

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.)