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SENATE BILL NO. 363

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on General Laws and Technology
on February 1, 2006)

(Patron Prior to Substitute—Senator Wampler)

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.

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 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 of 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 which 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 experience, be familiar 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.

9. Encourage public safety 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.

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

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

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

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

72 § 2.2-306. Secure Commonwealth Panel; membership; duties; compensation; staff.

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

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

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

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

95 § 2.2-2666.1. Council created; composition; compensation and expenses; meetings; chairman's
96 executive summary.

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

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

114 C. Legislative members of the Council shall receive such compensation as provided in § 30-19.12,
115 and nonlegislative members shall receive such compensation as provided in § 2.2-2813 for the
116 performance of their duties. All members shall be reimbursed for all reasonable and necessary expenses
117 incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the
118 costs of compensation and expenses of the members shall be provided by the Department of Military
119 Affairs.

120 D. The Council shall elect a chairman and ~~vice-chairman~~ from among its membership. The
121 vice-chairman of the Council shall be the Assistant to the Governor for Commonwealth Preparedness.

122 The meetings of the Council shall be held at the call of the chairman or whenever the majority of
123 members so request. A majority of the members shall constitute a quorum.

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