



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB5343

Introduced 01/26/06, by Rep. Jim Watson

#### SYNOPSIS AS INTRODUCED:

20 ILCS 2405/13

from Ch. 23, par. 3444

Amends the Disabled Persons Rehabilitation Act. Provides that the Department of Human Services has the authority to maintain and deposit into locally held accounts certain school fees and certain student-generated revenues and to use those fees and revenues to pay related expenses. Provides that these locally held accounts may not exceed \$20,000 per account (now, may not exceed \$10,000 per facility). Authorizes the Department to advance moneys from its appropriations to establish (i) a "Student Compensation Account" to pay students for work performed under the student work program, and (ii) a "Student Activity Travel Account" to pay transportation, meals, and lodging costs of students, coaches, and activity sponsors while traveling off campus for sporting events, lessons, and other activities directly associated with the representation of the school. Provides that funds in the "Student Compensation Account" shall not exceed \$20,000, and funds in the "Student Activity Travel Account" shall not exceed \$200,000. Effective immediately.

LRB094 16733 RSP 52003 b

FISCAL NOTE ACT  
MAY APPLY

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 Disabled Persons Rehabilitation Act is  
5 amended by changing Section 13 as follows:

6 (20 ILCS 2405/13) (from Ch. 23, par. 3444)

7 Sec. 13. The Department shall have all powers reasonable  
8 and necessary for the administration of institutions for  
9 persons with one or more disabilities under subsection (f) of  
10 Section 3 of this Act, including, but not limited to, the  
11 authority to do the following:

12 (a) Appoint and remove the superintendents of the  
13 institutions operated by the Department, obtain all other  
14 employees subject to the provisions of the Personnel Code, and  
15 conduct staff training programs for the development and  
16 improvement of services.

17 (b) Provide supervision, housing accommodations, board or  
18 the payment of boarding costs, tuition, and treatment free of  
19 charge, except as otherwise specified in this Act, for  
20 residents of this State who are cared for in any institution,  
21 or for persons receiving services under any program under the  
22 jurisdiction of the Department. Residents of other states may  
23 be admitted upon payment of the costs of board, tuition, and  
24 treatment as determined by the Department; provided, that no  
25 resident of another state shall be received or retained to the  
26 exclusion of any resident of this State. The Department shall  
27 accept any donation for the board, tuition, and treatment of  
28 any person receiving service or care.

29 (c) Cooperate with the State Board of Education and the  
30 Department of Children and Family Services in a program to  
31 provide for the placement, supervision, and foster care of  
32 children with handicaps who must leave their home community in

1 order to attend schools offering programs in special education.

2 (d) Assess and collect (i) student activity fees and (ii)  
3 charges to school districts for transportation of students  
4 required under the School Code and provided by the Department.  
5 The Department shall direct the expenditure of all money that  
6 has been or may be received by any officer of the several State  
7 institutions under the direction and supervision of the  
8 Department as profit on sales from commissary stores, student  
9 activity fees, or charges for student transportation. The money  
10 shall be deposited into a locally held fund and expended under  
11 the direction of the Department for the special comfort,  
12 pleasure, and amusement of residents and employees and the  
13 transportation of residents, provided that amounts expended  
14 for comfort, pleasure, and amusement of employees shall not  
15 exceed the amount of profits derived from sales made to  
16 employees by the commissaries, as determined by the Department.

17 Funds deposited with State institutions under the  
18 direction and supervision of the Department by or for residents  
19 of those State institutions shall be deposited into  
20 interest-bearing accounts, and money received as interest and  
21 income on those funds shall be deposited into a "needy student  
22 fund" to be held and administered by the institution. Money in  
23 the "needy student fund" shall be expended for the special  
24 comfort, pleasure, and amusement of the residents of the  
25 particular institution where the money is paid or received.

26 Any money belonging to residents separated by death,  
27 discharge, or unauthorized absence from institutions described  
28 under this Section, in custody of officers of the institutions,  
29 may, if unclaimed by the resident or the legal representatives  
30 of the resident for a period of 2 years, be expended at the  
31 direction of the Department for the purposes and in the manner  
32 specified in this subsection (d). Articles of personal  
33 property, with the exception of clothing left in the custody of  
34 those officers, shall, if unclaimed for the period of 2 years,  
35 be sold and the money disposed of in the same manner.

36 Clothing left at the institution by residents at the time

1 of separation may be used as determined by the institution if  
2 unclaimed by the resident or legal representatives of the  
3 resident within 30 days after notification.

4 (e) Keep, for each institution under the jurisdiction of  
5 the Department, a register of the number of officers,  
6 employees, and residents present each day in the year, in a  
7 form that will permit a calculation of the average number  
8 present each month.

9 (f) (Blank).

10 (g) (Blank).

11 (h) (Blank).

12 (i) Accept and hold in behalf of the State, if for the  
13 public interest, a grant, gift, or legacy of money or property  
14 to the State of Illinois, to the Department, or to any  
15 institution or program of the Department made in trust for the  
16 maintenance or support of a resident of an institution of the  
17 Department, or for any other legitimate purpose connected with  
18 any such institution or program. The Department shall cause  
19 each gift, grant, or legacy to be kept as a distinct fund, and  
20 shall invest the gift, grant, or legacy in the manner provided  
21 by the laws of this State as those laws now exist or shall  
22 hereafter be enacted relating to securities in which the  
23 deposits in savings banks may be invested. The Department may,  
24 however, in its discretion, deposit in a proper trust company  
25 or savings bank, during the continuance of the trust, any fund  
26 so left in trust for the life of a person and shall adopt rules  
27 and regulations governing the deposit, transfer, or withdrawal  
28 of the fund. The Department shall, on the expiration of any  
29 trust as provided in any instrument creating the trust, dispose  
30 of the fund thereby created in the manner provided in the  
31 instrument. The Department shall include in its required  
32 reports a statement showing what funds are so held by it and  
33 the condition of the funds. Monies found on residents at the  
34 time of their admission, or accruing to them during their  
35 period of institutional care, and monies deposited with the  
36 superintendents by relatives, guardians, or friends of

1 residents for the special comfort and pleasure of a resident,  
2 shall remain in the possession of the superintendents, who  
3 shall act as trustees for disbursement to, in behalf of, or for  
4 the benefit of the resident. All types of retirement and  
5 pension benefits from private and public sources may be paid  
6 directly to the superintendent of the institution where the  
7 person is a resident, for deposit to the resident's trust fund  
8 account.

9 (j) Appoint, subject to the Personnel Code, persons to be  
10 members of a police and security force. Members of the police  
11 and security force shall be peace officers and as such have all  
12 powers possessed by policemen in cities and sheriffs, including  
13 the power to make arrests on view or warrants of violations of  
14 State statutes or city or county ordinances. These powers may,  
15 however, be exercised only in counties of more than 500,000  
16 population when required for the protection of Department  
17 properties, interests, and personnel, or specifically  
18 requested by appropriate State or local law enforcement  
19 officials. Members of the police and security force may not  
20 serve and execute civil processes.

21 (k) Maintain, and deposit receipts from the sale of tickets  
22 to athletic, musical, and other events, fees for participation  
23 in school sponsored tournaments and events, and revenue from  
24 student activities relating to charges for art and woodworking  
25 projects, charges for automobile repairs, and other revenue  
26 generated form student projects into, locally held accounts not  
27 to exceed \$20,000 ~~\$10,000~~ per account ~~facility~~ for the purposes  
28 of (i) providing immediate payment to officials, judges, and  
29 athletic referees for their services rendered and for other  
30 related expenses at school sponsored contests, tournaments, or  
31 events, ~~and~~ (ii) providing payment for expenses related to  
32 student revenue producing activities such as art and  
33 woodworking projects, automotive repair work, and other  
34 student activities or projects that generate revenue and incur  
35 expenses, and (iii) providing students who are enrolled in an  
36 independent living program with cash so that they may fulfill

1 course objectives by purchasing commodities and other required  
2 supplies.

3 (l) Advance moneys from its appropriations to be maintained  
4 in locally held accounts at the schools to establish (i) a  
5 "Student Compensation Account" to pay students for work  
6 performed under the student work program, and (ii) a "Student  
7 Activity Travel Account" to pay transportation, meals, and  
8 lodging costs of students, coaches, and activity sponsors while  
9 traveling off campus for sporting events, lessons, and other  
10 activities directly associated with the representation of the  
11 school. Funds in the "Student Compensation Account" shall not  
12 exceed \$20,000, and funds in the "Student Activity Travel  
13 Account" shall not exceed \$200,000.

14 (m) Promulgate rules of conduct applicable to the residents  
15 of institutions for persons with one or more disabilities. The  
16 rules shall include specific standards to be used by the  
17 Department to determine (i) whether financial restitution  
18 shall be required in the event of losses or damages resulting  
19 from a resident's action and (ii) the ability of the resident  
20 and the resident's parents to pay restitution.

21 ~~(m) (Blank).~~

22 (Source: P.A. 89-507, eff. 7-1-97; 90-372, eff. 7-1-98.)

23 Section 99. Effective date. This Act takes effect upon  
24 becoming law.