

_____ offers the following
 substitute to HB 332:

A BILL TO BE ENTITLED
 AN ACT

1 To amend Title 37 of the Official Code of Georgia Annotated, relating to mental health, so
 2 as to change the provisions relating to definitions; to provide for alternative composition,
 3 powers, duties, and functions of community service boards; to provide for membership,
 4 terms, vacancies, and qualifications; to provide for county participation; to provide for
 5 obligations; to prohibit certain reprisals; to provide for orientation and annual training; to
 6 provide for staff and employees and rights thereof; to provide for resignations, vacancies,
 7 reimbursement, oaths, and conflicts of interest; to provide for boundaries and cessation of
 8 operation; to provide for fees and records; to provide for withholding state funds; to provide
 9 for statutory construction; to provide for effective dates; to repeal conflicting laws; and for
 10 other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

12 Title 37 of the Official Code of Georgia Annotated, relating to mental health, is amended by
 13 striking paragraph (1.1) of Code Section 37-1-1, relating to definitions regarding general
 14 provisions, and inserting the following:

15 "(1.1) 'Community service board' means a public community mental health, mental
 16 retardation, and substance abuse service board established pursuant to Code Section
 17 ~~37-2-6, which governs the provision of certain~~ in accordance with Chapter 2 of this title
 18 to provide certain public disability services not provided by other public or private
 19 providers under contract with the regional board."
 20

SECTION 2.

21 Said title is further amended by striking paragraph (2.1) of Code Section 37-2-2, relating to
 22 definitions, and inserting the following in the appropriate positions:
 23

1 "(1.1) 'Chief executive officer' means the mayor of the governing authority of a
 2 municipal corporation or the chairperson or chief executive officer of a county governing
 3 authority."

4 "(2.1) 'Community service board' means a public community mental health, mental
 5 retardation, and substance abuse service board established pursuant to Code Section
 6 37-2-6, which governs the provision of certain in accordance with Code Section 37-2-5.3
 7 or 37-2-6 to provide certain public disability services not provided by other public or
 8 private providers under contract with the regional board."

9 "(2.3) 'CSB' means a community service board constituted and having powers and duties
 10 as provided by subsection (a) of Code Section 37-2-5.3.

11 (2.4) 'CSB area' means the area in which a CSB provides certain public disability
 12 services."

13 SECTION 3.

14 Said title is further amended by adding after Code Section 37-2-5.2, relating to the duties and
 15 functions of regional boards, a new Code section to read as follows:

16 "37-2-5.3.

17 (a) Except as provided in subsection (b) of this Code section, each community service
 18 board created pursuant to Code Section 37-2-6 and existing on January 1, 2001, shall
 19 continue in existence on and after July 1, 2001, but on and after July 1, 2001, shall become
 20 a CSB and shall:

21 (1) Be constituted as provided in this Code section;

22 (2) Provide disability services within the same area served by that community service
 23 board immediately prior to its becoming a CSB, until that CSB area is changed pursuant
 24 to law;

25 (3) Be a public corporation and an instrumentality of the state; and

26 (4) Have the powers and duties provided in the provisions of this Code section other than
 27 subsection (b).

28 (b) A community service board established under Code Section 37-2-6 may elect to
 29 continue to be constituted as provided by that Code section and governed by that Code
 30 section by adopting a resolution to that effect and submitting a copy thereof, prior to May
 31 1, 2001, to the division and the governing authority of each county within the boundaries
 32 of the area in which that board governs the provision of disability services. A community
 33 service board which exercises such election may thereafter elect to become a CSB by
 34 adopting a resolution to that effect and submitting a copy thereof, no later than March 31
 35 of any year after 2001, to the division and the governing authority of each county within
 36 the boundaries of the area in which that board governs the provision of disability services,

1 whereupon that board shall become a CSB on and after July 1 of the year of such
2 submission.

3 (c) CSBs shall provide certain disability services not provided by other public or private
4 providers under contract with the regional board within the boundaries of their CSB areas.
5 CSBs are created for nonprofit and public purposes to exercise essential governmental
6 functions; provided, however, the liabilities, debts, and obligations of a CSB shall not
7 constitute liabilities, debts, and obligations of the state or any county or any municipal
8 corporation within the boundaries of the CSB area, and neither the state or any county or
9 municipal corporation shall be liable for any liability, debt, or obligation of a CSB. CSBs
10 shall have the same immunity as provided for community service boards under Code
11 Section 37-2-11.1.

12 (d)(1) Except as provided in paragraph (2) of this subsection, the membership of a CSB
13 shall consist of three public officials designated in accordance with subsection (e) of this
14 Code section and eight or more other members not then holding elective public office
15 appointed by a county governing authority as provided in subsection (f) of this Code
16 section.

17 (2) A community service board in existence on January 1, 2001, the membership of
18 which is the membership of a lead county board of health as provided in subsection (e)
19 of Code Section 37-2-6 may continue to be constituted as provided in that subsection (e)
20 even though it becomes a CSB pursuant to this Code section if such board adopts a
21 resolution to that effect and submits a copy thereof, prior to May 1, 2001, to the division
22 and the governing authority of each county within the boundaries of the area in which
23 that board governs the provision of disability services. A CSB so constituted as a lead
24 county board of health may thereafter elect to become constituted as provided in
25 paragraph (1) of this subsection if such board adopts a resolution to that effect and
26 submits a copy thereof, no later than March 31 of any year after 2001, to the division and
27 the governing authority of each county within the boundaries of the area in which that
28 board governs the provision of disability services, whereupon that board shall become
29 constituted as provided in paragraph (1) of this subsection on and after July 1 of the year
30 of such submission. Nothing in this Code section shall be construed to repeal the
31 provisions of Code Section 31-3-12.1 or to limit or prohibit a county board of health from
32 exercising the authority to provide mental health, mental retardation, or substance abuse
33 services pursuant to Code Section 31-3-12.1.

34 (e) The three CSB members who are public officials shall be determined as follows:

35 (1) The chief executive officer of each county within the CSB area, or a member of the
36 governing authority of the county designated by said officer, shall serve as a member of
37 the CSB unless that CSB area:

1 (A) Has four or more counties within its boundaries, in which case the chief executive
 2 officer of each of the three counties that contributed the largest amount of funds and
 3 resources to the community service board during the fiscal year immediately preceding
 4 that community service board's becoming a CSB, or a member of the governing
 5 authority of each such county designated by said officer, shall serve as a member of the
 6 CSB. To the extent there are fewer than three such contributing counties, this
 7 subparagraph shall apply to the noncontributing counties with the largest populations
 8 in descending order according to the United States decennial census of 1990 or any
 9 future such census to the extent needed to increase to three the number of county
 10 governing authorities represented on the CSB; or

11 (B) Has fewer than three counties within its boundaries, in which case any remaining
 12 membership positions required to constitute three public official positions on the CSB
 13 shall be filled by appointment of a public official designated by the chief executive
 14 officer of the county which contributed the larger amount of funds and resources to the
 15 CSB during the fiscal year immediately preceding that community service board's
 16 becoming a CSB. If no county contributed such funds or resources or both contributed
 17 equal amounts, any remaining member shall be a public official designated by the chief
 18 executive officer of the county having the larger population according to the United
 19 States decennial census of 1990 or any future such census; and

20 (2) If the chief executive officer of a county and all members of the governing authority
 21 of that county decline to serve on a CSB when authorized and designated to serve thereon
 22 or if a chief executive officer is authorized to designate any other public official to serve
 23 on a CSB, that chief executive officer shall only designate from any of the following
 24 public officials, whose designation as CSB member has been approved by the governing
 25 authority of the county in which such official holds office:

26 (A) The chief executive officer, or a member of the governing authority designated by
 27 said officer, of another county within the CSB area;

28 (B) The chief executive officer, or a member of the governing authority designated by
 29 said officer, of a municipality lying wholly or partially within the CSB area, but only
 30 if such designated person resides in such area;

31 (C) The superintendent of schools or a member of the board of education of a county
 32 or independent school system serving a school district lying wholly or partially within
 33 the CSB area, but only if such designated person resides in such area; or

34 (D) The sheriff of a county within the CSB area.

35 Only one municipal official, one school official, or one sheriff may be appointed to the
 36 CSB.

1 (f) The remaining members of the CSB shall be persons who do not hold other elective
 2 public office. An employee of the department or a county board of health may not serve
 3 as a member of a CSB. The county governing authority of each county within a CSB area
 4 consisting of eight or more counties shall appoint one member, pursuant to this subsection,
 5 to the CSB. In a CSB area that consists of fewer than eight counties, there shall be eight
 6 members appointed to such CSB pursuant to this subsection with the governing authority
 7 of each county appointing one member, pursuant to this subsection, to the CSB. The
 8 distribution of any additional memberships needed to increase to eight the number of
 9 members of the CSB appointed pursuant to this subsection shall be allocated among the
 10 counties in such area by allocating one such membership to each county in descending
 11 order from the county with the largest population to the county with the smallest population
 12 according to the United States decennial census of 1990 or any future such census and
 13 repeating such allocations as are necessary until all membership positions have been so
 14 allocated. In making appointments to the CSB, the various county governing authorities
 15 shall endeavor to ensure that the resulting appointments:

16 (1) Are reflective of the cultural and social characteristics, including gender, race, ethnic,
 17 and age characteristics of the area and county populations;

18 (2) Include at least one person appointed pursuant to this subsection who is trained or
 19 certified in performing financial audits;

20 (3) Include individuals who are actively engaged in business, professional, and
 21 community activities; and

22 (4) Are reflective of each disability group and that each such group is viably, capably,
 23 and equitably represented on the CSB; provided, however, consumers and members of
 24 the families of consumers shall constitute a majority of the membership of the CSB.

25 (g)(1) The term of office of a member of a CSB who is a chief executive officer pursuant
 26 to paragraph (1) of subsection (e) of this Code section or who is designated by or
 27 authorized to be designated by the elected chief executive officer of a county governing
 28 authority shall run concurrent with the term of office of the chief executive officer so
 29 serving as or designating or authorized to designate said member.

30 (2) After the initial terms of office established in the bylaws of a CSB, regular terms of
 31 office of CSB members, except for those members specified in paragraph (1) of this
 32 subsection, shall be for three years from the expiration of the previous term and until a
 33 successor is appointed and qualified.

34 (3) Vacancies in office in a CSB membership position to which a person has been
 35 appointed, whether occurring by expiration of term or any other reason, shall be filled in
 36 the same manner as the original appointment, unless that position is one which may be
 37 held by a chief executive officer of a county under paragraph (1) of subsection (e) of this

1 Code section, in which event that chief executive officer shall succeed to such
2 membership position or appoint another public officer to succeed thereto as authorized
3 in that subsection. If the chief executive officer or governing authority of a county so
4 authorized to fill a vacancy in the office of a CSB member does not fill that vacancy
5 within 120 days after such expiration of term or vacancy occurs, the members of the
6 General Assembly whose House or Senate districts include any part of that county shall
7 meet in caucus, no sooner than 121 days and no later than 150 days after the vacancy
8 occurs, to designate, by majority vote, a person to fill such vacancy and who meets the
9 requirements for CSB membership in the vacated position under this Code section.
10 Persons appointed to fill a vacancy in office in a CSB, other than one occurring by
11 expiration of term, shall serve out the remainder of the term of office and until a
12 successor is appointed, or otherwise authorized to take office, and qualified.

13 (4) The terms of office of the members of a community service board which becomes a
14 CSB on July 1 of any year shall expire at the end of June 30 of that fiscal year. The chief
15 executive officer or governing authority of a county that is otherwise authorized to
16 designate CSB members may do so no sooner than May 1 of that year, but any person so
17 designated shall not take office until July 1 of that year. If a membership position on that
18 CSB is not filled by July 1 of that year, a vacancy in that position shall be deemed to have
19 occurred on July 1 of that year.

20 (h) Each county within the boundaries of a CSB area shall be required to participate with
21 such CSB and the operation of the disability services program through the CSB. Each
22 community service board in existence and functioning on June 30 of any year that becomes
23 a CSB on July 1 of that year shall automatically be succeeded by the CSB for the same
24 CSB area as of July 1 of that year and each such CSB shall be governed from and after
25 July 1 of that year by this Code section. All contractual obligations, including but not
26 limited to real estate leases, rentals, and other property agreements, other duties,
27 obligations, rights, and benefits of such community service board shall automatically
28 become duties, obligations, rights, and benefits of its respective successor CSB.

29 (i) Each CSB shall be responsible for adopting bylaws and operational policies and
30 guidelines. The bylaws shall address board appointment procedures, initial terms of board
31 members, quorum, the staggering of terms of office, a mechanism for ensuring that
32 consumers of disability services and family members of such consumers constitute a
33 majority of the board members, and a mechanism for ensuring equitable representation of
34 the various disability groups. Bylaws and operational policies and guidelines promulgated
35 by the predecessor community service board of a CSB and not in conflict with this Code
36 section shall remain in effect for that CSB until amended, repealed, superceded, or nullified
37 by the successor CSB or as otherwise provided by law.

1 (j) No officer of a CSB who has authority to take, direct others to take, recommend, or
2 approve any personnel action shall take or threaten against any employee of a CSB as a
3 reprisal for making a complaint or disclosing information concerning the possible existence
4 of any activity constituting fraud, waste, or abuse in or relating to the programs, operations,
5 or client services of the board to the board or to a member of the General Assembly unless
6 the complaint was made or the information was disclosed with the knowledge that it was
7 false or with willful disregard for its truth or falsity. Any action taken in violation of this
8 subsection shall give the public employee a right to have such action set aside in a
9 proceeding instituted in the superior court.

10 (k)(1) The department shall provide an annual training program of at least ten hours for
11 members of CSBs which shall include an initial orientation for members of CSBs, the
12 contents of which can be administered by a CSB member or a member of its professional
13 staff.

14 (2) The department may appoint an advisory committee that includes, but is not limited
15 to, CSB members and executive directors, consumers and members of consumers' [´]
16 families, advocates, and training professionals to develop guidelines for training members
17 of CSBs.

18 (3) A member of a CSB, who after notice that said member has failed to complete the
19 required initial orientation prescribed by the department and continues such failure for
20 30 days, may be removed from office by the remaining members of the CSB. A member
21 of a CSB, who after notice that said member has failed to complete the required annual
22 training prescribed by the department and continues such failure for 30 days, may be
23 removed from office by the remaining members of the CSB.

24 (l) Each CSB shall employ an executive director to serve as its chief executive officer.
25 Such executive director shall be appointed and removed by the CSB and shall appoint other
26 necessary staff pursuant to an annual budget adopted by the board, which budget shall
27 provide for the securing of appropriate facilities, sites, and professionals necessary for the
28 provision of disability services. The CSB may delegate any power, authority, duty, or
29 function to its executive director or other staff. The executive director or other staff is
30 authorized to exercise any power, authority, duty, or function on behalf of the CSB.
31 Subject to the general policy established by the CSB, the executive director shall supervise,
32 direct, account for, organize, plan, administer, and execute the powers, duties, authority,
33 functions, and responsibilities vested in the CSB. The executive director shall delegate
34 authority for clinical decisions to appropriately licensed clinical professionals.

35 (m) Each CSB, under the jurisdiction of its board members, shall perform duties,
36 responsibilities, and functions, and may exercise power and authority described in this
37 subsection. Each CSB may exercise the following power and authority:

1 (1) To adopt bylaws for the conduct of its affairs; provided however, the CSB shall meet
2 not less than once every two months beginning on July 1 and continuing through the next
3 June 30, which time shall be the fiscal year of the CSB; provided, further, that all such
4 meetings and any bylaws shall be open to the public, as otherwise prescribed under
5 Georgia law;

6 (2) To elect a chairperson and vice chairperson from among its membership, and the
7 bylaws of the CSB shall provide for any other officers of such board and their means of
8 selection, the terms of office of the officers, and an annual meeting to elect officers;

9 (3) To make and enter into all contracts necessary and incidental to the performance of
10 its duties and functions, including, but not limited to, contracts to utilize the services of
11 the Department of Administrative Services, the state auditor, or any other agency of the
12 state, local, or federal government;

13 (4) To acquire by purchase, gift, lease, or otherwise, and to own, hold, improve, use, and
14 to sell, convey, exchange, transfer, lease, sublease, and dispose of real and personal
15 property of every kind and character, or any interest therein, for its corporate purposes;

16 (5) To have a seal and alter the same;

17 (6) To cooperate with all units of local government within the CSB area as well as
18 neighboring regions and with the programs of other departments, agencies, and regional
19 commissions and boards;

20 (7) To contract with the State Personnel Board regarding those CSB personnel who
21 remain in the classified service;

22 (8) To establish fees for the provision of disability services according to Department of
23 Human Resources and Department of Community Health state-wide standards;

24 (9) To receive and administer grants, gifts, contracts, moneys, and donations for
25 purposes pertaining to the delivery of disability services;

26 (10) To accept appropriations, loans of funds, facilities, equipment, and supplies from
27 the local governmental entities within its boundaries;

28 (11) To borrow money for any corporate purpose, and, when approved by the
29 department, to incur debt, liabilities, and obligations for any corporate purpose. No debt,
30 liability, or obligation incurred by a CSB shall be considered a debt, liability, or
31 obligation of the state or any county or any municipality or any political subdivision of
32 the state. A CSB may not borrow money as permitted by this Code section if the highest
33 aggregate annual debt service requirements for the then current fiscal year or any
34 subsequent year for outstanding borrowings of the CSB, including the proposed
35 borrowing, exceed 15 percent of the total revenues of the CSB in its fiscal year
36 immediately preceding the fiscal year in which such debt is to be incurred. Interest paid

1 upon such borrowings shall be exempt from taxation by the state or its political
2 subdivisions;

3 (12) To carry forward without lapse fund balances and to establish operating, capital, and
4 debt reserve accounts from revenues and grants derived from state, county, and all other
5 sources. The total of all such reserves shall not exceed two months of the annual
6 operating budget for the fiscal year for which those funds were obtained;

7 (13) To operate, establish, or operate and establish facilities deemed by the CSB as
8 necessary and convenient for the administration, operation, or provision of disability
9 services by the CSB. For such purposes, a CSB may construct, reconstruct, improve,
10 alter, repair, and equip facilities;

11 (14) To establish fees, rates, rents, and charges for the use of facilities of the CSB for the
12 provision of disability services when approved by the department;

13 (n) Nothing shall prohibit a CSB from contracting with any county or municipal governing
14 authority, private or public provider, or hospital for the provision of disability services.

15 (o) Each CSB exists for nonprofit and public purposes and it is found and declared that the
16 carrying out of the purposes of each such CSB is exclusively for public benefit and its
17 property is public property. No CSB shall be required to pay any state or local ad valorem,
18 sales, use, or income tax.

19 (p) A CSB shall not have the power to tax, the power to issue general obligation bonds or
20 revenue bonds or revenue certificates, or the power to financially obligate the state or any
21 county or any municipal corporation.

22 (q) A CSB shall not operate any facility for profit. Consistent with this limitation, a CSB
23 shall have authority to fix fees, rents, rates, and charges that are reasonably expected to
24 produce revenues, which, together with all other funds of the CSB, will be sufficient to
25 administer, operate, and provide the disability services that such board is required to pay,
26 or undertakes to provide, the cost of acquiring, constructing, equipping, maintaining,
27 repairing, and the operating of its facilities; and to create and maintain reserves sufficient
28 to meet principal and interest payments due on any obligation of the CSB. The CSB may
29 provide reasonable reserves for the improvement, replacement, or expansion of its facilities
30 and services. Reserves under this subsection shall be subject to the limitations in paragraph
31 (12) of subsection (m) of this Code section.

32 (r) Each county and municipal corporation of this state is authorized to convey or lease
33 property of such county or municipal corporation to a CSB for its public purposes. Any
34 property conveyed or leased to a CSB by a county or municipal corporation shall be
35 operated by the CSB to which the same is conveyed or leased in accordance with this
36 chapter and the terms of the CSBs agreements with the county or municipal corporation
37 providing such conveyance or lease.

1 (s) Each CSB shall keep books of account reflecting all funds received, expended, and
2 administered by the CSB, which shall be independently audited annually.

3 (t) A CSB may not create, form, or become a member of a nonprofit corporation, limited
4 liability company, or other profit or nonprofit entity.

5 (u) Employees of each community service board which becomes constituted as a CSB
6 shall retain all existing rights under the State Merit System of Personnel Administration
7 and under the Employees' Retirement System of Georgia or other public retirement
8 systems as existed immediately prior to that community service board's being constituted
9 as a CSB in the same manner as such rights were retained by employees transferred to
10 community service boards under subsection (a) of Code Section 37-2-6.2. Only those CSB
11 employees who were in a classified position under the State Merit System of Personnel
12 Administration immediately prior to their employing community service board's being
13 constituted as CSBs shall continue to be classified employees under that system so long as
14 they remain in a classified position in the CSB.

15 (v) CSBs shall not be a state public authority for purposes of inclusion under the
16 Employees' Retirement System of Georgia pursuant to Code Section 47-2-70.1 except to
17 the extent required for CSB employees whose rights in that system are retained pursuant
18 to subsection (v) of this Code section.

19 (w) CSBs shall comply with all applicable state and federal laws and regulations, including
20 but not limited to the federal antitrust laws and shall be subject to Article 3 of Chapter 6
21 of Title 31, relating to certificate of need.

22 (x) Beginning January 1, 2002, and every six months thereafter, each CSB shall be
23 required to file a written report with the state auditor providing information concerning the
24 CSB's activities and expenditures during the previous six months including but not limited
25 to the following: a list of the CSB's then current membership and a certification that each
26 such member has completed the initial orientation and annual training required in
27 subsection (k) of this Code section; any real property acquired, monies borrowed, and
28 facilities established or operated; any contracts entered into with private or public providers
29 or hospitals as authorized in subsection (n) of this Code section; steps taken by the CSB to
30 comply with the limitation in subsection (q) of this Code section that it not operate any
31 facility for profit; and the specified amount of disability services provided by the CSB to
32 indigent patients and the specific steps taken by the CSB to ensure that it serves people
33 regardless of their ability to pay."

34 SECTION 4.

35 Said title is further amended by striking subsection (a) of Code Section 37-2-6, relating to
36 creation of community service boards, and inserting in its place the following:

1 "(a)(1) As used in this Code section, Code Section 37-2-6.1, and paragraph (1) of
 2 subsection (c) of Code Section 37-2-11.1, the term 'community service board' means a
 3 community service board created under paragraph (2) of this subsection, other than a
 4 CSB.

5 (2) There shall be created community mental health, mental retardation, and substance
 6 abuse service boards, in conformity with the areas established pursuant to the
 7 subsection (b) of Code Section 37-2-3, which shall govern publicly funded programs for
 8 the purpose of providing provide certain disability services not provided by other public
 9 or private providers under contract with the regional board except that CSBs shall provide
 10 those services in those areas in which CSBs are constituted pursuant to Code Section
 11 37-2-5.3 as provided in subsection (c) of Code Section 37-2-5.3. The programs Such
 12 disability services shall be governed provided by the community service boards, which
 13 shall be established as public agencies."

14 SECTION 5.

15 Said title is further amended by adding after Code Section 37-2-6.2, relating to community
 16 service board employees, a new Code section to read as follows:

17 "37-2-6.3.

18 (a) This Code section shall apply to all community service boards whether or not they are
 19 CSBs.

20 (b) A member of a community service board may resign from office by giving written
 21 notice of such resignation to the executive director or program director, as applicable, of
 22 the community service board. The resignation is irrevocable after delivery to such director
 23 but shall become effective upon the date on which the notice is received or on the effective
 24 date given by the member in the notice, whichever date is later. That director, upon receipt
 25 of the resignation, shall give notice of the resignation to the remaining members of the
 26 community service board and to the chief executive officer or governing authority of the
 27 county that appointed the member.

28 (c) The office of a member of a community service board shall be vacated upon the
 29 member's resignation, death, or inability to serve due to medical infirmity or other
 30 incapacity, removal by the community service board as authorized in this chapter, or upon
 31 such other reasonable condition as the community service board may impose under its
 32 bylaws.

33 (d) Each member of a community service board may, upon the approval of the community
 34 service board, receive reimbursement for actual expenses incurred in carrying out the duties
 35 of such office in conformance with rates and allowances set for state employees by the

1 Office of Planning and Budget and the same mileage allowance for use of a personal car
2 that is received by all state officials and employees or a travel allowance of actual
3 transportation cost if traveling by public carrier.

4 (e) A member of a community service board is a public officer and may not first enter
5 upon the duties of office on or after the date this Code section first becomes effective in
6 2001 until such member takes the following oath of office before an official qualified to
7 administer such oaths:

8 'STATE OF GEORGIA

9 COUNTY OF _____

10 I, _____, do solemnly swear or affirm that I will truly perform the
11 duties of a Member of the _____ Community Service Board, to the best of my
12 ability.

13 I do further swear or affirm:

- 14 (1) That I am not the holder of any unaccounted for public money due this state or any
15 political subdivision or authority thereof;
- 16 (2) That I am not the holder of any office of trust under the government of the United
17 States, any other state, or any foreign state which I am by the laws of the State of
18 Georgia prohibited from holding;
- 19 (3) That I am otherwise qualified to hold said office according to the Constitution and
20 the laws of Georgia; and
- 21 (4) That I will support the Constitution of the United States and this state.

22 _____
23 (Signature of Member of _____ Community Service Board)

24 _____
25 (Typed Name of Member of _____ Community Service Board)

26 Sworn and Subscribed before this
27 ____ day of _____, 20__.

28 _____

29 {SEAL}'

30 (f) A community service board shall keep the department informed of the names,
31 addresses, and terms of office of its members.

1 (g) A member of a community service board shall not vote on or seek to influence the
2 outcome of any matter that comes before such board involving:

3 (1) A contract by the community service board or the department with, or the award of
4 funds by the community service board or the department to, or any action affecting a
5 license or permit of:

6 (A) Any private individual who is a member of that board, or a spouse, child, spouse
7 of a child, parent, sibling, or spouse of a sibling of that member; or

8 (B) Any private individual or organization or entity if said member, or the spouse, a
9 child, a spouse of a child, a parent, a sibling, or a spouse of a sibling is a shareholder,
10 director, officer, partner, manager, or member entitled to share in the capital, profits,
11 or distributions, employer or employee, or principal or agent of the private individual
12 or private organization or entity; or

13 (2) A contract by the community service board or the department with, or the award of
14 funds by the community service board or the department to, any public official or public
15 agency if such member, or the spouse, a child, a spouse of a child, a parent, a sibling, or
16 a spouse of a sibling of the member will personally derive any personal financial benefit
17 from such contract or award of funds.

18 (h) The boundaries for the establishment and operation of community service boards
19 existing on January 1, 2001, shall continue as the boundaries of the community service
20 boards constituted under Code Section 37-2-5.3 or Code Section 37-2-6 until changed
21 pursuant to Code Section 37-2-3.

22 (i) If a community service board ceases operations, then the governing authority of the
23 counties lying within the area served by the board or the department may petition the
24 superior court of the county in which the principal office of that community service board
25 is located for appointment of a receiver of the assets of the community service board for
26 the protection of the board's creditors and the public. The receiver shall be authorized to
27 marshal and sell or transfer assets of the board, and, after payment of the costs, expenses,
28 and approved fees of the proceeding, to pay the liabilities of the community service board.
29 The court shall then decree that the board be dissolved. Upon completion of the
30 liquidation, any surplus remaining after paying all costs of the liquidation shall be
31 distributed, as shall be determined by the court, to the community service boards, agencies,
32 or entities providing disability services in the service area formerly served by the
33 community service board which ceased operations.

34 (j) The department may withhold state funds from any community service board which the
35 department determines to be in violation of this chapter or any other law."

SECTION 6.

Said title is further amended by striking subsection (b) of Code Section 37-2-11, relating to accounting for fees generated by providers, and inserting in its place the following:

"(b) Fees generated, if any, by hospitals, community service boards, and other private and public providers, providing services under contract or purview of the regional board, shall be reported to the regional board and applied wherever appropriate against the cost of providing, and increasing the quantity and quality of, disability services; provided, however, that income to a CSB established pursuant to Code Section 37-2-5.3 derived from fees may be used to further the purposes of such CSB as found in said Code section. The regional boards with guidance from the division shall be responsible for developing procedures to properly account for the collection, remittance, and reporting of generated fees. The regional boards shall work with the community service boards and other public or private providers to develop an appropriate mechanism for accounting for the funds and resources contributed to local disability services by counties and municipalities within the area. Such contributions are not required to be submitted to either the community service board or the regional board; however, appropriate documentation and accounting entries shall make certain that the county or municipality is credited, and if necessary compensated, appropriately for such contribution of funds or resources."

SECTION 7.

Said title is further amended by adding at the end of Code Section 37-2-11.2, relating to access to and confidentiality of records, a new subsection to read as follows:

"(c) The community service board shall maintain a clinical record for each consumer receiving treatment or habilitation services from such board. The treatment of clinical records of consumers in treatment for mental illness shall be governed by the provisions of Code Section 37-3-166. The treatment of clinical records of consumers receiving habilitation services for mental retardation shall be governed by the provisions of Code Section 37-4-125. The treatment of clinical records of consumers in treatment for the abuse of, or dependency on, alcohol, narcotics, or other drugs shall be governed by the provisions of Code Section 37-7-166."

SECTION 8.

Nothing in this Act shall be construed to affect or abate any right accrued or vested prior to July 1, 2001, or any action or proceeding commenced prior to July 1, 2001, under any law amended or repealed by this Act.

SECTION 9.

1
2 This Act shall become effective July 1, 2001, except that those provisions which authorize
3 community service boards to elect not to become CSBs prior to May 1, 2001, which
4 authorize appointments to CSBs after April 30, 2001, or which authorize CSBs to elect to
5 continue to be constituted as lead county boards of health shall become effective upon the
6 approval of this Act by the Governor or upon its becoming law without such approval.

SECTION 10.

7
8 All laws and parts of laws in conflict with this Act are repealed.