

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act to amend and reenact § 44-146.19 of the Code of Virginia, relating to emergency services and disaster law; political subdivisions.

[S 1008]

Approved

Be it enacted by the General Assembly of Virginia:

1. That § 44-146.19 of the Code of Virginia is amended and reenacted as follows:

§ 44-146.19. Powers and duties of political subdivisions.

A. Each political subdivision within the Commonwealth shall be within the jurisdiction of and served by the Department of Emergency Management and be responsible for local disaster mitigation, preparedness, response and recovery. Each political subdivision shall maintain in accordance with state disaster preparedness plans and programs an agency of emergency management which, except as otherwise provided under this chapter, has jurisdiction over and services the entire political subdivision.

B. Each political subdivision shall have a director of emergency management who, after the term of the person presently serving in this capacity has expired and in the absence of an executive order by the Governor, shall be the following:

1. In the case of a city, the mayor or city manager, who shall appoint a coordinator of emergency management with consent of council;

2. In the case of a county, a member of the board of supervisors selected by the board or the chief administrative officer for the county, who shall appoint a coordinator of emergency management with the consent of the governing body;

3. A coordinator of emergency management shall be appointed by the council of any town to ensure integration of its organization into the county emergency management organization;

4. In the case of the Town of Chincoteague and of towns with a population in excess of 5,000 having an emergency management organization separate from that of the county, the mayor or town manager shall appoint a coordinator of emergency services with consent of council;

5. In Smyth County and in York County, the chief administrative officer for the county shall appoint a director of emergency management, with the consent of the governing body, who shall appoint a coordinator of emergency management with the consent of the governing body.

C. Whenever the Governor has declared a state of emergency, each political subdivision within the disaster area may, under the supervision and control of the Governor or his designated representative, control, restrict, allocate or regulate the use, sale, production and distribution of food, fuel, clothing and other commodities, materials, goods, services and resource systems which fall only within the boundaries of that jurisdiction and which do not impact systems affecting adjoining or other political subdivisions, enter into contracts and incur obligations necessary to combat such threatened or actual disaster, protect the health and safety of persons and property and provide emergency assistance to the victims of such disaster. In exercising the powers vested under this section, under the supervision and control of the Governor, the political subdivision may proceed without regard to time-consuming procedures and formalities prescribed by law (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, levying of taxes, and appropriation and expenditure of public funds.

D. The director of each local organization for emergency management may, in collaboration with (i) other public and private agencies within the Commonwealth or (ii) other states or localities within other states, develop or cause to be developed mutual aid arrangements for reciprocal assistance in case of a disaster too great to be dealt with unassisted. Such arrangements shall be consistent with state plans and programs and it shall be the duty of each local organization for emergency management to render assistance in accordance with the provisions of such mutual aid arrangements. *Except where a mutual aid arrangement for reciprocal assistance exists between localities, no locality shall prohibit another locality from providing emergency medical services across local boundaries solely on the basis of financial considerations.*

E. Each local and interjurisdictional agency shall prepare and keep current a local or interjurisdictional emergency operations plan for its area. The plan shall include, but not be limited to, responsibilities of all local agencies and shall establish a chain of command, and a provision that the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund shall be contacted immediately to deploy assistance in the event of an emergency as defined in the emergency

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57 response plan when there are victims as defined in § 19.2-11.01. The Department of Criminal Justice
58 Services and the Virginia Criminal Injuries Compensation Fund shall be the lead coordinating agencies
59 for those individuals determined to be victims, and the plan shall also contain current contact
60 information for both agencies. Every four years, each local and interjurisdictional agency shall conduct a
61 comprehensive review and revision of its emergency operations plan to ensure that the plan remains
62 current, and the revised plan shall be formally adopted by the locality's governing body. In the case of
63 an interjurisdictional agency, the plan shall be formally adopted by the governing body of each of the
64 localities encompassed by the agency. Each political subdivision having a nuclear power station or other
65 nuclear facility within 10 miles of its boundaries shall, if so directed by the Department of Emergency
66 Management, prepare and keep current an appropriate emergency plan for its area for response to
67 nuclear accidents at such station or facility.

68 F. All political subdivisions shall provide (i) an annually updated emergency management assessment
69 and (ii) data related to emergency sheltering capabilities, including emergency shelter locations,
70 evacuation zones, capacity by person, medical needs capacity, current wind rating, standards compliance,
71 backup power, and lead agency for staffing, to the State Coordinator of Emergency Management on or
72 before May 1 of each year.

73 G. By July 1, 2005, all localities with a population greater than 50,000 shall establish an alert and
74 warning plan for the dissemination of adequate and timely warning to the public in the event of an
75 emergency or threatened disaster. The governing body of the locality, in consultation with its local
76 emergency management organization, shall amend its local emergency operations plan that may include
77 rules for the operation of its alert and warning system, to include sirens, Emergency Alert System
78 (EAS), NOAA Weather Radios, or other personal notification systems, amateur radio operators, or any
79 combination thereof.

80 H. Localities that have established an agency of emergency management shall have authority to
81 require the review of, and suggest amendments to, the emergency plans of nursing homes, assisted living
82 facilities, adult day care centers, and child day care centers that are located within the locality.