



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB2597

Introduced 2/7/2018, by Sen. Chapin Rose

SYNOPSIS AS INTRODUCED:

110 ILCS 205/2	from Ch. 144, par. 182
110 ILCS 205/3	from Ch. 144, par. 183
110 ILCS 205/4	from Ch. 144, par. 184
110 ILCS 205/5.5 new	
110 ILCS 805/2-1	from Ch. 122, par. 102-1
110 ILCS 805/3-12.2	from Ch. 122, par. 103-12.2
110 ILCS 805/2-2 rep.	
110 ILCS 805/2-3 rep.	
110 ILCS 805/2-5 rep.	
110 ILCS 805/2-8 rep.	
110 ILCS 805/2-9 rep.	
110 ILCS 947/15	

Amends the Board of Higher Education Act, the Public Community College Act, and the Higher Education Student Assistance Act. Increases the membership of the Board of Higher Education and makes other changes to the Board's membership. Provides that all of the rights, powers, duties, and functions vested by law in the Illinois Community College Board and the Illinois Student Assistance Commission are transferred to the Board of Higher Education on January 1, 2019. Abolishes the Illinois Community College Board and the Illinois Student Assistance Commission and provides for the transfer of personnel and property on that date.

LRB100 18601 AXK 33825 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 5. The Board of Higher Education Act is amended by
5 changing Sections 2, 3, and 4 and by adding Section 5.5 as
6 follows:

7 (110 ILCS 205/2) (from Ch. 144, par. 182)

8 Sec. 2. Board of Higher Education.

9 (a) There is created a Board of Higher Education to consist
10 of 15 ~~16~~ members as follows:

11 (1) 13 ~~10~~ members appointed by the Governor, by and
12 with the advice and consent of the Senate. No less than 6
13 of the members appointed under this subsection (a) shall
14 represent public universities and no less than 6 members
15 shall represent public community colleges. Of the 13
16 members, one member shall be a faculty member of a public
17 university in this State, one member shall be a faculty
18 member of a private college or university in this State,
19 one member shall be faculty member of a public community
20 college in this State, and one member shall represent the
21 views of non-traditional students and shall be at least 24
22 years old. The members under this subsection (a) shall be
23 residents of this State and shall be selected, as far as

1 practicable, on the basis of their knowledge of or interest
2 or experience in problems of higher education. If the
3 Senate is not in session or is in recess when appointments
4 subject to its confirmation are made, the Governor shall
5 make temporary appointments that shall be subject to
6 subsequent Senate approval.; ~~one member of a public~~
7 ~~university governing board, appointed by the Governor~~
8 ~~without the advice and consent of the Senate; one member of~~
9 ~~a private college or university board of trustees,~~
10 ~~appointed by the Governor without the advice and consent of~~
11 ~~the Senate; the chairman of the Illinois Community College~~
12 ~~Board; the chairman of the Illinois Student Assistance~~
13 ~~Commission; and~~

14 (2) Two non-voting members who are students and are 2
15 ~~student members~~ selected by an ~~the~~ recognized advisory
16 committee of students of the Board of Higher Education, one
17 of whom must be a student at a public university and the
18 other a student at a public community college ~~a~~
19 ~~non traditional undergraduate student who is at least 24~~
20 ~~years old and represents the views of non traditional~~
21 ~~students, such as a person who is employed or is a parent.~~
22 ~~One of the 10 members appointed by the Governor, by and~~
23 ~~with the advice and consent of the Senate, must be a~~
24 ~~faculty member at an Illinois public university.~~

25 Subject to a requirement that Board members in office on
26 the effective date of this amendatory Act of the 100th General

1 Assembly may serve the full term to which they were appointed,
2 the appointment of Board members to terms that commence on or
3 after the effective date of this amendatory Act of the 100th
4 General Assembly shall be made in a manner that gives effect at
5 the earliest possible time to the change that is required by
6 this amendatory Act of the 100th General Assembly in the
7 representative composition of the Board's membership. Student
8 members in office on the effective date of this amendatory Act
9 of the 100th General Assembly may serve the full term to which
10 they were selected, and the selection of student members to
11 terms that commence on or after the effective date of this
12 amendatory Act of the 100th General Assembly shall be made in a
13 manner that gives effect at the earliest possible time to the
14 change that is required by this amendatory Act of the 100th
15 General Assembly in the representative composition of the
16 student membership.

17 (b) The Governor shall designate the Chairman of the Board
18 to serve until a successor is designated. No more than ~~6~~ 7 of
19 the members appointed by the Governor, excluding the Chairman,
20 shall be affiliated with the same political party. ~~The 10~~
21 members appointed by the Governor with the advice and consent
22 of the Senate shall be citizens of the State and shall be
23 selected, as far as may be practicable, on the basis of their
24 knowledge of, or interest or experience in, problems of higher
25 education. If the Senate is not in session or is in recess,
26 when appointments subject to its confirmation are made, the

1 ~~Governor shall make temporary appointments which shall be~~
2 ~~subject to subsequent Senate approval.~~

3 (Source: P.A. 100-167, eff. 1-1-18.)

4 (110 ILCS 205/3) (from Ch. 144, par. 183)

5 Sec. 3. Terms; vacancies.

6 (a) The members of the Board whose appointments are subject
7 to confirmation by the Senate shall be selected for 6-year
8 terms expiring on January 31 of odd numbered years.

9 (b) The members of the Board shall continue to serve after
10 the expiration of their terms until their successors have been
11 appointed.

12 (c) Vacancies on the Board in offices appointed by the
13 Governor shall be filled by appointment by the Governor for the
14 unexpired term. If the appointment is subject to Senate
15 confirmation and the Senate is not in session or is in recess
16 when the appointment is made, the appointee shall serve subject
17 to subsequent Senate approval of the appointment.

18 (d) Each student member shall serve a term of one year
19 beginning on July 1 of each year.

20 (e) The member of the Board representing public university
21 governing boards and the member of the Board representing
22 private college and university boards of trustees, who are
23 appointed by the Governor before the effective date of this
24 amendatory Act of the 100th General Assembly but are not
25 subject to confirmation by the Senate, shall serve terms of one

1 year beginning on July 1.

2 (Source: P.A. 100-167, eff. 1-1-18.)

3 (110 ILCS 205/4) (from Ch. 144, par. 184)

4 Sec. 4. The Board shall hold regular meetings at times
5 specified in its rules. Special or additional meetings may be
6 held on call of the Chairman, or upon a call signed by at least
7 6 members, or upon call of the Governor. Eight members of the
8 Board shall constitute a quorum at all its meetings, but the
9 approval of a new unit of instruction, research, or public
10 service for a public institution of higher education, as
11 provided in Section 7 shall require the concurrence of a
12 majority of all the members of the Board.

13 ~~The Chairmen of the Illinois Community College Board and~~
14 ~~the Illinois Student Assistance Commission holding membership~~
15 ~~on the Board each may designate an alternate to attend any~~
16 ~~meeting of the Board, and an alternate so designated shall have~~
17 ~~all rights and privileges of regular membership while acting~~
18 ~~for the Chairman who has so designated him or her.~~

19 The Board may employ and fix the compensation of
20 professional and clerical staff and other assistants,
21 including specialists and consultants, as it may deem
22 necessary, on a full or part time basis.

23 (Source: P.A. 94-905, eff. 1-1-07.)

24 (110 ILCS 205/5.5 new)

1 Sec. 5.5. Transfer of powers from the Illinois Community
2 College Board and Illinois Student Assistance Commission.

3 (a) All of the rights, powers, duties, and functions vested
4 by law in the Illinois Community College Board or the Illinois
5 Student Assistance Commission or in any office, council,
6 committee, division, or bureau of the Illinois Community
7 College Board or the Illinois Student Assistance Commission are
8 transferred to the Board of Higher Education on January 1,
9 2019.

10 (b) Personnel employed by the Illinois Community College
11 Board or the Illinois Student Assistance Commission on December
12 31, 2018 are transferred to the Board of Higher Education on
13 January 1, 2019.

14 The Board of Higher Education shall continue in effect all
15 collective bargaining agreements in existence on December 31,
16 2018 between the Illinois Community College Board or the
17 Illinois Student Assistance Commission and labor organizations
18 representing personnel of the Illinois Community College Board
19 or the Illinois Student Assistance Commission, respectively,
20 and the Board of Higher Education shall continue to recognize
21 these labor organizations as the exclusive bargaining
22 representatives for the personnel, pursuant to the Illinois
23 Educational Labor Relations Act or the Illinois Public Labor
24 Relations Act.

25 The rights of State employees, the State, and its agencies
26 under the Personnel Code and applicable collective bargaining

1 agreements and retirement plans are not affected by this
2 subsection (b).

3 (c) All books, records, documents, property (real and
4 personal), unexpended appropriations, including both obligated
5 and unobligated appropriations, and pending business
6 pertaining to the rights, powers, duties, and functions
7 transferred to the Board of Higher Education under this Section
8 shall be transferred and delivered to the Board of Higher
9 Education on January 1, 2019, unless otherwise directed by the
10 Governor. The Board of Higher Education is the successor agency
11 of the Illinois Community College Board and the Illinois
12 Student Assistance Commission for purposes of Section 9b of the
13 State Finance Act and the Successor Agency Act.

14 (d) The rules, standards, and procedures of the Illinois
15 Community College Board or the Illinois Student Assistance
16 Commission that are in effect on December 31, 2019 and pertain
17 to the rights, powers, duties, and functions transferred to the
18 Board of Higher Education under this Section shall become the
19 rules, standards, and procedures of the Board of Higher
20 Education on January 1, 2019 and shall continue in effect until
21 amended or repealed by the Board of Higher Education.

22 Any rules pertaining to the rights, powers, duties, and
23 functions transferred to the Board of Higher Education under
24 this Section that have been proposed by the Illinois Community
25 College Board or the Illinois Student Assistance Commission but
26 have not taken effect or been finally adopted or on before

1 December 31, 2018 shall become proposed rules of the Board of
2 Higher Education on January 1, 2019, and any rulemaking
3 procedures that have already been completed by the Illinois
4 Community College Board or the Illinois Student Assistance
5 Commission for those proposed rules need not be repeated.

6 (e) The rights, powers, duties, and functions transferred
7 to the Board of Higher Education under this Section shall be
8 vested in and exercised by the Board of Higher Education,
9 subject to the provisions of this Section. An act done by the
10 Board of Higher Education or an officer, employee, or agent of
11 the Board of Higher Education in the exercise of the
12 transferred rights, powers, duties, or functions shall have the
13 same legal effect as if done by the Illinois Community College
14 Board or the Illinois Student Assistance Commission or an
15 officer, employee, or agent of the Illinois Community College
16 Board or the Illinois Student Assistance Commission.

17 The transfer of rights, powers, duties, and functions to
18 the Board of Higher Education under this Section does not
19 invalidate any previous actions taken by or in respect to the
20 Illinois Community College Board or the Illinois Student
21 Assistance Commission or its officers, employees, or agents.

22 On January 1, 2019, references to the Illinois Community
23 College Board or the Illinois Student Assistance Commission or
24 its officers, employees, or agents in any document, contract,
25 agreement, or law (other than this Section, Section 2-1 of the
26 Public Community College Act, and Section 15 of the Higher

1 Education Student Assistance Act) shall, in appropriate
2 contexts, be deemed to refer to the Board of Higher Education
3 or its officers, employees, or agents.

4 The transfer of rights, powers, duties, and functions to
5 the Board of Higher Education under this Section does not
6 affect any person's rights, obligations, or duties, including
7 any civil or criminal penalties applicable thereto, arising out
8 of those transferred rights, powers, duties, and functions.

9 Section 10. The Public Community College Act is amended by
10 changing Sections 2-1 and 3-12.2 as follows:

11 (110 ILCS 805/2-1) (from Ch. 122, par. 102-1)

12 Sec. 2-1. Illinois Community College Board; abolition.

13 (a) There is created the Illinois Community College Board
14 hereinafter referred to as the "State Board". The State Board
15 shall consist of 12 members as follows: a nonvoting student
16 member selected by the recognized advisory committee of
17 students of the Illinois Community College Board, this student
18 to serve for a term of one year beginning on July 1 of each
19 year, except that the student member initially selected shall
20 serve a term beginning on the date of such selection and
21 expiring on the next succeeding June 30, and except that any
22 student member or former student member may be selected by the
23 recognized advisory committee of students of the State Board to
24 serve a second term as the nonvoting student member of the

1 State Board; and 11 members, one of whom shall be a senior
2 citizen age 60 or over, to be appointed by the Governor by and
3 with the advice and consent of the Senate. Beginning on July 1,
4 2005, one of the 11 members appointed by the Governor, by and
5 with the advice and consent of the Senate, must be a faculty
6 member at an Illinois public community college. Also beginning
7 on July 1, 2005, one of the 11 members appointed by the
8 Governor, by and with the advice and consent of the Senate,
9 must be a member of the board of trustees of a public community
10 college district. After the effective date of this amendatory
11 Act of the 97th General Assembly, one of the 11 members to be
12 appointed by the Governor, by and with the advice and consent
13 of the Senate, must be the president of a public community
14 college, the Chancellor of City Colleges of Chicago (Community
15 College District No. 508), or the Chief Executive Officer of
16 Illinois Eastern Community Colleges (Community College
17 District No. 529). The membership requirements set forth in
18 this Section apply only to the State Board and shall have no
19 effect on the membership of the board of trustees of a
20 community college district. The members first appointed under
21 this amendatory Act of 1984 shall serve for a term of 6 years.
22 After the expiration of the terms of the office of the members
23 first appointed to the State Board, their respective successors
24 shall hold office for a term of 6 years and until their
25 successors are qualified and seated. In the event of vacancies
26 on the State Board in offices appointed by the Governor

1 occurring during a recess of the Senate, the Governor shall
2 have the power to make temporary appointments until the next
3 meeting of the Senate, when the vacancy shall be filled by
4 nomination to be confirmed by the Senate.

5 (b) On January 1, 2019, the State Board is abolished and
6 the terms of all members end. Except for references in this
7 Section, beginning on January 1, 2019, references in this Act
8 to the Illinois Community College Board shall, in appropriate
9 contexts, be deemed to refer to the Board of Higher Education.

10 (Source: P.A. 97-1106, eff. 8-27-12.)

11 (110 ILCS 805/3-12.2) (from Ch. 122, par. 103-12.2)

12 Sec. 3-12.2. Any community college district which has been
13 or is authorized by the State Board to establish a new branch
14 or campus ~~as provided in Section 2-3,~~ may draw upon the funds
15 appropriated to the State Board for a grant equal to the
16 product of \$300 multiplied by the projected full-time
17 equivalent enrollment in the first year of the new branch or
18 campus operation as determined by the State Board or of
19 \$100,000, whichever is less. Each new branch or campus for
20 which an initial grant is awarded under this Section must serve
21 an area which increases both the population and the area of the
22 existing district by at least 20%, or must have the district
23 head count enrollment increased by 20% because of the addition
24 of the new branch or campus operation.

25 (Source: P.A. 78-981; 78-1297.)

1 (110 ILCS 805/2-2 rep.)

2 (110 ILCS 805/2-3 rep.)

3 (110 ILCS 805/2-5 rep.)

4 (110 ILCS 805/2-8 rep.)

5 (110 ILCS 805/2-9 rep.)

6 Section 15. The Public Community College Act is amended by
7 repealing Sections 2-2, 2-3, 2-5, 2-8, and 2-9.

8 Section 20. The Higher Education Student Assistance Act is
9 amended by changing Section 15 as follows:

10 (110 ILCS 947/15)

11 Sec. 15. Illinois Student Assistance Commission;
12 abolition.

13 (a) There is established the Illinois Student Assistance
14 Commission, consisting of 10 persons to be appointed by the
15 Governor with the advice and consent of the Senate. The
16 membership of the Commission shall consist of one
17 representative of the institutions of higher learning operated
18 by the State; one representative of the private institutions of
19 higher learning located in the State; one representative of the
20 public community colleges located in the State; one
21 representative of the public high schools located in the State;
22 5 citizens of the State chosen for their knowledge of and
23 interest in higher education, but not employed by,

1 professionally affiliated with, or members of the governing
2 boards of any institution of higher learning located in the
3 State, and one student member selected from nominations
4 submitted to the Governor by multi-campus student
5 organizations, including but not limited to, the recognized
6 advisory committee of students of the Illinois Community
7 College Board, the recognized advisory committee of students of
8 the Board of Higher Education, and the recognized advisory
9 committee of students of the Federation of Independent Illinois
10 Colleges and Universities. The Governor shall designate one
11 member, other than the student member, as chairman. Each member
12 of the Commission, including the student member, shall serve
13 without compensation, but shall be reimbursed for expenses
14 necessarily incurred in performing his or her duties under this
15 Act. Subject to a requirement that Commission members in office
16 on the effective date of this amendatory Act of 1995 may serve
17 the full term to which they were appointed, the appointment of
18 Commission members to terms that commence on or after that
19 effective date shall be made in a manner that gives effect at
20 the earliest possible time to the change that is required by
21 this amendatory Act in the representative composition of the
22 Commission's membership.

23 (b) The term of office of each member, other than the
24 student member, is 6 years from July 1 of the year of
25 appointment, and until his successor is appointed and
26 qualified. If a member's tenure of office, other than that of

1 the student member, is terminated for any reason before his or
2 her term has expired, the Governor shall fill the vacancy by
3 the appointment of a person who has the same representative
4 status as the person whose term has been so terminated, and the
5 new appointee shall hold office only for the remainder of that
6 term and until a successor is appointed and qualified. The term
7 of the student member shall be for 2 years from July 1 of each
8 odd-numbered year. If the tenure of the student member is
9 terminated for any reason, the vacancy shall be filled in the
10 same manner as heretofore provided for a regular term of office
11 appointment of the student member. The new student appointee
12 shall hold office only for the remainder of that term. A
13 student appointee's status on the Commission may not be
14 considered in determining his or her eligibility for programs
15 administered by the Commission.

16 (c) Before the effective date of this amendatory Act of the
17 100th General Assembly, in ~~in~~ accordance with the provisions of
18 the State Universities Civil Service Act, the Commission shall
19 employ a professionally qualified person as the Executive
20 Director of the Commission, and such other employees as may be
21 necessary to effectuate the purposes of this Act. Beginning on
22 the effective date of this amendatory Act of the 100th General
23 Assembly, to effectuate the purposes of this Act and in
24 accordance with the State Universities Civil Service Act, the
25 Board of Higher Education shall employ a professionally
26 qualified person as an executive officer and such employees as

1 may be necessary.

2 (d) The Commission shall meet at least once in each fiscal
3 year, and may meet at other times which the Chairman may
4 designate by giving at least 10 days' written notice to each
5 member.

6 (e) On January 1, 2019, the Commission is abolished and the
7 terms of all members end. Except for references in this
8 Section, beginning on January 1, 2019, references in this Act
9 to the Illinois Student Assistance Commission shall, in
10 appropriate contexts, be deemed to refer to the Board of Higher
11 Education.

12 (Source: P.A. 99-198, eff. 7-30-15.)