

21.374 Election by member participating in the Legislators' Retirement Plan or the Judicial Retirement Plan on or after September 1, 2008, but before January 1, 2014 -- Participation in hybrid cash balance plan -- Private letter ruling -- Administrative regulations.

Notwithstanding KRS 6.500 to 6.577 and 21.345 to 21.580:

- (1) Subject to the provisions of this section, any member who began participating in the Legislators' Retirement Plan or the Judicial Retirement Plan on or after September 1, 2008, but prior to January 1, 2014, may in lieu of the benefits he or she is currently eligible to receive under the plans, elect to receive the benefits and rights provided to members who began participating in the Legislators' Retirement Plan or the Judicial Retirement Plan on or after January 1, 2014, including participating in the hybrid cash balance plan created pursuant to KRS 21.402;
- (2) The election provided by this section shall be made in writing and on a form prescribed by the Judicial Form Retirement System board;
- (3) For each member who makes an election provided by this section:
 - (a) Any service credit the member has accrued prior to January 1, 2014, shall be considered as service credit earned on or after January 1, 2014, for purposes of determining benefits under KRS 6.500 to 6.577 and 21.345 to 21.580;
 - (b) On the member's effective election date, the value of the member's accumulated contributions, less any interest, shall be deposited into the member's hybrid cash balance account as provided by KRS 21.402 and considered part of the member's accumulated account balance;
 - (c) On the member's effective election date, an employer pay credit as provided by KRS 21.402 shall be added to the member's accumulated account balance for each month the member contributed to the Legislators' Retirement Plan or the Judicial Retirement Plan prior to his or her effective election date; and
 - (d) Interest credits as provided by KRS 21.402 shall only be applied for periods occurring on or after the member's effective election date;
- (4) Before accepting an election provided by this section, the Judicial Form Retirement System board shall provide the member with information detailing the potential results of the member's election;
- (5) An election made pursuant to this section shall be irrevocable; and
- (6)
 - (a) A member of the Legislators' Retirement Plan or the Judicial Retirement Plan shall not be eligible to make an election prescribed by this section until the Judicial Form Retirement System receives a favorable private letter ruling from the Internal Revenue Service regarding this section.
 - (b) If the Internal Revenue Service denies the request for a private letter ruling as provided by paragraph (a) of this subsection, this section shall be void.
 - (c) The Judicial Form Retirement System may promulgate administrative regulations under KRS Chapter 13A in order to carry out this section.

Effective: April 1, 2021

History: Repealed and reenacted 2021 Ky. Acts ch. 102, sec. 42, effective April 1, 2021. -- Amended 2018 Ky. Acts ch. 107, sec. 7, effective July 14, 2018. -- Created 2017 Ky. Acts ch. 125, sec. 4, effective March 27, 2017.

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.