

Department of Planning and Budget 2006 Fiscal Impact Statement

1. Bill Number SB393

House of Origin	<input type="checkbox"/> Introduced	<input checked="" type="checkbox"/> Substitute	<input checked="" type="checkbox"/> Engrossed
Second House	<input checked="" type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. Patron Stolle

3. Committee Appropriations

4. Title Law enforcement retirement benefits; penalties for driving offenses

5. Summary/Purpose:

The proposed legislation would expand the number of persons eligible for health insurance coverage under the Line of Duty Act; expand the number of local deputy sheriffs eligible for enhanced retirement benefits; enhance retirement benefits for the State Police troopers and other law-enforcement personnel; eliminate enhanced retirement benefits for two categories of public safety employees; and assess additional fees for violation of motor vehicle laws to produce additional revenue to pay for the bills provisions. The following sections summarize briefly the provisions in the relevant areas.

Line of Duty

Under current law, certain state and local public safety employees and volunteers are eligible for benefits under the Line of Duty Act. For any eligible local employee or volunteer who was killed or disabled after July 1, 2000 while in the line of duty, the state provides continued health insurance coverage for the disabled person, a surviving spouse, and any dependents. The cost of the health insurance coverage is paid in full by the state. The proposed bill would expand the definition of persons eligible for such benefits to include any local employee disabled on or after January 1, 1972, not otherwise receiving continued health insurance coverage.

State Police

Virginia provides enhanced retirement benefits for State Police officers—the State Police Officers’ Retirement System (SPORS). Under SPORS, a retired State Police officer receives a normal retirement allowance equal to 1.70 percent of his average final compensation multiplied by the amount of creditable service. In addition, he is eligible to receive an annual supplemental payment from the date of his retirement to his full retirement age, as defined by the federal Social Security Act, provided he has at least 20 years of hazardous duty service with a VRS participating employer at the time of retirement.

The proposed legislation would increase the multiplier for the normal retirement allowance to 2.20 percent of the average final compensation.

Sheriffs and deputies

Current law requires localities that participate in the state retirement system to provide retirement benefits to sheriffs equivalent to those provided in SPORS. The law also authorizes those localities to elect to provide retirement benefits equivalent to those provided in SPORS to other local law enforcement officers, including deputy sheriffs and regional jail officers. Any additional costs of providing such enhanced benefits are borne by the locality. Many counties, cities, and towns have chosen to provide such benefits, but a significant number have not. According to the Compensation Board, approximately 56 percent of the total deputy sheriff payroll statewide is subject to retirement benefits equivalent to those provided in SPORS.

The proposed legislation would require any county and city participating in the Virginia Retirement System that has not chosen to provide the enhanced benefits to deputy sheriffs to provide such benefit coverage. The bill would require the Compensation Board to reimburse those localities for the entire cost of such enhanced retirement benefits. For sheriffs, the bill also would increase the multiplier for the normal retirement allowance from 1.70 percent to 2.20 percent. For other public safety employees, the bill would authorize a locality to elect to increase the multiplier to 2.20 percent. For both sheriffs and other public safety employees, the locality would be responsible for paying the actuarial cost for the increased multiplier.

Probation and parole officers; commercial vehicle inspection officers

The state retirement system also includes an enhanced retirement program for other state public safety officers, the Virginia Law Enforcement Officers' Retirement System (VaLORS). Those eligible for VaLORS retirement benefits are:

- Members of the Capitol Police force;
- Game wardens with the Department of Game and Inland Fisheries;
- Special agents with the Department of Alcohol Beverage Control;
- Law enforcement officers of the Virginia Marine Resources Commission;
- Correctional officers of the Department of Corrections and Department of Juvenile Justice;
- Probation and parole officers of the Department of Corrections; and
- Commercial vehicle inspection officers of the Department of State Police.

The proposed legislation would remove probation and parole officers and commercial vehicle inspection officers from the list of those eligible for VaLORS retirement coverage. Any probation and parole officer or commercial vehicle inspection officer who was participating in VaLORS on June 30, 2006 would be allowed to continue to participate, but no probation and parole officer or commercial vehicle inspection officer hired after that date would be eligible for VaLORS participation.

The proposed legislation would establish a procedure whereby state public safety officers, other than those authorized by statute to participate, could participate in VaLORS. A state personnel classification group, i.e. probation and parole officers, would be eligible for VaLORS participation, if the rate of intentionally-inflicted work injuries on members of that group over a five-year period were equal to, or more than, the similar rate for the class of employees eligible for VaLORS on July 1, 2006 (those now eligible minus probation and parole officers and commercial vehicle inspection officers).

Motor vehicle violations

In addition to other fees, fines, and costs imposed by the Code, the bill would impose the following fees for the offenses listed:

\$200	\$300
Under 18 driving after drinking	Involuntary or voluntary manslaughter involving use of a vehicle
DWI—driving commercial vehicle; BAC of .04 or more	Maiming while DWI
Disregarding signal from law-enforcement officer to stop; eluding officer	DWI
Passing stopped school bus	Refusal to take blood or breath alcohol test
Speeding—driving 20 or more mph over speed limit	Driving with suspended or revoked license
	Allowing use of one's vehicle by person whose driver's license has been revoked or suspended
	Driving while restoration of license is contingent on furnishing proof of financial responsibility
	Operating a commercial vehicle after license suspended, revoked, or disqualified
	DWI—Driving commercial vehicle; BAC of .08 or more
	Operation of motor vehicle by habitual offender
	Driving a vehicle after license has been revoked for multiple DWI convictions
	Eluding law enforcement officer; endangerment
	Stopping, blocking vehicle or access to premises
	Overtaking and passing an emergency vehicle that has lights flashing and siren sounding
	Reckless driving—general and 11 specific reckless driving statutes

	Engaging in race so recklessly and wantonly as to cause serious injury
	Aiding and abetting a motor vehicle race
	Failing to yield right-of-way when approaching stationary emergency vehicle

6. Fiscal Impact: See Item 8.

7. Budget amendment necessary: Yes. Page 1(the revenue page) and Items 59, 262, 414, 461, and 475.

8. Fiscal implications:

The fiscal implications of the proposed legislation are numerous and, for some, it is possible to provide only a minimum estimate. There are two kinds of costs—increased benefits and the costs of implementation. The bill also would increase general fund revenues through increases in fees for motor vehicle violations. The projected costs and revenues are listed in the tables below. Following the tables are explanations of some of the items.

Increased Benefits

	FY 2007	FY 2008
Line of Duty payments	\$3,950,000	\$11,850,000
SPORS (State Police)	\$7,154,000	\$7,444,000
Deputy sheriffs	\$10,684,000	\$11,111,000
Total	\$21,788,000	\$30,405,000

Implementation Costs—General Fund

	FY 2007	FY 2008
Department of Accounts	\$120,000	\$120,000
Department of State Police	\$810,000	\$0
Total	\$930,000	\$120,000

Implementation Costs—Nongeneral Fund

	FY 2007	FY 2008
Virginia Retirement System	\$200,000	\$0
Department of Motor Vehicles	\$57,848	\$0
Total	\$257,848	\$0

Revenues—General Fund

FY 2007	FY 2008
\$27,473,709	\$27,473,709

NOTES

Line of Duty

Increased Benefits

The estimates shown in the table are the minimum estimated costs. The Department of Planning and Budget cannot estimate with precision the fiscal impact associated with the increased eligibility of local employees for the continued health insurance coverage benefit under the Line of Duty Act. The fiscal impact would depend on a number of factors, including the number of eligible local employees disabled between January 1, 1972 and June 30, 2000, the number of such individuals who file claims, and the costs associated with health insurance coverage. Also, the timing of the additional expenditures would depend greatly on the amount of time it would take the Department of State Police to complete the additional investigations.

Based on information provided by the Virginia Professional Fire Fighters Association, which surveyed the Virginia Retirement System (VRS), the nine active local pension systems in the Commonwealth as well as one local pension system that converted to VRS in 1997, DPB estimates that there are likely to be at least 900 new claims as a result of this bill. This estimate does not include the potential additional claims for volunteer and auxiliary members of rescue squads and police, sheriffs and fire departments who may have been disabled between 1972 and 2000, but do not participate in a government pension plan. The current average cost for claims under the Line of Duty Act health insurance program is about \$730 per month, or about \$8,765 per year. Therefore, the bill could increase costs to provide continued health insurance coverage under the Line of Duty Act by more than \$7.9 million per year. While the annual cost per claim would increase in future years as health insurance costs rise, any overall increases in costs to provide such health insurance coverage could be offset by declining numbers of eligible beneficiaries.

Because there would likely be some delay in the filing of claims and it would also take time to process the additional claims, it is assumed that only half the projected annual cost would occur in the first year. However, for those additional persons made eligible by the proposed legislation, any benefits would be paid retroactively to July 1, 2006, the effective date of the bill. Therefore, in the table it is assumed that the remainder of the annual projected additional cost for FY 2007 would be paid in FY 2008.

Important note: The Government Accounting Standards Board has issued a statement regarding accounting for the unfunded actuarial liability of post-employment benefits. This unfunded actuarial liability for the Line of Duty Act program currently totals between \$333 million and \$1.1 billion, depending on whether the full annual actuarial required contribution of \$28 million is funded in an independent trust fund over the next 30 years. This bill would approximately triple the number of claimants currently receiving benefits, which would increase both the unfunded actuarial liability and the annual required contributions by a factor of approximately three.

Implementation Costs

The Department of State Police investigates Line of Duty claims. The agency usually uses retired state troopers, on a wage basis, to conduct these investigations. The agency estimates the average cost of an investigation to be \$900. With at least 900 new claims, the cost to the State Police would be at least \$810,000. Because these would be claims from persons disabled between 1972 and 2000, it would not be a continuing source of additional investigations for the agency. Current law authorizes the State Police to recover its costs from employers, but the agency has not exercised this option so far.

The Department of Accounts is responsible for administering the Line of Duty Act. The agency estimates that it would need two additional positions to confirm eligibility and pay health insurance costs on a continuing basis. The costs for these positions—salaries, fringe benefits, and other non-personal services costs—would be about \$120,000 per year.

Law enforcement retirement benefits

The estimates of the additional costs of extending enhanced retirement benefits to all deputy sheriffs and of increasing the multiplier for State Police troopers were calculated by the Virginia Retirement System. For the deputy sheriff estimate, it was assumed that the state would pay the 5.0 per cent employee contribution, as it does for State Police troopers in addition to the actuarially determined employer contributions.

It needs to be noted that there would also be a nongeneral fund cost to the state, because some troopers are paid out of nongeneral fund revenues collected by the State Police. The additional nongeneral fund cost resulting from the increase in the multiplier to 2.2 percent is estimated at \$1.6 million in FY 2007 and \$1.7 million in FY 2008.

Finally, increasing the multiplier for sheriffs to 2.2 percent would cost local governments \$1.1 million in FY 2007 and \$1.2 million in FY 2008.

Revenues

The estimates for the additional revenue that would result from the proposed legislation were calculated by the Department of Motor Vehicles, which collects fees from motor vehicle offenses. The estimates are based on convictions in FY 2005 for the listed offenses and the historical collection rate.

Other implementation costs

Both the Virginia Retirement System and the Department of Motor Vehicles have indicated that they will encounter one-time costs to modify their data systems to reflect the changes in the proposed legislation.

“Stacking” of fees

There are other bills being considered by the General Assembly that would also increase the fees for driving offenses. One of these, HB 527, would impose additional fees for many of the offenses included in this proposed legislation (SB 393). Because the two bills would impose the additional fees in different Code sections, their provisions would not be in conflict. If both bills passed in their current forms, the result would be that offenders would be assessed the additional fees set out in both bills.

9. Specific agency or political subdivisions affected:

Virginia Retirement System
Department of State Police
Department of Corrections
Department of Motor Vehicles
Department of Accounts
Compensation Board
Circuit and district court clerks
All counties and cities
Regional jails

10. Technical amendment necessary: None.

11. Other comments:

The proposed legislation would result in some counties and cities being treated differently from others. Under the bill’s terms, the state would pay the costs to provide enhanced retirement benefits to deputy sheriffs in those counties and cities that have not elected to provide them in the past. Those counties and cities that have elected in the past to provide these benefits to deputies would continue to have to bear the additional costs themselves. If the proposed bill is enacted, it is likely that there will be a strong effort in the future to have the state bear the costs of providing enhanced retirement benefits for all deputies. For FY 2008, the Virginia Retirement System estimates that it would cost \$20.6 million for the state to pick up the costs of enhanced retirement benefits for the remainder of the deputy sheriffs.

Date: 02/28/06 / rwh

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cc: Secretary of Finance