

SENATE BILL NO. 615

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR BLACK.

2425S.01H

KRISTINA MARTIN, 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 moneys
26 deposited in such fund from any source, whether public or
27 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 moneys 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 moneys earned
37 on such investments shall be credited to the fund.

38 (2) Upon appropriation, the department of natural
39 resources shall use moneys 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 provision
42 of grants or other financial assistance and, if limitations
43 or conditions are imposed, only upon such other limitations
44 or conditions specified in the instrument that appropriates,
45 grants, bequeaths, or otherwise authorizes the transmission
46 of moneys 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 that will provide long-term flood
68 resiliency.

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

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

79 9. The department of natural resources is hereby
80 granted authority to promulgate rules to implement this
81 section. Any rule or portion of a rule, as that term is
82 defined in section 536.010, that is created under the
83 authority delegated in this section shall become effective

84 only if it complies with and is subject to all of the
85 provisions of chapter 536 and, if applicable, section
86 536.028. This section and chapter 536 are nonseverable, and
87 if any of the powers vested with the general assembly
88 pursuant to chapter 536 to review, to delay the effective
89 date, or to disapprove and annul a rule are subsequently
90 held unconstitutional, then the grant of rulemaking
91 authority and any rule proposed or adopted after August 28,
92 2023, shall be invalid and void.

✓