



Rep. Sharon Chung

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10300SB2628ham003

LRB103 34926 LNS 73192 a

1 AMENDMENT TO SENATE BILL 2628

2 AMENDMENT NO. _____. Amend Senate Bill 2628 by replacing
3 everything after the enacting clause with the following:

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16 This Section is repealed one year after the effective date

1 of this amendatory Act of the 103rd General Assembly.

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

4 (615 ILCS 5/18k new)

5 Sec. 18k. National Flood Insurance Program State agency
6 requirements.

7 (a) As used in this Section:

8 "Department" means the Department of Natural Resources.

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

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

14 (2) substantial improvement of an existing building;

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

18 (4) installation of utilities, construction of roads,
19 bridges, culverts, or similar projects;

20 (5) redevelopment of a site, or clearing of land as an
21 adjunct of construction or construction or erection of
22 levees, dams, walls, or fences;

23 (6) drilling, mining, filling, dredging, grading,
24 excavation, paving, or other alterations of the ground

1 surface;

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

6 "Development" and "developed" do not include resurfacing
7 of pavement when there is no increase in elevation;
8 construction of farm fencing; or gardening, plowing, and
9 similar practices that do not involve filling, grading, or
10 construction of levees.

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

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

20 (b) The Department shall ensure that State agencies comply
21 with National Flood Insurance Program requirements set forth
22 in this Section.

23 (c) All State agencies shall obtain a special flood hazard
24 area development permit before undertaking development
25 activity on State-owned property that is located in a special
26 flood hazard area. The Department shall adopt an

1 administrative rule setting forth a State special flood hazard
2 area development program to ensure the following via the
3 issuance of permits prior to any State agency development
4 within a special flood hazard area:

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

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

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

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

23 (d) State agencies that administer grants or loans for
24 financing 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 (e) State agencies that are responsible for regulating or
5 permitting a development within a special flood hazard area
6 shall cooperate with the Department to ensure that
7 participants in their programs are informed of the existence
8 and location of special flood hazard areas and of any State or
9 local floodplain requirements that are in effect in such
10 areas.

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

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

1 alternative permit process any permits or work completed under
2 those alternatives is subject to audit and review by the
3 Department.

4 (615 ILCS 5/30) (from Ch. 19, par. 78.1)

5 Sec. 30. The Department of Natural Resources may make such
6 reasonable rules and regulations as may be necessary to
7 administer this Act.

8 The Department may adopt emergency rules in accordance
9 with Sections 5-45 and 5-45.55 of the Illinois Administrative
10 Procedure Act. The adoption of emergency rules authorized by
11 Sections 5-45 and 5-45.55 of the Illinois Administrative
12 Procedure Act and this paragraph is deemed to be necessary for
13 the public interest, safety, and welfare.

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