

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 2935

BY MR. SPEAKER (MR. ARMSTEAD), HANSHAW, AMBLER,

HILL, BOGGS AND BALDWIN

[Passed April 8, 2017; 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 §4-15-1; and to amend said code by adding thereto a new article, designated
3 §29-30-1, §29-30-2, §29-30-3 and §29-30-4, all relating to state flood protection generally;
4 establishing a Joint Legislative Committee on Flooding and providing for duties;
5 establishing the Resiliency and Flood Protection Planning Act; providing legislative
6 findings and purpose; creating the State Resiliency Office within the Development Office
7 in the Department of Commerce; establishing a State Resiliency Office Board; providing
8 certain duties and authorities of the State Resiliency Office; and requiring reporting to the
9 Legislature.

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
2 article, designated §4-15-1; and that said code be amended by adding there to a new article,
3 designated §29-30-1, §29-30-2, §29-30-3 and §29-30-4, all to read as follows:

CHAPTER 4. THE LEGISLATURE.

ARTICLE 15. JOINT LEGISLATIVE COMMITTEE ON FLOODING.

§4-15-1. Establishing a Joint Legislative Committee on Flooding.

1 (a) The President of the Senate and the Speaker of the House of Delegates shall each
2 appoint five members of their respective houses, at least two of whom shall be members of the
3 minority party, and at least one shall be a member of the Committee on Government Organization,
4 to serve an interim committee charged with studying flood damage reduction and flood plain
5 management. The President and the Speaker shall each designate a Chair from among the five
6 committee members of their respective houses. This committee shall be known as the “Joint
7 Legislative Committee on Flooding” and shall study all activities relating to flood protection and
8 shall make recommendations to the Joint Committee on Government and Finance, which offer

9 solutions to reduce the reality and threat of future loss of life and property damages associated
10 with flooding.

11 (b) The expenses of the committee are to be approved by the Joint Committee on
12 Government and Finance and paid from legislative appropriations.

13 (c) The Chair of the State Resiliency Office, created pursuant to article thirty, chapter
14 twenty-nine of this code, shall report quarterly to the committee, and shall prepare an annual
15 report to the committee no later than December 31 of each year.

16 (d) The Chairs of the committee shall report annually, each January, to the Joint
17 Committee on Government and Finance, with any proposals or legislation as may be deemed
18 necessary to prevent or reduce the risk of flooding in this state.

CHAPTER 29. MISCELLANEOUS BOARDS AND OFFICERS.

ARTICLE 30. STATE RESILIENCY AND FLOOD PROTECTION PLAN ACT.

§29-30-1. Short title; legislative findings; purpose.

1 (a) This article may be known and cited as the “Resiliency and Flood Protection Planning
2 Act”.

3 (b) The West Virginia Legislature finds that:

4 (1) Flooding has affected each of the fifty-five counties and thirty-two major watersheds
5 within the state;

6 (2) Over the past fifty-two years, more than two hundred and eighty-two West Virginians
7 have died in floods;

8 (3) Between January 1996 and January 2017, there have been twenty-seven federal
9 disaster declarations in West Virginia involving flooding; and

10 (4) In June 2016 much of West Virginia suffered devastating flooding.

11 (5) Despite the many state and federal flood protection programs and projects, flooding
12 continues to be West Virginia’s most common and widespread natural disaster.

13 (c) It is the purpose of this article to provide a comprehensive and coordinated statewide
14 resiliency and flood protection planning program to save lives, and develop community and
15 economic resiliency plans including, but not limited to, reducing or mitigating flood damage while
16 supporting economic growth and protecting the environment.

§29-30-2. State Resiliency Office.

1 (a) The State Resiliency Office is hereby created. The office shall be organized within the
2 Development Office in the Department of Commerce as the recipient of disaster recovery and
3 resiliency funds, excluding federal Stafford Act funds, and the coordinating agency of recovery
4 and resiliency efforts, including matching funds for other disaster recovery programs, excluding
5 those funds and efforts under the direct control of the State Coordinating Officer designated by
6 the Governor for a particular event. The State Resiliency Office Board is also established and
7 shall consist of the following eight members: the Secretary of the Department of Commerce or his
8 or her designee; The Director of the Division of Natural Resources or his or her designee; the
9 Secretary of the Department of Environmental Protection or his or her designee; the Executive
10 Director of the State Conservation Agency or his or her designee; the Secretary of the Department
11 of Military Affairs and Public Safety or his or her designee; the Secretary of Transportation or his
12 or her designee; the Adjutant General of the West Virginia National Guard or his or her designee;
13 and the Director of the Division of Homeland Security and Emergency Management within the
14 Department of Military Affairs and Public Safety or his or her designee.

15 (b) The Secretary of the Department of Commerce shall be the chair of the State
16 Resiliency Office Board. In the absence of the chair, any member designated by the members
17 present may act as chair.

18 (c) The board shall meet no less than once each calendar quarter at the time and place
19 designated by the chair. All decisions of the board shall be decided by a majority vote of the
20 members.

21 (d) The chair shall provide adequate staff from their respective office, to ensure the
22 meetings of the board are properly noticed, meetings of the board are facilitated, board meeting
23 minutes are taken, records and correspondence kept and that reports of the board are produced
24 timely.

§29-30-3. Authority of State Resiliency Office; authority of board.

1 The State Resiliency Office, through its board may:

2 (1) Serve as coordinator of all economic and community resiliency planning and
3 implementation efforts, including but not limited to flood protection programs and activities in the
4 state;

5 (2) Annually review the state flood protection plan and update the plan no less than
6 biannually;

7 (3) Recommend legislation to reduce or mitigate flood damage;

8 (4) Report to the Joint Legislative Committee on Flooding at least quarterly;

9 (5) Catalog, maintain and monitor a listing of current and proposed capital expenditures
10 to reduce or mitigate flood damage or other resiliency efforts;

11 (6) Coordinate planning of flood projects with federal agencies;

12 (7) Improve professional management of flood plains;

13 (8) Provide education and outreach on flooding issues to the citizens of this state;

14 (9) Establish a single web site integrating all agency flood information;

15 (10) Monitor federal funds and initiatives that become available for disaster recovery and
16 economic and community resiliency;

17 (11) Pursue additional funds and resources to assist not only with long term recovery
18 efforts but also long term community and state wide resiliency efforts;

19 (12) Coordinate, integrate and expand planning efforts in the state for hazard mitigation,
20 long-term disaster recovery and economic diversification;

21 (13) Coordinate long-term disaster recovery efforts in response to disasters as they occur;

22 (14) Establish and facilitate regular communication between federal, state, local and
23 private sector agencies and organizations to further economic and disaster resilience; and

24 (15) Take all other actions necessary and proper to effectuate the purposes of this article.

§29-30-4. Reporting to the Joint Legislative Committee on Flooding.

1 (a) The chair of the board of the State Resiliency Office shall report, at a minimum of
2 quarterly, to the Joint Legislative Committee on Flooding, created pursuant to article fifteen,
3 chapter four of this code, in sufficient detail for the committee to be aware of the activities of the
4 board to assure progress toward reducing and mitigating flood damage within this state while
5 respecting and complying with the Takings Clause of the United States Constitution, the West
6 Virginia Constitution, and related precedential court opinions, and to develop legislative
7 recommendations.

8 (b) The chair of the council shall submit an annual report to the committee by December
9 31 of each year, along with any recommended legislation, budget requests and a summary of the
10 activities of the board for the previous year.

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, 2017.

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Governor