

989679488

HOUSE BILL NO. 437**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the House Committee on Appropriations)

(Patron Prior to Substitute—Delegate Wilkins)

House Amendments in [] — February 16, 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 51.1 a chapter numbered 11, consisting of sections numbered 51.1-1100 through [~~51.1-1112~~ 51.1-1111], relating to the creation of the Virginia Volunteer Firefighters' and Rescue Squad Workers' Pension Fund; penalty.

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 11, consisting of sections numbered 51.1-1100 through [~~51.1-1112~~ 51.1-1111], 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

Education, State Board of

ENGROSSED

HB437EH1

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

- 122 Reforestation Board
- 123 Rehabilitation Providers, Advisory Board on
- 124 Rehabilitative Services, Board of
- 125 Respiratory Therapy, Advisory Board on
- 126 Rockfish State Scenic River Advisory Board
- 127 Safety and Health Codes Board
- 128 Seed Potato Board
- 129 Sewage Handling and Disposal Appeal Review Board, State Health Department
- 130 Shenandoah State Scenic River Advisory Board
- 131 Small Business Advisory Board
- 132 Small Business Environmental Compliance Advisory Board
- 133 Small Grains Board, Virginia
- 134 Social Services, Board of
- 135 Social Work, Board of
- 136 Soil and Water Conservation Board, Virginia
- 137 Soybean Board, Virginia
- 138 State Air Pollution Control Board
- 139 Substance Abuse Certification Board
- 140 Surface Mining Review, Board of
- 141 Sweet Potato Board, Virginia
- 142 T & M Vehicle Dealers' Advisory Board
- 143 Teacher Education and Licensure, Advisory Board on
- 144 Transportation Board, Commonwealth
- 145 Transportation Safety, Board of
- 146 Treasury Board, The, Department of the Treasury
- 147 Veterans' Affairs, Board on
- 148 Veterinary Medicine, Board of
- 149 Virginia Board for Asbestos and Lead
- 150 Virginia Coal Mine Safety Board
- 151 Virginia Correctional Enterprises Advisory Board
- 152 Virginia Cotton Board
- 153 Virginia Employment Commission, State Advisory Board for the
- 154 Virginia Geographic Information Network Advisory Board
- 155 Virginia Horse Industry Board
- 156 Virginia Manufactured Housing Board
- 157 Virginia Retirement System, Board of Trustees
- 158 Virginia Schools for the Deaf and the Blind, Advisory Commission on the
- 159 Virginia Sheep Industry Board
- 160 Virginia Veterans Cemetery Board
- 161 Virginia Waste Management Board
- 162 Visually Handicapped, Virginia Board for the
- 163 *Volunteer Firefighters' and Rescue Squad Workers' Pension Fund Board*
- 164 Voluntary Formulary Board, Virginia
- 165 War Memorial Foundation, Virginia, Board of Trustees
- 166 Waste Management Facility Operators, Board for
- 167 Water Resources Research Center Statewide Advisory Board, Virginia
- 168 Waterworks and Wastewater Works Operators, Board for
- 169 Well Review Board, Virginia.
- 170 B. Notwithstanding the definition for "board" as provided in § 2.1-1.2, the following entities shall be
- 171 referred to as boards:
- 172 Compensation Board
- 173 State Board of Elections
- 174 State Water Control Board
- 175 Virginia Parole Board
- 176 Virginia Veterans Care Center Board of Trustees.
- 177 § 9-6.25:2. Policy boards, commissions and councils.
- 178 There shall be, in addition to such others as may be designated in accordance with § 9-6.25, the
- 179 following policy boards, commissions and councils:
- 180 Apprenticeship Council
- 181 Athletic Board
- 182 Auctioneers Board

183	Blue Ridge Regional Education and Training Council
184	Board for Accountancy
185	Board for Architects, Professional Engineers, Land Surveyors and Landscape Architects
186	Board for Barbers
187	Board for Contractors
188	Board for Cosmetology
189	Board for Geology
190	Board for Hearing Aid Specialists
191	Board for Opticians
192	Board for Professional and Occupational Regulation
193	Board for Professional Soil Scientists
194	Board for Waterworks and Wastewater Works Operators
195	Board of Agriculture and Consumer Services
196	Board of Audiology and Speech-Language Pathology
197	Board of Coal Mining Examiners
198	Board of Conservation and Recreation
199	Board of Correctional Education
200	Board of Dentistry
201	Board of Directors, Virginia Student Assistance Authorities
202	Board of Funeral Directors and Embalmers
203	Board of Health Professions
204	Board of Historic Resources
205	Board of Housing and Community Development
206	Board of Medical Assistance Services
207	Board of Medicine
208	Board of Mineral Mining Examiners
209	Board of Nursing
210	Board of Nursing Home Administrators
211	Board of Optometry
212	Board of Pharmacy
213	Board of Professional Counselors
214	Board of Psychology
215	Board of Recreation Specialists
216	Board of Social Services
217	Board of Social Work
218	Board of Surface Mining Review
219	Board of Veterinary Medicine
220	Board on Conservation and Development of Public Beaches
221	Chesapeake Bay Local Assistance Board
222	Child Day-Care Council
223	Commission on Local Government
224	Commonwealth Transportation Board
225	Council on Human Rights
226	Council on Information Management
227	Criminal Justice Services Board
228	Design-Build/Construction Management Review Board
229	Disability Services Council
230	Farmers Market Board, Virginia
231	Interdepartmental Council on Rate-setting for Children's Facilities
232	Library Board, The Library of Virginia
233	Marine Resources Commission
234	Milk Commission
235	Pesticide Control Board
236	Real Estate Appraiser Board
237	Real Estate Board
238	Reciprocity Board, Department of Motor Vehicles
239	Safety and Health Codes Board
240	Seed Potato Board
241	Southside Virginia Marketing Council
242	Specialized Transportation Council
243	State Air Pollution Control Board
244	State Board of Corrections

245 State Board of Elections
 246 State Board of Health
 247 State Board of Juvenile Justice
 248 State Health Department, Sewage Handling and Disposal Appeal Review Board
 249 State Library Board
 250 State Mental Health, Mental Retardation and Substance Abuse Services Board
 251 State Water Control Board
 252 Substance Abuse Certification Board
 253 Treasury Board, The, Department of the Treasury
 254 Virginia Aviation Board
 255 Virginia Board for Asbestos and Lead
 256 Virginia Fire Services Board
 257 Virginia Gas and Oil Board
 258 Virginia Health Planning Board
 259 Virginia Manufactured Housing Board
 260 Virginia Parole Board
 261 Virginia Public Broadcasting Board
 262 Virginia Soil and Water Conservation Board
 263 Virginia Voluntary Formulary Board
 264 Virginia Waste Management Board
 265 *Volunteer Firefighters' and Rescue Squad Workers' Pension Fund Board*
 266 *Waste Management Facility Operators, Board for.*

CHAPTER 11.

VOLUNTEER FIREFIGHTERS' AND RESCUE SQUAD WORKERS' PENSION FUND.

268 § 51.1-1100. *Fund established; administration and management; Volunteer Firefighters' and Rescue*
 269 *Squad Workers' Pension Fund Board.*

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

282 § 51.1-1101. *Volunteer Firefighters' and Rescue Squad Workers' Pension Fund Board.*

283 *A. The Volunteer Firefighters' and Rescue Squad Workers' Pension Fund Board is hereby created*
 284 *and is to be composed of seven members. The Director of the Virginia Retirement System shall be a*
 285 *member and act as chairman and the remaining six members shall be appointed by the Governor. The*
 286 *Governor shall appoint three members of the Board from a list provided by the Fire Services Board and*
 287 *three members from a list provided by the State Emergency Medical Services Advisory Board. Such*
 288 *appointees shall be confirmed by the General Assembly. Two of the appointed members shall serve for*
 289 *initial terms of six years, two for initial terms of four years, and two for initial terms of two years;*
 290 *thereafter, the terms shall be six years. No Board member other than the Chairman shall serve more*
 291 *than two consecutive terms.*

292 *B. The Director of the Virginia Retirement System with the consent of the Board shall immediately*
 293 *declare the office of any member of the Board vacant when he finds that the member is unable to*
 294 *perform the duties of his office or for any reason does not meet the qualifications of this section. The*
 295 *Governor shall appoint a new member, subject to confirmation by the General Assembly, to serve for a*
 296 *full or unexpired term whenever the office of a member becomes or is declared vacant. In any case*
 297 *where a new appointment is made, the person receiving the appointment shall be a (i) volunteer*
 298 *firefighter representative if his predecessor was a volunteer firefighter representative or (ii) volunteer*
 299 *rescue squad representative if his predecessor was a volunteer rescue squad representative.*

300 *C. The members of the Board shall serve without compensation; however, the nongovernmental*
 301 *members may be reimbursed for their reasonable expenses incurred in attending meetings of the Board*
 302 *or in acting in an official capacity for the Board.*

303 *D. The first Board appointed shall meet as soon as practicable for the purpose of organizing and*
 304 *electing officers. Officers other than the chairman shall be elected for one-year terms. The Board shall*
 305 *adopt a general statement of policy and procedures. The Board shall meet at least quarterly and at such*

306 special meetings as the chairman may call. The chairman may call a special meeting at any time and
307 shall call a special meeting when requested by three or more members of the Board. No meeting shall
308 be deemed a regular or special meeting unless a quorum is present.

309 E. Members of the Board shall be subject to removal from office only as set forth in Article 7
310 (§ 24.2-230 et seq.) of Chapter 2 of Title 24.2. The Circuit Court of the City of Richmond shall have
311 exclusive jurisdiction over such removal proceedings.

312 § 51.1-1102. Powers and duties of the Board.

313 The Board shall promulgate such rules and policies as are necessary to carry out its responsibilities
314 as required by this chapter. The Board may contract the administrative services related to the benefits
315 provided for herein and designate authority for the administration of those benefits based on the
316 standards set forth in § 51.1-124.30. The Board or its designee shall (i) request such general fund
317 appropriations as necessary to maintain the Fund, (ii) make determinations of eligibility for membership
318 in the Fund, (iii) approve applications for benefits paid from the Fund, and (iv) exercise all other
319 powers necessary for the administration of this chapter and management of the Fund. Member
320 contributions to the Fund shall be segregated into separate member accounts and be used only to pay
321 benefits to its members. The Board shall adopt rules and policies that bring the Fund into compliance
322 with any applicable law or regulation of this Commonwealth or the United States.

323 § 51.1-1103. Definitions.

324 "Eligible volunteer" means any volunteer rescue squad member or volunteer firefighter who is a
325 member of a bona fide volunteer rescue or emergency medical squad or fire department and who is
326 otherwise eligible pursuant to the criteria established by the Board.

327 "Member" means an eligible volunteer.

328 § 51.1-1104. Application for membership in Fund; quarterly payments by members; matching
329 payments from the general fund; payments credited to separate accounts of members.

330 Eligible volunteers, and all persons who subsequently become eligible volunteers may apply to the
331 Board for membership in the Fund. Upon becoming a member of the Fund, each eligible volunteer shall
332 pay thirty dollars per quarter into the Fund. Each quarterly payment made by a member shall be
333 supplemented by such contribution from the general fund of the state treasury for a period not to exceed
334 twenty years as shall be determined by the Board and as may be appropriated by the general
335 appropriations act. The quarterly payments shall be credited to the separate accounts of the members,
336 and the matching contributions shall be credited to the Fund. The member contribution or any
337 additional contribution to the Fund may be made by the individual fire department or rescue squad,
338 local government or any other source provided it is paid for all eligible members. Such accounts shall
339 be kept so that they are available for payment on withdrawal from membership or retirement. No
340 eligible volunteer shall maintain more than one membership in the Fund. In the event an eligible
341 volunteer is in more than one eligible position, he must choose the position upon which his membership
342 will be determined.

343 § 51.1-1105. Equivalent benefit.

344 Any member who has attained the age of sixty and who has served twenty years as an eligible
345 volunteer shall be entitled to a distribution from the fund equivalent to the contributions that he has
346 made, the appropriate matching contributions made on his behalf, and the earnings on such
347 contributions. The Board may provide alternative methods of distribution in lieu of a lump sum
348 distribution to members entitled to a benefit under this section.

349 The distributions provided shall be in addition to all other pensions or benefits under any other
350 statutes of the Commonwealth or the United States.

351 § 51.1-1106. Other distributions.

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

353 1. To any eligible volunteer firefighter or eligible volunteer rescue squad worker upon attaining age
354 sixty who, for any reason, is not qualified to receive the monthly retirement pension and who was
355 enrolled as a member of the Fund, an amount equal to the amount paid into the Fund by him plus
356 accrued interest thereon. This provision shall not be construed to preclude any eligible volunteer
357 firefighter or eligible volunteer rescue squad worker from completing the requisite number of years of
358 active service, after attaining the age of sixty, necessary to entitle him to the distribution provided for in
359 § 51.1-1105.

360 2. If an eligible volunteer firefighter or eligible volunteer rescue squad worker dies before attaining
361 the age at which a pension is payable to him under the provisions of this chapter, to his spouse; if there
362 is no spouse, to his children; if there are no children, then to his heirs-at-law as may be determined by
363 the Board; or to his estate, if it is administered and there are no heirs, an amount equal to the amount
364 paid into the Fund by the volunteer and the accrued interest on that amount.

365 3. To any firefighter or rescue squad worker withdrawing from the Fund, upon proper application,
366 all moneys he contributed to the Fund without accumulated earnings on the payments after the time they
367 were made, less an administrative fee equal to the lesser of the amount the individual contributed to the

Fund or twenty-five dollars.

§ 51.1-1107. 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.

§ 51.1-1108. 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.

§ 51.1-1109. 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.

[~~§ 51.1-1111~~ § 51.1-1110] . 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 [~~§ 51.1-1110~~ § 51.1-1109] .

[~~§ 51.1-1112~~ § 51.1-1111] . 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, 1999, 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.