

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

5 [S 1090]

6 Approved

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

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

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

13 **Be it enacted by the General Assembly of Virginia:**

14 1. *§ 1. Virginia State Firefighter's Association; purposes.*

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

28 *§ 2. Membership; governance; officers and committees.*

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

46 *§ 3. Powers generally.*

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

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

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

53 3. *To maintain offices within the Commonwealth;*

54 4. *To borrow money and to accept, hold, and administer contributions, grants and other moneys or*
 55 *property transferred, given, or bequeathed to the Association, absolutely or in trust, for the purposes of*
 56 *the Association, and to determine how to expend or donate such moneys or otherwise distribute such*

57 moneys or property, and to authorize the use as determined on terms established by the Board, provided
58 all such acts shall be in furtherance of the purposes of the Association;

59 5. To engage in any activities to protect life and property and to promote fire safety and education
60 in the Commonwealth;

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

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

65 8. To enter into contracts;

66 9. To acquire property, whether by purchase, lease or otherwise, and to lease, sell or otherwise
67 transfer property;

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

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

74 12. To select representatives to serve on the Virginia Fire Services Board established under
75 § 9.1-202 (or any successor), and any other fire protection and fire safety board, commission, panel,
76 committee, or other entity whose purposes are consistent with or in furtherance of the purposes of the
77 Association; and

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

81 § 4. Public purpose; exemption from taxation.

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

89 § 5. Liberal construction.

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

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

93 § 9.1-202. Virginia Fire Services Board; membership; terms; compensation.

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

107 Each of the organizations represented shall submit names for the Governor's consideration in making
108 these appointments.

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

113 C. The Board annually shall elect its chairman and vice-chairman from among its membership and
114 shall adopt rules of procedure.

115 D. Members of the Board shall receive such compensation for the performance of their duties as
116 provided in § 2.2-2813. All members shall be reimbursed for all reasonable and necessary expenses
117 incurred in the performance of their duties as provided in § 2.2-2825. Funding for the compensation and

118 costs of expenses of the members shall be provided from the Fire Programs Fund established pursuant to
119 § 38.2-401.
120 **3. That Chapter 343 of the Acts of Assembly of 1896 is repealed.**