

AN ACT concerning health.

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

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

(20 ILCS 1705/18.4)

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

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

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

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

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

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

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

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

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

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

(d) As used in this Section:

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

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

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

(20 ILCS 1705/18.5)

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

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

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

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

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

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

(c) For purposes of this Section:

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

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

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

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

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

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

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

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

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

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

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

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

source of the funds used to acquire the property.

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

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

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

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

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

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

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

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

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

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

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

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

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

(Source: P.A. 85-315.)

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

(405 ILCS 30/4.6 new)

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

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

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

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

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

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

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

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

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

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

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