



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB2693

Introduced 2/24/2009, by Rep. Patricia R. Bellock

SYNOPSIS AS INTRODUCED:

30 ILCS 105/5.719 new

30 ILCS 605/7.1

405 ILCS 30/4.6 new

from Ch. 127, par. 133b10.1

Amends the State Finance Act, the State Property Control Act, and the Community Services Act. Provides that if a State-operated mental health or developmental disabilities facility is closed and the State owns the land on which the facility is located, then the State shall obtain an appraisal of the value of the land and improvements. Provides that if the land is sold, the net proceeds from the sale shall be deposited into the Developmental Disability and Mental Health Reinvestment Fund, which is created as a special fund in the State treasury. Provides that moneys in the fund shall be used solely to provide residential and community-based support services for persons with developmental disabilities or mental health needs. Effective immediately.

LRB096 07235 DRJ 17321 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 5.719 as follows:

6 (30 ILCS 105/5.719 new)

7 Sec. 5.719. The Developmental Disability and Mental Health
8 Reinvestment Fund.

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

11 (30 ILCS 605/7.1) (from Ch. 127, par. 133b10.1)

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

19 (b) All responsible officers shall submit an Annual Real
20 Property Utilization Report to the Administrator, or annual
21 update of such report, on forms required by the Administrator,

1 by October 30 of each year. The Administrator may require such
2 documentation as he deems reasonably necessary in connection
3 with this Report, and shall require that such Report include
4 the following information:

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

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

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

11 (4) The dates on which the State first acquired its
12 interest in such real property, and the purchase price and
13 source of the funds used to acquire the property.

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

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

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

1 (c) Following receipt of the Annual Real Property
2 Utilization Report required under paragraph (b), the
3 Administrator shall notify all State agencies by December 31 of
4 all declared surplus real property. Any State agency may submit
5 a written request to the Administrator, within 60 days of the
6 date of such notification, to have control of surplus real
7 property transferred to that agency. Such request must indicate
8 the reason for the transfer and the intended use to be made of
9 such surplus real property. The Administrator may deny any or
10 all such requests by a State agency or agencies if the
11 Administrator determines that it is more advantageous to the
12 State to dispose of the surplus real property under paragraph
13 (d). In case requests for the same surplus real property are
14 received from more than one State agency, the Administrator
15 shall weigh the benefits to the State and determine to which
16 agency, if any, to transfer control of such property. The
17 Administrator shall coordinate the use and disposal of State
18 surplus real property with any State space utilization program.

19 (d) Any surplus real property which is not transferred to
20 the control of another State agency under paragraph (c) shall
21 be disposed of by the Administrator. No appraisal is required
22 if during his initial survey of surplus real property the
23 Administrator determines such property has a fair market value
24 of less than \$5,000. If the value of such property is
25 determined by the Administrator in his initial survey to be
26 \$5,000 or more, then the Administrator shall obtain 3

1 appraisals of such real property, one of which shall be
2 performed by an appraiser residing in the county in which said
3 surplus real property is located. The average of these 3
4 appraisals, plus the costs of obtaining the appraisals, shall
5 represent the fair market value of the surplus real property.
6 No surplus real property may be conveyed by the Administrator
7 for less than the fair market value. Prior to offering the
8 surplus real property for sale to the public the Administrator
9 shall give notice in writing of the existence and fair market
10 value of the surplus real property to the governing bodies of
11 the county and of all cities, villages and incorporated towns
12 in the county in which such real property is located. Any such
13 governing body may exercise its option to acquire the surplus
14 real property for the fair market value within 60 days of the
15 notice. After the 60 day period has passed, the Administrator
16 may sell the surplus real property by public auction following
17 notice of such sale by publication on 3 separate days not less
18 than 15 nor more than 30 days prior to the sale in the State
19 newspaper and in a newspaper having general circulation in the
20 county in which the surplus real property is located. The
21 Administrator shall post "For Sale" signs of a conspicuous
22 nature on such surplus real property offered for sale to the
23 public. If no acceptable offers for the surplus real property
24 are received, the Administrator may have new appraisals of such
25 property made. The Administrator shall have all power necessary
26 to convey surplus real property under this Section. All moneys

1 received for the sale of surplus real property shall be
2 deposited in the General Revenue Fund, except that:

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

9 (2) If a mental health facility operated by the Office
10 of Mental Health within the Department of Human Services,
11 or a facility operated by the Office of Developmental
12 Disabilities within that Department, is closed and the
13 State owns the land on which the facility is located, then
14 the State shall obtain an appraisal of the value of the
15 land and improvements. If the land on which the facility is
16 located is sold by the State, the net proceeds of the sale
17 shall be deposited into the Developmental Disability and
18 Mental Health Reinvestment Fund.

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

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

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

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

8 (405 ILCS 30/4.6 new)

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

11 (a) The Developmental Disability and Mental Health
12 Reinvestment Fund is created as a special fund in the State
13 treasury.

14 (b) If a mental health facility operated by the Office of
15 Mental Health within the Department of Human Services, or a
16 facility operated by the Office of Developmental Disabilities
17 within that Department, is closed and the land on which the
18 facility is located is sold by the State, the net proceeds of
19 the sale shall be deposited into the Developmental Disability
20 and Mental Health Reinvestment Fund. In determining whether any
21 net proceeds are realized from such a sale of land, sufficient
22 moneys shall be made available to ensure that there is an
23 appropriate level of staffing and that life, safety, and care
24 concerns are addressed so as to provide for persons with

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

4 (c) Moneys in the Developmental Disability and Mental
5 Health Reinvestment Fund shall be used solely to provide
6 residential and community-based support services for persons
7 with developmental disabilities or mental health needs.

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