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SECRETARY OF STATE
PUBLICATIONS

STATE OF TENNESSEE
EXECUTIVE ORDER
BY THE GOVERNOR

No. 68

**AN ORDER TRANSFERRING CERTAIN FUNCTIONS FROM THE DEPARTMENT
OF HEALTH TO THE DEPARTMENT OF AGRICULTURE**

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

WHEREAS, Chapter No. 591 of the Public Acts of 2009 enacted a new Part 7 of Tennessee Code Annotated, Title 44, Chapter 7, entitled the "Commercial Breeder Act", which established a system of licensure for commercial breeders of dogs and cats; and

WHEREAS, pursuant to the Commercial Breeder Act, the Commissioner of Health was charged with administering oversight and licensure of such commercial breeders; and

WHEREAS, when the Commercial Breeder Act was enacted, the Department of Agriculture was charged with administering the regulation and licensure of dog and cat dealers under Tennessee Code Annotated, Title 44, Chapter 17, Part 1, and the Department of Agriculture was also charged with certain responsibilities related to the Animal Population Control Endowment Fund under Tennessee Code Annotated, Section 55-4-290; and

WHEREAS, because the Commercial Breeder Act placed oversight and licensure of commercial breeders with the Department of Health, Governor Phil Bredesen determined that it was in the interest of economy, efficiency, and better coordination of the functions of state government that the functions related to the regulation and licensure of dog and cat dealers under Tennessee Code Annotated, Title 44, Chapter 17, Part 1, as well as the functions related to the Animal Population Control Endowment Fund under Tennessee Code Annotated, Section 55-4-290, also be administered by the Department of Health, and consequently, Governor Bredesen issued Executive Order No. 72 on November 5, 2010, transferring such functions from the Department of Agriculture to the Department of Health; and

WHEREAS, the Commercial Breeder Act, Tennessee Code Annotated, Title 44, Chapter 7, Part 7, expired on June 30, 2014; and

WHEREAS, because the Commercial Breeder Act expired, the justification for the transfer of functions effectuated by Governor Bredesen's Executive Order No. 72 no longer exists, and therefore, through consultation with the Department of Agriculture and Department of Health, it has been determined that in the interest of economy, efficiency, and better coordination of the functions of state government, the functions related to the regulation and licensure of dog and cat dealers and the functions related to the Animal Population Control Endowment Fund should be transferred back to the Department of Agriculture, which administered them prior to the enactment of the Commercial Breeder Act, as contemplated by the provisions of Tennessee Code Annotated, Title 44, Chapter 17, Part 1, and Tennessee Code Annotated, Section 55-4-290.

NOW THEREFORE, I, Bill Haslam, Governor of the State of Tennessee, by virtue of the authority vested in me by the Tennessee Constitution and by Tennessee Code Annotated, Section 4-4-102, do hereby direct and order the following:

1. The functions of the Department of Health related to dog and cat dealer licensure and regulation pursuant to Tenn. Code Ann., Title 44, Chapter 17, Part 1, which were transferred from the Department of Agriculture to the Department of Health pursuant to Governor Bredesen's Executive Order No. 72 issued on November 5, 2010, are hereby transferred from the Department of Health to the Department of Agriculture, effective January 1, 2018.
2. The functions of the Department of Health related to the Animal Population Control Endowment Fund under Tennessee Code Annotated, Section 55-4-290, which were transferred from the Department of Agriculture to the Department of Health pursuant to Governor Bredesen's Executive Order No. 72 issued on November 5, 2010, are hereby transferred from the Department of Health to the Department of Agriculture, effective January 1, 2018.
3. The Commissioner of Agriculture, with the assistance of the Commissioner of Health, shall immediately begin implementing this Order, with such process to be completed in due time, and the Commissioners of Agriculture and Health 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 Order.
4. The Commissioner of Finance and Administration shall cause to be transferred to the Department of Agriculture from the Department of Health all appropriations and other revenues budgeted for the functions transferred by this Order, effective January 1, 2018. As needed, 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, and other materials and supplies made available to the Department of Health for use for the functions transferred by this Order shall be

transferred to the custody of the Department of Agriculture, effective January 1, 2018.

6. All contractual agreements, including but not limited to leases, entered into prior to January 1, 2018, by the Department of Health with any entity, corporation, agency, enterprise, or person with respect to any function transferred by this Order 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 January 1, 2018, 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 Agriculture, unless and until such contracts or leases are amended or modified by the parties thereto.
7. All rules and policies promulgated or issued before January 1, 2018, related to functions transferred by this Order shall remain in full force and effect and shall hereafter be administered and enforced by the Department of Agriculture. The Department of Agriculture, through the Commissioner of Agriculture, shall have the authority, consistent with the statutes and regulations pertaining to the functions transferred herein, to modify rules and policies previously promulgated or issued and to promulgate and adopt new rules and policies as may be necessary.
8. Governor Bredesen's Executive Order No. 72, issued on November 5, 2010, is hereby repealed. All other previous executive orders, the terms of which are inconsistent with the terms of this Order, are also hereby repealed.

IN WITNESS WHEREOF, I have subscribed my signature and caused the Great Seal of the State of Tennessee to be affixed this 11th day of December, 2017.



GOVERNOR

ATTEST:



SECRETARY OF STATE

