

FIRST REGULAR SESSION

# HOUSE BILL NO. 1242

## 102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MCGAUGH.

2544H.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 known as section 256.800, to read as follows:

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

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

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

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

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

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

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

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

**3. (1) There is hereby established in the state treasury a fund to be known as the "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 that has been submitted to and approved by the director, or the  
39 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 approve a plan only 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 flood resiliency projects that are part  
50 of such plans.

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

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

✓