

HB1162



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB1162

by Rep. Jay Hoffman

SYNOPSIS AS INTRODUCED:

See Index

Amends the Senior Citizens and Disabled Persons Property Tax Relief Act by reinstating the pharmaceutical assistance program that was eliminated by Public Act 97-689 and changing the short title of the Act to the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act. Makes corresponding changes in other Acts. Effective immediately.

LRB098 07992 KTG 38082 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning pharmaceutical assistance.

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

4 Section 1. The Illinois Administrative Procedure Act is
5 amended by changing Section 5-45 as follows:

6 (5 ILCS 100/5-45) (from Ch. 127, par. 1005-45)

7 Sec. 5-45. Emergency rulemaking.

8 (a) "Emergency" means the existence of any situation that
9 any agency finds reasonably constitutes a threat to the public
10 interest, safety, or welfare.

11 (b) If any agency finds that an emergency exists that
12 requires adoption of a rule upon fewer days than is required by
13 Section 5-40 and states in writing its reasons for that
14 finding, the agency may adopt an emergency rule without prior
15 notice or hearing upon filing a notice of emergency rulemaking
16 with the Secretary of State under Section 5-70. The notice
17 shall include the text of the emergency rule and shall be
18 published in the Illinois Register. Consent orders or other
19 court orders adopting settlements negotiated by an agency may
20 be adopted under this Section. Subject to applicable
21 constitutional or statutory provisions, an emergency rule
22 becomes effective immediately upon filing under Section 5-65 or
23 at a stated date less than 10 days thereafter. The agency's

1 finding and a statement of the specific reasons for the finding
2 shall be filed with the rule. The agency shall take reasonable
3 and appropriate measures to make emergency rules known to the
4 persons who may be affected by them.

5 (c) An emergency rule may be effective for a period of not
6 longer than 150 days, but the agency's authority to adopt an
7 identical rule under Section 5-40 is not precluded. No
8 emergency rule may be adopted more than once in any 24 month
9 period, except that this limitation on the number of emergency
10 rules that may be adopted in a 24 month period does not apply
11 to (i) emergency rules that make additions to and deletions
12 from the Drug Manual under Section 5-5.16 of the Illinois
13 Public Aid Code or the generic drug formulary under Section
14 3.14 of the Illinois Food, Drug and Cosmetic Act, (ii)
15 emergency rules adopted by the Pollution Control Board before
16 July 1, 1997 to implement portions of the Livestock Management
17 Facilities Act, (iii) emergency rules adopted by the Illinois
18 Department of Public Health under subsections (a) through (i)
19 of Section 2 of the Department of Public Health Act when
20 necessary to protect the public's health, (iv) emergency rules
21 adopted pursuant to subsection (n) of this Section, (v)
22 emergency rules adopted pursuant to subsection (o) of this
23 Section, or (vi) emergency rules adopted pursuant to subsection
24 (c-5) of this Section. Two or more emergency rules having
25 substantially the same purpose and effect shall be deemed to be
26 a single rule for purposes of this Section.

1 (c-5) To facilitate the maintenance of the program of group
2 health benefits provided to annuitants, survivors, and retired
3 employees under the State Employees Group Insurance Act of
4 1971, rules to alter the contributions to be paid by the State,
5 annuitants, survivors, retired employees, or any combination
6 of those entities, for that program of group health benefits,
7 shall be adopted as emergency rules. The adoption of those
8 rules shall be considered an emergency and necessary for the
9 public interest, safety, and welfare.

10 (d) In order to provide for the expeditious and timely
11 implementation of the State's fiscal year 1999 budget,
12 emergency rules to implement any provision of Public Act 90-587
13 or 90-588 or any other budget initiative for fiscal year 1999
14 may be adopted in accordance with this Section by the agency
15 charged with administering that provision or initiative,
16 except that the 24-month limitation on the adoption of
17 emergency rules and the provisions of Sections 5-115 and 5-125
18 do not apply to rules adopted under this subsection (d). The
19 adoption of emergency rules authorized by this subsection (d)
20 shall be deemed to be necessary for the public interest,
21 safety, and welfare.

22 (e) In order to provide for the expeditious and timely
23 implementation of the State's fiscal year 2000 budget,
24 emergency rules to implement any provision of this amendatory
25 Act of the 91st General Assembly or any other budget initiative
26 for fiscal year 2000 may be adopted in accordance with this

1 Section by the agency charged with administering that provision
2 or initiative, except that the 24-month limitation on the
3 adoption of emergency rules and the provisions of Sections
4 5-115 and 5-125 do not apply to rules adopted under this
5 subsection (e). The adoption of emergency rules authorized by
6 this subsection (e) shall be deemed to be necessary for the
7 public interest, safety, and welfare.

8 (f) In order to provide for the expeditious and timely
9 implementation of the State's fiscal year 2001 budget,
10 emergency rules to implement any provision of this amendatory
11 Act of the 91st General Assembly or any other budget initiative
12 for fiscal year 2001 may be adopted in accordance with this
13 Section by the agency charged with administering that provision
14 or initiative, except that the 24-month limitation on the
15 adoption of emergency rules and the provisions of Sections
16 5-115 and 5-125 do not apply to rules adopted under this
17 subsection (f). The adoption of emergency rules authorized by
18 this subsection (f) shall be deemed to be necessary for the
19 public interest, safety, and welfare.

20 (g) In order to provide for the expeditious and timely
21 implementation of the State's fiscal year 2002 budget,
22 emergency rules to implement any provision of this amendatory
23 Act of the 92nd General Assembly or any other budget initiative
24 for fiscal year 2002 may be adopted in accordance with this
25 Section by the agency charged with administering that provision
26 or initiative, except that the 24-month limitation on the

1 adoption of emergency rules and the provisions of Sections
2 5-115 and 5-125 do not apply to rules adopted under this
3 subsection (g). The adoption of emergency rules authorized by
4 this subsection (g) shall be deemed to be necessary for the
5 public interest, safety, and welfare.

6 (h) In order to provide for the expeditious and timely
7 implementation of the State's fiscal year 2003 budget,
8 emergency rules to implement any provision of this amendatory
9 Act of the 92nd General Assembly or any other budget initiative
10 for fiscal year 2003 may be adopted in accordance with this
11 Section by the agency charged with administering that provision
12 or initiative, except that the 24-month limitation on the
13 adoption of emergency rules and the provisions of Sections
14 5-115 and 5-125 do not apply to rules adopted under this
15 subsection (h). The adoption of emergency rules authorized by
16 this subsection (h) shall be deemed to be necessary for the
17 public interest, safety, and welfare.

18 (i) In order to provide for the expeditious and timely
19 implementation of the State's fiscal year 2004 budget,
20 emergency rules to implement any provision of this amendatory
21 Act of the 93rd General Assembly or any other budget initiative
22 for fiscal year 2004 may be adopted in accordance with this
23 Section by the agency charged with administering that provision
24 or initiative, except that the 24-month limitation on the
25 adoption of emergency rules and the provisions of Sections
26 5-115 and 5-125 do not apply to rules adopted under this

1 subsection (i). The adoption of emergency rules authorized by
2 this subsection (i) shall be deemed to be necessary for the
3 public interest, safety, and welfare.

4 (j) In order to provide for the expeditious and timely
5 implementation of the provisions of the State's fiscal year
6 2005 budget as provided under the Fiscal Year 2005 Budget
7 Implementation (Human Services) Act, emergency rules to
8 implement any provision of the Fiscal Year 2005 Budget
9 Implementation (Human Services) Act may be adopted in
10 accordance with this Section by the agency charged with
11 administering that provision, except that the 24-month
12 limitation on the adoption of emergency rules and the
13 provisions of Sections 5-115 and 5-125 do not apply to rules
14 adopted under this subsection (j). The Department of Public Aid
15 may also adopt rules under this subsection (j) necessary to
16 administer the Illinois Public Aid Code and the Children's
17 Health Insurance Program Act. The adoption of emergency rules
18 authorized by this subsection (j) shall be deemed to be
19 necessary for the public interest, safety, and welfare.

20 (k) In order to provide for the expeditious and timely
21 implementation of the provisions of the State's fiscal year
22 2006 budget, emergency rules to implement any provision of this
23 amendatory Act of the 94th General Assembly or any other budget
24 initiative for fiscal year 2006 may be adopted in accordance
25 with this Section by the agency charged with administering that
26 provision or initiative, except that the 24-month limitation on

1 the adoption of emergency rules and the provisions of Sections
2 5-115 and 5-125 do not apply to rules adopted under this
3 subsection (k). The Department of Healthcare and Family
4 Services may also adopt rules under this subsection (k)
5 necessary to administer the Illinois Public Aid Code, the
6 Senior Citizens and Disabled Persons Property Tax Relief and
7 Pharmaceutical Assistance Act, the Senior Citizens and
8 Disabled Persons Prescription Drug Discount Program Act (now
9 the Illinois Prescription Drug Discount Program Act), and the
10 Children's Health Insurance Program Act. The adoption of
11 emergency rules authorized by this subsection (k) shall be
12 deemed to be necessary for the public interest, safety, and
13 welfare.

14 (1) In order to provide for the expeditious and timely
15 implementation of the provisions of the State's fiscal year
16 2007 budget, the Department of Healthcare and Family Services
17 may adopt emergency rules during fiscal year 2007, including
18 rules effective July 1, 2007, in accordance with this
19 subsection to the extent necessary to administer the
20 Department's responsibilities with respect to amendments to
21 the State plans and Illinois waivers approved by the federal
22 Centers for Medicare and Medicaid Services necessitated by the
23 requirements of Title XIX and Title XXI of the federal Social
24 Security Act. The adoption of emergency rules authorized by
25 this subsection (1) shall be deemed to be necessary for the
26 public interest, safety, and welfare.

1 (m) In order to provide for the expeditious and timely
2 implementation of the provisions of the State's fiscal year
3 2008 budget, the Department of Healthcare and Family Services
4 may adopt emergency rules during fiscal year 2008, including
5 rules effective July 1, 2008, in accordance with this
6 subsection to the extent necessary to administer the
7 Department's responsibilities with respect to amendments to
8 the State plans and Illinois waivers approved by the federal
9 Centers for Medicare and Medicaid Services necessitated by the
10 requirements of Title XIX and Title XXI of the federal Social
11 Security Act. The adoption of emergency rules authorized by
12 this subsection (m) shall be deemed to be necessary for the
13 public interest, safety, and welfare.

14 (n) In order to provide for the expeditious and timely
15 implementation of the provisions of the State's fiscal year
16 2010 budget, emergency rules to implement any provision of this
17 amendatory Act of the 96th General Assembly or any other budget
18 initiative authorized by the 96th General Assembly for fiscal
19 year 2010 may be adopted in accordance with this Section by the
20 agency charged with administering that provision or
21 initiative. The adoption of emergency rules authorized by this
22 subsection (n) shall be deemed to be necessary for the public
23 interest, safety, and welfare. The rulemaking authority
24 granted in this subsection (n) shall apply only to rules
25 promulgated during Fiscal Year 2010.

26 (o) In order to provide for the expeditious and timely

1 implementation of the provisions of the State's fiscal year
2 2011 budget, emergency rules to implement any provision of this
3 amendatory Act of the 96th General Assembly or any other budget
4 initiative authorized by the 96th General Assembly for fiscal
5 year 2011 may be adopted in accordance with this Section by the
6 agency charged with administering that provision or
7 initiative. The adoption of emergency rules authorized by this
8 subsection (o) is deemed to be necessary for the public
9 interest, safety, and welfare. The rulemaking authority
10 granted in this subsection (o) applies only to rules
11 promulgated on or after the effective date of this amendatory
12 Act of the 96th General Assembly through June 30, 2011.

13 (p) In order to provide for the expeditious and timely
14 implementation of the provisions of Public Act 97-689 ~~this~~
15 ~~amendatory Act of the 97th General Assembly~~, emergency rules to
16 implement any provision of Public Act 97-689 ~~this amendatory~~
17 ~~Act of the 97th General Assembly~~ may be adopted in accordance
18 with this subsection (p) by the agency charged with
19 administering that provision or initiative. The 150-day
20 limitation of the effective period of emergency rules does not
21 apply to rules adopted under this subsection (p), and the
22 effective period may continue through June 30, 2013. The
23 24-month limitation on the adoption of emergency rules does not
24 apply to rules adopted under this subsection (p). The adoption
25 of emergency rules authorized by this subsection (p) is deemed
26 to be necessary for the public interest, safety, and welfare.

1 (Source: P.A. 96-45, eff. 7-15-09; 96-958, eff. 7-1-10;
2 96-1500, eff. 1-18-11; 97-689, eff. 6-14-12; 97-695, eff.
3 7-1-12; revised 7-10-12.)

4 Section 5. The State Comptroller Act is amended by changing
5 Section 10.05 as follows:

6 (15 ILCS 405/10.05) (from Ch. 15, par. 210.05)

7 Sec. 10.05. Deductions from warrants; statement of reason
8 for deduction. Whenever any person shall be entitled to a
9 warrant or other payment from the treasury or other funds held
10 by the State Treasurer, on any account, against whom there
11 shall be any then due and payable account or claim in favor of
12 the State, the United States upon certification by the
13 Secretary of the Treasury of the United States, or his or her
14 delegate, pursuant to a reciprocal offset agreement under
15 subsection (i-1) of Section 10 of the Illinois State Collection
16 Act of 1986, or a unit of local government, a school district,
17 a public institution of higher education, as defined in Section
18 1 of the Board of Higher Education Act, or the clerk of a
19 circuit court, upon certification by that entity, the
20 Comptroller, upon notification thereof, shall ascertain the
21 amount due and payable to the State, the United States, the
22 unit of local government, the school district, the public
23 institution of higher education, or the clerk of the circuit
24 court, as aforesaid, and draw a warrant on the treasury or on

1 other funds held by the State Treasurer, stating the amount for
2 which the party was entitled to a warrant or other payment, the
3 amount deducted therefrom, and on what account, and directing
4 the payment of the balance; which warrant or payment as so
5 drawn shall be entered on the books of the Treasurer, and such
6 balance only shall be paid. The Comptroller may deduct any one
7 or more of the following: (i) the entire amount due and payable
8 to the State or a portion of the amount due and payable to the
9 State in accordance with the request of the notifying agency;
10 (ii) the entire amount due and payable to the United States or
11 a portion of the amount due and payable to the United States in
12 accordance with a reciprocal offset agreement under subsection
13 (i-1) of Section 10 of the Illinois State Collection Act of
14 1986; or (iii) the entire amount due and payable to the unit of
15 local government, school district, public institution of
16 higher education, or clerk of the circuit court, or a portion
17 of the amount due and payable to that entity, in accordance
18 with an intergovernmental agreement authorized under this
19 Section and Section 10.05d. No request from a notifying agency,
20 the Secretary of the Treasury of the United States, a unit of
21 local government, a school district, a public institution of
22 higher education, or the clerk of a circuit court for an amount
23 to be deducted under this Section from a wage or salary
24 payment, or from a contractual payment to an individual for
25 personal services, shall exceed 25% of the net amount of such
26 payment. "Net amount" means that part of the earnings of an

1 individual remaining after deduction of any amounts required by
2 law to be withheld. For purposes of this provision, wage,
3 salary or other payments for personal services shall not
4 include final compensation payments for the value of accrued
5 vacation, overtime or sick leave. Whenever the Comptroller
6 draws a warrant or makes a payment involving a deduction
7 ordered under this Section, the Comptroller shall notify the
8 payee and the State agency that submitted the voucher of the
9 reason for the deduction and he or she shall retain a record of
10 such statement in his or her records. As used in this Section,
11 an "account or claim in favor of the State" includes all
12 amounts owing to "State agencies" as defined in Section 7 of
13 this Act. However, the Comptroller shall not be required to
14 accept accounts or claims owing to funds not held by the State
15 Treasurer, where such accounts or claims do not exceed \$50, nor
16 shall the Comptroller deduct from funds held by the State
17 Treasurer under the Senior Citizens and Disabled Persons
18 Property Tax Relief and Pharmaceutical Assistance Act or for
19 payments to institutions from the Illinois Prepaid Tuition
20 Trust Fund (unless the Trust Fund moneys are used for child
21 support). The Comptroller shall not deduct from payments to be
22 disbursed from the Child Support Enforcement Trust Fund as
23 provided for under Section 12-10.2 of the Illinois Public Aid
24 Code, except for payments representing interest on child
25 support obligations under Section 10-16.5 of that Code. The
26 Comptroller and the Department of Revenue shall enter into an

1 interagency agreement to establish responsibilities, duties,
2 and procedures relating to deductions from lottery prizes
3 awarded under Section 20.1 of the Illinois Lottery Law. The
4 Comptroller may enter into an intergovernmental agreement with
5 the Department of Revenue and the Secretary of the Treasury of
6 the United States, or his or her delegate, to establish
7 responsibilities, duties, and procedures relating to
8 reciprocal offset of delinquent State and federal obligations
9 pursuant to subsection (i-1) of Section 10 of the Illinois
10 State Collection Act of 1986. The Comptroller may enter into
11 intergovernmental agreements with any unit of local
12 government, school district, public institution of higher
13 education, or clerk of a circuit court to establish
14 responsibilities, duties, and procedures to provide for the
15 offset, by the Comptroller, of obligations owed to those
16 entities.

17 For the purposes of this Section, "clerk of a circuit
18 court" means the clerk of a circuit court in any county in the
19 State.

20 (Source: P.A. 97-269, eff. 12-16-11 (see Section 15 of P.A.
21 97-632 for the effective date of changes made by P.A. 97-269);
22 97-632, eff. 12-16-11; 97-689, eff. 6-14-12; 97-884, eff.
23 8-2-12; 97-970, eff. 8-16-12; revised 8-23-12.)

24 Section 7. The State Finance Act is amended by changing
25 Sections 6z-52 and 6z-81 as follows:

1 (30 ILCS 105/6z-52)

2 Sec. 6z-52. Drug Rebate Fund.

3 (a) There is created in the State Treasury a special fund
4 to be known as the Drug Rebate Fund.

5 (b) The Fund is created for the purpose of receiving and
6 disbursing moneys in accordance with this Section.
7 Disbursements from the Fund shall be made, subject to
8 appropriation, only as follows:

9 (1) For payments for reimbursement or coverage for
10 prescription drugs and other pharmacy products provided to
11 a recipient of medical assistance under the Illinois Public
12 Aid Code, the Children's Health Insurance Program Act, the
13 Covering ALL KIDS Health Insurance Act, ~~and~~ the Veterans'
14 Health Insurance Program Act of 2008, and the Senior
15 Citizens and Disabled Persons Property Tax Relief and
16 Pharmaceutical Assistance Act.

17 (2) For reimbursement of moneys collected by the
18 Department of Healthcare and Family Services (formerly
19 Illinois Department of Public Aid) through error or
20 mistake.

21 (3) For payments of any amounts that are reimbursable
22 to the federal government resulting from a payment into
23 this Fund.

24 (4) For payments of operational and administrative
25 expenses related to providing and managing coverage for

1 prescription drugs and other pharmacy products provided to
2 a recipient of medical assistance under the Illinois Public
3 Aid Code, the Children's Health Insurance Program Act, the
4 Covering ALL KIDS Health Insurance Act, the Veterans'
5 Health Insurance Program Act of 2008, and the Senior
6 Citizens and Disabled Persons Property Tax Relief and
7 Pharmaceutical Assistance Act.

8 (c) The Fund shall consist of the following:

9 (1) Upon notification from the Director of Healthcare
10 and Family Services, the Comptroller shall direct and the
11 Treasurer shall transfer the net State share (disregarding
12 the reduction in net State share attributable to the
13 American Recovery and Reinvestment Act of 2009 or any other
14 federal economic stimulus program) of all moneys received
15 by the Department of Healthcare and Family Services
16 (formerly Illinois Department of Public Aid) from drug
17 rebate agreements with pharmaceutical manufacturers
18 pursuant to Title XIX of the federal Social Security Act,
19 including any portion of the balance in the Public Aid
20 Recoveries Trust Fund on July 1, 2001 that is attributable
21 to such receipts.

22 (2) All federal matching funds received by the Illinois
23 Department as a result of expenditures made by the
24 Department that are attributable to moneys deposited in the
25 Fund.

26 (3) Any premium collected by the Illinois Department

1 from participants under a waiver approved by the federal
2 government relating to provision of pharmaceutical
3 services.

4 (4) All other moneys received for the Fund from any
5 other source, including interest earned thereon.

6 (Source: P.A. 96-8, eff. 4-28-09; 96-1100, eff. 1-1-11; 97-689,
7 eff. 7-1-12.)

8 (30 ILCS 105/6z-81)

9 Sec. 6z-81. Healthcare Provider Relief Fund.

10 (a) There is created in the State treasury a special fund
11 to be known as the Healthcare Provider Relief Fund.

12 (b) The Fund is created for the purpose of receiving and
13 disbursing moneys in accordance with this Section.
14 Disbursements from the Fund shall be made only as follows:

15 (1) Subject to appropriation, for payment by the
16 Department of Healthcare and Family Services or by the
17 Department of Human Services of medical bills and related
18 expenses, including administrative expenses, for which the
19 State is responsible under Titles XIX and XXI of the Social
20 Security Act, the Illinois Public Aid Code, the Children's
21 Health Insurance Program Act, the Covering ALL KIDS Health
22 Insurance Act, the Senior Citizens and Disabled Persons
23 Property Tax Relief and Pharmaceutical Assistance Act, and
24 the Long Term Acute Care Hospital Quality Improvement
25 Transfer Program Act.

1 (2) For repayment of funds borrowed from other State
2 funds or from outside sources, including interest thereon.

3 (c) The Fund shall consist of the following:

4 (1) Moneys received by the State from short-term
5 borrowing pursuant to the Short Term Borrowing Act on or
6 after the effective date of this amendatory Act of the 96th
7 General Assembly.

8 (2) All federal matching funds received by the Illinois
9 Department of Healthcare and Family Services as a result of
10 expenditures made by the Department that are attributable
11 to moneys deposited in the Fund.

12 (3) All federal matching funds received by the Illinois
13 Department of Healthcare and Family Services as a result of
14 federal approval of Title XIX State plan amendment
15 transmittal number 07-09.

16 (4) All other moneys received for the Fund from any
17 other source, including interest earned thereon.

18 (d) In addition to any other transfers that may be provided
19 for by law, on the effective date of this amendatory Act of the
20 97th General Assembly, or as soon thereafter as practical, the
21 State Comptroller shall direct and the State Treasurer shall
22 transfer the sum of \$365,000,000 from the General Revenue Fund
23 into the Healthcare Provider Relief Fund.

24 (e) In addition to any other transfers that may be provided
25 for by law, on July 1, 2011, or as soon thereafter as
26 practical, the State Comptroller shall direct and the State

1 Treasurer shall transfer the sum of \$160,000,000 from the
2 General Revenue Fund to the Healthcare Provider Relief Fund.

3 (f) Notwithstanding any other State law to the contrary,
4 and in addition to any other transfers that may be provided for
5 by law, the State Comptroller shall order transferred and the
6 State Treasurer shall transfer \$500,000,000 to the Healthcare
7 Provider Relief Fund from the General Revenue Fund in equal
8 monthly installments of \$100,000,000, with the first transfer
9 to be made on July 1, 2012, or as soon thereafter as practical,
10 and with each of the remaining transfers to be made on August
11 1, 2012, September 1, 2012, October 1, 2012, and November 1,
12 2012, or as soon thereafter as practical. This transfer may
13 assist the Department of Healthcare and Family Services in
14 improving Medical Assistance bill processing timeframes or in
15 meeting the possible requirements of Senate Bill 3397, or other
16 similar legislation, of the 97th General Assembly should it
17 become law.

18 (Source: P.A. 96-820, eff. 11-18-09; 96-1100, eff. 1-1-11;
19 97-44, eff. 6-28-11; 97-641, eff. 12-19-11; 97-689, eff.
20 6-14-12; 97-732, eff. 6-30-12; revised 7-10-12.)

21 Section 10. The Downstate Public Transportation Act is
22 amended by changing Sections 2-15.2 and 2-15.3 as follows:

23 (30 ILCS 740/2-15.2)

24 Sec. 2-15.2. Free services; eligibility.

1 (a) Notwithstanding any law to the contrary, no later than
2 60 days following the effective date of this amendatory Act of
3 the 95th General Assembly and until subsection (b) is
4 implemented, any fixed route public transportation services
5 provided by, or under grant or purchase of service contracts
6 of, every participant, as defined in Section 2-2.02 (1)(a),
7 shall be provided without charge to all senior citizen
8 residents of the participant aged 65 and older, under such
9 conditions as shall be prescribed by the participant.

10 (b) Notwithstanding any law to the contrary, no later than
11 180 days following the effective date of this amendatory Act of
12 the 96th General Assembly, any fixed route public
13 transportation services provided by, or under grant or purchase
14 of service contracts of, every participant, as defined in
15 Section 2-2.02 (1)(a), shall be provided without charge to
16 senior citizens aged 65 and older who meet the income
17 eligibility limitation set forth in subsection (a-5) of Section
18 4 of the Senior Citizens and Disabled Persons Property Tax
19 Relief and Pharmaceutical Assistance Act, under such
20 conditions as shall be prescribed by the participant. The
21 Department on Aging shall furnish all information reasonably
22 necessary to determine eligibility, including updated lists of
23 individuals who are eligible for services without charge under
24 this Section. Nothing in this Section shall relieve the
25 participant from providing reduced fares as may be required by
26 federal law.

1 (Source: P.A. 96-1527, eff. 2-14-11; 97-689, eff. 6-14-12.)

2 (30 ILCS 740/2-15.3)

3 Sec. 2-15.3. Transit services for disabled individuals.

4 Notwithstanding any law to the contrary, no later than 60 days
5 following the effective date of this amendatory Act of the 95th
6 General Assembly, all fixed route public transportation
7 services provided by, or under grant or purchase of service
8 contract of, any participant shall be provided without charge
9 to all disabled persons who meet the income eligibility
10 limitation set forth in subsection (a-5) of Section 4 of the
11 Senior Citizens and Disabled Persons Property Tax Relief and
12 Pharmaceutical Assistance Act, under such procedures as shall
13 be prescribed by the participant. The Department on Aging shall
14 furnish all information reasonably necessary to determine
15 eligibility, including updated lists of individuals who are
16 eligible for services without charge under this Section.

17 (Source: P.A. 97-689, eff. 6-14-12.)

18 Section 15. The Property Tax Code is amended by changing
19 Sections 15-172, 15-175, 20-15, and 21-27 as follows:

20 (35 ILCS 200/15-172)

21 Sec. 15-172. Senior Citizens Assessment Freeze Homestead
22 Exemption.

23 (a) This Section may be cited as the Senior Citizens

1 Assessment Freeze Homestead Exemption.

2 (b) As used in this Section:

3 "Applicant" means an individual who has filed an
4 application under this Section.

5 "Base amount" means the base year equalized assessed value
6 of the residence plus the first year's equalized assessed value
7 of any added improvements which increased the assessed value of
8 the residence after the base year.

9 "Base year" means the taxable year prior to the taxable
10 year for which the applicant first qualifies and applies for
11 the exemption provided that in the prior taxable year the
12 property was improved with a permanent structure that was
13 occupied as a residence by the applicant who was liable for
14 paying real property taxes on the property and who was either
15 (i) an owner of record of the property or had legal or
16 equitable interest in the property as evidenced by a written
17 instrument or (ii) had a legal or equitable interest as a
18 lessee in the parcel of property that was single family
19 residence. If in any subsequent taxable year for which the
20 applicant applies and qualifies for the exemption the equalized
21 assessed value of the residence is less than the equalized
22 assessed value in the existing base year (provided that such
23 equalized assessed value is not based on an assessed value that
24 results from a temporary irregularity in the property that
25 reduces the assessed value for one or more taxable years), then
26 that subsequent taxable year shall become the base year until a

1 new base year is established under the terms of this paragraph.
2 For taxable year 1999 only, the Chief County Assessment Officer
3 shall review (i) all taxable years for which the applicant
4 applied and qualified for the exemption and (ii) the existing
5 base year. The assessment officer shall select as the new base
6 year the year with the lowest equalized assessed value. An
7 equalized assessed value that is based on an assessed value
8 that results from a temporary irregularity in the property that
9 reduces the assessed value for one or more taxable years shall
10 not be considered the lowest equalized assessed value. The
11 selected year shall be the base year for taxable year 1999 and
12 thereafter until a new base year is established under the terms
13 of this paragraph.

14 "Chief County Assessment Officer" means the County
15 Assessor or Supervisor of Assessments of the county in which
16 the property is located.

17 "Equalized assessed value" means the assessed value as
18 equalized by the Illinois Department of Revenue.

19 "Household" means the applicant, the spouse of the
20 applicant, and all persons using the residence of the applicant
21 as their principal place of residence.

22 "Household income" means the combined income of the members
23 of a household for the calendar year preceding the taxable
24 year.

25 "Income" has the same meaning as provided in Section 3.07
26 of the Senior Citizens and Disabled Persons Property Tax Relief

1 and Pharmaceutical Assistance Act, except that, beginning in
2 assessment year 2001, "income" does not include veteran's
3 benefits.

4 "Internal Revenue Code of 1986" means the United States
5 Internal Revenue Code of 1986 or any successor law or laws
6 relating to federal income taxes in effect for the year
7 preceding the taxable year.

8 "Life care facility that qualifies as a cooperative" means
9 a facility as defined in Section 2 of the Life Care Facilities
10 Act.

11 "Maximum income limitation" means:

- 12 (1) \$35,000 prior to taxable year 1999;
- 13 (2) \$40,000 in taxable years 1999 through 2003;
- 14 (3) \$45,000 in taxable years 2004 through 2005;
- 15 (4) \$50,000 in taxable years 2006 and 2007; and
- 16 (5) \$55,000 in taxable year 2008 and thereafter.

17 "Residence" means the principal dwelling place and
18 appurtenant structures used for residential purposes in this
19 State occupied on January 1 of the taxable year by a household
20 and so much of the surrounding land, constituting the parcel
21 upon which the dwelling place is situated, as is used for
22 residential purposes. If the Chief County Assessment Officer
23 has established a specific legal description for a portion of
24 property constituting the residence, then that portion of
25 property shall be deemed the residence for the purposes of this
26 Section.

1 "Taxable year" means the calendar year during which ad
2 valorem property taxes payable in the next succeeding year are
3 levied.

4 (c) Beginning in taxable year 1994, a senior citizens
5 assessment freeze homestead exemption is granted for real
6 property that is improved with a permanent structure that is
7 occupied as a residence by an applicant who (i) is 65 years of
8 age or older during the taxable year, (ii) has a household
9 income that does not exceed the maximum income limitation,
10 (iii) is liable for paying real property taxes on the property,
11 and (iv) is an owner of record of the property or has a legal or
12 equitable interest in the property as evidenced by a written
13 instrument. This homestead exemption shall also apply to a
14 leasehold interest in a parcel of property improved with a
15 permanent structure that is a single family residence that is
16 occupied as a residence by a person who (i) is 65 years of age
17 or older during the taxable year, (ii) has a household income
18 that does not exceed the maximum income limitation, (iii) has a
19 legal or equitable ownership interest in the property as
20 lessee, and (iv) is liable for the payment of real property
21 taxes on that property.

22 In counties of 3,000,000 or more inhabitants, the amount of
23 the exemption for all taxable years is the equalized assessed
24 value of the residence in the taxable year for which
25 application is made minus the base amount. In all other
26 counties, the amount of the exemption is as follows: (i)

1 through taxable year 2005 and for taxable year 2007 and
2 thereafter, the amount of this exemption shall be the equalized
3 assessed value of the residence in the taxable year for which
4 application is made minus the base amount; and (ii) for taxable
5 year 2006, the amount of the exemption is as follows:

6 (1) For an applicant who has a household income of
7 \$45,000 or less, the amount of the exemption is the
8 equalized assessed value of the residence in the taxable
9 year for which application is made minus the base amount.

10 (2) For an applicant who has a household income
11 exceeding \$45,000 but not exceeding \$46,250, the amount of
12 the exemption is (i) the equalized assessed value of the
13 residence in the taxable year for which application is made
14 minus the base amount (ii) multiplied by 0.8.

15 (3) For an applicant who has a household income
16 exceeding \$46,250 but not exceeding \$47,500, the amount of
17 the exemption is (i) the equalized assessed value of the
18 residence in the taxable year for which application is made
19 minus the base amount (ii) multiplied by 0.6.

20 (4) For an applicant who has a household income
21 exceeding \$47,500 but not exceeding \$48,750, the amount of
22 the exemption is (i) the equalized assessed value of the
23 residence in the taxable year for which application is made
24 minus the base amount (ii) multiplied by 0.4.

25 (5) For an applicant who has a household income
26 exceeding \$48,750 but not exceeding \$50,000, the amount of

1 the exemption is (i) the equalized assessed value of the
2 residence in the taxable year for which application is made
3 minus the base amount (ii) multiplied by 0.2.

4 When the applicant is a surviving spouse of an applicant
5 for a prior year for the same residence for which an exemption
6 under this Section has been granted, the base year and base
7 amount for that residence are the same as for the applicant for
8 the prior year.

9 Each year at the time the assessment books are certified to
10 the County Clerk, the Board of Review or Board of Appeals shall
11 give to the County Clerk a list of the assessed values of
12 improvements on each parcel qualifying for this exemption that
13 were added after the base year for this parcel and that
14 increased the assessed value of the property.

15 In the case of land improved with an apartment building
16 owned and operated as a cooperative or a building that is a
17 life care facility that qualifies as a cooperative, the maximum
18 reduction from the equalized assessed value of the property is
19 limited to the sum of the reductions calculated for each unit
20 occupied as a residence by a person or persons (i) 65 years of
21 age or older, (ii) with a household income that does not exceed
22 the maximum income limitation, (iii) who is liable, by contract
23 with the owner or owners of record, for paying real property
24 taxes on the property, and (iv) who is an owner of record of a
25 legal or equitable interest in the cooperative apartment
26 building, other than a leasehold interest. In the instance of a

1 cooperative where a homestead exemption has been granted under
2 this Section, the cooperative association or its management
3 firm shall credit the savings resulting from that exemption
4 only to the apportioned tax liability of the owner who
5 qualified for the exemption. Any person who willfully refuses
6 to credit that savings to an owner who qualifies for the
7 exemption is guilty of a Class B misdemeanor.

8 When a homestead exemption has been granted under this
9 Section and an applicant then becomes a resident of a facility
10 licensed under the Assisted Living and Shared Housing Act, the
11 Nursing Home Care Act, the Specialized Mental Health
12 Rehabilitation Act, or the ID/DD Community Care Act, the
13 exemption shall be granted in subsequent years so long as the
14 residence (i) continues to be occupied by the qualified
15 applicant's spouse or (ii) if remaining unoccupied, is still
16 owned by the qualified applicant for the homestead exemption.

17 Beginning January 1, 1997, when an individual dies who
18 would have qualified for an exemption under this Section, and
19 the surviving spouse does not independently qualify for this
20 exemption because of age, the exemption under this Section
21 shall be granted to the surviving spouse for the taxable year
22 preceding and the taxable year of the death, provided that,
23 except for age, the surviving spouse meets all other
24 qualifications for the granting of this exemption for those
25 years.

26 When married persons maintain separate residences, the

1 exemption provided for in this Section may be claimed by only
2 one of such persons and for only one residence.

3 For taxable year 1994 only, in counties having less than
4 3,000,000 inhabitants, to receive the exemption, a person shall
5 submit an application by February 15, 1995 to the Chief County
6 Assessment Officer of the county in which the property is
7 located. In counties having 3,000,000 or more inhabitants, for
8 taxable year 1994 and all subsequent taxable years, to receive
9 the exemption, a person may submit an application to the Chief
10 County Assessment Officer of the county in which the property
11 is located during such period as may be specified by the Chief
12 County Assessment Officer. The Chief County Assessment Officer
13 in counties of 3,000,000 or more inhabitants shall annually
14 give notice of the application period by mail or by
15 publication. In counties having less than 3,000,000
16 inhabitants, beginning with taxable year 1995 and thereafter,
17 to receive the exemption, a person shall submit an application
18 by July 1 of each taxable year to the Chief County Assessment
19 Officer of the county in which the property is located. A
20 county may, by ordinance, establish a date for submission of
21 applications that is different than July 1. The applicant shall
22 submit with the application an affidavit of the applicant's
23 total household income, age, marital status (and if married the
24 name and address of the applicant's spouse, if known), and
25 principal dwelling place of members of the household on January
26 1 of the taxable year. The Department shall establish, by rule,

1 a method for verifying the accuracy of affidavits filed by
2 applicants under this Section, and the Chief County Assessment
3 Officer may conduct audits of any taxpayer claiming an
4 exemption under this Section to verify that the taxpayer is
5 eligible to receive the exemption. Each application shall
6 contain or be verified by a written declaration that it is made
7 under the penalties of perjury. A taxpayer's signing a
8 fraudulent application under this Act is perjury, as defined in
9 Section 32-2 of the Criminal Code of 1961. The applications
10 shall be clearly marked as applications for the Senior Citizens
11 Assessment Freeze Homestead Exemption and must contain a notice
12 that any taxpayer who receives the exemption is subject to an
13 audit by the Chief County Assessment Officer.

14 Notwithstanding any other provision to the contrary, in
15 counties having fewer than 3,000,000 inhabitants, if an
16 applicant fails to file the application required by this
17 Section in a timely manner and this failure to file is due to a
18 mental or physical condition sufficiently severe so as to
19 render the applicant incapable of filing the application in a
20 timely manner, the Chief County Assessment Officer may extend
21 the filing deadline for a period of 30 days after the applicant
22 regains the capability to file the application, but in no case
23 may the filing deadline be extended beyond 3 months of the
24 original filing deadline. In order to receive the extension
25 provided in this paragraph, the applicant shall provide the
26 Chief County Assessment Officer with a signed statement from

1 the applicant's physician stating the nature and extent of the
2 condition, that, in the physician's opinion, the condition was
3 so severe that it rendered the applicant incapable of filing
4 the application in a timely manner, and the date on which the
5 applicant regained the capability to file the application.

6 Beginning January 1, 1998, notwithstanding any other
7 provision to the contrary, in counties having fewer than
8 3,000,000 inhabitants, if an applicant fails to file the
9 application required by this Section in a timely manner and
10 this failure to file is due to a mental or physical condition
11 sufficiently severe so as to render the applicant incapable of
12 filing the application in a timely manner, the Chief County
13 Assessment Officer may extend the filing deadline for a period
14 of 3 months. In order to receive the extension provided in this
15 paragraph, the applicant shall provide the Chief County
16 Assessment Officer with a signed statement from the applicant's
17 physician stating the nature and extent of the condition, and
18 that, in the physician's opinion, the condition was so severe
19 that it rendered the applicant incapable of filing the
20 application in a timely manner.

21 In counties having less than 3,000,000 inhabitants, if an
22 applicant was denied an exemption in taxable year 1994 and the
23 denial occurred due to an error on the part of an assessment
24 official, or his or her agent or employee, then beginning in
25 taxable year 1997 the applicant's base year, for purposes of
26 determining the amount of the exemption, shall be 1993 rather

1 than 1994. In addition, in taxable year 1997, the applicant's
2 exemption shall also include an amount equal to (i) the amount
3 of any exemption denied to the applicant in taxable year 1995
4 as a result of using 1994, rather than 1993, as the base year,
5 (ii) the amount of any exemption denied to the applicant in
6 taxable year 1996 as a result of using 1994, rather than 1993,
7 as the base year, and (iii) the amount of the exemption
8 erroneously denied for taxable year 1994.

9 For purposes of this Section, a person who will be 65 years
10 of age during the current taxable year shall be eligible to
11 apply for the homestead exemption during that taxable year.
12 Application shall be made during the application period in
13 effect for the county of his or her residence.

14 The Chief County Assessment Officer may determine the
15 eligibility of a life care facility that qualifies as a
16 cooperative to receive the benefits provided by this Section by
17 use of an affidavit, application, visual inspection,
18 questionnaire, or other reasonable method in order to insure
19 that the tax savings resulting from the exemption are credited
20 by the management firm to the apportioned tax liability of each
21 qualifying resident. The Chief County Assessment Officer may
22 request reasonable proof that the management firm has so
23 credited that exemption.

24 Except as provided in this Section, all information
25 received by the chief county assessment officer or the
26 Department from applications filed under this Section, or from

1 any investigation conducted under the provisions of this
2 Section, shall be confidential, except for official purposes or
3 pursuant to official procedures for collection of any State or
4 local tax or enforcement of any civil or criminal penalty or
5 sanction imposed by this Act or by any statute or ordinance
6 imposing a State or local tax. Any person who divulges any such
7 information in any manner, except in accordance with a proper
8 judicial order, is guilty of a Class A misdemeanor.

9 Nothing contained in this Section shall prevent the
10 Director or chief county assessment officer from publishing or
11 making available reasonable statistics concerning the
12 operation of the exemption contained in this Section in which
13 the contents of claims are grouped into aggregates in such a
14 way that information contained in any individual claim shall
15 not be disclosed.

16 (d) Each Chief County Assessment Officer shall annually
17 publish a notice of availability of the exemption provided
18 under this Section. The notice shall be published at least 60
19 days but no more than 75 days prior to the date on which the
20 application must be submitted to the Chief County Assessment
21 Officer of the county in which the property is located. The
22 notice shall appear in a newspaper of general circulation in
23 the county.

24 Notwithstanding Sections 6 and 8 of the State Mandates Act,
25 no reimbursement by the State is required for the
26 implementation of any mandate created by this Section.

1 (Source: P.A. 96-339, eff. 7-1-10; 96-355, eff. 1-1-10;
2 96-1000, eff. 7-2-10; 97-38, eff. 6-28-11; 97-227, eff. 1-1-12;
3 97-689, eff. 6-14-12; 97-813, eff. 7-13-12.)

4 (35 ILCS 200/15-175)

5 Sec. 15-175. General homestead exemption.

6 (a) Except as provided in Sections 15-176 and 15-177,
7 homestead property is entitled to an annual homestead exemption
8 limited, except as described here with relation to
9 cooperatives, to a reduction in the equalized assessed value of
10 homestead property equal to the increase in equalized assessed
11 value for the current assessment year above the equalized
12 assessed value of the property for 1977, up to the maximum
13 reduction set forth below. If however, the 1977 equalized
14 assessed value upon which taxes were paid is subsequently
15 determined by local assessing officials, the Property Tax
16 Appeal Board, or a court to have been excessive, the equalized
17 assessed value which should have been placed on the property
18 for 1977 shall be used to determine the amount of the
19 exemption.

20 (b) Except as provided in Section 15-176, the maximum
21 reduction before taxable year 2004 shall be \$4,500 in counties
22 with 3,000,000 or more inhabitants and \$3,500 in all other
23 counties. Except as provided in Sections 15-176 and 15-177, for
24 taxable years 2004 through 2007, the maximum reduction shall be
25 \$5,000, for taxable year 2008, the maximum reduction is \$5,500,

1 and, for taxable years 2009 and thereafter, the maximum
2 reduction is \$6,000 in all counties. If a county has elected to
3 subject itself to the provisions of Section 15-176 as provided
4 in subsection (k) of that Section, then, for the first taxable
5 year only after the provisions of Section 15-176 no longer
6 apply, for owners who, for the taxable year, have not been
7 granted a senior citizens assessment freeze homestead
8 exemption under Section 15-172 or a long-time occupant
9 homestead exemption under Section 15-177, there shall be an
10 additional exemption of \$5,000 for owners with a household
11 income of \$30,000 or less.

12 (c) In counties with fewer than 3,000,000 inhabitants, if,
13 based on the most recent assessment, the equalized assessed
14 value of the homestead property for the current assessment year
15 is greater than the equalized assessed value of the property
16 for 1977, the owner of the property shall automatically receive
17 the exemption granted under this Section in an amount equal to
18 the increase over the 1977 assessment up to the maximum
19 reduction set forth in this Section.

20 (d) If in any assessment year beginning with the 2000
21 assessment year, homestead property has a pro-rata valuation
22 under Section 9-180 resulting in an increase in the assessed
23 valuation, a reduction in equalized assessed valuation equal to
24 the increase in equalized assessed value of the property for
25 the year of the pro-rata valuation above the equalized assessed
26 value of the property for 1977 shall be applied to the property

1 on a proportionate basis for the period the property qualified
2 as homestead property during the assessment year. The maximum
3 proportionate homestead exemption shall not exceed the maximum
4 homestead exemption allowed in the county under this Section
5 divided by 365 and multiplied by the number of days the
6 property qualified as homestead property.

7 (e) The chief county assessment officer may, when
8 considering whether to grant a leasehold exemption under this
9 Section, require the following conditions to be met:

10 (1) that a notarized application for the exemption,
11 signed by both the owner and the lessee of the property,
12 must be submitted each year during the application period
13 in effect for the county in which the property is located;

14 (2) that a copy of the lease must be filed with the
15 chief county assessment officer by the owner of the
16 property at the time the notarized application is
17 submitted;

18 (3) that the lease must expressly state that the lessee
19 is liable for the payment of property taxes; and

20 (4) that the lease must include the following language
21 in substantially the following form:

22 "Lessee shall be liable for the payment of real
23 estate taxes with respect to the residence in
24 accordance with the terms and conditions of Section
25 15-175 of the Property Tax Code (35 ILCS 200/15-175).

26 The permanent real estate index number for the premises

1 is (insert number), and, according to the most recent
2 property tax bill, the current amount of real estate
3 taxes associated with the premises is (insert amount)
4 per year. The parties agree that the monthly rent set
5 forth above shall be increased or decreased pro rata
6 (effective January 1 of each calendar year) to reflect
7 any increase or decrease in real estate taxes. Lessee
8 shall be deemed to be satisfying Lessee's liability for
9 the above mentioned real estate taxes with the monthly
10 rent payments as set forth above (or increased or
11 decreased as set forth herein).".

12 In addition, if there is a change in lessee, or if the
13 lessee vacates the property, then the chief county assessment
14 officer may require the owner of the property to notify the
15 chief county assessment officer of that change.

16 This subsection (e) does not apply to leasehold interests
17 in property owned by a municipality.

18 (f) "Homestead property" under this Section includes
19 residential property that is occupied by its owner or owners as
20 his or their principal dwelling place, or that is a leasehold
21 interest on which a single family residence is situated, which
22 is occupied as a residence by a person who has an ownership
23 interest therein, legal or equitable or as a lessee, and on
24 which the person is liable for the payment of property taxes.
25 For land improved with an apartment building owned and operated
26 as a cooperative or a building which is a life care facility as

1 defined in Section 15-170 and considered to be a cooperative
2 under Section 15-170, the maximum reduction from the equalized
3 assessed value shall be limited to the increase in the value
4 above the equalized assessed value of the property for 1977, up
5 to the maximum reduction set forth above, multiplied by the
6 number of apartments or units occupied by a person or persons
7 who is liable, by contract with the owner or owners of record,
8 for paying property taxes on the property and is an owner of
9 record of a legal or equitable interest in the cooperative
10 apartment building, other than a leasehold interest. For
11 purposes of this Section, the term "life care facility" has the
12 meaning stated in Section 15-170.

13 "Household", as used in this Section, means the owner, the
14 spouse of the owner, and all persons using the residence of the
15 owner as their principal place of residence.

16 "Household income", as used in this Section, means the
17 combined income of the members of a household for the calendar
18 year preceding the taxable year.

19 "Income", as used in this Section, has the same meaning as
20 provided in Section 3.07 of the Senior Citizens and Disabled
21 Persons Property Tax Relief and Pharmaceutical Assistance Act,
22 except that "income" does not include veteran's benefits.

23 (g) In a cooperative where a homestead exemption has been
24 granted, the cooperative association or its management firm
25 shall credit the savings resulting from that exemption only to
26 the apportioned tax liability of the owner who qualified for

1 the exemption. Any person who willfully refuses to so credit
2 the savings shall be guilty of a Class B misdemeanor.

3 (h) Where married persons maintain and reside in separate
4 residences qualifying as homestead property, each residence
5 shall receive 50% of the total reduction in equalized assessed
6 valuation provided by this Section.

7 (i) In all counties, the assessor or chief county
8 assessment officer may determine the eligibility of
9 residential property to receive the homestead exemption and the
10 amount of the exemption by application, visual inspection,
11 questionnaire or other reasonable methods. The determination
12 shall be made in accordance with guidelines established by the
13 Department, provided that the taxpayer applying for an
14 additional general exemption under this Section shall submit to
15 the chief county assessment officer an application with an
16 affidavit of the applicant's total household income, age,
17 marital status (and, if married, the name and address of the
18 applicant's spouse, if known), and principal dwelling place of
19 members of the household on January 1 of the taxable year. The
20 Department shall issue guidelines establishing a method for
21 verifying the accuracy of the affidavits filed by applicants
22 under this paragraph. The applications shall be clearly marked
23 as applications for the Additional General Homestead
24 Exemption.

25 (j) In counties with fewer than 3,000,000 inhabitants, in
26 the event of a sale of homestead property the homestead

1 exemption shall remain in effect for the remainder of the
2 assessment year of the sale. The assessor or chief county
3 assessment officer may require the new owner of the property to
4 apply for the homestead exemption for the following assessment
5 year.

6 (k) Notwithstanding Sections 6 and 8 of the State Mandates
7 Act, no reimbursement by the State is required for the
8 implementation of any mandate created by this Section.

9 (Source: P.A. 97-689, eff. 6-14-12; 97-1125, eff. 8-28-12;
10 revised 9-20-12.)

11 (35 ILCS 200/20-15)

12 Sec. 20-15. Information on bill or separate statement.
13 There shall be printed on each bill, or on a separate slip
14 which shall be mailed with the bill:

15 (a) a statement itemizing the rate at which taxes have
16 been extended for each of the taxing districts in the
17 county in whose district the property is located, and in
18 those counties utilizing electronic data processing
19 equipment the dollar amount of tax due from the person
20 assessed allocable to each of those taxing districts,
21 including a separate statement of the dollar amount of tax
22 due which is allocable to a tax levied under the Illinois
23 Local Library Act or to any other tax levied by a
24 municipality or township for public library purposes,

25 (b) a separate statement for each of the taxing

1 districts of the dollar amount of tax due which is
2 allocable to a tax levied under the Illinois Pension Code
3 or to any other tax levied by a municipality or township
4 for public pension or retirement purposes,

5 (c) the total tax rate,

6 (d) the total amount of tax due, and

7 (e) the amount by which the total tax and the tax
8 allocable to each taxing district differs from the
9 taxpayer's last prior tax bill.

10 The county treasurer shall ensure that only those taxing
11 districts in which a parcel of property is located shall be
12 listed on the bill for that property.

13 In all counties the statement shall also provide:

14 (1) the property index number or other suitable
15 description,

16 (2) the assessment of the property,

17 (3) the equalization factors imposed by the county and
18 by the Department, and

19 (4) the equalized assessment resulting from the
20 application of the equalization factors to the basic
21 assessment.

22 In all counties which do not classify property for purposes
23 of taxation, for property on which a single family residence is
24 situated the statement shall also include a statement to
25 reflect the fair cash value determined for the property. In all
26 counties which classify property for purposes of taxation in

1 accordance with Section 4 of Article IX of the Illinois
2 Constitution, for parcels of residential property in the lowest
3 assessment classification the statement shall also include a
4 statement to reflect the fair cash value determined for the
5 property.

6 In all counties, the statement must include information
7 that certain taxpayers may be eligible for tax exemptions,
8 abatements, and other assistance programs and that, for more
9 information, taxpayers should consult with the office of their
10 township or county assessor and with the Illinois Department of
11 Revenue.

12 In all counties, the statement shall include information
13 that certain taxpayers may be eligible for the Senior Citizens
14 and Disabled Persons Property Tax Relief and Pharmaceutical
15 Assistance Act and that applications are available from the
16 Illinois Department on Aging.

17 In counties which use the estimated or accelerated billing
18 methods, these statements shall only be provided with the final
19 installment of taxes due. The provisions of this Section create
20 a mandatory statutory duty. They are not merely directory or
21 discretionary. The failure or neglect of the collector to mail
22 the bill, or the failure of the taxpayer to receive the bill,
23 shall not affect the validity of any tax, or the liability for
24 the payment of any tax.

25 (Source: P.A. 97-689, eff. 6-14-12.)

1 (35 ILCS 200/21-27)

2 Sec. 21-27. Waiver of interest penalty.

3 (a) On the recommendation of the county treasurer, the
4 county board may adopt a resolution under which an interest
5 penalty for the delinquent payment of taxes for any year that
6 otherwise would be imposed under Section 21-15, 21-20, or 21-25
7 shall be waived in the case of any person who meets all of the
8 following criteria:

9 (1) The person is determined eligible for a grant under
10 the Senior Citizens and Disabled Persons Property Tax
11 Relief and Pharmaceutical Assistance Act with respect to
12 the taxes for that year.

13 (2) The person requests, in writing, on a form approved
14 by the county treasurer, a waiver of the interest penalty,
15 and the request is filed with the county treasurer on or
16 before the first day of the month that an installment of
17 taxes is due.

18 (3) The person pays the installment of taxes due, in
19 full, on or before the third day of the month that the
20 installment is due.

21 (4) The county treasurer approves the request for a
22 waiver.

23 (b) With respect to property that qualifies as a brownfield
24 site under Section 58.2 of the Environmental Protection Act,
25 the county board, upon the recommendation of the county
26 treasurer, may adopt a resolution to waive an interest penalty

1 for the delinquent payment of taxes for any year that otherwise
2 would be imposed under Section 21-15, 21-20, or 21-25 if all of
3 the following criteria are met:

4 (1) the property has delinquent taxes and an
5 outstanding interest penalty and the amount of that
6 interest penalty is so large as to, possibly, result in all
7 of the taxes becoming uncollectible;

8 (2) the property is part of a redevelopment plan of a
9 unit of local government and that unit of local government
10 does not oppose the waiver of the interest penalty;

11 (3) the redevelopment of the property will benefit the
12 public interest by remediating the brownfield
13 contamination;

14 (4) the taxpayer delivers to the county treasurer (i) a
15 written request for a waiver of the interest penalty, on a
16 form approved by the county treasurer, and (ii) a copy of
17 the redevelopment plan for the property;

18 (5) the taxpayer pays, in full, the amount of up to the
19 amount of the first 2 installments of taxes due, to be held
20 in escrow pending the approval of the waiver, and enters
21 into an agreement with the county treasurer setting forth a
22 schedule for the payment of any remaining taxes due; and

23 (6) the county treasurer approves the request for a
24 waiver.

25 (Source: P.A. 97-655, eff. 1-13-12; 97-689, eff. 6-14-12.)

1 Section 20. The Mobile Home Local Services Tax Act is
2 amended by changing Section 7 as follows:

3 (35 ILCS 515/7) (from Ch. 120, par. 1207)

4 Sec. 7. The local services tax for owners of mobile homes
5 who (a) are actually residing in such mobile homes, (b) hold
6 title to such mobile home as provided in the Illinois Vehicle
7 Code, and (c) are 65 years of age or older or are disabled
8 persons within the meaning of Section 3.14 of the "Senior
9 Citizens and Disabled Persons Property Tax Relief and
10 Pharmaceutical Assistance Act" on the annual billing date shall
11 be reduced to 80 percent of the tax provided for in Section 3
12 of this Act. Proof that a claimant has been issued an Illinois
13 Person with a Disability Identification Card stating that the
14 claimant is under a Class 2 disability, as provided in Section
15 4A of the Illinois Identification Card Act, shall constitute
16 proof that the person thereon named is a disabled person within
17 the meaning of this Act. An application for reduction of the
18 tax shall be filed with the county clerk by the individuals who
19 are entitled to the reduction. If the application is filed
20 after May 1, the reduction in tax shall begin with the next
21 annual bill. Application for the reduction in tax shall be done
22 by submitting proof that the applicant has been issued an
23 Illinois Person with a Disability Identification Card
24 designating the applicant's disability as a Class 2 disability,
25 or by affidavit in substantially the following form:

1 APPLICATION FOR REDUCTION OF MOBILE HOME LOCAL SERVICES TAX

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

5 (1) Senior Citizens

6 (a) I actually reside in the mobile home

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

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

12 (2) Disabled Persons

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

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

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

21 Dated (insert date).

22

23 Signature of owner

24

25 (Address)

26

(City) (State) (Zip)

Approved by:

.....

(Assessor)

This application shall be accompanied by a copy of the applicant's most recent application filed with the Illinois Department on Aging under the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act.

(Source: P.A. 96-804, eff. 1-1-10; 97-689, eff. 6-14-12; 97-1064, eff. 1-1-13; revised 9-20-12.)

Section 25. The Metropolitan Transit Authority Act is amended by changing Sections 51 and 52 as follows:

(70 ILCS 3605/51)

Sec. 51. Free services; eligibility.

(a) Notwithstanding any law to the contrary, no later than 60 days following the effective date of this amendatory Act of the 95th General Assembly and until subsection (b) is implemented, any fixed route public transportation services provided by, or under grant or purchase of service contracts of, the Board shall be provided without charge to all senior citizens of the Metropolitan Region (as such term is defined in 70 ILCS 3615/1.03) aged 65 and older, under such conditions as shall be prescribed by the Board.

1 (b) Notwithstanding any law to the contrary, no later than
2 180 days following the effective date of this amendatory Act of
3 the 96th General Assembly, any fixed route public
4 transportation services provided by, or under grant or purchase
5 of service contracts of, the Board shall be provided without
6 charge to senior citizens aged 65 and older who meet the income
7 eligibility limitation set forth in subsection (a-5) of Section
8 4 of the Senior Citizens and Disabled Persons Property Tax
9 Relief and Pharmaceutical Assistance Act, under such
10 conditions as shall be prescribed by the Board. The Department
11 on Aging shall furnish all information reasonably necessary to
12 determine eligibility, including updated lists of individuals
13 who are eligible for services without charge under this
14 Section. Nothing in this Section shall relieve the Board from
15 providing reduced fares as may be required by federal law.

16 (Source: P.A. 96-1527, eff. 2-14-11; 97-689, eff. 6-14-12.)

17 (70 ILCS 3605/52)

18 Sec. 52. Transit services for disabled individuals.
19 Notwithstanding any law to the contrary, no later than 60 days
20 following the effective date of this amendatory Act of the 95th
21 General Assembly, all fixed route public transportation
22 services provided by, or under grant or purchase of service
23 contract of, the Board shall be provided without charge to all
24 disabled persons who meet the income eligibility limitation set
25 forth in subsection (a-5) of Section 4 of the Senior Citizens

1 and Disabled Persons Property Tax Relief and Pharmaceutical
2 Assistance Act, under such procedures as shall be prescribed by
3 the Board. The Department on Aging shall furnish all
4 information reasonably necessary to determine eligibility,
5 including updated lists of individuals who are eligible for
6 services without charge under this Section.

7 (Source: P.A. 97-689, eff. 6-14-12.)

8 Section 30. The Local Mass Transit District Act is amended
9 by changing Sections 8.6 and 8.7 as follows:

10 (70 ILCS 3610/8.6)

11 Sec. 8.6. Free services; eligibility.

12 (a) Notwithstanding any law to the contrary, no later than
13 60 days following the effective date of this amendatory Act of
14 the 95th General Assembly and until subsection (b) is
15 implemented, any fixed route public transportation services
16 provided by, or under grant or purchase of service contracts
17 of, every District shall be provided without charge to all
18 senior citizens of the District aged 65 and older, under such
19 conditions as shall be prescribed by the District.

20 (b) Notwithstanding any law to the contrary, no later than
21 180 days following the effective date of this amendatory Act of
22 the 96th General Assembly, any fixed route public
23 transportation services provided by, or under grant or purchase
24 of service contracts of, every District shall be provided

1 without charge to senior citizens aged 65 and older who meet
2 the income eligibility limitation set forth in subsection (a-5)
3 of Section 4 of the Senior Citizens and Disabled Persons
4 Property Tax Relief and Pharmaceutical Assistance Act, under
5 such conditions as shall be prescribed by the District. The
6 Department on Aging shall furnish all information reasonably
7 necessary to determine eligibility, including updated lists of
8 individuals who are eligible for services without charge under
9 this Section. Nothing in this Section shall relieve the
10 District from providing reduced fares as may be required by
11 federal law.

12 (Source: P.A. 96-1527, eff. 2-14-11; 97-689, eff. 6-14-12.)

13 (70 ILCS 3610/8.7)

14 Sec. 8.7. Transit services for disabled individuals.
15 Notwithstanding any law to the contrary, no later than 60 days
16 following the effective date of this amendatory Act of the 95th
17 General Assembly, all fixed route public transportation
18 services provided by, or under grant or purchase of service
19 contract of, any District shall be provided without charge to
20 all disabled persons who meet the income eligibility limitation
21 set forth in subsection (a-5) of Section 4 of the Senior
22 Citizens and Disabled Persons Property Tax Relief and
23 Pharmaceutical Assistance Act, under such procedures as shall
24 be prescribed by the District. The Department on Aging shall
25 furnish all information reasonably necessary to determine

1 eligibility, including updated lists of individuals who are
2 eligible for services without charge under this Section.

3 (Source: P.A. 97-689, eff. 6-14-12.)

4 Section 31. The Regional Transportation Authority Act is
5 amended by changing Sections 3A.15, 3A.16, 3B.14, and 3B.15 as
6 follows:

7 (70 ILCS 3615/3A.15)

8 Sec. 3A.15. Free services; eligibility.

9 (a) Notwithstanding any law to the contrary, no later than
10 60 days following the effective date of this amendatory Act of
11 the 95th General Assembly and until subsection (b) is
12 implemented, any fixed route public transportation services
13 provided by, or under grant or purchase of service contracts
14 of, the Suburban Bus Board shall be provided without charge to
15 all senior citizens of the Metropolitan Region aged 65 and
16 older, under such conditions as shall be prescribed by the
17 Suburban Bus Board.

18 (b) Notwithstanding any law to the contrary, no later than
19 180 days following the effective date of this amendatory Act of
20 the 96th General Assembly, any fixed route public
21 transportation services provided by, or under grant or purchase
22 of service contracts of, the Suburban Bus Board shall be
23 provided without charge to senior citizens aged 65 and older
24 who meet the income eligibility limitation set forth in

1 subsection (a-5) of Section 4 of the Senior Citizens and
2 Disabled Persons Property Tax Relief and Pharmaceutical
3 Assistance Act, under such conditions as shall be prescribed by
4 the Suburban Bus Board. The Department on Aging shall furnish
5 all information reasonably necessary to determine eligibility,
6 including updated lists of individuals who are eligible for
7 services without charge under this Section. Nothing in this
8 Section shall relieve the Suburban Bus Board from providing
9 reduced fares as may be required by federal law.

10 (Source: P.A. 96-1527, eff. 2-14-11; 97-689, eff. 6-14-12.)

11 (70 ILCS 3615/3A.16)

12 Sec. 3A.16. Transit services for disabled individuals.
13 Notwithstanding any law to the contrary, no later than 60 days
14 following the effective date of this amendatory Act of the 95th
15 General Assembly, all fixed route public transportation
16 services provided by, or under grant or purchase of service
17 contract of, the Suburban Bus Board shall be provided without
18 charge to all disabled persons who meet the income eligibility
19 limitation set forth in subsection (a-5) of Section 4 of the
20 Senior Citizens and Disabled Persons Property Tax Relief and
21 Pharmaceutical Assistance Act, under such procedures as shall
22 be prescribed by the Board. The Department on Aging shall
23 furnish all information reasonably necessary to determine
24 eligibility, including updated lists of individuals who are
25 eligible for services without charge under this Section.

1 (Source: P.A. 97-689, eff. 6-14-12.)

2 (70 ILCS 3615/3B.14)

3 Sec. 3B.14. Free services; eligibility.

4 (a) Notwithstanding any law to the contrary, no later than
5 60 days following the effective date of this amendatory Act of
6 the 95th General Assembly and until subsection (b) is
7 implemented, any fixed route public transportation services
8 provided by, or under grant or purchase of service contracts
9 of, the Commuter Rail Board shall be provided without charge to
10 all senior citizens of the Metropolitan Region aged 65 and
11 older, under such conditions as shall be prescribed by the
12 Commuter Rail Board.

13 (b) Notwithstanding any law to the contrary, no later than
14 180 days following the effective date of this amendatory Act of
15 the 96th General Assembly, any fixed route public
16 transportation services provided by, or under grant or purchase
17 of service contracts of, the Commuter Rail Board shall be
18 provided without charge to senior citizens aged 65 and older
19 who meet the income eligibility limitation set forth in
20 subsection (a-5) of Section 4 of the Senior Citizens and
21 Disabled Persons Property Tax Relief and Pharmaceutical
22 Assistance Act, under such conditions as shall be prescribed by
23 the Commuter Rail Board. The Department on Aging shall furnish
24 all information reasonably necessary to determine eligibility,
25 including updated lists of individuals who are eligible for

1 services without charge under this Section. Nothing in this
2 Section shall relieve the Commuter Rail Board from providing
3 reduced fares as may be required by federal law.

4 (Source: P.A. 96-1527, eff. 2-14-11; 97-689, eff. 6-14-12.)

5 (70 ILCS 3615/3B.15)

6 Sec. 3B.15. Transit services for disabled individuals.
7 Notwithstanding any law to the contrary, no later than 60 days
8 following the effective date of this amendatory Act of the 95th
9 General Assembly, all fixed route public transportation
10 services provided by, or under grant or purchase of service
11 contract of, the Commuter Rail Board shall be provided without
12 charge to all disabled persons who meet the income eligibility
13 limitation set forth in subsection (a-5) of Section 4 of the
14 Senior Citizens and Disabled Persons Property Tax Relief and
15 Pharmaceutical Assistance Act, under such procedures as shall
16 be prescribed by the Board. The Department on Aging shall
17 furnish all information reasonably necessary to determine
18 eligibility, including updated lists of individuals who are
19 eligible for services without charge under this Section.

20 (Source: P.A. 97-689, eff. 6-14-12.)

21 Section 32. The Senior Citizen Courses Act is amended by
22 changing Section 1 as follows:

23 (110 ILCS 990/1) (from Ch. 144, par. 1801)

1 Sec. 1. Definitions. For the purposes of this Act:

2 (a) "Public institutions of higher education" means the
3 University of Illinois, Southern Illinois University, Chicago
4 State University, Eastern Illinois University, Governors State
5 University, Illinois State University, Northeastern Illinois
6 University, Northern Illinois University, Western Illinois
7 University, and the public community colleges subject to the
8 "Public Community College Act".

9 (b) "Credit Course" means any program of study for which
10 public institutions of higher education award credit hours.

11 (c) "Senior citizen" means any person 65 years or older
12 whose annual household income is less than the threshold amount
13 provided in Section 4 of the "Senior Citizens and Disabled
14 Persons Property Tax Relief and Pharmaceutical Assistance
15 Act", approved July 17, 1972, as amended.

16 (Source: P.A. 97-689, eff. 6-14-12.)

17 Section 33. The Citizens Utility Board Act is amended by
18 changing Section 9 as follows:

19 (220 ILCS 10/9) (from Ch. 111 2/3, par. 909)

20 Sec. 9. Mailing procedure.

21 (1) As used in this Section:

22 (a) "Enclosure" means a card, leaflet, envelope or
23 combination thereof furnished by the corporation under
24 this Section.

1 (b) "Mailing" means any communication by a State
2 agency, other than a mailing made under the Senior Citizens
3 and Disabled Persons Property Tax Relief and
4 Pharmaceutical Assistance Act, that is sent through the
5 United States Postal Service to more than 50,000 persons
6 within a 12-month period.

7 (c) "State agency" means any officer, department,
8 board, commission, institution or entity of the executive
9 or legislative branches of State government.

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

14 (a) A State agency furnished with an enclosure shall
15 include the enclosure within the mailing designated by the
16 corporation.

17 (b) An enclosure furnished by the corporation under
18 this Section shall be provided to the State agency a
19 reasonable period of time in advance of the mailing.

20 (c) An enclosure furnished by the corporation under
21 this Section shall be limited to informing the reader of
22 the purpose, nature and activities of the corporation as
23 set forth in this Act and informing the reader that it may
24 become a member in the corporation, maintain membership in
25 the corporation and contribute money to the corporation
26 directly.

1 (d) Prior to furnishing an enclosure to the State
2 agency, the corporation shall seek and obtain approval of
3 the content of the enclosure from the Illinois Commerce
4 Commission. The Commission shall approve the enclosure if
5 it determines that the enclosure (i) is not false or
6 misleading and (ii) satisfies the requirements of this Act.
7 The Commission shall be deemed to have approved the
8 enclosure unless it disapproves the enclosure within 14
9 days from the date of receipt.

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

14 (a) The State agency shall first furnish the
15 corporation with an itemized accounting of such additional
16 cost; and

17 (b) The corporation shall not be required to reimburse
18 the State agency for postage costs if the weight of the
19 corporation's enclosure does not exceed .35 ounce
20 avoirdupois. If the corporation's enclosure exceeds that
21 weight, then it shall only be required to reimburse the
22 State agency for postage cost over and above what the
23 agency's postage cost would have been had the enclosure
24 weighed only .35 ounce avoirdupois.

25 (Source: P.A. 96-804, eff. 1-1-10; 97-689, eff. 6-14-12.)

1 Section 35. The Illinois Public Aid Code is amended by
2 changing Sections 3-1.2, 3-5, 4-1.6, 4-2, 5-2, 5-4, 5A-8,
3 6-1.2, 6-2, and 12-9 as follows:

4 (305 ILCS 5/3-1.2) (from Ch. 23, par. 3-1.2)

5 Sec. 3-1.2. Need. Income available to the person, when
6 added to contributions in money, substance, or services from
7 other sources, including contributions from legally
8 responsible relatives, must be insufficient to equal the grant
9 amount established by Department regulation for such person.

10 In determining earned income to be taken into account,
11 consideration shall be given to any expenses reasonably
12 attributable to the earning of such income. If federal law or
13 regulations permit or require exemption of earned or other
14 income and resources, the Illinois Department shall provide by
15 rule and regulation that the amount of income to be disregarded
16 be increased (1) to the maximum extent so required and (2) to
17 the maximum extent permitted by federal law or regulation in
18 effect as of the date this Amendatory Act becomes law. The
19 Illinois Department may also provide by rule and regulation
20 that the amount of resources to be disregarded be increased to
21 the maximum extent so permitted or required. Subject to federal
22 approval, resources (for example, land, buildings, equipment,
23 supplies, or tools), including farmland property and personal
24 property used in the income-producing operations related to the
25 farmland (for example, equipment and supplies, motor vehicles,

1 or tools), necessary for self-support, up to \$6,000 of the
2 person's equity in the income-producing property, provided
3 that the property produces a net annual income of at least 6%
4 of the excluded equity value of the property, are exempt.
5 Equity value in excess of \$6,000 shall not be excluded if the
6 activity produces income that is less than 6% of the exempt
7 equity due to reasons beyond the person's control (for example,
8 the person's illness or crop failure) and there is a reasonable
9 expectation that the property will again produce income equal
10 to or greater than 6% of the equity value (for example, a
11 medical prognosis that the person is expected to respond to
12 treatment or that drought-resistant corn will be planted). If
13 the person owns more than one piece of property and each
14 produces income, each piece of property shall be looked at to
15 determine whether the 6% rule is met, and then the amounts of
16 the person's equity in all of those properties shall be totaled
17 to determine whether the total equity is \$6,000 or less. The
18 total equity value of all properties that is exempt shall be
19 limited to \$6,000.

20 In determining the resources of an individual or any
21 dependents, the Department shall exclude from consideration
22 the value of funeral and burial spaces, funeral and burial
23 insurance the proceeds of which can only be used to pay the
24 funeral and burial expenses of the insured and funds
25 specifically set aside for the funeral and burial arrangements
26 of the individual or his or her dependents, including prepaid

1 funeral and burial plans, to the same extent that such items
2 are excluded from consideration under the federal Supplemental
3 Security Income program (SSI).

4 Prepaid funeral or burial contracts are exempt to the
5 following extent:

6 (1) Funds in a revocable prepaid funeral or burial
7 contract are exempt up to \$1,500, except that any portion
8 of a contract that clearly represents the purchase of
9 burial space, as that term is defined for purposes of the
10 Supplemental Security Income program, is exempt regardless
11 of value.

12 (2) Funds in an irrevocable prepaid funeral or burial
13 contract are exempt up to \$5,874, except that any portion
14 of a contract that clearly represents the purchase of
15 burial space, as that term is defined for purposes of the
16 Supplemental Security Income program, is exempt regardless
17 of value. This amount shall be adjusted annually for any
18 increase in the Consumer Price Index. The amount exempted
19 shall be limited to the price of the funeral goods and
20 services to be provided upon death. The contract must
21 provide a complete description of the funeral goods and
22 services to be provided and the price thereof. Any amount
23 in the contract not so specified shall be treated as a
24 transfer of assets for less than fair market value.

25 (3) A prepaid, guaranteed-price funeral or burial
26 contract, funded by an irrevocable assignment of a person's

1 life insurance policy to a trust, is exempt. The amount
2 exempted shall be limited to the amount of the insurance
3 benefit designated for the cost of the funeral goods and
4 services to be provided upon the person's death. The
5 contract must provide a complete description of the funeral
6 goods and services to be provided and the price thereof.
7 Any amount in the contract not so specified shall be
8 treated as a transfer of assets for less than fair market
9 value. The trust must include a statement that, upon the
10 death of the person, the State will receive all amounts
11 remaining in the trust, including any remaining payable
12 proceeds under the insurance policy up to an amount equal
13 to the total medical assistance paid on behalf of the
14 person. The trust is responsible for ensuring that the
15 provider of funeral services under the contract receives
16 the proceeds of the policy when it provides the funeral
17 goods and services specified under the contract. The
18 irrevocable assignment of ownership of the insurance
19 policy must be acknowledged by the insurance company.

20 Notwithstanding any other provision of this Code to the
21 contrary, an irrevocable trust containing the resources of a
22 person who is determined to have a disability shall be
23 considered exempt from consideration. Such trust must be
24 established and managed by a non-profit association that pools
25 funds but maintains a separate account for each beneficiary.
26 The trust may be established by the person, a parent,

1 grandparent, legal guardian, or court. It must be established
2 for the sole benefit of the person and language contained in
3 the trust shall stipulate that any amount remaining in the
4 trust (up to the amount expended by the Department on medical
5 assistance) that is not retained by the trust for reasonable
6 administrative costs related to wrapping up the affairs of the
7 subaccount shall be paid to the Department upon the death of
8 the person. After a person reaches age 65, any funding by or on
9 behalf of the person to the trust shall be treated as a
10 transfer of assets for less than fair market value unless the
11 person is a ward of a county public guardian or the State
12 guardian pursuant to Section 13-5 of the Probate Act of 1975 or
13 Section 30 of the Guardianship and Advocacy Act and lives in
14 the community, or the person is a ward of a county public
15 guardian or the State guardian pursuant to Section 13-5 of the
16 Probate Act of 1975 or Section 30 of the Guardianship and
17 Advocacy Act and a court has found that any expenditures from
18 the trust will maintain or enhance the person's quality of
19 life. If the trust contains proceeds from a personal injury
20 settlement, any Department charge must be satisfied in order
21 for the transfer to the trust to be treated as a transfer for
22 fair market value.

23 The homestead shall be exempt from consideration except to
24 the extent that it meets the income and shelter needs of the
25 person. "Homestead" means the dwelling house and contiguous
26 real estate owned and occupied by the person, regardless of its

1 value. Subject to federal approval, a person shall not be
2 eligible for long-term care services, however, if the person's
3 equity interest in his or her homestead exceeds the minimum
4 home equity as allowed and increased annually under federal
5 law. Subject to federal approval, on and after the effective
6 date of this amendatory Act of the 97th General Assembly,
7 homestead property transferred to a trust shall no longer be
8 considered homestead property.

9 Occasional or irregular gifts in cash, goods or services
10 from persons who are not legally responsible relatives which
11 are of nominal value or which do not have significant effect in
12 meeting essential requirements shall be disregarded. The
13 eligibility of any applicant for or recipient of public aid
14 under this Article is not affected by the payment of any grant
15 under the "Senior Citizens and Disabled Persons Property Tax
16 Relief and Pharmaceutical Assistance Act" or any distributions
17 or items of income described under subparagraph (X) of
18 paragraph (2) of subsection (a) of Section 203 of the Illinois
19 Income Tax Act.

20 The Illinois Department may, after appropriate
21 investigation, establish and implement a consolidated standard
22 to determine need and eligibility for and amount of benefits
23 under this Article or a uniform cash supplement to the federal
24 Supplemental Security Income program for all or any part of the
25 then current recipients under this Article; provided, however,
26 that the establishment or implementation of such a standard or

1 supplement shall not result in reductions in benefits under
2 this Article for the then current recipients of such benefits.
3 (Source: P.A. 97-689, eff. 6-14-12.)

4 (305 ILCS 5/3-5) (from Ch. 23, par. 3-5)

5 Sec. 3-5. Amount of aid. The amount and nature of financial
6 aid granted to or in behalf of aged, blind, or disabled persons
7 shall be determined in accordance with the standards, grant
8 amounts, rules and regulations of the Illinois Department. Due
9 regard shall be given to the requirements and conditions
10 existing in each case, and to the amount of property owned and
11 the income, money contributions, and other support, and
12 resources received or obtainable by the person, from whatever
13 source. However, the amount and nature of any financial aid is
14 not affected by the payment of any grant under the "Senior
15 Citizens and Disabled Persons Property Tax Relief and
16 Pharmaceutical Assistance Act" or any distributions or items of
17 income described under subparagraph (X) of paragraph (2) of
18 subsection (a) of Section 203 of the Illinois Income Tax Act.
19 The aid shall be sufficient, when added to all other income,
20 money contributions and support, to provide the person with a
21 grant in the amount established by Department regulation for
22 such a person, based upon standards providing a livelihood
23 compatible with health and well-being. Financial aid under this
24 Article granted to persons who have been found ineligible for
25 Supplemental Security Income (SSI) due to expiration of the

1 period of eligibility for refugees and asylees pursuant to 8
2 U.S.C. 1612(a)(2) shall not exceed \$500 per month.

3 (Source: P.A. 97-689, eff. 6-14-12.)

4 (305 ILCS 5/4-1.6) (from Ch. 23, par. 4-1.6)

5 Sec. 4-1.6. Need. Income available to the family as defined
6 by the Illinois Department by rule, or to the child in the case
7 of a child removed from his or her home, when added to
8 contributions in money, substance or services from other
9 sources, including income available from parents absent from
10 the home or from a stepparent, contributions made for the
11 benefit of the parent or other persons necessary to provide
12 care and supervision to the child, and contributions from
13 legally responsible relatives, must be equal to or less than
14 the grant amount established by Department regulation for such
15 a person. For purposes of eligibility for aid under this
16 Article, the Department shall disregard all earned income
17 between the grant amount and 50% of the Federal Poverty Level.

18 In considering income to be taken into account,
19 consideration shall be given to any expenses reasonably
20 attributable to the earning of such income. Three-fourths of
21 the earned income of a household eligible for aid under this
22 Article shall be disregarded when determining the level of
23 assistance for which a household is eligible. The Illinois
24 Department may also permit all or any portion of earned or
25 other income to be set aside for the future identifiable needs

1 of a child. The Illinois Department may provide by rule and
2 regulation for the exemptions thus permitted or required. The
3 eligibility of any applicant for or recipient of public aid
4 under this Article is not affected by the payment of any grant
5 under the "Senior Citizens and Disabled Persons Property Tax
6 Relief and Pharmaceutical Assistance Act" or any distributions
7 or items of income described under subparagraph (X) of
8 paragraph (2) of subsection (a) of Section 203 of the Illinois
9 Income Tax Act.

10 The Illinois Department may, by rule, set forth criteria
11 under which an assistance unit is ineligible for cash
12 assistance under this Article for a specified number of months
13 due to the receipt of a lump sum payment.

14 (Source: P.A. 96-866, eff. 7-1-10; 97-689, eff. 6-14-12.)

15 (305 ILCS 5/4-2) (from Ch. 23, par. 4-2)

16 Sec. 4-2. Amount of aid.

17 (a) The amount and nature of financial aid shall be
18 determined in accordance with the grant amounts, rules and
19 regulations of the Illinois Department. Due regard shall be
20 given to the self-sufficiency requirements of the family and to
21 the income, money contributions and other support and resources
22 available, from whatever source. However, the amount and nature
23 of any financial aid is not affected by the payment of any
24 grant under the "Senior Citizens and Disabled Persons Property
25 Tax Relief and Pharmaceutical Assistance Act" or any

1 distributions or items of income described under subparagraph
2 (X) of paragraph (2) of subsection (a) of Section 203 of the
3 Illinois Income Tax Act. The aid shall be sufficient, when
4 added to all other income, money contributions and support to
5 provide the family with a grant in the amount established by
6 Department regulation.

7 Subject to appropriation, beginning on July 1, 2008, the
8 Department of Human Services shall increase TANF grant amounts
9 in effect on June 30, 2008 by 15%. The Department is authorized
10 to administer this increase but may not otherwise adopt any
11 rule to implement this increase.

12 (b) The Illinois Department may conduct special projects,
13 which may be known as Grant Diversion Projects, under which
14 recipients of financial aid under this Article are placed in
15 jobs and their grants are diverted to the employer who in turn
16 makes payments to the recipients in the form of salary or other
17 employment benefits. The Illinois Department shall by rule
18 specify the terms and conditions of such Grant Diversion
19 Projects. Such projects shall take into consideration and be
20 coordinated with the programs administered under the Illinois
21 Emergency Employment Development Act.

22 (c) The amount and nature of the financial aid for a child
23 requiring care outside his own home shall be determined in
24 accordance with the rules and regulations of the Illinois
25 Department, with due regard to the needs and requirements of
26 the child in the foster home or institution in which he has

1 been placed.

2 (d) If the Department establishes grants for family units
3 consisting exclusively of a pregnant woman with no dependent
4 child or including her husband if living with her, the grant
5 amount for such a unit shall be equal to the grant amount for
6 an assistance unit consisting of one adult, or 2 persons if the
7 husband is included. Other than as herein described, an unborn
8 child shall not be counted in determining the size of an
9 assistance unit or for calculating grants.

10 Payments for basic maintenance requirements of a child or
11 children and the relative with whom the child or children are
12 living shall be prescribed, by rule, by the Illinois
13 Department.

14 Grants under this Article shall not be supplemented by
15 General Assistance provided under Article VI.

16 (e) Grants shall be paid to the parent or other person with
17 whom the child or children are living, except for such amount
18 as is paid in behalf of the child or his parent or other
19 relative to other persons or agencies pursuant to this Code or
20 the rules and regulations of the Illinois Department.

21 (f) Subject to subsection (f-5), an assistance unit,
22 receiving financial aid under this Article or temporarily
23 ineligible to receive aid under this Article under a penalty
24 imposed by the Illinois Department for failure to comply with
25 the eligibility requirements or that voluntarily requests
26 termination of financial assistance under this Article and

1 becomes subsequently eligible for assistance within 9 months,
2 shall not receive any increase in the amount of aid solely on
3 account of the birth of a child; except that an increase is not
4 prohibited when the birth is (i) of a child of a pregnant woman
5 who became eligible for aid under this Article during the
6 pregnancy, or (ii) of a child born within 10 months after the
7 date of implementation of this subsection, or (iii) of a child
8 conceived after a family became ineligible for assistance due
9 to income or marriage and at least 3 months of ineligibility
10 expired before any reapplication for assistance. This
11 subsection does not, however, prevent a unit from receiving a
12 general increase in the amount of aid that is provided to all
13 recipients of aid under this Article.

14 The Illinois Department is authorized to transfer funds,
15 and shall use any budgetary savings attributable to not
16 increasing the grants due to the births of additional children,
17 to supplement existing funding for employment and training
18 services for recipients of aid under this Article IV. The
19 Illinois Department shall target, to the extent the
20 supplemental funding allows, employment and training services
21 to the families who do not receive a grant increase after the
22 birth of a child. In addition, the Illinois Department shall
23 provide, to the extent the supplemental funding allows, such
24 families with up to 24 months of transitional child care
25 pursuant to Illinois Department rules. All remaining
26 supplemental funds shall be used for employment and training

1 services or transitional child care support.

2 In making the transfers authorized by this subsection, the
3 Illinois Department shall first determine, pursuant to
4 regulations adopted by the Illinois Department for this
5 purpose, the amount of savings attributable to not increasing
6 the grants due to the births of additional children. Transfers
7 may be made from General Revenue Fund appropriations for
8 distributive purposes authorized by Article IV of this Code
9 only to General Revenue Fund appropriations for employability
10 development services including operating and administrative
11 costs and related distributive purposes under Article IXA of
12 this Code. The Director, with the approval of the Governor,
13 shall certify the amount and affected line item appropriations
14 to the State Comptroller.

15 Nothing in this subsection shall be construed to prohibit
16 the Illinois Department from using funds under this Article IV
17 to provide assistance in the form of vouchers that may be used
18 to pay for goods and services deemed by the Illinois
19 Department, by rule, as suitable for the care of the child such
20 as diapers, clothing, school supplies, and cribs.

21 (f-5) Subsection (f) shall not apply to affect the monthly
22 assistance amount of any family as a result of the birth of a
23 child on or after January 1, 2004. As resources permit after
24 January 1, 2004, the Department may cease applying subsection
25 (f) to limit assistance to families receiving assistance under
26 this Article on January 1, 2004, with respect to children born

1 prior to that date. In any event, subsection (f) shall be
2 completely inoperative on and after July 1, 2007.

3 (g) (Blank).

4 (h) Notwithstanding any other provision of this Code, the
5 Illinois Department is authorized to reduce payment levels used
6 to determine cash grants under this Article after December 31
7 of any fiscal year if the Illinois Department determines that
8 the caseload upon which the appropriations for the current
9 fiscal year are based have increased by more than 5% and the
10 appropriation is not sufficient to ensure that cash benefits
11 under this Article do not exceed the amounts appropriated for
12 those cash benefits. Reductions in payment levels may be
13 accomplished by emergency rule under Section 5-45 of the
14 Illinois Administrative Procedure Act, except that the
15 limitation on the number of emergency rules that may be adopted
16 in a 24-month period shall not apply and the provisions of
17 Sections 5-115 and 5-125 of the Illinois Administrative
18 Procedure Act shall not apply. Increases in payment levels
19 shall be accomplished only in accordance with Section 5-40 of
20 the Illinois Administrative Procedure Act. Before any rule to
21 increase payment levels promulgated under this Section shall
22 become effective, a joint resolution approving the rule must be
23 adopted by a roll call vote by a majority of the members
24 elected to each chamber of the General Assembly.

25 (Source: P.A. 96-1000, eff. 7-2-10; 97-689, eff. 6-14-12.)

1 (305 ILCS 5/5-2) (from Ch. 23, par. 5-2)

2 Sec. 5-2. Classes of Persons Eligible. Medical assistance
3 under this Article shall be available to any of the following
4 classes of persons in respect to whom a plan for coverage has
5 been submitted to the Governor by the Illinois Department and
6 approved by him:

7 1. Recipients of basic maintenance grants under
8 Articles III and IV.

9 2. Persons otherwise eligible for basic maintenance
10 under Articles III and IV, excluding any eligibility
11 requirements that are inconsistent with any federal law or
12 federal regulation, as interpreted by the U.S. Department
13 of Health and Human Services, but who fail to qualify
14 thereunder on the basis of need or who qualify but are not
15 receiving basic maintenance under Article IV, and who have
16 insufficient income and resources to meet the costs of
17 necessary medical care, including but not limited to the
18 following:

19 (a) All persons otherwise eligible for basic
20 maintenance under Article III but who fail to qualify
21 under that Article on the basis of need and who meet
22 either of the following requirements:

23 (i) their income, as determined by the
24 Illinois Department in accordance with any federal
25 requirements, is equal to or less than 70% in
26 fiscal year 2001, equal to or less than 85% in

1 fiscal year 2002 and until a date to be determined
2 by the Department by rule, and equal to or less
3 than 100% beginning on the date determined by the
4 Department by rule, of the nonfarm income official
5 poverty line, as defined by the federal Office of
6 Management and Budget and revised annually in
7 accordance with Section 673(2) of the Omnibus
8 Budget Reconciliation Act of 1981, applicable to
9 families of the same size; or

10 (ii) their income, after the deduction of
11 costs incurred for medical care and for other types
12 of remedial care, is equal to or less than 70% in
13 fiscal year 2001, equal to or less than 85% in
14 fiscal year 2002 and until a date to be determined
15 by the Department by rule, and equal to or less
16 than 100% beginning on the date determined by the
17 Department by rule, of the nonfarm income official
18 poverty line, as defined in item (i) of this
19 subparagraph (a).

20 (b) All persons who, excluding any eligibility
21 requirements that are inconsistent with any federal
22 law or federal regulation, as interpreted by the U.S.
23 Department of Health and Human Services, would be
24 determined eligible for such basic maintenance under
25 Article IV by disregarding the maximum earned income
26 permitted by federal law.

1 3. Persons who would otherwise qualify for Aid to the
2 Medically Indigent under Article VII.

3 4. Persons not eligible under any of the preceding
4 paragraphs who fall sick, are injured, or die, not having
5 sufficient money, property or other resources to meet the
6 costs of necessary medical care or funeral and burial
7 expenses.

8 5.(a) Women during pregnancy, after the fact of
9 pregnancy has been determined by medical diagnosis, and
10 during the 60-day period beginning on the last day of the
11 pregnancy, together with their infants and children born
12 after September 30, 1983, whose income and resources are
13 insufficient to meet the costs of necessary medical care to
14 the maximum extent possible under Title XIX of the Federal
15 Social Security Act.

16 (b) The Illinois Department and the Governor shall
17 provide a plan for coverage of the persons eligible under
18 paragraph 5(a) by April 1, 1990. Such plan shall provide
19 ambulatory prenatal care to pregnant women during a
20 presumptive eligibility period and establish an income
21 eligibility standard that is equal to 133% of the nonfarm
22 income official poverty line, as defined by the federal
23 Office of Management and Budget and revised annually in
24 accordance with Section 673(2) of the Omnibus Budget
25 Reconciliation Act of 1981, applicable to families of the
26 same size, provided that costs incurred for medical care

1 are not taken into account in determining such income
2 eligibility.

3 (c) The Illinois Department may conduct a
4 demonstration in at least one county that will provide
5 medical assistance to pregnant women, together with their
6 infants and children up to one year of age, where the
7 income eligibility standard is set up to 185% of the
8 nonfarm income official poverty line, as defined by the
9 federal Office of Management and Budget. The Illinois
10 Department shall seek and obtain necessary authorization
11 provided under federal law to implement such a
12 demonstration. Such demonstration may establish resource
13 standards that are not more restrictive than those
14 established under Article IV of this Code.

15 6. Persons under the age of 18 who fail to qualify as
16 dependent under Article IV and who have insufficient income
17 and resources to meet the costs of necessary medical care
18 to the maximum extent permitted under Title XIX of the
19 Federal Social Security Act.

20 7. (Blank).

21 8. Persons who become ineligible for basic maintenance
22 assistance under Article IV of this Code in programs
23 administered by the Illinois Department due to employment
24 earnings and persons in assistance units comprised of
25 adults and children who become ineligible for basic
26 maintenance assistance under Article VI of this Code due to

1 employment earnings. The plan for coverage for this class
2 of persons shall:

3 (a) extend the medical assistance coverage for up
4 to 12 months following termination of basic
5 maintenance assistance; and

6 (b) offer persons who have initially received 6
7 months of the coverage provided in paragraph (a) above,
8 the option of receiving an additional 6 months of
9 coverage, subject to the following:

10 (i) such coverage shall be pursuant to
11 provisions of the federal Social Security Act;

12 (ii) such coverage shall include all services
13 covered while the person was eligible for basic
14 maintenance assistance;

15 (iii) no premium shall be charged for such
16 coverage; and

17 (iv) such coverage shall be suspended in the
18 event of a person's failure without good cause to
19 file in a timely fashion reports required for this
20 coverage under the Social Security Act and
21 coverage shall be reinstated upon the filing of
22 such reports if the person remains otherwise
23 eligible.

24 9. Persons with acquired immunodeficiency syndrome
25 (AIDS) or with AIDS-related conditions with respect to whom
26 there has been a determination that but for home or

1 community-based services such individuals would require
2 the level of care provided in an inpatient hospital,
3 skilled nursing facility or intermediate care facility the
4 cost of which is reimbursed under this Article. Assistance
5 shall be provided to such persons to the maximum extent
6 permitted under Title XIX of the Federal Social Security
7 Act.

8 10. Participants in the long-term care insurance
9 partnership program established under the Illinois
10 Long-Term Care Partnership Program Act who meet the
11 qualifications for protection of resources described in
12 Section 15 of that Act.

13 11. Persons with disabilities who are employed and
14 eligible for Medicaid, pursuant to Section
15 1902(a)(10)(A)(ii)(xv) of the Social Security Act, and,
16 subject to federal approval, persons with a medically
17 improved disability who are employed and eligible for
18 Medicaid pursuant to Section 1902(a)(10)(A)(ii)(xvi) of
19 the Social Security Act, as provided by the Illinois
20 Department by rule. In establishing eligibility standards
21 under this paragraph 11, the Department shall, subject to
22 federal approval:

23 (a) set the income eligibility standard at not
24 lower than 350% of the federal poverty level;

25 (b) exempt retirement accounts that the person
26 cannot access without penalty before the age of 59 1/2,

1 and medical savings accounts established pursuant to
2 26 U.S.C. 220;

3 (c) allow non-exempt assets up to \$25,000 as to
4 those assets accumulated during periods of eligibility
5 under this paragraph 11; and

6 (d) continue to apply subparagraphs (b) and (c) in
7 determining the eligibility of the person under this
8 Article even if the person loses eligibility under this
9 paragraph 11.

10 12. Subject to federal approval, persons who are
11 eligible for medical assistance coverage under applicable
12 provisions of the federal Social Security Act and the
13 federal Breast and Cervical Cancer Prevention and
14 Treatment Act of 2000. Those eligible persons are defined
15 to include, but not be limited to, the following persons:

16 (1) persons who have been screened for breast or
17 cervical cancer under the U.S. Centers for Disease
18 Control and Prevention Breast and Cervical Cancer
19 Program established under Title XV of the federal
20 Public Health Services Act in accordance with the
21 requirements of Section 1504 of that Act as
22 administered by the Illinois Department of Public
23 Health; and

24 (2) persons whose screenings under the above
25 program were funded in whole or in part by funds
26 appropriated to the Illinois Department of Public

1 Health for breast or cervical cancer screening.

2 "Medical assistance" under this paragraph 12 shall be
3 identical to the benefits provided under the State's
4 approved plan under Title XIX of the Social Security Act.
5 The Department must request federal approval of the
6 coverage under this paragraph 12 within 30 days after the
7 effective date of this amendatory Act of the 92nd General
8 Assembly.

9 In addition to the persons who are eligible for medical
10 assistance pursuant to subparagraphs (1) and (2) of this
11 paragraph 12, and to be paid from funds appropriated to the
12 Department for its medical programs, any uninsured person
13 as defined by the Department in rules residing in Illinois
14 who is younger than 65 years of age, who has been screened
15 for breast and cervical cancer in accordance with standards
16 and procedures adopted by the Department of Public Health
17 for screening, and who is referred to the Department by the
18 Department of Public Health as being in need of treatment
19 for breast or cervical cancer is eligible for medical
20 assistance benefits that are consistent with the benefits
21 provided to those persons described in subparagraphs (1)
22 and (2). Medical assistance coverage for the persons who
23 are eligible under the preceding sentence is not dependent
24 on federal approval, but federal moneys may be used to pay
25 for services provided under that coverage upon federal
26 approval.

1 13. Subject to appropriation and to federal approval,
2 persons living with HIV/AIDS who are not otherwise eligible
3 under this Article and who qualify for services covered
4 under Section 5-5.04 as provided by the Illinois Department
5 by rule.

6 14. Subject to the availability of funds for this
7 purpose, the Department may provide coverage under this
8 Article to persons who reside in Illinois who are not
9 eligible under any of the preceding paragraphs and who meet
10 the income guidelines of paragraph 2(a) of this Section and
11 (i) have an application for asylum pending before the
12 federal Department of Homeland Security or on appeal before
13 a court of competent jurisdiction and are represented
14 either by counsel or by an advocate accredited by the
15 federal Department of Homeland Security and employed by a
16 not-for-profit organization in regard to that application
17 or appeal, or (ii) are receiving services through a
18 federally funded torture treatment center. Medical
19 coverage under this paragraph 14 may be provided for up to
20 24 continuous months from the initial eligibility date so
21 long as an individual continues to satisfy the criteria of
22 this paragraph 14. If an individual has an appeal pending
23 regarding an application for asylum before the Department
24 of Homeland Security, eligibility under this paragraph 14
25 may be extended until a final decision is rendered on the
26 appeal. The Department may adopt rules governing the

1 implementation of this paragraph 14.

2 15. Family Care Eligibility.

3 (a) On and after July 1, 2012, a caretaker relative
4 who is 19 years of age or older when countable income
5 is at or below 133% of the Federal Poverty Level
6 Guidelines, as published annually in the Federal
7 Register, for the appropriate family size. A person may
8 not spend down to become eligible under this paragraph
9 15.

10 (b) Eligibility shall be reviewed annually.

11 (c) (Blank).

12 (d) (Blank).

13 (e) (Blank).

14 (f) (Blank).

15 (g) (Blank).

16 (h) (Blank).

17 (i) Following termination of an individual's
18 coverage under this paragraph 15, the individual must
19 be determined eligible before the person can be
20 re-enrolled.

21 16. Subject to appropriation, uninsured persons who
22 are not otherwise eligible under this Section who have been
23 certified and referred by the Department of Public Health
24 as having been screened and found to need diagnostic
25 evaluation or treatment, or both diagnostic evaluation and
26 treatment, for prostate or testicular cancer. For the

1 purposes of this paragraph 16, uninsured persons are those
2 who do not have creditable coverage, as defined under the
3 Health Insurance Portability and Accountability Act, or
4 have otherwise exhausted any insurance benefits they may
5 have had, for prostate or testicular cancer diagnostic
6 evaluation or treatment, or both diagnostic evaluation and
7 treatment. To be eligible, a person must furnish a Social
8 Security number. A person's assets are exempt from
9 consideration in determining eligibility under this
10 paragraph 16. Such persons shall be eligible for medical
11 assistance under this paragraph 16 for so long as they need
12 treatment for the cancer. A person shall be considered to
13 need treatment if, in the opinion of the person's treating
14 physician, the person requires therapy directed toward
15 cure or palliation of prostate or testicular cancer,
16 including recurrent metastatic cancer that is a known or
17 presumed complication of prostate or testicular cancer and
18 complications resulting from the treatment modalities
19 themselves. Persons who require only routine monitoring
20 services are not considered to need treatment. "Medical
21 assistance" under this paragraph 16 shall be identical to
22 the benefits provided under the State's approved plan under
23 Title XIX of the Social Security Act. Notwithstanding any
24 other provision of law, the Department (i) does not have a
25 claim against the estate of a deceased recipient of
26 services under this paragraph 16 and (ii) does not have a

1 lien against any homestead property or other legal or
2 equitable real property interest owned by a recipient of
3 services under this paragraph 16.

4 17. Persons who, pursuant to a waiver approved by the
5 Secretary of the U.S. Department of Health and Human
6 Services, are eligible for medical assistance under Title
7 XIX or XXI of the federal Social Security Act.
8 Notwithstanding any other provision of this Code and
9 consistent with the terms of the approved waiver, the
10 Illinois Department, may by rule:

11 (a) Limit the geographic areas in which the waiver
12 program operates.

13 (b) Determine the scope, quantity, duration, and
14 quality, and the rate and method of reimbursement, of
15 the medical services to be provided, which may differ
16 from those for other classes of persons eligible for
17 assistance under this Article.

18 (c) Restrict the persons' freedom in choice of
19 providers.

20 In implementing the provisions of Public Act 96-20, the
21 Department is authorized to adopt only those rules necessary,
22 including emergency rules. Nothing in Public Act 96-20 permits
23 the Department to adopt rules or issue a decision that expands
24 eligibility for the FamilyCare Program to a person whose income
25 exceeds 185% of the Federal Poverty Level as determined from
26 time to time by the U.S. Department of Health and Human

1 Services, unless the Department is provided with express
2 statutory authority.

3 The Illinois Department and the Governor shall provide a
4 plan for coverage of the persons eligible under paragraph 7 as
5 soon as possible after July 1, 1984.

6 The eligibility of any such person for medical assistance
7 under this Article is not affected by the payment of any grant
8 under the Senior Citizens and Disabled Persons Property Tax
9 Relief and Pharmaceutical Assistance Act or any distributions
10 or items of income described under subparagraph (X) of
11 paragraph (2) of subsection (a) of Section 203 of the Illinois
12 Income Tax Act. The Department shall by rule establish the
13 amounts of assets to be disregarded in determining eligibility
14 for medical assistance, which shall at a minimum equal the
15 amounts to be disregarded under the Federal Supplemental
16 Security Income Program. The amount of assets of a single
17 person to be disregarded shall not be less than \$2,000, and the
18 amount of assets of a married couple to be disregarded shall
19 not be less than \$3,000.

20 To the extent permitted under federal law, any person found
21 guilty of a second violation of Article VIII A shall be
22 ineligible for medical assistance under this Article, as
23 provided in Section 8A-8.

24 The eligibility of any person for medical assistance under
25 this Article shall not be affected by the receipt by the person
26 of donations or benefits from fundraisers held for the person

1 in cases of serious illness, as long as neither the person nor
2 members of the person's family have actual control over the
3 donations or benefits or the disbursement of the donations or
4 benefits.

5 Notwithstanding any other provision of this Code, if the
6 United States Supreme Court holds Title II, Subtitle A, Section
7 2001(a) of Public Law 111-148 to be unconstitutional, or if a
8 holding of Public Law 111-148 makes Medicaid eligibility
9 allowed under Section 2001(a) inoperable, the State or a unit
10 of local government shall be prohibited from enrolling
11 individuals in the Medical Assistance Program as the result of
12 federal approval of a State Medicaid waiver on or after the
13 effective date of this amendatory Act of the 97th General
14 Assembly, and any individuals enrolled in the Medical
15 Assistance Program pursuant to eligibility permitted as a
16 result of such a State Medicaid waiver shall become immediately
17 ineligible.

18 Notwithstanding any other provision of this Code, if an Act
19 of Congress that becomes a Public Law eliminates Section
20 2001(a) of Public Law 111-148, the State or a unit of local
21 government shall be prohibited from enrolling individuals in
22 the Medical Assistance Program as the result of federal
23 approval of a State Medicaid waiver on or after the effective
24 date of this amendatory Act of the 97th General Assembly, and
25 any individuals enrolled in the Medical Assistance Program
26 pursuant to eligibility permitted as a result of such a State

1 Medicaid waiver shall become immediately ineligible.

2 (Source: P.A. 96-20, eff. 6-30-09; 96-181, eff. 8-10-09;
3 96-328, eff. 8-11-09; 96-567, eff. 1-1-10; 96-1000, eff.
4 7-2-10; 96-1123, eff. 1-1-11; 96-1270, eff. 7-26-10; 97-48,
5 eff. 6-28-11; 97-74, eff. 6-30-11; 97-333, eff. 8-12-11;
6 97-687, eff. 6-14-12; 97-689, eff. 6-14-12; 97-813, eff.
7 7-13-12; revised 7-23-12.)

8 (305 ILCS 5/5-4) (from Ch. 23, par. 5-4)

9 Sec. 5-4. Amount and nature of medical assistance.

10 (a) The amount and nature of medical assistance shall be
11 determined in accordance with the standards, rules, and
12 regulations of the Department of Healthcare and Family
13 Services, with due regard to the requirements and conditions in
14 each case, including contributions available from legally
15 responsible relatives. However, the amount and nature of such
16 medical assistance shall not be affected by the payment of any
17 grant under the Senior Citizens and Disabled Persons Property
18 Tax Relief and Pharmaceutical Assistance Act or any
19 distributions or items of income described under subparagraph
20 (X) of paragraph (2) of subsection (a) of Section 203 of the
21 Illinois Income Tax Act. The amount and nature of medical
22 assistance shall not be affected by the receipt of donations or
23 benefits from fundraisers in cases of serious illness, as long
24 as neither the person nor members of the person's family have
25 actual control over the donations or benefits or the

1 disbursement of the donations or benefits.

2 In determining the income and resources available to the
3 institutionalized spouse and to the community spouse, the
4 Department of Healthcare and Family Services shall follow the
5 procedures established by federal law. If an institutionalized
6 spouse or community spouse refuses to comply with the
7 requirements of Title XIX of the federal Social Security Act
8 and the regulations duly promulgated thereunder by failing to
9 provide the total value of assets, including income and
10 resources, to the extent either the institutionalized spouse or
11 community spouse has an ownership interest in them pursuant to
12 42 U.S.C. 1396r-5, such refusal may result in the
13 institutionalized spouse being denied eligibility and
14 continuing to remain ineligible for the medical assistance
15 program based on failure to cooperate.

16 Subject to federal approval, the community spouse resource
17 allowance shall be established and maintained at the higher of
18 \$109,560 or the minimum level permitted pursuant to Section
19 1924(f)(2) of the Social Security Act, as now or hereafter
20 amended, or an amount set after a fair hearing, whichever is
21 greater. The monthly maintenance allowance for the community
22 spouse shall be established and maintained at the higher of
23 \$2,739 per month or the minimum level permitted pursuant to
24 Section 1924(d)(3)(C) of the Social Security Act, as now or
25 hereafter amended, or an amount set after a fair hearing,
26 whichever is greater. Subject to the approval of the Secretary

1 of the United States Department of Health and Human Services,
2 the provisions of this Section shall be extended to persons who
3 but for the provision of home or community-based services under
4 Section 4.02 of the Illinois Act on the Aging, would require
5 the level of care provided in an institution, as is provided
6 for in federal law.

7 (b) Spousal support for institutionalized spouses
8 receiving medical assistance.

9 (i) The Department may seek support for an
10 institutionalized spouse, who has assigned his or her right
11 of support from his or her spouse to the State, from the
12 resources and income available to the community spouse.

13 (ii) The Department may bring an action in the circuit
14 court to establish support orders or itself establish
15 administrative support orders by any means and procedures
16 authorized in this Code, as applicable, except that the
17 standard and regulations for determining ability to
18 support in Section 10-3 shall not limit the amount of
19 support that may be ordered.

20 (iii) Proceedings may be initiated to obtain support,
21 or for the recovery of aid granted during the period such
22 support was not provided, or both, for the obtainment of
23 support and the recovery of the aid provided. Proceedings
24 for the recovery of aid may be taken separately or they may
25 be consolidated with actions to obtain support. Such
26 proceedings may be brought in the name of the person or

1 persons requiring support or may be brought in the name of
2 the Department, as the case requires.

3 (iv) The orders for the payment of moneys for the
4 support of the person shall be just and equitable and may
5 direct payment thereof for such period or periods of time
6 as the circumstances require, including support for a
7 period before the date the order for support is entered. In
8 no event shall the orders reduce the community spouse
9 resource allowance below the level established in
10 subsection (a) of this Section or an amount set after a
11 fair hearing, whichever is greater, or reduce the monthly
12 maintenance allowance for the community spouse below the
13 level permitted pursuant to subsection (a) of this Section.

14 (Source: P.A. 97-689, eff. 6-14-12.)

15 (305 ILCS 5/5A-8) (from Ch. 23, par. 5A-8)

16 Sec. 5A-8. Hospital Provider Fund.

17 (a) There is created in the State Treasury the Hospital
18 Provider Fund. Interest earned by the Fund shall be credited to
19 the Fund. The Fund shall not be used to replace any moneys
20 appropriated to the Medicaid program by the General Assembly.

21 (b) The Fund is created for the purpose of receiving moneys
22 in accordance with Section 5A-6 and disbursing moneys only for
23 the following purposes, notwithstanding any other provision of
24 law:

25 (1) For making payments to hospitals as required under

1 this Code, under the Children's Health Insurance Program
2 Act, under the Covering ALL KIDS Health Insurance Act,
3 under the Senior Citizens and Disabled Persons Property Tax
4 Relief and Pharmaceutical Assistance Act, and under the
5 Long Term Acute Care Hospital Quality Improvement Transfer
6 Program Act.

7 (2) For the reimbursement of moneys collected by the
8 Illinois Department from hospitals or hospital providers
9 through error or mistake in performing the activities
10 authorized under this Code.

11 (3) For payment of administrative expenses incurred by
12 the Illinois Department or its agent in performing
13 activities under this Code, under the Children's Health
14 Insurance Program Act, under the Covering ALL KIDS Health
15 Insurance Act, and under the Long Term Acute Care Hospital
16 Quality Improvement Transfer Program Act.

17 (4) For payments of any amounts which are reimbursable
18 to the federal government for payments from this Fund which
19 are required to be paid by State warrant.

20 (5) For making transfers, as those transfers are
21 authorized in the proceedings authorizing debt under the
22 Short Term Borrowing Act, but transfers made under this
23 paragraph (5) shall not exceed the principal amount of debt
24 issued in anticipation of the receipt by the State of
25 moneys to be deposited into the Fund.

26 (6) For making transfers to any other fund in the State

1 treasury, but transfers made under this paragraph (6) shall
 2 not exceed the amount transferred previously from that
 3 other fund into the Hospital Provider Fund plus any
 4 interest that would have been earned by that fund on the
 5 monies that had been transferred.

6 (6.5) For making transfers to the Healthcare Provider
 7 Relief Fund, except that transfers made under this
 8 paragraph (6.5) shall not exceed \$60,000,000 in the
 9 aggregate.

10 (7) For making transfers not exceeding the following
 11 amounts, in State fiscal years 2013 and 2014 ~~in each State~~
 12 ~~fiscal year during which an assessment is imposed pursuant~~
 13 ~~to Section 5A-2~~, to the following designated funds:

14	Health and Human Services Medicaid Trust	
15	Fund	\$20,000,000
16	Long-Term Care Provider Fund	\$30,000,000
17	General Revenue Fund	\$80,000,000.

18 Transfers under this paragraph shall be made within 7 days
 19 after the payments have been received pursuant to the
 20 schedule of payments provided in subsection (a) of Section
 21 5A-4.

22 (7.1) For making transfers not exceeding the following
 23 amounts, in State fiscal year 2015, to the following
 24 designated funds:

25	Health and Human Services Medicaid Trust	
26	Fund	\$10,000,000

1 Long-Term Care Provider Fund \$15,000,000

2 General Revenue Fund \$40,000,000.

3 Transfers under this paragraph shall be made within 7 days
4 after the payments have been received pursuant to the
5 schedule of payments provided in subsection (a) of Section
6 5A-4.

7 (7.5) (Blank).

8 (7.8) (Blank).

9 (7.9) (Blank).

10 (7.10) For State fiscal years 2013 and 2014, for making
11 transfers of the moneys resulting from the assessment under
12 subsection (b-5) of Section 5A-2 and received from hospital
13 providers under Section 5A-4 and transferred into the
14 Hospital Provider Fund under Section 5A-6 to the designated
15 funds not exceeding the following amounts in that State
16 fiscal year:

17 Health Care Provider Relief Fund \$50,000,000

18 Transfers under this paragraph shall be made within 7
19 days after the payments have been received pursuant to the
20 schedule of payments provided in subsection (a) of Section
21 5A-4.

22 (7.11) For State fiscal year 2015, for making transfers
23 of the moneys resulting from the assessment under
24 subsection (b-5) of Section 5A-2 and received from hospital
25 providers under Section 5A-4 and transferred into the
26 Hospital Provider Fund under Section 5A-6 to the designated

1 funds not exceeding the following amounts in that State
2 fiscal year:

3 Health Care Provider Relief Fund \$25,000,000

4 Transfers under this paragraph shall be made within 7
5 days after the payments have been received pursuant to the
6 schedule of payments provided in subsection (a) of Section
7 5A-4.

8 (8) For making refunds to hospital providers pursuant
9 to Section 5A-10.

10 Disbursements from the Fund, other than transfers
11 authorized under paragraphs (5) and (6) of this subsection,
12 shall be by warrants drawn by the State Comptroller upon
13 receipt of vouchers duly executed and certified by the Illinois
14 Department.

15 (c) The Fund shall consist of the following:

16 (1) All moneys collected or received by the Illinois
17 Department from the hospital provider assessment imposed
18 by this Article.

19 (2) All federal matching funds received by the Illinois
20 Department as a result of expenditures made by the Illinois
21 Department that are attributable to moneys deposited in the
22 Fund.

23 (3) Any interest or penalty levied in conjunction with
24 the administration of this Article.

25 (4) Moneys transferred from another fund in the State
26 treasury.

1 (5) All other moneys received for the Fund from any
2 other source, including interest earned thereon.

3 (d) (Blank).

4 (Source: P.A. 96-3, eff. 2-27-09; 96-45, eff. 7-15-09; 96-821,
5 eff. 11-20-09; 96-1530, eff. 2-16-11; 97-688, eff. 6-14-12;
6 97-689, eff. 6-14-12; revised 10-17-12.)

7 (305 ILCS 5/6-1.2) (from Ch. 23, par. 6-1.2)

8 Sec. 6-1.2. Need. Income available to the person, when
9 added to contributions in money, substance, or services from
10 other sources, including contributions from legally
11 responsible relatives, must be insufficient to equal the grant
12 amount established by Department regulation (or by local
13 governmental unit in units which do not receive State funds)
14 for such a person.

15 In determining income to be taken into account:

16 (1) The first \$75 of earned income in income assistance
17 units comprised exclusively of one adult person shall be
18 disregarded, and for not more than 3 months in any 12
19 consecutive months that portion of earned income beyond the
20 first \$75 that is the difference between the standard of
21 assistance and the grant amount, shall be disregarded.

22 (2) For income assistance units not comprised
23 exclusively of one adult person, when authorized by rules
24 and regulations of the Illinois Department, a portion of
25 earned income, not to exceed the first \$25 a month plus 50%

1 of the next \$75, may be disregarded for the purpose of
2 stimulating and aiding rehabilitative effort and
3 self-support activity.

4 "Earned income" means money earned in self-employment or
5 wages, salary, or commission for personal services performed as
6 an employee. The eligibility of any applicant for or recipient
7 of public aid under this Article is not affected by the payment
8 of any grant under the "Senior Citizens and Disabled Persons
9 Property Tax Relief and Pharmaceutical Assistance Act", any
10 refund or payment of the federal Earned Income Tax Credit, or
11 any distributions or items of income described under
12 subparagraph (X) of paragraph (2) of subsection (a) of Section
13 203 of the Illinois Income Tax Act.

14 (Source: P.A. 97-689, eff. 6-14-12.)

15 (305 ILCS 5/6-2) (from Ch. 23, par. 6-2)

16 Sec. 6-2. Amount of aid. The amount and nature of General
17 Assistance for basic maintenance requirements shall be
18 determined in accordance with local budget standards for local
19 governmental units which do not receive State funds. For local
20 governmental units which do receive State funds, the amount and
21 nature of General Assistance for basic maintenance
22 requirements shall be determined in accordance with the
23 standards, rules and regulations of the Illinois Department.
24 However, the amount and nature of any financial aid is not
25 affected by the payment of any grant under the Senior Citizens

1 and Disabled Persons Property Tax Relief and Pharmaceutical
2 Assistance Act or any distributions or items of income
3 described under subparagraph (X) of paragraph (2) of subsection
4 (a) of Section 203 of the Illinois Income Tax Act. Due regard
5 shall be given to the requirements and the conditions existing
6 in each case, and to the income, money contributions and other
7 support and resources available, from whatever source. In local
8 governmental units which do not receive State funds, the grant
9 shall be sufficient when added to all other income, money
10 contributions and support in excess of any excluded income or
11 resources, to provide the person with a grant in the amount
12 established for such a person by the local governmental unit
13 based upon standards meeting basic maintenance requirements.
14 In local governmental units which do receive State funds, the
15 grant shall be sufficient when added to all other income, money
16 contributions and support in excess of any excluded income or
17 resources, to provide the person with a grant in the amount
18 established for such a person by Department regulation based
19 upon standards providing a livelihood compatible with health
20 and well-being, as directed by Section 12-4.11 of this Code.

21 The Illinois Department may conduct special projects,
22 which may be known as Grant Diversion Projects, under which
23 recipients of financial aid under this Article are placed in
24 jobs and their grants are diverted to the employer who in turn
25 makes payments to the recipients in the form of salary or other
26 employment benefits. The Illinois Department shall by rule

1 specify the terms and conditions of such Grant Diversion
2 Projects. Such projects shall take into consideration and be
3 coordinated with the programs administered under the Illinois
4 Emergency Employment Development Act.

5 The allowances provided under Article IX for recipients
6 participating in the training and rehabilitation programs
7 shall be in addition to such maximum payment.

8 Payments may also be made to provide persons receiving
9 basic maintenance support with necessary treatment, care and
10 supplies required because of illness or disability or with
11 acute medical treatment, care, and supplies. Payments for
12 necessary or acute medical care under this paragraph may be
13 made to or in behalf of the person. Obligations incurred for
14 such services but not paid for at the time of a recipient's
15 death may be paid, subject to the rules and regulations of the
16 Illinois Department, after the death of the recipient.

17 (Source: P.A. 97-689, eff. 6-14-12.)

18 (305 ILCS 5/12-9) (from Ch. 23, par. 12-9)

19 Sec. 12-9. Public Aid Recoveries Trust Fund; uses. The
20 Public Aid Recoveries Trust Fund shall consist of (1)
21 recoveries by the Department of Healthcare and Family Services
22 (formerly Illinois Department of Public Aid) authorized by this
23 Code in respect to applicants or recipients under Articles III,
24 IV, V, and VI, including recoveries made by the Department of
25 Healthcare and Family Services (formerly Illinois Department

1 of Public Aid) from the estates of deceased recipients, (2)
2 recoveries made by the Department of Healthcare and Family
3 Services (formerly Illinois Department of Public Aid) in
4 respect to applicants and recipients under the Children's
5 Health Insurance Program Act, ~~and~~ the Covering ALL KIDS Health
6 Insurance Act, and the Senior Citizens and Disabled Persons
7 Property Tax Relief and Pharmaceutical Assistance Act, (3)
8 federal funds received on behalf of and earned by State
9 universities and local governmental entities for services
10 provided to applicants or recipients covered under this Code,
11 the Children's Health Insurance Program Act, ~~and~~ the Covering
12 ALL KIDS Health Insurance Act, and the Senior Citizens and
13 Disabled Persons Property Tax Relief and Pharmaceutical
14 Assistance Act, (3.5) federal financial participation revenue
15 related to eligible disbursements made by the Department of
16 Healthcare and Family Services from appropriations required by
17 this Section, and (4) all other moneys received to the Fund,
18 including interest thereon. The Fund shall be held as a special
19 fund in the State Treasury.

20 Disbursements from this Fund shall be only (1) for the
21 reimbursement of claims collected by the Department of
22 Healthcare and Family Services (formerly Illinois Department
23 of Public Aid) through error or mistake, (2) for payment to
24 persons or agencies designated as payees or co-payees on any
25 instrument, whether or not negotiable, delivered to the
26 Department of Healthcare and Family Services (formerly

1 Illinois Department of Public Aid) as a recovery under this
2 Section, such payment to be in proportion to the respective
3 interests of the payees in the amount so collected, (3) for
4 payments to the Department of Human Services for collections
5 made by the Department of Healthcare and Family Services
6 (formerly Illinois Department of Public Aid) on behalf of the
7 Department of Human Services under this Code, the Children's
8 Health Insurance Program Act, and the Covering ALL KIDS Health
9 Insurance Act, (4) for payment of administrative expenses
10 incurred in performing the activities authorized under this
11 Code, the Children's Health Insurance Program Act, ~~and~~ the
12 Covering ALL KIDS Health Insurance Act, and the Senior Citizens
13 and Disabled Persons Property Tax Relief and Pharmaceutical
14 Assistance Act, (5) for payment of fees to persons or agencies
15 in the performance of activities pursuant to the collection of
16 monies owed the State that are collected under this Code, the
17 Children's Health Insurance Program Act, ~~and~~ the Covering ALL
18 KIDS Health Insurance Act, and the Senior Citizens and Disabled
19 Persons Property Tax Relief and Pharmaceutical Assistance Act,
20 (6) for payments of any amounts which are reimbursable to the
21 federal government which are required to be paid by State
22 warrant by either the State or federal government, and (7) for
23 payments to State universities and local governmental entities
24 of federal funds for services provided to applicants or
25 recipients covered under this Code, the Children's Health
26 Insurance Program Act, ~~and~~ the Covering ALL KIDS Health

1 Insurance Act, and the Senior Citizens and Disabled Persons
2 Property Tax Relief and Pharmaceutical Assistance Act.

3 Disbursements from this Fund for purposes of items (4) and (5)
4 of this paragraph shall be subject to appropriations from the
5 Fund to the Department of Healthcare and Family Services
6 (formerly Illinois Department of Public Aid).

7 The balance in this Fund on the first day of each calendar
8 quarter, after payment therefrom of any amounts reimbursable to
9 the federal government, and minus the amount reasonably
10 anticipated to be needed to make the disbursements during that
11 quarter authorized by this Section, shall be certified by the
12 Director of Healthcare and Family Services and transferred by
13 the State Comptroller to the Drug Rebate Fund or the Healthcare
14 Provider Relief Fund in the State Treasury, as appropriate,
15 within 30 days of the first day of each calendar quarter. The
16 Director of Healthcare and Family Services may certify and the
17 State Comptroller shall transfer to the Drug Rebate Fund
18 amounts on a more frequent basis.

19 On July 1, 1999, the State Comptroller shall transfer the
20 sum of \$5,000,000 from the Public Aid Recoveries Trust Fund
21 (formerly the Public Assistance Recoveries Trust Fund) into the
22 DHS Recoveries Trust Fund.

23 (Source: P.A. 96-1100, eff. 1-1-11; 97-647, eff. 1-1-12;
24 97-689, eff. 6-14-12.)

25 Section 40. The Senior Citizens and Disabled Persons

1 Property Tax Relief Act is amended by changing the title of the
2 Act and Sections 1, 1.5, 2, 3.05a, 3.10, 4, 4.05, 5, 6, 7, 8, 9,
3 12, and 13 as follows:

4 (320 ILCS 25/Act title)

5 An Act in relation to the payment of grants to enable the
6 elderly and the disabled to acquire or retain private housing
7 and to acquire prescription drugs.

8 (320 ILCS 25/1) (from Ch. 67 1/2, par. 401)

9 Sec. 1. Short title; common name. This Article shall be
10 known and may be cited as the Senior Citizens and Disabled
11 Persons Property Tax Relief and Pharmaceutical Assistance Act.
12 Common references to the "Circuit Breaker Act" mean this
13 Article. As used in this Article, "this Act" means this
14 Article.

15 (Source: P.A. 96-804, eff. 1-1-10; 97-689, eff. 6-14-12.)

16 (320 ILCS 25/1.5)

17 Sec. 1.5. Implementation of Executive Order No. 3 of 2004,
18 ~~termination of the Illinois Senior Citizens and Disabled~~
19 ~~Persons Pharmaceutical Assistance Program.~~ Executive Order No.
20 3 of 2004, in part, provided for the transfer of the programs
21 under this Act from the Department of Revenue to the Department
22 on Aging and the Department of Healthcare and Family Services.
23 It is the purpose of this amendatory Act of the 96th General

1 Assembly to conform this Act and certain related provisions of
2 other statutes to that Executive Order. This amendatory Act of
3 the 96th General Assembly also makes other substantive changes
4 to this Act.

5 ~~It is the purpose of this amendatory Act of the 97th~~
6 ~~General Assembly to terminate the Illinois Senior Citizens and~~
7 ~~Disabled Persons Pharmaceutical Assistance Program on July 1,~~
8 ~~2012.~~

9 (Source: P.A. 96-804, eff. 1-1-10; 97-689, eff. 6-14-12.)

10 (320 ILCS 25/2) (from Ch. 67 1/2, par. 402)

11 Sec. 2. Purpose. The purpose of this Act is to provide
12 incentives to the senior citizens and disabled persons of this
13 State to acquire and retain private housing of their choice and
14 at the same time to relieve those citizens from the burdens of
15 extraordinary property taxes and rising drug costs against
16 their increasingly restricted earning power, and thereby to
17 reduce the requirements for public housing in this State.

18 (Source: P.A. 96-804, eff. 1-1-10; 97-689, eff. 6-14-12.)

19 (320 ILCS 25/3.05a)

20 Sec. 3.05a. Additional resident. "Additional resident"
21 means a person who (i) is living in the same residence with a
22 claimant for the claim year and at the time of filing the
23 claim, (ii) is not the spouse of the claimant, (iii) does not
24 file a separate claim under this Act for the same period, and

1 (iv) receives more than half of his or her total financial
2 support for that claim year from the household. ~~An~~ ~~Prior to~~
3 ~~July 1, 2012,~~ an additional resident who meets qualifications
4 may receive pharmaceutical assistance based on a claimant's
5 application.

6 (Source: P.A. 96-804, eff. 1-1-10; 97-689, eff. 6-14-12.)

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, ~~in effect~~
12 ~~prior to July 1, 2012,~~ shall be deemed to include, in
13 appropriate cases, the corresponding rules adopted by the
14 Department of Revenue, to the extent that those rules continue
15 in force under Executive Order No. 3 of 2004.

16 (Source: P.A. 96-804, eff. 1-1-10; 97-689, eff. 6-14-12.)

17 (320 ILCS 25/4) (from Ch. 67 1/2, par. 404)

18 Sec. 4. Amount of Grant.

19 (a) In general. Any individual 65 years or older or any
20 individual who will become 65 years old during the calendar
21 year in which a claim is filed, and any surviving spouse of
22 such a claimant, who at the time of death received or was
23 entitled to receive a grant pursuant to this Section, which
24 surviving spouse will become 65 years of age within the 24

1 months immediately following the death of such claimant and
2 which surviving spouse but for his or her age is otherwise
3 qualified to receive a grant pursuant to this Section, and any
4 disabled person whose annual household income is less than the
5 income eligibility limitation, as defined in subsection (a-5)
6 and whose household is liable for payment of property taxes
7 accrued or has paid rent constituting property taxes accrued
8 and is domiciled in this State at the time he or she files his
9 or her claim is entitled to claim a grant under this Act. With
10 respect to claims filed by individuals who will become 65 years
11 old during the calendar year in which a claim is filed, the
12 amount of any grant to which that household is entitled shall
13 be an amount equal to 1/12 of the amount to which the claimant
14 would otherwise be entitled as provided in this Section,
15 multiplied by the number of months in which the claimant was 65
16 in the calendar year in which the claim is filed.

17 (a-5) Income eligibility limitation. For purposes of this
18 Section, "income eligibility limitation" means an amount for
19 grant years 2008 and thereafter:

20 (1) less than \$22,218 for a household containing one
21 person;

22 (2) less than \$29,480 for a household containing 2
23 persons; or

24 (3) less than \$36,740 for a household containing 3 or
25 more persons.

26 For 2009 claim year applications submitted during calendar

1 year 2010, a household must have annual household income of
2 less than \$27,610 for a household containing one person; less
3 than \$36,635 for a household containing 2 persons; or less than
4 \$45,657 for a household containing 3 or more persons.

5 The Department on Aging may adopt rules such that on
6 January 1, 2011, and thereafter, the foregoing household income
7 eligibility limits may be changed to reflect the annual cost of
8 living adjustment in Social Security and Supplemental Security
9 Income benefits that are applicable to the year for which those
10 benefits are being reported as income on an application.

11 If a person files as a surviving spouse, then only his or
12 her income shall be counted in determining his or her household
13 income.

14 (b) Limitation. Except as otherwise provided in
15 subsections (a) and (f) of this Section, the maximum amount of
16 grant which a claimant is entitled to claim is the amount by
17 which the property taxes accrued which were paid or payable
18 during the last preceding tax year or rent constituting
19 property taxes accrued upon the claimant's residence for the
20 last preceding taxable year exceeds 3 1/2% of the claimant's
21 household income for that year but in no event is the grant to
22 exceed (i) \$700 less 4.5% of household income for that year for
23 those with a household income of \$14,000 or less or (ii) \$70 if
24 household income for that year is more than \$14,000.

25 (c) Public aid recipients. If household income in one or
26 more months during a year includes cash assistance in excess of

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

20 (d) Joint ownership. If title to the residence is held
21 jointly by the claimant with a person who is not a member of
22 his or her household, the amount of property taxes accrued used
23 in computing the amount of grant to which he or she is entitled
24 shall be the same percentage of property taxes accrued as is
25 the percentage of ownership held by the claimant in the
26 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, he or she shall prorate 1/12 of the
5 total property taxes accrued on his or her residence to each
6 month that he or she owned and occupied that residence; and, in
7 the case of rent constituting property taxes accrued, shall
8 prorate each month's rent payments to the residence actually
9 occupied during that month.

10 (f) (Blank).

11 (g) There ~~Effective January 1, 2006, there~~ is hereby
12 established a program of pharmaceutical assistance to the aged
13 and disabled, entitled the Illinois Seniors and Disabled Drug
14 Coverage Program, which shall be administered by the Department
15 of Healthcare and Family Services and the Department on Aging
16 in accordance with this subsection, to consist of coverage of
17 specified prescription drugs on behalf of beneficiaries of the
18 program as set forth in this subsection. ~~Notwithstanding any~~
19 ~~provisions of this Act to the contrary, on and after July 1,~~
20 ~~2012, pharmaceutical assistance under this Act shall no longer~~
21 ~~be provided, and on July 1, 2012 the Illinois Senior Citizens~~
22 ~~and Disabled Persons Pharmaceutical Assistance Program shall~~
23 ~~terminate. The following provisions that concern the Illinois~~
24 ~~Senior Citizens and Disabled Persons Pharmaceutical Assistance~~
25 ~~Program shall continue to apply on and after July 1, 2012 to~~
26 ~~the extent necessary to pursue any actions authorized by~~

1 ~~subsection (d) of Section 9 of this Act with respect to acts~~
2 ~~which took place prior to July 1, 2012.~~

3 To become a beneficiary under the program established under
4 this subsection, a person must:

5 (1) be (i) 65 years of age or older or (ii) disabled;
6 and

7 (2) be domiciled in this State; and

8 (3) enroll with a qualified Medicare Part D
9 Prescription Drug Plan if eligible and apply for all
10 available subsidies under Medicare Part D; and

11 ~~(4) for the 2006 and 2007 claim years, have a maximum~~
12 ~~household income of (i) less than \$21,218 for a household~~
13 ~~containing one person, (ii) less than \$28,480 for a~~
14 ~~household containing 2 persons, or (iii) less than \$35,740~~
15 ~~for a household containing 3 or more persons; and~~

16 ~~(5) for the 2008 claim year, have a maximum household~~
17 ~~income of (i) less than \$22,218 for a household containing~~
18 ~~one person, (ii) \$29,480 for a household containing 2~~
19 ~~persons, or (iii) \$36,740 for a household containing 3 or~~
20 ~~more persons; and~~

21 ~~(6) for 2009 claim year applications submitted during~~
22 ~~calendar year 2010, have annual household income of less~~
23 ~~than (i) \$27,610 for a household containing one person;~~
24 ~~(ii) less than \$36,635 for a household containing 2~~
25 ~~persons; or (iii) less than \$45,657 for a household~~
26 ~~containing 3 or more persons; and~~

1 (4) ~~(7) as of September 1, 2011,~~ have a maximum
2 household income at or below 200% of the federal poverty
3 level.

4 ~~All individuals enrolled as of December 31, 2005, in the~~
5 ~~pharmaceutical assistance program operated pursuant to~~
6 ~~subsection (f) of this Section and all individuals enrolled as~~
7 ~~of December 31, 2005, in the SeniorCare Medicaid waiver program~~
8 ~~operated pursuant to Section 5-5.12a of the Illinois Public Aid~~
9 ~~Code shall be automatically enrolled in the program established~~
10 ~~by this subsection for the first year of operation without the~~
11 ~~need for further application, except that they must apply for~~
12 ~~Medicare Part D and the Low Income Subsidy under Medicare Part~~
13 ~~D.~~ A person enrolled in the pharmaceutical assistance program
14 operated pursuant to subsection (f) of this Section as of
15 December 31, 2005, shall not lose eligibility in future years
16 due only to the fact that the person has ~~they have~~ not reached
17 the age of 65.

18 To the extent permitted by federal law, the Department may
19 act as an authorized representative of a beneficiary in order
20 to enroll the beneficiary in a Medicare Part D Prescription
21 Drug Plan if the beneficiary has failed to choose a plan and,
22 where possible, to enroll beneficiaries in the low-income
23 subsidy program under Medicare Part D or assist them in
24 enrolling in that program.

25 Beneficiaries under the program established under this
26 subsection shall be divided into the following 4 eligibility

1 groups:

2 (A) Eligibility Group 1 shall consist of beneficiaries
3 who are not eligible for Medicare Part D coverage and who
4 are:

5 (i) disabled and under age 65; or

6 (ii) age 65 or older, with incomes over 200% of the
7 Federal Poverty Level; or

8 (iii) age 65 or older, with incomes at or below
9 200% of the Federal Poverty Level and not eligible for
10 federally funded means-tested benefits due to
11 immigration status.

12 (B) Eligibility Group 2 shall consist of beneficiaries
13 who are eligible for Medicare Part D coverage.

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

19 If the State applies and receives federal approval for
20 a waiver under Title XIX of the Social Security Act,
21 persons in Eligibility Group 3 shall continue to receive
22 benefits through the approved waiver, and Eligibility
23 Group 3 may be expanded to include disabled persons under
24 age 65 with incomes under 200% of the Federal Poverty Level
25 who are not eligible for Medicare and who are not barred
26 from receiving federally funded means-tested benefits due

1 to immigration status.

2 (D) Eligibility Group 4 shall consist of beneficiaries
3 who are otherwise described in Eligibility Group 2 who have
4 a diagnosis of HIV or AIDS.

5 The program established under this subsection shall cover
6 the cost of covered prescription drugs in excess of the
7 beneficiary cost-sharing amounts set forth in this paragraph
8 that are not covered by Medicare. The Department of Healthcare
9 and Family Services may establish by emergency rule changes in
10 cost-sharing necessary to conform the cost of the program to
11 the amounts appropriated for State fiscal year 2012 and future
12 fiscal years except that the 24-month limitation on the
13 adoption of emergency rules and the provisions of Sections
14 5-115 and 5-125 of the Illinois Administrative Procedure Act
15 shall not apply to rules adopted under this subsection (g). The
16 adoption of emergency rules authorized by this subsection (g)
17 shall be deemed to be necessary for the public interest,
18 safety, and welfare.

19 For purposes of the program established under this
20 subsection, the term "covered prescription drug" has the
21 following meanings:

22 For Eligibility Group 1, "covered prescription drug"
23 means: (1) any cardiovascular agent or drug; (2) any
24 insulin or other prescription drug used in the treatment of
25 diabetes, including syringe and needles used to administer
26 the insulin; (3) any prescription drug used in the

1 treatment of arthritis; (4) any prescription drug used in
2 the treatment of cancer; (5) any prescription drug used in
3 the treatment of Alzheimer's disease; (6) any prescription
4 drug used in the treatment of Parkinson's disease; (7) any
5 prescription drug used in the treatment of glaucoma; (8)
6 any prescription drug used in the treatment of lung disease
7 and smoking-related illnesses; (9) any prescription drug
8 used in the treatment of osteoporosis; and (10) any
9 prescription drug used in the treatment of multiple
10 sclerosis. The Department may add additional therapeutic
11 classes by rule. The Department may adopt a preferred drug
12 list within any of the classes of drugs described in items
13 (1) through (10) of this paragraph. The specific drugs or
14 therapeutic classes of covered prescription drugs shall be
15 indicated by rule.

16 For Eligibility Group 2, "covered prescription drug"
17 means those drugs covered by the Medicare Part D
18 Prescription Drug Plan in which the beneficiary is
19 enrolled.

20 For Eligibility Group 3, "covered prescription drug"
21 means those drugs covered by the Medical Assistance Program
22 under Article V of the Illinois Public Aid Code.

23 For Eligibility Group 4, "covered prescription drug"
24 means those drugs covered by the Medicare Part D
25 Prescription Drug Plan in which the beneficiary is
26 enrolled.

1 Any person otherwise eligible for pharmaceutical
2 assistance under this subsection whose covered drugs are
3 covered by any public program is ineligible for assistance
4 under this subsection to the extent that the cost of those
5 drugs is covered by the other program.

6 The Department of Healthcare and Family Services shall
7 establish by rule the methods by which it will provide for the
8 coverage called for in this subsection. Those methods may
9 include direct reimbursement to pharmacies or the payment of a
10 capitated amount to Medicare Part D Prescription Drug Plans.

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

20 The Department of Healthcare and Family Services or the
21 Department on Aging, as appropriate, may adopt rules regarding
22 applications, counting of income, proof of Medicare status,
23 mandatory generic policies, and pharmacy reimbursement rates
24 and any other rules necessary for the cost-efficient operation
25 of the program established under this subsection.

26 (h) A qualified individual is not entitled to duplicate

1 benefits in a coverage period as a result of the changes made
2 by this amendatory Act of the 96th General Assembly.

3 (Source: P.A. 96-804, eff. 1-1-10; 97-74, eff. 6-30-11; 97-333,
4 eff. 8-12-11; 97-689, eff. 6-14-12.)

5 (320 ILCS 25/4.05)

6 Sec. 4.05. Application.

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

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

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

22 (Source: P.A. 96-804, eff. 1-1-10; 97-689, eff. 6-14-12.)

23 (320 ILCS 25/5) (from Ch. 67 1/2, par. 405)

24 Sec. 5. Procedure.

1 (a) In general. Claims must be filed after January 1, on
2 forms prescribed by the Department. No claim may be filed more
3 than one year after December 31 of the year for which the claim
4 is filed.

5 (b) Claim is Personal. The right to file a claim under this
6 Act shall be personal to the claimant and shall not survive his
7 death, but such right may be exercised on behalf of a claimant
8 by his legal guardian or attorney-in-fact. If a claimant dies
9 after having filed a timely claim, the amount thereof shall be
10 disbursed to his surviving spouse or, if no spouse survives, to
11 his surviving dependent minor children in equal parts, provided
12 the spouse or child, as the case may be, resided with the
13 claimant at the time he filed his claim. If at the time of
14 disbursement neither the claimant nor his spouse is surviving,
15 and no dependent minor children of the claimant are surviving
16 the amount of the claim shall escheat to the State.

17 (c) One claim per household. Only one member of a household
18 may file a claim under this Act in any calendar year; where
19 both members of a household are otherwise entitled to claim a
20 grant under this Act, they must agree as to which of them will
21 file a claim for that year.

22 (d) (Blank).

23 (e) Pharmaceutical Assistance Procedures. The ~~Prior to~~
24 ~~July 1, 2012, the~~ Department of Healthcare and Family Services
25 shall determine eligibility for pharmaceutical assistance
26 using the applicant's current income. The Department shall

1 determine a person's current income in the manner provided by
2 the Department by rule.

3 (f) A person may not under any circumstances charge a fee
4 to a claimant under this Act for assistance in completing an
5 application form for a property tax relief grant or
6 pharmaceutical assistance under this Act.

7 (Source: P.A. 96-491, eff. 8-14-09; 96-804, eff. 1-1-10;
8 96-1000, eff. 7-2-10; 97-689, eff. 6-14-12.)

9 (320 ILCS 25/6) (from Ch. 67 1/2, par. 406)

10 Sec. 6. Administration.

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

20 (b) Rental determination. If the Department finds that the
21 gross rent used in the computation by a claimant of rent
22 constituting property taxes accrued exceeds the fair rental
23 value for the right to occupy that residence, the Department
24 may determine the fair rental value for that residence and
25 recompute rent constituting property taxes accrued

1 accordingly.

2 (c) Fraudulent claims. The Department shall deny claims
3 which have been fraudulently prepared or when it finds that the
4 claimant has acquired title to his residence or has paid rent
5 for his residence primarily for the purpose of receiving a
6 grant under this Act.

7 (d) (Blank).

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

26 The Department shall promulgate rules and regulations to

1 implement and administer the program of pharmaceutical
2 assistance required by this Act, which shall include the
3 following:

4 (1) Execution of contracts with pharmacies to dispense
5 covered prescription drugs. Such contracts shall stipulate
6 terms and conditions for authorized pharmacies'
7 participation and the rights of the State to terminate such
8 participation for breach of such contract or for violation
9 of this Act or related rules and regulations of the
10 Department.

11 (2) Establishment of maximum limits on the size of
12 prescriptions, new or refilled, which shall be in amounts
13 sufficient for 34 days, except as otherwise specified by
14 rule for medical or utilization control reasons.

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

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

26 (4.5) Provision for automatic enrollment of

1 beneficiaries into a Medicare Discount Card program
2 authorized under the federal Medicare Modernization Act of
3 2003 (P.L. 108-391) to coordinate coverage including
4 Medicare Transitional Assistance.

5 (5) Inspection of appropriate records and audit of
6 participating authorized pharmacies to ensure contract
7 compliance, and to determine any fraudulent transactions
8 or practices under this Act.

9 (6) Payment to pharmacies under this Act in accordance
10 with the State Prompt Payment Act.

11 The Department shall annually report to the Governor and
12 the General Assembly by March 1st of each year on the
13 administration of pharmaceutical assistance under this Act.

14 (Source: P.A. 96-328, eff. 8-11-09; 97-333, eff. 8-12-11;
15 97-689, eff. 6-14-12.)

16 (320 ILCS 25/7) (from Ch. 67 1/2, par. 407)

17 Sec. 7. Payment and denial of claims.

18 (a) In general. The Director shall order the payment from
19 appropriations made for that purpose of grants to claimants
20 under this Act in the amounts to which the Department has
21 determined they are entitled, respectively. If a claim is
22 denied, the Director shall cause written notice of that denial
23 and the reasons for that denial to be sent to the claimant.

24 (b) Payment of claims one dollar and under. Where the
25 amount of the grant computed under Section 4 is less than one

1 dollar, the Department shall pay to the claimant one dollar.

2 (c) Right to appeal. Any person aggrieved by an action or
3 determination of the Department on Aging arising under any of
4 its powers or duties under this Act may request in writing that
5 the Department on Aging reconsider its action or determination,
6 setting out the facts upon which the request is based. The
7 Department on Aging shall consider the request and either
8 modify or affirm its prior action or determination. The
9 Department on Aging may adopt, by rule, procedures for
10 conducting its review under this Section.

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

21 (d) (Blank).

22 (Source: P.A. 96-804, eff. 1-1-10; 97-689, eff. 6-14-12.)

23 (320 ILCS 25/8) (from Ch. 67 1/2, par. 408)

24 Sec. 8. Records. Every claimant of a grant under this Act
25 and, ~~prior to July 1, 2012,~~ every applicant for pharmaceutical

1 assistance under this Act shall keep such records, render such
2 statements, file such forms and comply with such rules and
3 regulations as the Department on Aging may from time to time
4 prescribe. The Department on Aging may by regulations require
5 landlords to furnish to tenants statements as to gross rent or
6 rent constituting property taxes accrued.

7 (Source: P.A. 96-804, eff. 1-1-10; 97-689, eff. 6-14-12.)

8 (320 ILCS 25/9) (from Ch. 67 1/2, par. 409)

9 Sec. 9. Fraud; error.

10 (a) Any person who files a fraudulent claim for a grant
11 under this Act, or who for compensation prepares a claim for a
12 grant and knowingly enters false information on an application
13 for any claimant under this Act, or who fraudulently files
14 multiple applications, or who fraudulently states that a
15 nondisabled person is disabled, or who, ~~prior to July 1, 2012,~~
16 fraudulently procures pharmaceutical assistance benefits, or
17 who fraudulently uses such assistance to procure covered
18 prescription drugs, or who, on behalf of an authorized
19 pharmacy, files a fraudulent request for payment, is guilty of
20 a Class 4 felony for the first offense and is guilty of a Class
21 3 felony for each subsequent offense.

22 (b) (Blank).

23 (b-5) The Department on Aging and the Department of
24 Healthcare and Family Services shall immediately suspend the
25 pharmaceutical assistance benefits of any person suspected of

1 fraudulent procurement or fraudulent use of such assistance,
2 and shall revoke such assistance upon a conviction. A person
3 convicted of fraud under subsection (a) shall be permanently
4 barred from all of the programs established under this Act.

5 (c) The Department on Aging may recover from a claimant any
6 amount paid to that claimant under this Act on account of an
7 erroneous or fraudulent claim, together with 6% interest per
8 year. Amounts recoverable from a claimant by the Department on
9 Aging under this Act may, but need not, be recovered by
10 offsetting the amount owed against any future grant payable to
11 the person under this Act.

12 The Department of Healthcare and Family Services may
13 recover ~~for acts prior to July 1, 2012~~ from an authorized
14 pharmacy any amount paid to that pharmacy under the
15 pharmaceutical assistance program on account of an erroneous or
16 fraudulent request for payment under that program, together
17 with 6% interest per year. The Department of Healthcare and
18 Family Services may recover from a person who erroneously or
19 fraudulently obtains benefits under the pharmaceutical
20 assistance program the value of the benefits so obtained,
21 together with 6% interest per year.

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

25 (Source: P.A. 96-804, eff. 1-1-10; 97-689, eff. 6-14-12.)

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

2 Sec. 12. Regulations - Department on Aging.

3 (a) Regulations. Notwithstanding any other provision to
4 the contrary, the Department on Aging may adopt rules regarding
5 applications, proof of eligibility, required identification
6 information, use of social security numbers, counting of
7 income, and a method of computing "gross rent" in the case of a
8 claimant living in a nursing or sheltered care home, and any
9 other rules necessary for the cost-efficient operation of the
10 program established under Section 4.

11 (b) The Department on Aging shall, to the extent of
12 appropriations made for that purpose:

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

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

18 (3) secure the cooperation of the Department of
19 Revenue, the Department of Healthcare and Family Services,
20 other State agencies, and local business establishments to
21 facilitate distribution of applications under this Act to
22 those eligible to file claims; and

23 (4) through use of direct mail, newspaper
24 advertisements and radio and television advertisements,
25 and all other appropriate means of communication, conduct
26 an on-going public relations program to increase awareness

1 of eligible citizens of the benefits under this Act and the
2 procedures for applying for them.

3 (Source: P.A. 96-804, eff. 1-1-10; 97-689, eff. 6-14-12.)

4 (320 ILCS 25/13) (from Ch. 67 1/2, par. 413)

5 Sec. 13. List of persons who have qualified. The Department
6 on Aging shall maintain a list of all persons who have
7 qualified under this Act and shall make the list available to
8 the Department of Healthcare and Family Services, the
9 Department of Public Health, the Secretary of State,
10 municipalities, and public transit authorities upon request.

11 All information received by a State agency, municipality,
12 or public transit authority under this Section shall be
13 confidential, except for official purposes, and any person who
14 divulges or uses that information in any manner, except in
15 accordance with a proper judicial order, shall be guilty of a
16 Class B misdemeanor.

17 (Source: P.A. 96-804, eff. 1-1-10; 97-689, eff. 6-14-12.)

18 Section 45. The Senior Citizens Real Estate Tax Deferral
19 Act is amended by changing Sections 2 and 8 as follows:

20 (320 ILCS 30/2) (from Ch. 67 1/2, par. 452)

21 Sec. 2. Definitions. As used in this Act:

22 (a) "Taxpayer" means an individual whose household income
23 for the year is no greater than: (i) \$40,000 through tax year

1 2005; (ii) \$50,000 for tax years 2006 through 2011; and (iii)
2 \$55,000 for tax year 2012 and thereafter.

3 (b) "Tax deferred property" means the property upon which
4 real estate taxes are deferred under this Act.

5 (c) "Homestead" means the land and buildings thereon,
6 including a condominium or a dwelling unit in a multidwelling
7 building that is owned and operated as a cooperative, occupied
8 by the taxpayer as his residence or which are temporarily
9 unoccupied by the taxpayer because such taxpayer is temporarily
10 residing, for not more than 1 year, in a licensed facility as
11 defined in Section 1-113 of the Nursing Home Care Act.

12 (d) "Real estate taxes" or "taxes" means the taxes on real
13 property for which the taxpayer would be liable under the
14 Property Tax Code, including special service area taxes, and
15 special assessments on benefited real property for which the
16 taxpayer would be liable to a unit of local government.

17 (e) "Department" means the Department of Revenue.

18 (f) "Qualifying property" means a homestead which (a) the
19 taxpayer or the taxpayer and his spouse own in fee simple or
20 are purchasing in fee simple under a recorded instrument of
21 sale, (b) is not income-producing property, (c) is not subject
22 to a lien for unpaid real estate taxes when a claim under this
23 Act is filed, and (d) is not held in trust, other than an
24 Illinois land trust with the taxpayer identified as the sole
25 beneficiary, if the taxpayer is filing for the program for the
26 first time effective as of the January 1, 2011 assessment year

1 or tax year 2012 and thereafter.

2 (g) "Equity interest" means the current assessed valuation
3 of the qualified property times the fraction necessary to
4 convert that figure to full market value minus any outstanding
5 debts or liens on that property. In the case of qualifying
6 property not having a separate assessed valuation, the
7 appraised value as determined by a qualified real estate
8 appraiser shall be used instead of the current assessed
9 valuation.

10 (h) "Household income" has the meaning ascribed to that
11 term in the Senior Citizens and Disabled Persons Property Tax
12 Relief and Pharmaceutical Assistance Act.

13 (i) "Collector" means the county collector or, if the taxes
14 to be deferred are special assessments, an official designated
15 by a unit of local government to collect special assessments.

16 (Source: P.A. 97-481, eff. 8-22-11; 97-689, eff. 6-14-12.)

17 (320 ILCS 30/8) (from Ch. 67 1/2, par. 458)

18 Sec. 8. Nothing in this Act (a) affects any provision of
19 any mortgage or other instrument relating to land requiring a
20 person to pay real estate taxes or (b) affects the eligibility
21 of any person to receive any grant pursuant to the "Senior
22 Citizens and Disabled Persons Property Tax Relief and
23 Pharmaceutical Assistance Act".

24 (Source: P.A. 97-689, eff. 6-14-12.)

1 Section 49. Senior Pharmaceutical Assistance Act is
2 amended by changing Section 5

3 (320 ILCS 50/5)

4 Sec. 5. Findings. The General Assembly finds:

5 (1) Senior citizens identify pharmaceutical assistance as
6 the single most critical factor to their health, well-being,
7 and continued independence.

8 (2) The State of Illinois currently operates 2
9 pharmaceutical assistance programs that benefit seniors: (i)
10 the program of pharmaceutical assistance under the Senior
11 Citizens and Disabled Persons Property Tax Relief and
12 Pharmaceutical Assistance Act and (ii) the Aid to the Aged,
13 Blind, or Disabled program under the Illinois Public Aid Code.
14 The State has been given authority to establish a third
15 program, SeniorRx Care, through a federal Medicaid waiver.

16 (3) Each year, numerous pieces of legislation are filed
17 seeking to establish additional pharmaceutical assistance
18 benefits for seniors or to make changes to the existing
19 programs.

20 (4) Establishment of a pharmaceutical assistance review
21 committee will ensure proper coordination of benefits,
22 diminish the likelihood of duplicative benefits, and ensure
23 that the best interests of seniors are served.

24 (5) In addition to the State pharmaceutical assistance
25 programs, several private entities, such as drug manufacturers

1 and pharmacies, also offer prescription drug discount or
2 coverage programs.

3 (6) Many seniors are unaware of the myriad of public and
4 private programs available to them.

5 (7) Establishing a pharmaceutical clearinghouse with a
6 toll-free hot-line and local outreach workers will educate
7 seniors about the vast array of options available to them and
8 enable seniors to make an educated and informed choice that is
9 best for them.

10 (8) Estimates indicate that almost one-third of senior
11 citizens lack prescription drug coverage. The federal
12 government, states, and the pharmaceutical industry each have a
13 role in helping these uninsured seniors gain access to
14 life-saving medications.

15 (9) The State of Illinois has recognized its obligation to
16 assist Illinois' neediest seniors in purchasing prescription
17 medications, and it is now time for pharmaceutical
18 manufacturers to recognize their obligation to make their
19 medications affordable to seniors.

20 (Source: P.A. 97-689, eff. 6-14-12.)

21 Section 50. The Illinois Vehicle Code is amended by
22 changing Sections 3-609, 3-623, 3-626, 3-667, 3-683, 3-806.3,
23 and 11-1301.2 as follows:

24 (625 ILCS 5/3-609) (from Ch. 95 1/2, par. 3-609)

1 Sec. 3-609. Disabled Veterans' Plates.

2 (a) Any veteran who holds proof of a service-connected
3 disability from the United States Department of Veterans
4 Affairs, and who has obtained certification from a licensed
5 physician, physician assistant, or advanced practice nurse
6 that the service-connected disability qualifies the veteran
7 for issuance of registration plates or decals to a person with
8 disabilities in accordance with Section 3-616, may, without the
9 payment of any registration fee, make application to the
10 Secretary of State for disabled veterans license plates
11 displaying the international symbol of access, for the
12 registration of one motor vehicle of the first division or one
13 motor vehicle of the second division weighing not more than
14 8,000 pounds.

15 (b) Any veteran who holds proof of a service-connected
16 disability from the United States Department of Veterans
17 Affairs, and whose degree of disability has been declared to be
18 50% or more, but whose disability does not qualify the veteran
19 for a plate or decal for persons with disabilities under
20 Section 3-616, may, without the payment of any registration
21 fee, make application to the Secretary for a special
22 registration plate without the international symbol of access
23 for the registration of one motor vehicle of the first division
24 or one motor vehicle of the second division weighing not more
25 than 8,000 pounds.

26 (c) Renewal of such registration must be accompanied with

1 documentation for eligibility of registration without fee
2 unless the applicant has a permanent qualifying disability, and
3 such registration plates may not be issued to any person not
4 eligible therefor. The Illinois Department of Veterans'
5 Affairs may assist in providing the documentation of
6 disability.

7 (d) The design and color of the plates shall be within the
8 discretion of the Secretary, except that the plates issued
9 under subsection (b) of this Section shall not contain the
10 international symbol of access. The Secretary may, in his or
11 her discretion, allow the plates to be issued as vanity or
12 personalized plates in accordance with Section 3-405.1 of this
13 Code. Registration shall be for a multi-year period and may be
14 issued staggered registration.

15 (e) Any person eligible to receive license plates under
16 this Section who has been approved for benefits under the
17 Senior Citizens and Disabled Persons Property Tax Relief and
18 Pharmaceutical Assistance Act, or who has claimed and received
19 a grant under that Act, shall pay a fee of \$24 instead of the
20 fee otherwise provided in this Code for passenger cars
21 displaying standard multi-year registration plates issued
22 under Section 3-414.1, for motor vehicles registered at 8,000
23 pounds or less under Section 3-815(a), or for recreational
24 vehicles registered at 8,000 pounds or less under Section
25 3-815(b), for a second set of plates under this Section.

26 (Source: P.A. 96-79, eff. 1-1-10; 97-689, eff. 6-14-12; 97-918,

1 eff. 1-1-13; revised 8-23-12.)

2 (625 ILCS 5/3-623) (from Ch. 95 1/2, par. 3-623)

3 Sec. 3-623. Purple Heart Plates. The Secretary, upon
4 receipt of an application made in the form prescribed by the
5 Secretary of State, may issue to recipients awarded the Purple
6 Heart by a branch of the armed forces of the United States who
7 reside in Illinois, special registration plates. The
8 Secretary, upon receipt of the proper application, may also
9 issue these special registration plates to an Illinois resident
10 who is the surviving spouse of a person who was awarded the
11 Purple Heart by a branch of the armed forces of the United
12 States. The special plates issued pursuant to this Section
13 should be affixed only to passenger vehicles of the 1st
14 division, including motorcycles, or motor vehicles of the 2nd
15 division weighing not more than 8,000 pounds. The Secretary
16 may, in his or her discretion, allow the plates to be issued as
17 vanity or personalized plates in accordance with Section
18 3-405.1 of this Code. The Secretary of State must make a
19 version of the special registration plates authorized under
20 this Section in a form appropriate for motorcycles.

21 The design and color of such plates shall be wholly within
22 the discretion of the Secretary of State. Appropriate
23 documentation, as determined by the Secretary, and the
24 appropriate registration fee shall accompany the application.
25 However, for an individual who has been issued Purple Heart

1 plates for a vehicle and who has been approved for benefits
2 under the Senior Citizens and Disabled Persons Property Tax
3 Relief and Pharmaceutical Assistance Act, the annual fee for
4 the registration of the vehicle shall be as provided in Section
5 3-806.3 of this Code.

6 (Source: P.A. 96-1101, eff. 1-1-11; 97-689, eff. 6-14-12.)

7 (625 ILCS 5/3-626)

8 Sec. 3-626. Korean War Veteran license plates.

9 (a) In addition to any other special license plate, the
10 Secretary, upon receipt of all applicable fees and applications
11 made in the form prescribed by the Secretary of State, may
12 issue special registration plates designated as Korean War
13 Veteran license plates to residents of Illinois who
14 participated in the United States Armed Forces during the
15 Korean War. The special plate issued under this Section shall
16 be affixed only to passenger vehicles of the first division,
17 motorcycles, motor vehicles of the second division weighing not
18 more than 8,000 pounds, and recreational vehicles as defined by
19 Section 1-169 of this Code. Plates issued under this Section
20 shall expire according to the staggered multi-year procedure
21 established by Section 3-414.1 of this Code.

22 (b) The design, color, and format of the plates shall be
23 wholly within the discretion of the Secretary of State. The
24 Secretary may, in his or her discretion, allow the plates to be
25 issued as vanity plates or personalized in accordance with

1 Section 3-405.1 of this Code. The plates are not required to
2 designate "Land Of Lincoln", as prescribed in subsection (b) of
3 Section 3-412 of this Code. The Secretary shall prescribe the
4 eligibility requirements and, in his or her discretion, shall
5 approve and prescribe stickers or decals as provided under
6 Section 3-412.

7 (c) (Blank).

8 (d) The Korean War Memorial Construction Fund is created as
9 a special fund in the State treasury. All moneys in the Korean
10 War Memorial Construction Fund shall, subject to
11 appropriation, be used by the Department of Veteran Affairs to
12 provide grants for construction of the Korean War Memorial to
13 be located at Oak Ridge Cemetery in Springfield, Illinois. Upon
14 the completion of the Memorial, the Department of Veteran
15 Affairs shall certify to the State Treasurer that the
16 construction of the Memorial has been completed. Upon the
17 certification by the Department of Veteran Affairs, the State
18 Treasurer shall transfer all moneys in the Fund and any future
19 deposits into the Fund into the Secretary of State Special
20 License Plate Fund.

21 (e) An individual who has been issued Korean War Veteran
22 license plates for a vehicle and who has been approved for
23 benefits under the Senior Citizens and Disabled Persons
24 Property Tax Relief and Pharmaceutical Assistance Act shall pay
25 the original issuance and the regular annual fee for the
26 registration of the vehicle as provided in Section 3-806.3 of

1 this Code in addition to the fees specified in subsection (c)
2 of this Section.

3 (Source: P.A. 96-1409, eff. 1-1-11; 97-689, eff. 6-14-12.)

4 (625 ILCS 5/3-667)

5 Sec. 3-667. Korean Service license plates.

6 (a) In addition to any other special license plate, the
7 Secretary, upon receipt of all applicable fees and applications
8 made in the form prescribed by the Secretary of State, may
9 issue special registration plates designated as Korean Service
10 license plates to residents of Illinois who, on or after July
11 27, 1954, participated in the United States Armed Forces in
12 Korea. The special plate issued under this Section shall be
13 affixed only to passenger vehicles of the first division,
14 motorcycles, motor vehicles of the second division weighing not
15 more than 8,000 pounds, and recreational vehicles as defined by
16 Section 1-169 of this Code. Plates issued under this Section
17 shall expire according to the staggered multi-year procedure
18 established by Section 3-414.1 of this Code.

19 (b) The design, color, and format of the plates shall be
20 wholly within the discretion of the Secretary of State. The
21 Secretary may, in his or her discretion, allow the plates to be
22 issued as vanity or personalized plates in accordance with
23 Section 3-405.1 of this Code. The plates are not required to
24 designate "Land of Lincoln", as prescribed in subsection (b) of
25 Section 3-412 of this Code. The Secretary shall prescribe the

1 eligibility requirements and, in his or her discretion, shall
2 approve and prescribe stickers or decals as provided under
3 Section 3-412.

4 (c) An applicant shall be charged a \$2 fee for original
5 issuance in addition to the applicable registration fee. This
6 additional fee shall be deposited into the Korean War Memorial
7 Construction Fund a special fund in the State treasury.

8 (d) An individual who has been issued Korean Service
9 license plates for a vehicle and who has been approved for
10 benefits under the Senior Citizens and Disabled Persons
11 Property Tax Relief and Pharmaceutical Assistance Act shall pay
12 the original issuance and the regular annual fee for the
13 registration of the vehicle as provided in Section 3-806.3 of
14 this Code in addition to the fees specified in subsection (c)
15 of this Section.

16 (Source: P.A. 97-306, eff. 1-1-12; 97-689, eff. 6-14-12.)

17 (625 ILCS 5/3-683)

18 Sec. 3-683. Distinguished Service Cross license plates.
19 The Secretary, upon receipt of an application made in the form
20 prescribed by the Secretary of State, shall issue special
21 registration plates to any Illinois resident who has been
22 awarded the Distinguished Service Cross by a branch of the
23 armed forces of the United States. The Secretary, upon receipt
24 of the proper application, shall also issue these special
25 registration plates to an Illinois resident who is the

1 surviving spouse of a person who was awarded the Distinguished
2 Service Cross by a branch of the armed forces of the United
3 States. The special plates issued under this Section should be
4 affixed only to passenger vehicles of the first division,
5 including motorcycles, or motor vehicles of the second division
6 weighing not more than 8,000 pounds.

7 The design and color of the plates shall be wholly within
8 the discretion of the Secretary of State. Appropriate
9 documentation, as determined by the Secretary, and the
10 appropriate registration fee shall accompany the application.
11 However, for an individual who has been issued Distinguished
12 Service Cross plates for a vehicle and who has been approved
13 for benefits under the Senior Citizens and Disabled Persons
14 Property Tax Relief and Pharmaceutical Assistance Act, the
15 annual fee for the registration of the vehicle shall be as
16 provided in Section 3-806.3 of this Code.

17 (Source: P.A. 96-328, eff. 8-11-09; 97-689, eff. 6-14-12.)

18 (625 ILCS 5/3-806.3) (from Ch. 95 1/2, par. 3-806.3)

19 Sec. 3-806.3. Senior Citizens. Commencing with the 2009
20 registration year, the registration fee paid by any vehicle
21 owner who has been approved for benefits under the Senior
22 Citizens and Disabled Persons Property Tax Relief and
23 Pharmaceutical Assistance Act or who is the spouse of such a
24 person shall be \$24 instead of the fee otherwise provided in
25 this Code for passenger cars displaying standard multi-year

1 registration plates issued under Section 3-414.1, motor
2 vehicles displaying special registration plates issued under
3 Section 3-609, 3-616, 3-621, 3-622, 3-623, 3-624, 3-625, 3-626,
4 3-628, 3-638, 3-642, 3-645, 3-647, 3-650, 3-651, or 3-663,
5 motor vehicles registered at 8,000 pounds or less under Section
6 3-815(a), and recreational vehicles registered at 8,000 pounds
7 or less under Section 3-815(b). Widows and widowers of
8 claimants shall also be entitled to this reduced registration
9 fee for the registration year in which the claimant was
10 eligible.

11 Commencing with the 2009 registration year, the
12 registration fee paid by any vehicle owner who has claimed and
13 received a grant under the Senior Citizens and Disabled Persons
14 Property Tax Relief and Pharmaceutical Assistance Act or who is
15 the spouse of such a person shall be \$24 instead of the fee
16 otherwise provided in this Code for passenger cars displaying
17 standard multi-year registration plates issued under Section
18 3-414.1, motor vehicles displaying special registration plates
19 issued under Section 3-607, 3-609, 3-616, 3-621, 3-622, 3-623,
20 3-624, 3-625, 3-626, 3-628, 3-638, 3-642, 3-645, 3-647, 3-650,
21 3-651, 3-663, or 3-664, motor vehicles registered at 8,000
22 pounds or less under Section 3-815(a), and recreational
23 vehicles registered at 8,000 pounds or less under Section
24 3-815(b). Widows and widowers of claimants shall also be
25 entitled to this reduced registration fee for the registration
26 year in which the claimant was eligible.

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

8 (Source: P.A. 96-554, eff. 1-1-10; 97-689, eff. 6-14-12.)

9 (625 ILCS 5/11-1301.2) (from Ch. 95 1/2, par. 11-1301.2)

10 Sec. 11-1301.2. Special decals for parking; persons with
11 disabilities.

12 (a) The Secretary of State shall provide for, by
13 administrative rules, the design, size, color, and placement of
14 a person with disabilities motorist decal or device and shall
15 provide for, by administrative rules, the content and form of
16 an application for a person with disabilities motorist decal or
17 device, which shall be used by local authorities in the
18 issuance thereof to a person with temporary disabilities,
19 provided that the decal or device is valid for no more than 90
20 days, subject to renewal for like periods based upon continued
21 disability, and further provided that the decal or device
22 clearly sets forth the date that the decal or device expires.
23 The application shall include the requirement of an Illinois
24 Identification Card number or a State of Illinois driver's
25 license number. This decal or device may be used by the

1 authorized holder to designate and identify a vehicle not owned
2 or displaying a registration plate as provided in Sections
3 3-609 and 3-616 of this Act to designate when the vehicle is
4 being used to transport said person or persons with
5 disabilities, and thus is entitled to enjoy all the privileges
6 that would be afforded a person with disabilities licensed
7 vehicle. Person with disabilities decals or devices issued and
8 displayed pursuant to this Section shall be recognized and
9 honored by all local authorities regardless of which local
10 authority issued such decal or device.

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

15 (b) The local governing authorities shall be responsible
16 for the provision of such decal or device, its issuance and
17 designated placement within the vehicle. The cost of such decal
18 or device shall be at the discretion of such local governing
19 authority.

20 (c) The Secretary of State may, pursuant to Section
21 3-616(c), issue a person with disabilities parking decal or
22 device to a person with disabilities as defined by Section
23 1-159.1. Any person with disabilities parking decal or device
24 issued by the Secretary of State shall be registered to that
25 person with disabilities in the form to be prescribed by the
26 Secretary of State. The person with disabilities parking decal

1 or device shall not display that person's address. One
2 additional decal or device may be issued to an applicant upon
3 his or her written request and with the approval of the
4 Secretary of State. The written request must include a
5 justification of the need for the additional decal or device.

6 (c-5) Beginning January 1, 2014, the Secretary shall
7 provide by administrative rule for the issuance of a separate
8 and distinct parking decal or device for persons with
9 disabilities as defined by Section 1-159.1 of this Code. The
10 authorized holder of a decal or device issued under this
11 subsection (c-5) shall be exempt from the payment of fees
12 generated by parking in a metered space, a parking area subject
13 to paragraph (10) of subsection (a) of Section 11-209 of this
14 Code, or a publicly owned parking structure or area.

15 The Secretary shall issue a meter-exempt decal or device to
16 a person with disabilities who: (i) has been issued
17 registration plates under Section 3-609 or 3-616 of this Code
18 or a special decal or device under this Section, (ii) holds a
19 valid Illinois driver's license, ~~and~~ and (iii) is unable to do one
20 or more of the following:

21 (1) manage, manipulate, or insert coins, or obtain
22 tickets or tokens in parking meters or ticket machines in
23 parking lots or parking structures, due to the lack of fine
24 motor control of both hands;

25 (2) reach above his or her head to a height of 42
26 inches from the ground, due to a lack of finger, hand, or

1 upper extremity strength or mobility;

2 (3) approach a parking meter due to his or her use of a
3 wheelchair or other device for mobility; or

4 (4) walk more than 20 feet due to an orthopedic,
5 neurological, cardiovascular, or lung condition in which
6 the degree of debilitation is so severe that it almost
7 completely impedes the ability to walk.

8 The application for a meter-exempt parking decal or device
9 shall contain a statement certified by a licensed physician,
10 physician assistant, or advanced practice nurse attesting to
11 the nature and estimated duration of the applicant's condition
12 and verifying that the applicant meets the physical
13 qualifications specified in this subsection (c-5).

14 Notwithstanding the requirements of this subsection (c-5),
15 the Secretary shall issue a meter-exempt decal or device to a
16 person who has been issued registration plates under Section
17 3-616 of this Code or a special decal or device under this
18 Section, if the applicant is the parent or guardian of a person
19 with disabilities who is under 18 years of age and incapable of
20 driving.

21 (d) Replacement decals or devices may be issued for lost,
22 stolen, or destroyed decals upon application and payment of a
23 \$10 fee. The replacement fee may be waived for individuals that
24 have claimed and received a grant under the Senior Citizens and
25 Disabled Persons Property Tax Relief and Pharmaceutical
26 Assistance Act.

1 (Source: P.A. 96-72, eff. 1-1-10; 96-79, eff. 1-1-10; 96-1000,
2 eff. 7-2-10; 97-689, eff. 6-14-12; 97-845, eff. 1-1-13; revised
3 8-3-12.)

4 Section 55. The Criminal Code of 2012 is amended by
5 changing Section 17-6.5 as follows:

6 (720 ILCS 5/17-6.5)

7 Sec. 17-6.5. Persons under deportation order;
8 ineligibility for benefits.

9 (a) An individual against whom a United States Immigration
10 Judge has issued an order of deportation which has been
11 affirmed by the Board of Immigration Review, as well as an
12 individual who appeals such an order pending appeal, under
13 paragraph 19 of Section 241(a) of the Immigration and
14 Nationality Act relating to persecution of others on account of
15 race, religion, national origin or political opinion under the
16 direction of or in association with the Nazi government of
17 Germany or its allies, shall be ineligible for the following
18 benefits authorized by State law:

19 (1) The homestead exemptions and homestead improvement
20 exemption under Sections 15-170, 15-175, 15-176, and
21 15-180 of the Property Tax Code.

22 (2) Grants under the Senior Citizens and Disabled
23 Persons Property Tax Relief and Pharmaceutical Assistance
24 Act.

1 (3) The double income tax exemption conferred upon
2 persons 65 years of age or older by Section 204 of the
3 Illinois Income Tax Act.

4 (4) Grants provided by the Department on Aging.

5 (5) Reductions in vehicle registration fees under
6 Section 3-806.3 of the Illinois Vehicle Code.

7 (6) Free fishing and reduced fishing license fees under
8 Sections 20-5 and 20-40 of the Fish and Aquatic Life Code.

9 (7) Tuition free courses for senior citizens under the
10 Senior Citizen Courses Act.

11 (8) Any benefits under the Illinois Public Aid Code.

12 (b) If a person has been found by a court to have knowingly
13 received benefits in violation of subsection (a) and:

14 (1) the total monetary value of the benefits received
15 is less than \$150, the person is guilty of a Class A
16 misdemeanor; a second or subsequent violation is a Class 4
17 felony;

18 (2) the total monetary value of the benefits received
19 is \$150 or more but less than \$1,000, the person is guilty
20 of a Class 4 felony; a second or subsequent violation is a
21 Class 3 felony;

22 (3) the total monetary value of the benefits received
23 is \$1,000 or more but less than \$5,000, the person is
24 guilty of a Class 3 felony; a second or subsequent
25 violation is a Class 2 felony;

26 (4) the total monetary value of the benefits received

1 is \$5,000 or more but less than \$10,000, the person is
2 guilty of a Class 2 felony; a second or subsequent
3 violation is a Class 1 felony; or

4 (5) the total monetary value of the benefits received
5 is \$10,000 or more, the person is guilty of a Class 1
6 felony.

7 (c) For purposes of determining the classification of an
8 offense under this Section, all of the monetary value of the
9 benefits received as a result of the unlawful act, practice, or
10 course of conduct may be accumulated.

11 (d) Any grants awarded to persons described in subsection
12 (a) may be recovered by the State of Illinois in a civil action
13 commenced by the Attorney General in the circuit court of
14 Sangamon County or the State's Attorney of the county of
15 residence of the person described in subsection (a).

16 (e) An individual described in subsection (a) who has been
17 deported shall be restored to any benefits which that
18 individual has been denied under State law pursuant to
19 subsection (a) if (i) the Attorney General of the United States
20 has issued an order cancelling deportation and has adjusted the
21 status of the individual to that of an alien lawfully admitted
22 for permanent residence in the United States or (ii) the
23 country to which the individual has been deported adjudicates
24 or exonerates the individual in a judicial or administrative
25 proceeding as not being guilty of the persecution of others on
26 account of race, religion, national origin, or political

1 opinion under the direction of or in association with the Nazi
2 government of Germany or its allies.

3 (Source: P.A. 96-1551, eff. 7-1-11; 97-689, eff. 6-14-12.)

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.

1		INDEX
2		Statutes amended in order of appearance
3	5 ILCS 100/5-45	from Ch. 127, par. 1005-45
4	15 ILCS 405/10.05	from Ch. 15, par. 210.05
5	30 ILCS 105/6z-52	
6	30 ILCS 105/6z-81	
7	30 ILCS 740/2-15.2	
8	30 ILCS 740/2-15.3	
9	35 ILCS 200/15-172	
10	35 ILCS 200/15-175	
11	35 ILCS 200/20-15	
12	35 ILCS 200/21-27	
13	35 ILCS 515/7	from Ch. 120, par. 1207
14	70 ILCS 3605/51	
15	70 ILCS 3605/52	
16	70 ILCS 3610/8.6	
17	70 ILCS 3610/8.7	
18	70 ILCS 3615/3A.15	
19	70 ILCS 3615/3A.16	
20	70 ILCS 3615/3B.14	
21	70 ILCS 3615/3B.15	
22	110 ILCS 990/1	from Ch. 144, par. 1801
23	220 ILCS 10/9	from Ch. 111 2/3, par. 909
24	305 ILCS 5/3-1.2	from Ch. 23, par. 3-1.2
25	305 ILCS 5/3-5	from Ch. 23, par. 3-5

1	305 ILCS 5/4-1.6	from Ch. 23, par. 4-1.6
2	305 ILCS 5/4-2	from Ch. 23, par. 4-2
3	305 ILCS 5/5-2	from Ch. 23, par. 5-2
4	305 ILCS 5/5-4	from Ch. 23, par. 5-4
5	305 ILCS 5/5A-8	from Ch. 23, par. 5A-8
6	305 ILCS 5/6-1.2	from Ch. 23, par. 6-1.2
7	305 ILCS 5/6-2	from Ch. 23, par. 6-2
8	305 ILCS 5/12-9	from Ch. 23, par. 12-9
9	320 ILCS 25/Act title	
10	320 ILCS 25/1	from Ch. 67 1/2, par. 401
11	320 ILCS 25/1.5	
12	320 ILCS 25/2	from Ch. 67 1/2, par. 402
13	320 ILCS 25/3.05a	
14	320 ILCS 25/3.10	from Ch. 67 1/2, par. 403.10
15	320 ILCS 25/4	from Ch. 67 1/2, par. 404
16	320 ILCS 25/4.05	
17	320 ILCS 25/5	from Ch. 67 1/2, par. 405
18	320 ILCS 25/6	from Ch. 67 1/2, par. 406
19	320 ILCS 25/7	from Ch. 67 1/2, par. 407
20	320 ILCS 25/8	from Ch. 67 1/2, par. 408
21	320 ILCS 25/9	from Ch. 67 1/2, par. 409
22	320 ILCS 25/12	from Ch. 67 1/2, par. 412
23	320 ILCS 25/13	from Ch. 67 1/2, par. 413
24	320 ILCS 30/2	from Ch. 67 1/2, par. 452
25	320 ILCS 30/8	from Ch. 67 1/2, par. 458
26	320 ILCS 50/5	

- 1 625 ILCS 5/3-609 from Ch. 95 1/2, par. 3-609
- 2 625 ILCS 5/3-623 from Ch. 95 1/2, par. 3-623
- 3 625 ILCS 5/3-626
- 4 625 ILCS 5/3-667
- 5 625 ILCS 5/3-683
- 6 625 ILCS 5/3-806.3 from Ch. 95 1/2, par. 3-806.3
- 7 625 ILCS 5/11-1301.2 from Ch. 95 1/2, par. 11-1301.2
- 8 720 ILCS 5/17-6.5