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Don Sundquist

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STATE OF TENNESSEE

EXECUTIVE ORDER

BY THE GOVERNOR

No. 8

AN ORDER TRANSFERRING THE UNDERCOVER DRUG INVESTIGATION PROGRAM AND ITS FUNCTIONS FROM THE DEPARTMENT OF SAFETY TO THE TENNESSEE BUREAU OF INVESTIGATION

WHEREAS, the Governor has both the responsibility and the authority under State law to ensure that the State of Tennessee establishes and maintains an effective program for drug control and enforcement; and

WHEREAS, this Administration is fully committed to the eradication of drug abuse and to the reduction and ultimate elimination of the purchase and sale of illegal drugs; and

WHEREAS, the responsibility for administering Tennessee's Undercover Drug Investigation program, a part of Tennessee's joint federal-state Drug Interdiction Program, including federal funding under the federal Edward Byrne Drug Control and Systems Improvement Formula Grant Program, is now vested in the Department of Safety; and

WHEREAS, a similar undercover drug investigation program is also operated in the Tennessee Bureau of Investigation; and

WHEREAS, the combination of these two programs will achieve economies of scale and the critical mass desirable for more effective and better coordinated law enforcement; and

WHEREAS, the Tennessee Bureau of Investigation is the more logical agency to conduct undercover drug investigation activities; and

WHEREAS, the public safety and the efficient operation of government require that all functions related to the Undercover Drug Investigation Program now in the Department of Safety be transferred to the Tennessee Bureau of Investigation; and

WHEREAS, the transfer of functions directed by this Executive Order will facilitate the operation of governmental programs;

NOW, THEREFORE, I, Don Sundquist, Governor of the State of Tennessee, by virtue of the power and authority vested in me by the Tennessee Constitution and by the laws of the State of Tennessee, including Tennessee Code Annotated, Section 4-4-117, do hereby direct the following:

1. That all functions related to the Undercover Drug Investigation Program in the Department of Safety be and the same are hereby transferred to and made a part of the Tennessee Bureau of Investigation effective February 1, 1996, and that from and after February 1, 1996, all functions related to the Undercover Drug Investigation Program shall be administered by and shall be under the control of the Director of the Tennessee Bureau of Investigation.

2. That from and after February 1, 1996, the Director of the Tennessee Bureau of Investigation shall perform all such duties and shall have the same authority and responsibility with regard to the Undercover Drug Investigation Program as the Director has with other divisions of the Tennessee Bureau of Investigation. The Director of the Tennessee Bureau of Investigation shall also perform all duties related to, and shall have responsibility for, the Undercover Drug Investigation Program and the administration of all statutory functions transferred under the provisions of Section 1 of this Executive Order as well as any rules and regulations, orders and policies developed thereunder.

3. That based upon an implementation plan developed by the Director of the Tennessee Bureau of Investigation and the Commissioner of the Department of Safety, the Director, with the assistance and approval of the Commissioner of the Department of Personnel, shall cause to be transferred to the Tennessee Bureau of Investigation any filled or unfilled, authorized and funded positions, including support staff, assigned to the Undercover Drug Investigation Program in the Department of Safety directly or indirectly performing functions relating to Undercover Drug Investigation. The Director and the Commissioner of Safety shall, not later than February 1, 1996, begin the program of transferring the aforesaid positions and shall complete the process in due time. All employees occupying transferred positions will also be transferred in accordance with applicable state law. The Department of Safety shall also transfer to the TBI all equipment and vehicles used by the Department of Safety in conducting undercover drug investigations.

4. In accordance with the schedule for transferring positions and employees, the 1995-96 fiscal year appropriations to the Department of Safety's operation of the Undercover Drug Investigation Program and for the administration of those statutory functions transferred under the provisions of Section 1 of this Executive Order and the rules and regulations, orders and policies effectuated thereunder shall be transferred to the Tennessee Bureau of Investigation, and the Tennessee Bureau of Investigation shall revise the present work programs, and together with the Department of Finance and Administration, shall revise the future budgets of the Tennessee Bureau of Investigation and the Department of Safety to reflect the effect of this Executive Order. These budget revisions shall include any federal funding under the Edward Byrne Drug Control and Systems Improvement Formula Grant Program related to the Undercover Drug Investigation Program.

5. That on or after February 1, 1996, the Tennessee Bureau of Investigation, through its Director, shall have the authority to receive, administer and supervise any and all grants and funds from whatever sources, including, but not limited, to all federal, state, county and municipal governments, with respect to the Undercover Drug Investigation Program or its functions.

6. That all contracts or leases entered into prior to February 1, 1996, by the Department of Safety 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 February 1, 1996, 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 Tennessee Bureau of Investigation, unless and until such contracts or leases are amended or modified by the parties thereto.

7. That all current rules, regulations, orders, decisions and policies heretofore issued or promulgated by the Department of Safety pursuant to the provisions of those statutes whose functions have been transferred under the provisions of Section 1 of this Executive Order shall remain in full force and effect and shall hereafter be administered and enforced by the Tennessee Bureau of Investigation. To this end, the Tennessee Bureau of Investigation, through its Director, shall have the authority, consistent with the statutes and regulations pertaining to the programs and functions transferred herein, to modify or rescind orders, rules, and regulations, decisions or policies heretofore issued and to adopt, issue or promulgate such new orders, rules and regulations, decisions or policies as may be necessary for the administration of the programs or functions herein transferred.

8. That it is my intent to transfer all statutory and related functions to the Tennessee Bureau of Investigation that may be necessary for the implementation and continued administration of the Undercover Drug Investigation Program in Tennessee.

IN WITNESS WHEREOF, I have subscribed my signature and caused the Great Seal of the State of Tennessee to be affixed this the 30th day of January, 1996.

Don Sundquist
GOVERNOR

ATTEST:

Riley C. Darrell
SECRETARY OF STATE

