

# **WEST VIRGINIA LEGISLATURE**

**2018 REGULAR SESSION**

**Committee Substitute**

**for**

**House Bill 4296**

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ROWAN, ELDRIDGE, LOVE, CAMPBELL AND HICKS

[Originating in the Committee on Finance;

February 16, 2018.]



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; providing the  
5 scope of commission study; authorizing the commission to create committees and utilize  
6 university and other state government resources; providing for expense reimbursement  
7 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 and having been the financial backbone of the state’s economy for over a century,  
4 are now in the midst of a long decline in coal production and population. Because of rugged  
5 terrain and remoteness from surrounding regions, suffer from high unemployment and a  
6 deteriorating infrastructure and economic base requiring innovative and alternative approaches  
7 to revitalization.

8 (b) The natural beauty of the mountainous regions, now popular with outdoor enthusiasts  
9 for its Hatfield-McCoy Trail System, would be an ideal location for large recreational lakes,  
10 constructed with hundreds of miles of lakefront property and tens of thousands of acres of lake

11 surface, within a close proximity to a four-lane highway and large tracts of developable property,  
12 with carefully considered design and development.

**§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 also appoint members representing the  
6 Department of Environmental Protection, the Department of Natural Resources, experts in the  
7 fields of geology, land use planning, law and natural resource management, tourism development,  
8 and two citizen members representing the southern coalfield counties of our state.

9 (b) West Virginia University Bureau of Business and Economic Research and the Marshall  
10 University Center for Business and Economic Research shall assist the commission by  
11 undertaking the study of topics as directed by the commission pursuant to this section. The  
12 research groups shall conduct research regarding manmade lake development across the United  
13 States to identify (i) factors that make manmade lake developments successful, (ii) types of  
14 unique amenities and development sites near manmade lakes that would promote economic  
15 growth, alternative uses for the lake and its resources including power generation, regional  
16 resource preservation and integration, enhancement of the Hatfield and McCoy ATV Trail System,  
17 and other outdoor recreational opportunities.

18 (c) The commission shall evaluate the potential location of such lakes to maximize  
19 economic benefits and assess environmental impacts, property ownership assessment,  
20 purchasing costs, impacts to mineral ownership and development impacts and other issues as  
21 identified by the commission. The commission may form specialized committees of experts in  
22 various fields of law, science, economic development, geological, mineral, and natural resources

23 to make recommendations and provide expertise in their respective fields regarding viability and  
24 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 task force shall be  
35 reimbursed by the member's employing agency. All other expenses incurred by the task force  
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, 2020. 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 this development project.