



Sen. Mattie Hunter

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LRB096 10993 DRJ 22884 a

1 AMENDMENT TO SENATE BILL 1704

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1704 on page 1,  
3 line 4, after "TITLE", by inserting ", PRIOR LAW,"; and

4 on page 1, after line 6, by inserting the following:

5 "Section 1-101.05. Prior law.

6 (a) This Act provides for licensure of intermediate care  
7 facilities for the developmentally disabled and long-term care  
8 for under age 22 facilities under this Act instead of under the  
9 Nursing Home Care Act. On and after the effective date of this  
10 Act, those facilities shall be governed by this Act instead of  
11 the Nursing Home Care Act.

12 (b) If any other Act of the General Assembly changes, adds,  
13 or repeals a provision of the Nursing Home Care Act that is the  
14 same as or substantially similar to a provision of this Act,  
15 then that change, addition, or repeal in the Nursing Home Care  
16 Act shall be construed together with this Act.

1           (c) Nothing in this Act affects the validity or effect of  
2 any finding, decision, or action made or taken by the  
3 Department or the Director under the Nursing Home Care Act  
4 before the effective date of this Act with respect to a  
5 facility subject to licensure under this Act. That finding,  
6 decision, or action shall continue to apply to the facility on  
7 and after the effective date of this Act. Any finding,  
8 decision, or action with respect to the facility made or taken  
9 on or after the effective date of this Act shall be made or  
10 taken as provided in this Act."; and

11 on page 8, lines 8 and 18, by replacing "his" each time it  
12 appears with "his or her"; and

13 on page 10, line 20, by replacing "his" with "his or her"; and

14 on page 11, lines 8, 9, 13, and 14, by replacing "his" each  
15 time it appears with "his or her"; and

16 on page 11, line 8, by replacing "he" with "he or she"; and

17 on page 12, lines 8, 13, 18, 19, and 20, by replacing "his"  
18 each time it appears with "his or her"; and

19 on page 13, line 20, by replacing "his" each time it appears  
20 with "his or her"; and

1 on page 14, line 20, by replacing "his" with "his or her"; and

2 on page 14, line 24, by replacing "his" with "the resident's";

3 and

4 on page 19, line 13, by replacing "his" with "his or her"; and

5 on page 20, line 24, by replacing "his" with "the resident's";

6 and

7 on page 22, line 12, by replacing "himself" with "himself or

8 herself"; and

9 on page 23, line 6, by replacing "he" with "he or she"; and

10 on page 23, lines 7, 10, and 11, by replacing "his" each time

11 it appears with "his or her"; and

12 on page 23, line 16, by replacing "himself" with "himself or

13 herself"; and

14 on page 26, line 3, by replacing "his" with "his or her"; and

15 on page 27, line 13, by replacing "his" with "his or her"; and

1 on page 29, lines 2 and 20, by replacing "he" each time it  
2 appears with "he or she"; and

3 on page 29, line 26, by replacing "his" with "his or her"; and

4 on page 30, line 9, by replacing "his" with "his or her"; and

5 on page 32, lines 7 and 13, by replacing "his" each time it  
6 appears with "his or her"; and

7 on page 39, line 6, by replacing "him" with "him or her"; and

8 on page 42, line 14, by replacing "he" with "he or she"; and

9 on page 49, line 21, by replacing "he" with "he or she"; and

10 on page 60, line 21, by replacing "." with ";"; and

11 on page 70, line 14, by replacing "his" with "his or her"; and

12 on page 76, lines 3 and 21, by replacing "denote" each time it  
13 appears with "designate"; and

14 on page 89, lines 7 and 20, by replacing "his" each time it  
15 appears with "his or her"; and

1 on page 89, line 9, by replacing "he" with "the Director or his  
2 or her designee"; and

3 on page 100, line 20, by replacing "he" with "the Director";  
4 and

5 on page 109, line 12, after "Program", by inserting "under  
6 Article V of the Illinois Public Aid Code"; and

7 on page 113, line 13, by replacing "Title XIX" with "assistance  
8 under Title XIX of the Social Security Act"; and

9 on page 114, line 19, by replacing "his" with "his or her"; and

10 on page 116, lines 2 and 3, by replacing "Title XIX recipients"  
11 with "recipients of assistance under Title XIX of the Social  
12 Security Act"; and

13 on page 128, line 11, by replacing "he" with "he or she"; and

14 on page 135, line 5, by replacing "his" with "his or her"; and

15 on page 141, line 15, by replacing "his" with "his or her"; and

16 on page 144, line 4, by replacing "his" with "his or her"; and

1 on page 148, after line 3, by inserting the following:

2 "Section 3-801.05. Rules adopted under prior law. The  
3 Department shall adopt rules to implement the changes  
4 concerning licensure of facilities under this Act instead of  
5 under the Nursing Home Care Act. Until the Department adopts  
6 those rules, the rules adopted under the Nursing Home Care Act  
7 that apply to facilities subject to licensure under this Act  
8 shall continue to apply to those facilities."; and

9 on page 151, after line 13, by inserting the following:

10 "Section 90-2. The Election Code is amended by changing  
11 Sections 3-3, 4-6.3, 4-10, 5-9, 5-16.3, 6-50.3, 6-56, 19-4,  
12 19-12.1, and 19-12.2 as follows:

13 (10 ILCS 5/3-3) (from Ch. 46, par. 3-3)

14 Sec. 3-3. Every honorably discharged soldier or sailor who  
15 is an inmate of any soldiers' and sailors' home within the  
16 State of Illinois or any person who is a resident of a facility  
17 licensed or certified pursuant to the Nursing Home Care Act or  
18 the MR/DD Community Care Act for 30 days or longer, and who is  
19 a citizen of the United States and has resided in this State  
20 and in the election district 30 days next preceding any  
21 election shall be entitled to vote in the election district in  
22 which any such home in which he is an inmate or resident is

1 located, for all officers that now are or hereafter may be  
2 elected by the people, and upon all questions that may be  
3 submitted to the vote of the people: Provided, that he shall  
4 declare upon oath, that it was his bona fide intention at the  
5 time he entered said home to become a resident thereof.

6 (Source: P.A. 86-820.)

7 (10 ILCS 5/4-6.3) (from Ch. 46, par. 4-6.3)

8 Sec. 4-6.3. The county clerk may establish a temporary  
9 place of registration for such times and at such locations  
10 within the county as the county clerk may select. However, no  
11 temporary place of registration may be in operation during the  
12 27 days preceding an election. Notice of the time and place of  
13 registration under this Section shall be published by the  
14 county clerk in a newspaper having a general circulation in the  
15 county not less than 3 nor more than 15 days before the holding  
16 of such registration.

17 Temporary places of registration shall be established so  
18 that the areas of concentration of population or use by the  
19 public are served, whether by facilities provided in places of  
20 private business or in public buildings or in mobile units.  
21 Areas which may be designated as temporary places of  
22 registration include, but are not limited to, facilities  
23 licensed or certified pursuant to the Nursing Home Care Act or  
24 the MR/DD Community Care Act, Soldiers' and Sailors' Homes,  
25 shopping centers, business districts, public buildings and

1 county fairs.

2 Temporary places of registration shall be available to the  
3 public not less than 2 hours per year for each 1,000 population  
4 or fraction thereof in the county.

5 All temporary places of registration shall be manned by  
6 deputy county clerks or deputy registrars appointed pursuant to  
7 Section 4-6.2.

8 (Source: P.A. 92-816, eff. 8-21-02.)

9 (10 ILCS 5/4-10) (from Ch. 46, par. 4-10)

10 Sec. 4-10. Except as herein provided, no person shall be  
11 registered, unless he applies in person to a registration  
12 officer, answers such relevant questions as may be asked of him  
13 by the registration officer, and executes the affidavit of  
14 registration. The registration officer shall require the  
15 applicant to furnish two forms of identification, and except in  
16 the case of a homeless individual, one of which must include  
17 his or her residence address. These forms of identification  
18 shall include, but not be limited to, any of the following:  
19 driver's license, social security card, public aid  
20 identification card, utility bill, employee or student  
21 identification card, credit card, or a civic, union or  
22 professional association membership card. The registration  
23 officer shall require a homeless individual to furnish evidence  
24 of his or her use of the mailing address stated. This use may  
25 be demonstrated by a piece of mail addressed to that individual



1 and received at that address or by a statement from a person  
2 authorizing use of the mailing address. The registration  
3 officer shall require each applicant for registration to read  
4 or have read to him the affidavit of registration before  
5 permitting him to execute the affidavit.

6 One of the registration officers or a deputy registration  
7 officer, county clerk, or clerk in the office of the county  
8 clerk, shall administer to all persons who shall personally  
9 apply to register the following oath or affirmation:

10 "You do solemnly swear (or affirm) that you will fully and  
11 truly answer all such questions as shall be put to you touching  
12 your name, place of residence, place of birth, your  
13 qualifications as an elector and your right as such to register  
14 and vote under the laws of the State of Illinois."

15 The registration officer shall satisfy himself that each  
16 applicant for registration is qualified to register before  
17 registering him. If the registration officer has reason to  
18 believe that the applicant is a resident of a Soldiers' and  
19 Sailors' Home or any facility which is licensed or certified  
20 pursuant to the Nursing Home Care Act or the MR/DD Community  
21 Care Act, the following question shall be put, "When you  
22 entered the home which is your present address, was it your  
23 bona fide intention to become a resident thereof?" Any voter of  
24 a township, city, village or incorporated town in which such  
25 applicant resides, shall be permitted to be present at the  
26 place of any precinct registration and shall have the right to

1 challenge any applicant who applies to be registered.

2 In case the officer is not satisfied that the applicant is  
3 qualified he shall forthwith notify such applicant in writing  
4 to appear before the county clerk to complete his registration.  
5 Upon the card of such applicant shall be written the word  
6 "incomplete" and no such applicant shall be permitted to vote  
7 unless such registration is satisfactorily completed as  
8 hereinafter provided. No registration shall be taken and marked  
9 as incomplete if information to complete it can be furnished on  
10 the date of the original application.

11 Any person claiming to be an elector in any election  
12 precinct and whose registration card is marked "Incomplete" may  
13 make and sign an application in writing, under oath, to the  
14 county clerk in substance in the following form:

15 "I do solemnly swear that I, ....., did on (insert date)  
16 make application to the board of registry of the .... precinct  
17 of the township of .... (or to the county clerk of .... county)  
18 and that said board or clerk refused to complete my  
19 registration as a qualified voter in said precinct. That I  
20 reside in said precinct, that I intend to reside in said  
21 precinct, and am a duly qualified voter of said precinct and am  
22 entitled to be registered to vote in said precinct at the next  
23 election.

24 (Signature of applicant) ....."

25 All such applications shall be presented to the county

1 clerk or to his duly authorized representative by the  
2 applicant, in person between the hours of 9:00 a.m. and 5:00  
3 p.m. on any day after the days on which the 1969 and 1970  
4 precinct re-registrations are held but not on any day within 27  
5 days preceding the ensuing general election and thereafter for  
6 the registration provided in Section 4-7 all such applications  
7 shall be presented to the county clerk or his duly authorized  
8 representative by the applicant in person between the hours of  
9 9:00 a.m. and 5:00 p.m. on any day prior to 27 days preceding  
10 the ensuing general election. Such application shall be heard  
11 by the county clerk or his duly authorized representative at  
12 the time the application is presented. If the applicant for  
13 registration has registered with the county clerk, such  
14 application may be presented to and heard by the county clerk  
15 or by his duly authorized representative upon the dates  
16 specified above or at any time prior thereto designated by the  
17 county clerk.

18 Any otherwise qualified person who is absent from his  
19 county of residence either due to business of the United States  
20 or because he is temporarily outside the territorial limits of  
21 the United States may become registered by mailing an  
22 application to the county clerk within the periods of  
23 registration provided for in this Article, or by simultaneous  
24 application for absentee registration and absentee ballot as  
25 provided in Article 20 of this Code.

26 Upon receipt of such application the county clerk shall

1 immediately mail an affidavit of registration in duplicate,  
2 which affidavit shall contain the following and such other  
3 information as the State Board of Elections may think it proper  
4 to require for the identification of the applicant:

5 Name. The name of the applicant, giving surname and first  
6 or Christian name in full, and the middle name or the initial  
7 for such middle name, if any.

8 Sex.

9 Residence. The name and number of the street, avenue or  
10 other location of the dwelling, and such additional clear and  
11 definite description as may be necessary to determine the exact  
12 location of the dwelling of the applicant. Where the location  
13 cannot be determined by street and number, then the Section,  
14 congressional township and range number may be used, or such  
15 other information as may be necessary, including post office  
16 mailing address.

17 Term of residence in the State of Illinois and the  
18 precinct.

19 Nativity. The State or country in which the applicant was  
20 born.

21 Citizenship. Whether the applicant is native born or  
22 naturalized. If naturalized, the court, place and date of  
23 naturalization.

24 Age. Date of birth, by month, day and year.

25 Out of State address of .....

1 State of .....)

2 )ss

3 County of .....)

4 I hereby swear (or affirm) that I am a citizen of the  
5 United States; that on the day of the next election I shall  
6 have resided in the State of Illinois and in the election  
7 precinct 30 days; that I am fully qualified to vote, that I am  
8 not registered to vote anywhere else in the United States, that  
9 I intend to remain a resident of the State of Illinois and of  
10 the election precinct, that I intend to return to the State of  
11 Illinois, and that the above statements are true.

12 .....

13 (His or her signature or mark)

14 Subscribed and sworn to before me, an officer qualified to  
15 administer oaths, on (insert date).

16 .....

17 Signature of officer administering oath.

18 Upon receipt of the executed duplicate affidavit of  
19 Registration, the county clerk shall transfer the information  
20 contained thereon to duplicate Registration Cards provided for  
21 in Section 4-8 of this Article and shall attach thereto a copy  
22 of each of the duplicate affidavit of registration and  
23 thereafter such registration card and affidavit shall  
24 constitute the registration of such person the same as if he  
25 had applied for registration in person.

26 (Source: P.A. 91-357, eff. 7-29-99; 92-816, eff. 8-21-02.)

1 (10 ILCS 5/5-9) (from Ch. 46, par. 5-9)

2 Sec. 5-9. Except as herein provided, no person shall be  
3 registered unless he applies in person to registration officer,  
4 answers such relevant questions as may be asked of him by the  
5 registration officer, and executes the affidavit of  
6 registration. The registration officer shall require the  
7 applicant to furnish two forms of identification, and except in  
8 the case of a homeless individual, one of which must include  
9 his or her residence address. These forms of identification  
10 shall include, but not be limited to, any of the following:  
11 driver's license, social security card, public aid  
12 identification card, utility bill, employee or student  
13 identification card, credit card, or a civic, union or  
14 professional association membership card. The registration  
15 officer shall require a homeless individual to furnish evidence  
16 of his or her use of the mailing address stated. This use may  
17 be demonstrated by a piece of mail addressed to that individual  
18 and received at that address or by a statement from a person  
19 authorizing use of the mailing address. The registration  
20 officer shall require each applicant for registration to read  
21 or have read to him the affidavit of registration before  
22 permitting him to execute the affidavit.

23 One of the Deputy Registrars, the Judge of Registration, or  
24 an Officer of Registration, County Clerk, or clerk in the  
25 office of the County Clerk, shall administer to all persons who

1 shall personally apply to register the following oath or  
2 affirmation:

3 "You do solemnly swear (or affirm) that you will fully and  
4 truly answer all such questions as shall be put to you touching  
5 your place of residence, name, place of birth, your  
6 qualifications as an elector and your right as such to register  
7 and vote under the laws of the State of Illinois."

8 The Registration Officer shall satisfy himself that each  
9 applicant for registration is qualified to register before  
10 registering him. If the registration officer has reason to  
11 believe that the applicant is a resident of a Soldiers' and  
12 Sailors' Home or any facility which is licensed or certified  
13 pursuant to the Nursing Home Care Act or the MR/DD Community  
14 Care Act, the following question shall be put, "When you  
15 entered the home which is your present address, was it your  
16 bona fide intention to become a resident thereof?" Any voter of  
17 a township, city, village or incorporated town in which such  
18 applicant resides, shall be permitted to be present at the  
19 place of precinct registration, and shall have the right to  
20 challenge any applicant who applies to be registered.

21 In case the officer is not satisfied that the applicant is  
22 qualified, he shall forthwith in writing notify such applicant  
23 to appear before the County Clerk to furnish further proof of  
24 his qualifications. Upon the card of such applicant shall be  
25 written the word "Incomplete" and no such applicant shall be  
26 permitted to vote unless such registration is satisfactorily

1 completed as hereinafter provided. No registration shall be  
2 taken and marked as "incomplete" if information to complete it  
3 can be furnished on the date of the original application.

4 Any person claiming to be an elector in any election  
5 precinct in such township, city, village or incorporated town  
6 and whose registration is marked "Incomplete" may make and sign  
7 an application in writing, under oath, to the County Clerk in  
8 substance in the following form:

9 "I do solemnly swear that I, ....., did on (insert  
10 date) make application to the Board of Registry of the .....  
11 precinct of ..... ward of the City of .... or of the  
12 ..... District ..... Town of ..... (or to the  
13 County Clerk of ..... ) and ..... County; that  
14 said Board or Clerk refused to complete my registration as a  
15 qualified voter in said precinct, that I reside in said  
16 precinct (or that I intend to reside in said precinct), am a  
17 duly qualified voter and entitled to vote in said precinct at  
18 the next election.

19 .....

20 (Signature of Applicant)"

21 All such applications shall be presented to the County  
22 Clerk by the applicant, in person between the hours of nine  
23 o'clock a.m. and five o'clock p.m., on Monday and Tuesday of  
24 the third week subsequent to the weeks in which the 1961 and  
25 1962 precinct re-registrations are to be held, and thereafter  
26 for the registration provided in Section 5-17 of this Article,



1 all such applications shall be presented to the County Clerk by  
2 the applicant in person between the hours of nine o'clock a.m.  
3 and nine o'clock p.m. on Monday and Tuesday of the third week  
4 prior to the date on which such election is to be held.

5 Any otherwise qualified person who is absent from his  
6 county of residence either due to business of the United States  
7 or because he is temporarily outside the territorial limits of  
8 the United States may become registered by mailing an  
9 application to the county clerk within the periods of  
10 registration provided for in this Article or by simultaneous  
11 application for absentee registration and absentee ballot as  
12 provided in Article 20 of this Code.

13 Upon receipt of such application the county clerk shall  
14 immediately mail an affidavit of registration in duplicate,  
15 which affidavit shall contain the following and such other  
16 information as the State Board of Elections may think it proper  
17 to require for the identification of the applicant:

18 Name. The name of the applicant, giving surname and first  
19 or Christian name in full, and the middle name or the initial  
20 for such middle name, if any.

21 Sex.

22 Residence. The name and number of the street, avenue or  
23 other location of the dwelling, and such additional clear and  
24 definite description as may be necessary to determine the exact  
25 location of the dwelling of the applicant. Where the location  
26 cannot be determined by street and number, then the Section,

1 congressional township and range number may be used, or such  
2 other information as may be necessary, including post office  
3 mailing address.

4 Term of residence in the State of Illinois and the  
5 precinct.

6 Nativity. The State or country in which the applicant was  
7 born.

8 Citizenship. Whether the applicant is native born or  
9 naturalized. If naturalized, the court, place and date of  
10 naturalization.

11 Age. Date of birth, by month, day and year.

12 Out of State address of .....

13 AFFIDAVIT OF REGISTRATION

14 State of .....)

15 )ss

16 County of .....)

17 I hereby swear (or affirm) that I am a citizen of the  
18 United States; that on the day of the next election I shall  
19 have resided in the State of Illinois for 6 months and in the  
20 election precinct 30 days; that I am fully qualified to vote,  
21 that I am not registered to vote anywhere else in the United  
22 States, that I intend to remain a resident of the State of  
23 Illinois and of the election precinct, that I intend to return  
24 to the State of Illinois, and that the above statements are  
25 true.

26 .....

1 (His or her signature or mark)

2 Subscribed and sworn to before me, an officer qualified to  
3 administer oaths, on (insert date).

4 .....

5 Signature of officer administering oath.

6  
7 Upon receipt of the executed duplicate affidavit of  
8 Registration, the county clerk shall transfer the information  
9 contained thereon to duplicate Registration Cards provided for  
10 in Section 5-7 of this Article and shall attach thereto a copy  
11 of each of the duplicate affidavit of registration and  
12 thereafter such registration card and affidavit shall  
13 constitute the registration of such person the same as if he  
14 had applied for registration in person.

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

16 (10 ILCS 5/5-16.3) (from Ch. 46, par. 5-16.3)

17 Sec. 5-16.3. The county clerk may establish temporary  
18 places of registration for such times and at such locations  
19 within the county as the county clerk may select. However, no  
20 temporary place of registration may be in operation during the  
21 27 days preceding an election. Notice of time and place of  
22 registration at any such temporary place of registration under  
23 this Section shall be published by the county clerk in a  
24 newspaper having a general circulation in the county not less

1 than 3 nor more than 15 days before the holding of such  
2 registration.

3 Temporary places of registration shall be established so  
4 that the areas of concentration of population or use by the  
5 public are served, whether by facilities provided in places of  
6 private business or in public buildings or in mobile units.  
7 Areas which may be designated as temporary places of  
8 registration include, but are not limited to, facilities  
9 licensed or certified pursuant to the Nursing Home Care Act or  
10 the MR/DD Community Care Act, Soldiers' and Sailors' Homes,  
11 shopping centers, business districts, public buildings and  
12 county fairs.

13 Temporary places of registration shall be available to the  
14 public not less than 2 hours per year for each 1,000 population  
15 or fraction thereof in the county.

16 All temporary places of registration shall be manned by  
17 deputy county clerks or deputy registrars appointed pursuant to  
18 Section 5-16.2.

19 (Source: P.A. 92-816, eff. 8-21-02.)

20 (10 ILCS 5/6-50.3) (from Ch. 46, par. 6-50.3)

21 Sec. 6-50.3. The board of election commissioners may  
22 establish temporary places of registration for such times and  
23 at such locations as the board may select. However, no  
24 temporary place of registration may be in operation during the  
25 27 days preceding an election. Notice of the time and place of

1 registration at any such temporary place of registration under  
2 this Section shall be published by the board of election  
3 commissioners in a newspaper having a general circulation in  
4 the city, village or incorporated town not less than 3 nor more  
5 than 15 days before the holding of such registration.

6 Temporary places of registration shall be established so  
7 that the areas of concentration of population or use by the  
8 public are served, whether by facilities provided in places of  
9 private business or in public buildings or in mobile units.  
10 Areas which may be designated as temporary places of  
11 registration include, but are not limited to facilities  
12 licensed or certified pursuant to the Nursing Home Care Act or  
13 the MR/DD Community Care Act, Soldiers' and Sailors' Homes,  
14 shopping centers, business districts, public buildings and  
15 county fairs.

16 Temporary places of registration shall be available to the  
17 public not less than 2 hours per year for each 1,000 population  
18 or fraction thereof in the county.

19 All temporary places of registration shall be manned by  
20 employees of the board of election commissioners or deputy  
21 registrars appointed pursuant to Section 6-50.2.

22 (Source: P.A. 92-816, eff. 8-21-02.)

23 (10 ILCS 5/6-56) (from Ch. 46, par. 6-56)

24 Sec. 6-56. Not more than 30 nor less than 28 days before  
25 any election under this Article, all owners, managers,

1 administrators or operators of hotels, lodging houses, rooming  
2 houses, furnished apartments or facilities licensed or  
3 certified under the Nursing Home Care Act, which house 4 or  
4 more persons, outside the members of the family of such owner,  
5 manager, administrator or operator, shall file with the board  
6 of election commissioners a report, under oath, together with  
7 one copy thereof, in such form as may be required by the board  
8 of election commissioners, of the names and descriptions of all  
9 lodgers, guests or residents claiming a voting residence at the  
10 hotels, lodging houses, rooming houses, furnished apartments,  
11 or facility licensed or certified under the Nursing Home Care  
12 Act or the MR/DD Community Care Act under their control. In  
13 counties having a population of 500,000 or more such report  
14 shall be made on forms mailed to them by the board of election  
15 commissioners. The board of election commissioners shall sort  
16 and assemble the sworn copies of the reports in numerical order  
17 according to ward and according to precincts within each ward  
18 and shall, not later than 5 days after the last day allowed by  
19 this Article for the filing of the reports, maintain one  
20 assembled set of sworn duplicate reports available for public  
21 inspection until 60 days after election days. Except as is  
22 otherwise expressly provided in this Article, the board shall  
23 not be required to perform any duties with respect to the sworn  
24 reports other than to mail, sort, assemble, post and file them  
25 as hereinabove provided.

26 Except in such cases where a precinct canvass is being

1 conducted by the Board of Election Commissioners prior to a  
2 Primary or Election, the board of election commissioners shall  
3 compare the original copy of each such report with the list of  
4 registered voters from such addresses. Every person registered  
5 from such address and not listed in such report or whose name  
6 is different from any name so listed, shall immediately after  
7 the last day of registration be sent a notice through the  
8 United States mail, at the address appearing upon his  
9 registration record card, requiring him to appear before the  
10 board of election commissioners on one of the days specified in  
11 Section 6-45 of this Article and show cause why his  
12 registration should not be cancelled. The provisions of  
13 Sections 6-45, 6-46 and 6-47 of this Article shall apply to  
14 such hearing and proceedings subsequent thereto.

15 Any owner, manager or operator of any such hotel, lodging  
16 house, rooming house or furnished apartment who shall fail or  
17 neglect to file such statement and copy thereof as in this  
18 Article provided, may, upon written information of the attorney  
19 for the election commissioners, be cited by the election  
20 commissioners or upon the complaint of any voter of such city,  
21 village or incorporated town, to appear before them and furnish  
22 such sworn statement and copy thereof and make such oral  
23 statements under oath regarding such hotel, lodging house,  
24 rooming house or furnished apartment, as the election  
25 commissioners may require. The election commissioners shall  
26 sit to hear such citations on the Friday of the fourth week

1 preceding the week in which such election is to be held. Such  
2 citation shall be served not later than the day preceding the  
3 day on which it is returnable.

4 (Source: P.A. 86-820.)

5 (10 ILCS 5/19-4) (from Ch. 46, par. 19-4)

6 Sec. 19-4. Mailing or delivery of ballots - Time.)  
7 Immediately upon the receipt of such application either by  
8 mail, not more than 40 days nor less than 5 days prior to such  
9 election, or by personal delivery not more than 40 days nor  
10 less than one day prior to such election, at the office of such  
11 election authority, it shall be the duty of such election  
12 authority to examine the records to ascertain whether or not  
13 such applicant is lawfully entitled to vote as requested,  
14 including a verification of the applicant's signature by  
15 comparison with the signature on the official registration  
16 record card, and if found so to be entitled to vote, to post  
17 within one business day thereafter the name, street address,  
18 ward and precinct number or township and district number, as  
19 the case may be, of such applicant given on a list, the pages  
20 of which are to be numbered consecutively to be kept by such  
21 election authority for such purpose in a conspicuous, open and  
22 public place accessible to the public at the entrance of the  
23 office of such election authority, and in such a manner that  
24 such list may be viewed without necessity of requesting  
25 permission therefor. Within one day after posting the name and



1 other information of an applicant for an absentee ballot, the  
2 election authority shall transmit that name and other posted  
3 information to the State Board of Elections, which shall  
4 maintain those names and other information in an electronic  
5 format on its website, arranged by county and accessible to  
6 State and local political committees. Within 2 business days  
7 after posting a name and other information on the list within  
8 its office, the election authority shall mail, postage prepaid,  
9 or deliver in person in such office an official ballot or  
10 ballots if more than one are to be voted at said election. Mail  
11 delivery of Temporarily Absent Student ballot applications  
12 pursuant to Section 19-12.3 shall be by nonforwardable mail.  
13 However, for the consolidated election, absentee ballots for  
14 certain precincts may be delivered to applicants not less than  
15 25 days before the election if so much time is required to have  
16 prepared and printed the ballots containing the names of  
17 persons nominated for offices at the consolidated primary. The  
18 election authority shall enclose with each absentee ballot or  
19 application written instructions on how voting assistance  
20 shall be provided pursuant to Section 17-14 and a document,  
21 written and approved by the State Board of Elections,  
22 enumerating the circumstances under which a person is  
23 authorized to vote by absentee ballot pursuant to this Article;  
24 such document shall also include a statement informing the  
25 applicant that if he or she falsifies or is solicited by  
26 another to falsify his or her eligibility to cast an absentee

1 ballot, such applicant or other is subject to penalties  
2 pursuant to Section 29-10 and Section 29-20 of the Election  
3 Code. Each election authority shall maintain a list of the  
4 name, street address, ward and precinct, or township and  
5 district number, as the case may be, of all applicants who have  
6 returned absentee ballots to such authority, and the name of  
7 such absent voter shall be added to such list within one  
8 business day from receipt of such ballot. If the absentee  
9 ballot envelope indicates that the voter was assisted in  
10 casting the ballot, the name of the person so assisting shall  
11 be included on the list. The list, the pages of which are to be  
12 numbered consecutively, shall be kept by each election  
13 authority in a conspicuous, open, and public place accessible  
14 to the public at the entrance of the office of the election  
15 authority and in a manner that the list may be viewed without  
16 necessity of requesting permission for viewing.

17 Each election authority shall maintain a list for each  
18 election of the voters to whom it has issued absentee ballots.  
19 The list shall be maintained for each precinct within the  
20 jurisdiction of the election authority. Prior to the opening of  
21 the polls on election day, the election authority shall deliver  
22 to the judges of election in each precinct the list of  
23 registered voters in that precinct to whom absentee ballots  
24 have been issued by mail.

25 Each election authority shall maintain a list for each  
26 election of voters to whom it has issued temporarily absent

1 student ballots. The list shall be maintained for each election  
2 jurisdiction within which such voters temporarily abide.  
3 Immediately after the close of the period during which  
4 application may be made by mail for absentee ballots, each  
5 election authority shall mail to each other election authority  
6 within the State a certified list of all such voters  
7 temporarily abiding within the jurisdiction of the other  
8 election authority.

9 In the event that the return address of an application for  
10 ballot by a physically incapacitated elector is that of a  
11 facility licensed or certified under the Nursing Home Care Act  
12 or the MR/DD Community Care Act, within the jurisdiction of the  
13 election authority, and the applicant is a registered voter in  
14 the precinct in which such facility is located, the ballots  
15 shall be prepared and transmitted to a responsible judge of  
16 election no later than 9 a.m. on the Saturday, Sunday or Monday  
17 immediately preceding the election as designated by the  
18 election authority under Section 19-12.2. Such judge shall  
19 deliver in person on the designated day the ballot to the  
20 applicant on the premises of the facility from which  
21 application was made. The election authority shall by mail  
22 notify the applicant in such facility that the ballot will be  
23 delivered by a judge of election on the designated day.

24 All applications for absentee ballots shall be available at  
25 the office of the election authority for public inspection upon  
26 request from the time of receipt thereof by the election

1 authority until 30 days after the election, except during the  
2 time such applications are kept in the office of the election  
3 authority pursuant to Section 19-7, and except during the time  
4 such applications are in the possession of the judges of  
5 election.

6 (Source: P.A. 94-645, eff. 8-22-05; 94-1000, eff. 7-3-06.)

7 (10 ILCS 5/19-12.1) (from Ch. 46, par. 19-12.1)

8 Sec. 19-12.1. Any qualified elector who has secured an  
9 Illinois Disabled Person Identification Card in accordance  
10 with The Illinois Identification Card Act, indicating that the  
11 person named thereon has a Class 1A or Class 2 disability or  
12 any qualified voter who has a permanent physical incapacity of  
13 such a nature as to make it improbable that he will be able to  
14 be present at the polls at any future election, or any voter  
15 who is a resident of a facility licensed or certified pursuant  
16 to the Nursing Home Care Act or the MR/DD Community Care Act  
17 and has a condition or disability of such a nature as to make  
18 it improbable that he will be able to be present at the polls  
19 at any future election, may secure a disabled voter's or  
20 nursing home resident's identification card, which will enable  
21 him to vote under this Article as a physically incapacitated or  
22 nursing home voter.

23 Application for a disabled voter's or nursing home  
24 resident's identification card shall be made either: (a) in  
25 writing, with voter's sworn affidavit, to the county clerk or

1 board of election commissioners, as the case may be, and shall  
2 be accompanied by the affidavit of the attending physician  
3 specifically describing the nature of the physical incapacity  
4 or the fact that the voter is a nursing home resident and is  
5 physically unable to be present at the polls on election days;  
6 or (b) by presenting, in writing or otherwise, to the county  
7 clerk or board of election commissioners, as the case may be,  
8 proof that the applicant has secured an Illinois Disabled  
9 Person Identification Card indicating that the person named  
10 thereon has a Class 1A or Class 2 disability. Upon the receipt  
11 of either the sworn-to application and the physician's  
12 affidavit or proof that the applicant has secured an Illinois  
13 Disabled Person Identification Card indicating that the person  
14 named thereon has a Class 1A or Class 2 disability, the county  
15 clerk or board of election commissioners shall issue a disabled  
16 voter's or nursing home resident's identification card. Such  
17 identification cards shall be issued for a period of 5 years,  
18 upon the expiration of which time the voter may secure a new  
19 card by making application in the same manner as is prescribed  
20 for the issuance of an original card, accompanied by a new  
21 affidavit of the attending physician. The date of expiration of  
22 such five-year period shall be made known to any interested  
23 person by the election authority upon the request of such  
24 person. Applications for the renewal of the identification  
25 cards shall be mailed to the voters holding such cards not less  
26 than 3 months prior to the date of expiration of the cards.

1           Each disabled voter's or nursing home resident's  
2 identification card shall bear an identification number, which  
3 shall be clearly noted on the voter's original and duplicate  
4 registration record cards. In the event the holder becomes  
5 physically capable of resuming normal voting, he must surrender  
6 his disabled voter's or nursing home resident's identification  
7 card to the county clerk or board of election commissioners  
8 before the next election.

9           The holder of a disabled voter's or nursing home resident's  
10 identification card may make application by mail for an  
11 official ballot within the time prescribed by Section 19-2.  
12 Such application shall contain the same information as is  
13 included in the form of application for ballot by a physically  
14 incapacitated elector prescribed in Section 19-3 except that it  
15 shall also include the applicant's disabled voter's  
16 identification card number and except that it need not be sworn  
17 to. If an examination of the records discloses that the  
18 applicant is lawfully entitled to vote, he shall be mailed a  
19 ballot as provided in Section 19-4. The ballot envelope shall  
20 be the same as that prescribed in Section 19-5 for physically  
21 disabled voters, and the manner of voting and returning the  
22 ballot shall be the same as that provided in this Article for  
23 other absentee ballots, except that a statement to be  
24 subscribed to by the voter but which need not be sworn to shall  
25 be placed on the ballot envelope in lieu of the affidavit  
26 prescribed by Section 19-5.

1 Any person who knowingly subscribes to a false statement in  
2 connection with voting under this Section shall be guilty of a  
3 Class A misdemeanor.

4 For the purposes of this Section, "nursing home resident"  
5 includes a resident of a facility licensed under the MR/DD  
6 Community Care Act.

7 (Source: P.A. 86-820; 86-875; 86-1028.)

8 (10 ILCS 5/19-12.2) (from Ch. 46, par. 19-12.2)

9 Sec. 19-12.2. Voting by physically incapacitated electors  
10 who have made proper application to the election authority not  
11 later than 5 days before the regular primary and general  
12 election of 1980 and before each election thereafter shall be  
13 conducted on the premises of facilities licensed or certified  
14 pursuant to the Nursing Home Care Act or the MR/DD Community  
15 Care Act for the sole benefit of residents of such facilities.  
16 Such voting shall be conducted during any continuous period  
17 sufficient to allow all applicants to cast their ballots  
18 between the hours of 9 a.m. and 7 p.m. either on the Friday,  
19 Saturday, Sunday or Monday immediately preceding the regular  
20 election. This absentee voting on one of said days designated  
21 by the election authority shall be supervised by two election  
22 judges who must be selected by the election authority in the  
23 following order of priority: (1) from the panel of judges  
24 appointed for the precinct in which such facility is located,  
25 or from a panel of judges appointed for any other precinct

1 within the jurisdiction of the election authority in the same  
2 ward or township, as the case may be, in which the facility is  
3 located or, only in the case where a judge or judges from the  
4 precinct, township or ward are unavailable to serve, (3) from a  
5 panel of judges appointed for any other precinct within the  
6 jurisdiction of the election authority. The two judges shall be  
7 from different political parties. Not less than 30 days before  
8 each regular election, the election authority shall have  
9 arranged with the chief administrative officer of each facility  
10 in his or its election jurisdiction a mutually convenient time  
11 period on the Friday, Saturday, Sunday or Monday immediately  
12 preceding the election for such voting on the premises of the  
13 facility and shall post in a prominent place in his or its  
14 office a notice of the agreed day and time period for  
15 conducting such voting at each facility; provided that the  
16 election authority shall not later than noon on the Thursday  
17 before the election also post the names and addresses of those  
18 facilities from which no applications were received and in  
19 which no supervised absentee voting will be conducted. All  
20 provisions of this Code applicable to pollwatchers shall be  
21 applicable herein. To the maximum extent feasible, voting  
22 booths or screens shall be provided to insure the privacy of  
23 the voter. Voting procedures shall be as described in Article  
24 17 of this Code, except that ballots shall be treated as  
25 absentee ballots and shall not be counted until the close of  
26 the polls on the following day. After the last voter has



1 concluded voting, the judges shall seal the ballots in an  
2 envelope and affix their signatures across the flap of the  
3 envelope. Immediately thereafter, the judges shall bring the  
4 sealed envelope to the office of the election authority who  
5 shall deliver such ballots to the election authority's central  
6 ballot counting location prior to the closing of the polls on  
7 the day of election. The judges of election shall also report  
8 to the election authority the name of any applicant in the  
9 facility who, due to unforeseen circumstance or condition or  
10 because of a religious holiday, was unable to vote. In this  
11 event, the election authority may appoint a qualified person  
12 from his or its staff to deliver the ballot to such applicant  
13 on the day of election. This staff person shall follow the same  
14 procedures prescribed for judges conducting absentee voting in  
15 such facilities and shall return the ballot to the central  
16 ballot counting location before the polls close. However, if  
17 the facility from which the application was made is also used  
18 as a regular precinct polling place for that voter, voting  
19 procedures heretofore prescribed may be implemented by 2 of the  
20 election judges of opposite party affiliation assigned to that  
21 polling place during the hours of voting on the day of the  
22 election. Judges of election shall be compensated not less than  
23 \$25.00 for conducting absentee voting in such facilities.

24 Not less than 120 days before each regular election, the  
25 Department of Public Health shall certify to the State Board of  
26 Elections a list of the facilities licensed or certified

1 pursuant to the Nursing Home Care Act or the MR/DD Community  
2 Care Act, and shall indicate the approved bed capacity and the  
3 name of the chief administrative officer of each such facility,  
4 and the State Board of Elections shall certify the same to the  
5 appropriate election authority within 20 days thereafter.

6 (Source: P.A. 94-1000, eff. 7-3-06.)

7 Section 90-4. The Illinois Act on the Aging is amended by  
8 changing Section 4.08 as follows:

9 (20 ILCS 105/4.08)

10 Sec. 4.08. Rural and small town meals program. Subject to  
11 appropriation, the Department may establish a program to ensure  
12 the availability of congregate or home-delivered meals in  
13 communities with populations of under 5,000 that are not  
14 located within the large urban counties of Cook, DuPage, Kane,  
15 Lake, or Will.

16 The Department may meet these requirements by entering into  
17 agreements with Area Agencies on Aging or Department designees,  
18 which shall in turn enter into grants or contractual agreements  
19 with such local entities as restaurants, cafes, churches,  
20 facilities licensed under the Nursing Home Care Act, the MR/DD  
21 Community Care Act, the Assisted Living and Shared Housing Act,  
22 or the Hospital Licensing Act, facilities certified by the  
23 Department of Healthcare and Family Services, senior centers,  
24 or Older American Act designated nutrition service providers.

1 First consideration shall be given to entities that can  
2 cost effectively meet the needs of seniors in the community by  
3 preparing the food locally.

4 In no instance shall funds provided pursuant to this  
5 Section be used to replace funds allocated to a given area or  
6 program as of the effective date of this amendatory Act of the  
7 95th General Assembly.

8 The Department shall establish guidelines and standards by  
9 administrative rule, which shall include submission of an  
10 expenditure plan by the recipient of the funds.

11 (Source: P.A. 95-68, eff. 8-13-07; 95-876, eff. 8-21-08.)"; and

12 on page 160, by replacing lines 7 through 9 with the following:  
13 "health care worker registry under Section 3-206.01 of the  
14 MR/DD Community Care Act ~~Nursing Home Care Act~~ the identity of  
15 individuals against whom"; and

16 on page 161, by replacing lines 18 and 19 with the following:  
17 "worker registry under Section 3-206.01 of the MR/DD Community  
18 Care Act ~~Nursing Home Care Act.~~"; and

19 on page 167, by replacing lines 10 and 11 with the following:  
20 "oversight as defined by the MR/DD Community Care Act ~~Nursing~~  
21 ~~Home Care Act~~, for which placement arrangements"; and

22 on page 173, by replacing lines 8 and 9 with the following:

1 "defined by the MR/DD Community Care Act ~~Nursing Home Care Act~~,  
2 or in designated community living situations or"; and

3 on page 181, by replacing lines 21 and 22 with the following:

4 "MR/DD community care ~~long term care~~ facility". The term  
5 "MR/DD community care ~~long term care~~ facility", for the  
6 purposes of this Article, means a skilled"; and

7 on page 181, by replacing lines 24 and 25 with the following:

8 "licensure by the Department of Public Health under the MR/DD  
9 Community Care Act ~~Nursing Home Care Act~~, an intermediate"; and

10 on page 204, by replacing lines 5 and 6 with the following:

11 "licensed under the Nursing Home Care Act;

12 3.5. Skilled and intermediate care facilities licensed  
13 under the MR/DD Community Care Act;"; and

14 on page 206, line 2, before the comma, by inserting "or the  
15 MR/DD Community Care Act"; and

16 on page 214, by replacing lines 25 and 26 with the following:

17 "care facilities licensed under the Nursing Home Care Act,  
18 skilled or intermediate care facilities licensed under the  
19 MR/DD Community Care Act, or nursing homes licensed under the";  
20 and

1 on page 220, by replacing lines 4 and 5 with the following:

2 "(i) licensed under the Nursing Home Care Act, (ii) licensed  
3 under the MR/DD Community Care Act, or (iii) ~~(ii)~~ licensed  
4 under the Hospital"; and

5 by deleting lines 17 through 24 on page 223 and line 1 on page  
6 224; and

7 on page 287, after line 5, by inserting the following:

8 "Section 90-67. The Property Tax Code is amended by  
9 changing Sections 15-168, 15-170, and 15-172 as follows:

10 (35 ILCS 200/15-168)

11 Sec. 15-168. Disabled persons' homestead exemption.

12 (a) Beginning with taxable year 2007, an annual homestead  
13 exemption is granted to disabled persons in the amount of  
14 \$2,000, except as provided in subsection (c), to be deducted  
15 from the property's value as equalized or assessed by the  
16 Department of Revenue. The disabled person shall receive the  
17 homestead exemption upon meeting the following requirements:

18 (1) The property must be occupied as the primary  
19 residence by the disabled person.

20 (2) The disabled person must be liable for paying the  
21 real estate taxes on the property.

22 (3) The disabled person must be an owner of record of

1           the property or have a legal or equitable interest in the  
2           property as evidenced by a written instrument. In the case  
3           of a leasehold interest in property, the lease must be for  
4           a single family residence.

5           A person who is disabled during the taxable year is  
6           eligible to apply for this homestead exemption during that  
7           taxable year. Application must be made during the application  
8           period in effect for the county of residence. If a homestead  
9           exemption has been granted under this Section and the person  
10          awarded the exemption subsequently becomes a resident of a  
11          facility licensed under the Nursing Home Care Act or the MR/DD  
12          Community Care Act, then the exemption shall continue (i) so  
13          long as the residence continues to be occupied by the  
14          qualifying person's spouse or (ii) if the residence remains  
15          unoccupied but is still owned by the person qualified for the  
16          homestead exemption.

17          (b) For the purposes of this Section, "disabled person"  
18          means a person unable to engage in any substantial gainful  
19          activity by reason of a medically determinable physical or  
20          mental impairment which can be expected to result in death or  
21          has lasted or can be expected to last for a continuous period  
22          of not less than 12 months. Disabled persons filing claims  
23          under this Act shall submit proof of disability in such form  
24          and manner as the Department shall by rule and regulation  
25          prescribe. Proof that a claimant is eligible to receive  
26          disability benefits under the Federal Social Security Act shall

1 constitute proof of disability for purposes of this Act.  
2 Issuance of an Illinois Disabled Person Identification Card  
3 stating that the claimant is under a Class 2 disability, as  
4 defined in Section 4A of The Illinois Identification Card Act,  
5 shall constitute proof that the person named thereon is a  
6 disabled person for purposes of this Act. A disabled person not  
7 covered under the Federal Social Security Act and not  
8 presenting a Disabled Person Identification Card stating that  
9 the claimant is under a Class 2 disability shall be examined by  
10 a physician designated by the Department, and his status as a  
11 disabled person determined using the same standards as used by  
12 the Social Security Administration. The costs of any required  
13 examination shall be borne by the claimant.

14 (c) For land improved with (i) an apartment building owned  
15 and operated as a cooperative or (ii) a life care facility as  
16 defined under Section 2 of the Life Care Facilities Act that is  
17 considered to be a cooperative, the maximum reduction from the  
18 value of the property, as equalized or assessed by the  
19 Department, shall be multiplied by the number of apartments or  
20 units occupied by a disabled person. The disabled person shall  
21 receive the homestead exemption upon meeting the following  
22 requirements:

23 (1) The property must be occupied as the primary  
24 residence by the disabled person.

25 (2) The disabled person must be liable by contract with  
26 the owner or owners of record for paying the apportioned

1 property taxes on the property of the cooperative or life  
2 care facility. In the case of a life care facility, the  
3 disabled person must be liable for paying the apportioned  
4 property taxes under a life care contract as defined in  
5 Section 2 of the Life Care Facilities Act.

6 (3) The disabled person must be an owner of record of a  
7 legal or equitable interest in the cooperative apartment  
8 building. A leasehold interest does not meet this  
9 requirement.

10 If a homestead exemption is granted under this subsection, the  
11 cooperative association or management firm shall credit the  
12 savings resulting from the exemption to the apportioned tax  
13 liability of the qualifying disabled person. The chief county  
14 assessment officer may request reasonable proof that the  
15 association or firm has properly credited the exemption. A  
16 person who willfully refuses to credit an exemption to the  
17 qualified disabled person is guilty of a Class B misdemeanor.

18 (d) The chief county assessment officer shall determine the  
19 eligibility of property to receive the homestead exemption  
20 according to guidelines established by the Department. After a  
21 person has received an exemption under this Section, an annual  
22 verification of eligibility for the exemption shall be mailed  
23 to the taxpayer.

24 In counties with fewer than 3,000,000 inhabitants, the  
25 chief county assessment officer shall provide to each person  
26 granted a homestead exemption under this Section a form to



1 designate any other person to receive a duplicate of any notice  
2 of delinquency in the payment of taxes assessed and levied  
3 under this Code on the person's qualifying property. The  
4 duplicate notice shall be in addition to the notice required to  
5 be provided to the person receiving the exemption and shall be  
6 given in the manner required by this Code. The person filing  
7 the request for the duplicate notice shall pay an  
8 administrative fee of \$5 to the chief county assessment  
9 officer. The assessment officer shall then file the executed  
10 designation with the county collector, who shall issue the  
11 duplicate notices as indicated by the designation. A  
12 designation may be rescinded by the disabled person in the  
13 manner required by the chief county assessment officer.

14 (e) A taxpayer who claims an exemption under Section 15-165  
15 or 15-169 may not claim an exemption under this Section.

16 (Source: P.A. 95-644, eff. 10-12-07.)

17 (35 ILCS 200/15-170)

18 Sec. 15-170. Senior Citizens Homestead Exemption. An  
19 annual homestead exemption limited, except as described here  
20 with relation to cooperatives or life care facilities, to a  
21 maximum reduction set forth below from the property's value, as  
22 equalized or assessed by the Department, is granted for  
23 property that is occupied as a residence by a person 65 years  
24 of age or older who is liable for paying real estate taxes on  
25 the property and is an owner of record of the property or has a

1 legal or equitable interest therein as evidenced by a written  
2 instrument, except for a leasehold interest, other than a  
3 leasehold interest of land on which a single family residence  
4 is located, which is occupied as a residence by a person 65  
5 years or older who has an ownership interest therein, legal,  
6 equitable or as a lessee, and on which he or she is liable for  
7 the payment of property taxes. Before taxable year 2004, the  
8 maximum reduction shall be \$2,500 in counties with 3,000,000 or  
9 more inhabitants and \$2,000 in all other counties. For taxable  
10 years 2004 through 2005, the maximum reduction shall be \$3,000  
11 in all counties. For taxable years 2006 and 2007, the maximum  
12 reduction shall be \$3,500 and, for taxable years 2008 and  
13 thereafter, the maximum reduction is \$4,000 in all counties.

14 For land improved with an apartment building owned and  
15 operated as a cooperative, the maximum reduction from the value  
16 of the property, as equalized by the Department, shall be  
17 multiplied by the number of apartments or units occupied by a  
18 person 65 years of age or older who is liable, by contract with  
19 the owner or owners of record, for paying property taxes on the  
20 property and is an owner of record of a legal or equitable  
21 interest in the cooperative apartment building, other than a  
22 leasehold interest. For land improved with a life care  
23 facility, the maximum reduction from the value of the property,  
24 as equalized by the Department, shall be multiplied by the  
25 number of apartments or units occupied by persons 65 years of  
26 age or older, irrespective of any legal, equitable, or

1 leasehold interest in the facility, who are liable, under a  
2 contract with the owner or owners of record of the facility,  
3 for paying property taxes on the property. In a cooperative or  
4 a life care facility where a homestead exemption has been  
5 granted, the cooperative association or the management firm of  
6 the cooperative or facility shall credit the savings resulting  
7 from that exemption only to the apportioned tax liability of  
8 the owner or resident who qualified for the exemption. Any  
9 person who willfully refuses to so credit the savings shall be  
10 guilty of a Class B misdemeanor. Under this Section and  
11 Sections 15-175, 15-176, and 15-177, "life care facility" means  
12 a facility, as defined in Section 2 of the Life Care Facilities  
13 Act, with which the applicant for the homestead exemption has a  
14 life care contract as defined in that Act.

15 When a homestead exemption has been granted under this  
16 Section and the person qualifying subsequently becomes a  
17 resident of a facility licensed under the Nursing Home Care Act  
18 or the MR/DD Community Care Act, the exemption shall continue  
19 so long as the residence continues to be occupied by the  
20 qualifying person's spouse if the spouse is 65 years of age or  
21 older, or if the residence remains unoccupied but is still  
22 owned by the person qualified for the homestead exemption.

23 A person who will be 65 years of age during the current  
24 assessment year shall be eligible to apply for the homestead  
25 exemption during that assessment year. Application shall be  
26 made during the application period in effect for the county of

1 his residence.

2 Beginning with assessment year 2003, for taxes payable in  
3 2004, property that is first occupied as a residence after  
4 January 1 of any assessment year by a person who is eligible  
5 for the senior citizens homestead exemption under this Section  
6 must be granted a pro-rata exemption for the assessment year.  
7 The amount of the pro-rata exemption is the exemption allowed  
8 in the county under this Section divided by 365 and multiplied  
9 by the number of days during the assessment year the property  
10 is occupied as a residence by a person eligible for the  
11 exemption under this Section. The chief county assessment  
12 officer must adopt reasonable procedures to establish  
13 eligibility for this pro-rata exemption.

14 The assessor or chief county assessment officer may  
15 determine the eligibility of a life care facility to receive  
16 the benefits provided by this Section, by affidavit,  
17 application, visual inspection, questionnaire or other  
18 reasonable methods in order to insure that the tax savings  
19 resulting from the exemption are credited by the management  
20 firm to the apportioned tax liability of each qualifying  
21 resident. The assessor may request reasonable proof that the  
22 management firm has so credited the exemption.

23 The chief county assessment officer of each county with  
24 less than 3,000,000 inhabitants shall provide to each person  
25 allowed a homestead exemption under this Section a form to  
26 designate any other person to receive a duplicate of any notice

1 of delinquency in the payment of taxes assessed and levied  
2 under this Code on the property of the person receiving the  
3 exemption. The duplicate notice shall be in addition to the  
4 notice required to be provided to the person receiving the  
5 exemption, and shall be given in the manner required by this  
6 Code. The person filing the request for the duplicate notice  
7 shall pay a fee of \$5 to cover administrative costs to the  
8 supervisor of assessments, who shall then file the executed  
9 designation with the county collector. Notwithstanding any  
10 other provision of this Code to the contrary, the filing of  
11 such an executed designation requires the county collector to  
12 provide duplicate notices as indicated by the designation. A  
13 designation may be rescinded by the person who executed such  
14 designation at any time, in the manner and form required by the  
15 chief county assessment officer.

16 The assessor or chief county assessment officer may  
17 determine the eligibility of residential property to receive  
18 the homestead exemption provided by this Section by  
19 application, visual inspection, questionnaire or other  
20 reasonable methods. The determination shall be made in  
21 accordance with guidelines established by the Department.

22 In counties with less than 3,000,000 inhabitants, the  
23 county board may by resolution provide that if a person has  
24 been granted a homestead exemption under this Section, the  
25 person qualifying need not reapply for the exemption.

26 In counties with less than 3,000,000 inhabitants, if the

1 assessor or chief county assessment officer requires annual  
2 application for verification of eligibility for an exemption  
3 once granted under this Section, the application shall be  
4 mailed to the taxpayer.

5 The assessor or chief county assessment officer shall  
6 notify each person who qualifies for an exemption under this  
7 Section that the person may also qualify for deferral of real  
8 estate taxes under the Senior Citizens Real Estate Tax Deferral  
9 Act. The notice shall set forth the qualifications needed for  
10 deferral of real estate taxes, the address and telephone number  
11 of county collector, and a statement that applications for  
12 deferral of real estate taxes may be obtained from the county  
13 collector.

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

17 (Source: P.A. 94-794, eff. 5-22-06; 95-644, eff. 10-12-07;  
18 95-876, eff. 8-21-08.)

19 (35 ILCS 200/15-172)

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

22 (a) This Section may be cited as the Senior Citizens  
23 Assessment Freeze Homestead Exemption.

24 (b) As used in this Section:

25 "Applicant" means an individual who has filed an

1 application under this Section.

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

6 "Base year" means the taxable year prior to the taxable  
7 year for which the applicant first qualifies and applies for  
8 the exemption provided that in the prior taxable year the  
9 property was improved with a permanent structure that was  
10 occupied as a residence by the applicant who was liable for  
11 paying real property taxes on the property and who was either  
12 (i) an owner of record of the property or had legal or  
13 equitable interest in the property as evidenced by a written  
14 instrument or (ii) had a legal or equitable interest as a  
15 lessee in the parcel of property that was single family  
16 residence. If in any subsequent taxable year for which the  
17 applicant applies and qualifies for the exemption the equalized  
18 assessed value of the residence is less than the equalized  
19 assessed value in the existing base year (provided that such  
20 equalized assessed value is not based on an assessed value that  
21 results from a temporary irregularity in the property that  
22 reduces the assessed value for one or more taxable years), then  
23 that subsequent taxable year shall become the base year until a  
24 new base year is established under the terms of this paragraph.  
25 For taxable year 1999 only, the Chief County Assessment Officer  
26 shall review (i) all taxable years for which the applicant

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

11 "Chief County Assessment Officer" means the County  
12 Assessor or Supervisor of Assessments of the county in which  
13 the property is located.

14 "Equalized assessed value" means the assessed value as  
15 equalized by the Illinois Department of Revenue.

16 "Household" means the applicant, the spouse of the  
17 applicant, and all persons using the residence of the applicant  
18 as their principal place of residence.

19 "Household income" means the combined income of the members  
20 of a household for the calendar year preceding the taxable  
21 year.

22 "Income" has the same meaning as provided in Section 3.07  
23 of the Senior Citizens and Disabled Persons Property Tax Relief  
24 and Pharmaceutical Assistance Act, except that, beginning in  
25 assessment year 2001, "income" does not include veteran's  
26 benefits.



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

5 "Life care facility that qualifies as a cooperative" means  
6 a facility as defined in Section 2 of the Life Care Facilities  
7 Act.

8 "Maximum income limitation" means:

- 9 (1) \$35,000 prior to taxable year 1999;
- 10 (2) \$40,000 in taxable years 1999 through 2003;
- 11 (3) \$45,000 in taxable years 2004 through 2005;
- 12 (4) \$50,000 in taxable years 2006 and 2007; and
- 13 (5) \$55,000 in taxable year 2008 and thereafter.

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

24 "Taxable year" means the calendar year during which ad  
25 valorem property taxes payable in the next succeeding year are  
26 levied.

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

19           In counties of 3,000,000 or more inhabitants, the amount of  
20 the exemption for all taxable years is the equalized assessed  
21 value of the residence in the taxable year for which  
22 application is made minus the base amount. In all other  
23 counties, the amount of the exemption is as follows: (i)  
24 through taxable year 2005 and for taxable year 2007 and  
25 thereafter, the amount of this exemption shall be the equalized  
26 assessed value of the residence in the taxable year for which

1 application is made minus the base amount; and (ii) for taxable  
2 year 2006, the amount of the exemption is as follows:

3 (1) For an applicant who has a household income of  
4 \$45,000 or less, the amount of the exemption is the  
5 equalized assessed value of the residence in the taxable  
6 year for which application is made minus the base amount.

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

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

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

22 (5) For an applicant who has a household income  
23 exceeding \$48,750 but not exceeding \$50,000, the amount of  
24 the exemption is (i) the equalized assessed value of the  
25 residence in the taxable year for which application is made  
26 minus the base amount (ii) multiplied by 0.2.

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

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

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

1 only to the apportioned tax liability of the owner who  
2 qualified for the exemption. Any person who willfully refuses  
3 to credit that savings to an owner who qualifies for the  
4 exemption is guilty of a Class B misdemeanor.

5 When a homestead exemption has been granted under this  
6 Section and an applicant then becomes a resident of a facility  
7 licensed under the Nursing Home Care Act or the MR/DD Community  
8 Care Act, the exemption shall be granted in subsequent years so  
9 long as the residence (i) continues to be occupied by the  
10 qualified applicant's spouse or (ii) if remaining unoccupied,  
11 is still owned by the qualified applicant for the homestead  
12 exemption.

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

22 When married persons maintain separate residences, the  
23 exemption provided for in this Section may be claimed by only  
24 one of such persons and for only one residence.

25 For taxable year 1994 only, in counties having less than  
26 3,000,000 inhabitants, to receive the exemption, a person shall

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

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

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

1 applicant regained the capability to file the application.

2 Beginning January 1, 1998, notwithstanding any other  
3 provision to the contrary, in counties having fewer than  
4 3,000,000 inhabitants, if an applicant fails to file the  
5 application required by this Section in a timely manner and  
6 this failure to file is due to a mental or physical condition  
7 sufficiently severe so as to render the applicant incapable of  
8 filing the application in a timely manner, the Chief County  
9 Assessment Officer may extend the filing deadline for a period  
10 of 3 months. In order to receive the extension provided in this  
11 paragraph, the applicant shall provide the Chief County  
12 Assessment Officer with a signed statement from the applicant's  
13 physician stating the nature and extent of the condition, and  
14 that, in the physician's opinion, the condition was so severe  
15 that it rendered the applicant incapable of filing the  
16 application in a timely manner.

17 In counties having less than 3,000,000 inhabitants, if an  
18 applicant was denied an exemption in taxable year 1994 and the  
19 denial occurred due to an error on the part of an assessment  
20 official, or his or her agent or employee, then beginning in  
21 taxable year 1997 the applicant's base year, for purposes of  
22 determining the amount of the exemption, shall be 1993 rather  
23 than 1994. In addition, in taxable year 1997, the applicant's  
24 exemption shall also include an amount equal to (i) the amount  
25 of any exemption denied to the applicant in taxable year 1995  
26 as a result of using 1994, rather than 1993, as the base year,



1 (ii) the amount of any exemption denied to the applicant in  
2 taxable year 1996 as a result of using 1994, rather than 1993,  
3 as the base year, and (iii) the amount of the exemption  
4 erroneously denied for taxable year 1994.

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

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

20 Except as provided in this Section, all information  
21 received by the chief county assessment officer or the  
22 Department from applications filed under this Section, or from  
23 any investigation conducted under the provisions of this  
24 Section, shall be confidential, except for official purposes or  
25 pursuant to official procedures for collection of any State or  
26 local tax or enforcement of any civil or criminal penalty or

1 sanction imposed by this Act or by any statute or ordinance  
2 imposing a State or local tax. Any person who divulges any such  
3 information in any manner, except in accordance with a proper  
4 judicial order, is guilty of a Class A misdemeanor.

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

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

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

23 (Source: P.A. 94-794, eff. 5-22-06; 95-644, eff. 10-12-07.);  
24 and

25 on page 303, after line 3, by inserting the following:

1 "Section 90-73. The Alternative Health Care Delivery Act is  
2 amended by changing Section 15 as follows:

3 (210 ILCS 3/15)

4 Sec. 15. License required. No health care facility or  
5 program that meets the definition and scope of an alternative  
6 health care model shall operate as such unless it is a  
7 participant in a demonstration program under this Act and  
8 licensed by the Department as an alternative health care model.  
9 The provisions of this Section as they relate to subacute care  
10 hospitals shall not apply to hospitals licensed under the  
11 Illinois Hospital Licensing Act or skilled nursing facilities  
12 licensed under the Illinois Nursing Home Care Act or the MR/DD  
13 Community Care Act; provided, however, that the facilities  
14 shall not hold themselves out to the public as subacute care  
15 hospitals. The provisions of this Act concerning children's  
16 respite care centers shall not apply to any facility licensed  
17 under the Hospital Licensing Act, the Nursing Home Care Act,  
18 the MR/DD Community Care Act, or the University of Illinois  
19 Hospital Act that provides respite care services to children.

20 (Source: P.A. 95-331, eff. 8-21-07.); and

21 on page 305, line 9, by replacing "75" with "145"; and

22 on page 307, by replacing lines 2 through 4 with the following:

1 "MR/DD Community Care Act. However, a ~~long term care~~ facility  
2 licensed under either of those Acts may convert distinct parts  
3 of the facility to assisted living. If the ~~long term care~~  
4 facility elects to"; and

5 on page 312, by replacing lines 7 through 9 with the following:

6 "MR/DD Community Care Act. A ~~long term care~~ facility licensed  
7 under either of those Acts may, however, convert sections of  
8 the facility to assisted living. If the ~~long term care~~ facility  
9 elects to do so, the"; and

10 by replacing lines 16 through 25 on page 317, all of pages 318  
11 through 321, and lines 1 and 2 on page 322 with the following:

12 "(210 ILCS 9/145)

13 Sec. 145. Conversion of facilities. Entities licensed as  
14 facilities under the Nursing Home Care Act or the MR/DD  
15 Community Care Act may elect to convert to a license under this  
16 Act. Any facility that chooses to convert, in whole or in part,  
17 shall follow the requirements in the Nursing Home Care Act or  
18 the MR/DD Community Care Act, as applicable, and rules  
19 promulgated under those Acts ~~that Act~~ regarding voluntary  
20 closure and notice to residents. Any conversion of existing  
21 beds licensed under the Nursing Home Care Act or the MR/DD  
22 Community Care Act to licensure under this Act is exempt from  
23 review by the Health Facilities Planning Board.

1 (Source: P.A. 91-656, eff. 1-1-01.)"; and

2 on page 332, line 23, by replacing "1-113, 3-202.5, and 3-206"

3 with "1-113 and 3-202.5"; and

4 on page 333, by replacing lines 10 and 11 with the following:

5 "includes skilled nursing facilities and intermediate care

6 facilities as those terms are defined in"; and

7 on page 335, by replacing lines 6 through 8 with the following:

8 "(12) A facility licensed under the MR/DD Community

9 Care Act."; and

10 by deleting lines 14 through 25 on page 341, all of pages 342

11 through 345, and lines 1 through 5 on page 346; and

12 on page 357, line 11, by replacing "and" with "facilities

13 licensed under the MR/DD Community Care Act, and"; and

14 on page 369, lines 9 and 10, by deleting "or the MR/DD

15 Community Care Act"; and

16 on page 369, line 23, after the period, by inserting "The term

17 also means any facility licensed under the MR/DD Community Care

18 Act."; and

1 on page 391, line 24, by deleting "5B-8,"; and

2 by deleting lines 19 through 25 on page 406, all of pages 407  
3 and 408, and lines 1 through 4 on page 409; and

4 on page 414, after line 12, by inserting the following:

5 "Section 90-157. The Elder Abuse and Neglect Act is amended  
6 by changing Section 2 as follows:

7 (320 ILCS 20/2) (from Ch. 23, par. 6602)

8 Sec. 2. Definitions. As used in this Act, unless the  
9 context requires otherwise:

10 (a) "Abuse" means causing any physical, mental or sexual  
11 injury to an eligible adult, including exploitation of such  
12 adult's financial resources.

13 Nothing in this Act shall be construed to mean that an  
14 eligible adult is a victim of abuse, neglect, or self-neglect  
15 for the sole reason that he or she is being furnished with or  
16 relies upon treatment by spiritual means through prayer alone,  
17 in accordance with the tenets and practices of a recognized  
18 church or religious denomination.

19 Nothing in this Act shall be construed to mean that an  
20 eligible adult is a victim of abuse because of health care  
21 services provided or not provided by licensed health care  
22 professionals.

1 (a-5) "Abuser" means a person who abuses, neglects, or  
2 financially exploits an eligible adult.

3 (a-7) "Caregiver" means a person who either as a result of  
4 a family relationship, voluntarily, or in exchange for  
5 compensation has assumed responsibility for all or a portion of  
6 the care of an eligible adult who needs assistance with  
7 activities of daily living.

8 (b) "Department" means the Department on Aging of the State  
9 of Illinois.

10 (c) "Director" means the Director of the Department.

11 (d) "Domestic living situation" means a residence where the  
12 eligible adult lives alone or with his or her family or a  
13 caregiver, or others, or a board and care home or other  
14 community-based unlicensed facility, but is not:

15 (1) A licensed facility as defined in Section 1-113 of  
16 the Nursing Home Care Act;

17 (1.5) A facility licensed under the MR/DD Community  
18 Care Act;

19 (2) A "life care facility" as defined in the Life Care  
20 Facilities Act;

21 (3) A home, institution, or other place operated by the  
22 federal government or agency thereof or by the State of  
23 Illinois;

24 (4) A hospital, sanitarium, or other institution, the  
25 principal activity or business of which is the diagnosis,  
26 care, and treatment of human illness through the

1 maintenance and operation of organized facilities  
2 therefor, which is required to be licensed under the  
3 Hospital Licensing Act;

4 (5) A "community living facility" as defined in the  
5 Community Living Facilities Licensing Act;

6 (6) A "community residential alternative" as defined  
7 in the Community Residential Alternatives Licensing Act;

8 (7) A "community-integrated living arrangement" as  
9 defined in the Community-Integrated Living Arrangements  
10 Licensure and Certification Act;

11 (8) An assisted living or shared housing establishment  
12 as defined in the Assisted Living and Shared Housing Act;  
13 or

14 (9) A supportive living facility as described in  
15 Section 5-5.01a of the Illinois Public Aid Code.

16 (e) "Eligible adult" means a person 60 years of age or  
17 older who resides in a domestic living situation and is, or is  
18 alleged to be, abused, neglected, or financially exploited by  
19 another individual or who neglects himself or herself.

20 (f) "Emergency" means a situation in which an eligible  
21 adult is living in conditions presenting a risk of death or  
22 physical, mental or sexual injury and the provider agency has  
23 reason to believe the eligible adult is unable to consent to  
24 services which would alleviate that risk.

25 (f-5) "Mandated reporter" means any of the following  
26 persons while engaged in carrying out their professional



1 duties:

2 (1) a professional or professional's delegate while  
3 engaged in: (i) social services, (ii) law enforcement,  
4 (iii) education, (iv) the care of an eligible adult or  
5 eligible adults, or (v) any of the occupations required to  
6 be licensed under the Clinical Psychologist Licensing Act,  
7 the Clinical Social Work and Social Work Practice Act, the  
8 Illinois Dental Practice Act, the Dietetic and Nutrition  
9 Services Practice Act, the Marriage and Family Therapy  
10 Licensing Act, the Medical Practice Act of 1987, the  
11 Naprapathic Practice Act, the Nurse Practice Act, the  
12 Nursing Home Administrators Licensing and Disciplinary  
13 Act, the Illinois Occupational Therapy Practice Act, the  
14 Illinois Optometric Practice Act of 1987, the Pharmacy  
15 Practice Act, the Illinois Physical Therapy Act, the  
16 Physician Assistant Practice Act of 1987, the Podiatric  
17 Medical Practice Act of 1987, the Respiratory Care Practice  
18 Act, the Professional Counselor and Clinical Professional  
19 Counselor Licensing Act, the Illinois Speech-Language  
20 Pathology and Audiology Practice Act, the Veterinary  
21 Medicine and Surgery Practice Act of 2004, and the Illinois  
22 Public Accounting Act;

23 (2) an employee of a vocational rehabilitation  
24 facility prescribed or supervised by the Department of  
25 Human Services;

26 (3) an administrator, employee, or person providing

1 services in or through an unlicensed community based  
2 facility;

3 (4) any religious practitioner who provides treatment  
4 by prayer or spiritual means alone in accordance with the  
5 tenets and practices of a recognized church or religious  
6 denomination, except as to information received in any  
7 confession or sacred communication enjoined by the  
8 discipline of the religious denomination to be held  
9 confidential;

10 (5) field personnel of the Department of Healthcare and  
11 Family Services, Department of Public Health, and  
12 Department of Human Services, and any county or municipal  
13 health department;

14 (6) personnel of the Department of Human Services, the  
15 Guardianship and Advocacy Commission, the State Fire  
16 Marshal, local fire departments, the Department on Aging  
17 and its subsidiary Area Agencies on Aging and provider  
18 agencies, and the Office of State Long Term Care Ombudsman;

19 (7) any employee of the State of Illinois not otherwise  
20 specified herein who is involved in providing services to  
21 eligible adults, including professionals providing medical  
22 or rehabilitation services and all other persons having  
23 direct contact with eligible adults;

24 (8) a person who performs the duties of a coroner or  
25 medical examiner; or

26 (9) a person who performs the duties of a paramedic or

1 an emergency medical technician.

2 (g) "Neglect" means another individual's failure to  
3 provide an eligible adult with or willful withholding from an  
4 eligible adult the necessities of life including, but not  
5 limited to, food, clothing, shelter or health care. This  
6 subsection does not create any new affirmative duty to provide  
7 support to eligible adults. Nothing in this Act shall be  
8 construed to mean that an eligible adult is a victim of neglect  
9 because of health care services provided or not provided by  
10 licensed health care professionals.

11 (h) "Provider agency" means any public or nonprofit agency  
12 in a planning and service area appointed by the regional  
13 administrative agency with prior approval by the Department on  
14 Aging to receive and assess reports of alleged or suspected  
15 abuse, neglect, or financial exploitation.

16 (i) "Regional administrative agency" means any public or  
17 nonprofit agency in a planning and service area so designated  
18 by the Department, provided that the designated Area Agency on  
19 Aging shall be designated the regional administrative agency if  
20 it so requests. The Department shall assume the functions of  
21 the regional administrative agency for any planning and service  
22 area where another agency is not so designated.

23 (i-5) "Self-neglect" means a condition that is the result  
24 of an eligible adult's inability, due to physical or mental  
25 impairments, or both, or a diminished capacity, to perform  
26 essential self-care tasks that substantially threaten his or

1 her own health, including: providing essential food, clothing,  
2 shelter, and health care; and obtaining goods and services  
3 necessary to maintain physical health, mental health,  
4 emotional well-being, and general safety.

5 (j) "Substantiated case" means a reported case of alleged  
6 or suspected abuse, neglect, financial exploitation, or  
7 self-neglect in which a provider agency, after assessment,  
8 determines that there is reason to believe abuse, neglect, or  
9 financial exploitation has occurred.

10 (Source: P.A. 94-1064, eff. 1-1-07; 95-639, eff. 10-5-07;  
11 95-689, eff. 10-29-07; 95-876, eff. 8-21-08.)

12 Section 90-158. The Older Adult Services Act is amended by  
13 changing Section 10 as follows:

14 (320 ILCS 42/10)

15 Sec. 10. Definitions. In this Act:

16 "Advisory Committee" means the Older Adult Services  
17 Advisory Committee.

18 "Certified nursing home" means any nursing home licensed  
19 under the Nursing Home Care Act or the MR/DD Community Care Act  
20 and certified under Title XIX of the Social Security Act to  
21 participate as a vendor in the medical assistance program under  
22 Article V of the Illinois Public Aid Code.

23 "Comprehensive case management" means the assessment of  
24 needs and preferences of an older adult at the direction of the

1 older adult or the older adult's designated representative and  
2 the arrangement, coordination, and monitoring of an optimum  
3 package of services to meet the needs of the older adult.

4 "Consumer-directed" means decisions made by an informed  
5 older adult from available services and care options, which may  
6 range from independently making all decisions and managing  
7 services directly to limited participation in decision-making,  
8 based upon the functional and cognitive level of the older  
9 adult.

10 "Coordinated point of entry" means an integrated access  
11 point where consumers receive information and assistance,  
12 assessment of needs, care planning, referral, assistance in  
13 completing applications, authorization of services where  
14 permitted, and follow-up to ensure that referrals and services  
15 are accessed.

16 "Department" means the Department on Aging, in  
17 collaboration with the departments of Public Health and  
18 Healthcare and Family Services and other relevant agencies and  
19 in consultation with the Advisory Committee, except as  
20 otherwise provided.

21 "Departments" means the Department on Aging, the  
22 departments of Public Health and Healthcare and Family  
23 Services, and other relevant agencies in collaboration with  
24 each other and in consultation with the Advisory Committee,  
25 except as otherwise provided.

26 "Family caregiver" means an adult family member or another

1 individual who is an uncompensated provider of home-based or  
2 community-based care to an older adult.

3 "Health services" means activities that promote, maintain,  
4 improve, or restore mental or physical health or that are  
5 palliative in nature.

6 "Older adult" means a person age 60 or older and, if  
7 appropriate, the person's family caregiver.

8 "Person-centered" means a process that builds upon an older  
9 adult's strengths and capacities to engage in activities that  
10 promote community life and that reflect the older adult's  
11 preferences, choices, and abilities, to the extent  
12 practicable.

13 "Priority service area" means an area identified by the  
14 Departments as being less-served with respect to the  
15 availability of and access to older adult services in Illinois.  
16 The Departments shall determine by rule the criteria and  
17 standards used to designate such areas.

18 "Priority service plan" means the plan developed pursuant  
19 to Section 25 of this Act.

20 "Provider" means any supplier of services under this Act.

21 "Residential setting" means the place where an older adult  
22 lives.

23 "Restructuring" means the transformation of Illinois'  
24 comprehensive system of older adult services from funding  
25 primarily a facility-based service delivery system to  
26 primarily a home-based and community-based system, taking into

1 account the continuing need for 24-hour skilled nursing care  
2 and congregate housing with services.

3 "Services" means the range of housing, health, financial,  
4 and supportive services, other than acute health care services,  
5 that are delivered to an older adult with functional or  
6 cognitive limitations, or socialization needs, who requires  
7 assistance to perform activities of daily living, regardless of  
8 the residential setting in which the services are delivered.

9 "Supportive services" means non-medical assistance given  
10 over a period of time to an older adult that is needed to  
11 compensate for the older adult's functional or cognitive  
12 limitations, or socialization needs, or those services  
13 designed to restore, improve, or maintain the older adult's  
14 functional or cognitive abilities.

15 (Source: P.A. 95-331, eff. 8-21-07.)"; and

16 on page 422, after line 6, by inserting the following:

17 "Section 90-167. The Protection and Advocacy for Mentally  
18 Ill Persons Act is amended by changing Section 3 as follows:

19 (405 ILCS 45/3) (from Ch. 91 1/2, par. 1353)

20 Sec. 3. Powers and Duties.

21 (A) In order to properly exercise its powers and duties,  
22 the agency shall have the authority to:

23 (1) Investigate incidents of abuse and neglect of

1           mentally ill persons if the incidents are reported to the  
2           agency or if there is probable cause to believe that the  
3           incidents occurred. In case of conflict with provisions of  
4           the Abused and Neglected Child Reporting Act or the Nursing  
5           Home Care Act, the provisions of those Acts shall apply.

6           (2) Pursue administrative, legal and other appropriate  
7           remedies to ensure the protection of the rights of mentally  
8           ill persons who are receiving care and treatment in this  
9           State.

10          (3) Pursue administrative, legal and other remedies on  
11          behalf of an individual who:

12                 (a) was a mentally ill individual; and

13                 (b) is a resident of this State, but only with  
14                 respect to matters which occur within 90 days after the  
15                 date of the discharge of such individual from a  
16                 facility providing care and treatment.

17          (4) Establish a board which shall:

18                 (a) advise the protection and advocacy system on  
19                 policies and priorities to be carried out in protecting  
20                 and advocating the rights of mentally ill individuals;  
21                 and

22                 (b) include attorneys, mental health  
23                 professionals, individuals from the public who are  
24                 knowledgeable about mental illness, a provider of  
25                 mental health services, individuals who have received  
26                 or are receiving mental health services and family



1 members of such individuals. At least one-half the  
2 members of the board shall be individuals who have  
3 received or are receiving mental health services or who  
4 are family members of such individuals.

5 (5) On January 1, 1988, and on January 1 of each  
6 succeeding year, prepare and transmit to the Secretary of  
7 the United States Department of Health and Human Services  
8 and to the Illinois Secretary of Human Services a report  
9 describing the activities, accomplishments and  
10 expenditures of the protection and advocacy system during  
11 the most recently completed fiscal year.

12 (B) The agency shall have access to all mental health  
13 facilities as defined in Sections 1-107 and 1-114 of the Mental  
14 Health and Developmental Disabilities Code, all facilities as  
15 defined in Section 1-113 of the Nursing Home Care Act, all  
16 facilities as defined in Section 1-113 of the MR/DD Community  
17 Care Act, all facilities as defined in Section 2.06 of the  
18 Child Care Act of 1969, as now or hereafter amended, and all  
19 other facilities providing care or treatment to mentally ill  
20 persons. Such access shall be granted for the purposes of  
21 meeting with residents and staff, informing them of services  
22 available from the agency, distributing written information  
23 about the agency and the rights of persons who are mentally  
24 ill, conducting scheduled and unscheduled visits, and  
25 performing other activities designed to protect the rights of  
26 mentally ill persons.

1           (C) The agency shall have access to all records of mentally  
2 ill persons who are receiving care or treatment from a  
3 facility, subject to the limitations of this Act, the Mental  
4 Health and Developmental Disabilities Confidentiality Act, the  
5 Nursing Home Care Act and the Child Care Act of 1969, as now or  
6 hereafter amended. If the mentally ill person has a legal  
7 guardian other than the State or a designee of the State, the  
8 facility director shall disclose the guardian's name, address  
9 and telephone number to the agency upon its request. In cases  
10 of conflict with provisions of the Abused and Neglected Child  
11 Reporting Act and the Nursing Home Care Act, the provisions of  
12 the Abused and Neglected Child Reporting Act and the Nursing  
13 Home Care Act shall apply. The agency shall also have access,  
14 for the purpose of inspection and copying, to the records of a  
15 mentally ill person (i) who by reason of his or her mental or  
16 physical condition is unable to authorize the agency to have  
17 such access; (ii) who does not have a legal guardian or for  
18 whom the State or a designee of the State is the legal  
19 guardian; and (iii) with respect to whom a complaint has been  
20 received by the agency or with respect to whom there is  
21 probable cause to believe that such person has been subjected  
22 to abuse or neglect.

23           The agency shall provide written notice to the mentally ill  
24 person and the State guardian of the nature of the complaint  
25 based upon which the agency has gained access to the records.  
26 No record or the contents of the record shall be redisclosed by

1 the agency unless the person who is mentally ill and the State  
2 guardian are provided 7 days advance written notice, except in  
3 emergency situations, of the agency's intent to redisclose such  
4 record. Within such 7-day period, the mentally ill person or  
5 the State guardian may seek an injunction prohibiting the  
6 agency's redisclosure of such record on the grounds that such  
7 redisclosure is contrary to the interests of the mentally ill  
8 person.

9 Upon request, the authorized agency shall be entitled to  
10 inspect and copy any clinical or trust fund records of mentally  
11 ill persons which may further the agency's investigation of  
12 alleged problems affecting numbers of mentally ill persons.  
13 When required by law, any personally identifiable information  
14 of mentally ill persons shall be removed from the records.  
15 However, the agency may not inspect or copy any records or  
16 other materials when the removal of personally identifiable  
17 information imposes an unreasonable burden on any facility as  
18 defined by the Mental Health and Developmental Disabilities  
19 Code, the Nursing Home Care Act or the Child Care Act of 1969,  
20 or any other facility providing care or treatment to mentally  
21 ill persons.

22 (D) Prior to instituting any legal action in a federal or  
23 State court on behalf of a mentally ill individual, an eligible  
24 protection and advocacy system, or a State agency or nonprofit  
25 organization which entered into a contract with such an  
26 eligible system under Section 104(a) of the federal Protection

1 and Advocacy for Mentally Ill Individuals Act of 1986, shall  
2 exhaust in a timely manner all administrative remedies where  
3 appropriate. If, in pursuing administrative remedies, the  
4 system, State agency or organization determines that any matter  
5 with respect to such individual will not be resolved within a  
6 reasonable time, the system, State agency or organization may  
7 pursue alternative remedies, including the initiation of  
8 appropriate legal action.

9 (Source: P.A. 89-507, eff. 7-1-97.); and

10 on page 431, by replacing lines 19 and 20 with the following:

11 "otherwise subject to the Child Care Act of 1969 or the MR/DD  
12 Community Care Act ~~Nursing Home Care Act~~, as now or"; and

13 on page 455, after line 6, by inserting the following:

14 "Section 90-187. The Secure Residential Youth Care  
15 Facility Licensing Act is amended by changing Section 45-10 as  
16 follows:

17 (730 ILCS 175/45-10)

18 Sec. 45-10. Definitions. As used in this Act:

19 "Department" means the Illinois Department of Corrections.

20 "Director" means the Director of Corrections.

21 "Secure residential youth care facility" means a facility

22 (1) where youth are placed and reside for care, treatment, and

1 custody; (2) that is designed and operated so as to ensure that  
2 all entrances and exits from the facility, or from a building  
3 or distinct part of a building within the facility, are under  
4 the exclusive control of the staff of the facility, whether or  
5 not the youth has freedom of movement within the perimeter of  
6 the facility or within the perimeter of a building or distinct  
7 part of a building within the facility; and (3) that uses  
8 physically restrictive construction including, but not limited  
9 to, locks, bolts, gates, doors, bars, fences, and screen  
10 barriers. This definition does not include jails, prisons,  
11 detention centers, or other such correctional facilities;  
12 State operated mental health facilities; or facilities  
13 operating as psychiatric hospitals under a license pursuant to  
14 the MR/DD Community Care Act, the Nursing Home Care Act, or the  
15 Hospital Licensing Act.

16 "Youth" means an adjudicated delinquent who is 18 years of  
17 age or under and is transferred to the Department pursuant to  
18 Section 3-10-11 of the Unified Code of Corrections.

19 (Source: P.A. 88-680, eff. 1-1-95.); and

20 on page 457, by replacing lines 9 and 10 with the following:

21 "Section 99-99. Effective date. This Act takes effect July  
22 1, 2010."