

ARIZONA'S ADMINISTRATIVE GOVERNMENT

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Carl Schurz once said: "If Gabriel draws up your charter and Lucifer administers it, your government will be bad. If Lucifer draws up your charter and Gabriel is called upon to administer it, your government will be good." I venture to add a corollary to this striking statement. It is: "If Gabriel draws up your charter and Lucifer administers it, your government will be better than if Lucifer also draws up your charter."

In other words, Pope's couplet, slightly paraphrased—"For forms of government let fools contest. That government is best which governs best"—is not entirely correct. Form of government is not always decisive as respects either good or bad administrative government, but it is important.¹

George O. Fairweather of Chicago in the preface to his recent study: *Wanted: Intelligent Local Self Government*, remarked that he should like to dedicate his study to the free, independent, effective Chicago citizens. "But," he said, "It can't be done; there aren't any."

A suggestion, timely and appropriate, is that whether we are free, independent, effective Arizona citizens depends on us; on whether we assert our powers of intelligence and knowledge, bringing them to bear on governmental problems.

A discussion of public administration in Arizona may well begin with an orientation to the concept of administration as differentiated from other governmental functions. Attention to a well-known five-fold classification of govern-

¹ For the importance of administrative organization, see J. M. Pfiffner, *Public Administration* (New York, 1935), pp. 25-49; L. D. White, *Introduction to the Study of Public Administration* (New York, 1926), pp. 103-163, 190-205; W. F. Willoughby, *Principles of Public Administration* (Baltimore, 1927), pp. 52-118, 143-149; A. E. Buck, *Administrative Consolidation in State Governments* (4th ed., New York, 1928, 5th ed., 1930), pp. 1-42.

mental functions is helpful. According to Professor Willoughby,² governmental functions are usefully classified as: (1) legislative, exercised by the legislative or deliberative bodies in the determination of policy; (2) judicial, exercised by the courts in the interpretation of policy; (3) electoral, utilized by the electorate or the voters, and is partially legislative in nature (as seen in the use of the initiative and referendum), and partially executive, exercised through the power to elect to public office, and to remove by the recall; (4) executive, exercised by the chief executive in the supervision and direction of the enforcement or execution of determined policy; (5) administrative, exercised by the body of public servants in the actual day-to-day carrying out of the government's determined policy in the various fields of state endeavor.

Now it is this latter function, in which we are interested in this discussion—that of administration or the carrying out from day-to-day of the state's functions in the fields of: finance, charities, corrections, education, health regulation and services, highway building and maintenance, preservation and development of natural resources, regulation and aid relative to corporate enterprise, including utilities, banking, insurance and other businesses, aid to and regulation of labor and labor problems, regulation and standardization of the professional pursuits, and law enforcement.³

Recall Pope's couplet: "For forms of government let fools contest." Form of government may not always be decisive, but it is important. Since experience and authoritative testimony demonstrate the importance of the state's administrative organization or machinery, we may feel justified in spending a few minutes in a consideration of: (1) Arizona's present administrative organization; (2) problems apparent in Arizona's administrative organization; (3) attempts in Arizona to reorganize the administrative

² W. F. Willoughby, *An Introduction to the Study of the Government of Modern States* (The Century Co., 1919), pp. 231-232; Willoughby, *Principles of Public Administration* (Baltimore, 1927), pp. 9-51.

³ These functions are the most important work of a state's administrative organization.

organization; (4) some results of administrative reorganization in other states; (5) underlying principles in administrative reorganization programs as exemplified in some twenty states. And the impetus directing attention to such problems may be denoted as the desire on the part of the citizen and taxpayer for efficiency and economy in public administrative effort. An era of steadily diminishing revenue accompanied by increasing demands upon state administrative agencies continues to be a cause of concern both to those directly responsible for the performance of state administrative functions, and to those who pay the bills and receive the services.

Arizona's present administrative organization may correctly be characterized as the decentralized type, meaning that it is made up of numerous distinct and independent agencies, which attempt to function in a nonintegrated manner; in some cases becoming independent kingdoms within their own right. In fact, taking account of both constitutional and statutory administrative agencies, Arizona seems to have about eighty distinct ones. These agencies are denoted as boards, commissions, offices, commissioners, superintendents, and the like. They may be classified on the basis of whether plural- or single-headed as: (1) boards and commissions; and (2) officers and commissioners.⁴ About forty-five are of the plural-headed or board and commission type, and about thirty-four are single-headed or of the officer and commissioner type.

On the basis of manner of supplying the chief personnel of these agencies, there are four classes of administrative agencies⁵ as follows: (1) the ex-officio type; (2) the agency whose personnel (that is, the chief personnel) is appointed by the governor alone; (3) the agency the personnel of which is selected by the governor subject to confirmation by the senate; and (4) the agency filled by election by the qualified voters.

⁴ *Report of the Advisory Committee on Reorganization of State and Local Government in Arizona* (Jan., 1935), pp. 2-3. MS in University of Arizona Library.

⁵ *Loc. cit.*

About eleven of these agencies are of the ex-officio type; that is, are constituted of officials, who, by virtue of holding other state administrative office, take membership on these agencies. Examples of the ex-officio agency are the Board of Health and the State Land Commission. About twenty-nine agencies receive their personnel by virtue of appointment by the governor alone; while about thirteen agencies are filled by the governor and the senate acting in conjunction. Nine agencies of administration are filled by the electorate at the polls.

It is to be noted especially that the boards and commissions consist of from three to eight members, usually appointed by the governor either with or without the consent of the senate for overlapping terms varying from two to eight years.

Viewed historically, Arizona's administrative organization shows a trend toward ever-increasing agencies, created opportunistically in answer to demands resulting from the state's developing conditions and the insistence of various interests.⁶ Originally, eleven administrative agencies were provided by the constitution, but beginning with the First Arizona State Legislature, additional ones have been created. By 1921, nine years after admission as a state, fifty-two distinct offices and agencies were in existence. In December, 1934, after thirteen years more, about eighty administrative agencies existed. Thus the trend to increase the total has persisted. Governor Campbell remarked in 1921: "Little thought evidently was given, at the time of their creation, as to the effect their individual operation might have upon the state government as a whole."⁷ Governor Moeur, addressing the Twelfth Arizona Legislature said: "Experience of the past two years has brought to me forcibly a realization of the need for a survey of governmental functions with a view to consolidation of departments and elimination of much duplication of effort."

⁶ "Special Message of Governor Campbell of Feb. 7, 1921, to Fifth Arizona State Legislature, Special Session," Thomas E. Campbell, *Messages Biennial, Veto and Special* (Jan. 11, 1921 to Mar. 22, 1921), pp. 23-29.

⁷ *Ibid.*, p. 23.

Considering personnel of these agencies, it is apparent that several hundred persons constituting the state's administrative forces are employed. What semblance of a merit system has been provided by which to recruit, examine, appoint, transfer, promote, compensate, and retire the state's public administrative servants? No rules pertaining to a merit system of civil service appear on the statute books. On the contrary, an examination of budgets and audits and an ear to the ground indicate that reasons foreign to a merit system of classified service dominate the field.⁸

PROBLEMS APPARENT IN ARIZONA'S ADMINISTRATIVE ORGANIZATION ✓

What specific defects are apparent in these agencies when fitted into a unified pattern of administrative organization?⁹ In the first place, they are nearly all independent of one another and in many cases they are subject to no direct and effective control by the governor. It is true that while the governor has in a number of instances the power of appointment and removal, many of the more important appointments are made with the approval of the senate; while in many important instances, the filling of the agency is entirely removed from him. In nearly every case of appointment in which the governor has a part the officers appointed serve for longer terms than that of the governor.

Secondly, not only are the administrative offices and agencies widely scattered, but the main functions of the government are not co-ordinated. Little or no successful attempt has been made to departmentalize the work of the government. Though the governor is considered the "chief executive" under the constitution, a term which implies full power and authority to control the administrative organization, he is in reality far from possessing such power and authority. By law the governor has fixed upon him the responsibility for budget making and for carrying out the state's financial plan. Unified financial planning with a

⁸ *Report of the Arizona Advisory Committee on Reorganization of State and Local Government in Arizona*, p. 4.

⁹ *Ibid.*, pp. 5-6.

great number of independent and scattered administrative agencies is impossible; and even if it were possible, the governor is in no position to carry out the budget plan since he cannot control the organization with which he must do the work.

Third, it is apparent that an authoritative survey of Arizona's administrative government would be extremely useful, and would give answers to some of the following questions: (1) Is the state budget not working because of: (a) inertia of state officers, (b) shifting of responsibility in budget planning, (c) political squabbles and deadlocks, (d) obsolete machinery of government and antiquated methods? (2) Are state officials in many cases disregarding the budget process or performing it in a perfunctory manner? (3) Is "passing the buck" being practised?

Fourth, it is suggested that a thorough survey would portray practices relative to the recruitment, retention, and retirement of the state's administrative servants. Some of the following questions are pertinent: (1) Are there present practices relative to recruitment and dismissal which are detrimental to the morale of the public servant, which reflect themselves adversely in the service and work of the public servant? (2) Does the failure to classify the public service positions result in inequitable conditions relative to: (a) amount of work required, (b) pay received, (c) responsibility entailed? (3) To what extent does the present system produce jealousies and non-co-operation within the family of public servants?

ATTEMPTS IN ARIZONA TO REORGANIZE THE ADMINISTRATIVE ORGANIZATION

Certain notable attempts to reorganize Arizona's administrative machine have been made, beginning in 1921. In his biennial message to the 1921 Arizona State Legislature, Governor Campbell recommended administrative consolidation.¹⁰ He then secured A. E. Buck, a staff member of the New York Bureau of Municipal Research, to prepare

¹⁰ Governor Campbell's Special Message to Fifth Arizona State Legislature, February 7, 1921, *op. cit.*, pp. 8-9.

an administrative reorganization plan for the state. On February 7 he submitted his plan to the legislature, accompanied by a special message urging its adoption. This plan proposed to consolidate almost forty statutory administrative agencies into eight departments,¹¹ as follows: (1) Military Affairs, (2) Finance, (3) Agriculture, (4) Public Welfare, (5) Public Works and Buildings, (6) Reclamation and Irrigation, (7) Education and Registration, and (8) Labor and Industry. These departments were to be administered by single heads appointed by the governor and serving at his pleasure. A bill embodying the plan was passed by the senate, but House Bill 163 embodying the same plan apparently died on the calendar of the Committee of the Whole House after being favorably reported out from the committee to which it was referred.¹² It has been said that the plan lacked but a single vote of passing the legislature.

During the 1927 session of the legislature, Elijah Allen, a member of the house, introduced a bill (House Bill No. 23) to provide for the reorganization of the state administration. This bill was practically identical with the one introduced in 1921. This time it received favorable action in the house, but was defeated in the senate.

In the Tenth Legislature (1931) Senator Pomeroy and others were instrumental in the sponsorship of a plan for administrative consolidation. Following the report of a legislative investigating committee, a plan for nine appointive and two elective departments was introduced in the Eleventh Legislature (1933).¹³ In this plan nine depart-

¹¹ The plan was introduced in the senate as Senate Bill No. 125, in the house as House Bill No. 163. See "Journals of the Fifth State Legislature of Arizona, 1921." The plan itself may be found in *Messages Biennial, Veto and Special* by Thomas E. Campbell, Governor of Arizona, pp. 29-45.

¹² An examination of the Journals of the Fifth State Legislature of Arizona, 1921, reveals that the Committee of the Whole House failed to cast a vote of record on the measure. However, A. E. Buck in his *Administrative Consolidation in State Governments* (4th ed., 1928) states that the Arizona senate passed the plan, but it was defeated in the house by a single vote.

¹³ Senate Bill No. 45, *State Senate, Eleventh Legislature, Regular Session*. The bill was introduced by Mr. Kelly, Mr. Hill, and Mr. Collins.

ments were proposed as follows: (1) Health and Welfare, (2) Executive, (3) Finance, (4) Husbandry, (5) Conservation, (6) Public Works, (7) Corporations, (8) Industrial Relations, and (9) Public Utilities. The two elective departments were: (1) Law and (2) Education. It was similar to the earlier plans in that departmentalization was provided with single-headed control, appointment being vested in the governor, except for the two elective departments. This additional observation needs to be made, however, the proposal planned to consolidate certain of the constitutional agencies, which would have required a constitutional amendment to make it effective in entirety. This measure failed of legislative enactment.

Among the objections raised against such plans in Arizona are the following: (1) the plan is too revolutionary; (2) it will create too many appointive offices; (3) it promises to lay the foundation for building a political machine; (4) it will be more expensive to maintain.¹⁴ These objections, in view of the experiences of states where such plans have been in operation for several years, seem to beg the question for the most part. In relation to these attempts at administrative reorganization, there is evidence that they were accompanied by a lack of sufficient favorable publicity; that there was a lack of sufficient favorable public opinion to lend sufficient push.

THE ADMINISTRATIVE REORGANIZATION MOVEMENT IN OTHER STATES

Are these ideas entirely new and foreign to state administrative government? Note first, that the Federal government at Washington has followed these principles from the very beginning. The functions of the Federal government are departmentalized in ten departments and certain independent agencies, with control over appointment and removal of personnel vested largely in the president. The merit system of civil service has been instituted to insure nonpolitical selection of public servants, and today applies

¹⁴ Governor Campbell's Special Message of February 7, 1921, *op. cit.*, pp. 26-27.

to about 69 per cent of the present number of Federal civil servants.¹⁵

In our American cities with the city manager and commission forms of government, these principles are utilized.

Beginning with Illinois in 1917, more than twenty states have adopted comprehensive plans of state administrative consolidation.¹⁶ Within the present era of depression, such states as Kentucky, Colorado, Maine, Georgia, North Carolina, and Indiana have adopted such plans. Moreover, several states have given serious consideration to administrative reorganization and consolidation plans. Among these are Oregon, Iowa, Delaware, Connecticut, Arkansas, Nevada, Oklahoma, Texas, Wisconsin, and Wyoming.

What are the results of these plans now in effect in more than twenty states? Competent observers make specific and apparently well-founded claims in favor of the actual achievements of reorganized systems. The concrete achievements in the form of better roads, improved streets, bigger markets, lower death rates and so on are recorded in many places and are attributed, in part, to the improved administrative machines.

A major objective in the reorganization is economy. Has it been achieved? For Illinois, there is considerable testimony in the affirmative. Governor Lowden writes: "The code went into effect on July 1, 1917, and we have been operating under it ever since. Appropriations made by our General Assembly, two years ago, were based upon pre-war prices and conditions. And yet we will have completed the biennium of June 30, 1920, without a deficit in any department under the Code, with the exception of the single item of supplies for charitable and penal institutions in the department of public welfare."¹⁷ A. E. Buck of the New

¹⁵ *Fifty-Second Annual Report of the United States Civil Service Commission, 1935* (Government Printing Office, 1935), pp. 1-10.

¹⁶ A. E. Buck, *Administrative Consolidation in State Governments* (5th ed., New York, 1930), pp. 1-42; J. M. Mathews, *American State Government* (New York, 1934), pp. 98-99.

¹⁷ F. O. Lowden, "Problems of Civil Administration," *North American Review* (1919), vol. 210, pp. 186-192.

York Bureau of Municipal Research said of the Illinois plan: "This system has been in operation for over seven years, and during the time it has proven the means of systematizing the state's business, of giving the people better service at less cost, and it has demonstrated ability to withstand successfully political changes in administration."¹⁸ In Nebraska a special session of the legislature was called to reduce the appropriations for the biennium 1921-1923 by \$2,000,000 after over two years' operation of the new code.¹⁹ A most remarkable showing is recorded in Pennsylvania where Governor Pinchot wiped out a deficit of \$29,000,000 within two years.²⁰

Claims relative to savings in dollars and cents cannot always be taken at face value perhaps, especially when made by the administrators themselves. It is to be noted further that all savings may not always be considered desirable, and sometimes a favorable showing is made only by the postponement of desirable expenditures, which later mount even higher on account of postponement. However, states Professor Leonard D. White (now member of the United States Civil Service Commission): "Making all allowances it seems clear that the reorganized governments can rightfully claim to be more economical than their predecessors."

In addition to the claim for economy under the integrated systems, is the claim of greater efficiency in their favor. The departmentalized systems have tended to define efficiency in terms of administrative services and problems, and are setting up continuing mechanisms, such as fiscal supervision, unit costs, standardization, and so on. These tend to reveal efficiency or waste. This in turn permits the establishment of standards of performance with sufficient preciseness and simplicity to enable public opinion to insist upon their observance. It has been the occasion for the release of a new spirit. Says Governor Davis of Idaho, "This is the dawn of a new era in civil administration. . . . I have actually seen the enthusiasm, the exchange of ideas

¹⁸ A. E. Buck, *op. cit.* (1924), p. 9.

¹⁹ A. E. Buck, "Nebraska's Reorganized State Administration," *National Municipal Review* (1922), vol. 11, pp. 192-200.

²⁰ See Pennsylvania's budget for 1925, p. iii.

and the feeling of added responsibility; as I sit in cabinet meetings and have noted the difference between the old regime and the new, I have come to believe the day past when the worn out, creaking system of state government will do."²¹

Moreover, it is perhaps significant that not one of the reorganized systems has been abandoned.

PRINCIPLES DEVELOPED BY OTHER STATES

It seems rather certain that the past decade and a half have tended to develop certain standards with regard to administrative reorganization and consolidation. Four such principles are herewith presented and explained briefly.²²

First, departmentalization of administrative agencies along functional lines is an important principle. This calls for the grouping of all agencies performing services of like and similar functional nature into a few orderly departments. Proper dovetailing within the department requires subgrouping of closely related work under appropriate bureaus and divisions. The number and character of departments are determined by the conditions within the state government, but it should be noted that the number of such departments should not be too great. This is because "great is the consternation of the chief executive who attempts to drive a multitude of wild horses of administration."

Second, fixed and definite lines of responsibility for all departmental work should be provided. A department headed by a single officer, appointed and removable by the governor, places beyond question the responsibility for the administrative work of the state. This makes the governor, in fact as well as in theory, the responsible chief executive of the state. The heads of the various departments are called upon to form a cabinet, meeting with the governor for planning and co-operation. Within the department, realization of the principle calls for the placing of responsibility for closely related work upon single bureaus and

²¹ D. W. Davis, "How Administrative Consolidation is Working in Idaho," *National Municipal Review* (1926), vol. 8, p. 202.

²² A. E. Buck, *op. cit.* (1928 ed.), pp. 5-6.

division heads; these heads being single officers, directly responsible to the governor.

Third, proper co-ordination of the terms of office of administrative officers is essential. The four-year term for the governor seems preferable, and the terms of department heads, if they are definitely fixed at all, should be carefully adjusted with reference to that of the governor. It would seem that department heads should not have longer terms than that of the governor, and it seems preferable to have them serve at the governor's pleasure. Experience indicates that this exception may be made: namely, the members of boards or commissions performing quasi-legislative, quasi-judicial, inspectional, or advisory functions under the departments or otherwise may be appointed for longer terms than that of the governor.

Fourth, plural-headed agencies, as boards or commissions, are undesirable as purely administrative agencies. Boards in the purely administrative capacity are generally found inefficient owing to division of powers and absence of initiative and responsibility. Ex-officio boards are almost never effective in the highest degree. Whenever there are quasi-legislative, quasi-judicial, advisory, or inspectional functions within a department, a board may with advantage be attached to the department to perform any one of these functions.

Thus we have reviewed rapidly the meaning of administration in terms of functions performed; we have seen that the form of government is important, though not necessarily always decisive. Further, rising from the ashes of the past, the modern state of Arizona has become relatively great, though it has multiplied its administrative agencies opportunistically to the tune of about eighty or more. These present a tangled "wildwood" in the midst of the call for efficiency and economy in the discharge of the many state functions. We need not continue to sanction the situation which makes a Lucifer smile with the joy of anticipation. Could it have been a Lucifer who prompted the poet to sing, "Over forms of government let fools contest"?