

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Committee Substitute

for

Senate Bill 390

BY SENATORS SMITH (MR. PRESIDENT) AND WOELFEL

[BY REQUEST OF THE EXECUTIVE]

[Reported January 23, 2026, from the Committee on
Government Organization]

1 A BILL to amend and reenact §29-31-11 of the Code of West Virginia, 1931, as amended, relating
2 to altering conditions for disbursing funds from the West Virginia Flood Resiliency Trust
3 Fund to better enhance flood prevention, safety, and protection.

Be it enacted by the Legislature of West Virginia:

ARTICLE 31. STATE RESILIENCY AND FLOOD PROTECTION PLAN ACT.

§29-31-11. West Virginia Flood Resiliency Trust Fund disbursement.

1 ~~(a) Upon the development of a new state Flood Resiliency Plan, the~~ The State Resiliency
2 Officer shall have the power to disburse funds from the Flood Fund for the purposes of
3 implementing the Flood Resiliency Plan to any person, state agency, political subdivision, or state
4 or local organization in such amounts and in such manner, and to take such other actions, as the
5 State Resiliency Officer may determine is necessary or appropriate and is outlined within the
6 Flood Resiliency Plan.

7 ~~(b) All assistance to any person, state agency, political subdivision, or state or local~~
8 organization shall be for the purposes of building flood resiliency in the face of current and
9 projected future flood disaster events. ~~Provided, That except as provided hereafter in this section,~~
10 ~~The~~ requisitions for payment shall not be made or authorized for payment by the Auditor without
11 the express approval of the State Resiliency Officer. ~~Provided, however, That~~ All disbursements
12 shall require the express approval of the State Resiliency Officer, which approval shall be
13 contingent on the proposed activity appearing as for a valid proposed flood resiliency activity and
14 prioritized for implementation within the most recent Flood Resiliency Plan as reviewed and
15 approved by the State Resiliency Office Board.

16 ~~(c) Following the development and approval of a new~~ In accordance with the state Flood
17 Resiliency Plan, the State Resiliency Officer is granted the power to manage and disburse funds
18 from the Flood Resiliency Trust Fund. ~~In accordance with these powers, the following provisions~~
19 ~~and conditions shall be adhered to:~~

20 ~~(4)~~ (d) Disbursements from the Flood Fund shall:

21 ~~(1) be~~ Be used solely for the purposes of enhancing flood prevention, safety, or protection
22 as required by this article except that the State Resiliency Office ~~The State Resiliency Office shall~~
23 ~~manage the Flood Fund and~~ may disburse from the Flood Fund its reasonable costs and
24 expenses incurred in the management of the Flood Fund; and

25 ~~(2) Disbursements shall should be prioritized to the~~ Prioritize benefiting benefit of low-
26 income geographic areas or areas with a history of frequent or significant flooding events, and
27 ~~not less than 50 percent of all funds disbursed through the Flood Resiliency Trust Fund shall be~~
28 ~~disbursed to the benefit of low-income geographic areas and low-income households;~~

29 ~~(3)~~ (e) Disbursements shall be prioritized may be used:

30 ~~(1) toward~~ Toward the implementation of nature-based solutions, ~~and not less than 50~~
31 ~~percent of all funds disbursed through the Flood Resiliency Trust Fund shall be disbursed to~~
32 ~~implement nature-based solutions. Of disbursements made to implement nature-based solutions,~~
33 ~~not less than 25 percent of these disbursements shall be utilized for~~ which may include the
34 acquisition of single-family primary residences and multifamily residences in areas currently or
35 projected to be subjected to significant flood impacts, assistance to residents relocating outside
36 of the floodplain, and floodplain restoration activities on properties acquired through the Flood
37 Fund; and

38 ~~(4) Disbursements to~~ (2) To the benefit of a political subdivision: ~~may only be allowed~~
39 ~~upon the verification to the State Resiliency Officer that the~~ Provided, That the State Resiliency
40 Officer shall take into consideration whether the recipient political subdivision has adopted, or will
41 adopt within 24 months, the following programs or measures:

42 (A) Town road and bridge standards consistent with or exceeding those listed under the
43 most current version of standards published by the West Virginia Department of Transportation;

44 (B) A flood hazard bylaw, or an adopted interim flood hazard bylaw as an intermediary
45 step to secure enrollment and participation in the National Flood Insurance Program, if applicable;

(C) A local hazard mitigation plan that meets the provisions of 44 C.F.R. § 201.6 that has been approved by the local community, and is approved or in the process of securing final approval by the Federal Emergency Management Agency (FEMA). The local mitigation plan may be part of a larger multijurisdictional or regional mitigation plan;

~~(D) Adoption of a~~ A local emergency operations plan in accordance with state standards; and,

(E) Attainment of an active rate classification (class #1 through #9) under FEMA's community rating system that includes activities that prohibit new structures in mapped flood hazard zones; and

~~(5) (f)~~ Prioritization and conditions for disbursements shall be at the discretion of the State Resiliency Officer and upon approval of the State Resiliency Office Board.