

# VIRGINIA ACTS OF ASSEMBLY -- 2001 SESSION

## CHAPTER 672

*An Act to amend and reenact §§ 2.1-1.6, 51.1-1200, 51.1-1201, 51.1-1202, 51.1-1204, 51.1-1205, 51.1-1206, and 51.1-1207 of the Code of Virginia and to repeal the second enactments of Chapters 664 and 860 of the 1999 Acts of Assembly, relating to the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund.*

[H 2079]

Approved March 25, 2001

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 2.1-1.6, 51.1-1200, 51.1-1201, 51.1-1202, 51.1-1204, 51.1-1205, 51.1-1206, and 51.1-1207 of the Code of Virginia are amended and reenacted as follows:**

§ 2.1-1.6. State boards.

A. There shall be, in addition to such others as may be established by law, the following permanent collegial bodies affiliated with a state agency within the executive branch:

Accountancy, Board of  
Agriculture and Consumer Services, Board of  
Air Pollution, State Advisory Board on  
Alcoholic Beverage Control Board, Virginia  
Apple Board, Virginia State  
Appomattox State Scenic River Advisory Board  
Aquaculture Advisory Board  
Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, Board for  
Art and Architectural Review Board  
Athletic Training, Advisory Board on  
Auctioneers Board  
Audiology and Speech-Language Pathology, Board of  
Aviation Board, Virginia  
Barbers and Cosmetology, Board for  
Blind and Vision Impaired, Virginia Board for the  
Branch Pilots, Board for  
Bright Flue-Cured Tobacco Board, Virginia  
Building Code Technical Review Board, State  
Catotcin Creek State Scenic River Advisory Board  
Cattle Industry Board, Virginia  
Cave Board  
Cemetery Board  
Certified Seed Board, State  
Charity Food Assistance Advisory Board  
Chesapeake Bay Local Assistance Board  
Chickahominy State Scenic River Advisory Board  
Child Abuse and Neglect, Advisory Board on  
Chippokes Plantation Farm Foundation, Board of Trustees  
Clinch Scenic River Advisory Board  
Coal Mining Examiners, Board of  
Coal Research and Development Advisory Board, Virginia  
Coal Surface Mining Reclamation Fund Advisory Board  
Conservation and Development of Public Beaches, Board on  
Conservation and Recreation, Board of  
Contractors, Board for  
Corn Board, Virginia  
Correctional Education, Board of  
Corrections, State Board of  
Counseling, Board of  
Criminal Justice Services Board  
Dark-Fired Tobacco Board, Virginia  
Deaf and Hard-of-Hearing, Advisory Board for the Department for the  
Dentistry, Board of  
Design-Build/Construction Management Review Board

Education, State Board of  
 Egg Board, Virginia  
 Emergency Medical Services Advisory Board, State  
 Farmers Market Board, Virginia  
 Fire Services Board, Virginia  
 Forestry, Board of  
 Funeral Directors and Embalmers, Board of  
 Game and Inland Fisheries, Board of  
 Geology, Board for  
 Goose Creek Scenic River Advisory Board  
 Health Planning Board, Virginia  
 Health Professions, Board of  
 Health, State Board of  
 Hearing Aid Specialists, Board for  
 Hemophilia Advisory Board  
 Historic Resources, Board of  
 Housing and Community Development, Board of  
 Irish Potato Board, Virginia  
 Juvenile Justice, State Board of  
 Litter Control and Recycling Fund Advisory Board  
 Marine Products Board, Virginia  
 Medical Advisory Board, Department of Motor Vehicles  
 Medicare and Medicaid, Advisory Board on  
 Medicine, Board of  
 Mental Health, Mental Retardation and Substance Abuse Services Board, State  
 Migrant and Seasonal Farmworkers Board  
 Military Affairs, Board of  
 Mineral Mining Examiners, Board of  
 Minority Business Enterprise, Interdepartmental Board of the Department of  
 Networking Users Advisory Board, State  
 Neurotrauma Initiative Advisory Board, Commonwealth  
 North Meherrin State Scenic River Advisory Board  
 Nottoway State Scenic River Advisory Board  
 Nursing, Board of  
 Nursing Home Administrators, Board of  
 Occupational Therapy, Advisory Board of  
 Oil and Gas Conservation Board, Virginia  
 Opticians, Board for  
 Optometry, Board of  
 Peanut Board, Virginia  
 Personnel Advisory Board  
 Pesticide Control Board  
 Pharmacy, Board of  
 Physical Therapy, Board of  
 Plant Pollination Advisory Board  
 Polygraph Examiners Advisory Board  
 Pork Industry Board, Virginia  
 Poultry Products Board, Virginia  
 Private College Advisory Board  
 Private Security Services Advisory Board  
 Professional and Occupational Regulation, Board for  
 Professional Soil Scientists, Board for  
 Psychiatric Advisory Board  
 Psychology, Board of  
 Public Broadcasting Board, Virginia  
 Public Buildings Board, Virginia  
 Public Guardian and Conservator Advisory Board  
 Radiation Advisory Board  
 Real Estate Appraiser Board  
 Real Estate Board  
 Reciprocity Board, Department of Motor Vehicles  
 Recreational Fishing Advisory Board, Virginia  
 Reforestation Board  
 Rehabilitation Providers, Advisory Board on

Rehabilitative Services, Board of  
 Respiratory Care, Advisory Board on  
 Rockfish State Scenic River Advisory Board  
 Safety and Health Codes Board  
 Seed Potato Board, State  
 Sewage Handling and Disposal Appeal Review Board, State Health Department  
 Shenandoah State Scenic River Advisory Board  
 Small Business Advisory Board  
 Small Business Environmental Compliance Advisory Board  
 Small Grains Board, Virginia  
 Social Services, Board of  
 Social Work, Board of  
 Soil and Water Conservation Board, Virginia  
 Soybean Board, Virginia  
 State Air Pollution Control Board  
 Substance Abuse Certification Board  
 Surface Mining Review, Board of  
 Sweet Potato Board, Virginia  
 T & M Vehicle Dealers' Advisory Board  
 Teacher Education and Licensure, Advisory Board on  
 Transportation Board, Commonwealth  
 Transportation Safety, Board of  
 Treasury Board, The, Department of the Treasury  
 Veterans' Affairs, Board on  
 Veterinary Medicine, Board of  
 Virginia Board for Asbestos and Lead  
 Virginia Coal Mine Safety Board  
 Virginia Correctional Enterprises Advisory Board  
 Virginia Cotton Board  
 Virginia Employment Commission, State Advisory Board for the  
 Virginia Geographic Information Network Advisory Board  
 Virginia Horse Industry Board  
 Virginia Manufactured Housing Board  
 Virginia Retirement System, Board of Trustees  
 Virginia Schools for the Deaf and the Blind, Advisory Commission on the  
 Virginia Sheep Industry Board  
 Virginia Veterans Cemetery Board  
 Virginia Waste Management Board  
 Voluntary Formulary Board, Virginia  
 (For effective date - See notes) Volunteer Firefighters' and Rescue Squad Workers' ~~Pension~~ *Service*

*Award Fund Board*

War Memorial Foundation, Virginia, Board of Trustees  
 Waste Management Facility Operators, Board for  
 Water Resources Research Center Statewide Advisory Board, Virginia  
 Waterworks and Wastewater Works Operators, Board for  
 Well Review Board, Virginia.

B. Notwithstanding the definition for "board" as provided in § 2.1-1.2, the following entities shall be referred to as boards:

Compensation Board  
 State Board of Elections  
 State Water Control Board  
 Virginia Parole Board  
 Virginia Veterans Care Center Board of Trustees.

§ 51.1-1200. Fund established; administration and management; Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund Board.

There is hereby created a fund to be known and designated as the "Volunteer Firefighters' and Rescue Squad Workers' ~~Pension~~ *Service Award Fund*" (the Fund). The Fund is established to provide ~~pension allowances service awards~~ to eligible volunteer firefighters and rescue squad workers who elect to become members of the Fund. The Volunteer Firefighters' and Rescue Squad Workers' ~~Pension~~ *Service Award Fund Board* (the Board) shall utilize the assistance of the Virginia Retirement System in establishing, investing, and maintaining the Fund. The Board of Trustees of the Virginia Retirement System shall administer and manage the investment of the Fund as custodian and provide staff to further carry out the provisions of this chapter. The Virginia Retirement System shall invest the Funds in accordance with Article 3.1 (§ 51.1-124.30 et seq.) of Chapter 1 of this title. The Fund shall annually

reimburse the Virginia Retirement System for all costs incurred and associated, directly and indirectly, with the administration of this chapter and management and investment of the Fund.

§ 51.1-1201. Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund Board.

A. The Volunteer Firefighters' and Rescue Squad Workers' ~~Pension~~ *Service Award* Fund Board is hereby created and is to be composed of seven members. The Director of the Virginia Retirement System shall be a member and act as chairman and the remaining six members shall be appointed by the Governor. The Governor shall appoint three members of the Board from a list provided by the Virginia State Firefighter's Association and three members from a list provided by the Virginia Association of Volunteer Rescue Squads. Such appointees shall be confirmed by the General Assembly. Two of the appointed members shall serve for initial terms of six years, two for initial terms of four years, and two for initial terms of two years; thereafter, the terms shall be six years. No Board member other than the chairman shall serve more than two full consecutive terms.

B. The Director of the Virginia Retirement System with the consent of the Board shall immediately declare the office of any member of the Board vacant when he finds that the member is unable to perform the duties of his office or for any reason does not meet the qualifications of this section. The Governor shall appoint a new member, subject to confirmation by the General Assembly, to serve for a full or unexpired term whenever the office of a member becomes or is declared vacant. In any case where a new appointment is made, the person receiving the appointment shall be a (i) volunteer firefighter representative if his predecessor was a volunteer firefighter representative or (ii) volunteer rescue squad representative if his predecessor was a volunteer rescue squad representative.

C. The members of the Board shall serve without compensation; however, the nongovernmental members may be reimbursed for their reasonable expenses incurred in attending meetings of the Board or in acting in an official capacity for the Board.

D. The first Board appointed shall meet as soon as practicable for the purpose of organizing and electing officers. Officers other than the chairman shall be elected for one-year terms. The Board shall adopt a general statement of policy and procedures. The Board shall meet at least quarterly and at such special meetings as the chairman may call. The chairman may call a special meeting at any time and shall call a special meeting when requested by three or more members of the Board. No meeting shall be deemed a regular or special meeting unless a quorum is present.

E. Members of the Board shall be subject to removal from office only as set forth in Article 7 (§ 24.2-230 et seq.) of Chapter 2 of Title 24.2. The Circuit Court of the City of Richmond shall have exclusive jurisdiction over such removal proceedings.

§ 51.1-1202. Powers and duties of the Board.

The Board shall promulgate such rules and policies as are necessary to carry out its responsibilities as required by this chapter. The Board may contract the administrative services related to the ~~benefits~~ *service awards* provided for herein and designate authority for the administration of those ~~benefits~~ *service awards* based on the standards set forth in § 51.1-124.30. The Board or its designee shall (i) request such general fund appropriations as necessary to maintain the Fund, (ii) make determinations of eligibility for membership in the Fund, (iii) approve applications for ~~benefits~~ *service awards to be* paid from the Fund, and (iv) exercise all other powers necessary for the administration of this chapter and management of the Fund. Member contributions to the Fund shall be segregated into separate member accounts and be used only to pay ~~benefits~~ *service awards* to its members. The Board shall adopt rules and policies that bring the Fund into compliance with any applicable law or regulation of this Commonwealth or the United States.

§ 51.1-1204. Application for membership in Fund; quarterly payments by members; matching payments from the general fund; payments credited to separate accounts of members.

Eligible volunteers, and all persons who subsequently become eligible volunteers, may apply to the Board for membership in the Fund. Upon becoming a member of the Fund, each eligible volunteer shall pay ~~thirty dollars~~ *an amount to be set by the Board* per quarter into the Fund. Each quarterly payment made by a member shall be supplemented by such contribution from the general fund of the state treasury for a period not to exceed twenty years as shall be determined by the Board and as may be appropriated by the general appropriation act. The quarterly payments shall be credited to the separate accounts of the members, and the matching contributions shall be credited to the Fund. The member contribution or any additional contribution to the Fund may be made by (i) the individual fire department or rescue squad, *provided it is paid for all eligible members of the Fund within the particular fire department or rescue squad*; (ii) local government, *provided it is paid for all eligible members of the Fund who are volunteers for fire departments or rescue squads within the jurisdiction of the local government*; or (iii) any other source provided it is paid for all eligible members of the Fund. Such accounts shall be kept so that they are available for payment on withdrawal from membership or ~~retirement~~ *upon receipt of the service award*. No eligible volunteer shall maintain more than one membership in the Fund. In the event an eligible volunteer is in more than one eligible position, he must choose the position upon which his membership will be determined.

§ 51.1-1205. Equivalent benefit.

Any member who has attained the age of sixty and who has served twenty years as an eligible

volunteer shall be entitled to a distribution from the Fund equivalent to the contributions that he has made, the appropriate matching contributions made on his behalf, ~~and the earnings and any investment gains on such contributions less any losses.~~ The Board may provide alternative methods of distribution in lieu of a lump sum distribution to members entitled to a ~~benefit~~ *service award* under this section.

The distributions provided shall be in addition to all ~~other~~ pensions or *other* benefits under any other statutes of the Commonwealth or the United States.

§ 51.1-1206. Other distributions.

The Board shall direct payment in lump sums from the Fund:

1. To any eligible volunteer firefighter or eligible volunteer rescue squad worker upon attaining age sixty who, for any reason, is not qualified to receive ~~the monthly retirement pension~~ *a service award* and who was enrolled as a member of the Fund, an amount equal to the amount paid into the Fund by him plus ~~accrued interest any investment gains~~ thereon *less any losses*. This provision shall not be construed to preclude any eligible volunteer firefighter or eligible volunteer rescue squad worker from completing the requisite number of years of active service, after attaining the age of sixty, necessary to entitle him to the distribution provided for in § 51.1-1205.

2. If an eligible volunteer firefighter or eligible volunteer rescue squad worker dies before ~~attaining the age at which a pension is payable~~ *a service award is otherwise paid* to him under the provisions of this chapter ~~and while he is an eligible volunteer, there shall be paid to his spouse beneficiary; if there is no spouse, to his children; if there are no children, then to his heirs-at-law as may be determined by the Board; or to his estate, if it is administered and there are no heirs, an amount equal to the contributions he has made, the matching contributions made on his behalf, and any investment gains on such contributions less any losses. the amount paid into the Fund by the volunteer and the accrued interest on that amount.~~ *If an eligible volunteer firefighter or eligible volunteer rescue squad worker dies before a service award is otherwise paid to him under the provisions of this chapter and while he is no longer an eligible volunteer, there shall be paid to his beneficiary an amount equal to the amount paid into the Fund by the volunteer and any investment gains on that amount, less any losses. For purposes of this section, a member's beneficiary is the person or persons the member may name on a form prepared by the Board, signed by the member and filed in a manner prescribed by the Board. If there are no such persons, then his beneficiary shall be his spouse; if there is no spouse, then his living children equally; if there are no children, then his heirs-at-law as may be determined by the Board; or if there are no heirs, then his estate, if it is administered.*

3. To any firefighter or rescue squad worker withdrawing from the Fund, upon proper application, all moneys he contributed to the Fund ~~without accumulated earnings on the payments after the time they were made, less any investment losses, and an administrative fee equal to the lesser of the amount the individual contributed to the Fund or of twenty-five dollars.~~

§ 51.1-1207. Determination of prior creditable service; information furnished by applicants for membership.

Any member with eligible service prior to the effective date of this provision may purchase up to five years of such service upon certification of his fire department or rescue squad. Such purchase shall be prorated at the rate of one month for every two months of eligible service. The cost of such service shall be ten dollars per month for every month purchased. All eligible service must be purchased within 180 days of the effective date of ~~this provision~~ *the Fund*. Notwithstanding any other provisions of this chapter, the Board may grant qualified prior service credits to an eligible volunteer firefighter or eligible rescue squad worker, under such terms and conditions that the Board may adopt, if the Board determines that such volunteer has been denied such prior service credit through no fault of his own.

**2. That the second enactments of Chapters 664 and 860 of the 1999 Acts of Assembly are repealed.**