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HOUSE BILL NO. 130

Offered January 10, 2018

Prefiled December 19, 2017

A BILL to amend and reenact § 2.2-222.3 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-222.4, relating to Chief Resiliency Officer.

 Patron—Yancey

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-222.3 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 2.2-222.4 as follows:

§ 2.2-222.3. Secure and Resilient Commonwealth Panel; membership; duties; compensation; staff.

A. The Secure and Resilient Commonwealth Panel (the Panel) is established as an advisory board, within the meaning of § 2.2-2100, in the executive branch of state government. The Panel shall consist of 36 37 members as follows: three members of the House of Delegates, one of whom shall be the Chairman of the House Committee on Militia, Police and Public Safety, and two nonlegislative citizens to be appointed by the Speaker of the House of Delegates; three members of the Senate of Virginia, one of whom shall be the Chairman of the Senate Committee on General Laws and Technology, and two nonlegislative citizens to be appointed by the Senate Committee on Rules; the Lieutenant Governor; the Attorney General; the Executive Secretary of the Supreme Court of Virginia; the Secretaries of Commerce and Trade, Health and Human Resources, Technology, Transportation, Public Safety and Homeland Security, and Veterans and Defense Affairs; *the Chief Resiliency Officer*; the State Coordinator of Emergency Management; the Superintendent of State Police; the Adjutant General of the Virginia National Guard; and the State Health Commissioner, or their designees; two local first responders; two local government representatives; two physicians with knowledge of public health; five members from the business or industry sector; and two citizens from the Commonwealth at large. Except for appointments made by the Speaker of the House of Delegates and the Senate Committee on Rules, all appointments shall be made by the Governor. The Public Safety Subcommittee of the Senate Finance Committee shall appoint one ex officio member who is either a member of such subcommittee or a member of the Senate Finance Committee staff. The Public Safety Subcommittee of the House Appropriations Committee shall appoint one ex officio member who is either a member of such subcommittee or a member of the House Appropriations Committee staff. Additional ex officio members may be appointed to the Panel by the Governor. Legislative members shall serve terms coincident with their terms of office or until their successors shall qualify. Nonlegislative citizen members shall serve for terms of four years. Ex officio members shall serve at the pleasure of the person or entity by whom they were appointed. The Secretary of Public Safety and Homeland Security shall be the chairman of the Panel.

B. The Panel shall have as its primary focus emergency management and homeland security within the Commonwealth to ensure that prevention, protection, mitigation, response, and recovery programs, initiatives, and activities, both at the state and local levels, are fully integrated, suitable, and effective in addressing risks from man-made and natural disasters. The Panel shall where necessary review, evaluate, and make recommendations concerning implementation of such initiatives. The Panel shall also make such recommendations as it deems necessary to enhance or improve the resiliency of public and private critical infrastructure to mitigate against man-made and natural disasters.

C. The Panel shall carry out the provisions of Title 3, Public Law 99-499. The Panel shall convene at least biennially to discuss (i) changing and persistent risks to the Commonwealth from threats, hazards, vulnerabilities, and consequences and (ii) plans and resources to address those risks.

D. On or before October 1 of each year, the Panel shall report to the Governor, the Senate Committee on Finance, the Senate Committee on General Laws and Technology, the House Committee on Appropriations, and the House Committee on Militia, Police and Public Safety concerning the state of the Commonwealth's emergency prevention, protection, mitigation, response, and recovery efforts and the resources necessary to implement them. Such report may, with the concurrence of the Governor, include sensitive information, which information is excluded from disclosure in accordance with subdivisions 2, 3, 4, and 6 of § 2.2-3705.2 and which, if revealed publicly, would jeopardize or compromise security plans and procedures in the Commonwealth designed to protect (i) the public or (ii) public or private critical infrastructure. Any sensitive information presented to any committee of the

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59 General Assembly shall be discussed in a closed meeting as provided in subdivision A 19 of § 2.2-3711.

60 E. The Panel shall designate an Emergency Management Awareness Group (the Group) consisting of
61 the Secretary of Public Safety and Homeland Security, the Lieutenant Governor, the Attorney General,
62 the Executive Secretary of the Supreme Court of Virginia, and the Chairmen of the House Committee
63 on Militia, Police and Public Safety and the Senate Committee on General Laws and Technology to
64 facilitate communication between the executive, legislative, and judicial branches of state government.
65 The Group shall convene at the call of the Secretary of Public Safety and Homeland Security during a
66 state of emergency to share critical information concerning such situation and the impact on the
67 Commonwealth and its branches of government. The Secretary of Public Safety and Homeland Security
68 shall (i) advise the Panel whenever the Group meets and (ii) facilitate communication between the
69 Group and the Panel. The Secretary of Public Safety and Homeland Security shall assist, to the extent
70 provided by law, in obtaining access to classified information for the Group when such information is
71 necessary to enable the Group to perform its duties.

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

74 G. Staff support for the Panel and funding for the costs of expenses of the members shall be
75 provided by the Secretary of Public Safety and Homeland Security.

76 H. The Secretary shall facilitate cabinet-level coordination among the various agencies of state
77 government related to emergency preparedness and shall facilitate private sector preparedness and
78 communication.

79 **§ 2.2-222.4. Chief Resiliency Officer.**

80 *The Secretary shall designate a Chief Resiliency Officer. The Chief Resiliency Officer, who shall hold*
81 *no other position, shall serve as the primary coordinator of resilience and adaptation initiatives in*
82 *Virginia and as the primary point of contact regarding issues related to resilience and recurrent*
83 *flooding. The Chief Resiliency Officer shall be equally responsible for all urban, suburban, and rural*
84 *areas of the Commonwealth.*

85 *The Chief Resiliency Officer shall identify and monitor those areas of the Commonwealth that are at*
86 *greatest risk from recurrent flooding and increased future flooding and recommend actions that both the*
87 *private and public sectors should consider in order to increase the resilience of those areas. The Chief*
88 *Resiliency Officer shall review and comment on all final plans for the construction or substantial*
89 *reinforcement of any significant flood defense or catchment area in the Commonwealth, including any*
90 *wetland or lake improved or constructed for the purpose of flood control, levee, reservoir, dam, or catch*
91 *basin. The Chief Resiliency Officer shall initiate and assist with the pursuit of funding opportunities for*
92 *resilience initiatives at both the state and local levels.*