STATE OF ILLINOIS

EXECUTIVE DEPARTMENT

SPRINGFIELD, ILLINOIS

FILED
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OCT 2 3 2007
IN THE OFFICE OF
SECRETARY OF STATE

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EXECUTIVE ORDER TO REORGANIZE AGENCIES BY THE TRANSFER OF CERTAIN FUNCTIONS OF THE DEPARTMENT OF REVENUE TO THE DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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, in pertinent part: (1) the transfer of the whole or any part of any agency, or of the whole or any part of the functions thereof, to the jurisdiction and control of any other agency, and (2) the consolidation or coordination of the whole or any part of any other agency, or of the whole or any part of the functions thereof, with the whole or any part of any other agency or the functions thereof; and

WHEREAS, the Department of Revenue and the Department of Healthcare and Family Services are executive agencies directly responsible to the Governor that exercise the rights, powers, duties, and responsibilities derived from 20 ILCS 2505 et seq. and 20 ILCS 2205 et seq., respectively; and

WHEREAS, streamlining and consolidating certain functions of one agency into another agency offers the opportunity to eliminate redundancy, simplify the organizational structure of the Executive Branch, improve accessibility and accountability, provide more efficient use of specialized expertise and facilities, realize savings in administrative costs, promote more effective sharing of best practices and state of the art technology, and realize other cost savings, among other things; and

WHEREAS, the Department of Healthcare and Family Services, through its Division of Child Support Enforcement, is the primary agency entrusted with administering and collecting child support payments on behalf of affected custodial parents; and

WHEREAS, the Department of Revenue, through its child support collection program, has assisted the Department of Healthcare and Family Services in collecting delinquent child support payments; and

WHEREAS, the Department of Revenue's child support collection program personnel are completely funded by the Department of Healthcare and Family Services' Child Support Administrative Fund; and

WHEREAS, the Department of Revenue has twenty-nine (29) employees/positions assigned to collect seriously overdue child support on behalf of the Department of Healthcare and Family Services; and

WHEREAS, the Department of Healthcare and Family Services has acquired administrative enforcement powers and remedies, including the following powers: to administratively seize bank accounts; to file liens on real property; to cause denials of State-issued professional,

occupational and recreational licenses; to cause denials of new and renewed passports; to publish the names of delinquent parents; and to impose other administrative collection actions; and

WHEREAS, consolidation into one agency of the resources available to collect past due child support will promote increased collections; and

WHEREAS, the aforementioned benefits of consolidation can be achieved by transferring the administration and collection of child support payment functions (the "Functions") and personnel from the Department of Revenue (the "Transferring Agency") to the Department of Healthcare and Family Services (the "Receiving Agency"); and

WHEREAS, the Functions, as well as the staff performing those Functions, of the Transferring Agency's child support collection program shall be transferred to the Receiving Agency in accordance with the objectives of the child support collection program.

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

I. TRANSFER

Effective October 23, 2007, or as soon thereafter as practicable, the powers, duties, rights, and responsibilities of the Transferring Agency's twenty-nine (29) current and vacant employees/positions shall be transferred from the Transferring Agency to the Receiving Agency pursuant to this Executive Order.

II. EFFECT OF TRANSFER

The powers, duties, rights, and responsibilities vested in the child support collection program shall not be affected by this Executive Order, except that all management, staff support, and other resources necessary to the operation of the program shall be provided by the Receiving Agency.

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The status and rights of the employees in the Transferring Agency engaged in the performance of the Functions of the child support collection program shall not be affected by the transfer. The rights of the employees as derived from the State of Illinois and its agencies under the Personnel Code, the applicable collective bargaining agreements, or any pension, retirement, or annuity plan shall not be affected by this Executive Order. Personnel employed by the Transferring Agency affected by this Executive Order shall continue their service within the Receiving Agency.

B. All books, records, papers, documents, contracts, and pending business pertaining to the powers, duties, rights, and responsibilities related to the child support collection program and transferred by this Executive Order from the Transferring Agency to the Receiving Agency, including but not limited to material in electronic or magnetic format, shall be transferred to the Receiving Agency; provided, however, that the transfer of such information shall not violate any applicable confidentiality constraints.

C. All unexpended appropriation balances and other funds otherwise available to the Transferring Agency for use in connection with the child support collection program shall be transferred and made available to the Receiving Agency for use in connection with the child support collection program.

III. SAVINGS CLAUSE

A. The powers, duties, rights, and responsibilities related to the child support collection program and transferred from the Transferring Agency by this Executive Order shall be vested in and shall be exercised by the Receiving Agency. Each act done in exercise of such powers, duties, rights, and responsibilities shall have the same legal effect as if done by the Transferring Agency or their divisions, officers, or employees.

B. Every person or entity 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 powers, duties, rights, and responsibilities as had been exercised by the Transferring Agency or its divisions, officers, or employees.

C. Every officer of the Receiving Agency shall, for any offense, be subject to the same penalty or penalties, civil or criminal, as are prescribed by existing law for the same offense by any officer whose powers or duties were transferred under this Executive Order.

D. Whenever reports or notices are now required to be made or given or papers or documents furnished or served by any person to or upon the Transferring Agency in connection with any of the functions of the child support collection program transferred by this Executive Order, the same shall be made, given, furnished, or served in the same manner to or upon the Receiving Agency.

E. 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 child support collection program before this Executive Order takes effect; such actions or proceedings may be prosecuted and continued by the Receiving Agency.

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.

Rod R. Blagojevich
Governor

Issued by Governor: October 23, 2007
Filed with Secretary of State: October 23, 2007

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