

1 **SENATE FLOOR VERSION**

2 February 10, 2014

3 SENATE BILL NO. 1967

By: Sykes of the Senate

4 and

5 Johnson of the House

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8 An Act relating to floodplain management; amending 82
9 O.S. 2011, Section 1612, which relates to
10 construction or development in floodplain areas;
11 requiring notice to real property owners in
12 floodplain areas designated as ineligible for certain
permits; stating time period; requiring notification
by certified mail; prohibiting denial of certain
permits following natural disaster without certain
notice; and providing an effective date.

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

16 SECTION 1. AMENDATORY 82 O.S. 2011, Section 1612, is
17 amended to read as follows:

18 Section 1612. A. After a floodplain board has adopted and
19 submitted floodplain management regulations incorporating the most
20 recent flood insurance rate maps or flood hazard boundary maps
21 prepared by the Federal Emergency Management Agency or containing
22 more specific information to delineate floodplains within the
23 respective areas of jurisdiction to the Oklahoma Water Resources
24 Board, all platting of land, all construction of dwelling units or

1 commercial or industrial structures, and all future development
2 within the delineated floodplain area is prohibited unless:

3 1. Floodplain regulations have been adopted pursuant to the
4 Oklahoma Floodplain Management Act for the delineated floodplain
5 areas and are in full force and effect;

6 2. Prior to the platting, construction, and other development,
7 a development permit is granted by the floodplain board or
8 accredited floodplain administrator if a floodplain administrator is
9 authorized to issue development permits by the floodplain management
10 regulations; or

11 3. A development permit is granted by the Board, if development
12 or construction is proposed on lands owned, held in trust or
13 operated by the state. Notice of the proposed construction or
14 development must be provided by the permit applicant to the
15 respective floodplain board of the county or municipality in which
16 the development or construction is proposed thirty (30) days before
17 the decision of the Board to approve a development permit for the
18 construction or development.

19 B. Development permits authorized by subsection A of this
20 section may be issued when the applicable floodplain board, or
21 accredited floodplain administrator or Board, as the case may be,
22 determines that construction or development in the floodplain in
23 question complies with the applicable floodplain regulations or
24 rules and is not a danger to persons or property.

1 C. Within one year following the effective date of this act,
2 each floodplain board, accredited floodplain manager, municipality,
3 county or other public entity or political subdivision with
4 authority to issue or deny permits for construction, development or
5 reconstruction following any natural disaster shall be required to
6 serve owners of real property actual notice by certified mail using
7 due diligence, if such real property is located in an area deemed to
8 be in a designated floodplain, floodway or is otherwise not eligible
9 to be issued a construction, development or reconstruction permit
10 based on applicable floodplain regulations or rules or potential
11 danger to persons or property.

12 D. No permit for application for construction, development or
13 reconstruction following a natural disaster shall be denied for
14 reasons stated in subsection C of this section unless the issuing
15 authority can verify the requesting property owner was notified
16 their property was not eligible for issuance of a permit based on
17 applicable floodplain regulations or rules or potential danger to
18 persons or property.

19 SECTION 2. This act shall become effective November 1, 2014.

20 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT
21 February 10, 2014 - DO PASS

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