

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 725,
2 Page 8, Section 49.266, Line 22, by inserting after said section and line the following:

3
4 "49.600. 1. [~~The county commission, in all counties which have not adopted county~~
5 ~~planning and zoning, may,~~] Each county, city, town, or village that contains any portion of a special
6 flood hazard area, as designated by the Federal Emergency Management Agency, shall, as provided
7 by law, adopt or rescind by order or ordinance regulations to require compliance with Federal
8 Emergency Management Agency standards, necessary to comply with the national flood insurance
9 program, in any special flood hazard area designated by the Federal Emergency Management
10 Agency[; provided, however, that no ordinance or order enacted pursuant to this section in any
11 county shall be effective unless the county commission or governing body of the county submits to
12 the voters of a county, at a county or state general, primary or special election, a proposal to
13 authorize the county commission or governing body of the county to adopt such an order or
14 ordinance.

15 _____ 2. The ballot of submission shall contain but need not be limited to the following language:

16
17
18 Shall the county of _____ enact an order or ordinance for such regulations as required for
19 compliance with Federal Emergency Management standards, necessary to comply with the national
20 flood insurance program, in any flood hazard area designated by the Federal Emergency
21 Management Agency? _____

22 YES _____ NO _____

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

25
26
27 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of
28 the proposal, then the ordinance or order and any amendments thereto shall be in effect. If a
29 majority of the votes cast by the qualified voters voting are opposed to the proposal, then the
30 governing body of the county shall have no power to adopt such an order or ordinance. The people
31 of a county covered by sections 49.600 to 49.615 may rescind the order or ordinance regulations by
32 presenting an initiative petition to the county commission of the county, with a minimum of five
33 percent of the registered voters' signatures that voted in the last gubernatorial election. After
34 receiving the qualifying initiative petition the county commission shall place on the ballot at the
35 next general election the following:

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

Action Taken _____ Date _____

1
2 If a majority of those voting vote for adopting the national flood insurance program, the program
3 shall be continued; if a majority of those voting vote against adopting the national flood insurance
4 program, the program shall be discontinued within thirty days after certification of the election
5 results].

6 ~~[3.]~~ 2. The provisions of this section shall not apply to the ~~[-incorporated portions of the~~
7 ~~counties, or to the]~~ raising of livestock, crops, orchards or forestry~~[-]~~. Nor shall this section apply to
8 seasonal or temporary impoundments used for rice farming or flood irrigation. As used in this
9 section, the term "rice farming or flood irrigation" means small berms of no more than eighteen
10 inches high that are placed around a field to hold water for use for growing rice or for flood
11 irrigation. Nor shall this section apply to the erection, maintenance, repair, alteration or extension of
12 farm buildings or farm structures used for such purposes in an area ~~[not]~~ within the area shown on
13 the special flood hazard area map. Nor shall this section apply to underground mining where
14 entrance is through an existing shaft or shafts or through a shaft or shafts in an area not within the
15 area shown on the special flood hazard area map.

16 ~~[4.]~~ 3. Levee districts organized pursuant to chapter 245 and drainage districts organized
17 pursuant to chapters 242 and 243 are subject to flood plain management regulations adopted by a
18 county pursuant to this chapter.

19 ~~[5.]~~ 4. Nothing contained in sections 49.600 to 49.615 shall affect the existence or validity
20 of an ordinance which a county has adopted prior to March 4, 1991.

21 49.605. 1. ~~[No]~~ Any permit required by the provisions of order or ordinance regulations
22 adopted pursuant to the provisions of sections 49.600 to 49.615 shall ~~[be denied an applicant if the]~~ :

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

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

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

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35 Further amend said bill, Page 80, Section 14, Line 141, by inserting after said section and line the
36 following:

37
38 "~~[49.610. Any order or ordinance regulations adopted pursuant to sections 49.600 to 49.615~~
39 ~~shall provide that the county commission may grant individual variances beyond the limitations~~
40 ~~prescribed by the order or ordinance regulations upon presentation of adequate proof that~~
41 ~~compliance with the provisions of the order or ordinance regulations will result in an exceptional~~
42 ~~hardship to applicant or any arbitrary and unreasonable closing or prevention of any lawful~~
43 ~~construction, use or other development in the area or county and which will not result in additional~~
44 ~~threats to public safety and will not be inconsistent with the objectives of sound flood plain~~
45 ~~management.]"; and~~

46
47 Further amend said bill by amending the title, enacting clause, and intersectional references
48 accordingly.