

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 387**

4 (By Senators Unger and Beach)

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6 [Originating in the Committee on Government Organization;
7 reported February 23, 2012.]

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10 A BILL to amend and reenact §15-5-20 of the Code of West Virginia,
11 1931, as amended; and to amend said code by adding thereto a
12 new section, designated §15-5-20a, all relating to disaster
13 prevention; eliminating the requirement that the Office of
14 Emergency Services report to the West Virginia Disaster
15 Recovery Board on debris that may cause an obstruction during
16 disasters; requiring all floodplain managers to complete
17 yearly training; and providing that another manager may take
18 over the responsibilities of a manager who has not completed
19 the required training.

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

21 That §15-5-20 of the Code of West Virginia, 1931, as amended,
22 be amended and reenacted; and that said code be amended by adding
23 thereto a new section, designated §15-5-20a, all to read as
24 follows:

25 **ARTICLE 5. DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT.**

1 **§15-5-20. Disaster prevention.**

2 (a) In addition to disaster prevention measures as included in
3 the state, local, regional and interjurisdictional disaster plans,
4 the Governor shall consider on a continuing basis steps that could
5 be taken to prevent or reduce the harmful consequences of
6 disasters. At his or her direction, and pursuant to any other
7 authority and competence they have, state agencies, including, but
8 not limited to, those charged with responsibilities in connection
9 with floodplain management, stream encroachment and flow
10 regulation, weather modification, fire prevention and control, air
11 quality, public works, land use and land-use planning and
12 construction standards, shall make studies of disaster
13 prevention-related matters. The Governor, from time to time, shall
14 make such recommendation to the Legislature, political subdivisions
15 and other appropriate public and private entities as may facilitate
16 measures for prevention or reduction of the harmful consequences of
17 disasters.

18 (b) At the request of and in conjunction with the Office of
19 Emergency Services, the divisions of energy, natural resources and
20 highways and any state department insured by the Board of Risk and
21 Insurance Management shall keep land use and construction of
22 structures and other facilities under continuing study and identify
23 areas which are particularly susceptible to severe land shifting,
24 subsidence, flooding or other catastrophic occurrences. Such
25 studies shall concentrate on means of reducing or avoiding the
26 dangers caused by such occurrences and the consequences thereof.

1 ~~(c) In conjunction with the Board of Risk and Insurance~~
2 ~~Management and such other offices or agencies of state government~~
3 ~~as the board may deem appropriate, the director of the Office of~~
4 ~~Emergency Services shall make a semi-annual report to the West~~
5 ~~Virginia Disaster Recovery Board on the existence and location of~~
6 ~~abandoned motor vehicles, trash, debris and refuse that may in the~~
7 ~~event of a disaster cause an obstruction to natural water flow and~~
8 ~~thereby cause excessive and more extensive damage to property. The~~
9 ~~report shall further set forth a plan to remove and dispose of such~~
10 ~~trash, debris and refuse within the following semi-annual reporting~~
11 ~~period.~~

12 **§15-5-20a. Floodplain manager training.**

13 (a) Community participation in the National Flood Insurance
14 Program is important to manage and mitigate the special flood
15 hazard areas in West Virginia. Therefore, all state, county,
16 municipality and local floodplain managers should be adequately
17 trained in floodplain management.

18 (b) Commencing July 1, 2012, each floodplain manager in the
19 state is required to complete six hours of training in floodplain
20 management annually to maintain good standing with the West
21 Virginia Division of Homeland Security.

22 (c) A governmental unit that has a floodplain manager who
23 fails to obtain the required training shall suspend the floodplain
24 manager from his or her floodplain management responsibilities
25 until the training requirement is met.

26 (d) A governmental unit that has a floodplain manager who

1 fails to obtain the required training shall transfer its floodplain
2 management responsibilities and all associated fees to a
3 governmental unit that has a floodplain manager in good standing.