



Sen. Ann Gillespie

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10300SB0690sam001

LRB103 03143 AWJ 64741 a

1 AMENDMENT TO SENATE BILL 690

2 AMENDMENT NO. _____. Amend Senate Bill 690 by replacing
3 everything after the enacting clause with the following:

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

1 provides.

2 The method of initiating the submission of a public
3 question shall be as provided by the statute authorizing such
4 public question, or as provided by the Constitution.

5 All public questions shall be initiated, submitted and
6 printed on the ballot in the form required by Section 16-7 of
7 this Act, except as may otherwise be specified in the statute
8 authorizing a public question.

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

18 Irrespective of the method of initiation, not more than 3
19 public questions other than (a) back door referenda, (b)
20 referenda to determine whether a disconnection may take place
21 where a city coterminous with a township is proposing to annex
22 territory from an adjacent township, (c) referenda held under
23 the provisions of the Property Tax Extension Limitation Law in
24 the Property Tax Code, (d) referenda held under Section 2-3002
25 of the Counties Code, or (e) referenda held under Article 22,
26 23, or 29 of the Township Code may be submitted to referendum

1 with respect to a political subdivision at the same election.

2 If more than 3 propositions are timely initiated or
3 certified for submission at an election with respect to a
4 political subdivision, the first 3 validly initiated, by the
5 filing of a petition or by the adoption of a resolution or
6 ordinance of a political subdivision, as the case may be,
7 shall be printed on the ballot and submitted at that election.
8 However, except as expressly authorized by law not more than
9 one proposition to change the form of government of a
10 municipality pursuant to Article VII of the Constitution may
11 be submitted at an election. If more than one such proposition
12 is timely initiated or certified for submission at an election
13 with respect to a municipality, the first validly initiated
14 shall be the one printed on the ballot and submitted at that
15 election.

16 No public question shall be submitted to the voters of a
17 political subdivision at any regularly scheduled election at
18 which such voters are not scheduled to cast votes for any
19 candidates for nomination for, election to or retention in
20 public office, except that if, in any existing or proposed
21 political subdivision in which the submission of a public
22 question at a regularly scheduled election is desired, the
23 voters of only a portion of such existing or proposed
24 political subdivision are not scheduled to cast votes for
25 nomination for, election to or retention in public office at
26 such election, but the voters in one or more other portions of

1 such existing or proposed political subdivision are scheduled
2 to cast votes for nomination for, election to or retention in
3 public office at such election, the public question shall be
4 voted upon by all the qualified voters of the entire existing
5 or proposed political subdivision at the election.

6 Not more than 3 advisory public questions may be submitted
7 to the voters of the entire state at a general election. If
8 more than 3 such advisory propositions are initiated, the
9 first 3 timely and validly initiated shall be the questions
10 printed on the ballot and submitted at that election; provided
11 however, that a question for a proposed amendment to Article
12 IV of the Constitution pursuant to Section 3, Article XIV of
13 the Constitution, or for a question submitted under the
14 Property Tax Cap Referendum Law, shall not be included in the
15 foregoing limitation.

16 Notwithstanding any other provision of law, a community
17 mental health public question may not be placed on the 2024
18 primary or general election ballot in the same township where
19 a community mental health public question was approved on the
20 2022 general election ballot.

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

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

24 (35 ILCS 200/18-103)

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

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

18 Section 15. The Community Care for Persons with
19 Developmental Disabilities Act is amended by changing Section
20 1.2 as follows:

21 (50 ILCS 835/1.2) (was 55 ILCS 105/1.2)

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

24 (a) Whenever a petition for submission to referendum by

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

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

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

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

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

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

17 (55 ILCS 5/5-25025) (from Ch. 34, par. 5-25025)

18 Sec. 5-25025. Mental health program. If the county board
19 of any county having a population of less than 1,000,000
20 inhabitants and maintaining a county health department under
21 this Division desires the inclusion of a mental health program
22 in that county health department and the authority to levy the
23 tax provided for in subsection (c) of this Section, the county
24 board shall certify that question to the proper election

1 officials, who shall submit the proposition at an election in
2 accordance with the general election law. The proposition
3 shall be in substantially the following form:

4 -----

5 ShallCounty include

6 a mental health program in the YES

7 county health department, and

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

9 .05% of the value of all taxable

10 property for use for mental health

11 purposes by the county health NO

12 department?

13 -----

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

21 If the county is also subject to the Property Tax
22 Extension Limitation Law, then the proposition shall also
23 comply with the Property Tax Extension Limitation Law.
24 Notwithstanding any provision of this Section, any referendum
25 imposing an annual tax on or after January 1, 1994 and prior to
26 the effective date of this amendatory Act of the 103rd General

1 ~~Assembly of this amendatory Act of the 102nd General Assembly~~
2 that complies with this Section is hereby validated.

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

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

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

21 (c) The county board may levy, in excess of the statutory
22 limit and in addition to the taxes permitted under Sections
23 5-25003, 5-25004 and 5-25010, an additional annual tax of not
24 more than .05% of the value, as equalized or assessed by the
25 Department of Revenue, of all taxable property within the
26 county which tax shall be levied and collected as provided in

1 Section 5-25010 but held in the County Health Fund of the
 2 county treasury for use for mental health purposes. These
 3 funds may be used to provide care and treatment in public and
 4 private mental health facilities.

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

14 -----
 15 Shall.... county levy, in excess
 16 of the statutory limit, an additional YES
 17 annual tax of not to exceed .05% for -----
 18 use for mental health purposes by the NO
 19 county health department?
 20 -----

21 If the majority of all the votes cast on the proposition in
 22 the county is in favor thereof, the county board shall levy
 23 such tax annually. The levy and collection of this tax shall be
 24 as provided in Section 5-25010 but the tax shall be held in the
 25 County Health Fund of the county treasury for use, with that
 26 levied pursuant to paragraph (c), for mental health purposes.

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

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

4 (405 ILCS 20/5) (from Ch. 91 1/2, par. 305)

5 (Text of Section before amendment by P.A. 103-274)

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

17 -----

18 Shall..... (governmental
19 unit) levy an annual tax of (not YES
20 more than .15%) for the purpose of providing
21 community mental health facilities and -----

22 services including facilities and services
23 for persons with a developmental NO
24 disability or a substance use disorder?

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

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

22 (c) If the governing body of a governmental unit levies a
23 tax under Section 4 of this Act and the rate specified in the
24 proposition under subsection (a) of this Section is less than
25 0.15%, then the governing body of the governmental unit may,
26 upon referendum approval, increase that rate to not more than

1 0.15%. The governing body shall instruct the clerk of the
2 governmental unit to certify the proposition to the proper
3 election officials for submission at a regular election in
4 accordance with the general election law. The proposition
5 shall be in the following form:

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

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

15 (Source: P.A. 102-839, eff. 5-13-22; 102-935, eff. 7-1-22;
16 103-154, eff. 6-30-23.)

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

18 Sec. 5. (a) When the governing body of a governmental unit
19 passes a resolution as provided in Section 4 asking that an
20 annual tax may be levied for the purpose of providing such
21 mental health facilities and services, including facilities
22 and services for the person with a developmental disability or
23 a substance use disorder, in the community and so instructs
24 the clerk of the governmental unit such clerk shall certify
25 the proposition to the proper election officials for

1 submission at a regular election in accordance with the
2 general election law. The proposition shall be in the
3 following form:

4 -----

5	Shall.....	(governmental	
6	unit) levy an annual tax of (not		YES
7	more than .15%) for the purpose of providing		
8	community mental health facilities and		-----
9	services including facilities and services		
10	for persons with a developmental		NO
11	disability or a substance use disorder?		

12 -----

13 (a-5) If the governmental unit is also subject to the
14 Property Tax Extension Limitation Law, then the proposition
15 shall also comply with the Property Tax Extension Limitation
16 Law. Notwithstanding any provision of this subsection, any
17 referendum imposing an annual tax on or after January 1, 1994
18 and prior to the effective date of this amendatory Act of the
19 103rd General Assembly May 13, 2022 ~~(the effective date of~~
20 ~~Public Act 102-839)~~ that complies with subsection (a) is
21 hereby validated.

22 (b) If a majority of all the votes cast upon the
23 proposition are for the levy of such tax, the governing body of
24 such governmental unit shall thereafter annually levy a tax
25 not to exceed the rate set forth in Section 4. Thereafter, the
26 governing body shall in the annual appropriation bill

1 appropriate from such funds such sum or sums of money as may be
2 deemed necessary by the community mental health board, based
3 upon the community mental health board's budget, the board's
4 annual mental health report, and the local mental health plan
5 to defray necessary expenses and liabilities in providing for
6 such community mental health facilities and services.

7 (c) If the governing body of a governmental unit levies a
8 tax under Section 4 of this Act and the rate specified in the
9 proposition under subsection (a) of this Section is less than
10 0.15%, then the governing body of the governmental unit may,
11 upon referendum approval, increase that rate to not more than
12 0.15%. The governing body shall instruct the clerk of the
13 governmental unit to certify the proposition to the proper
14 election officials for submission at a regular election in
15 accordance with the general election law. The proposition
16 shall be in the following form:

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

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

26 (Source: P.A. 102-839, eff. 5-13-22; 102-935, eff. 7-1-22;

1 103-154, eff. 6-30-23; 103-274, eff. 1-1-24.)

2 Section 95. No acceleration or delay. Where this Act makes
3 changes in a statute that is represented in this Act by text
4 that is not yet or no longer in effect (for example, a Section
5 represented by multiple versions), the use of that text does
6 not accelerate or delay the taking effect of (i) the changes
7 made by this Act or (ii) provisions derived from any other
8 Public Act.

9 Section 999. Effective date. This Act takes effect upon
10 becoming law."