

AN ACT concerning transportation.

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

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

(5 ILCS 100/5-45.55 new)

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

This Section is repealed one year after the effective date of this amendatory Act of the 103rd General Assembly.

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

(615 ILCS 5/18k new)

Sec. 18k. National Flood Insurance Program State agency

requirements.

(a) As used in this Section:

"Department" means the Department of Natural Resources.

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

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

(2) substantial improvement of an existing building;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) State agencies that administer grants or loans for financing a development within a special flood hazard area shall cooperate with the Department to ensure that participants in their programs are informed 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.

(e) State agencies that are responsible for regulating or permitting a development within a special flood hazard area shall cooperate with the Department to ensure that participants in their programs are informed 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.

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

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

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

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

administer this Act.

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

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