



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB0390

Introduced 1/25/2005, by Rep. Larry McKeon

SYNOPSIS AS INTRODUCED:

30 ILCS 105/6z-43
305 ILCS 5/5-25 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 \$60. Provides that the additional amount is to be paid from amounts appropriated for that purpose from the Tobacco Settlement Recovery Fund. Effective immediately.

LRB094 06409 DRJ 36495 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
24 Treasurer may invest the moneys in the Fund in the same manner,
25 in the same types of investments, and subject to the same
26 limitations provided in the Illinois Pension Code for the
27 investment of pension funds other than those established under
28 Article 3 or 4 of the Code.

29 (a-5) In addition to any other use authorized by law,
30 moneys in the Tobacco Settlement Recovery Fund may be
31 appropriated for use in funding personal needs allowances for
32 institutionalized persons under Section 5-25 of the Illinois

1 Public Aid Code.

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

13 (c) In addition to any other deposits authorized by law,
14 after any delivery of any bonds as authorized by Section 7.5 of
15 the General Obligation Bond Act for deposits to the General
16 Revenue Fund and the Budget Stabilization Fund (referred to as
17 "tobacco securitization general obligation bonds"), the
18 Governor shall certify, on or before June 30, 2003 and June 30
19 of each year thereafter, to the State Comptroller and State
20 Treasurer the total amount of principal of, interest on, and
21 premium, if any, due on those bonds in the next fiscal year
22 beginning with amounts due in fiscal year 2004. As soon as
23 practical after the annual payment of tobacco settlement moneys
24 to the Tobacco Settlement Recovery Fund as described in item
25 (1) of subsection (a), the State Treasurer and State
26 Comptroller shall transfer from the Tobacco Settlement
27 Recovery Fund to the General Obligation Bond Retirement and
28 Interest Fund the amount certified by the Governor, plus any
29 cumulative deficiency in those transfers for prior years.

30 (d) ~~(e)~~ All federal financial participation moneys
31 received pursuant to expenditures from the Fund shall be
32 deposited into the Fund.

33 (Source: P.A. 91-646, eff. 11-19-99; 91-704, eff. 7-1-00;
34 91-797, eff. 6-9-00; 92-11, eff. 6-11-01; 92-16, eff. 6-28-01;
35 92-596, eff. 6-28-02; 92-597, eff. 6-28-02; revised 9-3-02.)

1 Section 10. The Illinois Public Aid Code is amended by
2 adding Section 5-25 as follows:

3 (305 ILCS 5/5-25 new)

4 Sec. 5-25. Personal needs allowance. For a person who is an
5 inpatient in an institution or facility for which payments are
6 made under this Article throughout a month and who is
7 determined to be eligible for medical assistance under this
8 Article, the State shall pay an amount in addition to the
9 minimum monthly personal needs allowance authorized under
10 Section 1902(q) of Title XIX of the Social Security Act (42
11 U.S.C. 1396a(q)), so that the person's total monthly personal
12 needs allowance from both State and federal sources equals \$60.
13 The additional amount paid by the State shall be paid from
14 amounts appropriated for that purpose from the Tobacco
15 Settlement Recovery Fund.

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.