

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Bill No. 109, Page 3, Section 256.710, Line 51, by
2 inserting after all of said section and line the following:

3
4 "256.800. 1. This section shall be known and may be cited as the "Flood Resiliency Act".

5 2. As used in this section, unless the context otherwise requires, the following terms shall
6 mean:

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

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

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

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

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

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

19 3. (1) There is hereby established in the state treasury a fund to be known as the "Flood
20 Resiliency Improvement Fund", which shall consist of all moneys deposited in such fund from any
21 source, whether public or private. The state treasurer shall be custodian of the fund. In accordance
22 with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a
23 dedicated fund and moneys in the fund shall be used solely for the purposes of this section.
24 Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund
25 at the end of the biennium shall not revert to the credit of the general revenue fund. The state
26 treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any
27 interest and moneys earned on such investments shall be credited to the fund.

28 (2) Upon appropriation, the department of natural resources shall use moneys in the fund
29 created by this subsection for the purposes of carrying out the provisions of this section including,
30 but not limited to, the provision of grants or other financial assistance and, if limitations or

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1 conditions are imposed, only upon such other limitations or conditions specified in the instrument
2 that appropriates, grants, bequeaths, or otherwise authorizes the transmission of moneys to the fund.

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

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

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

17 7. Promoters with approved flood resiliency plans and their partners shall be eligible to
18 receive any gifts, contributions, grants, or bequests from federal, state, private, or other sources for
19 costs associated with flood resiliency projects that are part of such plans.

20 8. Promoters with approved flood resiliency plans and their partners may be granted moneys
21 from the flood resiliency improvement fund under subsection 3 of this section for eligible costs
22 associated with flood resiliency projects that are part of such plans.

23 9. The department of natural resources is hereby granted authority to promulgate rules to
24 implement this section. Any rule or portion of a rule, as that term is defined in section 536.010, that
25 is created under the authority delegated in this section shall become effective only if it complies
26 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This
27 section and chapter 536 are nonseverable and if any of the powers vested with the general assembly
28 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
29 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or
30 adopted after August 28, 2023, shall be invalid and void."; and

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32 Further amend said bill by amending the title, enacting clause, and intersectional references
33 accordingly.