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HOUSE BILL NO. 1004

Offered January 11, 2006

Prefiled January 11, 2006

A BILL amend and reenact § 2.2-2666.1 and to amend the Code of Virginia by adding in Title 2.2 a chapter numbered 3.1, consisting of sections numbered 2.2-304 through 2.2-306, relating to the Office of Commonwealth Preparedness; Secure Commonwealth Panel.

Patrons—Sherwood, Athey, Callahan, Cosgrove, Dudley, Gear, Gilbert, Iaquinto, Jones, S.C., Kilgore, Landes, Lingamfelter, Nixon, O'Bannon, Rust, Suit, Welch, Wittman and Wright

Referred to Committee on Militia, Police and Public Safety

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-2666.1 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Title 2.2 a chapter numbered 3.1, consisting of sections numbered 2.2-304 through 2.2-306, as follows:

CHAPTER 3.1.**OFFICE OF COMMONWEALTH PREPAREDNESS.**

§ 2.2-304. *Office created; purpose; appointment of Director; staff.*

A. There is created in the Office of the Governor, the Office of Commonwealth Preparedness (the Office). The purpose of the Office is to work with and through others, including federal, state, and local officials, as well as the private sector, to develop a seamless, coordinated security and preparedness strategy. The Office shall serve as the single point of contact in Virginia for the Department of Homeland Security.

B. The Office shall consist of a Director who shall be appointed by the Governor, subject to confirmation by the General Assembly as provided in § 2.2-106, for a term of five years. The Director shall preferably, by reason of professional experience, be familiar with the structure and operations of the federal government and of the Commonwealth. The Director shall be deemed a member of the Governor's cabinet and shall be responsible for the general management of the Office and shall perform such duties as may be provided by law or assigned by the Governor. The Director may appoint such persons as he deems necessary for the efficient conduct of the Office, and apportion, out of the appropriation for the Office, such salaries among such persons as he deems proper, but the aggregate amount paid them shall not exceed the amount provided by law. The Director shall appoint an interoperability coordinator to review all communications-related grant requests from state agencies and localities to ensure federal grants are used to enhance interoperability.

§ 2.2-305. *Duties of the Office.*

It shall be the responsibility of the Office, through its Director, to:

1. Develop and review all disaster, emergency management, and terrorism management plans for the state and its agencies.

2. Work with federal officials to obtain additional federal resources and coordinate policy development and information exchange.

3. Coordinate working relationships between state agencies and the Governor's Cabinet.

4. Serve as the point of contact with the federal Department of Homeland Security.

5. Serve as the Governor's representative on regional efforts to develop a coordinated security and preparedness strategy, including the National Capitol Region security group organized as part of the federal Urban Areas Security Initiative.

6. Serve as a direct liaison between the Governor and local governments and first responders on issues of emergency preparedness.

7. Educate the public on homeland security and overall preparedness issues.

8. Serve as chairman of the Secure Commonwealth Panel.

9. Support volunteer efforts throughout the state.

10. Serve as vice-chairman of the Virginia Military Advisory Council to establish a working relationship with Virginia's active duty military bases.

11. Develop a formula for allocating State Homeland Security Program funds to localities based on risk. In developing the formula, the Office shall consider population density, transient populations, economic impact, identified targets, local capabilities, and funds from other sources.

12. Develop a criteria-based approach to allocating State Homeland Security Program funds to state agencies. The criteria for selecting projects to fund should include alignment with the goals of the statewide security strategy and a priority ranking of identified risks.

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58 13. Establish regional working groups to meet regularly and focus on regional initiatives in training,
59 equipment, and strategy to ensure ready access to response teams in times of emergency.

60 14. Annually conduct, in coordination with the Virginia Department of Emergency Management, a
61 statewide assessment of local and regional capabilities, including equipment, training, personnel,
62 response times, and other factors.

63 15. Do all acts necessary to ensure that available federal and state resources are directed toward
64 safeguarding Virginia and its citizens.

65 § 2.2-306. Secure Commonwealth Panel; membership; duties; compensation; staff.

66 A. The Secure Commonwealth Panel (the Panel), is established as an advisory board, within the
67 meaning of § 2.2-2100, in the executive branch of state government. The Panel shall consist of 28
68 members as follows: three members of the House of Delegates and two nonlegislative citizens to be
69 appointed by the Speaker of the House of Delegates; three members of the Senate of Virginia and two
70 nonlegislative citizens to be appointed by the Senate Committee on Rules; the Lieutenant Governor; the
71 Attorney General; the Director of the Office of Commonwealth Preparedness, the Secretaries of
72 Commerce and Trade, Health and Human Resources, Public Safety, and Transportation; two local first
73 responders; three local government representatives; two licensed health professionals; and four
74 additional members from the private sector. Except for appointments made by the Speaker of the House
75 of Delegates and the Senate Committee on Rules, all other appointments shall be made by the Governor.
76 Additional ex officio members may be appointed to the Panel by the Governor at his discretion. The
77 Director of the Office shall be the chairman of the Panel.

78 B. The Panel shall monitor and assess the implementation of statewide prevention, response, and
79 recovery initiatives and where necessary to review, evaluate, and make recommendations relating to the
80 emergency preparedness of government at all levels in the Commonwealth. Additionally, the Panel shall
81 facilitate cabinet-level coordination among the various agencies of state government related to
82 emergency preparedness and shall facilitate private sector preparedness and communication. The Panel
83 shall make quarterly reports to the Governor concerning the state's emergency preparedness, response,
84 recovery, and prevention efforts.

85 C. Members of the Panel shall serve without compensation but shall be reimbursed for all
86 reasonable and necessary expenses incurred in the discharge of their duties as provided in § 2.2-2825.

87 D. Staff support for the Panel shall be provided by the Office of Commonwealth Preparedness.

88 § 2.2-2666.1. Council created; composition; compensation and expenses; meetings; chairman's
89 executive summary.

90 A. The Virginia Military Advisory Council (the Council) is hereby created as an advisory council,
91 within the meaning of § 2.2-2100, in the executive branch of state government, to maintain a
92 cooperative and constructive relationship between the Commonwealth and the leadership of the several
93 Armed Forces of the United States and the military commanders of such Armed Forces stationed in the
94 Commonwealth, and to encourage regular communication on continued military facility viability, the
95 exploration of privatization opportunities and issues affecting preparedness, public safety and security.

96 B. The Council shall be composed of 25 members as follows: the Lieutenant Governor, the Attorney
97 General, the Adjutant General, the Chairman of the House Committee on Militia, Police and Public
98 Safety and the Chairman of the Senate Committee on General Laws, or their designees; four members,
99 one of whom shall be a representative of the Virginia State Defense Force, to be appointed by and serve
100 at the pleasure of the Governor; and 16 members, including representatives of major military commands
101 and installations located in the Commonwealth or in jurisdictions adjacent thereto, who shall be
102 appointed by the Governor after consideration of the persons nominated by the Secretaries of the Armed
103 Forces of the United States and who shall serve at the pleasure of the Governor. However, any
104 legislative member who is appointed by the Governor shall serve a term coincident with his term of
105 office. The provisions of § 49-1 shall not apply to federal civilian officials and military personnel
106 appointed to the Council.

107 C. Legislative members of the Council shall receive such compensation as provided in § 30-19.12,
108 and nonlegislative members shall receive such compensation as provided in § 2.2-2813 for the
109 performance of their duties. All members shall be reimbursed for all reasonable and necessary expenses
110 incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the
111 costs of compensation and expenses of the members shall be provided by the Department of Military
112 Affairs.

113 D. The Council shall elect a chairman ~~and vice-chairman~~ from among its membership. *The*
114 *vice-chairman of the Council shall be the Director of the Office of Commonwealth Preparedness.* The
115 meetings of the Council shall be held at the call of the chairman or whenever the majority of members
116 so request. A majority of the members shall constitute a quorum.

117 E. The chairman of the Council shall submit to the Governor and the General Assembly an annual
118 executive summary of the interim activity and work of the Council no later than the first day of each
119 regular session of the General Assembly. The executive summary shall be submitted as provided in the

120 procedures of the Division of Legislative Automated Systems for the processing of legislative documents
121 and reports and shall be posted on the General Assembly's website.

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