

**CHAPTER NO. 1011**

**HOUSE BILL NO. 4020**

**By Representative McMillan**

**Substituted for: Senate Bill No. 3906**

**By Senators Kyle, Herron**

AN ACT to amend Tennessee Code Annotated, Title 37, Chapter 5, Part 3, relative to community service agencies.

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

SECTION 1. Tennessee Code Annotated, Section 37-5-303, is amended by deleting the present subsections (3), (4), (5), and (6) and substituting instead the following:

(3) "Commissioner" means the commissioner of finance and administration, or the commissioner's designee unless otherwise stated in this part;

(4) "Department" means the department of finance and administration unless otherwise stated in this part; and

(5) "Executive Director" means the chief administrative officer of a community service agency.

SECTION 2. Tennessee Code Annotated, Section 37-5-304, is amended by deleting subsections (c), (d), and (e) in their entirety and substituting instead the following:

(c) The commissioner may establish multi-county community service agencies with such geographic boundary lines as may be deemed necessary.

(d) The community services agency shall be a political subdivision and instrumentality of the state. As such, it shall be deemed to be acting in all respects for the benefit of the people of the state in the performance of essential public functions, and shall be deemed to be serving a public purpose through improving and otherwise promoting the well-being of the citizens of the state.

SECTION 3. Tennessee Code Annotated, Section 37-5-305(b), is amended by deleting the subsection in its entirety and substituting instead the following:

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

SECTION 4. Tennessee Code Annotated, Section 37-5-305(c), is amended by deleting the word "child" and by substituting instead the word "total".

SECTION 5. Tennessee Code Annotated, Section 37-5-305(d), is amended by deleting the subsection in its entirety and substituting the following:

(d) Appointees to the board in subsections (b) and (c) may include, but not be limited to, representatives of such areas as 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 which provide services to persons in need of services in Tennessee. The members of each board shall be appointed with a conscious intention of reflecting a diverse mixture with respect to race and gender.

SECTION 6. Tennessee Code Annotated, Section 37-5-305, is amended by deleting subsection (g) in its entirety and substituting the following:

(g) Vacancies occurring on the board by such reasons as death, resignation or lack of active participation, as determined by community services agency governance policy, shall be filled in the same manner as a regular appointment for the remainder of the unexpired terms.

SECTION 7. Tennessee Code Annotated, Section 37-5-307(2), is amended by deleting the language "commissioner of finance and administration and the".

SECTION 8. Tennessee Code Annotated, Section 37-5-309(a), is amended by deleting the subsection in its entirety and by substituting instead the following:

(a) The agency shall, to the maximum extent possible, contract with private providers, clinics and local governments for the provision of services for the citizens of the state.

SECTION 9. Tennessee Code Annotated, Section 37-5-309(b)(3), is amended by deleting the language "Section 37-5-110" and substituting instead the language "the law".

SECTION 10. Tennessee Code Annotated, Section 37-5-310(a), is amended by deleting the language "commissioners of children's service and" and substituting instead the language "commissioner of".

SECTION 11. Tennessee Code Annotated, Section 37-5-310(b), is amended by deleting the language "commissioners of children's service and" and substituting instead the language "commissioner of".

SECTION 12. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: May 25, 2006

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

APPROVED this 27<sup>th</sup> day of June 2006

  
PHIL BREDESEN, GOVERNOR