

1 AMENDMENT TO SENATE BILL 1901

2 AMENDMENT NO. _____. Amend Senate Bill 1901 by replacing
3 everything after the enacting clause with the following:

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 Executive order provisions superseded.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15 provisions of the Personnel Code, is hereby superseded and of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

1 by agencies, offices, divisions, departments, bureaus, boards
2 and commissions directly responsible to the Governor derive
3 from, among others, the Fiscal Control and Internal Auditing
4 Act, 30 ILCS 10/1001 et seq., and the Illinois State Auditing
5 Act, 30 ILCS 5/1-1 et seq.". Executive Order No. 2003-10
6 addresses only internal auditing functions and does not
7 address external auditing functions or the powers of the
8 Auditor General. The reference to the Illinois State
9 Auditing Act is therefore incorrect, and that reference is
10 hereby superseded and of no force or effect.

11 (c) Executive Order No. 2003-10, subdivision I(D),
12 provides: "Staff legal functions across agencies shall be
13 transferred from individual agencies to the Department of
14 Central Management Services. Legal functions specific to
15 each particular agency may remain at that agency.". This
16 transfer of legal functions was intended to be and is hereby
17 limited to legal technical advisor functions related to
18 procurement and personnel issues across agencies. All other
19 legal functions at an agency, including those related to
20 issues particular to the agency, and legal functions
21 performed by assistant attorneys general under the direction
22 and control of the Attorney General, shall remain at that
23 agency. To the extent that the language of subdivision I(D)
24 of Executive Order No. 2003-10 may be construed to conflict
25 with this subsection (c), that language in Executive Order
26 2003-10 is hereby superseded.

27 If any legal personnel (or their associated records or
28 property) have been transferred from an agency to the
29 Department of Central Management Services under the apparent
30 direction of Executive Order 2003-10 but contrary to the
31 provisions of this subsection (c), those legal personnel (and
32 their associated records and property) shall be immediately
33 transferred back to the original agency from the Department
34 of Central Management Services.

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

13 (e) Executive Order No. 2003-12, in subdivision II(B),
14 provides in part: "All such personnel shall initially
15 constitute probationary employees under the Personnel Code.
16 The Department of Central Management Services shall establish
17 a procedure for qualification and retention of personnel in
18 accordance with the Personnel Code." This language, which
19 violates Section 4 of this Act and contravenes applicable
20 provisions of the Personnel Code, is hereby superseded and of
21 no force or effect. The status and rights of employees under
22 the Personnel Code who are transferred by Executive Order No.
23 2003-12 shall not be affected by the reorganization under
24 that Order.

25 Section 99. Effective date. This Act takes effect upon
26 becoming law."