

# HB2824



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB2824

by Rep. Bill Mitchell

#### SYNOPSIS AS INTRODUCED:

See Index

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

LRB098 09387 KTG 39528 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning pharmaceutical assistance.

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

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

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

7 Sec. 5-45. Emergency rulemaking.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (30 ILCS 105/6z-52)

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

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

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

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

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

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

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

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

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

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

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

26 (3) Any premium collected by the Illinois Department



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

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

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

8 (30 ILCS 105/6z-81)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (30 ILCS 740/2-15.2)

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

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

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

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

2 (30 ILCS 740/2-15.3)

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

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

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

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

20 (35 ILCS 200/15-172)

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

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

1 Assessment Freeze Homestead Exemption.

2 (b) As used in this Section:

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

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

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

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

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

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

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

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

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

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

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

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

11 "Maximum income limitation" means:

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 When married persons maintain separate residences, the

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

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

1 a method for verifying the accuracy of affidavits filed by  
2 applicants under this Section, and the Chief County Assessment  
3 Officer may conduct audits of any taxpayer claiming an  
4 exemption under this Section to verify that the taxpayer is  
5 eligible to receive the exemption. Each application shall  
6 contain or be verified by a written declaration that it is made  
7 under the penalties of perjury. A taxpayer's signing a  
8 fraudulent application under this Act is perjury, as defined in  
9 Section 32-2 of the Criminal Code of 2012. The applications  
10 shall be clearly marked as applications for the Senior Citizens  
11 Assessment Freeze Homestead Exemption and must contain a notice  
12 that any taxpayer who receives the exemption is subject to an  
13 audit by the Chief County Assessment Officer.

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

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

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

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

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

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

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

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



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

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

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

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

1 (Source: P.A. 96-339, eff. 7-1-10; 96-355, eff. 1-1-10;  
2 96-1000, eff. 7-2-10; 97-38, eff. 6-28-11; 97-227, eff. 1-1-12;  
3 97-689, eff. 6-14-12; 97-813, eff. 7-13-12; 97-1150, eff.  
4 1-25-13.)

5 (35 ILCS 200/15-175)

6 Sec. 15-175. General homestead exemption.

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

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

1 \$5,000, for taxable year 2008, the maximum reduction is \$5,500,  
2 and, for taxable years 2009 and thereafter, the maximum  
3 reduction is \$6,000 in all counties. If a county has elected to  
4 subject itself to the provisions of Section 15-176 as provided  
5 in subsection (k) of that Section, then, for the first taxable  
6 year only after the provisions of Section 15-176 no longer  
7 apply, for owners who, for the taxable year, have not been  
8 granted a senior citizens assessment freeze homestead  
9 exemption under Section 15-172 or a long-time occupant  
10 homestead exemption under Section 15-177, there shall be an  
11 additional exemption of \$5,000 for owners with a household  
12 income of \$30,000 or less.

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

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

1 value of the property for 1977 shall be applied to the property  
2 on a proportionate basis for the period the property qualified  
3 as homestead property during the assessment year. The maximum  
4 proportionate homestead exemption shall not exceed the maximum  
5 homestead exemption allowed in the county under this Section  
6 divided by 365 and multiplied by the number of days the  
7 property qualified as homestead property.

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

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

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

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

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

23 "Lessee shall be liable for the payment of real  
24 estate taxes with respect to the residence in  
25 accordance with the terms and conditions of Section  
26 15-175 of the Property Tax Code (35 ILCS 200/15-175).

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

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

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

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

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

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

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

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

24 (g) In a cooperative where a homestead exemption has been  
25 granted, the cooperative association or its management firm  
26 shall credit the savings resulting from that exemption only to

1 the apportioned tax liability of the owner who qualified for  
2 the exemption. Any person who willfully refuses to so credit  
3 the savings shall be guilty of a Class B misdemeanor.

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

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

26 (j) In counties with fewer than 3,000,000 inhabitants, in

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

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

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

12 (35 ILCS 200/20-15)

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

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



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

6           (c) the total tax rate,

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

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

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

14          In all counties the statement shall also provide:

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

17           (2) the assessment of the property,

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

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

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

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

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

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

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

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

1 (35 ILCS 200/21-27)

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

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

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

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

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

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

23 (b) With respect to property that qualifies as a brownfield  
24 site under Section 58.2 of the Environmental Protection Act,  
25 the county board, upon the recommendation of the county

1 treasurer, may adopt a resolution to waive an interest penalty  
2 for the delinquent payment of taxes for any year that otherwise  
3 would be imposed under Section 21-15, 21-20, or 21-25 if all of  
4 the following criteria are met:

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

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

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

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

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

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

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

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

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

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

1 or by affidavit in substantially the following form:

2 APPLICATION FOR REDUCTION OF MOBILE HOME LOCAL SERVICES TAX

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

6 (1) Senior Citizens

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

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

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

13 (2) Disabled Persons

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

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

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

22 Dated (insert date).

23 .....  
24 Signature of owner  
25 .....

26 (Address)

1 .....  
2

3 (City) (State) (Zip)

4 Approved by:

5 .....

6 (Assessor)

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

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

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

14 (70 ILCS 3605/51)

15 Sec. 51. Free services; eligibility.

16 (a) Notwithstanding any law to the contrary, no later than  
17 60 days following the effective date of this amendatory Act of  
18 the 95th General Assembly and until subsection (b) is  
19 implemented, any fixed route public transportation services  
20 provided by, or under grant or purchase of service contracts  
21 of, the Board shall be provided without charge to all senior  
22 citizens of the Metropolitan Region (as such term is defined in  
23 70 ILCS 3615/1.03) aged 65 and older, under such conditions as

1 shall be prescribed by the Board.

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

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

18 (70 ILCS 3605/52)

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



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

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

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

11             (70 ILCS 3610/8.6)

12             Sec. 8.6. Free services; eligibility.

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

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

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

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

14 (70 ILCS 3610/8.7)

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

1 furnish all information reasonably necessary to determine  
2 eligibility, including updated lists of individuals who are  
3 eligible for services without charge under this Section.

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

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

8 (70 ILCS 3615/3A.15)

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

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

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

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

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

12 (70 ILCS 3615/3A.16)

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

1 eligible for services without charge under this Section.

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

3 (70 ILCS 3615/3B.14)

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

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

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

1 including updated lists of individuals who are eligible for  
2 services without charge under this Section. Nothing in this  
3 Section shall relieve the Commuter Rail Board from providing  
4 reduced fares as may be required by federal law.

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

6 (70 ILCS 3615/3B.15)

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

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

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

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

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

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

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

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

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

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

20 (220 ILCS 10/9) (from Ch. 111 2/3, par. 909)

21 Sec. 9. Mailing procedure.

22 (1) As used in this Section:

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

1           this Section.

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

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

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

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

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

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



1 directly.

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

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

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

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

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

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

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

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

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

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

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

1 of the individual or his or her dependents, including prepaid  
2 funeral and burial plans, to the same extent that such items  
3 are excluded from consideration under the federal Supplemental  
4 Security Income program (SSI).

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

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

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

26 (3) A prepaid, guaranteed-price funeral or burial

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

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

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

24 The homestead shall be exempt from consideration except to  
25 the extent that it meets the income and shelter needs of the  
26 person. "Homestead" means the dwelling house and contiguous

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

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

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

1 that the establishment or implementation of such a standard or  
2 supplement shall not result in reductions in benefits under  
3 this Article for the then current recipients of such benefits.

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

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

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



1 Supplemental Security Income (SSI) due to expiration of the  
2 period of eligibility for refugees and asylees pursuant to 8  
3 U.S.C. 1612(a)(2) shall not exceed \$500 per month.

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

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

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

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

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

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

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

16 (305 ILCS 5/4-2) (from Ch. 23, par. 4-2)

17 Sec. 4-2. Amount of aid.

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

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

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

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

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

1 the child in the foster home or institution in which he has  
2 been placed.

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

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

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

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

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

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

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

1 supplemental funds shall be used for employment and training  
2 services or transitional child care support.

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

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

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

1 this Article on January 1, 2004, with respect to children born  
2 prior to that date. In any event, subsection (f) shall be  
3 completely inoperative on and after July 1, 2007.

4 (g) (Blank).

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

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

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

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

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

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

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

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



1 fiscal year 2001, equal to or less than 85% in  
2 fiscal year 2002 and until a date to be determined  
3 by the Department by rule, and equal to or less  
4 than 100% beginning on the date determined by the  
5 Department by rule, of the nonfarm income official  
6 poverty line, as defined by the federal Office of  
7 Management and Budget and revised annually in  
8 accordance with Section 673(2) of the Omnibus  
9 Budget Reconciliation Act of 1981, applicable to  
10 families of the same size; or

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

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

1           permitted by federal law.

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

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

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

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

1 same size, provided that costs incurred for medical care  
2 are not taken into account in determining such income  
3 eligibility.

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

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

21 7. (Blank).

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

1 maintenance assistance under Article VI of this Code due to  
2 employment earnings. The plan for coverage for this class  
3 of persons shall:

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

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

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

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

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

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

25 9. Persons with acquired immunodeficiency syndrome  
26 (AIDS) or with AIDS-related conditions with respect to whom

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

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

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

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

26                  (b) exempt retirement accounts that the person

1 cannot access without penalty before the age of 59 1/2,  
2 and medical savings accounts established pursuant to  
3 26 U.S.C. 220;

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

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

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

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

25 (2) persons whose screenings under the above  
26 program were funded in whole or in part by funds

1           appropriated to the Illinois Department of Public  
2           Health for breast or cervical cancer screening.

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

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

1 approval.

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

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



1 appeal. The Department may adopt rules governing the  
2 implementation of this paragraph 14.

3 15. Family Care Eligibility.

4 (a) On and after July 1, 2012, a caretaker relative  
5 who is 19 years of age or older when countable income  
6 is at or below 133% of the Federal Poverty Level  
7 Guidelines, as published annually in the Federal  
8 Register, for the appropriate family size. A person may  
9 not spend down to become eligible under this paragraph  
10 15.

11 (b) Eligibility shall be reviewed annually.

12 (c) (Blank).

13 (d) (Blank).

14 (e) (Blank).

15 (f) (Blank).

16 (g) (Blank).

17 (h) (Blank).

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

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

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

1 services under this paragraph 16 and (ii) does not have a  
2 lien against any homestead property or other legal or  
3 equitable real property interest owned by a recipient of  
4 services under this paragraph 16.

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

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

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

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

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

1 time to time by the U.S. Department of Health and Human  
2 Services, unless the Department is provided with express  
3 statutory authority.

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

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

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

25 The eligibility of any person for medical assistance under  
26 this Article shall not be affected by the receipt by the person

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

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

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

1 pursuant to eligibility permitted as a result of such a State  
2 Medicaid waiver shall become immediately ineligible.

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

9 (305 ILCS 5/5-4) (from Ch. 23, par. 5-4)

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

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

1 actual control over the donations or benefits or the  
2 disbursement of the donations or benefits.

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

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

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

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

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

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

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



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

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

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

16 (305 ILCS 5/5A-8) (from Ch. 23, par. 5A-8)

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

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

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

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

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

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

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

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

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

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

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

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

19 Transfers under this paragraph shall be made within 7 days  
 20 after the payments have been received pursuant to the  
 21 schedule of payments provided in subsection (a) of Section  
 22 5A-4.

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

26           Health and Human Services Medicaid Trust

1	Fund.....	\$10,000,000
2	Long-Term Care Provider Fund .....	\$15,000,000
3	General Revenue Fund .....	\$40,000,000.

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

8 (7.5) (Blank).

9 (7.8) (Blank).

10 (7.9) (Blank).

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

18 Health Care Provider Relief Fund .... \$50,000,000

19 Transfers under this paragraph shall be made within 7  
20 days after the payments have been received pursuant to the  
21 schedule of payments provided in subsection (a) of Section  
22 5A-4.

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

1 Hospital Provider Fund under Section 5A-6 to the designated  
2 funds not exceeding the following amounts in that State  
3 fiscal year:

4 Health Care Provider Relief Fund . . . . \$25,000,000

5 Transfers under this paragraph shall be made within 7  
6 days after the payments have been received pursuant to the  
7 schedule of payments provided in subsection (a) of Section  
8 5A-4.

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

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

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

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

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

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

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

1 treasury.

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

4 (d) (Blank).

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

8 (305 ILCS 5/6-1.2) (from Ch. 23, par. 6-1.2)

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

16 In determining income to be taken into account:

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

23 (2) For income assistance units not comprised  
24 exclusively of one adult person, when authorized by rules  
25 and regulations of the Illinois Department, a portion of

1           earned income, not to exceed the first \$25 a month plus 50%  
2           of the next \$75, may be disregarded for the purpose of  
3           stimulating and aiding rehabilitative effort and  
4           self-support activity.

5           "Earned income" means money earned in self-employment or  
6           wages, salary, or commission for personal services performed as  
7           an employee. The eligibility of any applicant for or recipient  
8           of public aid under this Article is not affected by the payment  
9           of any grant under the "Senior Citizens and Disabled Persons  
10          Property Tax Relief and Pharmaceutical Assistance Act", any  
11          refund or payment of the federal Earned Income Tax Credit, or  
12          any distributions or items of income described under  
13          subparagraph (X) of paragraph (2) of subsection (a) of Section  
14          203 of the Illinois Income Tax Act.

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

16                 (305 ILCS 5/6-2) (from Ch. 23, par. 6-2)

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

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

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



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

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

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

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

19 (305 ILCS 5/12-9) (from Ch. 23, par. 12-9)

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

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

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

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

1 Insurance Program Act, ~~and~~ the Covering ALL KIDS Health  
2 Insurance Act, and the Senior Citizens and Disabled Persons  
3 Property Tax Relief and Pharmaceutical Assistance Act.  
4 Disbursements from this Fund for purposes of items (4) and (5)  
5 of this paragraph shall be subject to appropriations from the  
6 Fund to the Department of Healthcare and Family Services  
7 (formerly Illinois Department of Public Aid).

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

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

24 (Source: P.A. 96-1100, eff. 1-1-11; 97-647, eff. 1-1-12;  
25 97-689, eff. 6-14-12.)

1 Section 40. The Senior Citizens and Disabled Persons  
2 Property Tax Relief Act is amended by changing the title of the  
3 Act and Sections 1, 1.5, 2, 3.05a, 3.10, 4, 4.05, 5, 6, 7, 8, 9,  
4 12, and 13 as follows:

5 (320 ILCS 25/Act title)

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

9 (320 ILCS 25/1) (from Ch. 67 1/2, par. 401)

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

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

17 (320 ILCS 25/1.5)

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

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

6 ~~It is the purpose of this amendatory Act of the 97th~~  
7 ~~General Assembly to terminate the Illinois Senior Citizens and~~  
8 ~~Disabled Persons Pharmaceutical Assistance Program on July 1,~~  
9 ~~2012.~~

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

11 (320 ILCS 25/2) (from Ch. 67 1/2, par. 402)

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

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

20 (320 ILCS 25/3.05a)

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

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

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

8 (320 ILCS 25/3.10) (from Ch. 67 1/2, par. 403.10)

9 Sec. 3.10. Regulations. "Regulations" includes both rules  
10 promulgated and forms prescribed by the applicable Department.  
11 In this Act, references to the rules of the Department on Aging  
12 or the Department of Healthcare and Family Services, ~~in effect~~  
13 ~~prior to July 1, 2012,~~ shall be deemed to include, in  
14 appropriate cases, the corresponding rules adopted by the  
15 Department of Revenue, to the extent that those rules continue  
16 in force under Executive Order No. 3 of 2004.

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

18 (320 ILCS 25/4) (from Ch. 67 1/2, par. 404)

19 Sec. 4. Amount of Grant.

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

1 surviving spouse will become 65 years of age within the 24  
2 months immediately following the death of such claimant and  
3 which surviving spouse but for his or her age is otherwise  
4 qualified to receive a grant pursuant to this Section, and any  
5 disabled person whose annual household income is less than the  
6 income eligibility limitation, as defined in subsection (a-5)  
7 and whose household is liable for payment of property taxes  
8 accrued or has paid rent constituting property taxes accrued  
9 and is domiciled in this State at the time he or she files his  
10 or her claim is entitled to claim a grant under this Act. With  
11 respect to claims filed by individuals who will become 65 years  
12 old during the calendar year in which a claim is filed, the  
13 amount of any grant to which that household is entitled shall  
14 be an amount equal to 1/12 of the amount to which the claimant  
15 would otherwise be entitled as provided in this Section,  
16 multiplied by the number of months in which the claimant was 65  
17 in the calendar year in which the claim is filed.

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

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

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

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



1           For 2009 claim year applications submitted during calendar  
2 year 2010, a household must have annual household income of  
3 less than \$27,610 for a household containing one person; less  
4 than \$36,635 for a household containing 2 persons; or less than  
5 \$45,657 for a household containing 3 or more persons.

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

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

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

26           (c) Public aid recipients. If household income in one or

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

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

1 residence.

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

11 (f) (Blank).

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

1 ~~the extent necessary to pursue any actions authorized by~~  
2 ~~subsection (d) of Section 9 of this Act with respect to acts~~  
3 ~~which took place prior to July 1, 2012.~~

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

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

8 (2) be domiciled in this State; and

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

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

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

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

1       ~~containing 3 or more persons; and~~

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

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

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

26       Beneficiaries under the program established under this

1 subsection shall be divided into the following 4 eligibility  
2 groups:

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

6 (i) disabled and under age 65; or

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

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

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

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

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

1 from receiving federally funded means-tested benefits due  
2 to immigration status.

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

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

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

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

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

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

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

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



1 enrolled.

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

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

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

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

1 (h) A qualified individual is not entitled to duplicate  
2 benefits in a coverage period as a result of the changes made  
3 by this amendatory Act of the 96th General Assembly.

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

6 (320 ILCS 25/4.05)

7 Sec. 4.05. Application.

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

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

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

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

24 (320 ILCS 25/5) (from Ch. 67 1/2, par. 405)

1           Sec. 5. Procedure.

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

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

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

23           (d) (Blank).

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

1 using the applicant's current income. The Department shall  
2 determine a person's current income in the manner provided by  
3 the Department by rule.

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

8 (Source: P.A. 96-491, eff. 8-14-09; 96-804, eff. 1-1-10;  
9 96-1000, eff. 7-2-10; 97-689, eff. 6-14-12.)

10 (320 ILCS 25/6) (from Ch. 67 1/2, par. 406)

11 Sec. 6. Administration.

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

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

1 recompute rent constituting property taxes accrued  
2 accordingly.

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

8 (d) (Blank).

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

1       The Department shall promulgate rules and regulations to  
2 implement and administer the program of pharmaceutical  
3 assistance required by this Act, which shall include the  
4 following:

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

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

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

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

1           (4.5) Provision for automatic enrollment of  
2           beneficiaries into a Medicare Discount Card program  
3           authorized under the federal Medicare Modernization Act of  
4           2003 (P.L. 108-391) to coordinate coverage including  
5           Medicare Transitional Assistance.

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

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

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

15           (Source: P.A. 96-328, eff. 8-11-09; 97-333, eff. 8-12-11;  
16           97-689, eff. 6-14-12.)

17           (320 ILCS 25/7) (from Ch. 67 1/2, par. 407)

18           Sec. 7. Payment and denial of claims.

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

25           (b) Payment of claims one dollar and under. Where the

1 amount of the grant computed under Section 4 is less than one  
2 dollar, the Department shall pay to the claimant one dollar.

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

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

22 (d) (Blank).

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

24 (320 ILCS 25/8) (from Ch. 67 1/2, par. 408)

25 Sec. 8. Records. Every claimant of a grant under this Act



1 and, ~~prior to July 1, 2012,~~ every applicant for pharmaceutical  
2 assistance under this Act shall keep such records, render such  
3 statements, file such forms and comply with such rules and  
4 regulations as the Department on Aging may from time to time  
5 prescribe. The Department on Aging may by regulations require  
6 landlords to furnish to tenants statements as to gross rent or  
7 rent constituting property taxes accrued.

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

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

10 Sec. 9. Fraud; error.

11 (a) Any person who files a fraudulent claim for a grant  
12 under this Act, or who for compensation prepares a claim for a  
13 grant and knowingly enters false information on an application  
14 for any claimant under this Act, or who fraudulently files  
15 multiple applications, or who fraudulently states that a  
16 nondisabled person is disabled, or who, ~~prior to July 1, 2012,~~  
17 fraudulently procures pharmaceutical assistance benefits, or  
18 who fraudulently uses such assistance to procure covered  
19 prescription drugs, or who, on behalf of an authorized  
20 pharmacy, files a fraudulent request for payment, is guilty of  
21 a Class 4 felony for the first offense and is guilty of a Class  
22 3 felony for each subsequent offense.

23 (b) (Blank).

24 (b-5) The Department on Aging and the Department of  
25 Healthcare and Family Services shall immediately suspend the

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

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

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

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

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

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

2 Sec. 12. Regulations - Department on Aging.

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

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

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

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

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

23 (4) through use of direct mail, newspaper  
24 advertisements and radio and television advertisements,  
25 and all other appropriate means of communication, conduct

1 an on-going public relations program to increase awareness  
2 of eligible citizens of the benefits under this Act and the  
3 procedures for applying for them.

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

5 (320 ILCS 25/13) (from Ch. 67 1/2, par. 413)

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

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

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

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

21 (320 ILCS 30/2) (from Ch. 67 1/2, par. 452)

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

23 (a) "Taxpayer" means an individual whose household income

1 for the year is no greater than: (i) \$40,000 through tax year  
2 2005; (ii) \$50,000 for tax years 2006 through 2011; and (iii)  
3 \$55,000 for tax year 2012 and thereafter.

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

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

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

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

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

1 first time effective as of the January 1, 2011 assessment year  
2 or tax year 2012 and thereafter.

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

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

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

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

18 (320 ILCS 30/8) (from Ch. 67 1/2, par. 458)

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

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

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

3 (320 ILCS 50/5)

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

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

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

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

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

24 (5) In addition to the State pharmaceutical assistance

1 programs, several private entities, such as drug manufacturers  
2 and pharmacies, also offer prescription drug discount or  
3 coverage programs.

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

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

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

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

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

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



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

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

3 (a) Any veteran who holds proof of a service-connected  
4 disability from the United States Department of Veterans  
5 Affairs, and who has obtained certification from a licensed  
6 physician, physician assistant, or advanced practice nurse  
7 that the service-connected disability qualifies the veteran  
8 for issuance of registration plates or decals to a person with  
9 disabilities in accordance with Section 3-616, may, without the  
10 payment of any registration fee, make application to the  
11 Secretary of State for disabled veterans license plates  
12 displaying the international symbol of access, for the  
13 registration of one motor vehicle of the first division or one  
14 motor vehicle of the second division weighing not more than  
15 8,000 pounds.

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

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

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

16 (e) Any person eligible to receive license plates under  
17 this Section who has been approved for benefits under the  
18 Senior Citizens and Disabled Persons Property Tax Relief and  
19 Pharmaceutical Assistance Act, or who has claimed and received  
20 a grant under that Act, shall pay a fee of \$24 instead of the  
21 fee otherwise provided in this Code for passenger cars  
22 displaying standard multi-year registration plates issued  
23 under Section 3-414.1, for motor vehicles registered at 8,000  
24 pounds or less under Section 3-815(a), or for recreational  
25 vehicles registered at 8,000 pounds or less under Section  
26 3-815(b), for a second set of plates under this Section.

1 (Source: P.A. 96-79, eff. 1-1-10; 97-689, eff. 6-14-12; 97-918,  
2 eff. 1-1-13; revised 8-23-12.)

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

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

22 The design and color of such plates shall be wholly within  
23 the discretion of the Secretary of State. Appropriate  
24 documentation, as determined by the Secretary, and the  
25 appropriate registration fee shall accompany the application.

1 However, for an individual who has been issued Purple Heart  
2 plates for a vehicle and who has been approved for benefits  
3 under the Senior Citizens and Disabled Persons Property Tax  
4 Relief and Pharmaceutical Assistance Act, the annual fee for  
5 the registration of the vehicle shall be as provided in Section  
6 3-806.3 of this Code.

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

8 (625 ILCS 5/3-626)

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

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

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

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

8 (c) (Blank).

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

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

1 registration of the vehicle as provided in Section 3-806.3 of  
2 this Code in addition to the fees specified in subsection (c)  
3 of this Section.

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

5 (625 ILCS 5/3-667)

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

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

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

1 Section 3-412 of this Code. The Secretary shall prescribe the  
2 eligibility requirements and, in his or her discretion, shall  
3 approve and prescribe stickers or decals as provided under  
4 Section 3-412.

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

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

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

18 (625 ILCS 5/3-683)

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

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

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

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

19 (625 ILCS 5/3-806.3) (from Ch. 95 1/2, par. 3-806.3)

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



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

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

1 year in which the claimant was eligible.

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

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

10 (625 ILCS 5/11-1301.2) (from Ch. 95 1/2, par. 11-1301.2)

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

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

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

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

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

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

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

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

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

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

26 (2) reach above his or her head to a height of 42

1 inches from the ground, due to a lack of finger, hand, or  
2 upper extremity strength or mobility;

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

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

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

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

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

1 Assistance Act.

2 (Source: P.A. 96-72, eff. 1-1-10; 96-79, eff. 1-1-10; 96-1000,  
3 eff. 7-2-10; 97-689, eff. 6-14-12; 97-845, eff. 1-1-13; revised  
4 8-3-12.)

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

7 (720 ILCS 5/17-6.5)

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

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

20 (1) The homestead exemptions and homestead improvement  
21 exemption under Sections 15-170, 15-175, 15-176, and  
22 15-180 of the Property Tax Code.

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

1 Act.

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

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

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

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

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

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

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

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

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

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

1           (4) the total monetary value of the benefits received  
2           is \$5,000 or more but less than \$10,000, the person is  
3           guilty of a Class 2 felony; a second or subsequent  
4           violation is a Class 1 felony; or

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

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

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

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



1 account of race, religion, national origin, or political  
2 opinion under the direction of or in association with the Nazi  
3 government of Germany or its allies.

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

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

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

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

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