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SENATE BILL NO. 17

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Appropriations
on March 4, 1998)

(Patron Prior to Substitute—Senator Marye)

A BILL for the relief of Johnny Beth Moore.

Whereas, Johnny Beth Moore is the widow of Dr. Raymond K. Moore; and
Whereas, Dr. Moore served the Commonwealth for over 25 years as professor of geology at Radford University; and

Whereas, in late September 1995, Dr. Moore was diagnosed with cancer; and

Whereas, on October 27, 1995, Dr. Moore received an estimate of his retirement benefits under the Virginia Retirement System; and

Whereas, Dr. Moore was eligible to retire under the provisions of the Workforce Transition Act at an effective retirement age of 55 with 26 years of service; and

Whereas, based on such estimate of retirement benefits, Dr. Moore intended to retire from state service; and

Whereas, Dr. Moore had an appointment with Dr. Robert C. Whisonant, chairman of the Geology Department at Radford University, to sign his retirement documents on November 20, 1995; and

Whereas, Dr. Moore suffered a reaction to his chemotherapy treatment on November 20, 1995, for which he was admitted to the intensive care unit at Radford Community Hospital, and which prevented him from keeping his scheduled appointment to sign his retirement documents; and

Whereas, Dr. Moore died on November 21, 1995, fifty days after being diagnosed with cancer; and

Whereas, if Dr. Moore had been able to keep his November 20, 1995, appointment to execute his retirement documents, he would have elected the 100 percent survivorship option for his wife, which provided contingent annuitant retirement benefits of \$1,786.44 per month for life; and

Whereas, Dr. Moore's intent prior to the date of his death to sign his retirement documents electing the 100 percent survivorship option for his wife is clear and incontrovertible; and

Whereas, § 51.1-153 of the Code of Virginia requires that a member in service may retire upon written notice to the Board of Trustees of the Virginia Retirement System; and

Whereas, Johnny Beth Moore, Radford University President Douglas Covington, and others have petitioned the Virginia Retirement System for an exception in this case from the requirement that the application for retirement be in writing; and

Whereas, the Virginia Retirement System has denied all requests for an exception; and

Whereas, faced with the need to participate in the retiree health insurance program, Mrs. Moore agreed, under protest, to accept death-in-service retirement benefits from the Virginia Retirement Service of \$534.83 per month; and

Whereas, the monthly survivor benefits payable to Mrs. Moore were increased in August 1997 to \$550.34, of which \$172 is deducted for health insurance premiums; and

Whereas, the net benefits paid to Mrs. Moore of \$378.34 per month are insufficient to cover her basic costs of living; and

Whereas, the difference between the retirement benefits Mrs. Moore would have received under the 100 percent survivor option and the benefits she has received over the 30-month period from December 1995 through June 1998 is approximately \$38,799.91 and

Whereas, Johnny Beth Moore has no other means to obtain adequate relief except by action of this body; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. § 1. *That there is hereby allocated from the funds appropriated to the Virginia Retirement System the sum of \$38,799.91 for the relief of Johnny Beth Moore to be paid by check issued by the State Treasurer on warrant of the Comptroller to Johnny Beth Moore, and further that commencing July 1, 1998, and continuing for the remainder of her life, the Virginia Retirement System pay to Johnny Beth Moore monthly benefits in the amount that she would have been entitled to receive if Dr. Raymond K. Moore had executed on November 20, 1995, all appropriate documents notifying the Board of Trustees of the Virginia Retirement System of his election to retire from service and electing the 100 percent survivorship options for Johnny Beth Moore as contingent annuitant, upon execution by Johnny Beth Moore of a release of all claims she may have against the Commonwealth or any of its political subdivisions or their officers employees, or agents in connection with the aforesaid occurrence. In addition, Radford University shall (i) approve Dr. Moore's participation in the Workforce Transition Act (WTA) by providing 8 WTA credits and (ii) pay the VRS the appropriate sums to cover the costs of the credits.*

