

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 Illinois Administrative Procedure Act is  
5 amended by adding Section 5-45.55 as follows:

6 (5 ILCS 100/5-45.55 new)

7 Sec. 5-45.55. Emergency rulemaking; the Department of  
8 Natural Resources. To provide for the expeditious and timely  
9 implementation of Section 13 of the Rivers, Lakes, and Streams  
10 Act, emergency rules implementing Section 13 of the Rivers,  
11 Lakes, and Streams Act may be adopted in accordance with  
12 Section 5-45 by the Department of Natural Resources. The  
13 adoption of emergency rules authorized by Section 5-45 and  
14 this Section is deemed to be necessary for the public  
15 interest, safety, and welfare.

16 This Section is repealed one year after the effective date  
17 of this amendatory Act of the 103rd General Assembly.

18 Section 10. The Rivers, Lakes, and Streams Act is amended  
19 by changing Section 30 and by adding Section 18k as follows:

20 (615 ILCS 5/18k new)

21 Sec. 18k. National Flood Insurance Program State agency

1 requirements.

2 (a) As used in this Section:

3 "Department" means the Department of Natural Resources.

4 "Development" and "developed" mean any man-made change to  
5 real estate, including, but not limited to:

6 (1) demolition, construction, reconstruction, repair,  
7 placement of a building, or any structural alteration to a  
8 building;

9 (2) substantial improvement of an existing building;

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

13 (4) installation of utilities, construction of roads,  
14 bridges, culverts, or similar projects;

15 (5) redevelopment of a site, or clearing of land as an  
16 adjunct of construction or construction or erection of  
17 levees, dams, walls, or fences;

18 (6) drilling, mining, filling, dredging, grading,  
19 excavation, paving, or other alterations of the ground  
20 surface;

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

25 "Development" and "developed" do not include resurfacing  
26 of pavement when there is no increase in elevation;

1 construction of farm fencing; or gardening, plowing, and  
2 similar practices that do not involve filling, grading, or  
3 construction of levees.

4 "Special flood hazard area" means an area having special  
5 flood, mudflow or flood-related erosion hazards and shown on a  
6 Federal Emergency Management Agency Flood Hazard Boundary Map  
7 or Flood Insurance Rate Map as Zone A, AO, A1-A-30, AE, A99,  
8 AH, AR, AR/A, AR/AE, AR/AH, AR/AO, AR/A1-A30, V1-V30, VE or V.

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

13 (b) The Department shall ensure that State agencies comply  
14 with National Flood Insurance Program requirements set forth  
15 in this Section.

16 (c) All State agencies shall obtain a special flood hazard  
17 area development permit before undertaking development  
18 activity on State-owned property that is located in a special  
19 flood hazard area. The Department shall adopt an  
20 administrative rule setting forth a State special flood hazard  
21 area development program to ensure the following via the  
22 issuance of permits prior to any State agency development  
23 within a special flood hazard area:

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

1           (2) Monitoring and inspecting developments currently  
2           under construction in a special flood hazard area to  
3           ensure compliance with the standards set forth in the  
4           administrative rule.

5           (3) Correction, to the extent reasonably practical in  
6           the sole determination of the Department, of all previous  
7           development in a special flood hazard area found not to be  
8           in compliance with the standards set forth in the  
9           administrative rule.

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

16           (d) State agencies that administer grants or loans for  
17           financing a development within a special flood hazard area  
18           shall cooperate with the Department to ensure that  
19           participants in their programs are informed 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           (e) State agencies that are responsible for regulating or  
24           permitting a development within a special flood hazard area  
25           shall cooperate with the Department to ensure that  
26           participants in their programs are informed of the existence

1 and location of special flood hazard areas and of any State or  
2 local floodplain requirements that are in effect in such  
3 areas.

4 (f) State agencies that are engaged in planning programs  
5 or promoting a program for the development shall cooperate  
6 with the Department to ensure that participants in their  
7 programs are informed of the existence and location of special  
8 flood hazard areas and of any State or local floodplain  
9 requirements in effect in such areas.

10 (g) The Department shall provide available special flood  
11 hazard area information to assist State agencies in complying  
12 with the requirements established by this Section. The  
13 Department may enter into a memorandum of understanding with a  
14 State agency to outline procedures and processes to review  
15 proposed development activity on State-owned property located  
16 in a special flood hazard area. Such a memorandum of  
17 understanding may allow for alternative approvals for the  
18 issuance of permits. If the Department enters into a  
19 memorandum of understanding with a State agency to allow an  
20 alternative permit process any permits or work completed under  
21 those alternatives is subject to audit and review by the  
22 Department.

23 (615 ILCS 5/30) (from Ch. 19, par. 78.1)

24 Sec. 30. The Department of Natural Resources may make such  
25 reasonable rules and regulations as may be necessary to

1 administer this Act.

2 The Department may adopt emergency rules in accordance  
3 with Sections 5-45 and 5-45.55 of the Illinois Administrative  
4 Procedure Act. The adoption of emergency rules authorized by  
5 Sections 5-45 and 5-45.55 of the Illinois Administrative  
6 Procedure Act and this paragraph is deemed to be necessary for  
7 the public interest, safety, and welfare.

8 (Source: P.A. 89-445, eff. 2-7-96.)