



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004
HB4433

Introduced 02/03/04, by Elaine Nekritz

SYNOPSIS AS INTRODUCED:

305 ILCS 5/11-8

from Ch. 23, par. 11-8

Amends the Illinois Public Aid Code. Provides that the members of each Public Aid Committee and the members of the Cook County Townships Public Aid Committee are immune from personal liability in connection with their service on the committee to the same extent as an elected or appointed judge in this State is immune from personal liability in connection with the performance of his or her duties as judge. Effective immediately.

LRB093 17732 DRJ 43411 b

1 AN ACT in relation to public health.

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

4 Section 5. The Illinois Public Aid Code is amended by
5 changing Section 11-8 as follows:

6 (305 ILCS 5/11-8) (from Ch. 23, par. 11-8)

7 Sec. 11-8. Appeals - to whom taken. Applicants or
8 recipients of aid may, at any time within 60 days after the
9 decision of the County Department or local governmental unit,
10 as the case may be, appeal a decision denying or terminating
11 aid, or granting aid in an amount which is deemed inadequate,
12 or changing, cancelling, revoking or suspending grants as
13 provided in Section 11-16, or determining to make a protective
14 payment under the provisions of Sections 3-5a or 4-9, or a
15 decision by an administrative review board to impose
16 administrative safeguards as provided in Section 8A-8. An
17 appeal shall also lie when an application is not acted upon
18 within the time period after filing of the application as
19 provided by rule of the Illinois Department.

20 If an appeal is not made, the action of the County
21 Department or local governmental unit shall be final.

22 Appeals by applicants or recipients under Articles III, IV,
23 or V shall be taken to the Illinois Department.

24 Appeals by applicants or recipients under Article VI shall
25 be taken as follows:

26 (1) In counties under township organization (except
27 such counties in which the governing authority is a Board
28 of Commissioners) appeals shall be to a Public Aid
29 Committee consisting of the Chairman of the County Board,
30 and 4 members who are township supervisors of general
31 assistance, appointed by the Chairman, with the advice and
32 consent of the county board.

1 (2) In counties in excess of 3,000,000 population and
2 under township organization in which the governing
3 authority is a Board of Commissioners, appeals of persons
4 from government units outside the corporate limits of a
5 city, village or incorporated town of more than 500,000
6 population, and of persons from incorporated towns which
7 have superseded civil townships in respect to aid under
8 Article VI, shall be to the Cook County Townships Public
9 Aid Committee consisting of 2 township supervisors and 3
10 persons knowledgeable in the area of General Assistance and
11 the regulations of the Illinois Department pertaining
12 thereto and who are not officers, agents or employees of
13 any township, except that township supervisors may serve as
14 members of the Cook County Township Public Aid and
15 Committee. The 5 member committee shall be appointed by the
16 township supervisors. The first appointments shall be made
17 with one person serving a one year term, 2 persons serving
18 a 2 year term, and 2 persons serving a 3 year term.
19 Committee members shall thereafter serve 3 year terms. In
20 any appeal involving a local governmental unit whose
21 supervisor of general assistance is a member of the
22 Committee, such supervisor shall not act as a member of the
23 Committee for the purposes of such appeal, and the
24 Committee shall select another township supervisor to
25 serve as an alternate member for that appeal. The township
26 whose action, inaction, or decision is being appealed shall
27 bear the expenses related to the appeal as determined by
28 the Cook County Townships Public Aid Committee. A township
29 supervisor's compensation for general assistance or
30 township related duties shall not be considered an expense
31 related to the appeal except for expenses related to
32 service on the Committee.

33 (3) In counties described in paragraph (2) appeals of
34 persons from a city, village or incorporated town of more
35 than 500,000 population shall be to the Illinois
36 Department.

1 (4) In counties not under township organization,
2 appeals shall be to the County Board of Commissioners which
3 shall for this purpose be the Public Aid Committee of the
4 County.

5 In counties designated in paragraph (1) the Chairman or
6 President of the County Board shall appoint, with the advice
7 and consent of the county board, one or more alternate members
8 of the Public Aid Committee. All regular and alternate members
9 shall be Supervisors of General Assistance. In any appeal
10 involving a local governmental unit whose Supervisor of General
11 Assistance is a member of the Committee, he shall be replaced
12 for that appeal by an alternate member designated by the
13 Chairman or President of the County Board, with the advice and
14 consent of the county board. In these counties not more than 3
15 of the 5 regular appointees shall be members of the same
16 political party unless the political composition of the
17 Supervisors of the General Assistance precludes such a
18 limitation. In these counties at least one member of the Public
19 Aid Committee shall be a person knowledgeable in the area of
20 general assistance and the regulations of the Illinois
21 Department pertaining thereto. If no member of the Committee
22 possesses such knowledge, the Illinois Department shall
23 designate an employee of the Illinois Department having such
24 knowledge to be present at the Committee hearings to advise the
25 Committee.

26 In every county the County Board shall provide facilities
27 for the conduct of hearings on appeals under Article VI. All
28 expenses incident to such hearings shall be borne by the county
29 except that in counties under township organization in which
30 the governing authority is a Board of Commissioners (1) the
31 salary and other expenses of the Commissioner of Appeals shall
32 be paid from General Assistance funds available for
33 administrative purposes, and (2) all expenses incident to such
34 hearings shall be borne by the township and the per diem and
35 traveling expenses of the township supervisors serving on the
36 Public Aid Committee shall be fixed and paid by their

1 respective townships. In all other counties the members of the
2 Public Aid Committee shall receive the compensation and
3 expenses provided by law for attendance at meetings of the
4 County Board.

5 In appeals under Article VI involving a governmental unit
6 receiving State funds, the Public Aid Committee and the
7 Commissioner of Appeals shall be bound by the rules and
8 regulations of the Illinois Department which are relevant to
9 the issues on appeal, and shall file such reports concerning
10 appeals as the Illinois Department requests.

11 The members of each Public Aid Committee and the members of
12 the Cook County Townships Public Aid Committee are immune from
13 personal liability in connection with their service on the
14 committee to the same extent as an elected or appointed judge
15 in this State is immune from personal liability in connection
16 with the performance of his or her duties as judge.

17 An appeal shall be without cost to the appellant and shall
18 be made, at the option of the appellant, either upon forms
19 provided and prescribed by the Illinois Department or, for
20 appeals to a Public Aid Committee, upon forms prescribed by the
21 County Board; or an appeal may be made by calling a toll-free
22 number provided for that purpose by the Illinois Department and
23 providing the necessary information. The Illinois Department
24 may assist County Boards or a Commissioner of Appeals in the
25 preparation of appeal forms, or upon request of a County Board
26 or Commissioner of Appeals may furnish such forms. County
27 Departments and local governmental units shall render all
28 possible aid to persons desiring to make an appeal. The
29 provisions of Sections 11-8.1 to 11-8.7, inclusive, shall apply
30 to all such appeals.

31 (Source: P.A. 92-111, eff. 1-1-02; 93-295, eff. 7-22-03.)

32 Section 99. Effective date. This Act takes effect upon
33 becoming law.