

ICCTA ACTION ALERT

January 23, 2008

The Illinois General Assembly met last Thursday in a contentious session that resulted in final passage of a mass transit bailout program for the City of Chicago and surrounding areas. Lawmakers then adjourned until February 13, which will mark the "real" beginning of the 2008 spring legislative schedule. The General Assembly's published legislative calendar shows May 29 as the scheduled adjournment date for the spring session.

COMMUNITY COLLEGE LOCAL CONTROL AND ETHICS LEGISLATION INTRODUCED

Last week ICCTA requested that legislators file bills that clarify issues regarding local control and ethics issues for community college districts throughout Illinois. **House Bill 4330** (sponsored by Rep. Art Turner) and **Senate Bill 1889** (sponsored by Sen. Ed Maloney) are identical bills to **House Bill 3504** (sponsored by Rep. Granberg), which was overwhelmingly approved by the General Assembly last year but vetoed by the Governor.

NOMINATIONS MADE TO IBHE MASTER PLAN TASK FORCE

Pursuant to House Joint Resolution 69 approved last year, the Illinois Board of Higher Education is creating a Task Force on Higher Education and the Economy. Task force membership calls for the Governor to appoint one community college trustee and one community college president to serve on the 24-member panel.

ICCTA President Kathy Wessel has nominated Dr. Frank Barbre of Southeastern Illinois College to serve as the community college trustee member. Presidents Council chair Terry Bruce has nominated Dr. Margaret Lee of Oakton Community College to serve as the community college president member.

BUDGET IMPLEMENTATION ACT (BIMP) BECOMES LAW

The long-awaited approval of Senate Bill 783 occurred last week when Gov. Blagojevich certified the bill known as the "BIMP" bill. The Budget Implementation Act is now Public Act 95-707 and provides for the distribution of state funds to various entities, tax law changes, and a variety of other items. Most notably, final approval of the BIMP bill was needed to correctly distribute approximately \$600 million in new state funds to school districts throughout the state.

*** For additional updates, call ICCTA at 1-800-454-2282 ***



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Illinois Community College Trustees Association Action Alert
February 22, 2008

House Passes Community College Ethics Legislation

The Illinois House of Representatives is currently in session in Springfield. At 11 a.m. this snowy blizzard morning, the House voted 91-11 to approve **House Bill 4189**, sponsored by Rep. Pritchard. This bill is identical to HB 3504, which passed both houses last year but was vetoed by the Governor last summer.

HB 4189 clarifies that community college districts are units of local government (not state agencies) that are subject to the local government provisions of the State Employees and Officials Ethics Act. ICCTA recently coordinated a lawsuit that was filed in DuPage County to seek judicial affirmation of community colleges' status as units of local government. Community colleges won the lawsuit, which has been appealed by the Illinois Inspector General in the 2nd Appellate Court.

HB 4189 now goes to the Illinois Senate for consideration. ICCTA is making every effort to pass this legislation as quickly as is possible.

A complete *ICCTA Action Alert* will be available next week.

For additional legislative updates, contact ICCTA at iccta@communitycolleges.org or 1-800-454-2282.

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ICCTA ACTION ALERT

March 7, 2008

The Illinois General Assembly is in the midst of processing legislation introduced into the first house of action. Although House and Senate members continue to file bills, most legislation that will be considered during this spring session already has been introduced and assigned to a committee for further consideration.

GOVERNOR'S FISCAL YEAR 2009 BUDGET

On February 20, Gov. Rod Blagojevich announced his Fiscal Year 2009 budget to a joint session of the Illinois House of Representatives and the Illinois Senate. The Governor's \$49.7 billion budget, which calls for a 3.9 percent overall increase in spending, relies upon new revenues produced by a new casino tax, privatizing the State Lottery, and imposing a new tax on business to pay for a state-supported health care program. All of these new revenue sources have failed to be approved by the General Assembly in recent years.

The Governor's proposed budget recommends that community colleges receive the same amount of state funding that they received in FY 2008 – which was \$3 million less than FY 2007 funding. Community colleges are currently receiving **13 percent less** in state funding than they were in FY 2002. **Adjusted for inflation, community colleges are funded at the same level as they were in 1993.**

Since this budget proposal relies on three new revenue sources, speculation prevails that the Governor's level-funding budget for community colleges and other areas of government may not be sustained without approval of new taxes.

ICCTA has joined with groups representing community college presidents, faculty, administrators, and students to create the **Coalition for Community College Funding**. The Coalition held its first news conference prior to the Governor's budget address on February 20 and testified at the House Higher Education Appropriations Committee on February 28.

STATEWIDE BUDGET HEARINGS SCHEDULED

In response to the Governor's budget proposal, House Democrats have scheduled 19 budget hearings in various parts of the state. Six of the hearings will be held at the following community college campuses: Parkland, McHenry, Morton, Kankakee, South Suburban, and Kennedy-King. The hearings will run March 10-27 and focus on the merits and impact of Gov. Blagojevich's FY 2009 proposed budget. Similar hearings were conducted last year regarding the FY 2008 state budget.

ETHICS AND LOCAL CONTROL LEGISLATION FOR COMMUNITY COLLEGES

House Bill 4189 (Prichard / Black) passed out of the House on February 22 on a vote of 91-11-1. This bill is identical to **HB 3504**, which the Governor vetoed last fall. **HB 4189** clarifies that community colleges are units of local government (rather than state agencies) covered under the local government provisions of the Ethics Act. The bill also clarifies that, with respect to the State Employees Ethics Act, community colleges are under the jurisdiction of local ethics commissions, not the State Executive Inspector General. Sen. Ed Maloney is the lead sponsor of **HB 4189** in the Senate, and several other senators have signed on as co-sponsors.

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LEGISLATION OF INTEREST TO COMMUNITY COLLEGES

HB 4139 Firearms for Campus Security Personnel (Chapa la Via)

ICCTA Position: OPPOSE

Status: 2nd reading in the House

Amends the Criminal Code of 1961 to provides that it is unlawful for any governing body, state agency, county government, local municipality, or institute of higher learning that employs peace officers to prohibit a peace officer from carrying a firearm in the performance of his or her duties, unless the peace officer fails to qualify with the firearm, is declared unfit for duty, and is unable to be armed. ICCTA believes **HB 4139** removes decision-making authority from local boards.

HB 4189 Ethics Act - Community College Local Control (Pritchard / Maloney)

ICCTA Position: SUPPORT

Status: Passed House 91-11-1; 1st reading in the Senate

This ICCTA-initiated bill is identical to **House Bill 4330** (Turner) and **Senate Bill 1889** (Maloney). Amends the State Officials and Employees Ethics Act to clarify that community college districts are units of local government that must adopt resolutions regulating the political activities and the solicitation and acceptance of gifts by their officials and employees (now, classified as state agencies subject to the entire Act's regulation and enforcement by the Executive Ethics Commission and the Governor's Executive Inspector General).

HB 4193 Student Eligibility for Grants (Franks)

ICCTA Position: SUPPORT

Status: 2nd reading in the House

Amends the Baccalaureate Savings Act. In a Section concerning the administration of a grant program, provides that while all grants awarded under the program are subject to annual appropriation of funds by the General Assembly, there shall be no expiration date placed on the grants and any person who is denied disbursement of a grant due to a lack of funding shall remain eligible for disbursement of that grant until such time as funding becomes available, provided that he or she properly applies for disbursement of the grant.

HB4219 Identity Protection Act (Munson)

ICCTA Position: MONITOR

Status: Passed House 109-0; 1st reading in Senate

This unfunded mandate creates the Identity Protection Act. Prohibits a state or local government agency from using an individual's social security number in certain ways, subject to various exceptions. Requires each state or local government agency to develop and implement an identity protection policy. Provides that any employee of a state or local government agency who intentionally violates the provisions of the Act is guilty of a Class A misdemeanor. Preempts the concurrent exercise of home rule powers. Amends the State Mandates Act to require implementation without reimbursement by the state.

HB 4232 Reorganization of ISBE Board (Lang)

ICCTA Position: MONITOR

Status: 2nd reading in the House

Amends the Governor's Office of Management and Budget Act and the School Code. Provides that anything submitted by the State Board of Education to the Governor or the Governor's Office of Management and Budget under the Governor's Office of Management and Budget Act must also be submitted simultaneously to the General Assembly. Terminates the term of each member of the State Board of Education who is in office on the effective date of the amendatory Act and provides for new appointed members to take office. Provides for successors to be appointed for terms of 6 (instead of 4) years. Establishes a Nomination Panel to provide a list of nominees to the Governor for appointment to the State Board. Requires the Nomination Panel to recommend 27 nominees for appointment to the State Board. Provides that the Governor may choose only from these nominations, and, after reviewing the nominations, the Governor may select 9 nominees, including the chairperson, for appointment to the State Board, to be confirmed by the Senate.

HB 4307 Minimum Bidding Threshold for School Districts (Eddy)

ICCTA Position: SUPPORT if community colleges are included

Status: Assigned to House Elementary and Secondary Education Committee

Increases the minimum bidding threshold for school districts (except Chicago), from \$10,000 to \$25,000 or a lower amount as required by local board policy, for most common purchasing. Also increases from \$20,000 to \$50,000 the minimum bidding requirement for capital construction projects.

HB 4567 Illinois State Scholars Study (Brady)

ICCTA Position: MONITOR

Status: Assigned to House Higher Education Committee

Amends the Higher Education Student Assistance Act. Requires the Illinois Student Assistance Commission to conduct a study detailing in 2008 and 2009 (1) the number of students designated State Scholars, (2) the number of State Scholars who applied to state universities, and (3) the number of State Scholars who were denied admittance into the state universities to which they applied. Requires the Commission to submit a report to the General Assembly concerning the findings of the study and the Commission's recommendations on how to make state universities more accessible to State Scholars.

HB 4621 Required Automatic University Admission (Davis)

ICCTA Position: MONITOR

Status: Assigned to House Higher Education Committee

Amends various Acts relating to the governance of the public universities in Illinois. Subject to certain other admission requirements, requires a university to admit an applicant for admission to the university as an undergraduate student if the applicant graduated in one of the 2 school years preceding the academic year for which the applicant is applying for admission from an approved high school with a grade point average in the top 10% percent of the student's high school graduating class. Requires the university, after admitting the applicant, to review the applicant's record and any other factor the university considers appropriate to determine whether the applicant may require additional preparation for college-level work or would benefit from inclusion in a retention program.

HB 4625 Inclusion of Textbook Costs in Illinois Veterans Grant (Stephens)

ICCTA Position: OPPOSE unless fully funded

Status: 2nd reading in the House

Amends the Higher Education Student Assistance Act. With respect to the Illinois Veteran Grant program, provides that assistance (which is an entitlement that a public university or community college must honor) must include reimbursement for 50% of the costs of textbooks required to be purchased for courses taken at the university or community college.

HB 4669 Community College Capital Construction (Lang)

ICCTA Position: SUPPORT

Status: Assigned to House Higher Education Committee

Amends the Board of Higher Education Act and the Public Community College Act. Removes a provision that requires the Illinois Community College Board to submit its plan for capital improvements of non-instructional facilities to the Illinois Board of Higher Education. Requires the ICCB to develop a comprehensive community college plan. Removes a reference to IBHE's approval of a public community college's construction of a facility. **SB 2019 (Raoul)** is identical to **HB 4669** and is assigned to the Senate Higher Education Committee.

HB 4770 Removes IBHE from Community College Budget Process (Lyons)

ICCTA Position: MONITOR

Status: Assigned to House Higher Education Committee

Amends the Board of Higher Education Act and the Public Community College Act. Removes a provision that requires ICCB to submit its budget proposal to IBHE. Requires ICCB to submit its budget proposal to the Governor, the General Assembly, the Governor's Office of Management and Budget, and the Commission on Government Forecasting and Accountability.

ICCTA Action Alert

March 7, 2008

Page 4

HB 4858 Community College Construction Act (Joyce)

ICCTA Position: MONITOR

Status: Referred to House Rules Committee

Creates the Community College Construction Act. Contains only a short title provision. **SB 2010** (Maloney) is identical to **HB 4858** and is assigned to the Senate Rules Committee.

HB 5025 Community College Program Approval (Nekritz)

ICCTA Position: MONITOR

Status: Assigned to House Higher Education Committee

With respect to public community colleges, requires the approval of the establishment of new units of instruction, research, and public service and the review of existing programs of instruction, research, and public service to be made by ICCB rather than IBHE. Requires ICCB to develop a comprehensive community college plan.

HB 5074 Elimination of Obsolete Board Reorganization Language (Black)

ICCTA Position: SUPPORT

Status: Assigned to House Elections and Campaign Reform Committee

This ICCTA-initiated legislation eliminates obsolete election language from the Illinois Public Community College Act. The eliminated language refers to the nonpartisan local community college board elections that occurred in November of odd-numbered years and the transition period that was in place to establish the current April election cycle.

HB 5164 Emergency Use of Community College Buildings (Yarbrough)

ICCTA Position: MONITOR

Status: Assigned to House Higher Education Committee

Provides that the board of trustees of a community college district has the power to make the buildings of a community college available for emergency purposes, upon the request of the Illinois Emergency Management Agency or the state-accredited emergency management agency with jurisdiction, and to cooperate in all matters with the IEMA, local emergency management agencies, state-certified, local public health departments, and federal agencies concerned with emergency preparedness and response. Currently the board has the power to make the buildings of a community college available for use as civil defense shelters for all persons and to cooperate with the IEMA local organizations for civil defense, and federal agencies concerned with civil defense in all matters.

HB 5911 \$10 Million for ICCB Manufacturing and Workforce Development Curricula (Rose)

ICCTA Position: SUPPORT

Status: Referred to House Rules Committee

Appropriates \$10 million to ICCB for manufacturing and workforce development curricula.

SB 437 \$1,000 State Scholars Grants (Maloney)

ICCTA Position: SUPPORT

Status: Passed House 58-0 and Senate 106-0-9; sent to Governor

Amends the Higher Education Student Assistance Act. Provides that, subject to appropriation, each State Scholar who enrolls or is enrolled in an institution of higher learning in this state shall also receive a one-time grant of \$1,000 to be applied to tuition and mandatory fees and paid directly to the institution of higher learning. Provides that a student who has been awarded a Merit Recognition Scholarship under the Act may not be awarded a grant under the State Scholars program (although he or she may still be designated a State Scholar) and that a student who has received a grant under the State Scholar program is ineligible to receive a Merit Recognition Scholarship.

SB 1908 MAP Grant Increase (Maloney)

ICCTA Position: MONITOR

Status: Assigned to Senate Higher Education Committee

Provides that the maximum grant amount for the Monetary Award Program must not exceed \$5,468 for FY09, \$5,968 for FY10, and \$6,468 for FY11, and each fiscal year thereafter (instead of \$4,968). Provides that the maximum grant amount for students not subject to this provision must be increased by the same percentage as any increase made by law to such provision. Removes the provision that limits the grant amount to an amount that equals 2 semesters or 3 quarters tuition and fees.

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ICCTA Action Alert

March 7, 2008

Page 5

SB 1922 Extension of Cosmetology Licenses (Haine)

ICCTA Position: MONITOR

Status: Assigned to Senate Licensed Activities Committee

Amends the Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985. Changes the date after which the Department of Financial and Professional Regulation will not issue any new cosmetology clinic teacher, esthetic clinic teacher, or nail technology clinic teacher licenses from January 1, 2009 to January 1, 2011. Allows for the renewal and restoration of these clinic teacher licenses initially issued before January 1, 2011.

SB 1981 College Savings Plans (Clayborne)

ICCTA Position: MONITOR

Status: 2nd Reading in Senate

Amends the Higher Education Student Assistance Act and the Illinois Income tax Act. Authorizes ISAC to establish systems and programs to encourage employers to match employee contributions to prepaid programs of college savings by making donations to the Commission for prepaid programs of college savings and its programs of grants and loans to make higher education affordable for all residents of the state and to receive, hold, and disburse all such funds made available through those programs for the purposes for which they are authorized by rule or by law. Creates an income tax credit for employers who, during the taxable year, makes a matching donation to ISAC on behalf of an employee. Provides that the credit is 25% of the matching donation, but not to exceed \$500 per employee. Provides that the credit may be carried forward for 3 taxable years. **HB 4579** and **SB 1981** contain similar language to **SB 1981**.

SB 1982 Cooperative Work Study Program Grants (Frerichs)

ICCTA Position: SUPPORT

Status: 3rd Reading in Senate

Amends the Illinois Cooperative Work Study Program Act. Provides that grants to institutions of higher education under the Act shall support work experiences for students in academic program priority areas that address critical workforce skills shortages, including without limitation science, technology, engineering, mathematics, health, nursing, education, and other academic program priority areas as determined annually by IBHE (now, the Board is required to assure that a representative number of the grants support cooperative work study programs that support work experiences for students in academic programs of engineering, science, math, and education).

SB 2043 Community College Student Housing (Koehler)

ICCTA Position: SUPPORT

Status: Assigned to Senate Higher Education Committee

Amends the Public Community College Act. Provides that the board of trustees of any community college district that encompasses, in whole or in part, 8 or more counties may provide or contract for residential housing for students and employees of the community college district, provided that local property tax revenue is not used. Makes a related change to the definition of "facilities". **HB 4547** (Schrock) is identical to **SB 2043** and has been referred to the House Rules Committee.

SB 2595 Inclusion of City Colleges of Chicago in College Insurance Program (Trotter)

ICCTA Position: SUPPORT

Status: 2nd reading in Senate

Implements the Recommendations of the College Insurance Program Task Force. Increases the state's contribution to financing part of the program, creates an advisory committee and includes the City Colleges of Chicago in the plan. Beginning July 1, 2009, requires the Department of Central Management Services to administer a program of health benefits coverage for retirees, and their dependents, of certain community college districts previously not participating in the Community College Health Insurance Security Fund. Provides for the collection and use of contributions. Establishes a committee to advise the State on the program and necessary adjustments in funding sources. Amends the State Mandates Act to require implementation without reimbursement. **HB 5361** (Burke) is identical to **SB 2595** and has been referred to the House Rules Committee.

*** For additional updates, call ICCTA at 1-800-454-2282 ***

ICCTA ACTION ALERT

April 4, 2008

The Illinois General Assembly concluded a contentious week of legislative business on Thursday afternoon. Lawmakers are scheduled to return to Springfield on Tuesday, April 8. Although some legislation is advancing through the "off year" 2008 session, most business relates directly to the creation of a Fiscal Year 2009 budget and to solutions for nagging issues that have developed with the state's current FY08 budget.

Problems have developed with the state's current (FY08) budget over the past few months partly because revenue sources are not performing up to earlier expectations. This Action Alert will focus on the state's budget controversies; a report on legislation and bills impacting community colleges will follow in a later report.

A Conversation with the Governor's Office of Management and Budget

A telephone conference call with the Governor's Office of Management and Budget (GOMB) occurred on Friday morning, March 28, for the purpose of discussing issues related to the FY08 community college system's state budget. Present for the conference call were John Filan (Director, GOMB), Geoffrey Obrzut (CEO, ICCB), Terry Bruce (Chair, Presidents Council), Kathy Wessel (President, ICCTA), and Mike Monaghan (Executive Director, ICCTA).

Mr. Filan explained that transferring or "sweeping" unexpended dollars from over 200 of the state's special purpose funds into the state's General Revenue Fund (GRF) would be necessary to sustain currently approved FY08 appropriations level. The General Revenue Fund is the state's primary operating fund and receives all of the revenues generated from the Personal Income Tax, the Corporate Income Tax, the State Sales Tax, as well as several additional smaller sources of revenue. Each year for the past few years, at the request of GOMB, transfers from over 200 special purpose funds have been approved by the General Assembly to shore up the GRF and fund the state's budget.

During the teleconference, community college representatives learned that some legislators may have concerns about continuing the practice of "sweeping" unspent dollars from these special purpose funds. Mr. Filan estimated that approximately \$750 million will be needed from fund transfers and the closure of tax "loopholes" to address a projected \$800 million shortfall in the state's FY08 budget year, which ends June 30. The fund transfers alone can generate \$530 million for deposit into the GRF. Without these fund transfers, state budget decisionmakers will be faced with the probability of making significant reductions in state funding for the balance of FY08.

Mr. Filan is asking many groups, including Illinois community colleges, to encourage the General Assembly to approve the transfer from or "sweeping" of many special purpose funds into the GRF for FY08. He has indicated that if the legislature does not approve the fund transfers, it is possible that no payments of state funds could be made to certain agencies for the month of June. This could effectively result in an 11-month state budget for community colleges, instead of 12 months of funding for the current fiscal year. If this reduction in funding occurs, community college state funding for FY08 could be reduced by 8.3 percent, or approximately \$25 million.

In order to better comprehend the complexity of fund transfers, we will attempt to provide some background and other information about this issue.

Transferring funds from special purpose funds into the General Revenue Fund is a relatively new practice that first began on a very limited basis in the late 1990s. Since 2003 the practice has continued until this year, when the fund transfers requested by the Governor for FY08 were not approved by the General Assembly.

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Special Purpose Fund

A *Special Purpose Fund* is a fund that is created for the sole purpose of addressing a specific need or program. A fee is charged to users of the program or service to fund that program. For example, the state has established a fee for an annual fishing license. People who wish to fish pay the fee for an annual license, and the fee is deposited into a special purpose fund held by the state. The dollars in the fund are used to establish fisheries, stock ponds with fish, and otherwise promote many aspects of fishing in Illinois, according to the law that established the fund and the fee.

Fund Transfers / Sweeping Funds

Several years ago, user fees for approximately 225 of the state's special purpose funds were significantly increased. The General Assembly agreed with the fee increases as a way to raise revenues. However, some lawmakers did not like the tactic of raising the fees so significantly. The concern was expressed that fees were increased to levels that are far higher than what the special purpose funds need to operate. Some have suggested that the high fee structures were established to create unexpended balances in these funds at the end of the fiscal year. Those unexpended balances are then transferred or "swept" into the General Revenue Fund to be spent on the operation of state government. The General Assembly must approve the transfer of these funds into the GRF each year.

During the last 12 months, several organizations adversely impacted by the fund transfers filed lawsuits seeking a judicial ruling regarding the legality of "sweeping" from special purpose funds to the GRF. The courts have ruled in some cases that it is improper to transfer dollars out of a special purpose fund.

It is this practice of transferring or "sweeping" funds from special purpose funds in to the state's GRF that community colleges have been asked to support.

General Revenue Fund Issues

The General Revenue Fund is the state's principle operating fund. It is the fund in which Personal Income Tax, Corporate Income Tax, Sales Tax and other revenues are deposited. K-12 funding, higher education funding, and much of the state's basic operating expenditures are paid out of the GRF.

Each year when the General Assembly and the Governor craft a budget, estimates are made to project the amount of revenue that the state will receive for a particular fiscal year. Most of the revenue will be General Revenue Funds. Last year, revenue estimates were made when the FY08 budget was under consideration. Then, through some painful negotiations, a state budget was approved that attempted to match expenses to revenue projections. According to Mr. Filan, an FY08 budget issue is developing because some of the revenue sources are not producing enough to meet the original expectations. This will leave the state with an apparent shortfall in the current budget.

According to Mr. Filan, revenue from Personal Income Tax receipts are strong and performing as expected. Corporate Income Tax revenues are down slightly from expectations, and Sales Tax revenues are significantly below expectations. The Personal Income tax is the largest source of state revenue; the Sales Tax is the second largest source. Altogether, it appears that the state will collect about **\$800 million less** in General Revenue Funds than is needed to fund the FY 08 budget.

Current Status

On Wednesday, April 2, the Illinois Senate approved legislation recommended by Senate Democrats that would allow the Governor to have discretion in transferring a record \$530 million from special purpose funds into the GRF. Now that the legislation has been approved by the full Senate, it goes to the Illinois House of Representatives, where its prospects are not clear. House Speaker Michael Madigan's office has not offered words of encouragement.

Community College Lobby Day is April 30
*** Call ICCTA at 1-800-454-2282 to register today ***

ICCTA ACTION ALERT

May 5, 2008

Last week's General Assembly action was highlighted by the Senate's vote on a constitutional amendment to recall certain elected officials. The measure failed to receive enough votes to pass, and therefore will not be placed on the November ballot for voter consideration. Last week also marked the first week of the session where legislation passed out of the first house was scheduled for hearings in the second house. Lawmakers are scheduled to return to Springfield today. Although the General Assembly is scheduled to adjourn on May 29, many legislators predict that a very long session is likely.

FISCAL YEAR 2008 AND 2009 BUDGETS

On February 20, Gov. Rod Blagojevich announced his Fiscal Year 2009 budget proposal to a joint session of the Illinois House of Representatives and the Illinois Senate. The Governor's \$49.7 billion budget, which calls for a 3.9 percent overall increase in spending, relies upon new revenues produced by a new casino tax, privatizing the State Lottery, and imposing a new tax on business to pay for a state-supported health care program. To date, none of these proposed revenue sources have received serious consideration by lawmakers.

The Governor's proposed FY09 budget recommends that community colleges receive the same amount of state funding that they received in FY 2008 – which was \$3 million less than FY 2007 funding. Community colleges are currently receiving **13 percent less** in state funding than they were in FY 2002. **Adjusted for inflation, community colleges are funded at the same level as they were in 1993.**

Community colleges have received word from the Governor's Office of Management and Budget (GOMB) that the transferring or "sweeping" of unexpended dollars from many of the state's special purpose funds into the state's General Revenue Fund (GRF) will be necessary to sustain **current FY08** funding levels. The GOMB warns that if the General Assembly does not approve fund "sweeps," community colleges could sustain a \$25 million budget reduction before June 30. Although the Senate has approved a measure to authorize fund sweeps, the House has not.

During ICCTA's Lobby Day on April 30, ICCTA President Kathy Wessel appeared with Terry Bruce (Presidents Council) and Perry Buckley (Cook County College Teachers Union, Local 1600) before the House Higher Education Appropriations Committee. Representing the **Community College Coalition for Funding**, the three leaders appeared before the committee at the special invitation of House Speaker Michael Madigan's staff in order to present an FY09 budget recommendation on behalf of the community college system. They recommended that the Illinois Board of Higher Education's funding request of a 6.9 percent increase (or \$30 million) for community colleges be adopted. This funding recommendation is the first FY09 request received by the Higher Education Appropriations Committee this year and may mark the beginning of budget discussions.

ETHICS AND LOCAL CONTROL LEGISLATION

House Bill 4189 Ethics Act - Community College Local Control (Pritchard / Maloney)

ICCTA Position: SUPPORT

Status: Passed House 91-11-1; Assigned to Senate Executive Committee

This ICCTA-initiated bill amends the State Officials and Employees Ethics Act to clarify that community college districts are units of local government that must adopt resolutions regulating the political activities and the solicitation and acceptance of gifts by their officials and employees (now, classified as state agencies subject to the entire Act's regulation and enforcement by the Executive Ethics Commission and the Governor's Executive Inspector General).

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OTHER LEGISLATION OF INTEREST TO COMMUNITY COLLEGES

HB 1434 Baccalaureate Degree Program at Harper College (Crespo / Kotowski)
ICCTA Position: MONITOR
Status: Passed the House 69-48-0; Assigned to Senate State Government and Veterans Affairs Committee

Provides that William Rainey Harper College may create a pilot baccalaureate program under which the district may establish and offer bachelor's degrees in two fields of study if: (1) the degree programs do not compete with any nearby public university; (2) the district identifies and documents unmet workforce needs; (3) the degree programs do not require any additional funding from local taxes or the State; (4) the Illinois Community College Board and the Board of Higher Education approve the offering of the degree programs; (5) the pilot programs expire 4 years after the initial offering of the degree programs, unless otherwise extended by law; and (6) the public universities in this State have the right of first refusal to offer the baccalaureate degree programs on the community college campus in a manner that is mutually agreeable between the district and the university.

HB 4139 Firearms for Campus Security Personnel (Chapa la Via)
ICCTA Position: OPPOSE
Status: 3rd reading in the House

Amends the Criminal Code of 1961 to provides that it is unlawful for any governing body, state agency, county government, local municipality, or institute of higher learning that employs peace officers to prohibit a peace officer from carrying a firearm in the performance of his or her duties, unless the peace officer fails to qualify with the firearm, is declared unfit for duty, and is unable to be armed. ICCTA believes **HB 4139** removes decision-making authority from local boards.

HB 4193 Student Eligibility for Grants (Franks)
ICCTA Position: SUPPORT
Status: Passed the House 111-0-0; Assigned to Senate Rules Committee

Amends the Baccalaureate Savings Act. Provides that while all grants awarded under the program are subject to annual appropriation by the General Assembly, there shall be no expiration date placed on the grants and any person who is denied disbursement of a grant due to a lack of funding shall remain eligible for disbursement of that grant until such time as funding becomes available, provided that he or she properly applies for disbursement of the grant.

HB 4219 Identity Protection Act (Munson)
ICCTA Position: MONITOR
Status: Passed House 109-0; Assigned to Senate Rules Committee

This unfunded mandate creates the Identity Protection Act. Prohibits a state or local government agency from using an individual's social security number in certain ways, subject to various exceptions. Requires each state or local government agency to develop and implement an identity protection policy. Provides that any employee of a state or local government agency who intentionally violates the provisions of the Act is guilty of a Class A misdemeanor. Preempts the concurrent exercise of home rule powers. Amends the State Mandates Act to require implementation without reimbursement by the state.

HB 4232 Reorganization of ISBE Board (Lang)
ICCTA Position: MONITOR
Status: Passed the House 86-21-0; Assigned to Senate Rules Committee

Provides that anything submitted by the State Board of Education to the Governor or the Governor's Office of Management and Budget under the Governor's Office of Management and Budget Act must also be submitted simultaneously to the General Assembly. Terminates the term of each member of the State Board of Education who is in office on the effective date of the amendatory Act and provides for new appointed members to take office. Provides for successors to be appointed for terms of six (instead of four) years. Establishes a Nomination Panel to provide a list of nominees to the Governor for appointment to the State Board. Requires the Nomination Panel to recommend 27 nominees for appointment to the State Board. Provides that the Governor may choose only from these nominations, and, after reviewing the nominations, the Governor may select nine nominees, including the chairperson, for appointment to the State Board, to be confirmed by the Senate.

ICCTA Action Alert**May 5, 2008****Page 3**

HB 4567 Illinois State Scholars Study (Brady)**ICCTA Position: MONITOR****Status: Passed the House: 115-0-0; Rules Committee in the Senate**

Requires the Illinois Student Assistance Commission to conduct a study detailing in 2008 and 2009 (1) the number of students designated State Scholars, (2) the number of State Scholars who applied to state universities, and (3) the number of State Scholars who were denied admittance into the state universities to which they applied. Requires the Commission to submit a report to the General Assembly concerning the findings of the study and the Commission's recommendations on how to make state universities more accessible to State Scholars.

HB 4625 Inclusion of Textbook Costs in Illinois Veterans Grant (Stephens)**ICCTA Position: OPPOSE unless fully funded****Status: 2nd reading in the House**

Provides that assistance under the Illinois Veterans Grant program (which is an entitlement that a public university or community college must honor) must include reimbursement for 50 percent of the costs of textbooks required to be purchased for courses taken at the university or community college.

HB 5074 Elimination of Obsolete Board Reorganization Language (Black)**ICCTA Position: SUPPORT****Status: Passed the House 109-0-0; Assigned to Senate Higher Education Committee**

This ICCTA-initiated legislation eliminates obsolete election language from the Illinois Public Community College Act. The eliminated language refers to the nonpartisan local community college board elections that occurred in November of odd-numbered years and the transition period that was in place to establish the current April election cycle.

HB 5164 Emergency Use of Community College Buildings (Yarbrough)**ICCTA Position: MONITOR****Status: Passed the House 110-0-0; Assigned to Senate Rules Committee**

Provides that the board of trustees of a community college district has the power to make the buildings of a community college available for emergency purposes, upon the request of the Illinois Emergency Management Agency or the state-accredited emergency management agency with jurisdiction, and to cooperate in all matters with the IEMA, local emergency management agencies, state-certified, local public health departments, and federal agencies concerned with emergency preparedness and response. Currently the board has the power to make the buildings of a community college available for use as civil defense shelters for all persons and to cooperate with the IEMA local organizations for civil defense, and federal agencies concerned with civil defense in all matters.

Senate Bill 437 \$1,000 State Scholars Grants (Maloney)**ICCTA Position: SUPPORT****Status: Passed House 58-0 and Senate 106-0-9; Signed by the Governor as Public Act 95-715**

Provides that, subject to appropriation, each State Scholar who enrolls or is enrolled in an institution of higher learning in this state shall also receive a one-time grant of \$1,000 to be applied to tuition and mandatory fees and paid directly to the institution of higher learning. Provides that a student who has been awarded a Merit Recognition Scholarship under the Act may not be awarded a grant under the State Scholars program (although he or she may still be designated a State Scholar) and that a student who has received a grant under the State Scholar program is ineligible to receive a Merit Recognition Scholarship.

SB 1908 MAP Grant Increase (Maloney)**ICCTA Position: MONITOR****Status: Passed Senate Higher Education Committee 8-0; 3rd reading in the Senate**

Provides that the maximum grant amount for the Monetary Award Program must not exceed \$5,468 for FY09, \$5,968 for FY10, and \$6,468 for FY11, and each fiscal year thereafter (instead of \$4,968). Provides that the maximum grant amount for students not subject to this provision must be increased by the same percentage as any increase made by law to such provision. Removes the provision that limits the grant amount to an amount that equals 2 semesters or 3 quarters tuition and fees.

ICCTA Action Alert

May 5, 2008

Page 4

SB 1981 College Savings Plans (Clayborne)

ICCTA Position: MONITOR

Status: Passed the Senate 50-0-0; Assigned to House Rules Committee

Amends the Higher Education Student Assistance Act and the Illinois Income tax Act. Authorizes ISAC to establish systems and programs to encourage employers to match employee contributions to prepaid programs of college savings. Creates an income tax credit for employers who, during the taxable year, makes a matching donation to ISAC on behalf of an employee. Provides that the credit is 25% of the matching donation, but not to exceed \$500 per employee. Provides that the credit may be carried forward for three taxable years.

SB 1982 Cooperative Work Study Program Grants (Frerichs)

ICCTA Position: SUPPORT

Status: Passed the Senate 55-0-0; Assigned to House Rules Committee

Amends the Illinois Cooperative Work Study Program Act. Provides that grants to institutions of higher education under the Act shall support work experiences for students in academic program priority areas that address critical workforce skills shortages, including science, technology, engineering, mathematics, health, nursing, education, and other academic program priority areas as determined annually by IBHE (now, the Board is required to assure that a representative number of the grants support cooperative work study programs that support work experiences for students in academic programs of engineering, science, math, and education).

SB 2043 Community College Student Housing (Koehler)

ICCTA Position: SUPPORT

Status: Referred to Senate Rules Committee

Provides that the board of trustees of any community college district that encompasses, in whole or in part, 8 or more counties may provide or contract for residential housing for students and employees of the community college district, provided that local property tax revenue is not used. Makes a related change to the definition of "facilities." **HB 4547** (Schrock) is identical to **SB 2043** and has been referred to the House Rules Committee.

SB 2293 Increase in Minimum Bidding Threshold (Maloney)

ICCTA Position: SUPPORT

Status: Passed the Senate 55-0-0; Assigned to House Rules Committee

ICCTA requested this legislation, which amends the Public Community College Act and the School Code to increase the minimum bidding threshold from \$10,000 to \$25,000 to determine when certain contracts are required to go through be bid. Increases the minimum bidding threshold with respect to contracts for repair, maintenance, remodeling, renovation, or construction or a single project from \$15,000 to \$50,000.

SB 2595 Inclusion of City Colleges of Chicago in College Insurance Program (Trotter)

ICCTA Position: SUPPORT

Status: Passed the Senate 35-16-0; Assigned to House Rules Committee

Implements the recommendations of the College Insurance Program Task Force. Increases the state's contribution to financing part of the program, creates an advisory committee, and includes the City Colleges of Chicago in the plan beginning July 1, 2009. Provides for the collection and use of contributions. Establishes a committee to advise the State on the program and necessary adjustments in funding sources. Amends the State Mandates Act to require implementation without reimbursement. **HB 5361** (Burke) is identical to **SB 2595** and has been referred to the House Rules Committee.

SB 2690 In-district Exceptions from Lowest Bid (Maloney / McCarthy)

ICCTA Position: SUPPORT

Status: Passed the Senate 54-00-0; Assigned to House Higher Education Committee

Adds an exception for any contract for which the board of trustees, by a vote of two-thirds of its members then holding office, authorizes a contract preference to a bidder other than the lowest responsible bidder, provided that the preferred bidder (i) has submitted a bid that is no more than 5 percent higher than the lowest bid, (ii) has its principal place of business within the district, and (iii) is otherwise responsible and the award of the contract is accompanied by a specific finding of the reason for such an award in the minutes of the board meeting in which the contract is awarded.

*** For additional updates, call ICCTA at 1-800-454-2282 ***

Illinois Community College Trustees Association Action Alert

May 13, 2008

LOCAL CONTROL BILL PASSES SENATE COMMITTEE

ICCTA's legislative initiative to address local board control and community college ethics issues is embodied in **House Bill 4189**. The bill amends the State Officials and Employees Ethics Act to replace ambiguous language in the current law. The current law has been construed to designate community colleges as state agencies and its employees as state employees with respect to the Ethics Act. HB 4189 clearly defines community college districts as units of local government and treats community colleges like all other units of local government under the Ethics Act.

HB 4189 passed out of the House several weeks ago on a vote of 91-14-0. The bill was heard before the Senate Executive Committee on May 8 and was approved by a unanimous vote. The bill has advanced to second reading in the Senate and could come up for a final vote this week. There is no apparent opposition to this bill in the Senate.

At exactly the same time that the Senate Executive Committee was deliberating HB 4189, a different Senate Committee was deliberating **HB 1434**, which would create a pilot program to enable William Rainey Harper College to offer baccalaureate degrees in certain disciplines and under some restrictions. The committee narrowly rejected the proposal by a vote of 4 to 5. HB 1434 was held in the Senate committee. It is possible for the proposal to receive another hearing.

We will prepare a full report for all community college trustees and the community college system later this week as legislation continues to advance.

For additional legislative updates, contact ICCTA at iccta@communitycolleges.org or 1-800-454-2282.

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Illinois Community College Trustees Association Action Alert

May 14, 2008

CALL TO ACTION on FY09 Budget

The Illinois Community College Trustees Association has received information that the **next 36 hours** could be crucial in the development of the Fiscal Year 2009 state budget for community colleges in the House. This information comes to us directly from the staff of the Speaker of the House. To that end, ICCTA has submitted a Fiscal Year 2009 budget request in the House and is now initiating advocacy efforts to the members of the House of Representatives.

Please contact your House member by telephone within the next 24 hours to urge them to support the level of funding in the request, which is detailed below. If you do not know your House member's phone number, call the Capitol switchboard at (217) 782-2000 and ask for your House member's office. If the House member is not available, please leave a message with their secretary that you are requesting the Board of Higher Education level of funding for community colleges. **Also ask that community colleges become a high priority in the state's Fiscal Year 2009 budget.**

The ICCTA staff has prepared a memo to members of the House that explains the Fiscal Year 2009 budget request for community colleges (see attachment). In this memo, we urge the House to adopt the FY2009 budget that was recommended by the Illinois Board of Higher Education as "Step 5" in its February 2008 budget recommendations. In its "Step 5" funding option, IBHE described a 6.9% General Revenue Funds increase above the enacted FY2008 funding level for community colleges. This budget will impact community colleges in Fiscal Year 2009 as follows:

- Increases the community college annual budget to \$330.2 million, a 6.9% (or \$20 million) increase above the FY 2008 enacted appropriation level. If approved, this would be still \$17 million less than the enacted FY 2002 appropriation.
- Adds \$5.5 million to fund the Student Success grant. This grant provides tutoring and special services to students who have challenging educational needs.
- The funding level will slow the rate of increases in tuition. Tuition has increased at community colleges by over 60% in the past six years as State funding has been reduced.
- Funds Veterans Grants at \$7.3 million for community colleges. This is the amount needed to fund Veterans Grants at community colleges.

***For more information, contact ICCTA
at iccta@communitycolleges.org or 1-800-454-2282.***

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I C C T A
ILLINOIS COMMUNITY COLLEGE TRUSTEES ASSOCIATION
401 E. Capitol Ave., Springfield, Illinois 62701 (217) 528-2858

TO: Members of the House of Representatives

FROM: Illinois Community College Trustees Association and the Illinois Council of Community College Presidents

DATE: May 14, 2008

RE: Fiscal Year 2009 budget for community colleges

On April 30, the Coalition for Community College Funding appeared before the House Higher Education Appropriations Committee in order to share FY2009 funding needs. Testifying before the committee were Kathy Wessel, President of the Illinois Community College Trustees Association, Terry Bruce, President of the Illinois Council of Community College Presidents, and Perry Buckley, President of the Cook County College Teachers Union. The purpose of this memo is to share that FY2009 funding request with members of the Illinois House of Representatives.

The witnesses urged the House to adopt the FY2009 budget that was recommended by the Illinois Board of Higher Education as "Step 5" in its February 2008 budget recommendations. In its "Step 5" funding option, IBHE described a 6.9% General Revenue Funds increase above the enacted FY2008 funding level for community colleges. This budget will impact community colleges in Fiscal Year 2009 as follows:

- Increases the community college annual budget to \$330.2 million, a 6.9% (or \$20 million) increase above the FY 2008 enacted appropriation level. If approved, this would be still \$17 million less than the enacted FY 2002 appropriation.
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- The funding level will slow the rate of increases in tuition. Tuition has increased at community colleges by over 60% in the past six years as State funding has been reduced.
- Funds Veterans Grants at \$7.3 million for community colleges. This is the amount needed to fund Veterans Grants at community colleges.

Community colleges are a good investment for Illinois. Community colleges directly affect approximately one million people each year. Over 60% of all minority populations and over 65% of all veterans enrolling in higher education attend community colleges. Community colleges enroll 64% of the students in public higher education, yet only receive 14% of the state higher education dollars. Community colleges need your assistance to continue to serve Illinois.

Illinois Community College Trustees Association Action Alert

May 20, 2008

SENATE APPROVES LOCAL CONTROL LEGISLATION

This afternoon the Illinois Senate unanimously approved legislation that clarifies that community colleges are units of local government, not state agencies. **House Bill 4189**, which passed the House several weeks ago with a vote of 91 - 14 - 0, passed the Senate with a vote of 58 - 0 - 0. The bill will soon be sent to the Governor for his action.

HB 4189 is ICCTA's highest priority legislation this year; it reinforces the local control concept and clarifies that community college districts are units of local government under the State Officials and Employees Ethics Act. The bill clearly excludes community college districts from the definition of state agencies and clearly includes community college districts in the definition of units of local government under the Ethics Act.

Enacting House Bill 4189 into law would render moot a court case currently pending before the Second Appellate Court. In 2005, a number of community colleges initiated a legal action based on the ambiguity of the definition of a state agency described herein. That case was decided in favor of the community colleges, and an appeal is pending.

House sponsors of HB 4189 are:

Robert W. Pritchard - William B. Black - Arthur L. Turner - Mike Boland - Kenneth Dunkin, Patricia R. Bellock, Donald L. Moffitt, Elaine Nekritz, Kathleen A. Ryg, Suzanne Bassi and JoAnn D. Osmond.

Senate sponsors of HB 4189 are:

Edward D. Maloney, Dale E. Risinger - Kimberly A. Lightford - Christine Radogno, Todd Sieben, David Luechtefeld, James F. Clayborne Jr., Kirk W. Dillard, Dale A. Righter, J. Bradley Burzynski, Debbie DeFrancesco Halvorson, Michael W. Frerichs, M. Maggie Crotty, Randall M. Hultgren, A. J. Wilhelmi, Frank C. Watson, David Koehler, Bill Brady, John J. Millner and Pamela J. Althoff.

***For additional legislative updates, contact ICCTA at
iccta@communitycolleges.org or 1-800-454-2282.***

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ICCTA ACTION ALERT

June 3, 2008

The Illinois General Assembly completed its spring session several hours before a midnight, May 31 deadline for adjournment. The session focused on the creation of a Fiscal Year 2009 state budget, proposals for a capital construction program, and development of new revenues to pay for state spending. Lawmakers approved an FY09 budget on the final day of session and will send the measure to the Governor for his action. November 12 has been scheduled as the date for legislators to return to Springfield for the fall veto session.

FISCAL YEAR 2009 BUDGET

An FY09 state budget was approved along partisan lines, totaling \$29.1 billion in General Revenue funds (an increase of about \$2.1 billion over the prior year). The approved budget includes **a \$15 million increase (about 5 percent) in state funding for community colleges**. Critics claim that the General Assembly-approved budget exceeds revenue expectations for FY09 and therefore is not balanced. Supporters of the approved budget maintain that the Governor can manage this budget by selectively vetoing and reducing line items to balance it. Budget highlights include:

- Community colleges receive a 5 percent or \$15 million increase above FY 2008 state funding.
- State universities receive a 2.8 percent operations increase.
- K - 12 schools receive funds to increase the per pupil foundation funding level by \$225 to \$5,959 per pupil.
- No new revenue sources were approved. Although the Senate had passed measures that provided new revenues from: 1) gaming expansion; 2) a \$16 billion pension bonding plan; 3) leasing the Lottery; and 4) authority to sweep" funds, the House did not consider the proposals .
- No capital appropriations were approved. Although the Senate approved a \$34.1 billion public works and capital spending bill, the House did not call the measure for a vote.
- The Governor has authority to selectively reduce this budget or veto it in its entirety.

LEGISLATION APPROVED BY THE GENERAL ASSEMBLY

The following is a listing of legislation of interest to community colleges that was passed by the General Assembly and will be sent to the Governor for his action. Numerous additional bills impacting community colleges remain on legislative calendars and can still be considered later.

House Bill 4189 **Ethics Act – Community College Local Control** (Pritchard / Maloney)
ICCTA Position: **SUPPORT**
Status: **Passed both Houses**

This high-priority ICCTA legislation clarifies that community colleges are units of local government (rather than state agencies) covered under the local government provisions of the Ethics Act. The bill also clarifies that, with respect to the State Employees Ethics Act, community colleges are under the jurisdiction of local ethics commissions, not the State Executive Inspector General.

HB 3677 **Sexual Assault Awareness Programs** (Jakobsson / Martinez)
ICCTA Position: **MONITOR**
Status: **Passed both Houses**

Amends the Critical Health Problems and Comprehensive Health Education Act, various Acts relating to the governance of public universities in Illinois, and the Public Community College Act. Requires each public university and community college to provide some form of sexual assault awareness education to all incoming students, whether through a seminar, online training, or some other way of informing students. No funding was provided for implementation of these programs.

- continued -



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www.communitycolleges.org (web site)

ICCTA Action Alert

June 3, 2008

Page 2

HB 4567 Illinois State Scholars Study (Brady / Holmes)

ICCTA Position: MONITOR

Status: Passed both Houses

Amends the Higher Education Student Assistance Act. Requires the Illinois Student Assistance Commission to conduct a study detailing in 2008 and 2009 (1) the number of students designated State Scholars, (2) the number of State Scholars who applied to state universities, and (3) the number of State Scholars who were denied admittance into the state universities to which they applied. Requires the Commission to submit a report to the General Assembly concerning the findings of the study and the Commission's recommendations on how to make state universities more accessible to State Scholars.

HB 5074 Elimination of Obsolete Board Reorganization Language (Black / Demuzio)

ICCTA Position: SUPPORT

Status: Passed both Houses

This ICCTA-initiated legislation eliminates obsolete election language from the Illinois Public Community College Act. The eliminated language refers to the nonpartisan local community college board elections that occurred in November of odd-numbered years and the transition period that was in place to establish the current April election cycle.

House Joint Resolution 36 Creation of Dual Credit Task Force (Eddy / Righter)

ICCTA Position: MONITOR

Status: Passed both Houses

Resolves that the Board of Higher Education establish a task force to study issues related to dual credit. The task force shall report its findings to the General Assembly on or before December 1, 2008.

SB 437 \$1,000 State Scholars Grants (Maloney / McCarthy)

ICCTA Position: SUPPORT

Status: Passed both Houses

Amends the Higher Education Student Assistance Act. Provides that, subject to appropriation, each State Scholar who enrolls or is enrolled in an institution of higher learning in this state shall also receive a one-time grant of \$1,000 to be applied to tuition and mandatory fees and paid directly to the institution of higher learning. Provides that a student who has been awarded a Merit Recognition Scholarship under the Act may not be awarded a grant under the State Scholars program (although he or she may still be designated a State Scholar) and that a student who has received a grant under the State Scholar program is ineligible to receive a Merit Recognition Scholarship.

SB 1908 MAP Grant Increase (Maloney / Miller)

ICCTA Position: MONITOR

Status: Passed both Houses

Provides that the maximum grant amount for the Monetary Award Program must not exceed \$5,468 for FY09, \$5,968 for FY10, and \$6,468 for FY11, and each fiscal year thereafter (instead of \$4,968). Provides that the maximum grant amount for students not subject to this provision must be increased by the same percentage as any increase made by law to such provision. Removes the provision that limits the grant amount to an amount that equals 2 semesters or 3 quarters tuition and fees.

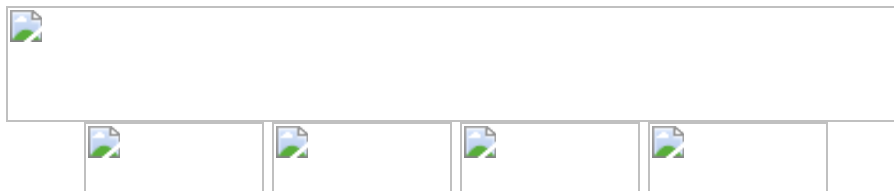
SB 2691 Campus Security Enhancement Act of 2008 (Sullivan / Prichard)

ICCTA Position: SUPPORT

Status: Passed both Houses

Requires each public university, public community college, and independent, not-for-profit or for-profit higher education institution located in Illinois to (1) develop a National Incident Management System-compliant, all-hazards, emergency response plan in partnership with the institution's county or major municipal emergency management official, report the plan to this official, and have training and exercises for the plan annually at a minimum; and (2) develop an interdisciplinary and multi-jurisdictional campus violence prevention plan in partnership with the institution's county or major municipal emergency management official, report the plan to this official, and have training and exercises for the plan annually at a minimum. The program did not receive funding considerations for FY09.

*** For additional updates, call ICCTA at 1-800-454-2282 ***



ICCTA Action Alert

July 17, 2008

House fails to restore community college budget cuts

The Illinois House of Representatives convened in special session on Tuesday and Wednesday to respond to Gov. Rod Blagojevich's recent budget vetoes. In 33 separate motions, the House voted to restore about \$480 million of the Governor's \$1.4 billion in budget reductions. Only six of the 33 budget override motions were approved.

Among the motions that failed to pass were those to restore \$18.6 million in funding for community colleges. The motion to restore community college funding to the level approved by the General Assembly last spring received only 58 votes; 60 votes were needed for passage in the House. With this action, the Governor's vetoes will stand, and **the community college budget for Fiscal Year 2009 is about \$3 million less than it was in FY 2008.**

Most likely, the Governor's vetoes will probably stand on all of the state budget, even the vetoes that were successfully overridden in the House. This may happen because the Senate does not plan to convene during the required time period to override the Governor's vetoes. Both the Senate and the House must vote to override a veto in order for the governor's action to be nullified.

Both houses of the General Assembly are scheduled to return to Springfield on November 11 (following the November elections) for the regular fall veto session.

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ICCTA Action Alert

August 11, 2008

Gov. Rod Blagojevich has **vetoed House Bill 4189**, the community college local control and ethics legislation. HB 4189 clarifies that community college districts are units of local government and not state agencies under the State Officials and Employees Ethics Act.

ICCTA had requested that the Governor approve HB 4189, but Gov. Blagojevich vetoed the bill for the second year in a row. HB 4189 received a vote of 91-14 in the House and 58-0 in the Senate. Last year's legislation, HB 3504 (which was identical to this year's HB 4189), was also approved by both houses of the General Assembly by large margins.

ICCTA is planning to coordinate efforts to override the Governor's veto of this legislation.

*** For additional legislative updates, call ICCTA at 1-800-454-2282 ***

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The Honorable Rod R. Blagojevich
Governor
207 Statehouse
Springfield, IL 62706

June 30, 2008

Dear Governor Blagojevich,

I write to ask you to approve **House Bill 4189**. The bill amends the State Officials and Employees Ethics Act to clarify that community college districts are units of local government that must adopt resolutions regulating the political activities and the solicitation and acceptance of gifts by their officials and employees. In addition to the Illinois Community College Trustees Association, The Illinois Council of Community College Presidents, 39 community college districts, Illinois Federation of Teachers, and the Illinois Education Association all demonstrated support for this clarifying legislation. **There is no known opposition to this bill.**

The 2003 State Officials and Employees Ethics Act revised Illinois laws regulating the ethical conduct, political activities, and giving and receiving of gifts by state officials and employees. The Act also included provisions for units of local government and established an enforcement structure (including criminal penalties) to ensure compliance with the new laws. Every community college district in Illinois has complied with the **local government** provisions of the Act and established their own ethics codes and commissions as required in the Act.

On October 5, 2005, the Illinois Attorney General issued a legal opinion stating that under the current language of the State Officials and Employees Ethics Act, community college districts fall within the definition of **state agencies** (rather than “units of local government”) and that their employees are **state employees** (rather than employees of local units of government). This opinion conflicts with the otherwise universal description of community colleges as units of local government. Community college districts have long been local entities governed by locally elected board members.

Please approve HB 4189 to clarify that community colleges are units of local government under the State Officials and Employees Ethics Act.

Sincerely,

Michael Monaghan
Executive Director

HB 4189

Community Colleges

Synopsis:

Amends the State Officials and Employees Ethics Act. Classifies community college districts as units of local government that must adopt resolutions regulating the political activities and the solicitation and acceptance of gifts by their officials and employees. Effective immediately.

Sponsors:

House: Representative Robert Pritchard and others
Senate: Senator Edward Maloney and others

House vote: 91 - 11 - 1
Senate Vote: 58 - 0 - 0

Supporting HB 4189:

Illinois Community College Trustees Association
Illinois Council of Community College Presidents
39 community college districts
Illinois Federation of Teachers
Illinois Education Association

Opposing HB 4189:

None known

Background:

The 2003 State Officials and Employees Ethics Act revised Illinois laws regulating the ethical conduct, political activities, and giving and receiving of gifts by state officials and employees. The Act also included provisions for units of local government and established an enforcement structure (including criminal penalties) to ensure compliance with the new laws.

One section of the Act specifically applies to **“units of local government”** and requires them to adopt ethics regulations. Every community college district in Illinois has complied with the **local government** provisions of the Act and established their own ethics codes and commissions as required in the Act. This was done because Illinois community college districts are described as units of local government in all citations throughout the Illinois Compiled Statutes. A different section of the Ethics Act applies to state agencies and state employees.

On October 5, 2005, the Illinois Attorney General issued a legal opinion. Based on the definition of the Higher Education Cooperation Act, the Attorney General stated that under the State Officials and Employees Ethics Act, community college districts fall within the definition of **state agencies** (rather than “units of local government”) and that their employees are **state employees** (rather than employees of local units of government). This opinion conflicts with the otherwise universal description of community colleges as units of local government. Community colleges have long been considered local entities governed by locally elected board members.

Issue:

The State Officials and Employees Ethics Act appears to embody ambiguous language that both includes and excludes community college districts in the definition of a state agency.

Current law defines a state agency as follows:

*"State agency" includes all officers, boards, commissions and agencies created by the Constitution, whether in the executive or legislative branch; all officers, departments, boards, commissions, agencies, institutions, authorities, **public institutions of higher learning as defined in Section 2 of the Higher Education Cooperation Act** and bodies politic and corporate of the State; and administrative units or corporate outgrowths of the State government which are created by or pursuant to statute, **other than units of local government** and their officers, school districts, and boards of election commissioners; ...*

Community college districts were inadvertently included in the definition of a state agency through their inclusion in Section 2 of the Higher Education Cooperation Act. They appear to be excluded from the definition of a state agency in the same sentence because they are units of local government.

Considering community college districts to be state agencies and their employees to be state employees causes local government employees, who are not state employees, to comply with many of the ethics requirements of state employees. The requirements are very different from the local government requirements because they are governed differently. **This classifies community college districts differently than all of the other units of local government in Illinois, such as school districts or local municipalities.**

In addition, the section of the Ethics Act dealing with state agencies is not compatible with the operations of community college districts, which are locally-governed, locally-controlled entities. It adds another layer of bureaucracy for the 38,000 community college employees and empowers a state entity to supercede locally adopted ethics codes and personnel policies.

In effect, the opinion singles out and treats community college districts differently than any other unit of local government, such as school districts, municipalities or townships.

Remedy:

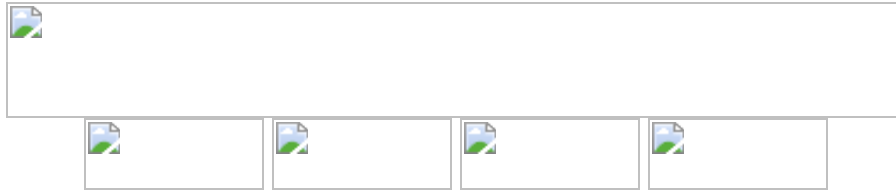
House Bill 4189 clarifies that community college districts are units of local government under the State Officials and Employees Ethics Act. The bill clearly excludes community college districts from the definition of state agencies and clearly includes community college districts in the definition of units of local government.

Signing House Bill 4189 into law would render moot an issue currently pending before the Second Appellate Court. A number of community colleges have initiated a legal action based on the ambiguity of the definition of a state agency described herein. That case remains pending before the court.

For additional information, please contact:

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ICCTA Action Alert

August 14, 2008

House overrides Governor's veto of community college ethics and local government bill

On Wednesday, August 13, the Illinois House of Representatives voted 78-12-0 to override the Governor's veto on House Bill 4189. Representative Prichard (R- Sycamore), the chief sponsor of the legislation, filed the motion to override the veto, which was then passed shortly before the House adjourned a Special Session called by the Governor.

The Illinois Senate must also vote to override the Governor's veto in order for HB 4189 to become law.

HB 4189 is an ICCTA-initiated bill that clarifies that community college districts are units of local government (not state agencies) under the State Officials and Employees Ethics Act.

*** For additional legislative updates, call ICCTA at 1-800-454-2282 ***

Illinois Community College Trustees Association

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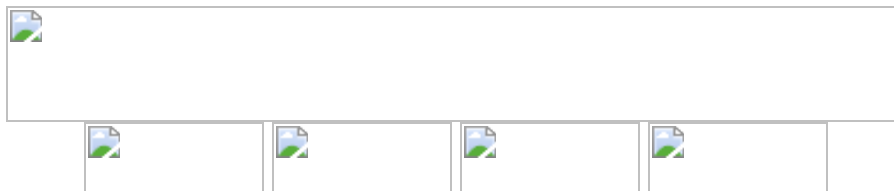
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ICCTA Action Alert

August 18, 2008

Senate to consider overrides of Governor's vetoes

The Illinois Senate has scheduled Tuesday, August 19, to return to Springfield to consider the Governor's vetoes and amendatory vetoes of legislation passed by the General Assembly. Included in the listing of bills that could be considered by the Senate is **House Bill 4189**, an ICCTA initiative to clarify that community college districts are units of local government with respect to the State Official and Employees Ethics Act.

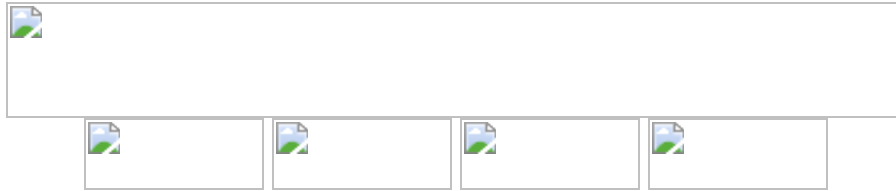
The Governor vetoed HB 4189 on August 8, and on August 13 the House of Representatives overrode the Governor's veto. The Senate must also vote to override the Governor's veto in order for the bill to become law.

ICCTA is initiating efforts in the Senate to override the Governor's veto of HB 4189. Last spring the Senate voted 58 - 0 - 0 to pass this legislation.

*** For additional legislative updates, call ICCTA at 1-800-454-2282 ***

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ICCTA Action Alert

August 19, 2008

Senate overrides Governor's veto; HB 4189 becomes law

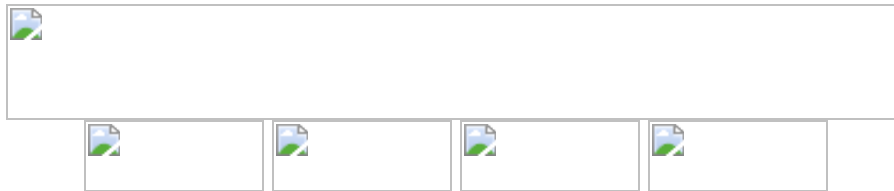
The Illinois Senate voted 53-0-1 this afternoon to override Gov. Rod Blagojevich's veto of House Bill 4189, an ICCTA initiative to clarify that community college districts are units of local government with respect to the State Official and Employees Ethics Act.

Since both houses of the Illinois General Assembly have voted to override the Governor's veto, HB 4189 now becomes state law, effective immediately. (The Illinois House of Representatives voted 78-12 to override the Governor's veto on August 14.)

*** For additional legislative updates, call ICCTA at 1-800-454-2282 ***

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ICCTA Action Alert

September 26, 2008

General Assembly restores some budget cuts

The Illinois General Assembly met on September 22-23 to conduct business involving the Fiscal Year 2009 state budget and proposed revisions to the state's Ethics Act. Gov. Rod Blagojevich had called for an unprecedented 26th special session, which required both houses of the legislature to convene.

During the two-day session, a slimmed down "fund sweeps" proposal originating in the House was approved by both houses and sent to the Governor for his action. The "fund sweeps" legislation transfers \$220 million from special dedicated funds to the state's General Revenue Fund to shore up the state's budget. Gov. Blagojevich had requested approval of "fund sweeps" legislation totaling \$530 million. Even though the Governor had suggested making controversial changes to the State's Ethics Act, the General Assembly made no changes.

Following approval of the "fund sweeps" legislation, lawmakers went to the business of appropriating the \$220 million (supplemental appropriation) that had been produced from passage of the "fund sweeps" legislation. The General Assembly's intent was to appropriate adequate funding to reverse decisions to close state parks and historic sites and to avoid the layoffs of hundred of state employees in these areas.

During the course of budget negotiations to structure the appropriation, Tom Ryder (ICCTA's Legislative Counsel) submitted a request that the legislature restore \$10 million to the community college system budget. This nearly became reality. Ryder recommended to legislative leaders that \$10 million be added to credit hour grant funding for all community colleges. This would have restored funding to the level approved by the General Assembly last spring before the Governor reduced the community college budget using his item veto authority. Even though there was widespread support among lawmakers to add \$10 million to the community college system budget, legislative leaders ultimately decided to limit the scope of the appropriation bill to the original intent -- to avoid state agency site closures and employee layoffs.

*** For additional legislative updates, call ICCTA at 1-800-454-2282 ***

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Governor Approves Community College Legislation

On October 3, 2008, Gov. Rod Blagojevich approved two bills impacting community colleges.

Senate Bill 2293 (Maloney / Chapa Lavia) -- Increase in minimum bid thresholds

ICCTA Position: SUPPORT

Status: Signed into law as Public Act 95-0990

ICCTA initiated **Senate Bill 2293** to increase the minimum threshold for going out to bid from \$10,000 to \$25,000 for the purchase of supplies and materials at community colleges and school districts. It also increases the minimum threshold for going to bid on small construction projects from \$15,000 to \$50,000. In addition, SB 2293 permits a board to establish a policy that establishes lower minimums than provided in this legislation. Sponsored by Senator Ed Maloney and Representative Linda Chapa LaVia, this bill becomes effective immediately.

ICCTA last achieved increasing the minimum required bidding thresholds in 1998 when inflation factors established the \$10,000 and \$15,000 amounts respectively. Rapidly increasing education and construction inflation factors were used to determine new thresholds. ICCTA protected the local control authority of boards by including provisions in the new law that allow boards to establish policies that set lower bidding thresholds than allowed in this legislation.

The pertinent sections of the bill are stated as follows:

"To award all contracts for purchase of supplies, materials or work involving an expenditure in excess of \$25,000 or a lower amount as required by board policy \$10,000 to the lowest responsible bidder ..."; and

"All competitive bids for contracts involving an expenditure in excess of \$25,000 or a lower amount as required by board policy \$10,000 must be sealed by the bidder and must be opened by a member or employee of the board at a public bid opening at which the contents of the bids must be announced."; and

"j) contracts for repair, maintenance, remodeling, renovation, or construction, or a single project involving an expenditure not to exceed \$50,000 \$15,000 and not involving a change or increase in the size, type, or extent of an existing facility;"

Senate Bill 2690 (Maloney / Yarbrough) -- Emergency use of community college facilities

ICCTA Position: SUPPORT

Status: Signed into law as Public Act 95-0997

SB 2690 makes a technical change to provide that the board of trustees of a community college district has the power to make the buildings of a community college available for emergency purposes not only to civil defense entities but also upon the request of the Illinois Emergency Management Agency or the state-accredited emergency management agency with jurisdiction, and to cooperate in all matters with the Illinois Emergency Management Agency, local emergency management agencies, state-certified, local public health departments, the American Red Cross, and federal agencies concerned with emergency preparedness and response (previously, the board has the power to make the buildings of a community college available for use as civil defense shelters for all persons and to cooperate with the Illinois Emergency Management Agency, local organizations for civil defense, and federal agencies concerned with civil defense in all matters). This Act becomes effective immediately.

For more information, contact ICCTA at 1-800-454-2282or iccta@communitycolleges.org.

Illinois Community College Trustees Association Action Alert
December 16, 2008

Yesterday the Illinois House of Representatives voted to begin impeachment proceedings against Gov. Rod Blagojevich by creating an Investigations Committee to consider allegations that the two-term Democrat Governor abused his office and may have participated in criminal activity.

The House passed **House Resolution 1650** on a unanimous vote of 113-0 and then adjourned until January 12, 2009, or at the call of the Speaker. The 21-member committee formed by HR 1650 met this morning and will meet openly and continuously with the exception of Christmas Eve, Christmas Day, New Year's Eve and New Year's Day.

HR 1650 is attached for your information.

The House did not vote on a proposal that would require that President-Elect Obama's vacated U.S. Senate seat be filled by special election.

The Illinois Senate convened on Monday and Tuesday and adjourned until January 12, 2009. The Senate also did not vote on a proposal to fill the vacant Illinois Senate seat by special election.

The following House members comprise the Investigations Committee created by HR 1650:

Democrats

House Majority Leader Barbara Flynn Currie, Chicago – chairwoman
Rep. Eddie Acevedo, Chicago
Rep. Monique Davis, Chicago
Rep. Mary Flowers, Chicago
Rep. Jack Franks, Woodstock
Rep. John Fritchey, Chicago
Rep. Julie Hamos, Evanston
Rep. Gary Hannig, Litchfield
Rep. Connie Howard, Chicago
Rep. Lou Lang, Skokie
Rep. Frank Mautino, Spring Valley
Rep. Art Turner, Chicago

Republicans

Rep. Jim Durkin, Western Springs, minority spokesperson
Rep. Suzie Bassi, Palatine
Rep. Patti Bellock, Hinsdale
Rep. Bill Black, Danville
Rep. Mike Bost, Murphysboro
Rep. Roger Eddy, Hutsonville
Rep. Chapin Rose, Mahomet
Rep. Jim Sacia, Pecatonica
Rep. Jil Tracy, Mount Sterling

For additional information, contact ICCTA at 1-800-454-2282 or
iccta@communitycolleges.org



HR1650

LRB095 23171 RCE 53817 r

1

HOUSE RESOLUTION

2 WHEREAS, Allegations have been raised regarding the
3 conduct of Governor Rod R. Blagojevich; and

4 WHEREAS, Section 14 of Article IV of the Illinois
5 Constitution provides that the House of Representatives has the
6 sole power to conduct legislative investigations to determine
7 the existence of cause for impeachment and, by the vote of a
8 majority of the members elected, to impeach Executive and
9 Judicial officers; therefore, be it

10 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE
11 NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that a
12 Special Investigative Committee be created for the purpose of
13 (i) investigating allegations of misfeasance, malfeasance,
14 nonfeasance, and other misconduct of Governor Rod R.
15 Blagojevich and (ii) making a recommendation as to whether
16 cause exists for impeachment; and be it further

17 RESOLVED, That the Special Investigative Committee shall
18 consist of 21 legislative members, with 12 members of the House
19 of Representatives appointed by the Speaker of the House of
20 Representatives and 9 members of the House of Representatives
21 appointed by the Minority Leader of the House of
22 Representatives; and be it further

1 RESOLVED, That the Speaker of the House of Representatives
2 shall designate one appointee to serve as a chairperson; and
3 that the Minority Leader of the House of Representatives shall
4 designate one appointee to serve as minority spokesperson; and
5 be it further

6 RESOLVED, That the appointments of the members and the
7 designation of the chairperson and minority spokesperson of the
8 Special Investigative Committee shall be transmitted by the
9 appointing authority in writing to the Clerk of the House of
10 Representatives; and be it further

11 RESOLVED, That the Special Investigative Committee is
12 empowered to meet, upon the proper appointment of a majority of
13 the members, in accordance with the House Rules; that all
14 meetings shall be public; that advance notice of all meetings
15 shall be given to the public; and that the Special
16 Investigative Committee may gather evidence and hear testimony
17 at any location within the State of Illinois designated by the
18 chairperson; and be it further

19 RESOLVED, That the Special Investigative Committee is
20 empowered to adopt rules to govern the proceedings before it in
21 order to ensure due process, fundamental fairness, and a
22 thorough investigation; and that the Special Investigative

1 Committee shall have the power to administer oaths and to
2 compel the attendance and testimony of persons and the
3 production of papers, documents, and other evidence, under
4 oath, by subpoena signed by the Speaker of the House of
5 Representatives and attested by the Clerk of the House of
6 Representatives when the testimony, documents, or evidence is
7 necessary for or incident to any inquiry relevant to the
8 business or purposes of the Special Investigative Committee,
9 and to punish any person for the neglect, refusal to appear, or
10 failure to produce papers or documents or provide evidence
11 commanded by subpoena or who, upon appearance, either with or
12 without subpoena, refuses to be sworn or testify or produce
13 papers, documents, or evidence demanded of him or her; and be
14 it further

15 RESOLVED, That the Special Investigative Committee shall
16 submit a report to the House of Representatives prior to the
17 expiration of the 95th General Assembly by filing the report
18 with the Clerk of the House of Representatives and by providing
19 copies to the Speaker and Minority Leader of the House of
20 Representatives.