

IC 4-3-6

Chapter 6. Governor Authorized to Present Reorganization Plans for State Agencies to the General Assembly

IC 4-3-6-1

Title of act

Sec. 1. This chapter shall be known and may be cited as the "Reorganization Act of 1967".

(Formerly: Acts 1967, c.9, s.1.) As amended by P.L.5-1984, SEC.9.

IC 4-3-6-2

Definitions

Sec. 2. As used in this chapter:

(1) "Agency" means any executive or administrative department, commission, council, board, bureau, division, service, office, officer, administration, or other establishment in the executive or administrative branch of the state government not provided for by the constitution. The term "agency" does not include the secretary of state, the auditor of state, the treasurer of state, the lieutenant governor, the state superintendent of public instruction, and the attorney general, nor the departments of which they are, by the statutes first adopted setting out their duties, the administrative heads.

(2) "Reorganization" means:

(A) the transfer of the whole or any part of any agency, or of the whole or any part of the functions thereof, to the jurisdiction and control of any other agency;

(B) the abolition of all or any part of the functions of any agency;

(C) the consolidation or coordination of the whole or any part of any agency, or of the whole or any part of the functions thereof, with the whole or any part of any other agency or the functions thereof;

(D) the consolidation or coordination of any part of any agency or the functions thereof with any other part of the same agency or the functions thereof;

(E) the authorization of any officer to delegate any of his functions; or

(F) the abolition of the whole or any part of any agency which agency or part does not have, or upon the taking effect of a reorganization plan will not have, any functions.

(Formerly: Acts 1967, c.9, s.2.) As amended by P.L.5-1984, SEC.10.

IC 4-3-6-3

Purposes of reorganization

Sec. 3. (a) The governor shall examine, and from time to time reexamine, the organization of all agencies of the state government, and shall determine what changes therein are necessary to accomplish the following purposes:

(1) To promote the better execution of the laws, the more

effective management of the executive and administrative branch of the government and of its agencies and functions, and expeditious administration of the public business.

(2) To reduce expenditures and promote economy to the fullest extent consistent with the efficient operation of the government.

(3) To increase the efficiency of the operations of the government to the fullest extent practicable.

(4) To group, coordinate, and consolidate agencies and functions of the government, as nearly as possible according to major purposes.

(5) To reduce the number of agencies by consolidating those having similar functions under a single head, and to abolish such agencies or functions thereof as may not be necessary for the efficient conduct of the government.

(6) To eliminate overlapping and duplication of effort.

(7) To increase the control of the electorate over the policy making functions of government.

(b) The general assembly declares that the public interest demands the carrying out of the purposes specified in this section, and that these purposes may be accomplished in great measure by proceeding under the provisions of this chapter.

(Formerly: Acts 1967, c.9, s.3.) As amended by P.L.5-1984, SEC.11.

IC 4-3-6-4

Governor; preparation of plan; message to general assembly

Sec. 4. Whenever the governor, after investigation, finds that:

(1) the transfer of the whole or any part of any agency, or of the whole or any part of the functions thereof, to the jurisdiction and control of any other agency;

(2) the abolition of all or any part of the functions of any agency;

(3) the consolidation or coordination of the whole or any part of any agency, or of the whole or any part of the functions thereof, with the whole or any part of any other agency or the functions thereof;

(4) the consolidation or coordination of any part of any agency or the functions thereof with any other part of the same agency or the functions thereof;

(5) the authorization of any officer to delegate any of that officer's functions; or

(6) the abolition of the whole or any part of any agency which agency or part does not have, or upon the taking effect of the reorganization plan will not have any functions;

is necessary to accomplish one (1) or more of the purposes of this chapter, the governor shall prepare a reorganization plan for accomplishing the changes in government indicated by the governor's findings included in the plan, and shall submit the plan in an electronic format under IC 5-14-6 to the general assembly, together with a declaration that, with respect to each reorganization included in the plan the governor has found that the reorganization is

necessary to accomplish one (1) or more of the purposes of this chapter. The governor, in the message submitting a reorganization plan, shall specify, with respect to each abolition of a function included in the plan, the statutory authority for the exercise of the function, and shall specify the reduction of expenditures which it is probable will be brought about by the taking effect of the reorganizations included in the plan.

(Formerly: Acts 1967, c.9, s.4.) As amended by P.L.5-1984, SEC.12; P.L.17-1985, SEC.1; P.L.28-2004, SEC.15.

IC 4-3-6-5

Name of agencies; personnel; transfer of records and property; unexpended balances of appropriation; enumerating statutes repealed

Sec. 5. Any reorganization plan submitted by the governor under this chapter:

(a) shall change, in cases he deems necessary, the name of any agency affected by a reorganization, and the title of its head; and shall designate the name of any agency resulting from a reorganization and the title of its head;

(b) may include provisions for the appointment and compensation of the head and one (1) or more other officers of any agency, including an agency resulting from a consolidation or other type of reorganization, if the governor finds, and in his message submitting the plan declares, that by reason of a reorganization made by the plan such provisions are necessary. The head so provided for may be an individual, or may be a commission or board with two (2) or more members. The terms of office of any appointee shall not be fixed at more than four (4) years. The compensation shall not be at a rate in excess of that found by the governor to prevail in respect of comparable officers in the executive and administrative branch;

(c) shall make provisions for the transfer or other disposition of the records, property, and personnel affected by any reorganization;

(d) shall make provision for the transfer of such unexpended balances of appropriations, and of other funds, available for use in connection with any function or agency affected by a reorganization, as he deems necessary by reason of the reorganization for use in connection with the functions affected by the reorganization, or for the use of the agency which has such functions after the reorganization plan is effective. Unexpended balances so transferred shall be used only for the purposes for which the appropriation was originally made;

(e) shall make provision for terminating the affairs of any agency abolished; and

(f) shall enumerate all statutes which may be repealed if the reorganization plan becomes effective.

(Formerly: Acts 1967, c.9, s.5.) As amended by P.L.5-1984, SEC.13.

IC 4-3-6-6

Effect of plans

Sec. 6. No reorganization plan shall provide for, and no reorganization under this chapter shall have the effect of:

- (a) abolishing or transferring a constitutional office or the attorney general or the functions thereof, or consolidating any two (2) such offices or the functions provided such offices in the first statute prescribing the functions and duties of such offices;
- (b) continuing any agency beyond the period authorized by law for its existence or beyond the time when it would have terminated if the reorganization had not been made;
- (c) continuing any function beyond the period authorized by law for its exercise, or beyond the time when it would have terminated if the reorganization had not been made; or
- (d) increasing the term of any office beyond that provided by law for the office.

(Formerly: Acts 1967, c.9, s.6.) As amended by P.L.5-1984, SEC.14.

IC 4-3-6-7

Presenting plan to general assembly in form of bill; enactment

Sec. 7. (a) Each reorganization plan shall be presented by the governor to the general assembly in the form of a bill.

(b) Each reorganization plan so submitted by the governor shall take effect if and when it is enacted as a law by the general assembly in accordance with the constitution of the state of Indiana.

(Formerly: Acts 1967, c.9, s.7.)

IC 4-3-6-8

Effect of reorganization; regulations and other actions; vested functions

Sec. 8. (a) An act and any regulation or other action made, prescribed, issued, granted, or performed in respect of or by any agency or function affected by a reorganization under this chapter, before the effective date of the reorganization, shall, except to the extent rescinded, modified, superseded, or made inapplicable by or under authority of law or by the abolition of a function, have the same effect as if the reorganization had not been made. If any such act, regulation, or other action has vested the function in the agency from which it is removed under the plan, the function shall, insofar as it is to be exercised after the plan becomes effective, be considered as vested in the agency under which the function is placed by the plan.

(b) As used in this section, "regulation or other action" means any regulation, rule, order, policy, determination, directive, authorization, permit, privilege, requirement, designation, or other action.

(Formerly: Acts 1967, c.9, s.8.) As amended by P.L.5-1984, SEC.15.

IC 4-3-6-9

Survival of actions; time for motion to allow

Sec. 9. No legal action, or other proceeding lawfully commenced by or against the head of any agency or other officer of the state, in his official capacity or in relation to the discharge of his official duties, shall abate by reason of the taking effect of any reorganization plan under the provisions of this chapter. The court may, on motion or supplemental petition filed at any time within twelve (12) months after the reorganization plan takes effect, showing a necessity for a survival of the action, or other proceeding to obtain a settlement of the questions involved, allow the same to be maintained by or against the successor of such head or officer under the reorganization effected by the plan or, if there is no successor, against such agency or officer as the governor shall designate.
(Formerly: Acts 1967, c. 9, s. 9.) As amended by P.L. 5-1984, SEC. 16.