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HOUSE BILL NO. 145

Offered January 15, 1998

A BILL to amend and reenact §§ 2.1-1.6 and 9-6.25:2 of the Code of Virginia and to amend the Code of Virginia by adding in Title 2.1 a chapter numbered 53, consisting of sections numbered 2.1-807 through 2.1-820, relating to the creation of the Virginia Volunteer Firefighters' Pension Fund.

Patrons—Day, Abbitt and Jones, J.C.

Referred to Committee on Appropriations

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.1-1.6 and 9-6.25:2 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Title 2.1 a chapter numbered 53, consisting of sections numbered 2.1-807 through 2.1-820, 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 for

Aging, Advisory Board on the

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 and Landscape Architects, State Board for

Art and Architectural Review Board

Athletic Board, Virginia

Auctioneers Board

Audiology and Speech-Language Pathology, Board of

Aviation Board, Virginia

Barbers, Board for

Branch Pilots, Board for

Bright Flue-Cured Tobacco Board, Virginia

Building Code Technical Review Board, State

Catocin Creek State Scenic River Advisory Board

Cattle Industry Board, Virginia

Cave Board

Certified Seed Board, State

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

Cosmetology, Board for

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

INTRODUCED

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

- 122 Recreation Specialists, Board of
- 123 Reforestation Board
- 124 Rehabilitation Providers, Advisory Board on
- 125 Rehabilitative Services, Board of
- 126 Respiratory Therapy, Advisory Board on
- 127 Rockfish State Scenic River Advisory Board
- 128 Safety and Health Codes Board
- 129 Seed Potato Board
- 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 Visually Handicapped, Virginia Board for the
- 164 Voluntary Formulary Board, Virginia
- 165 *Virginia Volunteer Firefighters' Pension 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 *CHAPTER 53.*
- 179 *VIRGINIA VOLUNTEER FIREFIGHTERS' PENSION FUND.*
- 180 § 2.1-807. *Fund established; administration by Board of Trustees of the Virginia Volunteer*
- 181 *Firefighters Pension Fund.*
- 182 *For the purposes of providing incentive and inducement to volunteers participating in fire prevention*

183 and fire fighting activities and in recognition of the public service rendered to the Commonwealth and
184 its citizens by "eligible volunteer firefighters," as defined by this chapter, there is created in this
185 Commonwealth a fund to be known and designated as the "Virginia Volunteer Firefighters' Pension
186 Fund" (the "Firefighters' Fund"). The Firefighters' Fund is established to provide pension allowances to
187 eligible volunteer firefighters in the Commonwealth who elect to become members of the Firefighters'
188 Fund. The Board of Trustees of the Virginia Firefighters' Board (the "Firefighters' Board") shall
189 administer the Firefighters' Fund and carry out the provisions of this chapter.

190 § 2.1-808. Virginia Volunteer Firefighters' Pension Fund Board created.

191 A. The Virginia Volunteer Firefighters' Pension Fund Board is hereby created within the Department
192 of Treasury to be composed of six members. The State Treasurer shall be a member and act as
193 chairman and the remaining five members shall be appointed by the Governor. Three of the appointed
194 members shall serve for initial terms of three years, one for an initial term of two years, and one for an
195 initial term of one year; thereafter, the terms shall be three years. Two members shall be volunteer
196 firefighters. One volunteer firefighter shall serve for an initial term of three years and one for an initial
197 term of two years. No board member may serve for more than two consecutive terms. The original one-
198 and two-year terms shall be regarded as full terms, and appointments to fill unexpired terms shall
199 likewise be regarded as full terms.

200 B. The State Treasurer shall immediately declare the office of any member of the Firefighters' Board
201 vacant when he finds that the member is unable to perform the duties of his office or for any reason
202 does not meet the qualifications of this section. The Governor shall appoint a new member to serve for
203 a full or unexpired term whenever the office of a member becomes or is declared vacant. In any case
204 where a new appointment is made, the person receiving the appointment shall be a volunteer firefighter
205 representative if his predecessor was a volunteer firefighter.

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

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

216 § 2.1-809. Powers and duties of the Firefighters' Board.

217 The Firefighters' Board shall (i) request appropriations out of the general funds of the
218 Commonwealth as necessary for the administration of the Firefighters' Fund, (ii) make determinations of
219 eligibility for membership in the Firefighters' Fund, (iii) approve applications for benefits paid from the
220 Firefighters' Fund, and (iv) exercise all other powers necessary for the administration of the
221 Firefighters' Fund.

222 § 2.1-810. Director.

223 There is created an office to be known as Director of the Commonwealth Volunteer Firefighters'
224 Pension Fund. He shall be appointed by the Firefighters' Board and serve at its pleasure. The director
225 shall promptly transmit to the State Treasurer all moneys collected by him, which moneys shall be
226 deposited by the State Treasurer into the Firefighters' Fund.

227 § 2.1-811. State Treasurer to be custodian of fund; appropriations; contributions to fund;
228 expenditures.

229 The State Treasurer shall be the custodian of the Virginia Volunteer Firefighter's Pension Fund and
230 shall invest its assets in accordance with Chapter 23 (§ 2.1-359 et seq.) of this title. The appropriations
231 made by the General Assembly shall be handled in the same manner as any other general fund
232 appropriation. Member contributions to the Virginia Volunteer Firefighter's Pension Fund shall be
233 segregated into separate member accounts and used only to pay benefits to members.

234 § 2.1-812. "Eligible volunteer firefighter" defined.

235 "Eligible volunteer firefighter" means any volunteer firefighter in the Commonwealth or any political
236 subdivision thereof who: (i) performs such functions in the protection of life and property through
237 firefighting within a county or city governmental unit and so certified by the Commonwealth, (ii)
238 belongs to a bona fide fire department, (iii) operates fire apparatus and equipment of the value of
239 \$5,000 or more, and (iv) attends, in each calendar year, at least thirty-six hours of drills and meetings
240 held by the fire department to which he belongs. Each fire department shall annually determine those
241 volunteer firefighters who meet the eligibility qualifications and report their names to its respective
242 governing body, which, upon determination of the validity and accuracy of the qualifications, shall
243 promptly certify the list to the Firefighters' Board.

244 § 2.1-813. Volunteer firefighter's application for membership in Firefighters' Fund; monthly payments

by members; matching payments from the General Fund; payments credited to separate accounts of members.

Eligible volunteer firefighters and all persons who subsequently become eligible volunteer firefighters may apply for membership to the Firefighters' Board. Upon becoming a member of the Firefighters' Fund, each volunteer firefighter shall pay ten dollars per month into the Firefighters' Fund for a period not to exceed twenty years. Each monthly payment made by a member shall be matched by a contribution from the general fund of the state treasury to the Fund. The monthly payments and the matching contributions shall be credited to the separate accounts of the members, and such accounts shall be kept so they are available for payment on withdrawal from membership or retirement.

§ 2.1-814. Monthly pensions upon retirement.

Any member who has served twenty years as an eligible volunteer firefighter in the Commonwealth of Virginia and who has attained the age of fifty-five years shall be entitled to be paid a monthly pension from the Firefighters' Fund. The monthly pension shall be \$135 per month.

No person shall be entitled to a pension hereunder until his official duties as a volunteer firefighter have been terminated and he has retired as such according to standards or rules fixed by the Firefighters' Board.

Any member who is totally and permanently disabled while in the discharge of his official duties as a result of bodily injuries sustained or as a result of extreme exercise or extreme activity experienced in the course and scope of his official duties and who leaves the fire service because of this disability shall be entitled to be paid from the Firefighters' Fund a monthly benefit of \$135 per month beginning the first month after his fifty-fifth birthday. All applications for disability are subject to the approval of the Firefighters' Board, which may appoint physicians to examine and evaluate the disabled member prior to approval of his application, and annually thereafter. Such disabled member shall not be required to make the monthly payment of ten dollars.

Any member who is totally and permanently disabled for any cause not related to his firefighting duties, leaves the fire service because of this disability, and has at least ten years of service with the Firefighters' Fund, shall be permitted to continue making a monthly contribution of ten dollars to the Firefighters' Fund until he has paid \$1,200 into the Firefighters' Fund. The member shall, upon attaining the age of fifty-five, be entitled to receive a pension as provided by this section. All applications for disability are subject to the approval of the Firefighters' Board, which may appoint physicians to examine and evaluate the disabled member prior to approval of his application, and annually thereafter.

The pensions provided shall be in addition to all other pensions or benefits under any other statutes of the Commonwealth of Virginia or the United States, notwithstanding any exclusionary provision of other pensions or retirement systems provided by law.

§ 2.1-815. Payments in lump sums.

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

1. To any volunteer firefighter upon attaining age fifty-five who, for any reason, is not qualified to receive the monthly retirement pension and who was enrolled as a member of the Firefighters' Fund, an amount equal to the amount paid into the Firefighters' Fund by him. This provision shall not be construed to preclude any volunteer firefighter from completing the requisite number of years of active service, after attaining the age of fifty-five, necessary to entitle him to the pension.

2. If a volunteer firefighter dies before attaining the age at which a pension is payable to him under the provisions of this chapter, to his spouse; 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 Firefighters' Board; or to his estate, if it is administered and there are no heirs, an amount equal to the amount paid into the Firefighters' Fund by the volunteer firefighter.

3. If a volunteer firefighter dies after beginning to receive the pension payable to him by this chapter and before receiving an amount equal to the amount paid into the Firefighters' Fund by him, to his spouse; if there is no spouse, then to his children; if there are no children, then to his heirs-at-law as may be determined by the Firefighters' Board; or to his estate, if it is administered and there are no heirs, an amount equal to the difference between the amount paid into the Firefighters' Fund by the volunteer firefighter and the amount received by him as a pensioner.

4. To any member withdrawing from the Firefighters' Fund, upon proper application, all moneys he contributed to the Firefighters' Fund without accumulated earnings on the payments after the time they were made, less an administrative fee equal to the lesser of the amount the individual contributed to the Firefighters' Fund or twenty-five dollars. Notwithstanding the foregoing, if any person, firm, corporation, or other entity has made contributions on behalf of a member and that member withdraws from the Firefighters' Fund, such person, firm, corporation, or other entity shall be entitled to a refund equal to the amount of its contribution after the Firefighters' Board has been notified of the contributor's desire to be refunded such contributions. Any refunds to a contributor other than a

member shall also be subject to the twenty-five-dollar administrative fee. If a refund is to be shared by a member and another party, the administrative fee shall be applied to each portion on a pro rata basis.

§ 2.1-816. Pro rata reduction of benefits when Firefighters' Fund insufficient to pay in full.

If, for any reason, the moneys in the Firefighters' Fund are insufficient to pay in full any pension benefits or other charges, then all benefits or payments shall be reduced pro rata, for as long as the deficiency exists. No claim shall accrue with respect to any amount by which a pension or benefit payment has been reduced.

§ 2.1-817. Determination of prior creditable service; information furnished by applicants for membership.

The Firefighters' Board shall determine the number of years' credit for prior service of volunteer firefighters. Upon applying for membership in the Firefighters' Fund, volunteer firefighters shall furnish the Firefighters' Board the information as to prior service, if any. Notwithstanding any other provisions of this chapter, the Firefighters' Board may grant qualified prior service credits to eligible volunteer firefighters, under such terms and conditions that the Firefighters' Board may adopt, if the Firefighters' Board determines that an eligible volunteer firefighter has been denied such prior service credit through no fault of his own.

§ 2.1-818. Length of service not affected by serving in more than one department or squad; transfer from one department or squad to another.

A volunteer firefighter's length of service shall not be affected by the fact that he may have served with more than one department or squad, and upon transfer from one department or squad to another, notice of the fact shall be given to the Firefighters' Board.

§ 2.1-819. Effect of member being six months delinquent in making monthly payments.

Any member who becomes six months delinquent in making the required monthly payments by the tenth of the month shall forfeit his membership in the Firefighters' Fund.

§ 2.1-820. Administrative fee for rejoining the Firefighters' Fund.

Any individual who had been a member of the Firefighters' Fund and who applies to rejoin the Firefighters' 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 Firefighters' Board to rejoin the Firefighters' Fund based upon the Firefighters' Fund's loss of earnings resulting from the member's withdrawal from the Firefighters' Fund.

§ 9-6.25:2. Policy boards, commissions and councils.

There shall be, in addition to such others as may be designated in accordance with § 9-6.25, the following policy boards, commissions and councils:

Apprenticeship Council

Athletic Board

Auctioneers Board

Blue Ridge Regional Education and Training Council

Board for Accountancy

Board for Architects, Professional Engineers, Land Surveyors and Landscape Architects

Board for Barbers

Board for Contractors

Board for Cosmetology

Board for Geology

Board for Hearing Aid Specialists

Board for Opticians

Board for Professional and Occupational Regulation

Board for Professional Soil Scientists

Board for Waterworks and Wastewater Works Operators

Board of Agriculture and Consumer Services

Board of Audiology and Speech-Language Pathology

Board of Coal Mining Examiners

Board of Conservation and Recreation

Board of Correctional Education

Board of Dentistry

Board of Directors, Virginia Student Assistance Authorities

Board of Funeral Directors and Embalmers

Board of Health Professions

Board of Historic Resources

Board of Housing and Community Development

Board of Medical Assistance Services

Board of Medicine

368	Board of Mineral Mining Examiners
369	Board of Nursing
370	Board of Nursing Home Administrators
371	Board of Optometry
372	Board of Pharmacy
373	Board of Professional Counselors
374	Board of Psychology
375	Board of Recreation Specialists
376	Board of Social Services
377	Board of Social Work
378	Board of Surface Mining Review
379	Board of Veterinary Medicine
380	Board on Conservation and Development of Public Beaches
381	Chesapeake Bay Local Assistance Board
382	Child Day-Care Council
383	Commission on Local Government
384	Commonwealth Transportation Board
385	Council on Human Rights
386	Council on Information Management
387	Criminal Justice Services Board
388	Design-Build/Construction Management Review Board
389	Disability Services Council
390	Farmers Market Board, Virginia
391	Interdepartmental Council on Rate-setting for Children's Facilities
392	Library Board, The Library of Virginia
393	Marine Resources Commission
394	Milk Commission
395	Pesticide Control Board
396	Real Estate Appraiser Board
397	Real Estate Board
398	Reciprocity Board, Department of Motor Vehicles
399	Safety and Health Codes Board
400	Seed Potato Board
401	Southside Virginia Marketing Council
402	Specialized Transportation Council
403	State Air Pollution Control Board
404	State Board of Corrections
405	State Board of Elections
406	State Board of Health
407	State Board of Juvenile Justice
408	State Health Department, Sewage Handling and Disposal Appeal Review Board
409	State Library Board
410	State Mental Health, Mental Retardation and Substance Abuse Services Board
411	State Water Control Board
412	Substance Abuse Certification Board
413	Treasury Board, The, Department of the Treasury
414	Virginia Aviation Board
415	Virginia Board for Asbestos and Lead
416	Virginia Fire Services Board
417	Virginia Gas and Oil Board
418	Virginia Health Planning Board
419	Virginia Manufactured Housing Board
420	Virginia Parole Board
421	Virginia Public Broadcasting Board
422	Virginia Soil and Water Conservation Board
423	Virginia Voluntary Formulary Board
424	<i>Virginia Volunteer Firefighters' Pension Fund Board</i>
425	Virginia Waste Management Board
426	Waste Management Facility Operators, Board for.