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No.07 An Order Transferring The Management And Operation Of The Division Of Real Property Administration From The Department Of Finance And Administration To The Department Of General Services

Bill Haslam

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STATE OF TENNESSEE

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EXECUTIVE ORDER

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BY THE GOVERNOR

SECRETARY OF STATE
PUBLICATIONS

No. 7

AN ORDER TRANSFERRING THE MANAGEMENT AND OPERATION OF THE DIVISION OF REAL PROPERTY ADMINISTRATION FROM THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO THE DEPARTMENT OF GENERAL SERVICES

WHEREAS, the Department of General Services was created and established in Tenn. Code Ann. §4-3-1101, and the Department of Finance and Administration was created and established in Tenn. Code Ann. §4-3-1001;

WHEREAS, the Division of Real Property Administration (hereinafter "RPA") is currently a division of the Department of Finance and Administration; and

WHEREAS, the services rendered by RPA, in substance, are closely aligned with those provided by the Department of General Services; and

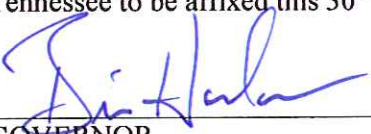
WHEREAS, the transfer of the management and operation of RPA from the Department of Finance and Administration to the Department of General Services affords the Executive Branch an opportunity to deliver RPA's services in a more economical and efficient manner, and at the same realize certain synergies and proficiencies in managing and operating RPA and the Department of General Services as well as the programs in which each is involved; and

NOW THEREFORE, I, Bill Haslam, Governor of the State of Tennessee, by virtue of the power and authority vested in me by the Tennessee Constitution and by Tenn. Code Ann. §§4-4-102 and 4-4-117 do hereby direct and order the following:

1. The management and operation of RPA shall be transferred from the Department of Finance and Administration to the Department of General Services. The Department of General Services shall have exclusive jurisdiction and control over RPA, effective October 1, 2011. All statutory and related functions of RPA now in the Department of Finance and Administration are hereby transferred and made a part of the Department of General Services, effective October 1, 2011. From and after October 1, 2011, the Commissioner of the Department of General Services shall control, manage and oversee all statutory and regulatory functions of RPA.
2. As of October 1, 2011, the Commissioner of General Services shall be responsible for the management and operation of RPA. The Commissioner shall perform all of the duties of, and have the same authority and responsibility with respect to, RPA as the Commissioner has with other divisions or areas under the jurisdiction of the Department of General Services.
3. Based upon an implementation plan developed by the Commissioner of General Services with the assistance and approval of the Commissioner of Human Resources, the Commissioner of Finance and Administration and the Commissioner of General Services shall cause to be transferred to the Department of General Services any filled or unfilled, authorized and funded positions assigned to RPA. As of October 1, 2011, the Commissioner of General Services shall begin the process of implementing this Executive Order and shall complete the process in due time.

4. In accordance with the schedule for transferring jurisdiction and control, the 2011-2012 fiscal year appropriations to the Department of Finance and Administration for the management and operation of RPA and for the administration of those statutory and regulatory functions transferred under the provisions of Section 1 of this Executive Order shall be transferred to the Department of General Services. The Department of Finance and Administration shall revise the present work programs, as well as future budgets, of the Department of Finance and Administration and the Department of General Services to reflect the provisions and intent of this Executive Order.
5. 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 General Services.
6. As of October 1, 2011, the Department of General Services, through its Commissioner or his designee, shall have the authority to receive, administer and oversee all grants and funds related to RPA or its functions. These grants and funds shall include, but shall not be necessarily be limited to, those from federal, state, and local governments and other governmental entities and agencies.
7. All contracts or leases entered into prior to October 1, 2011, by the Department of Finance and Administration with any person, association or entity that concern or relate to RPA or any program or function transferred herein shall continue in full force and effect to the same extent as if such contracts or leases had originally been entered into by and between such person, association or entity and the Department of General Services, unless and until such contracts or leases are amended or modified by the parties thereto.
8. All current rules, regulations, orders, decisions and policies heretofore issued or promulgated by the Department of Finance and Administration with respect to RPA shall remain in full force and effect and shall hereafter be administered and enforced by the Department of General Services. The Department of General Services, through its Commissioner, shall have the authority consistent with the statutes and regulations pertaining to RPA 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, appropriate or convenient for the management and operation of RPA.
9. The Commissioner shall have the authority to execute such documents, and take such other actions from time to time as may be necessary, appropriate or convenient to carry out the intent of this Executive Order.
10. 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 30th day of September, 2011.



GOVERNOR

ATTEST: 

SECRETARY OF STATE

