

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 38.2-401 of the Code of Virginia, relating to Fire Programs Fund; aid to*
 3 *localities; requirement for emergency incidents reporting.*

4 [S 1282]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 38.2-401 of the Code of Virginia is amended and reenacted as follows:**8 **§ 38.2-401. Fire Programs Fund.**

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

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

40 B. After reserving funds for the Fire Services Grant Program and Dry Fire Hydrant Grant Program
 41 pursuant to subsection D, 75 percent of the remaining moneys available for allocation from the Fund shall be
 42 allocated to the several counties, cities, and towns of the Commonwealth providing fire service operations to
 43 be used for the improvement of volunteer and career fire services in each of the receiving localities. Funds
 44 allocated to the counties, cities, and towns pursuant to this subsection shall not be used directly or indirectly
 45 to supplant or replace any other funds appropriated by the counties, cities, and towns for fire service
 46 operations. Such funds shall be used solely for the purposes of (i) training volunteer or career firefighting
 47 personnel in each of the receiving localities; (ii) funding fire prevention and public safety education
 48 programs; (iii) constructing, improving, and expanding regional or local fire service training facilities; (iv)
 49 purchasing emergency medical care and equipment for fire personnel; (v) payment of personnel costs related
 50 to fire and medical training for fire personnel; (vi) purchasing personal protective equipment, vehicles,
 51 equipment, and supplies for use in the receiving locality specifically for fire service purposes; or (vii)
 52 providing training and education and purchasing products, including personal protective equipment, diesel
 53 exhaust removal systems, decontamination equipment, and commercial extractors, that are designed to reduce
 54 the incidence of cancer among firefighters. Notwithstanding any other provision of the Code, when localities
 55 use such funds to construct, improve, or expand fire service training facilities, fire-related training provided at
 56 such training facilities shall be by instructors certified or approved according to policies developed by the

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57 Virginia Fire Services Board. Distribution of this 75 percent of the Fund shall be made on the basis of
58 population as provided for in §§ 4.1-116 and 4.1-117; however, no county or city eligible for such funds shall
59 receive less than \$10,000, nor eligible town less than \$4,000. The Virginia Fire Services Board shall be
60 authorized to exceed allocations of \$10,000 for eligible counties and cities and \$4,000 for eligible towns,
61 respectively. Allocations to counties, cities, and towns receiving such allocations shall be fair and equitable
62 as set forth in Board policy. Any increases or decreases in such allocations shall be uniform for all localities.
63 In order to remain eligible for such funds, each receiving locality shall report annually to the Department on
64 the use of the funds allocated to it for the previous year ~~and~~, shall provide a completed Fire Programs Fund
65 Disbursement Agreement form, *and shall report, in accordance with the requirements set by the Virginia*
66 *Fire Services Board, all emergency incidents through the National Emergency Response Information System*
67 *(NERIS) while sharing such emergency incident data with the Department of Fire Programs in its capacity as*
68 *state manager of NERIS*. Each receiving locality shall be responsible for certifying the proper use of the
69 funds. If, at the end of any annual reporting period, a satisfactory report and a completed agreement form
70 have not been submitted by a receiving locality, any funds due to that locality for the next year shall not be
71 retained. Such funds shall be added to the 75 percent of the Fund allocated to the counties, cities, and towns
72 of the Commonwealth for improvement of fire services in localities.

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

79 D. The Fire Services Grant Program is hereby established and will be used as grants to provide regional
80 fire services training facilities, to finance the Virginia Fire Incident Reporting System and to build or repair
81 live fire training structures as determined by the Virginia Fire Services Board. Beginning January 1, 1996, \$1
82 million from the assessments made pursuant to this section shall be distributed each year for the Fire Services
83 Grant Program to be used as herein provided, and \$100,000 shall be distributed annually for continuing the
84 statewide Dry Fire Hydrant Grant Program. Moneys allocated pursuant to this subsection shall be used for the
85 purposes stated in this subsection, and for no other purpose. All grants provided from these programs shall be
86 administered by the Department according to the policies established by the Virginia Fire Services Board.

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

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

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