



Sen. Terry Link

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09800HB4557sam001

LRB098 15212 OMW 60489 a

1 AMENDMENT TO HOUSE BILL 4557

2 AMENDMENT NO. _____. Amend House Bill 4557 on page 1,
3 immediately below the enacting clause, by inserting the
4 following:

5 "Section 3. The Executive Reorganization Implementation
6 Act is amended by changing Section 5.5 as follows:

7 (15 ILCS 15/5.5)

8 Sec. 5.5. Executive order provisions superseded.

9 (a) Executive Order No. 2003-9, in subdivision II(E),
10 provides in part: "All such personnel shall initially
11 constitute probationary employees under the Personnel Code.
12 The Department of Central Management Services shall establish a
13 procedure for qualification and retention of personnel in
14 accordance with the Personnel Code.". This language, which
15 violates Section 4 of this Act and contravenes applicable
16 provisions of the Personnel Code, is hereby superseded and of

1 no force or effect. The status and rights of employees under
2 the Personnel Code who are transferred by Executive Order No.
3 2003-9 shall not be affected by the reorganization under that
4 Order.

5 (b) Executive Order No. 2003-10, subdivision I(C),
6 provides: "The statutory powers, duties, rights,
7 responsibilities and liabilities regarding internal auditing
8 by agencies, offices, divisions, departments, bureaus, boards
9 and commissions directly responsible to the Governor derive
10 from, among others, the Fiscal Control and Internal Auditing
11 Act, 30 ILCS 10/1001 et seq., and the Illinois State Auditing
12 Act, 30 ILCS 5/1-1 et seq.". Executive Order No. 2003-10
13 addresses only internal auditing functions and does not address
14 external auditing functions or the powers of the Auditor
15 General. The reference to the Illinois State Auditing Act is
16 therefore incorrect, and that reference is hereby superseded
17 and of no force or effect.

18 (c) Executive Order No. 2003-10, subdivision I(D),
19 provides: "Staff legal functions across agencies shall be
20 transferred from individual agencies to the Department of
21 Central Management Services. Legal functions specific to each
22 particular agency may remain at that agency.". This transfer of
23 legal functions was intended to be and is hereby limited to
24 legal technical advisor functions related to procurement and
25 personnel issues across agencies. All other legal functions at
26 an agency, including those related to issues particular to the

1 agency, and legal functions performed by assistant attorneys
2 general under the direction and control of the Attorney
3 General, shall remain at that agency. To the extent that the
4 language of subdivision I(D) of Executive Order No. 2003-10 may
5 be construed to conflict with this subsection (c), that
6 language in Executive Order No. 2003-10 is hereby superseded.

7 If any legal personnel (or their associated records or
8 property) have been transferred from an agency to the
9 Department of Central Management Services under the apparent
10 direction of Executive Order No. 2003-10 but contrary to the
11 provisions of this subsection (c), those legal personnel (and
12 their associated records and property) shall be immediately
13 transferred back to the original agency from the Department of
14 Central Management Services.

15 (d) Executive Order No. 2003-11, in subdivisions II(B) and
16 II(D), provides in part: "All such personnel shall initially
17 constitute probationary employees under the Personnel Code.
18 The Department of Central Management Services shall establish a
19 procedure for qualification and retention of personnel in
20 accordance with the Personnel Code.". This language, which
21 violates Section 4 of this Act and contravenes applicable
22 provisions of the Personnel Code, is hereby superseded and of
23 no force or effect. The status and rights of employees under
24 the Personnel Code who are transferred by Executive Order No.
25 2003-11 shall not be affected by the reorganization under that
26 Order.

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

13 (f) Executive Order No. 09-06, filed April 1, 2009, is
14 hereby superseded and of no force or effect.

15 (g) Executive Order No. 14-03, in its introduction,
16 provides: "'Reorganization' includes, in pertinent part, (i)
17 the consolidation or coordination of any part of any agency or
18 the functions thereof with any other part of the same agency or
19 the functions thereof and (ii) the abolition of the whole or
20 any part of any agency which does not have, or upon the taking
21 effect of reorganization will not have, any functions".
22 Executive Order No. 14-03 does not consolidate or coordinate
23 parts of any agency within the scope of the authority it cites;
24 rather, it establishes a new division within an agency to
25 perform the functions of an existing bureau within an agency,
26 as set forth in subsection (5) of Section 3.2 of this Act. The

1 reference to the consolidation or coordination of agencies is
2 therefore incorrect, and that reference is hereby superseded
3 and of no force or effect.

4 Executive Order No. 14-03, Section II, provides that "the
5 Functions and all associated powers, duties, rights and
6 responsibilities of the Bureau of Real Estate Professions,
7 Division of Professional Regulation, shall be transferred to
8 the Division [of Real Estate].". Executive Order No. 14-03
9 abolishes a bureau within an agency that will not have any
10 functions upon the effect of the transfer, but fails to provide
11 for terminating the affairs of the abolished bureau, in
12 violation of subsection (f) of Section 4 of this Act. The
13 affairs of the Bureau of Real Estate Professions, Division of
14 Professional Regulation are hereby terminated upon the effect
15 of this amendatory Act of the 98th General Assembly.

16 Executive Order No. 14-03, Section VI, provides: "This
17 Executive Order is effective upon filing with the Secretary of
18 State.". This language, which violates Section 11 of Article V
19 of the Illinois Constitution, is hereby superseded and of no
20 force or effect. Executive Order No. 14-03 shall be effective
21 on May 30, 2014, which is 60 days after it was delivered to the
22 General Assembly.

23 (Source: P.A. 96-136, eff. 8-7-09.)".