

Receipt No.

Filed at Request of

File No.

EXECUTIVE ORDER 80-14

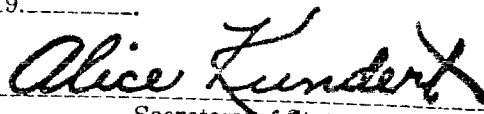
STATE BOARD OF COSMETOLOGY

State of South Dakota

Office of Secretary of State

} ss.

Filed in the office of the Secretary of
State on the 14th day of Jan.
19. 80


Secretary of State

By _____
Assistant Secretary of State

Fee received

DATE MICROFILMED

CAMERA OPERATOR

EXECUTIVE ORDER 80-14
EXECUTIVE REORGANIZATION ORDER #14 OF 1980

WHEREAS, 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 55th Legislative Assembly on the 5th legislative day, being the 14th day of January, 1980:

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 #14 of 1980."

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, 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, program 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. Departments and bureaus shall submit for approval to the commissioner of personnel minimum qualifications for the division director positions within their departments or bureaus.

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 it is inconsistent with the other provisions of this order all rules, regulations and standards of the agencies involved in executive reorganization that are 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 is impaired or diminished by the 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 the 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. The effective date of the Executive Reorganization Order #14 of 1980 shall be ninety days after its submission to the Legislature.

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 on other funds utilized in performing the function are also transferred by this order.

Section 17. The state board of cosmetology as found in chapter 36-15 is hereby abolished. There is created a cosmetology commission. The cosmetology commission shall consist of five members to be appointed by the Governor for a term of four years, not all of whom shall be of the same political party.

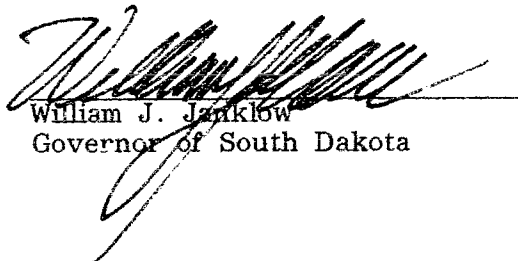
Section 18. The terms of members who are first appointed after the effective date of this order shall be: Two appointed for a term of one year; two appointed for a term of two years; and one for a term of four years, and such initial terms shall be designated by the Governor. Any member appointed to fill a vacancy arising from other than the natural expiration of a term shall serve for only the unexpired portion of the term.

Section 19. Three members must be currently licensed as cosmetologists in this state at the time of their appointment. Two members shall be lay people.

Section 20. The previous functions exercised by the state board of cosmetology are transferred to the cosmetology commission.

Dated this 14th day of January, 1980.

Respectfully submitted,


William J. Janklow
Governor of South Dakota

ATTEST:


Alice Kunder
Secretary of State



Receipt No.

Filed at Request of

File No.

EXECUTIVE ORDER 80-15

STATE ELECTRICAL BOARD

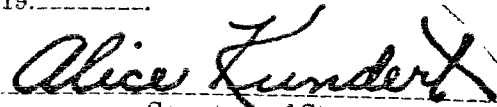
State of South Dakota

Office of Secretary of State

} ss.

Filed in the office of the Secretary of
State on the 14th day of Jan.

19. 80


Secretary of State

By _____
Assistant Secretary of State

Fee received

DATE MICROFILMED

CAMERA OPERATOR

EXECUTIVE ORDER 80-15
EXECUTIVE REORGANIZATION ORDER #15 OF 1980

WHEREAS, 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 55th Legislative Assembly on the 5th legislative day, being the 14th day of January, 1980:

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 #15 of 1980."

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, 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, program or activity of an agency, whether or not specifically provided for by law.

ROLL NO. 1

DATE MICROFILMED
Dec. 3 1985

CAMERA OPERATOR
H. L. Lloyd

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. Departments and bureaus shall submit for approval to the commissioner of personnel minimum qualifications for the division director positions within their departments or bureaus.

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 it is inconsistent with the other provisions of this order all rules, regulations and standards of the agencies involved in executive reorganization that are 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 is impaired or diminished by the 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 the 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. The effective date of the Executive Reorganization Order #15 of 1980 shall be ninety days after its submission to the Legislature.

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 on other funds utilized in performing the function are also transferred by this order.

Section 17. The state electrical board as found in chapter 36-16 is abolished. There is created a state electrical commission. The state electrical commission shall consist of seven members to be appointed by the Governor for a term of four years, not all of whom shall be of the same political party.


Section 18. The terms of members who are first appointed after the effective date of this order shall be: One appointed for a term of one year; one appointed for a term of two years; two for a term of three years; and one for a term of four years, and such initial terms shall be designated by the Governor. Any member appointed to fill a vacancy arising from other than the natural expiration of a term shall serve for only the unexpired portion of the term.

Section 19. The Governor shall appoint one member from the department of public safety and one member shall be involved in the education of electrical engineers. Three of the members appointed shall, where possible, be selected from names submitted by private utility companies, rural electric cooperatives, electrical inspectors, electrical contractors, and journeymen electricians. Two of the members shall be lay people.


Section 20. The previous functions exercised by the state electrical board are transferred to the state electrical commission.

Dated this 14th day of January, 1980.

Respectfully submitted,


William J. Janklow
Governor of South Dakota

ATTEST:


Alice Kundert
Secretary of State



Receipt No.

Filed at Request of

File No.

EXECUTIVE ORDER 80-16

RELATIVE TO THE INCREASE IN THE STATE
SALES TAX - SENATE BILL 225

March 17, 1980

State of South Dakota }
Office of Secretary of State } ss.

Filed in the office of the Secretary of
State on the 17th day of March
19. 80



Secretary of State

By _____
Assistant Secretary of State

Fee received

STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 80-16

WHEREAS, the members of the 1980 South Dakota Legislature passed Senate Bill 225 on March 12, 1980; and

WHEREAS, the Governor of South Dakota signed Senate Bill 225 into law on March 13, 1980; and

WHEREAS, Senate Bill 225 allows for an increase in the state sales tax for those items currently taxed except food; and

WHEREAS, review of tapes of legislative floor debate concerning Senate Bill 225 confirms the understanding that it was the legislators' intent that the sales tax increase become effective April 1, 1980; and

WHEREAS, it is administratively impossible for the sales tax increase to become effective before April 1, 1980; and

WHEREAS, an attempt to implement the sales tax increase before April 1, 1980, would cause confusion and administrative problems for the businesses and commercial establishments of South Dakota; and

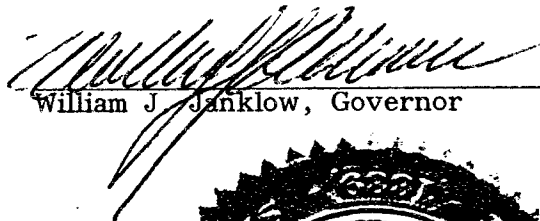
WHEREAS, the executive power of the state is vested in the Governor according to Article IV of the South Dakota Constitution:

NOW, THEREFORE, I, WILLIAM J. JANKLOW, Governor of the State of South Dakota, by virtue of the authority vested in me by the Constitution and the laws of the State of South Dakota, do hereby direct the Department of Revenue to carry out its duties and responsibilities pursuant to the enforcement of Senate Bill 225 as if the new law were to become effective April 1, 1980.

DATE MICROFILMED

CAMERA OPERATOR

Dated at Pierre, the Capital City, this 17th day of March, 1980.



William J. Janklow, Governor

ATTEST:



Alice Kundert, Secretary of State



DATE MICROFILMED

CAMERA OPERATOR

Receipt No.

Filed at Request of

File No.

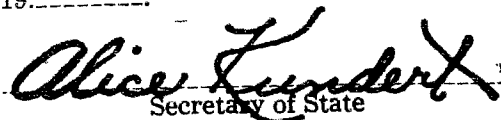
EXECUTIVE ORDER 80-19

TERMINATING EXECUTIVE ORDER 77-8-A
WHICH ESTABLISHED AN INFORMATION
SYSTEM POLICY ADVISORY BOARD

March 28, 1980

State of South Dakota }
Office of Secretary of State } ss.

Filed in the office of the Secretary of
State on the 28th day of March
1980.


Secretary of State

By _____
Assistant Secretary of State

Fee received

STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 80-19


WHEREAS, Executive Order 77-8-A established an Information System Policy Advisory Board; and,

WHEREAS, Executive Order 77-8-A established that the functions of this board were to be carried out internally by the Bureau of Administration; and,

WHEREAS, This board no longer needs the sanctions of an Executive Order through the Governor's Office to function:

NOW, THEREFORE, I, WILLIAM J. JANKLOW, Governor of the State of South Dakota, by virtue of the authority vested in me by the constitution and the statutes of this state, do hereby order and direct that the Executive Order 77-8-A be terminated.

Dated at Pierre, the Capital City, this 28 day of March, 1980.



William J. Janklow, Governor

ATTEST:



Alice Kundert, Secretary of State

Receipt No.

Filed at Request of

File No.

EXECUTIVE ORDER 80-21

ESTABLISHING THE DEPARTMENT OF VOCATIONAL
REHABILITATION AS PROGRAM AGENT FOR THE
IMPLEMENTATION OF INDEPENDENT LIVING
PROGRAMS PUBLIC LAW 95-602, 1978 AMENDMENTS
TO THE 1973 REHABILITATION ACT.

March 28, 1980

State of South Dakota }
Office of Secretary of State } ss.

Filed in the office of the Secretary of
State on the 28th day of March
19 80


Secretary of State

By _____
Assistant Secretary of State

Fee received

STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 80-21

Executive Order establishing the Department of Vocational Rehabilitation as Program Agent for the implementation of Independent Living Programs Public Law 95-602, 1978 Amendments to the 1973 Rehabilitation Act.

WHEREAS, Title VII is to authorize grants to assist states in providing comprehensive services for independent living designed to meet the current and future needs of individuals whose disabilities are so severe that they do not presently have the potential for employment but may benefit from vocational rehabilitation services which will enable them to live and function independently.

WHEREAS, the policy of South Dakota State Government since January, 1979, continues to be to maximize the participation of the handicapped in South Dakota in every aspect of life.

IT IS THEREFORE BY EXECUTIVE ORDER directed that the Secretary of the Department of Vocational Rehabilitation shall be designated Program Agent for Independent Living Programs to be funded under Federal Legislation Public Law 95-602 with in-kind contribution or state contribution. The Department of Vocational Rehabilitation will need a representative Council of handicapped persons who will provide advice on Independent Living Programs.

State Council for Independent Living

Section 1. Severely Handicapped Individual means an individual whose ability to function independently in family or community, or whose ability to engage or continue in employment is so limited by the severity of his/her physical or mental disability that independent living rehabilitation services appreciably more costly and of appreciably greater duration than Vocational Rehabilitation services which might be provided are required in order to enable achieving a greater level of independence in functioning in family or community or engaging or continuing in employment.

Section 2. The Department will organize a Committee of severely physically and mentally handicapped persons which may include parents or guardians of severely handicapped persons as necessary, to consult on a continuing basis in the initial development and periodic revision of the state plan.

Section 3. Memberships of the Committee shall be no less than five and no more than seven members to be appointed by the Governor who will receive lists from handicapped citizens' groups but not limited to such lists. The Committee will serve at the pleasure of the Governor.


Section 4. The Department of Vocational Rehabilitation will also take into account the views of providers of independent living services and other individuals interested in services for severely handicapped individuals.

Dated at Pierre, the Capital City, this 28 day of March, 1980.



William J. Janklow, Governor

ATTEST:



Alice Kundert, Secretary of State

THIS IS TO CERTIFY THAT THE MICROPHOTOGRAPHIC IMAGE APPEARING ON THIS SLIDE OF MICROFILM IS AN ACCURATE REPRODUCTION OF THE ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SOUTH DAKOTA COMPILLED LAW 1-27-4. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A MANNER AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTOGRAPHIC REPRODUCTIONS.

REDUCTION 25:1 ROLL NO. 1 DATE MICROFILMED Dec. 3, 1985 CAMERA OPERATOR Mike Logg

Receipt No.
File No.

Filed at Request of

EXECUTIVE ORDER-81-01
DIRECT THAT THE EXECUTIVE ORDERS
80-23 and 80-26 BE EXTENDED UNTIL
MIDNIGHT APRIL 30, 1-81

State of South Dakota }
Office of Secretary of State } ss.

Filed in the office of the Secretary of
State on the 9th day of Jan
1981

Alice Lundberg
Secretary of State

By _____
Assistant Secretary of State

Fee received

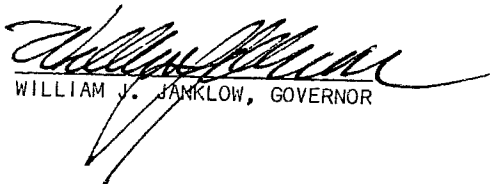
STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 81-01

WHEREAS, The people of the State of South Dakota are still faced with drought conditions as proclaimed in the Executive Proclamation by the Governor of South Dakota, William J. Janklow, dated May 20, 1980; and,

WHEREAS, There still exists an acute shortage of livestock feed as a result of the drought:

NOW, THEREFORE, I, WILLIAM J. JANKLOW, Governor of the State of South Dakota, by virtue of the authority vested in me by the constitution and statutes of this state, do hereby order and direct that the Executive Orders 80-23 and 80-26 be extended until midnight April 30, 1981.

Dated at Pierre, the Capital City, this 9th day of January, 1981.


WILLIAM J. JANKLOW, GOVERNOR

ATTEST:


ALICE KUNDERT, SECRETARY OF STATE

THIS IS TO CERTIFY THAT THE MICROPHOTOGRAPHIC IMAGE APPEARING ON THIS SLIDE OF MICROFILM IS AN ACCURATE REPRODUCTION OF THE ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SOUTH DAKOTA COMPILED LAW 1-27-4. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A MANNER AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTOGRAPHIC REPRODUCTIONS.

REDUCTION 25:1 ROLL NO. 1 DATE MICROFILMED Dec. 3, 1985 CAMERA OPERATOR Kila Lloyd

STATE OF SOUTH DAKOTA - BUREAU OF ADMINISTRATION - OFFICE OF RECORDS MANAGEMENT - CERTIFICATE OF AUTHENTICITY
THIS IS TO CERTIFY THAT THE MICROPHOTOGRAPHIC IMAGE APPEARING ON THIS SLIDE OF MICROFILM IS AN ACCURATE REPRODUCTION OF THE
ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SOUTH DAKOTA COMPILLED
LAW 1-27-4. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A MANNER
AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTOGRAPHIC
REPRODUCTIONS.

REDUCTION 35:1

ROLL NO 1

DATE MICROFILMED June 3, 1985

CAMERA OPERATOR File 11998

Filed at Request of

Receipt No.

File No.

EXECUTIVE ORDER

81-8

SEXUAL HARASSMENT

State of South Dakota

Office of Secretary of State } ss.

Filed in the office of the Secretary of

State on the 18th day of June

1981

Alice Lundert

Secretary of State

By _____
Assistant Secretary of State

Fee received

STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 81-08

Sexual Harassment

WHEREAS, The State of South Dakota, in spirit and in law, is dedicated to a strong policy against discrimination based upon sex; and

WHEREAS, State law and policy require the provision of a working environment conducive to the performance of duties and free from intimidation or coercion in any form; and

WHEREAS, Sexual harassment is defined to be unwanted conduct or communication of a sexual nature which adversely affects a person's employment relationship or working environment; and

WHEREAS, Sexual harassment is unsolicited, deliberately sexual statements, gestures or physical contacts which are objectionable to the recipient; and

WHEREAS, Sexual harassment may involve intimidation by a person of either sex against a person of the opposite or same sex; and

WHEREAS, This administration is committed to merit principles as the basis for employment and advancement and therefore requires a workplace that is entirely free of any kind of intimidation or harassment; and

WHEREAS, Sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when:

- 1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- 2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals; or
- 3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment; and

WHEREAS, It is important that all State employees be assured a work atmosphere free from sexual harassment:


NOW, THEREFORE, I, WILLIAM J. JANKLOW, GOVERNOR OF SOUTH DAKOTA, BY THE AUTHORITY VESTED IN ME BY THE LAWS OF SOUTH DAKOTA, do hereby declare sexual harassment to be a form of discrimination which is prohibited in any and every workplace in which public employees are required to conduct business.

STATE OF SOUTH DAKOTA - BUREAU OF ADMINISTRATION - OFFICE OF RECORDS MANAGEMENT
THIS IS TO CERTIFY THAT THE MICROSTENOGRAPHIC IMAGE APPEARING ON THIS SLIDE OF MICROFILM IS AN ACCURATE REPRODUCTION OF THE
ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SOUTH DAKOTA COMPILLED
LAW 1-27-4. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A MANNER
AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROSTENOGRAPHIC
REPRODUCTIONS. REDUCTION 35:1 ROLL NO. 1
DATE MICROFILMED Dec. 3, 1985
CAMERA OPERATOR Mike Lloyd

I HEREBY ORDER AND DIRECT:

- 1) All employees of State government to ensure enforcement and observance of all provisions of law, regulation and policy prohibiting such harassment in the Executive Branch;
- 2) The Commissioner of the Bureau of Personnel to develop and implement information material for the purpose of ensuring that all officials and employees of the Executive Branch clearly understand that sexual harassment in the workplace is illegal and will not be tolerated;
- 3) The Secretaries of each State Department or Agency shall be responsible for the dissemination of information concerning the nature of sexual harassment and the methods by which it may be prevented or eliminated and any other relevant information concerning this practice to each person employed by any such State Department or Agency;
- 4) The Commissioner of the Bureau of Personnel to distribute copies to the heads of all agencies in the Executive Branch for posting in conspicuous locations in all facilities in the Executive Branch.

Dated this 18th day of June, 1981.


William J. Janklow
Governor of South Dakota

ATTEST:


Alice Kundert
Secretary of State

THIS IS TO CERTIFY THAT THE MICROPHOTGRAPHIC IMAGE APPEARING ON THIS SLIDE OF MICROFILM IS AN ACCURATE REPRODUCTION OF THE ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SOUTH DAKOTA COMPILED LAW 1-23-4. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A MANNER AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTGRAPHIC REPRODUCTIONS. REDUCTION 25:1 ROLL NO. 1 DATE MICROFILMED Aug. 3, 1985 CAMERA OPERATOR Kyle Vogel

STATE OF SOUTH DAKOTA - BUREAU OF ADMINISTRATION - OFFICE OF RECORDS MANAGEMENT - CERTIFICATE OF AUTHENTICITY
THIS IS TO CERTIFY THAT THE MICROPHOTOGRAPHIC IMAGE APPEARING ON THIS SLIDE OF MICROFILM IS AN ACCURATE REPRODUCTION OF THE
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LAW 1-27-4. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A MANNER
AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTOGRAPHIC
REPRODUCTIONS. REDUCTION 25:1 ROLL NO 1 DATE MICROFILMED Dec. 3, 1985 CAMERA OPERATOR W. L. L. L. L.

Filed at Request of

Receipt No.

File No.

EXECUTIVE ORDER 81-11

SOUTH DAKOTA AERONAUTICS COMMISSION

(EXPANDS COMMISSION)

State of South Dakota

Office of Secretary of State

} ss.

Filed in the office of the Secretary of

State on the 9th day of Nov.

1981.

Alice Lundert

Secretary of State

By _____
Assistant Secretary of State

Fee received

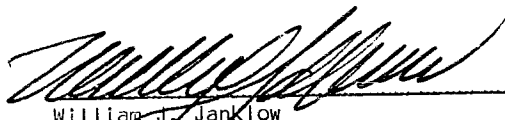
STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 81-11

WHEREAS, SDCL 50-2 establishes the South Dakota Aeronautics Commission, consisting of five persons appointed by the Governor to advise the Department of transportation and to perform certain other functions; and

WHEREAS, It appears that an expanded Commission would more adequately fulfill the functions assigned to that Commission:

NOW, THEREFORE, Pursuant to the authority of Article 4, Section 8 of the South Dakota Constitution, it is hereby ordered that the South Dakota Aeronautics Commission shall consist of seven persons appointed by the Governor to perform such functions as elsewhere provided by statute or rule.

Dated this 10th day of November, 1981.


William J. Janklow
Governor of South Dakota

ATTEST:


Alice Kundert
Secretary of State

THIS IS TO CERTIFY THAT THE MICROPHOTGRAPHIC IMAGE APPEARING ON THIS SLIDE OF MICROFILM IS AN ACCURATE REPRODUCTION OF THE ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SOUTH DAKOTA COMPILED LAW 1-27-4. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A HIGHER AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTGRAPHIC REPRODUCTIONS.

REDUCTION 35:1 ROLL NO 1 DATE MICROFILMED Aug. 3, 1985 CAMERA OPERATOR Mike Vogel

Receipt No.

Filed at Request of

File No. 82-01

EXECUTIVE ORDER

CREATION OF AN ADVISORY COMMITTEE
FOR RECEIPT OF FUNDS FOR
THE EDUCATION CONSOLIDATION AND
IMPROVEMENT ACT OF 1981.....

State of South Dakota
Office of Secretary of State

} ss.

Filed in the office of the Secretary of
State on the 4th day of March
19 82

Alice Lunder

Secretary of State

By _____
Assistant Secretary of State

Fee received

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REDUCTION

25:1

ROLL NO

1

DATE MICROFILMED

Dec. 3, 1985

CAMERA OPERATOR

Hilda Vogel

STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 82-01

WHEREAS, Section 564 of the Education Consolidation and Improvement Act of 1981 requires the creation of an advisory committee appointed by the Governor as a condition for receipt of federal funds for programs authorized by Chapter 2 of the Act; and

WHEREAS, SDCL 1-32-4.1 provides that the Governor "may create such advisory councils, committees, boards or commissions as may be deemed necessary and in the best interest of the state of South Dakota . . . ;" and

WHEREAS, the educational interests of the state of South Dakota would be advanced by the creation of an advisory committee for receipt of federal funds as specified in the Act.

IT IS THEREFORE BY EXECUTIVE ORDER directed that an advisory committee to the department of education and cultural affairs be created and authorized to function in compliance with the following sections of this order.

GENERAL PROVISIONS

Section 1. The name of the advisory committee shall be the "Education Block Grant Advisory Committee."

Section 2. The Block Grant Advisory Committee shall be comprised of sixteen members, appointed by the Governor to serve at the pleasure of the Governor, with at least one member representative of each of the following categories:

- (a) students enrolled in either public or private elementary and secondary schools;
- (b) parents of elementary or secondary school children enrolled in either public or private schools;
- (c) elementary or secondary classroom teachers employed in either a public or private school;

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LAW 1-27-4. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A MANNER
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REPRODUCTIONS. REDUCTION 35:1 ROLL NO. 1
DATE MICROFILMED Aug. 3, 1985
CAMERA OPERATOR Mike Logg

- (d) public or private school board members;
- (e) elementary or secondary school administrators employed in a public or private school;
- (f) an institution of higher education accredited by the state board of education to offer teacher education programs; and
- (g) the state Legislature.

The secretary of education and cultural affairs and a member of the state board of education selected by the Governor shall be ex officio members.

Section 3. The Block Grant Advisory Committee shall advise the state board of education regarding:

- (a) suggested formula for the allocation of funds authorized by Chapter 2 of the Act to local school districts;
- (b) a suggested amount and allocation of funds reserved for use by the division of elementary and secondary education under section 565(a) of the Act;
- (c) suggested planning, development, support, implementation and evaluation of programs in the division of elementary and secondary education supported with funds authorized under section 565(a) of the Act; and
- (d) the evaluation of the effectiveness of the programs authorized under the Act.

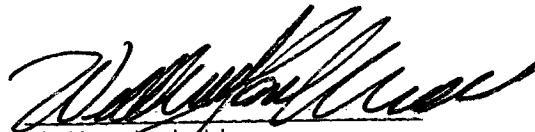
Section 4. The initial meeting of the Block Grant Advisory Committee shall be held at the call of the secretary of education and cultural affairs as soon as is practicable after the members have been appointed. At its first meeting, the Block Grant Advisory Committee shall elect a chairman, a vice-chairman and a recording secretary, each for a maximum one year term, and shall establish a necessary work plan to execute its duties pursuant to Section 3 of this executive order. All subsequent meetings shall be held at the call of the secretary of education and cultural affairs.

Section 5. All costs borne by the Block Grant Advisory Committee shall be paid from the operating budget of the division of elementary and secondary education. Members shall receive per diem and travel reimbursement pursuant to (§ 4-7-10.4).

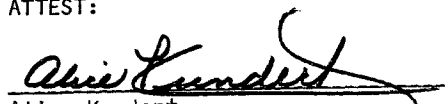
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REDUCTION 35:1 ROLL NO. 1 DATE MICROFILMED Dec. 3, 1985 CAMERA OPERATOR File 1-2910

Done this 4th day of March, 1982


William J. Janklow
Governor of South Dakota

ATTEST:


Alice Kundert
Secretary of State

THIS IS TO CERTIFY THAT THE MICROPHOTODUPLICATION IMAGE APPEARING ON THIS SLIDE OF MICROFILM IS AN ACCURATE REPRODUCTION OF THE ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SOUTH DAKOTA COMPILED LAW 1-22-1. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A MANNER AND ON MICROFILM WHICH MEET THE RECOVERED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTODUPLICATION REPRODUCTIONS. REDUCTION 35:1 ROLL NO 1 DATE MICROFILMED Aug. 3, 1985 CAMERA OPERATOR Kyle Vogel

Receipt No.

Filed at Request of

File No. 82-04

EXECUTIVE ORDER

NECESSARY FOR THE BOARD TO COMPLY
WITH THE PROVISIONS OF SDCL 12-14

State of South Dakota
Office of Secretary of State

} ss.

Filed in the office of the Secretary of
State on the 12th day of April
1982.

Alice Lundberg
Secretary of State

By _____
Assistant Secretary of State

Fee received

THIS IS TO CERTIFY THAT THE MICROPHOTOGRAPHIC IMAGE APPEARING ON THIS SLIDE OF MICROFILM IS AN ACCURATE REPRODUCTION OF THE ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SOUTH DAKOTA COMPILED LAW 1-27-4. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A MANNER AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTOGRAPHIC REPRODUCTIONS. REDUCTION 25:1 ROLL NO 1 DATE MICROFILMED Dec. 3, 1985 CAMERA OPERATOR W. J. L. L. L.

STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 82-04

Pursuant to the provisions of SDCL 24-14-1, the Board of Pardons and Paroles is hereby granted and delegated the authority to hear applications for pardon, commutation, reprieve and remission of fines and forfeitures, and to consider the same and make their recommendations thereon to the Governor for his appropriate action, and to do such other and further things as is necessary for the Board to comply with the provisions of SDCL 24-14.

Dated this 12th day of April, 1982.



ATTEST:

Alice Kundert
Alice Kundert
Secretary of State

William J. Janklow
William J. Janklow, Governor
State of South Dakota

THIS IS TO CERTIFY THAT THE MICROPHOTGRAPHIC IMAGE APPEARING ON THIS SLIDE OF MICROFILM IS AN ACCURATE REPRODUCTION OF THE ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SOUTH DAKOTA COMPILED LAW 1-22-4. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A MANNER AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTOGRAPHIC REPRODUCTIONS.

REDUCTION 25:1 ROLL NO 1
DATE MICROFILMED Apr. 3, 1985
CAMERA OPERATOR Kyle Lloyd

THIS IS TO CERTIFY THAT THE MICROPHOTOGRAPHIC IMAGE APPEARING ON THIS SLIDE OF MICROFILM IS AN ACCURATE REPRODUCTION OF THE ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SOUTH DAKOTA COMPILED LAW 1-27-4. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A MANNER AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTOGRAPHIC REPRODUCTIONS.

REDUCTION 25:1

ROLL NO 1

DATE MICROFILMED Dec. 3, 1985

CAMERA OPERATOR Mike Lloyd

Filed at Request of

Receipt No.

EXECUTIVE ORDER 83-01

EXECUTIVE REORGANIZATION ORDER #1

January 18, 1983

State of South Dakota }
Office of Secretary of State } ss.

Filed in the office of the Secretary of
State on the 18th day of January
19 83.

Alice Lundert
Secretary of State

By _____
Deputy Secretary of State

Fee received

EXECUTIVE ORDER 83-1
EXECUTIVE REORGANIZATION ORDER #1 OF 1983

WHEREAS, 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 58th Legislative Assembly on the 5th legislative day, being the 18th day of January, 1983:

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 #1 of 1983."

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.

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DATE MICROFILMED Dec. 3, 1985
CAMERA OPERATOR Mike Vogel
LAW 1-27-4. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A MANNER AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTOGRAPHIC REPRODUCTIONS.

Section 3. "Agency" as used in this order shall mean any board, 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, program 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. Departments and bureaus shall submit for approval to the commissioner of personnel minimum qualifications for the division director positions within their departments or bureaus.

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 it is inconsistent with the other provisions of this order all rules, regulations and standards of the agencies involved in executive reorganization that are in effect on the effective date of this order, shall continue with full force and effect until they are specifically

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DATE MICROFILMED Dec. 3, 1985
CAMERA OPERATOR Mike Vogel

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 exised 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 is impaired or diminished by the abolition of an agency in this order. The agency to which functions of another agency are transferred is substituted

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DATE MICROFILMED

Aug. 3, 1985
Mike Vogel
CAMERA OPERATOR

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 the 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. The effective date of the Executive Reorganization Order #1 of 1983 shall be ninety days after its submission to the Legislature.

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 on other funds utilized in performing the function are also transferred by this order.

STATE OF SOUTH DAKOTA - BUREAU OF ADMINISTRATION - OFFICE OF RECORDS MANAGEMENT - IDENTIFICATION OF REPRODUCTIONS OF THE
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Kula Duggal CAMERA OPERATOR

DEPARTMENT OF EXECUTIVE MANAGEMENT

Section 17. The name of the bureau of industrial and agricultural development is changed to the department of state development.

Section 18. The name of the department of tourism and commerce is changed to the department of commerce and regulation.

Section 19. The department of state development consists of the division of industrial development, the division of agricultural development, the division of tourism, and any other divisions the secretary may determine subject to the approval of the Governor.

Section 20. The division of tourism created in Chapter 1-35, and all functions related to it, is transferred to the department of state development.

Section 21. The industrial development office, created in chapter 1-42, and all functions relating to it, is transferred to the department of state development.

Section 22. The office of agricultural development created in chapter 1-42, and all functions related to it, is transferred to the department of state development.

Section 23. The board of industrial and agricultural development is abolished. The board of state development is created and the Governor may appoint up to nine members to consult with and aid the Governor and the secretary of the department of state development in carrying out the functions of the department of state development. The members of the board shall be appointed by the Governor for four year terms of office so arranged that not more than three members' terms expire in any given year. Not all members may be from the same political party.

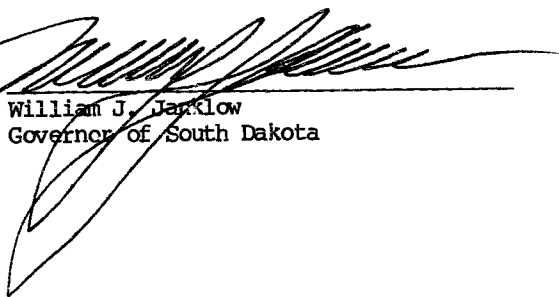
STATE OF SOUTH DAKOTA - BUREAU OF ADMINISTRATION - OFFICE OF RECORDS MANAGEMENT - CERTIFICATE OF AUTHENTICITY
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DATE MICROFILMED Dec. 3, 1985
CAMERA OPERATOR Mike Logg

Section 24. The name of the state planning bureau created in chapter 1-33, is changed to the bureau of intergovernmental relations.


Dated this 18th day of January, 1983.



Respectfully submitted,


William J. Janklow
Governor of South Dakota

ATTEST:


Alice Kundert
Secretary of State

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REDUCTION

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DATE MICROFILMED

Dec. 3, 1985

CAMERA OPERATOR

John Lloyd

Filed at Request of

Receipt No.

EXECUTIVE ORDER 83-02

EXECUTIVE REORGANIZATION ORDER #2 of 1983

January 18, 1983

State of South Dakota

Office of Secretary of State

ss.

Filed in the office of the Secretary of

State on the 18th day of January

19 83 .

Alice Kunder

Secretary of State

By

Deputy Secretary of State

Fee received

EXECUTIVE ORDER 83-2
EXECUTIVE REORGANIZATION ORDER #2 OF 1983

WHEREAS, 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 58th Legislative Assembly on the 5th legislative day, being the 18th day of January, 1983:

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 #2 of 1983."

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.

STATE OF SOUTH DAKOTA - BUREAU OF ADMINISTRATION - OFFICE OF RECORDS MANAGEMENT - CERTIFICATE OF AUTHENTICITY
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REDUCTION 25:1 ROLL NO. 1
DATE MICROFILMED Dec. 3, 1985
CAMERA OPERATOR Mike Vogel

Section 3. "Agency" as used in this order shall mean any board, 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, program 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. Departments and bureaus shall submit for approval to the commissioner of personnel minimum qualifications for the division director positions within their departments or bureaus.

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 it is inconsistent with the other provisions of this order all rules, regulations and standards of the agencies involved in executive reorganization that are in effect on the effective date of this order, shall continue with full force and effect until they are specifically

THIS IS TO CERTIFY THAT THE MICROPHOTOGRAPHIC IMAGE APPEARING ON THIS SLIDE OF MICROFILM IS AN ACCURATE REPRODUCTION OF THE ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SOUTH DAKOTA COMPILLED LAW 1-27-4. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A MANNER AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTOGRAPHIC REPRODUCTIONS.

REDUCTION 25:1 ROLL NO. 1 DATE MICROFILMED Dec. 3, 1985 CAMERA OPERATOR Willa Lloyd

STREET - SOUTH DAKOTA - BUREAU OF ADMINISTRATION - OFFICE OF RECORDS MANAGEMENT - CERTIFICATE OF AUTHENTICITY

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 exised 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 is impaired or diminished by the abolition of an agency in this order. The agency to which functions of another agency are transferred is substituted

THIS IS TO CERTIFY THAT THE MICROPHOTOGRAPHIC IMAGE APPEARING ON THIS SLIDE OF MICROFILM IS AN ACCURATE REPRODUCTION OF THE ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SOUTH DAKOTA COMPILLED LAW 1-27-4. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A MANNER AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTOGRAPHIC REPRODUCTIONS.

REDUCTION 35:1 ROLL NO. 1 DATE MICROFILMED Dec. 3, 1985 FILED Log 11

CAMERA OPERATOR

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 the 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. The effective date of the Executive Reorganization Order #2 of 1983 shall be ninety days after its submission to the Legislature.

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 on other funds utilized in performing the function are also transferred by this order.

THIS IS TO CERTIFY THAT THE MICROPHOTOGRAPHIC IMAGE APPEARING ON THIS SLIDE OF MICROFILM IS AN ACCURATE REPRODUCTION OF THE ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SOUTH DAKOTA COMPILED LAW 1-27-4. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A MANNER AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTOGRAPHIC REPRODUCTIONS.

REDUCTION 35:1 ROLL NO 1 DATE MICROFILMED Dec. 3, 1985 CAMERA OPERATOR Hilda Lloyd

DEPARTMENT OF EDUCATION AND CULTURAL AFFAIRS

Section 17. The functions of the education and cultural affairs planning commission created by § 1-45-27 are transferred to the secretary of education and cultural affairs.

Dated this 18th day of January, 1983.

Respectfully submitted,



William J. Janklow
Governor of South Dakota

ATTEST:

Alice Kundert
Alice Kundert
Secretary of State

THIS IS TO CERTIFY THAT THE MICROPHOTOGRAPHIC IMAGE APPEARING ON THIS SLIDE OF MICROFILM IS AN ACCURATE REPRODUCTION OF THE ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SOUTH DAKOTA COMPILLED LAW 1-23-1. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A MANNER AND ON MICROFILM WHICH MEET THE REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTOGRAPHIC REPRODUCTIONS.

REDUCTION 25:1 ROLL NO. 1 DATE MICROFILMED Dec. 3, 1985 CAMERA OPERATOR Bela Vogel

THIS IS TO CERTIFY THAT THE MICROPHOTOGRAPHIC IMAGE APPEARING ON THIS SLIDE OF MICROFILM IS AN ACCURATE REPRODUCTION OF THE ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SOUTH DAKOTA COMPILED LAW 1-27-4. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A MANNER AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTOGRAPHIC REPRODUCTIONS.

REDUCTION 25:1

ROLL NO 1

DATE Mar. 3, 1985

DATE MICROFILMED

CAMERA OPERATOR Mike Legg

Filed at Request of

Receipt No.

EXECUTIVE ORDER 83-03

EXECUTIVE REORGANIZATION ORDER
#3 OF 1983

January 18, 1983

State of South Dakota }
Office of Secretary of State } ss.

Filed in the office of the Secretary of
State on the 18th day of January
19 83.

Alice Kinder
Secretary of State

By _____
Deputy Secretary of State

Fee received

EXECUTIVE ORDER 83-3
EXECUTIVE REORGANIZATION ORDER #3 OF 1983

WHEREAS, 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 58th Legislative Assembly on the 5th legislative day, being the 18th day of January, 1983:

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 #3 of 1983."

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.

ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SOUTH DAKOTA COMPILED LAW 1-27-4. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A FASTER AND OF MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTOGRAPHIC REPRODUCTIONS. REDUCTION 25:1 ROLL NO. 1 DATE MICROFILMED Apr. 3, 1985 CAMERA OPERATOR Helen Lloyd

Section 3. "Agency" as used in this order shall mean any board, 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, program 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. Departments and bureaus shall submit for approval to the commissioner of personnel minimum qualifications for the division director positions within their departments or bureaus.

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 it is inconsistent with the other provisions of this order all rules, regulations and standards of the agencies involved in executive reorganization that are in effect on the effective date of this order, shall continue with full force and effect until they are specifically

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REDUCTION 25:1 ROLL NO. 1 DATE MICROFILMED Dec. 3, 1985 CAMERA OPERATOR B. Lee Vogel

UNITED STATES GOVERNMENT - LEGISLATIVE BRANCH

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 exised 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 is impaired or diminished by the abolition of an agency in this order. The agency to which functions of another agency are transferred is substituted

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REDUCTION 25:1 ROLL NO. 1 DATE MICROFILMED Dec. 3, 1985 CAMERA OPERATOR W. J. L. L. L.

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 the 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. The effective date of the Executive Reorganization Order #3 of 1983 shall be ninety days after its submission to the Legislature.

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 on other funds utilized in performing the function are also transferred by this order.

STATE OF SOUTH DAKOTA - BUREAU OF ADMINISTRATION - OFFICE OF RECORDS MANAGEMENT - CERTIFICATE OF AUTHENTICITY
THIS IS TO CERTIFY THAT THE MICROPHOTOGRAPHIC IMAGE APPEARING ON THIS SLIDE OF MICROFILM IS AN ACCURATE REPRODUCTION OF THE
ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SOUTH DAKOTA COMPILLED
LAW 1-27-41. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A MANNER
AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTOGRAPHIC
REPRODUCTIONS.

REDUCTION

25:1

ROLL NO

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DATE MICROFILMED

Aug. 3, 1985

CAMERA OPERATOR

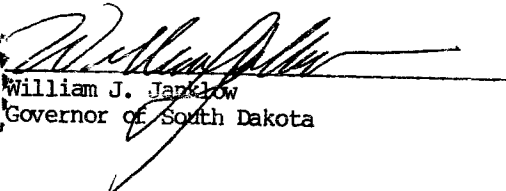
Hilda Vogel

DEPARTMENT OF TOURISM AND COMMERCE

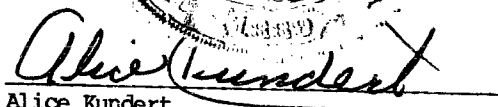
Section 17. The South Dakota savings and loan board created in chapter 52-2 consists of the director of the division of banking and finance and seven other members appointed by the Governor. Four members shall, in the opinion of the Governor, be qualified and knowledgeable in the savings and loan business. Three members shall be lay persons. All members shall be residents of South Dakota and not all members may be from the same political party.

Dated this 18th day of January, 1983.

Respectfully submitted,


William J. Janklow
Governor of South Dakota

ATTEST:


Alice Kundert
Secretary of State



STATE OF SOUTH DAKOTA - BUREAU OF ADMINISTRATION - OFFICE OF RECORDS MANAGEMENT - CERTIFICATE OF AUTHENTICITY
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LAW 1-27.4. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A MANNER
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REPRODUCTIONS. REDUCTION 25:1 ROLL NO. 1
DATE MICROFILMED DEC. 3, 1985
CAMERA OPERATOR Allen Lloyd

ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SOUTH DAKOTA COMPILLED
LAW 1-27-4. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A MANNER
AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTOGRAPHIC
REPRODUCTIONS. REDUCTION 35:1 ROLL NO 1 DATE MICROFILMED Dec. 3, 1985 CAMERA OPERATOR Mike Vogel

Receipt No.

Filed at Request of

EXECUTIVE ORDER 83-04

EXECUTIVE REORGANIZATION ORDER
#4 of 1983

January 18, 1983

State of South Dakota }
Office of Secretary of State } ss.

Filed in the office of the Secretary of
State on the 18th day of January
19 83.

Alvin Kunder
Secretary of State

By _____
Deputy Secretary of State

Fee received

EXECUTIVE ORDER 83-4
EXECUTIVE REORGANIZATION ORDER #4 OF 1983

WHEREAS, 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 58th Legislative Assembly on the 5th legislative day, being the 18th day of January, 1983:

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 #4 of 1983."

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.

STATE OF SOUTH DAKOTA - BUREAU OF ADMINISTRATION - OFFICE OF RECORDS MANAGEMENT - CERTIFICATE OF AUTHENTICITY
THIS IS TO CERTIFY THAT THE MICROPHOTOGRAPHIC IMAGE APPEARING ON THIS SLIDE OF MICROFILM IS AN ACCURATE REPRODUCTION OF THE ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SOUTH DAKOTA COMPILLED LAW 1-27-4. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A MANNER AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTOGRAPHIC REPRODUCTIONS.
REDUCTION 25:1 ROLL NO 1
DATE MICROFILMED Dec. 3, 1985
CAMERA OPERATOR Mike Dege

Section 3. "Agency" as used in this order shall mean any board, 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, program 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. Departments and bureaus shall submit for approval to the commissioner of personnel minimum qualifications for the division director positions within their departments or bureaus.

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 it is inconsistent with the other provisions of this order all rules, regulations and standards of the agencies involved in executive reorganization that are in effect on the effective date of this order, shall continue with full force and effect until they are specifically

ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SOUTH DAKOTA COMPILLED LAW 1-27-4. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A MANNER AND ON NEGATIVE FILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTOGRAPHIC REPRODUCTIONS. REDUCTION 35:1 ROLL NO. 1

DATE MICROFILMED

APR 3 1985

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CAMERA OPERATOR

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 exised 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 is impaired or diminished by the abolition of an agency in this order. The agency to which functions of another agency are transferred is substituted

ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SOUTH DAKOTA COMPILED LAW 1-27-4. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A MANNER AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTOGRAPHIC REPRODUCTIONS.

REDUCTION 35:1

ROLL NO 1

DATE MICROFILMED Dec. 3, 1985

CAMERA OPERATOR Mike Vogel

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 the 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. The effective date of the Executive Reorganization Order #4 of 1983 shall be ninety days after its submission to the Legislature.

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 on other funds utilized in performing the function are also transferred by this order.

REPRODUCTION. REDUCTION 25:1 ROLL NO. 1 DATE MICROFILMED AUG. 3, 1985 CAMERA OPERATOR Mike Vogel

LAW 1-27-4. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A MANNER AND ON NEGATIVE WHICH MEET THE REQUIRED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTOGRAPHIC REPRODUCTIONS.

DEPARTMENT OF TRANSPORTATION

Section 17. The state transportation commission is abolished. There is created within the department of transportation the South Dakota transportation commission. The South Dakota transportation commission consists of nine members. Eight of the members shall be appointed by the Governor and the ninth member is the secretary of transportation. All members shall be full voting members of the commission. Not all members of the commission may be from the same political party. No two appointive members may be at the same time a resident of the same county.

Section 18. Members of the South Dakota transportation commission shall be appointed to represent geographic population areas as follows:

1. Two members from area 1, consisting of the counties of Beadle, Brookings, Brown, Clark, Codington, Day, Deuel, Edmunds, Faulk, Grant, Hamlin, Hand, Hyde, Kingsbury, Marshall, McPherson, Roberts and Spink;
2. Three members from area 2, consisting of the counties of Aurora, Bon Homme, Brule, Buffalo, Charles Mix, Clay, Davison, Douglas, Gregory, Hanson, Hutchinson, Jerauld, Lake, Lincoln, McCook, Miner, Minnehaha, Moody, Sanborn, Turner, Union and Yankton;
3. One member from area 3, consisting of the counties of Bennett, Campbell, Corson, Dewey, Haakon, Hughes, Jackson, Jones, Lyman, Mellette, Potter, Stanley, Sully, Todd, Tripp, Walworth and Ziebach;
4. Two members from area 4, consisting of the counties of Butte, Custer, Fall River, Harding, Lawrence, Meade, Pennington, Perkins and Shannon.

THIS IS TO CERTIFY THAT THE MICROGRAPHIC IMAGE APPEARING ON THIS SLIDE OF MICROFILM IS AN ACCURATE REPRODUCTION OF THE ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SOUTH DAKOTA COMPILLED LAW 1-27-4. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A MANNER AND ON MICROFILM WHICH MEET THE REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROGRAPHIC REPRODUCTIONS.

REDUCTION 25:1 ROLL NO. 1 DATE MICROFILMED May 3, 1985 CAMERA OPERATOR Mike Vogel

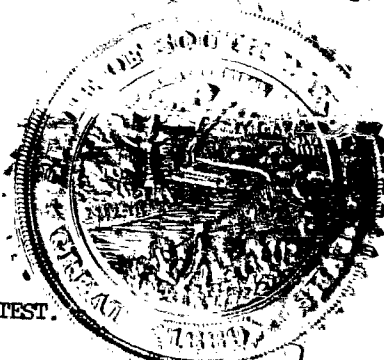
A member shall at all times during each respective appointment be a resident of such area.

Section 19. Terms of members of the South Dakota transportation commission shall be four years. The terms of members of the South Dakota transportation commission who are first appointed after the effective date of this order shall be: two appointed for a term of one year; two appointed for a term of two years; two appointed for a term of three years; and two appointed for a term of four years, and such initial terms shall be designated by the Governor. Any member appointed to fill a vacancy arising from other than the natural expiration of a term shall serve for only the unexpired portion of the term.

Section 20. The South Dakota transportation commission shall perform all statutory and other functions of the former state transportation commission including all quasi-legislative, quasi-judicial, administrative and special budgetary functions as defined by law.

Dated this 18th day of January, 1983.

Respectfully submitted,



William J. Janklow
Governor of South Dakota

ATTEST.

Alice Kundert
Secretary of State

THIS IS TO CERTIFY THAT THE MICROPHOTOGRAPHIC IMAGE APPEARING ON THIS SLIDE OF MICROFILM IS AN ACCURATE REPRODUCTION OF THE ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SOUTH DAKOTA COMPILLED LAW 1-27-4. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A MANNER AND ON MICROFILM WHICH MEET THE RECORDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTOGRAPHIC REPRODUCTIONS.

REDUCTION 25:1

ROLL NO 1

DATE 3/19/85

DATE MICROFILMED

CAMERA OPERATOR

Receipt No.

Filed at Request of

EXECUTIVE ORDER 83-09

Establishment of South Dakota Medal
of Honor Committee

April 29, 1983

State of South Dakota }
Office of Secretary of State } ss.

Filed in the office of the Secretary of
State on the 29th day of April
19 83.


Secretary of State

By _____
Deputy Secretary of State

Fee received

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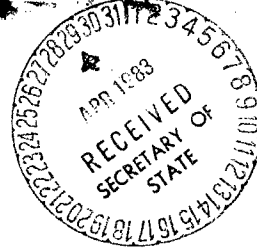
DATE MICROFILMED

Apr. 3, 1985

CAMERA OPERATOR

Hilda Legg

STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 83-09



WHEREAS, The State of South Dakota does not currently have an official State of South Dakota Medal of Honor; and,

WHEREAS, The creation of such an award could provide the opportunity to honor for all time some of the most important achievements, accomplishments and acts of bravery made by South Dakotans; and,

WHEREAS, The Arlington National Cemetery is willing to provide a permanent place of display for the South Dakota Medal of Honor; and,

WHEREAS, It is fitting and proper for the Governor to seek the advice of South Dakota's citizens as to the merits of establishing such an honor award:

IT IS THEREFORE BY EXECUTIVE ORDER directed that a South Dakota Medal of Honor Committee be established and authorized to function in compliance with the following sections of this order.

General Provisions

Section 1. The South Dakota Medal of Honor Committee's activities shall include the following:

- a. Review Medals of Honor created by other states.
- b. Advise the Governor as to the advantages and problems of making such a medal.

Section 2. The membership of the South Dakota Medal of Honor Committee is as follows:

David Volk, State Treasurer and Commissioner of School and Public Lands;
Charlotte Carver, South Dakota Fine Arts Council, Sioux Falls, South Dakota;
Ray Novak, South Dakota Veterans Commission, Aberdeen, South Dakota;
Glenn Green, Director, Division of Veterans Affairs, Pierre, South Dakota;
Mrs. Roger Larsen, Sioux Falls, South Dakota;
Joe Stewart, Mitchell, South Dakota;
Bill Menard, Rapid City, South Dakota.

Section 3. Expenses incurred by committee members who are state employees shall be paid by their respective agencies. Other expenses shall be paid by the Governor's Contingency Fund.

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REDUCTION

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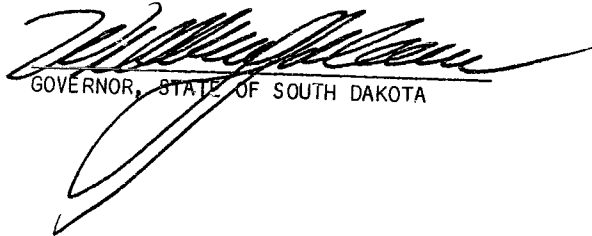
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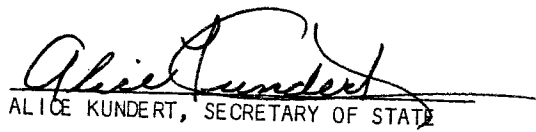
CAMERA OPERATOR

Philip D. [unclear]

Dated this 29th day of April, 1983.


GOVERNOR, STATE OF SOUTH DAKOTA

ATTEST:


ALICE KUNDERT, SECRETARY OF STATE

STATE OF SOUTH DAKOTA - BUREAU OF ADMINISTRATION - OFFICE OF RECORDS MANAGEMENT - CERTIFICATE OF AUTHENTICITY
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REPRODUCTIONS. REDUCTION 25:1 ROLL NO 1
DATE MICROFILMED Apr. 3, 1985 CAMERA OPERATOR Hilda Vogel

Receipt No.

Filed at Request of

EXECUTIVE ORDER 83-14

Authorization for Livestock Sanitary
Board to Expend \$48,000 from the
Livestock Disease Emergency Fund

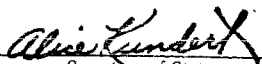
WILLIAM J. JANKLOW,
GOVERNOR

State of South Dakota

Office of Secretary of State

} ss.

Filed in the office of the Secretary of
State on the 30th day of September
19 83.


Secretary of State

By _____
Deputy Secretary of State

Fee received

LAN 1-27-4. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A MANNER
AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTOGRAPHIC
REPRODUCTIONS. REDUCTION 85:1 ROLL NO. 1
DATE MICROFILMED Dec. 3, 1985
CAMERA OPERATOR Hilda Lloyd

STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 83-14

WHEREAS, On September 28, 1983, the Livestock Sanitary Board declared an emergency regarding the existence of pseudorabies as a threat to the swine industry in the State of South Dakota; and,

WHEREAS, The Livestock Sanitary Board, pursuant to said declaration of an emergency, did authorize expenditure of Forty Eight Thousand Dollars (\$48,000) from the Livestock Disease Emergency Fund; and,

WHEREAS, Pursuant to SDCL 40-15-38, the expenditure from such fund requires the approval of the Governor; and,

WHEREAS, The Governor has considered the request of the Livestock Sanitary Board and does concur in that request;

NOW, THEREFORE, It is hereby ordered that the Livestock Sanitary Board shall be authorized to expend the sum of Forty Eight Thousand Dollars (\$48,000) from the Livestock Disease Emergency Fund for the purpose of eradication and control of pseudorabies in the swine industry in South Dakota.

Dated this 30th day of September, 1983.



WILLIAM J. JAMLOW
GOVERNOR

ATTEST:

Alice Kundert
ALICE KUNDERT
SECRETARY OF STATE

STATE OF SOUTH DAKOTA - BUREAU OF ADMINISTRATION - OFFICE OF RECORDS MANAGEMENT - CERTIFICATE OF AUTHENTICITY
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REDUCTION 25:1 ROLL NO 1
DATE MICROFILMED Dec. 3, 1985
CAMERA OPERATOR Bela Vogel

Receipt No.

Filed at Request of

EXECUTIVE ORDER 83-18


\$45.00 FINE PAID BY
CHARLES R. BRANDON IN
McCOOK COUNTY FOR ILLEGAL
TRANSPORTATION OF GAME BE
REMITTED

WILLIAM J. JANKLOW,
GOVERNOR

State of South Dakota
Office of Secretary of State

} ss.

Filed in the office of the Secretary of
State on the 22nd day of November
19 83.


Secretary of State

By _____
Deputy Secretary of State

Fee received

ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SOUTH DAKOTA COMPILLED
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REPRODUCTIONS. REDUCTION 25:1 ROLL NO 1 DATE MICROFILMED Aug. 3, 1985 CAMERA OPERATOR Mike Vogel

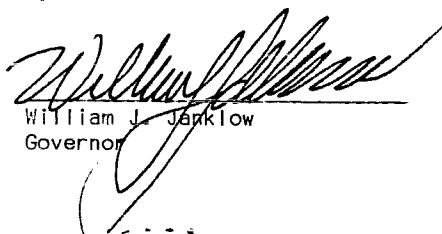
STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 83-18

WHEREAS, Charles R. Brandon of Springfield, Ohio, did enter a plea of guilty on October 17, 1983, in McCook County, South Dakota, for illegal transportation of game birds in violation of SDCL 41-14-32, and did pay a fine thereon in the amount of Forty-Five Dollars (\$45.00); and,

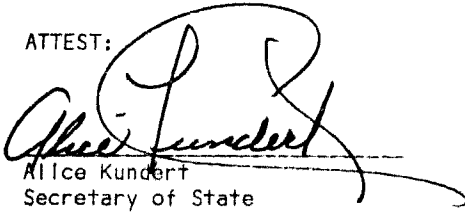
WHEREAS, It would be in the best interests of the State of South Dakota and its relationship with visitors to our great State to remit the fine paid by Mr. Brandon, pursuant to the authority vested in the Governor of the State of South Dakota:

NOW, THEREFORE, Pursuant to Article IV, Section 3, of the Constitution, I do hereby order that the fine of Forty-Five Dollars (\$45.00) paid by Mr. Charles R. Brandon in McCook County, South Dakota, on October 17, 1983, Case Number 83-846, is hereby remitted and a copy of this Order shall be sufficient authority for the Clerk of Courts of McCook County, South Dakota, to correct the records of that office and the Treasurer of McCook County, South Dakota, to withdraw sufficient funds to transmit to Mr. Charles R. Brandon at 2514 Brookdale Drive, Springfield, Ohio 45502, pursuant to the authority of this Order.

Dated this 22nd day of November, 1983.


William J. Janklow
Governor

ATTEST:


Alice Kundert
Secretary of State



THIS IS TO CERTIFY THAT THE MICROPHOTOGRAPHIC IMAGE APPEARING ON THIS SLIDE OF MICROFILM IS AN ACCURATE REPRODUCTION OF THE ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SOUTH DAKOTA COMPILLED LAW 1-27-4. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A MANNER AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTOGRAPHIC REPRODUCTIONS. REDUCTION 25:1 ROLL NO. 1 DATE MICROFILMED Dec. 3, 1985 CAMERA OPERATOR B. L. Loefer

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REDUCTION

25:1

ROLL NO

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DATE MICROFILMED

Dec. 3, 1985

CAMERA OPERATOR

Hilda Vogel

Filed at Request of

Receipt No.

EXECUTIVE ORDER 84-1

EXECUTIVE REORGANIZATION ORDER
#1 OF 1984

January 16, 1984

State of South Dakota

Office of Secretary of State

ss.

Filed in the office of the Secretary of

State on the 16th day of January

19 84



Secretary of State

By

Deputy Secretary of State

Fee received

EXECUTIVE ORDER 84-1
EXECUTIVE REORGANIZATION ORDER #1 OF 1984

WHEREAS, 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 58th Legislative Assembly on the 5th legislative day, being the 16th day of January, 1984;

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 #1 of 1984."

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.

ORIGINAL FILED AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SOUTH DAKOTA COMPILLED
LAW 1-27-4. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A MANNER
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REPRODUCTIONS. REDUCTION 35:1 ROLL NO 1
DATE MICROFILMED Apr. 3, 1985
CAMERA OPERATOR Mike Vogel

Section 3. "Agency" as used in this order shall mean any board, 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, program 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. Departments and bureaus shall submit for approval to the commissioner of personnel minimum qualifications for the division director positions within their departments or bureaus.

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 it is inconsistent with the other provisions of this order all rules, regulations and standards of the agencies involved in executive reorganization that are in effect on the effective date of this order, shall continue with full force and effect until they are specifically

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REPRODUCTIONS. REDUCTION 25:1 ROLL NO 1 DATE Dec. 3, 1985
DATE MICROFILMED FILED CAMERA OPERATOR LOGG

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 exised 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 is impaired or diminished by the 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.

STATE OF SOUTH DAKOTA - BUREAU OF ADMINISTRATION - OFFICE OF RECORDS MANAGEMENT - CERTIFICATE OF AUTHENTICITY
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REDUCTION 35:1 ROLL NO 1
DATE MICROFILMED Dec. 3, 1985
CAMERA OPERATOR *Willa Vogel*

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 the 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. The effective date of the Executive Reorganization Order #1 of 1984 shall be ninety days after its submission to the Legislature.

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 on other funds utilized in performing the function are also transferred by this order.

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REPRODUCTIONS. REDUCTION 35:1 ROLL NO 1
DATE MICROFILMED Dec. 3, 1985
CAMERA OPERATOR Mike Vogel

Commerce and Regulation

Section 17. The department of public safety established pursuant to Chapter 1-34 is abolished.

Section 18. The functions of the former department of public safety and the former secretary of public safety are transferred to the department of commerce and regulation and the secretary of commerce and regulation.

Section 19. The division of highway patrol and its functions in the former department of public safety are transferred to the department of commerce and regulation. The secretary of the department of commerce and regulation shall perform the functions of the former secretary of the department of public safety, relating to the division of highway patrol.

Section 20. The division of fire safety and its functions in the former department of public safety are transferred to the department of commerce and regulation. The secretary of the department of commerce and regulation shall perform the functions of the former secretary of the department of public safety, relating to the division of fire safety.

Section 21. The division of motor vehicles and its functions in the former department of public safety are transferred to the department of commerce and regulation. The secretary of the department of commerce and regulation shall perform the functions of the former secretary of public safety, relating to the division of motor vehicles.

Section 22. The division of highway safety and its functions in the former department of public safety are transferred to the department of commerce and regulation. The secretary of the department of commerce and regulation shall perform the functions of the former secretary of the department of public safety, relating to the division of highway safety.

STATE OF SOUTH DAKOTA - BUREAU OF ADMINISTRATION - OFFICE OF RECORDS MANAGEMENT - CERTIFICATE OF AUTHENTICITY
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REPRODUCTIONS. REDUCTION 35:1 ROLL NO. 1
DATE MICROFILMED Dec. 3, 1985
CAMERA OPERATOR *Willa Lloyd*

Section 23. The brand board created in chapter 40-18 is transferred to the department of commerce and regulation from the former department of public safety. The board shall report to the department of commerce and regulation.

WATER AND NATURAL RESOURCES

Section 24. The functions of the state geologist relative to oil and gas conservation, pursuant to section 45-1-4 and chapter 45-9, are transferred to the department of water and natural resources and the secretary of water and natural resources.

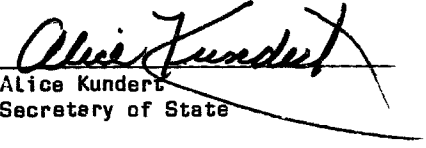
Dated this 16th day of January, 1984.



Respectfully submitted,


William J. Jenklow
Governor of South Dakota

ATTEST:


Alice Kundert
Secretary of State

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REDUCTION 25:1 ROLL NO. 1

DATE MICROFILMED Dec. 3, 1985

CAMERA OPERATOR Hilda Vogel

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ROLL NO

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DATE MICROFILMED

Dec. 3, 1985

CAMERA OPERATOR

Mike Lloyd

Receipt No.

Filed at Request of

EXECUTIVE ORDER 84-2

EXECUTIVE REORGANIZATION ORDER
#2 OF 1984

January 16, 1984

State of South Dakota

Office of Secretary of State

} ss.

Filed in the office of the Secretary of
State on the 16th day of January
19 84.

Alice Lambert
Secretary of State

By _____
Deputy Secretary of State

Fee received

EXECUTIVE ORDER 84-2
EXECUTIVE REORGANIZATION ORDER #2 OF 1984

WHEREAS, article IV, of the constitution of the state of South Dakota provides that "All executive and administrative offices, boards, agencies, commissions and instrumentalities of the state government and their respective functions, powers, and duties, except for the office of governor, lieutenant governor, attorney general, secretary of state, auditor, treasurer, and commissioners of school and public lands...shall be assigned to administrative offices, agencies, and instrumentalities in such manner as will tend to provide an orderly arrangement in the administrative organization of state government," and

WHEREAS, it is necessary to create a structure of state government which is responsive to the needs of the people of this state and sufficiently flexible to meet the changing conditions, establish executive authority over those areas where executive authority presently lies, provides a reasonable opportunity to create budgetary and administrative efficiencies within an orderly, organized structure of state government and strengthen the role of the legislature and encourage greater participation by the public in state government; and

WHEREAS, it is the intent of this executive order to provide for an orderly transfer of power, duties and functions of the various state agencies to the department with a minimum of disruption of governmental services and functions with a minimum of expense;

WHEREAS, this executive order has been submitted to the fifty-ninth Legislative Assembly on the 5th legislative day, being the 16th day of January, 1984:

THIS IS TO CERTIFY THAT THE MICROPHOTGRAPHIC IMAGE APPEARING ON THIS SLIDE OF MICROFILM IS AN ACCURATE REPRODUCTION OF THE ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SOUTH DAKOTA COMPILED LAW 1-27-4. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A MANNER AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTGRAPHIC REPRODUCTIONS.

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

GENERAL PROVISIONS

Section 1. This executive order shall be known and may be cited as "Executive Reorganization Order #2 of 1984."

Section 2. The definitions in Chapter 1-32 apply to word and phrases herein unless a different meaning clearly appears.

Section 3. It is the intent of this order not to repeal or amend any laws relating to functions performed by an agency, unless this intent is specifically expressed in this order or unless there is an irreconcilable conflict between this order and those laws in which case this order prevails.

Section 4. If a part of this order is invalid, all parts that are severable from the invalid part remain in effect. If a part of this order is invalid in one or more applications, the part remains in effect in all valid applications.

Section 5. Except when it is inconsistent with the other provisions of this order, all rules, regulations and standards of the agencies involved in executive reorganization that are 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 6. 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

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ORIGINAL OF ACQUISITION - OFFICE OF RECORDS MANAGEMENT - CERTIFICATE OF AUTHENTICITY

jurisdiction if any section, clause, sentence or part of this executive order would otherwise be unconstitutional or ineffective.

Section 7. 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 8. 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 is impaired or diminished by the 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 9. 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 the reason of the taking effect of any reorganization under the provisions

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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 10. 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 11. The effective day of the Executive Reorganization Order #2 of 1984 shall be ninety days after its submission to the Legislature.

Section 12. Any provisions of law in conflict with this order are superseded.

Section 13. Whenever a function is transferred by this order, all personnel, records, property, unexpended balances of appropriations, allocations on other funds utilized in performing the function are also transferred by this order.

DEPARTMENT OF EDUCATION AND LABOR

Section 14. There is created in the executive branch of government, the department of education and labor.

Section 15. The head of the department of education and labor is the secretary of education and labor.

Section 16. The secretary of education and labor shall be appointed by the Governor with the consent of the Senate and shall serve at the pleasure of

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the Governor pursuant to Section 9, article IV of the South Dakota constitution.

Section 17. The department of education and labor consists of the following divisions:

- a. The division of education;
- b. The division of labor;
- c. The division of vocational rehabilitation;
- d. The division of higher education; and
- e. The division of history and the arts.

DEPARTMENTS, DIVISIONS, AND OFFICES ABOLISHED AND TRANSFERRED

Section 18. The department of vocational rehabilitation established pursuant to Chapter 1-36A, together with its divisions and offices, is abolished. All of the functions, programs, personnel, and property to include unexpended budgetary allocations and records of the former department of vocational rehabilitation are transferred to the department of education and labor to be assigned among the department's divisions by the secretary.

Section 19. The department of labor, established pursuant to Chapter 1-37, together with its existing divisions, offices, and programs is abolished. All of the functions, programs, personnel, and property to include unexpended budgetary allocations and records of the former department of labor are transferred to the department of education and labor to be assigned among the department's divisions by the secretary.

Section 20. The department of education and cultural affairs, established pursuant to Chapter 1-45, together with its existing divisions,

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offices, and programs is abolished. All of the functions, programs, personnel, and property to include unexpended budgetary allocations and records of the former department of education and cultural affairs are transferred to the department of education and labor to be assigned among the department's divisions by the secretary. Except that the division of higher education of the former department of education and cultural affairs shall continue as the division of higher education of the department of education and labor, and the office of state superintendent with its functions shall continue as the head of the division of education of the department of education and labor.

BOARDS, COMMISSIONS, & COUNCILS, COMBINED, ABOLISHED, & TRANSFERRED

Section 21. The board of vocational rehabilitation established pursuant to Chapter 1-36A, is transferred to the department of education and labor and attached to the office of the secretary of the department of education and labor. The board shall continue to exercise its quasi-legislative and quasi-judicial functions.

Section 22. The manpower advisory council established pursuant to Chapter 61-2 of the former department of labor is hereby abolished. The unemployment insurance advisory council established pursuant to Chapter 61-2 of the former department of labor is continued in the department of education and labor and attached to the office of the secretary of the department of education and labor.

Section 23. There is created the South Dakota board of education within the department of education and labor attached to the office of the secretary

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LAW 1-27-4. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORD WAS IN A MANNER
AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTOGRAPHIC
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of the department of education and labor for administrative purposes. The South Dakota board of education consists of ten members. The members of the South Dakota board of education shall be appointed by the Governor with the advise and consent of the Senate. None of the members of the South Dakota board of education may be employed in the teaching profession nor be an employee of any institution of higher education during their term of service on the board. Not all of the members may be of the same political party. Terms of the members of the South Dakota board of education shall be four years to expire December 31, of the fourth year. Terms of the members of the South Dakota board of education who are first appointed after the effective date of this order shall be as follows:

- a. Three members appointed for a term of one year;
- b. Three members appointed for a term of two years;
- c. Two members appointed for a term of three years;
- d. Two members appointed for a term of four years.

The initial term of office shall be designated by the Governor. Any member appointed to fill a vacancy arising from other than the natural expiration of a term shall serve only the unexpired portion of the term. The South Dakota board of education shall meet at least four times annually. Special meetings may be held at the call of the president or in his absence a majority of the board, or at the call of the state superintendent, or at the call of the secretary of the department of education and labor.

Section 24. The state board of education established pursuant to Chapter 13-1, and the state board of vocational education established pursuant to Chapter 13-37, are abolished. All quasi-legislative, quasi-judicial, and advisory functions of the former state board of education and the former state

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board of vocational education are transferred to the South Dakota board of education.

Section 25. The professional practices and standards commission established pursuant to Chapter 13-43, is continued within the department of education and labor.

Section 26. The instructional television advisory council established pursuant to Chapter 13-47, is continued within the department of education and labor.

Section 27. The board of directors for educational television established pursuant to Chapter 13-47, and the educational television office is continued within the department of education and labor.

Section 28. The board of cultural preservation established pursuant to Chapter 1-18B, is transferred to department of education and labor and attached to the office of the secretary. The board of cultural preservation shall continue to perform its quasi-legislative, quasi-judicial, and advisory functions.

Section 29. The South Dakota fine arts council established pursuant to Chapter 1-22, is transferred to the department of education and labor and attached to the office of the secretary. The council shall continue to perform its quasi-legislative and advisory functions.

Section 30. The state library board established pursuant to Chapter 14-1, is transferred to the department of education and labor and attached to the office of the secretary. The board shall perform quasi-legislative and advisory functions.

Section 31. The board of trustees of the South Dakota retirement system established pursuant to Chapter 3-12 and the retirement system expense fund is continued as provided in [3-12-81 except that the board shall propose its

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DATE MICROFILMED Dec. 3, 1985

CAMERA OPERATOR Mike Lloyd

annual budget to the legislature, within the budget report of the bureau of personnel.

Section 32. Any existing advisory councils or commissions within the former departments of labor, education and cultural affairs, or vocational rehabilitation, not strictly identified herein, which are necessary for South Dakota to maintain compliance with federal regulations are continued within the department of education and labor. The secretary shall notify the appropriate federal officials of name changes in designated state agencies and changes in ex-officio membership of these commissions and councils.

Dated this 16th day of January, 1984.

Respectfully submitted,



William J. Janklow
Governor of South Dakota

ATTEST:

Alice Kundert
Alice Kundert
Secretary of State

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CAMERA OPERATOR Kyle Lloyd

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ROLL NO 1

DATE MICROFILMED Dec. 3, 1985

CAMERA OPERATOR Paul Vogel

Filed at Request of

Receipt No.

EXECUTIVE ORDER 84-05

ISSUANCE OF STATE BONDS UNDER
THE TAX REFORM ACT OF 1984

WILLIAM J. JANKLOW,
GOVERNOR

State of South Dakota

Office of Secretary of State

} ss.

Filed in the office of the Secretary of
State on the 20th day of September
19 84.

Alice Linder
Secretary of State

By _____
Deputy Secretary of State

Fee received

STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 84-05

WHEREAS, HR 4170, "The Tax Reform Act of 1984," restricts the total principal amount of private activity bonds which may be issued in the State of South Dakota during each calendar year; and,

WHEREAS, Said Act authorizes the Governor to establish an alternative method for allocating the issuance of bonds within the limits established by the Act; and,

WHEREAS, Changing economic conditions require a unified state and local approach so that changing needs can be identified and met; and

WHEREAS, It is important to establish uniformity and consistency in the economic development of the State of South Dakota through the use of industrial development bonds; and,

WHEREAS, The state government and the smaller communities of South Dakota have worked well together and effectively in the past through organizations such as local development corporations, regional planning districts and the state development office to fully identify programs and funding opportunities for economic development;

NOW, THEREFORE, Pursuant to the power and authority vested in the State Constitution and the laws of the State of South Dakota, and the federal Act herein referred to, IT IS HEREBY ORDERED AND DECREED that the following procedures be used to allocate the total principal amount of private activity bonds subject to the Act which may be issued by issuing authorities:

1. That the terms defined in this section shall, for purposes of this Executive Order, have the following meanings:
 - a. "Issuer" means any local agency or state agency authorized by the Constitution or laws of the State to issue private activity bonds.
 - b. "Local Agency" means any political subdivision of the State within the meaning of Section 103(a)(1) of the Internal Revenue Code of 1954 as amended, or any entity that has power to issue private activity bonds on behalf of any such political subdivision.
 - c. "Private Activity Bond" has the same meaning as provided in Section 103(n)(7) of the Internal Revenue Code of 1954 as amended.
 - d. "State Agency" means the state and all authorized state entities, empowered to issue private activity bonds, including nonprofit corporations described in Section 103(e) of the Internal Revenue

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Code of 1954 as amended, authorized to issue student loan bonds, but excluding local agencies as defined in this Order.

2. The State of South Dakota's private activity bond limit is hereby allocated to the State of South Dakota.
3. State or local agencies wishing to obtain an allocation for a project shall submit an application to the Governor in the form prescribed and approved by the Governor, including but not limited to the following information:
 - a. Name of the issuing authority.
 - b. The proposed project description, location, and the name and address of the project owner and operator.
 - c. Copy of the inducement resolution adopted by the local or state agency, if required.
 - d. The number of jobs to be created or preserved; the impact on the local tax base; the amount of private or local financing being used; the cost of issuance.
 - e. Cumulative total of private activity bonds approved for the calendar year.
 - f. Such other information as may be required by the Governor.
4. Any allocation granted to a state or local agency must be used by October 1 of each calendar year unless adequate assurance is given that said allocation will be used by the end of the calendar year and the Governor approves an extension.
5. No transfers of allocation granted pursuant to this Executive Order may be made by any state or local agency, but can only be made by the State.
6. All allocations made pursuant to this Order shall expire on December 31 of the calendar year, unless transferred pursuant to this Order; provided, however, that the allocation shall not expire if, pursuant to the Act, the allocation is carried forward with respect to a carry-forward project as defined in the Act.
7. In the event an allocation application is rejected or expires, the local or state agency may resubmit its application for an allocation.
8. This allocation procedure is effective immediately and applies to all private activity bonds issued in calendar year 1984, which are subject to the State private activity bond limit for 1984 and succeeding years.
9. All private activity bonds issued prior to the effective date of this Order are hereby approved as part of the State's allocation limit

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upon furnishing to the Governor the information required by paragraph three of this Order.

10. The Governor hereby certifies that no allocations approved or to be approved under the terms of this Order have been or will be made in consideration of any bribe, gift, gratuity, or direct or indirect consideration to any political campaign.

Dated this 20 day of September 1984.



Alice Kundert
ALICE KUNDERT, SECRETARY OF STATE

William J. Clark
WILLIAM J. CLARK, GOVERNOR

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Receipt No.

Filed at Request of

EXECUTIVE ORDER 84-07

Investigative Authorization

WILLIAM J. JANKLOW,
GOVERNOR

State of South Dakota }
Office of Secretary of State } ss.

Filed in the office of the Secretary of
State on the 31st day of October
19 84.

Alvin Lundberg
Secretary of State
By _____
Deputy Secretary of State

Fee received

EXECUTIVE ORDER
NO. 84-07
INVESTIGATIVE AUTHORIZATION

I, William J. Janklow, Governor of the State of South Dakota, acting pursuant to SDCL 1-11-7, do hereby execute and establish this Executive Order.

WHEREAS, certain building materials used in the construction and remodeling of state-owned buildings throughout the State may contain friable asbestos material;

WHEREAS, friable asbestos material can present unreasonable health hazards to the citizens and the employees of the State of South Dakota;

WHEREAS, the Federal Bankruptcy Court has established the date of January 31, 1985, as the final and preemptory date for governmental entities to file claims for identifying, analyzing, and abating friable asbestos material against the Johns-Manville Corporation which is seeking bankruptcy court protection from creditors;

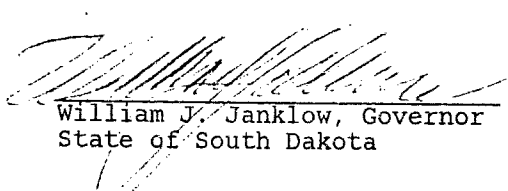
WHEREAS, it will be necessary for all Departments, Agencies, Boards, Bureaus, and Commissions of the State of South Dakota to cooperate fully with the efforts of the Attorney General to file a combined claim in the Johns-Manville bankruptcy proceeding on behalf of the State of South Dakota as a governmental entity.

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DATE MICROFILMED Dec. 3, 1985
CAMERA OPERATOR Mike Logg

NOW, THEREFORE, IT IS HEREBY ORDERED: that the Attorney General of the State of South Dakota conduct an investigation into the location and extent of friable asbestos material in state-owned buildings wherever they may be found and that he complete in proper form the legal documents necessary to establish a claim for the State of South Dakota in the pending bankruptcy proceeding prior to January 31, 1985.

IT IS FURTHER ORDERED that each Department, Agency, Bureau, Board, Commission and Employee of the State of South Dakota cooperate fully with the Attorney General in providing the information he requires in order to establish the claim on behalf of the State. Due to the limited time available for completing this task all employees are to treat requests for information by the Attorney General with the highest possible priority.

Done this 31st day of November, 1984, at Pierre, South Dakota.


William J. Janklow, Governor
State of South Dakota

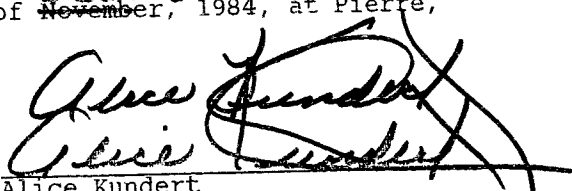
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CERTIFICATE OF FILING

I, Alice Kundert, Secretary of the State of South Dakota, do hereby certify that the attached Executive Order was duly filed in the Office of the Secretary, State Capitol, Pierre, South Dakota on the 31st day of October, 1984, and that I have affixed the Great Seal of the State of South Dakota to this Order.

Done this 31 day of October, 1984, at Pierre, South Dakota.


Alice Kundert
Secretary of State of South Dakota



STATE OF SOUTH DAKOTA - BUREAU OF ADMINISTRATION - OFFICE OF RECORDS MANAGEMENT - CERTIFICATE OF AUTHENTICITY
THIS IS TO CERTIFY THAT THE MICROPHOTGRAPHIC IMAGE APPEARING ON THIS SLIDE OF MICROFILM IS AN ACCURATE REPRODUCTION OF THE ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SOUTH DAKOTA COMPILED LAW 1-27-4. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A MANNER AND ON MICROFILM WHICH MEET THE REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTODUPLICATION REPRODUCTIONS.
REDUCTION 25:1 ROLL NO. 1 DATE MICROFILMED Dec. 3, 1985 CAMERA OPERATOR Kyle Lloyd

STATE OF SOUTH DAKOTA - BUREAU OF ADMINISTRATION - OFFICE OF RECORDS MANAGEMENT
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CAMERA OPERATOR Spa B. Galt

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 it is inconsistent with the other provisions of this order all rules, regulations and standards of the agencies involved in executive reorganization that are 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 exised 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 is impaired or diminished by the 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 the 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

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REDUCTION 25 ROLL NO 1 DATE MICROFILMED 22 July 1986
CAMERA OPERATOR Spa B. [Signature]

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. The effective date of the Executive Reorganization Order #2 of 1985 shall be ninety days after its submission to the Legislature.

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 on other funds utilized in performing the function are also transferred by this order.

OFFICE OF HISTORY AND STATE HISTORICAL SOCIETY BOARD OF TRUSTEES

Section 17. The office of cultural preservation established pursuant to Chapter 1-45 is hereby abolished.

Section 18. There is created in the department of education and cultural affairs the office of history. All of the functions, records, personnel, property, unexpended balances of appropriations, allocations or other funds of the former office of cultural preservation are transferred to the office of history.

Section 19. The office of history shall perform all the functions of the following museums:

- (1) The W.H. Over state museum;
- (2) The Smith-Zimmermann state museum;
- (3) The state agricultural heritage museum; and
- (4) The Robinson state museum.

Section 20. The board of cultural preservation established pursuant to Chapter 1-45 is hereby abolished.

Section 21. The state review board established pursuant to Chapter 1-19A, is hereby abolished.

Section 22. The executive committee of the state historical society established pursuant to Chapter 1-18, is hereby abolished.

Section 23. The historical records board established pursuant to Chapter 1-18B is hereby abolished.

Section 24. There is hereby created the state historical society board of trustees. All of the functions, records, personnel, property, unexpended balances of appropriations, allocations or other funds of the former board of cultural preservation, the state review board, the executive committee of the state historical society, and the historical records board are transferred to

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LAW 1-27-4. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A MANNER
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REPRODUCTIONS. REDUCTION 25 ROLL NO. 1 DATE MICROFILMED 22 July 1986
CAMERA OPERATOR John B. [Signature]

the state historical society board of trustees. All quasi-legislative, quasi-judicial and advisory functions of those boards are also transferred to the state historical society board of trustees.

Section 25. All administrative functions of the former board of cultural preservation are transferred to the secretary of education and cultural affairs.

Section 26. The state historical society board of trustees shall consist of twelve members. Not all of the members may be of the same political party. The members shall have demonstrated an interest or proficiency in history, anthropology, archaeology, museology, or architecture.

The term of office of each member shall be three years. Terms shall be staggered so that the terms of two members expire each year. A member appointed to fill a vacancy occurring other than by expiration of a term shall be appointed for the unexpired term.

Section 27. The Governor shall appoint six members to the state historical society board of trustees. One must be an architect and one must be a historian each qualified to meet the requirements for receipt of federal funds. Two of the initial members shall be selected for a one year term, two for a two-year term, and two for a three year term.

Section 28. The state historical society shall elect six members from its membership to the state historical society board of trustees. One must be an archivist, one must be an architectural historian and one must be an archaeologist, each qualified to meet the requirements for receipt of federal funds. The initial members elected from the membership of the state historical society will be elected by the executive committee of the state historical society. Two of these members shall be selected for a one year term, two for a two-year term, and two for a three-year term.

Section 29. The meeting for the election of the six board members from the membership of the state historical society shall be held each year, on a day and place to be fixed by the state historical society board of trustees. The date and location of the meeting shall be announced to the membership and the public, published in at least two official newspapers and announced to other media, with notice mailed to the membership at least fifteen days before the date of the meeting.

Section 30. The state historical society board of trustees shall meet at least four times annually. Special meetings may be held at the call of the president or upon the request of seven members of the board.

Section 31. The state historical society board of trustees shall be the trustee of the state for all property now or hereafter assigned to it and shall expend and apply all money received from the state to the uses and purposes directed by law. It shall hold all its collections and property for the state, and shall establish procedures for the review and disposition of its collections.

Section 32. The state historical society board of trustees may, pursuant to Chapter 1-26, develop a fee structure for the use of publications, papers,

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REPRODUCTIONS. REDUCTION 25 ROLL NO. 1 DATE MICROFILMED 22 July 1986 OPERATOR J. P. B.

documents, advertisements or legal notices in the custody of the state of South Dakota and the office of history. The fee structure shall be determined by the costs of maintaining, reproducing or researching the publications, documents, advertisements, legal notices and other historical items in the custody and care of the state of South Dakota and the office of history.

Dated this 15th day of January, 1985.



ATTEST:

Alice Kundert
Alice Kundert
Secretary of State

Respectfully submitted,

William J. Janklow
William J. Janklow
Governor of South Dakota

STATE OF SOUTH DAKOTA - BUREAU OF ADMINISTRATION - OFFICE OF RECORDS MANAGEMENT
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REPRODUCTION: REDUCTION 25 ROLL NO. 1
DATE MICROFILMED 12 July 1985
CAMERA OPERATOR J. B. [Signature]

EXECUTIVE ORDER 85-3
EXECUTIVE REORGANIZATION ORDER #3 OF 1985

WHEREAS, 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 60th Legislative Assembly on the 5th legislative day, being the 15th day of January, 1985;

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 #3 of 1985."

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, 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, program 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. Departments and bureaus shall submit for approval to the commissioner of personnel minimum qualifications for the division director positions within their departments or bureaus.

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.

ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SOUTH DAKOTA COMPILED LAW 1-27-4. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A MANNER AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTOREPRODUCTION. REDUCTION 25 ROLL NO. 1 DATE MICROFILMED 22 July 1986 OPER. P. 1-27-4 CAMERA OPERATOR

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 it is inconsistent with the other provisions of this order all rules, regulations and standards of the agencies involved in executive reorganization that are 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 exised 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 is impaired or diminished by the 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 the 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

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REDUCTION 25 ROLL NO. 1 DATE MICROFILMED 12 July 1966 CAMERA OPERATOR Joe B. [Signature]

DEPT. OF ADMINISTRATION - OFFICE OF RECORDS MANAGEMENT - CERTIFICATE OF AUTHENTICITY

session or until the Legislature completes legislation addressed to the same question, whichever comes first.

Section 14. The effective date of the Executive Reorganization Order #3 of 1985 shall be ninety days after its submission to the Legislature.

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 on other funds utilized in performing the function are also transferred by this order.

DEPARTMENT OF EDUCATION AND CULTURAL AFFAIRS

Section 17. There is created within the department of education and cultural affairs the South Dakota board of education. The South Dakota board of education shall consist of nine members. The members shall be appointed by the Governor with the advice and consent of the Senate. The terms of office for each member shall be four years and shall terminate December thirty-first of the fourth year.

Section 18. The terms of the members of the South Dakota board of education who are first appointed after the effective date of this order shall be as follows:

- a. two members for a term of one year,
- b. two members for a term of two years,
- c. two members for a term of three years, and
- d. three members for a term of four years.

Section 19. The initial term of office shall be designated by the Governor. Any member appointed to fill a vacancy arising from other than the natural expiration of a term shall serve only the unexpired portion of the term. The South Dakota board of education shall meet at least four times annually. Special meetings may be held at the call of the president or in his absence a majority of the board, or at the call of the state superintendent, or at the call of the secretary of the department of education and cultural affairs.

Section 20. Two of the members shall be persons who are representative of vocational education in South Dakota.

BOARDS COMBINED AND FUNCTIONS TRANSFERRED

Section 21. The state board of education established pursuant to chapter 13-1, and the board of vocational education established pursuant to chapter 1-45, are abolished. All quasi-legislative and quasi-judicial functions of the former state board of education and the former state board of vocational education are transferred to the South Dakota board of education. All administrative functions of the former state board of education and the former state board of vocational education are transferred to the secretary of education and cultural affairs.

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REPRODUCTIONS.
REDUCTION 25
ROLL NO. 1
DATE MICROFILMED 22 July 1986
CAMERA OPERATOR [Signature]

Section 22. There is created within the department of education and cultural affairs a division of education.

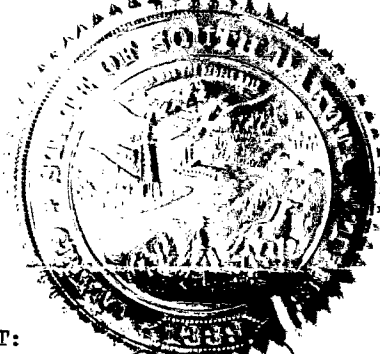
Section 23. The division of elementary and secondary education created pursuant to chapter 1-45, and the division of vocational education created pursuant to chapter 1-45 are abolished.

All of the functions, programs, personnel, and property to include unexpended budgetary allocations and records of the former division of elementary and secondary education and the former division of vocational education are transferred to the division of education.


Section 24. The function of the former state board of vocational education relating to the appointment of the director of the former division of vocational education is transferred to the board of education subject to the approval of the secretary of education and cultural affairs. The director shall serve at the pleasure of the secretary of education and cultural affairs.

Section 25. The function of the former state board of vocational education and the director of the former division of vocational education relating to the selection, the setting of qualifications, requirements and salaries of assistants, supervisors, staff members, clerks, and other necessary personnel pursuant to §13-39-6 is transferred to the secretary of education and cultural affairs, subject to the provisions of chapter 3-6A.


Dated this 15th day of January, 1985.



Respectfully submitted,


William J. Janklow
Governor of South Dakota

ATTEST:


Alice Kundert
Secretary of State

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REDUCTION 25

ROLL NO 1

DATE MICROFILMED 22 July 1986

CAMERA OPERATOR

STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 85-09

WHEREAS, The Secretary of Health has proposed emergency rules restricting the importation of food animals which may have been exposed to chloramphenicol into South Dakota; and,

WHEREAS, Chloramphenicol, even in small dosage, can cause aplastic anemia in humans and result in death; and,

WHEREAS, Federal regulations expressly prohibit the use of chloramphenicol in meat-, egg-, or milk-producing animals; and,

WHEREAS, Federal regulations specifically state that the length of time that residues of said chemical persist in milk or tissues has not been determined; and,

WHEREAS, Said chemical can only be used by prescription of a licensed veterinarian; and,

WHEREAS, Any commercial distribution within the United States of said chemical must be labeled and contain a statement that the product is not to be used in animals that are raised for food production; and,

WHEREAS, The use of said chemical is permitted in food-producing animals outside the United States; and,

WHEREAS, The unregulated importation of animals produced for food from areas outside the United States which permit the use of said chemical, presents a grave and serious health danger to the people of this state; and,

WHEREAS, No independent inspection or verification is presently required of animals produced for food coming into this state from areas where the use of said chemical is permitted; and,

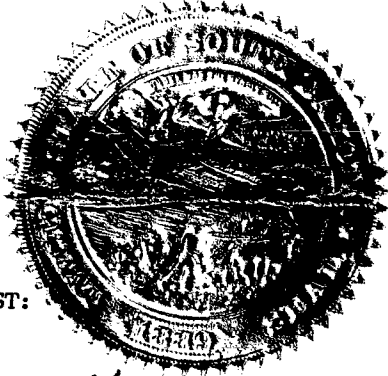
WHEREAS, The risk to human health from the continued importation of potentially contaminated animals from outside the United States constitutes an emergency situation:

NOW, THEREFORE, IT IS HEREBY ORDERED that effective immediately, no animals raised for food production shall be permitted to be imported into the state of South Dakota from any area outside the United States of America that does not restrict the use of chloramphenicol, unless and until said animals have been properly certified and a permit issued pursuant to emergency rules 44:17; and,

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IT IS FURTHER ORDERED that personnel and agents of the Department of Health shall cooperate with personnel and agents of the South Dakota Department of Agriculture, the Livestock Sanitary Board, and the South Dakota Highway Patrol, in enforcing this order and may take any and all such legal action otherwise authorized by law to assure compliance with this order.

Dated this 10th day of May, 1985.



ATTEST:

Alice Kundert
Alice Kundert, Secretary of State

BY Jay D. Vogt
Jay D. Vogt, Deputy

William J. Janklow
William J. Janklow, Governor

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REDUCTION

25

ROLL NO

1

DATE MICROFILMED

22 July 1986

CAMERA OPERATOR

Joe B. [Signature]

STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 86-07

WHEREAS, Our nation will soon be celebrating the bicentennial of the greatest governmental document ever written, the Constitution of the United States of America; and,

WHEREAS, South Dakota's participation in this event is both necessary and advantageous, and preparations will need to be made for this historic occasion:

IT IS THEREFORE BY EXECUTIVE ORDER directed that in addition to the duties specified in Executive Order 85-07, the South Dakota Centennial Commission shall coordinate the state's observance of the Bicentennial of the United States Constitution.

IT IS FURTHER BY EXECUTIVE ORDER directed that the administration of the South Dakota Centennial Commission shall be transferred from the Office of Executive Management to the Division of Cultural Affairs in the Department of Education and Cultural Affairs.

Dated this 13 day of August, 1986.


WILLIAM J. JANKLOW, GOVERNOR

ATTEST:


ALICE KUNDERT, SECRETARY OF STATE

STATE OF SOUTH DAKOTA

OFFICE OF THE GOVERNOR

EXECUTIVE ORDER 86-08

WHEREAS, Cigarette smoking has been cited as the leading cause of preventable death and chronic disease, resulting in 1,000 to 1,200 excess deaths each day; and,

WHEREAS, The treatment of smoking-related diseases costs more than \$40 billion dollars annually and an additional \$27 to \$60 billion dollars in lost productivity; and,

WHEREAS, The increased risk of premature death and disease is related to the duration of smoking during a lifetime; and,

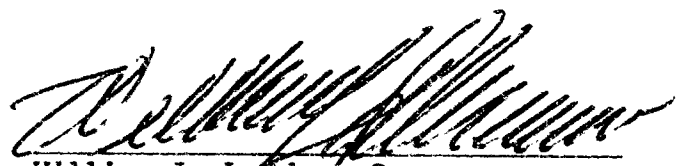
WHEREAS, More than 80 percent of all adolescents experiment with cigarettes and 30 percent become regular smokers by the age of 18; and,

WHEREAS, The State of South Dakota operates several rehabilitation programs for young people under age 18 designed to promote responsible behavior and healthy lifestyles; and,

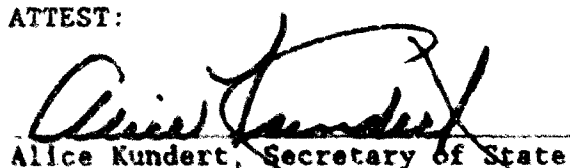
WHEREAS, Cigarette smoking and tobacco use represent significant costs and are not consistent with the state's responsibility to promote healthy behaviors and prevent costly disease:

NOW, THEREFORE, I, WILLIAM J. JANKLOW, hereby order that all cigarette smoking and tobacco use by individuals under the age of 18 cease in all state institutions and programs.

Dated this 17th day of September, 1986.


William J. Janklow, Governor

ATTEST:


Alice Kundert, Secretary of State

STATE OF SOUTH DAKOTA

OFFICE OF THE GOVERNOR

EXECUTIVE ORDER 86-10

WHEREAS, the Congress of the United States has passed and the President of the United States has signed the "Tax Reform Act of 1986" (hereinafter referred to as the "Act"); and

WHEREAS, the Internal Revenue Code of 1954, as in effect prior to the enactment of the Act, as amended by the Act, and as may be hereafter amended has been designated by the Act as the "Internal Revenue Code of 1986" (the "Code"); and

WHEREAS, Section 146 of the Code imposes a limitation on the aggregate principal amount of "private activity bonds" within the meanings of Sections 141, 146(g), 146(h) and 146(i) of the Code (hereinafter referred to as "Private Activity Bonds"), the interest on which would be exempt from federal income taxation, which may be issued in a state during each calendar year to the greater of \$250,000,000 or an amount equal to \$75 multiplied by the population of a state (hereinafter referred to as the "State Ceiling"); and

WHEREAS, the State Ceiling applies to Private Activity Bonds issued after August 15, 1986, with certain exceptions; and

WHEREAS, Section 146 of the Code provides a formula for allocating the State Ceiling among the various state agencies, cities, counties and other issuing authorities in a state (hereinafter referred to as "Issuers"), which formula shall be effective unless the legislature of a state or the governor of a state provides for a different formula for allocating the State Ceiling among Issuers within a state; and

WHEREAS, the provisions of Section 146 of the Code for allocating the State Ceiling within the State of South Dakota (the "State") are unworkable in the State; and

WHEREAS, in accordance with the provisions of Section 146 of the Code, the Governor of the State has found and determined that the best interests of the citizens of the State would be served by the promulgation of an executive order that would permit an orderly and equitable allocation of the State Ceiling among Issuers in the State; and

WHEREAS, the 1986 South Dakota Legislature has enacted Senate Bill 272 authorizing the Governor to issue an Executive Order to establish procedures for allocating bonds pursuant to restrictions imposed by the Tax Reform Bill of 1986 and similar federal legislation.

NOW, THEREFORE, pursuant to the power and authority vested in the Governor by the State Constitution and the laws of the State of South Dakota, and the Code, IT IS HEREBY ORDERED AND DECREED that the following procedures be used to allocate the State Ceiling for the State.

Section 1. The allocation system provided in Section 146 with respect to all Issuers, whether local or state, is hereby revoked. The State Ceiling shall be allocated among Issuers, whether local or state, by the Governor, in accordance with the terms and conditions of this Executive Order.

Section 2. State or local agencies wishing to obtain an allocation for a project shall submit an application to the Governor in the form prescribed and approved by the Governor, including, but not limited to, the following information:

- A. Name of issuing authority;
- B. The proposed project and location and the name and address of the project owner and operator, if applicable, or a description of the financing;
- C. Dollar amount of the allocation requested;
- D. Copy of the inducement resolution adopted by the local or state agency, if required;
- E. The number of jobs to be created or preserved; the impact on the local tax base; the amount of private or local financing being used; the cost of issuance;
- F. cumulative total of Private Activity Bonds approved for the calendar year; and
- G. such other information as may be required by the Governor.

Section 3. No transfers of allocation granted pursuant to this Executive Order may be made by any state or local agency, but can only be made by the State.

Section 4. All allocations made pursuant to this Order shall expire on December 31 of the calendar year, unless transferred pursuant to this Order; provided, however, that the allocation shall not expire if, pursuant to the Code, the allocation is carried forward with respect to a carry-forward project as defined in the Code, as provided in Section 7 hereof.

Section 5. In the event an allocation application is rejected or expires, the local or state agency may resubmit its application for an allocation. Such resubmitted application shall be reviewed in the order of date received with no preference or priority being given as a result of the prior application for the same project or financing.

Section 6. On or after December 15 of the calendar year, the Governor may, in his discretion, approve a carryforward election with respect to an approved allocation or any extension thereof if the Issuer, in writing: (a) requests such action and (b) indicates that the bonds for which the approved application was granted cannot be issued in the calendar year. Such approved carryforward election shall be made by the Issuer by means of a statement, signed by a duly authorized official of such Issuer and by the Governor. Such statement shall be filed with the Governor and with the Internal Revenue

Service prior to the end of the calendar year in accordance with Section 146(f) of the Code and the regulations promulgated thereunder. An Issuer may elect to carryforward such issuing authority only for qualified mortgage bonds, mortgage credit certificates, qualified student loan bonds, qualified redevelopment bonds (as such terms are defined in Sections 142, 143 and 144 of the Code) or for bonds to finance a project described in Section 141(d)(1)(A) of the Code. In no event shall such carryforward be effective for a period longer than permitted by Section 146(f) of the Code and the regulations promulgated thereunder.

Section 7. This allocation procedure is effective immediately and applied to Private Activity Bonds issued in calendar year 1986, which are subject to the State Ceiling.

Section 8. All allocations previously made pursuant to Executive Order 86-02 are hereby ratified and approved as if made pursuant to this Executive Order.

Section 9. The Governor hereby certifies that no allocations approved or to be approved under the terms of this Order have been or will be made in consideration of any bribe, gift, gratuity or direct or indirect consideration to any political campaign.

Section 10. The Governor shall provide to the Issuer on or prior to the date of issuance of any bonds for which an approved allocation has not expired, a certification, in substantially the form of Exhibit A attached hereto, that such bonds meet the requirements of Section 146 of the Code.

Section 11. Executive Order 85-05 and Executive Order 86-02 are hereby rescinded. This Executive Order shall take effect immediately and shall continue in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be fixed the Great Seal of the State of South Dakota in Pierre, the Capital City, this seventh day of November, in the Year of Our Lord Nineteen Hundred and Eighty-six.


Governor

ATTEST:


ALICE KUNDER, SECRETARY OF STATE

STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER NO. 86-13


THE GOVERNOR OF THE STATE OF SOUTH DAKOTA HEREBY ORDERS:

1. The Instruments of Transfer conveying and transferring fee title to certain real property described therein from the State of South Dakota to the South Dakota Building Authority (the "Authority"), pursuant to, and for the purposes specified in, South Dakota Codified Laws, Chapter 5-12, copies of which are attached hereto, are hereby approved.


2. The Ground Lease, the Sale Agreement, the Ground Subleases, and the Installment Sales Agreements, all by and between the Authority and the South Dakota Building Finance Corporation (the "Corporation"); the Lease Agreements by and between the Authority as lessor and the State of South Dakota, acting by and through its Bureau of Administration, as lessee; the Lease Agreements by and between the Authority as lessor and the State of South Dakota, acting by and through its Board of Charities and Corrections, as lessee; the Indenture of Trust by and between the Authority, the Corporation and Norwest Bank of Minneapolis, N.A., as Trustee; and the Authority Assignment and Security Agreement by and between the Authority and the Trustee; all of which are dated as of December 1, 1986, and are entered into by the Authority pursuant to, and for the purposes specified in, said Chapter 5-12, are hereby approved.

3. The sale/leaseback transaction approved herein shall not be construed in any manner to create a debt, encumbrance, or any other obligation against the South Dakota Retirement System ("System"), nor shall it affect in any way the contributions to be made to the System or the benefits to be paid by the System.

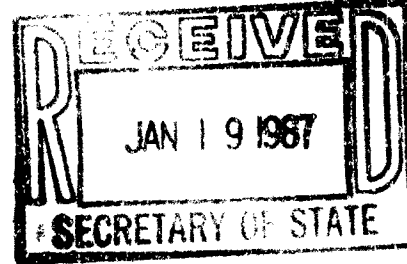
Dated at Pierre, South Dakota, this 18th day of December, 1986.


William J. Janklow, Governor

ATTEST:


Alice Kundert, Secretary of State

EXECUTIVE ORDER 87-2
EXECUTIVE REORGANIZATION ORDER #2 OF 1987



WHEREAS, 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 62nd Legislative Assembly on the 5th legislative day, being the 19th day of January, 1987;

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 #2 of 1987."

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, 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, program 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. Departments and bureaus shall submit for approval to the commissioner of personnel minimum qualifications for the division director positions within their departments or bureaus.

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 it is inconsistent with the other provisions of this order all rules, regulations and standards of the agencies involved in executive reorganization that are 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 exised 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 is 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 the 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. The effective date of the Executive Reorganization Order #2 of 1987 shall be ninety days after its submission to the legislature.

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 on other funds utilized in performing the function are also transferred by this order.

STATE TRANSPORTATION COMMISSION

Section 17. The secretary of the department of transportation is removed from the state transportation commission. The state transportation commission shall continue to have nine members. The ninth member shall be appointed by the Governor from area 3 as defined in subdivision S 1-44-5. His term shall be for four years and begin on the effective day of this executive order, and expire on April 18, 1991.


Dated this 19th day of January, 1987.

Respectfully submitted,



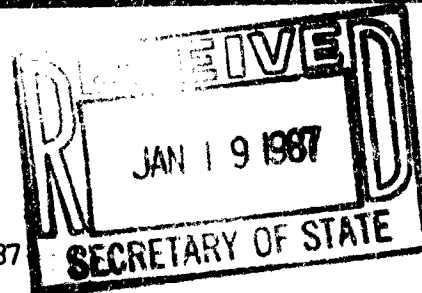
George S. Mickelson
Governor of South Dakota

ATTEST:



Joyce Hazeltime
Secretary of State

EXECUTIVE ORDER 87-3
EXECUTIVE REORGANIZATION ORDER #3 OF 1987



WHEREAS, 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 62nd Legislative Assembly on the 5th legislative day, being the 19th day of January, 1987;

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 #3 of 1987."

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, 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, program 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. Departments and bureaus shall submit for approval to the commissioner of personnel minimum qualifications for the division director positions within their departments or bureaus.

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 it is inconsistent with the other provisions of this order all rules, regulations and standards of the agencies involved in executive reorganization that are 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 exised 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 is 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 the 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. The effective date of the Executive Reorganization Order #3 of 1987 shall be ninety days after its submission to the legislature.

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

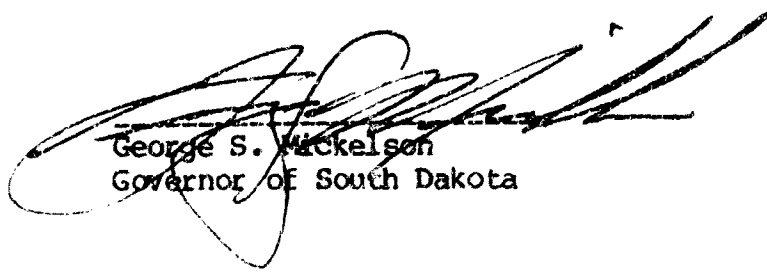
Section 16. Whenever a function is transferred by this order, all personnel, records, property, unexpended balances of appropriations, allocations on other funds utilized in performing the function are also transferred by this order.

GAME, FISH AND PARKS COMMISSION

Section 17. In addition to the other functions and responsibilities of the game, fish and parks commission, the commission shall nominate, not less than three persons for the position of secretary of game, fish and parks, who shall be appointed by and serve at the pleasure of the governor.


Dated this 19th day of January, 1987.

Respectfully submitted,



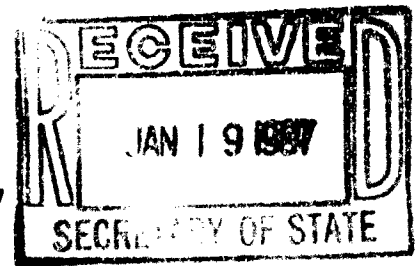
George S. Mickelson
Governor of South Dakota

ATTEST:



John Hazeltime
Secretary of State

EXECUTIVE ORDER 87-6
EXECUTIVE REORGANIZATION ORDER #6 OF 1987



WHEREAS, 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 62nd Legislative Assembly on the 5th legislative day, being the 19th day of January, 1987;

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 #6 of 1987."

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, 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, program 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. Departments and bureaus shall submit for approval to the commissioner of personnel minimum qualifications for the division director positions within their departments or bureaus.

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 it is inconsistent with the other provisions of this order all rules, regulations and standards of the agencies involved in executive reorganization that are 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 exised 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 is 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 the 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. The effective date of the Executive Reorganization Order #6 of 1987 shall be ninety days after its submission to the legislature.

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 on other funds utilized in performing the function are also transferred by this order.

SOUTH DAKOTA INDIAN AFFAIRS COMMISSION

Section 17. The state commission of Indian affairs established in S 1-4-1 is hereby abolished.

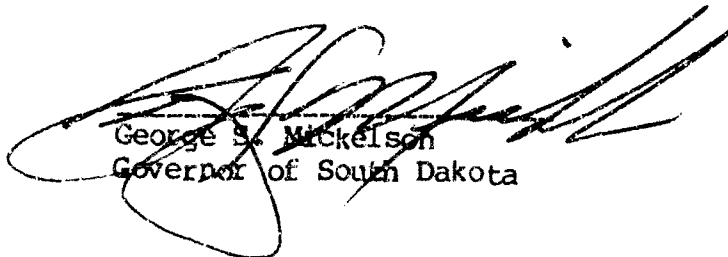
Section 18. There is created the South Dakota Indian affairs commission.

Section 19. The South Dakota Indian affairs commission shall consist of fourteen members, all of whom shall be voting members and residents of South Dakota. The Governor shall appoint two members at large from the citizens of the state of South Dakota. The Governor shall appoint an additional nine members to the commission from a list of recommendations made to him by the tribal chairperson of each of the nine recognized Indian tribes in South Dakota. The members appointed by the Governor shall be appointed for a term of two years, so arranged that not all of the terms expire at the same time. The Governor shall designate the term of office as one or two year terms for the purpose of initial appointments. All of the members appointed by the Governor serve at his pleasure. Two members of the commission shall be appointed, one each, by the speaker of the house of representatives from the house of representatives and by the president of the senate from the senate. Appointments shall be made during the first regular session of each term of the Legislature and for a two-year term. The initial appointment of the legislative members the commission shall be made after the effective date of this order, and the terms shall expire on December 31, 1988. The Governor is also a member of the commission.

Section 20. All of the powers, duties and functions of the former state commission of Indian affairs created in S 1-4-1 are transferred to the South Dakota Indian affairs commission.

Dated this 19th day of January, 1987.

Respectfully submitted,



George S. Mickelson
Governor of South Dakota

ATTEST:



Joyce Hazeltime
Secretary of State

Receipt No.

Filed at Request of

EXECUTIVE ORDER 87-15

ORDERED THAT ALL APPLICATIONS FOR EXECUTIVE CLEMENCY BE ADDRESSED TO, AND INITIALLY REVIEWED AND HEARD BY THE BOARD OF PARDONS AND PAROLES AND FORWARDED TO THE OFFICE OF THE GOVERNOR AND WHENEVER A CONDITIONAL ORDER OF CLEMENCY IS NOT BEING ACCOMPLISHED, THE BOARD OF PARDONS AND PAROLES MAY ISSUE AN ORDER TO SHOW CAUSE WHY THE ORDER OF CLEMENCY SHOULD NOT BE REVOKED; HOLD A HEARING ON THE ORDER TO SHOW CAUSE AND MAKE ITS RECOMMENDATIONS TO THE GOVERNOR CONCERNING THE ALLEGED VIOLATIONS OF SAID CONDITIONAL ORDER OF CLEMENCY

GEORGE S. MICKELSON, GOVERNOR

State of South Dakota

Office of Secretary of State

} ss.

Filed in the office of the Secretary of

State on the 5th day of May

19 87


Secretary of State

By

Deputy Secretary of State

Fee received

STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 87-15

WHEREAS, Article IV, Section 3 of the South Dakota Constitution grants to the Governor the power to "grant pardons, commutations and reprieves, and may suspend and remit fines and forfeitures"; and,

WHEREAS, SDCL 24-14-1 grants to the Governor the discretion to "delegate to the board of pardons and paroles the authority to hear applications for pardon, commutation, reprieve, or remission of fines and forfeitures, and to make its recommendations to him; and,

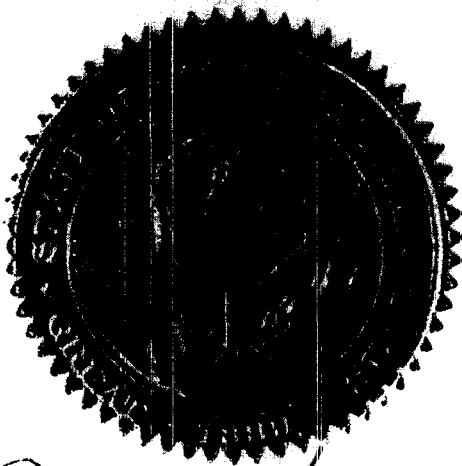
WHEREAS, The Board of Pardons and Paroles meets monthly to determine when and if penitentiary inmates are ready for "conditional release ... from actual penitentiary custody before the expiration of" the inmate's term of imprisonment; and has set forth a procedure to hear such applications and make such determinations:

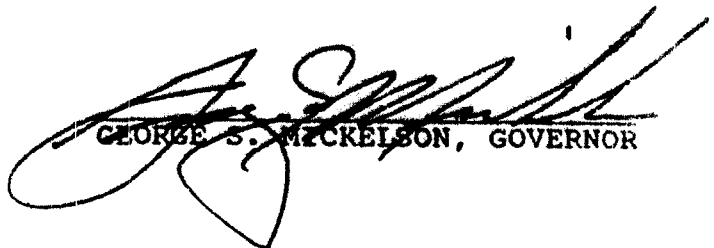
IT IS HEREBY ORDERED, That all applications for executive clemency, whether it be designated a "pardon," a "commutation," "reprieve," or a "remission of a fine or forfeiture" shall be

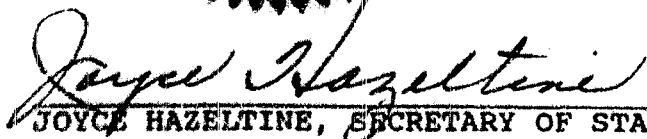
addressed to, and initially reviewed and heard by the Board of Pardons and Paroles. Recommendations for "executive clemency" shall be forwarded to the Office of the Governor for independent review.

IT IS FURTHER ORDERED, That whenever it becomes apparent that the purposes or objects of a conditional order of clemency is not being accomplished, the Board of Pardons and Paroles may issue an order to show cause why such conditional order of clemency should not be revoked; hold a due process hearing on the order to show cause; and make its recommendations to me concerning the alleged violations of said conditional order of clemency.

Dated at Pierre, the Capital City, South Dakota this 5th
day of May, 1987.




GEORGE S. MICKELSON, GOVERNOR


JOYCE HAZELTINE, SECRETARY OF STATE

STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 87 - 16

WHEREAS, there are over 4,000 reported fires annually in South Dakota, many of them preventable; and,

WHEREAS, there were over 30 fire related deaths and over 60 fire related injuries last year in South Dakota; and,

WHEREAS, there is an annual estimated property damage of over \$23,000,000 resulting from fires; and,

WHEREAS, a grassroots, local based effort could prevent many of these catastrophes.

IT IS THEREFORE DIRECTED BY EXECUTIVE ORDER, that a state community volunteer fire prevention board be created according to the provisions of this order.

Section 1. There is hereby created a state community volunteer fire prevention board. The board shall consist of nine members to be appointed by and to serve at the pleasure of the governor.

Section 2. The board shall meet quarterly or at the call of the chairman. The board, at its initial meeting, shall elect a permanent chairman, and other officers as the board deems appropriate. The director of the state volunteer office shall call the initial meeting after this order takes effect and appointments have been made to the board.

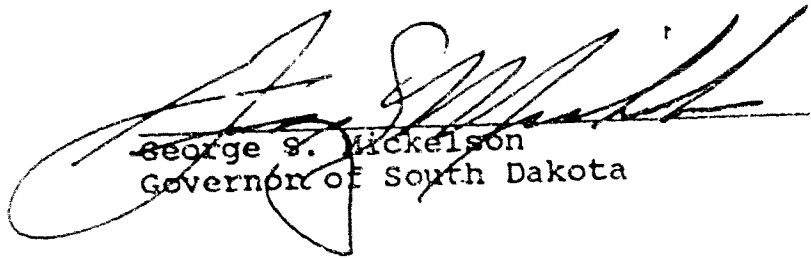
Section 3. The board shall encourage community based volunteer programs and projects designed to reduce the incidence of fires and its corresponding damages. Specifically, the board shall administer and monitor volunteer fire prevention activities and allocate funds made available to the state from the United States fire administration for such purposes. The board shall generate and continue volunteer activity with regard to fire prevention activities.


Section 4. Members of the board shall receive lodging and meals at rates established by the board of finance. Administration and clerical support for this board shall be provided by the Office of Volunteerism.

Dated this 5th day of May, 1987.



Respectfully submitted,


George S. Mickelson
Governor of South Dakota


Joyce Hazeltime
Secretary of State

STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 87-17

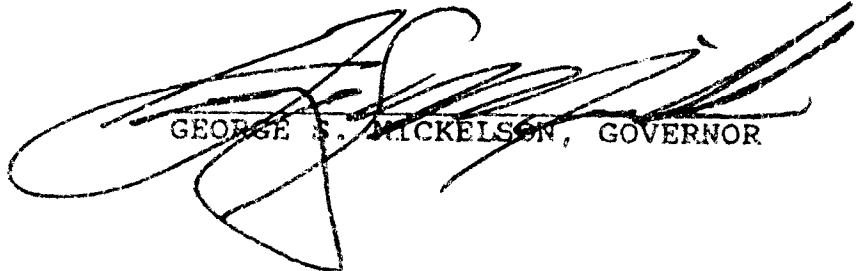
WHEREAS, South Dakota is nearing the celebration of its centennial; and,

WHEREAS, That celebration should be a focal point for South Dakota citizens' activities for the next two years:

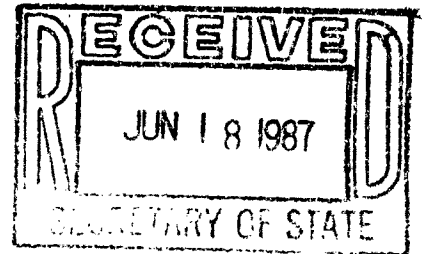
IT IS THEREFORE BY EXECUTIVE ORDER directed that the administration of the South Dakota Centennial Commission shall be transferred from the Division of Cultural Affairs in the Department of Education and Cultural Affairs, as ordered in Executive Order 86-07, to the Department of Executive Management, Office of the Governor.

Dated this 11th day of May, 1987.




GEORGE S. MICKELSON, GOVERNOR


JOYCE HAZELTINE, SECRETARY OF STATE



STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 87-19

Executive Order continuing the Department of Vocational Rehabilitation as Program Agent for the implementation of Independent Living Programs Public Law 99-506, 1986 Amendments to the 1973 Rehabilitation Act.

WHEREAS, Title VII is to authorize grants to assist states in providing comprehensive services for independent living designed to meet the current and future needs of individuals whose disabilities are so severe that they do not presently have the potential for employment, but may benefit from vocational rehabilitation services which will enable them to live and function independently.

WHEREAS, The policy of South Dakota State Government continues to be to maximize the participation of individuals with disabilities in South Dakota in every aspect of life.

IT IS THEREFORE BY EXECUTIVE ORDER directed that the Secretary of the Department of Vocational Rehabilitation shall be designated Program Agent for Independent Living Programs to be funded under Federal Legislation Public Law 99-506 with in-kind contribution or state contribution. The Department of Vocational

Rehabilitation will need a representative Council of persons with disabilities who will provide advice on Independent Living Programs.

State Independent Living Council

Section 1. An individual with a severe disability means an individual whose ability to function independently in family or community, or whose ability to engage or continue in employment is so limited by the severity of the disability that vocational or comprehensive rehabilitation services that are appreciably more costly and of appreciably greater duration than those vocational rehabilitation or comprehensive rehabilitation services required for the rehabilitation of an individual with handicaps are required to improve significantly either the ability to engage in employment or the ability to function independently in the family or community.

Section 2. The Department will organize a Council to consult on a continuing basis in the initial development and periodic revision of the state plan.

Section 3. The Council shall be composed of representatives of the principal State agencies, local agencies, and nongovernmental

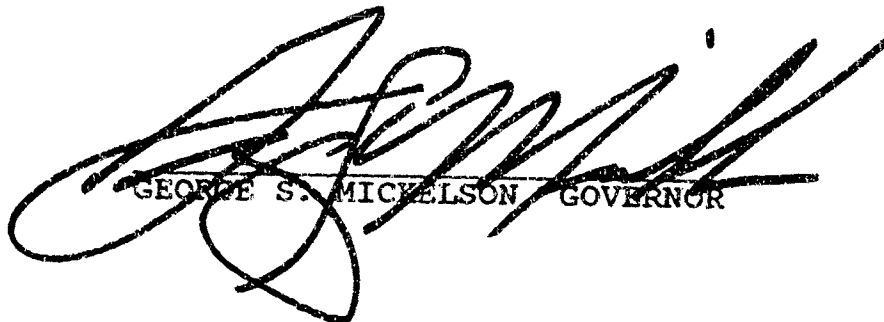
agencies and groups concerned with services to individuals with disabilities under this title; individuals with disabilities and parents or guardians of disabled individuals; directors of independent living centers; representatives from private business employing or interested in employing individuals with disabilities; representatives of other appropriate organizations and other appropriate organizations and other appropriate individuals.

Section 4. A majority of the membership of the Council shall be disabled individuals and parents or guardians of disabled individuals.


Section 5. The members of the Council shall be appointed by the Secretary of the Department of Vocational Rehabilitation. The department secretary will receive lists from disabled citizens' groups but is not limited to such lists. The Council will serve at the pleasure of the department secretary with the review of the Governor.

Section 6. The Department of Vocational Rehabilitation will also take into account the views of providers of independent living services and other individuals interested in services for severely disabled individuals.

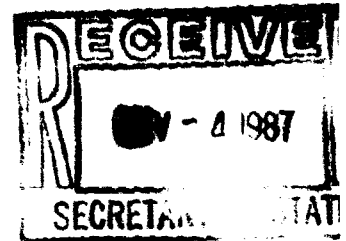
Dated in Pierre, the Capital City, this 17th
day of June, 1987.


GEORGE S. MICKELSON GOVERNOR

ATTEST:


JOYCE HAZELTINE, SECRETARY OF STATE

STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 87-26



WHEREAS, in accordance with the provisions of Section 146(e) of the Internal Revenue Code of 1986, the South Dakota Legislature enacted Chapter 12 of the 1986 Session Laws, South Dakota Codified Laws, Section 1-7-8, authorizing the Governor to establish, by Executive Order, procedures for allocating the State Ceiling among Issuers of Private Activity Bonds; and

WHEREAS, the Governor found and determined that the best interests of the citizens of the state would be served by the promulgation of an Executive Order that would permit an orderly and equitable allocation of the State Ceiling among issuers in the state for calendar years 1987 and 1988; and

WHEREAS, Executive Order 87-14 established an allocation procedure for Private Activity Bonds subject to the State Ceiling for calendar years 1987 and 1988; and

WHEREAS, that allocation procedure requires administration and approval by the Governor;

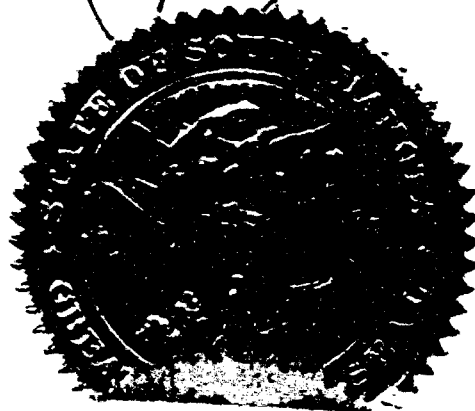
NOW, THEREFORE, pursuant to the power and authority vested in the Governor by the Constitution and laws of the state, and as authorized by the Code, IT IS HEREBY ORDERED AND DECREED that Issuers of Private Activity Bonds for calendar years 1987 and 1988 shall pay a fee to the state of South Dakota for the allocation, administration, and approval of Private Activity Bonds as required by Executive Order 87-14. The amount of the fee and the time of payment will be set by the Governor after consultation with the issuer.

Dated this 3rd day of November, 1987.


GEORGE S. MICKELSON
Governor of South Dakota

ATTEST:


JOYCE HAZELTINE
Secretary of State



EXECUTIVE ORDER 88-1
EXECUTIVE REORGANIZATION ORDER OF 1988

WHEREAS, 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 63rd Legislative Assembly on the 5th legislative day, being the 18th day of January, 1988;

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 #1 of 1988."

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, rights, privileges, entitlements, duty, program 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. Departments and bureaus shall submit for approval to the commissioner of personnel minimum qualifications for the division director positions within their departments or bureaus.

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 it is inconsistent with the other provisions of this order all rules, regulations and standards of the agencies involved in executive reorganization that are 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 is 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 the 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 com-

pletes legislation addressed to the same question, whichever comes first.

Section 14. The effective date of the Executive Reorganization Order #1 of 1988 shall be ninety days after its submission to the legislature.

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 on other funds utilized in performing the function are also transferred by this order.

DEPARTMENT OF EDUCATION AND CULTURAL AFFAIRS

Section 17. Membership of the state library board created in § 14-1-55 is hereby increased from seven to eight members. The additional member shall be the executive director of the board of regents or his designee.

GOVERNOR'S OFFICE OF ECONOMIC DEVELOPMENT

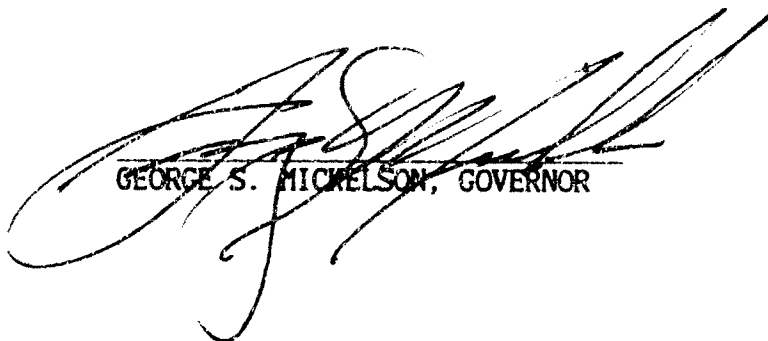
Section 18. The five divisions in the Governor's Office of Economic Development provided for in § 1-33-20 are hereby abolished.

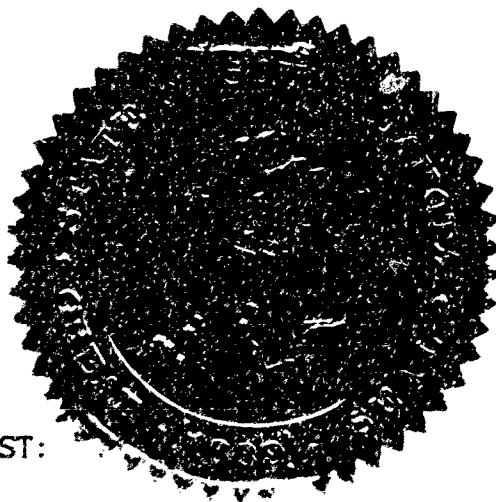
Section 19. The Commissioner for Economic Development shall determine the organizational structure of the Governor's Office of Economic Development.

BOARD OF ECONOMIC DEVELOPMENT

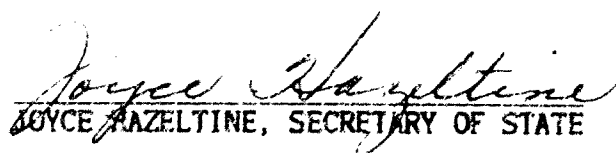
Section 20. The number of members on the board of economic development whose terms expire in any given year pursuant to § 1-42-15.1 is hereby increased from three to four.

Dated this 18 day of January, 1988.


GEORGE S. MICKELSON, GOVERNOR



ATTEST:


JOYCE HAZELTIME, SECRETARY OF STATE

EXECUTIVE ORDER 88-2
EXECUTIVE REORGANIZATION ORDER OF 1988

WHEREAS, 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 63rd Legislative Assembly on the 5th legislative day, being the 18th day of January, 1988;

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 #2 of 1988."

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, rights, privileges, entitlements, duty, program 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. Departments and bureaus shall submit for approval to the commissioner of personnel minimum qualifications for the division director positions within their departments or bureaus.

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 it is inconsistent with the other provisions of this order all rules, regulations and standards of the agencies involved in executive reorganization that are 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 is 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 the 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 com-

pletes legislation addressed to the same question, whichever comes first.

Section 14. The effective date of the Executive Reorganization Order #2 of 1988 shall be ninety days after its submission to the legislature.

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 on other funds utilized in performing the function are also transferred by this order.

Section 17. The following boards, commissions, and advisory councils are hereby abolished:

The South Dakota Alcohol Fuels Commission established by Executive Order 79-19;

The State Manpower Planning and Service Council established by Executive Order 74-3;

The Advisory Committee on Renal Disease established by Executive Order 73-14;

Data Processing Technology Planning Committee established by Executive Order 82-2;

South Dakota Foster Children's Advisory Council established by Executive Order 83-13;

State Council for Integrated Human Services for the First Planning and Development District established by Executive Order 73-15;

Advisory Council for Public Law 94-63 on Mental Health established by Executive Order 79-13;

South Dakota Committee on Educational Achievement established by Executive Order 83-11;

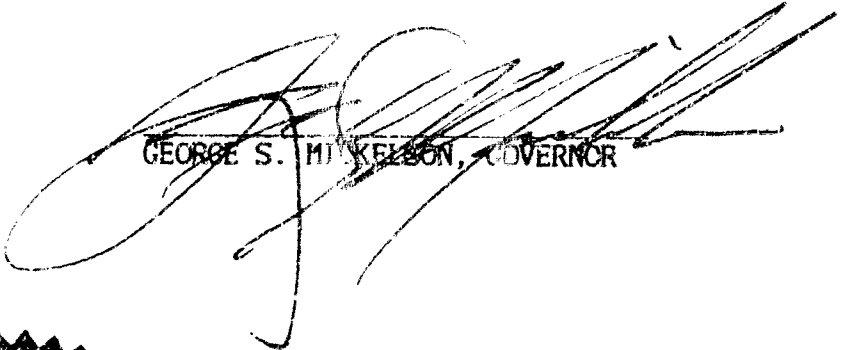
State Advisory Council on the Rehabilitation Act of 1973 Section 504 established by Executive Order 80-20; and,

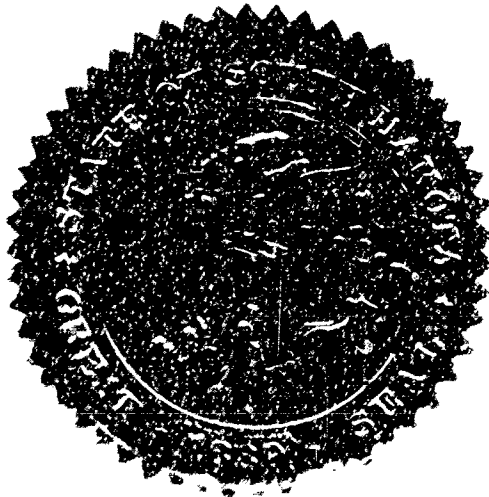
Advisory Committee to the Office of Energy Policy established by Executive Order 77-7.

The Statewide Health Coordinating Council established by Executive Order 83-7

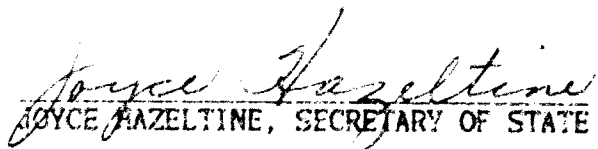
The Rural Development Loan Advisory Committee established by Executive Order 83-13.

Dated this 18 day of January, 1988.


GEORGE S. MICKELSON, GOVERNOR



ATTEST:


JOYCE HAZELTIME, SECRETARY OF STATE

STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 88-6

WHEREAS, The quality and efficiency of South Dakota state government depends in large part upon the health and well being of its employees; and,

WHEREAS, Approximately 1,000 people die in South Dakota each year from a smoking related illness; and,

WHEREAS, The tobacco smoke caused lung cancer risk to the nonsmoking workers is from 250 to 1,000 times higher than the accepted federal guidelines for carcinogens in food, air, or water; and,

WHEREAS, Secondhand smoke is a major indoor air pollutant and contains the same constituents and carcinogens found in directly inhaled smoke; and,

WHEREAS, Smoking related death and disease costs the citizens of South Dakota almost \$127 million each year; and,

WHEREAS, A standard no smoking policy can protect and promote the health and safety of employees and visitors, reduce the nuisance of secondhand smoke, increase worker productivity and is consistent with the promotion of a healthy lifestyle; and,

WHEREAS, Over 80% of South Dakota adults surveyed favored either a designated smoking area or a complete ban on smoking at the worksite; and,

WHEREAS, Smoking is the chief, single, preventable cause of death in the United States and South Dakota;

IT IS, THEREFORE, DIRECTED BY EXECUTIVE ORDER that a standard no smoking policy be established in all buildings or portions thereof owned or occupied by the Executive Branch of state government under the direction and control of the Governor.

Section 1. Smoking shall be prohibited in the above-mentioned buildings except in designated areas as follows:

A. One "designated smoking area" may be established by the agency head in their respective buildings. The agency head is

responsible for monitoring and controlling the "designated smoking area"; and

B. Agencies in multi-tenant buildings shall work together to establish one "designated smoking area" for the building.

Section 2. "Designated smoking areas" may be established in cafeterias but such area may not constitute more than twenty-five percent of the total seating capacity.

Section 3. "Designated smoking areas" may be established in employee break rooms but only if there is no other smoking room available in the building and a meeting is not in session.

Section 4. State-owned or occupied buildings without physical space to accommodate a "designated smoking area" or those buildings without adequate ventilation shall be designated as "no smoking."

Section 5. Signs shall be posted at all entrance and exit ways of state-owned or occupied buildings stating "No Smoking Except in Designated Areas." Appropriate signs shall also be posted in designated smoking areas identifying it as a smoking area. Standard signs shall be obtained from the Bureau of Administration.

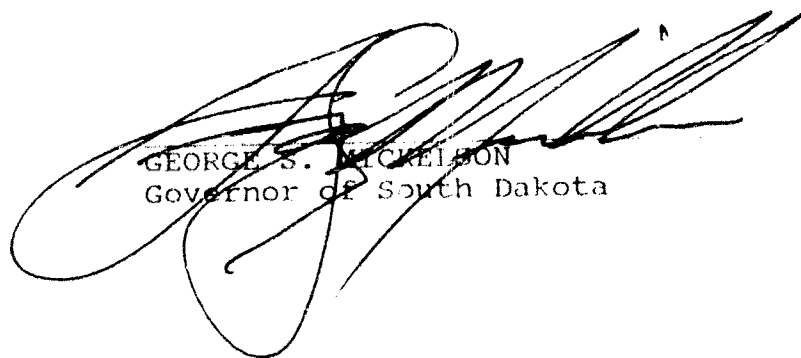
Section 6. The Department of Health shall coordinate and make available quit-smoking classes to employees desiring to break the smoking habit. A minimum of one hour of work time per week for a maximum of eight weeks shall be granted to any employee attending a quit-smoking class approved by the Department of Health.


NOW THEREFORE, I, GEORGE S. MICKELSON, Governor of the state of South Dakota, by virtue of the authority vested in me by the Constitution and statutes of this state, do hereby order and direct that a no smoking policy be established according to the provisions above mentioned in all buildings or portions thereof owned or occupied by the Executive Branch of state government under the direction and control of the Governor.

BE IT FURTHER ORDERED, that such policy be in effect, with the appropriate signs posted, no later than May 1, 1988, and that it shall apply to all state employees, clients, visitors and other persons using the facilities.

Dated this 20 day of April, 1988.




GEORGE S. MICKELSON
Governor of South Dakota


JOYCE HAZELTINE
Secretary of State

STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 83-16

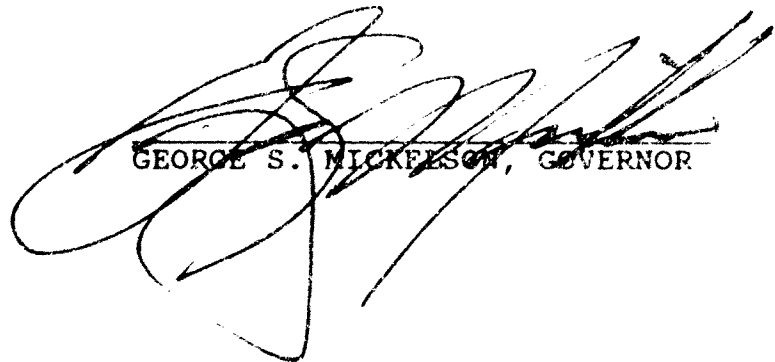
WHEREAS, Executive Order 83-16 implemented Presidential Executive Order 12372, Intergovernmental Review of Federal Programs; and,

WHEREAS, The 1988 Catalog of Federal Domestic Assistance, 15.605 Sport Fish Restoration, and 15.611 Wildlife Restoration states, "This program is eligible for coverage under E.O. 12372, 'Intergovernmental Review of Federal Programs.' An applicant should consult the office or official designated as the single point of contact in his or her State for more information on the process the State requires to be followed in applying for assistance, if the State has selected the program for review."


IT IS THEREFORE DIRECTED BY EXECUTIVE ORDER that the provisions of Executive Order 83-16 be amended to exempt from the formal review process those South Dakota Department of Game, Fish and Parks applications for new projects of less than \$30,000, as well as all amendments to ongoing projects. A courtesy notice of the projects is requested by the Governor's Office.

Dated at Pierre, South Dakota, this 22nd day of August, 1983.




GEORGE S. MICKELSON, GOVERNOR

ATTEST:


JOYCE HAZELTINE, SECRETARY OF STATE

STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 89-1

WHEREAS, Section 146 of the "Internal Revenue Code of 1986" (hereinafter referred to as the "Code") imposes a limitation on the aggregate principal amount of "private activity bonds" within the meaning of Section 141(a) of the Code and certain "governmental bonds," as described in Section 141(b)(5) of the Code (hereinafter collectively referred to as "Private Activity Bonds"), the interest on which would not be includible in gross income of the recipient for purposes of federal income taxation, which may be issued in a state, during each calendar year after 1987 to the greater of \$150,000,000 or an amount equal to \$50 multiplied by the population of the state (hereinafter referred to as the "State Ceiling"); and

WHEREAS, the State Ceiling applies to Private Activity Bonds issued after August 15, 1986, except as described in Sections 146(g), (h) and (i) of the Code or as otherwise provided therein; and

WHEREAS, Section 146 of the Code provides a formula for allocating the State Ceiling among the various state agencies, cities, counties and other issuing authorities in a state (hereinafter referred to as "Issuers"), which formula shall be effective unless the legislature of a state or the governor of a state provides for a different formula for allocating the State Ceiling among Issuers within a state; and

WHEREAS, the formula prescribed by Section 146 of the Code for allocating the State Ceiling for the state of South Dakota (the "State") to Issuers within the state is impractical and unworkable; and

WHEREAS, in accordance with the provisions of Section 146(e) of the Code in 1986, the South Dakota Legislature enacted Chapter 12 of the 1986 Session Laws, South Dakota Codified Laws, Section 1-7-8, as amended, authorizing the Governor to establish by Executive Order procedures for allocating the State Ceiling among Issuers pursuant to restrictions imposed by the Tax Reform Bill of 1985 and similar federal legislation, such as the Code; and

WHEREAS, the Governor of the State has found and determined that the best interests of the citizens of the State would be served by the promulgation of an Executive Order that would permit an orderly and equitable allocation of the State Ceiling among Issuers in the State for calendar years 1989 and 1990.

NOW, THEREFORE, pursuant to the power and authority vested in the Governor by the Constitution and laws of the State, and as authorized by the Code, IT IS HEREBY ORDERED AND DECREED that the following procedures be used to allocate the State Ceiling to Issuers within the State for calendar years 1989 and 1990.

Section 1. The allocation system provided in section 146 of the Code is hereby supplanted for calendar years 198^c and 1990 by the allocation system prescribed by this Order.

Section 2. Issuers wishing to obtain an allocation for Private Activity Bonds shall submit an application to the Governor in the form prescribed and approved by the Governor, including the following information:

- A. Name of Issuer and the name, address and telephone number of a contact person at the Issuer;
- B. a description of the proposed financing, including to the extent applicable, a description of the proposed project and its location and estimated cost, and the name, address and telephone number of the project owner and operator;
- C. the principal amount of the allocation requested;
- D. a copy of a resolution giving preliminary approval to the issuance of the Bonds adopted by the Issuer, if applicable;
- E. the number of jobs to be created or preserved by the project; the effect of the project on the local tax base, the amount of private or other public financing, and the estimated costs of issuance of the Bonds;
- F. the cumulative total principal amount of Private Activity Bonds issued by such Issuer in the calendar year; and
- G. such other information as may be required by the Governor.

Section 3. No Issuer may transfer an allocation granted pursuant to the Order to another Issuer or another project.

Section 4. All allocations made pursuant to this Order shall expire on December 15 of the calendar year in which granted, unless extended to a later date or reallocated by the Governor of the State pursuant to this Order, in which case such allocation shall expire at 11:59 p.m. on December 31 of the calendar year; provided, however, that the allocation shall not expire if, pursuant to the Code, the allocation is carried forward as provided in Section 6 hereof.

Section 5. In the event an application by an Issuer is rejected or an allocation expires, the Issuer may resubmit its application for an allocation. Such resubmitted application shall be reviewed in the order of date received.

Section 6. On or after December 15 of 1989 and 1990, the Governor may, in his discretion, approve a carryforward election with respect to an approved allocation or any extension thereof, if the Issuer, in writing: (a) requests such action; and (b) indicates that the Private Activity Bonds for which the approved application was granted cannot or will not be issued in such calendar year and the Private Activity Bonds qualify for a carryforward election as provided in the Code and this section 6. Such approved carryforward election shall be made by the Issuer by means of a statement, signed by a duly authorized official of such Issuer and by the Governor. Such statement shall be filed with the Governor and with the Internal Revenue Service prior to the end of the applicable calendar year in accordance with Section 146(f) of the Code and the regulations promulgated thereunder. An Issuer may elect to carryforward such allocation only for qualified mortgage bonds, mortgage credit certificates, qualified student loan bonds, qualified redevelopment bonds (as such terms are defined in Sections 142, 143 and 144 of the Code) or for bonds to finance a project described in Section 141(d)(1)(A) of the Code. In no event shall such carryforward be effective for a period longer than permitted by Section 146(f) of the Code and the regulations promulgated thereunder.

Section 7. This Executive Order and the allocation procedure specified herein are effective immediately and applied to Private Activity Bonds subject to the State Ceiling issued in 1989 and 1990.

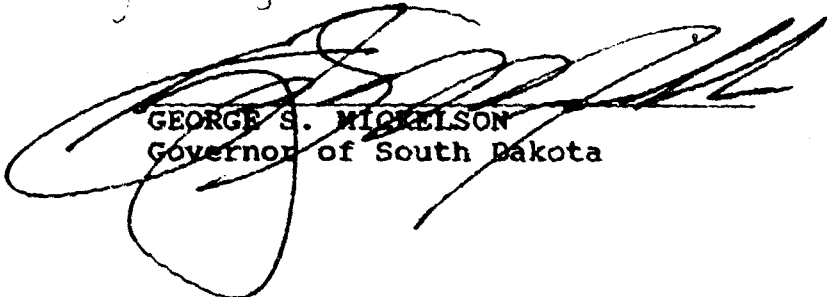
Section 8. On or prior to the date of issuance of any Private Activity Bonds for which an approved allocation has not expired or been relinquished, the Governor shall provide to the Issuer a certification, in substantially the form of Exhibit A attached hereto, within ten days after written request from the Issuer therefor, which request must be accompanied by a statement containing the information required to be filed with the Secretary of State under South Dakota Codified Laws, Section 6-8B-19, and the following information:

- A. The date and principal amount of allocation made by the Governor with respect to the issue of Private Activity Bonds;
- B. if the principal amount of Private Activity Bonds issued is less than the principal amount of allocation made with respect to such Bonds or a project, whether the Issuer relinquishes the balance of said allocation for reallocation by the Governor pursuant to this Order; and
- C. such other information as may be required by the Governor.

Section 9. No further allocation shall be made to an Issuer and any outstanding allocation granted to an Issuer hereunder shall be revocable by the Governor if, within five calendar days following the date of issuance of the Private Activity Bonds for which an allocation was granted, the Issuer does not file with the Governor a copy of the Information Return for Tax-Exempt Private Activity Bond Issues filed or to be filed with the Secretary of the United States Department of Treasury as required by Section 149(e) of the Code.

Dated this 5th day of January, 1989.




GEORGE S. MICKELSON
Governor of South Dakota

ATTEST:


JOYCE HAZELTINE
Secretary of State

STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 89-2

WHEREAS, in accordance with the provisions of Section 146(e) of the Internal Revenue Code of 1986, the South Dakota Legislature enacted Chapter 12 of the 1986 Session Laws, South Dakota Codified Laws, Section 1-7-8, as amended, authorizing the Governor to establish, by Executive Order, procedures for allocating the State Ceiling among Issuers of Private Activity Bonds; and

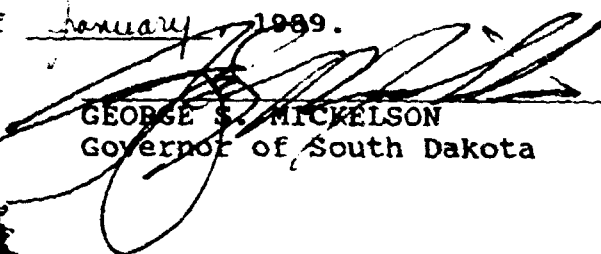
WHEREAS, the Governor found and determined that the best interests of the citizens of the state would be served by the promulgation of an Executive Order that would permit an orderly and equitable allocation of the State Ceiling among issuers in the state for calendar years 1989 and 1990; and

WHEREAS, Executive Order 89-1 established an allocation procedure for Private Activity Bonds subject to the State Ceiling for calendar years 1989 and 1990; and

WHEREAS, that allocation procedure requires administration and approval by the Governor.

NOW, THEREFORE, pursuant to the power and authority vested in the Governor by the Constitution and laws of the state, and as authorized by the Code, IT IS HEREBY ORDERED AND DECREED that Issuers of Private Activity Bonds for calendar years 1989 and 1990 shall pay a fee to the state of South Dakota for the allocation, administration, and approval of Private Activity Bonds as required by Executive Order 89-1. The amount of the fee and the time of payment will be set by the Governor after consultation with the issuer.

Dated this 5th day of January, 1989.


GEORGE S. MICKELSON
Governor of South Dakota



ATTEST:


JOYCE HAZELTINE
Secretary of State

STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER NO. 89-11

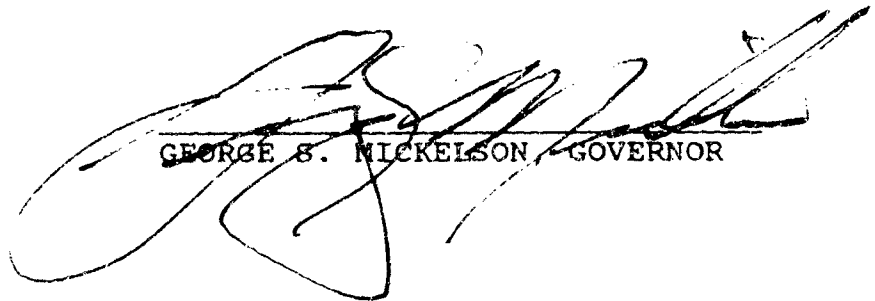
WHEREAS, SDCL 4-11-3 authorizes the Department of Legislative Audit to perform special audits, investigations and examinations of matters relating to state affairs upon the written order of the Governor; and,

WHEREAS, recent investigations at the South Dakota State Penitentiary conducted by the Attorney General and the Division of Criminal Investigation revealed two incidents involving the miscalculation of inmate release dates:

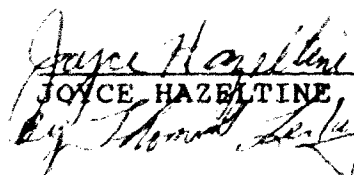

NOW, THEREFORE, IT IS DIRECTED BY EXECUTIVE ORDER, that the Auditor General recalculate the release dates for all prisoners issued certificates of discharge from the South Dakota State Penitentiary during FY 1987, FY 1988, and FY 1989.

June Dated at Pierre, South Dakota, this 20 day of June, 1989.




GEORGE S. NICKELSON, GOVERNOR

ATTEST:


JOYCE HAZELTINE, SECRETARY OF STATE
 Deputy

STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 89-15

WHEREAS, Federal, State and Local Partnership for Educational Improvement requires the creation of an advisory committee appointed by the Governor as a condition for receipt of federal funds for programs authorized by Chapter 2 of the Act; and,

WHEREAS, SDCL 1-32-4.1 provides that the Governor "may create such advisory councils, committees, boards or commissions as may be deemed necessary and in the best interest of the state of South Dakota...;" and,

WHEREAS, The education interests of the state of South Dakota would be advanced by the creation of an advisory committee for receipt of federal funds as specified in the Act.

IT IS, THEREFORE, BY EXECUTIVE ORDER, directed that an advisory committee to the Department of Education and Cultural Affairs be created and authorized to function in compliance with the following sections of this order:

GENERAL PROVISIONS

Section 1. The name of the advisory committee shall be the "Chapter 2 Advisory Committee."

Section 2. The Chapter 2 Advisory Committee shall be comprised of nine members, appointed by the Governor to serve at the pleasure of the Governor with at least one member representative of each of the following categories:

- (a) public and private elementary and secondary school children;
- (b) classroom teachers;
- (c) parents of elementary and secondary school children;
- (d) local boards of education;
- (e) local and regional school administrators (including principals, superintendents, and administrators of intermediate educational units);
- (f) institutions of higher education;
- (g) the state legislature;
- (h) elementary and secondary school librarians; and,
- (i) school counselors and other pupil services personnel.

The secretary of the Department of Education and Cultural Affairs and a member of the state Board of Education selected by the Governor shall be ex officio members.

Section 3. The Chapter 2 Advisory Committee shall advise the state Board of Education regarding:

- (a) suggested formula for the allocation of funds authorized by Chapter 2 of the Act to local school districts;
- (b) a suggested amount and allocation of funds reserved for use by the division of education under Section 565(a) of the Act;
- (c) suggested planning, development, support, implementation and evaluation of programs in the division of education supported with funds authorized under Section 565(a) of the Act; and,
- (d) the evaluation of the effectiveness of the programs authorized under the Act.

Section 4. The initial meeting of the Chapter 2 Advisory Committee shall be held at the call of the secretary of the Department of Education and Cultural Affairs as soon as is practicable after the members have been appointed. At its first meeting, the Chapter 2 Advisory Committee shall elect a chairman, a vice-chairman and a recording secretary, each for a maximum one year term, and shall establish a necessary work plan to execute its duties pursuant to Section 3 of this executive order. All subsequent meetings shall be held at the call of the secretary of the Department of Education and Cultural Affairs.

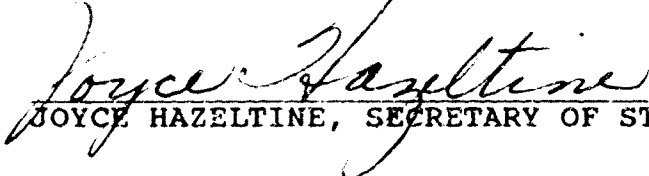
Section 5. All costs borne by the Chapter 2 Advisory Committee shall be paid from the operating budget of the division of education. Members shall receive per diem and travel reimbursement pursuant to § 4-7-10.4.

Dated this 2 day of August, 1989, in Pierre, South Dakota.




GEORGE S. MICKELSON, GOVERNOR

ATTEST:


JOYCE HAZELTINE, SECRETARY OF STATE

STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 89-17

WHEREAS. The policy of the state of South Dakota is to provide a drug free workplace environment; and,

WHEREAS, Illegal drugs in the workplace are a danger to the employees of this state and impair safety and health, promote crime, and undermine public confidence in the work done by the state; and,

WHEREAS, In order to continue to be considered a responsible source for federal grant awards or contracts, it is imperative that the state maintain a drug free workplace:

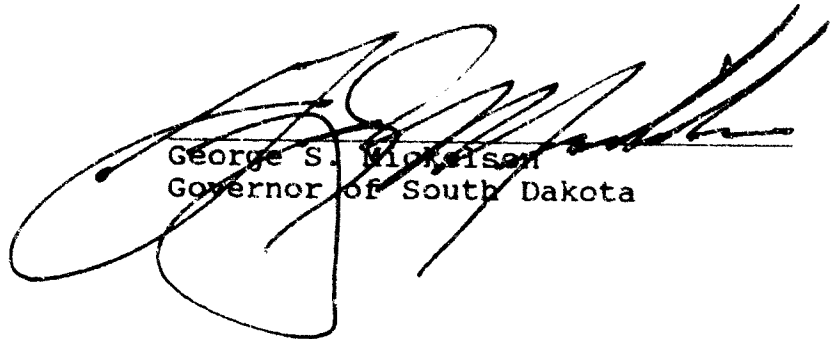
NOW, THEREFORE, I, GEORGE S. MICKELSON, GOVERNOR OF SOUTH DAKOTA, by the authority vested in me by the laws of South Dakota, do hereby declare that any approved location where work is assigned to be performed by an employee of the state of South Dakota shall be a drug free workplace and, further, that all employees of the state are absolutely prohibited from unlawfully manufacturing, distributing, dispensing, possessing or using any controlled substance in the workplace.

I HEREBY ORDER AND DIRECT:

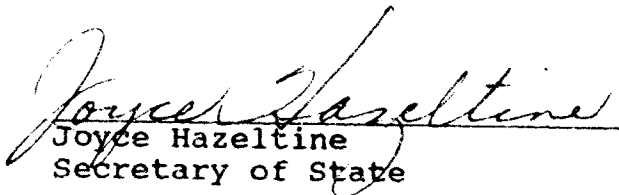
- 1) That any employee of the state who is convicted of a criminal drug statute violation in the workplace will be subject to appropriate disciplinary action, up to and including termination, or the employee may be required to participate satisfactorily in a drug abuse assistance or rehabilitation program.
- 2) That each employee of the state of South Dakota shall be given a copy of this order and the policy of the state which implements this order.
- 3) The commissioner of the Bureau of Personnel to develop and implement educational material for the purpose of ensuring that all officials and employees of the Executive Branch understands the dangers of drug abuse in the workplace, the policies of the state in maintaining a drug free workplace, any drug counseling, rehabilitation and employee assistance programs that are available and the penalties that may be imposed for drug abuse violations in the workplace.

Dated this 30th day of November, 1989.




George S. Mickelson
Governor of South Dakota

ATTEST:


Joyce Hazeltine
Secretary of State

EXECUTIVE ORDER 90-1
EXECUTIVE REORGANIZATION ORDER OF 1990

WHEREAS, the constitution of the State of South Dakota provides that "Except as to elected constitutional officers, the Governor may make such changes in the reorganization of offices, boards, commissions, agencies and instrumentalities, and in allocation of their functions, power 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 65th Legislative Assembly by the 5th legislative day, being the 15th day of January, 1990;

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 #1 of 1990."

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, 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, program 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. Departments and bureaus shall submit for approval to the commissioner of personnel minimum qualifications for the division director positions within their departments or bureaus.

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 it is inconsistent with the other provisions of this order all rules, regulations and standards of the agencies involved in executive reorganization that are 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 is 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 the 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. The effective date of the Executive Reorganization Order #1 of 1990 shall be ninety days after its submission to the legislature.

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 on other funds utilized in performing the function are also transferred by this order.

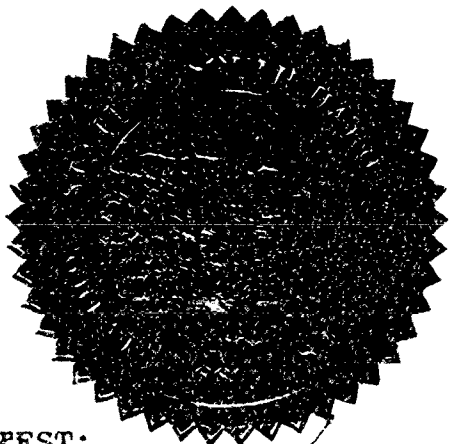

DEPARTMENT OF EDUCATION AND CULTURAL AFFAIRS

Section 17. The name of the state board of directors for educational television created in § 13-47-1 is hereby changed to the South Dakota board of directors for educational telecommunications.

Dated this 14 day of January, 1990


GEORGE S. MICKELSON, GOVERNOR

ATTEST:



JOYCE HAZELTINE, SECRETARY OF STATE

STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE REORGANIZATION ORDER 90-2

WHEREAS, The Constitution of the state of South Dakota provides that "Except as to elected constitutional officers, the Governor may make such changes in the reorganization 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 65th Legislative Assembly by the 5th legislative day, being the 15th day of January, 1990; and,

WHEREAS, The South Dakota legislature has adopted Chapter 306, Section 3 of the 1989 Session Laws, South Dakota Codified Laws, Section 34A-6-1.2 establishing the solid waste policy of this state; and,

WHEREAS, That policy establishes an hierarchy of solid waste management practices, including recycling and reuse as one of the identified solid waste management practices; and,

WHEREAS, It serves the best interests of the people of South Dakota to promote such recycling as is technologically and economically feasible; and,

WHEREAS, State government is a major consumer of office paper and motor oil, both yielding waste materials that have shown good potential for successful and economical recycling, and it is appropriate for state government to take a leading role in developing technologically and economically feasible recycling programs; and,

WHEREAS, The Bureau of Administration is charged with the administration of state facilities:

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 #2 of 1990."

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, 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, program 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. Departments and bureaus shall submit for approval to the commissioner of personnel minimum qualifications for the division director positions within their departments or bureaus.

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 it is inconsistent with the other provisions of this order, all rules, regulations and standards of the agencies involved in executive reorganization that are 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 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 the 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. The effective date of the Executive Reorganization Order #2 of 1990 shall be ninety days after its submission to the legislature.

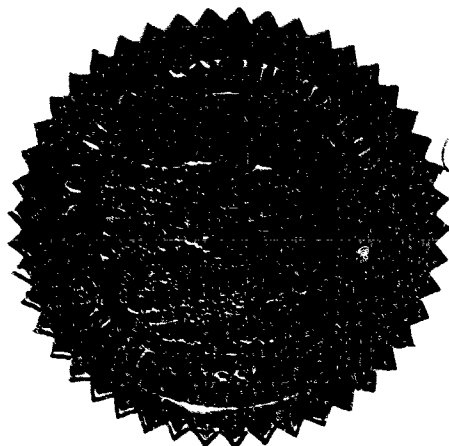
Section 15. Any provisions of law in conflict with this order are superseded.

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 Bureau of Administration shall formulate guidelines in cooperation with the Department of Water and Natural Resources and the Board of Minerals and Environment to assist the agencies of state government in recycling of waste office paper, motor oil and other possible waste material when it is technologically and


economically feasible. These guidelines shall be developed no later than July 1, 1990.

Dated this 9th day of January, 1990.




GEORGE S. MICKELSON, GOVERNOR

ATTEST:


JOYCE HAZELTINE, SECRETARY OF STATE

STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 90-3

WHEREAS, The South Dakota State Legislature has adopted Chapter 306, Section 3 of the 1989 Session Laws, South Dakota Codified Laws, Section 34A-6-1.2 establishing the solid waste policy of this state; and,

WHEREAS, That policy establishes an hierarchy of solid waste management practices, including recycling and reuse as one of the identified solid waste management practices; and,

WHEREAS, It serves the best interests of the people of South Dakota to promote such recycling as is technologically and economically feasible; and,

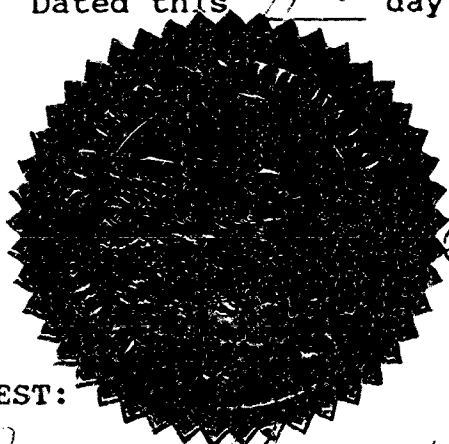
WHEREAS, It is appropriate to offer incentives to those communities interested in voluntarily engaging in and promoting recycling programs including the collection of recyclable materials, the development of and markets for recyclable materials and public education regarding recycling; and,

WHEREAS, The Office of Energy Policy has experience in the administration of a recycling project; and,

WHEREAS, The state of South Dakota, Office of Energy Policy, is in possession of public monies that were the result of oil overcharges in this state, and the dedication of these funds for the promotion of the development of recycling would be an appropriate use:

NOW, THEREFORE, pursuant to the power and authority vested in the Governor by the Constitution and the laws of the state, and as authorized by the Code, IT IS HEREBY ORDERED AND DECREED that the Office of Energy Policy dedicate the sum of \$100,000 from the Petroleum Violation Escrow Fund for the purpose of establishing a grant program for governmental entities to develop recycling projects. The Office of Energy Policy shall develop guidelines for grant eligibility and application evaluation no later than July 1, 1990.

Dated this 11th day of January, 1990.




GEORGE S. MICKELSON, GOVERNOR

ATTEST:


JOYCE HAZELTINE, SECRETARY OF STATE

STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 90-7

WHEREAS, The state of South Dakota, in spirit and in law, is dedicated to a strong policy against discrimination based upon sex; and

WHEREAS, State law and policy require the provision of a working environment conducive to the performance of duties and free from intimidation or coercion in any form; and

WHEREAS, Sexual harassment is defined to be unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a harassing nature which adversely affects a person's employment relationship or working environment; and

WHEREAS, Sexual harassment is unsolicited, deliberate sexual statements, gestures or physical contacts which are objectionable to the recipient; and

WHEREAS, Sexual harassment may involve intimidation by a person of either sex against a person of the opposite or same sex; and

WHEREAS, This administration is committed to merit principles as the basis for employment and advancement and, therefore, requires a workplace that is entirely free of any kind of intimidation or harassment; and

WHEREAS, Sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when:

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
- (2) submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting such individuals; or
- (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment; and

WHEREAS, It is important that all state employees be assured a work atmosphere free from sexual harassment:

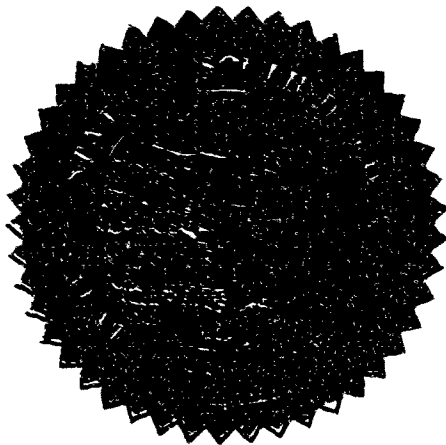
NOW, THEREFORE, I, GEORGE S. MICKELSON, GOVERNOR OF SOUTH DAKOTA, by the authority vested in me by the laws of South

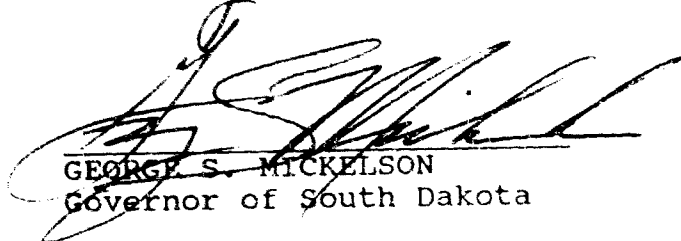
Dakota, do hereby declare sexual harassment to be a form of discrimination which is prohibited in any and every workplace in which public employees are required to conduct business.

I HEREBY ORDER AND DIRECT:

- (1) All employees of state government to ensure enforcement and observance of all provisions of law, regulation and policy prohibiting sexual harassment in the executive branch;
- (2) the commission of the Bureau of Personnel to develop and implement information material for the purpose of ensuring that all officials and employees of the executive branch clearly understand that sexual harassment in the workplace is illegal and will not be tolerated;
- (3) the cabinet shall disseminate information concerning the nature of sexual harassment and the methods by which it may be prevented or eliminated and any other relevant information concerning this practice to each person employed by any executive branch state agency; and
- (4) the commissioner of the Bureau of Personnel to distribute copies of this order to the cabinet for posting in conspicuous locations at all facilities or the executive branch.

Dated this 13th day of February, 1990.




GEORGE S. MICKELSON
Governor of South Dakota

ATTEST:


JOYCE HAZELTINE
Secretary of State

EXECUTIVE ORDER 91-3

EXECUTIVE REORGANIZATION ORDER OF 1991

WHEREAS, the Constitution of the state of South Dakota provides that "Except as to the 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 submissions, 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 66th Legislative Assembly by the 5th legislative day, being the 14th day of January, 1991;

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 #3 of 1991."

Section 2. The director of the Division of Railroads shall be appointed by the secretary of the Department of Transportation, which the Division of Railroads is a part, and shall be removable at the pleasure of the department, provided,

however, that both the appointment and removal of the director of the Division of Railroads shall be subject to approval by the Governor. The Department of Transportation shall submit for approval to the commissioner of the Bureau of Personnel minimum qualifications for the director of the Division of Railroads' position within the Department of Transportation.

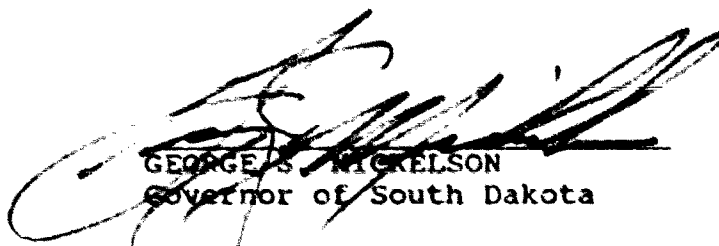
Section 3. The effective date of the Executive Reorganization Order #3 of 1991 shall be ninety days after its submission to the legislature.

Section 4. Any provisions of law in conflict with this order are superseded.

Dated this 11th day of January, 1991.

Respectfully submitted,




GEORGE S. MICKELSON
Governor of South Dakota

ATTEST:


JOYCE HAZELTINE
Secretary of State

EXECUTIVE ORDER 91-4

EXECUTIVE REORGANIZATION ORDER OF 1991

WHEREAS, Article IV, Section 8, of the Constitution of the state of South Dakota provides that "Except as to the 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 submissions, 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 66th Legislative Assembly by the 5th legislative day, being the 14th day of January, 1991;

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 #4 of 1991."

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, commission, department, bureau, division or any other unit organization of state government.

Section 4. "Function" as used in this order shall mean any authority, power, responsibility, duty, program 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 of the governor. Departments and bureaus shall submit for approval to the commissioner of the Bureau of Personnel minimum qualifications for the division director positions within their departments or bureaus.

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 it is inconsistent with the other provisions of this order, all rules, regulations and standards of the agencies involved in executive reorganization that are 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 a matter 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 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 appropriation, 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 the 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 the 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. The effective date of the Executive Reorganization Order #4 of 1991 shall be ninety days after its submission to the legislature.

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 Department of Water and Natural Resources is renamed the Department of Environment and Natural Resources.

Section 18. The Department of Environment and Natural Resources shall consist of such divisions as the secretary determines in accordance with Section 1-32-4. Sections 1-40-4, 1-40-7 and 1-40-23 are superseded.

Section 19. The secretary of the Department of Environment and Natural Resources shall perform the functions of the former secretary of the Department of Environmental Protection, relating to the Divisions of Water Quality and Water Hygiene, pursuant to Chapters 34A-2, 34A-3 and 34A-9.

Section 20. The secretary of the Department of Environment and Natural Resources may employ a geologist with an advanced degree in geology as state geologist. The state geologist shall act as advisor to the secretary in all matters pertaining to geology, hydrology, and natural history and, particularly, conduct research to evaluate the natural resources of the state.

Section 21. The functions of the Board of Minerals and Environment, pursuant to Sections 45-6B-48, 45-6B-49, 45-6C-36, 45-6C-37, 45-6D-51 and 45-6D-52, are transferred to the secretary of the Department of Environment and Natural Resources.

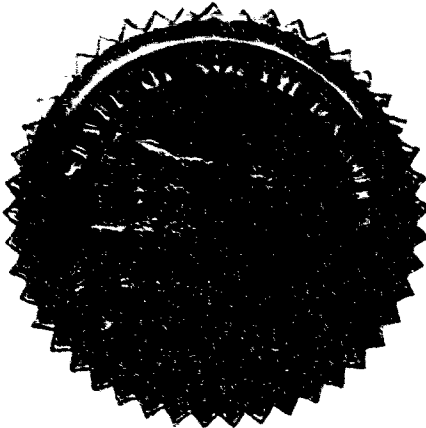
Section 22. The functions of the secretary of the Department of Commerce and Regulation, under Sections 34A-7-5, 34A-7-5.1 and 34A-7-5.2, are transferred to the Department of Environment and

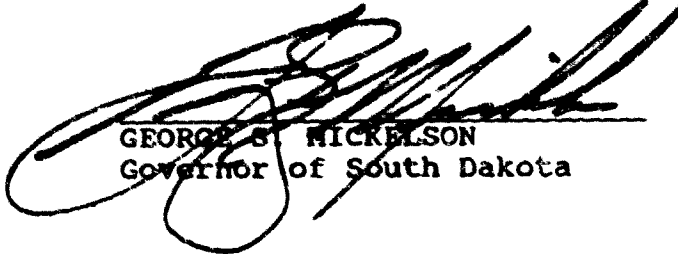
Natural Resources. The provisions of Subsection 34A-7-1(6) are hereby superseded.

Section 23. Any provisions of titles 1, 34, 38, 45 and 46 in conflict with this order are hereby superseded.

Dated this 11th day of January, 1991.

Respectfully submitted,




GEORGE S. NICKELSON
Governor of South Dakota

ATTEST:


JOYCE HAZELTINE
Secretary of State

EXECUTIVE ORDER 91-5

EXECUTIVE REORGANIZATION ORDER #91-5

WHEREAS, Article IV, Section 8, of the Constitution of the state of South Dakota provides that "Except as to the 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 submissions, 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 66th Legislative Assembly by the 5th legislative day, being the 14th day of January, 1991;

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 #91-5 of 1991."

Section 2. There is established a Corrections Commission. The commission shall be assigned to the Department of Corrections.

Section 3. The commission shall consist of nine members; three appointed by the governor; four appointed by the executive

board of the Legislative Research Council; two senators, one from each political party, two representatives; one from each political party; and two appointed by the Chief Justice of the Supreme Court.

Section 4. Members shall serve at the pleasure of the appointing authority and may be removed by the appointing authority at any time.

Section 5. The commission shall meet periodically at the call of the secretary of the Department of Corrections, and shall assist the Department of Corrections in examining criminal justice issues and developing initiatives to address problems in corrections and the criminal justice system.

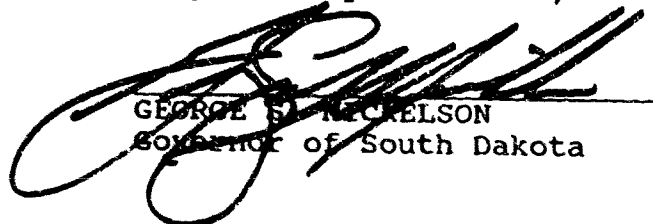
Section 6. That the corrections advisory board, as established in § 1-15-1.6 is hereby abolished and their duties and responsibilities are transferred to the Corrections Commission.

Section 7. The effective date of the Executive Reorganization Order #91-3 of 1991 shall be ninety days after its submission to the legislature.

Section 8. Any provisions of law in conflict with this order are superseded.

Dated this 11th day of January, 1991.

Respectfully submitted,


GEORGE S. MCCRELLSON
Governor of South Dakota



ATTEST:


JOYCE HAZELTINE
Secretary of State

STATE OF SOUTH DAKOTA
EXECUTIVE ORDER 91-6
EXECUTIVE REORGANIZATION ORDER #6 OF 1991

WHEREAS, 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 66th Legislative Assembly by the 5th legislative day, being the 14th day of January 1991:

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 #6 of 1991."

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, 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, program 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. Departments and bureaus shall submit for approval to the commissioner of personnel minimum qualifications for the division director positions within their department or bureaus.

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 it is inconsistent with the other provisions of this order, all rules, regulations and standards of the agencies involved in executive reorganization that are 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 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 the 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. The effective date of the Executive Reorganization Order #6 of 1991 shall be ninety days after its submission to the legislature.

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 on other funds utilized in performing the function are also transferred by this order.

DEPARTMENT OF EDUCATION AND CULTURAL AFFAIRS

Section 17. The superintendent of education established pursuant to Chapter 13-3 is hereby abolished.

Section 18. All of the functions, programs, personnel, and property to include unexpended budgetary allocations and records of the former superintendent of education are transferred to the secretary of the department of education and cultural affairs.

Section 19. The duty of the South Dakota board of education to appoint a superintendent of education as provided for in § 13-3-1.1 is hereby superseded.

Section 20. The deputy superintendent of education established in § 13-3-1.3 is hereby abolished.

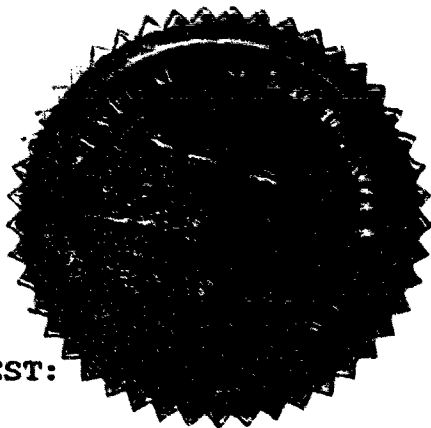
Section 21. There is hereby created within the division of education the following offices:

- (1) The office of educational services, which shall be designated as the state agency to administer federal programs benefitting K-12 schools and to design and deliver services needed by K-12 schools to maintain compliance with federal and state statutes and rules;
- (2) the office of vocational education, which shall be designated as the state agency to administer the state vocational-technical education plan to provide vocational and technical training to South Dakota citizens through secondary and post-secondary programs;
- (3) the office of special education, which shall be designated as the state agency to administer the state plan for the education of the handicapped to provide education and related services to individuals aged birth to 21 with handicapping conditions; and,
- (4) the office of accountability, which shall be designated as the state agency to accredit elementary and secondary schools, to approve other education programs, to certify teachers and other school personnel, and to review post-secondary teacher education programs and recommend approval/nonapproval to the South Dakota Board of Education.

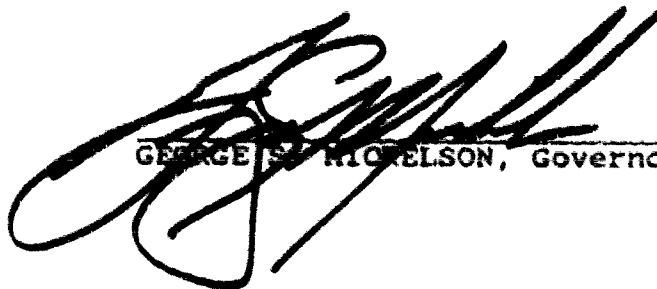
Section 22. The name of the office of educational television created in 13-45-18 is hereby changed to the office of educational telecommunications.

Section 23. The division of cultural affairs shall consist of the following offices: Arts office, office of educational telecommunications, office of history and state library office.


Dated in Pierre, South Dakota, this 11th day of January, 1991.



ATTEST:



GEORGE S. MICKELSON, Governor



JOYCE HAZELTINE, Secretary of State

STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER NO. 91-8

WHEREAS, South Dakota, in its second century, has hope for the future; and,

WHEREAS, In looking to the future, we must remember our past and work to cement our citizenship for the future; and,

WHEREAS, Two tragic events, the killing of Sitting Bull and the Wounded Knee massacre has, for 100 years, separated our citizens; and,

WHEREAS, I proclaimed 1990 as a Year of Reconciliation, and am proclaiming 1991-2091 as a Century of Reconciliation; and,

WHEREAS, Together, both Indian and non-Indian, we must look to lay aside our fears and mistrust, build friendships and learn about our cultures:

IT IS, THEREFORE, by Executive Order, directed that the Council for Reconciliation be established with the following provisions:

Section 1. The name of the council will be the Council for Reconciliation.

Section 2. The office of Indian Affairs shall provide staff assistance to the Council for Reconciliation.

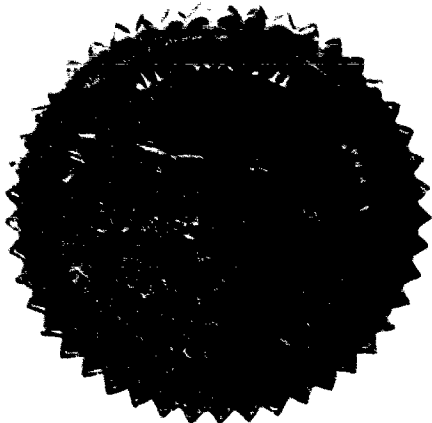
Section 3. The members of the council shall be as follows:

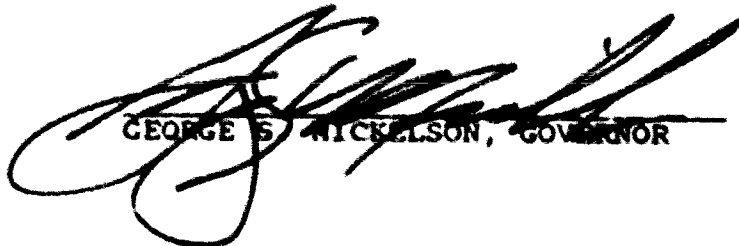
1. The coordinator of the S.D. Office of Indian Affairs;
2. a representative of the United Sioux Tribes of South Dakota;
3. a representative of the Association of Christian Churches;
4. a representative of the Indian religious community;
5. a representative of the Industry and Commerce Association of South Dakota;
6. a representative of the South Dakota Minority Contractors Association;
7. a representative of the South Dakota Indian Education Association; and,
8. a representative of the School Administrators of South Dakota.

Section 4. The mission of the council shall be to identify attitudes, issues and historical experiences that have contributed to the need for reconciliation, and to implement strategies for change utilizing education, governmental policy

review, and cultural awareness activities with the result that we can better understand, communicate with and respect one another.

Signed and dated this 8th day of February, 1991.




GEORGE S. NICKELSON, GOVERNOR

ATTEST:


JOYCE HAZELTINE, SECRETARY OF STATE