



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5562

Introduced 1/31/2022, by Rep. Lamont J. Robinson, Jr.

SYNOPSIS AS INTRODUCED:

New Act

Creates the Community Expanded Senior and Youth Services Act. Provides for initiation of a question of creating an Expanded Senior and Youth Services Program to provide mental health services within a contiguous territory included entirely within a municipality with more than 1,000,000 inhabitants and increasing real estate property taxes to fund the services. Provides that if the voters of the territory approve of the creation of an Expanded Mental Health Services Program, a governing commission shall be appointed with specified duties. Provides for: creation of and expenditures from an expanded mental health services fund; termination of a Program; immunity and indemnification; legal actions; penalties; home rule; and other matters.

LRB102 25443 RJT 34729 b

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 1. Short title. This Act may be cited as the
5 Community Expanded Senior and Youth Services Act.

6 Section 5. Purpose. The purpose of an Expanded Senior and
7 Youth Services Program and governing commission created under
8 the provisions of this Act to expand the availability of
9 senior and youth services in communities where there is a
10 self-identified need for such services.

11 Section 10. Definitions. As used in this Act:

12 "Community organization" means a not for profit
13 organization that has been registered with this State for at
14 least 5 years as a not for profit organization, which
15 qualifies for tax exempt status under Section 501(c)(3) of the
16 United States Internal Revenue Code of 1986, that continuously
17 maintains an office or business location within the territory
18 of an Expanded Senior and Youth Services Program, together
19 with a current listed telephone number, or a majority of whose
20 members reside within the territory of an Expanded Senior and
21 Youth Services Program.

22 "Governing commission" means the governing body of an

1 Expanded Senior and Youth Services Program created under this
2 Act.

3 "Program" means the Expanded Senior and Youth Services
4 Program governed by a specific governing commission.

5 "Program guidelines" means those policies, rules,
6 regulations, and bylaws established from time to time by the
7 governing commission to explain, clarify, or modify the
8 Program in order to fulfill its goals and objectives.

9 "Territory" means a geographically contiguous area with a
10 population of 75,000 to 250,000 based on the most recent
11 decennial census at the formation of a Program.

12 Section 15. Creation of Expanded Senior and Youth Services
13 Program and governing commission.

14 (a) In a municipality with more than 1,000,000
15 inhabitants, the question of creating an Expanded Senior and
16 Youth Services Program within a contiguous territory included
17 entirely within the municipality may be initiated by
18 resolution or ordinance of the corporate authorities of the
19 municipality or by a petition signed by not less than 8% of the
20 total votes cast for candidates for Governor in the preceding
21 gubernatorial election by registered voters of the territory,
22 by registered voters who are eligible to sign the petition. A
23 resolution, ordinance, or petition initiating a question
24 described in this subsection shall be filed with the election
25 authority having jurisdiction over the municipality. The

1 petition shall be filed and objections thereto shall be made
2 in the manner provided in the general election law. A
3 resolution, ordinance, or petition initiating a question
4 described in this subsection shall specify the election at
5 which the question is to be submitted. Upon receipt of a
6 resolution, ordinance, or petition under this subsection, the
7 election authority having jurisdiction over such municipality
8 shall submit the question of creating a Program to the
9 electors of the territory at the regular election specified in
10 the resolution, ordinance, or petition initiating the
11 question. The referendum on such question shall be held in
12 accordance with general election law. Such question, and the
13 resolution, ordinance, or petition initiating the question,
14 shall include a description of the territory, the name of the
15 proposed Program, and the maximum rate at which the Program
16 shall be able to levy a property tax. The question shall be in
17 substantially the following form:

18 Shall there be established, to serve the territory
19 commonly described on this ballot or notice of this
20 question, a (fill in community name) Expanded
21 Senior and Youth Services Program, to provide direct free
22 senior and youth services for the territory, where such
23 program will be funded through an increase of not more
24 than (fill in tax rate from .025% to .044%) of the
25 equalized assessed valuation of all properties within the
26 boundaries of the territory?

1 All of that area within the geographic boundaries of the
2 territory described in such question shall be included in the
3 Program, and no area outside the geographic boundaries of the
4 territory described in such question shall be included in the
5 Program. If the election authority determines that the
6 description cannot be included within the space limitations of
7 the ballot, the election authority shall prepare large printed
8 copies of a notice of the question, which shall be prominently
9 displayed in the polling place of each precinct in which the
10 question is to be submitted.

11 (b) Whenever a majority of the voters on such public
12 question approve the creation of an Expanded Senior and Youth
13 Services Program as certified by the proper election
14 authorities, within 90 days of the passage of the referendum,
15 the Governor shall appoint 5 members and the mayor of the
16 municipality shall appoint 4 members, to be known as
17 commissioners, to serve as the governing body of the Expanded
18 Senior and Youth Services Program.

19 (c) Of the 5 commissioners appointed by the Governor, the
20 Governor shall choose 4 commissioners from a list of nominees
21 supplied by community organizations; these 4 commissioners
22 shall reside in the territory of the Program. Of the
23 commissioners appointed by the Governor, at least one shall be
24 a senior or youth services professional and at least one shall
25 be a senior or youth services consumer residing in the
26 territory of the Program.

1 (d) Of the 4 commissioners appointed by the mayor of the
2 municipality, the mayor shall choose 3 commissioners from a
3 list of nominees supplied by community organizations; these 3
4 commissioners shall reside in the territory of the Program. Of
5 the commissioners appointed by the mayor, at least one shall
6 be a senior or youth services professional and at least one
7 shall be a senior or youth services consumer residing in the
8 territory of the Program.

9 (e) A community organization may recommend up to 10
10 individuals to the Governor and up to 10 individuals to the
11 mayor to serve on the governing commission.

12 (f) No fewer than 7 commissioners serving at one time
13 shall reside within the territory of the Program.

14 (g) The terms of the initial commissioners shall be as
15 follows: (i) of the Governor's initial appointments, 2 shall
16 be for 3 years, one for 2 years, and 2 for one year; and (ii)
17 of the mayor's initial appointments, one shall be for 3 years,
18 2 for 2 years, and one for one year. All succeeding terms shall
19 be for 3 years, or until a successor is appointed and
20 qualified. Commissioners shall serve without compensation
21 except for reimbursement for reasonable expenses incurred in
22 the performance of duties as a commissioner. A vacancy in the
23 office of a member of a governing commission shall be filled in
24 like manner as an original appointment.

25 (h) Any member of the governing commission may be removed
26 by a majority vote of all other commissioners for absenteeism,

1 neglect of duty, misconduct, or malfeasance in the office
2 after being given a written statement of the charges and an
3 opportunity to be heard thereon.

4 (i) All proceedings and meetings of the governing
5 commission shall be conducted in accordance with the
6 provisions of the Open Meetings Act.

7 Section 20. Duties and functions of the governing
8 commission. The duties and functions of the governing
9 commission of a Program include the following:

10 (1) To, immediately after appointment, meet and
11 organize, including the election of one of its number as
12 president and one as secretary and such other officers as
13 it may deem necessary. It shall establish policies, rules,
14 bylaws, and procedures for both the governing commission
15 and the Program concerning the rendition or operation of
16 services and facilities which it directs, supervises, or
17 funds, not inconsistent with the provisions of this Act.
18 No policies, rules, or bylaws shall be adopted by the
19 governing commission without prior notice to the residents
20 of the territory of a Program and an opportunity for such
21 residents to be heard.

22 (2) To hold meetings at least quarterly, and to hold
23 special meetings upon a written request signed by at least
24 2 commissioners and filed with the secretary of the
25 governing commission.

1 (3) To provide annual status reports on the Program to
2 the Governor, the mayor of the municipality, and the
3 voters of the territory within 120 days after the end of
4 the fiscal year and the report must show the condition of
5 the expanded senior and youth services fund for that year,
6 the sums of money received from all sources, how all
7 monies have been expended and for what purposes, how the
8 Program has conformed with the senior and youth services
9 needs assessment conducted in the territory, and such
10 other statistics and Program information in regard to the
11 work of the governing commission as it may deem of general
12 interest.

13 (4) To manage, administer, and invest the financial
14 resources contained in the expanded senior and youth
15 services fund.

16 (5) To employ necessary personnel, acquire necessary
17 office space, enter into contractual relationships, and
18 disburse funds in accordance with the provisions of this
19 Act. To the extent the governing commission chooses to
20 retain the services of another public or private agency
21 with respect to the provision of expanded senior and youth
22 services under this Act, such selection shall be based
23 upon receipt of a comprehensive plan addressing the
24 following factors: the conducting of a thorough senior and
25 youth services needs assessment for the territory; the
26 development of specific senior and youth programs and

1 services tailored to this assessment; and the percentage
2 of the proposed budget devoted to responding to these
3 demonstrated needs. Within 14 days of the selection of any
4 individual or organization, the governing commission shall
5 provide a written report of its decision, with specific
6 reference to the factors used in reaching its decision, to
7 the mayor of the municipality, the Governor, and the
8 voters of the territory. Subsequent decisions by the
9 governing commission to retain or terminate the services
10 of a provider shall be based upon the provider's success
11 in achieving its stated goals, especially with regards to
12 servicing the maximum number of residents of the territory
13 identified as needing senior and youth services in the
14 initial needs assessment and subsequent updates to it.

15 (6) To disburse the funds collected annually from tax
16 revenue in such a way that no less than 85% of those funds
17 are expended on direct senior and youth services provided
18 by qualified professionals or by persons supervised by
19 those professionals.

20 (7) To establish criteria and standards necessary for
21 hiring the senior and youth services professionals to be
22 employed to provide the services of the Program.

23 (8) To identify the senior and youth services needs
24 within the Program territory and determine the programs
25 for meeting those needs annually.

26 (9) To obtain errors and omissions insurance for all

1 commissioners in an amount of no less than \$1,000,000.

2 (10) To perform such other functions in connection
3 with the Program and the expanded senior and youth
4 services fund as required under this Act.

5 Section 25. Expanded senior and youth services fund;
6 annual tax; budget.

7 (a) The governing commission shall maintain an expanded
8 senior and youth services fund for the purposes of paying the
9 costs of administering the Program and carrying out its duties
10 under this Act, subject to the limitations and procedures set
11 forth in this Act.

12 (b) The expanded senior and youth services fund shall be
13 raised by means of an annual tax levied on each property within
14 the territory of the Program. The rate of this tax may be
15 changed from year to year by majority vote of the governing
16 commission, but in no case shall it exceed the ceiling rate
17 established by the voters in the territory of the Program in
18 the referendum to approve the creation of the Program. The
19 ceiling rate must be set within the range of .025% to .044% of
20 the equalized assessed valuation of all properties in the
21 territory of the Program. A higher ceiling rate for a
22 territory may be established within that range only by the
23 voters in a referendum from time to time to be held in a manner
24 as set forth in this Act. The commissioners shall cause the
25 amount to be raised by taxation in each year to be certified to

1 the county clerk in the manner provided by law, and any tax so
2 levied and certified shall be collected and enforced in the
3 same manner and by the same officers as those taxes for the
4 purposes of the county and city within which the territory of
5 the governing commission is located. Any such tax, when
6 collected, shall be paid over to the proper officer of the
7 governing commission who is authorized to receive and receipt
8 for such tax and deposit same into the expanded senior and
9 youth services fund. The governing commission may issue tax
10 anticipation warrants against the taxes to be assessed for a
11 calendar year.

12 (c) The moneys deposited in the expanded senior and youth
13 services fund shall, as nearly as practicable, be fully and
14 continuously invested or reinvested by the governing
15 commission in investment obligations which shall be in such
16 amounts, and shall mature at such times, that the maturity or
17 date of redemption at the option of the holder of such
18 investment obligations shall coincide, as nearly as
19 practicable, with the times at which monies will be required
20 for the purposes of the Program. For the purposes of this
21 Section, "investment obligation" means direct general
22 municipal, State, or federal obligations which at the time are
23 legal investments under the laws of this State and the payment
24 of principal of and interest on which are unconditionally
25 guaranteed by the governing body issuing them.

26 (d) The fund shall be used solely and exclusively for the

1 purpose of providing expanded senior and youth services and no
2 more than 15% of the annual levy may be used for reasonable
3 salaries, expenses, bills, and fees incurred in administering
4 the Program.

5 (e) The fund shall be maintained, invested, and expended
6 exclusively by the governing commission of the Program for
7 whose purposes it was created. Under no circumstances shall
8 the fund be used by any person or persons, governmental body,
9 or public or private agency or concern other than the
10 governing commission of the Program for whose purposes it was
11 created. Under no circumstances shall the fund be commingled
12 with other funds or investments.

13 (f) No commissioner or family member of a commissioner, or
14 employee or family member of an employee, may receive any
15 financial benefit, either directly or indirectly, from the
16 fund. Nothing in this subsection shall be construed to
17 prohibit payment of expenses to a commissioner in accordance
18 with subsection (g) of Section 15.

19 (g) Annually, the governing commission shall prepare for
20 informational purposes in the appropriations process: (1) an
21 annual budget showing the estimated receipts and intended
22 disbursements pursuant to this Act for the fiscal year
23 immediately following the date the budget is submitted, which
24 date must be at least 30 days prior to the start of the fiscal
25 year; and (2) an independent financial audit of the fund and
26 the management of the Program detailing the income received

1 and disbursements made pursuant to this Act during the fiscal
2 year just preceding the date the annual report is submitted,
3 which date must be within 90 days of the close of that fiscal
4 year. These reports shall be made available to the public
5 through any office of the governing commission or a public
6 facility, such as a local public library located within the
7 territory of the Program. In addition, and in an effort to
8 increase transparency of public programming, the governing
9 commission shall create and operate a publicly accessible
10 website, which shall publish results of all audits for a
11 period of no less than 6 months after the initial disclosure of
12 the results and findings of each audit.

13 Section 30. Termination of a Program. A Program may be
14 terminated only by the submission of and approval of the issue
15 in the form of a public question before the voters of the
16 territory of the Program at a regularly scheduled election in
17 the same manner as the question of the creation of the Program,
18 as set forth in Section 15 of this Act. If a majority of the
19 voters voting upon the question approve the termination of the
20 Program, as certified by the proper election authorities, the
21 Program shall conclude its business and cease operations
22 within one year of the date on which the election containing
23 the public question was held.

24 Section 35. Immunity and indemnification. No commissioner,

1 officer, or employee, whether on salary, wage, or voluntary
2 basis, shall be personally liable and no cause of action may be
3 brought for damages resulting from the exercise of judgment or
4 discretion in connection with the performance of Program
5 duties or responsibilities, unless the act or omission
6 involved willful or wanton conduct.

7 A Program shall indemnify each commissioner, officer, and
8 employee, whether on salary, wage, or voluntary basis against
9 any and all losses, damages, judgments, interest, settlements,
10 fines, court costs and other reasonable costs and expenses of
11 legal proceedings including attorney fees, and any other
12 liabilities incurred by, imposed upon, or suffered by such
13 individual in connection with or resulting from any claim,
14 action, suit, or proceeding, actual or threatened, arising out
15 of or in connection with the performance of Program duties.
16 Any settlement of any claim must be made with prior approval of
17 the governing commission in order for indemnification, as
18 provided in this Section, to be available.

19 The immunity and indemnification provided by a Program
20 under this Section shall not cover any acts or omissions which
21 involve willful or wanton conduct, breach of good faith,
22 intentional misconduct, knowing violation of the law, or for
23 any transaction from which such individual derives an improper
24 personal benefit.

25 Section 40. Legal actions. No lawsuit or any other type of

1 legal action brought under the terms of this Act shall be
2 sustainable in circuit court unless all conditions,
3 stipulations, and provisions of the Program have been complied
4 with and unless the suit is brought within 12 months after the
5 event which is the subject of the legal action.

6 Section 45. Penalty. Any person violating the provisions
7 of this Act or any procedure, rule, or bylaw of a governing
8 commission and Program created under this Act shall, in
9 addition to all other remedies provided by law, be guilty of a
10 petty offense and shall be fined not more than \$1,000 for each
11 offense.

12 Section 50. Home rule. The authority or duty to establish
13 or prohibit the establishment of Expanded Senior and Youth
14 Services Programs in any municipality with more than 1,000,000
15 inhabitants, including home rule units, and the determination
16 of the terms of such Programs are declared to be exclusive
17 powers and functions of the State which may not be exercised
18 concurrently by any such municipality. No municipality with
19 more than 1,000,000 inhabitants, including home rule units,
20 shall establish or maintain an Expanded Senior and Youth
21 Services Program other than as provided in this Act, and any
22 such municipality shall affirmatively establish and maintain
23 an Expanded Senior and Youth Services Program when required to
24 do so pursuant to this Act. This Section is a denial and

1 limitation of home rule powers and functions under subsection
2 (h) of Section 6 of Article VII of the Illinois Constitution.