

1 AN ACT concerning finance.

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 5i as follows:

6 (30 ILCS 105/5i new)

7 Sec. 5i. Closure of State mental health facilities or
8 developmental disabilities facilities. Consistent with the
9 provisions of Sections 4.4 and 4.5 of the Community Services
10 Act, whenever a State mental health facility operated by the
11 Department of Human Services or a State developmental
12 disabilities facility operated by the Department of Human
13 Services is closed, the Department of Human Services, at the
14 direction of the Governor, shall transfer funds from the closed
15 facility to the appropriate line item providing appropriation
16 authority for the new venue of care to facilitate the
17 transition of services to the new venue of care, provided that
18 the new venue of care is a Department of Human Services funded
19 provider or facility.

20 As used in this Section, the terms "mental health facility"
21 and "developmental disabilities facility" have the meanings
22 ascribed to those terms in the Mental Health and Developmental
23 Disabilities Code.

1 Section 10. The Community Services Act is amended by
2 changing Section 4.6 as follows:

3 (405 ILCS 30/4.6)

4 Sec. 4.6. Closure and sale of State mental health or
5 developmental disabilities facility.

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

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

23 (c) In determining whether any net proceeds are realized
24 from a sale of real estate described in subsection (a) or (b),

1 the Division of Developmental Disabilities and the Division of
2 Mental Health of the Department of Human Services shall each
3 determine the money, if any, that shall be made available to
4 ensure that life, safety, and care concerns, including
5 infrastructure, are addressed so as to provide for persons with
6 developmental disabilities or mental illness at the remaining
7 respective State-operated facilities that will be expected to
8 serve the individuals previously served at the closed facility.

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

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

15 (2) In the case of the closure of a mental health
16 facility, the construction of a new facility to serve the
17 needs of persons with mental health needs.

18 (3) In the case of the closure of a developmental
19 disabilities facility, construction of a new facility to
20 serve the needs of persons with developmental disabilities
21 needs.

22 (e) Whenever any net proceeds are realized from a sale of
23 real estate as provided in this Section, the Department of
24 Human Services shall share and discuss its plan or plans for
25 using those net proceeds with advocates, advocacy
26 organizations, and advisory groups whose mission includes

1 advocacy for persons with developmental disabilities or
2 persons with mental illness.

3 (f) Consistent with the provisions of Sections 4.4 and 4.5
4 of this Act, whenever a State mental health facility operated
5 by the Department of Human Services is closed, the Department
6 of Human Services, at the direction of the Governor, shall
7 transfer funds from the closed facility to the appropriate line
8 item providing appropriation authority for the new venue of
9 care to facilitate the transition of services to the new venue
10 of care, provided that the new venue of care is a Department of
11 Human Services funded provider or facility.

12 (g) As used in this Section, the term "mental health
13 facility" has the meaning ascribed to that term in the Mental
14 Health and Developmental Disabilities Code.

15 (Source: P.A. 96-660, eff. 8-25-09; 96-1000, eff. 7-2-10.)