

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

### **Introduced**

## **House Bill 4613**

**FISCAL  
NOTE**

By Delegates Dillon, J. Cannon, Pritt, Clay, Brooks,  
Horst, Jordan, B. Ward, Bridges, Dittman, and  
Jennings

[Introduced January 20, 2026; referred to the  
Committee on Government Organization]

1 A BILL to amend and reenact §29-31-3 and §29-31-4 of the Code of West Virginia, 1931, as  
2 amended, related to the Flood Resiliency Plan; requiring the plan to be updated yearly;  
3 adding requirements to the plan; and requiring the State Resiliency Officer to report to  
4 legislative committees.

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

## **ARTICLE 31. STATE RESILIENCY AND FLOOD PROTECTION PLAN ACT.**

### **§29-31-3. Authority of State Resiliency Office and State Resiliency Officer.**

1 The State Resiliency Office will coordinate the state's disaster recovery and resiliency  
2 missions and the State Resiliency Officer serves as the primary representative of the Governor in  
3 these matters. The State Resiliency Officer shall, upon the order and direction of the Governor, act  
4 on behalf of the Governor in the event of the proclamation of the existence of a state of emergency  
5 or state of preparedness due to a natural hazards event or upon a Presidential declaration of a  
6 major disaster under Section 406 of the Stafford Act. The State Resiliency Officer will assist and  
7 advise the Governor on all disaster recovery and resiliency issues and serve as a liaison between  
8 the Governor's office, and all other parties, whether state, federal, public, or private to further the  
9 purposes of this article. The State Resiliency Officer will:

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

13 (2) Develop a new state Flood Resiliency Plan due to the Board no later than June 30,  
14 2026;

15 (3) Coordinate an annual review of the state Flood Resiliency Plan and update the plan ~~no~~  
16 ~~less than biennially~~ annually, with updates due to the board no later than June 30. ~~in even-~~  
17 ~~numbered years;~~ The Flood Resiliency Plan must include:

18 (A) Recommendations for high impact preventative measures in which intervention by  
19 state government would yield the highest return on resources invested in terms of projected lives

20 saved, property protected, and economic capacity preserved; and

21 (B) Specifics of the five most critical flood prevention projects which should be prioritized  
22 and funded by the state within each Regional Planning and Development Council zone and the  
23 estimated cost of each project;

24 (4) Recommend legislation to reduce or mitigate flood damage;

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

26 (6) Catalog, maintain, and monitor a listing of current and proposed capital expenditures to  
27 reduce or mitigate flood damage and other hazards, and other useful and desirable resiliency  
28 efforts;

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

30 (8) Improve professional management of flood plains;

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

32 (10) Establish a single website integrating all agency flood information;

33 (11) Monitor federal funds and initiatives that become available for disaster recovery and  
34 economic and community resiliency or other flood or hazard mitigation, and to direct expenditures  
35 on behalf of the Governor;

36 (12) Pursue additional funds and resources to assist not only with long-term recovery  
37 efforts but also long-term community and statewide resiliency efforts;

38 (13) Coordinate, integrate, and expand planning efforts in the state for hazard mitigation,  
39 long-term disaster recovery, and economic diversification;

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

41 (15) Establish and facilitate regular communication between federal, state, local, and  
42 private sector agencies, and organizations to further economic and disaster resilience;

43 (16) Receive resources, monetary or otherwise, from any other governmental entity and  
44 disburse those resources to effectuate the purposes of this article;

45 (17) Execute cooperative agreements, where appropriate, between the State Resiliency

46 Office and the federal and/or state governments;

47 (18) Contract, where appropriate, on behalf of the State Resiliency Office, with the federal  
48 government, its instrumentalities and agencies, any state, territory or the District of Columbia, and  
49 its agencies and instrumentalities, municipalities, foreign governments, public bodies, private  
50 corporations, partnerships, associations, and individuals;

51 (19) Use funds administered by the State Resiliency Office for the maintenance,  
52 construction, or reconstruction of capital repair and replacement items as necessary to effectuate  
53 the purposes of this article;

54 (20) Accept and use funds from the federal government, its instrumentalities and  
55 agencies, any state, territory or the District of Columbia, and its agencies and instrumentalities,  
56 municipalities, foreign governments, public bodies, private corporations, partnerships,  
57 associations, and individuals for the purposes of disaster recovery, hazard mitigation, flood  
58 mitigation, flood prevention, and disaster response programs;

59 (21) Hire necessary employees at an appropriate salary equivalent to a competitive wage  
60 rate;

61 (22) Enroll appropriate employees in PERS, PEIA, and workers' compensation and  
62 unemployment programs, or their equivalents: *Provided*, That the State Resiliency Office, through  
63 the receipt of federal and/or state funds, pays the required employer contributions;

64 (23) Develop a human resources division that will administer and manage its employees  
65 and receive state matching funds as necessary to ensure maximum federal funds are secured;

66 (24) Have the ability to secure all other bonding, insurance, or other liability protections  
67 necessary for its employees to fulfill their duties and responsibilities;

68 (25) Have the ability to draw upon other departments, divisions, agencies, and all other  
69 subdivisions of the state for research and input in fulfilling the requirements of this article, and its  
70 requests are to have priority over other such requests;

71 (26) Participate in the interdepartmental transfer of permanent state employees, as if he or

72 she were a department secretary, under the provisions of §5F-2-7 of this code.

73 (27) Notwithstanding any other provision of this code to the contrary, acquire legal  
74 services that are necessary, including representation of the board, its employees, and officers  
75 before any court or administrative body from the office of the Attorney General, who shall provide  
76 such legal assistance and representation, and

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

78 The office shall have any other additional authority, duties, and responsibilities as  
79 prescribed by the Governor to effectuate the purposes of this article. Due to the at-will employment  
80 relationship with the office, its employees may not avail themselves of the state grievance  
81 procedure as set forth in §6C-2-1 *et seq.* of this code.

**§29-31-4. Reporting to the Joint Legislative Committee on Flooding and the Joint  
Committee on Energy and Public Works.**

1 (a) The State Resiliency Officer shall report, at a minimum of quarterly, to the Joint  
2 Legislative Committee on Flooding, created pursuant to §4-15-1 *et seq.* of this code, in sufficient  
3 detail for the committee to be aware of the activities of the office to assure progress toward  
4 reducing and mitigating flood damage within this state while respecting and complying with the  
5 Takings Clause of the United States Constitution, the West Virginia Constitution, and related  
6 precedential court opinions, and to develop legislative recommendations and shall submit an  
7 annual report to the committee by December 31 of each year, along with any recommended  
8 legislation, budget requests and a summary of the activities of the office for the previous year. At  
9 least twice per year the State Resiliency Office shall report on the Flood Resiliency Plan.

10 (b) At least annually, the State Resiliency Officer shall report to the Joint Committee on  
11 Energy and Public Works.

NOTE: The purpose of this bill is to increase the frequency that the State Resiliency Officer updates the Flood Resiliency Plan, add reporting requirements, and require the State Resiliency Officer to report to certain legislative committees.

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