

HOUSE BILL NO. 630
INTRODUCED BY DONALDSON

IN THE HOUSE

February 3, 1983	Introduced and referred to Committee on Natural Resources.
February 8, 1983	Committee recommend bill do pass. Report adopted. Bill printed and placed on members' desks.
February 10, 1983	Second reading, pass consideration.
February 11, 1983	Second reading, do pass.
February 14, 1983	Considered correctly engrossed.
February 15, 1983	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 16, 1983	Introduced and referred to Committee on Natural Resources.
March 2, 1983	Committee recommend bill be concurred in. Report adopted.
March 4, 1983	Second reading, concurred in.
March 7, 1983	Third reading, concurred in. Ayes, 47; Noes, 1.

IN THE HOUSE

March 7, 1983	Returned to House.
March 8, 1983	Sent to enrolling. Reported correctly enrolled.

1 House BILL NO. 630
2 INTRODUCED BY Donaldson
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE A
5 POLITICAL SUBDIVISION TO ADOPT FLOODPLAIN MANAGEMENT
6 REGULATIONS WITHIN AREAS SUBJECT TO SHEETFLOODING AS
7 DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY;
8 AMENDING SECTION 76-5-301, MCA."
9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11 Section 1. Section 76-5-301, MCA, is amended to read:
12 "76-5-301. Land use regulations. (1) Upon transmittal
13 of the floodplain information to officials of a political
14 subdivision, the political subdivision has 6 months from the
15 date of transmittal to adopt land use regulations which meet
16 or exceed the minimum standards of the board. Such
17 regulations may include, for the purposes of floodplain
18 management only, floodplain management regulations within
19 sheetflood areas as determined by the federal emergency
20 management agency.
21 (2) If within the 6-month period the political
22 subdivision has failed to adopt the land use regulations,
23 the department shall enforce the minimum standards within
24 the designated floodplain or the designated floodway as
25 established by the board under 76-5-202 through 76-5-205,

1 and no artificial obstruction or nonconforming use may be
2 established by any person within the designated floodplain
3 or the designated floodway unless specifically authorized by
4 the board.
5 (3) A political subdivision which has failed to adopt
6 land use regulations which meet or exceed the minimum
7 standards of the board within the 6-month period may
8 subsequently adopt such regulations, and if approved by the
9 board, they shall be effective within the designated
10 floodplain or floodway and administered and enforced by the
11 political subdivision.
12 (4) When necessary for compliance with federal flood
13 insurance requirements, the board may shorten the 6-month
14 period upon notification to the political subdivision and
15 publication of a notice thereof in a newspaper of general
16 circulation in the affected area once a week for 3
17 consecutive weeks."

-End-

Approved by Committee
on Natural Resources

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House BILL NO. *630*

INTRODUCED BY *Donaldson*

A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE A POLITICAL SUBDIVISION TO ADOPT FLOODPLAIN MANAGEMENT REGULATIONS WITHIN AREAS SUBJECT TO SHEETFLOODING AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY; AMENDING SECTION 76-5-301, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 76-5-301, MCA, is amended to read:

"76-5-301. Land use regulations. (1) Upon transmittal of the floodplain information to officials of a political subdivision, the political subdivision has 6 months from the date of transmittal to adopt land use regulations which meet or exceed the minimum standards of the board. Such regulations may include, for the purposes of floodplain management only, floodplain management regulations within sheetflood areas as determined by the federal emergency management agency.

(2) If within the 6-month period the political subdivision has failed to adopt the land use regulations, the department shall enforce the minimum standards within the designated floodplain or the designated floodway as established by the board under 76-5-202 through 76-5-205,

and no artificial obstruction or nonconforming use may be established by any person within the designated floodplain or the designated floodway unless specifically authorized by the board.

(3) A political subdivision which has failed to adopt land use regulations which meet or exceed the minimum standards of the board within the 6-month period may subsequently adopt such regulations, and if approved by the board, they shall be effective within the designated floodplain or floodway and administered and enforced by the political subdivision.

(4) When necessary for compliance with federal flood insurance requirements, the board may shorten the 6-month period upon notification to the political subdivision and publication of a notice thereof in a newspaper of general circulation in the affected area once a week for 3 consecutive weeks."

-End-

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DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY;
AMENDING SECTION 76-5-301, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 76-5-301, MCA, is amended to read:

"76-5-301. Land use regulations. (1) Upon transmittal
of the floodplain information to officials of a political
subdivision, the political subdivision has 6 months from the
date of transmittal to adopt land use regulations which meet
or exceed the minimum standards of the board. Such
regulations may include, for the purposes of floodplain
management only, floodplain management regulations within
sheetflood areas as determined by the federal emergency
management agency.

(2) If within the 6-month period the political
subdivision has failed to adopt the land use regulations,
the department shall enforce the minimum standards within
the designated floodplain or the designated floodway as
established by the board under 76-5-202 through 76-5-205,

and no artificial obstruction or nonconforming use may be
established by any person within the designated floodplain
or the designated floodway unless specifically authorized by
the board.

(3) A political subdivision which has failed to adopt
land use regulations which meet or exceed the minimum
standards of the board within the 6-month period may
subsequently adopt such regulations, and if approved by the
board, they shall be effective within the designated
floodplain or floodway and administered and enforced by the
political subdivision.

(4) When necessary for compliance with federal flood
insurance requirements, the board may shorten the 6-month
period upon notification to the political subdivision and
publication of a notice thereof in a newspaper of general
circulation in the affected area once a week for 3
consecutive weeks."

-End-