

1999 SESSION

INTRODUCED

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HOUSE BILL NO. 1735

Offered January 13, 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—Day, Abbitt, Armstrong, Bryant, DeBoer, Jones, J.C., Phillips, Puller, Ruff, Shuler, Stump, Tate and Wilkins

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
- Catoctin 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
- 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

INTRODUCED

HB1735

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

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

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

- 245 Real Estate Appraiser Board
- 246 Real Estate Board
- 247 Reciprocity Board, Department of Motor Vehicles
- 248 Safety and Health Codes Board
- 249 Seed Potato Board
- 250 Specialized Transportation Council
- 251 State Air Pollution Control Board
- 252 State Board of Corrections
- 253 State Board of Elections
- 254 State Board of Health
- 255 State Board of Juvenile Justice
- 256 State Health Department, Sewage Handling and Disposal Appeal Review Board
- 257 State Library Board
- 258 State Mental Health, Mental Retardation and Substance Abuse Services Board
- 259 State Water Control Board
- 260 Substance Abuse Certification Board
- 261 Treasury Board, The, Department of the Treasury
- 262 Virginia Aviation Board
- 263 Virginia Board for Asbestos and Lead
- 264 Virginia Fire Services Board
- 265 Virginia Gas and Oil Board
- 266 Virginia Health Planning Board
- 267 Virginia Manufactured Housing Board
- 268 Virginia Parole Board
- 269 Virginia Public Broadcasting Board
- 270 Virginia Soil and Water Conservation Board
- 271 Virginia Voluntary Formulary Board
- 272 Virginia Waste Management Board
- 273 *Volunteer Firefighters' and Rescue Squad Workers' Pension Fund Board*
- 274 Waste Management Facility Operators, Board for.

CHAPTER 12.

VOLUNTEER FIREFIGHTERS' AND RESCUE SQUAD WORKERS' PENSION FUND.

- 277 § 51.1-1200. *Fund established; administration and management; Volunteer Firefighters' and Rescue*
- 278 *Squad Workers' Pension Fund Board.*
- 279 *There is hereby created a fund to be known and designated as the "Volunteer Firefighters' and*
- 280 *Rescue Squad Workers' Pension Fund" (the "Fund"). The Fund is established to provide pension*
- 281 *allowances to eligible volunteer firefighters and rescue squad workers who elect to become members of*
- 282 *the Fund. The Volunteer Firefighters' and Rescue Squad Workers' Pension Fund Board (the "Board")*
- 283 *shall utilize the assistance of the Virginia Retirement System in establishing, investing, and maintaining*
- 284 *the Fund. The Board of Trustees of the Virginia Retirement System shall administer and manage the*
- 285 *investment of the Fund as custodian and provide staff to further carry out the provisions of this chapter.*
- 286 *The Virginia Retirement System shall invest the Funds in accordance with Article 3.1 (§ 51.1-124.30 et*
- 287 *seq.) of Chapter 1 of this title. The Fund shall annually reimburse the Virginia Retirement System for*
- 288 *all costs incurred and associated, directly and indirectly, with the administration of this chapter and*
- 289 *management and investment of the Fund.*
- 290 § 51.1-1201. *Volunteer Firefighters' and Rescue Squad Workers' Pension Fund Board.*
- 291 *A. The Volunteer Firefighters' and Rescue Squad Workers' Pension Fund Board is hereby created*
- 292 *and is to be composed of seven members. The Director of the Virginia Retirement System shall be a*
- 293 *member and act as chairman and the remaining six members shall be appointed by the Governor. The*
- 294 *Governor shall appoint three members of the Board from a list provided by the Fire Services Board and*
- 295 *three members from a list provided by the State Emergency Medical Services Advisory Board. Such*
- 296 *appointees shall be confirmed by the General Assembly. Two of the appointed members shall serve for*
- 297 *initial terms of six years, two for initial terms of four years, and two for initial terms of two years;*
- 298 *thereafter, the terms shall be six years. No Board member other than the chairman shall serve more*
- 299 *than two full consecutive terms.*
- 300 *B. The Director of the Virginia Retirement System with the consent of the Board shall immediately*
- 301 *declare the office of any member of the Board vacant when he finds that the member is unable to*
- 302 *perform the duties of his office or for any reason does not meet the qualifications of this section. The*
- 303 *Governor shall appoint a new member, subject to confirmation by the General Assembly, to serve for a*
- 304 *full or unexpired term whenever the office of a member becomes or is declared vacant. In any case*
- 305 *where a new appointment is made, the person receiving the appointment shall be a (i) volunteer*

306 firefighter representative if his predecessor was a volunteer firefighter representative or (ii) volunteer
307 rescue squad representative if his predecessor was a volunteer rescue squad representative.

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

311 D. The first Board appointed shall meet as soon as practicable for the purpose of organizing and
312 electing officers. Officers other than the chairman shall be elected for one-year terms. The Board shall
313 adopt a general statement of policy and procedures. The Board shall meet at least quarterly and at such
314 special meetings as the chairman may call. The chairman may call a special meeting at any time and
315 shall call a special meeting when requested by three or more members of the Board. No meeting shall
316 be deemed a regular or special meeting unless a quorum is present.

317 E. Members of the Board shall be subject to removal from office only as set forth in Article 7
318 (§ 24.2-230 et seq.) of Chapter 2 of Title 24.2. The Circuit Court of the City of Richmond shall have
319 exclusive jurisdiction over such removal proceedings.

320 § 51.1-1202. Powers and duties of the Board.

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

331 § 51.1-1203. Definitions.

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

335 "Member" means an eligible volunteer.

336 § 51.1-1204. Application for membership in Fund; quarterly payments by members; matching
337 payments from the general fund; payments credited to separate accounts of members.

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

351 § 51.1-1205. Equivalent benefit.

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

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

359 § 51.1-1206. Other distributions.

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

361 1. To any eligible volunteer firefighter or eligible volunteer rescue squad worker upon attaining age
362 sixty who, for any reason, is not qualified to receive the monthly retirement pension and who was
363 enrolled as a member of the Fund, an amount equal to the amount paid into the Fund by him plus
364 accrued interest thereon. This provision shall not be construed to preclude any eligible volunteer
365 firefighter or eligible volunteer rescue squad worker from completing the requisite number of years of
366 active service, after attaining the age of sixty, necessary to entitle him to the distribution provided for in
367 § 51.1-1205.

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

373 3. To any firefighter or rescue squad worker withdrawing from the Fund, upon proper application,
 374 all moneys he contributed to the Fund without accumulated earnings on the payments after the time they
 375 were made, less an administrative fee equal to the lesser of the amount the individual contributed to the
 376 Fund or twenty-five dollars.

377 § 51.1-1207. Determination of prior creditable service; information furnished by applicants for
 378 membership.

379 Any member with eligible service prior to the effective date of this provision may purchase up to five
 380 years of such service upon certification of his fire department or rescue squad. Such purchase shall be
 381 prorated at the rate of one month for every two months of eligible service. The cost of such service
 382 shall be ten dollars per month for every month purchased. All eligible service must be purchased within
 383 180 days of the effective date of this provision. Notwithstanding any other provisions of this chapter, the
 384 Board may grant qualified prior service credits to an eligible volunteer firefighter or eligible rescue
 385 squad worker, under such terms and conditions that the Board may adopt, if the Board determines that
 386 such volunteer has been denied such prior service credit through no fault of his own.

387 § 51.1-1208. Length of service not affected by serving in more than one department or squad;
 388 transfer from one department or squad to another.

389 An eligible volunteer firefighter's or eligible volunteer rescue squad worker's length of service shall
 390 not be affected by the fact that he may have served with more than one department or squad, and upon
 391 transfer from one department or squad to another, notice of the fact shall be given to the Board.

392 § 51.1-1209. Effect of member not maintaining eligibility and being six months delinquent in making
 393 monthly payments.

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

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

401 § 51.1-1210. Administrative fee for rejoining the Fund.

402 Any individual who had been a member of the Fund and who applies to rejoin the Fund shall not be
 403 entitled to membership until he has paid an administrative fee of twenty-five dollars. The fee shall be in
 404 addition to any other charges or payments required by the Board to rejoin the Fund based upon the
 405 Fund's loss of earnings resulting from the member's withdrawal. The Board shall elect to waive the
 406 twenty-five-dollar fee for members reinstated pursuant to subdivision B in § 51.1-1209.

407 § 51.1-1211. Falsification of records; penalty.

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

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