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SENATE RESOLUTION

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WHEREAS, Section 11 of Article V of the Illinois Constitution authorizes the Governor, by Executive Order, to reassign functions among or reorganize executive agencies that are directly responsible to the Governor; and

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WHEREAS, Section 11 of Article V also provides (i) that if an Executive Order proposes a reassignment or reorganization that contravenes a statute, then the Executive Order must be delivered to the General Assembly and (ii) that either house of the General Assembly, by record vote of a majority of the members elected, may disapprove the Executive Order; and

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WHEREAS, Section 3.2 of the Executive Reorganization Implementation Act provides that reorganization occurs when, among other circumstances, an Executive Order transfers the whole or any part of any agency or its functions to the jurisdiction and control of another agency; consolidates the functions of an agency; abolishes any agency that does not have or will not have, upon the taking effect of reorganization, any functions; or establishes a new agency to perform all or any part of the functions of an existing agency or agencies; and

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WHEREAS, The Governor has issued Executive Order 2017-02, which proposes to consolidate the functions of the Human Rights

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1 Commission into the Department of Human Rights; and

2 WHEREAS, Executive Order 2017-02 qualifies as an executive
3 reorganization order and is subject to Article V, Section 11 of
4 the Illinois Constitution and the Executive Reorganization
5 Implementation Act because it attempts to consolidate,
6 transfer, or abolish entities that are directly responsible to
7 the Governor in contravention of statute, including the
8 Illinois Human Rights Act; and

9 WHEREAS, Executive Order 2017-02 was delivered in its
10 entirety to the Secretary of the Senate and the Clerk of the
11 House of Representatives on March 31, 2017; and

12 WHEREAS, No executive reorganization order may take effect
13 until not less than 60 calendar days after its delivery to the
14 General Assembly; and

15 WHEREAS, The 60-day period for the General Assembly to
16 disapprove Executive Order 2017-02 expires on May 30, 2017; and

17 WHEREAS, Executive Order 2017-02 contains a severability
18 clause that purports to preserve any portions of the Order not
19 found invalid, thereby relying on the notion that the General
20 Assembly does not have jurisdiction over Executive Order
21 2017-02 as a whole, but, instead, has the authority only to

1 disapprove the portions that contravene a statute; and

2 WHEREAS, Section VI of Executive Order 2017-02 states that
3 the Order does not contravene and shall not be construed to
4 contravene any State statute (except as provided in Section IV,
5 which suspends any prior act of the General Assembly that is
6 inconsistent with the Order and therefore expressly
7 contravenes numerous statutes), regardless of the fact that the
8 Order in its entirety was delivered to the General Assembly and
9 regardless of the fact that the Order in its entirety modifies,
10 changes, or alters the Illinois Human Rights Act so that the
11 Act would have to be substantially amended to conform and be
12 consistent with the change effected in law by the
13 reorganization; and

14 WHEREAS, The General Assembly has the constitutional and
15 statutory authority to consider each Executive Order that
16 contravenes a statute; therefore, be it

17 RESOLVED, BY THE SENATE OF THE ONE HUNDREDTH GENERAL
18 ASSEMBLY OF THE STATE OF ILLINOIS, that pursuant to Article V,
19 Section 11 of the Illinois Constitution, the Senate hereby
20 disapproves Executive Order 2017-02 in its entirety; and be it
21 further

22 RESOLVED, That the Executive Order 2017-02 shall not become

1 effective; and be it further

2 RESOLVED, That copies of this resolution be delivered to
3 the Governor and the Speaker of the House of Representatives.