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SENATE BILL NO. 1057

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Finance and Appropriation
on January 30, 2020)

(Patron Prior to Substitute—Senator Ruff)

A *BILL to amend and reenact §§ 51.1-1400 and 51.1-1403 of the Code of Virginia, relating to health insurance credits for retired state employees and constitutional officers.*

Be it enacted by the General Assembly of Virginia:

1. That §§ 51.1-1400 and 51.1-1403 of the Code of Virginia are amended and reenacted as follows:
§ 51.1-1400. Health insurance credits for retired state employees.

A. The Commonwealth shall provide a credit toward the cost of health insurance coverage for any former state employee, as defined in § 2.2-2818, who retired under the Virginia Retirement System, State Police Officers' Retirement System, Judicial Retirement System, Virginia Law Officers' Retirement System, or any retirement system authorized pursuant to § 51.1-126, 51.1-126.1, 51.1-126.3, 51.1-126.4, 51.1-126.5, 51.1-126.7, or 51.1-169 and who (i) rendered at least 15 years of total creditable service under the Retirement System or (ii) rendered service as a temporary employee of the General Assembly in 1972 and became a member of the retirement system from 1972 to 1985 immediately following such temporary service. The amount of each monthly health insurance credit payable under this section shall be \$4 per year of creditable service, which amount shall be credited monthly to any retired state employee participating in the state retiree health benefits program pursuant to § 51.1-1405 or an alternative personal health insurance plan as provided herein. *Effective January 1, 2021, the amount of each such monthly health insurance credit payable under this section for retirees who rendered at least 30 years of total creditable service under the Retirement System shall be increased annually by the same percentage as any annual post-retirement supplement for retirees, as calculated for employees hired on or after July 1, 2010, pursuant to § 51.1-166.* However, such credit shall not exceed the health insurance premium for retiree-only coverage as provided under such alternative personal health insurance plan.

Any ~~(a)~~ (a) employee participant pursuant to § 51.1-126, 51.1-126.1, 51.1-126.3, 51.1-126.4, 51.1-126.5, or 51.1-126.7 receiving long-term disability, ~~or (b)~~ (b) retired state employee retired under the provisions of § 51.1-156 or 51.1-307, or ~~any (c)~~ (c) participating employee receiving long-term disability pursuant to § 51.1-1112, 51.1-1123, 51.1-1157, or 51.1-1165 shall receive a maximum monthly credit which is the greater of ~~(i)~~ (1) \$120, ~~(ii)~~ (2) \$4 per year for each year of creditable service at the time of disability retirement, or ~~(iii)~~ (3) \$4 per year for each year of creditable service at the time of eligibility for long-term disability. *Effective January 1, 2021, the amount of maximum monthly credit for such employees and retirees shall be increased annually by the same percentage as any annual post-retirement supplement for retirees, as calculated for employees hired on or after July 1, 2010, pursuant to § 51.1-166.*

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.) who elects to defer his retirement pursuant to subsection C of § 51.1-153, subsection C of § 51.1-205 or subsection C of § 51.1-305 shall be entitled to receive the allowable credit provided by this section on the effective date of his retirement.

B. For those retired state employees:

1. Participating in the state retiree health benefits program, such credit shall be applied to the monthly premium deducted from benefits payable to retired state employees in accordance with Chapters 1 (§ 51.1-124.1 et seq.), 2 (§ 51.1-200 et seq.), 2.1 (§ 51.1-211 et seq.), and 3 (§ 51.1-300 et seq.). In the event that either no benefit is payable or the benefit payable is insufficient to deduct the entire health care premium, the payment of the credit shall be determined in the manner prescribed by the Virginia Retirement System. Eligibility for the credit shall be determined in a manner prescribed by the Virginia Retirement System.

2. Not electing or eligible to participate in the state retiree health benefits program and who purchase an alternative personal health insurance policy from a carrier or organization of his own choosing, such retirees shall be eligible to receive a credit in the amount specified in subsection A. Eligibility for the credit and payment for the credit shall be determined in a manner prescribed by the Virginia Retirement System.

C. 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.) who (i) rendered at least 15 years of total creditable service as a state employee as defined in § 2.2-2818 and (ii) after terminating state service, was employed by a local government that does not elect to provide a health insurance credit under § 51.1-1401 or 51.1-1402, shall be eligible for the credit provided by

60 subsection A, provided that the retired employee is participating in a health insurance plan. The
61 Commonwealth shall be charged with the credit as provided for in subsection D. In such case, the health
62 insurance credit shall be determined based upon the amount of state service or service as a teacher,
63 whichever is greater.

64 D. The Virginia Retirement System shall actuarially determine the amount necessary to fund all
65 credits provided by this section to reflect the cost of such credits in the employer contribution rate
66 pursuant to § 51.1-145, and prescribe such terms and conditions as are necessary to carry out the
67 provisions of this section. The costs associated with the administration of the health insurance credit
68 program provided for in this section shall be recovered from the health insurance credit trust fund.

69 E. Notwithstanding anything contained in this section to the contrary, the Virginia Commonwealth
70 University Health System Authority shall pay the cost of coverage for employees of such Authority who
71 (i) retired under the Virginia Retirement System or any retirement system authorized pursuant to
72 § 23.1-2416, 51.1-126, 51.1-126.1, or former § 51.1-126.2; (ii) were employed by such Authority prior
73 to July 1, 1998, and were not subsequently rehired by such Authority on or after July 1, 1998; and (iii)
74 served no less than 15 years of creditable service as regularly employed full-time employees of such
75 Authority or the Commonwealth.

76 **§ 51.1-1403. Health insurance credits for retired constitutional officers, employees of**
77 **constitutional officers, general registrars, employees of general registrars, and local social service**
78 **employees.**

79 A. A local officer, as defined in § 51.1-124.3, general registrar, employee of a general registrar, or an
80 employee of a local social services board, retired under the Virginia Retirement System, including the
81 hybrid retirement program described in § 51.1-169, who rendered at least 15 years of total creditable
82 service under the System shall receive a health insurance credit to his monthly retirement allowance,
83 which shall be applied to reduce the retired member's health insurance premium cost. The amount of
84 each monthly health insurance credit payable under this section shall be ~~\$1.50~~ \$4 for each full year of
85 the retired member's creditable service, ~~not to exceed a maximum monthly credit of \$45~~; however, each
86 former member whose retirement was for disability, a participant receiving long-term disability pursuant
87 to § 51.1-1157 or 51.1-1165, or a member of the hybrid retirement program receiving long-term
88 disability pursuant to coverage under subsection A of § 51.1-1153 shall receive a *maximum* monthly
89 health insurance credit ~~of \$45 that is the greater of (i) \$120, (ii) \$4 per year for each year of creditable~~
90 *service at the time of disability retirement, or (iii) \$4 per year for each year of creditable service at the*
91 *time of eligibility for long-term disability.* Eligibility for the credit shall be determined in a manner
92 prescribed by the Virginia Retirement System. Any member who elects to defer his retirement pursuant
93 to subsection C of § 51.1-153 shall be entitled to receive the allowable credit provided by this section
94 on the effective date of his retirement. The cost of such credit shall be borne by the Commonwealth.

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

99 C. 1. Those retired employees who purchase an alternative personal health insurance policy from a
100 carrier or organization of their own choosing shall be eligible to receive a credit in the amount specified
101 in subdivision C 2. Eligibility for the credit and payment of the credit shall be determined in a manner
102 prescribed by the Virginia Retirement System.

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

106 D. Any person included in the membership of a retirement system provided by Chapter 1
107 (§ 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.) who (i)
108 rendered at least 15 years of total creditable service as a local officer as defined in § 51.1-124.3 or as an
109 employee of a local social services board or combined service as a general registrar or an employee of a
110 general registrar and (ii) after terminating service as a local officer or employee of a local social
111 services board or general registrar or as an employee of a general registrar, was employed by a local
112 government that does not elect to provide a health insurance credit under § 51.1-1402, shall be eligible
113 for the credit provided by subsection A, provided that the retired employee is participating in a health
114 insurance plan. The Commonwealth shall be charged with the credit as provided for in subsection A. In
115 such case, the health insurance credit shall be determined based upon the amount of state service or
116 service as a local officer or service as an employee of a local social services board or combined service
117 as a general registrar or an employee of a general registrar, whichever is greater.

118 E. The Virginia Retirement System shall (i) actuarially determine the amount necessary to fund all
119 credits provided under this section, (ii) reflect the cost of such credits in the applicable employer
120 contribution rate pursuant to § 51.1-145, and (iii) prescribe such terms and conditions as are necessary to
121 carry out the provisions of this section. The costs associated with the administration of the health

122 insurance program provided for in this section shall be recovered from the health insurance credit trust
123 fund.
124 **2. That the provisions of this act shall not become effective unless an appropriation effectuating**
125 **the purposes of this act is included in a general appropriation act passed in 2020 by the General**
126 **Assembly that becomes law.**