

SB2797



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB2797

Introduced 1/20/2006, by Sen. Carole Pankau

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 other changes.

LRB094 19096 HLH 54607 b

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

26 All taxes proposed to be levied by a district shall be
27 levied by ordinance, a certified copy of which shall be filed
28 with the county clerk of the county in which the taxes are to
29 be collected not later than the last Tuesday in December in
30 each year.

31 The Board of Trustees may accumulate funds for the purposes
32 of building, repairing and improving firehouses, for the

1 purposes of procuring firehouse land or sites, fire-fighting
 2 apparatus and equipment, and for the purposes of procuring
 3 appropriate apparatus, equipment, and training for emergencies
 4 involving hazardous substances and may annually levy taxes for
 5 such purposes in excess of current requirements for its other
 6 purposes but subject to the tax rate limitations as provided in
 7 this Section.

8 If the Board of Trustees desires to levy such taxes at a
 9 rate in excess of its maximum authorized rate ~~0.125% and in~~
 10 ~~excess of 0.30%~~ but not in excess of 0.60% ~~0.40%~~ of the value
 11 of all taxable property within the district as equalized or
 12 assessed by the Department of Revenue, it shall certify the
 13 question to the proper election officials, who shall submit the
 14 question at an election in accordance with the general election
 15 law. The result of such referendum shall be entered upon the
 16 records of the district. If a majority of the voters at such
 17 election vote in favor of the proposition, the Board of
 18 Trustees may levy such taxes at a rate not to exceed 0.60%
 19 ~~0.40%~~ of the value of all taxable property within the district
 20 as equalized or assessed by the Department of Revenue. The
 21 proposition shall be in substantially the following form:

22 Shall the maximum allowable tax rate for the (insert
 23 name of fire protection district) be increased from (insert
 24 current maximum rate) to (insert proposed new maximum
 25 authorized rate of not more than 0.60%) of the value of all
 26 taxable property within the District, as equalized or
 27 assessed by the Department of Revenue?

28 The election authority must record the votes as "Yes" or "No".
 29 _____

30 ~~Shall the maximum allowable tax rate~~
 31 ~~for the.... Fire Protection District~~ ~~YES~~
 32 ~~be increased from 0.125% to 0.40% (or from~~
 33 ~~0.30% to 0.40%, as the case may be)~~ ~~_____~~
 34 ~~of the value of all taxable property within~~
 35 ~~the District as equalized or assessed by~~ ~~NO~~
 36 ~~the Department of Revenue?~~

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

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

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

After such ordinance has been passed, it shall be published once within 30 days after its passage in one or more newspapers published in the fire protection district or, if no newspaper is published therein, it shall be published in a newspaper published in the county in which such district is located and having general circulation within such district. If no newspaper is published in the county having general circulation in the district, publication may be made instead by posting copies of such ordinance in 10 public places within the fire protection district. The publication or posting of the ordinance shall include a notice of (1) the specific number of voters required to sign a petition requesting that the question of the adoption of the tax levy be submitted to the voters of

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

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

19 The proposition shall be substantially in the following
 20 form:

21 Shall the maximum allowable tax rate for the (insert
 22 name of fire protection district) be increased from (insert
 23 current maximum rate) to (insert proposed new maximum
 24 authorized rate of not more than 0.30%) of the value of all
 25 taxable property within the District, as equalized or
 26 assessed by the Department of Revenue?

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

28 If a majority of the electors voting on the question vote
 29 in the affirmative, the district may thereafter increase the
 30 rate.

31 _____
 32 ~~Shall the maximum allowable tax~~
 33 ~~rate for Fire Protection~~ ~~YES~~
 34 ~~District be increased from 0.125%~~
 35 ~~to 0.30% of the value of all taxable~~ _____
 36 ~~property within the District~~

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

3 _____

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

7 (Source: P.A. 86-346; 86-1194; 86-1253; 86-1475; 86-1480;
8 87-712; 87-767; 87-895; 87-1189.)