

SB0063



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB0063

Introduced 1/16/2013, by Sen. Mattie Hunter

SYNOPSIS AS INTRODUCED:

20 ILCS 5/5-550

was 20 ILCS 5/6.23

Amends the Civil Administrative Code of Illinois. Changes the composition of the State Rehabilitation Council. Authorizes the Governor, by executive order, to delegate to the Council his authority to make Council appointments. Makes changes in provisions concerning the terms of persons appointed to the Council. Authorizes members of the Council who are serving on the effective date of the amendatory Act to continue their service on the Council until their terms expire. Effective immediately.

LRB098 04120 JDS 34143 b

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 Section 5-550 as follows:

6 (20 ILCS 5/5-550) (was 20 ILCS 5/6.23)

7 Sec. 5-550. In the Department of Human Services. A State
8 Rehabilitation Council, hereinafter referred to as the
9 Council, is hereby established for the purpose of complying
10 with the requirements of 34 CFR 361.16 and advising the
11 Secretary of Human Services and the vocational rehabilitation
12 administrator of the provisions of the federal Rehabilitation
13 Act of 1973 and the Americans with Disabilities Act of 1990 in
14 matters concerning individuals with disabilities and the
15 provision of vocational rehabilitation services. The Council
16 shall consist of ~~25~~ members appointed by the Governor after
17 soliciting recommendations from ~~representatives~~ of
18 organizations representing a broad range of individuals with
19 disabilities and organizations interested in individuals with
20 disabilities. However, the Governor may delegate his
21 appointing authority under this Section to the Council by
22 executive order.

23 The Council shall consist of the following appointed

1 members: ~~The Governor shall appoint to this Council the~~
2 ~~following:~~

3 (1) One representative of a parent training center
4 established in accordance with the federal Individuals
5 with Disabilities Education Act.

6 (2) One representative of the Client Assistance
7 Program ~~client assistance program.~~

8 (3) One vocational rehabilitation counselor who has
9 knowledge of and experience with vocational rehabilitation
10 programs. ~~†If an employee of the Department of Human~~
11 ~~Services is appointed under this item, then he or she that~~
12 ~~appointee shall serve as an ex officio, nonvoting member.†~~

13 (4) One representative of community rehabilitation
14 program service providers.

15 (5) Four representatives of business, industry, and
16 labor.

17 (6) At least two but not more than five representatives
18 ~~Eight representatives~~ of disability advocacy groups
19 representing a cross section of the following:

20 (A) individuals with physical, cognitive, sensory,
21 and mental disabilities; and

22 (B) parents, family members, guardians, advocates,
23 or authorized representative of individuals with
24 disabilities who have difficulty in representing
25 themselves or who are unable, due to their
26 disabilities, to represent themselves.

1 (7) One current or former applicant for, or recipient
2 of, vocational rehabilitation services.

3 (8) One representative ~~Three representatives~~ from
4 secondary or higher education.

5 (9) One representative of the State Workforce
6 Investment Board.

7 (10) One representative of the Illinois State Board of
8 Education who is knowledgeable about the Individuals with
9 Disabilities Education Act.

10 (11) The chairperson of, or a member designated by, the
11 Statewide Independent Living Council established under
12 Section 12a of the Disabled Persons Rehabilitation Act.

13 (12) The chairperson of, or a member designated by, the
14 Blind Services Planning Council established under Section
15 7 of the Bureau for the Blind Act.

16 (13) The vocational rehabilitation administrator, as
17 defined in Section 1b of the Disabled Persons
18 Rehabilitation Act, who shall serve as an ex officio,
19 nonvoting member.

20 ~~The chairperson of, or a member designated by, the Statewide~~
21 ~~Independent Living Council created under Section 12a of the~~
22 ~~Disabled Persons Rehabilitation Act, the chairperson of the~~
23 ~~Blind Services Planning Council created under the Bureau for~~
24 ~~the Blind Act, and the vocational rehabilitation administrator~~
25 ~~shall serve as ex officio members. The vocational~~
26 ~~rehabilitation administrator shall have no vote.~~

1 The Council shall select a Chairperson.

2 The Chairperson and a majority of the ~~at least 12 other~~
3 members of the Council shall be persons who are individuals
4 with disabilities ~~have a recognized disability. At least one~~
5 ~~One~~ member shall be a senior citizen age 60 or over, and at
6 least one member shall be at least 18 but not more than 25
7 years old. A majority of the Council members shall not be
8 employees of the Department of Human Services. ~~Current members~~
9 ~~of the Rehabilitation Services Council shall serve until~~
10 ~~members of the newly created Council are appointed.~~

11 ~~The terms of all members appointed before the effective~~
12 ~~date of Public Act 88-10 shall expire on July 1, 1993. The~~
13 ~~members first appointed under Public Act 88-10 shall be~~
14 ~~appointed to serve for staggered terms beginning July 1, 1993,~~
15 ~~as follows: 7 members shall be appointed for terms of 3 years,~~
16 ~~7 members shall be appointed for terms of 2 years, and 6~~
17 ~~members shall be appointed for terms of one year. Thereafter,~~
18 ~~all appointments shall be for terms of 3 years. Vacancies shall~~
19 ~~be filled for the unexpired term. Appointments to fill~~
20 ~~vacancies in unexpired terms and new terms shall be filled by~~
21 ~~the Governor or by the Council if the Governor delegates that~~
22 ~~power to the Council by executive order. Members shall serve~~
23 ~~until their successors are appointed and qualified. No member,~~
24 ~~except the representative of the client assistance program,~~
25 ~~shall serve for more than 2 full terms.~~

26 Members appointed to the Council for full terms on or after

1 the effective date of this amendatory Act of the 98th General
2 Assembly shall be appointed for terms of 3 years. No Council
3 member, other than the vocational rehabilitation administrator
4 and the representative of the Client Assistance Program, shall
5 serve for more than 2 consecutive terms as a representative of
6 one of the 13 enumerated categories. If an individual, other
7 than the vocational rehabilitation administrator and the
8 representative of the Client Assistance Program, has completed
9 2 consecutive terms and is eligible to seek appointment as a
10 representative of one of the other enumerated categories, then
11 that individual may be appointed to serve as a representative
12 of one of those other enumerated categories after a meaningful
13 break in Council service, as defined by the Council through its
14 by-laws.

15 Vacancies for unexpired terms shall be filled. Individuals
16 appointed by the appointing authority to fill an unexpired term
17 shall complete the remainder of the vacated term. When the
18 initial term of a person appointed to fill a vacancy is
19 completed, the individual appointed to fill that vacancy may be
20 re-appointed by the appointing authority to the vacated
21 position for one subsequent term.

22 If an excessive number of expired terms and vacated terms
23 combine to place an undue burden on the Council, the appointing
24 authority may appoint members for terms of 1, 2, or 3 years.
25 The appointing authority shall determine the terms of Council
26 members to ensure the number of terms expiring each year is as

1 close to equal as possible.

2 Notwithstanding the foregoing, a member who is serving on
3 the Council on the effective date of this amendatory Act of the
4 98th General Assembly and whose term expires as a result of the
5 changes made by this amendatory Act of the 98th General
6 Assembly may complete the unexpired portion of his or her term.

7 Members shall be reimbursed in accordance with State laws,
8 rules, and rates for ~~their actual~~ expenses incurred in the
9 performance of their approved, Council-related duties,
10 including expenses for travel, child care, or ~~and~~ personal
11 assistance services. A ~~, and a~~ member who is not employed or
12 who must forfeit wages from other employment may ~~shall~~ be paid
13 reasonable compensation, as determined by the Department, for
14 each day the member is engaged in performing approved ~~the~~
15 duties of the Council.

16 The Council shall meet at least 4 times per year at times
17 and places designated by the Chairperson ~~Chairman~~ upon 10 days
18 written notice to the members. Special meetings may be called
19 by the Chairperson or 7 members of the Council upon 7 days
20 written notice to the other members. Nine members shall
21 constitute a quorum. No member of the Council shall cast a vote
22 on any matter that would provide direct financial benefit to
23 the member or otherwise give the appearance of a conflict of
24 interest under Illinois law.

25 The Council shall prepare and submit to the vocational
26 rehabilitation administrator the reports and findings that the

1 vocational rehabilitation administrator may request or that
2 the Council deems fit. The Council shall select jointly with
3 the vocational rehabilitation administrator a pool of
4 qualified persons to serve as impartial hearing officers. The
5 Council shall, with the vocational rehabilitation unit in the
6 Department, jointly develop, agree to, and review annually
7 State goals and priorities and jointly submit annual reports of
8 progress to the federal Commissioner of the Rehabilitation
9 Services Administration.

10 To the extent that there is a disagreement between the
11 Council and the unit within the Department of Human Services
12 responsible for the administration of the vocational
13 rehabilitation program, regarding the resources necessary to
14 carry out the functions of the Council as set forth in this
15 Section, the disagreement shall be resolved by the Governor.

16 (Source: P.A. 91-239, eff. 1-1-00; 91-540, eff. 8-13-99; 92-16,
17 eff. 6-28-01.)

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.