

**STATEMENT OF EMERGENCY**  
**102 KAR 1:360E.**

This emergency administrative regulation is being promulgated in contemplation of the requirements of House Bill 258(2021 RS) to provide individuals who become members of Teachers' Retirement System on or after January 1, 2022, with a disability benefit. The passage of the act and the start of the new benefits on January 1, 2022, necessitate the filing of this administrative regulation as an emergency because a member may become disabled as early as January 1, 2022, and be entitled to benefits that would be ongoing. This emergency administrative regulation will not be replaced by an ordinary administrative regulation, as a new regulation shall be established once the eligibility requirements to file for disability benefits and guidelines for filing an application by new members have been developed by the Teachers' Retirement System. The new eligibility requirements shall also address those members who have five (5) or more years of service.

*ANDY BESHEAR, Governor*  
*ALISON WRIGHT, Chairperson*

**FINANCE AND ADMINISTRATION CABINET**  
**Teachers' Retirement System**  
**(New Emergency Administrative Regulation)**

**102 KAR 1:360E. Disability benefits for members who enter on, or after, January 1, 2022.**

RELATES TO: KRS 161.661(19)

STATUTORY AUTHORITY: KRS 161.310, 161.661(19)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.661(19) provides that individuals who become members on, or after, January 1, 2022, shall be eligible for a disability benefit as prescribed by the Board of Trustees of Teachers' Retirement System (TRS) in an administrative regulation promulgated by the board. The disability plan and benefits may be adjusted by the board according to law.

Section 1. For members who enter TRS on, or after, January 1, 2022, who have less than five (5) years of service, the disability plan and benefits shall be those provided under KRS 61.621 (the Fred Capps Memorial Act).

Section 2. The members defined in Section 1 are not eligible for benefits provided by KRS 161.663.

*ALISON WRIGHT, Chairperson*

APPROVED BY AGENCY: December 22, 2021

FILED WITH LRC: December 28, 2021 at 12:45 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Wednesday, February 23, 2022, at 9:00 a.m. Eastern Time at the offices of the retirement system at 479 Versailles Road, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by Wednesday, February 16, 2022, five (5) working days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation until the end of the calendar day on Monday, February 28, 2022. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to:

CONTACT PERSON: Robert B. Barnes, Deputy Executive Secretary of Operations and General Counsel, Teachers' Retirement System, 479 Versailles Road, Frankfort, Kentucky 40601, phone (502) 848-8508, fax (502) 573-0199, email Beau.Barnes@trs.ky.gov.