



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB1926

Introduced 2/17/2021, by Rep. Mark Luft

SYNOPSIS AS INTRODUCED:

55 ILCS 5/5-25010	from Ch. 34, par. 5-25010
65 ILCS 5/8-3-1	from Ch. 24, par. 8-3-1
65 ILCS 5/8-4-25	from Ch. 24, par. 8-4-25
65 ILCS 5/Art. 11 Div. 29 rep.	
70 ILCS 920/1	from Ch. 23, par. 1701
70 ILCS 920/5.3 rep.	

Repeals the City and Village Tuberculosis Sanitariums Division of the Illinois Municipal Code. Amends the Counties Code, Illinois Municipal Code, and the Tuberculosis Sanitarium District Act making conforming changes.

LRB102 00017 AWJ 10018 b

FISCAL NOTE ACT
MAY APPLY

HOUSING
AFFORDABILITY
IMPACT NOTE ACT
MAY APPLY

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 Counties Code is amended by changing
5 Section 5-25010 as follows:

6 (55 ILCS 5/5-25010) (from Ch. 34, par. 5-25010)

7 Sec. 5-25010. Annual tax levy. The county board of any
8 county which has established and is maintaining a county or
9 multiple-county health department shall, when authorized as
10 provided in Sections 5-25003 or 5-25004, levy annually
11 therefor, in excess of the statutory limit, a tax of not to
12 exceed .1% of the value plus the additional tax, if
13 applicable, provided for in Section 5-23002, ~~or plus the~~
14 ~~additional tax, if applicable, provided for in Section 5.3 of~~
15 ~~"An Act to provide for the creation and management of~~
16 ~~tuberculosis sanitarium districts", approved May 21, 1937, as~~
17 ~~now or hereafter amended,~~ as equalized or assessed by the
18 Department of Revenue, of all taxable property of the county,
19 which tax shall be levied and collected in like manner as
20 general county taxes and shall be paid (except as provided in
21 Section 5-25011) into the county treasury and held in the
22 County Health Fund and shall be used only for the purposes of
23 this Division. Where there is a county health department, the

1 County Health Fund shall be drawn upon by the proper officers
2 of the county upon the properly authenticated vouchers of the
3 county health department. Where there is a multiple-county
4 health department, the County Health Fund shall be drawn upon
5 by the treasurer of the board of health of the multiple-county
6 health department. In counties maintaining single county
7 health departments, each county board shall appropriate from
8 the County Health Fund such sums of money as may be sufficient
9 to fund the approved budget of the county health department,
10 so long as those sums have been set out in the annual budget
11 submitted to the county board by the county board of health and
12 that annual budget has been approved by the county board. In
13 counties with a population between 700,000 and 3,000,000, the
14 county board chairman has the power to veto or reduce any line
15 item in the appropriation ordinance for the county or
16 multiple-county health department as provided in Section
17 5-1014.5. Each county board of counties participating in the
18 maintenance of a multiple-county health department shall
19 appropriate from the County Health Fund and shall authorize
20 the county treasurer to release quarterly or more often to the
21 treasurer of the board of health of the multiple-county health
22 department such sums of money as are in accordance with the
23 budget submitted by the multiple-county board of health and
24 approved by the county board of each of the participating
25 counties as may be necessary to pay its agreed share for the
26 maintenance of the multiple-county health department. The

1 treasurer of the board of health of the multiple-county health
2 department shall request by voucher, quarterly or more often
3 such sums of money from the county treasurers of the
4 respective member counties, and shall support such requests
5 with estimates of anticipated receipts and expenditures for
6 the period for which sums of money are requested and with
7 statements of receipts and expenditures for the preceding
8 period. In addition, that treasurer shall support the requests
9 to the annual budget submitted by the multiple-county public
10 health board and approved by the county board of each of the
11 participating counties. No payment may be made from a County
12 Health Fund except on the basis of a budget item in a budget
13 submitted by the appropriate public health board and approved
14 by the county board or boards concerned; however, amended or
15 supplemental budgets may be submitted and approved and thereby
16 be the basis for such a payment.

17 (Source: P.A. 89-402, eff. 8-20-95.)

18 Section 10. The Illinois Municipal Code is amended by
19 changing Sections 8-3-1 and 8-4-25 as follows:

20 (65 ILCS 5/8-3-1) (from Ch. 24, par. 8-3-1)

21 Sec. 8-3-1. The corporate authorities may levy and collect
22 taxes for corporate purposes. They shall do this in the
23 following manner:

24 On or before the last Tuesday in December in each year, the

1 corporate authorities shall ascertain the total amount of
2 appropriations legally made or budgeted for and any amount
3 deemed necessary to defray additional expenses and liabilities
4 for all corporate purposes to be provided for by the tax levy
5 of that year. Then, by an ordinance specifying in detail in the
6 manner authorized for the annual appropriation ordinance or
7 budget of the municipality, the purposes for which the
8 appropriations, budgeting or such additional amounts deemed
9 necessary have been made and the amount assignable for each
10 purpose respectively, the corporate authorities shall levy
11 upon all property subject to taxation within the municipality
12 as that property is assessed and equalized for state and
13 county purposes for the current year.

14 A certified copy of this ordinance shall be filed with the
15 county clerk of the proper county. He shall ascertain the rate
16 per cent which, upon the value of all property subject to
17 taxation within the municipality, as that property is assessed
18 or equalized by the Department of Revenue, will produce a net
19 amount of not less than the total amount so directed to be
20 levied. The county clerk shall extend this tax in a separate
21 column upon the books of the collector of state and county
22 taxes within the municipality.

23 However, in ascertaining the rate per cent in
24 municipalities having a population of 500,000 or more, the
25 county clerk shall not add to the amount of the tax so levied
26 for any purpose any amount to cover the loss and cost of

1 collecting the tax, except in the case of amounts levied for
2 the payment of bonded indebtedness, or interest thereon, and
3 in the case of amounts levied for the purposes of pension
4 funds.

5 Where the corporate limits of a municipality lie partly in
6 2 or more counties, the corporate authorities shall ascertain
7 the total amount of all taxable property lying within the
8 corporate limits of that municipality in each county, as the
9 property is assessed or equalized by the Department of Revenue
10 for the current year, and shall certify the amount of taxable
11 property in each county within that municipality under the
12 seal of the municipality, to the county clerk of the county
13 where the seat of government of the municipality is situated.
14 That county clerk shall ascertain the rate per cent which,
15 upon the total valuation of all property subject to taxation
16 within that municipality, ascertained as provided in this
17 Section, will produce a net amount not less than the total
18 amount directed to be levied. As soon as that rate per cent is
19 ascertained, that clerk shall certify the rate per cent under
20 his signature and seal of office to the county clerk of each
21 other county wherein a portion of that municipality is
22 situated. A county clerk to whom a rate per cent is certified
23 shall extend the tax in a separate column upon the books of the
24 collector of state and county taxes for his county against all
25 property in his county within the limits of that municipality.

26 But in municipalities with 500,000 or more inhabitants,

1 the aggregate amount of taxes so levied exclusive of the
2 amount levied for the payment of bonded indebtedness, or
3 interest thereon, and exclusive of taxes levied for the
4 payment of judgments, for which a special tax is authorized by
5 law, and exclusive of the amounts levied for the purposes of
6 pension funds, working cash fund, public library, ~~municipal~~
7 ~~tuberculosis sanitarium,~~ the propagation and preservation of
8 community trees, and exclusive of taxes levied pursuant to
9 Section 19 of the Illinois Emergency Services and Disaster
10 Agency Act of 1975 and for the general assistance for needy
11 persons lawfully resident therein, shall not exceed the
12 estimated amount of taxes to be levied for each year for the
13 purposes specified in Sections 8-2-2 through 8-2-5 and set
14 forth in its annual appropriation ordinance and in any
15 supplemental appropriation ordinance authorized by law for
16 that year.

17 In municipalities with less than 500,000 inhabitants, the
18 aggregate amount of taxes so levied for any one year,
19 exclusive of the amount levied for the payment of bonded
20 indebtedness, or interest thereon, and exclusive of taxes
21 levied pursuant to Section 13 of the Illinois Civil Defense
22 Act of 1951 and exclusive of taxes authorized by this Code or
23 other Acts which by their terms provide that those taxes shall
24 be in addition to taxes for general purposes authorized under
25 this Section, shall not exceed the rate of .25%, or the rate
26 limit in effect on July 1, 1967, whichever is greater, and on a

1 permanent basis, upon the aggregate valuation of all property
2 within the municipality subject to taxation therein, as the
3 property is equalized or assessed by the Department of Revenue
4 for the current year. However, if the maximum rate of such
5 municipality for general corporate purposes is less than .20%
6 on July 1, 1967, the corporate authorities may, without
7 referendum, increase such maximum rate not to exceed .25%; but
8 such maximum rate shall not be raised by more than 1/2 of such
9 increase in any one year.

10 However, if the corporate authorities of a municipality
11 with less than 500,000 inhabitants desire to levy in any one
12 year more than .25%, or the rate limit in effect on July 1,
13 1967, whichever is greater, and on a permanent basis, but not
14 more than .4375% for general corporate purposes, exclusive of
15 the amount levied for the payment of bonded indebtedness, or
16 interest thereon, and exclusive of taxes authorized by this
17 Code or other Acts which by their terms provide that those
18 taxes shall be in addition to taxes for general purposes
19 authorized under this Section the corporate authorities, by
20 ordinance, stating the per cent so desired, may order a
21 proposition for the additional amount to be submitted to the
22 electors of that municipality at any election. The clerk shall
23 certify the proposition to the proper election authority who
24 shall submit the question to the electors at such election. If
25 a majority of the votes cast on the proposition are in favor of
26 the proposition, the corporate authorities of that

1 municipality may levy annually for general corporate purposes,
2 exclusive of the amount levied for the payment of bonded
3 indebtedness, or interest thereon, and exclusive of taxes
4 authorized by this Code or other Acts which by their terms
5 provide that those taxes are in addition to taxes for general
6 purposes authorized under this Section a tax in excess of
7 .25%, or the rate in effect on July 1, 1967, whichever is
8 greater, and on a permanent basis, but not exceeding the per
9 cent mentioned in the proposition.

10 Any municipality voting after August 1, 1969, to increase
11 its rate limitation for general corporate purposes under this
12 Section shall establish such increased rate limitation on an
13 ongoing basis unless otherwise changed by referendum.

14 In municipalities that are not home rule units, any funds
15 on hand at the end of the fiscal year, which funds are not
16 pledged for or allocated to a particular purpose, may by
17 action of the corporate authorities be transferred to the
18 capital improvement fund and accumulated therein, but the
19 total amount accumulated in such fund may not exceed 3% of the
20 aggregate assessed valuation of all taxable property in the
21 municipality.

22 (Source: P.A. 87-17.)

23 (65 ILCS 5/8-4-25) (from Ch. 24, par. 8-4-25)

24 Sec. 8-4-25. Subject to the requirements of the Bond Issue
25 Notification Act, any municipality is authorized to issue from

1 time to time full faith and credit general obligation notes in
2 an amount not to exceed 85% of the specific taxes levied for
3 the year during which and for which such notes are issued,
4 provided no notes shall be issued in lieu of tax warrants for
5 any tax at any time there are outstanding tax anticipation
6 warrants against the specific taxes levied for the year. Such
7 notes shall bear interest at a rate not to exceed the maximum
8 rate authorized by the Bond Authorization Act, as amended at
9 the time of the making of the contract, if issued before
10 January 1, 1972 and not more than the maximum rate authorized
11 by the Bond Authorization Act, as amended at the time of the
12 making of the contract, if issued after January 1, 1972 and
13 shall mature within two years from date. The first interest
14 payment date on any such notes shall not be earlier than the
15 delinquency date of the first installment of taxes levied to
16 pay interest and principal of such notes. Notes may be issued
17 for taxes levied for the following purposes:

18 (a) Corporate.

19 (b) For the payment of judgments.

20 (c) Public Library for Maintenance and Operation.

21 (d) Public Library for Buildings and Sites.

22 (e) Blank. ~~Municipal Tuberculosis Sanitarium.~~

23 (f) Relief (General Assistance).

24 In order to authorize and issue such notes, the corporate
25 authorities shall adopt an ordinance fixing the amount of the
26 notes, the date thereof, the maturity, rate of interest, place

1 of payment and denomination, which shall be in equal multiples
2 of \$1,000, and provide for the levy and collection of a direct
3 annual tax upon all the taxable property in the municipality
4 sufficient to pay the principal of and interest on such notes
5 as the same becomes due.

6 A certified copy of the ordinance authorizing the issuance
7 of the notes shall be filed in the office of the County Clerk
8 of the county in which the municipality is located, or if the
9 municipality lies partly within two or more counties, a
10 certified copy of the ordinance authorizing such notes shall
11 be filed with the County Clerk of each of the respective
12 counties, and it shall be the duty of the County Clerk, or
13 County Clerks, whichever the case may be, to extend the tax
14 therefor in addition to and in excess of all other taxes
15 heretofore or hereafter authorized to be levied by such
16 municipality.

17 From and after any such notes have been issued and while
18 such notes are outstanding, it shall be the duty of the County
19 Clerk or County Clerks, whichever the case may be, in
20 computing the tax rate for the purpose for which the notes have
21 been issued to reduce the tax rate levied for such purpose by
22 the amount levied to pay the principal of and interest on the
23 notes to maturity, provided the tax rate shall not be reduced
24 beyond the amount necessary to reimburse any money borrowed
25 from the working cash fund, and it shall be the duty of the
26 Clerk of the municipality annually, not less than thirty (30)

1 days prior to the tax extension date, to certify to the County
2 Clerk, or County Clerks, whichever the case may be, the amount
3 of money borrowed from the working cash fund to be reimbursed
4 from the specific tax levy.

5 No reimbursement shall be made to the working cash fund
6 until there has been accumulated from the tax levy provided
7 for the notes an amount sufficient to pay the principal of and
8 interest on such notes as the same become due.

9 With respect to instruments for the payment of money
10 issued under this Section either before, on, or after the
11 effective date of this amendatory Act of 1989, it is and always
12 has been the intention of the General Assembly (i) that the
13 Omnibus Bond Acts are and always have been supplementary
14 grants of power to issue instruments in accordance with the
15 Omnibus Bond Acts, regardless of any provision of this Act
16 that may appear to be or to have been more restrictive than
17 those Acts, (ii) that the provisions of this Section are not a
18 limitation on the supplementary authority granted by the
19 Omnibus Bond Acts, and (iii) that instruments issued under
20 this Section within the supplementary authority granted by the
21 Omnibus Bond Acts are not invalid because of any provision of
22 this Act that may appear to be or to have been more restrictive
23 than those Acts.

24 (Source: P.A. 89-655, eff. 1-1-97.)

25 (65 ILCS 5/Art. 11 Div. 29 rep.)

1 Section 15. The Illinois Municipal Code is amended by
2 repealing Article 11 Div. 29.

3 Section 20. The Tuberculosis Sanitarium District Act is
4 amended by changing Section 1 as follows:

5 (70 ILCS 920/1) (from Ch. 23, par. 1701)

6 Sec. 1. Any area of contiguous territory lying wholly
7 within one county ~~but entirely outside the corporate limits of~~
8 ~~any city or village which has adopted Division 29 of Article 11~~
9 ~~of the "Illinois Municipal Code", approved May 29, 1961, as~~
10 ~~amended,~~ may be incorporated as a tuberculosis sanitarium
11 district in the following manner, to wit:

12 Any 100 legal voters residing within the limits of such
13 proposed district may petition the circuit court for the
14 county in which such proposed district lies, to cause the
15 question to be submitted to the legal voters of such proposed
16 district whether or not it shall be organized as a
17 tuberculosis sanitarium district under this Act. Such petition
18 shall be addressed to the court and shall contain a definite
19 description of the territory intended to be embraced in such
20 district, and the name of such district. Upon the filing of
21 such petition in the office of the clerk of the court of the
22 county in which such territory is situated, it shall be the
23 duty of such court to fix a day and hour for the public
24 consideration thereof, which shall not be less than 15 days

1 after the filing of such petition. Such court shall cause a
2 notice of the time and place of such public consideration to be
3 published 3 successive days in some newspaper having a general
4 circulation in the territory proposed to be placed in such
5 district. The date of the last publication of such notice
6 shall not be less than 5 days prior to the time set for such
7 public hearing. At the time and place fixed for such public
8 hearing the court shall sit and hear any resident or person
9 owning property in such proposed district who desires to be
10 heard, and if the court finds that all of the provisions of
11 this Act have been complied with, it shall cause to be entered
12 of record, an order fixing and defining the boundaries and the
13 name of such proposed district in accordance with the prayer
14 of the petition. In the event that any other petition or
15 petitions for the organization of a tuberculosis sanitarium
16 district or districts in the same county shall be filed under
17 this Act before the time fixed for the public hearing of the
18 first petition, the court shall postpone the public
19 consideration of the first petition so that the hearing of all
20 said petitions shall be set for the same day and hour.

21 Should 2 or more petitions be filed under this Act and come
22 on for hearing at the same time and it shall be found by the
23 court that any of the territory embraced in any one of said
24 petitions is included in or contiguous with the territory
25 embraced in any other petition or petitions, the court may
26 include all of the territory described in such petitions in

1 one district and shall fix the name proposed in the petition
2 first filed as the name for said district. After the entry of
3 the order fixing and defining the boundaries and the name of
4 such proposed district, it shall be the duty of the clerk of
5 the circuit court to certify the order and the proposition to
6 the proper election officials, who shall submit the
7 proposition to the voters at an election in accordance with
8 the general election law. In addition to the requirements of
9 the general election law, the notice of the referendum shall
10 contain a definite description of the territory intended to be
11 embraced in such district, and the name of such district.

12 (Source: P.A. 83-343.)

13 (70 ILCS 920/5.3 rep.)

14 Section 25. The Tuberculosis Sanitarium District Act is
15 amended by repealing Section 5.3.