



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5504

Introduced 2/15/2012, by Rep. Brandon W. Phelps

SYNOPSIS AS INTRODUCED:

55 ILCS 5/5-21001

from Ch. 34, par. 5-21001

Amends the Counties Code. Authorizes a county board, by resolution, to transfer, sell, lease, dispose of, or terminate services provided by, the county's sheltered care or nursing home facilities. Sets forth procedures concerning the adoption of the resolution and public notice. Further provides that a county may elect to continue to operate and maintain sheltered care or nursing home facilities or to continue to levy and have extended and collected any authorized tax for up to 10 years. Authorizes the county to be paid or reimbursed for operating and maintenance costs incurred, including but not limited to delays or failures of federal, State, or local payments related to the sheltered care or nursing home facilities, from general funds, fund transfers, tax or revenue anticipation notes, or other financing obligations. Effective immediately.

LRB097 17776 KMW 62991 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Section
5 5-21001 as follows:

6 (55 ILCS 5/5-21001) (from Ch. 34, par. 5-21001)

7 Sec. 5-21001. Establishment and maintenance of county
8 home. In any county which establishes and maintains a county
9 sheltered care home or a county nursing home for the care of
10 infirm or chronically ill persons, as provided in Section
11 5-1005, the County Board shall have power:

12 1. To acquire in the name of the county by purchase, grant,
13 gift, or legacy, a suitable tract or tracts of land upon which
14 to erect and maintain the home, and in connection therewith a
15 farm or acreage for the purpose of providing supplies for the
16 home and employment for such patients as are able to work and
17 benefit thereby.

18 The board shall expend not more than \$20,000 for the
19 purchase of any such land or the erection of buildings without
20 a 2/3 vote of all its members in counties of 300,000 or more
21 population, or a favorable vote of at least a majority of all
22 its members in counties under 300,000 population.

23 2. To receive in the name of the county, gifts and legacies

1 to aid in the erection or maintenance of the home.

2 3. To appoint a superintendent and all necessary employees
3 for the management and control of the home and to prescribe
4 their compensation and duties.

5 4. To arrange for physicians' services and other medical
6 care for the patients in the home and prescribe the
7 compensation and duties of physicians so designated.

8 5. To control the admission and discharge of patients in
9 the home.

10 6. To fix the rate per day, week, or month which it will
11 charge for care and maintenance of the patients. Rates so
12 established may vary according to the amount of care required,
13 but the rates shall be uniform for all persons or agencies
14 purchasing care in the home except rates for persons who are
15 able to purchase their own care may approximate actual cost.

16 7. To make all rules and regulations for the management of
17 the home and of the patients therein.

18 8. To make appropriations from the county treasury for the
19 purchase of land and the erection of buildings for the home,
20 and to defray the expenses necessary for the care and
21 maintenance of the home and for providing maintenance, personal
22 care and nursing services to the patients therein, and to cause
23 an amount sufficient for those purposes to be levied upon the
24 taxable property of the counties and collected as other taxes
25 and further providing that in counties with a population of not
26 more than 1,000,000 to levy and collect annually a tax of not

1 to exceed .1% of the value, as equalized or assessed by the
 2 Department of Revenue, of all the taxable property in the
 3 county for these purposes. The tax shall be in addition to all
 4 other taxes which the county is authorized to levy on the
 5 aggregate valuation of the property within the county and shall
 6 not be included in any limitation of the tax rate upon which
 7 taxes are required to be extended, but shall be excluded
 8 therefrom and in addition thereto. The tax shall be levied and
 9 collected in like manner as the general taxes of the county,
 10 and when collected, shall be paid into a special fund in the
 11 county treasury and used only as herein authorized. No such tax
 12 shall be levied or increased from a rate lower than the maximum
 13 rate in any such county until the question of levying such tax
 14 has first been submitted to the voters of such county at an
 15 election held in such county, and has been approved by a
 16 majority of such voters voting thereon. The corporate
 17 authorities shall certify the question of levying such tax to
 18 the proper election officials, who shall submit the question to
 19 the voters at an election held in accordance with the general
 20 election law.

21 The proposition shall be in substantially the following
 22 form:

23 -----
 24 Shall County be authorized
 25 to levy and collect a tax at a rate not YES
 26 to exceed .1% for the purpose of -----

1 the board, to sell, dispose of or lease for any term, any part
2 of the home properties in such manner and upon such terms as it
3 deems best for the interest of the county, and to make and
4 execute all necessary conveyances thereof in the same manner as
5 other conveyances of real estate may be made by a county.
6 However, if the home was erected after referendum approval by
7 the voters of the county, it shall not be sold or disposed of
8 except after referendum approval thereof by a majority of the
9 voters of the county voting thereon.

10 If the home was erected after referendum approval by the
11 voters of the county, the county nursing home may be leased
12 upon the vote of a 3/5 majority of all the members of the
13 board.

14 10. To operate a sheltered care home as a part of a county
15 nursing home provided that a license to do so is obtained
16 pursuant to the Nursing Home Care Act, as amended.

17 11. Notwithstanding any other provisions of this Code, the
18 county board, by public or private offer, may transfer, sell,
19 lease, dispose of, or otherwise terminate services provided by,
20 the county's sheltered care or nursing home facilities.

21 (a) The county board, by resolution, may authorize
22 contracts and agreements for the transfer, sale, lease, or
23 other disposition of the county's sheltered care or nursing
24 home facilities to a public or private corporation or other
25 entity, sheltered care facility, nursing home facility,
26 hospital facility, health care facility, or unit of local

1 government, or may otherwise terminate services of the county's
2 sheltered care or nursing home facilities, provided that the
3 county board finds and determines that any termination,
4 transfer, sale, lease, or other disposition is in the county's,
5 residents', patients', and users' best interests. At least 10
6 days before the adoption of a resolution authorizing the
7 termination, transfer, lease, or other disposition the county
8 board shall make the proposed resolution available for public
9 inspection and shall hold at least one public hearing on the
10 proposed resolution. At least 10 days before the public
11 hearing, notice of the hearing shall be published in one or
12 more newspapers having general circulation within the county.
13 The notice shall state the date, time and place of the hearing,
14 and the place where copies of the proposed resolution will be
15 available for examination.

16 (b) If a county transfers, sells, leases, or disposes of
17 its sheltered care or nursing home facilities, then the county
18 may elect to continue to operate and maintain those facilities,
19 to continue to levy and have extended and collected any tax
20 authorized under paragraph 8, and to exercise powers,
21 functions, and authority pursuant to this paragraph 11 as the
22 county board may find desirable or necessary, for up to 10
23 years. After 10 years, the ability to levy a tax authorized
24 under paragraph 8 shall cease. The county may be paid or
25 reimbursed for operating and maintenance costs incurred by the
26 county, including but not limited to delays or failures of

1 federal, State, or local payments related to the sheltered care
2 or nursing home facilities, from general funds, fund transfers,
3 tax or revenue anticipation notes, or other financing
4 obligations.

5 (Source: P.A. 89-185, eff. 1-1-96.)

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