



Sen. Adriane Johnson

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10300HB0475sam002

LRB103 04045 SPS 61075 a

1 AMENDMENT TO HOUSE BILL 475

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 475 by replacing  
3 everything after the enacting clause with the following:

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

6 (405 ILCS 20/3a) (from Ch. 91 1/2, par. 303a)

7 Sec. 3a. Every governmental unit authorized to levy an  
8 annual tax under any of the provisions of this Act shall,  
9 before it may levy such tax, establish a 7 member community  
10 mental health board who shall administer this Act. Such board  
11 shall be appointed by the chairman of the governing body of a  
12 county, the mayor of a city, the president of a village, the  
13 president of an incorporated town, or the supervisor of a  
14 township, as the case may be, with the advice and consent of  
15 the governing body of such county, city, village, incorporated  
16 town or the town board of trustees of any township. Members of

1 the community mental health board shall be residents of the  
2 government unit and, as nearly as possible, be representative  
3 of interested groups of the community such as local health  
4 departments, medical societies, local comprehensive health  
5 planning agencies, hospital boards, lay associations concerned  
6 with mental health, developmental disabilities and substance  
7 abuse, as well as the general public. Only one member shall be  
8 a member of the governing body, with the term of membership on  
9 the board to run concurrently with the elected term of the  
10 member. The chairman of the governing body may, upon the  
11 request of the community mental health board, appoint 2  
12 additional members to the community mental health board. No  
13 member of the community mental health board may be a full-time  
14 or part-time employee of the Department of Human Services or a  
15 board member, employee or any other individual receiving  
16 compensation from any facility or service operating under  
17 contract to the board. If a successful referendum is held  
18 under Section 5 of this Act, all members of such board shall be  
19 appointed within 60 days after the local election authority  
20 certifies the passage of the referendum.

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

24 The tax rate set forth in Section 4 may be levied by any  
25 non-home rule unit only pursuant to the approval by the voters  
26 at a referendum. Such referendum may have been held at any time

1 subsequent to the effective date of the Community Mental  
2 Health Act.

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

4 (405 ILCS 20/3b) (from Ch. 91 1/2, par. 303b)

5 Sec. 3b. The term of office of each member of the community  
6 mental health board shall be for 4 years, provided, however,  
7 that of the members first appointed, 2 shall be appointed for a  
8 term of 2 years, 2 for a term of 3 years and 3 for a term of 4  
9 years. All terms shall be measured from the first day of the  
10 month ~~year~~ of appointment. Vacancies shall be filled for the  
11 unexpired term in the same manner as original appointments.

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

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

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

15 (1) Every community mental health board shall, within 30  
16 days after members are first appointed and within 30 days  
17 after members are appointed or reappointed upon the expiration  
18 of a member's term ~~immediately after appointment~~, meet and  
19 organize, by the election of one of its number as president and  
20 one as secretary and such other officers as it may deem  
21 necessary. It shall make rules and regulations concerning the  
22 rendition or operation of services and facilities which it  
23 directs, supervises or funds, not inconsistent with the  
24 provisions of this Act. It shall:

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

4           (b) Hold meetings at least quarterly;

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

7           (d) Review and evaluate community mental health  
8           services and facilities, including services and facilities  
9           for the treatment of alcoholism, drug addiction,  
10          developmental disabilities, and intellectual  
11          disabilities;

12          (e) Authorize the disbursement of money from the  
13          community mental health fund for payment for the ordinary  
14          and contingent expenses of the board;

15          (f) Submit to the appointing officer and the members  
16          of the governing body a written plan for a program of  
17          community mental health services and facilities for  
18          persons with a mental illness, a developmental disability,  
19          or a substance use disorder. Such plan shall be for the  
20          ensuing 12 month period. In addition, a plan shall be  
21          developed for the ensuing 3 year period and such plan  
22          shall be reviewed at the end of every 12 month period and  
23          shall be modified as deemed advisable.

24          (g) Within amounts appropriated therefor, execute such  
25          programs and maintain such services and facilities as may  
26          be authorized under such appropriations, including amounts

1           appropriated under bond issues, if any;

2           (h) Publish the annual budget and report within 120  
3           days after the end of the fiscal year in a newspaper  
4           distributed within the jurisdiction of the board, or, if  
5           no newspaper is published within the jurisdiction of the  
6           board, then one published in the county, or, if no  
7           newspaper is published in the county, then in a newspaper  
8           having general circulation within the jurisdiction of the  
9           board. The report shall show the condition of its trust of  
10          that year, the sums of money received from all sources,  
11          giving the name of any donor, how all monies have been  
12          expended and for what purpose, and such other statistics  
13          and program information in regard to the work of the board  
14          as it may deem of general interest. A copy of the budget  
15          and the annual report shall be made available to the  
16          Department of Human Services and to members of the General  
17          Assembly whose districts include any part of the  
18          jurisdiction of such board. The names of all employees,  
19          consultants, and other personnel shall be set forth along  
20          with the amounts of money received;

21          (i) Consult with other appropriate private and public  
22          agencies in the development of local plans for the most  
23          efficient delivery of mental health, developmental  
24          disabilities, and substance use disorder services. The  
25          Board is authorized to join and to participate in the  
26          activities of associations organized for the purpose of

1 promoting more efficient and effective services and  
2 programs;

3 (j) Have the authority to review and comment on all  
4 applications for grants by any person, corporation, or  
5 governmental unit providing services within the  
6 geographical area of the board which provides mental  
7 health facilities and services, including services for the  
8 person with a mental illness, a developmental disability,  
9 or a substance use disorder. The board may require funding  
10 applicants to send a copy of their funding application to  
11 the board at the time such application is submitted to the  
12 Department of Human Services or to any other local, State  
13 or federal funding source or governmental agency. Within  
14 60 days of the receipt of any application, the board shall  
15 submit its review and comments to the Department of Human  
16 Services or to any other appropriate local, State or  
17 federal funding source or governmental agency. A copy of  
18 the review and comments shall be submitted to the funding  
19 applicant. Within 60 days thereafter, the Department of  
20 Human Services or any other appropriate local or State  
21 governmental agency shall issue a written response to the  
22 board and the funding applicant. The Department of Human  
23 Services shall supply any community mental health board  
24 such information about purchase-of-care funds, State  
25 facility utilization, and costs in its geographical area  
26 as the board may request provided that the information

1 requested is for the purpose of the Community Mental  
2 Health Board complying with the requirements of Section  
3 3f, subsection (f) of this Act;

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

6 (2) The community mental health board has the following  
7 powers:

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

11 (b) The board may arrange through intergovernmental  
12 agreements or intragovernmental agreements or both for the  
13 rendition of services and operation of facilities by other  
14 agencies or departments of the governmental unit or county  
15 in which the governmental unit is located with the  
16 approval of the governing body.

17 (c) To employ, establish compensation for, and set  
18 policies for its personnel, including legal counsel, as  
19 may be necessary to carry out the purposes of this Act and  
20 prescribe the duties thereof. The board may enter into  
21 multiple-year employment contracts as may be necessary for  
22 the recruitment and retention of personnel and the proper  
23 functioning of the board.

24 (d) The board may enter into multiple-year joint  
25 agreements, which shall be written, with other mental  
26 health boards and boards of health to provide jointly

1       agreed upon community mental health facilities and  
2       services and to pool such funds as may be deemed necessary  
3       and available for this purpose.

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

16      (f) The board shall not operate any direct recipient  
17      services for more than a 2-year period when such services  
18      are being provided in the governmental unit, but shall  
19      encourage, by financial support, the development of  
20      private agencies to deliver such needed services, pursuant  
21      to regulations of the board.

22      (g) Where there are multiple boards within the same  
23      planning area, as established by the Department of Human  
24      Services, services may be purchased through a single  
25      delivery system. In such areas, a coordinating body with  
26      representation from each board shall be established to



1 carry out the service functions of this Act. In the event  
2 any such coordinating body purchases or improves real  
3 property, such body shall first obtain the approval of the  
4 governing bodies of the governmental units in which the  
5 coordinating body is located.

6 (h) The board may enter into multiple-year joint  
7 agreements with other governmental units located within  
8 the geographical area of the board. Such agreements shall  
9 be written and shall provide for the rendition of services  
10 by the board to the residents of such governmental units.

11 (i) The board may enter into multiple-year joint  
12 agreements with federal, State, and local governments,  
13 including the Department of Human Services, whereby the  
14 board will provide certain services. All such joint  
15 agreements must provide for the exchange of relevant data.  
16 However, nothing in this Act shall be construed to permit  
17 the abridgement of the confidentiality of patient records.

18 (j) The board may receive gifts from private sources  
19 for purposes not inconsistent with the provisions of this  
20 Act.

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

24 (l) The board may establish scholarship programs. Such  
25 programs shall require equivalent service or reimbursement  
26 pursuant to regulations of the board.

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

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

15 (o) The board may organize a not-for-profit  
16 corporation (i) for the purpose of raising money to be  
17 distributed by the board for providing community mental  
18 health services and facilities for the treatment of  
19 alcoholism, drug addiction, developmental disabilities,  
20 and intellectual disabilities or (ii) for other purposes  
21 not inconsistent with this Act.

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

23 (3) Every board shall be subject to the requirements under  
24 the Freedom of Information Act and the Open Meetings Act.

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

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

2 Sec. 5. (a) When the governing body of a governmental unit  
3 passes a resolution as provided in Section 4 asking that an  
4 annual tax may be levied for the purpose of providing such  
5 mental health facilities and services, including facilities  
6 and services for the person with a developmental disability or  
7 a substance use disorder, in the community and so instructs  
8 the clerk of the governmental unit such clerk shall certify  
9 the proposition to the proper election officials for  
10 submission at a regular election in accordance with the  
11 general election law. The proposition shall be in the  
12 following form:

13 -----

14	Shall..... (governmental	
15	unit) levy an annual tax of (not	YES
16	more than .15%) for the purpose of providing	
17	community mental health facilities and	-----
18	services including facilities and services	
19	for <u>persons</u> <del>the person</del> with a developmental	NO
20	disability or a substance use disorder?	

21 -----

22 (a-5) If the governmental unit is also subject to the  
23 Property Tax Extension Limitation Law, then the proposition  
24 shall also comply with the Property Tax Extension Limitation  
25 Law. Notwithstanding any provision of this subsection, any  
26 referendum imposing an annual tax on or after January 1, 1994

1 and prior to May 13, 2022 (the effective date of Public Act  
2 102-839) ~~this amendatory Act of the 102nd General Assembly~~  
3 that complies with subsection (a) is hereby validated.

4 (b) If a majority of all the votes cast upon the  
5 proposition at any referendum imposing an annual tax prior to  
6 July 1, 2022 (the effective date of Public Act 102-0935) are  
7 for the levy of such tax, the governing body of such  
8 governmental unit shall thereafter annually levy a tax not to  
9 exceed the rate set forth in Section 4. Thereafter, the  
10 governing body shall in the annual appropriation bill  
11 appropriate from such funds such sum or sums of money as may be  
12 deemed necessary, based upon the community mental health  
13 board's budget, the board's annual mental health report, and  
14 the local mental health plan to defray necessary expenses and  
15 liabilities in providing for such community mental health  
16 facilities and services.

17 (b-5) If a majority of all the votes cast upon the  
18 proposition at any referendum imposing an annual tax on or  
19 after July 1, 2022 (the effective date of Public Act 102-0935)  
20 are for the levy of such tax, the governing body of such  
21 governmental unit shall thereafter annually levy a tax, as  
22 deemed necessary by the community mental health board, not to  
23 exceed the rate set forth in Section 4. Thereafter, the  
24 governing body shall in the annual appropriation bill  
25 appropriate from such funds such sum or sums of money as may be  
26 deemed necessary by the community mental health board, based

1 upon the community mental health board's budget, the board's  
2 annual mental health report, and the local mental health plan  
3 to defray necessary expenses and liabilities in providing for  
4 such community mental health facilities and services.

5 (c) If the governing body of a governmental unit levies a  
6 tax under Section 4 of this Act and the rate specified in the  
7 proposition under subsection (a) of this Section is less than  
8 0.15%, then the governing body of the governmental unit may,  
9 upon referendum approval, increase that rate to not more than  
10 0.15%. The governing body shall instruct the clerk of the  
11 governmental unit to certify the proposition to the proper  
12 election officials for submission at a regular election in  
13 accordance with the general election law. The proposition  
14 shall be in the following form:

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

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

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