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SENATE BILL NO. 1282
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee on General Laws
on _____)
(Patron Prior to Substitute—Senator Durant)

A BILL to amend and reenact § 38.2-401 of the Code of Virginia, relating to Fire Programs Fund; aid to localities; requirement for emergency incidents reporting.

Be it enacted by the General Assembly of Virginia:

**1. That § 38.2-401 of the Code of Virginia is amended and reenacted as follows:
§ 38.2-401. Fire Programs Fund.**

A. 1. There is hereby established in the state treasury a special nonreverting fund to be known as the Fire Programs Fund, hereinafter referred to as "the Fund." The Fund shall be administered by the Department of Fire Programs under policies and definitions established by the Virginia Fire Services Board. All moneys collected pursuant to the assessment made by the Commission pursuant to subdivision 2 of this subsection shall be paid into the state treasury and credited to the Fund. The Fund shall also consist of any moneys appropriated thereto by the General Assembly and any grants or other moneys received by the Virginia Fire Services Board or Department of Fire Programs for the purposes set forth in this section. Any moneys deposited to or remaining in such Fund during or at the end of each fiscal year or biennium, including interest thereon, shall not revert to the general fund but shall remain in the Fund. Interest earned on all moneys in the Fund and interest earned on moneys held by the Commission pursuant to subdivision 2 of this subsection prior to the deposit of such moneys into the Fund, including interest earned on such moneys during any period when the Commission is reconciling payments from insurers, shall remain in or be deposited into the Fund, as the case may be, and be credited to it. Such interest shall be set aside for fire service purposes in accordance with policies developed by the Virginia Fire Services Board. Notwithstanding any other provision of law to the contrary, policies established by the Virginia Fire Services Board for the administration of the Fund, and any grants provided from the Fund, that are not inconsistent with the purposes set out in this section shall be binding upon any locality that accepts such funds or related grants. The Commission shall be reimbursed from the Fund for all expenses necessary for the administration of this section. The balance of moneys in the Fund shall be allocated periodically as provided in this section. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Executive Director of the Department of Fire Programs (Director) or his designee.

33 2. The Commission shall annually assess against all licensed insurance companies doing business in the
34 Commonwealth by writing any type of insurance as defined in §§ 38.2-110, 38.2-111, 38.2-126, 38.2-130 and
35 38.2-131 and those combination policies as defined in § 38.2-1921 that contain insurance as defined in §§
36 38.2-110, 38.2-111 and 38.2-126, an assessment in the amount of one percent of the total direct gross
37 premium income for such insurance. Such assessment shall be apportioned, assessed and paid as prescribed
38 by § 38.2-403. In any year in which a company has no direct gross premium income or in which its direct
39 gross premium income is insufficient to produce at the rate of assessment prescribed by law an amount equal
40 to or in excess of \$100, there shall be so apportioned and assessed against such company a contribution of
41 \$100.

42 B. After reserving funds for the Fire Services Grant Program and Dry Fire Hydrant Grant Program
43 pursuant to subsection D, 75 percent of the remaining moneys available for allocation from the Fund shall be
44 allocated to the several counties, cities, and towns of the Commonwealth providing fire service operations to
45 be used for the improvement of volunteer and career fire services in each of the receiving localities. Funds
46 allocated to the counties, cities, and towns pursuant to this subsection shall not be used directly or indirectly
47 to supplant or replace any other funds appropriated by the counties, cities, and towns for fire service
48 operations. Such funds shall be used solely for the purposes of (i) training volunteer or career firefighting
49 personnel in each of the receiving localities; (ii) funding fire prevention and public safety education
50 programs; (iii) constructing, improving, and expanding regional or local fire service training facilities; (iv)
51 purchasing emergency medical care and equipment for fire personnel; (v) payment of personnel costs related
52 to fire and medical training for fire personnel; (vi) purchasing personal protective equipment, vehicles,
53 equipment, and supplies for use in the receiving locality specifically for fire service purposes; or (vii)
54 providing training and education and purchasing products, including personal protective equipment, diesel
55 exhaust removal systems, decontamination equipment, and commercial extractors, that are designed to reduce
56 the incidence of cancer among firefighters. Notwithstanding any other provision of the Code, when localities
57 use such funds to construct, improve, or expand fire service training facilities, fire-related training provided at
58 such training facilities shall be by instructors certified or approved according to policies developed by the
59 Virginia Fire Services Board. Distribution of this 75 percent of the Fund shall be made on the basis of
60 population as provided for in §§ 4.1-116 and 4.1-117; however, no county or city eligible for such funds shall
61 receive less than \$10,000, nor eligible town less than \$4,000. The Virginia Fire Services Board shall be
62 authorized to exceed allocations of \$10,000 for eligible counties and cities and \$4,000 for eligible towns,
63 respectively. Allocations to counties, cities, and towns receiving such allocations shall be fair and equitable
64 as set forth in Board policy. Any increases or decreases in such allocations shall be uniform for all localities.
65 In order to remain eligible for such funds, each receiving locality shall report annually to the Department on
66 the use of the funds allocated to it for the previous year ~~and~~, shall provide a completed Fire Programs Fund
67 Disbursement Agreement form, *and shall report, in accordance with the requirements set by the Virginia*
68 *Fire Services Board, all emergency incidents through the National Emergency Response Information System*
69 *(NERIS) while sharing such emergency incident data with the Department of Fire Programs in its capacity as*
70 *state manager of NERIS*. Each receiving locality shall be responsible for certifying the proper use of the
71 funds. If, at the end of any annual reporting period, a satisfactory report and a completed agreement form
72 have not been submitted by a receiving locality, any funds due to that locality for the next year shall not be
73 retained. Such funds shall be added to the 75 percent of the Fund allocated to the counties, cities, and towns
74 of the Commonwealth for improvement of fire services in localities.

75 C. The remainder of the moneys available for allocation from the Fund shall be used for (i) the purposes
76 of carrying out the powers and duties assigned to the Department of Fire Programs under Chapter 2 (§
77 9.1-200) of Title 9.1, which shall include providing funded training and administrative support services for
78 nonfunded training to localities and (ii) the payment of the compensation and costs of expenses of the
79 members of the *Virginia* Fire Services Board in performing their official duties; however, the Fund shall not
80 be used for salaries or operating expenses associated with the Office of the State Fire Marshal.

81 D. The Fire Services Grant Program is hereby established and will be used as grants to provide regional
82 fire services training facilities, to finance the Virginia Fire Incident Reporting System and to build or repair
83 live fire training structures as determined by the Virginia Fire Services Board. Beginning January 1, 1996, \$1
84 million from the assessments made pursuant to this section shall be distributed each year for the Fire Services
85 Grant Program to be used as herein provided, and \$100,000 shall be distributed annually for continuing the
86 statewide Dry Fire Hydrant Grant Program. Moneys allocated pursuant to this subsection shall be used for the

87 purposes stated in this subsection, and for no other purpose. All grants provided from these programs shall be
88 administered by the Department according to the policies established by the Virginia Fire Services Board.

89 E. Moneys in the Fund shall not be diverted or expended for any purpose not authorized by this section.

90 F. The Director shall establish written standards for determining the extent to which clients outside the
91 Commonwealth shall be financially responsible for the cost of fire and emergency services training provided
92 by the Department of Fire Programs. Revenues generated by such training shall be retained in the Fire
93 Programs Fund and may be used solely for providing additional funded direct training to members of
94 Virginia's fire and emergency services.

95 **2. That the provisions of this act shall become effective on July 1, 2026.**