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SENATE BILL NO. 98

Offered January 14, 2026

Prefiled December 31, 2025

A BILL to amend and reenact § 44-146.16 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 44-146.19:1 and 44-146.19:2, relating to Virginia Emergency Management Preparedness and Capabilities Grant Program and Fund established; work group; report.

Patron—Stanley

Referred to Committee on General Laws and Technology

Be it enacted by the General Assembly of Virginia:

1. That § 44-146.16 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding sections numbered 44-146.19:1 and 44-146.19:2 as follows:

§ 44-146.16. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Communicable disease of public health threat" means an illness of public health significance, as determined by the State Health Commissioner in accordance with regulations of the Board of Health, caused by a specific or suspected infectious agent that may be reasonably expected or is known to be readily transmitted directly or indirectly from one individual to another and has been found to create a risk of death or significant injury or impairment; this definition shall not, however, be construed to include human immunodeficiency viruses or tuberculosis, unless used as a bioterrorism weapon. "Individual" shall include any companion animal. Further, whenever "person or persons" is used in Article 3.02 (§ 32.1-48.05 et seq.) of Chapter 2 of Title 32.1, it shall be deemed, when the context requires it, to include any individual.

"Cyber incident" means an event occurring on or conducted through a computer network that actually or imminently jeopardizes the integrity, confidentiality, or availability of computers, information or communications systems or networks, physical or virtual infrastructure controlled by computers or information systems, or information resident thereon. "Cyber incident" includes a vulnerability in information systems, system security procedures, internal controls, or implementations that could be exploited by a threat source.

"Disaster" means (i) any man-made disaster, including any condition following an attack by any enemy or foreign nation upon the United States resulting in substantial damage of property or injury to persons in the United States including by use of bombs, missiles, shell fire, or nuclear, radiological, chemical, or biological means or other weapons or by overt paramilitary actions; terrorism, foreign and domestic; cyber incidents; and any industrial, nuclear, or transportation accident, explosion, conflagration, power failure, resources shortage, or other condition such as sabotage, oil spills, and other injurious environmental contaminations that threaten or cause damage to property, human suffering, hardship, or loss of life and (ii) any natural disaster, including any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, drought, fire, communicable disease of public health threat, or other natural catastrophe resulting in damage, hardship, suffering, or possible loss of life.

"Discharge" means spillage, leakage, pumping, pouring, seepage, emitting, dumping, emptying, injecting, escaping, leaching, fire, explosion, or other releases.

"Emergency" means any occurrence, or threat thereof, whether natural or man-made, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property or natural resources and may involve governmental action beyond that authorized or contemplated by existing law because governmental inaction for the period required to amend the law to meet the exigency would work immediate and irrevocable harm upon the citizens or the environment of the Commonwealth or some clearly defined portion or portions thereof.

"Emergency management professional" means an employee of the political subdivision whose duties are substantially dedicated to planning for, responding to, recovering from, and mitigating the threat or impact of natural, technological, and human-caused hazards.

"Emergency services" means the preparation for and the carrying out of functions, other than functions for which military forces are primarily responsible, to prevent, minimize, and repair injury and damage resulting from disasters, together with all other activities necessary or incidental to the preparation for and carrying out of the foregoing functions. These functions include, without limitation, firefighting services, police services, medical and health services, rescue, engineering, warning services, communications, radiological, chemical, and other special weapons defense, evacuation of persons from stricken areas, emergency welfare services, emergency transportation, emergency resource management, existing or properly assigned functions of plant protection, temporary restoration of public utility services, and other functions related to civilian protection.

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These functions also include the administration of approved state and federal disaster recovery and assistance programs.

"Hazard mitigation" means any action taken to reduce or eliminate the long-term risk to human life and property from natural hazards.

"Hazardous substances" means all materials or substances that now or hereafter are designated, defined, or characterized as hazardous by law or regulation of the Commonwealth or regulation of the United States government.

"Interjurisdictional agency for emergency management" is any organization established between contiguous political subdivisions to facilitate the cooperation and protection of the subdivisions in the work of disaster prevention, preparedness, response, and recovery.

"Local emergency" means the condition declared by the local governing body when in its judgment the threat or actual occurrence of an emergency or disaster is or threatens to be of sufficient severity and magnitude to warrant coordinated local government action to prevent or alleviate the damage, loss, hardship, or suffering threatened or caused thereby, provided, however, that a local emergency arising wholly or substantially out of a resource shortage may be declared only by the Governor, upon petition of the local governing body, when he deems the threat or actual occurrence of such an emergency or disaster to be of sufficient severity and magnitude to warrant coordinated local government action to prevent or alleviate the damage, loss, hardship, or suffering threatened or caused thereby, and provided, however, nothing in this chapter shall be construed as prohibiting a local governing body from the prudent management of its water supply to prevent or manage a water shortage.

"Local emergency management organization" means an organization created in accordance with the provisions of this chapter by local authority to perform local emergency service functions.

"Major disaster" means any natural catastrophe, including any: hurricane, tornado, storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought, or regardless of cause, any fire, flood, or explosion, in any part of the United States, which, in the determination of the President of the United States is, or thereafter determined to be, of sufficient severity and magnitude to warrant major disaster assistance under the Stafford Act (P.L. 93-288 as amended) to supplement the efforts and available resources of states, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby and is so declared by him.

"Political subdivision" means any city or county in the Commonwealth and, for the purposes of this chapter, the Town of Chincoteague and any town of more than 5,000 population that chooses to have an emergency management program separate from that of the county in which such town is located.

"Resource shortage" means the absence, unavailability, or reduced supply of any raw or processed natural resource or any commodities, goods, or services of any kind that bear a substantial relationship to the health, safety, welfare, and economic well-being of the citizens of the Commonwealth.

"State of emergency" means the condition declared by the Governor when in his judgment the threat or actual occurrence of an emergency or a disaster in any part of the Commonwealth is of sufficient severity and magnitude to warrant disaster assistance by the Commonwealth to supplement the efforts and available resources of the several localities and relief organizations in preventing or alleviating the damage, loss, hardship, or suffering threatened or caused thereby and is so declared by him.

§ 44-146.19:1. Virginia Emergency Management Preparedness and Capabilities Grant Program; report.

A. There is hereby established the Virginia Emergency Management Preparedness and Capabilities Grant Program (the Program) for the purpose of assisting political subdivisions with the cost of emergency management and preparedness. The Program shall be administered by the Department of Emergency Management, and the Department of Emergency Management shall establish guidelines for the administration of the Program, including (i) establishing procedures for application for a grant award by a political subdivision, (ii) ensuring that grants awarded to political subdivisions are used for the purpose of developing or enhancing emergency management capabilities in political subdivisions, (iii) ensuring that grants are not used to supplant existing funding, and (iv) establishing monitoring and accountability mechanisms to include procedures for obtaining repayment of misused funds. The Department of Emergency Management may receive an amount no greater than 2.5 percent of the total amount of grants annually awarded to cover the administrative costs of managing the Program. The Department of Emergency Management shall also develop criteria for awarding grants from the Virginia Emergency Management Preparedness and Capabilities Fund, established pursuant to § 44-146.19:2, including procedures for determining the amount of the grant award.

B. All political subdivisions that receive a grant pursuant to the Program are required to provide a 50 percent match of local or federal funds. Such match may include the salary and benefits of locally funded emergency management professionals whose salary and benefits are not being counted as the match requirement for any other state or federal grant program. As a condition of receiving funds from the Program, political subdivisions shall use such funds only for the purposes described in this section. Such funds shall be kept segregated by the political subdivision from all other funds. In the event that funds

provided by the Program are used for any purpose other than those described in this section, the political subdivision shall repay such funds to the Program.

C. Grants awarded to political subdivisions pursuant to the Program shall be used for the purpose of hiring a full-time emergency management professional or converting a part-time emergency management professional to full-time status. Upon certification to the Department of Emergency Management by the political subdivision that it already employs at least one full-time emergency management professional, or has used a portion of its grant award to convert an emergency management professional from part-time to full-time status, the political subdivision may use the grant award to (i) prepare or maintain a local or interjurisdictional emergency operations plan and annual emergency management assessment in accordance with subsections E and F of § 44-146.19; (ii) establish an alert and warning plan, including costs for the purchase of or subscription to alert origination software, to achieve or maintain compliance with subsection G of § 44-146.19; (iii) purchase audiovisual, communications, or information technology or power generation equipment, furniture, software, or subscription services that enable the political subdivision to establish or enhance a room or facility already owned or leased by the political subdivision to serve as the political subdivision's emergency operations center as outlined in the political subdivision's adopted emergency operations plan; or (iv) purchase a motor vehicle for the operational response or logistical support needs of the political subdivision's emergency management program, to include any upfitting or communications equipment required for such vehicle to be operated in accordance with § 46.2-1023.

D. On or before December 1, 2026, and each year thereafter, the Department of Emergency Management shall submit a report to the Secretary of Public Safety and Homeland Security, the Governor, and the Chairs of the House Committee on Public Safety and the Senate Committee on Finance and Appropriations. The report shall include the number of grants awarded, the number of full-time or part-time emergency management positions created or sustained in political subdivisions using Program funding, the number of other projects funded that assisted a political subdivision in achieving or maintaining compliance with § 44-146.19, and an executive summary of such projects.

§ 44-146.19:2. Virginia Emergency Management Preparedness and Capabilities Fund.

There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia Emergency Management Preparedness and Capabilities Fund (the Fund). The Fund shall be established on the books of the Comptroller. All funds appropriated for such purpose and any gifts, donations, grants, bequests, and other funds received on its behalf shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. 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 State Emergency Planning Director.

2. That the Secretary of Public Safety and Homeland Security (the Secretary) shall establish a work group composed of representatives from the Department of Emergency Management, the Department of Planning and Budget, the Virginia Emergency Management Association, the Senate Committee on Finance and Appropriations, the House Committee on Appropriations, and such other stakeholders as the Secretary deems appropriate to study existing emergency management needs, analyze sustainability of current funding, review alternative funding models from other states, and develop recommendations for long-term funding of the Virginia Emergency Management Preparedness and Capabilities Fund, as created by this act. In conducting its study, the work group may hire an independent consultant and shall assess and analyze local capability, readiness reports, recent after-action reports from declared emergency events, historical trends of federal homeland security and emergency management funding, gaps in current funding, how other states fund emergency management services, and best practices from other states. The Secretary shall report the work group's findings and recommendations to the Chairs of the House Committee on General Laws and the Senate Committee on General Laws and Technology on or before October 1, 2026.