STATE OF ILLINOIS

EXECUTIVE DEPARTMENT

SPRINGFIELD, ILLINOIS

FILED
INDEX DEPARTMENT
MAR 3 1 2017
IN THE OFFICE OF
SECRETARY OF STATE

EXECUTIVE ORDER **2017-01**

EXECUTIVE ORDER CONSOLIDATING THE STATE'S HISTORIC PRESERVATION FUNCTIONS AND ESTABLISHING THE ABRAHAM LINCOLN PRESIDENTIAL LIBRARY AND MUSEUM AGENCY

WHEREAS, the State of Illinois is rich with cultural, historical, and natural resources that enhance the quality of life for the citizens of Illinois, and the State of Illinois has an obligation to effectively manage and protect these resources for future generations of Illinoisans; and

WHEREAS, the Historic Preservation Agency manages 56 historic sites and the Department of Natural Resources manages over 300 sites, including parks, trails, fish and wildlife areas, and forests that have natural resources significance; and

WHEREAS, the Department of Natural Resources has the requisite expertise to maintain, promote, and manage sites for the benefit of the people of Illinois; and

WHEREAS, operating two State agencies that both have the primary purpose of preserving the State's historic and natural treasures is not an effective use of taxpayer funds; and

WHEREAS, consolidating the historic preservation and site management functions of the Historic Preservation Agency into the Department of Natural Resources will avoid redundancy, reduce bureaucracy, and save taxpayers approximately $3.2 million per year; and

FURTHERMORE, the State of Illinois is proud to be the home state of Abraham Lincoln, the sixteenth President of the United States of America, whose leadership and efforts to preserve the Union throughout the Civil War are recognized around the world, and the State of Illinois has honored his contributions to the history of the United States of America through the Abraham Lincoln Presidential Library and Museum; and

WHEREAS, the Abraham Lincoln Presidential Library and Museum, a world-class institution that immerses visitors into the life and history of Abraham Lincoln, recognizes the importance of the legacy of Abraham Lincoln to the state and nation's historical and cultural heritage; and

WHEREAS, the Abraham Lincoln Presidential Library and Museum serves as the leading repository of academic works pertaining to Abraham Lincoln, and is the premier destination for historians who want to conduct research on President Lincoln; and

WHEREAS, operating the Abraham Lincoln Presidential Library and Museum as a subordinate component of the Historic Preservation Agency has stifled the full potential of the Abraham Lincoln Presidential Library and Museum; and

WHEREAS, establishing the Abraham Lincoln Presidential Library and Museum as an independent State agency recognizes the institution's unique importance to our state and nation and will enable it to create more effective long-term plans, craft stronger partnerships with State and non-State organizations, accomplish internal efficiencies, and identify independent sources of support;

THEREFORE, I, Bruce Rauner, Governor of Illinois, by virtue of the executive authority vested in me by Section 8 and Section 11 of Article V of the Constitution of the State of Illinois, do hereby order as follows:

I. DEFINITIONS

As used in this Executive Order:

"ALPLM Agency" means the Abraham Lincoln Presidential Library and Museum, an agency of the State of Illinois.

"ALPLM Agency Board" means the Board of Trustees of the Abraham Lincoln Presidential Library and Museum.

"ALPLM Division" means the Abraham Lincoln Presidential Library and Museum established pursuant to Section 30 of the Historic Preservation Agency Act (20 ILCS 3405/30).

"Board of HPA" means the Board of Trustees established pursuant to Section 3 of the Historic Preservation Agency Act (20 ILCS 3405/3).

"DNR" means the Illinois Department of Natural Resources.

"DNR Division" means the Division of Historic Preservation of the Department of Natural Resources.

"HPA" means the Illinois Historic Preservation Agency.

II. HISTORIC PRESERVATION AGENCY ABOLISHED

HPA, including the Board of HPA, is hereby abolished as of July 1, 2017, upon the taking effect of the reorganization and transfer of functions set forth in this Executive Order.

III. CREATION OF THE DIVISION OF HISTORIC PRESERVATION

There is hereby created within DNR's Office of Land Management a new Division of Historic Preservation (the "DNR Division"). All powers, duties, functions, and responsibilities of HPA, except those relating to the ALPLM Division (as set forth on Exhibit B to this Executive Order), are transferred to the DNR Division.

The head of the DNR Division shall be known as the Division Manager of Historic Preservation (the "Division Manager"). The DNR Division may employ or retain other persons to assist in the discharge of its functions, subject to the Personnel Code and any applicable DNR policies. The DNR Division shall be subject to all of the general laws applicable to divisions of DNR.

The mission of the DNR Division is to collect, preserve, interpret, and communicate Illinois' rich and diverse history. Essential to that mission is maintaining Illinois' historic sites and providing education to the public through access to Illinois' historic resources. Additionally, the DNR Division shall assist local communities in protecting their historic, architectural, and archaeological sites by coordinating with federal and other State agencies, and by integrating these resources into public planning and the administration of tax incentives.

The DNR Division shall apply for and otherwise seek federal funds and other capital and operational resources for historic preservation for which the DNR Division is eligible and, subject to compliance with applicable laws, regulations, and grant terms, make those funds available for use by the DNR Division. If funds are used by the DNR Division, the DNR Division shall ensure compliance with all applicable laws, regulations, and grant terms.

The DNR Division will have whatever authority is provided to it pursuant to the Intergovernmental Cooperation Act and other applicable law to enter into interagency contracts. To the extent permitted by law, DNR may enter into such contracts to use personnel and other resources of other public agencies to accomplish the DNR Division's mission.

IV. TRANSITION TO DNR DIVISION

Beginning on the effective date of this Executive Order, DNR and HPA shall work cooperatively to prepare for the transfer of functions, employees, property, and funds pursuant to Section V of this Executive Order, and to carry out all other actions required to give effect to such transfers, as

of July 1, 2017. HPA shall provide DNR with access to personnel and other resources necessary to accomplish such transition. During the transition period:

1. Under the direction of the Governor, the Director of DNR, in consultation with HPA and labor organizations representing the affected employees, shall identify each position and employee who is engaged in the performance of functions transferred to the DNR Division or engaged in the administration of a law the administration of which is transferred to the DNR Division, to be transferred to the DNR Division pursuant to Section V(1) of this Executive Order. The Director of DNR shall ensure compliance with all applicable provisions of the Personnel Code and collective bargaining agreements, including providing any notices required thereunder within the applicable time periods.

2. Under the direction of the Governor, the Director of DNR, in consultation with HPA, shall identify personnel records, documents, books, correspondence, and other property, both real and personal, affected by the transfer to the DNR Division pursuant to Section (V)(2) of this Executive Order. Such property may include contracts pertaining to the functions transferred to the DNR Division.

3. Under the direction of the Governor, the Director of the Governor's Office of Management and Budget, in consultation with the respective Directors of DNR and HPA, shall identify the unexpended balances of both Fiscal Year 2017 and Fiscal Year 2018 appropriations and other funds, or the relevant portions thereof, to be transferred to DNR pursuant to Section V(3) of this Executive Order.

V. TRANSFER OF FUNCTIONS TO DNR DIVISION

As of July 1, 2017, the authority and responsibility for historic preservation functions shall be transferred from HPA to DNR. These functions derive from the statutes set forth on Exhibit A to this Executive Order. In connection with such transfer, as of July 1, 2017:

1. Each position and employee who is engaged in the performance of functions transferred to the DNR Division, or engaged in the administration of a law the administration of which is transferred to the DNR Division (as identified pursuant to Section IV of this Executive Order), and the employee in each such position, shall be transferred to the DNR Division pursuant to the provisions of any applicable collective bargaining agreement. The status and rights of any such employee, the State, and its agencies under the Personnel Code and applicable collective bargaining rights or under any pension, retirement, or annuity plan shall not be affected by this reorganization.

2. All personnel records, documents, books, correspondence, and other property, both real and personal, affected by the reorganization (as identified pursuant to Section IV of this Executive Order) shall be delivered and transferred to the DNR Division or to the State Archives.

3. The unexpended balances of Fiscal Year 2017 and Fiscal Year 2018 appropriations and other funds available for use by HPA (as identified pursuant to Section IV of this Executive Order and deemed necessary by the Governor) shall be transferred to DNR and expended for the purposes for which the appropriations or other funds were originally made or given to HPA.

4. Except for the boards established, abolished, or described by Section II or Sections VI through IX of this Executive Order, whenever any previous Executive Order or any statute provides for membership on any board, commission, authority, or other entity by a representative or designee of HPA with responsibility for the functions transferred to the DNR Division, the Director of DNR shall designate the same number of representatives or designees of the DNR Division.

VI. CREATION OF THE ABRAHAM LINCOLN PRESIDENTIAL LIBRARY AND MUSEUM AS A NEW STATE AGENCY

The ALPLM Division is hereby reconstituted as a new principal department of the Executive Branch of State government, directly responsible to the Governor (the "ALPLM Agency"). The ALPLM Agency shall retain the name "Abraham Lincoln Presidential Library and Museum" and

shall retain all authority to perform all functions of the ALPLM Division. The functions of the ALPLM Division shall be consolidated into the ALPLM Agency as of July 1, 2017.

The ALPLM Agency shall have control and custody of the Abraham Lincoln Presidential Library and Museum complex, including the Abraham Lincoln Presidential Library and Museum, the Abraham Lincoln Presidential Library and Museum's parking garage, Union Station, and Union Park, each in Springfield, Illinois.

The head officer of the ALPLM Agency shall be known as the Executive Director of the Abraham Lincoln Presidential Library and Museum (the "Executive Director"). The current Library Director (as defined in Section 33 of the Historic Preservation Agency Act (20 ILCS 3405/33)) shall become the inaugural Executive Director of the ALPLM Agency, and shall remain the Executive Director of the ALPLM Agency until the expiration of his then-current term as Library Director. From that time forward, the Executive Director shall be appointed by the ALPLM Agency Board established by this Executive Order, by and with the advice and consent of the Senate, and shall serve at the pleasure of the ALPLM Agency Board for a term of four years. The Executive Director shall be eligible for reappointment for additional four year terms at the discretion of the ALPLM Agency Board. The ALPLM Agency may employ or retain other persons to assist in the discharge of its functions, subject to the Personnel Code. The ALPLM Agency shall be subject to all of the general laws applicable to Executive Branch agencies.

The ALPLM Agency shall have whatever authority is provided to it pursuant to the Intergovernmental Cooperation Act and other applicable law to enter into interagency contracts. To the extent permitted by law, the ALPLM Agency may enter into such contracts to use personnel and other resources of other public agencies to accomplish the ALPLM Agency's mission.

VII. TRANSITION TO THE ALPLM AGENCY

Beginning on the effective date of this Executive Order, HPA and the ALPLM Agency shall work cooperatively to prepare for the transfer of functions, employees, property, and funds pursuant to Section VIII of this Executive Order, and to carry out all other actions required to give effect to such transfers, as of July 1, 2017. HPA shall provide the ALPLM Agency with access to personnel and other resources necessary to accomplish such transition. During the transition period:

1. Under the direction of the Governor, the Executive Director of the ALPLM Agency, in consultation with HPA and labor organizations representing the affected employees, shall identify each position and employee who is engaged in the performance of functions transferred to the ALPLM Agency or engaged in the administration of a law the administration of which is transferred to the ALPLM Agency, to be transferred to the ALPLM Agency pursuant to Section VIII(1) of this Executive Order. The Executive Director of the ALPLM Agency shall ensure compliance with all applicable provisions of the Personnel Code and collective bargaining agreements, including providing any notices required thereunder within the applicable time periods.

2. Under the direction of the Governor, the Executive Director of the ALPLM Agency, in consultation with HPA, shall identify personnel records, documents, books, correspondence, and other property, both real and personal, affected by the transfer to the ALPLM Agency pursuant to Section (VIII)(2) of this Executive Order. Such property may include contracts pertaining to the functions transferred to the ALPLM Agency.

3. Under the direction of the Governor, the Director of the Governor's Office of Management and Budget, in consultation with the Executive Director of the ALPLM Agency and the Director of HPA, shall identify the unexpended balances of both Fiscal Year 2017 and Fiscal Year 2018 appropriations and other funds, or the relevant portions thereof, to be transferred to the ALPLM Agency pursuant to Section VIII(3) of this Executive Order.

VIII. TRANSFER OF FUNCTIONS TO ALPLM AGENCY

As of July 1, 2017, the authority and responsibility for the ALPLM Division shall be reconstituted and established as the ALPLM Agency. These functions derive from the statute set forth on Exhibit B of this Executive Order. In connection with such transfer, as of July 1, 2017:

1. Each position and employee who is engaged in the performance of functions transferred to the ALPLM Agency or engaged in the administration of a law the administration of which is transferred to the ALPLM Agency (as identified pursuant to Section VII of this Executive Order) shall be transferred to the ALPLM Agency, pursuant to the provisions of any applicable collective bargaining agreement. The status and rights of any such employee, the State, and its agencies under the Personnel Code and applicable collective bargaining rights or under any pension, retirement, or annuity plan shall not be affected by this reorganization.

2. All personnel records, documents, books, correspondence, and other property, both real and personal, affected by the reconstitution and establishment of the ALPLM Agency (as identified pursuant to Section VII of this Executive Order) shall be delivered and transferred to the ALPLM Agency or to the State Archives.

3. The unexpended balances of Fiscal Year 2017 and Fiscal Year 2018 appropriations and other funds available for use by HPA for the maintenance of the ALPLM Agency (as identified pursuant to Section VII of this Executive Order and deemed necessary by the Governor) shall be transferred to the ALPLM Agency and expended for the purposes for which the appropriations or other funds were originally made or given to HPA.

4. Whenever any provision of any previous Executive Order or any Act provides for membership on any board, commission, authority, or other entity by a representative or designee of the ALPLM Division, the Executive Director of ALPLM Agency shall designate the same number of representatives or designees of the ALPLM Agency.

IX. ESTABLISHMENT OF THE ABRAHAM LINCOLN PRESIDENTIAL LIBRARY AND MUSEUM BOARD OF TRUSTEES

The Abraham Lincoln Presidential Library and Museum Board of Trustees (the "ALPLM Agency Board") is hereby established to set policy and advise the ALPLM Agency and the Executive Director on programs related to the ALPLM Agency. The ALPLM Agency Board shall have the following powers and duties:

1. To set policies and establish programs for implementation in support of the mission and goals of the ALPLM Agency;

2. To create and execute seminars, symposia, or other conferences as may be necessary or advisable to the ALPLM Agency;

3. To report annually to the Governor and the General Assembly on the status of the ALPLM Agency and its programs;

4. To accept, hold, maintain, and administer, as trustee, property given in trust for education or historic purposes for the benefit of the people of the State of Illinois, and dispose of any property under the terms of the instrument creating the trust;

5. To accept, hold, maintain, and administer donated property of historic significance, such as books, papers, records, and personal property of any kind, including electronic and digital property, pursuant to gifting instruments, agreements, or deeds of gift, including but not limited to the King Hostick Public Trust Fund, and enter into such agreements as may be necessary to carry out the ALPLM Agency Board's duties and responsibilities;

6. To lease concessions at the Library and Museum, on the condition that such lease agreement (a) shall be made subject to the written approval of the Governor's Office of Management and Budget, and (b) for all agreements with a term of 10 years or more, contain a provision for the ALPLM Agency to participate, on a percentage basis, in the revenues generated by any such agreement;

7. To cooperate with private organizations and agencies in the State of Illinois by providing areas and use of staff personnel where feasible for the sale of publications on the historic and cultural heritage of the State and craft items made by Illinois craftsmen, including negotiating and approving agreements with the organizations and agencies for a portion of the moneys received from the sales to be returned to the ALPLM Agency for the furtherance of interpretative and restoration programs;

8. To accept offers of gifts, gratuities, or grants from the federal government, its agencies, or officers, or from any person, firm, or corporation in compliance with State and federal law;

9. Subject to the provisions of the Illinois Administrative Procedure Act, make reasonable rules as may be necessary to discharge the duties of the ALPLM Agency.

10. To charge and collect admission fees and rental fees for access to and use of the facilities of the ALPLM Agency;

11. To operate a restaurant, café, or other food service facility at the museum or lease the operation of such a facility under reasonable terms and conditions, and provide vending services for food, beverages, or other products deemed necessary and proper, consistent with the purposes of the ALPLM Agency; and

12. To engage in marketing activities designed to promote the ALPLM Agency.

The ALPLM Agency Board shall consist of 11 members appointed by the Governor with the advice and consent of the Senate, subject the following qualifications:

a) One member with recognized knowledge and ability in matters related to business administration;

b) One member with recognized knowledge and ability in matters related to the history of Abraham Lincoln;

c) One member with recognized knowledge and ability in matters related to the history of Illinois;

d) One member with recognized knowledge and ability in matters related to library and museum studies;

e) One member with recognized knowledge and ability in matters related to historic preservation;

f) One member with recognized knowledge and ability in matters related to cultural tourism; and

g) One member with recognized knowledge and ability in matters related to conservation, digitization, and technological innovation.

The initial terms of office shall be designated by the Governor as follows: one member to serve for a term of one year; two members to serve for respective terms of two years; two members to serve for respective terms of three years; and six members to serve for respective terms of four years. Thereafter, each member shall be appointed for a term of four years. The Governor shall appoint one of the members to serve as Chair of the ALPLM Agency Board, at the pleasure of the Governor. The members of the ALPLM Agency Board shall serve without compensation but shall be entitled to reimbursement for all necessary expenses incurred in the performance of their official duties as members of the ALPLM Agency Board from funds appropriated for that purpose.

To facilitate communication and cooperation between the ALPLM Agency and the Abraham Lincoln Presidential Library Foundation (the "Foundation"), the Foundation CEO shall serve as a non-voting, ex-officio member of the ALPLM Agency Board.

X. STATE HISTORIAN

The position of Illinois State Historian, as set forth in Section 4 of the Historic Preservation Agency Act (20 ILCS 3405/4), is hereby transferred to the ALPLM Agency. The Executive Director, with the advice and consent of the ALPLM Agency Board, shall appoint the Illinois State Historian, who shall provide historical expertise, support, and service on civic engagement to educators and not-for-profit educational groups, including historical societies. The Illinois State Historian shall be the State's leading authority on the history of Illinois, and shall have such powers and responsibilities as set forth in Section 4 of the Historic Preservation Agency Act

(20 ILCS 3405/4) and Sections 4 and 5.1 of the State Historical Library Act (20 ILCS 3425/4-5.1) transferred to the ALPLM Agency pursuant to this Executive Order.

XI. INCONSISTENT ACTS

From the effective date of this reorganization, and as long as such reorganization remains in effect, the operation of any prior act of the General Assembly inconsistent with this reorganization is suspended to the extent of the inconsistency.

XII. REPORT TO THE GENERAL ASSEMBLY

DNR and the ALPLM Agency shall each provide a report to the General Assembly not later than December 31, 2017 and annually thereafter for three years, that includes an analysis of the effect of the reorganization on State government and the Illinois taxpayers. The report shall also include recommendations for further legislation relating to the implementation of the reorganization. A copy of such report shall be filed with the Speaker, the Minority Leader, and the Clerk of the House of Representatives; the President, the Minority Leader, and the Secretary of the Senate; the Legislative Research Unit; and the State Government Report Distribution Center for the General Assembly.

XIII. SAVINGS CLAUSE

1. The rights, powers, duties, and functions transferred to each of DNR and the ALPLM Agency, respectively, by this Executive Order shall be vested in, and shall be exercised by, DNR and the ALPLM Agency, respectively. Each act done in exercise of such rights, powers, duties, and functions shall have the same legal effect as if done by HPA. Every person shall be subject to the same obligations and duties and to the associated penalties, if any, and shall have the same rights arising from the exercise of these obligations and duties as if exercised subject to HPA or the officers and employees of HPA.

2. This Executive Order shall not affect any act undertaken, ratified or cancelled or any right occurring or established or any action or proceeding commenced in an administrative, civil, or criminal case before this Executive Order takes effect, but these actions or proceedings may be prosecuted and continued by the successor agency in cooperation with another agency, if necessary.

3. This Executive Order shall not affect the legality of any rules in the Illinois Administrative Code that are in force on the effective date of this Executive Order, which rules have been duly adopted by HPA. Any rules, regulations, and other agency actions affected by the reorganization shall continue in effect and be transferred together with the transfer of functions. If necessary, however, DNR and the ALPLM Agency, respectively, shall propose, adopt, or repeal rules, rule amendments, and rule recodifications as appropriate to effectuate this Executive Order. These rule modifications shall coincide with, if applicable, the respective transfer of functions to DNR and the ALPLM Agency.

4. Whenever reports or notices are now required to be made or given or paper or documents furnished or served by any person in regard to the functions transferred from HPA to DNR and the ALPLM Agency, respectively, pursuant to this Executive Order, the same shall be made, given, furnished, or served in the same manner to or upon DNR or the ALPLM Agency, respectively.

5. This Executive Order does not contravene, and shall not be construed to contravene, any federal law, State statute (except as provided in Section XI), or collective bargaining agreement.

XIV. PRIOR EXECUTIVE ORDERS

This Executive Order supersedes any contrary provision of any other prior Executive Order.

XV. SEVERABILITY CLAUSE

If any part of this Executive Order is found invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect. The provisions of this Executive Order are severable.

XVI. FILINGS

This Executive Order shall be filed with the Secretary of State. A copy of this Executive Order shall be delivered to the Secretary of the Senate and to the Clerk of the House of Representatives and, for the purpose of preparing a revisory bill, to the Legislative Reference Bureau.

XVII. EFFECTIVE DATE

Provided that neither house of the General Assembly disapproves of this Executive Order by the record vote of a majority of the members elected, this Executive Order shall take effect 60 days after its delivery to the General Assembly.

Bruce Rauner, Governor

Issued by Governor: March 31, 2017
Filed with Secretary of State: March 31, 2017

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INDEX DEPARTMENT
MAR 3 1 2017
IN THE OFFICE OF
SECRETARY OF STATE

EXHIBIT A
TO EXECUTIVE ORDER 2017-01

Statutes from which the Historic Preservation Functions Derive:
20 ILCS 3405/1-3, 5-16, 18-29, and 34-35
20 ILCS 3410/1 et seq.
20 ILCS 3415/0.01 et seq.
20 ILCS 3420/1 et seq.
20 ILCS 3430/0.01 et seq.
20 ILCS 3435/0.01 et seq.
20 ILCS 3440/0.01 et seq.

FILED
INDEX DEPARTMENT
MAR 3 1 2017
IN THE OFFICE OF
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EXHIBIT B
TO EXECUTIVE ORDER 2017-01

Statutes from which Abraham Lincoln Presidential Library & Museum Functions Derive:
20 ILCS 3405/4 (The position and functions of the Illinois State Historian, as described in the last two sentences of Section 4 of 20 ILCS 3405)
20 ILCS 3405/17
20 ILCS 3405/30-33
20 ILCS 3425/0.01 et seq.

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INDEX DEPARTMENT
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