



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB2980

by Rep. Mark Batinick

#### SYNOPSIS AS INTRODUCED:

See Index

Creates the Illinois College Expense Reform Act. Provides that public universities and community colleges are not subject to the provisions of the Illinois Procurement Code. Provides that the State Universities Civil Service Act does not apply to employees hired by public universities and community colleges after the effective date of the Act. Provides that the Prevailing Wage Act does not apply to construction projects by public universities or community colleges estimated at less than \$300,000. Provides that the Prevailing Wage Act does not apply to non-instructional services contracted to third parties. Allows universities and community colleges to contract any non-instructional services to third parties. Allows the Board of Higher Education to adopt rules to implement the Act. Amends the Personnel Code. Exempts employees of community colleges from the provisions of the Code. Amends the Illinois Procurement Code, the State Universities Civil Service Act, and the Prevailing Wage Act to make conforming changes. Amends various Acts related to the governance of public universities and community colleges in Illinois. Provides that beginning with the 2018-2019 academic year, public universities and community colleges shall ensure that at least 80% of their incoming freshman classes are Illinois residents.

LRB100 10507 MLM 20722 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning education.

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

4 Section 1. Short title. This Act may be cited as the  
5 Illinois College Expense Reform Act.

6 Section 5. Definitions. As used in this Act:

7 "Board" means the Board of Higher Education.

8 "Institution" means a public institution of higher  
9 education located in this State, including community colleges.

10 Section 10. Illinois Procurement Code; applicability.  
11 Notwithstanding any other provision of law to the contrary, the  
12 Illinois Procurement Code shall not apply to any institution.

13 Section 15. Personnel Code; applicability. Pursuant to  
14 items (8) and (9) of Section 4c of the Personnel Code,  
15 university employees are not subject to the provisions of the  
16 Personnel Code or under the jurisdiction of the Civil Service  
17 Commission. This Section is declarative of existing law.

18 Section 20. State Universities Civil Service Act;  
19 applicability. Notwithstanding any other provision of law to  
20 the contrary, the State Universities Civil Service Act does not

1 apply to any employees hired by an institution after the  
2 effective date of this Act.

3 Section 25. Prevailing Wage Act; applicability.

4 (a) Notwithstanding any other provision of law to the  
5 contrary, the Prevailing Wage Act shall not apply to any  
6 construction project by an institution that has an estimated  
7 cost of less than \$300,000 in 2017. Annually beginning in 2018,  
8 the limit under this subsection (a) shall be adjusted by the  
9 Board based on the Consumer Price Index for all Urban Consumers  
10 for all items, for the Midwest Region, as published by the  
11 United States Department of Labor, Bureau of Labor Statistics,  
12 for the immediately preceding calendar year.

13 (b) Notwithstanding any other provision of law to the  
14 contrary, the Prevailing Wage Act shall not apply to any  
15 services under Section 30 of this Act.

16 Section 30. Non-instructional services. Notwithstanding  
17 any other provision of law to the contrary, an institution may,  
18 at the discretion of its governing board, contract with a third  
19 party to fulfill any non-instructional services.

20 Section 90. Administration; rulemaking. The Board shall  
21 administer this Act. The Board may adopt any rules necessary to  
22 implement and administer this Act.

1 Section 900. The Personnel Code is amended by changing  
2 Section 4c as follows:

3 (20 ILCS 415/4c) (from Ch. 127, par. 63b104c)

4 Sec. 4c. General exemptions. The following positions in  
5 State service shall be exempt from jurisdictions A, B, and C,  
6 unless the jurisdictions shall be extended as provided in this  
7 Act:

8 (1) All officers elected by the people.

9 (2) All positions under the Lieutenant Governor,  
10 Secretary of State, State Treasurer, State Comptroller,  
11 State Board of Education, Clerk of the Supreme Court,  
12 Attorney General, and State Board of Elections.

13 (3) Judges, and officers and employees of the courts,  
14 and notaries public.

15 (4) All officers and employees of the Illinois General  
16 Assembly, all employees of legislative commissions, all  
17 officers and employees of the Illinois Legislative  
18 Reference Bureau, the Legislative Research Unit, and the  
19 Legislative Printing Unit.

20 (5) All positions in the Illinois National Guard and  
21 Illinois State Guard, paid from federal funds or positions  
22 in the State Military Service filled by enlistment and paid  
23 from State funds.

24 (6) All employees of the Governor at the executive  
25 mansion and on his immediate personal staff.

1           (7) Directors of Departments, the Adjutant General,  
2           the Assistant Adjutant General, the Director of the  
3           Illinois Emergency Management Agency, members of boards  
4           and commissions, and all other positions appointed by the  
5           Governor by and with the consent of the Senate.

6           (8) The presidents, other principal administrative  
7           officers, and teaching, research and extension faculties  
8           of Chicago State University, Eastern Illinois University,  
9           Governors State University, Illinois State University,  
10          Northeastern Illinois University, Northern Illinois  
11          University, Western Illinois University, the Illinois  
12          Community College Board, Southern Illinois University,  
13          Illinois Board of Higher Education, University of  
14          Illinois, State Universities Civil Service System,  
15          University Retirement System of Illinois, and the  
16          administrative officers and scientific and technical staff  
17          of the Illinois State Museum.

18          (8.5) All employees and administrators of community  
19          colleges.

20          (9) All other employees except the presidents, other  
21          principal administrative officers, and teaching, research  
22          and extension faculties of the universities under the  
23          jurisdiction of the Board of Regents and the colleges and  
24          universities under the jurisdiction of the Board of  
25          Governors of State Colleges and Universities, Illinois  
26          Community College Board, Southern Illinois University,

1 Illinois Board of Higher Education, Board of Governors of  
2 State Colleges and Universities, the Board of Regents,  
3 University of Illinois, State Universities Civil Service  
4 System, University Retirement System of Illinois, so long  
5 as these are subject to the provisions of the State  
6 Universities Civil Service Act.

7 (10) The State Police so long as they are subject to  
8 the merit provisions of the State Police Act.

9 (11) (Blank).

10 (12) The technical and engineering staffs of the  
11 Department of Transportation, the Department of Nuclear  
12 Safety, the Pollution Control Board, and the Illinois  
13 Commerce Commission, and the technical and engineering  
14 staff providing architectural and engineering services in  
15 the Department of Central Management Services.

16 (13) All employees of the Illinois State Toll Highway  
17 Authority.

18 (14) The Secretary of the Illinois Workers'  
19 Compensation Commission.

20 (15) All persons who are appointed or employed by the  
21 Director of Insurance under authority of Section 202 of the  
22 Illinois Insurance Code to assist the Director of Insurance  
23 in discharging his responsibilities relating to the  
24 rehabilitation, liquidation, conservation, and dissolution  
25 of companies that are subject to the jurisdiction of the  
26 Illinois Insurance Code.

1           (16) All employees of the St. Louis Metropolitan Area  
2           Airport Authority.

3           (17) All investment officers employed by the Illinois  
4           State Board of Investment.

5           (18) Employees of the Illinois Young Adult  
6           Conservation Corps program, administered by the Illinois  
7           Department of Natural Resources, authorized grantee under  
8           Title VIII of the Comprehensive Employment and Training Act  
9           of 1973, 29 USC 993.

10          (19) Seasonal employees of the Department of  
11          Agriculture for the operation of the Illinois State Fair  
12          and the DuQuoin State Fair, no one person receiving more  
13          than 29 days of such employment in any calendar year.

14          (20) All "temporary" employees hired under the  
15          Department of Natural Resources' Illinois Conservation  
16          Service, a youth employment program that hires young people  
17          to work in State parks for a period of one year or less.

18          (21) All hearing officers of the Human Rights  
19          Commission.

20          (22) All employees of the Illinois Mathematics and  
21          Science Academy.

22          (23) All employees of the Kankakee River Valley Area  
23          Airport Authority.

24          (24) The commissioners and employees of the Executive  
25          Ethics Commission.

26          (25) The Executive Inspectors General, including

1 special Executive Inspectors General, and employees of  
2 each Office of an Executive Inspector General.

3 (26) The commissioners and employees of the  
4 Legislative Ethics Commission.

5 (27) The Legislative Inspector General, including  
6 special Legislative Inspectors General, and employees of  
7 the Office of the Legislative Inspector General.

8 (28) The Auditor General's Inspector General and  
9 employees of the Office of the Auditor General's Inspector  
10 General.

11 (29) All employees of the Illinois Power Agency.

12 (30) Employees having demonstrable, defined advanced  
13 skills in accounting, financial reporting, or technical  
14 expertise who are employed within executive branch  
15 agencies and whose duties are directly related to the  
16 submission to the Office of the Comptroller of financial  
17 information for the publication of the Comprehensive  
18 Annual Financial Report (CAFR).

19 (31) All employees of the Illinois Sentencing Policy  
20 Advisory Council.

21 (Source: P.A. 97-618, eff. 10-26-11; 97-1055, eff. 8-23-12;  
22 98-65, eff. 7-15-13.)

23 Section 905. The Illinois Procurement Code is amended by  
24 changing Section 1-15.100 as follows:



1 (30 ILCS 500/1-15.100)

2 Sec. 1-15.100. State agency. "State agency" means and  
3 includes all boards, commissions, agencies, institutions,  
4 authorities, and bodies politic and corporate of the State,  
5 created by or in accordance with the constitution or statute,  
6 of the executive branch of State government and does include  
7 ~~colleges, universities, and institutions under the~~  
8 ~~jurisdiction of the governing boards of the University of~~  
9 ~~Illinois, Southern Illinois University, Illinois State~~  
10 ~~University, Eastern Illinois University, Northern Illinois~~  
11 ~~University, Western Illinois University, Chicago State~~  
12 ~~University, Governor State University, Northeastern Illinois~~  
13 ~~University, and the Board of Higher Education. However, this~~  
14 term does not apply to public employee retirement systems or  
15 investment boards that are subject to fiduciary duties imposed  
16 by the Illinois Pension Code; to institutions, as that term is  
17 defined in the Illinois College Expense Reform Act; or to the  
18 University of Illinois Foundation. "State agency" does not  
19 include units of local government, school districts, community  
20 colleges under the Public Community College Act, and the  
21 Illinois Comprehensive Health Insurance Board.

22 (Source: P.A. 90-572, eff. 2-6-98.)

23 Section 910. The State Universities Civil Service Act is  
24 amended by changing Section 36e as follows:

1 (110 ILCS 70/36e) (from Ch. 24 1/2, par. 38b4)

2 Sec. 36e. Coverage. All employees of the Illinois Community  
3 College Board, State Community College of East St. Louis  
4 (abolished under Section 2-12.1 of the Public Community College  
5 Act), Southern Illinois University, Chicago State University,  
6 Eastern Illinois University, Governors State University,  
7 Illinois State University, Northeastern Illinois University,  
8 Northern Illinois University, Western Illinois University,  
9 University of Illinois, State Universities Civil Service  
10 System, State Universities Retirement System, the State  
11 Scholarship Commission, and the Board of Higher Education,  
12 shall be covered by the University System described in Sections  
13 36b to 36q, inclusive, of this Act, except the following  
14 persons:

15 (1) The members and officers of the Merit Board and the  
16 board of trustees, and the commissioners of the  
17 institutions and agencies covered hereunder;

18 (2) The presidents and vice-presidents of each  
19 educational institution;

20 (3) Other principal administrative employees of each  
21 institution and agency as determined by the Merit Board;

22 (4) The teaching, research and extension faculties of  
23 each institution and agency;

24 (5) Students employed under rules prescribed by the  
25 Merit Board, without examination or certification.

26 (6) Any employees hired after the effective date of

1           this amendatory Act of the 100th General Assembly.

2           (Source: P.A. 97-333, eff. 8-12-11.)

3           Section 915. The University of Illinois Act is amended by  
4 adding Section 100 as follows:

5           (110 ILCS 305/100 new)

6           Sec. 100. Admission of Illinois residents. Beginning with  
7 the 2018-2019 academic year, the University shall ensure that  
8 at least 80% of its incoming freshman class is composed of  
9 Illinois residents.

10          Section 920. The Southern Illinois University Management  
11 Act is amended by adding Section 85 as follows:

12          (110 ILCS 520/85 new)

13          Sec. 85. Admission of Illinois residents. Beginning with  
14 the 2018-2019 academic year, the University shall ensure that  
15 at least 80% of its incoming freshman class is composed of  
16 Illinois residents.

17          Section 925. The Chicago State University Law is amended by  
18 adding Section 5-195 as follows:

19          (110 ILCS 660/5-195 new)

20          Sec. 5-195. Admission of Illinois residents. Beginning

1 with the 2018-2019 academic year, the University shall ensure  
2 that at least 80% of its incoming freshman class is composed of  
3 Illinois residents.

4 Section 930. The Eastern Illinois University Law is amended  
5 by adding Section 10-195 as follows:

6 (110 ILCS 665/10-195 new)

7 Sec. 10-195. Admission of Illinois residents. Beginning  
8 with the 2018-2019 academic year, the University shall ensure  
9 that at least 80% of its incoming freshman class is composed of  
10 Illinois residents.

11 Section 935. The Governors State University Law is amended  
12 by adding Section 15-195 as follows:

13 (110 ILCS 670/15-195 new)

14 Sec. 15-195. Admission of Illinois residents. Beginning  
15 with the 2018-2019 academic year, the University shall ensure  
16 that at least 80% of its incoming freshman class is composed of  
17 Illinois residents.

18 Section 940. The Illinois State University Law is amended  
19 by adding Section 20-200 as follows:

20 (110 ILCS 675/20-200 new)

1       Sec. 20-200. Admission of Illinois residents. Beginning  
2       with the 2018-2019 academic year, the University shall ensure  
3       that at least 80% of its incoming freshman class is composed of  
4       Illinois residents.

5           Section 945. The Northeastern Illinois University Law is  
6       amended by adding Section 25-195 as follows:

7           (110 ILCS 680/25-195 new)

8       Sec. 25-195. Admission of Illinois residents. Beginning  
9       with the 2018-2019 academic year, the University shall ensure  
10      that at least 80% of its incoming freshman class is composed of  
11      Illinois residents.

12          Section 950. The Northern Illinois University Law is  
13      amended by adding Section 30-205 as follows:

14          (110 ILCS 685/30-205 new)

15      Sec. 30-205. Admission of Illinois residents. Beginning  
16      with the 2018-2019 academic year, the University shall ensure  
17      that at least 80% of its incoming freshman class is composed of  
18      Illinois residents.

19          Section 955. The Western Illinois University Law is amended  
20      by adding Section 35-200 as follows:

1 (110 ILCS 690/35-200 new)

2 Sec. 35-200. Admission of Illinois residents. Beginning  
3 with the 2018-2019 academic year, the University shall ensure  
4 that at least 80% of its incoming freshman class is composed of  
5 Illinois residents.

6 Section 960. The Public Community College Act is amended by  
7 adding Section 3-29.11 as follows:

8 (110 ILCS 805/3-29.11 new)

9 Sec. 3-29.11. Admission of Illinois residents. Beginning  
10 with the 2018-2019 academic year, each community colleges shall  
11 ensure that at least 80% of its incoming freshman class is  
12 composed of Illinois residents.

13 Section 965. The Prevailing Wage Act is amended by changing  
14 Section 2 as follows:

15 (820 ILCS 130/2) (from Ch. 48, par. 39s-2)

16 Sec. 2. Except as otherwise provided in Section 25 of the  
17 Illinois College Expense Reform Act, this ~~This~~ Act applies to  
18 the wages of laborers, mechanics and other workers employed in  
19 any public works, as hereinafter defined, by any public body  
20 and to anyone under contracts for public works. This includes  
21 any maintenance, repair, assembly, or disassembly work  
22 performed on equipment whether owned, leased, or rented.

1           As used in this Act, unless the context indicates  
2 otherwise:

3           "Public works" means all fixed works constructed or  
4 demolished by any public body, or paid for wholly or in part  
5 out of public funds. "Public works" as defined herein includes  
6 all projects financed in whole or in part with bonds, grants,  
7 loans, or other funds made available by or through the State or  
8 any of its political subdivisions, including but not limited  
9 to: bonds issued under the Industrial Project Revenue Bond Act  
10 (Article 11, Division 74 of the Illinois Municipal Code), the  
11 Industrial Building Revenue Bond Act, the Illinois Finance  
12 Authority Act, the Illinois Sports Facilities Authority Act, or  
13 the Build Illinois Bond Act; loans or other funds made  
14 available pursuant to the Build Illinois Act; loans or other  
15 funds made available pursuant to the Riverfront Development  
16 Fund under Section 10-15 of the River Edge Redevelopment Zone  
17 Act; or funds from the Fund for Illinois' Future under Section  
18 6z-47 of the State Finance Act, funds for school construction  
19 under Section 5 of the General Obligation Bond Act, funds  
20 authorized under Section 3 of the School Construction Bond Act,  
21 funds for school infrastructure under Section 6z-45 of the  
22 State Finance Act, and funds for transportation purposes under  
23 Section 4 of the General Obligation Bond Act. "Public works"  
24 also includes (i) all projects financed in whole or in part  
25 with funds from the Department of Commerce and Economic  
26 Opportunity under the Illinois Renewable Fuels Development

1 Program Act for which there is no project labor agreement; (ii)  
2 all work performed pursuant to a public private agreement under  
3 the Public Private Agreements for the Illiana Expressway Act or  
4 the Public-Private Agreements for the South Suburban Airport  
5 Act; and (iii) all projects undertaken under a public-private  
6 agreement under the Public-Private Partnerships for  
7 Transportation Act. "Public works" also includes all projects  
8 at leased facility property used for airport purposes under  
9 Section 35 of the Local Government Facility Lease Act. "Public  
10 works" also includes the construction of a new wind power  
11 facility by a business designated as a High Impact Business  
12 under Section 5.5(a) (3) (E) of the Illinois Enterprise Zone Act.  
13 "Public works" does not include work done directly by any  
14 public utility company, whether or not done under public  
15 supervision or direction, or paid for wholly or in part out of  
16 public funds. "Public works" also includes any corrective  
17 action performed pursuant to Title XVI of the Environmental  
18 Protection Act for which payment from the Underground Storage  
19 Tank Fund is requested. "Public works" does not include  
20 projects undertaken by the owner at an owner-occupied  
21 single-family residence or at an owner-occupied unit of a  
22 multi-family residence. "Public works" does not include work  
23 performed for soil and water conservation purposes on  
24 agricultural lands, whether or not done under public  
25 supervision or paid for wholly or in part out of public funds,  
26 done directly by an owner or person who has legal control of



1 those lands.

2 "Construction" means all work on public works involving  
3 laborers, workers or mechanics. This includes any maintenance,  
4 repair, assembly, or disassembly work performed on equipment  
5 whether owned, leased, or rented.

6 "Locality" means the county where the physical work upon  
7 public works is performed, except (1) that if there is not  
8 available in the county a sufficient number of competent  
9 skilled laborers, workers and mechanics to construct the public  
10 works efficiently and properly, "locality" includes any other  
11 county nearest the one in which the work or construction is to  
12 be performed and from which such persons may be obtained in  
13 sufficient numbers to perform the work and (2) that, with  
14 respect to contracts for highway work with the Department of  
15 Transportation of this State, "locality" may at the discretion  
16 of the Secretary of the Department of Transportation be  
17 construed to include two or more adjacent counties from which  
18 workers may be accessible for work on such construction.

19 "Public body" means the State or any officer, board or  
20 commission of the State or any political subdivision or  
21 department thereof, or any institution supported in whole or in  
22 part by public funds, and includes every county, city, town,  
23 village, township, school district, irrigation, utility,  
24 reclamation improvement or other district and every other  
25 political subdivision, district or municipality of the state  
26 whether such political subdivision, municipality or district

1 operates under a special charter or not.

2 The terms "general prevailing rate of hourly wages",  
3 "general prevailing rate of wages" or "prevailing rate of  
4 wages" when used in this Act mean the hourly cash wages plus  
5 annualized fringe benefits for training and apprenticeship  
6 programs approved by the U.S. Department of Labor, Bureau of  
7 Apprenticeship and Training, health and welfare, insurance,  
8 vacations and pensions paid generally, in the locality in which  
9 the work is being performed, to employees engaged in work of a  
10 similar character on public works.

11 (Source: P.A. 97-502, eff. 8-23-11; 98-109, eff. 7-25-13;  
12 98-482, eff. 1-1-14; 98-740, eff. 7-16-14; 98-756, eff.  
13 7-16-14.)

1 INDEX

2 Statutes amended in order of appearance

3 New Act

4 20 ILCS 415/4c from Ch. 127, par. 63b104c

5 30 ILCS 500/1-15.100

6 110 ILCS 70/36e from Ch. 24 1/2, par. 38b4

7 110 ILCS 305/100 new

8 110 ILCS 520/85 new

9 110 ILCS 660/5-195 new

10 110 ILCS 665/10-195 new

11 110 ILCS 670/15-195 new

12 110 ILCS 675/20-200 new

13 110 ILCS 680/25-195 new

14 110 ILCS 685/30-205 new

15 110 ILCS 690/35-200 new

16 110 ILCS 805/3-29.11 new

17 820 ILCS 130/2 from Ch. 48, par. 39s-2