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HOUSE BILL NO. 352

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Militia, Police and Public Safety
on February 10, 2012)

(Patrons Prior to Substitute—Delegates Cox, J.A. and Pogge [HB 380])

A BILL to amend and reenact §§ 22.1-279.8, 23-9.2:9, 32.1-111.3, 32.1-111.11, 44-146.18, and 44-146.19 of the Code of Virginia, relating to victims' rights in emergency management plans; Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund to be lead agencies for those individuals determined to be victims.

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-279.8, 23-9.2:9, 32.1-111.3, 32.1-111.11, 44-146.18, and 44-146.19 of the Code of Virginia are amended and reenacted as follows:

§ 22.1-279.8. School safety audits and school crisis, emergency management, and medical emergency response plans required.

A. For the purposes of this section, unless the context requires otherwise:

"School crisis, emergency management, and medical emergency response plan" means the essential procedures, operations, and assignments required to prevent, manage, and respond to a critical event or emergency, including natural disasters involving fire, flood, tornadoes, or other severe weather; loss or disruption of power, water, communications or shelter; bus or other accidents; medical emergencies, including cardiac arrest and other life-threatening medical emergencies; student or staff member deaths; explosions; bomb threats; gun, knife or other weapons threats; spills or exposures to hazardous substances; the presence of unauthorized persons or trespassers; the loss, disappearance or kidnapping of a student; hostage situations; violence on school property or at school activities; incidents involving acts of terrorism; and other incidents posing a serious threat of harm to students, personnel, or facilities. The plan shall include 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 response plan when there are victims as defined in § 19.2-11.01; as well as. *The Department of Criminal Justice Services and the Criminal Injuries Compensation Fund shall be the lead coordinating agencies for those individuals determined to be victims, and the plan shall also contain current contact information for both agencies.*

"School safety audit" means a written assessment of the safety conditions in each public school to (i) identify and, if necessary, develop solutions for physical safety concerns, including building security issues and (ii) identify and evaluate any patterns of student safety concerns occurring on school property or at school-sponsored events. Solutions and responses shall include recommendations for structural adjustments, changes in school safety procedures, and revisions to the school board's standards for student conduct.

B. The Virginia Center for School Safety shall develop a list of items to be reviewed and evaluated in the school safety audits required by this section. Such items shall include those incidents reported to school authorities pursuant to § 22.1-279.3:1.

The Virginia Center for School Safety shall prescribe a standardized report format for school safety audits, additional reporting criteria, and procedures for report submission, which may include instructions for electronic submission.

Each local school board shall require all schools under its supervisory control to annually conduct school safety audits as defined in this section and consistent with such list.

The results of such school safety audits shall be made public within 90 days of completion. The local school board shall retain authority to withhold or limit the release of any security plans and specific vulnerability assessment components as provided in subdivision 7 of § 2.2-3705.2. Each school shall maintain a copy of the school safety audit, which may exclude such security plans and vulnerability assessment components, within the office of the school principal and shall make a copy of such report available for review upon written request.

Each school shall submit a copy of its school safety audit to the relevant school division superintendent. The division superintendent shall collate and submit all such school safety audits, in the prescribed format and manner of submission, to the Virginia Center for School Safety.

C. The school board may establish a school safety audit committee to consist of representatives of parents, teachers, local law-enforcement agencies, judicial and public safety personnel, and the community at large. The school safety audit committee shall evaluate, in accordance with the directions of the local school board, the safety of each school and submit a plan for improving school safety at a public meeting of the local school board.

D. Each school board shall ensure that every school that it supervises shall develop a written school

60 crisis, emergency management, and medical emergency response plan, consistent with the definition
61 provided in this section. The Department of Education and the Virginia Center for School Safety shall
62 provide technical assistance to the school divisions of the Commonwealth in the development of the
63 school crisis, emergency management, and medical emergency response plans that describe the
64 components of a medical emergency response plan developed in coordination with local emergency
65 medical services providers, the training of school personnel and students to respond to a life-threatening
66 emergency, and the equipment required for this emergency response. The local school board shall
67 annually review the written school crisis, emergency management, and medical emergency response
68 plans. The local school board shall have the authority to withhold or limit the review of any security
69 plans and specific vulnerability assessment components as provided in subdivision 7 of § 2.2-3705.2.
70 The local school division superintendent shall certify this review in writing to the Virginia Center on
71 School Safety no later than August 31 of each year.

72 Upon consultation with local school boards, division superintendents, the Virginia Center for School
73 Safety, and the Coordinator of Emergency Management, the Board of Education shall develop, and may
74 revise as it deems necessary, a model school crisis, emergency management, and medical emergency
75 response plan for the purpose of assisting the public schools in Virginia in developing viable, effective
76 crisis, emergency management, and medical emergency response plans. Such model shall set forth
77 recommended effective procedures and means by which parents can contact the relevant school or
78 school division regarding the location and safety of their school children and by which school officials
79 may contact parents, with parental approval, during a critical event or emergency.

80 § 23-9.2:9. Institutional crisis and emergency management plan; review required; annual functional
81 exercise required.

82 A. The board of visitors or other governing body of each public institution of higher education shall
83 develop, adopt, and keep current a written crisis and emergency management plan. The plan shall
84 include a provision that the Department of Criminal Justice Services and the Virginia Criminal Injuries
85 Compensation Fund shall be contacted immediately to deploy assistance in the event of an emergency as
86 defined in the emergency response plan when there are victims as defined in § 19.2-11.01; as well as
87 *The Department of Criminal Justice Services and the Criminal Injuries Compensation Fund shall be the*
88 *lead coordinating agencies for those individuals determined to be victims, and the plan shall also*
89 *contain current contact information for both agencies.*

90 B. Every four years, each institution shall conduct a comprehensive review and revision of its crisis
91 and emergency management plan to ensure the plan remains current, and the revised plan shall be
92 adopted formally by the board of visitors or other governing body. Such review shall also be certified in
93 writing to the Department of Emergency Management. The institution shall coordinate with the local
94 emergency management organization, as defined by § 44-146.16, to ensure integration into the local
95 emergency operations plan.

96 C. In addition, the president and vice-president of each public institution of higher education, or in
97 the case of the Virginia Military Institute, the superintendent, shall annually (i) review the institution's
98 crisis and emergency management plan; (ii) certify in writing that the president and vice-president, or
99 the superintendent, have reviewed the plan; and (iii) make recommendations to the institution for
100 appropriate changes to the plan.

101 D. Each public institution of higher education shall annually conduct a functional exercise in
102 accordance with the protocols established by the institution's crisis and emergency management plan.

103 § 32.1-111.3. Statewide emergency medical care system.

104 A. The Board of Health shall develop a comprehensive, coordinated, emergency medical care system
105 in the Commonwealth and prepare a Statewide Emergency Medical Services Plan which shall
106 incorporate, but not be limited to, the plans prepared by the regional emergency medical services
107 councils. The Board shall review, update, and publish the Plan triennially, making such revisions as may
108 be necessary to improve the effectiveness and efficiency of the Commonwealth's emergency medical
109 care system. Publishing through electronic means and posting on the Department website shall satisfy
110 the publication requirement. The objectives of such Plan and the system shall include, but not be limited
111 to, the following:

112 1. Establishing a comprehensive statewide emergency medical care system, incorporating facilities,
113 transportation, manpower, communications, and other components as integral parts of a unified system
114 that will serve to improve the delivery of emergency medical services and thereby decrease morbidity,
115 hospitalization, disability, and mortality;

116 2. Reducing the time period between the identification of an acutely ill or injured patient and the
117 definitive treatment;

118 3. Increasing the accessibility of high quality emergency medical services to all citizens of Virginia;

119 4. Promoting continuing improvement in system components including ground, water and air
120 transportation, communications, hospital emergency departments and other emergency medical care
121 facilities, consumer health information and education, and health manpower and manpower training;

122 5. Ensuring performance improvement of the Emergency Medical Services system and emergency
123 medical care delivered on scene, in transit, in hospital emergency departments and within the hospital
124 environment;

125 6. Working with professional medical organizations, hospitals, and other public and private agencies
126 in developing approaches whereby the many persons who are presently using the existing emergency
127 department for routine, nonurgent, primary medical care will be served more appropriately and
128 economically;

129 7. Conducting, promoting, and encouraging programs of education and training designed to upgrade
130 the knowledge and skills of health manpower involved in emergency medical services, including
131 expanding the availability of paramedic and advanced life support training throughout the
132 Commonwealth with particular emphasis on regions underserved by personnel having such skills and
133 training;

134 8. Consulting with and reviewing, with agencies and organizations, the development of applications
135 to governmental or other sources for grants or other funding to support emergency medical services
136 programs;

137 9. Establishing a statewide air medical evacuation system which shall be developed by the
138 Department of Health in coordination with the Department of State Police and other appropriate state
139 agencies;

140 10. Establishing and maintaining a process for designation of appropriate hospitals as trauma centers
141 and specialty care centers based on an applicable national evaluation system;

142 11. Maintaining a comprehensive emergency medical services patient care data collection and
143 performance improvement system pursuant to Article 3.1 (§ 32.1-116.1 et seq.) of this chapter;

144 12. Collecting data and information and preparing reports for the sole purpose of the designation and
145 verification of trauma centers and other specialty care centers pursuant to this section. All data and
146 information collected shall remain confidential and shall be exempt from the provisions of the Virginia
147 Freedom of Information Act (§ 2.2-3700 et seq.);

148 13. Establishing and maintaining a process for crisis intervention and peer support services for
149 emergency medical services and public safety personnel, including statewide availability and
150 accreditation of critical incident stress management teams;

151 14. Establishing a statewide emergency medical services for children program to provide coordination
152 and support for emergency pediatric care, availability of pediatric emergency medical care equipment,
153 and pediatric training of medical care providers;

154 15. Establishing and supporting a statewide system of health and medical emergency response teams,
155 including emergency medical services disaster task forces, coordination teams, disaster medical
156 assistance teams, and other support teams that shall assist local emergency medical services at their
157 request during mass casualty, disaster, or whenever local resources are overwhelmed;

158 16. Establishing and maintaining a program to improve dispatching of emergency medical services
159 including establishment of and support for emergency medical dispatch training, accreditation of 911
160 dispatch centers, and public safety answering points;

161 17. Identifying and establishing best practices for managing and operating agencies, improving and
162 managing emergency medical response times, and disseminating such information to the appropriate
163 persons and entities; ~~and~~

164 18. Ensuring that the Department of Criminal Justice Services and the Virginia Criminal Injuries
165 Compensation Fund shall be contacted immediately to deploy assistance in the event there are victims as
166 defined in § 19.2-11.01, *and that the Department of Criminal Justice Services and the Criminal Injuries*
167 *Compensation Fund become the lead coordinating agencies for those individuals determined to be*
168 *victims; and*

169 19. *Maintaining current contact information for both the Department of Criminal Justice Services*
170 *and the Virginia Criminal Injuries Compensation Fund.*

171 B. The Board of Health shall also develop and maintain as a component of the Emergency Medical
172 Services Plan a statewide prehospital and interhospital Trauma Triage Plan designed to promote rapid
173 access for pediatric and adult trauma patients to appropriate, organized trauma care through the
174 publication and regular updating of information on resources for trauma care and generally accepted
175 criteria for trauma triage and appropriate transfer. The Trauma Triage Plan shall include:

176 1. A strategy for maintaining the statewide Trauma Triage Plan through formal regional trauma triage
177 plans that incorporate each region's geographic variations and trauma care capabilities and resources,
178 including hospitals designated as trauma centers pursuant to subsection A of ~~this section~~. The regional
179 trauma triage plans shall be reviewed triennially. *Plans should ensure that the Department of Criminal*
180 *Justice Services and the Virginia Criminal Injuries Compensation Fund shall be contacted immediately*
181 *to deploy assistance in the event there are victims as defined in § 19.2-11.01, and that the Department*
182 *of Criminal Justice Services and the Criminal Injuries Compensation Fund become the lead*

183 *coordinating agencies for those individuals determined to be victims; and maintain current contact*
184 *information for both the Department of Criminal Justice Services and the Virginia Criminal Injuries*
185 *Compensation Fund.*

186 2. A uniform set of proposed criteria for prehospital and interhospital triage and transport of trauma
187 patients developed by the Emergency Medical Services Advisory Board, in consultation with the
188 Virginia Chapter of the American College of Surgeons, the Virginia College of Emergency Physicians,
189 the Virginia Hospital and Healthcare Association, and prehospital care providers. The Emergency
190 Medical Services Advisory Board may revise such criteria from time to time to incorporate accepted
191 changes in medical practice or to respond to needs indicated by analyses of data on patient outcomes.
192 Such criteria shall be used as a guide and resource for health care providers and are not intended to
193 establish, in and of themselves, standards of care or to abrogate the requirements of § 8.01-581.20. A
194 decision by a health care provider to deviate from the criteria shall not constitute negligence per se.

195 3. A performance improvement program for monitoring the quality of care, consistent with other
196 components of the Emergency Medical Services Plan. The program shall provide for collection and
197 analysis of data on emergency medical and trauma services from existing validated sources, including
198 but not limited to the emergency medical services patient care information system, pursuant to Article
199 3.1 (§ 32.1-116.1 et seq.) of this chapter, the Patient Level Data System, and mortality data. The
200 Emergency Medical Services Advisory Board shall review and analyze such data on a quarterly basis
201 and report its findings to the Commissioner. The Emergency Medical Services Advisory Board may
202 execute these duties through a committee composed of persons having expertise in critical care issues
203 and representatives of emergency medical services providers. The program for monitoring and reporting
204 the results of emergency medical and trauma services data analysis shall be the sole means of
205 encouraging and promoting compliance with the trauma triage criteria.

206 The Commissioner shall report aggregate findings of the analysis annually to each regional
207 emergency medical services council. The report shall be available to the public and shall identify,
208 minimally, as defined in the statewide plan, the frequency of (i) incorrect triage in comparison to the
209 total number of trauma patients delivered to a hospital prior to pronouncement of death and (ii) incorrect
210 interfacility transfer for each region.

211 The Emergency Medical Services Advisory Board or its designee shall ensure that each hospital or
212 emergency medical services director is informed of any incorrect interfacility transfer or triage, as
213 defined in the statewide plan, specific to the provider and shall give the provider an opportunity to
214 correct any facts on which such determination is based, if the provider asserts that such facts are
215 inaccurate. The findings of the report shall be used to improve the Trauma Triage Plan, including triage,
216 and transport and trauma center designation criteria.

217 The Commissioner shall ensure the confidentiality of patient information, in accordance with
218 § 32.1-116.2. Such data or information in the possession of or transmitted to the Commissioner, the
219 Emergency Medical Services Advisory Board, any committee acting on behalf of the Emergency
220 Medical Services Advisory Board, any hospital or prehospital care provider, any regional emergency
221 medical services council, licensed emergency medical services agency, or group or committee
222 established to monitor the quality of care pursuant to this subdivision, or any other person shall be
223 privileged and shall not be disclosed or obtained by legal discovery proceedings, unless a circuit court,
224 after a hearing and for good cause shown arising from extraordinary circumstances, orders disclosure of
225 such data.

226 C. The Board of Health shall also develop and maintain as a component of the Emergency Medical
227 Services Plan a statewide prehospital and interhospital Stroke Triage Plan designed to promote rapid
228 access for stroke patients to appropriate, organized stroke care through the publication and regular
229 updating of information on resources for stroke care and generally accepted criteria for stroke triage and
230 appropriate transfer. The Stroke Triage Plan shall include:

231 1. A strategy for maintaining the statewide Stroke Triage Plan through formal regional stroke triage
232 plans that incorporate each region's geographic variations and stroke care capabilities and resources,
233 including hospitals designated as "primary stroke centers" through certification by the Joint Commission
234 or a comparable process consistent with the recommendations of the Brain Attack Coalition. The
235 regional stroke triage plans shall be reviewed triennially.

236 2. A uniform set of proposed criteria for prehospital and interhospital triage and transport of stroke
237 patients developed by the Emergency Medical Services Advisory Board, in consultation with the
238 American Stroke Association, the Virginia College of Emergency Physicians, the Virginia Hospital and
239 Healthcare Association, and prehospital care providers. The Board of Health may revise such criteria
240 from time to time to incorporate accepted changes in medical practice or to respond to needs indicated
241 by analyses of data on patient outcomes. Such criteria shall be used as a guide and resource for health
242 care providers and are not intended to establish, in and of themselves, standards of care or to abrogate
243 the requirements of § 8.01-581.20. A decision by a health care provider to deviate from the criteria shall
244 not constitute negligence per se.

245 D. Whenever any state-owned aircraft, vehicle, or other form of conveyance is utilized under the
246 provisions of this section, an appropriate amount not to exceed the actual costs of operation may be
247 charged by the agency having administrative control of such aircraft, vehicle or other form of
248 conveyance.

249 § 32.1-111.11. Regional emergency medical services councils.

250 The Board shall designate regional emergency medical services councils which shall be authorized to
251 receive and disburse public funds. Each council shall be charged with the development and
252 implementation of an efficient and effective regional emergency medical services delivery system.

253 The Board shall review those agencies that were the designated regional emergency medical services
254 councils. The Board shall, in accordance with the standards established in its regulations, review and
255 may renew or deny applications for such designations every three years. In its discretion, the Board may
256 establish conditions for renewal of such designations or may solicit applications for designation as a
257 regional emergency medical services council.

258 Each council shall include, if available, representatives of the participating local governments, fire
259 protection agencies, law-enforcement agencies, emergency medical services agencies, hospitals, licensed
260 practicing physicians, emergency care nurses, mental health professionals, emergency medical technicians
261 and other appropriate allied health professionals.

262 Each council shall adopt and revise as necessary a regional emergency medical services plan in
263 cooperation with the Board. ~~The plan shall include a provision that the Department of Criminal Justice
264 Services and the Virginia Criminal Injuries Compensation Fund shall be contacted immediately to
265 deploy assistance in the event of an emergency as defined in the emergency response plan when there
266 are victims as defined in § 19.2-11.01, as well as current contact information for both.~~

267 The designated councils shall be required to match state funds with local funds obtained from private
268 or public sources in the proportion specified in the regulations of the Board. Moneys received directly or
269 indirectly from the Commonwealth shall not be used as matching funds. A local governing body may
270 choose to appropriate funds for the purpose of providing matching grant funds for any council.
271 However, this section shall not be construed to place any obligation on any local governing body to
272 appropriate funds to any council.

273 The Board shall promulgate, in cooperation with the State Emergency Medical Services Advisory
274 Board, regulations to implement this section, which shall include, but not be limited to, requirements to
275 ensure accountability for public funds, criteria for matching funds, and performance standards.

276 § 44-146.18. Department of Emergency Services continued as Department of Emergency
277 Management; administration and operational control; coordinator and other personnel; powers and duties.

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

285 B. The State Department of Emergency Management shall in the administration of emergency
286 services and disaster preparedness programs:

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

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

294 3. Submit to the Governor and to the General Assembly, no later than the first day of each regular
295 session of the General Assembly, an annual executive summary and report on the status of emergency
296 management response plans throughout the Commonwealth and other measures taken or recommended
297 to prevent, respond to and recover from disasters, including acts of terrorism. This report shall be made
298 available to the Division of Legislative Automated Systems for the processing of legislative documents
299 and reports. Information submitted in accordance with the procedures set forth in subdivision 4 of
300 § 2.2-3705.2 shall not be disclosed unless:

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

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

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

- 306 4. Promulgate plans and programs that are conducive to adequate disaster mitigation preparedness,
307 response and recovery programs;
- 308 5. Prepare and maintain a State Emergency Operations Plan for disaster response and recovery
309 operations that assigns primary and support responsibilities for basic emergency services functions to
310 state agencies, organizations and personnel as appropriate;
- 311 6. Coordinate and administer disaster mitigation, preparedness, response and recovery plans and
312 programs with the proponent federal, state and local government agencies and related groups;
- 313 7. Provide guidance and assistance to state agencies and units of local government in developing and
314 maintaining emergency management and continuity of operations (COOP) programs, plans and systems;
- 315 8. Make necessary recommendations to agencies of the federal, state, or local governments on
316 preventive and preparedness measures designed to eliminate or reduce disasters and their impact;
- 317 9. Determine requirements of the Commonwealth and its political subdivisions for those necessities
318 needed in the event of a declared emergency which are not otherwise readily available;
- 319 10. Assist state agencies and political subdivisions in establishing and operating training programs
320 and programs of public information and education regarding emergency services and disaster
321 preparedness activities;
- 322 11. Consult with the Board of Education regarding the development and revision of a model school
323 crisis and emergency management plan for the purpose of assisting public schools in establishing,
324 operating, and maintaining emergency services and disaster preparedness activities;
- 325 12. Consult with the State Council of Higher Education in the development and revision of a model
326 institutional crisis and emergency management plan for the purpose of assisting public and private
327 two-year and four-year institutions of higher education in establishing, operating, and maintaining
328 emergency services and disaster preparedness activities and, as needed, in developing an institutional
329 crisis and emergency management plan pursuant to § 23-9.2:9;
- 330 13. Develop standards, provide guidance and encourage the maintenance of local and state agency
331 emergency operations plans, which shall include the requirement for a provision that the Department of
332 Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund be contacted
333 immediately to deploy assistance in the event of an emergency as defined in the emergency response
334 plan when there are victims as defined in § 19.2-11.01; *as well as. The Department of Criminal Justice*
335 *Services and the Criminal Injuries Compensation Fund shall be the lead coordinating agencies for those*
336 *individuals determined to be victims, and the plan shall also contain current contact information for both*
337 *agencies;*
- 338 14. Prepare, maintain, coordinate or implement emergency resource management plans and programs
339 with federal, state and local government agencies and related groups, and make such surveys of
340 industries, resources, and facilities within the Commonwealth, both public and private, as are necessary
341 to carry out the purposes of this chapter;
- 342 15. Coordinate with the federal government and any public or private agency or entity in achieving
343 any purpose of this chapter and in implementing programs for disaster prevention, mitigation,
344 preparation, response, and recovery;
- 345 16. Establish guidelines pursuant to § 44-146.28, and administer payments to eligible applicants as
346 authorized by the Governor;
- 347 17. Coordinate and be responsible for the receipt, evaluation, and dissemination of emergency
348 services intelligence pertaining to all probable hazards affecting the Commonwealth;
- 349 18. Coordinate intelligence activities relating to terrorism with the Department of State Police; and
- 350 19. Develop an emergency response plan to address the needs of individuals with household pets and
351 service animals in the event of a disaster and assist and coordinate with local agencies in developing an
352 emergency response plan for household pets and service animals.
- 353 C. The State Department of Emergency Management shall during a period of impending emergency
354 or declared emergency be responsible for:
- 355 1. The receipt, evaluation, and dissemination of intelligence pertaining to an impending or actual
356 disaster;
- 357 2. Providing facilities from which state agencies and supporting organizations may conduct
358 emergency operations;
- 359 3. Providing an adequate communications and warning system capable of notifying all political
360 subdivisions in the Commonwealth of an impending disaster within a reasonable time;
- 361 4. Establishing and maintaining liaison with affected political subdivisions;
- 362 5. Determining requirements for disaster relief and recovery assistance;
- 363 6. Coordinating disaster response actions of federal, state and volunteer relief agencies;
- 364 7. Coordinating and providing guidance and assistance to affected political subdivisions to ensure
365 orderly and timely response to and recovery from disaster effects.
- 366 D. The State Department of Emergency Management shall be provided the necessary facilities and
367 equipment needed to perform its normal day-to-day activities and coordinate disaster-related activities of

368 the various federal, state, and other agencies during a state of emergency declaration by the Governor or
369 following a major disaster declaration by the President.

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

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

381 § 44-146.19. Powers and duties of political subdivisions.

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

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

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

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

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

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

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

403 C. Whenever the Governor has declared a state of emergency, each political subdivision within the
404 disaster area may, under the supervision and control of the Governor or his designated representative,
405 control, restrict, allocate or regulate the use, sale, production and distribution of food, fuel, clothing and
406 other commodities, materials, goods, services and resource systems which fall only within the boundaries
407 of that jurisdiction and which do not impact systems affecting adjoining or other political subdivisions,
408 enter into contracts and incur obligations necessary to combat such threatened or actual disaster, protect
409 the health and safety of persons and property and provide emergency assistance to the victims of such
410 disaster. In exercising the powers vested under this section, under the supervision and control of the
411 Governor, the political subdivision may proceed without regard to time-consuming procedures and
412 formalities prescribed by law (except mandatory constitutional requirements) pertaining to the
413 performance of public work, entering into contracts, incurring of obligations, employment of temporary
414 workers, rental of equipment, purchase of supplies and materials, levying of taxes, and appropriation and
415 expenditure of public funds.

416 D. The director of each local organization for emergency management may, in collaboration with (i)
417 other public and private agencies within the Commonwealth or (ii) other states or localities within other
418 states, develop or cause to be developed mutual aid arrangements for reciprocal assistance in case of a
419 disaster too great to be dealt with unassisted. Such arrangements shall be consistent with state plans and
420 programs and it shall be the duty of each local organization for emergency management to render
421 assistance in accordance with the provisions of such mutual aid arrangements.

422 E. Each local and interjurisdictional agency shall prepare and keep current a local or
423 interjurisdictional emergency operations plan for its area. The plan shall include, but not be limited to,
424 responsibilities of all local agencies and shall establish a chain of command, and a provision that the
425 Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund shall be
426 contacted immediately to deploy assistance in the event of an emergency as defined in the emergency
427 response plan when there are victims as defined in § 19.2-11.01, as well as. *The Department of Criminal
428 Justice Services and the Criminal Injuries Compensation Fund shall be the lead coordinating agencies*

429 *for those individuals determined to be victims, and the plan shall also contain* current contact
430 information for both *agencies*. Every four years, each local and interjurisdictional agency shall conduct a
431 comprehensive review and revision of its emergency operations plan to ensure that the plan remains
432 current, and the revised plan shall be formally adopted by the locality's governing body. In the case of
433 an interjurisdictional agency, the plan shall be formally adopted by the governing body of each of the
434 localities encompassed by the agency. Each political subdivision having a nuclear power station or other
435 nuclear facility within 10 miles of its boundaries shall, if so directed by the Department of Emergency
436 Management, prepare and keep current an appropriate emergency plan for its area for response to
437 nuclear accidents at such station or facility.

438 F. All political subdivisions shall provide an annually updated emergency management assessment to
439 the State Coordinator of Emergency Management on or before July 1 of each year.

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

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