

August 21, 2018

To the Honorable Members of  
The Illinois Senate,  
100th General Assembly:

Today I return Senate Bill 3041 with specific recommendations for change.

This legislation extends the types of local governments that can levy an additional property tax for purposes of funding facilities and services for residents with developmental disabilities from exclusively counties to municipalities and townships. Although I recognize the unique needs and funding challenges of the mental health and developmental disability communities, increasing property taxes across various layers of local government without any mechanism for taxpayers to reduce their tax burdens is untenable in Illinois' current property tax crisis. When Illinoisans are able to impose taxes via referendum, citizens should also be fully empowered to vote to bring down levies raised for special purposes such as this, as well as their property taxes more generally.

Therefore, pursuant to Section 9(e) of Article IV of the Illinois Constitution of 1970, I hereby return Senate Bill 3041, entitled "AN ACT concerning local government", with the following specific recommendations for change:

On page 1, by replacing line 5 with: "Sections 18-195 and 18-205 as follows:"; and

On page 6, immediately after line 19, by inserting the following:

“(35 ILCS 200/18-205)

Sec. 18-205. Referendum to increase the extension limitation.

(a) A taxing district is limited to an extension limitation of 5% or the percentage increase in the Consumer Price Index during the 12 month calendar year preceding the levy year, whichever is less. A taxing district may increase its extension limitation for one or more levy years if that taxing district holds a referendum before the levy date for the first levy year at

which a majority of voters voting on the issue approves adoption of a higher extension limitation. Referenda shall be conducted at a regularly scheduled election in accordance with the Election Code.

(b) The question shall be presented in substantially the following manner:

Shall the extension limitation under the Property Tax Extension Limitation Law for (insert the legal name, number, if any, and county or counties of the taxing district and geographic or other common name by which a school or community college district is known and referred to), Illinois, be increased from the lesser of 5% or the percentage increase in the Consumer Price Index over the prior levy year to (insert the percentage of the proposed increase)% per year for (insert each levy year for which the increased extension limitation will apply)?

(c) Whenever a petition, subject to the petition requirements of Section 28-3 of the Election Code, is presented to the governing body of a taxing district requesting that the taxing district's aggregate extension be decreased by not more than 10% of its aggregate extension for the previous levy year, that governing body shall cause the proposition to be certified to the proper election officials who shall submit the proposition to the voters at the next appropriate election in accordance with this subsection and general election law. A petition under this subsection (c) shall include:

(1) the desired aggregate extension decrease;

(2) signatures by a number of registered voters equal to or greater than 5% of the total ballots cast in the taxing district at the last preceding general election; and

(3) an affidavit of publication, attesting that notice of the petition decrease the taxing district's aggregate extension was published in a newspaper of general circulation within the taxing district.

The parties filing a petition under this Section shall give notice in substantially the following form:

NOTICE OF PETITION TO (INCREASE/DECREASE) (TAXING DISTRICT'S) PROPERTY TAX.

Residents of (taxing district) are notified that a petition will be filed with (taxing district) requesting a referendum to decrease property tax by (amount of increase or decrease) % for (tax levy year(s)).

A petition that meets the requirements of this subsection shall be placed on the ballot at the general election next following. Failure to publish the required notice of petition shall render the petition, and the results of any referendum held on the petition, null and void.

The ballot question shall be in substantially the following form on the ballot:

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Shall the property tax rate of (taxing district) be decreased by (insert amount) % in (tax levy year(s) )? YES NO

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The increase or decrease is approved when three-fifths of the electors of the taxing district approve and the decrease shall be applicable for each levy year specified.

(d) The votes under subsection (b) or (c) must be recorded as "Yes" or "No". Except as provided in subsection (c), if ~~if~~ a majority of voters voting on the issue approves the adoption of the increase, the increase shall be applicable for each levy year specified.

(e) The ballot for any question submitted pursuant to this Section shall have printed thereon, but not as a part of the question submitted, only the following supplemental information (which shall be supplied to the election authority by the taxing district) in substantially the following form:

(1) For the (insert the first levy year for which the increased or reduced extension limitation will be applicable) levy year the approximate amount of the additional or reduced tax extendable against property containing a single family residence and having a fair market value at the time of the referendum of \$100,000 is estimated to be \$ ....

(2) Based upon an average annual percentage increase (or decrease) in the market value of such property of ... % (insert percentage equal to the average annual percentage increase or decrease for the prior 3 levy years, at the time the submission of the question is initiated by the taxing district, in the amount of (A) the equalized assessed value of the taxable property in the taxing district less (B) the new property included in the equalized assessed value), the approximate amount of the additional or reduced tax extendable against such property for the levy year is estimated to be \$ ... and for the ... levy year is estimated to be \$ ....

Paragraph (2) shall be included only if the increased or reduced extension limitation will be applicable for more than one year and shall list each levy year for which the increased or reduced extension limitation will be applicable. The additional or reduced tax shown for each levy year shall be the approximate dollar amount of the increase or decrease over the amount of the most recently completed extension at the time the submission of the question is initiated by the taxing district. The approximate amount of the additional or reduced tax extendable shown in paragraphs (1) and (2) shall be calculated by multiplying \$100,000 (the fair market value of the property without regard to any property tax exemptions) by ( i) the percentage level of assessment prescribed for that property by statute, or by ordinance of the county board in counties that classify property for purposes of taxation in accordance with Section 4 of Article IX of the Illinois Constitution; (ii) the most recent final equalization factor certified to the county clerk by the Department of Revenue at the time the taxing district initiates the submission of the proposition to the electors; (iii) the last known aggregate extension base of the taxing district at the time the submission of the question is initiated by the taxing district; and (iv) the difference between the percentage increase or decrease proposed in the question and the lesser of 5% or the percentage increase in the Consumer Price Index for the prior levy year (or an estimate of the percentage increase or decrease for the prior levy year if the increase or decrease is

unavailable at the time the submission of the question is initiated by the taxing district); and dividing the result by the last known equalized assessed value of the taxing district at the time the submission of the question is initiated by the taxing district. This amendatory Act of the 97th General Assembly is intended to clarify the existing requirements of this Section, and shall not be construed to validate any prior non-compliant referendum language. Any notice required to be published in connection with the submission of the question shall also contain this supplemental information and shall not contain any other supplemental information. Any error, miscalculation, or inaccuracy in computing any amount set forth on the ballot or in the notice that is not deliberate shall not invalidate or affect the validity of any proposition approved. Notice of the referendum shall be published and posted as otherwise required by law, and the submission of the question shall be initiated as provided by law.”; and

On page 17, by inserting immediately after line 15 the following:

“(c) If the governmental unit's county board passes an ordinance or resolution as asking that an annual tax levied for the purpose of providing facilities or services set forth in this Section be reduced or discontinued and so instructs the county clerk, the clerk shall certify the proposition to the proper election officials for submission at the governmental unit's next general county election. The proposition shall be in substantially the following form:

Shall the tax currently imposed in (governmental unit) for the purposes of providing facilities or services for the benefit of its residents who are persons with intellectual or developmental disabilities at a rate of (insert rate) be (reduced to (insert rate))(discontinued)?

(d) If a majority of the votes cast upon the proposition are in favor thereof, such tax levy shall be reduced or discontinued as set forth in the proposition.”; and

On page 18, by inserting immediately after line 25 the following:

“(c) Whenever a petition for submission to referendum by the electors which requests the reduction or discontinuance of a tax levied pursuant to this Section is signed by electors of the governmental unit county equal in number to at least 10% of the total votes cast for the office that received the greatest total number of votes at the last preceding general county election of the governmental unit and is presented to the county clerk, the clerk shall certify the proposition to the proper election authorities for submission at the governmental unit's next general county election. The proposition shall be in substantially the following form:

Shall the tax currently imposed in (governmental unit) for the purposes of providing facilities or services for the benefit of its residents who are persons with intellectual or developmental disabilities at a rate of (insert rate) be (reduced to (insert rate))(discontinued)?

(d) If a majority of the votes cast upon the proposition are in favor thereof, such tax levy shall be reduced or discontinued as set forth in the proposition.”.

With these changes, Senate Bill 3041 will have my approval. I respectfully request your concurrence.

Sincerely,

Bruce Rauner  
GOVERNOR