



RECEIVED
96 OCT 14 AM 11: 25
SECRETARY OF STATE

STATE OF TENNESSEE
EXECUTIVE ORDER
BY THE GOVERNOR

No. 10

AN ORDER TRANSFERRING THE MANAGEMENT AND OPERATION OF CLOVERBOTTOM DEVELOPMENTAL CENTER, GREENE VALLEY DEVELOPMENTAL CENTER, NAT T. WINSTON DEVELOPMENTAL CENTER, THE MIDDLE TENNESSEE OFFICE OF COMMUNITY SERVICES AND THE EAST TENNESSEE OFFICE OF COMMUNITY SERVICES FROM THE DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION TO THE DEPARTMENT OF FINANCE AND ADMINISTRATION

WHEREAS, it has been determined that it would be in the interest of a more economical and efficient state service to transfer the management and operation of Cloverbottom Developmental Center, Greene Valley Developmental Center, Nat T. Winston Developmental Center, (hereinafter also known as Developmental Centers), and the Department of Mental Health and Mental Retardation Middle Tennessee Office of Community Services, as well as the Department of Mental Health and Mental Retardation East Tennessee Office of Community Services, (hereinafter also known as Community Services Offices), from the Department of Mental Health and Mental Retardation to the Department of Finance and Administration; and

WHEREAS, the transfer of the management and operation of the Developmental Centers and Community Services Offices from the Department of Mental Health and Mental Retardation to the Department of Finance and Administration will facilitate the operation of governmental programs; and

WHEREAS, the Department of Finance and Administration was created and established in Tennessee Code Annotated, Section 4-3-1001, and the Department of Mental Health and Mental Retardation was created and established in Tennessee Code Annotated Section 4-3-1601;

NOW THEREFORE, I Don Sundquist, Governor of the State of Tennessee, by virtue of the power and authority vested in me by the Tennessee Constitution and by Tennessee Code Annotated, Sections 4-4-102 and 4-4-117 do hereby direct the following:

1. That the management and operation of the Developmental Centers and Community Services Offices, as well as the Central Office Programmatic and Administrative Support within the Division of Mental Retardation shall be transferred from the Department of Mental Health and Mental Retardation to the Department of Finance and Administration. The Department of Finance and Administration shall have exclusive jurisdiction and control over the Developmental Centers and Community Services Offices as of the effective date of this Order. All statutory and related functions relating to the Developmental Centers and the Community Services Offices now in the Department of Mental Health and Mental Retardation are hereby transferred to be made a part of the Department of Finance and Administration as of the effective date of this Order, and that from and after the effective date, all functions related to the Developmental Centers and/or Community Services Offices as established in the Tennessee Code Annotated, shall be administered by and shall be under the control of the Commissioner of the Department of Finance and Administration. Specifically, all authority and responsibilities established in the Tennessee Code Annotated, including those under Tennessee Code Annotated, Title 33 and Title 4, Chapter 3, Part 16, in the Department of Mental Health and Mental Retardation are transferred

to the Department of Finance and Administration as they relate to the Developmental Centers and Community Services Offices.

2. That on or after the effective date of this Order, the Commissioner of the Department of Finance and Administration shall be responsible for the management and operation of the Developmental Centers and Community Services Offices. Said Commissioner shall perform all the duties and have the same authority and responsibility with respect to the Developmental Centers and Community Services Offices as the Commissioner has with other divisions or areas under the jurisdiction and control of the Department of Finance and Administration. Said Commissioner shall perform all duties related to, and have responsibility for the Developmental Centers and Community Services Offices and the administration of all statutory functions transferred under the provisions of Section 1 of this Executive Order as well as any rules, regulations, policies and orders developed thereunder.

3. That based upon an implementation plan developed by the Commissioner of the Department of Finance and Administration, said Commissioner with the assistance and approval of the Department of Personnel shall cause to be transferred to the Department of Finance and Administration any filled or unfilled, authorized and funded positions assigned, directly or indirectly to the Developmental Centers and/or Community Services Offices or directly or indirectly performing functions relating to the Developmental Centers and/or Community Services Offices. The transfer shall include employees in filled positions on the effective date of this Order. The Commissioner of Finance and Administration shall on the effective date of this Order, begin the process of implementing the Order and shall complete the process in due time.

4. In accordance with the schedule for transferring jurisdiction and control, the 1996-97 fiscal year appropriations to the Department of Mental Health and Mental Retardation for the management and operation of the Developmental Centers and Community Services Offices, and for the administration of those statutory functions transferred under the provisions of Section 1 of this Executive Order, and the rules and regulations, orders and policies effectuated thereunder shall be transferred to the Department of Finance and Administration. The Department of Finance and Administration shall revise the present work programs, as well as future budgets, of the Departments affected to reflect the effect of this Executive Order.

5. That all personal property, equipment and other materials available and necessary to implement the requirements of this Executive Order shall also be transferred to the custody and control of the Department of Finance and Administration.

6. That on or after the effective date of this Order, the Department of Finance and Administration, through its Commissioner, shall have the authority to receive, administer and supervise any and all grants and funds from whatever sources, including but not limited to the federal, state, county and municipal governments, related to the Developmental Centers and/or the Community Services Offices.

7. That all contracts or leases entered into by the Department of Mental Health and Mental Retardation with any entity, corporation, agency, enterprise or person, prior to the effective date of this Order, that concern or relate only to the Developmental Centers and/or Community Services Offices, and do not concern or relate to any other facility operated by the Department of Mental Health and Mental Retardation, shall continue in full force and effect as to all essential provisions in accordance with the terms and conditions of the contracts or leases in existence on effective date of this Order, to the same extent as if such contracts or leases had originally been entered into by and between such entity, corporation, agency, enterprise or person and the Department of Finance and Administration, unless and until such contracts or leases are amended or modified by the parties thereto.

Any contracts or leases entered into prior to the effective date of this Order by the Department of Mental Health and Mental Retardation, with any entity, corporation, agency, enterprise or person, that concern or relate to more than one (1) facility operated by the Department, one of which is Cloverbottom Developmental Center, Greene Valley Developmental Center, Nat T. Winston Developmental Center, the Middle Tennessee Office of Community Services and the East Tennessee Office of Community Services, shall continue in full force and effect as to all essential

provisions in accordance with the terms and conditions of the contracts or leases in existence as of the effective date of this Order, unless and until such contracts or leases are amended or modified by the parties thereto. The Commissioner of the Department of Finance and Administration shall determine whether the mandates of this Executive Order require that said contracts or leases be amended or modified. In any event, the Department of Mental Health and Mental Retardation shall not enter into an amendment to or modification of any provision of said contracts or leases that relate to or affect any of the Developmental Centers and/or the Community Services Offices without the approval of the Commissioner of the Department of Finance and Administration.

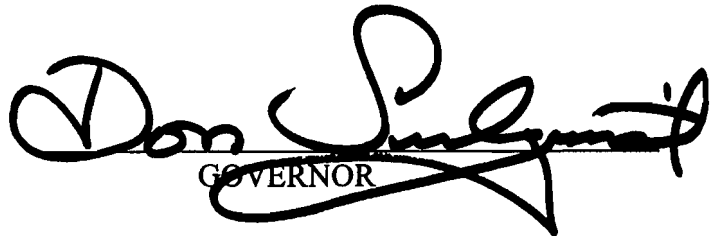
8. That all current rules, regulations, orders, decisions and policies heretofore issued or promulgated by the Department of Mental Health and Mental Retardation with respect to the Developmental Centers and/or the Community Services Offices shall remain in full force and effect and shall hereafter be administered and enforced by the Department of Finance and Administration. To this end, the Department of Finance and Administration, through its Commissioner, shall have authority consistent with the statutes and regulations pertaining to the Developmental Centers and Community Services Offices to modify or rescind orders, rules and regulations, decisions or policies heretofore issued and to adopt, issue or promulgate new orders, rules and regulations, decisions or policies as may be necessary for the management and operation of said Developmental Centers and Community Services Offices.

9. That it is my intent to transfer the exclusive jurisdiction and control over the Developmental Centers and the Community Services Offices to the Department of Finance and Administration with all statutory and related functions that may be necessary for the implementation and the continued management and operation of said Developmental Centers and Community Services Offices.

10. That the effective date of this Order shall be the date of signature.

11. That this Order supersedes all other Executive Orders on the same subject to the extent that those Orders are inconsistent with this Order.

IN WITNESS WHEREOF, I have subscribed my signature and caused the Great Seal of the State of Tennessee to be affixed this 14 day of October, 1996.


GOVERNOR

ATTEST:


SECRETARY OF STATE