

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  
17 established at the discretion of the Department or Agency. In  
18 addition, the Department and Agency may reject any offer and  
19 may select an interested local entity after a request for  
20 offers or request for proposals process. Notwithstanding any  
21 other provision of this Act, the Department or Agency may  
22 determine that a particular park or site, due to the value of

1 the artifacts or exhibits or due to security issues or any  
2 other operational concerns, shall not be considered for  
3 leasing. The lease shall be awarded to the highest bidder that  
4 the Department or Agency deems to be the most qualified to  
5 operate and maintain the park or site.

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

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

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

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

20 (4) Requiring the local entity to comply with the  
21 consultation requirements of the Endangered Species  
22 Protection Act, the Illinois Natural Areas Preservation  
23 Act, and the Wetlands Protection Act and with all  
24 recommendations arising out of a consultation under one or  
25 more of those Acts.

26 (5) Prohibiting the local entity from undertaking

1 activities related to road repair or development, tree or  
2 brush clearing, trail development, landscaping, wetland  
3 draining or filling, excavation, or similar work affecting  
4 the landscape and character of the park or site, without  
5 the express approval of the Agency or Department.

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

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

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

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

22 (10) Requiring the local entity to take responsibility  
23 for all costs, if any, associated with restoring the park  
24 or site to its pre-lease character and condition.

25 (c) All revenues generated by a local entity's operation of  
26 a park or site during a lease under this Act shall be retained

1 by that local entity and must be used for the operation,  
2 maintenance, or operation and maintenance of that park or site.

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

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

19 Section 15. Collective bargaining work. A lessee under this  
20 Act shall contract with the State for all work that, if  
21 performed by employees of the State, would be performed by  
22 employees, as defined in the Illinois Public Labor Relations  
23 Act. The State shall be the employer of all non-managerial,  
24 non-supervisory, and non-confidential employees, as defined in  
25 the Illinois Public Labor Relations Act. Employees performing

1 such work shall be State employees as defined by the Personnel  
2 Code. Neither historical representation rights under the  
3 Illinois Public Labor Relations Act nor existing collective  
4 bargaining agreements shall be disturbed by the lease of a  
5 State park or State historic site.

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

7 Section 99. Effective date. This Act takes effect upon  
8 becoming law.