



Rep. Jay Hoffman

Filed: 3/9/2023

10300HB1133ham001

LRB103 05030 RJT 58652 a

1 AMENDMENT TO HOUSE BILL 1133

2 AMENDMENT NO. _____. Amend House Bill 1133 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Public Community College Act is amended by
5 changing Sections 3-8, 3-10, and 3-33.6 and by adding Section
6 3-33.6a as follows:

7 (110 ILCS 805/3-8) (from Ch. 122, par. 103-8)

8 Sec. 3-8. In this Section, "reasonable emergency" means
9 any imminent need to maintain the operations or facilities of
10 the community college district and that such need is due to
11 circumstances beyond the control of the board.

12 Following each election and canvass, the new board shall
13 hold its organizational meeting on or before the 28th day
14 after the election. If the election is the initial election
15 ordered by the regional superintendent, the organizational
16 meeting shall be convened by the regional superintendent, who

1 shall preside over the meeting until the election for
2 chairman, vice chairman and secretary of board is completed.
3 At all other organizational meetings, the chairman of the
4 board, or, in his or her absence, the president of the
5 community college or acting chief executive officer of the
6 college shall convene the new board, and conduct the election
7 for chairman, vice chairman and secretary. The chairman and
8 vice chairman elected by the board shall be members of the
9 board, but the secretary elected by the board may be either a
10 member of the board or not a member of the board, as determined
11 by the board. The secretary, if not a member of the board, may
12 receive such compensation as shall be fixed by the board prior
13 to the election of the secretary. The board shall then proceed
14 with its organization under the newly elected board officers,
15 and shall fix a time and place for its regular meetings. It
16 shall then enter upon the discharge of its duties. Public
17 notice of the schedule of regular meetings for the next
18 calendar year, as set at the organizational meeting, must be
19 given at the beginning of that calendar year. The terms of
20 board office shall be 2 years, except that the board by
21 resolution may establish a policy for the terms of office to be
22 one year, and provide for the election of officers for the
23 remaining one year period. Terms of members are subject to
24 Section 2A-54 of the Election Code.

25 Beginning 45 days prior to the Tuesday following the first
26 Monday of April in odd-numbered years until the first

1 organizational meeting of the new board, no addendum to modify
2 or amend an employee agreement between a community college
3 district and the district's president, chancellor, or chief
4 executive officer may be agreed to or executed, nor may an
5 employment contract be made and entered into between the board
6 of an established community college district and a president,
7 chancellor, or chief executive officer. If the current board
8 must take such action at any time during the 45 days prior to
9 the Tuesday following the first Monday of April in
10 odd-numbered years until the first organizational meeting of
11 the new board due to a reasonable emergency, then that action
12 shall be terminated on the 60th day after the first
13 organizational meeting, unless the new board, by resolution,
14 reaffirms the agreed-upon addendum or new employment contract.

15 Special meetings of the board may be called by the
16 chairman or by any 3 members of the board by giving notice
17 thereof in writing stating the time, place and purpose of the
18 meeting. Such notice may be served by mail 48 hours before the
19 meeting or by personal service 24 hours before the meeting.

20 At each regular and special meeting which is open to the
21 public, members of the public and employees of the community
22 college district shall be afforded time, subject to reasonable
23 constraints, to comment to or ask questions of the board.

24 (Source: P.A. 99-693, eff. 1-1-17.)

1 Sec. 3-10. The chairman shall preside at all meetings and
2 shall perform such duties as are imposed upon him or her by law
3 or by action of the board. The vice-chairman shall perform the
4 duties of the chairman if there is a vacancy in the office of
5 the chairman or in case of the chairman's absence or inability
6 to act. If there is a vacancy in the office of the chairman and
7 vice-chairman or the chairman and vice-chairman are absent
8 from any meeting or refuse to perform their duties, a chairman
9 pro tempore shall be appointed by the board from among their
10 number.

11 The secretary may be a member of the board and shall
12 perform the duties usually pertaining to his or her office.
13 The secretary, if not a member of the board, may receive such
14 compensation as shall be fixed by the board prior to the
15 election of the secretary. If the secretary ~~he~~ is absent from
16 any meeting or refuses to perform his or her duties, a member
17 of the board shall be appointed secretary pro tempore.

18 (Source: P.A. 100-273, eff. 8-22-17.)

19 (110 ILCS 805/3-33.6) (from Ch. 122, par. 103-33.6)

20 Sec. 3-33.6. Monies in the working cash fund may be used
21 for any and all community college purposes and may be
22 transferred in whole or in part from the working cash fund to
23 the educational fund or operations and maintenance fund only
24 upon the authority of the board, which shall by resolution
25 direct the community college treasurer to make such transfers.

1 The resolution shall set forth (a) the taxes or other funds in
2 anticipation of the collection or receipt of which the working
3 cash fund is to be reimbursed, (b) the entire amount of taxes
4 extended, or which the board shall estimate will be extended
5 or received, for any year in anticipation of the collection of
6 all or part of which such transfers are to be made, (c) the
7 aggregate amount of warrants or notes theretofore issued in
8 anticipation of the collection of such taxes under this Act
9 together with the amount of interest accrued and which the
10 community college board estimates will accrue thereon, (d) the
11 amount of monies which the community college board estimates
12 will be derived for any year from the State, Federal
13 government or other sources in anticipation of the receipt of
14 all or part of which such transfer is to be made, (e) the
15 aggregate amount of receipts from taxes imposed to replace
16 revenue lost by units of local government and school districts
17 as a result of the abolition of ad valorem personal property
18 taxes, pursuant to Article IX, Section 5(c) of the
19 Constitution of the State of Illinois, which the corporate
20 authorities estimate will be set aside for the payment of the
21 proportionate amount of debt service and pension or retirement
22 obligations, as required by Section 12 of "An Act in relation
23 to State Revenue Sharing with local government entities",
24 approved July 31, 1969, as amended, and (f) the aggregate
25 amount of monies theretofore transferred from the working cash
26 fund to the educational fund or operations and maintenance

1 fund in anticipation of the collection of such taxes or of the
2 receipt of such other monies from other sources. The amount
3 which the resolution shall direct the community college
4 treasurer so to transfer in anticipation of the collection of
5 taxes levied or to be received for any year, together with the
6 aggregate amount of such anticipation tax warrants or notes
7 theretofore drawn against such taxes and the amount of the
8 interest accrued and estimated to accrue thereon, the amount
9 estimated to be required to satisfy debt service and pension
10 or retirement obligations, as set forth in Section 12 of "An
11 Act in relation to State revenue sharing with local government
12 entities", approved July 31, 1969, as amended, and the
13 aggregate amount of such transfers theretofore made in
14 anticipation of the collection of such taxes may not exceed
15 90% of the actual or estimated amount of such taxes extended or
16 to be extended or to be received as set forth in the
17 resolution. The amount which the resolution shall direct the
18 community college treasurer so to transfer in anticipation of
19 the receipt of monies to be derived for any year from the
20 State, Federal government or from other sources, together with
21 the aggregate amount theretofore transferred in anticipation
22 of the receipt of any such monies, may not exceed the total
23 amount which it is so estimated will be received from such
24 source. Any community college district may also abolish its
25 working cash fund upon the adoption of a resolution so
26 providing and directing the transfer of any balance in such

1 fund to the operating funds at the close of the then-current
2 fiscal year or may abate its working cash fund upon the
3 adoption of a resolution so providing and directing the
4 transfer of part of the balance in such fund to the operating
5 funds at any time. If a community college district elects to
6 abolish or abate its working cash fund under this provision,
7 it shall have the authority to increase or again create a
8 working cash fund at any time ~~not establish another working~~
9 ~~cash fund, unless approved by the voters of the community~~
10 ~~college district~~ in the manner provided by Article III of this
11 Act. When monies are available in the working cash fund, they
12 shall, unless the community college district has abolished or
13 abated its working cash fund pursuant to this Section, be
14 transferred to the educational fund and operations and
15 maintenance fund and disbursed for the payment of salaries and
16 other educational purposes and operation and maintenance of
17 facilities purposes expenses so as to avoid, whenever
18 possible, the issuance of tax anticipation warrants.

19 Monies earned as interest from the investment of the
20 working cash fund, or any portion thereof, may be transferred
21 from the working cash fund to the educational fund or
22 operations and maintenance fund of the district without any
23 requirement of repayment to the working cash fund, upon the
24 authority of the board by separate resolution directing the
25 treasurer to make such transfer and stating the purpose
26 therefor.

1 (Source: P.A. 85-1335.)

2 (110 ILCS 805/3-33.6a new)

3 Sec. 3-33.6a. Abatement of working cash fund. A community
4 college district may abate its working cash fund at any time,
5 upon the adoption of a resolution so providing, and may direct
6 the transfer at any time of moneys in that fund to any fund or
7 funds of the district most in need of the money, provided that
8 the district maintains an amount to the credit of the working
9 cash fund, including amounts transferred pursuant to Section
10 3-33.6 and to be reimbursed to the working cash fund, at least
11 equal to 0.05% of the then-current value, as equalized or
12 assessed by the Department of Revenue, of the taxable property
13 in the district. If necessary to effectuate the abatement, any
14 outstanding loans to other funds of the district may be paid or
15 become payable to the fund or funds to which the abatement is
16 made.

17 Section 99. Effective date. This Act takes effect upon
18 becoming law."