



Sen. Adriane Johnson

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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 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,

1 injury, or death in the line of duty.

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

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

5 Sec. 3a. Every governmental unit authorized to levy an
6 annual tax under any of the provisions of this Act shall,
7 before it may levy such tax, establish a 7 member community
8 mental health board who shall administer this Act. Such board
9 shall be appointed by the chairman of the governing body of a
10 county, the mayor of a city, the president of a village, the
11 president of an incorporated town, or the supervisor of a
12 township, as the case may be, with the advice and consent of
13 the governing body of such county, city, village, incorporated
14 town or the town board of trustees of any township. Members of
15 the community mental health board shall be residents of the
16 government unit and, as nearly as possible, be representative
17 of interested groups of the community such as local health
18 departments, medical societies, local comprehensive health
19 planning agencies, hospital boards, lay associations concerned
20 with mental health, developmental disabilities and substance
21 abuse, as well as the general public. Only one member shall be
22 a member of the governing body, with the term of membership on
23 the board to run concurrently with the elected term of the
24 member. The chairman of the governing body may, upon the

1 request of the community mental health board, appoint 2
2 additional members to the community mental health board. No
3 member of the community mental health board may be a full-time
4 or part-time employee of the Department of Human Services or a
5 board member, employee or any other individual receiving
6 compensation from any facility or service operating under
7 contract to the board. If a successful referendum is held
8 under Section 5 of this Act, all members of such board shall be
9 appointed within 60 days after the local election authority
10 certifies the passage of the referendum.

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

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

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

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

21 Sec. 3b. The term of office of each member of the community
22 mental health board shall be for 4 years, provided, however,
23 that of the members first appointed, 2 shall be appointed for a
24 term of 2 years, 2 for a term of 3 years and 3 for a term of 4
25 years. All terms shall be measured from the first day of the

1 month ~~year~~ of appointment. Vacancies shall be filled for the
2 unexpired term in the same manner as original appointments.

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

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

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

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

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

19 (b) Hold meetings at least quarterly;

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

22 (d) Review and evaluate community mental health
23 services and facilities, including services and facilities
24 for the treatment of alcoholism, drug addiction,
25 developmental disabilities, and intellectual

1 disabilities;

2 (e) Authorize the disbursement of money from the
3 community mental health fund for payment for the ordinary
4 and contingent expenses of the board;

5 (f) Submit to the appointing officer and the members
6 of the governing body a written plan for a program of
7 community mental health services and facilities for
8 persons with a mental illness, a developmental disability,
9 or a substance use disorder. Such plan shall be for the
10 ensuing 12 month period. In addition, a plan shall be
11 developed for the ensuing 3 year period and such plan
12 shall be reviewed at the end of every 12 month period and
13 shall be modified as deemed advisable.

14 (g) Within amounts appropriated therefor, execute such
15 programs and maintain such services and facilities as may
16 be authorized under such appropriations, including amounts
17 appropriated under bond issues, if any;

18 (h) Publish the annual budget and report within 120
19 days after the end of the fiscal year in a newspaper
20 distributed within the jurisdiction of the board, or, if
21 no newspaper is published within the jurisdiction of the
22 board, then one published in the county, or, if no
23 newspaper is published in the county, then in a newspaper
24 having general circulation within the jurisdiction of the
25 board. The report shall show the condition of its trust of
26 that year, the sums of money received from all sources,

1 giving the name of any donor, how all monies have been
2 expended and for what purpose, and such other statistics
3 and program information in regard to the work of the board
4 as it may deem of general interest. A copy of the budget
5 and the annual report shall be made available to the
6 Department of Human Services and to members of the General
7 Assembly whose districts include any part of the
8 jurisdiction of such board. The names of all employees,
9 consultants, and other personnel shall be set forth along
10 with the amounts of money received;

11 (i) Consult with other appropriate private and public
12 agencies in the development of local plans for the most
13 efficient delivery of mental health, developmental
14 disabilities, and substance use disorder services. The
15 Board is authorized to join and to participate in the
16 activities of associations organized for the purpose of
17 promoting more efficient and effective services and
18 programs;

19 (j) Have the authority to review and comment on all
20 applications for grants by any person, corporation, or
21 governmental unit providing services within the
22 geographical area of the board which provides mental
23 health facilities and services, including services for the
24 person with a mental illness, a developmental disability,
25 or a substance use disorder. The board may require funding
26 applicants to send a copy of their funding application to

1 the board at the time such application is submitted to the
2 Department of Human Services or to any other local, State
3 or federal funding source or governmental agency. Within
4 60 days of the receipt of any application, the board shall
5 submit its review and comments to the Department of Human
6 Services or to any other appropriate local, State or
7 federal funding source or governmental agency. A copy of
8 the review and comments shall be submitted to the funding
9 applicant. Within 60 days thereafter, the Department of
10 Human Services or any other appropriate local or State
11 governmental agency shall issue a written response to the
12 board and the funding applicant. The Department of Human
13 Services shall supply any community mental health board
14 such information about purchase-of-care funds, State
15 facility utilization, and costs in its geographical area
16 as the board may request provided that the information
17 requested is for the purpose of the Community Mental
18 Health Board complying with the requirements of Section
19 3f, subsection (f) of this Act;

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

22 (2) The community mental health board has the following
23 powers:

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

1 (b) The board may arrange through intergovernmental
2 agreements or intragovernmental agreements or both for the
3 rendition of services and operation of facilities by other
4 agencies or departments of the governmental unit or county
5 in which the governmental unit is located with the
6 approval of the governing body.

7 (c) To employ, establish compensation for, and set
8 policies for its personnel, including legal counsel, as
9 may be necessary to carry out the purposes of this Act and
10 prescribe the duties thereof. The board may enter into
11 multiple-year employment contracts as may be necessary for
12 the recruitment and retention of personnel and the proper
13 functioning of the board.

14 (d) The board may enter into multiple-year joint
15 agreements, which shall be written, with other mental
16 health boards and boards of health to provide jointly
17 agreed upon community mental health facilities and
18 services and to pool such funds as may be deemed necessary
19 and available for this purpose.

20 (e) The board may organize a not-for-profit
21 corporation for the purpose of providing direct recipient
22 services. Such corporations shall have, in addition to all
23 other lawful powers, the power to contract with persons to
24 furnish services for recipients of the corporation's
25 facilities, including psychiatrists and other physicians
26 licensed in this State to practice medicine in all of its

1 branches. Such physicians shall be considered independent
2 contractors, and liability for any malpractice shall not
3 extend to such corporation, nor to the community mental
4 health board, except for gross negligence in entering into
5 such a contract.

6 (f) The board shall not operate any direct recipient
7 services for more than a 2-year period when such services
8 are being provided in the governmental unit, but shall
9 encourage, by financial support, the development of
10 private agencies to deliver such needed services, pursuant
11 to regulations of the board.

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

22 (h) The board may enter into multiple-year joint
23 agreements with other governmental units located within
24 the geographical area of the board. Such agreements shall
25 be written and shall provide for the rendition of services
26 by the board to the residents of such governmental units.

1 (i) The board may enter into multiple-year joint
2 agreements with federal, State, and local governments,
3 including the Department of Human Services, whereby the
4 board will provide certain services. All such joint
5 agreements must provide for the exchange of relevant data.
6 However, nothing in this Act shall be construed to permit
7 the abridgement of the confidentiality of patient records.

8 (j) The board may receive gifts from private sources
9 for purposes not inconsistent with the provisions of this
10 Act.

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

14 (l) The board may establish scholarship programs. Such
15 programs shall require equivalent service or reimbursement
16 pursuant to regulations of the board.

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

19 (n) The board may: (i) own real property, lease real
20 property as lessee, or acquire real property by purchase,
21 construction, lease-purchase agreement, or otherwise; (ii)
22 take title to the property in the board's name; (iii)
23 borrow money and issue debt instruments, mortgages,
24 purchase-money mortgages, and other security instruments
25 with respect to the property; and (iv) maintain, repair,
26 remodel, or improve the property. All of these activities

1 must be for purposes consistent with this Act as may be
2 reasonably necessary for the housing and proper
3 functioning of the board. The board may use moneys in the
4 Community Mental Health Fund for these purposes.

5 (o) The board may organize a not-for-profit
6 corporation (i) for the purpose of raising money to be
7 distributed by the board for providing community mental
8 health services and facilities for the treatment of
9 alcoholism, drug addiction, developmental disabilities,
10 and intellectual disabilities or (ii) for other purposes
11 not inconsistent with this Act.

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

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

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

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

18 (405 ILCS 20/5) (from Ch. 91 1/2, par. 305)

19 Sec. 5. (a) When the governing body of a governmental unit
20 passes a resolution as provided in Section 4 asking that an
21 annual tax may be levied for the purpose of providing such
22 mental health facilities and services, including facilities
23 and services for the person with a developmental disability or
24 a substance use disorder, in the community and so instructs
25 the clerk of the governmental unit such clerk shall certify

1 the proposition to the proper election officials for
2 submission at a regular election in accordance with the
3 general election law. The proposition shall be in the
4 following form:

5 -----

6	Shall.....	(governmental	
7	unit) levy an annual tax of (not		YES
8	more than .15%) for the purpose of providing		
9	community mental health facilities and		-----
10	services including facilities and services		
11	for <u>persons</u> the person with a developmental		NO
12	disability or a substance use disorder?		

13 -----

14 (a-5) If the governmental unit is also subject to the
15 Property Tax Extension Limitation Law, then the proposition
16 shall also comply with the Property Tax Extension Limitation
17 Law. Notwithstanding any provision of this subsection, any
18 referendum imposing an annual tax on or after January 1, 1994
19 and prior to May 13, 2022 (the effective date of Public Act
20 102-839) ~~this amendatory Act of the 102nd General Assembly~~
21 that complies with subsection (a) is hereby validated.

22 (b) If a majority of all the votes cast upon the
23 proposition are for the levy of such tax, the governing body of
24 such governmental unit shall thereafter annually levy a tax
25 not to exceed the rate set forth in Section 4. Thereafter, the
26 governing body shall in the annual appropriation bill

1 appropriate from such funds such sum or sums of money as may be
2 deemed necessary by the community mental health board, based
3 upon the community mental health board's budget, the board's
4 annual mental health report, and the local mental health plan
5 to defray necessary expenses and liabilities in providing for
6 such community mental health facilities and services.

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

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

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

26 (Source: P.A. 102-839, eff. 5-13-22; 102-935, eff. 7-1-22;

1 revised 8-25-22.)".