



Rep. Sara Feigenholtz

Filed: 2/19/2014

09800HB4403ham001

LRB098 17858 KTG 55318 a

1 AMENDMENT TO HOUSE BILL 4403

2 AMENDMENT NO. _____. Amend House Bill 4403 by replacing
3 everything after the enacting clause with the following:

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

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

21 Shall there be established, to serve the territory commonly
22 described on this ballot or notice of this question, a
23 (fill in community name) Expanded Mental Health Services
24 Program, to provide direct free mental health services for any
25 resident of the territory who needs assistance in overcoming or
26 coping with mental or emotional disorders, where such program

1 will be funded through an increase of not more than (fill
2 in tax rate from .025% to .044% ~~.004 to .007~~) of the equalized
3 assessed valuation ~~real estate property tax bill~~ of all
4 properties ~~parcels~~ within the boundaries of the territory ~~(for~~
5 ~~example, \$..... (fill in tax rate figure) for every \$1,000 of~~
6 ~~taxes you currently pay)?~~

7 All of that area within the geographic boundaries of the
8 territory described in such question shall be included in the
9 Program, and no area outside the geographic boundaries of the
10 territory described in such question shall be included in the
11 Program. If the election authority determines that the
12 description cannot be included within the space limitations of
13 the ballot, the election authority shall prepare large printed
14 copies of a notice of the question, which shall be prominently
15 displayed in the polling place of each precinct in which the
16 question is to be submitted.

17 (b) Whenever a majority of the voters on such public
18 question approve the creation of an Expanded Mental Health
19 Services Program as certified by the proper election
20 authorities, within 90 days of the passage of the referendum
21 the Governor shall appoint 5 members and the Mayor of the
22 municipality shall appoint 4 members, to be known as
23 commissioners, to serve as the governing body of the Expanded
24 Mental Health Services Program.

25 (c) Of the 5 commissioners appointed by the Governor, the
26 Governor shall choose 4 commissioners from a list of nominees

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

7 (d) Of the 4 commissioners appointed by the Mayor of the
8 municipality, the Mayor shall choose 3 commissioners from a
9 list of nominees supplied by a community organization or
10 community organizations as defined in this Act; these 3
11 commissioners shall reside in the territory of the Program. Of
12 the commissioners appointed by the Mayor, one shall be a mental
13 health professional and one shall be a mental health consumer
14 residing in the territory of the Program.

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

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

20 (g) Upon creation of a Governing Commission, the terms of
21 the initial commissioners shall be as follows: (i) of the
22 Governor's initial appointments, 2 shall be for 3 years, one
23 for 2 years, and 2 for one year; and (ii) of the Mayor's
24 initial appointments, one shall be for 3 years, 2 for 2 years,
25 and one for one year. All succeeding terms shall be for 3
26 years, or until a successor is appointed and qualified.

1 Commissioners shall serve without compensation except for
2 reimbursement for reasonable expenses incurred in the
3 performance of duties as a commissioner. A vacancy in the
4 office of a member of a Governing Commission shall be filled in
5 like manner as an original appointment.

6 (h) Any member of the Governing Commission may be removed
7 by a majority vote of all other commissioners for absenteeism,
8 neglect of duty, misconduct or malfeasance in the office, after
9 being given a written statement of the charges and an
10 opportunity to be heard thereon.

11 (i) All proceedings and meetings of the Governing
12 Commission shall be conducted in accordance with the provisions
13 of the Open Meetings Act.

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

15 (405 ILCS 22/25)

16 Sec. 25. Expanded mental health services fund.

17 (a) The Governing Commission shall maintain the expanded
18 mental health services fund for the purposes of paying the
19 costs of administering the Program and carrying out its duties
20 under this Act, subject to the limitations and procedures set
21 forth in this Act.

22 (b) The expanded mental health services fund shall be
23 raised by means of an annual tax levied on each property within
24 the territory of the Program. The rate of this tax may be
25 changed from year to year by majority vote of the Governing

1 Commission but in no case shall it exceed the ceiling rate
2 established by the voters in the territory of the Program in
3 the binding referendum to approve the creation of the Expanded
4 Mental Health Services Program. The ceiling rate must be set
5 within the range of .025% to .044% of the equalized assessed
6 valuation of all properties ~~.004 to .007 on each property~~ in
7 the territory of the Program. A higher ceiling rate for a
8 territory may be established within that range only by the
9 voters in a binding referendum from time to time to be held in
10 a manner as set forth in this legislation. The commissioners
11 shall cause the amount to be raised by taxation in each year to
12 be certified to the county clerk in the manner provided by law,
13 and any tax so levied and certified shall be collected and
14 enforced in the same manner and by the same officers as those
15 taxes for the purposes of the county and city within which the
16 territory of the Governing Commission is located. Any such tax,
17 when collected, shall be paid over to the proper officer of the
18 Governing Commission who is authorized to receive and receipt
19 for such tax. The Governing Commission may issue tax
20 anticipation warrants against the taxes to be assessed for a
21 calendar year.

22 (c) The moneys deposited in the expanded mental health
23 services fund shall, as nearly as practicable, be fully and
24 continuously invested or reinvested by the Governing
25 Commission in investment obligations which shall be in such
26 amounts, and shall mature at such times, that the maturity or

1 date of redemption at the option of the holder of such
2 investment obligations shall coincide, as nearly as
3 practicable, with the times at which monies will be required
4 for the purposes of the Program. For the purposes of this
5 Section, "investment obligation" means direct general
6 municipal, state, or federal obligations which at the time are
7 legal investments under the laws of this State and the payment
8 of principal of and interest on which are unconditionally
9 guaranteed by the governing body issuing them.

10 (d) The fund shall be used solely and exclusively for the
11 purpose of providing expanded mental health services and no
12 more than 15% of the annual levy may be used for reasonable
13 salaries, expenses, bills, and fees incurred in administering
14 the Program.

15 (e) The fund shall be maintained, invested, and expended
16 exclusively by the Governing Commission of the Program for
17 whose purposes it was created. Under no circumstances shall the
18 fund be used by any person or persons, governmental body, or
19 public or private agency or concern other than the Governing
20 Commission of the Program for whose purposes it was created.
21 Under no circumstances shall the fund be commingled with other
22 funds or investments.

23 (f) No commissioner or family member of a commissioner, or
24 employee or family member of an employee, may receive any
25 financial benefit, either directly or indirectly, from the
26 fund. Nothing in this subsection shall be construed to prohibit

1 payment of expenses to a commissioner in accordance with
2 subsection (g) of Section 15.

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

23 (h) Any expanded Mental Health Services Program existing on
24 the effective date of this amendatory Act of the 98th General
25 Assembly and created before December 31, 2012 by majority voter
26 support on a binding referendum shall be authorized to levy for

1 the 2013 levy year at the minimum tax rate of .025% of the
2 equalized assessed valuation of all properties within its
3 territory.

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

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