



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

SB0222

Introduced 1/24/2017, by Sen. Bill Cunningham

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Procurement Code. Removes procurement expenditures made by the University of Illinois from the application of the Act and the University of Illinois from the definition of "State agency". Amends the State Property Control Act to remove property of the University of Illinois from the definition of "property" (but still requires the University of Illinois to send usable, surplus equipment to the Department of Central Management Services for transfer or disposal). Amends the University of Illinois Act. Under a University of Illinois Investment, Performance, and Accountability Commitment, requires the State to annually appropriate a minimum specified amount, provided that the University meets certain requirements at its campuses. Provides for an annual report, and repeals the Commitment on June 30, 2022. Provides for the issuance of certificates of participation for capital improvements, to be reviewed by the Commission on Government Forecasting and Accountability. Requires the maximum annual debt service for the University's total certificate of participation obligation to not exceed \$100,000,000. Subject to appropriation, provides for an Illinois Excellence Program to recruit and retain promising faculty throughout the University of Illinois system through capital investment in both new and distressed facilities; amends the State Finance Act to create a special fund. Effective immediately.

LRB100 04154 NHT 15670 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 State Finance Act is amended by adding  
5 Section 5.878 as follows:

6 (30 ILCS 105/5.878 new)

7 Sec. 5.878. The Illinois Excellence Fund.

8 Section 10. The Illinois Procurement Code is amended by  
9 changing Sections 1-10 and 1-15.100 as follows:

10 (30 ILCS 500/1-10)

11 Sec. 1-10. Application.

12 (a) This Code applies only to procurements for which  
13 bidders, offerors, potential contractors, or contractors were  
14 first solicited on or after July 1, 1998. This Code shall not  
15 be construed to affect or impair any contract, or any provision  
16 of a contract, entered into based on a solicitation prior to  
17 the implementation date of this Code as described in Article  
18 99, including but not limited to any covenant entered into with  
19 respect to any revenue bonds or similar instruments. All  
20 procurements for which contracts are solicited between the  
21 effective date of Articles 50 and 99 and July 1, 1998 shall be

1 substantially in accordance with this Code and its intent.

2 (b) This Code shall apply regardless of the source of the  
3 funds with which the contracts are paid, including federal  
4 assistance moneys. This Code shall not apply to:

5 (1) Contracts between the State and its political  
6 subdivisions or other governments, or between State  
7 governmental bodies except as specifically provided in  
8 this Code.

9 (2) Grants, except for the filing requirements of  
10 Section 20-80.

11 (3) Purchase of care.

12 (4) Hiring of an individual as employee and not as an  
13 independent contractor, whether pursuant to an employment  
14 code or policy or by contract directly with that  
15 individual.

16 (5) Collective bargaining contracts.

17 (6) Purchase of real estate, except that notice of this  
18 type of contract with a value of more than \$25,000 must be  
19 published in the Procurement Bulletin within 10 calendar  
20 days after the deed is recorded in the county of  
21 jurisdiction. The notice shall identify the real estate  
22 purchased, the names of all parties to the contract, the  
23 value of the contract, and the effective date of the  
24 contract.

25 (7) Contracts necessary to prepare for anticipated  
26 litigation, enforcement actions, or investigations,

1 provided that the chief legal counsel to the Governor shall  
2 give his or her prior approval when the procuring agency is  
3 one subject to the jurisdiction of the Governor, and  
4 provided that the chief legal counsel of any other  
5 procuring entity subject to this Code shall give his or her  
6 prior approval when the procuring entity is not one subject  
7 to the jurisdiction of the Governor.

8 (8) Contracts for services to Northern Illinois  
9 University by a person, acting as an independent  
10 contractor, who is qualified by education, experience, and  
11 technical ability and is selected by negotiation for the  
12 purpose of providing non-credit educational service  
13 activities or products by means of specialized programs  
14 offered by the university.

15 (9) Procurement expenditures by the Illinois  
16 Conservation Foundation when only private funds are used.

17 (10) Procurement expenditures by the Illinois Health  
18 Information Exchange Authority involving private funds  
19 from the Health Information Exchange Fund. "Private funds"  
20 means gifts, donations, and private grants.

21 (11) Public-private agreements entered into according  
22 to the procurement requirements of Section 20 of the  
23 Public-Private Partnerships for Transportation Act and  
24 design-build agreements entered into according to the  
25 procurement requirements of Section 25 of the  
26 Public-Private Partnerships for Transportation Act.

1           (12) Contracts for legal, financial, and other  
2 professional and artistic services entered into on or  
3 before December 31, 2018 by the Illinois Finance Authority  
4 in which the State of Illinois is not obligated. Such  
5 contracts shall be awarded through a competitive process  
6 authorized by the Board of the Illinois Finance Authority  
7 and are subject to Sections 5-30, 20-160, 50-13, 50-20,  
8 50-35, and 50-37 of this Code, as well as the final  
9 approval by the Board of the Illinois Finance Authority of  
10 the terms of the contract.

11           (13) The provisions of this paragraph (13), other than  
12 this sentence, are inoperative on and after January 1, 2019  
13 or 2 years after the effective date of this amendatory Act  
14 of the 99th General Assembly, whichever is later. Contracts  
15 for services, commodities, and equipment to support the  
16 delivery of timely forensic science services in  
17 consultation with and subject to the approval of the Chief  
18 Procurement Officer as provided in subsection (d) of  
19 Section 5-4-3a of the Unified Code of Corrections, except  
20 for the requirements of Sections 20-60, 20-65, 20-70, and  
21 20-160 and Article 50 of this Code; however, the Chief  
22 Procurement Officer may, in writing with justification,  
23 waive any certification required under Article 50 of this  
24 Code. For any contracts for services which are currently  
25 provided by members of a collective bargaining agreement,  
26 the applicable terms of the collective bargaining

1 agreement concerning subcontracting shall be followed.

2 (14) Procurement expenditures made by the Board of  
3 Trustees of the University of Illinois.

4 Notwithstanding any other provision of law, contracts  
5 entered into under item (12) of this subsection (b) shall be  
6 published in the Procurement Bulletin within 14 calendar days  
7 after contract execution. The chief procurement officer shall  
8 prescribe the form and content of the notice. The Illinois  
9 Finance Authority shall provide the chief procurement officer,  
10 on a monthly basis, in the form and content prescribed by the  
11 chief procurement officer, a report of contracts that are  
12 related to the procurement of goods and services identified in  
13 item (12) of this subsection (b). At a minimum, this report  
14 shall include the name of the contractor, a description of the  
15 supply or service provided, the total amount of the contract,  
16 the term of the contract, and the exception to the Code  
17 utilized. A copy of each of these contracts shall be made  
18 available to the chief procurement officer immediately upon  
19 request. The chief procurement officer shall submit a report to  
20 the Governor and General Assembly no later than November 1 of  
21 each year that shall include, at a minimum, an annual summary  
22 of the monthly information reported to the chief procurement  
23 officer.

24 (c) This Code does not apply to the electric power  
25 procurement process provided for under Section 1-75 of the  
26 Illinois Power Agency Act and Section 16-111.5 of the Public

1 Utilities Act.

2 (d) Except for Section 20-160 and Article 50 of this Code,  
3 and as expressly required by Section 9.1 of the Illinois  
4 Lottery Law, the provisions of this Code do not apply to the  
5 procurement process provided for under Section 9.1 of the  
6 Illinois Lottery Law.

7 (e) This Code does not apply to the process used by the  
8 Capital Development Board to retain a person or entity to  
9 assist the Capital Development Board with its duties related to  
10 the determination of costs of a clean coal SNG brownfield  
11 facility, as defined by Section 1-10 of the Illinois Power  
12 Agency Act, as required in subsection (h-3) of Section 9-220 of  
13 the Public Utilities Act, including calculating the range of  
14 capital costs, the range of operating and maintenance costs, or  
15 the sequestration costs or monitoring the construction of clean  
16 coal SNG brownfield facility for the full duration of  
17 construction.

18 (f) This Code does not apply to the process used by the  
19 Illinois Power Agency to retain a mediator to mediate sourcing  
20 agreement disputes between gas utilities and the clean coal SNG  
21 brownfield facility, as defined in Section 1-10 of the Illinois  
22 Power Agency Act, as required under subsection (h-1) of Section  
23 9-220 of the Public Utilities Act.

24 (g) This Code does not apply to the processes used by the  
25 Illinois Power Agency to retain a mediator to mediate contract  
26 disputes between gas utilities and the clean coal SNG facility

1 and to retain an expert to assist in the review of contracts  
2 under subsection (h) of Section 9-220 of the Public Utilities  
3 Act. This Code does not apply to the process used by the  
4 Illinois Commerce Commission to retain an expert to assist in  
5 determining the actual incurred costs of the clean coal SNG  
6 facility and the reasonableness of those costs as required  
7 under subsection (h) of Section 9-220 of the Public Utilities  
8 Act.

9 (h) This Code does not apply to the process to procure or  
10 contracts entered into in accordance with Sections 11-5.2 and  
11 11-5.3 of the Illinois Public Aid Code.

12 (i) Each chief procurement officer may access records  
13 necessary to review whether a contract, purchase, or other  
14 expenditure is or is not subject to the provisions of this  
15 Code, unless such records would be subject to attorney-client  
16 privilege.

17 (j) This Code does not apply to the process used by the  
18 Capital Development Board to retain an artist or work or works  
19 of art as required in Section 14 of the Capital Development  
20 Board Act.

21 (k) This Code does not apply to the process to procure  
22 contracts, or contracts entered into, by the State Board of  
23 Elections or the State Electoral Board for hearing officers  
24 appointed pursuant to the Election Code.

25 (Source: P.A. 98-90, eff. 7-15-13; 98-463, eff. 8-16-13;  
26 98-572, eff. 1-1-14; 98-756, eff. 7-16-14; 98-1076, eff.



1 1-1-15; 99-801, eff. 1-1-17.)

2 (30 ILCS 500/1-15.100)

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

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

24 Section 15. The State Property Control Act is amended by

1 changing Sections 1.02 and 7.3 as follows:

2 (30 ILCS 605/1.02) (from Ch. 127, par. 133b3)

3 Sec. 1.02. "Property" means State owned property and  
4 includes all real estate, with the exception of rights of way  
5 for State water resource and highway improvements, traffic  
6 signs and traffic signals, and with the exception of common  
7 school property; and all tangible personal property with the  
8 exception of properties specifically exempted by the  
9 administrator, provided that any property originally  
10 classified as real property which has been detached from its  
11 structure shall be classified as personal property.

12 "Property" does not include property owned by the Illinois  
13 Medical District Commission and leased or occupied by others  
14 for purposes permitted under the Illinois Medical District Act.  
15 "Property" also does not include property owned and held by the  
16 Illinois Medical District Commission for redevelopment.

17 "Property" does not include property described under  
18 Section 5 of Public Act 92-371 with respect to depositing the  
19 net proceeds from the sale or exchange of the property as  
20 provided in Section 10 of that Act.

21 "Property" does not include that property described under  
22 Section 5 of Public Act 94-405.

23 "Property" does not include real property owned or operated  
24 by the Illinois Power Agency or any electricity generated on  
25 that real property or by the Agency. For purposes of this

1 subsection only, "real property" includes any interest in land,  
2 all buildings and improvements located thereon, and all  
3 fixtures and equipment used or designed for the production and  
4 transmission of electricity located thereon.

5 "Property" does not include property owned by the Board of  
6 Trustees of the University of Illinois or leased property  
7 utilized for purposes permitted under the University of  
8 Illinois Act.

9 (Source: P.A. 94-405, eff. 8-2-05; 95-331, eff. 8-21-07;  
10 95-481, eff. 8-28-07.)

11 (30 ILCS 605/7.3) (from Ch. 127, par. 133b10.3)

12 Sec. 7.3. (a) The Administrator shall have charge of all  
13 transferable property and shall have authority to take  
14 possession and control of such property in order to transfer or  
15 assign any such property to any other State agency that has  
16 need or use for such property or to dispose of said property in  
17 accordance with Section 7 of this Act.

18 The Administrator may not dispose of a transferable  
19 airplane by sale until he or she determines that (i) the agency  
20 no longer has a need for the airplane, (ii) the airplane will  
21 not be used as a trade-in on another aircraft, and (iii) no  
22 public university or college in Illinois that offers courses in  
23 aviation, flight training, or other subjects involving  
24 knowledge of the workings of an airplane has listed the need  
25 for an airplane as provided in this Section.

1 Responsible officers shall periodically report all  
2 transferable property at locations under their jurisdictions  
3 to the Administrator. The Administrator shall review such  
4 reports and arrange for physical examination of said property  
5 if necessary to determine if said items of transferable  
6 property should be transferred to another State agency,  
7 transferred to a central warehouse, or disposed of. The  
8 Administrator shall advise responsible officers of the results  
9 of these reviews as necessary.

10 The staff under the jurisdiction of the Administrator shall  
11 review as necessary State agencies' inventories for potential  
12 items of transferable property. If in the opinion of the  
13 Administrator's staff, any property appears to be  
14 transferable, the Administrator shall notify the responsible  
15 officer of his determination. The executive head of the agency  
16 holding the property in question may appeal the determination  
17 in writing to the Administrator.

18 The Administrator will review the determination in  
19 accordance with rules and procedures established pursuant to  
20 Section 5 of this Act.

21 The Administrator shall maintain lists of transferable  
22 property and of State agency needs for such property and will  
23 transfer where appropriate listed transferable property to  
24 agencies listing their needs for such property as detailed by  
25 their responsible officers. The Administrator must give  
26 priority for transfer of an airplane, that is not to be used as

1 a trade-in, to a public university or college in Illinois that  
2 offers courses in aviation, flight training, or other subjects  
3 involving knowledge of the workings of an airplane and that has  
4 listed the need for an airplane.

5 (b) On and after the effective date of this amendatory Act  
6 of the 100th General Assembly, the University of Illinois shall  
7 continue to cooperate with the Administrator as it did before  
8 the effective date of this amendatory Act of the 100th General  
9 Assembly by sending usable, surplus equipment to the  
10 Administrator, enabling the Administrator to transfer or  
11 assign that equipment to any other State agency that has need  
12 or use for the equipment or to dispose of the equipment in  
13 accordance with this Section and Section 7 of this Act.

14 (Source: P.A. 91-432, eff. 1-1-00.)

15 Section 20. The University of Illinois Act is amended by  
16 adding Sections 100, 105, and 110 as follows:

17 (110 ILCS 305/100 new)

18 Sec. 100. University of Illinois Investment, Performance,  
19 and Accountability Commitment.

20 (a) This Section may be referred to as the University of  
21 Illinois Investment, Performance, and Accountability  
22 Commitment.

23 (b) For Fiscal Year 2018, the General Assembly shall  
24 appropriate and the State Comptroller shall make available to

1 the University an amount for operations that is not less than  
2 \$662,100,000. For Fiscal Year 2019 and every fiscal year  
3 thereafter, the General Assembly shall appropriate, before the  
4 beginning of each fiscal year, an amount not less than the  
5 amount appropriated for operations in the prior fiscal year,  
6 increased by a percentage equal to the percentage increase, if  
7 any, in the Consumer Price Index for All Urban Consumers  
8 (CPI-U) published by the Bureau of Labor Statistics of the  
9 United States Department of Labor for the 12 months ending on  
10 the previous December 31, and the State Comptroller shall make  
11 available to the University within 12 months from the effective  
12 date of the appropriation an amount for operations that is not  
13 less than the amount appropriated and made available to the  
14 University for the prior fiscal year. The State Comptroller  
15 shall make timely payments, within 90 days after receipt, to  
16 the University on vouchers for the appropriations received from  
17 the University. University vouchers not paid within 90 days  
18 after receipt by the State Comptroller shall accrue interest  
19 paid by the State Comptroller to the University at a rate of 1%  
20 per month. The General Assembly shall appropriate annually and  
21 the State Comptroller shall make available payments for the  
22 employer's share of pension costs under the Illinois Pension  
23 Code and healthcare costs under the State Employees Group  
24 Insurance Act of 1971 for the covered employees of the  
25 University.

26 (c) In this subsection (c), "mandatory fees" excludes

1 mandatory fees approved by students by referendum. Beginning  
2 with the 2018-2019 academic year, the Board of Trustees may not  
3 increase the base rate of in-State, undergraduate tuition and  
4 mandatory fees by more than the rate of inflation, if any, as  
5 measured by the Consumer Price Index for all Urban Consumers  
6 (CPI-U) published by the Bureau of Labor Statistics of the  
7 United States Department of Labor for the 12 months ending on  
8 the previous December 31 above the base rate of in-State,  
9 undergraduate tuition and mandatory fees set by the Board of  
10 Trustees for an undergraduate academic program in the previous  
11 academic year. This subsection (c) does not apply to health  
12 insurance fees, fees approved prior to the effective date of  
13 this amendatory Act of the 100th General Assembly, or fees  
14 approved by a student referendum.

15 (d) For Fiscal Year 2018 and every fiscal year thereafter,  
16 the University shall provide to residents of this State  
17 need-based financial aid in an amount that is not less than  
18 12.5% of the University's appropriation. At least \$15,000,000  
19 of this financial aid shall be provided annually to Illinois  
20 students of historically underrepresented populations. Such  
21 students shall include the following:

22 (1) students who are Black or African American,  
23 Hispanic or Latino, American Indian or Alaska Native, or  
24 Native Hawaiian or Other Pacific Islander;

25 (2) students from counties in this State from which the  
26 University of Illinois at Urbana-Champaign campus, the

1 University of Illinois at Chicago campus, and the  
2 University of Illinois at Springfield campus combined have  
3 enrolled on average 2 or fewer students from the county  
4 over the last 3 years; and

5 (3) students from families who are classified as in  
6 poverty with an expected family contribution equal to zero.

7 (e) For the 2018-2019 academic year and every academic year  
8 thereafter, the University shall achieve performance goals  
9 defined by all of the following key performance indicators:

10 (1) The Board of Trustees shall admit no fewer than  
11 14,000 residents of this State in undergraduate programs at  
12 the University of Illinois at Urbana-Champaign campus,  
13 11,800 residents of this State in undergraduate programs at  
14 the University of Illinois at Chicago campus, and 1,500  
15 residents of this State in undergraduate programs at the  
16 University of Illinois at Springfield campus, provided the  
17 requisite number of residents of this State seeking  
18 admission to undergraduate programs at the University meet  
19 the requirements of Section 8 of this Act. Residents of  
20 this State must comprise at least 50%, combined, of any  
21 growth in on-campus undergraduate enrollment above the  
22 level for the 2015-2016 academic year.

23 (2) The University shall maintain a first-to-second  
24 year retention rate in undergraduate programs greater than  
25 or equal to a combined 87% at the University of Illinois at  
26 Urbana-Champaign campus, the University of Illinois at



1 Chicago campus, and the University of Illinois at  
2 Springfield campus.

3 (3) The University shall maintain a 6-year graduation  
4 rate for first-time freshmen in undergraduate programs  
5 greater than or equal to a combined 72% at the University  
6 of Illinois at Urbana-Champaign campus, the University of  
7 Illinois at Chicago campus, and the University of Illinois  
8 at Springfield campus.

9 For any academic year in which the University does not meet  
10 or exceed the key performance indicators listed in this  
11 subsection (e), the appropriation required by subsection (b) of  
12 this Section for the following fiscal year may be adjusted  
13 appropriately by the passage of a joint resolution of the  
14 General Assembly. However, any adjustment made under this  
15 subsection (e) must not be the basis for any future fiscal year  
16 appropriation under subsection (b) of this Section. If an  
17 adjustment is made under this subsection (e), the basis for any  
18 future fiscal year appropriation under subsection (b) of this  
19 Section must be the previous fiscal year in which an adjustment  
20 was not made.

21 (f) Beginning September 1, 2018 and every September 1  
22 thereafter, the University shall publish on its website and  
23 make publicly available an annual report related to the  
24 previous academic and fiscal year at the University of Illinois  
25 at Urbana-Champaign campus, at the University of Illinois at  
26 Chicago campus, and at the University of Illinois at

1 Springfield campus. The annual report shall include all of the  
2 following information:

3 (1) The number of first-time freshmen enrolled.

4 (2) The number of new transfer students enrolled.

5 (3) The number of undergraduates enrolled who are  
6 residents of this State.

7 (4) The number of underrepresented minority  
8 undergraduate students enrolled.

9 (5) The total undergraduate enrollment.

10 (6) The number of undergraduate degrees issued.

11 (7) The number of graduate degrees issued.

12 (8) The number of professional degrees issued.

13 (9) The total number of degrees issued.

14 (10) The number of science, technology, engineering,  
15 and mathematics degrees issued.

16 (11) The direct appropriation per undergraduate  
17 degree.

18 (12) The direct appropriation per undergraduate degree  
19 issued to a resident of this State.

20 (13) The direct appropriation as a percentage of total  
21 expenditures.

22 (14) The number of undergraduate students enrolled in  
23 each college of each campus.

24 (15) The number of undergraduate students who are  
25 residents of this State enrolled in each college of each  
26 campus.

1       (g) The requirements of subsections (c), (d), and (e) of  
2 this Section are not applicable to the University in any fiscal  
3 year in which the General Assembly fails to appropriate and the  
4 State Comptroller fails to make available the amounts required  
5 under subsection (b) of this Section.

6       (h) This Section is repealed on June 30, 2022.

7       (110 ILCS 305/105 new)

8       Sec. 105. Certificates of participation for capital  
9 improvements.

10       (a) For the purposes of this Section, "Commission" means  
11 the Commission on Government Forecasting and Accountability.

12       (b) The power of the Board of Trustees to enter into  
13 contracts includes the power to enter into financing agreements  
14 in connection with the financing of capital improvements,  
15 including technology or other related improvements, by selling  
16 certificates of participation in the installment payments made  
17 under such financing agreements. These financing agreements  
18 may be entered into for any period of time less than or equal  
19 to 30 years, but not to exceed the useful life of the capital  
20 improvement. Nothing in this Section authorizes the Board to  
21 incur State debt, as that term is defined in subsection (a) of  
22 Section 9 of Article IX of the Constitution of the State of  
23 Illinois.

24       (c) Upon determination by the Board to undertake a  
25 transaction for the sale of certificates of participation and

1 enter into related financing agreements in connection with the  
2 financing of capital improvements, the Board shall adopt a  
3 resolution or resolutions describing in a general way the  
4 contemplated facilities or a combination thereof designated as  
5 the project, the estimated cost thereof, and any additional  
6 relevant information.

7 (d) Before issuance of any certificate of participation,  
8 the Board or its representatives shall appear before the  
9 Commission and present the details of the proposal. This  
10 presentation shall include such information as the Commission  
11 may request in relation to the proposed certificate of  
12 participation issuance. This information shall include, but is  
13 not limited to, the amount being financed, the nature of the  
14 project being financed, the proposed funding stream to pay for  
15 the certificate of participation issuance, the current  
16 outstanding indebtedness of the University, and the status of  
17 all currently issued certificates of participation.

18 Upon receipt of a request by the University for a  
19 certificate of participation presentation, the Commission  
20 shall hold a public hearing and, upon adoption by a vote of the  
21 majority of appointed members, issue a record of findings in  
22 regards to the issuance of the certificate of participation  
23 within 60 days after the request.

24 As part of the Commission's considerations and findings,  
25 the Commission shall consider the effect the issuance of a  
26 certificate of participation shall have on the University's

1 annual debt service and overall fiscal condition.

2 Within the Commission's findings must be a statement in  
3 which the Commission makes a recommendation to the University  
4 as to proceeding with the certificate of participation  
5 issuance. The recommendation shall be either (i) "favorably  
6 recommended", (ii) "recommended with concerns", or (iii)  
7 "non-support of issuance".

8 The Commission shall report the findings within 15 days  
9 after the hearing to all of the following:

10 (1) The Speaker of the House of Representatives.

11 (2) The Minority Leader of the House of  
12 Representatives.

13 (3) The President of the Senate.

14 (4) The Minority Leader of the Senate.

15 (5) The Governor's Office of Management and Budget.

16 (6) The President of the University.

17 Upon a finding of "non-support of issuance", the University  
18 may not proceed with the issuance of the certificate of  
19 participation involved in the finding without the approval of  
20 the General Assembly through the adoption of a joint  
21 resolution.

22 (e) Upon receipt of the external Auditor General audit  
23 report of each year, the University shall file with the  
24 Commission a report stating the status of all outstanding  
25 certificates of participation the University has issued and a  
26 copy of the annual budget as approved by the Board.

1       (f) Each issuance of a certificate of participation shall  
2 include within the appropriate documents related to its  
3 execution the following statement, which sets forth required  
4 limitations in relation to the certificate:

5       "THE BOARD OF TRUSTEES' OBLIGATION TO MAKE INSTALLMENT  
6 PAYMENTS DOES NOT CONSTITUTE A DEBT OF THE BOARD OR THE STATE  
7 OF ILLINOIS WITHIN THE MEANING OF ANY CONSTITUTIONAL OR  
8 STATUTORY LIMITATION. THE INSTALLMENT PAYMENTS REQUIRED UNDER  
9 CERTIFICATES OF PARTICIPATION INCURRED BY THE UNIVERSITY ARE  
10 NOT SECURED BY THE FULL FAITH AND CREDIT OF THE STATE AND ARE  
11 NOT REQUIRED TO BE REPAID AND MAY NOT BE REPAID, DIRECTLY OR  
12 INDIRECTLY, FROM TAX REVENUE."

13       (g) The maximum annual debt service for the University's  
14 total certificate of participation obligation must not exceed  
15 \$100,000,000.

16       (110 ILCS 305/110 new)

17       Sec. 110. Illinois Excellence Program. Subject to  
18 appropriation, the Board of Trustees shall establish and  
19 administer a program, to be called the Illinois Excellence  
20 Program, to recruit and retain promising faculty throughout the  
21 University of Illinois system through capital investment in  
22 both new and distressed facilities. The Program shall focus on  
23 capital investment in facilities designed to attract and retain  
24 sought-after faculty to the University of Illinois system.

25       The Illinois Excellence Fund is created as a special fund

1 in the State treasury. All money in the Fund may be used,  
2 subject to appropriation, by the Board of Trustees for the  
3 administration of the Illinois Excellence Program.

4 Section 99. Effective date. This Act takes effect upon  
5 becoming law.

1 INDEX

2 Statutes amended in order of appearance

3 30 ILCS 105/5.878 new

4 30 ILCS 500/1-10

5 30 ILCS 500/1-15.100

6 30 ILCS 605/1.02 from Ch. 127, par. 133b3

7 30 ILCS 605/7.3 from Ch. 127, par. 133b10.3

8 110 ILCS 305/100 new

9 110 ILCS 305/105 new

10 110 ILCS 305/110 new