

CHAPTER NO. 809

SENATE BILL NO. 3027

By P. Springer, Rochelle, Fowler

Substituted for: House Bill No. 2841

By Eckles, Wood, Armstrong, Maddox

AN ACT To amend Tennessee Code Annotated, Title 33, relative to mental retardation services.

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

SECTION 1. Tennessee Code Annotated, Title 33, Chapter 5, Part 1, is amended by adding the following as a new section:

Section 33-5-106. The Department of Mental Health and Mental Retardation, Division of Mental Retardation Services, shall assess in writing the fiscal impact on licensees under Title 33, Chapter 2, Part 5, of any change to any rule, regulation, policy or guideline relating to the staffing, physical plant or operating procedures of such licensee for rendering services pursuant to a contract, grant or agreement with the Division for Mental Retardation Services. Unless exigent circumstances require the change to be implemented sooner, no less than thirty (30) days before any such change in such rule, regulation, policy or guideline is to take effect, the department's estimate of fiscal impact shall be transmitted by the Deputy Commissioner for Mental Retardation Services to the House Finance, Ways and Means Committee, the Senate Finance, Ways and Means Committee and the Comptroller of the Treasury for any appropriate review. If exigent circumstances, such as an unforeseen court order, require a change to be implemented sooner, then the division's statement describing the exigency circumstances that prevented thirty (30) days notice shall be provided to the House Finance, Ways and Means Committee, the Senate Finance, Ways and Means Committee and the Comptroller of the Treasury not later than five (5) days after implementing the change. In such case the division shall provide the estimate of fiscal impact to the entities above within sixty (60) days after implementing the change.

SECTION 2. Tennessee Code Annotated, Title 33, Chapter 5, Part 3, is amended by deleting Sections 33-5-301, 33-5-302, and 33-5-303.

SECTION 3. Tennessee Code Annotated, Section 33-5-305, is amended by deleting subdivision (1)(B) of subsection (a), and substituting the following: "(B) a circuit, criminal, or general sessions court determines on the basis of an evaluation under § 33-7-301(a) that a criminal defendant is incompetent to stand trial due to mental retardation, OR".

SECTION 4. 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 which 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 5. This act takes effect on becoming law, the public welfare requiring it. Section 1 of this act applies to contracts entered into or renewed on or after the effective date.

PASSED: May 17, 2000


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 24th day of May 2000


DON S. QUIGLEY, GOVERNOR