



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**  
**SB2281**

Introduced 1/20/2004, by Jeffrey M. Schoenberg

**SYNOPSIS AS INTRODUCED:**

- 20 ILCS 5/1-5
- 20 ILCS 5/5-15
- 20 ILCS 5/5-20
- 20 ILCS 5/5-122 new
- 20 ILCS 5/5-123 new
- 20 ILCS 5/5-124 new
- 20 ILCS 5/5-337 new
- 20 ILCS 5/5-338 new
- 20 ILCS 5/5-339 new
- 20 ILCS 1305/1-15
- 20 ILCS 1305/1-20
- 20 ILCS 1305/Art. 85 heading new
- 20 ILCS 1305/85-5 new
- 20 ILCS 1305/85-10 new
- 20 ILCS 1305/85-15 new
- 20 ILCS 1305/85-20 new
- 20 ILCS 1305/85-25 new
- 20 ILCS 1305/85-30 new
- 20 ILCS 2402/Art. 2402 heading new
- 20 ILCS 2402/2402-1 new
- 20 ILCS 2402/2402-5 new
- 20 ILCS 2402/2402-10 new
- 20 ILCS 2404/Art. 2404 heading new
- 20 ILCS 2404/2404-1 new
- 20 ILCS 2404/2404-5 new
- 20 ILCS 2404/2404-10 new
- 20 ILCS 2404/2404-15 new

was 20 ILCS 5/3  
was 20 ILCS 5/4

Amends the Civil Administrative Code of Illinois and the Department of Human Services Act. Creates the Department of Community Disability Health Care and the Department of State Facilities for Developmental Disabilities and Mental Health. Renames the Department of Human Services as the Department of Social Services and Welfare. Transfers certain programs from the Department of Human Services to the Department of Community Disability Health Care and certain other programs to the Department of State Facilities for Developmental Disabilities and Mental Health. Effective July 1, 2005.

LRB093 15089 LRD 40678 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

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 5-122, 5-123, 5-124, 5-337, 5-338, and 5-339 as  
7 follows:

8 (20 ILCS 5/1-5)

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

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

13 Article 5. Departments of State Government Law (20 ILCS  
14 5/5-1 and following).

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

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

17 Article 205. Department of Agriculture Law (20 ILCS 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 Law  
22 (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 Economic  
26 Opportunity 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 1405/).

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

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

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

5 Article 2005. Department of Nuclear Safety Law (20 ILCS  
6 2005/).

7 Article 2105. Department of Professional Regulation Law  
8 (20 ILCS 2105/).

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

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

12 Article 2402. Department of Community Disability Health  
13 Care Law (20 ILCS 2402/).

14 Article 2404. Department of State Facilities for  
15 Developmental Disabilities and Mental Health Law (20 ILCS  
16 2404/).

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

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

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

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

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

25 (Source: P.A. 92-16, eff. 6-28-01; 92-651, eff. 7-11-02; 93-25,  
26 eff. 6-20-03.)

27 (20 ILCS 5/5-15) (was 20 ILCS 5/3)

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

30 The Department on Aging.

31 The Department of Agriculture.

32 The Department of Central Management Services.

33 The Department of Children and Family Services.

34 The Department of Commerce and Economic Opportunity.

35 The Department of Corrections.

1       The Department of Community Disability Health Care.  
2       The Department of Employment Security.  
3       The Department of Financial Institutions.  
4       The Department of Human Rights.  
5       ~~The Department of Human Services.~~  
6       The Department of Insurance.  
7       The Department of Labor.  
8       The Department of the Lottery.  
9       The Department of Natural Resources.  
10      The Department of Nuclear Safety.  
11      The Department of Professional Regulation.  
12      The Department of Public Aid.  
13      The Department of Public Health.  
14      The Department of Revenue.  
15      The Department of Social Services and Welfare.  
16      The Department of State Facilities for Developmental  
17      Disabilities and Mental Health.  
18      The Department of State Police.  
19      The Department of Transportation.  
20      The Department of Veterans' Affairs.  
21      (Source: P.A. 93-25, eff. 6-20-03.)

22           (20 ILCS 5/5-20) (was 20 ILCS 5/4)  
23           Sec. 5-20. Heads of departments. Each department shall have  
24      an officer as its head who shall be known as director or  
25      secretary and who shall, subject to the provisions of the Civil  
26      Administrative Code of Illinois, execute the powers and  
27      discharge the duties vested by law in his or her respective  
28      department.

29           The following officers are hereby created:

30           Director of Aging, for the Department on Aging.

31           Director of Agriculture, for the Department of  
32      Agriculture.

33           Director of Central Management Services, for the  
34      Department of Central Management Services.

35           Director of Children and Family Services, for the

1 Department of Children and Family Services.

2 Director of Commerce and Economic Opportunity, for the  
3 Department of Commerce and Economic Opportunity.

4 Director of Corrections, for the Department of  
5 Corrections.

6 Director of Community Disability Health Care, for the  
7 Department of Community Disability Health Care.

8 Director of Employment Security, for the Department of  
9 Employment Security.

10 Director of Financial Institutions, for the Department of  
11 Financial Institutions.

12 Director of Human Rights, for the Department of Human  
13 Rights.

14 ~~Secretary of Human Services, for the Department of Human~~  
15 ~~Services.~~

16 Director of Insurance, for the Department of Insurance.

17 Director of Labor, for the Department of Labor.

18 Director of the Lottery, for the Department of the Lottery.

19 Director of Natural Resources, for the Department of  
20 Natural Resources.

21 Director of Nuclear Safety, for the Department of Nuclear  
22 Safety.

23 Director of Professional Regulation, for the Department of  
24 Professional Regulation.

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

26 Director of Public Health, for the Department of Public  
27 Health.

28 Director of Revenue, for the Department of Revenue.

29 Director of Social Services and Welfare, for the Department  
30 of Social Services and Welfare.

31 Director of State Facilities for Developmental  
32 Disabilities and Mental Health, for the Department of State  
33 Facilities for Developmental Disabilities and Mental Health.

34 Director of State Police, for the Department of State  
35 Police.

36 Secretary of Transportation, for the Department of

1 Transportation.

2 Director of Veterans' Affairs, for the Department of  
3 Veterans' Affairs.

4 (Source: P.A. 93-25, eff. 6-20-03.)

5 (20 ILCS 5/5-122 new)

6 Sec. 5-122. In the Department of Community Disability  
7 Health Care. Assistant Director of Community Disability Health  
8 Care.

9 (20 ILCS 5/5-123 new)

10 Sec. 5-123. In the Department of Social Services and  
11 Welfare. Assistant Director of Social Services and Welfare.

12 (20 ILCS 5/5-124 new)

13 Sec. 5-124. In the Department of State Facilities for  
14 Developmental Disabilities and Mental Health. Assistant  
15 Director of State Facilities for Developmental Disabilities  
16 and Mental Health.

17 (20 ILCS 5/5-337 new)

18 Sec. 5-337. In the Department of Community Disability  
19 Health Care. The Director of Community Disability Health Care  
20 shall receive an annual salary as set by the Governor from time  
21 to time or as set by the Compensation Review Board, whichever  
22 is greater.

23 The Assistant Director of Community Disability Health Care  
24 shall receive an annual salary as set by the Governor from time  
25 to time or as set by the Compensation Review Board, whichever  
26 is greater.

27 (20 ILCS 5/5-338 new)

28 Sec. 5-338. In the Department of Social Services and  
29 Welfare. The Director of Social Services and Welfare shall  
30 receive an annual salary as set by the Governor from time to  
31 time or as set by the Compensation Review Board, whichever is

1 greater.

2 The Assistant Director of Social Services and Welfare shall  
3 receive an annual salary as set by the Governor from time to  
4 time or as set by the Compensation Review Board, whichever is  
5 greater.

6 (20 ILCS 5/5-339 new)

7 Sec. 5-339. In the Department of State Facilities for  
8 Developmental Disabilities and Mental Health. The Director of  
9 State Facilities for Developmental Disabilities and Mental  
10 Health shall receive an annual salary as set by the Governor  
11 from time to time or as set by the Compensation Review Board,  
12 whichever is greater.

13 The Assistant Director of State Facilities for  
14 Developmental Disabilities and Mental Health shall receive an  
15 annual salary as set by the Governor from time to time or as  
16 set by the Compensation Review Board, whichever is greater.

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

20 (20 ILCS 1305/1-15)

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

22 (a) The Department of Human Services, created in Section  
23 5-15 of the Departments of State Government Law (20 ILCS  
24 5/5-15), shall begin operation on July 1, 1997.

25 (a-5) On July 1, 2005, the name of the Department of Human  
26 Services is changed to the Department of Social Services and  
27 Welfare. Beginning July 1, 2005, references to the Department  
28 of Human Services or any of its divisions, officers, employees,  
29 or agents in any document, contract, agreement, or law shall,  
30 in appropriate contexts and with respect to those programs  
31 retained by the Department under Section 85-10 of this Act, be  
32 deemed to refer to the Department of Social Services and  
33 Welfare or its divisions, officers, employees, or agents.

1 (b) The Department shall be under the direction of the  
2 Secretary of Human Services and 2 Assistant Secretaries, as  
3 provided in the Civil Administrative Code of Illinois. On July  
4 1, 2005, the title of the Secretary of Human Services is  
5 changed to the Director of Social Services and Welfare.

6 (c) The Governor may appoint up to 7 Associate Secretaries  
7 to head the major programmatic divisions of the Department.  
8 Associate Directors ~~Secretaries~~ shall be appointed for 2-year  
9 terms and shall be subject to confirmation by the Senate in the  
10 same manner as the Assistant Directors ~~Secretaries~~. The  
11 compensation of Associate Directors ~~Secretaries~~ shall be  
12 determined by the Director ~~Secretary~~.

13 (d) The Director ~~Secretary~~ shall create divisions and  
14 administrative units within the Department and shall assign  
15 functions, powers, duties, and personnel as may now or in the  
16 future be required by federal law. The Director ~~Secretary~~ may  
17 create other divisions and administrative units and may assign  
18 other functions, powers, duties, and personnel as may be  
19 necessary or desirable to carry out the functions and  
20 responsibilities vested by law in the Department.

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

22 (20 ILCS 1305/1-20)

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

24 (a) The Department shall exercise the rights, powers,  
25 duties, and functions provided by law, including (but not  
26 limited to) the rights, powers, duties, and functions  
27 transferred to the Department under Article 80 and Article 90  
28 of this Act, but excluding those powers transferred to other  
29 departments under Article 85 of this Act.

30 (b) The Department may employ personnel (in accordance with  
31 the Personnel Code), provide facilities, contract for goods and  
32 services, and adopt rules as necessary to carry out its  
33 functions and purposes, all in accordance with applicable State  
34 and federal law.

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



1 (20 ILCS 1305/Art. 85 heading new)

2 ARTICLE 85.

3 2005 REORGANIZATION; TRANSFER AND TRANSITION PROVISIONS

4 (20 ILCS 1305/85-5 new)

5 Sec. 85-5. Purpose; application.

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

10 (b) This Article supersedes and controls over any  
11 conflicting provision of any other Article of this Act and any  
12 conflicting provision of Public Act 89-507.

13 (20 ILCS 1305/85-10 new)

14 Sec. 85-10. Transfer of programs.

15 (a) The following programs, and all of the rights, powers,  
16 duties, and functions relating to those programs that are  
17 vested by law in the Department of Human Services or in any  
18 office, council, committee, division, or bureau thereof, are  
19 transferred to the Department of Community Disability Health  
20 Care on July 1, 2005:

21 (1) Disabilities and Behavioral Health;

22 (2) Developmental Disability Community;

23 (3) Mental Health Community;

24 (4) Sexually Violent Persons Program;

25 (5) Home Services;

26 (6) Centers for Independent Living;

27 (7) Children's Residential and Education Services;

28 (8) Disability Determination Services;

29 (9) Vocational Rehabilitation Services;

30 (10) Blind Rehabilitation Services;

31 (11) Community Health;

32 (12) Addiction Prevention;

33 (13) Addiction Treatment; and

1           (14) Youth Services.

2           (b) The following programs, and all of the rights, powers,  
3 duties, and functions relating to those programs that are  
4 vested by law in the Department of Human Services or in any  
5 office, council, committee, division, or bureau thereof, are  
6 transferred to the Department of State Facilities for  
7 Developmental Disabilities and Mental Health on July 1, 2005:

8           (1) Developmental Disability State Operations; and

9           (2) Mental Health State Operations.

10          (c) The following programs, and all of the rights, powers,  
11 duties, and functions relating to those programs that are  
12 vested by law in the Department of Human Services or in any  
13 office, council, committee, division, or bureau thereof, are  
14 retained by the Department of Human Services (to be known as  
15 the Department of Social Services and Welfare beginning July 1,  
16 2005):

17          (1) Employment and Social Services;

18          (2) Income Assistance;

19          (3) Child Care Services; and

20          (4) Field Operations.

21           (20 ILCS 1305/85-15 new)

22          Sec. 85-15. Transfer of personnel.

23          (a) Except as provided in subsection (d), personnel  
24 employed by the Department of Human Services on June 30, 2005  
25 to perform duties pertaining to one or more of the programs  
26 transferred to the Department of Community Disability Health  
27 Care under Section 85-10 are transferred to that Department on  
28 July 1, 2005.

29          (b) Except as provided in subsection (d), personnel  
30 employed by the Department of Human Services on June 30, 2005  
31 to perform duties pertaining to one or more of the programs  
32 transferred to the Department of State Facilities for  
33 Developmental Disabilities and Mental Health under Section  
34 85-10 are transferred to that Department on July 1, 2005.

35          (c) Except as provided in subsection (d), personnel

1 employed by the Department of Human Services on June 30, 2005  
2 to perform duties pertaining to one or more of the programs  
3 retained by the Department under Section 85-10 are retained as  
4 employees of the Department.

5 (d) In the case of a person employed by the Department of  
6 Human Services on June 30, 2005 to perform duties pertaining to  
7 more than one program, if those programs are transferred to or  
8 retained by more than one department under Section 85-10, the  
9 directors of the affected departments shall jointly determine  
10 whether to retain or transfer the employee; the employee shall  
11 not be transferred until this determination has been made.

12 (e) The rights of State employees, the State, and its  
13 agencies under the Personnel Code and applicable collective  
14 bargaining agreements and retirement plans are not affected by  
15 the reorganization under this Article.

16 (20 ILCS 1305/85-20 new)

17 Sec. 85-20. Transfer of property.

18 (a) Except as provided in subsection (d), all books,  
19 records, documents, property (real and personal), unexpended  
20 appropriations, and pending business pertaining to the  
21 programs transferred to the Department of Community Disability  
22 Health Care under Section 85-10 shall be transferred and  
23 delivered to that Department effective July 1, 2005.

24 (b) Except as provided in subsection (d), all books,  
25 records, documents, property (real and personal), unexpended  
26 appropriations, and pending business pertaining to the  
27 programs transferred to the Department of State Facilities for  
28 Developmental Disabilities and Mental Health under Section  
29 85-10 shall be transferred and delivered to that Department  
30 effective July 1, 2005.

31 (c) Except as provided in subsection (d), all books,  
32 records, documents, property (real and personal), unexpended  
33 appropriations, and pending business pertaining to the  
34 programs retained by the Department of Human Services under  
35 Section 85-10 shall be retained by that Department effective

1 July 1, 2005.

2 (d) In the case of books, records, or documents that  
3 pertain to more than one program, if those programs are  
4 transferred to or retained by more than one department under  
5 Section 85-10, the directors of the affected departments shall  
6 jointly determine whether the books, records, or documents  
7 shall be transferred, copied, or retained; until this  
8 determination has been made, the transfer shall not take  
9 effect.

10 In the case of property or an unexpended appropriation that  
11 pertains to more than one program, if those programs are  
12 transferred to or retained by more than one department under  
13 Section 85-10, the directors of the affected departments shall  
14 jointly determine whether the property or unexpended  
15 appropriation shall be transferred, divided, or retained;  
16 until this determination has been made (and, in the case of an  
17 unexpended appropriation, notice of the determination has been  
18 filed with the State Comptroller), the transfer shall not take  
19 effect.

20 (20 ILCS 1305/85-25 new)

21 Sec. 85-25. Rules and standards.

22 (a) The rules and standards of the Department of Human  
23 Services that are in effect on June 30, 2005 and pertain to a  
24 program transferred under Section 85-10 shall become the rules  
25 and standards of the transferee department on July 1, 2005 and  
26 shall continue in effect until amended or repealed by the  
27 department.

28 (b) Any rules pertaining to a program transferred under  
29 Section 85-10 that have been proposed by the Department of  
30 Human Services but have not taken effect or been finally  
31 adopted by June 30, 2005 shall become proposed rules of the  
32 transferee department on July 1, 2005, and any rulemaking  
33 procedures that have already been completed by the Department  
34 of Human Services for those proposed rules need not be  
35 repeated.

1       (c) As soon as practical after July 1, 2005, each of the  
2 departments affected by Section 85-10 shall revise and clarify  
3 the rules transferred or retained by it to reflect the  
4 reorganization effected by this Article using the procedures  
5 for recodification of rules available under the Illinois  
6 Administrative Procedure Act, except that existing title,  
7 part, and section numbering for the affected rules may be  
8 retained. Each of the departments may propose and adopt under  
9 the Illinois Administrative Procedure Act any other rules that  
10 may be necessary to consolidate and clarify the rules affected  
11 by the reorganization under this Article.

12       (20 ILCS 1305/85-30 new)

13       Sec. 85-30. Savings provisions.

14       (a) The rights, powers, duties, and functions transferred  
15 to a successor department under this Article shall be vested in  
16 and exercised by that department subject to the provisions of  
17 this Article. An act done by a successor department or an  
18 officer, employee, or agent of a successor department in the  
19 exercise of the transferred rights, powers, duties, or  
20 functions shall have the same legal effect as if done by the  
21 predecessor department or an officer, employee, or agent of the  
22 predecessor department.

23       (b) The transfer of rights, powers, duties, and functions  
24 to a successor department under this Article does not  
25 invalidate any previous action taken by or in respect to the  
26 predecessor department or its officers, employees, or agents.  
27 References to the predecessor department or its officers,  
28 employees, or agents in any document, contract, agreement, or  
29 law shall, in appropriate contexts, be deemed to refer to the  
30 successor department or its officers, employees, or agents.

31       (c) The transfer of rights, powers, duties, and functions  
32 under this Article does not affect any person's rights,  
33 obligations, or duties, including any civil or criminal  
34 penalties applicable thereto, arising out of those transferred  
35 rights, powers, duties, and functions.

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

3           (1) Beginning July 1, 2005, a report or notice that was  
4 previously required to be made or given by any person to a  
5 predecessor department or any of its officers, employees,  
6 or agents shall be made or given in the same manner to the  
7 successor department or its appropriate officer, employee,  
8 or agent.

9           (2) Beginning July 1, 2005, a document that was  
10 previously required to be furnished or served by any person  
11 to or upon a predecessor department or any of its officers,  
12 employees, or agents shall be furnished or served in the  
13 same manner to or upon the successor department or its  
14 appropriate officer, employee, or agent.

15       (e) This Article does not affect any act done, ratified, or  
16 cancelled, any right occurring or established, or any action or  
17 proceeding had or commenced in an administrative, civil, or  
18 criminal cause before July 1, 2005. Any such action or  
19 proceeding that pertains to a right, power, duty, or function  
20 transferred to a successor department under this Article and is  
21 pending on that date may be prosecuted, defended, or continued  
22 by the successor department.

23       Section 15. The Civil Administrative Code of Illinois is  
24 amended by adding Article 2402 as follows:

25       (20 ILCS 2402/Art. 2402 heading new)

26                           ARTICLE 2402.

27                           DEPARTMENT OF COMMUNITY DISABILITY HEALTH CARE

28       (20 ILCS 2402/2402-1 new)

29       Sec. 2402-1. Article short title. This Article 2402 of the  
30 Civil Administrative Code of Illinois may be cited as the  
31 Department of Community Disability Health Care Law.

32       (20 ILCS 2402/2402-5 new)

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

2       (a) The Department of Community Disability Health Care,  
3 created in Section 5-15 of the Departments of State Government  
4 Law (20 ILCS 5/5-15), shall begin operation on July 1, 2005.

5       (b) The Department shall be under the direction of the  
6 Director of Community Disability Health Care, as provided in  
7 the Civil Administrative Code of Illinois.

8       (c) The Director shall create divisions and administrative  
9 units within the Department and shall assign functions, powers,  
10 duties, and personnel as may now or in the future be required  
11 by federal law. The Director may create other divisions and  
12 administrative units and may assign other functions, powers,  
13 duties, and personnel as may be necessary or desirable to carry  
14 out the functions and responsibilities vested by law in the  
15 Department.

16       (20 ILCS 2402/2402-10 new)

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

18       (a) The Department shall exercise the rights, powers,  
19 duties, and functions provided by law, including (but not  
20 limited to) the rights, powers, duties, and functions  
21 transferred to it under Article 85 of the Department of Human  
22 Services Act. The Department shall administer the programs  
23 transferred to it under Section 85-10 of the Department of  
24 Human Services Act.

25       (b) The Department may employ personnel (in accordance with  
26 the Personnel Code), provide facilities, contract for goods and  
27 services, and adopt rules as necessary to carry out its  
28 functions and purposes, all in accordance with applicable State  
29 and federal law.

30       Section 20. The Civil Administrative Code of Illinois is  
31 amended by adding Article 2404 as follows:

32       (20 ILCS 2404/Art. 2404 heading new)

33                   ARTICLE 2404.

1                   DEPARTMENT OF STATE FACILITIES FOR DEVELOPMENTAL  
2                                   DISABILITIES AND MENTAL HEALTH

3                   (20 ILCS 2404/2404-1 new)

4                   Sec. 2404-1. Article short title. This Article 2404 of the  
5                   Civil Administrative Code of Illinois may be cited as the  
6                   Department of State Facilities for Developmental Disabilities  
7                   and Mental Health Law.

8                   (20 ILCS 2404/2404-5 new)

9                   Sec. 2404-5. Department; Director; organization.

10                  (a) The Department of State Facilities for Developmental  
11                  Disabilities and Mental Health, created in Section 5-15 of the  
12                  Departments of State Government Law (20 ILCS 5/5-15), shall  
13                  begin operation on July 1, 2005.

14                  (b) The Department shall be under the direction of the  
15                  Director of State Facilities for Developmental Disabilities  
16                  and Mental Health, as provided in the Civil Administrative Code  
17                  of Illinois.

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

26                  (20 ILCS 2404/2404-10 new)

27                  Sec. 2404-10. General powers and duties.

28                  (a) The Department shall exercise the rights, powers,  
29                  duties, and functions provided by law, including (but not  
30                  limited to) the rights, powers, duties, and functions  
31                  transferred to it under Article 85 of the Department of Human  
32                  Services Act. The Department shall administer the programs  
33                  transferred to it under Section 85-10 of the Department of



1 Human Services Act.

2 (b) The Department may employ personnel (in accordance with  
3 the Personnel Code), provide facilities, contract for goods and  
4 services, and adopt rules as necessary to carry out its  
5 functions and purposes, all in accordance with applicable State  
6 and federal law.

7 (20 ILCS 2404/2404-15 new)

8 Sec. 2404-15. Repealer. This Article 2404 of the Civil  
9 Administrative Code of Illinois is repealed on July 1, 2010.

10 Section 99. Effective date. This Act takes effect July 1,  
11 2005