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**SENATE JOINT RESOLUTION NO. 35**  
**AMENDMENT IN THE NATURE OF A SUBSTITUTE**  
(Proposed by the Senate Committee on Rules  
on January 28, 2022)

(Patron Prior to Substitute—Senator Lewis)

*Continuing the Joint Subcommittee on Coastal Flooding as the Joint Subcommittee on 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 Virginia's Tidewater and Eastern Shore localities; and

WHEREAS, the resulting VIMS report, titled "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 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 House Joint Resolution 132 (2012) and presented on October 15, 2013, titled "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, House Joint Resolution 16 and Senate Joint Resolution 3 (2014) established the Joint Subcommittee to Formulate Recommendations to Address Recurrent Flooding as recommended by the VIMS report; and

WHEREAS, the Joint Subcommittee to Address Recurrent Flooding met four times during the 2014 interim to collect information from federal and state agencies, localities, and stakeholders and to carry out its work; and

WHEREAS, the Joint Subcommittee to Address Recurrent Flooding filed an executive summary with the General Assembly prior to the 2015 Session, which included five initial recommendations to increase public awareness, improve local and state government agency resiliency coordination, and address floodplain management; and

WHEREAS, recommendations made by the Joint Subcommittee to Address Recurrent Flooding during the 2014 interim resulted in six bills passing the General Assembly with bipartisan support during the 2015 Session; and

WHEREAS, the Joint Subcommittee to Address Recurrent Flooding met four times during the 2015 interim to collect information from federal and state agencies, localities, and stakeholders and to carry out its work; and

WHEREAS, the members of the full Joint Subcommittee to Address Recurrent Flooding concurred that the joint subcommittee be continued for two more years with a name change to the Joint Subcommittee on Coastal Flooding to more accurately reflect its mission and to continue the Commonwealth on the path of advancing Virginia as the coastal states' leader in advancing resiliency strategies and, most importantly, protecting its citizens and business assets; and

WHEREAS, pursuant to House Joint Resolution 84 and Senate Joint Resolution 58 (2016), the Joint Subcommittee on Coastal Flooding continued its work during the 2016 and 2017 interims and brought forth additional recommendations for the 2018 Session; and

WHEREAS, pursuant to House Joint Resolution 26 and Senate Joint Resolution 19 (2018), the Joint Subcommittee on Coastal Flooding continued its work during the 2018 and 2019 interims and brought forth additional recommendations for the 2020 Session; and

WHEREAS, pursuant to House Joint Resolution 102 and Senate Joint Resolution 27 (2020), the Joint Subcommittee on Coastal Flooding continued its work during the 2020 and 2021 interims and will bring

60 forth additional recommendations for the 2022 Session; and

61 WHEREAS, riverine flooding and flooding from stormwater are also major concerns for the  
62 Commonwealth and deserve further study and action from the joint subcommittee; and

63 WHEREAS, the members of the joint subcommittee concur that the work of the joint subcommittee  
64 be continued for two additional years; now, therefore, be it

65 RESOLVED by the Senate, the House of Delegates concurring, That the Joint Subcommittee on  
66 Coastal Flooding be continued as the Joint Subcommittee on Recurrent Flooding. The joint  
67 subcommittee shall have a total membership of 15 members that shall consist of three members of the  
68 Senate appointed by the Senate Committee on Rules; five members of the House of Delegates appointed  
69 by the Speaker of the House of Delegates in accordance with the principles of proportional  
70 representation contained in the Rules of the House of Delegates; two nonlegislative citizen members  
71 appointed by the Senate Committee on Rules, one of whom shall be a representative of the development  
72 community and one of whom shall be a certified floodplain manager; two nonlegislative citizen  
73 members appointed by the Speaker of the House of Delegates, one of whom shall be a business leader  
74 and one of whom shall be a representative of the environmental community; and three local elected  
75 officials from three separate regions of the Commonwealth representing Virginia's flood-prone  
76 communities, one of whom shall be appointed by the Senate Committee on Rules who shall be from an  
77 area impacted by coastal flooding and two of whom shall be appointed by the Speaker of the House of  
78 Delegates, one of whom shall be from a rural area impacted by riverine flooding and one of whom shall  
79 be from an urban area impacted by stormwater flooding. Nonlegislative citizen members of the joint  
80 subcommittee shall be citizens of the Commonwealth of Virginia. The current members appointed by the  
81 Senate Committee on Rules shall continue to serve until replaced. The current members appointed by  
82 the Speaker of the House of Delegates shall be subject to reappointment. Vacancies shall be filled by  
83 the original appointing authority. Unless otherwise approved in writing by the chairman of the joint  
84 subcommittee and the respective Clerk, nonlegislative citizen members shall only be reimbursed for  
85 travel originating and ending within the Commonwealth of Virginia for the purpose of attending  
86 meetings. If a companion joint resolution of the other chamber is agreed to, written authorization of both  
87 Clerks shall be required. The joint subcommittee shall elect a chairman and vice-chairman from among  
88 its membership, who shall be members of the General Assembly.

89 In conducting its study, the joint subcommittee shall recommend short-term and long-term strategies  
90 for minimizing the impact of flooding.

91 Administrative staff support shall continue to be provided by the Office of the Clerk of the Senate.  
92 Legal, research, policy analysis, and other services as requested by the joint subcommittee shall continue  
93 to be provided by the Division of Legislative Services. Technical assistance shall continue to be  
94 provided by faculty at Virginia institutions of higher education who have expertise in the subject matter.  
95 All agencies of the Commonwealth shall provide assistance to the joint subcommittee for this study,  
96 upon request.

97 The joint subcommittee shall be limited to a total of four meetings for the 2022 interim and four  
98 meetings for the 2023 interim and the direct costs of this study shall not exceed \$19,840 for each year  
99 without approval as set out in this resolution. Approval for unbudgeted nonmember-related expenses  
100 shall require the written authorization of the chairman of the joint subcommittee and the respective  
101 Clerk. If a companion joint resolution of the other chamber is agreed to, written authorization of both  
102 Clerks shall be required.

103 No recommendation of the joint subcommittee shall be adopted if a majority of the Senate members  
104 or a majority of the House members appointed to the joint subcommittee (i) vote against the  
105 recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the  
106 joint subcommittee.

107 The joint subcommittee shall complete its meetings for the first year by November 30, 2022, and for  
108 the second year by November 30, 2023, and the chairman shall submit to the Division of Legislative  
109 Automated Systems an executive summary of its findings and recommendations no later than the first  
110 day of the next Regular Session of the General Assembly for each year. Each executive summary shall  
111 state whether the joint subcommittee intends to submit to the General Assembly and the Governor a  
112 report of its findings and recommendations for publication as a House or Senate document. The  
113 executive summaries and reports shall be submitted as provided in the procedures of the Division of  
114 Legislative Automated Systems for the processing of legislative documents and reports and shall be  
115 posted on the General Assembly's website.

116 Implementation of this resolution is subject to subsequent approval and certification by the Joint  
117 Rules Committee. The Committee may approve or disapprove expenditures for this study, extend or  
118 delay the period for the conduct of the study, or authorize additional meetings during the 2022 and 2023  
119 interims.