

CHAPTER 131**(SB 20)**

AN ACT relating to retirement.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 67A.430 is amended to read as follows:

- (1) The rate of retirement annuity shall be two and one-half percent (2.5%) of average salary, as defined in KRS 67A.360(13), for each year of total service. Fractional periods of service shall be considered in the calculation of such annuities according to the aforesaid rate. Provided, however, that no retiree, or his surviving widow, whether he retired before or after June 16, 1972, under this section shall receive a pension of less than \$100 a month and when Social Security benefits are increased the minimum shall be increased by a like amount, provided that the increase shall not exceed five percent (5%).
- (2) Any retiree or surviving spouse who as of **July 1, 2001**~~[January 1, 1996]~~, is receiving a monthly annuity of less than **one thousand dollars (\$1,000)**~~[the amount established as the poverty guideline for a single person by the United States Department of Commerce]~~ shall have the pension increased to **one thousand dollars (\$1,000)**~~[the amount established as the poverty guideline for calendar year 1996]~~, and the board may increase this annuity as provided by KRS 67A.690(1).

Section 2. KRS 67A.690 is amended to read as follows:

- (1) When a member has been retired for one (1) year or attained **forty-seven (47)**~~[fifty-one (51)]~~ years of age, whichever is later, or when he would have been retired for one (1) year or attained **forty-seven (47)**~~[fifty-one (51)]~~ years of age in the event the member is deceased, the board shall increase his retirement annuity or the annuity paid to his widow or dependent children by not less than two percent (2%) nor more than five percent (5%) per year, compounded annually; and such increase shall be determined and granted annually thereafter by the board.
- (2) (a) Notwithstanding the provisions of subsection (1), any member who retires under *a disability arising from any cause other than in the performance of duty* shall be entitled to an increase in his retirement annuity, or in the event he is deceased, in the annuity paid to his widow or dependent children by two percent (2%) per year; and such increase shall be granted annually thereafter by the board. Such increase shall be compounded until and including the date upon which the member would have been retired for one (1) year or the date upon which he has attained **forty-seven (47)**~~[fifty-one (51)]~~ years of age, whichever is later, or would have been retired for one (1) year or would have attained **forty-seven (47)**~~[fifty-one (51)]~~ years of age in the event the member is deceased. Thereafter, the annuity paid to the member or to his widow or to the guardian of his minor children shall be increased as provided in subsection (1) of this section.

(b) ***Beginning July 1, 2001, notwithstanding any other provision to the contrary, any member, retired under occupational disability, as provided in KRS 67A.460, shall be entitled to an increase in his or her annuity, or in the event of death the annuity paid to his or her spouse or dependent, after he or she has been retired one (1) year regardless of age or date of retirement. The amount of the annual increase shall be the same as described in subsection (1) of this section, compounded annually, and***

the increase shall be determined and granted annually thereafter by the board. For a member retired on occupational disability for a length of time in excess of one (1) year prior to the effective date of this Act, the board shall increase the member's annuity as described in this paragraph, on July 1, 2001, and each July 1 thereafter.

- (3) (a) A member who retired pursuant to the provisions of KRS 67A.360 to 67A.690 prior to July 15, 1980, or pursuant to KRS 67A.690(2) after July 15, 1980, or his surviving spouse or eligible surviving children, shall receive an upward adjustment in their retirement or survivor's annuity by calculation of a two percent (2%) annual increase compounded from July 1, 1974, until July 15, 1980, and annual increases compounded, from July 15, 1980, until July 15, 1990, in the same percentage amount by which the pension board increased other pensions pursuant to subsection (1) of this section for those same years. For purposes of calculation, unless the member retired under disability, the member's or survivor's first increase shall occur after the member was retired for one (1) year or attained the age of ***forty-seven (47)***~~*fifty-one (51)*~~, whichever was later, or would have been retired one (1) year or reached the age of ***forty-seven (47)***~~*fifty-one (51)*~~, whichever was later, in the event the member died before being retired one (1) year or reaching the age of ***forty-seven (47)***~~*fifty-one (51)*~~. In the case of retirement under disability, no age or length of retirement criteria shall apply.
- (b) After calculation of the new annuity level, members of age ***forty-seven (47)***~~*fifty-one (51)*~~ or more affected by this subsection, or survivors of a member who would have been ***forty-seven (47)***~~*fifty-one (51)*~~ or more in the event the member is deceased, shall be granted the same annual increase granted to retirees who retired July 15, 1980, or thereafter, pursuant to subsection (1) of this section, and the annuity on which this cost-of-living increment is based shall be the annuity level reached through the addition of annual compounded increases calculated pursuant to paragraph (a) of this subsection, but not less than the annuity level in effect prior to July 15, 1990. If the member has not attained the age of ***forty-seven (47)***~~*fifty-one (51)*~~ or would not have attained the age of ***forty-seven (47)***~~*fifty-one (51)*~~ in the event the member is deceased, then the member or survivor shall receive increases of two percent (2%) compounded annually until the member attains or would have attained age ***forty-seven (47)***~~*fifty-one (51)*~~, at which time the same annual increase granted to retirees who retired July 15, 1980, or thereafter shall apply.
- (4) The provisions of subsection (3) of this section shall not apply to any retiree or surviving spouse who receives a minimum retirement annuity, annually adjusted, pursuant to KRS 67A.430. If, in the future, any retiree or spouse annuity granted pursuant to this section falls below the adjusted minimum annuity, the affected retiree or spouse shall be granted, from that time forward, the adjusted minimum annuity calculated pursuant to KRS 67A.430.

Approved March 20, 2001