



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB1832

Introduced 2/23/2007, by Rep. Rich Brauer

#### SYNOPSIS AS INTRODUCED:

20 ILCS 3405/16

from Ch. 127, par. 2716

Amends the Historic Preservation Agency Act. Authorizes the Agency to acquire real property subject to a non-transferable life estate in no more than 3 acres for use only as a residence. With respect to lease agreements for concessions, authorizes the Agency to require reserve and leasehold accounts to be used for maintenance or replacement of the concession facility and premises.

LRB095 09576 JAM 29776 b

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Historic Preservation Agency Act is amended  
5 by changing Section 16 as follows:

6 (20 ILCS 3405/16) (from Ch. 127, par. 2716)

7 Sec. 16. The Historic Sites and Preservation Division of  
8 the Agency shall have the following additional powers:

9 (a) To hire agents and employees necessary to carry out the  
10 duties and purposes of the Historic Sites and Preservation  
11 Division of the Agency.

12 (b) To take all measures necessary to erect, maintain,  
13 preserve, restore, and conserve all State Historic Sites and  
14 State Memorials, except when supervision and maintenance is  
15 otherwise provided by law. This authorization includes the  
16 power, with the consent of the Board, to enter into contracts,  
17 acquire and dispose of real and personal property, and enter  
18 into leases of real and personal property. The Agency has the  
19 power to acquire, for purposes authorized by law, any real  
20 property in fee simple subject to a life estate in the seller  
21 in not more than 3 acres of the real property acquired, subject  
22 to the restrictions that the life estate shall be used for  
23 residential purposes only and that it shall be

1 non-transferable.

2 (c) To provide recreational facilities including camp  
3 sites, lodges and cabins, trails, picnic areas and related  
4 recreational facilities at all sites under the jurisdiction of  
5 the Agency.

6 (d) To lay out, construct and maintain all needful roads,  
7 parking areas, paths or trails, bridges, camp or lodge sites,  
8 picnic areas, lodges and cabins, and any other structures and  
9 improvements necessary and appropriate in any State historic  
10 site or easement thereto; and to provide water supplies, heat  
11 and light, and sanitary facilities for the public and living  
12 quarters for the custodians and keepers of State historic  
13 sites.

14 (e) To grant licenses and rights-of-way within the areas  
15 controlled by the Historic Sites and Preservation Division of  
16 the Agency for the construction, operation and maintenance  
17 upon, under or across the property, of facilities for water,  
18 sewage, telephone, telegraph, electric, gas, or other public  
19 service, subject to the terms and conditions as may be  
20 determined by the Agency.

21 (f) To authorize the officers, employees and agents of the  
22 Historic Sites and Preservation Division of the Agency, for the  
23 purposes of investigation and to exercise the rights, powers,  
24 and duties vested and that may be vested in it, to enter and  
25 cross all lands and waters in this State, doing no damage to  
26 private property.

1           (g) To transfer jurisdiction of or exchange any realty  
2 under the control of the Historic Sites and Preservation  
3 Division of the Agency to any other Department of the State  
4 Government, or to any agency of the Federal Government, or to  
5 acquire or accept Federal lands, when any transfer, exchange,  
6 acquisition or acceptance is advantageous to the State and is  
7 approved in writing by the Governor.

8           (h) To erect, supervise, and maintain all public monuments  
9 and memorials erected by the State, except when the supervision  
10 and maintenance of public monuments and memorials is otherwise  
11 provided by law.

12           (i) To accept, hold, maintain, and administer, as trustee,  
13 property given in trust for educational or historic purposes  
14 for the benefit of the People of the State of Illinois and to  
15 dispose, with the consent of the Board, of any property under  
16 the terms of the instrument creating the trust.

17           (j) To lease concessions on any property under the  
18 jurisdiction of the Agency for a period not exceeding 25 years  
19 and to lease a concession complex at Lincoln's New Salem State  
20 Historic Site for which a cash incentive has been authorized  
21 under Section 5.1 of the Historic Preservation Agency Act for a  
22 period not to exceed 40 years. All leases, for whatever period,  
23 shall be made subject to the written approval of the Governor.  
24 All concession leases extending for a period in excess of 10  
25 years, will contain provisions for the Agency to participate,  
26 on a percentage basis, in the revenues generated by any

1 concession operation.

2 The Agency is authorized to allow for provisions for a  
3 reserve account and a leasehold account within Agency  
4 concession lease agreements for the purpose of setting aside  
5 revenues for the maintenance, rehabilitation, repair,  
6 improvement, and replacement of the concession facility,  
7 structure, and equipment of the Agency that are part of the  
8 leased premises.

9 The lessee shall be required to pay into the reserve  
10 account a percentage of gross receipts, as set forth in the  
11 lease, to be set aside and expended in a manner acceptable to  
12 the Agency by the concession lessee for the purpose of ensuring  
13 that an appropriate amount of the lessee's moneys are provided  
14 by the lessee to satisfy the lessee's incurred responsibilities  
15 for the operation of the concession facility under the terms  
16 and conditions of the concession lease.

17 The lessee account shall allow for the amortization of  
18 certain authorized expenses that are incurred by the concession  
19 lessee but that are not an obligation of the lessee under the  
20 terms and conditions of the lease agreement. The Agency may  
21 allow a reduction of up to 50% of the monthly rent due for the  
22 purpose of enabling the recoupment of the lessee's authorized  
23 expenditures during the term of the lease.

24 (k) To sell surplus agricultural products grown on land  
25 owned by or under the jurisdiction of the Historic Sites and  
26 Preservation Division of the Agency, when the products cannot

1 be used by the Agency.

2 (l) To enforce the laws of the State and the rules and  
3 regulations of the Agency in or on any lands owned, leased, or  
4 managed by the Historic Sites and Preservation Division of the  
5 Agency.

6 (m) To cooperate with private organizations and agencies of  
7 the State of Illinois by providing areas and the use of staff  
8 personnel where feasible for the sale of publications on the  
9 historic and cultural heritage of the State and craft items  
10 made by Illinois craftsmen. These sales shall not conflict with  
11 existing concession agreements. The Historic Sites and  
12 Preservation Division of the Agency is authorized to negotiate  
13 with the organizations and agencies for a portion of the monies  
14 received from sales to be returned to the Historic Sites and  
15 Preservation Division of the Agency's Historic Sites Fund for  
16 the furtherance of interpretive and restoration programs.

17 (n) To establish local bank or savings and loan association  
18 accounts, upon the written authorization of the Director, to  
19 temporarily hold income received at any of its properties. The  
20 local accounts established under this Section shall be in the  
21 name of the Historic Preservation Agency and shall be subject  
22 to regular audits. The balance in a local bank or savings and  
23 loan association account shall be forwarded to the Agency for  
24 deposit with the State Treasurer on Monday of each week if the  
25 amount to be deposited in a fund exceeds \$500.

26 No bank or savings and loan association shall receive

1 public funds as permitted by this Section, unless it has  
2 complied with the requirements established under Section 6 of  
3 the Public Funds Investment Act.

4 (o) To accept, with the consent of the Board, offers of  
5 gifts, gratuities, or grants from the federal government, its  
6 agencies, or offices, or from any person, firm, or corporation.

7 (p) To make reasonable rules and regulations as may be  
8 necessary to discharge the duties of the Agency.

9 (q) With appropriate cultural organizations, to further  
10 and advance the goals of the Agency.

11 (r) To make grants for the purposes of planning, survey,  
12 rehabilitation, restoration, reconstruction, landscaping, and  
13 acquisition of Illinois properties (i) designated individually  
14 in the National Register of Historic Places, (ii) designated as  
15 a landmark under a county or municipal landmark ordinance, or  
16 (iii) located within a National Register of Historic Places  
17 historic district or a locally designated historic district  
18 when the Director determines that the property is of historic  
19 significance whenever an appropriation is made therefor by the  
20 General Assembly or whenever gifts or grants are received for  
21 that purpose and to promulgate regulations as may be necessary  
22 or desirable to carry out the purposes of the grants.

23 Grantees may, as prescribed by rule, be required to provide  
24 matching funds for each grant. Grants made under this  
25 subsection shall be known as Illinois Heritage Grants.

26 Every owner of a historic property, or the owner's agent,

1 is eligible to apply for a grant under this subsection.

2 (s) To establish and implement a pilot program for charging  
3 admission to State historic sites. Fees may be charged for  
4 special events, admissions, and parking or any combination;  
5 fees may be charged at all sites or selected sites. All fees  
6 shall be deposited into the Illinois Historic Sites Fund. The  
7 Historic Sites and Preservation Division of the Agency shall  
8 have the discretion to set and adjust reasonable fees at the  
9 various sites, taking into consideration various factors  
10 including but not limited to: cost of services furnished to  
11 each visitor, impact of fees on attendance and tourism and the  
12 costs expended collecting the fees. The Agency shall keep  
13 careful records of the income and expenses resulting from the  
14 imposition of fees, shall keep records as to the attendance at  
15 each historic site, and shall report to the Governor and  
16 General Assembly by January 31 after the close of each year.  
17 The report shall include information on costs, expenses,  
18 attendance, comments by visitors, and any other information the  
19 Agency may believe pertinent, including:

20 (1) Recommendations as to whether fees should be  
21 continued at each State historic site.

22 (2) How the fees should be structured and imposed.

23 (3) Estimates of revenues and expenses associated with  
24 each site.

25 (t) To provide for overnight tent and trailer campsites and  
26 to provide suitable housing facilities for student and juvenile



1 overnight camping groups. The Historic Sites and Preservation  
2 Division of the Agency shall charge rates similar to those  
3 charged by the Department of Conservation for the same or  
4 similar facilities and services.

5 (u) To engage in marketing activities designed to promote  
6 the sites and programs administered by the Agency. In  
7 undertaking these activities, the Agency may take all necessary  
8 steps with respect to products and services, including but not  
9 limited to retail sales, wholesale sales, direct marketing,  
10 mail order sales, telephone sales, advertising and promotion,  
11 purchase of product and materials inventory, design, printing  
12 and manufacturing of new products, reproductions, and  
13 adaptations, copyright and trademark licensing and royalty  
14 agreements, and payment of applicable taxes. In addition, the  
15 Agency shall have the authority to sell advertising in its  
16 publications and printed materials. All income from marketing  
17 activities shall be deposited into the Illinois Historic Sites  
18 Fund.

19 (Source: P.A. 91-202, eff. 1-1-00; 92-600, eff. 7-1-02.)