

VIRGINIA ACTS OF ASSEMBLY -- 2002 SESSION

CHAPTER 349

An Act to amend and reenact §§ 51.1-1203, 51.1-1205, 51.1-1206, 51.1-1207 and 51.1-1210 of the Code of Virginia, relating to the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund.

[H 1332]

Approved April 1, 2002

Be it enacted by the General Assembly of Virginia:

1. That §§ 51.1-1203, 51.1-1205, 51.1-1206, 51.1-1207 and 51.1-1210 of the Code of Virginia are amended and reenacted as follows:

§ 51.1-1203. Definitions.

"Creditable service" means service as an eligible volunteer plus any service credited pursuant to § 51.1-1207.

"Eligible volunteer" means any volunteer rescue squad member or volunteer firefighter who is a member of a bona fide volunteer rescue or emergency medical squad or fire department and who is otherwise eligible pursuant to the criteria established by the Board.

"Member" means an eligible volunteer.

§ 51.1-1205. Equivalent distribution.

Any member who has attained the age of sixty and who has served twenty years ten years of creditable service 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 any investment gains on such contributions less any losses, provided that such amount shall be reduced by the amount of any distribution to such member under § 51.1-1206. The Board may provide alternative methods of distribution in lieu of a lump sum distribution to members entitled to a service award under this section.

The distributions provided shall be in addition to all 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 as follows:

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 a service award and who was enrolled as a member of the Fund has at least five but less than ten years of creditable service as an eligible volunteer, an amount equal to (i) the amount paid into the Fund by him plus (ii) the amount paid into the Fund on his behalf by his fire department or rescue squad plus (iii) the amount paid into the Fund on his behalf by his local government plus (iv) the amount paid into the Fund on his behalf by any other source plus (v) a portion of the amount paid into the Fund, on his behalf, from the general fund of the state treasury pursuant to § 51.1-1204 plus (vi) any investment gains thereon less any losses on the amounts paid into the Fund described under clauses (i) through (v). The portion of the amount paid from the general fund on behalf of such person that shall be paid to such person shall be based upon such person's years of creditable service as follows:

<i>Years of creditable</i>	<i>Portion of general fund contributions</i>
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<i>service</i>	<i>to be paid</i>
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At least five but

less than six

Five percent of general fund contributions

At least six but

less than seven

Ten percent of general fund contributions

At least seven but

less than eight

Twenty-five percent of general fund

contributions

At least eight but

less than nine

Forty-five percent of general fund

contributions

At least nine but

less than ten

Seventy percent of general fund contributions

In any case where the person shall be paid less than 100 percent of the general fund contributions made on his behalf, the investment gain or investment loss applicable to such contributions that shall be paid, or subtracted from any payment otherwise required, to such person shall equal the amount of the investment gain or investment loss, applicable to such contributions at the time of payment, multiplied by the percentage of such general fund contributions to be paid to the person as determined under this subdivision.

2. If the eligible volunteer firefighter or volunteer rescue squad member ceases to serve as a volunteer and has less than five years of creditable service upon attaining age sixty, such person shall not be paid, nor have any right or interest in, the amount paid into the Fund on his behalf (i) by his fire department or rescue squad, (ii) from the general fund of the state treasury pursuant to § 51.1-1204, or (iii) by any local government. Such person shall, however, be paid all contributions to the Fund that he has made plus the applicable portion of any investment gains or losses thereon.

The amount paid into the Fund on his behalf by his fire department or rescue squad shall remain in the Fund and shall be deemed additional contributions made by such fire department or rescue squad. The amount paid into the Fund on his behalf from the general fund of the state treasury shall remain in the Fund and shall be deemed additional contributions made from the general fund of the state treasury. The amount paid into the Fund on his behalf from a local government shall remain in the Fund and shall be deemed additional contributions from such local government.

3. ~~This provision~~ The provisions of this section 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 4. 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 an eligible volunteer, there shall be paid to his beneficiary 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. 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 5. To any firefighter or rescue squad worker withdrawing from the Fund, upon proper application, all moneys he contributed to the Fund less any investment losses, and an administrative fee 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~~ membership may purchase up to ~~five~~ ten years of such service upon certification of his fire department or rescue squad. Such purchase shall be prorated at the rate of one ~~month~~ year for every two ~~months~~ years 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 the Fund an amount as established by the Board. 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.

§ 51.1-1210. Administrative fee for rejoining the Fund.

Any individual who had been a member of the Fund and who applies to rejoin the Fund shall not be entitled to membership until he has paid an administrative fee of twenty-five dollars. ~~The fee shall be in~~

addition to any other charges or payments required by the Board to rejoin the Fund based upon the Fund's loss of earnings resulting from the member's withdrawal. The Board shall elect to waive the twenty-five dollar fee for members reinstated pursuant to subsection B in § 51.1-1209.

2. That the provisions of this act shall not increase, decrease, or affect in any way any distribution paid pursuant to Chapter 12 (§ 51.1-1200 et seq.) of Title 51.1 prior to July 1, 2002.