

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

2 SECTION 1. AMENDATORY 82 O.S. 2001, Section 1603, as
3 last amended by Section 2, Chapter 95, O.S.L. 2004 (82 O.S. Supp.
4 2010, Section 1603), is amended to read as follows:

5 Section 1603. As used in the Oklahoma Floodplain Management
6 Act:

7 1. "Area of jurisdiction" means:

8 a. all of the lands within an incorporated town or city,
9 for a municipality,

10 b. ~~all of~~ floodplains in the unincorporated areas of the
11 county, for a county, or

12 c. all property owned or operated by the state, for the
13 state;

14 2. "Board" means the Oklahoma Water Resources Board;

15 3. "Dwelling unit" means a place of residence and may be a
16 single or multiple-dwelling building;

17 4. "Flood" or "flooding" means general and temporary conditions
18 of partial or complete inundation of normally dry land areas from
19 the overflow of lakes, streams, rivers or any other inland waters;

20 5. "Floodplain" means the land adjacent to a body of water
21 which has been or may be covered by flooding, including, but not
22 limited to, the one-hundred-year flood;

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1 6. "Floodplain administrator" means a person accredited by the
2 Board and designated by a floodplain board, to administer and
3 implement laws and regulations relating to the management of
4 floodplains;

5 7. "Floodplain board" means an administrative and planning
6 board, for floodplain management, of a county, a municipality or the
7 state or the planning commission of a municipality or a county if so
8 designated by the governing body of the municipality or county;

9 8. "Floodplain regulations" mean the codes, ordinances and
10 other regulations relating to the use of land and construction
11 within the channel and floodplain areas including, but not limited
12 to, permits, zoning ordinances, platting regulations, building
13 codes, housing codes, setback requirements and open area
14 regulations;

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

19 10. "One-hundred-year flood" means a flood which has a one
20 percent (1%) chance of occurring each year, based upon the criteria
21 established by the Oklahoma Water Resources Board; and
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1 11. "Program" means the overall national flood insurance
2 program authorized by the National Flood Insurance Act of 1968 (42
3 U.S.C. 4001-4128) as amended.

4 SECTION 2. AMENDATORY 82 O.S. 2001, Section 1604, as
5 last amended by Section 3, Chapter 95, O.S.L. 2004 (82 O.S. Supp.
6 2010, Section 1604), is amended to read as follows:

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

- 13 1. The delineation of floodplains and floodways;
- 14 2. The preservation of the capacity of the floodplain to carry
15 and discharge regional floods;
- 16 3. The minimization of flood hazards;
- 17 4. The establishment and charging of fair and reasonable fees
18 in an equitable manner, not to exceed Five Hundred Dollars
19 (\$500.00), for services provided by the Board, county commissioners
20 and municipalities in the administration of their responsibilities
21 pursuant to the Oklahoma Floodplain Management Act. The charging of
22 fees shall be limited to development on lands within the area of the
23 one-hundred-year flood;

1 5. The regulation of the use of land in the floodplain;

2 6. The protection of the natural and beneficial functions of
3 the floodplain, reducing damage to property from floods, reducing
4 injury and loss of life from floods, and allowing communities to be
5 eligible for flood insurance; and

6 7. The hiring and employment of an accredited floodplain
7 administrator.

8 B. The floodplain management rules and regulations shall be
9 based on adequate technical data and competent engineering advice
10 and shall be consistent with local and regional comprehensive
11 planning.

12 C. The floodplain management rules and regulations shall be
13 approved by the Oklahoma Water Resources Board, the county or the
14 municipality, as the case may be, by appropriate order, resolution
15 or ordinance.

16 D. The floodplain management rules and regulations enacted by a
17 county shall be reviewed and approved by the Oklahoma Water
18 Resources Board prior to adoption by the county to ensure that the
19 requirements are fair and equitable.

20 SECTION 3. AMENDATORY 82 O.S. 2001, Section 1607, as
21 amended by Section 7, Chapter 46, O.S.L. 2002 (82 O.S. Supp. 2010,
22 Section 1607), is amended to read as follows:
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1 Section 1607. The county and municipal floodplain boards shall
2 delineate and submit to the Oklahoma Water Resources Board all
3 floodplain definitions and one-hundred-year flood elevations within
4 their respective area of jurisdiction, using methods consistent with
5 the criteria and rules developed by the Board.

6 SECTION 4. AMENDATORY 82 O.S. 2001, Section 1608, as
7 amended by Section 8, Chapter 46, O.S.L. 2002 (82 O.S. Supp. 2010,
8 Section 1608), is amended to read as follows:

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

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

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

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

9 4. Counties and municipalities that choose to participate in
10 the program and utilize a floodplain manager are encouraged to
11 attend the floodplain development management classes offered by the
12 National Flood Insurance Program and any additional annual
13 continuing education classes offered by the Oklahoma Water Resources
14 Board.

15 SECTION 5. AMENDATORY 82 O.S. 2001, Section 1610, as
16 amended by Section 10, Chapter 46, O.S.L. 2002 (82 O.S. Supp. 2010,
17 Section 1610), is amended to read as follows:

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

22 B. Floodplain regulations enacted pursuant to the Oklahoma
23 Floodplain Management Act shall only be adopted by the county or

1 municipal floodplain boards after a public hearing at which time
2 parties ~~in~~ and citizens with an interest and other citizens have an
3 opportunity to be heard. At least thirty (30) days prior to the
4 hearing, the proposed rules and any associated requirements and a
5 notice of the time and place of hearing shall be published on the
6 website of the board, and a notice of the time and place of the
7 hearing shall be published in a newspaper of general circulation
8 regularly published nearest the area of jurisdiction.

9 C. At least thirty (30) days prior to the date of any hearing
10 required by subsection B of this section, written notice shall be
11 furnished to the Oklahoma Water Resources Board, accompanied by a
12 copy of each proposed rule and any associated requirement to be
13 acted upon. A copy of any regulation adopted by a floodplain board
14 pursuant to the Oklahoma Floodplain Management Act shall be filed
15 with the Board within fifteen (15) days of its adoption.

16 D. The floodplain regulations enacted by a county shall be
17 reviewed and approved by the Oklahoma Water Resources Board prior to
18 adoption by the county to ensure that the requirements are fair and
19 equitable.

20 SECTION 6. AMENDATORY 82 O.S. 2001, Section 1614, as
21 amended by Section 14, Chapter 46, O.S.L. 2002 (82 O.S. Supp. 2010,
22 Section 1614), is amended to read as follows:
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1 Section 1614. The Oklahoma Water Resources Board and county and
2 municipal floodplain boards in promulgating rules pursuant to
3 Section 1606 of this title and floodplain boards in preparing
4 floodplain management regulations shall give due consideration to
5 the needs of an industry, including agriculture and the oil and gas
6 industry, whose business requires that it be located within a
7 floodplain.

8 SECTION 7. AMENDATORY 82 O.S. 2001, Section 1616, as
9 amended by Section 16, Chapter 46, O.S.L. 2002 (82 O.S. Supp. 2010,
10 Section 1616), is amended to read as follows:

11 Section 1616. A. Appeals of any decision of the Oklahoma Water
12 Resources Board shall be in accordance with the Administrative
13 Procedures Act.

14 B. Appeals of the decision of a county or municipal floodplain
15 board shall be taken to the board of adjustment for the area of
16 jurisdiction involved in the appeal ~~or~~, to the governing body of the
17 county or municipality where no board of adjustment exists, or to
18 the Oklahoma Water Resources Board. Appeals may be taken by any
19 person aggrieved or by a public officer, department, board or bureau
20 affected by any decision of the floodplain board in administering
21 the floodplain board's regulations. The appeal shall be taken
22 within a period of not more than ten (10) days, by filing written
23 notice with the appellant body and the floodplain board, stating the

1 grounds thereof. An appeal shall stay all proceedings in
2 furtherance of the action appealed from unless the floodplain board
3 from which the appeal is taken shall certify to the appellant ~~of~~
4 body that by reason of facts stated in the certificate a stay would,
5 in its opinion, cause imminent peril to life or property. The
6 appellant body shall have the following powers and duties:

7 1. To hear and decide appeals where it is alleged that there is
8 error of law in any order, requirement, decision or determination
9 made by the floodplain board in the enforcement of the floodplain
10 board's regulations~~;~~i

11 2. In exercising its powers, ~~the appellant body may~~ to reverse
12 or affirm wholly or partly, or may modify the order, requirement,
13 decision or determination as ought to be made, and to that end shall
14 have all the powers of the floodplain board from which the appeal is
15 taken~~;~~ and

16 3. In acting upon any appeal, ~~the appellant body shall~~ to apply
17 the principles, standards and objectives set forth and contained in
18 all applicable regulations and plans adopted.

19 SECTION 8. This act shall become effective November 1, 2011.

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21 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE, WILDLIFE AND
22 ENVIRONMENT, dated 02-23-2011 - DO PASS, PLACED ON CONSENT CALENDAR,
23 As Coauthored.

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HB1943 HFLR

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.