



Rep. Jack D. Franks

Filed: 3/28/2008

09500HB4585ham002

LRB095 15275 DRJ 47820 a

1 AMENDMENT TO HOUSE BILL 4585

2 AMENDMENT NO. _____. Amend House Bill 4585 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Mobile Home Local Services Tax Act is
5 amended by changing Section 7 as follows:

6 (35 ILCS 515/7) (from Ch. 120, par. 1207)

7 Sec. 7. The local services tax for owners of mobile homes
8 who (a) are actually residing in such mobile homes, (b) hold
9 title to such mobile home as provided in the "Illinois Vehicle
10 Code", ~~approved September 29, 1969, as amended,~~ and (c) are 65
11 years of age or older or are disabled persons within the
12 meaning of Section 3.14 of the "Senior Citizens and Disabled
13 Persons Property Tax Relief and Pharmaceutical Assistance Act"
14 on the annual billing date shall be reduced to 80 percent of
15 the tax provided for in Section 3 of this Act. Proof that a

1 claimant has been issued an Illinois Disabled Person
2 Identification Card stating that the claimant is under a Class
3 2 disability, as provided in Section 4A of the ~~The~~ Illinois
4 Identification Card Act, shall constitute proof that the person
5 thereon named is a disabled person within the meaning of this
6 Act. An application for reduction of the tax shall be filed
7 with the county clerk by the individuals who are entitled to
8 the reduction. If the application is filed after May 1, the
9 reduction in tax shall begin with the next annual bill.
10 Application for the reduction in tax shall be done by
11 submitting proof that the applicant has been issued an Illinois
12 Disabled Person Identification Card designating the
13 applicant's disability as a Class 2 disability, or by affidavit
14 in substantially the following form:

15 APPLICATION FOR REDUCTION OF MOBILE HOME LOCAL SERVICES TAX

16 I hereby make application for a reduction to 80% of the
17 total tax imposed under "An Act to provide for a local services
18 tax on mobile homes".

19 (1) Senior Citizens

20 (a) I actually reside in the mobile home

21 (b) I hold title to the mobile home as provided in the
22 Illinois Vehicle Code

23 (c) I reached the age of 65 on or before either January 1
24 (or July 1) of the year in which this statement is filed. My
25 date of birth is: ...

26 (2) Disabled Persons

1 (a) I actually reside in the mobile home...

2 (b) I hold title to the mobile home as provided in the
3 Illinois Vehicle Code

4 (c) I was totally disabled on ... and have remained
5 disabled until the date of this application. My Social
6 Security, Veterans, Railroad or Civil Service Total Disability
7 Claim Number is ... The undersigned declares under the penalty
8 of perjury that the above statements are true and correct.

9 Dated (insert date).

10

11 Signature of owner

12

13 (Address)

14

15 (City) (State) (Zip)

16 Approved by:

17

18 (Assessor)

19 This application shall be accompanied by a copy of the
20 applicant's most recent application filed with the Illinois
21 Department on Aging ~~of Revenue~~ under the "Senior Citizens and
22 Disabled Persons Property Tax Relief and Pharmaceutical
23 Assistance Act," ~~approved July 17, 1972, as amended.~~

24 (Source: P.A. 91-357, eff. 7-29-99.)

1 Section 10. The Citizens Utility Board Act is amended by
2 changing Section 9 as follows:

3 (220 ILCS 10/9) (from Ch. 111 2/3, par. 909)

4 Sec. 9. Mailing procedure.

5 (1) As used in this Section:

6 (a) "Enclosure" means a card, leaflet, envelope or
7 combination thereof furnished by the corporation under
8 this Section.

9 (b) "Mailing" means any communication by a State
10 agency, other than a mailing made ~~by the Department of~~
11 ~~Revenue~~ under the Senior Citizens and Disabled Persons
12 Property Tax Relief and Pharmaceutical Assistance Act,
13 that is sent through the United States Postal Service to
14 more than 50,000 persons within a 12-month period.

15 (c) "State agency" means any officer, department,
16 board, commission, institution or entity of the executive
17 or legislative branches of State government.

18 (2) To accomplish its powers and duties under Section 5
19 this Act, the corporation, subject to the following
20 limitations, may prepare and furnish to any State agency an
21 enclosure to be included with a mailing by that agency.

22 (a) A State agency furnished with an enclosure shall
23 include the enclosure within the mailing designated by the
24 corporation.

25 (b) An enclosure furnished by the corporation under

1 this Section shall be provided to the State agency a
2 reasonable period of time in advance of the mailing.

3 (c) An enclosure furnished by the corporation under
4 this Section shall be limited to informing the reader of
5 the purpose, nature and activities of the corporation as
6 set forth in this Act and informing the reader that it may
7 become a member in the corporation, maintain membership in
8 the corporation and contribute money to the corporation
9 directly.

10 (d) Prior to furnishing an enclosure to the State
11 agency, the corporation shall seek and obtain approval of
12 the content of the enclosure from the Illinois Commerce
13 Commission. The Commission shall approve the enclosure if
14 it determines that the enclosure (i) is not false or
15 misleading and (ii) satisfies the requirements of this Act.
16 The Commission shall be deemed to have approved the
17 enclosure unless it disapproves the enclosure within 14
18 days from the date of receipt.

19 (3) The corporation shall reimburse each State agency for
20 all reasonable incremental costs incurred by the State agency
21 in complying with this Section above the agency's normal
22 mailing and handling costs, provided that:

23 (a) The State agency shall first furnish the
24 corporation with an itemized accounting of such additional
25 cost; and

26 (b) The corporation shall not be required to reimburse

1 the State agency for postage costs if the weight of the
2 corporation's enclosure does not exceed .35 ounce
3 avoirdupois. If the corporation's enclosure exceeds that
4 weight, then it shall only be required to reimburse the
5 State agency for postage cost over and above what the
6 agency's postage cost would have been had the enclosure
7 weighed only .35 ounce avoirdupois.

8 (Source: P.A. 87-205.)

9 Section 15. The Senior Citizens and Disabled Persons
10 Property Tax Relief and Pharmaceutical Assistance Act is
11 amended by changing Sections 1, 2, 3.01, 3.04, 3.05, 3.06,
12 3.07, 3.08, 3.09, 3.10, 3.11, 3.12, 3.13, 3.14, 3.17, 7, 8, 8a,
13 9, 10, 11, 12, and 13 and by adding Sections 1.5, 3.01a, 3.03a,
14 3.05a, 4A, 5A, 5A.5, 5A.10, 5A.15, 5A.20, 6A, 6A.5, 6A.10,
15 6A.15, 6A.20, 6A.25, 6A.30, 6A.35, and 7.5 as follows:

16 (320 ILCS 25/1) (from Ch. 67 1/2, par. 401)

17 Sec. 1. Short title; common name. This Article shall be
18 known and may be cited as the "Senior Citizens and Disabled
19 Persons Property Tax Relief and Pharmaceutical Assistance
20 Act". Common references to the "Circuit Breaker Act" mean this
21 Article. As used in this Article, "this Act" means this
22 Article.

23 (Source: P.A. 83-1531.)

1 (320 ILCS 25/1.5 new)

2 Sec. 1.5. Implementation of Executive Order No. 3 of 2004.
3 Executive Order No. 3 of 2004, in part, provided for the
4 transfer of the programs under this Act from the Department of
5 Revenue to the Department on Aging and the Department of
6 Healthcare and Family Services. It is the purpose of this
7 amendatory Act of the 95th General Assembly to conform this Act
8 and certain related provisions of other statutes to that
9 Executive Order. This amendatory Act of the 95th General
10 Assembly also reorganizes and makes technical and other changes
11 to this Act to improve its organization and readability. This
12 amendatory Act of the 95th General Assembly does not accelerate
13 or delay the taking effect of any changes in the law made by
14 Executive Order No. 3 of 2004.

15 (320 ILCS 25/2) (from Ch. 67 1/2, par. 402)

16 Sec. 2. Purpose.

17 The purpose of this Act is to provide incentives to the
18 senior citizens and disabled persons of this State to acquire
19 and retain private housing of their choice and at the same time
20 to relieve those citizens from the burdens of extraordinary
21 property taxes and rising drug costs against their increasingly
22 restricted earning power, and thereby to reduce the
23 requirements for public housing in this State.

24 (Source: P.A. 77-2059.)

1 (320 ILCS 25/3.01) (from Ch. 67 1/2, par. 403.01)

2 Sec. 3.01. Claimant. "Claimant" means an individual who has
3 filed a claim for a property tax relief grant under this Act.
4 In appropriate contexts, "claimant" also includes a person who
5 has applied for pharmaceutical assistance under this Act or for
6 other benefits that are based on eligibility for benefits under
7 this Act.

8 (Source: P.A. 77-2059.)

9 (320 ILCS 25/3.01a new)

10 Sec. 3.01a. Claim year. "Claim year" means the calendar
11 year prior to the period of time during which a claimant may
12 file an application for benefits under this Act.

13 (320 ILCS 25/3.03a new)

14 Sec. 3.03a. Federal Poverty Level. "Federal Poverty Level"
15 means the federal poverty income guidelines as determined
16 annually by the United States Department of Health and Human
17 Services and updated periodically in the Federal Register by
18 that Department under the authority of 42 U.S.C. 9902(2).

19 (320 ILCS 25/3.04) (from Ch. 67 1/2, par. 403.04)

20 Sec. 3.04. Gross rent. "Gross rent ~~Rent~~" means the total
21 amount paid solely for the right to occupy a residence.

22 If the residence is a nursing or sheltered care home,
23 "gross rent" means the amount paid in a taxable year that is

1 attributable to the cost of housing, but not of meals or care,
2 for the claimant in that home, determined in accordance with
3 regulations of the Department on Aging.

4 (Source: P.A. 78-1249; 78-1297.)

5 (320 ILCS 25/3.05) (from Ch. 67 1/2, par. 403.05)

6 Sec. 3.05. Household. "Household" means ~~a claimant or~~ a
7 claimant and his or her spouse, if any, living together in the
8 same residence. The term does not include any additional
9 resident who lives with the claimant.

10 (Source: P.A. 77-2059.)

11 (320 ILCS 25/3.05a new)

12 Sec. 3.05a. Additional resident. "Additional resident"
13 means a person who (i) is living in the same residence with a
14 claimant for the claim year and at the time of filing the
15 claim, (ii) is not the spouse of the claimant, (iii) does not
16 file a separate claim under this Act for the same period, and
17 (iv) receives more than half of his or her total financial
18 support for that claim year from the household.

19 (320 ILCS 25/3.06) (from Ch. 67 1/2, par. 403.06)

20 Sec. 3.06. Household income. "Household income" means the
21 combined income of the members of a household. The term does
22 not include the income of any qualified additional resident who
23 lives with the claimant.

1 (Source: P.A. 77-2059.)

2 (320 ILCS 25/3.07) (from Ch. 67 1/2, par. 403.07)

3 Sec. 3.07. Income. "Income" means adjusted gross income,
4 properly reportable for federal income tax purposes under the
5 provisions of the Internal Revenue Code, modified by adding
6 thereto the sum of the following amounts to the extent deducted
7 or excluded from gross income in the computation of adjusted
8 gross income:

9 (A) An amount equal to all amounts paid or accrued as
10 interest or dividends during the taxable year;

11 (B) An amount equal to the amount of tax imposed by the
12 Illinois Income Tax Act paid for the taxable year;

13 (C) An amount equal to all amounts received during the
14 taxable year as an annuity under an annuity, endowment or
15 life insurance contract or under any other contract or
16 agreement;

17 (D) An amount equal to the amount of benefits paid
18 under the Federal Social Security Act during the taxable
19 year;

20 (E) An amount equal to the amount of benefits paid
21 under the Railroad Retirement Act during the taxable year;

22 (F) An amount equal to the total amount of cash public
23 assistance payments received from any governmental agency
24 during the taxable year other than benefits received
25 pursuant to this Act;

1 (G) An amount equal to any net operating loss carryover
2 deduction or capital loss carryover deduction during the
3 taxable year;

4 (H) ~~An~~ ~~For claim years beginning on or after January 1,~~
5 ~~2002,~~ an amount equal to any benefits received under the
6 Workers' Compensation Act or the Workers' Occupational
7 Diseases Act during the taxable year.

8 "Income" does not include ~~any grant assistance received~~
9 ~~under the Nursing Home Grant Assistance Act or~~ any
10 distributions or items of income described under subparagraph
11 (X) of paragraph (2) of subsection (a) of Section 203 of the
12 Illinois Income Tax Act.

13 ~~This amendatory Act of 1987 shall be effective for purposes~~
14 ~~of this Section for tax years ending on or after December 31,~~
15 ~~1987.~~

16 (Source: P.A. 91-676, eff. 12-23-99; 92-131, eff. 7-23-01;
17 92-519, eff. 1-1-02.)

18 (320 ILCS 25/3.08) (from Ch. 67 1/2, par. 403.08)

19 Sec. 3.08. Internal Revenue Code. "Internal Revenue Code"
20 means the United States Internal Revenue Code of 1986 ~~1954~~ or
21 any successor law or laws relating to federal income taxes in
22 effect for the year.

23 (Source: P.A. 77-2059.)

24 (320 ILCS 25/3.09) (from Ch. 67 1/2, par. 403.09)

1 Sec. 3.09. Property taxes accrued. "Property taxes
2 accrued" means the ad valorem property taxes extended against a
3 residence, but does not include special assessments, interest
4 or charges for service. In the case of real estate improved
5 with a multidwelling or multipurpose building, "property taxes
6 accrued" extended against a residence within such a building is
7 an amount equal to the same percentage of the total property
8 taxes extended against that real estate as improved as the
9 value of the residence is to the total value of the building.
10 If the multidwelling building is owned and operated as a
11 cooperative, the value of an individual residence is the value
12 of the interest in the cooperative held by the owner of record
13 of the legal or equitable interest, other than a leasehold
14 interest, in the cooperative which confers the right to occupy
15 that residence. In determining the amount of grant under
16 Section 5A.15 ~~4 for 1976 and thereafter~~, the applicable
17 "property taxes accrued", as determined under this Section, are
18 those payable or paid in the last preceding taxable year.

19 In addition, if the residence is a mobile home as defined
20 in and subject to the tax imposed by the Mobile Home Local
21 Services Tax Act, "property taxes accrued" includes the amount
22 of privilege tax paid during the calendar year for which
23 benefits are claimed under that Act on that mobile home. If
24 ~~Beginning in taxable year 1999, if~~ (i) the residence is a
25 mobile home, (ii) the resident is the record owner of the
26 property upon which the mobile home is located, and (iii) the

1 resident is liable for the taxes imposed under the Property Tax
2 Code for both the mobile home and the property, then "property
3 taxes accrued" includes the amount of property taxes paid on
4 both the mobile home and the property upon which the mobile
5 home is located.

6 (Source: P.A. 91-357, eff. 7-29-99; 91-391, eff. 7-30-99.)

7 (320 ILCS 25/3.10) (from Ch. 67 1/2, par. 403.10)

8 Sec. 3.10. Regulations. "Regulations" includes both rules
9 promulgated and forms prescribed by the applicable Department.
10 In this Act, references to the rules of the Department on Aging
11 or the Department of Healthcare and Family Services shall be
12 deemed to include, in appropriate cases, the corresponding
13 rules adopted by the Department of Revenue, to the extent that
14 those rules continue in force under Executive Order No. 3 of
15 2004.

16 (Source: P.A. 77-2059.)

17 (320 ILCS 25/3.11) (from Ch. 67 1/2, par. 403.11)

18 Sec. 3.11. Rent constituting property taxes accrued. "Rent
19 constituting property taxes accrued" means 25% of the amount of
20 gross rent paid in a taxable year for a residence that ~~which~~
21 was subject to ad valorem property taxes in that year under the
22 Property Tax Code.

23 (Source: P.A. 87-860; 88-670, eff. 12-2-94.)

1 (320 ILCS 25/3.12) (from Ch. 67 1/2, par. 403.12)

2 Sec. 3.12. Residence. "Residence" means the principal
3 dwelling place occupied in this State by a household and so
4 much of the surrounding land as is reasonably necessary for use
5 of the dwelling as a home, and includes rental property, mobile
6 homes, single family dwellings, and units in multifamily,
7 multidwelling or multipurpose buildings. If the assessor has
8 established a specific legal description for a portion of
9 property constituting the residence, then that portion of
10 property shall be deemed "residence" for the purposes of this
11 Act. "Residence" also includes that portion of a nursing or
12 sheltered care home occupied as a dwelling by a claimant,
13 determined as prescribed in regulations of the Department on
14 Aging.

15 (Source: P.A. 78-1249.)

16 (320 ILCS 25/3.13) (from Ch. 67 1/2, par. 403.13)

17 Sec. 3.13. Taxable year. "Taxable year" means the calendar
18 year during which ad valorem property taxes payable in the next
19 succeeding calendar year were levied.

20 (Source: P.A. 77-2059.)

21 (320 ILCS 25/3.14) (from Ch. 67 1/2, par. 403.14)

22 Sec. 3.14. Disabled person. "Disabled person" means a
23 person unable to engage in any substantial gainful activity by
24 reason of a medically determinable physical or mental

1 impairment ~~that~~ ~~which~~ can be expected to result in death or has
2 lasted or can be expected to last for a continuous period of
3 not less than 12 months. Disabled persons filing claims under
4 this Act shall submit proof of disability in such form and
5 manner as the Department on Aging shall by rule and regulation
6 prescribe. Proof that a claimant is eligible to receive
7 disability benefits under the federal ~~Federal~~ Social Security
8 Act shall constitute proof of disability for purposes of this
9 Act. Issuance of an Illinois Disabled Person Identification
10 Card stating that the claimant is under a Class 2 disability,
11 as defined in Section 4A of the ~~The~~ Illinois Identification
12 Card Act, shall constitute proof that the person named thereon
13 is a disabled person for purposes of this Act. A disabled
14 person not covered under the federal ~~Federal~~ Social Security
15 Act and not presenting a Disabled Person Identification Card
16 stating that the claimant is under a Class 2 disability shall
17 be examined by a physician designated by the Department on
18 Aging, and his or her status as a disabled person determined
19 using the same standards as are ~~used~~ by the Social Security
20 Administration. The costs of any required examination shall be
21 borne by the claimant.

22 (Source: P.A. 83-1421.)

23 (320 ILCS 25/3.17) (from Ch. 67 1/2, par. 403.17)

24 Sec. 3.17. Authorized pharmacy. "Authorized pharmacy"
25 means any pharmacy enrolled with the Department of Healthcare

1 and Family Services ~~registered in this State under the Pharmacy~~
2 ~~Practice Act.~~

3 (Source: P.A. 95-689, eff. 10-29-07.)

4 (320 ILCS 25/4A new)

5 Sec. 4A. Application.

6 (a) The Department on Aging shall establish the form,
7 required eligibility and identification information, use of
8 social security numbers, and manner of applying for benefits
9 under this Act including claims filed on an emergency basis for
10 new or renewed prescription drug benefits.

11 (b) The application may enable persons to apply separately
12 or for both a property tax relief grant and pharmaceutical
13 assistance on the same application. The application may also
14 enable persons to apply for other State or federal programs
15 that provide medical or pharmaceutical assistance or other
16 benefits, as determined by the Department on Aging in
17 conjunction with the Department of Healthcare and Family
18 Services.

19 (c) Applications must be filed during the time period
20 prescribed by the Department.

21 (320 ILCS 25/5A new)

22 Sec. 5A. Property Tax Relief; program. There is hereby
23 established a program of property tax relief grants for senior
24 citizens and disabled persons, which shall be administered by

1 the Department on Aging in accordance with this Act and
2 Executive Order No. 3 of 2004. These grants shall be payable to
3 eligible claimants as provided in this Act.

4 (320 ILCS 25/5A.5 new)

5 Sec. 5A.5. Property Tax Relief; filing of claims.

6 (a) A person may file a claim for the year in which he or
7 she turns age 65 during that year.

8 (b) Only one member of a household may file a claim under
9 this Act for the claim year; if both members of a household are
10 otherwise entitled to claim a grant under this Act, they must
11 agree as to which of them will file a claim for that claim
12 year.

13 (c) The right to file a claim under this Act is personal to
14 the claimant and shall not survive his or her death, but that
15 right may be exercised on behalf of a claimant by his or her
16 legal guardian or attorney-in-fact. If a claimant dies after
17 having filed a timely claim, the amount of the grant shall be
18 disbursed to the claimant's surviving spouse or, if no spouse
19 survives, to his or her surviving dependent minor children in
20 equal parts, provided that the spouse or child, as the case may
21 be, resided with the claimant at the time he or she filed the
22 claim. If at the time of disbursement neither the claimant nor
23 his or her spouse survive, and no dependent minor children of
24 the claimant survive, then the amount of the claim shall
25 escheat to the State.

1 (320 ILCS 25/5A.10 new)

2 Sec. 5A.10. Property Tax Relief; eligibility.

3 (a) To be eligible to claim a grant under this Act, a
4 person must be one of the following:

5 (1) An individual who is 65 years old or older (or who
6 will become 65 years old during the calendar year in which
7 the claim is filed).

8 (2) The surviving spouse of a deceased claimant who, at
9 the time of death, received or was entitled to receive a
10 grant or pharmaceutical assistance under this Act, if the
11 surviving spouse will attain age 65 within the 24 months
12 immediately following the death of the claimant and is
13 otherwise qualified to receive a grant.

14 (3) A disabled person who is 16 years old or older.

15 (b) To be eligible to claim a grant under this Act, a
16 person must also be a member of a household that meets all of
17 the following requirements:

18 (1) In the year for which the claim is filed, the
19 household was liable for payment of property taxes accrued
20 or paid rent constituting property taxes accrued.

21 (2) The household is domiciled in this State at the
22 time of filing the claim.

23 (3) The household has annual household income of (i)
24 less than \$22,218 for a one-person household with no
25 qualified additional residents; (ii) less than \$29,480 for

1 a one-person household with one qualified additional
2 resident or a 2-person household with no qualified
3 additional residents; or (iii) less than \$36,740 for a
4 one-person household with 2 or more qualified additional
5 residents or a 2-person household with one or more
6 qualified additional residents. ("Annual household income"
7 does not include the income of any qualified additional
8 residents.)

9 On January 1, 2009, a one-time reconciliation shall be
10 made to the foregoing household income eligibility limits
11 to ensure correlation with any income exemptions
12 established through rulemaking adopted by the Department
13 of Healthcare and Family Services for pharmaceutical
14 assistance.

15 Beginning January 1, 2009, the reconciled household
16 income eligibility limits shall be annually adjusted to
17 reflect the annual percentage change in Social Security and
18 Supplemental Security Income benefits based on the Bureau
19 of Labor Statistics' Consumer Price Index for Urban Wage
20 Earners and Clerical Workers (CPI-W) on claims filed for
21 the 2008 grant year and thereafter.

22 If any household income eligibility limit is less than
23 200% of the Federal Poverty Level for any year, the
24 household income eligibility limit for that year for
25 households of that size shall be income equal to or less
26 than 200% of the Federal Poverty Level.

1 (c) Eligibility to receive a grant under this Act is not
2 affected by participation in the program of deferrals created
3 under the Senior Citizens Real Estate Tax Deferral Act.

4 (d) A qualified individual is not entitled to duplicate
5 benefits in a claim year as a result of the changes made by
6 this amendatory Act of 95th General Assembly.

7 (320 ILCS 25/5A.15 new)

8 Sec. 5A.15. Property Tax Relief; amount.

9 (a) In general. Except as otherwise provided in this
10 Section, the maximum amount of the grant that a claimant is
11 entitled to claim is the amount by which the property taxes
12 accrued that were paid or payable during the last preceding tax
13 year upon the claimant's residence (or the rent constituting
14 property taxes accrued for the last preceding tax year) exceeds
15 3.5% of the claimant's household income for that year, but in
16 no event is the grant to exceed (i) \$700 less 4.5% of household
17 income for that year for a claimant with a household income of
18 \$14,000 or less or (ii) \$70 for a claimant with a household
19 income for that year of more than \$14,000.

20 (b) Age limitation. With respect to a claim filed by an
21 individual who will become 65 years old during the calendar
22 year in which the claim is filed, the amount of any grant to
23 which that household is entitled shall be an amount equal to
24 1/12 of the amount to which the claimant would otherwise be
25 entitled, multiplied by the number of months in which the

1 claimant was 65 years of age or older in the calendar year in
2 which the claim is filed.

3 (c) Public aid recipients. If household income in one or
4 more months during a year includes cash assistance in excess of
5 \$55 per month from the Department of Human Services, which was
6 determined under regulations of that Department on a measure of
7 need that included an allowance for actual rent or property
8 taxes paid by the recipient of that assistance, the amount of
9 grant to which that household is entitled, except as otherwise
10 provided in subsection (b), shall be the product of (1) the
11 maximum amount computed as specified in subsection (a) of this
12 Section and (2) the ratio of the number of months in which
13 household income did not include such cash assistance over \$55
14 to the number 12. If household income did not include such cash
15 assistance over \$55 for any months during the year, the amount
16 of the grant to which the household is entitled shall be the
17 maximum amount computed as specified in subsection (a) of this
18 Section. For purposes of this subsection (c), "cash assistance"
19 does not include any amount received under the federal
20 Supplemental Security Income (SSI) program.

21 (d) Joint ownership. If title to the residence is held
22 jointly by the claimant with a person who is not a member of
23 his or her household, the grant to which the claimant is
24 entitled shall be computed using a percentage of the total
25 property taxes accrued that is the same as the percentage of
26 ownership held by the claimant in the residence.

1 (e) More than one residence. If a claimant has occupied
2 more than one residence in the taxable year, he or she may
3 claim only one residence for any part of a month. In the case
4 of property taxes accrued, the amount of the grant shall be
5 prorated by 1/12 of the total property taxes accrued on his or
6 her residence for each month that he or she owned and occupied
7 that residence; and, in the case of rent constituting property
8 taxes accrued, the amount of the grant shall be prorated for
9 each month's rent payments on the residence actually occupied
10 during that month.

11 (f) Claims of one dollar and under. If the amount of a
12 grant computed under this Section is less than one dollar, the
13 Department on Aging shall pay to the claimant one dollar.

14 (320 ILCS 25/5A.20 new)

15 Sec. 5A.20. Property Tax Relief; administration of claims.

16 (a) In general. Upon receipt of a timely filed claim, the
17 Department on Aging shall determine whether the claimant is a
18 person entitled to a grant under this Act and the amount of a
19 grant to which he or she is entitled under this Act. The
20 Department on Aging may require the claimant to furnish
21 reasonable proof of the statements of domicile, household
22 income, rent paid, property taxes accrued, and other matters on
23 which entitlement is based and may withhold payment of a grant
24 until the additional proof is furnished.

25 (b) Rental determination. If the Department on Aging finds

1 that the gross rent used in the computation by a claimant of
2 rent constituting property taxes accrued exceeds the fair
3 rental value for the right to occupy that residence, the
4 Department on Aging may determine the fair rental value for
5 that residence and recompute rent constituting property taxes
6 accrued accordingly.

7 (c) Fraudulent claims. The Department on Aging shall deny a
8 claim if it determines that the claim was fraudulently prepared
9 or that the claimant has acquired title to his or her residence
10 or has paid rent for his or her residence primarily for the
11 purpose of receiving a grant under this Act.

12 (d) Payment; notice. If a claim for a grant under this Act
13 is approved, the Department on Aging shall order the grant to
14 be paid to the claimant, from appropriations made for that
15 purpose, in the amount determined by the Department on Aging,
16 as provided in this Act. If a claim is denied, the Department
17 on Aging shall cause written notice of the denial and reasons
18 for the denial to be sent to the claimant.

19 (e) The Department on Aging may enter into contracts and
20 other agreements to implement and administer its powers and
21 duties under this Act.

22 (f) Notwithstanding any other provision to the contrary,
23 the Department on Aging may adopt rules regarding applications,
24 proof of eligibility, required identification information, use
25 of social security numbers, counting of income, and a method of
26 computing "gross rent" in the case of a claimant living in a

1 nursing or sheltered care home, and any other rules necessary
2 for the cost-efficient operation of the program established
3 under Section 5A.

4 (320 ILCS 25/6A new)

5 Sec. 6A. Pharmaceutical Assistance; program. There is
6 hereby established a program of pharmaceutical assistance to
7 the aged and disabled, entitled the Illinois Seniors and
8 Disabled Drug Coverage Program, which shall be administered by
9 the Department of Healthcare and Family Services and the
10 Department on Aging in accordance with this Act and Executive
11 Order No. 3 of 2004, to consist of coverage of specified
12 prescription drugs on behalf of beneficiaries of the program.

13 (320 ILCS 25/6A.5 new)

14 Sec. 6A.5. Pharmaceutical Assistance; eligibility; rules.

15 (a) To become a beneficiary under the program established
16 under Section 6A, a person must meet all of the following
17 requirements:

18 (1) He or she must be (i) 65 years of age or older or
19 (ii) a disabled person who is 16 years old or older.

20 (2) He or she must be domiciled in this State at the
21 time of filing the claim and while receiving prescription
22 drug coverage.

23 (3) He or she must enroll with a qualified Medicare
24 Part D Prescription Drug Plan if eligible and apply for all

1 available subsidies under Medicare Part D.

2 (4) He or she must have an annual household income of
3 (i) less than \$22,218 for a one-person household with no
4 qualified additional residents; (ii) less than \$29,480 for
5 a one-person household with one qualified additional
6 resident or a 2-person household with no qualified
7 additional residents; or (iii) less than \$36,740 for a
8 one-person household with 2 or more qualified additional
9 residents or a 2-person household with one or more
10 qualified additional residents, as adjusted for any income
11 exemptions established through rulemaking adopted by the
12 Department of Healthcare and Family Services. ("Annual
13 household income" does not include the income of any
14 qualified additional residents.)

15 Beginning January 1, 2009, the foregoing household
16 income eligibility limits shall be annually adjusted to
17 reflect the annual percentage change in Social Security and
18 Supplemental Security Income benefits based on the Bureau
19 of Labor Statistics' Consumer Price Index for Urban Wage
20 Earners and Clerical Workers (CPI-W) on claims filed for
21 the 2008 grant year and thereafter.

22 If any income eligibility limit set forth in items (i)
23 through (iii) is less than 200% of the Federal Poverty
24 Level for any year, the income eligibility limit for that
25 year for households of that size shall be income equal to
26 or less than 200% of the Federal Poverty Level.

1 (b) Income eligibility for pharmaceutical assistance shall
2 be determined using the applicant's current annual household
3 income. The Department of Healthcare and Family Services, in
4 cooperation with the Department on Aging, may define by rule a
5 manner of projecting current annual household income when
6 income is expected to decline.

7 (c) In order to receive pharmaceutical assistance under
8 this Act, each eligible person must also sign a statement
9 assigning to the State of Illinois the drug benefits that may
10 be otherwise claimed under any private insurance plan.

11 (d) If both members of a household meet all of the
12 requirements of this Section, then they are both eligible for
13 pharmaceutical assistance under this Act. A qualified
14 additional resident is not eligible for pharmaceutical
15 assistance.

16 (e) Any person otherwise eligible for pharmaceutical
17 assistance under this Section whose covered prescription drugs
18 are covered by any public program is ineligible for assistance
19 under this subsection to the extent that the cost of those
20 drugs is covered by the other program.

21 (f) A qualified individual is not entitled to duplicate
22 benefits in a coverage period as a result of the changes made
23 by this amendatory Act of 95th General Assembly.

24 (320 ILCS 25/6A.10 new)

25 Sec. 6A.10. Pharmaceutical Assistance; Medicare Part D. To

1 the extent permitted by federal law, the Department of
2 Healthcare and Family Services may act as an authorized
3 representative of a beneficiary in order to enroll the
4 beneficiary in a Medicare Part D Prescription Drug Plan if the
5 beneficiary has failed to choose a plan and, when possible, to
6 enroll a beneficiary in the low-income subsidy program under
7 Medicare Part D or assist him or her in enrolling in that
8 program.

9 (320 ILCS 25/6A.15 new)

10 Sec. 6A.15. Pharmaceutical Assistance; beneficiary groups.
11 Beneficiaries under the program shall be divided into the
12 following 5 eligibility groups:

13 (1) Eligibility Group 1 shall consist of beneficiaries
14 who are not eligible for Medicare Part D coverage and who
15 are any of the following:

16 (A) Disabled and under age 65.

17 (B) Age 65 or older, with incomes over 200% of the
18 Federal Poverty Level.

19 (C) Age 65 or older, with incomes at or below 200%
20 of the Federal Poverty Level and not eligible for
21 federally funded means-tested benefits due to
22 immigration status.

23 (2) Eligibility Group 2 shall consist of beneficiaries
24 otherwise described in Eligibility Group 1 but who are
25 eligible for Medicare Part D coverage.

1 (3) Eligibility Group 3 shall consist of beneficiaries
2 age 65 or older, with incomes at or below 200% of the
3 Federal Poverty Level, who are not barred from receiving
4 federally funded means-tested benefits due to immigration
5 status and are eligible for Medicare Part D coverage.

6 (4) Eligibility Group 4 shall consist of beneficiaries
7 age 65 or older, with incomes at or below 200% of the
8 Federal Poverty Level, who are not barred from receiving
9 federally funded means-tested benefits due to immigration
10 status and are not eligible for Medicare Part D coverage.

11 If the State applies and receives federal approval for a
12 waiver under Title XIX of the Social Security Act, persons
13 in Eligibility Group 4 shall continue to receive benefits
14 through the approved waiver, and Eligibility Group 4 may be
15 expanded to include disabled persons under age 65 with
16 incomes under 200% of the Federal Poverty Level who are not
17 eligible for Medicare and who are not barred from receiving
18 federally funded means-tested benefits due to immigration
19 status.

20 (5) On and after January 1, 2007, Eligibility Group 5
21 shall consist of beneficiaries who are otherwise described
22 in Eligibility Group 1 but are eligible for Medicare Part D
23 and have a diagnosis of HIV or AIDS.

24 (320 ILCS 25/6A.20 new)

25 Sec. 6A.20. Pharmaceutical Assistance; cost-sharing.

1 (a) The program established under Section 6A shall cover
2 the cost of covered prescription drugs in excess of the
3 beneficiary cost-sharing amounts set forth in this Section that
4 are not covered by Medicare. Beneficiaries shall pay
5 co-payments equal to the co-payments required under Medicare
6 Part D for "other low income subsidy eligible individuals"
7 pursuant to 42 CFR 423.782(b).

8 (b) For individuals in Eligibility Groups 1 and 4, once the
9 program established under Section 6A has paid \$1,750 in a year
10 for covered prescription drugs, the beneficiary shall pay 20%
11 of the cost of each prescription in addition to the co-payments
12 set forth in this Section. For individuals in Eligibility
13 Groups 2, 3, and 5, once the Medicare Part D initial coverage
14 limit has been reached for the year, the beneficiary shall pay
15 20% of the cost of each prescription in addition to the
16 co-payments set forth in this Section.

17 (c) For individuals in Eligibility Group 5, co-payments and
18 cost-sharing shall be as described in subsection (b) of this
19 Section unless the drug is included in the formulary of the
20 Illinois AIDS Drug Assistance Program operated by the Illinois
21 Department of Public Health and in the Medicare Part D plan's
22 formulary. If the drug is included in the formulary of the
23 Illinois AIDS Drug Assistance Program and the Medicare Part D
24 plan's formulary, individuals in Eligibility Group 5 shall
25 continue to pay the co-payments set forth in this Section for
26 the entire benefit year.

1 (d) For beneficiaries eligible for Medicare Part D
2 coverage, the program established under Section 6A shall pay
3 100% of the average benchmark monthly premium charged by a
4 qualified Medicare Part D Prescription Drug Plan for Medicare
5 Part D prescription drug coverage, not including any late
6 enrollment penalties. Qualified Medicare Part D Prescription
7 Drug Plans may be limited by the Department of Healthcare and
8 Family Services to those plans that sign a coordination
9 agreement with the Department.

10 (320 ILCS 25/6A.25 new)

11 Sec. 6A.25. Pharmaceutical Assistance; covered
12 prescription drugs.

13 (a) For purposes of the program established under Section
14 6A, the term "covered prescription drug" has the following
15 meanings:

16 (1) For Eligibility Group 1, "covered prescription
17 drug" means the following:

18 (A) Any cardiovascular agent or drug.

19 (B) Any insulin or other prescription drug used in
20 the treatment of diabetes, including syringes and
21 needles used to administer the insulin.

22 (C) Any prescription drug used in the treatment of
23 arthritis.

24 (D) Any prescription drug used in the treatment of
25 cancer.

1 (E) Any prescription drug used in the treatment of
2 Alzheimer's disease.

3 (F) Any prescription drug used in the treatment of
4 Parkinson's disease.

5 (G) Any prescription drug used in the treatment of
6 glaucoma.

7 (H) Any prescription drug used in the treatment of
8 lung disease and smoking related illnesses.

9 (I) Any prescription drug used in the treatment of
10 osteoporosis.

11 (J) Any prescription drug used in the treatment of
12 multiple sclerosis.

13 The Department of Healthcare and Family Services may
14 add additional therapeutic classes by rule. The Department
15 may adopt a preferred drug list within any of the classes
16 of drugs described in items (A) through (J) of this
17 paragraph (1). The specific drugs or therapeutic classes of
18 covered prescription drugs shall be indicated by rule.

19 (2) For Eligibility Group 2, "covered prescription
20 drug" means those drugs covered for Eligibility Group 1
21 that are also covered by the Medicare Part D Prescription
22 Drug Plan in which the beneficiary is enrolled.

23 (3) For Eligibility Group 3, "covered prescription
24 drug" means those drugs covered by the Medicare Part D
25 Prescription Drug Plan in which the beneficiary is
26 enrolled.

1 (4) For Eligibility Group 4, "covered prescription
2 drug" means those drugs covered by the Medical Assistance
3 Program under Article V of the Illinois Public Aid Code.

4 (5) For Eligibility Group 5, for individuals otherwise
5 described in Eligibility Group 2, "covered prescription
6 drug" means all of the following:

7 (A) Those drugs covered for Eligibility Group 2
8 that are also covered by the Medicare Part D
9 Prescription Drug Plan in which the beneficiary is
10 enrolled.

11 (B) Those drugs included in the formulary of the
12 Illinois AIDS Drug Assistance Program operated by the
13 Illinois Department of Public Health that are also
14 covered by the Medicare Part D Prescription Drug Plan
15 in which the beneficiary is enrolled.

16 For Eligibility Group 5, for individuals otherwise
17 described in Eligibility Group 3, "covered prescription
18 drug" means those drugs covered by the Medicare Part D
19 Prescription Drug Plan in which the beneficiary is
20 enrolled.

21 (b) An individual in Eligibility Group 1, 2, 3, 4, or 5 may
22 opt to receive a \$25 monthly payment in lieu of the direct
23 coverage described in this Section, provided he or she is
24 enrolled in a third party plan that provides a creditable
25 pharmacy benefit or Medicare Part D plan that is not
26 coordinating benefits with Illinois Cares Rx. Eligible

1 individuals who are enrolled in Medicare Part D and qualify for
2 a full low income subsidy available through the Social Security
3 Administration are not entitled to receive the foregoing
4 monthly rebate.

5 (320 ILCS 25/6A.30 new)

6 Sec. 6A.30. Pharmaceutical Assistance; payments to
7 authorized pharmacies.

8 (a) The Department of Healthcare and Family Services shall
9 establish by rule the methods by which it will provide for the
10 coverage called for in the program established under Section
11 6A. Those methods may include direct reimbursement to
12 pharmacies or the payment of a capitated amount to Medicare
13 Part D Prescription Drug Plans.

14 (b) For a pharmacy to be reimbursed under the program
15 established under Section 6A, it must comply with rules adopted
16 by the Department of Healthcare and Family Services regarding
17 coordination of benefits with Medicare Part D Prescription Drug
18 Plans. A pharmacy may not charge a Medicare enrolled
19 beneficiary of the program established under Section 6A more
20 for a covered prescription drug than the appropriate Medicare
21 cost-sharing less any payment from or on behalf of the
22 Department of Healthcare and Family Services.

23 (320 ILCS 25/6A.35 new)

24 Sec. 6A.35. Pharmaceutical Assistance; administration by

1 Department of Healthcare and Family Services.

2 (a) The Department of Healthcare and Family Services, in
3 cooperation with the Department on Aging, as appropriate, may
4 adopt rules regarding applications, counting of income, proof
5 of Medicare status, mandatory generic policies, identification
6 card fees, and pharmacy reimbursement rates and any other rules
7 necessary for the cost-efficient operation of the program
8 established under Section 6A.

9 (b) The Department of Healthcare and Family Services shall
10 allow all pharmacies licensed under the Pharmacy Practice Act
11 to participate as authorized pharmacies unless they have been
12 removed from that status for cause. The Director of Healthcare
13 and Family Services may enter into a written contract with any
14 State agency, instrumentality, or political subdivision, or a
15 fiscal intermediary, for the purpose of making payments to
16 authorized pharmacies for covered prescription drugs and
17 coordinating the program of pharmaceutical assistance
18 established by this Act with other programs that provide
19 payment for covered prescription drugs. Any such agreement
20 shall establish procedures for properly contracting for
21 pharmacy services, validating reimbursement claims, validating
22 compliance of dispensing pharmacists with the contracts for
23 participation required under this Section, validating the
24 reasonable costs of covered prescription drugs, and otherwise
25 providing for the effective administration of this Act.

26 (c) The Department of Healthcare and Family Services shall

1 administer the following aspects of the program of
2 pharmaceutical assistance:

3 (1) Execution of contracts with pharmacies to dispense
4 covered prescription drugs. The contracts shall stipulate
5 terms and conditions for authorized pharmacies'
6 participation and the rights of the State to terminate a
7 pharmacy's participation for breach of the contract or for
8 violation of this Act or related rules and regulations of
9 the Department of Healthcare and Family Services.

10 (2) Establishment of maximum limits on the size of
11 prescriptions, new or refilled, which shall be in amounts
12 sufficient for 31 days, for benefits paid for directly by
13 the Department, except as otherwise specified by rule for
14 medical or utilization control reasons.

15 (3) Establishment of liens upon any and all causes of
16 action that accrue to a beneficiary as a result of injuries
17 for which covered prescription drugs are directly or
18 indirectly required and for which the Director of
19 Healthcare and Family Services made payment or became
20 liable under this Act.

21 (4) Charging or collection of payments from third
22 parties or private plans of assistance, or from other
23 programs of public assistance, for any claim that is
24 properly chargeable under the assignment of benefits
25 executed by beneficiaries as a requirement of eligibility
26 for pharmaceutical assistance under this Act.

1 (5) Inspection of appropriate records and audit of
2 participating authorized pharmacies to ensure contract
3 compliance and to determine any fraudulent transactions or
4 practices under this Act.

5 (6) Determination of the reasonable costs of covered
6 prescription drugs for which payments are made under this
7 Act.

8 (320 ILCS 25/7) (from Ch. 67 1/2, par. 407)

9 Sec. 7. Review of action or determination ~~Payment and~~
10 ~~denial of claims.~~

11 (a) Any person aggrieved by an action or determination of
12 the Department on Aging arising under any of its powers or
13 duties under this Act may request in writing that the
14 Department on Aging reconsider its action or determination,
15 setting out the facts upon which the request is based. The
16 Department on Aging shall consider the request and either
17 modify or affirm its prior action or determination. The
18 Department on Aging may adopt by rule procedures for conducting
19 its review under this Section.

20 (b) Any person aggrieved by an action or determination of
21 the Department of Healthcare and Family Services arising under
22 any of its powers or duties under this Act may request in
23 writing that the Department of Healthcare and Family Services
24 reconsider its action or determination, setting out the facts
25 upon which the request is based. The Department of Healthcare

1 and Family Services shall consider the request and either
2 modify or affirm its prior action or determination. The
3 Department of Healthcare and Family Services may adopt by rule
4 procedures for conducting its review under this Section.

5 ~~(a) In general. The Director shall order the payment from~~
6 ~~appropriations made for that purpose of grants to claimants~~
7 ~~under this Act in the amounts to which the Department has~~
8 ~~determined they are entitled, respectively. If a claim is~~
9 ~~denied, the Director shall cause written notice of that denial~~
10 ~~and the reasons for that denial to be sent to the claimant.~~

11 ~~(b) Payment of claims one dollar and under. Where the~~
12 ~~amount of the grant computed under Section 4 is less than one~~
13 ~~dollar, the Department shall pay to the claimant one dollar.~~

14 ~~(c) Right to appeal. Any claimant aggrieved by the action~~
15 ~~of the Department under this Act, whether in the reduction of~~
16 ~~the amount of the grant claimed or in the denial of the claim,~~
17 ~~may request in writing that the Department reconsider its prior~~
18 ~~determination, setting out the facts on which his request is~~
19 ~~based. The Department shall consider the request and either~~
20 ~~modify or affirm its prior determination.~~

21 ~~(d) Administrative review. The decision of the Department~~
22 ~~to affirm its prior determination, or the failure of the~~
23 ~~Department to act on a request for reconsideration within 60~~
24 ~~days, is a final administrative decision which is subject to~~
25 ~~judicial review under the Administrative Review Law, and all~~
26 ~~amendments and modifications thereof and the rules adopted~~

1 ~~thereto. The term "administrative decision" is defined as in~~
2 ~~Section 3-101 of the Code of Civil Procedure.~~

3 (Source: P.A. 82-783.)

4 (320 ILCS 25/7.5 new)

5 Sec. 7.5. Providing insurance information. Notwithstanding
6 any other law to the contrary, entities subject to the Illinois
7 Insurance Code, the Comprehensive Health Insurance Plan Act,
8 the Dental Service Plan Act, the Children's Health Insurance
9 Program Act, the Health Care Purchasing Group Act, the Health
10 Maintenance Organization Act, the Limited Health Service
11 Organization Act, the Voluntary Health Services Plans Act, and
12 the Workers' Compensation Act, including, but not limited to,
13 insurers, health maintenance organizations, pharmacy benefit
14 managers, third party administrators, fraternal benefit
15 societies, group funded workers' compensation pools, municipal
16 group funded pools, self-funded or self-insured welfare or
17 benefit plans or programs, and any other entities that provide
18 health coverage through an employer, union, trade association,
19 or other organization or source, or any other entities, must
20 provide information to the Department on Aging or the
21 Department of Healthcare and Family Services, or the designee
22 of either of those Departments, that is necessary to carry out
23 the purposes of this Act, including, but not limited to, the
24 name, social security number, address, date of birth, and
25 coverage of their policyholders, their subscribers, or the

1 beneficiaries of their plans, benefits, or services, who
2 participate in the programs under this Act. The provision of
3 this information to the Department on Aging or the Department
4 of Healthcare and Family Services, or their designees, is
5 subject to the confidentiality provisions in Section 8a of this
6 Act.

7 (320 ILCS 25/8) (from Ch. 67 1/2, par. 408)

8 Sec. 8. Records. Every claimant of a grant under this Act
9 and every applicant for pharmaceutical assistance under this
10 Act shall keep such records, render such statements, file such
11 forms and comply with such rules and regulations as the
12 Department on Aging may from time to time prescribe. The
13 Department on Aging may by regulations require landlords to
14 furnish to tenants statements as to gross rent or rent
15 constituting property taxes accrued.

16 (Source: P.A. 77-2059.)

17 (320 ILCS 25/8a) (from Ch. 67 1/2, par. 408.1)

18 Sec. 8a. Confidentiality.

19 (a) Except as otherwise provided in this Act, all
20 information received by the Department of Revenue or its
21 successors, the Department on Aging and the Department of
22 Healthcare and Family Services, from claims filed under this
23 Act, or from any investigation conducted under the provisions
24 of this Act, shall be confidential, except for official

1 purposes within those Departments ~~the Department~~ or pursuant to
2 official procedures for collection of any State tax or
3 enforcement of any civil or criminal penalty or sanction
4 imposed by this Act or by any statute imposing a State tax, and
5 any person who divulges any such information in any manner,
6 except for such purposes and pursuant to order of the Director
7 of one of those Departments or in accordance with a proper
8 judicial order, shall be guilty of a Class A misdemeanor.

9 (b) Nothing contained in this Act shall prevent the
10 Director of Aging from publishing or making available
11 reasonable statistics concerning the operation of the grant
12 programs contained in this Act wherein the contents of claims
13 are grouped into aggregates in such a way that information
14 contained in any individual claim shall not be disclosed.

15 (c) The Department on Aging shall furnish to the Secretary
16 of State such information as is reasonably necessary for the
17 administration of (i) subsection (d) of Section 11-1301.2 of
18 the Illinois Vehicle Code (relating to fees for replacement
19 parking decals for persons with disabilities) and (ii) reduced
20 vehicle registration fees pursuant to Section 3-806.3 of "The
21 Illinois Vehicle Code".

22 (Source: P.A. 89-399, eff. 8-20-95.)

23 (320 ILCS 25/9) (from Ch. 67 1/2, par. 409)

24 Sec. 9. Fraud; error.

25 (a) Any person who files a fraudulent claim for a grant

1 under this Act, or who for compensation prepares a claim for a
2 grant and knowingly enters false information on an application
3 ~~a claim form~~ for any claimant under this Act, or who
4 fraudulently files multiple applications ~~claim forms~~, or who
5 fraudulently states that a nondisabled person is disabled, or
6 who fraudulently procures a pharmaceutical assistance benefits
7 ~~identification card~~, or who fraudulently uses such assistance
8 ~~card~~ to procure covered prescription drugs, or who, on behalf
9 of an authorized pharmacy, files a fraudulent request ~~claim~~ for
10 payment, is guilty of a Class 4 felony for the first offense
11 and is guilty of a Class 3 felony for each subsequent offense.

12 (b) The Department on Aging and the Department of
13 Healthcare and Family Services shall immediately suspend ~~the~~
14 ~~use of~~ the pharmaceutical assistance benefits ~~identification~~
15 ~~card~~ of any person suspected of fraudulent procurement or
16 fraudulent use of such assistance ~~card~~, and shall revoke such
17 assistance ~~card~~ upon a conviction. A person convicted of ~~such~~
18 fraud under subsection (a) shall be permanently barred from all
19 of the programs ~~the program of pharmaceutical assistance~~
20 established under this Act.

21 (c) The Department on Aging may recover from a claimant,
22 ~~including an authorized pharmacy,~~ any amount paid to that
23 claimant under this Act on account of an erroneous or
24 fraudulent claim, together with 6% interest per year. Amounts
25 recoverable from a claimant by the Department on Aging under
26 this Act may, but need not, be recovered by offsetting the

1 amount owed against any future grant payable to the person
2 under this Act.

3 The Department of Healthcare and Family Services may
4 recover from an authorized pharmacy any amount paid to that
5 pharmacy under the pharmaceutical assistance program on
6 account of an erroneous or fraudulent request for payment under
7 that program, together with 6% interest per year. The
8 Department of Healthcare and Family Services may recover from a
9 person who erroneously or fraudulently obtains benefits under
10 the pharmaceutical assistance program the value of the benefits
11 so obtained, together with 6% interest per year.

12 (d) A prosecution for a violation of this Section may be
13 commenced at any time within 3 years of the commission of that
14 violation.

15 (Source: P.A. 85-299.)

16 (320 ILCS 25/10) (from Ch. 67 1/2, par. 410)

17 Sec. 10. Arrangements and captions ~~Captions~~. No inference,
18 implication, or presumption of legislative construction shall
19 be drawn or made by reason of the location or grouping of any
20 particular section or provision of this Act, nor shall any
21 caption be given any legal effect.

22 (Source: P.A. 77-2059.)

23 (320 ILCS 25/11) (from Ch. 67 1/2, par. 411)

24 Sec. 11. Severability. If any clause, sentence, section,

1 provision or part of this Act or the application thereof to any
2 person or circumstance is ~~shall be~~ adjudged to be
3 unconstitutional, the remainder of this Act or its application
4 to persons or circumstances other than those to which it is
5 held invalid, shall not be affected thereby.

6 (Source: P.A. 77-2059.)

7 (320 ILCS 25/12) (from Ch. 67 1/2, par. 412)

8 Sec. 12. ~~Regulations~~ Department on Aging; outreach
9 responsibilities.

10 ~~(a) Regulations. The Director shall promulgate such~~
11 ~~regulations as are necessary or desirable to effectuate the~~
12 ~~purposes of this Act, including but not limited to the method~~
13 ~~of computing "gross rent" in the case of a claimant living in a~~
14 ~~nursing or sheltered care home.~~

15 ~~(b)~~ The Department on Aging shall, to the extent of
16 appropriations made for that purpose:

17 (1) attempt to secure the cooperation of appropriate
18 federal, State and local agencies in securing the names and
19 addresses of persons to whom this Act pertains;

20 (2) prepare a mailing list of persons eligible for
21 grants under this Act;

22 (3) secure the cooperation of the Department of
23 Revenue, the Department of Healthcare and Family Services,
24 and other State agencies and of local business
25 establishments to facilitate distribution of applications

1 ~~application forms~~ under this Act to those eligible to file
2 claims; and

3 (4) through use of direct mail, newspaper
4 advertisements and radio and television advertisements,
5 and all other appropriate means of communication, conduct
6 an on-going public relations program to increase awareness
7 of eligible citizens of the benefits ~~grants~~ under this Act
8 and the procedures for applying for them.

9 (Source: P.A. 78-1249.)

10 (320 ILCS 25/13) (from Ch. 67 1/2, par. 413)

11 Sec. 13. List. The Department on Aging ~~of Revenue~~ shall
12 maintain a list of all persons who have qualified under this
13 Act and shall make the list available to municipalities upon
14 request.

15 All information received by a municipality under this
16 Section shall be confidential, except for official purposes,
17 and any person who divulges or uses that information in any
18 manner, except in accordance with a proper judicial order,
19 shall be guilty of a Class B misdemeanor.

20 (Source: P.A. 87-247.)

21 (320 ILCS 25/3.02 rep.)

22 (320 ILCS 25/3.03 rep.)

23 (320 ILCS 25/3.15 rep.)

24 (320 ILCS 25/3.16 rep.)

1 (320 ILCS 25/4 rep.)

2 (320 ILCS 25/4.1 rep.)

3 (320 ILCS 25/5 rep.)

4 (320 ILCS 25/5.1 rep.)

5 (320 ILCS 25/6 rep.)

6 Section 16. The Senior Citizens and Disabled Persons
7 Property Tax Relief and Pharmaceutical Assistance Act is
8 amended by repealing Sections 3.02, 3.03, 3.15, 3.16, 4, 4.1,
9 5, 5.1, and 6.

10 Section 20. The Illinois Vehicle Code is amended by
11 changing Sections 3-806.3 and 11-1301.2 as follows:

12 (625 ILCS 5/3-806.3) (from Ch. 95 1/2, par. 3-806.3)

13 Sec. 3-806.3. Senior Citizens. Commencing with the 2006
14 registration year and through the 2008 registration year, the
15 registration fee paid by any vehicle owner who has been
16 approved for benefits under the Senior Citizens and Disabled
17 Persons Property Tax Relief and Pharmaceutical Assistance Act
18 or who is the spouse of such a person shall be \$24 instead of
19 the fee otherwise provided in this Code for passenger cars
20 displaying standard multi-year registration plates issued
21 under Section 3-414.1, motor vehicles displaying special
22 registration plates issued under Section 3-609, 3-609.1,
23 3-616, 3-620, 3-621, 3-622, 3-623, 3-624, 3-625, 3-626, 3-628,
24 3-638, 3-642, 3-645, 3-647, 3-649, 3-650, ~~or~~ 3-651, 3-664,

1 3-665, or 3-666, motor vehicles registered at 8,000 pounds or
2 less under Section 3-815(a), and recreational vehicles
3 registered at 8,000 pounds or less under Section 3-815(b).
4 Widows and widowers of claimants shall also be entitled to this
5 reduced registration fee for the registration year in which the
6 claimant was eligible.

7 ~~Commencing with the 2006 registration year and through the~~
8 ~~2008 registration year, the registration fee paid by any~~
9 ~~vehicle owner who has claimed and received a grant under the~~
10 ~~Senior Citizens and Disabled Persons Property Tax Relief and~~
11 ~~Pharmaceutical Assistance Act or who is the spouse of such a~~
12 ~~person shall be \$24 instead of the fee otherwise provided in~~
13 ~~this Code for passenger cars displaying standard multi-year~~
14 ~~registration plates issued under Section 3-414.1, motor~~
15 ~~vehicles displaying special registration plates issued under~~
16 ~~Section 3-607, 3-616, 3-621, 3-622, 3-623, 3-624, 3-625, 3-626,~~
17 ~~3-628, 3-638, 3-642, 3-645, 3-647, 3-650, 3-651, or 3-806.4,~~
18 ~~motor vehicles registered at 8,000 pounds or less under Section~~
19 ~~3-815(a), and recreational vehicles registered at 8,000 pounds~~
20 ~~or less under Section 3-815(b). Widows and widowers of~~
21 ~~claimants shall also be entitled to this reduced registration~~
22 ~~fee for the registration year in which the claimant was~~
23 ~~eligible.~~

24 Commencing with the 2009 registration year, the
25 registration fee paid by any vehicle owner who has been
26 approved for benefits under the Senior Citizens and Disabled

1 Persons Property Tax Relief and Pharmaceutical Assistance Act
2 or who is the spouse of such a person shall be \$24 instead of
3 the fee otherwise provided in this Code for passenger cars
4 displaying standard multi-year registration plates issued
5 under Section 3-414.1, motor vehicles displaying special
6 registration plates issued under Section 3-609, 3-609.1,
7 3-616, 3-620, 3-621, 3-622, 3-623, 3-624, 3-625, 3-626, 3-628,
8 3-638, 3-642, 3-645, 3-647, 3-649, 3-650, ~~or~~ 3-651, 3-664,
9 3-665, or 3-666, motor vehicles registered at 8,000 pounds or
10 less under Section 3-815(a), and recreational vehicles
11 registered at 8,000 pounds or less under Section 3-815(b).
12 Widows and widowers of claimants shall also be entitled to this
13 reduced registration fee for the registration year in which the
14 claimant was eligible.

15 ~~Commencing with the 2009 registration year, the~~
16 ~~registration fee paid by any vehicle owner who has claimed and~~
17 ~~received a grant under the Senior Citizens and Disabled Persons~~
18 ~~Property Tax Relief and Pharmaceutical Assistance Act or who is~~
19 ~~the spouse of such a person shall be \$24 instead of the fee~~
20 ~~otherwise provided in this Code for passenger cars displaying~~
21 ~~standard multi-year registration plates issued under Section~~
22 ~~3-414.1, motor vehicles displaying special registration plates~~
23 ~~issued under Section 3-607, 3-609, 3-616, 3-621, 3-622, 3-623,~~
24 ~~3-624, 3-625, 3-626, 3-628, 3-638, 3-642, 3-645, 3-647, 3-650,~~
25 ~~or 3-651, or 3-806.4, motor vehicles registered at 8,000 pounds~~
26 ~~or less under Section 3-815(a), and recreational vehicles~~

1 ~~registered at 8,000 pounds or less under Section 3-815(b).~~
2 ~~Widows and widowers of claimants shall also be entitled to this~~
3 ~~reduced registration fee for the registration year in which the~~
4 ~~claimant was eligible.~~

5 No more than one reduced registration fee under this
6 Section shall be allowed during any 12 month period based on
7 the primary eligibility of any individual, whether such reduced
8 registration fee is allowed to the individual or to the spouse,
9 widow or widower of such individual. This Section does not
10 apply to the fee paid in addition to the registration fee for
11 motor vehicles displaying vanity or special license plates.

12 (Source: P.A. 95-157, eff. 1-1-08; 95-331, eff. 8-21-07;
13 revised 12-10-07.)

14 (625 ILCS 5/11-1301.2) (from Ch. 95 1/2, par. 11-1301.2)

15 Sec. 11-1301.2. Special decals for a person with
16 disabilities parking.

17 (a) The Secretary of State shall provide for, by
18 administrative rules, the design, size, color, and placement of
19 a person with disabilities motorist decal or device and shall
20 provide for, by administrative rules, the content and form of
21 an application for a person with disabilities motorist decal or
22 device, which shall be used by local authorities in the
23 issuance thereof to a person with temporary disabilities,
24 provided that the decal or device is valid for no more than 90
25 days, subject to renewal for like periods based upon continued

1 disability, and further provided that the decal or device
2 clearly sets forth the date that the decal or device expires.
3 The application shall include the requirement of an Illinois
4 Identification Card number or a State of Illinois driver's
5 license number. This decal or device shall be the property of
6 such person with disabilities and may be used by that person to
7 designate and identify a vehicle not owned or displaying a
8 registration plate as provided in Sections 3-609, 3-609.01, and
9 3-616 of this Act to designate when the vehicle is being used
10 to transport said person or persons with disabilities, and thus
11 is entitled to enjoy all the privileges that would be afforded
12 a person with disabilities licensed vehicle. Person with
13 disabilities decals or devices issued and displayed pursuant to
14 this Section shall be recognized and honored by all local
15 authorities regardless of which local authority issued such
16 decal or device.

17 The decal or device shall be issued only upon a showing by
18 adequate documentation that the person for whose benefit the
19 decal or device is to be used has a temporary disability as
20 defined in Section 1-159.1 of this Code.

21 (b) The local governing authorities shall be responsible
22 for the provision of such decal or device, its issuance and
23 designated placement within the vehicle. The cost of such decal
24 or device shall be at the discretion of such local governing
25 authority.

26 (c) The Secretary of State may, pursuant to Section

1 3-616(c), issue a person with disabilities parking decal or
2 device to a person with disabilities as defined by Section
3 1-159.1. Any person with disabilities parking decal or device
4 issued by the Secretary of State shall be registered to that
5 person with disabilities in the form to be prescribed by the
6 Secretary of State. The person with disabilities parking decal
7 or device shall not display that person's address. One
8 additional decal or device may be issued to an applicant upon
9 his or her written request and with the approval of the
10 Secretary of State. The written request must include a
11 justification of the need for the additional decal or device.

12 (d) Replacement decals or devices may be issued for lost,
13 stolen, or destroyed decals upon application and payment of a
14 \$10 fee. The replacement fee may be waived for individuals that
15 have been approved for benefits ~~claimed and received a grant~~
16 under the Senior Citizens and Disabled Persons Property Tax
17 Relief and Pharmaceutical Assistance Act.

18 (Source: P.A. 95-167, eff. 1-1-08.)

19 Section 99. Effective date. This Act takes effect January
20 1, 2009."