

REMARKS OF GARY M. CLEMENS, PRESIDENT VIRGINIA ASSOCIATION OF LOCAL ELECTED CONSTITUTIONAL OFFICERS (VALECO)

Senate Finance General Government Subcommittee
January 26, 2010

Madame Chair and members of the Subcommittee:

On behalf of Virginia's constitutional officers, I want to thank you for your attention to the presentations from the five constitutional office associations. Those presentations focused on office-specific concerns, from jails, to courts, to prosecution, to assessing and collecting the revenues. I would like to wrap up by briefly addressing some additional issues that affect *all* constitutional officers.

In doing so, I am speaking on behalf of VALECO – the “umbrella” organization, organized in 1976, that represents the common interests of Virginia's more than 625 directly-elected constitutional officers and their more than 15,000 deputies. Those officers are *directly elected* by the people – just like you – and we believe that that makes constitutional officers far more responsive to citizens' view and needs than any appointed bureaucrat could be. We share Thomas Jefferson's belief in government directly responsible to the voters; as Jefferson said,

*"I know of no safe depository of the ultimate powers
of society but the people themselves."*

To give you an idea of the magnitude of what this budget does to these constitutional offices: when all these actions are combined, this budget cuts more than ***\$150 million per year*** in funding for constitutional offices, almost a ***quarter*** of the total funds appropriated to these offices at the start of the present biennium.

I would like to highlight five specific aspects of this budget that hit every office, and deeply concern us.

ITEM 425: A BACK-DOOR ATTEMPT TO ABOLISH CONSTITUTIONAL OFFICES

First: as you have heard, this budget contains an unconscionable attempt to abolish constitutional offices through budget language. Item 425 of the Budget Bill as introduced purports to authorize counties and cities to set up finance offices that would take over the duties of elected treasurers and commissioners. This proposal violates the spirit, if not the letter, of Article VII, Section 4 of the Virginia Constitution, which requires directly-elected local

constitutional officers, and makes a mockery of the longstanding statutory requirement that no constitutional office may be abolished – directly or indirectly -- except by petition and voter referendum in the affected locality. The proposal also ignores voters’ clear rejection of proposals to eliminate direct election of local officers: since 1976, *every contested effort to eliminate a constitutional office has been defeated at the polls.*

ELIMINATES STATE FUNDING FOR RETIREMENT & GROUP LIFE PREMIUMS

Second: The Budget Bill as introduced eliminates all state funding for premiums for retirement and group life insurance for constitutional officers and their employees. The effect of this provision would be to push more than ***\$32 million*** in funding obligations back to counties and cities each year, obliging localities to assume the costs of core state functions including law enforcement and court operations. The “caboose” bill also eliminates more than \$7.7 million in premium reimbursement during the *present* fiscal year (FY10).

ELIMINATES STATE FUNDING FOR LIABILITY COVERAGE & BONDS

Third: The Budget Bill as introduced also eliminates all state funding for the premiums that protect constitutional officers against liability claims and pay for bonds. This policy change would push more than \$1.65 million in premium obligations back to localities. Moreover, it comes on the heels of the state forcing localities to absorb 50% of these premiums in the last round of budget cuts. The total reduction in state funding for these premiums, then, would reach ***\$3.3 million*** in the coming biennium.

ELIMINATES STATE FUNDING FOR CAREER DEVELOPMENT PROGRAMS

Fourth: The Budget Bill as introduced eliminates all support for the career development programs you have authorized over the past two decades. These programs promote professional development and foster retention of experienced staff in constitutional offices; they include the Master Deputy Program in sheriffs’ offices, the Career Prosecutor Program in Commonwealth’s Attorneys’ offices, and the Career Development Programs that exist in treasurers’ and commissioners’ offices and have been authorized for clerks’ offices. The effect of these cuts – which total ***\$5.7 million*** per year -- will be actual, and *significant*, salary ***cuts*** for hundreds of officers who have diligently followed the demanding requirements for professional certification.

ELIMINATES STATE FUNDING FOR THE RETIREE HEALTH INSURANCE CREDIT

Fifth and finally: The Budget Bill as introduced eliminates all funding for the retiree health insurance credit you established for constitutional officers and their employees. Although the constitutional officer benefit is only a fraction of what the state pays to retired state employees and retired teachers, it nevertheless is an important benefit for retirees facing soaring health care costs. The Budget pushes the cost of this benefit entirely to localities beginning in FY11; 50% of the costs were pushed to localities last year. The total premium cost abandoned by the state is \$805,000 per year.

Conclusion

Madame Chair, the constitutional offices provide direct accountability of government throughout Virginia as the constitutional officers provide valuable services mandated by state code directly to the citizens. Significant reductions to the constitutional offices will have a significant impact on citizens such as fewer sheriff's deputies on patrol to prevent crime, no staff to assist citizens with tax questions or assessment problems, delayed scheduling of court hearings and legal court filings, and insufficient legal staff to properly manage the prosecution of criminal cases.

Our citizens expect and deserve the same level of quality services from our constitutional officers but these proposed reductions will cripple the constitutional offices. The net result will be unfulfilled promises to Virginia citizens to provide valuable services required by the Code of Virginia and as guaranteed by the Constitution of Virginia. If Thomas Jefferson was here today in this room, I believe he would stand with me and ask you to help all constitutional officers achieve the mission of keeping government accountable to the people. With your help, we can and we will.

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Madame Chair, I thank you and the members for your time, your patience and your attention to these concerns. I would be happy to answer any questions you may have.