

1 AN ACT concerning transportation.

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

4 Section 5. The Rivers, Lakes, and Streams Act is amended
5 by adding Section 18k as follows:

6 (615 ILCS 5/18k new)

7 Sec. 18k. National Flood Insurance Program; State agency
8 requirements.

9 (a) As used in this Section:

10 "Department" means the Department of Natural Resources.

11 "Development" and "developed" mean any human-made change
12 to real estate, including, but not limited to:

13 (1) demolition, construction, reconstruction, repair,
14 placement of a building, or any structural alteration to a
15 building;

16 (2) substantial improvement of an existing building;

17 (3) installation of a manufactured home on a site,
18 preparing a site for a manufactured home, or installing a
19 travel trailer on a site for more than 180 days per year;

20 (4) installation of utilities or construction of
21 roads, bridges, culverts, or similar projects;

22 (5) redevelopment of a site, clearing of land as an
23 adjunct of construction, or construction or erection of

1 levees, dams, walls, or fences;

2 (6) drilling, mining, filling, dredging, grading,
3 excavation, paving, or other alterations of the ground
4 surface;

5 (7) storage of materials, including the placement of
6 gas or liquid storage tanks, and channel modifications or
7 any other activity that might change the direction,
8 height, or velocity of flood or surface waters.

9 "Development" and "developed" do not include resurfacing
10 of pavement that does not result in an increase in elevation;
11 construction of farm fencing; or gardening, plowing, and
12 similar practices that do not involve filling, grading, or
13 construction of levees.

14 "Special flood hazard area" means an area that has special
15 flood, mudflow, or flood-related erosion hazards and that is
16 shown on a Federal Emergency Management Agency Flood Hazard
17 Boundary Map or Flood Insurance Rate Map as Zone A, AO, A1-A30,
18 AE, A99, AH, AR, AR/A, AR/AE, AR/AH, AR/AO, AR/A1-A30, V1-V30,
19 VE, or V.

20 "State agency" means any department, commission, board, or
21 agency under the jurisdiction of the Governor; any board,
22 commission, agency, or authority which has a majority of its
23 members appointed by the Governor; and the Governor's Office.

24 (b) The Department shall ensure that State agencies comply
25 with National Flood Insurance Program requirements set forth
26 in this Section.

1 (c) All State agencies shall obtain a special flood hazard
2 area development permit before undertaking development
3 activity on State-owned property that is located in a special
4 flood hazard area. The Department shall adopt rules
5 establishing a State special flood hazard area development
6 program to ensure the following via the issuance of permits
7 prior to any State agency development within a special flood
8 hazard area:

9 (1) review of all proposed new development in a
10 special flood hazard area to ensure compliance with the
11 standards set forth in the administrative rules;

12 (2) monitoring and inspecting developments currently
13 under construction in a special flood hazard area to
14 ensure compliance with the standards set forth in the
15 administrative rules;

16 (3) correction, to the extent reasonably practical in
17 the sole determination of the Department, of all previous
18 development in a special flood hazard area found not to be
19 in compliance with the standards set forth in the
20 administrative rules; and

21 (4) adoption of standards in the administrative rules
22 that, at a minimum, are as stringent as the federal
23 regulations that are promulgated by the Federal Emergency
24 Management Agency to implement the National Flood
25 Insurance Act (42 U.S.C. 4001 et seq.) and that are
26 published in 44 CFR 59 through 60.

1 (d) State agencies that administer grants or loans for
2 financing a development within a special flood hazard area
3 shall cooperate with the Department to ensure that
4 participants in their programs are informed of the existence
5 and location of special flood hazard areas and of any State or
6 local floodplain requirements that are in effect in those
7 areas.

8 (e) State agencies that are responsible for regulating or
9 permitting a development within a special flood hazard area
10 shall cooperate with the Department to ensure that
11 participants in their programs are informed of the existence
12 and location of special flood hazard areas and of any State or
13 local floodplain requirements that are in effect in those
14 areas.

15 (f) State agencies that are engaged in planning programs
16 or promoting a program for a development within a special
17 flood hazard area shall cooperate with the Department to
18 ensure that participants in their programs are informed of the
19 existence and location of special flood hazard areas and of
20 any State or local floodplain requirements in effect in those
21 areas.

22 (g) The Department shall provide available special flood
23 hazard area information to assist State agencies in complying
24 with the requirements established by this Section. The
25 Department may enter into a memorandum of understanding with a
26 State agency to outline procedures and processes to review

1 proposed development activity on State-owned property located
2 in a special flood hazard area. Such a memorandum of
3 understanding may allow for alternative approvals for the
4 issuance of permits. If the Department enters into a
5 memorandum of understanding with a State agency to allow an
6 alternative permit process, any permits or work completed
7 under those alternatives is subject to audit and review by the
8 Department.