



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3549

Introduced 2/17/2023, by Rep. Jehan Gordon-Booth

SYNOPSIS AS INTRODUCED:

20 ILCS 3405/2	from Ch. 127, par. 2702
20 ILCS 3405/4.5	
20 ILCS 3405/4.7 new	
20 ILCS 3405/6	from Ch. 127, par. 2706
20 ILCS 3405/8	
20 ILCS 3405/16	from Ch. 127, par. 2716
20 ILCS 3405/21 new	
20 ILCS 3405/35	

Amends the Historic Preservation Act. Creates the State Historic Preservation Board. Provides for appointment of members of the Board and the powers and duties of the Board. Provides that the Board may: (1) adopt rules in accordance with the Illinois Administrative Procedure Act, for the administration and execution of the powers granted under the Act after consultation with and written approval by the Department of Natural Resources; (2) list, delist, create specific list designations, create designation definitions, create property assessment criteria, or change the listing designation of State Historic Sites. Provides that such actions shall be undertaken by administrative rule; and (3) 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. Provides that 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. Deletes the statutory listing of specific State Historic Sites, State Memorials, and Miscellaneous Properties. Provides that State Historic Sites shall be designated by administrative rule. Provides that 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 site designations, as recommended by the Board and which received the approval of the Department. Defines "State Historic Site" as a property that has been deemed by the Board and the Department to have a State, national, or international level of historic significance. Makes conforming changes. Effective immediately.

LRB103 30364 RLC 56794 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 Act is amended by
5 changing Sections 2, 4.5, 6, 8, 16, and 35 and by adding
6 Sections 4.7 and 21 as follows:

7 (20 ILCS 3405/2) (from Ch. 127, par. 2702)

8 Sec. 2. For the purposes of this Act:

9 (a) (Blank);

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

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

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

15 (d) (Blank);

16 (e) (Blank);

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

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

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

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

2 (20 ILCS 3405/4.5)

3 Sec. 4.5. Division of Historic Preservation. On and after
4 August 3, 2018 (the effective date of Public Act 100-695), the
5 Division of Historic Preservation of the Department of Natural
6 Resources ~~Office of Land Management~~ shall be created. The head
7 of the Division shall be known as the Division Manager of
8 Historic Preservation. The Department of Natural Resources may
9 employ or retain other persons to assist in the discharge of
10 its functions, subject to the Personnel Code and any other
11 applicable Department policies.

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

13 (20 ILCS 3405/4.7 new)

14 Sec. 4.7. State Historic Preservation Board.

15 (a) The State Historic Preservation Board is created,
16 hereinafter referred to as the Board.

17 (b) The Board shall consist of 9 members appointed by the
18 Governor with the advice and consent of the Senate. The
19 Director of the Department, or the Director's designee, shall
20 serve as a non-voting member of the Board. Of those members
21 appointed by the Governor and approved by the Senate:

22 (1) three members shall be historians with relevant
23 backgrounds and expertise representing institutions of
24 higher education across the State;

- 1 (2) one member shall be a librarian;
2 (3) one member shall be an archivist;
3 (4) two members shall be representatives of a
4 community-based organization working on historic
5 preservation in Illinois;
6 (5) one member shall be a representative with
7 experience in the Americans with Disabilities Act of 1990;
8 and
9 (6) one member shall be a representative with
10 experience working on federal historic designations.

11 The chairperson of the Board shall be named from the
12 voting members of the Board by the Governor. The terms of the
13 membership of the Board shall be for 3 years. Board members
14 shall serve until a replacement is named by the Governor and
15 approved by the Senate. Members may be removed from the Board
16 for just cause, including, but not limited to, incompetence,
17 dereliction of duty, malfeasance, or misfeasance. Of those
18 members appointed by the Governor and approved by the Senate,
19 at least 60% of the members shall consist of individuals who
20 represent historically excluded and marginalized people. The
21 Governor's office, with the assistance of the Department of
22 Natural Resources, shall be responsible for ensuring that 60%
23 of the appointed members of the Board consist of people who
24 represent historically excluded and marginalized communities.
25 Knowledge in the following areas shall be prioritized in
26 making an appointment under this item: the culture,

1 traditions, and history of American Indians and Native
2 Americans; Black Americans; Latinos, Latinas, and Hispanic
3 Americans; Asian Americans and Pacific Islanders; the LGBTQAI+
4 community; immigrants and refugees; people with disabilities;
5 veterans' organizations; women's history; the history of
6 Illinois' agriculture, architecture, armed forces, arts,
7 civics, cultural geography, ecology, education, faith-based
8 communities, folklore, government, industry, labor, law,
9 medicine, and transportation; anthropology; archeology;
10 cultural exhibits and museums; heritage tourism; historic
11 preservation; and social justice. The members of the Board
12 shall serve without compensation but may be reimbursed for
13 necessary expenses incurred in connection with the performance
14 of their duties.

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

19 (d) Quorum. A majority of the members of the Board
20 constitute a quorum for the transaction of business at a
21 meeting of the Board. A majority of the members present and
22 serving is required for official action of the Board.

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

26 (f) Freedom of Information. A writing prepared, owned,

1 used, in the possession of, or retained by the Board in the
2 performance of an official function is subject to the Freedom
3 of Information Act.

4 (g) Compensation. The members of the Board shall serve
5 without compensation but shall be entitled to reimbursement
6 for all necessary expenses incurred in the performance of
7 their official duties as members of the Board from funds
8 appropriated for that purpose. Reimbursement for travel,
9 meals, and lodging shall be in accordance with the rules of the
10 Governor's Travel Control Board.

11 (h) The Board has the powers and duties enumerated in this
12 subsection (h):

13 (1) To adopt rules in accordance with the Illinois
14 Administrative Procedure Act, for the administration and
15 execution of the powers granted under this Act. All such
16 rules that are authorized to be created under this Act
17 shall be adopted after consultation with and written
18 approval by the Department.

19 (2) To list, delist, create specific list
20 designations, create designation definitions, create
21 property assessment criteria, or change the listing
22 designation of State Historic Sites. Such actions shall be
23 undertaken by administrative rule. The listing, delisting,
24 creation of specific list designations or designation
25 definitions, or change of listing designation by the Board
26 shall only be done with the written approval of the

1 Director of Natural Resources. When listing, delisting, or
2 making a change of listing designation, the Board shall
3 consider, but is not limited to, the following:

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

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

8 (C) the geographic balance of the portfolio;

9 (D) disability access;

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

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

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

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

21 Sec. 6. Jurisdiction. The Department shall have
22 jurisdiction over the ~~following described~~ areas which are
23 ~~hereby~~ designated by administrative rule as State Historic
24 Sites, ~~State Memorials, and Miscellaneous Properties.~~ Those
25 ~~These~~ sites have been deemed by the Board and the Department to

1 have a continuing State, national, or international level of
2 historic ~~historical~~ significance and the stewardship and
3 caretaking responsibilities to protect and promote are hereby
4 bestowed upon the Department. ~~;~~

5 ~~State Historic Sites~~

6 ~~Albany Mounds State Historic Site, Whiteside County;~~

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

8 ~~Bishop Hill State Historic Site, Henry County;~~

9 ~~Black Hawk State Historic Site, Rock Island County;~~

10 ~~Bryant Cottage State Historic Site, Piatt County;~~

11 ~~Cahokia Courthouse State Historic Site, St. Clair County;~~

12 ~~Cahokia Mounds State Historic Site, in Madison and St.~~

13 ~~Clair Counties (however, the Illinois State Museum~~

14 ~~shall act as curator of artifacts pursuant to the~~

15 ~~provisions of the Archaeological and Paleontological~~

16 ~~Resources Protection Act);~~

17 ~~Crenshaw House State Historic Site, Gallatin County;~~

18 ~~Dana Thomas House State Historic Site, Sangamon County;~~

19 ~~David Davis Mansion State Historic Site, McLean County;~~

20 ~~Douglas Tomb State Historic Site, Cook County;~~

21 ~~Fort de Chartres State Historic Site, Randolph County;~~

22 ~~Fort Kaskaskia State Historic Site, Randolph County;~~

23 ~~Grand Village of the Illinois, LaSalle County;~~

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

25 ~~Hotel Florence, Cook County;~~

1 ~~Jarrot Mansion State Historic Site, St. Clair County;~~
2 ~~Jubilee College State Historic Site, Peoria County;~~
3 ~~Kincaid Mounds State Historic Site, Massac and Pope~~
4 ~~Counties;~~
5 ~~Lewis and Clark State Historic Site, Madison County;~~
6 ~~Lincoln Herndon Law Offices State Historic Site, Sangamon~~
7 ~~County;~~
8 ~~Lincoln Log Cabin State Historic Site, Coles County;~~
9 ~~Lincoln's New Salem State Historic Site, Menard County;~~
10 ~~Lincoln Tomb State Historic Site, Sangamon County;~~
11 ~~Martin Boismenu House State Historic Site, St. Clair~~
12 ~~County;~~
13 ~~Pierre Menard Home State Historic Site, Randolph County;~~
14 ~~Metamora Courthouse State Historic Site, Woodford County;~~
15 ~~Moore Home State Historic Site, Coles County;~~
16 ~~Mount Pulaski Courthouse State Historic Site, Logan~~
17 ~~County;~~
18 ~~Old Market House State Historic Site, Jo Daviess County;~~
19 ~~Old State Capitol State Historic Site, Sangamon County;~~
20 ~~Postville Courthouse State Historic Site, Logan County;~~
21 ~~Pullman Factory, Cook County;~~
22 ~~Rose Hotel, Hardin County;~~
23 ~~Carl Sandburg State Historic Site, Knox County;~~
24 ~~Shawneetown Bank State Historic Site, Gallatin County;~~
25 ~~Vachel Lindsay Home, Sangamon County;~~
26 ~~Vandalia State House State Historic Site, Fayette County;~~

1 and

2 ~~Washburne House State Historic Site, Jo Daviess County.~~

3 ~~State Memorials~~

4 ~~Buel House, Pope County;~~

5 ~~Campbell's Island State Memorial, Rock Island County;~~

6 ~~Governor Bond State Memorial, Randolph County;~~

7 ~~Governor Coles State Memorial, Madison County;~~

8 ~~Governor Horner State Memorial, Cook County;~~

9 ~~Governor Small State Memorial, Kankakee County;~~

10 ~~Illinois Vietnam Veterans State Memorial, Sangamon County;~~

11 ~~Kaskaskia Bell State Memorial, Randolph County;~~

12 ~~Korean War Memorial, Sangamon County;~~

13 ~~Lincoln Monument State Memorial, Lee County;~~

14 ~~Lincoln Trail State Memorial, Lawrence County;~~

15 ~~Lovejoy State Memorial, Madison County;~~

16 ~~Norwegian Settlers State Memorial, LaSalle County;~~

17 ~~Wild Bill Hickok State Memorial, LaSalle County; and~~

18 ~~World War II Veterans Memorial, Sangamon County.~~

19 ~~Miscellaneous Properties~~

20 ~~Emerald Mound, St. Clair County;~~

21 ~~Halfway Tavern, Marion County; and~~

22 ~~Hofmann Tower, Cook County.~~

23 (Source: P.A. 102-246, eff. 1-1-22; 102-1005, eff. 5-27-22.)

1 (20 ILCS 3405/8)

2 Sec. 8. Business plans. The Department shall create an
3 individual business plan for each historic site related to
4 Abraham Lincoln that is listed in administrative rule ~~Section~~
5 ~~6 of this Act~~. Each business plan must address ways to enhance
6 tourism at the historic site and the historic aspect of each
7 site. The Department may seek assistance from the Department
8 of Commerce and Economic Opportunity when creating the
9 business plans. The Department shall complete the business
10 plans no later than January 1, 2008.

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

12 (20 ILCS 3405/16) (from Ch. 127, par. 2716)

13 Sec. 16. The Department shall have the following
14 additional powers:

15 (a) To hire agents and employees necessary to carry
16 out the duties and purposes of this Act.

17 (b) To take all measures necessary to erect, maintain,
18 preserve, restore, and conserve all State Historic Sites
19 ~~and State Memorials~~, except when supervision and
20 maintenance is otherwise provided by law. This
21 authorization includes the power to enter into contracts,
22 acquire and dispose of real and personal property, and
23 enter into leases of real and personal property. The
24 Department has the power to acquire, for purposes
25 authorized by law, any real property in fee simple subject

1 to a life estate in the seller in not more than 3 acres of
2 the real property acquired, subject to the restrictions
3 that the life estate shall be used for residential
4 purposes only and that it shall be non-transferable.

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

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

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

24 (f) To authorize the officers, employees, and agents
25 of the Department, for the purposes of investigation and
26 to exercise the rights, powers, and duties vested and that

1 may be vested in it, to enter and cross all lands and
2 waters in this State, doing no damage to private property.

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

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

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

19 (j) To lease concessions on any property under the
20 jurisdiction of the Department for a period not exceeding
21 25 years and to lease a concession complex at Lincoln's
22 New Salem State Historic Site for which a cash incentive
23 has been authorized under Section 5.1 of this Act for a
24 period not to exceed 40 years. All leases, for whatever
25 period, shall be made subject to the written approval of
26 the Governor. All concession leases extending for a period

1 in excess of 10 years, will contain provisions for the
2 Department to participate, on a percentage basis, in the
3 revenues generated by any concession operation.

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

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

20 The lessee account shall allow for the amortization of
21 certain authorized expenses that are incurred by the
22 concession lessee but that are not an obligation of the
23 lessee under the terms and conditions of the lease
24 agreement. The Department may allow a reduction of up to
25 50% of the monthly rent due for the purpose of enabling the
26 recoupment of the lessee's authorized expenditures during

1 the term of the lease.

2 (k) To sell surplus agricultural products grown on
3 land owned by or under the jurisdiction of the Department,
4 when the products cannot be used by the Department.

5 (l) To enforce the laws of the State and the rules and
6 regulations of the Department in or on any lands owned,
7 leased, or managed by the Department.

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

19 (n) To establish local bank or savings and loan
20 association accounts, upon the written authorization of
21 the Director, to temporarily hold income received at any
22 of its properties. The local accounts established under
23 this Section shall be in the name of the Department and
24 shall be subject to regular audits. The balance in a local
25 bank or savings and loan association account shall be
26 forwarded to the Department for deposit with the State

1 Treasurer on Monday of each week if the amount to be
2 deposited in a fund exceeds \$500.

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

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

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

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

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

1 the grants.

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

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

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

1 believe pertinent, including:

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

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

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

7 (t) To provide for overnight tent and trailer
8 campsites and to provide suitable housing facilities for
9 student and juvenile overnight camping groups. The
10 Department shall charge rates similar to those charged by
11 the Department for the same or similar facilities and
12 services.

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

1 the Illinois Historic Sites Fund.

2 (v) To cooperate with the Board in matters relating to
3 the purpose of this Act, and, at the Department's
4 discretion, to provide the Board, upon its request,
5 services, supplies, funds, facilities and other
6 assistance.

7 (w) To review and approve in writing rules adopted by
8 the Board.

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

10 (20 ILCS 3405/21 new)

11 Sec. 21. Annual report. The Department shall submit an
12 annual report, on or before June 30, to the General Assembly
13 containing a full list of the State Historic Sites and the
14 sites designations, as recommended by the Board and which
15 received the approval of the Department.

16 (20 ILCS 3405/35)

17 Sec. 35. Products manufactured in the United States. State
18 Historic Sites, ~~State Memorials,~~ and other properties that are
19 under the jurisdiction of the Department under Section 6 of
20 this Act shall set aside a booth or section for the sale of
21 products manufactured in the United States. As used in this
22 Section, "products manufactured in the United States" means
23 assembled articles, materials, or supplies for which design,
24 final assembly, processing, packaging, testing, or other

1 process that adds value, quality, or reliability occurred in
2 the United States.

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

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