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HOUSE BILL NO. 2079**AMENDMENT IN THE NATURE OF A SUBSTITUTE**(Proposed by the Senate Committee on Finance
on February 14, 2001)

(Patron Prior to Substitute—Delegate Putney)

A BILL 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 enactment of Chapters 664 and 860 of the 1999 Acts of Assembly, relating to the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund.

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

Catoclin 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

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60	Design-Build/Construction Management Review Board
61	Education, State Board of
62	Egg Board, Virginia
63	Emergency Medical Services Advisory Board, State
64	Farmers Market Board, Virginia
65	Fire Services Board, Virginia
66	Forestry, Board of
67	Funeral Directors and Embalmers, Board of
68	Game and Inland Fisheries, Board of
69	Geology, Board for
70	Goose Creek Scenic River Advisory Board
71	Health Planning Board, Virginia
72	Health Professions, Board of
73	Health, State Board of
74	Hearing Aid Specialists, Board for
75	Hemophilia Advisory Board
76	Historic Resources, Board of
77	Housing and Community Development, Board of
78	Irish Potato Board, Virginia
79	Juvenile Justice, State Board of
80	Litter Control and Recycling Fund Advisory Board
81	Marine Products Board, Virginia
82	Medical Advisory Board, Department of Motor Vehicles
83	Medicare and Medicaid, Advisory Board on
84	Medicine, Board of
85	Mental Health, Mental Retardation and Substance Abuse Services Board, State
86	Migrant and Seasonal Farmworkers Board
87	Military Affairs, Board of
88	Mineral Mining Examiners, Board of
89	Minority Business Enterprise, Interdepartmental Board of the Department of
90	Networking Users Advisory Board, State
91	Neurotrauma Initiative Advisory Board, Commonwealth
92	North Meherrin State Scenic River Advisory Board
93	Nottoway State Scenic River Advisory Board
94	Nursing, Board of
95	Nursing Home Administrators, Board of
96	Occupational Therapy, Advisory Board of
97	Oil and Gas Conservation Board, Virginia
98	Opticians, Board for
99	Optometry, Board of
100	Peanut Board, Virginia
101	Personnel Advisory Board
102	Pesticide Control Board
103	Pharmacy, Board of
104	Physical Therapy, Board of
105	Plant Pollination Advisory Board
106	Polygraph Examiners Advisory Board
107	Pork Industry Board, Virginia
108	Poultry Products Board, Virginia
109	Private College Advisory Board
110	Private Security Services Advisory Board
111	Professional and Occupational Regulation, Board for
112	Professional Soil Scientists, Board for
113	Psychiatric Advisory Board
114	Psychology, Board of
115	Public Broadcasting Board, Virginia
116	Public Buildings Board, Virginia
117	Public Guardian and Conservator Advisory Board
118	Radiation Advisory Board
119	Real Estate Appraiser Board
120	Real Estate Board
121	Reciprocity Board, Department of Motor Vehicles

- 122 Recreational Fishing Advisory Board, Virginia
- 123 Reforestation Board
- 124 Rehabilitation Providers, Advisory Board on
- 125 Rehabilitative Services, Board of
- 126 Respiratory Care, Advisory Board on
- 127 Rockfish State Scenic River Advisory Board
- 128 Safety and Health Codes Board
- 129 Seed Potato Board, State
- 130 Sewage Handling and Disposal Appeal Review Board, State Health Department
- 131 Shenandoah State Scenic River Advisory Board
- 132 Small Business Advisory Board
- 133 Small Business Environmental Compliance Advisory Board
- 134 Small Grains Board, Virginia
- 135 Social Services, Board of
- 136 Social Work, Board of
- 137 Soil and Water Conservation Board, Virginia
- 138 Soybean Board, Virginia
- 139 State Air Pollution Control Board
- 140 Substance Abuse Certification Board
- 141 Surface Mining Review, Board of
- 142 Sweet Potato Board, Virginia
- 143 T & M Vehicle Dealers' Advisory Board
- 144 Teacher Education and Licensure, Advisory Board on
- 145 Transportation Board, Commonwealth
- 146 Transportation Safety, Board of
- 147 Treasury Board, The, Department of the Treasury
- 148 Veterans' Affairs, Board on
- 149 Veterinary Medicine, Board of
- 150 Virginia Board for Asbestos and Lead
- 151 Virginia Coal Mine Safety Board
- 152 Virginia Correctional Enterprises Advisory Board
- 153 Virginia Cotton Board
- 154 Virginia Employment Commission, State Advisory Board for the
- 155 Virginia Geographic Information Network Advisory Board
- 156 Virginia Horse Industry Board
- 157 Virginia Manufactured Housing Board
- 158 Virginia Retirement System, Board of Trustees
- 159 Virginia Schools for the Deaf and the Blind, Advisory Commission on the
- 160 Virginia Sheep Industry Board
- 161 Virginia Veterans Cemetery Board
- 162 Virginia Waste Management Board
- 163 Voluntary Formulary Board, Virginia
- 164 (For effective date - See notes) Volunteer Firefighters' and Rescue Squad Workers' ~~Pension~~ *Service*
- 165 *Award* Fund Board
- 166 War Memorial Foundation, Virginia, Board of Trustees
- 167 Waste Management Facility Operators, Board for
- 168 Water Resources Research Center Statewide Advisory Board, Virginia
- 169 Waterworks and Wastewater Works Operators, Board for
- 170 Well Review Board, Virginia.
- 171 B. Notwithstanding the definition for "board" as provided in § 2.1-1.2, the following entities shall be
- 172 referred to as boards:
- 173 Compensation Board
- 174 State Board of Elections
- 175 State Water Control Board
- 176 Virginia Parole Board
- 177 Virginia Veterans Care Center Board of Trustees.
- 178 § 51.1-1200. Fund established; administration and management; Volunteer Firefighters' and Rescue
- 179 Squad Workers' Service Award Fund Board.
- 180 There is hereby created a fund to be known and designated as the "Volunteer Firefighters' and
- 181 Rescue Squad Workers' ~~Pension~~ *Service Award* Fund" (the Fund). The Fund is established to provide
- 182 ~~pension allowances~~ *service awards* to eligible volunteer firefighters and rescue squad workers who elect

183 to become members of the Fund. The Volunteer Firefighters' and Rescue Squad Workers' ~~Pension~~
184 *Service Award* Fund Board (the Board) shall utilize the assistance of the Virginia Retirement System in
185 establishing, investing, and maintaining the Fund. The Board of Trustees of the Virginia Retirement
186 System shall administer and manage the investment of the Fund as custodian and provide staff to further
187 carry out the provisions of this chapter. The Virginia Retirement System shall invest the Funds in
188 accordance with Article 3.1 (§ 51.1-124.30 et seq.) of Chapter 1 of this title. The Fund shall annually
189 reimburse the Virginia Retirement System for all costs incurred and associated, directly and indirectly,
190 with the administration of this chapter and management and investment of the Fund.

191 § 51.1-1201. Volunteer Firefighters' and Rescue Squad Workers' ~~Pension~~ *Service Award* Fund Board.

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

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

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

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

218 E. Members of the Board shall be subject to removal from office only as set forth in Article 7
219 (§ 24.2-230 et seq.) of Chapter 2 of Title 24.2. The Circuit Court of the City of Richmond shall have
220 exclusive jurisdiction over such removal proceedings.

221 § 51.1-1202. Powers and duties of the Board.

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

233 § 51.1-1204. Application for membership in Fund; quarterly payments by members; matching
234 payments from the general fund; payments credited to separate accounts of members.

235 Eligible volunteers, and all persons who subsequently become eligible volunteers, may apply to the
236 Board for membership in the Fund. Upon becoming a member of the Fund, each eligible volunteer shall
237 pay ~~thirty dollars~~ *an amount to be set by the Board* per quarter into the Fund. Each quarterly payment
238 made by a member shall be supplemented by such contribution from the general fund of the state
239 treasury for a period not to exceed twenty years as shall be determined by the Board and as may be
240 appropriated by the general appropriation act. The quarterly payments shall be credited to the separate
241 accounts of the members, and the matching contributions shall be credited to the Fund. The member
242 contribution or any additional contribution to the Fund may be made by (i) the individual fire
243 department or rescue squad, *provided it is paid for all eligible members of the Fund within the*
244 *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 enactment of Chapters 664 and 860 of the 1999 Acts of Assembly is repealed.