1999; effective February 28, 2000.*

0300-02-.04 REPEALED.

Authority: *T.C.A. §§ 9-8-108(a)(10), and 29-13-101, et. seq.* ***Administrative History:*** *Original rule filed April 18, 1978; effective May 18, 1978. Repeal filed October 26, 1999; effective February 28, 2000.*

0300-02-.05 REPEALED.

Authority: T.*C.A. §§ 9-8-108(a)(10), and 29-13-101, et. seq.* ***Administrative History:*** *Original rule filed April 18, 1978; effective May 18, 1978. Repeal filed October 26, 1999; effective February 28, 2000.*

Redline

0300-02-.06 REPEALED.

Authority: *T.C.A. §§ 9-8-108(a)(10), and 29-13-101, et. seq.* ***Administrative History:*** *Original rule filed April 18, 1978; effective May 18, 1978. Repeal filed October 26, 1999; effective February 28, 2000.*

0300-02-.07 MAXIMUM AWARD LIMIT.

(1) Purpose. The purpose of this rule is to adjust the maximum compensation award for a claim or claims filed pursuant to title 29, chapter 13, part 1.

(2) Award Limit and Requirements. For a claim or claims filed with the division requesting compensation for a crime committed against a victim, the maximum compensation award shall not exceed thirty-two thousand dollars ($32,000.00) ~~thirty-one thousand nine hundred dollars ($31,900.00)~~; this maximum compensation award shall be effective on July 1, 2017 and shall apply to all claims filed for crimes occurring on or after such date. For a claim or claims filed with the division requesting compensation for a crime occurring between July 1, 2016 and June 30, 2017, the maximum compensation award shall not exceed thirty-one thousand nine hundred dollars ($31,900.00).~~.~~ M~~The m~~aximum compensation awards apply~~ies~~ to the aggregate of all claims filed arising from a single crime against a victim. ~~The maximum compensation award shall be effective on July 1, 2016, and shall apply to all claims filed for crimes occurring on or after such date.~~

Authority: *T.C.A. § 29-13-106(h).* ***Administrative History:*** *Original rule filed February 8, 2016; effective May 8, 2016.*