



2006-06

**EXECUTIVE ORDER TO CONSOLIDATE CERTAIN HUMAN RESOURCES,
PERSONNEL, PAYROLL, TIMEKEEPING, PROCUREMENT,
AND FINANCIAL PROCESSES**

WHEREAS, numerous State agencies independently perform similar administrative functions, including human resources, personnel, payroll, timekeeping, procurement, and financial processes (the "Common Administrative Functions");

WHEREAS, State agencies charged with executive and regulatory duties perform Common Administrative Functions, including: the Department of Central Management Services, the Department of Revenue, and the Department of Financial and Professional Regulation (the "Executive and Regulatory Affected Agencies");

WHEREAS, State agencies charged with public safety duties perform Common Administrative Functions, including: the Department of State Police, the Department of Corrections, the Department of Juvenile Justice, the Prisoner Review Board, the Law Enforcement Training and Standards Board, the Illinois Criminal Justice Information Authority, the Illinois Emergency Management Agency, the Office of the State Fire Marshal, and the Department of Military Affairs (the "Public Safety Affected Agencies," collectively with the Executive and Regulatory Affected Agencies the "Affected Agencies");

WHEREAS, State agencies, including the Affected Agencies, employ different standards and procedures to deliver the Common Administrative Functions, reducing the ability of all State agencies to share management knowledge and capitalize on synergies and economies of scale to the ultimate benefit of the taxpayers and all Illinoisans;

WHEREAS, combining Common Administrative Functions would, among other things, improve the State's ability to effectively provide services to State agencies, promote cross-training, improve career development for State employees, improve interactivity of State operations, and eliminate duplicate functions within State agencies;

WHEREAS, combining Common Administrative Functions facilitates the establishment of uniform accounting, payroll, and human resource processes with the Illinois Office of the Comptroller and the Office of the Auditor General;

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 the transfer of functions from one agency to another.

THEREFORE, I hereby order:

I. TRANSFER OF FUNCTIONS AND CREATION OF NEW DIVISIONS

- A. Effective June 1, 2006, a Division of Shared Services is created within the Department of Revenue. The Executive and Regulatory Affected Agencies' Common Administrative Functions and all associated powers, duties, rights, and responsibilities attendant thereto shall be transferred to and consolidated under the jurisdiction of the Department of Revenue, Division of Shared Services, which will provide services for the benefit of the Executive and Regulatory Affected Agencies, provided however, that those functions that are unique to an Executive and Regulatory Affected Agency or that are inextricably integrated with the statutory mandate of such Executive and Regulatory Affected Agency shall not be deemed Common Administrative Functions and shall not be transferred pursuant to this Executive Order. Functions inextricably integrated with the statutory mandate of Executive and Regulatory Affected Agencies include, but are not limited to, the authority to: collect taxes and administrative fees; issue refunds; impose statutory fines, penalties, and restitution; issue, revoke or otherwise discipline licenses; and administer statewide personnel, labor relations, and procurement rules and standards.
- B. Effective June 1, 2006, a Division of Shared Services is created within the Department of Corrections. The Public Safety Affected Agencies' Common Administrative Functions and all associated powers, duties, rights, and responsibilities attendant thereto shall be transferred to and consolidated under the jurisdiction of the Department of Corrections, Division of Shared Services, which will provide services for the benefit of the Public Safety Affected Agencies, provided however, that the functions that are unique to a Public Safety Affected Agency or that are inextricably integrated with the statutory mandate of such Public Safety Affected Agency shall not be deemed Common Administrative Functions and shall not be transferred pursuant to this Executive Order. Functions inextricably integrated with the statutory mandate of Public Safety Affected Agencies include, but are not limited to, the public safety training of sworn police officers and correctional officers.
- C. The statutory powers, duties, rights, responsibilities, and liabilities of the Affected Agencies associated with the Common Administrative Functions derive from, among others, the following statutory provisions:
1. Civil Administrative Code of Illinois (Executive Branch): 20 ILCS 5/5-645.
 2. Department of Central Management Services: 20 ILCS 405/405-10, 100, 200.
 3. Department of Revenue: 20 ILCS 2505/2505-10 *et seq.*
 4. Department of Financial and Professional Regulation: 20 ILCS 1205/6, 8; 20 ILCS 1405/1405-5; 20 ILCS 2105/2105-15; 20 ILCS 3205/5 *et seq.*; 205 ILCS 5/1 *et seq.*; 215 ILCS 5/1 *et seq.*; 225 ILCS 2/1 through 225 ILCS 745/175; Executive Order Number 6 (2004).
 5. Department of State Police: 20 ILCS 2605/15, 45, 400, 550.
 6. Office of the State Fire Marshal: 20 ILCS 2905/2.
 7. Department of Corrections: 730 ILCS 5/3-2-2, 2.1, 2.2.
 8. Department of Juvenile Justice: 730 ILCS 5/3-2.5-15, 20, 50.
 9. Prisoner Review Board: 730 ILCS 5/3-3-2.
 10. Law Enforcement Training and Standards Board: 50 ILCS 705/5, 9, 9.1.
 11. Illinois Criminal Justice Information Authority: 20 ILCS 3930/7, 9.
 12. Illinois Emergency Management Agency: 20 ILCS 3305/5 *et seq.*
 13. Department of Military Affairs: 20 ILCS 1805/20 *et seq.*; 20 ILCS 1805/48-56-1; 20 ILCS 1805/92.1.

II. EFFECT OF TRANSFERS

The powers, duties, rights, and responsibilities transferred by the Affected Agencies and consolidated in the new Divisions of Shared Services shall not be affected by this Executive Order, except that such Common Administrative Functions shall be performed by the new Divisions of Shared Services as of the effective date of the transfers.

- A. Personnel employed by the Executive and Regulatory Affected Agencies who are engaged in the performance of those Common Administrative Functions transferred to the Department of Revenue, Division of Shared Services, by this Executive Order may be transferred to the Department of Revenue, Division of Shared Services, pursuant to the direction of the Governor or his designee. Personnel employed by the Public Safety Affected Agencies who are engaged in the performance of those Common Administrative Functions transferred by this Executive Order may be transferred to the Department of Corrections, Division of Shared Services, pursuant to the direction of the Governor or his designee.
- B. All books, records, papers, documents, state property (real and personal), contracts, and pending business pertaining exclusively to the powers, duties, rights, and responsibilities transferred by this Executive Order from the Affected Agencies to the appropriate Division of Shared Services, including but not limited to, material in electronic or magnetic format and necessary computer hardware and software, shall be delivered to the Divisions of Shared Services.
- C. All unexpended appropriations and balances and other funds available for use in connection with any of the Common Administrative Functions of the Affected Agencies transferred by this Executive Order to the appropriate Division of Shared Services may be transferred for use by the appropriate Division of Shared Services for the Common Administrative Functions pursuant to the direction of the Governor. Unexpended balances transferred must be expended for the purpose for which the appropriations were originally made.

III. SAVINGS CLAUSE

- A. The rights, powers, duties, and functions transferred to the Department of Revenue and the Department of Corrections by this Executive Order shall be vested in, and shall be exercised by, the respective Departments. Each act done in exercise of such rights, powers, duties, and functions shall have the same legal effect as if done by the Affected Agencies or the divisions, officers, or employees from which they were transferred.
- B. Every person or officer 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 Affected Agencies from which they were transferred.
- C. Notwithstanding any provision to the contrary in Illinois law, no ticket or share in any Illinois Lottery game shall be purchased by, and no prize shall be paid to, an employee of any Executive and Regulatory Affected Agency, or any contract employee thereof, who is involved with the Common Administrative Functions being transferred pursuant to this Executive Order and has any duty or responsibility associated with Illinois Lottery drawings or game operations, including, but not limited to, the selection of vendors or the administration of contracts associated with such drawings or game operations. All other employees of the Affected

Agencies may purchase tickets or shares in any Illinois Lottery game and may receive Lottery game prize payments.

- D. Whenever reports or notices are now required to be made or given or paper or documents furnished or served by any person in regard to the Common Administrative Functions transferred to or upon the Affected Agencies from which the Common Administrative Functions were transferred, the same shall be made, given, furnished, or served in the same manner to or upon the Department of Revenue, Division of Shared Services, or the Department of Corrections, Division of Shared Services, as appropriate.
- E. This Executive Order shall not affect any act completed, ratified, or canceled as well as any right occurring or established, or any action or proceeding had or commenced in an administrative, civil, or criminal cause regarding the Common Administrative Functions transferred, but such proceedings may be continued by the Department of Revenue, Division of Shared Services or the Department of Corrections, Division of Shared Services, as appropriate.
- F. This Executive Order shall not affect the legality of any rules in the Illinois Administrative Code regarding the Common Administrative Functions transferred in this Executive Order that are in force on the effective date of this Executive Order. If necessary, however, the Affected Agencies shall propose, adopt, or repeal rules, rule amendments, and rule recodifications as appropriate to effectuate this Executive Order.

IV. SEVERABILITY

If any provision of this Executive Order or its application to any person or circumstances is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order which should be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared 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 Governor: March 31, 2006
Filed with Secretary of State: March 31, 2006