

# **ILLINOIS LEGISLATIVE REPORT**

**By Leo Welch, Past president, IL-AAUP**

Gov. Rod Blagojevich has completed action on legislation sent to him from the spring session. The Illinois Constitution requires the Governor to take action on legislation within 60 days after the legislation is officially sent to him. The last possible date that the Governor could act on legislation from the recent spring session was August 26, 2003.

Legislation that was signed (approved) by the Governor on or before August 26 has become Illinois law and is now identified by a Public Act number. Legislation that was vetoed or amendatorily vetoed will be returned to the Illinois General Assembly and scheduled for further consideration during the fall veto session. The General Assembly can choose to accept the Governor's Vetoes, override them, or not act at all. If a veto is not accepted or overridden by both houses of the General Assembly, then the entire bill is lost. The 2003 fall veto session was scheduled for October 23, November 4-6, and 18-20.

## **Bills Signed into Law by the Governor**

### **Senate Bill 1586 - Verbatim Minutes of Closed Sessions**

Requires that all public bodies (including community college boards) make a verbatim audio or video recording of closed meetings. Establishes procedures for the availability to the court of closed meeting minutes and recordings. Effective January 1, 2004.

Public Act 93-0523.

### **HB 2671 - FY 04 Higher Education Budget**

Sets FY 2004 appropriations to the Illinois Board of Higher Education, the Illinois Department of Public Health (for medical education scholarships), the Illinois Mathematics and Science Academy, the Illinois Student Assistance Commission, the Service System. The total budget for higher education was approved at a level of about \$25 million above the Governor's funding recommendations. The community college budget was approved above the Governor's recommended level, with the addition of \$7.4 million in new funding for "hold harmless" dollars. These additional dollars will be used to implement a new allocation of state funds to community colleges through a new funding formula.

Public Act 93-0090. Item reduction veto: community colleges' "hold harmless" funding was reduced by 50 percent (from \$7.4 million to \$3.7 million).

### **Senate Bill 1239 - FY 04 Capital Appropriations**

Contains funding for state capital appropriations, including \$50 million for community colleges.

Public Act 93-0587. Item reduction veto - the Governor reduced or vetoed many construction projects, although the \$50 million earmarked for community colleges survived.

### **Senate Bill 1980 - Lincoln Land Community College Election By Subdistricts**

Requires the election of Lincoln Land Community College trustees by subdistrict rather than at-large, beginning with the 2005 consolidated election. The term of each trustee elected before the effective date of the amendatory Act would end on the date that the trustees elected in 2005 are officially determined. The bill also provides for 4-year and 2-year terms (rather than 6).

Public Act 93-0582.

### **House Bill 1457 - Redefinition of Educational Employee**

Amends the Illinois Educational Labor Relations Act to provide that an academic employee of a community college who provides less than 3 (currently 6) credit hours of instruction per academic semester is not an "educational employee" within the meaning of the Act. Amends the State Mandates Act to require implementation without reimbursement.

Public Act 93-0314.

### **House Bill 3396 - Union Elections**

Amends the Illinois Educational Labor Relations Act to provide that an educational employer shall (rather than may) voluntarily recognize a labor organization for collective bargaining purposes if that organization appears to represent a majority of employees in the unit.

Public Act 93-0444.

**House Bill 1119 - Increase in IIA Grants**

Change the name of the Illinois Incentive for Access Grant Program to the Silas Purnell Illinois Incentive for Access Grant Program, and in FY 05 increases the maximum annual contribution of \$0.

Public Act 93-0455.

**House Bill 1118 - Limits on University Tuition Increases**

Provides that, for students first enrolling after the 2003-2004 academic year, for 4 continuous academic years following initial enrollment (or for undergraduate programs that require more than 4 years to complete, for the normal time to complete the program), the tuition charged an undergraduate student who is an Illinois resident shall not exceed the amount that the student was charged at the time he or she first enrolled in the university. Community Colleges are not included in this legislation.

Public Act 93-0028.

**House Bill 60 - In-State Tuition for Undocumented Immigrants**

Requires community college or university governing boards to deem an individual to be an Illinois resident if the individual: (1) resided with his or her parent or guardian while attending a high school in Illinois; (2) graduated from a high school or received a GED in Illinois; (3) attended school in Illinois for at least 3 years as of the date the individual graduated from high school or received a GED; (4) registers as an entering student not earlier than the fall of 2003 semester; and (5) provides an affidavit stating that he or she will file an application to become a permanent resident of the United States at the earliest opportunity the individual is eligible to do so. Provides that any revenue lost by a university in implementing the amendatory provisions shall be absorbed by the university's income fund.

Public Act 93-0007.

**House Bill 1387 - City Colleges of Chicago Treasurer's Bond**

Makes the penalty of the treasurer's bond of the Chicago community college district the same as the penalty of the treasurers' bonds of all other community college districts and school districts in Illinois.

Public Act 93-0163.

**House Bill 1543 - Higher Education Line Item Appropriations**

Requires universities to identify state appropriations for universities by line items and not by lump sum. Community colleges are not included in this legislation.

Public Act 93-0229.

**House Bill 2805 - University Faculty Member on IBHE**

Provides that one of the 10 members of the Illinois Board of Higher Education appointed by the Governor must be a faculty member at a public university.

Public Act 93-0429.

**House Bill 761 - Sale of Higher Education Directory Information**

Prohibits a community college, school district, or university from providing a student's name, address, telephone number, social security number, e-mail address, or other personal identifying information to a business organization or financial institution that issues credit or debit cards, unless the student is 21 years of age or older. Effective July 1, 2003.

Public Act 93-0549.

**Senate Bill 19 - Chicago School Reform**

Implements and agreement to repeal parts of the Chicago School Reform legislation enacted in 1995. The City Colleges of Chicago is included this legislation.

Public Act 93-0003.

**House Bill 2660 - Pension Bonding**

Authorizes the issuance of an additional \$10 billion in general obligation bonds. Provides for the proceeds of those bonds to be used to reduce the unfunded liabilities of the five state-funded retirement systems (including the State Universities Retirement System). This is Gov. Blagojevich's initiative to provide partial relief from funding reductions in fiscal year 2004 by financing (or "refinancing") the unfunded accrued liability of the public pension systems.

Public Act 93-0002.

## **BILLS VETOED BY THE GOVERNOR**

**House Bill 221 - Surplus State Property**

Amends the State Property Control Act to redefine the term "responsible officer" to exclude community college presidents. This bill also requires that unused state property leased by the Illinois department of

Central Management Services may not be leased at less than 60% of the fair market rental value rate unless specified conditions are met; provides procedures for determining the fair market rental value; and prohibits the sale of surplus real property if any state agency requests its transfer. The bill was introduced in response to the disposition of the former Zeller Mental Health Center in Peoria to Illinois Central College.

Total Veto.

#### **House Bill 3412 - Governmental Ethics Act**

Creates the State Officials and Employees Ethics Act. Prohibits state officers and employees of the executive and legislative branch of state government and the Auditor General and his or her employees from engaging in political activities during state time. Requires the implementation and maintenance of personnel policies for those officers and employees. Prohibits certain practices by those officers, candidates for those offices, and those employees with respect to campaign contributions, fund raising, public service announcements, and post-state employment. Creates protections for whistle-blowers. Preempts home rule and requires units of local government and school districts to adopt similar provisions. States that a registered lobbyist may not serve on a board, commission, authority, or task force authorized or created by state law or by executive order of the Governor.

Amendatory Veto.

## **BILLS THAT HAVE NOT YET PASSED BOTH HOUSES**

#### **Senate Bill 1021 - Campus Book Stores**

Adds community colleges to the University Retail Sales Act by defining "state institution of higher learning" to mean "a university, college, community college, or junior college in this state that is publicly supported by taxes levied and collected within the State on income, sales, or property." Does not permit the sale of general merchandise that was not on the bookstore shelves prior to 1980. Permits the operation of the bookstore without restrictions if it is leased out to a private vendor.

#### **House Bill 2279 - Community College Dormitories**

Amends the Public Community College Act to allow a community college board to provide or contract for residential housing for students and employees.

#### **SB 815 / HB 2806 - Mandated Ratio of Part-time / Full Time Faculty**

Requires the governing board of each public university and community college to achieve a ratio under which at least 75% of all full-time equivalent teaching positions are held by part-time teachers. The bill also provides for a phase-in, starting the FY 2004, that requires a university to use 33% of its increase in state funding each year and a community college district to use 33% of its increase in its annual distribution formula grants to achieve the ratio.

#### **House Bill 2252 - Community College Purchasing Consortium**

Amends the Public Community College Act to add contracts for goods or services procured through an intrastate or interstate governmental agency consortium as an exception to the requirement that contracts for the purchase of supplies, materials, or work involving and expenditure in excess of \$10,000 must be awarded to the lowest responsible bidder.

#### **House Bill 2593 - New Community College for East St. Louis**

Requires the Illinois Community College Board to establish a new community college district, comprised of the territory of the former Metropolitan Community College in East St. Louis, to be known as Gateway Community College. Provides that ICCB may not abolish, restrict, or take over the operation of Gateway Community College without first notifying the General Assembly and receiving permission from the General Assembly for the action.

#### **House Bill 19 - Higher Education Scholarship Act**

Allows scholarships for entering freshman, sophomores, juniors, and seniors who have and maintain at least a "B" average at public and private community colleges, colleges, and universities in Illinois.

#### **House Bill 254 - Income Tax Credit for Tuition**

Creates an income tax credit of up to \$500 for taxpayer (with an adjusted gross income of less than \$100,000) for tuition and fees paid at any public or private college, university, or community college located in Illinois.

#### **Senate Bill 205 - Illinois Opportunity Scholarship**

Creates the Illinois Opportunity Scholarship Act to be administered by the Illinois Student Assistance Commission. Provides for the award, beginning with the 2004-2005 academic year, of undergraduate scholarship awards, renewable for up to 4 years, for use at institutions of higher education located in Illinois.

**Senate Bill 334 - Mobile Home Tax**

Provides the mobile homes placed on permanent foundations shall be taxed as real property.