



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB1988

Introduced 2/20/2009, by Sen. Michael Noland

SYNOPSIS AS INTRODUCED:

70 ILCS 705/10d new
70 ILCS 705/14

from Ch. 127 1/2, par. 34

Amends the Fire Protection District Act. Provides that, if a fire protection district makes a contract with a separate fire department entity to provide fire protection services for the district, then the fire protection district may sell assets and invest the proceeds using the Public Treasurers' Investment Pool. Specifies that the proceeds and investment income must be used by a fire protection district to pay for the district's contractual obligations to a separate fire department entity or for any other fire protection related purpose. In a Section authorizing a Board of Trustees of a fire protection district to levy taxes, adds that a Board of Trustees may levy taxes for the purpose of paying all contractual obligations to a separate fire department entity or any other fire protection related purpose. Provides that the Board of Trustees may accumulate funds for the purpose of paying all contractual obligations to a separate fire department entity for fire protection services. Effective immediately.

LRB096 04284 RLJ 14330 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 and by adding Section 10d as follows:

6 (70 ILCS 705/10d new)

7 Sec. 10d. Investment; contracts. If a fire protection
8 district makes a contract with a separate fire department
9 entity to provide fire protection services for the district,
10 then the fire protection district may sell assets and invest
11 the proceeds including without limitation using the Public
12 Treasurers' Investment Pool under Section 17 of the State
13 Treasurer Act. The proceeds and investment income must be used
14 by a fire protection district to pay for the district's
15 contractual obligations to a separate fire department entity or
16 for any other fire protection related purpose.

17 (70 ILCS 705/14) (from Ch. 127 1/2, par. 34)

18 Sec. 14. Taxes for corporate purposes. The Board of
19 Trustees may levy and collect other taxes for all corporate
20 purposes, including, without limiting the generality of the
21 foregoing, the payment of all obligations incurred in taking
22 over the fire protection facilities of any city, village or

1 incorporated town located within the boundaries of any such
2 district, including all pension or annuity plans of any such
3 city, village or incorporated town applicable to the
4 maintenance of fire protection facilities, ~~and further~~ for the
5 purposes of building, repairing and improving fire houses, of
6 the renting of buildings and property for corporate purposes,
7 of procuring firehouse land or sites, fire-fighting apparatus
8 and equipment, and of procuring apparatus and equipment for
9 emergencies involving hazardous substances and providing
10 appropriate training for such situations, exclusive of taxes to
11 pay bonded indebtedness upon all the taxable property within
12 the territorial limits of such fire protection districts, and
13 further for the purposes of paying all contractual obligations
14 to a separate fire department entity or any other fire
15 protection related purpose, the aggregate amount of which shall
16 not exceed 0.125% of the value, as equalized or assessed by the
17 Department of Revenue, except as provided in this Section.

18 All taxes proposed to be levied by a district shall be
19 levied by ordinance, a certified copy of which shall be filed
20 with the county clerk of the county in which the taxes are to
21 be collected not later than the last Tuesday in December in
22 each year.

23 The Board of Trustees may accumulate funds for the purposes
24 of building, repairing and improving firehouses, for the
25 purposes of procuring firehouse land or sites, fire-fighting
26 apparatus and equipment, ~~and~~ for the purposes of procuring

1 appropriate apparatus, equipment, and training for emergencies
 2 involving hazardous substances, and for the purpose of paying
 3 all contractual obligations to a separate fire department
 4 entity for fire protection services and may annually levy taxes
 5 for such purposes in excess of current requirements for its
 6 other purposes but subject to the tax rate limitations as
 7 provided in this Section.

8 If the Board of Trustees desires to levy such taxes at a
 9 rate in excess of 0.125% and in excess of 0.30% but not in
 10 excess of 0.40% of the value of all taxable property within the
 11 district as equalized or assessed by the Department of Revenue,
 12 it shall certify the question to the proper election officials,
 13 who shall submit the question at an election in accordance with
 14 the general election law. The result of such referendum shall
 15 be entered upon the records of the district. If a majority of
 16 the voters at such election vote in favor of the proposition,
 17 the Board of Trustees may levy such taxes at a rate not to
 18 exceed 0.40% of the value of all taxable property within the
 19 district as equalized or assessed by the Department of Revenue.
 20 The proposition shall be in substantially the following form:

21 -----

22	Shall the maximum allowable tax rate	
23	for the.... Fire Protection District	YES
24	be increased from 0.125% to 0.40% (or from	
25	0.30% to 0.40%, as the case may be)	-----
26	of the value of all taxable property within	

1 the District as equalized or assessed by NO
2 the Department of Revenue?

3 -----

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

9 The board of trustees shall proceed in like manner prior to
10 the adoption of an ordinance providing for the levy of taxes at
11 a rate not in excess of 0.30% as if the board of trustees had
12 followed the procedures to adopt an ordinance not in excess of
13 0.125% of the value of all taxable property within the district
14 as equalized or assessed by the Department of Revenue.

15 The board of trustees shall provide by ordinance for the
16 levy and collection of taxes at a rate not in excess of 0.30%
17 of the value of all taxable property within the district as
18 equalized or assessed by the Department of Revenue. A certified
19 copy of such ordinance shall be filed in the office of the
20 county clerk of each county in which any portion of the
21 territory of such fire protection district is situated, which
22 certified copy constitutes authority for the clerk or clerks in
23 each case to extend taxes annually at the rate so provided
24 against all of the taxable property contained in the fire
25 protection district.

26 After such ordinance has been passed, it shall be published

1 once within 30 days after its passage in one or more newspapers
2 published in the fire protection district or, if no newspaper
3 is published therein, it shall be published in a newspaper
4 published in the county in which such district is located and
5 having general circulation within such district. If no
6 newspaper is published in the county having general circulation
7 in the district, publication may be made instead by posting
8 copies of such ordinance in 10 public places within the fire
9 protection district. The publication or posting of the
10 ordinance shall include a notice of (1) the specific number of
11 voters required to sign a petition requesting that the question
12 of the adoption of the tax levy be submitted to the voters of
13 the district; (2) the time within which the petition must be
14 filed; and (3) the date of the prospective referendum. The
15 district secretary shall provide a petition form to any
16 individual requesting one. The ordinance shall not become
17 effective until 30 days after its publication or the date of
18 such posting of such copies.

19 Whenever a petition signed by the electors of the fire
20 protection district equal in number to 10% or more of the
21 registered voters in the fire protection district is filed with
22 the Board of Trustees thereof which has adopted an ordinance
23 providing for such increase in the rate of taxes and such
24 petition has been filed with the Board of Trustees within 30
25 days after the publication or the date of the posting of the
26 copies which petition seeks the submission of such increase in

1 the rate of taxes to an election, the Board of Trustees shall
 2 certify the question to the proper election officials who shall
 3 submit the question at an election in accordance with the
 4 general election law.

5 The proposition shall be substantially in the following
 6 form:

7 -----

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

15 -----

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

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

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