

UNDERSTANDING STATE AGENCY INDEPENDENCE: APPENDICES

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Appendix A: Constitutional Agencies—Selection and Powers

State	No.	Official/ Agency	Citation	Selection Method	Text of Constitutional Grant of Power ¹	Notes
Alabama	1	Attorney General	ALA. CONST. art. V, §§ 112, 137	Elected (art. V, § 114)	(1) Grant of power – express legislative discretion § 137: “The attorney general, state auditor, secretary of state, state treasurer, and commissioner of agriculture and industries shall perform such duties as may be <u>prescribed by law</u> .”	
	2	State Auditor	ALA. CONST. art. V, §§ 112, 137	Elected	(1) Grant of power – express legislative discretion See art. V, § 137, above.	
	3	Secretary of State	ALA. CONST. art. V, §§ 112, 137	Elected	(1) Grant of power – express legislative discretion See art. V, § 137, above.	
	4	State Treasurer	ALA. CONST. art. V, §§ 112, 137	Elected	(1) Grant of power – express legislative discretion See art. V, § 137, above.	
	5	Board of Education	ALA. CONST. art. XIV, § 262	Elected	(2) Some mandatory power granted “General supervision of the public schools in Alabama shall be vested in a state board of education, which shall be elected in such manner as the legislature may provide.”	

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¹ I have devised three rough categories for the type of power the state constitutions grant to an agency: (1) provisions that expressly authorize the legislature to prescribe the agency’s powers but do not themselves grant the agency any material power; (2) provisions that establish material agency powers that appear to be mandatory, meaning the legislature cannot alter them; and (3) provisions that contain no grant of power, meaning the agency is established, but its power is not defined, and thus presumably can be defined entirely by the legislature.

	6	Superintendent of Education	ALA. CONST. art. XIV, § 262	Appointed by Board of Education (changed from election in 1969)	<p>(1) Grant of power – express legislative discretion “The chief state school officer shall be the state superintendent of education, who shall be appointed by the state board of education and serve at its pleasure. <u>The authority and duties of the superintendent of education shall be determined by the state board of education according to such regulations as the legislature may prescribe.</u>”</p>	<p>“Prior to this section (284, 1969) the state board of education was appointed by the governor and the superintendent of education was elected Due to federal pressure, eight board members are elected from single-member districts specifically drawn to ensure that the state will have a board fairly representative of its white and black citizens. The governor is the ninth member of the board ex officio and also serves as its president.” WILLIAM H. STEWART, THE ALABAMA STATE CONSTITUTION 222 (2d ed. 2016).</p>
	7	Commissioner of Agriculture and Industries	ALA. CONST. art. V, §§ 112, 137	Elected	<p>(1) Grant of power – express legislative discretion See art. V, § 137, above.</p>	
	8	Board of trustees of state university	ALA. CONST. art. XIV, § 264	Successor members elected by board and confirmed by senate	<p>(2) Some mandatory power granted “The state university shall <u>be under the management and control</u> of a board of trustees”</p>	Two members from the congressional district in which the university is located, one from each of the other congressional districts in the state, the superintendent of education, and the governor.
	9	Board of Trustees of Auburn University	ALA. CONST. art. XIV, § 266	Appointed by Governor with Senate confirmation	<p>(2) No grant of power – presumed legislative discretion “Auburn University shall be <u>under the management and control</u> of a board of trustees.”</p>	
	10	Board of Trustees of Alabama Forever Wild Land Trust	ALA. CONST. amend. 543, §§ 4(a)-5(a)	Appointed by various offices	<p>(2) Some mandatory power granted § 5(a): “The Board is to meet at least quarterly each year for the transaction of its business and to review the progress of the Forever Wild Land Trust. It shall review written requests from state agencies, private organizations, and private citizens proposing that certain properties or interests therein be acquired.... Using its own knowledge and expertise, as well as the knowledge and expertise of the scientific community and state and federal agencies, the Board shall adopt a priority list of properties to be considered for acquisition. Recognizing that real estate transactions must involve willing sellers and may involve</p>	

					complicated procedures that could affect the availability of property, the Department shall, to the extent practicable, follow the directions of the Board in acquiring lands or waters. Provided, however, the Forever Wild Land Trust may only purchase or acquire an interest in property from the priority list of properties adopted by the Board.”	
	11	Department of Conservation and Natural Resources	ALA. CONST. amend. 617		(3) No grant of power – presumed legislative discretion	Agency is only mentioned. ²
Alaska	12	Board of Regents	ALASKA CONST. art. VII, § 3	Appointed by Governor, confirmed by Legislature. Board appoints the president, who is the executive leader of the board	(1) Grant of power – express legislative discretion “The University of Alaska shall be governed by a board of regents. . . . <u>The board shall, in accordance with law, formulate policy and appoint the president of the university.</u> ”	
Arizona	13	Secretary of State	ARIZ. CONST. art. V, § 1	Elected	(1) Grant of power – express legislative discretion “A. The executive department shall consist of the governor, secretary of state, state treasurer, attorney general, and superintendent of public instruction “C. The officers of the executive department during their terms of office shall reside at the seat of government <u>They shall perform such duties as are prescribed by the constitution and as may be provided by law.</u> ” [The duties are repeated in art. V, § 9.]	
	14	State Treasurer	ARIZ. CONST. art. V, § 1	Elected	(1) Grant of power – express legislative discretion See art. V, § 1, above.	
	15	Attorney General	ARIZ. CONST. art. V, § 1	Elected	(1) Grant of power – express legislative discretion See art. V, § 1, above.	
	16	Superintendent of Public Instruction	ARIZ. CONST. art. V, § 1	Elected	(1) Grant of power – express legislative discretion See art. V, § 1, above. Also repeated in art. XI, § 4.	
	17	Board of Education	ARIZ. CONST. art. XI, § 3	Members other than the Superintendent of	(1) Grant of power – express legislative discretion	

² This Appendix includes agencies that a state constitution only mentions where the state constitution confers on that agency some mandatory task or responsibility, on the theory that the state legislature is not free to eliminate that agency. *See, e.g.*, ALA. CONST. art. XI, § 213.32 (requiring that certain proceeds from and operations in state parks be paid to or run by the Department of Conservation and Natural Resources).

				Public Instruction are appointed by Governor with Senate confirmation “in the manner prescribed by law”	<u>“The powers, duties, compensation and expenses, and the terms of office, of the board shall be such as may be prescribed by law.”</u>	
18	Board of Regents	ARIZ. CONST. art. XI, § 5	Appointed by Governor with Senate confirmation	(3) No grant of power – presumed legislative discretion		
19	Corporation Commission	ARIZ. CONST. art. XV, §§ 1, 3, 6	Elected	<p>(2) Some mandatory power granted</p> <p>§ 3: “The corporation commissions shall have full power to, and shall, prescribe just and reasonable classifications to be used and just and reasonable rates and charges to be made and collected, by public service corporations within the state for service rendered therein, and make reasonable rules, regulations, and orders, by which such corporations shall be governed in the transaction of business within the state, and may prescribe the forms of contracts and the systems of keeping accounts to be used by such corporations in transacting such business, and make and enforce reasonable rules, regulations, and orders for the convenience, comfort, and safety, and the preservation of the health, of the employees and patrons of such corporations” [Additional powers of inspection and licensing in §§ 4,5.]</p> <p>§ 6: <u>“The law-making power may enlarge the powers and extend the duties of the corporation commission, and may prescribe rules and regulations to govern proceedings instituted by and before it; but, until such rules and regulations are provided by law, the commission may make rules and regulations to govern such proceedings.”</u></p>	Hybrid. For a discussion of the Arizona courts’ “marked ambivalence” regarding the legislature’s authority over the commission, as exhibited through “vacillat[ing] decisions over the past century,” see JOHN D. LESHY, THE ARIZONA STATE CONSTITUTION 355 (2d ed. 2013).	
20	Office of Mine Inspector	ARIZ. CONST. art. XIX, § 1	Elected	(1) Grant of power – express legislative discretion “The office of mine inspector is hereby established. <u>The legislature, at its first session, shall enact laws so regulating the operation and equipment of all mines in the state as to provide for the health and safety of workers therein and in connection therewith, and fixing the duties of said office.</u> ”		

Arkansas	21	Department of Administration ³	ARIZ. CONST. art. IV, pt. 2, § 1(18)		(3) No grant of power – presumed legislative discretion	Department is only mentioned.
	22	Department of Education	ARIZ. CONST. art. XI, § 11(C)		(3) No grant of power – presumed legislative discretion	Department is only mentioned.
	23	Secretary of State	ARK. CONST. art. VI, §§ 1, 21-22	Elected	(1) Grant of power – express legislative discretion §1: “The executive department of this State shall consist of a Governor, Lieutenant Governor, Secretary of State, Treasurer of State, Auditor of State and Attorney General, . . . and the General Assembly may provide by law for the establishment of the office of Commissioner of State Lands.” § 21: “ <u>The Secretary of State shall keep a full and accurate record of all the official acts and proceedings of the Governor</u> ; and, when required, lay the same with all papers, minutes and vouchers relating thereto, before either branch of the General Assembly. He shall also discharge the duties of Superintendent of Public Instruction, until otherwise provided by law.” § 22: “The Treasurer of State, Secretary of State, Auditor of State, and Attorney-General <u>shall perform such duties as may be prescribed by law . . .</u> ”	Hybrid. ⁴
	24	Treasurer of State	ARK. CONST. art. VI, § 1	Elected	(1) Grant of power – express legislative discretion See art. VI, § 1, above.	
	25	Auditor of State	ARK. CONST. art. VI, § 1	Elected	(1) Grant of power – express legislative discretion See art. VI, § 1, above.	
	26	Attorney General	Ark. CONST. art. VI, § 1	Elected	(1) Grant of power – express legislative discretion See art. VI, § 1, above.	
	27	Commissioner of State Lands	ARK. CONST. amend. 56, 63	Elected	(3) No grant of power – presumed legislative discretion 56; 63: “The Executive Department of this State shall consist of a Governor, Lieutenant Governor, Secretary of State, Treasurer of State, Auditor of State, Attorney General, and <u>Commissioner of State Lands . . .</u> ”	
	28	Mining, Manufacturing, and	ARK. CONST. art. X, § 1	Not specified	(3) No grant of power – presumed legislative discretion	General Assembly may create.

³ The main thrust of the cited section is the creation of an independent redistricting commission. I have omitted that commission from this appendix in light of the state’s position that the IRC is a legislative body.

⁴ Many state constitutions confer upon Secretaries of State mandatory recordkeeping duties but leave all of the Secretary’s other duties up to the legislature. Because the bulk of these officials’ responsibilities are legislatively determined, I have categorized them under (1).

		Agricultural Bureau			"The General Assembly shall pass such laws as will foster and aid the agricultural, mining and manufacturing interests of the State, and may create a bureau, to be known as the Mining, Manufacturing and Agricultural Bureau."	
29	State Geologist	ARK. CONST. art. X, § 2	Appointed by Governor with advice and consent of Senate		(1) Grant of power – express legislative discretion "The General Assembly, when deemed expedient, may create the office of State Geologist . . . who shall hold his office for such time, and <u>perform such duties, and receive such compensation as may be prescribed by law . . .</u> "	General Assembly may create. Geologist "shall be at all times subject to removal by the governor, for incompetency or gross neglect of duty." ARK. CONST. art X, §2.
30	State Game and Fish Commission	ARK. CONST. amend. 35	Eight members appointed by Governor		(2) Some mandatory power granted "The control, management, restoration, conservation and regulation of birds, fish, game and wildlife resources of the State, including hatcheries, sanctuaries, refuges, reservations and all property now owned, or used for said purposes and the acquisition and establishment of same, the administration of the laws now and/or hereafter pertaining thereto, shall be vested in a Commission to be known as the Arkansas State Game and Fish Commission" [The text goes on to list many specific powers, including "the exclusive power and authority to issue [fishing and hunting] licenses and permits."]	
31	State Highway Commission	ARK. CONST. amend. 42	Appointed by Governor with advice and consent of Senate		(1) Grant of power – express legislative discretion "There is hereby created a State Highway Commission <u>which shall be vested with all the powers and duties now or hereafter imposed by law for the administration of the State Highway Department,</u> together with <u>all powers necessary or proper</u> to enable the Commission or any of its officers or employees to carry out fully and effectively the regulations and laws relating to the State Highway Department."	
32	Department of Parks and Tourism	ARK. CONST. amend. 75			(3) No grant of power – presumed legislative discretion	Department is only mentioned.
33	Department of Heritage and Keep Arkansas Beautiful	ARK. CONST. amend. 75			(3) No grant of power – presumed legislative discretion	Department is only mentioned.
34	Department of Finance and Administration	ARK. CONST. amend. 91, § 8(c)			(3) No grant of power – presumed legislative discretion	Department is only mentioned.
35	Department of Health	ARK. CONST. amend. 98, §§ 4, 5			(3) No grant of power – presumed legislative discretion	Department is mentioned in medical marijuana amendment.

	36	Medical Marijuana Commission	ARK. CONST. amend. 98, §§ 8, 19	Appointed by various officials	(2) Some mandatory power granted §19: “There is created a Medical Marijuana Commission to determine the qualifications for receiving a license to operate a dispensary or a license to operate a cultivation facility and the awarding of licenses.” [§8 describes substantive requirements regarding dispensaries and cultivation facilities.]	
	37	Independent Citizens Commission	ARK. Const. Art. 19, § 31	Appointed by various officials	(2) Some mandatory power granted “The independent citizens commission shall have the duty to review and adjust as it deems necessary the salaries for [constitutional officers].”	
California	38	Attorney General	CAL. CONST. art. V, § 11, 13	Elected	(2) Some mandatory power granted § 13: “Subject to the powers and duties of the Governor, the Attorney General shall be the chief law officer of the State. It shall be the duty of the Attorney General to see that the laws of the State are uniformly and adequately enforced. The Attorney General shall have direct supervision over every district attorney and sheriff and over such other law enforcement officers as may be designated by law, in all matters pertaining to the duties of their respective offices, and may require any of said officers to make reports concerning the investigation, detection, prosecution, and punishment of crime in their respective jurisdictions as to the Attorney General may seem advisable. Whenever in the opinion of the Attorney General any law of the State is not being adequately enforced in any county, it shall be the duty of the Attorney General to prosecute any violations of law of which the superior court shall have jurisdiction, and in such cases the Attorney General shall have all the powers of a district attorney. When required by the public interest or directed by the Governor, the Attorney General shall assist any district attorney in the discharge of the duties of that office.”	Hybrid inasmuch as it allows legislation regarding gubernatorial supervision. <i>See, e.g.</i> , CAL. GOV’T CODE § 12010 (2016) (“The Governor shall supervise the official conduct of all executive and ministerial officers.”).
	39	Secretary of State	CAL. CONST. art. V, § 11	Elected	(3) No grant of power – presumed legislative discretion	
	40	Controller	CAL. CONST. art. V, § 11	Elected	(3) No grant of power – presumed legislative discretion	
	41	Treasurer	CAL. CONST. art. V, § 11	Elected	(3) No grant of power – presumed legislative discretion	
	42	Superintendent of Public Instruction	CAL. CONST. art. IX, § 2	Elected	(3) No grant of power – presumed legislative discretion	Case law confirms that the legislature may, and has, “increased and diminished” the superintendent’s power. <i>State Bd.</i>

					"A Superintendent of Public Instruction shall be elected by the qualified electors of the State at each gubernatorial election"	<i>of Educ. v. Honig</i> , 13 Cal. App. 4th 720, 756 (1993). For a history of the tensions between the elected superintendent and the State Board of Education, see JOSEPH R. GRODIN, DARIEN SHANSKE & MICHAEL B. SALERNO, THE CALIFORNIA STATE CONSTITUTION 228-29 (2d ed. 2015).
43	State Board of Education	CAL. CONST. art. IX, §§ 7-7.5	Legislature shall provide for appointment or election	(2) Some mandatory power granted § 7.5: "The State Board of Education shall adopt textbooks for use in grades one through eight throughout the State, to be furnished without cost as provided by statute."		
44	State Board of Equalization	CAL. CONST. art. XIII, §§ 17-19	Controller and four elected members (from single member districts)	(2) Some mandatory power granted § 18: "The Board shall measure county assessment levels annually and shall bring those levels into conformity by adjusting entire secured local assessment rolls. In the event a property tax is levied by the state, however, the effects of unequalized local assessment levels, to the extent any remain after such adjustments, shall be corrected for purposes of distributing this tax by equalizing the assessment levels of locally and state-assessed properties and varying the rate of the state tax inversely with the counties' respective assessment levels." § 19: "The Legislature may authorize Board assessment of property owned or used by other public utilities."	Hybrid: some express authority; some express legislative discretion.	
45	Personnel Board	CAL. CONST. art. VII, §§ 2-3	Five members, appointed by Governor and approved by Senate	(1) Grant of power – Express legislative discretion § 3: "The board <u>shall enforce the civil service statutes</u> and, by majority vote of all its members, shall prescribe probationary periods and classifications, <u>adopt other rules authorized by statute</u> , and review disciplinary actions."	Hybrid: some express authority; some express legislative discretion. "The structure of the Personnel Board was designed so that a governor in a single term will select only a minority of the board's members. This design and the requirement of senate approval were intended to make the board nonpartisan." JOSEPH R. GRODIN, DARIEN SHANSKE & MICHAEL B. SALERNO, THE CALIFORNIA STATE CONSTITUTION 214 (2d ed. 2015).	

	46	Regents of the University of California	CAL. CONST. art. IX, § 9	Seven ex officio members, including Governor, Lieutenant Governor, Speaker of the Assembly, Superintendent of Public Instruction, the President and the Vice President of the Alumni Association of the university and the acting president of the University. 18 other members appointed by Governor with Senate confirmation	(2) Some mandatory power granted “(a) The University of California shall constitute a public trust, to be administered by the existent corporation known as ‘The Regents of the University of California,’ <u>with full powers of organization and government, subject only to such legislative control as may be necessary to insure the security of its funds and compliance with the terms of the endowments of the university</u> and such competitive bidding procedures as may be made applicable to the university by statute for the letting of construction contracts, sales of real property, and purchasing of materials, goods, and services”	Hybrid: some express authority; some express legislative discretion.
	47	Fish and Game Commission	CAL. CONST. art. IV, § 20	Five members appointed by Governor with Senate confirmation	(1) Grant of power – express legislative discretion “The Legislature may provide for division of the State into fish and game districts and may protect fish and game in districts or parts of districts <u>The Legislature may delegate to the commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit.</u> A member of the commission may be removed by concurrent resolution adopted by each house, a majority of the membership concurring.”	
	48	Public Utilities Commission	CAL. CONST. art. XII, §§ 1, 5-6	Five members appointed by Governor with Senate confirmation	(2) Some mandatory power granted § 5: “The Legislature has plenary power, unlimited by the other provisions of this constitution but consistent with this article, <u>to confer additional authority and jurisdiction upon the commission, to establish the manner and scope of review of commission action in a court of record, and to enable it to fix just compensation for utility property taken by eminent domain.</u> ” § 6: “The commission may fix rates, establish rules, examine records, issue subpoenas, administer oaths, take testimony, punish for contempt, and prescribe a	Hybrid: some express authority; some express legislative discretion.

					uniform system of accounts for all public utilities subject to its jurisdiction.”	
	49	Department of Corrections and Rehabilitation	CAL. CONST. art. I, § 32(b)		(2) Some mandatory power granted “The Department of Corrections and Rehabilitation shall adopt regulations in furtherance of these provisions, and the Secretary of the Department of Corrections and Rehabilitation shall certify that these regulations protect and enhance public safety.”	Department is only mentioned.
	50	Department of Fish and Game	CAL. CONST. art. X-B, § 5		(2) Some mandatory power granted Several specific powers throughout the Article, e.g.: “The Department of Fish and Game shall issue a permit to use a gill net or trammel net in the zone for the period specified in subdivision (a) of Section 3 to any applicant who meets both of the following requirements”	The California Fish and Game Commission and Department of Fish and Game are two distinct agencies. <i>See California Fish and Game Commission</i> , CALIF. DEP’T OF FISH & WILDLIFE (last visited Feb. 25, 2019), https://www.wildlife.ca.gov/Conservation/Marine/Groundfish/Commission .
	51	Department of Finance	CAL. CONST. art. XVI, § 20(b)		(2) Some mandatory power granted “(b)(1) For the 2015-16 fiscal year and each fiscal year thereafter, based on the Budget Act for the fiscal year, the Department of Finance shall provide to the Legislature all of the following information “(2) In the 2016-17 fiscal year, with respect to the 2015-16 fiscal year only, and in the 2017-18 fiscal year and each fiscal year thereafter, separately with respect to each of the two next preceding fiscal years, the Department of Finance shall calculate all of the following, using the same methodology used for the relevant fiscal year, and provide those calculations to the Legislature”	Department is only mentioned.
	52	Department of Alcoholic Beverage Control	CAL. CONST. art. XX, § 22	Director appointed by Governor with Senate confirmation	(2) Some mandatory power granted “The Department of Alcoholic Beverage Control shall have the exclusive power, <u>except as herein provided and in accordance with laws enacted by the Legislature</u> , to license the manufacture, importation and sale of alcoholic beverages in this State, and to collect license fees or occupation taxes on account thereof. The department shall have the power, in its discretion, to deny, suspend or revoke any specific alcoholic beverages license if it shall determine for good cause that the granting or continuance of such license would be contrary to public welfare or morals, or that a person seeking or holding a license has violated any law prohibiting conduct involving moral	Hybrid: some express authority; some express legislative discretion.

					turpitude. It shall be unlawful for any person other than a licensee of said department to manufacture, import or sell alcoholic beverages in this State.”	
	53	Citizens Redistricting Commission	CAL. CONST. art. XXI, § 1	Members apply and are selected through a process “independent from legislative influence” (§ 2(c))	<p>(2) Some mandatory power granted</p> <p>“(a) The Citizens Redistricting Commission shall be created no later than December 31 in 2010, and in each year ending in the number zero thereafter.</p> <p>“(b) The commission shall: (1) conduct an open and transparent process enabling full public consideration of and comment on the drawing of district lines; (2) draw district lines according to the redistricting criteria specified in this article; and (3) conduct themselves with integrity and fairness.</p> <p>“(c)(1) The selection process is designed to produce a commission that is independent from legislative influence and reasonably representative of this State’s diversity.</p> <p>“(2) The commission shall consist of 14 members, as follows: five who are registered with the largest political party in California based on registration, five who are registered with the second largest political party in California based on registration, and four who are not registered with either of the two largest political parties in California based on registration”</p>	
Colorado	54	Secretary of State	COLO. CONST. art. IV, § 1; art. XXVIII, § 9	Elected	<p>(2) Some mandatory power granted</p> <p>IV, § 1: “The executive department shall include the governor, lieutenant governor, secretary of state, state treasurer, and attorney general, each of whom shall hold his office for the term of four years, commencing on the second Tuesday of January in the year 1967, and each fourth year thereafter. <u>They shall perform such duties as are prescribed by this constitution or by law.</u>”</p> <p>XXVIII, § 9: “The secretary of state shall:</p> <p>“(a) Prepare forms and instructions to assist candidates and the public in complying with the reporting requirements of this article and make such forms and instructions available to the public, municipal clerks, and county clerk and recorders free of charge;</p> <p>“(b) Promulgate such rules, in accordance with article 4 of title 24, C.R.S., or any successor section, as may be necessary to administer and enforce any provision of this article;</p>	

					<p>“(c) Prepare forms for candidates to declare their voluntary acceptance of the campaign spending limits set forth in section 4 of this article. Such forms shall include an acknowledgment that the candidate voluntarily accepts the applicable spending limit and that the candidate swears to abide by those spending limits. These forms shall be signed by the candidate under oath, notarized, filed with the secretary of state, and available to the public upon request;</p> <p>“(d) Maintain a filing and indexing system consistent with the purposes of this article;</p> <p>“(e) Make the reports and statements filed with the secretary of state’s office available immediately for public inspection and copying. The secretary of state may charge a reasonable fee for providing copies of reports. No information copied from such reports shall be sold or used by any person for the purpose of soliciting contributions or for any commercial purpose”</p>	
	55	State Treasurer	<p>COLO. CONST. art. IV, § 1; art. X, § 12</p>	Elected	<p>(2) Some mandatory power granted See art. IV, § 1, above.</p> <p>X, § 12: “The general assembly may provide by law for the safekeeping and management of the public funds in the custody of the state treasurer, but, notwithstanding any such provision, the state treasurer and his sureties shall be responsible therefor.</p> <p>“(2) The state treasurer shall keep adequate records of all moneys coming into his custody and shall at the end of each quarter of the fiscal year submit a written report to the governor, signed under oath, showing the condition of the state treasury, the amount of money in the several funds, and where such money is kept or deposited. Swearing falsely to any such report shall be deemed perjury.”</p>	
	56	Attorney General	<p>COLO. CONST. art. IV, § 1</p>	Elected	<p>(1) Grant of power – express legislative discretion See art. IV, § 1, above.</p>	
	57	Commissioner of Insurance	<p>COLO. CONST. art. IV, § 23</p>	Nominated by Governor with Senate confirmation	<p>(3) No grant of power – presumed legislative discretion “The governor shall nominate and, by and with the consent of the senate, appoint the commissioner of insurance to serve at his pleasure, and the state personnel system shall not extend to the commissioner of insurance.”</p>	

	58	Board of Education	COLO. CONST. art. IX, § 1	Elected members from each district of the state	(1) Grant of power – express legislative discretion “ <u>The general supervision of the public schools of the state shall be vested in a board of education whose powers and duties shall be as now or hereafter prescribed by law</u> ”	
	59	Commissioner of Education	COLO. CONST. art. IX, § 1	Appointed by Board of Education	(1) Grant of power – express legislative discretion “The commissioner of education shall be appointed by the board of education and shall not be included in the classified civil service of the state. <u>The qualifications, tenure, compensation, powers, and duties of said commissioner shall be as prescribed by law, subject to the supervision of said board.</u> ”	
	60	State Board of Land Commissioners	COLO. CONST. art. IX, § 9	Five members, appointed by Governor with Senate confirmation	(2) Some mandatory power granted “(1) The state board of land commissioners shall be composed of five persons to be appointed by the governor, with the consent of the senate, one of whom shall be elected by the board as its president... “(6) The board shall serve as the trustee for the lands granted to the state in public trust by the federal government, lands acquired in lieu thereof, and additional lands held by the board in public trust. <u>It shall have the duty to manage, control, and dispose of such lands in accordance with the purposes for which said grants of land were made and section 10 of this article IX, and subject to such terms and conditions consistent therewith as may be prescribed by law.</u> ”	Hybrid: some express authority; some express legislative discretion.
	61	Regents of University of Colorado	COLO. CONST. art. IX, § 12	Elected	(3) No grant of power – presumed legislative discretion “There shall be nine regents of the university of Colorado who shall be elected in the manner prescribed by law for terms of six years each. Said regents shall constitute a body corporate to be known by the name and style of ‘The Regents of the University of Colorado.’”	
	62	State Board of Equalization	COLO. CONST. art. X, § 15(1)	Governor, Speaker of the House, President of the Senate, or any of their designees, and two members appointed by Governor with Senate confirmation	(1) Grant of power – express legislative discretion “(a) There shall be in each county of the state a county board of equalization, consisting of the board of county commissioners of said county. <u>As may be prescribed by law</u> , the county boards of equalization shall raise, lower, adjust, and equalize valuations for assessment of taxes upon real and personal property located within their respective counties, subject to review and revision by the state board of equalization	

					“(c) The <u>state board of equalization and the county boards of equalization shall perform such other duties as may be prescribed by law.</u> ”	
	63	Property Tax Administrator	COLO. CONST. art. X, § 15(2)	Appointed by Board of Equalization	(1) Grant of power – express legislative discretion “The state board of equalization shall appoint, by a majority vote, a property tax administrator who shall serve for a term of five years and until his successor is appointed and qualified unless removed for cause by a majority vote of the state board of equalization. The property tax administrator shall have the duty, <u>as provided by law</u> , of administering the property tax laws <u>and such other duties as may be prescribed by law</u> and shall be subject to the supervision and control of the state board of equalization. The position of property tax administrator shall be exempt from the personnel system of this state.”	
	64	State Personnel Board	COLO. CONST. art. XII, § 14	Three members appointed by Governor with Senate confirmation, and two elected	(2) Some mandatory power granted “(1) There is hereby created a state personnel board to consist of five members “(3) The state personnel board shall adopt, and may from time to time amend or repeal, rules to implement the provisions of this section and sections 13 and 15 of this article, as amended, <u>and laws enacted pursuant thereto</u> , including but not limited to rules concerning standardization of positions, determination of grades of positions, standards of efficient and competent service, the conduct of competitive examinations of competence, grievance procedures, appeals from actions by appointing authorities, and conduct of hearings by hearing officers <u>where authorized by law.</u> ”	Hybrid: some express authority; some express legislative discretion. Interesting removal provisions in § 14(2).
	65	State Personnel Director	COLO. CONST. art. XII, § 14(2)(b)(4)	Nominated by Governor with Senate confirmation	(2) Some mandatory power granted “There is hereby created the department of personnel, which shall be one of the principal departments of the executive department, the head of which shall be the state personnel director, who shall be appointed under qualifications established by law. The state personnel director <u>shall be responsible for the administration of the personnel system of the state under this constitution and laws enacted pursuant thereto</u> and the rules adopted thereunder by the state personnel board.”	Hybrid: some express authority; some express legislative discretion.
	66	Commissioner of Mines	COLO. CONST. art. XVI, § 1	Appointed by Governor with	(1) Grant of power – express legislative discretion	

				Senate confirmation	“There shall be established and maintained the office of commissioner of mines, <u>the duties and salaries of which shall be prescribed by law.</u> ”	
67	Militia Officers – All general, field and staff officers	COLO. CONST. art. XVII, § 3	Appointed by Governor		(3) No grant of power – presumed legislative discretion “The governor shall appoint all general, field and staff officers and commission them. Each company shall elect its own officers, who shall be commissioned by the governor; but if any company shall fail to elect such officers within the time prescribed by law, they may be appointed by the governor.”	
68	State Board of the Great Outdoors Colorado Trust Fund	COLO. CONST. art. XXVII, § 6	Two members from each congressional district (appointed by Governor with Senate confirmation), one representative designated by the State Board of Parks and Outdoor Recreation, one representative designated by the Colorado Wildlife Commission, and the executive director of the Department of Natural Resources		(2) Some mandatory power granted “(1) There shall be established a State Board of the Great Outdoors Colorado Trust Fund. “(2) The Board shall be responsible for, and shall have the power to undertake the following actions [Specific actions listed, including expenditures, rulemaking, and reporting.] “(3) The Board shall be a political subdivision of the state, and shall have all the duties, privileges, immunities, rights, liabilities and disabilities of a political subdivision of the state, provided, however, that its organization, powers, revenues and expenses shall not be affected by any order or resolution of the general assembly, except as provided in this constitution. <u>It shall not be an agency of state government, nor shall it be subject to administrative direction by any department, commission, board, bureau or agency of the state, except to the extent provided in this constitution.</u> ”	Some independence mentioned.
69	Independent Ethics Commission	COLO. CONST. art. XXIX, § 5	One appointed by Senate, one appointed by House, one appointed by Governor, one appointed by chief justice of the state Supreme Court, and one local government official appointed and voted on by at least three of the		(2) Some mandatory power granted “(1) There is hereby created an independent ethics commission to be composed of five members. The purpose of the independent ethics commission shall be to hear complaints, issue findings, and assess penalties, and also to issue advisory opinions, on ethics issues arising under this article and under any other standards of conduct and reporting requirements <u>as provided by law. The independent ethics commission shall have authority to adopt such reasonable rules as may be necessary for the purpose of administering and enforcing the provisions of this article</u> and any other standards of conduct and reporting requirements <u>as provided by law.</u> ”	Hybrid: some express authority; some express legislative discretion. § 9: “Legislation may be enacted to facilitate the operation of this article, but in no way shall such legislation limit or restrict the provisions of this article or the powers herein granted.”

				other four members		
	70	Department of Treasury	COLO. CONST. art. IX, § 17(4)		(3) No grant of power – presumed legislative discretion “There is hereby created in the department of the treasury the state education fund. Beginning on the effective date of this measure, all state revenues collected from a tax of one third of one percent on federal taxable income, as modified by law, of every individual, estate, trust and corporation, as defined in law, shall be deposited in the state education fund.”	Mentions department when creating state education fund.
Connecticut	71	Secretary of the State	CONN. CONST. art. IV, §§ 1, 23	Elected	(1) Grant of power – express legislative discretion § 23: “The secretary of the state shall have the safe keeping and custody of the public records and documents, and particularly of the acts, resolutions and orders of the general assembly, and record the same; and <u>perform all such duties as shall be prescribed by law</u> . He shall be the keeper of the seal of the state, which shall not be altered.”	
	72	Treasurer	CONN. CONST. art. IV, §§ 1, 22	Elected	(2) Some mandatory power granted § 22: “ <u>The treasurer shall receive all monies belonging to the state, and disburse the same only as he may be directed by law</u> . He shall pay no warrant, or order for the disbursement of public money, until the same has been registered in the office of the comptroller.”	Hybrid: some express authority; some express legislative discretion.
	73	Comptroller	CONN. CONST. art. IV, §§ 1, 24	Elected	(2) Some mandatory power granted § 24: “The comptroller shall adjust and settle all public accounts and demands, except grants and orders of the general assembly. He shall prescribe the mode of keeping and rendering all public accounts. He shall, ex officio, be one of the auditors of the accounts of the treasurer. <u>The general assembly may assign to him other duties in relation to his office, and to that of the treasurer, and shall prescribe the manner in which his duties shall be performed.</u> ”	Hybrid: some express authority; some express legislative discretion.
	74	Attorney General	CONN. CONST. art. IV, § 1	Elected	(3) No grant of power – presumed legislative discretion “A general election for governor, lieutenant-governor, secretary of the state, treasurer, comptroller and attorney general shall be held on the Tuesday after the first Monday of November, 1974, and quadrennially thereafter.”	“[T]here was considerable debate in 1965 about whether only the governor and the lieutenant governor should be elected; proponents were said to be in favor of the ‘short ballot.’ When that motion failed, a compromise effort to drop only the treasurer and comptroller also failed. This section was amended by Article I

						of the amendments in 1970 to add the attorney general as an elective position, effective in 1974, although nowhere other than in passing in Article Fourth, Sec. 4, is there any mention of the powers of the attorney general. This gap was significant in deciding that the legislature maintains the power to set qualifications for that office that would violate Article Sixth, Sec. 6, as to the other constitutional offices. <i>Bysiewicz v. Dinardo</i> , 298 Conn. 748, 788–99, 6 A.3d 726 (2010).” WESLEY W. HORTON, THE CONNECTICUT STATE CONSTITUTION 124 (2d ed. 2012).
	75	Division of Criminal Justice Commission	CONN. CONST. art. IV, § 27	Commission is composed of the Attorney General and six members appointed by Governor with General Assembly confirmation	(2) Some mandatory power granted “There shall be established within the executive department a division of criminal justice which shall be in charge of the investigation and prosecution of all criminal matters”	
Delaware	76	Secretary of the State	CONN. CONST. art. III, § 10	Appointed by Governor with Senate confirmation	(1) Grant of power – express legislative discretion “The Governor shall appoint, by and with the consent of a majority of all the members elected to the Senate, a Secretary of State, who shall hold office during the pleasure of the Governor. He or she shall keep a fair register of all the official acts and proceedings of the Governor, and shall, when required by either House of the General Assembly lay the same, and all papers, minutes and vouchers, relative thereto, before such House, <u>and shall perform such other duties as shall be enjoined upon him or her by law.</u> ”	
	77	Attorney General	CONN. CONST. art. III, § 21	Elected	(3) No grant of power – presumed legislative discretion “The terms of the office of the Attorney General, the Insurance Commissioner, the Auditor of Accounts and the State Treasurer shall be 4 years. These officers shall be chosen by the qualified electors of the State at general elections, and be commissioned by the Governor.”	

	78	Insurance Commissioner	DEL. CONST. art. III, § 21	Elected	(3) No grant of power – presumed legislative discretion See art. III, § 21, above.	
	79	Auditor of Accounts	DEL. CONST. art. III, § 21	Elected	(3) No grant of power – presumed legislative discretion See art. III, § 21, above.	
	80	State Treasurer	DEL. CONST. art. III, § 21	Elected	(3) No grant of power – presumed legislative discretion See art. III, § 21, above.	
	81	Board of Pardons	DEL. CONST. art. VII, §§ 1-2	Chancellor, Lieutenant-Governor, Secretary of State, State Treasurer and Auditor of Accounts	(2) Some mandatory power granted § 2: “The Board of Pardons shall be composed of the Chancellor, Lieutenant-Governor, Secretary of State, State Treasurer and Auditor of Accounts” § 1: “[N]o pardon, or reprieve for more than six months, shall be granted, nor sentence commuted, except upon the recommendation in writing of a majority of the Board of Pardons after full hearing”	
	82	State Board of Agriculture	DEL. CONST. art. XI, §§ 1-5	Commissioners appointed by Governor with Senate confirmation	(1) Grant of power – express legislative discretion § 4: “The said board shall have power to abate and prevent, <u>by such means as the General Assembly shall prescribe</u> , all contagious and infectious diseases of fruit trees, plants, vegetables, cereals, horses, cattle and other farm animals.” § 5: “The said Commissioners may devise such plans for securing immigration to this State of industrious and useful settlers as they may deem expedient, and <u>such plans may be executed as prescribed by the General Assembly.</u> ”	Hybrid: some express authority; some express legislative discretion. In this case, not clear if Board can take any binding action with legislative approval.
	83	Department of Mental Health	DEL. CONST. art III, § 20		(2) Some mandatory power granted “Whenever the Chief Justice of the Delaware Supreme Court, the President of the Medical Society of Delaware and the Commissioner of the Department of Mental Health, acting unanimously, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives, their written declaration that the Governor is unable to discharge the powers and duties of his or her office because of mental or physical disability, the Lieutenant Governor shall immediately assume the powers and duties of the office as Acting Governor”	Department and director are only mentioned.

Florida	84	Attorney General	FLA. CONST. art. IV, §§ 4(a)-(b), 10	Elected (art. IV, § 5)	<p>(2) Some mandatory power granted</p> <p>§ 4: “(a) There shall be a cabinet composed of an attorney general, a chief financial officer, and a commissioner of agriculture. In addition to the powers and duties specified herein, <u>they shall exercise such powers and perform such duties as may be prescribed by law.</u></p> <p>“(b) <u>The attorney general shall be the chief state legal officer.</u> There is created in the office of the attorney general the position of statewide prosecutor. The statewide prosecutor shall have concurrent jurisdiction with the state attorneys to prosecute violations of criminal laws occurring or having occurred, in two or more judicial circuits as part of a related transaction, or when any such offense is affecting or has affected two or more judicial circuits as provided by general law. The statewide prosecutor shall be appointed by the attorney general from not less than three persons nominated by the judicial nominating commission for the supreme court, or as otherwise provided by general law.”</p> <p>§ 10: “The attorney general shall, as directed by <u>general law</u>, request the opinion of the justices of the supreme court as to the validity of any initiative petition circulated pursuant to Section 3 of Article XI. The justices shall, subject to their rules of procedure, permit interested persons to be heard on the questions presented and shall render their written opinion”</p>	Hybrid: some express authority; some express legislative discretion.
	85	Statewide Prosecutor	FLA. CONST. art. IV, § 4(b)	Appointed by Attorney General	<p>(2) Some mandatory power granted</p> <p>See art. IV, § 4(b), above.</p>	
	86	Chief Financial Officer	FLA. CONST. art. IV, §§ 4(a), (4)(c)	Elected (art. IV, § 5)	<p>(2) Some mandatory power granted</p> <p>See art. IV, § 4(a), above.</p> <p>§ 4(c): “The chief financial officer shall serve as the chief fiscal officer of the state, and shall settle and approve accounts against the state, and shall keep all state funds and securities.”</p>	Hybrid: some express authority; some express legislative discretion.
	87	Commissioner of Agriculture	FLA. CONST. art. IV, §§ 4(a), 4(d)	Elected (art. IV, § 5)	<p>(1) Grant of power – express legislative discretion</p> <p>See art. IV, § 4(a), above.</p> <p>§ 4(d): “The commissioner of agriculture shall have supervision of matters pertaining to agriculture <u>except as otherwise provided by law.</u>”</p>	

	88	Fish and Wildlife Conservation Commission	FLA. CONST. art. IV, § 9	Seven members, appointed by Governor with Senate confirmation	<p>(2) Some mandatory power granted</p> <p>“There shall be a fish and wildlife conservation commission <u>The commission shall exercise the regulatory and executive powers of the state with respect to wild animal life and fresh water aquatic life, and shall also exercise regulatory and executive powers of the state with respect to marine life,</u> except that all license fees for taking wild animal life, fresh water aquatic life, and marine life and penalties for violating regulations of the commission shall be prescribed by general law. . . . <u>The legislature may enact laws in aid of the commission, not inconsistent with this section, except that there shall be no special law or general law of local application pertaining to hunting or fishing. The commission’s exercise of executive powers in the area of planning, budgeting, personnel management, and purchasing shall be as provided by law</u> Unless provided by general law, the commission shall have no authority to regulate matters relating to air and water pollution.”</p>	Hybrid: some express authority; some express legislative discretion.
	89	Board of Education	FLA. CONST. art. IX, § 2	Seven members, appointed by Governor with Senate confirmation of	<p>(1) Grant of power – express legislative discretion</p> <p>“The state board of education shall be a body corporate and <u>have such supervision of the system of free public education as is provided by law.</u> The state board of education shall consist of seven members appointed by the governor to staggered 4-year terms, subject to confirmation by the senate. The state board of education shall appoint the commissioner of education.”</p>	
	90	Board of Governors	FLA. CONST. art. IX, § 7(d)	Seventeen members—14 members appointed by Governor with Senate confirmation, the Commissioner of Education, the chair of the Advisory Council of Faculty Senates, and the President of the Florida Student Association	<p>(2) Some mandatory power granted</p> <p>“(d) STATEWIDE BOARD OF GOVERNORS. The board of governors shall be a body corporate consisting of seventeen members. The board shall operate, regulate, control, and be fully responsible for the management of the whole university system. These responsibilities shall include, but not be limited to, defining the distinctive mission of each constituent university and its articulation with free public schools and community colleges, ensuring the well-planned coordination and operation of the system, and avoiding wasteful duplication of facilities or programs. <u>The board’s management shall be subject to the powers of the legislature to appropriate for the expenditure of funds, and the board shall account for such expenditures as provided by law.</u>”</p>	Hybrid: some express authority; some express legislative discretion.

	91	Department of Military Affairs	FLA. CONST. art. I, § 18		(3) No grant of power – presumed legislative discretion “No administrative agency, except the Department of Military Affairs in an appropriately convened court-martial action as provided by law, shall impose a sentence of imprisonment, nor shall it impose any other penalty except as provided by law.”	Department is only mentioned.
	92	Department of Law Enforcement	FLA. CONST. art. IV, § 4(g)	Agency heads include the Governor, Chief Financial Officer, Attorney General, and Commissioner of Agriculture	(3) No grant of power – presumed legislative discretion “The governor as chair, the chief financial officer, the attorney general, and the commissioner of agriculture shall constitute the agency head of the Department of Law Enforcement.”	
	93	Department of Veteran Affairs	FLA. CONST. art. IV, § 11		(3) No grant of power – presumed legislative discretion “The legislature, by general law, may provide for the establishment of the Department of Veterans Affairs.”	
	94	Department of Elderly Affairs	FLA. CONST. art. IV, § 12		(1) Grant of power – express legislative discretion “The legislature may create a Department of Elderly Affairs <u>and prescribe its duties</u> . The provisions governing the administration of the department must comply with Section 6 of Article IV of the State Constitution.”	
Georgia	95	Public Service Commission	GA. CONST. art. IV, § I	Five elected members	(1) Grant of power – express legislative discretion “(a) There shall be a Public Service Commission for the regulation of utilities which shall consist of five members who shall be elected by the people “(b) <u>The commission shall be vested with such jurisdiction, powers, and duties as provided by law.</u> ”	
	96	State Board of Pardons and Paroles	GA. CONST. art. IV, § II	Five members, appointed by Governor with Senate confirmation	(2) Some mandatory power granted “Except as otherwise provided in this Paragraph, the State Board of Pardons and Paroles shall be vested with the power of executive clemency, including the powers to grant reprieves, pardons, and paroles; to commute penalties; to remove disabilities imposed by law; and to remit any part of a sentence for any offense against the state after conviction. “(b)(1) When a sentence of death is commuted to life imprisonment, the board shall not have the authority to grant a pardon to the convicted person until such person has served at least 25 years in the penitentiary; and such person shall not become eligible for parole at any time prior to serving at least 25 years in the penitentiary.”	Hybrid: The Board has established duties, but its decisions are expressly subject to (supermajority) legislative review.

					“(2) The General Assembly may by general law approved by two-thirds of the members elected to each branch of the General Assembly in a roll-call vote provide for minimum mandatory sentences and for sentences which are required to be served in their entirety for persons convicted of armed robbery, kidnapping, rape, aggravated child molestation, aggravated sodomy, or aggravated sexual battery and, when so provided by such Act, the board shall not have the authority to consider such persons for pardon, parole, or commutation during that portion of the sentence”	
97	State Personnel Board	GA. CONST. art. IV, § III	Five members appointed by Governor with Senate confirmation		(1) Grant of power – express legislative discretion “(a) There shall be a State Personnel Board which shall consist of five members appointed by the Governor, subject to confirmation by the Senate “(b) <u>The board shall provide policy direction for a State Merit System of Personnel Administration and may be vested with such additional powers and duties as provided by law.</u> State personnel shall be selected on the basis of merit as provided by law.”	
98	State Transportation Board	GA. CONST. art. IV, §§ IV(a)-(b)	Member elected from each district		(3) No grant of power – presumed legislative discretion “(a) There shall be a State Transportation Board composed of as many members as there are congressional districts in the state. . . . “(b) The State Transportation Board shall select a commissioner of transportation, who shall be the chief executive officer of the Department of Transportation and who shall have such powers and duties as provided by law.”	
99	Commissioner of Transportation	GA. CONST. art. IV, § IV(b)	Selected by State Transportation Board		(1) Grant of power – express legislative discretion “(b) The State Transportation Board shall select a commissioner of transportation, who shall be the chief executive officer of the Department of Transportation and who shall have such powers and duties as provided by law.”	
100	Department of Transportation	GA. CONST. art. IV, § IV(b)			(3) No grant of power – presumed legislative discretion See art. IV, § IV(b), above.	
101	Veterans Service Board	GA. CONST. art. IV, § V	Seven members appointed by Governor with Senate confirmation		(1) Grant of power – express legislative discretion “(a) There shall be a State Department of Veterans Service and Veterans Service Board which shall consist of seven members appointed by the Governor, subject to confirmation by the Senate	

					“(b) The board shall appoint a commissioner who shall be the executive officer of the department. All members of the board and the commissioner shall be veterans of some war or armed conflict in which the United States has engaged. <u>The board shall have such control, duties, powers, and jurisdiction of the State Department of Veterans Service as shall be provided by law.</u> ”	
102	Board of Natural Resources	GA. CONST. art. VI, § I	Members appointed by Governor with Senate confirmation		<p>(1) Grant of power – express legislative discretion</p> <p>“(a) There shall be a Board of Natural Resources which shall consist of one member from each congressional district in the state and five members from the state at large, one of whom must be from one of the following named counties Members shall serve until their successors are appointed and qualified. Insofar as it is practicable, the members of the board shall be representative of all areas and functions encompassed within the Department of Natural Resources.</p> <p>“(b) <u>The board shall have such powers and duties as provided by law.</u>”</p>	
103	Secretary of State	GA. CONST. art. V, § III, ¶¶ I-III	Elected		<p>(1) Grant of power – express legislative discretion</p> <p>§ III, ¶ I: “The Secretary of State, Attorney General, State School Superintendent, Commissioner of Insurance, Commissioner of Agriculture, and Commissioner of Labor shall be elected in the manner prescribed for the election of members of the General Assembly and the electors shall be the same. Such executive officers shall be elected at the same time and hold their offices for the same term as the Governor.”</p> <p>§ III, ¶ III: “Except as otherwise provided in this Constitution, <u>the General Assembly shall prescribe the powers, duties, compensation, and allowances of the above executive officers and provide assistance and expenses necessary for the operation of the department of each.</u>”</p>	
104	Attorney General	GA. CONST. art. V, § III, ¶¶ III-IV	Elected		<p>(2) Some mandatory power granted</p> <p>See art. V, § III, ¶ III, above.</p> <p>§ III, ¶ IV: “The Attorney General shall act as the legal advisor of the executive department, shall represent the state in the Supreme Court in all capital felonies and in all civil and criminal cases in any court</p>	Hybrid: some express authority; some express legislative discretion.

				when required by the Governor, and <u>shall perform such other duties as shall be required by law.</u> ”	
105	State School Superintendent	GA. CONST. art. V, § III, ¶ III; art. VIII, § III, ¶ I	Elected	(1) Grant of power – express legislative discretion See art. V, § III, ¶ III, above. art. VIII, § III, ¶ I: “There shall be a State School Superintendent, who shall be the executive officer of the State Board of Education, elected at the same time and in the same manner and for the same term as that of the Governor”	
106	Commissioner of Insurance	GA. CONST. art. V, § III; art. III, § VIII, ¶ II	Elected	(1) Grant of power – express legislative discretion See art. V, § III, ¶ III, above. art III, § VIII, ¶ II: “Insurance licenses shall be issued by the Commissioner of Insurance <u>as required by law.</u> ”	
107	Commissioner of Agriculture	GA. CONST. art. V, § III, ¶ III	Elected	(1) Grant of power – express legislative discretion See art. V, § III, ¶ III, above.	
108	Commissioner of Labor	GA. CONST. art. V, § III, ¶ III	Elected	(1) Grant of power – express legislative discretion See art. V, § III, ¶ III, above.	
109	Board of Education	GA. CONST. art. VIII, § II	Members appointed by Governor with Senate confirmation	(1) Grant of power – express legislative discretion “(a) There shall be a State Board of Education which shall consist of one member from each congressional district in the state appointed by the Governor and confirmed by the Senate “(b) <u>The State Board of Education shall have such powers and duties as provided by law.</u> ”	
110	Board of Regents	GA. CONST. art. VIII, § IV	Members appointed by Governor with Senate confirmation	(2) Some mandatory power granted “(a) There shall be a Board of Regents of the University System of Georgia which shall consist of one member from each congressional district in the state and five additional members from the state at large, appointed by the Governor and confirmed by the Senate “(d) The board of regents may hold, purchase, lease, sell, convey, or otherwise dispose of public property, execute conveyances thereon, and utilize the proceeds arising therefrom; may exercise the power of eminent domain in the manner provided by law; and <u>shall have such other powers and duties as provided by law.</u> ”	
111	Department of Agriculture	GA. CONST. art. III, § IX, para. VI(m)		(2) Some mandatory power granted “(m) There shall be within the Department of Agriculture a dog and cat reproductive sterilization	Department is only mentioned.

					support program to control dog and cat overpopulation and thereby reduce the number of animals housed and killed in animal shelters, which program shall be administered by the Commissioner of Agriculture. In order to fund the program, there shall be issued beginning in 2003 specially designed license plates promoting the program. <u>The General Assembly shall provide by law for the issuance of such license plates and for the dedication of certain revenue derived from fees for such plates to the support of the program.</u> All such dedicated revenue derived from special license plate fees, any funds appropriated to the department for such purposes, and any voluntary contributions or other funds made available to the department for such purposes and all interest thereon shall be deposited in a special fund for support of the program, shall not be used for any purpose other than support of the program, and shall not lapse. <u>The General Assembly may provide by law for all matters necessary or appropriate to the implementation of this paragraph.</u> ”	
	112	Financing and Investment Commission	GA. CONST. art. VII, § IV, para VII	Members consist of various elected officials and other directors	<p>(2) Some mandatory power granted</p> <p>“There shall be a Georgia State Financing and Investment Commission The commission shall be responsible for the issuance of all public debt and for the proper application, <u>as provided by law</u>, of the proceeds of such debt to the purposes for which it is incurred; provided, however, the proceeds from guaranteed revenue obligations shall be paid to the issuer thereof and such proceeds and the application thereof shall be the responsibility of such issuer. Debt to be incurred at the same time for more than one purpose may be combined in one issue without stating the purpose separately but the proceeds thereof must be allocated, disbursed and used solely in accordance with the original purpose and without exceeding the principal amount authorized for each purpose set forth in the authorization of the General Assembly and to the extent not so used shall be used to purchase and retire public debt. The commission shall be responsible for the investment of all proceeds to be administered by it and, <u>as provided by law</u>, the income earned on any such investments may be used to pay operating expenses of the commission or placed in a common debt retirement fund and used to purchase and retire any public debt, or any bonds or obligations</p>	Hybrid: some express authority; some express legislative discretion.

					issued by any public agency, public corporation or authority which are secured by a contract to which the provisions of the second paragraph of Paragraph I (a) of Section VI, Article IX of the Constitution of 1976 are applicable. <u>The commission shall have such additional responsibilities, powers, and duties as are provided by law.</u> ”	
	113	Department of Revenue	GA. CONST. art. VIII, § VI, para. IV		(3) No grant of power – presumed legislative discretion	Department is only mentioned.
	114	Department of Labor	GA. CONST. art. VII, § IV, para. XIII		(3) No grant of power – presumed legislative discretion “The General Assembly <u>may by general law</u> authorize the State Properties Commission, the Board of Regents of the University System of Georgia, and the Georgia Department of Labor to enter into rental agreements for the possession and use of real property without obligating present funds for the full amount of obligation the state may bear under the full term of any such rental agreement. Any such agreement shall provide for the termination of the agreement in the event of insufficient funds.”	Department is only mentioned.
Hawaii	115	Tax Review Commission	HAW. CONST. art. VII, § 3	Appointed and confirmed by Senate	(2) Some mandatory power granted “There shall be a tax review commission, which shall be appointed as provided by law on or before July 1, 1980, and every five years thereafter. The commission shall submit to the legislature an evaluation of the State’s tax structure, recommend revenue and tax policy and then dissolve.”	By statute—Haw. Rev. Stat. § 232E-1—the tax review commission is made up of seven members appointed by the governor with the advice and consent of the senate.
	116	Board of Education	HAW. CONST. art. X, § 3	Appointed by Governor with Senate confirmation	(1) Grant of power – express legislative discretion “The board of education shall have the power, <u>as provided by law</u> , to formulate statewide educational policy and appoint the superintendent of education as the chief executive officer of the public school system.”	
	117	Board of Regents	HAW. CONST. art. X, § 6	Appointed by Governor with Senate confirmation	(2) Some mandatory power granted “There shall be a board of regents of the University of Hawaii <u>The board shall have the power, as provided by law</u> , to formulate policy, and to exercise control over the university through its executive officer, the president of the university, who shall be appointed by the board; <u>except that the board shall have exclusive jurisdiction over the internal organization and management of the university. This</u>	

					<u>section shall not limit the power of the legislature to enact laws of statewide concern.”</u>	
118	Board of Trustees for the Office of Hawaiian Affairs	HAW. CONST. art. XII, § 5-6	Elected		<p>(2) Some mandatory power granted</p> <p>§ 5: “There is hereby established an Office of Hawaiian Affairs. <u>The Office of Hawaiian Affairs shall hold title to all the real and personal property now or hereafter set aside or conveyed to it which shall be held in trust for native Hawaiians and Hawaiians.</u> There shall be a board of trustees for the Office of Hawaiian Affairs elected by qualified voters who are Hawaiians, as provided by law”</p> <p>§ 6: “<u>The board of trustees of the Office of Hawaiian Affairs shall exercise power as provided by law:</u> to manage and administer the proceeds from the sale or other disposition of the lands, natural resources, minerals and income derived from whatever sources for native Hawaiians and Hawaiians, including all income and proceeds from that pro rata portion of the trust referred to in Section 4 of this article for native Hawaiians; to formulate policy relating to affairs of native Hawaiians and Hawaiians; and to exercise control over real and personal property set aside by state, federal or private sources and transferred to the board for native Hawaiians and Hawaiians”</p>	
119	States Ethics Commission	HAW. CONST. art. XIV	“Ethics commissioners shall be selected in a manner which assures their independence and impartiality”		<p>(2) Some mandatory power granted</p> <p>“The people of Hawaii believe that public officers and employees must exhibit the highest standards of ethical conduct and that these standards come from the personal integrity of each individual in government. To keep faith with this belief, the legislature, each political subdivision and the constitutional convention shall adopt a code of ethics which shall apply to appointed and elected officers and employees of the State or the political subdivision, respectively, including members of the boards, commissions and other bodies.</p> <p>Each code of ethics shall be administered by a separate ethics commission, except <u>the code of ethics adopted by the constitutional convention which shall be administered by the state ethics commission.</u>”</p>	
120	Salary Commission	HAW. CONST. art. XVI, § 3.5	Provided by law		<p>(2) Some mandatory power granted</p> <p>“There shall be a commission on salaries <u>as provided by law,</u> which shall review and recommend salaries for the justices and judges of all state courts, members</p>	

					of the legislature, department heads or executive officers of the executive departments and the deputies or assistants to department heads of the executive departments <u>as provided by law</u> , excluding the University of Hawaii and the department of education. The commission shall also review and make recommendations for the salary of the administrative director of the State or equivalent position and the salary of the governor and the lieutenant governor.”	
Idaho	121	Secretary of State	E CONST. art. IV, § 1	Elected	(1) Grant of power – express legislative discretion “The executive department shall consist of a governor, lieutenant governor, secretary of state, state auditor, state treasurer, attorney general and superintendent of public instruction <u>They shall perform such duties as are prescribed by this Constitution and as may be prescribed by law.</u> ”	“The powers and duties of most of these executive officials are at best vaguely defined by the constitution, the last section of this provision notwithstanding. The only official whose duties are defined in precise detail in other sections of the constitution is the lieutenant governor; the governor’s duties and powers are less clearly explicated, and the duties and powers of the other officials are not identified or dealt with in any other section. Consequently, in defining the scope of these other officers, the court has partially relied on Article XXI, section 2, which provides for continuation of all laws in force in the territory prior to ratification of the constitution.” DONALD W. CROWLEY & FLORENCE A. HEFFRON, THE IDAHO STATE CONSTITUTION 104 (2011).
	122	State Controller	IDAHO CONST. art. IV, § 1	Elected	(1) Grant of power – express legislative discretion See art. IV, § 1, above.	For a discussion of the Idaho Supreme Court’s evolving views on the powers of the controller and auditor, see DONALD W. CROWLEY & FLORENCE A. HEFFRON, THE IDAHO STATE CONSTITUTION 104-5 (2011).
	123	State Treasurer	IDAHO CONST. art. IV, § 1	Elected	(1) Grant of power – express legislative discretion See art. IV, § 1, above.	

	124	Attorney General	IDAHO CONST. art. IV, § 1	Elected	(1) Grant of power – express legislative discretion See art. IV, § 1, above.	
	125	Superintendent of Public Instruction	IDAHO CONST. art. IV, § 1	Elected	(1) Grant of power – express legislative discretion See art. IV, § 1, above.	
	126	Board of Examiners	IDAHO CONST. art. IV, § 18	Governor, Secretary of State, and Attorney General	(2) Some mandatory power granted “The governor, secretary of state, and attorney general shall constitute a board of examiners, <u>with power to examine all claims against the state, except salaries or compensation of officers fixed by law, and perform such other duties as may be prescribed by law:</u> provided, that in the administration of moneys in cooperation with the federal government the legislature may prescribe any method of disbursement required to obtain the benefits of federal laws. And no claim against the state, except salaries and compensation of officers fixed by law, shall be passed upon by the legislature without first having been considered and acted upon by said board.”	Hybrid: some express authority; some express legislative discretion.
	127	State Tax Commission	IDAHO CONST. art. VII, § 12	Appointed by Governor with Senate confirmation	(2) Some mandatory power granted “There shall be a state tax commission <u>The duties heretofore imposed upon the state board of equalization by the Constitution and laws of this state shall be performed by the state tax commission and said commission shall have such other powers and perform such other duties as may be prescribed by law,</u> including the supervision and coordination of the work of the several county boards of equalization. The board of county commissioners for the several counties of the state, shall constitute boards of equalization for their respective counties, whose duty it shall be to equalize the valuation of the taxable property in the county, under such rules and regulations of the state tax commission as shall be prescribed by law.”	Hybrid: some express authority; some express legislative discretion.
	128	Board of Education	IDAHO CONST. art. IX, § 2	Prescribed by law	(1) Grant of power – express legislative discretion “The general supervision of the state educational institutions and public school system of the state of Idaho, shall be vested in a state board of education, the membership, <u>powers and duties of which shall be prescribed by law.</u> The state superintendent of public instruction shall be ex officio member of said board.”	

	129	State Board of Land Commissioners	IDAHO CONST. art. IX, § 7-8	Includes Governor, Superintendent of Public Instruction, Secretary of State, Attorney General, and State Auditor	<p>(2) Some mandatory power granted</p> <p>§ 6: “The governor, superintendent of public instruction, secretary of state, attorney-general and state auditor shall constitute the state board of land commissioners, <u>who shall have the direction, control and disposition of the public lands of the state, under such regulations as may be prescribed by law.</u>”</p> <p>§ 7: “<u>It shall be the duty of the state board of land commissioners to provide for the location, protection, sale or rental of all the lands heretofore, or which may hereafter be granted to or acquired by the state by or from the general government, under such regulations as may be prescribed by law,</u> and in such manner as will secure the maximum long term financial return”</p>	Hybrid: some express authority; some express legislative discretion.
	130	State Board of Correction	IDAHO CONST. art. X, § 5	Appointed by Governor but must be a nonpartisan board	<p>(2) Some mandatory power granted</p> <p>“The state legislature shall establish a nonpartisan board to be known as the state board of correction. . . . <u>This board shall have the control, direction and management of the penitentiaries of the state, their employees and properties, and of adult probation and parole, with such compensation, powers, and duties as may be prescribed by law.</u>”</p>	<p>Hybrid: some express authority; some express legislative discretion.</p> <p>“Since section 5 explicitly vests in the board the power to direct, control, and manage the penitentiary, neither the legislature nor the courts can take that power away from it. The courts do not have jurisdiction to supervise ordinary prison functions (Mahaffey v. State, 1964). The legislature may, however, establish rules and regulations regarding parole, pardon, and general governance of the prison system (State v. Rawson, 1979).” DONALD W. CROWLEY & FLORENCE A. HEFFRON, THE IDAHO STATE CONSTITUTION 207 (2011).</p>
	131	Commissioner of Bureau of Immigration, Labor and Statistics	IDAHO CONST. art. XIII, §§ 1, 8	Appointed by Governor with Senate confirmation	<p>(1) Grant of power – express legislative discretion</p> <p>§ 1: “There shall be established a bureau of immigration, labor and statistics, which shall be under the charge of a commissioner of immigration, labor and statistics. . . . The commissioner shall collect information upon the subject of labor, its relation to capital, the hours of labor and the earnings of laboring</p>	Commissioner’s information-collecting power not deemed material for purpose of this survey, particular after legislative reassignment of the commission’s functions, see CROWLEY & HEFFRON, supra, at 230.

					men and women, and the means of promoting their material, social, intellectual and moral prosperity. The commissioner shall annually make a report in writing to the governor of the state of the information collected and collated by him, and containing such recommendations as he may deem calculated to promote the efficiency of the bureau.” § 8: “The commissioner of immigration, labor and statistics shall perform such duties and receive such compensation as may be prescribed by law.”	
132	Boards of Arbitration	IDAHO CONST. art. XIII, § 7	Unclear		(1) Grant of power – express legislative discretion “ <u>The legislature may establish</u> boards of arbitration whose duty it shall be to hear and determine all differences and controversies between laborers and their employers which may be submitted to them in writing by all the parties. <u>Such boards of arbitration shall possess all the powers and authority</u> in respect to administering oaths, subpoenaing witnesses, and compelling their attendance, preserving order during the sittings of the board, punishing for contempt, and requiring the production of papers and writings, and all other powers and privileges, in their nature applicable, <u>conferred by law on justices of the peace.</u> ”	Legislature may (but may not) establish.
133	State Water Resource Agency	IDAHO CONST. art. XV, § 7	Legislature may prescribe		(1) Grant of power – express legislative discretion “There shall be constituted a Water Resource Agency, composed as the Legislature may now or hereafter prescribe, <u>which shall have power to construct and operate water projects</u> ; to issue bonds, without state obligation, to be repaid from revenues of projects; to generate and wholesale hydroelectric power at the site of production; to appropriate public waters as trustee for Agency projects; to acquire, transfer and encumber title to real property for water projects and to have control and administrative authority over state lands required for water projects; <u>all under such laws as may be prescribed by the Legislature.</u> Additionally, the State Water Resource Agency shall have power to formulate and implement a state water plan for optimum development of water resources in the public interest. <u>The Legislature of the State of Idaho shall have the authority to amend or reject the state water plan in a manner provided by law.</u> Thereafter any change in the state water plan shall be submitted to the Legislature of the State of Idaho upon the first day of a	Numerous powers discussed, but all seem subject to or contingent on legislative action.

					regular session following the change and the change shall become effective unless amended or rejected by law within sixty days of its submission to the Legislature.”	
Illinois	134	Board of Elections	ILL. CONST. art. III, § 5	Manner of selection determined by General Assembly	(2) Some mandatory power granted “A State Board of Elections shall have <u>general supervision over the administration of the registration and election laws throughout the State</u> . The General Assembly by law shall determine the size, manner of selection and compensation of the Board. <u>No political party shall have a majority of members of the Board.</u> ”	
	135	Attorney General	ILL. CONST. art. V, §§ 1, 15	Elected	(1) Grant of power – express legislative discretion § 1: “The Executive Branch shall include a Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller and Treasurer elected by the electors of the State. They shall keep the public records and maintain a residence at the seat of government during their terms of office.” § 15: “The Attorney General <u>shall be the legal officer of the State, and shall have the duties and powers that may be prescribed by law.</u> ”	
	136	Secretary of State	ILL. CONST. art. V, §§ 1, 16	Elected	(1) Grant of power – express legislative discretion See art. V, § 1, above. § 16: “The Secretary of State shall maintain the official records of the acts of the General Assembly and such official records of the Executive Branch <u>as provided by law</u> . Such official records shall be available for inspection by the public. He shall keep the Great Seal of the State of Illinois and <u>perform other duties that may be prescribed by law.</u> ”	
	137	Comptroller	ILL. CONST. art. V, §§ 1, 17	Elected	(1) Grant of power – express legislative discretion See art. V, § 1, above. § 17: “The Comptroller, <u>in accordance with law</u> , shall maintain the State’s central fiscal accounts, and order payments into and out of the funds held by the Treasurer.”	Seems unlikely that office has any inherent power that legislature cannot alter.
	138	Treasurer	ILL. CONST. art. V, §§ 1, 18	Elected	(1) Grant of power – express legislative discretion See art. V, § 1, above. § 18: “The Treasurer, <u>in accordance with law</u> , shall be responsible for the safekeeping and investment of	Seems unlikely that office has any inherent power that legislature cannot alter.

					monies and securities deposited with him, and for their disbursement upon order of the Comptroller.”	
	139	Auditor General	ILL. CONST. art. VIII, § 3	Appointed by General Assembly	<p>(2) Some mandatory power granted</p> <p>“(a) The General Assembly shall provide by law for the audit of the obligation, receipt and use of public funds of the State. The General Assembly, by a vote of three-fifths of the members elected to each house, shall appoint an Auditor General and may remove him for cause by a similar vote. The Auditor General shall serve for a term of ten years. His compensation shall be established by law and shall not be diminished, but may be increased, to take effect during his term.</p> <p>“(b) <u>The Auditor General shall conduct the audit of public funds of the State. He shall make additional reports and investigations as directed by the General Assembly.</u> He shall report his findings and recommendations to the General Assembly and to the Governor.”</p>	Hybrid: some express authority; some express legislative discretion.
	140	State Board of Education	ILL. CONST. art. X, § 2(a)	Elected or selected on a regional basis	<p>(1) Grant of power – express legislative discretion</p> <p>“(a) There is created a State Board of Education to be elected or selected on a regional basis. The number of members, their qualifications, terms of office and manner of election or selection shall be provided by law. The Board, <u>except as limited by law</u>, may establish goals, determine policies, provide for planning and evaluating education programs and recommend financing. <u>The Board shall have such other duties and powers as provided by law.</u>”</p>	Seems unlikely that office has any inherent power that legislature cannot alter.
	141	Chief State Educational Officer	ILL. CONST. art. X, § 2(b)	Appointed by State Board of Education	<p>(3) No grant of power – presumed legislative discretion</p> <p>“(b) The State Board of Education shall appoint a chief state educational officer.”</p>	
Indiana	142	Secretary of State	IND. CONST. art. VI, § 1	Elected	<p>(1) Grant of power – express legislative discretion</p> <p>“There shall be elected, by the voters of the state, a Secretary, an Auditor and a Treasurer of State, who shall, severally, hold their offices for four years. <u>They shall perform such duties as may be enjoined by law;</u> and no person shall be eligible to either of said offices, more than eight years in any period of twelve years.”</p>	
	143	Auditor of State	IND. CONST. art. VI, § 1	Elected	<p>(1) Grant of power – express legislative discretion</p> <p>See art. VI, § 1, above.</p>	
	144	Treasurer of State	IND. CONST. art. VI, § 1	Elected	<p>(1) Grant of power – express legislative discretion</p> <p>See art. VI, § 1, above.</p>	

	145	State Superintendent of Public Instruction	IND. CONST. art. VIII, § 8	Shall be prescribed by law	(1) Grant of power – express legislative discretion “There shall be a State Superintendent of Public Instruction, whose method of selection, tenure, <u>duties and compensation shall be prescribed by law.</u> ”	
Iowa	146	Secretary of State	IOWA CONST. art. IV, § 22	Elected	(1) Grant of power – express legislative discretion “A secretary of state, an auditor of state and a treasurer of state shall be elected by the qualified electors at the same time that the governor is elected and for a four-year term commencing on the first day of January next after their election, and <u>they shall perform such duties as may be provided by law.</u> ”	
	147	Auditor of State	IOWA CONST. art. IV, § 22	Elected	(1) Grant of power – express legislative discretion See art. IV, § 22, above.	
	148	Treasurer of State	IOWA CONST. art. IV, § 22	Elected	(1) Grant of power – express legislative discretion See art. IV, § 22, above.	
	149	Attorney General	IOWA CONST. art. V, § 12	Elected	(3) No grant of power – presumed legislative discretion “The general assembly shall provide, by law, for the election of an attorney general by the people, whose term of office shall be four years, and until his successor is elected and qualifies.”	Article V is the “Judicial Department.”
Kansas	150	Secretary of State	KAN. CONST. art. I, § 1	Elected	(1) Grant of power – express legislative discretion “The constitutional officers of the executive department shall be the governor, lieutenant governor, secretary of state, and attorney general, <u>who shall have such qualifications as are provided by law.</u> ”	
	151	Attorney General	KAN. CONST. art. I, § 1	Elected	(1) Grant of power – express legislative discretion See art. I, § 1, above.	
	152	State Board of Education	KAN. CONST. art. VI, § 2	Elected by members of district	(2) Some mandatory power granted “(a) The legislature shall provide for a state board of education <u>which shall have general supervision of public schools</u> , educational institutions and all the educational interests of the state, except educational functions delegated by law to the state board of regents. The state board of education <u>shall perform such other duties as may be provided by law.</u> ”	Hybrid: some express authority; some express legislative discretion.
	153	State Board of Regents	KAN. CONST. art. VI, § 2	Appointed by governor with Senate confirmation	(1) Grant of power – express legislative discretion “(b) The legislature shall provide for a state board of regents and for its control and supervision of public institutions of higher education. . . . The state board of regents <u>shall perform such other duties as may be prescribed by law.</u> ”	Seems unlikely that office has any inherent power that legislature cannot alter.
	154	State Commissioner of Education	KAN. CONST. art. VI, § 4	Appointed by Board of Education	(3) No grant of power – presumed legislative discretion	

					“The state board of education shall appoint a commissioner of education who shall serve at the pleasure of the board as its executive officer.”	
Kentucky	155	Treasurer	KY. CONST. §§ 91, 93	Elected	<p>(1) Grant of power – express legislative discretion § 91: “A Treasurer, Auditor of Public Accounts, Commissioner of Agriculture, Labor and Statistics, Secretary of State, and Attorney-General...<u>The duties of all these officers shall be such as may be prescribed by law</u>, and the Secretary of State shall keep a fair register of and attest all the official acts of the Governor, and shall, when required, lay the same and all papers, minutes and vouchers relative thereto before either House of the General Assembly.”</p> <p>§ 93: “The Treasurer, Auditor of Public Accounts, Secretary of State, Commissioner of Agriculture, Labor and Statistics, and Attorney General <u>The duties and responsibilities of these officers shall be prescribed by law</u>, and all fees collected by any of said officers shall be covered into the treasury”</p>	
	156	Auditor of Public Accounts	KY. CONST. §§ 91, 93	Elected	<p>(1) Grant of power – express legislative discretion See §§ 91, 93, above.</p>	
	157	Commissioner of Agriculture, Labor and Statistics	KY. CONST. §§ 91, 93	Elected	<p>(1) Grant of power – express legislative discretion See §§ 91, 93, above.</p>	
	158	Secretary of State	KY. CONST. §§ 91, 93	Elected	<p>(1) Grant of power – express legislative discretion See §§ 91, 93, above.</p>	
	159	Attorney General	KY. CONST. §§ 91, 93	Elected	<p>(1) Grant of power – express legislative discretion See §§ 91, 93, above.</p>	
	160	Adjutant General	KY. CONST. § 222	Appointed by Governor	<p>(3) No grant of power – presumed legislative discretion “The Governor shall appoint an Adjutant-General and his other staff officers”</p>	
Louisiana	161	Secretary of State	LA. CONST. art. IV, §§ 1(A), 3(A), 7	Elected	<p>(2) Some mandatory power granted § 7: “There shall be a Department of State. The secretary of state shall head the department and shall be the chief election officer of the state. <u>He shall prepare and certify the ballots for all elections, promulgate all election returns, and administer the election laws, except those relating to voter registration and custody of voting machines.</u> He shall administer the state corporation and trademark laws; serve as keeper of the Great Seal of the State of Louisiana and attest therewith all official laws, documents, proclamations, and commissions;</p>	Hybrid: some express authority; some express legislative discretion.

				administer and preserve the official archives of the state; promulgate and publish all laws enacted by the legislature and retain the originals thereof; and countersign and keep an official registry of all commissions. He may administer oaths, and <u>shall have other powers and perform other duties authorized by this constitution or provided by law.</u> ”	
162	Department of State	LA. CONST. art. IV, § 7		(3) No grant of power – presumed legislative discretion See art. IV, § 7, above.	Created.
163	Attorney General	LA. CONST. art. IV, §§ 1(A), 3(A), 8	Elected	(2) Some mandatory power granted § 8: “There shall be a Department of Justice, headed by the attorney general, who shall be the chief legal officer of the stateAs necessary for the assertion or protection of any right or interest of the state, the attorney general shall have authority (1) to institute, prosecute, or intervene in any civil action or proceeding; (2) upon the written request of a district attorney, to advise and assist in the prosecution of any criminal case; and (3) for cause, when authorized by the court which would have original jurisdiction and subject to judicial review, (a) to institute, prosecute, or intervene in any criminal action or proceeding, or (b) to supersede any attorney representing the state in any civil or criminal action. <u>“The attorney general shall exercise other powers and perform other duties authorized by this constitution or by law.”</u> ”	Hybrid: some express authority; some express legislative discretion.
164	Department of Justice	LA. CONST. art. IV, § 8		(3) No grant of power – presumed legislative discretion See art. IV, § 8, above.	Created.
165	Treasurer	LA. CONST. art. IV, §§ 1(A), 3(A), 9	Elected	(2) Some mandatory power granted § 9: “There shall be a Department of the Treasury. The treasurer shall head the department and <u>shall be responsible for the custody, investment, and disbursement of the public funds of the state</u> , except as otherwise provided by this constitution. He shall report annually to the governor and to the legislature at least one month before each regular session on the financial condition of the state, and <u>shall have other powers and perform other duties authorized by this constitution or provided by law.</u> ”	Hybrid: some express authority; some express legislative discretion.
166	Department of Treasury	LA. CONST. art. IV, § 9		(3) No grant of power – presumed legislative discretion See art. IV, § 9, above.	Created.

	167	Commissioner of Agriculture	LA. CONST. art. IV, §§ 1(A), 3(A), 10	Elected	(2) Some mandatory power granted § 10: “There shall be a Department of Agriculture. The commissioner of agriculture shall head the department and shall <u>exercise all functions of the state relating to the promotion, protection, and advancement of agriculture, except research and educational functions expressly allocated by this constitution or by law to other state agencies.</u> The department shall exercise such functions and the commissioner shall have other powers and perform other duties authorized by this constitution or provided by law.”	Hybrid: some express authority; some express legislative discretion.
	168	Department of Agriculture	LA. CONST. art. IV, § 10		(2) Some mandatory power granted “There shall be a Department of Agriculture. The commissioner of agriculture shall head the department and shall exercise all functions of the state relating to the promotion, protection, and advancement of agriculture, except research and educational functions expressly allocated by this constitution or by law to other state agencies. The department shall exercise such functions and the commissioner <u>shall have other powers and perform other duties authorized by this constitution or provided by law.</u> ”	
	169	Commissioner of Insurance	LA. CONST. art. IV, §§ 1(A), 3(A), 11	Elected	(1) Grant of power – express legislative discretion § 11: “There shall be a Department of Insurance, headed by the commissioner of insurance. The department shall exercise such functions and the commissioner <u>shall have powers and perform duties authorized by this constitution or provided by law.</u> ”	
	170	Department of Insurance	LA. CONST. art. IV, § 11		(1) Grant of power – express legislative discretion See art. IV, § 11, above.	Created.
	171	Superintendent of Education	LA. CONST. art. IV, §§ 1(A), 3(A); art. VIII, § 2	Elected	(1) Grant of power – express legislative discretion VIII, § 2: “There shall be a superintendent of education for public elementary and secondary education He shall be the administrative head of the Department of Education and shall implement the policies of the State Board of Elementary and Secondary Education and the laws affecting schools under its jurisdiction. <u>The qualifications and other powers, functions, duties, and responsibilities of the superintendent shall be provided by law.</u> ”	
	172	Department of Education	LA. CONST. art. VIII, § 2		(3) No grant of power – presumed legislative discretion See art. VIII, § 2, above.	Created.

	173	Commissioner of Elections	LA. CONST. art. IV, §§ 1(A), 3(A), 12	Elected	(2) Some mandatory power granted § 12: “There shall be a Department of Elections and Registration. The commissioner of elections shall head the department and shall <u>administer the laws relating to custody of voting machines and voter registration</u> . He <u>shall have other powers and perform other duties authorized by this constitution or provided by law.</u> ”	
	174	Department of Elections and Registration	LA. CONST. art. IV, § 12		(2) Some mandatory power granted See art. IV, § 12, above.	Created.
	175	First Assistants	LA. CONST. art. IV, § 13	Appointed by their respective statewide elected official with Senate confirmation	(3) No grant of power – presumed legislative discretion “Each statewide elected official except the governor and lieutenant governor shall appoint a first assistant, subject to public confirmation by the Senate, and may remove him at his pleasure.”	
	176	Public Service Commission	LA. CONST. art. IV, § 21	Five members, elected from “single member districts established by law”	(2) Some mandatory power granted “(A)(1) There shall be a Public Service Commission in the executive branch. “(B) Powers and Duties. <u>The commission shall regulate all common carriers and public utilities and have such other regulatory authority as provided by law</u> . It shall adopt and enforce reasonable rules, regulations, and procedures necessary for the discharge of its duties, and shall <u>have other powers and perform other duties as provided by law</u> ”	Hybrid: some express authority; some express legislative discretion.
	177	Interim Emergency Board	LA. CONST. art. VII, § 7	Members include Governor, Lieutenant Governor, Treasurer, presiding officer of each house of the Legislature, Senate Finance Committee Chair, and House Appropriations Committee Chair, or their designees	(1) Grant of power – express legislative discretion “(A) Composition. The Interim Emergency Board is created. “(B) Powers. Between sessions of the legislature, when the board by majority vote determines that an emergency or impending flood emergency exists, it may appropriate from the state general fund or borrow on the full faith and credit of the state an amount to meet the emergency. <u>The appropriation may be made or the indebtedness incurred only</u> for a purpose for which the legislature may appropriate funds and then only after the board obtains, <u>as provided by law</u> , the written consent of two-thirds of the elected members of each house of the legislature”	
	178	State Bond Commission	LA. CONST. art. VII, § 8	Shall be determined by law	(1) Grant of power – express legislative discretion “(A) Creation. The State Bond Commission is created. Its membership and <u>authority shall be determined by law</u> .	Unclear if office has any power that legislature cannot alter.

					“(B) Approval of Bonds. <u>No bonds or other obligations shall be issued or sold by the state, directly or through any stated board, agency, or commission, or by any political subdivision of the state, unless prior written approval of the bond commission is obtained.</u> ”	
179	State Board of Elementary and Secondary Education	LA. CONST. art. VIII, § 3	Eleven total members, eight of whom are elected from single member districts, and three of whom are appointed by Governor with Senate confirmation		(1) Grant of power – express legislative discretion “(A) Creation; Functions. The State Board of Elementary and Secondary Education is created as a body corporate. It shall supervise and control the public elementary and secondary schools and special schools under its jurisdiction and shall have budgetary responsibility for all funds appropriated or allocated by the state for those schools, <u>all as provided by law.</u> <u>The board shall have other powers, duties, and responsibilities as provided by this constitution or by law</u> ”	Unclear if office has any power that legislature cannot alter.
180	Board of Regents	LA. CONST. art. VIII, § 5	Fifteen members total. Two members from each congressional district (likely elected but not explicitly stated) and remaining members appointed by Governor with Senate confirmation		(2) Some mandatory power granted “(A) Creation; Functions. The Board of Regents is created as a body corporate. It <u>shall plan, coordinate, and have budgetary responsibility for all public postsecondary education and shall have other powers, duties, and responsibilities provided in this Section or by law. . . .</u> “(D) Powers. . . . The Board of Regents shall have the following powers, duties, and responsibilities relating to public institutions of higher education: (1) To revise or eliminate an existing degree program, department of instruction, division, or similar subdivision. (2) To approve, disapprove, or modify a proposed degree program, department of instruction, division, or similar subdivision” [List continues.]	Hybrid: some express authority; some express legislative discretion.
181	Board of Supervisors for the University of Louisiana System	LA. CONST. art. VIII, § 6	Fifteen members total. Two members from each congressional district (likely elected but not explicitly stated) and remaining members appointed by Governor with Senate confirmation		(2) Some mandatory power granted “(A) Creation; Functions. The Board of Supervisors for the University of Louisiana System is created as a body corporate. <u>Subject to powers vested by this Article in the Board of Regents, it shall have supervision and management of state colleges and universities not managed by a higher education board created by or under this Article.</u> ”	

182	Board of Supervisors of Louisiana State University and Agricultural and Mechanical College	LA. CONST. art. VIII, § 7	Fifteen members total. Two members from each congressional district (likely elected but not explicitly stated) and remaining members appointed by Governor with Senate confirmation	(2) Some mandatory power granted “(A) Creation; Powers. The Board of Supervisors of Louisiana State University and Agricultural and Mechanical College and the Board of Supervisors of Southern University and Agricultural and Mechanical College are created as bodies corporate. <u>Subject to powers vested by this Article in the Board of Regents, each shall supervise and manage the institutions, statewide agricultural programs, and other programs administered through its system.</u> ”	
183	Board of Supervisors of Southern University and Agricultural and Mechanical College	LA. CONST. art. VIII, § 7	Fifteen members total. Two members from each congressional district (likely elected but not explicitly stated) and remaining members appointed by Governor with Senate confirmation	(2) Some mandatory power granted See art. VIII, § 7, above.	
184	Board of Supervisors of Community and Technical Colleges	LA. CONST. art. VIII, § 7.1	Seventeen members total. Two members from each congressional district appointed by Governor with Senate confirmation. Two student members as provided by law. The remaining members are appointed by Governor from the state at large with Senate confirmation	(2) Some mandatory power granted “(A) Creation; Powers; Institutions; Divisions. (1) The Board of Supervisors of Community and Technical Colleges is created as a body corporate to manage the Louisiana Community and Technical College System <u>subject to powers vested by this Article in the Board of Regents</u> . The system shall include all programs of public postsecondary vocational-technical training, and, <u>as provided by law</u> , institutions of higher education which offer associate degrees but not baccalaureate degrees and such programs and institutions shall be supervised and managed by the board. The system shall be comprised of two divisions, the vocational-technical division which shall include all public postsecondary vocational-technical schools and the community college division which shall include the community colleges in the system.	

					<p>“(2) All public institutions which exclusively or predominantly provide programs of postsecondary vocational-technical education shall be under the jurisdiction of the Board of Supervisors of Community and Technical Colleges. Such institutions may not be transferred from the Louisiana Community and Technical College System.</p> <p>“(3) The provision of any program subject to the supervision and management of and offered at any institution under the jurisdiction of the Board of Supervisors of Community and Technical Colleges which is not a degree program shall require no approval beyond that of the Board of Supervisors of Community and Technical Colleges.”</p>	
185	Wildlife and Fisheries Commission	LA. CONST. art. IX, § 7	Seven members appointed by Governor with Senate confirmation	<p>(1) Grant of power – express legislative discretion</p> <p>“(A) Members; Terms. <u>The control and supervision of the wildlife of the state, including all aquatic life, is vested in the Louisiana Wildlife and Fisheries Commission.</u></p> <p>“(B) Duties; Compensation. The functions, duties, and responsibilities of the commission, and the compensation of its members, <u>shall be provided by law.</u>”</p>	Unclear if office has any power that legislature cannot alter.	
186	Forestry Commission	LA. CONST. art. IX, § 8	Seven members total. The head of the Department of Forestry at Louisiana State University and the director of the Wildlife and Fisheries Commission serve as ex officio members. Five remaining members are appointed by Governor with Senate confirmation	<p>(3) No grant of power – presumed legislative discretion</p> <p>“(B)(1) Forestry Commission. The practice of forestry is placed under the Louisiana Forestry Commission. The commission shall be in the executive branch and shall consist of seven members.”</p>		
187	State Civil Service Commission	LA. CONST. art. X, §§ 3, 10, 12	Seven members, appointed by Governor	<p>(2) Some mandatory power granted</p> <p>§ 3: “(A) Composition. The State Civil Service Commission is established”</p>		

				<p>§ 10: “(A) Rules. (1) Powers. (a) <u>Each commission is vested with broad and general rulemaking and subpoena powers for the administration and regulation of the classified service</u>, including the power to adopt rules for regulating employment, promotion, demotion, suspension, reduction in pay, removal, certification, qualifications, political activities, employment conditions, compensation and disbursements to employees, and other personnel matters and transactions; to adopt a uniform pay and classification plan; to require an appointing authority to institute an employee training and safety program; and generally to accomplish the objectives and purposes of the merit system of civil service as herein established. It may make recommendations with respect to employee training and safety”</p> <p>“(4)(B) Investigations. Each commission may investigate violations of this Part and the rules, statutes, or ordinances adopted pursuant hereto.”</p> <p>§ 12: “(A) State. <u>The State Civil Service Commission shall have the exclusive power and authority to hear and decide all removal and disciplinary cases</u>, with subpoena power and power to administer oaths”</p>	
188	Department of Civil Service	LA. CONST. art. X, § 6	Appointed	<p>(3) No grant of power – presumed legislative discretion</p> <p>“A Department of State Civil Service is established in the executive branch of the state government.”</p>	
189	State Police Commission	LA. CONST. art. X, §§ 43, 45, 48, 50	Complex/mixed appointment process	<p>(2) Some mandatory power granted</p> <p>§ 43: “(A) Composition. The State Police Commission is established and shall be domiciled in the state capital”</p> <p>§ 45: “The commission shall adopt rules for the method of certifying persons eligible for appointment, promotion, reemployment, and reinstatement and shall provide for appointments defined as emergency and temporary appointments if certification is not required.”</p> <p>§ 48: “(A) Rules. (1) Powers. The commission is vested with broad and general rulemaking and subpoena powers for the administration and regulation of the classified state police service, including the power to adopt rules for regulating employment,</p>	

					<p>promotion, demotion, suspension, reduction in pay, removal, certification, qualifications, political activities, employment conditions, compensation and disbursements to employees, and other personnel matters and transactions; to adopt a uniform pay and classification plan; to require an appointing authority to institute an employee training and safety program; and generally to accomplish the objectives and purposes of the merit system of state police service as herein established. It may make recommendations with respect to employee training and safety . . . (B) Investigations. The commission may investigate violations of this Part and the rules, statutes, or ordinances adopted pursuant hereto.”</p> <p>§ 50: “The State Police Commission shall have the exclusive power and authority to hear and decide all removal and disciplinary cases, with subpoena power and power to administer oaths. It may appoint a referee to take testimony, with subpoena power and power to administer oaths to witnesses. The decision of the commission shall be subject to review on any question of law or fact upon appeal to the court of appeal wherein the commission is located, upon application filed with the commission within thirty calendar days after its decision becomes final.”</p>	
	190	Worker’s Compensation Board of Directors	LA. CONST. art. XII, § 8.1	Complex/mixed appointment process, all with Senate confirmation	<p>(1) Grant of power – express legislative discretion</p> <p>“(A) Authorization. (1) Notwithstanding any other provision of this constitution to the contrary, and subject to the conditions contained in this Section, the legislature by law may create a private, nonprofit corporation to provide workers’ compensation insurance and <u>to deliver related services as provided by law . . .</u>”</p>	
Maine	191	Secretary of State	ME. CONST. art. V, pt. 2, §§ 1-4	Elected by Legislature	<p>(1) Grant of power – express legislative discretion</p> <p>§ 1: “The Secretary of State shall be chosen biennially at the first session of the Legislature, by joint ballot of the Senators and Representatives in convention”</p> <p>§ 2: “The records of the State shall be kept in the office of the secretary, who may appoint deputies to that office, for whose conduct the secretary shall be accountable.”</p>	

					<p>§ 3: “The Secretary of State shall attend the Governor, Senate and House of Representatives, in person or by the deputies of the Secretary of State as they shall respectively require.”</p> <p>§ 4: “The Secretary of State shall carefully keep and preserve the records of all the official acts and proceedings of the Governor, Senate and House of Representatives, and, when required, lay the same before either branch of the Legislature, and <u>perform such other duties as are enjoined by this Constitution, or shall be required by law.</u>”</p>	
	192	Treasurer	ME. CONST. art. V, pt. 3, § 1-2, 5	Elected by Legislature	<p>(2) Some mandatory power granted</p> <p>§ 1: “The Treasurer shall be chosen biennially, at the first session of the Legislature, by joint ballot of the Senators, and Representatives in convention.”</p> <p>§ 2: “The Treasurer shall, before entering on the duties of that office, give bond to the State with sureties, <u>to the satisfaction of the Legislature</u>, for the faithful discharge of that trust.”</p> <p>§ 5: “The Legislature shall enact general law prohibiting the use of proceeds from the sale of bonds to fund current expenditures and shall provide by appropriation for the payment of interest upon and installments of principal of all bonded debt created on behalf of the State as the same shall become due and payable. <u>If at any time the Legislature shall fail to make any such appropriation, the Treasurer of State shall set apart from the first General Fund revenues thereafter received a sum sufficient to pay such interest or installments of principal and shall so apply the moneys thus set apart. The Treasurer of State may be required to set apart and apply such revenues at the suit of any holder of such bonds. The prohibition on use of proceeds from the sale of bonds to fund current expenditures shall only apply to those bonds authorized on or after July 1, 1977.</u>”</p>	
	193	Adjutant General	ME. CONST. art. VII, § 3	Appointed by Governor	<p>(1) Grant of power – express legislative discretion</p> <p>“The Adjutant General shall be appointed by the Governor. But the Adjutant General shall also perform the duties of quartermaster general and paymaster general until otherwise directed by law.”</p>	

	194	Attorney General	ME. CONST. art. IX, § 11	Elected by Legislature	(3) No grant of power – presumed legislative discretion “The Attorney General shall be chosen biennially by joint ballot of the Senators and Representatives in convention. Vacancy in said office occurring when the Legislature is not in session, may be filled by appointment by the Governor, subject to confirmation as required by this Constitution for Justices of the Supreme Judicial Court.”	
Maryland	195	Secretary of State	MD. CONST. art. II, § 22-23	Appointed by Governor with Senate confirmation	(1) Grant of power – express legislative discretion § 22: “A Secretary of State shall be appointed by the Governor, by and with the advice and consent of the Senate, who shall continue in office, unless sooner removed by the Governor, till the end of the official term of the Governor from whom he received his appointment, and receive such annual salary as the General Assembly may from time to time by law prescribe.” § 23: “The Secretary of State shall carefully keep and preserve a Record of all official acts and proceedings, which may at all times be inspected by a committee of either Branch of the Legislature; and he shall perform such other <u>duties as may be prescribed by Law</u> , or as may properly belong to his office, together with all clerical duty belonging to the Executive Department.”	
	196	Governor’s Salary Commission	MD. CONST. art. II, § 21A(b)-(d)	Treasurer and six members appointed by Legislature	(2) Some mandatory power granted “(b) The Governor’s Salary Commission is created “(c) Within ten days after the commencement of the regular session of the General Assembly in 1978, and within ten days after the commencement of the regular session of the General Assembly each fourth year thereafter, the Commission <u>shall make a written recommendation</u> to the Governor, Lieutenant Governor, and other members of the General Assembly as to the salary of the Governor and Lieutenant Governor. “(d) The recommendation shall be introduced as a joint resolution in each House of the General Assembly not later than the fifteenth day of the session. The General Assembly may amend the joint resolution to decrease the recommended salaries, but may not amend the joint resolution to increase the recommended salaries. If the General Assembly fails	

					to adopt a joint resolution in accordance with this section within 50 days after its introduction, the salaries recommended by the Commission shall apply. If the General Assembly amends the joint resolution in accordance with this section, the salaries specified in the joint resolution, as amended, shall apply. If the Commission recommends no salary change, a joint resolution shall not be introduced.”	
197	Commission on Judicial Disabilities	MD. CONST. art. IV, pt. I, § 4A-B	Eleven members, appointed by Governor with Senate confirmation		<p>(2) Some mandatory power granted</p> <p>“(a) (1) The Commission on Judicial Disabilities has the power to:</p> <p>“(i) Investigate complaints against any judge of the Court of Appeals, any intermediate courts of appeal, the Circuit Courts, the District Court of Maryland, or the Orphans’ Court; and</p> <p>“(ii) Conduct hearings concerning such complaints, administer oaths and affirmations, issue process to compel the attendance of witnesses and the production of evidence, and require persons to testify and produce evidence by granting them immunity from prosecution or from penalty or forfeiture.</p> <p>“(2) The Commission has the power to issue a reprimand and the power to recommend to the Court of Appeals the removal, censure, or other appropriate disciplining of a judge or, in an appropriate case, retirement.</p> <p>“(3) All proceedings, testimony, and evidence before the Commission shall be confidential and privileged, except as provided by rule of the Court of Appeals; the record and any proceeding filed with the Court of Appeals shall lose its confidential character, except as ordered by the Court of Appeals”</p>	
198	Attorney General	MD. CONST. art. V, § 1, 3	Elected		<p>(1) Grant of power – express legislative discretion</p> <p>§ 3: “(a) the Attorney General shall:</p> <p>“(1) <u>Prosecute and defend on the part of the State all cases pending in the appellate courts of the State, in the Supreme Court of the United States or the inferior Federal Courts, by or against the State, or in which the State may be interested,</u> except those criminal appeals otherwise prescribed by the General Assembly.</p> <p>“(2) <u>Investigate, commence, and prosecute or defend any civil or criminal suit</u> or action or category of such suits or actions <u>in any of the Federal Courts or in any Court of this State, or before administrative agencies and quasi legislative bodies,</u> on the part of the State or</p>	Virtually all of the office’s constitutional power seems to depend on legislative or gubernatorial authorization.

				<p>in which the State may be interested, <u>which the General Assembly by law or joint resolution, or the Governor, shall have directed or shall direct to be investigated, commenced and prosecuted or defended.</u></p> <p>“(3) <u>When required by the General Assembly by law or joint resolution,</u> or by the Governor, aid any State’s Attorney or other authorized prosecuting officer in investigating, commencing, and prosecuting any criminal suit or action or category of such suits or actions brought by the State in any Court of this State.</p> <p>“(4) Give his opinion in writing <u>whenever required by the General Assembly</u> or either branch thereof, the Governor, the Comptroller, the Treasurer or any State’s Attorney on any legal matter or subject.</p> <p>“(b) The Attorney General shall have and perform any other duties and possess any other powers, and appoint the number of deputies or assistants, <u>as the General Assembly from time to time may prescribe by law.</u></p> <p>“(c) The Attorney General shall receive for his services the annual salary as the General Assembly from time to time may prescribe by law, but he may not receive any fees, perquisites or rewards whatever, in addition to his salary, for the performance of any official duty.</p> <p>“(d) <u>The Governor may not employ any additional counsel, in any case whatever, unless authorized by the General Assembly.</u>”</p>	
199	Comptroller	MD. CONST. art. VI, §§ 1-2	Elected	<p>(2) Some mandatory power granted</p> <p>§ 1: “(a) There shall be a Treasury Department, consisting of a Comptroller chosen by the qualified electors of the State, who shall receive such salary as may be fixed by law; and a Treasurer, to be appointed on joint ballot by the two Houses of the Legislature at each regular session in which begins the term of the Governor, who shall receive such salary as may be fixed by law. . . .</p> <p>“(e) The Comptroller and the Treasurer shall keep their offices at the seat of government, and shall take such oaths and enter into such bonds <u>for the faithful discharge of their duties as are now or may hereafter be prescribed by law.</u>”</p> <p>§ 2: “<u>The Comptroller shall have the general superintendence of the fiscal affairs of the State; he shall digest and prepare plans for the improvement</u></p>	Hybrid: some express authority, some express legislative discretion.

					<p><u>and management of the revenue</u>, and for the support of the public credit; prepare and report estimates of the revenue and expenditures of the State; <u>superintend and enforce the prompt collection of all taxes and revenue</u>; <u>adjust and settle, on terms prescribed by law</u>, with delinquent collectors and receivers of taxes and State revenue; <u>preserve all public accounts</u>; and decide on the forms of keeping and stating accounts. He, or such of his deputies as may be authorized to do so by the Legislature, <u>shall grant, under regulations prescribed by Law, all warrants for money to be paid out of the Treasury, in pursuance of appropriations by law, and countersign all checks drawn by the Treasurer upon any bank or banks in which the moneys of the State, may, from time to time, be deposited. He shall prescribe the formalities of the transfer of stock, or other evidence of the State debt, and countersign the same, without which such evidence shall not be valid; he shall make to the General Assembly full reports of all his proceedings, and of the state of the Treasury Department within ten days after the commencement of each session; and perform such other duties as shall be prescribed by law.</u>”</p>	
	200	Treasurer	MD. CONST. art. VI, §§ 1, 3	Appointed by Legislature	<p>(1) Grant of power – express legislative discretion See art. VI, § 1, above.</p> <p>§ 3: “The Treasurer shall receive the moneys of the State, and, <u>until otherwise prescribed by law</u>, deposit them, as soon as received, to the credit of the State, in such bank or banks as he may, from time to time, with the approval of the Governor, select (the said bank or banks giving security, satisfactory to the Governor, for the safekeeping and forthcoming, when required of said deposits), and he or such of his deputies as may <u>be authorized to do so by the Legislature</u> shall disburse the same for the purposes of the State according to law, upon warrants drawn by the Comptroller, or his duly authorized deputy, and on checks countersigned by the Comptroller, or his duly authorized deputy. <u>The Legislature may prescribe, by law</u>, for the Treasurer to disburse the moneys of the State by a system other than by the use of checks. The Treasurer or such of his deputies as may be <u>authorized to do so by the Legislature</u> shall take receipts for all moneys paid from the Treasury Department; and</p>	The office’s constitutional powers seem to depend on legislative authorization.

					<p>receipt for moneys received by him shall be endorsed upon warrants signed, by the Comptroller, or such deputy as may be <u>authorized to do so by law</u>, without which warrants, so signed, no acknowledgment of money received into the Treasury shall be valid; and upon warrants issued by the Comptroller, or his duly authorized deputy, the Treasurer shall make arrangements for the payment of the interest of the public debt, and for the purchase thereof, on account of the sinking fund. Every bond, certificate, or other evidence of the debt of the State shall be signed by the Treasurer, Chief Deputy Treasurer, or a Deputy Treasurer, and countersigned by the Comptroller, Chief Deputy Comptroller, or a Deputy Comptroller; and no new certificate or other evidence intended to replace another shall be issued until the old one shall be delivered to the Treasurer, and authority executed in due form for the transfer of the same filed in his office, and the transfer accordingly made on the books thereof, and the certificate or other evidence cancelled; but the Legislature may make provisions for the loss of certificates, or other evidences of the debt; and <u>may prescribe, by law</u>, the manner in which the Treasurer shall receive and keep the moneys of the State.”</p>	
	201	Adjutant General	MD. CONST. art. IX, § 2	Appointed by Governor with Senate confirmation	<p>(1) Grant of power – express legislative discretion “There shall be an Adjutant General, appointed by the Governor, by and with the advice and consent of the Senate. <u>He shall perform such duties</u>, and receive such compensation, or emoluments, as are now, <u>or may be prescribed by Law</u>.”</p>	
	202	Board of Public Works	MD. CONST. art. XII, §§ 1-2	Board consists of Governor, Comptroller of the Treasury, and Treasurer	<p>(2) Some mandatory power granted § 1: “The Governor, the Comptroller of the Treasury and the Treasurer, shall constitute the Board of Public Works in this State. They shall keep a journal of their proceedings, and shall hold regular sessions in the City of Annapolis, on the first Wednesday in January, April, July and October, in each year, and oftener, if necessary; <u>at which sessions they shall hear and determine such matters as affect the Public Works of the State, and as the General Assembly may confer upon them the power to decide.</u>” § 2: “<u>They shall exercise a diligent and faithful supervision of all Public Works</u> in which the State may be interested as Stockholder or Creditor, and shall</p>	Hybrid: some express authority, some express legislative discretion.

					appoint the Directors in every Railroad and Canal Company, in which the State has the legal power to appoint Directors, which said Directors shall represent the State in all meetings of the Stockholders of the respective Companies for which they are appointed or elected. They shall require the Directors of all said Public Works to guard the public interest, and prevent the establishment of tolls which shall discriminate against the interest of the citizens or products of this State, and from time to time, and as often as there shall be any change in the rates of toll on any of the said Works, to furnish the said Board of Public Works a schedule of such modified rates of toll, and so adjust them as to promote the agricultural interests of the State; they shall report to the General Assembly at each regular session, and recommend such legislation as they may deem necessary and requisite to promote or protect the interests of the State in the said Public Works; <u>they shall perform such other duties as may be hereafter prescribed by Law</u> ”	
Massachusetts	203	Secretary of State	MASS. CONST. art. LXIV, § 1; Part 2, Ch. 2, § 4, art. II	Elected	(1) Grant of power – express legislative discretion LXIV, § 1: “The governor, lieutenant-governor, secretary, treasurer and receiver-general, attorney-general, and auditor shall be elected quadrennially” art. II: “The records of the commonwealth shall be kept in the office of the secretary, who may appoint his deputies, for whose conduct he shall be accountable, and he shall attend the governor and council, the senate and house of representatives, in person, or by his deputies, as they shall respectively require.”	
	204	Treasurer	MASS. CONST. art. LXIV, § 1	Elected	(3) No grant of power – presumed legislative discretion See art. LXIV, § 1, above.	
	205	Receiver-General	MASS. CONST. art. LXIV, § 1	Elected	(3) No grant of power – presumed legislative discretion See art. LXIV, § 1, above.	
	206	Attorney General	MASS. CONST. art. LXIV, § 1	Elected	(3) No grant of power – presumed legislative discretion See art. LXIV, § 1, above.	
	207	Auditor	MASS. CONST. art. LXIV, § 1	Elected	(3) No grant of power – presumed legislative discretion See art. LXIV, § 1, above.	

Michigan	208	Auditor General	MICH. CONST. art. IV, § 53	Appointed by Legislature	(2) Some mandatory power granted “The legislature . . . shall appoint an auditor general, who shall be a certified public accountant licensed to practice in this state, to serve for a term of eight years. . . . <u>The auditor general shall conduct post audits of financial transactions and accounts of the state</u> and of all branches, departments, offices, boards, commissions, agencies, authorities and institutions of the state established by this constitution or <u>by law</u> , and performance post audits thereof. The auditor general <u>upon direction by the legislature</u> may employ independent accounting firms or legal counsel and may make investigations pertinent to the conduct of audits. He shall report annually to the legislature and to the governor <u>and at such other times as he deems necessary or as required by the legislature</u> . <u>He shall be assigned no duties other than those specified in this section.</u> ”	
	209	Secretary of State	MICH. CONST. art. V, §§ 3, 21	Elected	(3) No grant of power – presumed legislative discretion § 3: “The head of each principal department shall be a single executive unless otherwise provided in this constitution or by law. The single executives heading principal departments shall include a secretary of state, a state treasurer and an attorney general” § 21: “The governor, lieutenant governor, secretary of state and attorney general shall be elected for four-year terms at the general election in each alternate even-numbered year.”	
	210	State Treasurer	MICH. CONST. art. V, § 3	Appointed by Governor with Senate confirmation	(3) No grant of power – presumed legislative discretion See art. V, § 3, above.	
	211	Attorney General	MICH. CONST. art. V, §§ 3, 21	Elected	(3) No grant of power – presumed legislative discretion See art. V, §§ 3, 21, above.	
	212	State Transportation Commission	MICH. CONST. art. V, § 28	Six members, appointed by Governor with Senate confirmation	(2) Some mandatory power granted “There is hereby established a state transportation commission, <u>which shall establish policy for the state transportation department transportation programs and facilities, and such other public works of the state, as provided by law</u> . The director of the state transportation department . . . shall be responsible for	

					executing the policy of the state transportation commission.”	
213	Civil Rights Commission	MICH. CONST. art. V, § 29	Appointed by Governor with Senate confirmation	(2) Some mandatory power granted “There is hereby established a civil rights commission which shall consist of eight persons <u>It shall be the duty of the commission in a manner which may be prescribed by law to investigate alleged discrimination</u> against any person because of religion, race, color or national origin in the enjoyment of the civil rights guaranteed by law and by this constitution, and to secure the equal protection of such civil rights without such discrimination. . . . “The commission shall have power, in accordance with the provisions of this constitution and of general laws governing administrative agencies, to promulgate rules and regulations for its own procedures, to hold hearings, administer oaths, through court authorization to require the attendance of witnesses and the submission of records, to take testimony, and to issue appropriate orders. <u>The commission shall have other powers provided by law to carry out its purposes.</u> ”	Hybrid: some express authority, some express legislative discretion.	
214	Judicial Tenure Commission	MICH. CONST. art. VI, § 30	Four elected, judges, three elected members from the state bar, and two members appointed by Governor	(2) Some mandatory power granted “(1) A judicial tenure commission is established consisting of nine persons selected for three-year terms “(2) On recommendation of the judicial tenure commission, the supreme court may censure, suspend with or without salary, retire or remove a judge for conviction of a felony, physical or mental disability which prevents the performance of judicial duties, misconduct in office, persistent failure to perform his duties, habitual intemperance or conduct that is clearly prejudicial to the administration of justice. <u>The supreme court shall make rules implementing this section and providing for confidentiality and privilege of proceedings.</u> ”		
215	State Board of Education	MICH. CONST. art. VIII, § 3	Eight elected members plus Governor	(2) Some mandatory power granted “ <u>Leadership and general supervision over all public education, including adult education and instructional programs in state institutions,</u> except as to institutions of higher education granting baccalaureate degrees, <u>is vested in a state board of education. It shall serve as the general planning and coordinating body for all public education, including higher education, and shall</u>		

				advise the legislature as to the financial requirements in connection therewith “The power of the boards of institutions of higher education provided in this constitution to supervise their respective institutions and control and direct the expenditure of the institutions’ funds shall not be limited by this section.”	
216	Superintendent of Public Instruction	MICH. CONST. art. VIII, § 3	Appointed by Board of Education	(1) Grant of power – express legislative discretion “The state board of education shall appoint a superintendent of public instruction whose term of office shall be determined by the board. He shall be the chairman of the board without the right to vote, and shall be responsible for the execution of its policies. <u>He shall be the principal executive officer of a state department of education which shall have powers and duties provided by law.</u> ”	
217	Department of Education	MICH. CONST. art. VIII, § 3		(3) No grant of power – presumed legislative discretion See art. VIII, § 3, above.	Created.
218	Regents of the University of Michigan	MICH. CONST. art. VIII, § 5	Eight elected members	(2) Some mandatory power granted “The regents of the University of Michigan and their successors in office shall constitute a body corporate known as the Regents of the University of Michigan; the trustees of Michigan State University and their successors in office shall constitute a body corporate known as the Board of Trustees of Michigan State University; the governors of Wayne State University and their successors in office shall constitute a body corporate known as the Board of Governors of Wayne State University. <u>Each board shall have general supervision of its institution and the control and direction of all expenditures from the institution’s funds.</u> ”	
219	Board of Trustees of Michigan State University	MICH. CONST. art. VIII, § 5	Eight elected members	(2) Some mandatory power granted See art. VIII, §5, above.	
220	Board of Governors of Wayne University	MICH. CONST. art. VIII, § 5	Eight elected members	(2) Some mandatory power granted See art. VIII, §5, above.	
221	Boards of Control	MICH. CONST. art. VIII, § 6	Eight members appointed by Governor with Senate confirmation	(2) Some mandatory power granted “Other institutions of higher education established by law having authority to grant baccalaureate degrees shall each be governed by a board of control which shall be a body corporate. The board shall have general supervision of the institution and the control	

					and direction of all expenditures from the institution's funds"	
222	State Board for Public Community and Junior Colleges	MICH. CONST. art. VIII, § 7	Eight members appointed by State Board of Education		(1) Grant of power – express legislative discretion <u>"The legislature shall provide by law</u> for the establishment and financial support of public community and junior colleges which shall be supervised and controlled by locally elected boards. <u>The legislature shall provide by law</u> for a state board for public community and junior colleges which shall advise the state board of education concerning general supervision and planning for such colleges and requests for annual appropriations for their support."	
223	Veterans' Trust Fund Board of Trustees	MICH. CONST. art. IX, § 38-39	Members appointed by Governor		(2) Some mandatory power granted § 38: "The Michigan veterans' trust fund board of trustees is established and consists of veterans honorably discharged from the armed services and appointed by the governor as prescribed by law." § 39: "The Michigan veterans' trust fund board of trustees shall administer the Michigan veterans' trust fund. The board of trustees shall not authorize the expenditure or transfer of a trust fund asset, interest, or earnings unless the board of trustees determines in its discretion and by a majority vote that the expenditure or transfer is for the benefit of veterans or their spouses or dependents."	
224	Civil Service Commission	MICH. CONST. art. XI, § 5	Four members, appointed by Governor. State Personnel director is selected by the Commission		(2) Some mandatory power granted "The administration of the commission's powers shall be vested in a state personnel director who shall be a member of the classified service and who shall be responsible to and selected by the commission after open competitive examination. <u>The commission shall classify all positions in the classified service according to their respective duties and responsibilities</u> , fix rates of compensation for all classes of positions, approve or disapprove disbursements for all personal services, determine by competitive examination and performance exclusively on the basis of merit, efficiency and fitness the qualifications of all candidates for positions in the classified service, make rules and regulations covering all personnel transactions, and <u>regulate all conditions of employment in the classified service . . .</u> ."	

	225	Department of Natural Resources	MICH. CONST. art. IX, § 35		(3) No grant of power – presumed legislative discretion “The legislature shall provide by law for the establishment of a trust fund board within the department of natural resources”	Department is only mentioned.
	226	Department of Treasury	MICH. CONST. art. IX, § 37		(3) No grant of power – presumed legislative discretion “The Michigan veterans’ trust fund is established within the department of treasury.”	Department is only mentioned.
Minnesota	227	Secretary of State	MINN. CONST. art. V, § 1; art. VII, § 8	Elected	(3) No grant of power – presumed legislative discretion V, § 1: “The executive department consists of a governor, lieutenant governor, secretary of state, auditor, and attorney general, who shall be chosen by the electors of the state. The governor and lieutenant governor shall be chosen jointly by a single vote applying to both offices in a manner prescribed by law.”	
	228	Board of Canvassers	MINN. CONST. art. VII, § 8	Secretary of State, two state Supreme Court judges, and two “disinterested judges of the district courts”	(2) Some mandatory power granted “The returns of every election for officeholders elected statewide shall be made to the secretary of state who shall call to his assistance two or more of the judges of the supreme court and two disinterested judges of the district courts. They shall constitute a board of canvassers to canvass the returns and declare the result within three days after the canvass.”	
	229	Auditor	MINN. CONST. art. V, § 1	Elected	(3) No grant of power – presumed legislative discretion See art. V, § 1, above.	
	230	Attorney General	MINN. CONST. art. V, § 1	Elected	(3) No grant of power – presumed legislative discretion See art. V, § 1, above.	
Mississippi	231	Secretary of State	MISS. CONST. art. V, § 133	Elected	(1) Grant of power – express legislative discretion “There shall be a secretary of state, who shall be elected as herein provided. He shall be at least twenty-five years of age, a citizen of the state five years next preceding the day of his election, and he shall continue in office during the term of four years, and shall be keeper of the capitol; he shall keep a correct register of all official acts and proceedings of the governor; and shall, when required, lay the same, and all papers, minutes, and vouchers relative thereto, before the legislature, and he <u>shall perform such other duties as may be required of him by law</u> . He shall receive such compensation as shall be prescribed.”	

	232	State Treasurer	MISS. CONST. art. V, § 134	Elected	(3) No grant of power – presumed legislative discretion “A State Treasurer and an Auditor of Public Accounts shall be elected as herein provided, who shall hold their office for the term of four (4) years, and shall possess the same qualifications as required for the Secretary of State. They shall receive such compensation as may be provided by law.”	
	233	Auditor of Public Accounts	MISS. CONST. art. V, § 134	Elected	(3) No grant of power – presumed legislative discretion See art. V, § 134, above.	
	234	Attorney General	MISS. CONST. Art. VI, § 173	Elected	(3) No grant of power – presumed legislative discretion “There shall be an attorney-general elected at the same time and in the same manner as the governor is elected, whose term of office shall be four years and whose compensation shall be fixed by law. The qualifications for the attorney-general shall be the same as herein prescribed for judges of the circuit and chancery courts.”	
	235	Superintendent of Public Education	MISS. CONST. art. VIII, § 202(2)	Appointed by the State Board of Education with Senate confirmation	(1) Grant of power – express legislative discretion “From and after July 1, 1984, there shall be a State Superintendent of Public Education who shall be appointed by the State Board of Education, with the advice and consent of the Senate, and serve at the board’s will and pleasure. He shall possess such qualifications as may be prescribed by law. He shall be the chief administrative officer for the State Department of Education and shall administer the department in accordance with the policies established by the State Board of Education. <u>He shall perform such other duties and receive such compensation as shall be prescribed by law.</u> ”	
	236	Department of Education	MISS. CONST. art. VIII, § 202(2)		(3) No grant of power – presumed legislative discretion See art. VIII, § 202(2), above.	Created.
	237	State Board of Education	MISS. CONST. art. VIII, § 203(2)	Complex appointment process for all nine members	(1) Grant of power – express legislative discretion “From and after July 1, 1984, there shall be a State Board of Education which shall manage and invest school funds <u>according to law</u> , formulate policies <u>according to law</u> for implementation by the State Department of Education, and <u>perform such other duties as prescribed by law.</u> ”	

	238	Board of Mississippi Levee Commissioners	MISS. CONST. art. XI, § 229, 232	Elected by respective counties	(2) Some mandatory power granted “The commissioners of said levee districts shall have supervision of the erection, repair, and maintenance of the levees in their respective districts, and shall have power to cede all their rights of way and levees and the maintenance, management and control thereof to the government of the United States.”	
	239	Department of Public Safety	MISS. CONST. art. XII, § 249-A		(2) Some mandatory power granted “A qualified elector who does not have a government issued photo identification and who cannot afford such identification may obtain a state issued photo identification free of charge from the Mississippi Department of Public Safety. The elector must show appropriate identifying documents required by the Mississippi Department of Public Safety as provided by law.”	Department is only mentioned.
Missouri	240	State Auditor	MO. CONST. art. IV, §§ 12, 13, 17	Elected	(2) Some mandatory power granted § 12: “In addition to the governor and lieutenant governor there shall be a state auditor, secretary of state, attorney general, a state treasurer, an office of administration, a department of agriculture, a department of conservation, a department of natural resources, a department of elementary and secondary education, a department of higher education, a department of highways and transportation, a department of insurance, a department of labor and industrial relations, a department of economic development, a department of public safety, a department of revenue, a department of social services, and a department of mental health. In addition to the elected officers, there shall not be more than fifteen departments and the office of administration” § 13: “The state auditor shall . . . establish appropriate systems of accounting for all public officials of the state, post-audit the accounts of all state agencies and audit the treasury at least once annually. He shall make all other audits and investigations required by law, and shall make an annual report to the governor and general assembly. He shall establish appropriate systems of accounting for the political subdivisions of the state, supervise their budgeting systems, and audit their accounts as provided by law. No duty shall be imposed on him by law which is not related to the	

					<u>supervising and auditing of the receipt and expenditure of public funds.”</u>	
241	Secretary of State	MO. CONST. art. IV, §§ 12, 14, 17	Elected	(1) Grant of power – express legislative discretion § 14: “The secretary of state shall be custodian of the seal of the state, and authenticate therewith all official acts of the governor except the approval of laws. The seal shall be called the “Great Seal of the State of Missouri,” and its present emblems and devices shall not be subject to change. He shall keep a register of the official acts of the governor, attest them when necessary, and when required shall lay copies thereof, and of all papers relative thereto, before either house of the general assembly. He shall be custodian of such records, and documents and perform such duties in relation thereto, and in relation to elections and corporations, <u>as provided by law, but no duty shall be imposed on him by law which is not related to his duties as prescribed in this constitution.”</u>		
242	Attorney General	MO. CONST. art. IV, §§ 12, 17	Elected	(3) No grant of power – presumed legislative discretion		
243	State Treasurer	MO. CONST. art. IV, §§ 12, 15, 17	Elected	(2) Some mandatory power granted § 15: “The state treasurer <u>shall be custodian of all state funds and funds received from the United States government.</u> The department of revenue shall take custody of and invest nonstate funds as defined herein, and other moneys authorized to be held by the department of revenue. All revenue collected and moneys received by the state which are state funds or funds received from the United States government shall go promptly into the state treasury. All revenue		

					collected and moneys received by the department of revenue which are nonstate funds as defined herein shall be promptly credited to the fund <u>provided by law</u> for that type of money. Immediately upon receipt of state or United States funds the state treasurer shall deposit all moneys in the state treasury in banking institutions selected by him and approved by the governor and state auditor, and he shall hold them for the benefit of the respective funds to which they belong and disburse them as <u>provided by law</u> . Unless otherwise <u>provided by law</u> , all interest received on nonstate funds shall be credited to such funds. . . . <u>No duty shall be imposed on the state treasurer by law which is not related to the receipt, investment, custody and disbursement of state funds and funds received from the United States government.</u> ”	
	244	Office of Administration Commissioner	MO. CONST. art. IV, §§ 12, 50	Appointed by Governor with Senate confirmation	(3) No grant of power – presumed legislative discretion § 50: “The office of administration shall be in charge of a commissioner of administration. The commissioner shall be appointed by the governor by and with the advice and consent of the senate.”	
	245	Office of Administration	MO. CONST. art. IV, §§ 12, 50		(3) No grant of power – presumed legislative discretion See art. IV, § 50, above.	Created.
	246	Director of Department of Agriculture	MO. CONST. art. IV, §§ 17, 35	Appointed by Governor with Senate confirmation	(3) No grant of power – presumed legislative discretion § 35: “The department of agriculture shall be in charge of a director appointed by the governor by and with the advice and consent of the senate. The general assembly shall provide the department of agriculture with funds adequate for administration of its functions; and <u>shall enact such laws and provide such other appropriations as may be required to protect, foster and develop the agricultural resources of the state.</u> ”	
	247	Department of Agriculture	MO. CONST. art. IV, § 12, 35		(1) Grant of power – express legislative discretion See art IV, § 35, above.	Created.
	248	Conservation Commission	MO. CONST. art. IV, § 40	“Four members appointed by the governor, by and with the advice and consent of the Senate, not more	(2) Some mandatory power granted “The control, management, restoration, conservation and regulation of the bird, fish, game, forestry and all wildlife resources of the state, including hatcheries, sanctuaries, refuges, reservations and all other property owned, acquired or used for such purposes	

				than two of whom shall be of the same political party”	and the acquisition and establishment thereof, and the administration of all laws pertaining thereto, shall be vested in a conservation commission”	
249	Director of Department of Conservation	MO. CONST. art. IV, §§ 17, 42	Appointed by commission	(3) No grant of power – presumed legislative discretion § 42: “The commission shall appoint a director of conservation who, with its approval, shall appoint the assistants and other employees deemed necessary by the commission.”		
250	Department of Conservation	MO. CONST. art. IV, § 12		(3) No grant of power – presumed legislative discretion	Created.	
251	Director of Department of Natural Resources	MO. CONST. art. IV, §§ 17, 47	Appointed by Governor with Senate confirmation	(3) No grant of power – presumed legislative discretion § 47: “The department of natural resources shall be in charge of a director appointed by the governor, by and with the advice and consent of the senate. <u>The department shall administer the programs of the state as provided by law relating to environmental control and the conservation and management of natural resources.</u> ”		
252	Department of Natural Resources	MO. CONST. art. IV, §§ 12, 47		(1) Grant of power – express legislative discretion See art. IV, § 47, above.	Created.	
253	Director of Department of Elementary and Secondary Education	MO. CONST. art. IV, § 17	Appointed by Governor with Senate confirmation	(3) No grant of power – presumed legislative discretion		
254	Department of Elementary and Secondary Education	MO. CONST. art. IV, § 12		(3) No grant of power – presumed legislative discretion	Created.	
255	Coordinating Board for Higher Education	MO. CONST. art. IV, §§ 17, 52	Nine members appointed by Governor with Senate confirmation	(1) Grant of power – express legislative discretion § 52: “There shall be established a department of higher education. A ‘Coordinating Board for Higher Education’ which shall consist of nine members appointed by the governor by and with the advice and consent of the senate shall be established within the department. . . . <u>The coordinating board shall succeed the commission on higher education with all its powers and duties and shall have such other powers and duties as may be prescribed by law.</u> ”		

256	Department of Higher Education	MO. CONST. art. IV, § 12		(3) No grant of power – presumed legislative discretion	Created.
257	Department of Highways and Transportation Commission	MO. CONST. art. IV, § 29	Commission shall be provided for by law, but selection and removal shall be without regard to political affiliation	(2) Some mandatory power granted “The highways and transportation commission shall be in charge of the department of transportation. . . . The highways and transportation commission <u>(i) shall have authority over the state highway system</u> ; (ii) shall have authority over all other transportation programs and facilities <u>as provided by law</u> , including, but not limited to, aviation, railroads, mass transportation, ports, and waterborne commerce; and (iii) shall have authority to limit access to, from and across state highways and other transportation facilities where the public interests and safety may require.”	
258	Department of Highways and Transportation	MO. CONST. art. IV, § 12		(3) No grant of power – presumed legislative discretion	Created.
259	Director of Department of Insurance	MO. CONST. art. IV, §§ 17, 36(b)	Appointed by Governor with Senate confirmation	(1) Grant of power – express legislative discretion § 36(b): “The department of insurance shall be headed by a director of the department of insurance who shall be appointed by the governor with the advice and consent of the senate. <u>The organization and duties of the department of insurance shall be determined by law</u> ”	
260	Department of Insurance	MO. CONST. art. IV, §§ 12, 36(b)		(1) Grant of power – express legislative discretion See art. IV, § 36(b), above.	Created.
261	Department of Labor and Industrial Relations Commission	MO. CONST. art. IV, §§ 17, 49	Commission consists of three members appointed by Governor with Senate confirmation	(3) No grant of power – presumed legislative discretion § 49: “The department of labor and industrial relations shall be in charge of a ‘Labor and Industrial Relations Commission’ The labor and industrial commission shall be the successor to the industrial commission and the terms of members shall be as provided by law for the industrial commission.”	
262	Department of Labor and Industrial Relations	MO. CONST. art. IV, §§ 12, 49		(2) Some mandatory power granted § 49: “The department shall also administer the programs of the state relating to the protection and improvement of human rights.”	
263	Director of Department of Economic Development	MO. CONST. art. IV, §§ 17, 36(a)	Appointed by Governor with Senate confirmation	(1) Grant of power – express legislative discretion § 36(a): “The department of economic development shall be in charge of a director appointed by the governor, by and with the advice and consent of the senate. <u>The department shall administer all programs provided by law relating to the promotion of the</u>	

					<u>economy of the state, the economic development of the state, trade and business, and other activities and programs impacting on the economy of the state.”</u>	
264	Department of Economic Development	MO. CONST. art. IV, §§ 12, 36(a)			(1) Grant of power – express legislative discretion See art. IV, § 36(a), above.	Created.
265	Director of Department of Public Safety	MO. CONST. art. IV, §§ 17, 48	Appointed by Governor with Senate confirmation		(1) Grant of power – express legislative discretion § 48: “The department of public safety shall be in charge of a director to be appointed by the governor by and with the advice and consent of the senate, and <u>shall administer the programs provided by law to protect and safeguard the lives and property of the people of the state.”</u>	
266	Department of Public Safety	MO. CONST. art. IV, §§ 12, 48			(1) Grant of power – express legislative discretion See art. IV, § 48, above.	Created.
267	Director of Department of Revenue	MO. CONST. art. IV, §§ 17, 22	Appointed by Governor with Senate confirmation		(1) Grant of power – express legislative discretion § 22: “The department of revenue shall be in charge of a director of revenue appointed by the governor, by and with the advice and consent of the senate. The department shall have divisions as provided by law. The department shall collect all taxes and fees payable to the state <u>as provided by law.”</u>	
268	Department of Revenue	MO. CONST. art. IV, §§ 12, 22			(1) Grant of power – express legislative discretion See art. IV, § 22, above.	Created.
269	Director of Department of Social Services	MO. CONST. art. IV, §§ 17, 37	Appointed by Governor with Senate confirmation		(1) Grant of power – express legislative discretion § 37: “The health and general welfare of the people are matters of primary public concern; and to secure them there shall be established a department of social services in charge of a director appointed by the governor, by and with the advice and consent of the senate, <u>charged with promoting improved health and other social services to the citizens of the state as provided by law</u> , and the general assembly may grant power with respect thereto to counties, cities or other political subdivisions of the state.”	
270	Department of Social Services	MO. CONST. art. IV, §§ 12, 37			(1) Grant of power – express legislative discretion See art. IV, § 37, above.	Created.
271	Director of Department of Mental Health	MO. CONST. art. IV, §§ 17, 37(a)	Appointed by a commission provided for by law		(2) Some mandatory power granted § 37(a): “The department of mental health shall be in charge of a director who shall be appointed by the commission, <u>as provided by law</u> , and by and with the	

					advice and consent of the senate. <u>The department shall provide treatment, care, education and training for persons suffering from mental illness or retardation, shall have administrative control of the state hospitals and other institutions and centers established for these purposes and shall administer such other programs as provided by law.</u> ”	
272	Department of Mental Health	Mo. CONST. art. IV, §§ 12, 37(a)			(2) Some mandatory power granted See art. IV, § 37(a), above.	Created.
273	Board of State Canvassers	MO. CONST. art. IV, § 18	Secretary of State and two disinterested judges appointed by the Secretary		(2) Some mandatory power granted “The returns of every election for governor, lieutenant governor, secretary of state, state auditor, state treasurer and attorney general shall be sealed and transmitted by the returning officers to the secretary of state, who shall appoint two disinterested judges of a court of record of the state, and the three shall constitute a board of state canvassers. The board shall meet at the state capitol on, or at the call of the secretary of state before, the second Tuesday of December next after the election and forthwith open and canvass the returns of the votes cast and from the face thereof ascertain and proclaim the result of the election...”	
274	Conservation Commission	MO. CONST. art. IV, § 40(a)	Four members appointed by Governor with Senate confirmation		(2) Some mandatory power granted “ <u>The control, management, restoration, conservation and regulation</u> of the bird, fish, game, forestry and all wildlife resources of the state, including hatcheries, sanctuaries, refuges, reservations and all other property owned, acquired or used for such purposes and the acquisition and establishment thereof, and the administration of all laws pertaining thereto, <u>shall be vested in a conservation commission</u> ”	
275	State Board of Education	MO. CONST. art. IX, § 2(a)-(b)	Eight members appointed by Governor with Senate confirmation		(2) Some mandatory power granted “ <u>The supervision of instruction in the public schools shall be vested in a state board of education</u> The board shall select and appoint a commissioner of education as its chief administrative officer, who shall be a citizen and resident of the state, and removable at its discretion. The board shall prescribe his duties and fix his compensation, and upon his recommendation shall appoint the professional staff and fix their compensation. <u>The board shall succeed the state board of education heretofore established, with all its powers</u>	

					<u>and duties, and shall have such other powers and duties as may be prescribed by law.”</u>	
	276	Commissioner of Education	MO. CONST. art. IX, § 2(b)	Appointed by Board of Education	(2) Some mandatory power granted See art. IX, § 2, above.	
	277	Board of Curators	MO. CONST. art. IX, § 9(a)	Nine members appointed by Governor with Senate confirmation	(2) Some mandatory power granted “The government of the state university shall be vested in a board of curators consisting of nine members appointed by the governor, by and with the advice and consent of the senate.”	
	278	Equalization Commission	MO. CONST. art. X, § 14	Members appointed by Governor with Senate confirmation	(2) Some mandatory power granted “The general assembly shall establish a commission, to be appointed by the governor by and with the advice and consent of the senate, <u>to equalize assessments as between counties and, under such rules as may be prescribed by law, to hear appeals from local boards in individual cases</u> and, upon such appeal, <u>to correct any assessment which is shown to be unlawful, unfair, arbitrary or capricious. Such commission shall perform all other duties prescribed by law.</u> ”	
	279	Missouri Citizens’ Commission on Compensation for Elected Officials	MO. CONST. art. XIII, § 3	One member selected at random by Secretary of State from each congressional district. One member is a retired judge appointed by judges of the state Supreme Court, and twelve members are appointed by Governor with Senate confirmation	(2) Some mandatory power granted “There is created a commission to be known as the ‘Missouri Citizens’ Commission on Compensation for Elected Officials.’ . . . “The commission shall, beginning in 1996, and every two years thereafter, review and study the relationship of compensation to the duties of all elected state officials, all members of the general assembly, and all judges, except municipal judges, and <u>shall fix the compensation for each respective position.</u> ”	
Montana	280	Secretary of State	MONT. CONST. art. VI, §§ 1, 2, 4(3)	Elected	(1) Grant of power – express legislative discretion § 1: “(1) The executive branch includes a governor, lieutenant governor, secretary of state, attorney general, superintendent of public instruction, and auditor... (3) Each shall reside at the seat of government, there keep the public records of his office, and <u>perform such</u>	

				<p><u>other duties as are provided in this constitution and by law.”</u></p> <p>§ 4(3): “The secretary of state shall maintain official records of the executive branch and of the acts of the legislature, <u>as provided by law</u>. He shall keep the great seal of the state of Montana and <u>perform any other duties provided by law.”</u></p>	
281	Attorney General	MONT. CONST. art. VI, §§ 1, 2, 4(4)	Elected	<p>(1) Grant of power – express legislative discretion See art. VI, § 1, above.</p> <p>§ 4(4): “The attorney general is the legal officer of the state and <u>shall have the duties and powers provided by law.”</u></p>	
282	Superintendent of Public Instruction	MONT. CONST. art. VI, §§ 1, 2, 4(5)	Elected	<p>(1) Grant of power – express legislative discretion See art. VI, § 1, above.</p> <p>§ 4(5): “The superintendent of public instruction and the auditor shall have such <u>duties as are provided by law.”</u></p>	
283	Auditor	MONT. CONST. art. VI, §§ 1, 2, 4(5)	Elected	<p>(1) Grant of power – express legislative discretion See art. VI, §§ 1, 4(5), above.</p>	
284	Board of Land Commissioners	MONT. CONST. art. X, § 4	Board consists of Governor, Superintendent of Public Instruction, Auditor, Secretary of State, and Attorney General	<p>(2) Some mandatory power granted “The governor, superintendent of public instruction, auditor, secretary of state, and attorney general constitute the board of land commissioners. <u>It has the authority to direct, control, lease, exchange, and sell school lands and lands which have been or may be granted for the support and benefit of the various state educational institutions, under such regulations and restrictions as may be provided by law.”</u></p>	Unclear if office has authority that legislature cannot alter.
285	Board of Education	MONT. CONST. art. X, § 9(1)	Board of Regents and Board of Public Education	<p>(2) Some mandatory power granted “(1) There is a state board of education composed of the board of regents of higher education and the board of public education. <u>It is responsible for long-range planning, and for coordinating and evaluating policies and programs for the state’s educational systems.</u> It shall submit unified budget requests. A tie vote at any meeting may be broken by the governor, who is an ex officio member of each component board.”</p>	
286	Board of Regents	MONT. CONST. art. X, § 9(2)	Seven members appointed by Governor with	<p>(2) Some mandatory power granted “(2)(a) The government and control of the Montana university system is vested in a board of regents of</p>	

				Senate confirmation. Board appoints a commissioner	higher education <u>which shall have full power, responsibility, and authority to supervise, coordinate, manage and control the Montana university system and shall supervise and coordinate other public educational institutions assigned by law.</u> “(c) The board shall appoint a commissioner of higher education and prescribe his term and duties.”	
	287	Commissioner of Higher Education	MONT. CONST. art. X, § 9(2)(c)	Appointed by Board of Regents	(2) Some mandatory power granted See art. X, § 9(2)(c), above.	
	288	Board of Public Education	MONT. CONST. art. X, § 9(3)	Seven members appointed by Governor with Senate confirmation	(2) Some mandatory power granted “(3)(a) There is a board of public education to exercise general supervision over the public school system and <u>such other public educational institutions as may be assigned by law. Other duties of the board shall be provided by law.</u> ”	Hybrid: some express authority, some express legislative discretion.
	289	Department of Agriculture	MONT. CONST. art. XII, § 1		(1) Grant of power – express legislative discretion “(1) The legislature shall provide for a Department of Agriculture and enact laws and provide appropriations to protect, enhance, and develop all agriculture.”	Created.
	290	Department of Labor and Industry	MONT. CONST. art. XII, § 2		(3) No grant of power – presumed legislative discretion “(1) The legislature shall provide for a Department of Labor and Industry, headed by a Commissioner appointed by the governor and confirmed by the senate.”	Created.
	291	Department of Labor and Industry Commissioner	MONT. CONST. art. XII, § 2	Appointed by Governor with Senate confirmation	(3) No grant of power – presumed legislative discretion See art. XII, § 2, above.	
	292	Consumer Counsel	MONT. CONST. art. XIII, § 2	Provided for by Legislature	(2) Some mandatory power granted “The legislature shall provide for an office of consumer counsel <u>which shall have the duty of representing consumer interests in hearings</u> before the public service commission or any other successor agency. The legislature shall provide for the funding of the office of consumer counsel by a special tax on the net income or gross revenues of regulated companies.”	
Nebraska	293	Secretary of State	NEB. CONST. art. IV, § 1, 24	Elected	(1) Grant of power – express legislative discretion § 1: “The executive officers of the state shall be the Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, Treasurer, Attorney General, and the heads of such other executive departments as set forth herein or as may be	Also sits on Board of Parole and Tax Equalization committee.

				<p>established by law. The Legislature may provide for the placing of the above named officers as heads over such departments of government as it may by law establish...Officers in the executive department of the state <u>shall perform such duties as may be provided by law</u>. The heads of all executive departments established by law, other than those to be elected as provided herein, shall be appointed by the Governor, with the consent of a majority of all members elected to the Legislature, but officers so appointed may be removed by the Governor. Subject to the provisions of this Constitution, the heads of the various executive or civil departments shall have power to appoint and remove all subordinate employees in their respective departments.”</p> <p>§ 24: “There shall be a seal of the state, which shall be called the “Great Seal of the State of Nebraska,” which shall be kept by the Secretary of State and used by him officially <u>as directed by law</u>.”</p>	
294	Auditor of Public Accounts	NEB. CONST. art. IV, § 1	Elected	<p>(1) Grant of power – express legislative discretion See art. IV, § 1, above.</p>	Also sits on Tax Equalization committee.
295	State Treasurer	NEB. CONST. art. IV, § 1	Elected	<p>(1) Grant of power – express legislative discretion See art. IV, § 1, above.</p>	Also sits on Tax Equalization committee.
296	Attorney General	NEB. CONST. art. IV, § 1	Elected	<p>(1) Grant of power – express legislative discretion See art. IV, § 1, above.</p>	Also sits on Board of Parole.
297	Public Service Commission	NEB. CONST. art. IV, § 20	Between three and seven members, elected by districts	<p>(1) Grant of power – express legislative discretion “There shall be a Public Service Commission, consisting of not less than three nor more than seven members, as the Legislature shall prescribe, whose term of office shall be six years, and whose compensation shall be fixed by the Legislature. Commissioners shall be elected by districts of substantially equal population as the Legislature shall provide. <u>The powers and duties of such commission shall include the regulation of rates, service and general control of common carriers as the Legislature may provide by law. But, in the absence of specific legislation, the commission shall exercise the powers and perform the duties enumerated in this provision.</u>”</p>	
298	Tax Equalization and Review Commission	NEB. CONST. art. IV, § 28	Tax Commissioner, Governor, Secretary of State,	<p>(2) Some mandatory power granted “A Tax Commissioner shall be appointed by the Governor with the advice and consent of the Senate. He shall have jurisdiction over the administration of the revenue laws of the state, and <u>together with the</u></p>	

			Auditor, and Treasurer	<u>Governor, Secretary of State, State Auditor and State Treasurer shall have power to review and equalize assessments of property for taxation within the state.”</u>	
299	Tax Commissioner	NEB. CONST. art. IV, § 28	Appointed by Governor with approval of Legislature	(1) Grant of power – express legislative discretion “He shall have such other powers and perform such other duties as the legislature may provide by law.”	
300	Department of Education	NEB. CONST. art. VII, § 2		(2) Some mandatory power granted “The State Department of Education shall be comprised of a State Board of Education and a Commissioner of Education. <u>The State Department of Education shall have general supervision and administration of the school system of the state and of such other activities as the Legislature may direct.”</u>	
301	State Board of Education	NEB. CONST. art. VII, § 3	Eight elected members	(1) Grant of power – express legislative discretion “The State Board of Education shall be composed of eight members, who shall be elected from eight districts of substantially equal population as provided by the Legislature. Their term of office shall be for four years each. <u>Their duties and powers shall be prescribed by the Legislature . . .</u> ”	
302	Commissioner of Education	NEB. CONST. art. VII, § 4	Unclear, but default is appointment by Governor (art. IV, § 10)	(1) Grant of power – express legislative discretion “The State Board of Education shall appoint and fix the compensation of the Commissioner of Education, who shall be the executive officer of the State Board of Education and the administrative head of the State Department of Education, and <u>who shall have such powers and duties as the Legislature may direct.</u> The board shall appoint all employees of the State Department of Education on the recommendation of the Commissioner of Education.”	
303	Board of Regents	NEB. CONST. art. VII, § 10	Between six and eight Regents, elected by districts	(1) Grant of power – express legislative discretion “The general government of the University of Nebraska shall, <u>under the direction of the Legislature,</u> be vested in a board of not less than six nor more than eight regents to be designated the Board of Regents of the University of Nebraska, who shall be elected from and by districts as herein provided and three students of the University of Nebraska who shall serve as nonvoting members. . . . <u>Their duties and powers shall be prescribed by law;</u> and they shall receive no compensation, but may be reimbursed their actual expenses incurred in the discharge of their duties.”	
304	Coordinating Commission for	NEB. CONST. art. VII, § 14	Eleven members appointed by	(1) Grant of power – express legislative discretion	

		Postsecondary Education		Governor with approval of a majority of Legislature. Six members are chosen from six districts, five on a statewide basis	<p>“On January 1, 1992, there shall be established the Coordinating Commission for Postsecondary Education which shall, <u>under the direction of the Legislature</u>, be vested with the authority for the coordination of public postsecondary educational institutions</p> <p>“Coordination shall mean: (1) Authority to adopt, and revise as needed, a comprehensive statewide plan for postsecondary education which shall include (a) definitions of the role and mission of each public postsecondary educational institution within any general assignments of role and mission as may be <u>prescribed by the Legislature</u> and (b) plans for facilities which utilize tax funds <u>designated by the Legislature</u>. (2) Authority to review, monitor, and approve or disapprove each public postsecondary educational institution’s programs and capital construction projects which utilize tax funds <u>designated by the Legislature</u> in order to provide compliance and consistency with the comprehensive plan and to prevent unnecessary duplication; and (3) Authority to review and modify, if needed to promote compliance and consistency with the comprehensive statewide plan and prevent unnecessary duplication, the budget requests of the Board of Regents of the University of Nebraska, the Board of Trustees of the Nebraska State Colleges, any board or boards established for the community colleges, or any other governing board for any other public postsecondary educational institution which may be <u>established by the Legislature</u>.</p> <p><u>“The Legislature may provide the commission with additional powers and duties related to postsecondary education as long as such powers and duties do not invade the governance and management authority of the Board of Regents of the University of Nebraska and the Board of Trustees of the Nebraska State Colleges”</u></p>	
Nevada	305	Secretary of State	NEV. CONST. art. V, §§ 16, 19-20, 22	Elected	<p>(1) Grant of power – express legislative discretion</p> <p>§ 19: “A Secretary of State, a Treasurer, a Controller, and an Attorney General, shall be elected at the same time and places, and in the same manner as the Governor. The term of office of each shall be the same as is prescribed for the Governor.”</p>	Also sits on Board of State Prison Commissioners and Board of Examiners.

				<p>§ 16: “All grants and commissions shall be in the name and by the authority of the State of Nevada, sealed with the Great Seal of the State, signed by the Governor and counter-signed by the Secretary of State.”</p> <p>§ 20: “The Secretary of State shall keep a true record of the Official Acts of the Legislative and Executive Departments of the Government, and shall when required, lay the same and all matters relative thereto, before either branch of the Legislature.”</p> <p>§ 22: “The Secretary of State, State Treasurer, State Controller, Attorney General, and Superintendent of public instruction <u>shall perform such other duties as may be prescribed by law.</u>”</p>	
306	Treasurer	NEV. CONST. art. V, §§ 19, 22	Elected	<p>(1) Grant of power – express legislative discretion See art. V, § 22, above.</p>	For the point that the treasurer and other constitutional officers generally “may exercise only those powers granted to them by statute,” see MICHAEL W. BOWERS, THE NEVADA STATE CONSTITUTION 101 (2d. ed. 2014).
307	Controller	NEV. CONST. art. V, §§ 19, 22	Elected	<p>(1) Grant of power – express legislative discretion See art. V, § 22, above.</p>	See note above.
308	Attorney General	NEV. CONST. art. V, §§ 19, 22	Elected	<p>(1) Grant of power – express legislative discretion See art. V, § 22, above.</p>	See note above.
309	Board of State Prison Commissioners	NEV. CONST. art. V, § 21	Board consists of Governor, Secretary of State, and Attorney General	<p>(1) Grant of power – express legislative discretion “The Governor, Secretary of State and Attorney General shall constitute a Board of State Prison Commissioners, which Board shall have such supervision of all matters connected with the State Prison <u>as may be provided by law.</u> They shall also constitute a Board of Examiners, with power to examine all claims against the State (except salaries or compensation of Officers fixed by law) and <u>perform such other duties as may be prescribed by law,</u> and no claim against the State (except salaries or compensation of Officers fixed by law) shall be passed upon by the Legislature without having been considered and acted upon by said ‘Board of Examiners.’”</p>	

	310	Board of Examiners	NEV. CONST. art. V, § 21	Board consists of Governor, Secretary of State, and Attorney General	<p>(2) Some mandatory power granted “The Governor, Secretary of State and Attorney General shall constitute a Board of State Prison Commissioners, which Board shall have such supervision of all matters connected with the State Prison as may be provided by law. They shall also constitute a Board of Examiners, <u>with power to examine all claims against the State</u> (except salaries or compensation of Officers fixed by law) and <u>perform such other duties as may be prescribed by law</u>, and no claim against the State (except salaries or compensation of Officers fixed by law) shall be passed upon by the Legislature without having been considered and acted upon by said ‘Board of Examiners.’”</p>	
	311	Superintendent of Public Instruction	NEV. CONST. art. XI, § 1	Prescribed by Legislature	<p>(1) Grant of power – express legislative discretion “The legislature shall encourage by all suitable means the promotion of intellectual, literary, scientific, mining, mechanical, agricultural, and moral improvements, and also provide for a superintendent of public instruction and <u>by law prescribe the manner of appointment, term of office and the duties thereof.</u>”</p>	
	312	Board of Regents	NEV. CONST. art. XI, § 7-8	Election prescribed by Legislature	<p>(2) Some mandatory power granted “[T]he Legislature shall at its regular session next preceding the expiration of the term of Office of said Board of Regents provide for the election of a new Board of Regents and <u>define their duties.</u></p> <p>“The Board of Regents shall . . . immediately organize and maintain the said Mining department in such manner as to make it most effective and useful, Provided, that all the proceeds of the public lands donated by Act of Congress approved July second AD. Eighteen hundred and sixty Two, for a college for the benefit of Agriculture[,], the Mechanics Arts, and including Military tactics shall be invested by the said Board of Regents in a separate fund to be appropriated exclusively for the benefit of the first named departments to the University as set forth in Section Four above; And the Legislature shall provide that if through neglect or any other contingency, any portion of the fund so set apart, shall be lost or misappropriated, the State of Nevada shall replace said amount so lost or misappropriated in said fund so</p>	A pending constitutional amendment would eliminate the Board’s constitutional status and its land-grant investment responsibilities.

					that the principal of said fund shall remain forever undiminished”	
New Hampshire	313	Attorney General	N.H. CONST. pt. 2, art. 46	Nominated and appointed by Governor and Council	(3) No grant of power – presumed legislative discretion “All judicial officers, the attorney general, and all officers of the navy, and general and field officers of the militia, shall be nominated and appointed by the governor and council; and every such nomination shall be made at least three days prior to such appointment; and no appointment shall take place, unless a majority of the council agree thereto.”	
	314	Executive Council	N.H. CONST. pt. 2, art. 60	Five elected members	(2) Some mandatory power granted “There shall be biennially elected, by ballot, 5 councilors, for advising the governor in the executive part of government. The freeholders and other inhabitants in each county, qualified to vote for senators, shall some time in the month of November, give in their votes for one councilor; which votes shall be received, sorted, counted, certified, and returned to the secretary’s office, in the same manner as the votes for senators, to be by the secretary laid before the senate and house of representatives on the first Wednesday following the first Tuesday of January.”	Various provisions require the governor to obtain the Council’s approval. See, e.g., N.H. Const. pt. 2, art. 47.
	315	Secretary	N.H. CONST. pt. 2, art. 67-8, 70	Elected by Legislature	(2) Some mandatory power granted § 67: “The secretary and treasurer shall be chosen by joint ballot of the senators and representatives assembled in one room.” § 68: “The records of the state shall be kept in the office of the secretary, and he shall attend the governor and council, the senate and representatives, in person, or by deputy, as they may require.” § 70: “The secretary, before he enters upon the business of his office, shall give bond, with sufficient sureties, in a reasonable sum, for the use of the state, for the punctual performance of his trust.”	
	316	Treasurer	N.H. CONST. pt. 2, art. 67	Elected by Legislature	(3) No grant of power – presumed legislative discretion See art. 67, above.	
	317	Deputy Secretary	N.H. CONST. pt. 2, art. 69	Appointed by Secretary	(3) No grant of power – presumed legislative discretion “The secretary of the state shall, at all times, have a deputy, to be by him appointed; for whose conduct in office he shall be responsible: And, in case of the	

					death, removal, or inability of the secretary, his deputy shall exercise all the duties of the office of secretary of this state, until another shall be appointed.”	
New Jersey	318	Secretary of State	N.J. CONST. art. V, § IV(3)	Appointed by Governor with Senate confirmation	(3) No grant of power – presumed legislative discretion “The Secretary of State and the Attorney General shall be nominated and appointed by the Governor with the advice and consent of the Senate to serve during the term of office of the Governor, except the Governor may appoint the Lieutenant Governor to serve as Secretary of State without the advice and consent of the Senate.”	
	319	Attorney General	N.J. CONST. art. V, § IV(3)	Appointed by Governor with Senate confirmation	(3) No grant of power – presumed legislative discretion	
	320	State Auditor	N.J. CONST. art. VII, § I(6)	Appointed by Senate and General Assembly	(2) Some mandatory power granted “The State Auditor shall be appointed by the Senate and General Assembly in joint meeting for a term of five years and until his successor shall be appointed and qualify. <u>It shall be his duty to conduct post-audits of all transactions and accounts kept by or for all departments, offices and agencies of the State government, to report to the Legislature or to any committee thereof as shall be required by law, and to perform such other similar or related duties as shall, from time to time, be required of him by law.</u> ”	
New Mexico	321	Secretary of State	N.M. CONST. art. V, §§ 1, 7, 10	Elected	(2) Some mandatory power granted § 1: “The executive department shall consist of a governor, lieutenant governor, secretary of state, state auditor, state treasurer, attorney general and commissioner of public lands, who shall, unless otherwise provided in the constitution of New Mexico, be elected for terms of four years beginning on the first day of January next after their election” § 7: “In case the governor is absent from the state, or in case he is for any reason unable to perform the duties of governor, and, in case there is no secretary of state, then the president pro tempore of the senate, or in case there is no president pro tempore of the senate, or he is for any reason unable to perform the duties of governor, then the speaker of the house shall succeed to the office of governor, or act as governor as hereinbefore provided.”	Also on State Canvassing Board.

					§ 10: “There shall be a state seal which shall be called the ‘Great Seal of the State of New Mexico,’ and shall be kept by the secretary of state.”	
	322	State Canvassing Board	N.M. CONST. art. V, § 1-2	Secretary of State, Governor, and Chief Justice	(2) Some mandatory power granted § 2: “The returns of every election for state officers shall be sealed up and transmitted to the secretary of state, who, with the governor and chief justice, shall constitute the state canvassing board which shall canvass and declare the result of the election...”	
	323	State Auditor	N.M. CONST. art. V, § 1	Elected	(3) No grant of power – presumed legislative discretion See art. V, § 1, above.	“The constitution does not define the duties of the state auditor or state treasurer. The supreme court, however, has determined that the state auditor is a completely independent representative of the people, accountable to no one else, with the power, duty, and authority to examine and pass upon the activities of state officers and agencies receiving and expending public funds (<i>Thompson v. Legislative Audit Commission</i> , 1968).” CHARLES A. SMITH, THE NEW MEXICO STATE CONSTITUTION 80 (2011).
	324	State Treasurer	N.M. CONST. art. V, § 1	Elected	(3) No grant of power – presumed legislative discretion See art. V, § 1, above.	
	325	Attorney General	N.M. CONST. art. V, § 1; art. XI, § 4	Elected	(3) No grant of power – presumed legislative discretion⁵ See art. V, § 1, above.	
	326	Commissioner of Public Lands	N.M. CONST. art. V, § 1; art. XIII, § 2	Elected	(1) Grant of power – express legislative discretion See art. V, § 1, above. art. XIII, § 2: “The commissioner of public lands <u>shall select, locate, classify and have the direction, control, care and disposition of all public lands, under the provisions of the acts of congress relating thereto and such regulations as may be provided by law.</u> ”	Office does not appear to have power that legislature cannot alter.

⁵ The Attorney General does have one apparently mandatory duty—to serve as the attorney for the state’s corporations commission, *see* CHARLES A. SMITH, THE NEW MEXICO STATE CONSTITUTION 80 (2011) (discussing N.M. CONST. art. XI § 4)—but that did not count as a material power for purposes of this survey.

	327	State Transportation Commission	N.M. CONST. art. V, § 14	Appointed by Governor with Senate confirmation	(1) Grant of power – express legislative discretion “There is created a ‘state transportation commission’. The members of the state transportation commission shall be appointed, <u>shall have such power and shall perform such duties as may be provided by law.</u> ”	
	328	Public Regulation Commission	N.M. CONST. art. XI, §§ 1-2	Five elected members	(2) Some mandatory power granted “The public regulation commission <u>shall have responsibility for regulating public utilities</u> , including electric, natural gas and water companies; transportation companies, including common and contract carriers; transmission and pipeline companies, including telephone, telegraph and information transmission companies; <u>and other public service companies in such manner as the legislature shall provide.</u> The public regulation commission shall have responsibility for regulating insurance companies and others engaged in risk assumption <u>as provided by law</u> until July 1, 2013.”	
	329	Superintendent of Insurance	N.M. CONST. art. XI, § 20	Appointed by an insurance nominating committee, which is appointed as provided by law	(1) Grant of power – express legislative discretion “The office of ‘superintendent of insurance’ is created as of July 1, 2013. The superintendent of insurance <u>shall regulate insurance companies and others engaged in risk assumption in such manner as provided by law.</u> ”	Office does not appear to have power that legislature cannot alter.
	330	Secretary of Public Education	N.M. CONST. art. XII, § 6	Appointed by Governor with Senate confirmation	(1) Grant of power – express legislative discretion “D. The secretary of public education <u>shall have administrative and regulatory powers and duties, including all functions relating to the distribution of school funds and financial accounting for the public schools to be performed as provided by law.</u> ”	Unclear if office has power that legislature cannot alter.
	331	Public Education Commission	N.M. CONST. art. XII, § 6	Ten elected members	(1) Grant of power – express legislative discretion “A. There is hereby created a ‘public education department’ and a ‘public education commission’ <u>that shall have such powers and duties as provided by law.</u> The department shall be a cabinet department headed by a secretary of public education who is a qualified, experienced educator who shall be appointed by the governor and confirmed by the senate.”	
	332	Department of Public Education	N.M. CONST. art. XII, § 6		(1) Grant of power – express legislative discretion See art. XII, § 6, above.	Created.
	333	Board of Regents	N.M. CONST. art. XII, § 13	Five members, four elected and one appointed who is a member of the	(2) Some mandatory power granted “A. The legislature shall provide for the control and management of each of the institutions, except the university of New Mexico.	Board for each educational institution.

				student body of the institution	"D. The legislature shall provide for the control and management of the university of New Mexico by a board of regents."	
	334	State Mine Inspector	N.M. CONST. art. XVII, § 1	Appointed by Governor with Senate confirmation	(1) Grant of power – express legislative discretion "There shall be a state mine inspector who shall be appointed by the governor, by and with the advice and consent of the senate, for a term of four years, and <u>whose duties and salary shall be as prescribed by law.</u> "	
	335	Department of Agriculture	N.M. CONST. art. XV, § 1		(2) Some mandatory power granted "There shall be a department of agriculture which shall be under the control of the board of regents of the college of agriculture and mechanic arts; <u>and the legislature shall provide lands and funds necessary for experimental farming and demonstrating by said department.</u> "	
New York	336	Comptroller	N.Y. CONST. art. V, § 1	Elected	(2) Some mandatory power granted "The comptroller and attorney-general shall be chosen at the same general election as the governor <u>The comptroller shall be required: (1) to audit all vouchers before payment and all official accounts; (2) to audit the accrual and collection of all revenues and receipts; and (3) to prescribe such methods of accounting as are necessary for the performance of the foregoing duties.</u> The payment of any money of the state, or of any money under its control, or the refund of any money paid to the state, except upon audit by the comptroller, shall be void, and may be restrained upon the suit of any taxpayer with the consent of the supreme court in appellate division on notice to the attorney-general. <u>In such respect the legislature shall define the powers and duties and may also assign to him or her: (1) supervision of the accounts of any political subdivision of the state; and (2) powers and duties pertaining to or connected with the assessment and taxation of real estate, including determination of ratios which the assessed valuation of taxable real property bears to the full valuation thereof. . . . The legislature shall assign to him or her no administrative duties, excepting such as may be incidental to the performance of these functions, any other provision of this constitution to the contrary notwithstanding.</u> "	
	337	Department of Audit and Control	N.Y. CONST. art. V, § 4		(3) No grant of power – presumed legislative discretion	Created.

					“The head of the department of audit and control shall be the comptroller and of the department of law, the attorney-general. The head of the department of education shall be The Regents of the University of the State of New York, who shall appoint and at pleasure remove a commissioner of education to be the chief administrative officer of the department. The head of the department of agriculture and markets shall be appointed in a manner to be prescribed by law...”	
338	Attorney General	N.Y. CONST. art. V, §§ 1, 4	Elected		(3) No grant of power – presumed legislative discretion	
339	Department of Law	N.Y. CONST. art. V, § 4			(3) No grant of power – presumed legislative discretion See art. V, § 4, above.	Created.
340	Department of Education	N.Y. CONST. art. V, § 4			(3) No grant of power – presumed legislative discretion See art. V, § 4, above.	Created.
341	Commissioner of Education	N.Y. CONST. art. V, § 4	Appointed by Regents of the University of the State of New York		(3) No grant of power – presumed legislative discretion See art. V, § 4, above.	
342	Head of Department of Agriculture and Markets	N.Y. CONST. art. V, § 4	Manner prescribed by law		(3) No grant of power – presumed legislative discretion See art. V, § 4, above.	Created.
343	Department of Agriculture and Markets	N.Y. CONST. art. V, § 4			(3) No grant of power – presumed legislative discretion See art. V, § 4, above.	Created.
344	Regents of the University of the State of New York	N.Y. CONST. art. XI, § 2	At least nine Regents, in a manner prescribed by Legislature		(1) Grant of power – express legislative discretion “The corporation created in the year one thousand seven hundred eighty-four, under the name of The Regents of the University of the State of New York, is hereby continued under the name of The University of the State of New York. It shall be governed and <u>its corporate powers, which may be increased, modified or diminished by the legislature</u> , shall be exercised by not less than nine regents.”	
345	State Board of Social Welfare	N.Y. CONST. art. XVII, § 2	Manner prescribed by Legislature		(2) Some mandatory power granted “The state board of social welfare shall be continued. <u>It shall visit and inspect, or cause to be visited and inspected by members of its staff, all public and private institutions</u> , whether state, county, municipal, incorporated or not incorporated, which are in receipt of public funds and which are of a charitable,	Hybrid: Some express authority, some express legislative discretion.

					eleemosynary, correctional or reformatory character, including all reformatories for juveniles and institutions or agencies exercising custody of dependent, neglected or delinquent children, but excepting state institutions for the education and support of the blind, the deaf and the dumb, and excepting also such institutions as are hereinafter made subject to the visitation and inspection of the department of mental hygiene or the state commission of correction <u>Subject to the control of the legislature and pursuant to the procedure prescribed by general law, the state board of social welfare may make rules and regulations,</u> not inconsistent with this constitution, with respect to all of the functions, powers and duties with which the department and the state board of social welfare are herein or shall be charged.”	
	346	Department of State	N.Y. CONST. art. IV, § 8		(2) Some mandatory power granted “ <u>No rule or regulation</u> made by any state department, board, bureau, officer, authority or commission, except such as relates to the organization or internal management of a state department, board, bureau, authority or commission shall be effective until it is <u>filed in the office of the department of state. The legislature shall provide for the speedy publication of such rules and regulations by appropriate laws.</u> ”	
North Carolina	347	Secretary of State	N.C. CONST. art. III, §§ 7(1)-(2)	Elected	(1) Grant of power – express legislative discretion “(1) Officers. A Secretary of State, an Auditor, a Treasurer, a Superintendent of Public Instruction, an Attorney General, a Commissioner of Agriculture, a Commissioner of Labor, and a Commissioner of Insurance shall be elected by the qualified voters of the State in 1972 and every four years thereafter, at the same time and places as members of the General Assembly are elected. Their term of office shall be four years and shall commence on the first day of January next after their election and continue until their successors are elected and qualified. “(2) Duties. <u>Their respective duties shall be prescribed by law.</u> ”	
	348	Auditor	N.C. CONST. art. III, §§ 7(1)-(2)	Elected	(1) Grant of power – express legislative discretion See art. III, §§ 7(1)-(2), above.	

	349	Treasurer	N.C. CONST. art. III, §§ 7(1)-(2)	Elected	(1) Grant of power – express legislative discretion See art. III, §§ 7(1)-(2), above.	Ex-officio member of the State Board of Education.
	350	Superintendent of Public Instruction	N.C. CONST. art. III, §§ 7(1)-(2); art. IX, § 4(2)	Elected	(1) Grant of power – express legislative discretion See art. III, §§ 7(1)-(2), above. art. IX, § 4(2): “The Superintendent of Public Instruction shall be the secretary and chief administrative officer of the State Board of Education.”	
	351	Attorney General	N.C. CONST. art. III, §§ 7(1)-(2)	Elected	(1) Grant of power – express legislative discretion See art. III, §§ 7(1)-(2), above.	
	352	Commissioner of Agriculture	N.C. CONST. art. III, §§ 7(1)-(2)	Elected	(1) Grant of power – express legislative discretion See art. III, §§ 7(1)-(2), above.	
	353	Commissioner of Labor	N.C. CONST. art. III, §§ 7(1)-(2)	Elected	(1) Grant of power – express legislative discretion See art. III, §§ 7(1)-(2), above.	
	354	Commissioner of Insurance	N.C. CONST. art. III, §§ 7(1)-(2)	Elected	(1) Grant of power – express legislative discretion See art. III, §§ 7(1)-(2), above.	
	355	State Board of Education	N.C. CONST. art. IX, § 4(1), 5	Board consists of Lieutenant Governor, Treasurer, and eleven members appointed by Governor with General Assembly confirmation	(1) Grant of power – express legislative discretion § 4(1): “The State Board of Education shall consist of the Lieutenant Governor, the Treasurer, and eleven members appointed by the Governor, subject to confirmation by the General Assembly in joint session.” § 5: “ <u>The State Board of Education shall supervise and administer the free public school system and the educational funds provided for its support</u> , except the funds mentioned in Section 7 of this Article, and <u>shall make all needed rules and regulations in relation thereto</u> , subject to laws enacted by the General Assembly.”	Hybrid: Some express authority, some express legislative discretion. Unclear if office has authority that legislature cannot alter.
	356	Board of Public Welfare	N.C. CONST. art. XI, § 4	Provided for by General Assembly	(1) Grant of power – express legislative discretion “Beneficent provision for the poor, the unfortunate, and the orphan is one of the first duties of a civilized and a Christian state. <u>Therefore the General Assembly shall provide for and define the duties of a board of public welfare.</u> ”	
North Dakota	357	Agriculture Commissioner	N.D. CONST. art. V, § 2	Elected	(1) Grant of power – express legislative discretion “The qualified electors of the state at the times and places of choosing members of the legislative	

				assembly shall choose a governor, lieutenant governor, agriculture commissioner, attorney general, auditor, insurance commissioner, three public service commissioners, secretary of state, superintendent of public instruction, tax commissioner, and treasurer. The legislative assembly may by law provide for a department of labor to be administered by a public official who may be either elected or appointed. The powers and duties of the agriculture commissioner, attorney general, auditor, insurance commissioner, public service commissioners, secretary of state, superintendent of public instruction, tax commissioner, and treasurer <u>must be prescribed by law</u> . If the legislative assembly establishes a labor department, <u>the powers and duties of the officer administering that department must be prescribed by law.</u> ”	
358	Attorney General	N.D. CONST. art. V, § 2	Elected	(1) Grant of power – express legislative discretion See art. V, § 2, above.	
359	Auditor	N.D. CONST. art. V, § 2	Elected	(1) Grant of power – express legislative discretion See art. V, § 2, above.	
360	Insurance Commissioner	N.D. CONST. art. V, § 2	Elected	(1) Grant of power – express legislative discretion See art. V, § 2, above.	
361	Public Service Commissioners (3)	N.D. CONST. art. V, § 2	Elected	(1) Grant of power – express legislative discretion See art. V, § 2, above.	
362	Secretary of State	N.D. CONST. art. V, § 2	Elected	(1) Grant of power – express legislative discretion See art. V, § 2, above.	
363	Superintendent of Public Instruction	N.D. CONST. art. V, § 2	Elected	(1) Grant of power – express legislative discretion See art. V, § 2, above.	
364	Tax Commissioner	N.D. CONST. art. V, § 2	Elected	(1) Grant of power – express legislative discretion See art. V, § 2, above.	
365	Treasurer	N.D. CONST. art. V, § 2	Elected	(1) Grant of power – express legislative discretion See art. V, § 2, above.	
366	Department of Labor	N.D. CONST. art. V, § 2		(1) Grant of power – express legislative discretion See art. V, § 2, above.	The Legislative Assembly may provide for the department, led by an official who may be either elected or appointed.
367	Board of Higher Education	N.D. CONST. art. VIII, § 6	Eight members, appointed by Governor with Senate confirmation	(2) Some mandatory power granted “A board of higher education, to be officially known as the state board of higher education, is hereby created for the control and administration of the following state educational institutions “As soon as said board is established and organized, <u>it shall assume all the powers and perform all the duties</u>	

					<p><u>now conferred by law upon the board of administration in connection with the several institutions hereinbefore mentioned</u>, and the said board of administration shall immediately upon the organization of said state board of higher education, surrender and transfer to said state board of higher education all duties, rights, and powers granted to it under the existing laws of this state concerning the institutions hereinbefore mentioned, together with all property, deeds, records, reports, and appurtenances of every kind belonging or appertaining to said institutions</p> <p><u>“The said state board of higher education shall have full authority over the institutions under its control with the right, among its other powers, to prescribe, limit, or modify the courses offered at the several institutions.</u> In furtherance of its powers, the state board of higher education shall have the power to delegate to its employees details of the administration of the institutions under its control. The said state board of higher education shall have full authority to organize or reorganize within constitutional and statutory limitations, the work of each institution under its control, and do each and everything necessary and proper for the efficient and economic administration of said state educational institutions. . . .</p> <p>“Said board shall prescribe for all of said institutions standard systems of accounts and records and shall biennially, and within six (6) months immediately preceding the regular session of the legislature, make a report to the governor, covering in detail the operations of the educational institutions under its control</p> <p>This constitutional provision shall be self-executing and shall become effective without the necessity of legislative action.”</p>	
Ohio	368	Secretary of State	OHIO CONST. art. III, § 1	Elected	<p>(3) No grant of power – presumed legislative discretion</p> <p>“The executive department shall consist of a governor, lieutenant governor, secretary of state, auditor of state, treasurer of state, and an attorney general, who shall be elected on the first Tuesday after the first Monday in November, by the electors of the state, and at the</p>	

				places of voting for members of the general assembly.”	
369	Auditor of State	OHIO CONST. art. III, § 1	Elected	(3) No grant of power – presumed legislative discretion See art. III, § 1, above.	
370	Treasurer of State	OHIO CONST. art. III, § 1	Elected	(3) No grant of power – presumed legislative discretion See art. III, § 1, above.	
371	Attorney General	OHIO CONST. art. III, § 1	Elected	(3) No grant of power – presumed legislative discretion See art. III, § 1, above.	
372	State Board of Education	OHIO CONST. art. VI, § 4	Selected in a manner determined by law	(1) Grant of power – express legislative discretion “There shall be a state board of education which shall be selected in such manner and for such terms as shall be provided by law. There shall be a superintendent of public instruction, who shall be appointed by the state board of education. <u>The respective powers and duties of the board and of the superintendent shall be prescribed by law.</u> ”	
373	Superintendent of Public Instruction	OHIO CONST. art. VI, § 4	Appointed by Board of Education	(1) Grant of power – express legislative discretion See art. VI, § 4, above.	
374	Directors of the Penitentiary	OHIO CONST. art. VII, § 1-2	Appointed or elected in a manner provided by General Assembly	(1) Grant of power – express legislative discretion § 1: “Institutions for the benefit of the insane, blind, and deaf and dumb, shall always be fostered and supported by the state; and be subject to such regulations <u>as may be prescribed by the general assembly.</u> ” § 2: “The directors of the penitentiary shall be appointed or elected in such manner as the general assembly may direct; and the trustees of the benevolent, and other state institutions, now elected by the general assembly, and of such other state institutions as may be hereafter created, shall be appointed by the governor, by and with the advice and consent of the senate; and upon all nominations made by the governor, the question shall be taken by yeas and nays, and entered upon the journals of the senate.”	
375	Department of Veterans Services	OHIO CONST. art. VIII, § 2r		(2) Some mandatory power granted “(E) The department of veterans services (hereinafter referred to as the ‘department’) <u>shall have complete charge of making payment of compensation</u> under division (D) of this section and shall adopt rules, including rules regarding the amounts to which	Department is only mentioned.

					<p>beneficiaries are entitled, residency requirements for purposes of division (D)(1)(b) of this section, and any other rules necessary to implement this section. <u>These rules shall be adopted in accordance with Chapter 119. of the Revised Code. . . .</u></p> <p>“On payment of all valid claims for cash compensation made within the time limitations under this section, the department may transfer any funds remaining in the Persian gulf, Afghanistan, and Iraq conflicts compensation fund to the Persian gulf, Afghanistan, and Iraq conflicts compensation bond retirement fund.</p> <p>On retirement of all of the obligations issued under this section and payment of all valid claims for cash compensation made within the time limitations under this section, the department shall make a final report to the general assembly. Any balance remaining in the Persian gulf, Afghanistan, and Iraq conflicts compensation fund or the Persian gulf, Afghanistan, and Iraq conflicts compensation bond retirement fund shall be transferred or disposed of <u>as provided by law.</u>”</p>	
376	Ohio Public Facilities Commission	OHIO CONST. art. VIII, § 2r			<p>(2) Some mandatory power granted</p> <p>“(A) Upon the request of the department of veterans services, <u>the Ohio public facilities commission shall proceed to issue and sell, from time to time, bonds or other obligations of the state in such amounts as are necessary to provide all or part of the funds as may be required to pay the compensation established by, and the expenses of administering, this section.</u> The original principal amount of obligations so issued shall not exceed two hundred million dollars, provided that obligations issued under this section to retire or refund obligations previously issued under this section shall not be counted against that issuance limitation.”</p>	Commission is only mentioned.
377	The Commissioners of the Sinking Fund	OHIO CONST. art. VIII, § 8-11	Board consists of Governor, Treasurer, Secretary of State, and Attorney General		<p>(2) Some mandatory power granted</p> <p>“The governor, treasurer of state, auditor of state, secretary of state, and attorney general, are hereby created a board of commissioners, to be styled, ‘The Commissioners of the Sinking Fund.’</p> <p>“The commissioners of the sinking fund shall, immediately preceding each regular session of the General Assembly, make an estimate of the probable</p>	

				<p>amount of the fund, provided for in the seventh section of this article, from all sources except from taxation, and report the same, together with all their proceedings relative to said fund and the public debt, to the Governor, who shall transmit the same with his regular message, to the General Assembly; and the General Assembly shall make all necessary provision for raising and disbursing said sinking fund, in pursuance of the provisions of this article.</p> <p>“It shall be the duty of the said commissioners faithfully to apply said fund, together with all moneys that may be, by the general assembly, appropriated to that object, to the payment of the interest, as it becomes due, and the redemption of the principal of the public debt of the state, excepting only, the school and trust funds held by the state.</p> <p>“The said commissioners shall, semi-annually, make a full and detailed report of their proceedings to the governor, who shall, immediately, cause the same to be published, and shall also communicate the same to the general assembly, forthwith, if it be in session, and if not, then at its first session after such report shall be made.”</p>	
378	Ohio Redistricting Commission	OHIO CONST. art. XI, § 1	Previously listed elected officials and others appointed by various offices	<p>(2) Some mandatory power granted</p> <p>“(A) The Ohio redistricting commission shall be responsible for the redistricting of this state for the general assembly.”</p> <p>[The provision then details the commission’s tasks.]</p>	Effective 1/1/2021.
379	Ohio Livestock Care Standards Board	OHIO CONST. art. XIV, § 1	Eleven members appointed by Governor with Senate confirmation, one appointed by Speaker of the House, and one appointed by Senate President	<p>(1) Grant of power – express legislative discretion</p> <p>“(A) There is hereby created the Ohio Livestock Care Standards Board for the purpose of establishing standards governing the care and well-being of livestock and poultry in this state. In carrying out its purpose, the Board shall endeavor to maintain food safety, encourage locally grown and raised food, and protect Ohio farms and families.</p> <p>“(B) The <u>Board shall have authority to establish standards governing the care and well-being of livestock and poultry in this state, subject to the authority of the General Assembly.</u> In establishing those standards, the Board shall consider factors that</p>	

					<p>include, but are not limited to, agricultural best management practices for such care and well-being, biosecurity, disease prevention, animal morbidity and mortality data, food safety practices, and the protection of local, affordable food supplies for consumers. . . .</p> <p>“(D) <u>The General Assembly may enact laws that it deems necessary to carry out the purposes of this section, to facilitate the execution of the duties of the Board and the state department that regulates agriculture under this section, and to set the terms of office of the Board members and conditions for the Board members’ service on the Board.</u>”</p>	
Oklahoma	380	Secretary of State	OKLA. CONST. art. VI, §§ 1(A), 17-18	Appointed by Governor with Senate confirmation	<p>(1) Grant of power – express legislative discretion</p> <p>§ 1: “The Executive authority of the state shall be vested in a Governor, Lieutenant Governor, Secretary of State, State Auditor and Inspector, Attorney General, State Treasurer, Superintendent of Public Instruction, Commissioner of Labor, Commissioner of Insurance and other officers provided by law and this Constitution”</p> <p>§ 17: “The Secretary of State shall keep a register of the official acts of the Governor, and when necessary, shall attest them, and shall lay copies of the same, together with copies of all papers relative thereto, before either house of the Legislature when required to do so. <u>He shall also perform such other duties as shall be prescribed by law.</u>”</p> <p>§ 18: “The Secretary of State shall be the custodian of the Seal of the State, and authenticate therewith all official acts of the Governor except his approval of laws. The said seal shall be called ‘The Great Seal of the State of Oklahoma.’”</p>	Hybrid: some express authority, some express legislative discretion.
	381	State Auditor and Inspector	OKLA. CONST. art. VI, §§ 1(A), 4, 19	Elected	<p>(2) Some mandatory power granted</p> <p>§ 19: “The State Auditor and Inspector must have had at least three years’ experience as an expert accountant; <u>his duties shall be, without notice to such treasurer, to examine the state and all county treasurers’ books, accounts and cash on hand or in bank at least twice each year, and publish his report as to every such treasurer once each year.</u> For the purpose of such examination he shall take complete</p>	Hybrid: some express authority, some express legislative discretion.

				possession of such treasurer's office. He shall also prescribe a uniform system of bookkeeping for the use of all treasurers. <u>The State Auditor and Inspector shall perform such other duties and have such other powers as may be prescribed by law.</u> "	
382	Attorney General	OKLA. CONST. art. VI, §§ 1(A), 4	Elected	(3) No grant of power – presumed legislative discretion	
383	State Treasurer	OKLA. CONST. art. VI, §§ 1(A), 4	Elected	(3) No grant of power – presumed legislative discretion	
384	Superintendent of Public Instruction	OKLA. CONST. art. VI, §§ 1(A), 4; art. XIII, § 5	Elected	(1) Grant of power – express legislative discretion art. XIII, § 5: "The supervision of instruction in the public schools shall be vested in a Board of Education, <u>whose powers and duties shall be prescribed by law.</u> The Superintendent of Public Instruction shall be President of the Board."	
385	Board of Education	OKLA. CONST. art. VI, §§ 1(A), 4; art. XIII, § 5	"Until otherwise provided by law, the Governor, Secretary of State, and Attorney General shall be ex-officio members, and with the Superintendent, compose said Board of Education"	(1) Grant of power – express legislative discretion See art. XIII, § 5, above.	
386	Commissioner of Labor	OKLA. CONST. art. VI, §§ 1(A), 4, 20	Elected	(1) Grant of power – express legislative discretion § 20: "A Department of Labor is hereby created to be under the control of a Commissioner of Labor <u>whose duties shall be prescribed by law.</u> "	
387	Department of Labor	OKLA. CONST. art. VI, § 20		(1) Grant of power – express legislative discretion See art. VI, § 20, above.	Created.
388	Commissioner of Insurance	OKLA. CONST. art. VI, §§ 1(A), 23-24	Elected	(2) Some mandatory power granted § 24: "The Insurance Commissioner <u>shall give bond, perform such duties, and possess such further qualifications as may be prescribed by law.</u> "	

	389	Insurance Department	OKLA. CONST. art. VI, § 22		(2) Some mandatory power granted “There is hereby established an Insurance Department, <u>which shall be charged with the execution of all laws now in force, or which shall hereafter be passed, in relation to insurance</u> and insurance companies doing business in the State.”	Hybrid: Some express authority, some express legislative discretion.
	390	Department of Mines	OKLA. CONST. art. VI, § 25		(2) Some mandatory power granted “There is hereby created a <u>Department of Mines, which shall be charged with the execution of all laws now in force or which shall hereafter be passed in relation to mining activities</u> and corporations engaged in mining activities within the state.”	Created.
	391	Board of Agriculture	OKLA. CONST. art. VI, § 31	Five members, all of whom shall be farmers, selected in the manner prescribed by law	(2) Some mandatory power granted “A Board of Agriculture is hereby created to be composed of five members all of whom shall be farmers and shall be selected in the manner prescribed by law. Said Board shall be maintained as a part of the State government, and <u>shall have jurisdiction over all matters affecting animal industry and animal quarantine regulation</u> , and shall be the Board of Regents of all State Agricultural and Mechanical Colleges, and shall discharge such other duties and receive such compensation as now is, or may hereafter be, <u>provided by law.</u> ”	Hybrid: Some express authority, some express legislative discretion.
	392	Board of Regents for the Oklahoma Agricultural and Mechanical College	OKLA. CONST. art. VI, § 31a.	Nine members, eight appointed by the Governor with Senate confirmation, and the President of the State Board of Agriculture	(3) No grant of power – presumed legislative discretion “There is hereby created a Board of Regents for the Oklahoma Agricultural and Mechanical College and all Agricultural and Mechanical Schools and Colleges maintained in whole or in part by the State.”	
	393	Commissioners of the Land Office	OKLA. CONST. art. VI, § 32	Consists of Governor, Lieutenant Governor, State Auditor, Superintendent of Public Instruction, and Board of Agriculture President	(2) Some mandatory power granted “A. The Governor, Lieutenant Governor, State Auditor, Superintendent of Public Instruction and the President of the Board of Agriculture shall constitute the Commissioners of the Land Office, <u>who shall have charge of the sale, rental, disposal and managing of the school lands and other public lands of the state, and of the funds and proceeds derived therefrom, under rules and regulations prescribed by the Legislature.</u> ”	Unclear if office has power that legislature cannot alter.

	394	Corporation Commission	OKLA. CONST. art. IX, §§ 15, 18	Three elected members	<p>(2) Some mandatory power granted</p> <p>§ 18: “The Commission shall have the power and authority and be charged with the duty of supervising, regulating and controlling all transportation and transmission companies doing business in this State, in all matters relating to the performance of their public duties and their charges therefor, and of correcting abuses and preventing unjust discrimination and extortion by such companies; and to that end the Commission shall, from time to time, prescribe and enforce against such companies, in the manner hereinafter authorized, such rates, charges, classifications of traffic, and rules and regulation...<u>The authority of the Commission (subject to review on appeal as hereinafter provided) to prescribe rates, charges, and classifications of traffic, for transportation and transmission companies, shall, subject to regulation by law, be paramount; but its authority to prescribe any other rules, regulations or requirements for corporations or other persons shall be subject to the superior authority of the Legislature to legislate thereon by general laws:</u>”</p> <p>[Provision continues detailing the Commission’s powers.]</p>	Hybrid: some express authority, some express legislative discretion.
	395	State Industrial Finance Authority	OKLA. CONST. art. X, § 33A	Board members appointed by Governor with various qualifications	<p>(2) Some mandatory power granted</p> <p>The IFA, “<u>shall be, and is hereby, authorized to issue and sell State Industrial Finance Bonds</u> in such amounts as shall be needed from time to time for the purposes herein provided<u>The Legislature shall enact appropriate and needful legislation pertaining to procedure, terms and necessary covenants for issuance of the bonds herein authorized and establishing such safeguards and regulations governing the lending of such funds as in its wisdom may be necessary to the vitalization of this Section, and helpful in carrying out the purpose and intent hereof.</u>”</p>	Hybrid: some express authority, some express legislative discretion.
	396	Board of Education	OKLA. CONST. art. XIII, § 5	Superintendent of Public Instruction, Governor, Secretary of State, and Attorney General	<p>(1) Grant of power – express legislative discretion</p> <p>“The supervision of instruction in the public schools shall be vested in a Board of Education, <u>whose powers and duties shall be prescribed by law.</u> The Superintendent of Public Instruction shall be President of the Board. Until otherwise provided by law, the Governor, Secretary of State, and Attorney General</p>	

					shall be ex-officio members, and with the Superintendent, compose said Board of Education.”	
397	Board of Regents of University of Oklahoma	OKLA. CONST. art. XIII, § 8	Seven members appointed by Governor with Senate confirmation		(3) No grant of power – presumed legislative discretion “The government of the University of Oklahoma shall be vested in a Board of Regents”	Although the text does not confer express powers, the Oklahoma Supreme Court has “held that, by elevating the status of the Board from a statutory to a constitutional entity, the people intended to limit legislative control over university affairs.” DANNY M. ADKISON & LISA MCNAIR PALMER, THE OKLAHOMA STATE CONSTITUTION 260 (2011) (discussing <i>Board of Regents of University of Oklahoma v. Baker</i> (1981) (holding that Board must set faculty salaries).
398	Oklahoma State Regents for Higher Education	OKLA. CONST. art. XIII-A, § 2	Nine members appointed by Governor with Senate confirmation		(2) Some mandatory power granted “There is hereby established the Oklahoma State Regents for Higher Education...The Regents shall constitute a co-ordinating board of control for all State institutions described in Section 1 hereof, with the <u>following specific powers</u> : (1) it shall prescribe standards of higher education applicable to each institution; (2) it shall determine the functions and courses of study in each of the institutions to conform to the standards prescribed; (3) it shall grant degrees and other forms of academic recognition for completion of the prescribed courses in all of such institutions; (4) it shall recommend to the State Legislature the budget allocations to each institution, and; (5) it shall have the power to recommend to the Legislature proposed fees for all of such institutions, and any such fees shall be effective only within the limits prescribed by the Legislature.”	
399	Board of Regents of Oklahoma Colleges	OKLA. CONST. art. XIII-B, § 1-4	Nine members appointed by Governor with Senate confirmation. Board elects president and vice president		(2) Some mandatory power granted § 2: “The said Board of Regents of Oklahoma Colleges <u>shall hereafter have the supervision, management and control of the following State Colleges</u> . . . and the power to make rules and regulations governing each of said institutions shall hereafter be exercised by and is hereby vested in the Board of Regents of Oklahoma Colleges created by this Act, and said Board shall appoint or hire all	

					<p>necessary officers, supervisors, instructors, and employees for such institutions.”</p> <p>§ 3: “The Board of Regents of Oklahoma Colleges shall succeed the present governing board in the management and control of any of the institutions named in the preceding section, and such governing board shall not hereafter have the management or control of any of said institutions. All records, books, papers and information pertaining to the institutions herein designated shall be transferred to the Board of Regents of Oklahoma Colleges.”</p> <p>§ 4: “The Oklahoma State Regents for Higher Education are hereby authorized to allocate from the funds allocated for the support of its educational institutions named in this Act, funds sufficient for the payment of the per diem and expenses of the members of the Board of Regents of Oklahoma Colleges, the salaries and expenses of the clerical help of said Board; office expense, and other expenses necessary for the proper performance of the duties of said Board.”</p>	
	400	Bank Commissioner	OKLA. CONST. art. XIV, § 1	Appointed by governor with Senate confirmation - leads Banking Department	<p>(2) Some mandatory power granted</p> <p><u>“General laws shall be enacted by the legislature providing for the creation of a Banking Department, to be under the control of a Bank Commissioner, who shall be appointed by the Governor for a term of four years, by and with the consent of the Senate, with sufficient power and authority to regulate and control all State Banks, Loan, Trust and Guaranty Companies, under laws which shall provide for the protection of depositors and individual stockholders.”</u></p>	
	401	Department of Highways	OKLA. CONST. art. XVI, § 1		<p>(1) Grant of power – express legislative discretion</p> <p><u>“The Legislature is directed to establish a Department of Highways, and shall have the power to create improvement districts and provide for building and maintaining public roads, and may provide for the utilization of convict and punitive labor thereon.”</u></p>	
	402	Department of Wildlife Conservation	OKLA. CONST. art. XXVI, § 1		<p>(3) No grant of power – presumed legislative discretion</p> <p>“There is hereby created a Department of Wildlife Conservation of the State of Oklahoma and an Oklahoma Wildlife Conservation Commission. The Department of Wildlife Conservation shall be</p>	<p>Created.</p> <p>“While the power of the Department of Wildlife Conservation appears to be broad, the Oklahoma Supreme Court has found that this provision applies</p>

					governed by the Wildlife Conservation Director, hereinafter created, under such rules, regulations and policies as may be prescribed from time to time by the Oklahoma Wildlife Conservation Commission. Such rules and regulations and amendments thereof shall be filed and recorded in the office of the Secretary of State, and shall become effective on the tenth (10th) day following such filing.”	only to internal management and operation of the Department of Wildlife Conservation as governed by the rules of the Commission; it does not give the Commission general authority to make rules and regulations concerning wildlife management, and does not govern over legislation that would affect private or public rights. Furthermore, in 1980 the Oklahoma Attorney General clarified that the rules, regulations, and policies affecting the internal management or government of the Department of Wildlife Conservation are not controlled by the legislature; however, rules and regulations affecting private rights or procedures available to the public are subject to legislative review” DANNY M. ADKISON & LISA MCNAIR PALMER, THE OKLAHOMA STATE CONSTITUTION 229-30 (2011) (citations omitted).
	403	Department of Wildlife Conservation Commission	OKLA. CONST. art. XXVI, §§ 1-2, 4	Eight members appointed by Governor with Senate confirmation. Commission appoints a Wildlife Conservation Director	(3) No grant of power – presumed legislative discretion See art. XXVI, § 1, above. § 4: “The fees, monies, or funds arising from the operation and transactions of said Commission and from the application and the administration of the laws and regulations pertaining to the bird, fish, game and wildlife resources of the State and from the sale of property used for said purposes shall be expended and used by said Commission for the control, management, restoration, conservation and regulation of the bird, fish, game and wildlife resources of the State, including the purchase or other acquisition of property for said purposes, and for the administration of the laws pertaining thereto and for no other purpose.”	Unclear if office has powers that legislature cannot alter.
	404	Ethics Commission	OKLA. CONST. art.	Five members—Governor,	(2) Some mandatory power granted	

			XXIX, § 1, 3-5	Attorney General, Senate President, Speaker of the House, and Chief Justice of the state Supreme Court each appoint a member	<p>§ 1: “There is hereby created the Ethics Commission which shall consist of five members.”</p> <p>§ 3: “A. After public hearing, the Ethics Commission <u>shall promulgate rules of ethical conduct for campaigns for elective state office and for campaigns for initiatives and referenda, including civil penalties for violation of these rules.</u></p> <p>“B. After public hearing, the Ethics Commission shall promulgate rules of ethical conduct for state officers and employees, including civil penalties for violation of these rules.</p> <p>“C. Newly promulgated rules shall be presented to each House of the Legislature and to the Governor on the second day of each session of the Legislature. If these rules are not disapproved by joint resolution, subject to veto by the Governor, during the same legislative session, they shall be effective. In the event the Governor vetoes a joint resolution disapproving any Ethics Commission’s rules, the procedure shall be the same as for the veto of any other bill or joint resolution. Effective Ethics Commission rules shall be published in the official statutes of the State.</p> <p>“D. Effective Ethics Commission rules may be repealed or modified by the Commission, and the repeal or modification shall be submitted to the Legislature and the Governor in the same manner as newly promulgated rules. Effective Ethics Commission rules may also be repealed or modified by law passed by a majority vote of each House of the Legislature. If the Governor vetoes such a law, the procedure shall be the same as for the veto of any other bill or joint resolution.”</p> <p>§ 4: “A. The Ethics Commission shall investigate and, when it deems appropriate, prosecute in the District Court of the County where the violation occurred, violations of its rules governing ethical conduct of campaigns, state officers, and state employees</p> <p>“B. The Commission shall also enforce other ethics laws as prescribed by law.</p>	
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					<p>“C. For purposes of its investigations, the Ethics Commission shall have subpoena power.”</p> <p>§ 5: “The Ethics Commission may respond, pursuant to its rules, to questions of specific individuals seeking an interpretation of the Commission’s rules governing ethical conduct for campaigns, state officers, or state employees. Any such official interpretation of ethics rules shall be binding on the Commission.”</p>	
Oregon	405	Secretary of State	OR. CONST. art. VI, § 1-3	Elected	<p>(1) Grant of power – express legislative discretion</p> <p>§ 2: “The Secretary of State shall keep a fair record of the official acts of the Legislative Assembly, and Executive Branch; and shall when required lay the same, and all matters relative thereto before either chamber of the Legislative Assembly. <u>The Secretary of State shall be by virtue of holding the office, Auditor of Public Accounts, and shall perform such other duties as shall be assigned to the Secretary of State by law.</u>”</p> <p>§ 3: “There shall be a seal of State, kept by the Secretary of State for official purposes, which shall be called ‘The seal of the State of Oregon’.”</p>	
	406	Treasurer of State	OR. CONST. art. VI, § 1, 4	Elected	<p>(1) Grant of power – express legislative discretion</p> <p>§ 4: “The powers, and duties of the Treasurer of State shall be such as may be prescribed by law.”</p>	
	407	Superintendent of Public Instruction	OR. CONST. art. VIII, § 1	Elected	<p>(1) Grant of power – express legislative discretion</p> <p>“The Governor shall be superintendent of public instruction, and his powers, and duties in that capacity shall be such <u>as may be prescribed by law</u>; but after the term of five years from the adoption of this Constitution, <u>it shall be competent for the Legislative Assembly to . . . prescribe his powers and duties.</u>”</p>	
	408	State Land Board	OR. CONST. art. VIII, § 5	Consists of Governor, Secretary of State, and Treasurer	<p>(1) Grant of power – express legislative discretion</p> <p>“(1) The Governor, Secretary of State and State Treasurer shall constitute a State Land Board for the disposition and management of lands described in section 2 of this Article, and other lands owned by this state that are placed under their jurisdiction by law. Their powers and duties shall be <u>prescribed by law.</u></p> <p>“(2) <u>The board shall manage lands under its jurisdiction with the object of obtaining the greatest benefit for the people of this state, consistent with the</u></p>	Unclear if office has powers that legislature cannot alter.

					conservation of this resource under sound techniques of land management.”	
409	Adjutant General	OR. CONST. art. X, § 3	Appointed by Governor		(3) No grant of power – presumed legislative discretion “The Governor, in his capacity as Commander-in-Chief of the military forces of the State, shall appoint and commission an Adjutant General. All other officers of the militia of the State shall be appointed and commissioned by the Governor upon the recommendation of the Adjutant General.”	
410	State Lottery Commission	OR. CONST. art. XV, § 4	Five members appointed by Governor with Senate confirmation, one of which is the Director		(2) Some mandatory power granted “There is hereby created the State Lottery Commission which <u>shall establish and operate a State Lottery</u> “The Commission is <u>empowered to promulgate rules related to the procedures</u> of the Commission and the operation of the State Lottery. Such rules and any statutes enacted to further implement this article shall insure the integrity, security, honesty, and fairness of the Lottery. <u>The Commission shall have such additional powers and duties as may be provided by law.</u> ”	Hybrid: Some express authority, some express legislative discretion.
411	Home Care Commission	OR. CONST. art. XV, § 11	Nine members appointed by Governor		(2) Some mandatory power granted. “(1) Ensuring High Quality Home Care Services: Creation and Duties of the Quality Home Care Commission. “(a) The Home Care Commission is created as an independent public commission consisting of nine members appointed by the Governor. “(b) <u>The duties and functions of the Home Care Commission include, but are not limited to:</u> “(A) Ensuring that high quality, comprehensive home care services are provided to the elderly and people with disabilities who receive personal care services in their homes by home care workers hired directly by the client and financed by payments from the State or by payments from a county or other public agency which receives money for that purpose from the State; “(B) Providing routine, emergency and respite referrals of qualified home care providers to the elderly and people with disabilities who receive	Created as an “independent public commission.”

					<p>personal care services by home care workers hired directly by the client and financed in whole or in part by the State, or by payment from a county or other public agency which receives money for that purpose from the State;</p> <p>“(C) Provide training opportunities for home care workers, seniors and people with disabilities as consumers of personal care services;</p> <p>“(D) Establish qualifications for home care workers;</p> <p>“(E) Establish and maintain a registry of qualified home care workers;</p> <p>“(F) Cooperate with area agencies on aging and disability services and other local agencies to provide the services described and set forth in this section.”</p>	
Pennsylvania	412	Attorney General	PA. CONST. art. IV, §§ 1, 4.1	Elected	(1) Grant of power – express legislative discretion § 4.1: “An Attorney General . . . <u>shall be the chief law officer</u> of the Commonwealth and <u>shall exercise such powers and perform such duties as may be imposed by law.</u> ”	
	413	Auditor General	PA. CONST. art. IV, § 1; art. VIII, § 7	Elected	<p>(2) Some mandatory power granted VIII, § 7: “(2) <u>The Governor, State Treasurer and Auditor General, acting jointly, may</u> (i) issue tax anticipation notes having a maturity within the fiscal year of issue and payable exclusively from revenues received in the same fiscal year, and (ii) incur debt for the purpose of refunding other debt, if such refunding debt matures within the term of the original debt. . . .</p> <p>“(4) Debt may be incurred without the approval of the electors for capital projects specifically itemized in a capital budget, if such debt will not cause the amount of all net debt outstanding to exceed one and three-quarters times the average of the annual tax revenues deposited in the previous five fiscal years <u>as certified by the Auditor General.</u> . . . (c) As used in this section, debt shall mean the issued and outstanding obligations of the Commonwealth and shall include obligations of its agencies or authorities to the extent they are to be repaid from lease rentals or other charges payable directly or indirectly from revenues of the Commonwealth. Debt shall not include either (1) that portion of obligations to be repaid from charges made</p>	

					to the public for the use of the capital projects financed, as determined by the Auditor General”	
	414	State Treasurer	PA. CONST. art. IV, § 1; art. VI, § 13; art VIII, § 7	Elected	(2) Some mandatory power granted See art. VIII, § 7, above. VI, § 13: “The salaries here fixed <u>shall be paid by the State Treasurer</u> and for such payment this article and schedule shall be sufficient warrant.”	
	415	Superintendent of Public Instruction	PA. CONST. art. IV, § 1	Elected	(3) No grant of power – presumed legislative discretion	
	416	Secretary of Education	PA. CONST. art. IV, § 8	Appointed by Governor	(3) No grant of power – presumed legislative discretion	
	417	Board of Pardons	PA. CONST. art. IV, § 9	Board consists of Lieutenant Governor, Attorney General, and three members appointed by Governor with Senate confirmation	(2) Some mandatory power granted “(a) In all criminal cases except impeachment the Governor shall have power to remit fines and forfeitures, to grant reprieves, commutation of sentences and pardons; <u>but no pardon shall be granted, nor sentence commuted, except on the recommendation in writing of a majority of the Board of Pardons</u> , and, in the case of a sentence of death or life imprisonment, on the unanimous recommendation in writing of the Board of Pardons, after full hearing in open session, upon due public notice. The recommendation, with the reasons therefor at length, shall be delivered to the Governor and a copy thereof shall be kept on file in the office of the Lieutenant Governor in a docket kept for that purpose. “(b) The Board of Pardons shall consist of the Lieutenant Governor who shall be chairman, the Attorney General and three members appointed by the Governor with the consent of a majority of the members elected to the Senate for terms of six years. The three members appointed by the Governor shall be residents of Pennsylvania. One shall be a crime victim, one a corrections expert and the third a doctor of medicine, psychiatrist or psychologist. The board shall keep records of its actions, which shall at all times be open for public inspection.”	
Rhode Island	418	Ethics Commission	R.I. CONST. art. III, § 8	Established by Legislature	(2) Some mandatory power granted “The general assembly shall establish an independent non-partisan ethics commission which <u>shall adopt a code of ethics</u> including, but not limited to, provisions on conflicts of interest, confidential information, use of position, contracts with government agencies and	Must be “independent.”

					financial disclosure. The assent of two-thirds (2/3) of the members appointed shall be required for the adoption for every rule or regulation. All elected and appointed officials and employees of state and local government, of boards, commissions and agencies shall be subject to the code of ethics. The ethics commission <u>shall have the authority to investigate</u> alleged violations of the code of ethics . . . and to impose penalties, <u>as provided by law</u> . Any sanction issued against any party by the ethics commission shall be appealable to the judicial branch <u>as provided by law</u> . <u>The commission shall have the power to remove from office officials who are not otherwise subject to impeachment, or expulsion.</u> ”	
	419	Secretary of State	R.I. CONST. art. IV, § 1; art. IX, § 12	Elected	(1) Grant of power – express legislative discretion § 12: “The duties and powers of the secretary, attorney-general and general treasurer shall be the same under this Constitution as are now established, or as from time to time may be prescribed by law.”	
	420	Attorney- General	R.I. CONST. art. IV, § 1; art. IX, § 12	Elected	(1) Grant of power – express legislative discretion See art. IX, § 12, above.	
	421	General Treasurer	R.I. CONST. art. IV, § 1; art. IX, § 12	Elected	(1) Grant of power – express legislative discretion See art. IX, § 12, above.	
South Carolina	422	Secretary of State	S.C. CONST. art. VI, § 7	Elected	(1) Grant of power – express legislative discretion “There shall be elected by the qualified voters of the State a Secretary of State, an Attorney General, a Treasurer, a Superintendent of Education, Comptroller General, Commissioner of Agriculture, and an Adjutant General who shall hold their respective offices for a term of four years, coterminous with that of the Governor. <u>The duties and compensation of such offices shall be prescribed by law . . .</u> ”	
	423	Attorney General	S.C. CONST. art. VI, § 7, 15; art. V, § 24	Elected	(2) Some mandatory power granted See art. VI, § 7, above. VI, § 15: “The Governor shall take care that the laws be faithfully executed. <u>To this end, the Attorney General shall assist and represent the Governor</u> , but such power shall not be construed to authorize any action or proceeding against the General Assembly or the Supreme Court.”	

					V, § 24: “ <u>The Attorney General shall be the chief prosecuting officer of the State with authority to supervise the prosecution of all criminal cases in courts of record.</u> ”	
	424	Treasurer	S.C. CONST. art. VI, § 7	Elected	(1) Grant of power – express legislative discretion See art. VI, § 7, above.	
	425	Superintendent of Education	S.C. CONST. art. VI, § 7; art. XI, § 2	Elected	(2) Some mandatory power granted See art. VI, § 7, above. XI, § 2: “There shall be a State Superintendent of Education who shall be the chief administrative officer of the public education system of the State and shall have such qualifications as may be prescribed by law.”	Unclear if office has powers that legislature cannot alter.
	426	Comptroller General	S.C. CONST. art. VI, § 7	Elected	(1) Grant of power – express legislative discretion See art. VI, § 7, above.	
	427	Commissioner of Agriculture	S.C. CONST. art. VI, § 7	Elected	(1) Grant of power – express legislative discretion See art. VI, § 7, above.	
	428	Adjutant General	S.C. CONST. art. VI, § 7; art. XIII, § 4	Appointed by Governor with Senate confirmation	(1) Grant of power – express legislative discretion See art. VI, § 7, above. XIII, § 4: “ <u>The Adjutant General’s duties and compensation must be prescribed by law.</u> The Governor, by and with the advice and consent of the Senate, shall appoint staff officers as the General Assembly may direct.”	
	429	State Board of Education	S.C. CONST. art. XI, § 1	Elected from each district, with one additional member appointed by Governor	(1) Grant of power – express legislative discretion “The members of the Board shall serve such terms and the <u>Board shall have such powers and duties as the General Assembly shall specify by law.</u> ”	
South Dakota	430	Attorney General	S.D. CONST. art. IV, § 7	Elected	(3) No grant of power – presumed legislative discretion “There shall be chosen by the qualified electors of the state at the general election of the Governor and every four years thereafter the following constitutional officers: attorney general, secretary of state, auditor, treasurer, and commissioner of school and public lands, who shall severally hold their offices for a term of four years.”	An amendment authorizing the Attorney General to enforce agricultural restrictions was held unconstitutional under the dormant Commerce Clause. <i>S. Dakota Farm Bureau, Inc. v. Hazeltine</i> , 340 F.3d 583, 587 (8th Cir. 2003).
	431	Secretary of State	S.D. CONST. art. II, § 8, art. IV, § 7, art. XVII, § 24, art. XXV, § 11	Elected	(2) Some mandatory power granted II, § 8: “This oath shall be administered by a judge of the Supreme or circuit Court, or the presiding officer of either house, in the hall of the house to which the member or officer is elected, <u>and the secretary of state</u>	

					<p><u>shall record and file the oath subscribed by each member and officer.”</u></p> <p>XVII, § 24: “The secretary of state shall monitor such reports and notify the attorney general of any possible violations”</p> <p>XXV, § 11: “<u>The secretary of the territory shall receive all returns of election transmitted to him as above provided, and shall preserve the same, and after they have been canvassed as hereinafter provided, and after the admission of the state of South Dakota into the union, he shall deliver said returns to the proper state officer of said state of South Dakota</u>”</p>	
	432	Auditor	S.D. CONST. art. IV, § 7	Elected	(3) No grant of power – presumed legislative discretion	Sits on the Boards of Appraisal.
	433	Treasurer	S.D. CONST. art. IV, § 7	Elected	(3) No grant of power – presumed legislative discretion⁶	
	434	Commissioner of School and Public Lands	S.D. CONST. art. IV, § 7; art. XII, §§ 4, 6, 9	Elected	<p>(2) Some mandatory power granted</p> <p>XII, § 4: “The commissioner of school and public lands, the state auditor and the county superintendent of schools of the counties severally, shall constitute boards of appraisal and <u>shall appraise all school lands</u> within the several counties which they may from time to time select and designate for sale, at their actual value under the terms of sale. They shall take care to first select and designate for sale the most valuable lands; and they shall ascertain all such lands as may be of special and peculiar value, other than agricultural, and cause the proper subdivision of the same in order that the largest price may be obtained therefor.”</p> <p>XII, § 6: “<u>All sales shall be conducted through the office of the commissioner of school and public lands as may be prescribed by law</u>, and returns of all appraisals and sales shall be made to said office. No sale shall operate to convey any right or title to any lands for sixty days after the date thereof, nor until the same shall have received the approval of the Governor in such form as may be provided by law. No grant or patent for any such lands shall issue until final payment be made.”</p>	Hybrid: some express power, some express legislative discretion.

⁶ One provision does give the Treasurer a narrow role in distributing funds from the Education enhancement trust fund. *See* S.D. CONST. art. 12, § 6.

					XII, § 9: “The lands mentioned in this article shall be leased...The commissioner of school and public lands shall notify by registered mail each lessee or assignee on or before the first day of November first preceding the expiration of his lease that such lease will expire.”	
	435	Board to Govern State Educational Institutions	S.D. CONST. art. XIV, § 3	Five members appointed by Governor with Senate confirmation	<p>(2) Some mandatory power granted</p> <p>“The state university, the agriculture college, the school of mines and technology, the normal schools, a school for the deaf, a school for the blind, and all other educational institutions that may be sustained either wholly or in part by the state and that offer academic or professional degrees of associate of arts, associate of sciences, baccalaureate or greater, shall be under the <u>control of a board of five members appointed by the Governor</u> and confirmed by the senate under such rules and restrictions as the Legislature shall provide.</p> <p>The Legislature may increase the number of members to nine. Postsecondary technical education institutes that offer career and technical associate of applied science degrees and certificates or their successor equivalents and that are funded wholly or in part by the state shall be separately governed as determined by the Legislature.”</p>	
	436	South Dakota Cement Commission	S.D. CONST. art. XIII, § 20		<p>(2) Some mandatory power granted</p> <p>“<u>The net proceeds derived from the sale of state cement enterprises shall be deposited by the South Dakota Cement Commission in a trust fund hereby created to benefit the citizens of South Dakota.</u>”</p>	Commission is only mentioned.
Tennessee	437	Secretary of State	TENN. CONST. art. III, § 17	Appointed by joint vote of General Assembly	<p>(1) Grant of power – express legislative discretion</p> <p>“A secretary of state shall be appointed by joint vote of the General Assembly, and commissioned during the term of four years; <u>he shall keep a fair register of all the official acts and proceedings of the governor;</u> and shall, when required lay the same, and all papers, minutes and vouchers relative thereto, before the General Assembly; <u>and shall perform such other duties as shall be enjoined by law.</u>”</p>	
	438	Treasurer	TENN. CONST. art. VII, § 3	Appointed by joint vote of General Assembly	<p>(3) No grant of power – presumed legislative discretion</p> <p>“There shall be a Treasurer or Treasurers and a Comptroller of the Treasury appointed for the State, by the joint vote of both houses of the General Assembly, who shall hold their offices for two years.”</p>	

Texas	439	Comptroller of the Treasury	TENN. CONST. art. VII, § 3	Appointed by joint vote of General Assembly	(3) No grant of power – presumed legislative discretion See art. VII, § 3, above.	
	440	Attorney General	TENN. CONST. art. VI, § 5	Appointed by judges of state Supreme Court	(3) No grant of power – presumed legislative discretion “An Attorney General and Reporter for the State, shall be appointed by the Judges of the Supreme Court and shall hold his office for a term of eight years.”	
	441	State Attorney	TENN. CONST. art. VI, § 5	Elected by voters of district	(3) No grant of power – presumed legislative discretion “An Attorney for the State for any circuit or district, for which a Judge having criminal jurisdiction shall be provided by law, shall be elected by the qualified voters of such circuit or district, and shall hold his office for a term of eight years, and shall have been a resident of the State five years, and of the circuit or district one year. In all cases where the Attorney for any district fails or refuses to attend and prosecute according to law, the Court shall have power to appoint an Attorney pro tempore.”	
	442	Secretary of State	TEX. CONST. art. IV, § 1, 19, 21	Elected	(2) Some mandatory power granted § 19: “There shall be a Seal of the State which shall be kept by the Secretary of State, and used by him officially under the direction of the Governor. The Seal of the State shall be a star of five points encircled by olive and live oak branches, and the words ‘The State of Texas.’” § 21: “There shall be a Secretary of State, <u>who . . . shall authenticate the publication of the laws, and keep a fair register of all official acts and proceedings of the Governor</u> , and shall, when required, lay the same and all papers, minutes and vouchers relative thereto, before the Legislature, or either House thereof, <u>and shall perform such other duties as may be required of him by law.</u> ”	
	443	Comptroller of Public Accounts	TEX. CONST. art. IV, §§ 1, 23	Elected	(1) Grant of power – express legislative discretion § 23: “The Comptroller of Public Accounts, the Commissioner of the General Land Office, the Attorney General, and any statutory State officer who is elected by the electorate of Texas at large, unless a term of office is otherwise specifically provided in this Constitution, shall each hold office for the term of four years. Each shall receive an annual salary in an	

					amount to be fixed by the Legislature and <u>perform such duties as are or may be required by law . . .</u> ”	
444	Commissioner of the General Land Office	TEX. CONST. art. IV, §§ 1, 23	Elected		(1) Grant of power – express legislative discretion See art. IV, § 23, above.	
445	Attorney General	TEX. CONST. art. IV, § 22	Elected		(2) Some mandatory power granted “ <u>The Attorney General shall represent the State in all suits and pleas in the Supreme Court of the State in which the State may be a party, and shall especially inquire into the charter rights of all private corporations,</u> and from time to time, in the name of the State, <u>take such action in the courts as may be proper and necessary</u> to prevent any private corporation from exercising any power or demanding or collecting any species of taxes, tolls, freight or wharfage not authorized by law. He shall, whenever sufficient cause exists, seek a judicial forfeiture of such charters, unless otherwise expressly directed by law, and give legal advice in writing to the Governor and other executive officers, when requested by them, <u>and perform such other duties as may be required by law.</u> ”	
446	State Board of Education	TEX. CONST. art. VII, § 8	Appointed or elected as Legislature may prescribe		(1) Grant of power – express legislative discretion “The Legislature shall provide by law for a State Board of Education, whose members shall be appointed or elected in such manner and by such authority and shall serve for such terms as the Legislature shall prescribe not to exceed six years. <u>The said board shall perform such duties as may be prescribed by law.</u> ”	
447	Railroad Commission	TEX. CONST. art. XVI, § 30	When created by law, will consist of three commissioners elected by the people		(3) No grant of power – presumed legislative discretion “(b) <u>When a Railroad Commission is created by law</u> it shall be composed of three Commissioners who shall be elected by the people at a general election for State officers, and their terms of office shall be six years. And one Railroad Commissioner shall be elected every two years. In case of vacancy in said office the Governor of the State shall fill said vacancy by appointment until the next general election.”	
448	Board of Regents	TEX. CONST. art. XVI, § 30a	Legislature may provide if members are to be elected or appointed		(3) No grant of power – presumed legislative discretion “The Legislature <u>may provide by law</u> that the Board of Regents of the State University and boards of trustees or managers of the educational, eleemosynary,	Board(s) are only mentioned.

					and penal institutions of the State, <u>and such boards as have been, or may hereafter be established by law, may be composed of an odd number</u> of three or more members who serve for a term of six (6) years, with one-third, or as near as one-third as possible, of the members of such boards to be elected or appointed every two (2) years in such manner as the Legislature may determine; vacancies in such offices to be filled as may be provided by law, and the <u>Legislature shall enact suitable laws to give effect to this section.</u> The Legislature may provide by law that a board required by this Constitution be composed of members of any number divisible by three (3) who serve for a term of six (6) years, with one-third of the members elected or appointed every two (2) years.”	
	449	Transportation Commission	TEX. CONST. art. III, §§ 49-k-p		<p>(2) Some mandatory power granted</p> <p>§ 49-k: “(b) The Texas Mobility Fund is created in the state treasury and <u>shall be administered by the commission</u> as a revolving fund to provide a method of financing the construction, reconstruction, acquisition, and expansion of state highways, including costs of any necessary design and costs of acquisition of rights-of-way, as determined by the <u>commission in accordance with standards and procedures established by law.</u>”</p> <p>§ 49-1: “(b) The Texas Transportation Commission may, in its discretion and in consultation with the office of the governor, determine what constitutes a border colonia for purposes of selecting the counties and projects that may receive assistance under this section.”</p> <p>§ 49-m: “(a) The Legislature, by law, may authorize the Texas Transportation Commission or its successor to authorize the Texas Department of Transportation or its successor to issue notes or borrow money from any source to carry out the functions of the department.”</p> <p>§ 49-n: “To fund highway improvement projects, the Legislature may authorize the Texas Transportation Commission or its successor to issue bonds and other public securities and enter into bond enhancement agreements that are payable from revenue deposited to the credit of the state highway fund.”</p>	Hybrid provision: some express authority, some express legislative discretion.

					<p>§ 49-o: “(b) The Texas rail relocation and improvement fund is created in the state treasury. <u>The fund shall be administered by the commission</u> to provide a method of financing the relocation and improvement of privately and publicly owned passenger and freight rail facilities for the purposes of: . . . [purposes listed].”</p> <p>§ 49-p: “(a) To provide funding for highway improvement projects, the legislature by general law may authorize the Texas Transportation Commission or its successor to issue general obligation bonds of the State of Texas in an aggregate amount not to exceed \$5 billion and enter into related credit agreements. The bonds shall be executed in the form, on the terms, and in the denominations, bear interest, and be issued in installments as prescribed by the Texas Transportation Commission or its successor.”</p>	
	450	Department of Transportation	TEX. CONST. art. III, §§ 49-m, 52-b		<p>(1) Grant of power – express legislative discretion. § 52-b: “The Legislature shall have no power or authority to in any manner lend the credit of the State or grant any public money to, or assume any indebtedness, present or future, bonded or otherwise, of any individual, person, firm, partnership, association, corporation, public corporation, public agency, or political subdivision of the State, or anyone else, which is now or hereafter authorized to construct, maintain or operate toll roads and turnpikes within this State except that <u>the Legislature may authorize the Texas Department of Transportation</u> to expend, grant, or loan money, from any source available, for the acquisition, construction, maintenance, or operation of turnpikes, toll roads, and toll bridges.”</p> <p>§ 49-m(a): “<u>The Legislature, by law, may authorize the Texas Transportation Commission or its successor to authorize the Texas Department of Transportation or its successor to issue notes or borrow money from any source to carry out the functions of the department.</u>”</p>	
Utah	451	State Auditor	UTAH CONST. art. VII, §§ 1, 15	Elected	<p>(2) Some mandatory power granted § 1: “(2) Each officer shall . . . (c) perform such duties as are prescribed by this Constitution <u>and as provided by statute.</u>”</p>	

					§ 15: “(1) The State Auditor <u>shall perform financial post audits of public accounts</u> except as otherwise provided by this Constitution . . . (3) Each shall perform other duties <u>as provided by statute.</u> ”	
452	State Treasurer	UTAH CONST. art. VII, §§ 1, 15	Elected		(2) Some mandatory power granted See art. VII, § 1, above. § 15: “(2) The State Treasurer <u>shall be the custodian of public moneys.</u> (3) [He or she] shall perform other duties <u>as provided by statute.</u> ”	
453	Attorney General	UTAH CONST. art. VII, §§ 1, 16	Elected		(2) Some mandatory power granted See art. VII, § 1, above. § 16: “ <u>The Attorney General shall be the legal adviser of the State officers,</u> except as otherwise provided by this Constitution, and <u>shall perform such other duties as provided by law.</u> ”	
454	Board of Pardons and Parole	UTAH CONST. art. VII, § 12	Members appointed by governor with Senate confirmation		(1) Grant of power – express legislative discretion “(1) There is created a Board of Pardons and Parole. “(2) (a) The Board of Pardons and Parole, by majority vote and upon other conditions <u>as provided by statute, may grant parole,</u> remit fines, forfeitures, and restitution orders, commute punishments, and grant pardons after convictions, in all cases except treason and impeachments, <u>subject to regulations as provided by statute. . . .</u> “(c) The proceedings and decisions of the board, the reasons therefor in each case, and the dissent of any member who may disagree shall be recorded and filed as provided by statute with all papers used upon the hearing.”	
455	State Board of Education	UTAH CONST. art. X, § 3	Established and elected as provided by statute		(2) Some mandatory power granted “ <u>The general control and supervision of the public education system shall be vested in a State Board of Education.</u> The membership of the board shall be established and elected as provided by statute. The State Board of Education shall appoint a State Superintendent of Public Instruction who shall be the executive officer of the board.”	
456	State Superintendent of Public Instruction	UTAH CONST. art. X, § 3	Appointed by Board of Education		(2) Some mandatory power granted See art. X, § 3, above.	

	457	State Tax Commission	UTAH CONST. art. XIII, § 6	Four members, appointed by Governor with Senate confirmation	<p>(2) Some mandatory power granted</p> <p>“(1) There shall be a State Tax Commission consisting of four members, not more than two of whom may belong to the same political party. . . .</p> <p>“(3) <u>The State Tax Commission shall: (a) administer and supervise the State’s tax laws; (b) assess mines and public utilities and have such other powers of original assessment as the Legislature may provide by statute; (c) adjust and equalize the valuation and assessment of property among the counties; (d) as the Legislature provides by statute, review proposed bond issues, revise local tax levies, and equalize the assessment and valuation of property within the counties; and (e) have other powers as may be provided by statute.</u></p> <p>“(4) Notwithstanding the powers granted to the State Tax Commission in this Constitution, the Legislature may by statute authorize any court established under Article VIII to adjudicate, review, reconsider, or redetermine any matter decided by the State Tax Commission relating to revenue and taxation.”</p>	
	458	Board of Labor, Conciliation, and Arbitration	UTAH CONST. art. XVI, § 2	Provided for by Legislature	<p>(1) Grant of power – express legislative discretion</p> <p>“The Legislature shall provide by law, for a Board of Labor, Conciliation and Arbitration, which shall fairly represent the interests of both capital and labor. <u>The Board shall perform duties, and receive compensation as prescribed by law.</u>”</p>	
	459	Secretary of State	UTAH CONST. art. XXIV, § 12	Elected	<p>(3) No grant of power – presumed legislative discretion</p> <p>“The State Officers to be voted for at the time of the adoption of this Constitution, shall be a Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Superintendent of Public Instruction, Members of the Senate and House of Representatives, three Supreme Judges, nine District Judges, and a Representative to Congress.”</p>	A prior provision enumerating duties for the Secretary was repealed.
Vermont	460	Secretary of Civil and Military Affairs	VT. CONST. chap. II, § 21	Appointed by Governor	<p>(3) No grant of power – presumed legislative discretion</p> <p><u>“The Governor may have a Secretary of Civil and Military Affairs,</u> to be by him appointed during pleasure, whose services he may at all times command; and for whose compensation provision shall be made by law.”</p>	Secretary is only mentioned.
	461	Treasurer	VT. CONST. chap. II, § 43	Elected	<p>(3) No grant of power – presumed legislative discretion</p>	

					“The Governor, Lieutenant-Governor, Treasurer, Secretary of State, Auditor of Accounts, Senators, Town Representatives, Assistant Judges of the County Court, Sheriffs, High Bailiffs, State’s Attorneys, Judges of Probate and Justices of the Peace, shall be elected biennially on the first Tuesday next after the first Monday of November, beginning in A.D. 1914.”	
	462	Secretary of State	Vt. CONST. chap. II, §§ 43, 48	Elected	<p>(3) No grant of power – presumed legislative discretion See chap. II, § 43, above.</p> <p>§ 48: “The Secretary of State and the Auditor of Accounts shall be elected by the freemen of the State upon the same ticket with the Governor, Lieutenant-Governor and Treasurer; and the Legislature shall carry this provision into effect by appropriate legislation.”</p>	
	463	Auditor of Accounts	Vt. CONST. chap. II, §§ 43, 48	Elected	<p>(3) No grant of power – presumed legislative discretion See chap. II, §§ 43, 48, above.</p>	
Virginia	464	Attorney General	VA. CONST. art. V, § 15	Elected	<p>(1) Grant of power – express legislative discretion Attorney General “<u>shall perform such duties and receive such compensation as may be prescribed by law</u>, which compensation shall neither be increased nor diminished during the period for which he shall have been elected.”</p>	
	465	Board of Education	VA. CONST. art. VIII, § 4-5	Nine members appointed by governor with General Assembly confirmation	<p>(2) Some mandatory power granted § 4: “<u>The general supervision of the public school system shall be vested</u> in a Board of Education of nine members”</p> <p>§ 5: “<u>The powers and duties of the Board of Education shall be as follows:</u> “(a) <u>Subject to such criteria and conditions as the General Assembly may prescribe, the Board shall divide the Commonwealth into school divisions</u> of such geographical area and school-age population as will promote the realization of the prescribed standards of quality, and shall periodically review the adequacy of existing school divisions for this purpose.</p> <p>“(b) <u>It shall make annual reports</u> to the Governor and the General Assembly concerning the condition and needs of public education in the Commonwealth, and shall in such report identify any school divisions</p>	Hybrid: some express authority, some express legislative discretion.

				<p>which have failed to establish and maintain schools meeting the prescribed standards of quality.</p> <p>“(c) <u>It shall certify to the school board of each division a list of qualified persons for the office of division superintendent of schools</u>, one of whom shall be selected to fill the post by the division school board. In the event a division school board fails to select a division superintendent within the time prescribed by law, the Board of Education shall appoint him.</p> <p>“(d) <u>It shall have authority to approve textbooks and instructional aids</u> and materials for use in courses in the public schools of the Commonwealth.</p> <p>“(e) <u>Subject to the ultimate authority of the General Assembly</u>, the Board shall have primary responsibility and authority for effectuating the educational policy set forth in this article, <u>and it shall have such other powers and duties as may be prescribed by law.</u>”</p>	
466	Superintendent of Public Instruction	VA. CONST. art. VIII, § 6	Appointed by governor with General Assembly confirmation	<p>(1) Grant of power – express legislative discretion “The powers and duties of the Superintendent <u>shall be prescribed by law.</u>”</p>	
467	State Corporation Commission	VA. CONST. art. IX, § 1 & § 2	Elected by General Assembly	<p>(2) Some mandatory power granted “Subject to the provisions of this Constitution and <u>to such requirements as may be prescribed by law</u>, the Commission shall be the department of government through which shall be issued all charters, and amendments or extensions thereof, of domestic corporations and all licenses of foreign corporations to do business in this Commonwealth. <u>Except as may be otherwise prescribed by this Constitution or by law</u>, the Commission shall be charged with the duty of <u>administering the laws made in pursuance of this Constitution for the regulation and control of corporations doing business in this Commonwealth</u>. <u>Subject to such criteria and other requirements as may be prescribed by law</u>, the Commission shall have the power and be charged with the duty of regulating the <u>rates</u>, charges, and services and, except as may be otherwise authorized by this Constitution or by</p>	Hybrid: some express authority, some express legislative discretion.

					general law, the facilities of railroad, telephone, gas, and electric companies. The Commission shall in proceedings before it ensure that the interests of the consumers of the Commonwealth are represented, <u>unless the General Assembly otherwise provides for representation of such interests. The Commission shall have such other powers and duties not inconsistent with this Constitution as may be prescribed by law.”</u>	
Washington	468	Secretary of State	WASH. CONST. art. III, §§ 1, 17- 18	Elected	<p>(1) Grant of power – express legislative discretion § 1: “The executive department shall consist of a governor, lieutenant governor, secretary of state, treasurer, auditor, attorney general, superintendent of public instruction, and a commissioner of public lands, who shall be severally chosen by the qualified electors of the state at the same time and place of voting as for the members of the legislature.”</p> <p>§ 17: “The secretary of state <u>shall keep a record of the official acts of the legislature</u>, and executive department of the state, and shall, when required, lay the same, and all matters relative thereto, before either branch of the legislature, <u>and shall perform such other duties as shall be assigned him by law.”</u></p> <p>§ 18: “There shall be a seal of the state kept by the secretary of state for official purposes, which shall be called, ‘The Seal of the State of Washington.’”</p>	
	469	Treasurer	WASH. CONST. art. III, §§ 1, 19	Elected	<p>(1) Grant of power – express legislative discretion § 19: “The treasurer shall perform <u>such duties as shall be prescribed by law”</u></p>	
	470	Auditor	WASH. CONST. art. III, §§ 1, 20	Elected	<p>(2) Some mandatory power granted § 20: “The auditor <u>shall be auditor of public accounts, and shall have such powers and perform such duties in connection therewith as may be prescribed by law.”</u></p>	
	471	Attorney General	WASH. CONST. art. III, §§ 1, 21	Elected	<p>(2) Some mandatory power granted § 21: “<u>The attorney general shall be the legal adviser of the state officers, and shall perform such other duties as may be prescribed by law.”</u></p>	
	472	Superintendent of Public Instruction	WASH. CONST. art. III, §§ 1, 22	Elected	<p>(2) Some mandatory power granted § 22: “<u>The superintendent of public instruction shall have supervision over all matters pertaining to public schools, and shall perform such specific duties as may be prescribed by law.”</u></p>	

	473	Commissioner of Public Lands	WASH. CONST. art. III, §§ 1, 23	Elected	(1) Grant of power – express legislative discretion § 23: “The commissioner of public lands shall <u>perform such duties and receive such compensation as the legislature may direct.</u> ”	
	474	Harbor Line Commission	WASH. CONST. art. XV, § 1	Determined by Legislature	(2) Some mandatory power granted “The legislature shall <u>provide</u> for the appointment of a <u>commission whose duty it shall be to locate and establish harbor lines</u> in the navigable waters of all harbors, estuaries, bays and inlets of this state, wherever such navigable waters lie within or in front of the corporate limits of any city, or within one mile thereof on either side. Any harbor line so located or established may thereafter be changed, relocated or reestablished by the commission pursuant to such provision as may be made therefor by the legislature. The state shall never give, sell or lease to any private person, corporation, or association any rights whatever in the waters beyond such harbor lines, nor shall any of the area lying between any harbor line and the line of ordinary high water, and within not less than fifty feet nor more than two thousand feet of such harbor line (as the commission shall determine) be sold or granted by the state, nor its rights to control the same relinquished, but such area shall be forever reserved for landings, wharves, streets, and other conveniences of navigation and commerce.”	
	475	Board of Health and Bureau of Vital Statistics	WASH. CONST. art. XX, § 1	Determined by Legislature	(1) Grant of power – express legislative discretion “There shall be established by law a state board of health and a bureau of vital statistics in connection therewith, <u>with such powers as the legislature may direct.</u> ”	
West Virginia	476	Secretary of State	W. VA. CONST. art. VII, § 1	Elected	(1) Grant of power – express legislative discretion “The executive department shall consist of a governor, secretary of state, auditor, treasurer, commissioner of agriculture and attorney general They shall reside at the seat of government during their terms of office, keep there the public records, books and papers pertaining to their respective offices and shall perform <u>such duties as may be prescribed by law.</u> ”	
	477	Auditor	W. VA. CONST. art. VII, § 1	Elected	(1) Grant of power – express legislative discretion See art. VII, § 1, above.	
	478	Treasurer	W. VA. CONST. art. VII, § 1	Elected	(1) Grant of power – express legislative discretion See art. VII, § 1, above.	

	479	Commissioner of Agriculture	W. VA. CONST. art. VII, § 1	Elected	(1) Grant of power – express legislative discretion See art. VII, § 1, above.	
	480	Attorney General	W. VA. CONST. art. VII, § 1	Elected	(1) Grant of power – express legislative discretion See art. VII, § 1, above.	
	481	Board of Education	W. VA. CONST. art. XII, § 2	Nine members appointed by Governor with Senate confirmation	(1) Grant of power – express legislative discretion “The general supervision of the free schools of the State shall be vested in the West Virginia board of education which shall perform such duties as may be prescribed by law The West Virginia board of education shall in the manner prescribed by law, select the state superintendent of free schools who shall serve at its will and pleasure”	Unclear if office has powers that legislature cannot alter.
	482	State Superintendent of Free Schools	W. VA. CONST. art. XII, § 2	Selected by Board of Education	(1) Grant of power – express legislative discretion “He shall be the chief school officer of the State and shall have such powers and shall perform such duties as may be prescribed by law.”	
Wisconsin	483	Secretary of State	WIS. CONST. art. VI, §§ 1-2	Elected	(1) Grant of power – express legislative discretion § 2: “The secretary of state shall keep a fair record of the official acts of the legislature and executive department of the state, and shall, when required, lay the same and all matters relative thereto before either branch of the legislature. He shall perform such other duties as shall be assigned him by law.”	
	484	Treasurer	WIS. CONST. art. VI, § 1	Elected	(1) Grant of power – express legislative discretion “The powers, duties and compensation of the treasurer and attorney general shall be prescribed by law.”	
	485	Attorney General	WIS. CONST. art. VI, § 1	Elected	(1) Grant of power – express legislative discretion See art. VI, § 1, above.	
	486	Superintendent of Public Instruction	WIS. CONST. art. X, § 1	Elected	(2) Some mandatory power granted⁷ “The supervision of public instruction shall be vested in a state superintendent and such other officers as the legislature shall direct; and their . . . powers [and] duties . . . shall be prescribed by law.”	
	487	Commissioners of Public Lands	WIS. CONST. art. X, § 7	Board consists of Secretary of State, Treasurer, and Attorney General	(2) Some mandatory power granted “The secretary of state, treasurer and attorney general, shall constitute a board of commissioners for the sale of the school and university lands and for the investment of the funds arising therefrom. Any two of said commissioners shall be a quorum for the	

⁷ Whether this provision grants any mandatory power is the subject of ongoing litigation. It is classified as such here to err on the side of inclusion.

					transaction of all business pertaining to the duties of their office.”	
	488	Department of Transportation	WIS. CONST. art. IV, § 9(2)		(3) No grant of power – presumed legislative discretion “The legislature shall provide by law for the establishment of a department of transportation and a transportation fund.”	Created.
Wyoming	489	Secretary of State	WYO. CONST. art. IV, §§ 11-12, 15	Elected	(1) Grant of power – express legislative discretion § 12: “ <u>The powers and duties of the secretary of state, of state auditor, treasurer and superintendent of public instruction shall be as prescribed by law.</u> ” § 15: “There shall be a seal of state which shall be called the “Great Seal of the State of Wyoming”; it shall be kept by the secretary of state and used by him officially as directed by law.”	
	490	Auditor	WYO. CONST. art. IV, §§ 11-12	Elected	(1) Grant of power – express legislative discretion See art. IV, § 12, above.	
	491	Treasurer	WYO. CONST. art. IV, §§ 11-12	Elected	(1) Grant of power – express legislative discretion See art. IV, § 12, above.	
	492	Superintendent of Public Instruction	WYO. CONST. art. IV, §§ 11-12; art. VII, § 14	Elected	(2) Some mandatory power granted See art. IV, § 12, above. § 14: “ <u>The general supervision of the public schools shall be entrusted to the state superintendent of public instruction, whose powers and duties shall be prescribed by law.</u> ”	Unclear if office has powers that legislature cannot alter.
	493	Board of Trustees (for University)	WYO. CONST. art. VII, § 17	At least seven members appointed by governor with Senate confirmation, University President, and Superintendent of Public Instruction	(1) Grant of power – express legislative discretion “The legislature shall provide by law for the management of the university, its lands and other property by a board of trustees, consisting of not less than seven members, to be appointed by the governor by and with the advice and consent of the senate, and the president of the university, and the superintendent of public instruction, as members ex officio, as such having the right to speak, but not to vote. <u>The duties and powers of the trustees shall be prescribed by law.</u> ”	
	494	Board of Control (Over Water & Irrigation)	WYO. CONST. art. VIII, § 2	State Engineer and superintendents of the water divisions	(2) Some mandatory power granted “There shall be constituted a board of control, to be composed of the state engineer and superintendents of the water divisions; <u>which shall, under such regulations as may be prescribed by law, have the</u>	

					<u>supervision of the waters of the state and of their appropriation</u> , distribution and diversion, and of the various officers connected therewith. Its decisions to be subject to review by the courts of the state.”	
495	State Engineer	WYO. CONST. art. VIII, § 5	Appointed by Governor with Senate confirmation		(2) Some mandatory power granted “There shall be a state engineer who shall be appointed by the governor of the state and confirmed by the senate... He shall be president of the board of control, and <u>shall have general supervision of the waters of the state and of the officers connected with its distribution</u> . No person shall be appointed to this position who has not such theoretical knowledge and such practical experience and skill as shall fit him for the position.”	
496	Inspector of Mines	WYO. CONST. art. IX, § 1	Legislature shall prescribe by law		(1) Grant of power – express legislative discretion “There shall be established and maintained the office of inspector of mines, <u>the duties of which shall be prescribed by law.</u> ”	
497	State Board of Equalization	WYO. CONST. art. XV, §§ 9-10	Provided by Legislature		(2) Some mandatory power granted § 10: “ <u>The duties of the state board shall be to equalize the valuation on all property in the several counties and such other duties as may be prescribed by law.</u> ”	

Appendix B: Gubernatorial Removal Power

State	Constitutional removal provision (if trans-substantive)	Statutory removal provision (if trans-substantive)	Precedent Regarding For-Cause Standard	Precedent Limiting Reviewability
AL	n/a	ALA. CODE § 36-13-7 (2016)	unknown	n/a
AK	ALASKA CONST. art. III, § 25	ALASKA STAT. § 39.05.030 (2015)	Informal Op. No. J-66-103-79, 1979 WL 22745, at *1 (Alaska A.G. Jan. 23, 1979) (defining for cause as “malfeasance, misfeasance, or nonfeasance”)	n/a
AZ	n/a	ARIZ. REV. STAT. ANN. § 38-295 (2015); ARIZ. REV. STAT. ANN. § 41-101 (2015)	<ul style="list-style-type: none"> • <i>Arizona Indep. Redistricting Comm’n v. Brewer</i>, 229 Ariz. 347, 349, 275 P.3d 1267, 1269 (2012) (failing to conduct open meetings was insufficient cause) • <i>Holmes v. Osborn</i>, 115 P.2d 775 (Ariz. 1941) (defining cause as “inefficiency, neglect of duty, malfeasance, misfeasance, or nonfeasance) • <i>Farish v. Young</i>, 18 Ariz. 298, 302-03, 158 P. 845 (1916) (describing cause as “affecting or concerning the ability or fitness of the incumbent to perform the duty imposed upon him,” but governor determines sufficiency of cause) 	Reviewable. <i>Holmes v. Osborn</i> , 115 P.2d 775 (Ariz. 1941).
AR	ARK. CONST. amend. XXXIII, § 4; ARK. CONST. art. XV, § 3	ARK. CODE. ANN. § 25-16-804 (2016); ARK. CODE. ANN. § 25-16-806 (2016)	<ul style="list-style-type: none"> • <i>Rockefeller v. Hogue</i>, 429 S.W.2d 85 (Ark. 1969) (defining cause as “high crimes and misdemeanors and gross misconduct in office”) • <i>Brewer v. State</i>, 73 S.W.2d 160, 160 (Ark. 1934) (immoral assaults upon a female child were sufficient cause) 	Reviewable. <i>Brewer v. State</i> , 189 Ark. 492, 73 S.W.2d 160, 160 (1934).
CA	n/a	CAL. GOV’T CODE § 3002 (2016)	<i>O’Brien v. Olson</i> , 42 Cal. App. 2d 449, 461-64 (1941) (constructive knowledge of unlawful prison practices was sufficient cause)	Deferential. <i>O’Brien v. Olson</i> , 42 Cal. App. 2d 449, 463, 109 P.2d 8, 17–18 (1941).
CO	COLO. CONST. art. IV, § 6	Not trans-substantive	<i>Trimble v. People</i> , 34 P. 981, 984-86 (Colo. 1893) (defining cause as not “political reasons,” and finding non-enforcement of illegal gambling was sufficient cause)	Unreviewable. <i>Trimble v. People</i> , 34 P. 981, 986 (Colo. 1893); <i>Getty v. Gaffy</i> , 44 P.2d 506, 507-08 (Colo. 1935).

State	Constitutional removal provision (if trans-substantive)	Statutory removal provision (if trans-substantive)	Precedent Regarding For-Cause Standard	Precedent Limiting Reviewability
CT	n/a	Not trans-substantive	unknown	Unreviewable. <i>State v. Kennelly</i> , 55 A. 555, 557 (Conn. 1903).
DE	DEL. CONST. art. III, § 13; DEL. CONST. art. XV, § 6	Not trans-substantive	<i>Green v. Collison</i> , 197 A. 836, 845 (Del. Super. Ct. 1938) (categorizing conviction of misbehavior in office or of an infamous crime as sufficient cause)	Reviewable. <i>Slawik v. Folsom</i> , 410 A.2d 512, 518 (Del. 1979)
FL	FLA. CONST. art. IV, §§ 6, 7	FLA. STAT. § 112.52 (2016)	<i>Hardee v. Allen</i> , 172 So. 222 (Fla. 1937) (failing to prosecute informations was sufficient cause)	Conflicting precedent: <i>State v. Ledwith</i> , 14 Fla. 220, 223 (1872) (unreviewable); <i>Hardie v. Coleman</i> , 155 So. 129 (Fla. 1934) (deferential).
GA	n/a	Not trans-substantive	unknown	Conflicting precedent: <i>Gray v. McLendon</i> , 67 S.E. 859, 860-64 (Ga. 1910) (unreviewable); <i>Felton v. Huie</i> , 173 S.E. 660 (Ga. 1933) (reviewable).
HI	HAW. CONST. art. V, § 6	HAW. REV. STAT. § 26-31 (2016); HAW. REV. STAT. § 26-34 (2016)	unknown	n/a
ID	n/a	IDAHO CODE § 67-2404(2) (2017)	unknown	Deferential. <i>State Insurance Fund v. Hunt</i> , 17 P.2d 354, 355 (Idaho 1932); <i>Hawley v. Bottolfsen</i> , 98 P.2d 634, 636-37 (Idaho 1940).
IL	ILL. CONST. art. V, §§ 7, 10	Not trans-substantive	<i>Adams v. Walker</i> , 492 F.2d 1003 (7th Cir. 1974) (defining for cause as “incompetence, neglect of duty, or malfeasance in office”)	Deferential. <i>Wilcox v. Lipe</i> , 90 Ill. 186, 206 (1878); <i>Lunding v. Walker</i> , 359 N.E.2d 96, 102 (Ill. 1976)
IN	IND. CONST. art. XV, § 2	Not trans-substantive	unknown	n/a
IA	n/a	Not trans-substantive	unknown	Unreviewable. <i>Brown v. Duffus</i> , 23 N.W. 396 (Iowa 1885).

State	Constitutional removal provision (if trans-substantive)	Statutory removal provision (if trans-substantive)	Precedent Regarding For-Cause Standard	Precedent Limiting Reviewability
KS	KAN. CONST. art. XV, § 2	Not trans-substantive	<i>McMaster v. Herald</i> , 42 P. 697 (Kan. 1895) (commissioner of elections' refusal to register voters was sufficient cause)	Unreviewable. <i>Harrington v. Smith</i> , 217 P. 270 (Kan. 1923); <i>McMaster v. Herald</i> , 42 P. 697, 699 (Kan. 1895).
KY	n/a	KY. REV. STAT. ANN. § 63.080 (2016)	<ul style="list-style-type: none"> • <i>Cornett v. Chandler</i>, 307 S.W.2d 918, 919 (Ky. 1957) (assaulting an attorney was sufficient cause) • <i>Stuart v. Combs</i>, 360 S.W.2d 144, 144 (Ky. 1962) (sheriff's failure to enforce gambling laws was sufficient cause). 	n/a
LA	LA. CONST. art. IV, § 5, para. (I)	LA. STAT. ANN. § 42:4 (2016)	<i>Evans v. Populus</i> , 22 La. Ann. 121, 122 (1870) (embezzling government funds was sufficient cause)	Unreviewable. <i>Attorney General v. Doherty</i> , 25 La. Ann. 119, 120 (1873); <i>Di Carlo v. Abbott</i> , 41 La. Ann. 1096, 1097 (1889).
ME	ME. CONST. art. IX, § 6	ME. STAT. tit. 5, § 2 (2015)	unknown	n/a
MD	MD. CONST. art. II § 15	Not trans-substantive	<i>Cull v. Wheltle</i> , 78 A. 820 (Md. 1910) (defining cause as incompetence or misconduct).	Deferential. <i>Cull v. Wheltle</i> , 78 A. 820, 821 (Md. 1910).
MA	n/a	MASS. GEN. LAWS ANN. ch. 30, § 9 (2017)	<ul style="list-style-type: none"> • <i>McSweeney v. Town Manager of Lexington</i>, 401 N.E.2d 113, 116 (Mass. 1980) (defining cause as <i>less</i> than “inefficiency, neglect or misconduct” and less than “a substantive dereliction of known duties or standards of performance”). • <i>Flomenbaum v. Com.</i>, 889 N.E.2d 423 (Mass. 2008) (defining cause as context specific to the agency or body and finding a medical examiner's poor performance as sufficient cause). • <i>Levy v. Acting Governor</i>, 767 N.E.2d 66, 77 (Mass. 2002) (disagreement about tolling authority was insufficient cause). 	Conflicting precedent: <i>In re Opinion of the Justices</i> , 14 N.E.2d 465 (Mass. 1938) (unreviewable); <i>Levy v. Acting Governor</i> , 767 N.E.2d 66, 77 (Mass. 2002) (reviewable); <i>Flomenbaum v. Com.</i> , 889 N.E.2d 423 (Mass. 2008) (reviewable).

State	Constitutional removal provision (if trans-substantive)	Statutory removal provision (if trans-substantive)	Precedent Regarding For-Cause Standard	Precedent Limiting Reviewability
MI	MICH. CONST. art. V, §§ 3, 10	Not trans-substantive	<ul style="list-style-type: none"> • <i>Johnson v. Coffey</i>, 213 N.W. 460 (Mich. 1927) (accepting bribes was sufficient cause). • <i>Metevier v. Therrien</i>, 45 N.W. 78, 78 (Mich. 1890) (describing cause as incompetence, misconduct, neglect of duty, habitual drunkenness, or felony conviction). 	Deferential. <i>Johnson v. Coffey</i> , 213 N.W. 460 (Mich. 1927).
MN	n/a	MINN. STAT. § 4.04 (2016)	<ul style="list-style-type: none"> • <i>Douglas v. Megaarden</i>, 88 N.W. 412 (Minn. 1901) (defining cause as malfeasance or nonfeasance and finding embezzlement as sufficient cause). • <i>In re Olson</i>, 300 N.W. 398, 399 (Minn. 1941) (sheriff's non-enforcement of illegal gambling was sufficient cause). 	Reviewable. <i>State v. Eberhart</i> , 133 N.W. 857 (Minn. 1911).
MS	n/a	MISS. CODE ANN. § 25-5-3 (2015)	unknown	n/a
MO	MO. CONST. art. IV, § 17	MO. ANN. STAT. § 106.010 (2016)	unknown	Unreviewable. <i>Barker v. Crandall</i> , 190 S.W. 889 (Mo. 1916).
MT	MONT. CONST. art. VI, § 8, para. 1	Not trans-substantive	<i>Matson v. O'Hern</i> , 65 P.2d 619, 630 (Mont. 1937) (collecting improper fees was sufficient cause).	Deferential. <i>Matson v. O'Hern</i> , 65 P.2d 619, 630 (Mont. 1937).
NE	NEB. CONST. art. IV, §§ 1, 10	NEB. REV. STAT. § 81-102 (2016)	unknown	Deferential. <i>Churchill v. Hay</i> , 63 N.W. 821 (Neb. 1895); <i>Meyer v. Sorrell</i> , 117 N.W.2d 872 (Neb. 1962).
NV	NEV. CONST. art. XV, § 11	Not trans-substantive	unknown	n/a
NH	n/a	N.H. REV. STAT. ANN. § 4:1 (2016)	<i>Bennett v. Thomson</i> , 363 A.2d 187, 191 (N.H. 1976) (public disagreement with the governor's policy was sufficient cause).	Reviewable. <i>Bennett v. Thomson</i> , 363 A.2d 187, 189 (N.H. 1976)
NJ	N.J. CONST. art. V, § 4, para. 2 and 5	Not trans-substantive	<i>Barringer v. Miele</i> , 77 A.2d 895, 897 (N.J. 1951) (describing "reasons of economy" as sufficient cause).	n/a

State	Constitutional removal provision (if trans-substantive)	Statutory removal provision (if trans-substantive)	Precedent Regarding For-Cause Standard	Precedent Limiting Reviewability
NM	N.M. CONST. art. V, § 5	Not trans-substantive	unknown	Reviewable. <i>Am. Fed. of State, County and Mun. Employees v. Martinez</i> , 257 P.3d 952 (N.M. 2011).
NY	N.Y. CONST. art. V, § 4	N.Y. PUB. OFF. LAW § 33 (2016)	unknown	Deferential. <i>In re Guden</i> , 64 N.E. 451 (N.Y. 1902); <i>People v. Stout</i> , 11 Abb. Pr. 17, 20 (N.Y. Sup. Ct. 1860)
NC	n/a	N.C. GEN. STAT. § 143B-16 (2015)	unknown	Reviewable. <i>James v. Hunt</i> , 258 S.E.2d 481, 482 (N.C. App. 1979).
ND	n/a	Not trans-substantive	<i>Olson v. Welford</i> , 260 N.W. 593 (N.D. 1935) (highway commissioner's failure to remedy highway maintenance problem was sufficient cause).	Deferential. <i>Joos v. Guy</i> , 125 N.W.2d 468 (N.D. 1963).
OH	n/a	Not trans-substantive	<i>State v. Hawkins</i> , 5 N.E. 228, 236-37 (Ohio 1886) (police commissioner's hiring of unfit police officers was sufficient cause); <i>Monroe & Son Co. v. Baker</i> , 147 N.E. 501, 505 (Ohio 1925) (refusing to obey an executive order was sufficient cause).	Deferential. <i>State v. Hawkins</i> , 5 N. E. Rep. 228 (Ohio 1886); <i>Vogt v. Donahey</i> , 140 N.E. 609, 610 (Ohio 1923).
OK	n/a	OKLA. STAT. tit. 74, § 2 (2016)	unknown	Conflicting precedent (dependent on classification of officer): <i>Hall v. Tirey</i> , 501 P.2d 496, 501 (Okla. 1972) (reviewable); <i>Bynum v. Strain</i> , 218 P. 883 (Okla. 1923) (unreviewable); <i>Cameron v. Parker</i> , 38 P. 14 (Okla. 1894) (reviewable).
OR	OR. CONST. art. XV, § 2	Not trans-substantive	unknown	n/a
PA	PA. CONST. art. VI, § 7	16 PA. STAT. ANN. § 450 (2016)	unknown	Reviewable. <i>Bowers v. Pa. LRB</i> , 167 A.2d 480, 486 (Pa. 1961).

State	Constitutional removal provision (if trans-substantive)	Statutory removal provision (if trans-substantive)	Precedent Regarding For-Cause Standard	Precedent Limiting Reviewability
RI	n/a	Not trans-substantive	<i>Vanlaarhoven v. Newman</i> , 564 F. Supp. 145, 148 (D.R.I. 1983) (partisan or personal reasons unrelated to one’s fitness for office are “expressly forbidden”).	n/a
SC	S.C. CONST. art. XV, § 3	S.C. CODE ANN. § 1-3-240 (2016)	<i>Rose v. Beasley</i> , 489 S.E.2d 625, 628 (S.C. 1997) (failing to immediately furnish requested documents was sufficient for removal).	Reviewable. <i>Richards v. Ballentine</i> , 150 S.E. 46 (S.C. 1929)
SD	S.D. CONST. art. IV, § 9	S.D. CODIFIED LAWS § 3-17-1 (2015)	unknown	Deferential. <i>Beckwith v. Bushfield</i> , 289 N.W. 421, 422 (S.D. 1939)
TN	n/a	TENN. CODE ANN. § 8-47-108 (2016)	<i>House v. Creveling</i> , 250 S.W. 357, 363 (Tenn. 1923) (policy disagreements are insufficient cause).	n/a
TX	TEX. CONST. art. XV, §§ 8, 9	Not trans-substantive	unknown	n/a
UT	n/a	UTAH CODE ANN. § 67-1-3 (2016)	unknown	Deferential. <i>Taylor v. Lee</i> , 226 P.2d 531, 540 (Utah 1951)
VT	n/a	VT. STAT. ANN. tit. 3, § 2004 (2016)	unknown	n/a
VA	VA. CONST. art. V, § 10	Not trans-substantive	unknown	n/a
WA	n/a	WASH. REV. CODE § 43.06.070 (2016)	unknown	Unreviewable. <i>State v. Burke</i> , 36 P. 281, 284 (Wash. 1894); <i>State v. Cheetham</i> , 53 P. 349 (Wash. 1898)
WV	W. VA. CONST. art. VII, § 10	W. VA. CODE § 6-6-4 (2016)	unknown	Reviewable. <i>Thompson v. Morton</i> , 84 S.E.2d 791 (W. Va. 1954)
WI	WIS. CONST. art. VI, § 4, para. 4	WIS. STAT. § 17.07(2) (2016)	<i>Kennedy, v. McGarry</i> , 21 Wis. 496, 497–98 (1867) (defining cause, outside the gubernatorial removal context, as incompetence or improper conduct).	Deferential. <i>Kennedy, v. McGarry</i> , 21 Wis. 496, 498 (1867) (deferential); <i>Ekern v. McGovern</i> , 142 N.W. 595 (Wis. 1913)

State	Constitutional removal provision (if trans-substantive)	Statutory removal provision (if trans-substantive)	Precedent Regarding For-Cause Standard	Precedent Limiting Reviewability
WY	WYO. CONST. art. III, § 19	WYO. STAT. ANN. § 9-1-202(a) (2016)	<i>State v. Scott</i> , 247 P. 699, 701 (Wyo. 1926) (clarifying that officers cannot be removed from office for actions occurring during a prior term).	Deferential. <i>Loomis v. Dahlem</i> , 263 P. 708 (Wyo. 1928).

Appendix C: State Case Law Addressing Constitutional Gubernatorial Supervision Power⁸

State	No.	Case	Parties/Posture	Constitutional Agency?	Interpretation ⁹
AL	1	<i>State ex rel. King v. Morton</i> , 955 So. 2d 1012, 1021 (Ala. 2006).	G alleging legislative infringement	No ¹⁰	<u>[Legislative discretion]</u> G loses. By failing to establish that he had no authority over the commission (given, among other factors, the opinions clause) and failing to articulate what degree of gubernatorial control was required, the governor failed to overcome the presumption of legislative constitutionality.
	2	<i>State ex rel. Daly v. Henderson</i> , 74 So. 951, 952 (Ala. 1917).	Employee of AG alleging gubernatorial overreach	Yes	<u>[Legislative discretion]</u> G wins. Court construes statute conditioning reimbursement of AG's expenses on submission of a certificate "to be approved by the Governor" to allow G discretion to disapprove. The Court bases this reading on the legislative history, but also on the constitution's take care clause, which counsels against reading a statute that would make G "a marionette to be moved by a string in the hand of another"—though it does not say that such a statute would be unconstitutional.

⁸ As noted in the accompanying Article, I have narrowed the potentially broad set of cases affecting gubernatorial supervision to those that meet two criteria: (a) the case cites one of the executive-power clauses of the state's constitution, and (b) the case addresses whether the governor can dictate or countermand the decision of another executive-branch official. My aim is to isolate cases that zero in on the governor's constitutional power to direct executive action, separate from questions of appointment or removal. Inevitably, this compilation will be incomplete, and it is too thin a reed for quantitative conclusions. Rather, the aim is to substantiate the account I develop of extant approaches to this issue across and within states.

⁹ Tracking the discussion in the accompanying article, this column roughly groups the decisions based on whether they afford discretion to the legislature ("[Legislative Discretion]"); impose an apparently categorical constitutional rule ("[Constitutionally mandated gubernatorial supervision—Categorical] or [Constitutionally mandated independence—Categorical]; or impose a constitutional rule specific to the officer or clause at issue ("[Constitutionally mandated gubernatorial supervision—Clause-based] or [Constitutionally mandated independence—Clause-based]. The category of legislative discretion includes cases that resolve disputes by resorting to relevant legislation, including those that allude to the possibility of a constitution rule, but do not identify it.

¹⁰ Interestingly, although the commission was legislatively created, it comprised constitutional officials. *State ex rel. King v. Morton*, 955 So. 2d 1012, 1015 (Ala. 2006) ("The Executive Commission is composed of . . . the State Superintendent of Education, the Lieutenant Governor, the State Treasurer, and the Commissioner of Agriculture and Industries. The Governor does not serve on the Executive Commission, and he does not have any authority to appoint its members, directly oversee its actions, or veto its decisions.").

State	No.	Case	Parties/Posture	Constitutional Agency?	Interpretation ⁹
	3	<i>Riley v. Cornerstone Cmty. Outreach, Inc.</i> , 57 So. 3d 704, 722 (Ala. 2010).	Regulated party and AG challenge alleged gubernatorial overreach into state litigation.	Yes	[<u>Constitutionally mandated gubernatorial supervision—Categorical</u>] G wins. G’s “supreme” executive power and Take Care Clause indicate that G has power to enforce laws (through litigation) over the objection of another constitutional officer (here, AG). AG’s constitutional powers (“as prescribed by law”) and common-law powers do not trump G’s.
AK	4	<i>Robart v. State</i> , 82 P.3d 787 (Alaska Ct. App. 2004).	Criminal defendant alleging broad G power vis-à-vis LG	Yes	[<u>Legislative discretion</u>] Constitution gives LG “duties prescribed by law.” Statute requiring LG’s approval of use of state seal is such a duty, and does not allow G approval as a substitute, despite constitutional provisions authorizing governor to enforce laws. Still, no indication that a statute changing the LG’s powers on this matter would pose any constitutional problem.
AZ	5	<i>Arizona State Land Dep’t v. McFate</i> , 348 P.2d 912, 918 (Ariz. 1960).	State land agency challenged AG’s power as intruding into G’s	Yes	[<u>Legislative discretion</u>] AG only has power “prescribed by law,” and no authority to institute a suit against the state land commission. Under the Take Care Clause and specific state statutes regarding supervision, “the Governor alone . . . is responsible for the supervision of the executive department” and thus of this (interestingly, tenure-protected) commission. However, the court seems to suggest that legislation authorizing the AG to sue would be constitutional. ¹¹
AR		N/A			
CA	6	<i>People ex rel. Deukmejian v. Brown</i> , 624 P.2d 1206, 1209 (Cal. 1981).	AG sought to prevent G’s implementation of allegedly unconstitutional law	Yes	[<u>Constitutionally mandated gubernatorial supervision—Clause-based</u>] G power read broadly based on constitutional text that “the Attorney General may act only ‘subject to the powers’ of the Governor.” <i>Id.</i> at 1209. “The constitutional pattern is crystal clear: if a conflict between the Governor and the Attorney General develops over the faithful execution of the laws of this state, the Governor retains the ‘supreme executive power’ to determine the public interest.” <i>Id.</i>

¹¹ “His standing to institute such action . . . must . . . be supported by statute. We find no such support in this case.” *Id.* at 918.

State	No.	Case	Parties/Posture	Constitutional Agency?	Interpretation ⁹
	7	<i>Brown v. Chiang</i> , 198 Cal. App. 4th 1203, 1230 (2011).	Controller alleged G overreach	Yes	[<u>Legislative discretion</u>] G wins. G has “supreme executive power,” whereas Controller has only powers provided by law; in this case, statutes authorize G to supervise. No commentary regarding how far Legislature could go in empowering Controller.
CO	8	<i>Greenwood Cemetery Land Co. v. Routt</i> , 28 P. 1125, 1128 (1892).	Regulated party challenged act of board of land commissioners, of which G was a member	Yes	[<u>Legislative discretion</u>] Construes G power narrowly. Because statutes established that the (constitutional) commission could act by majority vote, and the G was just one member, the commission’s action was not within the G’s “supreme executive power.” Relevance in this case was to reviewability, but the reasoning could extrapolate to legislative prerogative to secure independence from G.
CT		N/A			
DE	9	<i>In re Opinions of Justices</i> , 88 A.2d 128 (Del. 1952).	G asked whether he had power to empanel a grand jury to investigating vote-buying without AG’s participation	Yes	[<u>Constitutionally mandated independence—Clause-based</u>] G lacks that power. Take Care Clause does not override specific constitutional provision barring use of grand jury in the circumstances at issue.
FL	10	<i>Ayala v. Scott</i> , 224 So. 3d 755 (Fla. 2017).	State attorney challenged G power	Yes ¹²	[<u>Legislative discretion</u>] ¹³ G wins. Citing a line of consistent state cases, court holds that the Take Care Clause plus a statute allowing reassignment of state attorneys authorized G’s decision to reassign cases from a state attorney who vowed not to seek the death penalty.

¹² The Florida Constitution provides for the election of state attorneys in each judicial circuit and states that “[e]xcept as otherwise provided in this constitution, the state attorney shall be the prosecuting officer of all trial courts in that circuit and shall perform other duties prescribed by general law.” FLA. CONST. art. 5, §17.

¹³ Although the court’s holding rests mostly on statutory authority, the same line of cases provides that “[t]he statutes authorizing assignments of state attorneys should be broadly and liberally construed so as to complement and implement the duty of the Governor under the Constitution of the State of Florida to ‘take care that the laws be faithfully executed.’” *Id.* at 758 (quoting *Austin v. State ex rel. Christian*, 310 So.2d 289, 293 (Fla. 1975)). Thus, there likely are limits on the legislature’s ability to divest the governor of the power to assign state attorneys.

State	No.	Case	Parties/Posture	Constitutional Agency?	Interpretation ⁹
	11	<i>Whiley v. Scott</i> , 79 So. 3d 702, 713-15 (Fla. 2011).	Citizen alleged G overreach	No	[<u>Legislative discretion</u>] G loses. EO purporting to suspend rulemaking by all agencies controlled by G conflicts with state APA (which assigns duties to agency heads). State constitution's supervision clause, which expressly allows for administration to be placed under supervision of officer serving at governor's pleasure, did not prove otherwise. But legislature remained free to—and did—amend the APA to enhance G's review power.
GA	12	<i>Perdue v. Baker</i> , 586 S.E.2d 606, 610-11 (Ga. 2003).	Dispute between G and AG over litigation authority in Voting Rights Act case	Yes	[<u>Legislative discretion</u>] Under the constitution, neither G nor AG has exclusive authority over litigation. This system “provides a system of checks and balances within the executive branch so that no single official has unrestrained power to decide what laws to enforce and when to enforce them.” Court would thus resolve the dispute based on who had specific statutory authority regarding this lawsuit regarding legislative reapportionment, and concluded that was AG.
HI	13	<i>Bronster v. United Pub. Workers, Local 646</i> , 975 P.2d 766 (Haw. 1999).	AG alleged she was not bound by a state arbitration agreement, implicating G's authority	Yes	[<u>Constitutionally mandated gubernatorial supervision—Categorical</u>] Via vesting and supervision clauses, G possessed (and AG did not ultimately dispute) authority to bind the AG to the terms of a collective bargaining agreement with employees.
	14	<i>Bd. of Educ. v. Waihee</i> , 768 P.2d 1279 (Haw. 1987).	Board alleged G's budget overreached	Yes	[<u>Constitutionally mandated gubernatorial supervision—Clause-based</u>] G wins. Board's constitutional power is “as provided by law,” whereas G's vesting, supervision, and budgets clauses confer authority over the executive budget.
ID		N/A			

State	No.	Case	Parties/Posture	Constitutional Agency?	Interpretation ⁹
IL	15	<i>Ill. State Emps. Ass'n v. Walker</i> , 315 N.E.2d 9, 13 (Ill. 1974).	State employees alleged G overreach	No	[<u>Legislative discretion</u>] G wins. EO requiring financial disclosures violated no statute. Court does not discuss the EO as an exercise of G's constitutional supervisory power or frame the arguments against as a matter of employee independence. ¹⁴
IN	16	<i>Tucker v. State</i> , 35 N.E.2d 270 (Ind. 1941).	AG alleged legislative overreach into G power	Yes	[<u>Constitutionally mandated gubernatorial supervision—Categorical</u>] Citing <i>Myers v. United States</i> , 272 U.S. 52 (1926), court rejects a set of statutes that would have overhauled the state executive branch by, inter alia, reallocating appointment and removal power to other officials.
	17	<i>Nass v. State ex rel. Unity Team, Local 9212</i> , 718 N.E.2d 757 (Ind. App. 1999).	Auditor alleged G overreached	Yes	[<u>Constitutionally mandated gubernatorial supervision—Categorical</u>] Citing <i>Tucker</i> , 35 N.E. 2d at 270, and federal precedent, ¹⁵ court holds G lawfully provided for collective bargaining by EO based on G's constitutional authority to oversee the executive branch, plus statutory authority. Accordingly, Auditor was bound to withhold “fair share” fees from union nonmembers. (Given the emphasis on the “broad authority” in the constitution, it is hard to read the case as blessing hypothetical legislation that would preclude the G from regulating labor.)
IA	18	<i>Ryan v. Wilson</i> , 300 N.W. 707, 711–12 (Iowa 1941).	Regulated entity alleged G overreach vis-à-vis Auditor	Yes	[<u>Legislative discretion</u>] Given vesting and take care clause, plus broad statutory power, G was acting within the scope of his authority (and thus immune in a libel suit) in directing Auditor to conduct an investigation. Case adverts to the value of broad gubernatorial power and its constitutional basis, but does not say where the constitutional line would be in the absence of the several statutes on point.
KS	19	<i>State ex rel. Stubbs v. Dawson</i> , 119 P. 360, 364 (Kan. 1911).	AG alleging G overreach	Yes	[<u>Legislative discretion</u>] Court describes broad G power, including power to order AG to issue a subpoena. Scope of G's constitutional authority is unclear, however; court expressly declines to elaborate the boundaries of executive power beyond fact pattern and statute at issue here.

¹⁴ I have included this case as an example of the interesting but ultimately peripheral issue, discussed in many state cases, of when gubernatorial executive orders are authorized, and how to determine whether they conflict with statutes. The Appendix otherwise excludes these cases.

¹⁵ The court “find[s] support” in *Old Dominion Branch No. 496, Nat'l Assoc. of Letter Carriers v. Austin*, 418 U.S. 264, 274 n.5 (1974), which found an executive order regarding “labor-management relations” to be “plainly a reasonable exercise of the President’s responsibility for the efficient operation of the Executive Branch.”

State	No.	Case	Parties/Posture	Constitutional Agency?	Interpretation ⁹
KY	20	<i>Brown v. Barkley</i> , 628 S.W.2d 616 (1982).	Agriculture Commissioner alleged G overreach	Yes	[<u>Constitutionally mandated independence—Categorical</u>] Court notes that constitutional officers have only those duties conferred by Legislature, but concludes that, “whatever their duties,” elected constitutional officers “are not answerable to the supervision of anyone else,” including G. Court finds this to be a negative implication of the opinions clause. (Footnote twelve does seem to describe constitutional officers as “inferior” to G, who is supreme, but that does not change court’s conclusion.)
LA	21	<i>Hill v. Jindal</i> , 175 So. 3d 988, 1006–1007 (La. App. 2015).	Board of Elementary and Secondary Education alleged G overreach into its constitutional authority	Yes	[<u>Constitutionally mandated independence—Clause-based</u>] Limited G power in light of BESE’s constitutional authority. In affirming lower court’s injunction against G’s EOs regarding Common Core, court rejects G’s argument that vesting clause gives him authority to supervise constitutional agencies. Rather, state constitution entrusts education to BESE and state legislature.
	22	<i>Edwards v. Bd. of Trs. of the State Emps. Grp. Benefits Program</i> , 644 So. 2d 776 (La. App. 1994).	Board alleges G overreach	No	[<u>Legislative discretion</u>] Vesting clause plus statutory authority to inspect all state budget units authorized G to direct Inspector General to examine Board’s records (even though governor apparently lacked authority to remove Board members or appoint more than one member). Although the court cites the vesting clause, it does not discuss whether/where the limit would be on legislation limiting the G’s inspection authority.
ME	23	<i>State v. Simon</i> , 99 A.2d 922, 261-64 (Me. 1953).	Criminal defendant challenged indictment alleging attempt to bribe G, arguing G lacked authority over matter in question	No	[<u>Constitutionally mandated gubernatorial supervision—Categorical</u>] G lacked “direct authority” over the subject of the bribe (use of a particular surface material on state highways, which fell to the tenure-protected State Highway Commission). But such authority wasn’t needed: given G’s constitutional power, “everything pertaining to the executive department is at all times pending before the Governor in his official capacity.” (Interestingly, this case has been cited since then by other state courts, but never by the Maine Supreme Court.)

State	No.	Case	Parties/Posture	Constitutional Agency?	Interpretation ⁹
MD		N/A			
MA	24	<i>Sec’y of Admin. & Fin. v. Attorney Gen.</i> , 326 N.E.2d 334, 338-40 (Mass. 1975).	Sec. of Admin. alleged AG violated G’s power	Yes	[<u>Legislative discretion</u>] Limited G power, given AG’s <i>statutory</i> authority to be the sole voice of the state in litigation. But if Legislature thinks this arrangement may intrude on G’s “supreme” power, Legislature can revise the statutes.
MI		N/A ¹⁶			
MN	25	<i>State v. Chase</i> , 220 N.W. 951 (Minn. 1928).	University resists legislative attempt to subject it to G supervision	Yes	[<u>Constitutionally mandated independence— Clause-based</u>] Because state constitutional text authorized Regents to govern University of Minnesota affairs, Legislature could not place all University decisionmaking under G supervision. No citation to or discussion of G’s take-care authority.
MS	26	<i>Henry v. State</i> , 39 So. 856 (Miss. 1906).	Warden alleged G lacked inherent authority to sue	No	[<u>Legislative discretion</u>] State constitution does not grant G inherent authority to sue (here, Warden) on state’s behalf; it grants that power, if at all, to AG (who was not a party). This sounds like a constitutional ruling, but subsequent case law indicates legislative discretion. ¹⁷
MO	27	<i>Schweich v. Nixon</i> , 408 S.W.3d 769, 772 (Mo. 2013) (en banc).	State Auditor alleged G overreach	Yes	[<u>Constitutionally mandated gubernatorial supervision— Clause-based</u>] “The Missouri Constitution specifically limits the Auditor’s authority to that set out in the Constitution. The Constitution does not give the Auditor the authority to conduct a pre-audit of other state officials’ spending...” (No mention of Take Care Clause or other general gubernatorial power. ¹⁸)

¹⁶ Michigan’s constitution establishes broad gubernatorial reorganization power, so many supervision cases are likely avoided by deployment of that power. *See, e.g., Straus v. Governor*, 592 N.W.2d 53 (Mich. 1999).

¹⁷ This decision sounds, in places, like a constitutional ruling that only the Attorney General has such litigation authority, but the state legislature later authorized the Governor to sue on the state’s behalf if the AG declines. The state supreme court assumed (without deciding) the constitutionality of that statute in 1920, *Temple v. State*, 86 So. 580, 580 (Miss. 1920), and a version of it remains on the books, MISS. CODE. ANN. § 7-1-5 (West).

¹⁸ Accordingly, this case is not squarely within the search described here. I include it because it underscores the point, made in the Article, that many state courts resolve intra-executive disputes (even if in the governor’s favor) without any categorical pronouncements about gubernatorial power.

State	No.	Case	Parties/Posture	Constitutional Agency?	Interpretation ⁹
MT	28	<i>Montana Pub. Employee's Ass'n v. Office of Governor</i> , 898 P.2d 675, 678-80 (Mont. 1995).	Employees allege G overreach	No	[<u>Legislative discretion</u>] G's actions altering pay plan were not unconstitutional, but rather "simply executed his <i>statutory</i> duty to supervise and direct the heads of two executive departments."
NE		N/A			
NV		N/A			
NH	29	<i>Barry v. King</i> , 210 A.2d 161, 162-63 (N.H. 1965).	Commissioner of Health and Welfare alleged overreach by G and Executive Council	No	[<u>Legislative discretion</u>] G and Executive Council have broad constitutional and statutory authority "for ordering and directing the affairs of the state," including to question Commissioner in connection with an investigation. Statutes expressly authorize investigation. (Note that G shares this power with Executive Council in NH.)
NJ	30	<i>In re Plan for Abolition of Council on Affordable Hous.</i> , 70 A.3d 559, 572 (2013).	Housing org alleged G overreach	No	[<u>Legislative discretion</u>] G lacked statutory authority to abolish independent agency. Identifies line of cases establishing that G's "power over" independent agencies—which the state also describes as "in, but not of, the executive branch"—"extends only as far as their enabling statutes permit." ¹⁹
	31	<i>Kenny v. Byrne</i> , 365 A.2d 211, 215-16 (N.J. App. Div. 1976).	Employees alleged G overreach in requiring financial disclosures	No	[<u>Constitutionally mandated gubernatorial supervision—Categorical</u>] G's order did not exceed his power. G "has the duty and power to supervise all employees in each principal department." The "objective of the 1947 Constitution was the creation of a strong executive," and his power "must be given life and meaning by investing him with the authority to implement his responsibilities." Court <i>seems</i> to suggest that G's "power to carry out his constitutional executive responsibilities" would trump contrary legislation regarding executive employees, though it concludes that here the EO is consistent with statutes.
NM		N/A			

¹⁹ See also, e.g., *New Jersey Exec. Comm'n on Ethical Standards v. Byrne*, 569 A.2d 264, 267 (N.J. App. Div. 1990).

State	No.	Case	Parties/Posture	Constitutional Agency?	Interpretation ⁹
NY	32	<i>Rapp v. Carey</i> , 375 N.E.2d 745, 746 (N.Y. 1978).	Employees alleged G overreach in requiring financial disclosures	No	[<u>Legislative discretion</u>] G “is free to regulate the business activities of employees serving at his pleasure,” but lacked authority to require disclosures of employees (with civil service protection or serving fixed terms) whom G, by statute, could only remove for cause. (This logic links removal and supervision, as SCOTUS does. It also suggests that the legislature, by defining removal power, has discretion to define supervision.)
NC	33	<i>Cooper v. Berger</i> , 809 S.E.2d 98, 108 (N.C. 2018).	G alleged legislative overreach in limiting his control of elections and ethics board	No	[<u>Constitutionally mandated gubernatorial supervision—Categorical</u>] Limits on G’s appointment, supervision, and removal of elections/ethics board unconstitutionally interfere with G’s ability to execute the laws pursuant to Take Care Clause.
	34	<i>McCrorry v. Berger</i> , 781 S.E.2d 248, 258 (N.C. 2016).	G alleged legislative overreach in limiting his control of three administrative commissions (oil and gas, mining, and coal ash)	No	[<u>Constitutionally mandated gubernatorial supervision—Categorical</u>] Limits on G’s appointment (including through legislative appointments), supervision, and removal of elections/ethics board unconstitutionally interfere with G’s ability to execute the laws pursuant to Take Care Clause.
ND		N/A			
OH	35	<i>AFSCME v. Taft</i> , 804 N.E.2d 88, 99-100 (Ohio 2004).	Employees alleged G overreach in closing a correctional institution	No	[<u>Legislative discretion</u>] “The Governor’s authority under Section 5, Article III of the Ohio Constitution, <i>in light of his statutory authority</i> over the state budget, permits the Governor to implement the recommendation or decision of the director of a state agency to close a state facility.” The supervision discussion is mostly dicta, but court indicates that G has, via vesting clause, “broad executive authority over actions of state agencies.”

State	No.	Case	Parties/Posture	Constitutional Agency?	Interpretation ⁹
	36	<i>Monroe & Son Co. v. Baker</i> , 147 N.E. 501, 504 (Ohio 1925).	Regulated entities alleged G overreach in issuing EO purporting to dictate the decisions of the directors of highways and finance	No ²⁰	[<u>Legislative discretion</u>] Legislature conferred decisionmaking power on the agencies, not G. “The Governor’s authority is supreme in the sense that no other executive authority is higher or authorized to control his discretion, where discretion is lodged in him, and yet it is not supreme in the sense that he may dominate the course and dictate the action and control the discretion of other executive officers . . . within the scope of the powers, duties, and authorities conferred upon them” A contrary holding would put existing independent commissions like the tax and public utilities commissions under G’s control.
OK		N/A			
OR	37	<i>Withycombe v. Stannard</i> , 165 P. 566, 566 (Ore. 1917).	G sought mandamus requiring (local) government officials to hold required elections	No	[<u>Legislative discretion</u>]. This case is most relevant for the statement that “[w]here a public official charged with a duty to the whole state . . . refuses to . . . perform his duty in that regard,” the Take Care Clause authorizes or even obligates G to react. The case does not raise the question of how far Legislature can go in diffusing or limiting power.
PA		N/A			
RI	38	<i>Chang v. Univ. of Rhode Island</i> , 375 A.2d 925, 929 (R.I. 1977).	University alleged G’s EO overreached	No	[<u>Legislative discretion</u>] The Constitution assigns education policy to Legislature, which has delegated it to the Board of Regents—not to G. Thus, G lacked authority to regulate university employment practices.
SC	39	<i>McLeod v. Edwards</i> , 236 S.E.2d 406, 407 (S.C. 1977).	AG argued that legislative membership on State Budget and Control Board invaded G power	No	[<u>Legislative discretion</u>] Inclusion of legislative members on budget Board did not infringe G’s constitutional Take Care obligations, at least where those legislators constituted a minority of the Board. Could be read to imply that executive branch (even if not G personally) must constitute the majority on state multi-member bodies, but court does not so hold.
SD		N/A ²¹			
TN		N/A			

²⁰ One of the relevant agencies, the Department of Highways, was “in large measure a constitutional office by reason of including the duties of the superintendent of public works,” but that fact did not seem to affect the court’s analysis. *Monroe*, 147 N.E.2d at 370.

²¹ By constitutional amendment, the state significantly enhanced gubernatorial supervision power in 1972. My research turned up limited relevant case law since then.

State	No.	Case	Parties/Posture	Constitutional Agency?	Interpretation ⁹
TX		N/A			
UT	40	<i>Beehive Tel. Co. v. Pub. Serv. Comm'n of Utah</i> , 89 P.3d 131, 138 (Utah 2004).	Regulated entity argued that only AG could represent Public Service Commission	No (PSC); Yes (AG)	[<u>Legislative discretion</u>] Line of cases holds that AG only represents agencies that are subject to “direct supervisory control” by executive officials, which turns on a multi-factor inquiry into Legislature’s intent regarding the agency.
VT		N/A			
VA		N/A			
WA	41	<i>State v. Clausen</i> , 264 P. 403 (Wash. 1928).	Members of state highway committee argued only AG, not G, could bring an action to restrain unlawful expenditures	Yes (AG)	[<u>Constitutionally mandated gubernatorial supervision—Categorical</u>] G can maintain the suit if AG won’t. Given G’s “supreme” power, “it would be an anomalous situation” if G “was unable to secure” a determination of the legality of an executive action “because of the failure or refusal to act on the part of one having less power.”
WV	42	<i>State ex rel. McGraw v. Burton</i> , 569 S.E.2d 99, 107-08 (W. Va. 2002).	AG argued legislature was impermissibly authorizing other attorneys to represent state agencies	Yes	[<u>Constitutionally mandated independence—Clause-based</u>] Legislature (and G) must respect “core functions” of AG, which include playing a “central role” in litigation involving state entities. These functions exist by constitutional design, so legislature (and G) are prohibited from claiming that power.
	43	<i>State ex rel. Brotherton v. Blankenship</i> , 207 S.E.2d 421, 432 (W. Va. 1973).	Legislators alleged G overreach in zeroing budgets of constitutional officers	Yes	[<u>Constitutionally mandated independence—Clause-based</u>] Same line of cases as <i>Burton, supra</i> , but here the case squarely involved G overreach. “Clearly, the framers of the Constitution and the people intended that these [constitutional] officers function as a viable part of the governmental process. How then can it be reasoned that the Governor, also no more than a constitutional officer, can eliminate and prohibit the function of these offices?”
WI	44	<i>Coyne v. Walker</i> , 879 N.W.2d 520 (Wis. 2016).	Taxpayers alleged legislature invaded power of Superintendent of Public Instruction by requiring G to approve SPI’s proposed rules	Yes	[<u>Constitutionally mandated independence— Clause-based</u>] Because Constitution granted “supervision” of public instruction to SPI, legislature could not delegate it to G. However, legislature was free to specify <i>how</i> SPI carried out its supervision, including by barring it from rulemaking altogether.

State	No.	Case	Parties/Posture	Constitutional Agency?	Interpretation ⁹
WY	45	<i>Powers v. State</i> , 318 P.3d 300 (Wyo. 2014).	Superintendent of Public Instruction challenged legislation transferring her authority to an agency serving at G's pleasure	Yes	[<u>Constitutionally mandated independence— Clause-based</u>] Court concludes that “as prescribed by law” language in Constitution must be read together with constitutional text giving SPI “general supervision of the public schools.” Reading them together, and citing cases from other states, court holds that legislature cannot render SPI powerless. (Notably, no discussion from either side of G's constitutional powers.)