



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB2484

Introduced 10/15/2009, by Sen. William R. Haine

SYNOPSIS AS INTRODUCED:

New Act

Creates the Critical Facility Flood Protection Act. Supersedes Executive Order 2006-5. Sets forth certain requirements with which State agencies must comply before undertaking development in Special Flood Hazard Areas. Requires certain State agencies to take steps to ensure that development meets these requirements. Requires State agencies engaged in planning programs or programs for the promotion of development to inform program participants of the existence and location of Special Flood Hazard Areas and of any State or local floodplain requirements in effect in those areas, and to ensure that proposed developments within Special Flood Hazard Areas meet certain requirements. Requires the Office of Water Resources to provide available flood hazard information to assist each State agency in carrying out responsibilities under this Act. Requires each State agency to work with the Office of Water Resources to establish procedures to carry out this Act. Defines "critical facility", "developed", "development", "floodplain", "flood protection elevation", "Office of Water Resources", "Special Flood Hazard Area", and "State agency". Effective immediately.

LRB096 15005 JDS 29942 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning State government.

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

4 Section 1. Short title. This Act may be cited as the
5 Critical Facility Flood Protection Act.

6 Section 5. Legislative findings.

7 (a) The State of Illinois has programs for the construction
8 of buildings, facilities, and other development projects, and
9 it annually acquires and disposes of lands in floodplains.

10 (b) Federal financial assistance for the acquisition or
11 construction of insurable structures in Special Flood Hazard
12 Areas requires State participation in the National Flood
13 Insurance Program.

14 (c) The Federal Emergency Management Agency has
15 promulgated and adopted regulations at 44 CFR 59-79, as
16 presently enacted or hereafter amended, that govern
17 eligibility of State governments to participate in the National
18 Flood Insurance Program and that require State development
19 activities to comply with specified minimum floodplain
20 regulation criteria.

21 (d) The Presidential Interagency Floodplain Management
22 Review Committee has published recommendations to strengthen
23 State floodplain management activities.

1 Section 10. Definitions. For the purposes of this Act:

2 "Critical facility" means a facility for which even a
3 slight chance of flooding is too great a threat, including
4 hospitals, fire stations, police stations, facilities where
5 critical records are stored, and other similar facilities.

6 "Development" or "developed" means the placement or
7 erection of earthworks or structures, including manufactured
8 homes; land filling, excavation, or other alteration of the
9 ground surface; installation of public utilities; channel
10 modification; storage of materials; or any other activity
11 undertaken to modify the existing physical features of a
12 floodplain.

13 "Flood protection elevation" means one foot above the
14 applicable base flood or 100-year frequency flood elevation.

15 "Office of Water Resources" means the Illinois Department
16 of Natural Resources, Office of Water Resources.

17 "Special Flood Hazard Area" or "floodplain" means an area
18 that is subject to inundation by the base or 100-year frequency
19 flood and that is shown as such on the most current Flood
20 Insurance Rate Map published by the Federal Emergency
21 Management Agency.

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

1 Section 15. State agency responsibilities.

2 (a) Each State agency engaged in development within a
3 Special Flood Hazard Area shall undertake the development in
4 accordance with the requirements of this subsection (a):

5 (1) All development shall comply with the requirements
6 of 92 Ill. Adm. Code 700 or 92 Ill. Adm. Code 708,
7 whichever is applicable, as well as with the requirements
8 of the National Flood Insurance Program at 44 CFR 59-79, as
9 presently enacted or hereafter amended.

10 (2) In addition to the requirements set forth under
11 paragraph (1) of subsection (a), the following additional
12 requirements shall apply if applicable:

13 (A) All new critical facilities shall be located
14 outside of the floodplain. If this is not practical,
15 critical facilities shall be developed with the lowest
16 floor elevation equal to or greater than the 500-year
17 frequency flood elevation or structurally dry
18 floodproofed to at least the 500-year frequency flood
19 elevation.

20 (B) All new buildings shall be developed with the
21 lowest floor elevation equal to or greater than the
22 flood protection elevation or structurally dry
23 floodproofed to at least the flood protection
24 elevation.

25 (C) Modifications, additions, repairs or

1 replacement of existing structures may be allowed so
2 long as the new development does not obstruct flood
3 flows and does not increase the floor area of the
4 existing structure by more than 20% or increase the
5 market value of the structure by more than 50%.
6 Floodproofing activities are permitted and encouraged,
7 but they must comply with the requirements of this
8 subsection.

9 (b) Each State agency that administers grants or loans for
10 financing development within Special Flood Hazard Areas shall
11 take all steps within its authority to ensure that the
12 development meets the requirements of this Act.

13 (c) Each State agency that is responsible for regulating or
14 permitting development within Special Flood Hazard Areas shall
15 take all steps within its authority to ensure that the
16 development meets the requirements of this Act.

17 (d) Each State agency engaged in planning programs or
18 programs for the promotion of development shall inform
19 participants in its programs of the existence and location of
20 Special Flood Hazard Areas and of any State or local floodplain
21 requirements in effect in those areas, and shall ensure that
22 proposed developments within Special Flood Hazard Areas meet
23 the requirements of this Act.

24 (e) The Office of Water Resources shall provide available
25 flood hazard information to assist each State agency in
26 carrying out the responsibilities established by this Act. Each

1 State agency that obtains new flood elevation, floodway, or
2 encroachment data developed in conjunction with development or
3 other activities covered by this Act shall submit that data to
4 the Office of Water Resources for review. If that data is used
5 in determining design features or location of any State
6 development, it must be approved first by the Office of Water
7 Resources.

8 (f) Each State agency shall work with the Office of Water
9 Resources to establish procedures to effectively carry out this
10 Act.

11 Section 20. Supersedes prior executive order. This Act
12 supersedes Executive Order 2006-5, which is no longer of any
13 force or effect.

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