

SECOND REGULAR SESSION

HOUSE BILL NO. 2755

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GREGORY (51).

5624H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 256, RSMo, by adding thereto one new section relating to flood resiliency.

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

Section A. Chapter 256, RSMo, is amended by adding thereto one new section, to be
2 known as section 256.800, to read as follows:

**256.800. 1. This section shall be known and may be cited as the "Flood
2 Resiliency Act".**

**3 2. As used in this section, unless the context otherwise requires, the following
4 terms shall mean:**

5 (1) "Director", the director of the department of natural resources;

**6 (2) "Flood resiliency measures", structural improvements, studies, and activities
7 employed to improve flood resiliency in local to regional or multi-jurisdictional areas;**

**8 (3) "Flood resiliency project", a project containing planning, design,
9 construction, or renovation of flood resiliency measures or the conduct of studies or
10 activities in support of flood resiliency measures;**

**11 (4) "Partner", a political subdivision, entity, or person working in conjunction
12 with a promoter to facilitate the completion of a flood resiliency project;**

**13 (5) "Plan", a preliminary report describing the need for, and implementation of,
14 flood resiliency measures;**

**15 (6) "Promoter", any political subdivision of the state, or any levee district or
16 drainage district organized or incorporated in the state.**

**17 3. (1) There is hereby established in the state treasury a fund to be known as the
18 "Flood Resiliency Improvement Fund", which shall consist of all moneys deposited in**

EXPLANATION — Matter enclosed in bold-faced brackets ~~[thus]~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

19 such fund from any source, whether public or private. The state treasurer shall be
20 custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer
21 may approve disbursements. The fund shall be a dedicated fund and moneys in the
22 fund shall be used solely for the purposes of this section. Notwithstanding the provisions
23 of section 33.080 to the contrary, any moneys remaining in the fund at the end of the
24 biennium shall not revert to the credit of the general revenue fund. The state treasurer
25 shall invest moneys in the fund in the same manner as other funds are invested. Any
26 interest and moneys earned on such investments shall be credited to the fund.

27 (2) Upon appropriation, the department of natural resources shall use moneys in
28 the fund created by this subsection for the purposes of carrying out the provisions of this
29 section including, but not limited to, the provision of grants or other financial assistance
30 and, if limitations or conditions are imposed, only upon such other limitations or
31 conditions specified in the instrument that appropriates, grants, bequeaths, or otherwise
32 authorizes the transmission of moneys to the fund.

33 4. In order to increase flood resiliency along the Missouri and Mississippi Rivers
34 and their tributaries and improve statewide flood forecasting and monitoring ability,
35 there is hereby established a "Flood Resiliency Program". The program shall be
36 administered by the department of natural resources. The state may participate with a
37 promoter in the development, construction, or renovation of a flood resiliency project if
38 the promoter has a plan which has been submitted to and approved by the director, or
39 the state may promote a flood resiliency project and initiate a plan on its own accord.

40 5. The plan shall include a description of the flood resiliency project, the need for
41 the project, the flood resiliency measures to be implemented, the partners to be involved
42 in the project, and other such information as the director may require to adequately
43 evaluate the merit of the project.

44 6. The director shall only approve a plan upon a determination that long-term
45 flood mitigation is needed in that area of the state and that such a plan proposes flood
46 resiliency measures that will provide long-term flood resiliency.

47 7. Promoters with approved flood resiliency plans and their partners shall be
48 eligible to receive any gifts, contributions, grants, or bequests from federal, state,
49 private, or other sources for costs associated with such projects.

50 8. Promoters with approved flood resiliency plans and their partners may be
51 granted moneys from the flood resiliency improvement fund for eligible costs associated
52 with such projects under subsection 3 of this section.

53 9. The department of natural resources is hereby granted authority to
54 promulgate rules to implement this section. Any rule or portion of a rule, as that term is
55 defined in section 536.010, that is created under the authority delegated in this section

56 shall become effective only if it complies with and is subject to all of the provisions of
57 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
58 nonseverable, and if any of the powers vested with the general assembly pursuant to
59 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
60 subsequently held unconstitutional, then the grant of rulemaking authority and any rule
61 proposed or adopted after August 28, 2022, shall be invalid and void.

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