

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/Senate Bill No. 265, Page 1, Section Title, Line 3,

2 by striking "a waterways and ports trust fund" and inserting
 3 in lieu thereof the following: "funds established within the
 4 state treasury"; and

5 Further amend said bill, Section 68.080, page 2, line
 6 46 by inserting after all of said line the following:

7 "256.800. 1. This section shall be known and may be
 8 cited as the "Flood Resiliency Act".

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

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

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

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

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

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

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

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

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

53 4. In order to increase flood resiliency along the
54 Missouri and Mississippi Rivers and their tributaries and
55 improve statewide flood forecasting and monitoring ability,
56 there is hereby established a "Flood Resiliency Program".
57 The program shall be administered by the department of
58 natural resources. The state may participate with a

59 promoter in the development, construction, or renovation of
60 a flood resiliency project if the promoter has a plan which
61 has been submitted to and approved by the director, or the
62 state may promote a flood resiliency project and initiate a
63 plan on its own accord.

64 5. The plan shall include a description of the flood
65 resiliency project, the need for the project, the flood
66 resiliency measures to be implemented, the partners to be
67 involved in the project, and other such information as the
68 director may require to adequately evaluate the merit of the
69 project.

70 6. The director shall only approve a plan upon a
71 determination that long-term flood mitigation is needed in
72 that area of the state and that such a plan proposes flood
73 resiliency measures that will provide long-term flood
74 resiliency.

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

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

85 9. The department of natural resources is hereby
86 granted authority to promulgate rules to implement this
87 section. Any rule or portion of a rule, as that term is
88 defined in section 536.010, that is created under the
89 authority delegated in this section shall become effective
90 only if it complies with and is subject to all of the
91 provisions of chapter 536 and, if applicable, section

92 536.028. This section and chapter 536 are nonseverable, and
93 if any of the powers vested with the general assembly
94 pursuant to chapter 536 to review, to delay the effective
95 date, or to disapprove and annul a rule are subsequently
96 held unconstitutional, then the grant of rulemaking
97 authority and any rule proposed or adopted after August 28,
98 2023, shall be invalid and void."; and

99 Further amend the title and enacting clause accordingly.