

University of Memphis

University of Memphis Digital Commons

---

Executive Orders

Ned McWherter (1987-1995)

---

1-1-1991

**No. 42 An Order Transferring the Bureau of Environment in the Department of Health and Environment and its Related Functions and the Administration of the Tennessee Environmental Statutes from the Department of Health and Environment to the Department of Conservation**

Ned R. McWherter

Follow this and additional works at: <https://digitalcommons.memphis.edu/govpubs-tn-governor-ned-mcwherter-eo>

---



91 FEB -5 AM 10: 07

RECEIVED  
OFFICE OF THE GOVERNOR  
STATE

STATE OF TENNESSEE

# EXECUTIVE ORDER

BY THE GOVERNOR

NO. 42

AN ORDER TRANSFERRING THE BUREAU OF ENVIRONMENT IN THE DEPARTMENT OF HEALTH AND ENVIRONMENT AND ITS RELATED FUNCTIONS AND THE ADMINISTRATION OF THE TENNESSEE ENVIRONMENTAL STATUTES FROM THE DEPARTMENT OF HEALTH AND ENVIRONMENT TO THE DEPARTMENT OF CONSERVATION

WHEREAS, the citizens of Tennessee are increasingly aware of the need to strengthen safeguards for Tennessee's environment, and;

WHEREAS, environmental issues are of such importance that the State of Tennessee should address these issues through a single state agency, and;

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 Bureau of Environment in the Department of Health and Environment and the administration of the Tennessee environmental statutes should be transferred to the Department of Conservation; and

WHEREAS, both the Department of Health and Environment and the Department of Conservation 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 effective from the date of this order the Bureau of Environment in the Department of Health and Environment be and is hereby transferred to and made a part of the Department of Conservation, and that from and after the date of this order, all functions of the Bureau of Environment and all functions of the Department of Health and Environment under the provisions of the following Tennessee environmental statutes codified at Tennessee Code Annotated, title 59, chapters 8 and 10, title 68, chapters 13, 23, 25, 31, 33, 37, 46, and 53, and title 69, chapters 3, 8, 11, and 12, and Section 68-16-109, shall be administered by and shall be under the control of the Commissioner of Conservation. This Order shall not apply to nor be construed as transferring from the Department of Health and Environment, any authority, function, personnel, or equipment associated with the administration of Tennessee Code Annotated, title 68, chapters 14, 28, and 42.
2. That from and after the date of this order, the Commissioner of Conservation shall perform all such duties and shall have the same authority and responsibility with regard to the Bureau of Environment as the Commissioner has with other divisions assigned to the Department of Conservation. The Commissioner of

Conservation shall also perform the duties and have the responsibilities with regard to the Bureau of Environment and with the administration of the Tennessee environmental statutes that were hereto vested in the Commissioner of Health and Environment pursuant to Tennessee Code Annotated, title 59, chapters 8 and 10, title 68, chapters 13, 23, 25, 31, 33, 37, 46, and 53 and title 69, chapters 3, 8, 11, and 12, and Section 68-16-109, and the rules and regulations promulgated thereunder.

3. That based upon an implementation plan developed by the Commissioner of Finance and Administration, said Commissioner with the assistance and approval of the Department of Personnel, after consultation with the Department of Health and Environment and the Department of Conservation, shall cause to be transferred to the Department of Conservation, any filled or unfilled, authorized and funded positions assigned to the Bureau of Environment together with any other employees of or positions of the Department of Health and Environment assigned primarily to provide support services to said Bureau and to enforce the provisions of the Tennessee environmental statutes codified at Tennessee Code Annotated, title 59, chapters 8 and 10, title 68, chapters 13, 23, 25, 31, 33, 37, 46, and 53 and title 69, chapters 3, 8, 11, and 12, and Section 68-16-109. From the date of this order the Commissioner of Finance and Administration shall, in consultation with the Commissioner of Personnel, begin the process of transferring the aforesaid positions and employees and shall complete the process by July 1, 1991.

4. For administrative purposes and in accordance with the

- implementation plan developed by the Commissioner of Finance and Administration, the 1990-1991 and 1991-1992 fiscal year appropriations to the Department of Health and Environment for the operation of the Bureau of Environment and for the administration of the Tennessee environmental statutes codified at Tennessee Code Annotated, title 59, chapters 8 and 10, title 68, chapters 13, 23, 25, 31, 33, 37, 46, and 53 and title 69, chapters 3, 8, 11, and 12, and Section 68-16-109, shall be transferred to the Department of Conservation and the Department of Finance and Administration shall revise the present budgets as well as all future budgets of the Department of Health and Environment and the Department of Conservation to reflect the effect of this executive order.
5. That all personal property, equipment and other materials made available to the Department of Health and Environment for use by the Bureau of Environment and the employees of the Department of Health and Environment performing functions in accordance with the provisions of the Tennessee environmental statutes codified at Tennessee Code Annotated, title 59, chapters 8 and 10, title 68, chapters 13, 23, 25, 31, 33, 37, 46, and 53 and title 69, chapters 3, 8, 11, 12, and Section 68-16-109 shall be transferred to the custody and control of the Department of Conservation.
6. That the Department of Conservation 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 Bureau of

Environment herein transferred to the Department of Conservation.

7. That all contracts or leases entered into prior to the date of this order, by the Department of Health and Environment 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 the date of this order, 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 Conservation, unless and until such contracts or leases are amended or modified by the parties thereto.

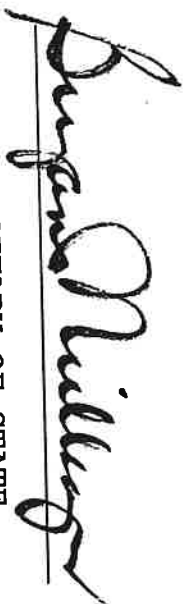
8. That all rules, regulations, orders and decisions heretofore issued or promulgated by the Department of Health and Environment pursuant to provisions of the Tennessee environmental statutes codified at Tennessee Code Annotated, title 59, chapters 8 and 10, title 68, chapters, 13, 23, 25, 31, 33, 37, 46, and 53, and title 69, chapters 3, 8, 11, and 12, and Section 68-16-109, shall remain in full force and effect and shall hereafter be administered and enforced by the Department of Conservation. All rules and regulations promulgated under Tennessee Code Annotated, Section 68-1-103, pertaining to these environmental statutes shall also remain in full force and effect and shall hereafter be administered and enforced by the Department of Conservation. To this end the Department of Conservation 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.

9. All delegations made pursuant to Tennessee Code Annotated, title 59, chapters 8 and 10, title 68, chapters, 13, 23, 25, 31, 33, 37, 46, and 53, and title 69, chapters 3, 8, 11, and 12, and Section 68-16-109, and Section 68-1-102, pertaining to the administration of those statutes shall remain in full force and effect until modified or rescinded by the Commissioner of Conservation.

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

  
GOVERNOR

  
SECRETARY OF STATE