



FILED
INDEX DEPARTMENT

EXECUTIVE DEPARTMENT

APR 01 2010

IN THE OFFICE OF
SECRETARY OF STATE

SPRINGFIELD, ILLINOIS

EXECUTIVE ORDER

10-04

EXECUTIVE ORDER TO CONSOLIDATE AGENCIES BY THE TRANSFER OF CERTAIN REPRODUCTION SERVICES OF THE DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY, THE DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES, THE DEPARTMENT OF PUBLIC HEALTH AND THE DEPARTMENT ON AGING TO THE DEPARTMENT OF HUMAN SERVICES FACILITY AT 5020 INDUSTRIAL DRIVE, BUILDING B, SPRINGFIELD, ILLINOIS

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 (a) 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 (b) the consolidation or coordination of 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 Commerce and Economic Opportunity ("DCEO"), the Department of Healthcare and Family Services ("HFS"), the Department of Public Health ("DPH"), the Department on Aging ("Aging") and the Department of Human Services ("DHS") are executive agencies directly responsible to the Governor which exercise the rights, powers, duties and responsibilities derived from 20 ILCS 605, et seq., 20 ILCS 2205, et seq., 20 ILCS 2310, et seq., 20 ILCS 110, et seq. and 20 ILCS 1305, et seq. respectively; and

WHEREAS, DCEO, HFS, DPH, Aging and DHS presently maintain individual reproduction services independent of each other, although these services share common functions, duties and responsibilities, as well as utilize the same or similar equipment and materials; and

WHEREAS, the transfer and consolidation of the DCEO, HFS, DPH, Aging and DHS reproduction services 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 aforementioned benefits of consolidation can be achieved by transferring the reproduction services from DCEO, HFS, DPH and Aging to a DHS facility in 5020 Industrial Drive, Building B, Springfield, Illinois, 62703; and

WHEREAS, as Governor of the State of Illinois, I am committed to effectively using all existing State resources in order to streamline State government operations; and

WHEREAS, for purposes of this Executive Order, DCEO, HFS, DPH, Aging and DHS's

reproduction services are sometimes referred to collectively as the "Services," DHS is sometimes referred to as the "Receiving Agency," and the DCEO, HFS, DPH and Aging are sometimes referred to as the "Transferring Agencies;" and

WHEREAS, prior to the final transfer, discussed in paragraph I.A., below, the specific functions, as well as the staff performing those functions, of the DCEO, HFS, DPH and Aging reproduction services shall be transferred to DHS by way of interagency agreements between DCEO, HFS, DPH and Aging and DHS (the "Agencies' Interagency Agreements") in accordance with the objectives of this Executive Order; and

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, pursuant to the supreme executive authority of the Governor as set forth in Article V, Section 8 and pursuant to the authority to reorganize agencies under the jurisdiction of the Governor as set forth in Article V, Section 11 of the Illinois Constitution, do hereby order as follows:

I. TRANSFER

- FILED**
INDEX DEPARTMENT
APR 01 2010
IN THE OFFICE OF
SECRETARY OF STATE
- a. Effective July 1, 2010, or as soon thereafter as practicable, the powers, duties, rights and responsibilities related to the Services, including staff and positions, shall be transferred from DCEO, HFS, DPH and Aging to the DHS facility at 5020 Industrial Drive, Building B, Springfield, Illinois, 62703 in accordance with the Agencies' Interagency Agreements. The statutory powers, duties, rights and responsibilities of the Transferring Agencies associated with these Services derive from 20 ILCS 605, et seq., 20 ILCS 2205, et seq., 20 ILCS 2310, et seq. and 20 ILCS 110, et seq. These transfers shall be permanent, unless otherwise the subject of subsequent Executive Order or other law.
 - b. Whenever any provision of an Executive Order or any Act or section thereof transferred by this Executive Order provides for membership of the Director and/or Secretary of the Transferring Agencies on any council, commission, board or other entity relating to the Services, the Secretary of the Receiving Agency or her designee(s) shall serve in that place. If more than one such person is required by law to serve on any council, commission, board or other entity, an equivalent number of representatives of the Receiving Agency shall so serve.

II. EFFECT OF TRANSFER

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

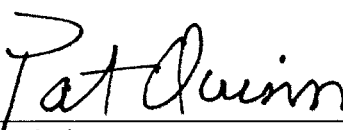
- a. The status and rights of employees in the Transferring Agencies engaged in the performance of the functions of the Services shall not be affected by the transfer. The rights of the employees, the State of Illinois and its agencies under the Personnel Code and applicable collective bargaining agreements or under any pension, retirement or annuity plan shall not be affected by this Executive Order. Personnel under the Transferring Agencies affected by this Executive Order shall continue their service within the Receiving Agency.
- b. All books, records, papers, documents, property, contracts, and pending business pertaining to the powers, duties, rights and responsibilities related to the Services and transferred by this Executive Order from the Transferring Agencies to the Receiving Agency, shall be delivered to the Receiving Agency; provided, however, that the delivery of such information shall not violate any applicable confidentiality constraints.
- c. All unexpended appropriations and balances and other funds available for use in connection with any of the Services shall be transferred for use by the Receiving Agency for the Services pursuant to the direction of the Governor. Unexpended balances so transferred shall be expended only for the purpose for which the appropriation was originally made and in accordance with applicable state and federal law.

III. SAVINGS CLAUSE

- a. The powers, duties, rights and responsibilities related to the Services and transferred from the Transferring Agencies 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 Agencies 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 Agencies or their divisions, officers or employees.
- c. Every officer of the Receiving Agency shall, for every 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 Agencies in connection with any of the functions of the Services 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 Services before this Executive Order takes effect; such actions or proceedings may be defended, prosecuted and continued by the Receiving Agency.
- f. Any rules of the Transferring Agencies that relate to the Services which are in full force on the effective date of this Executive Order and have been duly adopted by the Transferring Agencies shall become the rules of the Receiving Agency for the Services. This Executive Order shall not affect the legality of any such rules in the Illinois Administrative Code. Any proposed rulings filed with the Secretary of State by the Transferring Agencies that relate to the Services and are pending in the rulemaking process on the effective date of this Executive Order and pertain to the functions transferred, shall be deemed to have been filed by the Receiving Agency. As soon as practicable hereafter, the Receiving Agency shall revise and clarify the rules transferred to them under this Executive Order to reflect the reorganization of rights, power and duties effected by this Executive Order, using the procedures for recodification of rules available under the Illinois Administrative Procedures Act, except that existing title, part, and section numbering for the affected rules may be retained. The Receiving Agency may propose and adopt under the Illinois Administrative Act such other rules of the reorganized agencies that will now be administered 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.


Pat Quinn
Governor

Issued by the Governor: April 1, 2010
Filed with the Secretary of State: April 1, 2010

FILED
INDEX DEPARTMENT

APR 01 2010

IN THE OFFICE OF
SECRETARY OF STATE