



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4228

Introduced 1/5/2022, by Rep. Jay Hoffman

SYNOPSIS AS INTRODUCED:

35 ILCS 200/18-103 new
50 ILCS 835/1.2
55 ILCS 5/5-25025
405 ILCS 20/5

was 55 ILCS 105/1.2
from Ch. 34, par. 5-25025
from Ch. 91 1/2, par. 305

Amends the Property Tax Code, the Community Care for Persons with Developmental Disabilities Act, the Counties Code, and the Community Mental Health Act. Contains provisions validating certain tax levies for community mental health boards. Effective immediately.

LRB102 21313 HLH 30425 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 Property Tax Code is amended by adding
5 Section 18-103 as follows:

6 (35 ILCS 200/18-103 new)

7 Sec. 18-103. General Community Mental Health Act
8 Validation Law. On and after January 1, 1994, the provisions
9 of the Truth in Taxation Law are subject to the Community
10 Mental Health Act, Section 5-25025 of the Counties Code, the
11 Community Care for Persons with Developmental Disabilities
12 Act, and those referenda under those Acts authorizing and
13 creating boards and levies. The purpose of this Section is to
14 validate boards and levies created on or after January 1, 1994
15 and on or before the effective date of this amendatory Act of
16 the 102nd General Assembly that relied on conflicting
17 referenda language contained in the Community Mental Health
18 Act, the Counties Code, and the Community Care for Persons
19 with Developmental Disabilities Act.

20 Section 10. The Community Care for Persons with
21 Developmental Disabilities Act is amended by changing Section
22 1.2 as follows:

1 (50 ILCS 835/1.2) (was 55 ILCS 105/1.2)

2 Sec. 1.2. Petition for submission to referendum by
3 electors.

4 (a) Whenever a petition for submission to referendum by
5 the electors which requests the establishment and maintenance
6 of facilities or services for the benefit of its residents
7 with a developmental disability and the levy of an annual tax
8 not to exceed 0.1% upon all the taxable property in the
9 governmental unit at the value thereof, as equalized or
10 assessed by the Department of Revenue, is signed by electors
11 of the governmental unit equal in number to at least 10% of the
12 total votes cast for the office that received the greatest
13 total number of votes at the last preceding general election
14 of the governmental unit and is presented to the county clerk,
15 the clerk shall certify the proposition to the proper election
16 authorities for submission at the governmental unit's next
17 general election. The proposition shall be in substantially
18 the following form:

19 Shall (governmental unit) levy an annual tax not to
20 exceed 0.1% upon the equalized assessed value of all
21 taxable property in (governmental unit) for the purposes
22 of establishing and maintaining facilities or services for
23 the benefit of its residents who are persons with
24 intellectual or developmental disabilities and who are not
25 eligible to participate in any program provided under

1 Article 14 of the School Code, 105 ILCS 5/14-1.01 et seq.,
2 including contracting for those facilities or services
3 with any privately or publicly operated entity that
4 provides those facilities or services either in or out of
5 (governmental unit)?

6 (b) If a majority of the votes cast upon the proposition
7 are in favor thereof, such tax levy shall be authorized and the
8 governmental unit shall levy a tax not to exceed the rate set
9 forth in Section 1 of this Act.

10 (c) If the governmental unit is also subject to the
11 Property Tax Extension Limitation Law, then the proposition
12 shall also comply with the Property Tax Extension Limitation
13 Law. Notwithstanding any provision of this subsection, any
14 referendum imposing an annual tax on or after January 1, 1994
15 and prior to the effective date of this amendatory Act of the
16 102nd General Assembly that complies with this Section is
17 hereby validated.

18 (Source: P.A. 99-143, eff. 7-27-15; 100-1129, eff. 1-1-19.)

19 Section 15. The Counties Code is amended by changing
20 Section 5-25025 as follows:

21 (55 ILCS 5/5-25025) (from Ch. 34, par. 5-25025)

22 Sec. 5-25025. Mental health program. If the county board
23 of any county having a population of less than 1,000,000
24 inhabitants and maintaining a county health department under

1 this Division desires the inclusion of a mental health program
 2 in that county health department and the authority to levy the
 3 tax provided for in subsection (c) of this Section, the county
 4 board shall certify that question to the proper election
 5 officials, who shall submit the proposition at an election in
 6 accordance with the general election law. The proposition
 7 shall be in substantially the following form:

8 -----

9 ShallCounty include

10 a mental health program in the YES

11 county health department, and

12 levy an annual tax of not to exceed -----

13 .05% of the value of all taxable

14 property for use for mental health

15 purposes by the county health NO

16 department?

17 -----

18 If a majority of the electors voting at that election vote
 19 in favor of the proposition, the county board may include the
 20 mental health program in the county health department and may,
 21 annually, levy the additional tax for mental health purposes.
 22 All mental health facilities provided shall be available to
 23 all citizens of the county, but the county health board may
 24 vary any charges for services according to ability to pay.

25 If the county is also subject to the Property Tax
 26 Extension Limitation Law, then the proposition shall also

1 comply with the Property Tax Extension Limitation Law.
2 Notwithstanding any provision of this Section, any referendum
3 imposing an annual tax on or after January 1, 1994 and prior to
4 the effective date of this amendatory Act of the 102nd General
5 Assembly that complies with this Section is hereby validated.

6 When the inclusion of a mental health program has been
7 approved:

8 (a) To the extent practicable, at least one member of the
9 County Board of Health, under Section 5-25012, shall be a
10 person certified by The American Board of Psychiatry and
11 Neurology professionally engaged in the field of mental health
12 and licensed to practice medicine in the State, unless there
13 is no such qualified person in the county.

14 (b) The president or chairman of the county board of
15 health shall appoint a mental health advisory board composed
16 of not less than 9 nor more than 15 members who have special
17 knowledge and interest in the field of mental health.
18 Initially, 1/3 of the board members shall be appointed for
19 terms of one year, 1/3 for 2 years and 1/3 for 3 years.
20 Thereafter, all terms shall be for 3 years. This advisory
21 board shall meet at least twice each year and provide counsel,
22 direction and advice to the county board of health in the field
23 of mental health.

24 (c) The county board may levy, in excess of the statutory
25 limit and in addition to the taxes permitted under Sections
26 5-25003, 5-25004 and 5-25010, an additional annual tax of not

1 more than .05% of the value, as equalized or assessed by the
 2 Department of Revenue, of all taxable property within the
 3 county which tax shall be levied and collected as provided in
 4 Section 5-25010 but held in the County Health Fund of the
 5 county treasury for use for mental health purposes. These
 6 funds may be used to provide care and treatment in public and
 7 private mental health facilities.

8 (d) When a mental health program has been included in a
 9 county health department pursuant to this Section, the county
 10 board may obtain the authority to levy a tax for mental health
 11 purposes in addition to the tax authorized by the preceding
 12 paragraphs of this Section but not in excess of an additional
 13 .05% of the value, as equalized or assessed by the Department
 14 of Revenue, of all taxable property in the county by following
 15 the procedure set out in Section 5-25003 except that the
 16 proposition shall be in substantially the following form:

17 -----

18	Shall.... county levy, in excess	
19	of the statutory limit, an additional	YES
20	annual tax of not to exceed .05% for	-----
21	use for mental health purposes by the	NO
22	county health department?	

23 -----

24 If the majority of all the votes cast on the proposition in
 25 the county is in favor thereof, the county board shall levy
 26 such tax annually. The levy and collection of this tax shall be

1 as provided in Section 5-25010 but the tax shall be held in the
 2 County Health Fund of the county treasury for use, with that
 3 levied pursuant to paragraph (c), for mental health purposes.
 4 (Source: P.A. 86-962; 86-1028.)

5 Section 20. The Community Mental Health Act is amended by
 6 changing Section 5 as follows:

7 (405 ILCS 20/5) (from Ch. 91 1/2, par. 305)

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

19 -----

20 Shall..... (governmental
 21 unit) levy an annual tax of not to YES
 22 exceed .15% for the purpose of providing
 23 community mental health facilities and -----
 24 services including facilities and services

1 for the person with a developmental NO
2 disability or a substance use disorder?

3 -----

4 (a-5) If the governmental unit is also subject to the
5 Property Tax Extension Limitation Law, then the proposition
6 shall also comply with the Property Tax Extension Limitation
7 Law. Notwithstanding any provision of this subsection, any
8 referendum imposing an annual tax on or after January 1, 1994
9 and prior to the effective date of this amendatory Act of the
10 102nd General Assembly that complies with subsection (a) is
11 hereby validated.

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

23 (c) If the governing body of a governmental unit levies a
24 tax under Section 4 of this Act and the rate specified in the
25 proposition under subsection (a) of this Section is less than
26 0.15%, then the governing body of the governmental unit may,

1 upon referendum approval, increase that rate to not more than
2 0.15%. The governing body shall instruct the clerk of the
3 governmental unit to certify the proposition to the proper
4 election officials for submission at a regular election in
5 accordance with the general election law. The proposition
6 shall be in the following form:

7 "Shall the tax imposed by (governmental unit) for the
8 purpose of providing community mental health facilities
9 and services, including facilities and services for
10 persons with a developmental disability or substance use
11 disorder be increased to (not more than 0.15%)?"

12 If a majority of all the votes cast upon the proposition
13 are for the increase of the tax, then the governing body of the
14 governmental unit may thereafter annually levy a tax not to
15 exceed the rate set forth in the referendum question.

16 (Source: P.A. 95-336, eff. 8-21-07; 96-764, eff. 8-25-09.)

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.