

AN ACT concerning State government.

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

Section 5. The Historic Preservation Act is amended by changing Sections 2, 4.5, 6, 8, 16, and 35 and by adding Sections 4.7 and 21 as follows:

(20 ILCS 3405/2) (from Ch. 127, par. 2702)

Sec. 2. For the purposes of this Act:

(a) (Blank);

(b) "Board" means the State Historic Preservation Board
~~(Blank);~~

(b-5) "Department" means the Department of Natural Resources.

(c) "Director" means the Director of Natural Resources;

(d) (Blank);

(e) (Blank);

(f) (Blank); ~~and~~

(g) "Historic Sites and Preservation Division" means the Division of Historic Preservation within the Department of Natural Resources; and~~;~~

(h) "State Historic Site" means a property that has been deemed by the Board and the Department to have a State, national, or international level of historic significance.

(Source: P.A. 100-120, eff. 8-18-17; 100-695, eff. 8-3-18.)

(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. 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, subject to the Personnel Code and any other applicable Department policies.

(Source: P.A. 101-81, eff. 7-12-19; 102-1005, eff. 5-27-22.)

(20 ILCS 3405/4.7 new)

Sec. 4.7. State Historic Preservation Board.

(a) The State Historic Preservation Board is hereby created within the Department.

(b) The Board shall consist of 9 voting members appointed by the Governor and the Director of the Department, or the Director's designee, who shall serve as an ex-officio nonvoting member of the Board. Of the members appointed by the Governor:

(1) 2 members shall have a relevant background in public history or a background in teaching or researching either the history of Illinois or the history of

historically marginalized communities;

(2) one member shall have experience in library studies or archival work in Illinois;

(3) 3 members shall be representatives of a community-based organization working on historic preservation in Illinois;

(4) one member shall have experience with the federal Americans with Disabilities Act of 1990;

(5) one member shall have experience working on federal historic designations; and

(6) one member shall be a museum professional.

The chairperson of the Board shall be named by the Governor from among the voting members of the Board. Each member of the Board shall serve a 3-year term and until a successor is appointed by the Governor. The Governor may remove a Board member for incompetence, dereliction of duty, or malfeasance. Of those members appointed by the Governor, at least 5 of the members shall represent historically excluded and marginalized people. The Governor's Office, with the assistance of the Department, shall be responsible for ensuring that 5 of the appointed members of the Board consist of people who represent historically excluded and marginalized people. Knowledge in the following areas shall be prioritized in making appointments to the Board: the culture, traditions, and history of American Indians and Native Americans, Black Americans, Latinos, Latinas, and Hispanic Americans, Asian

Americans and Pacific Islanders, the LGBTQIA+ community, immigrants and refugees, people with disabilities, and veterans' organizations; women's history; the history of Illinois' agriculture, architecture, armed forces, arts, civics, cultural geography, ecology, education, faith-based communities, folklore, government, industry, labor, law, medicine, and transportation; anthropology; archaeology; cultural exhibits and museums; heritage tourism; historic preservation; and social justice.

(c) Board meetings shall be called at regular intervals set by the Board, on the request of the Department, or upon written notice signed by at least 5 members of the Board, but in no event less than once quarterly.

(d) A majority of the members of the Board constitutes a quorum for the transaction of business at a meeting of the Board. If a quorum is met, a majority of the members present and serving is required for official action of the Board.

(e) All business that the Board is authorized to perform shall be conducted at a public meeting of the Board, held in compliance with the Open Meetings Act.

(f) Public records of the Board are subject to disclosure under the Freedom of Information Act.

(g) The members of the Board shall serve without compensation but shall be entitled to reimbursement for all necessary expenses incurred in the performance of their official duties as members of the Board from funds

appropriated for that purpose. Reimbursement for travel, meals, and lodging shall be in accordance with the rules of the Governor's Travel Control Board.

(h) The Board has the following powers and duties:

(1) The Board shall adopt rules in accordance with the Illinois Administrative Procedure Act, for the administration and execution of the powers granted under this Act. All rules that are authorized to be adopted under this Act shall be adopted after consultation with and written approval by the Department.

(2) The Board shall list, delist, create specific list designations, create designation definitions, create property assessment criteria, or change the listing designation of State Historic Sites. Such actions shall be undertaken by administrative rule. The listing, delisting, creation of specific list designations or designation definitions, or change of listing designation by the Board shall only be done with the written approval of the Director of Natural Resources. When listing, delisting, or making a change of listing designation, the Board shall consider, but is not limited to, the following:

(A) the budgetary impact on the full historic sites portfolio when taking such action;

(B) if the action includes the stories of historically excluded and marginalized people;

(C) the geographic balance of the portfolio;

(D) disability access;

(E) opportunities to coordinate with federal historic designations or federal funding opportunities; and

(F) any other criteria that have been set out in administrative rule.

(3) The Board shall advise the Department on methods of assistance, protection, conservation, and management of State Historic Sites, which are all subject to Department approval and available appropriations to implement those recommendations.

(i) The Department shall provide administrative support to the Board.

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

Sec. 6. Jurisdiction. The Department shall have jurisdiction over the ~~following described~~ areas which are ~~hereby~~ designated by administrative rule as State Historic Sites, ~~State Memorials, and Miscellaneous Properties~~. Those ~~These~~ sites have been deemed by the Board and the Department to have a continuing State, national, or international level of historic ~~historical~~ significance and the stewardship and caretaking responsibilities to protect and promote are hereby bestowed upon the Department. The Board is authorized to modify, remove, or add to the list of State Historic Sites that are listed in administrative rule in compliance with this Act.

The following sites shall comprise the initial list of State Historic Sites that the Board shall initially list in administrative rule, but shall be subject to modification, removal, or additions by the Board and the Department pursuant to this Act:

~~State Historic Sites~~

Albany Mounds State Historic Site, Whiteside County;
Apple River Fort State Historic Site, 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; 102-1005, eff. 5-27-22.)

(20 ILCS 3405/8)

Sec. 8. Business plans. The Department shall create an individual business plan for each historic site related to Abraham Lincoln that is listed in the relevant administrative rule ~~Section 6 of this Act~~. Each business plan must address ways to enhance tourism at the historic site and the historic aspect of each site. The Department may seek assistance from the Department of Commerce and Economic Opportunity when creating the business plans. The Department shall complete the business plans no later than January 1, 2008.

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

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

Sec. 16. 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.

(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 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 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 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 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 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 Department is authorized to negotiate with the organizations and agencies for a portion of the monies received from sales to be returned to 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 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 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.

(v) To review and approve in writing rules adopted by the Board.

(Source: P.A. 102-1005, eff. 5-27-22.)

(20 ILCS 3405/21 new)

Sec. 21. Annual report. Beginning in 2025, the Department shall submit an annual report, on or before June 30, to the General Assembly containing a full list of the State Historic Sites and the sites designations, as recommended by the Board and approved by the Department.

(20 ILCS 3405/35)

Sec. 35. Products manufactured in the United States. State Historic Sites, ~~State Memorials,~~ and other properties that are under the jurisdiction of the Department under Section 6 of this Act shall set aside a booth or section for the sale of products manufactured in the United States. As used in this Section, "products manufactured in the United States" means assembled articles, materials, or supplies for which design, final assembly, processing, packaging, testing, or other process that adds value, quality, or reliability occurred in the United States.

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

Section 10. The Illinois Historic Sites Advisory Council Act is amended by changing Sections 1, 2, and 3 as follows:

(20 ILCS 3410/1) (from Ch. 127, par. 133d1)

Sec. 1. This Act shall be known as the Illinois National Register ~~Historic Sites~~ Advisory Council Act.

(Source: P.A. 101-81, eff. 7-12-19.)

(20 ILCS 3410/2) (from Ch. 127, par. 133d2)

Sec. 2. As used in this Act:

(a) "Council" means the Illinois National Register ~~Historic Sites~~ Advisory Council.

(b) (Blank).

(c) (Blank).

(c-5) "Department" means the Department of Natural Resources.

(d) "Director" means the Director of Natural Resources, or his or her designee.

(d-1) "Historic resource" means any property which is either publicly or privately held and which:

(1) is listed in the National Register of Historic Places (hereafter "National Register");

(2) has been formally determined by the Director to be eligible for listing in the National Register as defined in Section 106 of Title 16 of the United States Code;

(3) has been nominated by the Director and the

Illinois National Register ~~Historic Sites~~ Advisory Council
for listing in the National Register; or

(4) meets one or more criteria for listing in the
National Register, as determined by the Director.

(e) "Place" means (1) any parcel or contiguous grouping of
parcels of real estate under common or related ownership or
control, where any significant improvements are at least 40
years old, or (2) any aboriginal mound, fort, earthwork,
village, location, burial ground, historic or prehistoric
ruin, mine case or other location which is or may be the source
of important archeological data.

(f) (Blank).

(g) (Blank).

(h) (Blank).

(i) (Blank).

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

(20 ILCS 3410/3) (from Ch. 127, par. 133d3)

Sec. 3. There is recognized and established hereunder the
Illinois National Register ~~Historic Sites~~ Advisory Council,
previously established pursuant to federal ~~Federal~~
regulations, hereafter called the Council. Starting on January
1, 2025 the ~~The~~ Council shall consist of 9 ~~15~~ members. Of
these, there shall be at least 2 ~~3~~ historians, at least 2 ~~3~~
architectural historians, or architects with a preservation
background, and at least 2 ~~3~~ archeologists. The remaining 3 ~~6~~

members shall be drawn from supporting fields and have a preservation interest. Supporting fields shall include but not be limited to historical geography, law, urban planning, local government officials, and members of other preservation commissions. All voting members of the Council shall be appointed by the Director. The Director may remove a member of the Council for incompetence, dereliction of duty, or malfeasance.

The Council Chairperson shall be appointed by the Director from the Council membership and shall serve at the Director's pleasure.

The Executive Director of the Abraham Lincoln Presidential Library and Museum and the Director of the Illinois State Museum shall serve on the Council in advisory capacity as non-voting members.

Terms of membership shall be 3 years and shall be staggered by the Director to assure continuity of representation. Council members shall serve until a replacement is named by the Director.

The Council shall meet at least 3 times each year. Additional meetings may be held at the call of the chairperson or at the call of the Director.

Members shall serve without compensation, but shall be reimbursed for actual expenses incurred in the performance of their duties.

A majority of the members of the Council constitutes a

quorum for the transaction of business at a meeting of the Council. If a quorum is met, a majority of the members present and serving is required for official action of the Council.

All business that the Council is authorized to perform shall be conducted at a public meeting of the Council, held in compliance with the Open Meetings Act.

Records of the Council are subject to the Freedom of Information Act.

(Source: P.A. 100-120, eff. 8-18-17; 100-695, eff. 8-3-18.)

(20 ILCS 3415/Act rep.)

Section 15. The Historical Sites Listing Act is repealed.

Section 99. Effective date. This Act takes effect upon becoming law, except that Section 10 takes effect on January 1, 2025.