

HB2792



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB2792

Introduced 2/26/2007, by Rep. Mary E. Flowers

SYNOPSIS AS INTRODUCED:

New Act

Creates the Department of Human Services Consolidation Act. Abolishes the Department of Public Health and transfers all of the functions of that Department to the Department of Human Services. Transfers the staffs, records, and unexpended funds of the Department of Public Health to the Department of Human Services. Effective July 1, 2007.

LRB095 11351 DRJ 32099 b

FISCAL NOTE ACT
MAY APPLY

PENSION IMPACT
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 1. Short title. This Act may be cited as the
5 Department of Human Services Consolidation Act.

6 Section 5. Functions transferred.

7 (a) All of the functions of the Department of Public
8 Health, and all of the powers, duties, rights, and
9 responsibilities, including funding mechanisms, associated
10 with or related to those functions and vested by law in the
11 Department of Public Health or in any office, division,
12 council, committee, bureau, board, commission, officer,
13 employee, or other individual or entity associated with the
14 Department of Public Health, are transferred to the Department
15 of Human Services.

16 (b) The functions, powers, duties, rights, and
17 responsibilities transferred to the Department of Human
18 Services under this Act are not affected by this Act, except
19 that they shall be carried out by the Department of Human
20 Services on and after the effective date of this Act.

21 (c) The Department of Public Health is abolished.

22 Section 10. Representation on boards or other entities.

1 When any provision of an Executive Order or Act provides for
2 the membership of the Director of Public Health on any council,
3 commission, board, or other entity, the Secretary of Human
4 Services, or the Secretary's designee, shall serve in that
5 place. If more than one such person is required by law to serve
6 on any council, commission, board, or other entity, then an
7 equivalent number of representatives of the Department of Human
8 Services shall so serve.

9 Section 15. Staff transferred. The staff of the Department
10 of Public Health shall be transferred to the Department of
11 Human Services. The status and rights of those employees, and
12 the rights of the State of Illinois and its agencies, under the
13 Personnel Code and applicable collective bargaining agreements
14 or under any pension, retirement, or annuity plan are not
15 affected by that transfer or by any other provision of this
16 Act.

17 Section 20. Books and records transferred. All books,
18 records, papers, documents, property (real and personal),
19 contracts, and pending business pertaining to the powers,
20 duties, rights, and responsibilities transferred under this
21 Act from the Department of Public Health to the Department of
22 Human Services, including but not limited to material in
23 electronic or magnetic format and necessary computer hardware
24 and software, shall be delivered to the Department of Human

1 Services.

2 Section 25. Unexpended moneys transferred. All unexpended
3 appropriations and balances and other moneys available for use
4 in connection with any of the functions transferred to the
5 Department of Human Services under this Act shall be
6 transferred for use by that Department for the exercise of
7 those functions pursuant to the direction of the Governor.
8 Unexpended balances so transferred shall be expended only for
9 the purpose for which the appropriations were originally made.

10 Section 30. Exercise of transferred powers; savings
11 provisions. The powers, duties, rights, and responsibilities
12 related to the functions transferred to the Department of Human
13 Services under this Act are vested in and shall be exercised by
14 that Department. Each act done in the exercise of those powers,
15 duties, rights, and responsibilities shall have the same legal
16 effect as if done by the Department of Public Health or the
17 divisions, officers, or employees of that Department.

18 Section 35. Officers, employees, and agents; penalties.
19 Every officer, employee, or agent of the Department of Human
20 Services is, for any offense, subject to the same penalty or
21 penalties, civil or criminal, as are prescribed by existing law
22 for the same offense by any officer, employee, or agent whose
23 powers, duties, rights, or responsibilities are transferred

1 under this Act.

2 Section 40. Reports, notices, or papers. Whenever reports
3 or notices are required to be made or given or papers or
4 documents furnished or served by any person to or upon the
5 Department of Public Health in connection with any function
6 transferred under this Act, the same shall be made, given,
7 furnished, or served in the same manner to or upon the
8 Department of Human Services.

9 Section 45. Acts and actions unaffected by transfer. This
10 Act does not affect any act done, ratified, or canceled, or any
11 right occurring or established, before the effective date of
12 this Act in connection with any function transferred under this
13 Act. This Act does not affect any action or proceeding had or
14 commenced before the effective date of this Act in an
15 administrative, civil, or criminal cause regarding the
16 Department of Public Health, but any such action or proceeding
17 may be prosecuted, defended, or continued by the Department of
18 Human Services.

19 Section 50. Rules.

20 (a) Any rule of the Department of Public Health that (i)
21 relates to the functions transferred under this Act, (ii) was
22 in full force on the effective date of this Act, and (iii) was
23 duly adopted by the Department of Public Health shall become

1 the rule of the Department of Human Services. This Act does not
2 affect the legality of any such rules contained in the Illinois
3 Administrative Code.

4 (b) Any proposed rule filed with the Secretary of State by
5 the Department of Public Health that was pending in the
6 rulemaking process on the effective date of this Act and that
7 pertains to the functions transferred under this Act shall be
8 deemed to have been filed by the Department of Human Services.

9 (c) As soon as practicable after the effective date of this
10 Act, the Department of Human Services shall revise and clarify
11 the rules transferred to it under this Section to reflect the
12 reorganization of powers, duties, rights, and responsibilities
13 effected by this Act, using the procedures for recodification
14 of rules available under the Illinois Administrative Procedure
15 Act, except that existing title, part, and section numbering
16 for the affected rules may be retained.

17 Section 99. Effective date. This Act takes effect July 1,
18 2007.