



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB4055

by Rep. Dan Brady

SYNOPSIS AS INTRODUCED:

305 ILCS 5/3-8	from Ch. 23, par. 3-8
305 ILCS 5/4-10	from Ch. 23, par. 4-10
305 ILCS 5/5-12	from Ch. 23, par. 5-12
305 ILCS 5/6-6	from Ch. 23, par. 6-6
305 ILCS 5/12-4.11	from Ch. 23, par. 12-4.11

Amends the Illinois Public Aid Code. Provides that the Department of Human Services shall pay, subject to appropriation and in accordance with Department standards and rules (rather than standards, rules, and regulations), the actual cost of the funeral and burial or cremation, or the maximum allowable amount for each service, whichever is less, of a deceased public aid recipient if the recipient's estate is insufficient to pay for such costs (rather than such reasonable amounts as may be necessary to meet costs of the funeral, burial space, and cemetery charges). Provides that the Department shall reduce its payments by the amount available from the following sources: the decedent's assets and available resources and the anticipated amounts of any death benefits available to the decedent's estate, and amounts paid and arranged to be paid by the decedent's legally responsible relatives. Eliminates language establishing a minimum allowable amount of not less than \$1,000 for Department payment of funeral services and not less than \$500 for Department payment of burial or cremation services. Eliminates language requiring the Department on January 1, 2006, July 1, 2006, and July 1, 2007 to increase the minimum reimbursement amount for funeral and burial services by a percentage equal to the percentage increase in the Consumer Price Index for all Urban Consumers, if any, during the 12 months immediately preceding that January 1 or July 1.

LRB097 14458 KTG 62246 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning public aid.

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

4 Section 5. The Illinois Public Aid Code is amended by
5 changing Sections 3-8, 4-10, 5-12, 6-6, and 12-4.11 as follows:

6 (305 ILCS 5/3-8) (from Ch. 23, par. 3-8)

7 Sec. 3-8. Funeral and burial. If the estate of a deceased
8 recipient is insufficient to pay for funeral and burial
9 expenses, and if no other resources, including assistance from
10 legally responsible relatives, are available for such
11 purposes, the Department shall pay, subject to appropriation
12 and there shall be paid, in accordance with the standards and
13 rules ~~, rules and regulations~~ of the Illinois Department, the
14 actual cost of the funeral and burial or cremation, or the
15 maximum allowable amount for each service, whichever is less.
16 The Department shall reduce its payments by the amount
17 available from the following sources: the decedent's assets and
18 available resources and the anticipated amounts of any death
19 benefits available to the decedent's estate, and amounts paid
20 and arranged to be paid by the decedent's legally responsible
21 relatives. The Department shall either pay the vendor or ~~such~~
22 reasonable amounts as may be necessary to meet costs of the
23 funeral, burial space, and cemetery charges, or to reimburse

1 any person not financially responsible for the deceased who has
2 voluntarily made expenditures for such costs.

3 (Source: P.A. 90-372, eff. 7-1-98.)

4 (305 ILCS 5/4-10) (from Ch. 23, par. 4-10)

5 Sec. 4-10. Funeral and burial. If the estate of a deceased
6 recipient is insufficient to pay for funeral and burial
7 expenses, and if no other resources, including assistance from
8 legally responsible relatives, are available for such
9 purposes, the Department shall pay, subject to appropriation
10 and there shall be paid, in accordance with the standards and
11 rules ~~, rules and regulations~~ of the Illinois Department, the
12 actual cost of the funeral and burial or cremation, or the
13 maximum allowable amount for each service, whichever is less.
14 The Department shall reduce its payments by the amount
15 available from the following sources: the decedent's assets and
16 available resources and the anticipated amounts of any death
17 benefits available to the decedent's estate, and amounts paid
18 and arranged to be paid by the decedent's legally responsible
19 relatives. The Department shall either pay the vendor or ~~such~~
20 ~~reasonable amounts as may be necessary to meet costs of the~~
21 ~~funeral, burial space, and cemetery charges or to reimburse any~~
22 person not financially responsible for the deceased who has
23 voluntarily made expenditures for such costs.

24 (Source: P.A. 90-372, eff. 7-1-98.)

1 (305 ILCS 5/5-12) (from Ch. 23, par. 5-12)

2 Sec. 5-12. Funeral and burial. Upon the death of a
3 recipient who qualified under class 2, 3 or 4 of Section 5-2,
4 if his estate is insufficient to pay his funeral and burial
5 expenses and if no other resources, including assistance from
6 legally responsible relatives, are available for such
7 purposes, the Department shall pay, subject to appropriation
8 and there shall be paid, in accordance with the standards and
9 rules ~~, rules and regulations~~ of the Illinois Department of
10 Human Services, the actual cost of the funeral and burial or
11 cremation, or the maximum allowable amount for each service,
12 whichever is less. The Department shall reduce its payments by
13 the amount available from the following sources: the decedent's
14 assets and available resources and the anticipated amounts of
15 any death benefits available to the decedent's estate, and
16 amounts paid and arranged to be paid by the decedent's legally
17 responsible relatives. The Department shall either pay the
18 vendor or ~~such reasonable amounts as may be necessary to meet~~
19 ~~the costs of the funeral, burial space, and cemetery charges,~~
20 ~~or to~~ reimburse any person not financially responsible for the
21 deceased who has voluntarily made expenditures for such costs.

22 (Source: P.A. 92-651, eff. 7-11-02.)

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

24 Sec. 6-6. Funeral and Burial.

25 If the estate of a deceased recipient is insufficient to

1 pay for funeral and burial expenses and if no other resources
2 including assistance from legally responsible relatives or the
3 United States Veterans Administration, are available for such
4 purposes, the Department shall pay, subject to appropriation
5 and there shall be paid, in accordance with the standards and
6 rules ~~, rules and regulations~~ of the Illinois Department, the
7 actual cost of the funeral and burial or cremation, or the
8 maximum allowable amount for each service, whichever is less.
9 The Department shall reduce its payments by the amount
10 available from the following sources: the decedent's assets and
11 available resources and the anticipated amounts of any death
12 benefits available to the decedent's estate, and amounts paid
13 and arranged to be paid by the decedent's legally responsible
14 relatives. The Department shall either pay the vendor or ~~such~~
15 amounts as may be necessary to meet costs of the funeral,
16 burial space, and cemetery charges, or to reimburse any person
17 not financially responsible for the deceased who has
18 voluntarily made expenditures for such costs.

19 (Source: P.A. 90-372, eff. 7-1-98.)

20 (305 ILCS 5/12-4.11) (from Ch. 23, par. 12-4.11)

21 Sec. 12-4.11. Grant amounts. The Department, with due
22 regard for and subject to budgetary limitations, shall
23 establish grant amounts for each of the programs, by
24 regulation. The grant amounts may vary by program, size of
25 assistance unit and geographic area.

1 Aid payments shall not be reduced except: (1) for changes
2 in the cost of items included in the grant amounts, or (2) for
3 changes in the expenses of the recipient, or (3) for changes in
4 the income or resources available to the recipient, or (4) for
5 changes in grants resulting from adoption of a consolidated
6 grant amount.

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

12 In fixing standards to govern payments or reimbursements
13 for funeral and burial expenses, the Department shall establish
14 by rule, subject to appropriation, a maximum amount ~~a minimum~~
15 ~~allowable amount of not less than \$1,000~~ for Department payment
16 of funeral services and ~~not less than \$500 for Department~~
17 ~~payment of burial or cremation services. On January 1, 2006,~~
18 ~~July 1, 2006, and July 1, 2007, the Department shall increase~~
19 ~~the minimum reimbursement amount for funeral and burial~~
20 ~~expenses under this Section by a percentage equal to the~~
21 ~~percentage increase in the Consumer Price Index for All Urban~~
22 ~~Consumers, if any, during the 12 months immediately preceding~~
23 ~~that January 1 or July 1. In establishing the minimum allowable~~
24 ~~amount, the Department shall take into account the services~~
25 ~~essential to a dignified, low-cost (i) funeral and (ii) burial~~
26 ~~or cremation, including reasonable amounts that may be~~

1 ~~necessary for burial space and cemetery charges, and any~~
2 ~~applicable taxes or other required governmental fees or~~
3 ~~charges.~~ If no person has agreed to pay the total cost of the
4 (i) funeral and (ii) burial or cremation charges, the
5 Department shall pay the vendor the actual costs of the (i)
6 funeral and (ii) burial or cremation, or the maximum ~~minimum~~
7 allowable amount for each service as established by the
8 Department, whichever is less, provided that the Department
9 reduces its payments by the amount available from the following
10 sources: the decedent's assets and available resources and the
11 anticipated amounts of any death benefits available to the
12 decedent's estate, and amounts paid and arranged to be paid by
13 the decedent's legally responsible relatives. A legally
14 responsible relative is expected to pay (i) funeral and (ii)
15 burial or cremation expenses unless financially unable to do
16 so.

17 Nothing contained in this Section or in any other Section
18 of this Code shall be construed to prohibit the Illinois
19 Department (1) from consolidating existing standards on the
20 basis of any standards which are or were in effect on, or
21 subsequent to July 1, 1969, or (2) from employing any
22 consolidated standards in determining need for public aid and
23 the amount of money payment or grant for individual recipients
24 or recipient families.

25 (Source: P.A. 95-744, eff. 7-18-08; 95-1055, eff. 4-10-09;
26 96-1000, eff. 7-2-10.)