

1 AN ACT concerning public aid.

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

4 Section 5. The Illinois Public Aid Code is amended by
5 changing Sections 4-2 and 12-4.11 as follows:

6 (305 ILCS 5/4-2) (from Ch. 23, par. 4-2)

7 Sec. 4-2. Amount of aid.

8 (a) The amount and nature of financial aid shall be
9 determined in accordance with the grant amounts, rules and
10 regulations of the Illinois Department. Due regard shall be
11 given to the self-sufficiency requirements of the family and to
12 the income, money contributions and other support and resources
13 available, from whatever source. However, the amount and nature
14 of any financial aid is not affected by the payment of any
15 grant under the "Senior Citizens and Disabled Persons Property
16 Tax Relief and Pharmaceutical Assistance Act" or any
17 distributions or items of income described under subparagraph
18 (X) of paragraph (2) of subsection (a) of Section 203 of the
19 Illinois Income Tax Act. The aid shall be sufficient, when
20 added to all other income, money contributions and support to
21 provide the family with a grant in the amount established by
22 Department regulation.

23 Subject to appropriation, beginning July 1, 2008, the

1 Department of Human Services shall increase TANF grant amounts
2 in effect on June 30, 2008 by 15%. Notwithstanding any other
3 rulemaking authority that may exist, neither the Governor nor
4 any agency or agency head under the jurisdiction of the
5 Governor has any authority to make or promulgate rules to
6 implement or enforce the provisions of this amendatory Act of
7 the 95th General Assembly. If, however, the Governor believes
8 that rules are necessary to implement or enforce the provisions
9 of this amendatory Act of the 95th General Assembly, the
10 Governor may suggest rules to the General Assembly by filing
11 them with the Clerk of the House and the Secretary of the
12 Senate and by requesting that the General Assembly authorize
13 such rulemaking by law, enact those suggested rules into law,
14 or take any other appropriate action in the General Assembly's
15 discretion. Nothing contained in this amendatory Act of the
16 95th General Assembly shall be interpreted to grant rulemaking
17 authority under any other Illinois statute where such authority
18 is not otherwise explicitly given. For the purposes of this
19 paragraph, "rules" is given the meaning contained in Section
20 1-70 of the Illinois Administrative Procedure Act, and "agency"
21 and "agency head" are given the meanings contained in Sections
22 1-20 and 1-25 of the Illinois Administrative Procedure Act to
23 the extent that such definitions apply to agencies or agency
24 heads under the jurisdiction of the Governor.

25 (b) The Illinois Department may conduct special projects,
26 which may be known as Grant Diversion Projects, under which

1 recipients of financial aid under this Article are placed in
2 jobs and their grants are diverted to the employer who in turn
3 makes payments to the recipients in the form of salary or other
4 employment benefits. The Illinois Department shall by rule
5 specify the terms and conditions of such Grant Diversion
6 Projects. Such projects shall take into consideration and be
7 coordinated with the programs administered under the Illinois
8 Emergency Employment Development Act.

9 (c) The amount and nature of the financial aid for a child
10 requiring care outside his own home shall be determined in
11 accordance with the rules and regulations of the Illinois
12 Department, with due regard to the needs and requirements of
13 the child in the foster home or institution in which he has
14 been placed.

15 (d) If the Department establishes grants for family units
16 consisting exclusively of a pregnant woman with no dependent
17 child or including her husband if living with her, the grant
18 amount for such a unit shall be equal to the grant amount for
19 an assistance unit consisting of one adult, or 2 persons if the
20 husband is included. Other than as herein described, an unborn
21 child shall not be counted in determining the size of an
22 assistance unit or for calculating grants.

23 Payments for basic maintenance requirements of a child or
24 children and the relative with whom the child or children are
25 living shall be prescribed, by rule, by the Illinois
26 Department.

1 Grants under this Article shall not be supplemented by
2 General Assistance provided under Article VI.

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

8 (f) Subject to subsection (f-5), an assistance unit,
9 receiving financial aid under this Article or temporarily
10 ineligible to receive aid under this Article under a penalty
11 imposed by the Illinois Department for failure to comply with
12 the eligibility requirements or that voluntarily requests
13 termination of financial assistance under this Article and
14 becomes subsequently eligible for assistance within 9 months,
15 shall not receive any increase in the amount of aid solely on
16 account of the birth of a child; except that an increase is not
17 prohibited when the birth is (i) of a child of a pregnant woman
18 who became eligible for aid under this Article during the
19 pregnancy, or (ii) of a child born within 10 months after the
20 date of implementation of this subsection, or (iii) of a child
21 conceived after a family became ineligible for assistance due
22 to income or marriage and at least 3 months of ineligibility
23 expired before any reapplication for assistance. This
24 subsection does not, however, prevent a unit from receiving a
25 general increase in the amount of aid that is provided to all
26 recipients of aid under this Article.

1 The Illinois Department is authorized to transfer funds,
2 and shall use any budgetary savings attributable to not
3 increasing the grants due to the births of additional children,
4 to supplement existing funding for employment and training
5 services for recipients of aid under this Article IV. The
6 Illinois Department shall target, to the extent the
7 supplemental funding allows, employment and training services
8 to the families who do not receive a grant increase after the
9 birth of a child. In addition, the Illinois Department shall
10 provide, to the extent the supplemental funding allows, such
11 families with up to 24 months of transitional child care
12 pursuant to Illinois Department rules. All remaining
13 supplemental funds shall be used for employment and training
14 services or transitional child care support.

15 In making the transfers authorized by this subsection, the
16 Illinois Department shall first determine, pursuant to
17 regulations adopted by the Illinois Department for this
18 purpose, the amount of savings attributable to not increasing
19 the grants due to the births of additional children. Transfers
20 may be made from General Revenue Fund appropriations for
21 distributive purposes authorized by Article IV of this Code
22 only to General Revenue Fund appropriations for employability
23 development services including operating and administrative
24 costs and related distributive purposes under Article IXA of
25 this Code. The Director, with the approval of the Governor,
26 shall certify the amount and affected line item appropriations

1 to the State Comptroller.

2 Nothing in this subsection shall be construed to prohibit
3 the Illinois Department from using funds under this Article IV
4 to provide assistance in the form of vouchers that may be used
5 to pay for goods and services deemed by the Illinois
6 Department, by rule, as suitable for the care of the child such
7 as diapers, clothing, school supplies, and cribs.

8 (f-5) Subsection (f) shall not apply to affect the monthly
9 assistance amount of any family as a result of the birth of a
10 child on or after January 1, 2004. As resources permit after
11 January 1, 2004, the Department may cease applying subsection
12 (f) to limit assistance to families receiving assistance under
13 this Article on January 1, 2004, with respect to children born
14 prior to that date. In any event, subsection (f) shall be
15 completely inoperative on and after July 1, 2007.

16 (g) (Blank).

17 (h) Notwithstanding any other provision of this Code, the
18 Illinois Department is authorized to reduce payment levels used
19 to determine cash grants under this Article after December 31
20 of any fiscal year if the Illinois Department determines that
21 the caseload upon which the appropriations for the current
22 fiscal year are based have increased by more than 5% and the
23 appropriation is not sufficient to ensure that cash benefits
24 under this Article do not exceed the amounts appropriated for
25 those cash benefits. Reductions in payment levels may be
26 accomplished by emergency rule under Section 5-45 of the

1 Illinois Administrative Procedure Act, except that the
2 limitation on the number of emergency rules that may be adopted
3 in a 24-month period shall not apply and the provisions of
4 Sections 5-115 and 5-125 of the Illinois Administrative
5 Procedure Act shall not apply. Increases in payment levels
6 shall be accomplished only in accordance with Section 5-40 of
7 the Illinois Administrative Procedure Act. Before any rule to
8 increase payment levels promulgated under this Section shall
9 become effective, a joint resolution approving the rule must be
10 adopted by a roll call vote by a majority of the members
11 elected to each chamber of the General Assembly.

12 (Source: P.A. 92-111, eff. 1-1-02; 93-598, eff. 8-26-03.)

13 (305 ILCS 5/12-4.11) (from Ch. 23, par. 12-4.11)

14 Sec. 12-4.11. Grant amounts. The Department, with due
15 regard for and subject to budgetary limitations, shall
16 establish grant amounts for each of the programs, by
17 regulation. The grant amounts may vary by program, size of
18 assistance unit and geographic area.

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

25 Subject to appropriation, beginning July 1, 2008, the

1 Department of Human Services shall increase TANF grant amounts
2 in effect on June 30, 2008 by 15%. Notwithstanding any other
3 rulemaking authority that may exist, neither the Governor nor
4 any agency or agency head under the jurisdiction of the
5 Governor has any authority to make or promulgate rules to
6 implement or enforce the provisions of this amendatory Act of
7 the 95th General Assembly. If, however, the Governor believes
8 that rules are necessary to implement or enforce the provisions
9 of this amendatory Act of the 95th General Assembly, the
10 Governor may suggest rules to the General Assembly by filing
11 them with the Clerk of the House and the Secretary of the
12 Senate and by requesting that the General Assembly authorize
13 such rulemaking by law, enact those suggested rules into law,
14 or take any other appropriate action in the General Assembly's
15 discretion. Nothing contained in this amendatory Act of the
16 95th General Assembly shall be interpreted to grant rulemaking
17 authority under any other Illinois statute where such authority
18 is not otherwise explicitly given. For the purposes of this
19 paragraph, "rules" is given the meaning contained in Section
20 1-70 of the Illinois Administrative Procedure Act, and "agency"
21 and "agency head" are given the meanings contained in Sections
22 1-20 and 1-25 of the Illinois Administrative Procedure Act to
23 the extent that such definitions apply to agencies or agency
24 heads under the jurisdiction of the Governor.

25 In fixing standards to govern payments or reimbursements
26 for funeral and burial expenses, the Department shall establish

1 a minimum allowable amount of not less than \$1,000 for
2 Department payment of funeral services and not less than \$500
3 for Department payment of burial or cremation services. On
4 January 1, 2006, July 1, 2006, and July 1, 2007, the Department
5 shall increase the minimum reimbursement amount for funeral and
6 burial expenses under this Section by a percentage equal to the
7 percentage increase in the Consumer Price Index for All Urban
8 Consumers, if any, during the 12 months immediately preceding
9 that January 1 or July 1. In establishing the minimum allowable
10 amount, the Department shall take into account the services
11 essential to a dignified, low-cost (i) funeral and (ii) burial
12 or cremation, including reasonable amounts that may be
13 necessary for burial space and cemetery charges, and any
14 applicable taxes or other required governmental fees or
15 charges. If no person has agreed to pay the total cost of the
16 (i) funeral and (ii) burial or cremation charges, the
17 Department shall pay the vendor the actual costs of the (i)
18 funeral and (ii) burial or cremation, or the minimum allowable
19 amount for each service as established by the Department,
20 whichever is less, provided that the Department reduces its
21 payments by the amount available from the following sources:
22 the decedent's assets and available resources and the
23 anticipated amounts of any death benefits available to the
24 decedent's estate, and amounts paid and arranged to be paid by
25 the decedent's legally responsible relatives. A legally
26 responsible relative is expected to pay (i) funeral and (ii)

1 burial or cremation expenses unless financially unable to do
2 so.

3 Nothing contained in this Section or in any other Section
4 of this Code shall be construed to prohibit the Illinois
5 Department (1) from consolidating existing standards on the
6 basis of any standards which are or were in effect on, or
7 subsequent to July 1, 1969, or (2) from employing any
8 consolidated standards in determining need for public aid and
9 the amount of money payment or grant for individual recipients
10 or recipient families.

11 (Source: P.A. 94-669, eff. 8-23-05.)

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.