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From: Thompson, Mary Jo <Mary.Jo.Thompson@wv.gov>
Sent: Monday, April 3, 2017 5:21 PM
To: James Bailey
Cc: Hopkins, Kris N; Jarrell, Joshua L; Tarry, Russell W; Gianato, Jimmy J
Subject: Draft SRO bill
Attachments: HB2935 SUB_SRO included - WVDO edits.docx

Hi James,

Attached is a re-worked bill for you and the Senate to consider. I've re-worked it to accomplish 4 main things:

1. Establishment of the State Resiliency Office
2. Secretary of Commerce is the chair of the board as his office would coordinate the meetings, activities, reports to legislature.
3. Add all resiliency efforts to the purpose of the office – not just flooding.
4. 8 member board governs the office with the Secretary (as said) being the chair.

The bill does not impede or interfere with the normal responsibilities of any agency – it simply adds an office through which resiliency / flooding plans are coordinated.

We feel it is essential this framework be put into place to effectively and efficiently coordinate all recovery and disaster efforts in the future. I apologize for the many edits and colors but we wanted to get you a draft right away. My cell is 304-550-3409 and I will be waiting on feedback. Our team will also be ready to attend any committee meetings necessary to help explain our course of action.

Please let me know if you have questions.

Thank you!!!
MJ

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

**Committee Substitute
for
House Bill 2935**

BY MR. SPEAKER (MR. ARMSTEAD), HANSHAW, AMBLER,
HILL, BOGGS AND BALDWIN

[Originating in the Committee on Government

Organization; Reported March 22, 2017]

1 A BILL 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 planning;
4 providing legislative findings; defining terms; establishing the State
5 Resiliency Office(SRO)and governing board; describing certain
6 duties; requiring reports; and establishing a Joint 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 §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
14 thirty, chapter twenty-nine of this code, shall report quarterly to the committee, and shall prepare
15 an annual 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](#)
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 resiliency and flood protection planning program to save lives, and develop
14 community

14 and economic resiliency plans including, but not limited to, reducing
15 or mitigating flood damage while supporting economic growth and protecting the environment.

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

1 (a) The State Resiliency Office is created. . The ~~council~~ State Resiliency Office shall be housed
2 within the West Virginia Development Office in the Department of Commerce, as the recipient of
3 disaster recovery and resiliency funds, and the coordinating agency of recovery and resiliency
4 efforts including matching funds for other disaster recovery programs. The State Resiliency
5 Office Board shall consist of eight members :The Secretary of the Department of
6 Commerce or his or her designee; The Director of the Division of Natural Resources or his or her
7 designee; the Secretary of the Department of Environmental Protection or his or her designee;
8 the Executive Director of the State Conservation Agency or his or her designee; the Secretary of
9 the Department of Military Affairs and Public Safety or his or her designee; the Secretary of
10 Transportation or his or her designee; the Adjutant General of the West Virginia National Guard
11 or his or her designee; and the Director of the Division of Homeland Security and
12 Emergency Management within the Department of Military Affairs and Public Safety or his or
13 her designee.

14 (b) (1) The Secretary of the West Virginia Department of Commerce -shall be the chair of
15 the board of the State Resiliency Office. In the absence of the chair, any member designated by
16 the members present may act as chair.

~~(2) The Secretary of the Department of Military Affairs and Public Safety is designated as~~

~~13 the temporary chair and he or she shall call the members together for an organizational meeting~~

~~14 on or after the effective date of this article.~~

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

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

§29-30-3. Authority of ~~council~~ SRO Board State Resiliency Office and its 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

4 not limited to flood protection programs and activities in the 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 website integrating all agency flood information; and

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

16 (10) Monitor federal funds and initiatives that become available for

17 disaster recovery and economic and community resiliency;

18 (11) Pursue additional funds and resources to assist not only with long term recovery

19 efforts, but also long term community and state wide resiliency efforts;

20 (12) Coordinate, integrate, and expand planning efforts in the state for hazard mitigation,

21 long-term disaster recovery, and economic diversification;

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

23 (14) Establish and facilitate regular communication between federal, state, local, and

24 private sector agencies and organizations to further economic and disaster resilience;

25 (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,

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3 chapter four of the 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 board 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
10 the activities of the board for the previous year.

NOTE: The purpose of this bill is to establish the [State Resiliency Office](#) 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.