

SECOND REGULAR SESSION

SENATE BILL NO. 1012

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WIELAND.

Read 1st time February 17, 2020, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5462S.011

AN ACT

To repeal sections 49.600 and 49.605, RSMo, and to enact in lieu thereof two new sections relating to the national flood insurance program.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 49.600 and 49.605, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 49.600 and 49.605, to read as follows:

49.600. 1. [The county commission, in] All counties [which have not adopted county planning and zoning, may], **including any city not within a county, cities, towns, and villages, which are located in whole or in part in a flood hazard area according to the official mapping of the Federal Emergency Management Agency, shall**, as provided by law, adopt or rescind by order or ordinance regulations to require compliance with Federal Emergency Management Agency standards, necessary to comply with the national flood insurance program, in any flood hazard area designated by the Federal Emergency Management Agency[; provided, however, that no ordinance or order enacted pursuant to this section in any county shall be effective unless the county commission or governing body of the county submits to the voters of a county, at a county or state general, primary or special election, a proposal to authorize the county commission or governing body of the county to adopt such an order or ordinance].

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

Shall the county of _____ enact an order or ordinance for such regulations as required for compliance with Federal Emergency

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 Management standards, necessary to comply with the national
20 flood insurance program, in any flood hazard area designated by
21 the Federal Emergency Management Agency?

22 YES NO

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

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

37 Shall national flood insurance programs be adopted in _____
38 County?

39 YES NO

40 If a majority of those voting vote for adopting the national flood insurance
41 program, the program shall be continued; if a majority of those voting vote
42 against adopting the national flood insurance program, the program shall be
43 discontinued within thirty days after certification of the election results.

44 3.] The provisions of this section shall not apply to [the incorporated
45 portions of the counties, or to] the raising of livestock, crops, orchards or forestry,
46 nor to seasonal or temporary impoundments used for rice farming or flood
47 irrigation. As used in this section, the term "rice farming or flood irrigation"
48 means small berms of no more than eighteen inches high that are placed around
49 a field to hold water for use for growing rice or for flood irrigation. Nor shall this
50 section apply to the erection, maintenance, repair, alteration or extension of farm
51 buildings or farm structures used for such purposes in an area not within the
52 area shown on the flood hazard area map. Nor shall this section apply to
53 underground mining where entrance is through an existing shaft or shafts or
54 through a shaft or shafts in an area not within the area shown on the flood

55 hazard area map.

56 [4.] 3. Levee districts organized pursuant to chapter 245 and drainage
57 districts organized pursuant to chapters 242 and 243 are subject to flood plain
58 management regulations adopted by a county pursuant to this chapter.

59 [5.] 4. Nothing contained in sections 49.600 to 49.615 shall affect the
60 existence or validity of an ordinance which a county has adopted prior to March
61 4, 1991.

49.605. [No] 1. **Any permit required by the provisions of order or**
2 **ordinance regulations adopted pursuant to the provisions of sections 49.600 to**
3 **49.615 for the proposed construction, use, or other development shall [be**
4 **denied an applicant if the proposed construction, use or other development will]**
5 **not raise the flood elevation of the one hundred year flood level more than one**
6 **foot; [provided, however, that any permit may] and shall require that the lowest**
7 **floor of an insurable structure shall be above the one hundred year flood level and**
8 **that all structures shall be adequately anchored to prevent flotation, collapse or**
9 **lateral movement of the structure; provided, however, that any permit**
10 **issued for purposes of commercial or industrial development shall not**
11 **raise the flood elevation of the one hundred year flood level more than**
12 **one tenth of a foot, resulting from a documented comparison of existing**
13 **conditions and proposed conditions indicating an increase of no**
14 **greater than one tenth of a foot, which are directly attributable to**
15 **development in the floodplain, but not attributable to manipulation of**
16 **mathematical variables such as roughness factors, expansion, and**
17 **contraction coefficients and discharge.**

18 2. For purposes of this section, the term "commercial or
19 industrial development", means the acquisition, clearance, grading,
20 improving, preparing of land for industrial or commercial development
21 and the use and the construction of buildings and their additions,
22 including plants, stores, shops, shopping centers, office buildings,
23 hotels and motels, parking garages, warehouses, distribution centers,
24 residential housing including multi-family housing facilities, and other
25 facilities relating to industrial or commercial use.

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