

VIRGINIA ACTS OF ASSEMBLY -- 2011 SESSION

CHAPTER 250

An Act to amend and reenact § 51.1-155.1 of the Code of Virginia, relating to the Virginia Retirement System; constitutional officers.

[H 2096]

Approved March 18, 2011

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. Members of the retirement system (i) whose positions are described by subdivision 1 (except members of the Judicial Retirement System (§ 51.1-300 et seq.)), 2 (except members of the Judicial Retirement System (§ 51.1-300 et seq.)), 3, 4 (except officers elected by popular vote), 7, 13, 14, 15, 16, 17, or 20 of § 2.2-2905; (ii) who are agency heads appointed by a state board, state commission, or state council; or (iii) who are school division superintendents appointed by a school board pursuant to § 22.1-60, and (a) who are involuntarily separated from state service and (b) who have 20 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 50.

B. 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, may retire without the reduction in retirement allowance required by § 51.1-155 A 2 upon attaining age 50.

C. 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, may retire with the retirement allowance as provided in subdivision A 1 of § 51.1-155, upon attaining age 60 if the member is a person who becomes a member on or after July 1, 2010; and upon attaining age 50 for any other member.

€ 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.