



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB2580

Introduced 1/20/2006, by Sen. James F. Clayborne, Jr.

SYNOPSIS AS INTRODUCED:

20 ILCS 805/805-15	was 20 ILCS 805/63a37
20 ILCS 2310/2310-195	was 20 ILCS 2310/55.39
20 ILCS 2705/2705-20 new	
20 ILCS 2905/2	from Ch. 127 1/2, par. 2
20 ILCS 3405/16	from Ch. 127, par. 2716
415 ILCS 5/28.7 new	

Amends the Department of Natural Resources (Conservation) Law, the Department of Public Health Powers and Duties Law, the Department of Transportation Law of the Civil Administrative Code of Illinois, the State Fire Marshal Act, the Historic Preservation Agency Act, and the Environmental Protection Act. Requires that the rulemaking processes of the Department of Natural Resources, the Department of Public Health, the Department of Transportation, the State Fire Marshal, the Historic Preservation Agency, the Pollution Control Board, and the Environmental Protection Agency include a process for expediting the issuance of permits and licenses. Authorizes these State agencies to engage the experts and additional resources that are reasonably necessary for implementing this expedited process. Sets forth that the applicant must request the use of the expedited process and that any additional costs shall be borne by the applicant.

LRB094 15363 RSP 50554 b

FISCAL NOTE ACT
MAY APPLY

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 Department of Natural Resources
5 (Conservation) Law of the Civil Administrative Code of Illinois
6 is amended by changing Section 805-15 as follows:

7 (20 ILCS 805/805-15) (was 20 ILCS 805/63a37)

8 Sec. 805-15. Rules and regulations.

9 (a) The Department has the power to adopt and enforce rules
10 and regulations necessary to the performance of its statutory
11 duties.

12 (b) These rules and regulations must include a process for
13 expediting the issuance of permits and licenses. The Department
14 may engage the experts and additional resources that are
15 reasonably necessary for implementing this process. An
16 applicant must request the use of an expedited process, and any
17 additional costs for using that process shall be borne by the
18 applicant.

19 (Source: P.A. 91-239, eff. 1-1-00.)

20 Section 10. The Department of Public Health Powers and
21 Duties Law of the Civil Administrative Code of Illinois is
22 amended by changing Section 2310-195 as follows:

23 (20 ILCS 2310/2310-195) (was 20 ILCS 2310/55.39)

24 Sec. 2310-195. Administrative rules.

25 (a) To adopt all administrative rules that may be necessary
26 for the effective administration, enforcement, and regulation
27 of all matters for which the Department has jurisdiction or
28 responsibility.

29 (b) These rules and regulations must include a process for
30 expediting the issuance of permits and licenses. The Department

1 may engage the experts and additional resources that are
2 reasonably necessary for implementing this process. An
3 applicant must request the use of an expedited process, and any
4 additional costs for using that process shall be borne by the
5 applicant.

6 (Source: P.A. 91-239, eff. 1-1-00.)

7 Section 15. The Department of Transportation Law of the
8 Civil Administrative Code of Illinois is amended by adding
9 Section 2705-20 as follows:

10 (20 ILCS 2705/2705-20 new)

11 Sec. 2705-20. Administrative rules.

12 (a) The Department has the power to adopt and enforce rules
13 and regulations necessary to the performance of its statutory
14 duties.

15 (b) These rules and regulations must include a process for
16 expediting the issuance of permits and licenses. The Department
17 may engage the experts and additional resources that are
18 reasonably necessary for implementing this process. An
19 applicant must request the use of an expedited process, and any
20 additional costs for using that process shall be borne by the
21 applicant.

22 Section 20. The State Fire Marshal Act is amended by
23 changing Section 2 as follows:

24 (20 ILCS 2905/2) (from Ch. 127 1/2, par. 2)

25 Sec. 2. The Office shall have the following powers and
26 duties:

27 1. To exercise the rights, powers and duties which have
28 been vested by law in the Department of State Police as the
29 successor of the Department of Public Safety, State Fire
30 Marshal, inspectors, officers and employees of the State Fire
31 Marshal, including arson investigation.

32 2. To keep a record, as may be required by law, of all

1 fires occurring in the State, together with all facts,
2 statistics and circumstances, including the origin of fires.

3 3. To exercise the rights, powers and duties which have
4 been vested in the Department of State Police by the "Boiler
5 and Pressure Vessel Safety Act", approved August 7, 1951, as
6 amended.

7 4. To administer the Illinois Fire Protection Training Act.

8 5. To aid in the establishment and maintenance of the
9 training facilities and programs of the Illinois Fire Service
10 Institute.

11 6. To disburse Federal grants for fire protection purposes
12 to units of local government.

13 7. To pay to or in behalf of the City of Chicago for the
14 maintenance, expenses, facilities and structures directly
15 incident to the Chicago Fire Department training program. Such
16 payments may be made either as reimbursements for expenditures
17 previously made by the City, or as payments at the time the
18 City has incurred an obligation which is then due and payable
19 for such expenditures. Payments for the Chicago Fire Department
20 training program shall be made only for those expenditures
21 which are not claimable by the City under "An Act relating to
22 fire protection training", certified November 9, 1971, as
23 amended.

24 8. To administer General Revenue Fund grants to areas not
25 located in a fire protection district or in a municipality
26 which provides fire protection services, to defray the
27 organizational expenses of forming a fire protection district.

28 9. In cooperation with the Illinois Environmental
29 Protection Agency, to administer the Illinois Leaking
30 Underground Storage Tank program in accordance with Section 4
31 of this Act and Section 22.12 of the Environmental Protection
32 Act.

33 10. To expend state and federal funds as appropriated by
34 the General Assembly.

35 11. To provide technical assistance, to areas not located
36 in a fire protection district or in a municipality which

1 provides fire protection service, to form a fire protection
2 district, to join an existing district, or to establish a
3 municipal fire department, whichever is applicable.

4 12. To exercise such other powers and duties as may be
5 vested in the Office by law.

6 13. To adopt all administrative rules that may be necessary
7 for the effective administration, enforcement, and regulation
8 of all matters for which the Department has jurisdiction or
9 responsibility. These rules and regulations must include a
10 process for expediting the issuance of permits and licenses.
11 The Office may engage the experts and additional resources that
12 are reasonably necessary for implementing this process. An
13 applicant must request the use of an expedited process, and any
14 additional costs for using that process shall be borne by the
15 applicant.

16 (Source: P.A. 94-178, eff. 1-1-06.)

17 Section 25. The Historic Preservation Agency Act is amended
18 by changing Section 16 as follows:

19 (20 ILCS 3405/16) (from Ch. 127, par. 2716)

20 Sec. 16. The Historic Sites and Preservation Division of
21 the Agency shall have the following additional powers:

22 (a) To hire agents and employees necessary to carry out the
23 duties and purposes of the Historic Sites and Preservation
24 Division of the Agency.

25 (b) To take all measures necessary to erect, maintain,
26 preserve, restore, and conserve all State Historic Sites and
27 State Memorials, except when supervision and maintenance is
28 otherwise provided by law. This authorization includes the
29 power, with the consent of the Board, to enter into contracts,
30 acquire and dispose of real and personal property, and enter
31 into leases of real and personal property.

32 (c) To provide recreational facilities including camp
33 sites, lodges and cabins, trails, picnic areas and related
34 recreational facilities at all sites under the jurisdiction of

1 the Agency.

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

10 (e) To grant licenses and rights-of-way within the areas
11 controlled by the Historic Sites and Preservation Division of
12 the Agency for the construction, operation and maintenance
13 upon, under or across the property, of facilities for water,
14 sewage, telephone, telegraph, electric, gas, or other public
15 service, subject to the terms and conditions as may be
16 determined by the Agency.

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

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

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

34 (i) To accept, hold, maintain, and administer, as trustee,
35 property given in trust for educational or historic purposes
36 for the benefit of the People of the State of Illinois and to

1 dispose, with the consent of the Board, of any property under
2 the terms of the instrument creating the trust.

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

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

18 (l) To enforce the laws of the State and the rules and
19 regulations of the Agency in or on any lands owned, leased, or
20 managed by the Historic Sites and Preservation Division of the
21 Agency.

22 (m) To cooperate with private organizations and agencies of
23 the State of Illinois by providing areas and the use of staff
24 personnel where feasible for the sale of publications on the
25 historic and cultural heritage of the State and craft items
26 made by Illinois craftsmen. These sales shall not conflict with
27 existing concession agreements. The Historic Sites and
28 Preservation Division of the Agency is authorized to negotiate
29 with the organizations and agencies for a portion of the monies
30 received from sales to be returned to the Historic Sites and
31 Preservation Division of the Agency's Historic Sites Fund for
32 the furtherance of interpretive and restoration programs.

33 (n) To establish local bank or savings and loan association
34 accounts, upon the written authorization of the Director, to
35 temporarily hold income received at any of its properties. The
36 local accounts established under this Section shall be in the

1 name of the Historic Preservation Agency and shall be subject
2 to regular audits. The balance in a local bank or savings and
3 loan association account shall be forwarded to the Agency for
4 deposit with the State Treasurer on Monday of each week if the
5 amount to be deposited in a fund exceeds \$500.

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

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

13 (p) To make reasonable rules and regulations as may be
14 necessary to discharge the duties of the Agency. These rules
15 and regulations must include a process for expediting the
16 issuance of permits and licenses. The Agency may engage the
17 experts and additional resources that are reasonably necessary
18 for implementing this process. An applicant must request the
19 use of an expedited process, and any additional costs for using
20 that process shall be borne by the applicant.

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

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

35 Grantees may, as prescribed by rule, be required to provide
36 matching funds for each grant. Grants made under this

1 subsection shall be known as Illinois Heritage Grants.

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

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

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

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

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

27 (t) To provide for overnight tent and trailer campsites and
28 to provide suitable housing facilities for student and juvenile
29 overnight camping groups. The Historic Sites and Preservation
30 Division of the Agency shall charge rates similar to those
31 charged by the Department of Conservation for the same or
32 similar facilities and services.

33 (u) To engage in marketing activities designed to promote
34 the sites and programs administered by the Agency. In
35 undertaking these activities, the Agency may take all necessary
36 steps with respect to products and services, including but not

1 limited to retail sales, wholesale sales, direct marketing,
2 mail order sales, telephone sales, advertising and promotion,
3 purchase of product and materials inventory, design, printing
4 and manufacturing of new products, reproductions, and
5 adaptations, copyright and trademark licensing and royalty
6 agreements, and payment of applicable taxes. In addition, the
7 Agency shall have the authority to sell advertising in its
8 publications and printed materials. All income from marketing
9 activities shall be deposited into the Illinois Historic Sites
10 Fund.

11 (Source: P.A. 91-202, eff. 1-1-00; 92-600, eff. 7-1-02.)

12 Section 30. The Environmental Protection Act is amended by
13 adding Section 28.7 as follows:

14 (415 ILCS 5/28.7 new)

15 Sec. 28.7. Expedited process. The rules and regulations of
16 the Agency and Board must include a process for expediting the
17 issuance of permits and licenses. The Agency and Board may
18 engage the experts and additional resources that are reasonably
19 necessary for implementing this process. An applicant must
20 request the use of an expedited process, and any additional
21 costs for using that process shall be borne by the applicant.