

# **WEST VIRGINIA LEGISLATURE**

**2020 REGULAR SESSION**

**Committee Substitute**

**for**

**House Bill 4634**

BY DELEGATES EVANS, BATES, TONEY, DEAN AND

PAYNTER

[Introduced February 18, 2020; Originating in the  
Committee on the Judiciary.]



1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,  
2 designated §5B-1B-1, §5B-1B-2, §5B-1B-3 and §5B-1B-4, all relating to establishing the  
3 Southern West Virginia Lake Development Study Commission; providing legislative  
4 findings; establishing the commission and designating its membership; defining  
5 components of commission study; authorizing the commission to create committees and  
6 utilize university and other state government resources; providing for expense  
7 reimbursement for certain commission members; and requiring reports to the Legislature.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 1B. SOUTHERN WEST VIRGINIA LAKE DEVELOPMENT STUDY**

**COMMISSION.**

**§5B-1B-1. Southern West Virginia Lake Development Study Commission Act.**

1 This article shall be known as the “Southern West Virginia Lake Development Study  
2 Commission Act.”

**§5B-1B-2. Legislative findings.**

1 (a) The Legislature finds that the southern coalfields of West Virginia, long one of the most  
2 productive coal producing areas of the world, having provided untold millions of dollars to the  
3 state economy, having been the financial backbone of the state’s economy for over a century, is  
4 now in the midst of a long decline in coal production and population, and because of rugged  
5 terrain and remoteness from surrounding regions, suffers from high unemployment and  
6 deteriorating infrastructure and economic base, and requires innovative and alternative  
7 approaches to revitalization; therefore demands that the Legislature look at innovative ideas and  
8 alternatives for new industries and businesses that provide sustainable long term development  
9 for southern West Virginia.

10 (b) The natural beauty of the mountainous regions, now popular with outdoor enthusiasts  
11 for its Hatfield McCoy Trail System, would be an ideal location for a large recreational lake or

12 lakes, constructed with hundreds of miles of lake front property, tens of thousands of acres of lake  
13 surface, near a four lane highway and situated near large tracts of developable property, with  
14 carefully considered design and development, could create a new and exciting recreational area  
15 of the state, and provide a myriad of opportunities for further development and with creative  
16 initiative could revitalize this area of our state; and such a proposal is worthy of careful study and  
17 marshalling the forces of our state and federal governments to thoroughly evaluate and consider  
18 this development; maximizing the design and use of a lake or lake system to provide a variety of  
19 benefits, potentially including hydro-electric generation, resort developments, housing and  
20 economic opportunities that would create diversity and renewal to this long neglected and  
21 deserving area of our state.

**§5B-1B-3. Commission created; undertake study; report to the Legislature.**

1 (a) There is hereby created the Southern West Virginia Lake Development Study  
2 Commission within the West Virginia Development Office. The commission shall consist of the  
3 president of the West Virginia Economic Development Council, who will serve as chair of the  
4 commission, one representative designated by each of the county commissions of McDowell,  
5 Wyoming, Mercer and Mingo Counties; the Governor shall also appoint members representing  
6 the Department of Environmental Protection, the Department of Natural Resources, experts in the  
7 fields of geology, land use planning, technical experts in law and natural resource management,  
8 tourism development, and two citizen members representing the southern coal field counties of  
9 our state.

10 (b) West Virginia University Bureau of Business and Economic Research and the Marshall  
11 University Center for Business and Economic Research shall assist the commission by  
12 undertaking the study of topics as directed by this section and by the commission. Working with  
13 the commission, the two research groups shall investigate lake developments across the region  
14 and country to identify what makes large lake developments successful, types of unique amenities  
15 and development sites that would promote economic growth, alternative uses for the lake and its

16 resources in power generation, regional resource preservation and integration, enhancement of  
17 the Hatfield and McCoy ATV Trail System and other outdoor recreational opportunities.

18 (c) The commission shall oversee studies that evaluate where a lake can be located to  
19 maximize economic benefits and assess environmental impacts, property ownership assessment  
20 and purchasing costs, impacts to mineral ownership and development impacts and other issues  
21 as identified by the commission. The commission is empowered to form specialized committees  
22 of experts in various fields of law, science, economic development, geological, mineral and natural  
23 resources to make recommendations and provide expertise in their respective fields regarding  
24 viability and implications of lake construction, road location and resource preservation.

25 (d) The commission is also directed to undertake the inclusion of federal resources for  
26 assistance in the study of the feasibility and implementation recommendations. The commission  
27 shall also pursue federal funding for undertaking the study and the subsequent construction of  
28 this project upon the finding of viability of the study project.

29 (e) The commission may call upon other officers, departments and agencies of state  
30 government to assist in its investigation. Upon the request of the commission, the Attorney  
31 General of the state shall render legal research and analysis on legal issues associated with  
32 developing recommendations for lawful land development construction and compliance with state  
33 and federal laws associated with land acquisition and lake construction, to the commission.

34 (f) All actual and necessary travel expenses of the members of the commission shall be  
35 reimbursed by the member's employing agency. All other expenses incurred by the commission  
36 shall be paid by the Development Office.

**§5B-1B-4. Report to the Legislature.**

1 The commission shall provide regular updates to the Legislature, through the Joint  
2 Committee on Government and Finance, and shall complete this study and its recommendations  
3 by July 1, 2022. The report shall include at a minimum, recommendations for any necessary

- 4 legislation, funding recommendations and analysis of the implications and costs associated with
- 5 the development project provided in this article.

NOTE: The purpose of this bill is to initiate a study of the feasibility of constructing a large lake or lakes in the southern counties of this state as a mechanism for revitalization of that area of our state.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.