

1 ENGROSSED SENATE AMENDMENT
TO

2 ENGROSSED HOUSE
BILL NO. 2836

By: Martin (Scott) of the House

3
4 and

5 David of the Senate

6
7 (waters and water rights - amending 82 O.S., Section
8 1610 - Oklahoma Floodplain Management Act -
codification - effective date -
9 emergency)

10
11 AUTHOR: Add the following Senate Coauthor: Fields

12 AMENDMENT NO. 1. Page 1, strike the stricken title, enacting clause
and entire bill and insert

13 "[waters and water rights - amending 82 O.S. 2011,
14 Section 1610 - Oklahoma Floodplain Management Act -
15 codification - effective date -
emergency]

16
17 ~~BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:~~

18 SECTION 1. AMENDATORY 82 O.S. 2011, Section 1610, is
19 amended to read as follows:

20 Section 1610. A. Floodplain management rules enacted pursuant
21 to the Oklahoma Floodplain Management Act shall only be promulgated
22 by the Oklahoma Water Resources Board in accordance with the
23 Administrative Procedures Act.
24

1 ~~B. Floodplain~~ New or revised floodplain management regulations
2 adopted by a local jurisdiction pursuant to the Oklahoma Floodplain
3 Management Act and any amendments to the regulations shall go into
4 effect thirty (30) days after adoption unless the regulation or
5 amendment specifies a later effective date; provided, that no
6 floodplain management regulation or amendment thereto shall be in
7 force unless published in a newspaper of general circulation
8 regularly published nearest the area of jurisdiction within fifteen
9 (15) days after adoption; provided that publication may be by title
10 or summary of the ordinance, resolution or act.

11 ~~C. At least thirty (30) days prior to the date of adoption of a~~
12 ~~regulation or amendment thereto, written notice shall be furnished~~
13 ~~to the Oklahoma Water Resources Board, accompanied by a copy of each~~
14 ~~proposed regulation or amendment.~~

15 ~~D.~~ B. A certified copy of any regulation or amendment thereto
16 adopted by a floodplain board pursuant to the Oklahoma Floodplain
17 Management Act shall be filed with the Oklahoma Water Resources
18 Board within fifteen (15) days after adoption and one of the
19 following requirements have been met:

20 1. The local jurisdiction shall give notice of a public hearing
21 for any change in floodplain management regulations that directly
22 affect specific properties outside the Special Flood Hazard Area.
23 The public hearing shall be placed on the meeting agenda pursuant to
24 the Oklahoma Open Meeting Act. All affected property owners and

1 other concerned citizens shall be afforded the opportunity to be
2 heard regarding the possible effects of the regulations; or

3 2. New or revised floodplain management regulations adopted by
4 a municipality shall be established by ordinance. All such
5 ordinances shall be considered at a public meeting of the council or
6 board of trustees, which meeting shall be open to the public.
7 Notice of such meeting shall be provided in accordance with the
8 Oklahoma Open Meeting Act.

9 C. The local jurisdiction shall publish the approved
10 regulations in a newspaper of general circulation within or nearest
11 to the county in which the jurisdiction is located within thirty
12 (30) days of adoption; provided that, publication may be by title or
13 summary of the ordinance, resolution or act.

14 D. The local jurisdiction shall send the approved regulations
15 to the Oklahoma Water Resources Board within thirty (30) days of
16 adoption.

17 SECTION 2. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Title 1620.2 of Section 82, unless there
19 is created a duplication in numbering, reads as follows:

20 A. If a local jurisdiction creates or adds to a buffer zone
21 located outside but adjacent to the Special Flood Hazard Area for
22 the purposes of public trails, greenways, open space, conservation
23 easements, parks, recreational uses or similar uses not primarily
24 and directly related to floodplain management, flood hazard

1 reduction or stormwater quality management, the local jurisdiction
2 must pay the landowner of record just compensation based on the
3 total fair market value of the land affected by the action, subject
4 to the following exceptions:

5 1. Public roadways, rights of ways, public and private utility
6 easements, lines or appurtenances or drainage easements used to
7 support the development of the land within the jurisdiction;

8 2. Development restrictions enacted by local jurisdictions
9 regarding stormwater management, including but not limited to
10 restrictions designed to address pollution from municipal separate
11 storm sewer systems, or "MS4s", under the provisions of the local
12 jurisdiction's National or Oklahoma Pollution Discharge Elimination
13 System permit;

14 3. Development ordinances, resolutions or regulations enacted
15 by local jurisdictions participating in or actively seeking
16 participation in any incentive program designed to secure insurance
17 rate discounts for residents, including the Federal Emergency
18 Management Agency's Community Rating System, that are being enacted
19 in order to maintain or increase the ranking or standing of the
20 local jurisdiction in such a program;

21 4. Requirements for stormwater detention, storm sewers,
22 channels, or similar infrastructure necessary to provide for proper
23 drainage of stormwater pursuant to the local jurisdiction's adopted
24 laws, ordinances, resolutions, or other regulations;

1 5. Property that is voluntarily donated by the property owner;
2 and

3 6. Secondary uses of rights or way or easements consistent with
4 the original conveyance from the landowner.

5 B. For the purpose of this section, the Special Flood Hazard
6 Area shall be construed to include locally adopted flood prone areas
7 that are delineated pursuant to commonly accepted civil engineering
8 standards for the purpose of more accurately depicting the true one-
9 hundred-year-storm flood risk to a local jurisdiction.

10 C. No development restriction enacted pursuant to one or more
11 of the exceptions contained within this section shall be valid
12 unless a mechanism has been provided for affected property owners to
13 appeal the enforcement of the regulation. The local governing body
14 shall be responsible for setting out a mechanism, including
15 designation of a body to hear such applications and determination of
16 a reasonable application fee.

17 SECTION 3. This act shall become effective July 1, 2012.

18 SECTION 4. It being immediately necessary for the preservation
19 of the public peace, health and safety, an emergency is hereby
20 declared to exist, by reason whereof this act shall take effect and
21 be in full force from and after its passage and approval."

22 and amend the title to conform
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Passed the Senate the 25th day of April, 2012.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____,
2012.

Presiding Officer of the House
of Representatives