



Rep. Donald L. Moffitt

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LRB096 02981 JDS 24712 a

1 AMENDMENT TO HOUSE BILL 37

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 37, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

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

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

8 "Agency" means the Illinois Historic Preservation Agency.

9 "Department" means the Department of Natural Resources.

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

12 Section 10. Lease of closed State properties.

13 (a) Notwithstanding any other law, the Department and the  
14 Agency shall each offer to qualified interested local entities  
15 the opportunity to assume the operation and maintenance of any

1 closed State park or closed State historic site, under the  
2 Department's or Agency's jurisdiction, through a lease with  
3 terms established by the Department or Agency. However,  
4 property that is owned, managed, or leased by the Department  
5 and with which there is a federal nexus, as identified by the  
6 Department's federal aid coordinator, shall not be eligible to  
7 be leased under this Act. In addition, the Department and  
8 Agency may reject any offer and may select an interested local  
9 entity after a request for offers or request for proposals  
10 process. The Department or Agency may determine that a  
11 particular park or site, due to the value of the artifacts or  
12 exhibits or due to security issues or other operational  
13 concerns, shall not be considered for leasing. The lease shall  
14 be awarded to the highest bidder that the Department or Agency  
15 deems to be the most qualified to operate and maintain the park  
16 or site.

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

19 (1) Requiring the local entity to agree to release the  
20 State, the Agency, and the Department from any and all  
21 liability for damages or injuries arising at the park or  
22 site during the lease period.

23 (2) Authorizing the Department or Agency to terminate  
24 the lease of a park or site after giving written notice to  
25 the local entity at least 60 days before terminating the  
26 lease.

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

5           (4) Requiring the local entity to comply with the  
6 consultation requirements of the Endangered Species  
7 Protection Act, the Illinois Natural Areas Preservation  
8 Act, and the Wetlands Protection Act and with all  
9 recommendations arising out of a consultation under one or  
10 more of those Acts.

11           (5) Prohibiting the local entity from undertaking  
12 activities related to road repair or development, tree or  
13 brush clearing, trail development, landscaping, wetland  
14 draining or filling, excavation, or similar work affecting  
15 the landscape and character of the Park or site, without  
16 the express approval of the Agency or Department.

17           (6) Authorizing the Department or Agency to require the  
18 special care of artifacts or storage of certain artifacts,  
19 or the exclusion of all artifacts when determined  
20 appropriate by the Department or Agency. Human skeletal  
21 remains and artifacts shall be turned over to the Illinois  
22 State Museum.

23           (7) Authorizing the Agency or the Department to assign  
24 any concession leases, service contracts, or activity use  
25 agreements to the local entity at the time that the lease  
26 is executed.

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

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

7           (10) Requiring the local entity to take responsibility  
8           for all costs, if any, associated with restoring the Park  
9           or site to its pre-lease character and condition.

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

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

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

4           Section 15. Collective bargaining work. A lessee under this  
5 Act shall contract with the State for all work that, if  
6 performed by employees of the State, would be performed by  
7 employees, as defined in the Illinois Public Labor Relations  
8 Act. The State shall be the employer of all non-managerial,  
9 non-supervisory, and non-confidential employees, as defined in  
10 the Illinois Public Labor Relations Act. Employees performing  
11 such work shall be State employees as defined by the Personnel  
12 Code. Neither historical representation rights under the  
13 Illinois Public Labor Relations Act nor existing collective  
14 bargaining agreements shall be disturbed by the lease of a  
15 State park or State historic site.

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

17           Section 99. Effective date. This Act takes effect upon  
18 becoming law."