

**Local Mandate Fiscal Impact Estimate  
Kentucky Legislative Research Commission  
2016 Regular Session**

**Part I: Measure Information**

**Bill Request #:** 267

**Bill #:** SB 46 SCS

**Bill Subject/Title:** Local government pension plans.

**Sponsor:** Senator Christian McDaniel

Unit of Government:  City  County  Urban-County  
 Charter County  Consolidated Local  Unified Local  
Government

Office(s) Impacted: Mayor, legislative body of a local government other than a county or charter county, governing board of any local government retirement system other than CERS, city treasurer or chief financial officer, an employee from the city police department, and an employee from the city fire department

Requirement:  Mandatory  Optional

Effect on Powers & Duties:  Modifies Existing  Adds New  Eliminates Existing

**Part II: Purpose and Mechanics**

Section 1 of SB 46, as introduced, amends KRS 65.156 to require a local government retirement system to perform an actuarial valuation every five years, instead of every three, if the system has fewer than six active and retired members. The section applies to all city, consolidated local, urban-county, and unified local government pension plans that were closed to new enrollees in 1988 or before.

**Section 2 amends KRS 67A.320 to provide that once all liabilities have been satisfied to all persons owed benefits under an urban-county government pension fund, any ordinance enacted for creation or maintenance of the fund may be repealed by unanimous vote of the duly elected members of the legislative body of the urban-county government. Following repeal, the fund's assets shall be distributed to the urban-county government's general fund. The fund's board of trustees shall file a report with the legislative body of the urban-county government stating the actions taken**

to terminate the fund and liquidate its assets. Section 2 also permits retirees to serve on the fund's board of trustees.

The rest of SB 46, as introduced, applies to city, consolidated local, urban-county, and unified local government pension plans that were closed to new enrollees in 1988 or before.

Once all liabilities have been satisfied to all persons owed benefits from the pension fund, then any ordinance establishing or maintaining the fund may be repealed by **unanimous vote** of the duly elected members of the legislative body of the local government. Following repeal, the fund's assets shall be distributed to the local government's general fund. The board of trustees of the fund shall file a report with the legislative body of the local government stating the actions taken to terminate the fund and liquidate its assets.

If there are fewer than six active and retired members of a policemen's and firefighter's pension fund, the board of trustees shall be composed of the mayor, city treasurer or chief financial officer, and two employees appointed by the mayor: one from the city police department and one from the city fire department.

**SB 46 SCS makes two changes to the measure as introduced. 1) The legislative body of a local government may repeal an ordinance that establishes or maintains a pension fund by majority, rather than by unanimous, vote. 2) The assets of a liquidated urban-county government pension fund shall be distributed to the Policeman's and Firefighter's Retirement Fund as a supplemental contribution and not to the urban-county government's general fund.**

### **Part III: Fiscal Explanation, Bill Provisions, and Estimated Cost**

**SB 46 SCS does not change the Local Mandate.**

**SB 46 SCS saves local government a minimal amount of money and generates a minimal amount of local government revenue while imposing minimal costs on local governments.**

The Program Review and Investigations Committee conducted a study of Local Defined-Benefit Pension Plans in Kentucky and published its findings in Research Report No. 411 on June 11, 2015. The Research Report's Abstract reads in part:

- As of 1988, statute closed entry to new enrollees for almost all local defined-benefit pension plans. Existing plan members could switch to the County Employees Retirement System or stay in their plans. There remain 30 such plans, mostly for police and firefighters, in 22 cities. The only plan still accepting new enrollees is the one for Lexington-Fayette County police and firefighters. It has nearly one-half of the more than 2,100 retirees and beneficiaries in the 30 plans. The 29 closed plans have practically no active employees, and many have relatively few retirees and beneficiaries.

The Program Review and Investigations Committee made three recommendations in Research Report No. 411.

1. Change the timing of actuarial reports as specified in KRS 65.156;
2. Establish procedures for the repeal of plans with no retirees and beneficiaries; and
3. Change the composition of governing boards of police and firefighter plans of second, third, and fourth class cities.

SB 46 turns the recommendations into legislation.

**It is expected that SB 46 SCS will save local defined-benefit pensions plans a minimal amount of money by requiring an actuarial report every five years, rather than every 3, when there are fewer than six active and retired members.**

**SB 46 SCS should also provide a minimal amount of money to local governments when a pension plan's liabilities are satisfied and residual assets are distributed to the local government's general fund which shall then contribute the entire distribution into the Policeman's and Firefighter's Retirement Fund in the case of an urban-county government.**

**At the same time, there will be a minimal cost incurred when local government employees have to devote time to serving on the board of trustees for a pension fund.** Specifically, if there are fewer than six active and retired members of a policemen's and firefighter's pension fund, the board of trustees shall be composed of the mayor, city treasurer or chief financial officer, and two employees appointed by the mayor: one from the city police department and one from the city fire department.

**Data Source(s):** Legislative Research Commission Report No. 411 (Local Defined-Benefit Pension Plans in Kentucky); Kentucky League of Cities; LRC staff

**Preparer:** Scott Varland      **Reviewer:** JWN      **Date:** 1/21/16