



Sen. James F. Clayborne, Jr.

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LRB100 04890 MLM 24486 a

1 AMENDMENT TO SENATE BILL 448

2 AMENDMENT NO. _____. Amend Senate Bill 448 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Southern Illinois University Management
5 Act is amended by changing Section 8 as follows:

6 (110 ILCS 520/8) (from Ch. 144, par. 658)

7 Sec. 8. Powers and Duties of the Board. The Board shall
8 have power and it shall be its duty:

9 1. To make rules, regulations and by-laws, not
10 inconsistent with law, for the government and management of
11 Southern Illinois University and its branches.

12 2. To employ, and, for good cause, to remove a
13 president of Southern Illinois University, and all
14 necessary deans, professors, associate professors,
15 assistant professors, instructors, and other educational
16 and administrative assistants, and all other necessary

1 employees, and contract with them upon matters relating to
2 tenure, salaries and retirement benefits in accordance
3 with the State Universities Civil Service Act; the Board
4 shall, upon the written request of an employee of Southern
5 Illinois University, withhold from the compensation of
6 that employee any dues, payments or contributions payable
7 by such employee to any labor organization as defined in
8 the Illinois Educational Labor Relations Act. Under such
9 arrangement, an amount shall be withheld from each regular
10 payroll period which is equal to the pro rata share of the
11 annual dues plus any payments or contributions, and the
12 Board shall transmit such withholdings to the specified
13 labor organization within 10 working days from the time of
14 the withholding. Whenever the Board establishes a search
15 committee to fill the position of president of Southern
16 Illinois University, there shall be minority
17 representation, including women, on that search committee.

18 3. To prescribe the course of study to be followed, and
19 textbooks and apparatus to be used at Southern Illinois
20 University.

21 4. To issue upon the recommendation of the faculty,
22 diplomas to such persons as have satisfactorily completed
23 the required studies of Southern Illinois University, and
24 confer such professional and literary degrees as are
25 usually conferred by other institutions of like character
26 for similar or equivalent courses of study, or such as the

1 Board may deem appropriate.

2 5. To examine into the conditions, management, and
3 administration of Southern Illinois University, to provide
4 the requisite buildings, apparatus, equipment and
5 auxiliary enterprises, and to fix and collect
6 matriculation fees; tuition fees; fees for student
7 activities; fees for student facilities such as student
8 union buildings or field houses or stadium or other
9 recreational facilities; student welfare fees; laboratory
10 fees and similar fees for supplies and material.

11 6. To succeed to and to administer all trusts, trust
12 property, and gifts now or hereafter belonging or
13 pertaining to Southern Illinois University.

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

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

24 9. To provide for the receipt and expenditures of
25 Federal funds, paid to the Southern Illinois University by
26 the Federal government for instruction and other services

1 for persons serving in or with the military or naval forces
2 of the United States and to provide for audits of such
3 funds.

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

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

1 Southern Illinois University.

2 10.5. To conduct health care programs in furtherance of
3 its teaching, research, and public service functions,
4 which shall include without limitation patient and
5 ancillary facilities, institutes, clinics, or offices
6 owned, leased, or purchased through an equity interest by
7 the Board or its appointed designee to carry out such
8 activities in the course of or in support of the Board's
9 academic, clinical, and public service responsibilities.

10 11. To administer a plan or plans established by the
11 clinical faculty of the School of Medicine or the School of
12 Dental Medicine for the billing, collection and
13 disbursement of charges for services performed in the
14 course of or in support of the faculty's academic
15 responsibilities, provided that such plan has been first
16 approved by Board action. All such collections shall be
17 deposited into a special fund or funds administered by the
18 Board from which disbursements may be made according to the
19 provisions of said plan. The reasonable costs incurred, by
20 the University, administering the billing, collection and
21 disbursement provisions of a plan shall have first priority
22 for payment before distribution or disbursement for any
23 other purpose. Audited financial statements of the plan or
24 plans must be provided to the Legislative Audit Commission
25 annually.

26 The Board of Trustees may own, operate, or govern, by

1 or through the School of Medicine, a managed care community
2 network established under subsection (b) of Section 5-11 of
3 the Illinois Public Aid Code.

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

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

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

1 credit established under this item 13. The principal amount
2 borrowed under a promissory note or line of credit shall
3 not exceed 75% of the borrowing limit. Within 15 days after
4 borrowing funds under any promissory note or line of credit
5 established under this item 13, the University shall submit
6 to the Governor's Office of Management and Budget, the
7 Speaker of the House of Representatives, the Minority
8 Leader of the House of Representatives, the President of
9 the Senate, and the Minority Leader of the Senate an
10 Emergency Short Term Cash Management Plan. The Emergency
11 Short Term Cash Management Plan shall outline the amount
12 borrowed, the terms for repayment, the amount of
13 outstanding State vouchers as verified by the State
14 Comptroller's office, and the University's plan for
15 expenditure of any borrowed funds, including, but not
16 limited to, a detailed plan to meet payroll obligations to
17 include collective bargaining employees, civil service
18 employees, and academic, research, and health care
19 personnel. The establishment of any promissory note or line
20 of credit established under this item 13 must be finalized
21 within 90 days after the effective date of this amendatory
22 Act of the 96th General Assembly. The borrowed moneys shall
23 be applied to the purposes of paying salaries and other
24 expenses lawfully authorized in the University's State
25 appropriation and unpaid by the State Comptroller. Any line
26 of credit established under this item 13 shall be paid in

1 full one year after creation or within 10 days after the
2 date the University receives reimbursement from the State
3 for all submitted fiscal year 2010 vouchers, whichever is
4 earlier. Any promissory note established under this item 13
5 shall be repaid within one year after issuance of the note.
6 The Chairman, Comptroller, or Treasurer of the Board shall
7 execute a promissory note or similar debt instrument to
8 evidence the indebtedness incurred by the borrowing. In
9 connection with a borrowing, the Board may establish a line
10 of credit with a financial institution, investment bank, or
11 broker/dealer. The obligation to make the payments due
12 under any promissory note or line of credit established
13 under this item 13 shall be a lawful obligation of the
14 University payable from the anticipated moneys. Any
15 borrowing under this item 13 shall not constitute a debt,
16 legal or moral, of the State and shall not be enforceable
17 against the State. The promissory note or line of credit
18 shall be authorized by a resolution passed by the Board and
19 shall be valid whether or not a budgeted item with respect
20 to that resolution is included in any annual or
21 supplemental budget adopted by the Board. The resolution
22 shall set forth facts demonstrating the need for the
23 borrowing, state an amount that the amount to be borrowed
24 will not exceed, and establish a maximum interest rate
25 limit not to exceed the maximum rate authorized by the Bond
26 Authorization Act or 9%, whichever is less. The resolution

1 may direct the Comptroller or Treasurer of the Board to
2 make arrangements to set apart and hold the portion of the
3 anticipated moneys, as received, that shall be used to
4 repay the borrowing, subject to any prior pledges or
5 restrictions with respect to the anticipated moneys. The
6 resolution may also authorize the Treasurer of the Board to
7 make partial repayments of the borrowing as the anticipated
8 moneys become available and may contain any other terms,
9 restrictions, or limitations not inconsistent with the
10 powers of the Board.

11 For the purposes of this item 13, "financial
12 institution" means any bank subject to the Illinois Banking
13 Act, any savings and loan association subject to the
14 Illinois Savings and Loan Act of 1985, and any federally
15 chartered commercial bank or savings and loan association
16 or government-sponsored enterprise organized and operated
17 in this State pursuant to the laws of the United States.

18 The powers of the Board as herein designated are subject to
19 the Board of Higher Education Act.

20 (Source: P.A. 96-909, eff. 6-8-10; 97-333, eff. 8-12-11.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law."