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**HOUSE BILL NO. 2295**

Offered January 8, 2003

Prefiled January 8, 2003

*A BILL to amend and reenact §§ 51.1-206, 51.1-217, and 51.1-811 of the Code of Virginia, relating to the State Police Officers' Retirement System and the Virginia Law Officers' Retirement System.*

Patron—Devolites

Referred to Committee on Appropriations

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

**1. That §§ 51.1-206, 51.1-217, and 51.1-811 of the Code of Virginia are 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 allowance shall equal 1.70 percent of his average final compensation multiplied by the amount of creditable service.

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~~ <sup>on or after</sup> 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 subsection A, a member 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.

§ 51.1-217. Service retirement allowance.

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

1. Normal retirement

a. Notwithstanding the provisions of §§ 51.1-155, 51.1-155.1 and 51.1-155.2, for any employee commencing employment or reemployment on or after July 1, 2001, and for any employee who makes the election provided in § 51.1-221, the allowance shall equal (i) two percent of his average final compensation multiplied by the amount of creditable service earned (a) as a member in the retirement system established by this chapter, (b) as a member in the retirement system established by Chapter 2 (§ 51.1-200 et seq.) of Title 51.1, or (c) while earning the benefits permitted by § 51.1-138; and (ii) 1.70 percent of his average final compensation multiplied by all other creditable service, if any; and

b. For any other employee, the allowance shall equal 1.70 percent of his average final compensation multiplied by the amount of creditable service.

2. Early retirement. - The allowance shall be determined in the same manner as for normal retirement

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59 with creditable service and average final compensation being determined as of the date of actual  
60 retirement.

61 a. For an individual retiring pursuant to subdivision B 1 of § 51.1-216, who is not retiring directly  
62 from service as an employee as defined in § 51.1-212, and who has less than thirty years of service shall  
63 retire under the provisions of the retirement system for which he is a member as of his retirement date;  
64 and

65 b. For all other individuals retiring pursuant to subdivision B 1 of § 51.1-216, and for an individual  
66 retiring pursuant to subdivision B 2 of § 51.1-216 who has less than twenty-five years of service at  
67 retirement, the amount of the retirement allowance shall be reduced on an actuarial equivalent basis for  
68 the period by which the actual retirement date precedes the earlier of (i) his normal retirement date or  
69 (ii) the first date ~~on or after his fiftieth birthday~~ on which he would have completed a total of  
70 twenty-five years of creditable service.

71 B. Any person who is an employee on June 30, 2001, and on July 1, 2001, who does not make the  
72 election provided in § 51.1-221, shall receive, in addition to the allowance payable under subsection A,  
73 from the date of his retirement until his sixty-fifth birthday, an annual allowance equal to \$9,264.  
74 Beginning July 1, 2001, and biennially thereafter, such allowance shall be reviewed and adjusted by the  
75 Board to an amount recommended by the actuary of the Virginia Retirement System based upon  
76 increases in Social Security benefits in the interim. This subsection shall not apply to the following: (i)  
77 any member who qualifies for retirement under subsection C of § 51.1-216 and is credited with less than  
78 twenty years' service rendered in a hazardous position or (ii) any member employed initially on or after  
79 July 1, 1974, who is credited with less than twenty years' service rendered in a hazardous position.

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

83 D. No person shall be eligible to receive any of the allowances provided in this section if he receives  
84 retirement benefits under Chapter 2 (§ 51.1-200 et seq.) of Title 51.1 or under § 51.1-138. No person  
85 shall receive any allowance pursuant to subdivision A 1 (i) if he has received an allowance pursuant to  
86 subsection B of § 51.1-206 or subsection B of § 51.1-217, unless, after receiving the allowance pursuant  
87 to subsection B of § 51.1-206 or subsection B of § 51.1-217, he becomes employed or reemployed as an  
88 employee defined in § 51.1-212, and thereafter earns five or more years of creditable service (a) as a  
89 member in the retirement system established by this chapter, (b) as a member in the retirement system  
90 established by Chapter 2 (§ 51.1-200 et seq.) of Title 51.1, or (c) while earning the benefits permitted by  
91 § 51.1-138.

92 § 51.1-811. Eligibility for retirement; retirement allowance.

93 Any member of a police department who has completed ~~twenty~~ 20 years of service in the department  
94 and attained the age of ~~fifty~~ 50 years *or who has completed 25 years of service in the department*  
95 *regardless of age* may retire and receive the pension and benefits provided in this section. Upon  
96 retirement, a member shall receive a retirement allowance, payable to the member for life, equal to ~~fifty~~  
97 50 percent of the member's annual salary, computed on the basis of the last ~~three~~ 3 years of service and  
98 an additional amount equal to ~~two~~ 2 percent of the member's salary for each year of service (i) after the  
99 age of ~~fifty~~ 50 and after ~~twenty~~ 20 years of service in the department *or (ii) after 25 years of service in*  
100 *the department regardless of age.*