

Department of Planning and Budget 2023 Fiscal Impact Statement

1. Bill Number: SB826

House of Origin	<input type="checkbox"/> Introduced	<input 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: Bell

3. Committee: Education

4. Title: Institutions of higher education; campus safety; authority to employ campus police officers.

5. Summary: Authorizes the governing board of the Virginia School for the Deaf and the Blind to establish a campus police department and employ campus police officers and auxiliary police forces as provided by relevant law, the employment of whom is to be governed by the Virginia Personnel Act unless the governing board of the School directs otherwise. The provisions of the bill are contingent on funding in a general appropriation act.

6. Budget Amendment Necessary: Yes, Item 141

7. Fiscal Impact Estimates: Preliminary, see Item 8.

8. Fiscal Implications: The Virginia School for the Deaf and the Blind (VSDB) has an existing Campus Police and Security Department that includes eight officer positions and one director position. All existing positions are supported by the general fund. Currently, the eight officer positions are classified as security officers, and the director position is classified as a security manager. According to the Virginia Retirement System (VRS), security officers are not eligible for the Virginia Law Officers' Retirement System (VaLORS) retirement plan or Line of Duty Act (LODA) benefits. If, as a result of this bill, any of these existing positions are reclassified as campus police officers, they will become eligible for the VaLORS retirement plan and will be covered under the LODA prospectively. Additionally, any new campus police officer positions created as a result of this bill would be eligible for those benefits.

Based on fiscal year 2024 rates certified by the VRS Board of Trustees, the change in retirement plan membership from the normal state employee plan to the VaLORS plan would result in a change in employer retirement contributions from 14.46% to 24.60% of each impacted employee's salary. Based on actual salaries of the existing nine positions, the estimated additional cost to VSDB for these increased rates is \$39,143 annually. Additionally, a LODA rate of \$830 per position would apply. Based on existing positions, the additional cost to VSDB for LODA premiums is \$7,470 annually. Further, these changes may affect VSDB's workers' compensation premiums beginning in fiscal year 2025. Any change to the agency's premium would be determined after actuarial review and cannot be determined at this time. Based on available information and existing positions, the total additional general fund cost to VSDB is estimated at \$46,613 annually beginning in fiscal year 2024. This cost may increase if VSDB hires additional campus police officers.

9. Specific Agency or Political Subdivisions Affected: Virginia School for the Deaf and the Blind, Virginia Retirement System, Department of Human Resource Management

10. Technical Amendment Necessary: No

11. Other Comments: VRS notes that this bill effectively corrects an inadvertent error made during the recodification of Title 23 into Title 23.1. Prior to the recodification in 2016, VSDB had the authority to establish a campus police department. Current Va. Code § 23.1-809 authorizes public institutions of higher education to establish campus police departments. Va. Code § 23.1-100 defines “public institution of higher education” for purposes of Title 23.1 as follows: “Public institution of higher education” includes the [Virginia Community College] System as a whole and each associate-degree-granting and baccalaureate public institution of higher education in the Commonwealth. This definition does not include VSDB. The recodification of Title 23 into Title 23.1 became effective October 1, 2016. Prior to the 2016 recodification, Va. Code § 23-232, the predecessor statute to Va. Code § 23.1-809, provided that any public institution of higher education “named in § 23-14” was authorized to establish a campus police department. Included in the list of institutions in Va. Code § 23-14 was “the Virginia Schools for the Deaf and Blind.” Thus, under the law as it existed prior to the recodification, VSDB was included in the list of institutions that were allowed to establish a campus police department and retained that authority until October 1, 2016. However, despite having the authority to establish a campus police department prior to 2016, according to VRS records, it appears that VSDB has never reported any employee under VaLORS or included contributions for VaLORS.