

STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

HOUSE BILL NO. 1841

By: Rice

AS INTRODUCED

An Act relating to hazard mitigation; amending 63 O.S. 1991, Sections 683.1, 683.2, 683.3, 683.4, 683.6, and 683.8, which relate to the Oklahoma Civil Defense and Emergency Resources Management Act; modifying short title; modifying purpose and legislative intent; adding and modifying definitions; modifying and adding to powers and duties of the Director of the Department of Civil Defense; updating language; modifying and adding to powers of the Department of Civil Defense; clarifying and adding to responsibility of the Governor; creating the Oklahoma Flood Hazard Mitigation Program; specifying purpose; defining terms; adding to powers and duties of the Oklahoma Department of Civil Emergency Management; providing process for grant or loan; requiring prioritization; setting priorities; creating the State Flood Hazard Mitigation Team; providing membership and duties; creating the Oklahoma Flood Hazard Mitigation Fund; providing purpose; providing for deposits and expenditures; specifying uses; authorizing political subdivisions to acquire real property for specific uses; providing procedures; authorizing uses; amending 82 O.S. 1991, Sections 1085.2, as last amended by Section 5, Chapter 329, O.S.L. 1996, and 1085.40 (82 O.S. Supp. 1998, Section 1085.2), which relate to authority of the Oklahoma Water Resources Board; expanding authority; expanding use of the Statewide Water Development Revolving Fund; establishing a Flood Hazard Mitigation Financial Assistance Program; defining terms; creating the Flood Hazard Mitigation Account; specifying purpose; providing for uses, deposits and expenditures; adding to powers and duties of the Oklahoma Water Resources Board relating to flood mitigation funding; requiring certain agreements; amending 82 O.S. 1991, Sections 1602, 1603, 1604, 1605, 1606, 1607, 1608, 1610, 1611, 1612 and 1613, which relate to the Oklahoma Floodplain Management Act; updating and clarifying language; providing for codification; providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 63 O.S. 1991, Section 683.1, is amended to read as follows:

This act may be cited as the "Oklahoma Civil Defense and Emergency Resources Management Act" ~~of 1967~~.

SECTION 2. AMENDATORY 63 O.S. 1991, Section 683.2, is amended to read as follows:

Section 683.2 A. Because of the existing and increasing possibility of the occurrence of disasters of unprecedented size and destructiveness resulting from enemy attack, sabotage, or other hostile action, ~~or~~ from fire, flood, tornado, earthquake, or from other causes, ~~and~~ in order to ~~insure~~ ensure that preparations of this state will adequately deal with such disasters and emergencies, ~~and~~ to generally provide for the common defense and to protect the public peace, health, and safety, ~~and~~ to preserve the lives and property of the people of this state, and to carry out the objectives of state and national survival and recovery in the event of enemy attack, it is hereby found and declared to be necessary to:

1. ~~To create a State~~ Create the Oklahoma Department of Civil Defense Agency, and to authorize Emergency Management;

2. Authorize the creation of local organizations for civil defense in the political subdivisions of ~~the~~ this state;

~~2. To provide~~ 3. Provide for the formulation and execution of a plan of emergency resources management;

~~3. To confer~~ 4. Confer upon the Governor and upon the executive heads or governing bodies of the political subdivisions of the state the emergency powers provided ~~herein~~ by the Oklahoma Civil Defense and Emergency Resources Management Act;

~~4. To provide~~ 5. Provide for the rendering of mutual aid among the political subdivisions of ~~the~~ this state and with other states to cooperate with the federal government with respect to carrying out civil defense and emergency resources management functions and hazard mitigation; and

~~5. To provide~~ 6. Provide sufficient organization to meet, prevent or reduce emergencies in the general interest and welfare of the public and ~~the~~ this state.

B. It is further declared to be the purpose of ~~this act~~ the Oklahoma Civil Defense and Emergency Resources Management Act and the policy of this state that all civil defense ~~and,~~ emergency resources management and hazard mitigation functions of this state be coordinated to the maximum extent with the comparable functions of the federal government, including its various departments and agencies, of other states and localities, and of private agencies of every type, to the end that the most effective preparation and use may be made of available ~~manpower~~ workforce, resources and facilities for dealing with disaster and hazard mitigation.

SECTION 3. AMENDATORY 63 O.S. 1991, Section 683.3, is amended to read as follows:

Section 683.3 As used ~~herein~~ in the Oklahoma Civil Defense and Emergency Resources Management Act:

1. "Civil defense" ~~shall mean~~ means the preparation for and the carrying out of all emergency functions, other than functions for which the military services are primarily responsible, by organized and trained volunteer civilian persons, who will extend existent governmental functions and provide other necessary nongovernmental functions, ~~as listed below,~~ to prevent, minimize and repair injury and damage resulting from enemy attack, sabotage, or other hostile action, or disasters caused by fire, flood, tornado, earthquake, or other causes developing to such an extent to cause an extreme emergency situation to arise which by declaration of the Governor jeopardizes the welfare of the citizens of this state. These emergency functions include without limitation, but are not limited to, fire fighting services, police services, medical and health services, rescue, engineering, air raid warning services, communications, radiological, chemical and other special weapons of

defense, evacuations of persons from stricken areas, emergency welfare services, ~~(civilian war aid)~~, emergency transportation, existing or properly assigned functions of plant protection, integration of industry emergency plans into civil defense plans, assistance to private and public utility companies in the temporary restoration of public utility services, and other functions related to civilian protection, together with all other activities necessary or incidental to the preparation for and carrying out of the ~~foregoing~~ emergency functions;

2. "Emergency Resources Management Plan" ~~shall mean~~ means that plan which sets forth the organization, administration and functions for the civil defense emergency resources management by the state government of essential resources and economic stabilization within the state. Such plan shall provide an emergency organization and emergency administrative policies and procedures for the conservation, allocation, distribution, and use of essential resources available to the state following a civil defense emergency such as an attack upon the United States. ~~It~~ The Emergency Resources Management Plan shall be supplemental to the national plan for emergency preparedness adopted by the President of the United States, and shall become operative upon the establishment of a civil defense emergency. To the extent that the federal government is either incapable of or not prepared to conduct its emergency resources management program, the state plan will substitute for and replace the federal program until such time as the federal program becomes effective in the state;

3. "Civil defense ~~or disaster~~ emergency" ~~in Oklahoma~~ means any state of emergency caused by enemy attack upon the United States or a state of emergency declared by the President of the United States or the Governor of Oklahoma upon the occurrence of an attack upon the United States or when such attack is imminent or when an emergency is caused by a disaster, ~~natural or manmade~~. A civil

defense ~~or disaster~~ emergency terminates upon declaration of the Governor of Oklahoma or concurrent resolution of the Oklahoma Legislature to such effect, or at the end of thirty (30) days if not renewed by the Governor or the Legislature, with the following exception: A proclamation of the Governor establishing a civil defense emergency, when an enemy attack upon the United States is imminent, shall not be issued on a legislative day when the Oklahoma Legislature is in session without first being approved by concurrent resolution of the Legislature. A proclamation of the Governor terminating a civil defense emergency for an enemy attack upon the United States shall not be issued during the time that the Oklahoma Legislature is in session without first being approved by concurrent resolution of the Legislature-;

4. "Enemy attack" means an actual attack by a foreign nation by hostile air raids, or other forms of warfare upon this state or any other state or territory of the United States-;

5. "Hazard mitigation" means any cost-effective measure which will reduce the potential for damage to a facility from a natural disaster;

6. "Local organization for civil defense" ~~shall mean~~ means an organization created in accordance with the provisions of ~~this act~~ the Oklahoma Civil Defense and Emergency Resources Management Act by state or local authority to perform local civil defense functions-;

~~6.~~ 7. "Mobile support units" ~~shall mean~~ means an organization for civil defense created in accordance with the provisions of ~~this act~~ the Oklahoma Civil Defense and Emergency Resources Management Act by state or local authority to be dispatched by the Governor to supplement local organizations for civil defense in a stricken area-;

~~7.~~ 8. "Natural disaster" means any natural catastrophe, including, but not limited to, a tornado, storm, high water, flood waters, wind-driven water, earthquake, landslide, mudslide,

snowstorm, or drought which causes damage of sufficient severity and magnitude to warrant hazard mitigation or the use of resources of the federal government, the state and political subdivisions thereof to alleviate the damage, loss, hardship or suffering caused thereby;  
and

9. "Political subdivision" shall mean any county, city, town or municipal corporation of the State of Oklahoma.

SECTION 4. AMENDATORY 63 O.S. 1991, Section 683.4, is amended to read as follows:

Section 683.4 ~~(a)~~ A. There is hereby created ~~within the executive branch of the state government a Department of Civil Defense (herein called the "Civil Defense Agency") and a Director of Civil Defense (herein called the "Director") who shall be the head thereof. At such time as the Federal Emergency Management Agency changes the name of the Office of Civil Defense to the Office of Civil Emergency Management, the Department of Civil Defense of this state shall be renamed the Oklahoma Department of Civil Emergency Management. The ~~Director shall be appointed by the Governor~~ shall appoint a Director of the Department, with the advice and consent of the Senate, ~~and the~~ who shall be the head of the Department. The Governor shall fix the salary of the Director, in cooperation with standards promulgated by the Office of Personnel Management.~~

~~(b)~~ B. The Director may employ such technical, clerical, stenographic, and other personnel and fix their compensation in cooperation with standards promulgated by the Office of Personnel Management, and may make such expenditures within the appropriation therefor, or from such other available funds ~~made available to him for purposes of civil defense,~~ as may be necessary to carry out the purposes of ~~this act~~ the Oklahoma Civil Defense and Emergency Resources Management Act and other programs specified by law.

~~(c)~~ C. The Director and other personnel of the ~~Civil Defense Agency~~ Department shall be provided with appropriate office space,

furniture, equipment, supplies, stationery, and printing in the same manner as provided for personnel of other state agencies.

~~(d)~~ D. The Director, subject to the direction and control of the Governor, shall be the executive head of the ~~Civil Defense Agency Department~~ and shall be:

1. Be responsible to the Governor for carrying out the ~~program for civil defense in this state.~~ The Director shall coordinate programs as required by law;

2. Coordinate the activities of all organizations for civil defense within the state, ~~and shall maintain;~~

3. Maintain liaison with and cooperate with the civil defense agencies and organizations of other states and of the federal government, ~~;~~

4. Implement the Oklahoma Hazard Mitigation Program; and ~~shall have~~

5. Have such additional authority, duties, and responsibilities authorized by ~~this act~~ the Oklahoma Civil Defense and Emergency Resources Management Act as may be prescribed by the Governor.

~~(e)~~ E. The Director shall supervise the formulation, execution, review and ~~immediate revision~~ revisions of the Emergency Resources Management Plan as provided for by Section 683.2 of this title. ~~Thereafter, the~~ The plan shall be reviewed annually and revised as necessary.

SECTION 5. AMENDATORY 63 O.S. 1991, Section 683.6, is amended to read as follows:

Section 683.6 A. There is hereby created a Civil Defense Advisory Council ~~(hereinafter called the "Council") and the.~~ The members of ~~this~~ the Council shall be composed of the Governor, who shall serve as chair of the Council, and the following department heads: ~~the Director(s)~~

1. The Director of Civil Defense, the Oklahoma Department of Civil Emergency Management;

2. The Commissioner of Public Safety,~~the;~~

3. The Adjutant General,~~the;~~

4. The Commissioner of Health,~~the;~~

5. The President of the Board of Agriculture,~~the;~~

6. The Director of the Department of ~~Public Welfare,~~ Human Services; and ~~the~~

7. The Director of the Department of Transportation,~~;~~ and

8. The Director of the Oklahoma Water Resources Board, who shall serve without additional compensation.

B. The Council shall advise the Governor and the Director on all matters pertaining to civil defense. ~~The Governor shall serve as Chairman of the Council.~~

SECTION 6. AMENDATORY 63 O.S. 1991, Section 683.8, is amended to read as follows:

Section 683.8 ~~(a)~~ A. The Governor shall have general direction and control of the Oklahoma Department of Civil Defense Agency Emergency Management and shall be responsible for carrying out the provisions of ~~this act and, in~~ the Oklahoma Civil Defense and Emergency Resources Management Act. In the event of ~~disaster~~ a civil defense emergency beyond local control, the Governor may assume direct operational control over all or any part of the civil defense ~~or emergency~~ functions within this state.

~~(b)~~ B. The Governor shall have general direction and control of the emergency resources management within the state and all officers, boards, agencies, individual or groups established under the Emergency Resources Management Plan. The Governor shall have the authority ~~under this act~~ pursuant to the Oklahoma Civil Defense and Emergency Resources Management Act to establish such offices, boards, agencies, or positions as may be necessary to carry into effect the Emergency Resources Management Plan.

~~(c)~~ ~~In performing his duties under this act, the~~ C. The Governor is authorized to cooperate with the federal government,



with other states, and with private agencies in all matters pertaining to the civil defense of this state and of the nation and the emergency management of resources.

~~(d) In performing his duties under this act, and to~~ D. To effect ~~its~~ the policy and purpose of the Oklahoma Civil Defense and Emergency Resources Management Act, the Governor is further authorized and empowered to:

~~(1) To make~~ 1. Make, amend, and rescind the necessary orders, ~~and rules, and regulations~~ to carry out the provisions of ~~this act~~ the Oklahoma Civil Defense and Emergency Resources Management Act within the limits of authority conferred upon ~~him~~ the Governor herein, with due consideration of the civil defense and emergency resources management plans of the federal government;~~;~~

~~(2) To cause~~ 2. Cause to be prepared now and from time to time hereafter a comprehensive plan and program for civil defense and emergency management of resources of this state, such plans and programs to be integrated into and coordinated with the plans of the federal government and of other states to the fullest possible extent, and to coordinate the preparation of plans and programs for civil defense and emergency resources management by the political subdivisions of this state, such plans to be integrated into and coordinated with the State Civil Defense and Emergency Resources Management Plan to the fullest possible extent;~~;~~

~~(3) In accordance with such plans and programs, to procure~~ 3. Procure supplies and equipment in accordance with such plans and programs, ~~to~~ institute training programs and public information programs, ~~and to~~ take all other preparatory steps, including the partial or full mobilization of civil defense organizations in advance of actual disaster, and to ~~insure~~ ensure the furnishing of adequately trained and equipped forces of civil defense personnel in time of need, during periods of national emergency, or natural

disasters that might occur in this state, or which develop into emergency situations-;

~~(4) To make~~ 4. Make such studies and surveys of the industries, resources, and facilities of this state as may be necessary to ascertain the capabilities of this state for civil defense and emergency management of resources-;

~~(5) 5.~~ On behalf of this state, ~~to~~ enter into mutual aid arrangements with other states and ~~to~~ coordinate mutual aid plans between political subdivisions of this state-;

~~(6) To delegate~~ 6. Delegate any administrative authority vested in ~~him under this act~~ the Governor pursuant to the Oklahoma Civil Defense and Emergency Resources Management Act, and ~~to~~ provide for subdelegation of any such authority-;

~~(7) To appoint~~ 7. Appoint, in cooperation with local authorities, metropolitan area civil defense directors when practicable-;

~~(8) To cooperate~~ 8. Cooperate with the President of the United States and the heads of the Armed Forces, the Civil Defense Agency of the United States, the national Office of Emergency Planning, and other appropriate federal officers and agencies, with the officers and agencies of other states in matters pertaining to the emergency management of resources of the state and nation and the civil defense of the state and nation, including the direction and control of ~~(a):~~

a. blackouts and practice blackouts, air raid drills, mobilization of civil defense forces, and other tests and exercises- ~~(b),~~

b. warnings and signals for drills or attacks and the mechanical devices to be used in connection therewith- ~~(c),~~

c. the conduct of civilians and the movement of and cessation of movement of pedestrians and vehicular

traffic during, prior and subsequent to drills or attacks; ~~(d)~~,

d. public meetings or gatherings; ~~(e)~~

e. the evacuation and reception of the civil population; ~~i~~  
and

~~(9)~~ To prescribe 9. Prescribe uniform signals, warnings, alerts, credentials and insignia.

E. In addition to prevention measures included in the state and local comprehensive disaster management plans and programs for civil defense and emergency management of resources, the Governor shall consider on a continuing basis steps that could be taken to mitigate the harmful consequences of emergencies and natural disasters. At the Governor's direction and pursuant to any other authority specified by law, state agencies, including but not limited to those charged with responsibilities in connection with floodplain management, stream encroachment and flow regulation, weather modification, fire prevention and control, air quality, public works, land use and land use planning, and construction standards, shall make studies of emergency-and-natural-disaster-mitigation-related matters. The Governor, from time to time, shall make such recommendations to the Legislature, to political subdivisions and to other appropriate public and private entities as may facilitate measures for mitigation of the harmful consequences of emergencies and natural disasters.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 690.1 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. Sections 7 through 13 of this act shall be known and may be cited as the "Oklahoma Flood Hazard Mitigation Program".

B. The purposes of the Oklahoma Flood Hazard Mitigation Program are to provide:

1. An orderly and continuing means of assistance by the state government to political subdivisions of this state in carrying out their responsibilities to alleviate the suffering and damage that result from natural disasters by:

- a. providing state assistance programs for public losses and needs sustained in natural disasters,
- b. encouraging the development of comprehensive natural disaster preparedness and assistance plans, programs, capabilities, and organizations by the state and political subdivisions,
- c. achieving greater coordination and responsiveness of natural disaster preparedness and relief programs, and
- d. encouraging hazard mitigation measures, such as development of land-use and construction regulations, floodplain management, and environmental planning, to reduce losses from natural disasters;

2. For the protection of life and property and to limit the repetitive expenditures of public funds in areas that are subject to chronic flooding and other natural disasters;

3. Financial assistance to local governments for the development and implementation of flood hazard mitigation projects;

4. For the cooperation of state environmental agencies and other state and federal agencies in the development and implementation of the Oklahoma Flood Hazard Mitigation Program; and

5. For the establishment of land development principles which will eliminate inappropriate and unsafe real estate development in areas subject to repetitive or chronic flooding.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 690.2 of Title 63, unless there is created a duplication in numbering, reads as follows:

For purposes of the Oklahoma Flood Hazard Mitigation Program:

1. "Board" means the Oklahoma Water Resources Board;

2. "Department" means the Oklahoma Department of Civil Emergency Management;
3. "Dwelling unit" means a place of residence and may be a single- or multiple-dwelling building;
4. "Flood" or "flooding" means general and temporary conditions of partial or complete inundation of normally dry land areas from the overflow of lakes, streams, rivers or any other inland waters and from surface run-off;
5. "Hazard mitigation" means any cost-effective measure which will reduce the potential for damage to a facility from a disaster event;
6. "Hazard mitigation projects" means those projects designed to correct, alleviate or eliminate a condition or situation which poses a repetitive threat to life, property or public safety from the effects of a natural disaster;
7. "Natural disaster" means any natural catastrophe, including but not limited to a tornado, storm, high water, flood waters, wind-driven water, earthquake, landslide, mudslide, snowstorm, or drought, which causes damage of sufficient severity and magnitude to warrant hazard mitigation or the use of resources of the federal government, or the state and political subdivisions thereof to alleviate the damage, loss, hardship, or suffering caused thereby;
8. "Political subdivision" means any county, city, town or municipal corporation of the State of Oklahoma;
9. "Real property" includes all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest and right, legal or equitable, therein including terms for years; and
10. "State Flood Hazard Mitigation Team" means the entity created pursuant to Section 11 of this act.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 690.3 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. In addition to other responsibilities and duties specified by law, the Oklahoma Department of Civil Emergency Management:

1. Shall develop and maintain a comprehensive flood hazard mitigation plan for this state, with the plan integrated into and coordinated with the flood hazard mitigation plans of the federal government to the fullest possible extent. The Department shall coordinate the preparation of flood hazard mitigation plans by the political subdivisions, with the plans integrated into and coordinated with the flood hazard mitigation plan of this state to the fullest possible extent;

2. Shall provide guidance, information and training sufficient to allow political subdivisions to request state and federal natural disaster assistance;

3. Shall coordinate the development and maintenance of flood hazard mitigation projects with other state and federal programs;

4. Shall set mitigation priorities based upon recommendations of the State Flood Hazard Mitigation Team;

5. May make grants to political subdivisions for flood hazard mitigation projects from any funds available for such purposes pursuant to the considerations specified by Section 10 of this act; and

6. Shall evaluate and award grant or loan applications based upon minimum eligibility criteria and state priorities.

B. The Department shall be the lead agency and shall compile and submit to the Oklahoma Department of Civil Emergency Management an application to receive funds pursuant to the Flood Hazard Mitigation Grant Program and other public or private planning or project grants to implement measures to reduce flood losses.

C. The Department shall also have authority to:

1. Establish advisory councils with sufficient geographic balance to ensure statewide representation;

2. Coordinate central files and clearinghouse procedures for hazard mitigation resource data information and encourage the use of compatible information and standards;

3. Provide to the extent practicable financial, technical, research, and legal assistance to effectuate the purposes of the Oklahoma Flood Hazard Mitigation Program; and

4. Review rules of other affected agencies to determine consistency with the Program and to report any inconsistencies to the Legislature.

D. The Department shall promulgate by rule procedures and criteria for the evaluation of grant and subgrant applications that seek to receive a portion of those funds made available to this state for hazard mitigation.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 690.4 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. A political subdivision of this state may apply to the Oklahoma Department of Civil Emergency Management for a grant or loan on forms for flood hazard mitigation projects provided by the Department.

B. Grants or loans for flood hazard mitigation shall be prioritized by the State Flood Hazard Mitigation Team based on the following considerations:

1. The extent and effectiveness of mitigation measures already implemented by the political subdivision requesting the grant;

2. The feasibility, practicality, and effectiveness of the proposed mitigation measures and the associated benefits and detriments;

3. The level of assistance that should be provided to the political subdivision, based on available facts regarding the nature, extent, and severity of hazard problems;

4. The frequency of occurrence of severe flooding that has resulted in declaration of the area as a flood disaster area by the Governor of this state or by the President of the United States;

5. The economic, social, and environmental benefits and detriments of the proposed mitigation measures;

6. Whether the floodplain management ordinance or regulation adopted by the political subdivision meets the minimum standards established by the Department, the degree of enforcement of the ordinance or regulation, and whether the political subdivision is complying with the ordinance or regulation;

7. The financial capability of the political subdivision to solve its flood hazard problems without financial assistance; and

8. The estimated cost and method of financing of the proposed mitigation measures based on local money and federal and state financial assistance.

C. A grant or loan shall not exceed the total cost of the proposed mitigation project.

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 690.5 of Title 63, unless there is created a duplication in numbering, reads as follows:

There is hereby created the State Flood Hazard Mitigation Team, composed of the administrative heads of state environmental agencies or their designees, and a representative of the United States Army Corps of Engineers appointed by the administrative head of that agency. The Team shall have the power and duty to recommend priorities for hazard mitigation projects for purposes of providing grants or loans for such projects, based upon considerations specified by Section 10 of this act.



SECTION 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 690.6 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created a revolving fund to be known as the Oklahoma Flood Hazard Mitigation Fund. Said fund shall consist of all monies appropriated to, deposited in or credited to said fund.

B. The Oklahoma Flood Hazard Mitigation Fund shall be under the control and supervision of the Oklahoma Department of Civil Emergency Management and claims shall be paid on its itemized form and, upon final approval, vouchers which are payable from the fund shall be forwarded to the Director of State Finance, who shall, upon approval thereof, issue warrants for such claims according to law. The warrants shall be paid by the State Treasurer from the fund.

C. The Oklahoma Department of Civil Emergency Management shall have authority to allocate to any political subdivision in this state, from the Oklahoma Flood Hazard Mitigation Fund, such sum as in the judgment of the Department and the Oklahoma Water Resources Board may be necessary to enable such political subdivision to acquire real property or easements needed by such political subdivision to:

1. Permit such political subdivision to alleviate or mitigate future flood losses; and

2. Other projects to implement measures to reduce or eliminate flood losses.

SECTION 13. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 690.7 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. The Legislature declares it to be necessary for the public health and welfare to provide a means for political subdivisions of this state to implement measures to reduce losses from flood disasters. The acquisition of real property for this objective

shall constitute a public purpose for which public funds may be expended.

B. The political subdivision is empowered and authorized to acquire fee title to real property and easements therein by purchase, gift, devise, lease, eminent domain, or otherwise for flood control. Eminent domain powers may be used only for acquiring real property for flood control or for curing title defects or encumbrances to real property to be acquired from a willing seller.

C. Title information, appraisal reports, offers, and counteroffers are confidential until an option contract is executed or, if no option contract is executed, until thirty (30) days before a contract or agreement for purchase is considered for approval by the governing board of the political subdivision. However, each political subdivision may, at its discretion, disclose appraisal reports to private landowners during negotiations for acquisitions using alternatives to fee simple techniques, if the political subdivision determines that disclosure of such reports will bring the proposed acquisition to closure. In the event that negotiation is terminated by the political subdivision, the title information, appraisal report, offers, and counteroffers shall become available to the public.

D. Real property acquired for the purposes enumerated in this section may also be used for recreational purposes, and whenever practicable such real property shall be open to the general public for recreational uses. Except when prohibited by a covenant or other restriction, real property managed and controlled by the political subdivision may be used for multiple purposes, including, but not limited to, agriculture and silviculture, as well as boating and other recreational uses.

E. The provisions of this section shall not limit the exercise of similar powers delegated by statute to any state or political subdivision or other person.

SECTION 14. AMENDATORY 82 O.S. 1991, Section 1085.2, as last amended by Section 5, Chapter 329, O.S.L. 1996 (82 O.S. Supp. 1998, Section 1085.2), is amended to read as follows:

Section 1085.2. In addition to any and all other authority conferred upon it by law, the Oklahoma Water Resources Board shall also have authority to:

1. Generally ~~to~~ do all such things as in its judgment may be necessary, proper or expedient in the accomplishment of its duties;

2. ~~To make~~ Make such contracts and execute such instruments as in the judgment of the Board are necessary or convenient to the exercise of any of the powers conferred upon it by law. Provided, however, no contract shall be made conveying the title or use of any waters of the State of Oklahoma to any person, firm, corporation or other state or subdivision of government, for sale or use in any other state, unless such contract be specifically authorized by an act of the Oklahoma Legislature and thereafter as approved by it;

3. ~~To negotiate~~ Negotiate contracts and other agreements with the federal government to arrange for the development of water resources and for the storage and distribution of water for beneficial purposes; provided, however, that the Board shall act in such capacity only as an intermediary in assisting others, and under no circumstances shall the Board have any power or authority to build, construct or finance any waterways, dams or other such projects for itself, except as may be otherwise specifically provided by the laws of this state;

4. ~~To develop~~ Develop statewide and local plans to assure the best and most effective use and control of water to meet both the current and long-range needs of the people of Oklahoma; to cooperate in such planning with any public or private agency, entity or person interested in water, and is directed to prepare such plans for consideration and approval by the Legislature; and to aid, at all times, counties, incorporated cities and towns and special purpose

districts in the state in promoting and developing flood control and water conservation in the state;

5. ~~To employ~~ Employ and fix the compensation of such officers, agents, attorneys, technical personnel and employees of the Board as it shall deem necessary to the proper performance of its duties;

6. ~~To adopt~~ Adopt and use an official seal;

7. ~~To make~~ Promulgate such rules, ~~regulations~~ and orders as it may deem necessary or convenient to the exercise of any of the powers or the performance of any of the duties conferred or imposed upon it by this or any other law;

8. ~~To institute~~ Institute and maintain, or to intervene in, any actions or proceedings in or before any court, board, commission or officer of this or any other state or of the United States to stop or prevent any use, misuse, appropriation or taking of any of the waters of this state which is in whole or in part in violation of any law, or of any rules, regulations, orders, judgments or decrees of any court, board, commission or officer of this or any state or of the United States; and to institute and maintain or intervene in any other action or proceeding where the Board deems it necessary to the proper execution and discharge of any of the powers or duties conferred or imposed upon it by law;

9. ~~To determine~~ Determine, charge and receive fees to be collected in advance for the filing and examination of applications for permits to construct water use works; appropriate groundwater; appropriate stream water; establish vested rights; inspect water use works; file other papers; make copies of documents; make prints of maps and drawings; certify copies of documents, maps and drawings; file transfers of water rights; gauge wells and ditches, changes in point of diversion and changes in place of use of water; test wells; hold hearings, make records and provide transcripts of hearings; provided that such fees shall not be collected from any state agency or state institution;

10. ~~To negotiate~~ Negotiate contracts or water compacts with the federal government or any department or bureau thereof, or with any state in this Union for the purpose of obtaining assistance and cooperation in the accomplishment of the purpose of flood control and water conservation and use in the state. To that end, the Board may match funds with the federal government and with other states upon such terms as shall be agreed upon and approved by the Governor of the state, with the limitation that contracts or water compacts with other states for the division and apportionment of the cost and use of the water controlled by interstate projects shall be submitted to and approved by the Legislature of the state and the Governor of the state, and Congress and the President of the United States conformable to the State and Federal Constitutions;

11. ~~To accept~~ Accept gifts and grants of money and property or any interest therein;

12. ~~To provide~~ Provide funding from federal and state monies for water, ~~and~~ wastewater and flood control project purposes to eligible entities for preliminary engineering reports ~~and~~, planning and feasibility studies and flood hazard mitigation projects;

13. ~~To sell~~ Sell or dispose of real or personal property held by the Board when no longer needed in such manner as provided by law;

14. ~~To make~~ Make appropriations of water to all special purpose districts;

15. ~~To execute~~ Execute and deliver, without actual consideration therefor, a written release of any easement or easement deed heretofore given to the Conservation Commission of the State of Oklahoma, the Planning and Resources Board or the Oklahoma Water Resources Board on lands situated in this state, whenever it shall appear to said Oklahoma Water Resources Board that the need for such easement or easement deed no longer exists; provided, the

owner of the lands affected shall file a written application for such release with the Oklahoma Water Resources Board;

16. ~~To adopt~~ Adopt, modify or repeal and promulgate standards of quality of the waters of the state and to classify such waters according to their best uses in the interest of the public under such conditions as the Board may prescribe for the prevention, control, and abatement of pollution. The standard of quality of waters of the state adopted by the Board pursuant to the provisions of Section 1085.30 of this title shall be utilized by all appropriate state environmental agencies in implementing their respective duties to abate and prevent pollution to the waters of the state;

17. ~~To review~~ Review disputes involving service areas or territories, rates for raw or treated water, and abrogation clauses in contracts among municipalities and rural water districts or not-for-profit rural water corporations; to recommend mediation and refer parties in appropriate disputes to mediators and provide technical information to such mediators; and to recommend other means of resolving disputes; provided, that no party to such dispute may initiate action in any district court regarding the dispute until written notice of the dispute has been filed with the Board; provided further that the provisions of this paragraph shall not be construed to diminish any right of access to the court granted to a party by law; and

18. ~~To establish~~ Establish an agency special account through the Office of State Finance and the State Treasurer's Office as necessary for the collection and distribution of funds, including funds of sponsors and registration fees related to conferences, meetings and training sessions.

SECTION 15. AMENDATORY 82 O.S. 1991, Section 1085.40, is amended to read as follows:

Section 1085.40 A. There is hereby created in the State Treasury a revolving fund for the Oklahoma Water Resources Board to be designated the "Statewide Water Development Revolving Fund". The revolving fund shall be a continuing fund, not subject to fiscal year limitations.

B. All monies placed in the Statewide Water Development Revolving Fund, exclusive of such amounts of interest derived from investment deposits necessary to maintain the grant account at its maximum amount as provided in subsection C of this section, may be used by the Board for any and all of the following uses and purposes:

1. For the planning and, upon legislative authorization, acquisition of land, construction, operation and maintenance of multipurpose reservoirs and desalination facilities within the State of Oklahoma;

2. To provide for and pay the share, contribution or portion of the cost the state shall pay for any legislative-approved, federally funded water project in the state including, but not limited to, projects for bank stabilization, flood control, flood hazard mitigation projects, weather modification, hydroelectric power, water supply, irrigation, recreation and other beneficial uses; and

3. To fulfill state contractual obligations upon legislative authorization and pursuant to approved repayment agreements with the federal government and incidental to federally funded water supply storage projects.

The Board shall submit annually to the Legislature a list of those projects under consideration for funding under the provisions of this section.

C. The principal amount of all monies placed in the Statewide Water Development Revolving Fund and in the Water Resources Fund Grant Account as provided for in Section 1085.39 of this title shall be invested by the State Treasurer in the manner prescribed by

Sections 89.1 et seq. of Title 62 of the Oklahoma Statutes.

Interest income derived from the investment of monies placed in the Statewide Water Development Revolving Fund shall be credited to and placed in the grant account established by Section 1085.39 of Title 82 of the Oklahoma Statutes, provided, the total of all monies held in the grant account shall not exceed Five Million Dollars (\$5,000,000.00). Whenever the aggregate total of all monies placed in the grant account equals Five Million Dollars (\$5,000,000.00), then the principal amount in the grant account shall be kept and maintained at that amount and all additional interest income not required to maintain the balance of the grant account at Five Million Dollars (\$5,000,000.00) shall be retained in the Statewide Water Development Revolving Fund. The additional interest income not needed to maintain the grant account as herein provided may be utilized by the Board for the purposes and uses enumerated in subsection B of this section.

SECTION 16. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1085.91 of Title 82, unless there is created a duplication in numbering, reads as follows:

In addition to the financial assistance program established under Sections 1085.31 through 1085.49, 1085.51 through 1085.65, and 1085.71 through 1085.84A of Title 82 of the Oklahoma Statutes pursuant to Section 39 of Article X of the Oklahoma Constitution, it is the intention of the Legislature to establish a Flood Hazard Mitigation Financial Assistance Program. Financing projects to mitigate flooding is hereby declared to be a public purpose.

SECTION 17. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1085.92 of Title 82, unless there is created a duplication in numbering, reads as follows:

As used in the Flood Hazard Mitigation Financial Assistance Program:



1. "Flood hazard mitigation project" means those projects designed to correct, alleviate or eliminate a condition or situation which poses a repetitive threat to life, property or public safety from the effects of a flood event;

2. "Eligible entity" means any city, town, county or the State of Oklahoma, and any rural water or sewer district, irrigation district, public trust, master conservancy district or other political subdivision or any combination thereof;

3. "Board" means the Oklahoma Water Resources Board; and

4. "Department" means the Oklahoma Department of Civil Emergency Management.

SECTION 18. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1085.93 of Title 82, unless there is created a duplication in numbering, reads as follows:

A. Within the Water Resources Fund created pursuant to Section 1085.33 of Title 82 of the Oklahoma Statutes, there is hereby created the "Flood Hazard Mitigation Account". The account shall be set apart as a permanent and perpetual account not subject to fiscal year limitations and shall consist of:

1. All monies appropriated to the account;

2. Interest income from deposits made to the Statewide Water Development Revolving Fund for the purpose of flood hazard mitigation;

3. All income from the investment of monies held in the account consistent with applicable bond resolutions or indentures; and

4. Any other sums designated for deposit to the account from any source, public or private.

B. The monies in the account shall be used by the Oklahoma Department of Civil Emergency Management and the Oklahoma Water Resources Board to implement flood hazard mitigation projects, including but not limited to providing grants or loans to eligible entities:

1. To acquire land or a conservation easement from a willing seller or grantor in order to mitigate flood hazards; or

2. To implement voluntary, incentive-based flood hazard mitigation measures in order to facilitate compliance with state or national regulations.

C. Monies in, or investment income derived from, the Flood Hazard Mitigation Account shall be restricted and used consistent with Federal Emergency Management Agency procedures or guidance or regulations promulgated thereunder. Monies in the Flood Hazard Mitigation Account, or investment income derived therefrom, shall be used by the Oklahoma Water Resources Board and the Oklahoma Department of Civil Emergency Management in carrying out their responsibilities as provided in a written annual joint operating agreement.

D. The monies placed in the Flood Hazard Mitigation Account may be invested by the State Treasurer in an adequately collateralized manner and as prescribed by Section 89.2 of Title 62 of the Oklahoma Statutes or pursuant to investment contracts or agreements with entities maintaining a rating in the top two categories by a nationally recognized municipal bond rating agency, all in a manner consistent with the federal Safe Drinking Water Act or regulations promulgated thereunder. The Board may transfer to the Flood Hazard Mitigation Account income derived from investment of the fund. Monies invested by the State Treasurer shall be available to implement flood hazard mitigation projects.

E. The Oklahoma Department of Civil Emergency Management and the Board shall cause to be completed an annual audit of any expenditures from the Flood Hazard Mitigation Account.

SECTION 19. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1085.94 of Title 82, unless there is created a duplication in numbering, reads as follows:

A. In addition to other powers and duties provided by law, the Oklahoma Water Resources Board shall have the power and duty to:

1. Process applications for grant funds or loans from the Flood Hazard Mitigation Account and enter into grant or loan agreements for use of such funds;

2. Promulgate rules as deemed necessary by the Board to administer the Flood Hazard Mitigation Financial Assistance Program;

3. Utilize the priority listing of applicants compiled by the Oklahoma Department of Civil Emergency Management in considering grant applications;

4. a. Issue investment certificates, in accordance with the provisions of Sections 1085.33 and 1085.37 of Title 82 of the Oklahoma Statutes and the Oklahoma Bond Oversight and Reform Act, to provide necessary funds first to meet the demand for loan funding from the Flood Hazard Mitigation Financial Assistance Program; provided, any investment certificate proceeds not needed for such demand may be used by the Board, as needed, for funding other financial assistance programs authorized in Title 82 of the Oklahoma Statutes, and

b. Enter into loan agreements with and make loans from the proceeds of investment certificates to eligible entities for flood hazard mitigation projects upon terms not inconsistent with the provisions of Section 1085.36 of Title 82 of the Oklahoma Statutes; and

5. Enter into agreements with the Department or other state or federal agencies as deemed necessary by the Board to monitor and measure flood events.

B. In addition to other powers and duties provided by law, the Oklahoma Department of Civil Emergency Management shall promulgate rules providing for and establishing a priority listing of grant and

loan applicants for flood hazard mitigation projects subject to the Oklahoma Civil Defense and Emergency Resources Management Act, and which are determined eligible to receive funding from the Flood Hazard Mitigation Account.

SECTION 20. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1085.95 of Title 82, unless there is created a duplication in numbering, reads as follows:

A. Loans and grants under the Flood Hazard Mitigation Financial Assistance Program may be used in conjunction with other financial assistance available from the Board.

B. If a flood hazard mitigation project includes activities to be conducted on privately owned real property, the loan or grant agreement between the Board and the eligible entity that receives the grant shall contain a provision about any necessary subagreements with the owners of such property.

SECTION 21. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1085.96 of Title 82, unless there is created a duplication in numbering, reads as follows:

Monies appropriated to the Statewide Water Development Revolving Fund for the purpose of flood hazard mitigation, in addition to such purpose, may be used by the Oklahoma Water Resources Board for security and collateral for investment certificates issued by the Board pursuant to Section 19 of this act.

SECTION 22. AMENDATORY 82 O.S. 1991, Section 1602, is amended to read as follows:

Section 1602. The State of Oklahoma recognizes the personal hardships and economic distress caused by flood disasters. Oklahoma also recognizes that it has become uneconomical for the private insurance industry alone to make flood insurance available to those in need of such protection on reasonable terms and conditions. Recognizing this problem, Congress enacted the National Flood Insurance Act of 1968, whereby flood insurance can be made available

through the coordinated efforts of the federal government and the private insurance industry and through the positive cooperation of state and local government. The purpose of ~~this act~~ the Oklahoma Floodplain Management Act is to procure flood insurance for those citizens that desire to participate in this federal program.

SECTION 23. AMENDATORY 82 O.S. 1991, Section 1603, is amended to read as follows:

Section 1603. As used in ~~this act~~ the Oklahoma Floodplain Management Act:

1. "Area of jurisdiction" means:
  - a. all of the lands within an incorporated town or city, for a municipality,
  - b. all of the unincorporated areas of the county, for a county, or
  - c. all property owned or operated by the state, for the state;
2. "Board" means the Oklahoma Water Resources Board;
3. "Dwelling unit" means a place of residence and may be a single\_ or multiple-dwelling building;
4. "Flood" or "flooding" means general and temporary conditions of partial or complete inundation of normally dry land areas from the overflow of lakes, streams, rivers or any other inland waters or from surface run-off;
5. "Floodplain" means the land adjacent to a body of water which has been or may be covered by flooding, including, but not limited to, the one-hundred-year flood;
6. "Floodplain board" means an administrative and planning board, for floodplain management, of a county, a municipality or the state or the planning commission of a municipality or a county if so designated by the governing body of the municipality or county;
7. "Floodplain regulations" mean the codes, ordinances and other regulations relating to the use of land and construction

within the channel and floodplain areas including, but not limited to, zoning ordinances, platting regulations, building codes, housing codes, setback requirements and open area regulations;

8. "Floodway" means the channel of a stream, watercourse or body of water and those portions of floodplains which are reasonably required to carry and discharge the floodwater or floodflow of any river or stream;

9. "One-hundred-year flood" means a flood which has a one percent (1%) chance of occurring each year, based upon the criteria established by the Oklahoma Water Resources Board; and

10. "Program" means the overall national flood insurance program authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001-4128) as amended.

SECTION 24. AMENDATORY 82 O.S. 1991, Section 1604, is amended to read as follows:

Section 1604. A. 1. To allow participation in the program, the Oklahoma Water Resources Board, boards of county commissioners and municipal governing bodies are authorized to establish floodplain boards for their respective area of jurisdiction which may adopt, administer and enforce floodplain management regulations, for the purpose of:

~~1. The~~

a. the delineation of floodplains and floodways~~†~~

~~2. The~~

b. the preservation of the capacity of the floodplain to carry and discharge regional floods~~†~~

~~3. The~~

c. the minimization of flood hazards~~†~~ and

~~4. The~~

d. the regulation of the use of land in the floodplain.

2. The regulations shall be based on adequate technical data and competent engineering advice and shall be consistent with local and regional comprehensive planning.

B. The regulations shall be approved by the Oklahoma Water Resources Board, the county or the municipality, as the case may be, by appropriate order, resolution or ordinance.

SECTION 25. AMENDATORY 82 O.S. 1991, Section 1605, is amended to read as follows:

Section 1605. A. A county floodplain board shall be composed of five (5) members to be appointed by the board of county commissioners. All the members shall be residents of the county and shall own or operate real property within the unincorporated area of the county. Two members shall be appointed for terms of two (2) years, two members shall be appointed for terms of four (4) years and one member shall be appointed for a term of six (6) years. Thereafter all appointments shall be made for terms of six (6) years. All members shall serve without compensation. Members may be removed by the board of county commissioners for cause after a public hearing for that purpose. Vacancies shall be filled by additional appointments for the unexpired term only.

B. 1. A municipal floodplain board shall be composed of five (5) members to be appointed by the municipal governing body. All the members shall be residents of the municipality.

2. Membership of floodplain boards in existence prior to ~~the effective date of this act~~ May 13, 1980, shall remain as currently constituted. Membership for boards created subsequent to ~~the effective date of this act~~ May 13, 1980, shall consist of two members appointed for terms of two (2) years, two members appointed for terms of four (4) years and one member appointed for a term of six (6) years. Thereafter all appointments shall be made for terms of six (6) years.

3. All members shall serve without compensation.

4. Members may be removed by the municipal governing body for cause after a public hearing for that purpose. Vacancies shall be filled by additional appointments for the unexpired term only.

C. A state floodplain board shall be composed of the members of the Board. All members shall serve without additional compensation.

SECTION 26. AMENDATORY 82 O.S. 1991, Section 1606, is amended to read as follows:

Section 1606. ~~Within one hundred eighty (180) days after the effective date of this act, the~~ The Oklahoma Water Resources Board shall develop, adopt and publish criteria and ~~regulations~~ promulgate rules for aiding the floodplain boards in the establishment and delineation of the floodplains and the one-hundred-year flood elevations for Oklahoma.

SECTION 27. AMENDATORY 82 O.S. 1991, Section 1607, is amended to read as follows:

Section 1607. The floodplain boards shall delineate and submit to the Oklahoma Water Resources Board all floodplain definitions and one-hundred-year flood elevations within their respective area of jurisdiction, using methods consistent with the criteria and regulations developed by the Board.

SECTION 28. AMENDATORY 82 O.S. 1991, Section 1608, is amended to read as follows:

Section 1608. All floodplain boards that ~~choose~~ elect to participate in the program shall adopt floodplain regulations, which shall conform with the requirements necessary to establish eligibility and to maintain participation in the program and shall include the following:

1. Regulations for any platting of land in floodplains, construction of dwelling units and commercial or industrial structures in floodplains, and all other construction in the floodplains, which may divert, retard or obstruct floodwater and threaten public health, safety or welfare;



2. Regulations which establish minimum flood protection elevations and flood damage prevention requirements for use of structures and facilities which are located in a floodplain or are vulnerable to flood damage. Regulations adopted under this section are to be in accordance with any applicable state and local laws, regulations and ordinances; and

3. Regulations which provide for coordination by the floodplain board with all other interested and affected political subdivisions and state agencies. The regulations of a floodplain board shall not apply to the use of the usual farm buildings for agricultural purposes, the planting of agricultural crops or the construction of farm ponds.

SECTION 29. AMENDATORY 82 O.S. 1991, Section 1610, is amended to read as follows:

Section 1610. A. Floodplain ~~regulations enacted~~ rules promulgated pursuant to ~~this act~~ the Oklahoma Floodplain Management Act shall only be ~~adopted~~ promulgated by the Oklahoma Water Resources Board in accordance with the Administrative Procedures Act.

B. 1. Floodplain regulations ~~enacted~~ adopted pursuant to ~~this act~~ the Oklahoma Floodplain Management Act shall only be adopted by the county or municipal floodplain boards after a public hearing at which parties in interest and other citizens have an opportunity to be heard. At least thirty (30) days prior to the hearing, a notice of the time and place of hearing shall be published in a newspaper of general circulation regularly published nearest the area of jurisdiction.

~~C.~~ 2. At least thirty (30) days prior to the date of any hearing required by this subsection ~~B of this section~~, written notice shall be furnished the Board, accompanied by a copy of each proposed ~~rule or~~ regulation to be acted upon. A copy of any regulation adopted by a floodplain board pursuant to ~~this act~~ the

Oklahoma Floodplain Management Act shall be filed with the Board within fifteen (15) days of its adoption.

SECTION 30. AMENDATORY 82 O.S. 1991, Section 1611, is amended to read as follows:

Section 1611. Within one hundred eighty (180) days after the completion of construction of any flood control protective works, the floodplain board in its area of jurisdiction shall redefine the floodplain as altered by the works. The new floodplain definition and one-hundred-year flood elevations shall then be submitted to the Oklahoma Water Resources Board.

SECTION 31. AMENDATORY 82 O.S. 1991, Section 1612, is amended to read as follows:

Section 1612. A. After a floodplain board has submitted to the Oklahoma Water Resources Board definitions of all floodplains and one-hundred-year flood elevations within its area of jurisdiction, all platting of land, all construction of dwelling units or commercial or industrial structures, and all future development within the delineated floodplain area is prohibited unless:

1. Floodplain regulations have been adopted pursuant to ~~this act~~ the Oklahoma Floodplain Management Act for such areas and are in full force and effect;

2. Prior to regulations having been adopted, a special permit is granted by the floodplain board; or

3. A special permit is granted by the state floodplain board, if development or construction is to be on lands owned or held in trust by the state. Provided, that notice of such construction or development must be afforded to all concerned governmental entities within thirty (30) days of the decision to undertake such construction or development.

B. Special permits authorized by subsection A of this section may be issued when the applicable floodplain board determines that construction or development in the floodplain in question is not a

danger to persons or property. In making its determination, the floodplain board shall comply with Section ~~10~~ 1610 of this ~~act~~ title.

SECTION 32. AMENDATORY 82 O.S. 1991, Section 1613, is amended to read as follows:

Section 1613. Any use that exists prior to ~~the effective date of this act~~ May 13, 1980, which does not meet the minimum standards ~~set forth herein~~ specified by the Oklahoma Floodplain Management Act may continue. However, unless brought into compliance with the minimum standards ~~set forth~~ specified in regulations adopted pursuant to ~~this act~~ the Oklahoma Floodplain Management Act such uses may not be substantially altered, or enlarged ~~or added to~~.

SECTION 33. This act shall become effective July 1, 1999.

SECTION 34. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this resolution shall take effect and be in full force from and after its passage and approval.

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