

Leasing Closed State Property

This Act requires the department of natural resources and the state historic preservation agency offer to lease to any interested unit of local government, non-profit organization, or public or private college or university, the operation and maintenance of any closed state park or historic site. It provides that the leasing entity shall retain all revenues generated by such operation during the term of the lease. The bill requires the state to reimburse a leasing entity for part of improvements to a property made or paid for by the entity at the end of a lease.

Submitted as:

Illinois

[Public Act 096-0557](#)

Status: Enacted into law in 2009.

Suggested State Legislation

(Title, enacting clause, etc.)

1 Section 1. [*Short Title.*] This Act shall be be cited as “The Lease of Closed State
2 Properties Act.”

3
4 Section 2. [*Definitions.*] As used in this Act:

5 (1) “Agency” means the [state historic preservation agency].

6 (2) “Department” means the [department of natural resources].

7 (3) “Local entity” means a unit of local government or public college or university
8 located in [this state].

9
10 Section 3. [*Lease of Closed State Properties.*]

11 (a) Notwithstanding any other law, the [department] and the [agency] shall each offer to
12 qualified interested local entities the opportunity to assume the operation and maintenance of any
13 closed state park or closed state historic site, under the [department’s] or [agency’s] jurisdiction,
14 through a lease established at the discretion of the [department] or [agency]. In addition, the
15 [department] and [agency] may reject any offer and may select an interested local entity after a
16 request for offers or request for proposals process. Notwithstanding any other provision of this
17 Act, the [department] or [agency] may determine that a particular park or site, due to the value of
18 the artifacts or exhibits or due to security issues or any other operational concerns, shall not be
19 considered for leasing. The lease shall be awarded to the highest bidder that the [department] or
20 [agency] deems to be the most qualified to operate and maintain the park or site.

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

23 (1) Requiring the local entity to agree to release the state, the [agency], and the
24 [department] from any and all liability for damages or injuries arising at the park or site during
25 the lease period.

26 (2) Authorizing the [department] or [agency] to terminate the lease of a park or
27 site after giving written notice to the local entity at least [60] days before terminating the lease.

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

31 (4) Requiring the local entity to comply with the consultation requirements of the
32 [Endangered Species Protection Act], the [state Natural Areas Preservation Act], and the
33 [Wetlands Protection Act] and with all recommendations arising out of a consultation under one
34 or more of those Acts.

35 (5) Prohibiting the local entity from undertaking activities related to road repair or
36 development, tree or brush clearing, trail development, landscaping, wetland draining or filling,
37 excavation, or similar work affecting the landscape and character of the park or site, without the
38 express approval of the [agency] or [department].

39 (6) Authorizing the [department] or [agency] to require the special care of
40 artifacts or storage of certain artifacts, or the exclusion of all artifacts when determined
41 appropriate by the [department] or [agency]. Human skeletal remains and artifacts shall be turned
42 over to the [state museum].

43 (7) Authorizing the [agency] or the [department] to assign any concession leases,
44 service contracts, or activity use agreements to the local entity at the time that the lease is
45 executed.

46 (8) Requiring each new or additional concession lease to be approved in writing
47 by the [agency] or [department] before the execution of such a lease by the local entity.

48 (9) Requiring the local entity to maintain the property in a manner consistent with
49 its status as a state park or site and as otherwise required by state law.

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

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

55 (d) Upon expiration or termination of a lease under this Act, the local entity shall be
56 reimbursed by the [department] or [agency], as the case may be, for the undepreciated portion of
57 any improvements to the park or site made or paid for by the local entity during the period of the
58 lease. All improvements shall be subject to the advance written approval of the [department] or
59 [agency]. The local entity shall be reimbursed only after establishing, to the satisfaction of the
60 [department] or [agency], that the local entity has complied with the lease provision required by
61 subdivision (b)(5) of this Section and the improvements to the park or site that were made or
62 paid for by the local entity extend beyond the applicable lease period.

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

65
66 Section 4. [*Collective Bargaining Work.*] A lessee under this Act shall contract with the
67 state for all work that, if performed by employees of the state, would be performed by
68 employees, as defined in [insert citation]. The [state] shall be the employer of all non-
69 managerial, non-supervisory, and non-confidential employees, as defined in [insert citation].
70 Employees performing such work shall be state employees as defined by [insert citation]. Neither
71 historical representation rights under [insert citation] nor existing collective bargaining
72 agreements shall be disturbed by the lease of a state park or state historic site.

73
74 Section 5. [*Severability.*] [Insert severability clause.]

75
76 Section 6. [*Repealer.*] [Insert repealer clause.]

77
78 Section 7. [*Effective Date.*] [Insert effective date.]