

# VIRGINIA ACTS OF ASSEMBLY -- 2007 RECONVENED SESSION

## CHAPTER 866

*An Act to amend and reenact § 51.1-1401 of the Code of Virginia, relating to the health insurance credit for retired teachers.*

[H 2370]

Approved April 4, 2007

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

**1. That § 51.1-1401 of the Code of Virginia is amended and reenacted as follows:**

§ 51.1-1401. Health insurance credits for retired teachers.

A. A teacher, as defined in § 51.1-124.3, retired under the Virginia Retirement System, and any employee retired under a defined contribution plan pursuant to § 51.1-126.6, who rendered at least 15 years of total creditable service under the System or plan shall receive a health insurance credit to his monthly retirement allowance, which shall be applied to reduce the retired member's health insurance premium cost. The amount of each monthly health insurance credit payable under this section shall be ~~\$2.50~~ \$4 for each full year of the retired member's creditable service, ~~not to exceed a maximum monthly credit of \$75~~; however, each former member whose retirement was for disability shall receive a monthly health insurance credit of \$75 *\$4 multiplied by the smaller of (i) twice the amount of his creditable service or (ii) the amount of creditable service he would have completed at age 60 if he had remained in service to that age.* Eligibility for the credit shall be determined in a manner prescribed by the Virginia Retirement System. Any member who elects to defer his retirement pursuant to subsection C of § 51.1-153 shall be entitled to receive the allowable credit provided by this section on the effective date of his retirement. ~~The cost of such credit shall be borne by the Commonwealth.~~

B. In addition to the health insurance credit authorized in subsection A, localities which participate in the Virginia Retirement System may elect to provide an additional health insurance credit of \$1 per month for each full year of the retired member's creditable service, ~~not to exceed a maximum monthly credit of \$30.~~ The costs of such additional health insurance credit shall be borne by the locality.

~~C.~~ Those retired employees who purchase an alternative personal health insurance policy from a carrier or organization of their own choosing shall be eligible to receive a credit in the amount specified in subsection D. Eligibility for the credit and payment of the credit shall be determined in a manner prescribed by the Virginia Retirement System.

~~D~~ C. The credit shall be in (i) the amount provided in subsection A, ~~or subsection A and subsection B if the additional credit authorized by subsection B is provided~~ or (ii) the amount of premium paid for the personal health insurance policy, whichever is less.

~~E~~ D. Any person included in the membership of a retirement system provided by Chapter 1 (§ 51.1-124.1 et seq.), 2 (§ 51.1-200 et seq.), 2.1 (§ 51.1-211 et seq.), or 3 (§ 51.1-300 et seq.) of this title who (i) rendered at least 15 years of total creditable service as a teacher as defined in § 51.1-124.3 and (ii) after terminating service as a teacher, was employed by a local government that does not elect to provide a health insurance credit under § 51.1-1402, shall be eligible for the credit provided by subsection A and subsection B if provided by the school division from which the service described in clause (i) was rendered, provided that the retired employee is participating in a health insurance plan. The Commonwealth and local school division, if appropriate, shall be charged with the credit as provided for in subsection F. In such case, the health insurance credit shall be determined based upon the amount of state service or service as a teacher, whichever is greater.

~~F~~ E. The Virginia Retirement System shall (i) actuarially determine the amount necessary to fund all credits provided under this section, (ii) reflect the cost of such credits in the applicable employer contribution rate pursuant to §§ 51.1-145, 51.1-204, and 51.1-304, and (iii) prescribe such terms and conditions as are necessary to carry out the provisions of this section. The costs associated with the administration of the health insurance program provided for in this section shall be recovered from the health insurance credit trust fund.

**2. That the provisions of this act shall apply to all employees eligible to receive benefits under this act, regardless of whether such employee retired prior to or after July 1, 2007. However, the increased health insurance credit paid under this act shall only be available on a prospective basis, beginning July 1, 2007.**

**3. That the total health insurance credit available to any retired employee under this act shall be the \$4 provided under subsection A of § 51.1-1401 of the Code of Virginia, regardless of whether such employee was receiving an additional \$1 health insurance credit available under subsection B of § 51.1-1401 as it was in effect on July 1, 2006.**

**4. That the provisions of this act shall not apply to any former member, retired prior to July 1, 2007, whose retirement was for disability, if such application would reduce the monthly health**

**insurance credit payable to such former member.**