

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 387

(By Senators Unger and Beach)

[Originating in the Committee on Government Organization;
reported February 23, 2012.]

A BILL to amend and reenact §15-5-20 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §15-5-20a, all relating to disaster prevention; eliminating the requirement that the Office of Emergency Services report to the West Virginia Disaster Recovery Board on debris that may cause an obstruction during disasters; requiring all floodplain managers to complete yearly training; and providing that another manager may take over the responsibilities of a manager who has not completed the required training.

Be it enacted by the Legislature of West Virginia:

That §15-5-20 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that said code be amended by adding thereto a new section, designated §15-5-20a, all to read as follows:

ARTICLE 5. DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT.

§15-5-20. Disaster prevention.

1 (a) In addition to disaster prevention measures as
2 included in the state, local, regional and interjurisdictional
3 disaster plans, the Governor shall consider on a continuing
4 basis steps that could be taken to prevent or reduce the
5 harmful consequences of disasters. At his or her direction,
6 and pursuant to any other authority and competence they
7 have, state agencies, including, but not limited to, those
8 charged with responsibilities in connection with floodplain
9 management, stream encroachment and flow regulation,
10 weather modification, fire prevention and control, air
11 quality, public works, land use and land-use planning and
12 construction standards, shall make studies of disaster
13 prevention-related matters. The Governor, from time to time,
14 shall make such recommendation to the Legislature, political
15 subdivisions and other appropriate public and private

16 entities as may facilitate measures for prevention or reduc-
17 tion of the harmful consequences of disasters.

18 (b) At the request of and in conjunction with the Office
19 of Emergency Services, the divisions of energy, natural
20 resources and highways and any state department insured by
21 the Board of Risk and Insurance Management shall keep
22 land use and construction of structures and other facilities
23 under continuing study and identify areas which are particu-
24 larly susceptible to severe land shifting, subsidence, flooding
25 or other catastrophic occurrences. Such studies shall concen-
26 trate on means of reducing or avoiding the dangers caused by
27 such occurrences and the consequences thereof.

28 ~~(c) In conjunction with the Board of Risk and Insurance~~
29 ~~Management and such other offices or agencies of state~~
30 ~~government as the board may deem appropriate, the director~~
31 ~~of the Office of Emergency Services shall make a semi-~~
32 ~~annual report to the West Virginia Disaster Recovery Board~~
33 ~~on the existence and location of abandoned motor vehicles,~~
34 ~~trash, debris and refuse that may in the event of a disaster~~
35 ~~cause an obstruction to natural water flow and thereby cause~~
36 ~~excessive and more extensive damage to property. The report~~
37 ~~shall further set forth a plan to remove and dispose of such~~

38 ~~trash, debris and refuse within the following semi-annual~~
39 ~~reporting period.~~

§15-5-20a. Floodplain manager training.

1 (a) Community participation in the National Flood
2 Insurance Program is important to manage and mitigate the
3 special flood hazard areas in West Virginia. Therefore, all
4 state, county, municipality and local floodplain managers
5 should be adequately trained in floodplain management.

6 (b) Commencing July 1, 2012, each floodplain manager in
7 the state is required to complete six hours of training in
8 floodplain management annually to maintain good standing
9 with the West Virginia Division of Homeland Security.

10 (c) A governmental unit that has a floodplain manager
11 who fails to obtain the required training shall suspend the
12 floodplain manager from his or her floodplain management
13 responsibilities until the training requirement is met.

14 (d) A governmental unit that has a floodplain manager
15 who fails to obtain the required training shall transfer its
16 floodplain management responsibilities and all associated
17 fees to a governmental unit that has a floodplain manager in
18 good standing.