

995142488

**HOUSE BILL NO. 2023**

Offered January 19, 1999

*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 51.1 a chapter numbered 12, consisting of sections numbered 51.1-1200 through 51.1-1211, relating to the creation of the Virginia Volunteer Firefighters' and Rescue Squad Workers' Pension Fund; penalty.*

Patrons—Wilkins, Abbitt, Albo, Armstrong, Baker, Barlow, Bennett, Black, Blevins, Bloxom, Bryant, Byron, Callahan, Cantor, Clement, Councill, Cox, Croshaw, Davies, Davis, Day, DeBoer, Deeds, Devolites, Dickinson, Drake, Dudley, Grayson, Griffith, Guest, Hamilton, Hargrove, Harris, Howell, Ingram, Jackson, Johnson, Jones, S.C., Katzen, Keating, Kilgore, Landes, Marshall, May, McClure, McDonnell, McQuigg, Morgan, Murphy, Nixon, O'Brien, Orrock, Parrish, Phillips, Plum, Puller, Purkey, Putney, Reid, Rollison, Ruff, Scott, Sherwood, Shuler, Spruill, Stump, Tata, Tate, Thomas, Van Yahres, Wagner, Wardrup, Ware, Watts and Weatherholtz; Senators: Barry, Bolling, Chichester, Hanger, Hawkins, Holland, Lambert, Miller, K.G., Newman, Norment, Potts, Puckett, Quayle, Reynolds, Saslaw, Stosch, Trumbo and Walker

Consent to introduce

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 51.1 a chapter numbered 12, consisting of sections numbered 51.1-1200 through 51.1-1211, 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, Certified Interior Designers and Landscape Architects, 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  
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

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

122	Private College Advisory Board
123	Private Security Services Advisory Board
124	Professional and Occupational Regulation, Board for
125	Professional Counselors, Board of
126	Professional Soil Scientists, Board for
127	Psychiatric Advisory Board
128	Psychology, Board of
129	Public Broadcasting Board, Virginia
130	Public Buildings Board, Virginia
131	Public Guardian and Conservator Advisory Board
132	Radiation Advisory Board
133	Real Estate Appraiser Board
134	Real Estate Board
135	Reciprocity Board, Department of Motor Vehicles
136	Recreation Specialists, Board of
137	Recreational Fishing Advisory Board, Virginia
138	Reforestation Board
139	Rehabilitation Providers, Advisory Board on
140	Rehabilitative Services, Board of
141	Respiratory Therapy, Advisory Board on
142	Rockfish State Scenic River Advisory Board
143	Safety and Health Codes Board
144	Seed Potato Board
145	Sewage Handling and Disposal Appeal Review Board, State Health Department
146	Shenandoah State Scenic River Advisory Board
147	Small Business Advisory Board
148	Small Business Environmental Compliance Advisory Board
149	Small Grains Board, Virginia
150	Social Services, Board of
151	Social Work, Board of
152	Soil and Water Conservation Board, Virginia
153	Soybean Board, Virginia
154	State Air Pollution Control Board
155	Substance Abuse Certification Board
156	Surface Mining Review, Board of
157	Sweet Potato Board, Virginia
158	T & M Vehicle Dealers' Advisory Board
159	Teacher Education and Licensure, Advisory Board on
160	Transportation Board, Commonwealth
161	Transportation Safety, Board of
162	Treasury Board, The, Department of the Treasury
163	Veterans' Affairs, Board on
164	Veterinary Medicine, Board of
165	Virginia Board for Asbestos and Lead
166	Virginia Coal Mine Safety Board
167	Virginia Correctional Enterprises Advisory Board
168	Virginia Cotton Board
169	Virginia Employment Commission, State Advisory Board for the
170	Virginia Geographic Information Network Advisory Board
171	Virginia Horse Industry Board
172	Virginia Manufactured Housing Board
173	Virginia Retirement System, Board of Trustees
174	Virginia Schools for the Deaf and the Blind, Advisory Commission on the
175	Virginia Sheep Industry Board
176	Virginia Veterans Cemetery Board
177	Virginia Waste Management Board
178	Visually Handicapped, Virginia Board for the
179	<i>Volunteer Firefighters' and Rescue Squad Workers' Pension Fund Board</i>
180	Voluntary Formulary Board, Virginia
181	War Memorial Foundation, Virginia, Board of Trustees
182	Waste Management Facility Operators, Board for

183 Water Resources Research Center Statewide Advisory Board, Virginia  
184 Waterworks and Wastewater Works Operators, Board for  
185 Well Review Board, Virginia.  
186 B. Notwithstanding the definition for "board" as provided in § 2.1-1.2, the following entities shall be  
187 referred to as boards:  
188 Compensation Board  
189 State Board of Elections  
190 State Water Control Board  
191 Virginia Parole Board  
192 Virginia Veterans Care Center Board of Trustees.  
193 § 9-6.25:2. Policy boards, commissions and councils.  
194 There shall be, in addition to such others as may be designated in accordance with § 9-6.25, the  
195 following policy boards, commissions and councils:  
196 Apprenticeship Council  
197 Athletic Board  
198 Auctioneers Board  
199 Blue Ridge Regional Education and Training Council  
200 Board for Accountancy  
201 Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and  
202 Landscape Architects  
203 Board for Barbers  
204 Board for Contractors  
205 Board for Cosmetology  
206 Board for Geology  
207 Board for Hearing Aid Specialists  
208 Board for Opticians  
209 Board for Professional and Occupational Regulation  
210 Board for Professional Soil Scientists  
211 Board for Waterworks and Wastewater Works Operators  
212 Board of Agriculture and Consumer Services  
213 Board of Audiology and Speech-Language Pathology  
214 Board of Coal Mining Examiners  
215 Board of Conservation and Recreation  
216 Board of Correctional Education  
217 Board of Dentistry  
218 Board of Directors, Virginia Student Assistance Authorities  
219 Board of Funeral Directors and Embalmers  
220 Board of Health Professions  
221 Board of Historic Resources  
222 Board of Housing and Community Development  
223 Board of Medical Assistance Services  
224 Board of Medicine  
225 Board of Mineral Mining Examiners  
226 Board of Nursing  
227 Board of Nursing Home Administrators  
228 Board of Optometry  
229 Board of Pharmacy  
230 Board of Professional Counselors  
231 Board of Psychology  
232 Board of Recreation Specialists  
233 Board of Social Services  
234 Board of Social Work  
235 Board of Surface Mining Review  
236 Board of Veterinary Medicine  
237 Board on Conservation and Development of Public Beaches  
238 Cemetery Board  
239 Chesapeake Bay Local Assistance Board  
240 Child Day-Care Council  
241 Commission on Local Government  
242 Commonwealth Transportation Board  
243 Council on Human Rights  
244 Council on Information Management

245 Criminal Justice Services Board  
 246 Design-Build/Construction Management Review Board  
 247 Disability Services Council  
 248 Farmers Market Board, Virginia  
 249 Interdepartmental Council on Rate-setting for Children's Facilities  
 250 Library Board, The Library of Virginia  
 251 Marine Resources Commission  
 252 Milk Commission  
 253 Pesticide Control Board  
 254 Real Estate Appraiser Board  
 255 Real Estate Board  
 256 Reciprocity Board, Department of Motor Vehicles  
 257 Safety and Health Codes Board  
 258 Seed Potato Board  
 259 Specialized Transportation Council  
 260 State Air Pollution Control Board  
 261 State Board of Corrections  
 262 State Board of Elections  
 263 State Board of Health  
 264 State Board of Juvenile Justice  
 265 State Health Department, Sewage Handling and Disposal Appeal Review Board  
 266 State Library Board  
 267 State Mental Health, Mental Retardation and Substance Abuse Services Board  
 268 State Water Control Board  
 269 Substance Abuse Certification Board  
 270 Treasury Board, The, Department of the Treasury  
 271 Virginia Aviation Board  
 272 Virginia Board for Asbestos and Lead  
 273 Virginia Fire Services Board  
 274 Virginia Gas and Oil Board  
 275 Virginia Health Planning Board  
 276 Virginia Manufactured Housing Board  
 277 Virginia Parole Board  
 278 Virginia Public Broadcasting Board  
 279 Virginia Soil and Water Conservation Board  
 280 Virginia Voluntary Formulary Board  
 281 Virginia Waste Management Board  
 282 *Volunteer Firefighters' and Rescue Squad Workers' Pension Fund Board*  
 283 Waste Management Facility Operators, Board for.

#### CHAPTER 12.

#### VOLUNTEER FIREFIGHTERS' AND RESCUE SQUAD WORKERS' PENSION FUND.

285 § 51.1-1200. *Fund established; administration and management; Volunteer Firefighters' and Rescue*  
 286 *Squad Workers' Pension Fund Board.*

287 *There is hereby created a fund to be known and designated as the "Volunteer Firefighters' and*  
 288 *Rescue Squad Workers' Pension Fund" (the "Fund"). The Fund is established to provide pension*  
 289 *allowances to eligible volunteer firefighters and rescue squad workers who elect to become members of*  
 290 *the Fund. The Volunteer Firefighters' and Rescue Squad Workers' Pension Fund Board (the "Board")*  
 291 *shall utilize the assistance of the Virginia Retirement System in establishing, investing, and maintaining*  
 292 *the Fund. The Board of Trustees of the Virginia Retirement System shall administer and manage the*  
 293 *investment of the Fund as custodian and provide staff to further carry out the provisions of this chapter.*  
 294 *The Virginia Retirement System shall invest the Funds in accordance with Article 3.1 (§ 51.1-124.30 et*  
 295 *seq.) of Chapter 1 of this title. The Fund shall annually reimburse the Virginia Retirement System for*  
 296 *all costs incurred and associated, directly and indirectly, with the administration of this chapter and*  
 297 *management and investment of the Fund.*

298 § 51.1-1201. *Volunteer Firefighters' and Rescue Squad Workers' Pension Fund Board.*

299 *A. The Volunteer Firefighters' and Rescue Squad Workers' Pension Fund Board is hereby created*  
 300 *and is to be composed of seven members. The Director of the Virginia Retirement System shall be a*  
 301 *member and act as chairman and the remaining six members shall be appointed by the Governor. The*  
 302 *Governor shall appoint three members of the Board from a list provided by the Fire Services Board and*  
 303 *three members from a list provided by the State Emergency Medical Services Advisory Board. Such*  
 304 *appointees shall be confirmed by the General Assembly. Two of the appointed members shall serve for*  
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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 provided for herein and designate authority for the administration of those benefits 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 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 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.

§ 51.1-1203. Definitions.

"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.

§ 51.1-1204. 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 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 appropriations 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 the individual fire department or rescue squad, local government or any other source provided it is paid for all eligible members. Such accounts shall be kept so that they are available for payment on withdrawal from membership or retirement. 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 on such contributions. The Board may provide alternative methods of distribution in lieu of a lump sum distribution to members entitled to a benefit under this section.

The distributions provided shall be in addition to all other pensions or 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 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 thereon. 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 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 Board; or to his estate, if it is administered and there are no heirs, an amount equal to the amount paid into the Fund by the volunteer and the accrued interest on that amount.

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 an administrative fee equal to the lesser of the amount the individual contributed to the Fund or 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. 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.

§ 51.1-1208. Length of service not affected by serving in more than one department or squad; transfer from one department or squad to another.

An eligible volunteer firefighter's or eligible volunteer rescue squad worker'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 Board.

§ 51.1-1209. Effect of member not maintaining eligibility and being six months delinquent in making monthly payments.

A. Any member who does not maintain his eligibility as a member and who becomes six months delinquent in making the required quarterly payments by the date as determined by the Board, shall forfeit his membership in the Fund. Upon forfeiting his membership and becoming delinquent, such membership shall be reinstated only upon written request to the Board, and such reinstatement shall be at the sole discretion of the Board.

B. Any member who ceases to maintain his eligibility while in good standing, but notifies the Board of his intention to resume eligibility shall be reinstated upon written request to the Board.

§ 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 subdivision B in § 51.1-1209.

§ 51.1-1211. Falsification of records; penalty.

Any person who knowingly makes any false statement or falsifies or permits the falsification of any record related to eligibility for membership in the Fund in any attempt to defraud the Fund shall be guilty of a Class 1 misdemeanor.

2. That the provisions of this act shall be effective on the last to occur of (i) July 1, 2000, or (ii) the first day of the third month following the date that the Virginia Retirement System obtains a ruling of the Internal Revenue Service that affirmatively states that the defined contribution plan established by this act shall be treated as a qualified plan for federal income tax purposes.