

1                                    AMENDMENT TO HOUSE BILL 276

2            AMENDMENT NO. \_\_\_\_\_. Amend House Bill 276 by replacing  
3 everything after the enacting clause with the following:

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

1 source of important archeological data;

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

5 (g) "Person" means any natural person, partnership,  
6 corporation, trust, estate, association, body politic,  
7 agency, or unit of government and its legal representatives,  
8 agents, or assigns; and

9 (h) "Municipal Preservation Agency" means any agency  
10 described in Section 11-48.2-3 of the "Illinois Municipal  
11 Code", as now or hereafter amended, or any agency with  
12 similar authority created by a municipality under Article  
13 VII, Section 6 of the Illinois Constitution.

14 (i) "Critical Historic Feature" means those physical and  
15 environmental components which taken singly or together, make  
16 a place eligible for designation as a Registered Illinois  
17 Historic Place.

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

24 (k) "ILHAER" means the Illinois Historic American  
25 Engineering Record, a survey of a structure or structures  
26 required in accordance with the provisions of the Illinois  
27 State Agency Historic Resources Preservation Act (20 ILCS  
28 3420), consisting of engineering drawings, historic context  
29 studies, photographs, and other similar elements.

30 (l) "Archaeological survey" means the archaeological  
31 investigation required in accordance with the provisions of  
32 the Illinois State Agency Historic Resources Preservation Act  
33 (20 ILCS 3420), consisting of field inspections, excavations,  
34 lab work, written reports, curation, and other similar

1 elements.

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

3 (20 ILCS 3410/20 new)

4 Sec. 20. Cultural Resources Mitigation Grant Program.

5 (a) Subject to appropriations, the Agency is authorized  
6 to conduct and carry out a pilot program of cultural  
7 resources mitigation grants to any person required by the  
8 Agency to conduct a survey or undertake an ILHABS or ILHAER  
9 project in accordance with the Illinois State Agency Historic  
10 Resources Preservation Act (20 ILCS 3420). The grants shall  
11 be available only in counties with more than 40% of their  
12 area falling within the high probability area for archaeology  
13 as defined in Section 3 of the Illinois State Agency Historic  
14 Resources Preservation Act (20 ILCS 3420/3) and having a  
15 population of more than 250,000 in the 2000 Census or in any  
16 county adjacent to such a county, as long as the adjacent  
17 county has more than 40% of its area falling within the high  
18 probability area for archaeology. The grants shall be known  
19 as Cultural Resources Mitigation Grants. Cultural Resources  
20 Mitigation Grant Program funds shall not be provided to any  
21 other State department or agency. No grant shall be given for  
22 the removal of burials, nor shall any grant be given for a  
23 project that would damage a publicly or privately owned site  
24 listed in the National Register of Historic Places.

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

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

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

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

4       (f) A grant amount shall not exceed 75% of the project  
5 amount for a Phase III survey and shall not exceed 50% of an  
6 ILHABS or ILHAER project, with the remainder to be provided  
7 as matching funds by the applicant.

8       (g) The Agency may enter into any contracts or  
9 agreements that may be necessary to carry out its duties or  
10 responsibilities under this Section. The Agency may adopt  
11 rules setting forth procedures and criteria for administering  
12 the Cultural Resources Mitigation Grant Program. The rules  
13 adopted by the Agency may include but shall not be limited to  
14 the following:

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

33       (h) There is created in the State treasury a special  
34 fund to be known as the Cultural Resources Mitigation Grant

1 Fund. Funds from the Cultural Resources Mitigation Grant Fund  
 2 shall be appropriated only for the purpose of this Section.  
 3 The Fund shall consist of all moneys that may be appropriated  
 4 to it by the General Assembly, any gifts, contributions,  
 5 grants, or bequests received from federal, private, or other  
 6 sources, and moneys from the repayment of any grants  
 7 terminated, suspended, or revoked pursuant to this Section.  
 8 Notwithstanding any other provision of law, no portion of the  
 9 Fund, including interest, shall be transferred to the General  
 10 Revenue Fund at the end of any fiscal year.

11 (i) At least annually, the State Treasurer shall certify  
 12 to the Agency the amount deposited into the Cultural  
 13 Resources Mitigation Grant Fund.

14 (j) Any portion of the Cultural Resources Mitigation  
 15 Grant Fund not immediately needed for the Cultural Resources  
 16 Mitigation Grant Program shall be invested by the State  
 17 Treasurer as provided by the laws of this State. All income  
 18 from such investments shall be deposited into the Cultural  
 19 Resources Mitigation Grant Fund.

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

22 (20 ILCS 3420/10 new)

23 Sec. 10. Appeals.

24 (a) Any person who is required by the Agency to conduct  
 25 an archaeological investigation or to undertake an ILHABS or  
 26 ILHAER project under the provisions of this Act may in  
 27 writing appeal such requirement by submitting the following  
 28 to the Director within 14 calendar days of receiving the  
 29 Agency's request for such work:

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

1           (2) Any supporting materials.

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

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

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

11          Section 15. The State Finance Act is amended by adding  
12          Section 5.545 as follows:

13          (30 ILCS 105/5.545 new)

14          Sec. 5.545. The Cultural Resources Mitigation Grant Fund.

15          Section 99. Effective date. This Act takes effect upon  
16          becoming law."