

1 AN ACT in relation to executive agency reorganization.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Executive Reorganization Implementation
5 Act is amended by adding Section 5.5 as follows:

6 (15 ILCS 15/5.5 new)

7 Sec. 5.5. Executive order provisions superseded.

8 (a) Executive Order No. 2003-9, in subdivision II(E),
9 provides in part: "All such personnel shall initially
10 constitute probationary employees under the Personnel Code.
11 The Department of Central Management Services shall establish
12 a procedure for qualification and retention of personnel in
13 accordance with the Personnel Code." This language, which
14 violates Section 4 of this Act and contravenes applicable
15 provisions of the Personnel Code, is hereby superseded and of
16 no force or effect. The status and rights of employees under
17 the Personnel Code who are transferred by Executive Order No.
18 2003-9 shall not be affected by the reorganization under that
19 Order.

20 (b) Executive Order No. 2003-10, subdivision I(C),
21 provides: "The statutory powers, duties, rights,
22 responsibilities and liabilities regarding internal auditing
23 by agencies, offices, divisions, departments, bureaus, boards
24 and commissions directly responsible to the Governor derive
25 from, among others, the Fiscal Control and Internal Auditing
26 Act, 30 ILCS 10/1001 et seq., and the Illinois State Auditing
27 Act, 30 ILCS 5/1-1 et seq." Executive Order No. 2003-10
28 addresses only internal auditing functions and does not
29 address external auditing functions or the powers of the
30 Auditor General. The reference to the Illinois State
31 Auditing Act is therefore incorrect, and that reference is

1 hereby superseded and of no force or effect.

2 (c) Executive Order No. 2003-10, subdivision I(D),
3 provides: "Staff legal functions across agencies shall be
4 transferred from individual agencies to the Department of
5 Central Management Services. Legal functions specific to
6 each particular agency may remain at that agency." This
7 transfer of legal functions was intended to be and is hereby
8 limited to legal technical advisor functions related to
9 procurement and personnel issues across agencies. All other
10 legal functions at an agency, including those related to
11 issues particular to the agency, and legal functions
12 performed by assistant attorneys general under the direction
13 and control of the Attorney General, shall remain at that
14 agency. To the extent that the language of subdivision I(D)
15 of Executive Order No. 2003-10 may be construed to conflict
16 with this subsection (c), that language in Executive Order
17 No. 2003-10 is hereby superseded.

18 If any legal personnel (or their associated records or
19 property) have been transferred from an agency to the
20 Department of Central Management Services under the apparent
21 direction of Executive Order No. 2003-10 but contrary to the
22 provisions of this subsection (c), those legal personnel (and
23 their associated records and property) shall be immediately
24 transferred back to the original agency from the Department
25 of Central Management Services.

26 (d) Executive Order No. 2003-11, in subdivisions II(B)
27 and II(D), provides in part: "All such personnel shall
28 initially constitute probationary employees under the
29 Personnel Code. The Department of Central Management
30 Services shall establish a procedure for qualification and
31 retention of personnel in accordance with the Personnel
32 Code." This language, which violates Section 4 of this Act
33 and contravenes applicable provisions of the Personnel Code,
34 is hereby superseded and of no force or effect. The status

1 and rights of employees under the Personnel Code who are
2 transferred by Executive Order No. 2003-11 shall not be
3 affected by the reorganization under that Order.

4 (e) Executive Order No. 2003-12, in subdivision II(B),
5 provides in part: "All such personnel shall initially
6 constitute probationary employees under the Personnel Code.
7 The Department of Central Management Services shall establish
8 a procedure for qualification and retention of personnel in
9 accordance with the Personnel Code." This language, which
10 violates Section 4 of this Act and contravenes applicable
11 provisions of the Personnel Code, is hereby superseded and of
12 no force or effect. The status and rights of employees under
13 the Personnel Code who are transferred by Executive Order No.
14 2003-12 shall not be affected by the reorganization under
15 that Order.

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.