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No.12 An Order Transferring The Office Of Criminal Justice Programs, Drug Courts Program, From The Department Of Finance And Administration To The Department Of Mental Health

Bill Haslam

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STATE OF TENNESSEE
EXECUTIVE ORDER
BY THE GOVERNOR

RECEIVED
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SECRETARY OF STATE

No. 12

AN ORDER TRANSFERRING THE OFFICE OF CRIMINAL JUSTICE PROGRAMS, DRUG COURTS PROGRAM, FROM THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO THE DEPARTMENT OF MENTAL HEALTH

WHEREAS, it has been determined that in the interest of economy, efficiency and better coordination of the functions of state government, the Office of Criminal Justice Programs, Drug Courts Program, should be transferred from the Department of Finance and Administration to the Department of Mental Health (to be renamed the "Department of Mental Health and Substance Abuse Services" effective July 1, 2012); 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 was created and established in Tennessee Code Annotated Section 4-3-1601.

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 law, including Tennessee Code Annotated Sections 4-4-102 and 4-4-117, do hereby order and direct the following:

1. The Office of Criminal Justice Programs, Drug Courts Program, is hereby transferred and made a part of the Department of Mental Health, effective July 1, 2012. All current functions of the Drug Courts Program, including, but not limited to, functions set forth in the Drug Court Treatment Act of 2003, codified at Tennessee Code Annotated, Title 16, Chapter 22, shall now be administered by and shall be under the control of the Commissioner of Mental Health. Notwithstanding the foregoing language, this transfer does not include functions related to the licensing of alcohol and drug abuse counselors, detailed in Tennessee Code Annotated, Title 68, Chapter 24, Part 6, which shall remain in the Department of Health.
2. The Departments of Finance and Administration and Mental Health shall develop an implementation plan to effectuate the purposes of this Order.
3. The Commissioner of Finance and Administration shall, with the assistance of the Department of Human Resources, and after consultation with the Department of Mental Health, cause to be transferred to the Department of Mental Health the filled or unfilled, authorized and funded positions assigned to the Drug Courts Program. The Commissioner of Finance and Administration shall begin the process of transferring those positions immediately and shall complete the process in due time.
4. The Commissioner of Finance and Administration shall, on or before October 1, 2012, transfer to the Department of Mental Health from the Department of Finance and Administration all appropriations and other revenues budgeted for the operation of the Drug Courts Program,


including appropriations for all support services to the Drug Courts Program. The Department of Finance and Administration shall revise the budgets of both departments to reflect the effect of this Order.

5. All personal property, equipment, space and other materials and supplies made available to the Department of Finance and Administration for use by the Drug Courts Program shall be transferred to the custody of the Department of Mental Health.
6. On and after July 1, 2012, the Department of Mental Health, through the Commissioner, shall have the authority to receive, administer and supervise any and all grants and funds from whatever source, including, but not limited to, the federal, state, county and municipal governments, with respect to the programs or functions of the Drug Courts Program transferred by this Order to the Department of Mental Health.
7. All contractual agreements including, but not limited to, leases, entered into on or before July 1, 2012, by the Department of Finance and Administration, the Office of Criminal Justice Programs, or the Drug Courts Program with any entity, corporation, agency, enterprise or person with respect to any program or function transferred by this Order shall continue to be in full force and effect as to all essential provisions in accordance with the terms and conditions of the contractual agreements in existence on July 1, 2012, to the same extent as if such agreements had originally been entered into by and between such entity, corporation, agency, enterprise or person and the Department of Mental Health, unless and until such contractual agreements are amended or modified by the parties to those agreements.
8. All rules, regulations, orders and decisions issued or promulgated by the Department of Finance and Administration, the Office of Criminal Justice Programs, or the Drug Courts Program shall remain in full force and effect and shall now be administered and enforced by the Department of Mental Health. To this end, the Department of Mental Health, through the Commissioner, shall have the authority, consistent with the statutes and regulations pertaining to the programs and functions transferred by this Order, to modify or rescind orders or rules and regulations issued and to adopt, issue or promulgate new orders or rules and regulations as may be necessary for the administration of the programs or functions of the Drug Courts Program transferred by this Order.
9. To the extent that their terms are inconsistent with the terms of this Executive Order No. 12, all previous executive orders are hereby repealed.

IN WITNESS THEREOF, I have subscribed my signature and cause the Great Seal of the State of Tennessee to be affixed this 12th day of June, 2012.


GOVERNOR

ATTEST:


SECRETARY OF STATE

