



# LEGISLATIVE AGENDA

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## **BUDGET AND TAX POLICY**

- True balanced budget amendment
- Constitutional spending cap

## **PENSION REFORM**

- Constitutional pension amendment

## **GOOD GOVERNMENT**

- Local government spending transparency
- Citizens empowerment

## **EDUCATION**

- Classrooms over bureaucracy
- Equity in school funding

## **CRIMINAL JUSTICE**

- Bright futures
- Restore my good name
- Restoring justice

## **APPENDIX**

- Budget solutions
- Progressive vs. non-progressive income tax states



**BUDGET + TAX**

**HOUSE JOINT RESOLUTION CONSTITUTIONAL AMENDMENT 27:** Reps. Jaime M. Andrade, Jr. - Jerry Costello, II - Terra Costa Howard - Monica Bristow - Mary Edly-Allen, Margo McDermed, Dave Severin, Mark Batinick, Terri Bryant, Dan Ugaste, Allen Skillicorn, Dan Caulkins, Sam Yingling, Martin J. Moylan, Michael P. McAuliffe, Joe Sosnowski and Patrick Windhorst

# TRUE BALANCED BUDGET AMENDMENT

BRINGING CERTAINTY, INTEGRITY AND  
FAIRNESS TO ILLINOIS BUDGET-MAKING



## ARTICLE VIII

### FINANCE

Article VIII, Section 2 of the Illinois Constitution is amended as follows:

#### SECTION 2. STATE FINANCE

(a) The Governor shall prepare and submit to the General Assembly, at a time prescribed by law, a State budget for the ensuing fiscal year. The budget shall set forth the estimated balance of funds available for appropriation at the beginning of the fiscal year, the estimated receipts, and a plan for expenditures and obligations during the fiscal year of every department, authority, public corporation and quasi-public corporation of the State, every State college and university, and every other public agency created by the State, but not of units of local government or school districts. The budget shall also set forth the indebtedness and contingent liabilities of the State and such other information as may be required by law. Proposed expenditures shall not exceed revenue funds estimated to be available for the fiscal year as shown in the budget. “Revenue” for the purposes of this section is defined as receipts from taxes and fees, and does not include debt incurred, existing debt refinanced, or additional funds resulting from fund sweeps.

(b) The General Assembly by law shall make appropriations for all expenditures of public funds by the State. Appropriations for a fiscal year shall not exceed revenue funds estimated by the General Assembly to be available during that year. Except for deficiency or emergency appropriations, all appropriations are expendable only during the fiscal year for which they were appropriated.

(c) No public money shall be expended except pursuant to appropriations made by law. Expenditures for any fiscal year shall not exceed the state’s revenues and reserves, including proceeds of any debt obligation, for that year. No debt obligation, except as shall be repaid within the fiscal year of issuance, shall be authorized for the current operation of any state service or program, nor shall the proceeds of any debt obligation be expended for a purpose other than that for which it was authorized.

(d) Any law requiring the expenditure of state funds shall be null and void unless, during the session in which the act receives final passage, an appropriation is made for the estimated first year’s funding.

# OVERVIEW

- Amends the balanced budget requirement in the Illinois Constitution.
- Requires end-of-year budgetary balance between revenues and expenditures, rather than simply requiring prospective balance in the planning stage.
- Clarifies that new debt, refinancing and fund sweeps are not revenue.
- Provides that any debt issuance to pay for government operations shall be repaid within the fiscal year it was issued.

According to the National Association of State Budget Officers, Illinois is one of just 11 states legally permitted to carry over budget deficits from one year into the next. Currently, the Illinois Constitution requires the governor to propose and the legislature to pass a budget that is only “prospectively” balanced, meaning projected revenues must equal or exceed projected expenditures. This weak balanced budget requirement encourages short-term thinking, budgetary gimmicks, unrealistic projections, and most importantly, the incurrence of debt.

Illinois has not had an end-of-year balanced budget since fiscal year 2001. The state frequently uses unrealistic revenue projections and ignores known costs or pushes them into future fiscal years. For instance, the state’s annual budgets have included revenue from the proposed sale of the Thompson Center for multiple fiscal years. Worse, the state often uses fund sweeps, refinancing and other accounting gimmicks to make budgets appear balanced on paper. For example, in fiscal year 2018 the state swept \$1.1 million out of the mental health fund for the general operating budget.

Largely as a result of weak budgetary procedures, Illinois is ranked 48th in the nation for debt burden per taxpayer by Truth in Accounting, a nonpartisan fiscal watchdog, and has virtually no rainy day funds set aside to help the state weather a recession.

The True Balanced Budget Amendment requires Illinois to make budgets using sound financial practices, without gimmicks. Additionally, in the event that spending is higher or revenue is lower than projected, the amendment requires Illinois to fill any holes in the budget mid-year, rather than pushing deficits into future fiscal years.

## Illinois budgets have not been balanced since 2001

Cash-based accounting surplus (deficit), in millions, fiscal years 2001-2018

Fiscal year	Cash-based accounting surplus (deficit)
2001	\$300
2002	\$(1,220)
2003	\$(1,094)
2004	\$(410)
2005	\$(474)
2006	\$(291)
2007	\$(135)
2008	\$(834)
2009	\$(3,673)
2010	\$(6,094)
2011	\$(4,507)
2012	\$(4,984)
2013	\$(3,988)
2014	\$(3,931)
2015	\$(2,900)
2016	\$(3,543)
2017	\$(7,984)
2018	\$(7,963)

Source: Illinois Comptroller General Funds Budgetary Balance in Detail

# DEBT AND DEFICITS ARE HARMING ILLINOISANS

The results of Illinois' broken budget process have been disastrous for taxpayers and the state economy. A lack of meaningful spending constraints, such as an effective balanced budget requirement, have made tax hikes and borrowing the most common responses to fiscal pressures in Illinois. Borrowing money is essentially a tax on young and future generations of Illinoisans, as the bill eventually will come due.

According to Truth in Accounting, each taxpayer in Illinois currently faces a debt burden of \$50,800; the state's total debt burden, including all liabilities, is nearly \$245 billion. This is one reason Illinois increased income taxes during the recovery from the Great Recession while all neighboring states are going in the opposite direction.

Taxpayers are increasingly choosing not to wait around and pay the bill politicians have incurred for them. Illinois' population has been shrinking for five straight years. From July 2017 to July 2018, Illinois lost 114,000 residents on net to other states, or 313 residents per day. While there are multiple factors that can explain why people choose to move, there is one reason in particular people are leaving Illinois: high taxes.

The 2018 Illinois Issues Survey found that 53 percent of residents have considered leaving Illinois. The top reason respondents cited was the comparatively lower tax burdens in other states, with 39 percent of respondents citing this as their "primary reason." Even more middle-class residents have considered leaving, at 64 percent.

Expert literature has found that end-of-year balanced budget requirements are the most effective way to prevent state debt. For example, Daniel L. Smith and Yilin Hou published a long-term panel study in 2013 in the journal *Public Budgeting and Finance* finding that true balanced budget requirements were the most effective form of budget process constraint.

## Illinois moving in the wrong direction on tax policy

Illinois and neighboring states' top marginal income tax rates, 2011 vs. 2018

State	2011 top rate	2018 top rate	Current proposals
Illinois	3.00%	4.95%	7.95%
Indiana	3.40%	3.23%	-
Iowa	8.98%	8.98%	6.50%
Kentucky	6.00%	5.00%	-
Michigan	4.35%	4.25%	-
Missouri	6.00%	5.90%	4.85-5.50%
Wisconsin	7.75%	7.65%	-

Source: Tax Foundation



# FAQ AND COMMON MISCONCEPTIONS

## DOESN'T THE ILLINOIS CONSTITUTION ALREADY REQUIRE A BALANCED BUDGET?

Unfortunately, the current balanced budget requirement is toothless. The constitution currently only requires "prospective" balance, meaning the governor must propose a budget and the legislature must pass a budget in which projected revenues exceed projected expenditures. However, if any of those estimates are wrong, or even intentionally optimistic, there is no requirement to truly balance the budget before the end of a fiscal year. The weakness of the current provision is evidenced by the fact that the state hasn't balanced a budget since 2001.

## DOES THIS AMENDMENT REQUIRE SPENDING CUTS OR TAX HIKES TO CLOSE MID-YEAR DEFICITS?

This amendment does not create any requirements for how budgets must be balanced. It simply says the state must live within its means and pay its bills on time, rather than kicking the can down the road by deferring payments and putting the burden on future generations.

Deficits could be closed by either mid-year spending reductions, additional revenues or some combination thereof. Additionally, requiring end-of-year balance is likely to encourage more realistic projections at the planning stage, potentially averting mid-year deficits to begin with.

## IS THIS A CONSERVATIVE OR REPUBLICAN IDEA?

Avoiding debt and paying bills is a nonpartisan or bipartisan goal. Of the 39 states that already require end-of-year balance, some are red states and others are blue states. Among the states that do not allow deficits to be carried from one year into the next are New York, Florida, Tennessee, Texas, Virginia, Ohio and Pennsylvania.

## DOES THIS HARM THE STATE'S ABILITY TO RESPOND TO UNEXPECTED EVENTS SUCH AS RECESSIONS?

The amendment does allow for emergency appropriations and short-term bonding. However, the appropriate mechanism to cover cyclical revenue shortfalls is a healthy rainy day fund. Recommendations for a healthy rainy day fund range from 5 to 10 percent of annual revenues saved, while Illinois has averaged just 0.8 percent from 2005 to 2018. If Illinois establishes a healthy rainy day fund, it can respond to emergencies and recessions without having to make mid-year cuts or tax increases.



# SENATE JOINT RESOLUTION CONSTITUTIONAL AMENDMENT 10: SENS. THOMAS CULLERTON - SUZY GLOWIAK AND STEVEN M. LANDEK

## BUDGET SPENDING CAP CONSTITUTIONAL AMENDMENT

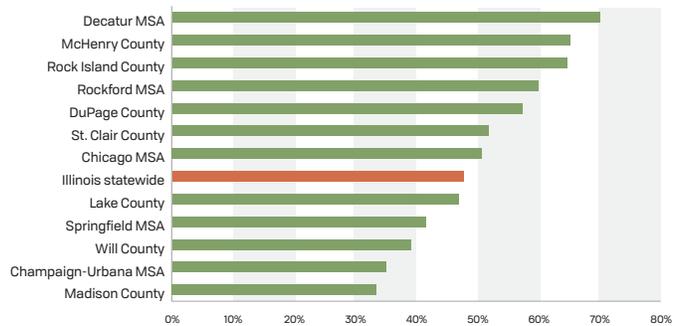
Places a cap on annual growth in state government spending by tying it to the average annual growth rate of state GDP for the 10 years preceding a budget. Gives the General Assembly the ability to appropriate emergency funds in excess of the cap by a supermajority vote in both chambers.



From 2007 to 2017, state spending grew 48 percent faster than Illinoisans' personal incomes. This persistent overspending is reflected in nearly two decades of unbalanced budgets, a massive backlog of unpaid bills and the worst credit rating in the nation.

Because of Illinois' fiscal instability, private sector investment in the state has continued to decline. The result is a reduction not only in the number of jobs, but the quality of those jobs.

**Illinois state spending growth outpacing income growth by as much as 70%**  
Rate at which average per capital spending growth outpaced average per capita personal income growth for select areas, 2007-2017



Source: Bureau of Economic Analysis and U.S. Census Bureau

A smart spending cap would:

- Protect taxpayers by ensuring government spending cannot grow faster than taxpayers can afford.
- Provide certainty about state government's long-term spending growth, thus helping the state avoid future tax hikes.
- Provide stability by giving lawmakers a reliable starting point for budget-making, rather than relying solely on unreliable revenue estimates.
- Attract investment by establishing a more fiscally sound economic climate, making Illinois a more attractive destination for families and businesses.

# POLLING

## METHODOLOGY

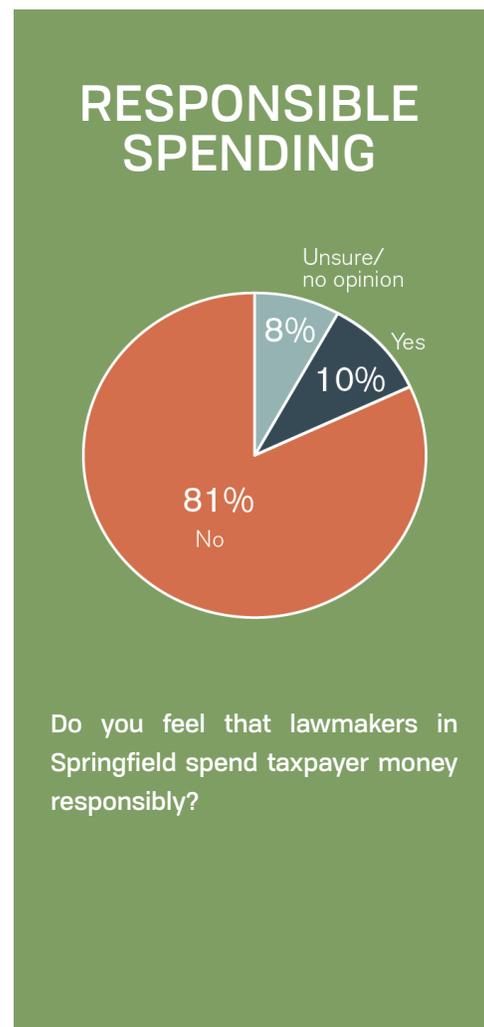
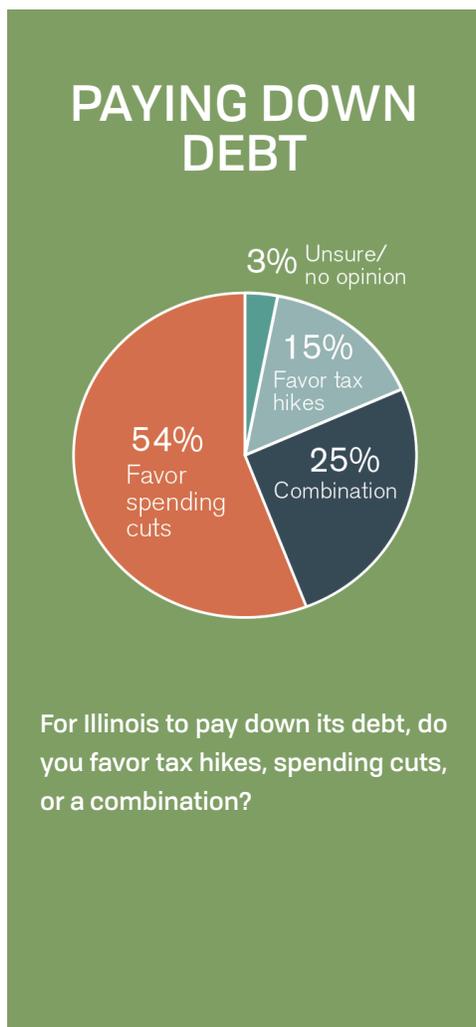
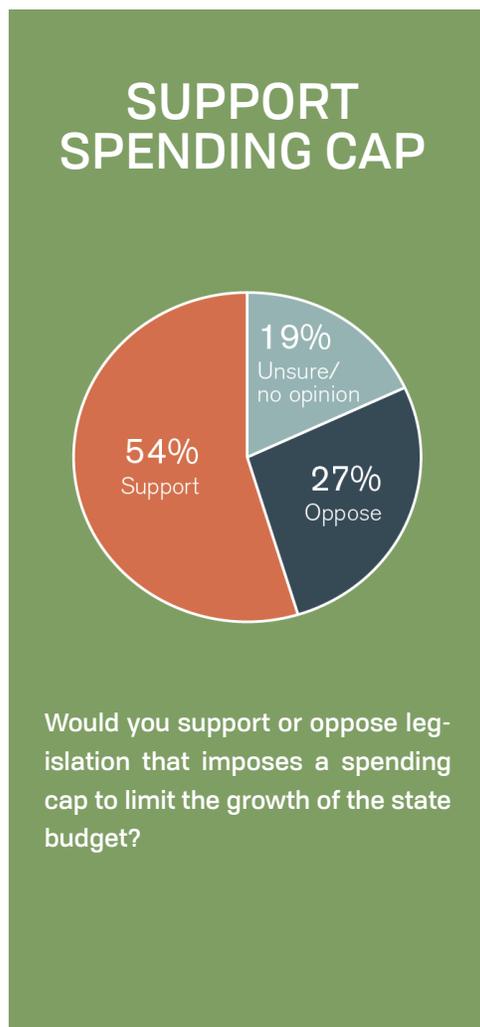
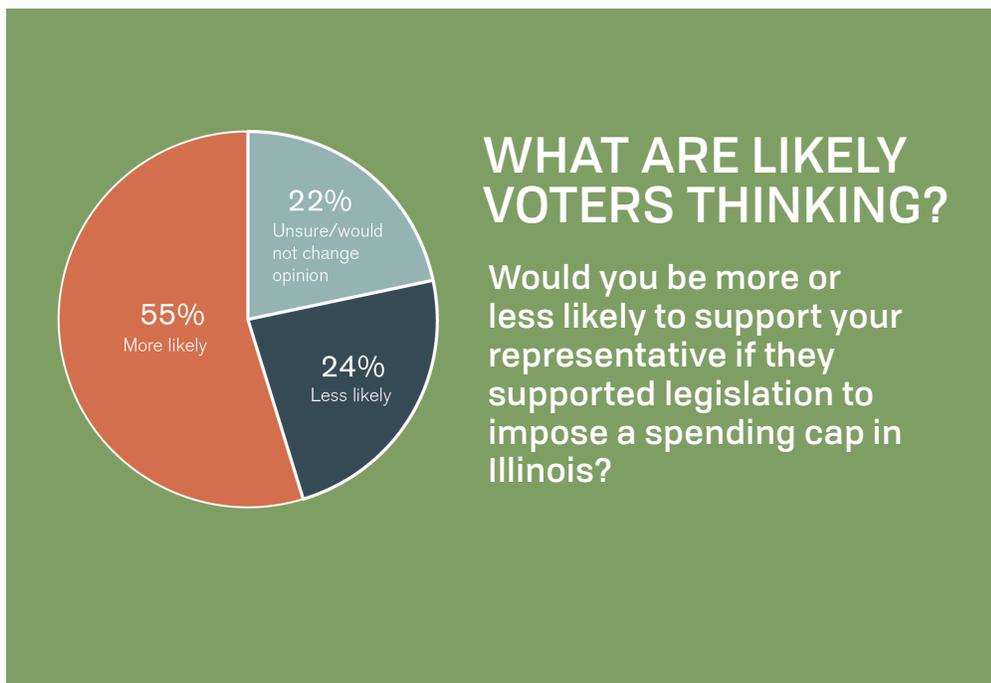
Results for these polls are based on automated telephone interviews conducted among a statewide sample of active likely voters. Data for this survey research was collected by Victory Geek for Cor Strategies.

Interviews were conducted via a computer-assisted telephone interviewing system utilizing techniques designed to achieve the highest possible respondent cooperation. The surveys were conducted from Thursday, March 29 through Monday, April 2, 2018 (excluding the holiday on Sunday, April 1). Six-hundred thirteen responses were collected; the margin of sampling error is  $\pm 3.96$  percent. The margin of sampling error may be higher or lower for certain subgroups.

Data is modeled in real time as the interviews are conducted using our proprietary system, which determines interview targets based on weighted demographic information from the U.S. Census Bureau's Current Population Survey Voting and Registration Supplement. Data is sampled by using demographic information from current voting registration statistics as provided by the Illinois Secretary of State to construct sample target weights.

Illinois Policy paid for all costs associated with this survey.

AGE	
< 44	37%
45-64	28%
65+	35%
PARTY	
Republican	31%
Democrat	36%
Independent	34%
GENDER	
Male	51%
Female	49%



# BUDGET SPENDING CAP CONSTITUTIONAL AMENDMENT: MYTHS VS. REALITY

## MYTH

A spending cap would reduce public services.

## REALITY

A spending cap allows for state government spending to grow in line with Illinoisans' ability to pay.

The spending cap allows government spending to grow at a more sustainable rate. If it were enacted this year, state government spending would be allowed to grow by \$940 million, or 2.43 percent. This would bring the total budget to \$39.5 billion without requiring additional taxes. By allowing state government spending to grow in line with Illinoisans' ability to pay, the spending cap incentivizes careful prioritization of spending and smart policies that foster economic growth.

## MYTH

State spending on services has fallen.

## REALITY

State government spending on services is being crowded out by health insurance and pension costs.

State spending has grown 23 percent faster than inflation over the past decade. However, most of that increase has been directed toward government employee pension and health insurance costs. Funds that should go toward services for residents have been diverted to public employee benefit costs, resulting in less funding available for K-12 education and other services. Illinois doesn't need more revenue or increased spending to correct this problem; it needs to address the cost drivers crowding out vital services.

## MYTH

A spending cap is unnecessary because Illinois already has a balanced budget requirement.

## REALITY

Illinois hasn't passed a balanced budget since 2001.

Despite the fact that the Illinois Constitution requires lawmakers to pass a balanced budget, this hasn't happened since 2001. For each of the last 17 years, Illinois ended the year with a negative general fund balance, meaning the state spent more money than was available. The state's pattern of spending beyond its means has led to record tax increases, a dry rainy day fund and billions of dollars' worth of backlogged bills.

## MYTH

A spending cap won't protect against future tax hikes.

## REALITY

A spending cap curbs the need for lawmakers to raise taxes on Illinoisans to finance public services.

Although a spending cap would not affect future changes to the state's tax code, it would discourage wasteful spending and thus ward off future tax hikes. A spending cap aligns growth in government spending with Illinoisans' ability to pay: As Illinoisans become better off, the state government can afford to spend more on enhancing core services. However, the state will not be able to raise taxes – as it did in 2011 and 2017 – to finance additional spending beyond the cap.

# BUDGET SPENDING CAP CONSTITUTIONAL AMENDMENT FAQs

## WHAT IS A SPENDING CAP?

A budget spending cap is a constitutional requirement that limits the growth in state government spending. As Illinois families have to live within their means, so too should state government. This spending cap limits the annual growth in discretionary state government spending by tying it to the average annual growth in state GDP for the 10 years preceding a budget.

## DON'T WE HAVE A BALANCED BUDGET REQUIREMENT ALREADY?

Although Illinois has a constitutional balanced budget requirement, the state hasn't passed a true balanced budget since 2001. This is because the current requirement allows lawmakers to borrow money to "balance" the budget, or simply not appropriate funds to pay the state's bills. These budgeting gimmicks have led the state to accumulate nearly \$62 billion worth of debt, as of the end of fiscal year 2017, according to the U.S. Census Bureau's Annual Survey of State Government Finances.

## DOES THIS LIMIT FUNDING FOR GOVERNMENT SERVICES?

No, the spending cap allows for government spending to grow in tandem with the long-run average growth rate of the state's economy. As long as the economy continues to grow, so too can state spending. This also provides an incentive for lawmakers to allocate revenues more efficiently and to make sound financial choices that will foster prosperity throughout the Land of Lincoln.

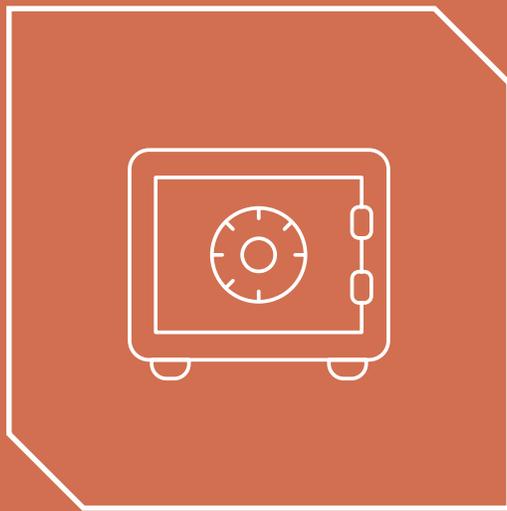
## WHAT IF THERE IS A PUBLIC EMERGENCY?

In the event of a crisis, the spending cap allows for lawmakers to appropriate emergency funds in excess of the cap by a supermajority vote in both chambers of the General Assembly.

## HOW WILL A SPENDING CAP AFFECT TAXPAYERS?

The spending cap ensures that state spending does not grow faster than taxpayers' ability to pay, providing stability for Illinoisans. And by reining in overspending, it can help reduce pressure for future tax hikes.





# PENSIONS

# CONSTITUTIONAL AMENDMENT TO PROTECT EARNED PENSIONS

- Amends the pension clause of the Illinois Constitution to recognize a distinction between accrued, or “past,” benefits earned and future benefit accruals.
- Provides that pensions are a contractual relationship between the state or any of its political subdivisions and public employees.
- Provides that earned pension benefits cannot be diminished or impaired. Clarifies the pension clause by explaining that nothing in the clause prevents the General Assembly from making changes to future benefit accruals, including for current employees and current retirees, so long as changes are not retroactive and affect only the future growth in benefits.



## OVERVIEW

While many states are struggling with debt and uncertainty resulting from poorly designed pension systems, Illinois’ pension crisis leads the nation in its magnitude and severity. According to the National Association of State Retirement Administrators, Illinois spends more of its revenue on state and local pensions than any other state in the U.S., and roughly double the national average. According to Moody’s Investors Service, Illinois’ pension debt-to-revenue ratio is 601 percent, an all-time high for any state.

Left unchecked and without reform, Illinois’ pension system poses a serious threat to taxpayers, the state’s credit rating and economy, people who depend on public services and the retirement security of public employees.

This amendment would clarify the pension clause by recognizing a distinction between past and future pension benefits. Three states protect pension benefits as a contractual right but acknowledge the past/future distinction: Michigan, Louisiana and Hawaii. Once enacted, pension protections in Illinois would still be very strong relative to other states.

Examples of changes that could be made to the pension system following the amendment can be found in Public Act 98-0599 (Senate Bill 1), which passed with bipartisan majorities in 2013 and was signed by Democratic former Gov. Pat Quinn. These changes include increasing retirement ages for younger workers only, capping maximum pensionable salaries for those not yet retired at around \$110,000 per year and moving from 3 percent compounding post-retirement raises to a true cost-of-living adjustment tied to inflation.

# + THE STORIES BEHIND PENSION PAIN



Illinois' broken pension system is creating budget crises at the state and local levels, leading to calls for tax hikes that drive away residents, destroying the credit ratings of Illinois governments and crowding out spending on essential government services such as education, social services and infrastructure.

It is well known that the cause of Illinois' worst-in-the-nation credit rating is the state's massive unfunded pension liability. That debt has reached \$133 billion, according to the state's own numbers, and totals as much as \$250 billion, according to Moody's Investors Service. Less well known is that Illinois' local crises are also caused by the financial handcuffs of Illinois' overly restrictive pension clause, which currently prevents changes even to future benefits. This is not a "protection" for retirees who face financial insecurity if the funds go insolvent.

The following examples from 2018 show the pain inflicted on localities from pension debt crowding out spending on necessary services and causing property taxes to climb:

- The south Chicago suburb of Harvey faced an intercept of state money owed to the city and had to lay off 18 firefighters and 13 police officers to make pension payments.
- Chicago faced a limited intercept of state money. Pension contributions are set to spike by more than \$1 billion over the next 5 years, despite a number of tax and fee hikes from Mayor Rahm Emanuel intended to pay for pensions. The city has a junk credit rating.
- The city of Peoria had to lay off 27 municipal workers and 38 public safety workers to make pension payments. Currently, 85 percent of the city's property tax levy goes to pensions, and that's projected to rise to 100 percent next year.
- Carterville saw the largest property tax hike in city history to pay for pensions.



Because pensions take up more than a quarter of state general revenue, they are also partly to blame for the decline in the quality and quantity of state services including mental health, addiction treatment, higher education and more. For example:

- The Chicago Tribune reports it now takes an average of 285 days to wait for a rape kit to be processed through the Illinois State Police. Staffing levels across state and local government are down as pension costs continue to rise, making it harder to provide such important services.
- The Illinois Association for Behavioral Health reports the state cut funding for addiction treatment by 40 percent and mental health treatment by 25 percent in recent years.
- If Senate Bill 1 had survived a court challenge, the state would have saved between \$1.1 billion and \$1.4 billion annually from fiscal years 2016 to 2019. This would have closed most, if not all, of the budget deficit, most likely preventing a state budget impasse, and thereby making negotiations between the governor and General Assembly much easier.
- Numerous social service agencies saw deep automatic cuts during the impasse because the state did not have authority to pay them. For example, Lutheran Social Services of Illinois was forced to close two inpatient drug treatment homes.

Amending the constitution to allow for changes in future pension benefits can enable the state to reverse these worrying trends, and fulfill its responsibilities to Illinois' most vulnerable while also making good on promised annual payments to retirees.



# STRONG, BIPARTISAN SUPPORT FOR PENSION REFORM THROUGH A CONSTITUTIONAL AMENDMENT

COR STRATEGIES | MONDAY, JAN. 7 - SATURDAY, JAN. 12

## METHODOLOGY

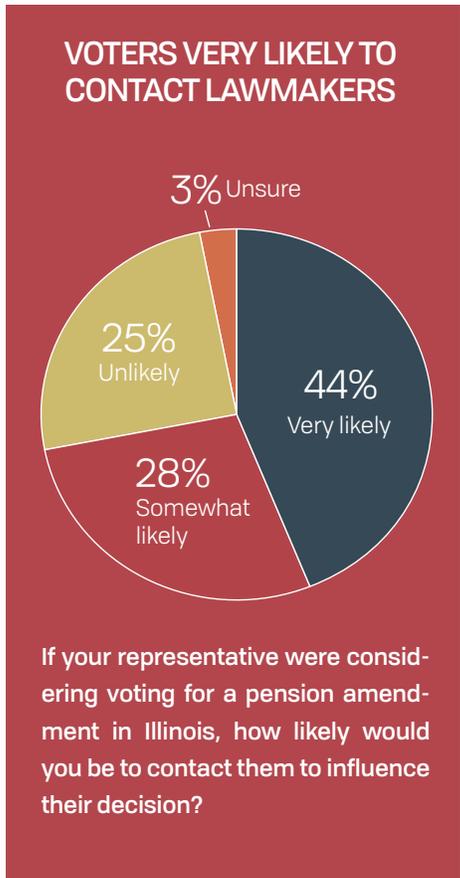
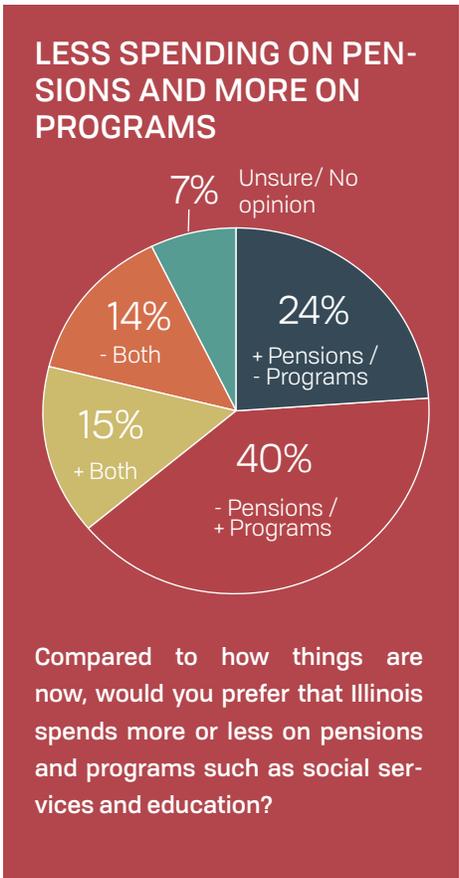
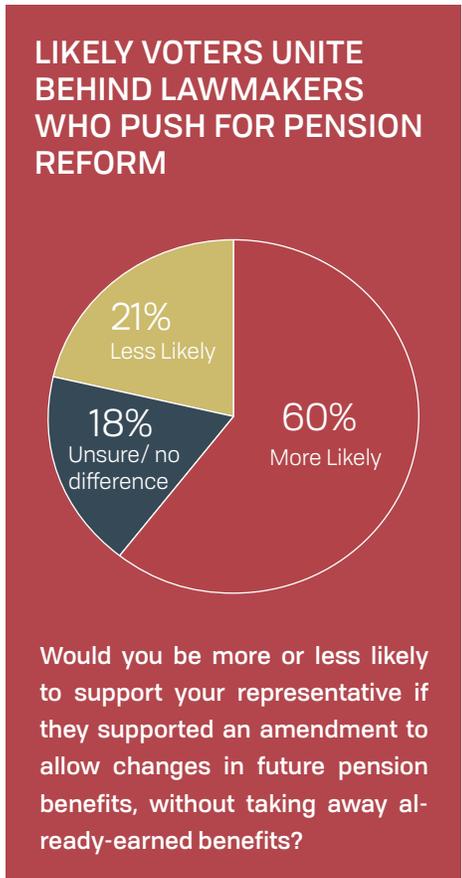
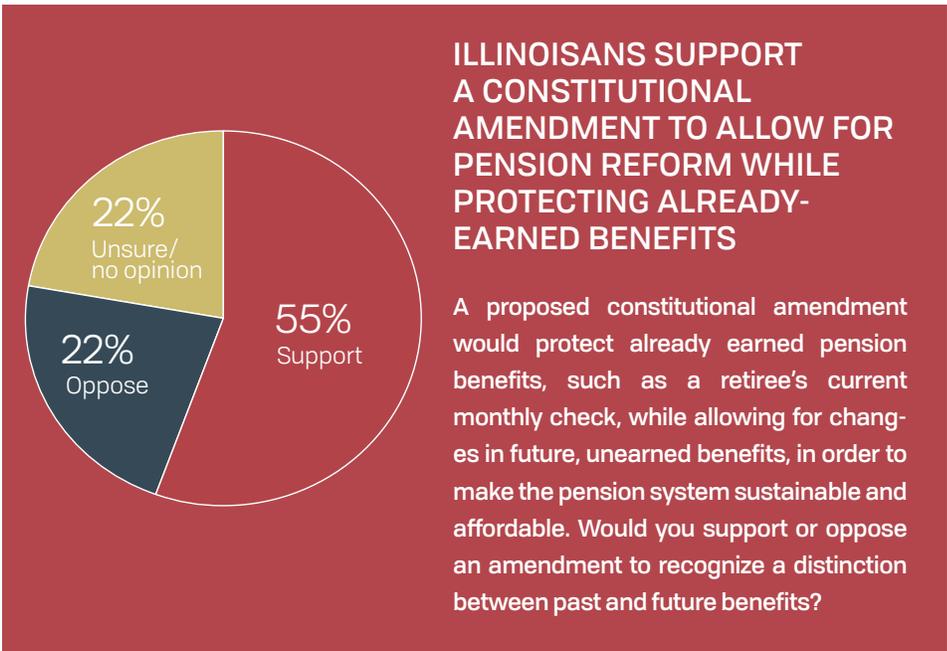
Results for these polls are based on automated telephone interviews conducted among a state-wide sample of active likely voters. Data for this survey research was collected by Victory Geek for Cor Strategies.

Interviews were conducted via a computer-assisted telephone interviewing system utilizing techniques designed to achieve the highest possible respondent cooperation. The surveys were conducted from Monday, Jan. 7 through Saturday, Jan. 12. Six-hundred thirty-four responses were collected; the margin of sampling error is ±3.89 percent. The margin of sampling error may be higher or lower for certain subgroups.

Data is modeled in real time as the interviews are conducted using our proprietary system, which determines interview targets based on weighted demographic information from the U.S. Census Bureau's Current Population Survey Voting and Registration Supplement. Data is sampled by using demographic information from current voting registration statistics as provided by the Illinois Secretary of State to construct sample target weights.

The Illinois Policy Institute paid for all costs associated with this survey.

AGE	
< 44	30%
45-64	42%
65+	28%
PARTY	
Republican	33%
Democrat	45%
Independent	23%
GENDER	
Male	49%
Female	51%



# FAQ AND COMMON MISCONCEPTIONS

## PENSIONS ARE A PROMISE

Yes, they are, and this amendment would make sure the state keeps its pension promises by protecting already-earned benefits. However, Illinois must find the right balance to provide retirement security for public workers, allow state and local governments to provide essential government services, and protect taxpayers from exorbitant tax hikes. This amendment would achieve that balance through a negotiated solution.

## DIDN'T TIER 2 AND THE UPCOMING TIER 3 ALREADY CHANGE FUTURE BENEFITS?

No, Tier 3 has not yet been implemented and Tier 2 applies only to employees hired after Jan. 1, 2011. Those changes do nothing to reduce the state's \$133 billion in unfunded pension liabilities and do not help struggling local governments. An amendment is needed to make changes to future benefit increases for existing retirees and workers, and will allow them to keep everything earned so far.

Additionally, it is unfair to create a system of "haves" and "have-nots" in the Illinois pension system. Some analyses show that Tier 2 teachers are actually subsidizing the pensions of Tier 1 teachers, raising potential legal issues and the risk of litigation by Tier 2 members.

Instead of creating tiers, everyone should be in the same fair, sustainable and affordable system.

## IF IT WAS NOT INTENDED TO DO SO, WHY DOES THE CURRENT PENSION CLAUSE PROTECT FUTURE BENEFITS?

Pension clauses started popping up in state constitutions in response to the theory that pension benefits were "mere gratuities" that could be taken away in their entirety, even retroactively.

Delegates to the Illinois Constitutional Convention of 1970 wanted to protect what people had earned, to give them security in retirement. It is not clear they intended to freeze the formulas governing unearned, not-yet-accrued benefits such as cost-of-living increases.

However, unlike Michigan, Hawaii and Louisiana, the Illinois pension clause currently does not specify that it protects only "benefits payable" or "accrued" benefits. Therefore, the Illinois Supreme Court struck down SB 1 in 2015, ruling that the entire "benefit formula" is protected as it existed on the day an employee is first hired to work for an Illinois government employer. This means Illinois cannot reform pensions like other states – including Michigan, Utah, Colorado and more – by moving from fixed post-retirement benefit increases to cost-of-living adjustments tied to inflation through a statutory change. It needs an amendment to the constitution to effect this change.





GOOD GOVERNMENT

# LOCAL GOVERNMENT TRANSPARENCY

## DESCRIPTION

Creates a requirement for units of local government and school districts with operating budgets of \$1 million or more that certain financial and public interest documents be made available online. Provides that a unit of local government may fulfill this requirement either by hosting the information on its own website or by making it available on the Illinois Transparency and Accountability Portal. Creates an exemption to the Freedom of Information Act for any record or information that is made available online.



## THE PROBLEM AND THE SOLUTION: TRANSPARENCY

Experts have long argued that people are more willing to pay taxes when they see valuable government services in return and when they generally trust their government officials. Property taxes are the largest contributing factor to the overall high tax burden in Illinois and the main funding source for local government. The state's median effective property tax rate of 2.29 percent is the second-highest in the nation, according to the most recent data from the U.S. Census Bureau.

Unfortunately, Illinois taxpayers see too many of their tax dollars wasted. Compared with residents of the other 49 states, polling reveals Illinoisans have the least confidence in their government. This disconnect between taxes paid and valuable public services, along with low trust in government, helps explain why Illinois taxpayers fled their high tax burdens at a rate of 313 residents per day last year.

At the very least, Illinois residents deserve transparency and information on how their tax dollars are spent. In 2018, the Illinois Policy Institute conducted a four-year audit of local government financial records using the Freedom of Information Act. This report ex-

posed \$16 million in wasteful spending by select local governments, including expenditures for picnics, beer, candy, cookies, fast food, dropping marshmallows from a helicopter and more.

Worse, the report exposed just how hard it can be for Illinois residents to get accurate information about how local governments spend taxpayer dollars. Far too many municipalities and counties do not provide financial information online, and several governments that received Freedom of Information Act, or FOIA, requests from the Institute either could not reply because they did not keep sufficient records or replied with disorganized data that were impossible to decipher.

The town of Cicero may be the most opaque. Not only did Cicero deny the Illinois Policy Institute's request for financial records, but the city has been subject to FBI investigations for abuse of taxpayer funds and subpoenas by the U.S. attorney for possibly handing out taxpayer-funded kickbacks to campaign donors. Allegations of patronage and nepotism were reported on by CBS Chicago and the Better Government Association.

# FAQ AND COMMON MISCONCEPTIONS

## WHAT KIND OF INFORMATION WILL LOCAL GOVERNMENTS BE REQUIRED TO POST ONLINE UNDER THIS ACT?

The key requirements include the following. Additional details can be found in the bill language.

- Contact information for the FOIA officer, the chief administrator and the heads of each department in the unit of government
- Meeting materials at least 48 hours prior to a meeting, including minutes and the agenda
- Annual budget and appropriation ordinances
- Any budget, financial audit, or financial report detailing revenues, including a breakdown by source, and expenditures
- Information about bids and contracts exceeding \$25,000
- Disclosures of debt, taxes, fees and pension liabilities

## SHOULD WE REALLY BE PUTTING MORE UNFUNDED MANDATES ON LOCAL GOVERNMENTS?

Sunshine is the best disinfectant, meaning transparency is the best way to empower taxpayers to root out waste, fraud and abuse that not only costs taxpayers in the short term but can stunt local economies for decades. The public interest in providing taxpayers with this information outweighs the minimal costs imposed.

Most or all of the information required to be posted online under this act is either already required to be kept by the local government or should be standard practice record keeping for local governments. Basic website hosting is incredibly cheap, starting as low as \$10 or \$15 per year, and governments can fulfill the requirements of the act by posting this information on the existing Illinois Transparency and Accountability Portal.

Additionally, this act was intentionally written to create as few costs and require as little time as possible. If the information is posted online, it becomes exempt from FOIA, which could save time for local governments by preventing them from having to produce duplicative responses to basic record requests.

## WILL THIS BE A PARTICULAR BURDEN ON SMALL LOCAL GOVERNMENTS?

This act will have no effect on the state's smallest local governments. The act exempts all local governments with operating budgets of less than \$1 million. Any non-operating funds will not be counted towards this threshold.



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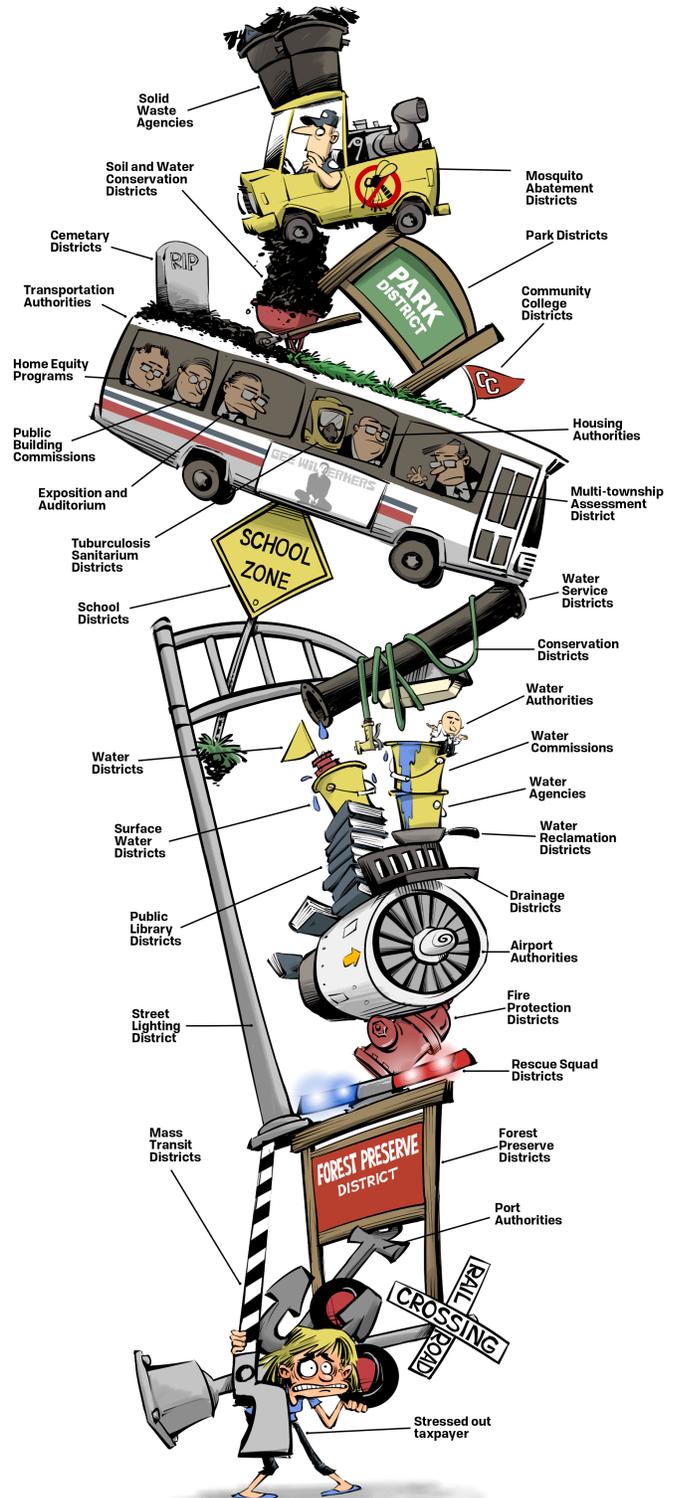
# CITIZENS EMPOWERMENT ACT

## SUMMARY

- Reduces hurdles so citizens may more easily petition for a referendum to dissolve duplicative, excessive or unnecessary units of local government.
- Any county board also may put a dissolution referendum on the ballot for any units of government within the county's boundaries.
- Provides for the transfer of all real and personal property, and any other assets, together with all personnel, contractual obligations and liabilities of the dissolving unit of local government to the receiving unit of local government.



## THE PROPERTY TAX STACK



# PROPERTY TAXES ARE DRIVING PEOPLE FROM + THEIR HOMES

Illinois' population has been shrinking for five straight years. From July 2017 to July 2018, Illinois lost 114,000 residents on net to other states, or 313 residents per day. While there are multiple factors explaining why people choose to move, there is one reason in particular people are leaving: high property taxes.

The 2018 Illinois Issues Survey found that 53 percent of residents have considered leaving Illinois. The top reason cited explaining "why" is the comparatively lower tax burdens in other states, with 39 percent of those respondents citing this as their "primary reason." Even more middle-class residents have considered leaving, at 64 percent.

Residents aren't wrong about Illinois' high taxes. A 2018 study from WalletHub, a personal finance service, found that Illinois has the highest combined state and local tax burden in the nation. WalletHub also found that Illinois' property taxes are particularly punishing, the second highest in the nation after New Jersey. Property taxes are a large contributing factor to the overall high tax burden.

Illinois' tax-driven outmigration crisis is not just about numbers on a U.S. Census Bureau spreadsheet, however. Property taxes are causing real harm to real people.



Take, for example, Adan and Cynthia Villafranca. Adan was brought to the United States by his parents in 1969. He grew up in the Chicago area. When it was time for Adan to look for a home, he was shocked by the property tax burden that would drive up his cost of home ownership. A co-worker purchased a home in Oak Lawn and saw his property taxes jump from \$6,200 to \$8,200 in one year.

Adan and his family instead found a home in Indiana, where they now pay just \$1,200 in property taxes.

Vicki McCarthy, moved to Illinois from Mississippi in 2000. She paid \$195,000 for her home, which she believes has fallen in value to below \$180,000. Her property taxes are nearly \$8,000 annually, an amount she calls "insane." Vicki believes local government consolidation can help lower her tax bill, but is worried that special interest groups such as mayors and village leaders are concerned with protecting their "little fiefdom[s]".

For some residents, moving out of Illinois can save them money *even if they take a loss on their house*. Rich Roth sold his home in Illinois at a \$150,000 loss, then purchased property in Arizona at double the value but with one-third less in property taxes. He figures over the years he'll more than make up for the lost home value with his significantly lower tax burden.

Duplicative and unnecessary layers of local government are one of the driving factors behind Illinois' punishing property taxes. By empowering local voters to eliminate governments they deem unnecessary, the General Assembly can enable people like the Villafrancas, Vicki McCarthy, and Rich Roth to stay in Illinois and the homes they love.

# POLLING SHOWS BROAD, BIPARTISAN SUPPORT FOR LOCAL GOVERNMENT CONSOLIDATION

COR STRATEGIES POLLING, MONDAY, JAN. 7 - SATURDAY, JAN. 12

## METHODOLOGY

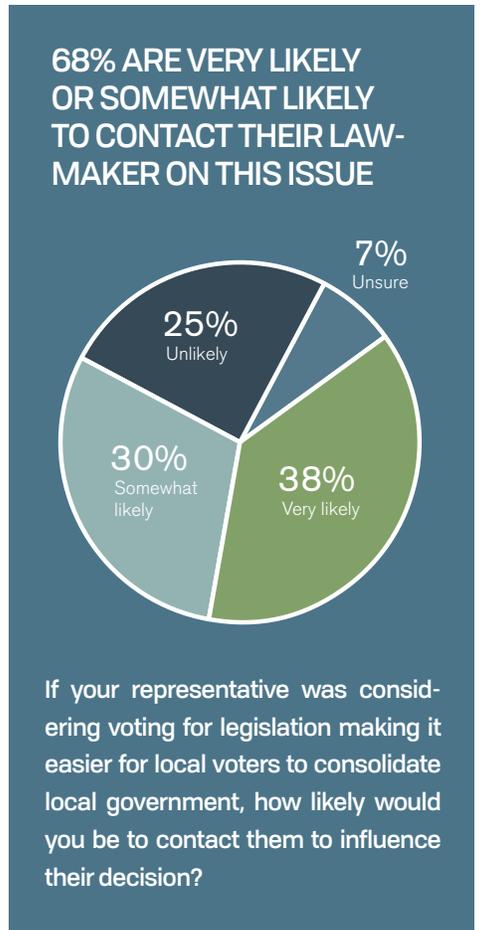
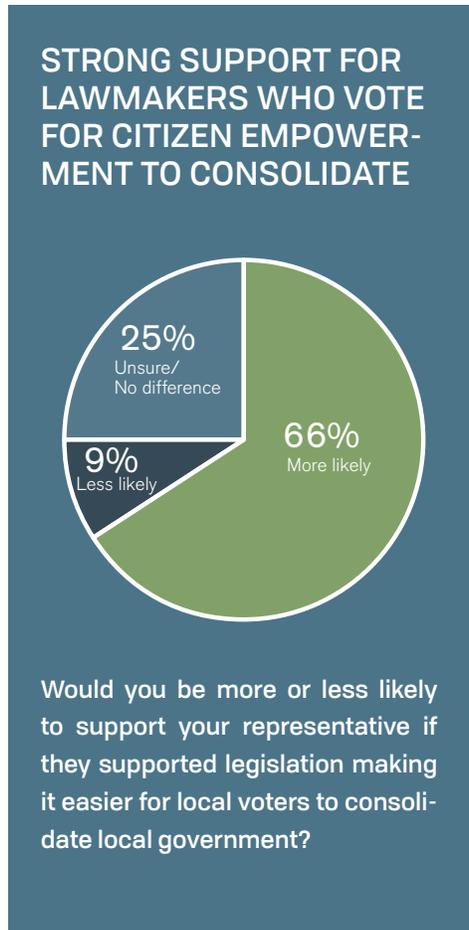
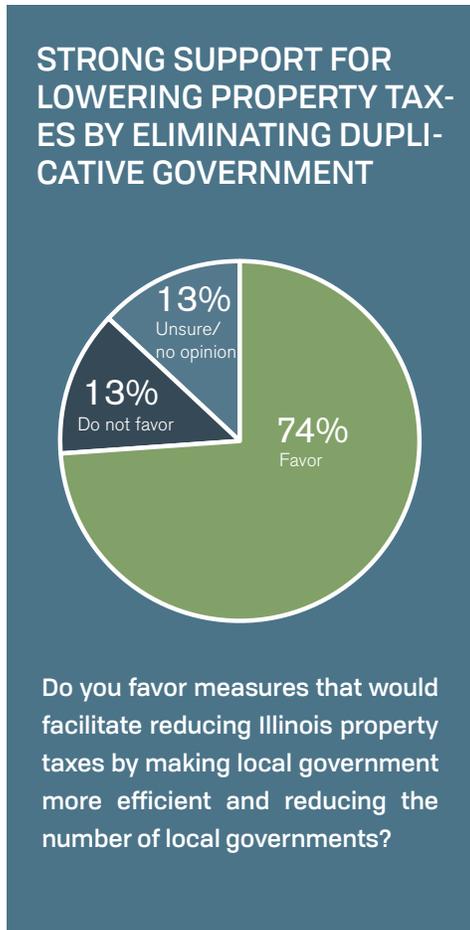
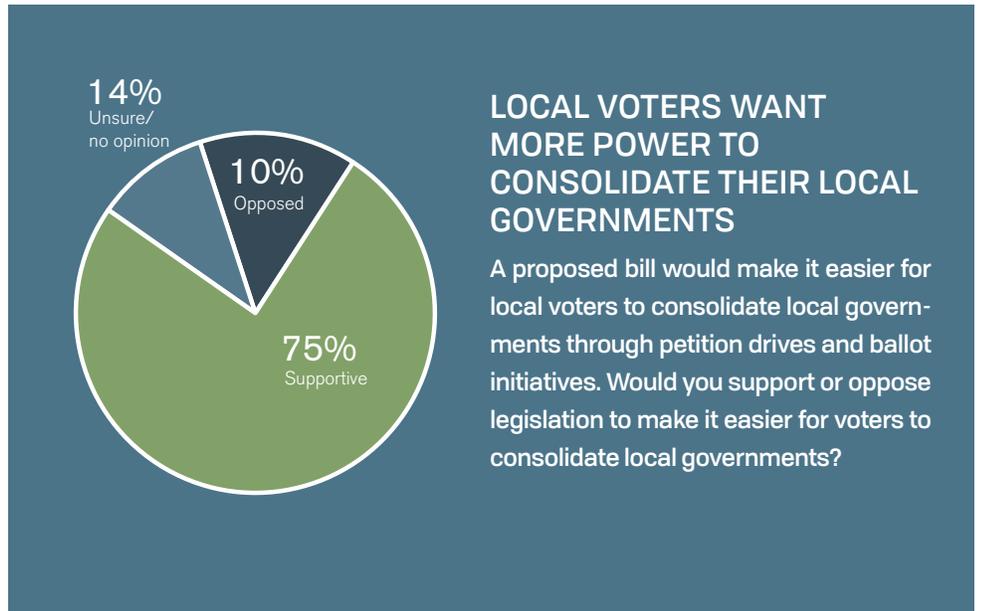
Results for these polls are based on automated telephone interviews conducted among a state-wide sample of active likely voters. Data for this survey research was collected by Victory Geek for Cor Strategies.

Interviews were conducted via a computer-assisted telephone interviewing system utilizing techniques designed to achieve the highest possible respondent cooperation. The surveys were conducted from Monday, Jan. 7, through Saturday, Jan. 12. 634 responses were collected; the margin of sampling error is  $\pm 3.89\%$ . The margin of sampling error may be higher or lower for certain subgroups.

Data is modeled in real-time as the interviews are conducted using our proprietary system, which determines interview targets based on weighted demographic information from the U.S. Census Bureau's Current Population Survey Voting and Registration Supplement. Data is sampled by using demographic information from current voting registration statistics as provided by the Illinois Secretary of State to construct sample target weights.

The Illinois Policy Institute paid for all costs associated with this survey.

AGE	
< 44	30%
45-64	41%
65+	29%
PARTY	
Republican	34%
Democrat	43%
Independent	23%
GENDER	
Male	49%
Female	51%



# FAQ AND COMMON MISCONCEPTIONS

## WILL LOCAL GOVERNMENT CONSOLIDATION RESULT IN A LOSS OF SERVICES TO RESIDENTS?

No, Illinois' current system of duplicative and often overlapping governments does not lead to better services for residents. Other states are able to provide government services with a much larger number of residents served per unit of local government.

New York serves more than three times as many residents per unit of local government as Illinois. California serves more than 4.5 times as many residents per unit. Both states have extensive local government services.

Finally, the fact that Illinois home values are declining while property taxes are increasing suggests that there is significant waste and inefficiency in the Prairie State's local government services. From 1996 to 2016, Illinois' property taxes increased by 52 percent after adjusting for inflation, taking the state from around the national average to among the highest property tax burdens in the nation. Meanwhile, fewer than 50 cents of every additional dollar in property taxes went to increased services.

## MISCONCEPTION: THERE IS NO PROOF CONSOLIDATION LEADS TO SAVINGS

Local government consolidation has proved an effective way to save money without reducing services, by spurring streamlining and efficiency. The state already authorized a pilot program in DuPage County, empowering residents to consolidate government in ways not authorized in other parts of the state.

During the past six years, DuPage County taxpayers have saved \$120 million as a result of consolidation efforts. DuPage County proved consolidation works.

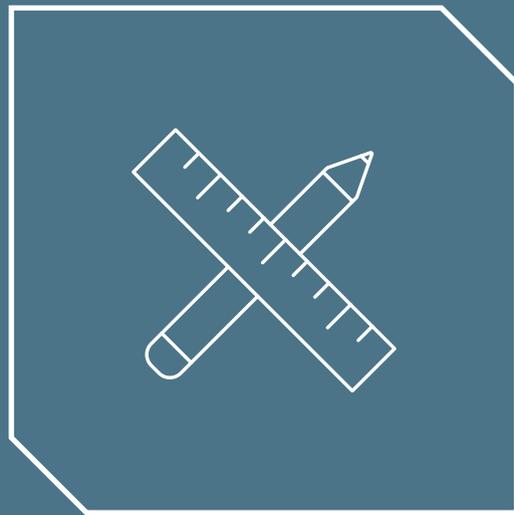
## MISCONCEPTION: CONSOLIDATION LEADS TO LOCAL GOVERNMENTS BECOMING MORE DISCONNECTED FROM THEIR RESIDENTS

In fact, the opposite is true. Illinois' duplicative and often overlapping layers of local government have created a confusing patchwork that reduces transparency for local taxpayers.

Additionally, the purpose of this bill is to put local voters in charge of both how much local government they want and what those governments should look like. Some voters may choose to have a local mosquito abatement district while in another area of the state voters may choose to have these services performed by contracting private services or through a more general-purpose government such as a county.

This act empowers citizens. It improves their connection to their community's specific government services. It gives them an important tool to lower the cost of their government services, and thereby rein in their property taxes.



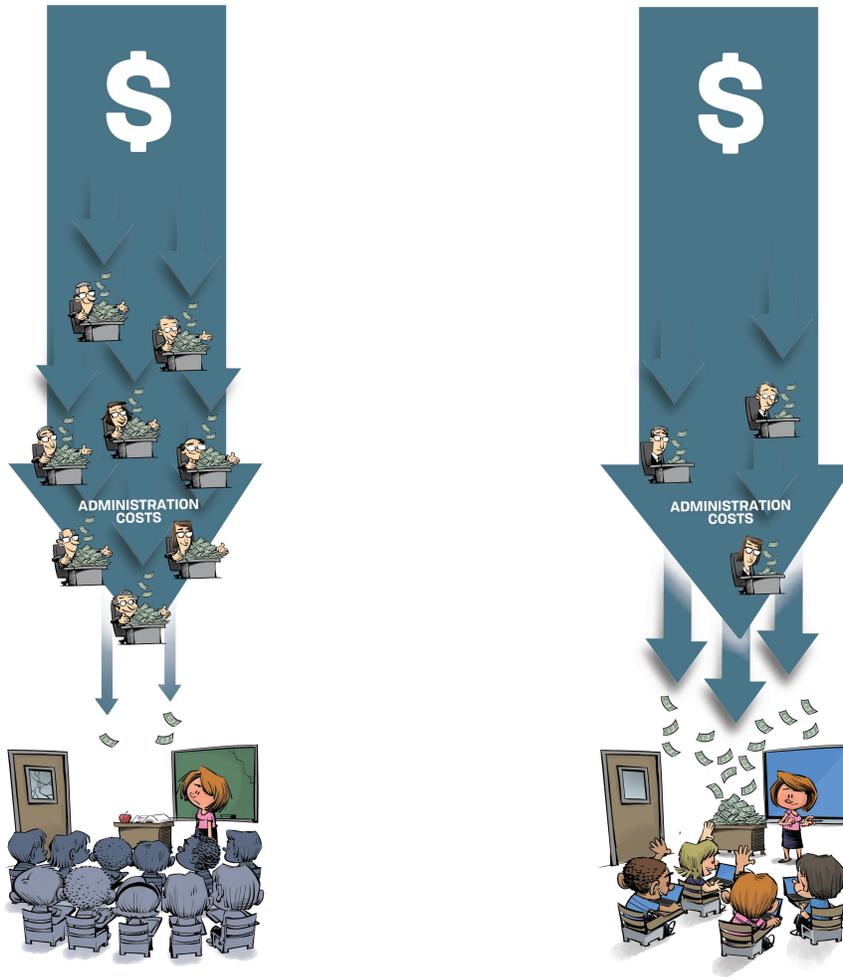


EDUCATION

**HOUSE BILL 3053:** REPS. RITA MAYFIELD - AMY GRANT - JOHN CONNOR, JOE SOSNOWSKI, RYAN SPAIN, SONYA M. HARPER, BLAINE WILLOUR, LA SHAWN K. FORD AND MARGO MCDERMED

**SENATE BILL 1838:** SENS. THOMAS CULLERTON - DAN MCCONCHIE, BILL CUNNINGHAM, SUZY GLOWIAK AND STEVEN LANDEK

# CLASSROOMS OVER BUREAUCRACY: SCHOOL DISTRICT EFFICIENCY



- Establishes a "School District Consolidation Commission."
- Empowers the commission to make recommendations for the consolidation of school districts, but not schools.
- Establishes a statewide goal for the average number of students served per district. Does not require each district to meet the same goal of students served per district, allowing for regional variation.
- Requires all newly formed districts to be unit districts, serving both high schools and elementary schools.
- Provides that recommendations from the commission shall go directly to voters for approval via ballot referendum, putting control in the hands of local taxpayers, including teachers, administrators and parents.

# POLLING SHOWS BROAD, BIPARTISAN SUPPORT FOR SCHOOL DISTRICT EFFICIENCY

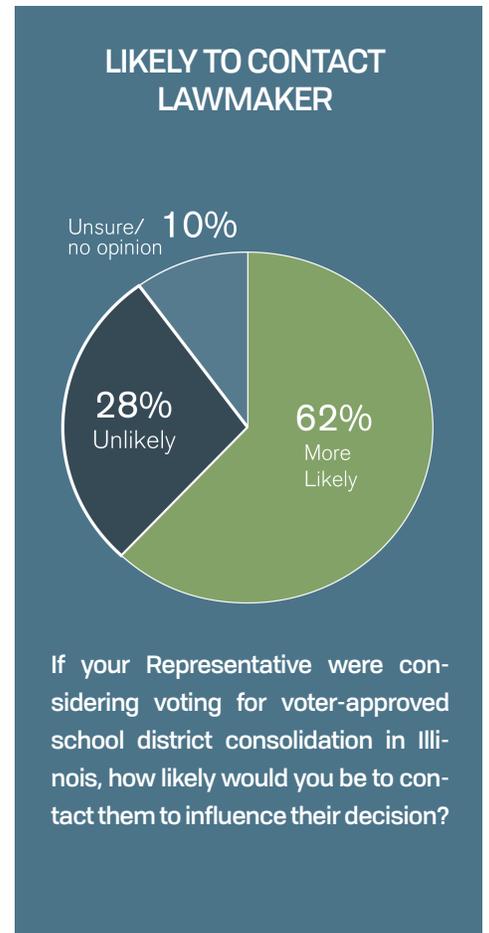
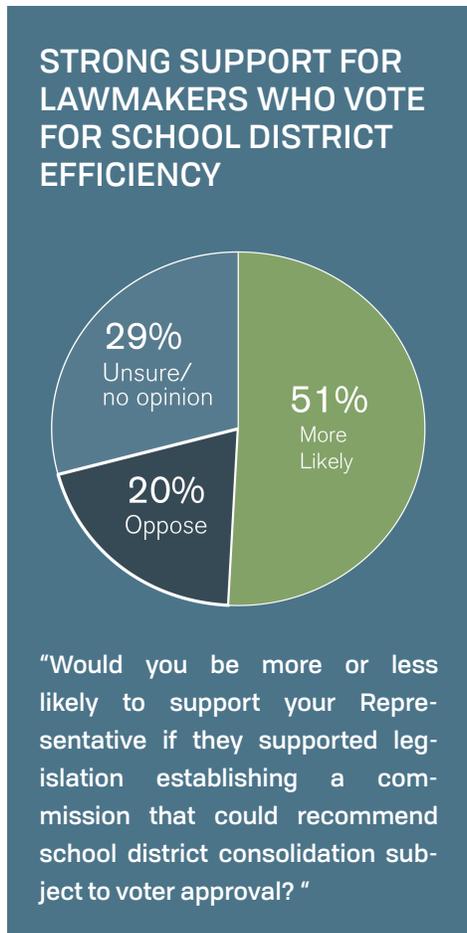
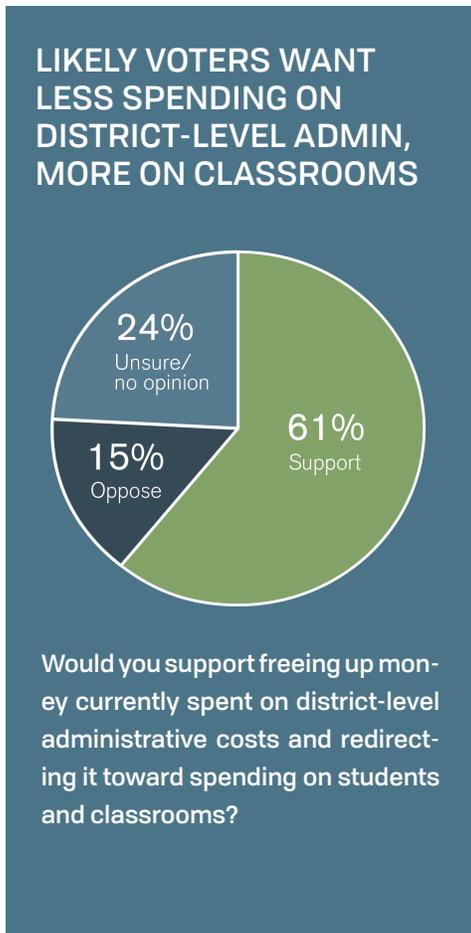
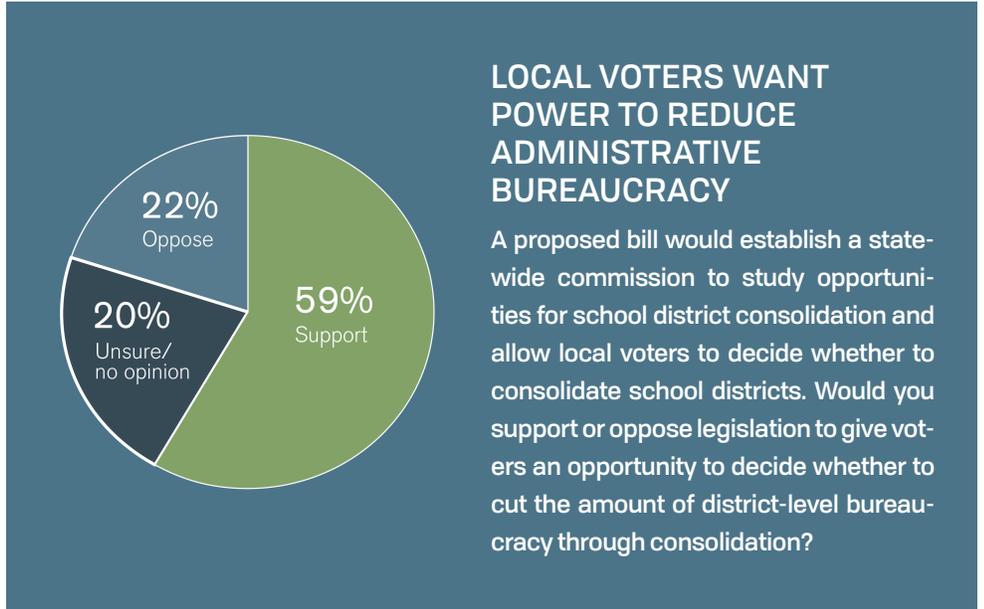
COR STRATEGIES POLLING, MONDAY, JANUARY 7 - SATURDAY, JANUARY 12

## METHODOLOGY

Results for these polls are based on automated telephone interviews conducted among a statewide sample of active likely voters. Data for this survey research was collected by Victory Geek for Cor Strategies. Interviews were conducted via a computer-assisted telephone interviewing system utilizing techniques designed to achieve the highest possible respondent cooperation. The surveys were conducted from Monday, January 7th through Saturday, January 12th. 644 responses were collected; the margin of sampling error is  $\pm 3.86\%$ . The margin of sampling error may be higher or lower for certain subgroups.

Data is modeled in real-time as the interviews are conducted using our proprietary system, which determines interview targets based on weighted demographic information from the U.S. Census Bureau's Current Population Survey Voting and Registration Supplement. Data is sampled by using demographic information from current voting registration statistics as provided by the Illinois Secretary of State to construct sample target weights. The Illinois Policy Institute paid for all costs associated with this survey."

AGE	
< 44	26%
45-64	42%
65+	32%
PARTY	
Republican	33%
Democrat	41%
Independent	26%
GENDER	
Male	50%
Female	50%



# TOP-HEAVY ADMINISTRATION DRAINS NEEDED RESOURCES, HIKES PROPERTY TAXES



More than 50 years ago, the federal government released one of the most famous education research projects in U.S. history: the Coleman Report. One of the most surprising findings of the report was that spending per student on the state or district level – in and of itself – had virtually no statistical relationship with outcomes such as test scores, graduation rates or acceptance into college.

More modern education researchers have discovered it's not that education spending doesn't matter, but how the money is spent is more important than how much is spent.

Simply throwing more money into a broken system will not help Illinois students achieve their full potential.



Take Troy Paraday, superintendent of Calumet City School District 155.

Despite overseeing just three schools and 1,100 students, Paraday receives salary and benefits totaling \$440,000 per year. Set to retire, Paraday claimed more than 500 days of unused sick time and over 300 days of vacation that would have resulted in a golden-retirement parachute of at least \$762,000. Following public outcry, Paraday was fired and an investigation was opened.

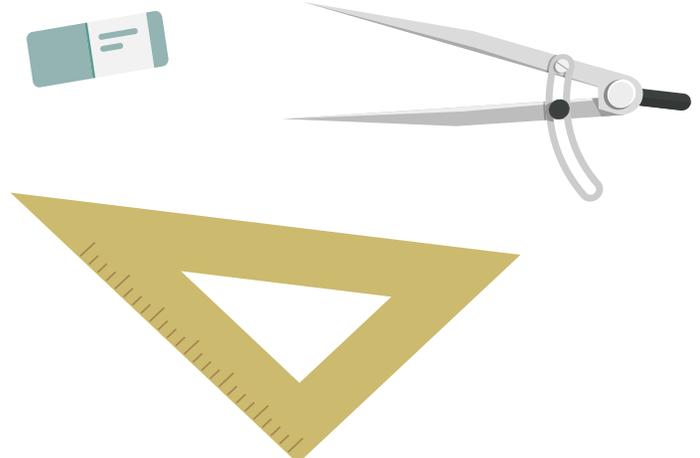
However, it's not just Paraday who has taken advantage of supersized administrative salaries and benefits. Nearly 12,000 members of the Teachers' Retirement System receive six-figure pensions. But most of these pensioners are administrators.

Illinois' excessive spending on administration and top-heavy bureaucracy diverts state education dollars away from classrooms, teachers and students.

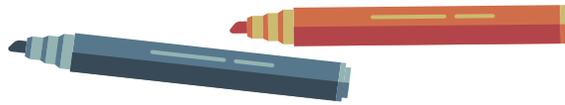
Large-scale school district consolidation would enable the state to spend its K-12 budget more wisely, ensuring that money goes first to:

- Competitive salaries for teachers
- The best education materials available
- After-school programs and other extracurriculars
- Other items that directly benefit students and lead to better outcomes.

School districts also account for nearly two-thirds of all property taxes collected statewide. More efficient education spending, along with an increase in the proportion of state aid that goes to classrooms, can enable significant property tax relief for Illinois residents, who bear the second highest property tax burden in the nation.



# FAQ AND COMMON MISCONCEPTIONS



## WASN'T WIDESCALE SCHOOL CONSOLIDATION VERY UNPOPULAR IN CHICAGO?

Yes, but this bill would not provide for school consolidation. Chicago closed schools, which has very different effects than combining school districts. Parents and students are understandably attached to their local schools, and while closing a school can sometimes make sense, it can also have detrimental effects, which in some cases includes increased costs.

## IS THIS A ONE SIZE FITS ALL APPROACH TO SCHOOL DISTRICT CONSOLIDATION?

No. While the commission will be given a target of reducing Illinois' total number of school districts by no less than 25 percent, there will be no mandate that each district serves the same number of students. Additionally, local residents are given the final say on consolidation through ballot referendum.

## IS THIS BILL BAD FOR TEACHERS AND TEACHERS' UNIONS?

No. By reducing the number of district-level administrators, not school administrators, this bill would empower teachers and enable them to be paid better. Academic research shows high-quality teachers are able to achieve better student outcomes. However, because of the top-heavy nature of education administration in Illinois, many school districts cannot currently offer high salaries to attract top talent in a cost-effective way.

## HOW DOES THE REFERENDUM WORK? IS IT ALL OR NOTHING?

No, each proposed school district consolidation would be voted on by voters living within the boundaries of affected school districts. It is possible and even probable that some referendums will pass while others fail.

## ARE YOU SAYING THAT BIGGER SCHOOL DISTRICTS ARE ALWAYS BETTER?

No, there is a "break-even point" where school districts become too big and try to serve too many students. This can be seen in data, where increasing the number of school districts increases student achievement outcomes up until a certain point beyond which the relationship switches from positive to negative.

## WHY REQUIRE NEW DISTRICTS TO BE UNIT DISTRICTS?

Data from the Illinois State Board of Education shows unit districts are the most efficient in terms of spending per student.



# PROMOTING EQUITY IN SCHOOL FUNDING

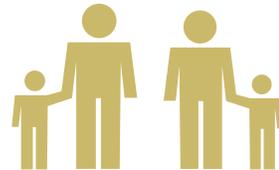


## SUMMARY

This Act removes the trigger provision that would provide more state funding to wealthier school districts that pay more generous pensions. Specifically, it removes the trigger provision added in 2017 to the state's education funding formula that would increase a school's funding adequacy target based on the employer normal cost of pensions if the school district is made responsible for those payments.



## OVERVIEW



In 2017 the General Assembly passed a new funding formula for state spending on K-12 education. The formula was intended to make the distribution of state education dollars to school districts more equitable, with most new money going to districts with high rates of poverty, low local property wealth and high numbers of at-risk students. The formula assigns an adequacy target to each school district, the amount of money needed to provide a quality education at that school. That is how the state bases the distribution of education funding.

However, the education formula currently has a trigger provision that would add the amount of employer normal pension cost to the adequacy target calculation if a school district becomes responsible for paying that portion of teacher pensions. This provision would disproportionately favor wealthier schools that employ teachers and staff with higher salaries that result in higher pension benefits.

Pension costs should be aligned with the school districts that incur them, ending the current system that disproportionately benefits wealthier school districts. Property-rich districts in Illinois receive more state funding for pensions than poorer districts. But even if school districts were required to pay their own way on pensions, the current funding formula would preserve a regressive distribution of state money toward wealthier schools with more generous pensions.

Wealthy districts should not be rewarded for offering generous salaries and then passing the pension cost on to the state. If anything, funding should be distributed more heavily toward less well-off schools that may be unable to be as generous.

Illinois' funding formula should not help wealthy school districts provide generous retirements. It should be focused on helping students, teachers and schools that need the help. The education funding formula should be amended to remove the trigger provision that would distort the adequacy target and favor wealthier districts over poorer ones.

# FAQ AND COMMON MISCONCEPTIONS

## DOESN'T THIS ISSUE ONLY COME INTO PLAY WITH A PENSION COST SHIFT?

The idea of requiring school districts to pay for the costs of their pensions is not a theoretical experiment. The speaker of the Illinois House of Representatives called the measure “inevitable” as recently as 2013. The policy has been pushed by both Democrats and Republicans as a way to incentivize restraint when promising pension benefits.

It is not hard to understand why. As it stands now, school districts can make promises to teachers and staff without having to pay for them. That system cannot last.

## SHOULDN'T WE ENCOURAGE BETTER PENSION BENEFITS FOR OUR TEACHERS?

Teachers deserve to be paid well for the important work they do. However, the current structure of pension benefits is unsustainable. Education-related pensions are now crowding out state funding for other education needs, requiring homeowners to pick up the difference through increased property taxes. Over 30 cents of every new property tax dollar that Illinoisans paid since 1996 went toward making up costs that the state paid in pensions – money that might otherwise have gone to the classroom.

Part of the reason for this is the misalignment of incentives. School districts that don't pay for pension costs can offer their teachers salaries – and pension benefits – that are far more generous than they would otherwise be able to afford. That's because the state picks up the pension tab.

## MISCONCEPTION: THIS SECTION PROTECTS POORER SCHOOL DISTRICTS IN THE CASE OF A PENSION COST SHIFT

School districts do not offer uniformly generous pension benefits. It is the wealthier districts that disproportionately offer the most in benefits but pass the employer normal costs of these benefits on to the state and, ultimately, all Illinois taxpayers.

For example, Rondout School District 72, one of the wealthiest districts in the state, receives six times more in pension subsidies from the state on a per student basis than Bradford Community Unit School District 1, one of the poorer school districts. Bradford's average annual teacher salary is almost \$60,000 less.

If the misaligned incentives are not fixed and the trigger provision is activated, the education funding formula would favor wealthy school districts. Their employer normal pension costs would be inflated by the generous salaries they can afford to pay. That cost would land on state taxpayers and divert education dollars needed by poorer school districts.

This is not how the state should prioritize its education funding. The General Assembly should repeal this provision so state funding goes towards the schools and students that need it most.





**CRIMINAL JUSTICE**

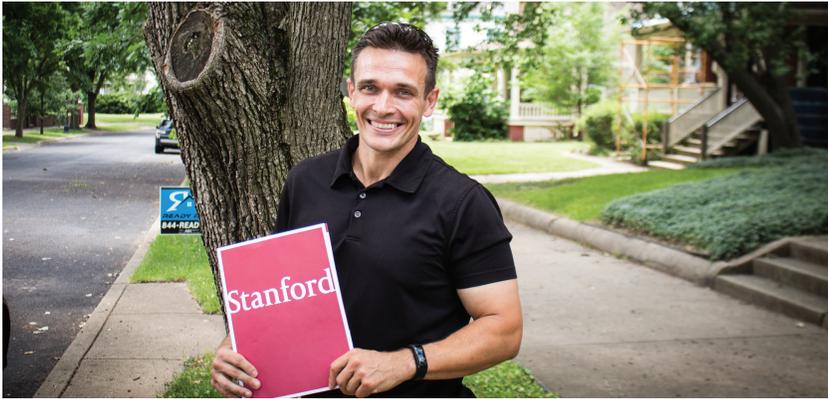
# BRIGHT FUTURES BILL:

## EXPUNGEMENT OF RECORDS WHERE OFFENSE LATER DECRIMINALIZED

### DESCRIPTION

Allows a person with a criminal record to petition the circuit court for expungement of that record if the offense for which the arrest or conviction occurred has been decriminalized under state law.

### OVERVIEW



A criminal record can be a significant barrier to obtaining housing, education and employment.

Take Jason Spyres, a Peoria resident who was arrested for selling marijuana at age 19 and served 15 years in prison. Even after completing his sentence, Spyres, whose academic performance earned him an engineering scholarship to Stanford University, was informed that the University of Illinois would only admit him under permanent academic and disciplinary probation due to his criminal record.



Or consider LaTonya Anderson, a nursing assistant in Chicago. Despite 15 years' experience in her field, LaTonya was prevented from obtaining a license to become a practical nurse, due to a decades-old conviction.



Harry Jackson, a truck driver in downstate Findlay, has had a possession charge in his early 20s haunt him repeatedly. He only served two years' probation at the time and not a day in prison, but with each job and volunteer application over the last 30 years he's had to check a box reminding himself and others of the mistake he made when he was young, regardless of the fact that the mid-50s family man he is now is a completely different person.

# OVERVIEW: SOCIAL COST



Not only do criminal records hurt ex-offenders trying to turn their lives around, but the barriers they create can also harm the community at large by making a return to criminal activity more likely.

A criminal record can make it difficult to secure stable housing, and studies have shown that lack of housing significantly increases the odds that someone with a criminal record will commit another crime, according to the Illinois Commission on Criminal Justice and Sentencing Reform's 2016 report.

And it is well known that it is difficult for those with criminal records to find jobs. An Urban Institute survey of 740 males exiting prisons in Illinois, Ohio and Texas found that only 45 percent were employed eight months after release. A more extensive study of 46,000 Ohio prisoners found an unemployment rate of 42.5 percent one year after release.

On the other hand, ex-offenders who find work are significantly less likely to commit another crime, with a

19 percent recidivism rate for those who find employment, versus a 32 percent rate for those who do not, according to a report from Arizona State University.

Expanding expungement can make it easier for people with criminal records to find work and less likely that they will re-offend – a win-win proposition for Illinois.

Moreover, reducing unemployment among ex-offenders, and therefore recidivism, could save Illinois billions of dollars in costs to victims, taxpayers and society at large.

Each incident of recidivism costs Illinois victims, taxpayers and the broader economy more than \$150,000. With more than 43 percent of those released from prison convicted of another crime within three years of release, this could amount to \$13 billion over five years, according to data from the Illinois Sentencing Policy Advisory Council.

# BILL LANGUAGE

## EXPUNGEMENT OF RECORDS WHERE OFFENSE LATER DECRIMINALIZED



AN ACT concerning State government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Criminal Identification Act is amended by changing Section 5.2 as follows:

(20 ILCS 2630/5.2)

(Text of Section from P.A. 100-692)

Sec. 5.2. Expungement, sealing, and immediate sealing.

(b) Expungement.

(1) A petitioner may petition the circuit court to expunge the records of his or her arrests and charges not initiated by arrest when each arrest or charge not initiated by arrest sought to be expunged resulted in:

(i) acquittal, dismissal, or the petitioner's release without charging, unless excluded by conviction which was vacated or reversed, unless excluded by subsection (a)(3)(B); (ii) a conviction which was vacated or reversed, unless excluded by subsection (a)(3)(B); (iii) an order of supervision and such supervision was successfully completed by the petitioner, unless excluded by subsection (a)(3)(A) or (a)(3)(B); ~~or~~ (iv) an order of qualified probation (as defined in subsection (a)(1)(J)) and such probation was successfully completed by the petitioner; or

(v) the underlying offense being later decriminalized.

# FAQ AND COMMON MISCONCEPTIONS

## WHAT IS EXPUNGEMENT?

Expungement wipes a person's criminal record clean. A person's name is removed from official lists of arrests and convictions, and the records themselves are destroyed or returned to the petitioner. Expungement is different from sealing, in which criminal records are maintained, but generally are not available to the public without a court order.

## DOES THIS BILL APPLY TO ALL CRIMINAL RECORDS?

No. This bill would only allow a person with a criminal record to petition a court for expungement of that record if the offense for which the arrest or conviction occurred has been decriminalized under state law.

## FOR SAFETY REASONS, SHOULDN'T INFORMATION ABOUT SOMEONE'S CRIMINAL HISTORY BE AVAILABLE TO LANDLORDS AND EMPLOYERS?

Many records are not eligible for expungement, such as convictions for sexual offenses committed against minors. But for those records that are eligible, expungement can enhance public safety by making it easier for a person with a criminal record to obtain housing and employment and stay away from crime. Having a job after involvement with the criminal justice system is the best way to prevent future crimes by someone who has committed offenses in the past. Moreover, this bill applies only to records for activity later decriminalized by the General Assembly, meaning Illinois no longer considers the conduct harmful enough to warrant criminal penalties.

## IS AN OLD ARREST OR CONVICTION FOR A MINOR OFFENSE REALLY A PROBLEM FOR A JOB APPLICANT?

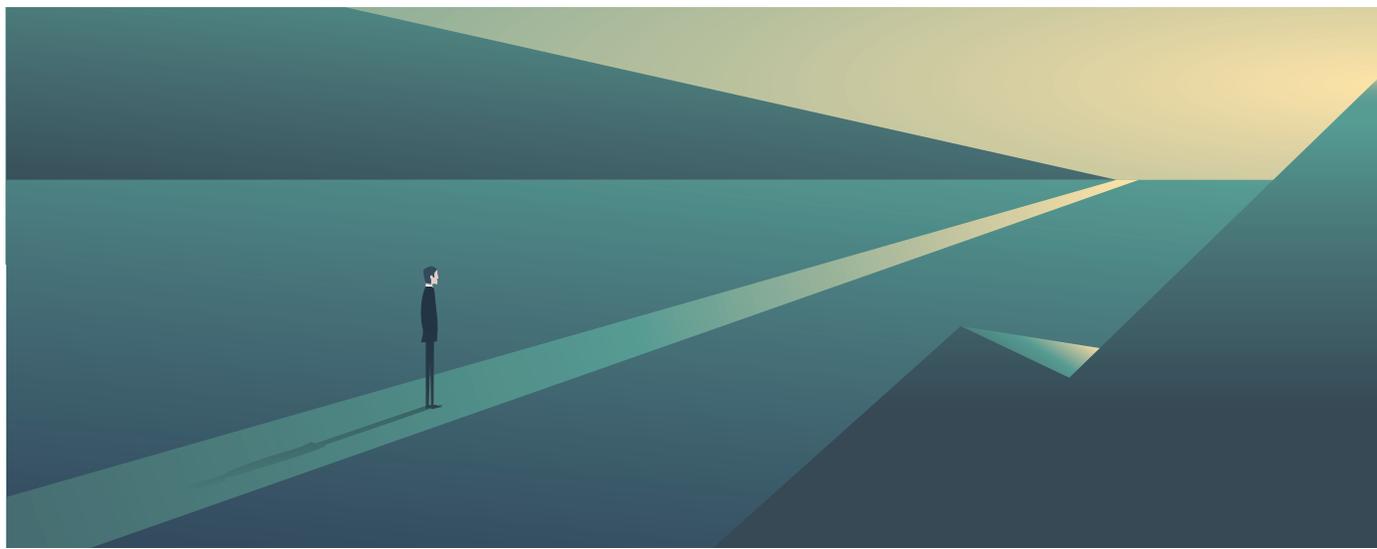
Yes, it can be. With nearly half of employers requiring information about criminal history in the employment process, according to one human resources management survey, even a minor criminal history can be a lifelong stumbling block for a person.



# RESTORE MY GOOD NAME

## EXTEND COOK COUNTY EXPUNGEMENT FEE WAIVER PILOT PROGRAM

Extends a pilot program to waive fees for people wrongly accused when they petition to have criminal records expunged or sealed. Applies to individuals in Cook County who were released without charges, who were acquitted, whose charges were dismissed or to those who were convicted if that conviction was later reversed or vacated. The program expires Jan. 1, 2021.



## OVERVIEW

As unjust as it is to face a wrongful arrest, charge or conviction, it can be a lifelong sentence to have records with false information permanently linked to a person. Collecting fees from that person to correct misinformation regarding crimes they did not commit adds an unfair, and sometimes unaffordable, layer to their burden.

Unfortunately, wrongful arrests and convictions are too common. The University of Illinois-Springfield's Illinois Innocence Project alone has helped exonerate 12 people who served time in prison for crimes they did not commit. And Cook County Sheriff Tom Dart said nearly 20 percent of arrestees in Cook County jail ultimately have their charges dropped.

What is the remedy when people are wrongfully arrested, charged or convicted of crimes? Given the damaging effects of a criminal record on a person's housing, education and employment opportunities,

one crucial aspect of setting things right is having the person's criminal records expunged or sealed.

But there's a cost. In Cook County, for example, the fee to have records expunged or sealed is \$120. In other counties, that fee can be as much as \$300 or \$400.

Those fees are burdensome, especially for someone striving to improve their life. But in any event, the wrongfully arrested, charged or convicted person seeking expungement or sealing of criminal records should not have to suffer financial pain along with the injury already inflicted by an unwarranted criminal proceeding.

SB 482 would waive the fee for people in Cook County to petition to have their criminal records expunged or sealed, sparing them the expense and the injustice of having to pay the state to get back their good names.

# FAQ AND COMMON MISCONCEPTIONS

## WHAT IS EXPUNGEMENT?

Expungement wipes a charge or set of charges from a person's criminal record. A person's name is removed from official lists of arrests and convictions related to the charges, and the records themselves are destroyed or returned to the petitioner. Expungement is different from sealing, in which criminal records are maintained, but generally are not available to the public without a court order.

## DOES THIS BILL APPLY TO ALL PETITIONS FOR EXPUNGEMENT OR SEALING OF CRIMINAL RECORDS?

No. SB 482 would only waive expungement or sealing petition fees for a person whose criminal record is for: an arrest that resulted in release without charging; or an arrest, or charges not initiated by arrest, that resulted in acquittal or dismissal; or in a conviction that was reversed or vacated.

## IS AN OLD ARREST OR CONVICTION REALLY A PROBLEM?

Yes, it can be. According to one human resources management survey, nearly half of employers require information about criminal history as part of the hiring process. Even a minor criminal history can be a lifelong stumbling block for a person. When charges are dropped or dismissed, or a conviction is reversed, it is especially unfair that the person should have to pay a fee to get his or her criminal record cleared.

## WILL PROHIBITING EXPUNGEMENT AND SEALING FEES IN THESE CASES IMPOSE FINANCIAL DIFFICULTY ON COURTS AND THE STATE POLICE?

The loss of revenue due to the waiver of expungement and sealing petition fees under SB 482 could shift financial costs to courts and the state police, away from the wrongfully arrested, charged or convicted. The pilot program expires a little after a year if not renewed, so if it is financially infeasible, it can be allowed to lapse. However, if there is a cost to be paid for mistakes and miscarriage of justice, it is not the person wrongfully arrested, charged or convicted, who should bear it.



# RESTORING JUSTICE ACT

## RECONSIDERATION OF SENTENCES WHEN OFFENSES ARE DECRIMINALIZED OR SENTENCES REDUCED

### DESCRIPTION

Allows a person to petition a trial court to reconsider a sentence when the underlying crime is later decriminalized or minimum or maximum sentences are changed.



### OVERVIEW

To combat high rates of incarceration and the negative unintended consequences associated with them, many states have decriminalized or reduced penalties for certain offenses. For defendants, the most obvious benefit is the reduction or elimination of time in prison. Not only is an immediate restoration of personal liberty possible in some instances, but the elimination or reduction of incarceration also protects defendants from other risks, such as violence in prison. It can also benefit the community by lessening the exposure of those who have committed relatively minor offenses to the influences of inmates who have committed more serious crimes.

Decriminalization assists defendants in other ways. For example, if a previously criminal offense is reclassified as a civil offense, defendants might avoid incurring a criminal record that could be a significant barrier to obtaining housing, education and employment.

What's more, decriminalizing an offense, or reducing the minimum or maximum sentence for an offense, or both help decrease the prison population, which offers the state significant savings.

Yet without legislative intervention, efforts to decriminalize offenses or reduce the sentences only aid defendants who have yet to commit such acts. Those who have previously entered a guilty plea or have been convicted are left to serve whatever sentence was required at the time the act took place.

House Bill 2039 eliminates this harm by allowing a defendant to petition for reconsideration of a sentence when the offense is subsequently decriminalized or the sentences for the offense are reduced.

Not only will that benefit defendants, but it will save taxpayers money. That makes the bills a win-win proposition for Illinois.

# FAQ AND COMMON MISCONCEPTIONS

## WHAT IS DECRIMINALIZATION?

Decriminalization is the legislative repeal or amendment to statutes reducing penalties – typically incarceration – for offenses that remain illegal.

## WHEN CAN A DEFENDANT USE THE PETITION PROCESS IN [BILL #]?

A motion to resentence can be filed when the offense for which the defendant was found guilty or convicted has been amended or changed after the defendant's guilty plea or conviction. That includes the following scenarios: 1) there has been a legal reduction in the minimum or maximum sentence for the underlying offense; 2) courts now have more discretion over the range of penalties available for the underlying offense; 3) the underlying conduct related to the offense has been decriminalized; or 4) there have been other instances when the penalties associated with the offense or the conduct underlying the offense were reduced.

## WON'T THIS LEGISLATION FORCE JUDGES TO LET LAWBREAKERS OFF THE HOOK?

A motion to resentence would be handled on a case-by-case basis. Under [Bill #], a petition would be filed in the trial court that entered the judgment of conviction in a defendant's case. That petition must clearly state that the penalty for the offense has been amended or changed following the defendant's plea or conviction, and reasonable notice must be served on the state. The trial court has deference in determining whether to grant the defendant's motion.

## WILL REQUESTS FOR RECONSIDERATION CLOG THE JUDICIAL SYSTEM?

That has not been the case in other states. For example, from 2006-2015, almost 500,000 people were arrested for marijuana crimes in California, according to the Drug Policy Alliance. Yet between November 2016 and March 2018, courts reported fewer than 6,300 resentencing petitions and redesignation applications related to the state's marijuana laws.

Ultimately, fairness should prevail. If an underlying offense has been decriminalized or the sentence reduced, a defendant shouldn't continue to be penalized simply because his or her guilty plea or conviction came at the "wrong time."



# APPENDIX

# A 5-YEAR PLAN TO BALANCE ILLINOIS' BUDGET, PAY OFF DEBT AND CUT TAXES

## A 5-year plan to balance Illinois' budget, pay off its debt

Illinois five-year baseline fiscal projections compared with Illinois Policy Institute Budget Solutions 2020, in millions

Fiscal year	2019	2020	2021	2022	2023	2024
<b>Baseline deficit</b>	(\$1,046)	(\$2,765)	(\$3,433)	(\$3,277)	(\$3,195)	(\$3,244)
<b>Budget Solutions surplus</b>	\$545	\$798	\$928	\$1,881	\$2,417	\$2,096
<b>Bill backlog</b>	\$7,821	\$7,023	\$6,095	\$4,214	\$1,797	(\$299)
<b>Total revenue</b>	<b>\$37,985</b>	<b>\$38,638</b>	<b>\$39,232</b>	<b>\$40,206</b>	<b>\$41,314</b>	<b>\$42,325</b>
Baseline revenue	\$37,985	\$37,873	\$38,452	\$39,410	\$40,502	\$41,497
Recreational marijuana revenue	\$-	\$765	\$780	\$796	\$812	\$828
<b>Baseline spending</b>	<b>\$39,030</b>	<b>\$40,638</b>	<b>\$41,884</b>	<b>\$42,687</b>	<b>\$43,697</b>	<b>\$44,741</b>
<b>Budget Solutions spending</b>	<b>\$38,530</b>	<b>\$37,840</b>	<b>\$38,305</b>	<b>\$38,324</b>	<b>\$38,897</b>	<b>\$40,229</b>
K-12 baseline	\$8,385	\$8,785	\$9,135	\$9,485	\$9,835	\$10,185
K-12 alternative	\$8,385	\$8,553	\$8,724	\$8,898	\$9,076	\$9,258
K-12 savings	\$-	\$232	\$411	\$587	\$759	\$927
Step increase savings	\$500	\$207	\$214	\$222	\$230	\$238
Group health insurance savings	\$-	\$477	\$494	\$511	\$529	\$547
Pension realignment savings	\$-	\$480	\$950	\$1,407	\$1,851	\$1,825
Pension reform savings	\$-	\$1,163	\$1,267	\$1,387	\$1,177	\$716
Retiree health insurance savings	\$-	\$239	\$243	\$248	\$253	\$258

Source: Governor's Office on Management and Budget five-year projections, GOMB proposed budget fiscal year 2019, Commission on Government Forecasting and Accountability 'Financial Condition of the Illinois State Retirement Systems,' Marijuana Policy Project, Illinois Policy Institute calculations

Note: Fiscal year 2019 Budget Solutions spending assumes no changes to baseline spending and no American Federation of State, County and Municipal Employees step increase expenditures. [@illinoispolicy](#)

Illinois has not had a truly balanced budget since 2001. With over \$8 billion in unpaid bills carrying high-interest penalties, \$73 billion in unfunded retiree health insurance benefits and at least \$134 billion in pension debt – or \$250 billion according to Moody's Investors Service – it's no wonder Illinois has the nation's worst credit rating. Unless we change, Illinois is at risk of being the first state to fall into "junk bond" status.

The Prairie State's poor fiscal health seriously hurts residents and businesses.

According to fiscal watchdog Truth in Accounting, every taxpayer in Illinois is on the hook for \$50,800 in state debt, not including local pension and bond debt.

That's the third worst in the nation, behind only New Jersey and Connecticut. That much debt creates uncertainty about the future. Businesses and taxpayers worry about future tax hikes to pay down the debt, depressing investment, consumption and other healthy economic activity. It encourages moves to lower tax states with less debt and better job opportunities. Since 2014, Illinois has lost more than 157,000 residents.

Worst of all, Illinois' overspending is not going to services that are valuable to residents. Those pension and government worker health insurance costs are crowding out core government services such as higher education, infrastructure and social services.

Illinois will never solve its budget problems without addressing the main costs driving its overspending.

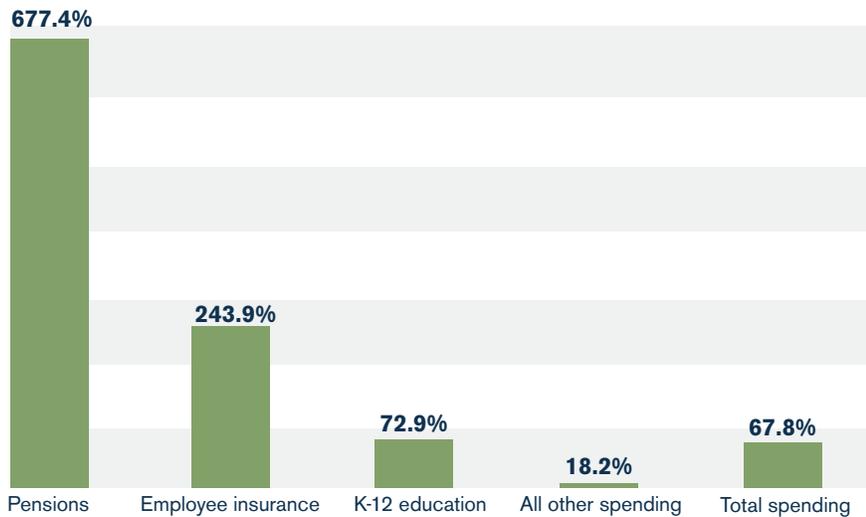
Tax hikes in 2011 and 2017 failed to improve state finances but did harm the economy and drove out more residents. A progressive income tax hike would be more of the same, failing to balance the budget, harming an already struggling economy and making it easier to impose future tax hikes on all Illinoisans.

Gov. J.B. Pritzker's budget address presented a false choice: further slashing core government services or massive tax hikes. There is a commonsense, better way.

By reforming the biggest cost drivers of Illinois spending, lawmakers could balance the state budget immediately. In fewer than five years structural spending reform would let the state eliminate the bill backlog and create surpluses to finance a deficit neutral income tax cut or shore up the state's rainy-day fund. Best of all, most of these ideas have received bipartisan support during the past decade.

### Pensions, state worker health insurance drive Illinois' spending increases

Percent growth in Illinois state expenditures by category, fiscal years 2000 to 2019



Source: Governor's Office on Management and Budget FOIA, GOMB 5-year projection, Commission on Government Forecasting and Accountability 'Financial Condition of the State Retirement Systems'

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## 1. REAL, LASTING PENSION REFORM: SAVINGS OF \$12.2 BILLION OVER FIVE YEARS

- a. Amend the state constitution so that it still protects earned benefits, but allows changes in future benefit accruals. Then, reintroduce reforms similar to those passed through the Democratic supermajority-controlled General Assembly and signed by a Democratic governor in 2013.
  - [House Joint Resolution 21](#), introduced by state Rep. Deanne Mazzochi, would allow this reform.
  
- b. Align responsibility for setting benefits with accountability for paying benefits at schools and universities. Currently, local leaders negotiate salary and health benefits, which form the basis for pension payments and retiree health costs, but the state pays the bill. That creates a misalignment between responsibility and accountability, reducing pressure to keep compensation affordable for taxpayers. Former Gov. Bruce Rauner supported this change and as recently as 2013 Illinois House Speaker Michael Madigan called the realignment "inevitable."
  - [House Bill 2986](#), introduced by state Rep. Will Davis, would ensure realigning pension costs does not distort K-12 education funding.

## 2. INVEST IN CLASSROOMS OVER BUREAUCRACY: SAVINGS OF \$2.9 BILLION OVER FIVE YEARS

- a. Invest more money in classrooms, students and teachers by reducing administrative bloat through school district consolidation.
  - [House Bill 3053](#), introduced by state Rep. Rita Mayfield, would let the state divert funds from bureaucratic duplication into the classroom, benefiting teachers and students. The bill already passed the House 109-0
- b. Increase education funding to keep pace with inflation rather than the \$350 million annual increases envisioned in the state's new "evidence-based" education funding formula. Throwing more money into a broken system will not improve educational outcomes.

### Illinois schools spend more on K-12 education to get less

Per-student spending compared to math, reading proficiency

	Per-student total	Math proficiency %	Reading proficiency %
Illinois	\$13,755	32	35
National average	\$11,877	33	33
Michigan	\$11,482	36	32
Wisconsin	\$11,375	41	39
Iowa	\$10,944	37	36
Missouri	\$10,147	31	36
Indiana	\$9,687	39	37
Kentucky	\$9,630	28	36

■ Score is higher than Illinois ■ Score is lower than Illinois

Source: U.S. Census Bureau 2017 Annual Survey of School System Finances, National Assessment of Educational Progress Nation's Report Card

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## 3. ASK GOVERNMENT UNIONS TO PLAY FAIR AT THE BARGAINING TABLE: SAVINGS OF \$4.2 BILLION OVER FIVE YEARS

- a. Limit automatic pay raises for some of the nation's highest-paid state workers. Illinois state workers are already the second-highest paid in the nation, adjusted for cost of living. State worker salaries grew by 43% from 2005 to 2015, compared to just 11% for private sector workers, according to Wirepoints.
- b. Right-size group health insurance costs while maintaining quality care. Asking government workers to pay for 40% of the cost of their own health insurance, up from just 23%, would bring benefits in line with the private sector and save roughly \$500 million per year. Both former Govs. Rauner and Quinn sought to make group health insurance costs more affordable and fairer.

# KEEPING ILLINOIS ON THE RIGHT TRACK

After enacting a budget that puts Illinois on a path to fiscal solvency, Illinois should pass two key budgeting process reforms to stay on that path.

First, Illinois needs to add teeth to its balanced budget requirement. Currently, Illinois is one of just 11 states legally permitted to carry budget deficits from year to year. Our current balanced budget requirement is ineffective because it only requires the budget to appear balanced in the planning stage. That encourages accounting gimmicks and unrealistic projections to achieve a balance on paper. The other 39 states have true balanced budget requirements, meaning revenues and expenditures must match at the end of the year. This is the most effective way states prevent debt.

[HJRCA 27](#), introduced by state Rep. Jaime Andrade, would strengthen Illinois' balanced budget requirement. It has a large bipartisan list of cosponsors.

Second, Illinois needs a constitutional spending cap to limit the growth in government spending to what taxpayers can afford. [SJRCA 10](#) would limit growth in general fund spending to the average annual growth rate of state gross domestic product for the preceding 10 years. During the most recent 10-year period, state spending grew 48 percent faster than residents' personal income.

With these budget process reforms combined with a plan to balance the budget and eliminate debt, Illinois taxpayers and businesses can finally feel confident this state is worth the investment.

## Illinois budgets have not been balanced since 2001

Cash-based accounting surplus (deficit), in millions, fiscal years 2001-2018

Fiscal year	Cash-based accounting surplus (deficit)
2001	\$300
2002	\$(1,220)
2003	\$(1,094)
2004	\$(410)
2005	\$(474)
2006	\$(291)
2007	\$(135)
2008	\$(834)
2009	\$(3,673)
2010	\$(6,094)
2011	\$(4,507)
2012	\$(4,984)
2013	\$(3,988)
2014	\$(3,931)
2015	\$(2,900)
2016	\$(3,543)
2017	\$(7,984)
2018	\$(7,963)

Source: Illinois Comptroller General Funds Budgetary Balance in Detail, GO Bond Rating Agency Presentations

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# PROGRESSIVE INCOME TAX CONSTITUTIONAL AMENDMENT



The progressive income tax has become the proposed solution to all of Illinois' problems. Unfortunately, it would worsen two of the biggest problems facing the state today: a crushing middle-class tax burden and some of the slowest economic growth in the nation.

Assuming everyone just accepts the progressive income tax changes, it would only bring in \$2.4 billion, nearly \$1 billion less than Illinois Gov. J.B. Pritzker's administration suggested. That is a static revenue estimate, which doesn't calculate economic impacts of the tax hike, and is based on the most recently available IRS data.

In reality, Pritzker's complete tax proposal will raise only \$1.4 billion and leave him \$2 billion short of his goal. That is the conclusion when using dynamic scoring of his proposal, the method federal law requires be used by the Congressional Budget Office and Joint Committee on Taxation. Dynamic scoring accounts for the changes in economic behavior economists widely agree accompany tax changes, such as decisions about consumption, investment and employment.

In order for Pritzker to raise the \$3.4 billion he seeks, taxes would have to be raised on all Illinoisans. In addition to closing the deficit, the governor said he wants to spend significantly more on a range of campaign priorities. Once the constitution is changed, future tax hikes

will be easier politically and can be passed with only simple majorities in the General Assembly. With no constitutional guarantees regarding rates or ratios between rates, middle class tax hikes will become a quick and easy fix.

## Pritzker progressive income tax would fall far short of his revenue claims

Additional revenue from Pritzker's proposed "fair tax" rates

	Governor's claim	Static estimate	Dynamic estimate
Additional revenue	\$3.4 billion	\$2.4 billion	\$1.4 billion

Note: Revenue estimates do not include loss of revenue from Pritzker's proposed child tax credit due to insufficient detail

Source: Governor's Office of Management and Budget five-year revenue projections and IRS data

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## Pritzker's progressive tax plan requires middle-class tax hikes just to raise the revenue it claims

Progressive income tax schedule maintaining Illinois Gov. J.B. Pritzker's proposed progressivity

Income brackets		Pritzker's proposed rates	Rates required to raise an additional:		
Income over:	Income up to:		\$3.4 billion	\$14 billion	\$19 billion
\$0	\$10,000	4.75%	5.19%	8.18%	9.68%
\$10,000	\$100,000	4.90%	5.36%	8.44%	9.99%
\$100,000	\$250,000	4.95%	5.41%	8.52%	10.09%
\$250,000	\$500,000	7.75%	8.47%	13.35%	15.79%
\$500,000	\$1,000,000	7.85%	8.58%	13.52%	16.00%
\$1,000,000	-	7.95%	8.69%	13.69%	16.20%

Source: Pritzker progressive income tax proposal and most recently available Illinois income data reported by IRS

# PROGRESSIVE INCOME TAX MYTHS VERSUS REALITY

**MYTH: A PROGRESSIVE INCOME TAX WOULD BALANCE THE BUDGET AND STABILIZE REVENUES.**

**REALITY: A PROGRESSIVE INCOME TAX CAN'T RAISE ENOUGH REVENUE TO SOLVE THE BUDGET AND PENSION CRISES IN ILLINOIS.**

The only way to balance the budget and dig Illinois out of the state's financial hole is to address the state's main cost drivers: pensions and government worker health care costs. Despite spending billions of additional dollars annually on pensions, funding ratios continue to deteriorate and unfunded liabilities continue to grow because of the rapid growth in promised benefits.

Relying on progressive income taxes for additional revenue makes state revenue sources less stable than flat tax systems, because these taxes levy higher taxes and rely more on high-income earners who are the most responsive to changes in the tax code. Economists widely agree that the optimal way to raise income tax revenue is through a flat tax rate.

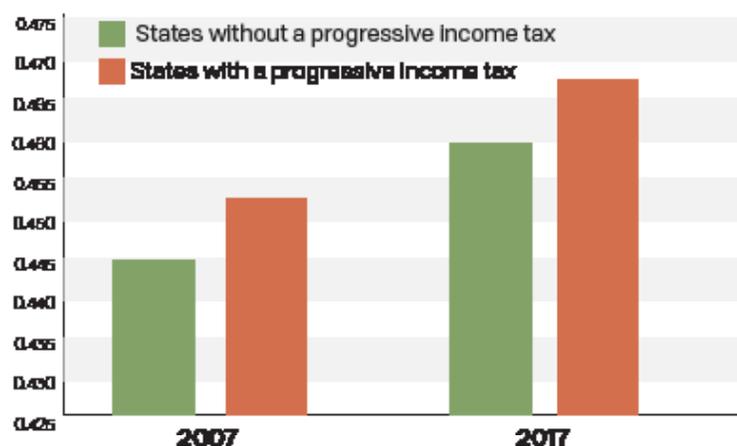
New York is already experiencing the dangers of relying on high-income earners for revenue. The state is now anticipating a more than \$2 billion deficit thanks to changes in income tax reporting after changes to the federal tax code.

**MYTH: A PROGRESSIVE TAX WOULD REDUCE INCOME INEQUALITY.**

**REALITY: STATES WITH PROGRESSIVE INCOME TAXES HAVE MORE INCOME INEQUALITY AND A WIDENING GAP BETWEEN THE RICH AND THE POOR.**

Not only is income inequality (measured by the Gini coefficient) higher in states with progressive income taxes, but progressive income tax states have also not been able to slow rising inequality.

**Income Inequality Is Higher In states with progressive Income taxes**  
Average Gini coefficient for progressive and non-progressive income tax states in 2017



Source: US Census Bureau

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**MYTH: A PROGRESSIVE INCOME TAX WOULD REDUCE PROPERTY TAXES.**

**REALITY: A PROGRESSIVE INCOME TAX WOULD DO NOTHING TO REDUCE PROPERTY TAX BURDENS.**

Illinois municipalities are facing the same budgetary pressures as the state government: rising pension and government employee healthcare costs. Without reforms to these cost drivers, it is unlikely that municipalities will be able to reduce property taxes.

Furthermore, there is no guarantee that new income tax revenues will be passed on to municipalities because of the state's own fiscal condition. There is no mechanism in place to ensure property taxes aren't increased if municipalities are given more state funding. After enacting their progressive income tax, Connecticut raised middle-class income and property taxes.

**MYTH: A PROGRESSIVE INCOME TAX WOULD MODERNIZE ILLINOIS' TAX CODE.**

**REALITY: IN THE PAST 30 YEARS, MORE STATES HAVE SWITCHED TO FLAT INCOME TAXES FROM PROGRESSIVE INCOME TAXES THAN VICE VERSA.**

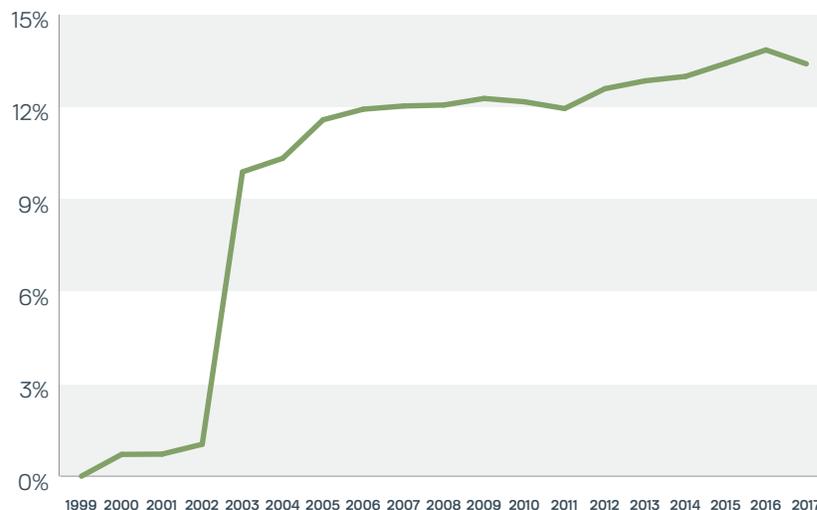
In the past six years, two states, North Carolina (2013) and Kentucky (2018), switched from progressive income taxes to flat income taxes. Connecticut, the last state to enact a progressive income tax, did so more than 20 years ago.

After switching to a progressive income tax, middle class income taxes have been hiked by more than 13 percent. Meanwhile, the state continually raises property taxes, suffers a chronic outmigration problem and finds itself in a deteriorating financial situation as dire as Illinois'. Connecticut has run state budget deficits in 12 of the past 15 years and holds more debt per capita than almost any other state.

Meanwhile, North Carolina has been able to reduce taxes across the board and experience stronger economic growth than the rest of the nation.

**Connecticut's progressive income tax hiked rates 13 percent on middle class**

Growth in the total statutory income tax rate for the median Connecticut household, based on head of household income tax return status



Source: U.S. Census Bureau, Connecticut tax codes

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**MYTH: PRITZKER'S TAX PLAN WILL CUT TAXES FOR 97% OF ILLINOISANS WHILE RAISING \$3.4 BILLION IN NEW REVENUE**

**REALITY: PROPOSED RATES WILL FALL SHORT BY \$1 TO \$2 BILLION, OPEN THE DOOR TO FUTURE MIDDLE-CLASS TAX HIKES**

Pritzker's revenue projections overstate by nearly \$2 billion the amount a progressive income tax hike would actually bring in. A revenue estimate based on dynamic scoring – a method used by the federal Joint Committee on Taxation since 2003 – shows Pritzker's tax proposal will raise only \$1.4 billion.

In order to raise the \$3.4 billion in additional revenue that Pritzker claims, taxes would have to be raised on all Illinoisans. The governor has also indicated he wants to spend significantly more on a wide range of campaign priorities. Financing these items is expected to cost between \$14 billion and \$19 billion and would require a massive middle-class tax hike.

**Typical Illinois family would face up to \$3,508 increase in their income taxes to pay for Pritzker's spending promises**

Change in income tax liability for the median Illinois family with two children

Tax hike size	Income tax increase for median family	% increase
\$3.4 billion	\$269	8%
\$14 billion	\$2,425	70%
\$19 billion	\$3,508	101%

Source: Gov. J.B. Pritzker's proposed tax schedule, U.S. Census Bureau

Note: Median Illinois family assumed to have \$79,168 income and two children. Does not include proposed child tax credit due to insufficient detail in Pritzker proposal regarding phaseout rate.

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