

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

House Bill 2935

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

HILL, BOGGS AND BALDWIN

[Introduced March 10, 2017; Referred
to the Committee on Government Organization.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
 2 designated §29-30-1, §29-30-2, §29-30-3 and §29-30-4, all relating to state flood
 3 protection planning; providing legislative findings; defining terms; establishing the state
 4 Flood Protection Planning Council and authorizing certain duties; and establishing a Joint
 5 Legislative Committee on Flooding.

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 §29-30-1, §29-30-2, §29-30-3 and §29-30-4, all to read as follows:

ARTICLE 30. STATE FLOOD PROTECTION PLAN ACT.

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

1 (a) This article may be known and cited as the "Flood Protection Planning Act".

2 (b) The West Virginia Legislature finds that:

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

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

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

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

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

12 (c) It is the purpose of this article to provide a comprehensive and coordinated statewide
 13 flood protection planning program to save lives and reduce or mitigate flood damage while
 14 supporting economic growth and protecting the environment.

§29-30-2. State Flood Protection Planning Council.

1 (a) The State Flood Protection Planning Council is created. The council consists of five

2 members: The Director of the Division of Natural Resources or his or her designee; the Secretary
3 of the Department of Environmental Protection or his or her designee; the Executive Director of
4 the state Conservation Agency or his or her designee; the Secretary of the Department of Military
5 Affairs and Public Safety or his or her designee; and the Secretary of Transportation or his or her
6 designee.

7 (b) (1) The council shall designate one of its members in rotation to be chair for a term of
8 two years. In the absence of the chair, any member designated by the members present may act
9 as chair.

10 (2) The Secretary of the Department of Military Affairs and Public Safety is designated as
11 the temporary chair and he or she shall call the members together for an organizational meeting
12 on or after the effective date of this article.

13 (c) The council shall meet no less than once each calendar quarter at the time and place
14 designated by the chair. All decisions of the council shall be decided by a majority vote of the
15 members.

§29-30-3. Authority of council.

1 The council may:

2 (1) Serve as coordinator of all flood protection programs and activities in the state;

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

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

6 (4) Review and implement recommendations of the Advisory Committee;

7 (5) Report to the Joint Legislative Committee on Flooding at least quarterly;

8 (6) Catalog, maintain and monitor a listing of current and proposed capital expenditures
9 to reduce or mitigate flood damage;

10 (7) Coordinate planning of flood projects with federal agencies;

11 (8) Improve professional management of flood plains;

- 12 (9) Provide education and outreach on flooding issues to the citizens of this state;
- 13 (10) Establish a single web site integrating all agency flood information; and
- 14 (11) Take all other actions necessary and proper to effectuate the purposes of this article.

§29-30-4. Joint Legislative Committee on Flooding.

1 (a) The President of the Senate and the Speaker of the House of Delegates shall each
 2 designate five members of their respective houses, at least two of whom shall be members of the
 3 minority party, to serve on an interim committee charged with studying flood damage reduction
 4 and flood plain management. This committee shall be known as the “Joint Legislative Committee
 5 on Flooding” and shall study all activities relating to flood protection and shall make
 6 recommendations to the Joint Committee on Government and Finance which offer solutions to
 7 reduce the reality and threat of future loss of life and property damages associated with flooding.

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

10 (c) The chair of the state Flood Protection Planning Council shall report, at a minimum of
 11 quarterly, in sufficient detail for the committee to be aware of the activities of the council to assure
 12 progress toward reducing and mitigating flood damage within this state and to develop legislative
 13 recommendations. The chair of the council shall submit an annual report to the committee by
 14 June 1 each year.

NOTE: The purpose of this bill is to establish the state Flood Protection Planning Council and authorize certain duties; and establish a Joint Legislative Committee on Flooding.

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