



2003-7
EXECUTIVE ORDER TO REORGANIZE AGENCIES BY THE
ABOLISHMENT OF CERTAIN ENTITIES OF THE EXECUTIVE BRANCH

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

WHEREAS, Section 3.2 of the Executive Reorganization Implementation Act, 15 ILCS 15/3.2, provides that "Reorganization" includes "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"; and

WHEREAS, this Executive Order abolishes those agencies directly responsible to the Governor that either no longer serve a necessary function or serve functions that can be more efficiently served by another agency;

WHEREAS, this abolishment decreases agency bureaucracy, streamlines the Executive Branch, and dissolves inactive or duplicative agencies;

THEREFORE, I hereby order, pursuant to the power vested in me by Article V, Section 11 of the Illinois Constitution, that the following agency reorganization shall be executed:

I. Abolishment:

The agencies listed under Part II of this Executive Order and all accompanying administrative units, boards, councils, advisory bodies, or related entities of these agencies are

abolished. The corresponding terms of appointed members on these agencies are also terminated, and their appointed offices are subsequently abolished. These agencies may be temporarily reorganized or reconstituted, if necessary, under the Department of Central Management Services or another appropriate agency to facilitate the termination of their administration. In connection with winding up the affairs of the terminated agencies, the Director of Central Management Services shall determine whether consolidation of any functions of the terminated agencies with another agency is appropriate.

II. Affected Entities and Corresponding Enabling Authorities:

The entities listed in this Part II are abolished. The rights, powers, duties, and functions vested by law in these entities, or any office, division, council, committee, bureau, board, commission, officer, employee, or associated individual, person, or entity by the following Executive Orders, Acts, or Sections of the Acts, and all rights, powers, and duties incidental to these provisions including funding mechanisms, are also abolished:

- A. Alcoholism and Other Drug Dependency Board, Interagency, 20 ILCS 301/10-40, 10-45, 10-50.
- B. Anti-Crime Advisory Council, 20 ILCS 3910/1, 5.
- C. Construction Evaluation Council, 20 ILCS 3015/2.
- D. Economic Development Board, Illinois, 20 ILCS 3965/2, 3965/3.
- E. Education Council, Illinois, 45 ILCS 90/3.
- F. Furniture Fire Safety Advisory Board, 425 ILCS 45/1005.
- G. Governor's Economic Policy Council, created by press release, dated 8/11/99.
- H. Governor's Health and Physical Fitness Advisory Committee, 20 ILCS 3950/4.
- I. Governor's Scholars, Board of Sponsors, 110 ILCS 940/1.
- J. Necropsy Service to Coroners, Advisory Board, 20 ILCS 5/5-565, 5/5-605.
- K. Superconductivity Coordinating Council, Illinois, 20 ILCS 1105/14.
- L. Water Resources Advisory Committee, Press Release 6/6/2000.

III. Savings Clause:

- A. The rights, powers, duties, and functions of the entities abolished by this Executive Order shall be vested in and shall continue to be exercised by the Department of Central Management Services or another appropriate agency to the extent necessary to effectuate the termination or winding up of affected administrative affairs. Each act done in the exercise of these rights, powers, and duties shall have the same legal effect as if done by the former agencies, and by the officers and employees of those agencies.
- B. Every person shall be subject to the same obligations and duties and to the associated penalties, if any, and shall have the same rights arising from the exercise of these obligations and duties as if exercised subject to the former agency or the officers and employees of that agency.
- C. Whenever reports or notices are now required to be made or given or papers or documents furnished or served by any person or entity, then those requirements shall be waived or, if completed, then those reports and notices shall be delivered, immediately after the effective date of this Executive Order.
- D. This Executive Order shall not affect any act undertaken, ratified or cancelled or any right occurring or established or any action or proceeding commenced in an administrative, civil, or criminal case before this Executive Order takes effect, but these actions or proceedings may be prosecuted and continued by the Department of Central Management Services in cooperation with another agency, if necessary.
- E. This Executive Order shall not affect the legality of any rules in the Illinois Administrative Code that are in force on the effective date of this Executive Order, which rules have been duly adopted by the pertinent agencies. If necessary, however, the affected agencies shall propose, adopt, or repeal rules,

rule amendments, and rule recodifications as appropriate to effectuate this Executive Order. These rule modifications shall coincide with, if applicable, the termination and winding up of the abolished agencies' affairs.

- F. Whenever any provision of any previous Executive Order or any Act provides for membership of an individual (or a designee) from an agency abolished by this Executive Order on any board, commission, authority, or other entity, the Director of Central Management Services, the head of another appropriate agency, or a Director's designee shall serve in that place, if necessary. If more than one such agency member is required by law to serve on any board, commission, authority, or other entity, then an equivalent number of representatives of the Department of Central Management Services or another appropriate agency shall so serve, if necessary.
- G. Any employees of agencies abolished by this Executive Order are transferred to the Department of Central Management Services or to another appropriate agency as determined by the Director of Central Management Services. All employees engaged in the performance of a function or in the administration of a law transferred by this Executive Order are transferred to the Department of Central Management Services. Personnel exercising rights, power, and duties in the abolished agencies are now transferred to the Department of Central Management Services. The rights of the employees, the State, and the transferring agencies under the Personnel Code or any collective bargaining agreement, or under any pension, retirement, or annuity plan, shall not be affected by this Executive Order. Personnel employed by the abolished agencies to perform functions that are not clearly classifiable within the areas referred to in this Executive Order shall be assigned and transferred to appropriate departments by the Director of Central Management Services.

- H. All personnel records, documents, books, correspondence, papers, real and personal property, and other associated items in any way pertaining to the rights, powers, duties, and functions of the abolished agencies shall be delivered and transferred to the Department of Central Management Services, another appropriate agency, or the State Archives.
- I. All pending business and affairs in any way pertaining to the rights, powers, duties, and functions of the abolished agencies shall be transferred to the Department of Central Management Services or to another appropriate agency for continuation, modification, winding up, or termination, as appropriate.
- J. The unexpended balances of any appropriations or funds, grants, donations, or other moneys available for use by the abolished agencies shall be transferred to the Department of Central Management Services or other appropriate agency and shall be expended for similar purposes for which the appropriations, funds, grants, or other moneys were originally made or given to those entities. If those purposes are no longer feasible, then the remaining balances shall be deposited into the General Revenue Fund.

IV. Severability:

If any provisions of this Executive Order or its application to any person or circumstance is held invalid, then the invalidity of that provision or application does not affect other provisions or applications of this Executive Order that can be given effect without the invalid provision or application.

V. Filing:

This Executive Order shall be filed with the Clerk of the House of Representatives and the Secretary of the Senate. In addition, this Executive Order shall be filed with (i) the Secretary of State for publishing in the Illinois Register and (ii) the Legislative Reference Bureau for preparation of a revisory bill effectuating these provisions.

VI. Further action:

The abolishment of these entities does not foreclose further action in that the Governor may review additional executive entities for abolishment and effectuate that abolishment by Executive Order.

VII. Effective Date:

With respect to the agencies identified in Items G and L of Section II hereof, this Executive Order is effective immediately. With respect to the remaining agencies identified in Section II hereof, this Executive Order is effective 60 days after delivery to the General Assembly, which delivery is executed by filing copies of the document with the Clerk of the House of Representatives and the Secretary of the Senate.

Rod Blagojevich, Governor

Issued by Governor: _____, 2003

Filed with Secretary of State: _____, 2003