

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 1. Short title. This Act may be cited as the Lease
5 of Closed State Properties Act.

6 Section 5. Definitions. As used in this Act:

7 "Agency" means the Illinois Historic Preservation Agency.

8 "Department" means the Department of Natural Resources.

9 "Local entity" means a unit of local government or public
10 college or university located in Illinois.

11 Section 10. Lease of closed State properties.

12 (a) Notwithstanding any other law, the Department and the
13 Agency shall each offer to qualified interested local entities
14 the opportunity to assume the operation and maintenance of any
15 closed State park or closed State historic site, under the
16 Department's or Agency's jurisdiction, through a lease with
17 terms established by the Department or Agency. However,
18 property that is owned, managed, or leased by the Department
19 and with which there is a federal nexus, as identified by the
20 Department's federal aid coordinator, shall not be eligible to
21 be leased under this Act. In addition, the Department and
22 Agency may reject any offer and may select an interested local

1 entity after a request for offers or request for proposals
2 process. The Department or Agency may determine that a
3 particular park or site, due to the value of the artifacts or
4 exhibits or due to security issues or other operational
5 concerns, shall not be considered for leasing. The lease shall
6 be awarded to the highest bidder that the Department or Agency
7 deems to be the most qualified to operate and maintain the park
8 or site.

9 (b) The lease shall be acceptable to both parties and must,
10 at a minimum, contain provisions:

11 (1) Requiring the local entity to agree to release the
12 State, the Agency, and the Department from any and all
13 liability for damages or injuries arising at the park or
14 site during the lease period.

15 (2) Authorizing the Department or Agency to terminate
16 the lease of a park or site after giving written notice to
17 the local entity at least 60 days before terminating the
18 lease.

19 (3) Establishing a lease term that is at least one year
20 but no more than 3 years in length, and providing an option
21 to extend the lease term, upon the written agreement of all
22 of the parties to the lease, for an additional 2 years.

23 (4) Requiring the local entity to comply with the
24 consultation requirements of the Endangered Species
25 Protection Act, the Illinois Natural Areas Preservation
26 Act, and the Wetlands Protection Act and with all

1 recommendations arising out of a consultation under one or
2 more of those Acts.

3 (5) Prohibiting the local entity from undertaking
4 activities related to road repair or development, tree or
5 brush clearing, trail development, landscaping, wetland
6 draining or filling, excavation, or similar work affecting
7 the landscape and character of the park or site, without
8 the express approval of the Agency or Department.

9 (6) Authorizing the Department or Agency to require the
10 special care of artifacts or storage of certain artifacts,
11 or the exclusion of all artifacts when determined
12 appropriate by the Department or Agency. Human skeletal
13 remains and artifacts shall be turned over to the Illinois
14 State Museum.

15 (7) Authorizing the Agency or the Department to assign
16 any concession leases, service contracts, or activity use
17 agreements to the local entity at the time that the lease
18 is executed.

19 (8) Requiring each new or additional concession lease
20 to be approved in writing by the Agency or Department
21 before the execution of such a lease by the local entity.

22 (9) Requiring the local entity to maintain the property
23 in a manner consistent with its status as a State park or
24 site and as otherwise required by State law.

25 (10) Requiring the local entity to take responsibility
26 for all costs, if any, associated with restoring the park

1 or site to its pre-lease character and condition.

2 (c) All revenues generated by a local entity's operation of
3 a park or site during a lease under this Act shall be retained
4 by that local entity and must be used for the operation,
5 maintenance, or operation and maintenance of that park or site.

6 (d) Upon expiration or termination of a lease under this
7 Act, the local entity shall be reimbursed by the Department or
8 Agency, as the case may be, for the undepreciated portion of
9 any improvements to the park or site made or paid for by the
10 local entity during the period of the lease. All improvements
11 shall be subject to the advance written approval of the
12 Department or Agency. The local entity shall be reimbursed only
13 after establishing, to the satisfaction of the Department or
14 Agency, that (i) the local entity has complied with the lease
15 provision required by subdivision (b) (5) of this Section and
16 (ii) the improvements to the park or site that were made or
17 paid for by the local entity extend beyond the applicable lease
18 period.

19 (e) This Act is subject to and superseded by any federal
20 law, regulation, condition, or stipulation prohibiting the
21 lease of a park or site.

22 Section 15. Collective bargaining work. A lessee under this
23 Act shall contract with the State for all work that, if
24 performed by employees of the State, would be performed by
25 employees, as defined in the Illinois Public Labor Relations

1 Act. The State shall be the employer of all non-managerial,
2 non-supervisory, and non-confidential employees, as defined in
3 the Illinois Public Labor Relations Act. Employees performing
4 such work shall be State employees as defined by the Personnel
5 Code. Neither historical representation rights under the
6 Illinois Public Labor Relations Act nor existing collective
7 bargaining agreements shall be disturbed by the lease of a
8 State park or State historic site.

9 Section 25. Repeal. This Act is repealed December 31, 2014.

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