



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB3780

Introduced 2/11/2010, by Sen. Mattie Hunter

SYNOPSIS AS INTRODUCED:

20 ILCS 1305/10-9 rep.
20 ILCS 1305/10-10 rep.
20 ILCS 1305/10-12 rep.
20 ILCS 2310/2310-642 new
30 ILCS 105/5.755 new

Amends the Department of Human Services Act and the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois. Provides for the transfer of certain functions relating to diabetes from the Department of Human Services to the Department of Public Health: (1) the power to make grants from appropriations to the Department from the Diabetes Research Checkoff Fund; (2) the duty to include within its public health promotion programs and materials information to be directed toward population groups in Illinois that are considered at high risk of developing diabetes; and (3) the power to make grants to the American Diabetes Association for research on diabetes from appropriations to the Department from the American Diabetes Fund. Amends the State Finance Act in connection with the creation of the American Diabetes Fund. Effective 90 days after becoming law.

LRB096 20612 DRJ 36320 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 (20 ILCS 1305/10-9 rep.)

5 (20 ILCS 1305/10-10 rep.)

6 (20 ILCS 1305/10-12 rep.)

7 Section 5. The Department of Human Services Act is amended
8 by repealing Sections 10-9, 10-10, and 10-12.

9 Section 10. The Department of Public Health Powers and
10 Duties Law of the Civil Administrative Code of Illinois is
11 amended by adding Section 2310-642 as follows:

12 (20 ILCS 2310/2310-642 new)

13 Sec. 2310-642. Diabetes; transfer of functions from
14 Department of Human Services.

15 (a) Diabetes Research Checkoff Fund; grants. The Diabetes
16 Research Checkoff Fund is a special fund in the State treasury.
17 From appropriations to the Department from that Fund, the
18 Department may make grants to recognized public or private
19 entities in Illinois for the purpose of funding research
20 concerning the disease of diabetes. At least 50% of the grants
21 made from the Fund by the Department shall be made to entities
22 that conduct research for juvenile diabetes. For purposes of

1 this subsection, the term "research" includes, without
2 limitation, expenditures to develop and advance the
3 understanding, techniques, and modalities effective in the
4 detection, prevention, screening, management, and treatment of
5 diabetes and may include clinical trials in Illinois. Moneys
6 received for the purposes of this subsection, including,
7 without limitation, income tax checkoff receipts and gifts,
8 grants, and awards from any public or private person or entity,
9 shall be deposited into the Fund. Any interest earned on moneys
10 in the Fund must be deposited into the Fund.

11 (b) Diabetes information. The Department shall include
12 within its public health promotion programs and materials
13 information to be directed toward population groups in Illinois
14 that are considered at high risk of developing diabetes. The
15 information shall inform members of such high risk groups about
16 the causes and prevention of diabetes, the types of treatment,
17 and how treatment may be obtained. By March 16, 2011, and each
18 March 16 thereafter, the Department shall file a report with
19 the General Assembly concerning its activities and
20 accomplishments under this subsection during the previous
21 calendar year.

22 (c) Grants to American Diabetes Association. Subject to
23 appropriation, the Department shall make grants to the American
24 Diabetes Association for research on diabetes from
25 appropriations to the Department from the American Diabetes
26 Fund, a special fund created in the State Treasury.

1 (d) Transfer of functions from Department of Human
2 Services.

3 (1) Transfer. On the effective date of this amendatory
4 Act of the 96th General Assembly, all functions performed
5 by the Department of Human Services in connection with
6 Sections 10-9, 10-10, and 10-12 of the Department of Human
7 Services Act (now repealed, and replaced by subsections
8 (a), (b), and (c), respectively, of this Section), together
9 with all of the powers, duties, rights, and
10 responsibilities of the Department of Human Services
11 relating to those functions, are transferred from the
12 Department of Human Services to the Department of Public
13 Health.

14 The Department of Human Services and the Department of
15 Public Health shall cooperate to ensure that the transfer
16 of functions is completed as soon as practical.

17 (2) Effect of transfer. Neither the functions
18 transferred under this subsection, nor any powers, duties,
19 rights, and responsibilities relating to those functions,
20 are affected by this amendatory Act of the 96th General
21 Assembly, except that all such functions, powers, duties,
22 rights, and responsibilities shall be performed or
23 exercised by the Department of Public Health on and after
24 the effective date of this amendatory Act of the 96th
25 General Assembly.

26 (3) Books and records transferred. All books, records,

1 papers, documents, contracts, and pending business
2 pertaining to the functions transferred under this
3 subsection, including but not limited to material in
4 electronic or magnetic format, shall be transferred to the
5 Department of Public Health. The transfer of that
6 information shall not, however, violate any applicable
7 confidentiality constraints.

8 (4) Unexpended moneys transferred. All unexpended
9 appropriation balances and other funds otherwise available
10 to the Department of Human Services for use in connection
11 with the functions transferred under this subsection shall
12 be transferred and made available to the Department of
13 Public Health for use in connection with the functions
14 transferred under this subsection.

15 (5) Exercise of transferred powers; savings
16 provisions. The powers, duties, rights, and
17 responsibilities relating to the functions transferred
18 under this subsection are vested in and shall be exercised
19 by the Department of Public Health. Each act done in
20 exercise of those powers, duties, rights, and
21 responsibilities shall have the same legal effect as if
22 done by the Department of Human Services or its divisions,
23 officers, or employees.

24 (6) Successor Agency Act. For the purposes of the
25 Successor Agency Act, the Department of Public Health is
26 declared to be the successor agency of the Department of

1 Human Services, but only with respect to the functions that
2 are transferred to the Department of Public Health under
3 this subsection.

4 (7) Statutory references. Whenever a provision of law
5 refers to the Department of Human Services in connection
6 with its performance of a function that is transferred to
7 the Department of Public health under this subsection, that
8 provision shall be deemed to refer to the Department of
9 Public Health on and after the effective date of this
10 amendatory Act of the 96th General Assembly.

11 Section 15. The State Finance Act is amended by adding
12 Section 5.755 as follows:

13 (30 ILCS 105/5.755 new)

14 Sec. 5.755. The American Diabetes Fund.

15 Section 99. Effective date. This Act takes effect 90 days
16 after becoming law.