STATE OF TENNESSEE

EXECUTIVE ORDER

BY THE GOVERNOR

Number 37

AN ORDER TRANSFERRING JURISDICTION OVER THE TENNESSEE LAW ENFORCEMENT TRAINING ACADEMY FROM THE DEPARTMENT OF SAFETY TO THE DEPARTMENT OF COMMERCE AND INSURANCE

WHEREAS, Tennessee Code Annotated Section 38-8-201(a) provides for the creation of the Jerry F. Agee Tennessee Law Enforcement Training Academy ("Training Academy") for the purpose of training police and law enforcement officers in the methods of maintaining law enforcement services in state, county and municipal and metropolitan jurisdictions; and

WHEREAS, Tennessee Code Annotated Section 38-8-203(a) provides that the police and law enforcement training programs offered by the institute "shall be under the jurisdiction of such agency or agencies of the State of Tennessee as the Governor shall designate by executive order"; and

WHEREAS, in Executive Order No. 46, signed on February 11, 1983, Governor Lamar Alexander designated the Department of Safety as the state agency with jurisdiction over the Training Academy; and

WHEREAS, it has been determined that in the interest of economy, efficiency and better coordination of the functions of state government, jurisdiction over the Jerry F. Agee Tennessee Law Enforcement Training Academy should be transferred from the Department of Safety to the Department of Commerce and Insurance.

NOW THEREFORE, I, Phil Bredesen, 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, 4-4-117 and 38-8-203, do hereby order and direct the following:

1. Jurisdiction over the Jerry F. Agee Tennessee Law Enforcement Training Academy is hereby transferred from the Department of Safety to the Department of Commerce and Insurance, effective July 1, 2006.

2. Effective July 1, 2006, the Commissioner of Commerce and Insurance shall be the duly appointed representative of the Academy for the purpose of expending funds received by the Academy by appropriation, grant, contract or otherwise in accordance with Tennessee Code Annotated, Section 38-8-205.

3. The Tennessee Law Enforcement Training Academy Board of Control ("Board of Control") established by Executive Order No. 46, signed by Governor Lamar Alexander on February 11, 1983, is hereby transferred to the Department of Commerce and Insurance, effective July 1, 2006. The Commissioner of Safety shall be replaced by the Commissioner of Commerce and Insurance as a member and in any other capacity of service related to the Board of Control.

4. The Commissioner of Finance and Administration, with the assistance and approval of the Department of Personnel, after consultation with the Department of Commerce and Insurance and the Department of Safety, shall cause to be transferred to the Department of Commerce and Insurance the staff of the Tennessee Law Enforcement Training Academy and any unfilled, authorized and funded positions assigned to the Academy. All employee benefits applicable to any employee so transferred shall continue in force without interruption and shall remain applicable to any such employee. The service of any employee so transferred shall be considered to be continuous employment. The Commissioner of Finance and Administration shall, on or before July 1, 2006, begin the process of transferring the aforesaid positions and employees and shall complete the process in due time.

5. The 2006-07 fiscal year appropriation to the Tennessee Law Enforcement Training Academy shall be transferred to the Department of Commerce and Insurance, along with appropriations for support services to the Training Academy. The Department of Finance and Administration shall revise the present budgets as well as all future budgets for the Department of Commerce and Insurance and the Department of Safety to reflect the effect of this Executive Order.

6. On or before July 1, 2006, all personal property, equipment, assets and all other tangible property and other materials of whatever nature used, controlled or owned by the Tennessee Law Enforcement Training Academy shall be transferred to the custody and control of the Department of Commerce and Insurance.

7. On or before July 1, 2006, all reports, documents, surveys, books, papers and other writings in the possession and custody of the Tennessee Law Enforcement Training Academy shall be transferred to and remain in the custody of the Department of Commerce and Insurance. All confidential records, files or other information maintained in accordance with the state or federal law or rule of court shall be retained in accordance with present law or rule of court until modified or repealed or until the Commissioner of Commerce and Insurance establishes appropriate rules to protect these documents and information.

8. All contracts or leases entered into prior to the effective date of the transfer of the functions provided for herein by the Tennessee Law Enforcement Training Academy with respect to any program or function transferred herein with an 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 contract in existence on the day before the transfer takes place, 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 Commerce and Insurance, unless and until such contracts or leases are amended or modified by the parties thereto.

9. The Department of Commerce and Insurance, through the Commissioner of Commerce and Insurance, 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 Tennessee Law Enforcement Training Academy herein transferred to the Department of Commerce and Insurance.

10. All rules, regulations, orders and decisions heretofore issued or promulgated by the Tennessee Law Enforcement Training Academy shall remain in full force and effect and shall hereafter be administered and enforced by the Department of Commerce and Insurance. To this

end, the Department of Commerce and Insurance, through the commissioner as its chief executive officer, 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 program or function herein transferred.

11. The transfer of functions provided for in this Executive Order shall be completed in accordance with the guidelines set forth in this Executive Order. For the purpose of affecting this transfer, the current members of the Board of Control shall continue to serve until such time there is a need to appoint new members of the Board of Control.

12. To the extent that their terms are inconsistent with the terms of this Executive Order No. 37, all previous executive orders, including but not limited to Executive Order No. 46, signed by Governor Lamar Alexander on February 11, 1983, are hereby repealed.

IN WITNESS WHEREOF, I have subscribed by signature and caused the Great Seal of the State of Tennessee to be affixed this 19th day of April, 2006.

GOVERNOR

ATTEST:

SECRETARY OF STATE