



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

Introduced 2/6/2004, by Wendell E. Jones

SYNOPSIS AS INTRODUCED:

20 ILCS 5/1-5	
20 ILCS 5/5-15	was 20 ILCS 5/3
20 ILCS 5/5-20	was 20 ILCS 5/4
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 2402/2402-15 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	

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.

SRS093 00172 GLC 40042 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 (20 ILCS 2402/2402-15 new)

31 Sec. 2402-15. Regional Offices.

32 (a) The Department shall establish Regions, containing no
33 more than 225,000 persons, of reasonable geographic
34 configuration.

1 (b) The Department shall establish Regional Offices within
2 each Region.

3 (c) The Regional Offices may establish and operate Field
4 Offices within their respective Regions.

5 (d) The Regional Offices, and any Field Offices established
6 by the Regional Office, shall be able to provide access to, and
7 information on, any and all programs and services offered by
8 the Department.

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

11 (20 ILCS 2404/Art. 2404 heading new)

12 ARTICLE 2404.

13 DEPARTMENT OF STATE FACILITIES FOR DEVELOPMENTAL

14 DISABILITIES AND MENTAL HEALTH

15 (20 ILCS 2404/2404-1 new)

16 Sec. 2404-1. Article short title. This Article 2404 of the
17 Civil Administrative Code of Illinois may be cited as the
18 Department of State Facilities for Developmental Disabilities
19 and Mental Health Law.

20 (20 ILCS 2404/2404-5 new)

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

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

26 (b) The Department shall be under the direction of the
27 Director of State Facilities for Developmental Disabilities
28 and Mental Health, as provided in the Civil Administrative Code
29 of Illinois.

30 (c) The Director shall create divisions and administrative
31 units within the Department and shall assign functions, powers,
32 duties, and personnel as may now or in the future be required

1 by federal law. The Director may create other divisions and
2 administrative units and may assign other functions, powers,
3 duties, and personnel as may be necessary or desirable to carry
4 out the functions and responsibilities vested by law in the
5 Department.

6 (20 ILCS 2404/2404-10 new)

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

8 (a) The Department shall exercise the rights, powers,
9 duties, and functions provided by law, including (but not
10 limited to) the rights, powers, duties, and functions
11 transferred to it under Article 85 of the Department of Human
12 Services Act. The Department shall administer the programs
13 transferred to it under Section 85-10 of the Department of
14 Human Services Act.

15 (b) The Department may employ personnel (in accordance with
16 the Personnel Code), provide facilities, contract for goods and
17 services, and adopt rules as necessary to carry out its
18 functions and purposes, all in accordance with applicable State
19 and federal law.

20 (20 ILCS 2404/2404-15 new)

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

23 Section 99. Effective date. This Act takes effect July 1,
24 2005