

**FIRST INTERIM REPORT
OF THE
COMMISSION ON STATE GOVERNMENTAL
MANAGEMENT**

**PRESENTED TO
THE GOVERNOR AND THE GENERAL ASSEMBLY
OF THE COMMONWEALTH OF VIRGINIA**



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Department of Purchases and Supply
Richmond
1974

COMMONWEALTH OF VIRGINIA
COMMISSION ON STATE GOVERNMENTAL MANAGEMENT

6 North Sixth Street
Richmond, Virginia 23219
January 15, 1974

The Honorable Mills Godwin
Governor of Virginia
Members of the Virginia
General Assembly

Dear Governor Godwin and Members of the General Assembly:

Pursuant to the legislation that created the Commission on State Governmental Management, I respectfully submit its first interim report.

Since its inception in July, 1973, the Commission has identified and begun to pursue areas for concentrated study. In keeping with its mandate, the Commission has directed its efforts at studying: the demands upon the Governor's time and the extent to which the Secretaries have been effective in reducing those demands; the duties and responsibilities of the Lieutenant Governor; and any further changes in the structure and operation of state government that can be made to improve its effectiveness and reduce duplication and overlap.

The Commission has met with the Secretaries, selected agency heads, a representative of the Council of State Governments, political scientists and others to obtain information on the subject of government reorganization and the operation of the Cabinet system. Visits have also been made by the Chairman and by staff members of the Division of State Planning and Community Affairs to states that have recently undergone reorganization. These visits were made so that the Commission members could gain insight into their relative success or lack of success and apply the information to the present study.

This interim report presents to you and the members of the General Assembly the status of the Commission's work to date. In the coming months the Commission will explore in greater depth the subject matter of its charge.

Sincerely,



William B. Hopkins
Chairman

WBH/spn

COMMISSION ON STATE GOVERNMENTAL MANAGEMENT

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Roanoke, Virginia

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Richmond, Virginia

WILLIAM L. ZIMMER, III
Richmond, Virginia

Staff Members

PATRICK M. MCSWEENEY, *Executive Director*

KENNETH GOLDEN, *Deputy Director*

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PREFACE

The Commission on State Governmental Management was created by the General Assembly during its last session (Acts of Assembly 1973, c. 432; S 694) to study the possible reorganization of state government and in general to bring about greater efficiency in state governmental operations.

In undertaking its study the Commission recognizes the fine work of the Governor's Management Study. Despite this work, however, the cost of governmental services and the size of government have continued to expand at a rate much greater than that of other indicators of growth, such as the rise in personal income, increase in the gross national product, the rate of inflation, and the increase in population. In fiscal year 1969-1970 the general fund budget was \$1.368 billion whereas the general fund budget expected to be approved for fiscal year 1975-1976 will show an increase of more than 100% over fiscal year 1969-1970. In addition, there has been no reduction, but rather an increase, in the number of state agencies; and substantial duplication still exists in many areas of state government.

This interim report represents the early thinking of the Commission. From its study to date and its initial deliberations has come a series of recommendations which are contained in this report. The magnitude and complexity of state government and the overwhelming requirement that the Commission's effort be a thorough and thoughtful one have impressed upon its members the immensity of their task. Since its initial meeting in July, 1973, the Commission has concentrated on identifying the issues to which it should direct its efforts and on selecting the best approach by which to attack those issues. This process has been difficult and time consuming, but a most important one in order to avoid hasty decisions or the choice of wrong approaches. The Commission has also come to recognize that the original period for its work will not be long enough to undertake the task that it has been given. One of the recommendations is addressed to this point.

WORK TO DATE

Virginia is not the only state concerned about the effectiveness of its services, the rapid expansion and proliferation of its programs, and the escalation of the cost of government. Some thirty states have recently undertaken studies to evaluate the responsiveness and efficiency of their government operations.

The Chairman of the Commission and personnel of the Division of State Planning and Community Affairs, at the request of the Commission, have visited California, Florida, Georgia, North Carolina and Massachusetts to study the reorganization efforts in those states. The Commission has researched the reorganizations of other states and contemplates additional visits to states other than those already visited. Dr. George A. Bell, Director of Research for the Council of State Governments, appeared before the Commission to outline the recent history of state government reorganization attempts. The Commission also heard from political scientists on the general considerations pertinent to its deliberations.

These steps were most helpful to the Commission as it decided upon an approach to, and a philosophy of, reorganization in the Commonwealth, and set the stage for the Commission's decision to employ its own staff to assist in discharging the duties impressed upon it by the General Assembly. The Commission concluded that it was desirable to hire a full-time Executive Director and Deputy Director and to draw upon consultants and personnel from state agencies and other sources for assistance on specific projects. The considerable body of literature developed on the subject of government reorganization has provided a useful starting point for the Commission's own study and has obviated the need for much initial research.

The General Assembly directed the Commission to study seven specific areas:

1. The extent of the demands upon the Governor's time by the executive agencies and what techniques and devices including the Secretaries of various functions, he has employed or might use to have such demands met at a lower level;
2. The extent to which the establishment of the positions of the Secretaries has reduced demands upon the Governor, how this can be made more effective;
3. The extent to which functions and responsibilities are vested in the Office of the Lieutenant Governor in the several states;
4. The extent to which such functions and responsibilities should be vested in the Lieutenant Governor of the Commonwealth of Virginia;
5. The extent of the dual nature of the services performed by the Lieutenant Governor and what, if any, changes are required therein;
6. Further changes in the structure of the state government that would lead to more effective management procedures consistent with a responsive and responsible state government, free of such instances as having more than ten agencies involved in narcotics control;
7. Steps other states have taken to bring about more efficient and

more effective government and the success or lack of success which has been had, and the extent to which the success can be adapted to Virginia and applied here.

The legislation also provides that the Commission shall study "such other matters in connection with the structure, scope and functions of the executive branch and officers thereof of the State government as appear appropriate in connection with the major features of this study."

In its early work the Commission has undertaken: (1) an evaluation of the effectiveness of the Cabinet system to date; (2) a review of the success of reorganization efforts in other states; (3) an analysis of the duties and responsibilities of the Office of the Lieutenant Governor; and (4) an identification and review of current issues before the General Assembly, such as the creation of new agencies of state government and the comparability of salary levels between government and private industry.

Each of the Secretaries and selected agency heads have appeared before the Commission to discuss the operation of the Cabinet system. Their presentations focused on the degree to which the system has been able to achieve its objectives and generally to improve the operations of state government. Although the Commission feels that more study needs to be given to the operation of the Secretaries, certain actions should be taken by the incoming Governor to define more precisely the roles and responsibilities of the Secretaries. Meetings have been held with both Governor Godwin and former Governor Holton. The Commission requested each to provide a job description for the Secretaries to assist the Commission in evaluating the work of the Cabinet. In all aspects of its study of state government operations, the Commission perceives a need to maintain a regular liaison with the Governor and to develop a cooperative relationship with his staff.

Early in its deliberations, the Commission discovered an obvious need to analyze the state's budgetary process and the allocations of responsibility for budget decisions. The Chairman and the Executive Director met with the House Appropriations Committee to discuss the desire of the Commission to work closely with that Committee and the Senate Finance Committee in a review of the budgetary process.

To discharge its responsibility for study of the Office of the Lieutenant Governor, the Commission established a special subcommittee, which immediately began research of the experience in each state which has an Office of the Lieutenant Governor. A study of the comparable position of Vice-President of the United States and a review of the extensive research and comment relating to the Vice-Presidency have also been undertaken.

The Constitution of Virginia establishes the Office of Lieutenant Governor in Article V dealing with the executive branch of state government. Yet aside from his constitutionally-prescribed role as President of the Senate, the Lieutenant Governor now performs only ceremonial functions. As President of the Senate he does not vote except in case of a tie. In some states the Lieutenant Governor plays a prominent role in the executive branch.

In Virginia no statutory authorization exists by which the Lieutenant Governor can exercise executive responsibility and thereby assist the Governor in the latter's management role as Chief Executive. This leads to several undesirable results: it deprives the Governor of greatly needed executive assistance; it deprives the Commonwealth of the valuable services of a prominent elected official; it renders virtually meaningless a statewide election for the second highest officer within the executive branch; and it leaves the Lieutenant Governor ill equipped to succeed the Governor and makes for lack of continuity in the event of the death or disability of the Governor. The

Governor, as Chief Executive, should be afforded the opportunity to delegate to the Lieutenant Governor those executive functions which need not be performed personally by the Governor and which, in the Governor's opinion, might be best exercised by the Lieutenant Governor rather than another officer within the executive branch.

Further study will be made of this issue by the subcommittee with a view to making detail findings and recommendations.

For its longer-term efforts, the following subject areas have been tentatively designated by the Commission for concentrated study. They do not necessarily appear in order of importance.

1. State programs and the more than one hundred agencies involved in those programs with a view to reducing the number of agencies and eliminating the duplication and overlap of functions, including, but not limited to, current legislative proposals relating to transportation and environmental protection.
2. The role of the Governor as Chief Executive, his Secretaries, department heads, and the special role of the Secretary of Administration.
3. The duties of the Lieutenant Governor in the Commonwealth and in other states; comparable role of the Vice-President; executive/legislative duality of the Office of Lieutenant Governor.
4. Citizen boards and their relationship to state agencies.
5. The relationship of the Attorney General to the executive branch.
6. The executive functions of the State Corporation Commission.
7. Special considerations involved in the administration of educational institutions and of the Department of Education.
8. The budget: adequacy of procedures in preparation of the executive budget; allocation of responsibility for budget decisions; evaluation of capital budgeting; involvement of Secretaries in the budget process; use of the budget as a management tool.
9. Other management functions such as state planning, information systems, and personnel development.

In designating these areas, the members of the Commission have attempted to identify the subject areas for study with more specificity than is to be found in the legislation creating the Commission. The subject areas set forth above relate directly to the General Assembly's charge, will serve to direct the efforts of the Commission with greater precision, and focus attention on specific problems in need of intensive study.

In addition to the Subcommittee on the-Lieutenant Governor, the Commission has created three other subcommittees to study the nine subject areas and other matters within the Commission's mandate: the Subcommittee on Government Operations, the Subcommittee on Executive Management, and the Subcommittee on Budget and Management Systems.

PRELIMINARY REVIEW OF CABINET ACTIVITIES

In 1970 the Governor's Management Study, Inc., recommended that, in order to reduce the demands upon the Governor's time by limiting the agency heads reporting directly to him and to harness the state's resources and administrative processes, five top executive positions should be created in addition to the one top executive, the Commissioner of Administration, who had been established by statute in 1966. Using the management concept of a division between line operations (*i.e.*, the actual rendering of services to the public) and staff responsibilities (*e.g.*, budgeting, planning, data processing, personnel and evaluation), the Management Study suggested that each of the five new positions be assigned responsibility for a functional grouping of line operations. These five executives would be called "Deputy Governors." The Commissioner of Administration would be renamed the "Commissioner of Administration and Budget" and continue as the Governor's chief staff person, with responsibility over agencies serving a staff function.

During the 1972 session, the General Assembly enacted legislation embodying the concept proposed in the Study with only minor changes. All six top executives were named "Secretaries" rather than "Deputy Governors" and "Commissioner." Each Secretary was authorized to exercise such powers as the Governor might delegate to him. Subsequently, all agencies were grouped by compatible functions under appropriate Secretaries.

In the Governor's formal delegation of authority to his Secretaries, as expressed in Executive Order 21, he authorized them to:

1. Employ personnel needed to perform the duties assigned to them and to request temporary assistance from any state agency;
2. Effect program coordination, both in intra-office and inter-office, in order to assure consistent and effective state action;
3. Prepare for and recommend to the Governor program proposals for legislative action, including priority recommendations for each office;
4. Establish a procedure for each office to provide direct, expeditious decisions on behalf of the Governor (recognizing the responsibility of each agency head to the Governor).

In their presentations to the Commission, the Secretaries have indicated that they take their charge from the Governor's grant of authority in the Executive Order. Not having clarification of their role beyond that of the Executive Order, each has interpreted his role in a different manner. The Secretaries are in substantial agreement that they are not to get involved in day-to-day agency operations, but they differ in their definition of those activities in which they are to be involved.

While this lack of clear definition of authority may have hampered the Secretaries' effectiveness, they have been able to achieve significant results. In the first year and a half of the Cabinet's existence, the Secretaries have focused on major governmental problems, many of which have never been properly addressed because of a lack of time on the part of the Governor and Commissioner of Administration under the old system. In general, they have provided a communication link for state agencies to the Governor's Office. They have also enabled the Governor to state his concerns and policies through a reduced number of points and improved his ability to follow-up on the implementation of policy decisions.

Collectively, they have also been able to achieve substantial results as a Cabinet in dealing with problems that cut across lines of Secretarial responsibility, such as the energy crisis, the proposed Department of Conservation, Development and Natural Resources, automated data processing, state office space availability, and management development. The Cabinet has also been involved in the implementation of recommendations of the Governor's Management Study. The Secretaries have treated support services as a priority and have indicated that their activities in this area will result in substantial savings to the Commonwealth.

According to testimony before the Commission, there have been problems in the preparation of the executive budget. It would appear that the Secretaries have not been as successful as some might wish in this particular area. Indeed at the present time, this may be the weakest area in the functioning of the Cabinet system. The Secretaries, in their presentations, indicated a general lack of involvement in the budget process. Some perceived their role to be that of an advocate for the budget submissions of their agencies. Each differed in the degree of contact with his agencies in the preparation of their budgets. No Secretary felt that the budgets of his agencies were his responsibility. The role of the Secretaries in the budget process should be defined, with the degree of their involvement and responsibility therein clearly delineated.

To date the Commission feels that the Cabinet has performed an important coordinating role in state government, but it has not been as effective as possible. During the remainder of its work, the Commission will devote more study to the question of the Cabinet system.

REORGANIZATION EFFORTS IN OTHER STATES

With the assistance of the Division of State Planning and Community Affairs, the Commission reviewed reorganization efforts in three southern states (Florida, Georgia and North Carolina) and in California and Massachusetts. Visits were made to these states to determine how they conducted their studies of state government reorganization and the success, or lack of success, they have experienced under their revised structures. Dr. George A. Bell from the Council of State Governments also provided insight into these and other recent state reorganization efforts.

Among the surveyed states, concern has generally been expressed about the large number of agencies and how they might be reduced to a more manageable number. Functional consolidations and new organizational missions have not, in most instances, been pursued to their furthest end.

The Georgia reorganization was aimed at structural reorganization and at the introduction of cost-saving management methods to state government operations. The decision was made to create a relatively small number of strong departments capable of integrating similar functions. The Georgia reorganization was principally a reorganization and consolidation of the *status quo*: the study mandate did not include consideration of new programs. The internal departmental structure was left unspecified, apparently causing problems in the implementation stage. Within departments, it is difficult to tell how much change has actually occurred. Some consolidation and reorientation have occurred, but many units retain basically the same structure and missions as before.

Massachusetts decided on a four-year, two-phase approach. Phase I was a simple grouping of existing units under the nine Secretaries originally created. (A tenth Secretary of Elderly Affairs was subsequently created, breaching the functional concept.) Each Secretary was to present a plan for the consolidation of functions within his office. Some of the plans propose extensive consolidation and reorientation of functional areas under the Office of the Secretary, while others leave many previously existing units structurally intact but subject to the control of the Secretary.

In North Carolina, agencies were transferred to seventeen major departments. These transfers were of two types. In one type, an agency was transferred to a department and the authority for that agency was given to the Secretary. In the other type of transfer, an agency was transferred to a department but the agency head was allowed to exercise his statutory powers independent of the Secretary. North Carolina's reorganization was confined almost entirely to consolidating the existing units of state government into a smaller number of departments. There was no concern during the reorganization for complete functional integration or reorientation of agency missions or programs.

The Florida Constitution, revised in 1968, required that the executive functions of state government be allotted among not more than twenty-five agencies. Florida is unique with its "plural executive" in that the Governor and six elected officials, known as the Cabinet, are responsible for the operations of major departments and the review of certain budget implementation activities. But only now are Florida officials beginning to consider the management aspects of reorganization, with issues being posed by members of the Florida General Assembly concerning improvement of the services and activities of the respective agencies.

All the states surveyed had the reduction of total executive governmental units as a primary objective of their reorganization efforts; however, they did not handle structural changes in any one uniform way.

RECOMMENDATIONS CONCERNING THE SECRETARIES

The Commission recommends that the Governor's Secretaries be drawn primarily from among experienced administrators. It is essential to the effective and efficient functioning of the executive branch that the Secretaries be proven, competent executives and administrators.

The Commission further recommends that the duties and powers of the Secretaries be clearly delineated by the Governor in an appropriate executive order. There is a need for clarification of the role of the Secretaries and their relationship to those agencies assigned to them. The extent to which the authority and responsibility of the Secretaries should be defined by statute will be the subject of further study by the Commission.

CLARIFICATION OF THE COMMISSION'S CHARTER

The Commission recommends that the General Assembly amend the legislation establishing the Commission to make explicit provision for the authority of the Commission to consider in its study the functions of the Attorney General and of the State Corporation Commission together with the functions of other agencies of state government. It is important that this be done so that a comprehensive and detailed study can be made with a view to reducing the number of agencies, eliminating duplication and overlap, and fixing the division of responsibilities among agencies.

RECOMMENDATION ON THE CREATION OF NEW AGENCIES

The Commission recommends to the General Assembly and the Governor that no new agencies be created until the Commission is able to complete its work and present its final report. In establishing the Commission, the General Assembly declared that one of its purposes would be "the reduction of the more than one hundred agencies to a reasonable and practicable number." Before the task of reducing the number of agencies can be undertaken effectively, the creation of still more agencies must be brought to an end. If new programs must be established in the meantime, they should be assigned to existing agencies, unless a new agency must be created to qualify for receipt of federal grants that are deemed essential by the General Assembly.

The Commission also requests referral of any legislative proposals that would consolidate or restructure agencies or would otherwise overlap the Commission's assigned mission.

RECOMMENDATION CONCERNING STATE EMPLOYEES

In the decade of the 1960's and in the early 1970's there has been a significant increase in the number of state employees. In the two-year period from January 1963 to January 1965 state government employment grew 10 percent, while in the five-year period from January 1965 to January 1970 employment grew 42 percent. The period January 1970 to June 1973 saw a continued, though slightly slower, rate of growth with employment increasing 19 percent. Overall employment in the ten-year period has increased 84 percent from 33,445 in January 1963 to 61,572 in June 1973. Further, the report of the Governor's Management Study found that each year the number of vacant positions in state government has been substantial, in excess of 10 percent of all authorized positions. At present, it does not appear that this situation has changed since the presentation of the Management Study's report. It is the Commission's hope that by achieving a reduction in the number of agencies and by eliminating overlap and duplication, the continued rise in the number of employees will be slowed and the number of vacancies reduced.

The tradition of good government in the Commonwealth owes much to the quality of its employees. The effectiveness of its programs and the efficiency of their delivery of services depends on the people who administer them. In commenting about forms of government, Alexander Pope once said "Whatever is best administered is best . . ." In order to retain and continue to attract the qualified people, the Commonwealth needs to administer its programs in the best possible manner and it must pay salaries comparable to those in private industry for like jobs.

The Commission recommends that the General Assembly adopt a resolution establishing as the policy of the Commonwealth that its employees be compensated at a rate comparable to the rate of compensation for employees in the private sector of the Commonwealth in similar occupations, and that an annual review be conducted by the Director of Personnel to determine where discrepancies exist. The Commission further recommends that the results of such a review be reported each year to the Governor and the General Assembly.

EXTENSION OF FINAL REPORTING DATE

The Commission considers it unlikely that the broad mission assigned to it can be completed by October 1, 1974, the date set for final reporting by legislation creating the Commission. The complexity of the issues and the need to examine them thoroughly require at least an additional year; consequently, the Commission recommends that the date for its final report be extended to October 1, 1975.

SUMMARY

In keeping with its mandate, the Commission has initiated studies dealing with the reorganization of state government; the responsibilities of, and demands placed upon, the Governor; the duties of the Lieutenant Governor; and other pertinent matters. It has sought the advice and counsel of the Governor, his Secretaries, agency heads and others. A series of recommendations based upon its initial findings has been included in this report.

The Commission intends to study thoroughly every aspect of the subject matter assigned to it by the General Assembly. Its final report will contain careful and detailed findings and will recommend improvements in state government to effect the purpose for which the Commission was established.

Respectfully submitted,

William B. Hopkins
William B. Hopkins, Chairman
Senate

Carl E. Bain
Carl E. Bain
House of Delegates

Adelard L. Brault
Adelard L. Brault
Senate

H. Dunlop Paybarn
H. Dunlop Paybarn
Senate

Elmon T. Gray
Elmon T. Gray
Senate

Joseph A. Leaf
Joseph A. Leaf
House of Delegates

Willard L. Lemmon
Willard L. Lemmon
House of Delegates

Clinton Miller
Clinton Miller
House of Delegates

Owen B. Pickett
Owen B. Pickett
House of Delegates

Robert E. Quinn
Robert E. Quinn
House of Delegates

Richard D. Robertson
Richard D. Robertson

T. Edward Temple
T. Edward Temple

Edward E. Willey
Edward E. Willey
Senate

Carrington Williams
Carrington Williams
House of Delegates

William L. Zimmer, III
William L. Zimmer, III

APPENDIX A
JOINT RESOLUTION

Establishing the policy of the Commonwealth in regard to its employees.

Whereas, the tradition of good government in the Commonwealth owes much to the quality of its employees; and

Whereas, the effectiveness of state programs and the efficiency of their delivery of services depends on the people who administer them; and

Whereas, the Commonwealth must retain and continue to attract the qualified people needed to administer its programs in the best manner possible; now, therefore, be it

Resolved by the Senate, the House concurring, that it is the policy of the Commonwealth that its employees be compensated at a rate comparable to the rate of compensation for employees in the private sector of the Commonwealth in similar occupations, and that an annual review be conducted by the Director of Personnel to determine where discrepancies in compensation exist as between the public and private sectors of the Commonwealth; the results of such review to be reported each year to the Governor and the General Assembly.

APPENDIX B

An Act to amend and reenact §§ 3 and 4 of Chapter 432 of the Acts of the Assembly approved March 20, 1973 relating to the creation of a Commission on State Governmental Management.

Be it enacted by the General Assembly of Virginia:

1. That §§ 3 and 4 of Chapter 432 of the Acts of the Assembly approved March 20, 1973 be amended and reenacted as follows:

§ 3. The Commission may meet and organize as soon as a majority of the members have been appointed and may transact any and all business which may come before it. The Commission shall make an initial report of its findings and recommendations to the Governor and General Assembly not later than October one, nineteen hundred seventy-three, setting forth such proposals as it deems proper based upon its study and findings to that point. *The Commission shall make a second interim report of its findings and recommendations to the Governor and General Assembly not later than October one, nineteen hundred seventy-four.*

Not later than October one, nineteen hundred ~~seventy four~~ *seventy-five*, the Commission shall submit its final report to the Governor and General Assembly and shall set forth its findings and recommendations together with such legislation as it deems appropriate.

§ 4. The Commission is created for the purpose and charged with the duty of bringing about greater efficiency in the state government by the reduction of the more than one hundred agencies to a reasonable and practicable number, the elimination of duplication and overlap, the establishment of clearer lines of authority, and undivided responsibility for particular functions of the state government; in the discharge of these duties the Commission shall make specific study and report upon the following:

(a) the extent of the demands upon the Governor's time by the executive agencies and what techniques and devices including the Secretaries of various functions, he has employed or might use to have such demands met at a lower level;

(b) the extent to which the establishment of the positions of the Secretaries has reduced demands upon the Governor, how this can be made more effective;

(c) the extent to which functions and responsibilities are vested in the office of Lieutenant Governor in the several states;

(d) the extent to which such functions and responsibilities should be vested in the Lieutenant Governor of the Commonwealth of Virginia;

(e) the extent of the dual nature of the services performed by the Lieutenant Governor and what, if any, changes are required therein;

(e)(1) the functions of the Attorney General and his relationship to the executive branch;

(e)(2) the executive functions of the State Corporation Commission;

(f) what further changes in the structure of the state government can be made that would lead to more effective management procedures consistent with a responsive and responsible state government, free of such instances as having more than ten agencies involved in narcotics control;

(g) what steps other states have taken to bring about more efficient and more effective government and the success or lack of success which has been had, and the extent to which the successes can be adapted to Virginia and applied here; and

(h) such other matters in connection with the structure, scope and functions of the executive branch and officers thereof of the state government as appear appropriate in connection with the major features of this study.

