

1 AN ACT relating to retirement plans covering legislators and declaring an
2 emergency.

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

4 ➔SECTION 1. A NEW SECTION OF KRS 6.500 TO 6.577 IS CREATED TO
5 READ AS FOLLOWS:

6 *Notwithstanding any other provision of KRS 6.500 to 6.577, 16.505 to 16.652, 21.345 to*
7 *21.580, 61.510 to 61.705, 78.510 to 78.852, or 161.220 to 161.716 to the contrary:*

8 *(1) The Legislators' Retirement Plan, as provided by KRS 6.500 to 6.577, shall be*
9 *closed to new members effective July 1, 2020. A legislator who has not*
10 *contributed to the Legislators' Retirement Plan prior to July 1, 2020, shall not be*
11 *eligible to participate in the Legislators' Retirement Plan for his or her service as*
12 *a member of the General Assembly, but shall instead participate as a*
13 *nonhazardous member of the Kentucky Employees Retirement System as*
14 *provided by KRS 61.510 to 61.705 for the duration of service as a member of the*
15 *General Assembly, except as provided by KRS 61.637 and except that, if upon*
16 *election to office, the legislator is a contributing member of the Kentucky*
17 *Teachers' Retirement System, the legislator may elect to retain membership in the*
18 *Teachers' Retirement System in accordance with subsection (4)(c) of Section 9 of*
19 *this Act in lieu of participating in the Kentucky Employees Retirement System.*

20 *(2) Effective December 1, 2020, any member who began participating in the*
21 *Legislators' Retirement Plan on or after January 1, 2014, but prior to July 1,*
22 *2020, who has an accumulated account balance in the hybrid cash balance plan*
23 *as provided by KRS 21.402 shall:*

24 *(a) Have his or her accumulated account balance and service credit as of*
25 *December 1, 2020, transferred to the Kentucky Employees Retirement*
26 *System's nonhazardous hybrid cash balance plan as provided by KRS*
27 *61.597. Service previously credited in the Legislators' Retirement Plan shall*

1 *be credited in the Kentucky Employees Retirement System nonhazardous*
 2 *plan; and*

3 *(b) Participate as a nonhazardous member of the Kentucky Employees*
 4 *Retirement System as provided by KRS 61.597 for any future service to the*
 5 *General Assembly.*

6 *(3) For purposes of this section, "nonhazardous" means the level of benefits*
 7 *applicable to employees of the Kentucky Employees Retirement System who do*
 8 *not qualify for hazardous duty coverage under KRS 61.592.*

9 ➔Section 2. KRS 6.500 is amended to read as follows:

10 There hereby is created a retirement plan for the members of the General Assembly
 11 (hereinafter "legislators") *who take office prior to July 1, 2020.* Each legislator in office
 12 on July 1, 1980, and each legislator thereafter taking office *prior to July 1, 2020,* may
 13 acquire membership in the plan in accordance with the provisions of KRS 6.505.

14 ➔Section 3. KRS 6.505 is repealed, reenacted, and amended to read as follows:

15 (1) (a) Each legislator in office on July 1, 1980, may within thirty (30) days after that
 16 date, and any legislator ~~[thereafter]~~ taking office *prior to July 1, 2020,* may
 17 within thirty (30) days after the date thereof, elect to make monthly
 18 contributions to the Legislators' Retirement Plan, in an amount equal to five
 19 percent (5%) of his monthly creditable compensation, as defined in KRS
 20 61.510(13), or the amount specified by paragraph (d) of this subsection. The
 21 election shall be effective to establish membership in the plan as of July 1,
 22 1980, or as of the date from which the thirty (30) day period is measured, as
 23 the case may be. Provided, however, that any legislator who was in office on
 24 July 1, 1980, and who is in office at the time he makes the election may, after
 25 the expiration of the thirty (30) day period and until May 1, 1982, make the
 26 election, in which event he shall pay to the Legislators' Retirement Plan, for
 27 the months between July 1, 1980, and the date of his election such sum as,

1 when added to any member's contribution by him that is transferred from
2 another retirement system under KRS 6.535, will equal the member's
3 contribution required by this section. If the member makes his election after
4 February 1, 1981, he shall in addition pay to the plan interest on the foregoing
5 sum, at six percent (6%) per annum, calculated as if the sum consisted of
6 equal monthly payments, one (1) of which was due at the end of each month
7 between July 1, 1980, and the date the election was made. The election shall
8 be addressed to and filed with the secretary of the Finance and Administration
9 Cabinet and shall constitute an authorization to the secretary to thereafter
10 cause to be deducted from the member's monthly creditable compensation an
11 amount equal to five percent (5%) thereof, as a voluntarily elected
12 contribution by the member towards the funding of the Legislators' Retirement
13 Plan.

14 (b) 1. For a member who begins participating in the Legislators' Retirement
15 Plan prior to January 1, 2014, the election shall operate to create an
16 inviolable contract between such member and the Commonwealth,
17 guaranteeing to and vesting in the member the rights and benefits
18 provided for under KRS 6.515 to 6.530, except that the General
19 Assembly reserves the right to amend, reduce, or suspend any legislative
20 changes to the provisions of KRS 6.500 to 6.577 that become effective
21 on or after July 1, 2020~~[2018]~~.

22 2. a. For members who begin participating in the Legislators'
23 Retirement Plan on or after January 1, 2014, the General Assembly
24 reserves the right to amend, suspend, or reduce the benefits and
25 rights provided under KRS 6.500 to 6.577 if, in its judgment, the
26 welfare of the Commonwealth so demands, except that the amount
27 of benefits the member has accrued at the time of amendment,

- 1 suspension, or reduction shall not be affected.
- 2 b. For purposes of this subparagraph, the amount of benefits the
3 member has accrued at the time of amendment, suspension, or
4 reduction shall be limited to the accumulated account balance the
5 member has accrued at the time of amendment, suspension, or
6 reduction.
- 7 c. The provisions of this subsection shall not be construed to limit the
8 General Assembly's authority to change any other benefit or right
9 specified by KRS 6.500 to 6.577, for members who begin
10 participating in the Legislators' Retirement Plan on or after January
11 1, 2014, except the benefits specified by subparagraph 2.b. of this
12 paragraph.
- 13 3. The provisions of this paragraph shall not be construed to limit the
14 General Assembly's authority to amend, reduce, or suspend the benefits
15 and rights of members of the Legislators' Retirement Plan as provided by
16 KRS 6.500 to 6.577 that the General Assembly had the authority to
17 amend, reduce, or suspend, prior to July 1, 2013.
- 18 (c) An election once made under this section either to participate or not to
19 participate in the Legislators' Retirement Plan, shall be considered to apply to
20 all future service as a legislator except as provided by Section 1 of this
21 Act~~[KRS 21.374 or 21.385(3)]~~, whether in the same or a different office as a
22 legislator, and whether or not it is in successive terms.
- 23 (d) Notwithstanding the provisions of this subsection:
- 24 1. A legislator who becomes a member of the Legislators' Retirement Plan
25 on or after September 1, 2008, but prior to January 1, 2014, shall make
26 monthly contributions to the Legislators' Retirement Plan in an amount
27 equal to six percent (6%) of his monthly creditable compensation, as

1 defined in KRS 61.510(13);

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

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

10 b. One percent (1%) of his or her monthly creditable compensation,
11 as defined in KRS 61.510(13), shall be used exclusively to help
12 fund retiree health benefits as provided by KRS 6.577 and shall not
13 be refunded to the member if the member withdraws his or her
14 accumulated account balance as provided by KRS 21.460. The
15 amounts deducted under this subdivision shall be credited to an
16 account established pursuant to 26 U.S.C. sec. 401(h), within the
17 fund established by KRS 6.530.

18 (2) A legislator entitled to elect membership in the retirement system who failed to
19 elect membership within thirty (30) days after taking office may elect membership
20 not later than August 31, 2005. An election, upon being made pursuant to this
21 section, shall operate to create an inviolable contract between the member entitled
22 to elect membership under this subsection and the Commonwealth, guaranteeing to
23 and vesting in the member the rights and benefits provided for under the terms and
24 conditions of KRS 6.500 to 6.577, except that the General Assembly reserves the
25 right to amend, reduce, or suspend any legislative changes to the provisions of KRS
26 6.500 to 6.577 that become effective on or after July 1, ~~2018~~ 2020.

27 (3) When any legislator makes a delayed election of membership in the Legislators'

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

23 (4) The state shall, solely for the purpose of compliance with Section 414(h) of the
24 United States Internal Revenue Code, pick up the employee contributions required
25 by this section for all compensation earned after August 1, 1982, and the
26 contributions so picked up shall be treated as employer contributions in determining
27 tax treatment under the United States Internal Revenue Code and KRS 141.010. The

1 picked-up employee contribution shall satisfy all obligations to the retirement
2 system satisfied prior to August 1, 1982, by the employee contribution, and the
3 picked-up employee contribution shall be in lieu of an employee contribution. The
4 state shall pay these picked-up employee contributions from the same source of
5 funds which is used to pay earnings to the employee. The employee shall have no
6 option to receive the contributed amounts directly instead of having them paid by
7 the employer to the system. Employee contributions picked up after August 1, 1982,
8 shall be treated for all purposes of KRS 6.500 to 6.535 in the same manner and to
9 the same extent as employee contributions made prior to August 1, 1982.

10 (5) When any legislator elects membership in the Legislators' Retirement Plan in
11 accordance with this section, his active membership in the Kentucky Employees
12 Retirement System, State Police Retirement System, County Employees Retirement
13 System, or Teachers' Retirement System shall terminate, as of the date his
14 membership in the Legislators' Retirement Plan becomes effective, and any credit in
15 such other system or systems, earned for service as a legislator, which he then has or
16 which he subsequently regains while being an active member of the Legislators'
17 Retirement Plan, shall be transferred to and counted as service credit in the
18 Legislators' Retirement Plan, and shall no longer constitute credit in such other
19 retirement system except for the purpose of validating any other credit in that
20 system. However, any credit he then has in such other retirement system, earned for
21 service in any capacity other than a legislator, shall not be affected. No person may
22 attain credit in more than one (1) of the retirement plans or systems mentioned in
23 this section, for the same period of service.

24 (6) A member of the Legislators' Retirement Plan who would be entitled, under KRS
25 61.552, to repurchase credit in the Kentucky Employees Retirement System, for
26 previous service as a legislator, which credit had been lost by refund of
27 contributions, may pay the amount required by KRS 61.552 directly to the

1 Legislators' Retirement Plan and thereby obtain credit in that plan for such service,
2 rather than making payment to the Kentucky Employees Retirement System for
3 credit which would be transferred to the Legislators' Retirement Plan. In such event,
4 the Kentucky Employees Retirement System shall transfer to the Legislators'
5 Retirement Plan an amount equal to the employer's contributions that originally
6 were made to the Kentucky Employees Retirement System for the regained service
7 credit, with interest as provided in KRS 6.535. Six (6) months' current service shall
8 be required in the Legislators' Retirement Plan in order for the repurchased credit to
9 remain in force, the same as provided in KRS 61.552. Service purchased under this
10 subsection on or after January 1, 2014, shall not be used to determine the member's
11 participation date in the Legislators' Retirement Plan.

12 ➔Section 4. KRS 6.520 is repealed, reenacted, and amended to read as follows:

13 (1) A member of the Legislators' Retirement Plan who retires on or after his normal
14 retirement date shall receive a service retirement allowance, payable monthly during
15 his lifetime, in an amount per month equal to three and fifty one-hundredths percent
16 (3.50%) of his final compensation multiplied by the number of years of his service,
17 but in no event to exceed one hundred percent (100%) of final compensation. For
18 this purpose, "final compensation" means the average monthly creditable
19 compensation as determined in KRS 61.510(13) of the member for services as a
20 legislator for the three (3) years during which the member had the highest creditable
21 legislative compensation.

22 (2) A member shall have rights, with respect to retirement before reaching normal
23 retirement date in the Legislators' Retirement Plan, identical in terms with those
24 rights provided in KRS 21.400(2) and (3) in the Judicial Retirement Plan for
25 members of that plan, except that the reduction in a legislators' service retirement
26 allowance for early retirement shall be at the rate of five percent (5%) of the
27 allowance for each year that retirement precedes the normal retirement date.

1 (3) Subsections (1) and (2) of this section to the contrary notwithstanding, each
2 legislator in office on July 1, 1982, that is a member of the Legislators' Retirement
3 Plan, who retires on or after his normal retirement date, shall receive a service
4 retirement allowance, payable monthly, on a formula equal to that of a justice or
5 judge of the Court of Justice with an equivalent service entrance date, but in no
6 event less than that specified in subsection (1) of this section, of his final
7 compensation multiplied by the number of years of his service, but in no event to
8 exceed one hundred percent (100%) of his final compensation. For this purpose,
9 "final compensation" means the average monthly creditable compensation as
10 determined in KRS 61.510(13) of the three (3) years during which the member had
11 the highest creditable legislative compensation.

12 (4) Notwithstanding any other provision of KRS 6.500 to 6.577 or 21.345 to 21.580 to
13 the contrary, a member of the Legislators' Retirement Plan with a service entrance
14 date after July 1, 1982 but prior to January 1, 2014, who retires on or after his
15 normal retirement date, shall receive a service retirement allowance, payable
16 monthly during his lifetime, in an amount per month equal to:

17 (a) Two and seventy-five one-hundredths percent (2.75%) of his final
18 compensation multiplied by the number of years of his service accrued prior to
19 July 1, 2020~~January 1, 2019~~; and

20 (b) One and ninety-seven one-hundredths percent (1.97%) of his or her final
21 compensation multiplied by the number of years of his or her service accrued
22 on or after July 1, 2020~~January 1, 2019~~.

23 In no event shall the benefit provided by this subsection exceed one hundred percent
24 (100%) of final compensation. For this purpose, "final compensation" means the
25 average monthly creditable compensation as determined in KRS 61.510(13) of the
26 member for services as a legislator for the three (3) years during which the member
27 had the highest creditable legislative compensation.

1 (5) Subsections (1) to (4) of this section shall not apply to members who begin
2 participating in the Legislators' Retirement Plan on or after January 1, 2014.

3 ➔Section 5. KRS 6.525 is repealed, reenacted, and amended to read as follows:

4 The Legislators' Retirement Plan shall be governed by KRS 21.560 and by provisions
5 identical in terms with those provided in KRS 21.345(1), 21.345(3) to (6), 21.357,
6 21.360(1), 21.370 to 21.410, ~~21.374,~~ 21.420, 21.425, 21.450, 21.460, 21.470, ~~21.480,~~
7 21.525, 21.540, and 61.552 for the Judicial Retirement Plan, except that:

8 (1) Five (5) years of service as a legislator will be sufficient for vesting; and

9 (2) (a) A member of the Legislators' Retirement Plan may combine his service credit
10 with his service credit in the Teachers' Retirement System, Kentucky
11 Employees Retirement System, County Employees Retirement System, and
12 State Police Retirement System at the time of his retirement, according to the
13 procedure of KRS 61.680(2)(a), except that the salary used to determine final
14 compensation, if applicable, shall be based on the creditable compensation in
15 KRS 61.510(13) for service while a member of the General Assembly whether
16 or not a member of the Legislators' Retirement Plan.

17 (b) 1. For members contributing on or after June 20, 2005 but prior to January
18 1, 2014, who have service credit in the State Police Retirement System,
19 Kentucky Employees Retirement System, County Employees Retirement
20 System, or Teachers' Retirement System prior to July 1, 2020~~January 1,~~
21 ~~2019~~: Upon retirement, a member's accounts under the Legislators'
22 Retirement Plan, State Police Retirement System, Kentucky Employees
23 Retirement System, County Employees Retirement System, and
24 Teachers' Retirement System shall be consolidated for the purpose of
25 determining eligibility and amount of benefits as provided in KRS
26 61.680(2)(a) and in the same manner as for the other retirement systems
27 using the highest salary regardless of the system in which it was earned,

1 except that any salary earned in the State Police Retirement System,
2 Kentucky Employees Retirement System, County Employees Retirement
3 System, or Kentucky Teachers' Retirement System on or after July 1,
4 2020~~January 1, 2019~~, shall not be used to determine benefits in the
5 Legislators' Retirement Plan.

6 2. The consolidation of accounts as provided by this paragraph shall not
7 apply to accounts in the State Police Retirement System, the Kentucky
8 Employees Retirement System, the County Employees Retirement
9 System, and the Teachers' Retirement System, from which the member
10 is receiving a retirement benefit.

11 3. For purposes of this paragraph, "retirement" means the month in which
12 the member elects to begin receiving benefits or benefits become
13 payable due to the member's death.

14 (c) A member who has an account in the Legislators' Retirement Plan and the
15 Judicial Retirement Plan may combine his service in both plans for purposes
16 of determining:

17 1. Eligibility and the amount of benefits; and

18 2. Final compensation, provided the member began participating in the
19 Legislators' Retirement Plan prior to January 1, 2014, and except that
20 any salary earned in the Judicial Retirement Plan on or after July 1,
21 2020~~January 1, 2019~~, shall not be used to determine final
22 compensation in the Legislators' Retirement Plan.

23 (d) A member who began participating in the Legislators' Retirement Plan prior to
24 January 1, 2014, may retire at the completion of twenty-seven (27) or more
25 years of combined service credit, so long as at least fifteen (15) years of such
26 credit were earned after January 1, 1960, and there shall be no reduction in the
27 retirement allowance because of retirement before the age of sixty-five (65).

1 (e) For the purposes of this section, any reference in the KRS sections listed
2 above to the Judicial Retirement Plan shall also be read as a reference to the
3 Legislators' Retirement Plan, and any reference to the Legislators' Retirement
4 Plan shall also be read as a reference to the Judicial Retirement Plan.

5 (3) Any other statute to the contrary notwithstanding, a member of any state-
6 administered retirement system who has ceased to qualify for membership but
7 subsequently returns to a qualified status, shall, for the purposes of determining the
8 date of entry into the state-administered retirement system for the subsequent period
9 or periods of service, be deemed to have never left the retirement system.

10 ➔Section 6. KRS 21.402 is repealed, reenacted, and amended to read as follows:

11 (1) A member of the Legislators' Retirement Plan or the Judicial Retirement Plan,
12 whose participation in the Legislators' Retirement Plan or the Judicial Retirement
13 Plan begins on or after January 1, 2014, shall receive the retirement benefits
14 provided by this section in lieu of the retirement benefits provided under KRS 6.520
15 and 21.400. The retirement benefit provided by this section shall be known as the
16 hybrid cash balance plan and shall operate as another benefit tier within the
17 Legislators' Retirement Plan and the Judicial Retirement Plan.

18 (2) The hybrid cash balance plan shall provide a retirement benefit based upon the
19 member's accumulated account balance, which shall include:

20 (a) Contributions made by the member as provided by KRS 6.500 to 6.577 and
21 21.345 to 21.580, except for employee contributions prescribed by KRS
22 6.505(1)(d)2.b. and 21.360(1)(a)3.b.;

23 (b) An employer pay credit of four percent (4%) of the creditable compensation
24 earned by the employee for each month the employee is contributing to the
25 hybrid cash balance plan provided by this section; and

26 (c) Interest credits added annually to the member's accumulated account balance
27 as provided by this section.

- 1 (3) (a) Member contributions and employer pay credits as provided by subsection
 2 (2)(a) and (b) of this section shall be credited to the member's account
 3 monthly as contributions are reported and posted to the plan.
- 4 (b) Interest credits, as provided by subsection (2)(c) of this section, shall be
 5 credited to the member's account annually on June 30 of each fiscal year, as
 6 determined by subsection (4) of this section.
- 7 (4) (a) On June 30 of each fiscal year, the plan shall determine if the member
 8 contributed to the hybrid cash balance plan~~[or another state-administered~~
 9 ~~retirement system]~~ during the fiscal year.
- 10 (b) If the member contributed to the hybrid cash balance plan~~[or another state-~~
 11 ~~administered retirement system]~~ during the fiscal year, the interest credit
 12 added to the member's account for that fiscal year shall be determined by
 13 multiplying the member's accumulated account balance on June 30 of the
 14 preceding fiscal year by a percentage increase equal to:
- 15 **1. Four percent (4%); plus**
- 16 **2. Seventy-five percent (75%)**~~[eighty-five percent (85%)]~~ of the plan's
 17 geometric average net investment return **in excess of a four percent**
 18 **(4%) rate of return**~~[, but in no case shall be less than zero percent~~
 19 ~~(0%)]~~.
- 20 (c) If the member did not contribute to the hybrid cash balance plan~~[or another~~
 21 ~~state-administered retirement system]~~ during the fiscal year, **the**~~[then no]~~
 22 interest credit ~~[shall be]~~ added to the member's account for that fiscal year
 23 **shall be determined by multiplying the member's accumulated account**
 24 **balance on June 30 of the preceding fiscal year by four percent (4%).**
- 25 (d) For purposes of this subsection, "plan's geometric average net investment
 26 return":
- 27 1. Means the annual average geometric investment return, net of

- 1 administrative and investment fees and expenses, over the last five (5)
2 fiscal years as of the date the interest is credited to the member's
3 account; and
- 4 2. Shall be expressed as a percentage and based upon the plan in which the
5 member has an account.
- 6 (5) (a) Upon termination of employment, a member who has less than five (5) years
7 of service credited under the Legislators' Retirement Plan or the Judicial
8 Retirement Plan, who elects to take a refund of his or her accumulated account
9 balance as provided by KRS 21.460, shall forfeit the accumulated employer
10 credit, and shall only receive a refund of his or her accumulated contributions.
- 11 (b) Upon termination of employment, a member who has five (5) or more years of
12 service credited under the Legislators' Retirement Plan or the Judicial
13 Retirement Plan, who elects to take a refund of his or her accumulated account
14 balance as provided by KRS 21.460, shall receive a full refund of his or her
15 accumulated account balance.
- 16 (6) A member participating in the hybrid cash balance plan provided by this section
17 may retire:
- 18 (a) Upon reaching normal retirement age, provided he or she has earned five (5)
19 or more years of service credited under the Legislators' Retirement Plan or the
20 Judicial Retirement Plan, or another state-administered retirement system; or
- 21 (b) If the member is at least age fifty-seven (57) and has an age and years of
22 service total of at least eighty-seven (87) years. The years of service used to
23 determine eligibility for retirement under this paragraph shall only include
24 years of service credited under the Legislators' Retirement Plan or the Judicial
25 Retirement Plan, or another state-administered retirement system.
- 26 (7) A member eligible to retire under subsection (6) of this section may elect to:
- 27 (a) Receive a monthly retirement allowance payable for life by having his or her

1 accumulated account balance annuitized by the retirement plan in accordance
2 with the actuarial assumptions and actuarial methods adopted by the board
3 and in effect on the member's retirement date;

4 (b) Receive the actuarial equivalent of his or her retirement allowance calculated
5 under paragraph (a) of this subsection payable under one (1) of the options set
6 forth in KRS 21.420(8)(b); or

7 (c) Take a refund of his or her accumulated account balance as provided by KRS
8 21.460.

9 (8) The board of the Judicial Form Retirement System shall establish individual
10 members' accounts for each member participating in the hybrid cash balance plan as
11 provided by this section. The Judicial Form Retirement System may promulgate
12 administrative regulations in accordance with KRS Chapter 13A to administer the
13 provisions of this section.

14 (9) The provisions of this section shall not apply to members who began participating
15 in the Legislators' Retirement Plan or the Judicial Retirement Plan prior to January
16 1, 2014, and shall effective December 1, 2020, not apply to those members of the
17 Legislators' Retirement Plan who are transferred to the Kentucky Employees
18 Retirement System as provided by subsection (2) of Section 1 of this Act.

19 ➔Section 7. KRS 21.525 is amended to read as follows:

20 (1) The state, by appropriation to the Judicial Retirement Board, shall contribute
21 annually to the Judicial Retirement System an amount equal to the percent as
22 computed under subsection (2) of this section of the creditable compensation of
23 active members of the Judicial Retirement System, to be known as the "normal
24 contributions," and an additional amount equal to one percent (1%) of the unfunded
25 past service liabilities, plus annual interest accruing thereon at the actuarially
26 assumed rate of interest adopted by the board to be known as the "past service
27 contribution."

- 1 (2) The normal contribution rate shall be determined either by the entry age normal cost
2 funding method or the unit credit actuarial method, as selected by the board. The
3 past service liability shall be determined by actuarial methods consistent with the
4 methods prescribed for determining the normal contribution rate. The board shall
5 adopt the actuarial assumptions that are to be used in making the determinations.
- 6 (3) Normal contributions and the past service liability contribution for each fiscal
7 biennium shall be determined on the basis of the actuarial valuation last preceding
8 the commencement of the biennium.
- 9 (4) Employer costs for the hybrid cash balance plan as provided by KRS 21.402 shall
10 be incorporated into the employer contribution rate of the Legislators' Retirement
11 Plan and the Judicial Retirement Plan as a new benefit tier within the plans.
- 12 **(5) Notwithstanding the provisions of this section, the Judicial Form Retirement**
13 **System shall not request any funding, except for administrative expenses, for the**
14 **Legislators' Retirement Plan until such time the Legislators' Retirement Plan has**
15 **a funding level, as determined by the most recent actuarial valuation, equivalent**
16 **to or less than the Kentucky Employees Retirement System pension fund that**
17 **covers nonhazardous employees. It is the intent of the General Assembly to not**
18 **appropriate any funding, except for administrative expenses, to the Legislators'**
19 **Retirement Plan in future biennial legislative branch budgets until such time the**
20 **Legislators' Retirement Plan has a funding level, as of the most recent actuarial**
21 **valuation, equivalent to or less than the Kentucky Employees Retirement System**
22 **pension fund that covers nonhazardous employees. For purposes of this**
23 **subsection, "funding level" means the actuarial value of assets divided by the**
24 **actuarially accrued liability expressed as a percentage that is determined and**
25 **reported by the system's actuary in the system's actuarial valuation and based**
26 **upon values that are used for purposes of funding.**
- 27 ➔Section 8. KRS 61.510 is amended to read as follows:

1 As used in KRS 61.510 to 61.705, unless the context otherwise requires:

- 2 (1) "System" means the Kentucky Employees Retirement System created by KRS
3 61.510 to 61.705;
- 4 (2) "Board" means the board of trustees of the system as provided in KRS 61.645;
- 5 (3) "Department" means any state department or board or agency participating in the
6 system in accordance with appropriate executive order, as provided in KRS 61.520.
7 For purposes of KRS 61.510 to 61.705, the members, officers, and employees of the
8 General Assembly and any other body, entity, or instrumentality designated by
9 executive order by the Governor, shall be deemed to be a department,
10 notwithstanding whether said body, entity, or instrumentality is an integral part of
11 state government;
- 12 (4) "Examiner" means the medical examiners as provided in KRS 61.665;
- 13 (5) "Employee" means the members, officers, and employees of the General Assembly
14 and every regular full-time, appointed or elective officer or employee of a
15 participating department, including the Department of Military Affairs. The term
16 does not include persons engaged as independent contractors, seasonal, emergency,
17 temporary, interim, and part-time workers. In case of any doubt, the board shall
18 determine if a person is an employee within the meaning of KRS 61.510 to 61.705;
- 19 (6) "Employer" means a department or any authority of a department having the power
20 to appoint or select an employee in the department, including the Senate and the
21 House of Representatives, or any other entity, the employees of which are eligible
22 for membership in the system pursuant to KRS 61.525;
- 23 (7) "State" means the Commonwealth of Kentucky;
- 24 (8) "Member" means any employee who is included in the membership of the system or
25 any former employee whose membership has not been terminated under KRS
26 61.535;
- 27 (9) "Service" means the total of current service and prior service as defined in this

1 section;

2 (10) "Current service" means the number of years and months of employment as an
3 employee, on and after July 1, 1956, except that for members, officers, and
4 employees of the General Assembly this date shall be January 1, 1960, for which
5 creditable compensation is paid and employee contributions deducted, except as
6 otherwise provided, and each member, officer, and employee of the General
7 Assembly shall be credited with a month of current service for each month he
8 serves in the position;

9 (11) "Prior service" means the number of years and completed months, expressed as a
10 fraction of a year, of employment as an employee, prior to July 1, 1956, for which
11 creditable compensation was paid; except that for members, officers, and employees
12 of the General Assembly, this date shall be January 1, 1960. An employee shall be
13 credited with one (1) month of prior service only in those months he received
14 compensation for at least one hundred (100) hours of work; provided, however, that
15 each member, officer, and employee of the General Assembly shall be credited with
16 a month of prior service for each month he served in the position prior to January 1,
17 1960. Twelve (12) months of current service in the system are required to validate
18 prior service;

19 (12) "Accumulated contributions" at any time means the sum of all amounts deducted
20 from the compensation of a member and credited to his individual account in the
21 members' account, including employee contributions picked up after August 1,
22 1982, pursuant to KRS 61.560(4), together with interest credited, or investment
23 returns earned as provided by KRS 61.5956, on such amounts and any other
24 amounts the member shall have contributed thereto, including interest credited
25 thereon or investment returns earned as provided by KRS 61.5956. "Accumulated
26 contributions" shall not include employee contributions that are deposited into
27 accounts established pursuant to 26 U.S.C. sec. 401(h) within the funds established

1 in KRS 16.510, 61.515, and 78.520, as prescribed by KRS 61.702(2)(b);

2 (13) "Creditable compensation":

3 (a) Except as provided by paragraph (b) or (c) of this subsection, means all salary,
4 wages, tips to the extent the tips are reported for income tax purposes, and
5 fees, including payments for compensatory time, paid to the employee as a
6 result of services performed for the employer or for time during which the
7 member is on paid leave, which are includable on the member's federal form
8 W-2 wage and tax statement under the heading "wages, tips, other
9 compensation," including employee contributions picked up after August 1,
10 1982, pursuant to KRS 61.560(4). For members of the General Assembly, it
11 shall mean all amounts which are includable on the member's federal form W-
12 2 wage and tax statement under the heading "wages, tips, other
13 compensation," including employee contributions picked up after August 1,
14 1982, pursuant to KRS 6.505(4) or 61.560(4);

15 (b) Includes:

- 16 1. Lump-sum bonuses, severance pay, or employer-provided payments for
17 purchase of service credit, which shall be averaged over the employee's
18 total service with the system in which it is recorded if it is equal to or
19 greater than one thousand dollars (\$1,000);
- 20 2. Cases where compensation includes maintenance and other perquisites,
21 but the board shall fix the value of that part of the compensation not paid
22 in money;
- 23 3. Lump-sum payments for creditable compensation paid as a result of an
24 order of a court of competent jurisdiction, the Personnel Board, or the
25 Commission on Human Rights, or for any creditable compensation paid
26 in anticipation of settlement of an action before a court of competent
27 jurisdiction, the Personnel Board, or the Commission on Human Rights,

1 including notices of violations of state or federal wage and hour statutes
2 or violations of state or federal discrimination statutes, which shall be
3 credited to the fiscal year during which the wages were earned or should
4 have been paid by the employer. This subparagraph shall also include
5 lump-sum payments for reinstated wages pursuant to KRS 61.569,
6 which shall be credited to the period during which the wages were
7 earned or should have been paid by the employer;

- 8 4. Amounts which are not includable in the member's gross income by
9 virtue of the member having taken a voluntary salary reduction provided
10 for under applicable provisions of the Internal Revenue Code; and
11 5. Elective amounts for qualified transportation fringes paid or made
12 available on or after January 1, 2001, for calendar years on or after
13 January 1, 2001, that are not includable in the gross income of the
14 employee by reason of 26 U.S.C. sec. 132(f)(4); and

15 (c) Excludes:

- 16 1. Uniform, equipment, or any other expense allowances paid on or after
17 January 1, 2019, living allowances, expense reimbursements, lump-sum
18 payments for accrued vacation leave, and other items determined by the
19 board;
20 2. For employees who begin participating on or after September 1, 2008,
21 lump-sum payments for compensatory time;
22 3. For employees participating in a nonhazardous position who began
23 participating prior to September 1, 2008, and who retire after July 1,
24 2023, lump-sum payments for compensatory time upon termination of
25 employment;
26 4. For employees who begin participating on or after August 1, 2016,
27 nominal fees paid for services as a volunteer; and

1 5. Any salary or wages paid to an employee for services as a Kentucky
2 State Police school resource officer as defined by KRS 158.441;

3 (14) "Final compensation" of a member means:

4 (a) For a member who begins participating before September 1, 2008, who is
5 employed in a nonhazardous position, the creditable compensation of the
6 member during the five (5) fiscal years he was paid at the highest average
7 monthly rate divided by the number of months of service credit during that
8 five (5) year period multiplied by twelve (12). The five (5) years may be
9 fractional and need not be consecutive, except that for members retiring on or
10 after January 1, 2019, the five (5) fiscal years shall be complete fiscal years. If
11 the number of months of service credit during the five (5) year period is less
12 than forty-eight (48) for members retiring prior to January 1, 2019, one (1) or
13 more additional fiscal years shall be used. If a member retiring on or after
14 January 1, 2019, does not have five (5) complete fiscal years that each contain
15 twelve (12) months of service credit, then one (1) or more additional fiscal
16 years, which may contain less than twelve (12) months of service credit, shall
17 be added until the number of months in the final compensation calculation is
18 at least sixty (60) months;

19 (b) For a member who is employed in a nonhazardous position, whose effective
20 retirement date is between August 1, 2001, and January 1, 2009, and whose
21 total service credit is at least twenty-seven (27) years and whose age and years
22 of service total at least seventy-five (75), final compensation means the
23 creditable compensation of the member during the three (3) fiscal years the
24 member was paid at the highest average monthly rate divided by the number
25 of months of service credit during that three (3) years period multiplied by
26 twelve (12). The three (3) years may be fractional and need not be
27 consecutive. If the number of months of service credit during the three (3)

1 year period is less than twenty-four (24), one (1) or more additional fiscal
2 years shall be used. Notwithstanding the provision of KRS 61.565, the
3 funding for this paragraph shall be provided from existing funds of the
4 retirement allowance;

5 (c) For a member who begins participating before September 1, 2008, who is
6 employed in a hazardous position, as provided in KRS 61.592, and who
7 retired prior to January 1, 2019, the creditable compensation of the member
8 during the three (3) fiscal years he was paid at the highest average monthly
9 rate divided by the number of months of service credit during that three (3)
10 year period multiplied by twelve (12). The three (3) years may be fractional
11 and need not be consecutive. If the number of months of service credit during
12 the three (3) year period is less than twenty-four (24), one (1) or more
13 additional fiscal years shall be used;

14 (d) For a member who begins participating on or after September 1, 2008, but
15 prior to January 1, 2014, who is employed in a nonhazardous position, the
16 creditable compensation of the member during the five (5) complete fiscal
17 years immediately preceding retirement divided by five (5). Each fiscal year
18 used to determine final compensation must contain twelve (12) months of
19 service credit. If the member does not have five (5) complete fiscal years that
20 each contain twelve (12) months of service credit, then one (1) or more
21 additional fiscal years, which may contain less than twelve (12) months of
22 service credit, shall be added until the number of months in the final
23 compensation calculation is at least sixty (60) months; or

24 (e) For a member who begins participating on or after September 1, 2008, but
25 prior to January 1, 2014, who is employed in a hazardous position as provided
26 in KRS 61.592, or for a member who begins participating prior to September
27 1, 2008, who is employed in a hazardous position as provided in KRS 61.592,

1 who retires on or after January 1, 2019, the creditable compensation of the
2 member during the three (3) complete fiscal years he was paid at the highest
3 average monthly rate divided by three (3). Each fiscal year used to determine
4 final compensation must contain twelve (12) months of service credit. If the
5 member does not have three (3) complete fiscal years that each contain twelve
6 (12) months of service credit, then one (1) or more additional fiscal years,
7 which may contain less than twelve (12) months of service credit, shall be
8 added until the number of months in the final compensation calculation is at
9 least thirty-six (36) months.

10 **For any member who has service in the system that was earned while serving as a**
11 **member of the General Assembly, the final compensation used to calculate the**
12 **benefits for any service credit earned as a member of the General Assembly shall**
13 **not include creditable compensation earned in the State Police Retirement**
14 **System, Judicial Retirement Plan, Kentucky Employees Retirement System,**
15 **County Employees Retirement System, or Kentucky Teachers' Retirement System**
16 **on or after July 1, 2020;**

17 (15) "Final rate of pay" means the actual rate upon which earnings of an employee were
18 calculated during the twelve (12) month period immediately preceding the
19 member's effective retirement date, including employee contributions picked up
20 after August 1, 1982, pursuant to KRS 61.560(4). The rate shall be certified to the
21 system by the employer and the following equivalents shall be used to convert the
22 rate to an annual rate: two thousand eighty (2,080) hours for eight (8) hour
23 workdays, nineteen hundred fifty (1,950) hours for seven and one-half (7-1/2) hour
24 workdays, two hundred sixty (260) days, fifty-two (52) weeks, twelve (12) months,
25 one (1) year;

26 (16) "Retirement allowance" means the retirement payments to which a member is
27 entitled;

- 1 (17) "Actuarial equivalent" means a benefit of equal value when computed upon the
2 basis of the actuarial tables that are adopted by the board. In cases of disability
3 retirement, the options authorized by KRS 61.635 shall be computed by adding ten
4 (10) years to the age of the member, unless the member has chosen the Social
5 Security adjustment option as provided for in KRS 61.635(8), in which case the
6 member's actual age shall be used. For members who began participating in the
7 system prior to January 1, 2014, no disability retirement option shall be less than the
8 same option computed under early retirement;
- 9 (18) "Normal retirement date" means the sixty-fifth birthday of a member, unless
10 otherwise provided in KRS 61.510 to 61.705;
- 11 (19) "Fiscal year" of the system means the twelve (12) months from July 1 through the
12 following June 30, which shall also be the plan year. The "fiscal year" shall be the
13 limitation year used to determine contribution and benefit limits as established by
14 26 U.S.C. sec. 415;
- 15 (20) "Officers and employees of the General Assembly" means the occupants of those
16 positions enumerated in KRS 6.150. The term shall also apply to assistants who
17 were employed by the General Assembly for at least one (1) regular legislative
18 session prior to July 13, 2004, who elect to participate in the retirement system, and
19 who serve for at least six (6) regular legislative sessions. Assistants hired after July
20 13, 2004, shall be designated as interim employees;
- 21 (21) "Regular full-time positions," as used in subsection (5) of this section, shall mean
22 all positions that average one hundred (100) or more hours per month determined by
23 using the number of months actually worked within a calendar or fiscal year,
24 including all positions except:
- 25 (a) Seasonal positions, which although temporary in duration, are positions which
26 coincide in duration with a particular season or seasons of the year and which
27 may recur regularly from year to year, the period of time shall not exceed nine

- 1 (9) months;
- 2 (b) Emergency positions which are positions which do not exceed thirty (30)
- 3 working days and are nonrenewable;
- 4 (c) Temporary positions which are positions of employment with a participating
- 5 department for a period of time not to exceed nine (9) months and are
- 6 nonrenewable;
- 7 (d) Part-time positions which are positions which may be permanent in duration,
- 8 but which require less than a calendar or fiscal year average of one hundred
- 9 (100) hours of work per month, determined by using the number of months
- 10 actually worked within a calendar or fiscal year, in the performance of duty;
- 11 and
- 12 (e) Interim positions which are positions established for a one-time or recurring
- 13 need not to exceed nine (9) months;
- 14 (22) "Delayed contribution payment" means an amount paid by an employee for
- 15 purchase of current service. The amount shall be determined using the same formula
- 16 in KRS 61.5525, and the payment shall not be picked up by the employer. A
- 17 delayed contribution payment shall be deposited to the member's account and
- 18 considered as accumulated contributions of the individual member. In determining
- 19 payments under this subsection, the formula found in this subsection shall prevail
- 20 over the one found in KRS 212.434;
- 21 (23) "Parted employer" means a department, portion of a department, board, or agency,
- 22 such as Outwood Hospital and School, which previously participated in the system,
- 23 but due to lease or other contractual arrangement is now operated by a publicly held
- 24 corporation or other similar organization, and therefore is no longer participating in
- 25 the system. The term "parted employer" shall not include a department, board, or
- 26 agency that ceased participation in the system pursuant to KRS 61.522;
- 27 (24) "Retired member" means any former member receiving a retirement allowance or

- 1 any former member who has filed the necessary documents for retirement benefits
2 and is no longer contributing to the retirement system;
- 3 (25) "Current rate of pay" means the member's actual hourly, daily, weekly, biweekly,
4 monthly, or yearly rate of pay converted to an annual rate as defined in final rate of
5 pay. The rate shall be certified by the employer;
- 6 (26) "Beneficiary" means the person or persons or estate or trust or trustee designated by
7 the member in accordance with KRS 61.542 or 61.705 to receive any available
8 benefits in the event of the member's death. As used in KRS 61.702, "beneficiary"
9 does not mean an estate, trust, or trustee;
- 10 (27) "Recipient" means the retired member or the person or persons designated as
11 beneficiary by the member and drawing a retirement allowance as a result of the
12 member's death or a dependent child drawing a retirement allowance. An alternate
13 payee of a qualified domestic relations order shall not be considered a recipient,
14 except for purposes of KRS 61.623;
- 15 (28) "Level dollar amortization method" means a method of determining the annual
16 amortization payment on the unfunded actuarial accrued liability that is set as an
17 equal dollar amount over the remaining amortization period as of the actuarial
18 valuation date. Under this method, the unfunded actuarially accrued liability shall
19 be projected to be fully amortized at the conclusion of the amortization period;
- 20 (29) "Increment" means twelve (12) months of service credit which are purchased. The
21 twelve (12) months need not be consecutive. The final increment may be less than
22 twelve (12) months;
- 23 (30) "Person" means a natural person;
- 24 (31) "Retirement office" means the Kentucky Retirement Systems office building in
25 Frankfort;
- 26 (32) "Last day of paid employment" means the last date employer and employee
27 contributions are required to be reported in accordance with KRS 16.543, 61.543, or

- 1 78.615 to the retirement office in order for the employee to receive current service
2 credit for the month. Last day of paid employment does not mean a date the
3 employee receives payment for accrued leave, whether by lump sum or otherwise, if
4 that date occurs twenty-four (24) or more months after previous contributions;
- 5 (33) "Objective medical evidence" means reports of examinations or treatments; medical
6 signs which are anatomical, physiological, or psychological abnormalities that can
7 be observed; psychiatric signs which are medically demonstrable phenomena
8 indicating specific abnormalities of behavior, affect, thought, memory, orientation,
9 or contact with reality; or laboratory findings which are anatomical, physiological,
10 or psychological phenomena that can be shown by medically acceptable laboratory
11 diagnostic techniques, including but not limited to chemical tests,
12 electrocardiograms, electroencephalograms, X-rays, and psychological tests;
- 13 (34) "Participating" means an employee is currently earning service credit in the system
14 as provided in KRS 61.543;
- 15 (35) "Month" means a calendar month;
- 16 (36) "Membership date" means:
- 17 (a) The date upon which the member began participating in the system as
18 provided in KRS 61.543; or
- 19 (b) For a member electing to participate in the system pursuant to KRS
20 196.167(4) who has not previously participated in the system or the Kentucky
21 Teachers' Retirement System, the date the member began participating in a
22 defined contribution plan that meets the requirements of 26 U.S.C. sec.
23 403(b);
- 24 (37) "Participant" means a member, as defined by subsection (8) of this section, or a
25 retired member, as defined by subsection (24) of this section;
- 26 (38) "Qualified domestic relations order" means any judgment, decree, or order,
27 including approval of a property settlement agreement, that:

- 1 (a) Is issued by a court or administrative agency; and
- 2 (b) Relates to the provision of child support, alimony payments, or marital
3 property rights to an alternate payee;
- 4 (39) "Alternate payee" means a spouse, former spouse, child, or other dependent of a
5 participant, who is designated to be paid retirement benefits in a qualified domestic
6 relations order;
- 7 (40) "Accumulated employer credit" mean the employer pay credit deposited to the
8 member's account and interest credited on such amounts as provided by KRS
9 16.583 and 61.597;
- 10 (41) "Accumulated account balance" means:
- 11 (a) For members who began participating in the system prior to January 1, 2014,
12 the member's accumulated contributions;
- 13 (b) For members who began participating in the system on or after January 1,
14 2014, in the hybrid cash balance plan as provided by KRS 16.583 and 61.597,
15 the combined sum of the member's accumulated contributions and the
16 member's accumulated employer credit; or
- 17 (c) For nonhazardous members who are participating in the 401(a) money
18 purchase plan as provided by KRS 61.5956, the combined sum of the
19 member's accumulated contribution and the member's accumulated employer
20 contribution in the 401(a) money purchase plan;
- 21 (42) "Volunteer" means an individual who:
- 22 (a) Freely and without pressure or coercion performs hours of service for an
23 employer participating in one (1) of the systems administered by Kentucky
24 Retirement Systems without receipt of compensation for services rendered,
25 except for reimbursement of actual expenses, payment of a nominal fee to
26 offset the costs of performing the voluntary services, or both; and
- 27 (b) If a retired member, does not become an employee, leased employee, or

1 independent contractor of the employer for which he or she is performing
 2 volunteer services for a period of at least twenty-four (24) months following
 3 the retired member's most recent retirement date;

4 (43) "Nominal fee" means compensation earned for services as a volunteer that does not
 5 exceed five hundred dollars (\$500) per month. Compensation earned for services as
 6 a volunteer from more than one (1) participating employer during a month shall be
 7 aggregated to determine whether the compensation exceeds the five hundred dollars
 8 (\$500) per month maximum provided by this subsection;

9 (44) "Nonhazardous position" means a position that does not meet the requirements of
 10 KRS 61.592 or has not been approved by the board as a hazardous position;

11 (45) "Accumulated employer contribution" means the employer contribution deposited
 12 to the member's account and any investment returns on such amounts as provided
 13 by KRS 61.5956; and

14 (46) "Monthly average pay" means the higher of the member's monthly final rate of pay
 15 or the average monthly creditable compensation earned by the deceased member
 16 during his or her last twelve (12) months of employment.

17 ➔Section 9. KRS 61.680 is repealed, reenacted, and amended to read as follows:

18 Except as limited by KRS 6.525, 21.374, or Section 1 of this Act~~[61.5955, or 61.5956]:~~

19 (1) Prior to August 1, 1982, every employee shall be deemed to consent and agree to
 20 any deduction from his compensation required by KRS 6.500 to 6.535, 16.505 to
 21 16.652, 61.510 to 61.692, 78.510 to 78.852, and to all other provisions thereof.
 22 Thereafter, employee contributions shall be picked up by the employer pursuant to
 23 KRS 61.560(4).

24 (2) (a) Notwithstanding any other provisions of KRS 6.500 to 6.535, 16.505 to
 25 16.652, 61.510 to 61.692, 78.510 to 78.852 and 161.220 to 161.714:

26 1. Upon death, disability, or service retirement, a member's accounts under
 27 the Legislators' Retirement Plan, State Police Retirement System,

1 Kentucky Employees Retirement System, County Employees Retirement
2 System, and Teachers' Retirement System, except for service prohibited
3 by KRS 161.623(2), shall be consolidated for the purpose of determining
4 eligibility and amount of benefits, including those members who
5 participate in the hybrid cash balance plan ~~or 401(a) money purchase~~
6 ~~plans~~ within the Kentucky Employees Retirement System, the County
7 Employees Retirement System, the State Police Retirement System, or
8 the Teachers' Retirement System;

9 2. Vested service credit in a retirement system, other than the Teachers'
10 Retirement System, sponsored by a Kentucky institution of higher
11 education and accepted by the Kentucky Employees Retirement System
12 or the County Employees Retirement System, may be used to determine
13 eligibility for twenty-seven (27) year retirement for an employee who
14 begins participating before September 1, 2008, but not the amount of
15 benefits;

16 3. The computation of benefits shall be based on the applicable formula in
17 each system and service credit in each system, but the final
18 compensation, excluding compensation earned under KRS 161.155(10),
19 shall be determined as if all service were in one (1) system;

20 4. If the member has prior service in more than one (1) system
21 administered by Kentucky Retirement Systems, he shall obtain at least
22 twelve (12) months' current service in each system in which he has prior
23 service in order to validate the prior service in each system for purposes
24 of determining consolidated benefits under this subsection; and

25 5. Upon the determination of benefits, each system shall pay the applicable
26 amount of benefits due the member.

27 (b) The provisions of paragraph (a) of this subsection shall be waived if the

1 member:

- 2 1. Notifies the system of his desire to maintain separate retirement
3 accounts in the State Police Retirement System, Kentucky Employees
4 Retirement System, or County Employees Retirement System; or
- 5 2. Fails to simultaneously retire from all state-administered retirement
6 systems in which the member has an account or fails to retire from any
7 other systems not administered by Kentucky Retirement Systems within
8 one (1) month of the member's effective retirement date in the systems
9 administered by Kentucky Retirement Systems.

10 (c) If the member has not contributed at least one (1) year in a system in which he
11 has prior service, his current service in the system shall be valid for purposes
12 of determining eligibility and in computation of benefits on a consolidated
13 basis.

14 (3) (a) A member with service credit in the Kentucky Employees Retirement System,
15 State Police Retirement System, or the County Employees Retirement System
16 who becomes the holder of an office entitling him to membership in the
17 Judicial Retirement Plan or the Legislators' Retirement Plan, but who does not
18 elect within thirty (30) days after taking office in such service to participate in
19 the plan, in accordance with KRS 6.505 or 21.360, shall be deemed to have
20 elected to retain membership in the system in which he is a member, either the
21 Kentucky Employees Retirement System, State Police Retirement System, or
22 the County Employees Retirement System. In that event, the agency
23 employing the member shall withhold employee contributions, or picked-up
24 employee contributions after August 2, 1982, make employer contributions
25 and remit these contributions to the system in which the member retained his
26 membership.

27 (b) Any person entitled to membership in the Judicial Retirement Plan or the

1 Legislators' Retirement Plan, who does not elect within thirty (30) days after
2 taking office to participate in the plan, in accordance with KRS 6.505 or
3 21.360, and who at the time of taking office is not a contributing member of,
4 or does not have service credit in, any of the retirement systems mentioned in
5 this section, or the Teachers' Retirement System, shall participate in the
6 Kentucky Employees Retirement System.

7 (c) A member of one (1) of the state-administered retirement plans who ceases to
8 contribute to the plan as provided in KRS 21.360 and who is employed in a
9 nonelected position by an agency participating in the Kentucky Retirement
10 Systems or Kentucky Teachers' Retirement System shall be deemed to have
11 elected membership in the system in which the employer of the nonelected
12 position participates. A member of one (1) of the state-administered
13 retirement plans who ceases to contribute to the plan as provided in KRS
14 21.360 and who is not employed in a nonelected position by an agency
15 participating in the Kentucky Retirement Systems shall be deemed to have
16 elected membership in the Kentucky Employees Retirement System.

17 (4) (a) Prior to July 1, 1976, a person entering the service of an employer
18 participating in the Kentucky Employees Retirement System or the County
19 Employees Retirement System with service credit in the Teachers' Retirement
20 System and who desires to retain membership in the Teachers' Retirement
21 System, and who is permitted by that system to continue, shall be exempt
22 from participating in the Kentucky Employees Retirement System or the
23 County Employees Retirement System.

24 (b) Any person who has elected to retain membership in the Teachers' Retirement
25 System as provided in paragraph (a) of this subsection may cancel his election
26 and participate in the system under which his position would normally
27 participate, if he elects to cancel his option prior to January 1, 1977.

1 (c) Any member of the General Assembly who upon election is a contributing
2 member of the Teachers' Retirement System and who does not elect within
3 thirty (30) days after taking office to participate in the Legislators' Retirement
4 Plan, in accordance with KRS 6.505 or is not eligible to participate in the
5 Legislators' Retirement Plan in accordance with Section 1 of this Act, shall
6 during his term of office participate in the Kentucky Employees Retirement
7 System unless an election to retain membership in the Teachers' Retirement
8 System is filed in writing within ninety (90) days after his term of office
9 begins. No contributions may be made to the Teachers' Retirement System for
10 the same period of service under the Legislators' Retirement Plan or the
11 Kentucky Employees Retirement System as a member of the General
12 Assembly, but contributions made to the Teachers' Retirement System while a
13 member of the General Assembly shall be transferred to the Legislators'
14 Retirement Plan, as provided for in KRS 6.535, when the member elects to
15 join the Legislators' Retirement Plan, and service credit in the Legislators'
16 Retirement Plan shall be granted as provided for in KRS 6.505(5).

17 (5) Any member of the Kentucky Employees Retirement System or County Employees
18 Retirement System who is working in a position covered by one (1) of these
19 retirement systems and his employee contributions, service credit and employer
20 contributions made on his behalf are being transferred to the other retirement
21 system shall contribute to the system in which his employer participates, or after
22 August 1, 1982, the employer shall pick up the employee contributions, and no
23 further contributions or service credit shall be transferred to the system in which he
24 elected to retain membership, as subsection (2) of this section eliminates the
25 necessity of the transfers.

26 (6) Any member of the Kentucky Employees Retirement System or County Employees
27 Retirement System who is working in more than one (1) position covered by the

1 same retirement system, shall have his wages and contributions consolidated and his
2 retirement account administered as a single account. If part-time positions are
3 involved, an accumulation of all hours worked within the same retirement system
4 shall be used to determine eligibility under KRS 61.510(21).

5 (7) (a) Notwithstanding the provisions of subsection (2) of this section, a person who
6 does not have the amount of service required for service retirement in the
7 State Police Retirement System, Kentucky Employees Retirement System,
8 County Employees Retirement System, Legislators' Retirement Plan, or
9 Teachers' Retirement System, but who is a member of one (1) of the systems
10 or is a former member of one (1) or more of the systems with valid service
11 credit therein, shall become eligible for service retirement benefits attributable
12 to the amount of his actual service credit in each system in which he has
13 service credit when his combined service credit in all the systems, plus any
14 service credit he has in the Judicial Retirement Plan, is equal to that required
15 for service retirement in each respective system. The computation of benefits
16 shall be based on the applicable formula in each system and service credit in
17 each system, except that total service in all systems, unless prohibited by KRS
18 161.623(2), shall be used to determine the reduction for early retirement, if
19 any. Except as provided in KRS 21.360, the final compensation shall be
20 determined by using the creditable compensation reported to the State Police
21 Retirement System, Kentucky Employees Retirement System, County
22 Employees Retirement System, Legislators' Retirement Plan, or Teachers'
23 Retirement System and only as much of the compensation earned in the
24 Judicial Retirement Plan as is needed to satisfy the final compensation
25 requirement applicable in the respective retirement systems.

26 (b) Paragraph (a) of this subsection shall be waived if the member fails to
27 simultaneously retire from all state-administered retirement systems in which

1 the member has an account or fails to retire from any other systems not
2 administered by Kentucky Retirement Systems within one (1) month of the
3 member's effective retirement date in the systems administered by the
4 Kentucky Retirement Systems.

5 (8) Each retirement system from which the member retires shall pay a retirement
6 allowance upon receipt of required forms and documents, except that no retirement
7 system shall pay a retirement allowance or annuity until all forms and documents
8 are filed at all retirement systems in compliance with each system's requirements.

9 ➔Section 10. Whereas ensuring the integrity, fairness, and financial health of the
10 all retirement plans is vital to the future of Kentucky, an emergency is declared to exist,
11 and this Act takes effect upon its passage and approval by the Governor or upon its
12 otherwise becoming a law.