



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

**HB2889**

by Rep. Brandon W. Phelps

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Department of Central Management Services Reorganization Act. Provides that the Department of Central Management Services is abolished on July 1, 2018. Provides for the transfer on that date of the Department's functions to other State agencies. Directs the Auditor General to make recommendations on, receive public comment on, and order the transfer of the Department's functions to other State agencies. Authorizes the General Assembly to disapprove the transfer of functions ordered by the Auditor General. Also provides for the transfer of specified personnel, records, unexpended moneys, and rules. Directs the Legislative Reference Bureau to prepare for introduction a revisory bill effecting such changes in the statutes as may be necessary to conform the statutes to the changes in law made by the Act. Effective immediately.

LRB100 04361 HLH 20258 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 1. Short title. This Act may be cited as the  
5 Department of Central Management Services Reorganization Act.

6 Section 5. Definitions. For the purposes of this Act:

7 "Department" means the Department of Central Management  
8 Services.

9 "Deputy Director" means any Deputy Director of the  
10 Department.

11 "Director" means the Director of Central Management  
12 Services.

13 "State agency" means any of the State agencies described in  
14 Section 1-7 of the Illinois State Auditing Act.

15 Section 10. Termination of Director, Deputy Directors, and  
16 Department; transfer of functions. On July 1, 2018, the  
17 Department is abolished, the terms of persons serving as  
18 Director or Deputy Director are terminated, and each function  
19 performed by the Department, the Director, or a Deputy  
20 Director, as well as associated personnel, shall be transferred  
21 in accordance with this Act. The State agencies to which the  
22 functions of the Department are transferred under this Act are,

1 with respect to the transferred functions, the successor  
2 agencies to the Department under the Successor Agency Act.

3 Section 15. Preliminary report.

4 (a) Beginning on the effective date of this Act, the  
5 Auditor General shall study the laws governing the organization  
6 and function of the Department and compile, with the assistance  
7 of the Director, Deputy Directors, and personnel of the  
8 Department, a list of each function that the Department, a  
9 Deputy Director, or the Director is required by law to perform.

10 (b) On or before December 31, 2017, the Auditor General  
11 shall prepare and submit to the General Assembly a preliminary  
12 report that:

13 (1) identifies each function that the Department, the  
14 Director, or a Deputy Director is required by law to  
15 perform;

16 (2) recommends the State agency or agencies to which  
17 each function would be most efficiently transferred once  
18 the Department is abolished and the positions of Director  
19 and Deputy Director are terminated; and

20 (3) recommends how personnel of the Department are to  
21 be allocated among the State agencies to which functions  
22 are transferred under this Act.

23 Section 20. Comments on preliminary report. From January 1,  
24 2018 until February 1, 2018, the Auditor General shall accept,

1 from the head of any State agency, other than the Director,  
2 written comments regarding the recommendations found in the  
3 preliminary report.

4 Section 25. Final report and order. On or before May 1,  
5 2018, the Auditor General shall prepare and submit to the  
6 General Assembly a final report and order that:

7 (1) responds to written comments received under  
8 Section 20 of this Act;

9 (2) identifies each function that the Department, the  
10 Director, or a Deputy Director is required by law to  
11 perform; and

12 (3) orders each of those functions and associated  
13 personnel to be transferred to a State agency or agencies  
14 other than the Department on July 1, 2018.

15 Section 30. Disapproval by the General Assembly. At any  
16 time after the issuance of the final report and order under  
17 Section 25 but before July 1, 2018, the General Assembly may,  
18 by joint resolution, disapprove the transfer of a function from  
19 the Department to a State agency or agencies. However, the  
20 joint resolution disapproving the transfer of that function  
21 shall be of no effect unless it specifies the State agency or  
22 agencies to which that function shall be transferred instead.

23 Section 35. Transfer of functions. If the transfer of a

1 function has not been disapproved by a joint resolution of the  
2 General Assembly before July 1, 2018, then that function and  
3 all associated rights, powers, duties, and personnel shall be  
4 transferred on July 1, 2018 to the State agency or agencies  
5 specified in the final report and order prepared by the Auditor  
6 General under Section 25. However, if the transfer of a  
7 function has been disapproved by a joint resolution of the  
8 General Assembly before July 1, 2018, then that function and  
9 all associated rights, powers, duties, and personnel shall be  
10 transferred on July 1, 2018 to the State agency or agencies  
11 specified in the joint resolution of the General Assembly.

12 Section 40. Effect of transfer on boards and commissions.  
13 If an Act provides for the membership of the Director on a  
14 council, commission, board, or other entity relating to a  
15 transferred function and if that function was transferred under  
16 this Act to only one other State agency, then the head of the  
17 State agency to which that function was transferred shall serve  
18 in place of the Director beginning July 1, 2018. However, if an  
19 Act provides for the membership of the Director on a council,  
20 commission, board, or other entity relating to a transferred  
21 function and if that function is transferred under this Act to  
22 more than one State agency, then, notwithstanding any other  
23 law, the Director's place on that council, commission, board,  
24 or entity shall be terminated on July 1, 2018, and the number  
25 of members of that entity, as well as the number of members

1 necessary for a quorum of that entity, shall be correspondingly  
2 reduced by operation of law.

3       Section 45. Effect of transfer on personnel. The status and  
4 rights of employees of the Department shall not be affected by  
5 the transfer of functions under this Act. The status and rights  
6 of those employees, and the rights of the State of Illinois and  
7 State agencies, under the Personnel Code and applicable  
8 collective bargaining agreements are not affected by this Act.  
9 Personnel affected by this Act shall continue their service  
10 with the State agency specified by either the final report and  
11 order required under Section 25 or the joint resolution of the  
12 General Assembly under Section 30, whichever is applicable.

13       Section 50. Effect of transfer on books and records. All  
14 books, records, papers, documents, property (real and  
15 personal), contracts, and pending business pertaining to the  
16 powers, duties, rights, and responsibilities transferred by  
17 this Act from the Department, including, but not limited to,  
18 material in electronic or magnetic format and necessary  
19 computer hardware and software, shall be transferred and  
20 delivered on July 1, 2018, or as soon thereafter as is  
21 practicable, to the State agency or agencies to which those  
22 functions are transferred under this Act; however, the delivery  
23 of that information may not violate any applicable  
24 confidentiality constraints.

1           Section 55. Effect of transfer on unexpended moneys. The  
2 State agencies to which the functions of the Department are  
3 transferred under this Act are, with respect to the transferred  
4 functions, the successor agencies to the Department under the  
5 Successor Agency Act. Notwithstanding the provisions of this  
6 Section and Section 9b of the State Finance Act, on and after  
7 July 1, 2018, unexpended appropriations and balances and other  
8 funds available to the Department shall be expended as follows:

9           (1) 25% of those funds shall be used by the State Board of  
10 Education to make grants to school districts in the State;  
11 those grants must be used to supplement, not supplant, funds  
12 received by the districts from any other source; (2) 50% of  
13 those funds shall be used, without additional appropriation or  
14 reappropriation, to pay vouchers that are (i) submitted to the  
15 State Comptroller by a human service provider or a healthcare  
16 provider and (ii) approved for payment by the State Comptroller  
17 and the State Treasurer; and (3) 25% shall be allocated to the  
18 Coal Development Board.

19           Section 60. Effect of transfer on exercise of transferred  
20 powers. The powers, duties, rights, and responsibilities  
21 transferred from the Department by this Act are vested in and  
22 shall be exercised by the State agency or agencies to which  
23 those functions are transferred under this Act. Each act done  
24 in the exercise of those powers, duties, rights, and

1 responsibilities shall have the same legal effect as if done by  
2 the Department or its divisions, officers, or employees.

3 Section 65. Effect of transfer on rights, obligations, and  
4 duties. The transfer of powers, duties, rights, and  
5 responsibilities from the Department under this Act does not  
6 affect any person's rights, obligations, or duties, including  
7 any civil or criminal penalties applicable thereto, arising out  
8 of those transferred powers, duties, rights, and  
9 responsibilities. Beginning on July 1, 2018, references to the  
10 Department or its officers, employees, or agents in any  
11 document, contract, agreement, or law shall, in appropriate  
12 contexts, be deemed to refer to the State agency to which the  
13 function referenced in that document, contract, agreement, or  
14 law has been transferred under this Act or the officers,  
15 employees, or agents of that State agency, as applicable.

16 Section 70. Effect of transfer on State agency officers.  
17 Every officer of a State agency to which a function is  
18 transferred under this Act is, for any offense, subject to the  
19 same penalty or penalties, civil or criminal, as are prescribed  
20 by existing law for the same offense by an officer of the  
21 Department.

22 Section 75. Effect of transfer on reports, notices, and  
23 papers. Whenever reports or notices are required to be made or



1 given or papers or documents furnished or served by any person  
2 to or upon the Department in connection with a function  
3 transferred by this Act, the same shall be made, given,  
4 furnished, or served in the same manner to or upon the State  
5 agency to which those functions are transferred under this Act.

6 Section 80. Acts and actions unaffected by transfer. This  
7 Act does not affect any act done, ratified, or canceled, or any  
8 right occurring or established, before July 1, 2018 in  
9 connection with the functions transferred by this Act. This Act  
10 does not affect any action or proceeding had or commenced  
11 before July 1, 2018 in an administrative, civil, or criminal  
12 cause regarding the functions transferred by this Act, but any  
13 such action or proceeding may be defended, prosecuted, or  
14 continued by the State agency or agencies to which functions  
15 are transferred under this Act.

16 Section 85. Effect of transfer on rules.

17 (a) Any rule of the Department that (i) relates to the  
18 functions transferred by this Act, (ii) is in full force on  
19 July 1, 2018, and (iii) has been duly adopted by the Department  
20 shall become the rule of the State agency or agencies to which  
21 that function is transferred. This Act does not affect the  
22 legality of any such rules contained in the Illinois  
23 Administrative Code.

24 (b) Any proposed rule filed with the Secretary of State by

1 the Department that is pending in the rulemaking process on  
2 July 1, 2018 and that pertains to the functions transferred  
3 under this Act shall be deemed to have been filed by the State  
4 agency or agencies to which that function is transferred.

5 (c) As soon as practical after July 1, 2018, the State  
6 agencies to which functions are transferred under this Act  
7 shall revise and clarify the rules transferred to them under  
8 this Section to reflect the reorganization of rights, powers,  
9 and duties effected by this Act, using the procedures for  
10 recodification of rules available under the Illinois  
11 Administrative Procedure Act, except that existing title,  
12 part, and section numbering for the affected rules may be  
13 retained.

14 (d) A State agency to which functions are transferred under  
15 this Act may propose and adopt, under the Illinois  
16 Administrative Procedure Act, other rules of the Department  
17 that will now be administered by that State agency.

18 (e) To the extent that, prior to July 1, 2018, the Director  
19 had been empowered to prescribe rules or had other rulemaking  
20 authority jointly with the head of any another State agency,  
21 such duties shall be exercised on and after July 1, 2018 solely  
22 by the head of that State agency.

23 Section 90. Preparation of revisory bill. The Legislative  
24 Reference Bureau shall prepare for introduction no later than  
25 in the annual session of the General Assembly next occurring

1 after July 1, 2018 a revisory bill effecting such changes in  
2 the statutes as may be necessary to conform the statutes to the  
3 changes in law made by this Act. The failure of the General  
4 Assembly to enact such a bill does not affect the validity of  
5 the reorganization.

6 Section 99. Effective date. This Act takes effect upon  
7 becoming law.