

1 AN ACT concerning healthcare.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Community Expanded Mental Health Services  
5 Act is amended by changing Sections 15 and 25 as follows:

6 (405 ILCS 22/15)

7 Sec. 15. Creation of Expanded Mental Health Services  
8 Program and Governing Commission.

9 (a) Whenever in a municipality with more than 1,000,000  
10 inhabitants, the question of creating an Expanded Mental Health  
11 Services Program within a contiguous territory included  
12 entirely within the municipality is initiated by resolution or  
13 ordinance of the corporate authorities of the municipality or  
14 by a petition signed by not less than 8% of the total votes  
15 cast for candidates for Governor in the preceding gubernatorial  
16 election by registered voters of the territory, the registered  
17 voters of which are eligible to sign the petition, it shall be  
18 the duty of the election authority having jurisdiction over  
19 such municipality to submit the question of creating an  
20 Expanded Mental Health Services Program to the electors of the  
21 territory at the regular election specified in the resolution,  
22 ordinance, or petition initiating the question. A petition  
23 initiating a question described in this Section shall be filed

1 with the election authority having jurisdiction over the  
2 municipality. The petition shall be filed and objections  
3 thereto shall be made in the manner provided in the general  
4 election law. A resolution, ordinance, or petition initiating a  
5 question described in this Section shall specify the election  
6 at which the question is to be submitted. The referendum on  
7 such question shall be held in accordance with general election  
8 law. Such question, and the resolution, ordinance, or petition  
9 initiating the question, shall include a description of the  
10 territory, the name of the proposed Expanded Mental Health  
11 Services Program, and the maximum rate at which the Expanded  
12 Mental Health Services Program shall be able to levy a property  
13 tax. The question shall be in substantially the following form:

14        Shall there be established, to serve the territory commonly  
15 described on this ballot or notice of this question, a .....  
16 (fill in community name) Expanded Mental Health Services  
17 Program, to provide direct free mental health services for any  
18 resident of the territory who needs assistance in overcoming or  
19 coping with mental or emotional disorders, where such program  
20 will be funded through an increase of not more than ..... (fill  
21 in tax rate from .025% to .044% ~~.004 to .007~~) of the equalized  
22 assessed valuation ~~real estate property tax bill~~ of all  
23 properties ~~parcels~~ within the boundaries of the territory ~~(for~~  
24 ~~example, \$..... (fill in tax rate figure) for every \$1,000 of~~  
25 ~~taxes you currently pay)?~~

26        All of that area within the geographic boundaries of the

1 territory described in such question shall be included in the  
2 Program, and no area outside the geographic boundaries of the  
3 territory described in such question shall be included in the  
4 Program. If the election authority determines that the  
5 description cannot be included within the space limitations of  
6 the ballot, the election authority shall prepare large printed  
7 copies of a notice of the question, which shall be prominently  
8 displayed in the polling place of each precinct in which the  
9 question is to be submitted.

10 (b) Whenever a majority of the voters on such public  
11 question approve the creation of an Expanded Mental Health  
12 Services Program as certified by the proper election  
13 authorities, within 90 days of the passage of the referendum  
14 the Governor shall appoint 5 members and the Mayor of the  
15 municipality shall appoint 4 members, to be known as  
16 commissioners, to serve as the governing body of the Expanded  
17 Mental Health Services Program.

18 (c) Of the 5 commissioners appointed by the Governor, the  
19 Governor shall choose 4 commissioners from a list of nominees  
20 supplied by a community organization or community  
21 organizations as defined in this Act; these 4 commissioners  
22 shall reside in the territory of the Program. Of the  
23 commissioners appointed by the Governor, one shall be a mental  
24 health professional and one shall be a mental health consumer  
25 residing in the territory of the Program.

26 (d) Of the 4 commissioners appointed by the Mayor of the

1 municipality, the Mayor shall choose 3 commissioners from a  
2 list of nominees supplied by a community organization or  
3 community organizations as defined in this Act; these 3  
4 commissioners shall reside in the territory of the Program. Of  
5 the commissioners appointed by the Mayor, one shall be a mental  
6 health professional and one shall be a mental health consumer  
7 residing in the territory of the Program.

8 (e) A community organization may recommend up to 10  
9 individuals to the Governor and up to 10 individuals to the  
10 Mayor to serve on the Governing Commission.

11 (f) No fewer than 7 commissioners serving at one time shall  
12 reside within the territory of the Program.

13 (g) Upon creation of a Governing Commission, the terms of  
14 the initial commissioners shall be as follows: (i) of the  
15 Governor's initial appointments, 2 shall be for 3 years, one  
16 for 2 years, and 2 for one year; and (ii) of the Mayor's  
17 initial appointments, one shall be for 3 years, 2 for 2 years,  
18 and one for one year. All succeeding terms shall be for 3  
19 years, or until a successor is appointed and qualified.  
20 Commissioners shall serve without compensation except for  
21 reimbursement for reasonable expenses incurred in the  
22 performance of duties as a commissioner. A vacancy in the  
23 office of a member of a Governing Commission shall be filled in  
24 like manner as an original appointment.

25 (h) Any member of the Governing Commission may be removed  
26 by a majority vote of all other commissioners for absenteeism,

1 neglect of duty, misconduct or malfeasance in the office, after  
2 being given a written statement of the charges and an  
3 opportunity to be heard thereon.

4 (i) All proceedings and meetings of the Governing  
5 Commission shall be conducted in accordance with the provisions  
6 of the Open Meetings Act.

7 (Source: P.A. 96-1548, eff. 1-1-12.)

8 (405 ILCS 22/25)

9 Sec. 25. Expanded mental health services fund.

10 (a) The Governing Commission shall maintain the expanded  
11 mental health services fund for the purposes of paying the  
12 costs of administering the Program and carrying out its duties  
13 under this Act, subject to the limitations and procedures set  
14 forth in this Act.

15 (b) The expanded mental health services fund shall be  
16 raised by means of an annual tax levied on each property within  
17 the territory of the Program. The rate of this tax may be  
18 changed from year to year by majority vote of the Governing  
19 Commission but in no case shall it exceed the ceiling rate  
20 established by the voters in the territory of the Program in  
21 the binding referendum to approve the creation of the Expanded  
22 Mental Health Services Program. The ceiling rate must be set  
23 within the range of .025% to .044% of the equalized assessed  
24 valuation of all properties ~~.004 to .007 on each property~~ in  
25 the territory of the Program. A higher ceiling rate for a

1 territory may be established within that range only by the  
2 voters in a binding referendum from time to time to be held in  
3 a manner as set forth in this legislation. The commissioners  
4 shall cause the amount to be raised by taxation in each year to  
5 be certified to the county clerk in the manner provided by law,  
6 and any tax so levied and certified shall be collected and  
7 enforced in the same manner and by the same officers as those  
8 taxes for the purposes of the county and city within which the  
9 territory of the Governing Commission is located. Any such tax,  
10 when collected, shall be paid over to the proper officer of the  
11 Governing Commission who is authorized to receive and receipt  
12 for such tax. The Governing Commission may issue tax  
13 anticipation warrants against the taxes to be assessed for a  
14 calendar year.

15 (c) The moneys deposited in the expanded mental health  
16 services fund shall, as nearly as practicable, be fully and  
17 continuously invested or reinvested by the Governing  
18 Commission in investment obligations which shall be in such  
19 amounts, and shall mature at such times, that the maturity or  
20 date of redemption at the option of the holder of such  
21 investment obligations shall coincide, as nearly as  
22 practicable, with the times at which monies will be required  
23 for the purposes of the Program. For the purposes of this  
24 Section, "investment obligation" means direct general  
25 municipal, state, or federal obligations which at the time are  
26 legal investments under the laws of this State and the payment

1 of principal of and interest on which are unconditionally  
2 guaranteed by the governing body issuing them.

3 (d) The fund shall be used solely and exclusively for the  
4 purpose of providing expanded mental health services and no  
5 more than 15% of the annual levy may be used for reasonable  
6 salaries, expenses, bills, and fees incurred in administering  
7 the Program.

8 (e) The fund shall be maintained, invested, and expended  
9 exclusively by the Governing Commission of the Program for  
10 whose purposes it was created. Under no circumstances shall the  
11 fund be used by any person or persons, governmental body, or  
12 public or private agency or concern other than the Governing  
13 Commission of the Program for whose purposes it was created.  
14 Under no circumstances shall the fund be commingled with other  
15 funds or investments.

16 (f) No commissioner or family member of a commissioner, or  
17 employee or family member of an employee, may receive any  
18 financial benefit, either directly or indirectly, from the  
19 fund. Nothing in this subsection shall be construed to prohibit  
20 payment of expenses to a commissioner in accordance with  
21 subsection (g) of Section 15.

22 (g) Annually, the Governing Commission shall prepare for  
23 informational purposes in the appropriations process: (1) an  
24 annual budget showing the estimated receipts and intended  
25 disbursements pursuant to this Act for the fiscal year  
26 immediately following the date the budget is submitted, which

1 date must be at least 30 days prior to the start of the fiscal  
2 year; and (2) an independent financial audit of the fund and  
3 the management of the Program detailing the income received and  
4 disbursements made pursuant to this Act during the fiscal year  
5 just preceding the date the annual report is submitted, which  
6 date must be within 90 days of the close of that fiscal year.  
7 These reports shall be made available to the public through any  
8 office of the Governing Commission or a public facility such as  
9 a local public library located within the territory of the  
10 Program. In addition, and in an effort to increase transparency  
11 of public programming, the Governing Commission shall  
12 effectively create and operate a publicly accessible website,  
13 which shall publish results of all audits for a period of no  
14 less than six months after the initial disclosure of the  
15 results and findings of each audit.

16 (h) Any expanded Mental Health Services Program existing on  
17 the effective date of this amendatory Act of the 98th General  
18 Assembly and created before December 31, 2012 by majority voter  
19 support on a binding referendum shall be authorized to levy for  
20 the 2013 levy year at the minimum tax rate of .025% of the  
21 equalized assessed valuation of all properties within its  
22 territory.

23 (Source: P.A. 96-1548, eff. 1-1-12; 97-813, eff. 7-13-12.)

24 Section 99. Effective date. This Act takes effect upon  
25 becoming law.