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SENATE BILL NO. 573**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the Senate Committee on Finance and Appropriations
on February 7, 2024)

(Patron Prior to Substitute—Senator Obenshain)

A *BILL to amend the Code of Virginia by adding in Title 9.1 a chapter numbered 16, consisting of sections numbered 9.1-1600 and 9.1-1601, relating to Virginia Public Safety Communications Infrastructure Fund; established.*

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 9.1 a chapter numbered 16, consisting of sections numbered 9.1-1600 and 9.1-1601, as follows:

CHAPTER 16.**VIRGINIA PUBLIC SAFETY COMMUNICATIONS INFRASTRUCTURE FUND.****§ 9.1-1600. Definitions.**

As used in this chapter, unless the context requires otherwise:

"Authority" means the Virginia Resources Authority created in Chapter 21 (§ 62.1-197 et seq.) of Title 62.1.

"Cost," as applied to any project financed under the provisions of this chapter, means the total of all costs incurred by the local government as reasonable and necessary for carrying out all works and undertakings necessary or incident to the accomplishment of any project. It includes, without limitation, all necessary developmental, planning, and feasibility studies, surveys, plans, and specifications; architectural, engineering, financial, legal, or other special services; the cost of acquisition of land and any buildings and improvements thereon, including the discharge of any obligations of the sellers of such land, buildings, or improvements; site preparation and development, including demolition or removal of existing structures; construction and reconstruction; labor; materials, machinery, and equipment; the reasonable costs of financing incurred by the local government in the course of the development of the project; carrying charges incurred before placing the project in service; interest on funds borrowed to finance the project to a date subsequent to the estimated date the project is to be placed in service; necessary expenses incurred in connection with placing the project in service; the funding of accounts and reserves that the Authority may require; and the cost of other items that the Authority determines to be reasonable and necessary.

"Department" means the Department of Emergency Management created in Chapter 3.2 (§ 44-146.13 et seq.) of Title 44.

"Fund" means the Virginia Public Safety Communications Infrastructure Fund created by this chapter.

"Local government" means any county, city, town, municipal corporation, authority, district, commission, or political subdivision created by the General Assembly or pursuant to the Constitution or laws of the Commonwealth or any combination of any two or more of the foregoing.

"Project" means all or any part of improvements relating to public safety radio and communications infrastructure, and may consist of or include new or replacement public safety communications systems and any other equipment or facilities necessary or desirable in connection therewith or incidental thereto.

§ 9.1-1601. Virginia Public Safety Communications Infrastructure Fund.

A. With funds appropriated for such purpose, there is hereby created in the state treasury a special nonreverting fund to be known as the Virginia Public Safety Communications Infrastructure Fund. The Fund shall be established on the books of the Comptroller, shall be administered by the Department, and shall be financially managed by the Authority. All funds appropriated for such purpose, receipts from and income from the investment of funds in the Fund, 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. Moneys in the Fund shall be used solely for purposes of awarding grants on a competitive basis to local governments pursuant to subsection B. However, no more than 15 percent of unobligated moneys in the Fund shall be allocated for grant uses, and in no case shall grants from the Fund be used to fund the entire cost of an approved local project. 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 Coordinator of Emergency Management.

B. Grants shall be awarded on a competitive basis from such funds as may be available from the Fund to localities for the purpose of assisting with improvement projects relating to public safety radio

60 *and communications infrastructure. The Department shall establish and publish guidelines and criteria*
61 *for grant awards, including guidelines and criteria governing applications to the Department and grant*
62 *recipients relating to improvements to public safety radio and communications infrastructure; develop*
63 *funding recommendations; and provide assistance and oversight for projects funded through the Fund.*
64 *The Department shall prioritize projects that (i) serve law-enforcement, fire, rescue, and emergency*
65 *medical services through a single operating system; (ii) provide comprehensive interoperability across*
66 *multiple localities or a region; (iii) serve areas with a high fiscal stress index score; and (iv) are*
67 *regionally based and applied for jointly by relevant localities in such region. In no case shall grants be*
68 *awarded in an amount that funds the entire cost of an approved local project. The Department shall*
69 *oversee each grant awarded from the Fund and ensure thorough reporting on each such grant.*