

STATEMENT OF EMERGENCY
105 KAR 5:200E.

This emergency administrative regulation is being promulgated in order to meet an imminent deadline for the promulgation of an administrative regulation that is established by state statute, i.e., SB 85 of the 2026 regular legislative session which amended KRS 16.505, 16.678, 61.510, 61.635, 61.640, 61.690, 78.510, and 78.5532 effective July 15, 2026. This administrative regulation is being filed on an emergency basis to amend Form 6030, "Death Benefit Designation", so that members of the retirement systems administered by the Kentucky Public Pensions Authority can select "special needs trust" as an optional potential beneficiary. This emergency administrative regulation will be replaced by an ordinary administrative regulation to enable the selection on a permanent basis. The companion ordinary administrative regulation is identical to this emergency regulation.

ANDY BESHEAR, Governor

RYAN BARROW, Executive Director

FINANCE AND ADMINISTRATION CABINET
Kentucky Public Pensions Authority
(Emergency Amendment)

105 KAR 5:200E. Retirement procedures.

RELATES TO: KRS 16.505-16.652, 61.505-61.705, 78.510-78.852

STATUTORY AUTHORITY: KRS 61.505(1)(g), 61.590(1), 78.545

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 61.505(1)(g) authorizes the Kentucky Public Pensions Authority to promulgate administrative regulations on behalf of the Kentucky Retirement Systems and the County Employees Retirement System that are consistent with, and are necessary or proper in order to carry out the provisions of, KRS 16.505 to 16.652, 61.505 to 61.705, and 78.510 to 78.852. KRS 61.590(1) and 78.545 require that all forms and information required by the board are on file to receive retirement benefits. This administrative regulation establishes the procedures and forms required to apply for and receive retirement benefits.

Section 1. Definitions.

- (1) "Applicant" means a participant who has:
 - (a) Applied or is applying for retirement in accordance with KRS 61.590 and 78.545; or
 - (b) Been approved for retirement but has not yet received a retirement allowance.
- (2) "Disability retirement" means a retirement allowance a member is eligible to receive based on an incapacity as established in KRS 16.582, 61.600, 61.621, 61.665, 78.545, 78.5522, and 78.5524.
- (3) "Effective retirement date" means the date upon which a member's service retirement allowance or disability retirement allowance began or will begin, which might be a different date than the date the payments are initiated.
- (4) "Service retirement" means a retirement allowance a participant is eligible to receive as established in KRS 16.576, 16.577, 16.583(6), 61.559, 61.595(2), 61.597(6), 78.5510(2) through (3), 78.5512(6), 78.5514, and 78.5516(6).
- (5) "Termination Date" means the date on which the member has ceased or will cease employment with all participating employers.
- (6) "Unsubstantiated service" means:
 - (a) For school board employees, that:
 1. The actual days worked averaged or is expected to average less than eighty (80) hours per month in a fiscal year; or
 2. Service is incomplete; or
 - (b) For non-school board employees, that:
 1. The actual time worked averaged or is expected to average less than 100 hours per month in a fiscal or calendar year; or
 2. Service is incomplete.

Section 2. Retirement Eligibility Requirements.

- (1) Service retirement eligibility shall be determined in accordance with:
 - (a) For applicants with a participation date prior to September 1, 2008, KRS 16.576(1) (a), 16.577, 61.559(1) and (2), 61.592(4), 78.5510(2), and 78.5514(2);
 - (b) For applicants with a participation date on or after September 1, 2008, but prior to January 1, 2014, KRS 16.576(1)(b), 16.577, 61.559(3), 61.592(4), 78.5510(3), and 78.5514(3); and
 - (c) For applicants with a participation date on or after January 1, 2014, KRS 16.583(6), 61.592(4), 61.597(6), 78.5512(6), and 78.5516(6).

(2) Disability retirement eligibility shall be determined in accordance with KRS 16.582, 61.600, 61.621, 61.665, 78.545, 78.5522, 78.5524, and 105 KAR 3:210.

Section 3. Application for Retirement.

(1) The applicant shall file a valid Form 6000, Notification of Retirement, incorporated by reference in 105 KAR 5:202, no earlier than six (6) months prior to his or her desired effective retirement date.

(2)

(a) The agency shall not process an invalid Form 6000 which shall be invalid if it:

1. Is incomplete;
2. Does not include all indicated required documentation;
3. Is not signed by the applicant and a spouse or other witness on the indicated place in the Certification of Bona Fide Separation from Service and Notification of Retirement Section unless submitted through the Self-service website with a PIN; or
4. Is not signed by the applicant and a witness on the indicated place in the Member's Statement of Disability section if the applicant is applying for disability retirement unless submitted through the Self-service website with a PIN.

(b) If the agency finds the Form 6000 to be invalid, the agency shall provide notification to the applicant of the actions necessary for completion or correction.

(3) If the applicant indicates on the Form 6000 that he or she is simultaneously retiring with reciprocity and he or she fails to retire from all state administered retirement systems indicated on the Form 6000, either simultaneously or with an effective retirement date within one (1) month of the applicant's effective retirement date with the systems, the applicant shall not be eligible to retire with reciprocity.

(4)

(a) If the applicant fails to designate a federal tax withholding preference, the agency shall withhold federal tax based on the default withholding provided by the Internal Revenue Service.

(b) Once the applicant begins receiving a retirement allowance, he or she may establish or change his or her federal tax withholding preference through the Self-service website or by filing a valid tax withholding certificate as established in 26 U.S.C. 3405.

(5)

(a) The applicant's estate shall be the beneficiary of the \$5,000 death benefit if the applicant fails to:

1. Designate a beneficiary of the \$5,000 death benefit; or
2. Accurately fill out the \$5,000 Death Benefit Section of the Form 6000 designating a single beneficiary.

(b) Once the applicant begins receiving a retirement allowance, he or she may designate or change the beneficiary of the \$5,000 death benefit through the Self-service website or by filing a valid Form 6030, Death Benefit Designation.

(6) The applicant shall authorize the direct deposit of his or her retirement allowance on the Form 6000.

(7)

(a) If the applicant does not have an account with a financial institution or the applicant's financial institution does not participate in the electronic funds transfer program, the applicant shall file a valid Form 6135, Request for Payment by Check, simultaneously with the Form 6000.

(b) Once a member begins receiving a retirement allowance, he or she may change the designated financial institution or account through the Self-service website or by filing a valid Form 6130, Authorization for Deposit of Retirement Payment.

(8)

(a) Only applicants applying for disability retirement shall complete the Member's Statement of Disability section of the Form 6000 and shall also comply with the requirements of 105 KAR 3:210.

(b) Applicants not applying for disability retirement shall not complete the Member's Statement of Disability section of the Form 6000.

(9)

(a) The applicant's current employer shall complete the Employer Certification of Leave Balances and Final Salary section of the Form 6000 as provided in 105 KAR 4:140, Section 15. If the employer does not comply with the requirements of 105 KAR 4:140, Section 15(1), the agency shall utilize the information previously reported to the agency by the applicant's employer and former employers in accordance with KRS 61.675 and 78.625 and shall not include sick leave, compensatory time, projected salary, projected service, or unsubstantiated service in the agency's initial calculations of the applicant's retirement allowance or eligibility to retire, except as provided in paragraph (b) of this subsection.

(b) If the application is for disability retirement, the employer shall comply with the requirements of 105 KAR 3:210.

(c) The Employer Certification of Leave Balances and Final Salary section of the Form 6000 shall be signed by a person designated by the employer on file at the retirement office.

Section 4. Verification of Date of Birth.

(1)

(a) The applicant shall file verification of his or her date of birth and verification of the date of birth of the beneficiary named on the applicant's Form 6000, Notification of Retirement:

1. Prior to the agency processing the application; and
2. For disability retirement or retirement at an early retirement date, by the end of the day six (6) months following the date the valid Form 6000 was filed, or the Form 6000 shall be invalid.

(b) The agency shall accept one (1) or more of the documents established in this paragraph as verification of date of birth of the applicant or beneficiary:

1. Age record from the Social Security Administration;
2. Immigration and naturalization service records;
3. Birth certificate;
4. Military ID or discharge;
5. U.S. passport;
6. Driver's license or state-issued identification that requires birth verification; or
7. Other reliable proof of date of birth that may be used by a court of competent jurisdiction to verify the person's date of birth.

(2) If the applicant's or beneficiary's name does not match the name listed on the verification of date of birth, the applicant or beneficiary shall file a social security card, driver's license, marriage certificate, court order, passport, or legally binding documentation verifying the name change.

Section 5. Additional Requirements.

(1) Based on the salary reported to the agency and information provided by the applicant's employer, the agency shall provide an estimate of the applicant's retirement allowance on the Form 6010, Estimated Retirement Allowance, which shall include:

- (a) The payment options and amounts available to the applicant;
- (b) A place to designate the applicant's choice of payment option;
- (c) A place for the applicant to sign and date; and
- (d) A place for the spouse or other witness' signature.

(2)

(a)

1. The applicant shall complete and file a valid Form 6010:
 - a. For disability retirement, in accordance with 105 KAR 3:210; or
 - b. For retirement at an early retirement date, by the end of the day six (6) months following his or her effective retirement date.
2. A Form 6010 shall not be valid if not completed in its entirety and signed by the applicant, and:
 - a. Signed by a spouse or other witness; or
 - b. Submitted through the Self-service website with a PIN.

(b)

1. If the applicant for retirement at an early retirement date fails to comply with paragraph (2)(a)2. of this subsection, the Form 6000, shall be void.
2. The applicant may file a new valid Form 6000 to re-apply for retirement benefits and shall select a new effective retirement date that shall not be prior to the date the new Form 6000 is filed.

(3) If an applicant is approved for disability retirement, he or she shall comply with the requirements of 105 KAR 3:210 prior to receiving the approved disability retirement allowance.

(4) If the applicant selects a monthly retirement allowance or a partial lump-sum payment option and is eligible for hospital and medical insurance in accordance with KRS 16.645, 61.702, and 78.5536, he or she shall be provided with information on how to apply for hospital and medical insurance in accordance with 105 KAR 5:411.

(5)

(a) If the applicant selects an actuarial equivalent refund, lump-sum refund, or partial lump-sum payment option, he or she shall complete and file a valid Form 6025, Direct Rollover/Direct Payment Election Form for a Member, Beneficiary, or Alternate Payee Regarding an Eligible Rollover Distribution, selecting the option for payment.

(b) If the applicant intends to have the funds rolled over directly into an IRA or other qualified plan, the applicant shall have the trustee or institution relevant to the IRA or other qualified plan complete the applicable section of the Form 6025 certifying that the rollover shall be accepted.

Section 6. Voiding the Form 6000.

(1) The Form 6000, Notification of Retirement, shall be void if the:

(a) Form 6000 is invalid, and the applicant fails to comply with Section 3(2) and Section 4 of this administrative regulation;

(b) Form 6000 is withdrawn;

(c) Applicant:

1. Is applying for disability retirement;
2. Is approved for retirement but fails to complete the requirements of Section 5 of this administrative regulation;
3. Died while the application is being processed and the beneficiary, representative of the deceased applicant's estate, or trustee fails to complete the requirements of Section 9 of this administrative regulation; or
4. Did not indicate on the Form 6000 that he or she was applying for disability retirement and the applicant is not eligible for service retirement.

(2)

(a) If an applicant's Form 6000 is void, the beneficiary or beneficiaries and contingent beneficiary or beneficiaries designated on the most recently filed valid Form 2035, Beneficiary Designation, incorporated by reference in 105 KAR 1:170, shall remain in full force and effect, except as provided in paragraph (b) of this subsection.

(b) This subsection shall not apply to a retirement account from which the applicant was already receiving a retirement allowance.

Section 7. Administration of the Retirement Allowance.

(1)

(a) The agency shall not process a monthly retirement allowance until the applicant has completed and filed all requirements of this administrative regulation.

(b) If an applicant is retiring from any other state-administered retirement system with reciprocity, the agency shall hold the retirement allowance payment until the other state-administered retirement system finalizes the applicant's retirement from its retirement system in accordance with KRS 61.680(8) and 78.5542.

(2) The agency shall not process an actuarial equivalent refund or lump sum refund until the applicant has complied with all requirements of this administrative regulation, the applicant's employer has submitted proof of the applicant's employment termination, and the applicant's employer has reported all creditable compensation and accumulated sick leave.

(3)

(a) The agency shall not process the first retirement allowance payment earlier than the month of the applicant's effective retirement date as indicated on the Form 6010, Estimated Retirement Allowance.

(b) The agency shall process the first service retirement allowance payment the month following the month:

1. Of the applicant's last termination date; and
2. That all applicable forms and documents as established by this administrative regulation are on file.

(c) The agency shall process the disability retirement allowance payment in accordance with 105 KAR 3:210.

Section 8. Subsequent Application for Retirement While a Prior Application is Pending. If a valid subsequent application for retirement that complies with Section 3 of this administrative regulation is filed while a prior application is pending and is filed:

(1) By 11:59 p.m. Eastern Time on the last day of the month prior to the month of the applicant's initial retirement allowance payment, the subsequent application shall supersede the prior application on file; or

(2) After 11:59 p.m. Eastern Time on the last day of the month prior to the month of the applicant's initial retirement allowance payment, the subsequent application shall not be valid.

Section 9. Death During the Retirement Application Process.

(1) Except as provided in subsection (2) of this section, if the applicant dies prior to the first day of the month in which the applicant would have received his or her first retirement payment, any benefits payable to a beneficiary or estate shall be determined pursuant to KRS 16.578, 61.621, 61.640, 78.5532, and 105 KAR 3:180.

(2) If an applicant for disability retirement dies prior to receiving his or her first retirement payment, eligibility for a disability retirement allowance that might be payable to a beneficiary, surviving spouse, dependent child, or estate shall be determined pursuant to KRS 16.582, 61.600, 61.621, 61.665, 78.545, 78.5522, 78.5524, and 105 KAR 3:210.

Section 10. Exceptions to Changing the Beneficiary After Retirement.

(1) Except as provided in this section, the beneficiary indicated on the Form 6000 shall not be changed on or after the first day of the month in which a recipient receives his or her first retirement allowance payment.

(2)

(a) In accordance with KRS 61.542(5)(a) and 78.545, a beneficiary may be changed at any time by a recipient receiving a monthly retirement allowance under:

1. The basic payment option;
2. A period certain option as provided by KRS 61.635(5) through (7) and 78.545; or
3. The Social Security adjustment option without survivor rights as provided by KRS 61.635(8)(a) and 78.545.

(b) To change the beneficiary as provided in this subsection, the recipient shall file a valid Form 6036, Beneficiary Designation Change, which shall become effective the date the valid form is on file.

(c) The recipient shall not change the payment option selected at retirement.

(3)

(a) In accordance with KRS 61.542(5)(b) and 78.545, a beneficiary may be changed only once by the end of the 120th calendar day following the date of a recipient's marriage or remarriage.

(b) To change the beneficiary as provided in this subsection, the recipient shall file a valid Form 6035, Beneficiary and Payment Option Change, by the end of the 120th calendar day following the date of a recipient's marriage or remarriage that includes:

1. Verification of the date of birth of the new beneficiary as provided in Section 4 of this administrative regulation;
2. The recipient and new beneficiary's marriage certificate; and
3. If a prior spouse was the beneficiary, a divorce decree or death certificate.

(c) Once a valid Form 6035 is on file, the agency shall provide the recipient with a Form 6050 Payment Option Change Designation. The recipient shall complete and file a valid Form 6050 selecting his or her new payment option as established in KRS 61.542(5)(b)2. and 78.545 by the end of the 120th calendar day following the date of his or her marriage or remarriage.

(d) A change in payment option pursuant to this subsection shall not affect payments to an alternate payee under a Qualified Domestic Relations Order.

(e)

1. If the recipient fails to timely complete all requirements of this subsection, the beneficiary previously on file will remain the beneficiary.
2. If no beneficiary was previously on file, the beneficiary shall be the estate.

Section 11. Incorporation by Reference.

(1) The following material is incorporated by reference:

- (a) Form 6010, "Estimated Retirement Allowance", April 2024;
- (b) Form 6025, "Direct Rollover/Direct Payment Election Form for a Member, Beneficiary, or Alternate Payee Regarding an Eligible Rollover Distribution ", June 2023;
- (c) Form 6030, "Death Benefit Designation", September 2026;
- (d) Form 6035, "Beneficiary and Payment Option Change", September 2026;
- (e) Form 6036, "Beneficiary Designation Change", April 2024;
- (f) Form 6050 "Payment Option Change Designation", April 2022;
- (g) Form 6130, "Authorization for Deposit of Retirement Payment", November 2024; and
- (h) Form 6135, "Request for Payment by Check", April 2024.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Public Pensions Authority, 1260 Louisville Road, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the agency's website at <https://kyret.ky.gov>.

RYAN BARROW, Executive Director

APPROVED BY AGENCY: September 25, 2026

FILED WITH LRC: September 29, 2026 at 8:50 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on November 23, 2026 at 10:00 a.m. Eastern Time at the Kentucky Public Pensions Authority (KPPA), 1270 Louisville Road, Frankfort, Kentucky 40601. Individuals interested in presenting a public comment at this hearing shall notify this agency in writing no later than five (5) workdays 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 canceled. This hearing is open to the public. Any person who wishes to be heard 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. Written comments shall be accepted through November 30, 2026 and shall receive the same consideration as verbal comments. Send written notification of intent to be heard at the public hearing, or written comments on the proposed administrative regulation, to the contact person. KPPA shall file a response with the Regulations Compiler to any public comments received, whether at the public comment hearing or in writing, via a Statement of Consideration no later than the 15th day of the month following the end of the public comment period, or upon filing a written request for extension, no later than the 15th day of the second month following the end of the public comment period.

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