

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 man-made change to
12 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, construction of roads,
21 bridges, culverts, or similar projects;

22 (5) redevelopment of a site, or 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 when there is no 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 having special
15 flood, mudflow or flood-related erosion hazards and shown on a
16 Federal Emergency Management Agency Flood Hazard Boundary Map
17 or Flood Insurance Rate Map as Zone A, AO, A1-A-30, AE, A99,
18 AH, AR, AR/A, AR/AE, AR/AH, AR/AO, AR/A1-A30, V1-V30, VE or V.

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

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

26 (c) All State agencies shall obtain a special flood hazard

1 area development permit before undertaking development
2 activity on State-owned property that is located in a special
3 flood hazard area. The Department shall adopt an
4 administrative rule setting forth a State special flood hazard
5 area development program to ensure the following via the
6 issuance of permits prior to any State agency development
7 within a special flood hazard area:

8 (1) Review of all proposed new development in a
9 special flood hazard area to ensure compliance with the
10 standards set forth in the administrative rule.

11 (2) Monitoring and inspecting developments currently
12 under construction in a special flood hazard area to
13 ensure compliance with the standards set forth in the
14 administrative rule.

15 (3) Correction, to the extent reasonably practical in
16 the sole determination of the Department, of all previous
17 development in a special flood hazard area found not to be
18 in compliance with the standards set forth in the
19 administrative rule.

20 (4) The standards set forth in the administrative rule
21 shall, at a minimum, be as stringent as the federal
22 regulations adopted by the Federal Emergency Management
23 Agency to implement the National Flood Insurance Act (42
24 U.S.C. 4001 et seq.) that are published in 44 CFR 59
25 through 60.

26 (d) State agencies that administer grants or loans for

1 financing a development within a special flood hazard area
2 shall cooperate with the Department to ensure that
3 participants in their programs are informed of the existence
4 and location of special flood hazard areas and of any State or
5 local floodplain requirements that are in effect in such
6 areas.

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

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

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

1 understanding may allow for alternative approvals for the
2 issuance of permits. If the Department enters into a
3 memorandum of understanding with a State agency to allow an
4 alternative permit process any permits or work completed under
5 those alternatives is subject to audit and review by the
6 Department.