

STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 91-12

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 will be submitted to the 67th Legislative Assembly by the 5th legislative day:

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

Section 3. "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 4. 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 5. 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 6. 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 7. 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 8. 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 9. 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 10. 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 11. 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 12. 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 13. The effective date of Executive Order 91-12 shall be ninety days after its submission to the legislature.

Section 14. Any provisions of law in conflict with this order are superseded.

Section 15. 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.

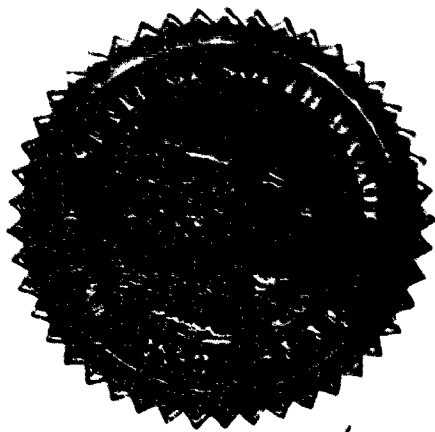
STATE COMMISSION OF INDIAN AFFAIRS

Section 16. The coordinator of Indian Affairs established pursuant to Chapter 1-4 is hereby abolished.

Section 17. There is hereby created the commissioner of Indian Affairs.

Section 18. All of the functions, programs, personnel, and property to include unexpended budgetary allocations and records of the former coordinator of Indian Affairs are transferred to the commissioner of Indian Affairs.

Dated this 27th day of June, 1991.



Respectfully submitted,

A large, stylized handwritten signature of George S. Mickelson in dark ink, written over the printed name and title.

GEORGE S. MICKELSON
Governor of South Dakota

ATTEST:

A handwritten signature of Joyce Hazeltine in dark ink, written over the printed name and title.

JOYCE HAZELTINE
Secretary of State

STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 91-17

WHEREAS, In 1989, I initially declared that the policy of the state of South Dakota is to provide a drug free workplace environment and, with this executive order, I am renewing that declaration; and,

WHEREAS, Illegal drugs in the workplace continue to be a danger to the employees of this state and impair their 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 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, 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) 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) 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 is directed to develop and implement educational materials for the purpose of ensuring that all officials and employees of the executive branch understand 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 25th day of October, 1991.




GEORGE S. MICKELSON
Governor of South Dakota

ATTEST:


JOYCE HAZELTINE
Secretary of State

STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE REORGANIZATION ORDER OF 1992
EXECUTIVE ORDER 92-2

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 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 67th Legislative Assembly by the 5th legislative day, being the 21st day of January, 1992:

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 Order 92-2."

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 any 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 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 Executive Reorganization Order 92-2 of 1992 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.

DIVISION OF HIGHWAY PATROL

Section 17. The function of the Department of Revenue under Chapter 32-22 to issue oversize and overweight trip permits, as cited in sections 32-22-8.2, 32-22-8.3, 32-22-21.1, 32-22-38, 32-22-39, 32-22-41, 32-22-42, 32-22-46, and 32-22-57, is hereby transferred to the Division of Highway Patrol.

Section 18. The function of the Department of Commerce and Regulation under Chapter 32-22 to issue oversize and overweight trip permits, as cited in section 32-22-42.11, is hereby transferred to the Division of Highway Patrol.

DEPARTMENT OF HUMAN SERVICES

Section 19. The authority to establish the attendant care program for people with quadriplegia, pursuant to 28-8A-5.1, and the authority to adopt reasonable and necessary rules pertaining to the attendant care program, pursuant to 28-8A-6.1, and the authority to provide attendant care by direct payment to the recipient on a prescribed form, pursuant to 28-8A-7.1, is hereby transferred to the Department of Human Services from the Department of Social Services.

Section 20. The authority to create health warning signs and approve the language on the signs, pursuant to SDCL 35-4-100, is hereby transferred to the Department of Human Services from the Department of Health.

Section 21. The authority to purchase, maintain and operate talking books or receivers and to provide information to consumers, pursuant to SDCL 28-9-34, is hereby transferred to the Division of Services to the Blind and Visually Impaired from the Division of Rehabilitation Services.

DEPARTMENT OF CORRECTIONS

Section 22. The state of South Dakota shall participate in the formula grants program established by Part B of the Juvenile Justice and Delinquency Prevention Act of 1974, Pub. L. No. 93-415; 88 Stat. 1109, as amended (42 U.S.C. 5601 et seq).

Section 23. The Department of Corrections shall be responsible, through the state advisory group established in section 24 of this order, for supervising the preparation and administration of the state's plan required by Section 223 (a) for participation in the formula grants program of the Act. The Department of Corrections shall be responsible for providing staff and support services to the state advisory group and implementing the plan in a manner which will ensure compliance with Sections 223 (a) (12), (13), and (14) of the Act. The department shall seek necessary authority and take all necessary action as provided by law to enforce compliance with the Act.

Section 24. There is hereby established a twenty-member state advisory group to be appointed by the Governor and comprised of individuals who have training, experience or special knowledge of juvenile delinquency prevention or treatment or the administration of juvenile justice. The membership of the advisory group shall comply with Section 223 (a) (3) of the Act. The initial members to be appointed shall draw lots to determine who will hold the eight three-year terms, the six two-year terms and the six one-year terms. Thereafter, each member shall serve terms of three years. Members may be reappointed and may continue to serve an expired term until replaced by the Governor.

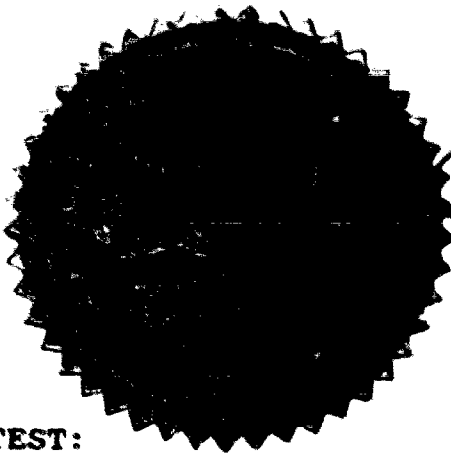
A chairperson, who may not be a full-time federal, state or local employee, for the advisory group shall be chosen annually by a majority vote of its members at the first meeting each fiscal year.

Section 25. The state advisory group shall be responsible for the following:

- (1) In conjunction with the secretary of the Department of Corrections, establish policy on how the formula grants program of the Act is to be administered in South Dakota;
- (2) approve the state plan, and any modifications thereto, required by 223 (a) of the Act prior to submission to the Office of Juvenile Justice and Delinquency Prevention;
- (3) submit annual recommendations to the Governor and legislature concerning the functions of the advisory group and the status of the state's compliance with the Act;
- (4) approve or disapprove grant applications and other funding requests submitted to the Department of Corrections under this Act and assist with monitoring grants and other fund awards;
- (5) assist the Department of Corrections in monitoring the state's compliance with the Act;
- (6) contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system; and,
- (7) perform other such activities as determined by the secretary of the Department of Corrections.

Section 26. Participation in the Juvenile Justice and Delinquency Prevention Act of 1974 is contingent upon appropriation of federal expenditure authority and general fund match for planning and administration purposes by the legislature.

Dated this 13th day of January, 1992.



[Signature]
GEORGE S. NICHOLSON
Governor of South Dakota

ATTEST:

[Signature]
JOYCE HAZELTINE
Secretary of State

Filed this 14th day of
January, 19 92

[Signature]
SECRETARY OF STATE

STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 92-10

WHEREAS, It is the responsibility of the state of South Dakota to promote a safe and healthy environment for all employees and for the public; and,

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

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

WHEREAS, Involuntary smoking, also known as passive smoking, has been associated with lung cancer and heart disease in nonsmoking individuals and increases the risk of illness among persons who suffer from allergies, cardiovascular disease and pulmonary disease; and,

WHEREAS, The technology for the cost-effective filtration of tobacco smoke from the air is currently not available, and environmental tobacco smoke results in increased workload on ventilator systems, increased fire insurance and increased maintenance costs; and,

WHEREAS, The elimination of worksite smoking has been related to increased employee productivity, reduced absenteeism and legal risk; and,

WHEREAS, A majority of South Dakota state employees responding to a survey conducted by the Bureau of Personnel and Department of Health favor a complete ban on smoking in state-owned, leased or occupied buildings:

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:

Section 1. Smoking be prohibited in all buildings or portions thereof owned, leased or occupied by the Executive Branch of the state of South Dakota and in vehicles owned by the state.

Section 2. Within an agency, only the residential portions of facilities operated by these agencies may be exempt from the

executive order. Those departments shall develop a policy specific to such facilities that is in keeping with the intent of this executive order. These policies shall be submitted to the the Bureau of Personnel for approval by October 1, 1992.

Section 3. An outdoor designated smoking area may be established by the agency head in their respective buildings. State agencies sharing a worksite should work together to establish the outdoor designated area.

Section 4. The agency head is responsible for monitoring and controlling the smoke-free environment.

Section 5. Signs shall be posted at all entrance and exit ways of state-owned, leased or occupied buildings stating the building is smoke-free and smoking is prohibited. Standard signs shall be obtained from the Bureau of Administration.

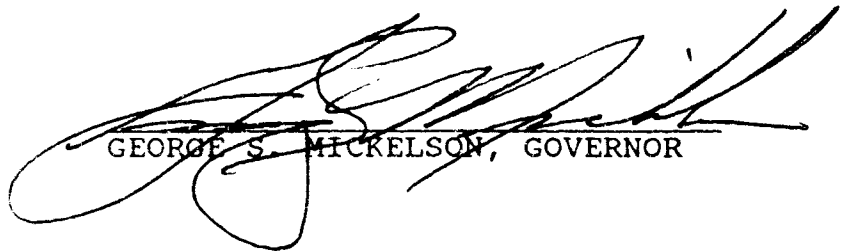
Section 6. The Department of Health shall coordinate and make available quit-smoking classes or self-help materials to employees desiring to break the smoking habit. A minimum of one hour of work time per week for a maximum of eight weeks shall be granted to any employee attending a quit-smoking class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

Section 7. Violation of this executive order may result in corrective and/or disciplinary action.

BE IT FURTHER ORDERED, that such policy be in effect, with the appropriate signs posted, no later than November 19, 1992, and it shall apply to all state employees, clients, visitors and other persons using the facilities.

Signed in Pierre, South Dakota, this 28th day of August, 1992.




GEORGE S. MICKELSON, GOVERNOR

ATTEST:


JOYCE HAZELTINE, SECRETARY OF STATE

STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 94-2

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

WHEREAS, this executive order has been submitted to the 69th Legislative Assembly by the 5th legislative day, being the 15th day of January, 1994.

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 #94-2 of 1994."

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

Section 5. 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.

RECEIVED

JAN 13 1994

Secretary of State

Section 6. 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 7. Except when it is inconsistent with the other provisions of this order, all rules, regulations and standards of the agencies involved in this 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 8. 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 9. 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 10. 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 as substituted for that agency and succeeds to its rights and leases, indentures, and other transactions.

Section 11. 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/her 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 or any agency or any officer affected by this order.

Section 12. If any part of this order is ruled to be in conflict with federal requirements which are a prescribed condition to the receipt 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 13. The effective date of the Executive Reorganization Order #94-2 of 1994 shall be ninety days after its submission to the legislature.

Section 14. Any provisions of law in conflict with this order are hereby repealed.


REORGANIZATION OF THE PETROLEUM
RELEASE COMPENSATION FUND

Section 15. The petroleum release compensation fund provided for in chapters 34A-13 and 34A-14 is hereby attached to the Department of Environment and Natural Resources for administrative budgeting and administrative support. All necessary costs of the Department of Environment and Natural Resources shall be reimbursed from the inspection fees collected pursuant to chapter 34A-13.


Section 16. Any provisions of titles 1 and 34A in conflict with this order are hereby superseded.

Dated this 14th day of January, 1994.




WALTER D. MILLER
Governor of South Dakota

ATTEST:


JOYCE HAZELTINE
Secretary of State

STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 94-3

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

WHEREAS, this executive order has been submitted to the 69th Legislative Assembly by the 5th legislative day, being the 15th day of January, 1994.

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 #94-3 of 1994."

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

RECEIVED

JAN 13 1994

Secretary of State

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 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 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 provision 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 the 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 this Executive Reorganization Order #94-3 of 1994 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 Ground Water Research and Advisory Group established pursuant to section 46A-1-86, the Insurance Continuing Education Advisory Board established pursuant to section 58-30-114, the South Dakota Council on Vocational Education established pursuant to Executive Order 85-6, and the South Dakota Airline Authority established pursuant to section 50-14-3 are abolished.

Section 18. The function of the former South Dakota Council on Vocational Education is transferred to the secretary of the Department of Labor.

Dated this 14th day of January, 1994.



WALTER D. MILLER
Governor of South Dakota

ATTEST:

JOYCE HAZELTINE
Secretary of State

STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 94-5

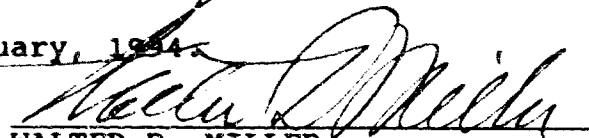
WHEREAS, SDCL §49-1-4 provides: Each public utilities commissioner during his term of office shall devote his entire time and attention to the duties of his office. The public utilities commission shall remain in continuous session at its office at the state capital except when necessarily absent in the performance of its duties. If any public utilities commissioner fails to comply with the provisions of this section, it is cause for his removal by the Governor; and

WHEREAS, by Memorandum Opinion, dated February 6, 1994, Attorney General Mark W. Barnett has stated the Governor has the authority to conduct proceedings pursuant to SDCL §49-1-4; and

WHEREAS, pursuant to SDCL §1-11-7, a governor may by an executive order filed in the office of secretary of state direct the attorney general to investigate any particular transaction involving state government.

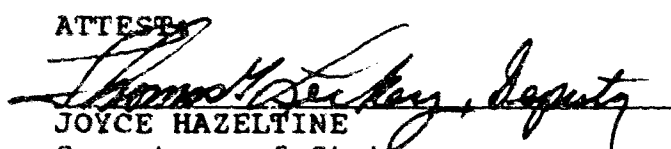
NOW, THEREFORE, IT IS HEREBY DIRECTED, that Attorney General Mark W. Barnett investigate the activities of Ken Stofferahn as reported in the press concerning possible violation of SDCL §49-1-4 and issue a written report to the Governor within 45 days from the date hereof.

Dated this 8th day of February, 1994.


WALTER D. MILLER
Governor of South Dakota



ATTEST:


JOYCE HAZELTINE
Secretary of State

RECEIVED

FEB 14 1994

Secretary of State

EXECUTIVE ORDER 95-1
EXECUTIVE REORGANIZATION ORDER OF 1995

WHEREAS, Article IV, Section 8, of the Constitution of the State of South Dakota provides that "Except as to elected constitutional officers, the Governor may make such changes in the organization of offices, boards, commissions, agencies and instrumentalities, and in allocation of their functions, powers and duties, as he considers necessary for efficient administration. If such changes affect existing law, they shall be set forth in executive order, 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 members of either house"; and

WHEREAS, this executive order has been submitted to the 70th Legislative Assembly by the 5th legislative day, being the 17th day of January, 1995;

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 1995."

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. 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 6. 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 7. 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

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provided by law, unless the statutory authority for such rules is superseded by this order.

Section 8. 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 9. 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 10. 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 11. 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 or any agency or any officer affected by this order.

Section 12. 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 13. The effective date of the Executive Reorganization Order #1 of 1995 shall be ninety days after its submission to the Legislature.

Section 14. Any provisions of law in conflict with this order are hereby repealed.

REORGANIZATION AND MERGER OF THE
DIVISIONS OF CONSERVATION AND FORESTRY
OF THE
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

Section 15. 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 16. The Division of Conservation, South Dakota Department of Agriculture established pursuant to SDCL 38-7-2.1 is hereby abolished.

Section 17. All of the functions, programs, personnel, and property of the Division of Conservation are transferred to the Division of Resource Conservation and Forestry, South Dakota Department of Agriculture, which is hereby established.

Section 18. Consistent with SDCL 1-41-3, the functions, programs, personnel, and property of forestry pursuant to chapter 41-20 and forest, insect and disease control pursuant to chapter 41-21 within the Department of Agriculture are hereby placed within the Division of Resource Conservation and Forestry within the Department of Agriculture.

Section 19. That § 1-41-3 be amended to read as follows:

The Department of Agriculture shall consist of the following divisions:

- (1) Agricultural Services;
- (2) Resource Conservation and Forestry;
- (3) Agricultural Development;

and any other divisions and agencies created by law, executive orders, or administrative action and placed under the Department of Agriculture.

Section 20. Any provisions of titles 1, 34A and 45 in conflict with this order are hereby superseded.

Dated this 17th day of January, 1995.


Governor

ATTEST:

Joyce Hazelton, Secretary of State

BY:


Thomas G. Leckey, Deputy



EXECUTIVE ORDER 95-2
EXECUTIVE REORGANIZATION ORDER OF 1995

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

WHEREAS, this executive order has been submitted to the 70th Legislative Assembly by the 5th legislative day, being the 17th day of January, 1995;

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 1995."

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. 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 6. 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 7. 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 8. 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 9. 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 10. 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 11. 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 or any agency or any officer affected by this order.

Section 12. 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 13. The effective date of the Executive Reorganization Order #2 of 1995 shall be ninety days after its submission to the Legislature.

Section 14. Any provisions of law in conflict with this order are

hereby repealed.

REORGANIZATION OF THE MEMBERSHIP AND QUALIFICATIONS
OF THE
BOARD OF MINERALS AND ENVIRONMENT

Section 15. That chapter 1-40 be amended by adding thereto a new section to read as follows:

In addition to the provisions of § 1-40-25, the board of minerals and environment shall be composed in conformance with the requirement of the Clean Air Act § 128 (42 USC § 7428) as amended to January 1, 1995, for all permits and enforcement orders initiated under chapter 34A-1.

Section 16. Any provisions of titles 1, 34A and 45 in conflict with this order are hereby superseded.

Dated this 17th day of January, 1995.

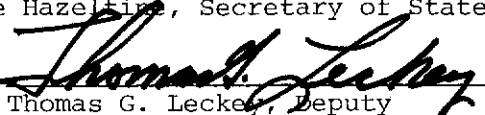

Governor



ATTEST:

Joyce Hazelting, Secretary of State

BY:


Thomas G. Lecker, Deputy

**AGRICULTURAL HERITAGE MUSEUM
TRANSFERRED TO THE BOARD OF REGENTS**

**EXECUTIVE ORDER 95-03
EXECUTIVE REORGANIZATION ORDER #3 OF 1995**

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

WHEREAS, this executive order has been submitted to the 70th Legislative Assembly on the 5th legislative day, being the 17th day of January, 1995;

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 95- 03 of 1995."

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

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

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

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

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 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 this Executive Reorganization Order #95-03 of 1995 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.

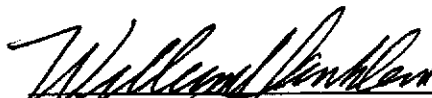
AGRICULTURAL HERITAGE MUSEUM

Section 17. The functions of the Agricultural Heritage Museum, located at Brookings, South Dakota, are transferred from the Department of Education and Cultural Affairs to the Board of Regents.

Dated this 17th day of January, 1995.



Respectfully submitted,


WILLIAM J. JANKLOW
Governor of South Dakota

ATTEST:

JOYCE HAZELTINE
Secretary of State

BY: 

Thomas G. Leckey, Deputy

**FUNCTIONS RELATING TO THE COMMISSIONER OF INDIAN
AFFAIRS TRANSFERRED**

**EXECUTIVE ORDER 95-4
EXECUTIVE REORGANIZATION ORDER #4 OF 1995**

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 70th Legislative Assembly on the 5th legislative day, being the 17th day of January, 1995.

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 1995."

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

Section 14. The effective date of the Executive Reorganization Order # 4 of 1995 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 TRIBAL GOVERNMENT RELATIONS

Section 17. The South Dakota Indian Affairs Commission established in Chapter 1-4 is hereby abolished.

Section 18. The Commissioner of Indian Affairs established in § 1-4-7 is hereby abolished.

Section 19. There is created the Office of Tribal Government Relations.

Section 20. All of the functions, programs, personnel and property to include unexpended budgetary allocations and records of the former Commissioner of Indian Affairs are transferred to the Office of Tribal Government Relations.

Dated this 17th day of January, 1995.



Respectfully submitted,


WILLIAM J. JANKLOW
Governor of South Dakota

ATTEST:

JOYCE HAZELTINE
Secretary of State

by: 
Thomas G. Leckey, Deputy

**EXECUTIVE ORDER PROVIDING FOR THE REORGANIZATION
OF PETROLEUM RELEASE COMPENSATION FUND**

EXECUTIVE ORDER 95-5

EXECUTIVE REORGANIZATION ORDER OF 1995

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

WHEREAS, this executive order has been submitted to the 70th Legislative Assembly by the 5th legislative day, being the 17th day of January, 1995;

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 # 95-5 of 1995."

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 for 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 the Bureau of Personnel minimum qualifications for the division director positions within their department.

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 this 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 are impaired or diminished by abolition of an agency in this order. The agency to which functions of another agency are transferred as 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 or 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 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 # 95-5 of 1995 shall be ninety days after its submission to the Legislature.

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

Section 16. The Petroleum Release Compensation Fund provided for in chapters 34A-13 and 34A-14 is hereby attached to the Department of Transportation for administrative budgeting and administrative support. All necessary costs of the Department of Transportation associated with these activities shall be reimbursed from the inspection fees collected pursuant to chapter 34A-13. Expenditure of funds for this purpose shall be appropriated by the Legislature annually through the normal budget process.

PETROLEUM RELEASE COMPENSATION FUND

Section 17. All functions of the petroleum release compensation board under chapter 34A-13 are hereby transferred to the secretary of the Department of Transportation. The petroleum release compensation board shall continue as an advisory board to the secretary of the Department of Transportation as provided for by section 1-32-4.1, on issues concerning petroleum inspection

and release compensation.

Section 18. Any provisions of titles 1, 31, 34A, and 49 in conflict with this order are hereby superseded.

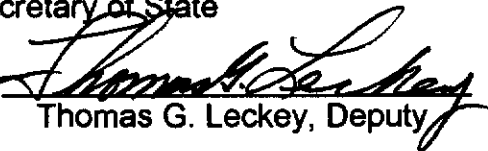
Dated this 17th day of January, 1995.



ATTEST:


William J. Janklow
Governor

Joyce Hazeltine
Secretary of State

by: 
Thomas G. Leckey, Deputy

EXECUTIVE ORDER 95-6
EXECUTIVE REORGANIZATION ORDER #06 OF 1995

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 70th Legislative Assembly on the 5th legislative day;

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 "Executive Order 95- 6."

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

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

Section 4. "Function" as used in this order shall mean any authority, power, responsibility, duty, 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 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 this 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 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 Order 95-6 of 1995 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.

BUREAU OF INFORMATION AND TELECOMMUNICATIONS

Section 17. The rural development telecommunications network board is hereby abolished.

Section 18. All of the functions, authorities and positions of the rural development telecommunications network board provided in chapter 1-33 and the rulemaking authority of §§ 1-33-26 and 1-33-30 are hereby transferred to the bureau of information and telecommunications.

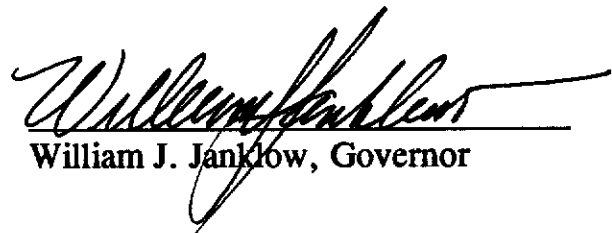
Section 19. The South Dakota instructional television advisory council as established in § 13-47-21 is hereby abolished.

Section 20. All of the functions, authorities and positions of the South Dakota instructional television advisory council provided in chapters 1-33, 13-47 and 1-45 are hereby transferred to the bureau of information and telecommunications.

Dated this 17th Day of January, 1995.


Respectfully submitted,




William J. Janklow, Governor

ATTEST:

Joyce Hazeltine, Secretary of State

by 
Thomas G. Leckey, Deputy

EXECUTIVE ORDER 95-7
EXECUTIVE REORGANIZATION ORDER #07 OF 1995

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 70th Legislative Assembly on the 5th legislative day;

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 "Executive Order 95-7."

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

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

Section 4. "Function" as used in this order shall mean any authority, power, responsibility, duty, 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 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 this 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 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 Order 95-7 of 1995 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.

BUREAU OF ADMINISTRATION

Section 17. The public entity pool for liability board is hereby abolished.

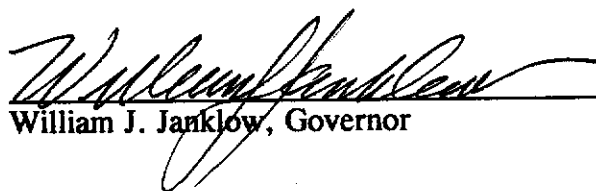
Section 18. All of the functions, authorities, programs and positions of the public entity pool for liability board provided in chapter 3-22 and the rulemaking authority of § 3-22-6 are hereby transferred to the bureau of administration.

Dated this 17th day of January, 1995.

Respectfully submitted,



ATTEST:


William J. Janklow, Governor

Joyce Hazeltine, Secretary of State

by: 
Thomas G. Leckey, Deputy

STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 95-10

WHEREAS, The state of South Dakota values its employees and desires to provide quality health coverage; and,

WHEREAS, The cost of health insurance is a concern nationwide and is an issue being reviewed both in the public and private sectors; and,

WHEREAS, The state of South Dakota has a need to review the changing conditions of health care coverage, and a health insurance task force would fill such a role:

IT IS, THEREFORE, DIRECTED BY EXECUTIVE ORDER that a State Employee Health Insurance Task Force be re-established according to the provisions of this order.

Section 1. The State Employee Health Insurance Task Force will study the state's current health care coverage, funding mechanisms and alternative plans, review mandating benefits, and propose changes as may be deemed necessary. The task force shall serve in an advisory capacity for the Bureau of Personnel.

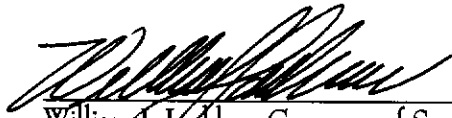
Section 2. The State Employee Health Insurance Task Force will be attached to the Bureau of Personnel, and the expenses of the members shall be paid by the Bureau of Personnel.

Section 3. The Governor shall appoint eleven members to serve on the task force, with the Chief of Operations serving as Chairperson. The membership shall include a representative of the state Board of Regents, three state employees, three state legislators, the commissioner of the Bureau of Personnel, and three at-large members.

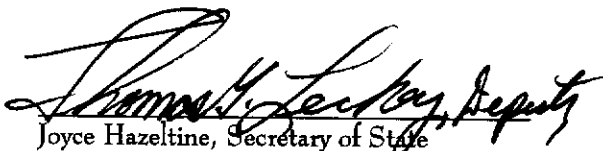
Section 4. The State Employee Health Insurance Task Force shall be repealed January 1, 1997, and the members are appointed to serve at the pleasure of the Governor. The task force shall meet at the call of the commissioner of the Bureau of Personnel.

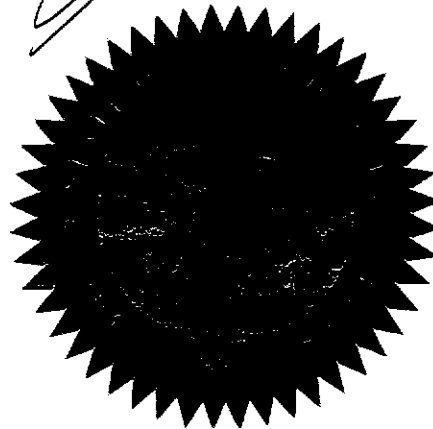
NOW, THEREFORE, I, WILLIAM J. JANKLOW, Governor of South Dakota, by virtue of the authority vested in me by the Constitution and statutes of this state, do hereby order and direct a State Employee Health Insurance Task Force be created as ordered.

Date this 5th day of June, 1995.


William J. Janklow, Governor of South Dakota

ATTEST:


Joyce Hazeltine, Secretary of State



STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 95-15

WHEREAS, In 1989, Governor George S. Mickelson initially declared that the policy of the State of South Dakota is to provide a drug free workplace environment and with this executive order I am renewing that declaration; and,

WHEREAS, Illegal drugs in the workplace continue to be 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, GOVERNOR WILLIAM J. JANKLOW, 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:

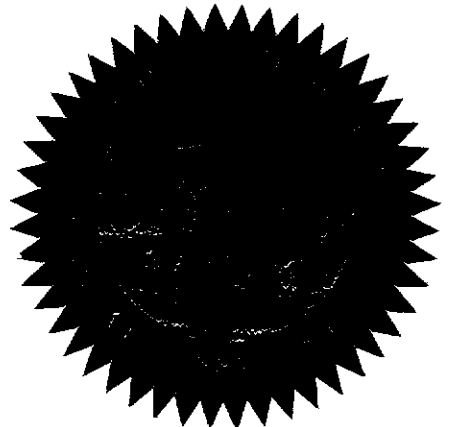
- 1) That any employee of the State who is convicted of a criminal drug statute violation in the workplace will be subject to appropriate disciplinary action, up to and including termination, or the employee may be required to participate satisfactorily in a drug abuse assistance or rehabilitation program;
- 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; and,
- 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 understand 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 6th day of July, 1995


William J. Janklow, Governor of South Dakota

ATTEST:


Joyce Hazeltine, Secretary of State



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S.D. SEC. OF STATE

EXECUTIVE ORDER 96-001
EXECUTIVE REORGANIZATION ORDER #001 OF 1996

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

WHEREAS, this executive order has been submitted to the 71st Legislative Assembly on the 5th legislative day, being the 13th day of January, 1996;

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 96-001 of 1996."

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

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

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

Section 5. Unless otherwise provided by this order, division directors shall be appointed by the head of the department or bureau of which the division is a part, and shall be removable at the pleasure of the department or bureau head, provided, however, that both the appointment and removal of division directors shall be subject to approval by the Governor. 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 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 this Executive Reorganization Order #96-001 of 1996 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.

Gold and Silver Council repealed

Section 17. The gold and silver council created pursuant to EXECUTIVE ORDER 87-20, SL 1988, Chapter 437 be repealed. order.

Recycling functions of the Bureau of Administration transferred to the Department of Environment and Natural Resources

Section 18. All of the functions , administrative rules, and administrative rulemaking authority of the bureau of administration provided in South Dakota Codified Laws, sections 5-23-38, 5-23-39, 5-23-40, and 5-23-48 are hereby transferred to the department of environment and natural resources.

Position of the Director of Commercial Inspection and Regulation abolished and functions transferred to the Secretary of the Department of Commerce and Regulation

Section 19. The position of director of the division of commercial inspection and regulation within the department of commerce and regulation is hereby abolished

Section 20. All of the functions, powers, responsibilities and duties of the director of the division of commercial inspection and regulation provided in South Dakota Codified Laws, chapters 1-35, 13-25, 32-12, 32-23, 34-29B, 34-36, 34-38, 37-2, 37-20, 37-21, 37-21A, 37-22, 39-1, 39-13 are hereby transferred to the secretary of commerce and regulation.


Regulatory functions of the Department of Commerce and Regulation relating to the administration of motor vehicles, regulation of vehicle dealers; regulation of snowmobile dealers; regulation of snowmobile franchising agreements; and regulation of dealers and manufacturers of manufactured homes and mobile homes, transferred to the Department of Revenue

Section 21. All of the functions, powers, responsibilities and duties of the department of commerce and regulation provided in South Dakota Codified Laws, chapters 32-1, 32-6B, 32-6C, 32-6E and 32-7A are hereby transferred to the department of revenue.

Section 22. All of the functions, powers, responsibilities and duties of the secretary of commerce and regulation provided in South Dakota Codified Laws, chapters 32-1, 32-6B, 32-6C, 32-6E and 32-7A are hereby transferred to the secretary of revenue.

Dated this 13th day of January, 1996.

Respectfully submitted,


WILLIAM J. JANKLOW
Governor of South Dakota



ATTEST:

JOYCE HAZELTINE

Secretary of State

BY:


Thomas G. Leckey, Deputy

**State of South Dakota
Office of the Governor
Executive Order 96-14**

WHEREAS, Executive Order 96-13 established the Governor's Task Force on Improving Recruitment and Retention of Family Physicians; and,

WHEREAS, In order to meet the goals of the task force, it has determined that it is necessary to appoint more than ten members:

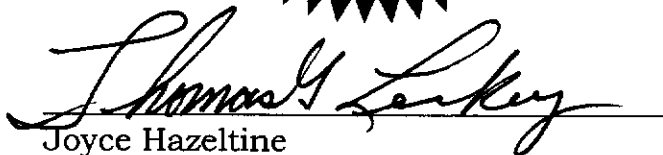
IT IS THEREFORE, BY EXECUTIVE ORDER, directed that the membership of the Governor's Task Force on Improving Recruitment and Retention of Family Physicians be expanded to as many members as is necessary to complete its goals.

Dated this 23 day of May, 1996.


William J. Janklow
Governor

ATTEST:




Joyce Hazeltine
Secretary of State

State of South Dakota
Office of The Governor
Executive Order 96-16

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 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 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 constitute 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 individual; 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

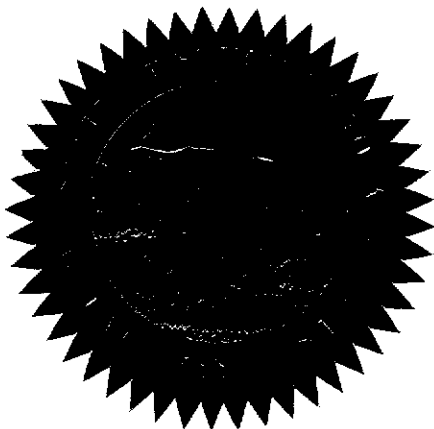
WHEREAS, It is important that all state employees be assured a work atmosphere free from sexual harassment:


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.

IT IS HEREBY ORDERED AND DIRECTED THAT:

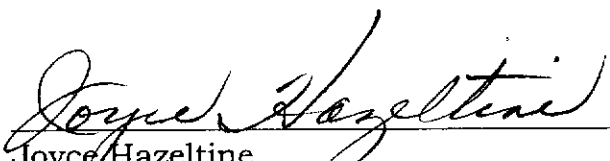
- (1) All employees of state government ensure enforcement and observance of all provisions of law, regulation and policy prohibiting sexual harassment in the executive branch;
- (2) The commissioner of the Bureau of Personnel develop and implement information material for the purpose of ensuring that 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 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 distribute copies of this order to the cabinet for posting in conspicuous locations at all facilities of the executive branch.

Dated this 18 day of June, 1996




William J. Janklow
Governor of South Dakota

ATTEST:


Joyce Hazeltime
Secretary of State

State of South Dakota
Office of the Governor
Executive Order 96-19

WHEREAS, In 1989, Governor George S. Mickelson initially declared that the policy of the State of South Dakota is to provide a drug free workplace environment and with this executive order I am renewing that declaration; and,

WHEREAS, Illegal drugs in the workplace continue to be 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, GOVERNOR WILLIAM J. JANKLOW, 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, processing or using any controlled substance in the workplace.

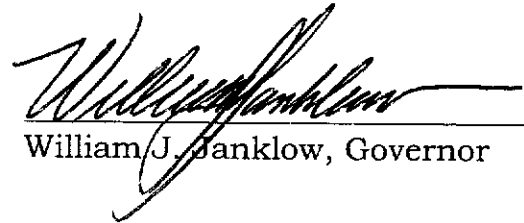
I HEREBY ORDER AND DIRECT:

- 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; and,
- 3) The commissioner of the Bureau of Personnel is to develop and implement educational material for the purpose of ensuring that all officials and employees of the Executive Branch understand 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 12 day of July, 1996



ATTEST:


William J. Banklow, Governor


Joyce Hazeltine, Secretary of State

State of South Dakota
Office of the Governor
Executive Order 96-23

WHEREAS, Executive Order 96-05 established the Thomas Egan Trial Review Task Force; and,

WHEREAS, Executive Order 96-05 provided that the Task Force report its findings and recommendations to the Governor by May 1, 1996; and,

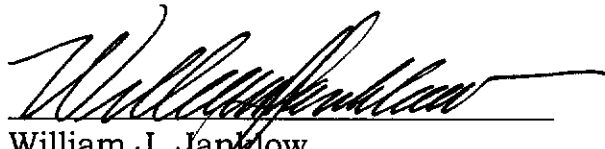
WHEREAS, Executive Order 96-10 extended the deadline for a final report to the Governor to November 15, 1996; and,

WHEREAS, The Task Force has found that more time than originally estimated is required to research the records and gather necessary information:

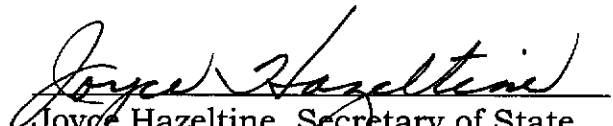
IT IS THEREFORE, BY EXECUTIVE ORDER, directed that the Thomas Egan Trial Review Task Force will dissolve upon the completion of all the established goals of the Task Force.

Dated at Pierre, South Dakota, this 23rd day of October, 1996.




William J. Janklow
Governor of South Dakota

ATTEST:


Joyce Hazeltime, Secretary of State

State of South Dakota
Office of the Governor
Executive Order 97-06

Whereas, Executive Order 96-03 created the Public Health Advisory Committee; and,

Whereas, In order for the Committee to achieve its goals, it is necessary to modify the provisions of Executive Order 96-03:

IT IS THEREFORE, BY EXECUTIVE ORDER, Directed that the provisions for the Committee as set out in Executive Order 96-03 are modified as follows:

General Provisions

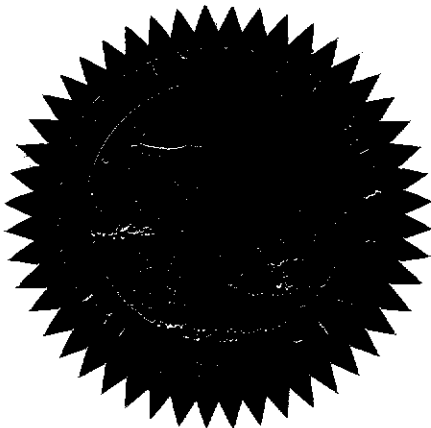
Section 1. The name of the group is the Governor's Health Advisory Committee.

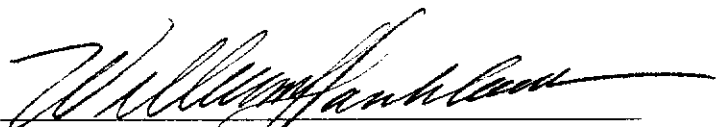
Section 2. The Governor may appoint as many members as needed to fulfill the goals of the Committee.

Section 3. The Governor's Health Advisory Committee shall dissolve and cease to exist on December 31, 1998.

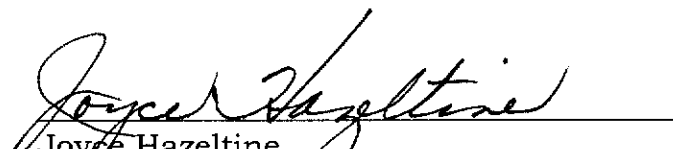
Section 4. All other terms set out in Executive Order 96-03 which do not conflict with sections 1, 2, and 3 of this Executive Order are valid as provided in Executive Order 96-03.

Dated in Pierre, South Dakota, this 8th day of May, 1997.




William J. Janklow
Governor of South Dakota

ATTEST:


Joyce Hazeltine
Secretary of State

State of South Dakota
Office of the Governor
Executive Order 99-03

Whereas, Executive Orders 96-03 and 97-06 established the Governor's Health Advisory Committee; and,

Whereas, The Governor's Health Advisory Committee was to dissolve and cease to exist on December 31, 1998, as specified in Executive Order 97-06; and

Whereas, It is vital for the well-being of the citizens of South Dakota that the Governor's Health Advisory Committee continue working with the Department of Health to gain input and guidance in developing and implementing programs aimed at reducing the incidence of preventable disease and premature death and providing access to necessary, high quality health care to all state residents at a reasonable cost;

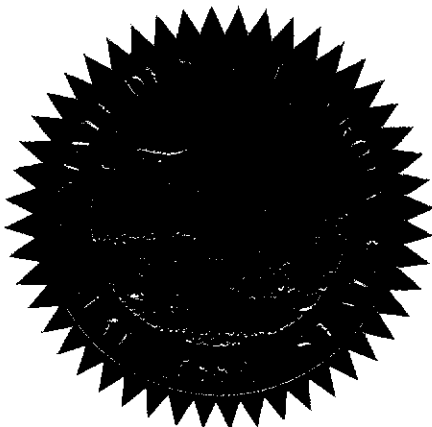
It Is Therefore, By Executive Order, Directed that the Governor's Health Advisory Committee is continued and authorized to function in compliance with the following sections of this order:


General Provisions

Section 1. The Governor's Health Advisory Committee shall dissolve and cease to exist on December 31, 2002.

Section 2. All other terms set out in Executive Orders 96-03 and 97-06 which do not conflict with Section 1 of this Executive Order are valid as provided in Executive Orders 96-03 and 97-06.

Dated in Pierre, South Dakota, this 1st day of April, 1999.




William J. Janklow
Governor

ATTEST:


Joyce Hazeltine
Secretary of State

State of South Dakota
Office of the Governor
Executive Order 99-06

WHEREAS, In 1989, Governor George S. Mickelson initially declared that the policy of the State of South Dakota is to provide a drug-free workplace environment, and with this executive order I am renewing that declaration; and,

WHEREAS, Illegal drugs in the workplace continue to be 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,

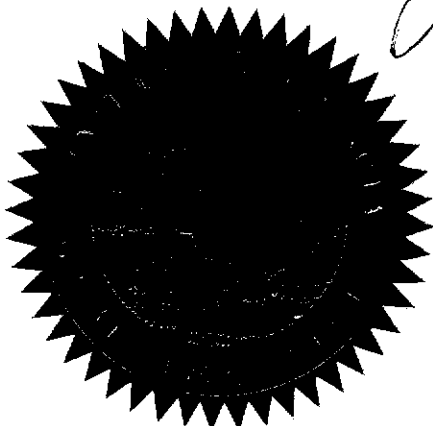
WHEREAS, In order to continue to be considered a responsible source for federal grant awards or contracts, it is imperative that the State maintains a drug free workplace:

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 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, processing, or using any controlled substance in the workplace.

I HEREBY ORDER AND DIRECT:

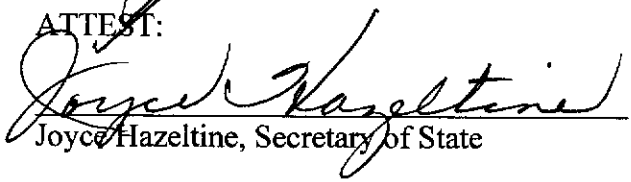
- 1) That any employee of the State who is convicted of a criminal drug statute violation in the workplace will be subject to appropriate disciplinary action, up to and including termination, or the employee may be required to participate satisfactorily in a drug abuse assistance or rehabilitation program;
- 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; and,
- 3) The commissioner of the Bureau of Personnel is to develop and implement educational material for the purpose of ensuring that all officials and employees of the Executive Branch understand 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 16 day of June, 1999.




William J. Janklow, Governor

ATTEST:


Joyce Hazelstine, Secretary of State

**State of South Dakota
Office of the Governor
Executive Order 2002-01**

WHEREAS, South Dakotans believe that the well-being of children shall be a primary concern during and after every divorce proceeding; and,

WHEREAS, The 2002 Legislative session has the opportunity to change current state laws or create new state laws to improve the well-being of children during and after every divorce proceeding; and,

WHEREAS, It is important that recommendations be made to the 2002 Legislature:

IT IS, THEREFORE, BY EXECUTIVE ORDER, directed that the Committee on Reasonable Child Custody and Visitation be established and authorized to function in compliance with the following sections of this order.

GENERAL PROVISIONS

Section 1. The name of the committee is the Committee on Reasonable Child Custody and Visitation.

Section 2. The Committee on Reasonable Child Custody and Visitation shall make recommendations to the 2002 Legislature and the Governor to change existing laws and create new laws that improve the well-being of children during and after divorce proceedings.

Section 3. The Committee on Reasonable Child Custody and Visitation shall be administered by the Governor's Office.

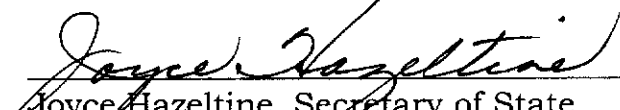
Section 4. This Executive Order shall be in full force and effect immediately.

Dated at Pierre, South Dakota, this 10th day of January, 2002.

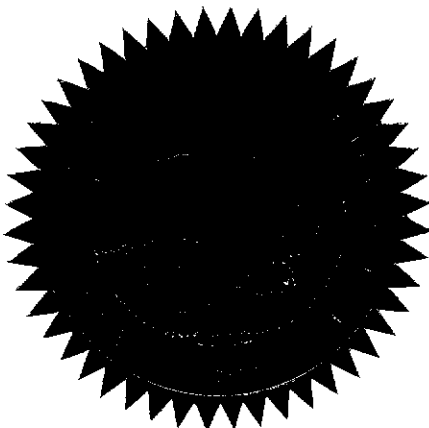


William J. Janklow, Governor

ATTEST:



Joyce Hazeltine, Secretary of State



CERTAIN RANGELAND FIREFIGHTING FUNCTIONS, POWERS AND DUTIES
ARE TRANSFERRED TO THE SECRETARY OF AGRICULTURE

EXECUTIVE ORDER 2002-01

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

WHEREAS, this executive order has been submitted to the 77th Legislative Assembly on the 5th legislative day, being the 14th day of January, 2002;

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 **2002-01**."

Section 2. 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 3. 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 4. 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.

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Section 5. 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 6. The effective date of this Executive Reorganization Order #2002-01 shall be ninety days after its submission to the legislature.

Section 7. Any provisions of law in conflict with this order are superseded.

Section 8. 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 9. That § 34-31-1 be amended to read as follows:

34-31-1. The boards of county commissioners of the counties of this state may, in their discretion, cooperate with the governing bodies of organized townships or municipal corporations within their respective counties, with organized townships or municipal corporations in adjacent counties, ~~the state forester~~ secretary of agriculture or his designee, nonprofit fire protection corporations or associations, and with the boards of county commissioners, organized townships or municipal corporations within adjacent states when reciprocal agreements between the contracting parties have been provided in the purchase and operation of any fire-fighting equipment or fire protection to safeguard the range, farm and forest lands within their respective counties and in prevention of fire nuisances thereon.

Section 10. That § 34-31-2 be amended to read as follows:

34-31-2. The boards of county commissioners of the counties of this state may participate in cooperation with the organized townships and municipal corporations within their respective counties, organized townships and municipal corporations in adjacent counties, or the fire-fighting agencies thereof, and with organized townships, boards of county commissioners or municipal corporations in adjacent states when reciprocal agreements between contracting parties have been provided and with the ~~state forester~~ secretary of agriculture or his designee in the organization and training of rural fire-fighting groups, and in the payment of the operation and maintenance of fire-fighting equipment and in the cost of suppressing fires.

Section 11. That § 34-31-6 be amended to read as follows:

34-31-6. The ~~division of forestry~~ secretary of agriculture or his designee shall operate a fire equipment shop to acquire and renovate equipment and distribute federal and state excess vehicles and property to counties and volunteer fire departments for the suppression of rural fires. The vehicles and property may be provided with clear title by the division to counties and volunteer fire departments.

Section 12. That § 34-31-8 be amended to read as follows:

34-31-8. Notwithstanding the provisions of § 5-23-2, the ~~state forester~~ secretary of agriculture or his designee may purchase used motor vehicles and equipment at auctions of federal and state surplus property, or from public and private utility companies, irrespective of whether or not the sellers of said vehicles are licensed dealers as required by § 5-23-2, for distribution to fire departments for fire suppression.

Section 13. That § 34-35-12.1 be amended to read as follows:

34-35-12.1. Any person who negligently causes a fire to be started or who does not take reasonable precautions to prevent a fire from spreading and permits a fire to spread beyond the person's control is liable for all fire suppression and extinguishment costs that were caused by the fire and that are collectable by the ~~state forester~~ secretary of agriculture or his designee under § 41-20-4 and 41-20-8. For purposes of this section, the term, person, includes public utilities, railroads, and private utilities.

Section 14. That § 34-35-16 be amended to read as follows:

34-35-16. The starting of an open fire within the Black Hills forest fire protection district by a person or a group of persons is prohibited unless a permit to do so is first obtained from the ~~state forester~~ secretary of agriculture or his designee or from the United States forest service supervisor. An open fire as used in this section and § 34-35-17 is any fire to burn slash, brush, grass, stubble, debris, rubbish, or other inflammable material not enclosed in a stove, sparkproof incinerator, or an established fireplace approved or constructed by public agencies in designated recreation areas. A violation of this section is a Class 1 misdemeanor. Any person who violates this section is liable for civil damages for all injuries caused by the fire.

Section 15. That § 34-35-17 be amended to read as follows:

34-35-17. Any United States forest service supervisor, or his designee, ~~state forester~~ the secretary of agriculture or his designee shall have authority to issue a permit upon an application to any person to start an open fire within the Black Hills forest fire protection district if in his opinion such fire will not endanger the life or property of another, or deny such permit if in his opinion the climatic conditions or location of the material to be burned is such that the burning would endanger the life or property of others and he may issue a permit subject to such conditions and restrictions as he may consider necessary to prevent the spread of the fire permitted; and he may revoke a permit issued by him upon the change of climatic or other conditions which he considers would make the burning unsafe.

Section 16. That § 34-35-18 be amended to read as follows:

34-35-18. The ~~state forester~~ secretary of agriculture or his designee may set fires in woods or prairie for the purposes of forest and range management provided that he has reasonable forces and equipment available to suppress the spread of the fire.

Section 17. That § 34-37-19 be amended to read as follows:

34-37-19. Any county may, by resolution, regulate or prohibit the use of fireworks outside the boundaries of any municipality in those areas where the fire danger, as determined by use of the rangeland fire index as established by rule promulgated pursuant to chapter 1-26 by the ~~state forester~~ secretary of agriculture, has reached the extreme category in that county for two consecutive days during the period from June twentieth through June twenty-seventh.

Section 18. That § 62-1-5.2 be amended to read as follows:

62-1-5.2. Any firefighter who has completed the wildland firefighter training course and is a member of any county, municipal, special purpose district, or township fire department which has on file a cooperative fire suppression agreement with the South Dakota Department of Agriculture, and has been approved by the governing body for assignment to the state, is eligible for workers' compensation benefits from the state if injured during a period of time commencing from the time dispatched by the ~~state forester~~ secretary of agriculture or his designee until the time the firefighter returns to the location from which the firefighter was originally dispatched by the ~~state forester~~ secretary of agriculture or his designee. In the event of injury or death, the firefighter shall, for the purpose of computing compensation, be considered to be earning a wage that would entitle that person to the maximum compensation for death or injury allowable under this title; but in no event may payments to any firefighter exceed the maximum limitations for benefits as set out in this title.

For purposes of determining compensation any remuneration received by a member who voluntarily serves the department may not be considered.

No firefighter under this section may be deemed a state employee for any purpose other than eligibility to receive workers' compensation from the state under this section.

Dated this 14th day of January, 2002.

ATTEST

Joyce Hazeltine
Secretary of State

By

Thomas G. Leckey, Deputy



William J. Janklow
Governor

STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 2003-02

WHEREAS, In 1989, Governor George S. Mickelson initially declared that the policy of the state of South Dakota is to provide a drug free workplace environment. In 1995, Governor William J. Janklow renewed that declaration, and with this executive order, I am renewing the declaration; and,

WHEREAS, Illegal drugs in the workplace continue to be 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,

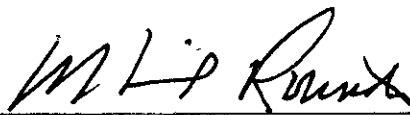
WHEREAS, In order to continue to be considered a responsible source for federal grant awards or contracts, it is imperative that the state maintain a drug free workplace;

NOW, THEREFORE, I, GOVERNOR M. MICHAEL ROUNDS, 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:

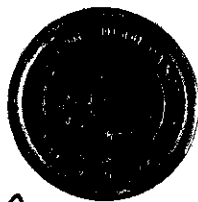
- 1) That any employee of the state who is convicted of a criminal drug statute violation in the workplace will be subject to appropriate disciplinary action, up to and including termination, or the employee may be required to participate satisfactorily in a drug abuse assistance or rehabilitation program;
- 2) That each employee of the state of South Dakota shall be given a copy of this order and the policy of this state which implements this order; and,
- 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 understand 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 18th day of February 2003.


M. Michael Rounds, Governor of South Dakota

ATTEST:


Chris Nelson, Secretary of State



STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 2006-04

WHEREAS, A primary concern of state government is the health and well-being of its citizens; and,

WHEREAS, Tobacco use is the single largest cause of preventable, premature death in the United States; and,

WHEREAS, Secondhand smoke poses a clear health risk to those exposed to it; and,

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

WHEREAS, Tobacco-free worksite policies reduce smokers' and nonsmokers' risk of heart attack, lung cancer, oral cancer and other serious and costly illnesses; and,

WHEREAS, In 1988, Governor George S. Mickelson ordered a ban on all smoking within state government buildings under the governor's control; and,

WHEREAS, In 2002, the South Dakota State Legislature adopted the provisions of South Dakota Codified Law 22-36-2, which prohibits smoking in public buildings and places of employment:

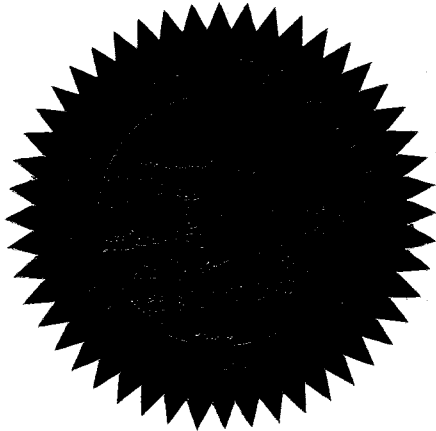
IT IS, THEREFORE, BY EXECUTIVE ORDER, directed that the use of tobacco products shall be prohibited upon all real property or portions thereof owned by the state of South Dakota under the direction and control of the governor and all real property leased by the state where the state is the sole occupant. This policy includes all vehicles, parking lots and walkways leading into state buildings throughout South Dakota. The use of tobacco products shall be prohibited on the above-mentioned property except:

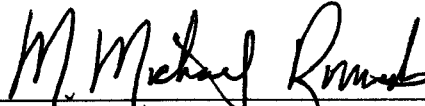
- A. By patients and residents at the Human Services Center in Yankton and clients at the State Developmental Center in Redfield, as specified by the Secretary of the Department of Human Services;
- B. By residents of the State Veteran's Home in Hot Springs, as specified by the Secretary of the Department of Military and Veterans Affairs;
- C. By visitors to campsites in state parks, as designated by the Secretary of the Department of Game, Fish and Parks; and
- D. Upon state highways and outdoors at state highway rest stops.
- E. Such other limited exceptions that the Bureau of Administration and or appropriate department secretary may grant for specific special events.

NOW, THEREFORE, I, M. MICHAEL ROUNDS, by virtue of the authority vested in me by the Constitution and statutes of this state, do hereby order and direct that a tobacco-free environment be established according to the provisions above mentioned on all property or portions thereof owned by the state of South Dakota under the direction and control of the governor and all property leased by the state where the state is the sole occupant.

BE IT FURTHER ORDERED, that such policy will be in effect May 31, 2006, and it shall apply to all state employees, clients, visitors and other persons coming upon said property.


Dated this 13th day of April, 2006.





M. Michael Rounds
Governor of South Dakota

ATTEST:


Chris Nelson
Secretary of State *by Deputy*

**STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 2007-09**

WHEREAS, SDCL 4-11-3 states as follows: A special audit, investigation, or examination of any of such matters specified in § 4-11-2 or of any additional matter relating to state affairs directly or indirectly shall also be made at any time upon written order of the governor and a report shall likewise be made of such special audit, investigation, or examination and filed with the governor and Secretary of State and be subject to public inspection in the Office of Secretary of state; and,

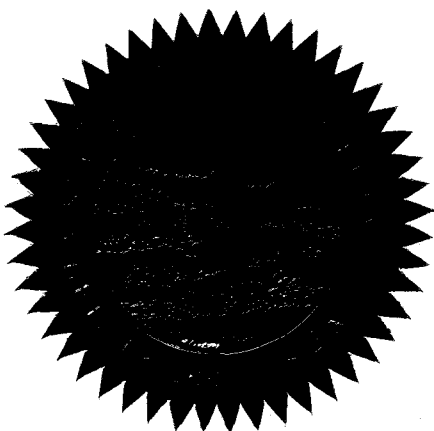
WHEREAS, the Attorney General has advised the governor that several dozen South Dakota school districts, through the South Dakota Coalition of Schools, have been providing financing for litigation entitled the South Dakota Coalition of Schools, et. al. vs. the State of South Dakota et al., Hughes County Civ. No. 06-244 (June 21st, 2006); and,

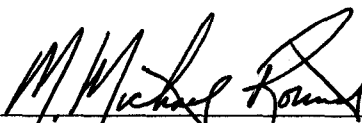
WHEREAS, the Attorney General believes such funding by these school districts is illegal pursuant to Supreme Court decisions Edgemont School District 23-1 v. South Dakota Department of Revenue, 593 N.W.2d 36 (SD 1999) and In the Matter of the Petition for Writ of Certiorari as to the Wrongful Payments of Attorneys Fees Made by the Brookings School District School Board Without Legal Authority, 668 N.W.2d 538 (S.D. 2003); and,

WHEREAS, the South Dakota Coalition of Schools voluntarily allowed themselves to be dismissed from the above litigation in March 2007:


IT IS, THEREFORE, BY EXECUTIVE ORDER, Directed that the Auditor General of the State of South Dakota hereby conduct a special audit, investigation and examination of any and all school districts in the State of South Dakota to determine if any school districts have illegally expended monies to support the above referenced litigation and report the same pursuant to SDCL 4-11-3.

Dated this 7th day of May, 2007.





M. Michael Rounds, Governor

Attest:


Chris Nelson, Secretary of State

**State of South Dakota
Office of the Governor
Executive Order 2010-06**

WHEREAS, South Dakota Codified Laws state, at subsection 42-8-1.2, "The Governor or the Governor's designee may prohibit or restrict the recreational use or navigation of any river, stream, lake or other public waterway within the boundaries of the state in order to protect the public peace, health, and safety"; and SDCL 4-8-1.4 states that a person who violates such a restriction is guilty of a Class 2 misdemeanor; and,

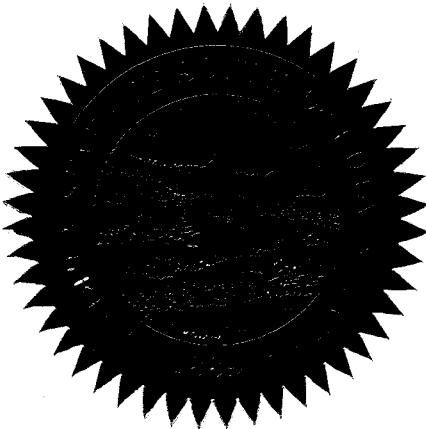
WHEREAS, SDCL 42-8-1.3 provides: The Governor or the Governor's designee, upon issuing a prohibition or restriction on the recreational use of waterways pursuant to § 42-8-1.2, shall direct one or more appropriate state or local government agencies to provide notice to the public of the restriction or Prohibition. The notice shall be provided in a manner to reasonable notify potential users of the restriction or prohibition in one or more of the following forms: (1) Erection of suitable barriers to restrict public use; (2) Posted warnings and notice of the restriction or prohibition; (3) Declaration by the Governor or other state or local officials; (4) Publication or broadcast of the restriction or prohibition by state and local news media; or (5) Other emergency methods that will provide reasonable notification; and,

WHEREAS, The Big Sioux River and its tributaries in Minnehaha County have experienced increase water flows; however, it has been determined that the water levels pose no threat to public health and safety. Caution should be used.

IT IS HEREBY DECLARED, Executive Order 2010-03 is hereby rescinded.

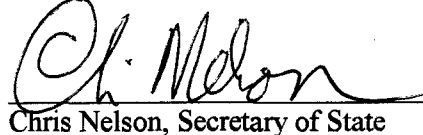
IT IS FURTHER DECLARED, The Mayor of Sioux Falls is authorized to remove such signs and barriers and publish information necessary to comply with the rescission of Executive Order 2010-03.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of South Dakota, in Pierre, the Capital City, this Twenty-fifth Day of March in the Year of Our Lord, Two Thousand and Ten.




M. Michael Rounds, Governor

ATTEST:


Chris Nelson, Secretary of State

**STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 2010-09**

WHEREAS, The American Recovery and Reinvestment Act of 2009, P.L. 111-5 (herein referred to as the "Act") provided \$90 million of Recovery Zone Economic Development Bonding Authority to South Dakota counties; and,

WHEREAS, The American Recovery and Reinvestment Act of 2009, P.L. 111-5 provided \$135 million of Recovery Zone Facility Bonding Authority to South Dakota counties; and,

WHEREAS, The Act provided that counties and municipalities may waive any portion of an allocation back to the state for sub allocation; and,

WHEREAS, SDCL 1-7-8 authorizes the Governor to establish procedures for the allocation of authority to issue bonds exempt from federal income taxes; and,

WHEREAS, Senate Bill 50, passed by the 2010 South Dakota Legislature authorizes the Governor to establish procedures for the allocation of authority to issue bonds subject to federal income taxes; and,

NOW, THEREFORE, I, M. MICHAEL ROUNDS, Governor of the State of South Dakota, order and decree that the following procedures be used to reallocate that amount of allocation that has been waived back to the state.

Section 1. Issuers or project managers wishing to obtain an allocation for either Recovery Zone Economic Development Bonds or Recovery Zone Facility 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 or project manager and the name, address, and telephone number of a contact person for the project;
- B. A description of the proposed financing, including to the extent applicable, a description of the proposed project and its location and total 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 project owner, if applicable;
- E. A copy of the economic study designating the area the project is within as a Recovery Zone; and
- F. A statement confirming that the project for which allocation is being requested qualifies as eligible to utilize Recovery Zone bond allocation.

Section 2. No issuer or project manager may transfer an allocation granted pursuant to the Order to another Issuer or another project.

Section 3. Any allocation made pursuant to this Order that has not been used within 120 days after the allocation is awarded shall expire and revert back to the state of South Dakota for further reallocation using the procedures in Section 1 of this Order unless an extension is requested and granted.

Section 4. In the event an application by an Issuer or project manager 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.

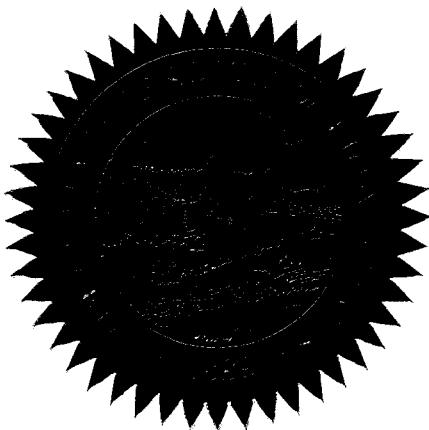
Section 5. The Commissioner of the South Dakota Bureau of Finance and Management ("Commissioner") is directed to establish a Volume Cap Allocation Register to separately keep track of sub allocation of Recovery Zone allocation for Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds under IRC §§ 1400U-2 and 1400U-3 in accordance with any rules or regulations of the Internal Revenue Service.

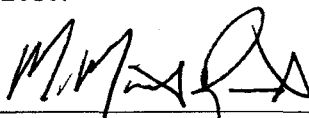
Section 6. This Executive Order and the allocation procedure specified herein are effective immediately and will apply to any and all Recovery Zone allocations waived by South Dakota counties.

Section 7. On or prior to the date of issuance of any Recovery Zone Bonds for which an approved allocation has not expired or been relinquished, the Governor shall provide to the Issuer a certification, within 10 days after written request from the Issuer therefore, 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 6-18B-19, a statement containing the information required by IRS Form 8038 - B, and the following information:


- A. The date and principal amount of allocation made by the Governor with respect to the issue of Recovery Zone Bonds;
- B. If the principal amount of Recovery Zone 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.

Dated in Pierre, South Dakota, this 14th day of April, 2010.




M. Michael Rounds, Governor of South Dakota

ATTEST:


Chris Nelson, Secretary of State

**State of South Dakota
Office of the Governor
Executive Order 2010-16**

WHEREAS, The American Recovery and Reinvestment Act of 2009, P.L. 111-5 (herein referred to as the "Act") provided \$8,343,000 million of Qualified Energy Conservation Bonding Authority to states; and,

WHEREAS, The Act provided that allocation received by states could be awarded to eligible projects that meet the qualifications in an attempt to spur economic development and energy savings; and,

WHEREAS, Senate Bill 50, passed by the 2010 South Dakota Legislature authorizes the Governor to establish procedures for the allocation of authority to issue bonds subject to federal income taxes; and,

NOW, THEREFORE, I, M. MICHAEL ROUNDS, Governor of the State of South Dakota, order and decree that the following procedures be used to allocate that amount of Qualified Energy Conservation Bond allocation that has been awarded to the state.

Section 1. Issuers or project managers wishing to obtain an allocation for Qualified Energy Conservation 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 or project manager and the name, address, and telephone number of a contact person for the project;
- B. A description of the proposed financing, including to the extent applicable, a description of the proposed project and its location and total 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 project owner, if applicable; and
- E. A statement confirming that the project for which allocation is being requested qualifies as eligible to utilize Qualified Energy Conservation Bond allocation.

Section 2. No issuer or project manager may transfer an allocation granted pursuant to the Order to another Issuer or another project.

Section 3. Any allocation made pursuant to this Order that has not been used within 120 days after the allocation is awarded shall expire and revert back to the state of South Dakota for further reallocation using the procedures in Section 1 of this Order unless an extension is requested and granted.

Section 4. In the event an application by an Issuer or project manager 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.

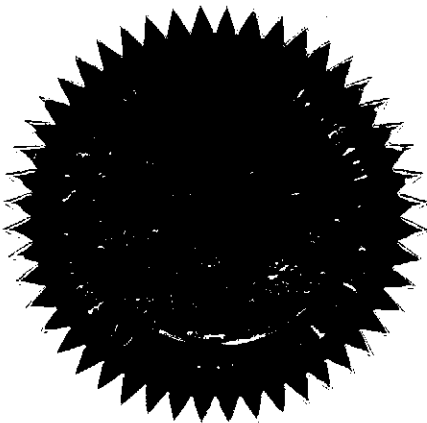
Section 5. The Commissioner of the South Dakota Bureau of Finance and Management ("Commissioner") is directed to establish a Volume Cap Allocation Register to separately keep track of allocation of Qualified Energy Conservation Bond allocation in accordance with any rules or regulations of the Internal Revenue Service.

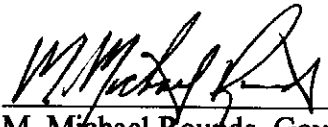
Section 6. This Executive Order and the allocation procedure specified herein are effective immediately and will apply to any and all Qualified Energy Conservation Bond allocation awarded to the state of South Dakota.

Section 7. On or prior to the date of issuance of any Qualified Energy Conservation Bonds for which an approved allocation has not expired or been relinquished, the Governor shall provide to the Issuer a certification, within ten days after written request from the Issuer; therefore, 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 6-18B-19, a statement containing the information required by 26 USCA § 54D(e)(1), and the following information:

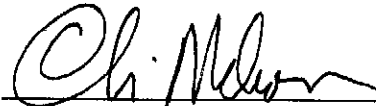
- A. The date and principal amount of allocation made by the Governor with respect to the issue of Qualified Energy Conservation Bonds;
- B. If the principal amount of Qualified Energy Conservation Bonds issued is less than the principal amount of allocation made with respect to such Bonds or a project, 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.

Dated in Pierre, South Dakota, this 16th day of June, 2010.




M. Michael Rounds, Governor

Attest:


Chris Nelson, Secretary of State

**State of South Dakota
Office of the Governor
Executive Order 2010-18**

WHEREAS, South Dakota Codified Laws state, at subsection 42-8-1.2, "The Governor or the Governor's designee may prohibit or restrict the recreational use or navigation of any river, stream, lake or other public waterway within the boundaries of the state in order to protect the public peace, health, and safety"; and SDCL 4-8-1.4 states that a person who violates such a restriction is guilty of a Class 2 misdemeanor; and,

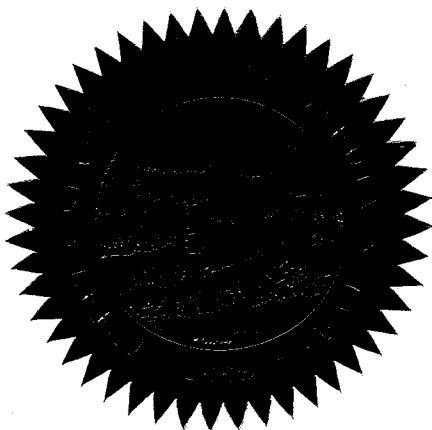
WHEREAS, SDCL 42-8-1.3 provides: The Governor or the Governor's designee, upon issuing a prohibition or restriction on the recreational use of waterways pursuant to § 42-8-1.2, shall direct one or more appropriate state or local government agencies to provide notice to the public of the restriction or Prohibition. The notice shall be provided in a manner to reasonably notify potential users of the restriction or prohibition in one or more of the following forms: (1) Erection of suitable barriers to restrict public use; (2) Posted warnings and notice of the restriction or prohibition; (3) Declaration by the Governor or other state or local officials; (4) Publication or broadcast of the restriction or prohibition by state and local news media; or (5) Other emergency methods that will provide reasonable notification; and,

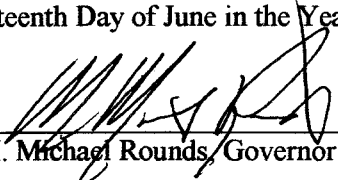
WHEREAS, Lake Mitchell in Davison County has experienced increased water levels; however, it has been determined that the water levels no longer pose a threat to property, public health and safety.

IT IS HEREBY DECLARED, Executive Order 2010-15 is hereby rescinded.

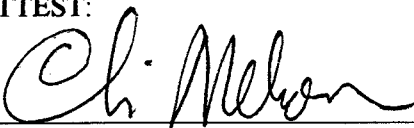
IT IS FURTHER DECLARED, The Mayor of the City of Mitchell is authorized to remove such signs and barriers and publish information necessary to comply with the rescission of Executive Order 2010-15.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of South Dakota, in Pierre, the Capital City, this Eighteenth Day of June in the Year of Our Lord, Two Thousand and Ten.




M. Michael Rounds, Governor

ATTEST:


Chris Nelson, Secretary of State

STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 2011-02

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,

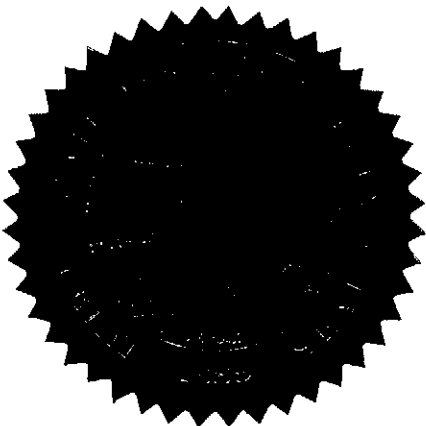
WHEREAS, SDCL 24-14-1 grants to the Governor the discretion to "delegate to the Board of Pardons and Paroles the authority to hear applications for pardon, commutation, reprieve, or remission of fines and forfeitures, and to make its recommendations to him"; and,

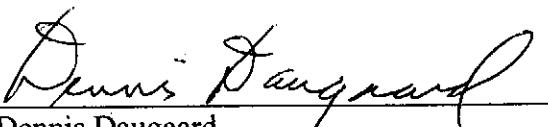
WHEREAS, The Board of Pardons and Paroles meets monthly to make conditional release decisions for penitentiary inmates and has set forth a procedure to hear such clemency applications and make such determinations:

IT IS HEREBY ORDERED, That all applications for executive clemency, whether it be designated a "pardon," a "commutation," a "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, South Dakota, this Thirteenth day of January, 2011.




Dennis Daugaard
Governor of South Dakota

ATTEST:


Jason M. Gant
Secretary of State

**State of South Dakota
Office of the Governor
Executive Order 2011-03**

WHEREAS, Over 2,000 inmates are released from the South Dakota prison system annually;

WHEREAS, Most inmates being released have individual needs that must be addressed in the community upon their release, and if these needs are not met, the inmate is at greater risk for committing new crimes and returning to prison.

WHEREAS, The needs of inmates being released from prison cross state and local agency boundaries and include substance abuse, medical and mental health issues, education, employment, and housing.

WHEREAS, There exists a need for increased and improved collaboration among state and local agencies that receive resources from the federal government to improve access to mainstream resources critical to individuals being released from prison and their families to maximize the opportunities for success and reduce recidivism.

IT IS, THEREFORE, BY EXECUTIVE ORDER, Directed that the Governor's Reentry Council (Council) be established and authorized to function in compliance with the following sections of the order:

General Provisions

Section 1. The Council shall consist of the following individuals or their designees:

- a) Governor;
- b) Secretary of the Department of Corrections;
- c) Secretary of the Department of Education;
- d) Secretary of the Department of Labor and Regulation;
- e) Secretary of the Department of Health;
- f) Secretary of the Department of Human Services;
- g) Secretary of the Department of the Military;
- h) Secretary of the Department of Veterans Affairs;
- i) Secretary of the Department of Social Services;
- j) Secretary of the Department of Tribal Relations;
- k) Executive Director of the South Dakota Housing Development Authority;
- l) Heads of such other state departments or agencies the governor may designate; and
- m) Representatives from local government entities, organizations, or associations as the governor may designate.

Section 2. The Governor shall appoint a chair from among the Council members.

Section 3. The Council shall have the following duties:

- a) Coordinate state policy and working relationships among state and local agencies to identify and define issues affecting inmates being released from prison in South Dakota;
- b) Determine comprehensive and effective collaborative strategies and best practices to prevent recidivism;

- c) Examine ways to pool resources and funding streams to promote lower recidivism rates for returning offenders;
- d) Minimize the harmful effects of offenders' time in prison or jail on families and communities of offenders by collecting data and best practices in offender reentry from stakeholder agencies and organizations;
- e) Recommend changes necessary to alleviate or prevent recidivism, to include making recommendations to the appropriate state agencies and organizations regarding effective distribution of resources and access to available services and programs;
- f) Disseminate information and educate the public about factors contributing to recidivism and appropriate responses;
- g) Solicit input from the Native American Tribes, local units of government, law enforcement, victims groups, advocacy groups, service providers, faith-based organizations, and offenders and their families regarding policy and program development to identify and define issues faced by offenders upon release and to determine comprehensive and effective collaborative strategies and best practices for remediation and prevention of recidivism in South Dakota.

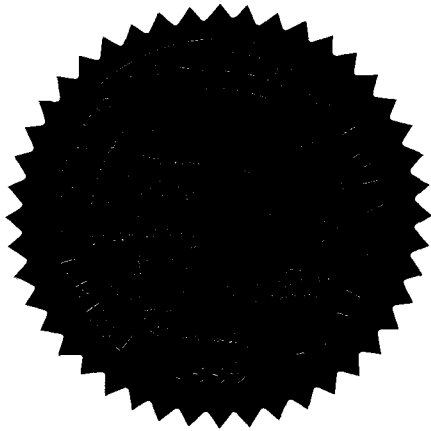
Section 4. Staff of the participating state departments will provide assistance to the Council with the Department of Corrections providing coordination and principal staff support.

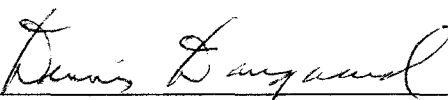
Section 5. The Council shall report annually to the governor on progress in identifying and addressing issues faced by offenders upon release, progress made in addressing the recidivism rate of offenders, and recommendations for executive and legislative action.

Section 6. The Council is entitled to the full cooperation of all state departments and agencies. In this regard, state departments and agencies shall furnish information and any additional assistance as may be necessary and available to further the purposes of this Executive Order.

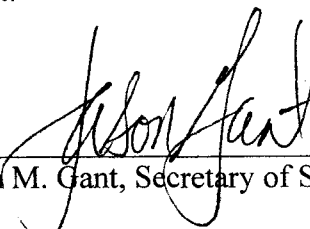
Section 7. Statistics compiled by the Department of Corrections indicate approximately 44 percent of the inmates released from South Dakota's prison system return to prison during the 3-year period following their release. It is in the best interests of all South Dakotans that this Council actively collaborates to reduce this rate of recidivism.

Dated in Pierre, South Dakota, this 26th day of January, 2011.




Dennis Daugaard, Governor of South Dakota

Attest:


Jason M. Gant, Secretary of State

STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 2011-08

WHEREAS, In 1989, it was declared that the policy of the State of South Dakota is to provide a drug free workplace environment, and the declaration has been renewed each year since, and with this executive order I am again renewing the declaration; and,

WHEREAS, Illegal drugs in the workplace continue to be 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,

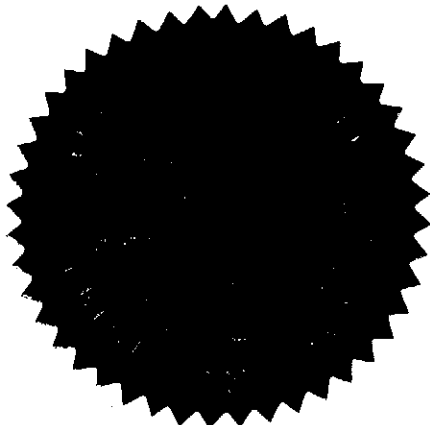
WHEREAS, In order to continue to be considered a responsible source for federal grant awards or contracts, it is imperative that the State maintain a drug free workplace;


NOW, THEREFORE, I, GOVERNOR DENNIS DAUGAARD, 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 used any controlled substance in the workplace.

I HEREBY ORDER AND DIRECT:

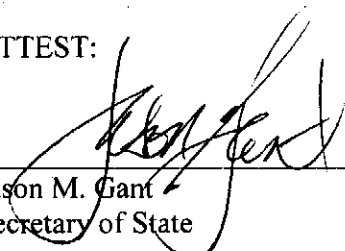
- 1) That any employee of the State who is convicted of a criminal drug statute violation in the workplace will be subject to appropriate disciplinary action, up to and including termination, or the employee may be required to participate satisfactorily in a drug abuse assistance or rehabilitation program;
- 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; and,
- 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 understand 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 in Pierre, South Dakota, this 25th day of April, 2011.




Dennis Daugaard
Governor of South Dakota

ATTEST:


Jason M. Gant
Secretary of State

**STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 2012-01**

WHEREAS, In March of 2001, the South Dakota Department of Corrections initiated participation in a nationally recognized program called Performance Based Standards; and,

WHEREAS, The system of Performance Based Standards provides an effective and efficient process of program evaluation designed to improve conditions of confinement in juvenile correctional facilities; and,

WHEREAS, It has been documented that the Council of Juvenile Correctional Administrators commends the exemplary progress by the South Dakota Department of Corrections within the Performance Based Standards project over the past decade; and,

WHEREAS, It is important that the results of such evaluations be made known to the legislature and public:

IT IS, THEREFORE, BY EXECUTIVE ORDER, Ordered that the South Dakota Department of Corrections shall maintain active participation in the Performance Based Standards Program sponsored by the Council of Juvenile Correctional Administrators, or some other nationally recognized program of quality control for the department's juvenile corrections facilities in compliance with the following sections of this order.

GENERAL PROVISIONS

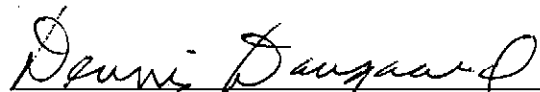
Section 1. The Department of Corrections shall maintain active participation in the Performance Based Standards Program sponsored by the Council of Juvenile Correctional Administrators or some other nationally recognized program of quality control.

Section 2. The program shall be utilized at all juvenile corrections facilities operated by the Department of Corrections.

Section 3. The Department of Corrections shall report, not less than annually, to the legislature regarding its participation and the results of its evaluation.

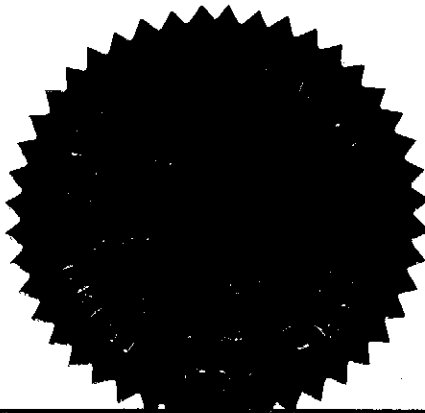
Section 4. This Executive Order shall be in full force and effect immediately.

Dated in Pierre, South Dakota, this Sixth Day of January, 2012.


Dennis Daugaard, Governor of South Dakota

ATTEST:


Jason M. Gant, Secretary of State



STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 2012-09

WHEREAS, The formation of a balanced state budget in South Dakota requires the best available economic information in the development of revenue estimates; and,

WHEREAS, The structure of South Dakota's economy is continually changing; and,

WHEREAS, Both the Executive and Legislative Branches have a need for economic experts to review the changing economic conditions and a Council of Economic Advisors would fill such a role:

IT IS, THEREFORE, DIRECTED BY EXECUTIVE ORDER that a Council of Economic Advisors be created according to provisions of this order.

Section 1. The Council of Economic Advisors will be expected to review and critique the Bureau of Finance and Management's economic forecasts of South Dakota's economy and its methodology. This includes the council's review and critique of the national economy forecast used by the Bureau of Finance and Management.

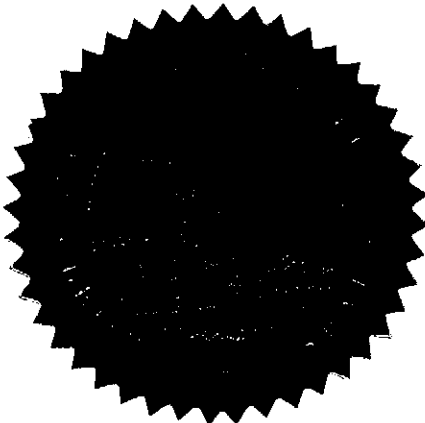
Section 2. The council will be attached to the Bureau of Finance and Management for support staff, and expenses of the members shall be paid by the Bureau.


Section 3. The Governor shall appoint 10 members to serve on the council. The membership shall represent various sectors of the South Dakota economy and include economic experts from the higher education system. In addition, the commissioner of the Bureau of Finance and Management will serve as an ex-officio member and chairman of the council.

Section 4. Members of the Council of Economic Advisors shall be appointed to serve three-year terms, at which time they may be reappointed. In the event of vacancies, appointments shall be made to fill the unexpired terms. The council shall meet at least four times annually or more often, as required by the performance of its functions.

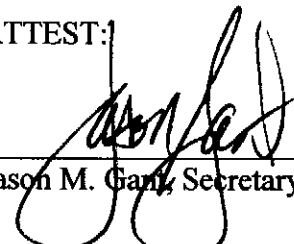
NOW, THEREFORE, I, DENNIS DAUGAARD, Governor of the state of South Dakota, by virtue of the authority vested in me by the state Constitution and statutes of this state, do hereby order and direct that such a Council of Economic Advisors be created.

Dated in Pierre, South Dakota, this Eighth day of August, 2012




Dennis Daugaard, Governor

ATTEST:


Jason M. Gandy, Secretary of State

**State of South Dakota
Office of the Governor
Executive Order 2014-06**

WHEREAS, The State of South Dakota was founded upon and to this day is governed by sound, practical financial management practices; and,

WHEREAS, The fiscal management of state government both for today and for the long-term is of profound importance to the citizens of South Dakota; and,

WHEREAS, Sound financial management practices shape policy discussions and offer a road map for the future of our state; and,

WHEREAS, Long-term financial planning requires constant vision and forethought and should be updated regularly in order to help direct budget and policy decisions; and,

WHEREAS, Decisions regarding capital expenditures and indebtedness require advance planning and strategic development;

IT IS THEREFORE DIRECTED BY EXECUTIVE ORDER that the Bureau of Finance and Management prepare and provide to the Governor or his representative no later than January 10 of each year all working documents set forth in this order.

Section 1. A long-term financial plan outlining actual general fund revenues and expenses for the most recent completed fiscal year, and forecasts for the current fiscal year, the next fiscal year, and the succeeding two fiscal years. The financial plan shall include input from the Governor's Council of Economic Advisors and other financial planning information that is deemed relevant to the financial plan assumptions.

Section 2. A capital expenditure plan outlining projected expenses for construction projects as well as maintenance and repair projects for the next five years. The plan will address cost projections as well as fund sources used to finance the construction and maintenance and repair projects.

Section 3. Recommended policies pertaining to the issuance, maintenance and servicing of debt of the South Dakota Building Authority and the South Dakota Health and Educational Facilities Authority (Vocational Education Program only). The policies shall include limits imposed on the total amount of debt to be issued, financial metrics used to govern the servicing of existing or projected future debt service payments, and shall measure compliance with those policies.

NOW, THEREFORE, I, DENNIS DAUGAARD, Governor of the State of South Dakota, by virtue of the authority vested in me by the South Dakota Constitution and the statutes of South Dakota, do hereby order and direct that the Bureau of Finance and Management perform and carry out the tasks as set forth above.

Dated in Pierre, South Dakota, this 2nd day of July, 2014.



Dennis Daugaard, Governor

ATTEST:

Jason M. Gant, Secretary of State



STATE OF SOUTH DAKOTA
DENNIS DAUGAARD, GOVERNOR

January 20, 2015

The Honorable Shantel Krebs
Secretary of State
500 East Capitol Avenue
Pierre, SD 57501

Dear Secretary Krebs,

I have the honor to herewith deliver to you:

Executive Reorganization Order 2015-01.

This document has also been filed with the President of the Senate and the Speaker of the House.

Sincerely,

A handwritten signature in cursive script that reads "Dennis Daugaard".

Dennis Daugaard

DD:nn

Enclosure

**STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 2015-01**

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

WHEREAS, this executive order has been submitted to the 90th Legislative Assembly on the 5th legislative day, being the 20th day of January, 2015;

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 2015-01".

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 17. The effective date of this Executive Reorganization Order #2015-01 shall be ninety days after its submission to the Legislature.

**Office of History and South Dakota State Historical Society Combined and
Transferred to the Department of Education**

Section 18. The Office of History and its functions established in chapters 1-18, 1-18B, 1-18C, 1-19, 1-19A, and 1-19B, are hereby transferred to the State Historical Society.

Section 19. Pursuant to § 2-16-9, the Code Commission and Code Counsel of the Legislative Research Council are requested to amend the following sections by deleting references to "Office of History" or "office" and inserting "State Historical Society."

1-18-2

1-18-31.2

1-18B-9

1-18B-11

1-18B-12

1-18B-13

1-18C-2

1-19-2.1

1-19-6

1-19A-3

1-19A-4

1-19A-5

1-19A-6
1-19A-7
1-19A-8
1-19A-9
1-19A-10
1-19A-11
1-19A-11.1
1-19A-12
1-19A-13
1-19A-13.1
1-19A-14
1-19A-15
1-19A-16
1-19A-17
1-19A-19
1-19B-8
1-45-23
34-27-31

Section 20. The State Historical Society created pursuant to chapter 1-18 and its functions are hereby transferred to the Department of Education.

Section 21. Pursuant to § 2-16-9, the Code Commission and Code Counsel of the Legislative Research Council are requested to amend the following sections by deleting references to the "Department of Tourism" or the Secretary of "Tourism" and inserting the "Department of Education" or the Secretary of "Education" as appropriate.

1-18-2
1-18-2.2
1-18-3
1-18-20
1-18-32.1
1-18C-2
1-18C-3
1-18C-6
1-19-2.1
1-19B-8
1-20-19
1-20-20

Section 22. That § 1-18-2.1 be repealed.

~~1-18-2.1. The Office of History shall perform all the functions of the following former agencies:~~

- ~~(1) The Department of History, created by chapter 1-18; and~~
- ~~(2) The Verendrye Memorial Commission, created by chapter 1-19.~~

Section 23. That § 1-18B-1 be amended to read as follows:

1-18B-1. ~~Terms~~ The term "board," as used in this chapter mean means

(1) ~~"Board,"~~ the State Historical Society Board of Trustees provided for by § 1-18-12.2; ~~and~~

(2) ~~"Office," the Office of History within the Department of Tourism.~~

Section 24. That § 1-18B-10 be amended to read as follows:

1-18B-10. A duly certified copy of any paper, document, article, or advertisement in the custody of the ~~Cultural Preservation Office~~ State Historical Society made and certified by an executive officer thereof may be accepted as prima facie evidence of the contents thereof in any court or proceeding in this state.

Section 25. That § 1-19A-2 be amended to read as follows:

1-19A-2. Definition of terms. Terms used in this chapter mean:

(1) "Board," the State Historical Society Board of Trustees established by § 1-18-12.2;

(2) "Historic preservation," the research, protection, restoration, and rehabilitation of districts, sites, buildings, structures, and objects significant in the history, architecture, archaeology, paleontology, or culture of the state;

(3) "Historic property," any building, structure, object, district, area, or site that is significant in the history, architecture, archaeology, paleontology, or culture of the state, its communities or the nation;

(4) ~~"Office" or "Office of History," the Office of History of the Department of Tourism;~~

(5) (4) "Rehabilitation," returning property to a state of utility, through expansion, addition, repair, or alteration, which makes possible an efficient contemporary use while retaining those portions of the property, which qualify such property for placement on the state register of historic places;

(6) (5) "Restoration," the repair or replacement of historically significant features which qualify a structure or object for recognition by the state register of historic places.

Section 26. That § 1-52-2 be amended to read as follows:

1-52-2. The Department of Tourism and State Development is abolished. The position of secretary of tourism and state development is abolished. The following functions of the former Department of Tourism and State Development are transferred to the Department

of Tourism:

- (1) Office of Tourism;
- (2) Board of Tourism;
- ~~(3) Office of History;~~
- ~~(4) State Historical Society Board of Trustees;~~
- ~~(5) (3) State Arts Council;~~ and

such other tourism related functions as the Governor shall direct.

The secretary of the Department of Tourism shall perform the functions of the former secretary of the Department of Tourism and State Development related to tourism

Section 27. That § 1-52-9 be repealed.

~~1-52-9. The secretary of the Department of Tourism shall perform the functions of the former secretary of the Department of Tourism and State Development, relating to the Office of History.~~

Section 28. That § 13-57-6.1 be amended to read as follows:

13-57-6.1. The museum at the University of South Dakota shall continue within the ~~Cultural Preservation Office of the Division of Cultural Affairs~~ State Historical Society of the Department of Education, and all its functions shall be performed by the ~~cultural preservation office~~ State Historical Society as provided by § 1-45-23.

Cultural Heritage Center Transferred to the Department of Education

Section 29. The functions of the Cultural Heritage Center are hereby transferred from the Department of Tourism to the Department of Education.

Section 30. Pursuant to § 2-16-9, the Code Commission and Code Counsel of the Legislative Research Council are requested to amend the following sections by deleting references to the "Department of Tourism" or the Secretary of "Tourism" and inserting the "Department of Education" or the Secretary of "Education" as appropriate.
5-15-49

Section 31. That § 1-52-8 be repealed:

~~1-52-8. The secretary of the Department of Tourism shall perform the functions of the former secretary of the Department of Tourism and State Development, relating to the Cultural Heritage Center.~~

Office of Emergency Medical Services Transferred from the Department of Public Safety to the Department of Health

Section 32. The Office of Emergency Medical Services is hereby transferred from the Department of Public Safety to the Department of Health. The Secretary of the Department of Health shall perform the functions of the Secretary of the Department of Public Safety relating to the Office of Emergency Medical Services.

Section 33. Pursuant to § 2-16-9, the Code Commission and Code Counsel of the Legislative Research Council are requested to amend the following sections by deleting references to the "Department of Public Safety" or the Secretary of "Public Safety" and inserting the "Department of Health" or the Secretary of "Health" as appropriate.

34-11-2

34-11-5

34-11-6

34-11-6.1

34-11-6.2

34-11-6.3

34-11-6.4

34-11-8

34-11-11

34-11A-23

34-12F-3

36-4B-1

36-4B-10

36-4B-35

Section 34. That § 1-51-5 be repealed.

~~1-51-5. The Office of Emergency Medical Services, Department of Health, and its functions are transferred to the Department of Public Safety created by Executive Reorganization Order 2003-01. The secretary of the Department of Public Safety shall perform the functions of the secretary of the Department of Health, relating to the Office of Emergency Medical Services.~~

Section 35. That subdivision (2A) of § 32-6B-1 be amended to read as follows:

32-6B-1. (2A) "Authorized emergency vehicle," any vehicle of a fire department and any ambulance and emergency vehicle of a municipal department or public service corporation that are designated or authorized by the Department of Public Safety or the Department of Health;

Section 36. That subdivision (2) of § 32-14-1 be amended to read as follows:

32-14-1. (2) "Authorized emergency vehicle," a vehicle of a fire department, a police vehicle, an ambulance or emergency vehicle of a municipal department or public service corporation that is designated or authorized by the department or the Department of Health, and an emergency vehicle titled to a local organization for emergency management created pursuant to chapter 34-48A;

Bottle Water Quality Regulation and Oversight Transferred from the Department of Public Safety to the Department of Environment and Natural Resources

Section 37. The authority to regulate bottled water quality pursuant to sections 39-1-1.1, 39-1-4, and 39-1-5 is hereby transferred from the Department of Public Safety to the Department of Environment and Natural Resources. The Secretary of the Department of Environment and Natural Resources shall perform the functions of the Secretary of the Department of Public Safety relating to the regulation of bottled water quality.

Section 38. Pursuant to § 2-16-9, the Code Commission and Code Counsel of the Legislative Research Council are requested to transfer the existing administrative rules relating bottled water quality in chapter 20:01:11 to the department of environment and natural resources.

Section 39. That section 39-1-1.1, be amended to read as follows:

39-1-1.1. The Division of ~~Commercial Inspection and Licensing~~ Legal and Regulatory Services of the Department of Public Safety shall perform the functions previously performed by the Department of Agriculture pursuant to chapters 39-4 and 39-13, except the authority to regulate bottled water quality which the Department of Environment and Natural Resources shall perform.

Section 40. That section 39-1-4, be amended to read as follows:

39-1-4. The secretary of agriculture may, except as provided by § 39-1-1.1, adopt such rules as may be necessary for the proper and effective enforcement of this title. All such rules shall become effective in conformity with chapter 1-26. The failure to obey any rule of the secretary of agriculture adopted pursuant to this section may be enforced by proper legal procedure in court.

The secretary of environment and natural resources may adopt such rules as may be necessary for the proper and effective enforcement relating to bottled water quality. All such rules shall become effective in conformity with chapter 1-26. The failure to obey any rule of the secretary of environment and natural resources adopted pursuant to this section may be enforced by proper legal procedure in court.

Section 41. That section 39-1-5, be amended to read as follows:

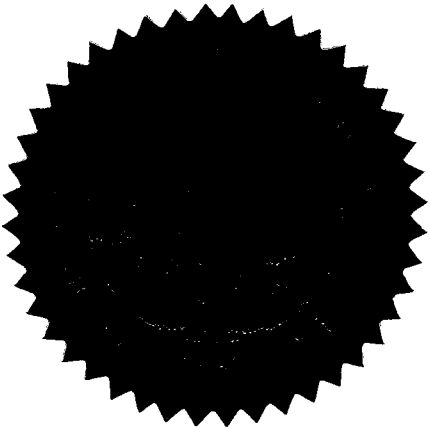
39-1-5. The secretary of agriculture, ~~or the secretary of public safety, or the secretary of environment and natural resources~~ when performing the functions described in § 39-1-1.1, may, when in his judgment such action will promote honesty and fair dealing in the interest of consumers, adopt rules establishing for any food, under its common or usual name so far as practicable, a reasonable standard of identity and purity. If a standard for a food has been established by the administrator of the Federal Food, Drug, and Cosmetic Act of 1938, the secretary of agriculture, ~~or the secretary of public safety, or the secretary~~

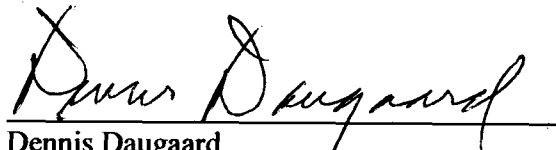
of environment and natural resources shall adopt that standard for this state. The standards shall become effective in conformity with chapter 1-26. An article of food which does not conform to ~~the~~ such standards is adulterated or misbranded as the case may be.

Section 42. That section 39-4-1, be amended to read as follows:

39-4-1. The word "food" as used in this title shall include all substances used as food, drink, confectionery, or condiment by man or other animals, whether simple, mixed, or compound, and all substances or ingredients to be added to foods for any purpose. For the purposes of this chapter, the word "food" specifically includes bottled water for sale to the public, the quality of which is regulated by the secretary of environment and natural resources as provided for under this chapter.

Dated in Pierre, South Dakota, this 20th day of January, 2015.




Dennis Dugaard
Governor of South Dakota

ATTEST:


Shantel Krebs
Secretary of State

**STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 2018-09**

WHEREAS, A Personnel Management Advisory Board was created by Executive Order 87-18, dated May 21, 1987; and,

WHEREAS, The Personnel Management Advisory Board was continued by Executive Order 89-10, dated June 19, 1989, and by Executive Order 2003-04, dated September 5, 2003; and,


WHEREAS, The Personnel Management Advisory Board has no members, no longer conducts business, and no longer serves its original purpose;

IT IS, THEREFORE, DIRECTED BY EXECUTIVE ORDER, That the Personnel Management Advisory Board is discontinued and no longer exists:

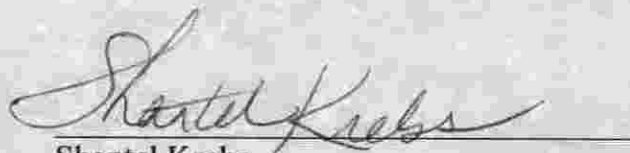
NOW, THEREFORE, I, Dennis Daugaard, Governor of the state of South Dakota, by virtue of the authority vested in me by the Constitution and the statutes of this state, do hereby order and direct that the Personnel Management Advisory Board is discontinued.

Dated in Pierre, South Dakota this 27th day of December, 2018.




Dennis Daugaard
Governor of South Dakota

ATTEST:


Shantel Krebs
Secretary of State

**STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 2021-11**

Whereas, As Governor, I have become increasingly concerned about a growing movement throughout the country to reject patriotic education and downplay the positive revolution in human affairs set in motion by our Founders, a revolution re-affirmed during what historians call the “re-founding” of our nation with the Reconstruction amendments to the Constitution after the Civil War, in favor of divisive and false ideologies like critical race theory; and,

Whereas, Our children and grandchildren should understand the full picture of our nation's history—our fundamental values, our greatest achievements, and the long struggles to overcome injustice as well; and

Whereas, After listening to educator, legislator, and citizen concerns, I believe South Dakota must act before facing many of the same forces that have negatively impacted other states’ education systems and left countless young people ill-prepared for the blessings and burdens of American citizenship; and,

Whereas, The United States Department of Education recently issued two grant proposals for civics education, found at 86 FR 38061 (July 19, 2021); and,

Whereas, These two federal grant proposals refer back to “proposed priorities” for civics grants, found at 86 FR 20348 (April 19, 2021), that include explicit reference to Ibram X. Kendi and the 1619 Project; the federal grant proposals change the label on these priorities from “*proposed* priorities” to “*invitational* priorities,” but do not otherwise disclaim Kendi or the 1619 Project; and,

Whereas, The work of Kendi and the 1619 Project are infused with factual errors, including the statement that “capitalism is essentially racist,” that “racism runs in the very DNA of this country,” that our nation is not a democracy but a “slavocracy,” that our nation was born not with the Declaration of Independence in 1776, which by its very terms made the elimination of slavery a prerequisite in the quest to live up to its ideals, but rather in 1619, when slavery was first introduced to the colonies, and many other inaccurate claims; and,

Whereas, These federal grant proposals also have very open-ended and vague requirements that will allow for the federal government to evaluate the success of any grant-receiving program based on a concept of the nation’s history that is antithetical to the very principles that have made our nation a shining beacon of liberty for the rest of the world:

NOW, THEREFORE, I, KRISTI NOEM, Governor of the State of South Dakota, by the authority vested in me by the Constitution and the Laws of the State, do hereby Order and Direct the following:


1. All state Department of Education officials will refrain from applying for *any* federal grants in history or civics until after the 2022 South Dakota legislative session.
2. During the 2022 legislative session, it is anticipated that the Legislative Branch and Executive Branch will cooperate on legislation that will at a minimum:
 - a) prohibit any curriculum that requires or encourages students to take positions against one another on the basis of race, sex, or the historical activity of members of a student's race or sex, *see West Virginia State Board of Education v. Barnette*, 319 U.S. 624 (1943); and
 - b) prevent schools from politicizing education by prohibiting any curriculum that requires students to protest or lobby during or after school. *See id.*

Therefore, all state Department of Education work on civics-related education in the K-12 school system should be informed by and consistent with the above considerations.

3. Nothing in this Executive Order shall be construed to restrict any expressive activities protected under the U.S. Constitution, including academic freedom, *compare Keyishian v. Bd. Of Regents*, 385 U.S. 589 (1967), or student political speech. *See Tinker v. Des Moines*, 393 U.S. 503 (1969); U.S. Dep't of Education, Office for Civil Rights, Dear Colleague Letter: First Amendment, July 28, 2003, found at <https://www2.ed.gov/about/offices/list/ocr/firstamend.html>.

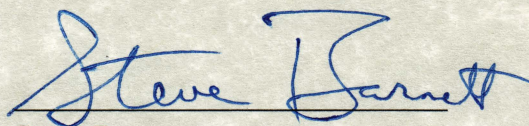
Dated in Pierre, South Dakota this 29th day of July, 2021.





Kristi Noem
Governor of South Dakota

ATTEST:



Steve Barnett
Secretary of State

**STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 2022-03**

Whereas, The State of South Dakota has been impacted by severe storms and tornadoes; and,

Whereas, These severe storms and tornadoes caused damage to the power infrastructure and caused unexpected costs for debris removal; and,

Whereas, Citizens have sustained significant damage to their property as a result of the severe storms and tornadoes; and,

Whereas, These severe storms and tornadoes interrupted the normal flow of emergency, school, mail, and commerce traffic; and,

Whereas, State, tribal, and local government resources have been committed to help alleviate the effects of the severe storms and tornadoes:

NOW, THEREFORE, I, Kristi Noem, Governor of the State of South Dakota, under provisions of SDCL 34-48A, otherwise known as the Emergency Management law, do hereby declare a state of emergency to exist in South Dakota.

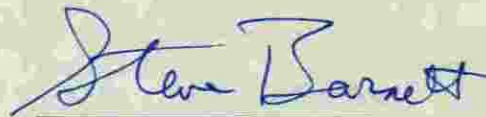
IT IS FURTHER DECLARED, That technical resources available to state government will be utilized under coordination of the Department of Public Safety, Office of Emergency Management, in support of county and tribal government to restore normal travel conditions and emergency services.

Dated in Pierre, South Dakota this 13th day of May, 2022.


Kristi Noem
Governor of South Dakota



ATTEST:


Steve Barnett
Secretary of State

**STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 2022-12**

Whereas, The entire State of South Dakota has been impacted by a dangerous, multi-day severe winter storm that brought snow, high winds, and severe wind chills leading to blizzard conditions in areas where snow fell and freezing temperatures; and,

Whereas, The storm caused widespread hazardous travel conditions and road closures due to zero visibility; and,

Whereas, The blizzard conditions interrupted the normal flow of emergency, school, mail, and commerce traffic; and,

Whereas, Numerous emergency rescues were performed for stranded motorists caused by blizzard conditions; and,

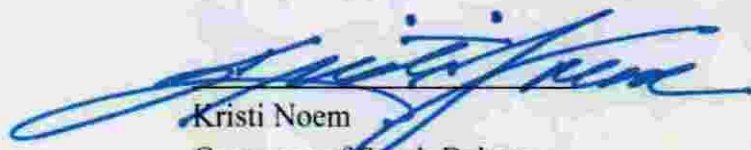
Whereas, State, tribal, and local government resources have been committed to help alleviate the effects of the severe winter storm; and,

NOW, THEREFORE, I, Kristi Noem, Governor of the State of South Dakota, under provisions of SDCL 34-48A, otherwise known as the Emergency Management law, do hereby declare a state of emergency to exist in South Dakota.

IT IS FURTHER DECLARED, That technical resources available to state government will be utilized under coordination of the Department of Public Safety, Office of Emergency Management, in support of county and tribal governments to restore normal travel conditions and emergency services.

Dated in Pierre, South Dakota, this 22nd day of December, 2022.




Kristi Noem
Governor of South Dakota

ATTEST:


Monae L. Johnson
Secretary of State

**STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 2023-07**

Whereas, Shortages of critical medications present serious health and national security risks that carry devastating, yet avoidable consequences for individuals who take prescription and over-the-counter medications; and,

Whereas, Medication shortages in the United States increased by thirty percent from 2021 to 2022 and reached a five-year high at the end of 2022, with 295 active drug shortages; and,

Whereas, These shortages have cascading effects on patient care, causing delays in treatment, increasing the risk of medication errors, and requiring the use of less effective alternative treatments; and,

Whereas, In the face of dwindling medication stockpiles, medical professionals may be confronted with the need to ration healthcare, create medications with substituted ingredients, or use medications off-label with potentially dangerous consequences; and,

Whereas, Medication shortages negatively impact all South Dakotans who rely upon consistent medications and has caused a public health crisis; and,

Whereas, Continued overreliance on foreign sources for medications and their raw materials contributes to this issue; and,

Whereas, Approximately ninety percent of all generic drug production facilities are in China and India, placing the United States and South Dakota at China's mercy for vital health care supplies, from saline to cancer treatments, and anesthetics to pain killers; and,

Whereas, Dependence upon foreign countries cripples our ability to respond swiftly and effectively to local health emergencies and pandemics, and failing to produce key medications in the United States creates national security risks; and,

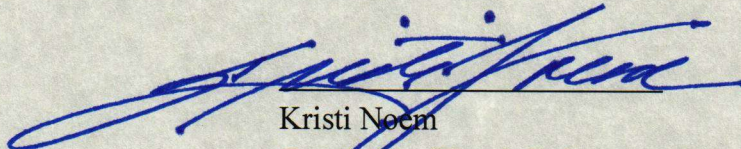
Whereas, Lack of transparency in the pharmaceutical supply chain limits the ability to identify and address critical medication shortages; and,

Whereas, Efforts by the industry to prevent and mitigate drug shortages remain insufficient:

NOW, THEREFORE, I, Kristi Noem, Governor of the State of South Dakota, by the authority vested in me by the Constitution and Laws of the State, do hereby Order and Direct the Department of Health to investigate the medication shortages in South Dakota to determine the extent of this State's reliance upon foreign-sourced medications and raw materials. Further, the Department of Health shall identify all opportunities to mitigate medication or raw material shortages in South Dakota.

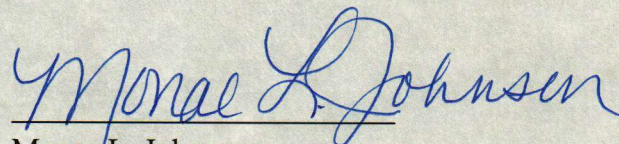
BE IT FURTHER ORDERED, The Department of Health shall provide a report to the Office of the Governor no later than June 12, 2023, detailing possible actions to mitigate medication or raw material shortages in South Dakota. The report shall detail any possible actions the State of South Dakota may take, as well as any possible federal solutions to this public health crisis through legislation or regulatory action, including the Federal Drug Administration.

Dated in Pierre, South Dakota, this 11th day of May 2023.


Kristi Noem
Governor of South Dakota



ATTEST:


Monae L. Johnson
Secretary of State

**STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 2023-12**

WHEREAS, This spring, the State of South Dakota was impacted by rapid snow melt causing flood damage across the State; and,

WHEREAS, The flooding interrupted the normal flow of emergency, school, mail, and commerce traffic; and,

WHEREAS, Executive Order 2023-08 declared a disaster for ten counties in June of this year; and,

WHEREAS, Federal, State, and local officials have assessed the damage to public infrastructure and have verified the amount and extent of damage reported by local governments; and,


WHEREAS, Edmunds and Spink Counties sustained damage less than the FEMA minimum threshold but are eligible for Federal Highway Administration emergency relief:

NOW, THEREFORE, I, Kristi Noem, Governor of the State of South Dakota, under provisions of SDCL 34-48A, otherwise known as the Emergency Management law, do hereby declare a disaster to exist in the counties of Edmunds and Spink.

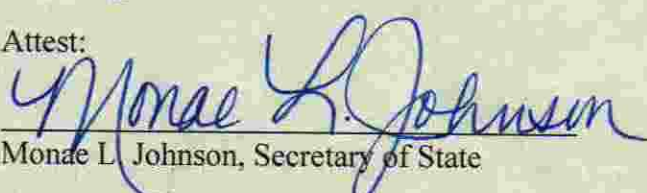
IT IS FURTHER DECLARED, Federal resources are needed to help alleviate the impacts of flooding for local governments in South Dakota.

Dated in Pierre, South Dakota this 8th day of August, 2023.




Kristi Noem, Governor

Attest:


Monae L. Johnson, Secretary of State

**STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 2023-13**

Whereas, Whether a state legislator is entitled to appropriated funds through the state legislative process, having a significant impact on State government and public perceptions associated with the distribution of taxpayer money, has been a matter of public debate for over a century; and,

Whereas, Article 3, Section 12 of the South Dakota Constitution prohibits state legislators from being interested, directly or indirectly, in any contract with the State or any county during their terms in office and for one year thereafter; and,

Whereas, "The language of the constitution is plain. Its meaning cannot be mistaken. The purpose of the provision is apparent. It is intended to preclude the possibility of any member deriving, directly or indirectly, any pecuniary benefit from legislation enacted by the legislature of which he is a member. It is one of the most important of the many reforms attempted by the framers of our organic law. It is intended to remove any suspicion which might otherwise attach to the motives of members who advocate the creation of new offices or the expenditure of public funds." *Palmer v. State*, 75 N.W. 818, 819 (S.D. 1898); affirmed by *Pitts v. Larson*, 2001 S.D. 151, ¶ 13, 638 N.W.2d 254, 257; reaffirmed again by *In re Noem*, 2020 S.D. 58, ¶ 12, 950 N.W.2d 678, 681; and,

Whereas, Responsible stewardship of taxpayer funds is crucial to operating an effective and trustworthy state and county government; and,

Whereas, As far back as 1913, the South Dakota Supreme Court has said, "A member of the state Legislature, by virtue of his office, stands in a fiduciary and trust relation towards the state; in other words, he is the confidential agent of the state for the purpose of appropriating the state's money in payment of the lawful contractual obligations of the state, and it seems to be almost universally held that it is against sound public policy to permit such an agent, or any agent occupying a like position, to himself be directly or indirectly interested in any contract with the state or other municipality, during the period of time of the existence of such trust and confidential relationship. The private interest of such an agent should not become antagonistic to his public duty." *Norbeck & Nicholson Co. v. State*, 142 N.W. 847, 849 (S.D. 1913); and,

Whereas, South Dakota's Legislature is a citizen legislature, with its members honorably serving part-time, remaining engaged with their local communities and continuing their civilian professions until called upon to serve annually and in the interim, yet state Legislators may not have personal or professional interests in contracts with the State while in public service to the State; and,

Whereas, Each state Legislator took an oath to support the Constitution and has an affirmative obligation to avoid self-interested dealings and guard against conflicts of interest; and,

Whereas, All branches of state government and county government may also act to guard against such dealings:

NOW, THEREFORE, I, Kristi Noem, Governor of the State of South Dakota, by the authority vested in me by the Constitution and Laws of the State, do hereby Order and Direct each state agency, authority, bureau, board, commission, department, or institution of the State of South Dakota that is controlled by the Governor to incorporate an acknowledgment and certification into any contract for the signor to acknowledge that it understands Article 3, Section 12, has had the opportunity to seek independent legal advice if desired, and certifies that such contract is not made in contravention of the prohibition set forth in Article 3, Section 12 of the South Dakota Constitution.

For those entities outside the jurisdiction of this Executive Order, including the judicial branch, the legislative branch, other constitutional offices, boards or authorities operating independent of executive oversight, and county governments, processes and procedures should be reviewed to ensure any contract is executed in accordance with Article 3, Section 12 of the South Dakota Constitution.

Dated in Pierre, South Dakota, this 11th day of August 2023.




Kristi Noem
Governor of South Dakota

ATTEST:


Monae L. Johnson
Secretary of State