

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 Western Illinois University Law is amended
5 by changing Section 35-45 as follows:

6 (110 ILCS 690/35-45)

7 Sec. 35-45. Powers and duties. The Board also shall have
8 power and it shall be its duty:

9 (1) To make rules, regulations and bylaws, not
10 inconsistent with law, for the government and management of
11 Western Illinois University and its branches;

12 (2) To employ, and, for good cause, to remove a President
13 of Western Illinois University, and all necessary deans,
14 professors, associate professors, assistant professors,
15 instructors, other educational and administrative assistants,
16 and all other necessary employees, and to prescribe their
17 duties and contract with them upon matters relating to tenure,
18 salaries and retirement benefits in accordance with the State
19 Universities Civil Service Act. Whenever the Board establishes
20 a search committee to fill the position of President of
21 Western Illinois University, there shall be minority
22 representation, including women, on that search committee. The
23 Board shall, upon the written request of an employee of

1 Western Illinois University, withhold from the compensation of
2 that employee any dues, payments or contributions payable by
3 such employee to any labor organization as defined in the
4 Illinois Educational Labor Relations Act. Under such
5 arrangement, an amount shall be withheld from each regular
6 payroll period which is equal to the pro rata share of the
7 annual dues plus any payments or contributions, and the Board
8 shall transmit such withholdings to the specified labor
9 organization within 10 working days from the time of the
10 withholding;

11 (3) To prescribe the courses of study to be followed, and
12 textbooks and apparatus to be used at Western Illinois
13 University;

14 (4) To issue upon the recommendation of the faculty,
15 diplomas to such persons as have satisfactorily completed the
16 required studies of Western Illinois University, and confer
17 such professional and literary degrees as are usually
18 conferred by other institutions of like character for similar
19 or equivalent courses of study, or such as the Board may deem
20 appropriate;

21 (5) To examine into the conditions, management, and
22 administration of Western Illinois University, to provide the
23 requisite buildings, apparatus, equipment and auxiliary
24 enterprises, and to fix and collect matriculation fees;
25 tuition fees; fees for student activities; fees for student
26 facilities such as student union buildings or field houses or

1 stadia or other recreational facilities; student welfare fees;
2 laboratory fees; and similar fees for supplies and materials.
3 The expense of the building, improving, repairing and
4 supplying fuel and furniture and the necessary appliances and
5 apparatus for conducting Western Illinois University, the
6 reimbursed expenses of members of the Board, and the salaries
7 or compensation of the President, assistants, agents and other
8 employees of Western Illinois University, shall be a charge
9 upon the State Treasury. All other expenses shall be
10 chargeable against students, and the Board shall regulate the
11 charges accordingly;

12 (6) To succeed to and to administer all trusts, trust
13 property, and gifts now or hereafter belonging or pertaining
14 to Western Illinois University;

15 (7) To accept endowments of professorships or departments
16 in Western Illinois University from any person who may proffer
17 them and, at regular meetings, to prescribe rules and
18 regulations in relation to endowments and declare on what
19 general principles they may be accepted;

20 (8) To enter into contracts with the Federal government
21 for providing courses of instruction and other services at
22 Western Illinois University for persons serving in or with the
23 military or naval forces of the United States, and to provide
24 such courses of instruction and other services;

25 (9) To contract with respect to the Cooperative Computer
26 Center to obtain services related to electronic data

1 processing;

2 (10) To provide for the receipt and expenditures of
3 Federal funds paid to Western Illinois University by the
4 Federal government for instruction and other services for
5 persons serving in or with the military or naval forces of the
6 United States, and to provide for audits of such funds;

7 (11) To appoint, subject to the applicable civil service
8 law, persons to be members of the Western Illinois University
9 Police Department. Members of the Police Department shall be
10 conservators of the peace and as such have all powers
11 possessed by policemen in cities, and sheriffs, including the
12 power to make arrests on view or warrants of violations of
13 State statutes, University rules and regulations and city or
14 county ordinances, except that they may exercise such powers
15 only within counties wherein Western Illinois University and
16 any of its branches or properties are located when such is
17 required for the protection of University properties and
18 interests, and its students and personnel, and otherwise,
19 within such counties, when requested by appropriate State or
20 local law enforcement officials. However, such officers shall
21 have no power to serve and execute civil processes.

22 The Board must authorize to each member of the Western
23 Illinois University Police Department and to any other
24 employee of Western Illinois University exercising the powers
25 of a peace officer a distinct badge that, on its face, (i)
26 clearly states that the badge is authorized by Western

1 Illinois University and (ii) contains a unique identifying
2 number. No other badge shall be authorized by Western Illinois
3 University;

4 (12) The Board may, directly or in cooperation with other
5 institutions of higher education, acquire by purchase or lease
6 or otherwise, and construct, enlarge, improve, equip,
7 complete, operate, control and manage research and high
8 technology parks, together with the necessary lands,
9 buildings, facilities, equipment, and personal property
10 therefor, to encourage and facilitate (i) the location and
11 development of business and industry in the State of Illinois,
12 and (ii) the increased application and development of
13 technology, and (iii) the improvement and development of the
14 State's economy. The Board may lease to nonprofit corporations
15 all or any part of the land, buildings, facilities, equipment
16 or other property included in a research and high technology
17 park upon such terms and conditions as the Board may deem
18 advisable and enter into any contract or agreement with such
19 nonprofit corporations as may be necessary or suitable for the
20 construction, financing, operation and maintenance and
21 management of any such park; and may lease to any person, firm,
22 partnership or corporation, either public or private, any part
23 or all of the land, building, facilities, equipment or other
24 property of such park for such purposes and upon such rentals,
25 terms and conditions as the Board may deem advisable; and may
26 finance all or part of the cost of any such park, including the

1 purchase, lease, construction, reconstruction, improvement,
2 remodeling, addition to, and extension and maintenance of all
3 or part of such high technology park, and all equipment and
4 furnishings, by legislative appropriations, government grants,
5 contracts, private gifts, loans, receipts from the operation
6 of such high technology park, rentals and similar receipts;
7 and may make its other facilities and services available to
8 tenants or other occupants of any such park at rates which are
9 reasonable and appropriate;

10 (13) To borrow money, as necessary, from time to time in
11 anticipation of receiving tuition, payments from the State of
12 Illinois, or other revenues or receipts of the University,
13 also known as anticipated moneys. The borrowing limit shall be
14 capped at 100% of the total amount of payroll and other expense
15 vouchers submitted and payable to the University for fiscal
16 year 2010 expenses, but unpaid by the State Comptroller's
17 office. Prior to borrowing any funds, the University shall
18 request from the Comptroller's office a verification of the
19 borrowing limit and shall include the estimated date on which
20 such borrowing shall occur. The borrowing limit cap shall be
21 verified by the State Comptroller's office not prior to 45
22 days before any estimated date for executing any promissory
23 note or line of credit established under this item (13). The
24 principal amount borrowed under a promissory note or line of
25 credit shall not exceed 75% of the borrowing limit. Within 15
26 days after borrowing funds under any promissory note or line

1 of credit established under this item (13), the University
2 shall submit to the Governor's Office of Management and
3 Budget, the Speaker of the House of Representatives, the
4 Minority Leader of the House of Representatives, the President
5 of the Senate, and the Minority Leader of the Senate an
6 Emergency Short Term Cash Management Plan. The Emergency Short
7 Term Cash Management Plan shall outline the amount borrowed,
8 the terms for repayment, the amount of outstanding State
9 vouchers as verified by the State Comptroller's office, and
10 the University's plan for expenditure of any borrowed funds,
11 including, but not limited to, a detailed plan to meet payroll
12 obligations to include collective bargaining employees, civil
13 service employees, and academic, research, and health care
14 personnel. The establishment of any promissory note or line of
15 credit established under this item (13) must be finalized
16 within 90 days after the effective date of this amendatory Act
17 of the 96th General Assembly. The borrowed moneys shall be
18 applied to the purposes of paying salaries and other expenses
19 lawfully authorized in the University's State appropriation
20 and unpaid by the State Comptroller. Any line of credit
21 established under this item (13) shall be paid in full one year
22 after creation or within 10 days after the date the University
23 receives reimbursement from the State for all submitted fiscal
24 year 2010 vouchers, whichever is earlier. Any promissory note
25 established under this item (13) shall be repaid within one
26 year after issuance of the note. The Chairman, Comptroller, or

1 Treasurer of the Board shall execute a promissory note or
2 similar debt instrument to evidence the indebtedness incurred
3 by the borrowing. In connection with a borrowing, the Board
4 may establish a line of credit with a financial institution,
5 investment bank, or broker/dealer. The obligation to make the
6 payments due under any promissory note or line of credit
7 established under this item (13) shall be a lawful obligation
8 of the University payable from the anticipated moneys. Any
9 borrowing under this item (13) shall not constitute a debt,
10 legal or moral, of the State and shall not be enforceable
11 against the State. The promissory note or line of credit shall
12 be authorized by a resolution passed by the Board and shall be
13 valid whether or not a budgeted item with respect to that
14 resolution is included in any annual or supplemental budget
15 adopted by the Board. The resolution shall set forth facts
16 demonstrating the need for the borrowing, state an amount that
17 the amount to be borrowed will not exceed, and establish a
18 maximum interest rate limit not to exceed the maximum rate
19 authorized by the Bond Authorization Act or 9%, whichever is
20 less. The resolution may direct the Comptroller or Treasurer
21 of the Board to make arrangements to set apart and hold the
22 portion of the anticipated moneys, as received, that shall be
23 used to repay the borrowing, subject to any prior pledges or
24 restrictions with respect to the anticipated moneys. The
25 resolution may also authorize the Treasurer of the Board to
26 make partial repayments of the borrowing as the anticipated

1 moneys become available and may contain any other terms,
2 restrictions, or limitations not inconsistent with the powers
3 of the Board.

4 For the purposes of this item (13), "financial
5 institution" means any bank subject to the Illinois Banking
6 Act, any savings and loan association subject to the Illinois
7 Savings and Loan Act of 1985, and any federally chartered
8 commercial bank or savings and loan association or
9 government-sponsored enterprise organized and operated in this
10 State pursuant to the laws of the United States.

11 (14) To assist in the provision of lands, buildings, and
12 facilities that are supportive of University purposes and
13 suitable and appropriate for the conduct and operation of the
14 University's education programs, the Board may exercise the
15 following powers with regard to that part of the Southeast
16 Quarter of Section 11, Township 17 North, Range 1 West of the
17 4th Principal Meridian, the boundary which is described as
18 follows:

19 From the Northeast corner of Lot 33 of Homewood Terrace
20 Second Addition to the City of Moline in Rock Island
21 County, Illinois, said corner being the point of beginning
22 and being 1272.48 feet South and 526.23 feet East of the
23 center of Section 11; proceed thence South 00 deg.-00'-00"
24 West 179.04 feet along the East line of said Homewood
25 Terrace Second Addition; thence South 34 deg.-30'-00" West
26 135.00 feet along the East line of said Homewood Terrace

1 Second Addition; thence South 34 deg.-22'-33" East 353.34
2 feet to the East line of the First Section of Homewood 5th
3 Addition to the City of Moline in Rock Island County,
4 Illinois; thence South 21 deg.-14'-01" East 448.00 feet
5 along the East line of said First Section of Homewood 5th
6 Addition to the North Right-of-Way line of Coaltown Road,
7 Moline; thence North 69 deg.-30'-59" East 13.39 feet along
8 the North Right-of-Way of Coaltown Road; thence
9 Northeasterly 302.69 feet along the North Right-of-Way of
10 Coaltown Road around a circular curve to the Right, said
11 curve having an initial tangent bearing of North 69
12 deg.-30'-59" East and a radius of 1950.08 feet; thence
13 North 49 deg.-29'-56" East 99.18 feet along the North
14 Right-of-Way line of Coaltown Road, Moline, to the West
15 Right-of-Way line of 60th Street, Moline; thence North 09
16 deg.-29'-20" West 366.24 feet along the West Right-of-Way
17 line of 60th Street, Moline Right-of-Way monument; thence
18 North 10 deg.-10'-03" West 263.50 feet along the West
19 Right-of-Way line of 60th Street, Moline Right-of-Way
20 monument; thence North 01 deg.-45'-57" West 81.37 feet
21 along the West line of 60th Street, Moline; thence
22 Northwesterly 581.39 feet around a circular curve to the
23 right, said curve having an initial tangent bearing of
24 South 89 deg.-27'-55" West and a radius of 1085.00 feet to
25 the point of beginning; Situated in Rock Island County,
26 Illinois.

1 (A) The Board may sell, lease, or otherwise transfer
2 and convey all or part of the real estate described in this
3 item (14), together with the improvements situated
4 thereon, to a bona fide purchaser for value, without
5 compliance with the State Property Control Act and on such
6 terms as the Board shall determine are in the best
7 interests of the University and consistent with its
8 objects and purposes.

9 (B) The Board may retain the proceeds from the sale,
10 lease, or other transfer of all or any part of the real
11 estate described in this item (14) in the University
12 treasury, in a special, separate development fund account
13 that the Auditor General shall examine to ensure the use
14 or deposit of those proceeds in a manner consistent with
15 subdivision (C) of this item (14).

16 (C) Revenues from the development fund account may be
17 withdrawn by the University for the purpose of demolition
18 and the processes associated with demolition; routine land
19 and property acquisition; streetscape work; landscape
20 work; lease and lease purchase arrangements and the
21 professional services associated with planning and
22 development; surface and structure parking; sidewalks,
23 recreational paths, and street construction; utility
24 infrastructure; historic preservation; and building
25 rehabilitation. Money from the development fund account
26 used for any other purpose must be deposited into and

1 appropriated from the General Revenue Fund. Buildings or
2 facilities leased to an entity or person other than the
3 University are not subject to any limitations applicable
4 to a State-supported college or university under any law.
5 All development on the land and all use of any buildings or
6 facilities is subject to the control and approval of the
7 Board.

8 (15) For purposes of this item (15), "financial
9 institution" means any bank subject to the Illinois Banking
10 Act, any savings and loan association or savings bank subject
11 to the Savings Bank Act, any credit union subject to the
12 Illinois Credit Union Act, and any federally chartered
13 commercial bank, savings and loan association, savings bank,
14 or credit union organized and operated in this State pursuant
15 to the laws of the United States.

16 To borrow money for any lawful purpose from the WIU
17 Foundation or any financial institution, as long as such money
18 is repaid within 5 years from the time the money is borrowed.
19 The amount outstanding from time to time under this item (15)
20 may not exceed \$2,000,000. The chairman, comptroller, or
21 treasurer of the Board shall execute a promissory note or
22 similar debt instrument to evidence the indebtedness incurred
23 by the borrowing. The obligation to make the payments due
24 under any promissory note or line of credit established under
25 this item (15) shall be a lawful obligation of the University
26 payable from available tuition, payments from the State of

1 Illinois, or other revenues or receipts of the University. Any
2 borrowing under this item (15) does not constitute a debt,
3 legal or moral, of the State and is not enforceable against the
4 State. The promissory note or line of credit shall be
5 authorized by a resolution passed by the Board and shall be
6 valid whether a budgeted item with respect to that resolution
7 is included in any annual or supplemental budget adopted by
8 the Board. The resolution shall set forth facts demonstrating
9 the need for the borrowing, state an amount that the amount to
10 be borrowed will not exceed, and establish a maximum interest
11 rate limit not to exceed the maximum rate authorized by the
12 Bond Authorization Act.

13
14 (Source: P.A. 97-333, eff. 8-12-11; 98-998, eff. 8-18-14.)