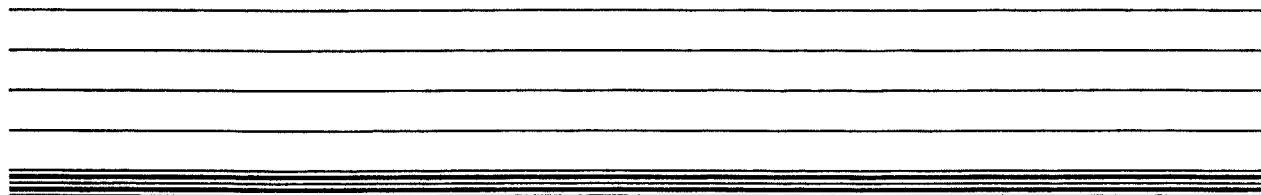


# Oversight Division

Committee On Legislative Research

State Government  
Comparison Study



# State Government Comparison Study

*Prepared for the Committee on Legislative Research  
by the Oversight Division*

*Mickey Wilson, CPA, Director*

*Review Team:* Steve Sheiry, CPA, Helen Webster Cox, CPA, Linda Dudgeon, Valerie Lesko,  
Emily Donaldson

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## Committee on Legislative Research

### Oversight Subcommittee

THE COMMITTEE ON LEGISLATIVE RESEARCH, Oversight Division, is an agency of the Missouri General Assembly as established in Chapter 23 of the Revised Statutes of Missouri. The programs and activities of the State of Missouri cost approximately \$17 billion annually. Each year the General Assembly enacts laws which add to, delete or change these programs. To meet the demands for more responsive and cost effective state government, legislators need to receive information regarding the status of the programs which they have created and the expenditure of funds which they have authorized. The work of the Oversight Division provides the General Assembly with a means to evaluate state agencies and state programs.

THE COMMITTEE ON LEGISLATIVE RESEARCH is a permanent joint committee of the Missouri General Assembly comprised of the chairman of the Senate Appropriations Committee and nine other members of the Senate and the chairman of the House Budget Committee and nine other members of the House of Representatives. The Senate members are appointed by the President Pro Tem of the Senate and the House members are appointed by the Speaker of the House of Representatives. No more than six members from the House and six members from the Senate may be of the same political party.

PROJECTS ARE ASSIGNED to the Oversight Division pursuant to a duly adopted concurrent resolution of the General Assembly or pursuant to a resolution adopted by the Committee on Legislative Research. Legislators or committees may make their requests for program or management evaluations through the Chairman of the Committee on Legislative Research or any other member of the Committee.

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Members of the General Assembly:

Pursuant to the May, 2003 request of the Joint Committee on Legislative Research, the Oversight Division has completed a state government comparison study. The information gathered will be used as preliminary research for a potential extensive state comparison study to be performed by a research firm.

The accompanying report includes detailed charts and graphs for all fifty states' senators, representatives, state departments, number of full-time state employees and annual state expenditures. The report also highlights those states who have recently reorganized their government.

We hope this information is helpful and can be used as a solid base for future research and state organizational decisions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mickey Wilson".

Mickey Wilson, CPA  
Director

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# **CHAPTER 1**

## **STATE SENATORS**

Legislative Research  
Oversight Division  
State Comparison Study

Number of Senators

**Alphabetical**

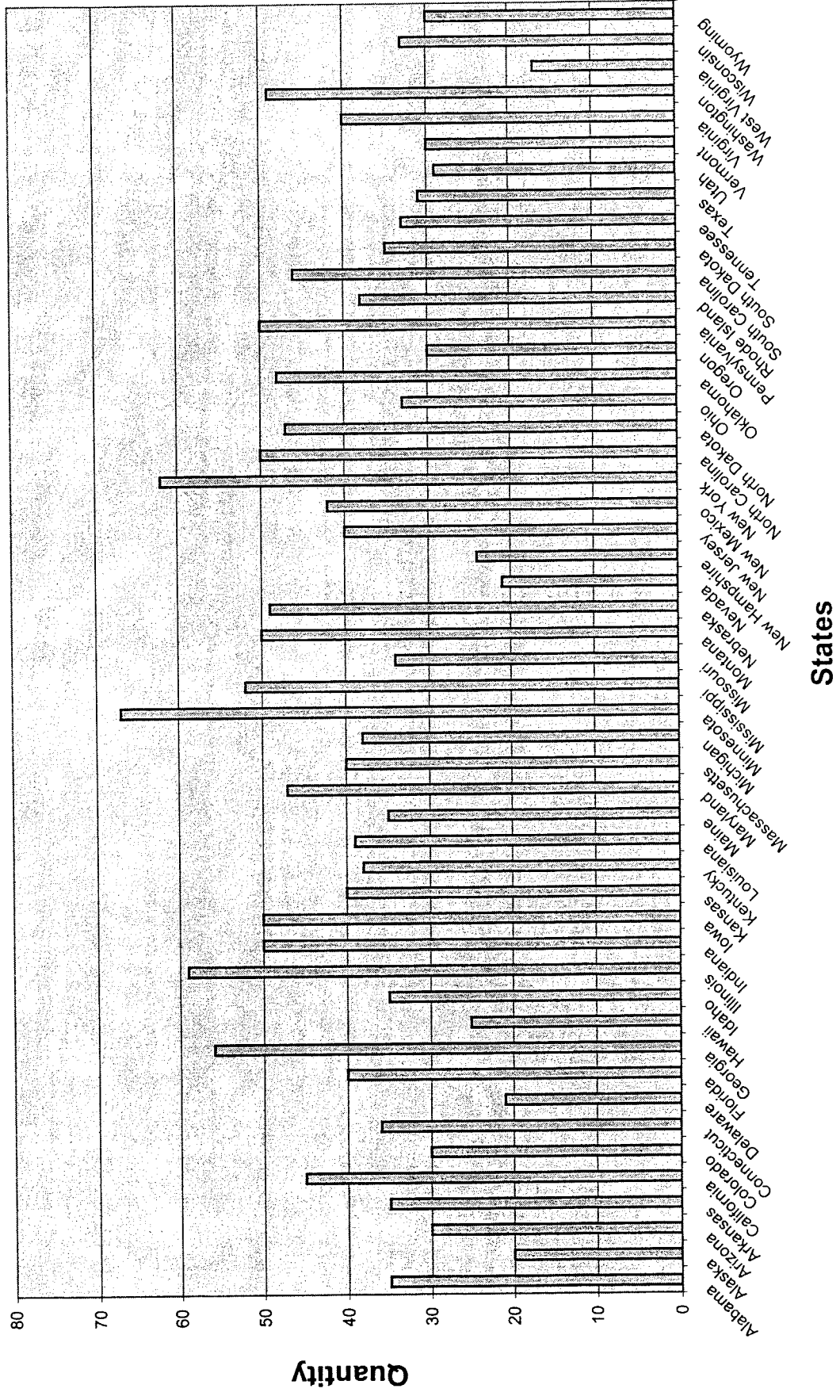
State	Senators
Alabama	35
Alaska	20
Arizona	30
Arkansas	35
California	45
Colorado	30
Connecticut	36
Delaware	21
Florida	40
Georgia	56
Hawaii	25
Idaho	35
Illinois	59
Indiana	50
Iowa	50
Kansas	40
Kentucky	38
Louisiana	39
Maine	35
Maryland	47
Massachusetts	40
Michigan	38
Minnesota	67
Mississippi	52
<b>Missouri</b>	<b>34</b>
Montana	50
Nebraska	49
Nevada	21
New Hampshire	24
New Jersey	40
New Mexico	42
New York	62
North Carolina	50
North Dakota	47
Ohio	33
Oklahoma	48
Oregon	30
Pennsylvania	50
Rhode Island	38
South Carolina	46
South Dakota	35
Tennessee	33
Texas	31
Utah	29
Vermont	30
Virginia	40
Washington	49
West Virginia	17
Wisconsin	33
Wyoming	30

**Rank**

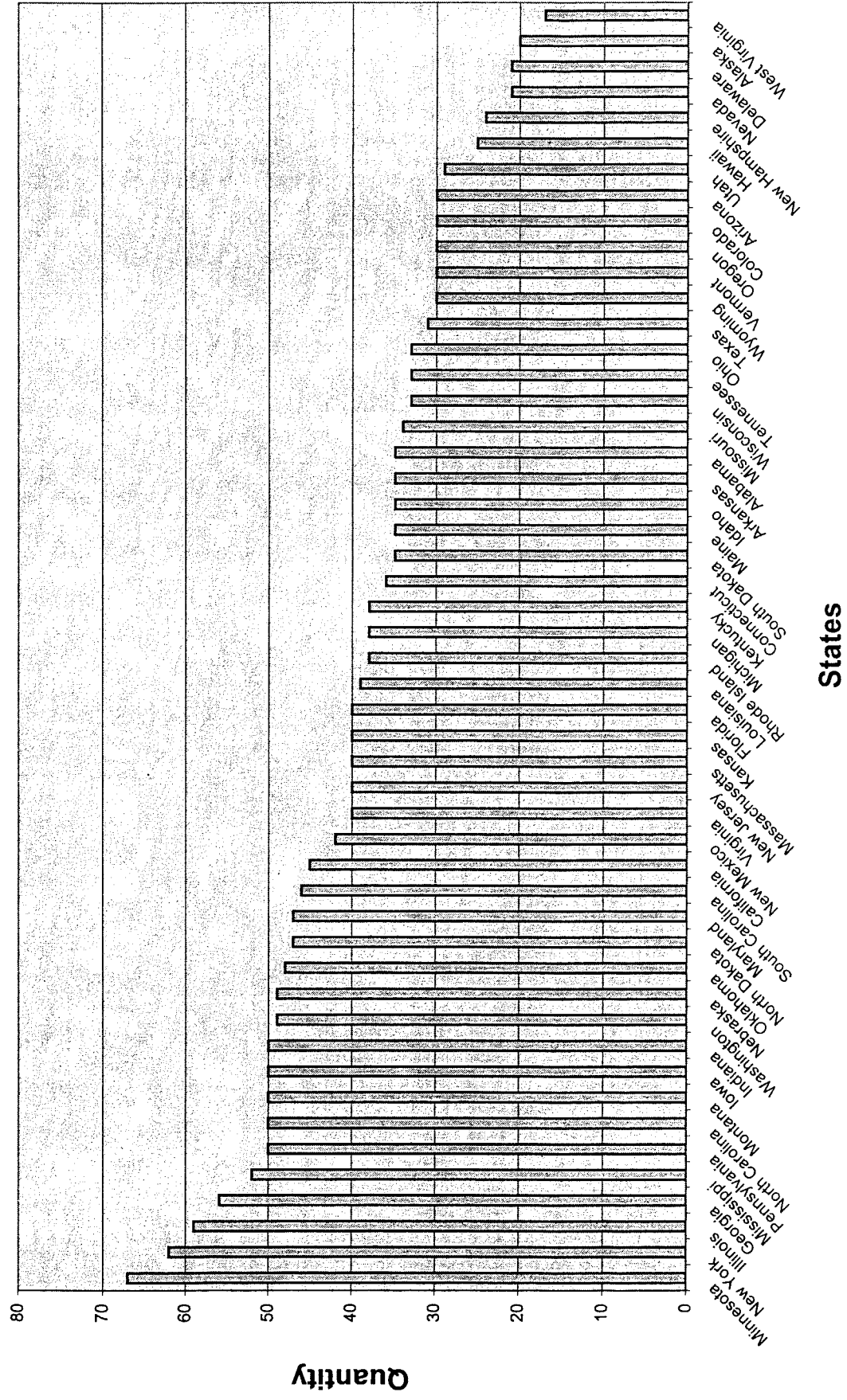
Rank	State	Senators
1	Minnesota	67
2	New York	62
3	Illinois	59
4	Georgia	56
5	Mississippi	52
6	Pennsylvania	50
6	North Carolina	50
6	Montana	50
6	Iowa	50
6	Indiana	50
7	Washington	49
7	Nebraska	49
8	Oklahoma	48
9	North Dakota	47
9	Maryland	47
10	South Carolina	46
11	California	45
12	New Mexico	42
13	Virginia	40
13	New Jersey	40
13	Massachusetts	40
13	Kansas	40
13	Florida	40
14	Louisiana	39
15	Rhode Island	38
15	Michigan	38
15	Kentucky	38
16	Connecticut	36
17	South Dakota	35
17	Maine	35
17	Idaho	35
17	Arkansas	35
17	Alabama	35
<b>18</b>	<b>Missouri</b>	<b>34</b>
19	Wisconsin	33
19	Tennessee	33
19	Ohio	33
20	Texas	31
21	Wyoming	30
21	Vermont	30
21	Oregon	30
21	Colorado	30
21	Arizona	30
22	Utah	29
23	Hawaii	25
24	New Hampshire	24
25	Nevada	21
25	Delaware	21
26	Alaska	20
27	West Virginia	17

Source: State Home Pages

## Senators (Alphabetic)



## Senators (Rank)



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# **CHAPTER 2**

## **STATE REPRESENTATIVES**

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Legislative Research  
Oversight Division  
State Comparison Study

Number of Representatives

Alphabetical

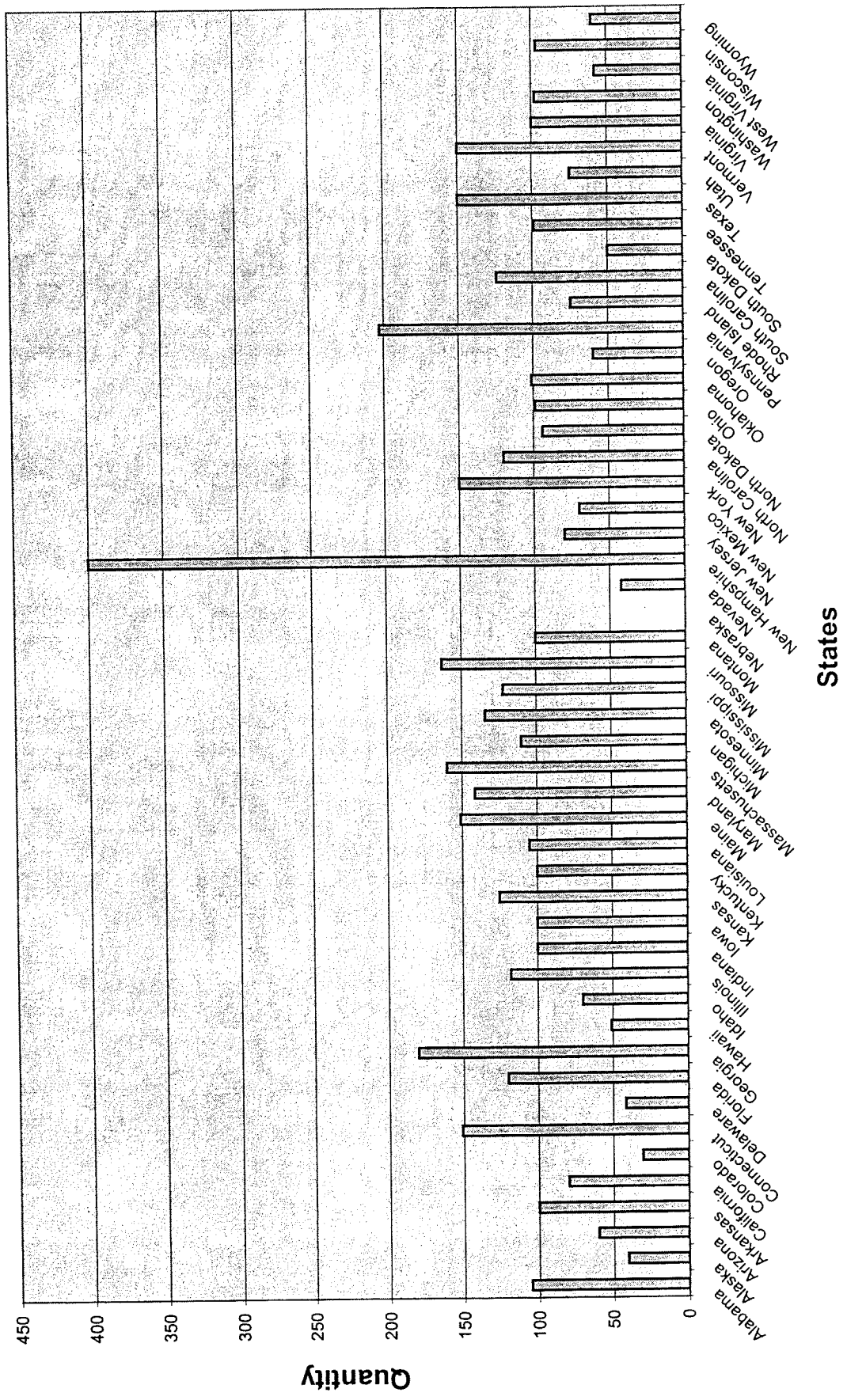
State	Representatives
Alabama	105
Alaska	40
Arizona	60
Arkansas	100
California	80
Colorado	30
Connecticut	151
Delaware	41
Florida	120
Georgia	180
Hawaii	51
Idaho	70
Illinois	118
Indiana	100
Iowa	100
Kansas	125
Kentucky	100
Louisiana	105
Maine	151
Maryland	141
Massachusetts	160
Michigan	110
Minnesota	134
Mississippi	122
<b>Missouri</b>	<b>163</b>
Montana	100
Nebraska	0
Nevada	42
New Hampshire	400
New Jersey	80
New Mexico	70
New York	150
North Carolina	120
North Dakota	94
Ohio	99
Oklahoma	101
Oregon	60
Pennsylvania	203
Rhode Island	75
South Carolina	124
South Dakota	50
Tennessee	99
Texas	150
Utah	75
Vermont	150
Virginia	100
Washington	98
West Virginia	58
Wisconsin	97
Wyoming	60

Rank

Rank	State	Representatives
1	New Hampshire	400
2	Pennsylvania	203
3	Georgia	180
<b>4</b>	<b>Missouri</b>	<b>163</b>
5	Massachusetts	160
6	Connecticut	151
7	Maine	151
8	New York	150
8	Texas	150
8	Vermont	150
9	Maryland	141
10	Minnesota	134
11	Kansas	125
12	South Carolina	124
13	Mississippi	122
14	Florida	120
14	North Carolina	120
15	Illinois	118
16	Michigan	110
17	Alabama	105
17	Louisiana	105
18	Oklahoma	101
19	Arkansas	100
19	Indiana	100
19	Iowa	100
19	Kentucky	100
19	Montana	100
19	Virginia	100
20	Ohio	99
20	Tennessee	99
21	Washington	98
22	Wisconsin	97
23	North Dakota	94
24	California	80
24	New Jersey	80
25	Rhode Island	75
25	Utah	75
26	Idaho	70
26	New Mexico	70
27	Arizona	60
27	Oregon	60
27	Wyoming	60
28	West Virginia	58
29	Hawaii	51
30	South Dakota	50
31	Nevada	42
32	Delaware	41
33	Alaska	40
34	Colorado	30
35	Nebraska	0

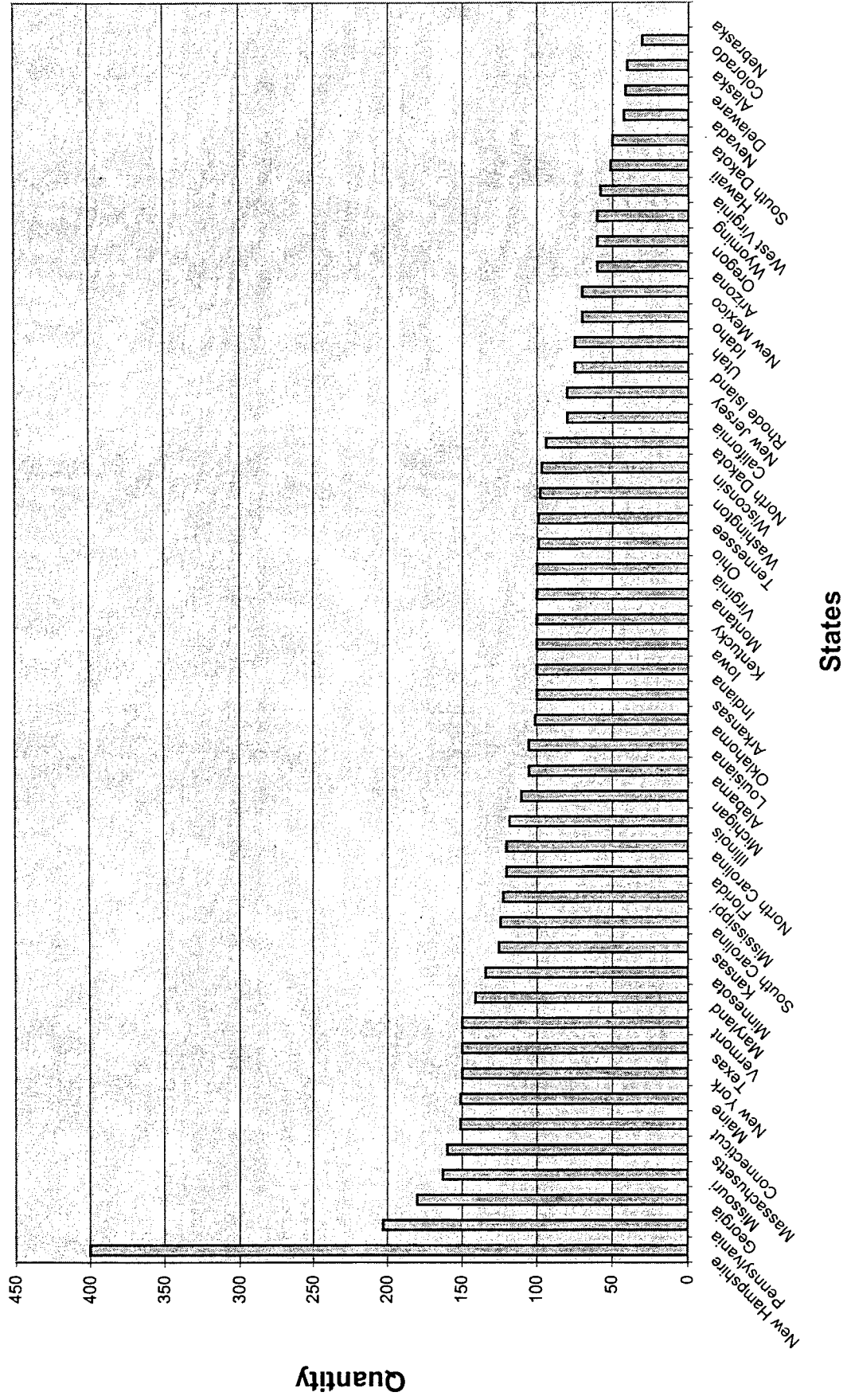
Source: State Home Pages

## Representatives (Alphabetic)





## Representatives (Rank)



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# **CHAPTER 3**

## **STATE DEPARTMENTS**

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**Legislative Research  
Oversight Division  
State Comparison Study**

**Departments**

**Alphabetical**

State	Departments
Alabama	14
Alaska	18
Arizona	25
Arkansas	21
California	35
Colorado	19
Connecticut	25
Delaware	15
Florida	23
Georgia	16
Hawaii	17
Idaho	16
Illinois	24
Indiana	19
Iowa	24
Kansas	16
Kentucky	14
Louisiana	20
Maine	17
Maryland	18
Massachusetts	21
Michigan	19
Minnesota	32
Mississippi	17
<b>Missouri</b>	<b>16</b>
Montana	13
Nebraska	16
Nevada	15
New Hampshire	14
New Jersey	15
New Mexico	19
New York	17
North Carolina	17
North Dakota	18
Ohio	15
Oklahoma	17
Oregon	18
Pennsylvania	17
Rhode Island	13
South Carolina	21
South Dakota	16
Tennessee	21
Texas	17
Utah	20
Vermont	25
Virginia	39
Washington	21
West Virginia	7
Wisconsin	17
Wyoming	14

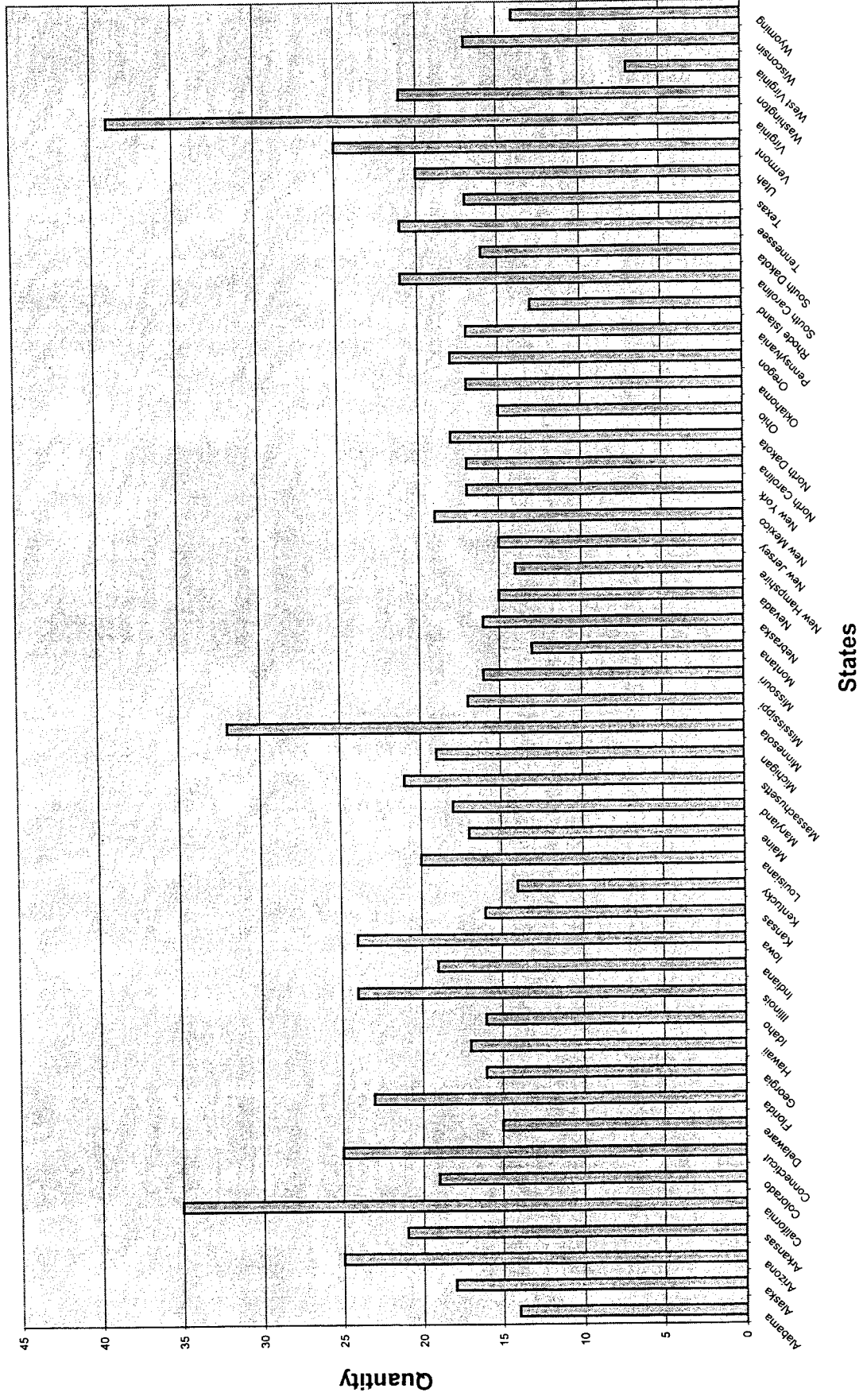
**Rank**

Rank	State	Departments
1	Virginia	39
2	California	35
3	Minnesota	32
4	Arizona	25
4	Connecticut	25
4	Vermont	25
5	Illinois	24
5	Iowa	24
6	Florida	23
7	Arkansas	21
7	Massachusetts	21
7	South Carolina	21
7	Tennessee	21
7	Washington	21
8	Louisiana	20
8	Utah	20
9	Colorado	19
9	Indiana	19
9	Michigan	19
9	New Mexico	19
10	Alaska	18
10	Maryland	18
10	North Dakota	18
10	Oregon	18
11	Hawaii	17
11	Maine	17
11	Mississippi	17
11	New York	17
11	North Carolina	17
11	Oklahoma	17
11	Pennsylvania	17
11	Texas	17
11	Wisconsin	17
12	Georgia	16
12	Idaho	16
12	Kansas	16
<b>12</b>	<b>Missouri</b>	<b>16</b>
12	Nebraska	16
12	South Dakota	16
13	Delaware	15
13	Nevada	15
13	New Jersey	15
13	Ohio	15
14	Alabama	14
14	Kentucky	14
14	New Hampshire	14
14	Wyoming	14
15	Montana	13
15	Rhode Island	13
16	West Virginia	7

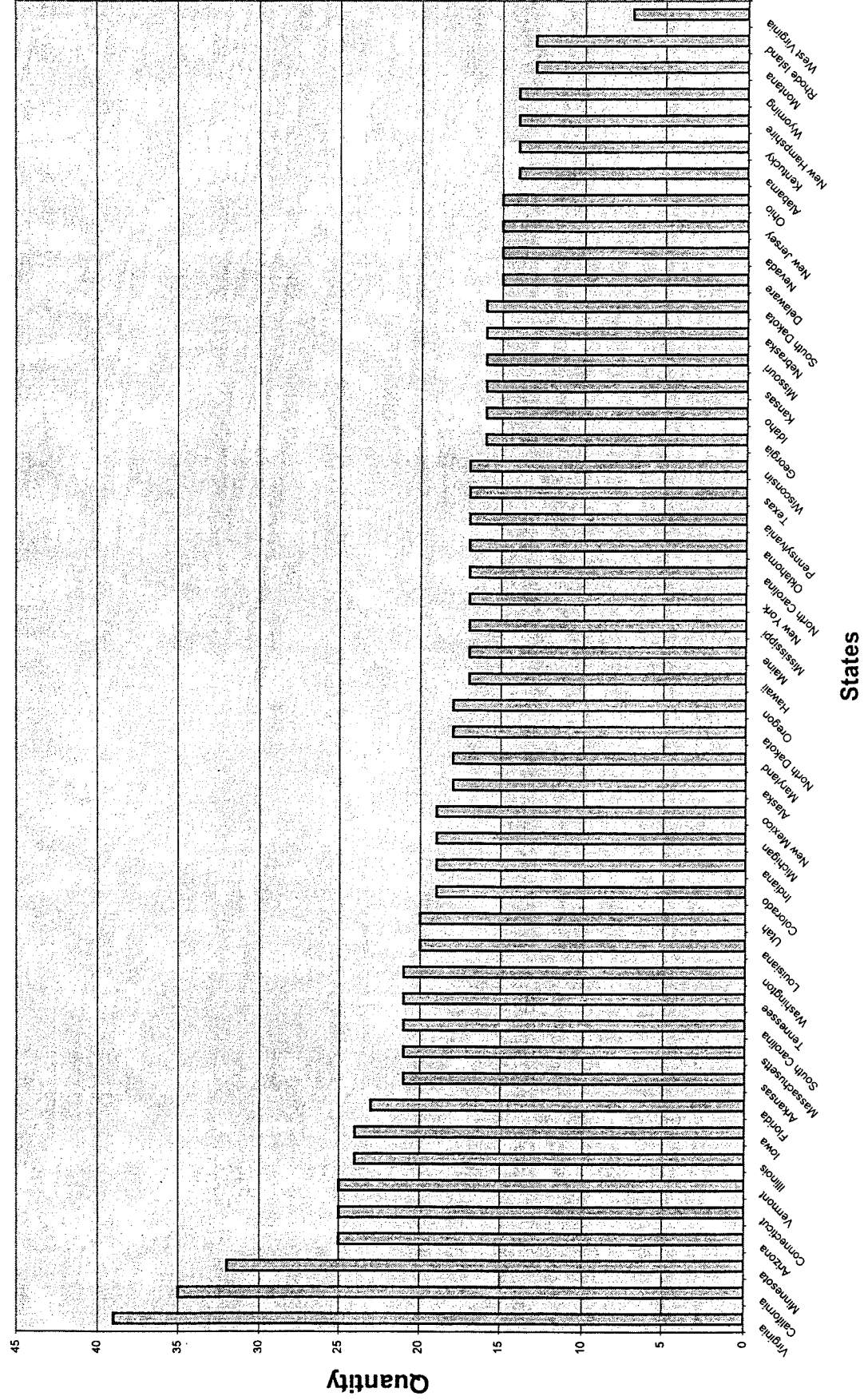
\* Kentucky - Cabinet Level

Sources: [www.statelocalgov.com](http://www.statelocalgov.com)  
State Home Pages

# State Departments (Alphabetic)



State Departments (Rank)



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**CHAPTER 4**

**FULL-TIME STATE EMPLOYEES  
PER STATE'S POPULATION**

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**Legislative Research  
Oversight Division  
State Comparison Study**

**Population**

(quantities are in thousands, i.e. 4,447 represents 4,447,000)

**Alphabetical**

State	Population (2000)	Population (2001)
Alabama	4,447	4,464
Alaska	627	635
Arizona	5,131	5,307
Arkansas	2,673	2,692
California	33,872	34,501
Colorado	4,301	4,418
Connecticut	3,406	3,425
Delaware	784	796
Florida	15,982	16,397
Georgia	8,186	8,384
Hawaii	1,212	1,224
Idaho	1,294	1,321
Illinois	12,419	12,482
Indiana	6,080	6,115
Iowa	2,926	2,923
Kansas	2,688	2,695
Kentucky	4,042	4,066
Louisiana	4,469	4,465
Maine	1,275	1,287
Maryland	5,296	5,375
Massachusetts	6,349	6,379
Michigan	9,938	9,991
Minnesota	4,919	4,972
Mississippi	2,845	2,858
<b>Missouri</b>	<b>5,595</b>	<b>5,630</b>
Montana	902	904
Nebraska	1,711	1,713
Nevada	1,998	2,106
New Hampshire	1,236	1,259
New Jersey	8,414	8,484
New Mexico	1,819	1,829
New York	18,976	19,011
North Carolina	8,049	8,186
North Dakota	642	634
Ohio	11,353	11,374
Oklahoma	3,451	3,460
Oregon	3,421	3,473
Pennsylvania	12,281	12,287
Rhode Island	1,048	1,059
South Carolina	4,012	4,063
South Dakota	755	757
Tennessee	5,689	5,740
Texas	20,852	21,325
Utah	2,233	2,270
Vermont	609	613
Virginia	7,079	7,188
Washington	5,894	5,988
West Virginia	1,808	1,802
Wisconsin	5,364	5,402
Wyoming	494	494

**Rank: 2000**

Rank	State	Population
1	California	33,872
2	Texas	20,852
3	New York	18,976
4	Florida	15,982
5	Illinois	12,419
6	Pennsylvania	12,281
7	Ohio	11,353
8	Michigan	9,938
9	New Jersey	8,414
10	Georgia	8,186
11	North Carolina	8,049
12	Virginia	7,079
13	Massachusetts	6,349
14	Indiana	6,080
15	Washington	5,894
16	Tennessee	5,689
<b>17</b>	<b>Missouri</b>	<b>5,595</b>
18	Wisconsin	5,364
19	Maryland	5,296
20	Arizona	5,131
21	Minnesota	4,919
22	Louisiana	4,469
23	Alabama	4,447
24	Colorado	4,301
25	Kentucky	4,042
26	South Carolina	4,012
27	Oklahoma	3,451
28	Oregon	3,421
29	Connecticut	3,406
30	Iowa	2,926
31	Mississippi	2,845
32	Kansas	2,688
33	Arkansas	2,673
34	Utah	2,233
35	Nevada	1,998
36	New Mexico	1,819
37	West Virginia	1,808
38	Nebraska	1,711
39	Idaho	1,294
40	Maine	1,275
41	New Hampshire	1,236
42	Hawaii	1,212
43	Rhode Island	1,048
44	Montana	902
45	Delaware	784
46	South Dakota	755
47	North Dakota	642
48	Alaska	627
49	Vermont	609
50	Wyoming	494

**Rank: 2001**

Rank	State	Population
1	California	34,501
2	Texas	21,325
3	New York	19,011
4	Florida	16,397
5	Illinois	12,482
6	Pennsylvania	12,287
7	Ohio	11,374
8	Michigan	9,991
9	New Jersey	8,484
10	Georgia	8,384
11	North Carolina	8,186
12	Virginia	7,188
13	Massachusetts	6,379
14	Indiana	6,115
15	Washington	5,988
16	Tennessee	5,740
<b>17</b>	<b>Missouri</b>	<b>5,630</b>
18	Wisconsin	5,402
19	Maryland	5,375
20	Arizona	5,307
21	Minnesota	4,972
22	Louisiana	4,465
23	Alabama	4,464
24	Colorado	4,418
25	Kentucky	4,066
26	South Carolina	4,063
27	Oregon	3,473
28	Oklahoma	3,460
29	Connecticut	3,425
30	Iowa	2,923
31	Mississippi	2,858
32	Kansas	2,695
33	Arkansas	2,692
34	Utah	2,270
35	Nevada	2,106
36	New Mexico	1,829
37	West Virginia	1,802
38	Nebraska	1,713
39	Idaho	1,321
40	Maine	1,287
41	New Hampshire	1,259
42	Hawaii	1,224
43	Rhode Island	1,059
44	Montana	904
45	Delaware	796
46	South Dakota	757
47	Alaska	635
48	North Dakota	634
49	Vermont	613
50	Wyoming	494

**Legislative Research  
Oversight Division  
State Comparison Study**

**Number of Full-Time State Employees/Population**

(quantities are in thousands, i.e. 74 represents 74,000)

**Alphabetical**

State	Employees (2000)	Population	Employee/Population
Alabama	74	4,447	1.66%
Alaska	21.8	627	3.48%
Arizona	56.1	5,131	1.09%
Arkansas	46.5	2,673	1.74%
California	317.3	33,872	0.94%
Colorado	46.8	4,301	1.09%
Connecticut	58.3	3,406	1.71%
Delaware	21.2	784	2.70%
Florida	172.6	15,982	1.08%
Georgia	107.6	8,186	1.31%
Hawaii	49.8	1,212	4.11%
Idaho	17.9	1,294	1.38%
Illinois	112.0	12,419	0.90%
Indiana	73.6	6,080	1.21%
Iowa	42.9	2,926	1.47%
Kansas	38.2	2,688	1.42%
Kentucky	68.3	4,042	1.69%
Louisiana	85.2	4,469	1.91%
Maine	18.6	1,275	1.46%
Maryland	81.7	5,296	1.54%
Massachusetts	86.6	6,349	1.36%
Michigan	114.6	9,938	1.15%
Minnesota	59.5	4,919	1.21%
Mississippi	51.2	2,845	1.80%
<b>Missouri</b>	<b>83.0</b>	<b>5,595</b>	<b>1.48%</b>
Montana	16.4	902	1.82%
Nebraska	27.6	1,711	1.61%
Nevada	20.1	1,998	1.01%
New Hampshire	15.9	1,236	1.29%
New Jersey	128.2	8,414	1.52%
New Mexico	41.6	1,819	2.29%
New York	234.9	18,976	1.24%
North Carolina	117.7	8,049	1.46%
North Dakota	13.2	642	2.06%
Ohio	114.3	11,353	1.01%
Oklahoma	56.5	3,451	1.64%
Oregon	46.0	3,421	1.34%
Pennsylvania	136.0	12,281	1.11%
Rhode Island	18.1	1,048	1.73%
South Carolina	73.7	4,012	1.84%
South Dakota	11.3	755	1.50%
Tennessee	70.9	5,689	1.25%
Texas	240.7	20,852	1.15%
Utah	44.6	2,233	2.00%
Vermont	12.6	609	2.07%
Virginia	102.8	7,079	1.45%
Washington	91.8	5,894	1.56%
West Virginia	32.2	1,808	1.78%
Wisconsin	54.6	5,364	1.02%
Wyoming	10.0	494	2.02%

Employees (2001)	Population	Employee/Population
70.1	4,464	1.57%
21.1	635	3.32%
55.8	5,307	1.05%
44.5	2,692	1.65%
308.9	34,501	0.90%
45.9	4,418	1.04%
48.3	3,425	1.41%
20.9	796	2.63%
165.9	16,397	1.01%
104.5	8,384	1.25%
49.1	1,224	4.01%
18.1	1,321	1.37%
110.3	12,482	0.88%
70.8	6,115	1.16%
42.5	2,923	1.45%
36.4	2,695	1.35%
65.4	4,066	1.61%
86.1	4,465	1.93%
18.4	1,287	1.43%
81.9	5,375	1.52%
86.4	6,379	1.35%
111.9	9,991	1.12%
58.9	4,972	1.18%
50.9	2,858	1.78%
<b>82.2</b>	<b>5,630</b>	<b>1.46%</b>
15.5	904	1.71%
26.1	1,713	1.52%
19.4	2,106	0.92%
15.8	1,259	1.25%
124.1	8,484	1.46%
42.1	1,829	2.30%
234.7	19,011	1.23%
112.5	8,186	1.37%
13.1	634	2.07%
113.8	11,374	1.00%
59.7	3,460	1.73%
45.1	3,473	1.30%
133.0	12,287	1.08%
17.7	1,059	1.67%
72.9	4,063	1.79%
11.6	757	1.53%
70.1	5,740	1.22%
242.9	21,325	1.14%
42.4	2,270	1.87%
12.6	613	2.06%
101.1	7,188	1.41%
90.9	5,988	1.52%
29.4	1,802	1.63%
53.1	5,402	0.98%
10.1	494	2.04%

Note: Numbers include higher education

Source: Department of Commerce, Bureau of Census  
Five year census, "Census of Governments"

[www.census.gov/govs/www/](http://www.census.gov/govs/www/)

Source: Statistical Abstract of the United States: 2002  
Page 22



**Legislative Research  
Oversight Division  
State Comparison Study**

**Number of Full-Time State Employees/Population**

(quantities are in thousands, i.e. 317.3 represents 317,300)

**Rank: 2000**

Rank	State	Employee/Population
1	Hawaii	4.11%
2	Alaska	3.48%
3	Delaware	2.70%
4	New Mexico	2.29%
5	Vermont	2.07%
6	North Dakota	2.06%
7	Wyoming	2.02%
8	Utah	2.00%
9	Louisiana	1.91%
10	South Carolina	1.84%
11	Montana	1.82%
12	Mississippi	1.80%
13	West Virginia	1.78%
14	Arkansas	1.74%
15	Rhode Island	1.73%
16	Connecticut	1.71%
17	Kentucky	1.69%
18	Alabama	1.66%
19	Oklahoma	1.64%
20	Nebraska	1.61%
21	Washington	1.56%
22	Maryland	1.54%
23	New Jersey	1.52%
24	South Dakota	1.50%
<b>25</b>	<b>Missouri</b>	<b>1.48%</b>
26	Iowa	1.47%
27	North Carolina	1.46%
28	Maine	1.46%
29	Virginia	1.45%
30	Kansas	1.42%
31	Idaho	1.38%
32	Massachusetts	1.36%
33	Oregon	1.34%
34	Georgia	1.31%
35	New Hampshire	1.29%
36	Tennessee	1.25%
37	New York	1.24%
38	Indiana	1.21%
39	Minnesota	1.21%
40	Texas	1.15%
41	Michigan	1.15%
42	Pennsylvania	1.11%
43	Arizona	1.09%
44	Colorado	1.09%
45	Florida	1.08%
46	Wisconsin	1.02%
47	Ohio	1.01%
48	Nevada	1.01%
49	California	0.94%
50	Illinois	0.90%

**Rank: 2001**

Rank	State	Employee/Population
1	Hawaii	4.01%
2	Alaska	3.32%
3	Delaware	2.63%
4	New Mexico	2.30%
5	North Dakota	2.07%
6	Vermont	2.06%
7	Wyoming	2.04%
8	Louisiana	1.93%
9	Utah	1.87%
10	South Carolina	1.79%
11	Mississippi	1.78%
12	Oklahoma	1.73%
13	Montana	1.71%
14	Rhode Island	1.67%
15	Arkansas	1.65%
16	West Virginia	1.63%
17	Kentucky	1.61%
18	Alabama	1.57%
19	South Dakota	1.53%
20	Maryland	1.52%
21	Nebraska	1.52%
22	Washington	1.52%
23	New Jersey	1.46%
<b>24</b>	<b>Missouri</b>	<b>1.46%</b>
25	Iowa	1.45%
26	Maine	1.43%
27	Connecticut	1.41%
28	Virginia	1.41%
29	North Carolina	1.37%
30	Idaho	1.37%
31	Massachusetts	1.35%
32	Kansas	1.35%
33	Oregon	1.30%
34	New Hampshire	1.25%
35	Georgia	1.25%
36	New York	1.23%
37	Tennessee	1.22%
38	Minnesota	1.18%
39	Indiana	1.16%
40	Texas	1.14%
41	Michigan	1.12%
42	Pennsylvania	1.08%
43	Arizona	1.05%
44	Colorado	1.04%
45	Florida	1.01%
46	Ohio	1.00%
47	Wisconsin	0.98%
48	Nevada	0.92%
49	California	0.90%
50	Illinois	0.88%

Note: Numbers include higher education

Source: Department of Commerce, Bureau of Census  
Five year census, "Census of Governments"  
[www.census.gov/govs/www/](http://www.census.gov/govs/www/)

Source: Statistical Abstract of the United States: 2002  
Page 22

**Legislative Research  
Oversight Division  
State Comparison Study**

**Number of Full-Time State Employees**

(quantities are in thousands, i.e. 74 represents 74,000)

**Alphabetical**

State	Employees (2000)	Employees (2001)	Difference
Alabama	74	70.1	(3.9)
Alaska	21.8	21.1	(0.7)
Arizona	56.1	55.8	(0.3)
Arkansas	46.5	44.5	(2.0)
California	317.3	308.9	(8.4)
Colorado	46.8	45.9	(0.9)
Connecticut	58.3	48.3	(10.0)
Delaware	21.2	20.9	(0.3)
Florida	172.6	165.9	(6.7)
Georgia	107.6	104.5	(3.1)
Hawaii	49.8	49.1	(0.7)
Idaho	17.9	18.1	0.2
Illinois	112.0	110.3	(1.7)
Indiana	73.6	70.8	(2.8)
Iowa	42.9	42.5	(0.4)
Kansas	38.2	36.4	(1.8)
Kentucky	68.3	65.4	(2.9)
Louisiana	85.2	86.1	0.9
Maine	18.6	18.4	(0.2)
Maryland	81.7	81.9	0.2
Massachusetts	86.6	86.4	(0.2)
Michigan	114.6	111.9	(2.7)
Minnesota	59.5	58.9	(0.6)
Mississippi	51.2	50.9	(0.3)
<b>Missouri</b>	<b>83.0</b>	<b>82.2</b>	<b>(0.8)</b>
Montana	16.4	15.5	(0.9)
Nebraska	27.6	26.1	(1.5)
Nevada	20.1	19.4	(0.7)
New Hampshire	15.9	15.8	(0.1)
New Jersey	128.2	124.1	(4.1)
New Mexico	41.6	42.1	0.5
New York	234.9	234.7	(0.2)
North Carolina	117.7	112.5	(5.2)
North Dakota	13.2	13.1	(0.1)
Ohio	114.3	113.8	(0.5)
Oklahoma	56.5	59.7	3.2
Oregon	46.0	45.1	(0.9)
Pennsylvania	136.0	133.0	(3.0)
Rhode Island	18.1	17.7	(0.4)
South Carolina	73.7	72.9	(0.8)
South Dakota	11.3	11.6	0.3
Tennessee	70.9	70.1	(0.8)
Texas	240.7	242.9	2.2
Utah	44.6	42.4	(2.2)
Vermont	12.6	12.6	0.0
Virginia	102.8	101.1	(1.7)
Washington	91.8	90.9	(0.9)
West Virginia	32.2	29.4	(2.8)
Wisconsin	54.6	53.1	(1.5)
Wyoming	10.0	10.1	0.1

*Note: Numbers include higher education*

Source: Department of Commerce, Bureau of Census  
Five year census, "Census of Governments"  
[www.census.gov/govs/www/](http://www.census.gov/govs/www/)

**Legislative Research  
Oversight Division  
State Comparison Study**

**Number of Full-Time State Employees**

(quantities are in thousands, i.e. 317.3 represents 317,300)

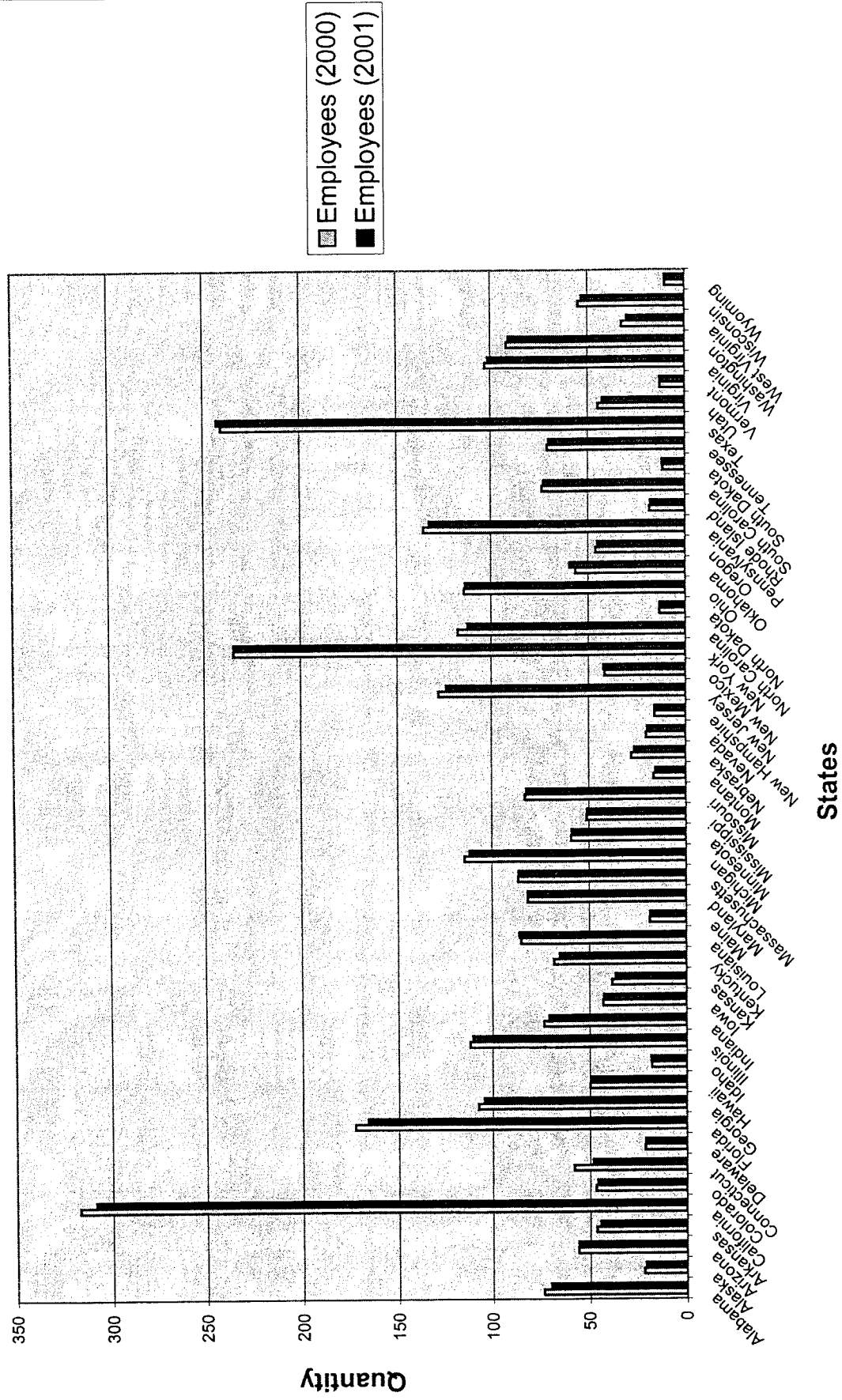
Rank	State	Employees (2000)
1	California	317.3
2	Texas	240.7
3	New York	234.9
4	Florida	172.6
5	Pennsylvania	136.0
6	New Jersey	128.2
7	North Carolina	117.7
8	Michigan	114.6
9	Ohio	114.3
10	Illinois	112.0
11	Georgia	107.6
12	Virginia	102.8
13	Washington	91.8
14	Massachusetts	86.6
15	Louisiana	85.2
<b>16</b>	<b>Missouri</b>	<b>83.0</b>
17	Maryland	81.7
18	Alabama	74
19	South Carolina	73.7
20	Indiana	73.6
21	Tennessee	70.9
22	Kentucky	68.3
23	Minnesota	59.5
24	Connecticut	58.3
25	Oklahoma	56.5
26	Arizona	56.1
27	Wisconsin	54.6
28	Mississippi	51.2
29	Hawaii	49.8
30	Colorado	46.8
31	Arkansas	46.5
32	Oregon	46.0
33	Utah	44.6
34	Iowa	42.9
35	New Mexico	41.6
36	Kansas	38.2
37	West Virginia	32.2
38	Nebraska	27.6
39	Alaska	21.8
40	Delaware	21.2
41	Nevada	20.1
42	Maine	18.6
43	Rhode Island	18.1
44	Idaho	17.9
45	Montana	16.4
46	New Hampshire	15.9
47	North Dakota	13.2
48	Vermont	12.6
49	South Dakota	11.3
50	Wyoming	10.0

Rank	State	Employees (2001)
1	California	308.9
2	Texas	242.9
3	New York	234.7
4	Florida	165.9
5	Pennsylvania	133.0
6	New Jersey	124.1
7	Ohio	113.8
8	North Carolina	112.5
9	Michigan	111.9
10	Illinois	110.3
11	Georgia	104.5
12	Virginia	101.1
13	Washington	90.9
14	Massachusetts	86.4
15	Louisiana	86.1
<b>16</b>	<b>Missouri</b>	<b>82.2</b>
17	Maryland	81.9
18	South Carolina	72.9
19	Indiana	70.8
20	Alabama	70.1
20	Tennessee	70.1
21	Kentucky	65.4
22	Oklahoma	59.7
23	Minnesota	58.9
24	Arizona	55.8
25	Wisconsin	53.1
26	Mississippi	50.9
27	Hawaii	49.1
28	Connecticut	48.3
29	Colorado	45.9
30	Oregon	45.1
31	Arkansas	44.5
32	Iowa	42.5
33	Utah	42.4
34	New Mexico	42.1
35	Kansas	36.4
36	West Virginia	29.4
37	Nebraska	26.1
38	Alaska	21.1
39	Delaware	20.9
40	Nevada	19.4
41	Maine	18.4
42	Idaho	18.1
43	Rhode Island	17.7
44	New Hampshire	15.8
45	Montana	15.5
46	North Dakota	13.1
47	Vermont	12.6
48	South Dakota	11.6
49	Wyoming	10.1

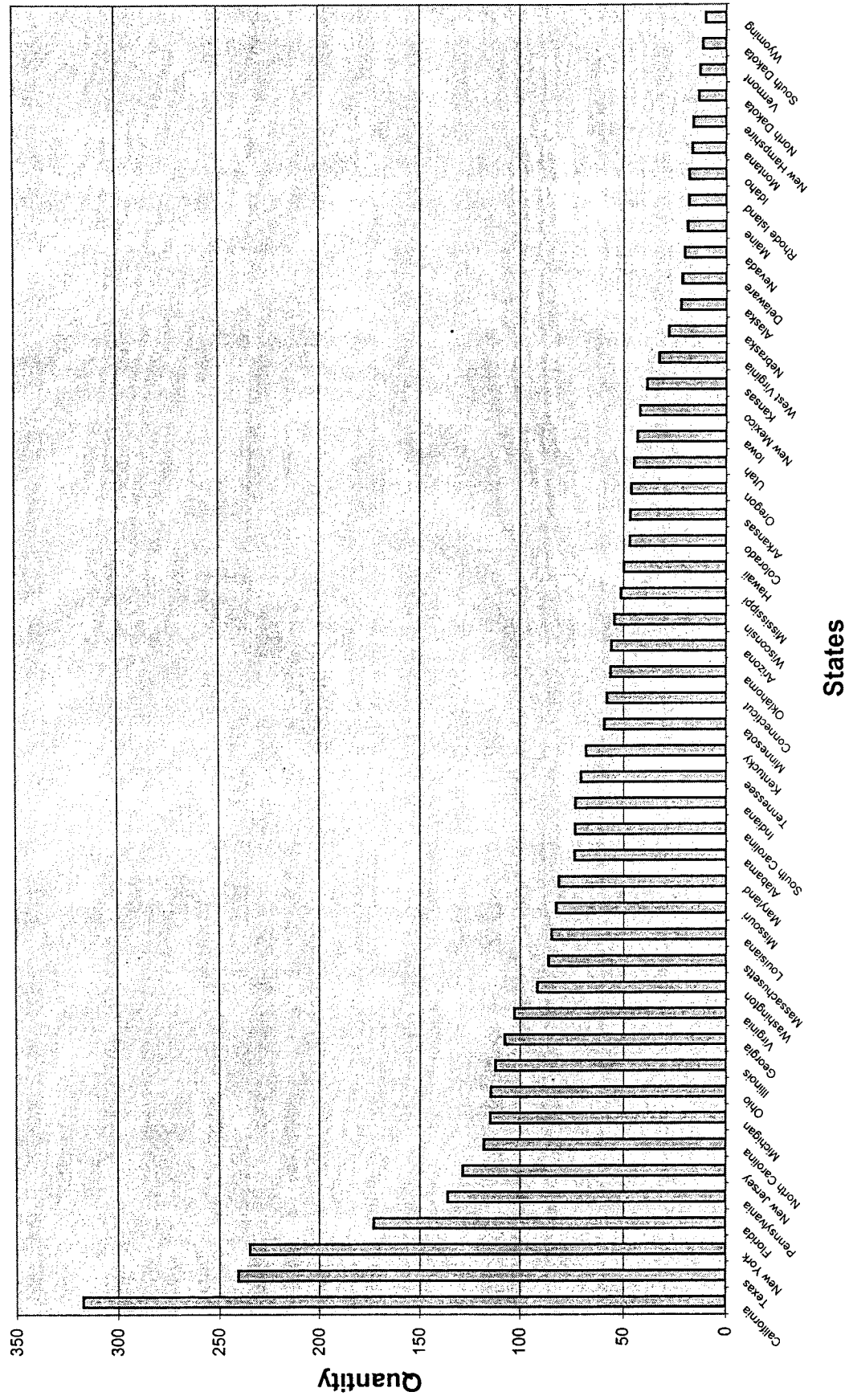
**Note:** Numbers include higher education

**Source:** Department of Commerce, Bureau of Census  
Five year census, "Census of Governments"  
[www.census.gov/govs/www/](http://www.census.gov/govs/www/)

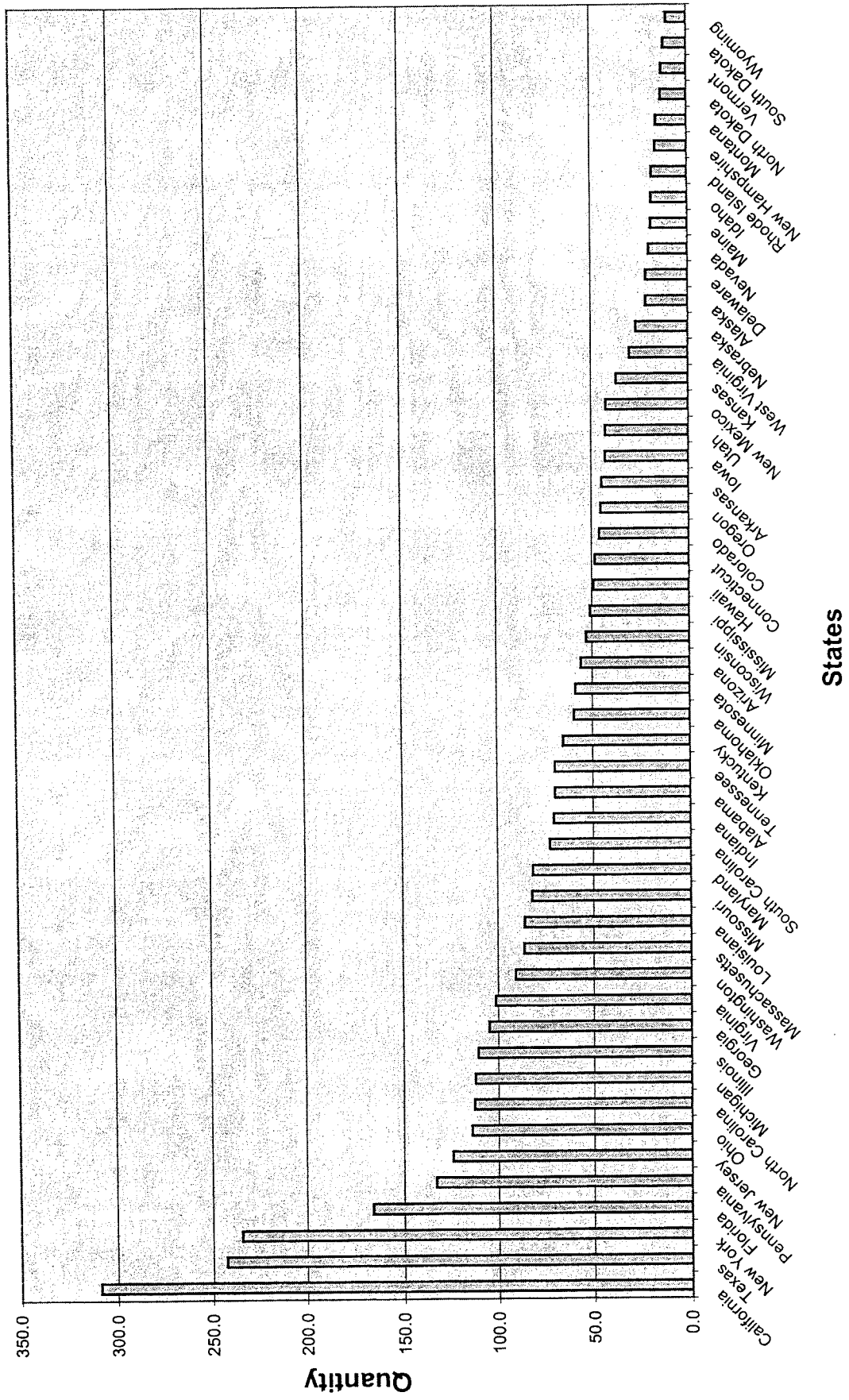
# State Employees (Alphabetic)



State Employees 2000 (Rank)



State Employees 2001 (Rank)



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**CHAPTER 5**

**ANNUAL STATE EXPENDITURES  
PER EMPLOYEE**

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**Legislative Research  
Oversight Division  
State Comparison Study**

**Annual State Expenditures 2000/State Employee**

**Alphabetical**

State	Total	State Employees	Total/Employee
Alabama	15,873,000,000	74,000	214,500
Alaska	6,611,000,000	21,800	303,257
Arizona	16,574,000,000	56,100	295,437
Arkansas	9,589,000,000	46,500	206,215
California	149,770,000,000	317,300	472,014
Colorado	13,930,000,000	46,800	297,650
Connecticut	16,723,000,000	58,300	286,844
Delaware	4,211,000,000	21,200	198,632
Florida	45,208,000,000	172,600	261,924
Georgia	24,739,000,000	107,600	229,916
Hawaii	6,605,000,000	49,800	132,631
Idaho	4,493,000,000	17,900	251,006
Illinois	41,182,000,000	112,000	367,696
Indiana	20,289,000,000	73,600	275,666
Iowa	11,453,000,000	42,900	266,970
Kansas	9,165,000,000	38,200	239,921
Kentucky	15,682,000,000	68,300	229,605
Louisiana	16,537,000,000	85,200	194,096
Maine	5,448,000,000	18,600	292,903
Maryland	19,432,000,000	81,700	237,846
Massachusetts	29,478,000,000	86,600	340,393
Michigan	42,748,000,000	114,600	373,019
Minnesota	22,026,000,000	59,500	370,185
Mississippi	10,972,000,000	51,200	214,297
<b>Missouri</b>	<b>17,293,000,000</b>	<b>83,000</b>	<b>208,349</b>
Montana	3,718,000,000	16,400	226,707
Nebraska	5,772,000,000	27,600	209,130
Nevada	6,047,000,000	20,100	300,846
New Hampshire	4,366,000,000	15,900	274,591
New Jersey	34,779,000,000	128,200	271,287
New Mexico	8,700,000,000	41,600	209,135
New York	97,654,000,000	234,900	415,726
North Carolina	29,615,000,000	117,700	251,614
North Dakota	2,856,000,000	13,200	216,364
Ohio	44,631,000,000	114,300	390,472
Oklahoma	10,271,000,000	56,500	181,788
Oregon	15,776,000,000	46,000	342,957
Pennsylvania	47,682,000,000	136,000	350,603
Rhode Island	4,648,000,000	18,100	256,796
South Carolina	16,237,000,000	73,700	220,312
South Dakota	2,403,000,000	11,300	212,655
Tennessee	16,853,000,000	70,900	237,701
Texas	59,805,000,000	240,700	248,463
Utah	8,592,000,000	44,600	192,646
Vermont	3,219,000,000	12,600	255,476
Virginia	24,314,000,000	102,800	236,518
Washington	25,902,000,000	91,800	282,157
West Virginia	7,552,000,000	32,200	234,534
Wisconsin	23,026,000,000	54,600	421,722
Wyoming	2,553,000,000	10,041	254,258

**Rank**

Rank	State	Total/Employee
1	California	472,014
2	Wisconsin	421,722
3	New York	415,726
4	Ohio	390,472
5	Michigan	373,019
6	Minnesota	370,185
7	Illinois	367,696
8	Pennsylvania	350,603
9	Oregon	342,957
10	Massachusetts	340,393
11	Alaska	303,257
12	Nevada	300,846
13	Colorado	297,650
14	Arizona	295,437
15	Maine	292,903
16	Connecticut	286,844
17	Washington	282,157
18	Indiana	275,666
19	New Hampshire	274,591
20	New Jersey	271,287
21	Iowa	266,970
22	Florida	261,924
23	Rhode Island	256,796
24	Vermont	255,476
25	Wyoming	254,258
26	North Carolina	251,614
27	Idaho	251,006
28	Texas	248,463
29	Kansas	239,921
30	Maryland	237,846
31	Tennessee	237,701
32	Virginia	236,518
33	West Virginia	234,534
34	Georgia	229,916
35	Kentucky	229,605
36	Montana	226,707
37	South Carolina	220,312
38	North Dakota	216,364
39	Alabama	214,500
40	Mississippi	214,297
41	South Dakota	212,655
42	New Mexico	209,135
43	Nebraska	209,130
<b>44</b>	<b>Missouri</b>	<b>208,349</b>
45	Arkansas	206,215
46	Delaware	198,632
47	Louisiana	194,096
48	Utah	192,646
49	Oklahoma	181,788
50	Hawaii	132,631

Source: CSG's The Book of the States, V. 34, 2002

U.S. Department of Commerce, Bureau of the Census, January 2002

Source: Statistical Abstract of the United States: 2002

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**Legislative Research  
Oversight Division  
State Comparison Study**

**Annual State Expenditures 2000**

(In millions of dollars)

**Alphabetical**

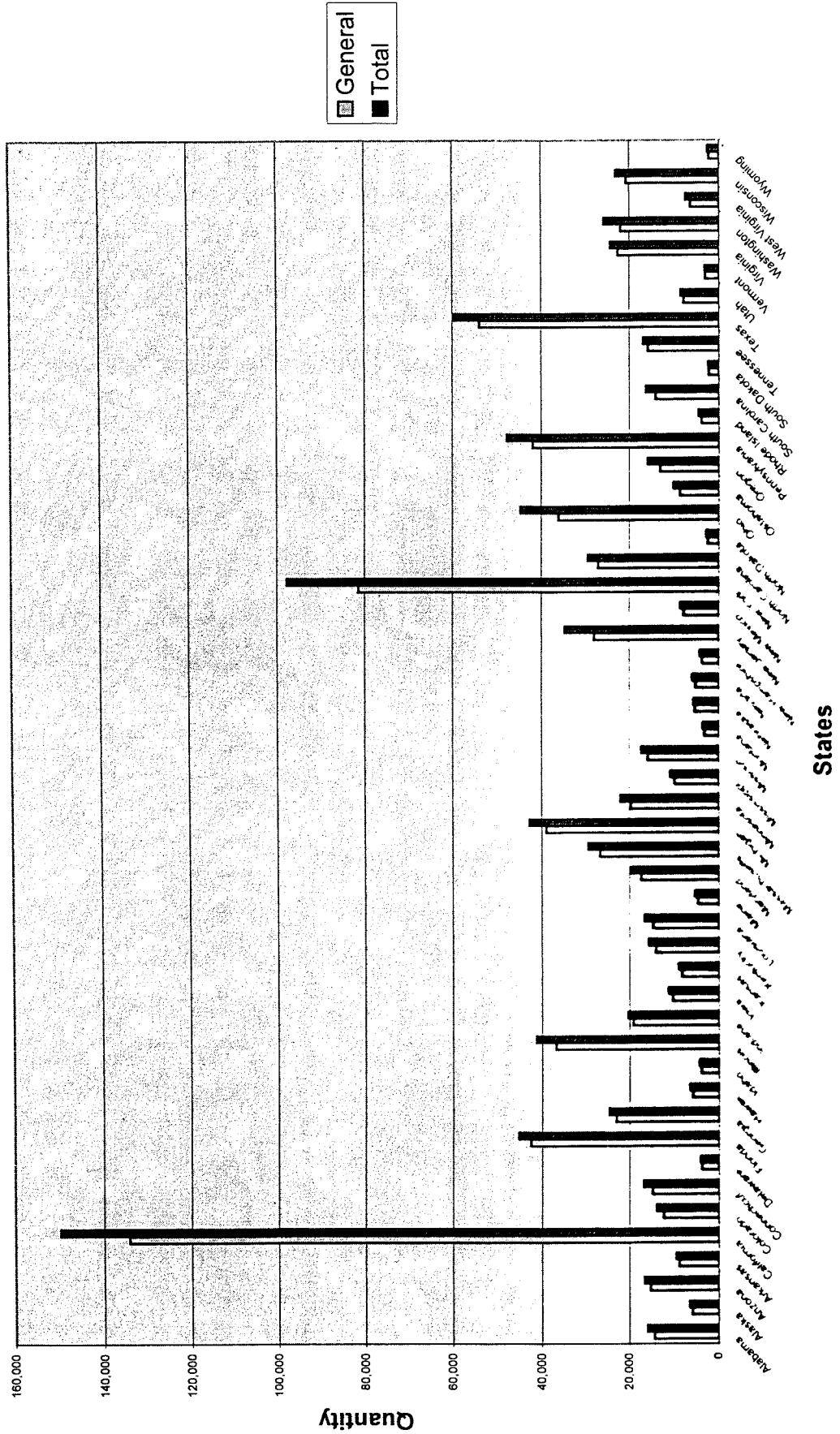
State	General	Total
Alabama	14,400	15,873
Alaska	5,972	6,611
Arizona	15,284	16,574
Arkansas	8,967	9,589
California	134,204	149,770
Colorado	12,485	13,930
Connecticut	14,856	16,723
Delaware	3,913	4,211
Florida	42,486	45,208
Georgia	23,092	24,739
Hawaii	5,975	6,605
Idaho	4,039	4,493
Illinois	36,895	41,182
Indiana	19,188	20,289
Iowa	10,520	11,453
Kansas	8,417	9,165
Kentucky	14,197	15,682
Louisiana	14,766	16,537
Maine	4,850	5,448
Maryland	17,343	19,432
Massachusetts	26,821	29,478
Michigan	39,004	42,748
Minnesota	19,675	22,026
Mississippi	10,049	10,972
<b>Missouri</b>	<b>15,837</b>	<b>17,293</b>
Montana	3,325	3,718
Nebraska	5,537	5,772
Nevada	5,369	6,047
New Hampshire	3,884	4,366
New Jersey	28,160	34,779
New Mexico	7,985	8,700
New York	81,371	97,654
North Carolina	27,242	29,615
North Dakota	2,569	2,856
Ohio	36,144	44,631
Oklahoma	8,788	10,271
Oregon	13,155	15,776
Pennsylvania	41,937	47,682
Rhode Island	3,987	4,648
South Carolina	14,195	16,237
South Dakota	2,228	2,403
Tennessee	15,822	16,853
Texas	53,832	59,805
Utah	7,956	8,592
Vermont	3,068	3,219
Virginia	22,609	24,314
Washington	21,951	25,902
West Virginia	6,491	7,552
Wisconsin	20,645	23,026
Wyoming	2,254	2,553

**Rank**

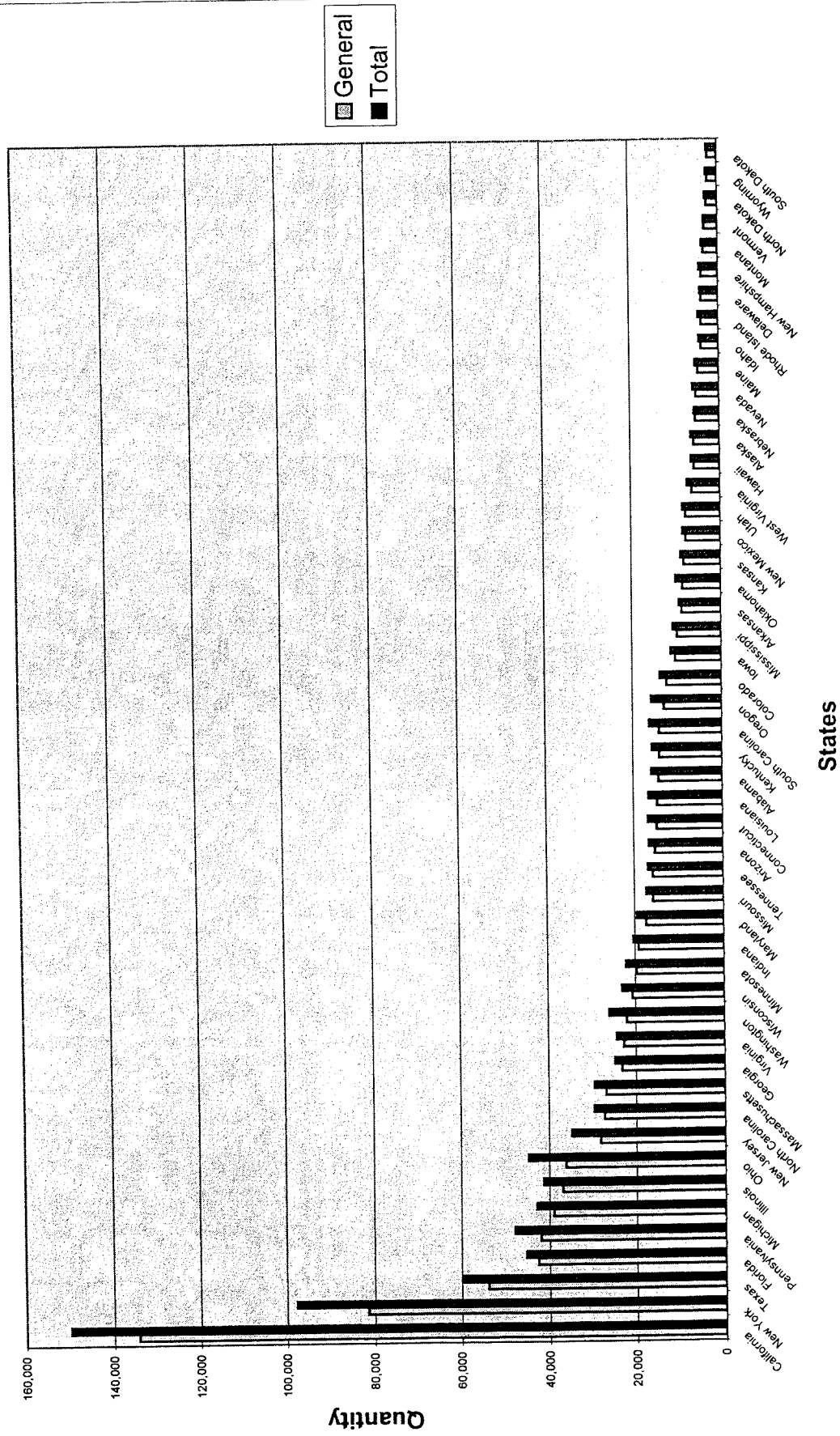
Rank	State	General	Total
1	California	134,204	149,770
2	New York	81,371	97,654
3	Texas	53,832	59,805
4	Florida	42,486	45,208
5	Pennsylvania	41,937	47,682
6	Michigan	39,004	42,748
7	Illinois	36,895	41,182
8	Ohio	36,144	44,631
9	New Jersey	28,160	34,779
10	North Carolina	27,242	29,615
11	Massachusetts	26,821	29,478
12	Georgia	23,092	24,739
13	Virginia	22,609	24,314
14	Washington	21,951	25,902
15	Wisconsin	20,645	23,026
16	Minnesota	19,675	22,026
17	Indiana	19,188	20,289
18	Maryland	17,343	19,432
<b>19</b>	<b>Missouri</b>	<b>15,837</b>	<b>17,293</b>
20	Tennessee	15,822	16,853
21	Arizona	15,284	16,574
22	Connecticut	14,856	16,723
23	Louisiana	14,766	16,537
24	Alabama	14,400	15,873
25	Kentucky	14,197	15,682
26	South Carolina	14,195	16,237
27	Oregon	13,155	15,776
28	Colorado	12,485	13,930
29	Iowa	10,520	11,453
30	Mississippi	10,049	10,972
31	Arkansas	8,967	9,589
32	Oklahoma	8,788	10,271
33	Kansas	8,417	9,165
34	New Mexico	7,985	8,700
35	Utah	7,956	8,592
36	West Virginia	6,491	7,552
37	Hawaii	5,975	6,605
38	Alaska	5,972	6,611
39	Nebraska	5,537	5,772
40	Nevada	5,369	6,047
41	Maine	4,850	5,448
42	Idaho	4,039	4,493
43	Rhode Island	3,987	4,648
44	Delaware	3,913	4,211
45	New Hampshire	3,884	4,366
46	Montana	3,325	3,718
47	Vermont	3,068	3,219
48	North Dakota	2,569	2,856
49	Wyoming	2,254	2,553
50	South Dakota	2,228	2,403

Source: CSG's *The Book of the States*, V. 34, 2002  
U.S. Department of Commerce, Bureau of the Census, January 2002

# State Expenditures 2000 (Alphabetic)



# State Expenditures 2000 (Rank)



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**CHAPTER 6**

**STATE REORGANIZATION LISTING**

Legislative Research  
Oversight Division  
State Comparison Study

State Reorganizations

State	Contacted	Responded	Reorganization?	Date	Details
Alabama	mcooper@isd.state.al.us				
Alaska	michael_miller@admin.state.ak.us				
Arizona	Arizona Department of Administration				
Arkansas	Arkansas Lieutenant Governor's Office	x	Proposed to General Assembly in 2003. SB 45 passed in the Senate and defeated in the House		Details in Report - Page 8
California	governor@governor.ca.gov				
Colorado	governorowens@state.co.us				
Connecticut	barbara.waters@po.state.ct.us				
Delaware	lorilee.harrison@state.de.us				
Florida	Dwayne.Raynor@LASPBS.STATE.FL.US jeb.bush@myflorida.com	x	Not to date. Currently considering a reorganization		
Georgia	<u>dbcrowe@doas.ga.gov.</u> <u>WJJ@gms.state.ga.us.</u> <u>sfancis@gms.state.ga.us</u>	x	Yes	7/1/1996	Initiated Civil Service Reform on July 1, 1996. Existing employees retained Merit System coverage (classified) while all new employees hired after that date were unclassified (at-will). This impacted most of the executive agencies.  There have only been traditional agencies or either being divided into multi-agencies or others being consolidated into one. None of these impacted all of the agencies so would not be considered reorganization.
Hawaii	Governor's Office				
Idaho	rhompson@admin.state.id.us				
Illinois	governor@gov.state.il.us				
Indiana	Department of Administration	x	Yes	Late '80s	The Department of Family and Social Services were combined
Iowa		x	No		
Kansas	Doug Quin, Public Service Exec. 785-296-4886 kiscweb@da.state.ks.us	x	No		
Kentucky	governor@mail.state.ky.us				
Louisiana	Department of Administration rslocks@doa.state.la.us				
Maine		x	No		
Maryland	Niel Bergsman NBERG@dbm.state.md.us	x	No		
Massachusetts	Goffice@state.ma.us				
Michigan	lwinM1@michigan.gov				

Legislative Research  
Oversight Division  
State Comparison Study

State Reorganizations

State	Contacted	Responded	Reorganization?	Date	Details
<b>Minnesota</b>					
Mississippi	collied@dfa.state.ms.us	x	Yes	1972	Created Department of Administration, took powers from Treasurer.
<b>Missouri</b>		x	Yes	1974, 2003	1974 - Combined agencies into departments 2003 - Details in Report - Page 9
<b>Montana</b>	Steve Bender - sbender@state.mt.us Deputy Director, Dept. of OA	x	Yes	1993 or 1995 2001	Details in Report - Page 10 Details in Report - Page 10
<b>Nebraska</b>	Lyn Heaton - Lyn.Heaton@email.state.ne.us Deputy Director, Dept. of OA Gayle Starr - gstar@dnr.state.ne.us Dept. of Natural Resources (402) 471-3933	x	Yes	1996-1997	Details in Report - Page 11
<b>Nevada</b>	mkeating@govmail.state.nv.us	x	Yes		Details in Report - Page 11, Appendix 7-B
New Hampshire	Legislative Office: www.gencourt.state.nh.us ledinfo@mlieq.org		No		
New Jersey	donaald.jordan@state.nj.us		No		
New Mexico	Governor's Office carlton.myrick@nemail.net		No		
North Carolina	Linda Beistle, Dir of Central Services Div. lbeistle@state.nc.us	x	No		
Ohio	Dept. of Admin. Services Richard Hickman - Richard.Hickman@DAS.STATE.OH.US Tim Keen, State's Asst. Budget Dir. Gary Heerwald, Dept. Dir. of Central Serv. gary.heerwald@dcs.state.ok.us	x	No		
Oklahoma	Department of Administrative Services oregon.info@state.or.us		No		
Oregon	Department of the State www.steb.state.pa.us	x	No		
Pennsylvania	Thomas A. Mullane, Project Mgmt Office Fiscal Fitness Program tommm@budget.state.pa.us	x	No.	Current Governor is currently reviewing state operations and process with an eye towards consolidation and elimination of duplicate activities	The program will not be complete until Nov. or Dec., at which time recommendations will be incorporated into the states FY 2005 budget proposal.
South Carolina	governor@govoep.state.sc.us scstatehouse.net	x	No.	Current legislation pending	SB 609 and HB 4127 Appendix 7-C
South Dakota	Legislative Research Council Scott Darnell - scott.darnell@state.sd.us legis.state.sd.us/sessions/2003/seslaws/ch272.htm	x	Yes		Legislation in Appendix 7-D

**Legislative Research  
Oversight Division  
State Comparison Study**

**State Reorganizations**

State	Contacted	Responded	Reorganization?	Date	Details
Tennessee	Mike Morrow - Mike.Morrow@state.tn.us Dept. of Finance & Administration	x	No		
Texas	Governor's Office				
Utah	Carnille Anthony, Exec. Director Department of Admin. Services cathony@utah.gov				
Vermont	otto.rauiz@state.vt.us				
Virginia	Secretary of Administration www.administration.state.va.us				
Washington	Michael Murphey, Washing State Treasurer Michael@tre.wa.gov	x	No		
<b>West Virginia</b>	<b>Donna Prunty, Dept. of Administration Exec. Asst.</b> <b>dprunty@gwmail.state.wv.us</b>	<b>x</b>	<b>Yes</b>	<b>Late '80s</b>	<b>Cabinet secretaries were established.</b>
Wisconsin	jan.hartik@doa.state.wi.us			<b>early '90s</b>	<b>2003 Legislation did not pass, however being reviewed for 2004.</b>
Wyoming	Michael Pushcar, Senior Planning Consultant Office of the CIO - MPUSHC@state.wy.us	x			Unable to provide information at this time - defer answering the questions until after the next Wyoming legislative session (Feb/March 2004). At that time they will provide more complete answers.

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**CHAPTER 7**

**SUMMARY OF REORGANIZED STATES**

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## **Arkansas**

During the 2003 General Assembly, SB 45 was proposed as an “Act to restructure various state agencies into ten (10) departments; and for other purposes”. The bill passed the Senate and was defeated in the House.

The 10 proposed departments were:

- Department of Education
- Department of Health and Human Services
- Department of Commerce
- Department of Labor, Employment and Workforce
- Department of Corrections
- Department of Natural Resources
- Department of Finance and Administration
- Department of the Interior
- Department of Homeland Security
- Department of Agriculture

This did not include the constitutionally independent state Highway and Transportation Department and state Game and Fish Commission. Bureaus were to be established under each department; and offices under the bureaus.

A copy of SB 45 as well as “Governor Mike Huckabee’s Legislative Agenda” and “The Huckabee Plan for Reorganizing Arkansas State Government” detailing the governor’s plan for reorganization can be found in Appendix 7-A.

## **Georgia**

Georgia initiated Civil Service Reform on July 1, 1996. Existing employees retained merit system coverage (classified) while all new employees hired after that date were unclassified (at-will). This impacted most of the executive agencies.

There have only been traditional agencies either being divided into multi-agencies or others being consolidated into one. There has not been an overall government restructuring affecting all of the agencies.

## **Indiana**

The Department of Family and Social Services were combined in the late 1980's per the Indiana Department of Administration.

## **Minnesota**

In 1972, the Department of Administration was created, taking away a portion of the powers from the State Treasurer.

## **Missouri**

In 1974 agencies were combined into departments.

In 2003, the Department of Family Services S(DFS) was split into a Children's Services Division and a Family Support Division. Smaller parts of the former DFS were transferred to the Missouri Department of Economic Development, Division of Workforce Development.

In addition, the Division of Highway Safety was transferred from the Department of Public Safety to Missouri Department of Transportation.

## Montana

In accordance with SB 445 passed by the 2001 Legislature, a reorganization redistributed a portion of Department of Commerce's functions to other state agencies to allow the Department of Commerce the ability to focus on their economic development mission. As a result, the regulatory functions and others were moved as listed below.

1. Montana State Lottery was moved from the Department of Commerce to the Department of Administration.
2. The Banking and Financial Division was moved from the Department of Commerce to the Department of Administration.
3. The Local Government Assistance Division was moved from the Department of Commerce to the Department of Administration.
4. The Consumer Affairs Division was moved from the Department of Commerce to the Department of Administration.
5. The Professional and Occupational Licensing Division was moved from the Department of Commerce to the Department of Labor and Industry.
6. The Building Codes Division was moved from the Department of Commerce to the Department of Labor and Industry.
7. The Weights and Measures Division was moved from the Department of Commerce to the Department of Labor and Industry.
8. The Board of Horseracing was moved from the Department of Commerce to the Department of Livestock.
9. The Office of Economic Development was created in the Governors Office

These changes were made effective Fiscal Year 2002. There have been no significant state reorganizations since this time.

## **Nebraska**

Within the last five years, two significant reorganizations took place in Nebraska's state government. The first occurred in 1996 - 1997 under "The Nebraska Partnership for Health and Human Services Act, LB 1044". Five state agencies (Aging, Health, Public Institutions, Social Services & Office of Juvenile Services) were combined into 3 agencies (Health and Human Services, Health and Human Services and Regulation and Licensure, and Health and Human Services Finance and Support) that made up the Nebraska Health and Human Services System.

The change derived from the need to prepare for the next century's health and human services challenges including reductions in federal funding levels. It was unlikely that Nebraska's tax system would be able to keep up with the growing service needs of children, the elderly and people with disabilities who are increasingly supported by government services.

The second reorganization took place in 2000. The Natural Resources Commission and the Department of Water Resources were combined into the Department of Natural Resources. We have contacted the Department of Natural Resources for details on this reorganization.

## **Nevada**

During the 1993 Legislative Session, Assembly Bill 782 reorganized the administrative structure of the executive department of State Government.

The bill reduced the number of departments in the executive branch of government from 21 to 13. Nine of the original departments remained, including: the Departments of Administration; Conservation and Natural Resources; Education; Human Resources; Motor Vehicles and Public Safety; Personnel; Prisons; Taxation; and Transportation.

The Departments of General Services; Parole and Probation; and Wildlife became divisions of the Departments of Administration; Motor Vehicles and Public Safety; and Conservation and Natural Resources, respectively.

Four new departments were created including: the Departments of Business and Industry; Employment, Training and Rehabilitation; Information Services; and Museums, Library and Arts. The Department of Business and Industry combined the most existing departments: the Departments of Agriculture; Commerce; Industrial Relations; Insurance; and Minerals.

The old Departments of Data Processing; Employment Security; and Museums and History became the new Departments of Information Systems; Employment, Training and Rehabilitation; and Museums, Library and Arts.

The Department of the Military became a special purpose agency called the Office of the Military.

## **Nevada (continued)**

In 2000, the Department of Water Resources (DWR) (approximately 40-45 employees) and the Natural Resources Commission (NRC) (approximately 40-45 employees) merged into the Department of Natural Resources. DWR was a regulatory agency monitoring water rights, dam safety, well registrations, and ground water management; while NRC was involved in planning, flood plain management, several funding programs, a natural resources data bank as well as working with Natural Resource Districts (which is comparable to Missouri's Soil and Water Conservation Districts).

Advantages pointed out by the Department of Natural Resources include:

- ▶ The NRC's much larger computer capabilities, both in terms of personnel and equipment has been beneficial to the former DWR's need to computerized water rights data, well registrations and dam safety information.
- ▶ The merger provided one "voice" and one contact for local districts. Previously, NRC worked primarily with the Natural Resources Districts and DWR with Irrigation Districts.
- ▶ Although minimal, some synergies were gained in administrative services (secretarial, accounting, personnel, legal and computers).

An organization chart for the State of Nevada can be found in Appendix 7-B. Changes that occurred during the last legislative session have not been incorporated into the chart.

## **South Carolina**

Although there have been no recent reorganizations in South Carolina's state government, legislation was introduced during the past year's legislative session under SB 609 and HB 4127. "The act is known and may be cited as the 'South Carolina Restructuring Act 2003'".

The legislation would have created the Department of Administration as an agency of the executive branch to be headed by a director appointed by the Governor. Certain offices and division of the state budget and control board, office of the Governor and other agencies would be transferred to this newly created department.

In addition, The Division of the State Chief Information Officer would be created and headed by the State Chief Information Officer who would be appointed by the Budget and Control Board upon the Governor's recommendation. And finally, a Joint Information Finance Committee and Information Technology Architecture Review Panel would have been established.

The full text for HB 4127 can be found in Appendix 7-C.

## **South Dakota**

In January 2003 an executive order was submitted to the Legislative Assembly entitled the "Executive Reorganization Order 2003-01", creating the following:

- ▶ Department of Public Safety created
- ▶ Department of Commerce and Regulation abolished, functions of former Department of Commerce and Regulation transferred to other departments
- ▶ Department of Tourism and State Development created
- ▶ Department of Tourism and Governor's Office of Economic Development merged into Department of Tourism and State Development
- ▶ Division of Cultural Affairs moved to Department of Tourism and State Development
- ▶ Department of Education and Cultural Affairs renamed the Department of Education
- ▶ Additional Transfers to the Department of Public Safety
- ▶ Other reorganization provisions

The full text for the executive order can be found in Appendix 7-D.

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**CHAPTER 8**

**GENERAL STATE GOVERNMENT  
INFORMATION**

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Below is a list of elements researched on a state-by-state basis. The information provides a base for future state government research.

Number of Statewide Elected Officials  
Term of Statewide Officials (years)  
Staggered or Blocked Terms  
Term Limited

Type of Legislature - Bicameral/Unicameral  
Term Limited

Number of Senators  
Term of Senators  
Staggered or Blocked Terms

Number of Representatives  
Term of Representatives  
Staggered or Blocked Terms

Number of Departments  
Number of Executive Departments  
Number of Departments Reporting to a Commission  
Number of Departments Reporting to Independently Elected Commissions

Number of State Employees (2001)  
Includes Higher Education (in thousands)  
Number of State Employees Subject to Merit Personnel System (whole agencies only)

Annual State Expenditure Budget '00 (in millions)

Largest State Department  
Number of Employees  
Annual Department Expenditure Budget

Number of 4 Year Public Universities  
Number of 2 Year Public Universities

Has there been a state government reorganization?  
If so, when was the reorganization?  
If so, what changes were made?

Does the state have a "Sunset Law" and what is the scope?  
Preliminary Evaluation Conducted By?



**Legislative Research  
Oversight Division  
State Comparison Study**

<b>Data Elements:</b>	<b>Alabama</b>	<b>Alaska</b>	<b>Arizona</b>
<b>Number of Statewide Elected Officials</b>	7	2	7
<b>Term of Statewide Officials (years)</b>	4	4	4
<b>Staggered or Blocked Terms</b>	Blocked	Blocked	Blocked
<b>Term Limited</b>	2 consecutive terms	Gov - 2 full successive terms, unless one full term has intervened (Constitution, Art 2. Sec 3.2)	Gov 2 consecutive terms
<b>Type of Legislature - Bicameral/Unicameral</b>	Bicameral	Bicameral	Bicameral
<b>Term Limited</b>	No	No	8 yrs
<b>Number of Senators</b>	35 (Constitution - Section 50)	20	30
<b>Term of Senators</b>	4 (Constitution - Section 46)	4	8
<b>Staggered or Blocked Terms</b>	Blocked (Const - Section 46)	Staggered	
<b>Number of Representatives</b>	105 (Constitution - Section 50)	40	60
<b>Term of Representatives</b>	4 (Constitution - Section 46)	2	
<b>Staggered or Blocked Terms</b>	Blocked (Const - Section 46)	Blocked	
<b>Number of Departments</b>	14 (Primary)	18	25
<b>Number of Executive Departments</b>	25	16	25
<b>Number of Departments Reporting to a Commission</b>			
<b>Number of Departments Reporting to Independently Elected Commissions</b>			
<b>Number of State Employees (2001) Includes Higher Education (in thousands)</b>	70.1	21.1	55.8
<b>Number of State Employees Subject to Merit Personnel System (whole agencies only)</b>		Merit system per Constitution, Art. 11, Sec 12.6	
<b>Annual State Expenditure Budget '00 (in millions)</b>	15,873	6,611	16,574
<b>Largest State Department</b>			
<b>Number of Employees</b>			
<b>Annual Department Expenditure Budget</b>			
<b>Number of 4 year Public Universities</b>	17	3	5
<b>Number of 2 year Public Universities</b>	30	1	20
<b>Has there been a state government reorganization?</b>	no response	no response	no response
<b>If so, when was the reorganization?</b>			
<b>If so, what changes were made?</b>			
<b>Does the state have a "Sunset Law" and what is the scope?</b>	Yes - Comprehensive	Yes, with amendment pending in current session	Yes - Selective
<b>Notes</b>			
<b>Preliminary evaluation conducted by:</b>	Dept. of Examiners of Public Accounts	Legislator Auditor	Office of the Auditor General

Legislative Research  
Oversight Division  
State Comparison Study

Data Elements:	Arkansas	California	Colorado
Number of Statewide Elected Officials	7	7	7
Term of Statewide Officials (years)	4	4	4
Staggered or Blocked Terms	Blocked	Blocked	Blocked
Term Limited	2 consecutive terms/Gov. 6 yrs (3-2 yr. terms)	2 consecutive terms	2 consecutive terms
Type of Legislature - Bicameral/Unicameral	Bicameral	Bicameral	Bicameral
Term Limited	8 yrs. (2 4 yr. terms)	8 years/6 years	2/4 consecutive terms
Number of Senators	35	45	30
Term of Senators	8	8	2 consecutive terms
Staggered or Blocked Terms			
Number of Representatives	100	80	30
Term of Representatives	2 Years		
Staggered or Blocked Terms	Blocked		
Number of Departments	21	35	19
Number of Executive Departments	21	35	16
Number of Departments Reporting to a Commission			
Number of Departments Reporting to Independently Elected Commissions			
Number of State Employees (2001) Includes Higher Education (in thousands)	44.5	308.9	45.9
Number of State Employees Subject to Merit Personnel System (whole agencies only)			
Annual State Expenditure Budget '00 (in millions)	8,589	149,770	13,930
Largest State Department			
Number of Employees			
Annual Department Expenditure Budget			
Number of 4 year Public Universities	11	33	14
Number of 2 year Public Universities	21	110	15
Has there been a state government reorganization?	no	no response	no response
If so, when was the reorganization?	SB 45 defeated in the House		
If so, what changes were made?	See Attachment		
Does the state have a "Sunset Law" and what is the scope?	No	Yes - Selective	Yes - Regulatory
Notes	A onetime review of selected programs ended in 1983		
Preliminary evaluation conducted by:		Review by the Jt. Leg. Sunset Review Comte., of professional and vocational licensing boards terminates on Jan. 1, 2004. Sunset clauses are included in other selected programs and legislation.	Dept. of Regulatory Agencies

Sunset Source of Information: The Council of State Govs.

Legislative Research  
Oversight Division  
State Comparison Study

Data Elements:	Connecticut	Delaware	Florida
Number of Statewide Elected Officials	5	6	8
Term of Statewide Officials (years)	4	4	4
Staggered or Blocked Terms	Blocked	Staggered	Blocked
Term Limited	Proposed amendment to term limit governor and general assembly currently being considered	None/Gov. absolute 2 term, but not necessarily consecutive	None/Governor 8 years
Type of Legislature - Bicameral/Unicameral	Bicameral	Bicameral	Bicameral
Term Limited	No*	No	8 years
Number of Senators	36	21	40
Term of Senators	2	-	
Staggered or Blocked Terms			
Number of Representatives	151	41	120
Term of Representatives	2		
Staggered or Blocked Terms			
Number of Departments	25	15	23
Number of Executive Departments	19	15	22
Number of Departments Reporting to a Commission			
Number of Departments Reporting to Independently Elected Commissions			
Number of State Employees (2001) Includes Higher Education (in thousands)	48.3	20.9	165.9
Number of State Employees Subject to Merit Personnel System (whole agencies only)			
Annual State Expenditure Budget '00 (in millions)	16,723	4,211	45,208
Largest State Department	Human Services		
Number of Employees			
Annual Department Expenditure Budget	(04) \$4,365,131,308		
Number of 4 year Public Universities	8	2	12
Number of 2 year Public Universities	12	3	27
Has there been a state government reorganization?	no response	no response	no
If so, when was the reorganization?			
If so, what changes were made?			
Does the state have a "Sunset Law" and what is the scope?	No	Yes - Comprehensive	Yes - Regulatory
Notes	Sunset legislation suspended in 1983. Next review cycle is scheduled for 2008		Comprehensive relating to public records and meetings
Preliminary evaluation conducted by:	n/a	Agencies under review submit report to Del. Sunset Comm. Based on criteria for review and set forth in statute. Comm. Staff conducts separate review	

Sunset Source of Information: The Council of State Govs.

Legislative Research  
Oversight Division  
State Comparison Study

Data Elements:	Georgia	Hawaii	Idaho
Number of Statewide Elected Officials	8	2	8
Term of Statewide Officials (years)	4	4	4
Staggered or Blocked Terms	Blocked	Blocked	Blocked
Term Limited	None/Gov. after 2 cons. Terms, must wait 4 years before eligibility	2 consecutive terms	None
Type of Legislature - Bicameral/Unicameral	Bicameral	Bicameral	Bicameral
Term Limited	None	None	None
Number of Senators	56	25	35
Term of Senators			
Staggered or Blocked Terms			
Number of Representatives	180	51	70
Term of Representatives			
Staggered or Blocked Terms			
Number of Departments	16	17	16
Number of Executive Departments	16	17	16
Number of Departments Reporting to a Commission			
Number of Departments Reporting to Independently Elected Commissions			
Number of State Employees (2001) Includes Higher Education (in thousands)	104.5	49.1	18.1
Number of State Employees Subject to Merit Personnel System (whole agencies only)			
Annual State Expenditure Budget '00 (in millions)	24,739	6,605	4,493
Largest State Department			
Number of Employees			
Annual Department Expenditure Budget			
Number of 4 year Public Universities	21	3	4
Number of 2 year Public Universities	47	7	3
Has there been a state government reorganization?	yes	no response	no response
If so, when was the reorganization?	7/1/1996		
If so, what changes were made?	See Attachment		
Does the state have a "Sunset Law" and what is the scope?	Yes - Regulatory	Yes - Regulatory	No
Notes			While they have not enacted sunset legislation in the same sense as the other states, this state has included sunset clauses in selected programs or legislation
Preliminary evaluation conducted by:	Dept. of Audits	Legis. Auditor	

Sunset Source of Information: The Council of State Govs.

**Legislative Research  
Oversight Division  
State Comparison Study**

<b>Data Elements:</b>	<b>Illinois</b>	<b>Indiana</b>	<b>Iowa</b>
<b>Number of Statewide Elected Officials</b>	6	5	5
<b>Term of Statewide Officials (years)</b>	4	4	4
<b>Staggered or Blocked Terms</b>	Blocked	Staggered	Blocked
<b>Term Limited</b>	None	None/Gov eligible for 8 years out of 12 years	None
<b>Type of Legislature - Bicameral/Unicameral</b>	Bicameral	Bicameral	Bicameral
<b>Term Limited</b>	No	No	No
<b>Number of Senators</b>	59	50	50
<b>Term of Senators</b>	2/4 yr	4	4
<b>Staggered or Blocked Terms</b>	Staggered		Staggered
<b>Number of Representatives</b>	118	100	100
<b>Term of Representatives</b>	2	2	2
<b>Staggered or Blocked Terms</b>	Block	Block	Block
<b>Number of Departments</b>	24	19	24
<b>Number of Executive Departments</b>	24	13	24
<b>Number of Departments Reporting to a Commission</b>	0		0
<b>Number of Departments Reporting to Independently Elected Commissions</b>	0		0
<b>Number of State Employees (2001) Includes Higher Education (in thousands)</b>	110.3	70.8	42.5
<b>Number of State Employees Subject to Merit Personnel System (whole agencies only)</b>			None
<b>Annual State Expenditure Budget '00 (in millions)</b>	41,182	20,289	11,543
<b>Largest State Department</b>			Human Services
<b>Number of Employees</b>			5,440
<b>Annual Department Expenditure Budget</b>			\$958 Million
<b>Number of 4 year Public Universities</b>	12	14	3
<b>Number of 2 year Public Universities</b>	47	15	18
<b>Has there been a state government reorganization?</b>	no response	Yes	No
<b>If so, when was the reorganization?</b>		Late '80s	NA
<b>If so, what changes were made?</b>		See Attachment	NA
<b>Does the state have a "Sunset Law" and what is the scope?</b>	Yes - Regulatory	Yes - Selective	Yes
<b>Notes</b>			2002
<b>Preliminary evaluation conducted by:</b>	Bureau of the Budget	Office of Fiscal and Management Analysis	

*Sunset Source of Information: The Council of State Govs.*

Legislative Research  
Oversight Division  
State Comparison Study

Data Elements:	Kansas	Kentucky	Louisiana
Number of Statewide Elected Officials	5	10	8
Term of Statewide Officials (years)	4	4	4
Staggered or Blocked Terms	Blocked	Blocked	Blocked
Term Limited	2 consecutive terms	2 consecutive terms	None/Governor 2 consecutive terms
Type of Legislature - Bicameral/Unicameral	Bicameral	Bicameral	Bicameral
Term Limited	No	No	3 terms
Number of Senators	40	38	39
Term of Senators	4	4	4
Staggered or Blocked Terms			
Number of Representatives	125	100	105
Term of Representatives	2	2	4
Staggered or Blocked Terms	Block	Block	
Number of Departments	16	14	20
Number of Executive Departments	16	14	20
Number of Departments Reporting to a Commission			
Number of Departments Reporting to Independently Elected Commissions			
Number of State Employees (2001) Includes Higher Education (in thousands)	36.4	65.4	86.1
Number of State Employees Subject to Merit Personnel System (whole agencies only)			
Annual State Expenditure Budget '00 (in millions)	9,165	15,682	16,537
Largest State Department			
Number of Employees			
Annual Department Expenditure Budget			
Number of 4 year Public Universities	11	8	14
Number of 2 year Public Universities	22	24	45
Has there been a state government reorganization?	No	no response	no response
If so, when was the reorganization?	NA		
If so, what changes were made?	NA		
Does the state have a "Sunset Law" and what is the scope?	No	Yes - Regulatory	Yes - Comprehensive
Notes	Sunset legislation terminated July 1992. Legislative oversight of designated state agencies, consisting of audit, review and evaluation, continues.		
Preliminary evaluation conducted by:	NA	Administrative Regulation Review Subcommittee	Standing committees of the two houses with subject matter jurisdiction

Sunset Source of Information: The Council of State Govs.

**Legislative Research  
Oversight Division  
State Comparison Study**

<b>Data Elements:</b>	<b>Maine</b>	<b>Maryland</b>	<b>Massachusetts</b>
<b>Number of Statewide Elected Officials</b>	1	4	6
<b>Term of Statewide Officials (years)</b>	4	4	4
<b>Staggered or Blocked Terms</b>	Blocked	Blocked	Blocked
<b>Term Limited</b>	None/Governor 2 consecutive terms, 4-yr terms	None/After 2 consecutive terms, must wait 4 years before eligibility again	None
<b>Type of Legislature - Bicameral/Unicameral</b>	Bicameral	Bicameral	Bicameral
<b>Term Limited</b>	8 years	No	No
<b>Number of Senators</b>	35	47	40
<b>Term of Senators</b>	2	4	2
<b>Staggered or Blocked Terms</b>	B		Block
<b>Number of Representatives</b>	151	141	160
<b>Term of Representatives</b>	2	4	2
<b>Staggered or Blocked Terms</b>	Block		Block
<b>Number of Departments</b>	17	18	21
<b>Number of Executive Departments</b>	17	18	8
<b>Number of Departments Reporting to a Commission</b>	0		
<b>Number of Departments Reporting to Independently Elected Commissions</b>	0		
<b>Number of State Employees (2001) Includes Higher Education (in thousands)</b>	18.4	81.9	86.4
<b>Number of State Employees Subject to Merit Personnel System (whole agencies only)</b>	unknown		
<b>Annual State Expenditure Budget '00 (in millions)</b>	5,448	19,432	29,478
<b>Largest State Department</b>	DHHS		
<b>Number of Employees</b>	unknown		
<b>Annual Department Expenditure Budget</b>	\$2.37 Billion		
<b>Number of 4 year Public Universities</b>	8	15	14
<b>Number of 2 year Public Universities</b>	7	16	16
<b>Has there been a state government reorganization?</b>	No	No	no response
<b>If so, when was the reorganization?</b>	NA	NA	
<b>If so, what changes were made?</b>	NA	NA	
<b>Does the state have a "Sunset Law" and what is the scope?</b>	Yes - Comprehensive	Yes - Regulatory	No
<b>Notes</b>	1995		NA
<b>Preliminary evaluation conducted by:</b>	Legislative Committee having jurisdiction over relevant policy area	Dept. of Legislative Services	NA

Sunset Source of Information: The Council of State Govs.

Legislative Research  
Oversight Division  
State Comparison Study

Data Elements:	Michigan	Minnesota	Mississippi
Number of Statewide Elected Officials	5	6	6
Term of Statewide Officials (years)	4	4	4
Staggered or Blocked Terms	Blocked	Blocked	Blocked
Term Limited	2 consecutive terms	None/Governor 2 consecutive terms	None/Governor 2 consecutive terms
Type of Legislature - Bicameral/Unicameral	Bicameral	Bicameral	Bicameral
Term Limited	2/3 terms	No	No
Number of Senators	38	67	52
Term of Senators	4	4	4
Staggered or Blocked Terms			
Number of Representatives	110	134	122
Term of Representatives	2	2	4
Staggered or Blocked Terms	Block	Block	
Number of Departments	19	32	17
Number of Executive Departments	19	25	17
Number of Departments Reporting to a Commission		7	
Number of Departments Reporting to Independently Elected Commissions		0	
Number of State Employees (2001) Includes Higher Education (in thousands)	111.9	58.9	50.9
Number of State Employees Subject to Merit Personnel System (whole agencies only)		unknown	
Annual State Expenditure Budget '00 (in millions)	42,748	22,026	10,972
Largest State Department		DHS	
Number of Employees		5,900	
Annual Department Expenditure Budget		\$13.2 billion	
Number of 4 year Public Universities	15	11	9
Number of 2 year Public Universities	28	30	15
Has there been a state government reorganization?	no response	Yes	no response
If so, when was the reorganization?		1972	
If so, what changes were made?		See Attachment	
Does the state have a "Sunset Law" and what is the scope?	No	Yes	No
Notes	While they have not enacted sunset legislation in the same sense as the other states, this state has included sunset clauses in selected programs or legislation	Implemented in 1998	Sunset Act terminated December 31, 1984
Preliminary evaluation conducted by:	NA	All Advisory Councils have sunset laws. Need approval to remain in existence.	NA

Sunset Source of Information: The Council of State Govs.



**Legislative Research  
Oversight Division  
State Comparison Study**

<b>Data Elements:</b>	<b>Missouri</b>	<b>Montana</b>	<b>Nebraska</b>
<b>Number of Statewide Elected Officials</b>	6	6	9
<b>Term of Statewide Officials (years)</b>	4	4	4
<b>Staggered or Blocked Terms</b>	Staggered	Blocked	Blocked
<b>Term Limited</b>	None/Governor absolute 2 term, but not necessarily consecutive	8 of 16 years	2 consecutive terms
<b>Type of Legislature - Bicameral/Unicameral</b>	Bicameral	Bicameral	Unicameral
<b>Term Limited</b>	Yes - Legislators 8 years in the House and 8 in the Senate; Gov. and Treas. 2 terms	8 of 16 years	Yes - 2 4-yr.
<b>Number of Senators</b>	34	50	49
<b>Term of Senators</b>	4	4	4
<b>Staggered or Blocked Terms</b>	Staggered		Staggered - 2yrs.
<b>Number of Representatives</b>	163	100	N/A
<b>Term of Representatives</b>	2	2	N/A
<b>Staggered or Blocked Terms</b>	Block	Block	N/A
<b>Number of Departments</b>	16	13	16
<b>Number of Executive Departments</b>	12	13	16
<b>Number of Departments Reporting to a Commission</b>	4		
<b>Number of Departments Reporting to Independently Elected Commissions</b>	0		
<b>Number of State Employees (2001) Includes Higher Education (in thousands)</b>	82.2	15.5	26.1
<b>Number of State Employees Subject to Merit Personnel System (whole agencies only)</b>	35,438		
<b>Annual State Expenditure Budget '00 (in millions)</b>	17,293	3,718	5,772
<b>Largest State Department</b>	Social Services		
<b>Number of Employees</b>	9,273		
<b>Annual Department Expenditure Budget</b>	\$5.5 Billion		
<b>Number of 4 year Public Universities</b>	13	7	7
<b>Number of 2 year Public Universities</b>	19	7	8
<b>Has there been a state government reorganization?</b>	Yes	Yes	Yes
<b>If so, when was the reorganization?</b>	1974, 2003	1993 or 1995 and 2001	1996-1997
<b>If so, what changes were made?</b>	See Attachment	See Attachment	See Attachment
<b>Does the state have a "Sunset Law" and what is the scope?</b>	Yes	No	No
<b>Notes</b>	passed 2003	While they have not enacted sunset legislation in the same sense as the other states, this state has included sunset clauses in selected programs or legislation	While they have not enacted sunset legislation in the same sense as the other states, this state has included sunset clauses in selected programs or legislation
<b>Preliminary evaluation conducted by:</b>		NA	NA

*Sunset Source of Information: The Council of State Govs.*

Legislative Research  
Oversight Division  
State Comparison Study

Data Elements:	Nevada	New Hampshire	New Jersey
Number of Statewide Elected Officials	6	2	1
Term of Statewide Officials (years)	4	4	4
Staggered or Blocked Terms	Blocked	Blocked	Blocked
Term Limited	None/Governor 2 consecutive terms	None	Yes - 2 cons.; wait 4 yrs.t/b eligible again
Type of Legislature - Bicameral/Unicameral	Bicameral	Bicameral	Bicameral
Term Limited	Yes - term limits begin in 2010; 12 years	No	No
Number of Senators	21	24	40
Term of Senators	4	2	4
Staggered or Blocked Terms	Staggered		
Number of Representatives	42	400	80
Term of Representatives	2	2	2
Staggered or Blocked Terms	Blocked	Blocked	
Number of Departments	15	14	15
Number of Executive Departments	15	14	15
Number of Departments Reporting to a Commission			
Number of Departments Reporting to Independently Elected Commissions			
Number of State Employees (2001) Includes Higher Education (in thousands)	19.4	15.8	124.1
Number of State Employees Subject to Merit Personnel System (whole agencies only)			
Annual State Expenditure Budget '00 (in millions)	6,047	4,366	34,779
Largest State Department			
Number of Employees			
Annual Department Expenditure Budget			
Number of 4 year Public Universities	2	5	21
Number of 2 year Public Universities	4	4	19
Has there been a state government reorganization?	Yes	no response	No
If so, when was the reorganization?	1993, 2000		NA
If so, what changes were made?	See Attachments		NA
Does the state have a "Sunset Law" and what is the scope?	No	No	No
Notes	While they have not enacted sunset legislation in the same sense as the other states, this state has included sunset clauses in selected programs or legislation	New Hampshire's Sunset Committee was repealed July 1, 1986	While they have not enacted sunset legislation in the same sense as the other states, this state has included sunset clauses in selected programs or legislation
Preliminary evaluation conducted by:	NA	NA	NA

Sunset Source of Information: The Council of State Govs. ^Term limits begin in 2010; 12 years

**Legislative Research  
Oversight Division  
State Comparison Study**

<b>Data Elements:</b>	<b>New Mexico</b>	<b>New York</b>	<b>North Carolina</b>
<b>Number of Statewide Elected Officials</b>	9	4	8
<b>Term of Statewide Officials (years)</b>	4	4	4
<b>Staggered or Blocked Terms</b>	Blocked	Blocked	Blocked
<b>Term Limited</b>	Yes - 2 cons.; wait 4 yrs. t/b eligible again	None	None/Governor 2 consecutive terms
<b>Type of Legislature - Bicameral/Unicameral</b>	Bicameral	Bicameral	Bicameral
<b>Term Limited</b>	No	No	No
<b>Number of Senators</b>	42	62	50
<b>Term of Senators</b>	4	2	2
<b>Staggered or Blocked Terms</b>			
<b>Number of Representatives</b>	70	150	120
<b>Term of Representatives</b>	2	2	2
<b>Staggered or Blocked Terms</b>			
<b>Number of Departments</b>	19	17	17
<b>Number of Executive Departments</b>	19	17	17
<b>Number of Departments Reporting to a Commission</b>			
<b>Number of Departments Reporting to Independently Elected Commissions</b>			
<b>Number of State Employees (2001) Includes Higher Education (in thousands)</b>	42.1	234.7	112.5
<b>Number of State Employees Subject to Merit Personnel System (whole agencies only)</b>			
<b>Annual State Expenditure Budget '00 (in millions)</b>	8,700	97,654	29,615
<b>Largest State Department</b>			
<b>Number of Employees</b>			
<b>Annual Department Expenditure Budget</b>			
<b>Number of 4 year Public Universities</b>	7	45	16
<b>Number of 2 year Public Universities</b>	19	39	58
<b>Has there been a state government reorganization?</b>	no response	no response	no response
<b>If so, when was the reorganization?</b>			
<b>If so, what changes were made?</b>			
<b>Does the state have a "Sunset Law" and what is the scope?</b>	Yes - Regulatory	No	No
<b>Notes</b>		While they have not enacted sunset legislation in the same sense as the other states, this state has included sunset clauses in selected programs or legislation	
<b>Preliminary evaluation conducted by:</b>	Legislative Finance Committee	NA	NA

*Sunset Source of Information: The Council of State Govs.*

Legislative Research  
Oversight Division  
State Comparison Study

Data Elements:	North Dakota	Ohio	Oklahoma
Number of Statewide Elected Officials	8	6	6
Term of Statewide Officials (years)	4	4	4
Staggered or Blocked Terms	Staggered	Blocked	Blocked
Term Limited	None	No more than 2 successive terms of 4 years; terms considered successive unless separated by a period of 4 or more years	No/2 consecutive 4-year terms
Type of Legislature - Bicameral/Unicameral	Bicameral	Bicameral	Bicameral
Term Limited	No	Yes; 2 cons. for Sen.; 4 cons. for House	Yes - 12 yrs.
Number of Senators	47	33	48
Term of Senators	4	4	4
Staggered or Blocked Terms		Staggered	Staggered
Number of Representatives	94	99	101
Term of Representatives	4	2	2
Staggered or Blocked Terms			
Number of Departments	18	15	17
Number of Executive Departments	18	15	17
Number of Departments Reporting to a Commission			
Number of Departments Reporting to Independently Elected Commissions			
Number of State Employees (2001) Includes Higher Education (in thousands)	13.1	113.8	59.7
Number of State Employees Subject to Merit Personnel System (whole agencies only)			
Annual State Expenditure Budget '00 (in millions)	2,856	44,631	10,271
Largest State Department			
Number of Employees			
Annual Department Expenditure Budget			
Number of 4 year Public Universities	6	27	15
Number of 2 year Public Universities	5	35	14
Has there been a state government reorganization?	No	No	no response
If so, when was the reorganization?	NA	NA	
If so, what changes were made?	NA	NA	
Does the state have a "Sunset Law" and what is the scope?	No	Yes - Selective	Yes - Regulatory/Comprehensive
Notes			
Preliminary evaluation conducted by:	NA	Standing Committees	Joint Committee on Sunset Review

Sunset Source of Information: The Council of State Govs.

Legislative Research  
Oversight Division  
State Comparison Study

Data Elements:	Oregon	Pennsylvania	Rhode Island
Number of Statewide Elected Officials	5	5	5
Term of Statewide Officials (years)	4	4	4
Staggered or Blocked Terms	Staggered	Staggered	Blocked
Term Limited	None/Governor 2 consecutive terms	2 consecutive terms	2 consecutive terms
Type of Legislature - Bicameral/Unicameral	Bicameral	Bicameral	Bicameral
Term Limited	No	No	No
Number of Senators	30	50	38
Term of Senators	4	4	2
Staggered or Blocked Terms			
Number of Representatives	60	203	75
Term of Representatives	2	2	2
Staggered or Blocked Terms			
Number of Departments	18	17	13
Number of Executive Departments	18	17	13
Number of Departments Reporting to a Commission			
Number of Departments Reporting to Independently Elected Commissions			
Number of State Employees (2001) Includes Higher Education (in thousands)	45.1	133.0	17.7
Number of State Employees Subject to Merit Personnel System (whole agencies only)			
Annual State Expenditure Budget '00 (in millions)	15,776	47,682	4,648
Largest State Department			Human Services
Number of Employees			1,253
Annual Department Expenditure Budget			\$376 Million
Number of 4 year Public Universities	8	46	3
Number of 2 year Public Universities	14	17	1
Has there been a state government reorganization?	no response	No	No
If so, when was the reorganization?		NA	Currently reviewing
If so, what changes were made?		NA	See Attachment
Does the state have a "Sunset Law" and what is the scope?	No	No	No
Notes	Sunset legislation was repealed in 1993. Joint Legislative Audit Committee still serves as legislative review body.	While they have not enacted sunset legislation in the same sense as the other states, this state has included sunset clauses in selected programs or legislation	Sunset activity is currently inactive
Preliminary evaluation conducted by:	NA	NA	NA

Sunset Source of Information: The Council of State Govs.

Legislative Research  
Oversight Division  
State Comparison Study

Data Elements:	South Carolina	South Dakota	Tennessee
Number of Statewide Elected Officials	8	6	1
Term of Statewide Officials (years)	4	4	4
Staggered or Blocked Terms	Blocked	Blocked	Blocked
Term Limited	2 consecutive terms - Lt. Gov	2 consecutive terms - Lt. Gov	None/Governor 2 consecutive terms
Type of Legislature - Bicameral/Unicameral	Bicameral	Bicameral	Bicameral
Term Limited	No	Yes	No
Number of Senators	46	35	33
Term of Senators	4		4
Staggered or Blocked Terms			Staggered
Number of Representatives	124	50	99
Term of Representatives	4		2
Staggered or Blocked Terms			Staggered
Number of Departments	21	16	21
Number of Executive Departments	21	16	21
Number of Departments Reporting to a Commission			
Number of Departments Reporting to Independently Elected Commissions			
Number of State Employees (2001) Includes Higher Education (in thousands)	72.9	11.6	70.1
Number of State Employees Subject to Merit Personnel System (whole agencies only)			
Annual State Expenditure Budget '00 (in millions)	16,237	2,403	16,853
Largest State Department	Corrections		
Number of Employees			
Annual Department Expenditure Budget			
Number of 4 year Public Universities	12	7	10
Number of 2 year Public Universities	21	5	13
Has there been a state government reorganization?	No	Yes	No
If so, when was the reorganization?	Current legislation pending	2003	NA
If so, what changes were made?	HB 4127 See Attachment	Exec Order - See Attachment	NA
Does the state have a "Sunset Law" and what is the scope?	Yes - Regulatory	No	Yes - Comprehensive
Notes		South Dakota suspended sunset legislation in 1979.	
Preliminary evaluation conducted by:	NA	NA	Joint Government Operations Committee

Sunset Source of Information: The Council of State Govs.

**Legislative Research  
Oversight Division  
State Comparison Study**

<b>Data Elements:</b>	<b>Texas</b>	<b>Utah</b>	<b>Vermont</b>
Number of Statewide Elected Officials	5	5	6
Term of Statewide Officials (years)	4	4	2
Staggered or Blocked Terms	Blocked	Blocked	Blocked
Term Limited	None	None/Gov 12 consecutive years	None
Type of Legislature - Bicameral/Unicameral	Bicameral	Bicameral	Bicameral
Term Limited	No	Yes	No
Number of Senators	31	29	30
Term of Senators			
Staggered or Blocked Terms			
Number of Representatives	150	75	150
Term of Representatives			
Staggered or Blocked Terms			
Number of Departments	17	20	25
Number of Executive Departments	17	20	25
Number of Departments Reporting to a Commission			
Number of Departments Reporting to Independently Elected Commissions			
Number of State Employees (2001)			
Includes Higher Education (in thousands)	242.9	42.4	12.6
Number of State Employees Subject to Merit Personnel System (whole agencies only)			
Annual State Expenditure Budget '00 (in millions)	59,805	8,592	3,219
Largest State Department		Commerce & Revenue	
Number of Employees		3,595.80	
Annual Department Expenditure Budget			
Number of 4 year Public Universities	41	5	5
Number of 2 year Public Universities	67	4	1
Has there been a state government reorganization?	no response	no response	no response
If so, when was the reorganization?			
If so, what changes were made?			
Does the state have a "Sunset Law" and what is the scope?	Yes - Selective	Yes - Discretionary	Yes - Selective
Notes			
Preliminary evaluation conducted by:	Sunset Advisory Committee	Interim Study Committee	Legislative Council Staff

*Sunset Source of Information: The Council of State Govs.*

Legislative Research  
Oversight Division  
State Comparison Study

Data Elements:	Virginia	Washington	West Virginia
Number of Statewide Elected Officials	3	7	6
Term of Statewide Officials (years)	4	4	4
Staggered or Blocked Terms	Blocked	Blocked	Blocked
Term Limited	None/Gov cannot serve consecutive terms	None/Gov eligible for 8 out of 14 years	None/Gov 2 Consecutive Terms
Type of Legislature - Bicameral/Unicameral	Bicameral	Bicameral	Bicameral
Term Limited	No	No	No
Number of Senators	40	49	17
Term of Senators		4	4
Staggered or Blocked Terms		Staggered	
Number of Representatives	100	98	58
Term of Representatives		2	2
Staggered or Blocked Terms		Blocked	
Number of Departments	39	21	7
Number of Executive Departments	39	21	7
Number of Departments Reporting to a Commission		5	5
Number of Departments Reporting to Independently Elected Commissions			
Number of State Employees (2001) Includes Higher Education (in thousands)	101.1	90.9	29.4
Number of State Employees Subject to Merit Personnel System (whole agencies only)			
Annual State Expenditure Budget '00 (in millions)	24,314	25,902	7,552
Largest State Department			
Number of Employees			
Annual Department Expenditure Budget			
Number of 4 year Public Universities	17	6	12
Number of 2 year Public Universities	24	33	4
Has there been a state government reorganization?	no response	No	Yes
If so, when was the reorganization?		NA	Late '80s, early '90s
If so, what changes were made?		NA	See Attachment
Does the state have a "Sunset Law" and what is the scope?	Yes - Selective	Yes - Comprehensive	Yes - Selective
Notes	While they have not enacted sunset legislation in the same sense as the other states, this state has included sunset clauses in selected programs or legislation		
Preliminary evaluation conducted by:	NA	Jt. Legis. Audit and Review Committee	Jt. Committee on Government Operations

Sunset Source of Information: The Council of State Govs.



**Legislative Research  
Oversight Division  
State Comparison Study**

<b>Data Elements:</b>	<b>Wisconsin</b>	<b>Wyoming</b>
<b>Number of Statewide Elected Officials</b>	6	5
<b>Term of Statewide Officials (years)</b>	4	4
<b>Staggered or Blocked Terms</b>	Staggered	Blocked
<b>Term Limited</b>	None	None/Governor eligible for 8 out of 16 years
<b>Type of Legislature - Bicameral/Unicameral</b>	Bicameral	Bicameral
<b>Term Limited</b>	No	Yes
<b>Number of Senators</b>	33	30
<b>Term of Senators</b>		4
<b>Staggered or Blocked Terms</b>		
<b>Number of Representatives</b>	97	60
<b>Term of Representatives</b>		2
<b>Staggered or Blocked Terms</b>		
<b>Number of Departments</b>	17	14
<b>Number of Executive Departments</b>	17	14
<b>Number of Departments Reporting to a Commission</b>		5
<b>Number of Departments Reporting to Independently Elected Commissions</b>		
<b>Number of State Employees (2001) Includes Higher Education (in thousands)</b>	53.1	10.1
<b>Number of State Employees Subject to Merit Personnel System (whole agencies only)</b>		
<b>Annual State Expenditure Budget '00 (in millions)</b>	23,026	2,553
<b>Largest State Department</b>		Dept. of Health
<b>Number of Employees</b>		1,481
<b>Annual Department Expenditure Budget</b>		\$907,745,758
<b>Number of 4 year Public Universities</b>	13	1
<b>Number of 2 year Public Universities</b>	17	7
<b>Has there been a state government reorganization?</b>	no response	Responding after session
<b>If so, when was the reorganization?</b>		(Feb/March 2004)
<b>If so, what changes were made?</b>		
<b>Does the state have a "Sunset Law" and what is the scope?</b>	No	No
<b>Notes</b>	While they have not enacted sunset legislation in the same sense as the other states, this state has included sunset clauses in selected programs or legislation	Wyoming repealed sunset legislation in 1988.
<b>Preliminary evaluation conducted by:</b>	NA	NA

*Sunset Source of Information: The Council of State Govs.*

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## **APPENDIX 7-A**

### **ARKANSAS**

By: Senators B. Johnson, Altes, Baker, Faris, Glover, Gullett, Holt, Horn, Trusty, Whitaker, WornackBy:  
Representatives Childers, Agee, Anderson, Berry, Biggs, Bledsoe, Bolin, Borhauer, Bright, Clemons,  
Creekmore, Dees, Gipson, Green, Haak, Hardwick, Harris, Hutchinson, Jacobs, Kenney, Key, King,  
Lamoureux, Lewellen, Martin, Matayo, Mathis, Medley, Moore, Nichols, Pace, Parks, Penix, Petrus,  
Pritchard, Rosenbaum, Scroggin, C. Taylor, Thomas, Walters, Wood

**For An Act To Be Entitled**  
**AN ACT TO RESTRUCTURE VARIOUS STATE AGENCIES**  
**INTO TEN (10) DEPARTMENTS; AND FOR OTHER PURPOSES.**

**Subtitle**  
**TO RESTRUCTURE VARIOUS STATE AGENCIES**  
**INTO TEN (10) DEPARTMENTS.**

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

**SECTION 1. Legislative purpose.**

(a) The General Assembly declares that this act is necessary to enhance the delivery of services to the people of Arkansas in an effective and efficient manner; to provide for administrative cost savings in the delivery of these services by combining overlapping functions and eliminating duplications of functions of state government; and to achieve the grouping of state agencies into ten (10) provisional departments primarily according to function in order to facilitate an increase in efficiency and reduction of administrative costs.

(b) It is the intent of the General Assembly to provide for a study of an orderly transfer of powers, authorities, duties and functions of the various state agencies to the ten (10) provisional departments with a minimum of disruption of governmental services and functions and with a minimum of expense.

(c) For the purposes of this act, each Authority, Board, Center, Committee, Commission, Coordinator, Council, Department, Division, Institute, Laboratory, Library, Office, Officer, Panel, School, Section, or other agency or entity, or any part thereof, as designated for transfer in section 4 through 13 of this act, has been designated solely for the purposes of grouping the entities to accomplish the efficiency study.

(d) For the purposes of this act, the Departments of Agriculture, Commerce, Interior, Health and Human Services, Corrections, Education, Finance and Administration, Labor, Employment and Workforce, Natural Resources, and Homeland Security shall hereinafter be referred to as "principal departments."

(e) This act shall be liberally construed to achieve the purposes stated in this act.

**SECTION 2. (a)(1) Within thirty (30) days after the effective date of this act, the Governor shall announce the names of each of the ten (10) provisional department secretaries created in sections 4 through 13 of this act.**

(2) The department secretaries created in this act shall be named on a provisional basis and shall not be made permanent positions.

(3) The former state government positions held by the department provisional secretary chosen by the Governor shall not be filled, but shall remain open.

(b) The ten (10) provisional department secretaries shall immediately undertake and implement an efficiency study designed to achieve a minimum eight percent (8%) savings in current budgeted administrative costs for the entities to be transferred under this act.

(c) Within thirty (30) days of the effective date of this act, each entity designated for transfer under this act, shall identify and report to the ten (10) provisional department secretaries and the Joint Interim Committee on State Agencies and Governmental Affairs, the total administrative costs for the

entity in real dollar amounts.

(d)(1) If House Bill 1742 of 2003 that requires the House and Senate Committees on State Agencies and Governmental Affairs to conduct a study of the feasibility and desirability to reorganize state government, and House Bill 1741 of 2003 concerning the appropriation for the proposed study in House Bill 1723 of 2003, become acts, and funding is available for the appropriation, the ten (10) provisional secretaries shall:

(A) Comply with the terms and conditions in the act resulting from House Bill 1742, including the timelines specified in the act; and

(B) Work in conjunction and in the full cooperation with the efficiency study provided for in the act resulting from House Bill 1742 of 2003.

(2) The provisional secretaries shall utilize the results of the analysis from the efficiency study to develop a detailed plan to further reorganize the department and eliminate duplication of effort and unnecessary duplication of equipment and facilities.

(3) The efficiency study conducted by the ten (10) department secretaries shall complete their analysis of the reorganization of state government and prepare a final report for delivery to the Governor no later than October 31, 2003.

(4) The provisional secretaries' plan for reorganization shall include:

(A) Estimated costs of reorganization;

(B) Projected savings from reorganization in real dollar amounts;

(C) Projected improvements in service;

(D) Anticipated effects on cost sharing and management of federal grants;

(E) Provisions for efficient citizen input in to department decisions;

(F) Planned mechanism for appeals of department actions;

(G) Methods of assuring accountability for results;

(H) Proposed timetable for implementation;

(I) Proposed legislation required to implement reorganization; and

(J) Required changes to the Arkansas Administrative Statewide Information System, estimated costs, and a timeline for the required changes to be accomplished.

(5) If House Bill 1742 of 2003 and House Bill 1741 of 2003 do not become acts or if funding is not made available, this act shall expire on May 1, 2003.

(f) The Governor, in conjunction with the ten (10) provisional secretaries, shall provide the plans for reorganization to the Legislative Council and the Joint Interim Committee on State Agencies and Governmental Affairs no later than November 15, 2003.

(g) The Governor is requested to call a special session to consider the proposed legislation if the cost of the session is outweighed by the reorganization savings multiplied by a factor of one and one half (1.5).

(h)(1) No permanent or temporary structural changes to any state agency or to the Arkansas Administrative Statewide Information System shall be made under this act.

(2) The entities designated for transfer in this act, specifically in sections 4 through 13, shall not actually be transferred to the ten (10) departments under this act, but the groupings shall only be used for purposes of the efficiency study performed by the ten (10) provisional department secretaries.

(i) Unless otherwise provided, this act shall expire on January 1, 2004.

SECTION 4. (a)(1) For purposes of the efficiency study there is created a Department of Agriculture.

(2) The executive head of the department shall be the provisional Secretary of the Department of Agriculture.

(3) The provisional secretary shall be appointed by the Governor as provided in this act.

(b) The Arkansas Livestock and Poultry Commission, Arkansas Code § 2-33-101, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 1 transfer to the Department of Agriculture.

(c)(1) The Department of Rural Services, Arkansas Code § 15-6-105, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 2 transfer to the Department of Agriculture.

(2) In addition to the other duties of the Department of Rural Services, the Department of

Agriculture through the Department of Rural Services shall be responsible for agriculture promotion, marketing, and technology transfer.

(d) The Arkansas Rural Development Commission, Arkansas Code § 15-6-104, and powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 1 transfer to the Department of Agriculture.

(e) The Arkansas Delta Development Commission, Arkansas Code § 15-4-2602, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 1 transfer to the Department of Agriculture.

(f) The State Plant Board, Arkansas Code § 2-16-206, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 1 transfer to the Department of Agriculture.

(g) The Division of Agriculture Development of the Arkansas Development Finance Authority, Arkansas Code § 15-5-802, and its powers, authorities, duties, and functions are transferred by, for purposes of the efficiency study a type 2 transfer to the Department of Agriculture.

(h)(1) Notwithstanding any other section of this act to the contrary:

(A) The director of the Department of Rural Services shall continue to be appointed under Arkansas Code § 15-6-105; and

(B) The executive director of the Arkansas Delta Development Commission shall continue to be appointed under Arkansas Code § 15-4-2604.

(2) Notwithstanding any other section of this act to the contrary, moneys collected or to be collected by a transferred entity shall be used by the programs of the transferred entity for the purposes for which the moneys are collected.

(3) This section only applies to the specific entities transferred under subsections (a) through (g) of this section and does not apply to promotion boards.

(i) The creation of the Department of Agriculture under this act shall not be construed to broaden the scope of the state's regulatory powers over agriculture.

SECTION 5. (a)(1) For purposes of the efficiency study there is created a Department of Commerce.

(2) The executive head of the department shall be the provisional Secretary of the Department of Commerce.

(3) The provisional secretary shall be appointed by the Governor as provided in this act.

(b) Except for the Federal Housing and Urban Development Community Block Grant program of the Arkansas Department of Economic Development, which is designated for transfer in section 13 of this act, the Arkansas Department of Economic Development, Arkansas Code §§ 15-4-205 through 15-4-209, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 2 transfer to the Department of Commerce.

(c) The Arkansas Economic Development Commission, Arkansas Code § 15-4-201, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 1 transfer to the Department of Commerce.

(d) The Arkansas Waterways Commission, Arkansas Code § 15-23-201, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 2 transfer to the Department of Commerce.

(e) The State Insurance Department, Arkansas Code § 23-61-101, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 1 transfer to the Department of Commerce.

(f) The Arkansas Science and Technology Authority, Arkansas Code § 15-3-103, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 2 transfer to the Department of Commerce.

(g) The Board of Directors of the Arkansas Science and Technology Authority, Arkansas Code § 15-3-104, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 1 transfer to the Department of Commerce.

(h) The State Bank Department, Arkansas Code § 23-46-201, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 1 transfer to the Department of Commerce.

(i) The State Banking Board, Arkansas Code § 23-46-301, and its powers, authorities, duties,

and functions are transferred, for purposes of the efficiency study by a type 1 transfer to the Department of Commerce.

(j) The State Securities Department, Arkansas Code § 23-42-201, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 1 transfer to the Department of Commerce.

(k) Except for the Tax Division, which is transferred in section 9 of this act, the Arkansas Public Service Commission, Arkansas Code § 23-2-101, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 1 transfer to the Department of Commerce.

(l) The Arkansas Department of Aeronautics, Arkansas Code § 27-115-101, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study, by a type 1 transfer to the Department of Commerce.

(m) The Arkansas Aeronautics Commission, Arkansas Code § 27-115-101, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study, by a type 1 transfer to the Department of Commerce.

(n) The Arkansas Department of Environmental Quality, Arkansas Code § 25-14-101, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study, by a type 2 transfer to the Department of Commerce.

(o) The Arkansas Pollution Control and Ecology Commission, Arkansas Code § 8-4-104, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study, by a type 1 transfer to the Department of Commerce.

SECTION 6. (a)(1) For purposes of the efficiency study there is created a Department of Corrections.

(2) The executive head of the department shall be the provisional Secretary of the Department of Corrections.

(3) The provisional secretary shall be appointed by the Governor as provided in this act.

(b) The Department of Correction, Arkansas Code § 12-27-101, and its powers, authorities, duties, and functions are transferred by a type 1 transfer to the Department of Corrections.

(c) The Department of Community Correction, Arkansas Code § 12-27-125, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 1 transfer to the Department of Corrections.

(d) The Criminal Detention Facilities Review Coordinator, Arkansas Code § 12-26-103, and the powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 2 transfer to the Department of Corrections.

(e) The Post Prison Transfer Board, Arkansas Code § 16-93-201, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 1 transfer to the Department of Corrections.

(f) The Board of Correction and Community Punishment, Arkansas Code § 12-27-104, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 1 transfer to the Department of Corrections.

SECTION 7. (a)(1) For purposes of the efficiency study there is created a Department of Education.

(2) The executive head of the department shall be the provisional Secretary of the Department of Education.

(3) The provisional secretary shall be appointed by the Governor as provided in this act.

(b) The Department of Education, Arkansas Code § 25-6-102, and powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 2 transfer to the Department of Education created by this act.

(c) The State Board of Education, Arkansas Code § 6-11-101, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 1 transfer to the Department of Education.

(d) The Advisory Council for Education of Children with Disabilities, Arkansas Code § 6-41-211, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 1 transfer to the Department of Education.

(e) The Advisory Council for Education of Gifted and Talented, Arkansas Code § 6-42-104, and

its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 1 transfer to the Department of Education.

(f) The Arkansas School for the Blind, Arkansas Code § 6-43-201, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 2 transfer to the Department of Education.

(g) The Arkansas School for the Deaf, Arkansas Code § 6-43-301, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 2 transfer to the Department of Education.

(h) The Board of Trustees for the Arkansas School for the Blind and the Arkansas School for the Deaf, Arkansas Code § 6-43-101, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 1 transfer to the Department of Education.

(i) The Arkansas School for Mathematics and Sciences, Arkansas Code § 6-42-201, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 2 transfer to the Department of Education.

(j) The Board of Trustees for the Arkansas School for Mathematics and Science, Arkansas Code § 6-42-202, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 1 transfer to the Department of Education.

(k) The Division of Child Care and Early Childhood Education, Arkansas Code § 20-78-205, and its powers, authorities, duties and functions are transferred, for purposes of the efficiency study by a type 2 transfer to the Department of Education.

(l) The Department of Higher Education, Arkansas Code § 25-7-101, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 1 transfer to the Department of Education.

(m) The Arkansas Higher Education Coordinating Board, Arkansas Code § 6-53-203, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 1 transfer to the Department of Education.

(n) The State Board of Workforce Education and Career Opportunities, Arkansas Code § 25-30-101, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 1 transfer to the Department of Education.

(o) Except for the Arkansas Rehabilitation Services designated for transfer in section 12 of this act, the Office of Workforce Training designated for transfer in section 12 of this act, the State Department of Workforce Education, Arkansas Code § 25-30-106, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 2 transfer to the Department of Education.

(p) Each of the following: Arkansas Valley Technical Institute, Cotton Boll Technical Institute, Crowley's Ridge Technical Institute, Foothills Technical Institute, Forest Echoes Technical Institute, Great Rivers Technical Institute, Northwest Technical Institute, Riverside Technical Institute, and Quapaw Technical Institute, Arkansas Code § 6-51-904, and their powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 2 transfer to the Department of Education.

(q) The local Board of Directors of Arkansas Valley Technical Institute, Cotton Boll Technical Institute, Crowley's Ridge Technical Institute, Foothills Technical Institute, Forest Echoes Technical Institute, Great Rivers Technical Institute, Northwest Technical Institute, Riverside Technical Institute, and Quapaw Technical Institute, Arkansas Code § 6-51-904, and their powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 1 transfer to the Department of Education.

(r) The Arkansas Educational Television Commission, Arkansas Code § 6-3-101, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 1 transfer to the Department of Education.

SECTION 8. (a)(1) For purposes of the efficiency study there is created a Department of Finance and Administration.

(2) The executive head of the department shall be the provisional Secretary of the Department of Finance and Administration.

(3) The provisional secretary shall be appointed by the Governor as provided in this act.

(b) The Department of Finance and Administration, Arkansas Code § 25-8-101, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a

type 2 transfer to the Department of Finance and Administration created by this act.

(c) The Tax Division of the Arkansas Public Service Commission, Arkansas Code § 26-24-101(1)(A), and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 2 transfer to the Department of Finance and Administration.

(d) The powers, authorities, duties, and functions of the State Insurance Department with respect to the Insurance Premium Tax levied by Arkansas Code §§ 26-57-603, 26-57-604, and 26-57-605 and the Legal Insurance Premium Tax levied by Arkansas Code § 23-91-226 are transferred, for purposes of the efficiency study by a type 2 transfer to the Department of Finance and Administration.

(e) The Assessment Coordination Department, Arkansas Code § 25-28-101, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 2 transfer to the Department of Finance and Administration.

(f) The Arkansas State Building Services, Arkansas Code § 22-2-104, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 2 transfer to the Department of Finance and Administration.

(g) The State Building Services Council, Arkansas Code § 22-2-106, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 1 transfer to the Department of Finance and Administration.

(h) The Executive Chief Information Officer, Arkansas Code § 25-33-103, and the powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 2 transfer to the Department of Finance and Administration.

(i) The CIO Council, Arkansas Code § 25-33-105, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 1 transfer to the Department of Finance and Administration.

(j) The Department of Information Systems, Arkansas Code § 25-4-104, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 2 transfer to the Department of Finance and Administration.

(k) The Arkansas Racing Commission, Arkansas Code § 23-110-101, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 1 transfer to the Department of Finance and Administration.

(l) The Federal Surplus Property Program, Arkansas Code § 19-11-601, and its powers, authorities, duties and functions are transferred, for purposes of the efficiency study by a type 2 transfer to the Department of Finance and Administration.

(m) The Alcoholic Beverage Control Administration of the Department of Finance and Administration, Arkansas Code § 3-2-202, and its functions, powers, and duties are transferred, for purposes of the efficiency study by a type 2 transfer to the Department of Finance and Administration.

(n) The Alcoholic Beverage Control Board, Arkansas Code § 3-2-201, and its functions, powers, and duties are transferred, for purposes of the efficiency study by a type 1 transfer to the Department of Finance and Administration.

SECTION 9. (a)(1) For purposes of the efficiency study there is created a Department of Health and Human Services.

(2) The executive head of the department shall be the provisional Secretary of the Department of Health and Human Services.

(3) The provisional secretary shall be appointed by the Governor as provided in this act.

(b) Except for the Division of Engineering, the On-Site Sewage Disposal Program, the Marine Sanitation Program, and the Protective Health Codes Program designated to be transferred in section 13 of this act, the Department of Health, Arkansas Code § 25-9-101, and its powers, authorities, duties, and functions, are transferred, for purposes of the efficiency study by a type 2 transfer to the Department of Health and Human Services.

(c) The State Board of Health, Arkansas Code § 20-7-102, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 1 transfer to the Department of Health and Human Services.

(d) The Arkansas Minority Health Commission, Arkansas Code § 20-2-102, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 1 transfer to the Department of Health and Human Services.

(e) Except for the Division of Services for the Blind designated for transfer in section 12 of this



act, the Department of Human Services, Arkansas Code § 25-10-101, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 2 transfer to the Department of Health and Human Services.

(f) The State Department for Social Security Administration Disability Determination, Arkansas Code § 20-76-301, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 1 transfer to the Department of Health and Human Services.

(g) The Department of Veterans' Affairs, Arkansas Code § 20-81-102, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 1 transfer to the Department of Health and Human Services.

(h) The Arkansas Veterans' Commission, Arkansas Code § 20-81-104, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 1 transfer to the Department of Health and Human Services.

(i) The Arkansas Veterans' Child Welfare Service Office, Arkansas Code § 20-81-101, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 1 transfer to the Department of Health and Human Services.

(j) The Disabled Veterans' Service Office, Act 376 of 1951, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 1 transfer to the Department of Health and Human Services.

(k) The Board of Developmental Disabilities Services, Arkansas Code § 25-10-104, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 1 transfer to the Department of Health and Human Services.

(l) The Child Welfare Agency Review Board, Arkansas Code § 9-28-403, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 1 transfer to the Department of Health and Human Services.

(m) The Department of Human Services State Institutional System Board, Arkansas Code § 25-10-402, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 1 transfer to the Department of Health and Human Services.

SECTION 10. (a)(1) For purposes of the efficiency study there is created a Department of Homeland Security.

(2) The executive head of the department shall be the provisional Secretary of the Department of Homeland Security.

(3) The provisional secretary shall be appointed by the Governor as provided in this act.

(b) The Arkansas Drug Director of the Office of the Governor, Arkansas Code § 20-64-1001, and powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 2 transfer to the Department of Homeland Security.

(c) The Arkansas Tobacco Control Board, Arkansas Code § 26-57-255, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 1 transfer to the Department of Homeland Security.

(d) The Alcoholic Beverage Control Enforcement Division, Arkansas Code § 3-2-203, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 2 transfer to the Department of Homeland Security.

(e) The Department of Arkansas State Police, Arkansas Code § 12-8-101, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 2 transfer to the Department of Homeland Security.

(f) The Arkansas State Police Commission, Arkansas Code § 12-8-102, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 1 transfer to the Department of Homeland Security.

(g) The Arkansas Crime Information Center, Arkansas Code § 12-12-201, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 2 transfer to the Department of Homeland Security.

(h) The Supervisory Board of the Arkansas Crime Information Center, Arkansas Code § 12-12-202, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 1 transfer to the Department of Homeland Security.

(i) The State Crime Laboratory, Arkansas Code § 12-12-301, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 2 transfer to the Department

of Homeland Security.

(i) The Crime Laboratory Board, Arkansas Code § 12-12-302, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 1 transfer to the Department of Homeland Security.

(k) The Arkansas Commission on Law Enforcement Standards and Training, Arkansas Code § 12-9-103, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 2 transfer to the Department of Homeland Security.

(l) The Arkansas Department of Emergency Management, Arkansas Code § 12-75-109, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 2 transfer to the Department of Homeland Security.

(m) The State Military Department, Act 45 of 1981, §§ 1-4 and Arkansas Code § 12-60-101, is designated for transfer to the Department of Homeland Security for administrative purposes. However, the Adjutant General of the State and the Arkansas National Guard shall continue to report directly to the Governor.

(n) The Victim of Crime Justice Assistance Grants Division, the Law Enforcement Block Grants Division, the Violent Offender Incarceration Grants Division, and the Drug Law Enforcement Grants Division of the Department of Finance and Administration, and the powers, authorities, duties, and functions of each are transferred, for purposes of the efficiency study by a type 2 transfer to the Department of Homeland Security.

SECTION 11. (a)(1) For purposes of the efficiency study there is created a Department of Interior.

(2) The executive head of the department shall be the provisional Secretary of the Department of Interior.

(3) The provisional Secretary shall be appointed by the Governor as provided in this act.

(b) The Department of Parks and Tourism, Arkansas Code § 25-13-101, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 2 transfer to the Department of the Interior. Any reference to the "Department of Parks and Tourism" shall be deemed to refer to the Department of the Interior.

(c) The Department of Arkansas Heritage, Arkansas Code § 25-3-102, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 2 transfer to the Department of the Interior.

(d) The State Parks, Recreation, and Travel Commission, Arkansas Code § 15-11-201, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 1 transfer to the Department of the Interior.

(e) The Plantation Agriculture Museum Advisory Commission created by House Resolution 1003 of 1987 and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 2 transfer to the Department of the Interior.

(f) The Prairie Grove Battlefield Commission, Arkansas Code § 13-7-401, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 2 transfer to the Department of the Interior.

(g) The Arkansas Post Museum Advisory Committee, Arkansas Code § 13-5-603, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 2 transfer to the Department of the Interior.

(h) The Arkansas Museum of Natural Resources Advisory Committee, Arkansas Code § 13-5-404, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 2 transfer to the Department of the Interior.

(i) The Historic Arkansas Museum Commission, Arkansas Code § 13-7-302, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 2 transfer to the Department of the Interior.

(j) The Delta Cultural Center Policy Advisory Board, Arkansas Code § 13-5-704, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 2 transfer to the Department of the Interior.

(k) The Arkansas Natural Heritage Commission, Arkansas Code § 15-20-304, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 1 transfer to the Department of the Interior.

(l) The Mosaic Templars of America Center for African-American Culture and Business Enterprise, Arkansas Code § 13-5-902, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 2 transfer to the Department of the Interior.

(m) The Old State House Commission, Arkansas Code § 13-7-205, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 2 transfer to the Department of the Interior.

(n) The Mississippi River Parkway Commission, Arkansas Code § 27-69-201, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 1 transfer to the Department of the Interior.

(o) The Arkansas Entertainers Hall of Fame Board, Arkansas Code § 13-9-101, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 2 transfer to the Department of the Interior.

(p) The Arkansas History Commission, Arkansas Code § 13-3-101, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 1 transfer to the Department of the Interior.

(q) The Arkansas Black History Advisory Commission, Arkansas Code § 13-3-201, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 2 transfer to the Department of the Interior.

(r) The Arkansas State Library, Arkansas Code § 13-2-203, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 2 transfer to the Department of the Interior.

(s) The State Library Board, Arkansas Code § 13-2-205, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 1 transfer to the Department of the Interior.

(t) The State Historic Preservation Officer, Arkansas Code § 13-7-107, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 1 transfer to the Department of the Interior.

(u) The State Review Committee for Historic Preservation, Arkansas Code § 13-7-108, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 2 transfer to the Department of the Interior.

(v) The Main Street Arkansas Advisory Board, Arkansas Code § 15-12-103, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 2 transfer to the Department of the Interior.

(w) The Advisory Council of the Office of Arkansas State Arts and Humanities, Arkansas Code § 13-8-101, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 2 transfer to the Department of the Interior.

(x) The Keep Arkansas Beautiful Commission, Arkansas Code § 15-11-601, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 2 transfer to the Department of the Interior.

(y) The Natural and Cultural Resources Council, Arkansas Code § 15-12-101, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 1 transfer to the Department of the Interior.

(z) The Martin Luther King, Jr. Commission, Arkansas Code § 25-24-101, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 1 transfer to the Department of the Interior.

(aa) The Arkansas Museum Review Panel, Arkansas Code § 13-5-207, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 3 transfer to the Department of the Interior.

(bb) The Arkansas Scenic Resources Preservation Coordinating Committee, Arkansas Code § 15-20-707, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 3 transfer to the Department of the Interior.

(cc) The Arkansas Natural and Cultural Heritage Advisory Committee, Arkansas Code § 25-3-104, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 3 transfer to the Department of the Interior.

SECTION 12. (a)(1) For purposes of the efficiency study there is created a Department of

Labor, Employment, and Workforce.

(2) The executive head of the department shall be the provisional Secretary of the Department of Labor, Employment and Workforce.

(3) The provisional secretary shall be appointed by the Governor as provided in this act.  
(b) The Arkansas Workforce Investment Board, Arkansas Code § 15-4-2204, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 1 transfer to the Department of Labor, Employment and Workforce.

(c) The Arkansas Workforce Investment Board Executive Committee, Arkansas Code § 15-4-2205, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 2 transfer to the Department of Labor, Employment and Workforce.

(d) The Arkansas Employment Security Department, Arkansas Code § 11-10-301, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 2 transfer to the Department of Labor, Employment, and Workforce.

(e) The Board of Review, Arkansas Code § 11-10-523, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 1 transfer to the Department of Labor, Employment, and Workforce.

(f) The State Employment Security Advisory Council, Arkansas Code § 11-10-305, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 1 transfer to the Department of Labor, Employment, and Workforce.

(g) The Arkansas Transitional Employment Board, Arkansas Code § 20-76-105, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 2 transfer to the Department of Labor, Employment, and Workforce.

(h) The Arkansas Transitional Employment Board Agency Advisory Council, Arkansas Code § 20-76-105(g), and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 3 transfer to the Department of Labor, Employment, and Workforce.

(i) The Department of Labor, Arkansas Code § 11-2-106, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 2 transfer to the Department of Labor, Employment, and Workforce. Any reference to the "Department of Labor" shall be deemed to refer to the Department of Labor, Employment, and Workforce.

(j) The Boiler Advisory Board, Arkansas Code § 20-23-201, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 1 transfer to the Department of Labor, Employment, and Workforce.

(k) The Board of Electrical Examiners, Arkansas Code § 17-28-201, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 1 transfer to the Department of Labor, Employment, and Workforce.

(l) The Elevator Safety Board, Arkansas Code § 20-24-105, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 1 transfer to the Department of Labor, Employment, and Workforce.

(m) The Arkansas Employment Agency Advisory Council, Arkansas Code § 11-11-205, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 1 transfer to the Department of Labor, Employment, and Workforce.

(n) The Workers' Compensation Commission, Arkansas Code § 11-9-201, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 1 transfer to the Department of Labor, Employment, and Workforce.

(o) The Arkansas Rehabilitation Services of the Department of Workforce Education, Arkansas Code § 6-52-101, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 2 transfer to the Department of Labor, Employment, and Workforce.

(p) The Office of Workforce Training of the Department of Workforce Education, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 2 transfer to the Department of Labor, Employment, and Workforce.

(q) The State Rehabilitation Council, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 2 transfer to the Department of Labor, Employment, and Workforce.

(r) The State Independent Living Council, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 2 transfer to the Department of Labor, Employment, and Workforce.

(s) The Governor's Commission on People with Disabilities, Arkansas Code § 20-14-202, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 2 transfer to the Department of Labor, Employment, and Workforce.

(t) The Arkansas Spinal Cord Commission, Arkansas Code § 20-8-202, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 2 transfer to the Department of Labor, Employment, and Workforce.

(u) The Division of Services for the Blind of the Department of Human Services, Arkansas Code § 25-10-102, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 2 transfer to the Department of Labor, Employment, and Workforce.

(v) The Board of the Division of State Services for the Blind, Arkansas Code § 25-10-205, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 1 transfer to the Department of Labor, Employment, and Workforce.

SECTION 13. (a)(1) For purposes of the efficiency study there is created a Department of Natural Resources.

(2) The executive head of the department shall be the provisional Secretary of the Department of Resources.

(3) The provisional secretary shall be appointed by the Governor as provided in this act.

(b) The Oil and Gas Commission, Arkansas Code § 15-71-101, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 1 transfer to the Department of Natural Resources.

(c) The Director of Production and Conservation and the staff of the Oil and Gas Commission, Arkansas Code § 15-71-105, and their powers, authorities, duties and functions are transferred, for purposes of the efficiency study by a type 2 transfer to the Department of Natural Resources.

(d) The Arkansas Soil and Water Conservation Commission, Arkansas Code § 15-20-201, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 1 transfer to the Department of Natural Resources.

(e) The Water Well Construction Commission, Arkansas Code § 17-50-101, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 1 transfer to the Department of Natural Resources.

(f) The Arkansas Forestry Commission, Arkansas Code § 15-31-101, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 1 transfer to the Department of Natural Resources.

(g) The Arkansas Geological Commission, Arkansas Code § 15-55-201, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 2 transfer to the Department of Natural Resources.

(i) The Division of Engineering, the HVACR Program of the Department of Health, the On-Site Sewage Disposal Program, the Marine Sanitation Program, and the Protective Health Codes Program of the Department of Health, Arkansas Code § 25-9-101, and their powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 2 transfer to the Department of Natural Resources.

(k) The Federal Housing and Urban Development Community Block Grant program of the Arkansas Department of Economic Development, Arkansas Code §§ 15-4-205 through 15-4-209, and its powers, authorities, duties, and functions are transferred, for purposes of the efficiency study by a type 2 transfer to the Department of Natural Resources.

SECTION 14. EMERGENCY CLAUSE. It is found and determined by the General Assembly that there is an urgent need for additional funding for public education, prisons, health care, and other essential government services; that every effort must be made to use current resources as efficiently and effectively as possible to provide the maximum possible funding for these essential government services; that there are significant opportunities for savings in the cost of operating state government by combining offices and eliminating duplicate functions; that this act is designed to study the reorganization of the executive branch of Arkansas state government and the merger of governmental operations into ten (10) principal departments responsible for providing services to the citizens of this state. Therefore an emergency is declared to exist and this act being necessary for the preservation of the public peace, health and safety shall become effective on:

- (1) The date of its approval by the Governor;
- (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or
- (3) If the bill is vetoed by the Governor and the veto is overridden.

/s/ B. Johnson, et al



# LEADERSHIP & LEGACY

GOVERNOR  
MIKE HUCKABEE'S  
LEGISLATIVE  
AGENDA

**84th General Assembly**

January 14, 2003

# STATE GOVERNMENT REORGANIZATION

As the state makes massive changes in its education system, now is the logical time to redefine the basic structure of all state government. If we're going to ask the education system to change in order to achieve cost efficiencies and a better end product, we must be willing to change the rest of government. If we're going to ask the people of our state to give us more revenue, we must be willing to build a system that maximizes taxpayer dollars.

For far too long, government has ignored many of the basic management techniques that work in the private sector. We should structure state government in a way that forces government offices to show a greater degree of accountability. We have to set higher standards and better define performance measures.

I'm proposing a sweeping reorganization plan that will reduce the number of major departments in the executive branch to 10. That doesn't include the constitutionally independent state Highway and Transportation Department and state Game and Fish Commission. Under each of the 10 departments will be a series of bureaus. Under the bureaus will be offices. This is our opportunity to bring consistency to how government is structured and how services are delivered. Let's take full advantage of this special moment in time.

Will this proposal pay for the costs of meeting the Arkansas Supreme Court's mandates in the Lake View case? No. Will it solve all of our money and service delivery problems? No. But is it overdue? Does it make sense? Absolutely.

The 10 departments will be:

- Department of Education
- Department of Health and Human Services
- Department of Commerce
- Department of Labor, Employment and Workforce
- Department of Corrections
- Department of Natural Resources
- Department of Finance and Administration
- Department of the Interior
- Department of Homeland Security
- Department of Agriculture

## Savings and Efficiencies

State revenue streams are declining as costs increase. We've seen the cost of operating the prisons and the Medicaid program almost double in the past decade. This isn't the time for minor changes that are only temporary solutions to complex fiscal and service delivery problems. No, this is the time for dramatic actions that will help define what our state is like for our children and grandchildren.

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Streamlining state government into 10 departments will mean the following:

- A more concise and consistent management structure from top to bottom.
- Dramatic cost efficiencies.
- A move toward a central service delivery office in each county. This will save money and make it easier to access government services.

## Logistical Issues

The heads of the 10 major departments will be known as secretaries, thus using the language that's familiar at the Cabinet level in the federal government. The heads of the bureaus will be identified as directors. The heads of the larger offices will be designated as deputy directors. The use of common titles from department to department will assist in the effort to bring consistency to state government.

There are more than 2,500 appointments to state boards and commissions that can be made by a governor. A key part of this reorganization plan will be to streamline and evaluate how boards and commissions are structured. There's little or no consistency under the current structure.

The reorganization plan will define the types of transfer authority when it comes to the movements of particular state government functions. The majority of the transfers will be "type two transfers," increasing the flexibility to redefine how the work of a department, bureau or office is conducted.

While this piece of historic legislation will redefine state government as we know it, I'm asking for the passage of a separate bill that will redefine the internal structure of the state Department of Education. We must move from an antiquated, stagnant system to a Department of Education better suited to meet the rapidly changing education issues that have been brought to the forefront by the Lake View ruling. After July 1, the directors of the new departments will establish internal working groups to further reorganize their departments along functional lines.

## Major Reasons To Support This Proposal

There are four primary areas in which the state will find fundamental advantages in moving from the sprawling structure we now have to 10 major departments. These are people, buildings, function and technology.

### People

It's important that state employees understand that much of the consolidation of support functions can be achieved through attrition. During the next two years, we'll enter a period when thousands of state employees become eligible for full retirement benefits. Certainly, not all eligible employees will opt to retire immediately. But it's safe to say the number of those who do retire will be significant.

At the same time, it's unlikely a plan of this scope could be put into place without utilizing some "reduction in force" (RIF) tools. These RIF plans traditionally offer employees in a function that's no longer needed the first chance to apply for more relevant jobs in state government. Government must do a far better job emulating the private sector in terms of how the workforce evolves from year to year.

This plan also provides a much-needed blueprint for bringing consistency to how government is structured, how state employees are compensated and how levels of compensation are consistent from department to department. All Cabinet-level secretaries, bureau directors and assistant bureau directors would be Grade 99 (at-will) employees compensated on a fairly equal scale. The governor's Cabinet as we know it today has agency directors who have 7,100 employees and agency directors who have three employees. The current system has evolved over time with no eye toward a consistent plan.

It's impossible to say at this point how much taxpayer money will be saved by consolidating human resource and support personnel during the implementation of this comprehensive plan. In many ways, the real savings will be seen in future administrations.

## Buildings

The state is paying \$38.8 million annually to the private sector to rent buildings for office use. The state is leasing more than 4 million square feet of space. There's no doubt huge cost savings can be achieved by consolidating state functions at the county level into one building or one group of buildings.

The delivery of services at the county level traditionally has been managed department by department with no thought as to how convenient the service delivery plan is for the Arkansans trying to access the services. In Craighead County, for example, the state rents 215,548 square feet of space in 25 buildings at an annual cost of \$1.6 million.

As a starting point for the effort to achieve cost efficiencies through centralized delivery points, I'm issuing a governor's executive order that begins to define specific actions and time frames so we can consolidate state offices at the county level. It's a critical first step that the state Department of Human Services and the state Department of Health begin consolidating their offices at the county level as leases expire during the next two years.

There's no doubt that renting more space in one location means the state will reduce what it's paying on a cost-per-square-foot basis in the 75 counties.

## Function

This reorganization will create a new ease of service for taxpayers. There are countless areas in which similar services can be merged into the same department. This will lead to better coordination between state departments, bureaus and offices. It also will make it easier to maximize the flow of federal dollars coming into the state.

An excellent example of a commonsense benefit of the plan is the fact that all of the workforce-related aspects of government will be merged into one department. Making government more accessible and user friendly to people seeking work will be tremendously important during this time when the economy is sluggish. This is just one of many examples of how the reorganization plan will benefit Arkansans.

We have to make it easier for people to access government services. Anyone who doubts how difficult it is now should take a moment to thumb through the blue pages of the phone book where government entities are listed in alphabetical order. It's next to impossible for someone without a working knowledge of government to read these listings and find the appropriate services without making a number of phone calls. This legislation creates a system in which state services are better clustered with related services. For far too long we've ignored simple logic in terms of how we structure state government.

The question isn't why do this but rather why has it not been done before.

## Technology

Combining the equipment and technology of any set of offices will result in built-in cost efficiencies. We'll have:

1. The need for fewer office machines such as copiers and printers.
2. One receptionist operation instead of several.
3. One set of telephone equipment and personnel to manage incoming calls instead of several.
4. Servers and computer connections located in fewer buildings, leading to installation and maintenance efficiencies.

## Summary

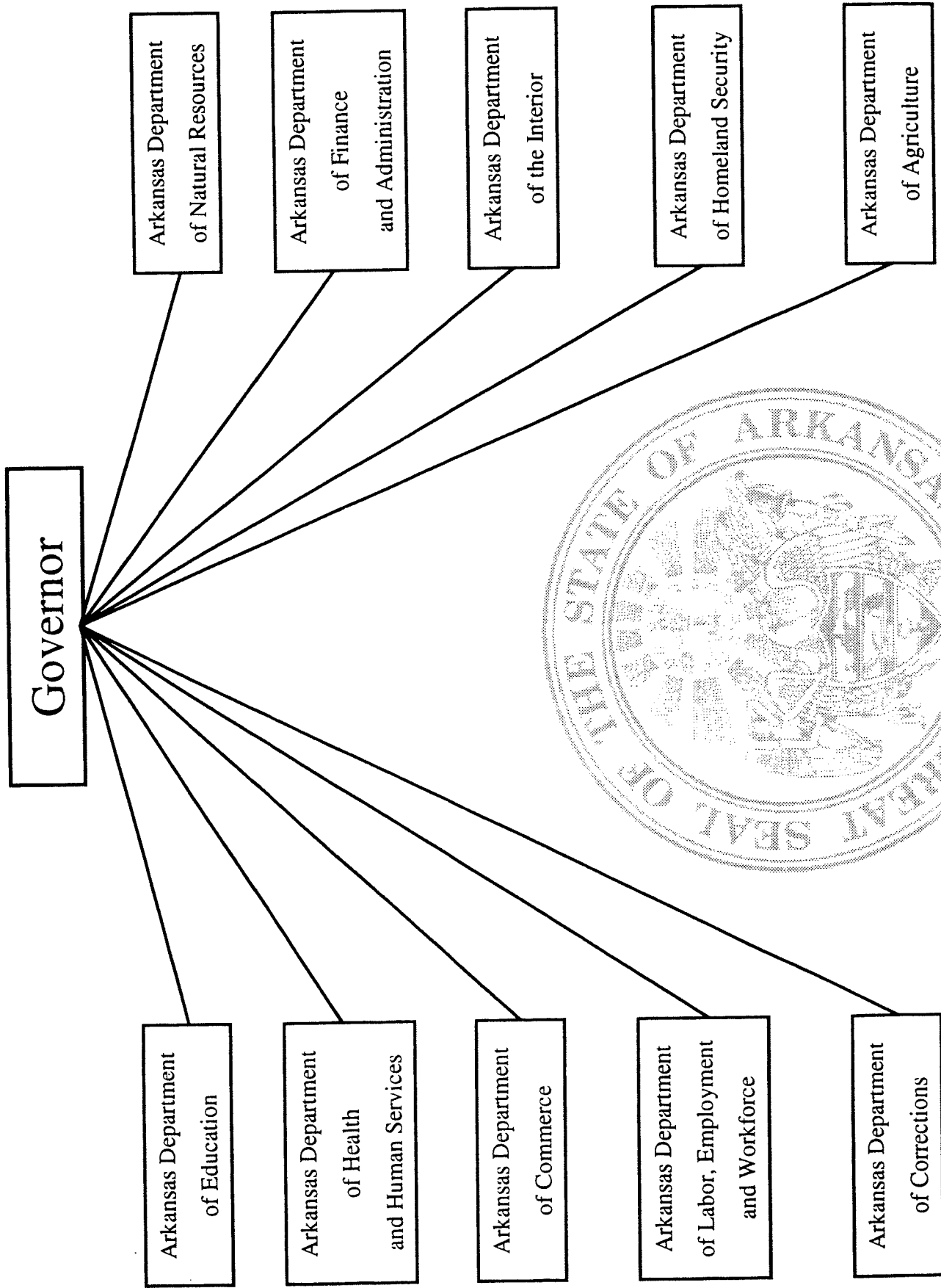
The first stage of this process will be to realign state government in a way that increases cost efficiencies, makes it easier for Arkansans to access state services and clusters services with similar functions in the same departments.

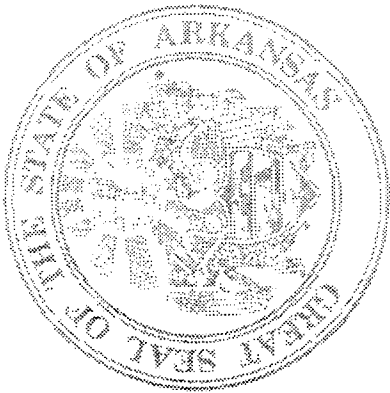
The second stage will be to define the number of positions that can be eliminated through attrition and then define the savings that will come from fewer buildings, equipment leases and purchases. It would be hard at this point to assign a specific dollar value to the savings that can be achieved, but it's very realistic to say the long-term ramifications of this plan are significant.

The Great Seal of the State of Arkansas is a circular emblem. It features a central shield with a landscape scene, including a river, a bridge, and a rising sun. The shield is surrounded by a wreath. The outer ring of the seal contains the text "GREAT SEAL OF THE STATE OF ARKANSAS" in a circular arrangement.

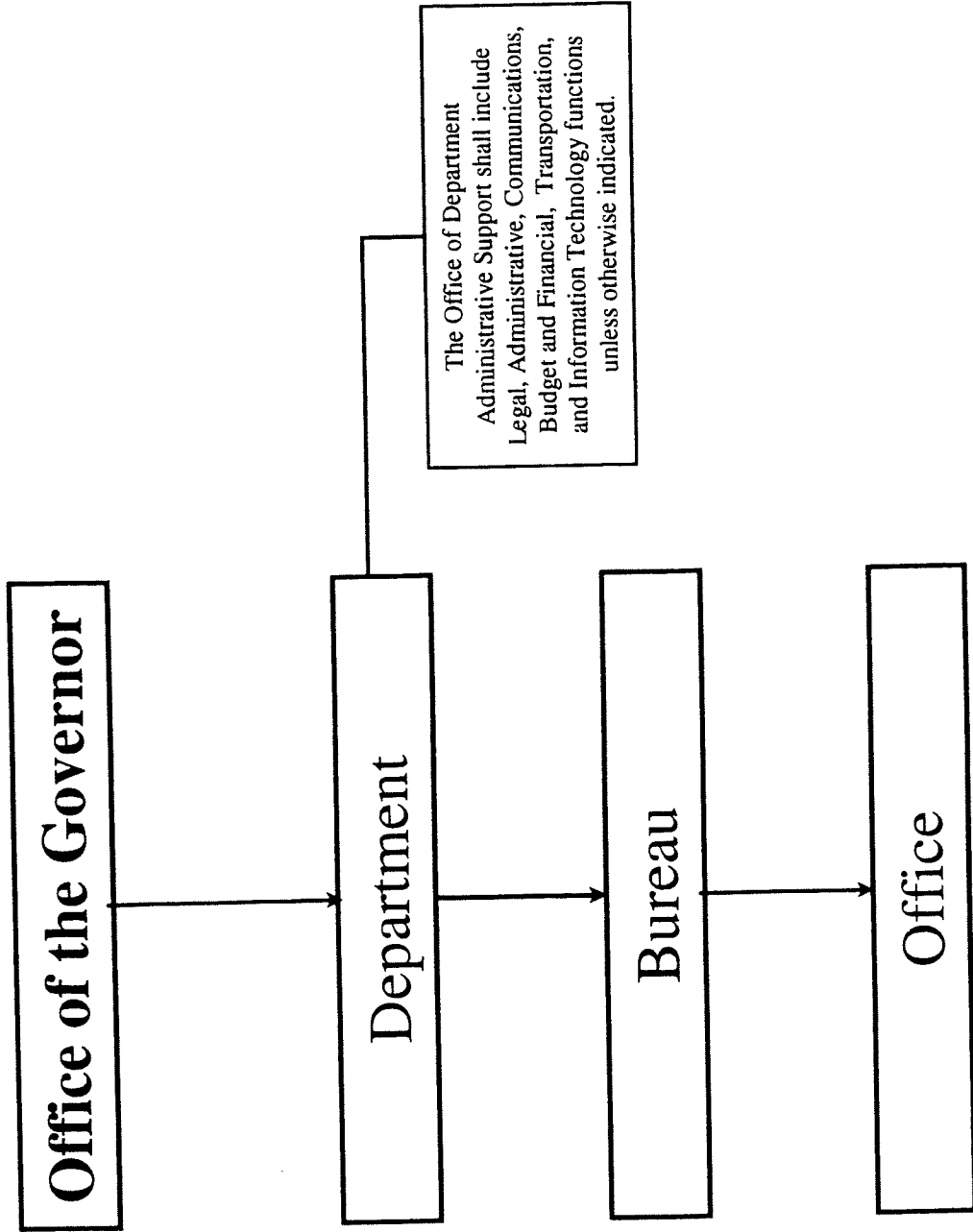
# **The Huckabee Plan For Reorganizing**

## **Arkansas State Government**



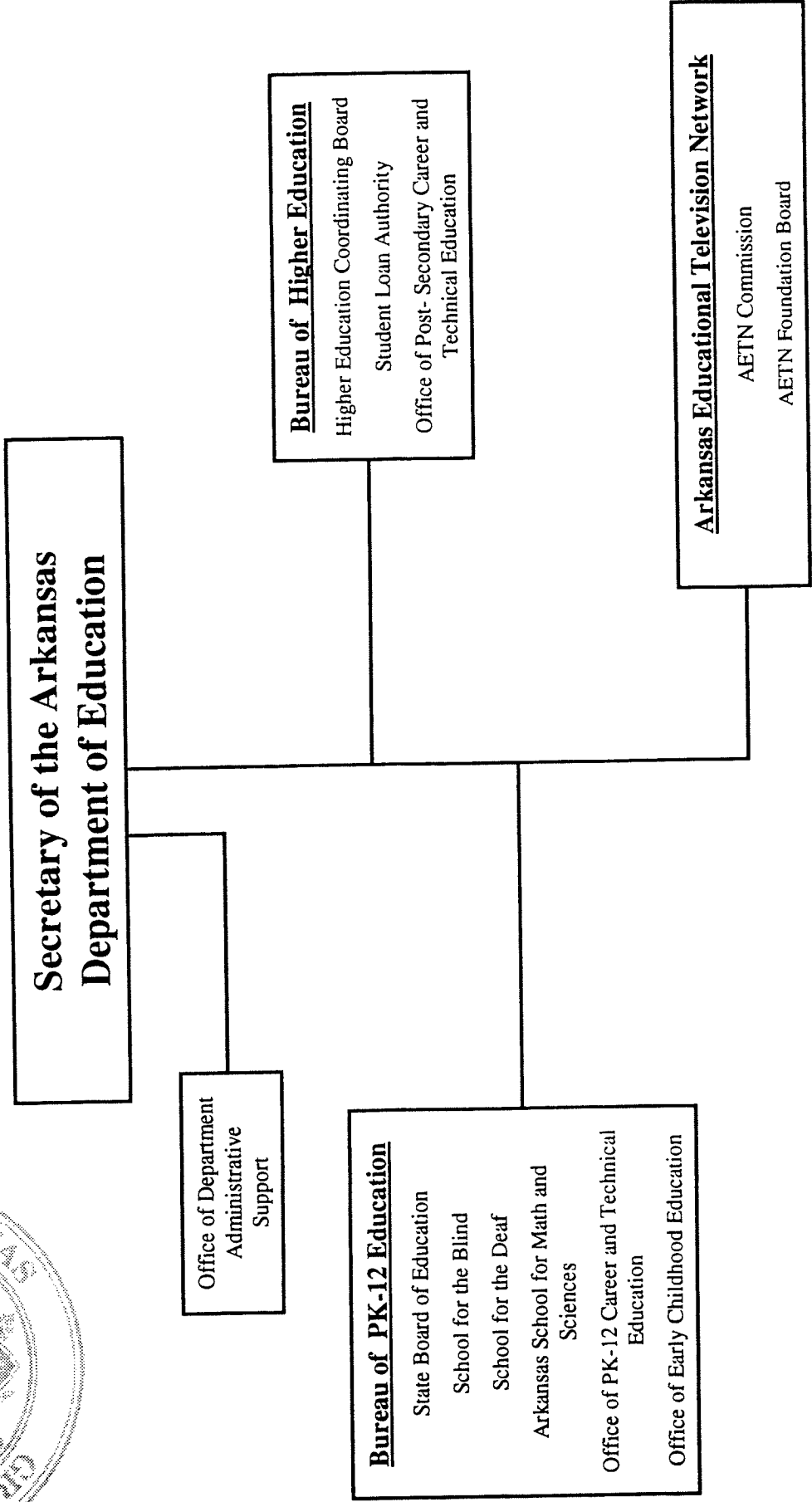


# Organizational Overview





# Arkansas Department of Education





# Arkansas Department of Commerce

## Secretary of the Arkansas Department of Commerce

Office of Department  
Administrative Support

### Bureau of Economic Development

Office of Community Development  
Office of Film Services  
Office of Business Development and Finance  
Office of Grants Management  
Energy Office  
Office of Small and Minority Business  
Office of Training  
Office of Waterways

### Bureau of Weights and Measures

### Arkansas Development Finance Authority

Office of Development Finance  
Office of Housing

### Arkansas Science and Technology Authority

Arkansas Manufacturing Extension Network

### Bureau of Bank Regulation

Office of Bank Examination  
Office of Bank Regulation

### Bureau of Securities Regulation

### Arkansas Public Service Commission

### Bureau of Aeronautics

Office of Airport Inspection  
Office of Airport Planning  
Office of Safety  
Office of Licensing

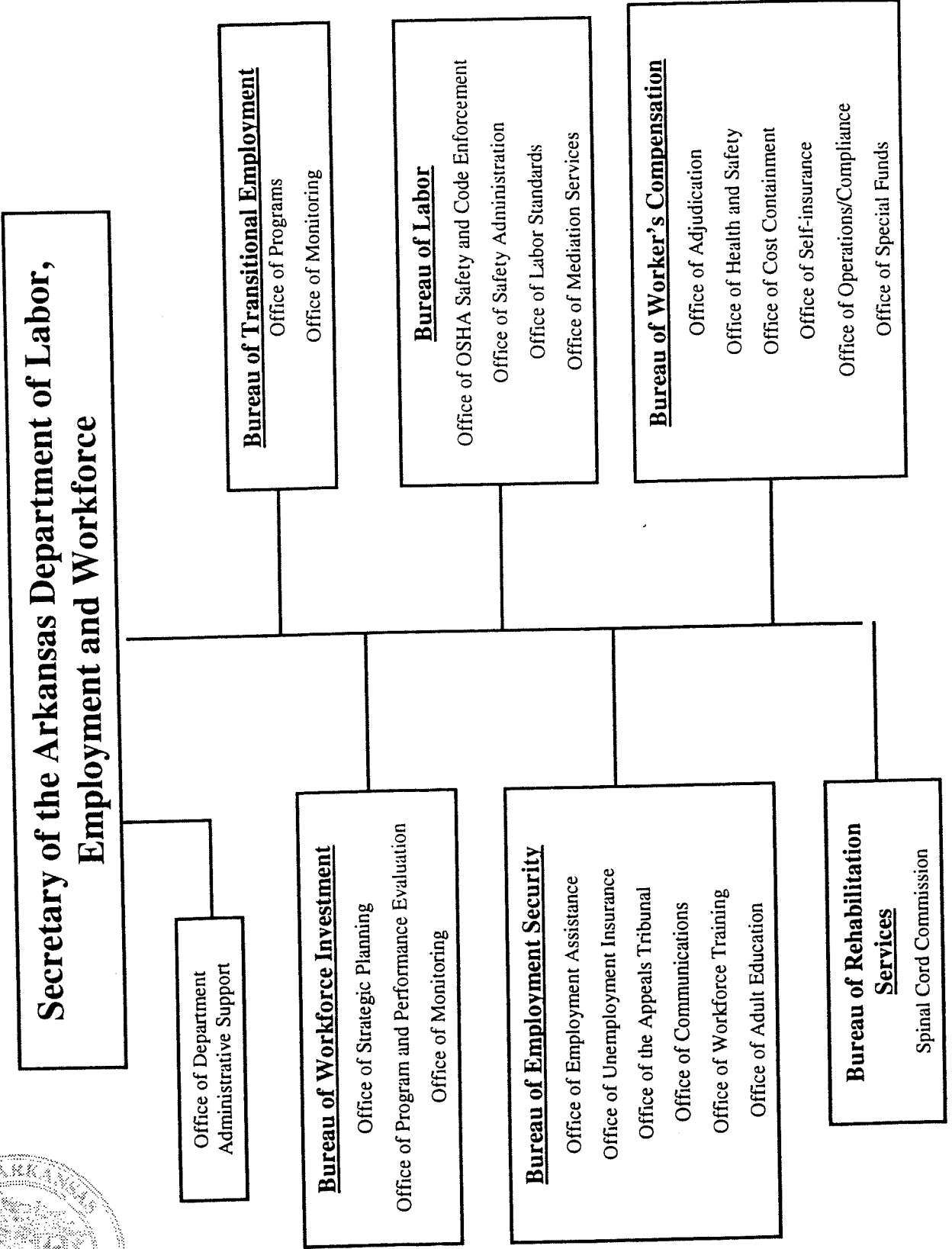
### Bureau of Insurance Regulation

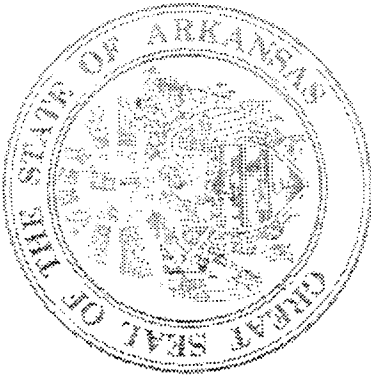
Office of Liquidation  
Office of Consumer Services  
Office of Public Employee Claims  
Office for Senior Health Information  
Office of Insurance Fraud  
Office of Licensing  
Office of Property and Casualty  
Office of Risk Management  
Office of Life and Health



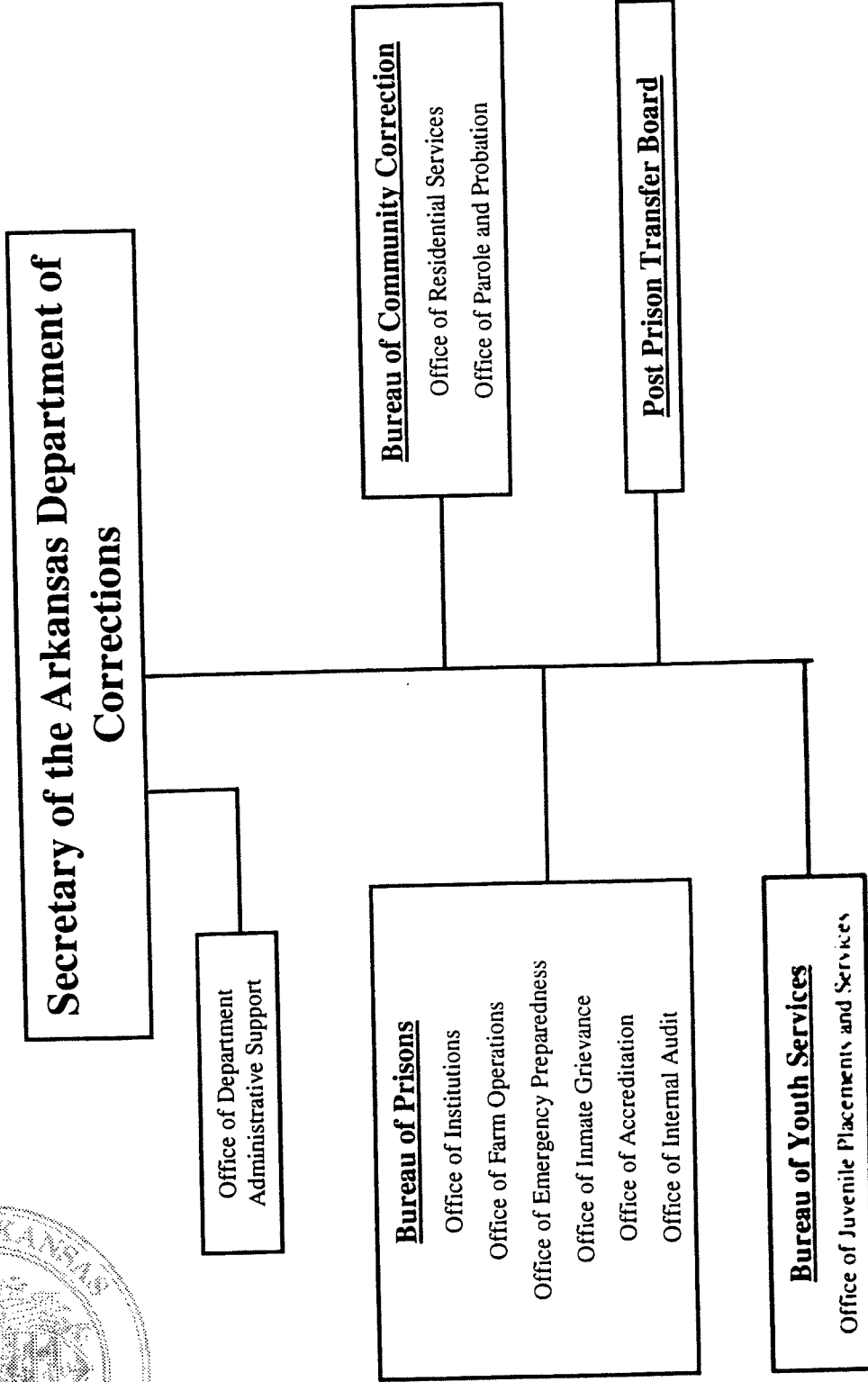


# Arkansas Department of Labor, Employment and Workforce





# Arkansas Department of Corrections





# Arkansas Department of Health and Human Services

## Secretary of the Arkansas Department of Health and Human Services

Office of Department  
Administrative Support

### Bureau of Health Services

State Board of Health  
Office of Behavioral Health  
Office of Chronic Disease  
Office of Infectious Disease  
Office of Family Health  
Office of Health Systems  
Office of In-home Services  
Office of Health Information  
Office of the Public Health Laboratory  
Office of Minority Health

### Bureau of Veterans Affairs

Office of Veteran's Home Administration  
Office of Claims and Appeals  
Office of Field Operations  
Office of Veteran's Child Welfare Service  
Office of Disabled Veteran's Service

Bureau of Social Security  
Disabilities Determination

Bureau of Developmental  
Disabilities

Bureau of Children and  
Family Services

Bureau of Mental Health  
Services

Bureau of Aging and Adult  
Services

Bureau of County  
Operations

Office of Volunteerism  
Office of Services for the Blind

Bureau of Child Care

Bureau of Medical Services

# Arkansas Department of Finance and Administration



## Secretary of the Arkansas Department Finance and Administration

Office of Department  
Administrative Support

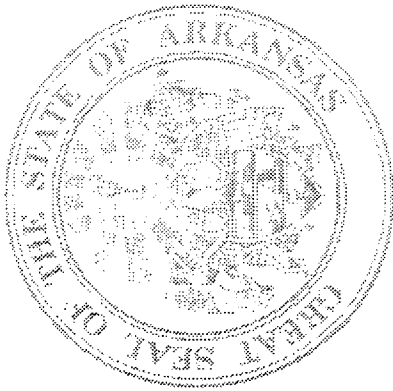
Arkansas Building  
Authority

### Bureau of Revenue Collection and Management

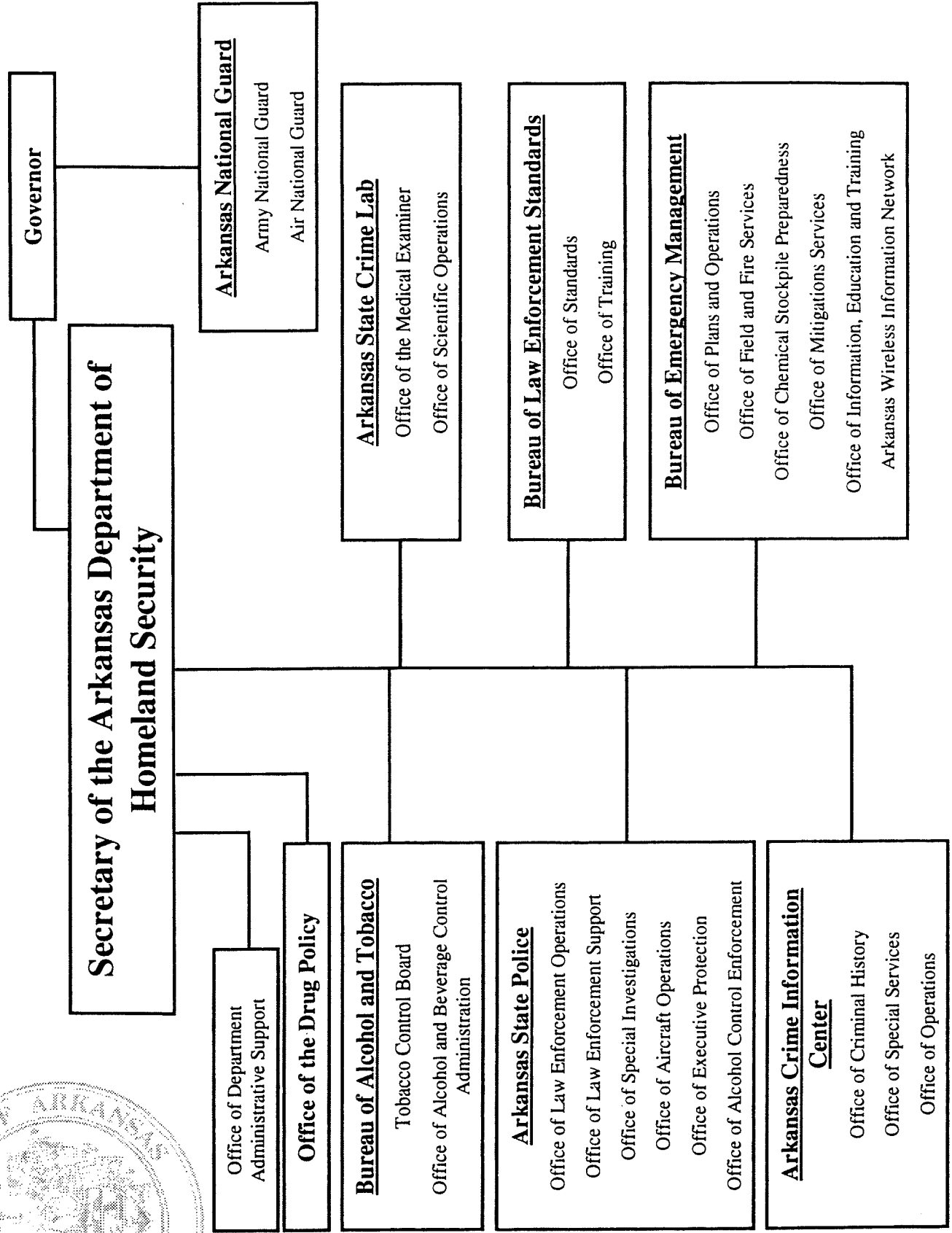
Office of Taxpayer Assistance  
Office of Income Tax Administration  
Office of Excise Tax Administration  
Office of Premium Tax Collections  
Office of Motor Vehicles  
Office of Field Audit  
State Revenue Office Administration  
Office of Driver Services  
Office of Hearings, Appeals and Administrative  
Law Judges  
PSC Tax Division  
Office of Assessment Coordination  
Office of Child Support Enforcement

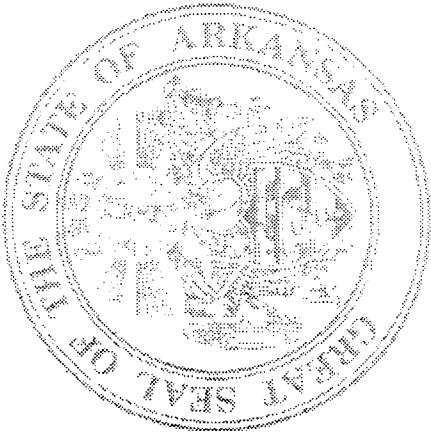
### Bureau of Administrative and Management Services

Office of State Accounting  
Office of State Budget  
Office of State Purchasing  
Office of State Personnel Management  
Office of State Employee Benefits  
Office of Information Technology (CIO/DIS)  
Racing Commission

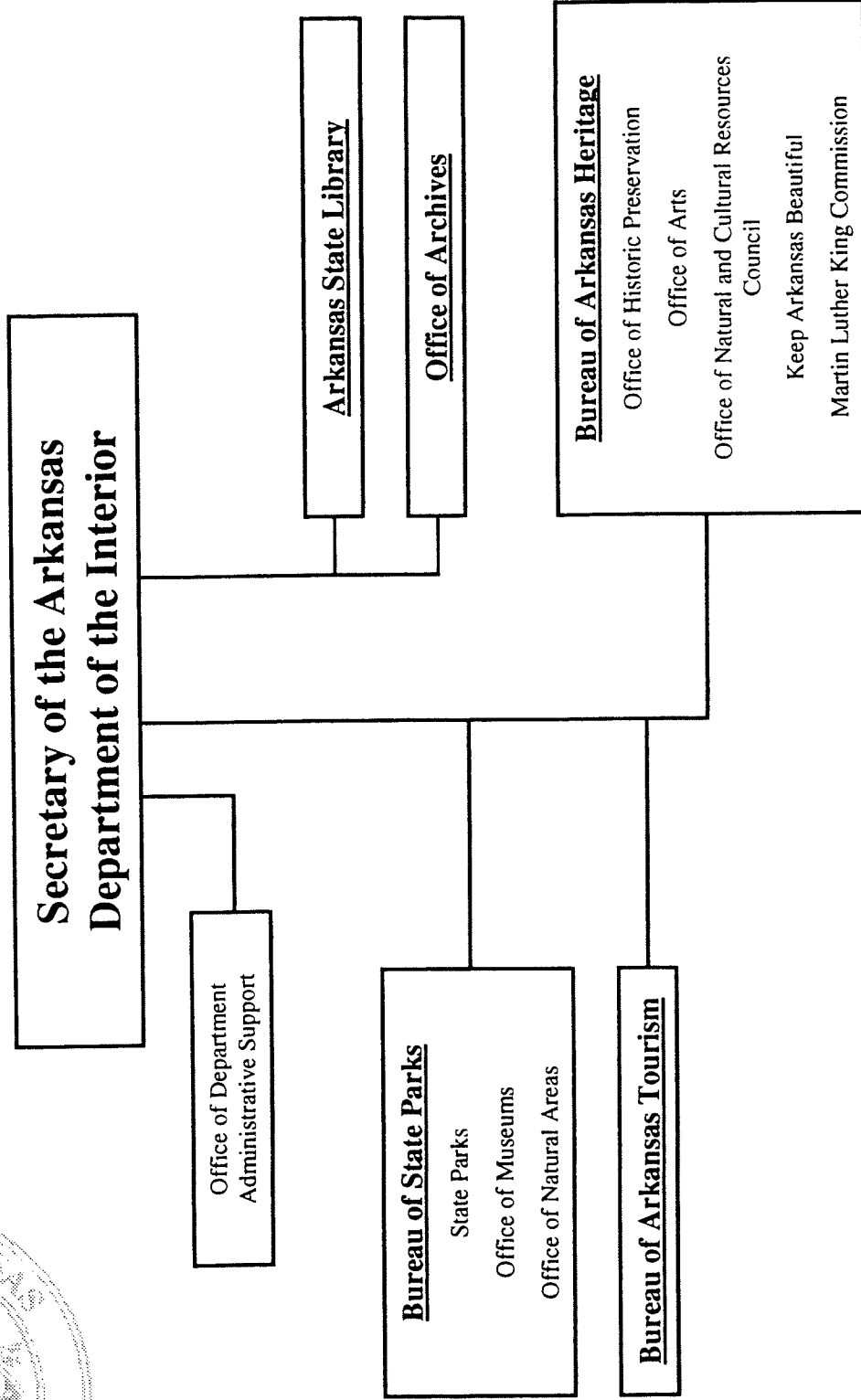


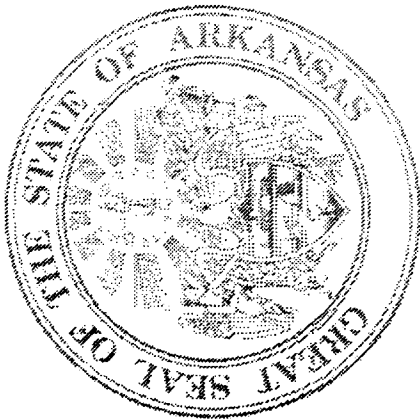
# Arkansas Department of Homeland Security



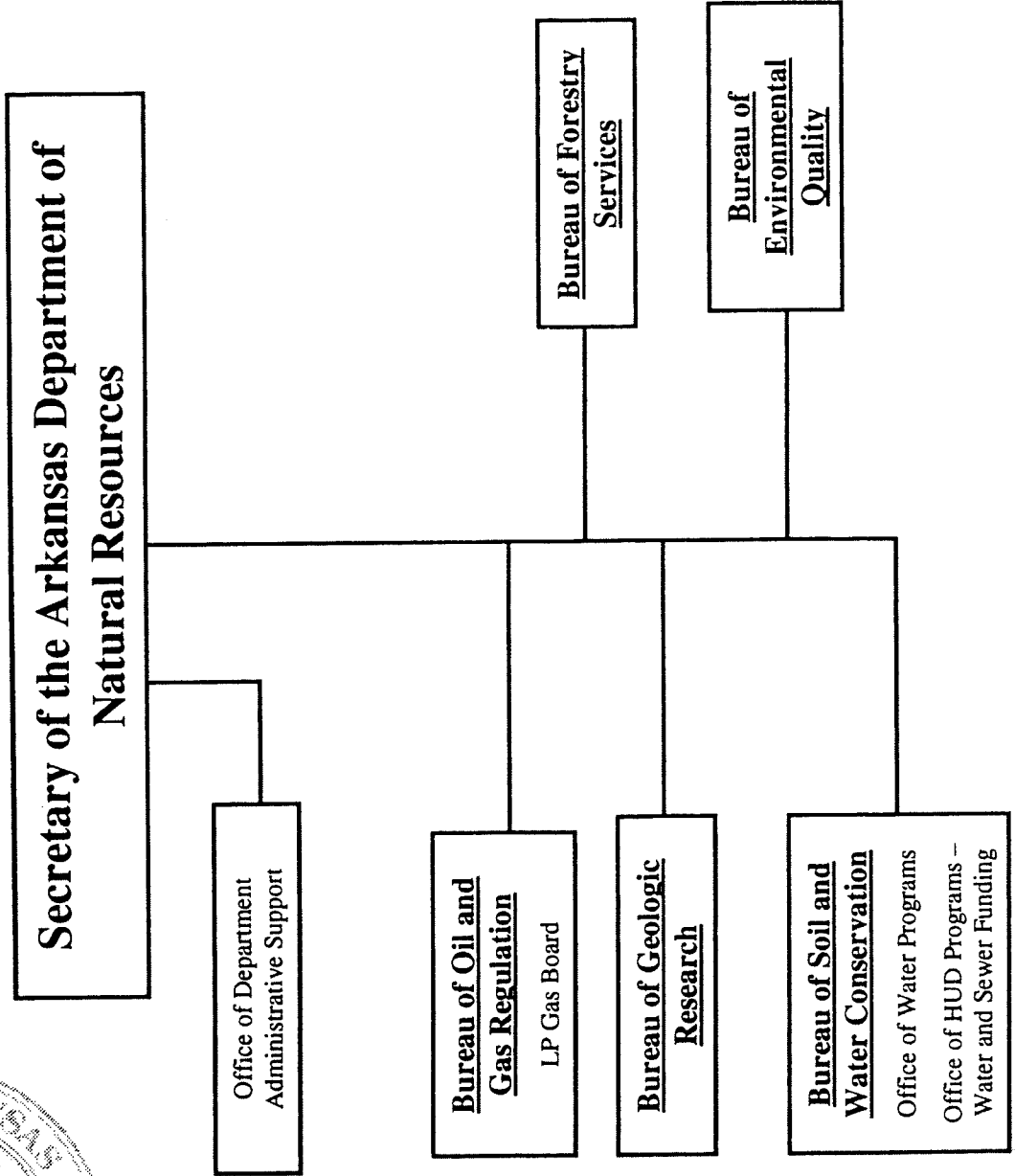


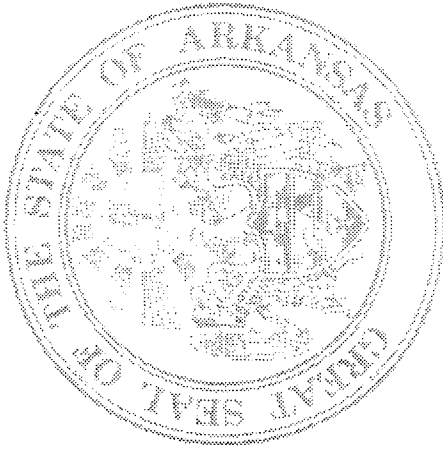
# Arkansas Department of the Interior



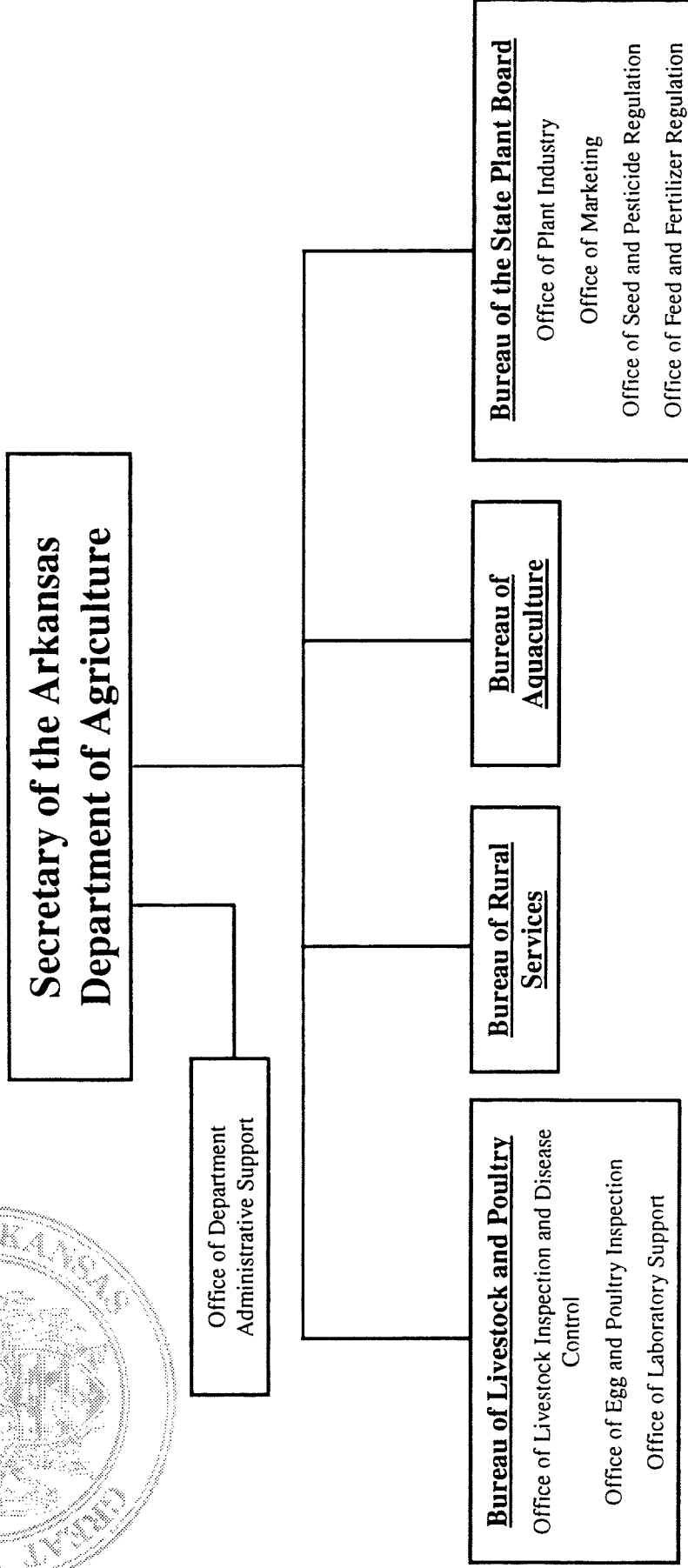


# Arkansas Department of Natural Resources





# Arkansas Department of Agriculture





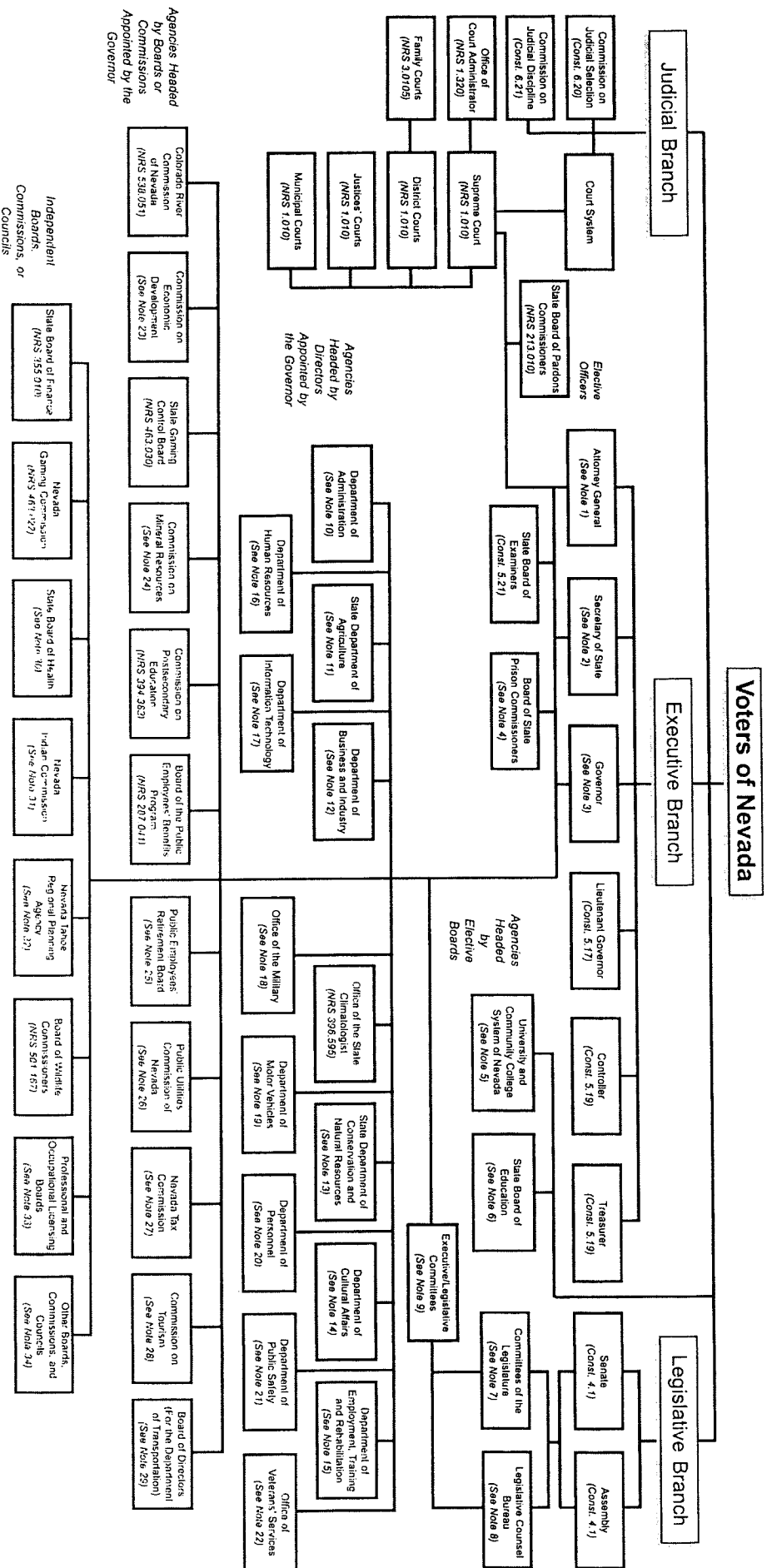
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## **APPENDIX 7-B**

### **NEVADA**

# Nevada State Government



These documents contain information that is exempt from public release under the Freedom of Information Act, 5 U.S.C. 552, and the National Security Information Act, 50 U.S.C. 3042. Release of this information could be detrimental to the national defense. The information is being furnished to you for your official use only. It is not to be distributed outside your agency without the express written approval of the originating agency. The information is being furnished to you for your official use only. It is not to be distributed outside your agency without the express written approval of the originating agency. The information is being furnished to you for your official use only. It is not to be distributed outside your agency without the express written approval of the originating agency.

CONVEINOR (GHS 4.1)  
 Agency for Nuclear Projects (HRS 4.5, 695.1)  
 Commission on New Energy Projects (HRS 4.5, 695.1)  
 Division of Planning (HRS 4.5, 695.1)  
 Division of Technical Programs (HRS 4.5, 695.1)  
 Office for Consumer Health Assistance (HRS 2.2, 5.6)  
 Bureau for Hazardous Waste (HRS 2.2, 5.6)  
 Office of Energy (HRS 10.1, 10.1)  
 Office of Research, Development and Technology (HRS 2.2, 6.50)  
 BOARD OF STATE PROJECTS COMMISSIONERS (GHS 4.1)  
 Department of Corrections (HRS 2.1, 10.1)

OF HE VADIA (NIRS 306 020).  
Board of Regents (NIRS 306 020).  
Universities (NIRS 306 020).  
Universities (NIRS 306 020).  
Administrative Services (NIRS 306 020).  
Committee on Academic Classification (NIRS 455 260).  
Committee on Academic Classification (NIRS 455 260).  
Naval Health Service Corps (NIRS 306 000).  
State Hygiene Laboratory (NIRS 430 240).  
Public Health Department for the State (NIRS 396 350).  
Public Service Division (NIRS 396 350).  
Age-Related Diseases (NIRS 396 350).  
Age-Related Diseases (NIRS 396 350).  
Bureau of Vessels and Equipment (NIRS 300 600).  
Comptroller for the Estate (NIRS 300 600).

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8. DEPARTMENT OF EDUCATION (NIRS 390 020)  
Enrich Institute (NIRS 396 070)  
Safe at Home Advisory Council (NIRS 050 025);  
Safe at Home Institute (NIRS 050 025)
9. BOARD OF LIAISON ON NURSING  
Subcommittee on Career Progress (NIRS 390 572)  
State Board for Occupational Education (NIRS 268 010)  
Council to Establish Academic Standards for  
Public Schools (NIRS 390 571)
10. COMMITTEES OF THE LEGISLATURE  
Legislative Committee on Children, Youth, and

LEGISLATIVE COUNSEL BUREAU (NRS 218.020)  
 (Interim Finance Committee) (NRS 216.057)  
 Legislative Committee on Government Finance and  
 Management (NRS 216.048)  
 Advisory Committee (NRS 216.049)

[illegible]

Task Force on Materials and Civil Health (NRS 437 133);  
Task Force for Renewable Energy and Energy  
Conservation (NRS 70 350);  
Advisory Committee on Seismicity (NRS 75 012);  
Hawaii Commission on Seismicity (NRS 150 001);  
Advisory Board on Seismicity (NRS 151 001 for Technology);  
Advisory Committee on Seismicity (NRS 275 044);  
Nevada Advisory Committee to Veterans' Cemetery in Northern  
Nevada (NRS 417 230);  
Advisory Committee for a Veterans' Cemetery in Southern  
Nevada (NRS 417 230);  
DEPARTMENT OF ACQUISITION (NRS 232 273)

Hearings, Hearings (NRS 212 212-213)  
 Executive Agency Audit Committee (NRS 333A 026)  
 State Planning Division (NRS 212 213)  
 State Public Works Board (NRS 241 026)  
 Purchasing Division (NRS 232 213)  
 Risk Management Division (NRS 232 213)

STATE DEPARTMENT OF AGRICULTURE (NRS 60 076)  
 State Board of Agriculture (NRS 60 085)  
 State Board of Animal Industry (NRS 587 135)  
 Game and Fish Commission (NRS 587 135)  
 Nevada Beef Council (NRS 587 181)  
 Advisory Council on the Meats Industry (NRS 587 508)

[illegible]

Advisory Council (NRS 237.510);  
Occupational Safety and Health Review Board (NRS 237.555);  
Division of Insurance (NRS 232.500);  
Advisory Board on Automobile Affairs (NRS 467.002);  
Screening Panels in Heart Center of Medical or Dental  
Board of Directors of the Program of Rehabilitation for Small  
Employers and Eligible Persons (NRS 460C.755);  
Office of Labor Commissioner (NRS 232.510);  
State Apprenticeship Council (NRS 236.010);  
Licensing and Hearing Division (NRS 232.510);  
Real Estate Division (NRS 232.510)  
Office of the Commissioner for Oceans and Common Interest

STATE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES (NRS 233 0260)  
State Conservation Commission (NRS 233 1151)  
Board of Adjustment (NRS 234 4561)  
Heritage National Heritage Program (NRS 232 0262)  
Division of Conservation Districts (NRS 232 0265)  
Office of the State Engineer (NRS 232 0102)  
Wild Oceans Advisory Board (NRS 234 1555)  
Great Environmental Commission (NRS 238 2207)  
Columbia River Estuary Council (NRS 237 0265)  
Division of Marine Camps (NRS 233 0263)  
Division of Electricity (NRS 232 0267)  
Division of State Lands (NRS 232 0269)

Commission for the Preservation of Wild Horses (NHS 264 440)  
Division of Water Planning (NHS 232 650)  
Division of Water Planning (NHS 232 650)  
Advisory Board on Water Resources Planning and  
Policy (NHS 210 171)  
Division of Water Resources (NHS 210 090)  
Division of Water Resources (NHS 232 000)

DEPARTMENT OF CULTURAL AFFAIRS (NHS 234 611)  
State Arch. Control (NHS 237 030)  
Commission for Cultural Affairs (NHS 237 200)  
Office of Historic Preservation (NHS 375 304)  
Division, Historic District Commission (NHS 344 640)  
State Historic Records Advisory Board (NHS 234 630)

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1. *United States Department of Health and Human Services, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2*

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Collection Agency Advisory Board (NHS 049 317)  
 Board of Trustees of the College Savings Fund  
 of Nevada (NHS 3238 066)  
 Columbia Basin Interagency Compact Commission of  
 the State of Nevada (NHS 5318 420)  
 Advisory Council to Community Institutions (NHS 1750 732)  
 Nevada Compensation and Community Market Plan  
 (NHS 3238 066)  
 Credit Union Advisory Council (NHS 674 299)  
 Executive Forum (NHS 353 778)  
 Commission on Educational Research (NHS 354 754)  
 State Emergency Response Commission (NHS 259 132)  
 Employee Management Committee (NHS 354 049)

[illegible]

**Board:** [IRIS 264-080]  
Committee on Local Government Finance [IRS J58 195]  
Consultative to Oversee the Management in Risk [RUE 47E 265-4]  
**Medical Advisory Board** [IRS 467 D-2]  
**National Award Board** [IRS 285 D(2)]  
**National Council on Mortgage Investments and Mortgage Lending** [IR 268 35B 35C]  
**Integrity Of Contracted Services Study** [IRS 486 37C]  
**Advisory Committee On Compensation Programs** [IRS 257 041]  
**Board of the Public Employees Benefits Program** [IRS 257 041]  
**Review of the Pay-Forcing Activity** [IRS 241A 02b]  
**Advisory Council to the Pay-Forcing Activity** [IRS 241A 02b]  
**Committee to Administer the Public Employees' Deferred Compensation Program** [IRS 267 32c]

Official Staff Records Scheduled for Retention and Disposition

Prepared by  
Research Division  
Legislative Council Bureau  
February 1992

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**APPENDIX 7-C**

**SOUTH CAROLINA**

**South Carolina General Assembly**  
115th Session, 2003-2004

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~~Indicates Matter Stricken~~  
Indicates New Matter

**H. 4127**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Wilkins, Harrell, Quinn, Harrison, W.D. Smith, Cotty, Cato, Young, Tripp, Leach, Pinson, Koon, Altman, Bingham, Ceips, Chellis, Clark, Davenport, Delleney, Duncan, Edge, Frye, Gilham, Hagood, Hamilton, Haskins, Herbkersman, Hinson, Keegan, Limehouse, Mahaffey, McGee, Merrill, M.A. Pitts, Rice, Sandifer, Scarborough, Skelton, D.C. Smith, G.M. Smith, J.R. Smith and Toole

Document Path: I:\council\billsgjk\20560sd03.doc

Companion/Similar bill(s): 609

Introduced in the House on April 30, 2003

Currently residing in the House Committee on **Ways and Means**

Summary: Restructuring Act of 2003

**HISTORY OF LEGISLATIVE ACTIONS**

Date	Body	Action Description with journal page number
4/30/2003	House	Introduced and read first time HJ-101
4/30/2003	House	Referred to Committee on <b>Ways and Means</b> HJ-102

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**VERSIONS OF THIS BILL**

4/30/2003

(Text matches printed bills. Document has been reformatted to meet World Wide Web specifications.)

## A BILL

TO ENACT THE "SOUTH CAROLINA RESTRUCTURING ACT OF 2003" INCLUDING PROVISIONS TO AMEND SECTION 1-30-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AGENCIES OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT BY ADDING THE DEPARTMENT OF ADMINISTRATION; BY ADDING SECTION 1-30-125 SO AS TO ESTABLISH THE DEPARTMENT OF ADMINISTRATION AS AN AGENCY OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT TO BE HEADED BY A DIRECTOR APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE SENATE, AND TO TRANSFER TO THIS NEWLY CREATED DEPARTMENT CERTAIN OFFICES AND DIVISIONS OF THE STATE BUDGET AND CONTROL BOARD, OFFICE OF THE GOVERNOR, AND OTHER AGENCIES, AND TO PROVIDE FOR TRANSITIONAL AND OTHER PROVISIONS NECESSARY TO ACCOMPLISH THE ABOVE; BY ADDING ARTICLE 6 TO CHAPTER 3 OF TITLE 1 SO AS TO ESTABLISH THE DIVISION OF THE STATE CHIEF INFORMATION OFFICER TO BE HEADED BY THE STATE CHIEF INFORMATION OFFICER WHO IS APPOINTED BY THE BUDGET AND CONTROL BOARD UPON RECOMMENDATION OF THE GOVERNOR AND TO PROVIDE FOR THE POWERS, DUTIES, AND FUNCTIONS OF THE DEPARTMENT; TO CREATE A JOINT INFORMATION FINANCE COMMITTEE AND THE INFORMATION TECHNOLOGY ARCHITECTURE REVIEW PANEL AND TO PROVIDE FOR THE FUNCTIONS, POWERS, AND RESPONSIBILITIES OF THE COMMITTEE AND PANEL, AND TO AMEND SECTION 11-35-1580, AS AMENDED, RELATING TO INFORMATION TECHNOLOGY PROCUREMENTS, SO AS TO DELETE CERTAIN RESPONSIBILITIES OF THE INFORMATION TECHNOLOGY MANAGEMENT OFFICE; AND BY ADDING CHAPTER 8 TO TITLE 1 SO AS TO CREATE THE OFFICE OF STATE INSPECTOR GENERAL AS A SEPARATE DIVISION WITHIN THE BUDGET AND CONTROL BOARD, TO PROVIDE THAT THE STATE INSPECTOR GENERAL MUST BE NOMINATED BY THE GOVERNOR AND ELECTED UNANIMOUSLY BY THE BUDGET AND CONTROL BOARD FOR A TERM COTERMINOUS WITH THAT OF THE GOVERNOR, TO PROVIDE FOR THE PURPOSE, DUTIES, RESPONSIBILITIES, AND AUTHORITY OF THE STATE INSPECTOR GENERAL, TO PROVIDE A DEFINITION OF "EXECUTIVE AGENCIES" FOR PURPOSES OF THIS CHAPTER, AND TO PROVIDE FOR THE RECEIPT AND INVESTIGATION OF COMPLAINTS RELATING TO IMPROPER OR UNLAWFUL ACTIVITY WITHIN EXECUTIVE AGENCIES OF THE STATE GOVERNMENT.

Be it enacted by the General Assembly of the State of South Carolina:

### Part I

#### Citation

SECTION 1. This act is known and may be cited as the "South Carolina Restructuring Act of 2003".

### Part II

#### Department of Administration

SECTION 2. Section 1-30-10(A) of the 1976 Code, as amended by Act 83 of 1995, is further amended by adding at the end:

"20. Department of Administration"

SECTION 3. Chapter 30, Title 1 of the 1976 Code is amended by adding:

"Section 1-30-125. (A) Effective July 1, 2003, the following offices, divisions, or components of the State Budget and Control Board, Office of the Governor, or other agencies are transferred to, and incorporated in the Department of Administration, which shall be a department of the executive branch of state government headed by a director appointed by the Governor as provided in Section 1-30-10(B) (1)(i):

- (1) Office of General Services,` excluding the Capital Improvements and Planning Division of the Office of State Building and Property Services;
- (2) One-half of the Office of Executive Director;
- (3) One-half of the Office of Internal Operations;
- (4) Office of Executive Policy and Programs;
- (5) Office of Economic Opportunity;
- (6) Intergovernmental and Community Relations;
- (7) Developmental Disabilities Council;
- (8) Office of Volunteer Services;
- (9) Continuum of Care as established by Section 20-7-5610;
- (10) Children's Foster Care as established by Section 20-7-2379;
- (11) Guardian Ad Litem as established by Section 20-7-121;
- (12) Veterans Affairs as established by Section 25-11-10;
- (13) Commission on Women as established by Section 1-15-10;
- (14) Victims Assistance as established by Article 13, Chapter 3, Title 16;
- (15) Ombudsman as established by Section 16-3-1620;
- (16) Small and Minority Business as established by Section 11-35-5270;
- (17) Second Injury Fund as established by Section 42-7-310;
- (18) Workers' Compensation Fund as established by Section 42-3-10;
- (19) Patients Compensation Fund as established by Section 38-79-420; and
- (20) Joint Underwriting Association as established by Chapter 83 of Title 38.

(B) The Budget and Control Board shall develop and adopt a plan to specify which components and personnel of the Office of Executive Director and Office of Internal Operations shall be transferred to and become part of the Department of Administration. This authority is ministerial in nature and shall not be construed as giving to the board the right to disapprove the transfer of one-half of such offices to the newly created Department of Administration."

SECTION 4. (A) Where the provisions of this act transfer offices, or portions thereof, of the Budget and Control Board, Office of the Governor, or other agencies to the new Department of Administration, the employees, authorized appropriations, and assets and liabilities of the transferred offices are also transferred to and become part of the Department of Administration. All classified or unclassified personnel employed by these offices on the effective date of this act, either by contract or by employment at will, shall become employees of the Department of Administration, with the same compensation, classification, and grade level, as applicable. The Budget and Control Board, upon concurrence of the Office of the Governor, shall cause all necessary actions to be taken to accomplish this transfer in accordance with state laws and regulations.

(B) Regulations promulgated by these transferred offices as they formerly existed under the Budget and Control Board, Office of the Governor, or other agencies are continued and are considered to be promulgated by these offices under the newly created Department of Administration.

(C) The Code Commissioner is directed to change or correct all references to these offices of the Budget and Control Board in the 1976 Code, Office of the Governor, or other agencies to reflect the transfer of them to the Department of Administration. References to the names of these offices in the 1976 Code or other provisions of law are considered to be and must be construed to mean appropriate references. This authority shall not be construed to remove any authority from the Budget and Control Board for approval of statewide policies, procedures, regulations, rates and fees, or specific actions requiring board approval.

### Part III

#### Chief Information Officer

SECTION 5. Chapter 3, Title 1 of the 1976 Code is amended by adding:

#### "Article 6

#### State Chief Information Officer

Section 1-3-300. It is the intent of the General Assembly to create an instrumentality that provides leadership and direction for the use of information technology within government in South Carolina. The General Assembly recognizes the critical role information technology plays in providing cost-effective and efficient services to the citizens of this State. The General Assembly envisions an enterprise information system that provides an easily accessible, reliable, and accurate information infrastructure to enhance the quality and delivery of services.

Section 1-3-305 As used in this article:

- (1) 'Board' means the State Budget and Control Board.
- (2) 'Committee' means the Joint Information Technology Review Committee.



- (3) 'Division' means the Division of the State Chief Information Officer.
- (4) 'Governmental body' means a state government department, commission, council, board, bureau, committee, institution, college, university, technical school, agency, government corporation, or other establishment or official of the executive branch. Governmental body excludes the General Assembly or its respective branches or its committees, the Judicial Branch, Legislative Council, the Office of Legislative Printing and Information Technology Resources, and all local political subdivisions such as counties, municipalities, school districts, or public service or special purpose districts.
- (5) 'Information technology' means electronic data processing goods and services, telecommunications goods and services, information security goods and services, information management, microprocessors, software, information processing, office systems, any services related to the foregoing, and consulting or other services for design or redesign of information technology supporting business processes.
- (6) 'Information technology initiative' means an information technology project proposed by a governmental body or governmental bodies that exceeds a total estimated cost established by the board.
- (7) 'Panel' means the Information Technology Architecture Review Panel.

Section 1-3-310. There is created the Division of the State Chief Information Officer within the State Budget and Control Board. The division is under the supervision of the State Chief Information Officer who must be appointed by the Budget and Control Board upon recommendation of the Governor. The State Chief Information Officer serves at the pleasure of the State Budget and Control Board.

Section 1-3-315. (A) There is created a joint committee of the General Assembly to be known as the Joint Information Technology Review Committee consisting of ten members. The chairman of the Senate Finance Committee shall appoint five members, three of whom must be appointed from the Senate Finance Committee and two appointed from the remaining membership of the Senate. The chairman of the House Ways and Means Committee shall appoint five members, three of whom must be appointed from the House Ways and Means Committee and two appointed from the remaining membership of the House of Representatives. Terms of members of the committee shall correspond to the terms for which they are elected to the General Assembly. The committee shall elect officers of the committee, but individuals elected as officers may succeed themselves if elected to do so.

(B) The responsibilities of the committee include, but are not limited to, the following:

- (1) review information technology initiatives to determine whether the expenditure of funds for the information technology initiatives is justified by sound business and technological principles and standards;
- (2) recommend to the board which information technology initiatives should be approved by the board;
- (3) recommend to the board priorities of future information technology initiatives;
- (4) carry out all the above assigned responsibilities in consultation and cooperation with the board, the division, and the appropriate governmental bodies; and
- (5) report its findings and recommendations to the House Ways and Means Committee and the Senate Finance Committee annually or upon request of these committees.

Section 1-3-320. (A) The State Chief Information Officer shall determine the number and composition of the Information Technology Architecture Review Panel to include representatives from governmental bodies and other entities. The panel shall review the information technology initiatives of governmental bodies and advise the State Chief Information Officer on matters relating to the development and implementation of information technology standards, policies, and procedures.

(B) Members serve without compensation, but are allowed the usual per diem and mileage as provided by law for members of boards, commissions, and committees while on official business. Members who are full-time state employees may not receive per diem.

(C) The responsibilities of the panel include the following:

- (1) assess each information technology initiative to determine whether it adheres to the coordinated statewide strategic plan for information technology, statewide strategic information technology directions, standards, and enterprise architecture and the information technology plan of the governmental body proposing the information technology initiative;
- (2) assess the technological soundness of the information technology initiative;
- (3) assess whether the information technology initiative is redundant with the existing technology of the governmental body proposing the information technology initiative or the existing technology of other governmental bodies; and
- (4) carry out responsibilities assigned to it by the board or the State Chief Information Officer.

(D) The panel shall provide a written assessment of each information technology initiative to the committee and the division. In addition to the information contained in subsection (C), this assessment may include the panel's recommendation as to whether the information technology initiative must be adopted.

Section 1-3-325. In addition to other responsibilities as the board may assign, the division shall:

- (1) develop for approval of the board a coordinated statewide strategic plan for information technology and statewide strategic information technology directions, standards, and enterprise architecture. The division shall implement necessary management processes to ensure that governmental bodies fully comply with the coordinated statewide strategic plan for information technology and statewide strategic information technology directions, standards, and enterprise architecture;
- (2) develop for the approval of the board an approval process for the information technology plans of governmental bodies. Each governmental body is required to develop an information technology plan and submit the plan to the division for approval. The division may require modification to those plans that do not conform to statewide information technology plans, strategies, and standards;
- (3) develop policies, standards, methodologies, and procedures for the effective management of information technology investments throughout their entire life cycles including, but not limited to, project definition, procurement, development, implementation, operation, performance evaluation, and enhancement or retirement;
- (4) review information technology initiatives to determine whether the initiatives are justified by sound business principles. This review must be done in consultation with the governmental body

sponsoring the information technology initiative and may include an evaluation of the return on investment projection of the information technology initiative and any other information the division considers appropriate;

- (5) monitor information technology initiatives approved by the board. The division may modify and suspend any information technology initiative that is not in compliance with statewide information technology plans, strategies, and standards or has not met the performance measures agreed to by the board, the division, and the sponsoring governmental body. The board may terminate any information technology initiative upon recommendation of the division;
- (6) evaluate requests from governmental bodies for exemptions from this chapter and recommend to the board whether the exemption requests are granted;
- (7) evaluate the information technology of governmental bodies and combine, upon board approval, such information technology and related resources when the division determines it is advisable from the standpoint of efficiency and cost effectiveness;
- (8) plan and forecast future needs for information technology and establish an information clearinghouse that identifies best practices and new developments and contains detailed information regarding the state's previous experiences with the development of information technology initiatives;
- (9) provide support and subject matter expertise to the board, the committee, and the panel; and
- (10) provide information technology and telecommunications facilities and services in a manner determined by the board or as required by law.

Section 1-3-330. There is created an Information Technology Innovation Fund to be administered by the division. The fund must provide incentives to governmental bodies to implement enterprise information technology initiatives and electronic government projects. The fund must encourage governmental bodies to use information technology to improve the delivery of services and reduce costs. The fund must not be used to replace or offset appropriations for on-going technology expenditures and operations. The fund consists of money appropriated through the state budget process, grants, gifts, donations, or other money designated by the division. The division, subject to the approval of the board, shall develop appropriate procedures for the allocation and distribution of money contained in the fund."

SECTION 6. Section 11-35-1580(1) of the 1976 Code, as last amended by Act 153 of 1997, is further amended to read:

"(1) Information Technology Management Office. The Information Technology Management Office ~~shall be~~ is responsible for:

- (a) ~~assessing the need for and use of information technology;~~
- ~~(b)~~ administering all procurement and contracting activities undertaken for governmental bodies involving information technology in accordance with this chapter; and
- ~~(c)~~(b) providing for the disposal of all information technology property surplus to the needs of a using agency;
- ~~(d) evaluating the use and management of information technology;~~

- ~~(e) operating a comprehensive inventory and accounting reporting system for information technology;~~
- ~~(f) developing policies and standards for the management of information technology in state government;~~
- ~~(g) initiating a state plan for the management and use of information technology;~~
- ~~(h) providing management and technical assistance to state agencies in using information technology;~~  
~~and~~
- ~~(i) establishing a referral service for state agencies seeking technical assistance or information technology services."~~

#### Part IV

#### Inspector General

SECTION 7. Title 1 of the 1976 Code is amended by adding:

#### "CHAPTER 8

#### State Inspector General

Section ~~1-8-10~~. The Office of the State Inspector General is created as a separate division within the Budget and Control Board. The Office of State Inspector General must be headed by a State Inspector General who must be nominated by the Governor and elected unanimously by the Budget and Control Board for a term to be coterminous with that of the Governor. The Inspector General shall serve until his successor is appointed and qualifies. Vacancies must be filled in the manner of original selection. The State Inspector General must be removed from office only for incapacity, misconduct, or neglect of duty, in the manner provided by law for the removal of officers when no mode of trial or removal is provided in the Constitution. The State Inspector General shall supervise the Office of State Inspector General under the direction and control of the Budget and Control Board and shall exercise other powers and perform other duties as the board requires.

Section ~~1-8-20~~. (A) For purposes of this chapter, 'executive agency' or 'executive agencies' means any office, agency, or another instrumentality of the executive branch of the state government other than the South Carolina National Guard, and includes state technical schools and state colleges and universities.

(B) The purpose of the Office of State Inspector General is to:

- (1) deter, detect, prevent, and eradicate fraud, waste, misconduct, and abuse in the programs, operations, and contracting of all government agencies within the executive branch of the state government;
- (2) keep the heads of executive agencies and the Governor fully informed about problems, errors, omissions, misconduct, and deficiencies relating to or arising out of the administration of programs, operations, and contracting in executive agencies;
- (3) provide leadership, coordination, and control over satellite Inspector General offices in designated

executive agencies to ensure a coordinated and efficient administration of duties and use of staff.

(C) Agency or satellite Inspector General offices established in executive agencies must report to and follow the direction of the State Inspector General.

(D) The state Office of Inspector General and the State Inspector General have no jurisdiction, power, or authority over the South Carolina National Guard, the Inspector General of the South Carolina National Guard, or matters falling under the jurisdiction or cognizance of the Adjutant General or the Inspector General of the South Carolina National Guard.

Section 1-8-30. (A) It is the duty and responsibility of the State Inspector General to:

- (1) initiate, supervise, and coordinate investigative activities relating to fraud, waste, misconduct, or abuse in executive agencies;
- (2) recommend policies for and conduct, supervise, and coordinate activities designed to deter, detect, prevent, and eradicate fraud, waste, misconduct, and abuse in executive agencies;
- (3) report expeditiously to and cooperate fully with the Attorney General. Whenever the State Inspector General has reasonable grounds to believe there has been a violation of criminal law or that a civil action should be initiated by the State, the State Inspector General shall immediately refer the matter to the Attorney General and the Budget and Control Board. The Attorney General is responsible for criminal prosecution or civil litigation and may refer matters to the State Grand Jury, a circuit solicitor, or the appropriate agency for criminal prosecution or civil litigation;
- (4) refer matters to the heads of executive agencies whenever the State Inspector General determines that disciplinary or other administrative action is appropriate.

(B) The Office of Inspector General and the State Inspector General are authorized and directed to take any lawful action that is necessary and proper for the discharge of their duties and responsibilities under this chapter.

Section 1-8-40. (A) In addition to the authority otherwise provided in this chapter, the State Inspector General, in carrying out the duties and responsibilities of his office, is authorized to:

- (1) make investigations and reports relating to the administration of the programs and operations of an executive agency as are, in the judgment of the State Inspector General, necessary or desirable. If the State Inspector General determines that a report should be issued, he shall consult with the Attorney General before issuing the report to ensure against an adverse impact on a grand jury proceeding or prosecution being conducted by the Attorney General, a circuit solicitor, or a law enforcement agency;
- (2) request information or assistance necessary for carrying out the duties and responsibilities provided by this chapter from a federal, state, or local government agency or unit thereof;
- (3) require and obtain immediately by written notice from officers and employees of executive agencies and the executive department, to the fullest extent permitted by law, information, documents, reports, answers, records, accounts, papers, and other necessary data and documentary evidence. If deemed necessary and upon approval of the Budget and Control Board, the State Inspector General shall have subpoena powers;

- (4) have direct and prompt access to the heads of executive agencies when necessary for a purpose pertaining to the performance of functions and responsibilities under this chapter;
- (5) select, appoint, and employ officers and employees necessary for carrying out the functions, powers, and duties of the office. The officers and employees must be employed in accordance with current personnel practices and procedures of the Budget and Control Board and may be assigned by the State Inspector General to designated executive agencies.
- (B) Upon request of the State Inspector General for information or assistance, executive agencies shall immediately furnish the information and assistance to the State Inspector General or an authorized designee.
- (C) If information or assistance requested is, in the judgment of the State Inspector General, unreasonably refused or not provided, the State Inspector General may report the circumstances to the head of the agency, the Attorney General, and the Budget and Control Board for appropriate action.

Section 1-8-50. (A) The State Inspector General may receive and investigate complaints or information concerning the possible existence of an activity in an executive branch agency constituting a violation of law, rules or regulations, or mismanagement, fraud, waste of funds, abuse of authority, malfeasance, misfeasance, nonfeasance, or a substantial and specific danger to the public health and safety.

(B) The Office of the State Inspector General is authorized and directed to promulgate regulations to implement the policies and purposes of this chapter including, but not limited to, regulations establishing a hotline for reporting fraud, waste, and abuse and a system of monetary rewards for persons whose reports of fraud, waste, or abuse result in savings to the State, the prevention of loss, or the recovery of money or property owed to or belonging to the State or an executive agency.

(C) No person may take or threaten to take action against an employee as a reprisal for making a complaint or disclosing information to the State Inspector General, unless the complaint was made or the information disclosed with the knowledge that it was false or with wilful disregard for its truth or falsity.

(D) The protections in this chapter for employees who report fraud, waste, misconduct, malfeasance, misfeasance, nonfeasance, or abuse in good faith are in addition and cumulative to protections provided by another law."

## Part V

### Time Effective

SECTION 8. Except as otherwise provided, this act takes effect upon approval by the Governor.

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This web page was last updated on May 6, 2003 at 3:27 PM

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**APPENDIX 7-D**

**SOUTH DAKOTA**

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**CHAPTER 272****(EXO 2003-1)****Executive branch of state government reorganized.****EXECUTIVE REORGANIZATION ORDER No. 2003-01**

WHEREAS, Article IV, Section 8, of the Constitution of the State of South Dakota provides that, "Except as to elected constitutional officers, the Governor may make such changes in the organization of offices, boards, commissions, agencies and instrumentalities, and in allocation of their functions, powers and duties, as he considers necessary for efficient administration. If such changes affect existing law, they shall be set forth in executive orders, which shall be submitted to the Legislature within five legislative days after it convenes, and shall become effective, and shall have the force of law, within ninety days after submission, unless disapproved by a resolution concurred in by a majority of all the members of either house"; and

WHEREAS, this executive order has been submitted to the 78<sup>th</sup> Legislative Assembly on the 4th legislative day, being the 17th day of January 2003;

IT IS, THEREFORE, BY EXECUTIVE ORDER, directed that the executive branch of state government be reorganized to comply with the following sections of this order.

**GENERAL PROVISIONS**

Section 1. This executive order shall be known and may be cited as the "Executive Reorganization Order 2003-01".

Section 2. Any agency not enumerated in this order, but established by law within another agency which is transferred to a principal department under this order, shall also be transferred in its current form to the same principal department and its functions shall be allocated between itself and the principal department as they are now allocated between itself and the agency within which it is established.

Section 3. "Agency" as used in this order shall mean any board, authority, commission, department, bureau, division or any other unit or organization of state government.

Section 4. "Function" as used in this order shall mean any authority, power, responsibility, duty or activity of an agency, whether or not specifically provided for by law.

Section 5. Unless otherwise provided by this order, division directors shall be appointed by the head of the department or bureau of which the division is a part, and shall be removable at the pleasure of the department or bureau head, provided, however, that both the appointment and removal of division directors shall be subject to approval by the Governor.

Section 6. It is the intent of this order not to repeal or amend any laws relating to functions performed by an agency, unless the intent is specifically expressed in this order or unless there is an irreconcilable conflict between this order and those laws.



Section 7. If a part of this order is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this order is invalid in one or more of its applications, the part remains in effect in all valid applications.

Section 8. Except when inconsistent with the other provisions of this order all rules, regulations and standards of the agencies involved in executive reorganization in effect on the effective date of this order shall continue with full force and effect until they are specifically altered, amended, or revoked in the manner provided by law, unless the statutory authority for such rules is superseded by this order.

Section 9. It is hereby declared that the sections, clauses, sentences and parts of this executive order are severable, are not matters of mutual essential inducement, and any of them may be excised by any court of competent jurisdiction if any section, clause, sentence or part of this executive order would otherwise be unconstitutional or ineffective.

Section 10. In the event that it has been determined that a function of a transferred agency, which has not been eliminated by this order, and its associated records, personnel, equipment, facilities, unexpended balances or appropriations, allocations or other funds have not been clearly allocated to an agency, the Governor shall specify by interim procedures the allocation of the function and its associated resources. At the next legislative session following the issuance of such interim procedures, the Governor shall make recommendations concerning the proper allocation of the functions of transferred agencies which are not clearly allocated by this order. Any interim procedures issued in conjunction with this section shall be filed with the secretary of state.

Section 11. The rights, privileges and duties of the holders of bonds and other obligations issued, and of the parties to contracts, leases, indentures, and other transactions entered into, before the effective date of this order, by the state or by any agency, officer, or employee thereof, and covenants and agreements as set forth therein, remain in effect, and none of those rights, privileges, duties, covenants, or agreements are impaired or diminished by abolition of an agency in this order. The agency to which functions of another agency are transferred is substituted for that agency and succeeds to its rights and leases, indentures, and other transactions.

Section 12. No judicial or administrative suit, action or other proceeding lawfully commenced before the effective date of this order by or against any agency or any officer of the state, in his official capacity or in relation to the discharge of his official duties, shall abate or be affected by reason of the taking effect of any reorganization under the provisions of this order. The court may allow the suit, action or other proceeding to be maintained by or against the successor of any agency or any officer affected by this order.

Section 13. If any part of this order is ruled to be in conflict with federal requirements which are a prescribed condition to the receipt of federal aid by the state, an agency or a political subdivision, that part of this order has no effect and the Governor may by executive order make necessary changes to this order to receive federal aid, and the changes will remain in effect until the last legislative day of the next legislative session or until the Legislature completes legislation addressed to the same question, whichever comes first.

Section 14. Pursuant to § 2-16-9, the Code Commission and Code Counsel of the Legislative Research Council are requested to make the name and title changes necessary to correlate and integrate the organizational changes made by this Executive Reorganization Order into the South Dakota Codified Laws.

Section 15. Any provisions of law in conflict with this order are superseded.

Section 16. Whenever a function is transferred by this order, all personnel, records, property, unexpended balances of appropriations, allocations or other funds utilized in performing the function are also transferred by this order.

Section 17. The effective date of this Executive Reorganization Order #2003-01 shall be ninety days after its submission to the Legislature.

#### Department of Public Safety created

Section 18. There is hereby created a Department of Public Safety. The head of the Department of Public Safety is the Secretary of Public Safety who shall be appointed and serve pursuant to the provisions of the Constitution of the State of South Dakota, Article IV, § 9.

#### Department of Commerce and Regulation Abolished, functions of former Department of

#### Commerce and Regulation transferred to other Departments

Section 19. The Department of Commerce and Regulation established pursuant to chapter 1-35 is abolished. The position of Secretary of Commerce and Regulation is abolished.

Section 20. The functions and programs of the former Department of Commerce and Regulation and the duties and responsibilities of the former Secretary of Commerce and Regulation are transferred to either the Department of Public Safety and the Secretary of the Department of Public Safety or the Department of Revenue and Regulation and the Secretary of Revenue and Regulation or the Department of Health and Secretary of the Department of Health or the Department of Labor and the Secretary of the Department of Labor or the Department of Human Services and the Secretary of the Department of Human Services or the Department of Agriculture and the Secretary of Agriculture as set forth in this Executive Reorganization Order.

Section 21. The Division of Highway Patrol and its functions in the former Department of Commerce and Regulation are transferred to the Department of Public Safety created by this Executive Reorganization Order. The Secretary of the Department of Public Safety shall perform the functions of the former Secretary of the Department of Commerce and Regulation, relating to the Division of Highway Patrol.

Section 22. The Division of Highway Safety and its functions in the former Department of Commerce and Regulation are transferred to the Department of Public Safety created by this Executive Reorganization Order. The Secretary of the Department of Public Safety shall perform the functions of the former Secretary of the Department of Commerce and Regulation, relating to the Division of Highway Safety.

Section 23. The Division of Commercial Inspection and Licensing, including the offices of Weights and Measures, Driver Licensing and the Office of the Fire Marshal and Office of Inspections, and its functions in the former Department of Commerce and Regulation are transferred to the Department of Public Safety created by this Executive Reorganization Order. The Secretary of the Department of Public Safety shall perform the functions of the former Secretary of the Department of Commerce and Regulation, relating to the Division of Commercial Inspection and Licensing. The Fire Marshal's

Advisory Board shall continue as an advisory board within the Department of Public Safety created by this Executive Reorganization Order.

Section 24. The Division of Banking created by chapter 51A-2 and its functions in the former Department of Commerce and Regulation are transferred to the Department of Revenue and Regulation. The Secretary of the Department of Revenue and Regulation shall perform the functions of the former Secretary of the Department of Commerce and Regulation, relating to the Division of Banking.

Section 25. The South Dakota State Banking Commission shall continue in the Department of Revenue. The Secretary of the Department of Revenue and Regulation shall perform the functions of the former Secretary of the Department of Commerce and Regulation, relating to the South Dakota State Banking Commission.

Section 26. The Division of Securities, created pursuant to § 47-31A-406(c) and its functions in the former Department of Commerce and Regulation are transferred to the Department of Revenue and Regulation. The Secretary of the Department of Revenue and Regulation shall perform the functions of the former Secretary of the Department of Commerce and Regulation, relating to the Division of Securities.

Section 27. The Division of Insurance created by chapter 58-2 and its functions listed under Title 58, in the former Department of Commerce and Regulation are transferred to the Department of Revenue and Regulation. The Secretary of the Department of Revenue and Regulation shall perform the functions of the former Secretary of the Department of Commerce and Regulation, relating to the Division of Insurance. All references to the former Department of Commerce and Regulation found in Title 58 are to be changed to Department of Revenue and Regulation.

Section 28. The Commission on Gaming and its functions, including those functions under chapters 42-7 and 42-7B, in the former Department of Commerce and Regulation are transferred to the Department of Revenue and Regulation. The Secretary of the Department of Revenue and Regulation shall perform the functions of the former Secretary of the Department of Commerce and Regulation, relating to the Commission on Gaming.

Section 29. The Insurance Fraud Prevention Unit and its functions created and authorized by chapter 58-4A in the former Department of Commerce and Regulation are transferred to the Department of Revenue and Regulation and Regulation. The Secretary of the Department of Revenue and Regulation shall perform the functions of the former Secretary of the Department of Commerce and Regulation, relating to the Insurance Fraud Prevention Unit.

Section 30. The Division of Human Rights and its functions in the former Department of Commerce and Regulation are transferred to the Department of Labor. The Secretary of the Department of Labor shall perform the functions of the former Secretary of the Department of Commerce and Regulation, relating to the Division of Human Rights. The Commission on Human Rights created by § 20-13-2 shall continue to perform its functions on issues concerning human rights and is transferred to the Department of Labor.

Section 31. All functions of the Petroleum Release Compensation Board under chapter 34A- 13 and its functions in the former Department of Commerce and Regulation are transferred to the Department of Revenue and Regulation created by this Executive Reorganization Order. The Secretary of the Department of Revenue and Regulation shall perform the functions of the former Secretary of the Department of Commerce and Regulation, relating to the Petroleum Release Compensation Fund. The petroleum release compensation fund board shall continue as an advisory board to the Secretary of

Revenue and Regulation on issues concerning petroleum inspection and release compensation.

Section 32. The Public Utilities Commission and its functions in the former Department of Commerce and Regulation are transferred to the Department of Labor. The Secretary of the Department of Labor shall perform the functions of the former Secretary of the Department of Commerce and Regulation, relating to the Public Utilities Commission.

Section 33. The Board of Veterinary Medical Examiners, created by chapter 36-12, and its functions in the former Department of Commerce and Regulation are transferred to the Department of Agriculture. The Secretary of the Department of Agriculture shall perform the functions of the former Secretary of the Department of Commerce and Regulation, relating to the Board of Veterinary Medical Examiners.

Section 34. The Board of Chiropractic Examiners, created by chapter 36-5, and its functions in the former Department of Commerce and Regulation are transferred to the Department of Health. The Secretary of the Department of Health shall perform the functions of the former

Secretary of the Department of Commerce and Regulation, relating to the Board of Chiropractic Examiners.

Section 35. The Board of Dentistry, created by chapter 36-6A, and its functions in the former Department of Commerce and Regulation are transferred to the Department of Health. The Secretary of the Department of Health shall perform the functions of the former Secretary of the Department of Commerce and Regulation, relating to the Board of Dentistry.

Section 36. The Board of Hearing Aid Dispensers and Audiologists, created by chapter 36- 24, and its functions in the former Department of Commerce and Regulation are transferred to the Department of Health. The Secretary of the Department of Health shall perform the functions of the former Secretary of the Department of Commerce and Regulation, relating to the Board of Hearing Aid Dispensers and Audiologists.

Section 37. The Board of Funeral Service, created by chapter 36-19, and its functions in the former Department of Commerce and Regulation are transferred to the Department of Health. The Secretary of the Department of Health shall perform the functions of the former Secretary of the Department of Commerce and Regulation, relating to the Board of Funeral Service.

Section 38. The Board of Medical and Osteopathic Examiners, created by chapter 36-4, and its functions in the former Department of Commerce and Regulation are transferred to the Department of Health. The Secretary of the Department of Health shall perform the functions of the former Secretary of the Department of Commerce and Regulation, relating to the Board of Medical and Osteopathic Examiners.

Section 39. The Board of Nursing, created by chapter 36-9, and its functions in the former Department of Commerce and Regulation are transferred to the Department of Health. The Secretary of the Department of Health shall perform the functions of the former Secretary of the Department of Commerce and Regulation, relating to the Board of Nursing.

Section 40. The Board of Nursing Facility Administrators, created by chapter 36-28, and its functions in the former Department of Commerce and Regulation are transferred to the Department of Health. The Secretary of the Department of Health shall perform the functions of the former Secretary of the Department of Commerce and Regulation, relating to the Board of Nursing Facility Administrators.

Section 41. The Board of Examiners in Optometry, created by chapter 36-7, and its functions in the former Department of Commerce and Regulation are transferred to the Department of Health. The Secretary of the Department of Health shall perform the functions of the former Secretary of the Department of Commerce and Regulation, relating to the Board of Examiners in Optometry.

Section 42. The Board of Pharmacy, created by chapter 36-11, and its functions in the former Department of Commerce and Regulation are transferred to the Department of Health. The Secretary of the Department of Health shall perform the functions of the former Secretary of the Department of Commerce and Regulation, relating to the Board of Pharmacy.

Section 43. The Board of Podiatry Examiners, created by chapter 36-8, and its functions in the former Department of Commerce and Regulation are transferred to the Department of Health. The Secretary of the Department of Health shall perform the functions of the former Secretary of the Department of Commerce and Regulation, relating to the Board of Podiatry Examiners.

Section 44. The Board of Counselor Examiners, created by chapter 36-32, and its functions in the former Department of Commerce and Regulation are transferred to the Department of Human Services. The Secretary of the Department of Human Services shall perform the functions

of the former Secretary of the Department of Commerce and Regulation, relating to the Board of Counselor Examiners.

Section 45. The Board of Examiners of Psychologists, created by chapter 36-27A, and its functions in the former Department of Commerce and Regulation are transferred to the Department of Human Services. The Secretary of the Department of Human Services shall perform the functions of the former Secretary of the Department of Commerce and Regulation, relating to the Board of Examiners of Psychologists.

Section 46. The Board of Social Work Examiners, created by chapter 36-26, and its functions in the former Department of Commerce and Regulation are transferred to the Department of Human Services. The Secretary of the Department of Human Services shall perform the functions of the former Secretary of the Department of Commerce and Regulation, relating to the Board of Social Work Examiners.

Section 47. The Board of Technical Professions, created by chapter 36-18A, and its functions in the former Department of Commerce and Regulation are transferred to the Department of Labor. The Secretary of the Department of Labor shall perform the functions of the former Secretary of the Department of Commerce and Regulation, relating to the Board of Technical Professions.

Section 48. The Electrical Commission, created by chapter 36-16, and its functions in the former Department of Commerce and Regulation are transferred to the Department of Labor. The Secretary of the Department of Labor shall perform the functions of the former Secretary of the Department of Commerce and Regulation, relating to the Electrical Commission.

Section 49. The Plumbing Commission, created by chapter 36-25, and its functions in the former Department of Commerce and Regulation are transferred to the Department of Labor. The Secretary of the Department of Labor shall perform the functions of the former Secretary of the Department of Commerce and Regulation, relating to the Plumbing Commission.

Section 50. The South Dakota Housing Development Authority, created by chapter 11-11, and its functions in the former Department of Commerce and Regulation are transferred to the Department of

Tourism and State Development created by this Executive Reorganization Order. The Secretary of the Department of Tourism and State Development shall perform the functions of the former Secretary of the Department of Commerce and Regulation, relating to the South Dakota Housing Development Authority.

Section 51. The Board of Accountancy, created by chapter 36-20B, and its functions in the former Department of Commerce and Regulation are transferred to the Department of Labor. The Secretary of the Department of Labor shall perform the functions of the former Secretary of the Department of Commerce and Regulation, relating to the Board of Accountancy.

Section 52. The Board of Barber Examiners, created by chapter 36-14, and its functions in the former Department of Commerce and Regulation are transferred to the Department of Labor. The Secretary of the Department of Labor shall perform the functions of the former Secretary of the Department of Commerce and Regulation, relating to the Board of Barber Examiners.

Section 53. The Cosmetology Commission, created by chapter 36-15, and its functions in the former Department of Commerce and Regulation are transferred to the Department of Labor. The Secretary of the Department of Labor shall perform the functions of the former Secretary of the Department of Commerce and Regulation, relating to the Cosmetology Commission.

Section 54. The Abstractors Board of Examiners, created by chapter 36-13, and its functions in the former Department of Commerce and Regulation are transferred to the Department of Revenue and Regulation. The Secretary of the Department of Revenue and Regulation shall

perform the functions of the former Secretary of the Department of Commerce and Regulation, relating to the Abstractors Board of Examiners.

Section 55. The Real Estate Commission, created by chapter 36-21A, and its functions in the former Department of Commerce and Regulation are transferred to the Department of Revenue and Regulation. The Secretary of the Department of Revenue and Regulation shall perform the functions of the former Secretary of the Department of Commerce and Regulation, relating to the Real Estate Commission.

Section 56. The South Dakota Lottery, created by chapter 42-7A, and its functions are transferred to the Department of Revenue and Regulation. The Secretary of the Department of Revenue and Regulation, or the secretary's designee, shall perform the functions of the Executive Director of the South Dakota Lottery.

Section 57. The South Dakota Lottery Commission, created by chapter 42-7A-17, and its functions are transferred to the Department of Revenue and Regulation.

Department of Tourism and State Development created.

Department of Tourism and Governor's Office of Economic Development

merged into Department of Tourism and State Development

Section 58. There is hereby created a Department of Tourism and State Development. The head of the Department of Tourism and State Development is the Secretary of Tourism and State Development who shall be appointed and serve pursuant to the provisions of the Constitution of the State of South Dakota, Article IV, § 9.

Section 59. The Department of Tourism established pursuant to chapter 1-42 is abolished. The position of Secretary of Tourism is abolished. The functions of the former Department of Tourism are transferred to the Department of Tourism and State Development created by this Executive Reorganization Order. The Secretary of the Department of Tourism and State Development shall perform the functions of the former Secretary of the Department of Tourism.

Section 60. The Governor's Office of Economic Development and its functions in the Department of Executive Management are transferred to the Department of Tourism and State Development created by this Executive Reorganization Order. The Secretary of the Department of Tourism and State Development shall perform the functions of the former Commissioner of the Governor's Office of Economic Development.

Section 61. The Economic Development Finance Authority, created by chapter 1-16B, and its functions in the Governor's Office of Economic Development, Department of Executive Management are transferred to the Department of Tourism and State Development created by this Executive Reorganization Order. The Secretary of the Department of Tourism and State Development shall perform the functions of the former Commissioner of the Governor's Office of Economic Development relating to the activities of the Economic Development Finance Authority.

Section 62. The Board of Economic Development, created by chapter 1-16G, and its functions in the Governor's Office of Economic Development, Department of Executive Management are transferred to the Department of Tourism and State Development created by this Executive Reorganization Order. The Secretary of the Department of Tourism and State Development shall perform the functions of the former Commissioner of the Governor's Office of Economic Development relating to the activities of the Board of Economic Development.

Division of Cultural Affairs moved to Department of  
Tourism and State Development  
Department of Education and Cultural Affairs renamed

Section 63. The department formerly known as the Department of Education and Cultural Affairs is hereby renamed the Department of Education. The position formerly known as Secretary of Education and Cultural Affairs shall be referred to as the Secretary of Education and shall be appointed and serve pursuant to the provisions of the Constitution of the State of South Dakota, Article IV, § 9. The Secretary of the Department of Education shall perform the functions of the former Secretary of the Department of Education and Cultural Affairs.

Section 64. There is created a Division of Library Services within the Department of Education. The State Library Office is transferred from the Division of Cultural Affairs in the former Department of Education and Cultural Affairs to the Division of Library Services in the Department of Education.

Section 65. With the exception of the State Library Office, the Division of Cultural Affairs in the former Department of Education and Cultural Affairs is transferred to the Department of Tourism and State Development.

Section 66. The Office of the Arts, Division of Cultural Affairs, created by chapter 1-22, and its functions in the former Department of Education and Cultural Affairs are transferred to the Department of Tourism and State Development created by this Executive Reorganization Order. The Secretary of the Department of Tourism and State Development shall perform the functions of the former Secretary of the Department of Education and Cultural Affairs, relating to the Office of Arts.

Section 67. The Cultural Heritage Center, Division of Cultural Affairs, and its functions in the former Department of Education and Cultural Affairs are transferred to the Department of Tourism and State Development created by this Executive Reorganization Order. The Secretary of the Department of Tourism and State Development shall perform the functions of the former Secretary of the Department of Education and Cultural Affairs, relating to the Cultural Heritage Center.

Section 68. The Office of History in the Division of Cultural Affairs, Department of Education and Cultural Affairs, and its functions are transferred to the Department of Tourism and State Development created by this Executive Reorganization Order. The Secretary of the Department of Tourism and State Development shall perform the functions of the former Secretary of the Department of Education and Cultural Affairs, relating to the Office of History.

#### Additional Transfers to the Department of Public Safety

Section 69. The Office of Emergency Medical Services, Department of Health, and its functions are transferred to the Department of Public Safety created by this Executive Reorganization Order. The Secretary of the Department of Public Safety shall perform the functions of the Secretary of the Department of Health, relating to the Office of Emergency Medical Services.

Section 70. The Office of Accident Records, Department of Transportation, and its functions are transferred to the Department of Public Safety created by this Executive Reorganization Order. The Secretary of the Department of Public Safety shall perform the functions of the Secretary of Transportation, relating to the Office of Accident Records.

Section 71. The Office of State Radio, Bureau of Information and Telecommunications, and its functions are transferred to the Department of Public Safety created by this Executive Reorganization Order. The Secretary of the Department of Public Safety shall perform the functions of the Commissioner of Information and Telecommunications, relating to the Office of State Radio.

Section 72. The Division of Emergency and Disaster Services in the Department of Military and Veterans Affairs and its functions are transferred to the Department of Public Safety. The Secretary of the Department of Public Safety shall perform the functions of the Secretary of the

Department of Military and Veterans Affairs, relating to the Division of Emergency Disaster Services.

Section 73. The South Dakota 911 Coordinated Statewide System Task Force attached to the Division of Emergency and Disaster Services in the Department of Military and Veterans Affairs and its functions are transferred to the Department of Public Safety. The Secretary of the Department of Public Safety shall perform the functions of the Secretary of the Department of Military and Veterans Affairs, relating to the South Dakota 911 Coordinated Statewide System Task Force.

#### Other reorganization provisions

Section 74. The Office of Tribal Government Relations established by chapter 1-4 is transferred to the Department of Tourism and State Development.

Section 75. The Office of Internet Crimes Investigation, Bureau of Information and Telecommunication, and its functions are transferred to the Office of the Attorney General, Division of Criminal Investigation. The Attorney General of the State of South Dakota shall perform the functions of the Commissioner of Information and Telecommunications, relating to the Office of Internet Crimes



Investigation.

Sections of law amended or repealed to implement

Executive Reorganization Order 2003-01

Section 76. That § 1-7-6 be repealed.

Section 77. That § 1-13-1.1 be amended to read as follows:

1-13-1.1. The functions of State Radio Communications, including its budget funds and FTE allocation, is hereby transferred from the ~~Office of the Attorney General to the~~ Bureau of Information and Telecommunications to the Department of Public Safety.

Section 78. That § 1-18-1.1 be amended to read as follows:

1-18-1.1. The Department of History is abolished, and all its functions shall be administered by the Office of History of the Department of ~~Education and Cultural Affairs~~ Tourism and State Development as provided by § 1-45-22.

Section 79. That § 1-18-2 be amended to read as follows:

1-18-2. The Office of History ~~of the Division of Cultural Affairs~~ within the Department of ~~Education and Cultural Affairs~~ Tourism and State Development shall collect, preserve, exhibit, and publish material for the study of history, especially the history of this and adjacent states. To this end, the office shall explore the archaeology of the region; acquire documents and manuscripts; obtain narratives and records of pioneers; conduct a library of historical reference; maintain a gallery of historical portraiture, and an ethnological and historical museum; publish and otherwise diffuse information relating to the history of the region to schools and communities; and in general encourage and develop within the state the study of history.

Section 80. That § 1-18B-1 be amended to read as follows:

1-18B-1. Terms as used in this chapter, unless the context otherwise plainly requires, mean:

- (1) "Board," the State Historical Society Board of trustees provided for by § 1-18-12.2; and
- (2) "Office," the Office of History ~~of within the Department of Education and Cultural Affairs provided for by § 1-45-36~~ Tourism and State Development.

Section 81. That § 1-22-2.3 be amended to read as follows.

1-22-2.3. The arts council shall continue, with all its functions, in the ~~arts office of the Division of Cultural Affairs of the Department of Education and Cultural Affairs~~ Department of Tourism and State Development. The secretary of the Department of Tourism and State Development shall perform the functions formerly exercised by the former secretary of the Department of Education and Cultural Affairs, relating to the arts council.

Section 82. That § 1-32-2 be amended to read as follows:

1-32-2. For the purposes of achieving reorganization under the terms of S.D. Const., Art. IV, § 8, the following principal departments are established:

- (1) ~~Office~~ Department of Executive Management;
- (2) Department of ~~Commerce and Regulation~~ Public Safety;
- (3) Department of Social Services;
- (4) Department of Labor;
- (5) Department of Education ~~and Cultural Affairs~~;
- (6) Department of Environment and Natural Resources;
- (7) Department of Game, Fish and Parks;
- (8) Department of Health;
- (9) Department of Agriculture;
- (10) Department of Transportation;
- (11) Department of Military and Veterans' Affairs;
- (12) Department of Revenue and Regulation;
- (13) Department of Human Services;
- (14) Department of Tourism and State Development.

Section 83. That § 1-35-2 be repealed.

Section 84. That § 1-35-3 be repealed.

Section 85. That § 1-35-4 be amended as follows:

1-35-4. The Department of ~~Commerce~~ Revenue and Regulation shall, under the direction and control of the secretary of ~~commerce~~ revenue and regulation, perform all administrative functions (as defined in § 1-32-1) of the following divisions:

- (1) The Division of Banking, created by chapter 51A-2;
- (2) The Division of Securities, created by § 47-31A-406(c);
- (3) The Division of Insurance, created by chapter 58-2.

This section does not apply to the special budgetary functions (as defined in § 1-32-1) of the State Banking Commission created by chapter 51A-2.

Section 86. That § 1-35-6.1 be repealed.

Section 87. That § 1-35-6.2 be amended to read as follows:

1-35-6.2. The Division of Commercial Inspection and Regulation of the Department of ~~Commerce and Regulation~~ Public Safety shall perform:

- (1) The functions of the former Division of Consumer Protection pursuant to chapters 34-39, 37-2, 37-20, 37-21, 37-22, 37-22A, 39-1, 39-4, and 39-13; and
- (2) The functions of the Department of Agriculture pursuant to chapter 37-21A.

Section 88. That § 1-35-7 be amended to read as follows:

1-35-7. The Division of Commercial Inspection and Regulation shall, under the direction and control of the secretary of ~~commerce and regulation~~ public safety, perform all the functions of the former heavy scales division of the Public Utilities Commission, created by chapter 37-22.

Section 89. That § 1-35-8 be repealed:

Section 90. That § 1-35-10 be repealed.

Section 91. That § 1-35-13 be amended to read as follows:

1-35-13. The head of the Division of Human Rights of the Department of ~~Commerce and Regulation~~ Labor is the director of human rights. The director of human rights shall be subject to appointment and removal in accordance with the provisions of § 1-32-6 concerning the appointment of division directors.

Section 92. That § 1-35-15 be amended to read as follows:

1-35-15. The following ~~agencies are~~ agency is attached to the Department of ~~Commerce and Regulation~~ Labor for reporting purposes only:

~~(1) —The State Cement Plant Commission created by chapter 5-17; and~~

~~—(2) —The Housing Development Authority prescribed by chapter 11-11.~~

Section 93. That § 1-35-22 be repealed.

Section 94. That § 1-42-17.2 be repealed.

Section 95. That § 1-42-17.3 be repealed.

Section 96. That § 1-42-17.4 be repealed.

Section 97. That § 1-42-17.5 be repealed.

Section 98. That § 1-42-17.6 be amended as follows:

1-42-17.6. The Department of Tourism and State Development shall perform all of the functions of

the former ~~Division~~ Department of Tourism.

Section 99. That § 1-42-21.1 be amended as follows:

1-42-21.1. The Board of Tourism is hereby continued and shall exercise advisory functions with relation to the Department of Tourism and State Development.

Section 100. That § 1-42-31 be amended as follows:

1-42-31. There is hereby established a tourism promotion fund in the Department of Tourism and State Development.

Section 101. That § 1-45-4 be amended to read as follows:

1-45-4. The Department of Education ~~and Cultural Affairs~~ consists of the divisions of ~~cultural affairs~~, workforce and career preparation, and education services and resources, library services and such other divisions and agencies as may be created by law, executive order, or administrative action and placed within the department. Each division shall perform its prescribed functions, subject to the following provisions:

(1) The secretary ~~of Education and Cultural Affairs~~ shall review and make recommendations concerning the annual budget request of each division, ~~and in the instance of the Division of Cultural Affairs, each office of the division; and~~

(2) The secretary ~~of Education and Cultural Affairs~~ may approve comprehensive education ~~and cultural affairs~~ plans for the department; and

(3) The secretary ~~of Education and Cultural Affairs~~ shall perform any functions assigned to the secretary under federal law; and

(4) The secretary ~~of Education and Cultural Affairs~~ shall perform the functions transferred from other agencies as specified in this chapter; and

(5) The secretary ~~of Education and Cultural Affairs~~ shall perform other personnel, organization, staffing, directing, coordinating, and reporting functions as assigned by law or executive directives of the Office of the Governor.

Section 102. That § 1-45-18 be repealed.

Section 103. That § 1-45-23.1 be amended to read as follows:

1-45-23.1. The State Historical Society Board of Trustees shall submit at least annually to the secretary of ~~education and cultural affairs~~ tourism and state development and the Governor a review and analysis of the operations and structure of the State Historical Society.

Section 104. That § 1-45-26 be amended to as follows:

1-45-26. The State Library Office of the Division of ~~Cultural Affairs~~ Library Services includes the State Library Board created by § 14-1-55.

Section 105. That § 1-50-1 be amended to read as follows:

1-50-1. There is created the South Dakota State Emergency Response Commission. The commission shall consist of ten members. The secretary of the Department of Environment and Natural Resources, the secretary of the Department of Transportation, the director of the Division of Emergency and Disaster Services, and the secretary of ~~commerce~~ public safety or their designees shall be members. Six members shall be appointed by the Governor and shall serve at the pleasure of the Governor. One of the six members appointed by the Governor shall be a member of the chemical industry, one shall be an elected or appointed member of a political subdivision, one shall be actively engaged in an agricultural business, one shall be a health professional, one shall be a member of a fire department, and one shall be a member of a local emergency planning committee. A majority is a quorum and a majority of a quorum may take official action. The commission shall receive per diem compensation and allowable expense reimbursement in an amount set pursuant to § 4-7-10.4 for all time actually spent while attending commission meetings. However, no per diem may be paid to commission members who are state employees. Per diem compensation and expense reimbursement shall be paid from funds appropriated to the Department of Environment and Natural Resources.

Section 106. That § 5-15-49 be amended to read as follows:

5-15-49. There is hereby created a South Dakota Centennial Cultural Heritage Center which shall include the storage of archival records, a research center, an exhibit area, and office space. The Centennial Cultural Heritage Center shall be located in Pierre under the control and supervision of the ~~Division of Cultural Affairs~~ Department of Tourism and State Development.

Section 107. That § 14-1-42 be amended to read as follows:

14-1-42. The State Library Office of the Division of ~~Cultural Affairs~~ Library Services of the Department of Education ~~and Cultural Affairs~~ is the official agency of the state which is charged with the extension and development of library services throughout the state.

Section 108. That § 32-23-11 be amended to read as follows:

32-23-11. Any person subject to license revocation for failure to submit to the withdrawal and chemical analysis required in § 32-23-10, and wishing to contest the revocation, shall demand a hearing pursuant to chapter 1-26 within one hundred twenty days of arrest. If the ~~director of the Division of Commercial Inspection and Regulation~~ secretary of Public Safety finds that the law enforcement officer complied with the law and the refusal was made by the person, the ~~director~~ secretary shall revoke that person's license to drive and any nonresident operating privileges for one year. The ~~director~~ secretary shall determine if the person is eligible to drive for the purpose of employment and may promulgate rules pursuant to chapter 1-26 for determining that eligibility.

The ~~director of the Division of Commercial Inspection and Regulation~~ secretary of public safety may promulgate rules for restricted licenses as follows:

- (1) Eligibility;
- (2) Application;
- (3) Determination;

- (4) Limitations; and
- (5) Grounds for revocation.

Section 109. That § 33-15-5 be amended to read as follows:

33-15-5. The ~~adjutant general~~ secretary of public safety may employ such technical, clerical, stenographic, and other personnel pursuant to chapter 3-6A, and may make expenditures from the appropriation therefor, or from other funds made available to him for purposes of emergency management, as may be necessary to carry out the purposes of this chapter.

Section 110. That § 33-15-11.5 be amended to read as follows:

33-15-11.5. The Department of ~~Military and Veterans Affairs~~ Public Safety shall promulgate rules, pursuant to chapter 1-26, to establish reporting procedures pursuant to § § 33-15-11.1 to 33-15-11.6, inclusive, and to require any other information that is reasonably expected to provide the ability for any emergency agency in this state to contact local officials in the event of an emergency.

Section 111. That § 33-15-22 be amended to read as follows:

33-15-22. The ~~adjutant general~~ secretary of public safety, subject to the direction and control of the Governor, is responsible for carrying out the program for emergency management of this state. He shall coordinate the activities of all organizations for emergency management within the state, and shall maintain liaison with and cooperation with emergency management agencies and organizations of other states and of the federal government.

Section 112. That § 33-15-23 be amended to read as follows:

33-15-23. There is hereby created a fund to be known as the "special emergency and disaster special revenue fund." Expenditures may be made from the fund to meet special emergency requirements of the Division of Emergency Management, not included in the general and special appropriations which provide for the ordinary operation and maintenance of functions of this department, and for carrying into effect the objectives and provisions of this chapter. No part of this fund may revert to the general fund. Withdrawal from this fund shall be made on warrants drawn by the state auditor on vouchers signed by the ~~adjutant general~~ secretary of public safety.

Section 113. That § 33-15-24.8 be amended to read as follows:

33-15-24.8. The Department of ~~Military and Veterans Affairs~~ Public Safety may promulgate rules pursuant to chapter 1-26 concerning:

- (1) The establishment of minimum standards of local effort to obtain financial assistance under this chapter and the procedures for obtaining such assistance;
- (2) The establishment of compensation levels for emergency management workers under subdivision 33-15-18(3); and
- (3) The standards and procedures for providing benefits under the Disaster Relief Act of

1974, as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988.

Section 114. That § 33-15-25.1 be amended to read as follows:

33-15-25.1. The Governor may cooperate with or enter into agreements with agencies of the federal government to the extent necessary or appropriate to implement the provisions of the Disaster Relief Act of 1974, as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and to provide, under rules promulgated pursuant to chapter 1-26 by the Department of ~~Military and Veterans Affairs~~ Public Safety, such benefits to the residents of the state as may be available to them under that act.

Section 115. That § 42-7A-2 be amended to read as follows:

42-7A-2. There is hereby established ~~an independent state agency in the Department of Revenue and Regulation~~ a division to be called the South Dakota Lottery under the direction of the South Dakota Lottery Commission. Under the supervision of the commission, an executive director shall administer the state lottery as provided in this chapter. In all decisions, the executive director

and commission shall take into account the particularly sensitive nature of the lottery, and shall act to promote and ensure the integrity, security, honesty, and fairness of its operation and administration. The overall management of the state lottery and control over the operation of its games shall rest solely with the South Dakota Lottery.

Section 116. That § 42-7A-3 be amended to read as follows:

42-7A-3. The executive director shall be ~~appointed by the Governor and confirmed by the Senate~~ the secretary of revenue and regulation or his designee. The executive director shall be exempt from the South Dakota Career Service Act and shall receive an annual salary fixed by the Governor. The executive director may employ such persons as may be necessary to operate the South Dakota Lottery.

Section 117. That § 49-1-8.1 be amended to read as follows.

49-1-8.1. The Public Utilities Commission shall continue within the Department of ~~Commerce and Regulation~~ Labor, and, except as provided by §§ 1-35-7 and 37-22-1, shall retain all its prescribed functions, including administrative functions. The commission shall submit such records, information and reports in the form and at such times as required by the secretary of ~~commerce and regulation~~ labor, except that the commission shall report at least annually.

Section 118. That § 51A-2-2 be amended to read as follows:

51A-2-2. The ~~former Department of Banking and Finance, including the State Banking Commission, shall comprise the~~ Division of Banking and shall be administered under the direction and supervision of the Department of ~~Commerce~~ Revenue and Regulation and the secretary thereof. The division shall retain the quasi-judicial, quasi-legislative, advisory, and other nonadministrative functions (as defined in § 1-32-1) otherwise vested in it and shall exercise those functions independently of the secretary of ~~commerce and regulation~~. ~~The State Banking Commission shall retain, in addition to the other functions it retains, the special budgetary functions (as defined in § 1-32-1) otherwise vested in it and shall exercise those functions independently of the secretary of commerce and regulation.~~

Section 119. That § 58-2-1.1 be amended to read as follows:

58-2-1.1. The ~~former Department of Insurance shall comprise the~~ Division of Insurance ~~and~~ shall be administered under the direction and supervision of the Department of ~~Commerce~~ Revenue and Regulation (hereinafter referred to as "department") and the secretary ~~thereof of revenue and regulation~~ (hereinafter referred to as "secretary"), but shall retain the quasi-judicial, quasi-legislative, advisory, and other nonadministrative functions (as defined in § 1-32-1) otherwise vested in it and shall exercise those functions independently of the secretary ~~of Commerce and Regulation~~.

Section 120. That § 58-2-2.1 be amended to read as follows:

58-2-2.1. The director of the Division of Insurance shall be appointed by the secretary ~~of commerce and regulation~~ and may be removed at the pleasure of the secretary.

Section 121. Due to the extraordinary number of law changes necessitated by this Executive Reorganization Order, pursuant to § 2-16-9, the Code Commission and Code Counsel of the Legislative Research Council are requested to make the name and title changes necessary to correlate and integrate the organizational changes made by this Executive Reorganization Order into the South Dakota Codified Laws.

Dated this Friday, the 17th day of January 2003.

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