

AN ACT concerning local government.

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

Section 5. The Property Tax Code is amended by adding Section 18-103 as follows:

(35 ILCS 200/18-103 new)

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

Section 10. The Community Care for Persons with

Developmental Disabilities Act is amended by changing Section 1.2 as follows:

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

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

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

Shall (governmental unit) levy an annual tax not to exceed 0.1% upon the equalized assessed value of all taxable property in (governmental unit) for the purposes of establishing and maintaining facilities or services for the benefit of its residents who are persons with

intellectual or developmental disabilities and who are not eligible to participate in any program provided under Article 14 of the School Code, 105 ILCS 5/14-1.01 et seq., including contracting for those facilities or services with any privately or publicly operated entity that provides those facilities or services either in or out of (governmental unit)?

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

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

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

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

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

Sec. 5-25025. Mental health program. If the county board

of any county having a population of less than 1,000,000 inhabitants and maintaining a county health department under this Division desires the inclusion of a mental health program in that county health department and the authority to levy the tax provided for in subsection (c) of this Section, the county board shall certify that question to the proper election officials, who shall submit the proposition at an election in accordance with the general election law. The proposition shall be in substantially the following form:

ShallCounty include	
a mental health program in the	YES
county health department, and	
levy an annual tax of not to exceed	-----
.05% of the value of all taxable	
property for use for mental health	
purposes by the county health	NO
department?	

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

If the county is also subject to the Property Tax Extension Limitation Law, then the proposition shall also comply with the Property Tax Extension Limitation Law. Notwithstanding any provision of this Section, any referendum imposing an annual tax on or after January 1, 1994 and prior to the effective date of this amendatory Act of the 102nd General Assembly that complies with this Section is hereby validated.

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

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

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

(c) The county board may levy, in excess of the statutory

limit and in addition to the taxes permitted under Sections 5-25003, 5-25004 and 5-25010, an additional annual tax of not more than .05% of the value, as equalized or assessed by the Department of Revenue, of all taxable property within the county which tax shall be levied and collected as provided in Section 5-25010 but held in the County Health Fund of the county treasury for use for mental health purposes. These funds may be used to provide care and treatment in public and private mental health facilities.

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

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

If the majority of all the votes cast on the proposition in

the county is in favor thereof, the county board shall levy such tax annually. The levy and collection of this tax shall be as provided in Section 5-25010 but the tax shall be held in the County Health Fund of the county treasury for use, with that levied pursuant to paragraph (c), for mental health purposes. (Source: P.A. 86-962; 86-1028.)

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

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

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

 Shall..... (governmental
 unit) levy an annual tax of not to YES
 exceed .15% for the purpose of providing

community mental health facilities and -----
 services including facilities and services
 for the person with a developmental NO
 disability or a substance use disorder?

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

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

(c) If the governing body of a governmental unit levies a tax under Section 4 of this Act and the rate specified in the

proposition under subsection (a) of this Section is less than 0.15%, then the governing body of the governmental unit may, upon referendum approval, increase that rate to not more than 0.15%. The governing body shall instruct the clerk of the governmental unit to certify the proposition to the proper election officials for submission at a regular election in accordance with the general election law. The proposition shall be in the following form:

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

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

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

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