



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB4814

Introduced 1/12/2010, by Rep. Paul D. Froehlich

SYNOPSIS AS INTRODUCED:

70 ILCS 705/14

from Ch. 127 1/2, par. 34

Amends the Fire Protection District Act. Provides that the board of trustees of a fire protection district may accumulate funds for the purpose of providing a reserve for operating expenses of the fire protection district in an amount not exceeding 3 times the average annual operating expenses of the fire protection district and may annually levy taxes for such purposes in excess of current requirements for its operating expenses but subject to specified tax rate limitations. Effective immediately.

LRB096 16802 RLJ 32109 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 Fire Protection District Act is amended by
5 changing Section 14 as follows:

6 (70 ILCS 705/14) (from Ch. 127 1/2, par. 34)

7 Sec. 14. Taxes for corporate purposes. The Board of
8 Trustees may levy and collect other taxes for all corporate
9 purposes, including, without limiting the generality of the
10 foregoing, the payment of all obligations incurred in taking
11 over the fire protection facilities of any city, village or
12 incorporated town located within the boundaries of any such
13 district, including all pension or annuity plans of any such
14 city, village or incorporated town applicable to the
15 maintenance of fire protection facilities, and further for the
16 purposes of building, repairing and improving fire houses, of
17 the renting of buildings and property for corporate purposes,
18 of procuring firehouse land or sites, fire-fighting apparatus
19 and equipment, and of procuring apparatus and equipment for
20 emergencies involving hazardous substances and providing
21 appropriate training for such situations, exclusive of taxes to
22 pay bonded indebtedness upon all the taxable property within
23 the territorial limits of such fire protection districts, the

1 aggregate amount of which shall not exceed 0.125% of the value,
2 as equalized or assessed by the Department of Revenue, except
3 as provided in this Section.

4 All taxes proposed to be levied by a district shall be
5 levied by ordinance, a certified copy of which shall be filed
6 with the county clerk of the county in which the taxes are to
7 be collected not later than the last Tuesday in December in
8 each year.

9 The Board of Trustees may accumulate funds for the purposes
10 of building, repairing and improving firehouses, for the
11 purposes of procuring firehouse land or sites, fire-fighting
12 apparatus and equipment, and for the purposes of procuring
13 appropriate apparatus, equipment, and training for emergencies
14 involving hazardous substances and may annually levy taxes for
15 such purposes in excess of current requirements for its other
16 purposes but subject to the tax rate limitations as provided in
17 this Section. The Board of Trustees may accumulate funds for
18 the purpose of providing a reserve for operating expenses of
19 the district in an amount not exceeding 3 times the average
20 annual operating expenses of the district and may annually levy
21 taxes for such purposes in excess of current requirements for
22 its operating expenses but subject to the tax rate limitations
23 as provided in this Section.

24 If the Board of Trustees desires to levy such taxes at a
25 rate in excess of 0.125% and in excess of 0.30% but not in
26 excess of 0.40% of the value of all taxable property within the

1 district as equalized or assessed by the Department of Revenue,
 2 it shall certify the question to the proper election officials,
 3 who shall submit the question at an election in accordance with
 4 the general election law. The result of such referendum shall
 5 be entered upon the records of the district. If a majority of
 6 the voters at such election vote in favor of the proposition,
 7 the Board of Trustees may levy such taxes at a rate not to
 8 exceed 0.40% of the value of all taxable property within the
 9 district as equalized or assessed by the Department of Revenue.
 10 The proposition shall be in substantially the following form:

11 -----
 12 Shall the maximum allowable tax rate
 13 for the.... Fire Protection District YES
 14 be increased from 0.125% to 0.40% (or from
 15 0.30% to 0.40%, as the case may be) -----
 16 of the value of all taxable property within
 17 the District as equalized or assessed by NO
 18 the Department of Revenue?

19 -----
 20 The Board of Trustees has power to levy such taxes at a
 21 rate in excess of 0.125% but not in excess of 0.30% of the
 22 value of all taxable property within the district, as equalized
 23 or assessed by the Department of Revenue, under the following
 24 terms and conditions.

25 The board of trustees shall proceed in like manner prior to
 26 the adoption of an ordinance providing for the levy of taxes at

1 a rate not in excess of 0.30% as if the board of trustees had
2 followed the procedures to adopt an ordinance not in excess of
3 0.125% of the value of all taxable property within the district
4 as equalized or assessed by the Department of Revenue.

5 The board of trustees shall provide by ordinance for the
6 levy and collection of taxes at a rate not in excess of 0.30%
7 of the value of all taxable property within the district as
8 equalized or assessed by the Department of Revenue. A certified
9 copy of such ordinance shall be filed in the office of the
10 county clerk of each county in which any portion of the
11 territory of such fire protection district is situated, which
12 certified copy constitutes authority for the clerk or clerks in
13 each case to extend taxes annually at the rate so provided
14 against all of the taxable property contained in the fire
15 protection district.

16 After such ordinance has been passed, it shall be published
17 once within 30 days after its passage in one or more newspapers
18 published in the fire protection district or, if no newspaper
19 is published therein, it shall be published in a newspaper
20 published in the county in which such district is located and
21 having general circulation within such district. If no
22 newspaper is published in the county having general circulation
23 in the district, publication may be made instead by posting
24 copies of such ordinance in 10 public places within the fire
25 protection district. The publication or posting of the
26 ordinance shall include a notice of (1) the specific number of

1 voters required to sign a petition requesting that the question
 2 of the adoption of the tax levy be submitted to the voters of
 3 the district; (2) the time within which the petition must be
 4 filed; and (3) the date of the prospective referendum. The
 5 district secretary shall provide a petition form to any
 6 individual requesting one. The ordinance shall not become
 7 effective until 30 days after its publication or the date of
 8 such posting of such copies.

9 Whenever a petition signed by the electors of the fire
 10 protection district equal in number to 10% or more of the
 11 registered voters in the fire protection district is filed with
 12 the Board of Trustees thereof which has adopted an ordinance
 13 providing for such increase in the rate of taxes and such
 14 petition has been filed with the Board of Trustees within 30
 15 days after the publication or the date of the posting of the
 16 copies which petition seeks the submission of such increase in
 17 the rate of taxes to an election, the Board of Trustees shall
 18 certify the question to the proper election officials who shall
 19 submit the question at an election in accordance with the
 20 general election law.

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

23 -----

24 Shall the maximum allowable tax
 25 rate for Fire Protection YES
 26 District be increased from 0.125%

1 to 0.30% of the value of all taxable -----
 2 property within the District
 3 as equalized or assessed by the NO
 4 Department of Revenue?

5 -----

6 The foregoing limitations upon tax rates may be further
 7 increased or decreased under the referendum provisions of the
 8 General Revenue Law of Illinois.

9 (Source: P.A. 86-346; 86-1194; 86-1253; 86-1475; 86-1480;
 10 87-712; 87-767; 87-895; 87-1189.)

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