



**Adopted in House Comm. on Feb 20, 2004**

09300HB4020ham001

LRB093 15929 DRJ 47748 a

1 AMENDMENT TO HOUSE BILL 4020

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4020 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Community Services Act is amended by adding  
5 Sections 4.4 and 4.5 as follows:

6 (405 ILCS 30/4.4 new)

7 Sec. 4.4. Funding reinvestment.

8 (a) The purposes of this Section are as follows:

9 (1) The General Assembly recognizes that the United  
10 States Supreme Court in Olmstead v. L.C. ex Rel. Zimring,  
11 119 S. Ct. 2176 (1999), affirmed that the unjustifiable  
12 institutionalization of a person with a disability who  
13 could live in the community with proper support, and wishes  
14 to do so, is unlawful discrimination in violation of the  
15 Americans with Disabilities Act (ADA). The State of  
16 Illinois, along with all other states, is required to  
17 provide appropriate residential and community-based  
18 support services to persons with disabilities who wish to  
19 live in a less restrictive setting.

20 (2) It is the purpose of this Section to help fulfill  
21 the State's obligations under the Olmstead decision by  
22 maximizing the level of funds for both developmental  
23 disability and mental health services and supports in order  
24 to maintain and create an array of residential and

1 supportive services for people with mental health needs and  
2 developmental disabilities whenever they are transferred  
3 into another facility or a community-based setting.

4 (b) In this Section:

5 "Office of Developmental Disabilities" means the Office of  
6 Developmental Disabilities within the Department of Human  
7 Services.

8 "Office of Mental Health" means the Office of Mental Health  
9 within the Department of Human Services.

10 (c) On and after the effective date of this amendatory Act  
11 of the 93rd General Assembly, every appropriation of State  
12 moneys relating to funding for the Office of Developmental  
13 Disabilities or the Office of Mental Health must comply with  
14 this Section.

15 (d) Whenever any appropriation, or any portion of an  
16 appropriation, for any fiscal year relating to the funding of  
17 any State-operated facility operated by the Office of  
18 Developmental Disabilities or any mental health facility  
19 operated by the Office of Mental Health is reduced because of  
20 any of the reasons set forth in the following items (1) through  
21 (3), to the extent that savings are realized from these items,  
22 those moneys must be directed toward providing other services  
23 and supports for persons with developmental disabilities or  
24 mental health needs:

25 (1) The closing of any such State-operated facility for  
26 the developmentally disabled or mental health facility.

27 (2) Reduction in the number of units or available beds  
28 in any such State-operated facility for the  
29 developmentally disabled or mental health facility.

30 (3) Reduction in the number of staff employed in any  
31 such State-operated facility for the developmentally  
32 disabled or mental health facility.

33 In determining whether any savings are realized from items  
34 (1) through (3), sufficient moneys shall be made available to

1 ensure that there is an appropriate level of staffing and that  
2 life, safety, and care concerns are addressed so as to provide  
3 for the remaining persons with developmental disabilities or  
4 mental illness at any facility in the case of item (2) or (3)  
5 or, in the case of item (1), such remaining persons at the  
6 remaining State-operated facilities that will be expected to  
7 handle the individuals previously served at the closed  
8 facility.

9 (e) The purposes of redirecting this funding shall include,  
10 but not be limited to, providing the following services and  
11 supports for individuals with developmental disabilities and  
12 mental health needs:

13 (1) Residence in the most integrated setting possible,  
14 whether independent living in a private residence, a  
15 Community Integrated Living Arrangement (CILA), a  
16 supported residential program, an Intermediate Care  
17 Facility for persons with Developmental Disabilities  
18 (ICFDD), a supervised residential program, or supportive  
19 housing, as appropriate.

20 (2) Residence in another State-operated facility.

21 (3) Rehabilitation and support services, including  
22 assertive community treatment, case management, supportive  
23 and supervised day treatment, and psychosocial  
24 rehabilitation.

25 (4) Vocational or developmental training, as  
26 appropriate, that contributes to the person's independence  
27 and employment potential.

28 (5) Employment or supported employment, as  
29 appropriate, free from discrimination pursuant to the  
30 Constitution and laws of this State.

31 (6) In-home family supports, such as respite services  
32 and client and family supports.

33 (7) Periodic reevaluation, as needed.

34 (f) An appropriation may not circumvent the purposes of

1 this Section by transferring moneys within the funding system  
2 for services and supports for the developmentally disabled and  
3 mentally ill and then compensating for this transfer by  
4 redirecting other moneys away from these services to provide  
5 funding for some other governmental purpose or to relieve other  
6 State funding expenditures.

7 (405 ILCS 30/4.5 new)

8 Sec. 4.5. Consultation with advisory and advocacy groups.  
9 Whenever any appropriation, or any part of an appropriation,  
10 for any fiscal year relating to the funding of (i) a  
11 State-operated facility operated by the Office of  
12 Developmental Disabilities within the Department of Human  
13 Services or (ii) a mental health facility operated by the  
14 Office of Mental Health within the Department of Human Services  
15 is reduced because of any of the reasons set forth in items (1)  
16 through (3) of subsection (d) of Section 4.4, the plan for  
17 using any savings realized from those items (1) through (3)  
18 shall be shared and discussed with advocates, advocacy  
19 organizations, and advisory groups whose mission includes  
20 advocacy for persons with developmental disabilities or  
21 persons with mental illness.

22 Section 99. Effective date. This Act takes effect upon  
23 becoming law.".