



STATE OF TENNESSEE
EXECUTIVE ORDER
BY THE GOVERNOR

No. 25

**AN ORDER TRANSFERRING THE ENERGY DIVISION FROM THE DEPARTMENT
OF ECONOMIC AND COMMUNITY DEVELOPMENT TO THE DEPARTMENT OF
ENVIRONMENT AND CONSERVATION**

WHEREAS, the Energy Division was created and established in Tennessee Code Annotated, Section 4-3-704 within the Department of Economic and Community Development; and

WHEREAS, the Department of Environment and Conservation was created and established in Tennessee Code Annotated, Section 4-3-101; and

WHEREAS, it has been determined that, in the interest of a more economical, efficient, and streamlined state service, the Energy Division, currently operated within the Department of Economic and Community Development, should be transferred by that Department to the Department of Environment and Conservation; 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 Tennessee Code Annotated, Sections 4-4-102 and 4-4-117, do hereby order and direct the following:

1. The Energy Division, created and established in Tennessee Code Annotated, Section 4-3-704, is transferred and made a part of the Department of Environment and Conservation, effective January 1, 2013. The Departments of Economic and Community Development and Environment and Conservation shall develop an implementation plan to effectuate the purpose of this Executive Order.
2. All current functions, programs, duties and responsibilities of the Energy Division including, but not limited to, the statutory functions referenced in Tennessee Code Annotated, Sections, 4-3-708, 4-3-709, 4-3-710, 4-3-711, 4-3-712, 4-3-713, 4-31-119,

8-4-103(b)(2), and 59-13-106 shall be exclusively administered by and under the control of the Commissioner of the Department of Environment and Conservation.

3. All current functions, programs, duties and responsibilities of the Department of Economic and Community Development, currently performed by the Energy Division, including those functions, programs, duties and responsibilities in Tennessee Code Annotated, Sections 4-3-1019(a) and 4-31-405(d), shall be exclusively administered by and under the control of the Commissioner of the Department of Environment and Conservation.
4. In preparation for the January 1, 2013 effective date of this Executive Order, the Commissioner of Finance and Administration, with the assistance and approval of the Department of Human Resources, after consultation with the Department of Economic and Community Development and the Department of Environment and Conservation, shall cause to be transferred to the Department of Environment and Conservation, any filled or unfilled, authorized and funded positions assigned to the Energy Division.
5. The Department of Finance and Administration shall, pursuant to 2012 Tennessee Laws Pub. Ch. 1029 (H.B. 3835), make available to the Department of Environment and Conservation any appropriation provided to the Energy Division or the Department of Economic and Community Development for the functions, programs, duties and responsibilities transferred by this Executive Order. The Department of Finance and Administration shall revise the budgets and work programs of both Departments to reflect the transfer effectuated by this Executive Order.
6. All personal property, software, supplies, and other materials made available to the Department of Economic and Community Development for use by the Energy Division, or otherwise necessary and available to implement the requirements of this Executive Order, shall be transferred to the Department of Environment and Conservation, as necessary.
7. The Department of Environment and Conservation, through its 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 functions, programs, duties and responsibilities transferred by this Executive Order.
8. All contracts, purchase orders, and agreements entered into by the Department of Economic and Community Development on behalf of the Energy Division shall continue in full force and effect to the same extent as if such contracts, purchase orders, and agreements had originally been entered into by the Department of Environment and Conservation, until they are amended, modified, or the contract term expires. The Commissioner of the Department of Environment and Conservation shall have the authority to execute documents and take other actions necessary to carry out the intent of this Executive Order.

9. All rules, regulations, orders, guidelines, and decisions issued or promulgated by the Energy Division or Department of Economic and Community Development, before January 1, 2013, relative to the functions, programs, duties and responsibilities transferred by this Executive Order, shall remain in full force and effect and shall be administered and enforced by the Department of Environment and Conservation. The Department of Environment and Conservation shall have the authority to modify or rescind such rules, regulations, orders, guidelines, and decisions, and to adopt, issue or promulgate new rules, regulations, orders, guidelines, and decisions, consistent with applicable law, as may be deemed necessary, appropriate or convenient by the Commissioner of the Department of Environment and Conservation.
10. The Commissioner of the Department of Environment and Conservation shall have the authority to execute such documents and take such other actions as may be necessary, appropriate or convenient to carry out the intent of this Executive Order.
11. This Executive Order supersedes and rescinds all other directives, memoranda, and executive orders on the same subject to the extent they are inconsistent with this Executive Order.

IN WITNESS WHEREOF, I have subscribed my signature and caused the Great Seal of the State of Tennessee to be affixed this 26th day of November, 2012.



GOVERNOR

ATTEST:


SECRETARY OF STATE

