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## HOUSE BILL NO. 1998

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Militia, Police and Public Safety)

(Patron Prior to Substitute—Delegate Lingamfelter)

House Amendments in [ ] — January 31, 2017

A BILL to amend and reenact §§ 2.2-222.3 and [ ~~44-46.40~~ 44-146.40 ] of the Code of Virginia, relating to the Secure and Resilient Commonwealth Panel; membership and duties.

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-222.3 and [ ~~44-46.40~~ 44-146.40 ] of the Code of Virginia are amended and reenacted 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 34 35 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 State Coordinator of Emergency Management; the Superintendent of State Police; and the Adjutant General of the Virginia National Guard*, or their designees; two local first responders; ~~three~~ two local government representatives; two physicians with knowledge of public health; ~~four~~ five members from the business or industry sector; and ~~four~~ 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 ~~monitor and assess the implementation of statewide prevention, preparedness, response, and recovery initiatives and where necessary review, evaluate, and make recommendations relating to the emergency preparedness of government at all levels in the Commonwealth 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. ~~The~~

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 ~~make annual reports~~ 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's state of the Commonwealth's emergency ~~preparedness, response, recovery, and 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 General Assembly shall be discussed in a closed meeting as provided in subdivision 19 of § 2.2-3711.

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

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

74 *D. 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 *E. 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 **§ 44-146.40. Joint emergency planning committee; certain localities.**

80 *A. There is hereby created the Virginia Emergency Response Council to carry out the provisions of*  
81 *Title 3, Public Law 99-499.*

82 *B. The Virginia Emergency Response Council shall consist of such state agency heads or designated*  
83 *representatives with technical expertise in the emergency response field as the Governor shall appoint.*  
84 *The Governor shall designate a chairman from among its members.*

85 *C. The Virginia Emergency Response Council, known as the "Virginia Council," shall designate an*  
86 *appropriate state agency to receive funds provided under Title 3, Public Law 99-499.*

87 *D. The Virginia Council shall adopt rules and procedures in accordance with the provisions of the*  
88 *Administrative Process Act, Chapter 40 (§ 2.2-4000 et seq.) for the conduct of its business.*

89 *E. Any person appointed by the Virginia Emergency Response Council as a member of a local*  
90 *emergency planning committee shall be immune from civil liability for any official act, decision or*  
91 *omission done or made in performance of his duties as a member of such local council, provided that*  
92 *the act, decision or omission was not done or made in bad faith or with malicious intent or does not*  
93 *constitute gross negligence. No member of any emergency planning committee nor any state agency on*  
94 *behalf of such member need make a payment into the state insurance trust fund under § 2.2-1835 for*  
95 *this purpose.*

96 *F. Any joint emergency planning committee serving Fairfax County and the City of Fairfax shall*  
97 *have the authority to require any facility within its emergency planning district to submit the information*  
98 *required and participate in the emergency planning provided for in Subtitle A of Title 3 of Public Law*  
99 *99-499. For the purposes of this subsection section, "facility" shall include any development or*  
100 *installation having an aggregate storage capacity of at least one million gallons of oil as defined in*  
101 *§ 62.1-44.34:10, or the potential for a sudden release of 10,000 pounds or more of any other flammable*  
102 *liquid or gas not exempt from the provisions of § 327 of Title 3 of Public Law 99-499. This*  
103 *requirement shall not occur until after public notice and the opportunity to comment. The committee*  
104 *shall notify the facility owner or operator of any requirement to comply with this subsection section.*