Tennessee Code

Title 13 - PUBLIC PLANNING AND HOUSING (§§ 13-1-101 — 13-30-121)

Chapter 26 - HUMAN RESOURCE AGENCY ACT OF 1973 (§§ 13-26-101 — 13-26-111)

Current through the 2026 Regular Session and the 2026 2nd Extraordinary Session.

Tenn. Code Ann. § 13-26-101. Short title.

This chapter shall be known and may be cited as the “Human Resource Agency Act of 1973.”

History

Acts 1973, ch. 289, § 1; T.C.A., § 13-2101.

Tenn. Code Ann. § 13-26-102. Creation authorized.

The chief elected public officials of various counties and/or cities of the economic development districts established under chapter 14 of this title, are empowered to create a human resource agency. It is the intent of this chapter that there may be four (4) metropolitan human resource agencies, Memphis-Shelby, Nashville-Davidson, Knoxville-Knox, Chattanooga-Hamilton, and no more than nine (9) rural human resource agencies, coterminous with the boundary lines of the development districts. It is the further intent of this chapter that the agencies so created may be the delivery system for human resources, and in no way an infringement on the planning functions of the development districts.

History

Acts 1973, ch. 289, § 2; T.C.A., § 13-2102.

Tenn. Code Ann. § 13-26-103. Governing board of human resource agency — Executive committee — Advisory council — Meetings.

(a) When a human resource agency (HRA) is created pursuant to § 13-26-102, a governing board is established for the HRA.
(b)
(1) The membership of the governing board consists of:
(A) Each county mayor within the HRA's district;
(B) Three (3) or more municipal mayors within the HRA's district who serve on a rotating basis as determined by the bylaws of the HRA;
(C) A senate member who is selected by the senators whose districts are wholly or partially in the area served by the HRA; and
(D) A representative member who is selected by the representatives whose districts are wholly or partially in the HRA.
(2) An HRA may appoint additional persons to the governing board as required by state or federal guidelines.
(c) A member of the general assembly shall not receive any compensation for the member's service on a board.
(d) The board may appoint an executive committee to act for the board. The board shall determine the authority and composition of the committee.
(e) The governing board, executive committee, or advisory council may conduct special or regular meetings.
(f) The governing board shall appoint an advisory council composed of ex officio nonvoting members, to be invited to meet with the governing board at least once annually. The membership of the council is broadly based and equitably distributed between representatives of providers and consumers of human resource services and as established by law, and the council includes members of the governing board and municipal mayors in the service area of the human resource agency.

History

Acts 1973, ch. 289, § 3; T.C.A., § 13-2103; Acts 1980, ch. 677, § 1; 2003, ch. 90, § 2; 2021, ch. 463, § 1.

Tenn. Code Ann. § 13-26-104. Powers and duties of governing board.

(a) A governing board may:

(1) Adopt bylaws;

(2) Appoint an executive director, who would serve at the pleasure of the board;

(3) Determine major personnel, fiscal, and program policies;

(4) Approve overall program plans and priorities; and

(5) Assure compliance with conditions of and approve proposals for financial assistance under this chapter.

(b) Each governing board shall:

(1) Jointly adopt statewide uniform travel regulations, to be kept on file with the commissioner of finance and administration, and reimburse the governing board's officers and employees for official travel in conformance with the regulations;

(2) Develop a system of competitive bidding on purchases of supplies and equipment, and other contracts, and submit the written procedures governing the system to the state procurement commission for approval; and

(3) Develop written personnel procedures that are kept on file with the commissioner of finance and administration.

History

Acts 1973, ch. 289, § 4; T.C.A., § 13-2104; 2021, ch. 463, § 2.

Tenn. Code Ann. § 13-26-105. Powers of agencies — Loan authorization.

(a) It is hereby declared that the agencies created pursuant to this chapter shall be a body, politic and corporate, and shall be public and governmental bodies acting as agencies and instrumentalities of the creating and participating counties and cities, and such agencies are declared to be for a public and governmental purpose and a matter of public necessity.
(b) In order to carry out its overall responsibility for administering a human resource program, a human resource agency is hereby given the authority to own and dispose of property, both real and personal, and to receive and administer funds under this chapter, funds and contributions from private or local public sources which may be used in support of a human resource program, and funds under any federal or state assistance program pursuant to which such an agency organized in accordance with this chapter could serve as grantee, contractor, or sponsor of projects appropriate for inclusion in a human resource program.
(c) With prior approval of the board of directors, a human resource agency may borrow funds when such funds are fully and properly secured by grant funds receivable. Such loans are authorized for short-term emergency cash flow needs only. Such loans shall not constitute an indebtedness of the state, nor shall the interest on such debt be directly or indirectly charged to a state or federal program grant.
(d) A human resource agency may make contracts and execute instruments containing such covenants, terms, and conditions as, in the judgment of the directors, may be necessary, proper, or advisable for the purposes of obtaining grants, loans, or other financial assistance from any federal, state or local agency for or in the aid of the acquisition or improvement of the facilities of the agency and make all other contracts and execute all other instruments, including, without limitation, licenses, long-term and short-term leases, mortgages, deeds of trust, and other agreements relating to property and facilities under its jurisdiction, and the construction, operation, maintenance, repair and improvement thereof, as in the judgment of the board of directors may be necessary, proper or advisable for the furtherance of the purpose of this part and the full exercise of the powers herein granted. In exercising the powers granted herein, the directors shall abide by all statutes, regulations and procedures to which counties must conform in such matters.

History

Acts 1973, ch. 289, § 5; T.C.A., § 13-2105; Acts 1994, ch. 555, § 1; 1995, ch. 22, § 1; 1998, ch. 597, § 1.

Tenn. Code Ann. § 13-26-106. Financial reports — Audits.

(a) Each governing board operating under this chapter shall prepare an annual report of its activities, including financial statements, through June 30 of each year, and submit a copy of such report to the governor, the general assembly, and the commissioner of finance and administration.
(b)
(1) The annual report, including financial statements, and all books of account and financial records are subject to annual audit by the comptroller of the treasury.
(2) A human resource agency may, with the prior approval of the comptroller of the treasury, engage licensed independent public accountants to perform the audits.
(3) The audit contract between the human resource agency and the independent public accountant shall be on contract forms prescribed by the comptroller of the treasury.
(4) The human resource agency is responsible for reimbursement of the costs of audits prepared by the comptroller of the treasury and the payment of fees for audits prepared by licensed independent public accountants.
(5) [Deleted by 2025 amendment.]
(6) Copies of such audits shall be provided to each member of the board and the comptroller of the treasury and shall be made available to the press.
(7) All audits performed by the internal audit staffs of any such agency shall be conducted in accordance with the standards established by the comptroller of the treasury pursuant to § 4-3-304(9).

History

Acts 1973, ch. 289, § 6; 1976, ch. 666, § 4; T.C.A., § 13-2106; Acts 1984, ch. 794, § 10; 1985, ch. 284, § 1; 2025, ch. 155, § 1.

Tenn. Code Ann. § 13-26-107. Appropriations — Local contributions.

(a) Any funds appropriated to implement this chapter are subject to the approval of the governor and the commissioner of finance and administration.
(b) Such approval shall be given only after review by the office of the governor of the annual work program developed by the human resource agency to assure that such program is in accordance with the development plans of the state.
(c) It is the intent of the state to assist financially with the delivery of human resources for residents. After the creation of any such board as provided in this chapter and when the local governments have indicated a willingness to contribute financially by adopting a budget requiring a certain per capita assessment, the state is authorized to match the local contributions according to the following schedule:

Local Assessment Cents/Capita	Contribution	Annual State Contribution Cap/County
1-5	$40,000	$7,500
6-10	$70,000	$7,500
11-15	$100,000	$10,000
16-20	$150,000	$12,500

(d) Such local contributions shall be based upon, in the case of counties, an amount not to exceed fifteen cents (15¢) per capita based on the latest decennial census, one half (½) of which may be contributed by local incorporated cities or by other private, public or semipublic bodies; provided, that no county shall be required to contribute more than ten thousand dollars ($10,000) annually. The aggregate of such funds may also be used for purposes of matching various federal programs of assistance. Counties and municipalities may participate independently of each other in financing the activities of the board. Cities and counties are specifically authorized to appropriate and expend funds for carrying out the purposes of this chapter.

History

Acts 1973, ch. 289, § 7; T.C.A., § 13-2107; Acts 1989, ch. 575, § 1; 1992, ch. 786, § 1; 2007, ch. 467, § 1; 2018, ch. 1030, § 1.

Tenn. Code Ann. § 13-26-108. [Repealed]

History

Acts 1976, ch. 666, §§ 1-3; T.C.A., § 13-2108; Acts 2011, ch. 295, § 19; repealed by Acts 2021, ch. 463, § 3, effective May 18, 2021.

Tenn. Code Ann. § 13-26-109. Uniform accounting system.

(a) The comptroller of the treasury is directed to develop a uniform accounting system conforming to generally accepted accounting principles for the governing boards operating under this chapter.
(b) Such uniform accounting systems shall be subject to the approval of the commissioner of finance and administration.
(c) Upon such approval each human resource agency shall establish and maintain the uniform accounting system.
(d) No state appropriation shall be released to a human resource agency until such agency has established the required accounting system.

History

Acts 1976, ch. 666, § 5; T.C.A., § 13-2109.

Tenn. Code Ann. § 13-26-110. Bond requirements.

(a)
(1) Any board member, policy council member, employee, officer, or any authorized person of a human resource agency who receives public funds, has authority to make expenditures from public funds, or has access to any public funds is required to give bond to be made payable to this state with such sureties as are hereinafter provided. The bond is to be conditioned in all cases in which a different condition is not prescribed, upon the faithful discharge of the duties of such office, employment, or other authorized activity in which such person is engaged during the time the person continues in the discharge of such duties, or in the discharge of any part thereof.
(2)
(A) A human resource agency may obtain, in lieu of the surety bond required by subdivision (a)(1), a policy of insurance issued by an insurance company duly authorized to do business in this state or an agreement with a pool established by two (2) or more governmental entities pursuant to § 29-20-401 or any entity established pursuant to § 29-20-401(b)(2) for administration of such agreement, which provides government crime coverage, employee dishonesty insurance coverage, or equivalent coverage that insures the lawful performance by officials and their employees of their fiduciary duties and responsibilities.
(B) Any such policy or agreement maintained must have limits of not less than four hundred thousand dollars ($400,000) per occurrence.
(C) A policy or agreement satisfying the requirements set forth in subdivision (a)(2)(A) is deemed to be a blanket official bond for each official or office identified in the policy or agreement for all purposes under this chapter.
(D) The officials who may be covered under the policy or agreement include board members, policy council members, employees, officers, and other authorized persons of a human resource agency who handle public funds, pursuant to this chapter.
(E) A copy of the policy or agreement evidencing the persons covered, the amount of coverage maintained, and the type of coverage provided shall be filed in the register's office for the county in which the human resource agency is located.
(F) A policy or agreement filed pursuant to subdivision (a)(2)(E) satisfies the requirement for the filing of official bonds under subsection (e).
(b) Such official bond shall be executed in the same form as that prescribed by § 8-19-101 for county and state officials and employees.
(c)
(1) Effective July 1, 2013, the minimum amount of such required bond shall be determined from the amount of revenues handled by the respective human resource agency as reported in the last audit approved by the comptroller of the treasury. The minimum amount of the bond shall be based on revenues as follows:
(A) Four percent (4%) of the revenues up to three million dollars ($3,000,000); and
(B) Two percent (2%) of the excess over three million dollars ($3,000,000) shall be added.
(2) The amounts indicated in subdivisions (c)(1)(A) and (B) shall be cumulative.
(d) All such official bonds shall be signed by authorized individuals of a corporate surety, and such corporation shall be duly licensed to do business in this state as a surety.
(e) The official bonds required under this section are hereby required to be recorded in the office of the register of deeds where the office of the human resource agency is located and transmitted to the office of the county clerk in the same county for safekeeping.
(f) No examination or certification of any such bonds shall be required in this section.
(g) Provisions for bonds of all state and county officers set forth in title 8, chapter 19, shall also govern the bonds of all persons covered under this section, so far as title 8, chapter 19, is not inconsistent with this section.
(h) The respective human resource agency shall pay the premium for such bonds.
(h) The respective human resource agency shall pay the premium for such bonds.

History

Acts 1976, ch. 666, § 6; T.C.A., § 13-2110; Acts 2013, ch. 315, §§ 27, 28; 2021, ch. 131, § 1.

Tenn. Code Ann. § 13-26-111. Attachment of human resource agencies to department of human resources — Funding — Planning assistance and oversight.

(a) For purposes of general oversight, and specifically for purposes of § 13-26-107, the human resource agencies created under this chapter are attached to the department of human services. Any reports required of human resource agencies by this chapter, or reports that may arise from activities undertaken in accordance with the authority granted under this chapter, are filed with the department of human services in addition to any other filing that may be required.

(b)

(1) The commissioner shall consider the financial needs of human resource agencies, including the disbursement of matching funds as authorized under § 13-26-107, and, to the extent deemed appropriate, shall include such funds in the budget request of the department of human services submitted to the commissioner of finance and administration pursuant to § 9-4-5103.

(2) The department of human services shall provide planning assistance and oversight to the partner agencies with whom the department seeks to coordinate services.

History

Acts 1993, ch. 300, § 1; 1997, ch. 308, § 3; 2021, ch. 463, § 4.