

1 HOUSE BILL 168

2 **55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

3 INTRODUCED BY

4 Kristina Ortez

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10 AN ACT

11 RELATING TO PUBLIC BUILDINGS; PROVIDING FOR STATE COMPLIANCE
12 WITH THE NATIONAL FLOOD INSURANCE PROGRAM.

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14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

15 SECTION 1. Section 13-5-3.1 NMSA 1978 (being Laws 2003,
16 Chapter 310, Section 2) is amended to read:

17 "13-5-3.1. PUBLIC BUILDINGS--COMPLIANCE WITH THE NATIONAL
18 FLOOD INSURANCE PROGRAM.--~~[A building that receives state~~
19 ~~appropriations for its construction or that is repaired or~~
20 ~~improved with state appropriations in an amount greater than~~
21 ~~fifty percent of the building's value before the repair or~~
22 ~~improvement shall comply with standards of the national flood~~
23 ~~insurance program and Section 3-18-7 NMSA 1978.]~~

24 A. The homeland security and emergency management
25 department, as the state coordinating agency for the national

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1 flood insurance program, is designated as the state agency
2 responsible for compliance oversight of that program and shall
3 adopt rules to implement standards for meeting federal
4 floodplain management regulations as set forth in 44 C.F.R.
5 Sections 60.3 through 60.5.

6 B. The construction industries division of the
7 regulation and licensing department is the state agency
8 designated to review, permit and enforce floodplain management
9 rules for all buildings that are owned or funded, in whole or
10 in part, by the state.

11 C. Development that is owned or funded, in whole or
12 in part, by the state shall obtain:

13 (1) floodplain review by a certified
14 floodplain management professional prior to the start of
15 development; and

16 (2) required permits prior to the start of
17 development.

18 D. Development that is owned or funded, in whole or
19 in part, by the state shall comply with the most stringent
20 criteria of locally adopted community floodplain management
21 regulations and floodplain management rules adopted by the
22 homeland security and emergency management department.

23 E. As used in this section, "development" has the
24 meaning set forth in 44 C.F.R. Section 59.1."

25 SECTION 2. EFFECTIVE DATE.--The effective date of the

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1 provisions of this act is July 1, 2022.

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