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SENATE BILL NO. 800

Offered January 12, 2005

Prefiled January 7, 2005

A BILL to amend and reenact § 44-146.18 of the Code of Virginia, relating to disaster preparedness programs; continuity of operations.

Patrons—Watkins and Stosch

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:**1. That § 44-146.18 of the Code of Virginia is amended and reenacted as follows:**

§ 44-146.18. Department of Emergency Services continued as Department of Emergency Management; administration and operational control; coordinator and other personnel; powers and duties.

(a) The State Office of Emergency Services is continued and shall hereafter be known as the Department of Emergency Management. Wherever the words "State Department of Emergency Services" are used in any law of the Commonwealth, they shall mean the Department of Emergency Management. During a declared emergency this Department shall revert to the operational control of the Governor. The Department shall have a coordinator who shall be appointed by and serve at the pleasure of the Governor and also serve as State Emergency Planning Director. The Department shall employ the professional, technical, secretarial, and clerical employees necessary for the performance of its functions.

(b) The State Department of Emergency Management shall in the administration of emergency services and disaster preparedness programs:

(1) In coordination with political subdivisions and state agencies, ensure that the Commonwealth has up-to-date assessments and preparedness plans to prevent, respond to and recover from all disasters including acts of terrorism;

(2) Conduct a statewide emergency management assessment in cooperation with political subdivisions, private industry and other public and private entities deemed vital to preparedness, public safety and security. The assessment shall include a review of emergency response plans, which include the variety of hazards, natural and man-made. The assessment shall be updated annually;

(3) Submit to the Governor and to the General Assembly, no later than the first day of each regular session of the General Assembly, an annual executive summary and report on the status of emergency management response plans throughout the Commonwealth and other measures taken or recommended to prevent, respond to and recover from disasters, including acts of terrorism. This report shall be made available to the Division of Legislative Automated Systems for the processing of legislative documents and reports. Information submitted in accordance with the procedures set forth in subdivision 4 of § 2.2-3705.2 shall not be disclosed unless:

(i) It is requested by law-enforcement authorities in furtherance of an official investigation or the prosecution of a criminal act;

(ii) The agency holding the record is served with a proper judicial order; or

(iii) The agency holding the record has obtained written consent to release the information from the State Department of Emergency Management;

(4) Promulgate plans and programs that are conducive to adequate disaster mitigation preparedness, response and recovery programs;

(5) Prepare and maintain a State Emergency Operations Plan for disaster response and recovery operations that assigns primary and support responsibilities for basic emergency services functions to state agencies, organizations and personnel as appropriate;

(6) Coordinate and administer disaster mitigation, preparedness, response and recovery plans and programs with the proponent federal, state and local government agencies and related groups;

(7) Provide guidance and assistance to state agencies and units of local government in developing and maintaining emergency management *and continuity of operations (COOP)* programs, plans and systems;

(8) Make necessary recommendations to agencies of the federal, state, or local governments on preventive and preparedness measures designed to eliminate or reduce disasters and their impact;

(9) Determine requirements of the Commonwealth and its political subdivisions for those necessities needed in the event of a declared emergency which are not otherwise readily available;

(10) Assist state agencies and political subdivisions in establishing and operating training programs and programs of public information and education regarding emergency services and disaster preparedness activities;

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59 (11) Consult with the Board of Education regarding the development and revision of a model school
60 crisis and emergency management plan for the purpose of assisting public schools in establishing,
61 operating, and maintaining emergency services and disaster preparedness activities;

62 (12) Consult with the State Council of Higher Education in the development and revision of a model
63 institutional crisis and emergency management plan for the purpose of assisting public and private
64 two-year and four-year institutions of higher education in establishing, operating, and maintaining
65 emergency services and disaster preparedness activities;

66 (13) Develop standards, provide guidance and encourage the maintenance of local and state agency
67 emergency operations plans;

68 (14) Prepare, maintain, coordinate or implement emergency resource management plans and programs
69 with federal, state and local government agencies and related groups, and make such surveys of
70 industries, resources, and facilities within the Commonwealth, both public and private, as are necessary
71 to carry out the purposes of this chapter;

72 (15) Coordinate with the federal government and any public or private agency or entity in achieving
73 any purpose of this chapter and in implementing programs for disaster prevention, mitigation,
74 preparation, response, and recovery; and

75 (16) Establish guidelines pursuant to § 44-146.28, and administer payments to eligible applicants as
76 authorized by the Governor.

77 (c) The State Department of Emergency Management shall during a period of impending emergency
78 or declared emergency be responsible for:

79 (1) The receipt, evaluation, and dissemination of intelligence pertaining to an impending or actual
80 disaster;

81 (2) Providing facilities from which state agencies and supporting organizations may conduct
82 emergency operations;

83 (3) Providing an adequate communications and warning system capable of notifying all political
84 subdivisions in the Commonwealth of an impending disaster within a reasonable time;

85 (4) Establishing and maintaining liaison with affected political subdivisions;

86 (5) Determining requirements for disaster relief and recovery assistance;

87 (6) Coordinating disaster response actions of federal, state and volunteer relief agencies;

88 (7) Coordinating and providing guidance and assistance to affected political subdivisions to ensure
89 orderly and timely response to and recovery from disaster effects.

90 (d) The State Department of Emergency Management shall be provided the necessary facilities and
91 equipment needed to perform its normal day-to-day activities and coordinate disaster-related activities of
92 the various federal, state, and other agencies during a state of emergency declaration by the Governor or
93 following a major disaster declaration by the President.

94 (e) The State Department of Emergency Management is authorized to enter into all contracts and
95 agreements necessary or incidental to performance of any of its duties stated in this section or otherwise
96 assigned to it by law, including contracts with the United States, other states, agencies and government
97 subdivisions of the Commonwealth, and other appropriate public and private entities.

98 (f) The State Department of Emergency Management shall encourage private industries whose goods
99 and services are deemed vital to the public good to provide annually updated preparedness assessments
100 to the local coordinator of emergency management on or before April 1 of each year, to facilitate
101 overall Commonwealth preparedness. For the purposes of this section, "private industry" means
102 companies, private hospitals, and other businesses or organizations deemed by the State Coordinator of
103 Emergency Management to be essential to the public safety and well-being of the citizens of the
104 Commonwealth.