



2003-10

**EXECUTIVE ORDER TO CONSOLIDATE FACILITIES MANAGEMENT,
INTERNAL AUDITING AND STAFF LEGAL FUNCTIONS**

WHEREAS, there is a need to increase efficiency and produce cost savings in the administration of state government; and

WHEREAS, there is currently no statewide agency coordinating certain common functions, such as real estate management, auditing and legal services; and

WHEREAS, the lack of coordination in managing facilities of the state results in leases and contracts on facilities that are overly expensive, and

WHEREAS, there are no statewide policies or procedures that coordinate the facilities management of differing agencies and thus no guarantee that facilities are being managed efficiently or effectively; and

WHEREAS, agencies are using different standards and procedures for internal audits, resulting in the inability of agencies to share management knowledge and gain efficiencies; and

WHEREAS, there is a need for a statewide risk management structure for effective management control, proactive risk management, governance and ongoing business process improvement; and

WHEREAS, redundancy in legal functions across state agencies has led to inefficiencies in time for attorneys; and

WHEREAS, consolidating facilities management would, among other things, provide major cost savings to the State by allowing the State to take advantage of economies of scale and organize lease arrangements; and

WHEREAS, consolidating internal auditing functions would, among other things, allow the State to invest in "state of the art" auditing techniques, aid management in identifying solutions, reduce the need for administrative support, and allow for more efficient use of specialized expertise; and

WHEREAS, consolidating staff legal functions would, among other things, result in significant cost savings, higher quality legal work as attorneys are able to specialize, decreased litigation, and less costly legal contracts with outside counsel; and

WHEREAS, Article V, Section 11 of the Constitution of the State of Illinois authorizes the Governor to reassign functions among or reorganize executive agencies, which are directly responsible to him by means of an executive order; and

WHEREAS, Section 3.2 of the Executive Reorganization Implementation Act, 15 ILCS 15/3.2, provides that “Reorganization” includes the “transfer of . . . functions” from one agency to another; and

THEREFORE, I hereby order:

I. TRANSFER OF FUNCTIONS

A. The function of facilities management, internal auditing, and staff legal functions for each agency, office, division, department, bureau, board and commission directly responsible to the Governor shall be consolidated under the jurisdiction of the Department of Central Management Services.

B. The facilities management functions in this executive order include the operation and maintenance of state-owned or state-leased facilities in all agencies, offices, divisions, departments, bureaus, boards and commissions directly responsible to the Governor. The statutory powers, duties, rights, responsibilities and liabilities regarding facilities management derive from, among others, the following named statutory provisions:

1. Department of Aging: 20 ILCS 105/4.01, 6.05.
2. Department of Agriculture: 20 ILCS 205/205-405; 20 ILCS 210/2; 510 ILCS 10/1(a).

3. Department of Central Management Services: 20 ILCS 405/405-300, 315; 30 ILCS 605/1 et seq.
4. Department of Children and Family Services: 20 ILCS 505/1 et seq.
5. Department of Commerce and Economic Opportunity (formerly Department of Commerce and Community Affairs): 20 ILCS 605/605-55.
6. Department of Corrections: 730 ILCS 5/3-2-2.
7. Illinois Emergency Management Agency: 20 ILCS 3305/6(c)(3), 7(a)(4), 19.
8. Illinois Department of Employment Security: 20 ILCS 5/5-630; 20 ILCS 1005/1005-115, 1005-150; 20 ILCS 1010/2; 20 ILCS 1015/1, 3; 820 ILCS 405/802, 1705.
9. Illinois Environmental Protection Agency: 20 ILCS 405/405-300.
10. Department of Financial Institutions: 20 ILCS 405/405-300.
11. Historic Preservation Agency: 20 ILCS 3405 et seq.; 20 ILCS 3430; 5 ILCS 412/5-1.
12. Department of Human Rights: 20 ILCS 405/405-300.
13. Department of Human Services: 20 ILCS 1705/4, 14; 20 ILCS 2405/10, 11.
14. Department of Insurance: 20 ILCS 1405-1405-5.

15. Department of Labor: 20 ILCS 405/405-300.
16. Department of the Lottery: 20 ILCS 405/405-300.
17. Department of Military Affairs: 20 ILCS 1805/22-2, 22-5, 65; 20 ILCS 1810/1 et seq.
18. Department of Natural Resources: 20 ILCS 801/1-15c, 5-5; 20 ILCS 805/805-210, 805-230, 805-300, 805-305, 805-500; 20 ILCS 835; 20 ILCS 860; 20 ILCS 862; 20 ILCS 870.
19. Department of Nuclear Safety: 420 ILCS 35/4, 5; 420 ILCS 20/5; 20 ILCS 2005-25.
20. Department of Professional Regulation: 20 ILCS 2105/2105-15(a)(6).
21. Department of Public Aid: 20 ICLS 405/405-300.
22. Department of Public Health: 20 ILCS 2305/2(f); 20 ILCS 2310/2310-90; 410 ILCS 47/15; 410 ILCS 535/2.
23. Department of Revenue: 20 ILCS 2505/205-730.
24. Department of the State Fire Marshal: 20 ILCS 405/405-300.
25. Department of State Police: 20 ILCS 405/405-300.
26. Department of Transportation: 20 ILCS 5/5-630.
27. Department of Veteran Affairs: 20 ILCS 2805/2-11.
28. Bureau of the Budget: 20 ILCS 405/405-300.
29. Office of Banks and Real Estate: 20 ILCS 405/405-300.

- 30. Capital Development Board: 20 ILCS 3105/9.01.
- 31. Illinois Medical District Commission: 20 ILCS 405/405-300.
- 32. Illinois Property Tax Appeal Board: 20 ILCS 405/405-300.
- 33. Illinois Racing Board, 230 ILCS 5/9.
- 34. Illinois Toll Highway Authority: 605 ILCS 10/1.

C. The statutory powers, duties, rights, responsibilities and liabilities regarding internal auditing by agencies, offices, divisions, departments, bureaus, boards and commissions directly responsible to the Governor derive from, among others, the Fiscal Control and Internal Auditing Act, 30 ILCS 10/1001 et seq., and the Illinois State Auditing Act, 30 ILCS 5/1-1 et seq.

D. Staff legal functions across agencies shall be transferred from individual agencies to the Department of Central Management Services. Legal functions specific to each particular agency may remain at that agency.

II. EFFECT OF TRANSFERS

A. Personnel who are employed by agencies, offices, divisions, departments, bureaus, boards and commissions and who are assigned to facilities management, auditing and staff legal functions shall be transferred to the Department of Central Management Services. Each agency that currently has a General

Counsel may retain one General Counsel and only other attorneys whose work is primarily adjudicatory. In consultation with the General Counsel for the Governor and agency directors, the Director of Central Management Services shall determine where legal work specific to each agency should be performed. All other legal work shall be performed by attorneys within the Department of Central Management Services. In consultation with the appropriate staff in the Governor's office and in the executive agencies, the Director of Central Management Services shall determine which facilities management and auditing staff shall be transferred to the Department of Central Management Services. The rights of the employees, the State and its agencies under the Personnel Code and applicable collective bargaining agreements or under any pension retirement or annuity plan shall not be affected by the Executive Order.

- B. All books, records, papers, documents, property (real and personal), unexpended appropriations and pending business pertaining to the functions transferred by this Executive Order to the Department of Central Management Services shall be delivered to the Department of Central Management Services pursuant to the direction of the Director of the Department of Central Management Services.

III. SAVINGS CLAUSE

- A. The rights, powers, duties and functions transferred to the Department of Central Management Services by this Executive Order shall be vested in and shall be exercised by the Department of Central Management Services. Each act done in exercise of such rights, powers, duties and functions shall have the same legal effect as if done by the agencies, offices, divisions, departments, bureaus, boards and commissions from which they were transferred.
- B. Every person or corporation shall be subject to the same obligations and duties and any penalties, civil or criminal, arising therefrom, and shall have the same rights arising from the exercise of such rights, powers and duties as had been exercised by the agencies, offices, divisions, departments, bureaus, boards and commissions from which they were transferred.
- C. Whenever reports or notices are now required to be made or given or papers or documents furnished or served by any person in regards to the functions transferred to or upon the agencies, offices, divisions, departments, bureaus, boards and commissions from which the functions were transferred, the same shall be

made, given, furnished or served in the same manner to or upon the Department of Central Management Services.

- D. This Executive Order shall not affect any act done, ratified or canceled or any right occurring or established or any action or proceeding had or commenced in an administrative, civil or criminal cause regarding the functions transferred, but such proceedings may be continued by the Department of Central Management Services.
- E. This Executive Order shall not affect the legality of any rules in the Illinois Administrative Code regarding the functions transferred in this Executive Order that are in force on the effective date of this Executive Order. If necessary, however, the affected agencies shall propose, adopt, or repeal rules, rule amendments, and rule recodifications as appropriate to effectuate this Executive Order.

IV. SEVERABILITY

If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

V. EFFECTIVE DATE

This Executive Order shall become effective on the 61st day after its delivery to the General Assembly.

ROD R. BLAGOJEVICH,
Governor

Issued by Governor: _____, 2003

Filed with Secretary of State: _____, 2003