

Illinois Community College Board

**SPRING 2019 LEGISLATIVE UPDATE
101st GENERAL ASSEMBLY**

The 2019 spring legislative session concluded on June 2nd after a flurry of activity which saw the passage of a statewide capital plan; legalization of recreational cannabis; expansion of gambling and legalization of sports betting; increases in cigarette and gas taxes and vehicle license fees; pro-business reforms; and a balanced budget for fiscal year 2020. Weeks earlier the General Assembly approved, along party lines, placing a constitutional amendment on the November 2020 ballot to allow for a change from a flat tax system to a progressive income tax. A companion bill was also passed that included income tax rates, up to 7.99 percent for the highest wage earners, that would be used if the amendment was passed.

Over the summer, these bills and hundreds of others approved by the General Assembly were presented to the Governor for his consideration. This agenda item highlights the Governor's action on significant legislation with implications for the Board or the community college system. Those bills vetoed by the Governor may be taken up on a legislative motion to override during the October/November Veto Session.

A complete list of tracked bills is included at the end of this summary document.

Legislation Initiated by the ICCB

**[HB 3628](#) (Bristow/Murphy)
[SB 2126](#) (Murphy/Mussman)**

ICCB Adult Education Classes

Governor Approved: P.A. 101-0289 (HB 3628)
Governor Vetoed (SB 2126, identical to HB 3628 signed into law)

ICCB Position: Support

ICCB identified statutory revisions to the State's Adult Education Act to ensure compliance with WIOA. This legislation aligns statutory language with the current adult education program administered by the ICCB. In 2002, adult education was transferred from ISBE to ICCB but few changes were made other than switching the definition of "Board" from one agency to another. Highlights of the legislation:

- Provides a clearer understanding of the provisions of the law.
- Aligns with statewide strategic planning activities.
- Increases instructional fees from \$3.00 to \$6.00 per unit of instruction with a maximum of \$30.00 per semester. Includes a fee exemption for those students receiving public aid under the Illinois Public Aid Code.
- Proposes a generation rate for Adult Education instruction more closely aligned with the community college reimbursement rates for ABE/ASE/ESL divided by one-third.
- Provides additional definitions such as defining Adult Education.
- Removes some specific Illinois School Code language that was not appropriately placed in this legislation.

This language may have been applicable before the transference of governance to the ICCB.

FY 2020 Budget & Capital Plan

HB 62 (Harris/J. Cullerton)

FY20 Capital Budget

Governor Approved: P.A. 101-0029

ICCB Position: Support

After going nearly ten years without a significant state investment in community college capital projects, the legislature approved a bipartisan package of legislation for capital appropriations. This bill includes \$479.0 million for new capital projects and statewide deferred maintenance for the community college system. The budget also includes reappropriation of prior year capital projects.

HB 142 (Harris/Manar)

FY20 Bond Authorization

Governor Approved: P.A. 101-0030

ICCB Position: Monitor

With bipartisan support in both chambers, the General Assembly approved an increase in State debt limits to support the sale of bonds to fund the capital program and pay down the backlog of unpaid bills. Specifically, the bill authorizes an additional \$2.8 billion in borrowing for education projects and \$1.2 billion in borrowing to pay down the bill backlog.

SB 262 (J. Cullerton/Harris)

FY20 Operating Budget

Governor Approved: P.A. 101-0007

ICCB Position: Support

The fiscal year 2020 operating budget for the State of Illinois totals \$40.0 billion and provides for an increase of \$134 million over fiscal year 2019 levels to higher education. The increase includes \$50 million more than last year for Monetary Award Grant funding and 5 percent increases to state university and college operations. Highlights specific to the community college system are as follows:

- \$13.9 million for the community college operating grants and the adult education system.
- \$1.0 million for transitional math and English.
- \$23.8 million for bridge programs and student support services.
- Level funding for CTE to meet state maintenance of effort requirements.

SB 1814 (Stears/Harris)

FY20 Budget Implementation Bill (BIMP)

Governor Approved: P.A. 101-0010

ICCB Position: Support

Creates the FY2020 Budget Implementation Act to make the changes in State programs that are necessary to implement fiscal year 2020 budget recommendations. Among these changes is the

continuation of the authorization to use a portion of the Corporate Personal Property Replacement Tax (CPPRT) revenue to fund community college Base Operating Grants.

Further, this bill rescinds a portion of fiscal year 2018 pension reforms, reinstating the previous 6 percent limit (reduced to 3 percent in the fiscal year 2018 BIMP) on salary increases for TRS and SURS members, beyond which the employer is responsible for contributing the present value of the associated pension benefit increase. Because of the rule, many community colleges face financial penalties for promoting employees to senior leadership positions or adding additional pay for performing extra duties if the employee is within five years of retirement.

Legislation Affecting the ICCB

HB 834 (Moeller/Castro)

Equal Pay Act – Wage History

Governor Approved: P.A. 101-0177

ICCB Position: Monitor

The bill amends the Equal Pay Act to prohibit employers from: screening applicants based on wage/salary history; requiring that an applicant's prior wages satisfy minimum/maximum criteria; and requesting or requiring, as a condition of being interviewed or remaining under consideration for an employment offer, that prior wages/salary be disclosed. The bill does not prevent an employer from providing information about the wages, benefits, compensation, or salary offered in relation to a position or engaging in discussions with an applicant for employment about the applicant's expectations with respect to wage or salary, benefits, and other compensation.

The ICCB has recently revised its employment application to remove questions about salary history and also included provisions regarding this law in its revised Employee Guidebook presented to the Board for adoption today.

HB 1557 (B. Hernandez/Martinez)

SOS – Literacy & ESL Class Information

Governor Approved: P.A. 101-0053

ICCB Position: Monitor

This bill requires the Secretary of State to provide a pamphlet or post information informing customers of the availability of literacy and English as a second language classes at the Secretary of State Driver Service facilities. The Secretary may satisfy the requirement by providing the Internet address of a not-for-profit entity offering this information.

HB 3217 (Mah/Villivalam)

Asian American Family Commission

Governor Approved: P.A. 101-0392

ICCB Position: Monitor

This bill creates the Asian American Family Commission, provides for the appointment of members to the Commission, and sets terms of membership. The bill requires the appointment of liaisons from specified State agencies, including ICCB, to serve as ex officio members of the Commission. The Office of the Governor, in cooperation with the State agencies appointing

liaisons, shall provide administrative support to the Commission. The Commission is required to annually report to the Governor and the General Assembly.

SB 727 (Glowiak/Howard)

Native American Employment Plan Act

Governor Approved: P.A. 101-0534

ICCB Position: Monitor

This bill creates the Native American Employment Plan Act and establishes the Native American Employment Plan Advisory Council. The purpose is to increase the number of Native American state employees in certain positions, identify agency staffing needs and qualifications, and track practices and promotions of Native American state employees. The ICCB currently compiles annual data to comply with the African American Employment Act, the Hispanic Employment Plan Act, and the Asian American Employment Plan Act.

Legislation Effecting the Community College System

HB 1438 (Cassidy/Steans)

Legalization of Recreational Cannabis

Governor Approved: P.A. 101-0027

ICCB Position: Monitor

Creates the Cannabis Regulation and Tax Act, providing for legal use of recreational cannabis by persons 21 years of age or older. Among the provisions of the legislation is the creation of the Community College Cannabis Vocational Training Pilot Program. This program allows up to eight community colleges to offer a "Career in Cannabis Certificate" to community college students who complete a prescribed course of study in cannabis and cannabis business industry related classes and curriculum.

The bill establishes state cannabis taxes and authorizes county and municipal cannabis taxes; provides for a regulatory structure; and provides for expungement of certain cannabis violations. Further, the bill establishes the Restore, Reinvest, and Renew Program and encourages investment in areas that have been subjected to strict enforcement of previous cannabis laws.

HB 2152 (Welch/McGuire)

Mental Health Early Action on Campus Act

Governor Approved: P.A. 101-0251

ICCB Position: Neutral

The bill creates the Mental Health Early Action on Campus Act. This new Act provides that each public college or university must designate an expert panel to develop and implement policies and procedures to advise students, faculty, and staff on the proper procedures for identifying and addressing the needs of students exhibiting symptoms of a mental health condition; increase knowledge and understanding of student protections under the law; and provide training if appropriate. In addition, each public college or university must develop and implement a peer support program utilizing student peers to support individuals living with mental health conditions on campus and form strategic partnerships with local mental health service providers to improve

overall campus mental wellness and augment on-campus capacity; specifies what the partnerships must include.

The Act is subject to appropriation and requires the Commission on Government Forecasting and Accountability in conjunction with ICCB and IBHE to make recommendations to the General Assembly regarding the funding necessary to implement the Act, initially by December 31, 2019.

HB 2460 (Davis/Martinez)

Illinois Sustainable Investing Act

Governor Approved: P.A. 101-0473

ICCB Position: Monitor

This bill creates the Illinois Sustainable Investing Act, which provides that public agencies or government units should develop, publish, and implement sustainable investment policies applicable to the management of all public funds under its control. The sustainable investment policy should include material, relevant, and decision-useful sustainability factors to be considered by the public agency or governmental unit as one component of its overall evaluation of investment decisions. Sustainability factors may include corporate governance and leadership factors; environmental factors; social capital factors; human capital factors; and business model and innovation factors.

HB 2691 (E. Hernandez/Aquino)

Retention of Illinois Students and Equity (RISE) Act

Governor Approved: P.A. 101-0021

ICCB Position: Monitor

Under the bill, a student who is an Illinois resident and who is not otherwise eligible for federal financial aid, including, but not limited to, a transgender student who is disqualified for failure to register for selective service or a noncitizen student who has not obtained lawful permanent residence, would be eligible for State financial aid and benefits including programs administered by ISAC, including MAP Grants, and assistance provided by public institutions.

The bill would also prohibit any caps on MAP eligibility other than those required by statute, effectively eliminating an existing rule that bars a student from receiving MAP if she has used the program for more than 75 credit hours but has not yet attained junior standing.

An estimated 3,500 students could become newly eligible for the MAP under the bill. ISAC anticipates that students will be able to apply beginning on that date for MAP for the 2020-2021 academic year.

HB 2719 (Stuart/Manar)
Completion

High School Graduation Requirement – FAFSA

Governor Approved: P.A. 101-0180

ICCB Position: Support

This initiative of the Governor makes it a requirement, beginning with the 2020-2021 school year, that a high school student complete the Free Application for Federal Student Aid (FAFSA) as a condition of graduation. The bill includes broad waiver provisions under which a parent, guardian, or the student (if 18 or emancipated) can opt out of filing for any reason, which will not need to be

specified. Additionally, to accommodate students whose parents are not able to be engaged in this process—e.g., if the parent is mentally or physically ill, incarcerated, or deceased—the bill allows the school to waive the requirement after making a good faith effort to support the student in filing an application or an opt-out waiver.

HB 3404 (Villa/Martinez)

Higher Ed Mental Health Information

Governor Approved: P.A. 101-0217

ICCB Position: Monitor

Under this legislation all public universities and community colleges are required to make information available to students on all mental health and suicide prevention resources available at the college or university beginning at the start of the 2020-2021 academic year and for each academic year thereafter. From information provided by individual community colleges, it would seem that this information is currently being provided.

HB 3652 (Edly-Allen/Bush)

School Counselor – College Education Plan

Governor Approved: P.A. 101-0290

ICCB Position: Monitor

The bill amends the School Code to stipulate that, in assisting all students with a college or post-secondary education plan, a school counselor must include a discussion on all post-secondary education options, including four-year colleges or universities, community colleges, and vocational schools.

SB 450 (Jones/Ammons)
Credit

Career & Workforce Transition Act – Direct / Elective

Governor Approved: P.A. 101-0194

ICCB Position: Neutral

The bill amends the Career and Workforce Transition Act to provide that any designation given by the ICCB of credit hour value for a student who has completed a program in medical assisting, medical coding, dental assisting, HVAC, welding, or pharmacy technician shall be applied by the community college district as direct or elective credit toward an associate degree of applied science or its equivalent as determined by the community college district.

SB 534 (Jones/Welch)

BEP Goals / Bureau of Apprenticeship Programs

Governor Approved: P.A. 101-0170

ICCB Position: Monitor

This legislation is an initiative of the Legislative Black Caucus to address inequity in the State's procurement process and increase minority participation in apprenticeship programs. The community college system, which is subject to the Business Enterprise for Minorities, Women, and Disabilities Act (BEP), will be required to adhere to the amendatory changes to the BEP Act contained in this legislation.

Specifically, the legislation amends the BEP Act to require that minority-owned businesses, women-owned businesses, and businesses owned by persons with disabilities get a specific percentage of the total dollar amount of construction and various other service contracts with the State (or community college). The legislation also adds persons with disabilities into the goal requirements for construction contracts. The bill language breaks down the 20 percent goal for construction, specifically to mirror the 2 percent for disabled, 11 percent for minorities, and 7 percent for women, as it exists for other contracts. The bill makes these same changes relative to other specified types of contracts (technology, accounting, insurance services, financial services, etc.).

Under the legislation, the BEP Council is allowed to charge a reasonable fee for contract exemption requests. The ability for the BEP Council to permit an entire class of contracts to be made exempt from BEP contracting goals is removed and affected agencies or public institutions of higher education are required instead to submit such requests in writing.

Additionally, the legislation creates the Bureau on Apprenticeship Program within the Department of Labor and establishes the Advisory Board for Diversity in Active Apprenticeship Programs Approved by the United States Department of Labor. This Advisory Board will be composed of 12 legislators and may request necessary information from the Department of Labor, other State agencies, or public institutions of higher education.

SB 556 (Bush/Yingling)

Equitable Restrooms – All Gender

Governor Approved: P.A. 101-0165

ICCB Position: Monitor

This legislation adds a section to The Equitable Restrooms Act entitled all-gender, single-occupancy restrooms. The legislation provides that every single-occupancy restroom in a place of public accommodation or public building shall be identified as all-gender and designated for use by no more than one person at a time or for family or assisted use. Each single-occupancy restroom shall be outfitted with exterior signage that marks the single-occupancy restroom as a restroom and does not indicate any specific gender. This requirement applies to any existing or future places of public accommodation or public buildings. During any inspection of a place of public accommodation or public building by a health officer or health inspector, the health officer or inspector may inspect the building to determine whether it complies.

SB 1167 (Ellman/Kifowit)

Community College Vocational Scholarship

Governor Approved: P.A. 101-0315

ICCB Position: Neutral

This bill requires ISAC to establish and administer an adult vocational community college scholarship program. Beginning with the 2020-2021 academic year, the Commission shall receive and consider applications for scholarships to community colleges for people over the age of 30 who have been unemployed and are actively searching for employment and who can identify the specific training certificate, credential, or associate degree that they are seeking to obtain. Applicants may re-apply for the scholarship if they can demonstrate continual progress toward the desired certificate, credential, or degree. The scholarships shall not exceed \$2,000 per recipient per academic year.

The scholarship program is subject to appropriation (it is not funded in the budget just passed by the General Assembly). If funds are appropriated for scholarship program are insufficient to provide grants to each eligible applicant, ISAC may prioritize the distribution of grants based on factors that include an applicant's financial need, duration of unemployment, prior level of educational attainment, or date of application.

SB 1467 (Pelt/Stava-Murray) Veteran Grant Programs – Illinois Residency

Governor Approved: P.A. 101-0334

ICCB Position: Monitor

This bill extends eligibility for the MIA/POW Scholarship (administered by the Illinois Department of Veterans Affairs) and the Illinois Veteran Grant (IVG, administered by ISAC) to otherwise-qualified Illinois residents who, at some point after leaving the service, resided in Illinois for at least 15 consecutive years. Generally, under current law a recipient must have been an Illinois resident at the time of entering military service in order to qualify for these programs.

SB 1591 (Gillespie/Walker) Apprenticeship Education Expense Credit

Governor Approved: P.A. 101-0207

ICCB Position: Support

This bill is an initiative of the Illinois Chamber of Commerce and makes changes to various tax codes. Among the changes included in the bill is the creation of a new Apprenticeship Education Expense Credit for taxable years January 1, 2020 to January 1, 2025. The credit is equal to 100 percent of qualifying education expenses incurred by the apprentice but may not exceed \$3,500 per apprentice per year. The taxpayer (employer) may take an additional credit of \$1,500 if they or their place of business resides in an underserved area as defined in Section 5-5 of the Economic Development for a Growing Economy Tax Credit Act. Under the bill, employers paying for the costs of tuition, books, or lab fees for a qualifying apprentice enrolled in a community college program that leads to an industry-recognized postsecondary credential or degree would be eligible for the new tax credit.

SB 1907 (Castro/Halpin) Veterans' Education Benefits – In-State Tuition

Governor Approved: P.A. 101-0424

ICCB Position: Support

Beginning with the 2019-2020 academic year, per the federal requirements for maintaining approval for veterans' education benefits, if a person who is on active military duty or is receiving veterans' education benefits, then the university or community college shall deem that person an Illinois resident for tuition purposes. The legislation is needed to fix Illinois' statutes to ensure veteran students may continue to receive the educational financial support benefits they have earned.

SB 1919 (Gillespie/Walker) 21st Century Employment Grant Program

Governor Approved: P.A. 101-0437

ICCB Position: Support

This bill requires ICCB, subject to appropriation, to establish and administer a 21st Century Employment grant program. To qualify for a grant, a community college district and a public high school located in that district must jointly establish a collaborative regional partnership with workforce development organizations, regional economic development organizations, and economic development officials in the district, along with manufacturers, healthcare service providers, and innovative technology businesses that have a presence in the district, to provide a manufacturing training program. The bill requires a grant recipient to provide the ICCB with a plan that meets certain requirements. The ICCB must establish an advisory board for the program similar to the current local program boards.

HR 371 (Crespo)

Perkins and WIOA State Plans

ICCB Position: Neutral

This resolution encourages ISBE, ICCB, and the Illinois Workforce Innovation Board (IWIB) to work collaboratively with each other and with school districts, community colleges, business and industry, and other organizations to ensure alignment among the Perkins and WIOA plans and priority occupational areas. It directs the ISBE, ICCB, and IWIB to report to the General Assembly and the P-20 Council on how the State's draft versions of the Perkins and WIOA plans address the foregoing recommendations.

SJR 22 (Schimpf/Bryant)

IAI Course Transfer Efficiency Study

ICCB Position: Neutral

The resolution directs the IBHE and ICCB to jointly identify any shortcomings in attaining the goals of Public Act 99-636 that the General Education Core Curriculum courses transfer between institutions with full credit towards a baccalaureate degree.

SJR 41 (McGuire/Ammons)

Developmental Education Joint Advisory Council

ICCB Position: Neutral

The resolution directs the IBHE and ICCB to establish a joint advisory council to study and report to the General Assembly, on or before April 1, 2020, an inventory and analysis of all instructional models and developmental course sequences employed by Illinois' public colleges and universities for students placed into developmental education. The report must also include an inventory and analysis of developmental education placement practices and policies (including cut off scores) employed at all public colleges and universities in the State

In addition, on or before July 1, 2020, the advisory council must deliver to ICCB, IBHE, and the General Assembly, a detailed plan for scaling developmental education reforms, such that institutions improve developmental education placement measures and such that, within a timeframe to be set by the advisory council, all students who are placed in developmental education are enrolled in a developmental education model that is proven to maximize their likelihood of completing a college-level course within their first two academic semesters.

Pension Legislation

HB 2029 (Walker/Aquino)
Eligibility

Pension Buyout - State Employee Group Insurance

Governor Approved: P.A. 101-0242

ICCB Position: Monitor

The bill amends the State Employees Group Insurance Act (SEGIA) to revise the definitions of survivor, TRS benefit recipient, and community college benefit recipient for the purpose of clarifying those definitions to ensure that such individuals will remain eligible for group insurance benefits regardless of whether an eligible individual elects to receive an accelerated pension benefit payment authorized by PA 100-587.

This bill is a cleanup of the changes made by PA 100-587. The intent of the Act was that health insurance would not be impacted by an individual electing to receive a pension buyout. However, due to the way the terms being revised in this bill are currently written, individuals who fall within those groups would become ineligible for group insurance if the buyout is elected.

SB 1265 (Aquino/Martwick) Pension Buyout - State Employee Group Insurance Eligibility

Governor Approved: P.A. 101-0321

ICCB Position: Monitor

The bill makes technical corrections to the State Universities Retirement System. These changes include:

- Maintains SURS eligibility for DoIT Illinois Century Network staff who transferred from IBHE to CMS in 2004.
- Corrects a reference to deferred compensation plans, including those created under Article 15 (SURS) of the Illinois Pension Code as well as those established under Article 24 (deferred compensation generally).
- Corrects an errant age definition for a disabled adult child who is eligible for survivor benefits.