

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 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  
17 the community mental health board shall be residents of the  
18 government unit and, as nearly as possible, be representative  
19 of interested groups of the community such as local health  
20 departments, medical societies, local comprehensive health  
21 planning agencies, hospital boards, lay associations concerned  
22 with mental health, developmental disabilities and substance  
23 abuse, as well as the general public. Only one member shall be

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

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

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

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

1 years. All terms shall be measured from the first day of the  
2 month ~~year~~ of appointment. Vacancies shall be filled for the  
3 unexpired term in the same manner as original appointments.

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

5 (405 ILCS 20/3e) (from Ch. 91 1/2, par. 303e)

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

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

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

20 (b) Hold meetings at least quarterly;

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

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

1 developmental disabilities, and intellectual  
2 disabilities;

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

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

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

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

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

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

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

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

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

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

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

1 educational programs.

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

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

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

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

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

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

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

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



1 by the board to the residents of such governmental units.

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

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

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

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

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

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

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

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

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

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

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

17 (405 ILCS 20/5) (from Ch. 91 1/2, par. 305)

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

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

4 -----

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

12 -----

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

21 (b) If a majority of all the votes cast upon the  
22 proposition are for the levy of such tax, the governing body of  
23 such governmental unit shall thereafter annually levy a tax,  
24 as deemed necessary by the community mental health board, not  
25 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.)