



STATE OF TENNESSEE
EXECUTIVE ORDER
BY THE GOVERNOR

Number 28

**AN EMERGENCY ORDER SUSPENDING PROVISIONS OF CERTAIN LAWS
AND RULES RELATED TO PROGRAMS ADMINISTERED BY THE
DEPARTMENT OF HUMAN SERVICES IN ORDER TO PROVIDE RELIEF TO
VICTIMS OF HURRICANE KATRINA**

WHEREAS, in response to the emergency conditions existing in the aftermath of Hurricane Katrina, I directed the enactment of the Tennessee Emergency Management Plan on August 29, 2005, thereby declaring a state of emergency in Tennessee; and

WHEREAS, Tennessee Code Annotated § 58-2-107(e)(1) provides that during a state of emergency, the Governor is authorized to "suspend the provisions of any law, order, rule or regulation prescribing the procedures for the conduct of state business or the orders or rules or regulations of any state agency, if strict compliance with the provisions of any such law, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency"; and

WHEREAS, I previously signed Executive Order No. 27, which provides for the temporary suspension of several state laws and rules in order to cope with the current emergency situation; and

WHEREAS, in order to more effectively provide services to the many evacuees of Hurricane Katrina in Tennessee, I have determined that it is necessary to suspend additional state laws and rules related to programs administered by the Department of Human Services.

NOW THEREFORE, I, Phil Bredesen, Governor of the State of Tennessee, by virtue of the power and authority vested in me by the Tennessee Constitution and law, do hereby order and direct that the following state laws and rules be suspended until 12:00 a.m., Central Daylight Time, on October 1, 2005:

1. The provisions of Title 71, Chapter 3, Part 5 of the Tennessee Code, governing child care agencies, and any related rules, are hereby suspended to make such laws and rules inapplicable to any emergency shelter, recognized as such by the Tennessee Emergency Management Agency, which provides services to individuals displaced by Hurricane Katrina and which provides child care on the physical premises of the emergency shelter to children of residents of the shelter as part of such services.
2. The provisions of the following child care licensure rules shall be suspended, but only as applied to children whose families verify, according to standards established by the Commissioner of Human Services, that they are residents of Alabama, Louisiana or Mississippi and that they are evacuees from Hurricane Katrina:

- (a) Tenn. Comp. R. & Regs. Chapter 1240-4-3-.06(4)(a)1(ii), (v), and (viii) and Chapter 1240-4-3-.06(7)(b) and (i) of the Licensure Rules for Child Care Centers Caring for Pre-School Children.
 - (b) Tenn. Comp. R. & Regs. Chapter 1240-4-3-.11(1) (a), (b), (d), and (f) of the Licensure Rules for Child Care Centers Caring for Pre-School Children.
 - (c) Tenn. Comp. R. & Regs. Chapter 1240-4-3-.11(2)(i) and Chapter 1240-4-3-.15—Appendix F, (1)(a) and (b) and (2)(b)1 and 2 of the Licensure Rules for Child Care Centers Caring for Pre-School Children.
 - (d) Tenn. Comp. R. & Regs. Chapter 1240-4-6-.06(4)(a)1(ii), (v) and (vii) and Chapter 1240-4-6-.06(7)(b) and (i) of the Licensure Rules for Child Care Centers Caring for School-Age Children.
 - (e) Tenn. Comp. R. & Regs. Chapter 1240-4-6-.11(1)(b), (d) and (e) of the Licensure Rules for Child Care Centers Caring for School-Age Children.
 - (f) Tenn. Comp. R. & Regs. Chapter 1240-4-6-.15—Appendix F(1)(a) and (b) and (2)(b)1 and 2 of the Licensure Rules for Child Care Centers Caring for School-Age Children.
 - (g) Tenn. Comp. R. & Regs. Chapter 1240-4-1-.02(3)(b), and (4)(c) and (e)2 of the Standards For Group Child Care Homes.
 - (h) Tenn. Comp. R. & Regs. Chapter 1240-4-1-.06(1)(a), (b), (c), (d), and (f) of the Standards For Group Child Care Homes.
 - (i) Tenn. Comp. R. & Regs. Chapter 1240-4-4-.02(3)(b) and (4)(c) and (e)2 of the Standards for Family Child Care Homes.
 - (j) Tenn. Comp. R. & Regs. Chapter 1240-4-4-.06(1)(a), (b), (c), (d) and (f) of the Standards For Family Child Care Homes.
3. The provisions of the following laws and rules related to the Families First Act of 1996 shall be suspended:
- a. The provisions of Tenn. Code Ann. § 71-3-154 and any related rules, including but not limited to Tenn. Comp. R. & Regs. Chapter 1240-1-47-.18, .19, .23, .24, .25, .26, and .27, are hereby suspended to allow any child who is a resident of Alabama, Louisiana or Mississippi and is an evacuee from Hurricane Katrina to qualify for temporary assistance even if such child does not satisfy the definition of dependent child and does not reside in this state with a caretaker relative; and
 - b. The provisions of Tenn. Code Ann. § 71-3-159(b) are hereby suspended to allow the Department of Human Services to implement a grant diversion program by providing one-time lump sum benefits in lieu of on-going assistance to any qualifying person who is a resident of Alabama, Louisiana or Mississippi and is an evacuee from Hurricane Katrina.

IN WITNESS WHEREOF, I have subscribed my signature and caused the Great Seal of the State of Tennessee to be affixed this 6th day of September, 2005.



GOVERNOR

ATTEST:


SECRETARY OF STATE