

065375504

**HOUSE BILL NO. 1004****FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE**(Proposed by Delegate Sherwood  
on February 7, 2006)

(Patron Prior to Substitute—Delegate Sherwood)

A *BILL* amend and reenact §§ 2.2-2101, as it is currently effective and as it shall become effective, and 2.2-2666.1 of the Code of Virginia 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.

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 2.2-2101, as it is currently effective and as it shall become effective, and 2.2-2666.1 of the Code of Virginia are 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 Assistant to the Governor for Commonwealth Preparedness; 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 and implementation plan. The Office shall serve as the liaison between the Governor and the federal Department of Homeland Security.

B. The Office shall consist of an Assistant to the Governor for Commonwealth Preparedness (the Assistant to the Governor) who shall be appointed by the Governor, for a term commencing on the Monday after the third Wednesday in January, after the Governor's inauguration. The Assistant to the Governor shall be appointed for a term of four years. The appointment shall be subject to confirmation by the General Assembly as provided in § 2.2-106. After the Assistant to the Governor is confirmed by the General Assembly, the Governor shall fill vacancies only in the event of the Assistant to the Governor's resignation, death, disability, or upon removal by the Governor after notification to the Speaker of the House of Delegates and the President pro tempore of the Senate of the reason for removal. Upon such vacancy, the Governor shall appoint a successor for the remainder of the unexpired term that shall be effective until 30 days after the next meeting of the ensuing General Assembly and, if confirmed, thereafter for the remainder of the term.

The Assistant to the Governor shall, by reason of professional background have knowledge of military, law enforcement, public safety, or emergency management and preparedness issues, in addition to familiarity with the structure and operations of the federal government and of the Commonwealth. The Assistant to the Governor 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 Assistant to the Governor 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 Assistant to the Governor 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 the Assistant to the Governor, to:

1. Provide oversight, coordination, and review of 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 prevention, preparedness, response, and recovery.

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

8. Serve as chairman of the Secure Commonwealth Panel.

60 9. Encourage public safety volunteer efforts throughout the state.

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

63 11. Coordinate the development of a formula for allocation of State Homeland Security Program  
64 funds to localities and state agencies in compliance with federal grant guidance and constraints and  
65 which formula shall be, to the extent permissible under federal constraints, based on actual risk and  
66 threat.

67 12. Establish regional working groups to meet regularly and focus on regional initiatives in training,  
68 equipment, and strategy to ensure ready access to response teams in times of emergency and facilitate  
69 testing and training exercises for emergencies and mass casualty preparedness.

70 13. Provide oversight and review of the Virginia Department of Emergency Management's annual  
71 statewide assessment of local and regional capabilities, including equipment, training, personnel,  
72 response times, and other factors.

73 14. Do all acts necessary to ensure that available federal and state resources are directed toward  
74 safeguarding Virginia and its citizens.

75 § 2.2-306. Secure Commonwealth Panel; membership; duties; compensation; staff.

76 A. The Secure Commonwealth Panel (the Panel), is established as an advisory board, within the  
77 meaning of § 2.2-2100, in the executive branch of state government. The Panel shall consist of 28  
78 members as follows: three members of the House of Delegates and two nonlegislative citizens to be  
79 appointed by the Speaker of the House of Delegates; three members of the Senate of Virginia and two  
80 nonlegislative citizens to be appointed by the Senate Committee on Rules; the Lieutenant Governor; the  
81 Attorney General; the Assistant to the Governor for Commonwealth Preparedness, the Secretaries of  
82 Commerce and Trade, Health and Human Resources, Public Safety, and Transportation; two local first  
83 responders; three local government representatives; two physicians with knowledge of public health; and  
84 four additional members from the private sector. Except for appointments made by the Speaker of the  
85 House of Delegates and the Senate Committee on Rules, all other appointments shall be made by the  
86 Governor. Additional *ex officio* members may be appointed to the Panel by the Governor at his  
87 discretion. Legislative members shall serve terms coincident with their terms of office or until their  
88 successors shall qualify. Nonlegislative citizen members shall serve for terms of four years. The  
89 Assistant to the Governor of the Office shall be the chairman of the Panel.

90 B. The Panel shall monitor and assess the implementation of statewide prevention, preparedness,  
91 response, and recovery initiatives and where necessary to review, evaluate, and make recommendations  
92 relating to the emergency preparedness of government at all levels in the Commonwealth. Additionally,  
93 the Panel shall facilitate cabinet-level coordination among the various agencies of state government  
94 related to emergency preparedness and shall facilitate private sector preparedness and communication.  
95 The Panel shall make quarterly reports to the Governor concerning the state's emergency preparedness,  
96 response, recovery, and prevention efforts.

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

99 D. Staff support for the Panel and funding for the costs of expenses of the members shall be  
100 provided by the Office of Commonwealth Preparedness.

101 § 2.2-2101. (Effective until July 1, 2008) Prohibition against service by legislators on boards,  
102 commissions, and councils within the executive branch; exceptions.

103 Members of the General Assembly shall be ineligible to serve on boards, commissions, and councils  
104 within the executive branch of state government who are responsible for administering programs  
105 established by the General Assembly. Such prohibition shall not extend to boards, commissions, and  
106 councils engaged solely in policy studies or commemorative activities. If any law directs the  
107 appointment of any member of the General Assembly to a board, commission, or council in the  
108 executive branch of state government that is responsible for administering programs established by the  
109 General Assembly, such portion of such law shall be void, and the Governor shall appoint another  
110 person from the Commonwealth at large to fill such a position.

111 The provisions of this section shall not apply to members of the Board for Branch Pilots, who shall  
112 be appointed as provided for in § 54.1-901; to members of the Council on Indians, who shall be  
113 appointed as provided for in § 2.2-2628; to members of the Board of Trustees of the Southwest Virginia  
114 Higher Education Center, who shall be appointed as provided for in § 23-231.3; to members of the  
115 Board of Trustees of the Southern Virginia Higher Education Center, who shall be appointed as  
116 provided for in § 23-231.25; to members of the Virginia Interagency Coordinating Council who shall be  
117 appointed as provided for in § 2.2-5204; to members of the Board of Veterans Services, who shall be  
118 appointed as provided for in § 2.2-2452; to members appointed to the Board of Trustees of the Roanoke  
119 Higher Education Authority pursuant to § 23-231.15; to members of the Commonwealth Competition  
120 Commission, who shall be appointed as provided for in § 2.2-2621; to members of the Virginia  
121 Geographic Information Network Advisory Board, who shall be appointed as provided for in § 2.2-2423;

to members of the Advisory Commission on the Virginia Schools for the Deaf and the Blind, who shall be appointed as provided for in § 22.1-346.1; to members of the Substance Abuse Services Council, who shall be appointed as provided for in § 37.1-2696; to members of the Criminal Justice Services Board, who shall be appointed as provided in § 9.1-108; to members of the Council on Virginia's Future, who shall be appointed as provided for in § 2.2-2685; to members of the State Executive Council for Comprehensive Services for At-Risk Youth and Families, who shall be appointed as provided in § 2.2-2648; to members of the Virginia Workforce Council, who shall be appointed as provided for in § 2.2-2669; to members of the Commission on Civics Education, who shall be appointed as provided for in § 22.1-212.18; *to members of the Secure Commonwealth Panel, who shall be appointed as provided for in § 2.2-306*; or to members of the Forensic Science Board, who shall be appointed as provided for in § 9.1-1109.

§ 2.2-2101. (Effective July 1, 2008) Prohibition against service by legislators on boards, commissions, and councils within the executive branch; exceptions.

Members of the General Assembly shall be ineligible to serve on boards, commissions, and councils within the executive branch of state government who are responsible for administering programs established by the General Assembly. Such prohibition shall not extend to boards, commissions, and councils engaged solely in policy studies or commemorative activities. If any law directs the appointment of any member of the General Assembly to a board, commission, or council in the executive branch of state government that is responsible for administering programs established by the General Assembly, such portion of such law shall be void, and the Governor shall appoint another person from the Commonwealth at large to fill such a position.

The provisions of this section shall not apply to members of the Board for Branch Pilots, who shall be appointed as provided for in § 54.1-901; to members of the Council on Indians, who shall be appointed as provided for in § 2.2-2628; to members of the Board of Trustees of the Southwest Virginia Higher Education Center, who shall be appointed as provided for in § 23-231.3; to members of the Board of Trustees of the Southern Virginia Higher Education Center, who shall be appointed as provided for in § 23-231.25; to members of the Virginia Interagency Coordinating Council who shall be appointed as provided for in § 2.2-5204; to members of the Board of Veterans Services, who shall be appointed as provided for in § 2.2-2452; to members appointed to the Board of Trustees of the Roanoke Higher Education Authority pursuant to § 23-231.15; to members of the Commonwealth Competition Commission, who shall be appointed as provided for in § 2.2-2621; to members of the Virginia Geographic Information Network Advisory Board, who shall be appointed as provided for in § 2.2-2423; to members of the Advisory Commission on the Virginia Schools for the Deaf and the Blind, who shall be appointed as provided for in § 22.1-346.1; to members of the Substance Abuse Services Council, who shall be appointed as provided for in § 37.2-2696; to members of the Criminal Justice Services Board, who shall be appointed as provided in § 9.1-108; to members of the State Executive Council for Comprehensive Services for At-Risk Youth and Families, who shall be appointed as provided in § 2.2-2648; to members of the Virginia Workforce Council, who shall be appointed as provided for in § 2.2-2669; to members of the Commission on Civics Education, who shall be appointed as provided for in § 22.1-212.18; *to members of the Secure Commonwealth Panel, who shall be appointed as provided for in § 2.2-306*; or to members of the Forensic Science Board, who shall be appointed as provided for in § 9.1-1109.

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

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

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

183 C. Legislative members of the Council shall receive such compensation as provided in § 30-19.12,  
184 and nonlegislative members shall receive such compensation as provided in § 2.2-2813 for the  
185 performance of their duties. All members shall be reimbursed for all reasonable and necessary expenses  
186 incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the  
187 costs of compensation and expenses of the members shall be provided by the Department of Military  
188 Affairs.

189 D. The Council shall elect a chairman ~~and vice-chairman~~ from among its membership. *The*  
190 *vice-chairman of the Council shall be the Assistant to the Governor for Commonwealth Preparedness.*  
191 The meetings of the Council shall be held at the call of the chairman or whenever the majority of  
192 members so request. A majority of the members shall constitute a quorum.

193 E. The chairman of the Council shall submit to the Governor and the General Assembly an annual  
194 executive summary of the interim activity and work of the Council no later than the first day of each  
195 regular session of the General Assembly. The executive summary shall be submitted as provided in the  
196 procedures of the Division of Legislative Automated Systems for the processing of legislative documents  
197 and reports and shall be posted on the General Assembly's website.