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SENATE JOINT RESOLUTION NO. 35
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee on Rules
on March 3, 2022)

(Patron Prior to Substitute—Senator Lewis)

Continuing the Joint Subcommittee on Coastal 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 forth additional recommendations for the 2022 Session; and

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

62 RESOLVED by the Senate, the House of Delegates concurring, That the Joint Subcommittee on
63 Coastal Flooding be continued. The joint subcommittee shall have a total membership of 11 members
64 that shall consist of five members of the House of Delegates appointed by the Speaker of the House of
65 Delegates in accordance with the principles of proportional representation contained in the Rules of the
66 House of Delegates; three members of the Senate appointed by the Senate Committee on Rules; and
67 three nonlegislative citizen members, one of whom shall be a business leader and one of whom shall be
68 a representative of the environmental community appointed by the Speaker of the House of Delegates,
69 and one of whom shall be a local official representing Virginia's flood-prone communities appointed by
70 the Senate Committee on Rules. Nonlegislative citizen members of the joint subcommittee shall be
71 citizens of the Commonwealth of Virginia. The current members appointed by the Speaker of the House
72 of Delegates shall be subject to reappointment. The current members appointed by the Senate Committee
73 on Rules shall continue to serve until replaced. Vacancies shall be filled by the original appointing
74 authority. Unless otherwise approved in writing by the chairman of the joint subcommittee and the
75 respective Clerk, nonlegislative citizen members shall only be reimbursed for travel originating and
76 ending within the Commonwealth of Virginia for the purpose of attending meetings. If a companion
77 joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required.
78 The joint subcommittee shall elect a chairman and vice-chairman from among its membership, who shall
79 be members of the General Assembly.

80 In conducting its study, the joint subcommittee shall recommend short-term and long-term strategies
81 for minimizing the impact of recurrent flooding and coastal storms.

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

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

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

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

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