

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 Election Code is amended by changing
5 Section 28-1 as follows:

6 (10 ILCS 5/28-1) (from Ch. 46, par. 28-1)

7 Sec. 28-1. The initiation and submission of all public
8 questions to be voted upon by the electors of the State or of
9 any political subdivision or district or precinct or
10 combination of precincts shall be subject to the provisions of
11 this Article.

12 Questions of public policy which have any legal effect
13 shall be submitted to referendum only as authorized by a
14 statute which so provides or by the Constitution. Advisory
15 questions of public policy shall be submitted to referendum
16 pursuant to Section 28-5 or pursuant to a statute which so
17 provides.

18 The method of initiating the submission of a public
19 question shall be as provided by the statute authorizing such
20 public question, or as provided by the Constitution.

21 All public questions shall be initiated, submitted and
22 printed on the ballot in the form required by Section 16-7 of
23 this Act, except as may otherwise be specified in the statute

1 authorizing a public question.

2 Whenever a statute provides for the initiation of a public
3 question by a petition of electors, the provisions of such
4 statute shall govern with respect to the number of signatures
5 required, the qualifications of persons entitled to sign the
6 petition, the contents of the petition, the officer with whom
7 the petition must be filed, and the form of the question to be
8 submitted. If such statute does not specify any of the
9 foregoing petition requirements, the corresponding petition
10 requirements of Section 28-6 shall govern such petition.

11 Irrespective of the method of initiation, not more than 3
12 public questions other than (a) back door referenda, (b)
13 referenda to determine whether a disconnection may take place
14 where a city coterminous with a township is proposing to annex
15 territory from an adjacent township, (c) referenda held under
16 the provisions of the Property Tax Extension Limitation Law in
17 the Property Tax Code, (d) referenda held under Section 2-3002
18 of the Counties Code, or (e) referenda held under Article 22,
19 23, or 29 of the Township Code may be submitted to referendum
20 with respect to a political subdivision at the same election.

21 If more than 3 propositions are timely initiated or
22 certified for submission at an election with respect to a
23 political subdivision, the first 3 validly initiated, by the
24 filing of a petition or by the adoption of a resolution or
25 ordinance of a political subdivision, as the case may be,
26 shall be printed on the ballot and submitted at that election.

1 However, except as expressly authorized by law not more than
2 one proposition to change the form of government of a
3 municipality pursuant to Article VII of the Constitution may
4 be submitted at an election. If more than one such proposition
5 is timely initiated or certified for submission at an election
6 with respect to a municipality, the first validly initiated
7 shall be the one printed on the ballot and submitted at that
8 election.

9 No public question shall be submitted to the voters of a
10 political subdivision at any regularly scheduled election at
11 which such voters are not scheduled to cast votes for any
12 candidates for nomination for, election to or retention in
13 public office, except that if, in any existing or proposed
14 political subdivision in which the submission of a public
15 question at a regularly scheduled election is desired, the
16 voters of only a portion of such existing or proposed
17 political subdivision are not scheduled to cast votes for
18 nomination for, election to or retention in public office at
19 such election, but the voters in one or more other portions of
20 such existing or proposed political subdivision are scheduled
21 to cast votes for nomination for, election to or retention in
22 public office at such election, the public question shall be
23 voted upon by all the qualified voters of the entire existing
24 or proposed political subdivision at the election.

25 Not more than 3 advisory public questions may be submitted
26 to the voters of the entire state at a general election. If

1 more than 3 such advisory propositions are initiated, the
2 first 3 timely and validly initiated shall be the questions
3 printed on the ballot and submitted at that election; provided
4 however, that a question for a proposed amendment to Article
5 IV of the Constitution pursuant to Section 3, Article XIV of
6 the Constitution, or for a question submitted under the
7 Property Tax Cap Referendum Law, shall not be included in the
8 foregoing limitation.

9 Notwithstanding any other provision of law, a community
10 mental health public question may not be placed on the 2024
11 primary or general election ballot in the same township where
12 a community mental health public question was approved on the
13 2022 general election ballot.

14 (Source: P.A. 100-107, eff. 1-1-18.)

15 Section 10. The Property Tax Code is amended by changing
16 Section 18-103 as follows:

17 (35 ILCS 200/18-103)

18 Sec. 18-103. General Community Mental Health Act
19 Validation Law. On and after January 1, 1994 and on or before
20 the effective date of this amendatory Act of the 103rd General
21 Assembly ~~of this amendatory Act of the 102nd General Assembly,~~
22 the provisions of the Truth in Taxation Law are subject to the
23 Community Mental Health Act, Section 5-25025 of the Counties
24 Code, the Community Care for Persons with Developmental

1 Disabilities Act, and those referenda under those Acts
2 authorizing and creating boards and levies. The purpose of
3 this Section is to validate boards and levies created on or
4 after January 1, 1994 and on or before the effective date of
5 this amendatory Act of the 103rd General Assembly ~~of this~~
6 ~~amendatory Act of the 102nd General Assembly~~ that relied on
7 conflicting referenda language contained in the Community
8 Mental Health Act, the Counties Code, and the Community Care
9 for Persons with Developmental Disabilities Act.

10 (Source: P.A. 102-839, eff. 5-13-22.)

11 Section 15. The Community Care for Persons with
12 Developmental Disabilities Act is amended by changing Section
13 1.2 as follows:

14 (50 ILCS 835/1.2) (was 55 ILCS 105/1.2)

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

17 (a) Whenever a petition for submission to referendum by
18 the electors which requests the establishment and maintenance
19 of facilities or services for the benefit of its residents
20 with a developmental disability and the levy of an annual tax
21 not to exceed 0.1% upon all the taxable property in the
22 governmental unit at the value thereof, as equalized or
23 assessed by the Department of Revenue, is signed by electors
24 of the governmental unit equal in number to at least 10% of the

1 total votes cast for the office that received the greatest
2 total number of votes at the last preceding general election
3 of the governmental unit and is presented to the county clerk,
4 the clerk shall certify the proposition to the proper election
5 authorities for submission at the governmental unit's next
6 general election. The proposition shall be in substantially
7 the following form:

8 Shall (governmental unit) levy an annual tax not to
9 exceed 0.1% upon the equalized assessed value of all
10 taxable property in (governmental unit) for the purposes
11 of establishing and maintaining facilities or services for
12 the benefit of its residents who are persons with
13 intellectual or developmental disabilities and who are not
14 eligible to participate in any program provided under
15 Article 14 of the School Code, 105 ILCS 5/14-1.01 et seq.,
16 including contracting for those facilities or services
17 with any privately or publicly operated entity that
18 provides those facilities or services either in or out of
19 (governmental unit)?

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

24 (c) If the governmental unit is also subject to the
25 Property Tax Extension Limitation Law, then the proposition
26 shall also comply with the Property Tax Extension Limitation

1 Law. Notwithstanding any provision of this subsection, any
 2 referendum imposing an annual tax on or after January 1, 1994
 3 and prior to the effective date of this amendatory Act of the
 4 103rd General Assembly ~~of this amendatory Act of the 102nd~~
 5 ~~General Assembly~~ that complies with this Section is hereby
 6 validated.

7 (Source: P.A. 102-839, eff. 5-13-22.)

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

10 (55 ILCS 5/5-25025) (from Ch. 34, par. 5-25025)

11 Sec. 5-25025. Mental health program. If the county board
 12 of any county having a population of less than 1,000,000
 13 inhabitants and maintaining a county health department under
 14 this Division desires the inclusion of a mental health program
 15 in that county health department and the authority to levy the
 16 tax provided for in subsection (c) of this Section, the county
 17 board shall certify that question to the proper election
 18 officials, who shall submit the proposition at an election in
 19 accordance with the general election law. The proposition
 20 shall be in substantially the following form:

21 -----

22 ShallCounty include

23 a mental health program in the YES

24 county health department, and

1 levy an annual tax of not to exceed -----
 2 .05% of the value of all taxable
 3 property for use for mental health
 4 purposes by the county health NO
 5 department?
 6 -----

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

14 If the county is also subject to the Property Tax
 15 Extension Limitation Law, then the proposition shall also
 16 comply with the Property Tax Extension Limitation Law.
 17 Notwithstanding any provision of this Section, any referendum
 18 imposing an annual tax on or after January 1, 1994 and prior to
 19 the effective date of this amendatory Act of the 103rd General
 20 Assembly ~~of this amendatory Act of the 102nd General Assembly~~
 21 that complies with this Section is hereby validated.

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

24 (a) To the extent practicable, at least one member of the
 25 County Board of Health, under Section 5-25012, shall be a
 26 person certified by The American Board of Psychiatry and

1 Neurology professionally engaged in the field of mental health
2 and licensed to practice medicine in the State, unless there
3 is no such qualified person in the county.

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

14 (c) The county board may levy, in excess of the statutory
15 limit and in addition to the taxes permitted under Sections
16 5-25003, 5-25004 and 5-25010, an additional annual tax of not
17 more than .05% of the value, as equalized or assessed by the
18 Department of Revenue, of all taxable property within the
19 county which tax shall be levied and collected as provided in
20 Section 5-25010 but held in the County Health Fund of the
21 county treasury for use for mental health purposes. These
22 funds may be used to provide care and treatment in public and
23 private mental health facilities.

24 (d) When a mental health program has been included in a
25 county health department pursuant to this Section, the county
26 board may obtain the authority to levy a tax for mental health

1 purposes in addition to the tax authorized by the preceding
 2 paragraphs of this Section but not in excess of an additional
 3 .05% of the value, as equalized or assessed by the Department
 4 of Revenue, of all taxable property in the county by following
 5 the procedure set out in Section 5-25003 except that the
 6 proposition shall be in substantially the following form:

7 -----
 8 Shall.... county levy, in excess
 9 of the statutory limit, an additional YES
 10 annual tax of not to exceed .05% for -----
 11 use for mental health purposes by the NO
 12 county health department?
 13 -----

14 If the majority of all the votes cast on the proposition in
 15 the county is in favor thereof, the county board shall levy
 16 such tax annually. The levy and collection of this tax shall be
 17 as provided in Section 5-25010 but the tax shall be held in the
 18 County Health Fund of the county treasury for use, with that
 19 levied pursuant to paragraph (c), for mental health purposes.
 20 (Source: P.A. 102-839, eff. 5-13-22.)

21 Section 25. The Community Mental Health Act is amended by
 22 changing Section 5 as follows:

23 (405 ILCS 20/5) (from Ch. 91 1/2, par. 305)
 24 (Text of Section before amendment by P.A. 103-274)

1 ~~103rd General Assembly May 13, 2022 (the effective date of~~
2 ~~Public Act 102-839)~~ that complies with subsection (a) is
3 hereby validated.

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

15 (c) If the governing body of a governmental unit levies a
16 tax under Section 4 of this Act and the rate specified in the
17 proposition under subsection (a) of this Section is less than
18 0.15%, then the governing body of the governmental unit may,
19 upon referendum approval, increase that rate to not more than
20 0.15%. The governing body shall instruct the clerk of the
21 governmental unit to certify the proposition to the proper
22 election officials for submission at a regular election in
23 accordance with the general election law. The proposition
24 shall be in the following form:

25 "Shall the tax imposed by (governmental unit) for the
26 purpose of providing community mental health facilities

1 and services, including facilities and services for
2 persons with a developmental disability or substance use
3 disorder be increased to (not more than 0.15%)?"

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

8 (Source: P.A. 102-839, eff. 5-13-22; 102-935, eff. 7-1-22;
9 103-154, eff. 6-30-23.)

10 (Text of Section after amendment by P.A. 103-274)

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

22 -----

23 Shall..... (governmental
24 unit) levy an annual tax of (not YES
25 more than .15%) for the purpose of providing

1 community mental health facilities and -----
 2 services including facilities and services
 3 for persons with a developmental NO
 4 disability or a substance use disorder?

5 -----

6 (a-5) If the governmental unit is also subject to the
 7 Property Tax Extension Limitation Law, then the proposition
 8 shall also comply with the Property Tax Extension Limitation
 9 Law. Notwithstanding any provision of this subsection, any
 10 referendum imposing an annual tax on or after January 1, 1994
 11 and prior to the effective date of this amendatory Act of the
 12 103rd General Assembly May 13, 2022 ~~(the effective date of~~
 13 ~~Public Act 102-839)~~ that complies with subsection (a) is
 14 hereby validated.

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

26 (c) If the governing body of a governmental unit levies a

1 tax under Section 4 of this Act and the rate specified in the
2 proposition under subsection (a) of this Section is less than
3 0.15%, then the governing body of the governmental unit may,
4 upon referendum approval, increase that rate to not more than
5 0.15%. The governing body shall instruct the clerk of the
6 governmental unit to certify the proposition to the proper
7 election officials for submission at a regular election in
8 accordance with the general election law. The proposition
9 shall be in the following form:

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

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

19 (Source: P.A. 102-839, eff. 5-13-22; 102-935, eff. 7-1-22;
20 103-154, eff. 6-30-23; 103-274, eff. 1-1-24.)

21 Section 95. No acceleration or delay. Where this Act makes
22 changes in a statute that is represented in this Act by text
23 that is not yet or no longer in effect (for example, a Section
24 represented by multiple versions), the use of that text does
25 not accelerate or delay the taking effect of (i) the changes

1 made by this Act or (ii) provisions derived from any other
2 Public Act.

3 Section 999. Effective date. This Act takes effect upon
4 becoming law.