

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 44-146.17 of the Code of Virginia, relating to Emergency Services and*  
3 *Disaster Law; powers and duties of the Governor; executive orders; penalty.*

4 [H 5093]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 44-146.17 of the Code of Virginia is amended and reenacted as follows:**8 **§ 44-146.17. Powers and duties of Governor.**

9 The Governor shall be Director of Emergency Management. He shall take such action from time to  
10 time as is necessary for the adequate promotion and coordination of state and local emergency services  
11 activities relating to the safety and welfare of the Commonwealth in time of disasters.

12 The Governor shall have, in addition to his powers hereinafter or elsewhere prescribed by law, the  
13 following powers and duties:

14 (1) To proclaim and publish such rules and regulations and to issue such orders as may, in his  
15 judgment, be necessary to accomplish the purposes of this chapter including, but not limited to such  
16 measures as are in his judgment required to control, restrict, allocate or regulate the use, sale, production  
17 and distribution of food, fuel, clothing and other commodities, materials, goods, services and resources  
18 under any state or federal emergency services programs.

19 He may adopt and implement the Commonwealth of Virginia Emergency Operations Plan, which  
20 provides for state-level emergency operations in response to any type of disaster or large-scale  
21 emergency affecting Virginia and that provides the needed framework within which more detailed  
22 emergency plans and procedures can be developed and maintained by state agencies, local governments  
23 and other organizations.

24 He may direct and compel evacuation of all or part of the populace from any stricken or threatened  
25 area if this action is deemed necessary for the preservation of life, implement emergency mitigation,  
26 preparedness, response or recovery actions; prescribe routes, modes of transportation and destination in  
27 connection with evacuation; and control ingress and egress at an emergency area, including the  
28 movement of persons within the area and the occupancy of premises therein.

29 Executive orders, to include those declaring a state of emergency and directing evacuation, shall have  
30 the force and effect of law and the violation thereof shall be punishable *as a civil penalty of not more*  
31 *than \$500 or as a Class 1 misdemeanor* in every case where the executive order declares that its  
32 violation shall have such force and effect. *Where an executive order declares a violation shall be*  
33 *punishable as a civil penalty, such violation shall be charged by summons and may be executed by a*  
34 *law-enforcement officer when such violation is observed by the officer. The summons used by a*  
35 *law-enforcement officer pursuant to this section shall be, in form, the same as the uniform summons for*  
36 *motor vehicle law violations as prescribed pursuant to § 46.2-388. The proceeds of such civil penalties*  
37 *collected pursuant to this section shall be paid and collected only in lawful money of the United States*  
38 *and paid into the state treasury to the credit of the Literary Fund.*

39 Such executive orders declaring a state of emergency may address exceptional circumstances that  
40 exist relating to an order of quarantine or an order of isolation concerning a communicable disease of  
41 public health threat that is issued by the State Health Commissioner for an affected area of the  
42 Commonwealth pursuant to Article 3.02 (§ 32.1-48.05 et seq.) of Chapter 2 of Title 32.1.

43 Except as to emergency plans issued to prescribe actions to be taken in the event of disasters and  
44 emergencies, no rule, regulation, or order issued under this section shall have any effect beyond June 30  
45 next following the next adjournment of the regular session of the General Assembly but the same or a  
46 similar rule, regulation, or order may thereafter be issued again if not contrary to law;

47 (2) To appoint a State Coordinator of Emergency Management and authorize the appointment or  
48 employment of other personnel as is necessary to carry out the provisions of this chapter, and to  
49 remove, in his discretion, any and all persons serving hereunder;

50 (3) To procure supplies and equipment, to institute training and public information programs relative  
51 to emergency management and to take other preparatory steps including the partial or full mobilization  
52 of emergency management organizations in advance of actual disaster, to insure the furnishing of  
53 adequately trained and equipped forces in time of need;

54 (4) To make such studies and surveys of industries, resources, and facilities in the Commonwealth as  
55 may be necessary to ascertain the capabilities of the Commonwealth and to plan for the most efficient  
56 emergency use thereof;

ENROLLED

HB5093ER

(5) On behalf of the Commonwealth enter into mutual aid arrangements with other states and to coordinate mutual aid plans between political subdivisions of the Commonwealth. After a state of emergency is declared in another state and the Governor receives a written request for assistance from the executive authority of that state, the Governor may authorize the use in the other state of personnel, equipment, supplies, and materials of the Commonwealth, or of a political subdivision, with the consent of the chief executive officer or governing body of the political subdivision;

(6) To delegate any administrative authority vested in him under this chapter, and to provide for the further delegation of any such authority, as needed;

(7) Whenever, in the opinion of the Governor, the safety and welfare of the people of the Commonwealth require the exercise of emergency measures due to a threatened or actual disaster, he may declare a state of emergency to exist;

(8) To request a major disaster declaration from the President, thereby certifying the need for federal disaster assistance and ensuring the expenditure of a reasonable amount of funds of the Commonwealth, its local governments, or other agencies for alleviating the damage, loss, hardship, or suffering resulting from the disaster;

(9) To provide incident command system guidelines for state agencies and local emergency response organizations; and

(10) Whenever, in the opinion of the Governor or his designee, an employee of a state or local public safety agency responding to a disaster has suffered an extreme personal or family hardship in the affected area, such as the destruction of a personal residence or the existence of living conditions that imperil the health and safety of an immediate family member of the employee, the Governor may direct the Comptroller of the Commonwealth to issue warrants not to exceed \$2,500 per month, for up to three calendar months, to the employee to assist the employee with the hardship.

**2. That the provisions of this act shall expire on June 30, 2023.**