

# SENATE BILL NO. 984

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR HEGEMAN.

4622S.02I

ADRIANE D. CROUSE, Secretary

## 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  
2 one new section, to be known as section 256.800, to read as  
3 follows:

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

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

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

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

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

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

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

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

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

38           (2) Upon appropriation, the department of natural  
39 resources shall use money in the fund created by this  
40 subsection for the purposes of carrying out the provisions  
41 of this section, including, but not limited to, the  
42 provision of grants or other financial assistance, and, if  
43 limitations or conditions are imposed, only upon such other  
44 limitations or conditions specified in the instrument that  
45 appropriates, grants, bequeaths, or otherwise authorizes the  
46 transmission of money to the fund.

47           4. In order to increase flood resiliency along the  
48 Missouri and Mississippi Rivers and their tributaries, and  
49 improve statewide flood forecasting and monitoring ability,  
50 there is hereby established a "Flood Resiliency Program".  
51 The program shall be administered by the department of

52 natural resources. The state may participate with a  
53 promoter in the development, construction, or renovation of  
54 a flood resiliency project if the promoter has a plan which  
55 has been submitted to and approved by the director, or the  
56 state may promote a flood resiliency project and initiate a  
57 plan on its own accord.

58 5. The plan shall include a description of the flood  
59 resiliency project, the need for the project, the flood  
60 resiliency measures to be implemented, the partners to be  
61 involved in the project, and other such information as the  
62 director may require to adequately evaluate the merit of the  
63 project.

64 6. The director shall only approve a plan upon a  
65 determination that long-term flood mitigation is needed in  
66 that area of the state, and that such a plan proposes flood  
67 resiliency measures which will provide long-term flood  
68 resiliency.

69 7. Promoters with approved flood resiliency plans and  
70 projects shall be eligible to receive any gifts,  
71 contributions, grants, or bequests from federal, state,  
72 private, or other sources for engineering, construction or  
73 renovation costs associated with such projects.

74 8. Promoters with approved flood resiliency projects  
75 may be granted funds from the flood resiliency improvement  
76 fund pursuant to subsection 3 of this section.

77 9. The department of natural resources is hereby  
78 granted authority to promulgate rules to implement this  
79 section. Any rule or portion of a rule, as that term is  
80 defined in section 536.010, that is created under the  
81 authority delegated in this section shall become effective  
82 only if it complies with and is subject to all of the  
83 provisions of chapter 536 and, if applicable, section

84 536.028. This section and chapter 536 are nonseverable and  
85 if any of the powers vested with the general assembly  
86 pursuant to chapter 536 to review, to delay the effective  
87 date, or to disapprove and annul a rule are subsequently  
88 held unconstitutional, then the grant of rulemaking  
89 authority and any rule proposed or adopted after August 28,  
90 2022, shall be invalid and void.

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