



2003-11

**EXECUTIVE ORDER TO TRANSFER FUNCTIONS OF THE PRAIRIE STATE 2000
AUTHORITY AND PROGRAMS OF THE ILLINOIS DEPARTMENT OF
EMPLOYMENT SECURITY AND THE ILLINOIS COMMUNITY COLLEGE BOARD
TO THE DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY**

WHEREAS, improving Illinois' system of workforce development is a primary goal of State government, especially within small and medium-sized businesses; and

WHEREAS, there are a number of existing executive agencies directly responsible to the Governor which have rights, powers, duties and responsibilities that involve, in significant part, employment training and development. Streamlining and consolidating the functions of certain of these agencies in a single agency offers the opportunity to realize significant cost savings, eliminate redundancy and simplify the organizational structure of the Executive Branch, improve accessibility and accountability, provide more efficient use of specialized expertise and facilities, reduce administrative support, and promote more effective sharing of best practices and state of the art technology, among other things; and

WHEREAS, strengthening Illinois' system of workforce and economic development to build a highly skilled and globally competitive workforce throughout the State is a primary goal of State government; and

WHEREAS, State government must continue to improve the effective utilization of existing resources in support of workforce and economic development to significantly reduce fragmentation and duplication of efforts; and

WHEREAS, Article V, Section 11 of the Constitution of the State of Illinois, as implemented by the Executive Reorganization Implementation Act, 15 ILCS 15/1, authorizes the Governor, by executive order, to reorganize agencies directly responsible to the Governor by (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, (b) 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, (c) the consolidation or coordination of any part of any agency or the functions thereof with any other part of the same agency or the functions thereof, (d) the abolition of the whole or any part of any agency which does not have, or upon the taking effect of such reorganization will not have, any functions, and (e) the establishment of a new agency to perform all or any part of the functions of an existing agency or agencies;

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

I. TRANSFER

- A. All the powers, duties, rights and responsibilities vested in the Prairie State 2000 Authority shall be transferred to the Department of Commerce and Economic Opportunity (formerly known as the Department of Commerce and Community Affairs). The statutory powers, duties, rights

and responsibilities of the Prairie State 2000 Authority derive from 20 ILCS 420/1 et seq.

- 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 of the Prairie State 2000 Authority on any council, commission, board or other entity, the Director of the Department of Commerce and Economic Opportunity or his/her designee(s) shall serve in that place. If more than one such commissioner/director is required by law to serve on any council, commission, board or other entity, an equivalent number of representatives of the Department of Commerce and Economic Opportunity shall so serve.
- C. All the powers, duties, rights and responsibilities vested in the Illinois Department of Employment Security with respect to the administration of the federal Workforce Investment Act of 1998, Title I, the federal Illinois Trade Adjustment Assistance Program, and the federal and state funded Welfare to Work program, including, but not limited to those not vested in statute, and all liabilities arising therefrom are transferred to the Department of Commerce and Economic Opportunity.
- D. All the powers, duties, rights and responsibilities vested in the Illinois Community College Board with respect to the administration of the state funded Current Workforce Training Grant, including, but not limited to those not vested in statute, and all liabilities arising therefrom are transferred to the Department of Commerce and Economic Opportunity.

II. EFFECT OF TRANSFER

- A. The Prairie State 2000 Authority and all boards, offices, bureaus and divisions thereof are hereby abolished.
- B. Personnel in the Prairie State 2000 Authority shall continue their service within the Department of Commerce and Economic Opportunity. All personnel shall initially constitute probationary employees under the Personnel Code. The Department of Central Management Services shall establish a procedure for qualification and retention of personnel in accordance with the Personnel Code. 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 this Executive Order.
- C. All books, records, papers, documents, property (real and personal), unexpended appropriations and pending business pertaining to the rights, powers and duties transferred by this Executive Order from the Prairie State 2000 Authority to the Department of Commerce and Economic Opportunity, including but not limited to material in electronic or magnetic format and necessary computer hardware and software, shall be delivered to the Department of Commerce and Economic Opportunity pursuant to the direction of the Director of the Department of Commerce and Economic Opportunity.
- D. Personnel in the Illinois Department of Employment Security and the Illinois Community College Board who are assigned directly or indirectly to programs transferred by this Executive Order shall continue their

service within the Department of Commerce and Economic Opportunity. All personnel shall initially constitute probationary employees under the Personnel Code. The Department of Central Management Services shall establish a procedure for qualification and retention of personnel in accordance with the Personnel Code. 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 this Executive Order.

- E. All books, records, papers, documents, property (real and personal), unexpended appropriations and pending business pertaining to the rights, powers and duties transferred by this Executive Order from the Illinois Department of Employment Security and the Illinois Community College Board to the Department of Commerce and Economic Opportunity, including but not limited to material in electronic or magnetic format and necessary computer hardware and software, shall be delivered to the Department of Commerce and Economic Opportunity pursuant to the direction of the Director of the Department of Commerce and Economic Opportunity.

III. SAVINGS CLAUSE

- A. The rights, powers and duties transferred to the Department of Commerce and Economic Opportunity by this Executive Order shall be vested in and shall be exercised by the Department of Commerce and Economic Opportunity. Each act done in exercise of such rights, powers and duties shall have the same legal effect as if done by the Prairie State

2000 Authority, the Illinois Department of Employment Security, the Illinois Community College Board, their divisions, officers or employees thereof as it pertains to the programs transferred by this Executive Order.

- 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 Prairie State 2000 Authority, the Illinois Department of Employment Security or the Illinois Community College Board as it pertains to the programs transferred.
- C. Every officer of the Department of Commerce and Economic Opportunity 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 Prairie State 2000 Authority, the Illinois Department of Employment Security or the Illinois Community College Board in connection with any functions transferred in the Executive Order, the same shall be made, given, furnished or served in the same manner to or upon the Department of Commerce and Economic Opportunity.
- 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 Prairie State 2000 Authority, the Illinois Department of Employment Security or the Illinois Community College Board as it pertains to the programs transferred before this Executive Order takes effect, but such actions or proceedings may be prosecuted and continued by the Department of Commerce and Economic Opportunity.

- F. Any rules of the Prairie State 2000 Authority that are in full force on the effective date of this Executive Order and that have been duly adopted by the agencies reorganized shall become the rules of the Department of Commerce and Economic Opportunity. 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 Prairie State 2000 Authority that are pending in the rulemaking process on the effective date of this Executive Order, shall be deemed to have been filed by the Department of Commerce and Economic Opportunity. As soon as practicable hereafter, the Department of Commerce and Economic Opportunity shall revise and clarify the rules transferred to it under this Executive Order to reflect the reorganization of rights, power and duties effected by this 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 Department of Commerce and Economic Opportunity may propose and adopt under the Illinois Administrative Act such other rules

of the reorganized agencies that will now be administered by the Department of Commerce and Economic Opportunity.

- G. Any rules of the Illinois Department of Employment Security or the Illinois Community College Board as they pertain to the transferred programs and functions that are in full force on the effective date of this Executive Order and that have been duly adopted by the agencies reorganized shall become the rules of the Department of Commerce and Economic Opportunity. 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 Illinois Department of Employment Security or the Illinois Community College Board as they pertain to the transferred programs and functions that are pending in the rulemaking process on the effective date of this Executive Order, shall be deemed to have been filed by the Department of Commerce and Economic Opportunity. As soon as practicable hereafter, the Department of Commerce and Economic Opportunity shall revise and clarify the rules transferred to it under this Executive Order to reflect the reorganization of rights, power and duties effected by this 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 Department of Commerce and Economic Opportunity may propose and adopt under the Illinois Administrative Act such other rules of the reorganized agencies that will

now be administered by the Department of Commerce and Economic Opportunity.

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.

V. EFFECTIVE DATE

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

ROD R. BLAGOJEVICH
Governor

Issued by the Governor: _____, 2003.
Filed with the Secretary of State: _____, 2003.