



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB6623

by Rep. Michael J. Zalewski

#### SYNOPSIS AS INTRODUCED:

30 ILCS 105/5.878 new  
30 ILCS 500/1-10  
30 ILCS 500/1-15.100  
30 ILCS 605/1.02  
110 ILCS 305/100 new  
110 ILCS 305/105 new  
110 ILCS 305/110 new

from Ch. 127, par. 133b3

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". 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.

LRB099 17783 NHT 51402 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 (Text of Section before amendment by P.A. 99-801)

12 Sec. 1-10. Application.

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

1 effective date of Articles 50 and 99 and July 1, 1998 shall be  
2 substantially in accordance with this Code and its intent.

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

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

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

12 (3) Purchase of care.

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

17 (5) Collective bargaining contracts.

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

26 (7) Contracts necessary to prepare for anticipated

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

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

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

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

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

1 Public-Private Partnerships for Transportation Act.

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

12 (14) Procurement expenditures made by the Board of  
13 Trustees of the University of Illinois.

14 Notwithstanding any other provision of law, contracts  
15 entered into under item (12) of this subsection (b) shall be  
16 published in the Procurement Bulletin within 14 calendar days  
17 after contract execution. The chief procurement officer shall  
18 prescribe the form and content of the notice. The Illinois  
19 Finance Authority shall provide the chief procurement officer,  
20 on a monthly basis, in the form and content prescribed by the  
21 chief procurement officer, a report of contracts that are  
22 related to the procurement of goods and services identified in  
23 item (12) of this subsection (b). At a minimum, this report  
24 shall include the name of the contractor, a description of the  
25 supply or service provided, the total amount of the contract,  
26 the term of the contract, and the exception to the Code

1 utilized. A copy of each of these contracts shall be made  
2 available to the chief procurement officer immediately upon  
3 request. The chief procurement officer shall submit a report to  
4 the Governor and General Assembly no later than November 1 of  
5 each year that shall include, at a minimum, an annual summary  
6 of the monthly information reported to the chief procurement  
7 officer.

8 (c) This Code does not apply to the electric power  
9 procurement process provided for under Section 1-75 of the  
10 Illinois Power Agency Act and Section 16-111.5 of the Public  
11 Utilities Act.

12 (d) Except for Section 20-160 and Article 50 of this Code,  
13 and as expressly required by Section 9.1 of the Illinois  
14 Lottery Law, the provisions of this Code do not apply to the  
15 procurement process provided for under Section 9.1 of the  
16 Illinois Lottery Law.

17 (e) This Code does not apply to the process used by the  
18 Capital Development Board to retain a person or entity to  
19 assist the Capital Development Board with its duties related to  
20 the determination of costs of a clean coal SNG brownfield  
21 facility, as defined by Section 1-10 of the Illinois Power  
22 Agency Act, as required in subsection (h-3) of Section 9-220 of  
23 the Public Utilities Act, including calculating the range of  
24 capital costs, the range of operating and maintenance costs, or  
25 the sequestration costs or monitoring the construction of clean  
26 coal SNG brownfield facility for the full duration of

1 construction.

2 (f) This Code does not apply to the process used by the  
3 Illinois Power Agency to retain a mediator to mediate sourcing  
4 agreement disputes between gas utilities and the clean coal SNG  
5 brownfield facility, as defined in Section 1-10 of the Illinois  
6 Power Agency Act, as required under subsection (h-1) of Section  
7 9-220 of the Public Utilities Act.

8 (g) This Code does not apply to the processes used by the  
9 Illinois Power Agency to retain a mediator to mediate contract  
10 disputes between gas utilities and the clean coal SNG facility  
11 and to retain an expert to assist in the review of contracts  
12 under subsection (h) of Section 9-220 of the Public Utilities  
13 Act. This Code does not apply to the process used by the  
14 Illinois Commerce Commission to retain an expert to assist in  
15 determining the actual incurred costs of the clean coal SNG  
16 facility and the reasonableness of those costs as required  
17 under subsection (h) of Section 9-220 of the Public Utilities  
18 Act.

19 (h) This Code does not apply to the process to procure or  
20 contracts entered into in accordance with Sections 11-5.2 and  
21 11-5.3 of the Illinois Public Aid Code.

22 (i) Each chief procurement officer may access records  
23 necessary to review whether a contract, purchase, or other  
24 expenditure is or is not subject to the provisions of this  
25 Code, unless such records would be subject to attorney-client  
26 privilege.

1           (j) This Code does not apply to the process used by the  
2 Capital Development Board to retain an artist or work or works  
3 of art as required in Section 14 of the Capital Development  
4 Board Act.

5           (k) This Code does not apply to the process to procure  
6 contracts, or contracts entered into, by the State Board of  
7 Elections or the State Electoral Board for hearing officers  
8 appointed pursuant to the Election Code.

9           (Source: P.A. 97-96, eff. 7-13-11; 97-239, eff. 8-2-11; 97-502,  
10 eff. 8-23-11; 97-689, eff. 6-14-12; 97-813, eff. 7-13-12;  
11 97-895, eff. 8-3-12; 98-90, eff. 7-15-13; 98-463, eff. 8-16-13;  
12 98-572, eff. 1-1-14; 98-756, eff. 7-16-14; 98-1076, eff.  
13 1-1-15.)

14           (Text of Section after amendment by P.A. 99-801)

15           Sec. 1-10. Application.

16           (a) This Code applies only to procurements for which  
17 bidders, offerors, potential contractors, or contractors were  
18 first solicited on or after July 1, 1998. This Code shall not  
19 be construed to affect or impair any contract, or any provision  
20 of a contract, entered into based on a solicitation prior to  
21 the implementation date of this Code as described in Article  
22 99, including but not limited to any covenant entered into with  
23 respect to any revenue bonds or similar instruments. All  
24 procurements for which contracts are solicited between the  
25 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.

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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.

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22 to the procurement requirements of Section 20 of the  
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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  
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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.

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25 procurement process provided for under Section 1-75 of the  
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1 Utilities Act.

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17 construction.

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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.

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25 Illinois Power Agency to retain a mediator to mediate contract  
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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  
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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 Section 1.02 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 Section 20. The University of Illinois Act is amended by  
12 adding Sections 100, 105, and 110 as follows:

13 (110 ILCS 305/100 new)

14 Sec. 100. University of Illinois Investment, Performance,  
15 and Accountability Commitment.

16 (a) This Section may be referred to as the University of  
17 Illinois Investment, Performance, and Accountability  
18 Commitment.

19 (b) For Fiscal Year 2018, the General Assembly shall  
20 appropriate and the State Comptroller shall make available to  
21 the University an amount for operations that is not less than  
22 \$662,100,000. For Fiscal Year 2019 and every fiscal year  
23 thereafter, the General Assembly shall appropriate, before the  
24 beginning of each fiscal year, an amount not less than the

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

22 (c) In this subsection (c), "mandatory fees" excludes  
23 mandatory fees approved by students by referendum. Beginning  
24 with the 2018-2019 academic year, the Board of Trustees may not  
25 increase the base rate of in-State, undergraduate tuition and  
26 mandatory fees by more than the rate of inflation, if any, as

1 measured by the Consumer Price Index for all Urban Consumers  
2 (CPI-U) published by the Bureau of Labor Statistics of the  
3 United States Department of Labor for the 12 months ending on  
4 the previous December 31 above the base rate of in-State,  
5 undergraduate tuition and mandatory fees set by the Board of  
6 Trustees for an undergraduate academic program in the previous  
7 academic year. This subsection (c) does not apply to health  
8 insurance fees, fees approved prior to the effective date of  
9 this amendatory Act of the 99th General Assembly, or fees  
10 approved by a student referendum.

11 (d) For Fiscal Year 2018 and every fiscal year thereafter,  
12 the University shall provide to residents of this State  
13 need-based financial aid in an amount that is not less than  
14 12.5% of the University's appropriation. At least \$15,000,000  
15 of this financial aid shall be provided annually to Illinois  
16 students of historically underrepresented populations. Such  
17 students shall include the following:

18 (1) students who are Black or African American,  
19 Hispanic or Latino, American Indian or Alaska Native, or  
20 Native Hawaiian or Other Pacific Islander;

21 (2) students from counties in this State from which the  
22 University of Illinois at Urbana-Champaign campus, the  
23 University of Illinois at Chicago campus, and the  
24 University of Illinois at Springfield campus combined have  
25 enrolled on average 2 or fewer students from the county  
26 over the last 3 years; and

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

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

6           (1) The Board of Trustees shall admit no fewer than  
7           14,000 residents of this State in undergraduate programs at  
8           the University of Illinois at Urbana-Champaign campus,  
9           11,800 residents of this State in undergraduate programs at  
10           the University of Illinois at Chicago campus, and 1,500  
11           residents of this State in undergraduate programs at the  
12           University of Illinois at Springfield campus, provided the  
13           requisite number of residents of this State seeking  
14           admission to undergraduate programs at the University meet  
15           the requirements of Section 8 of this Act. Residents of  
16           this State must comprise at least 50%, combined, of any  
17           growth in on-campus undergraduate enrollment above the  
18           level for the 2015-2016 academic year.

19           (2) The University shall maintain a first-to-second  
20           year retention rate in undergraduate programs greater than  
21           or equal to a combined 87% at the University of Illinois at  
22           Urbana-Champaign campus, the University of Illinois at  
23           Chicago campus, and the University of Illinois at  
24           Springfield campus.

25           (3) The University shall maintain a 6-year graduation  
26           rate for first-time freshmen in undergraduate programs

1 greater than or equal to a combined 72% at the University  
2 of Illinois at Urbana-Champaign campus, the University of  
3 Illinois at Chicago campus, and the University of Illinois  
4 at Springfield campus.

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

17 (f) Beginning September 1, 2018 and every September 1  
18 thereafter, the University shall publish on its website and  
19 make publicly available an annual report related to the  
20 previous academic and fiscal year at the University of Illinois  
21 at Urbana-Champaign campus, at the University of Illinois at  
22 Chicago campus, and at the University of Illinois at  
23 Springfield campus. The annual report shall include all of the  
24 following information:

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

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

1           (3) The number of undergraduates enrolled who are  
2           residents of this State.

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

5           (5) The total undergraduate enrollment.

6           (6) The number of undergraduate degrees issued.

7           (7) The number of graduate degrees issued.

8           (8) The number of professional degrees issued.

9           (9) The total number of degrees issued.

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

12          (11) The direct appropriation per undergraduate  
13          degree.

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

16          (13) The direct appropriation as a percentage of total  
17          expenditures.

18          (14) The number of undergraduate students enrolled in  
19          each college of each campus.

20          (15) The number of undergraduate students who are  
21          residents of this State enrolled in each college of each  
22          campus.

23          (g) The requirements of subsections (c), (d), and (e) of  
24          this Section are not applicable to the University in any fiscal  
25          year in which the General Assembly fails to appropriate and the  
26          State Comptroller fails to make available the amounts required

1 under subsection (b) of this Section.

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

3 (110 ILCS 305/105 new)

4 Sec. 105. Certificates of participation for capital  
5 improvements.

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

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

20 (c) Upon determination by the Board to undertake a  
21 transaction for the sale of certificates of participation and  
22 enter into related financing agreements in connection with the  
23 financing of capital improvements, the Board shall adopt a  
24 resolution or resolutions describing in a general way the  
25 contemplated facilities or a combination thereof designated as

1 the project, the estimated cost thereof, and any additional  
2 relevant information.

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

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

20 As part of the Commission's considerations and findings,  
21 the Commission shall consider the effect the issuance of a  
22 certificate of participation shall have on the University's  
23 annual debt service and overall fiscal condition.

24 Within the Commission's findings must be a statement in  
25 which the Commission makes a recommendation to the University  
26 as to proceeding with the certificate of participation



1 issuance. The recommendation shall be either (i) "favorably  
2 recommended", (ii) "recommended with concerns", or (iii)  
3 "non-support of issuance".

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

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

7 (2) The Minority Leader of the House of  
8 Representatives.

9 (3) The President of the Senate.

10 (4) The Minority Leader of the Senate.

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

12 (6) The President of the University.

13 Upon a finding of "non-support of issuance", the University  
14 may not proceed with the issuance of the certificate of  
15 participation involved in the finding without the approval of  
16 the General Assembly through the adoption of a joint  
17 resolution.

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

23 (f) Each issuance of a certificate of participation shall  
24 include within the appropriate documents related to its  
25 execution the following statement, which sets forth required  
26 limitations in relation to the certificate:

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

9       (g) The maximum annual debt service for the University's  
10       total certificate of participation obligation must not exceed  
11       \$100,000,000.

12       (110 ILCS 305/110 new)

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

21       The Illinois Excellence Fund is created as a special fund  
22       in the State treasury. All money in the Fund may be used,  
23       subject to appropriation, by the Board of Trustees for the  
24       administration of the Illinois Excellence Program.

1           Section 95. No acceleration or delay. Where this Act makes  
2 changes in a statute that is represented in this Act by text  
3 that is not yet or no longer in effect (for example, a Section  
4 represented by multiple versions), the use of that text does  
5 not accelerate or delay the taking effect of (i) the changes  
6 made by this Act or (ii) provisions derived from any other  
7 Public Act.

8           Section 99. Effective date. This Act takes effect upon  
9 becoming law.