

1 AN ACT in relation to Human Services.

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

4 Section 5. The Civil Administrative Code of Illinois is  
5 amended by changing Sections 1-5, 5-15, and 5-20 and adding  
6 Sections 5-123 and 5-338 as follows:

7 (20 ILCS 5/1-5)

8 Sec. 1-5. Articles. The Civil Administrative Code of  
9 Illinois consists of the following Articles:

10 Article 1. General Provisions (20 ILCS 5/1-1 and  
11 following).

12 Article 5. Departments of State Government Law (20 ILCS  
13 5/5-1 and following).

14 Article 50. State Budget Law (15 ILCS 20/).

15 Article 110. Department on Aging Law (20 ILCS 110/).

16 Article 205. Department of Agriculture Law (20 ILCS  
17 205/).

18 Article 250. State Fair Grounds Title Law (5 ILCS 620/).

19 Article 310. Department of Human Services (Alcoholism and  
20 Substance Abuse) Law (20 ILCS 310/).

21 Article 405. Department of Central Management Services  
22 Law (20 ILCS 405/).

23 Article 510. Department of Children and Family Services  
24 Powers Law (20 ILCS 510/).

25 Article 605. Department of Commerce and Community Affairs  
26 Law (20 ILCS 605/).

27 Article 805. Department of Natural Resources  
28 (Conservation) Law (20 ILCS 805/).

29 Article 1005. Department of Employment Security Law (20  
30 ILCS 1005/).

31 Article 1405. Department of Insurance Law (20 ILCS

1 1405/).

2 Article 1505. Department of Labor Law (20 ILCS 1505/).

3 Article 1710. Department of Human Services (Mental Health  
4 and Developmental Disabilities) Law (20 ILCS 1710/).

5 Article 1905. Department of Natural Resources (Mines and  
6 Minerals) Law (20 ILCS 1905/).

7 Article 2005. Department of Nuclear Safety Law (20 ILCS  
8 2005/).

9 Article 2105. Department of Professional Regulation Law  
10 (20 ILCS 2105/).

11 Article 2205. Department of Public Aid Law (20 ILCS  
12 2205/).

13 Article 2310. Department of Public Health Powers and  
14 Duties Law (20 ILCS 2310/).

15 Article 2402. Department of Developmental, Mental, and  
16 Physical Disabilities Law (20 ILCS 2402/).

17 Article 2505. Department of Revenue Law (20 ILCS 2505/).

18 Article 2510. Certified Audit Program Law (20 ILCS  
19 2510/).

20 Article 2605. Department of State Police Law (20 ILCS  
21 2605/).

22 Article 2705. Department of Transportation Law (20 ILCS  
23 2705/).

24 Article 3000. University of Illinois Exercise of  
25 Functions and Duties Law (110 ILCS 355/).

26 (Source: P.A. 91-239, eff. 1-1-00; 92-16, eff. 6-28-01;  
27 92-651, eff. 7-11-02.)

28 (20 ILCS 5/5-15) (was 20 ILCS 5/3)

29 Sec. 5-15. Departments of State government. The  
30 Departments of State government are created as follows:

31 The Department on Aging.

32 The Department of Agriculture.

33 The Department of Central Management Services.

- 1 The Department of Children and Family Services.
- 2 The Department of Commerce and Community Affairs.
- 3 The Department of Corrections.
- 4 The Department of Developmental, Mental, and Physical
- 5 Disabilities.
- 6 The Department of Employment Security.
- 7 The Department of Financial Institutions.
- 8 The Department of Human Rights.
- 9 ~~The Department of Human Services.~~
- 10 The Department of Insurance.
- 11 The Department of Labor.
- 12 The Department of the Lottery.
- 13 The Department of Natural Resources.
- 14 The Department of Nuclear Safety.
- 15 The Department of Professional Regulation.
- 16 The Department of Public Aid.
- 17 The Department of Public Health and Preventive Services.
- 18 The Department of Revenue.
- 19 The Department of Social Services and Employment.
- 20 The Department of State Police.
- 21 The Department of Transportation.
- 22 The Department of Veterans' Affairs.

23 (Source: P.A. 91-239, eff. 1-1-00.)

24 (20 ILCS 5/5-20) (was 20 ILCS 5/4)

25 Sec. 5-20. Heads of departments. Each department shall  
26 have an officer as its head who shall be known as director or  
27 secretary and who shall, subject to the provisions of the  
28 Civil Administrative Code of Illinois, execute the powers and  
29 discharge the duties vested by law in his or her respective  
30 department.

31 The following officers are hereby created:

32 Director of Aging, for the Department on Aging.

33 Director of Agriculture, for the Department of

1 Agriculture.

2 Director of Central Management Services, for the  
3 Department of Central Management Services.

4 Director of Children and Family Services, for the  
5 Department of Children and Family Services.

6 Director of Commerce and Community Affairs, for the  
7 Department of Commerce and Community Affairs.

8 Director of Corrections, for the Department of  
9 Corrections.

10 Director of Developmental, Mental, and Physical  
11 Disabilities, for the Department of Developmental, Mental,  
12 and Physical Disabilities.

13 Director of Employment Security, for the Department of  
14 Employment Security.

15 Director of Financial Institutions, for the Department of  
16 Financial Institutions.

17 Director of Human Rights, for the Department of Human  
18 Rights.

19 ~~Secretary of Human Services, for the Department of Human~~  
20 ~~Services.~~

21 Director of Insurance, for the Department of Insurance.

22 Director of Labor, for the Department of Labor.

23 Director of the Lottery, for the Department of the  
24 Lottery.

25 Director of Natural Resources, for the Department of  
26 Natural Resources.

27 Director of Nuclear Safety, for the Department of Nuclear  
28 Safety.

29 Director of Professional Regulation, for the Department  
30 of Professional Regulation.

31 Director of Public Aid, for the Department of Public Aid.

32 Director of Public Health and Preventive Services, for  
33 the Department of Public Health and Preventive Services.

34 Director of Revenue, for the Department of Revenue.

1 Director of Social Services and Employment, for the  
2 Department of Social Services and Employment.

3 Director of State Police, for the Department of State  
4 Police.

5 Secretary of Transportation, for the Department of  
6 Transportation.

7 Director of Veterans' Affairs, for the Department of  
8 Veterans' Affairs.

9 (Source: P.A. 91-239, eff. 1-1-00.)

10 (20 ILCS 5/5-123 new)

11 Sec. 5-123. In the Department of Developmental, Mental,  
12 and Physical Disabilities. Assistant Director of  
13 Developmental, Mental, and Physical Disabilities.

14 (20 ILCS 5/5-338 new)

15 Sec. 5-338. In the Department of Developmental, Mental,  
16 and Physical Disabilities. The Director of Developmental,  
17 Mental, and Physical Disabilities shall receive an annual  
18 salary as set by the Governor from time to time or as set by  
19 the Compensation Review Board, whichever is greater.

20 The Assistant Director of Developmental, Mental, and  
21 Physical Disabilities shall receive an annual salary as set  
22 by the Governor from time to time or as set by the  
23 Compensation Review Board, whichever is greater.

24 Section 10. The Department of Human Services Act is  
25 amended by changing Sections 1-15 and 1-20 and adding Article  
26 85 as follows:

27 (20 ILCS 1305/1-15)

28 Sec. 1-15. Department; Secretary; organization.

29 (a) The Department of Human Services, created in Section  
30 5-15 of the Departments of State Government Law (20 ILCS

1 5/5-15), shall begin operation on July 1, 1997.

2 (a-5) On July 1, 2003, the name of the Department of  
3 Human Services is changed to the Department of Social  
4 Services and Employment. Beginning July 1, 2003, references  
5 to the Department of Human Services or any of its divisions,  
6 officers, employees, or agents in any document, contract,  
7 agreement, or law shall, in appropriate contexts and with  
8 respect to those programs retained by the Department under  
9 Section 85-10 of this Act, be deemed to refer to the  
10 Department of Social Services and Employment or its  
11 divisions, officers, employees, or agents.

12 (b) The Department shall be under the direction of the  
13 Secretary of Human Services and 2 Assistant Secretaries, as  
14 provided in the Civil Administrative Code of Illinois. On  
15 July 1, 2003, the title of the Secretary of Human Services is  
16 changed to the Director of Social Services and Employment.

17 (c) The Governor may appoint up to 7 Associate  
18 Secretaries to head the major programmatic divisions of the  
19 Department. Associate Secretaries shall be appointed for  
20 2-year terms and shall be subject to confirmation by the  
21 Senate in the same manner as the Assistant Secretaries. The  
22 compensation of Associate Secretaries shall be determined by  
23 the Secretary.

24 (d) The Secretary shall create divisions and  
25 administrative units within the Department and shall assign  
26 functions, powers, duties, and personnel as may now or in the  
27 future be required by federal law. The Secretary may create  
28 other divisions and administrative units and may assign other  
29 functions, powers, duties, and personnel as may be necessary  
30 or desirable to carry out the functions and responsibilities  
31 vested by law in the Department.

32 (Source: P.A. 91-239, eff. 1-1-00.)

1           Sec. 1-20. General powers and duties.

2           (a) The Department shall exercise the rights, powers,  
3 duties, and functions provided by law, including (but not  
4 limited to) the rights, powers, duties, and functions  
5 transferred to the Department under Article 80 and Article 90  
6 of this Act, but excluding those powers transferred to other  
7 departments under Article 85 of this Act.

8           (b) The Department may employ personnel (in accordance  
9 with the Personnel Code), provide facilities, contract for  
10 goods and services, and adopt rules as necessary to carry out  
11 its functions and purposes, all in accordance with applicable  
12 State and federal law.

13           (Source: P.A. 89-507, eff. 7-3-96.)

14           (20 ILCS 1305/Art. 85 heading new)

15                           ARTICLE 85. 2003 REORGANIZATION;  
16                           TRANSFER AND TRANSITION PROVISIONS

17           (20 ILCS 1305/85-5 new)

18           Sec. 85-5. Purpose; application.

19           (a) The purpose of this amendatory Act of the 93rd  
20 General Assembly is to provide for the reorganization of the  
21 Department of Human Services and the transfer of certain of  
22 its programs to other agencies of State government.

23           (b) This Article supersedes and controls over any  
24 conflicting provision of any other Article of this Act and  
25 any conflicting provision of Public Act 89-507.

26           (20 ILCS 1305/85-10 new)

27           Sec. 85-10. Transfer of programs.

28           (a) The following programs, and all of the rights,  
29 powers, duties, and functions relating to those programs that  
30 are vested by law in the Department of Human Services or in  
31 any office, council, committee, division, or bureau thereof,

1 are transferred to the Department of Public Health and  
2 Preventive Services on July 1, 2003:

- 3 (1) Community Health;
- 4 (2) Addiction Prevention;
- 5 (3) Addiction Treatment; and
- 6 (4) Youth Services.

7 (b) The following programs, and all of the rights,  
8 powers, duties, and functions relating to those programs that  
9 are vested by law in the Department of Human Services or in  
10 any office, council, committee, division, or bureau thereof,  
11 are transferred to the Department of Developmental, Mental,  
12 and Physical Disabilities on July 1, 2003:

- 13 (1) Disabilities and Behavioral Health;
- 14 (2) Developmental Disability Community;
- 15 (3) Developmental Disability State Operations;
- 16 (4) Mental Health Community;
- 17 (5) Mental Health State Operations;
- 18 (6) Sexually Violent Persons Program;
- 19 (7) Home Services;
- 20 (8) Centers for Independent Living;
- 21 (9) Children's Residential and Education Services;
- 22 (10) Disability Determination Services;
- 23 (11) Vocational Rehabilitation Services; and
- 24 (12) Blind Rehabilitation Services.

25 (c) The following programs, and all of the rights,  
26 powers, duties, and functions relating to those programs that  
27 are vested by law in the Department of Human Services or in  
28 any office, council, committee, division, or bureau thereof,  
29 are retained by the Department of Human Services (to be known  
30 as the Department of Social Services and Employment beginning  
31 July 1, 2003):

- 32 (1) Employment and Social Services;
- 33 (2) Income Assistance;
- 34 (3) Child Care Services; and



1           (4) Field Operations.

2           (20 ILCS 1305/85-15 new)

3           Sec. 85-15. Transfer of personnel.

4           (a) Except as provided in subsection (d), personnel  
5 employed by the Department of Human Services on June 30, 2003  
6 to perform duties pertaining to one or more of the programs  
7 transferred to the Department of Public Health and Preventive  
8 Services under Section 85-10 are transferred to that  
9 Department on July 1, 2003.

10          (b) Except as provided in subsection (d), personnel  
11 employed by the Department of Human Services on June 30, 2003  
12 to perform duties pertaining to one or more of the programs  
13 transferred to the Department of Developmental, Mental, and  
14 Physical Disabilities under Section 85-10 are transferred to  
15 that Department on July 1, 2003.

16          (c) Except as provided in subsection (d), personnel  
17 employed by the Department of Human Services on June 30, 2003  
18 to perform duties pertaining to one or more of the programs  
19 retained by the Department under Section 85-10 are retained  
20 as employees of the Department.

21          (d) In the case of a person employed by the Department  
22 of Human Services on June 30, 2003 to perform duties  
23 pertaining to more than one program, if those programs are  
24 transferred to or retained by more than one department under  
25 Section 85-10, the directors of the affected departments  
26 shall jointly determine whether to retain or transfer the  
27 employee; the employee shall not be transferred until this  
28 determination has been made.

29          (e) The rights of State employees, the State, and its  
30 agencies under the Personnel Code and applicable collective  
31 bargaining agreements and retirement plans are not affected  
32 by the reorganization under this Article.

1 (20 ILCS 1305/85-20 new)

2 Sec. 85-20. Transfer of property.

3 (a) Except as provided in subsection (d), all books,  
4 records, documents, property (real and personal), unexpended  
5 appropriations, and pending business pertaining to the  
6 programs transferred to the Department of Public Health and  
7 Preventive Services under Section 85-10 shall be transferred  
8 and delivered to that Department effective July 1, 2003.

9 (b) Except as provided in subsection (d), all books,  
10 records, documents, property (real and personal), unexpended  
11 appropriations, and pending business pertaining to the  
12 programs transferred to the Department of Developmental,  
13 Mental, and Physical Disabilities under Section 85-10 shall  
14 be transferred and delivered to that Department effective  
15 July 1, 2003.

16 (c) Except as provided in subsection (d), all books,  
17 records, documents, property (real and personal), unexpended  
18 appropriations, and pending business pertaining to the  
19 programs retained by the Department of Human Services under  
20 Section 85-10 shall be retained by that Department effective  
21 July 1, 2003.

22 (d) In the case of books, records, or documents that  
23 pertain to more than one program, if those programs are  
24 transferred to or retained by more than one department under  
25 Section 85-10, the directors of the affected departments  
26 shall jointly determine whether the books, records, or  
27 documents shall be transferred, copied, or retained; until  
28 this determination has been made, the transfer shall not take  
29 effect.

30 In the case of property or an unexpended appropriation  
31 that pertains to more than one program, if those programs are  
32 transferred to or retained by more than one department under  
33 Section 85-10, the directors of the affected departments  
34 shall jointly determine whether the property or unexpended

1 appropriation shall be transferred, divided, or retained;  
2 until this determination has been made (and, in the case of  
3 an unexpended appropriation, notice of the determination has  
4 been filed with the State Comptroller), the transfer shall  
5 not take effect.

6 (20 ILCS 1305/85-25 new)

7 Sec. 85-25. Rules and standards.

8 (a) The rules and standards of the Department of Human  
9 Services that are in effect on June 30, 2003 and pertain to a  
10 program transferred under Section 85-10 shall become the  
11 rules and standards of the transferee department on July 1,  
12 2003 and shall continue in effect until amended or repealed  
13 by the department.

14 (b) Any rules pertaining to a program transferred under  
15 Section 85-10 that have been proposed by the Department of  
16 Human Services but have not taken effect or been finally  
17 adopted by June 30, 2003 shall become proposed rules of the  
18 transferee department on July 1, 2003, and any rulemaking  
19 procedures that have already been completed by the Department  
20 of Human Services for those proposed rules need not be  
21 repeated.

22 (c) As soon as practical after July 1, 2003, each of the  
23 departments affected by Section 85-10 shall revise and  
24 clarify the rules transferred or retained by it to reflect  
25 the reorganization effected by this Article using the  
26 procedures for recodification of rules available under the  
27 Illinois Administrative Procedure Act, except that existing  
28 title, part, and section numbering for the affected rules may  
29 be retained. Each of the departments may propose and adopt  
30 under the Illinois Administrative Procedure Act any other  
31 rules that may be necessary to consolidate and clarify the  
32 rules affected by the reorganization under this Article.

1 (20 ILCS 1305/85-30 new)

2 Sec. 85-35. Savings provisions.

3 (a) The rights, powers, duties, and functions  
4 transferred to a successor department under this Article  
5 shall be vested in and exercised by that department subject  
6 to the provisions of this Article. An act done by a  
7 successor department or an officer, employee, or agent of a  
8 successor department in the exercise of the transferred  
9 rights, powers, duties, or functions shall have the same  
10 legal effect as if done by the predecessor department or an  
11 officer, employee, or agent of the predecessor department.

12 (b) The transfer of rights, powers, duties, and  
13 functions to a successor department under this Article does  
14 not invalidate any previous action taken by or in respect to  
15 the predecessor department or its officers, employees, or  
16 agents. References to the predecessor department or its  
17 officers, employees, or agents in any document, contract,  
18 agreement, or law shall, in appropriate contexts, be deemed  
19 to refer to the successor department or its officers,  
20 employees, or agents.

21 (c) The transfer of rights, powers, duties, and  
22 functions under this Article does not affect any person's  
23 rights, obligations, or duties, including any civil or  
24 criminal penalties applicable thereto, arising out of those  
25 transferred rights, powers, duties, and functions.

26 (d) With respect to matters that pertain to a right,  
27 power, duty, or function transferred under this Article:

28 (1) Beginning July 1, 2003, a report or notice that  
29 was previously required to be made or given by any person  
30 to a predecessor department or any of its officers,  
31 employees, or agents shall be made or given in the same  
32 manner to the successor department or its appropriate  
33 officer, employee, or agent.

34 (2) Beginning July 1, 2003, a document that was

1 previously required to be furnished or served by any  
2 person to or upon a predecessor department or any of its  
3 officers, employees, or agents shall be furnished or  
4 served in the same manner to or upon the successor  
5 department or its appropriate officer, employee, or  
6 agent.

7 (e) This Article does not affect any act done, ratified,  
8 or cancelled, any right occurring or established, or any  
9 action or proceeding had or commenced in an administrative,  
10 civil, or criminal cause before July 1, 2003. Any such  
11 action or proceeding that pertains to a right, power, duty,  
12 or function transferred to a successor department under this  
13 Article and is pending on that date may be prosecuted,  
14 defended, or continued by the successor department.

15 Section 15. The Department of Public Health Powers and  
16 Duties Law of the Civil Administrative Code of Illinois is  
17 amended by adding Section 2310-3 as follows:

18 (20 ILCS 2310/2310-3 new)

19 Sec. 2310-3. Name of Department; additional powers and  
20 duties.

21 (a) On July 1, 2003, the name of the Department of  
22 Public Health is changed to the Department of Public Health  
23 and Preventive Services.

24 Beginning July 1, 2003, references to the Department of  
25 Public Health or any of its divisions, officers, employees,  
26 or agents in any document, contract, agreement, or law shall,  
27 in appropriate contexts, be deemed to refer to the Department  
28 of Public Health and Preventive Services or its divisions,  
29 officers, employees, or agents.

30 (b) Beginning July 1, 2003, the Department shall  
31 administer the programs transferred to it under Article 85 of  
32 the Department of Human Services Act.

1 Section 20. The Civil Administrative Code of Illinois is  
2 amended by adding Article 2402 as follows:

3 (20 ILCS 2402/Art. 2402 heading new)

4 ARTICLE 2402. DEPARTMENT OF  
5 DEVELOPMENTAL, MENTAL, AND PHYSICAL DISABILITIES

6 (20 ILCS 2402/2402-1 new)

7 Sec. 2402-1. Article short title. This Article 2402 of  
8 the Civil Administrative Code of Illinois may be cited as the  
9 Department of Developmental, Mental, and Physical  
10 Disabilities Law.

11 (20 ILCS 2402/2402-5 new)

12 Sec. 2402-5. Department; Director; organization.

13 (a) The Department of Developmental, Mental, and  
14 Physical Disabilities, created in Section 5-15 of the  
15 Departments of State Government Law (20 ILCS 5/5-15), shall  
16 begin operation on July 1, 2003.

17 (b) The Department shall be under the direction of the  
18 Director of Developmental, Mental, and Physical Disabilities,  
19 as provided in the Civil Administrative Code of Illinois.

20 (c) The Director shall create divisions and  
21 administrative units within the Department and shall assign  
22 functions, powers, duties, and personnel as may now or in the  
23 future be required by federal law. The Director may create  
24 other divisions and administrative units and may assign other  
25 functions, powers, duties, and personnel as may be necessary  
26 or desirable to carry out the functions and responsibilities  
27 vested by law in the Department.

28 (20 ILCS 2402/2402-10 new)

29 Sec. 2402-10. General powers and duties.

30 (a) The Department shall exercise the rights, powers,

1 duties, and functions provided by law, including (but not  
2 limited to) the rights, powers, duties, and functions  
3 transferred to it under Article 85 of the Department of Human  
4 Services Act. The Department shall administer the programs  
5 transferred to it under Section 85-10 of the Department of  
6 Human Services Act.

7 (b) The Department may employ personnel (in accordance  
8 with the Personnel Code), provide facilities, contract for  
9 goods and services, and adopt rules as necessary to carry out  
10 its functions and purposes, all in accordance with applicable  
11 State and federal law.

12 Section 99. Effective date. This Act takes effect July  
13 1, 2003.