

97TH GENERAL ASSEMBLY State of Illinois 2011 and 2012 SB2958

Introduced 2/1/2012, by Sen. Dan Kotowski

SYNOPSIS AS INTRODUCED:

See Index

Amends the State Finance Act. Provides that, if, under Article 5 of the Illinois Income Tax Act, the Department of Revenue prints on its standard individual income tax form a provision indicating that a taxpayer may contribute to a fund, then that fund is not subject to sweeps or administrative charge-backs. Makes conforming changes. Amends the Department of Human Services Act, the Military Code of Illinois, the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois, the Department of Veterans Affairs Act, the Energy Assistance Act, the Epilepsy Disease Assistance Act, and the Illinois Public Health and Safety Animal Population Control Act to make conforming changes. Effective immediately.

LRB097 19675 HLH 64930 b

FISCAL NOTE ACT MAY APPLY

1 AN ACT concerning State government.

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

- Section 5. The Department of Human Services Act is amended
- by changing Sections 10-6, 10-8, 10-30, and 10-65 as follows:
- 6 (20 ILCS 1305/10-6)
- 7 Sec. 10-6. The Crisis Nursery Fund. The Crisis Nursery Fund
- 8 is created as a special fund in the State treasury. From
- 9 appropriations to the Department from the Fund, the Department
- 10 shall make grants, in equal amounts, to crisis nurseries
- 11 located in Illinois. For the purposes of this Section, a
- "crisis nursery" is an organization licensed by the Department
- 13 that operates on a continuous basis and provides immediate
- 14 crisis child care, respite care, parent support, and parent
- 15 education groups. A child care center does not qualify as a
- 16 crisis nursery under this Section. <u>Notwithstanding any other</u>
- law to the contrary, the Crisis Nursery Fund is not subject to
- sweeps or administrative charge-backs.
- 19 (Source: P.A. 96-627, eff. 8-24-09.)
- 20 (20 ILCS 1305/10-8)
- Sec. 10-8. The Autism Research Fund; grants; scientific
- 22 review committee. The Autism Research Fund is created as a

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special fund in the State treasury. From appropriations to the Department from the Fund, the Department must make grants to public or private entities in Illinois for the purpose of funding research concerning the disorder of autism. For purposes of this Section, the term "research" includes, without limitation, expenditures to develop and advance understanding, techniques, and modalities effective in the detection, prevention, screening, and treatment of autism and may include clinical trials. No more than 20% of the grant funds may be used for institutional overhead costs, indirect costs, other organizational levies, costs of or community-based support services.

Moneys received for the purposes of this Section, including, without limitation, income tax checkoff receipts and gifts, grants, and awards from any public or private entity, must be deposited into the Fund. Any interest earned on moneys in the Fund must be deposited into the Fund. Notwithstanding any other law to the contrary, the Autism Research Fund is not subject to sweeps or administrative charge-backs.

Each year, grantees of the grants provided under this Section must submit a written report to the Department that sets forth the types of research that is conducted with the grant moneys and the status of that research.

The Department shall promulgate rules for the creation of a scientific review committee to review and assess applications

- 1 for the grants authorized under this Section. The Committee
- 2 shall serve without compensation.
- 3 (Source: P.A. 94-442, eff. 8-4-05; 95-331, eff. 8-21-07.)
- 4 (20 ILCS 1305/10-30)
- 5 Sec. 10-30. Grants for health related programs for people
- 6 with multiple sclerosis. Subject to appropriation, the
- 7 Department shall make grants to organizations that are located
- 8 in the State of Illinois for health-related programs for people
- 9 with multiple sclerosis from the Multiple Sclerosis Assistance
- 10 Fund, a special fund created in the State treasury.
- 11 Notwithstanding any other law to the contrary, the Multiple
- 12 Sclerosis Assistance Fund is not subject to sweeps or
- 13 administrative charge-backs.
- 14 (Source: P.A. 92-772, eff. 8-6-02.)
- 15 (20 ILCS 1305/10-65)
- 16 Sec. 10-65. Hunger Relief Fund; grants.
- 17 (a) The Hunger Relief Fund is created as a special fund in
- 18 the State treasury. From appropriations to the Department from
- 19 the Fund, the Department shall make grants to food banks for
- 20 the purpose of purchasing food and related supplies. In this
- 21 Section, "food bank" means a public or charitable institution
- 22 that maintains an established operation involving the
- 23 provision of food or edible commodities, or the products of
- food or edible commodities, to food pantries, soup kitchens,

- 1 hunger relief centers, or other food or feeding centers that,
- 2 as an integral part of their normal activities, provide meals
- or food to feed needy persons on a regular basis.
- 4 (b) Moneys received for the purposes of this Section,
- 5 including, without limitation, appropriations, gifts,
- 6 donations, grants, and awards from any public or private entity
- 7 must be deposited into the Fund. Any interest earned on moneys
- 8 in the Fund must be deposited into the Fund. Notwithstanding
- 9 any other law to the contrary, the Hunger Relief Fund is not
- subject to sweeps or administrative charge-backs.
- 11 (Source: P.A. 96-604, eff. 8-24-09; 97-333, eff. 8-12-11.)
- 12 Section 10. The Military Code of Illinois is amended by
- 13 changing Section 22-9 as follows:
- 14 (20 ILCS 1805/22-9)
- Sec. 22-9. Power to make grants from the Illinois Military
- 16 Family Relief Fund. Subject to appropriation, the Department of
- 17 Military Affairs shall have the power to make grants from the
- 18 Illinois Military Family Relief Fund, a special fund created in
- 19 the State treasury, to (i) members of the Illinois National
- 20 Guard or Illinois residents who are members of the reserves of
- 21 the armed forces of the United States who have been called to
- 22 active duty as a result of the September 11, 2001 terrorist
- 23 attacks; (ii) for the casualty-based grant only: Illinois
- 24 National Guard members or Illinois residents who are members of

the reserves of the armed forces of the United States and who, while deployed in support of operations as a result of the September 11th terrorist attacks, sustained an injury as a result of terrorist activity; sustained an injury in combat, or related to combat, as a direct result of hostile action; or sustained an injury going to or returning from a combat mission, provided that the incident leading to the injury was directly related to hostile action; this includes injuries to service members who are wounded mistakenly or accidentally by friendly fire directed at a hostile force or what is thought to be a hostile force; and (iii) families of the classes of persons listed in items (i) and (ii) of this Section. The Department of Military Affairs shall establish eligibility criteria for all grants by rule.

On and after the effective date of this amendatory Act of the 96th General Assembly, the Department must award at least \$5,000 to each recipient of a casualty-based grant and must include Illinois residents who are active duty members of the armed forces of the United States in the eligibility for the casualty-based grant in item (ii) of this Section. Each recipient may receive only one casualty-based grant for injuries received during, or arising out of, the same engagement or incident.

Grants awarded from the Illinois Military Family Relief Fund shall not be subject to garnishment, wage levy, forfeiture, or other remedy, unless the denial of that remedy

- 1 is inconsistent with the requirements of any other State or
- 2 federal law.
- 3 In addition to amounts transferred into the Fund under
- 4 Section 510 of the Illinois Income Tax Act, the State Treasurer
- 5 shall accept and deposit into the Fund all gifts, grants,
- 6 transfers, appropriations, and other amounts from any legal
- 7 source, public or private, that are designated for deposit into
- 8 the Fund. To prevent a delay of 30 or more days in the payment
- 9 of casualty-based grants, the Department may use, for
- 10 administration of the program, as much as 5% of the
- 11 appropriations designated for the casualty-based grant
- 12 program.
- Notwithstanding any other law to the contrary, the Illinois
- 14 Military Family Relief Fund is not subject to sweeps or
- 15 administrative charge-backs.
- 16 (Source: P.A. 96-822, eff. 11-23-09.)
- 17 Section 15. The Department of Public Health Powers and
- 18 Duties Law of the Civil Administrative Code of Illinois is
- 19 amended by changing Sections 2310-350, 2310-357, 2310-358,
- 20 2310-359, 2310-361, 2310-362, 2310-371.5, 2310-373, 2310-398,
- 21 2310-399, 2310-403, 2310-612, 2310-635, and 2310-642 as
- 22 follows:
- 23 (20 ILCS 2310/2310-350) (was 20 ILCS 2310/55.70)
- 24 Sec. 2310-350. Penny Severns Breast, Cervical, and Ovarian

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Cancer Research Fund. From funds appropriated from the Penny Severns Breast, Cervical, and Ovarian Cancer Research Fund, the Department shall award grants to eligible physicians, hospitals, laboratories, education institutions, and other organizations and persons to enable organizations and persons to conduct research. Disbursements from the Penny Severns Breast, Cervical, and Ovarian Cancer Research Fund for the purpose of ovarian cancer research shall be subject to appropriations. For the purposes of this Section, "research" includes, but is not limited to, expenditures to develop and advance the understanding, techniques, and modalities effective in early detection, prevention, cure, screening, and treatment of breast, cervical, and ovarian cancer and may include clinical trials.

Moneys received for the purposes of this Section, including but not limited to income tax checkoff receipts and gifts, grants, and awards from private foundations, nonprofit organizations, other governmental entities, and persons shall be deposited into the Penny Severns Breast, Cervical, and Ovarian Cancer Research Fund, which is hereby created as a special fund in the State treasury. Notwithstanding any other law to the contrary, the Penny Severns Breast, Cervical, and Ovarian Cancer Research Fund is not subject to sweeps or administrative charge-backs.

The Department shall create an advisory committee with members from, but not limited to, the Illinois Chapter of the

- 1 American Cancer Society, Y-Me, the Susan G. Komen Foundation,
- 2 and the State Board of Health for the purpose of awarding
- 3 research grants under this Section. Members of the advisory
- 4 committee shall not be eligible for any financial compensation
- 5 or reimbursement.
- 6 (Source: P.A. 94-119, eff. 1-1-06.)
- 7 (20 ILCS 2310/2310-357)
- 8 Sec. 2310-357. Leukemia, lymphoma, and myeloma grants. The
- 9 Department of Public Health may make grants to public and
- 10 private hospitals, medical centers, medical schools, and other
- organizations for education on and treatment of leukemia,
- 12 lymphoma, and myeloma from appropriations to the Department
- from the Leukemia Treatment and Education Fund, a special fund
- 14 created in the State treasury. Notwithstanding any other law to
- the contrary, the Leukemia Treatment and Education Fund is not
- subject to sweeps or administrative charge-backs.
- 17 (Source: P.A. 93-324, eff. 7-23-03.)
- 18 (20 ILCS 2310/2310-358)
- 19 Sec. 2310-358. Grants to the Les Turner ALS Foundation.
- 20 Subject to appropriation, the Department of Public Health shall
- 21 make grants from the Lou Gehrig's Disease (ALS) Research Fund,
- 22 a special fund in the State treasury, to the Les Turner ALS
- 23 Foundation for research on Amyotrophic Lateral Sclerosis
- 24 (ALS). Notwithstanding any other law to the contrary, the Lou

- 1 Gerhig's Disease (ALS) Research Fund is not subject to sweeps
- 2 or administrative charge-backs.
- 3 (Source: P.A. 93-36, eff. 6-24-03.)
- 4 (20 ILCS 2310/2310-359)
- 5 Sec. 2310-359. The Illinois Brain Tumor Research Fund. The
- 6 Illinois Brain Tumor Research Fund is hereby created as a
- 7 special fund in the State treasury. From appropriations to the
- 8 Department from the Fund, the Department shall make grants to
- 9 public and private entities for the purpose of research
- 10 dedicated to the elimination of brain tumors. Notwithstanding
- 11 any other law to the contrary, the Illinois Brain Tumor
- 12 Research Fund is not subject to sweeps or administrative
- 13 charge-backs.
- 14 (Source: P.A. 94-649, eff. 8-22-05.)
- 15 (20 ILCS 2310/2310-361)
- 16 Sec. 2310-361. The Lung Cancer Research Fund. The Lung
- 17 Cancer Research Fund is created as a special fund in the State
- 18 treasury. From appropriations to the Department from the Fund,
- 19 the Department shall make grants to public or private
- 20 not-for-profit entities for the purpose of lung cancer
- 21 research. Notwithstanding any other law to the contrary, the
- 22 Lung Cancer Research Fund is not subject to sweeps or
- 23 administrative charge-backs.
- 24 (Source: P.A. 95-434, eff. 8-27-07; 95-876, eff. 8-21-08.)

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- 1 (20 ILCS 2310/2310-362)
- 2 Sec. 2310-362. The Autoimmune Disease Research Fund.
- 3 (a) The Autoimmune Disease Research Fund is created as a 4 special fund in the State treasury. From appropriations to the 5 Department from the Fund, the Department shall make grants to 6 public and private entities in the State for the purpose of 7 funding research for the treatment and cure of autoimmune 8 diseases.
 - (b) For the purposes of this Section:
- "Autoimmune disease" means any disease that results from an aberrant immune response, including, without limitation, rheumatoid arthritis, systemic lupus erythematosus, and scleroderma.
 - "Research" includes, without limitation, expenditures to develop and advance the understanding, techniques, and modalities effective in the detection, prevention, screening, and treatment of autoimmune disease and may include clinical trials. "Research" does not include institutional overhead costs, indirect costs, other organizational levies, or costs of community-based support services.
 - (c) Moneys received for the purposes of this Section, including, without limitation, income tax checkoff receipts and gifts, grants, and awards from any public or private entity, must be deposited into the Fund. Any interest earnings that are attributable to moneys in the Fund must be deposited

- 1 into the Fund. Notwithstanding any other law to the contrary,
- 2 the Autoimmune Disease Research Fund is not subject to sweeps
- 3 or administrative charge-backs.
- 4 (Source: P.A. 95-435, eff. 8-27-07; 95-876, eff. 8-21-08.)
- 5 (20 ILCS 2310/2310-371.5) (was 20 ILCS 2310/371)

6 Sec. 2310-371.5. Heartsaver AED Fund; grants. Subject to 7 appropriation, the Department of Public Health has the power to 8 make matching grants from the Heartsaver AED Fund, a special 9 fund created in the State treasury, to any school in the State, 10 public park district, forest preserve district, conservation 11 district, municipal recreation department, college, 12 university to assist in the purchase of an Automated External 13 Defibrillator. Applicants for AED grants must demonstrate that 14 they have funds to pay 50% of the cost of the AEDs for which 15 matching grant moneys are sought. Any school, public park 16 district, forest preserve district, conservation district, municipal recreation department, college, 17 or university applying for the grant shall not receive more than one grant 18 19 from the Heartsaver AED Fund each fiscal year. The State 20 Treasurer shall accept and deposit into the Fund all gifts, 21 grants, transfers, appropriations, and other amounts from any 22 legal source, public or private, that are designated for deposit into the Fund. Notwithstanding any other law to the 23 24 contrary, the Heartsaver AED Fund is not subject to sweeps or 25 administrative charge-backs.

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1 (Source: P.A. 95-331, eff. 8-21-07; 95-721, eff. 6-3-08.)

2 (20 ILCS 2310/2310-373)

Sec. 2310-373. The Asthma and Lung Research Fund. There is created in the State treasury the Asthma and Lung Research Fund. Subject to appropriation, the Department must make grants from the fund for the Asthma Clinical Research Program administered by the American Lung Association. Notwithstanding any other law to the contrary, the Asthma and Lung Research Fund is not subject to sweeps or administrative charge-backs.

10 (Source: P.A. 93-292, eff. 7-22-03.)

11 (20 ILCS 2310/2310-398) (was 20 ILCS 2310/55.91)

Sec. 2310-398. Prostate Cancer Research Fund; grants. From funds appropriated from the Prostate Cancer Research Fund, a special fund created in the State treasury, the Department of Public Health shall make grants to public or private entities in Illinois, which may include the Lurie Comprehensive Cancer Center at the Northwestern University Medical School and the Kellogg Cancer Care Center at Evanston/Glenbrook Hospitals, for the purpose of funding research applicable to prostate cancer patients. The grant funds may not be used for overhead indirect institutional costs, costs, organizational levies, or costs of community-based support services. Notwithstanding any other law to the contrary, the Prostate Cancer Research Fund is not subject to sweeps or

- 1 <u>administrative charge-backs.</u>
- 2 (Source: P.A. 91-104, eff. 7-13-99; 92-16, eff. 6-28-01.)
- 3 (20 ILCS 2310/2310-399)
- Sec. 2310-399. Colon cancer awareness campaign; the Vince
- 5 Demuzio Memorial Colon Cancer Fund.
- 6 (a) The Department must establish and maintain a public
- 7 awareness campaign to target areas in Illinois with high colon
- 8 cancer mortality rates. The campaign must be developed in
- 9 conjunction with recommendations made by the American Cancer
- 10 Society.
- 11 (b) The Vince Demuzio Memorial Colon Cancer Fund is created
- as a special fund in the State treasury. From appropriations to
- 13 the Department from the Fund, the Department must operate the
- 14 public awareness campaign set forth under subsection (a). The
- 15 moneys from the Fund may not be used for institutional overhead
- 16 costs, indirect costs, other organizational levies, or costs of
- 17 community-based support services.
- 18 Moneys received for the purposes of this Section,
- 19 including, without limitation, income tax checkoff receipts
- 20 and gifts, grants, and awards from any public or private
- 21 entity, must be deposited into the Fund. Any interest earned on
- 22 moneys in the Fund must be deposited into the Fund
- 23 Notwithstanding any other law to the contrary, the Vince
- 24 Demuzio Memorial Colon Cancer Fund is not subject to sweeps or
- 25 administrative charge-backs.

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1 (Source: P.A. 94-142, eff. 1-1-06.)

- 2 (20 ILCS 2310/2310-403)
- 3 Sec. 2310-403. Sarcoidosis Research Fund. To make grants
- 4 for sarcoidosis research from appropriations to the Department
- 5 from the Sarcoidosis Research Fund. Notwithstanding any other
- 6 law to the contrary, the Sarcoidosis Research Fund is not
- 7 <u>subject to sweeps or administrative</u> charge-backs.
- 8 (Source: P.A. 94-141, eff. 1-1-06.)
- 9 (20 ILCS 2310/2310-612)
- 10 Sec. 2310-612. Blindness prevention grants.
- 11 (a) From funds appropriated from the Blindness Prevention
- 12 Fund, a special fund created in the State treasury, the
- 13 Department must make grants to charitable or educational
- 14 entities in Illinois for the purpose of funding (i) public
- 15 education on the importance of eye care and the prevention of
- 16 blindness and (ii) the provision of eye care to children,
- 17 senior citizens, and other needy individuals whose needs are
- 18 not covered by any other source of funds. Notwithstanding any
- other law to the contrary, the Blindness Prevention Fund is not
- subject to sweeps or administrative charge-backs.
- 21 (b) Grants under this Section must be awarded on both a
- 22 statewide and regional basis, taking into consideration each
- region's contributions to the Fund. At least 25% of the grants
- 24 must be made to regional grantees.

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- 1 (c) A grant under this Section shall be made for a period 2 of one year and, subject to the availability of funds, may be 3 renewed by the Department.
 - (d) The Department must create an advisory committee to make recommendations to the Department concerning grant proposals. The advisory committee shall consist of representative from the Illinois Society for the Prevention of Blindness, one licensed doctor of optometry, one member of the Gateway Lions & Partners, one optometric educator from a school of optometry located within Illinois, and one member from the general public. Members of the advisory committee may not receive compensation or reimbursement for their services. Members the committee must recuse themselves of consideration of any grant proposals submitted by any entity from which they were appointed.
 - (e) The Department must adopt any rules necessary to implement and administer this Section, including, without limitation, a methodology for determining regions of the State. (Source: P.A. 94-602, eff. 8-16-05.)

20 (20 ILCS 2310/2310-635)

Sec. 2310-635. Healthy Smiles Fund; grants. Subject to appropriation, the Department of Public Health has the power to make grants or use moneys in the Healthy Smiles Fund, a special fund created in the State treasury, to secure federal matching grants to provide for quality assurance program evaluation

- for school-based, school-linked oral 1 activities health 2 programs operating under the auspices of either the Department 3 of Public Health or the Department of Healthcare and Family Services. The Department shall accept and deposit with the 5 State Treasurer all gifts, grants, transfers, appropriations, 6 and other amounts from any legal source, public or private, 7 that are designated for deposit into the Fund. Notwithstanding any other law to the contrary, the Healthy Smiles Fund is not 8 9 subject to sweeps or administrative charge-backs.
- 10 (Source: P.A. 95-940, eff. 8-29-08.)
- 11 (20 ILCS 2310/2310-642)
- Sec. 2310-642. Diabetes; transfer of functions from

 Department of Human Services.
- 14 (a) Diabetes Research Checkoff Fund; grants. The Diabetes 15 Research Checkoff Fund is a special fund in the State treasury. 16 On and after July 1, 2010, from appropriations to the Department from that Fund, the Department shall make grants to 17 recognized public or private entities in Illinois for the 18 19 purpose of funding research concerning the disease of diabetes. 20 At least 50% of the grants made from the Fund by the Department 21 shall be made to entities that conduct research for juvenile 22 diabetes. For purposes of this subsection, the term "research" 23 includes, without limitation, expenditures to develop and 24 advance the understanding, techniques, and modalities 25 effective in the detection, prevention, screening, management,

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and treatment of diabetes and may include clinical trials in Illinois. Moneys received for the purposes of this subsection, including, without limitation, income tax checkoff receipts and gifts, grants, and awards from any public or private person or entity, shall be deposited into the Fund. Any interest earned on moneys in the Fund must be deposited into the Fund.

Notwithstanding any other law to the contrary, the Diabetes Research Checkoff Fund is not subject to sweeps or

administrative charge-backs.

- (b) Diabetes information. On and after July 1, 2010, the Department shall 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, asthma, and pulmonary disorders, such as Hispanics, people of African descent, the elderly, obese individuals, persons with high blood sugar content, and persons with a family history of diabetes. The information shall inform members of such high risk groups about the causes prevention of diabetes, asthma, and pulmonary disorders, the types of treatment for these diseases, and how treatment may be February 15, 2011, and each February obtained. By 15 thereafter, the Department shall file a report with the General Assembly concerning its activities and accomplishments under this subsection during the previous calendar year.
- 25 (c) Transfer of functions from Department of Human 26 Services.

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

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

- (2) Effect of transfer. Neither the functions transferred under this subsection, nor any powers, duties, rights, and responsibilities relating to those functions, are affected by this amendatory Act of the 96th General Assembly, except that all such functions, powers, duties, rights, and responsibilities shall be performed or exercised by the Department of Public Health on and after the effective date of this amendatory Act of the 96th General Assembly.
- (3) The staff of the Department of Human Services engaged in the performance of the functions transferred under this subsection may be transferred to the Department of Public Health. The status and rights of those employees

under the Personnel Code shall not be affected by the transfers. The rights of the employees, the State of Illinois, and its agencies under the Personnel Code and applicable collective bargaining agreements, or under any pension, retirement, or annuity plan, shall not be affected by this amendatory Act of the 96th General Assembly.

- (4) Books and records transferred. All books, records, papers, documents, contracts, and pending business pertaining to the functions transferred under this subsection, including but not limited to material in electronic or magnetic format, shall be transferred to the Department of Public Health. The transfer of that information shall not, however, violate any applicable confidentiality constraints.
- (5) Unexpended moneys transferred. All unexpended appropriation balances and other funds otherwise available to the Department of Human Services for use in connection with the functions transferred under this subsection shall be transferred and made available to the Department of Public Health for use in connection with the functions transferred under this subsection. Unexpended balances so transferred shall be expended only for the purpose for which the appropriations were originally made.
- (6) Exercise of transferred powers; savings provisions. The powers, duties, rights, and responsibilities relating to the functions transferred

under this subsection are vested in and shall be exercised by the Department of Public Health. Each act done in exercise of those powers, duties, rights, and responsibilities shall have the same legal effect as if done by the Department of Human Services or its divisions, officers, or employees.

- (7) Persons subject to penalties. Every officer, employee, or agent of the Department of Public Health shall, for any offense, be subject to the same penalty or penalties, civil or criminal, as are prescribed by existing laws for the same offense by any officer, employee, or agent whose powers or duties were transferred under this subsection.
- (8) Reports or notices. Whenever reports or notices are now required to be made or given or papers or documents furnished or served by any person to or upon the Department of Human Services in connection with any of the functions transferred under this subsection, the same shall be made, given, furnished, or served in the same manner to or upon the Department of Public Health.
- (9) This subsection shall not affect any act done, ratified, or canceled, or any right occurring or established, or any action or proceeding had or commenced in an administrative, civil, or criminal case, regarding the functions of the Department of Human Services before this amendatory Act of the 96th General Assembly takes

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effect; such actions may be prosecuted, defended, or continued by the Department of Public Health.

Rules. Any rules of the Department of Human Services that relate to the functions transferred under this subsection that are in full force on the effective date of this amendatory Act of the 96th General Assembly, and that have been duly adopted by the Department of Human Services, shall become the rules of the Department of Public Health. This subsection shall not affect the legality of any such rules in the Illinois Administrative Code. Any proposed rules filed with the Secretary of State by the Department of Human Services that are pending in the rulemaking process on the effective date of this amendatory Act of the 96th General Assembly, and that pertain to the functions transferred, shall be deemed to have been filed by the Department of Public Health. As soon as practicable after the effective date of this amendatory Act of the 96th General Assembly, the Department of Public Health shall revise and clarify the rules transferred to it under this subsection to reflect the reorganization of powers, duties, rights, and responsibilities affected by this subsection, using the procedures for recodification of under t.he Illinois Administrative rules available Procedure Act, except that existing title, part, and section numbering for the affected rules may be retained.

The Department of Public Health, consistent with the

Department of Human Services' authority to do so, may propose and adopt, under the Illinois Administrative Procedure Act, such other rules of the Department of Human Services that will now be administered by the Department of Public Health.

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

- (11) Successor Agency Act. For the purposes of the Successor Agency Act, the Department of Public Health is declared to be the successor agency of the Department of Human Services, but only with respect to the functions that are transferred to the Department of Public Health under this subsection.
- (12) Statutory references. Whenever a provision of law refers to the Department of Human Services in connection with its performance of a function that is transferred to the Department of Public Health under this subsection, that provision shall be deemed to refer to the Department of Public Health on and after the effective date of this amendatory Act of the 96th General Assembly.

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

Section 20. The Department of Veterans Affairs Act is amended by changing Sections 2 and 2g as follows:

3 (20 ILCS 2805/2) (from Ch. 126 1/2, par. 67)

Sec. 2. Powers and duties. The Department shall have the following powers and duties:

To perform such acts at the request of any veteran, or his or her spouse, surviving spouse or dependents as shall be reasonably necessary or reasonably incident to obtaining or endeavoring to obtain for the requester any advantage, benefit or emolument accruing or due to such person under any law of the United States, the State of Illinois or any other state or governmental agency by reason of the service of such veteran, and in pursuance thereof shall:

- (1) Contact veterans, their survivors and dependents and advise them of the benefits of state and federal laws and assist them in obtaining such benefits;
- (2) Establish field offices and direct the activities of the personnel assigned to such offices;
- (3) Create a volunteer field force of accredited representatives, representing educational institutions, labor organizations, veterans organizations, employers, churches, and farm organizations;
 - (4) Conduct informational and training services;
 - (5) Conduct educational programs through newspapers,

1	periodicals	and	radio	for	the	specific	purpos	se of
2	disseminating	g inf	ormation	n aff	ecting	g veterans	and	their
3	dependents;							

- (6) Coordinate the services and activities of all state departments having services and resources affecting veterans and their dependents;
- (7) Encourage and assist in the coordination of agencies within counties giving service to veterans and their dependents;
- (8) Cooperate with veterans organizations and other governmental agencies;
- (9) Make, alter, amend and promulgate reasonable rules and procedures for the administration of this Act;
- (10) Make and publish annual reports to the Governor regarding the administration and general operation of the Department;
 - (11) (Blank); and
- (12) Conduct an annual review of the benefits received by Illinois veterans that compares benefits received by Illinois veterans with the benefits received by veterans in all other states and U.S. territories. The required annual review shall include, but not be limited to, (1) the average benefit paid to individual veterans from Illinois, in direct comparison to the average benefit paid to individual veterans of each of the other states and U.S. territories; (2) the number of veterans receiving benefits

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in Illinois for the first time during the year compared to the number of claims filed by Illinois veterans during the (3) the aggregate number of Illinois veterans receiving benefits compared to the number of veterans from each of the other states and U.S. territories receiving benefits; and (4) a categorical analysis of the types of injuries and disabilities for which benefits are being paid Illinois and each of the other states and U.S. territories. The benefits review shall be reported to the Governor, the General Assembly, and the Illinois Congressional delegation upon the completion of the report each year.

The Department may accept and hold on behalf of the State, if for the public interest, a grant, gift, devise or bequest of money or property to the Department made for the general benefit of Illinois veterans, including the conduct informational and training services by the Department and other authorized purposes of the Department. The Department shall cause each grant, gift, devise or bequest to be kept as a distinct fund and shall invest such funds in the manner provided by the Public Funds Investment Act, as now hereafter amended, and shall make such reports as may be required by the Comptroller concerning what funds are so held and the manner in which such funds are invested. The Department may make grants from these funds for the general benefit of Illinois veterans. Grants from these funds, except for the

- 1 funds established under Sections 2.01a and 2.03, shall be
- 2 subject to appropriation.
- 3 The Department has the power to make grants, from funds
- 4 appropriated from the Korean War Veterans National Museum and
- 5 Library Fund, to private organizations for the benefit of the
- 6 Korean War Veterans National Museum and Library.
- 7 Notwithstanding any other law to the contrary, the Korean War
- 8 Veterans National Museum and Library Fund is not subject to
- 9 sweeps or administrative charge-backs.
- 10 The Department has the power to make grants, from funds
- 11 appropriated from the Illinois Military Family Relief Fund, for
- 12 benefits authorized under the Survivors Compensation Act.
- 13 (Source: P.A. 97-297, eff. 1-1-12.)
- 14 (20 ILCS 2805/2g)
- 15 Sec. 2g. The Illinois Veterans' Homes Fund. The Illinois
- Veterans' Homes Fund is hereby created as a special fund in the
- 17 State treasury. From appropriations to the Department from the
- 18 Fund the Department shall purchase needed equipment and
- 19 supplies to enhance the lives of the residents at and to
- 20 enhance the operations of veterans' homes in Illinois.
- 21 Notwithstanding any other law to the contrary, the Illinois
- Veterans' Homes Fund is not subject to sweeps or administrative
- charge-backs.
- 24 (Source: P.A. 93-776, eff. 7-21-04.)

- 1 Section 25. The State Finance Act is amended by changing
- 2 Sections 6z-76, 6z-83, 6z-84, and 8.11, by renumbering and
- 3 changing Section 6z-82 from Public Act 96-1424, and by adding
- 4 Section 8r as follows:
- 5 (30 ILCS 105/6z-76)
- 6 Sec. 6z-76. Illinois Route 66 Fund. The Illinois Route 66
- 7 Fund is created as a special fund in the State treasury.
- 8 Subject to appropriation, the Fund shall be used by the
- 9 Department of Commerce and Economic Opportunity to make grants
- 10 to not-for-profit corporations that have a statewide impact on
- 11 Illinois Route 66 and that maintain, improve, or repair
- 12 Historic Route 66 in Illinois. Grant moneys may be used for
- 13 tourism promotion, matching grant funds, project development
- 14 and implementation, grants to units of local government, and
- 15 rehabilitation of historic structures. Notwithstanding any
- other law to the contrary, the Illinois Route 66 Fund is not
- 17 subject to sweeps or administrative charge-backs.
- 18 (Source: P.A. 96-1424, eff. 8-3-10.)
- 19 (30 ILCS 105/6z-83)
- Sec. 6z-83. The Disabled Veterans Property Tax Relief Fund;
- 21 creation. The Disabled Veterans Property Tax Relief Fund is
- 22 created as a special fund in the State treasury. Subject to
- 23 appropriation, moneys in the Fund shall be used by the
- 24 Department of Veterans' Affairs for the purpose of providing

- 1 property tax relief to disabled veterans. The Department of
- 2 Veterans' Affairs may adopt rules to implement this Section.
- 3 Notwithstanding any other law to the contrary, the Disabled
- 4 Veterans Property Tax Relief Fund is not subject to sweeps or
- 5 administrative charge-backs.
- 6 (Source: P.A. 96-1424, eff. 8-3-10.)
- 7 (30 ILCS 105/6z-84)
- 8 Sec. 6z-84. The Habitat for Humanity Fund; creation. The
- 9 Habitat for Humanity Fund is created as a special fund in the
- 10 State treasury. Moneys in the Fund shall be appropriated to the
- 11 Department of Human Services for the purpose of making grants
- 12 to Habitat for Humanity of Illinois, Inc., for the purpose of
- 13 supporting Habitat for Humanity projects in Illinois.
- Notwithstanding any other law to the contrary, the Habitat for
- 15 Humanity Fund is not subject to sweeps or administrative
- 16 charge-backs.
- 17 (Source: P.A. 96-1424, eff. 8-3-10; 97-333, eff. 8-12-11.)
- 18 (30 ILCS 105/8.11) (from Ch. 127, par. 144.11)
- 19 Sec. 8.11. Except as otherwise provided in this Section,
- 20 appropriations from the State Parks Fund shall be made only to
- 21 the Department of Natural Resources and shall, except for the
- 22 additional moneys deposited under Section 805-550 of the
- 23 Department of Natural Resources (Conservation) Law of the Civil
- 24 Administrative Code of Illinois, be used only for the

- 1 maintenance, development, operation, control and acquisition
- of State parks.
- Revenues derived from the Illinois and Michigan Canal from
- 4 the sale of Canal lands, lease of Canal lands, Canal
- 5 concessions, and other Canal activities, which have been placed
- 6 in the State Parks Fund may be appropriated to the Department
- 7 of Natural Resources for that Department to use, either
- 8 independently or in cooperation with any Department or Agency
- 9 of the Federal or State Government or any political subdivision
- 10 thereof for the development and management of the Canal and its
- 11 adjacent lands as outlined in the master plan for such
- development and management.
- Notwithstanding any other law to the contrary, the State
- 14 Parks Fund is not subject to sweeps or administrative
- 15 charge-backs.
- 16 (Source: P.A. 96-1160, eff. 1-1-11.)
- 17 (30 ILCS 105/8r new)
- 18 Sec. 8r. Transfers from checkoff funds. Notwithstanding
- any other law to the contrary, if, under Article 5 of the
- 20 Illinois Income Tax Act, the Department of Revenue prints on
- 21 its standard individual income tax form a provision indicating
- 22 that a taxpayer may contribute to a fund, then that fund is not
- 23 subject to sweeps or administrative charge-backs.
- Section 30. The Energy Assistance Act is amended by

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changing Section 13 as follows:

- 2 (305 ILCS 20/13)
- 3 (Section scheduled to be repealed on December 31, 2013)
- 4 Sec. 13. Supplemental Low-Income Energy Assistance Fund.
 - (a) The Supplemental Low-Income Energy Assistance Fund is hereby created as a special fund in the State Treasury. The Supplemental Low-Income Energy Assistance Fund is authorized to receive moneys from voluntary donations from individuals, foundations, corporations, and other sources, moneys received pursuant to Section 17, and, by statutory deposit, the moneys collected pursuant to this Section. The Fund is also authorized to receive voluntary donations from individuals, foundations, corporations, and other sources, as well as contributions made in accordance with Section 507MM of the Illinois Income Tax Act. Subject to appropriation, the Department shall use moneys from the Supplemental Low-Income Energy Assistance Fund for payments to electric or gas public utilities, municipal electric or gas utilities, and electric cooperatives on behalf of their customers who are participants in the program authorized by Sections 4 and 18 of this Act, for the provision of weatherization services and for administration of the Supplemental Low-Income Energy Assistance Fund. The yearly expenditures for weatherization may not exceed 10% of the amount collected during the year pursuant to this Section. The yearly administrative expenses of the Supplemental Low-Income

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- 1 Energy Assistance Fund may not exceed 10% of the amount
- 2 collected during that year pursuant to this Section.
- 3 Notwithstanding any other law to the contrary, the Supplemental
- 4 Low-Income Energy Assistance Fund is not subject to sweeps or
- 5 administrative charge-backs.
 - (b) Notwithstanding the provisions of Section 16-111 of the Public Utilities Act but subject to subsection (k) of this Section, each public utility, electric cooperative, as defined in Section 3.4 of the Electric Supplier Act, and municipal utility, as referenced in Section 3-105 of the Public Utilities Act, that is engaged in the delivery of electricity or the distribution of natural gas within the State of Illinois shall, effective January 1, 1998, assess each of its customer accounts a monthly Energy Assistance Charge for the Supplemental Low-Income Energy Assistance Fund. The delivering public utility, municipal electric or gas utility, or electric or gas cooperative for a self-assessing purchaser remains subject to the collection of the fee imposed by this Section. The monthly charge shall be as follows:
- 20 (1) \$0.48 per month on each account for residential electric service;
- 22 (2) \$0.48 per month on each account for residential gas 23 service;
 - (3) \$4.80 per month on each account for non-residential electric service which had less than 10 megawatts of peak demand during the previous calendar year;

- (4) \$4.80 per month on each account for non-residential gas service which had distributed to it less than 4,000,000 therms of gas during the previous calendar year;
 - (5) \$360 per month on each account for non-residential electric service which had 10 megawatts or greater of peak demand during the previous calendar year; and
 - (6) \$360 per month on each account for non-residential gas service which had 4,000,000 or more therms of gas distributed to it during the previous calendar year.

The incremental change to such charges imposed by this amendatory Act of the 96th General Assembly shall not (i) be used for any purpose other than to directly assist customers and (ii) be applicable to utilities serving less than 100,000 customers in Illinois on January 1, 2009.

In addition, electric and gas utilities have committed, and shall contribute, a one-time payment of \$22 million to the Fund, within 10 days after the effective date of the tariffs established pursuant to Sections 16-111.8 and 19-145 of the Public Utilities Act to be used for the Department's cost of implementing the programs described in Section 18 of this amendatory Act of the 96th General Assembly, the Arrearage Reduction Program described in Section 18, and the programs described in Section 8-105 of the Public Utilities Act. If a utility elects not to file a rider within 90 days after the effective date of this amendatory Act of the 96th General Assembly, then the contribution from such utility shall be made

- 1 no later than February 1, 2010.
- 2 (c) For purposes of this Section:
 - (1) "residential electric service" means electric utility service for household purposes delivered to a dwelling of 2 or fewer units which is billed under a residential rate, or electric utility service for household purposes delivered to a dwelling unit or units which is billed under a residential rate and is registered by a separate meter for each dwelling unit;
 - (2) "residential gas service" means gas utility service for household purposes distributed to a dwelling of 2 or fewer units which is billed under a residential rate, or gas utility service for household purposes distributed to a dwelling unit or units which is billed under a residential rate and is registered by a separate meter for each dwelling unit;
 - (3) "non-residential electric service" means electric utility service which is not residential electric service; and
 - (4) "non-residential gas service" means gas utility service which is not residential gas service.
 - (d) Within 30 days after the effective date of this amendatory Act of the 96th General Assembly, each public utility engaged in the delivery of electricity or the distribution of natural gas shall file with the Illinois Commerce Commission tariffs incorporating the Energy

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- 1 Assistance Charge in other charges stated in such tariffs, 2 which shall become effective no later than the beginning of the
- 3 first billing cycle following such filing.
 - (e) The Energy Assistance Charge assessed by electric and gas public utilities shall be considered a charge for public utility service.
 - (f) By the 20th day of the month following the month in which the charges imposed by the Section were collected, each public utility, municipal utility, and electric cooperative shall remit to the Department of Revenue all moneys received as payment of the Energy Assistance Charge on a return prescribed and furnished by the Department of Revenue showing such information as the Department of Revenue may reasonably require; provided, however, that a utility offering an Arrearage Reduction Program pursuant to Section 18 of this Act shall be entitled to net those amounts necessary to fund and recover the costs of such Program as authorized by that Section that is no more than the incremental change in such Energy Assistance Charge authorized by this amendatory Act of the 96th General Assembly. If a customer makes a partial payment, a public utility, municipal utility, or electric cooperative may elect either: (i) to apply such partial payments first to amounts owed to the utility or cooperative for its services and then to payment for the Energy Assistance Charge or (ii) to apply such partial payments on a pro-rata basis between amounts owed to the utility or cooperative for its services and to

- 1 payment for the Energy Assistance Charge.
- The Department of Revenue shall deposit into the Supplemental Low-Income Energy Assistance Fund all moneys remitted to it in accordance with subsection (f) of this Section; provided, however, that the amounts remitted by each utility shall be used to provide assistance to that utility's customers. The utilities shall coordinate with the Department to establish an equitable and practical methodology for implementing this subsection (q) beginning with the 2010 program year.
 - (h) On or before December 31, 2002, the Department shall prepare a report for the General Assembly on the expenditure of funds appropriated from the Low-Income Energy Assistance Block Grant Fund for the program authorized under Section 4 of this Act.
 - (i) The Department of Revenue may establish such rules as it deems necessary to implement this Section.
 - (j) The Department of Commerce and Economic Opportunity may establish such rules as it deems necessary to implement this Section.
 - (k) The charges imposed by this Section shall only apply to customers of municipal electric or gas utilities and electric or gas cooperatives if the municipal electric or gas utility or electric or gas cooperative makes an affirmative decision to impose the charge. If a municipal electric or gas utility or an electric cooperative makes an affirmative decision to impose

- 1 the charge provided by this Section, the municipal electric or
- 2 gas utility or electric cooperative shall inform the Department
- 3 of Revenue in writing of such decision when it begins to impose
- 4 the charge. If a municipal electric or gas utility or electric
- 5 or gas cooperative does not assess this charge, the Department
- 6 may not use funds from the Supplemental Low-Income Energy
- 7 Assistance Fund to provide benefits to its customers under the
- 8 program authorized by Section 4 of this Act.
- 9 In its use of federal funds under this Act, the Department
- 10 may not cause a disproportionate share of those federal funds
- 11 to benefit customers of systems which do not assess the charge
- 12 provided by this Section.
- This Section is repealed effective December 31, 2013 unless
- 14 renewed by action of the General Assembly. The General Assembly
- 15 shall consider the results of the evaluations described in
- 16 Section 8 in its deliberations.
- 17 (Source: P.A. 95-48, eff. 8-10-07; 95-331, eff. 8-21-07; 96-33,
- 18 eff. 7-10-09; 96-154, eff. 1-1-10; 96-1000, eff. 7-2-10.)
- 19 Section 35. The Epilepsy Disease Assistance Act is amended
- 20 by changing Section 25 as follows:
- 21 (410 ILCS 413/25)
- 22 Sec. 25. Epilepsy Treatment and Education Grants-in-Aid
- 23 Fund. The Epilepsy Treatment and Education Grants-in-Aid Fund
- 24 is created as a special fund in the State treasury. Using

appropriations from the Fund, the Department of Public Health shall provide grants-in-aid (i) to fund necessary educational activities and (ii) for the development and maintenance of services for victims of epilepsy and their families, as managed through an epilepsy program properly staffed and affiliated with a national epilepsy program. The Department shall adopt rules governing the distribution and specific purpose of these grants. Notwithstanding any other law to the contrary, the Epilepsy Treatment and Education Grants-in-Aid Fund is not subject to sweeps or administrative charge-backs.

Section 40. The Illinois Public Health and Safety Animal Population Control Act is amended by changing Section 45 as follows:

(Source: P.A. 94-73, eff. 6-23-05.)

15 (510 ILCS 92/45)

Sec. 45. Pet Population Control Fund. The Pet Population Control Fund is established as a special fund in the State treasury. The moneys generated from the public safety fines collected as provided in the Animal Control Act, from Pet Friendly license plates under Section 3-653 of the Illinois Vehicle Code, from Section 507EE of the Illinois Income Tax Act, and from voluntary contributions must be kept in the Fund and shall be used only to sterilize and vaccinate dogs and cats in this State pursuant to the program, to promote the

- 1 sterilization program, to educate the public about the
- 2 importance of spaying and neutering, and for reasonable
- 3 administrative and personnel costs related to the Fund.
- 4 Notwithstanding any other law to the contrary, the Pet
- 5 Population Control Fund is not subject to sweeps or
- 6 <u>administrative charge-backs.</u>
- 7 (Source: P.A. 94-639, eff. 8-22-05.)
- 8 Section 99. Effective date. This Act takes effect upon
- 9 becoming law.

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7	20 ILCS 1805/22-9	
8	20 ILCS 2310/2310-350 wa	as 20 ILCS 2310/55.70
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22	20 ILCS 2805/2 f.	rom Ch. 126 1/2, par. 67
23	20 ILCS 2805/2g	
24	30 ILCS 105/6z-76	
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- 1 30 ILCS 105/6z-84
- 2
- 30 ILCS 105/8.11 from Ch. 127, par. 144.11
- 3 30 ILCS 105/8r new
- 4 305 ILCS 20/13
- 5 410 ILCS 413/25
- 6 510 ILCS 92/45