

**6.525 Statutes governing plan -- Exceptions -- Consolidation of accounts --
Combining service credit. (Declared void -- See LRC Note Below)**

The Legislators' Retirement Plan shall be governed by KRS 21.560 and by provisions identical in terms with those provided in KRS 21.345(1), 21.345(3) to (6), 21.357, 21.360(1), 21.370 to 21.410, 21.374, 21.420, 21.425, 21.450, 21.460, 21.470, 21.480, 21.525, 21.540, and 61.552 for the Judicial Retirement Plan, except that:

- (1) Five (5) years of service as a legislator will be sufficient for vesting; and
- (2) (a) A member of the Legislators' Retirement Plan may combine his service credit with his service credit in the Teachers' Retirement System, Kentucky Employees Retirement System, County Employees Retirement System, and State Police Retirement System at the time of his retirement, according to the procedure of KRS 61.680(2)(a), except that the salary used to determine final compensation, if applicable, shall be based on the creditable compensation in KRS 61.510(13) for service while a member of the General Assembly whether or not a member of the Legislators' Retirement Plan.
 - (b) 1. For members contributing on or after June 20, 2005 but prior to January 1, 2014, who have service credit in the State Police Retirement System, Kentucky Employees Retirement System, County Employees Retirement System, or Teachers' Retirement System prior to January 1, 2019: Upon retirement, a member's accounts under the Legislators' Retirement Plan, State Police Retirement System, Kentucky Employees Retirement System, County Employees Retirement System, and Teachers' Retirement System shall be consolidated for the purpose of determining eligibility and amount of benefits as provided in KRS 61.680(2)(a) and in the same manner as for the other retirement systems using the highest salary regardless of the system in which it was earned, except that any salary earned in the State Police Retirement System, Kentucky Employees Retirement System, County Employees Retirement System, or Kentucky Teachers' Retirement System on or after January 1, 2019, shall not be used to determine benefits in the Legislators' Retirement Plan.
 2. The consolidation of accounts as provided by this paragraph shall not apply to accounts in the State Police Retirement System, the Kentucky Employees Retirement System, the County Employees Retirement System, and the Teachers' Retirement System, from which the member is receiving a retirement benefit.
 3. For purposes of this paragraph, "retirement" means the month in which the member elects to begin receiving benefits or benefits become payable due to the member's death.
- (c) A member who has an account in the Legislators' Retirement Plan and the Judicial Retirement Plan may combine his service in both plans for purposes of determining:
 1. Eligibility and the amount of benefits; and

2. Final compensation, provided the member began participating in the Legislators' Retirement Plan prior to January 1, 2014, and except that any salary earned in the Judicial Retirement Plan on or after January 1, 2019, shall not be used to determine final compensation in the Legislators' Retirement Plan.
- (d) A member who began participating in the Legislators' Retirement Plan prior to January 1, 2014, may retire at the completion of twenty-seven (27) or more years of combined service credit, so long as at least fifteen (15) years of such credit were earned after January 1, 1960, and there shall be no reduction in the retirement allowance because of retirement before the age of sixty-five (65).
 - (e) For the purposes of this section, any reference in the KRS sections listed above to the Judicial Retirement Plan shall also be read as a reference to the Legislators' Retirement Plan, and any reference to the Legislators' Retirement Plan shall also be read as a reference to the Judicial Retirement Plan.
- (3) Any other statute to the contrary notwithstanding, a member of any state-administered retirement system who has ceased to qualify for membership but subsequently returns to a qualified status, shall, for the purposes of determining the date of entry into the state-administered retirement system for the subsequent period or periods of service, be deemed to have never left the retirement system.

Effective: July 14, 2018

History: Amended 2018 Ky. Acts ch. 107, sec. 4, effective July 14, 2018. -- Amended 2017 Ky. Acts ch. 125, sec. 9, effective March 27, 2017. -- Amended 2016 Ky. Acts ch. 12, sec. 2, effective July 15, 2016. -- Amended 2013 Ky. Acts ch. 120, sec. 17, effective July 1, 2013. -- Amended 2010 Ky. Acts ch. 148, sec. 1, effective July 15, 2010. -- Amended 2005 Ky. Acts ch. 86, sec. 5, effective June 20, 2005. -- Amended 2003 Ky. Acts ch. 128, sec. 3, effective June 24, 2003. -- Amended 2002 Ky. Acts ch. 90, sec. 5, effective July 15, 2002. -- Amended 1998 Ky. Acts ch. 389, sec. 5, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 31, sec. 1, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 266, sec. 7, effective July 15, 1994. -- Amended 1990 Ky. Acts ch. 489, sec. 14, effective July 13, 1990. -- Amended 1988 Ky. Acts ch. 299, sec. 5, effective July 15, 1988. -- Amended 1982 Ky. Acts ch. 326, sec. 13, effective July 1, 1982; and ch. 458, sec. 5, effective April 15, 1982. -- Created 1980 Ky. Acts ch. 407, sec. 16, effective July 1, 1980.

Legislative Research Commission Note (7/1/2013). Section 17 of 2013 Ky. Acts ch. 120 amended the opening sentence of this statute to insert "Section 12 of this Act" into the list of KRS sections whose terms govern the Legislators' Retirement Plan. Section 12 of that Act created KRS 21.402. However, the Reviser of Statutes has not inserted a specific reference to KRS 21.402 in this list, since the list contains a range of statutes (KRS 21.370 to 21.410) that includes KRS 21.402.

Legislative Research Commission Note (12/13/2018). On December 13, 2018, the Kentucky Supreme Court ruled that the passage of 2018 SB 151 (2018 Ky. Acts ch. 107), did not comply with the three-readings rule of Kentucky Constitution Section 46 and that the legislation is, therefore, constitutionally invalid and declared void. That ruling applies to changes made to this statute in that Act.