



Missouri Legislative Academy

Governor's Appointment Power for Missouri Executive Departments

David C. Valentine

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Introduction

Missouri state government is not organized in the structured, top down mold so familiar in the corporate world. In fact, state government contains several different organizational structures with varying degrees of independence from the state's chief executive. The Governor has no control over offices managed by statewide elected officials: Secretary of State, Auditor, Treasurer, and Attorney General. The Governor has no direct control over an additional six departments that are overseen by commissions, although he has considerable indirect influence. The Governor directly appoints the directors of ten executive departments. In addition, the Governor appoints members of boards and commissions located *within* some executive departments. This report summarizes the Governor's Appointment Power for each department of state government.

Departments with commissions

Commissions select the department director and provide policy direction for the departments listed below. Commission members are appointed by the Governor but each appointment must receive the advice and consent of the Senate. Although members are appointed by the Governor, the length of terms, the staggering of the terms, the bi-partisan membership requirement, and the size of many of the commissions, all serve to limit the ability of any one Governor to control the commissions and the departments as directly as he controls the other executive departments.

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Governor Appoints Commission

Conservation <i>Art. IV, Sec. 40</i> <i>(a)</i>	4 members with 6 year staggered terms, no more than 2 can be from the same political party. <i>Article IV, Section 40 (a)</i>
Elementary and Secondary Art. IX, Sec. 2 (a)	8 members appointed for 8 year terms (one per year), no more than 4 can be from the same political party. <i>Article IX, Section 2 (a)</i>
Higher education <i>Art. IV, Sec. 52</i>	9 members appointed for 6 year staggered terms with not more than one from any congressional district and not more than 5 shall be from the same political party. <i>Article IV, Section 52</i>
Labor <i>Art. IV, Sec. 49</i>	3 members appointed for 6 year staggered terms, not more than two members from the same political party. The Governor may remove members for cause and members shall be selected to represent industry, labor and the general public and the Governor selects the chairman. <i>Article IV, Section 49</i>
Mental Health <i>630.010, RSMo</i>	7 members appointed for 4 year terms, and members must have experience in fields related to mental health (i.e., alcohol and drug abuse, mental illness, retardation, etc.)
Transportation <i>Art. IV, Sec. 29</i>	6 members appointed for 6 year staggered terms. Commissioners may be removed by the Governor for cause

Directors of other executive departments

The directors of most executive departments are appointed by the Governor with the advice and consent of the Senate (Article IV, 51, Constitution of Missouri), and serve at the pleasure of the Governor. If the Senate is in session, the Governor's appointees do not assume office until confirmed by the Senate. If the Senate is not in session, appointees assume their duties upon appointment but they must vacate the office if not confirmed by the Senate within 30 days of the beginning of a session. The Governor appoints directors for each of the departments listed below.

The Governor Appoints

Administration, Office of	Insurance
Agriculture	Natural Resources
Corrections	Public Safety
Economic Development	Revenue
Health and Senior Services	Social Services

Commissions within departments with executive authority

There are a large number of boards and commissions that exercise executive authority with varying degrees of independence from the department director. Many of these boards and commissions were in existence before the departments in which they are now housed and were transferred into those departments during reorganization.² Others, such as the Hazardous Waste Commission within the Department of Natural Resources, were specifically designed to increase the involvement of external stakeholders in regulatory activities. Three of the seven members of the Hazardous Waste Commission, for example, must be employed in and knowledgeable of agriculture, the waste generating industry and the waste management industry. The remaining four members represent the public. See 260.365, RSMo.

The Governor appoints members of boards and commission pursuant to Article IV, Section 51 of the Missouri Constitution. This appointment power provides the Governor with another way to influence the actions of executive departments on the specific issues that fall within the purview of these boards and commissions. An illustrative list of these boards and commissions is provided below. The list is designed to indicate the scope of these boards and commissions but is not intended to be inclusive.

Commission	Department	Citation
Agriculture and Small Business Development Authority	Agriculture	348.020, RSMo
Missouri Development Finance Board	Economic Development	100.265, RSMo
Air Conservation Commission	Department of Natural Resources	643.040, RSMo
Professional licensing boards	Department of Economic Development	Chapters 324-346, RSMo

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² see *Effective Government: Reorganization of Executive Departments*. Report 53-2004 Valentine D. (2004). University of Missouri System, Missouri Legislative Academy Web site:
<http://www.truman.missouri.edu/ipp/mla/publications/publications.htm>