

AN ACT concerning State government.

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

Section 5. The Department of Natural Resources Act is amended by changing Sections 1-25 and 20-10 as follows:

(20 ILCS 801/1-25)

Sec. 1-25. Powers of the State Museum. In addition to its other powers and duties, the Department shall have the following powers and duties which shall be performed by the State Museum:

(1) To investigate and study the natural resources of the State and to prepare printed reports and furnish information fundamental to the conservation and development of natural resources and for that purpose the officers and employees thereof may, pursuant to rule adopted by the Department, enter and cross all lands in this State, doing no damage to private property.

(2) To cooperate with and advise departments having administrative powers and duties relating to the natural resources of the State, and to cooperate with similar departments in other states and with the United States Government.

(3) To cooperate with the Illinois State Academy of

Science and to publish a suitable number of the results of the investigations and research in the field of natural science to the end that the same may be distributed to the interested public.

(4) To maintain a State Museum, and to collect and preserve objects of scientific and artistic value, representing past and present fauna and flora, the life and work of man, geological history, natural resources, and the manufacturing and fine arts; to interpret for and educate the public concerning the foregoing.

(5) To cooperate with the Illinois State Museum Society for the mutual benefit of the Museum and the Society, with the Museum furnishing necessary space for the Society to carry on its functions and keep its records, and, upon the recommendation of the Museum Director with the approval of the Board of State Museum Advisors and the Director of the Department, to enter into agreements with the Illinois State Museum Society for the operation of a sales counter and other concessions for the mutual benefit of the Museum and the Society.

(6) To accept grants of property and to hold property to be administered as part of the State Museum for the purpose of preservation, research of interpretation of significant areas within the State for the purpose of preserving, studying and interpreting archaeological and natural phenomena.

(7) To contribute to and support the operations, programs and capital development of public museums in this State. For the purposes of this Section, "public museum" means a facility: (A) that is operating for the purposes of promoting cultural development through special activities or programs or through performing arts that are performed in an indoor setting, and acquiring, conserving, preserving, studying, interpreting, enhancing, and in particular, organizing and continuously exhibiting specimens, artifacts, articles, documents and other things of historical, anthropological, archaeological, industrial, scientific or artistic import, to the public for its instruction and enjoyment, and (B) that either (i) is operated by or located upon land owned by a unit of local government or (ii) is a museum that has an annual attendance of at least 150,000 and offers educational programs to school groups during school hours. A museum is eligible to receive funds for capital development under this subdivision (7) only if it is operated by or located upon land owned by a unit of local government or if it is certified by a unit of local government in which it is located as a public museum meeting the criteria of this Section. Recipients of funds for capital development under this subdivision (7) shall match State funds with local or private funding according to the following:

(a) for a public museum with an attendance of

300,000 or less during the preceding calendar year, no match is required;

(b) for a public museum with an attendance of over 300,000 but less than 600,000 during the preceding calendar year, the match must be at a ratio of \$1 from local and private funds for every \$1 in State funds; and

(c) for a public museum with an attendance of over 600,000 during the preceding calendar year, the match must be at a ratio of \$2 from local and private funds for every \$1 in State funds.

The Department shall formulate rules and regulations relating to the allocation of any funds appropriated by the General Assembly for the purpose of contributing to the support of public museums in this State.

(8) To perform all other duties and assume all obligations of the former Department of Energy and Natural Resources and the former Department of Registration and Education pertaining to the State Museum.

(9) To work in collaboration with the Division of Historic Preservation of the Department in the exercise of all the rights, powers, and duties conferred upon the Department under the Historic Preservation Act.

(Source: P.A. 95-728, eff. 7-1-08 - See Sec. 999.)

Sec. 20-10. Board of the Illinois State Museum.

(a) Within the Department there shall be a Board of the Illinois State Museum, composed of 11 persons, one of whom shall be a senior citizen age 60 or over. The Board shall be composed of 9 representatives of the natural sciences, anthropology, art, and business, qualified by at least 10 years of experience in practicing or teaching their several professions; one senior citizen; and the Director of Natural Resources or the Director's designee. Members of the Board shall be appointed by the Governor with the advice and consent of the Senate and shall serve for 2-year terms.

The transfer of the Board to the Department under this Act does not terminate or otherwise affect the term of membership of any member of the Board, except that the former Director of Energy and Natural Resources is replaced by the Director of Natural Resources.

(b) The Board shall:

(1) advise the Director of the Department in all matters pertaining to maintenance, extension and usefulness of the Illinois State Museum;

(2) make recommendations concerning the appointment of a new museum director whenever a vacancy occurs in that position; and

(3) (blank);

(4) review the budget ~~and approve budget requests~~ of the Illinois State Museum and make recommendations with

reference thereto to the Governor through the Director of the Department.

(c) (Blank).

(Source: P.A. 102-303, eff. 1-1-22.)

Section 10. The Historic Preservation Act is amended by changing Sections 4.5, 5.1, 6, 11, 12, 13, 14, 15, and 16 and by adding Section 4.6 as follows:

(20 ILCS 3405/4.5)

Sec. 4.5. Division of Historic Preservation. On and after August 3, 2018 (the effective date of Public Act 100-695), the Division of Historic Preservation of the Department of Natural Resources Office of Land Management shall be created ~~exercise all rights, powers, and duties vested in the Historic Sites and Preservation Division~~. The head of the Division shall be known as the Division Manager of Historic Preservation. The Department of Natural Resources may employ or retain other persons to assist in the discharge of its functions ~~under this Act~~, subject to the Personnel Code and any other applicable Department policies.

(Source: P.A. 100-695, eff. 8-3-18; 101-81, eff. 7-12-19.)

(20 ILCS 3405/4.6 new)

Sec. 4.6. Interagency collaboration. The Division of Historic Preservation of the Department and the Illinois State

Museum shall collaborate and assist the Department in the exercise of all the rights, powers, and duties conferred upon the Department by this Act.

(20 ILCS 3405/5.1) (from Ch. 127, par. 2705.1)

Sec. 5.1. The powers, duties and authority granted to the Department of Conservation pursuant to the provisions of Section 63a21.2 of the Civil Administrative Code of Illinois (renumbered; now Section 805-315 of the Department of Natural Resources (Conservation) Law, 20 ILCS 805/805-315) to offer a cash incentive to a qualified bidder for the development, construction and supervision of a concession complex at Lincoln's New Salem State Park are transferred to the Department ~~Historic Sites and Preservation Division of the Historic Preservation Agency.~~

(Source: P.A. 91-239, eff. 1-1-00; 92-600, eff. 7-1-02.)

(20 ILCS 3405/6) (from Ch. 127, par. 2706)

Sec. 6. Jurisdiction. The ~~Historic Sites Division of the~~ Department shall have jurisdiction over the following described areas which are hereby designated as State Historic Sites, State Memorials, and Miscellaneous Properties. These sites have been deemed to have a State, national, or international level of historical significance and the stewardship and caretaking responsibilities to protect and promote are hereby bestowed upon the Department:

State Historic Sites

Albany Mounds State Historic Site, Whiteside County;

Apple River Fort State Historic Site, Jo Daviess ~~Jo Daviess~~
County;

Bishop Hill State Historic Site, Henry County;

Black Hawk State Historic Site, Rock Island County;

Bryant Cottage State Historic Site, Piatt County;

Cahokia Courthouse State Historic Site, St. Clair County;

Cahokia Mounds State Historic Site, in Madison and St.

Clair Counties (however, the Illinois State Museum shall act as curator of artifacts pursuant to the provisions of the Archaeological and Paleontological Resources Protection Act);

Crenshaw House State Historic Site, Gallatin County;

Dana-Thomas House State Historic Site, Sangamon County;

David Davis Mansion State Historic Site, McLean County;

Douglas Tomb State Historic Site, Cook County;

Fort de Chartres State Historic Site, Randolph County;

Fort Kaskaskia State Historic Site, Randolph County;

Grand Village of the Illinois, LaSalle County;

U. S. Grant Home State Historic Site, Jo Daviess County;

Hotel Florence, Cook County;

Jarrot Mansion State Historic Site, St. Clair County;

Jubilee College State Historic Site, Peoria County;

Kincaid Mounds State Historic Site, Massac and Pope

Counties;

Lewis and Clark State Historic Site, Madison County;

Lincoln-Herndon Law Offices State Historic Site, Sangamon
County;

Lincoln Log Cabin State Historic Site, Coles County;

Lincoln's New Salem State Historic Site, Menard County;

Lincoln Tomb State Historic Site, Sangamon County;

Martin Boismenu House State Historic Site, St. Clair
County;

Pierre Menard Home State Historic Site, Randolph County;

Metamora Courthouse State Historic Site, Woodford County;

Moore Home State Historic Site, Coles County;

Mount Pulaski Courthouse State Historic Site, Logan
County;

Old Market House State Historic Site, Jo Daviess County;

Old State Capitol State Historic Site, Sangamon County;

Postville Courthouse State Historic Site, Logan County;

Pullman Factory, Cook County;

Rose Hotel, Hardin County;

Carl Sandburg State Historic Site, Knox County;

Shawneetown Bank State Historic Site, Gallatin County;

Vachel Lindsay Home, Sangamon County;

Vandalia State House State Historic Site, Fayette County;

and

Washburne House State Historic Site, Jo Daviess County.

State Memorials

Buel House, Pope County;
Campbell's Island State Memorial, Rock Island County;
Governor Bond State Memorial, Randolph County;
Governor Coles State Memorial, Madison County;
Governor Horner State Memorial, Cook County;
Governor Small State Memorial, Kankakee County;
Illinois Vietnam Veterans State Memorial, Sangamon County;
Kaskaskia Bell State Memorial, Randolph County;
Korean War Memorial, Sangamon County;
Lincoln Monument State Memorial, Lee County;
Lincoln Trail State Memorial, Lawrence County;
Lovejoy State Memorial, Madison County;
Norwegian Settlers State Memorial, LaSalle County;
Wild Bill Hickok State Memorial, LaSalle County; and
World War II Veterans Memorial, Sangamon County.

Miscellaneous Properties

Emerald Mound, St. Clair County;
Halfway Tavern, Marion County; and
Hofmann Tower, Cook County.

(Source: P.A. 102-246, eff. 1-1-22.)

(20 ILCS 3405/11) (from Ch. 127, par. 2711)

Sec. 11. The ~~Historic Sites and Preservation Division of~~
~~the~~ Department shall exercise all rights, powers and duties

Public Act 102-1005

SB3108 Enrolled

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vested in the Department of Conservation by the "Illinois Historic Preservation Act", approved August 14, 1976, as amended.

(Source: P.A. 100-695, eff. 8-3-18.)

(20 ILCS 3405/12) (from Ch. 127, par. 2712)

Sec. 12. The ~~Historic Sites and Preservation Division of~~ the Department shall exercise all rights, powers and duties vested in the Department of Conservation by Section 63a34 of the Civil Administrative Code of Illinois (renumbered; now Section 805-220 of the Department of Natural Resources (Conservation) Law, 20 ILCS 805/805-220).

(Source: P.A. 100-695, eff. 8-3-18.)

(20 ILCS 3405/13) (from Ch. 127, par. 2713)

Sec. 13. The ~~Historic Sites and Preservation Division of~~ the Department shall exercise all rights, powers and duties vested in the Department of Conservation by "An Act relating to the planning, acquisition and development of outdoor recreation resources and facilities, and authorizing the participation by the State of Illinois its political subdivisions and qualified participants in programs of Federal assistance relating thereto", approved July 6, 1965, as amended, solely as it relates to the powers, rights, duties and obligations heretofore exercised by the Department of Conservation over historically significant properties and

interests of the State.

(Source: P.A. 100-695, eff. 8-3-18.)

(20 ILCS 3405/14) (from Ch. 127, par. 2714)

Sec. 14. The ~~Historic Sites and Preservation Division of~~ the Department shall exercise all rights, powers and duties set forth in Sections 10-40 through 10-85 of the Property Tax Code.

(Source: P.A. 100-695, eff. 8-3-18.)

(20 ILCS 3405/15) (from Ch. 127, par. 2715)

Sec. 15. The ~~Historic Sites and Preservation Division of~~ the Department shall exercise all rights, powers and duties vested in the Department of Conservation by Section 4-201.5 of the "Illinois Highway Code", approved June 8, 1959, as amended, solely as it relates to access to historic sites and memorials designated pursuant to this Act.

(Source: P.A. 100-695, eff. 8-3-18.)

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

Sec. 16. The ~~Historic Sites and Preservation Division of~~ the Department shall have the following additional powers:

(a) To hire agents and employees necessary to carry out the duties and purposes of this Act ~~the Historic Sites and Preservation Division of the Department~~.

(b) To take all measures necessary to erect, maintain,

preserve, restore, and conserve all State Historic Sites and State Memorials, except when supervision and maintenance is otherwise provided by law. This authorization includes the power to enter into contracts, acquire and dispose of real and personal property, and enter into leases of real and personal property. The Department has the power to acquire, for purposes authorized by law, any real property in fee simple subject to a life estate in the seller in not more than 3 acres of the real property acquired, subject to the restrictions that the life estate shall be used for residential purposes only and that it shall be non-transferable.

(c) To provide recreational facilities, including campsites, lodges and cabins, trails, picnic areas, and related recreational facilities, at all sites under the jurisdiction of the Department.

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

(e) To grant licenses and rights-of-way within the areas controlled by the ~~Historic Sites and Preservation~~

~~Division of the~~ Department for the construction, operation, and maintenance upon, under or across the property, of facilities for water, sewage, telephone, telegraph, electric, gas, or other public service, subject to the terms and conditions as may be determined by the Department.

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

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

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

(i) To accept, hold, maintain, and administer, as trustee, property given in trust for educational or

historic purposes for the benefit of the People of the State of Illinois and to dispose of any property under the terms of the instrument creating the trust.

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

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

The lessee shall be required to pay into the reserve account a percentage of gross receipts, as set forth in the lease, to be set aside and expended in a manner acceptable to the Department by the concession lessee for the purpose of ensuring that an appropriate amount of the

lessee's moneys are provided by the lessee to satisfy the lessee's incurred responsibilities for the operation of the concession facility under the terms and conditions of the concession lease.

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

(k) To sell surplus agricultural products grown on land owned by or under the jurisdiction of the ~~Historic Sites and Preservation Division of the~~ Department, when the products cannot be used by the Department.

(l) To enforce the laws of the State and the rules and regulations of the Department in or on any lands owned, leased, or managed by the ~~Historic Sites and Preservation Division of the~~ Department.

(m) To cooperate with private organizations and agencies of the State of Illinois by providing areas and the use of staff personnel where feasible for the sale of publications on the historic and cultural heritage of the State and craft items made by Illinois craftsmen. These sales shall not conflict with existing concession

agreements. The ~~Historic Sites and Preservation Division~~
~~of the~~ Department is authorized to negotiate with the
organizations and agencies for a portion of the monies
received from sales to be returned to the ~~Historic Sites~~
~~and Preservation Division of the~~ Department's Historic
Sites Fund for the furtherance of interpretive and
restoration programs.

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

No bank or savings and loan association shall receive
public funds as permitted by this Section, unless it has
complied with the requirements established under Section 6
of the Public Funds Investment Act.

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

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

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

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

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

Every owner of a historic property, or the owner's agent, is eligible to apply for a grant under this subsection.

(s) To establish and implement a pilot program for charging admission to State historic sites. Fees may be charged for special events, admissions, and parking or any

combination; fees may be charged at all sites or selected sites. All fees shall be deposited into the Illinois Historic Sites Fund. The ~~Historic Sites and Preservation Division of the~~ Department shall have the discretion to set and adjust reasonable fees at the various sites, taking into consideration various factors, including, but not limited to: cost of services furnished to each visitor, impact of fees on attendance and tourism, and the costs expended collecting the fees. The Department shall keep careful records of the income and expenses resulting from the imposition of fees, shall keep records as to the attendance at each historic site, and shall report to the Governor and General Assembly by January 31 after the close of each year. The report shall include information on costs, expenses, attendance, comments by visitors, and any other information the Department may believe pertinent, including:

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

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

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

(t) To provide for overnight tent and trailer campsites and to provide suitable housing facilities for student and juvenile overnight camping groups. The ~~Historic Sites and Preservation Division of the~~ Department

shall charge rates similar to those charged by the Department for the same or similar facilities and services.

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

(Source: P.A. 99-642, eff. 7-28-16; 100-695, eff. 8-3-18.)

Section 15. The Illinois State Agency Historic Resources Preservation Act is amended by changing Section 5 as follows:

(20 ILCS 3420/5) (from Ch. 127, par. 133c25)

Sec. 5. Responsibilities of the Department of Natural Resources, ~~Division of Historic Preservation.~~

(a) The Director shall include in the Department's annual report an outline of State agency actions on which comment was requested or issued under this Act.

(b) The Director shall maintain a current list of all historic resources owned, operated, or leased by the State and appropriate maps indicating the location of all such resources. These maps shall be in a form available to the public and State agencies, except that the location of archaeological resources shall be excluded.

(c) The Director shall make rules and issue appropriate guidelines to implement this Act. These shall include, but not be limited to, regulations for holding on-site inspections, public information meetings and procedures for consultation, mediation, and resolutions by the Committee pursuant to subsections (e) and (f) of Section 4.

(d) The Director shall (1) assist, to the fullest extent possible, the State agencies in their identification of properties for inclusion in an inventory of historic resources, including provision of criteria for evaluation; (2) provide information concerning professional methods and techniques for preserving, improving, restoring, and maintaining historic resources when requested by State agencies; and (3) help facilitate State agency compliance with this Act.

(e) The Director shall monitor the implementation of actions of each State agency which have an effect, either

adverse or beneficial, on an historic resource.

(f) The Department of Natural Resources shall manage and control the preservation, conservation, inventory, and analysis of fine and decorative arts, furnishings, and artifacts of the Illinois Executive Mansion in Springfield, the Governor's offices in the Capitol in Springfield and the James R. Thompson Center in Chicago, and the Hayes House in DuQuoin. The Department of Natural Resources shall manage the preservation and conservation of the buildings and grounds of the Illinois Executive Mansion in Springfield. The Governor shall appoint a Curator of the Executive Mansion, with the advice and consent of the Senate, to assist the Department of Natural Resources in carrying out the duties under this item (f). The person appointed Curator must have experience in historic preservation or as a curator. The Curator shall serve at the pleasure of the Governor. The Governor shall determine the compensation of the Curator, which shall not be diminished during the term of appointment.

(Source: P.A. 100-695, eff. 8-3-18.)

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