



## 97TH GENERAL ASSEMBLY

### State of Illinois

### 2011 and 2012

### SB3546

Introduced 2/8/2012, by Sen. Steven M. Landek

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Community Mental Health Act. Defines "community mental health board". Provides that a county mental health board shall, at the expiration of each fiscal year, prepare a statement of its receipts and expenditures including moneys paid out as compensation for personal services, giving the name of each individual to whom paid and the total amount paid to each person. Provides for the publication of the statement, except the name or address of any person to whom child support or maintenance was paid in accordance with a court order requiring the withholding of child support or maintenance from an employee's wages. Provides that any public officer, or any publisher, subject to the Act, failing, neglecting, or refusing to discharge any duty imposed upon him or her by the Act shall, for each offense, forfeit the sum of not less than \$25 nor more than \$500 to be recovered in a civil action in the name of the People of the State of Illinois for the use of any person who may sue for the same. Provides that any public officer, including any county collector or any county treasurer, or any publisher, subject to the provisions of this Act, failing, neglecting, or refusing to discharge any duty imposed upon him or her by the Act is guilty of a Class A misdemeanor.

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CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

1 AN ACT concerning mental 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 and 3f and by adding Sections 3f-1, 3f-2,  
6 3f-2.1, 3f-3, 3f-3.1, 3f-4, 3f-4.1, 3f-5, and 3f-6 as follows:

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

8 Sec. 1. As used in this Act:

9 "Community mental health board" means a board established  
10 by a community, municipality, or township for the purposes of  
11 planning and distributing local tax moneys toward mental  
12 health, developmental disability, and substance abuse  
13 services.

14 "Direct recipient services" means only those services  
15 required to carry out a completed individualized treatment plan  
16 that is ~~is~~ signed by a service recipient or legal guardian.  
17 Crisis assessment and stabilization services are excluded,  
18 although these services may be anticipated in a treatment plan.

19 "Governmental unit" means any county, city, village,  
20 incorporated town, or township.

21 "Person with a developmental disability" means any person  
22 or persons so diagnosed and as defined in the Mental Health and  
23 Developmental Disabilities Code. Community mental health

1 boards operating under this Act may in their jurisdiction, by a  
2 majority vote, add to the definition of "person with a  
3 developmental disability".

4 "Mental illness" has the meaning ascribed to that term in  
5 the Mental Health and Developmental Disabilities Code.  
6 Community mental health boards operating under this Act may in  
7 their jurisdiction, by a majority vote, add to the definition  
8 of "mental illness".

9 "Substance use disorder" encompasses substance abuse,  
10 dependence, and addiction, not inconsistent with federal or  
11 State definitions.

12 (Source: P.A. 95-336, eff. 8-21-07; revised 11-18-11.)

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

14 Sec. 3f. Annually, each community mental health board,  
15 except for those included in Section 3f-1 of this Act, shall  
16 prepare and submit, for informational purposes in the  
17 appropriations process, to the appointing officer and  
18 governing body referred to in Section 3a: (a) an annual budget  
19 showing the estimated receipts and intended disbursements  
20 pursuant to this Act for the fiscal year immediately following  
21 the date the budget is submitted, which date must be at least  
22 30 days prior to the start of the fiscal year, and (b) an  
23 annual report detailing the income received and disbursements  
24 made pursuant to this Act during the fiscal year just preceding  
25 the date the annual report is submitted, which date must be

1 within 90 days of the close of that fiscal year. Such report  
2 shall also include those matters set forth in Section 8 of this  
3 Act.

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

5 (405 ILCS 20/3f-1 new)

6 Sec. 3f-1. County mental health board; financial  
7 statement. Each county mental health board shall, at the  
8 expiration of each fiscal year, prepare a statement:

9 (1) of all moneys received and from what sources received,  
10 giving items, particulars, and details;

11 (2) except as provided in paragraph (3) of this Section, of  
12 all moneys paid out where the total amount paid during the  
13 fiscal year exceeds \$2,500 in the aggregate, giving the name of  
14 each individual to whom paid and the amount paid to each  
15 person;

16 (3) of all moneys paid out as compensation for personal  
17 services, giving the name of each individual to whom paid and  
18 the total amount paid to each person, except that any public  
19 officer may elect to report the compensation for personal  
20 services of all personnel by name, listing each employee in one  
21 of the following categories:

22 (A) under \$25,000;

23 (B) \$25,000 to \$49,999.99;

24 (C) \$50,000 to \$74,999.99;

25 (D) \$75,000 to \$99,999.99;

1           (E) \$100,000 to \$124,999.99; or  
2           (F) \$125,000 and over; and  
3           (4) a summary statement of operations for all funds and  
4           account groups.

5           The statement shall be subscribed and sworn to by the  
6           county mental health board making the statement and, within 6  
7           months after the expiration of that fiscal year, shall be filed  
8           in the office of the county clerk of the county in which the  
9           public officer resides.

10           (405 ILCS 20/3f-2 new)

11           Sec. 3f-2. Publication of statement. Except as provided in  
12           Section 3f-2.1, the public officer shall also, within 6 months  
13           after the expiration of the fiscal year, cause a true, complete  
14           and correct copy of the statement to be published one time in  
15           an English language newspaper published in the town, district,  
16           or municipality in which the public officer holds his or her  
17           office, or, if no newspaper is published in the town, district,  
18           or municipality, then in a newspaper printed in the English  
19           language published in the county in which the public officer  
20           holds his or her office. However, the publication requirement  
21           do not apply to any county funds or county offices or funds or  
22           offices of other units of local government when an audit of  
23           those funds or offices has been made by a certified public  
24           accountant and a report of the audit has been filed with the  
25           appropriate county board or county clerk and a notice of the

1 availability of the audit report has been published one time in  
2 an English language newspaper published in the town, district,  
3 or municipality in which that public officer holds his or her  
4 office, or, if no newspaper is published in the town, district,  
5 or municipality, then in a newspaper printed in the English  
6 language published in the county in which that public officer  
7 holds his or her office. The notice of availability shall  
8 include, at a minimum, the time period covered by the audit,  
9 the name of the firm conducting the audit, and the address and  
10 business hours of the location where the audit report may be  
11 publicly inspected.

12 (405 ILCS 20/3f-2.1 new)

13 Sec. 3f-2.1. Non-disclosure of the names and addresses of  
14 persons to whom child support or maintenance was paid. In any  
15 statement prepared and published under Sections 3f-1 and 3f-2  
16 of this Act, a public officer may not disclose the name or  
17 address of any person to whom child support or maintenance was  
18 paid in accordance with a court order requiring the withholding  
19 of child support or maintenance from an employee's wages.

20 (405 ILCS 20/3f-3 new)

21 Sec. 3f-3. Certificate of publication. The publisher of the  
22 newspaper in which a copy of the statement is published shall,  
23 within 10 days after the publication of the statement, file in  
24 the office of the county clerk a certificate of the publication

1 with a printed copy of the statement attached, stating the  
2 number of times which the same shall have been published, and  
3 the dates of the first and last papers containing the same.

4 (405 ILCS 20/3f-3.1 new)

5 Sec. 3f-3.1. Counties having a population under 500,000. In  
6 counties having a population of less than 500,000, if any  
7 public officer in the discharge of his or her official duties,  
8 receives all or any part of his or her funds from the county  
9 collector, the county treasurer, or the township collector, and  
10 if the county treasurer determines, by reviewing documents  
11 filed with the county clerk under Section 3 of this Act, that  
12 the public officer has failed to comply with Section 2 of this  
13 Act, then the county treasurer shall withhold the payment to  
14 that public officer of any and all funds until the public  
15 officer has complied with Section 2 of this Act.

16 (405 ILCS 20/3f-4 new)

17 Sec. 3f-4. Cost of publication. The cost of the publication  
18 shall be paid out of the funds of the county, district,  
19 municipality, or other body in which the officer holds office.

20 (405 ILCS 20/3f-4.1 new)

21 Sec. 3f-4.1. Nonapplicability to school districts. This  
22 Act does not apply to any school board or school district which  
23 is subject to Section 10-17 of the School Code, nor does this

1 Act apply to the treasurer or any other officer of any school  
2 board or school district.

3 (405 ILCS 20/3f-5 new)

4 Sec. 3f-5. Civil action. Any public officer, or any  
5 publisher, subject to this Act, failing, neglecting or refusing  
6 to discharge any duty imposed upon him or her by this Act  
7 shall, for each offense, forfeit the sum of not less than \$25  
8 nor more than \$500 to be recovered in a civil action in the  
9 name of the People of the State of Illinois for the use of any  
10 person who may sue for the same.

11 (405 ILCS 20/3f-6 new)

12 Sec. 3f-6. Sentence. In addition to the civil penalty  
13 provided for in Section 3f-5, any public officer, including any  
14 county collector or any county treasurer, or any publisher,  
15 subject to this Act, failing, neglecting, or refusing to  
16 discharge any duty imposed upon him or her by this Act is  
17 guilty of a Class A misdemeanor.



1 INDEX

2 Statutes amended in order of appearance

3 405 ILCS 20/1 from Ch. 91 1/2, par. 301

4 405 ILCS 20/3f from Ch. 91 1/2, par. 303f

5 405 ILCS 20/3f-1 new

6 405 ILCS 20/3f-2 new

7 405 ILCS 20/3f-2.1 new

8 405 ILCS 20/3f-3 new

9 405 ILCS 20/3f-3.1 new

10 405 ILCS 20/3f-4 new

11 405 ILCS 20/3f-4.1 new

12 405 ILCS 20/3f-5 new

13 405 ILCS 20/3f-6 new