

# SB1933



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

SB1933

Introduced 1/16/2008, by Sen. Kimberly A. Lightford

#### SYNOPSIS AS INTRODUCED:

30 ILCS 105/6z-43  
305 ILCS 5/5-27 new

Amends the State Finance Act and the Medicaid Article of the Illinois Public Aid Code. Provides for a minimum monthly personal needs allowance for institutionalized persons who are eligible for Medicaid. Provides that the State shall pay an amount in addition to the minimum monthly personal needs allowance authorized under the Social Security Act, so that the person's total monthly personal needs allowance from both State and federal sources equals \$50. Provides that the additional amount may be paid from amounts appropriated for that purpose from the Tobacco Settlement Recovery Fund. Effective immediately.

LRB095 16839 DRJ 42877 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT in relation to public aid.

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

4 Section 5. The State Finance Act is amended by changing  
5 Section 6z-43 as follows:

6 (30 ILCS 105/6z-43)

7 Sec. 6z-43. Tobacco Settlement Recovery Fund.

8 (a) There is created in the State Treasury a special fund  
9 to be known as the Tobacco Settlement Recovery Fund, into which  
10 shall be deposited all monies paid to the State pursuant to (1)  
11 the Master Settlement Agreement entered in the case of People  
12 of the State of Illinois v. Philip Morris, et al. (Circuit  
13 Court of Cook County, No. 96-L13146) and (2) any settlement  
14 with or judgment against any tobacco product manufacturer other  
15 than one participating in the Master Settlement Agreement in  
16 satisfaction of any released claim as defined in the Master  
17 Settlement Agreement, as well as any other monies as provided  
18 by law. All earnings on Fund investments shall be deposited  
19 into the Fund. Upon the creation of the Fund, the State  
20 Comptroller shall order the State Treasurer to transfer into  
21 the Fund any monies paid to the State as described in item (1)  
22 or (2) of this Section before the creation of the Fund plus any  
23 interest earned on the investment of those monies. The

1 Treasurer may invest the moneys in the Fund in the same manner,  
2 in the same types of investments, and subject to the same  
3 limitations provided in the Illinois Pension Code for the  
4 investment of pension funds other than those established under  
5 Article 3 or 4 of the Code.

6 (a-5) In addition to any other use authorized by law,  
7 moneys in the Tobacco Settlement Recovery Fund may be  
8 appropriated for use in funding personal needs allowances for  
9 institutionalized persons under Section 5-27 of the Illinois  
10 Public Aid Code.

11 (b) As soon as may be practical after June 30, 2001, upon  
12 notification from and at the direction of the Governor, the  
13 State Comptroller shall direct and the State Treasurer shall  
14 transfer the unencumbered balance in the Tobacco Settlement  
15 Recovery Fund as of June 30, 2001, as determined by the  
16 Governor, into the Budget Stabilization Fund. The Treasurer may  
17 invest the moneys in the Budget Stabilization Fund in the same  
18 manner, in the same types of investments, and subject to the  
19 same limitations provided in the Illinois Pension Code for the  
20 investment of pension funds other than those established under  
21 Article 3 or 4 of the Code.

22 (c) In addition to any other deposits authorized by law,  
23 after any delivery of any bonds as authorized by Section 7.5 of  
24 the General Obligation Bond Act for deposits to the General  
25 Revenue Fund and the Budget Stabilization Fund (referred to as  
26 "tobacco securitization general obligation bonds"), the

1 Governor shall certify, on or before June 30, 2003 and June 30  
2 of each year thereafter, to the State Comptroller and State  
3 Treasurer the total amount of principal of, interest on, and  
4 premium, if any, due on those bonds in the next fiscal year  
5 beginning with amounts due in fiscal year 2004. As soon as  
6 practical after the annual payment of tobacco settlement moneys  
7 to the Tobacco Settlement Recovery Fund as described in item  
8 (1) of subsection (a), the State Treasurer and State  
9 Comptroller shall transfer from the Tobacco Settlement  
10 Recovery Fund to the General Obligation Bond Retirement and  
11 Interest Fund the amount certified by the Governor, plus any  
12 cumulative deficiency in those transfers for prior years.

13 (d) All federal financial participation moneys received  
14 pursuant to expenditures from the Fund shall be deposited into  
15 the Fund.

16 (Source: P.A. 95-331, eff. 8-21-07.)

17 Section 10. The Illinois Public Aid Code is amended by  
18 adding Section 5-27 as follows:

19 (305 ILCS 5/5-27 new)

20 Sec. 5-27. Personal needs allowance. For a person who is an  
21 inpatient in an institution or facility for which payments are  
22 made under this Article throughout a month and who is  
23 determined to be eligible for medical assistance under this  
24 Article, the State shall pay an amount in addition to the

1 minimum monthly personal needs allowance authorized under  
2 Section 1902(q) of Title XIX of the Social Security Act (42  
3 U.S.C. 1396a(q)), so that the person's total monthly personal  
4 needs allowance from both State and federal sources equals \$50.  
5 The additional amount paid by the State may be paid from  
6 amounts appropriated for that purpose from the Tobacco  
7 Settlement Recovery Fund.

8 Section 99. Effective date. This Act takes effect upon  
9 becoming law.