

HB0665



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0665

Introduced 02/06/09, by Rep. Donald L. Moffitt

SYNOPSIS AS INTRODUCED:

70 ILCS 705/14

from Ch. 127 1/2, par. 34

Amends the Fire Protection District Act. Increases to 0.60% (now, 0.40%) the maximum allowable tax rate that the Board of Trustees of a fire protection district may levy upon all taxable property within the territorial limits of the district. Makes conforming changes. Effective immediately.

LRB096 04277 RLJ 14323 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. The Board of Trustees may levy and collect other
8 taxes for all corporate purposes, including, without limiting
9 the generality of the foregoing, the payment of all obligations
10 incurred in taking over the fire protection facilities of any
11 city, village or incorporated town located within the
12 boundaries of any such district, including all pension or
13 annuity plans of any such city, village or incorporated town
14 applicable to the maintenance of fire protection facilities,
15 and further for the purposes of building, repairing and
16 improving fire houses, of the renting of buildings and property
17 for corporate purposes, of procuring firehouse land or sites,
18 fire-fighting apparatus and equipment, and of procuring
19 apparatus and equipment for emergencies involving hazardous
20 substances and providing appropriate training for such
21 situations, exclusive of taxes to pay bonded indebtedness upon
22 all the taxable property within the territorial limits of such
23 fire protection districts, the aggregate amount of which shall

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

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

8 The Board of Trustees may accumulate funds for the purposes
9 of building, repairing and improving firehouses, for the
10 purposes of procuring firehouse land or sites, fire-fighting
11 apparatus and equipment, and for the purposes of procuring
12 appropriate apparatus, equipment, and training for emergencies
13 involving hazardous substances and may annually levy taxes for
14 such purposes in excess of current requirements for its other
15 purposes but subject to the tax rate limitations as provided in
16 this Section.

17 If the Board of Trustees desires to levy such taxes at a
18 rate in excess of its maximum authorized rate ~~0.125%~~ and in
19 ~~excess of 0.30%~~ but not in excess of 0.60% ~~0.40%~~ of the value
20 of all taxable property within the district as equalized or
21 assessed by the Department of Revenue, it shall certify the
22 question to the proper election officials, who shall submit the
23 question at an election in accordance with the general election
24 law. The result of such referendum shall be entered upon the
25 records of the district. If a majority of the voters at such
26 election vote in favor of the proposition, the Board of

1 Trustees may levy such taxes at a rate not to exceed 0.60%
 2 ~~0.40%~~ of the value of all taxable property within the district
 3 as equalized or assessed by the Department of Revenue. The
 4 proposition shall be in substantially the following form:

5 Shall the maximum allowable tax rate for the (insert
 6 name of fire protection district) be increased from (insert
 7 current maximum rate) to (insert proposed new maximum
 8 authorized rate of not more than 0.60%) of the value of all
 9 taxable property within the District, as equalized or
 10 assessed by the Department of Revenue?

11 The election authority must record the votes as "Yes" or "No".

12 _____

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

20 _____

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

26 The board of trustees shall proceed in like manner prior to

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

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

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

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

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

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

24 Shall the maximum allowable tax rate for the (insert
25 name of fire protection district) be increased from (insert
26 current maximum rate) to (insert proposed new maximum

1 authorized rate of not more than 0.30%) of the value of all
 2 taxable property within the District, as equalized or
 3 assessed by the Department of Revenue?

4 The election authority must record the votes as "Yes" or "No".

5 If a majority of the electors voting on the question vote
 6 in the affirmative, the district may thereafter increase the
 7 rate.

8 _____

9 ~~Shall the maximum allowable tax~~
 10 ~~rate for Fire Protection~~ ~~YES~~
 11 ~~District be increased from 0.125%~~
 12 ~~to 0.30% of the value of all taxable~~ _____
 13 ~~property within the District~~
 14 ~~as equalized or assessed by the~~ ~~NO~~
 15 ~~Department of Revenue?~~

16 _____

17 The foregoing limitations upon tax rates may be further
 18 increased or decreased under the referendum provisions of the
 19 General Revenue Law of Illinois.

20 (Source: P.A. 86-346; 86-1194; 86-1253; 86-1475; 86-1480;
 21 87-712; 87-767; 87-895; 87-1189.)

22 Section 99. Effective date. This Act takes effect upon
 23 becoming law.