



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0909

Introduced 2/7/2007, by Rep. Michael Tryon

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 09064 KBJ 29255 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 "Developmental disability" means a disability attributable
10 to mental retardation, cerebral palsy, epilepsy, or autism or
11 to any other condition that results in impairment similar to
12 that caused by mental retardation and that requires services
13 similar to those required by mentally retarded persons, not
14 inconsistent with federal or State definitions.

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

20 ~~(a) "Governmental governmental unit" means any county,~~
21 ~~city, village, incorporated town, or township.~~

22 ~~(b) "person with a developmental disability" means any~~
23 ~~person or persons so diagnosed and as defined in the Mental~~

1 ~~Health and Developmental Disabilities Code;~~

2 "Mental illness" refers collectively to all mental
3 disorders, which are health conditions characterized by
4 alterations in thinking, mood, or behavior associated with
5 distress or impaired functioning, or both, not inconsistent
6 with federal or State definitions.

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

10 ~~(c) "substance abuse" means the excessive use of alcohol,~~
11 ~~addiction to a controlled substance, or the habitual use of~~
12 ~~cannabis.~~

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

14 (405 ILCS 20/2) (from Ch. 91 1/2, par. 302)

15 Sec. 2. Any county, city, village, incorporated town,
16 township, public health district, county health department,
17 multiple-county health department, school district or any
18 combination thereof, in consultation with and being advised by
19 the Department of Human Services, shall have the power to
20 construct, repair, operate, maintain and regulate community
21 mental health facilities to provide mental health services as
22 defined by the local community mental health board, including
23 services for, persons with a developmental disability or
24 substance use disorder ~~and for the substance abuser,~~ for
25 residents thereof and/or to contract therefor with any private

1 or public entity which provides such facilities and services,
2 either in or without such county, city, village, incorporated
3 town, township, public health district, county health
4 department, multiple-county health department, school district
5 or any combination thereof.

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

7 (405 ILCS 20/3a) (from Ch. 91 1/2, par. 303a)

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

1 body may, upon the request of the community mental health
2 board, appoint 2 additional members to the community mental
3 health board. No member of the community mental health board
4 may be a full-time or part-time employee of the Department of
5 Human Services or a board member, employee or any other
6 individual receiving compensation from any facility or service
7 operating under contract to the board; ~~except that unpaid~~
8 ~~members of the board of directors of any not for profit~~
9 ~~corporation operating under contract to community mental~~
10 ~~health boards of 2 adjacent counties established prior to 1979~~
11 ~~may also be members of such community mental health boards.~~ If
12 a successful referendum is held under Section 5 of this Act,
13 all members of such board shall be appointed within 60 days of
14 the referendum.

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

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

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

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

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

1 (1) Every community mental health board shall, immediately
2 after appointment, meet and organize, by the election of one of
3 its number as president and one as secretary and such other
4 officers as it may deem necessary. It shall make rules and
5 regulations concerning the rendition or operation of services
6 and facilities which it directs, supervises or funds, not
7 inconsistent with the provisions of this Act ~~or with the rules~~
8 ~~and regulations of the Department of Human Services~~. It shall:

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

12 (b) Hold meetings at least quarterly;

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

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

19 (e) Authorize the disbursement of money from the
20 community mental health fund for payment for the ordinary
21 and contingent expenses of the board;

22 (f) ~~(e)~~ Submit to the appointing officer and the
23 members of the governing body, ~~the Department of Human~~
24 ~~Services, and the Health Systems Agency~~ a written plan for
25 a program of community mental health services and
26 facilities ~~including programs for persons adjudicated~~

1 ~~delinquent minors under the Juvenile Court Act or the~~
2 ~~Juvenile Court Act of 1987 who are found to be persons with~~
3 ~~mental illness,~~ for persons with a mental illness, a
4 developmental disability, or a substance use disorder ~~and~~
5 ~~for the substance abuser.~~ Such plan shall be for the
6 ensuing 12 month period. In addition, a plan shall be
7 developed for the ensuing 3 year period and such plan shall
8 be reviewed at the end of every 12 month period and shall
9 be modified as deemed advisable. ~~The basic components of~~
10 ~~such plans shall be consistent with the regulations of the~~
11 ~~Department of Human Services.~~

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

16 (h) ~~(g)~~ Publish the ~~The board shall cause the~~
17 ~~publication of its~~ annual budget and report within 120 ~~60~~
18 days after the end of the fiscal year in a newspaper
19 distributed ~~published~~ within the jurisdiction of the
20 board, or, if no newspaper is published within the
21 jurisdiction of the board, then one published in the
22 county, or, if no newspaper is published in the county,
23 then in a newspaper having general circulation within the
24 jurisdiction of the board. The report shall show the
25 condition of its trust of that year, the sums of money
26 received from all sources, giving the name of any donor,

1 how all monies have been expended and for what purpose, and
2 such other statistics and program information in regard to
3 the work of the board as it may deem of general interest. A
4 copy of the budget and the annual report shall be made
5 available ~~also be sent~~ to the Department of Human Services
6 and ~~to the regional Health Systems Agency and~~ to members of
7 the General Assembly whose districts include any part of
8 the 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) ~~(h)~~ Consult with other appropriate ~~local~~ private
12 and public agencies ~~and the Department of Human Services~~ in
13 the development of local plans for the most efficient
14 delivery of mental health, developmental disabilities,
15 ~~alcoholism~~ and substance use disorder ~~abuse~~ 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) ~~(i)~~ Have the authority to review ~~Review~~ and comment
21 on all applications for grants by any person, corporation,
22 or governmental unit providing services within the
23 geographical area of the board which provides mental health
24 facilities and services, ~~when such facilities and services~~
25 ~~are included in the board's one-year and 3-year plans,~~
26 including services for the person with a mental illness, a

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

26 (k) ~~(j)~~ Perform such other acts as may be necessary or

1 proper to carry out the purposes of this Act, ~~if not~~
2 ~~inconsistent with the regulations of the Department of~~
3 ~~Human Services.~~

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

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

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

15 (c) To The board may employ, establish compensation
16 for, and set policies for its such personnel, including
17 legal counsel, as may be necessary to carry out the
18 purposes of this Act and prescribe the duties thereof ~~of~~
19 ~~and establish salaries and provide other compensation for~~
20 ~~such personnel~~. The board may enter into multiple-year
21 employment contracts as may be necessary for the
22 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 ~~contiguous~~
26 mental health boards and boards of health to provide

1 jointly 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, ~~the costs of which~~
15 ~~shall be negotiated between the Department and the board.~~
16 ~~This provision shall not be construed to limit the~~
17 ~~authority of the board to contract with other federal,~~
18 ~~State and local agencies.~~ All such joint agreements must
19 provide for the exchange of relevant data. However, nothing
20 in this Act shall be construed to permit the abridgement of
21 the confidentiality of patient records.

22 (j) The board may receive gifts from private sources
23 for purposes not inconsistent with the provisions of this
24 Act.

25 (k) The board may receive Federal, State and local
26 funds for purposes not inconsistent with the provisions of

1 this Act.

2 (1) The board may establish scholarship programs. Such
3 programs shall require equivalent service or reimbursement
4 pursuant to regulations of the board.

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

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

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

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

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

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

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

17 (405 ILCS 20/4) (from Ch. 91 1/2, par. 304)

18 Sec. 4. In order to provide the necessary funds or to
19 supplement existing funds for such community mental health
20 facilities and services, including facilities and services for
21 the person with a developmental disability or a substance use
22 disorder ~~and the substance abuser,~~ the governing body of any
23 governmental unit, subject to the provisions of Section 5, may
24 levy an annual tax of not to exceed .15% upon all of the

1 taxable property in such governmental unit at the value
2 thereof, as equalized or assessed by the Department of Revenue.
3 Such tax shall be levied and collected in the same manner as
4 other governmental unit taxes, but shall not be included in any
5 limitation otherwise prescribed as to the rate or amount of
6 governmental unit taxes, but shall be in addition thereto and
7 in excess thereof.

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

19 In any city, village, incorporated town, or township which
20 levies a tax for the purpose of providing community mental
21 health facilities and services and part or all of such city,
22 village, incorporated town, or township is in a county or
23 township, as the case may be, which levies a tax to provide
24 community mental health facilities and services under the
25 provisions of this Act, such county or township, as the case
26 may be, shall pay to such city, village, incorporated town, or

1 township, as the case may be, the entire amount collected from
2 taxes under this Section on property subject to a tax which any
3 city, village, incorporated town, or township thereof levies to
4 provide community mental health facilities and services.

5 Whenever any city, village, incorporated town, or township
6 receives any payments from a county or township as provided
7 above, such city, village, incorporated town, or township shall
8 reduce and abate from the tax levied by the authority of this
9 Section a rate which would produce an amount equal to the
10 amount received from such county or township.

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

12 (405 ILCS 20/5) (from Ch. 91 1/2, par. 305)

13 Sec. 5. When the governing body of a governmental unit
14 passes a resolution as provided in Section 4 asking that an
15 annual tax may be levied for the purpose of providing such
16 mental health facilities and services, including facilities
17 and services for the person with a developmental disability or
18 a substance use disorder ~~and the substance abuser~~, in the
19 community and so instructs the clerk of the governmental unit
20 such clerk shall certify the proposition to the proper election
21 officials for submission at a regular election in accordance
22 with the general election law. The proposition shall be in the
23 following form:

24 -----

25 Shall..... (governmental

1	unit) levy an annual tax of not to	YES
2	exceed .15% for the purpose of providing	
3	community mental health facilities and	-----
4	services including facilities and services	
5	for the person with a developmental	NO
6	disability <u>or a substance use disorder</u>	
7	and the substance abuser?	

8 -----

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

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

21 (405 ILCS 20/6) (from Ch. 91 1/2, par. 306)

22 Sec. 6. Whenever the governing body of any governmental
23 unit has not provided the community mental health facilities
24 and services provided in Section 2 and levied the tax provided
25 in Section 4 and a petition signed by electors of the

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

21 When collected, such tax shall be paid into a special fund
22 to be designated as the "Community Mental Health Fund" which
23 shall, upon authorization by the appropriate governmental
24 unit, be administered by the community mental health board and
25 used only for the purposes specified in this Act. Nothing
26 contained herein shall in any way preclude the use of other

1 funds available for such purposes under any existing Federal,
2 State or local statute. Interest earned from moneys deposited
3 in this Fund shall only be used for purposes which are
4 authorized by this Act.

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

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

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

24 (405 ILCS 20/7) (from Ch. 91 1/2, par. 307)

25 Sec. 7. When the petition provided for in Section 6 is

1 presented to the clerk of the governmental unit requesting the
 2 establishment and maintenance of such mental health facilities
 3 and services for residents of the community and the levy of
 4 such an annual tax therefor, the clerk of the governmental unit
 5 shall certify to the proper election officials the proposition
 6 for the levy of such tax which shall be submitted at a regular
 7 election in accordance with the general election law. The
 8 proposition shall be in substantially the following form:

9 -----

10 Shall.....

11 (governmental unit) establish and

12 maintain community mental health

YES

13 facilities and services including

14 facilities and services for the

15 person with a developmental

16 disability or a substance

NO

17 use disorder ~~and the substance~~

18 ~~abuser~~ and levy therefor an annual

19 tax of not to exceed .15%?

20 -----

21 If a majority of all the votes cast upon the proposition
 22 are in favor thereof, the governing ~~governmental~~ body of such
 23 governmental unit shall establish and maintain such community
 24 mental health facilities and services and shall annually levy
 25 such tax. Thereafter, the governing body shall in the annual
 26 appropriation bill appropriate from such funds such sum or sums

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

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

7 (405 ILCS 20/9) (from Ch. 91 1/2, par. 309)

8 Sec. 9. Whenever electors, equal in number to at least 10%
 9 of the total votes cast for the office on which the greatest
 10 total number of votes were cast at the last preceding general
 11 governmental unit election, of a governmental unit which has
 12 adopted the taxing provisions of this Act, present a petition
 13 to the clerk of the governmental unit, requesting that the
 14 levying of a tax annually in such governmental unit for the
 15 purpose of providing community mental health facilities and
 16 services be discontinued, the clerk shall certify the
 17 proposition to the proper election officials for submission at
 18 a regular election in accordance with the general election law.
 19 The proposition shall be substantially in the following form:

20 -----

21 Shall.... (governmental unit)
 22 discontinue the levying of an annual tax for YES
 23 the purpose of providing community mental
 24 health facilities and services including -----
 25 facilities and services for the

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

4 -----

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

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

12 (405 ILCS 20/10) (from Ch. 91 1/2, par. 310)

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

1 Services ~~and the regional Health Systems Agency~~ as to the
2 advisability of any proposed building or of any proposed
3 permanent improvements in existing facilities.

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

5 (405 ILCS 20/11) (from Ch. 91 1/2, par. 311)

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

8 -----

9 Shall the.... (governmental unit) issue

10 bonds to the amount of.... dollars for the

11 purpose of enabling the governmental unit YES

12 to.... (purpose to be stated, which shall

13 be either to provide buildings for or to -----

14 make permanent improvements in the community

15 mental health facilities including facilities NO

16 for the person with a developmental

17 disability or a substance use disorder

18 ~~and the substance abuser~~)?

19 -----

20 In case a majority of the votes cast upon the propositions

21 shall be in favor of the issuance of such bonds, ~~+~~ the governing

22 body of the governmental unit shall issue the bonds of the

23 governmental unit not exceeding the amount authorized at the

24 referendum. Such bonds shall become due not more than 40 years

25 after their date, shall be in denominations of \$100 or any

1 multiple thereof, and shall bear interest, evidenced by
2 coupons, payable semi-annually, as shall be determined by the
3 governing body.

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

5 (405 ILCS 20/8.5 rep.)

6 Section 10. The Community Mental Health Act is amended by
7 repealing Section 8.5.

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.

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

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