



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB0302

Introduced 2/19/2021, by Sen. Melinda Bush

SYNOPSIS AS INTRODUCED:

5 ILCS 160/16	from Ch. 116, par. 43.19
5 ILCS 160/22a	from Ch. 116, par. 43.25a
20 ILCS 3425/Act rep.	
20 ILCS 3475/3 new	
20 ILCS 3475/15	
20 ILCS 3475/30	
20 ILCS 3475/35	
20 ILCS 3475/40	
20 ILCS 3475/45	
20 ILCS 5030/Act rep.	
50 ILCS 130/2	from Ch. 85, par. 5702
50 ILCS 205/6	from Ch. 116, par. 43.106

Amends the Abraham Lincoln Presidential Library and Museum Act. Provides that the Abraham Lincoln Presidential Library and Museum Act, to the extent that there is a conflict between the provisions of Executive Order 2017-1 and the Act, supersedes the Executive Order, and shall be controlling. Provides that the position of State Historian is now an honorary position, and specifies new duties of the honorary State Historian. Transfers previously held duties and requirements of the State Historian under the Act to the Abraham Lincoln Presidential Library and Museum and its Executive Director. Removes provision requiring the Abraham Lincoln Presidential Library and Museum and the Abraham Lincoln Presidential Library Foundation to mutually cooperate to establish a working group for specified purposes. Removes provision allowing the Executive Director of the Abraham Lincoln Presidential Library and Museum to have hiring and appointing power over specified personnel. Repeals the State Historical Library Act. Repeals the Illinois Sesquicentennial of the American Civil War Commission Act. Makes conforming changes concerning the State Historian.

LRB102 10757 RJF 16086 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 State Records Act is amended by changing
5 Sections 16 and 22a as follows:

6 (5 ILCS 160/16) (from Ch. 116, par. 43.19)

7 Sec. 16. There is created the State Records Commission.
8 The Commission shall consist of the following State officials
9 or their authorized representatives: the Secretary of State,
10 who shall act as chairman; the Executive Director of the
11 Abraham Lincoln Presidential Library and Museum ~~the State~~
12 ~~Historian~~, who shall serve as secretary; the State Treasurer;
13 the Director of Central Management Services; the Attorney
14 General; and the State Comptroller. The Commission shall meet
15 whenever called by the chairman, who shall have no vote on
16 matters considered by the Commission. It shall be the duty of
17 the Commission to determine what records no longer have any
18 administrative, fiscal, legal, research, or historical value
19 and should be destroyed or disposed of otherwise. The
20 Commission may make recommendations to the Secretary of State
21 concerning policies, guidelines, and best practices for
22 addressing electronic records management issues as authorized
23 under Section 37 of the Government Electronic Records Act.

1 (Source: P.A. 97-249, eff. 8-4-11.)

2 (5 ILCS 160/22a) (from Ch. 116, par. 43.25a)

3 Sec. 22a. There is hereby created the State Archives
4 Advisory Board consisting of 12 voting members and 2 nonvoting
5 members.

6 The voting members shall be appointed by the Secretary of
7 State as follows: A member of the State Records Commission, a
8 member of a Local Records Commission, a member of a local
9 historical society or museum, a university archivist, a person
10 in the field of education specializing in either history or
11 political science, a genealogist, a research or reference
12 librarian, a person who is employed or engaged as an archivist
13 by a business establishment and 4 public members.

14 The nonvoting members shall be the Director of the State
15 Library and the Executive Director of the Abraham Lincoln
16 Presidential Library and Museum ~~State Historian~~ who shall
17 serve ex-officio.

18 Four of the initial appointees shall serve a 1-year term;
19 four shall serve 2-year terms; and the remaining 4 shall serve
20 3-year terms. The terms of the initial appointees shall be
21 specified by the Secretary of State at the time of
22 appointments. Subsequent to the initial appointments all
23 members shall hold office for a period of 3 years. Vacancies
24 shall be filled by appointment of the Secretary of State for
25 the unexpired balance of the term. No person shall serve for

1 more than 2 consecutive 3-year terms.

2 The State Archives Advisory Board shall elect from its own
3 members one chairman and one vice chairman.

4 The members appointed to the Board shall serve without
5 compensation but shall be reimbursed for necessary expenses
6 incurred in the performance of their duties.

7 (Source: P.A. 83-523.)

8 (20 ILCS 3425/Act rep.)

9 Section 10. The State Historical Library Act is repealed.

10 Section 15. The Abraham Lincoln Presidential Library and
11 Museum Act is amended by changing Sections 15, 30, 35, 40, and
12 45 and by adding Section 3 as follows:

13 (20 ILCS 3475/3 new)

14 Sec. 3. Executive Order superseded. Executive Order No.
15 2017-1 created the Abraham Lincoln Presidential Library and
16 Museum as a State agency under the jurisdiction of the
17 Governor. This Act is the implementation of that Executive
18 Order. To the extent that there is a conflict between the
19 provisions of the Executive Order and this Act, this Act
20 supersedes the Executive Order, and shall be controlling.

21 (20 ILCS 3475/15)

22 Sec. 15. Board. There shall be a Board of Trustees of the

1 Abraham Lincoln Presidential Library and Museum to set policy
2 and advise the Abraham Lincoln Presidential Library and Museum
3 and the Executive Director on programs related to the Abraham
4 Lincoln Presidential Library and Museum and to exercise the
5 powers and duties given to it under Section 25 of this Act. The
6 Abraham Lincoln Presidential Library and Museum and the
7 Abraham Lincoln Presidential Library Foundation shall mutually
8 cooperate to maximize resources available to the Abraham
9 Lincoln Presidential Library and Museum and to support,
10 sustain, and provide educational programs and collections at
11 the Abraham Lincoln Presidential Library and Museum. Any
12 membership fees collected by the Abraham Lincoln Presidential
13 Library Foundation may be used to support the Abraham Lincoln
14 Presidential Library and Museum programs or collections at the
15 Foundation's discretion.

16 The terms of the mutual cooperation shall be set forth in a
17 memorandum of understanding or similar written document for an
18 agreed-upon term concluding on December 31st of a particular
19 year and shall include, at a minimum, the following:

20 (a) an authorization by the Agency for the Foundation
21 to operate, directly or through subcontractors, food
22 service, catering service, and retail activities at the
23 Abraham Lincoln Presidential Library and Museum with the
24 net proceeds being made available by the Foundation to the
25 Abraham Lincoln Presidential Library and Museum; and

26 (b) a requirement that the Foundation annually provide

1 to the Office of the Governor and the General Assembly the
2 following:

3 (1) any audit of the Foundation's financial
4 statements performed by an independent auditor;

5 (2) the most recent Form 990 federal tax return
6 filed by the Foundation with the Internal Revenue
7 Service; and

8 (3) an annual report including income and
9 expenditures of funds raised as a result of the
10 Foundation's operation, directly or through
11 subcontractors, for food service, catering service,
12 and retail activities at the Abraham Lincoln
13 Presidential Library and Museum. ~~and~~

14 (c) (Blank). ~~the establishment of a working group with~~
15 ~~7 members, composed of 3 members of the Board and 3 members~~
16 ~~of the Board of Directors of the Foundation, with such~~
17 ~~members appointed by the respective chair of each board,~~
18 ~~together with the State Historian. The working group shall~~
19 ~~collaborate to advance the interests of the Agency and, as~~
20 ~~an initial responsibility, shall develop an official~~
21 ~~mission statement for the Agency which shall be presented~~
22 ~~to the Board and the Board of Directors of the Foundation~~
23 ~~for adoption and which shall serve to align and guide the~~
24 ~~efforts of both the Agency and the Foundation. Except for~~
25 ~~the State Historian, ex officio members of either board~~
26 ~~are not eligible to be appointed as members of the working~~

1 ~~group. The working group shall meet at least once each~~
2 ~~quarter and shall be chaired by the State Historian. The~~
3 ~~Foundation shall provide staff support to the working~~
4 ~~group to maintain attendance and other necessary records~~
5 ~~of the working group.~~

6 (Source: P.A. 100-120, eff. 8-18-17; 101-535, eff. 8-23-19.)

7 (20 ILCS 3475/30)

8 Sec. 30. Administration of the Agency. The Agency shall be
9 under the supervision and direction of an Executive Director.
10 The person serving on the effective date of this Act as Library
11 Director, as defined in Section 33 of the Historic
12 Preservation Act, shall become the inaugural Executive
13 Director on the effective date of this Act and shall serve as
14 Executive Director until the expiration of his then-current
15 term as Library Director. Thereafter, the Board shall appoint
16 the Executive Director with the advice and consent of the
17 Senate. The Executive Director shall serve at the pleasure of
18 the Board for a term of 4 years. The Executive Director shall,
19 subject to applicable provisions of law, execute and discharge
20 the powers and duties of the Agency. ~~The Executive Director~~
21 ~~shall have hiring power and shall appoint (a) a Library~~
22 ~~Facilities Operations Director; and (b) a Director of the~~
23 ~~Library. The Executive Director shall appoint those other~~
24 ~~employees of the Agency as he or she deems appropriate and~~
25 ~~shall fix the compensation of the Library Facilities~~

1 ~~Operations Director, the Director of the Library and other~~
2 ~~employees.~~ The Executive Director may make provision to
3 establish and collect admission and registration fees, operate
4 a gift shop, and publish and sell educational and
5 informational materials.

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

7 (20 ILCS 3475/35)

8 Sec. 35. Exchange ~~State Historian; exchange~~ historical
9 records. The Agency ~~State Historian~~ shall make all necessary
10 rules, regulations, and bylaws not inconsistent with law to
11 carry into effect the purposes of this Act and to procure from
12 time to time as may be possible and practicable, at reasonable
13 costs, all books, pamphlets, manuscripts, monographs,
14 writings, and other material of historical interest and useful
15 to the Agency ~~historian~~ bearing upon the political, physical,
16 religious, or social history of the State of Illinois from the
17 earliest known period of time. The Agency ~~State Historian~~ may,
18 with the consent of the Board, exchange any books, pamphlets,
19 manuscripts, records, or other materials which such library
20 may acquire that are of no historical interest or for any
21 reason are of no value to it, with any other library, school or
22 historical society. The Agency ~~State Historian~~ shall
23 distribute volumes of the series known as the Illinois
24 Historical Collections now in print, and to be printed, to all
25 who may apply for same and who pay to the Library and Museum

1 for such volumes an amount fixed by the Agency ~~State Historian~~
2 sufficient to cover the expenses of printing and distribution
3 of each volume received by such applicants. However, the
4 Agency ~~State Historian~~ shall have authority to furnish 25 of
5 each of the volumes of the Illinois Historical Collections,
6 free of charge, to each of the authors and editors of the
7 Collections or parts thereof; to furnish, ~~as in his or her~~
8 ~~discretion he or she deems necessary or desirable,~~ a
9 reasonable number of each of the volumes of the Collections
10 without charge to archives, libraries, and similar
11 institutions from which material has been drawn or assistance
12 has been given in the preparation of such Collections, and to
13 the officials thereof; and to furnish, as in his or her
14 discretion he or she deems necessary or desirable, a
15 reasonable number of each of the volumes of the Collections
16 without charge to the University of Illinois Library and to
17 instructors and officials of that University, and to public
18 libraries in the State of Illinois. The Agency ~~State Historian~~
19 may, with the consent of the Board, also make exchanges of the
20 Historical Collections with any other library, school or
21 historical society, and distribute volumes of the Collections
22 for review purposes.

23 (Source: P.A. 100-120, eff. 8-18-17.)

24 (20 ILCS 3475/40)

25 Sec. 40. Honorary Illinois State Historian; appointment.

1 (a) The Governor, in consultation with ~~Executive Director,~~
2 ~~with the advice and consent of the Board and the Illinois~~
3 ~~Historical Society,~~ shall appoint an honorary ~~the~~ Illinois
4 State Historian, who shall provide historical expertise,
5 support, and service on civic engagement to educators and
6 not-for-profit educational groups, including historical
7 societies. ~~The State Historian is the State's leading~~
8 ~~authority on the history of Illinois.~~

9 (b) The honorary Illinois State Historian shall be
10 appointed based on the recommendation from the Abraham Lincoln
11 Presidential Library and Museum Board of Trustees who shall
12 consult the Illinois State Historical Society. The Board in
13 consultation with the Illinois State Historical Society shall
14 develop qualifications for the honorary Illinois State
15 Historian to be approved by the Board no later than 120 days
16 after the enactment of this amendatory Act of the 102nd
17 General Assembly.

18 (c) The duties of the honorary Illinois State Historian
19 shall include the following:

20 (1) enhancing the knowledge of Illinoisans regarding
21 Illinois history;

22 (2) consulting with the Governor, the General
23 Assembly, and the Abraham Lincoln Presidential Library and
24 Museum on matters related to the promotion of Illinois
25 History;

26 (3) lectures on matters of Illinois history within the

1 honorary State Historian's area of expertise for a minimum
2 of 4 lectures every year during their term, 2 of which must
3 annually be located outside of the Chicagoland area. The
4 honorary State Historian will seek to ensure that people
5 in all geographic regions of the State have access to at
6 least one lecture during his or her term of service; and

7 (4) connecting community, civic, and historical groups
8 from around the State to other historians that could
9 advise and speak to those entities and encourage the
10 teaching of history in Illinois schools.

11 (d) The honorary State Historian shall not receive
12 compensation, but shall receive reimbursement for travel and
13 other reasonable expenses related to the position. All
14 activities and expenses related to the position shall be
15 approved in advance by the Executive Director in accordance
16 with Agency policy and shall be subject to the same
17 reimbursement requirements as State employees.

18 (e) An individual designated as the honorary Illinois
19 State Historian retains the designation for 4 years from the
20 date of appointment and the term is renewable only by the
21 Governor's appointment for one additional consecutive 4-year
22 term.

23 (f) The facilities and resources of the Abraham Lincoln
24 Presidential Library and Museum shall be made available for
25 the use of the honorary Illinois State Historian upon request.

26 (Source: P.A. 100-120, eff. 8-18-17.)

1 (20 ILCS 3475/45)

2 Sec. 45. Historical records ~~State Historian; historical~~
3 ~~records~~. The Library Services Director in consultation with
4 historian staff at the Agency ~~State Historian~~ shall establish
5 and supervise a program within the Agency designed to preserve
6 as historical records selected past editions of newspapers of
7 this State. Such editions and other materials shall be
8 preserved in accordance with industry standards and shall be
9 stored in a place provided by the Agency. The negatives of
10 microphotographs and other materials shall be stored in a
11 place provided by the Agency.

12 The Library Services Director in consultation with
13 historian staff at the Agency ~~State Historian~~ shall determine
14 on the basis of historical value the various newspaper edition
15 files which shall be preserved and shall arrange a schedule
16 for such preservation. The Library Services Director ~~State~~
17 ~~Historian~~ shall supervise the making of arrangements for
18 acquiring access to past edition files and copyright
19 permissions with the editors or publishers of the various
20 newspapers.

21 The method of microphotography to be employed in this
22 program shall conform to the standards established pursuant to
23 Section 17 of the State Records Act.

24 Upon payment to the Agency of the required fee, any person
25 or organization shall be granted access to the preserved

1 ~~editions of~~ supplied with any prints requested to be made from
2 the newspapers and all records. The fee schedule shall be
3 determined and approved by the Board annually ~~required shall~~
4 ~~be determined by the State Historian and shall be equal in~~
5 ~~amount to the costs incurred by the Agency in~~ granting such
6 access ~~supplying the requested prints.~~

7 (Source: P.A. 100-120, eff. 8-18-17.)

8 (20 ILCS 5030/Act rep.)

9 Section 20. The Illinois Sesquicentennial of the American
10 Civil War Commission Act is repealed.

11 Section 25. The Local Historian Act is amended by changing
12 Section 2 as follows:

13 (50 ILCS 130/2) (from Ch. 85, par. 5702)

14 Sec. 2. Each local historian ~~in cooperation with the State~~
15 ~~Historian~~ shall collect and preserve material relating to the
16 history of the political subdivision for which he was
17 appointed and shall maintain such material in fireproof safes
18 or vaults or other fireproof areas within the offices of the
19 political subdivision. The local historian shall inquire into
20 the maintenance, classification and safety from fire of public
21 records and shall recommend to the governing body any actions
22 necessary for their better preservation and any materials of
23 historic value which the political subdivision should acquire.

1 The local historian may cooperate with any individual or
2 any public or private civic, patriotic or historic group or
3 association and participate in the organized efforts of such
4 individuals, groups and associations for the preparation and
5 publication of local histories, records and reports, the
6 collection and preservation of local historic artifacts, the
7 restoration and preservation of local historic edifices, the
8 erection of local historic monuments and markers and the
9 recording and documentation of current events of local
10 historic interest or significance.

11 Each local historian shall annually report to the
12 governing body upon his activities and recommendations.

13 An annual report shall also be sent to the Abraham Lincoln
14 Presidential Library and Museum ~~State Historian~~.

15 (Source: P.A. 84-736.)

16 Section 30. The Local Records Act is amended by changing
17 Section 6 as follows:

18 (50 ILCS 205/6) (from Ch. 116, par. 43.106)

19 Sec. 6. For those agencies comprising counties of
20 3,000,000 or more inhabitants or located in or coterminous
21 with any such county or a majority of whose inhabitants reside
22 in any such county, this Act shall be administered by a Local
23 Records Commission consisting of the president of the county
24 board of the county wherein the records are kept, the mayor of

1 the most populous city in such county, the State's attorney of
2 such county, the County comptroller, the State archivist, and
3 the Executive Director of the Abraham Lincoln Presidential
4 Library and Museum ~~State historian~~. The president of the
5 county board shall be the chairman of the Commission.

6 For all other agencies, this Act shall be administered by
7 a Local Records Commission consisting of a chairman of a
8 county board, who shall be chairman of the Commission, a mayor
9 or president of a city, village or incorporated town, a county
10 auditor, and a State's attorney, all of whom shall be
11 appointed by the Governor, the State archivist, and the
12 Executive Director of the Abraham Lincoln Presidential Library
13 and Museum ~~State historian~~.

14 A member of either Commission may designate a substitute.

15 Either Commission may employ such technical, professional
16 and clerical assistants as are necessary.

17 Either Commission shall meet upon call of its chairman.

18 (Source: P.A. 100-201, eff. 8-18-17.)