

1 AN ACT concerning historic preservation.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 5. The Illinois Historic Preservation Act is  
5 amended by changing Section 2 and adding Section 20 as  
6 follows:

7 (20 ILCS 3410/2) (from Ch. 127, par. 133d2)

8 Sec. 2. As used in this Act:

9 (a) "Council" means the Illinois Historic Sites Advisory  
10 Council;

11 (b) "Demolish" means raze, reconstruct or substantially  
12 alter;

13 (c) "Agency" means the Historic Preservation Agency;

14 (d) "Director" means the Director of Historic  
15 Preservation who will serve as the State Historic  
16 Preservation Officer;

17 (e) "Place" means (1) any parcel or contiguous grouping  
18 of parcels of real estate under common or related ownership  
19 or control, where any significant improvements are at least  
20 40 years old, or (2) any aboriginal mound, fort, earthwork,  
21 village, location, burial ground, historic or prehistoric  
22 ruin, mine case or other location which is or may be the  
23 source of important archeological data;

24 (f) "Registered Illinois Historic Place" means any place  
25 listed on the "Illinois Register of Historic Places" pursuant  
26 to Section 6 of this Act;

27 (g) "Person" means any natural person, partnership,  
28 corporation, trust, estate, association, body politic,  
29 agency, or unit of government and its legal representatives,  
30 agents, or assigns; and

31 (h) "Municipal Preservation Agency" means any agency

1 described in Section 11-48.2-3 of the "Illinois Municipal  
2 Code", as now or hereafter amended, or any agency with  
3 similar authority created by a municipality under Article  
4 VII, Section 6 of the Illinois Constitution.

5 (i) "Critical Historic Feature" means those physical and  
6 environmental components which taken singly or together, make  
7 a place eligible for designation as a Registered Illinois  
8 Historic Place.

9 (j) "ILHABS" means the Illinois Historic American  
10 Building Survey, a survey of a building or buildings required  
11 in accordance with the provisions of the Illinois State  
12 Agency Historic Resources Preservation Act (20 ILCS 3420),  
13 consisting of architectural drawings, historic context  
14 studies, photographs, and other similar elements.

15 (k) "ILHAER" means the Illinois Historic American  
16 Engineering Record, a survey of a structure or structures  
17 required in accordance with the provisions of the Illinois  
18 State Agency Historic Resources Preservation Act (20 ILCS  
19 3420), consisting of engineering drawings, historic context  
20 studies, photographs, and other similar elements.

21 (l) "Archaeological survey" means the archaeological  
22 investigation required in accordance with the provisions of  
23 the Illinois State Agency Historic Resources Preservation Act  
24 (20 ILCS 3420), consisting of field inspections, excavations,  
25 lab work, written reports, curation, and other similar  
26 elements.

27 (Source: P.A. 84-25.)

28 (20 ILCS 3410/20 new)

29 Sec. 20. Cultural Resources Mitigation Grant Program.

30 (a) Subject to appropriations, the Agency is authorized  
31 to conduct and carry out a pilot program of cultural  
32 resources mitigation grants to any person required by the  
33 Agency to conduct a survey or undertake an ILHABS or ILHAER

1 project in accordance with the Illinois State Agency Historic  
2 Resources Preservation Act (20 ILCS 3420). The grants shall  
3 be available only in counties with more than 40% of their  
4 area falling within the high probability area for archaeology  
5 as defined in Section 3 of the Illinois State Agency Historic  
6 Resources Preservation Act (20 ILCS 3420/3) and having a  
7 population of more than 250,000 in the 2000 Census or in any  
8 county adjacent to such a county, as long as the adjacent  
9 county has more than 30% of its area falling within the high  
10 probability area for archaeology. The grants shall be known  
11 as Cultural Resources Mitigation Grants. Cultural Resources  
12 Mitigation Grant Program funds shall not be provided to any  
13 other State department or agency. No grant shall be given for  
14 the removal of burials, nor shall any grant be given for a  
15 project that would damage a publicly or privately owned site  
16 listed in the National Register of Historic Places.

17 (b) Grants shall be awarded for Phase II and III  
18 Archaeological reports, or an ILHABS or ILHAER, subject to  
19 availability of funding.

20 (c) Grant applications may be accepted by the Agency on  
21 or after July 1 of each fiscal year, subject to available  
22 funding.

23 (d) The Agency must notify, in writing, the grant  
24 applicant, no later than 30 days after the grant application  
25 has been received by the Agency, of acceptance or denial.

26 (e) Each grant shall be limited to a maximum of \$75,000  
27 and no entity shall receive more than one grant per site per  
28 fiscal year.

29 (f) A grant amount shall not exceed 75% of the project  
30 amount for a Phase III survey and shall not exceed 50% of the  
31 project amount for a Phase II survey or of an ILHABS or  
32 ILHAER project, with the remainder to be provided as matching  
33 funds by the applicant.

34 (g) The Agency may enter into any contracts or

1 agreements that may be necessary to carry out its duties or  
 2 responsibilities under this Section. The Agency may adopt  
 3 rules setting forth procedures and criteria for administering  
 4 the Cultural Resources Mitigation Grant Program. The rules  
 5 adopted by the Agency may include but shall not be limited to  
 6 the following:

- 7 (1) purposes for which grants are available;
- 8 (2) content of applications;
- 9 (3) procedures and criteria for Agency review of  
 10 grant applications, grant approvals and denials, and  
 11 grantee acceptance;
- 12 (4) grant payment schedules;
- 13 (5) grantee responsibilities for work schedules,  
 14 work plans, reports, and record keeping;
- 15 (6) evaluation of grantee performance, including  
 16 but not limited to auditing of and access to sites and  
 17 records;
- 18 (7) requirements applicable to contracting and  
 19 subcontracting by the grantee;
- 20 (8) penalties for noncompliance with grant  
 21 requirements and conditions, including stop-work orders,  
 22 termination of grants, and recovery of grant funds; and
- 23 (9) indemnification of this State and the Agency by  
 24 the grantee.

25 (h) There is created in the State treasury a special  
 26 fund to be known as the Cultural Resources Mitigation Grant  
 27 Fund. Funds from the Cultural Resources Mitigation Grant Fund  
 28 shall be appropriated only for the purpose of this Section.  
 29 The Fund shall consist of all moneys that may be appropriated  
 30 to it by the General Assembly, any gifts, contributions,  
 31 grants, or bequests received from federal, private, or other  
 32 sources, and moneys from the repayment of any grants  
 33 terminated, suspended, or revoked pursuant to this Section.  
 34 Notwithstanding any other provision of law, no portion of the

1 Fund, including interest, shall be transferred to the General  
2 Revenue Fund at the end of any fiscal year.

3 (i) At least annually, the State Treasurer shall certify  
4 to the Agency the amount deposited into the Cultural  
5 Resources Mitigation Grant Fund.

6 (j) Any portion of the Cultural Resources Mitigation  
7 Grant Fund not immediately needed for the Cultural Resources  
8 Mitigation Grant Program shall be invested by the State  
9 Treasurer as provided by the laws of this State. All income  
10 from such investments shall be deposited into the Cultural  
11 Resources Mitigation Grant Fund.

12 Section 10. The Illinois State Agency Historic Resources  
13 Preservation Act is amended by adding Section 10 as follows:

14 (20 ILCS 3420/10 new)

15 Sec. 10. Appeals.

16 (a) Any person who is required by the Agency to conduct  
17 an archaeological investigation or to undertake an ILHABS or  
18 ILHAER project under the provisions of this Act may in  
19 writing appeal such requirement by submitting the following  
20 to the Director within 14 calendar days of receiving the  
21 Agency's request for such work:

22 (1) A brief description of the reasons why the work  
23 should not be required, or should not be required in the  
24 manner requested, under this Act.

25 (2) Any supporting materials.

26 (3) The name and contact information of the  
27 individual who will serve as the contact for purposes of  
28 the written appeal.

29 (b) Within 30 calendar days the Agency shall provide  
30 written reasons as to why the investigation or project will  
31 be required as requested, not required at all, or required in  
32 a modified manner.

1           (c) The Agency shall maintain a record of all such  
2           appeals and the decisions made.

3           Section 15. The State Finance Act is amended by adding  
4           Section 5.545 as follows:

5           (30 ILCS 105/5.545 new)  
6           Sec. 5.545. The Cultural Resources Mitigation Grant Fund.

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