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HOUSE BILL NO. 722

Offered January 23, 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 Pension Fund.

Patrons—Day, Armstrong, Deeds and Williams

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

Catoctin 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

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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 *Virginia Volunteer Pension Fund Board*
- 164 Visually Handicapped, Virginia Board for the
- 165 Voluntary Formulary Board, Virginia
- 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 PENSION FUND.*
- 180 § 2.1-807. *Fund established; administration by Board of Trustees of the Virginia Volunteer Pension*
- 181 *Fund.*
- 182 *For the purposes of providing incentive and inducement to volunteers participating in fire prevention*

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

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

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

200 B. The State Treasurer shall immediately declare the office of any member of the Volunteer 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 (i) volunteer
205 firefighter representative if his predecessor was a volunteer firefighter and (ii) rescue squad volunteer
206 representative if his predecessor was a rescue squad volunteer.

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

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

217 § 2.1-809. Powers and duties of the Volunteer Board.

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

222 § 2.1-810. Director.

223 There is created an office to be known as Director of the Volunteer Pension Fund. He shall be
224 appointed by the Volunteer Board and serve at its pleasure. The director shall promptly transmit to the
225 State Treasurer all moneys collected by him, which moneys shall be deposited by the State Treasurer
226 into the Volunteer 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 Pension Fund and shall invest
230 its assets in accordance with Chapter 23 (§ 2.1-359 et seq.) of this title. The appropriations made by the
231 General Assembly shall be handled in the same manner as any other general fund appropriation.
232 Member contributions to the Virginia Volunteer Pension Fund shall be segregated into separate member
233 accounts and used only to pay benefits to members.

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

235 "Eligible volunteer" means an eligible volunteer firefighter or an eligible rescue squad volunteer.

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

"Eligible rescue squad volunteer" means any rescue squad volunteer who is a member of a volunteer rescue or emergency medical squad unit in a county, city or town in the Commonwealth and who has attended a minimum of thirty-six hours of training and meetings in the last calendar year. Each squad or unit shall annually determine those volunteer workers who meet the eligibility qualifications and report their names to its respective governing body, which, upon determination of the validity and accuracy of the qualifications, shall promptly certify the list to the Volunteer Board.

§ 2.1-813. Application for membership in Volunteer Fund; monthly 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 for membership to the Volunteer Board. Upon becoming a member of the Volunteer Fund, each volunteer shall pay ten dollars per month into the Volunteer 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 Volunteer 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 that 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 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 Volunteer 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 have been terminated and he has retired as such according to standards or rules fixed by the Volunteer 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 Volunteer 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 Volunteer 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 duties, leaves the service because of this disability, and has at least ten years of service with the Volunteer Fund, shall be permitted to continue making a monthly contribution of ten dollars to the Volunteer Fund until he has paid \$1,200 into the Volunteer 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 Volunteer 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 Volunteer Board shall direct payment in lump sums from the Volunteer Fund:

1. To any volunteer 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 Volunteer Fund, an amount equal to the amount paid into the Volunteer Fund by him. This provision shall not be construed to preclude any volunteer 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 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 Volunteer Board; or to his estate, if it is administered and there are no heirs, an amount equal to the amount paid into the Volunteer Fund by the volunteer.

3. If a volunteer 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 Volunteer 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 Volunteer 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 Volunteer Fund by the volunteer and the amount received by him as a pensioner.

4. To any member withdrawing from the Volunteer Fund, upon proper application, all moneys he contributed to the Volunteer 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 Volunteer Fund or twenty-five dollars. Notwithstanding the foregoing, if any person, firm, corporation,

306 or other entity has made contributions on behalf of a member and that member withdraws from the
307 Volunteer Fund, such person, firm, corporation, or other entity shall be entitled to a refund equal to the
308 amount of its contribution after the Volunteer Board has been notified of the contributor's desire to be
309 refunded such contributions. Any refunds to a contributor other than a member shall also be subject to
310 the twenty-five-dollar administrative fee. If a refund is to be shared by a member and another party, the
311 administrative fee shall be applied to each portion on a pro rata basis.

312 § 2.1-816. Pro rata reduction of benefits when Volunteer Fund insufficient to pay in full.

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

317 § 2.1-817. Determination of prior creditable service; information furnished by applicants for
318 membership.

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

325 § 2.1-818. Length of service not affected by serving in more than one department or squad; transfer
326 form one department or squad to another.

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

330 § 2.1-819. Effect of member being six months delinquent in making monthly payments.

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

333 § 2.1-820. Administrative fee for rejoining the Volunteer Fund.

334 Any individual who had been a member of the Volunteer Fund and who applies to rejoin the
335 Volunteer Fund shall not be entitled to membership until he has paid an administrative fee of
336 twenty-five dollars; the fee shall be in addition to any other charges or payments required by the
337 Volunteer Board to rejoin the Volunteer Fund based upon the Volunteer Fund's loss of earnings
338 resulting from the member's withdrawal from the Volunteer Fund.

339 § 9-6.25:2. Policy boards, commissions and councils.

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

342 Apprenticeship Council

343 Athletic Board

344 Auctioneers Board

345 Blue Ridge Regional Education and Training Council

346 Board for Accountancy

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

348 Board for Barbers

349 Board for Contractors

350 Board for Cosmetology

351 Board for Geology

352 Board for Hearing Aid Specialists

353 Board for Opticians

354 Board for Professional and Occupational Regulation

355 Board for Professional Soil Scientists

356 Board for Waterworks and Wastewater Works Operators

357 Board of Agriculture and Consumer Services

358 Board of Audiology and Speech-Language Pathology

359 Board of Coal Mining Examiners

360 Board of Conservation and Recreation

361 Board of Correctional Education

362 Board of Dentistry

363 Board of Directors, Virginia Student Assistance Authorities

364 Board of Funeral Directors and Embalmers

365 Board of Health Professions

366 Board of Historic Resources

367 Board of Housing and Community Development

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