

074280792

SENATE BILL NO. 1090

Offered January 10, 2007

Prefiled January 9, 2007

A BILL to establish the Virginia State Firefighter's Association as a body corporate and politic, to amend and reenact § 9.1-202 of the Code of Virginia, and to repeal Chapter 343 of the Acts of Assembly of 1896, relating to the Virginia State Firefighter's Association.

Patron—Puckett

Referred to Committee on General Laws and Technology

Whereas, in Chapter 343 of the Acts of Assembly of 1896, the Virginia State Firemen's Association was created as a body corporate and politic;

Whereas, the Virginia State Firemen's Association has continued in operation since time but has changed its name to the Virginia State Firefighter's Association; and

Whereas, the Virginia State Firefighter's Association shall continue to operate as a body corporate and politic; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. § 1. Virginia State Firefighter's Association; purposes.

The Virginia State Firefighter's Association, created originally under the name and style of the Virginia State Firemen's Association as a body corporate and politic, is hereby affirmed under the name and style of the Virginia State Firefighter's Association. The Association shall continue its status as a body corporate and politic and as such shall have, and is hereby vested with, all of the politic and corporate powers as set forth in this chapter. The Association is established for the purposes of promoting the best interests of firefighters of Virginia, engaging in legislative advocacy to benefit both volunteer and career firefighters and emergency medical service providers and provide for their welfare and safety, supporting volunteer and career fire companies and rescue squads to carry out their mission to protect life and property, disseminating information for the promotion of awareness and education regarding fire safety, assisting fire companies in regard to fire-fighting apparatus and equipment, coordinating with localities in assistance to volunteer and career fire companies and rescue squads in their provision of fire protection services, and providing leadership for the benefit of all fire and rescue companies throughout the Commonwealth of Virginia.

§ 2. Membership; governance; officers and committees.

The Association shall be governed by a constitution and bylaws that shall provide that any fire and rescue company may become a member in the Association. The Association may provide for the division of its members into districts or other geographic areas in order to provide an efficient means for the organization of the members for its purposes. The constitution and bylaws shall describe the holding of meetings by the members and the voting rights of the members of the Association, including the election and respective terms of a president, vice-presidents, a secretary and a treasurer, together with any other such officers as may be described from time to time by the constitution and bylaws of the Association. Any additional officers may be elected or appointed by the Association, as may be desired by such members from time to time or otherwise described in the constitution and bylaws. The officers elected or otherwise appointed by the members of the Association collectively shall comprise the Board of Directors of the Association. The constitution and bylaws shall provide for an Executive Committee to be comprised of the Board of Directors and a representative from each of the districts or other geographic area divisions represented by the members of the Association, and prescribe the duties and authorities thereof. In addition, the constitution and bylaws may describe, among other things, the establishment or appointment of any other committees of the Association as may be desired by the members from time to time, and prescribe the duties and authorities thereof, in order to carry out the purposes of the Association and to conduct its affairs in furtherance of such purposes.

§ 3. Powers generally.

The Association is hereby granted all powers necessary or appropriate to carry out its corporate purposes described herein, including, without limitation, the following:

1. To adopt and from time to time amend and repeal the constitution and bylaws, not inconsistent with this chapter, to provide for the governance of the Association and to carry out the powers and purposes as described in this chapter;

2. To have an official seal and to alter the same at pleasure;

3. To maintain offices within the Commonwealth;

4. To borrow money and to accept, hold, and administer contributions, grants and other moneys or

INTRODUCED

SB1090

59 *property transferred, given, or bequeathed to the Association, absolutely or in trust, for the purposes of*
60 *the Association, and to determine how to expend or donate such moneys or otherwise distribute such*
61 *moneys or property, and to authorize the use as determined on terms established by the Board, provided*
62 *all such acts shall be in furtherance of the purposes of the Association;*

63 *5. To engage in any activities to protect life and property and to promote fire safety and education*
64 *in the Commonwealth;*

65 *6. To make and execute contracts and all other instruments and agreements necessary or convenient*
66 *for the exercise of its powers and functions;*

67 *7. To sue and be sued and to prosecute and defend, at law or in equity, in any court having*
68 *jurisdiction of the subject matter of the parties;*

69 *8. To enter into contracts;*

70 *9. To acquire property, whether by purchase, lease or otherwise, and to lease, sell or otherwise*
71 *transfer property;*

72 *10. To appoint and prescribe the duties of the officers, agents, employees, advisors, and consultants*
73 *of the Association as may be necessary to carry out its functions, and to fix and pay such compensation*
74 *to them for their services as the Association may determine;*

75 *11. To receive and accept aid, grants, contributions and cooperation of any kind from any source for*
76 *the purposes of this chapter subject to conditions, acceptable to the Association, upon which aid, grants,*
77 *contributions and cooperation may be made;*

78 *12. To select representatives to serve on the Virginia Fire Services Board established under*
79 *§ 9.1-202 (or any successor), and any other fire protection and fire safety board, commission, panel,*
80 *committee, or other entity whose purposes are consistent with or in furtherance of the purposes of the*
81 *Association; and*

82 *13. To do any lawful act necessary or appropriate to carry out the powers herein granted or*
83 *reasonably implied and to exercise all powers described herein to achieve the goals and purposes of the*
84 *Association.*

85 *§ 4. Public purpose; exemption from taxation.*

86 *It is to be understood that the exercise of the powers of the Association granted by this chapter shall*
87 *be in all respects for the benefits of the citizens of the Commonwealth in the promotion of fire safety*
88 *and fire protection services for their safety, health, welfare, knowledge, convenience and prosperity. The*
89 *exercise of powers by the Association as described in this chapter is hereby deemed an essential*
90 *governmental function. Accordingly, the property of the Association and its income and operations shall*
91 *be exempt from taxation or assessments upon any property acquired or used by the Association under*
92 *the provisions and guidelines of this chapter.*

93 *§ 5. Liberal construction.*

94 *It is the intent hereby for the provisions of this chapter to be liberally construed in order for the*
95 *Association to carry out its mission in furtherance of the goals and purposes herein described.*

96 **2. That § 9.1-202 of the Code of Virginia is amended and reenacted as follows:**

97 *§ 9.1-202. Virginia Fire Services Board; membership; terms; compensation.*

98 *A. The Virginia Fire Services Board (the Board) is established as a policy board within the meaning*
99 *of § 2.2-2100 in the executive branch of state government. The Board shall consist of 15 members to be*
100 *appointed by the Governor as follows: a representative of the insurance industry; two members of the*
101 *general public with no connection to the fire services, one of whom shall be a representative of those*
102 *industries affected by SARA Title III and OSHA training requirements; and one member each from the*
103 *Virginia Fire Chief's Association, the Virginia Firemen's State Firefighter's Association, the Virginia*
104 *Association of Professional Firefighters, the Virginia Fire Service Council, the Virginia Fire Prevention*
105 *Association, the State Chapter of the International Association of Arson Investigators, the Virginia*
106 *Municipal League, and the Virginia Association of Counties, and a member of the Virginia Chapter of*
107 *the International Society of Fire Service Instructors who is a faculty member who teaches fire science at*
108 *a public institution of higher education. Of these appointees, at least one shall be a volunteer firefighter.*
109 *The State Fire Marshal, the State Forester and a member of the Board of Housing and Community*
110 *Development, appointed by the chairman of that Board shall also serve as members of the Board.*

111 *Each of the organizations represented shall submit names for the Governor's consideration in making*
112 *these appointments.*

113 *B. Members of the Board appointed by the Governor shall serve for terms of four years. An*
114 *appointment to fill a vacancy shall be for the unexpired term. No appointee shall serve more than two*
115 *successive four-year terms but neither shall any person serve beyond the time he holds the office or*
116 *organizational membership by reason of which he was initially eligible for appointment.*

117 *C. The Board annually shall elect its chairman and vice-chairman from among its membership and*
118 *shall adopt rules of procedure.*

119 *D. Members of the Board shall receive such compensation for the performance of their duties as*
120 *provided in § 2.2-2813. All members shall be reimbursed for all reasonable and necessary expenses*

121 incurred in the performance of their duties as provided in § 2.2-2825. Funding for the compensation and
122 costs of expenses of the members shall be provided from the Fire Programs Fund established pursuant to
123 § 38.2-401.
124 **3. That Chapter 343 of the Acts of Assembly of 1896 is repealed.**

INTRODUCED

SB1090