

# WEST VIRGINIA LEGISLATURE

## 2021 REGULAR SESSION

**Introduced**

### **House Bill 2971**

**FISCAL  
NOTE**

BY DELEGATE HIGGINBOTHAM

[Introduced March 08, 2021; Referred to the  
Committee on Government Organization]

1 A BILL to amend and reenact §5B-1B-1, §5B-1B-2, and §5B-1B-3 of the Code of West Virginia,  
 2 1931, as amended, relating to expanding the West Virginia Lake Development Study  
 3 Commission beyond the southern region of the state; providing legislative findings; and  
 4 expanding the number of members on the commission.

*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, and having been the financial backbone of the state’s economy for over a century,~~  
 4 ~~is 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 are needed throughout West Virginia; and therefore demands and~~  
 8 that the Legislature must look at innovative ideas and alternatives for new industries and  
 9 businesses that provide sustainable long term development 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~~ trail systems, would be an ideal location for a large recreational  
 12 lake or lakes, constructed with hundreds of miles of lake front property, tens of thousands of acres  
 13 of lake surface, near a four lane highway and situated near large tracts of developable property,  
 14 with carefully considered design and development, could create a new and exciting recreational

15 area of the state, and provide a myriad of opportunities for further development and with creative  
16 initiative could revitalize this area of our state. 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~~ throughout 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 following members:

4 (1) The president of the West Virginia Economic Development Council, who will serve as  
5 chair of the commission;

6 (2) ~~Six~~ Fifty-five members designated by each of the county commissions ~~of Boone,~~  
7 ~~Logan, McDowell, Mercer, Mingo, and Wyoming Counties~~ for the counties in West Virginia;

8 (3) One member representing the Department of Environmental Protection, to be  
9 appointed by the Governor;

10 (4) One member representing the Division of Natural Resources, to be appointed by the  
11 Governor;

12 (5) One member representing and having expertise in each of the following fields, to be  
13 appointed by the Governor:

14 (A) Geology;

15 (B) Land use planning;

16 (C) Law;

17 (D) Natural resource management;

18 (E) Tourism development;

19 (F) Public recreation;

20 (G) Hydrology; and

21 (H) Ecology; and

22 (6) ~~Six~~ Fifty-five citizen members representing ~~Boone, Logan, McDowell, Mercer, Mingo,~~  
23 ~~and Wyoming~~ each county to be appointed by the Governor.

24 (b) The West Virginia University Bureau of Business and Economic Research and the  
25 Marshall University Center for Business and Economic Research shall assist the commission by  
26 undertaking the study of topics as directed by this section and by the commission. Working with  
27 the commission, the two research groups shall investigate lake developments across the region  
28 and country to identify what makes large lake developments successful, types of unique amenities  
29 and development sites that would promote economic growth, alternative uses for the lake and its  
30 resources in power generation, regional resource preservation and integration, enhancement of  
31 the ~~Hatfield and McCoy ATV Trail System~~ trail systems, and other outdoor recreational  
32 opportunities.

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

40 (d) The commission is directed to undertake the inclusion of federal resources for  
41 assistance in the study of the feasibility and implementation recommendations. The commission  
42 shall pursue federal funding for undertaking the study and the subsequent construction of this  
43 project upon the finding of viability of the study project.

44 (e) The commission may call upon other officers, departments, and agencies of state

45 government to assist in its investigation. Upon the request of the commission, the Attorney  
46 General of the state shall render legal research and analysis on legal issues associated with  
47 developing recommendations for lawful land development construction and compliance with state  
48 and federal laws associated with land acquisition and lake construction, to the commission.

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

NOTE: The purpose of this bill is to expand the West Virginia Lake Development Study Commission beyond the southern region of the state; provide legislative findings; and expand the number of members on the commission.

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