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## HOUSE BILL NO. 873

Offered January 9, 2002

Prefiled January 9, 2002

A BILL to amend and reenact § 51.1-206 of the Code of Virginia, relating to the State Police Officers' Retirement System.

Patrons—Phillips and Abbitt

Referred to Committee on Appropriations

**Be it enacted by the General Assembly of Virginia:**

**1. That § 51.1-206 of the Code of Virginia is amended and reenacted as follows:**

§ 51.1-206. Service retirement allowance.

A. A member shall receive an annual retirement allowance, payable for life, as follows:

1. Normal retirement. - ~~The~~At the election of the member the allowance shall equal (i) 1.70 percent of his average final compensation multiplied by the amount of creditable service or (ii) two percent of his average final compensation multiplied by the amount of creditable service. Any member electing the allowance provided in subdivision (ii) shall be ineligible for the benefits provided in subsection B.

For retirements between October 1, 1994, and December 31, 1998, any state police officer who is a member or beneficiary of a retirement system administered by the Board shall receive an additional retirement allowance equal to three percent of the service or disability retirement allowance payable under this section. Average final compensation attributable to service as Governor, Lieutenant Governor, Attorney General, or member of the General Assembly shall not be included in computing this additional retirement allowance.

2. Early retirement. - The allowance shall be determined in the same manner as for normal retirement with creditable service and average final compensation being determined as of the date of actual retirement. If the member has less than twenty-five years of service at retirement, the amount of the retirement allowance shall be reduced on an actuarial equivalent basis for the period by which the actual retirement date precedes the earlier of (i) his normal retirement date or (ii) the first date on or after his fiftieth birthday on which he would have completed a total of twenty-five years of creditable service.

3. 50/10 retirement. - The allowance shall be payable in a monthly stream of payments equal to the greater of (i) the amount the member would receive if he had taken early retirement or (ii) the actuarially calculated present value of the member's accumulated contributions, including accrued interest.

B. In addition to the allowance payable under clause (i) of subsection A, a member who elected the allowance option payable under clause (i) of subsection A shall receive annually from the date of his retirement until his retirement age, as such term is defined under the Social Security Act (42 U.S.C. § 416 et seq., as now or hereafter amended), an allowance equal to \$9,264. Beginning July 1, 2001, and biennially thereafter, such allowance shall be reviewed and adjusted by the Board to an amount recommended by the actuary of the Virginia Retirement System based upon increases in social security benefits in the interim.

This subsection shall not apply to the following: (i) any member who qualifies for retirement under subsection C of § 51.1-205 and is credited with less than twenty years' service rendered in a hazardous position or (ii) any member employed initially on or after July 1, 1974, who is credited with less than twenty years' service rendered in a hazardous position.

C. If a beneficiary of a service retirement allowance under this chapter is at any time in service as an employee in a position covered for retirement purposes under the provisions of this or any chapter other than Chapter 7 (§ 51.1-700 et seq.) of this title, his retirement allowance shall cease while so employed.

**2. That any employee commencing employment on or after July 1, 2002, shall make the election provided in subdivision A 1 of § 51.1-206 within thirty days of employment. All other employees shall make such election on or after July 1, 2002, but before September 1, 2002. All such elections shall be irrevocable.**

**3. That the provisions of this Act shall not alter in any way, and not be applicable to, the benefits provided pursuant to § 51.1-138.**

INTRODUCED

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