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1 AMENDMENT TO SENATE BILL 3780

2 AMENDMENT NO. _____. Amend Senate Bill 3780 by replacing
3 everything after the enacting clause with the following:

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 Sections 2310-642 and 2310-643 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

1 Research Checkoff Fund is a special fund in the State treasury.
2 On and after July 1, 2010, from appropriations to the
3 Department from that Fund, the Department shall make grants to
4 recognized public or private entities in Illinois for the
5 purpose of funding research concerning the disease of diabetes.
6 At least 50% of the grants made from the Fund by the Department
7 shall be made to entities that conduct research for juvenile
8 diabetes. For purposes of this subsection, the term "research"
9 includes, without limitation, expenditures to develop and
10 advance the understanding, techniques, and modalities
11 effective in the detection, prevention, screening, management,
12 and treatment of diabetes and may include clinical trials in
13 Illinois. Moneys received for the purposes of this subsection,
14 including, without limitation, income tax checkoff receipts
15 and gifts, grants, and awards from any public or private person
16 or entity, shall be deposited into the Fund. Any interest
17 earned on moneys in the Fund must be deposited into the Fund.

18 (b) Diabetes information. On and after July 1, 2010, the
19 Department shall include within its public health promotion
20 programs and materials information to be directed toward
21 population groups in Illinois that are considered at high risk
22 of developing diabetes, asthma, and pulmonary disorders, such
23 as Hispanics, people of African descent, the elderly, obese
24 individuals, persons with high blood sugar content, and persons
25 with a family history of diabetes. The information shall inform
26 members of such high risk groups about the causes and

1 prevention of diabetes, asthma, and pulmonary disorders, the
2 types of treatment for these diseases, and how treatment may be
3 obtained. By February 15, 2011, and each February 15
4 thereafter, the Department shall file a report with the General
5 Assembly concerning its activities and accomplishments under
6 this subsection during the previous calendar year.

7 (c) Transfer of functions from Department of Human
8 Services.

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

19 The Department of Human Services and the Department of
20 Public Health shall cooperate to ensure that the transfer
21 of functions is completed as soon as practical.

22 (2) Effect of transfer. Neither the functions
23 transferred under this subsection, nor any powers, duties,
24 rights, and responsibilities relating to those functions,
25 are affected by this amendatory Act of the 96th General
26 Assembly, except that all such functions, powers, duties,

1 rights, and responsibilities shall be performed or
2 exercised by the Department of Public Health on and after
3 the effective date of this amendatory Act of the 96th
4 General Assembly.

5 (3) The staff of the Department of Human Services
6 engaged in the performance of the functions transferred
7 under this subsection may be transferred to the Department
8 of Public Health. The status and rights of those employees
9 under the Personnel Code shall not be affected by the
10 transfers. The rights of the employees, the State of
11 Illinois, and its agencies under the Personnel Code and
12 applicable collective bargaining agreements, or under any
13 pension, retirement, or annuity plan, shall not be affected
14 by this amendatory Act of the 96th General Assembly.

15 (4) Books and records transferred. All books, records,
16 papers, documents, contracts, and pending business
17 pertaining to the functions transferred under this
18 subsection, including but not limited to material in
19 electronic or magnetic format, shall be transferred to the
20 Department of Public Health. The transfer of that
21 information shall not, however, violate any applicable
22 confidentiality constraints.

23 (5) Unexpended moneys transferred. All unexpended
24 appropriation balances and other funds otherwise available
25 to the Department of Human Services for use in connection
26 with the functions transferred under this subsection shall

1 be transferred and made available to the Department of
2 Public Health for use in connection with the functions
3 transferred under this subsection. Unexpended balances so
4 transferred shall be expended only for the purpose for
5 which the appropriations were originally made.

6 (6) Exercise of transferred powers; savings
7 provisions. The powers, duties, rights, and
8 responsibilities relating to the functions transferred
9 under this subsection are vested in and shall be exercised
10 by the Department of Public Health. Each act done in
11 exercise of those powers, duties, rights, and
12 responsibilities shall have the same legal effect as if
13 done by the Department of Human Services or its divisions,
14 officers, or employees.

15 (7) Persons subject to penalties. Every officer,
16 employee, or agent of the Department of Public Health
17 shall, for any offense, be subject to the same penalty or
18 penalties, civil or criminal, as are prescribed by existing
19 laws for the same offense by any officer, employee, or
20 agent whose powers or duties were transferred under this
21 subsection.

22 (8) Reports or notices. Whenever reports or notices are
23 now required to be made or given or papers or documents
24 furnished or served by any person to or upon the Department
25 of Human Services in connection with any of the functions
26 transferred under this subsection, the same shall be made,

1 given, furnished, or served in the same manner to or upon
2 the Department of Public Health.

3 (9) This subsection shall not affect any act done,
4 ratified, or canceled, or any right occurring or
5 established, or any action or proceeding had or commenced
6 in an administrative, civil, or criminal case, regarding
7 the functions of the Department of Human Services before
8 this amendatory Act of the 96th General Assembly takes
9 effect; such actions may be prosecuted, defended, or
10 continued by the Department of Public Health.

11 (10) Rules. Any rules of the Department of Human
12 Services that relate to the functions transferred under
13 this subsection that are in full force on the effective
14 date of this amendatory Act of the 96th General Assembly,
15 and that have been duly adopted by the Department of Human
16 Services, shall become the rules of the Department of
17 Public Health. This subsection shall not affect the
18 legality of any such rules in the Illinois Administrative
19 Code. Any proposed rules filed with the Secretary of State
20 by the Department of Human Services that are pending in the
21 rulemaking process on the effective date of this amendatory
22 Act of the 96th General Assembly, and that pertain to the
23 functions transferred, shall be deemed to have been filed
24 by the Department of Public Health. As soon as practicable
25 after the effective date of amendatory Act of the 96th
26 General Assembly, the Department of Public Health shall

1 revise and clarify the rules transferred to it under this
2 subsection to reflect the reorganization of powers,
3 duties, rights, and responsibilities affected by this
4 subsection, using the procedures for recodification of
5 rules available under the Illinois Administrative
6 Procedure Act, except that existing title, part, and
7 section numbering for the affected rules may be retained.

8 The Department of Public Health, consistent with the
9 Department of Human Services' authority to do so, may
10 propose and adopt, under the Illinois Administrative
11 Procedure Act, such other rules of the Department of Human
12 Services that will now be administered by the Department of
13 Public Health.

14 To the extent that, prior to the effective date of the
15 transfer of functions under this subsection, the Secretary
16 of Human Services had been empowered to prescribe
17 regulations or had other authority with respect to the
18 transferred functions, such duties shall be exercised from
19 and after the effective date of the transfer by the
20 Director of Public Health.

21 (11) Successor Agency Act. For the purposes of the
22 Successor Agency Act, the Department of Public Health is
23 declared to be the successor agency of the Department of
24 Human Services, but only with respect to the functions that
25 are transferred to the Department of Public Health under
26 this subsection.

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

8 (20 ILCS 2310/2310-643 new)

9 Sec. 2310-643. Illinois State Diabetes Commission.

10 (a) Commission established. The Illinois State Diabetes
11 Commission is established within the Department of Public
12 Health. The Commission shall consist of members that are
13 residents of this State and shall include an Executive
14 Committee appointed by the Director. The members of the
15 Commission shall be appointed by the Director as follows:

16 (1) The Director or the Director's designee, who shall
17 serve as chairperson of the Commission.

18 (2) Physicians who are board certified in
19 endocrinology, with at least one physician with expertise
20 and experience in the treatment of childhood diabetes and
21 at least one physician with expertise and experience in the
22 treatment of adult onset diabetes.

23 (3) Health care professionals with expertise and
24 experience in the prevention, treatment, and control of
25 diabetes.

1 (4) Representatives of organizations or groups that
2 advocate on behalf of persons suffering from diabetes.

3 (5) Representatives of voluntary health organizations
4 or advocacy groups with an interest in the prevention,
5 treatment, and control of diabetes.

6 (6) Members of the public who have been diagnosed with
7 diabetes.

8 The Director may appoint additional members deemed
9 necessary and appropriate by the Director.

10 Members of the Commission shall be appointed by June 1,
11 2010. A member shall continue to serve until his or her
12 successor is duly appointed and qualified.

13 (b) Meetings. Meetings shall be held 3 times per year or at
14 the call of the Commission chairperson.

15 (c) Reimbursement. Members shall serve without
16 compensation but shall, subject to appropriation, be
17 reimbursed for reasonable and necessary expenses actually
18 incurred in the performance of the member's official duties.

19 (d) Department support. The Department shall provide
20 administrative support and current staff as necessary for the
21 effective operation of the Commission.

22 (e) Duties. The Commission shall perform all of the
23 following duties:

24 (1) Hold public hearings to gather information from the
25 general public on issues pertaining to the prevention,
26 treatment, and control of diabetes.

1 (2) Develop a strategy for the prevention, treatment,
2 and control of diabetes in this State.

3 (3) Examine the needs of adults, children, racial and
4 ethnic minorities, and medically underserved populations
5 who have diabetes.

6 (4) Prepare and make available an annual report on the
7 activities of the Commission to the Director, the Speaker
8 of the House of Representatives, the Minority Leader of the
9 House of Representatives, the President of the Senate, the
10 Minority Leader of the Senate, and the Governor by June 30
11 of each year, beginning on June 30, 2011.

12 (f) Funding. The Department may accept on behalf of the
13 Commission any federal funds or gifts and donations from
14 individuals, private organizations, and foundations and any
15 other funds that may become available.

16 (g) Rules. The Director may adopt rules to implement and
17 administer this Section.

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