

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for
2 Senate Bill No. 594, Page 9, Section 49.266, Line 22, by inserting after said section and line the
3 following:
4

5 "49.600. 1. [~~The county commission, in all counties which have not adopted county~~
6 ~~planning and zoning, may,~~] Each county, city, town, or village that contains any portion of a special
7 flood hazard area, as designated by the Federal Emergency Management Agency, shall, as provided
8 by law, adopt or rescind by order or ordinance regulations to require compliance with Federal
9 Emergency Management Agency standards, necessary to comply with the national flood insurance
10 program, in any special flood hazard area designated by the Federal Emergency Management
11 Agency[; provided, however, that no ordinance or order enacted pursuant to this section in any
12 county shall be effective unless the county commission or governing body of the county submits to
13 the voters of a county, at a county or state general, primary or special election, a proposal to
14 authorize the county commission or governing body of the county to adopt such an order or
15 ordinance.

16 ~~2. The ballot of submission shall contain but need not be limited to the following language:~~
17
18

19 Shall the county of _____ enact an order or ordinance for such regulations as required for
20 compliance with Federal Emergency Management standards, necessary to comply with the national
21 flood insurance program, in any flood hazard area designated by the Federal Emergency
22 Management Agency? _____

23 ☐ YES _____ ☐ NO _____

24 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to
25 the question, place an "X" in the box opposite "NO". _____
26
27

28 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of
29 the proposal, then the ordinance or order and any amendments thereto shall be in effect. If a
30 majority of the votes cast by the qualified voters voting are opposed to the proposal, then the
31 governing body of the county shall have no power to adopt such an order or ordinance. The people
32 of a county covered by sections 49.600 to 49.615 may rescind the order or ordinance regulations by
33 presenting an initiative petition to the county commission of the county, with a minimum of five
34 percent of the registered voters' signatures that voted in the last gubernatorial election. After
35 receiving the qualifying initiative petition the county commission shall place on the ballot at the
36 next general election the following:

Action Taken _____ Date _____

1 Shall national flood insurance programs be adopted in _____ County? ☐ YES ☐ NO

2
3 If a majority of those voting vote for adopting the national flood insurance program, the program
4 shall be continued; if a majority of those voting vote against adopting the national flood insurance
5 program, the program shall be discontinued within thirty days after certification of the election
6 results].

7 [3.] 2. The provisions of this section shall not apply to the[~~incorporated portions of the~~
8 ~~counties, or to the~~] raising of livestock, crops, orchards or forestry[~~;~~]. Nor shall this section apply to
9 seasonal or temporary impoundments used for rice farming or flood irrigation. As used in this
10 section, the term "rice farming or flood irrigation" means small berms of no more than eighteen
11 inches high that are placed around a field to hold water for use for growing rice or for flood
12 irrigation. Nor shall this section apply to the erection, maintenance, repair, alteration or extension of
13 farm buildings or farm structures used for such purposes in an area [~~not~~] within the area shown on
14 the special flood hazard area map. Nor shall this section apply to underground mining where
15 entrance is through an existing shaft or shafts or through a shaft or shafts in an area not within the
16 area shown on the special flood hazard area map.

17 [4.] 3. Levee districts organized pursuant to chapter 245 and drainage districts organized
18 pursuant to chapters 242 and 243 are subject to flood plain management regulations adopted by a
19 county pursuant to this chapter.

20 [5.] 4. Nothing contained in sections 49.600 to 49.615 shall affect the existence or validity
21 of an ordinance which a county has adopted prior to March 4, 1991.

22 49.605. 1. [~~No~~] Any permit required by the provisions of order or ordinance regulations
23 adopted pursuant to the provisions of sections 49.600 to 49.615 shall [~~be denied an applicant if the~~] :

24 (1) For proposed construction, use or other development [~~will~~] , not raise the flood elevation
25 of the [~~one hundred year~~] one-hundred-year flood level more than one foot[~~; provided, however, that~~
26 ~~any permit may~~] ;

27 (2) For proposed commercial or industrial developments, not raise the flood elevation of the
28 one-hundred-year flood level more than twelve-hundredths of an inch, which shall be determined by
29 a documented comparison of existing and proposed conditions directly attributable to development
30 in the flood plain and not attributable to manipulation of mathematical variables including, but not
31 limited to, roughness factors, expansion and contraction coefficients, and discharge factors; and

32 (3) Require that the lowest floor of an insurable structure [~~shall~~] be above the [~~one hundred~~
33 ~~year~~] one-hundred-year flood level and that all structures shall be adequately anchored to prevent
34 flotation, collapse or lateral movement of the structure."; and

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36 Further amend said bill, Page 89, Section 17, Line 41, by inserting after said section and line the
37 following:

38
39 "[49.610. ~~Any order or ordinance regulations adopted pursuant to sections 49.600 to 49.615~~
40 ~~shall provide that the county commission may grant individual variances beyond the limitations~~
41 ~~prescribed by the order or ordinance regulations upon presentation of adequate proof that~~
42 ~~compliance with the provisions of the order or ordinance regulations will result in an exceptional~~
43 ~~hardship to applicant or any arbitrary and unreasonable closing or prevention of any lawful~~
44 ~~construction, use or other development in the area or county and which will not result in additional~~
45 ~~threats to public safety and will not be inconsistent with the objectives of sound flood plain~~
46 ~~management.]"; and~~

47
48 Further amend said bill by amending the title, enacting clause, and intersectional references
49 accordingly.

