
VIRGINIA STATE BUDGET

2010 Session

Budget Bill - HB30 (Introduced)

Bill Order » Office of Finance » Item 258

Department of Accounts Transfer Payments

Item 258

First Year - FY2011 Second Year - FY2012

Line of Duty (76000)	First Year - FY2011	Second Year - FY2012
Death Benefit Payments Under the Line of Duty Act (76001)	\$525,000	\$525,000
Health Insurance Benefit Payments Under the Line of Duty Act (76002)	\$8,933,131	\$8,933,131
Fund Sources:		
Trust and Agency	\$9,458,131	\$9,458,131

Authority: Title 9.1, Chapter 4, Code of Virginia.

A. In addition to such other payments as may be available, the full cost of group health insurance, net of any deductions and credits, for the surviving spouses and dependents of certain public safety officers killed in the line of duty and for certain public safety officers disabled in the line of duty, and the spouses and dependents of such disabled officers, are payable from this Item pursuant to Title 9.1, Chapter 4, Code of Virginia.

B.1. There is hereby created the Line of Duty Death and Health Benefits Trust Fund of the state treasury and on the books of the State Comptroller. The funds of the Line of Duty Death and Health Benefits Trust Fund shall be deemed separate and independent trust funds, shall be segregated from all other funds of the Commonwealth, and shall be invested and administered solely in the interests of the participants and beneficiaries thereof. Interest earned on moneys in the fund shall be credited to the fund. Neither the General Assembly nor any public officer, employee, or agency shall use or authorize the use of such trust funds for any purpose other than as provided in law for benefits, refunds, and administrative expenses. The fund is established to pay the death and health insurance premium benefits prescribed by § 9.1-400 et seq., the Line of Duty Act, and the death benefits prescribed by § 44-93.1 B. Deposits to the fund shall be made pursuant to surcharges collected pursuant to § 3-6.02 of this act together with any earnings on those deposits. Fund deposits are irrevocable and are not subject to the claims of creditors. The Department of Accounts shall use the assistance of the Virginia Retirement System in establishing, investing, and maintaining the fund and in performing actuarial services. The Board of Trustees of the Virginia Retirement System shall administer and manage the investment of the fund as custodian and provide staff. The Virginia Retirement System shall invest the Funds in accordance with Article 3.1 (§ 51.1-124.30 et seq.) of Chapter 1 of Title 51.1, and no officer, director, or member of the Board or of any advisory committee of the Virginia Retirement System or any of its tax exempt subsidiary corporations whose actions are within the standard of care in Article 3.1 of Chapter 1 of Title 51.1 shall be held personally liable for losses suffered by the fund on investments made under the authority of this chapter. The fund shall annually reimburse the Department of Accounts and the Virginia Retirement System for all reasonable costs incurred and associated, directly and indirectly, with the administration of this chapter and management and investment of the fund.

2. Notwithstanding the provisions of §§ 9.1-400-405, § 56-484.12 and § 58.1-1730, Code of Virginia, benefits paid under the Line of Duty Act shall be funded by an \$0.18 surcharge imposed on the end user of each access line for which the \$0.75 E-911 fee is currently charged, pursuant to § 56-484.12 and § 58.1-1730, Code of Virginia. The \$0.18 surcharge shall be billed, collected and remitted in the same manner as the E-911 fee and shall be deposited

by the Virginia Information Technologies Agency and the Department of Taxation, as applicable, directly to the Line of Duty Death and Health Benefits Trust Fund of the state treasury and on the books of the State Comptroller.

C. In addition to any other benefit provided by law, an additional death benefit in the amount of \$20,000 for the surviving spouses and dependents of certain members of the National Guard and United States military reserves killed in action in any armed conflict on or after October 7, 2001, are payable pursuant to § 44-93.1.B., Code of Virginia, from the Line of Duty Death and Health Benefits Trust Fund. The Department of Accounts, with support from the Department of Military Affairs, shall determine eligibility for this benefit.

D. For any surviving spouse of a “deceased person” or any “disabled person” as those terms are defined in § 9.1-400, who is receiving the benefits described in § 9.1-401 and who would otherwise qualify for the health insurance credit described in Chapter 14 of Title 51.1, Code of Virginia, the amount of such credit shall be calculated and reimbursed to the State Comptroller for deposit into the Line of Duty Death and Health Benefits Trust Fund from the health insurance credit trust fund, in a manner prescribed by the Board of Trustees of the Virginia Retirement System.