

Virginia Retirement System
2025 General Assembly Session
State Fiscal Impact Statement

Other:

The VolSAP Board requests this bill. The bill amends Title 55.1 to allow VolSAP accounts to be escheated to the Virginia Department of the Treasury's Division of Unclaimed Property.

VolSAP is a service award program authorized under the Internal Revenue Code and the Virginia Code and was established in 1999 (Va. Code § 51.1-1200 et seq.) as a voluntary defined contribution retirement plan for volunteer firefighters and emergency medical technicians. Eligible volunteer firefighters and emergency medical technicians can contribute money to the VolSAP Fund, which is invested alongside the VRS Trust Fund. In addition, the participants' agencies or departments may make additional contributions on behalf of the participants.

In general, the *Code of Virginia* currently specifies that no accounts under Title 51.1 may be escheated to the Department of the Treasury, Division of Unclaimed Property under the current exemption in Va. Code § 55.1-2544 for any property held or payable pursuant to Title 51.1. An exception to this general prohibition was added by 2024 Acts chapters 267 and 353 to allow funds in a defined contribution plan, deferred compensation plan, or cash match plan held or payable pursuant to Title 51.1 to be escheated to the Division of Unclaimed Property after five years if the account holder cannot be located using all available means.

As of FY 2024, VolSAP holds approximately \$6.4 million assets, a total of 1,863 participant accounts on behalf of 72 departments or agencies. However, more than 500 participant accounts had no contributions made in FY 24 and 39 departments or agencies had no contributions to participant accounts in FY 24, including a number of departments or agencies that have ceased operations. Under Va. Code § 51.1-1209 any VolSAP participant who fails to make the required quarterly contributions for six months forfeits their membership in VolSAP. Currently, VRS holds VolSAP accounts until the account holder requests a distribution even in the event of a forfeiture or dissolution of a department or agency. As the Division of Unclaimed Property has higher visibility than VolSAP, allowing funds held by VolSAP to be escheated after five years at VRS' discretion if the participant cannot be located using all available means will make it easier for participants to locate and claim these funds.