



HOUSE OF REPRESENTATIVES
Anthony D. ...

APR 01 2002

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EXECUTIVE ORDER

NUMBER 3 (2002)

**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 to simplify the structure of the Executive Branch, achieve effectiveness, and expedite efficiency; 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 agency entities directly responsible to the Governor that do not have any function, which abolishment decreases agency bureaucracy, streamlines the executive branch, and dissolves inactive entities; therefore

BE IT ORDERED, 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 entities 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 entities are also terminated, and their appointed offices are subsequently abolished. These entities or offices may be temporarily reorganized or reconstituted, if necessary, under the Department of Central Management Services or another appropriate agency to facilitate the winding up and termination of their administration. The Director of Central Management Services shall determine in the winding up or termination of the abolished entities' affairs if the consultation or consolidation with another agency's administration is appropriate.

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IN THE OFFICE OF
SECRETARY OF STATE

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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. Advisory Board for Conservation Education: Sections 3, 4, and 7 of the Conservation Education Act, 105 ILCS 415/3, 4, and 7.
- B. Advisory Council on Reclamation: Section 1.04 of the Surface Coal Mining Land Conservation and Reclamation Act, 225 ILCS 720/1.04.
- C. Aging Veterans Task Force: Section 2310-80 of the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois, 20 ILCS 2310/2310-80.
- D. Board of Directors of the Illinois Manufacturing Technology Alliance: Illinois Manufacturing Technology Alliance Act, 20 ILCS 3990/Act.
- E. Board of Trustees of the Illinois Summer School for the Arts: Illinois Summer School for the Arts Act, 105 ILCS 310/Act.
- F. Cattle Disease Research Committee: Section 2 of the Animal Gastroenteritis Act, 510 ILCS 15/2.
- G. Clinical Laboratory and Blood Bank Advisory Board: Sections 5-101, 5-102, and 5-103 of the Illinois Clinical Laboratory and Blood Bank Act, 210 ILCS 25/5-101, 5-102, and 5-103.
- H. Coordinating Committee of State Agencies Serving Older Persons: Section 5-520 of the Civil Administrative Code of Illinois, 20 ILCS 5/5-520, and Sections 3.04, 4.01, 7.02, 8, 8.01, 8.02, and 8.03 of the Illinois Act on Aging, 20 ILCS 105/3.04, 4.01, 7.02, 8, 8.01, 8.02, and 8.03.
- I. Corn Marketing Program Temporary Operating Committee: Sections 6 and 7 of the Illinois Corn Marketing Act, 505 ILCS 40/6 and 7.
- J. Council of Economic Advisors: Executive Order 75-2.
- K. Disadvantaged Business Enterprise Program Advisory Committee: Section 19 of the Motor Fuel Tax Law, 35 ILCS 505/19.
- L. Governor's Commission on Gangs in Illinois: Executive Order 95-4.
- M. Hemophilia Advisory Committee: Sections 1 and 4 of the Hemophilia Care Act, 410 ILCS 420/1 and 4.
- N. Illinois Council on Vocational Education: Council on Vocational Education Act, 105 ILC 420/Act.
- O. Illinois Distance Learning Foundation: Section 405-500 of the

Department of Central Management Services Law of the Civil Administrative Code of Illinois, 20 ILCS 405/405-500; Section 3-1 of the Illinois State Auditing Act, 30 ILCS 5/3-1; and the Illinois Distance Learning Foundation Act, 105 ILCS 40/Act.

- P. Illinois Economic Development Coordinating Council: Executive Orders 95-1 and 96-6.
- Q. Illinois Electronic Data Processing Advisory Committee: Section of the Electronic Fund Transfer Act, 205 ILCS 616/75.
- R. Illinois Electronic Fund Transfer Advisory Committee: Section 70 of the Electronic Fund Transfer Act, 205 ILCS 616/70.
- S. Illinois Emergency Employment Development Coordinator: Sections 2, 3, 5, and 9 of the Illinois Emergency Employment Development Act, 20 ILCS 630/2, 3, 5, and 9.
- T. Illinois Fiduciary Advisory Committee: Sections 1-5.04, 9-1, 9-2, 9-3, and 9-4 of the Corporate Fiduciary Act, 205 ILCS 620/1-5.04, 9-1, 9-2, 9-3, and 9-4.
- U. Illinois Mortgage Insurance Agency: Illinois Mortgage Insurance Fund Act, 310 ILCS 45/Act.
- V. Interagency Board for Children who are Deaf or Hard-of-Hearing and have an Emotional or Behavioral Disorder: Interagency Board for Children who are Deaf or Hard-of-Hearing and have an Emotional or Behavioral Disorder Act, 325 ILCS 35/Act.
- W. Laboratory Review Board: Laboratory Review Board Act, 20 ILCS 3980/Act.
- X. Labor-Management Cooperation Committee: Section 605-850 of the Department of Commerce and Community Affairs Law of the Civil Administrative Code of Illinois, 20 ILCS 605/605-850.
- Y. Midwestern Higher Education Commission: Midwestern Higher Education Compact Act, 45 ILCS 155/Act.
- Z. Mobile Home and Manufactured Housing Advisory Council: Section 15 of the Illinois Manufactured Housing and Mobile Home Safety Act, 430 ILCS 115/15.
- AA. One Church One Child Advisory Board: Section 7.1 of the Children and Family Services Act, 20 ILCS 505/7.1.
- BB. Sheep and Wool Production Development and Marketing Temporary Operating Committee: Sections 6 and 7 of the Illinois Sheep and Wool Production Development and Marketing Act, 505 ILCS 115/6 and 7.
- CC. Soybean Marketing Program Temporary Operating Committee: Sections 7 and 8 of the Soybean Marketing Act, 505 ILCS 130/7 and 8.
- DD. State Sanitary District Observer: Section 4b of the Metropolitan Water Reclamation District Act, 70 ILCS 2605/4b.
- EE. Technology Innovation and Commercialization Grants-In-Aid Council: Section 605-360 of the Department of Commerce and

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 or corporation 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. Every person shall be subject to the same penalty for offenses as prescribed by existing law for the same offense by any person whose powers or duties were abolished or 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 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.
- E. This Executive Order shall not affect any act done, ratified, or cancelled or any right occurring or established or any action or proceeding had or commenced in an administrative, civil, or criminal cause, 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.
- F. 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 entities' affairs.
- G. Whenever any provision of any previous Executive Order, any Act, or any Act's Section transferred by this Executive Order provides for membership of an individual from an abolished entity or their respective designee, 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 director 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.
- H. All employees, if any, of the abolished entities 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, powers, and duties in the abolished entities 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.

- I. 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 entities shall be delivered and transferred to the Department of Central Management Services, another appropriate agency, or the State Archives.
- J. All pending business and affairs in any way pertaining to the rights, powers, duties, and functions of the abolished entities shall be transferred to the Department of Central Management Services or to another appropriate agency for continuation, modification, winding up, or termination, as appropriate.
- K. The unexpended balances of any appropriations or funds, grants, donations, or other moneys available for use by the abolished entities 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 provision 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 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 conduct that abolishment by Executive Order. Future entities created by Executive Order should include an expiration date for automatic termination of those entities.

VII. Effective Date:

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.

This Executive Order shall be effective immediately.



GEORGE H. RYAN
Governor

April 1, 2002