

Department of Planning and Budget 2016 Fiscal Impact Statement

1. **Bill Number:** HB1283

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

2. **Patron:** Anderson

3. **Committee:** Appropriations

4. **Title:** Line of Duty Act; certification expiration for temporarily disabled persons.

5. **Summary:** This legislation amends the Line of Duty Act (LODA) to include a provision that a state certification required for employment for any individual who is eligible to receive LODA benefits and as a direct or proximate result of the performance of his duty becomes temporarily mentally or physically disabled so as to prevent the performance of his duty for no longer than 24 months shall not expire during the period of the individual's disability. Further, the Department of Criminal Justice Services (DCJS) is instructed to develop rules and regulations allowing such persons up to 12 months after he has returned to work to complete any recertification requirements. The bill has a delayed effective date of July 1, 2017.

6. **Budget Amendment Necessary:** No.

7. **Fiscal Impact Estimates:** No state fiscal impact.

8. **Fiscal Implications:** This legislation utilizes the LODA definition of a "deceased person" to describe which employees are affected by the provisions of the bill, but otherwise does not appear to affect the administration of the LODA program and as such, the Department of Accounts (DOA) does not anticipate a fiscal impact.

It should be noted that under the current LODA statute, the standard for disability is that such disability is "likely to be permanent." The current statute does not contain provisions relating to temporary disability. It is unclear from this legislation if the intent is to create a temporary disability standard within the LODA statute, and if so, how and when the determination of temporary disability is made. This fiscal impact statement assumes that this is not the intent of the bill.

A fiscal impact is not anticipated for DCJS to develop the rules and regulations required by the bill.

9. **Specific Agency or Political Subdivisions Affected:** Department of Accounts, Department of Criminal Justice Services

10. Technical Amendment Necessary: No.

11. Other Comments: HB1345 proposes changes to the administration of the Line of Duty Act, including transferring overall administration of the LODA program from the Department of Accounts to the Virginia Retirement System. Both this legislation and HB1345 have delayed effective dates of July 1, 2017.

The bill requires DCJS to develop rules and regulations allowing individuals in positions listed in the definition of deceased person in §9.1-400, *Code of Virginia*, up to 12 months to complete any recertification requirements after the individual returns to work. While DCJS is responsible for rules and regulations for many law-enforcement positions, some of the positions listed in the definition of deceased person in §9.1-400, *Code of Virginia*, such as members of fire companies, may not currently be subject to regulations promulgated by DCJS.

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