STATE OF TENNESSEE

EXECUTIVE ORDER

BY THE GOVERNOR

NO. 34

AN ORDER ESTABLISHING THE TENNESSEE TITLE VI COMPLIANCE COMMISSION

WHEREAS, all entities receiving federal financial assistance are subject to the restrictions of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987; and

WHEREAS, Title VI of the Civil Rights Act of 1964 ("Title VI") provides that, "No person in the United States shall, on ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance; and

WHEREAS, strict penalties may be enforced for violations of Title VI; and

WHEREAS, it is of the utmost importance that the State of Tennessee protect our citizens from discrimination and the loss of federal funding by ensuring compliance with the requirements of Title VI;

NOW, THEREFORE, I, Don Sundquist, Governor of the State of Tennessee, by virtue of the power and authority vested in me by the Constitution and Laws of the State of Tennessee, do hereby order and direct the following:

(a) There is hereby created the Tennessee Title VI Compliance Commission ("the Commission").

(b) The Commission shall be governed by a board of directors ("board") consisting of thirteen (13) members, to be appointed as follows:

1. Nine (9) members shall be citizens, appointed by the Governor, three (3) of whom shall reside in each grand division of the state;

2. Two (2) members shall be state senators, appointed by the speaker of the senate; and

3. Two (2) members shall be state representatives, appointed by the speaker of the house of representatives.

(c) State senators and representatives serving on the board shall be non-voting members and shall serve two-year terms.

(d) Each of the nine (9) citizen members serving on the board shall be appointed for a term of six (6) years. A citizen member may be appointed to serve not more than two (2) consecutive six (6) year terms.

(e) The Governor shall annually appoint one of the members to serve as chairperson. A quorum of the board shall consist of six (6) members.

(f) Members of the board shall be appointed on a nonpartisan basis and shall reflect the state's racial and ethnic diversity. To this end, the appointing authorities shall strive to ensure that at least three (3) of the members are African Americans, at least one (1) member is sixty-five (65) years of age or older, and at least one (1) member is a woman.

(g) Board members shall, by virtue of their education and/or experience, collectively possess broad knowledge and expertise pertaining to matters of government, commerce, law, human rights, and ethics. No voting member of the board shall be an officer or employee of any agency or entity of federal, state, or local government; no person serving on the board shall be a subrecipient or an owner, officer, or employee of a subrecipient of federal funds transmitted through an entity of state government; and no person serving o the board shall be a subcontractor or an owner, officer, or employee of a subcontractor of a subrecipient of federal funds transmitted through an entity of state government.

(h) In the event a vacancy occurs on the board, a replacement shall be appointed, as provided above, to serve the balance of the unexpired term.

(i) Voting members of the board shall receive no compensation but may be reimbursed for expenses in accordance with the provisions of the comprehensive travel regulations, as promulgated by the Department of Finance and Administration and approved by the Attorney General and Reporter. Nonvoting members shall be reimbursed for expenses in accordance with the provisions of Tennessee Code Annotated, Section 3-1-106, as if attending committee meetings.

(j) The Commission shall be attached to the Department of Personnel for administration purposes and shall receive staff support from said office.

(l) Each executive branch department and agency shall cooperate fully with the Commission in the performance of the duties herein assigned to the Commission and, to such end, shall respond promptly and accurately to commission requests for information, testimony, and production of documents.

(m) It shall be the duty of the Commission to:

(1) Review current Title VI monitoring and enforcement procedures as reflected by federal and state statutes, rules, regulations, programs, services, and budgetary priorities;

(2) Define and establish the components, guidelines, and objectives of a comprehensive state policy to ensure and promote present and future compliance with Title VI requirements;

(3) Identify any Tennessee laws, rules, programs, services, and budgetary priorities which conflict with the components, guidelines, and objectives of such comprehensive state policy;

(4) Search for any interdepartmental gaps, inconsistencies, and inefficiencies in the implementation of such comprehensive state policy;

(5) Identify any new laws, rules, programs, services, and budgetary priorities which are needed to ensure and promote present and future compliance with and enforcement of Title VI;

(6) Serve as the central coordinating agency for executive branch departments and agencies for technical assistance, consultation, and resources to encourage and assist compliance with the requirements of Title VI;

(7) Periodically and systematically audit, review, evaluate and report on the Title VI compliance efforts and outcomes for each executive branch department and agency;

(8) Conduct research, hold public hearings, publish reports, and engage in other activities to inform Tennesseans of the provisions and requirements of Title VI;

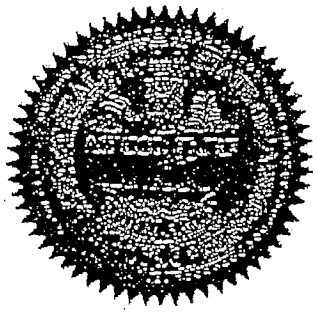
(9) Investigate allegations of noncompliance with Title VI;

(10) Report annually to the Governor and the General Assembly concerning the Commission's activities, findings, and recommendations; and

(11) Engage in other activities to encourage, promote, and assist compliance with the requirements of Title VI.

IN WITNESS WHEREOF, I have subscribed my signature and have caused the Great Seal of the State of Tennessee to be affixed this 9th day of August, 2002.

GOVERNOR



SECRETARY OF STATE