



Sen. David Koehler

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10300SB2628sam001

LRB103 34926 MXP 69780 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 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;

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

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

6 (5) redevelopment of a site, or clearing of land as an
7 adjunct of construction or construction or erection of
8 levees, dams, walls, or fences;

9 (6) drilling, mining, filling, dredging, grading,
10 excavation, paving, or other alterations of the ground
11 surface;

12 (7) storage of materials, including the placement of
13 gas or liquid storage tanks, and channel modifications or
14 any other activity that might change the direction,
15 height, or velocity of flood or surface waters.

16 "Development" and "developed" do not include resurfacing
17 of pavement when there is no increase in elevation;
18 construction of farm fencing; or gardening, plowing, and
19 similar practices that do not involve filling, grading, or
20 construction of levees.

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

26 "State agencies" means any department, commission, board,

1 or agency under the jurisdiction of the Governor, any board,
2 commission, agency, or authority which has a majority of its
3 members appointed by the Governor, and the Governor's Office.

4 (b) The Department shall ensure that State agencies comply
5 with National Flood Insurance Program requirements set forth
6 in this Section.

7 (c) All State agencies shall obtain a special flood hazard
8 area development permit before undertaking development
9 activity on State-owned property that is located in a special
10 flood hazard area. The Department shall adopt an
11 administrative rule setting forth a State special flood hazard
12 area development program to ensure the following via the
13 issuance of permits prior to any State agency development
14 within a special flood hazard area:

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

18 (2) Monitoring and inspecting developments currently
19 under construction in a special flood hazard area to
20 ensure compliance with the standards set forth in the
21 administrative rule.

22 (3) Correction, to the extent reasonably practical in
23 the sole determination of the Department, of all previous
24 development in a special flood hazard area found not to be
25 in compliance with the standards set forth in the
26 administrative rule.

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

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

21 (f) State agencies that are engaged in planning programs
22 or promoting a program for the development shall cooperate
23 with the Department to ensure that participants in their
24 programs are informed of the existence and location of special
25 flood hazard areas and of any State or local floodplain
26 requirements in effect in such areas.

1 (g) The Department shall provide available special flood
2 hazard area information to assist State agencies in complying
3 with the requirements established by this Section. The
4 Department may enter into a memorandum of understanding with a
5 State agency to outline procedures and processes to review
6 proposed development activity on State-owned property located
7 in a special flood hazard area. Such a memorandum of
8 understanding may allow for alternative approvals for the
9 issuance of permits. If the Department enters into a
10 memorandum of understanding with a State agency to allow an
11 alternative permit process any permits or work completed under
12 those alternatives is subject to audit and review by the
13 Department."