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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

INTRODUCED

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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.

CHAPTER 53.

VIRGINIA VOLUNTEER PENSION FUND.

- 178
- 179
- 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.

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

251 § 2.1-813. Application for membership in Volunteer Fund; monthly payments by members; matching
 252 payments from the General Fund; payments credited to separate accounts of members.

253 Eligible volunteers and all persons who subsequently become eligible volunteers may apply for
 254 membership to the Volunteer Board. Upon becoming a member of the Volunteer Fund, each volunteer
 255 shall pay ten dollars per month into the Volunteer Fund for a period not to exceed twenty years. Each
 256 monthly payment made by a member shall be matched by a contribution from the general fund of the
 257 state treasury to the Volunteer Fund. The monthly payments and the matching contributions shall be
 258 credited to the separate accounts of the members, and such accounts shall be kept so that they are
 259 available for payment on withdrawal from membership or retirement.

260 § 2.1-814. Monthly pensions upon retirement.

261 Any member who has served twenty years as an eligible volunteer in the Commonwealth of Virginia
 262 and who has attained the age of fifty-five years shall be entitled to be paid a monthly pension from the
 263 Volunteer Fund. The monthly pension shall be \$135 per month.

264 No person shall be entitled to a pension hereunder until his official duties as a volunteer have been
 265 terminated and he has retired as such according to standards or rules fixed by the Volunteer Board.

266 Any member who is totally and permanently disabled while in the discharge of his official duties as
 267 a result of bodily injuries sustained or as a result of extreme exercise or extreme activity experienced in
 268 the course and scope of his official duties and who leaves the fire service because of this disability shall
 269 be entitled to be paid from the Volunteer Fund a monthly benefit of \$135 per month beginning the first
 270 month after his fifty-fifth birthday. All applications for disability are subject to the approval of the
 271 Volunteer Board, which may appoint physicians to examine and evaluate the disabled member prior to
 272 approval of his application, and annually thereafter. Such disabled member shall not be required to
 273 make the monthly payment of ten dollars.

274 Any member who is totally and permanently disabled for any cause not related to his duties, leaves
 275 the service because of this disability, and has at least ten years of service with the Volunteer Fund,
 276 shall be permitted to continue making a monthly contribution of ten dollars to the Volunteer Fund until
 277 he has paid \$1,200 into the Volunteer Fund. The member shall, upon attaining the age of fifty-five, be
 278 entitled to receive a pension as provided by this section. All applications for disability are subject to the
 279 approval of the Volunteer Board, which may appoint physicians to examine and evaluate the disabled
 280 member prior to approval of his application, and annually thereafter.

281 The pensions provided shall be in addition to all other pensions or benefits under any other statutes
 282 of the Commonwealth of Virginia or the United States, notwithstanding any exclusionary provision of
 283 other pensions or retirement systems provided by law.

284 § 2.1-815. Payments in lump sums.

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

286 1. To any volunteer upon attaining age fifty-five who, for any reason, is not qualified to receive the
 287 monthly retirement pension and who was enrolled as a member of the Volunteer Fund, an amount equal
 288 to the amount paid into the Volunteer Fund by him. This provision shall not be construed to preclude
 289 any volunteer from completing the requisite number of years of active service, after attaining the age of
 290 fifty-five, necessary to entitle him to the pension.

291 2. If a volunteer dies before attaining the age at which a pension is payable to him under the
 292 provisions of this chapter, to his spouse; if there is no spouse, to his children; if there are no children,
 293 then to his heirs-at-law as may be determined by the Volunteer Board; or to his estate, if it is
 294 administered and there are no heirs, an amount equal to the amount paid into the Volunteer Fund by
 295 the volunteer.

296 3. If a volunteer dies after beginning to receive the pension payable to him by this chapter and
 297 before receiving an amount equal to the amount paid into the Volunteer Fund by him, to his spouse; if
 298 there is no spouse, then to his children; if there are no children, then to his heirs-at-law as may be
 299 determined by the Volunteer Board; or to his estate, if it is administered and there are no heirs, an
 300 amount equal to the difference between the amount paid into the Volunteer Fund by the volunteer and
 301 the amount received by him as a pensioner.

302 4. To any member withdrawing from the Volunteer Fund, upon proper application, all moneys he
 303 contributed to the Volunteer Fund without accumulated earnings on the payments after the time they
 304 were made, less an administrative fee equal to the lesser of the amount the individual contributed to the
 305 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.