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Executive Orders

Ned McWherter (1987-1995)

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No. 40 An Order Transferring the Division of Parks and Recreation and the Tennessee Historical Commission in the Department of Conservation and its Related Functions and the Administration of Related Statutes From the Department of Conservation to the Department of Tourist Development

Ned R. McWherter

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STATE OF TENNESSEE

EXECUTIVE ORDER

BY THE GOVERNOR

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NO. 40

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TEMP DEPOSITORY ITEM

AN ORDER TRANSFERRING THE DIVISION OF PARKS AND RECREATION AND THE TENNESSEE HISTORICAL COMMISSION IN THE DEPARTMENT OF CONSERVATION AND ITS RELATED FUNCTIONS AND THE ADMINISTRATION OF RELATED STATUTES FROM THE DEPARTMENT OF CONSERVATION TO THE DEPARTMENT OF TOURIST DEVELOPMENT

WHEREAS, it is in the interest of a more economical and efficient state service to reduce administrative duplication and to streamline the operation of state government; and

WHEREAS, it is in the interest of a more economical and efficient state service to combine into one department related service delivery and regulatory programs thereby facilitating the operation of these programs; and

WHEREAS, it has been determined that in the interest of economy, efficiency and better coordination of the functions of state government the Division of Parks and Recreation and the Tennessee Historical Commission in the Department of Conservation and the administration of the related statutes should be transferred to the Department of Tourist Development; and

WHEREAS, both the Department of Conservation and the Department of Tourist Development are created and established in Tennessee Code Annotated, Section 4-3-101;

NOW, THEREFORE, I, Ned McWherter, 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, Section 4-4-102, do hereby order and direct the following:

1. That the division of Parks and Recreation and the

Tennessee Historical Commission in the Department of Conservation be and are hereby transferred to and made a part of the Department of Tourist Development, effective July 1, 1991 and that from and after July 1, 1991 all functions of the division of Parks and Recreation, and the administrative attachment of the Tennessee Historical Commission to the Department of Conservation and all functions of the Department of Conservation under the provisions of Tennessee Code Annotated, title 4, chapter 11, and title 11, chapters 3 and 9, and section 4-3-503(3) and 4-3-504(5) shall be administered by and shall be under the control of the Commissioner of Tourist Development. Further the administration of those parts of Tennessee Code Annotated, Sections 11-1-102, 11-1-103, 11-1-105, 11-1-106, 11-1-107, 11-1-108, 11-1-109, 11-1-112, 11-1-113 and 11-1-114 concerning the Division of Parks and Recreation and parks are transferred to the Department of Tourist Development. Provided, further, however, this Order shall not apply to Natural Areas, Historical/ Archeological Areas, Scenic Rivers or Scenic Trails.

2. That from and after July 1, 1991, the Commissioner of Tourist Development shall perform all such duties and shall have the same authority and responsibility with regard to the division of Parks and Recreation and the administrative attachment of the Tennessee Historical Commission to the Department as she has with other divisions assigned to the Department of Tourist Development. The Commissioner of Tourist Development shall also perform the duties and have the responsibilities with regard to the Division of Parks

and Recreation and the administrative attachment of the Tennessee Historical Commission to the Department and with the administration of the statutes that were hereto vested in the Commissioner of Conservation pursuant to Tennessee Code Annotated, title 4, chapter 11, and title 11, chapters 3 and 9, and section 4-3-503(3) and 4-3-504(5) and the rules and regulations promulgated thereunder and by those parts of Tennessee Code Annotated, Sections 11-1-102, 11-1-103, 11-1-105, 11-1-106, 11-1-107, 11-1-108, 11-1-109, 11-1-112, 11-1-113 and 11-1-114 concerning the Division of Parks and Recreation and parks and the rules and regulations promulgated thereunder.

3. That the Commissioner of Finance and Administration, with the assistance and approval of the Department of Personnel, after consultation with the Department of Conservation and the Department of Tourist Development, shall cause to be transferred to the Department of Tourist Development, any filled or unfilled, authorized and funded positions assigned to the division of Parks and Recreation and the administrative attachment of the Tennessee Historical Commission to the Department together with any other employees of or positions of the Department of Conservation assigned primarily to provide support services to said entities and to enforce the provisions of Tennessee Code Annotated, title 4, chapter 11, and title 11, chapters 3 and 9, and Section 4-3-503(3) and 4-3-504(5) and those parts of Tennessee Code Annotated, Sections 11-1-102, 11-1-103, 11-1-105, 11-1-106, 11-1-107, 11-1-108, 11-1-109, 11-1-112, 11-1-113 and 11-1-114 concerning the Division of Parks and Recreation and parks. The Commissioner of Finance and Administration shall, on or

before July 1, 1991, begin the process of transferring the aforesaid positions and employees and shall complete the process in due time.

4. In accordance with the schedule for transferring positions and employees, the 1990-1991 and 1991-92 fiscal year appropriations to the Department of Conservation for the operation of the division of Parks and Recreation and of the Tennessee Historical Commission and for the administration of provisions of Tennessee Code Annotated, title 4, chapter 11, and title 11, chapters 3 and 9, and Section 4-3-503(3) and 4-3-504(5) and for the administration of those parts of Tennessee Code Annotated, Sections 11-1-102, 11-1-103, 11-1-105, 11-1-106, 11-1-107, 11-1-108, 11-1-109, 11-1-112, 11-1-113 and 11-1-114 concerning the Division of Parks and Recreation and parks, shall be transferred to the Department of Tourist Development and that the Department of Finance and Administration shall revise all future budgets of the Department of Conservation and the Department of Tourist Development to reflect the effect of this executive order.
5. That all personal property, equipment and other materials made available to the Department of Conservation for use by the division of Parks and Recreation and of the Tennessee Historical Commission and the employees of the Department of Conservation performing functions in accordance with the provisions of Tennessee Code Annotated, title 4, chapter 11, and title 11, chapters 3 and 9, and Section 4-3-503(3) and 4-3-504(5) and for the administration of those parts of Tennessee Code Annotated, Sections 11-1-102, 11-1-103, 11-1-105, 11-1-106, 11-1-107, 11-1-108, 11-1-109,

11-1-105, 11-1-106, 11-1-107, 11-1-108, 11-1-109,

11-1-112, 11-1-113 and 11-1-114 concerning the Division of Parks and Recreation and parks, shall be transferred to the custody and control of the Department of Tourist Development.

6. That on or after July 1, 1991, the Department of Tourist Development 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 division of Parks and Recreation and of the Tennessee Historical Commission herein transferred to the Department of Tourist Development.

7. That all contracts or leases entered into prior to July 1, 1991, by the Department of Conservation with respect to any program or function transferred herein with any entity, corporation, agency, enterprise or person shall continue in full force and effect as to all essential provisions in accordance with the terms and conditions of the contracts in existence on July 1, 1991, to the same extent as if such contracts had originally been entered into by and between such entity, corporation, agency, enterprise or person and the Department of Tourist Development, unless and until such contracts or leases are amended or modified by the parties thereto.

8. That all rules, regulations, orders and decisions heretofore issued or promulgated by the Department of Conservation pursuant to provisions of the Tennessee Code Annotated, title 4, chapter 11, and title 11, chapters 3 and 9, and Section 4-3-503(3) and 4-3-504(5) and pursuant to those parts of Tennessee Code Annotated, Sections 11-1-102, 11-1-103, 11-1-105,

11-1-106, 11-1-107, 11-1-108, 11-1-109, 11-1-112,
11-1-113 and 11-1-114 concerning the Division of Parks
and Recreation and parks, shall remain in full force
and effect and shall hereafter be administered and
enforced by the Department of Tourist Development. To
this end the Department of Tourist Development through
the Commissioner shall have the authority, consistent
with the statutes and regulations pertaining to the
programs and functions transferred herein, to modify or
rescind orders or rules and regulations heretofore
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 herein
transferred.

IN WITNESS WHEREOF, I have subscribed my signature and
caused the Great Seal of the State of Tennessee to be affixed
this 4th day of February, 1991.

GOVERNOR

Red McWhorter

SECRETARY OF STATE

Bryan D. Williams