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HOUSE JOINT RESOLUTION NO. 103
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Joint Conference Committee
on March 7, 2014)

(Patron Prior to Substitute—Delegate Jones)

Directing the Joint Legislative Audit and Review Commission to study Virginia's Line of Duty Act. Report.

WHEREAS, Virginia's Line of Duty Act, initially enacted to provide a one-time death benefit payment, has undergone significant expansion in the last 18 years, in terms of both the type and amount of benefits that are provided and the persons who are eligible to receive those benefits; and

WHEREAS, the total cost of fully funding these benefits has also escalated dramatically as a result of the expansion in the type of, amount of, and eligible recipients of these benefits; and

WHEREAS, the recipients of benefits under Virginia's Line of Duty Act may also receive benefits from other state and federal programs, including pension payments, disability payments under their pension plan, undergraduate tuition waiver benefits, workers' compensation wage replacement, medical benefits, and burial, death, disability, and educational benefits under the federal Public Safety Officers' Benefits Act, as well as additional assistance from numerous other public and private programs and foundations; and

WHEREAS, while some other states' benefit programs require the coordination of applicable federal and state benefits, Virginia's Line of Duty Act has no similar requirements; and

WHEREAS, after a year of study, the Line of Duty Act Working Group in December 2012 concluded that "[v]ery real financial constraints threaten the sustainability of Line of Duty Act benefits" but made no recommendations, noting that "further deliberation is needed prior to implementation of any reforms"; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Joint Legislative Audit and Review Commission be directed to study Virginia's Line of Duty Act. The Joint Legislative Audit and Review Commission shall study the following items, but not be limited to: the current implementation of the Act, the current and projected future costs of benefits awarded thereunder, and the advisability of coordinating those benefits with additional benefits paid under other state and federal programs.

In conducting its study, the Joint Legislative Audit and Review Commission shall (i) examine how claims for benefits under Virginia's Line of Duty Act are being administered and how eligibility is determined, and whether all provisions of the law are being enforced and complied with so that predictable results in accordance with the law are assured; (ii) determine whether the current appeal process provided under Virginia's Line of Duty Act protects the rights of applicants, beneficiaries, and employers; (iii) determine the current and projected costs of fully funding all benefits payable under Virginia's Line of Duty Act for the next 10 years and project the premiums that will need to be charged in each of the next 10 years to employers participating in the State Fund to ensure the full funding of benefits covered thereby; (iv) review other programs that provide benefits similar to those available under Virginia's Line of Duty Act, including other states' programs; compare how those programs are administered and funded and the amount, type, and cost of benefits provided thereunder; determine whether and how those programs provide for the coordination of benefits available; and assess the value and feasibility of adopting those program structures and practices in Virginia; (v) review other benefit programs within Virginia to determine if aspects of those could be implemented under Virginia's Line of Duty Act to make benefit administration under the Act more efficient; and (vi) make recommendations on these issues as appropriate.

Technical assistance shall be provided to the Joint Legislative Audit and Review Commission by the Department of Accounts and State Comptroller. All agencies of the Commonwealth and local governments, including public safety stakeholder groups, shall provide assistance to the Commission for this study, upon request.

The Joint Legislative Audit and Review Commission shall complete its meetings for the first year by November 30, 2014, and for the second year by November 30, 2015, and the Chairman of the Joint Legislative Audit and Review Commission shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the next Regular Session of the General Assembly for each year. Each executive summary shall state whether the Commission intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summaries and reports shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.