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HOUSE BILL NO. 1029

Offered January 8, 2020

Prefiled January 7, 2020

A *BILL to amend and reenact § 51.1-155.1 of the Code of Virginia, relating to early retirement; constitutional officers.*

Patron—Adams, L.R.

Referred to Committee on Appropriations**Be it enacted by the General Assembly of Virginia:****1. That § 51.1-155.1 of the Code of Virginia is amended and reenacted as follows:****§ 51.1-155.1. Exceptions from general early retirement provisions for certain state employees and constitutional officers.**

A. The provisions of this subsection apply to any member of the retirement system (i) whose position is described by subdivision 1 (except a member of the Judicial Retirement System (§ 51.1-300 et seq.)), 2 (except a member of the Judicial Retirement System (§ 51.1-300 et seq.)), 3, 4 (except an officer elected by popular vote), 7, 13, 14, 15, 16, 17, or 20 of § 2.2-2905; (ii) who is an agency head appointed by a state board, state commission, or state council; or (iii) who is a school division superintendent appointed by a school board pursuant to § 22.1-60, and (a) who is involuntarily separated from state service and (b) who has 20 or more years of creditable service at the date of separation. Such member may retire with the retirement allowance as provided in subdivision A 1 of § 51.1-155 upon attaining age 50, provided, however, that if (1) the member is a person who becomes a member on or after July 1, 2010, (2) the member does not have at least 60 months of creditable service as of January 1, 2013, or (3) the member is enrolled in the hybrid retirement program described in § 51.1-169, then the member may retire with the retirement allowance as provided in subdivision A 1 of § 51.1-155 upon attaining age 60.

B. The provisions of this subsection apply to any member of the retirement system who (i) serves as chief executive officer of an interstate commission pursuant to Virginia's participation in such commission; (ii) is involuntarily separated from service; and (iii) has 20 or more years of creditable service at the date of separation. Such member may retire without the reduction in retirement allowance required by subdivision A 2 of § 51.1-155 upon attaining age 50, provided, however, that if (a) the member is a person who becomes a member on or after July 1, 2010, (b) the member does not have at least 60 months of creditable service as of January 1, 2013, or (c) the member is enrolled in the hybrid retirement program described in § 51.1-169, then the member may retire without the reduction in retirement allowance required by subdivision A 2 of § 51.1-155 upon attaining age 60.

C. The provisions of this subsection apply to any member of the retirement system who (i) serves as a constitutional officer, (ii) is involuntarily separated from service because his office is lawfully abolished, and (iii) has 20 or more years of creditable service at the date of separation. Such member may retire with the retirement allowance as provided in subdivision A 1 of § 51.1-155, upon attaining age 50, provided, however, that if (a) the member is a person who becomes a member on or after July 1, 2010, (b) the member does not have at least 60 months of creditable service as of January 1, 2013, or (c) the member is enrolled in the hybrid retirement program described in § 51.1-169, then the member may retire with the retirement allowance as provided in subdivision A 1 of § 51.1-155 upon attaining age 60. *The provisions of this subsection shall also apply to a member of the retirement system who serves as a constitutional officer in a city at the time that the city reverts to town status pursuant to Chapter 41 (§ 15.2-4100 et seq.) of Title 15.2, regardless of the age or number of years of creditable service of the member at the time of the entry of the order of reversion.*

D. For the purposes of this section, except for subsection C, "involuntary separation" means any dismissal, requested resignation, or failure to obtain reappointment, except in case of a conviction for a felony or crime involving moral turpitude or dishonesty.

E. Any state employee who retires under the provisions of this section on or after January 1, 1994, shall be eligible to participate in the state health insurance program as provided in § 2.2-2818 and receive group life insurance benefits as provided in § 51.1-505.

INTRODUCED

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