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SENATE JOINT RESOLUTION NO. 3
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Joint Conference Committee
on March 7, 2014)

(Patron Prior to Substitute—Senator Locke)

Establishing a joint subcommittee to formulate recommendations for the development of a comprehensive and coordinated planning effort to address recurrent flooding. Report.

WHEREAS, House Joint Resolution 50 and Senate Joint Resolution 76 (2012) directed the Virginia Institute of Marine Science (VIMS) to study strategies for adaptation to prevent recurrent flooding in Tidewater and Eastern Shore Virginia localities; and

WHEREAS, the resulting VIMS report, entitled "Recurrent Flooding Study for Tidewater Virginia," published as Senate Document 3 (2013), stated that recurrent flooding impacts all localities in Virginia's coastal zone and is predicted to become worse over reasonable planning horizons (20 to 50 years); and

WHEREAS, VIMS found that "[r]ecurrent flooding is flooding that occurs repeatedly in the same area over time due to precipitation events, high tides or storm surge. In coastal Virginia, all three of these factors cause recurrent flooding, and all three weather events are predicted to get worse, resulting in more frequent or larger scale flood events"; and

WHEREAS, VIMS found that "[i]mpacts from flooding can range from temporary road closures to the loss of homes, loss of businesses, property and life. In coastal Virginia, the cost of large storm damage can range from millions to hundreds of millions of dollars per storm. With a long history of flooding from coastal storms (first reference to storm related flooding was in 1667), there is a keen interest in Virginia to identify areas of potential flooding and establish measures (adaptation strategies) to reduce the impact of future flood events"; and

WHEREAS, VIMS found that a review of global flood management strategies suggests that it is possible for Virginia to have an effective flood response, but such efforts may take 20 to 30 years to effectively plan and implement; and

WHEREAS, VIMS found that an optimal flood management strategy must be flexible and match adaptation options to the unique circumstances of each coastal locality and the associated evolving risks; and

WHEREAS, VIMS offered several recommendations, including that the Commonwealth, working with its coastal localities, (i) begin comprehensive and coordinated planning efforts; (ii) initiate identification, collection, and analysis of data needed to support effective planning for response efforts; and (iii) take a lead role in addressing recurrent flooding in Virginia for the following reasons: (a) accessing relevant federal resources for planning and mitigation may be enhanced through state mediation, (b) flooding problems are linked to water bodies and therefore often transcend locality boundaries, and (c) prioritizing flood management actions must be based in part on risk; and therefore, the Commonwealth must oversee the necessary studies to determine adaptation strategies as well as implementation of the agreed-upon strategies; and

WHEREAS, the Joint Legislative Audit and Review Commission (JLARC) study mandated by General Assembly House Joint Resolution 132 and presented on October 15, 2013, entitled "Review of Disaster Preparedness Planning in Virginia," stated, "The state generally has strong disaster response plans, but deficiencies in evacuation and shelter plans may compromise the safety of the Hampton Roads population during a catastrophic disaster"; and

WHEREAS, the JLARC study further noted that if four key assumptions in the state's current evacuation plan do not hold, "timely hurricane evacuations could be compromised," placing citizens at risk after the storm; and

WHEREAS, the flooding affects areas outside of the ocean and Chesapeake Bay watersheds, as experienced in 1969, when Hurricane Camille spawned destruction and the loss of lives in Nelson County as well as severe flooding in the Valley, and in 1972, when Hurricane Agnes notably affected Central and Southwest Virginia; and

WHEREAS, many Virginia communities regularly battle recurrent flooding from nearby rivers and runoff as well as flooding associated with aging public and private dams; and

WHEREAS, a number of Virginia-based federal (including military), state, regional, and local agencies; private and not-for-profit groups; and colleges and universities are actively examining issues resulting from recurrent flooding in Virginia's coastal communities and investing in specific flood mitigation strategies; and

WHEREAS, the Virginia Housing Commission studied this issue through its Housing and the Environment Work Group and found that zoning, building codes, and planning issues will all be affected by recurrent flooding; now, therefore, be it

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60 RESOLVED by the Senate, the House of Delegates concurring, That a joint subcommittee be
61 established to formulate recommendations for the development of a comprehensive and coordinated
62 planning effort to address recurrent flooding. The joint subcommittee shall have a total membership of
63 11 members that shall consist of eight legislative members and three nonlegislative citizen members.
64 Members shall be appointed as follows: three members of the Senate to be appointed by the Senate
65 Committee on Rules; five members of the House of Delegates to be appointed by the Speaker of the
66 House of Delegates in accordance with the principles of proportional representation contained in the
67 Rules of the House of Delegates; one nonlegislative citizen member, who shall be a local official
68 representing Virginia's flood-prone communities, to be appointed by the Senate Committee on Rules, and
69 two nonlegislative citizen members, one of whom shall be a business leader and one of whom shall be a
70 representative of the environmental community, to be appointed by the Speaker of the House of
71 Delegates. Nonlegislative citizen members of the joint subcommittee shall be citizens of the
72 Commonwealth of Virginia. Unless otherwise approved in writing by the chairman of the joint
73 subcommittee and the respective Clerk, nonlegislative citizen members shall only be reimbursed for
74 travel originating and ending within the Commonwealth of Virginia for the purpose of attending
75 meetings. If a companion joint resolution of the other chamber is agreed to, written authorization of both
76 Clerks shall be required. The joint subcommittee shall elect a chairman and vice-chairman from among
77 its membership, who shall be members of the General Assembly.

78 In conducting its review, the joint subcommittee shall recommend short-term and long-term strategies
79 for minimizing the impact of recurrent flooding.

80 Administrative staff support shall be provided by the Office of the Clerk of the Senate. Legal,
81 research, policy analysis, and other services as requested by the joint subcommittee shall be provided by
82 the Division of Legislative Services. Technical assistance shall be provided by Virginia college and
83 university faculty with expertise in the subject matter. All agencies of the Commonwealth shall provide
84 assistance to the joint subcommittee for this review, upon request.

85 The joint subcommittee shall be limited to four meetings for the 2014 interim and four meetings for
86 the 2015 interim, and the direct costs of this study shall not exceed \$18,640 for each year without
87 approval as set out in this resolution. Approval for unbudgeted nonmember-related expenses shall require
88 the written authorization of the chairman of the joint subcommittee and the respective Clerk. If a
89 companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall
90 be required.

91 No recommendation of the joint subcommittee shall be adopted if a majority of the Senate members
92 or a majority of the House members appointed to the joint subcommittee (i) vote against the
93 recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the
94 joint subcommittee.

95 The joint subcommittee shall complete its meetings for the first year by November 30, 2014, and for
96 the second year by November 30, 2015, and the chairman shall submit to the Division of Legislative
97 Automated Systems an executive summary of its findings and recommendations no later than the first
98 day of the next Regular Session of the General Assembly for each year. Each executive summary shall
99 state whether the joint subcommittee intends to submit to the General Assembly and the Governor a
100 report of its findings and recommendations for publication as a House or Senate document. The
101 executive summaries and reports shall be submitted as provided in the procedures of the Division of
102 Legislative Automated Systems for the processing of legislative documents and reports and shall be
103 posted on the General Assembly's website.

104 Implementation of this resolution is subject to subsequent approval and certification by the Joint
105 Rules Committee. The Committee may approve or disapprove expenditures for the joint subcommittee's
106 review, extend or delay the period for the conduct of the review, or authorize additional meetings during
107 the 2014 and 2015 interims.