

HB0622



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB0622

Introduced 01/31/11, by Rep. Michael J. Madigan

SYNOPSIS AS INTRODUCED:

110 ILCS 690/35-45

Amends the Western Illinois University Law. Makes technical changes in a Section concerning the powers and duties of the Board of Trustees.

LRB097 03450 NHT 43487 b

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 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 ~~The~~ Board also shall
8 have power and it shall be its duty:

9 (1) To make rules, regulations and bylaws, not inconsistent
10 with law, for the government and management of Western Illinois
11 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 Western
21 Illinois University, there shall be minority representation,
22 including women, on that search committee. The Board shall,
23 upon the written request of an employee of Western Illinois

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

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

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

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

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

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

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

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

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

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

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

21 The Board must authorize to each member of the Western
22 Illinois University Police Department and to any other employee
23 of Western Illinois University exercising the powers of a peace
24 officer a distinct badge that, on its face, (i) clearly states
25 that the badge is authorized by Western Illinois University and
26 (ii) contains a unique identifying number. No other badge shall

1 be authorized by Western Illinois University;

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

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

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

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

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

1 of the Board.

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

9 (Source: P.A. 96-909, eff. 6-8-10; revised 6-15-10.)