

2008 Illinois Community College Legislative Issues

LOCAL GOVERNMENT CONTROL AND THE ETHICS ACT

Community colleges **SUPPORT** passage of **House Bill 4189** (Pritchard/Maloney), which clarifies an ambiguous provision in the State Officials and Employees Ethics Act. This Act regulates the ethical conduct, political activities, and giving and receiving of gifts by state officials and employees, and includes separate provisions for units of local government. **HB 4189** passed the Illinois House of Representatives by a vote of 91-11 and has been assigned to the Senate Executive Committee.

Every community college district in Illinois has complied with the **local government** provisions of the Act and established its own ethics code and commission. This was done because Illinois community college districts are described as “units of local government” in all citations throughout the Illinois Compiled Statutes. A different section of the Ethics Act applies to state agencies and state employees and is enforced by the Illinois Executive Inspector General.

An opinion that community college districts fall within the definition of **state agencies** (rather than units of local government) and that their employees are **state employees** (rather than employees of units of local government) conflicts with the otherwise universal description of community colleges as units of local government. In fall 2007, the 18th Judicial Circuit Court reaffirmed that community colleges are units of local government and not state agencies under the Ethics Act. The Circuit Court’s decision has been appealed to the 2nd Appellate Court. Passage of **HB 4189** will correct the ambiguity in this statute and positively impact all Illinois community colleges.

FISCAL YEAR 2008 BUDGET

Community colleges **OPPOSE** reductions in state support for Fiscal Year 2008 (the current budget year). It is possible that the Governor’s Office of Management and Budget could recommend that community colleges’ current-year funding be reduced by \$25 million by June 30 to help alleviate Illinois’ \$750 million budget shortfall.

In FY 2002, state funding for community colleges totaled \$347 million. By FY 2008, state funding had dropped to \$300 million (equal to 1993 funding levels), and now faces the possibility of a further reduction to \$275 million. During the same period, the statewide average tuition and fees at Illinois community colleges rose from \$51 per credit hour to \$78 per credit hour. Reductions in state funding for community colleges will cause more increases in tuition and fees and further restrict student access to higher education.

FISCAL YEAR 2009 BUDGET

The Governor has recommended that community colleges receive Fiscal Year 2009 state funding that is equal to FY 2008 budget levels. It remains unknown how the current fiscal situation in Illinois will impact the development of the FY 2009 budget.

CAPITAL CONSTRUCTION PROGRAM

Community colleges **SUPPORT** the creation of a state-funded capital construction program for FY 2009 that adequately meets the colleges’ construction and repair/renovation needs. The State of Illinois has not approved a significant capital construction program since 1999, while community colleges have deferred construction, repair and renovation needs that exceed \$1 billion.



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