

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act to amend and reenact §§ 2.2-222.1, 2.2-222.3, 44-146.17:2, 44-146.18, and 44-146.28 of the Code of Virginia; to amend the Code of Virginia by adding a section numbered 44-146.18:4; and to repeal § 2.2-613 of the Code of Virginia, relating to the Virginia Department of Emergency Management; annual reporting requirements; Virginia Comprehensive Emergency Management Report.

[H 2133]

Approved

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-222.1, 2.2-222.3, 44-146.17:2, 44-146.18, and 44-146.28 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 44-146.18:4 as follows:

§ 2.2-222.1. Secretary to oversee and monitor the development, maintenance, and implementation of a comprehensive and measurable homeland security strategy for the Commonwealth.

A. The Secretary shall ensure that, consistent with the National Incident Management System (NIMS), the Commonwealth implements a continuous cycle of planning, organizing, training, equipping, exercising, evaluating, and taking corrective action pursuant to securing the Commonwealth at both the state and local level against man-made and natural disasters. To that end, the Secretary shall take action to assign responsibility among agencies, jurisdictions, and subdivisions of the Commonwealth to effect the highest state of readiness posed by both man-made and natural disasters. In doing so, the Secretary shall ensure that preparedness initiatives will be effectively and efficiently coordinated, implemented, and monitored.

B. The Secretary shall also oversee and monitor the development, maintenance, and implementation of a comprehensive and measurable homeland security strategy for the Commonwealth. To ensure a comprehensive strategy, the Secretary shall coordinate the homeland security strategy with the *Secure and Resilient Commonwealth Panel*, as established in § 2.2-222.3, and all state and local, public and private, councils that have a homeland security focus within the Commonwealth. The strategy shall ensure that the Commonwealth's homeland security programs are resourced, executed, and assessed according to well-defined and relevant Commonwealth homeland security requirements. In support of the strategy, the Secretary shall provide oversight of the designated State Administrative Agency (SAA) for homeland security to ensure that applications for grant funds by state agencies or local governments describe well-defined requirements for planning, organizing, training, equipping, exercising, evaluating, and taking corrective action measures essential to Commonwealth security.

C. The Secretary shall ensure that the homeland security strategy is fully incorporated into the Secure Commonwealth Plan. In the development of the Secure Commonwealth Plan, the Secretary homeland security strategy shall (i) designate a state proponent for each goal identified in the strategy in the Secure Commonwealth Plan required within the Commonwealth homeland security strategy; (ii) identify which state agencies shall have responsibility for prevention, protection, mitigation, response, and recovery requirements associated with each goal in the Secure Commonwealth Plan; (iii) prescribe metrics to those state agencies to quantify readiness for man-made and natural disasters; (iv) ensure that state agencies follow rigorous planning practices; and (v) conduct annual reviews and updates to ensure planning, organizing, training, equipping, exercising, evaluating, and taking corrective action is fully implemented at state and local levels of government.

D. The Secretary shall develop annually the Commonwealth Threat Hazard Identification and Risk Assessment (C-THIRA) Report to identify threats and hazards and determine capability targets and resource requirements necessary to address anticipated and unanticipated risks to state and local preparedness. The C-THIRA Report shall (i) identify a list of the threats and hazards of primary concern to the Commonwealth; (ii) describe the threats and hazards of concern, showing how they may affect the Commonwealth; (iii) assess each threat and hazard in context to develop a specific capability target for each core capability consistent with federal National Preparedness Goals; and (iv) estimate the resources required to achieve the capability targets through the use of community assets and mutual aid, while also considering preparedness activities, including mitigation opportunities. Additionally, the C-THIRA Report shall assess the Commonwealth's state of planning, organizing, training, equipping, exercising, evaluating, and ability to take corrective action as well as any shortfalls in these areas. The C-THIRA Report shall also serve as the Commonwealth's strategic approach to improving future preparedness and

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shall be delivered to the Chairmen of the Senate Committees on Finance and for Courts of Justice and the Chairmen of the House Committees on Appropriations and Militia, Police and Public Safety no later than November 1 of each year.

E. The Secretary shall ensure that state agencies develop and maintain rigorously developed response plans in support of the Commonwealth of Virginia Emergency Operations Plan (COVEOP). The Secretary shall designate the Virginia Department of Emergency Management (VDEM) as the primary agent to ensure that state agencies are compliant with the COVEOP. The Secretary shall further require that VDEM ensure the development of state agency and local disaster response plans and procedures, and monitor the status and quality of those plans on a cyclical basis to establish that they are feasible and suitable and can be implemented with available resources.

F. E. The Secretary shall be responsible for the coordination and development of state and local shelter, evacuation, traffic, and refuge of last resort planning. The Secretary shall ensure that jurisdictions and subdivisions of the Commonwealth have adequate shelter, evacuation, traffic, and refuge of last resort plans to support emergency evacuation in the event of a man-made or natural disaster. To that end, the Secretary shall direct VDEM to monitor, review, and evaluate on a cyclical basis all shelter, evacuation, traffic, and refuge of last resort plans to ensure they are feasible and suitable and can be implemented with available resources.

G. F. The Secretary shall also ensure that plans for protecting public critical infrastructure are both developed and fully implemented by those state agencies, jurisdictions, and subdivisions of the Commonwealth with responsibility for critical infrastructure protection. ~~The Secretary shall report deficiencies in securing critical infrastructure annually as part of the Commonwealth's C-THIRA Report.~~

H. G. The Secretary is authorized, consistent with federal and state law and procurement regulations thereof, to contract for private and public sector services in homeland security and emergency management to enable, enhance, augment, or supplement state and local planning, organizing, training, equipping, exercising, evaluating, and corrective action capability as he deems necessary to meet Commonwealth security goals with such funds as may be made available to the Secretary or the Department of Emergency Management annually for such services.

§ 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 38 members as follows: four members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates, one of whom shall be the Chairman of the House Committee on Militia, Police and Public Safety and one of whom shall be a member of the Subcommittee on Public Safety of the House Committee on Appropriations; two nonlegislative citizen members to be appointed by the Speaker of the House of Delegates; four members of the Senate of Virginia to be appointed by the Senate Committee on Rules, one of whom shall be the Chairman of the Senate Committee on General Laws and Technology and one of whom shall be a member of the Subcommittee on Public Safety of the Senate Committee on Finance; two nonlegislative citizen members 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 Administration, Commerce and Trade, Health and Human Resources, Transportation, Public Safety and Homeland Security, and Veterans and Defense Affairs, 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 nonlegislative citizen members 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. 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 P.L. 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 General Assembly shall be discussed in a closed meeting as provided in subdivision A 19 of § 2.2-3711.

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

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

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

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

§ 44-146.17:2. Annual statewide drill.

The Governor shall conduct an annual statewide drill on response to a large-scale disaster, including, but not limited to, electrical power outages. Such drill shall include the participation of local governments, affected state agencies, public utilities, law-enforcement agencies, and other entities as determined by the Governor. The Governor shall submit a report to the General Assembly on the results of the drill by November 30 of each year. The report shall be delivered to the chairs of the House Committee on Militia, Police and Public Safety and the Senate Committee on General Laws.

§ 44-146.18. 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 (*the Department*). 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 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

179 to prevent, respond to and recover from disasters, including acts of terrorism. This report shall be made
 180 available to the Division of Legislative Automated Systems for the processing of legislative documents
 181 and reports. Information submitted in accordance with the procedures set forth in subdivision 14 of
 182 § 2.2-3705.2 shall not be disclosed unless:

183 a. It is requested by law enforcement authorities in furtherance of an official investigation or the
 184 prosecution of a criminal act;

185 b. The agency holding the record is served with a proper judicial order; or

186 c. The agency holding the record has obtained written consent to release the information from the
 187 Department of Emergency Management;

188 4. Promulgate plans and programs that are conducive to adequate disaster mitigation preparedness,
 189 response, and recovery programs;

190 ~~5.~~ 4. Prepare and maintain a State Emergency Operations Plan for disaster response and recovery
 191 operations that assigns primary and support responsibilities for basic emergency services functions to
 192 state agencies, organizations, and personnel as appropriate;

193 ~~6.~~ 5. Coordinate and administer disaster mitigation, preparedness, response, and recovery plans and
 194 programs with the proponent federal, state, and local government agencies and related groups;

195 ~~7.~~ 6. Provide guidance and assistance to state agencies and units of local government in developing
 196 and maintaining emergency management and continuity of operations (COOP) programs, plans, and
 197 systems;

198 ~~8.~~ 7. Make necessary recommendations to agencies of the federal, state, or local governments on
 199 preventive and preparedness measures designed to eliminate or reduce disasters and their impact;

200 ~~9.~~ 8. Determine requirements of the Commonwealth and its political subdivisions for those necessities
 201 needed in the event of a declared emergency which are not otherwise readily available;

202 ~~10.~~ 9. Assist state agencies and political subdivisions in establishing and operating training programs
 203 and programs of public information and education regarding emergency services and disaster
 204 preparedness activities;

205 ~~11.~~ 10. Consult with the Board of Education regarding the development and revision of a model
 206 school crisis and emergency management plan for the purpose of assisting public schools in establishing,
 207 operating, and maintaining emergency services and disaster preparedness activities;

208 ~~12.~~ 11. Consult with the State Council of Higher Education in the development and revision of a
 209 model institutional crisis and emergency management plan for the purpose of assisting public and private
 210 two-year and four-year institutions of higher education in establishing, operating, and maintaining
 211 emergency services and disaster preparedness activities and, as needed, in developing an institutional
 212 crisis and emergency management plan pursuant to § 23.1-804;

213 ~~13.~~ 12. Develop standards, provide guidance, and encourage the maintenance of local and state
 214 agency emergency operations plans, which shall include the requirement for a provision that the
 215 Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund be
 216 contacted immediately to deploy assistance in the event of an emergency as defined in the emergency
 217 response plan when there are victims as defined in § 19.2-11.01. The Department of Criminal Justice
 218 Services and the Virginia Criminal Injuries Compensation Fund shall be the lead coordinating agencies
 219 for those individuals determined to be victims, and the plan shall also contain current contact
 220 information for both agencies;

221 ~~14.~~ 13. Prepare, maintain, coordinate, or implement emergency resource management plans and
 222 programs with federal, state, and local government agencies and related groups, and make such surveys
 223 of industries, resources, and facilities within the Commonwealth, both public and private, as are
 224 necessary to carry out the purposes of this chapter;

225 ~~15.~~ 14. Coordinate with the federal government and any public or private agency or entity in
 226 achieving any purpose of this chapter and in implementing programs for disaster prevention, mitigation,
 227 preparation, response, and recovery;

228 ~~16.~~ 15. Establish guidelines pursuant to § 44-146.28, and administer payments to eligible applicants
 229 as authorized by the Governor;

230 ~~17.~~ 16. Coordinate and be responsible for the receipt, evaluation, and dissemination of emergency
 231 services intelligence pertaining to all probable hazards affecting the Commonwealth;

232 ~~18.~~ 17. Coordinate intelligence activities relating to terrorism with the Department of State Police;
 233 and

234 ~~19.~~ 18. Develop an emergency response plan to address the needs of individuals with household pets
 235 and service animals in the event of a disaster and assist and coordinate with local agencies in developing
 236 an emergency response plan for household pets and service animals.

237 The Department of Emergency Management shall ensure that all such plans, assessments, and
 238 programs required by this subsection include specific preparedness for, and response to, disasters
 239 resulting from electromagnetic pulses and geomagnetic disturbances.

C. The Department of Emergency Management shall during a period of impending emergency or declared emergency be responsible for:

1. The receipt, evaluation, and dissemination of intelligence pertaining to an impending or actual disaster;

2. Providing facilities from which state agencies and supporting organizations may conduct emergency operations;

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

4. Establishing and maintaining liaison with affected political subdivisions;

5. Determining requirements for disaster relief and recovery assistance;

6. Coordinating disaster response actions of federal, state and volunteer relief agencies; *and*

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

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

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

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

G. The Department of Emergency Management shall establish a Coordinator of Search and Rescue. Powers and duties of the Coordinator shall include:

1. Coordinating the search and rescue function of the Department of Emergency Management;

2. Coordinating with local, state, and federal agencies involved in search and rescue;

3. Coordinating the activities of search and rescue organizations involved in search and rescue;

4. Maintaining a register of search and rescue certifications, training, and responses;

5. Establishing a memorandum of understanding with the Virginia Search and Rescue Council and its respective member agencies regarding search and rescue efforts;

6. Providing on-scene search and rescue coordination when requested by an authorized person;

7. Providing specialized search and rescue training to police, fire-rescue, EMS, emergency managers, volunteer search and rescue responders, and others who might have a duty to respond to a search and rescue emergency;

8. Gathering and maintaining statistics on search and rescue in the Commonwealth;

9. Compiling, maintaining, and making available an inventory of search and rescue resources available in the Commonwealth; *and*

10. Periodically reviewing search and rescue cases and developing best professional practices; *and*

~~11. Providing an annual report to the Secretary of Public Safety and Homeland Security on the current readiness of Virginia's search and rescue efforts.~~

Nothing in this chapter shall be construed as authorizing the Department of Emergency Management to take direct operational responsibilities from local, state, or federal law enforcement in the course of search and rescue or missing person cases.

§ 44-146.18:4. State Coordinator of Emergency Management responsible for annual Virginia Comprehensive Emergency Management Report.

A. The Department of Emergency Management (the Department) shall create a comprehensive tabulated annual report, known as the Virginia Comprehensive Emergency Management Report (the Report), that shall include the annual Threat Hazard Identification Risk and Assessment (THIRA) report that the Department submits to the Federal Emergency Management Agency (FEMA), as well as information on the following:

1. The current readiness of Virginia's search and rescue efforts;

2. The jurisdictions that received financial assistance during the prior fiscal year because they were located in an area declared to be in a state of emergency, but not declared to be a major disaster area for which federal assistance was provided, and the amount each such jurisdiction received;

3. The status of the Commonwealth's emergency shelter capabilities and readiness;

4. All assets received during the prior fiscal year as a result of a law-enforcement seizure and

subsequent forfeiture by either a state or federal court and their estimated net worth;

5. The forfeiture of federal grant funding by any state agency that is required to return such funding as a result of not fulfilling the specifications of a grant;

6. The results of the annual statewide drill conducted by the Governor in accordance with § 44-146.17:2 in preparation for a potential large-scale disaster;

7. The number and types of training and exercises related to man-made and natural disaster preparedness that were conducted by the Department, the costs associated with such training and exercises, and the challenges and barriers to ensuring that state and local agencies are able and ready to respond to emergencies and natural disasters;

8. The mandates administered by state agencies and imposed on local governments, an estimate of the fiscal impact of the mandates on the affected local governments, and a written justification as to why the mandate should or should not be eliminated;

9. The status of continuity of operations programs, plans, and systems of the Commonwealth's executive branch agencies. Such plans shall include a description of how the agency or institution of higher education will continue to provide essential services or perform mission essential functions during a disaster or other event that disrupts normal operations;

10. The state of the Commonwealth's emergency prevention, protection, mitigation, response, and recovery efforts and the resources necessary to implement them; and

11. The status of emergency management response plans throughout the Commonwealth and other measures taken or recommended to prevent, respond to, or recover from disasters, including acts of terrorism. Information submitted in accordance with the procedures set forth in subdivision 14 of § 2.2-3705.2 shall not be disclosed unless:

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

b. The agency holding the record is served with a proper judicial order; or

c. The agency holding the record has obtained written consent to release the information from the Department.

B. The State Coordinator of Emergency Management shall compile and submit the Report to the Secretary of Public Safety and Homeland Security, and shall provide copies to the Chairmen of the Senate Committee on Finance, the Senate Committee for Courts of Justice, the House Committee on Appropriations, and the House Committee on Militia, Police and Public Safety, by November 1 of each year. All state and local agencies of the Commonwealth shall provide information and assistance to the State Coordinator of Emergency Management, upon request.

C. The Report may, with the concurrence of the Governor, include sensitive information, which shall be 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 A 19 of § 2.2-3711.

§ 44-146.28. Authority of Governor and agencies under his control in declared state of emergency.

(a) A. In the case of a declaration of a state of emergency as defined in § 44-146.16, the Governor is authorized to expend from all funds of the state treasury not constitutionally restricted, a sum sufficient. Allotments from such sum sufficient may be made by the Governor to any state agency or political subdivision of the Commonwealth to carry out disaster service missions and responsibilities. Allotments may also be made by the Governor from the sum sufficient to provide financial assistance to eligible applicants located in an area declared to be in a state of emergency, but not declared to be a major disaster area for which federal assistance might be forthcoming. This shall be considered as a program of last resort for those local jurisdictions that cannot meet the full cost.

The Virginia Department of Emergency Management shall establish guidelines and procedures for determining whether and to what extent financial assistance to local governments may be provided.

The guidelines and procedures shall include, ~~but not be limited to,~~ the following:

(1) 1. Participants may be eligible to receive financial assistance to cover a percentage of eligible costs if they demonstrate that they are incapable of covering the full cost. The percentage may vary, based on the Commission on Local Government's fiscal stress index. The cumulative effect of recent disasters during the preceding twelve months may also be considered for eligibility purposes.

(2) 2. Only eligible participants that have sustained an emergency or disaster as defined in § 44-146.16 with total eligible costs of ~~four dollars~~ \$4 or more per capita may receive assistance, except that (i) any town with a total population of less than 3,500 shall be eligible for disaster assistance for incurred eligible damages of \$15,000 or greater and (ii) any town with a population of 3,500 or more, but less than 5,000 shall be eligible for disaster assistance for incurred eligible damages of \$20,000 or

greater and (iii) any town with a population of 5,000 or greater with total eligible costs of ~~four dollars~~ \$4 or more per capita may receive assistance. No site or facility may be included with less than \$1,000 in eligible costs. However, the total cost of debris clearance may be considered as costs associated with a single site.

~~(3)~~ 3. Eligible participants shall be fully covered by all-risk property and flood insurance policies, including provisions for insuring the contents of the property and business interruptions, or shall be self-insured, in order to be eligible for this assistance. Insurance deductibles shall not be covered by this program.

~~(4)~~ 4. Eligible costs incurred by towns, public service authorities, volunteer fire departments, and volunteer emergency medical services agencies may be included in a county's or city's total costs.

~~(5)~~ 5. Unless otherwise stated in guidelines and procedures, eligible costs are defined as those listed in the Public Assistance component of ~~Public Law~~ P.L. 93-288, as amended, excluding beach replenishment and snow removal.

~~(6)~~ 6. State agencies, as directed by the Virginia Department of Emergency Management, shall conduct an on-site survey to validate damages and to document restoration costs.

~~(7)~~ 7. Eligible participants shall maintain complete documentation of all costs in a manner approved by the Auditor of Public Accounts and shall provide copies of the documentation to the Virginia Department of Emergency Management upon request.

If a jurisdiction meets the criteria set forth in the guidelines and procedures, but is in an area that has neither been declared to be in a state of emergency nor been declared to be a major disaster area for which federal assistance might be forthcoming, the Governor is authorized, in his discretion, to make an allotment from the sum sufficient to that jurisdiction without a declaration of a state of emergency, in the same manner as if a state of emergency declaration had been made.

The Governor shall report to the Chairmen of the Senate Finance Committee, the House Appropriations Committee, and the House Finance Committee within thirty days of authorizing the sum sufficient pursuant to this section. ~~The Virginia Department of Emergency Management shall report annually to the General Assembly on the local jurisdictions that received financial assistance and the amount each jurisdiction received.~~

~~(b)~~ B. Public agencies under the supervision and control of the Governor may implement their emergency assignments without regard to normal procedures ~~(, except mandatory constitutional requirements)~~, pertaining to the performance of public work, entering into contracts, incurring of obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials, and expenditures of public funds.

~~(c)~~ C. Allotments may be made by the Governor from a sum sufficient to provide financial assistance to Virginia state agencies and political subdivisions responding to a declared state of emergency in another state as provided by § 44-146.17, whether or not a state of emergency is declared in the Commonwealth pursuant to § 44-146.16.

~~(d)~~ D. Allotments may be made by the Governor from a sum sufficient for the deployment of personnel and materials for the Virginia National Guard and the Virginia Defense Force to prepare for a response to any of the circumstances set forth in subdivisions A 1 through A 5 of § 44-75.1, whether or not a state of emergency is declared in the Commonwealth pursuant to § 44-146.16. However, preparation authorized by this subsection shall be limited to the deployment of no more than 300 personnel; and shall be limited to no more than five days, unless a state of emergency is declared.

2. That § 2.2-613 of the Code of Virginia is repealed.