



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB5163

by Rep. Anna Moeller

#### SYNOPSIS AS INTRODUCED:

|                      |                           |
|----------------------|---------------------------|
| 35 ILCS 200/18-195   |                           |
| 55 ILCS 5/5-1024     | from Ch. 34, par. 5-1024  |
| 55 ILCS 5/5-44020    |                           |
| 55 ILCS 105/0.01     | from Ch. 91 1/2, par. 200 |
| 55 ILCS 105/0.05 new |                           |
| 55 ILCS 105/1        | from Ch. 91 1/2, par. 201 |
| 55 ILCS 105/1.1      |                           |
| 55 ILCS 105/1.2      |                           |
| 55 ILCS 105/3        | from Ch. 91 1/2, par. 203 |
| 55 ILCS 105/4        | from Ch. 91 1/2, par. 204 |
| 55 ILCS 105/5        | from Ch. 91 1/2, par. 205 |
| 55 ILCS 105/7        | from Ch. 91 1/2, par. 207 |
| 55 ILCS 105/11       | from Ch. 91 1/2, par. 211 |
| 55 ILCS 105/14 new   |                           |

Amends the County Care for Persons with Developmental Disabilities Act. Changes the short title of the Act to the Community Care for Persons with Developmental Disabilities Act. Makes the Act applicable to counties, municipalities, and townships (rather than just counties). Adds definitions, including "developmental disability". Allows the board of directors to add to the definition of "developmental disability" in its jurisdiction by a majority vote. Provides that the changes do not affect any established county community developmental disability boards. Provides that the Act will be reassigned to 50 ILCS 835. Amends the Property Tax Code and the Counties Code making conforming changes.

LRB100 18660 AWJ 33887 b

FISCAL NOTE ACT  
MAY APPLY

HOUSING  
AFFORDABILITY  
IMPACT 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 Property Tax Code is amended by changing  
5 Section 18-195 as follows:

6 (35 ILCS 200/18-195)

7 Sec. 18-195. Limitation. Tax extensions made under  
8 Sections 18-45 and 18-105 are further limited by the provisions  
9 of this Law.

10 For those taxing districts that have levied in any previous  
11 levy year for any funds included in the aggregate extension,  
12 the county clerk shall extend a rate for the sum of these funds  
13 that is no greater than the limiting rate.

14 For those taxing districts that have never levied for any  
15 funds included in the aggregate extension, the county clerk  
16 shall extend an amount no greater than the amount approved by  
17 the voters in a referendum under Section 18-210.

18 If the county clerk is required to reduce the aggregate  
19 extension of a taxing district by provisions of this Law, the  
20 county clerk shall proportionally reduce the extension for each  
21 fund unless otherwise requested by the taxing district.

22 Upon written request of the corporate authority of a  
23 village, the county clerk shall calculate separate limiting

1 rates for the library funds and for the aggregate of the other  
2 village funds in order to reduce the funds as may be required  
3 under provisions of this Law. In calculating the limiting rate  
4 for the library, the county clerk shall use only the part of  
5 the aggregate extension base applicable to the library, and for  
6 any rate increase or decrease factor under Section 18-230 the  
7 county clerk shall use only any new rate or rate increase  
8 applicable to the library funds and the part of the rate  
9 applicable to the library in determining factors under that  
10 Section. The county clerk shall calculate the limiting rate for  
11 all other village funds using only the part of the aggregate  
12 extension base not applicable to the library, and for any rate  
13 increase or decrease factor under Section 18-230 the county  
14 clerk shall use only any new rate or rate increase not  
15 applicable to the library funds and the part of the rate not  
16 applicable to the library in determining factors under that  
17 Section. If the county clerk is required to reduce the  
18 aggregate extension of the library portion of the levy, the  
19 county clerk shall proportionally reduce the extension for each  
20 library fund unless otherwise requested by the library board.  
21 If the county clerk is required to reduce the aggregate  
22 extension of the portion of the levy not applicable to the  
23 library, the county clerk shall proportionally reduce the  
24 extension for each fund not applicable to the library unless  
25 otherwise requested by the village.

26 Beginning with the 1998 levy year upon written direction of

1 a county or township community mental health board, the county  
2 clerk shall calculate separate limiting rates for the community  
3 mental health funds and for the aggregate of the other county  
4 or township funds in order to reduce the funds as may be  
5 required under provisions of this Law. In calculating the  
6 limiting rate for the community mental health funds, the county  
7 clerk shall use only the part of the aggregate extension base  
8 applicable to the community mental health funds; and for any  
9 rate increase or decrease factor under Section 18-230, the  
10 county clerk shall use only any new rate or rate increase  
11 applicable to the community mental health funds and the part of  
12 the rate applicable to the community mental health board in  
13 determining factors under that Section. The county clerk shall  
14 calculate the limiting rate for all other county or township  
15 funds using only the part of the aggregate extension base not  
16 applicable to community mental health funds; and for any rate  
17 increase or decrease factor under Section 18-230, the county  
18 clerk shall use only any new rate or rate increase not  
19 applicable to the community mental health funds and the part of  
20 the rate not applicable to the community mental health board in  
21 determining factors under that Section. If the county clerk is  
22 required to reduce the aggregate extension of the community  
23 mental health board portion of the levy, the county clerk shall  
24 proportionally reduce the extension for each community mental  
25 health fund unless otherwise directed by the community mental  
26 health board. If the county clerk is required to reduce the

1 aggregate extension of the portion of the levy not applicable  
2 to the community mental health board, the county clerk shall  
3 proportionally reduce the extension for each fund not  
4 applicable to the community mental health board unless  
5 otherwise directed by the county or township.

6 If the governmental unit ~~county~~ is not subject to Section  
7 1.1 or 1.2 of the Community ~~County~~ Care for Persons with  
8 Developmental Disabilities Act, then: (i), beginning with the  
9 2001 levy year for a county or township board before the  
10 effective date of this amendatory Act of the 100th General  
11 Assembly, upon written direction of a county or township board  
12 for care and treatment of persons with a developmental  
13 disability, the county clerk shall calculate separate limiting  
14 rates for the funds for persons with a developmental disability  
15 and for the aggregate of the other county or township funds in  
16 order to reduce the funds as may be required under provisions  
17 of this Law; and (ii) beginning with the levy year next  
18 following the effective date of this amendatory Act of the  
19 100th General Assembly, upon written direction of the board of  
20 a governmental unit not covered under item (i) for care and  
21 treatment of persons with a developmental disability, the  
22 county clerk shall calculate separate limiting rates for the  
23 funds for persons with a developmental disability and for the  
24 aggregate of the other governmental unit funds in order to  
25 reduce the funds as may be required under provisions of this  
26 Law. If the governmental unit ~~county~~ is subject to Section 1.1

1 or 1.2 of the Community County Care for Persons with  
2 Developmental Disabilities Act, then, beginning with the levy  
3 year in which the voters approve the tax under Section 1.1 or  
4 1.2 of that Act, the county clerk shall calculate separate  
5 limiting rates for the funds for persons with a developmental  
6 disability and for the aggregate of the other governmental unit  
7 ~~county or township~~ funds in order to reduce the funds as may be  
8 required under provisions of this Law. In calculating the  
9 limiting rate for the funds for persons with a developmental  
10 disability, the county clerk shall use only the part of the  
11 aggregate extension base applicable to the funds for persons  
12 with a developmental disability; and for any rate increase or  
13 decrease factor under Section 18-230, the county clerk shall  
14 use only any new rate or rate increase applicable to the funds  
15 for persons with a developmental disability and the part of the  
16 rate applicable to the board for care and treatment of persons  
17 with a developmental disability in determining factors under  
18 that Section. The county clerk shall calculate the limiting  
19 rate for all other governmental unit ~~county or township~~ funds  
20 using only the part of the aggregate extension base not  
21 applicable to funds for persons with a developmental  
22 disability; and for any rate increase or decrease factor under  
23 Section 18-230, the county clerk shall use only any new rate or  
24 rate increase not applicable to the funds for persons with a  
25 developmental disability and the part of the rate not  
26 applicable to the board for care and treatment of persons with

1 a developmental disability in determining factors under that  
2 Section. If the county clerk is required to reduce the  
3 aggregate extension of the board for care and treatment of  
4 persons with a developmental disability portion of the levy,  
5 the county clerk shall proportionally reduce the extension for  
6 each fund for persons with a developmental disability unless  
7 otherwise directed by the board for care and treatment of  
8 persons with a developmental disability. If the county clerk is  
9 required to reduce the aggregate extension of the portion of  
10 the levy not applicable to the board for care and treatment of  
11 persons with a developmental disability, the county clerk shall  
12 proportionally reduce the extension for each fund not  
13 applicable to the board for care and treatment of persons with  
14 a developmental disability unless otherwise directed by the  
15 governmental unit ~~county or township~~.

16 As used in this Section, "governmental unit" has the  
17 meaning given to that term in Section 0.05 of the Community  
18 Care for Persons with Developmental Disabilities Act.

19 (Source: P.A. 96-1350, eff. 7-28-10.)

20 Section 10. The Counties Code is amended by changing  
21 Sections 5-1024 and 5-44020 as follows:

22 (55 ILCS 5/5-1024) (from Ch. 34, par. 5-1024)

23 Sec. 5-1024. Taxes. A county board may cause to be levied  
24 and collected annually, except as hereinafter provided, taxes

1 for county purposes, including all purposes for which money may  
2 be raised by the county by taxation, in counties having 80,000  
3 or more but less than 3,000,000 inhabitants at a rate not  
4 exceeding .25%, of the value as equalized or assessed by the  
5 Department of Revenue; in counties with less than 80,000 but  
6 more than 15,000 inhabitants at a rate not exceeding .27%, of  
7 the value as equalized or assessed by the Department of  
8 Revenue; in counties with less than 80,000 inhabitants which  
9 have authorized a tax by referendum under Section 7-2 of the  
10 Juvenile Court Act prior to the effective date of this  
11 amendatory Act of 1985, at a rate not exceeding .32%, of the  
12 value as equalized or assessed by the Department of Revenue;  
13 and in counties with 15,000 or fewer inhabitants at a rate not  
14 exceeding .37%, of the value as equalized or assessed by the  
15 Department of Revenue; and in counties having 3,000,000 or more  
16 inhabitants for each even numbered year, subject to the  
17 abatement requirements hereinafter provided, at a rate not  
18 exceeding .39% of the value, as equalized or assessed by the  
19 Department of Revenue, and for each odd numbered year, subject  
20 to the abatement requirements hereinafter provided, at a rate  
21 not exceeding .35% of the value as equalized or assessed by the  
22 Department of Revenue, except taxes for the payment of interest  
23 on and principal of bonded indebtedness heretofore duly  
24 authorized for the construction of State aid roads in the  
25 county as defined in "An Act to revise the law in relation to  
26 roads and bridges", approved June 27, 1913, or for the



1 construction of county highways as defined in the Illinois  
2 Highway Code, and except taxes for the payment of interest on  
3 and principal of bonded indebtedness duly authorized without a  
4 vote of the people of the county, and except taxes authorized  
5 as additional by a vote of the people of the county, and except  
6 taxes for working cash fund purposes, and except taxes as  
7 authorized by Sections 5-601, 5-602, 5-603, 5-604 and 6-512 of  
8 the Illinois Highway Code, and except taxes authorized under  
9 Section 7 of the Village Library Act, and except taxes levied  
10 to pay the annual rent payments due under a lease entered into  
11 by the county with a Public Building Commission as authorized  
12 by Section 18 of the Public Building Commission Act, and except  
13 taxes levied under Division 6-3, and except taxes levied for  
14 general assistance for needy persons in counties under  
15 commission form of government and except taxes levied under the  
16 Community ~~County~~ Care for Persons with Developmental  
17 Disabilities Act, and except taxes levied under the Community  
18 Mental Health Act, and except taxes levied under Section 5-1025  
19 to pay the expenses of elections and except taxes levied under  
20 "An Act to provide the manner of levying or imposing taxes for  
21 the provision of special services to areas within the  
22 boundaries of home rule units and non-home rule municipalities  
23 and counties", approved September 21, 1973, and except taxes  
24 levied under Section 3a of the Revenue Act of 1939 for the  
25 purposes of helping to pay for the expenses of the assessor's  
26 office, and except taxes levied under Division 5-21, and except

1 taxes levied pursuant to Section 19 of "The Illinois Emergency  
2 Services and Disaster Agency Act of 1975", as now or hereafter  
3 amended, and except taxes levied pursuant to Division 5-23, and  
4 except taxes levied under Section 5 of the County Shelter Care  
5 and Detention Home Act, and except taxes levied under the  
6 Children's Advocacy Center Act, and except taxes levied under  
7 Section 9-107 of the Local Governmental and Governmental  
8 Employees Tort Immunity Act.

9 Those taxes a county has levied and excepted from the rate  
10 limitation imposed by this Section or Section 25.05 of "An Act  
11 to revise the law in relation to counties", approved March 31,  
12 1874, in reliance on this amendatory Act of 1994 are not  
13 invalid because of any provision of this Section that may be  
14 construed to or may have been construed to restrict or limit  
15 those taxes levied and those taxes are hereby validated. This  
16 validation of taxes levied applies to all cases pending on or  
17 after the effective date of this amendatory Act of 1994.

18 Nothing contained in this amendatory Act of 1994 shall be  
19 construed to affect the application of the Property Tax  
20 Extension Limitation Law.

21 Any tax levied for general assistance for needy persons in  
22 any county in addition to and in excess of the maximum levy  
23 permitted by this Section for general county purposes shall be  
24 paid into a special fund in the county treasury and used only  
25 for the purposes for which it is levied except that any excess  
26 in such fund over the amount needed for general assistance may

1 be used for County Nursing Home purposes and shall not exceed  
2 .10% of the value, as equalized or assessed by the Department  
3 of Revenue. Any taxes levied for general assistance pursuant to  
4 this Section may also be used for the payment of warrants  
5 issued against and in anticipation of such taxes and accrued  
6 interest thereon and may also be used for the payment of costs  
7 of administering such general assistance.

8 In counties having 3,000,000 or more inhabitants, taxes  
9 levied for any year for any purpose or purposes, except amounts  
10 levied for the payment of bonded indebtedness or interest  
11 thereon and for pension fund purpose, and except taxes levied  
12 to pay the annual rent payments due under a lease entered into  
13 by the county with a Public Building Commission as authorized  
14 by Section 18 of the Public Building Commission Act, are  
15 subject to the limitation that they shall not exceed the  
16 estimated amount of taxes to be levied for the year for the  
17 purpose or purposes as determined in accordance with Section  
18 6-24001 and set forth in the annual appropriation bill of the  
19 county and in ascertaining the rate per cent that will produce  
20 the amount of any tax levied in any county, the county clerk  
21 shall not add to the tax or rate any sum or amount to cover the  
22 loss and cost of collecting the tax, except in the case of  
23 amounts levied for the payment of bonded indebtedness or  
24 interest thereon, and in the case of amounts levied for pension  
25 fund purposes, and except taxes levied to pay the annual rent  
26 payments due under a lease entered into by the county with a

1 Public Building Commission as authorized by Section 18 of the  
2 Public Building Commission Act.

3 In counties having a population of 3,000,000 or more  
4 inhabitants, the county clerk shall in each even numbered year,  
5 before extending the county tax for the year, reduce the levy  
6 for county purposes for the year (exclusive of levies for  
7 payment of indebtedness and payment of interest on and  
8 principal of bonded indebtedness as aforesaid, and exclusive of  
9 county highway taxes as aforesaid, and exclusive of pension  
10 fund taxes, and except taxes levied to pay the annual rent  
11 payments due under a lease entered into by the county with a  
12 Public Building Commission as authorized by Section 18 of the  
13 Public Building Commission Act) in the manner described and in  
14 an amount to be determined as follows: If the amount received  
15 from the collection of the tax levied in the last preceding  
16 even numbered year for county purposes as aforesaid, as shown  
17 by the county treasurer's final settlement for the last  
18 preceding even numbered year and also by subsequent receipts of  
19 delinquent taxes for the county purposes fund levied for the  
20 last preceding even numbered year, equals or exceeds the amount  
21 produced by multiplying the rate extended for the county  
22 purposes for the last preceding even numbered year by the total  
23 assessed valuation of all property in the county used in the  
24 year for purposes of state and county taxes, and by deducting  
25 therefrom the amount appropriated to cover the loss and cost of  
26 collecting taxes to be levied for the county purposes fund for

1 the last preceding even numbered year, the clerk in determining  
2 the rate per cent to be extended for the county purposes fund  
3 shall deduct from the amount of the levy certified to him for  
4 county purposes as aforesaid for even numbered years the amount  
5 received by the county clerk or withheld by the county  
6 treasurer from other municipal corporations within the county  
7 as their pro rata share of election expenses for the last  
8 preceding even numbered year, as authorized in Sections 13-11,  
9 13-12, 13-13 and 16-2 of the Election Code, and the clerk in  
10 these counties shall extend only the net amount remaining after  
11 such deductions.

12 The foregoing limitations upon tax rates, insofar as they  
13 are applicable to counties having less than 3,000,000  
14 inhabitants, may be increased or decreased under the referendum  
15 provisions of the General Revenue Law of Illinois and there  
16 shall be no limit on the rate of tax for county purposes that  
17 may be levied by a county so long as any increase in the rate is  
18 authorized by referendum in that county.

19 Any county having a population of less than 3,000,000  
20 inhabitants that has determined to change its fiscal year may,  
21 as a means of effectuating a change, instead of levying taxes  
22 for a one-year period, levy taxes for a period greater or less  
23 than a year as may be necessary.

24 In counties having less than 3,000,000 inhabitants, in  
25 ascertaining the rate per cent that will produce the amount of  
26 any tax levied in that county, the County Clerk shall not add

1 to the tax or rate any sum or amount to cover the loss and cost  
2 of collecting the tax except in the case of amounts levied for  
3 the payment of bonded indebtedness or interest thereon and in  
4 the case of amounts levied for pension fund purposes and except  
5 taxes levied to pay the annual rent payments due under a lease  
6 entered into by the county with a Public Building Commission as  
7 authorized by Section 18 of the Public Building Commission Act.

8 A county shall not have its maximum tax rate reduced as a  
9 result of a population increase indicated by the 1980 federal  
10 census.

11 (Source: P.A. 91-51, eff. 6-30-99.)

12 (55 ILCS 5/5-44020)

13 Sec. 5-44020. Definitions. In this Division 5-44:

14 "Fire protection jurisdiction" means a fire protection  
15 district, municipal fire department, or service organized  
16 under Section 5-1056.1 of the Counties Code, Sections 195 and  
17 200 of the Township Code, Section 10-2.1 of the Illinois  
18 Municipal Code, or the Illinois Fire Protection District Act.

19 "Governing board" means the individual or individuals who  
20 constitute the corporate authorities of a unit of local  
21 government.

22 "Unit of local government" or "unit" means any unit of  
23 local government located entirely within one county, to which  
24 the county board chairman or county executive directly appoints  
25 a majority of its governing board with the advice and consent

1 of the county board, but shall not include a fire protection  
2 district that directly employs any regular full-time  
3 employees, a conservation district organized under the  
4 Conservation District Act, a special district organized under  
5 the Water Commission Act of 1985, a community mental health  
6 board established under the Community Mental Health Board Act,  
7 or a board established under the Community ~~County~~ Care for  
8 Persons with Developmental Disabilities Act.

9 (Source: P.A. 99-709, eff. 8-5-16; 100-107, eff. 1-1-18.)

10 Section 15. The County Care for Persons with Developmental  
11 Disabilities Act is amended by changing Sections 0.01, 1, 1.1,  
12 1.2, 3, 4, 5, 7, and 11 and by adding Sections 0.05 and 14 as  
13 follows:

14 (55 ILCS 105/0.01) (from Ch. 91 1/2, par. 200)

15 Sec. 0.01. Short title. This Act may be cited as the  
16 Community ~~County~~ Care for Persons with Developmental  
17 Disabilities Act.

18 (Source: P.A. 89-585, eff. 1-1-97.)

19 (55 ILCS 105/0.05 new)

20 Sec. 0.05. Definitions. As used in this Act:

21 "Governmental unit" means a county, municipality, or  
22 township.

23 "Person with a developmental disability" means any person

1 or persons so diagnosed and as defined in the Mental Health and  
2 Developmental Disabilities Code. A board of directors  
3 operating under this Act may in their jurisdiction, by a  
4 majority vote, add to the definition of "person with a  
5 developmental disability".

6 (55 ILCS 105/1) (from Ch. 91 1/2, par. 201)

7 Sec. 1. Facilities or services; tax levy. Any governmental  
8 unit ~~county~~ may provide facilities or services for the benefit  
9 of its residents who are persons with intellectual or  
10 developmental disabilities and who are not eligible to  
11 participate in any such program conducted under Article 14 of  
12 the School Code, or may contract therefor with any privately or  
13 publicly operated entity which provides facilities or services  
14 either in or out of such governmental unit ~~county~~.

15 For such purpose, the governmental unit ~~county~~ board may  
16 levy an annual tax of not to exceed .1% upon all of the taxable  
17 property in the governmental unit ~~county~~ at the value thereof,  
18 as equalized or assessed by the Department of Revenue. Taxes  
19 first levied under this Section on or after the effective date  
20 of this amendatory Act of the 96th General Assembly are subject  
21 to referendum approval under Section 1.1 or 1.2 of this Act.  
22 Such tax shall be levied and collected in the same manner as  
23 other governmental unit ~~county~~ taxes, but shall not be included  
24 in any limitation otherwise prescribed as to the rate or amount  
25 of governmental unit ~~county~~ taxes but shall be in addition



1 thereto and in excess thereof. When collected, such tax shall  
2 be paid into a special fund in the governmental unit's ~~county~~  
3 treasury, to be designated as the "Fund for Persons With a  
4 Developmental Disability", and shall be used only for the  
5 purpose specified in this Section. The levying of this annual  
6 tax shall not preclude the governmental unit ~~county~~ from the  
7 use of other federal, State, or local funds for the purpose of  
8 providing facilities or services for the care and treatment of  
9 its residents who are intellectually disabled ~~mentally~~  
10 ~~retarded~~ or under a developmental disability.

11 (Source: P.A. 99-143, eff. 7-27-15.)

12 (55 ILCS 105/1.1)

13 Sec. 1.1. Petition for submission to referendum by  
14 governmental unit ~~county~~.

15 (a) ~~If, on and after the effective date of this amendatory~~  
16 ~~Act of the 96th General Assembly,~~ the governmental unit's  
17 ~~county~~ board passes an ordinance or resolution as provided in  
18 Section 1 of this Act asking that an annual tax may be levied  
19 for the purpose of providing facilities or services set forth  
20 in that Section and so instructs the county clerk, the clerk  
21 shall certify the proposition to the proper election officials  
22 for submission at the governmental unit's next general ~~county~~  
23 election. The proposition shall be in substantially the  
24 following form:

25 Shall (governmental unit) ~~..... County~~ levy an annual

1 tax not to exceed 0.1% upon the equalized assessed value of  
2 all taxable property in (governmental unit) ~~the county~~ for  
3 the purposes of providing facilities or services for the  
4 benefit of its residents who are persons with intellectual  
5 or developmental disabilities and who are not eligible to  
6 participate in any program provided under Article 14 of the  
7 School Code, 105 ILCS 5/14-1.01 et seq., including  
8 contracting for those facilities or services with any  
9 privately or publicly operated entity that provides those  
10 facilities or services either in or out of (governmental  
11 unit)? ~~the county?~~

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

16 (Source: P.A. 99-143, eff. 7-27-15.)

17 (55 ILCS 105/1.2)

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

20 (a) Whenever a petition for submission to referendum by the  
21 electors which requests the establishment and maintenance of  
22 facilities or services for the benefit of its residents with a  
23 developmental disability and the levy of an annual tax not to  
24 exceed 0.1% upon all the taxable property in the governmental  
25 unit ~~county~~ at the value thereof, as equalized or assessed by

1 the Department of Revenue, is signed by electors of the  
2 governmental unit ~~county~~ equal in number to at least 10% of the  
3 total votes cast for the office that received the greatest  
4 total number of votes at the last preceding general ~~county~~  
5 election of the governmental unit and is presented to the  
6 county clerk, the clerk shall certify the proposition to the  
7 proper election authorities for submission at the governmental  
8 unit's next general ~~county~~ election. The proposition shall be  
9 in substantially the following form:

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

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

26 (Source: P.A. 99-143, eff. 7-27-15.)

1 (55 ILCS 105/3) (from Ch. 91 1/2, par. 203)

2 Sec. 3. Community County board for care and treatment of  
3 persons with a developmental disability.

4 (a) When any governmental unit county has authority to levy  
5 a tax for the purpose of this Act, the presiding officer of the  
6 governmental unit's county board with the advice and consent of  
7 the governmental unit's county board, shall appoint a board of  
8 3 directors who shall administer this Act. The board shall be  
9 designated the "(name of governmental unit county) County Board  
10 for Care and Treatment of Persons with a Developmental  
11 Disability". The original appointees shall be appointed for  
12 terms expiring, respectively, on June 30 in the first, second  
13 and third years following their appointment as designated by  
14 the appointing authority. All succeeding terms shall be for 3  
15 years and appointments shall be made in like manner. Vacancies  
16 shall be filled in like manner for the balance of the unexpired  
17 term. Each director shall serve until his successor is  
18 appointed. Directors shall serve without compensation but  
19 shall be reimbursed for expenses reasonably incurred in the  
20 performance of their duties.

21 (b) The governmental unit's county board of any  
22 governmental unit county that has established a 3-member board  
23 under this Section may, by ordinance or resolution, provide  
24 that the governmental unit's county board for care and  
25 treatment of persons with a developmental disability in that

1 governmental unit ~~county~~ shall consist of 5 members. Within 60  
2 days after the ordinance or resolution is adopted, the  
3 presiding officer of the governmental unit ~~county~~, with the  
4 advice and consent of the governmental unit's ~~county~~ board,  
5 shall appoint the 2 additional members. One member shall serve  
6 for a term expiring on June 30 of the second year following his  
7 or her appointment, and one shall serve for a term expiring on  
8 June 30 of the third year following his or her appointment.  
9 Their successors shall serve for 3-year terms.

10 (Source: P.A. 96-295, eff. 8-11-09.)

11 (55 ILCS 105/4) (from Ch. 91 1/2, par. 204)

12 Sec. 4. The directors shall meet in July, annually, and  
13 elect one of their number as president and one as secretary,  
14 and shall elect such other officers as they deem necessary.  
15 They shall adopt such rules for the administration of this Act  
16 as may be proper and expedient. They shall report to the court,  
17 from time to time, a detailed statement of their  
18 administration.

19 The board shall have exclusive control of all money paid  
20 into the Fund for Persons with a Developmental Disability and  
21 shall draw upon the governmental unit's ~~county~~ treasurer for  
22 all or any part of that fund required by the board in the  
23 performance of its duties and exercise of its powers under this  
24 Act.

25 The board may establish, maintain, and equip facilities

1 within the governmental unit ~~county~~, for the care and treatment  
2 of persons with a developmental disability together with such  
3 auxiliary facilities connected therewith as the board finds  
4 necessary. For those purposes, the board may acquire, to be  
5 held in its name, real and personal property within the  
6 governmental unit ~~county~~ by gift, grant, legacy, purchase, or  
7 lease and may occupy, purchase, lease, or erect an appropriate  
8 building or buildings for the use of such facilities and all  
9 related facilities and activities.

10 The board may provide for the care and treatment of persons  
11 with a developmental disability who are not residents of the  
12 governmental unit ~~county~~ and may establish and collect  
13 reasonable charges for such services.

14 (Source: P.A. 88-380; 88-388; 89-585, eff. 1-1-97.)

15 (55 ILCS 105/5) (from Ch. 91 1/2, par. 205)

16 Sec. 5. The board of directors may accept any donation of  
17 property for the purpose specified in Section 1, and shall pay  
18 over to the governmental unit's ~~county~~ treasurer any money so  
19 received, within 30 days of the receipt thereof.

20 (Source: Laws 1961, p. 3804.)

21 (55 ILCS 105/7) (from Ch. 91 1/2, par. 207)

22 Sec. 7. The rate at which the sums to be so charged as  
23 provided in Section 6 of this Act shall be calculated by the  
24 board of directors is the average per capita operating cost for

1 all persons receiving the benefit of such facilities or  
2 services computed for each fiscal year; provided, that the  
3 board may, in its discretion, set the rate at a lesser amount  
4 than such average per capita cost. Less amounts may be accepted  
5 by the board when conditions warrant such action or when money  
6 is offered by persons not liable under Section 6. Any money  
7 received pursuant to this Section shall be paid into the  
8 governmental unit's ~~county~~ Fund for Persons with a  
9 Developmental Disability.

10 (Source: P.A. 88-380; 88-388.)

11 (55 ILCS 105/11) (from Ch. 91 1/2, par. 211)

12 Sec. 11. Upon request of the board of directors, the  
13 State's Attorney of the county in which a person who is liable  
14 for payment of maintenance charges resides shall file suit in  
15 the circuit court to collect the amount due. The court may  
16 order the payment of sums due for maintenance for such period  
17 or periods as the circumstances require. Such order may be  
18 entered against any or all such defendants and may be based  
19 upon the proportionate ability of each defendant to contribute  
20 to the payment of sums due. Orders for the payment of money may  
21 be enforced by attachment as for contempt against the persons  
22 of the defendants, and in addition as other judgments at law,  
23 and costs may be adjudged against the defendants and  
24 apportioned among them, but if the complaint is dismissed the  
25 costs shall be borne by the governmental unit ~~county~~.

1           The provisions of the Civil Practice Law, and all  
2 amendments thereto, shall apply to and govern all actions  
3 instituted under the provisions of this Act.

4           (Source: P.A. 82-783.)

5           (55 ILCS 105/14 new)

6           Sec. 14. Amendatory changes. The changes made by this  
7 amendatory Act of the 100th General Assembly do not: (i)  
8 dissolve or discontinue a county community developmental  
9 disabilities board established on or before the effective date  
10 of this amendatory Act of the 100th General Assembly; (ii)  
11 affect any tax levied or fund operated by a county community  
12 developmental disabilities board; or (iii) affect in any other  
13 way a county community developmental disabilities board  
14 operated as it previously had been operating under this Act.

15           Section 98. Illinois Compiled Statutes reassignment. The  
16 Legislative Reference Bureau shall reassign the Community Care  
17 for Persons with Developmental Disabilities Act (formerly the  
18 County Care for Persons with Developmental Disabilities Act) to  
19 the location 50 ILCS 835/ in the Illinois Compiled Statutes and  
20 file appropriate documents with the Index Division of the  
21 Office of the Secretary of State in accordance with subsection  
22 (c) of Section 5.04 of the Legislative Reference Bureau Act.