

1 AMENDMENT TO HOUSE BILL 2438

2 AMENDMENT NO. _____. Amend House Bill 2438 on page 1, by
3 replacing line 1 with the following:

4 "AN ACT in relation to senior citizens and disabled
5 persons."; and

6 on page 1, by replacing line 6 with the following:

7 "amended by changing Sections 3.07, 4, and 5 and by adding
8 Section 4.1 as follows:

9 (320 ILCS 25/3.07) (from Ch. 67 1/2, par. 403.07)

10 Sec. 3.07. "Income" means adjusted gross income,
11 properly reportable for federal income tax purposes under the
12 provisions of the Internal Revenue Code, modified by adding
13 thereto the sum of the following amounts to the extent
14 deducted or excluded from gross income in the computation of
15 adjusted gross income:

16 (A) An amount equal to all amounts paid or accrued
17 as interest or dividends during the taxable year;

18 (B) An amount equal to the amount of tax imposed by
19 the Illinois Income Tax Act paid for the taxable year;

20 (C) An amount equal to all amounts received during
21 the taxable year as an annuity under an annuity,
22 endowment or life insurance contract or under any other

1 contract or agreement;

2 (D) An amount equal to the amount of benefits paid
3 under the Federal Social Security Act during the taxable
4 year;

5 (E) An amount equal to the amount of benefits paid
6 under the Railroad Retirement Act during the taxable
7 year;

8 (F) An amount equal to the total amount of cash
9 public assistance payments received from any governmental
10 agency during the taxable year other than benefits
11 received pursuant to this Act;

12 (G) An amount equal to any net operating loss
13 carryover deduction or capital loss carryover deduction
14 during the taxable year;

15 (H) For claim years beginning on or after January
16 1, 2002, an amount equal to any benefits received under
17 the Workers' Compensation Act or the Workers'
18 Occupational Diseases Act during the taxable year.

19 "Income" does not include any grant assistance received
20 under the Nursing Home Grant Assistance Act or any
21 distributions or items of income described under subparagraph
22 (X) of paragraph (2) of subsection (a) of Section 203 of the
23 Illinois Income Tax Act.

24 This amendatory Act of 1987 shall be effective for
25 purposes of this Section for tax years ending on or after
26 December 31, 1987.

27 (Source: P.A. 90-491, eff. 1-1-98; 91-676, eff. 12-23-99.);

28 and

29 on page 3, by replacing lines 30 through 32 with the
30 following:

31 "during a State fiscal year, that beneficiary"; and

32 on page 4, by replacing lines 1 through 3 with the following:

33 "remainder of the fiscal year. To become a beneficiary under

1 this program a"; and

2 on page 5, by replacing lines 19 through 24 with the
3 following:

4 "per coverage year for all other persons."; and

5 on page 6, immediately below line 1, by inserting the
6 following:

7 "(320 ILCS 25/4.1 new)

8 Sec. 4.1. Information to the Department.

9 Notwithstanding any other law to the contrary, entities
10 subject to the Illinois Insurance Code, Comprehensive Health
11 Insurance Plan Act, Dental Service Plan Act, Children's
12 Health Insurance Program Act, Health Care Purchasing Group
13 Act, Health Maintenance Organization Act, Limited Health
14 Service Organization Act, Voluntary Health Services Plans
15 Act, and the Workers' Compensation Act, including, but not
16 limited to, insurers, health maintenance organizations,
17 pharmacy benefit managers, third party administrators,
18 fraternal benefit societies, group-funded workers'
19 compensation pools, municipal group-funded pools, self-funded
20 or self-insured welfare or benefit plans or programs, and any
21 other entities that provide health coverage through an
22 employer, union, trade association or other organization or
23 source, or any other entities, must provide information to
24 the Department, or its designee, that is necessary to carry
25 out the purposes of this Act, including, but not limited to,
26 the name, social security number, address, date of birth, and
27 coverage of their policyholders, their subscribers, or the
28 beneficiaries of their plans, benefits, or services who
29 participate in the programs under this Act. The provision of
30 this information to the Department or its designee is subject
31 to the confidentiality provisions in Section 8a of this Act.

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

2 Sec. 5. Procedure.

3 (a) In general. Claims must be filed after January 1,
4 on forms prescribed by the Department. No claim may be filed
5 more than one year after December 31 of the year for which
6 the claim is filed except that claims for 1976 may be filed
7 until December 31, 1978. The pharmaceutical assistance
8 identification card provided for in subsection (f) of Section
9 4 shall be valid for a period not to exceed one year. On and
10 after January 1, 2002, however, to enable the Department to
11 convert coverage for a pharmaceutical assistance program
12 participant to a fiscal year basis, a card shall be valid for
13 a longer or shorter period than 12 months, depending on the
14 date a timely claim is filed and as determined by the
15 Department.

16 (b) Claim is Personal. The right to file a claim under
17 this Act shall be personal to the claimant and shall not
18 survive his death, but such right may be exercised on behalf
19 of a claimant by his legal guardian or attorney-in-fact. If
20 a claimant dies after having filed a timely claim, the amount
21 thereof shall be disbursed to his surviving spouse or, if no
22 spouse survives, to his surviving dependent minor children in
23 equal parts, provided the spouse or child, as the case may
24 be, resided with the claimant at the time he filed his claim.
25 If at the time of disbursement neither the claimant nor his
26 spouse is surviving, and no dependent minor children of the
27 claimant are surviving the amount of the claim shall escheat
28 to the State.

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

34 (d) Content of application form. The form prescribed by

1 the Department for purposes of paragraph (a) shall include a
2 table, appropriately keyed to the parts of the form on which
3 the claimant is required to furnish information, which will
4 enable the claimant to determine readily the approximate
5 amount of grant to which he is entitled by relating levels of
6 household income to property taxes accrued or rent
7 constituting property taxes accrued.

8 (e) Pharmaceutical Assistance Procedures. The
9 Department shall establish the form and manner for
10 application, and establish by January 1, 1986 a procedure to
11 enable persons to apply for the additional grant or for the
12 pharmaceutical assistance identification card on the same
13 application form. The Department shall determine eligibility
14 for pharmaceutical assistance using the applicant's current
15 income. The Department shall determine a person's current
16 income in the manner provided by the Department by rule.

17 (Source: P.A. 91-533, eff. 8-13-99; 91-699, eff. 1-1-01.)".