

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 3502

FISCAL
NOTE

By Delegates Hornbuckle, Williams, Young, Hamilton,

Garcia, Lewis, Bridges, and Fluharty

[Introduced March 18, 2025; referred to the
Committee on Government Organization then

Finance]

1 A BILL to amend and reenact §29-31-13 of the Code of West Virginia, 1931, as amended, relating
 2 to the state resiliency and flood protection plan act; providing legislative findings; raising
 3 the amount of money for the Flood Fund to \$250 million; and allocating money to the Flood
 4 Fund from the Revenue Shortfall Fund and Tax Reserve Fund.

Be it enacted by the Legislature of West Virginia:

ARTICLE 31. STATE RESILIENCY AND FLOOD PROTECTION PLAN ACT.

§29-31-13. Capitalization of the West Virginia Flood Resiliency Trust Fund.

1 (a) The West Virginia Flood Resiliency Trust Fund may be granted ~~an initial~~ a one-time
 2 allocation of ~~\$40 million in state general funds~~ \$250 million for the purposes outlined in this article.

3 Whereas the reoccurring and severe flooding events that have and will continue to occur in the
 4 state require that a proactive approach to reduce what have become regular and foreseeable flood
 5 events can only be obtained by preventive measures to mitigate and reduce these events.

6 Therefore, the Legislature finds that the use of the funds from the Revenue Shortfall Fund are
 7 appropriate to address this statewide reoccurring emergency by funding preventive actions to
 8 reduce the impacts of these emergencies. A one-time allocation of \$100 million from the Revenue
 9 Shortfall Fund established pursuant to §11B-2-20 of the code may be deposited into the Flood
 10 Fund. Further, that \$150 million in excess moneys currently held in the Income Tax Reserve Fund,
 11 established pursuant to §11-21-96 of the code, may also be appropriated to the Flood Fund.

12 These appropriations shall provide a one-time initiative to jump start the State Resiliency and
 13 Flood Prevention Act.

14 (b) The State Resiliency Officer shall, with the concurrence of the State Auditor, present an
 15 expenditure report to the State Resiliency Office Board by no later than December 1 annually.

16 (c) Upon review and verification by the State Resiliency Office Board that all expenditures
 17 within the West Virginia Flood Resiliency Trust Fund expenditure report are valid and justified uses
 18 of Flood Fund resources, the State Resiliency Office Board shall submit to the Governor by no
 19 later than December 31 annually a budget and may request to replenish the Flood Fund up to its

20 ~~initial~~ \$40 250 million capitalization.

21 (d) Upon state receipt of Community Development Block Grant-Disaster Recovery funds in
22 relation to a flood disaster event, and in order to provide the state with the flexibility required to
23 provide assistance to any person, political subdivision, or local organization recovering from the
24 flood disaster event, a minimum of six percent of those funds shall be dedicated for the purposes
25 of Flood Resiliency Plan development and implementation activities to the extent that those
26 purposes are in compliance with applicable federal laws and regulations governing such funds
27 and compatible with the state's long-term recovery goals.

NOTE: The purpose of this bill is to jumpstart the state's State Resiliency and Flood Protection Act to allow the Resiliency Office to begin the work off assisting areas of the state prone to flooding to undertake actions to reduce or prevent future 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.