

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act 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.

[H 1735]

Approved

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
 Criminal Justice Services Board
 Dark-Fired Tobacco Board, Virginia

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57	Deaf and Hard-of-Hearing, Advisory Board for the Department for the
58	Dentistry, Board of
59	Design-Build/Construction Management Review Board
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 Broadcasting Board, Virginia
116	Public Buildings Board, Virginia
117	Public Guardian and Conservator Advisory Board

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

- 179 § 9-6.25:2. Policy boards, commissions and councils.
 180 There shall be, in addition to such others as may be designated in accordance with § 9-6.25, the
 181 following policy boards, commissions and councils:
 182 Apprenticeship Council
 183 Athletic Board
 184 Auctioneers Board
 185 Blue Ridge Regional Education and Training Council
 186 Board for Accountancy
 187 Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and
 188 Landscape Architects
 189 Board for Barbers
 190 Board for Contractors
 191 Board for Cosmetology
 192 Board for Geology
 193 Board for Hearing Aid Specialists
 194 Board for Opticians
 195 Board for Professional and Occupational Regulation
 196 Board for Professional Soil Scientists
 197 Board for Waterworks and Wastewater Works Operators
 198 Board of Agriculture and Consumer Services
 199 Board of Audiology and Speech-Language Pathology
 200 Board of Coal Mining Examiners
 201 Board of Conservation and Recreation
 202 Board of Correctional Education
 203 Board of Dentistry
 204 Board of Directors, Virginia Student Assistance Authorities
 205 Board of Funeral Directors and Embalmers
 206 Board of Health Professions
 207 Board of Historic Resources
 208 Board of Housing and Community Development
 209 Board of Licensed Professional Counselors, Marriage and Family Therapists and Substance Abuse
 210 Treatment Professionals
 211 Board of Medical Assistance Services
 212 Board of Medicine
 213 Board of Mineral Mining Examiners
 214 Board of Nursing
 215 Board of Nursing Home Administrators
 216 Board of Optometry
 217 Board of Pharmacy
 218 Board of Psychology
 219 Board of Recreation Specialists
 220 Board of Social Services
 221 Board of Social Work
 222 Board of Surface Mining Review
 223 Board of Veterinary Medicine
 224 Board on Conservation and Development of Public Beaches
 225 Cemetery Board
 226 Chesapeake Bay Local Assistance Board
 227 Child Day-Care Council
 228 Commission on Local Government
 229 Commonwealth Transportation Board
 230 Council on Human Rights
 231 Council on Information Management
 232 Criminal Justice Services Board
 233 Design-Build/Construction Management Review Board
 234 Disability Services Council
 235 Farmers Market Board, Virginia
 236 Interdepartmental Council on Rate-setting for Children's Facilities
 237 Library Board, The Library of Virginia
 238 Marine Resources Commission
 239 Milk Commission

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

271 CHAPTER 12.

272 VOLUNTEER FIREFIGHTERS' AND RESCUE SQUAD WORKERS' PENSION FUND.

273 § 51.1-1200. *Fund established; administration and management; Volunteer Firefighters' and Rescue*
 274 *Squad Workers' Pension Fund Board.*

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

286 § 51.1-1201. *Volunteer Firefighters' and Rescue Squad Workers' Pension Fund Board.*

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

296 *B. The Director of the Virginia Retirement System with the consent of the Board shall immediately*
 297 *declare the office of any member of the Board vacant when he finds that the member is unable to*
 298 *perform the duties of his office or for any reason does not meet the qualifications of this section. The*
 299 *Governor shall appoint a new member, subject to confirmation by the General Assembly, to serve for a*
 300 *full or unexpired term whenever the office of a member becomes or is declared vacant. In any case*

where a new appointment is made, the person receiving the appointment shall be a (i) volunteer firefighter representative if his predecessor was a volunteer firefighter representative or (ii) volunteer rescue squad representative if his predecessor was a volunteer rescue squad representative.

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

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

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

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

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

§ 51.1-1203. Definitions.

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

"Member" means an eligible volunteer.

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

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

§ 51.1-1205. Equivalent benefit.

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

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

§ 51.1-1206. Other distributions.

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

1. To any eligible volunteer firefighter or eligible volunteer rescue squad worker upon attaining age sixty who, for any reason, is not qualified to receive the monthly retirement pension and who was enrolled as a member of the Fund, an amount equal to the amount paid into the Fund by him plus accrued interest thereon. This provision shall not be construed to preclude any eligible volunteer firefighter or eligible volunteer rescue squad worker from completing the requisite number of years of

active service, after attaining the age of sixty, necessary to entitle him to the distribution provided for in § 51.1-1205.

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

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

§ 51.1-1207. 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.

§ 51.1-1208. 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.

§ 51.1-1209. 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.

§ 51.1-1210. 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 § 51.1-1209.

§ 51.1-1211. 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, 2000, 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.