

1 AN ACT concerning health.

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

4 Section 5. The Mental Health and Developmental  
5 Disabilities Administrative Act is amended by changing  
6 Sections 18.4 and 18.5 as follows:

7 (20 ILCS 1705/18.4)

8 Sec. 18.4. Community Mental Health Medicaid Trust Fund;  
9 reimbursement.

10 (a) The Community Mental Health Medicaid Trust Fund is  
11 hereby created in the State Treasury.

12 (b) Amounts paid to the State during each State fiscal year  
13 by the federal government under Title XIX or Title XXI of the  
14 Social Security Act for services delivered by community mental  
15 health providers, and any interest earned thereon, shall be  
16 deposited as follows:

17 (1) The first \$75,000,000 shall be deposited directly  
18 into the Community Mental Health Medicaid Trust Fund to be  
19 used for the purchase of community mental health services;

20 (2) The next \$4,500,000 shall be deposited directly  
21 into the Community Mental Health Medicaid Trust Fund to be  
22 used by the Department of Human Services' Division of  
23 Mental Health for the oversight and administration of

1 community mental health services and up to \$1,000,000 of  
2 this amount may be used for support of community mental  
3 health service initiatives;

4 (3) The next \$3,500,000 shall be deposited directly  
5 into the General Revenue Fund;

6 (4) Any additional amounts shall be deposited into the  
7 Community Mental Health Medicaid Trust Fund to be used for  
8 the purchase of community mental health services.

9 (b-5) Whenever a State mental health facility operated by  
10 the Department is closed and the real estate on which the  
11 facility is located is sold by the State, the net proceeds of  
12 the sale of the real estate shall be deposited into the  
13 Community Mental Health Medicaid Trust Fund.

14 (c) The Department shall reimburse community mental health  
15 providers for services provided to eligible individuals.  
16 Moneys in the Community Mental Health Medicaid Trust Fund may  
17 be used for that purpose.

18 (d) As used in this Section:

19 "Community mental health provider" means a community  
20 agency that is funded by the Department to provide a service.

21 "Service" means a mental health service provided pursuant  
22 to the provisions of administrative rules adopted by the  
23 Department and funded by the Department of Human Services'  
24 Division of Mental Health.

25 (Source: P.A. 94-58, eff. 6-17-05; 94-839, eff. 6-6-06; 95-707,  
26 eff. 1-11-08.)

1 (20 ILCS 1705/18.5)

2 Sec. 18.5. Community Developmental Disability Services  
3 Medicaid Trust Fund; reimbursement.

4 (a) The Community Developmental Disability Services  
5 Medicaid Trust Fund is hereby created in the State treasury.

6 (b) Except as provided in subsection (b-5), any funds in  
7 excess of \$16,700,000 in any fiscal year paid to the State by  
8 the federal government under Title XIX or Title XXI of the  
9 Social Security Act for services delivered by community  
10 developmental disability services providers for services  
11 relating to Developmental Training and Community Integrated  
12 Living Arrangements as a result of the conversion of such  
13 providers from a grant payment methodology to a fee-for-service  
14 payment methodology, or any other funds paid to the State for  
15 any subsequent revenue maximization initiatives performed by  
16 such providers, and any interest earned thereon, shall be  
17 deposited directly into the Community Developmental Disability  
18 Services Medicaid Trust Fund. One-third of this amount shall be  
19 used only to pay for Medicaid-reimbursed community  
20 developmental disability services provided to eligible  
21 individuals, and the remainder shall be transferred to the  
22 General Revenue Fund.

23 (b-5) Beginning in State fiscal year 2008, any funds paid  
24 to the State by the federal government under Title XIX or Title  
25 XXI of the Social Security Act for services delivered through

1 the Children's Residential Waiver and the Children's In-Home  
2 Support Waiver shall be deposited directly into the Community  
3 Developmental Disability Services Medicaid Trust Fund and  
4 shall not be subject to the transfer provisions of subsection  
5 (b).

6 (b-10) Whenever a State developmental disabilities  
7 facility operated by the Department is closed and the real  
8 estate on which the facility is located is sold by the State,  
9 the net proceeds of the sale of the real estate shall be  
10 deposited into the Community Developmental Disability Services  
11 Medicaid Trust Fund.

12 (c) For purposes of this Section:

13 "Medicaid-reimbursed developmental disability services"  
14 means services provided by a community developmental  
15 disability provider under an agreement with the Department that  
16 is eligible for reimbursement under the federal Title XIX  
17 program or Title XXI program.

18 "Provider" means a qualified entity as defined in the  
19 State's Home and Community-Based Services Waiver for Persons  
20 with Developmental Disabilities that is funded by the  
21 Department to provide a Medicaid-reimbursed service.

22 "Revenue maximization alternatives" do not include  
23 increases in funds paid to the State as a result of growth in  
24 spending through service expansion or rate increases.

25 (Source: P.A. 95-707, eff. 1-11-08.)

1           Section 10. The State Property Control Act is amended by  
2 changing Section 7.1 as follows:

3           (30 ILCS 605/7.1) (from Ch. 127, par. 133b10.1)

4           Sec. 7.1. (a) Except as otherwise provided by law, all  
5 surplus real property held by the State of Illinois shall be  
6 disposed of by the administrator as provided in this Section.  
7 "Surplus real property," as used in this Section, means any  
8 real property to which the State holds fee simple title or  
9 lesser interest, and is vacant, unoccupied or unused and which  
10 has no foreseeable use by the owning agency.

11           (b) All responsible officers shall submit an Annual Real  
12 Property Utilization Report to the Administrator, or annual  
13 update of such report, on forms required by the Administrator,  
14 by October 30 of each year. The Administrator may require such  
15 documentation as he deems reasonably necessary in connection  
16 with this Report, and shall require that such Report include  
17 the following information:

18           (1) A legal description of all real property owned by the  
19 State under the control of the responsible officer.

20           (2) A description of the use of the real property listed  
21 under (1).

22           (3) A list of any improvements made to such real property  
23 during the previous year.

24           (4) The dates on which the State first acquired its  
25 interest in such real property, and the purchase price and

1 source of the funds used to acquire the property.

2 (5) Plans for the future use of currently unused real  
3 property.

4 (6) A declaration of any surplus real property. On or  
5 before December 31 of each year the Administrator shall furnish  
6 copies of each responsible officer's report along with a list  
7 of surplus property indexed by legislative district to the  
8 General Assembly.

9 This report shall be filed with the Speaker, the Minority  
10 Leader and the Clerk of the House of Representatives and the  
11 President, the Minority Leader and the Secretary of the Senate  
12 and shall be duplicated and made available to the members of  
13 the General Assembly for evaluation by such members for  
14 possible liquidation of unused public property at public sale.

15 (c) Following receipt of the Annual Real Property  
16 Utilization Report required under paragraph (b), the  
17 Administrator shall notify all State agencies by December 31 of  
18 all declared surplus real property. Any State agency may submit  
19 a written request to the Administrator, within 60 days of the  
20 date of such notification, to have control of surplus real  
21 property transferred to that agency. Such request must indicate  
22 the reason for the transfer and the intended use to be made of  
23 such surplus real property. The Administrator may deny any or  
24 all such requests by a State agency or agencies if the  
25 Administrator determines that it is more advantageous to the  
26 State to dispose of the surplus real property under paragraph

1 (d). In case requests for the same surplus real property are  
2 received from more than one State agency, the Administrator  
3 shall weigh the benefits to the State and determine to which  
4 agency, if any, to transfer control of such property. The  
5 Administrator shall coordinate the use and disposal of State  
6 surplus real property with any State space utilization program.

7 (d) Any surplus real property which is not transferred to  
8 the control of another State agency under paragraph (c) shall  
9 be disposed of by the Administrator. No appraisal is required  
10 if during his initial survey of surplus real property the  
11 Administrator determines such property has a fair market value  
12 of less than \$5,000. If the value of such property is  
13 determined by the Administrator in his initial survey to be  
14 \$5,000 or more, then the Administrator shall obtain 3  
15 appraisals of such real property, one of which shall be  
16 performed by an appraiser residing in the county in which said  
17 surplus real property is located. The average of these 3  
18 appraisals, plus the costs of obtaining the appraisals, shall  
19 represent the fair market value of the surplus real property.  
20 No surplus real property may be conveyed by the Administrator  
21 for less than the fair market value. Prior to offering the  
22 surplus real property for sale to the public the Administrator  
23 shall give notice in writing of the existence and fair market  
24 value of the surplus real property to the governing bodies of  
25 the county and of all cities, villages and incorporated towns  
26 in the county in which such real property is located. Any such

1 governing body may exercise its option to acquire the surplus  
2 real property for the fair market value within 60 days of the  
3 notice. After the 60 day period has passed, the Administrator  
4 may sell the surplus real property by public auction following  
5 notice of such sale by publication on 3 separate days not less  
6 than 15 nor more than 30 days prior to the sale in the State  
7 newspaper and in a newspaper having general circulation in the  
8 county in which the surplus real property is located. The  
9 Administrator shall post "For Sale" signs of a conspicuous  
10 nature on such surplus real property offered for sale to the  
11 public. If no acceptable offers for the surplus real property  
12 are received, the Administrator may have new appraisals of such  
13 property made. The Administrator shall have all power necessary  
14 to convey surplus real property under this Section. All moneys  
15 received for the sale of surplus real property shall be  
16 deposited in the General Revenue Fund, except that:

17 (1) Where ~~where~~ moneys expended for the acquisition of  
18 such real property were from a special fund which is still  
19 a special fund in the State treasury, this special fund  
20 shall be reimbursed in the amount of the original  
21 expenditure and any amount in excess thereof shall be  
22 deposited in the General Revenue Fund.

23 (2) Whenever a State mental health facility operated by  
24 the Department of Human Services is closed and the real  
25 estate on which the facility is located is sold by the  
26 State, the net proceeds of the sale of the real estate



1       shall be deposited into the Community Mental Health  
2       Medicaid Trust Fund.

3       (3) Whenever a State developmental disabilities  
4       facility operated by the Department of Human Services is  
5       closed and the real estate on which the facility is located  
6       is sold by the State, the net proceeds of the sale of the  
7       real estate shall be deposited into the Community  
8       Developmental Disability Services Medicaid Trust Fund.

9       The Administrator shall have authority to order such  
10      surveys, abstracts of title, or commitments for title insurance  
11      as may, in his reasonable discretion, be deemed necessary to  
12      demonstrate to prospective purchasers or bidders good and  
13      marketable title in any property offered for sale pursuant to  
14      this Section. Unless otherwise specifically authorized by the  
15      General Assembly, all conveyances of property made by the  
16      Administrator shall be by quit claim deed.

17      (e) The Administrator shall submit an annual report on or  
18      before February 1 to the Governor and the General Assembly  
19      containing a detailed statement of surplus real property either  
20      transferred or conveyed under this Section.

21      (Source: P.A. 85-315.)

22      Section 15. The Community Services Act is amended by adding  
23      Section 4.6 as follows:

24      (405 ILCS 30/4.6 new)

1       Sec. 4.6. Closure and sale of State mental health or  
2       developmental disabilities facility.

3       (a) Whenever a State mental health facility operated by the  
4       Department of Human Services is closed and the real estate on  
5       which the facility is located is sold by the State, then, to  
6       the extent that net proceeds are realized from the sale of that  
7       real estate, those net proceeds must be directed toward  
8       providing other services and supports for persons with mental  
9       health needs. To that end, those net proceeds shall be  
10       deposited into the Community Mental Health Medicaid Trust Fund.

11       (b) Whenever a State developmental disabilities facility  
12       operated by the Department of Human Services is closed and the  
13       real estate on which the facility is located is sold by the  
14       State, then, to the extent that net proceeds are realized from  
15       the sale of that real estate, those net proceeds must be  
16       directed toward providing other services and supports for  
17       persons with developmental disabilities needs. To that end,  
18       those net proceeds shall be deposited into the Community  
19       Developmental Disability Services Medicaid Trust Fund.

20       (c) In determining whether any net proceeds are realized  
21       from a sale of real estate described in subsection (a) or (b),  
22       the Division of Developmental Disabilities and the Division of  
23       Mental Health of the Department of Human Services shall each  
24       determine the money, if any, that shall be made available to  
25       ensure that life, safety, and care concerns, including  
26       infrastructure, are addressed so as to provide for persons with

1 developmental disabilities or mental illness at the remaining  
2 respective State-operated facilities that will be expected to  
3 serve the individuals previously served at the closed facility.

4 (d) The purposes for which the net proceeds from a sale of  
5 real estate as provided in this Section may be used include,  
6 but are not limited to, the following:

7 (1) Providing for individuals with developmental  
8 disabilities and mental health needs the services and  
9 supports described in subsection (e) of Section 4.4.

10 (2) In the case of the closure of a mental health  
11 facility, the construction of a new facility to serve the  
12 needs of persons with mental health needs.

13 (3) In the case of the closure of a developmental  
14 disabilities facility, construction of a new facility to  
15 serve the needs of persons with developmental disabilities  
16 needs.

17 (e) Whenever any net proceeds are realized from a sale of  
18 real estate as provided in this Section, the Department of  
19 Human Services shall share and discuss its plan or plans for  
20 using those net proceeds with advocates, advocacy  
21 organizations, and advisory groups whose mission includes  
22 advocacy for persons with developmental disabilities or  
23 persons with mental illness.

24 Section 99. Effective date. This Act takes effect upon  
25 becoming law.