



SPRINGFIELD, ILLINOIS

EXECUTIVE ORDER

09-07

**EXECUTIVE ORDER TO REDUCE ENERGY CONSUMPTION IN STATE
FACILITIES**

WHEREAS, it is critical to use energy in the most efficient way possible to save taxpayer money and to protect our climate and natural resources; and

WHEREAS, it is vital to reduce energy consumption and produce cost savings in the operations of all agencies, offices, divisions, departments, bureaus, boards and commissions directly responsible to the Governor (hereinafter "agencies"); and

WHEREAS, agencies control hundreds of buildings throughout the State and spend nearly 120 million dollars a year on energy for their facilities; and

WHEREAS, improved energy efficiency is the most cost effective and fastest option for the State to lower its energy bills; and

WHEREAS, there is currently no statewide agency coordinating energy savings activities and thus the State does not implement consistent facilities management policies and procedures to reduce energy consumption or to take full advantage of available energy efficiency incentives and economies of scale that would produce further cost savings; and

WHEREAS, there is currently no statewide agency compiling energy and utility usage data and thus the State does not have a comprehensive and standardized platform with which to benchmark its historic and current usage patterns, identify and prioritize locations for energy efficiency upgrades, or document the impact of ongoing energy efficiency and cost control policies and practices; 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 "the abolition of the whole or any part of any agency which does not have, or upon the taking effect of reorganization will not have, any functions";

THEREFORE, pursuant to the powers vested in me by Article V, Section 11 of the Illinois Constitution, I hereby order:

I. TRANSFER OF FUNCTIONS

FILED A. The Department of Central Management Services shall be responsible for
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energy usage, and improve the procurement of energy for all State-owned
and State-leased facilities for all agencies. Specifically, the Director of the
Department of Central Management Services or his or her designee shall:

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1. Chair an Energy Efficiency Committee, consisting of the Directors of the Department of Central Management Services and the Department of Commerce and Economic Opportunity and the Executive Director of the Capital Development Board and/or their designees, that shall meet monthly to identify energy efficiency projects for State-owned or State-leased facilities and oversee the procurement and completion of those projects. The Energy Efficiency Committee shall:
 - a. Oversee energy audits to be conducted at State-owned or State-leased facilities.
 - b. Oversee the subsequent implementation of the recommendations contained in the energy audits in the most cost-effective manner available.
 - c. Enter into contracts for equipment or services designed to decrease energy consumption in State-owned or State-leased facilities or equipment, with preference given to contracts that can be cost-effectively implemented with a maximum 10-year payback period.
 - d. Coordinate with the Office of Management and Budget to ensure that State agencies establish individual budget line items for acceptance of energy efficiency incentives and to ensure that State agencies leverage the maximum amount of energy efficiency incentives available through State and private programs.
2. Provide an annual report to the Governor, outlining the environmental results, reduction in consumption and cost savings to the State.
3. Develop and maintain such data management systems as are necessary to document energy usage in a manner consistent with the need to purchase supplies in the most cost-effective manner and to support the development of strategies to maximize the operational efficiency of the State's facilities.
4. Take the action necessary to enable the State to take advantage of bulk purchases of energy to maximize the State's purchasing power.
5. Obtain from all agencies a comprehensive listing of all electricity, natural gas, water and sewer accounts, along with other site-identifying information, and work directly with the appropriate utility companies to arrange for ongoing monthly electronic download or dual distribution to both the agencies and the Energy Efficiency Committee of the account data, including the necessary usage and rate.
6. At the sole discretion and direction of the Director of the Department of Central Management Services, effective July 1, 2009, initiate and receive annual appropriations for and pay all utility bills for State-owned and State-leased facilities for all agencies from the Facilities Management Revolving Fund and bill agencies for reimbursement.
- B. The statutory powers, duties, rights, responsibilities and liabilities regarding facilities management and decreasing energy consumption, contained in this Executive Order, derive from the following named statutory provisions:

Department on Aging: 20 ILCS 405/405-300.

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

Arts Council: 20 ILCS 3915/6; 20 ILCS 405/405-300.

Capital Development Board: 20 ILCS 3105/9.01.

Department of Central Management Services: 20 ILCS 405/405-295, 300, 315; 30 ILCS 605/1 et seq.

Department of Children and Family Services: 20 ILCS 505/1 et seq.

Department of Commerce and Economic Opportunity: 20 ILCS 605/605-55.

Department of Corrections: 730 ILCS 5/3-2-2(1)(c).

Criminal Justice Information Authority: 20 ILCS 405/405-300.

Illinois Council on Developmental Disabilities: 20 ILCS 405/405-300.

Illinois Deaf and Hard of Hearing Commission: 20 ILCS 405/405-300.

Illinois Educational Labor Relations Board: 20 ILCS 405/405-300.

Illinois Emergency Management Agency: 20 ILCS 3305/6(c)(3), 7(a)(4), 19; 20 ILCS 3310; 420 ILCS 20/5; 420 ILCS 35/4, 5.

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.

Illinois Environmental Protection Agency: 415 ILCS 5/3.105; 20 ILCS 405/405-300.

Illinois Finance Authority: 20 ILCS 405/405-300.

Department of Financial and Professional Regulation: 20 ILCS 1205; 20 ILCS 2105/2105-15(a)(6); 20 ILCS 1405/1405-5(5); 20 ILCS 3205; 20 ILCS 405/405-300.

Governor's Office of Management and Budget: 20 ILCS 3005; 20 ILCS 405/405-300.

Guardianship and Advocacy Commission: 20 ILCS 405/405-300.

Department of Healthcare and Family Services: 20 ILCS 2205; 20 ICLS 405/405-300.

Housing Development Authority: 20 ILCS 405/405-300.

Historic Preservation Agency: 20 ILCS 3405 et seq.; 20 ILCS 3430; 5 ILCS 412/5.

Department of Human Rights: 775 ILCS 5/7-101; 20 ILCS 405/405-300.

Human Rights Commission: 20 ILCS 405/405-300.

Department of Human Services: 20 ILCS 1705/4, 14; 20 ILCS 2405/10, 11; 20 ILCS 1305.

Interagency Energy Conservation Committee: 20 ILCS 3953/20(b), (d), and (f)

Department of Juvenile Justice: 20 ILCS 405/405-300.

Department of Labor: 20 ILCS 1505; 20 ILCS 405/405-300.

Labor Relations Board: 20 ILCS 405/405-300.

Illinois Law Enforcement Training and Standards Board: 50 ILCS 705; 50 ILCS 720/2; 20 ILCS 405/405-300

Liquor Control Commission: 20 ILCS 405/405-300.

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Illinois Lottery Board: 20 ILCS 1605.
Illinois Medical District Commission: 70 ILCS 915/2; 20 ILCS 405/405-300.
Department of Military Affairs: 20 ILCS 1805/22-2, 22-5, 65; 20 ILCS 1810/1 et seq.
Department of Natural Resources: 20 ILCS 801/1-15(c), 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.
Illinois Power Agency: 20 ILCS 405/405-300.
Illinois Prisoner Review Board: 20 ILCS 405/405-300.
Property Tax Appeal Board: 20 ILCS 405/405-300.
Department of Public Health: 20 ILCS 2305/2(f); 20 ILCS 2310/2310-90; 410 ILCS 47/15; 410 ILCS 535/2.
Illinois Racing Board: 230 ILCS 5/9; 20 ILCS 405/405-300.
Department of Revenue: 20 ILCS 2505/2505-730.
Illinois State Board of Investment: 20 ILCS 405/405-300.
Office of the State Fire Marshal: 20 ILCS 2905; 20 ILCS 405/405-300.
Illinois State Police: 20 ILCS 2605; 20 ILCS 405/405-300.
State Retirement Systems: 20 ILCS 405/405-300.
Illinois Toll Highway Authority: 605 ILCS 10/1; 605 ILCS 10/8.
Department of Transportation: 20 ILCS 2705; 20 ILCS 5/5-630.
Department of Veteran Affairs: 20 ILCS 2805/2(2).

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II. ABOLITIONS

As detailed above, in Part I.B.26., certain powers and duties previously held by the Interagency Energy Conservation Committee are contained in this Executive Order. The Interagency Energy Conservation Committee's remaining powers and duties are duplicative of those handled by other agencies, including but not limited to the Capital Development Board and the Department of Economic Opportunity and Commerce. As such, the Interagency Energy Conservation Committee is abolished and its affairs terminated.

III. EFFECT OF TRANSFERS

- A. At the sole discretion and direction of the Director of the Department of Central Management Services and in consultation with the Governor's Office and affected agencies, personnel who are employed by agencies who are assigned to work involving utility payments 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), contracts, and pending business pertaining to the powers, duties, rights and responsibilities 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.

- C. All unexpended appropriations and balances and other funds available for use in connection to the powers, duties, rights, and responsibilities transferred by this Executive Order shall be transferred for use by the Department of Central Management Systems pursuant to the direction of the Governor. Unexpended balances so transferred shall be expended only for the purpose for which the appropriations were originally made.

IV. SAVINGS CLAUSE

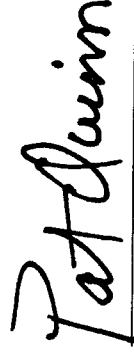
- A. The rights, powers, duties and functions transferred to the Department of Central Management Services by this Executive Order shall be vested in and shall be exercised by the Department of Central Management Services. Each act done in exercise of such rights, powers, duties and functions shall have 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 were previously required to be made or given or papers or documents furnished or served by any person with respect to the functions that are being transferred, pursuant to this Executive Order, from other agencies, offices, divisions, departments, bureaus, boards and commissions to the Department of Central Management Services, 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.

V. 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.

VI. EFFECTIVE DATE

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


Pat Quinn, Governor

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Issued by Governor: April 1, 2009
Filed with Secretary of State: April 1, 2009

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