



2004-2

EXECUTIVE ORDER TO REORGANIZE AGENCIES BY THE TRANSFER OF CERTAIN MEDIA RELATIONS FUNCTIONS TO THE DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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 (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; and

WHEREAS, there are multiple executive agencies directly responsible to the Governor which have rights, powers, duties and responsibilities that involve, in significant part, media relations; and

WHEREAS, streamlining and consolidating the functions of certain of these agencies into a single agency offers the opportunity to eliminate redundancy, simplify the organizational structure of the Executive Branch, improve accessibility and accountability, provide more efficient use of specialized expertise and facilities, reduce administrative support, promote more effective sharing of best practices and state of the art technology and realize significant cost savings, among other things; and

WHEREAS, the foregoing benefits can be achieved by transferring media relations functions of certain agencies directly responsible to the Governor to the Department of Central Management Services.

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

I. TRANSFER

A. Media relations functions for each agency, office, division, department, bureau, board and commission directly responsible to the Governor shall be consolidated under the jurisdiction of the Department of Central Management Services.

B. For purposes of this Executive Order, "media relations functions" shall include, but not be limited to, all outreach to and communications with the print, radio and television media, as well as all functions performed by Public Information Officers, in agencies, offices, divisions, departments, bureaus, boards and commissions directly responsible to the Governor.

C. The functions that are similar to the functions provided by Illinois Information Services in each agency, office, division, department, bureau, board and commission directly responsible to the Governor shall be consolidated under the jurisdiction of the Department of Central Management Services.

D. For the purpose of this Executive Order, "functions that are similar to the functions provided by Illinois Information Services" include, but are not limited to, any video recording services provided in all agencies, offices, divisions, departments, bureaus, boards and commissions directly responsible to the Governor.

II. EFFECT OF TRANSFER

A. Personnel who are employed by agencies, offices, divisions, departments, bureaus, boards and commissions and who are assigned media relations functions, including any related administrative staffing assisting in the performance of the functions, shall be transferred to the Department of Central Management Services. The Director of Central Management Services, in consultation with agency directors, shall determine where media relations work specific to each agency should be performed. The

status and 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 the Executive Order.

- B. Personnel who are employed by agencies, offices, divisions, departments, bureaus, boards and commissions and who are assigned to functions that are similar to the functions provided by Illinois Information Services shall be transferred to the Department of Central Management Services. The Director of Central Management Services, in consultation with agency directors, shall determine where work that is similar to the work provided by Illinois Information Services and specific to each agency should be performed and which related staff shall be transferred to the Department of Central Management Services. The status and 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 the Executive Order.
- C. All books, records, papers, documents, property (real and personal), contracts, unexpended appropriations and pending business pertaining to the functions transferred by this Executive Order to the Department of Central Management Services, including but not limited to material in electronic or magnetic format and necessary electronic equipment and computer hardware and software, shall be delivered to the Department of Central Management Services pursuant to the direction of the Director of the Department of Central Management Services.
- D. All unexpended appropriations and balance and other funds available for use in connection with any of the functions transferred in this Executive Order shall be transferred for use by the Department of Central Management Services and the unexpended balances so transferred shall be expended only for the purpose for which the appropriation was originally made.

III. SAVINGS CLAUSE

- A. The powers, duties, rights and responsibilities related to the functions transferred to the Department of Central Management Services by this Executive Order shall be vested in and shall be exercised by the Department of Central Management Services. Each act done in exercise of such powers, duties, rights and responsibilities shall have the same legal effect as if done by the agencies, offices, divisions, departments, bureaus, boards and commissions from which they were transferred.
- 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 powers, duties, rights and responsibilities as had been exercised by the agencies, offices, divisions, departments, bureaus, boards and commissions from which they were transferred.
- C. Every officer of the Department of Central Management Services shall, for every 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 in regards to the functions transferred to or upon the agencies, offices, divisions, departments, bureaus, boards and commissions from which the functions were transferred, the same shall be made, given, furnished or served in the same manner to or upon the Department of Central Management Services.
- 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 functions transferred, but such proceedings may be continued by the Department of Central Management Services.
- F. Any rules of the agencies, offices, divisions, departments, bureaus, boards and commissions that relate to the functions that were

transferred, are in full force on the effective date of this Executive Order and have been duly adopted by the agencies, offices, divisions, departments, bureaus, boards and commissions shall become the rules of the Department of Central Management Services for those functions. This Executive Order shall not affect the legality of any such rules in the Illinois Administrative Code. Any proposed rules filed with the Secretary of State by the agencies, offices, divisions, departments, bureaus, boards and commissions that are pending in the rulemaking process on the effective date of this Executive Order and pertain to the functions transferred, shall be deemed to have been filed by the Department of Central Management Services. As soon as practicable hereafter, the Department of Central Management Services 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 Central Management Services may propose and adopt under the Illinois Administrative Procedures Act such other rules of the agencies, offices, divisions, departments, bureaus, boards and commissions that will now be administered by the Department of Central Management Services.

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 upon its filing with the Secretary of State.

ROD R. BLAGOJEVICH,
Governor

Issued by Governor: _____, 2004

Filed with Secretary of State: _____, 2004