



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB1642

Introduced 2/24/2005, by Sen. 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, 2006.

LRB094 10570 DRJ 40867 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning State government.

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 Emergency Management Agency.
4 The Department of Financial Institutions.
5 The Department of Human Rights.
6 ~~The Department of Human Services.~~
7 The Department of Insurance.
8 The Department of Labor.
9 The Department of the Lottery.
10 The Department of Natural Resources.
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; 93-1029, eff. 8-25-04.)

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 Emergency Management Agency, for the Emergency
9 Management Agency.

10 Director of Employment Security, for the Department of
11 Employment Security.

12 Director of Financial Institutions, for the Department of
13 Financial Institutions.

14 Director of Human Rights, for the Department of Human
15 Rights.

16 ~~Secretary of Human Services, for the Department of Human~~
17 ~~Services.~~

18 Director of Insurance, for the Department of Insurance.

19 Director of Labor, for the Department of Labor.

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

21 Director of Natural Resources, for the Department of
22 Natural Resources.

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; 93-1029, eff. 8-25-04.)

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, 2006, the name of the Department of Human
26 Services is changed to the Department of Social Services and
27 Welfare. On and after July 1, 2006, references to the
28 Department of Human Services or any of its divisions, officers,
29 employees, or agents in any document, contract, agreement, or
30 law shall, in appropriate contexts and with respect to those
31 programs retained by the Department under Section 85-10 of this
32 Act, be deemed to refer to the Department of Social Services
33 and 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, 2006, 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 Directors
7 ~~Secretaries~~ to head the major programmatic divisions of the
8 Department. Associate Directors ~~Secretaries~~ shall be appointed
9 for 2-year terms and shall be subject to confirmation by the
10 Senate in the same manner as the Assistant Directors
11 ~~Secretaries~~. The compensation of Associate Directors
12 ~~Secretaries~~ shall be 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.)

(20 ILCS 1305/Art. 85 heading new)

ARTICLE 85.

2006 REORGANIZATION; TRANSFER AND TRANSITION PROVISIONS

(20 ILCS 1305/85-5 new)

Sec. 85-5. Purpose; application.

(a) The purpose of this amendatory Act of the 94th General Assembly is to provide for the reorganization of the Department of Human Services and the transfer of certain of its programs to other agencies of State government.

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

(20 ILCS 1305/85-10 new)

Sec. 85-10. Transfer of programs.

(a) The following programs, and all of the rights, powers, duties, and functions relating to those programs that are vested by law in the Department of Human Services or in any office, council, committee, division, or bureau thereof, are transferred to the Department of Community Disability Health Care on July 1, 2006:

(1) Disabilities and Behavioral Health;

(2) Developmental Disability Community;

(3) Mental Health Community;

(4) Sexually Violent Persons Program;

(5) Home Services;

(6) Centers for Independent Living;

(7) Children's Residential and Education Services;

(8) Disability Determination Services;

(9) Vocational Rehabilitation Services;

(10) Blind Rehabilitation Services;

(11) Community Health;

(12) Addiction Prevention;

(13) Addiction Treatment; and

1 (14) Youth Services.

2 With respect to each of the programs transferred to the
3 Department of Community Disability Health Care under this
4 subsection (a), the Department of Community Disability Health
5 Care is the successor agency to the Department of Human
6 Services for purposes of the Successor Agency Act and for
7 purposes of Section 9b of the State Finance Act.

8 (b) The following programs, and all of the rights, powers,
9 duties, and functions relating to those programs that are
10 vested by law in the Department of Human Services or in any
11 office, council, committee, division, or bureau thereof, are
12 transferred to the Department of State Facilities for
13 Developmental Disabilities and Mental Health on July 1, 2006:

14 (1) Developmental Disability State Operations; and

15 (2) Mental Health State Operations.

16 With respect to each of the programs transferred to the
17 Department of State Facilities for Developmental Disabilities
18 and Mental Health under this subsection (b), the Department of
19 State Facilities for Developmental Disabilities and Mental
20 Health is the successor agency to the Department of Human
21 Services for purposes of the Successor Agency Act and for
22 purposes of Section 9b of the State Finance Act.

23 (c) The following programs, and all of the rights, powers,
24 duties, and functions relating to those programs that are
25 vested by law in the Department of Human Services or in any
26 office, council, committee, division, or bureau thereof, are
27 retained by the Department of Human Services (to be known as
28 the Department of Social Services and Welfare beginning July 1,
29 2006):

30 (1) Employment and Social Services;

31 (2) Income Assistance;

32 (3) Child Care Services; and

33 (4) Field Operations.

34 (20 ILCS 1305/85-15 new)

35 Sec. 85-15. Transfer of personnel.

1 (a) Except as provided in subsection (d), personnel
2 employed by the Department of Human Services on June 30, 2006
3 to perform duties pertaining to one or more of the programs
4 transferred to the Department of Community Disability Health
5 Care under Section 85-10 are transferred to that Department on
6 July 1, 2006.

7 (b) Except as provided in subsection (d), personnel
8 employed by the Department of Human Services on June 30, 2006
9 to perform duties pertaining to one or more of the programs
10 transferred to the Department of State Facilities for
11 Developmental Disabilities and Mental Health under Section
12 85-10 are transferred to that Department on July 1, 2006.

13 (c) Except as provided in subsection (d), personnel
14 employed by the Department of Human Services on June 30, 2006
15 to perform duties pertaining to one or more of the programs
16 retained by the Department under Section 85-10 are retained as
17 employees of the Department.

18 (d) In the case of a person employed by the Department of
19 Human Services on June 30, 2006 to perform duties pertaining to
20 more than one program, if those programs are transferred to or
21 retained by more than one department under Section 85-10, the
22 directors of the affected departments shall jointly determine
23 whether to retain or transfer the employee; the employee shall
24 not be transferred until this determination has been made.

25 (e) The rights of State employees, the State, and its
26 agencies under the Personnel Code and applicable collective
27 bargaining agreements and retirement plans are not affected by
28 the reorganization under this Article.

29 (20 ILCS 1305/85-20 new)

30 Sec. 85-20. Transfer of property.

31 (a) 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 transferred to the Department of Community Disability
35 Health Care under Section 85-10 shall be transferred and

1 delivered to that Department effective July 1, 2006.

2 (b) Except as provided in subsection (d), all books,
3 records, documents, property (real and personal), unexpended
4 appropriations, and pending business pertaining to the
5 programs transferred to the Department of State Facilities for
6 Developmental Disabilities and Mental Health under Section
7 85-10 shall be transferred and delivered to that Department
8 effective July 1, 2006.

9 (c) 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 retained by the Department of Human Services under
13 Section 85-10 shall be retained by that Department effective
14 July 1, 2006.

15 (d) In the case of books, records, or documents that
16 pertain to more than one program, if those programs are
17 transferred to or retained by more than one department under
18 Section 85-10, the directors of the affected departments shall
19 jointly determine whether the books, records, or documents
20 shall be transferred, copied, or retained; until this
21 determination has been made, the transfer shall not take
22 effect.

23 In the case of property or an unexpended appropriation that
24 pertains to more than one program, if those programs are
25 transferred to or retained by more than one department under
26 Section 85-10, the directors of the affected departments shall
27 jointly determine whether the property or unexpended
28 appropriation shall be transferred, divided, or retained;
29 until this determination has been made (and, in the case of an
30 unexpended appropriation, notice of the determination has been
31 filed with the State Comptroller), the transfer shall not take
32 effect.

33 (20 ILCS 1305/85-25 new)

34 Sec. 85-25. Rules and standards.

35 (a) The rules and standards of the Department of Human

1 Services that are in effect on June 30, 2006 and pertain to a
2 program transferred under Section 85-10 shall become the rules
3 and standards of the transferee department on July 1, 2006 and
4 shall continue in effect until amended or repealed by the
5 department.

6 (b) Any rules pertaining to a program transferred under
7 Section 85-10 that have been proposed by the Department of
8 Human Services but have not taken effect or been finally
9 adopted by June 30, 2006 shall become proposed rules of the
10 transferee department on July 1, 2006, and any rulemaking
11 procedures that have already been completed by the Department
12 of Human Services for those proposed rules need not be
13 repeated.

14 (c) As soon as practicable after July 1, 2006, each of the
15 departments affected by Section 85-10 shall revise and clarify
16 the rules transferred or retained by it to reflect the
17 reorganization effected by this Article using the procedures
18 for recodification of rules available under the Illinois
19 Administrative Procedure Act, except that existing title,
20 part, and section numbering for the affected rules may be
21 retained. Each of the departments may propose and adopt under
22 the Illinois Administrative Procedure Act any other rules that
23 may be necessary to consolidate and clarify the rules affected
24 by the reorganization under this Article.

25 (20 ILCS 1305/85-30 new)

26 Sec. 85-30. Savings provisions.

27 (a) The rights, powers, duties, and functions transferred
28 to a successor department under this Article shall be vested in
29 and exercised by that department subject to the provisions of
30 this Article. An act done by a successor department or an
31 officer, employee, or agent of a successor department in the
32 exercise of the transferred rights, powers, duties, or
33 functions shall have the same legal effect as if done by the
34 predecessor department or an officer, employee, or agent of the
35 predecessor department.

1 (b) The transfer of rights, powers, duties, and functions
2 to a successor department under this Article does not
3 invalidate any previous action taken by or in respect to the
4 predecessor department or its officers, employees, or agents.
5 References to the predecessor department or its officers,
6 employees, or agents in any document, contract, agreement, or
7 law shall, in appropriate contexts, be deemed to refer to the
8 successor department or its officers, employees, or agents.

9 (c) The transfer of rights, powers, duties, and functions
10 under this Article does not affect any person's rights,
11 obligations, or duties, including any civil or criminal
12 penalties applicable thereto, arising out of those transferred
13 rights, powers, duties, and functions.

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

16 (1) On and after July 1, 2006, a report or notice that
17 was previously required to be made or given by any person
18 to a predecessor department or any of its officers,
19 employees, or agents shall be made or given in the same
20 manner to the successor department or its appropriate
21 officer, employee, or agent.

22 (2) On and after July 1, 2006, a document that was
23 previously required to be furnished or served by any person
24 to or upon a predecessor department or any of its officers,
25 employees, or agents shall be furnished or served in the
26 same manner to or upon the successor department or its
27 appropriate officer, employee, or agent.

28 (e) This Article does not affect any act done, ratified, or
29 cancelled, any right occurring or established, or any action or
30 proceeding had or commenced in an administrative, civil, or
31 criminal cause before July 1, 2006. Any such action or
32 proceeding that pertains to a right, power, duty, or function
33 transferred to a successor department under this Article and is
34 pending on that date may be prosecuted, defended, or continued
35 by the successor department.

1 Section 15. 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.

5 DEPARTMENT OF COMMUNITY DISABILITY HEALTH CARE

6 (20 ILCS 2402/2402-1 new)

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

10 (20 ILCS 2402/2402-5 new)

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

12 (a) The Department of Community Disability Health Care,
13 created in Section 5-15 of the Departments of State Government
14 Law (20 ILCS 5/5-15), shall begin operation on July 1, 2006.

15 (b) The Department shall be under the direction of the
16 Director of Community Disability Health Care, as provided in
17 the Civil Administrative Code 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 2402/2402-10 new)

27 Sec. 2402-10. 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

1 transferred to it under Section 85-10 of the Department of
2 Human Services Act.

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

8 (20 ILCS 2402/2402-15 new)

9 Sec. 2402-15. Regional Offices.

10 (a) The Department shall establish Regions, containing no
11 more than 225,000 persons, of reasonable geographic
12 configuration.

13 (b) The Department shall establish Regional Offices within
14 each Region.

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

17 (d) The Regional Offices, and any Field Offices established
18 by the Regional Offices, shall be able to provide access to,
19 and information on, any and all programs and services offered
20 by the Department.

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

23 (20 ILCS 2404/Art. 2404 heading new)

24 ARTICLE 2404.

25 DEPARTMENT OF STATE FACILITIES FOR DEVELOPMENTAL

26 DISABILITIES AND MENTAL HEALTH

27 (20 ILCS 2404/2404-1 new)

28 Sec. 2404-1. Article short title. This Article 2404 of the
29 Civil Administrative Code of Illinois may be cited as the
30 Department of State Facilities for Developmental Disabilities
31 and Mental Health Law.

1 (20 ILCS 2404/2404-5 new)

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

3 (a) The Department of State Facilities for Developmental
4 Disabilities and Mental Health, created in Section 5-15 of the
5 Departments of State Government Law (20 ILCS 5/5-15), shall
6 begin operation on July 1, 2006.

7 (b) The Department shall be under the direction of the
8 Director of State Facilities for Developmental Disabilities
9 and Mental Health, as provided in the Civil Administrative Code
10 of Illinois.

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

19 (20 ILCS 2404/2404-10 new)

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

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

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

33 (20 ILCS 2404/2404-15 new)

34 Sec. 2404-15. Repealer. This Article 2404 of the Civil

1 Administrative Code of Illinois is repealed on July 1, 2011.

2 Section 99. Effective date. This Act takes effect July 1,
3 2006.