



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2628

Introduced 10/26/2023, by Sen. David Koehler

SYNOPSIS AS INTRODUCED:

615 ILCS 5/40 new

Amends the Rivers, Lakes, and Streams Act. Provides that all State agencies engaged in any development within a special flood hazard area shall comply with all requirements of applicable federal and State law. Requires additional specified requirements to apply to State agencies engaged in any development within a special flood hazard area. Provides the Department of Natural Resources shall adopt an administrative rule setting forth a program to ensure certain requirements via the issuance of permits prior to any State agency development within a special flood hazard area. Provides that grants or loans administered by State agencies for financing a development within special flood hazard area shall inform participants in their programs of the existence and location of special flood hazard areas and of any State or local floodplain requirements that are in effect in such areas. Requires State agencies that are responsible for regulating or permitting a development within special flood hazard areas to inform participants in their programs of the existence and location of special flood hazard areas and of any State or local floodplain requirements that are in effect in such areas. Requires State agencies that are engaged in planning programs or programs for the promotion of development to inform participants in their programs of the existence and location of special flood hazard areas and of any State or local floodplain requirements that are in effect in such areas. Requires the Department to provide available flood hazard information to assist State agencies in complying with the established requirements.

LRB103 34926 MXP 64803 b

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 40 as follows:

6 (615 ILCS 5/40 new)

7 Sec. 40. National Flood Insurance Program requirements.

8 (a) As used in this Section:

9 "Critical facility" means any facility which is critical
10 to the health and welfare of the population and, if flooded,
11 would create an added dimension to the disaster. Damage to
12 these critical facilities can impact the delivery of vital
13 services, can cause greater damage to other sectors of the
14 community, or can put special populations at risk. The
15 determination of "critical facility" shall be made by each
16 agency.

17 "Department" means the Illinois Department of Natural
18 Resources.

19 "Development" or "developed" means the placement or
20 erection of structures, buildings, or earthworks, land
21 filling, excavation, or other alteration of the ground
22 surface, installation of public utilities, channel
23 modification, or storage of materials or any other activity

1 undertaken to modify the existing physical features of a
2 floodplain.

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

5 "Special flood hazard area" or "floodplain" means an area
6 subject to inundation by the base flood or the flood have a 1%
7 probability of being equaled or exceeded in any given year.
8 The floodplains are generally shown on the most current
9 effective Flood Insurance Rate Map published by the Federal
10 Emergency Management Agency.

11 "State agencies" means any department, commission, board,
12 or agency under the jurisdiction of the Governor, any board,
13 commission, agency, or authority which has a majority of its
14 members appointed by the Governor, and the Governor's Office.

15 (b) All State agencies engaged in any development within a
16 special flood hazard area shall comply with all requirements
17 of applicable federal and State law.

18 (c) In addition to the requirements set forth in
19 subsection (b), the following additional requirements shall
20 apply to State agencies engaged in any development within a
21 special flood hazard area where applicable:

22 (1) All new critical facilities shall be located
23 outside of the special flood hazard area. If this is not
24 practicable, critical facilities shall be developed with
25 the lowest floor elevation equal to or greater than the
26 0.2% annual chance flood elevation or 3 feet above the

1 base flood elevation, whichever is greater, or
2 structurally dry floodproofed, or, if non-residential, to
3 at least the 500-year frequency flood elevation or 3 feet
4 above the base flood elevation, whichever is greater.

5 (2) All new buildings shall be developed with the
6 lowest floor elevation equal to or greater than the flood
7 protection elevation or, if non-residential, structurally
8 dry floodproofed to at least the flood protection
9 elevation.

10 (3) Modifications, additions, repairs, or replacement
11 of existing structures may be allowed so long as the new
12 development does not obstruct flood flows or increase the
13 market value of the structure by 50%. Floodproofing
14 activities are permitted and encouraged but must comply
15 with the requirements noted above.

16 (4) State agencies that obtain new flood elevation,
17 floodway, or encroachment data developed in conjunction
18 with development or other activities covered by this
19 Section shall submit the data to the Department for its
20 review. If the flood hazard information is used in
21 determining design features or location of any State
22 development, it must first be approved by the Department.

23 (d) The Department shall adopt an administrative rule
24 setting forth a program to ensure the following via the
25 issuance of permits prior to any State agency development
26 within a special flood hazard area:

1 (1) Review of all proposed development in the special
2 flood hazard area to assure compliance with the standards
3 set forth in this Section.

4 (2) Monitoring and inspecting special flood hazard
5 area development under construction to ensure compliance
6 with the standards set forth in this Section.

7 (3) Correction, to the extent reasonably practical in
8 the sole determination of the Department, of all special
9 flood hazard area development found not to be in
10 compliance with the standards set forth in this Section.

11 (e) State agencies that administer grants or loans for
12 financing a development within a special flood hazard area
13 shall inform participants in their programs of the existence
14 and location of special flood hazard areas and of any State or
15 local floodplain requirements that are in effect in such
16 areas.

17 (f) State agencies that are responsible for regulating or
18 permitting a development within a special flood hazard area
19 shall inform participants in their programs of the existence
20 and location of special flood hazard areas and of any State or
21 local floodplain requirements that are in effect in such
22 areas.

23 (g) State agencies that are engaged in planning programs
24 or programs for the promotion of development shall inform
25 participants in their programs of the existence and location
26 of special flood hazard areas and of any State or local

1 floodplain requirements in effect in such areas.

2 (h) The Department shall provide available flood hazard
3 information to assist State agencies in complying with the
4 requirements established by this Section.