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HOUSE BILL NO. 1407

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Finance
on February 28, 1996)

(Patron Prior to Substitute—Delegate Putney)

A BILL to amend and reenact §§ 51.1-155.1 and 51.1-155.2 of the Code of Virginia, relating to early retirement provisions for certain state employees and local government officials.

Be it enacted by the General Assembly of Virginia:

1. That §§ 51.1-155.1 and 51.1-155.2 of the Code of Virginia are amended and reenacted as follows:

§ 51.1-155.1. Exceptions from general early retirement provisions for certain state employees.

A. Members of the retirement system (i) whose positions are described by subdivision A 2 (except members of the Judicial Retirement System (§ 51.1-300 et seq.)), A 3, A 4 (except officers elected by popular vote), A 7, A 13, A 14, A 15, A 16, A 17, or A 19 of § 2.1-116 or (ii) agency heads appointed by a state board, state commission, or state council, or school division superintendents appointed by a school board pursuant to § 22.1-60, who are involuntarily separated from state service and who have twenty or more years of creditable service at the date of separation, may retire with the retirement allowance as provided in subdivision A 1 of § 51.1-155, upon attaining age fifty-five.

B. For the purposes of this section, "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.

C. 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 § 2.1-20.1 and receive group life insurance benefits as provided in subsection B of § 51.1-505.

§ 51.1-155.2. Exceptions from general early retirement provisions for certain local government officials.

A. Members of the retirement system who (i) are appointed county administrator pursuant to § 15.1-115 or § 15.1-704, urban county executive pursuant to § 15.1-731, county executive pursuant to § 15.1-595, county manager pursuant to § 15.1-631 or § 15.1-674, or city or town manager pursuant to § 15.1-795, § 15.1-920, or § 15.1-926; (ii) are involuntarily separated from service; and (iii) have twenty or more years of creditable service at the date of separation, may retire without the reduction in retirement allowance required by § 51.1-155 A 2 upon attaining age fifty-five.

B. For the purposes of this section, "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.

C. The cost of this provision shall be borne by the locality.

2. That the provisions of this act amending § 51.1-155.2 of the Code of Virginia shall apply to employees of political subdivisions unless the employer notifies the Board of Trustees of the Virginia Retirement System otherwise in writing on or before July 1, 1996.