

1 AN ACT relating to retirement benefits for legislators.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 6.505 is amended to read as follows:

4 (1) (a) Each legislator in office on July 1, 1980, may within thirty (30) days after that
5 date, and any legislator thereafter taking office ***prior to August 1, 2018,*** may
6 within thirty (30) days after the date thereof, elect to make monthly
7 contributions to the Legislators' Retirement Plan, in an amount equal to five
8 percent (5%) of his monthly creditable compensation, as defined in KRS
9 61.510(13). The election shall be effective to establish membership in the plan
10 as of July 1, 1980, or as of the date from which the thirty (30) day period is
11 measured, as the case may be. Provided, however, that any legislator who was
12 in office on July 1, 1980, and who is in office at the time he makes the election
13 may, after the expiration of the thirty (30) day period and until May 1, 1982,
14 make the election, in which event he shall pay to the Legislators' Retirement
15 Plan, for the months between July 1, 1980, and the date of his election such
16 sum as, when added to any member's contribution by him that is transferred
17 from another retirement system under KRS 6.535, will equal the member's
18 contribution required by this section. If the member makes his election after
19 February 1, 1981, he shall in addition pay to the plan interest on the foregoing
20 sum, at six percent (6%) per annum, calculated as if the sum consisted of equal
21 monthly payments, one (1) of which was due at the end of each month
22 between July 1, 1980, and the date the election was made. The election shall be
23 addressed to and filed with the secretary of the Finance and Administration
24 Cabinet and shall constitute an authorization to the secretary to thereafter
25 cause to be deducted from the member's monthly creditable compensation an
26 amount equal to five percent (5%) thereof, as a voluntarily elected contribution
27 by the member towards the funding of the Legislators' Retirement Plan.

- 1 (b) 1. For a member who begins participating in the Legislators' Retirement
2 Plan prior to January 1, 2014, the election shall operate to create an
3 inviolable contract between such member and the Commonwealth,
4 guaranteeing to and vesting in the member the rights and benefits
5 provided for under KRS 6.515 to 6.530.
- 6 2. a. For members who begin participating in the Legislators' Retirement
7 Plan on or after January 1, 2014, the General Assembly reserves
8 the right to amend, suspend, or reduce the benefits and rights
9 provided under KRS 6.500 to 6.577 if, in its judgment, the welfare
10 of the Commonwealth so demands, except that the amount of
11 benefits the member has accrued at the time of amendment,
12 suspension, or reduction shall not be affected.
- 13 b. For purposes of this subparagraph, the amount of benefits the
14 member has accrued at the time of amendment, suspension, or
15 reduction shall be limited to the accumulated account balance the
16 member has accrued at the time of amendment, suspension, or
17 reduction.
- 18 c. The provisions of this subsection shall not be construed to limit the
19 General Assembly's authority to change any other benefit or right
20 specified by KRS 6.500 to 6.577, for members who begin
21 participating in the Legislators' Retirement Plan on or after January
22 1, 2014, except the benefits specified by subparagraph 2.b. of this
23 paragraph.
- 24 3. The provisions of this paragraph shall not be construed to limit the
25 General Assembly's authority to amend, reduce, or suspend the benefits
26 and rights of members of the Legislators' Retirement Plan as provided by
27 KRS 6.500 to 6.577 that the General Assembly had the authority to

1 amend, reduce, or suspend, prior to July 1, 2013.

2 (c) An election once made under this section either to participate or not to
3 participate in the Legislators' Retirement Plan, shall be considered to apply to
4 all future service as a legislator except as otherwise provided in this section,
5 whether in the same or a different office as a legislator, and whether or not it is
6 in successive terms.

7 (d) Notwithstanding the provisions of this subsection:

8 1. A legislator who becomes a member of the Legislators' Retirement Plan
9 on or after September 1, 2008, but prior to January 1, 2014, shall make
10 monthly contributions to the Legislators' Retirement Plan in an amount
11 equal to six percent (6%) of his monthly creditable compensation, as
12 defined in KRS 61.510(13).

13 2. A legislator who becomes a member of the Legislators' Retirement Plan
14 on or after January 1, 2014, shall make monthly contributions to the
15 Legislators' Retirement Plan in an amount equal to six percent (6%) of
16 his or her monthly creditable compensation, as defined in KRS
17 61.510(13), of which:

18 a. Five percent (5%) of his or her monthly creditable compensation,
19 as defined in KRS 61.510(13), shall be used to provide funding for
20 benefits provided under KRS 21.402; and

21 b. One percent (1%) of his or her monthly creditable compensation, as
22 defined in KRS 61.510(13), shall be used exclusively to help fund
23 retiree health benefits as provided by KRS 6.577 and shall not be
24 refunded to the member if the member withdraws his or her
25 accumulated account balance as provided by KRS 21.460. The
26 amounts deducted under this subdivision shall be credited to an
27 account established pursuant to 26 U.S.C. sec. 401(h), within the

1 fund established by KRS 6.530.

2 (2) A legislator entitled to elect membership in the retirement system who failed to elect
3 membership within thirty (30) days after taking office may elect membership not
4 later than August 31, 2005. An election, upon being made pursuant to this section,
5 shall operate to create an inviolable contract between the member entitled to elect
6 membership under this subsection and the Commonwealth, guaranteeing to and
7 vesting in the member the rights and benefits provided for under the terms and
8 conditions of KRS 6.500 to 6.577.

9 (3) When any legislator makes a delayed election of membership in the Legislators'
10 Retirement Plan under subsection (2) of this section, his active membership in the
11 Kentucky Employees Retirement System shall terminate, as of the date his
12 membership in the Legislators' Retirement Plan becomes effective, and any credit in
13 the Kentucky Employees Retirement System, earned for service as a legislator,
14 which he then has or which he subsequently regains while being an active member of
15 the Legislators' Retirement Plan, shall be transferred to and counted as service credit
16 in the Legislators' Retirement Plan, and shall no longer constitute credit in the
17 Kentucky Employees Retirement System, except for the purpose of validating any
18 other credit in that system if the member pays the difference, if any, between the
19 amount transferred from the Kentucky Employees Retirement System and the
20 actuarial value of the transferred service. However, any credit he then has in the
21 Kentucky Employees Retirement System, earned for service in any capacity other
22 than a legislator, shall not be affected. No person may attain credit in more than one
23 (1) of the retirement plans or systems mentioned in this section for the same period
24 of service. When credit is transferred from the Kentucky Employees Retirement
25 System to the Legislators' Retirement Plan, the Kentucky Employees Retirement
26 System shall transfer to the Legislators' Retirement Fund an amount equal to the
27 employee's and employer's contributions attributable to that credit, together with

1 interest on the contributions from the date made to the date of transfer at the
2 actuarially assumed interest rate of the Kentucky Employees Retirement System in
3 effect at the time the contributions were made, compounded annually at that same
4 interest rate.

5 (4) The state shall, solely for the purpose of compliance with Section 414(h) of the
6 United States Internal Revenue Code, pick up the employee contributions required
7 by this section for all compensation earned after August 1, 1982, and the
8 contributions so picked up shall be treated as employer contributions in determining
9 tax treatment under the United States Internal Revenue Code and KRS 141.010(10).
10 The picked-up employee contribution shall satisfy all obligations to the retirement
11 system satisfied prior to August 1, 1982, by the employee contribution, and the
12 picked-up employee contribution shall be in lieu of an employee contribution. The
13 state shall pay these picked-up employee contributions from the same source of
14 funds which is used to pay earnings to the employee. The employee shall have no
15 option to receive the contributed amounts directly instead of having them paid by the
16 employer to the system. Employee contributions picked up after August 1, 1982,
17 shall be treated for all purposes of KRS 6.500 to 6.535 in the same manner and to
18 the same extent as employee contributions made prior to August 1, 1982.

19 (5) When any legislator elects membership in the Legislators' Retirement Plan in
20 accordance with this section, his active membership in the Kentucky Employees
21 Retirement System, State Police Retirement System, County Employees Retirement
22 System, or Teachers' Retirement System shall terminate, as of the date his
23 membership in the Legislators' Retirement Plan becomes effective, and any credit in
24 such other system or systems, earned for service as a legislator, which he then has or
25 which he subsequently regains while being an active member of the Legislators'
26 Retirement Plan, shall be transferred to and counted as service credit in the
27 Legislators' Retirement Plan, and shall no longer constitute credit in such other

1 retirement system except for the purpose of validating any other credit in that
2 system. However, any credit he then has in such other retirement system, earned for
3 service in any capacity other than a legislator, shall not be affected. No person may
4 attain credit in more than one (1) of the retirement plans or systems mentioned in
5 this section, for the same period of service.

6 (6) A member of the Legislators' Retirement Plan who would be entitled, under KRS
7 61.552, to repurchase credit in the Kentucky Employees Retirement System, for
8 previous service as a legislator, which credit had been lost by refund of
9 contributions, may pay the amount required by KRS 61.552 directly to the
10 Legislators' Retirement Plan and thereby obtain credit in that plan for such service,
11 rather than making payment to the Kentucky Employees Retirement System for
12 credit which would be transferred to the Legislators' Retirement Plan. In such event,
13 the Kentucky Employees Retirement System shall transfer to the Legislators'
14 Retirement Plan an amount equal to the employer's contributions that originally were
15 made to the Kentucky Employees Retirement System for the regained service credit,
16 with interest as provided in KRS 6.535. Six (6) months' current service shall be
17 required in the Legislators' Retirement Plan in order for the repurchased credit to
18 remain in force, the same as provided in KRS 61.552. Service purchased under this
19 subsection on or after January 1, 2014, shall not be used to determine the member's
20 participation date in the Legislators' Retirement Plan.

21 **(7) Notwithstanding any other provision of KRS 6.500 to 6.577, 21.345 to 21.580, or**
22 **61.510 to 61.705 to the contrary:**

23 **(a) The Legislators' Retirement Plan, as provided by KRS 6.500 to 6.577, shall**
24 **be closed to new members effective August 1, 2018. A legislator who has not**
25 **contributed to the Legislators' Retirement Plan prior to August 1, 2018,**
26 **shall not be eligible to participate in or receive benefits from the**
27 **Legislators' Retirement Plan but shall instead participate in the Kentucky**

1 Employees Retirement System for his or her service to the General
2 Assembly; and
3 **(b) Members of the General Assembly who began contributing to the**
4 **Legislators' Retirement Plan prior to August 1, 2018, shall, effective August**
5 **1, 2018, cease contributing and earning benefits in the Legislators'**
6 **Retirement Plan for their service to the General Assembly and shall instead**
7 **contribute and earn benefits in the Kentucky Employees Retirement System**
8 **for any future service as a member of the General Assembly occurring on**
9 **or after August 1, 2018.**