

SENATE BILL NO. 466

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Public Safety

on _____)

(Patron Prior to Substitute--Senator Obenshain)

A BILL to amend and reenact §§ 9.1-400.1, 9.1-401, and 9.1-402 through 9.1-404 of the Code of Virginia, relating to Line of Duty Act; campus police officers.

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-400, 9.1-400.1, 9.1-401, and 9.1-402 through 9.1-404 of the Code of Virginia are amended and reenacted as follows:

§ 9.1-400. Title of chapter; definitions.

A. This chapter shall be known and designated as the Line of Duty Act.

B. As used in this chapter, unless the context requires a different meaning:

"Beneficiary" means the spouse of a deceased person and such persons as are entitled to take under the will of a deceased person if testate, or as his heirs at law if intestate.

"Contributing nonprofit private institution of higher education" means a nonprofit private institution of higher education, as defined in § 23.1-100, that has (i) established a campus police department pursuant to § 23.1-810 and (ii) made an irrevocable election to provide the benefits under this chapter and to fund the cost by participating in the Fund.

"Deceased person" means any individual whose death occurs on or after April 8, 1972, in the line of duty as the direct or proximate result of the performance of his duty, including the presumptions under §§ 27-40.1, 27-40.2, 51.1-813, 65.2-402, and 65.2-402.1 if his position is covered by the applicable statute, as (i) a law-enforcement officer of the Commonwealth or any of its political subdivisions, except employees designated pursuant to § 53.1-10 to investigate allegations of criminal behavior affecting the operations of the Department of Corrections, employees designated pursuant to § 66-3 to investigate allegations of criminal behavior affecting the operations of the Department of Juvenile Justice, and

27 members of the investigations unit of the State Inspector General designated pursuant to § 2.2-311 to
28 investigate allegations of criminal behavior affecting the operations of a state or nonstate agency; (ii) a
29 correctional officer as defined in § 53.1-1; (iii) a jail officer; (iv) a regional jail or jail farm superintendent;
30 (v) a sheriff, deputy sheriff, or city sergeant or deputy city sergeant of the City of Richmond; (vi) a police
31 chaplain; (vii) a member of any fire company or department or emergency medical services agency that
32 has been recognized by an ordinance or a resolution of the governing body of any county, city, or town of
33 the Commonwealth as an integral part of the official safety program of such county, city, or town,
34 including a person with a recognized membership status with such fire company or department who is
35 enrolled in a Fire Service Training course offered by the Virginia Department of Fire Programs or any fire
36 company or department training required in pursuit of qualification to become a certified firefighter; (viii)
37 a member of any fire company providing fire protection services for facilities of the Virginia National
38 Guard or the Virginia Air National Guard; (ix) a member of the Virginia National Guard or the Virginia
39 Defense Force while such member is serving in the Virginia National Guard or the Virginia Defense Force
40 on official state duty or federal duty under Title 32 of the United States Code; (x) any special agent of the
41 Virginia Alcoholic Beverage Control Authority; (xi) any regular or special conservation police officer
42 who receives compensation from a county, city, or town or from the Commonwealth appointed pursuant
43 to the provisions of § 29.1-200; (xii) any commissioned forest warden appointed under the provisions of
44 § 10.1-1135; (xiii) any member or employee of the Virginia Marine Resources Commission granted the
45 power of arrest pursuant to § 28.2-900; (xiv) any Department of Emergency Management hazardous
46 materials officer; and any other employee of the Department of Emergency Management who is
47 performing official duties of the agency, when those duties are related to a major disaster or emergency,
48 as defined in § 44-146.16, that has been or is later declared to exist under the authority of the Governor in
49 accordance with § 44-146.28; (xv) any employee of any county, city, or town performing official
50 emergency management or emergency services duties in cooperation with the Department of Emergency
51 Management, when those duties are related to a major disaster or emergency, as defined in § 44-146.16,
52 that has been or is later declared to exist under the authority of the Governor in accordance with § 44-
53 146.28 or a local emergency, as defined in § 44-146.16, declared by a local governing body; (xvi) any

54 nonfirefighter regional hazardous materials emergency response team member; (xvii) any conservation
55 officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115;~~or~~ (xviii)
56 any full-time sworn member of the enforcement division of the Department of Motor Vehicles appointed
57 pursuant to § 46.2-217; or (xix) any campus police officer employed by a contributing nonprofit private
58 institution of higher education.

59 "Disabled person" means any individual who has been determined to be mentally or physically
60 incapacitated so as to prevent the further performance of his duties at the time of his disability where such
61 incapacity is likely to be permanent, and whose incapacity occurs in the line of duty as the direct or
62 proximate result of the performance of his duty, including the presumptions under §§ 27-40.1, 27-40.2,
63 51.1-813, 65.2-402, and 65.2-402.1 if his position is covered by the applicable statute, in any position
64 listed in the definition of deceased person in this section. "Disabled person" does not include any
65 individual who has been determined to be no longer disabled pursuant to subdivision A 2 of § 9.1-404.
66 "Disabled person" includes any state employee included in the definition of a deceased person who was
67 disabled on or after January 1, 1966.

68 "Eligible dependent" for purposes of continued health insurance pursuant to § 9.1-401 means the
69 natural or adopted child or children of a deceased person or disabled person or of a deceased or disabled
70 person's eligible spouse, provided that any such natural child is born as the result of a pregnancy that
71 occurred prior to the time of the employee's death or disability and that any such adopted child is (i)
72 adopted prior to the time of the employee's death or disability or (ii) adopted after the employee's death or
73 disability if the adoption is pursuant to a preadoptive agreement entered into prior to the death or disability.
74 Notwithstanding the foregoing, "eligible dependent" shall also include the natural or adopted child or
75 children of a deceased person or disabled person born as the result of a pregnancy or adoption that occurred
76 after the time of the employee's death or disability, but prior to July 1, 2017. Eligibility will continue until
77 the end of the year in which the eligible dependent reaches age 26 or when the eligible dependent ceases
78 to be eligible based on the Virginia Administrative Code or administrative guidance as determined by the
79 Department of Human Resource Management.

80 "Eligible spouse" for purposes of continued health insurance pursuant to § 9.1-401 means the
81 spouse of a deceased person or a disabled person at the time of the death or disability. Eligibility will
82 continue until the eligible spouse dies, ceases to be married to a disabled person, or in the case of the
83 spouse of a deceased person, dies, remarries on or after July 1, 2017, or otherwise ceases to be eligible
84 based on the Virginia Administrative Code or administrative guidance as determined by the Department
85 of Human Resource Management.

86 "Employee" means any person who would be covered or whose spouse, dependents, or
87 beneficiaries would be covered under the benefits of this chapter if the person became a disabled person
88 or a deceased person.

89 "Employer" means (i) the employer of a person who is a covered employee or (ii) in the case of a
90 volunteer who is a member of any fire company or department or rescue squad described in the definition
91 of "deceased person," the county, city, or town that by ordinance or resolution recognized such fire
92 company or department or rescue squad as an integral part of the official safety program of such locality.

93 "Fund" means the Line of Duty Death and Health Benefits Trust Fund established pursuant to §
94 9.1-400.1.

95 "Line of duty" means any action the deceased or disabled person was obligated or authorized to
96 perform by rule, regulation, condition of employment or service, or law.

97 "LODA Health Benefit Plans" means the separate health benefits plans established pursuant to §
98 9.1-401.

99 "Nonparticipating employer" means any employer that is a political subdivision of the
100 Commonwealth that elected to directly fund the cost of benefits provided under this chapter and not
101 participate in the Fund.

102 "Participating employer" means any employer that is a state agency or is a political subdivision of
103 the Commonwealth that did not make an election to become a nonparticipating employer.

104 "VRS" means the Virginia Retirement System.

105 C. Nothing in this chapter shall be construed as applying to any nonprofit private institution of
106 higher education, as defined in § 23.1-100, that is not a contributing nonprofit private institution of higher
107 education.

108 **§ 9.1-400.1. Line of Duty Death and Health Benefits Trust Fund.**

109 A. There is hereby established a permanent and perpetual fund to be known as the Line of Duty
110 Death and Health Benefits Trust Fund, consisting of such moneys as may be appropriated by the General
111 Assembly; contributions or reimbursements from participating and nonparticipating employers; and from
112 contributing nonprofit private institutions of higher education; gifts, bequests, endowments, or grants from
113 the United States government or its agencies or instrumentalities; net income from the investment of
114 moneys held in the Fund; and any other available sources of funds, public and private. Any moneys
115 remaining in the Fund at the end of a biennium shall not revert to the general fund but shall remain in the
116 Fund. Interest and income earned from the investment of such moneys shall remain in the Fund and be
117 credited to it. The moneys in the Fund shall be (i) deemed separate and independent trust funds, (ii)
118 segregated and accounted for separately from all other funds of the Commonwealth, and (iii) administered
119 solely in the interests of the persons who are covered under the benefits provided pursuant to this chapter.
120 Deposits to and assets of the Fund shall not be subject to the claims of creditors.

121 B. The Virginia Retirement System shall invest, reinvest, and manage the assets of the Fund as
122 provided in § 51.1-124.39 and shall be reimbursed from the Fund for such activities as provided in that
123 section.

124 C. The Fund shall be used to provide the benefits under this chapter related to disabled persons,
125 deceased persons, eligible dependents, and eligible spouses on behalf of participating employers and
126 contributing nonprofit private institutions of higher education and to pay related administrative costs.

127 D. Each participating employer and contributing nonprofit private institution of higher education
128 shall make annual contributions to the Fund and provide information as determined by VRS. The amount
129 of the contribution for each participating employer and contributing nonprofit private institution of higher
130 education shall be determined on a current disbursement basis in accordance with the provisions of this
131 section. For purposes of establishing contribution amounts for participating employers, a member of any

132 fire company or department or rescue squad that has been recognized by an ordinance or a resolution of
133 the governing body of any locality of the Commonwealth as an integral part of the official safety program
134 of such locality shall be considered part of the locality served by the company, department, or rescue
135 squad. If a company, department, or rescue squad serves more than one locality, the affected localities
136 shall determine the basis and apportionment of the required covered payroll and contributions for each
137 company, department, or rescue squad.

138 If any participating employer or contributing nonprofit private institution of higher education fails
139 to remit contributions or other fees or costs associated with the Fund, VRS shall inform the State
140 Comptroller and the affected participating employer or contributing nonprofit private institution of higher
141 education of the delinquent amount. In calculating the delinquent amount, VRS may impose an interest
142 rate of one percent per month of delinquency. The State Comptroller shall forthwith transfer such
143 delinquent amount, plus interest, from any moneys otherwise distributable to such participating employer.
144 In the case of a contributing nonprofit private institution of higher education, VRS may employ reasonable
145 methods to collect the delinquent amount, including the procedures set forth in the Virginia Debt
146 Collection Act (§ 2.2-4800 et seq.).

147 **§ 9.1-401. Continued health insurance coverage for disabled persons, eligible spouses, and**
148 **eligible dependents.**

149 A. Disabled persons, eligible spouses, and eligible dependents shall be afforded continued health
150 insurance coverage as provided in this section, the cost of which shall be paid by the nonparticipating
151 employer to the Department of Human Resource Management or from the Fund on behalf of a
152 participating employer or contributing nonprofit private institution of higher education, as applicable. If
153 any disabled person or eligible spouse is receiving the benefits described in this section and would
154 otherwise qualify for the health insurance credit described in Chapter 14 (§ 51.1-1400 et seq.) of Title
155 51.1, the amount of such credit shall be deposited into the Line of Duty Death and Health Benefits Trust
156 Fund or paid to the nonparticipating employer, as applicable, from the health insurance credit trust fund,
157 in a manner prescribed by VRS.

158 B. 1. The continued health insurance coverage provided by this section for all disabled persons,
159 eligible spouses, and eligible dependents shall be through separate plans, referred to as the LODA Health
160 Benefits Plans (the Plans), administered by the Department of Human Resource Management. The Plans
161 shall comply with all applicable federal and state laws and shall be modeled upon state employee health
162 benefits program plans. Funding of the Plans' reserves and contingency shall be provided through a line
163 of credit, the amount of which shall be based on an actuarially determined estimate of liabilities. The
164 Department of Human Resource Management shall be reimbursed for health insurance premiums and all
165 reasonable costs incurred and associated, directly and indirectly, in performing the duties pursuant to this
166 section (i) from the Line of Duty Death and Health Benefits Trust Fund for costs related to disabled
167 persons, deceased persons, eligible dependents, and eligible spouses on behalf of participating employers
168 and contributing nonprofit private institutions of higher education and (ii) from a nonparticipating
169 employer for premiums and costs related to disabled persons, deceased persons, eligible dependents, and
170 eligible spouses for which the nonparticipating employer is responsible. If any nonparticipating employer
171 fails to remit such premiums and costs, the Department of Human Resource Management shall inform the
172 State Comptroller and the affected nonparticipating employer of the delinquent amount. In calculating the
173 delinquent amount, the Department of Human Resource Management may impose an interest rate of one
174 percent per month of delinquency. The State Comptroller shall forthwith transfer such delinquent amount,
175 plus interest, from any moneys otherwise distributable to such nonparticipating employer.

176 2. In the event that temporary health care insurance coverage is needed for disabled persons,
177 eligible spouses, and eligible dependents during the period of transition into the LODA Health Benefits
178 Plans, the Department of Human Resource Management is authorized to acquire and provide temporary
179 transitional health insurance coverage. The type and source of the transitional health plans shall be within
180 the sole discretion of the Department of Human Resource Management. Transitional coverage for eligible
181 dependents shall comply with the eligibility criteria of the transitional plans until enrollment in the LODA
182 Health Benefits Plan can be completed.

183 C. 1. a. Except as provided in subdivision 2 and any other law, continued health insurance coverage
184 in any LODA Health Benefits Plans shall not be provided to any person (i) whose coverage under the Plan

185 is based on a deceased person's death or a disabled person's disability occurring on or after July 1, 2017
186 and (ii) who is eligible for Medicare due to age.

187 b. Coverage in the LODA Health Benefits Plans shall also cease for any person upon his death.

188 2. The provisions of subdivision 1 a shall not apply to any disabled person who is eligible for
189 Medicare due to disability under Social Security Disability Insurance or a Railroad Retirement Board
190 Disability Annuity. The Department of Human Resource Management may provide such disabled person
191 coverage under a LODA Health Benefits Plan that is separate from the plan for other persons.

192 3. Continued health insurance under this section shall also terminate upon the disabled person's
193 return to full duty in any position listed in the definition of deceased person in § 9.1-400. Such disabled
194 person shall promptly notify the participating or nonparticipating employer or the contributing nonprofit
195 private institution of higher education, VRS, and the Department of Human Resource Management upon
196 his return to work.

197 4. Such continued health insurance shall be suspended for the Plan year following a calendar year
198 in which the disabled person whose coverage under the Plan is based on a disability occurring on or after
199 July 1, 2017, has earned income in an amount equal to or greater than the salary of the position held by
200 the disabled person at the time of disability, indexed annually based upon the annual increases in the
201 United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by
202 the Bureau of Labor Statistics of the U.S. Department of Labor. Such suspension shall cease the Plan year
203 following a calendar year in which the disabled person has not earned such amount of income. The
204 disabled person shall notify the participating or nonparticipating employer or the contributing nonprofit
205 private institution of higher education, VRS, and the Department of Human Resource Management no
206 later than March 1 of the year following any year in which he earns income of such amount, and notify
207 the participating or nonparticipating employer, the contributing nonprofit private institution of higher
208 education, VRS, and the Department of Human Resource Management when he no longer is earning such
209 amount. Upon request, a disabled person shall provide VRS and the Department of Human Resource
210 Management with documentation of earned income.

211 **§ 9.1-402. Payments to beneficiaries of certain deceased law-enforcement officers,**
212 **firefighters, etc., and retirees.**

213 A. The beneficiary of a deceased person whose death occurred on or before December 31, 2005,
214 while in the line of duty as the direct or proximate result of the performance of his duty shall be entitled
215 to receive the sum of \$75,000, which shall be paid by the nonparticipating employer or from the Fund on
216 behalf of a participating employer or a contributing nonprofit private institution of higher education, as
217 applicable, in gratitude for and in recognition of his sacrifice on behalf of the people of the
218 Commonwealth.

219 B. The beneficiary of a deceased person whose death occurred on or after January 1, 2006, while
220 in the line of duty as the direct or proximate result of the performance of his duty shall be entitled to
221 receive the sum of \$100,000, which shall be paid by the nonparticipating employer or from the Fund on
222 behalf of a participating employer or the contributing nonprofit private institution of higher education, as
223 applicable, in gratitude for and in recognition of his sacrifice on behalf of the people of the
224 Commonwealth.

225 C. Subject to the provisions of § 27-40.1, 27-40.2, 51.1-813, or 65.2-402, if the deceased person's
226 death (i) arose out of and in the course of his employment or (ii) was within five years from his date of
227 retirement, his beneficiary shall be entitled to receive the sum of \$25,000, which shall be paid by the
228 nonparticipating employer or from the Fund on behalf of a participating employer or a contributing
229 nonprofit private institution of higher education, as applicable. For a campus police officer employed by
230 a contributing nonprofit private institution of higher education, such officer's date of retirement shall be
231 determined by VRS in consultation with the contributing nonprofit private institution of higher education.

232 **§ 9.1-402.1. Payments for burial expenses.**

233 It is the intent of the General Assembly that expeditious payments for burial expenses be made for
234 deceased persons whose death is determined to be a direct and proximate result of their performance in
235 the line of duty as defined by the Line of Duty Act. Upon the approval of VRS, at the request of the family
236 of a person who may be subject to the line of duty death benefits, payments shall be made to a funeral
237 service provider for burial and transportation costs by the nonparticipating employer or from the Fund on

238 behalf of a participating employer or a contributing nonprofit private institution of higher education, as
239 applicable. These payments would be advanced from the death benefit that would be due to the beneficiary
240 of the deceased person if it is determined that the person qualifies for line of duty coverage. Expenses
241 advanced under this provision shall not exceed the coverage amounts outlined in § 65.2-512. In the event
242 that a determination is made that the death is not subject to the line of duty benefits (i) in the case of an
243 employer that is a state agency or political subdivision of the Commonwealth, VRS or other Virginia
244 governmental retirement fund of which the deceased is a member will deduct from benefit payments
245 otherwise due to be paid to the beneficiaries of the deceased payments previously paid for burial and
246 related transportation expenses and return such funds to the nonparticipating employer or to the Fund on
247 behalf of a participating employer, as applicable, and (ii) in the case of a contributing nonprofit private
248 institution of higher education, VRS (a) will deduct from benefit payments otherwise due to be paid to the
249 beneficiaries of the deceased payments previously paid for burial and related transportation expenses and
250 return such funds to the Fund and (b) may employ reasonable methods, including the procedures set forth
251 in the Virginia Debt Collection Act (§ 2.2-4800 et seq.), to recover from the deceased person's estate any
252 payments previously paid for burial and related transportation expenses and return such funds to the Fund.
253 The Virginia Retirement System shall have the right to file a claim with the Virginia Workers'
254 Compensation Commission against any employer to recover burial and related transportation expenses
255 advanced under this provision.

256 **§ 9.1-403. Claim for payment; costs.**

257 A. Every beneficiary, disabled person or his spouse, or dependent of a deceased or disabled person
258 shall present his claim to the chief officer, or his designee, of the employer for which the disabled or
259 deceased person last worked on forms to be provided by VRS. Upon receipt of a claim, the chief officer
260 or his designee shall forward the claim to VRS within seven days. The Virginia Retirement System shall
261 determine eligibility for benefits under this chapter. The Virginia Retirement System may request
262 assistance in obtaining information necessary to make an eligibility determination from the Department
263 of State Police. The Department of State Police shall take action to conduct the investigation as
264 expeditiously as possible. The Department of State Police shall be reimbursed from the Fund or the

265 nonparticipating employer, as applicable, for the cost of searching for and obtaining information requested
266 by VRS. The Virginia Retirement System shall be reimbursed for the reasonable costs incurred for making
267 eligibility determinations by nonparticipating employers or from the Fund on behalf of participating
268 employers or contributing nonprofit private institutions of higher education, as applicable. If any
269 nonparticipating employer fails to reimburse VRS for reasonable costs incurred in making an eligibility
270 determination, VRS shall inform the State Comptroller and the affected nonparticipating employer of the
271 delinquent amount. In calculating the delinquent amount, VRS may impose an interest rate of one percent
272 per month of delinquency. The State Comptroller shall forthwith transfer such delinquent amount, plus
273 interest, from any moneys otherwise distributable to such nonparticipating employer.

274 B. 1. Within 10 business days of being notified by an employee, or an employee's representative,
275 that such employee is permanently and totally disabled due to a work-related injury suffered in the line of
276 duty, the agency or department employing the employee shall provide him with information about the
277 continued health insurance coverage provided under this chapter and the process for initiating a claim.
278 The employer shall assist in filing a claim, unless such assistance is waived by the employee or the
279 employee's representative.

280 2. Within 10 business days of having knowledge that a deceased person's surviving spouse,
281 dependents, or beneficiaries may be entitled to benefits under this chapter, the employer for which the
282 deceased person last worked shall provide the surviving spouse, dependents, or beneficiaries, as
283 applicable, with information about the benefits provided under this chapter and the process for initiating
284 a claim. The employer shall assist in filing a claim, unless such assistance is waived by the surviving
285 spouse, dependents, or beneficiaries.

286 C. Within 30 days of receiving a claim pursuant to subsection A, an employer may submit to VRS
287 any evidence that could assist in determining the eligibility of a claim. However, when the claim involves
288 a presumption under § 65.2-402 or 65.2-402.1, VRS shall provide an employer additional time to submit
289 evidence as is necessary not to exceed nine months from the date the employer received a claim pursuant
290 to subsection A. Any such evidence submitted by the employer shall be included in the agency record for
291 the claim.

292 **§ 9.1-404. Order of the Virginia Retirement System.**

293 A. 1. The Virginia Retirement System shall make an eligibility determination within 45 days of
294 receiving all necessary information for determining eligibility for a claim filed under § 9.1-403. The
295 Virginia Retirement System may use a medical board pursuant to § 51.1-124.23 in determining eligibility.
296 If benefits under this chapter are due, VRS shall notify the nonparticipating employer, which shall provide
297 the benefits within 15 days of such notice, or VRS shall pay the benefits from the Fund on behalf of the
298 participating employer or contributing nonprofit private institution of higher education within 15 days of
299 the determination, as applicable. The payments shall be retroactive to the first date that the disabled person
300 was no longer eligible for health insurance coverage subsidized by his employer.

301 2. Two years after an individual has been determined to be a disabled person, VRS may require
302 the disabled person to renew the determination through a process established by VRS. If a disabled person
303 refuses to submit to the determination renewal process described in this subdivision, then benefits under
304 this chapter shall cease for the individual, any eligible dependents, and an eligible spouse until the
305 individual complies. If such individual does not comply within six months from the date of the initial
306 request for a renewed determination, then benefits under this chapter shall permanently cease for the
307 individual, any eligible dependents, and an eligible spouse. If VRS issues a renewed determination that
308 an individual is no longer a disabled person, then benefits under this chapter shall permanently cease for
309 the individual, any eligible dependents, and an eligible spouse. If VRS issues a renewed determination
310 that an individual remains a disabled person, then VRS may require the disabled person to renew the
311 determination five years after such renewed determination through a process established by VRS. The
312 Virginia Retirement System may require the disabled person to renew the determination at any time if
313 VRS has information indicating that the person may no longer be disabled.

314 3. For any medical review conducted for the purpose of making an eligibility determination
315 pursuant to this section, VRS shall require such review to be conducted by a licensed health practitioner.
316 For purposes of this section, "licensed health practitioner" means a person licensed to practice medicine
317 or osteopathic medicine pursuant to the provisions of Chapter 29 (§ 54.1-2900 et seq.) of Title 54.1, a
318 person licensed to practice nursing pursuant to the provisions of Chapter 30 (§ 54.1-3000 et seq.) of Title

319 54.1, or a person licensed to practice psychology pursuant to the provisions of Chapter 36 (§ 54.1-3600 et
320 seq.) of Title 54.1. "Licensed health practitioner" includes a person issued a comparable license, as
321 determined by VRS, by the District of Columbia or a state that is contiguous to the Commonwealth.

322 B. The Virginia Retirement System shall be reimbursed for all reasonable costs incurred and
323 associated, directly and indirectly, in performing the duties pursuant to this chapter (i) from the Line of
324 Duty Death and Health Benefits Trust Fund for costs related to disabled persons, deceased persons,
325 eligible dependents, and eligible spouses on behalf of participating employers and contributing nonprofit
326 private institutions of higher education and (ii) from a nonparticipating employer for premiums and costs
327 related to disabled persons, deceased persons, eligible dependents, and eligible spouses for which the
328 nonparticipating employer is responsible.

329 C. The Virginia Retirement System may develop policies and procedures necessary to carry out
330 the provisions of this chapter.

331 **2. That any nonprofit private institution of higher education, as defined in § 23.1-100 of the Code of**
332 **Virginia, that has established a campus police department pursuant to § 23.1-810 of the Code of**
333 **Virginia on or before the effective date of this act shall elect whether it will be a contributing**
334 **nonprofit private institution of higher education under the Line of Duty Act (§ 9.1-400 et seq. of the**
335 **Code of Virginia), as amended by this act, in the manner and on such forms as prescribed by the**
336 **Virginia Retirement System within 180 days of the effective date of this act. Any nonprofit private**
337 **institution of higher education that establishes a campus police department on or after the effective**
338 **date of this act shall elect whether it will be a contributing nonprofit private institution of higher**
339 **education under the Line of Duty Act (§ 9.1-400 et seq. of the Code of Virginia), as amended by this**
340 **act, in the manner and on such forms as prescribed by the Virginia Retirement System within 180**
341 **days of the establishment of the campus police department. Any election made pursuant to this**
342 **enactment shall be irrevocable and a nonprofit private institution of higher education that does not**
343 **make an election within the time period set forth in this enactment shall be deemed to have made**
344 **an irrevocable election that such institution's campus police officers will not be covered by the Line**
345 **of Duty Act (§ 9.1-400 et seq. of the Code of Virginia), as amended by this act.**

346 3. That the provisions of this act shall apply only to campus police officers employed by a
347 contributing nonprofit private institution of higher education whose death or disability occurred on
348 or after the effective date of such institution's irrevocable election to fund the cost of benefits under
349 the Line of Duty Act (§ 9.1-400 et seq. of the Code of Virginia), as amended by this act, and to
350 participate in the Line of Duty Death and Health Benefits Trust Fund, established pursuant to §
351 9.1-400.1 of the Code of Virginia, as amended by this act.

352 4. That each contributing nonprofit private institution of higher education shall pay its pro rata
353 share of the initial costs to implement this act, as determined by the Virginia Retirement System.

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