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SENATE JOINT RESOLUTION NO. 35
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Joint Conference Committee
on March 12, 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 11 members that shall consist of five members of the
68 House of Delegates appointed by the Speaker of the House of Delegates in accordance with the
69 principles of proportional representation contained in the Rules of the House of Delegates; three
70 members of the Senate appointed by the Senate Committee on Rules; and three nonlegislative citizen
71 members, one of whom shall be a business leader and one of whom shall be a representative of the
72 environmental community appointed by the Speaker of the House of Delegates, and one of whom shall
73 be a local official representing Virginia's flood-prone communities appointed by the Senate Committee
74 on Rules. Nonlegislative citizen members of the joint subcommittee shall be citizens of the
75 Commonwealth of Virginia. The current members appointed by the Speaker of the House of Delegates
76 shall be subject to reappointment. The current members appointed by the Senate Committee on Rules
77 shall continue to serve until replaced. Vacancies shall be filled by the original appointing authority.
78 Unless otherwise approved in writing by the chairman of the joint subcommittee and the respective
79 Clerk, nonlegislative citizen members shall only be reimbursed for travel originating and ending within
80 the Commonwealth of Virginia for the purpose of attending meetings. If a companion joint resolution of
81 the other chamber is agreed to, written authorization of both Clerks shall be required. The joint
82 subcommittee shall elect a chairman and vice-chairman from among its membership, who shall be
83 members of the General Assembly.

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

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

92 The joint subcommittee shall be limited to four meetings for the 2022 interim and four meetings for
93 the 2023 interim, and the direct costs of this study shall not exceed \$18,640 for each year without
94 approval as set out in this resolution. Approval for unbudgeted nonmember-related expenses shall require
95 the written authorization of the chairman of the joint subcommittee and the respective Clerk. If a
96 companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall
97 be required.

98 No recommendation of the joint subcommittee shall be adopted if a majority of the House members
99 or a majority of the Senate members appointed to the joint subcommittee (i) vote against the
100 recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the
101 joint subcommittee.

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

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