



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB6278

Introduced 2/11/2016, by Rep. Tim Butler

SYNOPSIS AS INTRODUCED:

See Index

Amends the Historic Preservation Agency Act. Expands the list of State Historic Sites to include (i) Apple River Fort State Historic Site, Jo Daviess County; (ii) the Crenshaw House State Historic Site, Gallatin County; (iii) the Lewis and Clark State Historic Site, Madison County; (iv) the Martin Boismenu House State Historic Site, St. Clair County; and (v) the World War II Memorial, Sangamon County. Changes the name of the Amistad Commission to the Amistad and Freedom Trail Commission. Requires the Commission to prepare a master plan to promote and preserve the history of the African slave trade, slavery in America, the vestiges of slavery in this country, the freedom trail and underground railroad in the State, and the contributions of African-Americans to our society. Requires the Commission (i) to assist in developing partnerships to seek public and private funds to carry out events memorializing the freedom trail and underground railroad and (ii) to assist in and promote the making of applications for inclusion in the National Park Service's National Underground Railroad Network to Freedom Program. Makes changes to provisions concerning Commission members; the administration of the Lincoln Presidential Library; and the Office of the Internal Auditor of the Historic Preservation Agency. Repeals a provision creating the Freedom Trail Commission. Amends the Illinois Historic Preservation Act. Reduces the number of members on the Illinois Historic Sites Advisory Council from 15 to 11 and makes other changes. Amends the School Code. Changes a reference to "Amistad Commission" to "Amistad and Freedom Trail Commission. Repeals the Local Legacy Act. Amends the Fiscal Control and Internal Auditing Act. Expands the definition of "designated State agencies" to include the Historic Preservation Agency.

LRB099 20583 MJP 45137 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Historic Preservation Agency Act is amended
5 by changing Sections 6, 22, 33, and 34 as follows:

6 (20 ILCS 3405/6) (from Ch. 127, par. 2706)

7 Sec. 6. Jurisdiction. The Historic Sites and Preservation
8 Division of the Agency shall have jurisdiction over the
9 following described areas which are hereby designated as State
10 Historic Sites, State Memorials, and Miscellaneous Properties:

11 State Historic Sites

12 Apple River Fort State Historic Site, Jo Daviess County;

13 Bishop Hill State Historic Site, Henry County;

14 Black Hawk State Historic Site, Rock Island County;

15 Bryant Cottage State Historic Site, Piatt County;

16 Buel House, Pope County;

17 Cahokia Courthouse State Historic Site, St. Clair County;

18 Cahokia Mounds State Historic Site, in Madison and St.

19 Clair Counties (however, the Illinois State Museum

20 shall act as curator of artifacts pursuant to the

21 provisions of the Archaeological and Paleontological

22 Resources Protection Act);

1 Crenshaw House State Historic Site, Gallatin County;
2 Dana-Thomas House State Historic Site, Sangamon County;
3 David Davis Mansion State Historic Site, McLean County;
4 Douglas Tomb State Historic Site, Cook County;
5 Fort de Chartres State Historic Site, Randolph County;
6 Fort Kaskaskia State Historic Site, Randolph County;
7 Grand Village of the Illinois, LaSalle County;
8 U. S. Grant Home State Historic Site, Jo Daviess County;
9 Hotel Florence, Cook County;
10 Jarrot Mansion State Historic Site, St. Clair County;
11 Jubilee College State Historic Site, Peoria County;
12 Lewis and Clark State Historic Site, Madison County;
13 Lincoln-Herndon Law Offices State Historic Site, Sangamon
14 County;
15 Lincoln Log Cabin State Historic Site, Coles County;
16 Lincoln's New Salem State Historic Site, Menard County;
17 Lincoln Tomb State Historic Site, Sangamon County;
18 Pierre Menard Home State Historic Site, Randolph County;
19 Martin Boismenu House State Historic Site, St. Clair
20 County;
21 Metamora Courthouse State Historic Site, Woodford County;
22 Moore Home State Historic Site, Coles County;
23 Mount Pulaski Courthouse State Historic Site, Logan
24 County;
25 Old Market House State Historic Site, Jo Daviess County;
26 Old State Capitol State Historic Site, Sangamon County;

1 Postville Courthouse State Historic Site, Logan County;
2 Pullman Factory, Cook County;
3 Rose Hotel, Hardin County;
4 Carl Sandburg State Historic Site, Knox County;
5 Shawneetown Bank State Historic Site, Gallatin County;
6 Vachel Lindsay Home, Sangamon County;
7 Vandalia State House State Historic Site, Fayette County;
8 and
9 Washburne House State Historic Site, Jo Daviess County.

10 State Memorials

11 Campbell's Island State Memorial, Rock Island County;
12 Governor Bond State Memorial, Randolph County;
13 Governor Coles State Memorial, Madison County;
14 Governor Horner State Memorial, Cook County;
15 Governor Small State Memorial, Kankakee County;
16 Illinois Vietnam Veterans State Memorial, Sangamon County;
17 Kaskaskia Bell State Memorial, Randolph County;
18 Korean War Memorial, Sangamon County;
19 Lewis and Clark State Memorial, Madison County;
20 Lincoln Monument State Memorial, Lee County;
21 Lincoln Trail State Memorial, Lawrence County;
22 Lovejoy State Memorial, Madison County;
23 Norwegian Settlers State Memorial, LaSalle County; ~~and~~
24 Wild Bill Hickok State Memorial, LaSalle County; and ~~and~~
25 World War II Memorial, Sangamon County.

1 Miscellaneous Properties
2 Albany Mounds, Whiteside County;
3 Emerald Mound, St. Clair County;
4 Halfway Tavern, Marion County;
5 Hofmann Tower, Cook County; and
6 Kincaid Mounds, Massac and Pope Counties.
7 (Source: P.A. 92-600, eff. 7-1-02.)

8 (20 ILCS 3405/22)

9 Sec. 22. Amistad and Freedom Trail Commission.

10 (a) Purpose. The General Assembly finds and declares that
11 all people should know of and remember the human carnage and
12 dehumanizing atrocities committed during the period of the
13 African slave trade and slavery in America and of the vestiges
14 of slavery in this country; and it is in fact vital to educate
15 our citizens on these events, the legacy of slavery, the sad
16 history of racism in this country, and the principles of human
17 rights and dignity in a civilized society.

18 It is the policy of the State of Illinois that the history
19 of the African slave trade, slavery in America, the underground
20 railroad, the depth of their impact in our society, and the
21 triumphs of African-Americans and their significant
22 contributions to the development of this country is the proper
23 concern of all people, particularly students enrolled in the
24 schools of the State of Illinois.

1 It is therefore desirable to create a Commission that, as
2 an organized body and on a continuous basis, will survey,
3 design, encourage, and promote the implementation of education
4 and awareness programs in Illinois that are concerned with the
5 African slave trade, slavery in America, the vestiges of
6 slavery in this country, the underground railroad, and the
7 contributions of African-Americans in building our country; to
8 develop workshops, institutes, seminars, and other teacher
9 training activities designed to educate teachers on this
10 subject matter; and that will be responsible for the
11 coordination of events on a regular basis, throughout the
12 State, that provide appropriate memorialization of the events
13 concerning the enslavement of Africans and their descendants in
14 America and their struggle for freedom, liberty, and equality.

15 (b) Amistad and Freedom Trail Commission. The Amistad and
16 Freedom Trail Commission is created within the Agency. The
17 Commission is named to honor the group of enslaved Africans
18 transported in 1839 on a vessel named the Amistad who overthrew
19 their captors and created an international incident that was
20 eventually argued before the Supreme Court and that shed a
21 growing light on the evils of the slave trade and galvanized a
22 growing abolitionist movement towards demanding the end of
23 slavery in the United States.

24 (c) Membership. The Commission shall consist of 15 members,
25 including 3 ex officio members: the State Superintendent of
26 Education or his or her designee, the Director of Commerce and

1 Economic Opportunity or his or her designee, and the Director
2 of Historic Sites and Preservation or his or her designee; and
3 12 public members. Public members shall be appointed as
4 follows:

5 (i) 2 members appointed by the President of the Senate
6 and one member appointed by the Minority Leader of the
7 Senate;

8 (ii) 2 members appointed by the Speaker of the House of
9 Representatives and one member appointed by the Minority
10 Leader of the House of Representatives; and

11 (iii) 6 members, ~~no more than 4 of whom shall be of the~~
12 ~~same political party,~~ appointed by the Governor.

13 The public members shall be residents of this State, chosen
14 with due regard to broad geographic representation and ethnic
15 diversity, who have served actively in organizations that
16 educate the public on the history of the African slave trade,
17 the contributions of African-Americans to our society, and
18 civil rights issues.

19 Each public member of the Commission shall serve for a term
20 of 3 years, except that of the initial members so appointed:
21 one member appointed by the President of the Senate, one member
22 appointed by the Speaker of the House of Representatives, and 2
23 members appointed by the Governor shall serve for terms of one
24 year; the member appointed by the Minority Leader of the
25 Senate, one member appointed by the Speaker of the House of
26 Representatives, and 2 members appointed by the Governor shall

1 serve for terms of 2 years; and one member appointed by the
2 President of the Senate, the member appointed by the Minority
3 Leader of the House of Representatives, and 2 members appointed
4 by the Governor shall serve for terms of 3 years. Public
5 members shall be eligible for reappointment. They shall serve
6 until their successors are appointed and qualified, and the
7 term of the successor of any incumbent shall be calculated from
8 the expiration of the term of that incumbent. A vacancy
9 occurring other than by expiration of term shall be filled in
10 the same manner as the original appointment, but for the
11 unexpired term only.

12 (d) Election of chairperson; meetings. At its first meeting
13 and annually thereafter, the Commission shall elect from among
14 its members a chairperson and other officers it considers
15 necessary or appropriate. After its first meeting, the
16 Commission shall meet at least quarterly, or more frequently at
17 the call of the chairperson or if requested by 9 or more
18 members.

19 (e) Quorum. A majority of the members of the Commission
20 constitute a quorum for the transaction of business at a
21 meeting of the Commission. A majority of the members present
22 and serving is required for official action of the Commission.

23 (f) Public meeting. All business that the Commission is
24 authorized to perform shall be conducted at a public meeting of
25 the Commission, held in compliance with the Open Meetings Act.

26 (g) Freedom of Information. A writing prepared, owned,

1 used, in the possession of, or retained by the Commission in
2 the performance of an official function is subject to the
3 Freedom of Information Act.

4 (h) Compensation. The members of the Commission shall serve
5 without compensation, but shall be entitled to reimbursement
6 for all necessary expenses incurred in the performance of their
7 official duties as members of the Commission from funds
8 appropriated for that purpose. Reimbursement for travel,
9 meals, and lodging shall be in accordance with the rules of the
10 Governor's Travel Control Board.

11 (i) Duties. The Commission shall have the following
12 responsibilities and duties:

13 (1) To prepare a master plan to promote and preserve
14 the history of the African slave trade, slavery in America,
15 the vestiges of slavery in this country, the freedom trail
16 and underground railroad in the State, and the
17 contributions of African-Americans to our society.

18 (2) ~~(1)~~ To provide, based upon the collective interest
19 of the members and the knowledge and experience of the
20 members, assistance and advice to schools within the State
21 with respect to the implementation of education, awareness
22 programs, textbooks, and educational materials concerned
23 with the African slave trade, slavery in America, the
24 vestiges of slavery in this country, the underground
25 railroad, and the contributions of African-Americans to
26 our society.

1 (3) ~~(2)~~ To survey and catalog the extent and breadth of
2 education concerning the African slave trade, slavery in
3 America, the vestiges of slavery in this country, the
4 underground railroad, and the contributions of
5 African-Americans to our society presently being
6 incorporated into the curricula and textbooks and taught in
7 the school systems of the State; to inventory those African
8 slave trade, American slavery, or relevant
9 African-American history memorials, exhibits, and
10 resources that should be incorporated into courses of study
11 at educational institutions, schools, and various other
12 locations throughout the State; and to assist the State
13 Board of Education and other State and educational agencies
14 in the development and implementation of African slave
15 trade, American slavery, and African-American history
16 education programs.

17 (4) ~~(3)~~ To act as a liaison with textbook publishers,
18 schools, public, private, and nonprofit resource
19 organizations, and members of the United States Senate and
20 House of Representatives and the Illinois Senate and House
21 of Representatives in order to facilitate the inclusion of
22 the history of African slavery and of African-Americans in
23 this country in the curricula of public and nonpublic
24 schools.

25 (5) ~~(4)~~ To compile a roster of individual volunteers
26 who are willing to share their knowledge and experience in

1 classrooms, seminars, and workshops with students and
2 teachers on the subject of the African slave trade,
3 American slavery, the impact of slavery on our society
4 today, and the contributions of African-Americans to our
5 country.

6 (6) ~~(5)~~ To coordinate events memorializing the African
7 slave trade, American slavery, the freedom trail and
8 underground railroad, and the history of African-Americans
9 in this country that reflect the contributions of
10 African-Americans in overcoming the burdens of slavery and
11 its vestiges; ~~and~~ to seek volunteers who are willing and
12 able to participate in commemorative events that will
13 enhance student awareness of the significance of the
14 African slave trade, American slavery, its historical
15 impact, and the struggle for freedom; and to assist in
16 developing partnerships to seek public and private funds to
17 carry out these events.

18 (7) ~~(6)~~ To prepare reports for the Governor and the
19 General Assembly regarding its findings and
20 recommendations on facilitating the inclusion of the
21 African slave trade, American slavery studies,
22 African-American history, the underground railroad, and
23 special programs in the educational system of the State.

24 (8) To assist in and promote the making of applications
25 for inclusion in the National Park Service's National
26 Underground Railroad Network to Freedom Program.

1 (9) ~~(7)~~ To develop, in consultation with the State
2 Board of Education, curriculum guidelines that will be made
3 available to every school board for the teaching of
4 information on the African slave trade, slavery in America,
5 the vestiges of slavery in this country, the underground
6 railroad, and the contributions of African-Americans to
7 our country.

8 (10) ~~(8)~~ To solicit, receive, and accept
9 appropriations, gifts, and donations for Commission
10 operations and programs authorized under this Section.

11 (j) Commission requests for assistance. The Commission is
12 authorized to call upon any department, office, division, or
13 agency of the State, or of any county, municipality, or school
14 district of the State, to supply such data, program reports,
15 and other information, appropriate school personnel, and
16 assistance as it deems necessary to discharge its
17 responsibilities under this Act. These departments, offices,
18 divisions, and agencies shall, to the extent possible and not
19 inconsistent with any other law of this State, cooperate with
20 the Commission and shall furnish it with such information,
21 appropriate school personnel, and assistance as may be
22 necessary or helpful to accomplish the purposes of this Act.

23 (k) State Board of Education assistance. The State Board of
24 Education shall:

25 (1) Assist the Amistad and Freedom Trail Commission in
26 marketing and distributing to educators, administrators,

1 and school districts in the State educational information
2 and other materials on the African slave trade, slavery in
3 America, the vestiges of slavery in this country, the
4 underground railroad, and the contributions of
5 African-Americans to our society.

6 (2) Conduct at least one teacher workshop annually on
7 the African slave trade, slavery in America, the vestiges
8 of slavery in this country, the underground railroad, and
9 the contributions of African-Americans to our society.

10 (3) Assist the Amistad and Freedom Trail Commission in
11 monitoring the inclusion of slavery materials and
12 curricula in the State's educational system.

13 (4) Consult with the Amistad and Freedom Trail
14 Commission to determine ways it may survey, catalog, and
15 extend slave trade and American slavery education
16 presently being taught in the State's educational system.

17 The State Board of Education may, subject to the
18 availability of appropriations, hire additional staff and
19 consultants to carry out the duties and responsibilities
20 provided within this subsection (k).

21 (l) Report. The Commission shall report its activities and
22 findings, as required under subsection (i), to the Governor and
23 General Assembly on or before June 30, 2006, and biannually
24 thereafter.

25 (Source: P.A. 94-285, eff. 7-21-05.)

1 (20 ILCS 3405/33)

2 Sec. 33. Administration of the Lincoln Presidential
3 Library. The Governor, with the advice and consent of the
4 Senate, shall appoint a Library Director of the Lincoln
5 Presidential Library. The Library Director shall serve at the
6 pleasure of the Governor. The Library Director shall, subject
7 to applicable provisions of law, execute and discharge the
8 powers and duties of the Lincoln Presidential Library and
9 implement the policies set by the Board. The Library Director,
10 with the concurrence of the Board, shall appoint: ~~(a) a Library~~
11 ~~Facilities Operations Director; and (b) a Director of the~~
12 Illinois State Historical Library and may appoint a Library
13 Facilities Operations Director. Subject to concurrence by the
14 Board, the Library Director shall appoint those other employees
15 of the Lincoln Presidential Library and the Illinois State
16 Historical Library as he or she deems appropriate and shall fix
17 the compensation of the Library Facilities Operations
18 Director, the Director of the Illinois State Historical
19 Library, and other employees. The Library Director, with the
20 approval of the Board, may establish and collect admission and
21 registration fees, may operate a gift shop and restaurant, and
22 may publish and sell educational and informational materials.

23 (Source: P.A. 92-600, eff. 7-1-02.)

24 (20 ILCS 3405/34)

25 Sec. 34. Internal Auditor. There is created the Office of

1 the Internal Auditor of the Historic Preservation Agency. The
2 Office shall function in compliance with the Fiscal Control and
3 Internal Auditing Act. The Internal Auditor shall report to the
4 Director and the Board. ~~The Internal Auditor shall be appointed~~
5 ~~by the Board, shall serve at the pleasure of the Board, and~~
6 ~~shall report to the Board.~~ The Internal Auditor shall audit ~~and~~
7 ~~maintain~~ the financial books, records, papers, and
8 transactions of the Lincoln Presidential Library and the
9 Historic Sites and Preservation Division of the Historic
10 Preservation Agency. ~~The Internal Auditor shall prepare an~~
11 ~~annual report for each fiscal year of the operations of the~~
12 ~~Historic Preservation Agency, which shall be submitted to the~~
13 ~~Board, the General Assembly, and the Governor.~~ Nothing in this
14 Section shall abridge the authority of the Illinois Auditor
15 General to independently audit the Illinois Historic
16 Preservation Agency or any of the libraries, divisions, or
17 offices contained within the Agency. Article 2 of the Fiscal
18 Control and Internal Auditing Act shall apply to the Historic
19 Preservation Agency as a designated State agency.

20 (Source: P.A. 92-600, eff. 7-1-02.)

21 (20 ILCS 3405/20 rep.)

22 Section 10. The Historic Preservation Agency Act is amended
23 by repealing Section 20.

24 Section 15. The Illinois Historic Preservation Act is

1 amended by changing Section 3 as follows:

2 (20 ILCS 3410/3) (from Ch. 127, par. 133d3)

3 Sec. 3. There is recognized and established hereunder the
4 Illinois Historic Sites Advisory Council, previously
5 established pursuant to Federal regulations, hereafter called
6 the Council. The Council shall consist of 11 Illinois residents
7 ~~15 members~~. Of these, there shall be at least 2 ~~3~~ historians,
8 at least 2 ~~3~~ architectural historians, or architects with a
9 preservation background, and at least 2 ~~3~~ archeologists. These
10 6 members shall meet the minimum standards of professional
11 qualifications as set forth in 36 CFR 61.4(e) and verified by
12 the State Historic Preservation Officer. Professionals from
13 closely related fields are eligible to serve on the Council in
14 lieu of the above specified professionals subject to the
15 approval of the National Park Service. The remaining 5 ~~6~~
16 members shall be drawn from supporting fields and have a
17 preservation interest. Supporting fields shall include but not
18 be limited to historical geography, law, urban planning, local
19 government officials, and members of other preservation
20 commissions. All shall be appointed by the Director of Historic
21 Sites and Preservation, with the consent of the Board.

22 The Council Chairperson shall be appointed by the Director
23 of Historic Sites and Preservation from the Council membership
24 and shall serve at the Director's pleasure.

25 The Director of the Lincoln Presidential Library and the

1 Director of the Illinois State Museum shall serve on the
2 Council in advisory capacity as non-voting members.

3 The term of office for Council members shall be 2 years,
4 with 5 members to be appointed one year and 6 members to be
5 appointed in alternate years. No member shall be appointed to
6 more than 3 consecutive terms. ~~Terms of membership shall be 3~~
7 ~~years and shall be staggered by the Director to assure~~
8 ~~continuity of representation.~~

9 The Council shall meet at least 3 times each year.
10 Additional meetings may be held at the call of the chairperson
11 or at the call of the Director.

12 Members shall serve without compensation, but shall be
13 reimbursed for actual expenses incurred in the performance of
14 their duties.

15 (Source: P.A. 97-785, eff. 7-13-12.)

16 (20 ILCS 3988/Act rep.)

17 Section 20. The Local Legacy Act is repealed.

18 Section 25. The Fiscal Control and Internal Auditing Act is
19 amended by changing Section 1003 as follows:

20 (30 ILCS 10/1003) (from Ch. 15, par. 1003)

21 Sec. 1003. Definitions.

22 (a) "Designated State agencies" include the offices of the
23 Secretary of State, the State Comptroller, the State Treasurer,

1 and the Attorney General, the State Board of Education, the
2 State colleges and universities, the Illinois Toll Highway
3 Authority, the Illinois Housing Development Authority, the
4 public retirement systems, the Illinois Student Assistance
5 Commission, the Illinois Finance Authority, the Environmental
6 Protection Agency, the Capital Development Board, the
7 Department of Military Affairs, the State Fire Marshal, the
8 Historic Preservation Agency, and each Department of State
9 government created in Article 5, Section 5-15 of the Civil
10 Administrative Code of Illinois.

11 (b) "State agency" means that term as defined in the
12 Illinois State Auditing Act, as now or hereafter amended,
13 except the judicial branch which shall be covered by subsection
14 (c) of Section 2001 and Section 3004 of this Act.

15 (c) "Chief executive officer" includes, respectively, the
16 Secretary of State, the State Comptroller, the State Treasurer,
17 the Attorney General, the State Superintendent of Education,
18 such chief executive officers as are designated by the
19 governing board of each State college and university, the
20 executive director of the Illinois Toll Highway Authority, and
21 the executive director of the Illinois Housing Development
22 Authority, as well as the chief executive officer of each
23 designated other State agency.

24 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793
25 for the effective date of changes made by P.A. 96-795).)

1 Section 30. The School Code is amended by changing Section
2 27-20.4 as follows:

3 (105 ILCS 5/27-20.4) (from Ch. 122, par. 27-20.4)

4 Sec. 27-20.4. Black History Study. Every public elementary
5 school and high school shall include in its curriculum a unit
6 of instruction studying the events of Black History, including
7 the history of the African slave trade, slavery in America, and
8 the vestiges of slavery in this country. These events shall
9 include not only the contributions made by individual
10 African-Americans in government and in the arts, humanities and
11 sciences to the economic, cultural and political development of
12 the United States and Africa, but also the socio-economic
13 struggle which African-Americans experienced collectively in
14 striving to achieve fair and equal treatment under the laws of
15 this nation. The studying of this material shall constitute an
16 affirmation by students of their commitment to respect the
17 dignity of all races and peoples and to forever eschew every
18 form of discrimination in their lives and careers.

19 The State Superintendent of Education may prepare and make
20 available to all school boards instructional materials,
21 including those established by the Amistad and Freedom Trail
22 Commission, which may be used as guidelines for development of
23 a unit of instruction under this Section; provided, however,
24 that each school board shall itself determine the minimum
25 amount of instruction time which shall qualify as a unit of

1 instruction satisfying the requirements of this Section.

2 (Source: P.A. 94-285, eff. 7-21-05.)

1 INDEX

2 Statutes amended in order of appearance

3 20 ILCS 3405/6 from Ch. 127, par. 2706

4 20 ILCS 3405/22

5 20 ILCS 3405/33

6 20 ILCS 3405/34

7 20 ILCS 3405/20 rep.

8 20 ILCS 3410/3 from Ch. 127, par. 133d3

9 20 ILCS 3988/Act rep.

10 30 ILCS 10/1003 from Ch. 15, par. 1003

11 105 ILCS 5/27-20.4 from Ch. 122, par. 27-20.4