



EXECUTIVE ORDER

14-05

**EXECUTIVE ORDER TO TRANSFER
THE ILLINOIS COMMISSION ON VOLUNTEERISM AND COMMUNITY SERVICE
FROM THE DEPARTMENT OF HUMAN SERVICES TO THE DEPARTMENT OF
PUBLIC HEALTH**

WHEREAS, the mission of the Illinois Commission on Volunteerism and Community Service (Serve Illinois) is to enhance volunteerism and instill an ethic of service throughout the state; and

WHEREAS, Serve Illinois serves as the resource and advocate among all state agencies for volunteerism and community service, and coordinates effective solutions through national service programs and traditional volunteers to address unmet state and local needs by working through non-profit, faith-based, and community organizations; and

WHEREAS, Serve Illinois also serves as a leading advocate in the state to enhance social innovation, civic engagement, and intergenerational initiatives; and

WHEREAS, volunteerism and community service are critical components to our state's health and resilience; and

WHEREAS, Serve Illinois is the federal grantee of the federal AmeriCorps grant (AmeriCorps grant) from the Corporation for National and Community Service (CNCS); and

WHEREAS, all funds received from the AmeriCorps grant are disbursed through subgrants; and

WHEREAS, Serve Illinois currently serves as a resource and advocate within the Department of Human Services (DHS) pursuant to Section 710/2 of the Illinois Commission on Volunteerism and Community Service Act (20 ILCS 710); and

WHEREAS, DHS currently serves as the grant distributor of the AmeriCorps grant, with the administration and management of the grant conducted by Serve Illinois; and

WHEREAS, the Department of Public Health (DPH) has significant experience with grant distribution, administration and management; and

WHEREAS, DPH, through its public health promotions and materials, is currently providing services and information related to Serve Illinois programs, including, but not limited to: Disaster Preparedness and Response, Economic Opportunity, Education, Environmental Stewardship, Healthy Futures, and Veterans and Military Families; and

WHEREAS, Article V, Section 11 of the Illinois Constitution provides that the Governor, by Executive Order, may reassign functions among or reorganize executive agencies which are directly responsible to him; 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 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

WHEREAS, DHS is an executive agency directly responsible to the Governor which exercises the rights, powers, duties, and responsibilities derived from 20 ILCS 1305 *et seq.*; and

WHEREAS, DPH is an executive agency directly responsible to the Governor which exercises the rights, powers, duties, and responsibilities derived from 20 ILCS 2305 *et seq.*;

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, pursuant to the executive authority vested in me by Article V, Section 11 of the Illinois Constitution, hereby order:

I. TRANSFER OF FUNCTION

The transfer of Serve Illinois from DHS to DPH shall become effective July 1, 2014. All functions performed by DHS related to the administration of Serve Illinois and the AmeriCorps Grant, together with all statutory powers, duties, rights, and responsibilities of DHS as derived from 20 ILCS 710, are transferred from DHS to DPH.

II. EFFECT OF TRANSFER

- a. Neither the functions nor programs transferred by this Executive Order from DHS to DPH, nor any powers, duties, rights, and responsibilities related to those functions or programs, shall be affected by this Executive Order, except that they shall all be performed or exercised by DPH from the effective date of the transfer.
- b. All books, records, papers, documents, property (real and personal), contracts, head counts, appropriations, spending authority and pending business pertaining to the functions and programs transferred by this Executive Order from DHS to DPH, including, but not limited to material in electronic or magnetic format, databases, and necessary computer hardware and software, shall be transferred to DPH. The transfer of any data or information shall not, however, violate any applicable confidentiality constraints.
- c. The staff of DHS engaged in the performance of the transferred functions and programs may be transferred to DPH. The status and rights of such employees under the Personnel Code shall not be affected by the transfers. 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.
- d. All unexpended appropriation balances and other funds available to DHS for use in connection with the functions and programs transferred by this Executive Order shall be transferred and made available to DPH for use in connection with the functions and programs transferred by this Executive Order. Unexpended balances so transferred shall be expended only for the purpose for which the appropriations were originally made.

III. SAVINGS CLAUSE

- a. The powers, duties, rights and responsibilities relating to the functions and programs transferred from DHS to DPH by this Executive Order shall be vested in and exercised by DPH. Each act done in exercise of such powers, duties, rights and responsibilities shall have the same legal effect as if done by DHS or its divisions, officers, or employees.
- b. Every officer of DPH shall, for any offense, be subject to the same penalty or penalties, civil or criminal as are prescribed by existing laws for the same offenses by any officer whose powers or duties were transferred under this Executive Order.
- c. 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 DHS in connection with any of the functions or programs transferred by this Executive Order, the same shall be made, given, furnished, or served in the same manner to or upon DPH.
- d. 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 case regarding the functions of DHS before this Executive Order takes effect; such actions may be prosecuted or continued by DPH.

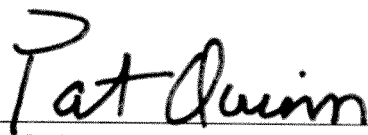
- e. Any rules of DHS that relate to the functions and programs transferred by this Executive Order that are in full force on the effective date of this Executive Order, and that have been duly adopted by the programs being transferred shall become the rules of DPH. This Executive Order does not affect the legality of any rules in the Administrative Code. Any proposed rules filed with the Secretary of State by DHS that are pending in the rulemaking process on the effective date of this Executive Order, and that pertain to the functions and programs transferred, shall be deemed to have been filed by DPH. As soon as practicable hereafter, DPH shall revise and clarify the rules transferred to it under this Executive Order to reflect the reorganization of rights, powers, and duties affected by this Order, using the procedures for recodification of rules available under the Illinois Administrative Procedure Act, except that existing title, part, and section numbering for the affected rules may be retained. DPH, consistent with DHS's authority to do so, may propose and adopt under the Illinois Administrative Procedure Act such other rules of DHS that will now be administered by DPH. To the extent that, prior to the effective date of the transfers, the Secretary of DHS had been empowered to prescribe regulations or had other authority with respect to the transferred functions, such duties shall be exercised from and after the effective date of the transfer by the Director of DPH.
- f. For the purposes of the Successor Agency Act, DPH is declared to be the successor agency of DHS, but only with respect to the functions and programs that are transferred to DPH by this Executive Order.
- g. Whenever a provision of law refers to DHS in connection with its performance of a function or program that is transferred to DPH by this Executive Order, that provision shall be deemed to refer to DPH on and after the effective date of this Executive Order.
- h. To the extent necessary or prudent to fully implement the intent of this Executive Order, DPH and DHS may enter into one or more interagency agreements to ensure the full and appropriate transfer of all functions of Serve Illinois.

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 to 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 is effective upon filing with the Secretary of State.


Pat Quinn, Governor

Issued by Governor: April 1, 2014
Filed with Secretary of State: April 1, 2014

FILED
INDEX DEPARTMENT
APR 01 2014
IN THE OFFICE OF
SECRETARY OF STATE