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STATE OF TENNESSEE
EXECUTIVE ORDER
BY THE GOVERNOR

No. 30

**AN ORDER TO CLARIFY AND AMEND EXECUTIVE ORDERS 9, 10 AND 21
RELATIVE TO THE TRANSFER OF ADMINISTRATIVE STAFF FROM THE
DEPARTMENT OF MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES
(TDMHDD) TO THE DEPARTMENT OF FINANCE AND ADMINISTRATION**

WHEREAS, Executive Order No. 9 (signed February 7, 1996) transferred management and operation of Arlington Developmental Center ("Developmental Centers") and the Department of Mental Health and Mental Retardation's West Tennessee Office of Community Services ("Community Services Offices") from the Department of Mental Health and Mental Retardation to the Department of Finance and Administration; and

WHEREAS, Executive Order No. 10 (signed October 14, 1996) transferred management and operation of Clover Bottom Developmental Center, Greene Valley Developmental Center, Nat T. Winston Developmental Center ("Developmental Centers") and Middle Tennessee Office of Community Services and the East Tennessee Office of Community Services ("Community Services Offices") from the Department of Mental Health and Mental Retardation to the Department of Finance and Administration; and

WHEREAS, Executive Order No. 21 (signed July 29, 1999) further clarified that Executive Orders No. 9 and 10 were not intended to transfer the Department of Mental Health and Mental Retardation Central Office to the Department of Finance and Administration; and

WHEREAS, the Department of Mental Health and Mental Retardation is now known as the Department of Mental Health and Developmental Disabilities, pursuant to Chapter 947 of the Public Acts of 2000; and

WHEREAS, the transfer of Central Office functions of the Department of Mental Health and Developmental Disabilities Central Office Administrative Services (Budget Code 339.01), dedicated to the operation of the Division of Mental Retardation, from the Department of Mental Health and Developmental Disabilities to the Department of Finance and Administration is in the interest of a more economical and efficient state service and will facilitate the operations of governmental programs; and

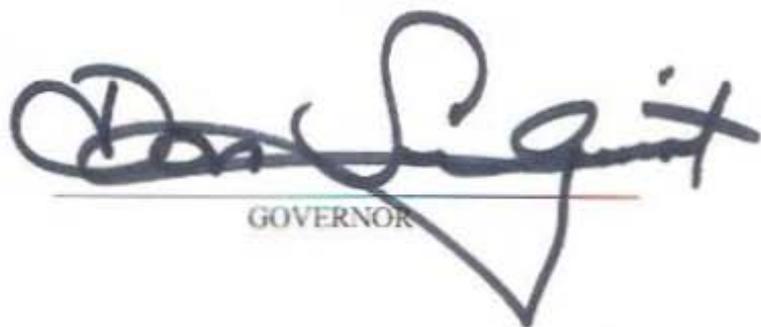
WHEREAS, the Department of Finance and Administration was created and established in Tennessee Code Annotated, Section 4-3-1001, and the Tennessee Department of Mental Health and Developmental Disabilities was created and established in Tennessee Code Annotated Section 4-3-1601;

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 Executive Orders No. 9 and 10 shall remain in full force and effect as modified by Executive Order 21.
2. That Executive Order 21 shall remain in full force and in effect except that the Department of Finance and Administration shall provide, according to the transfer schedule set forth below, all administrative support functions for the Division of Mental Retardation.

3. That the Commissioner of Finance and Administration shall, as of the effective date of this Executive Order, begin the process of transferring from the Department of Mental Health and Developmental Disabilities to the Department of Finance and Administration the administrative support functions of fiscal services directly related to community provider payments, budget services, legislative liaison services, information systems management related to the development and maintenance of the Community Services Tracking System, public information, and legal services for the Division of Mental Retardation Services, and shall complete the process in due time.
4. That as of July 1, 2002, or as soon thereafter as practicable, the Commissioner of the Department of Finance and Administration shall begin the process of transferring from the Department of Mental Health and Developmental Disabilities to the Department of Finance and Administration the remaining administrative support functions related to the operation of the Division of Mental Retardation and shall complete the process in due time.
5. That it is my intent that the administrative support functions be transferred in a manner to prevent the interruption of services and supports.
6. That notwithstanding anything to the contrary in the foregoing, the Department of Mental Health and Developmental Disabilities shall continue to have the authority to perform the following functions related to the Division of Mental Retardation:
 - a. Licensure;
 - b. Approval of all Division of Mental Retardation legislative activity related to changes in Title 33 of the Tennessee Code;
 - c. Transfer of persons between facilities, pursuant to T.C.A. 33-3-301, et seq., unless otherwise delegated in accordance with provisions of Title 33 of the Tennessee Code; and,
 - d. Approval of forensic commitments pursuant to T.C.A. 33-5-401, et seq., unless otherwise delegated in accordance with provisions of Title 33 of the Tennessee Code.
7. The Department of Finance and Administration through its Commissioner, is authorized to develop cost allocation procedures for services provided as appropriate.
8. 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 performing functions related to the Division of Mental Retardation, pursuant to the implementation schedule set forth in Paragraphs 3 and 4, above.
9. In accordance with the schedule set forth in Paragraphs 3 and 4, above, for transferring positions for functions related to the Division of Mental Retardation, the Department of Finance and Administration shall revise the present work programs, as well as future budgets, of the departments affected so as to reflect the effect of this Executive Order.
10. 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, where appropriate.
11. That this Executive Order supercedes all other Executive Orders on the same subject to the extent that these orders are inconsistent with this order.
12. That the effective date of this order shall be the date of signature.

IN WITNESS WHEREOF, I have subscribed my signature and caused the Great Seal of the State of Tennessee to be affixed this 8th day of March, 2002.


GOVERNOR

ATTEST:

SECRETARY OF STATE



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