

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.)