

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 4634

BY DELEGATES EVANS, BATES, TONEY, DEAN, PAYNTER

AND PORTERFIELD

[Passed March 7, 2020; in effect ninety days from
passage.]

1 AN ACT 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, 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; and therefore demands 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. 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 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 members designated by each of the county commissions of Boone, Logan,
7 McDowell, Mercer, Mingo, and Wyoming Counties;

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 citizen members representing Boone, Logan, McDowell, Mercer, Mingo, and
23 Wyoming 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, and other outdoor recreational opportunities.

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

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

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

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

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman, House Committee

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Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

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Clerk of the House of Delegates

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Clerk of the Senate

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Speaker of the House of Delegates

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President of the Senate

The within this the.....
day of, 2020.

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Governor