

SB1253 Engrossed



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB1253 Engrossed

INTRODUCED _____, BY

SYNOPSIS AS INTRODUCED:

See Index

Amends the Community Mental Health Act. Replaces the definition of "person with a developmental disability" with a definition of "developmental disability", and defines that term to mean a disability attributable to mental retardation, cerebral palsy, epilepsy, or autism or to any other condition that results in impairment similar to that caused by mental retardation and that requires services similar to those required by mentally retarded persons, not inconsistent with federal or State definitions. Adds a definition of "direct recipient services". Adds a definition of "mental illness". Removes the definition of "substance abuse" and adds a definition of "substance use disorder", encompassing substance abuse, dependence, and addiction, not inconsistent with federal or State definitions. Makes several changes to the powers of a community mental health board. Provides that a board shall authorize the disbursement of money from the community mental health fund for payment for the ordinary and contingent expenses of the board. Changes the time allowed for the board to publish its annual budget and report from 60 to 120 days after the end of the fiscal year and requires publication in a newspaper distributed within the jurisdiction of the board (instead of a newspaper "published" within the jurisdiction of the board). Provides that the board has the power to establish compensation and set policies for its personnel and may enter into multiple-year joint agreements with federal, State, and local governments. Changes references to "substance abuse" and "substance abuser" to "substance use disorder" and "person with a substance use disorder". Makes other changes. Effective immediately.

LRB095 07260 KBJ 27397 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 5. The Community Mental Health Act is amended by
5 changing Sections 1, 2, 3a, 3e, 3f, 4, 5, 6, 7, 9, 10, and 11 as
6 follows:

7 (405 ILCS 20/1) (from Ch. 91 1/2, par. 301)

8 Sec. 1. As used in this Act:

9 "Direct recipient services" means only those services
10 required to carry out a completed individualized treatment plan
11 that is is signed by a service recipient or legal guardian.
12 Crisis assessment and stabilization services are excluded,
13 although these services may be anticipated in a treatment plan.

14 ~~(a)"Governmental governmental unit"~~ means any county,
15 city, village, incorporated town, or township.†

16 "Person ~~(b)~~ "person with a developmental disability" means
17 any person or persons so diagnosed and as defined in the Mental
18 Health and Developmental Disabilities Code. Community mental
19 health boards operating under this Act may in their
20 jurisdiction, by a majority vote, add to the definition of
21 "person with a developmental disability".†

22 "Mental illness" has the meaning ascribed to that term in
23 the Mental Health and Developmental Disabilities Code.

1 Community mental health boards operating under this Act may in
2 their jurisdiction, by a majority vote, add to the definition
3 of "mental illness".

4 "Substance use disorder" encompasses substance abuse,
5 dependence, and addiction, not inconsistent with federal or
6 State definitions.

7 ~~(c) "substance abuse" means the excessive use of alcohol,~~
8 ~~addiction to a controlled substance, or the habitual use of~~
9 ~~cannabis.~~

10 (Source: P.A. 88-380.)

11 (405 ILCS 20/2) (from Ch. 91 1/2, par. 302)

12 Sec. 2. Any county, city, village, incorporated town,
13 township, public health district, county health department,
14 multiple-county health department, school district or any
15 combination thereof, in consultation with and being advised by
16 the Department of Human Services, shall have the power to
17 construct, repair, operate, maintain and regulate community
18 mental health facilities to provide mental health services as
19 defined by the local community mental health board, including
20 services for, persons with a developmental disability or
21 substance use disorder ~~and for the substance abuser~~, for
22 residents thereof and/or to contract therefor with any private
23 or public entity which provides such facilities and services,
24 either in or without such county, city, village, incorporated
25 town, township, public health district, county health

1 department, multiple-county health department, school district
2 or any combination thereof.

3 (Source: P.A. 88-380; 89-507, eff. 7-1-97.)

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. The chairman of the governing
23 body may, upon the request of the community mental health
24 board, appoint 2 additional members to the community mental
25 health board. No member of the community mental health board

1 may be a full-time or part-time employee of the Department of
2 Human Services or a board member, employee or any other
3 individual receiving compensation from any facility or service
4 operating under contract to the board; ~~except that unpaid~~
5 ~~members of the board of directors of any not for profit~~
6 ~~corporation operating under contract to community mental~~
7 ~~health boards of 2 adjacent counties established prior to 1979~~
8 ~~may also be members of such community mental health boards.~~ If
9 a successful referendum is held under Section 5 of this Act,
10 all members of such board shall be appointed within 60 days of
11 the referendum.

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

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

20 (Source: P.A. 89-507, eff. 7-1-97.)

21 (405 ILCS 20/3e) (from Ch. 91 1/2, par. 303e)

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

23 (1) Every community mental health board shall, immediately
24 after appointment, meet and organize, by the election of one of
25 its number as president and one as secretary and such other

1 officers as it may deem necessary. It shall make rules and
2 regulations concerning the rendition or operation of services
3 and facilities which it directs, supervises or funds, not
4 inconsistent with the provisions of this Act ~~or with the rules~~
5 ~~and regulations of the Department of Human Services~~. It shall:

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

9 (b) Hold meetings at least quarterly;

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

12 (d) Review and evaluate community mental health
13 services and facilities, including services and facilities
14 for the treatment of alcoholism, drug addiction,
15 developmental disabilities and mental retardation;

16 (e) Authorize the disbursement of money from the
17 community mental health fund for payment for the ordinary
18 and contingent expenses of the board;

19 (f) (e) Submit to the appointing officer and, the
20 members of the governing body, ~~the Department of Human~~
21 ~~Services, and the Health Systems Agency~~ a written plan for
22 a program of community mental health services and
23 facilities ~~including programs for persons adjudicated~~
24 ~~delinquent minors under the Juvenile Court Act or the~~
25 ~~Juvenile Court Act of 1987 who are found to be persons with~~
26 ~~mental illness,~~ for persons with a mental illness, a

1 developmental disability, or a substance use disorder ~~and~~
2 ~~for the substance abuser.~~ 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 shall
5 be reviewed at the end of every 12 month period and shall
6 be modified as deemed advisable. ~~The basic components of~~
7 ~~such plans shall be consistent with the regulations of the~~
8 ~~Department of Human Services.~~

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

13 (h) ~~(g)~~ Publish the ~~The board shall cause the~~
14 ~~publication of its~~ annual budget and report within 120 ~~60~~
15 days after the end of the fiscal year in a newspaper
16 distributed ~~published~~ within the jurisdiction of the
17 board, or, if no newspaper is published within the
18 jurisdiction of the board, then one published in the
19 county, or, if no newspaper is published in the county,
20 then in a newspaper having general circulation within the
21 jurisdiction of the board. The report shall show the
22 condition of its trust of that year, the sums of money
23 received from all sources, giving the name of any donor,
24 how all monies have been expended and for what purpose, and
25 such other statistics and program information in regard to
26 the work of the board as it may deem of general interest. A

1 copy of the budget and the annual report shall be made
2 available ~~also be sent~~ to the Department of Human Services
3 and ~~to the regional Health Systems Agency and~~ to members of
4 the General Assembly whose districts include any part of
5 the jurisdiction of such board. The names of all employees,
6 consultants, and other personnel shall be set forth along
7 with the amounts of money received;

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

17 (j) ~~(i)~~ Have the authority to review ~~Review~~ and comment
18 on all applications for grants by any person, corporation,
19 or governmental unit providing services within the
20 geographical area of the board which provides mental health
21 facilities and services, ~~when such facilities and services~~
22 ~~are included in the board's one-year and 3-year plans,~~
23 including services for the person with a mental illness, a
24 developmental disability, or a substance use disorder ~~and~~
25 ~~the substance abuser.~~ The board may require funding
26 applicants to ~~Grant applicants shall~~ send a copy of their

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

23 (k) ~~(j)~~ Perform such other acts as may be necessary or
24 proper to carry out the purposes of this Act, ~~if not~~
25 ~~inconsistent with the regulations of the Department of~~
26 ~~Human Services~~.

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

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

6 (b) The board may arrange through intergovernmental
7 agreements or intragovernmental agreements or both for the
8 rendition of services and operation of facilities by other
9 agencies or departments of the governmental unit or county
10 in which the governmental unit is located with the approval
11 of the governing body.

12 (c) To The board may employ, establish compensation
13 for, and set policies for its such personnel, including
14 legal counsel, as may be necessary to carry out the
15 purposes of this Act and prescribe the duties thereof of
16 ~~and establish salaries and provide other compensation for~~
17 ~~such personnel~~. The board may enter into multiple-year
18 employment contracts as may be necessary for the
19 recruitment and retention of personnel and the proper
20 functioning of the board.

21 (d) The board may enter into multiple-year joint
22 agreements, which shall be written, with other ~~contiguous~~
23 mental health boards and boards of health to provide
24 jointly agreed upon community mental health facilities and
25 services and to pool such funds as may be deemed necessary
26 and available for this purpose.

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

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

19 (g) Where there are multiple boards within the same
20 planning area, as established by the Department of Human
21 Services, services may be purchased through a single
22 delivery system. In such areas, a coordinating body with
23 representation from each board shall be established to
24 carry out the service functions of this Act. In the event
25 any such coordinating body purchases or improves real
26 property, such body shall first obtain the approval of the

1 governing bodies of the governmental units in which the
2 coordinating body is located.

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

8 (i) The board may enter into multiple-year joint
9 agreements with federal, State, and local governments,
10 including the Department of Human Services, whereby the
11 board will provide certain services, ~~the costs of which~~
12 ~~shall be negotiated between the Department and the board.~~
13 ~~This provision shall not be construed to limit the~~
14 ~~authority of the board to contract with other federal,~~
15 ~~State and local agencies.~~ All such joint agreements must
16 provide for the exchange of relevant data. However, nothing
17 in this Act shall be construed to permit the abridgement of
18 the confidentiality of patient records.

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

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

25 (l) The board may establish scholarship programs. Such
26 programs shall require equivalent service or reimbursement

1 pursuant to regulations of the board.

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

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

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

23 (Source: P.A. 92-552, eff. 6-24-02.)

24 (405 ILCS 20/3f) (from Ch. 91 1/2, par. 303f)

25 Sec. 3f. Annually, each community mental health board shall

1 prepare and submit, for informational purposes in the
2 appropriations process, to the appointing officer and
3 governing body referred to in Section 3a: (a) an annual budget
4 showing the estimated receipts and intended disbursements
5 pursuant to this Act for the fiscal year immediately following
6 the date the budget is submitted, which date must be at least
7 30 days prior to the start of the fiscal year, and (b) an
8 annual report detailing the income received and disbursements
9 made pursuant to this Act during the fiscal year just preceding
10 the date the annual report is submitted, which date must be
11 within 90 ~~60~~ days of the close of that fiscal year. Such report
12 shall also include those matters set forth in Section 8 of this
13 Act.

14 (Source: P.A. 81-898.)

15 (405 ILCS 20/4) (from Ch. 91 1/2, par. 304)

16 Sec. 4. In order to provide the necessary funds or to
17 supplement existing funds for such community mental health
18 facilities and services, including facilities and services for
19 the person with a developmental disability or a substance use
20 disorder ~~and the substance abuser,~~ the governing body of any
21 governmental unit, subject to the provisions of Section 5, may
22 levy an annual tax of not to exceed .15% upon all of the
23 taxable property in such governmental unit at the value
24 thereof, as equalized or assessed by the Department of Revenue.
25 Such tax shall be levied and collected in the same manner as

1 other governmental unit taxes, but shall not be included in any
2 limitation otherwise prescribed as to the rate or amount of
3 governmental unit taxes, but shall be in addition thereto and
4 in excess thereof.

5 When collected, such tax shall be paid into a special fund
6 to be designated as the "Community Mental Health Fund" which
7 shall, upon authorization by the appropriate governmental
8 unit, be administered by the community mental health board and
9 used only for the purposes specified in this Act. Nothing
10 contained herein shall in any way preclude the use of other
11 funds available for such purposes under any existing Federal,
12 State or local statute. Interest earned from moneys deposited
13 in this Fund shall only be used for purposes which are
14 authorized by this Act.

15 In any city, village, incorporated town, or township which
16 levies a tax for the purpose of providing community mental
17 health facilities and services and part or all of such city,
18 village, incorporated town, or township is in a county or
19 township, as the case may be, which levies a tax to provide
20 community mental health facilities and services under the
21 provisions of this Act, such county or township, as the case
22 may be, shall pay to such city, village, incorporated town, or
23 township, as the case may be, the entire amount collected from
24 taxes under this Section on property subject to a tax which any
25 city, village, incorporated town, or township thereof levies to
26 provide community mental health facilities and services.

1 for the person with a developmental NO
 2 disability or a substance use disorder
 3 ~~and the substance abuser?~~

4 -----

5 If a majority of all the votes cast upon the proposition
 6 are for the levy of such tax, the governing ~~governmental~~ body
 7 of such governmental unit shall thereafter annually levy a tax
 8 not to exceed the rate set forth in Section 4. Thereafter, the
 9 governing body shall in the annual appropriation bill
 10 appropriate from such funds such sum or sums of money as may be
 11 deemed necessary, based upon the community mental health
 12 board's budget, the board's annual mental health report, and
 13 the local mental health plan to defray necessary expenses and
 14 liabilities in providing for such community mental health
 15 facilities and services.

16 (Source: P.A. 88-380.)

17 (405 ILCS 20/6) (from Ch. 91 1/2, par. 306)

18 Sec. 6. Whenever the governing body of any governmental
 19 unit has not provided the community mental health facilities
 20 and services provided in Section 2 and levied the tax provided
 21 in Section 4 and a petition signed by electors of the
 22 governmental unit equal in number to at least 10% of the total
 23 votes cast for the office which received the greatest total
 24 number of votes at the last preceding general governmental unit
 25 election is presented to the clerk of the governmental unit

1 requesting the establishment and maintenance of such community
2 mental health facilities and services, including facilities
3 and services for the person with a developmental disability or
4 a substance use disorder ~~and the substance abuser~~, for
5 residents thereof and the levy of such an annual tax therefor,
6 the governing body of the governmental unit, subject to the
7 provisions of Section 7, shall establish and maintain such
8 community mental health facilities and services and shall levy
9 such an annual tax of not to exceed .15% upon all of the
10 taxable property in such governmental unit at the value
11 thereof, as equalized or assessed by the Department of Revenue.
12 Such tax shall be levied and collected in the same manner as
13 other governmental unit taxes, but shall not be included in any
14 limitation otherwise prescribed as to the rate or amount of
15 governmental unit taxes, but shall be in addition thereto and
16 in excess thereof.

17 When collected, such tax shall be paid into a special fund
18 to be designated as the "Community Mental Health Fund" which
19 shall, upon authorization by the appropriate governmental
20 unit, be administered by the community mental health board and
21 used only for the purposes specified in this Act. Nothing
22 contained herein shall in any way preclude the use of other
23 funds available for such purposes under any existing Federal,
24 State or local statute. Interest earned from moneys deposited
25 in this Fund shall only be used for purposes which are
26 authorized by this Act.

1 In any city, village, incorporated town, or township which
2 levies a tax for the purpose of providing community mental
3 health facilities and services and part or all of such city,
4 village, incorporated town, or township is in a county or
5 township, as the case may be, which levies a tax to provide
6 community mental health facilities and services under the
7 provisions of this Act, such county or township, as the case
8 may be, shall pay to such city, village, incorporated town, or
9 township, as the case may be, the entire amount collected from
10 taxes under this Section on property subject to a tax which any
11 city, village, incorporated town, or township thereof levies to
12 provide community mental health facilities and services.

13 Whenever any city, village, incorporated town, or township
14 receives any payments from a county or township as provided
15 above, such city, village, incorporated town, or township shall
16 reduce and abate from the tax levied by the authority of this
17 Section a rate which would produce an amount equal to the
18 amount received from such county or township.

19 (Source: P.A. 88-380.)

20 (405 ILCS 20/7) (from Ch. 91 1/2, par. 307)

21 Sec. 7. When the petition provided for in Section 6 is
22 presented to the clerk of the governmental unit requesting the
23 establishment and maintenance of such mental health facilities
24 and services for residents of the community and the levy of
25 such an annual tax therefor, the clerk of the governmental unit

1 shall certify to the proper election officials the proposition
2 for the levy of such tax which shall be submitted at a regular
3 election in accordance with the general election law. The
4 proposition shall be in substantially the following form:

5 -----

6 Shall.....

7 (governmental unit) establish and

8 maintain community mental health YES

9 facilities and services including

10 facilities and services for the -----

11 person with a developmental

12 disability or a substance NO

13 use disorder ~~and the substance~~

14 ~~abuser~~ and levy therefor an annual

15 tax of not to exceed .15%?

16 -----

17 If a majority of all the votes cast upon the proposition
18 are in favor thereof, the governing ~~governmental~~ body of such
19 governmental unit shall establish and maintain such community
20 mental health facilities and services and shall annually levy
21 such tax. Thereafter, the governing body shall in the annual
22 appropriation bill appropriate from such funds such sum or sums
23 of money as may be deemed necessary, based upon the community
24 mental health board's budget, the board's annual mental health
25 report, and the board's plan to defray necessary expenses and
26 liabilities in providing for such community mental health

1 facilities and services.

2 (Source: P.A. 88-380.)

3 (405 ILCS 20/9) (from Ch. 91 1/2, par. 309)

4 Sec. 9. Whenever electors, equal in number to at least 10%

5 of the total votes cast for the office on which the greatest

6 total number of votes were cast at the last preceding general

7 governmental unit election, of a governmental unit which has

8 adopted the taxing provisions of this Act, present a petition

9 to the clerk of the governmental unit, requesting that the

10 levying of a tax annually in such governmental unit for the

11 purpose of providing community mental health facilities and

12 services be discontinued, the clerk shall certify the

13 proposition to the proper election officials for submission at

14 a regular election in accordance with the general election law.

15 The proposition shall be substantially in the following form:

16 -----

17 Shall.... (governmental unit)

18 discontinue the levying of an annual tax for YES

19 the purpose of providing community mental

20 health facilities and services including -----

21 facilities and services for the

22 person with a developmental disability NO

23 or a substance use disorder and

24 ~~the substance abuser?~~

25 -----

1 If a majority of all the votes cast upon the proposition
2 are for the discontinuance of the levying of such tax, the
3 governing body of the governmental unit shall not thereafter
4 levy such a tax unless a proposition authorizing such levy
5 again receives a majority of all the votes cast upon the
6 proposition as provided in Sections 5 and 7 of this Act.

7 (Source: P.A. 88-380.)

8 (405 ILCS 20/10) (from Ch. 91 1/2, par. 310)

9 Sec. 10. Whenever the board and the governing body of a
10 governmental unit by resolution determines that it is necessary
11 to issue bonds of the governmental unit to enable it to provide
12 buildings for or to make permanent improvements in the
13 community mental health facilities, including facilities for
14 the person with a developmental disability or a substance use
15 disorder ~~and the substance abuser~~, the governing body shall so
16 instruct the clerk of the governmental unit. Thereupon, such
17 clerk shall certify the proposition to the proper election
18 officials who shall submit the proposition at a regular
19 election in accordance with the general election law. However,
20 before such resolution is adopted, a report must be filed with
21 the board and the governing body by the Department of Human
22 Services ~~and the regional Health Systems Agency~~ as to the
23 advisability of any proposed building or of any proposed
24 permanent improvements in existing facilities.

25 (Source: P.A. 88-380; 89-507, eff. 7-1-97.)

1 (405 ILCS 20/11) (from Ch. 91 1/2, par. 311)

2 Sec. 11. The proposition pursuant to Section 10 shall be in
3 the following form:

4 -----

5 Shall the.... (governmental unit) issue
6 bonds to the amount of.... dollars for the
7 purpose of enabling the governmental unit YES
8 to.... (purpose to be stated, which shall
9 be either to provide buildings for or to -----
10 make permanent improvements in the community
11 mental health facilities including facilities NO
12 for the person with a developmental
13 disability or a substance use disorder
14 ~~and the substance abuser~~)?

15 -----

16 In case a majority of the votes cast upon the propositions
17 shall be in favor of the issuance of such bonds, ~~the~~ the governing
18 body of the governmental unit shall issue the bonds of the
19 governmental unit not exceeding the amount authorized at the
20 referendum. Such bonds shall become due not more than 40 years
21 after their date, shall be in denominations of \$100 or any
22 multiple thereof, and shall bear interest, evidenced by
23 coupons, payable semi-annually, as shall be determined by the
24 governing body.

25 (Source: P.A. 88-380.)

1 (405 ILCS 20/8.5 rep.)

2 Section 10. The Community Mental Health Act is amended by
3 repealing Section 8.5.

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.

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