

1 AN ACT concerning local government.

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

4 Section 5. The Counties Code is amended by adding Section  
5 5-1188 as follows:

6 (55 ILCS 5/5-1188 new)

7 Sec. 5-1188. Sangamon County rescue squad. The Sangamon  
8 County Board may form, manage, fund, and operate a volunteer  
9 rescue squad to provide assistance within Sangamon County to  
10 any public entity providing law enforcement, firefighting,  
11 emergency disaster response, or first responder services. The  
12 volunteer rescue squad may (i) locate missing persons,  
13 including drowning victims, (ii) perform a supporting, and not  
14 direct, role in fighting fires, and (iii) extricate persons  
15 from unsafe conditions. The Sangamon County Board may provide  
16 benefits for rescue squad volunteers who suffer disease,  
17 injury, or death in the line of duty.

18 Section 10. The Community Mental Health Act is amended by  
19 changing Sections 3a, 3b, 3e, and 5 as follows:

20 (405 ILCS 20/3a) (from Ch. 91 1/2, par. 303a)

21 Sec. 3a. Every governmental unit authorized to levy an

1 annual tax under any of the provisions of this Act shall,  
2 before it may levy such tax, establish a 7 member community  
3 mental health board who shall administer this Act. Such board  
4 shall be appointed by the chairman of the governing body of a  
5 county, the mayor of a city, the president of a village, the  
6 president of an incorporated town, or the supervisor of a  
7 township, as the case may be, with the advice and consent of  
8 the governing body of such county, city, village, incorporated  
9 town or the town board of trustees of any township. Members of  
10 the community mental health board shall be residents of the  
11 government unit and, as nearly as possible, be representative  
12 of interested groups of the community such as local health  
13 departments, medical societies, local comprehensive health  
14 planning agencies, hospital boards, lay associations concerned  
15 with mental health, developmental disabilities and substance  
16 abuse, as well as the general public. Only one member shall be  
17 a member of the governing body, with the term of membership on  
18 the board to run concurrently with the elected term of the  
19 member. The chairman of the governing body may, upon the  
20 request of the community mental health board, appoint 2  
21 additional members to the community mental health board. No  
22 member of the community mental health board may be a full-time  
23 or part-time employee of the Department of Human Services or a  
24 board member, employee or any other individual receiving  
25 compensation from any facility or service operating under  
26 contract to the board. If a successful referendum is held

1 under Section 5 of this Act, all members of such board shall be  
2 appointed within 60 days after the local election authority  
3 certifies the passage of the referendum.

4 Home rule units are exempt from this Act. However, they  
5 may, by ordinance, adopt the provisions of this Act, or any  
6 portion thereof, that they may deem advisable.

7 The tax rate set forth in Section 4 may be levied by any  
8 non-home rule unit only pursuant to the approval by the voters  
9 at a referendum. Such referendum may have been held at any time  
10 subsequent to the effective date of the Community Mental  
11 Health Act.

12 (Source: P.A. 95-336, eff. 8-21-07.)

13 (405 ILCS 20/3b) (from Ch. 91 1/2, par. 303b)

14 Sec. 3b. The term of office of each member of the community  
15 mental health board shall be for 4 years, provided, however,  
16 that of the members first appointed, 2 shall be appointed for a  
17 term of 2 years, 2 for a term of 3 years and 3 for a term of 4  
18 years. All terms shall be measured from the first day of the  
19 month ~~year~~ of appointment. Vacancies shall be filled for the  
20 unexpired term in the same manner as original appointments.

21 (Source: Laws 1965, p. 1037.)

22 (405 ILCS 20/3e) (from Ch. 91 1/2, par. 303e)

23 Sec. 3e. Board's powers and duties.

24 (1) Every community mental health board shall, within 30

1 days after members are first appointed and within 30 days  
2 after members are appointed or reappointed upon the expiration  
3 of a member's term immediately after appointment, meet and  
4 organize, by the election of one of its number as president and  
5 one as secretary and such other officers as it may deem  
6 necessary. It shall make rules and regulations concerning the  
7 rendition or operation of services and facilities which it  
8 directs, supervises or funds, not inconsistent with the  
9 provisions of this Act. It shall:

10 (a) Hold a meeting prior to July 1 of each year at  
11 which officers shall be elected for the ensuing year  
12 beginning July 1;

13 (b) Hold meetings at least quarterly;

14 (c) Hold special meetings upon a written request  
15 signed by at least 2 members and filed with the secretary;

16 (d) Review and evaluate community mental health  
17 services and facilities, including services and facilities  
18 for the treatment of alcoholism, drug addiction,  
19 developmental disabilities, and intellectual  
20 disabilities;

21 (e) Authorize the disbursement of money from the  
22 community mental health fund for payment for the ordinary  
23 and contingent expenses of the board;

24 (f) Submit to the appointing officer and the members  
25 of the governing body a written plan for a program of  
26 community mental health services and facilities for

1 persons with a mental illness, a developmental disability,  
2 or a substance use disorder. Such plan shall be for the  
3 ensuing 12 month period. In addition, a plan shall be  
4 developed for the ensuing 3 year period and such plan  
5 shall be reviewed at the end of every 12 month period and  
6 shall be modified as deemed advisable.

7 (g) Within amounts appropriated therefor, execute such  
8 programs and maintain such services and facilities as may  
9 be authorized under such appropriations, including amounts  
10 appropriated under bond issues, if any;

11 (h) Publish the annual budget and report within 120  
12 days after the end of the fiscal year in a newspaper  
13 distributed within the jurisdiction of the board, or, if  
14 no newspaper is published within the jurisdiction of the  
15 board, then one published in the county, or, if no  
16 newspaper is published in the county, then in a newspaper  
17 having general circulation within the jurisdiction of the  
18 board. The report shall show the condition of its trust of  
19 that year, the sums of money received from all sources,  
20 giving the name of any donor, how all monies have been  
21 expended and for what purpose, and such other statistics  
22 and program information in regard to the work of the board  
23 as it may deem of general interest. A copy of the budget  
24 and the annual report shall be made available to the  
25 Department of Human Services and to members of the General  
26 Assembly whose districts include any part of the

1 jurisdiction of such board. The names of all employees,  
2 consultants, and other personnel shall be set forth along  
3 with the amounts of money received;

4 (i) Consult with other appropriate private and public  
5 agencies in the development of local plans for the most  
6 efficient delivery of mental health, developmental  
7 disabilities, and substance use disorder services. The  
8 Board is authorized to join and to participate in the  
9 activities of associations organized for the purpose of  
10 promoting more efficient and effective services and  
11 programs;

12 (j) Have the authority to review and comment on all  
13 applications for grants by any person, corporation, or  
14 governmental unit providing services within the  
15 geographical area of the board which provides mental  
16 health facilities and services, including services for the  
17 person with a mental illness, a developmental disability,  
18 or a substance use disorder. The board may require funding  
19 applicants to send a copy of their funding application to  
20 the board at the time such application is submitted to the  
21 Department of Human Services or to any other local, State  
22 or federal funding source or governmental agency. Within  
23 60 days of the receipt of any application, the board shall  
24 submit its review and comments to the Department of Human  
25 Services or to any other appropriate local, State or  
26 federal funding source or governmental agency. A copy of

1 the review and comments shall be submitted to the funding  
2 applicant. Within 60 days thereafter, the Department of  
3 Human Services or any other appropriate local or State  
4 governmental agency shall issue a written response to the  
5 board and the funding applicant. The Department of Human  
6 Services shall supply any community mental health board  
7 such information about purchase-of-care funds, State  
8 facility utilization, and costs in its geographical area  
9 as the board may request provided that the information  
10 requested is for the purpose of the Community Mental  
11 Health Board complying with the requirements of Section  
12 3f, subsection (f) of this Act;

13 (k) Perform such other acts as may be necessary or  
14 proper to carry out the purposes of this Act.

15 (2) The community mental health board has the following  
16 powers:

17 (a) The board may enter into multiple-year contracts  
18 for rendition or operation of services, facilities and  
19 educational programs.

20 (b) The board may arrange through intergovernmental  
21 agreements or intragovernmental agreements or both for the  
22 rendition of services and operation of facilities by other  
23 agencies or departments of the governmental unit or county  
24 in which the governmental unit is located with the  
25 approval of the governing body.

26 (c) To employ, establish compensation for, and set

1 policies for its personnel, including legal counsel, as  
2 may be necessary to carry out the purposes of this Act and  
3 prescribe the duties thereof. The board may enter into  
4 multiple-year employment contracts as may be necessary for  
5 the recruitment and retention of personnel and the proper  
6 functioning of the board.

7 (d) The board may enter into multiple-year joint  
8 agreements, which shall be written, with other mental  
9 health boards and boards of health to provide jointly  
10 agreed upon community mental health facilities and  
11 services and to pool such funds as may be deemed necessary  
12 and available for this purpose.

13 (e) The board may organize a not-for-profit  
14 corporation for the purpose of providing direct recipient  
15 services. Such corporations shall have, in addition to all  
16 other lawful powers, the power to contract with persons to  
17 furnish services for recipients of the corporation's  
18 facilities, including psychiatrists and other physicians  
19 licensed in this State to practice medicine in all of its  
20 branches. Such physicians shall be considered independent  
21 contractors, and liability for any malpractice shall not  
22 extend to such corporation, nor to the community mental  
23 health board, except for gross negligence in entering into  
24 such a contract.

25 (f) The board shall not operate any direct recipient  
26 services for more than a 2-year period when such services



1 are being provided in the governmental unit, but shall  
2 encourage, by financial support, the development of  
3 private agencies to deliver such needed services, pursuant  
4 to regulations of the board.

5 (g) Where there are multiple boards within the same  
6 planning area, as established by the Department of Human  
7 Services, services may be purchased through a single  
8 delivery system. In such areas, a coordinating body with  
9 representation from each board shall be established to  
10 carry out the service functions of this Act. In the event  
11 any such coordinating body purchases or improves real  
12 property, such body shall first obtain the approval of the  
13 governing bodies of the governmental units in which the  
14 coordinating body is located.

15 (h) The board may enter into multiple-year joint  
16 agreements with other governmental units located within  
17 the geographical area of the board. Such agreements shall  
18 be written and shall provide for the rendition of services  
19 by the board to the residents of such governmental units.

20 (i) The board may enter into multiple-year joint  
21 agreements with federal, State, and local governments,  
22 including the Department of Human Services, whereby the  
23 board will provide certain services. All such joint  
24 agreements must provide for the exchange of relevant data.  
25 However, nothing in this Act shall be construed to permit  
26 the abridgement of the confidentiality of patient records.

1           (j) The board may receive gifts from private sources  
2           for purposes not inconsistent with the provisions of this  
3           Act.

4           (k) The board may receive Federal, State and local  
5           funds for purposes not inconsistent with the provisions of  
6           this Act.

7           (l) The board may establish scholarship programs. Such  
8           programs shall require equivalent service or reimbursement  
9           pursuant to regulations of the board.

10          (m) The board may sell, rent, or lease real property  
11          for purposes consistent with this Act.

12          (n) The board may: (i) own real property, lease real  
13          property as lessee, or acquire real property by purchase,  
14          construction, lease-purchase agreement, or otherwise; (ii)  
15          take title to the property in the board's name; (iii)  
16          borrow money and issue debt instruments, mortgages,  
17          purchase-money mortgages, and other security instruments  
18          with respect to the property; and (iv) maintain, repair,  
19          remodel, or improve the property. All of these activities  
20          must be for purposes consistent with this Act as may be  
21          reasonably necessary for the housing and proper  
22          functioning of the board. The board may use moneys in the  
23          Community Mental Health Fund for these purposes.

24          (o) The board may organize a not-for-profit  
25          corporation (i) for the purpose of raising money to be  
26          distributed by the board for providing community mental

1 health services and facilities for the treatment of  
2 alcoholism, drug addiction, developmental disabilities,  
3 and intellectual disabilities or (ii) for other purposes  
4 not inconsistent with this Act.

5 (p) The board may fix a fiscal year for the board.

6 (q) The board has the responsibility to set, maintain,  
7 and implement the budget.

8 Every board shall be subject to the requirements under the  
9 Freedom of Information Act and the Open Meetings Act.

10 (Source: P.A. 97-227, eff. 1-1-12.)

11 (405 ILCS 20/5) (from Ch. 91 1/2, par. 305)

12 Sec. 5. (a) When the governing body of a governmental unit  
13 passes a resolution as provided in Section 4 asking that an  
14 annual tax may be levied for the purpose of providing such  
15 mental health facilities and services, including facilities  
16 and services for the person with a developmental disability or  
17 a substance use disorder, in the community and so instructs  
18 the clerk of the governmental unit such clerk shall certify  
19 the proposition to the proper election officials for  
20 submission at a regular election in accordance with the  
21 general election law. The proposition shall be in the  
22 following form:

23 -----

24 Shall..... (governmental

25 unit) levy an annual tax of (not

YES

1 more than .15%) for the purpose of providing  
 2 community mental health facilities and -----  
 3 services including facilities and services  
 4 for persons ~~the person~~ with a developmental NO  
 5 disability or a substance use disorder?  
 6 -----

7 (a-5) If the governmental unit is also subject to the  
 8 Property Tax Extension Limitation Law, then the proposition  
 9 shall also comply with the Property Tax Extension Limitation  
 10 Law. Notwithstanding any provision of this subsection, any  
 11 referendum imposing an annual tax on or after January 1, 1994  
 12 and prior to May 13, 2022 (the effective date of Public Act  
 13 102-839) ~~this amendatory Act of the 102nd General Assembly~~  
 14 that complies with subsection (a) is hereby validated.

15 (b) If a majority of all the votes cast upon the  
 16 proposition are for the levy of such tax, the governing body of  
 17 such governmental unit shall thereafter annually levy a tax  
 18 not to exceed the rate set forth in Section 4. Thereafter, the  
 19 governing body shall in the annual appropriation bill  
 20 appropriate from such funds such sum or sums of money as may be  
 21 deemed necessary by the community mental health board, based  
 22 upon the community mental health board's budget, the board's  
 23 annual mental health report, and the local mental health plan  
 24 to defray necessary expenses and liabilities in providing for  
 25 such community mental health facilities and services.

26 (c) If the governing body of a governmental unit levies a

1 tax under Section 4 of this Act and the rate specified in the  
2 proposition under subsection (a) of this Section is less than  
3 0.15%, then the governing body of the governmental unit may,  
4 upon referendum approval, increase that rate to not more than  
5 0.15%. The governing body shall instruct the clerk of the  
6 governmental unit to certify the proposition to the proper  
7 election officials for submission at a regular election in  
8 accordance with the general election law. The proposition  
9 shall be in the following form:

10 "Shall the tax imposed by (governmental unit) for the  
11 purpose of providing community mental health facilities  
12 and services, including facilities and services for  
13 persons with a developmental disability or substance use  
14 disorder be increased to (not more than 0.15%)?"

15 If a majority of all the votes cast upon the proposition  
16 are for the increase of the tax, then the governing body of the  
17 governmental unit may thereafter annually levy a tax not to  
18 exceed the rate set forth in the referendum question.

19 (Source: P.A. 102-839, eff. 5-13-22; 102-935, eff. 7-1-22;  
20 revised 8-25-22.)