

1 c. all property owned or operated by the state, for the
2 state;

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

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

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

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

12 6. "Floodplain administrator" means a person accredited by the
13 Board and designated by a floodplain board, to administer and
14 implement laws and regulations relating to the management of
15 floodplains;

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

20 8. "Floodplain regulations" mean the codes, ordinances and
21 other regulations relating to the use of land and construction
22 within the channel and floodplain areas including, but not limited
23 to, permits, zoning ordinances, platting regulations, building
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1 codes, housing codes, setback requirements and open area
2 regulations;

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

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

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

13 SECTION 2. AMENDATORY 82 O.S. 2001, Section 1604, as
14 last amended by Section 3, Chapter 95, O.S.L. 2004 (82 O.S. Supp.
15 2010, Section 1604), is amended to read as follows:

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

22 1. The delineation of floodplains and floodways;

23 2. The preservation of the capacity of the floodplain to carry
24 and discharge regional floods;

1 3. The minimization of flood hazards;

2 4. The establishment and charging of fair and reasonable fees
3 in an equitable manner, not to exceed Five Hundred Dollars
4 (\$500.00), for services provided by the Board, county commissioners
5 and municipalities in the administration of their responsibilities
6 pursuant to the Oklahoma Floodplain Management Act. Fees shall be
7 limited to development on lands within a Federal Emergency
8 Management Agency mapped one-hundred year flood;

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

10 6. The protection of the natural and beneficial functions of
11 the floodplain, reducing damage to property from floods, reducing
12 injury and loss of life from floods, and allowing communities to be
13 eligible for flood insurance; and

14 7. The hiring and employment of an accredited floodplain
15 administrator.

16 B. The rules and regulations shall be based on adequate
17 technical data and competent engineering advice and shall be
18 consistent with local and regional comprehensive planning.

19 C. The ~~rules and~~ floodplain regulations shall be approved by
20 the Oklahoma Water Resources Board, the county or the municipality,
21 as the case may be, by appropriate order, resolution or ordinance.

22 D. The floodplain regulations developed by the county shall be
23 reviewed and approved by the Executive Director of the Oklahoma
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1 Water Resources Board, or a designee, prior to approval by the
2 county to ensure the requirements are fair and equitable.

3 SECTION 3. AMENDATORY 82 O.S. 2001, Section 1610, as
4 amended by Section 10, Chapter 46, O.S.L. 2002 (82 O.S. Supp. 2010,
5 Section 1610), is amended to read as follows:

6 Section 1610. A. Floodplain rules enacted pursuant to the
7 Oklahoma Floodplain Management Act shall only be promulgated by the
8 Oklahoma Water Resources Board in accordance with the Administrative
9 Procedures Act.

10 B. Floodplain regulations enacted pursuant to the Oklahoma
11 Floodplain Management Act shall only be adopted by the county or
12 municipal floodplain boards after a public hearing at which parties
13 ~~in~~ and citizens with an interest and other citizens have an
14 opportunity to be heard. At least thirty (30) days prior to the
15 hearing, a the proposed regulation and any associated requirement,
16 and the notice of the time and place of hearing shall be published
17 on the Oklahoma Water Resources Board website. A notice of the time
18 and place of the hearing shall be published in a newspaper of
19 general circulation regularly published nearest the area of
20 jurisdiction.

21 C. At least thirty (30) days prior to the date of any hearing
22 required by subsection B of this section, written notice shall be
23 furnished the Board, accompanied by a copy of each proposed rule or
24 regulation and any associated requirement to be acted upon. A copy

1 of any regulation adopted by a floodplain board pursuant to the
2 Oklahoma Floodplain Management Act shall be filed with the Board
3 within fifteen (15) days of its adoption.

4 D. The floodplain regulations developed by the county shall be
5 reviewed and approved by the Executive Director of the Oklahoma
6 Water Resources Board, or a designee, prior to approval by the
7 county to ensure the requirements are fair and equitable.

8 SECTION 4. AMENDATORY 82 O.S. 2001, Section 1614, as
9 amended by Section 14, Chapter 46, O.S.L. 2002 (82 O.S. Supp. 2010,
10 Section 1614), is amended to read as follows:

11 Section 1614. The Oklahoma Water Resources Board, county and
12 municipal floodplain boards in promulgating rules pursuant to
13 Section 1606 of this title and floodplain boards in preparing
14 floodplain management regulations shall give due consideration to
15 the needs of an industry, including agriculture and the oil and gas
16 industry, whose business requires that it be located within a
17 floodplain.

18 SECTION 5. AMENDATORY 82 O.S. 2001, Section 1616, as
19 amended by Section 16, Chapter 46, O.S.L. 2002 (82 O.S. Supp. 2010,
20 Section 1616), is amended to read as follows:

21 Section 1616. A. Appeals of any decision of the Oklahoma Water
22 Resources Board shall be in accordance with the Administrative
23 Procedures Act.

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1 B. Appeals of the decision of a county or municipal floodplain
2 board shall be taken to the board of adjustment for the area of
3 jurisdiction involved in the appeal or to the governing body of the
4 county or municipality where no board of adjustment exists, or to
5 the Oklahoma Water Resources Board. Appeals may be taken by any
6 person aggrieved or by a public officer, department, board or bureau
7 affected by any decision of the floodplain board in administering
8 the floodplain board's regulations. The appeal shall be taken
9 within a period of not more than ten (10) days, by filing written
10 notice with the appellant body and the floodplain board, stating the
11 grounds thereof. An appeal shall stay all proceedings in
12 furtherance of the action appealed from unless the floodplain board
13 from which the appeal is taken shall certify to the appellant of
14 body that by reason of facts stated in the certificate a stay would,
15 in its opinion, cause imminent peril to life or property. The
16 appellant body shall have the following powers and duties:

17 1. To hear and decide appeals where it is alleged that there is
18 error of law in any order, requirement, decision or determination
19 made by the floodplain board in the enforcement of the floodplain
20 board's regulations.

21 2. In exercising its powers, the appellant body may reverse or
22 affirm wholly or partly, or may modify the order, requirement,
23 decision or determination as ought to be made, and to that end shall

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1 have all the powers of the floodplain board from which the appeal is
2 taken.

3 3. In acting upon any appeal, the appellant body shall apply
4 the principles, standards and objectives set forth and contained in
5 all applicable regulations and plans adopted.

6 SECTION 6. This act shall become effective July 1, 2011.

7 SECTION 7. It being immediately necessary for the preservation
8 of the public peace, health and safety, an emergency is hereby
9 declared to exist, by reason whereof this act shall take effect and
10 be in full force from and after its passage and approval.

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12 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE, WILDLIFE &
13 ENVIRONMENT, dated 04-13-2011 - DO PASS, As Amended.

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