



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3920

Introduced 2/22/2021, by Rep. Barbara Hernandez

SYNOPSIS AS INTRODUCED:

| | |
|-----------------------|---------------------------|
| 30 ILCS 105/5.935 new | |
| 35 ILCS 405/3 | from Ch. 120, par. 405A-3 |
| 35 ILCS 405/4 | from Ch. 120, par. 405A-4 |
| 305 ILCS 5/3-13.5 new | |

Amends the Illinois Public Aid Code. Requires the Department of Human Services to provide monthly supplemental payments of \$279 to persons who receive federal Supplemental Security Income grants and to undocumented residents who have a disability and meet other criteria. Provides that the supplemental payments shall not be considered income for purposes of determining eligibility or the amount of assistance for any public aid benefit under State or federal law including, subject to federal approval, benefits provided under the Supplemental Nutrition Assistance Program or any housing voucher or rental subsidy provided under the Rental Housing Support Program Act or a similar locally funded rent subsidy program, or under the Housing Choice Voucher Program under Section 8 of the U.S. Housing Act of 1937. Provides that the funding for the payments shall come from amounts collected under a specified provision of the Illinois Estate and Generation-Skipping Transfer Tax Act and deposited into the Illinois Supplemental Payments for Supplemental Security Income Recipients Fund, a special fund created in the State treasury. Amends the Illinois Estate and Generation-Skipping Transfer Tax Act. Imposes an additional estate tax and generation-skipping transfer tax on taxable transferred property valued at \$4,000,000 or more. Provides that the additional tax shall be in an amount equal to 5% of the value of the transferred property. Requires the proceeds of the tax to be deposited into the Illinois Supplemental Payments for Supplemental Security Income Recipients Fund. Amends the State Finance Act to include the new special fund. Effective immediately.

LRB102 10933 KTG 16265 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 State Finance Act is amended by adding
5 Section 5.935 as follows:

6 (30 ILCS 105/5.935 new)

7 Sec. 5.935. The Illinois Supplemental Payments for
8 Supplemental Security Income Recipients Fund.

9 Section 10. The Illinois Estate and Generation-Skipping
10 Transfer Tax Act is amended by changing Sections 3 and 4 as
11 follows:

12 (35 ILCS 405/3) (from Ch. 120, par. 405A-3)

13 Sec. 3. Illinois estate tax.

14 (a) Imposition of Tax. An Illinois estate tax is imposed
15 on every taxable transfer involving transferred property
16 having a tax situs within the State of Illinois.

17 (b) Amount of tax. On estates of persons dying before
18 January 1, 2003, the amount of the Illinois estate tax shall be
19 the state tax credit, as defined in Section 2 of this Act, with
20 respect to the taxable transfer reduced by the lesser of:

21 (1) the amount of the state tax credit paid to any

1 other state or states; and

2 (2) the amount determined by multiplying the maximum
3 state tax credit allowable with respect to the taxable
4 transfer by the percentage which the gross value of the
5 transferred property not having a tax situs in Illinois
6 bears to the gross value of the total transferred
7 property.

8 (c) On estates of persons dying on or after January 1,
9 2003, the amount of the Illinois estate tax shall be the state
10 tax credit, as defined in Section 2 of this Act, reduced by the
11 amount determined by multiplying the state tax credit with
12 respect to the taxable transfer by the percentage which the
13 gross value of the transferred property not having a tax situs
14 in Illinois bears to the gross value of the total transferred
15 property.

16 (d) In addition to any other tax imposed under this Act, if
17 the value of the transferred property resulting in a tax under
18 this Section is \$4,000,000 or more, then an additional tax
19 shall be imposed in an amount equal to 5% of the value of the
20 transferred property. The additional tax shall be collected at
21 the same time and in the same manner as the estate tax under
22 this Section. Proceeds from the additional tax under this
23 subsection (d) shall be deposited into the Illinois
24 Supplemental Payments for Supplemental Security Income
25 Recipients Fund.

26 (Source: P.A. 93-30, eff. 6-20-03; 94-419, eff. 8-2-05.)

1 (35 ILCS 405/4) (from Ch. 120, par. 405A-4)

2 Sec. 4. Illinois generation-skipping transfer tax.

3 (a) Imposition of tax. An Illinois generation-skipping
4 transfer tax is imposed on every taxable transfer resulting in
5 federal generation-skipping transfer tax involving transferred
6 property having a tax situs within the State of Illinois.

7 (b) Amount of tax. The amount of the Illinois
8 generation-skipping transfer tax shall be the maximum state
9 tax credit allowable with respect to the taxable transfer,
10 reduced by the lesser of:

11 (1) the amount of the state tax credit paid to any
12 other state or states; and

13 (2) the amount determined by multiplying the maximum
14 state tax credit allowable with respect to the taxable
15 transfer by the percentage which the gross value of the
16 transferred property not having a tax situs in Illinois
17 bears to the gross value of the total transferred
18 property.

19 (c) In addition to any other tax imposed under this Act, if
20 the value of the transferred property resulting in a tax under
21 this Section is \$4,000,000 or more, then an additional tax
22 shall be imposed in an amount equal to 5% of the value of the
23 transferred property. The additional tax shall be collected at
24 the same time and in the same manner as the
25 generation-skipping transfer tax under this Section. Proceeds

1 from the additional tax under this subsection (c) shall be
2 deposited into the Illinois Supplemental Payments for
3 Supplemental Security Income Recipients Fund.

4 (Source: P.A. 86-737.)

5 Section 15. The Illinois Public Aid Code is amended by
6 adding Section 3-13.5 as follows:

7 (305 ILCS 5/3-13.5 new)

8 Sec. 3-13.5. Supplemental payments for recipients of
9 Supplemental Security Income and other persons.
10 Notwithstanding any other law to the contrary, beginning one
11 year after the effective date of this amendatory Act of the
12 102nd General Assembly, the Department shall provide monthly
13 supplemental payments in the amount of \$279 to persons who
14 receive federal Supplemental Security Income grants. The
15 supplemental payments under this Section shall also be
16 available to undocumented residents who: (i) have a
17 disability, with supporting documentation meeting requirements
18 determined by the Department by rule; (ii) have an Individual
19 Taxpayer Identification Number; and (iii) are determined by
20 the Department to meet the eligibility requirements for
21 Supplemental Security Income other than the requirements
22 related to status as a citizen or as an alien determined by the
23 federal government to be eligible.

24 The supplemental payments provided under this Section

1 shall not be considered income for purposes of determining
2 eligibility or the amount of assistance for any public aid
3 benefit provided under State or federal law including, subject
4 to federal approval, benefits provided under the Supplemental
5 Nutrition Assistance Program or any housing voucher or rental
6 subsidy provided under the Rental Housing Support Program Act
7 or under a similar locally funded rent subsidy program, or
8 under the Housing Choice Voucher Program under Section 8 of
9 the United States Housing Act of 1937.

10 The Illinois Supplemental Payments for Supplemental
11 Security Income Recipients Fund is created as a special fund
12 in the State treasury. The Fund shall consist of the proceeds
13 collected under subsection (d) of Section 3 and subsection (c)
14 of Section 4 of the Illinois Estate and Generation-Skipping
15 Transfer Tax Act. Moneys in the Fund shall be expended for the
16 supplemental payments provided under this Section and for no
17 other purpose. All interest earned on moneys in the Fund shall
18 be deposited into the Fund.

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.