



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5549

Introduced 2/15/2012, by Rep. Tom Cross

SYNOPSIS AS INTRODUCED:

20 ILCS 2310/2310-642

35 ILCS 5/509

35 ILCS 5/509.1

from Ch. 120, par. 5-509

Amends the Illinois Income Tax Act. Provides that the \$100,000 contribution requirement for tax checkoffs does not apply to the Diabetes Research Checkoff Fund checkoff. Provides that the Diabetes Research Checkoff Fund checkoff shall be included on the individual tax return even if the limit of 15 tax checkoffs has been reached. Provides that the Diabetes Research Checkoff Fund checkoff shall not be included when calculating the 15 tax-checkoff fund limitation. Amends the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois. Provides that 50% of the grants made from the Diabetes Research Checkoff Fund shall be made to the Illinois Chapter of the Juvenile Diabetes Research Foundation (JDRF), and 50% of the grants made from the Diabetes Research Checkoff Fund shall be made to the American Diabetes Association. Effective immediately.

LRB097 20473 HLH 66001 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning revenue.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Department of Public Health Powers and
5 Duties Law of the Civil Administrative Code of Illinois is
6 amended by changing Section 2310-642 as follows:

7 (20 ILCS 2310/2310-642)

8 Sec. 2310-642. Diabetes; transfer of functions from
9 Department of Human Services.

10 (a) Diabetes Research Checkoff Fund; grants. The Diabetes
11 Research Checkoff Fund is a special fund in the State treasury.
12 On and after July 1, 2010, from appropriations to the
13 Department from that Fund, the Department shall make grants to
14 recognized public or private entities in Illinois for the
15 purpose of funding research concerning the disease of diabetes.
16 At least 50% of the grants made from the Fund by the Department
17 shall be made to entities that conduct research for juvenile
18 diabetes. For purposes of this subsection, the term "research"
19 includes, without limitation, expenditures to develop and
20 advance the understanding, techniques, and modalities
21 effective in the detection, prevention, screening, management,
22 and treatment of diabetes and may include clinical trials in
23 Illinois. On and after the effective date of this amendatory

1 Act of the 97th General Assembly, 50% of the grants made from
2 the Fund by the Department shall be made to the Illinois
3 Chapter of the Juvenile Diabetes Research Foundation (JDRF),
4 and 50% of the grants made from the Fund by the Department
5 shall be made to the American Diabetes Association. 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. On and after July 1, 2010, the
12 Department shall include within its public health promotion
13 programs and materials information to be directed toward
14 population groups in Illinois that are considered at high risk
15 of developing diabetes, asthma, and pulmonary disorders, such
16 as Hispanics, people of African descent, the elderly, obese
17 individuals, persons with high blood sugar content, and persons
18 with a family history of diabetes. The information shall inform
19 members of such high risk groups about the causes and
20 prevention of diabetes, asthma, and pulmonary disorders, the
21 types of treatment for these diseases, and how treatment may be
22 obtained. By February 15, 2011, and each February 15
23 thereafter, the Department shall file a report with the General
24 Assembly concerning its activities and accomplishments under
25 this subsection during the previous calendar year.

26 (c) Transfer of functions from Department of Human

1 Services.

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

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

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

24 (3) The staff of the Department of Human Services
25 engaged in the performance of the functions transferred
26 under this subsection may be transferred to the Department

1 of Public Health. The status and rights of those employees
2 under the Personnel Code shall not be affected by the
3 transfers. The rights of the employees, the State of
4 Illinois, and its agencies under the Personnel Code and
5 applicable collective bargaining agreements, or under any
6 pension, retirement, or annuity plan, shall not be affected
7 by this amendatory Act of the 96th General Assembly.

8 (4) Books and records transferred. All books, records,
9 papers, documents, contracts, and pending business
10 pertaining to the functions transferred under this
11 subsection, including but not limited to material in
12 electronic or magnetic format, shall be transferred to the
13 Department of Public Health. The transfer of that
14 information shall not, however, violate any applicable
15 confidentiality constraints.

16 (5) Unexpended moneys transferred. All unexpended
17 appropriation balances and other funds otherwise available
18 to the Department of Human Services for use in connection
19 with the functions transferred under this subsection shall
20 be transferred and made available to the Department of
21 Public Health for use in connection with the functions
22 transferred under this subsection. Unexpended balances so
23 transferred shall be expended only for the purpose for
24 which the appropriations were originally made.

25 (6) Exercise of transferred powers; savings
26 provisions. The powers, duties, rights, and

1 responsibilities relating to the functions transferred
2 under this subsection are vested in and shall be exercised
3 by the Department of Public Health. Each act done in
4 exercise of those powers, duties, rights, and
5 responsibilities shall have the same legal effect as if
6 done by the Department of Human Services or its divisions,
7 officers, or employees.

8 (7) Persons subject to penalties. Every officer,
9 employee, or agent of the Department of Public Health
10 shall, for any offense, be subject to the same penalty or
11 penalties, civil or criminal, as are prescribed by existing
12 laws for the same offense by any officer, employee, or
13 agent whose powers or duties were transferred under this
14 subsection.

15 (8) Reports or notices. Whenever reports or notices are
16 now required to be made or given or papers or documents
17 furnished or served by any person to or upon the Department
18 of Human Services in connection with any of the functions
19 transferred under this subsection, the same shall be made,
20 given, furnished, or served in the same manner to or upon
21 the Department of Public Health.

22 (9) This subsection shall not affect any act done,
23 ratified, or canceled, or any right occurring or
24 established, or any action or proceeding had or commenced
25 in an administrative, civil, or criminal case, regarding
26 the functions of the Department of Human Services before

1 this amendatory Act of the 96th General Assembly takes
2 effect; such actions may be prosecuted, defended, or
3 continued by the Department of Public Health.

4 (10) Rules. Any rules of the Department of Human
5 Services that relate to the functions transferred under
6 this subsection that are in full force on the effective
7 date of this amendatory Act of the 96th General Assembly,
8 and that have been duly adopted by the Department of Human
9 Services, shall become the rules of the Department of
10 Public Health. This subsection shall not affect the
11 legality of any such rules in the Illinois Administrative
12 Code. Any proposed rules filed with the Secretary of State
13 by the Department of Human Services that are pending in the
14 rulemaking process on the effective date of this amendatory
15 Act of the 96th General Assembly, and that pertain to the
16 functions transferred, shall be deemed to have been filed
17 by the Department of Public Health. As soon as practicable
18 after the effective date of this amendatory Act of the 96th
19 General Assembly, the Department of Public Health shall
20 revise and clarify the rules transferred to it under this
21 subsection to reflect the reorganization of powers,
22 duties, rights, and responsibilities affected by this
23 subsection, using the procedures for recodification of
24 rules available under the Illinois Administrative
25 Procedure Act, except that existing title, part, and
26 section numbering for the affected rules may be retained.

1 The Department of Public Health, consistent with the
2 Department of Human Services' authority to do so, may
3 propose and adopt, under the Illinois Administrative
4 Procedure Act, such other rules of the Department of Human
5 Services that will now be administered by the Department of
6 Public Health.

7 To the extent that, prior to the effective date of the
8 transfer of functions under this subsection, the Secretary
9 of Human Services had been empowered to prescribe
10 regulations or had other authority with respect to the
11 transferred functions, such duties shall be exercised from
12 and after the effective date of the transfer by the
13 Director of Public Health.

14 (11) Successor Agency Act. For the purposes of the
15 Successor Agency Act, the Department of Public Health is
16 declared to be the successor agency of the Department of
17 Human Services, but only with respect to the functions that
18 are transferred to the Department of Public Health under
19 this subsection.

20 (12) Statutory references. Whenever a provision of law
21 refers to the Department of Human Services in connection
22 with its performance of a function that is transferred to
23 the Department of Public Health under this subsection, that
24 provision shall be deemed to refer to the Department of
25 Public Health on and after the effective date of this
26 amendatory Act of the 96th General Assembly.

1 (Source: P.A. 96-1406, eff. 7-29-10.)

2 Section 10. The Illinois Income Tax Act is amended by
3 changing Sections 509 and 509.1 as follows:

4 (35 ILCS 5/509) (from Ch. 120, par. 5-509)

5 Sec. 509. Tax checkoff explanations. All individual income
6 tax return forms shall contain appropriate explanations and
7 spaces to enable the taxpayers to designate contributions to
8 the funds to which contributions may be made under this Article
9 5.

10 Each form shall contain a statement that the contributions
11 will reduce the taxpayer's refund or increase the amount of
12 payment to accompany the return. Failure to remit any amount of
13 increased payment shall reduce the contribution accordingly.

14 If, on October 1 of any year, the total contributions to
15 any one of the funds made under this Article 5 do not equal
16 \$100,000 or more, the explanations and spaces for designating
17 contributions to the fund shall be removed from the individual
18 income tax return forms for the following and all subsequent
19 years and all subsequent contributions to the fund shall be
20 refunded to the taxpayer. This contribution requirement does
21 not apply to the Diabetes Research Checkoff Fund checkoff
22 contained in Section 507GG of this Act.

23 (Source: P.A. 95-331, eff. 8-21-07; 95-434, eff. 8-27-07;
24 95-435, eff. 8-27-07; 95-940, eff. 8-29-08; 96-328, eff.

1 8-11-09.)

2 (35 ILCS 5/509.1)

3 Sec. 509.1. Removal of excess tax-checkoff funds.
4 Notwithstanding any provisions of this Act to the contrary,
5 beginning on the effective date of this amendatory Act of the
6 95th General Assembly, there may not be more than 15
7 tax-checkoff funds contained on the individual tax return form
8 at any one time. Each year, the Department shall determine
9 whether the sum of (i) the number of new tax-checkoff funds
10 created by the General Assembly during that year plus (ii) the
11 number of tax-checkoff funds that collected at least \$100,000
12 during the previous year exceeds 15. If so, then the Department
13 shall remove a number of tax-checkoff funds that were on the
14 return during the previous year that is equal to the sum of
15 items (i) and (ii) minus 15, starting with the tax-checkoff
16 fund that received the least amount of contributions and
17 working upward until a sufficient number of funds have been
18 removed.

19 For taxable years ending on or after December 31, 2012, the
20 Diabetes Research Checkoff Fund checkoff contained in Section
21 507GG of this Act shall be included on the individual tax
22 return form notwithstanding the provisions of this Section. The
23 Diabetes Research Checkoff Fund checkoff shall not be included
24 when calculating the 15 tax-checkoff fund limitation set forth
25 in this Section.

1 (Source: P.A. 95-435, eff. 8-27-07.)

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.