

1 AN ACT relating to retirement and declaring an emergency.

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

3 ➔SECTION 1. A NEW SECTION OF KRS 78.510 TO 78.852 IS CREATED TO  
4 READ AS FOLLOWS:

5 *(1) The provisions of this section shall only apply to members of the County*  
6 *Employees Retirement System who began participating in the system prior to*  
7 *January 1, 2014, who have service in a nonhazardous position.*

8 *(2) (a) A member who began participating prior to September 1, 2008, is eligible*  
9 *for a retirement allowance determined under paragraphs (4)(a) or (4)(b) of*  
10 *this section, as applicable, for his or her service if:*

11 *1. The member has attained normal retirement age and has four (4) or*  
12 *more years of service, at least one (1) of which is current service;*

13 *2. The member has twenty-seven (27) or more years of service, at least*  
14 *fifteen (15) of which are current service;*

15 *3. The member has attained age fifty-five (55) and has five (5) or more*  
16 *years of service, at least one (1) of which is current service; or*

17 *4. The member is less than age fifty-five (55) and has twenty-five (25) or*  
18 *more years of service, at least fifteen (15) of which are current service.*

19 *(b) In lieu of any other benefits due under 78.510 to 78.852, a member who*  
20 *began participating prior to September 1, 2008, who has attained normal*  
21 *retirement age and who has obtained at least one (1) month of service credit*  
22 *but no more than forty-seven (47) months of service may elect to receive an*  
23 *annual retirement allowance payable monthly or less frequently, as*  
24 *determined by the board, which shall be determined by multiplying his or*  
25 *her accumulated contributions by two (2) and converting this amount to an*  
26 *annual retirement allowance based on an annuity rate adopted by the board*  
27 *which would pay the actuarial equivalent of twice his or her accumulated*

1           contributions over the lifetime of the retired member.

2           (c) A member who began participating prior to September 1, 2008, who has  
3           earned vested service credit in a retirement system, other than the Teachers'  
4           Retirement System, sponsored by a Kentucky institution of higher  
5           education, the Council on Postsecondary Education, or the Higher  
6           Education Assistance Authority, may count the vested service toward  
7           attaining the necessary years of service credit as provided in subparagraphs  
8           (a)2. and (a)4. of this subsection to qualify for a retirement allowance. The  
9           credit from a Kentucky institution of higher education, the Council on  
10           Postsecondary Education, or the Higher Education Assistance Authority  
11           shall not be used toward the minimum fifteen (15) years of current service  
12           required by subparagraphs (a)2. and (a)4. of this subsection or to calculate  
13           his or her retirement allowance pursuant to this section. The provisions of  
14           this paragraph shall not be construed to limit the use of Teachers'  
15           Retirement System credit pursuant to KRS 61.680(2)(a).

16          (3) A member who began participating on or after September 1, 2008, but prior to  
17          January 1, 2014, is eligible for a retirement allowance determined under  
18          paragraph (4)(c) of this section if:

19          (a) The member has attained normal retirement age and has at least five (5)  
20          years of service credited under KRS 16.543(1), 61.543(1), or 78.615(1), or  
21          another state-administered retirement system;

22          (b) The member is fifty-seven (57) years of age or older and has an age and  
23          years of service total of at least eighty-seven (87) years. The years of service  
24          used to determine eligibility for a retirement allowance under this  
25          paragraph shall only include years of service credited under KRS 16.543(1),  
26          61.543(1), or 78.615(1), or another state-administered retirement system; or

27          (c) The member is sixty (60) years of age or older and has at least ten (10) years

1 of service credited under KRS 16.543(1), 61.543(1), or 78.615(1), or another  
2 state-administered retirement system .

3 (4) Upon retirement under the conditions specified by subsection (2) and (3) of this  
4 section except as provided by paragraph (2)(b) of this section, a member covered  
5 by this section may receive an annual retirement allowance, payable monthly  
6 during his or her lifetime, which shall consist of an amount equal to:

7 (a) Two and two-tenths percent (2.2%) of final compensation multiplied by the  
8 number of years of service credit, if the member began participating prior to  
9 August 1, 2004;

10 (b) Two percent (2.0%) of final compensation multiplied by the number of  
11 years of service credit, if the member began participating on or after August  
12 1, 2004, but prior to September 1, 2008;

13 (c) If the member began participating on or after September 1, 2008, but prior  
14 to January 1, 2014:

15 1. a. One and one-tenth percent (1.1%) of final compensation for  
16 each year of service if the member has earned ten (10) or less  
17 years of service at retirement;

18 b. One and three-tenths percent (1.3%) of final compensation for  
19 each year of service if the member has earned greater than ten  
20 (10) but no more than twenty (20) years of service at retirement;

21 c. One and one-half percent (1.5%) of final compensation for each  
22 year of service if the member has earned greater than twenty (20)  
23 but no more than twenty-six (26) years of service at retirement;  
24 or

25 d. One and three-quarters percent (1.75%) of final compensation  
26 for each year of service if the member has earned greater than  
27 twenty-six (26) but no more than thirty (30) years of service at

retirement; and

2. Two percent (2.0%) of final compensation for each year of service earned in excess of thirty (30) years of service at retirement; and

(d) The annual retirement allowance determined under this subsection shall:

1. Not be reduced for a member retiring under the provisions specified by paragraph (2)(a)1., (2)(a)2., (3)(a), and (3)(b) of this section; and

2. Be reduced for a member retiring under the provisions specified by paragraphs (2)(a)3., (2)(a)4., and (3)(c) of this section by an amount determined by the board's actuary to reflect the earlier commencement of benefits.

➔SECTION 2. A NEW SECTION OF KRS 78.510 TO 78.852 IS CREATED TO READ AS FOLLOWS:

(1) A member of the County Employees Retirement System who is participating in a nonhazardous position and who began participating in the system on or after January 1, 2014, or a member who makes an election pursuant to KRS 61.5955, shall receive the retirement benefits provided by this section in lieu of the retirement benefits provided under Section 1 of this Act. The retirement benefit provided by this section shall be known as the hybrid cash balance plan and shall operate as another benefit tier within the County Employees Retirement System.

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

(a) Contributions made by the member as provided by KRS 78.510 to 78.852, except for employee contributions prescribed by paragraph (3)(b) of Section 14 of this Act;

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

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

3       (3) (a) Member contributions and employer pay credits as provided by subsection  
4       (2)(a) and (b) of this section shall be credited to the member's account  
5       monthly as contributions are reported and posted to the system in  
6       accordance with KRS 78.625.

7       (b) Interest credits, as provided by subsection (2)(c) of this section, shall be  
8       credited to the member's account annually on June 30 of each fiscal year,  
9       as determined by subsection (4) of this section.

10      (4) (a) On June 30 of each fiscal year, the system shall determine if the member  
11      contributed to the hybrid cash balance plan or the Kentucky Retirement  
12      Systems during the fiscal year.

13      (b) If the member contributed to the hybrid cash balance plan or the Kentucky  
14      Retirement Systems during the fiscal year, the interest credit added to the  
15      member's account for that fiscal year shall be determined by multiplying the  
16      member's accumulated account balance on June 30 of the preceding fiscal  
17      year by a percentage increase equal to:

18      1. Four percent (4%); plus

19      2. Seventy-five percent (75%) of the system's geometric average net  
20      investment return in excess of a four percent (4%) rate of return.

21      (c) If the member did not contribute to the hybrid cash balance plan or the  
22      Kentucky Retirement Systems during the fiscal year, the interest credit  
23      added to the member's account for that fiscal year shall be determined by  
24      multiplying the member's accumulated account balance on June 30 of the  
25      preceding fiscal year by four percent (4%).

26      (d) For purposes of this subsection, "system's geometric average net investment  
27      return":

- 1           1. Means the annual average geometric investment return, net of  
2           administrative and investment fees and expenses, over the last five (5)  
3           fiscal years as of the date the interest is credited to the member's  
4           account; and  
5           2. Shall be expressed as a percentage and based upon the system in  
6           which the member has an account.

7           (e) No employer pay credits or interest credits shall be provided to a member  
8           who has taken a refund of contributions as provided by KRS 61.625 or who  
9           has retired and annuitized his or her accumulated account balance as  
10           prescribed by this section.

11           (5) (a) Upon termination of employment, a member who has less than five (5)  
12           years of service credited under KRS 16.543(1), 61.543(1), and 78.615(1),  
13           who elects to take a refund of his or her accumulated account balance as  
14           provided by KRS 61.625, shall forfeit the accumulated employer credit, and  
15           shall only receive a refund of his or her accumulated contributions.

16           (b) Upon termination of employment, a member who has five (5) or more years  
17           of service credited under KRS 16.543(1), 61.543(1), and 78.615(1), who  
18           elects to take a refund of his or her accumulated account balance as  
19           provided by KRS 61.625, shall receive a full refund of his or her  
20           accumulated account balance.

21           (6) A member participating in the hybrid cash balance plan provided by this section  
22           may retire:

23           (a) At his or her normal retirement age, provided he or she has earned five (5)  
24           or more years of service credited under KRS 16.543(1), 61.543(1), or  
25           78.615(1), or another state-administered retirement system; or

26           (b) If the member is at least age fifty-seven (57) and has an age and years of  
27           service total of at least eighty-seven (87) years. The years of service used to

1 determine eligibility for retirement under this paragraph shall only include  
2 years of service credited under KRS 16.543(1), 61.543(1), or 78.615(1), or  
3 another state-administered retirement system.

4 (7) A member eligible to retire under subsection (6) of this section may elect to:

5 (a) Receive a monthly retirement allowance payable for life by having his or  
6 her accumulated account balance annuitized by the system in accordance  
7 with the actuarial assumptions and actuarial methods adopted by the board  
8 and in effect on the member's retirement date;

9 (b) Receive the actuarial equivalent of his or her retirement allowance  
10 calculated under paragraph (a) of this subsection payable under one (1) of  
11 the options set forth in KRS 61.635, except for the option provided by KRS  
12 61.635(11); or

13 (c) Take a refund of his or her account balance as provided by KRS 61.625.

14 (8) The provisions of this section shall not apply to members who began participating  
15 in the Kentucky Employees Retirement System, County Employees Retirement  
16 System, or the State Police Retirement System prior to January 1, 2014, except as  
17 provided by KRS 61.5955.

18 ➔SECTION 3. A NEW SECTION OF KRS 78.510 TO 78.852 IS CREATED TO  
19 READ AS FOLLOWS:

20 (1) The provisions of this section shall only apply to members of the County  
21 Employees Retirement System who began participating in the system prior to  
22 January 1, 2014, who have service in a hazardous position.

23 (2) (a) A member who began participating prior to September 1, 2008, is eligible  
24 for a retirement allowance determined under paragraph (4)(a) of this  
25 section for his or her service if:

26 1. The member has attained normal retirement age and has five (5) or  
27 more years of service, at least one (1) of which is current service;

1           2. The member has twenty (20) or more years of service, at least fifteen  
2           (15) of which are current service; or

3           3. The member has attained age fifty (50) and has fifteen (15) or more  
4           years of service.

5           (b) In lieu of any other benefits due under 78.510 to 78.852, a member who  
6           began participating prior to September 1, 2008, who has attained normal  
7           retirement age and who has obtained at least one (1) month of service credit  
8           but no more than fifty-nine (59) months of service may elect to receive an  
9           annual retirement allowance payable monthly or less frequently, as  
10          determined by the board, which shall be determined by multiplying his or  
11          her accumulated contributions by two (2) and converting this amount to an  
12          annual retirement allowance based on an annuity rate adopted by the board  
13          which would pay the actuarial equivalent of twice his or her accumulated  
14          contributions over the lifetime of the retired member.

15          (3) A member who began participating on or after September 1, 2008, but prior to  
16          January 1, 2014, is eligible for a retirement allowance determined under  
17          paragraph (4)(b) of this section for his or her service if:

18          (a) The member has attained normal retirement age and has five (5) years of  
19          service credited under KRS 16.543(1), 61.543(1), or 78.615(1), or another  
20          state-administered retirement system;

21          (b) The member has twenty-five (25) or more years of service credited under  
22          KRS 16.543(1), 61.543(1), or 78.615(1), or another state-administered  
23          retirement system; or

24          (c) The member has attained age fifty (50) and has fifteen (15) years of service  
25          credited under KRS 16.543(1), 61.543(1), or 78.615(1), or another state-  
26          administered retirement system.

27          (4) (a) A member of the system covered by this section who began participating



1 prior to September 1, 2008, may elect to receive an annual retirement  
2 allowance, payable monthly during his lifetime, equal to two and five-tenths  
3 percent (2.5%) of final compensation for each year of service credit.

4 (b) A member of the system covered by this section, who begins participating in  
5 the system on or after September 1, 2008, but prior to January 1, 2014, shall  
6 be eligible to receive an annual retirement allowance, payable monthly  
7 during his or her lifetime, equal to:

8 1. One and three-tenths percent (1.3%) of final compensation for each  
9 year of service credit if the employee has earned ten (10) or less years  
10 of service at retirement;

11 2. One and one-half percent (1.5%) of final compensation for each year  
12 of service credit if the employee has earned greater than ten (10) but  
13 no more than twenty (20) years of service at retirement;

14 3. Two and one-quarter percent (2.25%) of final compensation for each  
15 year of service credit if the employee has earned greater than twenty  
16 (20) but less than twenty-five (25) years of service at retirement; or

17 4. Two and one-half percent (2.5%) of final compensation for each year  
18 of service credit if the employee has earned twenty-five (25) or more  
19 years of service at retirement.

20 (c) The annual retirement allowance determined under this subsection, shall:

21 1. Not be reduced for a member retiring under the provisions specified by  
22 paragraph (2)(a)1., (2)(a)2., (3)(a), and (3)(b) of this section; and

23 2. Be reduced for a member retiring under the provisions specified by  
24 paragraphs (2)(a)3. and (3)(c) of this section by an amount determined  
25 by the board's actuary to reflect the earlier commencement of benefits.

26 ➔SECTION 4. A NEW SECTION OF KRS 78.510 TO 78.852 IS CREATED TO  
27 READ AS FOLLOWS:

1 (1) A member of the County Employees Retirement System in a hazardous position  
2 covered by this section, who begins participating in the system on or after  
3 January 1, 2014, or a member who makes an election pursuant to KRS 61.5955,  
4 shall receive the retirement benefits provided by this section in lieu of the  
5 retirement benefits provided under Section 3 of this Act. The retirement benefit  
6 provided by this section shall be known as the hybrid cash balance plan and shall  
7 operate as another benefit tier within the County Employees Retirement System.

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

10 (a) Contributions made by the member as provided by KRS 78.510 to 78.852,  
11 except for employee contributions prescribed by paragraph (3)(b) of Section  
12 14 of this Act;

13 (b) An employer pay credit of seven and one-half percent (7.5%) of the  
14 creditable compensation earned by the employee for each month the  
15 employee is contributing to the hybrid cash balance plan provided by this  
16 section; and

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

19 (3) (a) Member contributions and employer pay credits as provided by subsection  
20 (2)(a) and (b) of this section shall be credited to the member's account  
21 monthly as contributions are reported and posted to the system in  
22 accordance with KRS 78.625.

23 (b) Interest credits, as provided by subsection (2)(c) of this section, shall be  
24 credited to the member's account annually on June 30 of each fiscal year,  
25 as determined by subsection (4) of this section.

26 (4) (a) On June 30 of each fiscal year, the system shall determine if the member  
27 contributed to the hybrid cash balance plan or the Kentucky Retirement

1           Systems during the fiscal year.

2           **(b) If the member contributed to the hybrid cash balance plan or the Kentucky**  
3           **Retirement Systems during the fiscal year, the interest credit added to the**  
4           **member's account for that fiscal year shall be determined by multiplying the**  
5           **member's accumulated account balance on June 30 of the preceding fiscal**  
6           **year by a percentage increase equal to:**

7                 **1. Four percent (4%); plus**

8                 **2. Seventy-five percent (75%) of the system's geometric average net**  
9                 **investment return in excess of a four percent (4%) rate of return.**

10           **(c) If the member did not contribute to the hybrid cash balance plan or the**  
11           **Kentucky Retirement Systems 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 four percent (4%).**

15           **(d) For purposes of this subsection, "system's geometric average net investment**  
16           **return":**

17                 **1. Means the annual average geometric investment return, net of**  
18                 **administrative and investment fees and expenses, over the last five (5)**  
19                 **fiscal years as of the date the interest is credited to the member's**  
20                 **account; and**

21                 **2. Shall be expressed as a percentage and based upon the system in**  
22                 **which the member has an account.**

23           **(e) No employer pay credits or interest credits shall be provided to a member**  
24           **who has taken a refund of contributions as provided by KRS 61.625 or who**  
25           **has retired and annuitized his or her accumulated account balance as**  
26           **prescribed by this section.**

27           **(5) (a) Upon termination of employment, a member who has less than five (5)**

1       years of service credited under KRS 16.543(1), 61.543(1), and 78.615(1),  
2       who elects to take a refund of his or her accumulated account balance as  
3       provided by KRS 61.625, shall forfeit the accumulated employer credit, and  
4       shall only receive a refund of his or her accumulated contributions.

5       (b) Upon termination of employment, a member who has five (5) or more years  
6       of service credited under KRS 16.543(1), 61.543(1), and 78.615(1), who  
7       elects to take a refund of his or her accumulated account balance as  
8       provided by KRS 61.625, shall receive a full refund of his or her  
9       accumulated account balance.

10      (6) A member participating in the hybrid cash balance plan provided by this section  
11      may retire:

12      (a) At his or her normal retirement date, provided he or she has earned five (5)  
13      or more years of service credited under KRS 16.543(1), 61.543(1), or  
14      78.615(1), or another state-administered retirement system; or

15      (b) At any age, provided he or she has earned twenty-five (25) or more years of  
16      service credited under KRS 16.543(1), 61.543(1), or 78.615(1), or another  
17      state-administered retirement system.

18      (7) A member eligible to retire under subsection (6) of this section may elect to:

19      (a) Receive a monthly retirement allowance payable for life by having his or  
20      her accumulated account balance annuitized by the system in accordance  
21      with the actuarial assumptions and actuarial methods adopted by the board  
22      and in effect on the member's retirement date;

23      (b) Receive the actuarial equivalent of his or her retirement allowance  
24      calculated under paragraph (a) of this subsection payable under one (1) of  
25      the options set forth in KRS 61.635, except for the option provided by KRS  
26      61.635(11); or

27      (c) Take a refund of his or her account balance as provided by KRS 61.625.

1 (8) The provisions of this section shall not apply to members who began participating  
2 in the Kentucky Employees Retirement System, County Employees Retirement  
3 System, or the State Police Retirement System prior to January 1, 2014, except as  
4 provided by KRS 61.5955.

5 ➔SECTION 5. A NEW SECTION OF KRS 78.510 TO 78.852 IS CREATED TO  
6 READ AS FOLLOWS:

7 (1) Effective August 1, 1996, to July 1, 2008, a recipient of a retirement allowance  
8 under KRS 78.510 to 78.852 shall have his or her retirement allowance increased  
9 on July 1 of each year by the percentage increase in the annual average of the  
10 consumer price index for all urban consumers for the most recent calendar year  
11 as published by the federal Bureau of Labor Statistics, not to exceed five percent  
12 (5%). In determining the annual employer contribution rate, only the cost of  
13 increases granted as of the most recent valuation date shall be recognized. The  
14 benefits of this subsection as provided on August 1, 1996, to July 1, 2008, shall  
15 not be considered as benefits protected by the inviolable contract provisions of  
16 KRS 78.852. The General Assembly reserves the right to suspend or reduce the  
17 benefits conferred in this subsection if in their judgment the welfare of the  
18 Commonwealth so demands.

19 (2) (a) Effective July 1, 2009, and on July 1 of each year thereafter, a recipient of a  
20 retirement allowance under KRS 78.510 to 78.852 shall have his or her  
21 retirement allowance increased by one and one-half percent (1.5%), if:

22 1. The funding level of the pension fund is greater than one hundred  
23 percent (100%) and subsequent legislation authorizes the use of any  
24 surplus actuarial assets to provide an increase in retirement  
25 allowances described by this subsection for the pension fund which  
26 has the surplus actuarial assets; or

27 2. The General Assembly directs payment of employer contributions to

1                   fully prefund the increase described by this subsection in the year the  
2                   increase is provided.

3           **(b) The board of trustees of the system shall, at least thirty (30) days prior to the**  
4           **beginning of regular sessions of the General Assembly held in even-**  
5           **numbered years, advise the General Assembly of the following:**

6                   **1. Which pension funds have a funding level greater than one hundred**  
7                   **percent (100%) and can support an increase in recipients' retirement**  
8                   **allowances as provided by paragraph (a) of this subsection over the**  
9                   **next budget biennium without reducing the funding level of the**  
10                  **pension fund below one hundred percent (100%); and**

11                  **2. If no surplus actuarial assets are available, the level of employer**  
12                  **contribution funds needed to fully prefund an increase for pension**  
13                  **fund recipients over the next budget biennium if a one and one-half**  
14                  **percent (1.5%) increase is provided annually over the biennium.**

15           **(c) For purposes of this subsection, "funding level" means the actuarial value**  
16           **of assets divided by the actuarially accrued liability expressed as a**  
17           **percentage that is determined and reported by the system's actuary in the**  
18           **system's actuarial valuation for each pension fund.**

19           **(d) The full increase described by this subsection shall only be provided if the**  
20           **recipient has been receiving a benefit for at least twelve (12) months prior to**  
21           **the effective date of the increase. If the recipient has been receiving a**  
22           **benefit for less than twelve (12) months prior to the effective date of the**  
23           **increase provided by this subsection, the increase shall be reduced on a pro**  
24           **rata basis for each month the recipient has not been receiving benefits in**  
25           **the twelve (12) months preceding the effective date of the increase.**

26           **(e) The benefits of this subsection as provided on July 1, 2009, and thereafter**  
27           **shall not be considered as benefits protected by the inviolable contract**

1           provisions of KRS 78.852. The General Assembly reserves the right to  
2           suspend or reduce the benefits conferred in this subsection if, in its  
3           judgment, the welfare of the Commonwealth so demands.

4           ➔SECTION 6. A NEW SECTION OF KRS 78.510 TO 78.852 IS CREATED TO  
5 READ AS FOLLOWS:

6           (1) For purposes of this section:

7           (a) "Hazardous position" for employees who began participating in the County  
8           Employees Retirement System prior to September 1, 2008, means any  
9           position whose principal duties involve active law enforcement, including  
10           the positions of probation and parole officer, active fire suppression or  
11           prevention, correctional officers with duties that routinely and regularly  
12           require face-to-face contact with inmates, or other positions, including but  
13           not limited to paramedics and emergency medical technicians, with duties  
14           that require frequent exposure to a high degree of danger or peril and also  
15           require a high degree of physical conditioning; and

16           (b) "Hazardous position" for employees who begin participating in the County  
17           Employees Retirement System on or after September 1, 2008, means police  
18           officers and firefighters as defined in KRS 61.315(1), paramedics,  
19           correctional officers with duties that routinely and regularly require face-to-  
20           face contact with inmates, and emergency medical technicians, if:

21           1. The employee's duties require frequent exposure to a high degree of  
22           danger or peril and a high degree of physical conditioning; and

23           2. The employee's duties are not primarily clerical or administrative.

24           (2) (a) Each employer may request of the board hazardous coverage for those  
25           positions as defined in subsection (1) of this section. Upon request, each  
26           employer shall certify to the system, in the manner prescribed by the board,  
27           the names of all employees working in a hazardous position as defined in

1        subsection (1) of this section for which coverage is requested. The  
2        certification of the employer shall bear the approval of the agent or agency  
3        responsible for the budget of the employer indicating that the required  
4        employer contributions have been provided for in the budget of the  
5        employer. The system shall determine whether the employees whose names  
6        have been certified by the employer are working in positions meeting the  
7        definition of a hazardous position as provided by subsection (1) of this  
8        section.

9        (b) Each employer shall also certify, under penalty of perjury in accordance  
10       with KRS Chapter 523, that each employee's actual job duties are  
11       accurately reflected in the job description provided to the system. The  
12       system shall determine whether the employees whose names have been  
13       certified by the employer are working in positions meeting the definition of  
14       a hazardous position as defined in subsection (1) of this section.

15       (c) The board shall have the authority to remove any employee from hazardous  
16       coverage if the board determines the employee is not working in a  
17       hazardous position or if the employee is classified in a hazardous position  
18       but has individual job duties that do not meet the definition of a hazardous  
19       position or are not accurately reflected in the job descriptions filed by the  
20       employer with the system.

21       (3) (a) If the employer participated in the system prior to electing hazardous  
22       coverage, the employer may pay to the system the cost of converting the  
23       nonhazardous service to hazardous service from the date of participation to  
24       the date the payment is made, or the employer may establish a payment  
25       schedule for payment of the cost of the hazardous service above that which  
26       would be funded within the existing employer contribution rate. The  
27       employer may extend the payment schedule to a maximum of thirty (30)



1       years. Payments made by the employer under this subsection shall be  
2       deposited to the retirement allowance account of the proper retirement or  
3       retiree health fund and shall not be considered accumulated contributions  
4       of the individual members.

5       **(b) If the employer elects not to make the additional payment as provided by**  
6       **paragraph (a) of this subsection, the employee may pay the cost of**  
7       **converting the service and provide payment for the cost as provided by**  
8       **subsection (9) of Section 52 of this Act. Payments made by the employee**  
9       **under this subsection shall not be picked up, as described in KRS 78.610(4),**  
10       **by the employer.**

11       **(c) If neither the employer nor employee makes the payment, the service prior**  
12       **to hazardous position coverage shall remain nonhazardous.**

13       **(d) The provisions of this subsection shall not apply to members who begin**  
14       **participating in the system on or after January 1, 2014.**

15       **(4) Any person employed in a hazardous position shall be required to undergo a**  
16       **thorough medical examination by a licensed physician, and a copy of the medical**  
17       **report of the physician shall be retained on file by the person's employer and**  
18       **made available to the system upon request.**

19       **(5) If doubt exists regarding the benefits payable to a hazardous position employee**  
20       **under this section, the board shall determine the benefits payable under 78.510 to**  
21       **78.852.**

22       ➔SECTION 7. A NEW SECTION OF KRS 78.510 TO 78.852 IS CREATED TO  
23       READ AS FOLLOWS:

24       **The disability retirement provisions contained in this section shall apply to a person**  
25       **whose last date of paid employment was in a nonhazardous position.**

26       **(1) Any person may qualify to retire on disability, subject to the following conditions:**

27       **(a) The person shall have sixty (60) months of service, twelve (12) of which**

1 shall be current service credited under KRS 16.543(1), 61.543(1), or  
2 78.615(1);

3 (b) For a person whose membership date is prior to August 1, 2004, the person  
4 shall not be eligible for an unreduced retirement allowance;

5 (c) The person's application shall be on file in the retirement office no later  
6 than twenty-four (24) months after the person's last day of paid employment  
7 in a regular full-time position, as defined in KRS 78.510; and

8 (d) The person shall receive a satisfactory determination pursuant to Section 69  
9 of this Act.

10 (2) A person's disability reapplication based on the same claim of incapacity shall be  
11 accepted and reconsidered for disability if accompanied by new objective medical  
12 evidence. The reapplication shall be on file in the retirement office no later than  
13 twenty-four (24) months after the person's last day of paid employment in a  
14 regular full-time position.

15 (3) Upon the examination of the objective medical evidence by licensed physicians  
16 pursuant to Section 69 of this Act, it shall be determined that:

17 (a) The person, since his or her last day of paid employment, has been mentally  
18 or physically incapacitated to perform the job, or jobs of like duties, from  
19 which he or she received his or her last paid employment. In determining  
20 whether the person may return to a job of like duties, any reasonable  
21 accommodation by the employer as provided in 42 U.S.C. sec. 12111(9) and  
22 29 C.F.R. pt. 1630 shall be considered;

23 (b) The incapacity is a result of bodily injury, mental illness, or disease. For  
24 purposes of this section, "injury" means any physical harm or damage to  
25 the human organism other than disease or mental illness;

26 (c) The incapacity is deemed to be permanent; and

27 (d) The incapacity does not result directly or indirectly from bodily injury,

1           mental illness, disease, or condition which pre-existed membership in the  
2           system or reemployment, whichever is most recent. For purposes of this  
3           subsection, reemployment shall not mean a change of employment between  
4           employers participating in the Kentucky Retirement Systems or the County  
5           Employees Retirement System with no loss of service credit.

6   (4) Paragraph (d) of subsection (3) of this section shall not apply if:

7           (a) The incapacity is a result of bodily injury, mental illness, disease, or  
8           condition which has been substantially aggravated by an injury or accident  
9           arising out of or in the course of employment; or

10          (b) The person has at least sixteen (16) years' current or prior service for  
11          employment with employers participating in the Kentucky Retirement  
12          Systems or the County Employees Retirement System.

13   (5) (a) 1. An incapacity shall be deemed to be permanent if it is expected to  
14          result in death or can be expected to last for a continuous period of  
15          not less than twelve (12) months from the person's last day of paid  
16          employment in a regular full-time position.

17          2. The determination of a permanent incapacity shall be based on the  
18          medical evidence contained in the member's file and the member's  
19          residual functional capacity and physical exertion requirements.

20          (b) The person's residual functional capacity shall be the person's capacity for  
21          work activity on a regular and continuing basis. The person's physical  
22          ability shall be assessed in light of the severity of the person's physical,  
23          mental, and other impairments. The person's ability to walk, stand, carry,  
24          push, pull, reach, handle, and other physical functions shall be considered  
25          with regard to physical impairments. The person's ability to understand,  
26          remember, and carry out instructions and respond appropriately to  
27          supervision, coworkers, and work pressures in a work setting shall be

1 considered with regard to mental impairments. Other impairments,  
2 including skin impairments, epilepsy, visual sensory impairments, postural  
3 and manipulative limitations, and environmental restrictions, shall be  
4 considered in conjunction with the person's physical and mental  
5 impairments to determine residual functional capacity.

6 (c) The person's physical exertion requirements shall be determined based on  
7 the following standards:

8 1. Sedentary work shall be work that involves lifting no more than ten  
9 (10) pounds at a time and occasionally lifting or carrying articles such  
10 as large files, ledgers, and small tools. Although a sedentary job  
11 primarily involves sitting, occasional walking and standing may also  
12 be required in the performance of duties.

13 2. Light work shall be work that involves lifting no more than twenty  
14 (20) pounds at a time with frequent lifting or carrying of objects  
15 weighing up to ten (10) pounds. A job shall be in this category if  
16 lifting is infrequently required but walking and standing are  
17 frequently required, or if the job primarily requires sitting with  
18 pushing and pulling of arm or leg controls. If the person has the  
19 ability to perform substantially all of these activities, the person shall  
20 be deemed capable of light work. A person deemed capable of light  
21 work shall be deemed capable of sedentary work unless the person has  
22 additional limitations such as the loss of fine dexterity or inability to  
23 sit for long periods.

24 3. Medium work shall be work that involves lifting no more than fifty  
25 (50) pounds at a time with frequent lifting or carrying of objects  
26 weighing up to twenty-five (25) pounds. If the person is deemed  
27 capable of medium work, the person shall be deemed capable of light

1                   and sedentary work.

2                   4. Heavy work shall be work that involves lifting no more than one  
3                   hundred (100) pounds at a time with frequent lifting or carrying of  
4                   objects weighing up to fifty (50) pounds. If the person is deemed  
5                   capable of heavy work, the person shall also be deemed capable of  
6                   medium, light, and sedentary work.

7                   5. Very heavy work shall be work that involves lifting objects weighing  
8                   more than one hundred (100) pounds at a time with frequent lifting or  
9                   carrying of objects weighing fifty (50) or more pounds. If the person is  
10                  deemed capable of very heavy work, the person shall be deemed  
11                  capable of heavy, medium, light, and sedentary work.

12               (6) Upon disability retirement, an employee may receive a disability retirement  
13               allowance during his or her lifetime which shall be:

14               (a) For a member who began participating prior to August 1, 2004, an annual  
15               retirement allowance payable monthly and determined in the same manner  
16               as for retirement at his normal retirement date with years of service and  
17               final compensation being determined as of the date of his or her disability,  
18               except that service credit shall be added to the person's total service  
19               beginning with his or her last date of paid employment and continuing to  
20               his or her sixty-fifth birthday; however, the maximum service credit added  
21               shall not exceed the total service the person had upon his or her last day of  
22               paid employment, and the maximum combined service credit for calculating  
23               his or her disability retirement allowance, including total service and added  
24               service shall not exceed twenty-five (25) years. If, however, a person covered  
25               by this paragraph has accumulated twenty-five (25) or more years of total  
26               service, he or she shall receive added service necessary to bring his or her  
27               combined service credit, including total and added service, to twenty-seven

1           (27) years;

2           (b) For a member who began participating on or after August 1, 2004, but prior  
3           to January 1, 2014, the higher of twenty percent (20%) of the member's  
4           monthly final rate of pay or the monthly retirement allowance determined  
5           in the same manner as for retirement at his or her normal retirement date  
6           with years of service and final compensation being determined as of the  
7           date of his or her disability; or

8           (c) For a member who begins participating on or after January 1, 2014, in the  
9           hybrid cash balance plan as provided by Section 2 of this Act, the higher of  
10           twenty percent (20%) of the member's monthly final rate of pay or the  
11           retirement allowance determined in the same manner as for retirement at  
12           his or her normal retirement date under Section 2 of this Act.

13           (7) No benefit provided in this section shall be reduced as a result of any change in  
14           the extent of disability of any retired member who is normal retirement age or  
15           older.

16           (8) A person with service in a nonhazardous position who is totally and permanently  
17           disabled due to a duty-related injury may be eligible for benefits based upon the  
18           definitions, criteria, and requirements specified by KRS 61.621.

19           ➔SECTION 8. A NEW SECTION OF KRS 78.510 TO 78.852 IS CREATED TO  
20 READ AS FOLLOWS:

21           The disability retirement provisions contained in this section shall apply to a person  
22           whose last date of paid employment was in a hazardous position.

23           (1) (a) For purposes of this section:

24                   1. "Total and permanent disability" means a disability which results in  
25                   the member's incapacity to engage in any occupation for  
26                   remuneration or profit. Loss by severance of both hands at or above  
27                   the wrists, or both feet at or above the ankles, or one (1) hand above

1                   the wrist and one (1) foot above the ankle, or the complete, irrevocable  
2                   loss of the sight of both eyes shall be considered as total and  
3                   permanent; and

4                   2. "Hazardous disability" means a disability which results in an  
5                   employee's total incapacity to continue as an employee in a hazardous  
6                   position, but the employee is not necessarily deemed to be totally and  
7                   permanently disabled to engage in other occupations for remuneration  
8                   or profit.

9                   (b) In determining whether the disability meets the requirement of this section,  
10                   any reasonable accommodation provided by the employer as provided in 42  
11                   U.S.C. sec. 12111(9) and 29 C.F.R. pt. 1630 shall be considered.

12                   (c) If the board determines that the total and permanent disability of a member  
13                   receiving a retirement allowance under this section has ceased, then the  
14                   board shall determine if the member has a hazardous disability as defined  
15                   by KRS 78.510.

16                   (2) Any person may qualify to retire on disability, subject to the following:

17                   (a) The person shall have sixty (60) months of service, twelve (12) of which  
18                   shall be current service credited under KRS 16.543(1), 61.543(1), or  
19                   78.615(1). The service requirement shall be waived if the disability is a total  
20                   and permanent disability or a hazardous disability and is a direct result of  
21                   an act in line of duty;

22                   (b) For a person whose membership date is prior to August 1, 2004, the person  
23                   shall not be eligible for an unreduced retirement allowance;

24                   (c) The person's application shall be on file in the retirement office no later  
25                   than twenty-four (24) months after the person's last day of paid  
26                   employment, as defined in KRS 78.510, in a regular full-time position that  
27                   has been approved as a hazardous position in accordance with Section 6 of

1           this Act;

2           (d) The person shall receive a satisfactory determination pursuant to Section 69  
3           of this Act; and

4           (e) A person's disability application based on the same claim of incapacity shall  
5           be accepted and reconsidered for disability if accompanied by new objective  
6           medical evidence. The application shall be on file in the retirement office no  
7           later than twenty-four (24) months after the person's last day of paid  
8           employment in a regular full-time hazardous position.

9           (3) Upon the examination of the objective medical evidence by licensed physicians  
10           pursuant to Section 69 of this Act, it shall be determined that:

11           (a) The incapacity results from bodily injury, mental illness, or disease. For  
12           purposes of this section, "injury" means any physical harm or damage to  
13           the human organism other than disease or mental illness;

14           (b) The incapacity is deemed to be permanent; and

15           (c) The incapacity does not result directly or indirectly from:

16                   1. Injury intentionally self-inflicted while sane or insane; or

17                   2. Bodily injury, mental illness, disease, or condition which pre-existed  
18                   membership in the system or reemployment, whichever is most recent,  
19                   unless:

20                           a. The disability results from bodily injury, mental illness, disease,  
21                           or a condition which has been substantially aggravated by an  
22                           injury or accident arising out of or in the course of employment;  
23                           or

24                           b. The person has at least sixteen (16) years' current or prior  
25                           service for employment with employers participating in the  
26                           County Employees Retirement System or the Kentucky  
27                           Retirement Systems.



1 For purposes of this subparagraph, "reemployment" shall not mean a  
2 change of employment between employers participating in the County  
3 Employees Retirement System or the Kentucky Retirement Systems.

4 (4) (a) 1. An incapacity shall be deemed to be permanent if it is expected to  
5 result in death or can be expected to last for a continuous period of  
6 not less than twelve (12) months from the person's last day of paid  
7 employment in a hazardous position.

8 2. The determination of a permanent incapacity shall be based on the  
9 medical evidence contained in the member's file and the member's  
10 residual functional capacity and physical exertion requirements.

11 (b) The person's residual functional capacity shall be the person's capacity for  
12 work activity on a regular and continuing basis. The person's physical  
13 ability shall be assessed in light of the severity of the person's physical,  
14 mental, and other impairments. The person's ability to walk, stand, carry,  
15 push, pull, reach, handle, and other physical functions shall be considered  
16 with regard to physical impairments. The person's ability to understand,  
17 remember, and carry out instructions and respond appropriately to  
18 supervision, coworkers, and work pressures in a work setting shall be  
19 considered with regard to mental impairments. Other impairments,  
20 including skin impairments, epilepsy, visual sensory impairments, postural  
21 and manipulative limitations, and environmental restrictions, shall be  
22 considered in conjunction with the person's physical and mental  
23 impairments to determine residual functional capacity.

24 (c) The person's physical exertion requirements shall be determined based on  
25 the following standards:

26 1. Sedentary work shall be work that involves lifting no more than ten  
27 (10) pounds at a time and occasionally lifting or carrying articles such

1           as large files, ledgers, and small tools. Although a sedentary job  
2           primarily involves sitting, occasional walking and standing may also  
3           be required in the performance of duties.

4           2. Light work shall be work that involves lifting no more than twenty  
5           (20) pounds at a time with frequent lifting or carrying of objects  
6           weighing up to ten (10) pounds. A job shall be in this category if  
7           lifting is infrequently required but walking and standing are  
8           frequently required, or if the job primarily requires sitting with  
9           pushing and pulling of arm or leg controls. If the person has the  
10           ability to perform substantially all of these activities, the person shall  
11           be deemed capable of light work. A person deemed capable of light  
12           work shall be deemed capable of sedentary work unless the person has  
13           additional limitations such as the loss of fine dexterity or inability to  
14           sit for long periods.

15           3. Medium work shall be work that involves lifting no more than fifty  
16           (50) pounds at a time with frequent lifting or carrying of objects  
17           weighing up to twenty-five (25) pounds. If the person is deemed  
18           capable of medium work, the person shall be deemed capable of light  
19           and sedentary work.

20           4. Heavy work shall be work that involves lifting no more than one  
21           hundred (100) pounds at a time with frequent lifting or carrying of  
22           objects weighing up to fifty (50) pounds. If the person is deemed  
23           capable of heavy work, the person shall also be deemed capable of  
24           medium, light, and sedentary work.

25           5. Very heavy work shall be work that involves lifting objects weighing  
26           more than one hundred (100) pounds at a time with frequent lifting or  
27           carrying of objects weighing fifty (50) or more pounds. If the person is

1                   deemed capable of very heavy work, the person shall be deemed  
2                   capable of heavy, medium, light, and sedentary work.

3   (5) Upon disability retirement, an employee may receive a disability retirement  
4   allowance payable during his or her lifetime which shall be:

5   (a) For a member who began participating in the system prior to August 1,  
6   2004, an annual retirement allowance payable monthly and determined in  
7   the same manner as for retirement at his normal retirement date with years  
8   of service and final compensation being determined as of the date of his  
9   disability, except that service shall be added beginning with his or her last  
10   date of paid employment and continuing to his or her fifty-fifth birthday.  
11   The maximum service credit added shall not exceed the total service the  
12   member had on his or her last day of paid employment, and the maximum  
13   service credit for calculating his or her retirement allowance, including his  
14   or her total service and service added under this section, shall not exceed  
15   twenty (20) years;

16   (b) For a member who begins participating on or after August 1, 2004, but  
17   prior to January 1, 2014, the higher of twenty-five percent (25%) of the  
18   member's monthly final rate of pay or the retirement allowance determined  
19   in the same manner as for retirement at his or her normal retirement date  
20   with years of service and final compensation being determined as of the  
21   date of his or her disability; or

22   (c) For a member who begins participating on or after January 1, 2014, in the  
23   hybrid cash balance plan as provided by Section 4 of this Act, the disability  
24   retirement allowance shall be the higher of twenty-five percent (25%) of the  
25   member's monthly final rate of pay or the retirement allowance determined  
26   in the same manner as for retirement at his or her normal retirement date  
27   under Section 4 of this Act.

1 (6) If the member receives a satisfactory determination of total and permanent  
2 disability or hazardous disability pursuant to Section 69 of this Act and the  
3 disability is the direct result of an act in line of duty, the member's retirement  
4 allowance shall be calculated as follows:

5 (a) For the disabled member, benefits as provided in subsection (5) of this  
6 section except that the monthly retirement allowance payable shall not be  
7 less than twenty-five percent (25%) of the member's monthly final rate of  
8 pay; and

9 (b) For each dependent child of the member on his or her disability retirement  
10 date, who is alive at the time any particular payment is due, a monthly  
11 payment equal to ten percent (10%) of the disabled member's monthly final  
12 rate of pay; however, total maximum dependent children's benefit shall not  
13 exceed forty percent (40%) of the member's monthly final rate of pay. The  
14 payments shall be payable to each dependent child, or to a legally appointed  
15 guardian or as directed by the system.

16 (7) No benefit provided in this section shall be reduced as a result of any change in  
17 the extent of disability of any retired member who is normal retirement age or  
18 older.

19 (8) If a regular full-time member in a hazardous position has been approved for  
20 benefits under a hazardous disability, the board shall, upon request of the  
21 member, permit the member to receive the hazardous disability allowance while  
22 accruing benefits in a nonhazardous position, subject to proper medical review of  
23 the nonhazardous position's job description by the Authority's medical examiner.

24 ➔SECTION 9. A NEW SECTION OF KRS 78.510 TO 78.852 IS CREATED TO  
25 READ AS FOLLOWS:

26 (1) Once each year following the retirement of a person on a disability retirement  
27 allowance, or less frequently as determined by the Authority's medical examiner

1 but not less than once every five (5) years, the system may require the person,  
2 prior to his or her normal retirement date, to undergo an employment and  
3 medical staff review and, if necessary, be required to file at the retirement office  
4 on the review form prescribed by the Authority current employment information  
5 and current medical information for the bodily injury, mental illness, or disease  
6 for which he or she receives a disability retirement allowance. The person shall  
7 have one hundred eighty (180) days from the day the Authority mailed the review  
8 form to the person's last address on file in the retirement office to file at the  
9 retirement office the review form and the current employment and medical  
10 information. The person shall certify to the Authority that the review form,  
11 including current employment and medical information, is ready to be evaluated  
12 by the medical examiner in accordance with Section 10 of this Act.

13 (2) If, after good faith efforts, the person informs the Authority that he or she has  
14 been unable to obtain the employment or medical information, the Authority  
15 shall assist the person in obtaining the records and may use the powers granted  
16 pursuant to KRS 61.685(1) to obtain the records.

17 (3) If the person fails or refuses to file at the retirement office the review form,  
18 including the current employment and medical information, his or her retirement  
19 allowance shall be discontinued or reduced on the first day of the month  
20 following the expiration of the one hundred eighty (180) days from the day the  
21 Authority mailed the review form to the person's last address on file in the  
22 retirement office. The Authority shall send notice of the discontinuance or  
23 reduction of the disability retirement allowance by United States first-class mail  
24 to the person's last address on file in the retirement office. If the person's benefits  
25 are discontinued or reduced under this section, his or her rights to further  
26 disability retirement allowances shall cease, except as provided by Section 10 of  
27 this Act.

1        ➔ SECTION 10. A NEW SECTION OF KRS 78.510 TO 78.852 IS CREATED  
2 TO READ AS FOLLOWS:

3 (1) If the Authority's medical examiner determines that a recipient of a disability  
4 retirement allowance is, prior to his or her normal retirement date, employed in a  
5 position with the same or similar duties, or in a position with duties requiring  
6 greater residual functional capacity and physical exertion, as the position from  
7 which he or she was disabled, except where the recipient has returned to work on  
8 a trial basis not to exceed nine (9) months, the system may reduce or discontinue  
9 the retirement allowance. Each recipient of a disability retirement allowance who  
10 is engaged in gainful employment shall notify the Authority of any employment;  
11 otherwise, the system shall have the right to recover payments of a disability  
12 retirement allowance made during the employment.

13 (2) If the Authority's medical examiner determines that a recipient of a disability  
14 retirement allowance is, prior to his or her normal retirement date, no longer  
15 incapacitated by the bodily injury, mental illness, or disease for which he or she  
16 receives a disability retirement allowance, the system may reduce or discontinue  
17 the retirement allowance.

18 (3) The system shall have full power and authority to reduce or discontinue a  
19 disability retirement allowance and the Authority shall utilize the services of a  
20 medical examiner as provided in Section 69 of this Act, in determining whether to  
21 continue, reduce, or discontinue a disability retirement allowance under this  
22 section.

23 (a) The Authority shall select a medical examiner to evaluate the forms and  
24 medical information submitted by the person. If there is objective medical  
25 evidence of a mental impairment, the medical examiner may request the  
26 Authority's licensed mental health professional to assist in determining the  
27 level of the mental impairment.

1       **(b) The medical examiners shall be paid a reasonable amount by the retirement**  
2       **system for each case evaluated.**

3       **(c) The medical examiner shall recommend that disability retirement allowance**  
4       **be continued, reduced, or discontinued.**

5       **1. If the medical examiner recommends that the disability retirement**  
6       **allowance be continued, the system shall make retirement payments in**  
7       **accordance with the retirement plan selected by the person.**

8       **2. If the medical examiner recommends that the disability retirement**  
9       **allowance be reduced or discontinued, the Authority shall send notice**  
10       **of the recommendation by United States first-class mail to the person's**  
11       **last address on file in the retirement office.**

12       **a. The person shall have sixty (60) days from the day that the**  
13       **Authority mailed the notice to file at the retirement office**  
14       **additional supporting employment or medical information and**  
15       **certify to the Authority that the forms and additional supporting**  
16       **employment information or medical information are ready to be**  
17       **evaluated by the medical examiner or to appeal the**  
18       **recommendation of the medical examiner to reduce or**  
19       **discontinue the disability retirement allowance by filing at the**  
20       **retirement office a request for a formal hearing.**

21       **b. If the person fails or refuses to file at the retirement office the**  
22       **forms, the additional supporting employment information, and**  
23       **current medical information or to appeal the recommendation of**  
24       **the medical examiners to reduce or discontinue the disability**  
25       **retirement allowance, his or her retirement allowance shall be**  
26       **discontinued on the first day of the month following the**  
27       **expiration of the period of the sixty (60) days from the day the**

1 Authority mailed the notice of the recommendation to the  
2 person's last address on file in the retirement office.

3 (d) The medical examiner shall make a recommendation based upon the  
4 evaluation of additional supporting medical information submitted in  
5 accordance with paragraph (c)2.a. of this subsection.

6 1. If the medical examiner recommends that the disability retirement  
7 allowance be continued, the system shall make disability retirement  
8 payments in accordance with the retirement plan selected by the  
9 person.

10 2. If the medical examiner recommends that the disability retirement  
11 allowance be reduced or discontinued based upon the evaluation of  
12 additional supporting medical information, the Authority shall send  
13 notice of this recommendation by United States first-class mail to the  
14 person's last address on file in the retirement office.

15 a. The person shall have sixty (60) days from the day that the  
16 Authority mailed the notice of the recommendation to appeal the  
17 recommendation to reduce or discontinue the disability  
18 retirement allowance by filing at the retirement office a request  
19 for formal hearing.

20 b. If the person fails or refuses to appeal the recommendation of  
21 the medical examiners to reduce or discontinue the disability  
22 retirement allowance, his retirement allowance shall be  
23 discontinued on the first day of the month following the  
24 expiration of the period of the sixty (60) days from the day the  
25 Authority mailed the notice of the recommendation to the  
26 person's last address on file in the retirement office.

27 (e) Any person whose disability benefits have been reduced or discontinued,



1 pursuant to paragraph (c)2. or (d)2. of this subsection, may file at the  
2 retirement office a request for formal hearing to be conducted in  
3 accordance with KRS Chapter 13B. The right to demand a formal hearing  
4 shall be limited to a period of sixty (60) days after the person had notice, as  
5 described in paragraph (c) or (d) of this subsection. The request for formal  
6 hearing shall be filed with the Authority, at the retirement office in  
7 Frankfort. The request for formal hearing shall include a short and plain  
8 statement of the reasons the reduction, discontinuance, or denial of  
9 disability retirement is being contested.

10 (f) Failure of the person to request a formal hearing within the period of time  
11 specified shall preclude the person from proceeding any further with  
12 contesting the reduction or discontinuation of disability retirement  
13 allowance, except as provided in subsection (6)(d) of this section. This  
14 paragraph shall not limit the person's right to appeal to a court.

15 (g) A final order of the board shall be based on substantial evidence appearing  
16 in the record as a whole and shall set forth the decision of the board and the  
17 facts and law upon which the decision is based. If the board orders that the  
18 person's disability retirement allowance be discontinued or reduced, the  
19 order shall take effect on the first day of the month following the day the  
20 Authority mailed the order to the person's last address on file in the  
21 retirement office. Judicial review of the final board order shall not operate  
22 as a stay and the system shall discontinue or reduce the person's disability  
23 retirement allowance as provided in this section.

24 (h) Notwithstanding any other provisions of this section, the Authority may  
25 require the person to submit to one (1) or more medical or psychological  
26 examinations at any time. The system shall be responsible for any costs  
27 associated with any examinations of the person requested by the medical

1 examiner or the system for the purpose of providing medical information  
2 deemed necessary by the medical examiner or the system. Notice of the time  
3 and place of the examination shall be mailed to the person or his or her  
4 legal representative. If the person fails or refuses to submit to one (1) or  
5 more medical examinations, his or her rights to further disability retirement  
6 allowance shall cease.

7 (i) All requests for a hearing pursuant to this section shall be made in writing.

8 (4) The board may establish an appeals committee whose members shall be  
9 appointed by the chair and who shall have the authority to act upon the  
10 recommendations and reports of the hearing officer pursuant to this section on  
11 behalf of the board. The board may also establish a joint appeals committee with  
12 the Kentucky Retirement Systems.

13 (5) Any person aggrieved by a final order of the board may seek judicial review after  
14 all administrative appeals have been exhausted by filing a petition for judicial  
15 review in the Franklin Circuit Court in accordance with KRS Chapter 13B.

16 (6) If a disability retirement allowance is reduced or discontinued for a person who  
17 began participating prior to January 1, 2014, the person may apply for early  
18 retirement benefits as provided under Section 1 or 3 of this Act, as applicable,  
19 subject to the following provisions:

20 (a) The person may not change his or her beneficiary or payment option;

21 (b) If the person has returned to employment with an employer participating in  
22 the County Employees Retirement System or the Kentucky Retirement  
23 Systems, the service and creditable compensation shall be used in  
24 recomputing his or her benefit, except that the person's final compensation  
25 shall not be less than the final compensation last used in determining his or  
26 her retirement allowance;

27 (c) The benefit shall be reduced as provided by subsection (4) of Section 1 of

1           this Act or subsection (4) of Section 3 of this Act;

2           (d) The person shall remain eligible for reinstatement of his or her disability  
3           allowance upon reevaluation by the medical examiners until his or her  
4           normal retirement age. The person shall apply for reinstatement of  
5           disability benefits in accordance with the provisions of this section. An  
6           application for reinstatement of disability benefits shall be administered as  
7           an application under Sections 8 or 9 of this Act, as applicable, and only the  
8           bodily injuries, mental illnesses, diseases, or conditions for which the  
9           person was originally approved for disability benefits shall be considered.  
10          Bodily injuries, mental illnesses, diseases, or conditions that came into  
11          existence after the person's last day of paid employment shall not be  
12          considered as a basis for reinstatement of disability benefits. Bodily injuries,  
13          mental illnesses, diseases, or conditions alleged by the person as being  
14          incapacitating, but which were not the basis for the award of disability  
15          retirement benefits, shall not be considered. If the person establishes that  
16          the disability benefits should be reinstated, the system shall pay disability  
17          benefits effective from the first day of the month following the month in  
18          which the person applied for reinstatement of the disability benefits; and

19          (e) Upon attaining normal retirement age, the person shall receive the higher  
20          of either his or her disability retirement allowance or his or her early  
21          retirement allowance.

22          (7) No disability retirement allowance shall be reduced or discontinued by the system  
23          after the person's normal retirement date except in case of reemployment as  
24          provided for by Section 16 of this Act. If a disability retirement allowance has  
25          been reduced or discontinued, except if the person is reemployed as provided for  
26          by Section 16 of this Act, the retirement allowance shall be reinstated upon  
27          attainment of the person's normal retirement date to the retirement allowance

1 prior to adjustment. No reinstated payment shall be less than the person is  
2 receiving upon attainment of the person's normal retirement date.

3 ➔SECTION 11. A NEW SECTION OF KRS 78.510 TO 78.852 IS CREATED  
4 TO READ AS FOLLOWS:

5 Notwithstanding any other provisions of KRS 78.510 to 78.852, a maximum disability  
6 benefit is hereby established which shall apply, upon disability retirement, to any  
7 disabled employee's account to which service credit is added to determine disability  
8 benefits or in any case where disability benefits are determined by computing a  
9 percentage of the disabled employee's final monthly rate of pay. The maximum  
10 disability benefit shall be determined by the following formula:

11 (1) Add the monthly benefit payable to the disabled employee from the County  
12 Employees Retirement System and the Kentucky Retirement Systems, using the  
13 monthly disability retirement allowance without any reduction due to the  
14 selection of an optional payment plan under KRS 61.635 but excluding dependent  
15 children's allowances, if any, to his monthly benefit, if any, from Social Security,  
16 even though these payments may not begin for a period of time as required for  
17 qualification under the federal Social Security law, excluding spouse or  
18 dependent benefits, and his monthly benefit, if any, from workers' compensation,  
19 even though these payments may not have begun as of the date the disabled  
20 member applies for disability retirement benefits, excluding spouse or dependent  
21 children's allowances, from workers' compensation, to arrive at a projected  
22 combined monthly benefit.

23 (2) If the projected combined monthly benefit exceeds one hundred percent (100%)  
24 of the disabled employee's final rate of pay or his final compensation, whichever  
25 is greater, his disability retirement allowance from the County Employees  
26 Retirement System and the Kentucky Retirement Systems shall be reduced to an  
27 amount which would cause his projected combined monthly benefit to equal one

1       hundred percent (100%) of his final rate of pay or his final compensation,  
2       whichever is greater; however, the disability retirement allowance shall not be  
3       reduced below an amount which would result from a computation of his  
4       disability retirement allowance from the County Employees Retirement System  
5       and the Kentucky Retirement Systems using the disabled employee's actual total  
6       service.

7       (3) The system may pay estimated benefits to a disabled employee, upon qualification  
8       for disability retirement, based on an estimate of his Social Security and workers'  
9       compensation benefits until the amounts are actually determined, at which time a  
10       final calculation of the member's actual benefits shall be determined and his  
11       account corrected retroactive to his effective retirement date.

12       (4) Any increase in Social Security benefits or workers' compensation benefits which  
13       becomes law, regardless of their effective date, subsequent to the disabled  
14       employee's effective retirement date, shall not be considered in determination of  
15       the maximum benefit payable, as the maximum benefit payable is based on the  
16       amount of combined benefits under these programs as of the disabled employee's  
17       effective retirement date.

18       (5) Any disabled recipient whose potential payments from the system were reduced as  
19       provided for in this section shall advise the Authority if his payments under the  
20       Federal Social Security Act or Workers' Compensation Act cease at any time  
21       subsequent to his effective retirement date. Upon investigation, if the system  
22       determines that the disabled recipient continues to be eligible for disability  
23       benefits, the system may increase his retirement allowance by adding to his  
24       payment an amount equal to the reduction applied upon the effective retirement  
25       date in accordance with subsection (2) of this section.

26       (6) The amount of combined disability benefit payments made to an individual on or  
27       after April 1 2021, from the Kentucky Retirement Systems and the County

1 Employees Retirement System shall not be increased as a result of the passage of  
2 this Act.

3 ➔SECTION 12. A NEW SECTION OF KRS 78.510 TO 78.852 IS CREATED  
4 TO READ AS FOLLOWS:

5 (1) If a member dies prior to the first day of the month in which the member would  
6 have received his or her first retirement allowance, the member's beneficiary  
7 shall be eligible for the benefits provided by this section if the member had on file  
8 a written designation of a beneficiary with the retirement office as provided by  
9 KRS 61.542 and the member met the following conditions at the date of his or her  
10 death:

11 (a) 1. The member had service in a nonhazardous position and was eligible  
12 to retire under subsection (2) or (3) of Section 1 of this Act or  
13 subsection (6) of Section 2 of this Act; or

14 2. The member had service in a hazardous position and was eligible to  
15 retire under subsection (2) or (3) of Section 3 of this Act or subsection  
16 (6) of Section 4 of this Act;

17 (b) The member was in active employment or on authorized leave of absence  
18 with five (5) or more years of service credit and died prior to his or her  
19 normal retirement date or in the case of a nonhazardous member, was  
20 normal retirement age or older and had at least four (4) years of service  
21 credit; or

22 (c) The member was not in active employment or on authorized leave of  
23 absence with twelve (12) or more years of service credit and died prior to his  
24 or her normal retirement date.

25 (2) If the beneficiary eligible for benefits as provided in subsection (1) of this section  
26 is a single person, then the beneficiary may elect to receive:

27 (a) A monthly benefit payable for the life of the beneficiary that is equal to the

1       benefit that would have been paid had the member retired immediately prior  
2       to his or her date of death and elected to receive benefits payable under the  
3       survivorship one hundred percent (100%) option as provided in KRS  
4       61.635(2);

5       (b) A monthly benefit payable for the life of the beneficiary under the  
6       beneficiary Social Security adjustment option as provided in KRS 61.635(9)  
7       that is the actuarial equivalent to the amount computed under paragraph  
8       (a) of this subsection;

9       (c) A monthly benefit payable for a period of sixty (60) months that is the  
10       actuarial equivalent to the amount computed under paragraph (a) of this  
11       subsection;

12       (d) A monthly benefit payable for a period of one hundred twenty (120) months  
13       that is the actuarial equivalent to the amount computed under paragraph  
14       (a) of this subsection;

15       (e) If the member began participating prior to January 1, 2014, a monthly  
16       benefit payable for a period of one hundred twenty (120) months that is  
17       equivalent to the benefit the member would have been entitled to receive  
18       based on his or her years of service and final compensation at the date of  
19       his or her death reduced by the survivorship fifty percent (50%) factor as  
20       provided for in KRS 61.635(4), then reduced by fifty percent (50%), and that  
21       is the actuarial equivalent to the amount computed under paragraph (a) of  
22       this subsection; or

23       (f) The higher of a refund of the member's accumulated account balance as  
24       described in KRS 61.625(1) or one (1) time lump-sum payment which shall  
25       be the actuarial equivalent of the amount payable under paragraph (a) of  
26       this subsection for a period of sixty (60) months.

27       (3) If the beneficiary eligible for benefits as provided by subsection (1) of this section

1 are multiple beneficiaries or a trust, then the multiple beneficiaries by consensus  
2 or the trustee may elect to receive the actuarial equivalent amounts payable under  
3 subsection (2)(c), (d), (e), or (f) of this section using the assumption that the  
4 beneficiary's age is the same as the member's age.

5 (4) If the beneficiary eligible for benefits as provided in subsection (1) of this section  
6 is the member's estate, then the beneficiary shall receive the higher of a refund of  
7 the member's accumulated account balance as described in KRS 61.625(1) or the  
8 one (1) time lump-sum payment payable under subsection (2)(f) of this section,  
9 using the assumption that the beneficiary's age is the same as the member's age.

10 (5) Payments of taxable distributions made pursuant to this section shall be subject  
11 to state and federal income tax as appropriate.

12 (6) (a) The beneficiary of a member with service in a nonhazardous position who  
13 dies as a result of a duty-related injury may be eligible for benefits based  
14 upon the definitions, criteria, and benefits specified by KRS 61.621.

15 (b) The beneficiary of a member with service in a hazardous position who dies  
16 as a direct result of an act in line of duty may be eligible for benefits from  
17 the system based upon the definitions, criteria, and benefits specified by  
18 Section 13 of this Act.

19 ➔SECTION 13. A NEW SECTION OF KRS 78.510 TO 78.852 IS CREATED  
20 TO READ AS FOLLOWS:

21 The provisions of this section shall apply to members in a hazardous position.

22 (1) If a member dies as a direct result of an act in line of duty as defined in Section  
23 18 of this Act and is survived by a spouse:

24 (a) The surviving spouse shall be the beneficiary, and this shall supersede the  
25 designation of all previous beneficiaries of the deceased member's  
26 retirement account except as provided in KRS 61.542(2)(e);

27 (b) The surviving spouse, provided he or she supersedes all previously



1 designated beneficiaries, may elect to receive a lump-sum payment of ten  
2 thousand dollars (\$10,000) and a monthly payment equal to seventy-five  
3 percent (75%) of the member's monthly average pay beginning in the  
4 month following the member's death and continuing each month until the  
5 death of the surviving spouse; and

6 (c) In addition, if the member is also survived by dependent children, monthly  
7 payments shall be made for each dependent child equal to ten percent (10%)  
8 of the deceased member's monthly average pay, except that the combined  
9 maximum payment made to the:

10 1. Surviving spouse and dependent children under this subsection shall  
11 not exceed one hundred percent (100%) of the deceased member's  
12 monthly average pay; and

13 2. Dependent children, while the surviving spouse is living, shall not  
14 exceed twenty-five percent (25%) of the deceased member's monthly  
15 average pay. Payments made to the dependent children under this  
16 subsection shall be divided equally among all the dependent children.

17 (2) If a member dies as a result of an act in line of duty as defined in Section 18 of  
18 this Act and is not survived by a spouse but is survived by a dependent child or  
19 children, the following benefits shall be paid to the dependent child or children:

20 (a) Fifty percent (50%) of the deceased member's monthly average pay, if the  
21 deceased member has one (1) dependent child;

22 (b) Sixty-five percent (65%) of the deceased member's monthly average pay, if  
23 the deceased member has two (2) dependent children; or

24 (c) Seventy-five percent (75%) of the deceased member's monthly average pay,  
25 if the deceased member has three (3) or more dependent children.

26 Payments made to the dependent children under this subsection shall be divided  
27 equally among all the dependent children.

1 (3) If a member dies as a direct result of an act in line of duty as defined in Section  
2 18 of this Act and the member has on file in the retirement office at the time of  
3 his or her death a written designation of only one (1) beneficiary other than his  
4 or her spouse who has not been superseded by the surviving spouse as provided  
5 by subsection (1)(a) of this section, and who is a dependent receiving at least one-  
6 half (1/2) of his or her support from the deceased member, the beneficiary may  
7 elect to receive a lump-sum payment of ten thousand dollars (\$10,000).

8 (4) The payments provided by this section shall commence in the month following  
9 the date of death of the member and shall be payable to the spouse, dependent  
10 children, beneficiaries, or to a legally appointed guardian or as directed by the  
11 system. Benefits to a dependent child under this section shall be payable  
12 notwithstanding an election by a surviving spouse or beneficiary to withdraw the  
13 deceased member's accumulated account balance as provided in KRS 61.625 or  
14 to elect benefits under any other provisions of KRS 78.510 to 78.852.

15 (5) A surviving spouse or beneficiary eligible for benefits under subsection (1) or (3)  
16 of this section who is also eligible for benefits under any other provisions of KRS  
17 78.510 to 78.852 may elect benefits under this section or any other section of KRS  
18 78.510 to 78.852 but cannot elect to receive both.

19 (6) (a) A surviving spouse or beneficiary applying for benefits under subsection (1)  
20 or (3) of this section who is also eligible for benefits under Section 12 of this  
21 Act may elect to receive benefits under paragraph (2)(a) or (b) of Section 12  
22 of this Act while the application for benefits under subsection (1) or (3) of  
23 this section is pending.

24 (b) If a final determination results in a finding of eligibility for benefits under  
25 subsection (1) or (3) of this section, the system shall recalculate the benefits  
26 due the surviving spouse or beneficiary in accordance with this subsection.

27 (c) If the surviving spouse or beneficiary has been paid less than the amount of

1 benefits to which the surviving spouse or beneficiary was entitled to receive  
2 under this section, the system shall pay the additional funds due to the  
3 surviving spouse or beneficiary.

4 (d) If the surviving spouse or beneficiary has been paid more than the amount  
5 of benefits to which the surviving spouse or beneficiary was entitled to  
6 receive under this section, the system shall deduct the amount overpaid to  
7 the surviving spouse or beneficiary from the ten thousand dollars (\$10,000)  
8 lump-sum payment and from the monthly retirement allowance payments  
9 until the amount owed to the systems has been recovered.

10 ➔SECTION 14. A NEW SECTION OF KRS 78.510 TO 78.852 IS CREATED  
11 TO READ AS FOLLOWS:

12 (1) For purposes of this section:

13 (a) "Hospital and medical insurance plan" may include, at the board's  
14 discretion, any one (1) or more of the following:

15 1. Any hospital and medical expense policy or certificate, provider-  
16 sponsored integrated health delivery network, self-insured medical  
17 plan, health maintenance organization contract, or other health  
18 benefit plan;

19 2. Any health savings account as permitted by 26 U.S.C. sec. 223 or  
20 health reimbursement arrangement or a similar account as may be  
21 permitted by 26 U.S.C. sec. 105 or 106. Such arrangement or account,  
22 at the board's discretion, may reimburse any medical expense  
23 permissible under 26 U.S.C. sec. 213; or

24 3. A medical insurance reimbursement program established by the board  
25 through the promulgation of administrative regulation under which  
26 members purchase individual health insurance coverage through a  
27 health insurance exchange established under 42 U.S.C. sec. 18031 or

1                   18041;

2           **(b) "Monthly contribution rate" shall be the amount determined by the board**  
3           **based upon the requirements of paragraphs (4)(a) to (4)(c) of this section,**  
4           **except that for members who began participating in the system on or after**  
5           **July 1, 2003, the term shall mean the amount determined in paragraph**  
6           **(4)(d) of this section; and**

7           **(c) "Months of service" shall mean the total months of combined service used**  
8           **to determine benefits under the system, except service added to determine**  
9           **disability benefits or service otherwise prohibited from being used to**  
10           **determine retiree health benefits under KRS 78.510 to 78.852 shall not be**  
11           **counted as "months of service."**

12   **(2) (a) 1. The board of trustees of the system shall arrange by appropriate**  
13           **contract or on a self-insured basis to provide a group hospital and**  
14           **medical insurance plan coverage for:**

15           **a. Present and future recipients of a retirement allowance from the**  
16           **County Employees Retirement System; and**

17           **b. The spouse and each qualified dependent of a recipient who is a**  
18           **former member or the beneficiary, provided the spouse and**  
19           **dependent meet the requirements to participate in the hospital**  
20           **and medical insurance plans established, contracted, or**  
21           **authorized by the system.**

22           **2. Any recipient who chooses coverage under a hospital and medical**  
23           **insurance plan shall pay, by payroll deduction from the retirement**  
24           **allowance, electronic funds transfer, or by another method, the**  
25           **difference between the premium cost of the hospital and medical**  
26           **insurance plan coverage selected and the monthly contribution rate to**  
27           **which he or she would be entitled under this section.**

1       **(b) 1. For present and future recipients of a retirement allowance from the**  
2       **system who are not eligible for Medicare, the board may authorize**  
3       **these participants to be included in the Kentucky Employees Health**  
4       **Plan as provided by KRS 18A.225 to 18A.2287 and shall provide**  
5       **benefits for recipients in the plan equal to those provided to state**  
6       **employees having the same Medicare hospital and medical insurance**  
7       **eligibility status. Notwithstanding the provisions of any other statute,**  
8       **system recipients shall be included in the same class as current state**  
9       **employees for purposes of determining medical insurance policies and**  
10       **premiums in the Kentucky Employees Health Plan as provided by**  
11       **KRS 18A.225 to 18A.2287.**

12       **2. Regardless of age, if a recipient or the spouse or dependent child of a**  
13       **recipient who elects coverage becomes eligible for Medicare, he or she**  
14       **shall participate in the plans offered by the systems for Medicare**  
15       **eligible recipients. Individuals participating in the Medicare eligible**  
16       **plans may be required to obtain and pay for Medicare Part A and Part**  
17       **B coverage in order to participate in the Medicare eligible plans**  
18       **offered by the system.**

19       **3. The system shall continue to provide the same hospital and medical**  
20       **insurance plan coverage for recipients and qualifying dependents**  
21       **after the age of sixty-five (65) as before the age of sixty-five (65), if the**  
22       **recipient is not eligible for Medicare coverage.**

23       **(c) For recipients of a retirement allowance who are not eligible for the same**  
24       **level of hospital and medical benefits as recipients living in Kentucky**  
25       **having the same Medicare hospital and medical insurance eligibility status,**  
26       **the board shall provide a medical insurance reimbursement plan as**  
27       **described in subsection (6) of this section.**

1       (d) Notwithstanding anything in KRS Chapter 78 to the contrary, the board of  
2       trustees, in its discretion, may take necessary steps to ensure compliance  
3       with 42 U.S.C. secs. 300bb-1 et seq.

4       (3) (a) Each employer participating in the County Employees Retirement System as  
5       provided in KRS 78.510 to 78.852 shall contribute to the insurance trust  
6       fund established by KRS 61.701 the amount necessary to provide the  
7       monthly contribution rate as provided for under this section. Such employer  
8       contribution rate shall be developed by appropriate actuarial method as a  
9       part of the determination of each respective employer contribution rate  
10       determined under KRS 78.635.

11       (b) 1. Each employer described in paragraph (a) of this subsection shall  
12       deduct from the creditable compensation of each member whose  
13       membership date begins on or after September 1, 2008, an amount  
14       equal to one percent (1%) of the member's creditable compensation.  
15       The deducted amounts shall, at the discretion of the board, be credited  
16       to accounts established pursuant to 26 U.S.C. sec. 401(h), within the  
17       funds established in KRS 78.520, or the insurance trust fund  
18       established under KRS 61.701. Notwithstanding the provisions of this  
19       paragraph, a transfer of assets between the accounts established  
20       pursuant to 26 U.S.C. sec. 401(h), within the funds established in KRS  
21       78.520, and the insurance trust fund established under KRS 61.701  
22       shall not be allowed.

23       2. The employer shall file the contributions as provided by subparagraph  
24       1. of this paragraph at the retirement office in accordance with KRS  
25       78.625. Any interest or penalties paid on any delinquent contributions  
26       shall be credited to accounts established pursuant to 26 U.S.C. sec.  
27       401(h), within the funds established in KRS 78.520, or the insurance

1 trust fund established under KRS 61.701. Notwithstanding any  
2 minimum compensation requirements provided by law, the deductions  
3 provided by this paragraph shall be made, and the compensation of  
4 the member shall be reduced accordingly.

5 3. Each employer shall submit payroll reports, contributions lists, and  
6 other data as may be required by administrative regulation  
7 promulgated by the board of trustees pursuant to KRS Chapter 13A.

8 4. Every member shall be deemed to consent and agree to the deductions  
9 made pursuant to this paragraph, and the payment of salary or  
10 compensation less the deductions shall be a full and complete  
11 discharge of all claims for services rendered by the person during the  
12 period covered by the payment, except as to any benefits provided by  
13 KRS 78.510 to 78.852. No member may elect whether to participate in,  
14 or choose the contribution amount to accounts established pursuant to  
15 26 U.S.C. sec. 401(h) within the funds established in KRS 78.520, or  
16 the insurance trust fund established under KRS 61.701. The member  
17 shall have no option to receive the contribution required by this  
18 paragraph directly instead of having the contribution paid to accounts  
19 established pursuant to 26 U.S.C. sec. 401(h) within the funds  
20 established in KRS 78.520, or the insurance trust fund established  
21 under KRS 61.701. No member may receive a rebate or refund of  
22 contributions. If a member establishes a membership date prior to  
23 September 1, 2008, pursuant to subsection (2) or (3) of Section 52 of  
24 this Act, then this paragraph shall not apply to the member and all  
25 contributions previously deducted in accordance with this paragraph  
26 shall be refunded to the member without interest. The contribution  
27 made pursuant to this paragraph shall not act as a reduction or offset

1 to any other contribution required of a member or recipient under  
2 KRS 78.510 to 78.852.

3 5. The board of trustees, at its discretion, may direct that the  
4 contributions required by this paragraph be accounted for within  
5 accounts established pursuant to 26 U.S.C. sec. 401(h) within the  
6 funds established in KRS 78.520, or the insurance trust fund  
7 established under KRS 61.701, through the use of separate accounts.

8 (4) (a) The premium required to provide hospital and medical insurance plan  
9 coverage under this section shall be paid wholly or partly from funds  
10 contributed by:

11 1. The recipient of a retirement allowance, by payroll deduction from his  
12 or her retirement allowance, electronic funds transfer, or by other  
13 method;

14 2. The insurance trust fund established by KRS 61.701 or accounts  
15 established pursuant to 26 U.S.C. sec. 401(h) within the funds  
16 established in KRS 78.520;

17 3. Another state-administered retirement system, including the systems  
18 administered by Kentucky Retirement Systems, under a reciprocal  
19 arrangement, except that any portion of the premium paid from the  
20 funds specified by subparagraph 2. of this paragraph under a  
21 reciprocal agreement shall not exceed the amount that would be  
22 payable under this section if all the member's service were in the  
23 County Employees Retirement System. If the board provides for cross-  
24 referencing of insurance premiums, the employer's contribution for  
25 the working member or spouse shall be applied toward the premium,  
26 and the insurance trust fund established under KRS 61.701 or  
27 accounts established pursuant to 26 U.S.C. sec. 401(h) within the



1                   funds established in KRS 78.520, shall pay the balance; or

2                   4. A combination of the fund sources described by subparagraph 1. to 3.  
3                   of this paragraph.

4                   Group rates under the hospital and medical insurance plan shall be made  
5                   available to the spouse, each dependent child, and each disabled child,  
6                   regardless of the disabled child's age, of a recipient who is a former member  
7                   or the beneficiary, if the premium for the hospital and medical insurance  
8                   for the spouse, each dependent child, and each disabled child, or beneficiary  
9                   is paid by payroll deduction from the retirement allowance, electronic funds  
10                  transfer, or by another method. For purposes of this subsection only, a child  
11                  shall be considered disabled if he or she has been determined to be eligible  
12                  for federal Social Security disability benefits or meets the dependent  
13                  disability standard established by the Department of Employee Insurance in  
14                  the Personnel Cabinet.

15                (b) For a member who began participating in the system prior to July 1, 2003,  
16                the monthly contribution rate shall be paid by the system from the funds  
17                specified under paragraph (a)2. of this subsection and shall be equal to a  
18                percentage of the single premium to cover the retired member as follows:

19                1. One hundred percent (100%) of the monthly premium for single  
20                coverage shall be paid for a retired member who had two hundred  
21                forty (240) months of service or more upon retirement or for a retired  
22                member who when he or she was an employee was disabled as a direct  
23                result of an act in line of duty as defined in subsection (48) of Section  
24                18 of this Act or as a result of a duty-related injury as defined in KRS  
25                61.621;

26                2. Seventy-Five percent (75%) of the monthly premium for single  
27                coverage shall be paid for a retired member who had less than two

1                   hundred forty (240) months of service but at least one hundred eighty  
2                   (180) months of service upon retirement, provided such retired  
3                   member agrees to pay the remaining twenty-five percent (25%) by  
4                   payroll deduction from his or her retirement allowance, electronic  
5                   funds transfer, or by another method;

6                   3. Fifty percent (50%) of the monthly premium for single coverage shall  
7                   be paid for a retired member who had less than one hundred eighty  
8                   (180) months of service but had at least one hundred twenty (120)  
9                   months of service upon retirement, provided such retired member  
10                  agrees to pay the remaining fifty percent (50%) by payroll deduction  
11                  from his or her retirement allowance, electronic funds transfer, or by  
12                  another method; or

13                  4. Twenty-five percent (25%) of the monthly premium for single  
14                  coverage shall be paid for a retired member who had less than one  
15                  hundred twenty (120) months of service but had at least forty-eight  
16                  (48) months of service upon retirement, provided such retired member  
17                  agrees to pay the remaining seventy-five percent (75%) by payroll  
18                  deduction from his or her retirement allowance, electronic funds  
19                  transfer, or by another method.

20                  Notwithstanding the foregoing provisions of this paragraph, an employee  
21                  participating in the system prior to July 1, 2003, who is killed as a direct  
22                  result of an act in line of duty as defined in subsection (48) of Section 18 of  
23                  this Act or as a result of a duty-related injury as defined in KRS 61.621,  
24                  shall have the monthly premium paid for the beneficiary, if the beneficiary  
25                  is the member's spouse, and for each dependent child, so long as they  
26                  individually remain eligible for a monthly retirement benefit.

27                  (c) 1. For a member who began participating in the system prior to July 1,

1                   2003, who was determined to be in a hazardous position in the County  
2                   Employees Retirement System, the funds specified under paragraph  
3                   (a)2. of this subsection shall also pay a percentage of the monthly  
4                   contribution rate sufficient to fund the premium costs for hospital and  
5                   medical insurance coverage for the spouse and for each dependent  
6                   child of a recipient.

7                   2. The percentage of the monthly contribution rate paid for the spouse  
8                   and each dependent child of a recipient who was in a hazardous  
9                   position in accordance with subparagraph 1. of this paragraph shall  
10                  be based solely on the member's service in a hazardous position using  
11                  the formula in paragraph (b) of this subsection, except that for any  
12                  recipient of a retirement allowance from the County Employees  
13                  Retirement System who was contributing to the system on January 1,  
14                  1998, for service in a hazardous position, the percentage of the  
15                  monthly contribution shall be based on the total of hazardous service  
16                  and any nonhazardous service as a police or firefighter with the same  
17                  agency, if that agency was participating in the County Employees  
18                  Retirement System but did not offer hazardous duty coverage for its  
19                  police and firefighters at the time of initial participation.

20                  (d) For members who begin participating in the system on or after July 1,  
21                  2003:

22                  1. Participation in the insurance benefits provided under this section  
23                  shall not be allowed until the member has earned at least one hundred  
24                  twenty (120) months of service in the state-administered retirement  
25                  systems, except that for members who begin participating in the  
26                  system on or after September 1, 2008, participation in the insurance  
27                  benefits provided under this section shall not be allowed until the

1 member has earned at least one hundred eighty (180) months of  
2 service credited under KRS 78.615(1) or another state-administered  
3 retirement system.

4 2. A member who meets the minimum service requirements as provided  
5 by subparagraph 1. of this paragraph shall upon retirement be eligible  
6 for the following monthly contribution rate to be paid on their behalf  
7 from the funds specified under paragraph (a)2. of this subsection:

8 a. For members with service in a nonhazardous position, a monthly  
9 insurance contribution of ten dollars (\$10) for each year of  
10 service as a participating employee in a nonhazardous position;  
11 and

12 b. For members with service in a hazardous position, a monthly  
13 insurance contribution of fifteen dollars (\$15) for each year of  
14 service as a participating employee in a hazardous position.  
15 Upon the death of the retired member, the beneficiary, if the  
16 beneficiary is the member's spouse, shall be entitled to a monthly  
17 insurance contribution of ten dollars (\$10) for each year of  
18 service the member attained as a participating employee in a  
19 hazardous position.

20 3. The minimum service requirement to participate in benefits as  
21 provided by subparagraph 1. of this paragraph shall be waived for a  
22 member who is disabled as a result of an act in line of duty as defined  
23 in subsection (48) of Section 18 of this Act or as a result of a duty  
24 related injury as defined by KRS 61.621 and the member shall be  
25 entitled to the benefits payable under this subsection as though the  
26 member had twenty (20) years of service in the position for which the  
27 disabling condition occurred.

- 1           4. Notwithstanding the provisions of this paragraph, the minimum  
2           service requirement to participate in benefits as provided by  
3           subparagraph 1. of this paragraph shall be waived for a for a member  
4           who dies a as a result of an act in line of duty as defined in subsection  
5           (48) of Section 18 of this Act or as a result of a duty-related injury as  
6           defined in KRS 61.621, and the premium for the member's spouse and  
7           for each dependent child as defined in Section 18 of this Act shall be  
8           paid in full by the systems so long as they individually remain eligible  
9           for a monthly retirement benefit.
- 10          5. Except as provided by subparagraph 4. of this paragraph, the monthly  
11          insurance contribution amount shall be increased July 1 of each year  
12          by one and one-half percent (1.5%). The increase shall be cumulative  
13          and shall continue to accrue after the member's retirement for as long  
14          as a monthly insurance contribution is payable to the retired member  
15          or beneficiary.
- 16          6. The benefits of this paragraph provided to a member whose  
17          participation begins on or after July 1, 2003, shall not be considered  
18          as benefits protected by the inviolable contract provisions of KRS  
19          78.852. The General Assembly reserves the right to suspend or reduce  
20          the benefits conferred in this paragraph if in its judgment the welfare  
21          of the Commonwealth so demands.
- 22          7. An employee whose membership date is on or after September 1, 2008,  
23          who retires and is reemployed in a regular full-time position required  
24          to participate in the system or the Kentucky Retirement Systems shall  
25          not be eligible for health insurance coverage or benefits provided by  
26          this section and shall take coverage with his or her employing agency  
27          during the period of reemployment in a regular full-time position.

1       (e) For members with service in another state-administered retirement system  
2       who select hospital and medical insurance plan coverage through the  
3       system:

4       1. The system shall compute the member's combined service, including  
5       service credit in another state-administered retirement system, and  
6       calculate the portion of the member's premium monthly contribution  
7       rate to be paid by the funds specified under paragraph (a)2. of this  
8       subsection according to the criteria established in paragraphs (a) to  
9       (d) of this subsection. Each state-administered retirement system shall  
10      pay annually to the insurance trust fund established under KRS  
11      61.701 the portion of the system's cost of the retiree's monthly  
12      contribution for single coverage for hospital and medical insurance  
13      plan which shall be equal to the percentage of the member's number  
14      of months of service in the other state-administered retirement plan  
15      divided by his or her total combined service and in conjunction with  
16      the reciprocal agreement established between the system and the other  
17      state-administered retirement systems. The amounts paid by the other  
18      state-administered retirement plans and by the County Employees  
19      Retirement System from funds specified under paragraph (a)2. of this  
20      subsection shall not be more than one hundred percent (100%) of the  
21      monthly contribution adopted by the respective boards of trustees;

22      2. A member may not elect coverage for hospital and medical benefits  
23      through more than one (1) of the state-administered retirement  
24      systems; and

25      3. A state-administered retirement system shall not pay any portion of a  
26      member's monthly contribution for medical insurance unless the  
27      member is a recipient or annuitant of the plan.

1 (5) Premiums paid for hospital and medical insurance coverage procured under  
2 authority of this section shall be exempt from any premium tax which might  
3 otherwise be required under KRS Chapter 136. The payment of premiums by the  
4 funds described by subsection (4)(a)2. of this section shall not constitute taxable  
5 income to an insured recipient. No commission shall be paid for hospital and  
6 medical insurance procured under authority of this section.

7 (6) The board shall promulgate an administrative regulation to establish a medical  
8 insurance reimbursement plan to provide reimbursement for hospital and  
9 medical insurance plan premiums of recipients of a retirement allowance who  
10 are not eligible for the same level of hospital and medical benefits as recipients  
11 living in Kentucky and having the same Medicare hospital and medical insurance  
12 eligibility status. An eligible recipient shall file proof of payment for hospital and  
13 medical insurance plan coverage with the retirement office. Reimbursement to  
14 eligible recipients shall be made on a quarterly basis. The recipient shall be  
15 eligible for reimbursement of substantiated medical insurance premiums for an  
16 amount not to exceed the total monthly contribution rate determined under  
17 subsection (4) of this section. The plan shall not be made available if all  
18 recipients are eligible for the same coverage as recipients living in Kentucky.

19 ➔SECTION 15. A NEW SECTION OF KRS 78.510 TO 78.852 IS CREATED  
20 TO READ AS FOLLOWS:

21 (1) (a) Upon the death of a retired member of the system, who was receiving a  
22 monthly retirement allowance based on a minimum of forty-eight (48)  
23 months of service, a death benefit of five thousand dollars (\$5,000) shall be  
24 paid.

25 (b) If the retired member had more than one (1) account in the County  
26 Employees Retirement System or is eligible for a benefit from the Kentucky  
27 Retirement Systems under the provisions of KRS 61.705, the combined

1           payment from the County Employees Retirement System under this section  
2           and the Kentucky Retirement Systems under KRS 61.705 shall not exceed  
3           five thousand dollars (\$5,000). Each system's cost shall be prorated between  
4           the systems based upon the level of service credit in each system.

5           (c) Application for the death benefit made to the system shall include  
6           acceptable evidence of death and of the eligibility of the applicant to act on  
7           the deceased retired member's behalf.

8           (2) (a) The death benefit shall be paid to a beneficiary named by the retired  
9           member. Upon retirement or any time thereafter, the retired member may  
10           designate on the form prescribed by the board, death benefit designation, a  
11           person, the retired member's estate, a trust or trustee, or a licensed funeral  
12           home, as the beneficiary of the death benefit provided by this section or  
13           Section 74 of this Act. The beneficiary for the death benefit may or may not  
14           be the same beneficiary designated in accordance with KRS 61.590(1) but  
15           only one (1) designation shall be available to a retired member who has  
16           service in both the County Employees Retirement System and the Kentucky  
17           Retirement Systems.

18           (b) If the beneficiary designated under this section is a person and that person  
19           dies prior to the member, or if the beneficiary was the retired member's  
20           spouse and they were divorced on the date of the retired member's death,  
21           then the retired member's estate shall become the beneficiary, unless the  
22           retired member has filed a subsequent death benefit designation.

23           (c) If a licensed funeral home is designated as beneficiary and the licensed  
24           funeral home cannot be reasonably identified or located by the system at the  
25           time of the retired member's death, then the retired member's estate shall  
26           become the beneficiary of the death benefit.

27           (3) If, at the time of the retired member's death, a debt to the County Employees



1       Retirement System remains on his or her account, the balance owed shall be  
2       deducted from the five thousand dollars (\$5,000) death benefit.

3       (4) Upon the death of a retired member, the death benefit provided pursuant to this  
4       section may be assigned by the designated beneficiary to a bank or licensed  
5       funeral home.

6       ➔SECTION 16. A NEW SECTION OF KRS 78.510 TO 78.852 IS CREATED  
7 TO READ AS FOLLOWS:

8       (1) A retired member whose disability retirement was discontinued pursuant to  
9       Section 10 of this Act and who is reemployed by an employer participating in the  
10       system or the Kentucky Retirement Systems prior to his or her normal retirement  
11       date shall have his or her accounts combined upon termination for determining  
12       eligibility for benefits. If the member is eligible for retirement, the member's  
13       service and creditable compensation earned as a result of his or her  
14       reemployment shall be used in the calculation of benefits, except that the  
15       member's final compensation shall not be less than the final compensation last  
16       used in determining his or her retirement allowance. The member shall not  
17       change beneficiary or payment option designations.

18       (2) (a) If a retired member accepts employment or begins serving as a volunteer  
19       with an employer participating in the systems administered by Kentucky  
20       Retirement Systems or the County Employees Retirement System within  
21       twelve (12) months of his or her retirement date, the retired member shall  
22       notify the Authority and the participating employer shall submit the  
23       information required or requested by the Authority to confirm the  
24       individual's employment or volunteer status. The retired member shall not  
25       be required to notify the Authority regarding any employment or volunteer  
26       service with a participating agency that is accepted after twelve (12) months  
27       following his or her retirement date.

- 1       **(b) If the retired member is under a contract to provide services as an**  
2       **independent contractor or leased employee to an employer participating in**  
3       **the systems administered by Kentucky Retirement Systems or the County**  
4       **Employees Retirement System within twelve (12) months of his or her**  
5       **retirement date, the member shall submit a copy of that contract to the**  
6       **Authority, and the Authority shall determine if the member is an**  
7       **independent contractor or leased employee for purposes of retirement**  
8       **benefits. The retired member and the participating employer shall submit**  
9       **the information required or requested by the Authority to confirm the**  
10       **individual's status as an independent contractor or leased employee. The**  
11       **retired member shall not be required to notify the Authority regarding any**  
12       **services entered into as an independent contractor or leased employee with**  
13       **a participating agency that the employee enters into after twelve (12)**  
14       **months following his or her retirement date.**
- 15       **(3) Retired members of the County Employees Retirement System who returned to**  
16       **work with an employer that participates in the County Employees Retirement**  
17       **System or Kentucky Retirement Systems prior to September 1, 2008, shall be**  
18       **governed by the provisions of subsections (1) to (16) of Section 65 of this Act.**
- 19       **(4) The following shall apply to retired members of the County Employees**  
20       **Retirement System who are reemployed on or after September 1, 2008, by an**  
21       **agency participating in the systems administered by the County Employees**  
22       **Retirement System or the Kentucky Retirement Systems:**
- 23       **(a) Except as provided by paragraphs (c) and (d) of this subsection, if a retired**  
24       **member is receiving a retirement allowance from the County Employees**  
25       **Retirement System, or has filed the forms required to receive a retirement**  
26       **allowance from the County Employees Retirement System, and is employed**  
27       **in a regular full-time position required to participate in the County**

1 Employees Retirement System or the Kentucky Retirement Systems or is  
2 employed in a position that is not considered regular full-time with an  
3 employer participating in the County Employees Retirement System or the  
4 Kentucky Retirement Systems within three (3) months following the  
5 member's initial retirement date, the member's retirement shall be voided,  
6 and the member shall repay to the system all benefits received, including  
7 any health insurance benefits. If the retired member is returning to work in  
8 a regular full-time position required to participate in the County Employees  
9 Retirement System:

10 1. The member shall contribute to a member account established for him  
11 or her in the County Employees Retirement System or the Kentucky  
12 Retirement Systems, and employer contributions shall be paid on  
13 behalf of the member by the participating employer to the system; and  
14 2. Upon subsequent retirement, the member shall be eligible for a  
15 retirement allowance based upon total service and creditable  
16 compensation, including any additional service or creditable  
17 compensation earned after his or her initial retirement was voided;

18 (b) Except as provided by paragraphs (c) and (d) of this subsection, if a retired  
19 member is receiving a retirement allowance from the County Employees  
20 Retirement System and is employed in a regular full-time position required  
21 to participate in the County Employees Retirement System or the Kentucky  
22 Retirement Systems after a three (3) month period following the member's  
23 initial retirement date, the member may continue to receive his or her  
24 retirement allowance during the period of reemployment subject to the  
25 following provisions:

26 1. If a member is reemployed by a participating employer within twelve  
27 (12) months of the member's retirement date, the participating

1           employer shall certify in writing on a form prescribed by the Authority  
2           that no prearranged agreement existed between the employee and  
3           employer prior to the employee's retirement for the employee to return  
4           to work with the participating employer. If the participating employer  
5           fails to complete the certification or the Authority determines a  
6           prearranged agreement exists, the member's retirement shall be  
7           voided and the provisions of paragraph (a) of this subsection shall  
8           apply to the member and the employer. For purposes of this  
9           paragraph:

10          a. If an elected official is reelected to a new term of office in the  
11           same position and has retired from the elected office within  
12           twelve (12) months prior to taking the new term of office, he or  
13           she shall be deemed by the Authority as having a prearranged  
14           agreement; and

15          b. Employment that is accepted by the retired member after twelve  
16           (12) months following the member's retirement date shall not  
17           constitute a prearranged agreement under this paragraph;

18          2. Notwithstanding any other provision of KRS Chapter 78 to the  
19           contrary, the member shall not contribute to the system and shall not  
20           earn any additional benefits for any work performed during the period  
21           of reemployment;

22          3. Except as provided by KRS 70.291 to 70.293, 95.022, and 164.952 and  
23           except for any retiree employed as a school resource officer as defined  
24           by KRS 158.441, the employer shall pay employer contributions as  
25           specified by KRS 78.635 and Section 14 of this Act on all creditable  
26           compensation earned by the employee during the period of  
27           reemployment. The additional contributions paid shall be used to

1 reduce the unfunded actuarial liability of the system; and

2 4. Except as provided by KRS 70.291 to 70.293, 95.022, and 164.952 and  
3 except for any retiree employed as a school resource officer as defined  
4 by KRS 158.441, the employer shall be required to reimburse the  
5 system for the cost of the health insurance premium paid by the  
6 system to provide coverage for the retiree, not to exceed the cost of the  
7 single premium. Effective July 1, 2015, local school boards shall not  
8 be required to pay the reimbursement required by this subparagraph  
9 for retirees employed by the board for eighty (80) days or less during  
10 the fiscal year;

11 (c) If a member is receiving a retirement allowance from hazardous position  
12 coverage with the County Employees Retirement System, or has filed the  
13 forms required to receive a retirement allowance from the County  
14 Employees Retirement System for service in a hazardous position, and is  
15 employed in a regular full-time hazardous position required to participate  
16 in the County Employees Retirement System or the Kentucky Retirement  
17 Systems within one (1) month following the member's initial retirement  
18 date, the member's retirement shall be voided, and the member shall repay  
19 to the system all benefits received, including any health insurance benefits.  
20 If the member is returning to work in a regular full-time position required  
21 to participate in the County Employees Retirement System or the Kentucky  
22 Retirement Systems:

23 1. The member shall contribute to a member account established for him  
24 or her in the County Employees Retirement System or the Kentucky  
25 Retirement Systems, and employer contributions shall be paid on  
26 behalf of the member by the participating employer; and

27 2. Upon subsequent retirement, the member shall be eligible for a

1                   retirement allowance based upon total service and creditable  
2                   compensation, including any additional service or creditable  
3                   compensation earned after his or her initial retirement was voided;

4           (d) If a member is receiving a retirement allowance from the hazardous  
5           position coverage with the County Employees Retirement System and is  
6           employed in a regular full-time hazardous position required to participate  
7           in the County Employees Retirement System or the Kentucky Retirement  
8           Systems after a one (1) month period following the member's initial  
9           retirement date, the member may continue to receive his or her retirement  
10           allowance during the period of reemployment subject to the following  
11           provisions:

12           1. If a member is reemployed by a participating employer within twelve  
13           (12) months of the member's retirement date, the participating  
14           employer shall certify in writing on a form prescribed by the Authority  
15           that no prearranged agreement existed between the employee and  
16           employer prior to the employee's retirement for the employee to return  
17           to work with the participating employer. If the participating employer  
18           fails to complete the certification or the Authority determines a  
19           prearranged agreement exists, the member's retirement shall be  
20           voided and the provisions of paragraph (c) of this subsection shall  
21           apply to the member and the employer. For purposes of this  
22           paragraph:

23           a. If an elected official is reelected to a new term of office in the  
24           same position and has retired from the elected office within  
25           twelve (12) months prior to taking the new term of office, he or  
26           she shall be deemed by the system as having a prearranged  
27           agreement; and

- 1                    b. Employment that is accepted by the retired member after twelve  
2                    (12) months following the member's retirement date shall not  
3                    constitute a prearranged agreement under this paragraph;
- 4                    2. Notwithstanding any other provision of KRS Chapter 78 to the  
5                    contrary, the member shall not contribute to the system or the  
6                    Kentucky Retirement Systems and shall not earn any additional  
7                    benefits for any work performed during the period of reemployment;
- 8                    3. Except as provided by KRS 70.291 to 70.293, 95.022, and 164.952 and  
9                    except for any retiree employed as a school resource officer as defined  
10                   by KRS 158.441, the employer shall pay employer contributions as  
11                   specified by Sections 14 of this Act and KRS 78.635 on all creditable  
12                   compensation earned by the employee during the period of  
13                   reemployment. The additional contributions paid shall be used to  
14                   reduce the unfunded actuarial liability of the system; and
- 15                   4. Except as provided by KRS 70.291 to 70.293, 95.022, and 164.952 and  
16                   except for any retiree employed as a school resource officer as defined  
17                   by KRS 158.441, the employer shall be required to reimburse the  
18                   system for the cost of the health insurance premium paid by the  
19                   system to provide coverage for the retiree, not to exceed the cost of the  
20                   single premium;
- 21                   (e) Notwithstanding paragraphs (a) to (d) of this subsection, a retired member  
22                   who qualifies as a volunteer for an employer participating in the County  
23                   Employees Retirement System or the Kentucky Retirement Systems and who  
24                   is receiving reimbursement of actual expenses, a nominal fee for his or her  
25                   volunteer services, or both, shall not be considered an employee of the  
26                   participating employer and shall not be subject to paragraphs (a) to (d) of  
27                   this subsection if:

1           1. Prior to the retired member's most recent retirement date, he or she  
2           did not receive creditable compensation from the participating  
3           employer in which the retired member is performing volunteer  
4           services;

5           2. Any reimbursement or nominal fee received prior to the retired  
6           member's most recent retirement date has not been credited as  
7           creditable compensation to the member's account or utilized in the  
8           calculation of the retired member's benefits;

9           3. The retired member has not purchased or received service credit under  
10          any of the provisions of KRS 78.510 to 78.852 for service with the  
11          participating employer for which the retired member is performing  
12          volunteer services; and

13          4. Other than the status of volunteer, the retired member does not  
14          become an employee, leased employee, or independent contractor of  
15          the employer for which he or she is performing volunteer services for  
16          a period of at least twelve (12) months following the retired member's  
17          most recent retirement date.

18          If a retired member, who provided volunteer services with a participating  
19          employer under this paragraph violates any provision of this paragraph,  
20          then he or she shall be deemed an employee of the participating employer as  
21          of the date he or she began providing volunteer services and both the retired  
22          member and the participating employer shall be subject to paragraphs (a) to  
23          (d) of this subsection for the period of volunteer service;

24          (f) Notwithstanding any provision of this section, any mayor or member of a  
25          city legislative body shall not be required to resign from his or her position  
26          as mayor or as a member of the city legislative body in order to begin  
27          drawing benefits from the systems administered by the Kentucky Retirement



1 Systems or the County Employees Retirement System or subject to any  
2 provision of this section as it relates solely to his or her service as a mayor  
3 or member of the city legislative body, if the mayor or member of a city  
4 legislative body:

5 1. Has not participated in the County Employees Retirement System  
6 prior to retirement, but is otherwise eligible to retire from the  
7 Kentucky Employees Retirement System or the State Police Retirement  
8 System; or

9 2. Has been or is participating in the County Employees Retirement  
10 System and is at least sixty two (62) years of age. If a mayor or  
11 member of a city legislative body who is at least sixty-two (62) years of  
12 age retires from the systems administered by Kentucky Retirement  
13 Systems or the County Employees Retirement System but remains in  
14 office after his or her effective retirement date, the mayor or member  
15 of the city legislative body shall not accrue any further service credit  
16 or benefits in the systems administered by Kentucky Retirement  
17 Systems or the County Employees Retirement System for any  
18 employment occurring on or after the effective retirement date;

19 (g) If a member is receiving a retirement allowance from the County  
20 Employees Retirement System and enters into a contract or becomes a  
21 leased employee of an employer under contract with an employer  
22 participating in the County Employees Retirement System or the Kentucky  
23 Retirement Systems:

24 1. At any time following retirement, if the Authority determines the  
25 employment arrangement does qualify as an independent contractor  
26 or leased employee, the member may continue to receive his or her  
27 retirement allowance during the period of the contract;

- 1           2. Within three (3) months following the member's initial retirement  
2           date, if the Authority determines the employment arrangement does  
3           not qualify as an independent contractor or leased employee, the  
4           member's retirement shall be voided in accordance with paragraph (a)  
5           of this subsection;
- 6           3. After three (3) months but within twelve (12) months following the  
7           member's initial retirement, if the Authority determines the  
8           employment arrangement does not qualify as an independent  
9           contractor or leased employee and that a prearranged agreement  
10           existed between the member and the agency for the member to return  
11           to work with the agency, the member's retirement shall be voided in  
12           accordance with paragraph (a) of this subsection; and
- 13           4. After a twelve (12) month period following the member's initial  
14           retirement, the member may continue to receive his or her retirement  
15           allowance during the period of the contract and the member shall not  
16           be required to notify the Authority or submit any documentation for  
17           purposes of this section to the Authority. The initiation of a contract  
18           or the initial date of the leased employment of a retired member by a  
19           participating agency that occurs after twelve (12) months or more  
20           following the retired member's retirement date shall not constitute a  
21           prearranged agreement under this subsection;
- 22           (h) The Authority shall issue a final determination regarding a certification of  
23           the absence of a prearranged agreement or the retired member's  
24           qualification as an independent contractor or leased employee as required  
25           under this section no later than thirty (30) days after the retired member  
26           and participating employer provide all required forms and additional  
27           information required by the Authority; and

1        (i) Retired members of one (1) of the systems administered by Kentucky  
2        Retirement Systems who are reemployed by an employer in the County  
3        Employees Retirement System on or after September 1, 2008, shall not be  
4        eligible to earn a second retirement account in the County Employees  
5        Retirement System for his or her service to the employer.

6        (5) The Authority shall promulgate administrative regulations to implement the  
7        requirements of this section, including incorporating by reference Authority -  
8        prescribed forms that a retired member and participating agency shall provide the  
9        systems under subsections (1) and (4) of this section.

10       (6) "Reemployment" or "reinstatement" as used in this section shall not include a  
11       retired member who has been ordered reinstated by the Personnel Board under  
12       authority of KRS 18A.095. A retired member who has been ordered reinstated by  
13       the Personnel Board under authority of KRS 18A.095 or by court order or by  
14       order of the Human Rights Commission and accepts employment by an agency  
15       participating in the Kentucky Employees Retirement System or County  
16       Employees Retirement System shall void his or her retirement by reimbursing the  
17       system in the full amount of his or her retirement allowance payments received.

18       ➔SECTION 17. A NEW SECTION OF KRS 78.510 TO 78.852 IS CREATED  
19 TO READ AS FOLLOWS:

20       The provisions of KRS 61.680 are hereby recognized and shall be followed in  
21       computing benefits of any member of the County Employees Retirement System who  
22       also has an account with the Kentucky Employees Retirement System, the State Police  
23       Retirement System, or the Kentucky Teachers' Retirement System.

24       ➔Section 18. KRS 78.510 (Effective April 1, 2021) is amended to read as  
25 follows:

26 As used in KRS 78.510 to 78.852, unless the context otherwise requires:

27 (1) "System" means the County Employees Retirement System;

- 1 (2) "Board" means the board of trustees of the system as provided in KRS 78.782;
- 2 (3) "County" means any county, or nonprofit organization created and governed by a  
3 county, counties, or elected county officers, sheriff and his or her employees, county  
4 clerk and his or her employees, circuit clerk and his or her deputies, former circuit  
5 clerks or former circuit clerk deputies, or political subdivision or instrumentality,  
6 including school boards, cities, charter county governments, urban-county  
7 governments, consolidated local governments, or unified local governments  
8 participating in the system by order appropriate to its governmental structure, as  
9 provided in KRS 78.530, and if the board is willing to accept the agency,  
10 organization, or corporation, the board being hereby granted the authority to  
11 determine the eligibility of the agency to participate;
- 12 (4) "School board" means any board of education participating in the system by order  
13 appropriate to its governmental structure, as provided in KRS 78.530, and if the  
14 board is willing to accept the agency or corporation, the board being hereby granted  
15 the authority to determine the eligibility of the agency to participate;
- 16 (5) "Examiner" means the medical examiners as provided in KRS 61.665;
- 17 (6) "Employee" means every regular full-time appointed or elective officer or employee  
18 of a participating county and the coroner of a participating county, whether or not he  
19 or she qualifies as a regular full-time officer. The term shall not include persons  
20 engaged as independent contractors, seasonal, emergency, temporary, and part-time  
21 workers. In case of any doubt, the board shall determine if a person is an employee  
22 within the meaning of KRS 78.510 to 78.852;
- 23 (7) "Employer" means a county, as defined in subsection (3) of this section, the elected  
24 officials of a county, or any authority of the county having the power to appoint or  
25 elect an employee to office or employment in the county;
- 26 (8) "Member" means any employee who is included in the membership of the system or  
27 any former employee whose membership has not ceased under KRS 78.535;

- 1 (9) "Service" means the total of current service and prior service as defined in this  
2 section;
- 3 (10) "Current service" means the number of years and months of employment as an  
4 employee, on and after July 1, 1958, for which creditable compensation is paid and  
5 employee contributions deducted, except as otherwise provided;
- 6 (11) "Prior service" means the number of years and completed months, expressed as a  
7 fraction of a year, of employment as an employee, prior to July 1, 1958, for which  
8 creditable compensation was paid. An employee shall be credited with one (1)  
9 month of prior service only in those months he received compensation for at least  
10 one hundred (100) hours of work. Twelve (12) months of current service in the  
11 system shall be required to validate prior service;
- 12 (12) "Accumulated contributions" means the sum of all amounts deducted from the  
13 compensation of a member and credited to his individual account in the members'  
14 account, including employee contributions picked up after August 1, 1982, pursuant  
15 to KRS 78.610(4), together with interest credited, on the amounts, and any other  
16 amounts the member shall have contributed thereto, including interest credited  
17 thereon. "Accumulated contributions" shall not include employee contributions that  
18 are deposited into accounts established pursuant to 26 U.S.C. sec. 401(h) within the  
19 fund established in KRS 78.520, as prescribed by subsection (3)(b) of Section 14 of  
20 this Act~~[KRS 61.702(2)(b)]~~;
- 21 (13) "Creditable compensation":
- 22 (a) Except as limited by paragraph (c) of this subsection, means all salary, wages,  
23 and fees, including payments for compensatory time, paid to the employee as  
24 a result of services performed for the employer or for time during which the  
25 member is on paid leave, which are includable on the member's federal form  
26 W-2 wage and tax statement under the heading "wages, tips, other  
27 compensation", including employee contributions picked up after August 1,

1 1982, pursuant to KRS 78.610(4). The creditable compensation of fee officers  
2 who receive salary, fees, maintenance, or other perquisites as a result of their  
3 official duties is the gross amount received decreased by the cost of salary  
4 paid deputies and clerks and the cost of office supplies and other official  
5 expenses;

6 (b) Includes:

- 7 1. Lump-sum bonuses, severance pay, or employer-provided payments for  
8 purchase of service credit, which shall be averaged over the employee's  
9 service with the system in which it is recorded if it is equal to or greater  
10 than one thousand dollars (\$1,000);
- 11 2. Cases where compensation includes maintenance and other perquisites,  
12 but the board shall fix the value of that part of the compensation not paid  
13 in money;
- 14 3. Lump-sum payments for creditable compensation paid as a result of an  
15 order of a court of competent jurisdiction, the Personnel Board, or the  
16 Commission on Human Rights, or for any creditable compensation paid  
17 in anticipation of settlement of an action before a court of competent  
18 jurisdiction, the Personnel Board, or the Commission on Human Rights,  
19 including notices of violations of state or federal wage and hour statutes  
20 or violations of state or federal discrimination statutes, which shall be  
21 credited to the fiscal year during which the wages were earned or should  
22 have been paid by the employer. This subparagraph shall also include  
23 lump-sum payments for reinstated wages pursuant to KRS 61.569,  
24 which shall be credited to the period during which the wages were  
25 earned or should have been paid by the employer;
- 26 4. Amounts which are not includable in the member's gross income by  
27 virtue of the member having taken a voluntary salary reduction provided

1 for under applicable provisions of the Internal Revenue Code; and

2 5. Elective amounts for qualified transportation fringes paid or made  
3 available on or after January 1, 2001, for calendar years on or after  
4 January 1, 2001, that are not includable in the gross income of the  
5 employee by reason of 26 U.S.C. sec. 132(f)(4); and

6 (c) Excludes:

- 7 1. Living allowances, expense reimbursements, lump-sum payments for  
8 accrued vacation leave, sick leave except as provided in KRS 78.616(5),  
9 and other items determined by the board;
- 10 2. For employees who begin participating on or after September 1, 2008,  
11 lump-sum payments for compensatory time;
- 12 3. Training incentive payments for city officers paid as set out in KRS  
13 64.5277 to 64.5279;
- 14 4. For employees who begin participating on or after August 1, 2016,  
15 nominal fees paid for services as a volunteer; and
- 16 5. Any salary or wages paid to an employee for services as a Kentucky  
17 State Police school resource officer as defined by KRS 158.441;

18 (14) "Final compensation" means:

19 (a) For a member who begins participating before September 1, 2008, who is  
20 employed in a nonhazardous position, the creditable compensation of the  
21 member during the five (5) fiscal years he or she was paid at the highest  
22 average monthly rate divided by the number of months of service credit during  
23 that five (5) year period multiplied by twelve (12). The five (5) years may be  
24 fractional and need not be consecutive. If the number of months of service  
25 credit during the five (5) year period is less than forty-eight (48), one (1) or  
26 more additional fiscal years shall be used;

27 (b) For a member who is employed in a nonhazardous position, whose effective

1 retirement date is between August 1, 2001, and January 1, 2009, and whose  
2 total service credit is at least twenty-seven (27) years and whose age and years  
3 of service total at least seventy-five (75), final compensation means the  
4 creditable compensation of the member during the three (3) fiscal years the  
5 member was paid at the highest average monthly rate divided by the number  
6 of months of service credit during that three (3) year period multiplied by  
7 twelve (12). The three (3) years may be fractional and need not be  
8 consecutive. If the number of months of service credit during the three (3)  
9 year period is less than twenty-four (24), one (1) or more additional fiscal  
10 years shall be used;

11 (c) For a member who begins participating before September 1, 2008, who is  
12 employed in a hazardous position, as provided in KRS 61.592, the creditable  
13 compensation of the member during the three (3) fiscal years he or she was  
14 paid at the highest average monthly rate divided by the number of months of  
15 service credit during that three (3) year period multiplied by twelve (12). The  
16 three (3) years may be fractional and need not be consecutive. If the number of  
17 months of service credit during the three (3) year period is less than twenty-  
18 four (24), one (1) or more additional fiscal years, which may contain less than  
19 twelve (12) months of service credit, shall be used;

20 (d) For a member who begins participating on or after September 1, 2008, but  
21 prior to January 1, 2014, who is employed in a nonhazardous position, the  
22 creditable compensation of the member during the five (5) complete fiscal  
23 years immediately preceding retirement divided by five (5). Each fiscal year  
24 used to determine final compensation must contain twelve (12) months of  
25 service credit. If the member does not have five (5) complete fiscal years that  
26 each contain twelve (12) months of service credit, then one (1) or more  
27 additional fiscal years, which may contain less than twelve (12) months of



- 1 service credit, shall be added until the number of months in the final  
2 compensation calculation is at least sixty (60) months; or
- 3 (e) For a member who begins participating on or after September 1, 2008, but  
4 prior to January 1, 2014, who is employed in a hazardous position as provided  
5 in KRS 61.592, the creditable compensation of the member during the three  
6 (3) complete fiscal years he or she was paid at the highest average monthly  
7 rate divided by three (3). Each fiscal year used to determine final  
8 compensation must contain twelve (12) months of service credit. If the  
9 member does not have three (3) complete fiscal years that each contain twelve  
10 (12) months of service credit, then one (1) or more additional fiscal years,  
11 which may contain less than twelve (12) months of service credit, shall be  
12 added until the number of months in the final compensation calculation is at  
13 least thirty-six (36) months;
- 14 (15) "Final rate of pay" means the actual rate upon which earnings of an employee were  
15 calculated during the twelve (12) month period immediately preceding the  
16 member's effective retirement date, and shall include employee contributions picked  
17 up after August 1, 1982, pursuant to KRS 78.610(4). The rate shall be certified to  
18 the system by the employer and the following equivalents shall be used to convert  
19 the rate to an annual rate: two thousand eighty (2,080) hours for eight (8) hour  
20 workdays, one thousand nine hundred fifty (1,950) hours for seven and one-half  
21 (7.5) hour workdays, two hundred sixty (260) days, fifty-two (52) weeks, twelve  
22 (12) months, one (1) year;
- 23 (16) "Retirement allowance" means the retirement payments to which a member is  
24 entitled;
- 25 (17) "Actuarial equivalent" means a benefit of equal value when computed upon the  
26 basis of the actuarial tables adopted by the board. In cases of disability retirement,  
27 the options authorized by KRS 61.635 shall be computed by adding ten (10) years

1 to the age of the member, unless the member has chosen the Social Security  
2 adjustment option as provided for in KRS 61.635(8), in which case the member's  
3 actual age shall be used. For members who begin participating in the system prior to  
4 January 1, 2014, no disability retirement option shall be less than the same option  
5 computed under early retirement;

6 (18) "Normal retirement date", unless otherwise provided in KRS 78.510 to 78.852,  
7 means:

8 (a) For a member with service in a nonhazardous position, the sixty-fifth  
9 birthday of a member~~[unless otherwise provided in KRS 78.510 to 78.852];~~

10 (b) For a member with service in a hazardous position who begins participating  
11 before September 1, 2008, the first day of the month following a member's  
12 fifty-fifth birthday; or

13 (c) For a member with service in a hazardous position who begins participating  
14 on or after September 1, 2008, the first day of the month following a  
15 member's sixtieth birthday;

16 (19) "Fiscal year" of the system means the twelve (12) months from July 1 through the  
17 following June 30, which shall also be the plan year. The "fiscal year" shall be the  
18 limitation year used to determine contribution and benefits limits as set out in 26  
19 U.S.C. sec. 415;

20 (20) "Agency reporting official" means the person designated by the participating  
21 employer who shall be responsible for forwarding all employer and employee  
22 contributions and a record of the contributions to the system and for performing  
23 other administrative duties pursuant to the provisions of KRS 78.510 to 78.852;

24 (21) "Regular full-time positions," as used in subsection (6) of this section, shall mean  
25 all positions that average one hundred (100) or more hours per month, determined  
26 by using the number of hours actually worked in a calendar or fiscal year, or eighty  
27 (80) or more hours per month in the case of noncertified employees of school

boards, determined by using the number of hours actually worked in a calendar or school year, unless otherwise specified, except:

- (a) Seasonal positions, which although temporary in duration, are positions which coincide in duration with a particular season or seasons of the year and that may recur regularly from year to year, in which case the period of time shall not exceed nine (9) months, except for employees of school boards, in which case the period of time shall not exceed six (6) months;
- (b) Emergency positions that are positions that do not exceed thirty (30) working days and are nonrenewable;
- (c) Temporary positions that are positions of employment with a participating agency for a period of time not to exceed twelve (12) months and not renewable;
- (d) Probationary positions which are positions of employment with a participating employer that do not exceed twelve (12) months and that are used uniformly by the participating agency on new employees who would otherwise be eligible for participation in the system. Probationary positions shall not be renewable by the participating employer for the same employee, unless the employee has not been employed with the participating employer for a period of at least twelve (12) months; or
- (e) Part-time positions that are positions that may be permanent in duration, but that require less than a calendar or fiscal year average of one hundred (100) hours of work per month, determined by using the number of months actually worked within a calendar or fiscal year, in the performance of duty, except in case of noncertified employees of school boards, the school term average shall be eighty (80) hours of work per month, determined by using the number of months actually worked in a calendar or school year, in the performance of duty;

- 1 (22) "Alternate participation plan" means a method of participation in the system as  
2 provided for by KRS 78.530(3);
- 3 (23) "Retired member" means any former member receiving a retirement allowance or  
4 any former member who has on file at the retirement office the necessary  
5 documents for retirement benefits and is no longer contributing to the system;
- 6 (24) "Current rate of pay" means the member's actual hourly, daily, weekly, biweekly,  
7 monthly, or yearly rate of pay converted to an annual rate as defined in final rate of  
8 pay. The rate shall be certified by the employer;
- 9 (25) "Beneficiary" means the person, persons, estate, trust, or trustee designated by the  
10 member in accordance with KRS 61.542 or 61.705 to receive any available benefits  
11 in the event of the member's death. As used in Section 14 of this Act ~~[KRS 61.702]~~,  
12 beneficiary shall not mean an estate, trust, or trustee;
- 13 (26) "Recipient" means the retired member, the person or persons designated as  
14 beneficiary by the member and drawing a retirement allowance as a result of the  
15 member's death, or a dependent child drawing a retirement allowance. An alternate  
16 payee of a qualified domestic relations order shall not be considered a recipient,  
17 except for purposes of KRS 61.623;
- 18 (27) "Person" means a natural person;
- 19 (28) "School term or year" means the twelve (12) months from July 1 through the  
20 following June 30;
- 21 (29) "Retirement office" means the Kentucky Public Pensions Authority office building  
22 in Frankfort, unless otherwise designated by the Kentucky Public Pensions  
23 Authority;
- 24 (30) "Vested" for purposes of determining eligibility for purchasing service credit  
25 under Section 52 of this Act means the employee has at least forty-eight (48)  
26 months of service if age sixty-five (65) or older or at least sixty (60) months of  
27 service if under the age of sixty-five (65). For purposes of this paragraph, service

- 1        shall mean service in the systems administered by the Kentucky Retirement  
2        Systems and County Employees Retirement System["Delayed contribution  
3        payment" means an amount paid by an employee for current service obtained under  
4        KRS 61.552. The amount shall be determined using the same formula in KRS  
5        61.5525, except the determination of the actuarial cost for classified employees of a  
6        school board shall be based on their final compensation, and the payment shall not  
7        be picked up by the employer. A delayed contribution payment shall be deposited to  
8        the member's account and considered as accumulated contributions of the individual  
9        member. In determining payments under this subsection, the formula found in this  
10       subsection shall prevail over the one found in KRS 212.434];
- 11       (31) "Participating" means an employee is currently earning service credit in the system  
12       as provided in KRS 78.615;
- 13       (32) "Month" means a calendar month;
- 14       (33) "Membership date" means the date upon which the member began participating in  
15       the system as provided in KRS 78.615;
- 16       (34) "Participant" means a member, as defined by subsection (8) of this section, or a  
17       retired member, as defined by subsection (23) of this section;
- 18       (35) "Qualified domestic relations order" means any judgment, decree, or order,  
19       including approval of a property settlement agreement, that:
- 20                (a) Is issued by a court or administrative agency; and
- 21                (b) Relates to the provision of child support, alimony payments, or marital  
22                property rights to an alternate payee;
- 23       (36) "Alternate payee" means a spouse, former spouse, child, or other dependent of a  
24       participant, who is designated to be paid retirement benefits in a qualified domestic  
25       relations order;
- 26       (37) "Accumulated employer credit" means the employer pay credit deposited to the  
27       member's account and interest credited on such amounts as provided by Sections 2

1        and 4 of this Act~~[KRS 16.583 and 61.597]~~;

2        (38) "Accumulated account balance" means:

3            (a) For members who began participating in the system prior to January 1, 2014,  
4            the member's accumulated contributions; or

5            (b) For members who began participating in the system on or after January 1,  
6            2014, in the hybrid cash balance plan as provided by Sections 2 and 4 of this  
7            Act~~[KRS 16.583 and 61.597]~~, the combined sum of the member's  
8            accumulated contributions and the member's accumulated employer credit;

9        (39) "Volunteer" means an individual who:

10           (a) Freely and without pressure or coercion performs hours of service for an  
11           employer participating in one (1) of the systems administered by Kentucky  
12           Retirement Systems or the County Employees Retirement System without  
13           receipt of compensation for services rendered, except for reimbursement of  
14           actual expenses, payment of a nominal fee to offset the costs of performing  
15           the voluntary services, or both; and

16           (b) If a retired member, does not become an employee, leased employee, or  
17           independent contractor of the employer for which he or she is performing  
18           volunteer services for a period of at least twelve (12) months following the  
19           retired member's most recent retirement date;

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

25        (41) "Nonhazardous position" means a position that does not meet the requirements of  
26        Section 6 of this Act~~[KRS 61.592]~~ or has not been approved by the board as a  
27        hazardous position;

- 1 (42) "Hazardous position" means a position that meets the requirements of Section 6 of  
2 this Act~~[KRS 61.592]~~ and has been approved by the board as hazardous;
- 3 (43) "Level-percentage-of-payroll amortization method" means a method of determining  
4 the annual amortization payment on the unfunded actuarial accrued liability as  
5 expressed as a percentage of payroll over a set period of years. Under this method,  
6 the percentage of payroll shall be projected to remain constant for all years  
7 remaining in the set period and the unfunded actuarially accrued liability shall be  
8 projected to be fully amortized at the conclusion of the set period;
- 9 (44) "Increment" means twelve (12) months of service credit which are purchased. The  
10 twelve (12) months need not be consecutive. The final increment may be less than  
11 twelve (12) months;
- 12 (45) "Last day of paid employment" means the last date employer and employee  
13 contributions are required to be reported in accordance with KRS 16.543, 61.543,  
14 or 78.615 to the retirement office in order for the employee to receive current  
15 service credit for the month. Last day of paid employment does not mean a date  
16 the employee receives payment for accrued leave, whether by lump sum or  
17 otherwise, if that date occurs twenty-four (24) or more months after previous  
18 contributions;
- 19 (46) "Objective medical evidence" means reports of examinations or treatments;  
20 medical signs which are anatomical, physiological, or psychological  
21 abnormalities that can be observed; psychiatric signs which are medically  
22 demonstrable phenomena indicating specific abnormalities of behavior, affect,  
23 thought, memory, orientation, or contact with reality; or laboratory findings  
24 which are anatomical, physiological, or psychological phenomena that can be  
25 shown by medically acceptable laboratory diagnostic techniques, including but  
26 not limited to chemical tests, electrocardiograms, electroencephalograms, X-rays,  
27 and psychological tests;

1 (47) "Hazardous disability" as used in KRS 78.510 to 78.852 means a disability which  
2 results in an employee's total incapacity to continue as an employee in a  
3 hazardous position, but the employee is not necessarily deemed to be totally and  
4 permanently disabled to engage in other occupations for remuneration or profit;

5 (48) "Act in line of duty" means, for purposes of members serving in a hazardous  
6 position, an act occurring which was required in the performance of the principal  
7 duties of the hazardous position as defined by the job description;

8 (49) "Dependent child" means a child in the womb and a natural or legally adopted  
9 child of the member who has neither attained age eighteen (18) nor married or  
10 who is an unmarried full-time student who has not attained age twenty-two (22).  
11 Solely in the case of a member who dies as a direct result of an act in line of duty  
12 as defined in this section or who dies as a result of a duty-related injury as  
13 defined in KRS 61.621, "dependent child" also means a naturally or legally  
14 adopted disabled child of the member, regardless of the child's age, if the child  
15 has been determined to be eligible for federal Social Security disability benefits or  
16 is being claimed as a qualifying child for tax purposes due to the child's total and  
17 permanent disability;

18 (50) "Normal retirement age" means the age at which the member meets the  
19 requirements for his or her normal retirement date as provided by subsection (18)  
20 of this section; and

21 (51) "Disability retirement date" means the first day of the month following the last  
22 day of paid employment;

23 (52) [(45)] "Monthly average pay" means the higher of the member's monthly final rate of  
24 pay or the average monthly creditable compensation earned by the deceased  
25 member during his or her last twelve (12) months of employment;

26 (53) [(46)] "Authority" means the Kentucky Public Pensions Authority as provided by  
27 KRS 61.505; and



1 ~~(54)~~~~[(47)]~~ "Executive director" means the executive director of the Kentucky Public  
2 Pensions Authority.

3 ➔Section 19. KRS 78.540 (Effective April 1, 2021) is amended to read as  
4 follows:

5 Membership in the system shall consist of the following:

- 6 (1) (a) All persons who become employees of a participating county after the date the  
7 county first participates in the system, except that:
- 8 1. Mayors and members of city legislative bodies may decline prior to their  
9 participation in the system; and
  - 10 2. City managers or other appointed local government executives who  
11 participate in a retirement system, other than Social Security, may  
12 decline prior to their participation in the system;
- 13 (b) All persons who are employees of a county on the date the county first  
14 participates in the system, either in service or on authorized leave from  
15 service, and who elect within thirty (30) days next following the county's  
16 participation, or in the case of persons on authorized leave, within thirty (30)  
17 days of their return to active service, to become members and thereby agree to  
18 make contributions as provided in KRS 78.520 to 78.852;
- 19 (c) All persons who are employees of a county who did not elect to participate  
20 within thirty (30) days of the date the county first participated in the system or  
21 within thirty (30) days of their return to active service and who subsequently  
22 elect to participate the first day of a month after the county's date of  
23 participation;
- 24 (d) All persons who declined participation as provided by paragraph (a) of this  
25 subsection and who later elect to participate. Persons who elect to participate  
26 under this paragraph may purchase service credit for any prior years in  
27 accordance with subsection (5)(a) of Section 52 of this Act~~by paying a~~

1           ~~delayed contribution payment~~, provided the person began participating in the  
2           system prior to January 1, 2014. The service shall not be included in the  
3           member's total service for purposes of determining benefits under Section 14  
4           of this Act~~[KRS 61.702]~~; and

5           (e) All persons electing coverage in the system under KRS 78.530(3)(d).

6       (2) The provisions of subsection (1)(a) to (c) of this section notwithstanding, cities  
7           which participate in the CERS and close existing local pension systems to new, or  
8           all members pursuant to the provisions of KRS 78.530, 95.520, 95.621, or 95.852  
9           shall not be required to provide membership in the County Employees Retirement  
10          System to employees in any employee category not covered by a city pension  
11          system at the date of participation.

12       (3) Membership in the system shall not include:

13           (a) Persons who are not eligible to participate in the system as provided by KRS  
14               78.535; or

15           (b) Employees who are simultaneously participating in another state-administered  
16               defined benefit plan within Kentucky other than those administered by the  
17               Kentucky Retirement Systems or the County Employees Retirement System~~;~~  
18               ~~except for employees who have ceased to contribute to one (1) of the state-~~  
19               ~~administered retirement plans as provided in KRS 21.360].~~

20       (4) (a) The membership of any person in the system shall cease:

- 21           1. Upon withdrawal of his or her accumulated account balance at or any  
22               time after termination of employment, regardless of length of service;
- 23           2. Upon retirement;
- 24           3. Upon death;
- 25           4. For persons hired prior to August 1, 2000, upon termination of  
26               employment with prejudice, as defined by paragraph (b) of this  
27               subsection; or

1           5. For persons hired on or after August 1, 2000, upon conviction of a  
2           felony relating to the person's employment as provided in paragraph (c)  
3           of this subsection.

4           (b) For purposes of KRS 78.510 to 78.852, termination of employment with  
5           prejudice shall mean termination as the result of conviction of the member in  
6           a court of competent jurisdiction of embezzlement or larceny of public funds  
7           or property or malfeasance in office, or the forcing of a member to make  
8           restitution for any funds or property criminally taken by the member at the  
9           time of termination of employment.

10          (c) Notwithstanding any provision of law to the contrary, an employee hired on or  
11          after August 1, 2000, who participates in the system and who is convicted, in  
12          any state or federal court of competent jurisdiction, of a felony related to his  
13          or her employment shall forfeit rights and benefits earned under the system,  
14          except for the return of his or her accumulated contributions and interest  
15          credited on those contributions. The payment of retirement benefits ordered  
16          forfeited shall be stayed pending any appeal of the conviction. If the  
17          conviction is reversed on final judgment, no retirement benefit shall be  
18          forfeited. The employer shall notify the system when an employee is convicted  
19          under the provisions of this subsection.

20          (d) When membership ceases, except in the case of retirement, the member shall  
21          thereafter lose all right to any retirement allowance or benefits under KRS  
22          78.510 to 78.852 arising from service prior to the date of such cessation of  
23          membership.

24          ➔Section 20. KRS 78.545 (Effective April 1, 2021) is amended to read as  
25 follows:

26 The following matters shall be administered for the County Employees Retirement  
27 System in the same manner subject to the same limitations and requirements as provided

1 for the Kentucky Employees Retirement System as follows:

2 (1) Statement of member and employer, as provided for by KRS 61.540;

3 (2) Beneficiary to be designated by member, change, rights, as provided for by KRS  
4 61.542;

5 (3) Service credit determination, as provided for by KRS 61.545;

6 (4) ~~{Service credit, Armed Forces, as provided for by KRS 61.555;~~

7 ~~(5) Normal and early retirement eligibility requirements, as provided for by KRS~~  
8 ~~61.559;~~

9 ~~(6) Retirement allowance increases as provided for by KRS 61.691;~~

10 ~~(7)}~~ Retirement application procedure, effective retirement date, as provided for by KRS  
11 61.590;

12 ~~{(8) Disability retirement, conditions, as provided for by KRS 61.600;~~

13 ~~(9) Disability retirement, allowance, as provided for by KRS 61.605;~~

14 ~~(10) Medical examination after disability retirement, as provided for by KRS 61.610;~~

15 ~~(11) Disability retirement allowance, reduction, as provided for by KRS 61.615;~~

16 ~~(12) Determination of retirement allowance, as provided for by KRS 61.595;}~~

17 (5)~~{(13)}~~ Refund of contributions, conditions, as provided for by KRS 61.625;

18 (6)~~{(14)}~~ Refund of contributions, death after retirement, as provided for by KRS  
19 61.630;

20 (7)~~{(15)}~~ Recontribution and delayed contribution payments, purchase of service credit,  
21 interest, and installment payments, as provided for by KRS 61.552;

22 (8)~~{(16)}~~ Optional retirement plans, as provided for by KRS 61.635;

23 ~~{(17) Suspension of retirement payments on reemployment, reinstatement, as provided for~~  
24 ~~by KRS 61.637;~~

25 ~~(18) Death before retirement, beneficiary's options, as provided for by KRS 61.640;}~~

26 (9)~~{(19)}~~ Board of trustees, conflict of interest, as provided for by KRS 61.655;

27 (10)~~{(20)}~~ Custodian of funds, payments made, when, as provided for by KRS 61.660;

- 1    ~~(11)~~~~(21)~~ Medical examiners and hearing procedures, as provided for by KRS 61.665;
- 2    ~~(12)~~~~(22)~~ Correction of errors in records, as provided for by KRS 61.685;
- 3    ~~(13)~~~~(23)~~ Exemptions of retirement allowances, and qualified domestic relations orders,
- 4        as provided for by KRS 61.690;
- 5    ~~(14)~~~~(24)~~ Credit for service prior to membership date, as provided for by KRS 61.526;
- 6    ~~(15)~~~~(25)~~ Members' account, confidential, as provided for by KRS 61.661;
- 7    ~~[(26) Retirement plan for employees determined to be in a hazardous position, as~~
- 8        ~~provided for by KRS 61.592;~~
- 9    ~~(27) Maximum disability benefit, as provided for by KRS 61.607;]~~
- 10   ~~(16)~~~~(28)~~ Consent of employees to deductions and reciprocal arrangement between
- 11        systems, as provided for by KRS 61.680;
- 12   ~~[(29) Hospital and medical insurance plan, as provided by KRS 61.702;~~
- 13   ~~(30) Death benefit, as provided by KRS 61.705;]~~
- 14   ~~(17)~~~~(31)~~ Reinstated employee, contributions on creditable compensation, as provided
- 15        for by KRS 61.569;
- 16   ~~(18)~~~~(32)~~ Statement to be made under oath, good faith reliance, as provided for in KRS
- 17        61.699;
- 18   ~~[(33) Disability procedure for members in hazardous positions as provided for in KRS~~
- 19        ~~61.582;]~~
- 20   ~~(19)~~~~(34)~~ Direct deposit of recipient's retirement allowance as provided for in KRS
- 21        61.623;
- 22   ~~(20)~~~~(35)~~ Death or disability from a duty-related injury as provided in KRS 61.621;
- 23   ~~[(36) Purchase of service credit effective July 1, 2001, as provided in KRS 61.5525;]~~
- 24   ~~(21)~~~~(37)~~ Payment of small accounts upon death of member, retiree, or recipient without
- 25        formal administration of the estate as provided in KRS 61.703;
- 26   ~~[(38) Hybrid cash balance plan provided to new members as provided by KRS 61.597;]~~
- 27   ~~(22)~~~~(39)~~ Employer payment of increases in creditable compensation and adjustments to

1       creditable compensation during the last five (5) years of employment as provided by  
2       KRS 61.598;  
3       ~~(23)~~~~(40)~~ Calculation of retirement allowance, as provided by KRS 61.599; and  
4       ~~(24)~~~~(41)~~ Benefit election for members of the Kentucky Retirement Systems as provided  
5       by KRS 61.5955.

6       Effective April 1, 2021, as it relates to KRS ~~{16.582, 61.545, 61.552,}~~ 61.590, 61.598,  
7       ~~{61.600, 61.615, 61.655, 61.660,}~~ 61.665, and~~{61.691,}~~ 61.703~~, and 61.705,~~  
8       references to "Kentucky Retirement Systems" or "systems administered by Kentucky  
9       Retirement Systems" as it relates to benefit eligibility shall include the County Employees  
10      Retirement System and references to "Kentucky Retirement Systems" or the "Kentucky  
11      Retirement Systems board of trustees" as it relates to administrative decisions, duties,  
12      requirements, or conflict of interest provisions shall for purposes of the County  
13      Employees Retirement System mean the County Employees Retirement System or  
14      County Employees Retirement System board of trustees, as applicable.

15       ➔Section 21.   KRS 78.610 (Effective April 1, 2021) is amended to read as  
16      follows:

17      (1)   Each employee shall~~, commencing on August 1, 1990,~~ contribute, for each pay  
18      period for which he or she receives compensation:~~{,}~~

19       (a)   1.   Five percent (5%) of his or her creditable compensation *if the employee*  
20       *is participating in a nonhazardous position; or*

21       2.   Eight percent (8%) of his creditable compensation if the employee is  
22       *participating in a hazardous position; and*

23       (b)   The amount specified by paragraph (3)(b) of Section 14 of this Act for  
24       *employees who begin participating on or after September 1, 2008.*

25      (2)   The agency reporting official of a participating county shall cause to be deducted  
26      from the "creditable compensation" of each employee for each and every payroll  
27      period subsequent to the date the county participated in the system the contribution

1 payable by the member as provided in KRS 78.510 to 78.852. The agency reporting  
2 official shall promptly pay the deducted employee contributions to the system in  
3 accordance with KRS 78.625.

4 (3) The deductions provided for in subsection (2) of this section shall be made  
5 notwithstanding that the minimum compensation provided by law for any employee  
6 shall be reduced thereby. Every employee shall be deemed to consent and agree to  
7 the deductions made as provided in subsection (2) of this section; and payment of  
8 salary or compensation less the deductions shall be a full and complete discharge of  
9 all claims for services rendered by the person during the period covered by the  
10 payment, except as to any benefits provided by KRS 78.510 to 78.852.

11 (4) Each employer shall, solely for the purpose of compliance with Section 414(h) of  
12 the United States Internal Revenue Code, pick up the employee contributions  
13 required by this section for all compensation earned after August 1, 1982, and the  
14 contributions picked up shall be treated as employer contributions in determining  
15 tax treatment under the United States Internal Revenue Code and KRS 141.010.  
16 These contributions shall not be included as gross income of the employee until the  
17 contributions are distributed or made available to the employee. The picked-up  
18 employee contribution shall satisfy all obligations to the retirement system satisfied  
19 prior to August 1, 1982, by the employee contribution, and the picked-up employee  
20 contribution shall be in lieu of an employee contribution. Each employer shall pay  
21 these picked-up employee contributions from the same source of funds which is  
22 used to pay earnings to the employee. The employee shall have no option to receive  
23 the contributed amounts directly instead of having them paid by the employer to the  
24 system. Employee contributions picked up after August 1, 1982, shall be treated for  
25 all purposes of KRS 78.510 to 78.852 in the same manner and to the same extent as  
26 employee contributions made prior to August 1, 1982.

27 (5) The provisions of this section shall not apply to individuals who are not eligible for

1 membership as provided by KRS 78.535.

2 ➔Section 22. KRS 78.615 (Effective April 1, 2021) is amended to read as  
3 follows:

4 (1) Employee contributions shall be deducted each payroll period from the creditable  
5 compensation of each employee of an employer~~[agency]~~ participating in the system  
6 while he or she is classified as regular full-time as defined in KRS 78.510 unless the  
7 person did not elect to become a member as provided by KRS 78.540 or is not  
8 eligible to participate in the system as provided by KRS 78.535. After August 1,  
9 1982, employee contributions shall be picked up by the employer pursuant to KRS  
10 78.610(4).

11 (a) For employees who are not employed by a school board, service credit shall  
12 be allowed for each month contributions are deducted or picked up during a  
13 fiscal or calendar year, if the employee receives creditable compensation for  
14 an average of one hundred (100) hours or more of work per month based on  
15 the actual hours worked in a calendar or fiscal year. If the average number of  
16 hours of work is less than one hundred (100) hours per month, the employee  
17 shall be allowed credit only for those months he or she receives creditable  
18 compensation for one hundred (100) hours of work.

19 (b) For noncertified employees of school boards, for service prior to July 1, 2000,  
20 service credit shall be allowed for each month contributions are deducted or  
21 picked up under the employee's employment contract during a school year  
22 determined by dividing the actual number of contracted calendar days worked  
23 by twenty (20) and rounded to the nearest whole month if the employee  
24 receives creditable compensation for an average of eighty (80) or more hours  
25 of work per month based on the employee's employment contract. The school  
26 board shall certify the number of calendar days worked, the rate of pay, and  
27 the hours in a work day for each employee monthly or annually. The employer



1 shall file at the retirement office the final monthly report or the annual report  
2 for a fiscal year no later than twenty (20) days following the completion of the  
3 fiscal year. The retirement system shall impose a penalty on the employer of  
4 one thousand dollars (\$1,000) if the information is not submitted by the date  
5 required with an additional two hundred and fifty dollars (\$250) for each  
6 additional thirty (30) day period the information is reported late.

- 7 1. If the employee works fewer than the number of contracted calendar  
8 days, the employee shall receive service credit determined by dividing  
9 the actual number of contracted calendar days worked by twenty (20)  
10 and rounded to the nearest whole month, provided that the number of  
11 hours worked during the period averages eighty (80) or more hours.
- 12 2. If the employee works fewer than the number of contracted calendar  
13 days and the average number of hours worked is less than eighty (80) per  
14 month, then the employee shall receive service credit for each calendar  
15 month in which he or she worked eighty (80) or more hours.
- 16 3. The retirement system shall refund contributions and service credit for  
17 any period for which the employee is not given credit under this  
18 subsection.

- 19 (c) For noncertified employees of school boards, for service on and after July 1,  
20 2000, at the close of each fiscal year, the retirement system shall add service  
21 credit to the account of each employee who made contributions to his or her  
22 account during the year. Employees shall be entitled to a full year of service  
23 credit if their total paid calendar days were not less than one hundred eighty  
24 (180) calendar days for a regular school or fiscal year. In the event an  
25 employee is paid for less than one hundred eighty (180) calendar days, the  
26 employee may purchase credit according to administrative regulations  
27 promulgated by the system. In no case shall more than one (1) year of service

1 be credited for all service performed in one (1) fiscal year. Employees who  
2 complete their employment contract prior to the close of a fiscal year and elect  
3 to retire prior to the close of a fiscal year shall have their service credit  
4 reduced by eight percent (8%) for each calendar month that the retirement  
5 becomes effective prior to July 1. Employees who are employed and paid for  
6 less than the number of calendar days required in their normal employment  
7 year shall be entitled to pro rata service credit for the fractional service. This  
8 credit shall be based upon the number of calendar days employed and the  
9 number of calendar days in the employee's annual employment agreement or  
10 normal employment year. Service credit may not exceed the ratio between the  
11 school or fiscal year and the number of months or fraction of a month the  
12 employee is employed during that year.

13 (d) Notwithstanding paragraph (c) of this subsection, a noncertified employee of a  
14 school board who retires between July 1, 2000, and August 1, 2001, may  
15 choose to have service earned between July 1, 2000, and August 1, 2001,  
16 credited as described in paragraph (b) of this subsection, if the employee or  
17 retired member notifies the retirement system within one (1) year of his or her  
18 initial retirement. The decision once made shall be irrevocable.

19 (2) Employee contributions shall not be deducted from the creditable compensation of  
20 any employee or picked up by the employer while he or she is seasonal, emergency,  
21 temporary, or part-time. No service credit shall be earned.

22 (3) Contributions shall not be made or picked up by the employer and no service credit  
23 shall be earned by a member while on leave except:

24 (a) A member on military leave shall be entitled to service credit in accordance  
25 with Section 52 of this Act~~[KRS 61.555]~~; and

26 (b) A member on approved educational leave~~[who meets the criteria established~~  
27 ~~by the state Personnel Cabinet for approved educational leave]~~, who is

1 receiving seventy-five percent (75%) or more of full salary, shall receive  
2 service credit and shall pay member contributions in accordance with KRS  
3 78.610, and his or her employer shall pay employer contributions ~~for the~~  
4 ~~contributions shall be picked up~~ in accordance with KRS 78.635. If a tuition  
5 agreement is broken by the member, the member and employer contributions  
6 paid or picked up during the period of educational leave shall be refunded.

7 (4) The retirement office, upon detection, shall refund any erroneous employer and  
8 employee contributions made to the retirement system and any interest credited in  
9 accordance with KRS 78.640.

10 ➔Section 23. KRS 78.616 is amended to read as follows:

11 (1) Any employer~~[agency]~~ participating in the County Employees Retirement System  
12 which has formally adopted a sick-leave program that is universally administered to  
13 its employees may purchase service credit with the retirement system for up to six  
14 (6) months of unused sick leave for each retiring employee.

15 (2) Participation under this section shall be at the option of each participating employer.  
16 The election to participate shall be made by the governing authority of the  
17 participating employer and shall be certified in writing to the system on forms  
18 prescribed by the board. The certification shall provide for equal treatment of all  
19 employees participating under this section. ~~[Any employer in the County Employees~~  
20 ~~Retirement System who has not elected to participate in a sick leave program~~  
21 ~~established by this section prior to August 1, 2018, shall not be eligible to elect to~~  
22 ~~participate in a sick leave program established by this section.]~~

23 (3) (a) Upon the member's notification of retirement as prescribed in KRS 61.590,  
24 the employer shall certify the retiring employee's unused, accumulated sick-  
25 leave balance to the system. The member's sick-leave balance, expressed in  
26 days, shall be divided by the average number of working days per month in  
27 county service and rounded to the nearest number of whole months. A

1 maximum of six (6) months of the member's sick-leave balance, expressed in  
2 months, shall be added to his service credit for the purpose of determining his  
3 annual retirement allowance under KRS 78.510 to 78.852 and for the purpose  
4 of determining whether the member is eligible to receive a retirement  
5 allowance under KRS 78.510 to 78.852, except as provided by  
6 paragraph~~[paragraphs]~~ (d)~~[-and-(e)]~~ of this subsection. Accumulated sick-  
7 leave in excess of six (6) months shall be added to the member's service credit  
8 if the member or employer pays to the retirement system the value of the  
9 additional service credit based on the formula adopted by the board, subject to  
10 the restrictions provided by paragraph (d) of this subsection.

11 (b) The employer may elect to pay fifty percent (50%) of the cost of the sick leave  
12 in excess of six (6) months on behalf of its employees. The employee shall  
13 pay the remaining fifty percent (50%). The payment by the employer shall not  
14 be deposited to the member's account. Service credit shall not be credited to  
15 the member's account until both the employer's and employee's payments are  
16 received by the retirement system.

17 (c) Once the employer elects to pay all or fifty percent (50%) of the cost on behalf  
18 of its employees, it shall continue to pay the same portion of the cost.

19 (d) For a member who begins participating in the retirement system on or after  
20 September 1, 2008, but prior to January 1, 2014, whose employer has  
21 established a sick-leave program under subsections (1) to (4) and (6) of this  
22 section:

23 1. The member shall receive no more than twelve (12) months of service  
24 credit upon retirement for accumulated unused sick leave accrued while  
25 contributing to the retirement system from which the retirement benefit  
26 is to be paid;

27 2. The service added to the member's service credit shall be used for

1 purposes of determining the member's annual retirement allowance  
2 under KRS 78.510 to 78.852;

3 3. The service added to the member's service credit shall not be used to  
4 determine whether a member is eligible to receive a retirement  
5 allowance under KRS 78.510 to 78.852~~[or to reduce any applicable~~  
6 ~~actuarial reductions]~~; and

7 4. The cost of the service provided by this paragraph shall be paid by the  
8 employer.

9 ~~[(e) For members who began participating in the retirement system prior to~~  
10 ~~September 1, 2008, who retire on or after July 1, 2023, any service added for~~  
11 ~~accumulated sick leave to the member's service credit shall not be used to~~  
12 ~~determine whether a member is eligible to receive a retirement allowance~~  
13 ~~under KRS 78.510 to 78.852 or to reduce any applicable actuarial reductions.]~~

14 (4) The system shall compute the cost of the sick-leave credit of each retiring employee  
15 and bill each employer with whom the employee accrued sick leave accordingly.  
16 The employer shall remit payment within thirty (30) days from receipt of the bill.

17 (5) (a) As an alternative to subsections (1), (3), (4), and (6) of this section, any  
18 agency participating in the County Employees Retirement System which has  
19 formally adopted a sick-leave program that is universally administered to its  
20 employees, or administered to a majority of eligible employees in accordance  
21 with subsection (6) of this section, shall, at the time of termination, or as  
22 provided in~~[authorized by]~~ KRS 161.155 in the case of school boards,  
23 compensate the employee for unused sick-leave days the employee has  
24 accumulated which it is the uniform policy of the agency to allow.

25 (b) The rate of compensation for each unused sick-leave day shall be based on the  
26 daily salary rate calculated from the employee's current rate of pay. Payment  
27 for unused sick-leave days shall be incorporated into the employee's final

1 compensation if the employee and employer make the regular employee and  
2 employer contributions, respectively, on the sick-leave payment.

3 (c) The number of sick-leave days for which the employee is compensated shall  
4 be divided by the average number of working days per month in county  
5 service and rounded to the nearest number of whole months. This number of  
6 months shall be added to the employee's total service credit and to the number  
7 of months used to determine creditable compensation, pursuant to KRS  
8 78.510, but no more than sixty (60) months shall be used to determine final  
9 compensation. For an employee who begins participating on or after  
10 September 1, 2008, but prior to January 1, 2014, the number of months added  
11 to the employee's total service credit under this paragraph shall not exceed  
12 twelve (12) months, and the additional service shall not be used to determine  
13 whether a member is eligible to receive a retirement allowance under KRS  
14 78.510 to 78.852~~[or to reduce any applicable actuarial reductions]~~.

15 ~~[(d) For members who began participating in the retirement system prior to~~  
16 ~~September 1, 2008, who retire on or after July 1, 2023, any service added for~~  
17 ~~accumulated sick leave to the member's service credit shall not be used to~~  
18 ~~determine whether a member is eligible to receive a retirement allowance~~  
19 ~~under KRS 78.510 to 78.852 or to reduce any applicable actuarial reductions.]~~

20 (6) Any city of the first class that has two (2) or more sick-leave programs for its  
21 employees may purchase service credit with the retirement system for up to six (6)  
22 months of unused sick leave for each retiring employee who participates in the sick-  
23 leave program administered to a majority of the eligible employees of the city. An  
24 employee participating in a sick-leave program administered to a minority of the  
25 eligible employees shall become eligible for the purchase of service credit under  
26 this subsection when the employee commences participating in the sick-leave  
27 program that is administered to a majority of the eligible employees of the city.

1 (7) The provisions of this section shall not apply to employees who begin participating  
2 in the system on or after January 1, 2014, and no service credit shall be provided for  
3 accumulated sick leave balances of those employees who begin participating in the  
4 system on or after January 1, 2014.

5 ➔Section 24. KRS 78.625 (Effective April 1, 2021) is amended to read as  
6 follows:

7 (1) The employer shall prepare the reporting records necessary for the system to  
8 administer the provisions of KRS 78.510 to 78.852 and, from time to time, shall  
9 furnish the information the system may require in the discharge of its duties. Upon  
10 employment of an employee, the employer shall inform him or her of his or her  
11 duties and obligations in connection with the system as a condition of employment.

12 (2) The agency reporting official of the county shall file the following at the retirement  
13 office on or before the tenth day of the month following the period being reported:

14 (a) The employee and employer contributions required under KRS ~~{61.702,~~  
15 ~~{78.610, and 78.635;~~

16 (b) The employer contributions and reimbursements for retiree health insurance  
17 premiums required under Section 16 of this Act ~~{KRS 61.637}; and~~

18 (c) A record of all contributions to the system on the forms prescribed by the  
19 systems.

20 (3) (a) If the agency reporting official fails to file at the retirement office all  
21 contributions and reports on or before the tenth day of the month following  
22 the period being reported, interest on the delinquent contributions at the  
23 actuarial rate adopted by the board compounded annually, but not less than  
24 one thousand dollars (\$1,000), may be added to the amount due the system.

25 (b) Delinquent contributions, with interest at the rate adopted by the board  
26 compounded annually, or penalties may be recovered by action in the Franklin  
27 Circuit Court against the county liable or may, at the request of the board, be

1           deducted from any other moneys payable to the county by any department or  
2           agency of the state.

3   (4)   If an agency is delinquent in the payment of contributions due in accordance with  
4       any of the provisions of KRS 78.510 to 78.852, refunds and retirement allowance  
5       payments to members of this agency may be suspended until the delinquent  
6       contributions, with interest at the rate adopted by the board compounded annually,  
7       or penalties have been paid to the system.

8   (5)   The system may at any time conduct an audit of the employer in order to determine  
9       if the employer is complying with the provisions of KRS 78.510 to 78.852. The  
10      system shall have access to and may examine all books, accounts, reports,  
11      correspondence files, and records of any employer. Every employer, employee, or  
12      agency reporting official of a county, as defined in KRS 78.510(3), having records  
13      in its possession or under its control, shall permit access to and examination of the  
14      records upon the request of the system.

15       ➔Section 25. KRS 78.630 is amended to read as follows:

16   **Except as provided by KRS 61.701,** all of the assets of the system shall be held ~~and~~  
17   ~~invested in~~ the county employees' retirement fund and credited, according to the purpose  
18   for which they are held, to one (1) of three (3) accounts, namely, the members' account,  
19   the retirement allowance account, and accounts established pursuant to 26 U.S.C. sec.  
20   401(h) within the funds established in KRS ~~{16.510, 61.515, and}~~ 78.520, as prescribed  
21   by **paragraph (3)(b) of Section 14 of this Act**~~{KRS 61.702(2)(b)}.~~

22       ➔Section 26. KRS 78.635 (Effective April 1, 2021) is amended to read as  
23   follows:

24   (1) (a) Except as provided by subsection ~~(4)~~~~(5)~~ of this section, each employer  
25       participating in the County Employees Retirement System as provided for in  
26       KRS 78.510 to 78.852 shall contribute annually to the system an amount  
27       **determined by the actuarial valuation completed in accordance with KRS**



1 78.784 and as specified by this section. Employer contributions for the  
2 system shall be equal to the sum of~~[equal to the percent, as computed under~~  
3 ~~subsection (2) of this section, of the creditable compensation of its employees~~  
4 ~~to be known as ]~~the "normal cost contribution~~[contributions,]~~" and ~~{an~~  
5 ~~additional amount to be known as }~~the "actuarially accrued liability  
6 ~~contribution"~~~~[ which shall be computed by amortizing the total unfunded~~  
7 ~~actuarially accrued liability over a period of thirty (30) years using the level-~~  
8 ~~percentage of payroll amortization method. The thirty (30) year amortization~~  
9 ~~period shall begin with the 2013 actuarial valuation.~~

10 ~~(b) Any significant increase in the actuarially accrued liability due to benefit~~  
11 ~~improvements shall be amortized using the level percentage of payroll~~  
12 ~~amortization method over a separate thirty (30) year period commencing in~~  
13 ~~the year of the actuarial valuation in which the benefit improvements are first~~  
14 ~~reflected].~~

15 ~~(b)(2)~~ For purposes of this section, the normal cost contribution shall be  
16 computed as a percentage of pay and shall be an annual amount that is  
17 sufficient when combined with employee contributions to fund benefits  
18 earned during the year in the system. The amount shall be:

- 19 1. Paid as a percentage of creditable compensation reported for each  
20 employee participating in the system and accruing benefits; and
- 21 2. The same percentage of pay for all employees who are participating in  
22 the system, except that separate percentage rates shall be developed in  
23 each system for those employers whose employees are participating in  
24 hazardous duty retirement coverage as provided by Section 6 of this

25 Act~~[The normal contribution rate shall be determined by the entry age~~  
26 ~~normal cost funding method. The actuarially accrued liability shall be~~  
27 ~~determined by actuarial method consistent with the methods prescribed~~

1                   for determining the normal contribution rate. Normal contributions and  
2                   the actuarially accrued liability contribution shall be determined on  
3                   actuarial assumptions and methods adopted by the board].

4           (c) For purposes of this section, the actuarially accrued liability contribution  
5           shall be:

6           1. Computed by amortizing the total unfunded actuarially accrued  
7           liability of the system over a closed period of thirty (30) years  
8           beginning with the 2019 actuarial valuation using the level percentage  
9           of payroll amortization method, except that any increase or decrease  
10           in the unfunded actuarially accrued liability occurring after the  
11           completion of the 2019 actuarial valuation shall be amortized over a  
12           closed period of twenty (20) years beginning with the actuarial  
13           valuation in which the increase or decrease in the unfunded  
14           actuarially accrued liability is recognized. An increase or decrease in  
15           the unfunded actuarially accrued liability may result from, but not be  
16           limited to, legislative changes to benefits, changes in actuarial  
17           methods or assumptions, or actuarial gains or losses;

18           2. Paid as a percentage of payroll on the creditable compensation  
19           reported for each employee participating in the system and accruing  
20           benefits; and

21           3. The same percentage of pay for all employees who are participating in  
22           the system, except that separate percentage rates shall be developed in  
23           each system for those employers whose employees are participating in  
24           hazardous duty retirement coverage as provided by Section 6 of this  
25           Act.

26           (d) The employer contributions computed under this section shall be  
27           determined using:

- 1                    1.    The entry age normal cost funding method;
- 2                    2.    An asset smoothing method that smooths investment gains and losses
- 3                    over a five (5) year period; and
- 4                    3.    Other funding methods and assumptions established by the board in
- 5                    accordance with KRS 78.784.

6    ~~(2)~~~~(3)}~~    Normal contribution and the actuarially accrued liability contribution rates  
7                shall be determined by the board on the basis of the annual actuarial valuation last  
8                preceding the July 1 of a new fiscal year.

9    ~~(3)~~~~(4)}~~    Employer contribution rates as provided by this section shall:  
10              ~~(a) Be developed separately for employers providing benefits to employees in~~  
11              ~~nonhazardous positions and for employers providing benefits to employees in~~  
12              ~~hazardous positions; and~~  
13              ~~(b)~~ include an employer contribution rate to fund pension benefits and an  
14              employer contribution rate to fund retiree health benefits.

15    ~~(4)~~~~(5)}~~    The employer contribution rate established by the board for the County  
16              Employees Retirement System that is payable on or after July 1, 2018, and until  
17              June 30, 2028, for the pension and retiree health insurance funds, including the  
18              normal cost contribution and the actuarially accrued liability contribution for each  
19              fund, shall not increase by more than a factor of one and twelve one hundredths  
20              (1.12) over the prior fiscal year's employer contribution rate as determined by the  
21              system's consulting actuary.

22    ~~(5)~~~~(6)}~~    The system shall advise each employer prior to the beginning of each fiscal  
23              year of any change in the employer contribution rate. Based on the employer contribution  
24              rate, each employer shall include in the budget sufficient funds to pay the employer  
25              contributions as determined by the board under this section.

26              ➔ Section 27. KRS 78.640 is amended to read as follows:

27              (1) The members' account shall be the account to which:

1 (a) All members' contributions, or contributions picked up by the employer after  
2 August 1, 1982, and interest allowances~~[or investment returns]~~ as provided in  
3 KRS 78.510 to 78.852 shall be credited, except as provided by paragraph  
4 (3)(b) of Section 14 of this Act~~[KRS 61.702(2)(b)]~~; and

5 (b) For members who begin participating in the system on or after January 1,  
6 2014, ~~[who are participating in the hybrid cash balance plan,]~~ the employer  
7 pay credit and interest credited on such amounts as provided by Sections 2  
8 and 4 of this Act~~[KRS 16.583 and 61.597]~~ shall be credited~~[: and~~

9 ~~(c) For members who elect to participate in the 401(a) money purchase plan~~  
10 ~~provided by KRS 21.374, 61.5955, or 61.5956, the employer contribution and~~  
11 ~~investment return on such amounts as provided by KRS 61.5956].~~

12 Only funds from this account shall be used to return the accumulated contributions  
13 or accumulated account balances of a member when required to be returned to him  
14 by reason of any provision of KRS 78.510 to 78.852. Prior to the member's  
15 retirement, death, or refund in accordance with KRS 61.625, no funds shall be made  
16 available from the member account.

17 (2) Each member's contribution or contribution picked up by the employer shall be  
18 credited to the individual account of the contributing member, except as provided  
19 by paragraph (3)(b) of Section 14 of this Act~~[KRS 61.702(2)(b)]~~.

20 (3) ~~(a) Except for the portion of the member's account balance in the 401(a) money~~  
21 ~~purchase plan as provided by KRS 61.5956:~~

22 ~~(a)†~~ Each member shall have his individual account credited with interest on June  
23 30 of each year.

24 (b) For a member who begins participating before September 1, 2008, interest  
25 shall be credited to his individual account at a rate determined by the board  
26 but not less than two percent (2%) per annum on the accumulated account  
27 balance of the member on June 30 of the preceding fiscal year.

- 1 (c) For a member who begins participating on or after September 1, 2008, but  
 2 prior to January 1, 2014, interest shall be credited to his or her individual  
 3 account at a rate of two and one-half percent (2.5%) per annum on the  
 4 accumulated contributions of the member on June 30 of the preceding fiscal  
 5 year.
- 6 (d) For a member who begins participating on or after January 1, 2014, in the  
 7 hybrid cash balance plan, interest shall be credited in accordance with KRS  
 8 16.583 and 61.597.
- 9 (e) The amounts of interest credited to a member's account under this subsection  
 10 shall be transferred from the retirement allowance account.
- 11 (4) (a) Upon the retirement of a member who began participating in the system prior  
 12 to January 1, 2014, his accumulated account balance shall be transferred from  
 13 the members' account to the retirement allowance account.
- 14 (b) Upon the retirement of a member who began participating in the system on or  
 15 after January 1, 2014~~[, or who elects to participate in the 401(a) money~~  
 16 ~~purchase plan]~~, who elects to annuitize his or her accumulated account  
 17 balance~~[ in the hybrid cash balance plan or 401(a) money purchase plan]~~ as  
 18 prescribed by subsection (7)(a) or (b) of Section 2 of this Act or subsection  
 19 (7)(a) or (b) of Section 4 of this Act~~[KRS 16.583(7)(a) or (b), 61.5956(6)(a)~~  
 20 ~~or (b), or 61.597(7)(a) or (b)]~~, the member's accumulated account balance  
 21 shall be transferred to the retirement allowance account.

22 ➔Section 28. KRS 78.650 is amended to read as follows:

23 The retirement allowance account shall be the account in which shall be accumulated all  
 24 employer contributions and amounts transferred from the members' account, and to which  
 25 all income from the invested assets of the system shall be credited. From this account  
 26 shall be paid the expenses of the system and the board in administration of the system,  
 27 retirement allowances, and any other benefits payable after a member's retirement and

1 from this account shall be transferred to the members' account:

2 (1) The employer pay credit added monthly to each member's individual accounts as  
3 provided by Sections 2 and 4 of this Act ~~[KRS 16.583 and 61.597;~~

4 ~~(2) — The employer contribution for the 401(a) money purchase plan as provided by KRS~~  
5 ~~61.5956]; and~~

6 ~~(2)(3)~~ The interest credited annually to each ~~[a]~~ member's individual account as  
7 provided by KRS 78.510 to 78.852.

8 ➔Section 29. KRS 78.782 (Effective April 1, 2021) is amended to read as  
9 follows:

10 (1) The County Employees Retirement System shall be administered by the board of  
11 trustees composed of nine (9) members, who shall be selected as follows:

12 (a) Three (3) trustees, who shall be members or retired from the County  
13 Employees Retirement System, elected by the members and retired members  
14 of the County Employees Retirement System, of which:

15 1. Two (2) shall have a majority of his or her service credit earned in the  
16 County Employees Retirement System in a nonhazardous position; and

17 2. One (1) shall have a majority of his or her service credit earned in the  
18 County Employees Retirement System in a hazardous position;

19 (b) Six (6) trustees appointed by the Governor, subject to Senate confirmation in  
20 accordance with KRS 11.160 for each appointment or reappointment. Of the  
21 six (6) trustees appointed by the Governor:

22 1. One (1) trustee with retirement experience shall be appointed from a list  
23 of three (3) applicants submitted by the Kentucky League of Cities;

24 2. One (1) trustee with investment experience shall be appointed from a list  
25 of three (3) applicants submitted by the Kentucky League of Cities;

26 3. One (1) trustee with retirement experience shall be appointed from a list  
27 of three (3) applicants submitted by the Kentucky Association of

1 Counties;

2 4. One (1) trustee with investment experience shall be appointed from a list  
3 of three (3) applicants submitted by the Kentucky Association of  
4 Counties;

5 5. One (1) trustee with retirement experience shall be appointed from a list  
6 of three (3) applicants submitted by the Kentucky School Boards  
7 Association; and

8 6. One (1) trustee with investment experience shall be appointed from a list  
9 of three (3) applicants submitted by the Kentucky School Boards  
10 Association.

11 Notwithstanding the provisions of KRS 12.070(3), the Governor shall appoint  
12 each individual trustee described by subparagraphs 1. to 6. of this paragraph  
13 solely from each corresponding individual list required to be submitted by the  
14 Kentucky League of Cities, the Kentucky Association of Counties, or the  
15 Kentucky School Boards Association as provided by subparagraphs 1. to 6. of  
16 this paragraph, and the Governor shall not be able to reject the list of  
17 applicants submitted, request that another list be provided, or use a list  
18 different from the one (1) individual list required to be submitted for each  
19 specific appointment or reappointment;

20 (c) For purposes of paragraph (b) of this subsection, a trustee with "investment  
21 experience" means an individual who does not have a conflict of interest, as  
22 provided by KRS 61.655, and who has at least ten (10) years of experience in  
23 one (1) of the following areas of expertise:

24 1. A portfolio manager acting in a fiduciary capacity;

25 2. A professional securities analyst or investment consultant;

26 3. A current or retired employee or principal of a trust institution,  
27 investment or finance organization, or endowment fund acting in an

1 investment-related capacity;

2 4. A chartered financial analyst in good standing as determined by the CFA  
3 Institute; or

4 5. A university professor, teaching investment-related studies; and

5 (d) For purposes of paragraph (b) of this subsection, a trustee with "retirement  
6 experience" means an individual who does not have a conflict of interest, as  
7 provided by KRS 61.655, and who has at least ten (10) years of experience in  
8 one (1) of the following areas of expertise:

9 1. Experience in retirement or pension plan management;

10 2. A certified public accountant with relevant experience in retirement or  
11 pension plan accounting;

12 3. An actuary with relevant experience in retirement or pension plan  
13 consulting;

14 4. An attorney licensed to practice law in the Commonwealth of Kentucky  
15 with relevant experience in retirement or pension plans; or

16 5. A current or former university professor whose primary area of emphasis  
17 is economics or finance.

18 (2) The board is hereby granted the powers and privileges of a corporation, including  
19 but not limited to the following powers:

20 (a) To sue and be sued in its corporate name;

21 (b) To make bylaws not inconsistent with the law;

22 (c) To conduct the business and promote the purposes for which it was formed;

23 (d) Except as provided in KRS 78.790(6), to contract for investment counseling,  
24 auditing, medical, and other professional or technical services as required to  
25 carry out the obligations of the board subject to the provisions of KRS  
26 Chapters 45, 45A, 56, and 57. Actuarial consulting services shall be provided  
27 by a firm hired by the Kentucky Public Pensions Authority;



- 1 (e) To purchase fiduciary liability insurance;
- 2 (f) Except as provided in KRS 78.790(6), to acquire, hold, sell, dispose of,  
3 pledge, lease, or mortgage, the goods or property necessary to exercise the  
4 board's powers and perform the board's duties subject to KRS Chapters 45,  
5 45A, and 56; and
- 6 (g) The board shall reimburse any trustee, officer, or employee for any legal  
7 expense resulting from a civil action arising out of the performance of his or  
8 her official duties. The hourly rate of reimbursement for any contract for legal  
9 services under this paragraph shall not exceed the maximum hourly rate  
10 provided in the Legal Services Duties and Maximum Rate Schedule  
11 promulgated by the Government Contract Review Committee established  
12 pursuant to KRS 45A.705, unless a higher rate is specifically approved by the  
13 secretary of the Finance and Administration Cabinet or his or her designee.
- 14 (3) Notwithstanding the provisions of subsection (1) of this section, each trustee shall  
15 serve a term of four (4) years or until his or her successor is duly qualified except as  
16 otherwise provided in this section. An elected or appointed trustee shall not serve  
17 more than three (3) consecutive four (4) year terms. An elected or appointed trustee  
18 who has served three (3) consecutive terms may be elected or appointed again after  
19 an absence of four (4) years from the board.
- 20 (4) (a) The trustees selected by the membership of the system shall be elected by  
21 ballot. For each trustee to be elected, the board may nominate, not less than  
22 six (6) months before a term of office of a trustee is due to expire, three (3)  
23 constitutionally eligible individuals.
- 24 (b) Individuals may be nominated by the system members by presenting to the  
25 executive director, not less than four (4) months before a term of office of a  
26 trustee is due to expire, a petition, bearing the name, last four (4) digits of the  
27 Social Security number, and signature of no less than one-tenth (1/10) of the

1 number voting in the last election by the system members.

2 (c) Within four (4) months of the nominations made in accordance with  
3 paragraphs (a) and (b) of this subsection, the executive director shall cause to  
4 be prepared an official ballot. The ballot shall carry the name, address, and  
5 position title of each individual nominated by the board and by petition.  
6 Provision shall also be made for write-in votes.

7 (d) Except as provided by paragraph (j) of this subsection, the ballots shall be  
8 distributed to the eligible voters by mail to their last known residence address.

9 (e) The ballots shall be addressed to the County Employees Retirement System in  
10 care of a predetermined box number at a United States Post Office or  
11 submitted electronically as provided by paragraph (j) of this subsection.  
12 Access to this post office box shall be limited to the board's contracted firm.  
13 The individual receiving a plurality of votes shall be declared elected.

14 (f) The eligible voter shall cast his or her ballot by selecting the candidate of his  
15 or her choice. He or she shall sign and mail the ballot or submit the electronic  
16 ballot at least thirty (30) days prior to the date the term to be filled is due to  
17 expire. The latest mailing date, or date of submission in the case of electronic  
18 ballots, shall be provided on the ballot.

19 (g) The board's contracted firm shall report in writing the outcome to the chair of  
20 the board of trustees. Costs of an election shall be payable from the funds of  
21 the system.

22 (h) For purposes of this subsection, an eligible voter shall be a person who was a  
23 member of the system on December 31 of the year preceding the election year.

24 (i) Each individual who submits a request to be nominated by the board under  
25 paragraph (a) of this subsection and each individual who is nominated by the  
26 membership under paragraph (b) of this subsection shall:

27 1. Complete an application developed by the system which shall include

1 but not be limited to a disclosure of any prior felonies and any conflicts  
2 of interest that would hinder the individual's ability to serve on the  
3 board;

4 2. Submit a resume detailing the individual's education and employment  
5 history and a cover letter detailing the member's qualifications for  
6 serving as trustee to the board; and

7 3. Authorize the system to have a criminal background check performed.  
8 The criminal background check shall be performed by the Department of  
9 Kentucky State Police.

10 (j) In lieu of the ballots mailed to members and retired members as provided by  
11 this subsection, the systems may by promulgation of administrative regulation  
12 pursuant to KRS Chapter 13A conduct trustee elections using electronic  
13 ballots, except that the systems shall mail a paper ballot upon request of any  
14 eligible voter.

15 (5) (a) Any vacancy which may occur in an appointed position during a term of  
16 office shall be filled in the same manner which provides for the selection of  
17 the particular trustee, and any vacancy which may occur in an elected position  
18 during a term of office shall be filled by appointment by a majority vote of  
19 the remaining elected trustees; however, any vacancy shall be filled only for  
20 the duration of the unexpired term. In the event of a vacancy of an elected  
21 trustee during a term of office, the system shall notify members of the  
22 vacancy and the opportunity to be considered for the vacant position. Any  
23 vacancy shall be filled within ninety (90) days of the position becoming  
24 vacant.

25 (b) Any appointments or reappointments to an appointed position on the board  
26 shall be made at least thirty (30) days prior to an appointed member's term  
27 of office ending. The Governor's office shall, with each appointment or

1                   reappointment, request lists to be submitted and base selections on those  
2                   lists solely under the procedures and requirements provided by subsection  
3                   (1)(b) of this section.

4       (6)   (a)   Membership on the board of trustees shall not be incompatible with any other  
5                   office unless a constitutional incompatibility exists. No trustee shall serve in  
6                   more than one (1) position as trustee on the board and, if a trustee holds more  
7                   than one (1) position as trustee on the board, he or she shall resign a position.

8           (b)   A trustee shall be removed from office upon conviction of a felony or for a  
9                   finding of a violation of any provision of KRS 11A.020 or 11A.040 by a court  
10                  of competent jurisdiction.

11          (c)   A current or former employee of the County Employees Retirement System,  
12                   Kentucky Retirement Systems, or the Kentucky Public Pensions Authority  
13                   shall not be eligible to serve as a member of the board.

14       (7)   Trustees who do not otherwise receive a salary from the State Treasury shall receive  
15                   a per diem of eighty dollars (\$80) for each day they are in session or on official  
16                   duty, and they shall be reimbursed for their actual and necessary expenses in  
17                   accordance with state administrative regulations and standards.

18       (8)   (a)   The board shall meet at least once in each quarter of the year and may meet in  
19                   special session upon the call of the chair or the executive director.

20          (b)   The board shall elect a chair and a vice chair. The chair shall not serve more  
21                   than four (4) consecutive years as chair or vice chair of the board. The vice  
22                   chair shall not serve more than four (4) consecutive years as chair or vice chair  
23                   of the board. A trustee who has served four (4) consecutive years as chair or  
24                   vice chair of the board may be elected chair or vice chair of the board after an  
25                   absence of two (2) years from the positions.

26          (c)   A majority of the trustees shall constitute a quorum, and all actions taken by  
27                   the board shall be by affirmative vote of a majority of the trustees present.

- 1 (9) (a) The board of trustees shall appoint or contract for the services of a chief  
2 executive officer and general counsel and fix the compensation and other  
3 terms of employment for these positions~~[this position]~~ without limitation of  
4 the provisions of KRS Chapters 18A and 45A and KRS 64.640. The chief  
5 executive officer shall serve as the legislative~~[-legal,-]~~ and executive adviser to  
6 the board. The general counsel shall serve as legal adviser to the board. The  
7 chief executive officer and general counsel~~[-and]~~ shall work with the  
8 executive director of the Kentucky Public Pensions Authority to carry out the  
9 provisions of KRS 78.510 to 78.852. The executive director of the Kentucky  
10 Public Pensions Authority shall be the chief administrative officer of the  
11 board.
- 12 (b) The board shall require the chief executive officer and may require the  
13 general counsel to execute bonds for the faithful performance of his or her  
14 duties notwithstanding the limitations of KRS Chapter 62.
- 15 (c) The board shall have a system of accounting established by the Kentucky  
16 Public Pensions Authority.
- 17 (d) The board shall do all things, take all actions, and promulgate all  
18 administrative regulations, not inconsistent with the provisions of KRS 78.510  
19 to 78.852, necessary or proper in order to carry out the provisions of KRS  
20 78.510 to 78.852. Notwithstanding any other evidence of legislative intent, it  
21 is hereby declared to be the controlling legislative intent that the provisions of  
22 KRS 78.510 to 78.852 conform with federal statute or regulation and meet the  
23 qualification requirements under 26 U.S.C. sec. 401(a), applicable federal  
24 regulations, and other published guidance. Provisions of KRS 78.510 to  
25 78.852 which conflict with federal statute or regulation or qualification under  
26 26 U.S.C. sec. 401(a), applicable federal regulations, and other published  
27 guidance shall not be available. The board shall have the authority to

1 promulgate administrative regulations to conform with federal statute and  
2 regulation and to meet the qualification requirements under 26 U.S.C. sec.  
3 401(a), including an administrative regulation to comply with 26 U.S.C. sec.  
4 401(a)(9).

5 (e) Notwithstanding any other provision of statute to the contrary, including but  
6 not limited to any provision of KRS Chapter 12, the Governor shall have no  
7 authority to change any provision of KRS 78.510 to 78.852 by executive order  
8 or action, including but not limited to reorganizing, replacing, amending, or  
9 abolishing the membership of the County Employees Retirement System  
10 board of trustees.

11 (10) The chief executive officer and general counsel of the board shall serve during its  
12 will and pleasure. Notwithstanding any statute to the contrary, the chief executive  
13 officer shall not be considered a legislative agent under KRS 6.611.

14 (11) The Attorney General, or an assistant designated by him or her, may attend each  
15 meeting of the board and may receive the agenda, board minutes, and other  
16 information distributed to trustees of the board upon request. The Attorney General  
17 may act as legal adviser and attorney for the board, and the board may contract for  
18 legal services, notwithstanding the limitations of KRS Chapter 12 or 13B.

19 (12) (a) The system shall publish an annual financial report showing all receipts,  
20 disbursements, assets, and liabilities. The annual report shall include a copy of  
21 an audit conducted in accordance with generally accepted auditing standards.  
22 Except as provided by paragraph (b) of this subsection, the board may select  
23 an independent certified public accountant or the Auditor of Public Accounts  
24 to perform the audit. If the audit is performed by an independent certified  
25 public accountant, the Auditor of Public Accounts shall not be required to  
26 perform an audit pursuant to KRS 43.050(2)(a), but may perform an audit at  
27 his or her discretion. All proceedings and records of the board shall be open

1 for inspection by the public. The system shall make copies of the audit  
2 required by this subsection available for examination by any member, retiree,  
3 or beneficiary in the offices of the County Employees Retirement System and  
4 in other places as necessary to make the audit available to all members,  
5 retirees, and beneficiaries. A copy of the annual audit shall be sent  
6 electronically to the Legislative Research Commission no later than ten (10)  
7 days after receipt by the board.

8 (b) At least once every five (5) years, the Auditor of Public Accounts shall  
9 perform the audit described by this subsection, and the system shall reimburse  
10 the Auditor of Public Accounts for all costs of the audit. The Auditor of  
11 Public Accounts shall determine which fiscal year during the five (5) year  
12 period the audit prescribed by this paragraph will be completed.

13 (13) All expenses incurred by or on behalf of the system and the board in the  
14 administration of the system during a fiscal year shall be paid from the retirement  
15 allowance account, including any administrative expenses for the Kentucky  
16 Public Pensions Authority that are assigned to the County Employees Retirement  
17 System by KRS 61.505. The board shall submit any administrative expenses that  
18 are specific to the County Employees Retirement System that are not otherwise  
19 covered by subsection (11)(a) of Section 76 of this Act.

20 (14) Except as provided under subsection (16) of this section or KRS 61.665, any person  
21 adversely affected by a decision of the board involving KRS 78.510 to 78.852 may  
22 appeal the decision of the board to the Franklin Circuit Court within sixty (60) days  
23 of the board action.

24 (15) (a) A trustee shall discharge his or her duties as a trustee, including his or her  
25 duties as a member of a committee:

- 26 1. In good faith;  
27 2. On an informed basis; and

- 1                   3.    In a manner he or she honestly believes to be in the best interest of the  
2                   County Employees Retirement System.
- 3           (b)   A trustee discharges his or her duties on an informed basis if, when he or she  
4           makes an inquiry into the business and affairs of the system or into a  
5           particular action to be taken or decision to be made, he or she exercises the  
6           care an ordinary prudent person in a like position would exercise under similar  
7           circumstances.
- 8           (c)   In discharging his or her duties, a trustee may rely on information, opinions,  
9           reports, or statements, including financial statements and other financial data,  
10          if prepared or presented by:
- 11          1.    One (1) or more officers or employees of the system or authority whom  
12               the trustee honestly believes to be reliable and competent in the matters  
13               presented;
- 14          2.    Legal counsel, public accountants, actuaries, or other persons as to  
15               matters the trustee honestly believes are within the person's professional  
16               or expert competence; or
- 17          3.    A committee of the board of trustees of which he or she is not a member  
18               if the trustee honestly believes the committee merits confidence.
- 19          (d)   A trustee shall not be considered as acting in good faith if he or she has  
20               knowledge concerning the matter in question that makes reliance otherwise  
21               permitted by paragraph (c) of this subsection unwarranted.
- 22          (e)   Any action taken as a trustee, or any failure to take any action as a trustee,  
23               shall not be the basis for monetary damages or injunctive relief unless:
- 24          1.    The trustee has breached or failed to perform the duties of the trustee's  
25               office in compliance with this section; and
- 26          2.    In the case of an action for monetary damages, the breach or failure to  
27               perform constitutes willful misconduct or wanton or reckless disregard



1                   for human rights, safety, or property.

2           (f) A person bringing an action for monetary damages under this section shall  
3           have the burden of proving by clear and convincing evidence the provisions of  
4           paragraph (e)1. and 2. of this subsection, and the burden of proving that the  
5           breach or failure to perform was the legal cause of damages suffered by the  
6           system.

7           (g) In discharging his or her administrative duties under this section, a trustee  
8           shall strive to administer the system in an efficient and cost-effective manner  
9           for the taxpayers of the Commonwealth of Kentucky and shall take all actions  
10          available under the law to contain costs for the trusts, including costs for  
11          participating employers, members, and retirees.

12   (16) When an order by the system substantially impairs the benefits or rights of a  
13          member, retired member, or recipient, except action which relates to entitlement to  
14          disability benefits, the affected member, retired member, or recipient may request a  
15          hearing to be held in accordance with KRS Chapter 13B. The board may establish  
16          an appeals committee whose members shall be appointed by the chair and who shall  
17          have authority to act upon the recommendations and reports of the hearing officer  
18          on behalf of the board. The member, retired member, recipient, or employer  
19          aggrieved by a final order of the board following the hearing may appeal the  
20          decision to the Franklin Circuit Court, in accordance with KRS Chapter 13B. The  
21          board may establish a joint administrative appeals committee with the Kentucky  
22          Retirement Systems and may also establish a joint disability appeals committee with  
23          the Kentucky Retirement Systems.

24   (17) The board shall establish a formal trustee education program for all trustees of the  
25          board. The program shall include but not be limited to the following:

26          (a) A required orientation program for all new trustees elected or appointed to the  
27          board. The orientation program shall include training on:

- 1           1.   Benefits and benefits administration;
- 2           2.   Investment concepts, policies, and current composition and
- 3               administration of system investments;
- 4           3.   Laws, bylaws, and administrative regulations pertaining to the system
- 5               and to fiduciaries; and
- 6           4.   Actuarial and financial concepts pertaining to the system.

7           If a trustee fails to complete the orientation program within one (1) year from  
8           the beginning of his or her first term on the board, the system shall withhold  
9           payment of the per diem and travel expenses due to the board member under  
10          this section until the trustee has completed the orientation program;

11          (b)   Annual required training for board members on the administration, benefits,  
12               financing, and investing of the system. If a trustee fails to complete the annual  
13               required training during the calendar or fiscal year, the retirement system shall  
14               withhold payment of the per diem and travel expenses due to the board  
15               member under this section until the board member has met the annual training  
16               requirements; and

17          (c)   The system shall incorporate by reference in an administrative regulation,  
18               pursuant to KRS 13A.2251, the trustee education program.

19          (18) In order to improve public transparency regarding the administration of the system,  
20               the board of trustees shall adopt a best practices model by posting the following  
21               information to the Kentucky Public Pensions Authority's Web site and shall make  
22               available to the public:

23          (a)   Meeting notices and agendas for all meetings of the board. Notices and  
24               agendas shall be posted to the Kentucky Public Pensions Authority's Web site  
25               at least seventy-two (72) hours in advance of the board or committee  
26               meetings, except in the case of special or emergency meetings as provided by  
27               KRS 61.823;

- 1 (b) The Comprehensive Annual Financial Report with the information as follows:
- 2 1. A general overview and update on the system by the executive director;
- 3 2. A listing of the board of trustees;
- 4 3. A listing of key staff;
- 5 4. An organizational chart;
- 6 5. Financial information, including a statement of plan net assets, a
- 7 statement of changes in plan net assets, an actuarial value of assets, a
- 8 schedule of investments, a statement of funded status and funding
- 9 progress, and other supporting data;
- 10 6. Investment information, including a general overview, a list of the
- 11 system's professional consultants, a total net of fees return on system
- 12 investments over a historical period, an investment summary, contracted
- 13 investment management expenses, transaction commissions, and a
- 14 schedule of investments;
- 15 7. The annual actuarial valuation report on the pension benefit and the
- 16 medical insurance benefit; and
- 17 8. A general statistical section, including information on contributions,
- 18 benefit payouts, and retirement system demographic data;
- 19 (c) All external audits;
- 20 (d) All board minutes or other materials that require adoption or ratification by
- 21 the board of trustees. The items listed in this paragraph shall be posted within
- 22 seventy-two (72) hours of adoption or ratification of the board;
- 23 (e) All bylaws, policies, or procedures adopted or ratified by the board of trustees;
- 24 (f) The system's summary plan description;
- 25 (g) A document containing an unofficial copy of the statutes governing the
- 26 system;
- 27 (h) A listing of the members of the board of trustees and membership on each

1 committee established by the board, including any investment committees;

2 (i) All investment holdings in aggregate, fees, and commissions for each fund  
3 administered by the board, which shall be updated on a quarterly basis for  
4 fiscal years beginning on or after July 1, 2021. The system shall request from  
5 all managers, partnerships, and any other available sources all information  
6 regarding fees and commissions and shall, based on the requested information  
7 received:

8 1. Disclose the dollar value of fees and commissions paid to each  
9 individual manager or partnership;

10 2. Disclose the dollar value of any profit sharing, carried interest, or any  
11 other partnership incentive arrangements, partnership agreements, or any  
12 other partnership expenses received by or paid to each manager or  
13 partnership; and

14 3. As applicable, report each fee or commission by manager or partnership  
15 consistent with standards established by the Institutional Limited  
16 Partners Association (ILPA).

17 In addition to the requirements of this paragraph, the system shall also  
18 disclose the name and address of all individual underlying managers or  
19 partners in any fund of funds in which system assets are invested;

20 (j) An update of net of fees investment returns, asset allocations, and the  
21 performance of the funds against benchmarks adopted by the board for each  
22 fund, for each asset class administered by the board, and for each manager.  
23 The update shall be posted on a quarterly basis for fiscal years beginning on or  
24 after July 1, 2021;

25 (k) A searchable database of the system's expenditures and a listing of each  
26 individual employed by the system along with the employee's salary or wages.

27 In lieu of posting the information required by this paragraph to the Kentucky

1 Public Pensions Authority's Web site, the system may provide the information  
2 through a Web site established by the executive branch to inform the public  
3 about public employee salaries and wages;

4 (l) All contracts or offering documents for services, goods, or property purchased  
5 or utilized by the system for contracts or offering documents entered into on  
6 or after July 1, 2021; and

7 (m) Information regarding the system's financial and actuarial condition that is  
8 easily understood by the members, retired members, and the public.

9 (19) Notwithstanding the requirements of subsection (18) of this section, the system  
10 shall not be required to furnish information that is protected under KRS 61.661,  
11 exempt under KRS 61.878, or that, if disclosed, would compromise the system's  
12 ability to competitively invest in real estate or other asset classes, except that no  
13 provision of this section or KRS 61.878 shall exclude disclosure and review of all  
14 contracts, including investment contracts, by the board, the Auditor of Public  
15 Accounts, and the Government Contract Review Committee established pursuant to  
16 KRS 45A.705 or the disclosure of investment fees and commissions as provided by  
17 this section. If any public record contains material which is not excepted under this  
18 section, the system shall separate the excepted material by removal, segregation, or  
19 redaction, and make the nonexcepted material available for examination.

20 (20) Notwithstanding any other provision of KRS 78.510 to 78.852 to the contrary, no  
21 funds of the County Employees Retirement System, including fees and  
22 commissions paid to an investment manager, private fund, or company issuing  
23 securities, who manages systems assets, shall be used to pay fees and commissions  
24 to placement agents. For purposes of this subsection, "placement agent" means a  
25 third-party individual, who is not an employee, or firm, wholly or partially owned  
26 by the entity being hired, who solicits investments on behalf of an investment  
27 manager, private fund, or company issuing securities.

1        ➔Section 30.    KRS 78.790 (Effective April 1, 2021) is amended to read as  
2 follows:

3        (1)    (a)    The board shall be the trustee of ~~[the several]~~ funds *pertaining to the County*  
4 *Employees Retirement System* created by KRS 78.510 to 78.852, and~~[the~~  
5 ~~County Employees Retirement System insurance trust fund as provided by]~~  
6 KRS 61.701, and shall have full and exclusive power to invest and reinvest  
7 such *assets*~~[funds]~~ in accordance with federal law.

8        (b)    1.    The board shall establish an investment committee that shall include  
9                members of the board with investment experience, elected members, or  
10               other members as determined by the board chair, and may also include  
11               nonvoting members who have investment expertise.

12               2.    The investment committee shall have authority to implement the  
13               investment policies adopted by the board and act on behalf of the board  
14               on all investment-related matters~~[and to acquire, sell, safeguard,~~  
15 ~~monitor, and manage the assets and securities of the several funds]~~.

16        (c)    A trustee, officer, employee, employee of the Kentucky Public Pensions  
17               Authority, or other fiduciary shall discharge duties with respect to the system:

- 18               1.    Solely in the interest of the members and beneficiaries;
- 19               2.    For the exclusive purpose of providing benefits to members and  
20               beneficiaries and paying reasonable expenses of administering the  
21               system;
- 22               3.    With the care, skill, and caution under the circumstances then prevailing  
23               that a prudent person acting in a like capacity and familiar with those  
24               matters would use in the conduct of an activity of like character and  
25               purpose;
- 26               4.    Impartially, taking into account any differing interests of members and  
27               beneficiaries;

- 1           5.   Incurring any costs that are appropriate and reasonable; and
- 2           6.   In accordance with a good-faith interpretation of the law governing the
- 3                system.

4           (d) In addition to the standards of conduct prescribed by paragraph (c) of this

5                subsection:

- 6           1.   All internal investment staff~~[, including investment staff]~~ of the
- 7                Kentucky Public Pensions Authority, and investment consultants shall
- 8                adhere to the Code of Ethics and Standards of Professional Conduct, and
- 9                all board trustees shall adhere to the Code of Conduct for Members of a
- 10              Pension Scheme Governing Body. All codes cited in this subparagraph
- 11              are promulgated by the CFA Institute; and
- 12           2.   Investment managers shall comply with all applicable provisions of the
- 13                federal Investment Advisers Act of 1940, as amended, and the rules and
- 14                regulations promulgated thereunder, and shall comply with all other
- 15                applicable federal securities statutes and related rules and regulations
- 16                that apply to investment managers.

17       (2) *The board, through adopted written policies, shall maintain ownership and*

18       *control over its assets held in its unitized managed custodial account*~~[All~~

19       ~~securities acquired under the authority of KRS 78.510 to 78.852 shall be registered~~

20       ~~in the name County Employees Retirement System or nominee name as provided by~~

21       ~~KRS 286.3-225 and every change in registration, by reason of sale or assignment of~~

22       ~~such securities, shall be accomplished pursuant to written policies adopted by the~~

23       ~~board].~~

24       (3) The board, in keeping with its responsibility as the trustee and wherever feasible,

25       shall give priority to the investment of funds in obligations calculated to improve

26       the industrial development and enhance the economic welfare of the

27       Commonwealth.

- 1 (4) The contents of real estate appraisals, engineering or feasibility estimates, and  
2 evaluations made by or for the system relative to the acquisition or disposition of  
3 property, until such time as all of the property has been acquired or sold, shall be  
4 excluded from the application of KRS 61.870 to 61.884 and shall be subject to  
5 inspection only upon order of a court of competent jurisdiction.
- 6 (5) Based upon market value at the time of purchase, the board shall limit the amount  
7 of assets managed by any one (1) active or passive investment manager to fifteen  
8 percent (15%) of the assets in the pension and insurance funds.
- 9 (6) All contracts for the investment or management of assets of the system shall not be  
10 subject to KRS Chapters 45, 45A, 56, and 57. Instead, the board shall conduct the  
11 following process to develop and adopt an investment procurement policy with  
12 which all prospective contracts for the investment or management of assets of the  
13 system shall comply:
- 14 (a) The board shall consult with the secretary of the Finance and Administration  
15 Cabinet or his or her designee to develop an investment procurement policy,  
16 which shall be written to meet best practices in investment management  
17 procurement;
- 18 (b) Thirty (30) days prior to adoption, the board shall tender the preliminary  
19 investment procurement policy to the secretary of the Finance and  
20 Administration Cabinet or his or her designee for review and comment;
- 21 (c) Upon receipt of comments from the secretary of the Finance and  
22 Administration Cabinet or his or her designee, the board shall choose to adopt  
23 or not adopt any recommended changes;
- 24 (d) Upon adoption, the board shall tender the final investment procurement policy  
25 to the secretary of the Finance and Administration Cabinet or his or her  
26 designee;
- 27 (e) No later than thirty (30) days after receipt of the investment procurement



1 policy, the secretary or his or her designee shall certify whether the board's  
2 investment procurement policy meets or does not meet best practices for  
3 investment management procurement; and

4 (f) Any amendments to the investment procurement policy shall adhere to the  
5 requirements set forth by paragraphs (b) to (e) of this subsection.

6 ➔Section 31. KRS 16.505 is amended to read as follows:

7 As used in KRS 16.505 to 16.652, unless the context otherwise requires:

- 8 (1) "System" means the State Police Retirement System created by KRS 16.505 to  
9 16.652;
- 10 (2) "Board" means the board of trustees of the Kentucky Retirement Systems;
- 11 (3) "Employer" or "State Police" means the Department of Kentucky State Police, or its  
12 successor;
- 13 (4) "Current service" means the number of years and completed months of employment  
14 as an employee subsequent to July 1, 1958, for which creditable compensation was  
15 paid by the employer and employee contributions deducted except as otherwise  
16 provided;
- 17 (5) "Prior service" means the number of years and completed months of employment as  
18 an employee prior to July 1, 1958, for which creditable compensation was paid to  
19 the employee by the Commonwealth. Twelve (12) months of current service in the  
20 system are required to validate prior service;
- 21 (6) "Service" means the total of current service and prior service;
- 22 (7) "Accumulated contributions" at any time means the sum of all amounts deducted  
23 from the compensation of a member and credited to his individual account in the  
24 member's account, including employee contributions picked up after August 1,  
25 1982, pursuant to KRS 16.545(4), together with interest credited on such amounts  
26 as provided in KRS 16.505 to 16.652, and any other amounts the member shall have  
27 contributed, including interest credited. For members who begin participating on or

after September 1, 2008, "accumulated contributions" shall not include employee contributions that are deposited into accounts established pursuant to 26 U.S.C. sec. 401(h) within the funds established in KRS 16.510 and 61.515, and 78.520, as prescribed by subsection (3)(b) of Section 73 of this Act ~~KRS 61.702(2)(b)~~;

(8) "Creditable compensation":

(a) ~~Except as provided by paragraph (b) or (c) of this subsection,~~ Means all salary and wages, including payments for compensatory time, paid to the employee as a result of services performed for the employer or for time during which the member is on paid leave, which are includable on the member's federal form W-2 wage and tax statement under the heading "wages, tips, other compensation," including employee contributions picked up after August 1, 1982, pursuant to KRS 16.545(4);

(b) Includes:

1. Lump-sum bonuses, severance pay, or employer-provided payments for purchase of service credit, which shall be averaged over the employee's total service with the system in which it is recorded if it is equal to or greater than one thousand dollars (\$1,000);
2. Lump-sum payments for creditable compensation paid as a result of an order of a court of competent jurisdiction, the Personnel Board, or the Commission on Human Rights, or for any creditable compensation paid in anticipation of settlement of an action before a court of competent jurisdiction, the Personnel Board, or the Commission on Human Rights, including notices of violations of state or federal wage and hour statutes or violations of state or federal discrimination statutes, which shall be credited to the fiscal year during which the wages were earned or should have been paid by the employer. This subparagraph shall also include lump-sum payments for reinstated wages pursuant to KRS 61.569,

1 which shall be credited to the period during which the wages were  
2 earned or should have been paid by the employer;

3 3. Amounts which are not includable in the member's gross income by  
4 virtue of the member having taken a voluntary salary reduction provided  
5 for under applicable provisions of the Internal Revenue Code; and

6 4. Elective amounts for qualified transportation fringes paid or made  
7 available on or after January 1, 2001, for calendar years on or after  
8 January 1, 2001, that are not includable in the gross income of the  
9 employee by reason of 26 U.S.C. sec. 132(f)(4); and

10 (c) Excludes:

11 1. ~~Uniform, equipment, or any other expense allowances paid on or after~~  
12 ~~January 1, 2019, Living allowances, expense reimbursements, lump-~~  
13 ~~sum payments for accrued vacation leave, and other items determined by~~  
14 ~~the board;~~

15 2. For employees who begin participating on or after September 1, 2008,  
16 lump-sum payments for compensatory time; and

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

19 (9) "Final compensation" means:

20 (a) For a member who begins participating before~~prior to~~ September 1, 2008,  
21 ~~who retires prior to January 1, 2019,~~ the creditable compensation of a  
22 member during the three (3) fiscal years he was paid at the highest average  
23 monthly rate divided by the number of months of service credit during the  
24 three (3) year period, multiplied by twelve (12); the three (3) years may be  
25 fractional and need not be consecutive. If the number of months of service  
26 credit during the three (3) year period is less than twenty-four (24), one (1) or  
27 more additional fiscal years shall be used; or

- 1 (b) For a member who begins participating on or after September 1, 2008, but  
2 prior to January 1, 2014, ~~for for a member who begins participating prior to~~  
3 ~~September 1, 2008, who retires on or after January 1, 2019, ]~~the creditable  
4 compensation of the member during the three (3) complete fiscal years he or  
5 she was paid at the highest average monthly rate divided by three (3). Each  
6 fiscal year used to determine final compensation must contain twelve (12)  
7 months of service credit. If the member does not have three (3) complete  
8 fiscal years that each contain twelve (12) months of service credit, then one  
9 (1) or more additional fiscal years, which may contain less than twelve (12)  
10 months of service credit, shall be added until the number of months in the  
11 final compensation calculation is at least thirty-six (36) months;
- 12 (10) "Final rate of pay" means the actual rate upon which earnings of a member were  
13 calculated during the twelve (12) month period immediately preceding the  
14 member's effective retirement date, including employee contributions picked up  
15 after August 1, 1982, pursuant to KRS 16.545(4). The rate shall be certified to the  
16 system by the employer and the following equivalents shall be used to convert the  
17 rate to an annual rate: two thousand eighty (2,080) hours for eight (8) hour  
18 workdays, one thousand nine hundred fifty (1,950) hours for seven and one-half (7-  
19 1/2) hour workdays, two hundred sixty (260) days, fifty-two (52) weeks, twelve (12)  
20 months, or one (1) year;
- 21 (11) "Retired member" means any former member receiving a retirement allowance or  
22 any former member who has filed the necessary documents for retirement benefits  
23 and is no longer contributing to the retirement system;
- 24 (12) "Retirement allowance" means the retirement payments to which a retired member  
25 is entitled;
- 26 (13) "Actuarial equivalent" means a benefit of equal value when computed upon the  
27 basis of actuarial tables adopted by the board. In cases of disability retirement, the

1 options authorized by KRS 61.635 shall be computed by adding ten (10) years to  
2 the age of the member, unless the member has chosen the Social Security  
3 adjustment option as provided for in KRS 61.635(8), in which case the member's  
4 actual age shall be used. For members who began participating in the system prior  
5 to January 1, 2014, no disability retirement option shall be less than the same option  
6 computed under early retirement;

7 (14) "Authorized leave of absence" means any time during which a person is absent from  
8 employment but retained in the status of an employee in accordance with the  
9 personnel policy of the Department of Kentucky State Police;

10 (15) "Normal retirement date" means:

11 (a) For a member who begins participating before September 1, 2008, the first  
12 day of the month following a member's fifty-fifth birthday, except that for  
13 members over age fifty-five (55) on July 1, 1958, it shall mean January 1,  
14 1959; or

15 (b) For a member who begins participating on or after September 1, 2008, the  
16 first day of the month following a member's sixtieth birthday;

17 (16) "Disability retirement date" means the first day of the month following the last day  
18 of paid employment;

19 (17) "Dependent child" means a child in the womb and a natural or legally adopted child  
20 of the member who has neither attained age eighteen (18) nor married or who is an  
21 unmarried full-time student who has not attained age twenty-two (22). Solely in the  
22 case of a member who dies as a direct result of an act in line of duty as defined in  
23 this section or who dies as a result of a duty-related injury as defined in KRS  
24 61.621, "dependent child" also means a naturally or legally adopted disabled child  
25 of the member, regardless of the child's age, if the child has been determined to be  
26 eligible for federal Social Security disability benefits or is being claimed as a  
27 qualifying child for tax purposes due to the child's total and permanent disability;

- 1 (18) "Optional allowance" means an actuarially equivalent benefit elected by the member  
2 in lieu of all other benefits provided by KRS 16.505 to 16.652;
- 3 (19) "Act in line of duty" means an act occurring or a thing done, which, as determined  
4 by the board, was required in the performance of the duties specified in KRS  
5 16.060. For employees in hazardous positions under KRS 61.592, an "act in line of  
6 duty" shall mean an act occurring which was required in the performance of the  
7 principal duties of the position as defined by the job description;
- 8 (20) "Early retirement date" means:
- 9 (a) For a member who begins participating before September 1, 2008, the  
10 retirement date declared by a member who is not less than fifty (50) years of  
11 age and has fifteen (15) years of service; or
- 12 (b) For a member who begins participating on or after September 1, 2008, but  
13 prior to January 1, 2014, the retirement date declared by a member who is not  
14 less than fifty (50) years of age and has fifteen (15) years of service credited  
15 under KRS 16.543(1) or 61.543(1) ~~or 78.615(1)~~ or another state-  
16 administered retirement system;
- 17 (21) "Member" means any officer included in the membership of the system as provided  
18 under KRS 16.520 whose membership has not been terminated under KRS 61.535;
- 19 (22) "Regular full-time officers" means the occupants of positions as set forth in KRS  
20 16.010;
- 21 (23) "Hazardous disability" as used in KRS 16.505 to 16.652 means a disability which  
22 results in an employee's total incapacity to continue as an employee in a hazardous  
23 position, but the employee is not necessarily deemed to be totally and permanently  
24 disabled to engage in other occupations for remuneration or profit;
- 25 (24) "Current rate of pay" means the member's actual hourly, daily, weekly, biweekly,  
26 monthly, or yearly rate of pay converted to an annual rate as defined in final rate of  
27 pay. The rate shall be certified by the employer;

- 1 (25) "Beneficiary" means the person, persons, estate, trust, or trustee designated by the  
 2 member in accordance with KRS 61.542 or 61.705 to receive any available benefits  
 3 in the event of the member's death. As used in KRS 61.702, "beneficiary" does not  
 4 mean an estate, trust, or trustee;
- 5 (26) "Recipient" means the retired member, the person or persons designated as  
 6 beneficiary by the member and drawing a retirement allowance as a result of the  
 7 member's death, or a dependent child drawing a retirement allowance. An alternate  
 8 payee of a qualified domestic relations order shall not be considered a recipient,  
 9 except for purposes of KRS 61.623;
- 10 (27) "Person" means a natural person;
- 11 (28) "Retirement office" means the Kentucky Public Pensions Authority~~Retirement~~  
 12 ~~Systems~~ office building in Frankfort, unless otherwise designated by the Kentucky  
 13 Public Pensions Authority;
- 14 (29) "Vested" for purposes of determining eligibility for purchasing service credit  
 15 under Section 52 of this Act means the employee has at least forty-eight (48)  
 16 months of service if age sixty-five (65) or older or at least sixty (60) months of  
 17 service if under the age of sixty-five (65). For purposes of this paragraph, service  
 18 shall mean service in the systems administered by the Kentucky Retirement  
 19 Systems and County Employees Retirement System~~["Delayed contribution~~  
 20 ~~payment" means an amount paid by an employee for purchase of current service.~~  
 21 ~~The amount shall be determined using the same formula in KRS 61.5525, and the~~  
 22 ~~payment shall not be picked up by the employer. A delayed contribution payment~~  
 23 ~~shall be deposited to the member's account and considered as accumulated~~  
 24 ~~contributions of the individual member];~~
- 25 (30) "Last day of paid employment" means the last date employer and employee  
 26 contributions are required to be reported in accordance with KRS 16.543 or~~[-]~~  
 27 61.543~~[- or 78.615]~~ to the retirement office in order for the employee to receive

1 current service credit for the month. Last day of paid employment does not mean a  
2 date the employee receives payment for accrued leave, whether by lump sum or  
3 otherwise, if that date occurs twenty-four (24) or more months after previous  
4 contributions;

5 (31) "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 (32) "Fiscal year" of the system means the twelve (12) months from July 1 through the  
14 following June 30, which shall also be the plan year. The "fiscal year" shall be the  
15 limitation year used to determine contribution and benefit limits established by 26  
16 U.S.C. sec. 415;

17 (33) "Participating" means an employee is currently earning service credit in the system  
18 as provided in KRS 16.543;

19 (34) "Month" means a calendar month;

20 (35) "Membership date" means the date upon which the member began participating in  
21 the system as provided by KRS 16.543;

22 (36) "Participant" means a member, as defined by subsection (21) of this section, or a  
23 retired member, as defined by subsection (11) of this section;

24 (37) "Qualified domestic relations order" means any judgment, decree, or order,  
25 including approval of a property settlement agreement, that:

26 (a) Is issued by a court or administrative agency; and

27 (b) Relates to the provision of child support, alimony payments, or marital



1 property rights to an alternate payee;

2 (38) "Alternate payee" means a spouse, former spouse, child, or other dependent of a  
3 participant, who is designated to be paid retirement benefits in a qualified domestic  
4 relations order;

5 (39) "Accumulated employer credit" means the employer pay credit deposited to the  
6 member's account and interest credited on such amounts as provided by KRS  
7 16.583;

8 (40) "Accumulated account balance" means:

9 (a) For members who began participating in the system prior to January 1, 2014,  
10 the member's accumulated contributions; or

11 (b) For members who began participating in the system on or after January 1,  
12 2014, in the hybrid cash balance plan as provided by KRS 16.583, the  
13 combined sum of the member's accumulated contributions and the member's  
14 accumulated employer pay credit; and

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

18 ➔Section 32. KRS 16.543 is amended to read as follows:

19 (1) Employee contributions shall be deducted from the creditable compensation of each  
20 member of the retirement system in the active employment of the Department of  
21 Kentucky State Police of the Justice and Public Safety Cabinet as an officer as  
22 defined in KRS 16.520. After August 1, 1982, employee contributions shall be  
23 picked up by the employer pursuant to KRS 16.545(4). Service credit shall be  
24 allowed for each month such member receives creditable compensation for an  
25 average of one hundred (100) hours or more of work per month. If the average  
26 number of hours of work is less than one hundred (100) per month, the member  
27 shall be allowed credit only for those months he or she receives creditable

1 compensation for one hundred (100) hours of work.

2 (2) Contributions shall not be made and no service will be earned while on authorized  
3 leave except:

4 (a) A member shall be entitled to service credit in accordance with Section 52 of  
5 this Act~~[KRS 61.555]~~; and

6 (b) A member on educational leave, approved by the Personnel Cabinet, who is  
7 receiving seventy-five percent (75%) or more of full salary, shall receive  
8 service credit and shall pay member contributions or such contributions shall  
9 be picked up in accordance with KRS 16.545 and his or her employer shall  
10 pay employer contributions in accordance with KRS 61.565. If a tuition  
11 agreement is broken by the member, the member and employer contributions  
12 paid or picked up during the period of educational leave shall be refunded.

13 (3) The retirement office, upon detection, shall refund any erroneous employer and  
14 employee contributions made to the retirement system and any interest credited in  
15 accordance with KRS 16.560.

16 ➔Section 33. KRS 16.555 is amended to read as follows:

17 All the assets of the system shall be held and invested in the State Police Retirement Fund  
18 and credited, according to the purpose for which they are held, to one (1) of three (3)  
19 accounts: the "members' account," the "retirement allowance account," and accounts  
20 established pursuant to 26 U.S.C. sec. 401(h) within the funds established in KRS 16.510  
21 and~~[,] 61.515[, and 78.520]~~, as prescribed by subsection (3)(b) of Section 73 of this  
22 Act~~[KRS 61.702(2)(b)]~~.

23 ➔Section 34. KRS 16.645 is amended to read as follows:

24 The following subjects shall be administered in the same manner subject to the same  
25 limitations and requirements as provided for the Kentucky Employees Retirement System  
26 as follows:

27 (1) Cessation of membership, as provided for by KRS 61.535;

- 1 (2) Medical examiners and hearing procedures, as provided for by KRS 61.665;
- 2 (3) Actuarial bases, as provided for by KRS 61.670;
- 3 (4) Duties of the employer, as provided for by KRS 61.675;
- 4 (5) Exemption of benefits of the system for taxation and qualified domestic relations  
5 orders, as provided for by KRS 61.690;
- 6 (6) Retirement allowance increase, as provided for by KRS 61.691;
- 7 (7) Calculation of retirement allowance, as provided for by KRS 61.599;
- 8 (8) Beneficiaries to be designated by member, change, rights, as provided for by KRS  
9 61.542;
- 10 (9) Year of service credit, as provided for by KRS 61.545;
- 11 (10) Refund of contributions, death after retirement, as provided by KRS 61.630;
- 12 (11) Custodian of fund, payments made, when, as provided for by KRS 61.660;
- 13 (12) Credit for service prior to membership date, as provided for by KRS 61.526;
- 14 (13) Member's account, confidential, as provided for by KRS 61.661;
- 15 (14) Cessation of membership, loss of benefits, as provided for by KRS 61.550;
- 16 (15) Correction of errors in records, as provided for by KRS 61.685;
- 17 (16) Maximum disability benefit, as provided for by KRS 61.607;
- 18 (17) Retirement application procedure, effective retirement date, as provided for by KRS  
19 61.590;
- 20 (18) Employer contributions, as provided for by KRS 61.565;
- 21 (19) Reinstatement of lost service credit, purchase of service credit, service for armed  
22 forces, interest paid, and delayed contribution and installment payments, as  
23 provided for by KRS 61.552;
- 24 (20) Reciprocal arrangement between systems, as provided by KRS 61.680;
- 25 (21) Refund of contributions, conditions, as provided by KRS 61.625;
- 26 (22) Hospital and medical insurance plan, as provided by KRS 61.702;
- 27 (23) Death benefit, as provided by KRS 61.705;

- 1 (24) Disability retirement allowance, reduction, and discontinuance, as provided by KRS  
2 61.615;
- 3 (25) ~~{Service credit, Armed Forces, as provided by KRS 61.555;~~  
4 ~~(26) {Reinstated employee, contributions on creditable compensation, as provided for by~~  
5 KRS 61.569;
- 6 ~~(26){(27)}~~ Statement to be made under oath, good faith reliance, as provided for in KRS  
7 61.699;
- 8 ~~(27){(28)}~~ Retirement of persons in hazardous positions, as provided for by KRS 61.592;  
9 ~~(28){(29)}~~ Direct deposit of recipient's retirement allowance as provided in KRS 61.623;  
10 ~~{(30) Purchase of service credit effective July 1, 2001, as provided in KRS 61.5525;}~~
- 11 ~~(29){(31)}~~ Payment of small amounts upon death of member, retiree, or recipient without  
12 formal administration of the estate as provided in KRS 61.703;
- 13 ~~(30){(32)}~~ Suspension of retirement payments on reemployment, reinstatement,  
14 recomputation of allowance, waiver of provisions in certain instances,  
15 reemployment in a different position, as provided for by KRS 61.637;
- 16 ~~(31){(33)}~~ Medical examination and financial review after disability retirement, staff  
17 review, as provided in KRS 61.610; and
- 18 ~~(32){(34)}~~ Employer payment of increases in creditable compensation and adjustments to  
19 creditable compensation during the last five (5) years of employment as provided by  
20 KRS 61.598.

21 ➔Section 35. KRS 16.576 is amended to read as follows:

- 22 (1) (a) Any member who begins participating before September 1, 2008, who has at  
23 least five (5) years of service credit may retire at his normal retirement date, or  
24 subsequent thereto, upon written notification to the system, setting forth at  
25 what date the retirement is to become effective, if the effective date shall be  
26 after his last day of service and subsequent to the filing of the notice at the  
27 retirement office.

- 1 (b) Any member who begins participating on or after September 1, 2008, who has  
2 at least five (5) years of service credited under KRS 16.543(1), 61.543(1), ~~for~~  
3 ~~78.615(1)~~ or another state-administered retirement system may retire at his or  
4 her normal retirement date, or subsequent thereto, upon written notification to  
5 the system, setting forth what date the retirement is to become effective, if the  
6 effective date shall be after his or her last day of service and subsequent to the  
7 filing of the notice at the retirement office.
- 8 (2) The member shall have the right to elect to have his retirement allowance payable  
9 under subsection (3), (4), or (6) of this section or any one (1) of the plans set forth  
10 in KRS 61.635.
- 11 (3) (a) Effective August 1, 1990, a member of the Kentucky State Police Retirement  
12 System may elect to receive an annual retirement allowance, payable monthly  
13 during his lifetime, equal to two and five-tenths percent (2.5%) of final  
14 compensation for each year of service credit. ~~[Effective August 1, 1988, a~~  
15 ~~member of the County Employees Retirement System covered by this section~~  
16 ~~may elect to receive an annual retirement allowance, payable monthly during~~  
17 ~~his lifetime, equal to two and five-tenths percent (2.5%) of final compensation~~  
18 ~~for each year of service credit.]~~ Effective August 1, 1988, a member of the  
19 Kentucky Employees Retirement System covered by this section may elect to  
20 receive an annual retirement allowance, payable monthly during his lifetime,  
21 equal to two and forty-nine hundredths percent (2.49%) of final compensation  
22 for each year of service credit. The annual retirement allowance for a member  
23 covered by this section shall not exceed the maximum benefit as set forth in  
24 the Internal Revenue Code.
- 25 (b) A member of the State Police Retirement System or, ~~a~~ a member of the  
26 Kentucky Employees Retirement System covered by this section, ~~for a~~  
27 ~~member of the County Employees Retirement System covered by this section,~~

1           whose participation begins on or after September 1, 2008, but prior to  
2           January 1, 2014, shall receive an annual retirement allowance, payable  
3           monthly during his or her lifetime, equal to:

- 4           1.   One and three-tenths percent (1.3%) of final compensation for each year  
5               of service credit if the employee has earned ten (10) or less years of  
6               service at retirement;
- 7           2.   One and one-half percent (1.5%) of final compensation for each year of  
8               service credit if the employee has earned greater than ten (10) but no  
9               more than twenty (20) years of service at retirement;
- 10          3.   Two and one-quarter percent (2.25%) of final compensation for each  
11               year of service credit if the employee has earned greater than twenty (20)  
12               but less than twenty-five (25) years of service at retirement; or
- 13          4.   Two and one-half percent (2.5%) of final compensation for each year of  
14               service credit if the employee has earned twenty-five (25) or more years  
15               of service at retirement.

16   (4)   The member may elect to receive a monthly retirement allowance payable for ten  
17       (10) years certain, actuarially equivalent to the retirement allowance payable under  
18       subsection (3) of this section. If the member should become deceased prior to the  
19       expiration of ten (10) years, his beneficiary, unless the beneficiary is the member's  
20       estate, shall receive the remaining payments monthly for the duration of the ten (10)  
21       years. If the member's estate is the beneficiary, the member's estate shall receive a  
22       lump-sum payment which shall be the actuarial equivalent to the remaining  
23       payments. The provisions of KRS 61.702 notwithstanding, the member who retired  
24       on June 17, 1978, or thereafter, and his spouse and eligible dependents shall  
25       continue to receive the insurance benefits to which they are entitled pursuant to  
26       KRS 61.702 after the expiration of ten (10) years. Effective with any insurance  
27       contract procured, or self-insurance plan instituted, after July 15, 1990, a member

1       who retired prior to June 17, 1978, and his spouse and eligible dependents shall  
2       receive insurance benefits pursuant to KRS 61.702 upon payment by the member or  
3       beneficiary of the entire cost of the required insurance premium.

4       (5) Notwithstanding any other provisions of this section, upon written notification to  
5       the system, a member shall have the option to defer his election to receive his  
6       retirement allowance. The retirement allowance payable under a deferred option  
7       shall be increased to reflect the deferred receipt of benefits.

8       (6) In lieu of any other benefits due under KRS 16.505 to 16.652, a member who  
9       begins participating before September 1, 2008, who has attained age fifty-five (55)  
10      and who has attained at least one (1) month of service credit but no more than fifty-  
11      nine (59) months of service credit may elect to receive an annual retirement  
12      allowance, payable monthly or less frequently as determined by the board, which  
13      shall be determined by multiplying his accumulated contributions by two (2) and  
14      converting this amount to an annual retirement allowance based on an annuity rate  
15      adopted by the board which would pay the actuarial equivalent of twice his  
16      accumulated contributions over the lifetime of the retired member.

17     (7) Subsections (1) to (6) of this section shall not apply to members who begin  
18     participating in the system on or after January 1, 2014. Members who begin  
19     participating in the system on or after January 1, 2014, shall receive the retirement  
20     benefit calculation prescribed by KRS 16.583.

21     ➔Section 36. KRS 16.577 is amended to read as follows:

22     (1) Upon retirement at early retirement date, a member may receive an annual  
23     retirement allowance payable monthly during his lifetime which shall be determined  
24     in the same manner as for retirement at his normal retirement date, with years of  
25     service and final compensation being determined as of the date of his actual  
26     retirement, but the amount of the retirement allowance so determined shall be  
27     reduced at an amount determined by the board's actuary to reflect the earlier

1 commencement of benefits.

2 (2) For a member who begins participating before September 1, 2008, there shall be no  
3 reduction in the retirement allowance if the member has twenty (20) or more years  
4 of service credit, at least fifteen (15) of which are current service.

5 (3) For a member who begins participating on or after September 1, 2008, but prior to  
6 January 1, 2014, there shall be no reduction in the retirement allowance if the  
7 member has twenty-five (25) or more years of service credited under KRS  
8 16.543(1), 61.543(1), ~~for 78.615(1)~~ or another state-administered retirement  
9 system.

10 (4) Subsections (1) to (3) of this section shall not apply to members who begin  
11 participating in the system on or after January 1, 2014. Members who begin  
12 participating in the system on or after January 1, 2014, shall receive the retirement  
13 benefit calculation prescribed by KRS 16.583.

14 ➔Section 37. KRS 16.582 is amended to read as follows:

15 (1) (a) Total and permanent disability means a disability which results in the  
16 member's incapacity to engage in any occupation for remuneration or profit.  
17 Loss by severance of both hands at or above the wrists, or both feet at or  
18 above the ankles, or one (1) hand above the wrist and one (1) foot above the  
19 ankle, or the complete, irrevocable loss of the sight of both eyes shall be  
20 considered as total and permanent.

21 (b) Hazardous disability means a disability which results in the member's total  
22 incapacity to continue as a regular full-time officer or as an employee in a  
23 hazardous position, as defined in KRS 61.592, but which does not result in the  
24 member's total and permanent incapacity to engage in other occupations for  
25 remuneration or profit.

26 (c) In determining whether the disability meets the requirement of this section,  
27 any reasonable accommodation provided by the employer as provided in 42



1 U.S.C. sec. 12111(9) and 29 C.F.R. Part 1630 shall be considered.

2 (d) If the board determines that the total and permanent disability of a member  
3 receiving a retirement allowance under this section has ceased, then the board  
4 shall determine if the member has a hazardous disability.

5 (2) Any person may qualify to retire on disability, subject to the following:

6 (a) The person shall have sixty (60) months of service, twelve (12) of which shall  
7 be current service credited under KRS 16.543(1), 61.543(1), or 78.615(1). The  
8 service requirement shall be waived if the disability is a total and permanent  
9 disability or a hazardous disability and is a direct result of an act in line of  
10 duty;

11 (b) For a person whose membership date is prior to August 1, 2004, the person  
12 shall not be eligible for an unreduced retirement allowance;

13 (c) The person's application shall be on file in the retirement office no later than  
14 twenty-four (24) months after the person's last day of paid employment, as  
15 defined in KRS 16.505, as a regular full-time officer or in a regular full-time  
16 hazardous position under KRS 61.592;

17 (d) The person shall receive a satisfactory determination pursuant to KRS 61.665;  
18 and

19 (e) A person's disability application based on the same claim of incapacity shall  
20 be accepted and reconsidered for disability if accompanied by new objective  
21 medical evidence. The application shall be on file in the retirement office no  
22 later than twenty-four (24) months after the person's last day of paid  
23 employment as a regular full-time officer or in a regular full-time hazardous  
24 position.

25 (3) Upon the examination of the objective medical evidence by licensed physicians  
26 pursuant to KRS 61.665, it shall be determined that:

27 (a) The incapacity results from bodily injury, mental illness, or disease. For

1 purposes of this section, "injury" means any physical harm or damage to the  
2 human organism other than disease or mental illness;

3 (b) The incapacity is deemed to be permanent; and

4 (c) The incapacity does not result directly or indirectly from:

5 1. Injury intentionally self-inflicted while sane or insane; or

6 2. Bodily injury, mental illness, disease, or condition which pre-existed  
7 membership in the system or reemployment, whichever is most recent,  
8 unless:

9 a. The disability results from bodily injury, mental illness, disease, or  
10 a condition which has been substantially aggravated by an injury or  
11 accident arising out of or in the course of employment; or

12 b. The person has at least sixteen (16) years' current or prior service  
13 for employment with employers participating in the retirement  
14 systems administered by the Kentucky Retirement Systems.

15 For purposes of this subparagraph, "reemployment" shall not mean a  
16 change of employment between employers participating in the  
17 retirement systems administered by the Kentucky Retirement Systems  
18 with no loss of service credit.

19 (4) (a) 1. An incapacity shall be deemed to be permanent if it is expected to result  
20 in death or can be expected to last for a continuous period of not less  
21 than twelve (12) months from the person's last day of paid employment  
22 in a position as regular full-time officer or a hazardous position.

23 2. The determination of a permanent incapacity shall be based on the  
24 medical evidence contained in the member's file and the member's  
25 residual functional capacity and physical exertion requirements.

26 (b) The person's residual functional capacity shall be the person's capacity for  
27 work activity on a regular and continuing basis. The person's physical ability

1 shall be assessed in light of the severity of the person's physical, mental, and  
2 other impairments. The person's ability to walk, stand, carry, push, pull, reach,  
3 handle, and other physical functions shall be considered with regard to  
4 physical impairments. The person's ability to understand, remember, and carry  
5 out instructions and respond appropriately to supervision, coworkers, and  
6 work pressures in a work setting shall be considered with regard to mental  
7 impairments. Other impairments, including skin impairments, epilepsy, visual  
8 sensory impairments, postural and manipulative limitations, and  
9 environmental restrictions, shall be considered in conjunction with the  
10 person's physical and mental impairments to determine residual functional  
11 capacity.

12 (c) The person's physical exertion requirements shall be determined based on the  
13 following standards:

- 14 1. Sedentary work shall be work that involves lifting no more than ten (10)  
15 pounds at a time and occasionally lifting or carrying articles such as  
16 large files, ledgers, and small tools. Although a sedentary job primarily  
17 involves sitting, occasional walking and standing may also be required  
18 in the performance of duties.
- 19 2. Light work shall be work that involves lifting no more than twenty (20)  
20 pounds at a time with frequent lifting or carrying of objects weighing up  
21 to ten (10) pounds. A job shall be in this category if lifting is  
22 infrequently required but walking and standing are frequently required,  
23 or if the job primarily requires sitting with pushing and pulling of arm or  
24 leg controls. If the person has the ability to perform substantially all of  
25 these activities, the person shall be deemed capable of light work. A  
26 person deemed capable of light work shall be deemed capable of  
27 sedentary work unless the person has additional limitations such as the

- 1                   loss of fine dexterity or inability to sit for long periods.
- 2                   3.    Medium work shall be work that involves lifting no more than fifty (50)
- 3                   pounds at a time with frequent lifting or carrying of objects weighing up
- 4                   to twenty-five (25) pounds. If the person is deemed capable of medium
- 5                   work, the person shall be deemed capable of light and sedentary work.
- 6                   4.    Heavy work shall be work that involves lifting no more than one
- 7                   hundred (100) pounds at a time with frequent lifting or carrying of
- 8                   objects weighing up to fifty (50) pounds. If the person is deemed capable
- 9                   of heavy work, the person shall also be deemed capable of medium,
- 10                  light, and sedentary work.
- 11                  5.    Very heavy work shall be work that involves lifting objects weighing
- 12                  more than one hundred (100) pounds at a time with frequent lifting or
- 13                  carrying of objects weighing fifty (50) or more pounds. If the person is
- 14                  deemed capable of very heavy work, the person shall be deemed capable
- 15                  of heavy, medium, light, and sedentary work.
- 16   (5)   (a)   The disability retirement allowance shall be determined as provided in KRS
- 17                  16.576, except if the member's total service credit on his last day of paid
- 18                  employment in a regular full-time position is less than twenty (20) years,
- 19                  service shall be added beginning with his last date of paid employment and
- 20                  continuing to his fifty-fifth birthday. The maximum service credit added shall
- 21                  not exceed the total service the member had on his last day of paid
- 22                  employment, and the maximum service credit for calculating his retirement
- 23                  allowance, including his total service and service added under this section,
- 24                  shall not exceed twenty (20) years.
- 25                  (b)   For a member whose participation begins on or after August 1, 2004, but prior
- 26                  to January 1, 2014, the disability retirement allowance shall be the higher of
- 27                  twenty-five percent (25%) of the member's monthly final rate of pay or the

1 retirement allowance determined in the same manner as for retirement at his  
2 normal retirement date with years of service and final compensation being  
3 determined as of the date of his disability.

4 (c) For a member who begins participating on or after January 1, 2014, in the  
5 hybrid cash balance plan as provided by KRS 16.583, the disability retirement  
6 allowance shall be the higher of twenty-five percent (25%) of the member's  
7 monthly final rate of pay or the retirement allowance determined in the same  
8 manner as for retirement at his or her normal retirement date under KRS  
9 16.583.

10 (6) If the member receives a satisfactory determination of total and permanent disability  
11 or hazardous disability pursuant to KRS 61.665 and the disability is the direct result  
12 of an act in line of duty, the member's retirement allowance shall be calculated as  
13 follows:

14 (a) For the disabled member, benefits as provided in subsection (5) of this section  
15 except that the monthly retirement allowance payable shall not be less than  
16 twenty-five percent (25%) of the member's monthly final rate of pay; and

17 (b) For each dependent child of the member on his disability retirement date, who  
18 is alive at the time any particular payment is due, a monthly payment equal to  
19 ten percent (10%) of the disabled member's monthly final rate of pay;  
20 however, total maximum dependent children's benefit shall not exceed forty  
21 percent (40%) of the member's monthly final rate of pay. The payments shall  
22 be payable to each dependent child, or to a legally appointed guardian or as  
23 directed by the system.

24 (7) No benefit provided in this section shall be reduced as a result of any change in the  
25 extent of disability of any retired member who is age fifty-five (55) or older.

26 (8) If a regular full-time officer or hazardous position member has been approved for  
27 benefits under a hazardous disability, the board shall, upon request of the member,

1 permit the member to receive the hazardous disability allowance while accruing  
2 benefits in a nonhazardous position, subject to proper medical review of the  
3 nonhazardous position's job description by the system's medical examiner.

4 (9) For a member of the State Police Retirement System, in lieu of the allowance  
5 provided in subsection (5) or (6) of this section, the member may be retained on the  
6 regular payroll and receive the compensation authorized by KRS 16.165, if he is  
7 qualified.

8 ➔Section 38. KRS 16.583 is repealed, reenacted, and amended to read as follows:

9 (1) A member of the State Police Retirement System, a member of the Kentucky  
10 Employees Retirement System in a hazardous duty position covered by this  
11 section~~[, or a member of the County Employees Retirement System in a hazardous~~  
12 ~~duty position covered by this section]~~, whose participation begins on or after  
13 January 1, 2014, or a member making an election pursuant to KRS 61.5955, shall  
14 receive the retirement benefits provided by this section in lieu of the retirement  
15 benefits provided under KRS 16.576 and 16.577. The retirement benefit provided  
16 by this section shall be known as the hybrid cash balance plan and shall operate as  
17 another benefit tier within the State Police Retirement System and~~[,]~~ the Kentucky  
18 Employees Retirement System~~[, and the County Employees Retirement System]~~.

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

21 (a) Contributions made by the member as provided by KRS 16.505 to 16.652  
22 and~~[,]~~ 61.510 to 61.705~~[, and 78.510 to 78.852]~~, except for employee  
23 contributions prescribed by subsection (3)(b) of Section 73 of this Act~~[KRS~~  
24 ~~61.702(2)(b)]~~;

25 (b) An employer pay credit of seven and one-half percent (7.5%) of the creditable  
26 compensation earned by the employee for each month the employee is  
27 contributing to the hybrid cash balance plan provided by this section; and

- 1 (c) Interest credits added annually to the member's accumulated account balance  
2 as provided by this section.
- 3 (3) (a) Member contributions and employer pay credits as provided by subsection  
4 (2)(a) and (b) of this section shall be credited to the member's account  
5 monthly as contributions are reported and posted to the system in accordance  
6 with KRS 61.675~~[-and 78.625]~~.
- 7 (b) Interest credits, as provided by subsection (2)(c) of this section, shall be  
8 credited to the member's account annually on June 30 of each fiscal year, as  
9 determined by subsection (4) of this section.
- 10 (4) (a) On June 30 of each fiscal year, the system shall determine if the member  
11 contributed to the hybrid cash balance plan during the fiscal year.
- 12 (b) If the member contributed to the hybrid cash balance plan during the fiscal  
13 year, the interest credit added to the member's account for that fiscal year shall  
14 be determined by multiplying the member's accumulated account balance on  
15 June 30 of the preceding fiscal year by a percentage increase equal to:
- 16 1. Four percent (4%); plus  
17 2. Seventy-five percent (75%) of the system's geometric average net  
18 investment return in excess of a four percent (4%) rate of return.
- 19 (c) If the member did not contribute to the hybrid cash balance plan during the  
20 fiscal year, the interest credit added to the member's account for that fiscal  
21 year shall be determined by multiplying the member's accumulated account  
22 balance on June 30 of the preceding fiscal year by four percent (4%).
- 23 (d) For purposes of this subsection, "system's geometric average net investment  
24 return":
- 25 1. Means the annual average geometric investment return, net of  
26 administrative and investment fees and expenses, over the last five (5)  
27 fiscal years as of the date the interest is credited to the member's

1 account; and

2 2. Shall be expressed as a percentage and based upon the system in which  
3 the member has an account.

4 (e) No employer pay credits or interest credits shall be provided to a member who  
5 has taken a refund of contributions as provided by KRS 61.625 or who has  
6 retired and annuitized his or her accumulated account balance as prescribed by  
7 this section.

8 (5) (a) Upon termination of employment, a member who has less than five (5) years  
9 of service credited under KRS 16.543(1), 61.543(1), and 78.615(1), who  
10 elects to take a refund of his or her accumulated account balance as provided  
11 by KRS 61.625, shall forfeit the accumulated employer credit, and shall only  
12 receive a refund of his or her accumulated contributions.

13 (b) Upon termination of employment, a member who has five (5) or more years of  
14 service credited under KRS 16.543(1), 61.543(1), and 78.615(1), who elects to  
15 take a refund of his or her accumulated account balance as provided by KRS  
16 61.625, shall receive a full refund of his or her accumulated account balance.

17 (6) A member participating in the hybrid cash balance plan provided by this section  
18 may retire:

19 (a) At his or her normal retirement date, provided he or she has earned five (5) or  
20 more years of service credited under KRS 16.543(1), 61.543(1), or 78.615(1),  
21 or another state-administered retirement system; or

22 (b) At any age, provided he or she has earned twenty-five (25) or more years of  
23 service credited under KRS 16.543(1), 61.543(1), or 78.615(1), or another  
24 state-administered retirement system.

25 (7) A member eligible to retire under subsection (6) of this section may elect to:

26 (a) Receive a monthly retirement allowance payable for life by having his or her  
27 accumulated account balance annuitized by the retirement systems in



1           accordance with the actuarial assumptions and actuarial methods adopted by  
2           the board and in effect on the member's retirement date;

3           (b) Receive the actuarial equivalent of his or her retirement allowance calculated  
4           under paragraph (a) of this subsection payable under one (1) of the options set  
5           forth in KRS 61.635, except for the option provided by KRS 61.635(11); or

6           (c) Take a refund of his or her account balance as provided by KRS 61.625.

7       (8) The provisions of this section shall not apply to members who began participating  
8       in the Kentucky Employees Retirement System, the County Employees Retirement  
9       System, or the State Police Retirement System prior to January 1, 2014, except for  
10      those members who make an election pursuant to KRS 61.5955.

11      ➔Section 39. KRS 18A.205 (Effective April 1, 2021) is amended to read as  
12      follows:

13      (1) The secretary of the Finance and Administration Cabinet, upon the  
14      recommendation of the secretary, may procure from one (1) or more life insurance  
15      companies, authorized to do business in this state, a policy or policies of group life  
16      insurance insuring the lives of all or any class or classes of public employees. The policy  
17      or policies shall be approved by the commissioner of insurance and may contain such  
18      provisions as the commissioner of insurance approves whether or not otherwise permitted  
19      by the insurance laws. It is intended that life insurance may be made available for public  
20      employees, except that the procuring is permissive.

21      (2) (a) As used in KRS 18A.205 to 18A.215, "public employee" shall mean a person  
22      who:

23           1. Is regularly employed by a public employer; and

24           2. Is also:

25               a. A contributing member of any one (1) of the state-administered  
26               retirement systems;

27               b. A retiree of a state-administered retirement system who is

1 employed in a regular full-time position for purposes of retirement  
2 coverage, but who is not eligible to contribute to one (1) of the  
3 systems administered by Kentucky Retirement Systems or County  
4 Employees Retirement System pursuant to subsection (4) of  
5 Section 16 of this Act or subsection (17) of Section 65 of this  
6 Act~~[KRS 61.637(17)]~~;

7 c. An individual participating in an optional retirement plan  
8 authorized by KRS 161.567; or

9 d. An individual eligible to participate in a retirement plan  
10 established by an employer who ceases participating in the  
11 Kentucky Employees Retirement System pursuant to KRS 61.522  
12 whose employees participated in the life insurance plans  
13 administered by the Personnel Cabinet prior to the employer's  
14 effective cessation date in the Kentucky Employees Retirement  
15 System.

16 (b) Notwithstanding the definition of "public employee" in this subsection, any  
17 federally funded time-limited employee may receive insurance coverage.

18 (3) As used in this section and KRS 18A.210, "public employer" shall mean the  
19 following employers, if the employer has opted to participate in the state-sponsored  
20 group life insurance program:

21 (a) Any department, office, board, agency, commission, authority, or branch of  
22 state government;

23 (b) A public postsecondary educational institution;

24 (c) Any department, office, board, agency, commission, authority, or branch of a  
25 city, urban-county, charter county, county, unified local government, or  
26 consolidated local government; or

27 (d) Any certified or classified employee or elected member of a local board of

1 education.

2 (4) As used in KRS 18A.205 to 18A.225, "premiums" shall mean premiums to be paid  
3 on any type of insurance authorized under KRS 18A.205 to 18A.225.

4 ➔Section 40. KRS 18A.245 is amended to read as follows:

5 (1) The authority shall be administered by a board of trustees composed of seven (7)  
6 members, who shall be as follows:

7 (a) Secretary, Finance and Administration Cabinet, ex officio;

8 (b) Secretary of personnel, ex officio;

9 (c) The state controller, ex officio;

10 (d) The State Treasurer, ex officio; and

11 (e) Three (3) at-large members appointed by the Governor, who do not have a  
12 conflict of interest as provided by KRS 18A.262, one (1) of whom shall have  
13 at least five (5) years of investment or banking experience and one (1) of  
14 whom shall be a representative of a nonstate government employer.

15 (2) The members of the board appointed by the Governor shall serve for a period of  
16 four (4) years and the ex officio members of the board shall serve only for the  
17 period of their term of office. Each ex officio member may designate a proxy by  
18 written notice to the authority prior to call of order of each meeting, and the proxy  
19 shall be entitled to participate as a full voting member.

20 (3) Any vacancy which may occur shall be filled in the same manner provided for the  
21 selection of the particular member for a full term. Vacancies shall be filled for the  
22 unexpired term only.

23 (4) Membership on the board of trustees shall not be incompatible with any other office  
24 unless a constitutional incompatibility exists, and no member shall be subject to  
25 removal from office, except upon conviction of a felony, or of a misdemeanor  
26 involving moral turpitude.

27 (5) Board members who do not otherwise receive a salary or compensation from the

1 State Treasury shall receive a per diem of one hundred dollars (\$100) for each day  
2 they are in session or on official duty, and they shall be reimbursed for their actual  
3 and necessary expenses in accordance with state administrative regulations and  
4 standards applicable to state employees.

5 (6) The board shall meet at least once in each quarter of the year, and may meet in  
6 special session upon the call of the chairman. It shall elect a chairman and a vice  
7 chairman. A majority of the members shall constitute a quorum, and all actions  
8 taken by the board shall be by affirmative vote of a majority of the members  
9 present.

10 (7) The authority shall be attached to the Personnel Cabinet for administrative purposes  
11 only. The board may take but is not limited to the following actions:

12 (a) Appoint such employees as it deems necessary and fix the compensation for  
13 all employees of the board, subject to the approval of the secretary. The  
14 authority shall be headed by an executive director who shall be appointed by  
15 the board of directors of the authority without the limitations imposed by KRS  
16 12.040 and KRS Chapter 18A. The executive director of the authority and  
17 employees appointed by the board shall serve at its will and pleasure. All  
18 other staff of the authority shall be employed under KRS 18A.005 to 18A.200;

19 (b) Require such employees as it thinks proper to execute bonds for the faithful  
20 performance of their duties;

21 (c) Establish a system of accounting;

22 (d) Contract for such services as may be necessary for the operation or  
23 administration of deferred compensation plans authorized in KRS 18A.230 to  
24 18A.275, including annual audits;

25 (e) Do all things, take all actions, and adopt plans for participation consistent with  
26 federal law and with the provisions of KRS 18A.230 to 18A.275, including  
27 but not limited to:

- 1           1.    Amending the board's plan for the Kentucky Public Employees 401(k)
- 2                   Deferred Compensation Plan or the Kentucky Employees 457 Deferred
- 3                   Compensation Plan, or both such plans, to adopt, maintain, and
- 4                   terminate a deemed IRA program under Internal Revenue Code Section
- 5                   408;
- 6           2.    Amending the board's plan for the Kentucky Public Employees 401(k)
- 7                   Deferred Compensation Plan to adopt, maintain, and terminate a
- 8                   qualified Roth contribution program under Internal Revenue Code
- 9                   Section 402A; and
- 10          3.    Adopting, maintaining, and terminating an Internal Revenue Code
- 11               Section 403(b) plan for qualified employees~~[-; and~~
- 12          4. ~~Upon the request of the Kentucky Retirement Systems board of trustees,~~
- 13               ~~establishing an investment program for the 401(a) defined contribution~~
- 14               ~~plan as provided by KRS 61.5956]; and~~
- 15          (f)    Contract with persons or companies duly licensed by the state of Kentucky
- 16               and applicable federal regulatory agencies, at the cost of the trust fund, to
- 17               provide investment advice to participants in the plans, with respect to their
- 18               selection of permitted investments in the plans.
- 19    (8)   The Attorney General, or an assistant designated by him, may act as legal adviser
- 20           and attorney for the board. The board may also appoint legal counsel in accordance
- 21           with KRS Chapter 12.
- 22    (9)   The board shall prepare an annual financial report showing all receipts,
- 23           disbursements, assets, and liabilities and shall submit a copy to the Governor and
- 24           the Legislative Research Commission. All board meetings and records shall be open
- 25           for inspection by the public.
- 26          ➔Section 41. KRS 21.372 is amended to read as follows:
- 27          (1)   For purposes of this section:

- 1 (a) "Bona fide promotion or career advancement":
- 2 1. Means a professional advancement in substantially the same line of
- 3 work held by the member in the four (4) years immediately prior to the
- 4 final sixty (60) months preceding retirement or a change in employment
- 5 position based on the training, skills, education, or expertise of the
- 6 member that imposes a significant change in job duties and
- 7 responsibilities to clearly justify the increased compensation to the
- 8 member, including any circumstance when a member is elected or
- 9 appointed to another court within the Court of Justice; and
- 10 2. Does not include any circumstance where a judge or justice participating
- 11 in the Judicial Retirement Plan takes a position of employment with an
- 12 employer participating in any of the other state-administered retirement
- 13 systems; and
- 14 (b) "Year" has the same meaning as in KRS 21.345(3).
- 15 (2) (a) For members retiring on or after January 1, 2018, the plan shall identify any
- 16 consecutive year utilized in determining the member's final compensation in
- 17 which the member's compensation increased at a rate of ten percent (10%) or
- 18 more over the member's compensation in the immediately preceding year.
- 19 (b) Except as limited or excluded by subsections (3) and (4) of this section, any
- 20 amount of increase in compensation for a year identified under paragraph (a)
- 21 of this subsection that exceeds ten percent (10%) more than the member's
- 22 compensation from the immediately preceding year shall not be used in the
- 23 calculation of the member's final compensation for the purposes of
- 24 determining the member's monthly pension benefit under KRS 21.400.
- 25 (c) If the member's final compensation is reduced for the purposes of determining
- 26 the member's pension benefit under KRS 21.400 as provided by paragraph (b)
- 27 of this subsection, the retirement system shall, notwithstanding KRS 21.460

1 and as applicable, refund the member contributions attributable to the  
2 reduction in creditable compensation.

3 (3) In order to ensure the prospective application of the potential reduction in pension  
4 benefits as provided in subsection (2) of this section, only the compensation earned  
5 by the retiring member on or after July 1, 2017, shall be subject to reduction under  
6 subsection (2) of this section. Compensation earned by the retiring member prior to  
7 July 1, 2017, shall not be subject to reduction under subsection (2) of this section.

8 (4) Subsections (2) and (3) of this section shall not apply to increases that are the direct  
9 result of a bona fide promotion or career advancement or to compensation used in  
10 accordance with KRS 61.680(7) in which the member does not have sixty (60)  
11 months of service in the Judicial Retirement Plan.

12 (5) The board of trustees shall determine whether increases in compensation during the  
13 final sixty (60) months preceding retirement constitute a bona fide promotion or  
14 career advancement and may promulgate administrative regulations in accordance  
15 with KRS Chapter 13A to administer this section. All state-administered retirement  
16 systems shall cooperate to implement this section.

17 (6) This section shall not apply to:

18 ~~(a) —~~ employees participating in the hybrid cash balance plan~~[plans]~~ as provided  
19 by KRS 21.402~~[or 61.597; or~~

20 ~~(b) — Service earned in the 401(a) money purchase plan as provided by KRS~~  
21 ~~61.5956].~~

22 ➔SECTION 42. KRS 21.374 IS REPEALED AND REENACTED TO READ AS  
23 FOLLOWS:

24 **Notwithstanding KRS 6.500 to 6.577 and 21.345 to 21.580:**

25 **(1) Subject to the provisions of this section, any member who began participating in**  
26 **the Legislators' Retirement Plan or the Judicial Retirement Plan on or after**  
27 **September 1, 2008, but prior to January 1, 2014, may in lieu of the benefits he or**

1 she is currently eligible to receive under the plans, elect to receive the benefits  
2 and rights provided to members who began participating in the Legislators'  
3 Retirement Plan or the Judicial Retirement Plan on or after January 1, 2014,  
4 including participating in the hybrid cash balance plan created pursuant to KRS  
5 21.402;

6 (2) The election provided by this section shall be made in writing and on a form  
7 prescribed by the Judicial Form Retirement System board;

8 (3) For each member who makes an election provided by this section:

9 (a) Any service credit the member has accrued prior to January 1, 2014, shall  
10 be considered as service credit earned on or after January 1, 2014, for  
11 purposes of determining benefits under KRS 6.500 to 6.577 and 21.345 to  
12 21.580;

13 (b) On the member's effective election date, the value of the member's  
14 accumulated contributions, less any interest, shall be deposited into the  
15 member's hybrid cash balance account as provided by KRS 21.402 and  
16 considered part of the member's accumulated account balance;

17 (c) On the member's effective election date, an employer pay credit as provided  
18 by KRS 21.402 shall be added to the member's accumulated account  
19 balance for each month the member contributed to the Legislators'  
20 Retirement Plan or the Judicial Retirement Plan prior to his or her effective  
21 election date; and

22 (d) Interest credits as provided by KRS 21.402 shall only be applied for periods  
23 occurring on or after the member's effective election date;

24 (4) Before accepting an election provided by this section, the Judicial Form  
25 Retirement System board shall provide the member with information detailing the  
26 potential results of the member's election;

27 (5) An election made pursuant to this section shall be irrevocable; and



- 1 (6) (a) A member of the Legislators' Retirement Plan or the Judicial Retirement  
2 Plan shall not be eligible to make an election prescribed by this section until  
3 the Judicial Form Retirement System receives a favorable private letter  
4 ruling from the Internal Revenue Service regarding this section.
- 5 (b) If the Internal Revenue Service denies the request for a private letter ruling  
6 as provided by paragraph (a) of this subsection, this section shall be void.
- 7 (c) The Judicial Form Retirement System may promulgate administrative  
8 regulations under KRS Chapter 13A in order to carry out this section.

9 ➔Section 43. KRS 21.460 is amended to read as follows:

- 10 (1) (a) For members who began participating in the Judicial Retirement Plan prior to  
11 January 1, 2014: If any member of the plan ceases, other than by death or by  
12 disability retirement under KRS 21.410, to hold an office qualifying him for  
13 membership in the plan established by KRS 21.350 to 21.480, without having  
14 met the requirements for vesting, he shall be refunded on demand the amount  
15 of his accumulated contributions and any service credit he had in the plan  
16 shall be nullified.
- 17 (b) A member who begins participating in the Judicial Retirement Plan on or after  
18 January 1, 2014, may, if the member ceases to hold an office qualifying him or  
19 her for membership in the plan established by KRS 21.345 to 21.580, elect to  
20 take a refund of his or her accumulated account balance subject to the  
21 limitations provided by KRS 21.402.
- 22 (2) The member may elect to leave his contributions in the plan, in which event the  
23 service credit he had in the plan shall be considered to be service credit for vesting  
24 purposes as provided in KRS 21.375 and for service retirement eligibility as  
25 provided in KRS 61.680(7), and, in the event he again becomes a member of the  
26 Judicial Retirement Plan, shall be counted toward his total service credit in that  
27 plan.

1 (3) ~~[(a)]~~ If a person who has been refunded his accumulated contributions or  
2 accumulated account balance in accordance with subsection (1) of this section  
3 subsequently becomes a member of the Legislators' Retirement Plan, the  
4 Kentucky Employees Retirement System, County Employees Retirement  
5 System, State Police Retirement System, or Teachers' Retirement System, he  
6 may while holding such membership repurchase the service credit he  
7 previously had in the Judicial Retirement Plan by repaying to that plan the  
8 amount that was refunded to him with interest at six percent (6%) per annum,  
9 in which event such service credit shall have operative effect to the same  
10 limited extent as provided in subsection (2) of this section. Service purchased  
11 under this subsection on or after January 1, 2014, shall not be used to  
12 determine the member's participation date in the Judicial Retirement Plan.

13 ~~[(b) Members or persons participating in the 401(a) money purchase plan as~~  
14 ~~provided by KRS 61.5956 shall not be eligible to purchase service under the~~  
15 ~~provisions of this section.]~~

16 (4) If a person who has been refunded his accumulated contribution or accumulated  
17 account balance in accordance with subsection (1) of this section thereafter becomes  
18 again the holder of an office qualifying him for membership in the Judicial  
19 Retirement Plan, he shall not be entitled to credit for his prior period of service  
20 unless he has previously repaid his refunded contributions in accordance with  
21 subsection (3) of this section or unless within thirty (30) days after again assuming  
22 office he repays to the plan the amount that was refunded to him with interest at six  
23 percent (6%) per annum. Service purchased under this subsection on or after  
24 January 1, 2014, shall not be used to determine the member's participation date in  
25 the Judicial Retirement Plan.~~[(b) Members or persons participating in the 401(a)~~  
26 ~~money purchase plan as provided by KRS 61.5956 shall not be eligible to purchase~~  
27 ~~service under the provisions of this section.]~~

1 (5) If the taking of a refund of contributions by a member of the Kentucky Judicial  
2 Retirement Plan, when first entitled thereto, would subject the member to a federal  
3 excise tax, by reason of the refund's being made before the member has reached an  
4 age designated by the federal taxing act, and the member has elected, pursuant to  
5 subsection (2) of this section, to defer taking a refund, so much of the contributions  
6 as would have been subject to the excise tax shall accrue interest at the rate of six  
7 percent (6%) per annum, from the date the member first could have taken a refund  
8 until the date the refund is taken or the date as of which the federal excise tax no  
9 longer would apply to a refund, whichever is sooner, the interest to be paid by the  
10 plan at the time of the refund. The provisions of this subsection shall not apply to  
11 members who begin participating in the Judicial Retirement Plan on or after January  
12 1, 2014.

13 ➔SECTION 44. KRS 61.5955 IS REPEALED AND REENACTED TO READ  
14 AS FOLLOWS:

15 Notwithstanding any provision of KRS 16.505 to 16.652, 61.510 to 61.705, and 78.510  
16 to 78.852 to the contrary:

17 (1) Subject to the provisions of this section, any member who began participating in  
18 the Kentucky Employees Retirement System, the County Employees Retirement  
19 System, or the State Police Retirement System on or after September 1, 2008, but  
20 prior to January 1, 2014, may in lieu of the benefits he or she is currently eligible  
21 to receive from the systems, elect to receive the benefits and rights provided to  
22 members who began participating in the systems on or after January 1, 2014,  
23 including participating in the hybrid cash balance plan created pursuant to  
24 Section 2 of this Act or KRS 61.597 for members in nonhazardous duty positions  
25 or pursuant to Section 4 of this Act or KRS 16.583 for members in hazardous  
26 duty positions, as applicable;

27 (2) The election provided by this section shall be made in writing and on a form

1       prescribed by the Kentucky Public Pensions Authority and shall apply to all  
2       service or accounts in the Kentucky Retirement Systems or the County Employees  
3       Retirement System;

4       (3) For each member who makes an election provided by this section:

5           (a) Any service credit the member has accrued prior to January 1, 2014, shall  
6           be considered as service credit earned on or after January 1, 2014, for  
7           purposes of determining benefits under KRS 16.505 to 16.652, 61.510 to  
8           61.705, and 78.510 to 78.852;

9           (b) On the member's effective election date, the value of the member's  
10          accumulated contributions, less any interest, shall be deposited into the  
11          member's hybrid cash balance account as provided by Section 2 of this Act,  
12          KRS 61.597, Section 4 of this Act, or KRS 16.583, as applicable, and  
13          considered part of the member's accumulated account balance;

14          (c) On the member's effective election date, an employer pay credit as provided  
15          by Section 2 of this Act, KRS 61.597, Section 4 of this Act, or KRS 16.583,  
16          as applicable, shall be added to the member's accumulated account balance  
17          for each month the member contributed to the Kentucky Employees  
18          Retirement System, the County Employees Retirement System, or the State  
19          Police Retirement System prior to his or her effective election date; and

20          (d) Interest credits as provided by Section 2 of this Act, KRS 61.597, Section 4  
21          of this Act, or KRS 16.583, as applicable, shall only be applied for periods  
22          occurring on or after the member's effective election date;

23       (4) Before accepting an election provided by this section, the Kentucky Public  
24       Pensions Authority shall provide the member with information detailing the  
25       potential results of the member's election;

26       (5) An election made pursuant to this section shall be irrevocable;

27       (6) (a) A member of the Kentucky Employees Retirement System, the County

1           Employees Retirement System, or the State Police Retirement System shall  
2           not be eligible to make an election prescribed by this section until the  
3           Kentucky Retirement Systems receives a favorable private letter ruling from  
4           the Internal Revenue Service regarding this section.

5           (b) If the Internal Revenue Service denies the request for a private letter ruling  
6           as provided by paragraph (a) of this subsection, this section shall be void.

7           (c) The Kentucky Public Pensions Authority may promulgate administrative  
8           regulations under KRS Chapter 13A in order to carry out this section; and

9           (7) This section shall not apply to retirees who were reemployed on or after  
10           September 1, 2008, and who are not eligible to participate in the systems during  
11           reemployment.

12           ➔Section 45. KRS 61.510 (Effective April 1, 2021) is amended to read as  
13 follows:

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

15 (1) "System" means the Kentucky Employees Retirement System created by KRS  
16 61.510 to 61.705;

17 (2) "Board" means the board of trustees of the system as provided in KRS 61.645;

18 (3) "Department" means any state department or board or agency participating in the  
19 system in accordance with appropriate executive order, as provided in KRS 61.520.  
20 For purposes of KRS 61.510 to 61.705, the members, officers, and employees of the  
21 General Assembly and any other body, entity, or instrumentality designated by  
22 executive order by the Governor, shall be deemed to be a department,  
23 notwithstanding whether said body, entity, or instrumentality is an integral part of  
24 state government;

25 (4) "Examiner" means the medical examiners as provided in KRS 61.665;

26 (5) "Employee" means the members, officers, and employees of the General Assembly  
27 and every regular full-time, appointed or elective officer or employee of a

- 1 participating department, including the Department of Military Affairs. The term  
2 does not include persons engaged as independent contractors, seasonal, emergency,  
3 temporary, interim, and part-time workers. In case of any doubt, the board shall  
4 determine if a person is an employee within the meaning of KRS 61.510 to 61.705;
- 5 (6) "Employer" means a department or any authority of a department having the power  
6 to appoint or select an employee in the department, including the Senate and the  
7 House of Representatives, or any other entity, the employees of which are eligible  
8 for membership in the system pursuant to KRS 61.525;
- 9 (7) "State" means the Commonwealth of Kentucky;
- 10 (8) "Member" means any employee who is included in the membership of the system or  
11 any former employee whose membership has not been terminated under KRS  
12 61.535;
- 13 (9) "Service" means the total of current service and prior service as defined in this  
14 section;
- 15 (10) "Current service" means the number of years and months of employment as an  
16 employee, on and after July 1, 1956, except that for members, officers, and  
17 employees of the General Assembly this date shall be January 1, 1960, for which  
18 creditable compensation is paid and employee contributions deducted, except as  
19 otherwise provided, and each member, officer, and employee of the General  
20 Assembly shall be credited with a month of current service for each month he  
21 serves in the position;
- 22 (11) "Prior service" means the number of years and completed months, expressed as a  
23 fraction of a year, of employment as an employee, prior to July 1, 1956, for which  
24 creditable compensation was paid; except that for members, officers, and employees  
25 of the General Assembly, this date shall be January 1, 1960. An employee shall be  
26 credited with one (1) month of prior service only in those months he received  
27 compensation for at least one hundred (100) hours of work; provided, however, that

1 each member, officer, and employee of the General Assembly shall be credited with  
2 a month of prior service for each month he served in the position prior to January 1,  
3 1960. Twelve (12) months of current service in the system are required to validate  
4 prior service;

5 (12) "Accumulated contributions" at any time means the sum of all amounts deducted  
6 from the compensation of a member and credited to his individual account in the  
7 members' account, including employee contributions picked up after August 1,  
8 1982, pursuant to KRS 61.560(4), together with interest credited, on such amounts  
9 and any other amounts the member shall have contributed thereto, including interest  
10 credited thereon. For members who begin participating on or after September 1,  
11 2008, "accumulated contributions" shall not include employee contributions that are  
12 deposited into accounts established pursuant to 26 U.S.C. sec. 401(h) within the  
13 funds established in KRS 16.510 and 61.515~~[78.520]~~, as prescribed by subsection  
14 (3)(b) of Section 73 of this Act~~[KRS 61.702(2)(b)]~~;

15 (13) "Creditable compensation":

16 (a) Means all salary, wages, tips to the extent the tips are reported for income tax  
17 purposes, and fees, including payments for compensatory time, paid to the  
18 employee as a result of services performed for the employer or for time during  
19 which the member is on paid leave, which are includable on the member's  
20 federal form W-2 wage and tax statement under the heading "wages, tips,  
21 other compensation," including employee contributions picked up after  
22 August 1, 1982, pursuant to KRS 61.560(4). For members of the General  
23 Assembly, it shall mean all amounts which are includable on the member's  
24 federal form W-2 wage and tax statement under the heading "wages, tips,  
25 other compensation," including employee contributions picked up after  
26 August 1, 1982, pursuant to KRS 6.505(4) or 61.560(4);

27 (b) Includes:

- 1           1.   Lump-sum bonuses, severance pay, or employer-provided payments for  
2                   purchase of service credit, which shall be averaged over the employee's  
3                   total service with the system in which it is recorded if it is equal to or  
4                   greater than one thousand dollars (\$1,000);
- 5           2.   Cases where compensation includes maintenance and other perquisites,  
6                   but the board shall fix the value of that part of the compensation not paid  
7                   in money;
- 8           3.   Lump-sum payments for creditable compensation paid as a result of an  
9                   order of a court of competent jurisdiction, the Personnel Board, or the  
10                  Commission on Human Rights, or for any creditable compensation paid  
11                  in anticipation of settlement of an action before a court of competent  
12                  jurisdiction, the Personnel Board, or the Commission on Human Rights,  
13                  including notices of violations of state or federal wage and hour statutes  
14                  or violations of state or federal discrimination statutes, which shall be  
15                  credited to the fiscal year during which the wages were earned or should  
16                  have been paid by the employer. This subparagraph shall also include  
17                  lump-sum payments for reinstated wages pursuant to KRS 61.569,  
18                  which shall be credited to the period during which the wages were  
19                  earned or should have been paid by the employer;
- 20          4.   Amounts which are not includable in the member's gross income by  
21                  virtue of the member having taken a voluntary salary reduction provided  
22                  for under applicable provisions of the Internal Revenue Code; and
- 23          5.   Elective amounts for qualified transportation fringes paid or made  
24                  available on or after January 1, 2001, for calendar years on or after  
25                  January 1, 2001, that are not includable in the gross income of the  
26                  employee by reason of 26 U.S.C. sec. 132(f)(4); and

27       (c)   Excludes:



- 1           1.   Living allowances, expense reimbursements, lump-sum payments for
- 2                accrued vacation leave, and other items determined by the board;
- 3           2.   For employees who begin participating on or after September 1, 2008,
- 4                lump-sum payments for compensatory time;
- 5           3.   For employees who begin participating on or after August 1, 2016,
- 6                nominal fees paid for services as a volunteer; and
- 7           4.   Any salary or wages paid to an employee for services as a Kentucky
- 8                State Police school resource officer as defined by KRS 158.441;

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

- 10       (a)   For a member who begins participating before September 1, 2008, who is
- 11           employed in a nonhazardous position, the creditable compensation of the
- 12           member during the five (5) fiscal years he or she was paid at the highest
- 13           average monthly rate divided by the number of months of service credit during
- 14           that five (5) year period multiplied by twelve (12). The five (5) years may be
- 15           fractional and need not be consecutive. If the number of months of service
- 16           credit during the five (5) year period is less than forty-eight (48), one (1) or
- 17           more additional fiscal years shall be used;
- 18       (b)   For a member who is employed in a nonhazardous position, whose effective
- 19           retirement date is between August 1, 2001, and January 1, 2009, and whose
- 20           total service credit is at least twenty-seven (27) years and whose age and years
- 21           of service total at least seventy-five (75), final compensation means the
- 22           creditable compensation of the member during the three (3) fiscal years the
- 23           member was paid at the highest average monthly rate divided by the number
- 24           of months of service credit during that three (3) years period multiplied by
- 25           twelve (12). The three (3) years may be fractional and need not be
- 26           consecutive. If the number of months of service credit during the three (3)
- 27           year period is less than twenty-four (24), one (1) or more additional fiscal

1           years shall be used. Notwithstanding the provision of KRS 61.565, the  
2           funding for this paragraph shall be provided from existing funds of the  
3           retirement allowance;

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

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

22          (e) For a member who begins participating on or after September 1, 2008, but  
23          prior to January 1, 2014, who is employed in a hazardous position as provided  
24          in KRS 61.592, the creditable compensation of the member during the three  
25          (3) complete fiscal years he or she was paid at the highest average monthly  
26          rate divided by three (3). Each fiscal year used to determine final  
27          compensation must contain twelve (12) months of service credit. If the

1 member does not have three (3) complete fiscal years that each contain twelve  
2 (12) months of service credit, then one (1) or more additional fiscal years,  
3 which may contain less than twelve (12) months of service credit, shall be  
4 added until the number of months in the final compensation calculation is at  
5 least thirty-six (36) months;

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

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

17 (17) "Actuarial equivalent" means a benefit of equal value when computed upon the  
18 basis of the actuarial tables that are adopted by the board. In cases of disability  
19 retirement, the options authorized by KRS 61.635 shall be computed by adding ten  
20 (10) years to the age of the member, unless the member has chosen the Social  
21 Security adjustment option as provided for in KRS 61.635(8), in which case the  
22 member's actual age shall be used. For members who began participating in the  
23 system prior to January 1, 2014, no disability retirement option shall be less than the  
24 same option computed under early retirement;

25 (18) "Normal retirement date" means the sixty-fifth birthday of a member, unless  
26 otherwise provided in KRS 61.510 to 61.705;

27 (19) "Fiscal year" of the system means the twelve (12) months from July 1 through the

1 following June 30, which shall also be the plan year. The "fiscal year" shall be the  
2 limitation year used to determine contribution and benefit limits as established by  
3 26 U.S.C. sec. 415;

4 (20) "Officers and employees of the General Assembly" means the occupants of those  
5 positions enumerated in KRS 6.150. The term shall also apply to assistants who  
6 were employed by the General Assembly for at least one (1) regular legislative  
7 session prior to July 13, 2004, who elect to participate in the retirement system, and  
8 who serve for at least six (6) regular legislative sessions. Assistants hired after July  
9 13, 2004, shall be designated as interim employees;

10 (21) "Regular full-time positions," as used in subsection (5) of this section, shall mean  
11 all positions that average one hundred (100) or more hours per month determined by  
12 using the number of months actually worked within a calendar or fiscal year,  
13 including all positions except:

14 (a) Seasonal positions, which although temporary in duration, are positions which  
15 coincide in duration with a particular season or seasons of the year and which  
16 may recur regularly from year to year, the period of time shall not exceed nine  
17 (9) months;

18 (b) Emergency positions which are positions which do not exceed thirty (30)  
19 working days and are nonrenewable;

20 (c) Temporary positions which are positions of employment with a participating  
21 department for a period of time not to exceed nine (9) months and are  
22 nonrenewable;

23 (d) Part-time positions which are positions which may be permanent in duration,  
24 but which require less than a calendar or fiscal year average of one hundred  
25 (100) hours of work per month, determined by using the number of months  
26 actually worked within a calendar or fiscal year, in the performance of duty;  
27 and

- 1 (e) Interim positions which are positions established for a one-time or recurring  
2 need not to exceed nine (9) months;
- 3 (22) "Vested" for purposes of determining eligibility for purchasing service credit  
4 under Section 52 of this Act means the employee has at least forty-eight (48)  
5 months of service if age sixty-five (65) or older or at least sixty (60) months of  
6 service if under the age of sixty-five (65). For purposes of this paragraph, service  
7 shall mean service in the systems administered by the Kentucky Retirement  
8 Systems and County Employees Retirement System~~["Delayed contribution~~  
9 ~~payment" means an amount paid by an employee for purchase of current service.~~  
10 ~~The amount shall be determined using the same formula in KRS 61.5525, and the~~  
11 ~~payment shall not be picked up by the employer. A delayed contribution payment~~  
12 ~~shall be deposited to the member's account and considered as accumulated~~  
13 ~~contributions of the individual member. In determining payments under this~~  
14 ~~subsection, the formula found in this subsection shall prevail over the one found in~~  
15 ~~KRS 212.434];~~
- 16 (23) "Parted employer" means a department, portion of a department, board, or agency,  
17 such as Outwood Hospital and School, which previously participated in the system,  
18 but due to lease or other contractual arrangement is now operated by a publicly held  
19 corporation or other similar organization, and therefore is no longer participating in  
20 the system. The term "parted employer" shall not include a department, board, or  
21 agency that ceased participation in the system pursuant to KRS 61.522;
- 22 (24) "Retired member" means any former member receiving a retirement allowance or  
23 any former member who has filed the necessary documents for retirement benefits  
24 and is no longer contributing to the retirement system;
- 25 (25) "Current rate of pay" means the member's actual hourly, daily, weekly, biweekly,  
26 monthly, or yearly rate of pay converted to an annual rate as defined in final rate of  
27 pay. The rate shall be certified by the employer;

- 1 (26) "Beneficiary" means the person or persons or estate or trust or trustee designated by  
2 the member in accordance with KRS 61.542 or 61.705 to receive any available  
3 benefits in the event of the member's death. As used in KRS 61.702, "beneficiary"  
4 does not mean an estate, trust, or trustee;
- 5 (27) "Recipient" means the retired member or the person or persons designated as  
6 beneficiary by the member and drawing a retirement allowance as a result of the  
7 member's death or a dependent child drawing a retirement allowance. An alternate  
8 payee of a qualified domestic relations order shall not be considered a recipient,  
9 except for purposes of KRS 61.623;
- 10 (28) "Level percentage of payroll amortization method" means a method of determining  
11 the annual amortization payment on the unfunded actuarial accrued liability as  
12 expressed as a percentage of payroll over a set period of years. Under this method,  
13 the percentage of payroll shall be projected to remain constant for all years  
14 remaining in the set period of time and the unfunded actuarially accrued liability  
15 shall be projected to be fully amortized at the conclusion of the set period of years;
- 16 (29) "Increment" means twelve (12) months of service credit which are purchased. The  
17 twelve (12) months need not be consecutive. The final increment may be less than  
18 twelve (12) months;
- 19 (30) "Person" means a natural person;
- 20 (31) "Retirement office" means the Kentucky Public Pensions Authority's office building  
21 in Frankfort, unless otherwise designated by the Kentucky Public Pensions  
22 Authority;
- 23 (32) "Last day of paid employment" means the last date employer and employee  
24 contributions are required to be reported in accordance with KRS 16.543, 61.543, or  
25 78.615 to the retirement office in order for the employee to receive current service  
26 credit for the month. Last day of paid employment does not mean a date the  
27 employee receives payment for accrued leave, whether by lump sum or otherwise, if

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

- 1 (39) "Alternate payee" means a spouse, former spouse, child, or other dependent of a  
2 participant, who is designated to be paid retirement benefits in a qualified domestic  
3 relations order;
- 4 (40) "Accumulated employer credit" mean the employer pay credit deposited to the  
5 member's account and interest credited on such amounts as provided by KRS  
6 16.583 and 61.597;
- 7 (41) "Accumulated account balance" means:
- 8 (a) For members who began participating in the system prior to January 1, 2014,  
9 the member's accumulated contributions; or
- 10 (b) For members who began participating in the system on or after January 1,  
11 2014, in the hybrid cash balance plan as provided by KRS 16.583 and 61.597,  
12 the combined sum of the member's accumulated contributions and the  
13 member's accumulated employer credit;
- 14 (42) "Volunteer" means an individual who:
- 15 (a) Freely and without pressure or coercion performs hours of service for an  
16 employer participating in one (1) of the systems administered by Kentucky  
17 Retirement Systems without receipt of compensation for services rendered,  
18 except for reimbursement of actual expenses, payment of a nominal fee to  
19 offset the costs of performing the voluntary services, or both; and
- 20 (b) If a retired member, does not become an employee, leased employee, or  
21 independent contractor of the employer for which he or she is performing  
22 volunteer services for a period of at least twelve (12) months following the  
23 retired member's most recent retirement date;
- 24 (43) "Nominal fee" means compensation earned for services as a volunteer that does not  
25 exceed five hundred dollars (\$500) per month. Compensation earned for services as  
26 a volunteer from more than one (1) participating employer during a month shall be  
27 aggregated to determine whether the compensation exceeds the five hundred dollars



1 (\$500) per month maximum provided by this subsection;

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

4 (45) "Monthly average pay" means the higher of the member's monthly final rate of pay  
5 or the average monthly creditable compensation earned by the deceased member  
6 during his or her last twelve (12) months of employment;

7 (46) "Authority" means the Kentucky Public Pensions Authority as provided by KRS  
8 61.505; and

9 (47) "Executive director" means the executive director of the Kentucky Public Pensions  
10 Authority.

11 ➔Section 46. KRS 61.526 is amended to read as follows:

12 (1) Upon becoming a member of the Kentucky Employees Retirement System, the  
13 County Employees Retirement System, or the State Police Retirement System,  
14 the~~each~~ employee and employer~~on becoming a member of the Kentucky~~  
15 ~~Employees Retirement System~~ may file in the retirement office, in the form and  
16 detail as the authority~~board~~ may prescribe, a statement of facts pertaining to the  
17 employee and other information the authority may require, including but not  
18 limited to~~member. The statement shall include~~ a record of military service and~~;~~  
19 previous employment with the employer~~, and such other information as the system~~  
20 ~~may require~~.

21 (2) If the records of the employer~~Personnel Cabinet or the department~~ employing the  
22 member during the time the service was rendered do not substantiate the statement  
23 of facts filed by the member~~service~~, the member shall be notified of any  
24 discrepancy. The member shall be advised that he has the responsibility of  
25 supplying verification of any unsubstantiated service.

26 (3) At the request of the member, or the beneficiary if the member is deceased, the  
27 Authority's executive director shall arrange a time and place or process to receive

1 additional information in regard to the unsubstantiated~~[unverified]~~ service. After  
2 filing the request, the member or the beneficiary if the member is deceased, shall  
3 have a reasonable time but no more than six (6) months to present the additional  
4 information to substantiate the unsubstantiated~~[unverified]~~ service.

5 (4) ~~[The system may at any time conduct an audit of the employing department~~  
6 ~~pursuant to KRS 61.675.~~

7 ~~(5)]~~ The system may allow a member to retire or obtain a refund without the member  
8 submitting a statement of facts pertaining to the member as described by this  
9 section.

10 ➔Section 47. KRS 61.540 is amended to read as follows:

11 (1) ~~[Under administrative regulations promulgated by the board, each member and each~~  
12 ~~employer shall have on file at the retirement office, in the form the board prescribes,~~  
13 ~~a statement of the facts pertaining to the member and other information the system~~  
14 ~~requires. Until the statement is filed, no member shall be eligible to receive any~~  
15 ~~benefits under KRS 61.510 to 61.705 and 78.510 to 78.852.~~

16 ~~(2)]~~ The Authority~~[system]~~ shall prepare and make available upon request to all  
17 members, retired members, or beneficiaries, a summary plan description, written in  
18 a manner that can be understood by the average member, retired member, or  
19 beneficiary, and sufficiently accurate and comprehensive to reasonably apprise them  
20 of their rights and obligations under the provisions of KRS 16.505 to 16.652,  
21 61.510 to 61.705 and 78.510 to 78.852.

22 ~~(2)]~~~~(3)]~~ The summary plan description shall include:

23 (a) The name of the retirement system, the name and business address of the  
24 executive director of the Kentucky Public Pensions Authority and~~[,]~~ the  
25 chief executive officer, and the name, business address, and title of each  
26 member of the board of trustees;

27 (b) The name and business address of the person designated for the service of

- 1 legal process;
- 2 (c) The system's requirements for participation and benefits;
- 3 (d) A description of retirement formulas for normal, early and disability
- 4 retirement, and survivor benefits;
- 5 (e) A description of the requirements for vesting of pension benefits;
- 6 (f) A reasonable list of circumstances which would result in disqualification,
- 7 ineligibility, or denial or loss of benefits;
- 8 (g) The sources of financing retirement benefits, and statutory requirements for
- 9 funding;
- 10 (h) A statement after each actuarial valuation as to whether funding requirements
- 11 are being met; and
- 12 (i) The procedures to be followed in presenting claims for benefits under the
- 13 plan, and the remedies available under the plan for the redress of claims which
- 14 are denied in whole or in part.
- 15 ~~(3)~~~~(4)~~ The system may publish the summary plan description in the form of a *paper*
- 16 *or electronic* comprehensive pamphlet or booklet, or in the form of *paper or*
- 17 *electronic* periodic newsletters which shall incorporate all the information required
- 18 in the summary plan description within a period of two (2) years. Any changes in
- 19 statutory requirements or administrative practices which alter the provisions of the
- 20 plan as described in the summary plan description shall be summarized as required
- 21 in subsection (2) of this section and shall be made available upon request to
- 22 members in the form of a supplement to a comprehensive booklet, or reported in the
- 23 periodic newsletter.
- 24 ~~[(5) The system shall make available upon request to retirees and beneficiaries the~~
- 25 ~~summary plan description.]~~
- 26 ➔Section 48. KRS 61.542 is amended to read as follows:
- 27 (1) Prior to the first day of the month in which the member receives his or her first

1 retirement allowance and prior to the member filing a notification of retirement or a  
2 request for refund:

3 (a) Each member may designate on the form prescribed by the Authority~~[board]~~ a  
4 principal beneficiary and contingent beneficiary for his or her account or  
5 accounts. The principal beneficiary or contingent beneficiary designated by  
6 the member shall be:

- 7 1. One (1) or more persons; or
- 8 2. The member's estate; or
- 9 3. A trust;

10 (b) If multiple persons are designated as provided by paragraph (a)1. of this  
11 subsection, the member shall indicate the percentage of total benefits each  
12 person is to receive.

- 13 1. If percentages are not indicated, payments will be disbursed equally to  
14 the named beneficiaries.
- 15 2. If the percentages indicated do not total one hundred percent (100%),  
16 each beneficiary shall receive an increased or decreased percentage  
17 which is proportional to the percentage allotted him or her by the  
18 member.
- 19 3. If any of the multiple beneficiaries die prior to the member's death, the  
20 remaining beneficiaries shall be entitled to the deceased beneficiary's  
21 percentage of the total benefits, and each shall receive a percentage of  
22 the deceased's share which is equal to the percentage allotted them by  
23 the member;

24 (c) The principal and contingent beneficiary designation established by the  
25 member pursuant to paragraph (a) of this subsection shall remain in full force  
26 and effect until changed by the member, except:

- 27 1. A final divorce decree terminates an ex-spouse's status as beneficiary,

1 unless the member has on file in the retirement office a beneficiary  
2 designation that redesignates the ex-spouse as beneficiary subsequent to  
3 the issuance of the divorce decree;

4 2. If a beneficiary or beneficiaries are convicted of any crime which  
5 prohibits that person or persons from receiving the benefits under KRS  
6 381.280, the beneficiary or beneficiaries shall not be eligible for any of  
7 the benefits and the remaining beneficiary or beneficiaries or, if none,  
8 the member's estate, shall become the beneficiary; and

9 3. When a notification of retirement has been filed at the retirement office,  
10 the designation of beneficiary on the notification of retirement, which  
11 shall be one (1) person, his estate, or a trust, shall supersede the  
12 designation of all previous beneficiaries, unless the notification of  
13 retirement is withdrawn, invalid, or voided. If the notification of  
14 retirement is withdrawn, invalid, or voided, the prior beneficiary  
15 designation on file with the system shall remain in full force and effect  
16 until changed by the member; and

17 (d) Except as provided by paragraph (c)3. of this subsection, if the member fails  
18 to designate a beneficiary for his or her account or if the beneficiary  
19 designation is determined to be void by the system, the member's estate shall  
20 become the beneficiary.

21 (e) If the member has more than one (1) account in the Kentucky Employees  
22 Retirement System, County Employees Retirement System, or State Police  
23 Retirement System, the member shall not be eligible to name differing  
24 beneficiaries for each system but shall instead complete one (1) beneficiary  
25 designation form which shall be applicable to all systems in which the  
26 member has an account.

27 (2) If the member dies prior to the first day of the month in which the member would

1 have received his or her first retirement allowance and prior to filing a notification  
2 of retirement or a request for refund, any retirement benefits shall be payable to the  
3 principal beneficiary, except that:

4 (a) If the death of the principal beneficiary or beneficiaries precedes the death of  
5 the member, or if the principal beneficiary is terminated by a divorce decree,  
6 the contingent beneficiary or beneficiaries become the principal beneficiary or  
7 beneficiaries;

8 (b) If the principal beneficiary is one (1) person and is the member's spouse and  
9 they are divorced on the date of the member's death, the contingent beneficiary  
10 or beneficiaries become the principal beneficiary or beneficiaries;

11 (c) If the member is survived by his principal beneficiary or beneficiaries who  
12 subsequently die prior to having on file at the retirement office the necessary  
13 forms prescribed under authority of KRS 61.590, the contingent beneficiary  
14 shall become the principal beneficiary or beneficiaries;

15 (d) If the deaths of all the principal beneficiaries and all of the contingent  
16 beneficiaries precede the death of the member, the estate of the member  
17 becomes the beneficiary; and

18 (e) If the member dies as a direct result of an act in line of duty as defined in KRS  
19 16.505, **Section 18 of this Act**, or dies as a result of a duty-related injury as  
20 defined in KRS 61.621, the surviving spouse shall supersede all previously  
21 designated principal or contingent beneficiaries, unless the deceased member  
22 files a valid beneficiary designation form with the retirement office after the  
23 date of marriage to the surviving spouse.

24 (3) Prior to the first day of the month in which the member would have received his or  
25 her first retirement allowance, a monthly benefit payable for life shall not be offered  
26 if the beneficiary designated under subsection (1) of this section is more than one  
27 (1) person, the member's estate, or a trust.

- 1 (4) When a notification of retirement has been filed at the retirement office:
- 2 (a) The designation of beneficiary on the notification of retirement shall
- 3 supersede the designation of all previous beneficiaries;
- 4 (b) The beneficiary designated by the member on the member's notification of
- 5 retirement shall be one (1) person, the member's estate, or a trust; and
- 6 (c) If the death of the beneficiary named on the notification of retirement precedes
- 7 the first day of the month in which the member receives his or her first
- 8 retirement allowance, the member may designate another beneficiary on the
- 9 member's notification of retirement.
- 10 (5) On or after the first day of the month in which the member receives his or her first
- 11 retirement allowance, the member shall not have the right to change his beneficiary,
- 12 except that:
- 13 (a) The estate of the retired member becomes the beneficiary if the date of death
- 14 of the beneficiary precedes or coincides with the date of death of the retired
- 15 member;
- 16 (b) The estate of the retired member becomes the beneficiary if the retired
- 17 member had designated a person as beneficiary who was the spouse or who
- 18 later married the member and they were divorced on the date of the retired
- 19 member's death. An ex-spouse who was the named beneficiary on the
- 20 member's notification of retirement shall be reinstated as the member's
- 21 beneficiary for the payment options provided by KRS 61.635(2), (3), (4), and
- 22 (8)(b) if they are remarried to each other as of the date of the retired member's
- 23 death; and
- 24 (c) The estate of the member shall not receive monthly payments if the member
- 25 selected one (1) of the payment options provided by KRS 61.635(2), (3), (4),
- 26 and (8)(b).
- 27 (6) Following cessation of membership as provided by KRS 61.535 or 78.540, no

beneficiary designation in one (1) account shall be effective for any new retirement account established ~~[pursuant to KRS 61.637 or 61.680]~~. If the member fails to designate a beneficiary for his or her new retirement account or if the beneficiary designation is determined to be void by the system, the member's estate shall become the beneficiary.

➔Section 49. KRS 61.543 is amended to read as follows:

- (1) (a) Employee contributions shall be deducted each payroll period from the creditable compensation of each employee of an agency participating in the retirement system while he is classified as regular full-time as defined in KRS 61.510 unless the employee ~~[-~~:
1. ~~—~~did not elect to become a member as provided by subsection (2) of KRS 61.525 or ~~[-~~:
2. ~~—~~Did not elect membership pursuant to KRS 61.545(3); ~~or~~
3. ~~—~~is not eligible to participate in the system as provided by KRS 61.522.
- (b) After August 1, 1982, employee contributions shall be picked up by the employer pursuant to KRS 61.560(4). Service credit will be allowed for each month the contributions are deducted or picked up during a fiscal or calendar year, if the member receives creditable compensation for an average of one hundred (100) hours or more of work per month. If the average number of hours of work is less than one hundred (100) per month, the member shall be allowed credit only for those months he receives creditable compensation for one hundred (100) hours of work.
- (2) Employee contributions shall not be deducted from the creditable compensation of an employee or picked up by the employer while he is seasonal, emergency, temporary, or part-time. No service credit will be earned.
- (3) Contributions shall not be made or picked up by the employer and no service credit will be earned by a member while on leave except:



- 1 (a) A member on military leave shall be entitled to service credit in accordance  
2 with Section 52 of this Act~~[KRS 61.555]~~;
- 3 (b) A member on educational leave, approved by the Personnel Cabinet, who is  
4 receiving seventy-five percent (75%) or more of full salary, shall receive  
5 service credit and shall pay employee contributions, or the contributions shall  
6 be picked up in accordance with KRS 61.560 and his employer shall pay  
7 employer contributions in accordance with KRS 61.565. If a tuition agreement  
8 is broken by the member, the member and employer contributions paid or  
9 picked up during the period of educational leave shall be refunded; and
- 10 (c) An employee on educational leave, approved by the appointing authority, not  
11 to exceed one (1) year, or with additional approval of one (1) additional year,  
12 and not to exceed two (2) years within a five (5) year period, who is receiving  
13 a salary of less than seventy-five percent (75%) of full salary, may elect to  
14 retain membership in the system during the period of leave. If the employee  
15 elects to retain membership in the system, he shall receive service credit by  
16 having employee contributions picked up in accordance with KRS 61.560. His  
17 employer shall pay employer contributions in accordance with KRS 61.565. If  
18 a tuition agreement is broken by the member, the employee and employer  
19 contributions paid or picked up during the period of educational leave shall be  
20 refunded to the contributor and no service credit shall be earned for the period  
21 of leave.
- 22 (4) The retirement office, upon detection, shall refund any erroneous employer and  
23 employee contributions made to the retirement system and any interest credited in  
24 accordance with KRS 61.575.
- 25 (5) Notwithstanding the provisions of this section and KRS 61.560, employees engaged  
26 pursuant to KRS 148.026 and 56.491 in a regular full-time position as defined in  
27 KRS 61.510(21) prior to January 1, 1993, shall be allowed service credit for each

1 month the employee received creditable compensation for an average of one  
2 hundred (100) or more hours of work, if the employee pays to the retirement system  
3 the contributions that would have been deducted for the period of employment. The  
4 contributions shall be credited to the member's account and shall not be picked up  
5 pursuant to KRS 61.560(4). The employer contributions for the period, plus interest  
6 calculated at the actuarial rate, shall be due within thirty (30) days of notice of  
7 receipt of payment from the employee.

8 ➔Section 50. KRS 61.545 is amended to read as follows:

9 (1) The Authority~~[board]~~ shall determine by appropriate administrative regulations how  
10 much service in any year is the equivalent of a year of service credit and how much  
11 service in any calendar month is the equivalent of a month of service credit. It shall  
12 not allow credit for more than one (1) year of service for all service rendered in any  
13 period of twelve (12) consecutive months except as provided in KRS 61.546 in the  
14 case of the Kentucky Retirement Systems or KRS 78.616 in the case of the County  
15 Employees Retirement System~~[and in subsection (2) of this section]~~.

16 (2) (a) ~~[Employees participating in one (1) of the state-administered retirement~~  
17 ~~systems who are or have been employed by a school board participating in the~~  
18 ~~County Employees Retirement System, a state-operated school under KRS~~  
19 ~~Chapter 167, a participating community action agency, or a Kentucky~~  
20 ~~institution of higher education which participates in the Kentucky Employees~~  
21 ~~Retirement System, and who receive service credit for less than twelve (12)~~  
22 ~~months each year, may purchase the additional months of service credit~~  
23 ~~needed to total one (1) year of service credit except the amount purchased~~  
24 ~~shall not exceed three (3) months. The employee may purchase the service~~  
25 ~~credit by paying the retirement system a delayed contribution payment in~~  
26 ~~accordance with the payment options and restrictions established by KRS~~  
27 ~~61.552(14). Employees who have service credit prior to July 1, 1992, or their~~

1 employers, the state-operated school under KRS Chapter 167, the Kentucky  
2 institution of higher education, or the school board may purchase service  
3 credit on behalf of the employee for previous years by paying the retirement  
4 system the delayed contribution payment in accordance with the payment  
5 options and restrictions established by KRS 61.552(14).

6 (b) ~~The cost of service under this subsection may be paid by both the employer~~  
7 ~~and employee. The employer shall pay fifty percent (50%) of the cost and the~~  
8 ~~employee shall pay fifty percent (50%) of the cost. The payment by the~~  
9 ~~employer shall not be deposited to the member's account. Service credit shall~~  
10 ~~not be credited to the member's account until both the employer's and~~  
11 ~~employee's payment are received by the retirement system.~~

12 (c) ~~If the employee has purchased service credit under this subsection based on~~  
13 ~~months reported by the employer for the fiscal year, and an audit of the~~  
14 ~~employee's account reduces the number of months of service credit for which~~  
15 ~~the employee is eligible to no fewer than nine (9) months, the employee shall~~  
16 ~~retain credit for the months purchased unless the employee is ineligible for~~  
17 ~~any service in the fiscal year. The employee shall be eligible to purchase the~~  
18 ~~additional months under this subsection to total one (1) year.~~

19 (d) ~~This subsection shall not apply to members who begin participating in the~~  
20 ~~systems administered by Kentucky Retirement Systems on or after January 1,~~  
21 ~~2014.~~

22 (3) ~~(a)~~ If an employee participates in more than one (1) of the retirement systems  
23 administered by the Kentucky Retirement Systems and County Employees  
24 Retirement System, the employee's service credit shall be divided between  
25 each system determined by dividing the employee's creditable compensation  
26 in each system by the employee's total creditable compensation in all systems.

27 (b) If an employee earns creditable compensation in both a hazardous position, as

defined by KRS 61.592 or Section 6 of this Act, and a nonhazardous position, the employee's service credit shall be divided between the employee's hazardous and nonhazardous positions determined by dividing the employee's creditable compensation in the hazardous and nonhazardous positions by the employee's combined hazardous and nonhazardous creditable compensation.

➔Section 51. KRS 61.550 is amended to read as follows:

When membership ceases, except in the case of retirement, the member shall thereafter lose all right to any retirement allowance or benefits under KRS 61.510 to 61.705 and 16.505 to 16.652 ~~and 78.510 to 78.852~~ arising from service prior to the date of such cessation of membership.

➔SECTION 52. KRS 61.552 (Effective April 1, 2021) IS REPEALED AND REENACTED TO READ AS FOLLOWS:

(1) Called to Active Duty Military Service. An employee of an employer participating in the system who is called to active military duty in the Armed Forces of the United States shall be credited in accordance with 38 U.S.C. sec. 4318 with service credit, creditable compensation, and in the case of employees participating in the hybrid cash balance plan, employee contributions, employer credits, and interest credits, for a period of active military duty of up to six (6) years, provided:

(a) The employee was called to active military duty in the Armed Forces of the United States:

1. After he or she began participating in the system and provided the employee was on leave of absence from the employer and did not withdraw his or her accumulated account balance; or

2. Prior to the date he or she began participating in the system and terminated employment with his or her employer;

(b) The employee entered active military service within three (3) months of his

1 or her last day of paid employment;

2 (c) His or her discharge military service was terminated in a manner other  
3 than as described in 38 U.S.C. sec. 4304; and

4 (d) He or she returns to work with an employer participating in the system  
5 within two (2) years after completion of the period of active military duty, or  
6 upon the subsequent termination of any total disability which existed at the  
7 expiration of the two (2) years after discharge.

8 For periods of active military duty that meet the requirements of this subsection,  
9 the employer shall pay the employer contributions payable under KRS 61.565,  
10 61702, and 78.635, and Section 14 of this Act.

11 (2) (a) Omitted Service. Any person who is entitled to service credit for employment  
12 which was not reported by the employer in accordance with KRS 16.543,  
13 61.543, or 78.615 may obtain credit for the service subject to the provisions  
14 of this subsection.

15 (b) Provided the person pays for the omitted service with within six (6) months  
16 of notification by the system, the cost of the service shall be equal to the  
17 employee contributions that would have been paid if the person had been  
18 correctly reported in accordance with KRS 16.543, 61.543, or 78.615.

19 (c) Any employee participating in one (1) of the state-administered retirement  
20 systems entitled to service credit under paragraph (a) of this subsection who  
21 has not repaid the employee contributions due within six (6) months of  
22 notification by the system may purchase the credit after the six (6) months  
23 by paying to the system the employee contributions plus interest at the  
24 actuarially assumed rate from the date of initial notification under  
25 paragraph (b) of this subsection.

26 (d) Omitted service purchased under this subsection shall:

27 1. Be considered service credited under KRS 16.543(1), 61.543(1), or

1                   78.615(1) for purposes of determining eligibility for retirement  
2                   benefits under KRS 78.510 to 78.852; and

3                   2. Not be credited to the member's account until the employer  
4                   contributions due and any interest or penalties on the delinquent  
5                   employer contributions for the period of omitted service are received  
6                   by the system.

7                   (e) Employees who begin participating on or after January 1, 2014, in the  
8                   hybrid cash balance plan provided by KRS 16.583 or 16.597 or Sections 2  
9                   and 4 of this Act shall, upon payment of the employee and employer  
10                  contributions due under this subsection, have their accumulated account  
11                  balance increased by the employee contributions, employer pay credits, and  
12                  interest credits that would have been credited to their member's account if  
13                  the contributions had been paid on time.

14                  (f) Contributions payable by the employer under this subsection for omitted  
15                  service shall be considered delinquent from the date the employee should  
16                  have been reported and received service credit in accordance with KRS  
17                  16.543, 61.543, and 78.615.

18                  (3) (a) Recontribution of a Refund. Any employee participating in one (1) of the  
19                  state-administered retirement systems who has been refunded his  
20                  accumulated account balance under the provisions of KRS 61.625, thereby  
21                  losing service credit in the system, may regain the credit by paying to the  
22                  system the amount or amounts refunded by the system with interest at a rate  
23                  determined by the board. Service purchased under this subsection on or  
24                  after January 1, 2014, shall not be used to determine the member's  
25                  participation date in the systems.

26                  (b) Recontribution of a refund purchased under this subsection shall not be  
27                  used in determining a retirement allowance until the member has accrued

1 at least six (6) months of service credit in a state-administered retirement  
2 system, excluding the service purchased under this subsection. If the  
3 member does not accrue at least six (6) months of service credit in a state-  
4 administered retirement system, excluding service purchased under this  
5 subsection, then the payment plus interest as provided in KRS 16.560,  
6 61.575, or 78.640 shall be refunded upon retirement, death, or written  
7 request following termination of employment. The service requirement shall  
8 be waived if the member dies or becomes disabled as provided for by KRS  
9 16.582, 61.600, 61.621, or Sections Section 7 or 8 of this Act.

10 (4) (a) Summer Months. Any employee participating in one (1) of the state-  
11 administered retirement systems who are or have been employed by a school  
12 board or community action agency participating in the County Employees  
13 Retirement System or a state operated school under KRS Chapter 167 or an  
14 institution of higher learning participating in the Kentucky Employees  
15 Retirement System, who receives service credit for less than twelve (12)  
16 months each year, may purchase the additional months of service credit  
17 needed to total one (1) year of service credit except the amount purchased  
18 for any specific year shall not exceed three (3) months.

19 (b) The cost of the summer months service credit shall be determined by the  
20 formula established by subsection (10) of this section and may be purchased  
21 by the employee, the employer on behalf of the employee, or the cost may be  
22 paid by both the employer and employee in which case the employer and  
23 employee shall each pay fifty percent (50%) of the cost. Service credit shall  
24 not be credited to the member's account until both the employer's and  
25 employee's payment are received by the system.

26 (c) If the employee has purchased service credit under this subsection based on  
27 months reported by the employer for the fiscal year, and an audit of the

1 employee's account reduces the number of months of service credit for  
2 which the employee is eligible to no fewer than nine (9) months, the  
3 employee shall retain credit for the months purchased unless the employee  
4 is ineligible for any service in the fiscal year. The employee shall be eligible  
5 to purchase the additional months under this subsection to total one (1)  
6 year.

7 (d) This subsection shall not apply to members who began participating in the  
8 County Employees Retirement System on or after January 1, 2014.

9 (5) Vested Service Purchases. Any employee who began participating in the County  
10 Employees Retirement System, the Kentucky Employees Retirement System, or  
11 the State Police Retirement System prior to January 1, 2014, who is vested may  
12 purchase service credit for:

13 (a) Past service. Past service shall mean periods of employment:

14 1. Between July 1, 1956, in the case of the Kentucky Employees  
15 Retirement System, or July 1, 1958, in the case of the County  
16 Employees Retirement System, and the effective date of participation  
17 by the employer;

18 2. Where the employee did not participate in the system due to the  
19 employee not electing to participate as provided in KRS 61.525(2) or  
20 78.540(1); and

21 3. With a public agency that did not participate in the Kentucky  
22 Employees Retirement System but would have been eligible to  
23 participate under KRS 61.520 or a political subdivision that did not  
24 participate in the County Employees Retirement System but would  
25 have been eligible to participate under KRS 78.530, provided the  
26 public agency or political subdivision has merged with or been taken  
27 over by a participating employer;



1       **(b) State university service, provided the university does not participate in a**  
2       **state-administered retirement system and the university service being**  
3       **purchased was in a nonteaching position that did not participate in a**  
4       **defined benefit retirement program;**

5       **(c) 1. Up to ten (10) years of out-of-state service. Out-of-state shall mean**  
6       **service credited to a state or local government-administered public**  
7       **defined benefit plan in another state that is not a defined benefit plan**  
8       **for teachers.**

9       **2. Up to ten (10) years of out-of-state hazardous service. Out-of-state**  
10       **hazardous service shall mean service in a regular full-time position**  
11       **that was credited to a defined benefit retirement plan administered by**  
12       **a state or local government in another state, if the service could be**  
13       **certified as hazardous pursuant to KRS 61.592 or Section 6 of this Act,**  
14       **as applicable. The employee may purchase out-of-state hazardous**  
15       **service under this subparagraph provided the employee is vested to**  
16       **receive benefits from the State Police Retirement System or hazardous**  
17       **duty benefits from the Kentucky Employees Retirement System or the**  
18       **County Employees Retirement System.**

19       **The employee must purchase out-of-state service or out-of-state hazardous**  
20       **service in the system in which he or she is vested based solely upon the**  
21       **service in that system;**

22       **(d) Active military duty, which shall mean periods of active military duty in the**  
23       **Armed Forces of the United States, provided:**

24       **1. The employee's military service was terminated in a manner other**  
25       **than as described in 38 U.S.C. sec. 4304; and**

26       **2. The service has not been credited as free military service under**  
27       **subsection (1) of this section;**

1 (e) National Guard service. An employee may purchase one (1) month of  
2 service for each six (6) months of service in the National Guard or the  
3 military reserves of the United States. The service shall be treated as service  
4 earned prior to participation in the system;

5 (f) Federal service. Federal service shall mean service with the United States  
6 government, that is not service in the Armed Forces;

7 (g) Seasonal, emergency, interim, probationary, or temporary employment or  
8 part-time employment as provided by subsection (21) of Section 18 of this  
9 Act or subsection (21) of Section 45 of this Act averaging one hundred (100)  
10 or more hours of work per month on a calendar or fiscal year basis. If the  
11 average number of hours of work is less than one hundred (100) per month,  
12 the member may purchase credit for only those months he receives  
13 creditable compensation for one hundred (100) hours of work;

14 (h) Part-time employment in a noncertified position at a school board prior to  
15 the 1990-91 school year which averaged eighty (80) or more hours of work  
16 per month on a calendar or fiscal year basis. If the average number of  
17 hours of work is less than eighty (80) per month, the noncertified employee  
18 of a school board shall be allowed to purchase credit only for those months  
19 he receives creditable compensation for eighty (80) hours of work;

20 (i) Any period of:

21 1. Authorized maternity leave without pay or sick leave without pay;

22 2. Unpaid leave authorized under the Federal Family and Medical Act;

23 3. Approved educational leave; and

24 4. Agency-approved leave to work for a work-related labor organization  
25 if the agency subsequently participated in the County Employees  
26 Retirement System, but only if the board receives a favorable private  
27 letter ruling from the United States Internal Revenue Service or a

1 favorable opinion letter from the United States Department of Labor;

2 (j) Non-Participating Employer Service, which shall mean periods of  
3 employment with the following types of agencies provided the agency does  
4 not participate in a state-administered retirement system:

5 1. A regional community services program for mental health organized  
6 and operated under the provisions of KRS 210.370 to 210.480;

7 2. A community action agency created under KRS 273.405 to 273.453.  
8 The service provided by this subparagraph shall be purchased in the  
9 County Employees Retirement System;

10 3. An area development district created pursuant to KRS 147A.050; or

11 4. A business development corporation created pursuant to KRS 155.001  
12 to 155.230, provided the system receives a favorable private letter  
13 ruling from the United States Internal Revenue Service or a favorable  
14 opinion letter from the United States Department of Labor;

15 (k) Urban-County Government service, which shall mean employment in an  
16 urban-county government position that would qualify for hazardous duty  
17 coverage under KRS 61.592 or Section 6 of this Act. The provisions of this  
18 paragraph shall only be applicable to vested members participating in the  
19 State Police Retirement System or in a hazardous position in the Kentucky  
20 Employees Retirement System or the County Employees Retirement System;

21 (l) Periods of service as assistants to officers and employees of the General  
22 Assembly for persons who were unable to acquire service under KRS  
23 61.510(20) for service performed after January 1, 1960;

24 (m) Service as a volunteer in the Kentucky Peace Corps, created by KRS 154.1-  
25 720; and

26 (n) Employment with a vocational technical school in a noncertified part-time  
27 position averaging eighty (80) or more hours per month, determined by

1           using the number of months actually worked within a calendar or fiscal  
2           year. The service provided by this paragraph shall be purchased in the  
3           Kentucky Employees Retirement System.

4   (6) Non-qualified service. Provided the employee's participation date in the system is  
5           prior to July 15, 2002, and provided the employee has total service in all state-  
6           administered retirement systems of at least one hundred eighty (180) months of  
7           service credit, the employee may purchase a combined maximum total of five (5)  
8           years of service credit, known as non-qualified service, which is not otherwise  
9           purchasable under any of the provisions of KRS 16.505 to 16.652, 61.510 to  
10           61.705, or 78.510 to 78.852. The service purchased under this paragraph shall  
11           not be used in determining a retirement allowance until the member has accrued  
12           at least two hundred forty (240) months of service, excluding service purchased  
13           under this subsection. If the member does not accrue at least two hundred forty  
14           (240) months of service, excluding service purchased under this subsection, upon  
15           retirement, death, or written request following termination, the payment, plus  
16           interest as provided in KRS 16.560, Section 27 of this Act, or Section 55 of this  
17           Act, as applicable, shall be refunded.

18   (7) For purposes of service purchased under subsections (2) to (6) of this section:

19           (a) Except for subsection (6) of this section, the service must qualify as regular  
20           full-time as provided by KRS 61.510 and 78.510;

21           (b) No service credit may be purchased for periods already credited to the  
22           system or another public defined benefit retirement fund, including non-  
23           qualified service purchased in another state-administered retirement  
24           system;

25           (c) Except as provided by subparagraph (a)2.a. of subsection (9) of this section,  
26           the employee payment for service purchases shall not be picked up, as  
27           described in KRS 16.545(4), 61.560(4), or 78.610(4), by the employer;

1       (d) Except for service purchased under subsection (2) or (3) of this section,  
2       service purchases made pursuant to this section may be purchased by the  
3       entire amount of service available or by increments. Service purchases  
4       made pursuant to subsections (2) and (3) of this section shall only be  
5       purchased by the entire amount of service available; and

6       (e) Service purchases as provided by subsections (4)(b), (4)(d) to (f), (4)(i)1.,  
7       and (6) of this section may be purchased in any system in which the  
8       member has service credit.

9       (8) (a) Employer purchase of past service. Any employer participating in the  
10       system may purchase service credit, between July 1, 1956, in the case of the  
11       Kentucky Employees Retirement System, or July 1, 1958, in the case of the  
12       County Employees Retirement System, and the participation date of the  
13       employer, for present employees of the county or department who have  
14       elected coverage under KRS 61.525(2) or 78.540(1), provided the employee  
15       began participating in the system prior to January 1, 2014.

16       (b) A Kentucky Employees Retirement System employer shall pay the cost of  
17       the service credit within the fiscal year the election is made to purchase the  
18       service credit. A County Employees Retirement System employer may  
19       purchase the service, with interest at the rate actuarially assumed by the  
20       board, over a period not to exceed ten (10) years.

21       (c) If an employer elects to purchase service under the provisions of this  
22       subsection, any present employee who would be eligible to receive service  
23       credit under the provisions of this subsection and has purchased service  
24       credit under subsection (5)(a) of this section shall have his or her payment  
25       for the service credit refunded with interest at the rate paid under KRS  
26       61.575 or 78.640; and

27       (d) Any payments made by an employer under this subsection shall be deposited

1 to the retirement allowance account of the system and these funds shall not  
2 be considered accumulated contributions of the individual members.

3 (9) (a) An employee participating in the system may purchase service credit under  
4 any of the provisions of KRS 16.505 to 16.652, 61.510 to 61.705, 78.510 to  
5 78.852 for which he or she is eligible to purchase, or as otherwise required  
6 by 38 U.S.C. ch. 43, by:

7 1. Making a lump-sum payment on a before-tax basis as provided in  
8 subparagraph 3. of this paragraph, or on an after-tax basis if the  
9 employee is purchasing service credit under subsection (1) or (3) of  
10 this section, service available pursuant to 38 U.S.C. ch. 43 not  
11 otherwise provided for in this section, or grandfathered service as  
12 defined in paragraph (b) of this subsection;

13 2. Entering into an agreement to purchase service credit through an  
14 installment purchase of service agreement with the systems as  
15 provided by paragraph (c) of this subsection;

16 a. On a before-tax basis in which the service is purchased pursuant  
17 to the employer pick-up provisions in 26 U.S.C. sec. 414(h)(2); or

18 b. On an after-tax basis if the employee is purchasing service credit  
19 under subsection (1) or (3) of this section, service available  
20 pursuant to 38 U.S.C. ch. 43 not otherwise provided for in this  
21 section, or grandfathered service as defined in paragraph (b) of  
22 this subsection; or

23 3. Transferring funds to the system through a direct trustee-to-trustee  
24 transfer as permitted under the applicable sections of the Internal  
25 Revenue Code and any regulations or rulings issued thereunder,  
26 through a direct rollover as contemplated by and permitted under 26  
27 U.S.C. sec. 401(a)(31) and any regulations or rulings issued

1 thereunder, or through a rollover of funds pursuant to and permitted  
2 under the rules specified in 26 U.S.C. secs. 402(c) and 408(d)(3). The  
3 system shall accept the transfer or rollover to the extent permitted  
4 under the rules specified in the applicable provisions of the Internal  
5 Revenue Code and any regulations and rulings issued thereunder.

6 (b) For purposes of this subsection, "grandfathered service" means service  
7 purchases for which a member, whose membership date in the system is  
8 prior to July 1, 1999, is eligible to purchase under 16.505 to 16.652, 61.510  
9 to 61.705, or 78.510 to 78.852, that were available for all members of the  
10 system to purchase on August 5, 1997.

11 (c) 1. For service purchased under a before-tax or after-tax installment  
12 purchase of service agreement as provided by paragraph (a)2. of this  
13 subsection, the cost of the service shall be computed in the same  
14 manner as for a lump-sum payment which shall be the principal,  
15 except that interest compounded annually at the actuarial rate in  
16 effect at the time the member elects to make the purchase shall be  
17 added for the period that the installments are to be made.

18 2. Multiple service purchases may be combined under a single  
19 installment agreement, except that no employee may make more than  
20 one (1) installment purchase at the same time.

21 3. For after-tax installment purchase of service agreements, the  
22 employee may elect to stop the installment payments by notifying the  
23 system; may have the installment purchase recalculated to add one (1)  
24 or more additional service purchases; or may pay by lump sum the  
25 remaining principal or a portion of the remaining principal.

26 4. Before-tax installment purchase of service agreements shall be  
27 irrevocable, and the employee shall not be able to stop installment

1                   payments or to pay off the remaining balance of the purchase of  
2                   service agreement, except upon termination of employment or death.

3           5.   One (1) year of installment payments shall be made for each one  
4                   thousand dollars (\$1,000) or any part thereof of the total cost, except  
5                   that the total period allowed for installments shall not be less than one  
6                   (1) year and shall not exceed five (5) years.

7           6.   The employee shall pay the installments by payroll deduction for after-  
8                   tax purchase of service agreements, and the employer shall pick up  
9                   installments for before-tax purchase of service agreements. Upon  
10                  notification by the system, the employer shall report the installment  
11                  payments monthly continuously over each twelve (12) month period at  
12                  the same time as, but separate from, regular employee contributions  
13                  on the forms or by the computer format specified by the board.

14          7.   The system shall determine how much of the total cost represents  
15                  payment for one (1) month of the service to be purchased and shall  
16                  credit one (1) month of service to the member's account each time this  
17                  amount has been paid. The first service credited shall represent the  
18                  first calendar month of the service to be purchased and each  
19                  succeeding month of service credit shall represent the succeeding  
20                  months of that service.

21          8.   If the employee utilizing an installment purchase of service agreement  
22                  dies, retires, does not continue employment in a position required to  
23                  participate in the system, or elects to stop an after-tax installment  
24                  purchase of service agreement, the member, or in the case of death,  
25                  the beneficiary, shall have sixty (60) days to pay the remaining  
26                  principal or a portion of the remaining principal of the installment  
27                  purchase of service agreement by lump sum, subject to the restrictions



1 of paragraph (a)1. of this subsection, or by transfer of funds under  
2 paragraph (a)3. of this subsection, except that payment by the member  
3 shall be filed with the system prior to the member's effective  
4 retirement date. If the member or beneficiary does not pay the  
5 remaining cost, the system shall refund to the member or the  
6 beneficiary the payment, payments, or portion of a payment that does  
7 not represent a full month of service purchased, except as provided by  
8 subsection (6) of this section.

9 9. If the employer does not report installment payments on an employee  
10 for sixty (60) days for an after-tax installment purchase of service  
11 agreement, except in the case of employees on military leave or sick  
12 leave without pay, the installment purchase shall cease and the system  
13 shall refund to the employee the payment, payments, or portion of a  
14 payment that does not represent a full month of service purchased.

15 10. Installment payments of employees on military leave or sick leave  
16 without pay shall be suspended during the period of leave and shall  
17 resume without recalculation upon the employee's return from leave.

18 11. If payments have ceased under subparagraph 8. or 9. of this  
19 paragraph and the member later becomes a participating employee in  
20 the County Employees Retirement System, Kentucky Employees  
21 Retirement System, or State Police Retirement System, the employee  
22 may complete the adjusted original installment purchase by lump sum  
23 or installment payments, subject to the restrictions of this subsection.  
24 If the employee elects to renew the installment purchase, the cost of  
25 the remaining service shall be recalculated in accordance with  
26 subsection (10) of this section.

27 (d) Member payments, including interest, properly received pursuant to this

1           subsection, shall be deposited to the member's account and considered as  
2           accumulated contributions of the individual member.

3   (10) (a) The cost of purchasing service credit under any provision of this section,  
4           except as provided by subsections (1) to (3) of this section, shall be  
5           determined by multiplying the higher of the employee's current rate of pay,  
6           final rate of pay, or final compensation as of the end of the month in which  
7           the purchase is made times the actuarial factor times the number of years of  
8           service being purchased. The actuarial factor used to determine the cost of  
9           purchasing service credit shall assume the earliest date the member may  
10           retire without a reduction in benefits and the cost-of-living adjustments  
11           provided to members upon retirement.

12   (b) Service purchased on or after August 1, 2004, under the provisions of KRS  
13           16.505 to 16.652, 61.510 to 61.705, or 78.510 to 78.852, except for service  
14           purchased under subsections (1) to (3) of this section, shall not be used to  
15           determine eligibility for or the amount of the monthly insurance  
16           contribution under Section 14 or 73 of this Act.

17   (c) For a member whose participation begins on or after August 1, 2004,  
18           service purchased under the provisions of KRS 16.505 to 16.652, 61.510 to  
19           61.705, or 78.510 to 78.852, except for service purchased under subsections  
20           (1) to (3) of this section:

21           1. Shall not be used to determine eligibility for a retirement allowance  
22           under disability retirement, early retirement, normal retirement, or  
23           upon death of the member under any of the provisions of KRS 16.505  
24           to 16.652, 61.510 to 61.705, or 78.510 to 78.852; and

25           2. Shall only be used to determine the amount of the retirement  
26           allowance of a member who is eligible for a retirement allowance  
27           under disability, early retirement, normal retirement, or upon death of

1                   the member under any of the provisions of KRS 16.505 to 16.652,  
2                   61.510 to 61.705, or 78.510 to 78.852, based on service earned as a  
3                   participating employee.

4           ➔Section 53. KRS 61.559 is amended to read as follows:

5   (1) In lieu of any other benefits due under KRS 61.510 to 61.705 ~~and 78.510 to~~  
6       ~~78.852~~, a member who begins participating before September 1, 2008, who has  
7       attained the age of sixty-five (65) and who has obtained at least one (1) month of  
8       service credit but no more than forty-seven (47) months of service may elect to  
9       receive an annual retirement allowance payable monthly or less frequently, as  
10      determined by the board, which shall be determined by multiplying his accumulated  
11      contributions by two (2) and converting this amount to an annual retirement  
12      allowance based on an annuity rate adopted by the board which would pay the  
13      actuarial equivalent of twice his accumulated contributions over the lifetime of the  
14      retired member.

15   (2) A member who begins participating before September 1, 2008, who is sixty-five  
16      (65) years of age or older is eligible for a retirement allowance determined under  
17      KRS 61.595 provided such member has forty-eight (48) months of service, at least  
18      twelve (12) of which are current service, or a retirement allowance determined  
19      under KRS 61.595 prior to age sixty-five (65) provided:

20      (a) The member has attained age fifty-five (55) and has service of sixty (60)  
21          months at least twelve (12) of which are current service; or

22      (b) The member is a retired member of the State Police Retirement System, has  
23          attained age fifty-five (55), and has service of forty-eight (48) months at least  
24          twelve (12) of which are current service; or

25      (c) The member is less than age fifty-five (55) and has twenty-five (25) or more  
26          years of service, at least fifteen (15) of which are current service; or

27      (d) The member has thirty (30) or more years of service at least fifteen (15) of

1           which are current service, or the member of the Kentucky Employees  
2           Retirement System~~[or the County Employees Retirement System]~~ has twenty-  
3           seven (27) or more years of service, at least fifteen (15) of which are current  
4           service; or

5           (e) The member of the Kentucky Employees Retirement System has, at least,  
6           twenty-six (26) years of service credit, at least sixteen (16) of which are  
7           current consecutive years of service as a cabinet secretary or administrative  
8           head of one (1) of the three (3) branches of government; or

9           (f) The member has attained age fifty-five (55) and was an employee of a parted  
10          employer at the time his employer became ineligible to continue participation  
11          in the system, and his service in the system when added to his service with the  
12          parted employer subsequent to his separation from state government equals  
13          the early retirement service eligibility requirement of the system on the date  
14          his employer became ineligible to continue participation in the system.

15       (3) A member who begins participating on or after September 1, 2008, but prior to  
16       January 1, 2014, is eligible for a retirement allowance determined under KRS  
17       61.595 if:

18           (a) The member is sixty-five (65) years of age or older and has at least five (5)  
19           years of service credited under KRS 16.543(1), 61.543(1), or ~~[78.615(1) or~~  
20           ~~]another state-administered retirement system;~~

21           (b) The member is fifty-seven (57) years of age or older and has an age and years  
22           of service total of at least eighty-seven (87) years. The years of service used to  
23           determine eligibility for a retirement allowance under this paragraph shall only  
24           include years of service credited under KRS 16.543(1), 61.543(1), or  
25           ~~[78.615(1) or]another state-administered retirement system;~~ or

26           (c) The member is sixty (60) years of age or older and has at least ten (10) years  
27           of service credited under KRS 16.543(1), 61.543(1), ~~[or 78.615(1)]~~ or another

1 state-administered retirement system.

2 (4) Subsections (1) to (3) of this section shall not apply to members who begin  
3 participating in the system on or after January 1, 2014. Members who begin participating  
4 in the system on or after January 1, 2014, shall receive the retirement benefits prescribed  
5 by KRS 61.597~~[or the 401(a) money purchase plan prescribed by KRS 61.5956, as~~  
6 ~~applicable]~~.

7 ➔Section 54. KRS 61.565 (Effective April 1, 2021) is amended to read as  
8 follows:

9 (1) (a) Each employer participating in the State Police Retirement System as  
10 provided for in KRS 16.505 to 16.652 and the Kentucky Employees  
11 Retirement System as provided for in KRS 61.510 to 61.705 shall contribute  
12 annually to the respective retirement system an amount determined by the  
13 actuarial valuation completed in accordance with KRS 61.670 and as specified  
14 by this section. Employer contributions for each respective retirement system  
15 shall be equal to the sum of the "normal cost contribution" and the "actuarially  
16 accrued liability contribution."

17 (b) For purposes of this section, the normal cost contribution shall be computed as  
18 a percentage of pay and shall be an annual amount that is sufficient when  
19 combined with employee contributions to fund benefits earned during the year  
20 in the respective system. The amount shall be:

- 21 1. Paid as a percentage of creditable compensation reported for each  
22 employee participating in the system and accruing benefits; and
- 23 2. The same percentage of pay for all employees who are participating in  
24 the same retirement system, except that separate percentage rates shall  
25 be developed in each system for those employers whose employees are  
26 participating in hazardous duty retirement coverage as provided by KRS  
27 61.592.

- 1 (c) For purposes of this section, the actuarially accrued liability contribution shall  
2 be:
- 3 1. Computed by amortizing the total unfunded actuarially accrued liability  
4 of each system over a closed period of thirty (30) years beginning with  
5 the 2019 actuarial valuation using the level percentage of payroll  
6 amortization method, except that any increase or decrease in the  
7 unfunded actuarially accrued liability occurring after the completion of  
8 the 2019 actuarial valuation shall be amortized over a closed period of  
9 twenty (20) years beginning with the actuarial valuation in which the  
10 increase or decrease in the unfunded actuarially accrued liability is  
11 recognized. An increase or decrease in the unfunded actuarially accrued  
12 liability may result from, but not be limited to, legislative changes to  
13 benefits, changes in actuarial methods or assumptions, or actuarial gains  
14 or losses;
- 15 2. Paid as a percentage of payroll on the creditable compensation reported  
16 for each employee participating in the system and accruing benefits; and
- 17 3. The same percentage of pay for all employees who are participating in  
18 the same retirement system, except that separate percentage rates shall  
19 be developed in each system for those employers whose employees are  
20 participating in hazardous duty retirement coverage as provided by KRS  
21 61.592.
- 22 (d) The employer contributions computed under this section shall be determined  
23 using:
- 24 1. The entry age normal cost funding method;
- 25 2. An asset smoothing method that smooths investment gains and losses  
26 over a five (5) year period; and
- 27 3. Other funding methods and assumptions established by the board in

1 accordance with KRS 61.670.

2 (2) (a) Normal cost contribution rates and the actuarially accrued liability  
3 contribution shall be determined by the board on the basis of the annual  
4 actuarial valuation last preceding the July 1 of a new biennium.

5 (b) ~~{The board may amend contribution rates as of July 1 of the second year of a~~  
6 ~~biennium for the County Employees Retirement System, if it is determined on~~  
7 ~~the basis of a subsequent actuarial valuation that amended contribution rates~~  
8 ~~are necessary to satisfy the requirements of this section.~~

9 (c) The board shall not have the authority to amend contribution rates as of July 1  
10 of the second year of the biennium for the Kentucky Employees Retirement  
11 System and the State Police Retirement System.

12 (3) The system shall advise each employer prior to July 1 of any change in the employer  
13 contribution rate. Based on the employer contribution rate, each employer shall  
14 include in the budget sufficient funds to pay the employer contributions as  
15 determined by the board under this section.

16 (4) All employers, including the General Assembly, shall pay the full actuarially  
17 required contributions, as prescribed by this section, to the Kentucky Employees  
18 Retirement System and the State Police Retirement System in fiscal years occurring  
19 on or after July 1, 2020.

20 ➔Section 55. KRS 61.575 is amended to read as follows:

21 (1) The members' account shall be the account to which:

22 (a) All members' contributions, or contributions picked up by the employer after  
23 August 1, 1982, and interest allowances~~{or investment returns}~~ as provided in  
24 KRS 61.510 to 61.692 shall be credited, except as provided by subsection  
25 (3)(b) of Section 73 of this Act~~[KRS 61.702(2)(b)]~~; and

26 (b) For members who begin participating in the system on or after January 1,  
27 2014~~[, who are participating in the hybrid cash balance plan]~~, the employer

1 pay credit and interest credited on such amounts as provided by KRS 16.583  
2 and 61.597 shall be credited~~;~~ and

3 ~~(c) For members who elect to participate in the 401(a) money purchase plan as~~  
4 ~~provided by KRS 21.374, 61.5955, or 61.5956, the employer contribution and~~  
5 ~~investment return on such amounts as provided by KRS 61.5956].~~

6 Only funds from this account shall be used to return the accumulated contributions  
7 or accumulated account balances of a member when required by reason of any  
8 provision of KRS 61.510 to 61.705. Prior to the member's retirement, death, or  
9 refund in accordance with KRS 61.625, no funds shall be made available from the  
10 member account.

11 (2) Each member's contribution or contribution picked up by the employer shall be  
12 credited to the individual account of the contributing member, except as provided  
13 by subsection (3)(b) of Section 73 of this Act~~[KRS 61.702(2)(b)]~~.

14 (3) ~~[Except for the portion of the member's account balance in the 401(a) money~~  
15 ~~purchase plan as provided by KRS 61.5956:]~~

16 (a) Each member shall have his individual account credited with interest on June  
17 30 of each fiscal year.

18 (b) For a member who begins participating before September 1, 2008, interest  
19 shall be credited to his individual account at a rate determined by the board  
20 but not less than two percent (2%) per annum on the accumulated account  
21 balance of the member on June 30 of the preceding fiscal year.

22 (c) For a member who begins participating on or after September 1, 2008, but  
23 prior to January 1, 2014, interest shall be credited to his individual account at  
24 a rate of two and one-half percent (2.5%) per annum on the accumulated  
25 account balance of the member on June 30 of the preceding fiscal year.

26 (d) For a member who begins participating on or after January 1, 2014, in the  
27 hybrid cash balance plan, interest shall be credited in accordance with KRS



1 16.583 and 61.597.

2 (e) The amounts of interest credited to a member's account under this subsection  
3 shall be transferred from the retirement allowance account.

4 (4) (a) Upon the retirement of a member who began participating in the system prior  
5 to January 1, 2014, his or her accumulated account balance shall be  
6 transferred from the members' account to the retirement allowance account.

7 (b) Upon the retirement of a member who began participating in the system on or  
8 after January 1, 2014~~[, or who elects to participate in the 401(a) money~~  
9 ~~purchase plan]~~, who elects to annuitize his or her accumulated account  
10 balance~~[ in the hybrid cash balance plan or 401(a) money purchase plan]~~ as  
11 prescribed by KRS 16.583(7)(a)~~[ or (b), 61.5956(6)(a) or (b),]~~ or 61.597(7)(a)  
12 or (b), the member's accumulated account balance shall be transferred to the  
13 retirement allowance account.

14 ➔Section 56. KRS 61.580 is amended to read as follows:

15 The retirement allowance account shall be the account in which shall be accumulated all  
16 employer contributions and amounts transferred from the members' account, and to which  
17 all income from the invested assets of the system shall be credited. From this account  
18 shall be paid the expenses of the system and the board incurred in administration of the  
19 system, retirement allowances, and any other benefits payable after a member's retirement  
20 and from this account shall be transferred to the members' account:

21 (1) The employer pay credit added monthly to each member's individual accounts as  
22 provided by KRS 16.583 and 61.597; and

23 (2)~~[The employer contribution for the 401(a) money purchase plan as provided by~~  
24 ~~KRS 61.5956; and~~

25 (3)] The interest credited annually to each~~[a]~~ member's individual account as  
26 provided by KRS 61.510 to 61.705.

27 ➔Section 57. KRS 61.592 (Effective April 1, 2021) is amended to read as

1 follows:

2 (1) (a) "Hazardous position" for employees participating in the Kentucky Employees  
3 Retirement System~~[- and for employees who begin participating in the County~~  
4 ~~Employees Retirement System before September 1, 2008,]~~ means:

- 5 1. Any position whose principal duties involve active law enforcement,  
6 including the positions of probation and parole officer and  
7 Commonwealth detective, active fire suppression or prevention, or other  
8 positions, including but not limited to pilots of the Transportation  
9 Cabinet and paramedics and emergency medical technicians, with duties  
10 that require frequent exposure to a high degree of danger or peril and  
11 also require a high degree of physical conditioning;
- 12 2. Positions in the Department of Corrections in state correctional  
13 institutions and the Kentucky Correctional Psychiatric Center with  
14 duties that regularly and routinely require face-to-face contact with  
15 inmates; and
- 16 3. Positions of employees who elect coverage under KRS 196.167(3)(b)2.  
17 and who continue to provide educational services and support to inmates  
18 as a Department of Corrections employee.

19 (b) ~~["Hazardous position" for employees who begin participating in the County~~  
20 ~~Employees Retirement System on or after September 1, 2008, means police~~  
21 ~~officers and firefighters as defined in KRS 61.315(1), paramedics, correctional~~  
22 ~~officers with duties that routinely and regularly require face-to-face contact~~  
23 ~~with inmates, and emergency medical technicians if:~~

- 24 1. ~~The employee's duties require frequent exposure to a high degree of~~  
25 ~~danger or peril and a high degree of physical conditioning; and~~
- 26 2. ~~The employee's duties are not primarily clerical or administrative.~~

27 (e)} The effective date of participation under hazardous duty coverage for

1 positions in the Department of Alcoholic Beverage Control shall be April 1,  
2 1998. The employer and employee contributions shall be paid by the employer  
3 and forwarded to the retirement system for the period not previously reported.

4 (2) ~~{(a)}~~ Each employer may request of the board hazardous duty coverage for those  
5 positions as defined in subsection (1) of this section. Upon request, each employer  
6 shall certify to the system, in the manner prescribed by the board, the names of all  
7 employees working in a hazardous position as defined in subsection (1) of this  
8 section for which coverage is requested. The certification of the employer shall bear  
9 the approval of the agent or agency responsible for the budget of the department or  
10 county indicating that the required employer contributions have been provided for  
11 in the budget of the employing department or county. The system shall determine  
12 whether the employees whose names have been certified by the employer are  
13 working in positions meeting the definition of a hazardous position as provided by  
14 subsection (1) of this section. This process shall not be required for employees who  
15 elect coverage under KRS 196.167(3)(b)2.

16 ~~{(b)}~~ Each employer desiring to provide hazardous duty coverage to employees who  
17 begin participating in the County Employees Retirement System on or after  
18 September 1, 2008, may request that the board approve hazardous duty  
19 coverage for those positions that meet the criteria set forth in subsection (1)(b)  
20 of this section. Each employer shall certify to the system, in the manner  
21 prescribed by the board, the names of all employees working in a hazardous  
22 position as defined in subsection (1)(b) of this section for which coverage is  
23 requested and a job description for each position or employee. The  
24 certification of the employer shall bear the approval of the agent or agency  
25 responsible for the budget of the department or county indicating that the  
26 required employer contributions have been provided for in the budget of the  
27 employing department or county. Each employer shall also certify, under

1           ~~penalty of perjury in accordance with KRS Chapter 523, that each employee's~~  
2           ~~actual job duties are accurately reflected in the job description provided to the~~  
3           ~~system. The system shall determine whether the employees whose names have~~  
4           ~~been certified by the employer are working in positions meeting the definition~~  
5           ~~of a hazardous position as defined in subsection (1)(b) of this section. The~~  
6           ~~board shall have the authority to remove any employee from hazardous duty~~  
7           ~~coverage if the board determines the employee is not working in a hazardous~~  
8           ~~duty position or if the employee is classified in a hazardous duty position but~~  
9           ~~has individual job duties that do not meet the definition of a hazardous duty~~  
10           ~~position or are not accurately reflected in the job descriptions filed by the~~  
11           ~~employer with the system.]~~

12       (3) (a) An employee who elects coverage under KRS 196.167(3)(b)2., and an  
13           employee participating in the Kentucky Employees Retirement System who is  
14           determined by the system to be working in a hazardous position in accordance  
15           with subsection (2) of this section, shall contribute, for each pay period for  
16           which he or she receives compensation, eight percent (8%) of his or her  
17           creditable compensation. ~~[An employee participating in the County~~  
18           ~~Employees Retirement System who is determined by the system to be working~~  
19           ~~in a hazardous duty position in accordance with subsection (2) of this section~~  
20           ~~shall contribute, for each pay period for which he or she receives~~  
21           ~~compensation, eight percent (8%) of his or her creditable compensation.]~~

22           (b) Each employer shall pay employer contributions based on the creditable  
23           compensation of the employees determined by the system to be working in a  
24           hazardous position at the employer contribution rate as determined by the  
25           board. The rate shall be determined by actuarial methods consistent with the  
26           provisions of KRS 61.565~~[or 78.635, as applicable]~~.

27           (c) If the employer participated in the system prior to electing hazardous duty

1 coverage, the employer may pay to the system the cost of converting the  
2 nonhazardous service to hazardous service from the date of participation to  
3 the date the payment is made, or the employer may establish a payment  
4 schedule for payment of the cost of the hazardous service above that which  
5 would be funded within the existing employer contribution rate. The employer  
6 may extend the payment schedule to a maximum of thirty (30) years.  
7 Payments made by the employer under this subsection shall be deposited to  
8 the retirement allowance account of the proper retirement system and these  
9 funds shall not be considered accumulated contributions of the individual  
10 members. If the employer elects not to make the additional payment, the  
11 employee may pay the cost of converting the service and provide payment for  
12 the cost as provided by subsection (9) of Section 52 of this Act~~(KRS~~  
13 ~~61.552(14))~~. Payments made by the employee under this subsection shall not  
14 be picked up, as described in KRS 61.560(4), by the employer. If neither the  
15 employer nor employee makes the payment, the service prior to hazardous  
16 coverage shall remain nonhazardous. The provisions of this paragraph shall  
17 not apply to members who begin participating in the systems administered by  
18 Kentucky Retirement Systems ~~or County Employees Retirement System~~ on  
19 or after January 1, 2014.

20 (4) The normal retirement age, retirement allowance, hybrid cash balance plans, other  
21 benefits, eligibility requirements, rights, and responsibilities of a member in a  
22 hazardous position, as prescribed by subsections (1), (2), and (3) of this section, and  
23 the responsibilities, rights, and requirements of his or her employer shall be as  
24 prescribed for a member and employer participating in the State Police Retirement  
25 System as provided for by KRS 16.505 to 16.652.

26 (5) Any person employed in a hazardous position after July 1, 1972, shall be required to  
27 undergo a thorough medical examination by a licensed physician, and a copy of the

1 medical report of the physician shall be retained on file by the employee's  
2 department or county and made available to the system upon request.

3 (6) If doubt exists regarding the benefits payable to a hazardous position employee  
4 under this section, the board shall determine the benefits payable under KRS 61.510  
5 to 61.705~~[, or 78.510 to 78.852,]~~ or 16.505 to 16.652.

6 ➔Section 58. KRS 61.595 is amended to read as follows:

7 ~~[Except as limited by KRS 61.5955 or 61.5956:]~~

8 (1) Effective July 1, 1990, upon retirement at normal retirement date or subsequent  
9 thereto, a **Kentucky Employees Retirement System** member may receive an annual  
10 retirement allowance, payable monthly during his lifetime, which shall consist of an  
11 amount equal to~~[two and two-tenths percent (2.2%) for the County Employees~~  
12 ~~Retirement System and]~~ one and ninety-seven hundredths percent (1.97%) ~~[for the~~  
13 ~~Kentucky Employees Retirement System]~~ of final compensation multiplied by the  
14 number of years of service credit, except that:

15 (a) Effective February 1, 1999, a member of the Kentucky Employees Retirement  
16 System who was participating in one (1) of the state-administered retirement  
17 systems as of January 1, 1998, and continues to participate through January 1,  
18 1999, shall receive an annual retirement allowance, payable monthly during  
19 his lifetime, which shall consist of an amount equal to two percent (2%) of  
20 final compensation multiplied by the number of years of service credit. Any  
21 Kentucky Employees Retirement System member whose effective date of  
22 retirement is between February 1, 1999, and January 31, 2009, and who has at  
23 least twenty (20) years of service credit in one (1) of the state-administered  
24 retirement systems and who was participating in one (1) of the state-  
25 administered retirement systems as of January 1, 1998, and continues to  
26 participate through January 1, 1999, shall receive an annual retirement  
27 allowance, payable monthly during his lifetime, which shall consist of an

1 amount equal to two and two-tenths percent (2.2%) of final compensation  
2 multiplied by the number of years of service credit. Notwithstanding the  
3 provisions of KRS 61.565, the funding for this paragraph shall be provided  
4 from existing funds of the retirement allowance account;

5 (b) ~~[For a member of the County Employees Retirement System whose~~  
6 ~~participation begins on or after August 1, 2004, the annual retirement~~  
7 ~~allowance upon retirement at normal retirement date or later shall be equal to~~  
8 ~~two percent (2%) of final compensation multiplied by the number of years of~~  
9 ~~service credit and shall be payable monthly during his lifetime;~~

10 (e) ~~—~~ The annual normal retirement allowance for members of the General  
11 Assembly, who serve during the 1974 or 1976 General Assembly, and will  
12 have eight (8) years or more of total legislative service as of January 6, 1978,  
13 shall not be less than two hundred forty dollars (\$240) multiplied by the  
14 number of years of service as a member of the General Assembly;

15 ~~(c)(d)~~ For a member of the Kentucky Employees Retirement System ~~[or the~~  
16 ~~County Employees Retirement System]~~ who begins participating on or after  
17 September 1, 2008, the annual retirement allowance upon retirement shall be  
18 equal to:

- 19 1. a. One and one-tenth percent (1.1%) of final compensation for each  
20 year of service if the member has earned ten (10) or less years of  
21 service at retirement;
- 22 b. One and three-tenths percent (1.3%) of final compensation for  
23 each year of service if the member has earned greater than ten (10)  
24 but no more than twenty (20) years of service at retirement;
- 25 c. One and one-half percent (1.5%) of final compensation for each  
26 year of service if the member has earned greater than twenty (20)  
27 but no more than twenty-six (26) years of service at retirement; or

- 1                   d.    One and three-quarters percent (1.75%) of final compensation for  
2                   each year of service if the member has earned greater than twenty-  
3                   six (26) but no more than thirty (30) years of service at retirement;  
4                   and
- 5                   2.    Two percent (2.0%) of final compensation for each year of service  
6                   earned in excess of thirty (30) years of service at retirement;
- 7           (e)   The annual normal retirement allowance for members of the General  
8           Assembly who will have fewer than eight (8) years of service as of December  
9           31, 1975, shall be as prescribed in Chapter 116, section 36(1), Acts of the  
10          1972 General Assembly for legislative service prior to January 1, 1974;
- 11          (f)   Former members of the General Assembly who have eight (8) or more years  
12          of legislative service prior to the 1976 Regular Session are eligible for an  
13          increased retirement allowance of two hundred forty dollars (\$240) times the  
14          years of legislative service, if the member pays to the Kentucky Employees  
15          Retirement System thirty-five percent (35%) of the actuarial cost of the higher  
16          benefit, as determined by the system, except that a former member with  
17          sixteen (16) or more years of legislative service, or his beneficiary, who is  
18          receiving a retirement allowance, also is eligible under this section and may  
19          apply for a recomputation of his retirement allowance. The employer's share  
20          of sixty-five percent (65%) of the computed actuarial cost shall be paid from  
21          the State Treasury to the Kentucky Employees Retirement System upon  
22          presentation of a properly documented claim to the Finance and  
23          Administration Cabinet. If any member with sixteen (16) or more years of  
24          legislative service previously applied for and is receiving a retirement  
25          allowance, he may reapply and his retirement allowance shall be recomputed  
26          in accordance with this paragraph, and he shall thereafter be paid in  
27          accordance with the option selected by him at the time of the reapplication;



1           and

2           (g) The annual normal retirement allowance for a member with ten (10) or more  
3           years of service, in the Kentucky Employees Retirement System, at least one  
4           (1) of which is current service, shall not be less than five hundred twelve  
5           dollars (\$512).

6       (2) (a) Upon service retirement prior to normal retirement date, a member may  
7           receive an annual retirement allowance payable monthly during his lifetime  
8           which shall be determined in the same manner as for retirement at his normal  
9           retirement date with years of service and final compensation being determined  
10          as of the date of his actual retirement, but the amount of the retirement  
11          allowance so determined shall be reduced at an amount determined by the  
12          board's actuary to reflect the earlier commencement of benefits.

13       (b) A member of the Kentucky Employees Retirement System~~[-or the County~~  
14       ~~Employees Retirement System]~~ who begins participating before September 1,  
15       2008, who has twenty-seven (27) or more years of service credit, at least  
16       fifteen (15) of which are current service, may retire with no reduction in the  
17       retirement allowance. A member who begins participating before September  
18       1, 2008, who has earned vested service credit in a retirement system, other  
19       than the Teachers' Retirement System, sponsored by a Kentucky institution of  
20       higher education, the Council on Postsecondary Education, or the Higher  
21       Education Assistance Authority, may count the vested service toward attaining  
22       the necessary years of service credit as provided in KRS 61.559(2)(c) and (d)  
23       to qualify for a retirement allowance. The credit from a Kentucky institution  
24       of higher education, the Council on Postsecondary Education, or the Higher  
25       Education Assistance Authority shall not be used toward the minimum fifteen  
26       (15) years of current service required by KRS 61.559(2)(c) and (d) or to  
27       calculate his retirement allowance pursuant to this section. The provisions of

1           this paragraph shall not be construed to limit the use of Teachers' Retirement  
2           System credit pursuant to KRS 61.680(2)(a).

3           (c) A member of the Kentucky Employees Retirement System~~[or the County~~  
4           ~~Employees Retirement System]~~ who begins participating on or after  
5           September 1, 2008, may retire with no reduction in benefits if the member is  
6           fifty-seven (57) years of age or older and has an age and years of service total  
7           of at least eighty-seven (87) years. The years of service used to determine  
8           eligibility for an unreduced retirement allowance under this paragraph shall  
9           only include years of service credited under KRS 16.543(1), 61.543(1), or  
10          78.615(1) or another state-administered retirement system.

11          (3) Subsections (1) and (2) of this section shall not apply to members who begin  
12          participating in the system on or after January 1, 2014. Members who begin  
13          participating in the system on or after January 1, 2014, shall receive the retirement  
14          benefits prescribed by KRS~~[61.5956 or]~~ 61.597~~[, as applicable]~~.

15          ➔Section 59. KRS 61.597 is repealed, reenacted, and amended to read as follows:

16          (1) A member of the Kentucky Employees Retirement System~~[or County Employees~~  
17          ~~Retirement System]~~ who is participating in a nonhazardous position, whose  
18          participation in the systems begins on or after January 1, 2014, and~~[except for]~~  
19          those members making an election pursuant to KRS 61.5955~~[or 61.5956]~~, shall  
20          receive the retirement benefits provided by this section in lieu of the retirement  
21          benefits provided under KRS 61.559 and 61.595. The retirement benefit provided  
22          by this section shall be known as the hybrid cash balance plan and shall operate as  
23          another benefit tier within the Kentucky Employees Retirement System~~[and the~~  
24          ~~County Employees Retirement System]~~.

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

27          (a) Contributions made by the member as provided by KRS 16.505 to 16.652

1           ~~and~~ 61.510 to 61.705~~[-, and 78.510 to 78.852]~~, except for employee  
2           contributions prescribed by subsection (3)(b) of Section 73 of this Act~~[KRS~~  
3           ~~61.702(2)(b)]~~;

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

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

9       (3) (a) Member contributions and employer pay credits as provided by subsection  
10           (2)(a) and (b) of this section shall be credited to the member's account  
11           monthly as contributions are reported and posted to the system in accordance  
12           with KRS 61.675~~[- and 78.625]~~.

13           (b) Interest credits, as provided by subsection (2)(c) of this section, shall be  
14           credited to the member's account annually on June 30 of each fiscal year, as  
15           determined by subsection (4) of this section.

16       (4) (a) On June 30 of each fiscal year, the system shall determine if the member  
17           contributed to the hybrid cash balance plan or the County Employees  
18           Retirement System~~[another state-administered retirement system]~~ during the  
19           fiscal year.

20           (b) If the member contributed to the hybrid cash balance plan or the County  
21           Employees Retirement System~~[another state-administered retirement system]~~  
22           during the fiscal year, the interest credit added to the member's account for  
23           that fiscal year shall be determined by multiplying the member's accumulated  
24           account balance on June 30 of the preceding fiscal year by a percentage  
25           increase equal to:

26           1. Four percent (4%); plus

27           2. Seventy-five percent (75%) of the system's geometric average

1                   investment return in excess of the four percent (4%) rate of return  
2                   ~~[eighty five percent (85%) of the system's geometric average net~~  
3                   ~~investment return, but in no case shall be less than zero percent (0%)].~~

4           (c) If the member did not contribute to the hybrid cash balance plan or the  
5           County Employees Retirement System~~[another state-administered retirement~~  
6           ~~system]~~ during the fiscal year, the~~[then no]~~ interest credit ~~[shall be]~~ added to  
7           the member's account for that fiscal year shall be determined by multiplying  
8           the member's accumulated account balance on June 30 of the preceding  
9           fiscal year by a percentage increase equal to four percent (4%).

10          (d) For purposes of this subsection, "system's geometric average net investment  
11          return":

12               1. Means the annual average geometric investment return, net of  
13               administrative and investment fees and expenses, over the last five  
14               (5)~~[ten (10)]~~ fiscal years as of the date the interest is credited to the  
15               member's account; and

16               2. Shall be expressed as a percentage and based upon the system in which  
17               the member has an account.

18          (e) No employer pay credits or interest credits shall be provided to a member who  
19          has taken a refund of contributions as provided by KRS 61.625 or who has  
20          retired and annuitized his or her accumulated account balance as prescribed by  
21          this section.

22          (5) (a) Upon termination of employment, a member who has less than five (5) years  
23          of service credited under KRS 16.543(1), 61.543(1), and 78.615(1), who  
24          elects to take a refund of his or her accumulated account balance as provided  
25          by KRS 61.625, shall forfeit the accumulated employer credit, and shall only  
26          receive a refund of his or her accumulated contributions.

27          (b) Upon termination of employment, a member who has five (5) or more years of

1 service credited under KRS 16.543(1), 61.543(1), and 78.615(1), who elects  
2 to take a refund of his or her accumulated account balance as provided by  
3 KRS 61.625, shall receive a full refund of his or her accumulated account  
4 balance.

5 (6) A member participating in the hybrid cash balance plan provided by this section  
6 may retire:

7 (a) At his or her normal retirement date, provided he or she has earned five (5) or  
8 more years of service credited under KRS 16.543(1), 61.543(1), 78.615(1), or  
9 another state-administered retirement system; or

10 (b) If the member is at least age fifty-seven (57) and has an age and years of  
11 service total of at least eighty-seven (87) years. The years of service used to  
12 determine eligibility for retirement under this paragraph shall only include  
13 years of service credited under KRS 16.543(1), 61.543(1), 78.615(1), or  
14 another state-administered retirement system.

15 (7) A member eligible to retire under subsection (6) of this section may elect to:

16 (a) Receive a monthly retirement allowance payable for life by having his or her  
17 accumulated account balance annuitized by the retirement systems in  
18 accordance with the actuarial assumptions and actuarial methods adopted by  
19 the board and in effect on the member's retirement date;

20 (b) Receive the actuarial equivalent of his or her retirement allowance calculated  
21 under paragraph (a) of this subsection payable under one (1) of the options set  
22 forth in KRS 61.635, except for the option provided by KRS 61.635(11); or

23 (c) Take a refund of his or her account balance as provided by KRS 61.625.

24 (8) The provisions of this section shall not apply to members who began participating  
25 in the Kentucky Employees Retirement System~~[or the County Employees~~  
26 ~~Retirement System]~~ prior to January 1, 2014, **except for the those members who**  
27 **make an election pursuant to KRS 61.5955.**

1        ➔Section 60. KRS 61.598 is amended to read as follows:

2        (1) For purposes of this section, "bona fide promotion or career advancement":

3            (a) Means a professional advancement in substantially the same line of work held  
4            by the employee in the four (4) years immediately prior to the final five (5)  
5            fiscal years preceding retirement or a change in employment position based on  
6            the training, skills, education, or expertise of the employee that imposes a  
7            significant change in job duties and responsibilities to clearly justify the  
8            increased compensation to the member; and

9            (b) Does not include any circumstance where an elected official participating in  
10           the Kentucky Employees Retirement System or the County Employees  
11           Retirement System takes a position of employment with a different employer  
12           participating in any of the state-administered retirement systems.

13        (2) (a) For employees retiring from the Kentucky Employees Retirement System, the  
14           County Employees Retirement System, or the State Police Retirement System  
15           on or after January 1, 2018, the systems shall, for each of the retiring  
16           employee's last five (5) fiscal years of employment, identify any fiscal year in  
17           which the creditable compensation increased at a rate of ten percent (10%) or  
18           more annually over the immediately preceding fiscal year's creditable  
19           compensation. The employee's creditable compensation in the fiscal year  
20           immediately prior to the employee's last five (5) fiscal years of employment  
21           shall be utilized to compare the initial fiscal year in the five (5) fiscal year  
22           period.

23           (b) Except as limited or excluded by subsections (3) and (4) of this section, any  
24           amount of increase in creditable compensation for a fiscal year identified  
25           under paragraph (a) of this subsection that exceeds ten percent (10%) more  
26           than the employee's creditable compensation from the immediately preceding  
27           fiscal year shall not be included in the creditable compensation used to

- 1 calculate the retiring employee's monthly retirement allowance. If the  
2 creditable compensation for a specific fiscal year identified under paragraph  
3 (a) of this subsection as exceeding the ten percent (10%) increase limitation is  
4 not used to calculate the retiring employee's monthly retirement allowance,  
5 then no reduction in creditable compensation shall occur for that fiscal year.
- 6 (c) If the creditable compensation of the retiring employee is reduced as provided  
7 by paragraph (b) of this subsection, the retirement systems:
- 8 1. Shall refund the employee contributions and interest attributable to the  
9 reduction in creditable compensation; and
  - 10 2. Shall not refund the employer contributions paid but shall utilize those  
11 funds to pay down the unfunded liability of the pension fund in which  
12 the retiring employee participated.
- 13 (3) In order to ensure the prospective application of the limitations on increases in  
14 creditable compensation contained in subsection (2) of this section, only the  
15 creditable compensation earned by the retiring employee on or after July 1, 2017,  
16 shall be subject to reduction under subsection (2) of this section. Creditable  
17 compensation earned by the retiring employee prior to July 1, 2017, shall not be  
18 subject to reduction under subsection (2) of this section.
- 19 (4) Subsection (2) of this section shall not apply to:
- 20 (a) A bona fide promotion or career advancement as defined by subsection (1) of  
21 this section;
  - 22 (b) A lump-sum payment for compensatory time paid to an employee upon  
23 termination of employment;
  - 24 (c) A lump-sum payment made pursuant to an alternate sick leave program under  
25 KRS 78.616(5) that is paid to an employee upon termination of employment;
  - 26 (d) Increases in creditable compensation in a fiscal year over the immediately  
27 preceding fiscal year, where in the immediately preceding fiscal year the

- 1 employer reported the employee as being on leave without pay for any reason,  
2 including but not limited to sick leave without pay, maternity leave, leave  
3 authorized under the Family Medical Leave Act, and any period of time where  
4 the employee received workers' compensation benefit payments that were not  
5 reported to the plan as creditable compensation;
- 6 (e) Increases in creditable compensation directly attributable to an employee's  
7 receipt of compensation for overtime hours worked while serving as a  
8 participating employee under any state or federal grant, grant pass-through, or  
9 similar program that requires overtime as a condition or necessity of the  
10 employer's receipt of the grant; and
- 11 (f) Increases in creditable compensation directly attributable to an employee's  
12 receipt of compensation for overtime performed during a state of emergency  
13 declared by the President of the United States or the Governor of the  
14 Commonwealth of Kentucky.
- 15 (5) (a) For employees retiring on or after January 1, 2014, but prior to July 1, 2017,  
16 the last participating employer shall be required to pay for any additional  
17 actuarial costs resulting from annual increases in an employee's creditable  
18 compensation greater than ten percent (10%) over the employee's last five (5)  
19 fiscal years of employment that are not the direct result of a bona fide  
20 promotion or career advancement. The cost shall be determined by the  
21 retirement systems.
- 22 (b) Lump-sum payments for compensatory time paid to an employee upon  
23 termination of employment shall be exempt from this subsection.
- 24 (c) The Authority~~[Kentucky Retirement Systems]~~ shall be required to answer  
25 inquiries from participating employers regarding this subsection. Upon request  
26 of the employer prior to the employee's change of position or hiring, the  
27 systems shall make a determination that is binding to the systems as to



1           whether or not a change of position or hiring constitutes a bona fide  
2           promotion or career advancement.

3           (d) For any additional actuarial costs charged to the employer under this  
4           subsection, the systems shall allow the employer to pay the costs without  
5           interest over a period of one (1) year from the date of receipt of the employer's  
6           final invoice.

7           (6) The Authority~~[Kentucky Retirement Systems]~~ shall determine whether increases in  
8           creditable compensation during the last five (5) fiscal years of employment prior to  
9           retirement constitute a bona fide promotion or career advancement and may  
10          promulgate administrative regulations in accordance with KRS Chapter 13A to  
11          administer this section. All state-administered retirement systems shall cooperate to  
12          implement this section.

13          (7) Any employer who disagrees with a determination made by the system in  
14          accordance with this section regarding whether an increase in compensation  
15          constitutes a bona fide promotion or career advancement for purposes of subsection  
16          (5) of this section may request a hearing and appeal the decision in accordance with  
17          KRS 61.645(16) or 78.782(16).

18          (8) For the fiscal year beginning July 1, 2017, and subsequent years, the Kentucky  
19          Retirement Systems and the County Employees Retirement System shall provide a  
20          means for employers to separately report the specific exceptions provided in  
21          subsection (4) of this section within the reporting system utilized by the employers  
22          for making employer reports under KRS 16.645, 61.675, and 78.545. The Kentucky  
23          Retirement Systems and the County Employees Retirement System shall  
24          continually provide communication, instructions, training, and educational  
25          opportunities for employers regarding how to appropriately report exemptions  
26          established by subsection (4) of this section.

27          (9) This section shall not apply to employees participating in the hybrid cash balance

1 plan as provided by KRS 16.583, ~~and 61.597~~, Section 2 of this Act, and Section 4  
2 of this Act ~~or to service in the 401(a) money purchase plan as provided by KRS~~  
3 ~~61.5956~~.

4 ➔Section 61. KRS 61.600 is amended to read as follows:

- 5 (1) Any person may qualify to retire on disability, subject to the following conditions:
- 6 (a) The person shall have sixty (60) months of service, twelve (12) of which shall  
7 be current service credited under KRS 16.543(1), 61.543(1), or 78.615(1);
- 8 (b) For a person whose membership date is prior to August 1, 2004, the person  
9 shall not be eligible for an unreduced retirement allowance;
- 10 (c) The person's application shall be on file in the retirement office no later than  
11 twenty-four (24) months after the person's last day of paid employment, as  
12 defined in KRS 61.510, in a regular full-time position, as defined in KRS  
13 61.510 ~~or 78.510~~; and
- 14 (d) The person shall receive a satisfactory determination pursuant to KRS 61.665.
- 15 (2) A person's disability reapplication based on the same claim of incapacity shall be  
16 accepted and reconsidered for disability if accompanied by new objective medical  
17 evidence. The reapplication shall be on file in the retirement office no later than  
18 twenty-four (24) months after the person's last day of paid employment in a regular  
19 full-time position.
- 20 (3) Upon the examination of the objective medical evidence by licensed physicians  
21 pursuant to KRS 61.665, it shall be determined that:
- 22 (a) The person, since his last day of paid employment, has been mentally or  
23 physically incapacitated to perform the job, or jobs of like duties, from which  
24 he received his last paid employment. In determining whether the person may  
25 return to a job of like duties, any reasonable accommodation by the employer  
26 as provided in 42 U.S.C. sec. 12111(9) and 29 C.F.R. Part 1630 shall be  
27 considered;

- 1 (b) The incapacity is a result of bodily injury, mental illness, or disease. For  
2 purposes of this section, "injury" means any physical harm or damage to the  
3 human organism other than disease or mental illness;
- 4 (c) The incapacity is deemed to be permanent; and
- 5 (d) The incapacity does not result directly or indirectly from bodily injury, mental  
6 illness, disease, or condition which pre-existed membership in the system or  
7 *the County Employees Retirement System* or reemployment, whichever is  
8 most recent. For purposes of this subsection, reemployment shall not mean a  
9 change of employment between employers participating in the retirement  
10 systems administered by the Kentucky Retirement Systems or the County  
11 *Employees Retirement System* with no loss of service credit.
- 12 (4) Paragraph (d) of subsection (3) of this section shall not apply if:
- 13 (a) The incapacity is a result of bodily injury, mental illness, disease, or condition  
14 which has been substantially aggravated by an injury or accident arising out of  
15 or in the course of employment; or
- 16 (b) The person has at least sixteen (16) years' current or prior service for  
17 employment with employers participating in the retirement systems  
18 administered by the Kentucky Retirement Systems or the County Employees  
19 *Retirement System*.
- 20 (5) (a) 1. An incapacity shall be deemed to be permanent if it is expected to result  
21 in death or can be expected to last for a continuous period of not less  
22 than twelve (12) months from the person's last day of paid employment  
23 in a regular full-time position.
- 24 2. The determination of a permanent incapacity shall be based on the  
25 medical evidence contained in the member's file and the member's  
26 residual functional capacity and physical exertion requirements.
- 27 (b) The person's residual functional capacity shall be the person's capacity for

1 work activity on a regular and continuing basis. The person's physical ability  
2 shall be assessed in light of the severity of the person's physical, mental, and  
3 other impairments. The person's ability to walk, stand, carry, push, pull, reach,  
4 handle, and other physical functions shall be considered with regard to  
5 physical impairments. The person's ability to understand, remember, and carry  
6 out instructions and respond appropriately to supervision, coworkers, and  
7 work pressures in a work setting shall be considered with regard to mental  
8 impairments. Other impairments, including skin impairments, epilepsy, visual  
9 sensory impairments, postural and manipulative limitations, and  
10 environmental restrictions, shall be considered in conjunction with the  
11 person's physical and mental impairments to determine residual functional  
12 capacity.

13 (c) The person's physical exertion requirements shall be determined based on the  
14 following standards:

- 15 1. Sedentary work shall be work that involves lifting no more than ten (10)  
16 pounds at a time and occasionally lifting or carrying articles such as  
17 large files, ledgers, and small tools. Although a sedentary job primarily  
18 involves sitting, occasional walking and standing may also be required  
19 in the performance of duties.
- 20 2. Light work shall be work that involves lifting no more than twenty (20)  
21 pounds at a time with frequent lifting or carrying of objects weighing up  
22 to ten (10) pounds. A job shall be in this category if lifting is  
23 infrequently required but walking and standing are frequently required,  
24 or if the job primarily requires sitting with pushing and pulling of arm or  
25 leg controls. If the person has the ability to perform substantially all of  
26 these activities, the person shall be deemed capable of light work. A  
27 person deemed capable of light work shall be deemed capable of

1                   sedentary work unless the person has additional limitations such as the  
2                   loss of fine dexterity or inability to sit for long periods.

3                   3. Medium work shall be work that involves lifting no more than fifty (50)  
4                   pounds at a time with frequent lifting or carrying of objects weighing up  
5                   to twenty-five (25) pounds. If the person is deemed capable of medium  
6                   work, the person shall be deemed capable of light and sedentary work.

7                   4. Heavy work shall be work that involves lifting no more than one  
8                   hundred (100) pounds at a time with frequent lifting or carrying of  
9                   objects weighing up to fifty (50) pounds. If the person is deemed capable  
10                  of heavy work, the person shall also be deemed capable of medium,  
11                  light, and sedentary work.

12                  5. Very heavy work shall be work that involves lifting objects weighing  
13                  more than one hundred (100) pounds at a time with frequent lifting or  
14                  carrying of objects weighing fifty (50) or more pounds. If the person is  
15                  deemed capable of very heavy work, the person shall be deemed capable  
16                  of heavy, medium, light, and sedentary work.

17                  ➔Section 62. KRS 61.605 is repealed, reenacted, and amended to read as follows:

18                  (1) Upon disability retirement, except as provided by subsection (2) of this section, an  
19                  employee may receive an annual retirement allowance payable monthly during his  
20                  lifetime which shall be determined in the same manner as for retirement at his  
21                  normal retirement date with years of service and final compensation being  
22                  determined as of the date of his disability except that service credit shall be added to  
23                  the person's total service beginning with his last date of paid employment and  
24                  continuing to his sixty-fifth birthday; however, the maximum service credit added  
25                  shall not exceed the total service the person had upon his last day of paid  
26                  employment, and the maximum combined service credit for calculating his  
27                  disability retirement allowance, including total service and added service shall not

1 exceed twenty-five (25) years. If, however, a person has accumulated twenty-five  
 2 (25) or more years of total service, he shall receive added service necessary to bring  
 3 his combined service credit, including total and added service, to twenty-seven (27)  
 4 years.

5 (2) (a) For a member whose participation begins on or after August 1, 2004, but prior  
 6 to January 1, 2014, the disability retirement allowance shall be the higher of  
 7 twenty percent (20%) of the member's monthly final rate of pay or the  
 8 retirement allowance determined in the same manner as for retirement at his  
 9 normal retirement date with years of service and final compensation being  
 10 determined as of the date of his disability.

11 (b) For a member who begins participating on or after January 1, 2014, in the  
 12 hybrid cash balance plan as provided by KRS 61.597~~[-or who elects to~~  
 13 ~~participate in the 401(a) money purchase plan as provided by KRS 21.374,~~  
 14 ~~61.5955, or 61.5956]~~, the disability retirement allowance shall be the higher of  
 15 twenty percent (20%) of the member's monthly final rate of pay or the  
 16 retirement allowance determined in the same manner as for retirement at his  
 17 or her normal retirement date under KRS~~[-61.5956 or]~~ 61.597~~[-as applicable]~~.

18 ➔Section 63. KRS 61.607 is amended to read as follows:

19 Notwithstanding any other provisions of KRS 16.505 to 16.652 or~~[-]~~ 61.510 to 61.705~~[-~~  
 20 ~~or 78.510 to 78.852]~~, a maximum disability benefit is hereby established which shall  
 21 apply, upon disability retirement, to any disabled employee's account to which service  
 22 credit is added to determine disability benefits or in any case where disability benefits are  
 23 determined by computing a percentage of the disabled employee's final monthly rate of  
 24 pay. The maximum disability benefit shall be determined by the following formula:

25 (1) Add the monthly benefit payable to the disabled employee from the Kentucky  
 26 Retirement Systems and the County Employees Retirement System~~[-retirement~~  
 27 ~~system]~~, using the monthly disability retirement allowance without any reduction

- 1        due to the selection of an optional payment plan under KRS 61.635~~[(not optional~~  
2        ~~plan)]~~ but excluding dependent children's allowances, if any, to his monthly benefit,  
3        if any, from Social Security, even though these payments may not begin for a period  
4        of time as required for qualification under the federal Social Security law, excluding  
5        spouse or dependent benefits, and his monthly benefit, if any, from workers'  
6        compensation, even though these payments may not have begun as of the date the  
7        disabled member applies for disability retirement benefits, excluding spouse or  
8        dependent children's allowances, from workers' compensation, to arrive at a  
9        projected combined monthly benefit.
- 10    (2) If the projected combined monthly benefit exceeds one hundred percent (100%) of  
11       the disabled employee's final rate of pay or his final compensation, whichever is  
12       greater, his disability retirement allowance from the Kentucky Retirement Systems  
13       and the County Employees Retirement System~~[retirement system]~~ shall be reduced  
14       to an amount which would cause his projected combined monthly benefit to equal  
15       one hundred percent (100%) of his final rate of pay or his final compensation,  
16       whichever is greater; however, the disability retirement allowance shall not be  
17       reduced below an amount which would result from a computation of his disability  
18       retirement allowance from the Kentucky Retirement Systems and the County  
19       Employees Retirement System~~[retirement system]~~ using the disabled employee's  
20       actual total service.
- 21    (3) The system may pay estimated benefits to a disabled employee, upon qualification  
22       for disability retirement, based on an estimate of his Social Security and workers'  
23       compensation benefits until the amounts are actually determined, at which time a  
24       final calculation of the member's actual benefits shall be determined and his account  
25       corrected retroactive to his effective retirement date.
- 26    (4) Any increase in Social Security benefits or workers' compensation benefits which  
27       becomes law, regardless of their effective date, subsequent to the disabled

1 employee's effective retirement date, shall not be considered in determination of the  
2 maximum benefit payable, as the maximum benefit payable is based on the amount  
3 of combined benefits under these programs as of the disabled employee's effective  
4 retirement date.

- 5 (5) Any disabled recipient whose potential payments from the system were reduced as  
6 provided for in this section shall advise the Authority~~[system]~~ if his payments under  
7 the Federal Social Security Act or Workers' Compensation Act cease at any time  
8 subsequent to his effective retirement date. Upon investigation, if the system  
9 determines that the disabled recipient continues to be eligible for disability benefits,  
10 the system may increase his retirement allowance by adding to his payment an  
11 amount equal to the reduction applied upon the effective retirement date in  
12 accordance with subsection (2) of this section.

13 **(6) The amount of combined disability benefit payments made to an individual on or**  
14 **after April 1, 2021, from the Kentucky Retirement Systems or the County**  
15 **Employees Retirement System shall not be increased as a result of the passage of**  
16 **this Act.**

17 ➔Section 64. KRS 61.621 is amended to read as follows:

- 18 (1) Notwithstanding any provision of any statutes to the contrary, effective June 1,  
19 2000, any employee participating in one (1) of the state-administered retirement  
20 systems who is not in a hazardous duty position, as defined in KRS 61.592 or  
21 **Section 6 of this Act**, shall be eligible for minimum benefits equal to the benefits  
22 payable under this section or KRS 61.702, **or Section 14 of this Act, as applicable,**  
23 if the employee dies or becomes totally and permanently disabled to engage in any  
24 occupation for remuneration or profit as a result of a duty-related injury.

- 25 (2) (a) For purposes of this section, "duty-related injury" means:

- 26 1. a. A single traumatic event that occurs while the employee is  
27 performing the duties of his position; or



- 1                   b. A single act of violence committed against the employee that is  
2                   found to be related to his job duties, whether or not it occurs at his  
3                   job site; and
- 4                   2. The event or act of violence produces a harmful change in the human  
5                   organism evidenced by objective medical findings.
- 6           (b) "Duty-related injury" does not include the effects of the natural aging process,  
7           a communicable disease unless the risk of contracting the disease is increased  
8           by nature of the employment, or a psychological, psychiatric, or stress-related  
9           change in the human organism unless it is the direct result of a physical injury.
- 10       (3) (a) If the employee dies as a result of a duty-related injury and is survived by a  
11           spouse, the surviving spouse shall be the beneficiary, and this shall supersede  
12           the designation of all previous beneficiaries of the deceased employee's  
13           retirement account, except as provided in KRS 61.542(2)(e).
- 14           (b) The surviving spouse, provided he or she supersedes all previously designated  
15           beneficiaries, may elect to receive the benefits payable under KRS 61.640 or  
16           other applicable death benefit statutes, or may elect to receive a lump-sum  
17           payment of ten thousand dollars (\$10,000) and a monthly payment equal to  
18           seventy-five percent (75%) of the member's monthly average pay beginning in  
19           the month following the member's death and continuing each month until the  
20           death of the surviving spouse.
- 21           (c) In addition, if the member is also survived by dependent children, monthly  
22           payments shall be made for each dependent child equal to ten percent (10%)  
23           of the deceased member's monthly average pay, except that the combined  
24           maximum payment made to the:
- 25           1. Surviving spouse and dependent children under this subsection shall not  
26           exceed one hundred percent (100%) of the deceased member's monthly  
27           average pay; and

1           2.   Dependent children, while the surviving spouse is living, shall not  
2           exceed twenty-five percent (25%) of the deceased member's monthly  
3           average pay. Payments made to the dependent children under this  
4           subsection shall be divided equally among all the dependent children.

5   (4)   If the employee dies as a result of a duty-related injury and is not survived by a  
6       spouse but is survived by a dependent child or children, the following benefits shall  
7       be paid to the dependent child or children:

8       (a)   Fifty percent (50%) of the deceased member's monthly average pay, if the  
9       deceased member has one (1) dependent child;

10      (b)   Sixty-five percent (65%) of the deceased member's monthly average pay, if  
11      the deceased member has two (2) dependent children; or

12      (c)   Seventy-five percent (75%) of the deceased member's monthly average pay, if  
13      the deceased member has three (3) or more dependent children.

14       Payments made to the dependent children under this subsection shall be divided  
15       equally among all the dependent children.

16   (5)   If the employee is determined to be disabled as provided in KRS 61.600, or other  
17       applicable disability statutes in any other state-administered retirement system, as  
18       the result of a duty-related injury, the employee may elect to receive benefits  
19       determined under the provisions of KRS 61.605, or other applicable disability  
20       statutes in any other state-administered retirement system, except that the monthly  
21       retirement allowance shall not be less than twenty-five percent (25%) of the  
22       employee's monthly final rate of pay. For purposes of determining disability, the  
23       service requirement in KRS 61.600(1)(a), or other applicable statutes in any other  
24       state-administered retirement system, shall be waived.

25   (6)   In the period of time following a member's disability during which dependent  
26       children survive, a monthly payment shall be made for each dependent child who is  
27       alive which shall be equal to ten percent (10%) of the disabled member's monthly

- 1 final rate of pay; however, total maximum dependent children's benefits shall not  
2 exceed forty percent (40%) of the disabled member's monthly final rate of pay at the  
3 time any particular payment is due. The payment shall commence in the month  
4 following the date of disability of the member and shall be payable to the  
5 beneficiaries, or to a legally appointed guardian, or as directed by the system.
- 6 (7) Benefits for death as a result of a duty-related injury to a dependent child shall be  
7 payable under this section notwithstanding an election by a surviving spouse or  
8 beneficiary to withdraw the deceased member's accumulated account balance as  
9 provided in KRS 61.625 or benefits under any other provisions of KRS 61.515 to  
10 61.705 or other applicable death benefit statutes in any other state-administered  
11 retirement system.
- 12 (8) (a) A spouse applying for benefits under this section who is also eligible for  
13 benefits under KRS 61.640 or Section 12 of this Act may elect to receive  
14 benefits under KRS 61.640(2)(a) or (b) or subsection (2)(a) or (b) of Section  
15 12 of this Act while the application for benefits under this section is pending.
- 16 (b) If a final determination results in a finding of eligibility for benefits under this  
17 section, the system shall recalculate the benefits due the spouse in accordance  
18 with this subsection.
- 19 (c) If the spouse has been paid less than the amount of benefits to which the  
20 spouse was entitled to receive under this section, the system shall pay the  
21 additional funds due to the spouse.
- 22 (d) If the spouse has been paid more than the benefit the spouse was eligible to  
23 receive under this section, then the system shall deduct the amount owed by  
24 the spouse from the ten thousand dollars (\$10,000) lump-sum payment and  
25 from the monthly retirement allowance payments until the amount owed to the  
26 systems has been recovered.
- 27 (9) For purposes of this section, "dependent child" has the same meaning as in KRS

1       16.505.

2       (10) This section shall be known as "The Fred Capps Memorial Act."

3       ➔Section 65.   KRS 61.637 (Effective April 1, 2021) is amended to read as  
4 follows:

5       (1) A retired member who is receiving monthly retirement payments under any of the  
6 provisions of KRS 61.510 to 61.705 and 78.510 to 78.852 and who is reemployed  
7 as an employee by a participating agency prior to August 1, 1998, shall have his or  
8 her retirement payments suspended for the duration of reemployment. Monthly  
9 payments shall not be suspended for a retired member who is reemployed if he or  
10 she anticipates that he or she will receive less than the maximum permissible  
11 earnings as provided by the Federal Social Security Act in compensation as a result  
12 of reemployment during the calendar year. The payments shall be suspended at the  
13 beginning of the month in which the reemployment occurs.

14       (2) Employer and employee contributions shall be made as provided in KRS 61.510 to  
15 61.705 and 78.510 to 78.852 on the compensation paid during reemployment,  
16 except where monthly payments were not suspended as provided in subsection (1)  
17 of this section or would not increase the retired member's last monthly retirement  
18 allowance by at least one dollar (\$1), and the member shall be credited with  
19 additional service credit.

20       (3) In the month following the termination of reemployment, retirement allowance  
21 payments shall be reinstated under the plan under which the member was receiving  
22 payments prior to reemployment.

23       (4) (a) Notwithstanding the provisions of this section, the payments suspended in  
24 accordance with subsection (1) of this section shall be paid retroactively to the  
25 retired member, or his or her estate, if he or she does not receive more than the  
26 maximum permissible earnings as provided by the Federal Social Security Act  
27 in compensation from participating agencies during any calendar year of

1           reemployment.

2           (b) If the retired member is paid suspended payments retroactively in accordance  
3           with this section, employee contributions deducted during his or her period of  
4           reemployment, if any, shall be refunded to the retired employee, and no  
5           service credit shall be earned for the period of reemployment.

6           (c) If the retired member is not eligible to be paid suspended payments for his or  
7           her period of reemployment as an employee, his or her retirement allowance  
8           shall be recomputed under the plan under which the member was receiving  
9           payments prior to reemployment as follows:

10           1. The retired member's final compensation shall be recomputed using  
11           creditable compensation for his or her period of reemployment;  
12           however, the final compensation resulting from the recalculation shall  
13           not be less than that of the member when his or her retirement allowance  
14           was last determined;

15           2. If the retired member initially retired on or subsequent to his or her  
16           normal retirement date, his or her retirement allowance shall be  
17           recomputed by using the formula in KRS 61.595(1);

18           3. If the retired member initially retired prior to his or her normal  
19           retirement date, his or her retirement allowance shall be recomputed  
20           using the formula in KRS 61.595(2), except that the member's age used  
21           in computing benefits shall be his or her age at the time of his or her  
22           initial retirement increased by the number of months of service credit  
23           earned for service performed during reemployment;

24           4. The retirement allowance payments resulting from the recomputation  
25           under this subsection shall be payable in the month following the  
26           termination of reemployment in lieu of payments under subparagraph 3.  
27           of this paragraph. The member shall not receive less in benefits as a

1 result of the recomputation than he or she was receiving prior to  
2 reemployment or would receive as determined under KRS 61.691; and

3 5. Any retired member who was reemployed prior to March 26, 1974, shall  
4 begin making contributions to the system in accordance with the  
5 provisions of this section on the first day of the month following March  
6 26, 1974.

7 (5) A retired member, or his or her estate, shall pay to the retirement fund the total  
8 amount of payments which are not suspended in accordance with subsection (1) of  
9 this section if the member received more than the maximum permissible earnings as  
10 provided by the Federal Social Security Act in compensation from participating  
11 agencies during any calendar year of reemployment, except the retired member or  
12 his or her estate may repay the lesser of the total amount of payments which were  
13 not suspended or fifty cents (\$0.50) of each dollar earned over the maximum  
14 permissible earnings during reemployment if under age sixty-five (65), or one dollar  
15 (\$1) for every three dollars (\$3) earned if over age sixty-five (65).

16 (6) (a) "Reemployment" or "reinstatement" as used in this section shall not include a  
17 retired member who has been ordered reinstated by the Personnel Board under  
18 authority of KRS 18A.095.

19 (b) A retired member who has been ordered reinstated by the Personnel Board  
20 under authority of KRS 18A.095 or by court order or by order of the Human  
21 Rights Commission and accepts employment by an agency participating in the  
22 Kentucky Employees Retirement System or County Employees Retirement  
23 System shall void his or her retirement by reimbursing the system in the full  
24 amount of his or her retirement allowance payments received.

25 (7) (a) Effective August 1, 1998, the provisions of subsections (1) to (4) of this  
26 section shall no longer apply to a retired member who is reemployed in a  
27 position covered by the same retirement system from which the member

1           retired. Reemployed retired members shall be treated as new members upon  
2           reemployment. Any retired member whose reemployment date preceded  
3           August 1, 1998, who does not elect, within sixty (60) days of notification by  
4           the retirement systems, to remain under the provisions of subsections (1) to  
5           (4) of this section shall be deemed to have elected to participate under this  
6           subsection.

7           (b) A retired member whose disability retirement was discontinued pursuant to  
8           KRS 61.615 and who is reemployed in one (1) of the systems administered by  
9           the Kentucky Retirement Systems or County Employees Retirement System  
10          prior to his or her normal retirement date shall have his or her accounts  
11          combined upon termination for determining eligibility for benefits. If the  
12          member is eligible for retirement, the member's service and creditable  
13          compensation earned as a result of his or her reemployment shall be used in  
14          the calculation of benefits, except that the member's final compensation shall  
15          not be less than the final compensation last used in determining his or her  
16          retirement allowance. The member shall not change beneficiary or payment  
17          option designations. This provision shall apply to members reemployed on or  
18          after August 1, 1998.

19       (8) If a retired member accepts employment or begins serving as a volunteer with an  
20       employer participating in the systems administered by Kentucky Retirement  
21       Systems or County Employees Retirement System within twelve (12) months of his  
22       or her retirement date, the retired member shall notify the Authority~~[retirement~~  
23       ~~system]~~ and the participating employer shall submit the information required or  
24       requested by the Authority~~[systems]~~ to confirm the individual's employment or  
25       volunteer status. The retired member shall not be required to notify the  
26       Authority~~[retirement systems]~~ regarding any employment or volunteer service with  
27       a participating agency that is accepted after twelve (12) months following his or her

1 retirement date.

2 (9) If the retired member is under a contract to provide services as an independent  
3 contractor or leased employee to an employer participating in the systems  
4 administered by Kentucky Retirement Systems or County Employees Retirement  
5 System within twelve (12) months of his or her retirement date, the member shall  
6 submit a copy of that contract to the Authority~~[retirement system]~~, and the  
7 Authority~~[retirement system]~~ shall determine if the member is an independent  
8 contractor or leased employee for purposes of retirement benefits. The retired  
9 member and the participating employer shall submit the information required or  
10 requested by the Authority~~[systems]~~ to confirm the individual's status as an  
11 independent contractor or leased employee. The retired member shall not be  
12 required to notify the Authority~~[retirement systems]~~ regarding any services entered  
13 into as an independent contractor or leased employee with a participating agency  
14 that the employee enters into after twelve (12) months following his or her  
15 retirement date.

16 (10) If a member is receiving a retirement allowance, or has filed the forms required for  
17 a retirement allowance, and is employed within one (1) month of the member's  
18 initial retirement date in a position that is required to participate in the same  
19 retirement system from which the member retired, the member's retirement shall be  
20 voided and the member shall repay to the retirement system all benefits received.  
21 The member shall contribute to the member account established for him or her prior  
22 to his or her voided retirement. The retirement allowance for which the member  
23 shall be eligible upon retirement shall be determined by total service and creditable  
24 compensation.

25 (11) (a) If a member of the Kentucky Employees Retirement System retires from a  
26 department which participates in more than one (1) retirement system and is  
27 reemployed within one (1) month of his or her initial retirement date by the



1 same department in a position participating in another retirement system, the  
2 retired member's retirement allowance shall be suspended for the first month  
3 of his or her retirement, and the member shall repay to the retirement system  
4 all benefits received for the month.

5 (b) A retired member of the County Employees Retirement System who after  
6 initial retirement is hired by the county from which the member retired shall  
7 be considered to have been hired by the same employer.

8 (12) (a) If a hazardous member who retired prior to age fifty-five (55), or a  
9 nonhazardous member who retired prior to age sixty-five (65), is reemployed  
10 within six (6) months of the member's termination by the same employer, the  
11 member shall obtain from his or her previous and current employers a copy of  
12 the job description established by the employers for the position and a  
13 statement of the duties performed by the member for the position from which  
14 he or she retired and for the position in which he or she has been reemployed.

15 (b) The job descriptions and statements of duties shall be filed with the retirement  
16 office.

17 (13) If the retirement system determines that the retired member has been employed in a  
18 position with the same principal duties as the position from which the member  
19 retired:

20 (a) The member's retirement allowance shall be suspended during the period that  
21 begins on the month in which the member is reemployed and ends six (6)  
22 months after the member's termination;

23 (b) The retired member shall repay to the retirement system all benefits paid from  
24 systems administered by Kentucky Retirement Systems or County Employees  
25 Retirement System under reciprocity, including medical insurance benefits,  
26 that the member received after reemployment began;

27 (c) Upon termination, or subsequent to expiration of the six (6) month period

1 from the date of termination, the retired member's retirement allowance based  
2 on his or her initial retirement account shall no longer be suspended, and the  
3 member shall receive the amount to which he or she is entitled, including an  
4 increase as provided by KRS 61.691;

5 (d) Except as provided in subsection (7) of this section, if the position in which a  
6 retired member is employed after initial retirement is a regular full-time  
7 position, the retired member shall contribute to a second member account  
8 established for him or her in the retirement system. Service credit gained after  
9 the member's date of reemployment shall be credited to the second member  
10 account; and

11 (e) Upon termination, the retired member shall be entitled to benefits payable  
12 from his or her second retirement account.

13 (14) (a) If the retirement system determines that the retired member has not been  
14 reemployed in a position with the same principal duties as the position from  
15 which he or she retired, the retired member shall continue to receive his or her  
16 retirement allowance.

17 (b) If the position is a regular full-time position, the member shall contribute to a  
18 second member account in the retirement system.

19 (15) (a) If a retired member is reemployed at least one (1) month after initial  
20 retirement in a different position, or at least six (6) months after initial  
21 retirement in the same position, and prior to normal retirement age, the retired  
22 member shall contribute to a second member account in the retirement system  
23 and continue to receive a retirement allowance from the first member account.

24 (b) Service credit gained after reemployment shall be credited to the second  
25 member account. Upon termination, the retired member shall be entitled to  
26 benefits payable from the second member account.

27 (16) A retired member who is reemployed and contributing to a second member account

1 shall not be eligible to purchase service credit under any of the provisions of KRS  
2 16.505 to 16.652, 61.510 to 61.705, or 78.510 to 78.852 which he or she was  
3 eligible to purchase prior to his or her initial retirement.

4 (17) Notwithstanding any provision of subsections (1) to (7)(a) and (10) to (15) of this  
5 section, the following shall apply to retired members who are reemployed by an  
6 agency participating in one (1) of the systems administered by Kentucky Retirement  
7 Systems or County Employees Retirement System on or after September 1, 2008:

8 (a) Except as provided by paragraphs (c) and (d) of this subsection, if a member is  
9 receiving a retirement allowance from one (1) of the systems administered by  
10 Kentucky Retirement Systems or County Employees Retirement System, or  
11 has filed the forms required to receive a retirement allowance from one (1) of  
12 the systems administered by Kentucky Retirement Systems or County  
13 Employees Retirement System, and is employed in a regular full-time position  
14 required to participate in one (1) of the systems administered by Kentucky  
15 Retirement Systems or County Employees Retirement System or is employed  
16 in a position that is not considered regular full-time with an agency  
17 participating in one (1) of the systems administered by Kentucky Retirement  
18 Systems or County Employees Retirement System within three (3) months  
19 following the member's initial retirement date, the member's retirement shall  
20 be voided, and the member shall repay to the retirement system all benefits  
21 received, including any health insurance benefits. If the member is returning  
22 to work in a regular full-time position required to participate in one (1) of the  
23 systems administered by Kentucky Retirement Systems:

- 24 1. The member shall contribute to a member account established for him or  
25 her in one (1) of the systems administered by Kentucky Retirement  
26 Systems or County Employees Retirement System, and employer  
27 contributions shall be paid on behalf of the member by the participating

1 employer; and

2 2. Upon subsequent retirement, the member shall be eligible for a  
3 retirement allowance based upon total service and creditable  
4 compensation, including any additional service or creditable  
5 compensation earned after his or her initial retirement was voided;

6 (b) Except as provided by paragraphs (c) and (d) of this subsection, if a member is  
7 receiving a retirement allowance from one (1) of the systems administered by  
8 Kentucky Retirement Systems or County Employees Retirement System and  
9 is employed in a regular full-time position required to participate in one (1) of  
10 the systems administered by Kentucky Retirement Systems or County  
11 Employees Retirement System after a three (3) month period following the  
12 member's initial retirement date, the member may continue to receive his or  
13 her retirement allowance during the period of reemployment subject to the  
14 following provisions:

15 1. If a member is reemployed by a participating agency within twelve (12)  
16 months of the member's retirement date, the participating agency shall  
17 certify in writing on a form prescribed by the Authority~~board~~ that no  
18 prearranged agreement existed between the employee and agency prior  
19 to the employee's retirement for the employee to return to work with the  
20 participating agency. If an elected official is reelected to a new term of  
21 office in the same position and has retired from the elected office within  
22 twelve (12) months prior to taking the new term of office, he or she shall  
23 be deemed by the system as having a prearranged agreement under the  
24 provisions of this subparagraph and shall have his or her retirement  
25 voided. If the participating agency fails to complete the certification, the  
26 member's retirement shall be voided and the provisions of paragraph (a)  
27 of this subsection shall apply to the member and the employer.

- 1                   Employment that is accepted by the retired member after twelve (12)  
2                   months following the member's retirement date shall not constitute a  
3                   prearranged agreement under this paragraph;
- 4                   2.   Notwithstanding any other provision of KRS Chapter 16, 61, or 78 to  
5                   the contrary, the member shall not contribute to the systems and shall  
6                   not earn any additional benefits for any work performed during the  
7                   period of reemployment;
- 8                   3.   Except as provided by KRS 70.291 to 70.293, 95.022, and 164.952 and  
9                   except for any retiree employed as a school resource officer as defined  
10                  by KRS 158.441, the employer shall pay employer contributions as  
11                  specified by KRS 61.565, 61.702, and 78.635, as applicable, on all  
12                  creditable compensation earned by the employee during the period of  
13                  reemployment. The additional contributions paid shall be used to reduce  
14                  the unfunded actuarial liability of the systems; and
- 15                  4.   Except as provided by KRS 70.291 to 70.293, 95.022, and 164.952 and  
16                  except for any retiree employed as a school resource officer as defined  
17                  by KRS 158.441, the employer shall be required to reimburse the  
18                  systems for the cost of the health insurance premium paid by the systems  
19                  to provide coverage for the retiree, not to exceed the cost of the single  
20                  premium. Effective July 1, 2015, local school boards shall not be  
21                  required to pay the reimbursement required by this subparagraph for  
22                  retirees employed by the board for eighty (80) days or less during the  
23                  fiscal year;
- 24                  (c)   If a member is receiving a retirement allowance from the State Police  
25                  Retirement System or from hazardous duty retirement coverage with the  
26                  Kentucky Employees Retirement System or the County Employees Retirement  
27                  System, or has filed the forms required to receive a retirement allowance from

1 the State Police Retirement System or from hazardous duty retirement  
2 coverage with the Kentucky Employees Retirement System or the County  
3 Employees Retirement System, and is employed in a regular full-time position  
4 required to participate in the State Police Retirement System or in a hazardous  
5 duty position with the Kentucky Employees Retirement System or the County  
6 Employees Retirement System within one (1) month following the member's  
7 initial retirement date, the member's retirement shall be voided, and the  
8 member shall repay to the retirement system all benefits received, including  
9 any health insurance benefits. If the member is returning to work in a regular  
10 full-time position required to participate in one (1) of the systems  
11 administered by Kentucky Retirement Systems or County Employees  
12 Retirement System:

- 13 1. The member shall contribute to a member account established for him or  
14 her in one (1) of the systems administered by Kentucky Retirement  
15 Systems or County Employees Retirement System, and employer  
16 contributions shall be paid on behalf of the member by the participating  
17 employer; and
  - 18 2. Upon subsequent retirement, the member shall be eligible for a  
19 retirement allowance based upon total service and creditable  
20 compensation, including any additional service or creditable  
21 compensation earned after his or her initial retirement was voided;
- 22 (d) If a member is receiving a retirement allowance from the State Police  
23 Retirement System or from hazardous duty retirement coverage with the  
24 Kentucky Employees Retirement System or the County Employees Retirement  
25 System and is employed in a regular full-time position required to participate  
26 in the State Police Retirement System or in a hazardous duty position with the  
27 Kentucky Employees Retirement System or the County Employees Retirement

1 System after a one (1) month period following the member's initial retirement  
2 date, the member may continue to receive his or her retirement allowance  
3 during the period of reemployment subject to the following provisions:

4 1. If a member is reemployed by a participating agency within twelve (12)  
5 months of the member's retirement date, the participating agency shall  
6 certify in writing on a form prescribed by the Authority~~board~~ that no  
7 prearranged agreement existed between the employee and agency prior  
8 to the employee's retirement for the employee to return to work with the  
9 participating agency. If an elected official is reelected to a new term of  
10 office in the same position and has retired from the elected office within  
11 twelve (12) months prior to taking the new term of office, he or she shall  
12 be deemed by the Authority~~system~~ as having a prearranged agreement  
13 under the provisions of this subparagraph and shall have his or her  
14 retirement voided. If the participating agency fails to complete the  
15 certification, the member's retirement shall be voided and the provisions  
16 of paragraph (c) of this subsection shall apply to the member and the  
17 employer. Employment that is accepted by the retired member after  
18 twelve (12) months following the member's retirement date shall not  
19 constitute a prearranged agreement under this paragraph;

20 2. Notwithstanding any other provision of KRS Chapter 16, 61, or 78 to  
21 the contrary, the member shall not contribute to the systems and shall  
22 not earn any additional benefits for any work performed during the  
23 period of reemployment;

24 3. Except as provided by KRS 70.291 to 70.293, 95.022, and 164.952 and  
25 except for any retiree employed as a school resource officer as defined  
26 by KRS 158.441, the employer shall pay employer contributions as  
27 specified by KRS 61.565, 61.702, and 78.635, as applicable, on all

1                   creditable compensation earned by the employee during the period of  
2                   reemployment. The additional contributions paid shall be used to reduce  
3                   the unfunded actuarial liability of the systems;

4                   4.   Except as provided by KRS 70.291 to 70.293, 95.022, and 164.952 and  
5                   except for any retiree employed as a school resource officer as defined  
6                   by KRS 158.441, the employer shall be required to reimburse the  
7                   systems for the cost of the health insurance premium paid by the systems  
8                   to provide coverage for the retiree, not to exceed the cost of the single  
9                   premium;

10           (e)   Notwithstanding paragraphs (a) to (d) of this subsection, a retired member  
11           who qualifies as a volunteer for an employer participating in one (1) of the  
12           systems administered by Kentucky Retirement Systems or County Employees  
13           Retirement System and who is receiving reimbursement of actual expenses, a  
14           nominal fee for his or her volunteer services, or both, shall not be considered  
15           an employee of the participating employer and shall not be subject to  
16           paragraphs (a) to (d) of this subsection if:

17                   1.   Prior to the retired member's most recent retirement date, he or she did  
18                   not receive creditable compensation from the participating employer in  
19                   which the retired member is performing volunteer services;

20                   2.   Any reimbursement or nominal fee received prior to the retired  
21                   member's most recent retirement date has not been credited as creditable  
22                   compensation to the member's account or utilized in the calculation of  
23                   the retired member's benefits;

24                   3.   The retired member has not purchased or received service credit under  
25                   any of the provisions of KRS 61.510 to 61.705 or 78.510 to 78.852 for  
26                   service with the participating employer for which the retired member is  
27                   performing volunteer services; and



1           4. Other than the status of volunteer, the retired member does not become  
2           an employee, leased employee, or independent contractor of the  
3           employer for which he or she is performing volunteer services for a  
4           period of at least twelve (12) months following the retired member's  
5           most recent retirement date.

6           If a retired member, who provided volunteer services with a participating  
7           employer under this paragraph violates any provision of this paragraph, then  
8           he or she shall be deemed an employee of the participating employer as of the  
9           date he or she began providing volunteer services and both the retired member  
10          and the participating employer shall be subject to paragraphs (a) to (d) of this  
11          subsection for the period of volunteer service;

12          (f) Notwithstanding any provision of this section, any mayor or member of a city  
13          legislative body shall not be required to resign from his or her position as  
14          mayor or as a member of the city legislative body in order to begin drawing  
15          benefits from the systems administered by Kentucky Retirement Systems or  
16          subject to any provision of this section as it relates solely to his or her service  
17          as a mayor or member of the city legislative body if the mayor or member of a  
18          city legislative body:

- 19           1. Has not participated in the County Employees Retirement System prior  
20           to retirement, but is otherwise eligible to retire from the Kentucky  
21           Employees Retirement System or the State Police Retirement System; or  
22           2. Has been or is participating in the County Employees Retirement System  
23           and is at least sixty-two (62) years of age. If a mayor or member of a city  
24           legislative body who is at least sixty-two (62) years of age retires from  
25           the systems administered by Kentucky Retirement Systems but remains  
26           in office after his or her effective retirement date, the mayor or member  
27           of the city legislative body shall not accrue any further service credit or

1                   benefits in the systems administered by Kentucky Retirement Systems  
2                   for any employment occurring on or after the effective retirement date;

3       (g) If a member is receiving a retirement allowance from any of the retirement  
4       systems administered by the Kentucky Retirement Systems or County  
5       Employees Retirement System and enters into a contract or becomes a leased  
6       employee of an employer under contract with an employer participating in one  
7       (1) of the systems administered by the Kentucky Retirement Systems or  
8       County Employees Retirement System:

- 9           1. At any time following retirement, if the Authority~~[system]~~ determines  
10          the employment arrangement does qualify as an independent contractor  
11          or leased employee, the member may continue to receive his or her  
12          retirement allowance during the period of the contract;
- 13          2. Within three (3) months following the member's initial retirement date,  
14          if the Authority~~[system]~~ determines the employment arrangement does  
15          not qualify as an independent contractor or leased employee, the  
16          member's retirement shall be voided in accordance with paragraph (a) of  
17          this subsection;
- 18          3. After three (3) months but within twelve (12) months following the  
19          member's initial retirement, if the Authority~~[system]~~ determines the  
20          employment arrangement does not qualify as an independent contractor  
21          or leased employee and that a prearranged agreement existed between  
22          the member and the agency for the member to return to work with the  
23          agency, the member's retirement shall be voided in accordance with  
24          paragraph (a) of this subsection; and
- 25          4. After a twelve (12) month period following the member's initial  
26          retirement, the member may continue to receive his or her retirement  
27          allowance during the period of the contract and the member shall not be

1 required to notify the system or submit any documentation for purposes  
2 of this section to the system.

3 The initiation of a contract or the initial date of the leased employment of a  
4 retired member by a participating agency that occurs after twelve (12) months  
5 or more following the retired member's retirement date shall not constitute a  
6 prearranged agreement under this subsection; and

7 (h) The Authority~~[Kentucky Retirement Systems or County Employees~~  
8 ~~Retirement System]~~ shall issue a final determination regarding a certification  
9 of the absence of a prearranged agreement or the retired member's  
10 qualification as an independent contractor or leased employee as required  
11 under this section no later than thirty (30) days after the retired member and  
12 participating employer provide all required forms and additional information  
13 required by the Authority~~[Kentucky Retirement Systems or County~~  
14 ~~Employees Retirement System]~~.

15 (18) The Authority~~[Kentucky Retirement Systems and the County Employees~~  
16 ~~Retirement System]~~ shall promulgate administrative regulations to implement the  
17 requirements of this section, including incorporating by reference board-prescribed  
18 forms that a retired member and participating agency shall provide the systems  
19 under subsections (8), (9), and (17) of this section.

20 ➔Section 66. KRS 61.645 (Effective April 1, 2021) is amended to read as  
21 follows:

22 (1) The Kentucky Employees Retirement System and State Police Retirement System  
23 shall be administered by the board of trustees of the Kentucky Retirement Systems  
24 composed of nine (9) members, who shall be selected as follows:

25 (a) One (1) trustee, who shall be a member or retired from the State Police  
26 Retirement System, elected by the members and retired members of the State  
27 Police Retirement System;

- 1 (b) Two (2) trustees, who shall be members or retired from the Kentucky  
2 Employees Retirement System, elected by the members and retired members  
3 of the Kentucky Employees Retirement System;
- 4 (c) Six (6) trustees, appointed by the Governor of the Commonwealth, subject to  
5 Senate confirmation in accordance with KRS 11.160 for each appointment or  
6 reappointment. Of the six (6) trustees appointed by the Governor, three (3)  
7 trustees shall have investment experience and three (3) trustees shall have  
8 retirement experience;
- 9 (d) For purposes of paragraph (c) of this subsection, a trustee with "investment  
10 experience" means an individual who does not have a conflict of interest, as  
11 provided by KRS 61.655, and who has at least ten (10) years of experience in  
12 one (1) of the following areas of expertise:
- 13 1. A portfolio manager acting in a fiduciary capacity;
  - 14 2. A professional securities analyst or investment consultant;
  - 15 3. A current or retired employee or principal of a trust institution,  
16 investment or finance organization, or endowment fund acting in an  
17 investment-related capacity;
  - 18 4. A chartered financial analyst in good standing as determined by the CFA  
19 Institute; or
  - 20 5. A university professor, teaching investment-related studies; and
- 21 (e) For purposes of paragraph (c) of this subsection, a trustee with "retirement  
22 experience" means an individual who does not have a conflict of interest, as  
23 provided by KRS 61.655, and who has at least ten (10) years of experience in  
24 one (1) of the following areas of expertise:
- 25 1. Experience in retirement or pension plan management;
  - 26 2. A certified public accountant with relevant experience in retirement or  
27 pension plan accounting;

- 1           3.    An actuary with relevant experience in retirement or pension plan
- 2                consulting;
- 3           4.    An attorney licensed to practice law in the Commonwealth of Kentucky
- 4                with relevant experience in retirement or pension plans; or
- 5           5.    A current or former university professor whose primary area of emphasis
- 6                is economics or finance.

- 7   (2)   The board is hereby granted the powers and privileges of a corporation, including
- 8        but not limited to the following powers:
- 9        (a)   To sue and be sued in its corporate name;
- 10       (b)   To make bylaws not inconsistent with the law;
- 11       (c)   To conduct the business and promote the purposes for which it was formed;
- 12       (d)   Except as provided in KRS 61.650(6), to contract for investment counseling,
- 13            auditing, medical, and other professional or technical services as required to
- 14            carry out the obligations of the board subject to KRS Chapters 45, 45A, 56,
- 15            and 57. Actuarial consulting services shall be provided by a firm hired by the
- 16            Kentucky Public Pensions Authority;
- 17        (e)   To purchase fiduciary liability insurance;
- 18        (f)   Except as provided in KRS 61.650(6), to acquire, hold, sell, dispose of,
- 19            pledge, lease, or mortgage, the goods or property necessary to exercise the
- 20            board's powers and perform the board's duties subject to KRS Chapters 45,
- 21            45A, and 56; and
- 22        (g)   The board shall reimburse any trustee, officer, or employee for any legal
- 23            expense resulting from a civil action arising out of the performance of his or
- 24            her official duties. The hourly rate of reimbursement for any contract for legal
- 25            services under this paragraph shall not exceed the maximum hourly rate
- 26            provided in the Legal Services Duties and Maximum Rate Schedule
- 27            promulgated by the Government Contract Review Committee established

- 1           pursuant to KRS 45A.705, unless a higher rate is specifically approved by the  
2           secretary of the Finance and Administration Cabinet or his or her designee.
- 3   (3)   (a)   Notwithstanding the provisions of subsection (1) of this section, each trustee  
4           shall serve a term of four (4) years or until his or her successor is duly  
5           qualified except as otherwise provided in this section. An elected trustee or a  
6           trustee appointed by the Governor under subsection (1)(c) of this section, shall  
7           not serve more than three (3) consecutive four (4) year terms. An elected  
8           trustee or a trustee appointed by the Governor under subsection (1)(c) of this  
9           section, who has served three (3) consecutive terms may be elected or  
10          appointed again after an absence of four (4) years from the board.
- 11       (b)   The term limits established by paragraph (a) of this subsection shall apply to  
12           trustees serving on or after July 1, 2012, and all terms of office served prior to  
13           July 1, 2012, shall be used to determine if the trustee has exceeded the term  
14           limits provided by paragraph (a) of this subsection.
- 15   (4)   (a)   The trustees selected by the membership of each of the various retirement  
16           systems shall be elected by ballot. For each trustee to be elected, the board  
17           may nominate, not less than six (6) months before a term of office of a trustee  
18           is due to expire, three (3) constitutionally eligible individuals.
- 19       (b)   Individuals may be nominated by the retirement system members which are to  
20           elect the trustee by presenting to the executive director, not less than four (4)  
21           months before a term of office of a trustee is due to expire, a petition, bearing  
22           the name, last four (4) digits of the Social Security number, and signature of  
23           no less than one-tenth (1/10) of the number voting in the last election by the  
24           retirement system members.
- 25       (c)   Within four (4) months of the nominations made in accordance with  
26           paragraphs (a) and (b) of this subsection, the executive director shall cause to  
27           be prepared an official ballot. The ballot shall include the name, address, and

1 position title of each individual nominated by the board and by petition.  
2 Provisions shall also be made for write-in votes.

3 (d) Except as provided by paragraph (j) of this subsection, the ballots shall be  
4 distributed to the eligible voters by mail to their last known residence address.

5 (e) The ballots shall be addressed to the Kentucky Retirement Systems in care of  
6 a predetermined box number at a United States Post Office or submitted  
7 electronically as provided by paragraph (j) of this subsection. Access to this  
8 post office box shall be limited to the board's contracted firm. The individual  
9 receiving a plurality of votes shall be declared elected.

10 (f) The eligible voter shall cast his or her ballot by selecting the candidate of his  
11 or her choice. He or she shall sign and mail the ballot or submit the electronic  
12 ballot at least thirty (30) days prior to the date the term to be filled is due to  
13 expire. The latest mailing date, or date of submission in the case of electronic  
14 ballots, shall be provided on the ballot.

15 (g) The board's contracted firm shall report in writing the outcome to the chair of  
16 the board of trustees. Cost of an election shall be payable from the funds of  
17 the system for which the trustee is elected.

18 (h) For purposes of this subsection, an eligible voter shall be a person who was a  
19 member of the retirement system on December 31 of the year preceding the  
20 election year.

21 (i) Each individual who submits a request to be nominated by the board under  
22 paragraph (a) of this subsection and each individual who is nominated by the  
23 membership under paragraph (b) of this subsection shall:

24 1. Complete an application developed by the retirement systems which  
25 shall include but not be limited to a disclosure of any prior felonies and  
26 any conflicts of interest that would hinder the individual's ability to  
27 serve on the board;

- 1           2.    Submit a resume detailing the individual's education and employment  
2                   history and a cover letter detailing the member's qualifications for  
3                   serving as trustee to the board; and
- 4           3.    Authorize the systems to have a criminal background check performed.  
5                   The criminal background check shall be performed by the Department of  
6                   Kentucky State Police.
- 7           (j)   In lieu of the ballots mailed to members and retired members as provided by  
8                   this subsection, the systems may by promulgation of administrative regulation  
9                   pursuant to KRS Chapter 13A conduct trustee elections using electronic  
10                  ballots, except that the systems shall mail a paper ballot upon request of any  
11                  eligible voter.
- 12       (5)   (a)   Any vacancy which may occur in an appointed position during a term of  
13                  office shall be filled in the same manner which provides for the selection of  
14                  the particular trustee, and any vacancy which may occur in an elected position  
15                  during a term of office shall be filled by appointment by a majority vote of  
16                  the remaining elected trustees with a person selected from the system in which  
17                  the vacancy occurs~~[, and if the secretary of the Personnel Cabinet resigns his~~  
18                  ~~or her position as trustee, it shall be filled by appointment made by the~~  
19                  ~~Governor];~~ however, any vacancy shall be filled only for the duration of the  
20                  unexpired term. In the event of a vacancy of an elected trustee during a term  
21                  of office, Kentucky Retirement Systems shall notify members of the system in  
22                  which the vacancy occurs of the vacancy and the opportunity to be considered  
23                  for the vacant position. Any vacancy during a term of office shall be filled  
24                  within ninety (90) days of the position becoming vacant.
- 25       (b)   Any appointments or reappointments to an appointed position on the board  
26                  shall be made no later than thirty (30) days prior to an appointed member's  
27                  term of office ending.



- 1 (6) (a) Membership on the board of trustees shall not be incompatible with any other  
2 office unless a constitutional incompatibility exists. No trustee shall serve in  
3 more than one (1) position as trustee on the board; and if a trustee holds more  
4 than one (1) position as trustee on the board, he or she shall resign a position.
- 5 (b) A trustee shall be removed from office upon conviction of a felony or for a  
6 finding of a violation of any provision of KRS 11A.020 or 11A.040 by a court  
7 of competent jurisdiction.
- 8 (c) A current or former employee of Kentucky Retirement Systems, County  
9 Employees Retirement System, or the Kentucky Public Pensions Authority  
10 shall not be eligible to serve as a member of the board.
- 11 (7) Trustees who do not otherwise receive a salary from the State Treasury shall receive  
12 a per diem of eighty dollars (\$80) for each day they are in session or on official  
13 duty, and they shall be reimbursed for their actual and necessary expenses in  
14 accordance with state administrative regulations and standards.
- 15 (8) (a) The board shall meet at least once in each quarter of the year and may meet in  
16 special session upon the call of the chair or the executive director.
- 17 (b) The board shall elect a chair and a vice chair. The chair shall not serve more  
18 than four (4) consecutive years as chair or vice-chair of the board. The vice-  
19 chair shall not serve more than four (4) consecutive years as chair or vice-  
20 chair of the board. A trustee who has served four (4) consecutive years as  
21 chair or vice-chair of the board may be elected chair or vice-chair of the board  
22 after an absence of two (2) years from the positions.
- 23 (c) A majority of the trustees shall constitute a quorum and all actions taken by  
24 the board shall be by affirmative vote of a majority of the trustees present.
- 25 (9) (a) The board of trustees shall appoint or contract for the services of a chief  
26 executive officer and general counsel and fix the compensation and other  
27 terms of employment for for these~~[this position]~~ without limitation of the

1 provisions of KRS Chapters 18A and 45A and KRS 64.640. The chief  
2 executive officer shall serve as the legislative~~[-, legal,]~~ and executive adviser to  
3 the board. The general counsel shall serve as legal adviser to the board. The  
4 chief executive officer and general counsel~~[- and]~~ shall work with the  
5 executive director of the Kentucky Public Pensions Authority to carry out the  
6 provisions of KRS 16.505 to 16.652 and 61.510 to 61.705. The executive  
7 director of the Kentucky Public Pensions Authority shall be the chief  
8 administrative officer of the board.

9 (b) Prior to April 1, 2021, the board of trustees shall authorize the executive  
10 director to appoint the employees deemed necessary to transact the business of  
11 the system. ~~[Prior to July 1, 2021, all employees of the systems, except for the~~  
12 ~~executive director, shall be subject to the state personnel system established~~  
13 ~~pursuant to KRS 18A.005 to 18A.204 and shall have their salaries determined~~  
14 ~~by the secretary of the Personnel Cabinet.]~~Effective April 1, 2021, the  
15 responsibility of appointing employees and managing personnel needs shall be  
16 transferred to the Kentucky Public Pensions Authority established by KRS  
17 61.505.

18 (c) The board shall require the chief executive officer and may require the  
19 General Counsel to execute bonds for the faithful performance of his or her  
20 duties notwithstanding the limitations of KRS Chapter 62.

21 (d) The board shall have a system of accounting established by the Kentucky  
22 Public Pensions Authority.

23 (e) The board shall do all things, take all actions, and promulgate all  
24 administrative regulations, not inconsistent with the provisions of KRS 16.505  
25 to 16.652 and 61.510 to 61.705, necessary or proper in order to carry out the  
26 provisions of KRS 16.505 to 16.652 and 61.510 to 61.705. Notwithstanding  
27 any other evidence of legislative intent, it is hereby declared to be the

1 controlling legislative intent that the provisions of KRS 16.505 to 16.652 and  
2 61.510 to 61.705 conform with federal statute or regulation and meet the  
3 qualification requirements under 26 U.S.C. sec. 401(a), applicable federal  
4 regulations, and other published guidance. Provisions of KRS 16.505 to  
5 16.652 and 61.510 to 61.705 which conflict with federal statute or regulation  
6 or qualification under 26 U.S.C. sec. 401(a), applicable federal regulations,  
7 and other published guidance shall not be available. The board shall have the  
8 authority to promulgate administrative regulations to conform with federal  
9 statute and regulation and to meet the qualification requirements under 26  
10 U.S.C. sec. 401(a), including an administrative regulation to comply with 26  
11 U.S.C. sec. 401(a)(9).

12 (f) Notwithstanding any other provision of statute to the contrary, including but  
13 not limited to any provision of KRS Chapter 12, the Governor shall have no  
14 authority to change any provision of KRS 16.505 to 16.652 and 61.510 to  
15 61.705 by executive order or action, including but not limited to reorganizing,  
16 replacing, amending, or abolishing the membership of the Kentucky  
17 Retirement Systems board of trustees.

18 (10) Notwithstanding any statute to the contrary, employees shall not be considered  
19 legislative agents under KRS 6.611.

20 (11) The Attorney General, or an assistant designated by him or her, may attend each  
21 meeting of the board and may receive the agenda, board minutes, and other  
22 information distributed to trustees of the board upon request. The Attorney General  
23 may act as legal adviser and attorney for the board, and the board may contract for  
24 legal services, notwithstanding the limitations of KRS Chapter 12 or 13B.

25 (12) (a) The system shall publish an annual financial report showing all receipts,  
26 disbursements, assets, and liabilities. The annual report shall include a copy of  
27 an audit conducted in accordance with generally accepted auditing standards.

1 Except as provided by paragraph (b) of this subsection, the board may select  
2 an independent certified public accountant or the Auditor of Public Accounts  
3 to perform the audit. If the audit is performed by an independent certified  
4 public accountant, the Auditor of Public Accounts shall not be required to  
5 perform an audit pursuant to KRS 43.050(2)(a), but may perform an audit at  
6 his or her discretion. All proceedings and records of the board shall be open  
7 for inspection by the public. The system shall make copies of the audit  
8 required by this subsection available for examination by any member, retiree,  
9 or beneficiary in the offices~~[office]~~ of the ~~[executive director of the]~~ Kentucky  
10 Public Pensions Authority~~[Retirement Systems]~~ and in other places as  
11 necessary to make the audit available to all members, retirees, and  
12 beneficiaries. A copy of the annual audit shall be sent to the Legislative  
13 Research Commission no later than ten (10) days after receipt by the board.

14 (b) At least once every five (5) years, the Auditor of Public Accounts shall  
15 perform the audit described by this subsection, and the system shall reimburse  
16 the Auditor of Public Accounts for all costs of the audit. The Auditor of  
17 Public Accounts shall determine which fiscal year during the five (5) year  
18 period the audit prescribed by this paragraph will be completed.

19 (13) All expenses incurred by or on behalf of the system and the board in the  
20 administration of the system during a fiscal year shall be paid from the retirement  
21 allowance account, including any administrative expenses for the Kentucky  
22 Public Pensions Authority that are assigned to the Kentucky Retirement Systems  
23 by KRS 61.505. The board shall submit any administrative expenses that are  
24 specific to the Kentucky Retirement Systems that are not otherwise covered by  
25 subsection (11)(a) of Section 66 of this Act~~[Any other statute to the contrary~~  
26 ~~notwithstanding, authorization for all expenditures relating to the administrative~~  
27 ~~operations of the system shall be contained in the biennial budget unit request,~~

1       ~~branch budget recommendation, and the financial plan adopted by the General~~  
2       ~~Assembly pursuant to KRS Chapter 48].~~

3       (14) Any person adversely affected by a decision of the board, except as provided under  
4       subsection (16) of this section or KRS 61.665, involving KRS 16.505 to 16.652 and  
5       61.510 to 61.705, may appeal the decision of the board to the Franklin Circuit Court  
6       within sixty (60) days of the board action.

7       (15) (a) A trustee shall discharge his or her duties as a trustee, including his or her  
8       duties as a member of a committee:

- 9               1. In good faith;
- 10              2. On an informed basis; and
- 11              3. In a manner he or she honestly believes to be in the best interest of the
- 12               Kentucky Retirement Systems.

13       (b) A trustee discharges his or her duties on an informed basis if, when he or she  
14       makes an inquiry into the business and affairs of the Kentucky Retirement  
15       Systems or into a particular action to be taken or decision to be made, he or  
16       she exercises the care an ordinary prudent person in a like position would  
17       exercise under similar circumstances.

18       (c) In discharging his or her duties, a trustee may rely on information, opinions,  
19       reports, or statements, including financial statements and other financial data,  
20       if prepared or presented by:

- 21              1. One (1) or more officers or employees of the Kentucky Retirement
- 22               Systems whom the trustee honestly believes to be reliable and competent
- 23               in the matters presented;
- 24              2. Legal counsel, public accountants, actuaries, or other persons as to
- 25               matters the trustee honestly believes are within the person's professional
- 26               or expert competence; or
- 27              3. A committee of the board of trustees of which he or she is not a member

1 if the trustee honestly believes the committee merits confidence.

2 (d) A trustee shall not be considered as acting in good faith if he or she has  
3 knowledge concerning the matter in question that makes reliance otherwise  
4 permitted by paragraph (c) of this subsection unwarranted.

5 (e) Any action taken as a trustee, or any failure to take any action as a trustee,  
6 shall not be the basis for monetary damages or injunctive relief unless:

7 1. The trustee has breached or failed to perform the duties of the trustee's  
8 office in compliance with this section; and

9 2. In the case of an action for monetary damages, the breach or failure to  
10 perform constitutes willful misconduct or wanton or reckless disregard  
11 for human rights, safety, or property.

12 (f) A person bringing an action for monetary damages under this section shall  
13 have the burden of proving by clear and convincing evidence the provisions of  
14 paragraph (e)1. and 2. of this subsection, and the burden of proving that the  
15 breach or failure to perform was the legal cause of damages suffered by the  
16 Kentucky Retirement Systems.

17 (g) Nothing in this section shall eliminate or limit the liability of any trustee for  
18 any act or omission occurring prior to July 15, 1988.

19 (h) In discharging his or her administrative duties under this section, a trustee  
20 shall strive to administer the retirement system in an efficient and cost-  
21 effective manner for the taxpayers of the Commonwealth of Kentucky and  
22 shall take all actions available under the law to contain costs for the trusts,  
23 including costs for participating employers, members, and retirees.

24 (16) When an order by the system substantially impairs the benefits or rights of a  
25 member, retired member, or recipient, except action which relates to entitlement to  
26 disability benefits, or when an employer disagrees with an order of the system as  
27 provided by KRS 61.598, the affected member, retired member, recipient, or

1 employer may request a hearing to be held in accordance with KRS Chapter 13B.  
2 The board may establish an appeals committee whose members shall be appointed  
3 by the chair and who shall have authority to act upon the recommendations and  
4 reports of the hearing officer on behalf of the board. The member, retired member,  
5 recipient, or employer aggrieved by a final order of the board following the hearing  
6 may appeal the decision to the Franklin Circuit Court, in accordance with KRS  
7 Chapter 13B. The board may establish a joint administrative appeals committee  
8 with the County Employees Retirement System and may also establish a joint  
9 disability appeals committee with the County Employees Retirement System.

10 (17) The board shall give the Kentucky Education Support Personnel Association  
11 twenty-four (24) hours notice of the board meetings, to the extent possible.

12 (18) The board shall establish a formal trustee education program for all trustees of the  
13 board. The program shall include but not be limited to the following:

14 (a) A required orientation program for all new trustees elected or appointed to the  
15 board. The orientation program shall include training on:

- 16 1. Benefits and benefits administration;
- 17 2. Investment concepts, policies, and current composition and  
18 administration of retirement systems investments;
- 19 3. Laws, bylaws, and administrative regulations pertaining to the  
20 retirement systems and to fiduciaries; and
- 21 4. Actuarial and financial concepts pertaining to the retirement systems.

22 If a trustee fails to complete the orientation program within one (1) year from  
23 the beginning of his or her first term on the board, the retirement systems shall  
24 withhold payment of the per diem and travel expenses due to the board  
25 member under this section and KRS 16.640 until the trustee has completed the  
26 orientation program;

27 (b) Annual required training for board members on the administration, benefits,

1 financing, and investing of the retirement systems. If a trustee fails to  
2 complete the annual required training during the calendar or fiscal year, the  
3 retirement systems shall withhold payment of the per diem and travel  
4 expenses due to the board member under this section and KRS 16.640 until  
5 the board member has met the annual training requirements; and

6 (c) The retirement systems shall incorporate by reference in an administrative  
7 regulation, pursuant to KRS 13A.2251, the trustee education program.

8 (19) In order to improve public transparency regarding the administration of the systems,  
9 the board of trustees shall adopt a best practices model by posting the following  
10 information to the Kentucky Public Pensions Authority's Web site and shall make  
11 available to the public:

12 (a) Meeting notices and agendas for all meetings of the board. Notices and  
13 agendas shall be posted to the Kentucky Public Pensions Authority's Web site  
14 at least seventy-two (72) hours in advance of the board or committee  
15 meetings, except in the case of special or emergency meetings as provided by  
16 KRS 61.823;

17 (b) The Comprehensive Annual Financial Report with the information as follows:  
18 1. A general overview and update on the retirement systems by the  
19 executive director;  
20 2. A listing of the board of trustees;  
21 3. A listing of key staff;  
22 4. An organizational chart;  
23 5. Financial information, including a statement of plan net assets, a  
24 statement of changes in plan net assets, an actuarial value of assets, a  
25 schedule of investments, a statement of funded status and funding  
26 progress, and other supporting data;  
27 6. Investment information, including a general overview, a list of the



1 retirement system's professional consultants, a total net of fees return on  
2 retirement systems investments over a historical period, an investment  
3 summary, contracted investment management expenses, transaction  
4 commissions, and a schedule of investments;

5 7. The annual actuarial valuation report on the pension benefit and the  
6 medical insurance benefit; and

7 8. A general statistical section, including information on contributions,  
8 benefit payouts, and retirement systems' demographic data;

9 (c) All external audits;

10 (d) All board minutes or other materials that require adoption or ratification by  
11 the board of trustees. The items listed in this paragraph shall be posted within  
12 seventy-two (72) hours of adoption or ratification of the board;

13 (e) All bylaws, policies, or procedures adopted or ratified by the board of trustees;

14 (f) The retirement systems' summary plan description;

15 (g) A document containing an unofficial copy of the statutes governing the  
16 systems administered by Kentucky Retirement Systems;

17 (h) A listing of the members of the board of trustees and membership on each  
18 committee established by the board, including any investment committees;

19 (i) All investment holdings in aggregate, fees, and commissions for each fund  
20 administered by the board, which shall be updated on a quarterly basis for  
21 fiscal years beginning on or after July 1, 2017. The systems shall request from  
22 all managers, partnerships, and any other available sources all information  
23 regarding fees and commissions and shall, based on the requested information  
24 received:

25 1. Disclose the dollar value of fees and commissions paid to each  
26 individual manager or partnership;

27 2. Disclose the dollar value of any profit sharing, carried interest, or any

1 other partnership incentive arrangements, partnership agreements, or any  
2 other partnership expenses received by or paid to each manager or  
3 partnership; and

4 3. As applicable, report each fee or commission by manager or partnership  
5 consistent with standards established by the Institutional Limited  
6 Partners Association (ILPA).

7 In addition to the requirements of this paragraph, the systems shall also  
8 disclose the name and address of all individual underlying managers or  
9 partners in any fund of funds in which system assets are invested;

10 (j) An update of net of fees investment returns, asset allocations, and the  
11 performance of the funds against benchmarks adopted by the board for each  
12 fund, for each asset class administered by the board, and for each manager.  
13 The update shall be posted on a quarterly basis for fiscal years beginning on or  
14 after July 1, 2017;

15 (k) A searchable database of the systems' expenditures and a listing of each  
16 individual employed by the systems along with the employee's salary or  
17 wages. In lieu of posting the information required by this paragraph to the  
18 Kentucky Public Pensions Authority's Web site, the systems may provide the  
19 information through a Web site established by the executive branch to inform  
20 the public about executive branch agency expenditures and public employee  
21 salaries and wages;

22 (l) All contracts or offering documents for services, goods, or property purchased  
23 or utilized by the systems; and

24 (m) Information regarding the systems' financial and actuarial condition that is  
25 easily understood by the members, retired members, and the public.

26 (20) Notwithstanding the requirements of subsection (19) of this section, the retirement  
27 systems shall not be required to furnish information that is protected under KRS

61.661, exempt under KRS 61.878, or that, if disclosed, would compromise the retirement systems' ability to competitively invest in real estate or other asset classes, except that no provision of this section or KRS 61.878 shall exclude disclosure and review of all contracts, including investment contracts, by the board, the Auditor of Public Accounts, and the Government Contract Review Committee established pursuant to KRS 45A.705 or the disclosure of investment fees and commissions as provided by this section. If any public record contains material which is not excepted under this section, the systems shall separate the excepted material by removal, segregation, or redaction, and make the nonexcepted material available for examination.

(21) Notwithstanding any other provision of KRS 16.505 to 16.652 and 61.510 to 61.705 to the contrary, no funds of the systems administered by Kentucky Retirement Systems, including fees and commissions paid to an investment manager, private fund, or company issuing securities, who manages systems assets, shall be used to pay fees and commissions to placement agents. For purposes of this subsection, "placement agent" means a third-party individual, who is not an employee, or firm, wholly or partially owned by the entity being hired, who solicits investments on behalf of an investment manager, private fund, or company issuing securities.

➔Section 67. KRS 61.652 is amended to read as follows:

(1) The Kentucky Employees Excess Benefit Plan established in KRS 61.663~~[-, the County Employees Excess Benefit Plan established in KRS 78.652,]~~ and the State Police Excess Benefit Plan established in KRS 16.568 shall be administered by the board of trustees of the Kentucky Retirement Systems. **The County Employees Excess Benefit Plan established in KRS 78.652 shall be administered by the board of trustees of the County Employees Retirement System. Each**~~[The]~~ board shall have the same authority in its administration as it has in the administration of the Kentucky Employees Retirement System, the County Employees Retirement

- 1        System, and the State Police Retirement System, as applicable.
- 2        (2) The plans shall constitute qualified governmental excess benefit plans as provided  
3        in 26 U.S.C. sec. 415(m).
- 4        (3) All retired members and beneficiaries of the two (2)~~three (3)~~ retirement systems  
5        administered by the Kentucky Retirement Systems and (1) retirement system  
6        administered by the County Employees Retirement System, whose effective  
7        retirement dates are July 1, 1998, or after, and whose retirement allowances have  
8        been limited by 26 U.S.C. sec. 415 shall be participants in the plans. Each member's  
9        participation in the plans shall be determined each fiscal year and will cease for any  
10       year in which the retirement allowance is not limited by 26 U.S.C. sec. 415.
- 11       (4) A participant shall receive a benefit equal to the difference between the retirement  
12       allowance otherwise payable from the system prior to any reduction or limitation  
13       required by 26 U.S.C. sec. 415 and the actual retirement allowance payable as  
14       limited by 26 U.S.C. sec. 415. The benefit shall be subject to withholding for  
15       applicable state and federal taxes. The benefit shall be paid in accordance with the  
16       retirement payment option selected by the member or beneficiary for the retirement  
17       allowance.
- 18       (5) (a) Each~~The~~ board, in accordance with the recommendation of the actuary,  
19       shall determine the required contribution for each of the three (3) plans the  
20       respective board administers in order to pay benefits each fiscal year. The  
21       required contribution for each of the three (3) plans in each fiscal year shall be  
22       the total amount of benefits payable under this section to all participants plus  
23       the amount required to pay the administrative expenses of the plan and the  
24       employer's share of any employment taxes on the benefits paid from the plan.
- 25       (b) The required contribution shall be paid by the participating employers.
- 26       (c) The required contribution for each plan shall be deposited into the separate  
27       fund. The plan is intended to be exempt from federal income tax under 26

1 U.S.C. sec. 115 and 26 U.S.C. sec. 415(m)(1).

2 (d) The benefit liability of each plan shall be determined on a fiscal year basis,  
3 and contributions shall not be accumulated to pay benefits in future fiscal  
4 years. Any assets of the plans not used to pay benefits in the current fiscal year  
5 shall be used for payment of the administrative expenses of the plan for the  
6 current or future fiscal years or shall be paid to the appropriate retirement  
7 system as an additional employer contribution.

8 (6) The benefits payable from the plans shall be treated in accordance with KRS  
9 61.690.

10 (7) The board shall promulgate administrative regulations to modify the benefits  
11 payable under the plans as necessary for the plans to be qualified under 26 U.S.C.  
12 sec. 415(m).

13 (8) The provisions of this section, and any administrative regulations promulgated as a  
14 result of this section, shall be applied retroactively to retired members, and  
15 beneficiaries, whose effective retirement dates are between July 1, 1998, and July  
16 14, 2000.

17 ➔Section 68. KRS 61.660 is amended to read as follows:

18 (1) The State Treasurer shall be the custodian of the funds received under authority of  
19 KRS 61.510 to 61.705, 16.510 to 16.652 and 78.510 to 78.852 and shall be  
20 responsible for the safekeeping of all cash and securities in his custody. All  
21 payments from the fund shall be made by him on warrants issued by the Finance  
22 and Administration Cabinet. Payments may be in the form of checks, which shall  
23 clearly show on the envelope or other mailing device the name and address of the  
24 Kentucky Retirement Systems, County Employees Retirement System, or direct  
25 deposit bank transfers.

26 (2) The Kentucky Public Pensions Authority~~[-board]~~ shall appoint a custodian or  
27 custodians of the cash and securities acquired under authority of KRS 61.510 to

1 61.705, 16.510 to 16.652, and 78.510 to 78.852; and the custodian or custodians  
2 shall be responsible for the safekeeping of all cash and securities in ~~its~~<sup>his</sup> custody.

3 ➔Section 69. KRS 61.665 is amended to read as follows:

4 (1) The ~~Authority~~<sup>board</sup> shall employ at least three (3) physicians, licensed in the state  
5 and not members of the system, upon terms and conditions it prescribes to serve as  
6 medical examiners, whose duty it shall be to pass upon all medical examinations  
7 required under KRS 61.510 to 61.705, 16.505 to 16.652, and 78.510 to 78.852, to  
8 investigate all health or medical statements and certificates made by or in behalf of  
9 any person in connection with the payment of money to the person under KRS  
10 61.510 to 61.705, 16.505 to 16.652, and 78.510 to 78.852, and who shall report in  
11 writing to the system the conclusions and recommendations upon all matters  
12 referred to them. The ~~Authority~~<sup>board</sup> may employ one (1) or more licensed  
13 mental health professionals in making recommendations regarding mental  
14 impairments.

15 (2) (a) Each person requesting disability retirement shall file at the retirement office  
16 an application for disability retirement and supporting medical information to  
17 report the person's physical and mental condition. The person shall also file at  
18 the retirement office a complete description of the job and duties from which  
19 he received his last pay as well as evidence that the person has made a request  
20 for reasonable accommodation as provided for in 42 U.S.C. sec. 12111(9) and  
21 29 C.F.R. Part 1630. The person shall certify to the retirement office that the  
22 application for disability retirement and supporting medical information are  
23 ready to be evaluated by the medical examiners in accordance with paragraph  
24 (d) of this subsection. If, after good faith efforts, the person informs the  
25 ~~Authority~~<sup>system</sup> that he has been unable to obtain the employment or  
26 medical information, the ~~Authority~~<sup>system</sup> shall assist the person in  
27 obtaining the records and may use the authority granted pursuant to KRS

61.685(1) to obtain the records. If the person fails to file, at the retirement office within one hundred eighty (180) days of the date the person filed his notification of retirement, any of the forms, certifications, or information required by this subsection, the person's application for disability retirement shall be void. Any subsequent filing of an application for disability retirement or supporting medical information shall not be evaluated, except as provided in paragraph (f) of this subsection or KRS 61.600(2) or Section 7 or 8 of this Act.

(b) The employer shall file at the retirement office a complete description of the job and duties for which the person was last paid and shall submit a detailed description of reasonable accommodations attempted.

(c) The cost of medical examinations and the filing of the medical information, reports, or data with the retirement office shall be paid by the person applying for disability retirement.

(d) The Authority~~[system]~~ shall select three (3) medical examiners to evaluate the medical evidence submitted by the person. The medical examiners shall recommend that disability retirement be approved, or that disability retirement be denied. If there is evidence of a mental impairment, the medical examiners may request the Authority's~~[board's]~~ licensed mental health professional to assist in determining the level of the mental impairment.

(e) If two (2) or more of the three (3) medical examiners recommend that the person be approved for disability retirement, the system shall make retirement payments in accordance with the retirement plan selected by the person.

(f) If two (2) or more of the three (3) medical examiners recommend that the person be denied disability retirement, the Authority~~[system]~~ shall send notice of this recommendation by United States first-class mail to the person's last address on file in the retirement office. The person shall have one hundred

eighty (180) days from the day that the Authority~~[system]~~ mailed the notice to file at the retirement office additional supporting medical information and certify to the retirement office that the application for disability retirement and supporting medical information are ready to be evaluated by the medical examiners or to appeal his denial of disability retirement by filing at the retirement office a request for a formal hearing. Any subsequent filing of an application for disability retirement or supporting medical information shall not be evaluated, except as provided in KRS 61.600(2) or Section 7 or 8 of this Act.

(g) If two (2) or more of the three (3) medical examiners recommend that the person be approved for disability retirement based upon the evaluation of additional supporting medical information in accordance with paragraph (f) of this subsection, the system shall make retirement payments in accordance with the retirement plan selected by the person.

(h) If two (2) or more of the three (3) medical examiners recommend that the person be denied disability retirement based upon the evaluation of additional supporting medical information in accordance with paragraph (f) of this subsection, the Authority~~[system]~~ shall send notice of this recommendation by United States first-class mail to the person's last address on file in the retirement office. The person shall have one hundred eighty (180) days from the day that the Authority~~[system]~~ mailed the notice to appeal his denial of disability retirement by filing at the retirement office a request for a formal hearing.

(i) The medical examiners shall be paid a reasonable amount by the retirement system for each case evaluated.

(j) Notwithstanding the foregoing provisions of this section, the Authority~~[system]~~ may pay for one (1) or more medical examinations of the



1 person requested by the medical examiners for the purpose of providing  
2 medical information deemed necessary by the medical examiners. The system  
3 may require the person to submit to one (1) or more medical examinations.

4 (3) (a) Any person whose disability benefits have been reduced, discontinued, or  
5 denied pursuant to subsection (2)(f) or (2)(h) of this section may file at the  
6 retirement office a request for a formal hearing to be conducted in accordance  
7 with KRS Chapter 13B. The right to demand a formal hearing shall be limited  
8 to a period of one hundred eighty (180) days after the person had notice of the  
9 system's determination, as described in subsection (2)(f) or (2)(h) of this  
10 section. The request for a formal hearing shall be filed with the executive  
11 director, at the retirement office in Frankfort. The request for a formal hearing  
12 shall include a short and plain statement of the reasons the denial of disability  
13 retirement is being contested.

14 (b) Failure of the person to request a formal hearing within the period of time  
15 specified shall preclude the person from proceeding any further with the  
16 application for disability retirement, except as provided in KRS 61.600(2) or  
17 Section 7 or 8 of this Act. This paragraph shall not limit the person's right to  
18 appeal to a court.

19 (c) The system may require the person requesting the formal hearing to submit to  
20 one (1) or more medical or psychological examinations. Notice of the time  
21 and place of the examination shall be mailed to the person or his legal  
22 representative. The system shall be responsible for the cost of the  
23 examination.

24 (d) A final order of the board shall be based on substantial evidence appearing in  
25 the record as a whole and shall set forth the decision of the board and the facts  
26 and law upon which the decision is based.

27 (e) All requests for a hearing pursuant to this section shall be made in writing.

(4) The board may establish an appeals committee whose members shall be appointed by the chair and who shall have the authority to act upon the recommendations and reports of the hearing officer pursuant to this section on behalf of the board. *The Authority may upon the joint approval of the board of the Kentucky Retirement Systems and the County Employees Retirement System establish an appeals committee whose members shall be appointed by the chair of the Authority who have the authorization to act upon the recommendations and reports of the hearing officer pursuant to this section on behalf of both boards.*

(5) Any person aggrieved by a final order of the board may seek judicial review after all administrative appeals have been exhausted by filing a petition for judicial review in the Franklin Circuit Court in accordance with KRS Chapter 13B.

(6) The system, pursuant to regulations, may refer an employee determined by it to be disabled to the Kentucky Office of Vocational Rehabilitation for evaluation and, if appropriate, retraining.

(a) The cost of the evaluation and retraining shall be paid by the system in accordance with the regulations established by the board.

(b) The member shall perform all acts that are necessary to enroll in and satisfy the requirements of Vocational Rehabilitation as prescribed by the board. This shall include the exchange of confidential information between Kentucky Retirement Systems and the Kentucky Office of Vocational Rehabilitation as necessary to conduct the rehabilitation process. Failure of the member to cooperate with the system or Vocational Rehabilitation may result in his disability allowance being discontinued, reduced, or denied until the member complies with the agency requests. If the refusal continues for one (1) year, all his rights to any further disability allowance shall cease.

➔Section 70. KRS 61.680 is amended to read as follows:

~~[Except as limited by KRS 6.525, 21.374, 61.5955, or 61.5956.]~~

1 (1) Prior to August 1, 1982, every employee shall be deemed to consent and agree to  
2 any deduction from his compensation required by KRS 6.500 to 6.535, 16.505 to  
3 16.652, 61.510 to 61.692, 78.510 to 78.852, and to all other provisions thereof.  
4 Thereafter, employee contributions shall be picked up by the employer pursuant to  
5 KRS 61.560(4).

6 (2) (a) Notwithstanding any other provisions of KRS 6.500 to 6.535, 16.505 to  
7 16.652, 61.510 to 61.692, 78.510 to 78.852 and 161.220 to 161.714:

8 1. Upon death, disability, or service retirement, a member's accounts under  
9 the Legislators' Retirement Plan, State Police Retirement System,  
10 Kentucky Employees Retirement System, County Employees Retirement  
11 System, and Teachers' Retirement System, except for service prohibited  
12 by KRS 161.623(2), shall be consolidated for the purpose of determining  
13 eligibility and amount of benefits, including those members who  
14 participate in the hybrid cash balance plan~~[- or 401(a) money purchase~~  
15 ~~plans]~~ within the Kentucky Employees Retirement System, the County  
16 Employees Retirement System, and the State Police Retirement System,  
17 on or after January 1, 2014, and regardless of the transition of  
18 administration of the County Employees Retirement System to the  
19 County Employees Retirement System board of trustees~~[- or the~~  
20 ~~Teachers' Retirement System]~~;

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

- 1           3.    The computation of benefits shall be based on the applicable formula in  
2               each system and service credit in each system, but the final  
3               compensation, excluding compensation earned under KRS 161.155(10),  
4               shall be determined as if all service were in one (1) system;
- 5           4.    If the member has prior service in more than one (1) system  
6               administered by Kentucky Retirement Systems, he shall obtain at least  
7               twelve (12) months' current service in each system in which he has prior  
8               service in order to validate the prior service in each system for purposes  
9               of determining consolidated benefits under this subsection; and
- 10          5.    Upon the determination of benefits, each system shall pay the applicable  
11               amount of benefits due the member.
- 12          (b)   The provisions of paragraph (a) of this subsection shall be waived if the  
13               member:
- 14               1.    Notifies the system of his desire to maintain separate retirement  
15                      accounts in the State Police Retirement System, Kentucky Employees  
16                      Retirement System, or County Employees Retirement System; or
- 17               2.    Fails to simultaneously retire from all state-administered retirement  
18                      systems in which the member has an account or fails to retire from any  
19                      other systems not administered by Kentucky Retirement Systems within  
20                      one (1) month of the member's effective retirement date in the systems  
21                      administered by Kentucky Retirement Systems.
- 22          (c)   If the member has not contributed at least one (1) year in a system in which he  
23               has prior service, his current service in the system shall be valid for purposes  
24               of determining eligibility and in computation of benefits on a consolidated  
25               basis.
- 26          (3)   (a)   A member with service credit in the Kentucky Employees Retirement System,  
27               State Police Retirement System, or the County Employees Retirement System

1           who becomes the holder of an office entitling him to membership in the  
2           Judicial Retirement Plan or the Legislators' Retirement Plan, but who does not  
3           elect within thirty (30) days after taking office in such service to participate in  
4           the plan, in accordance with KRS 6.505 or 21.360, shall be deemed to have  
5           elected to retain membership in the system in which he is a member, either the  
6           Kentucky Employees Retirement System, State Police Retirement System, or  
7           the County Employees Retirement System. In that event, the agency  
8           employing the member shall withhold employee contributions, or picked-up  
9           employee contributions after August 2, 1982, make employer contributions  
10          and remit these contributions to the system in which the member retained his  
11          membership.

12          (b) Any person entitled to membership in the Judicial Retirement Plan or the  
13          Legislators' Retirement Plan, who does not elect within thirty (30) days after  
14          taking office to participate in the plan, in accordance with KRS 6.505 or  
15          21.360, and who at the time of taking office is not a contributing member of,  
16          or does not have service credit in, any of the retirement systems mentioned in  
17          this section, or the Teachers' Retirement System, shall participate in the  
18          Kentucky Employees Retirement System.

19          (c) A member of one (1) of the state-administered retirement plans who ceases to  
20          contribute to the plan as provided in KRS 21.360 and who is employed in a  
21          nonelected position by an agency participating in the Kentucky Retirement  
22          Systems or Kentucky Teachers' Retirement System shall be deemed to have  
23          elected membership in the system in which the employer of the nonelected  
24          position participates. A member of one (1) of the state-administered  
25          retirement plans who ceases to contribute to the plan as provided in KRS  
26          21.360 and who is not employed in a nonelected position by an agency  
27          participating in the Kentucky Retirement Systems shall be deemed to have

1 elected membership in the Kentucky Employees Retirement System.

2 (4) (a) Prior to July 1, 1976, a person entering the service of an employer  
3 participating in the Kentucky Employees Retirement System or the County  
4 Employees Retirement System with service credit in the Teachers' Retirement  
5 System and who desires to retain membership in the Teachers' Retirement  
6 System, and who is permitted by that system to continue, shall be exempt  
7 from participating in the Kentucky Employees Retirement System or the  
8 County Employees Retirement System.

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

13 (c) Any member of the General Assembly who upon election is a contributing  
14 member of the Teachers' Retirement System and who does not elect within  
15 thirty (30) days after taking office to participate in the Legislators' Retirement  
16 Plan, in accordance with KRS 6.505, shall during his term of office participate  
17 in the Kentucky Employees Retirement System unless an election to retain  
18 membership in the Teachers' Retirement System is filed in writing within  
19 ninety (90) days after his term of office begins. No contributions may be made  
20 to the Teachers' Retirement System for the same period of service under the  
21 Legislators' Retirement Plan or the Kentucky Employees Retirement System  
22 as a member of the General Assembly, but contributions made to the Teachers'  
23 Retirement System while a member of the General Assembly shall be  
24 transferred to the Legislators' Retirement Plan, as provided for in KRS 6.535,  
25 when the member elects to join the Legislators' Retirement Plan, and service  
26 credit in the Legislators' Retirement Plan shall be granted as provided for in  
27 KRS 6.505(5).

- 1 (5) Any member of the Kentucky Employees Retirement System or County Employees  
2 Retirement System who is working in a position covered by one (1) of these  
3 retirement systems and his employee contributions, service credit and employer  
4 contributions made on his behalf are being transferred to the other retirement  
5 system shall contribute to the system in which his employer participates, or after  
6 August 1, 1982, the employer shall pick up the employee contributions, and no  
7 further contributions or service credit shall be transferred to the system in which he  
8 elected to retain membership, as subsection (2) of this section eliminates the  
9 necessity of the transfers.
- 10 (6) Any member of the Kentucky Employees Retirement System or County Employees  
11 Retirement System who is working in more than one (1) position covered by the  
12 same retirement system, shall have his wages and contributions consolidated and his  
13 retirement account administered as a single account. If part-time positions are  
14 involved, an accumulation of all hours worked within the same retirement system  
15 shall be used to determine eligibility under KRS 61.510(21).
- 16 (7) (a) Notwithstanding the provisions of subsection (2) of this section, a person who  
17 does not have the amount of service required for service retirement in the  
18 State Police Retirement System, Kentucky Employees Retirement System,  
19 County Employees Retirement System, Legislators' Retirement Plan, or  
20 Teachers' Retirement System, but who is a member of one (1) of the systems  
21 or is a former member of one (1) or more of the systems with valid service  
22 credit therein, shall become eligible for service retirement benefits attributable  
23 to the amount of his actual service credit in each system in which he has  
24 service credit when his combined service credit in all the systems, plus any  
25 service credit he has in the Judicial Retirement Plan, is equal to that required  
26 for service retirement in each respective system. The computation of benefits  
27 shall be based on the applicable formula in each system and service credit in

1 each system, except that total service in all systems, unless prohibited by KRS  
2 161.623(2), shall be used to determine the reduction for early retirement, if  
3 any. Except as provided in KRS 21.360, the final compensation shall be  
4 determined by using the creditable compensation reported to the State Police  
5 Retirement System, Kentucky Employees Retirement System, County  
6 Employees Retirement System, Legislators' Retirement Plan, or Teachers'  
7 Retirement System and only as much of the compensation earned in the  
8 Judicial Retirement Plan as is needed to satisfy the final compensation  
9 requirement applicable in the respective retirement systems.

10 (b) Paragraph (a) of this subsection shall be waived if the member fails to  
11 simultaneously retire from all state-administered retirement systems in which  
12 the member has an account or fails to retire from any other systems not  
13 administered by Kentucky Retirement Systems within one (1) month of the  
14 member's effective retirement date in the systems administered by the  
15 Kentucky Retirement Systems.

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

21 ➔Section 71. KRS 61.690 is amended to read as follows:

22 (1) Except as otherwise provided by this section and KRS 61.705(4), all retirement  
23 allowances and other benefits accrued or accruing to any person under the  
24 provisions of KRS 61.510 to 61.705, 16.505 to 16.652, and 78.510 to 78.852, and  
25 the accumulated account balance and cash securities in the funds created under KRS  
26 61.510 to 61.705, 16.505 to 16.652, and 78.510 to 78.852, are hereby exempt from  
27 any state, county, or municipal tax, and shall not be subject to execution,



1 attachment, garnishment, or any other process, and shall not be assigned.

2 (2) Notwithstanding the provisions of subsection (1) of this section, retirement benefits  
3 accrued or accruing to any person under the provisions of KRS 61.510 to 61.705,  
4 16.505 to 16.652, and 78.510 to 78.852 on or after January 1, 1998, shall be subject  
5 to the tax imposed by KRS 141.020, to the extent provided in KRS 141.010 and  
6 141.0215.

7 (3) Qualified domestic relations orders issued by a court or administrative agency shall  
8 be honored by the retirement system if:

9 (a) The benefits payable pursuant to the order meet the requirements of a  
10 qualified domestic relations order as provided by 26 U.S.C. sec. 414(p). The  
11 retirement system shall follow applicable provisions of 26 U.S.C. sec. 414(p)  
12 in administering qualified domestic relations orders;

13 (b) The order meets the requirements established by the retirement system and by  
14 subsections (3) to (11) of this section. The board of trustees of the retirement  
15 system shall establish the requirements, procedures, and forms necessary for  
16 the administration of qualified domestic relations orders by promulgation of  
17 administrative regulations in accordance with KRS Chapter 13A; and

18 (c) The order is on the form established by the retirement system pursuant to the  
19 retirement system's authority provided under paragraph (3)(b) of this  
20 subsection.

21 (4) A qualified domestic relations order shall not:

22 (a) Require the retirement system to take any action not authorized under state or  
23 federal law;

24 (b) Require the retirement system to provide any benefit, allowance, or other  
25 payment not authorized under state or federal law;

26 (c) Grant or be construed to grant the alternate payee any separate right, title, or  
27 interest in or to any retirement benefit other than to receive payments from the

1 participant's account in accordance with the administrative regulations  
2 promulgated by the retirement system and as provided by subsections (3) to  
3 (11) of this section; or

4 (d) Grant any separate interest to any person other than the participant.

5 (5) Any qualified domestic relations order submitted to the retirement system shall  
6 specify the dollar amount or percentage amount of the participant's benefit to be  
7 paid to the alternate payee. In calculating the amount to be paid to the alternate  
8 payee, the court or administrative agency that is responsible for issuing the order  
9 shall follow the requirements set forth in the administrative regulations promulgated  
10 by the board of trustees. Notwithstanding any other statute to the contrary, the board  
11 shall not be required to honor a qualified domestic relations order that does not  
12 follow the requirements set forth in the administrative regulations promulgated by  
13 the board of trustees.

14 (6) If the qualified domestic relations order meets the requirements established by the  
15 system and by subsections (3) to (11) of this section, payments to the alternate  
16 payee shall begin under the following conditions:

17 (a) If the participant is retired and is receiving a monthly retirement allowance,  
18 the month following the date the retirement system receives a qualified  
19 domestic relations order that complies with the administrative regulations  
20 promulgated by the retirement system and subsections (3) to (11) of this  
21 section; or

22 (b) If the participant is not retired, the month of the participant's effective  
23 retirement date in which the first retirement allowance is payable to the  
24 participant or the month in which the participant receives a refund of his or  
25 her accumulated account balance as provided by KRS 61.625.

26 (7) An alternate payee's benefits and rights under a qualified domestic relations order  
27 shall terminate upon the earlier of:

- 1 (a) The death of the participant;
- 2 (b) The death of the alternate payee; or
- 3 (c) The termination of the participant's benefits under any of the provisions of
- 4 KRS 16.505 to 16.652, 61.510 to 61.705, and 78.510 to 78.852.

5 (8) An alternate payee shall not receive a monthly payment under a qualified domestic

6 relations order if the participant is not receiving a monthly retirement allowance.

7 (9) The cost of living adjustment provided to the participant pursuant to KRS 61.691 or

8 Section 5 of this Act shall be divided between the participant and alternate payee in

9 a qualified domestic relations order as follows:

10 (a) If the order specifies the alternate payee is to receive a percentage of the

11 participant's benefit, then the cost of living adjustment shall be divided

12 between the participant and the alternate payee based upon the percentage of

13 the total benefit each is receiving upon the participant's retirement or upon the

14 date the order is approved by the retirement system, whichever is later; or

15 (b) If the order specifies that the alternate payee is to receive a set dollar amount

16 of the participant's benefit, then the order shall specify that:

17 1. The cost of living adjustment shall be divided between the participant

18 and the alternate payee based upon the percentage of the total benefit

19 each is receiving upon the participant's retirement or upon the date the

20 order is approved by the retirement system, whichever is later; or

21 2. The alternate payee shall receive no cost of living adjustment.

22 If the order does not specify the division of the cost of living adjustment as

23 required by this paragraph, then no cost of living adjustment shall be payable

24 to the alternate payee. If no cost of living adjustment is provided to the

25 alternate payee, then the participant shall receive the full cost of living

26 adjustment he or she would have received if the order had not been applied to

27 the participant's account.

1 (10) Except in cases involving child support payments, the retirement system may charge  
2 reasonable and necessary fees and expenses to the recipient and the alternate payee  
3 of a qualified domestic relations order for the administration of the qualified  
4 domestic relations order by the retirement system. All fees and expenses shall be  
5 established by administrative regulations promulgated by the board of trustees of  
6 the retirement system. The qualified domestic relations order shall specify whether  
7 the fees and expenses provided by this subsection shall be paid:

- 8 (a) Solely by the participant;  
9 (b) Solely by the alternate payee; or  
10 (c) Equally shared by the participant and alternate payee.

11 (11) The retirement system shall honor a qualified domestic relations order issued prior  
12 to July 15, 2010, if:

- 13 (a) The order was on file and approved by the retirement system prior to July 15,  
14 2010. All benefits, including cost of living adjustments payable to the  
15 alternate payee, for orders that meet the requirements of this paragraph shall  
16 not be eliminated or reduced as a result of the provisions of subsections (3) to  
17 (10) of this section and KRS 61.510(27) and 78.510(26); or  
18 (b) The order or an amended version of the order meets the requirements  
19 established by this section and the administrative regulations promulgated by  
20 the retirement system. The order shall not apply to benefit payments issued by  
21 the retirement system prior to the date the order was approved by the  
22 retirement system.

23 ➔Section 72. KRS 61.691 is amended to read as follows:

24 (1) Effective August 1, 1996, to July 1, 2008, a recipient of a retirement allowance  
25 under KRS 16.505 to 16.652 and 61.510 to 61.705~~[-, and 78.510 to 78.852]~~ shall  
26 have his retirement allowance increased on July 1 of each year by the percentage  
27 increase in the annual average of the consumer price index for all urban consumers

1 for the most recent calendar year as published by the federal Bureau of Labor  
2 Statistics, not to exceed five percent (5%). In determining the annual employer  
3 contribution rate, only the cost of increases granted as of the most recent valuation  
4 date shall be recognized. The benefits of this subsection as provided on August 1,  
5 1996, to July 1, 2008, shall not be considered as benefits protected by the inviolable  
6 contract provisions of KRS 16.652 and ~~61.692[, and 78.852]~~. The General  
7 Assembly reserves the right to suspend or reduce the benefits conferred in this  
8 subsection if in their judgment the welfare of the Commonwealth so demands.

9 (2) (a) Effective July 1, 2009, and on July 1 of each year thereafter, a recipient of a  
10 retirement allowance under KRS 16.505 to 16.652 and ~~61.510 to 61.705[, and 78.510 to 78.852]~~  
11 shall have his or her retirement allowance increased by  
12 one and one-half percent (1.5%), if:

- 13 1. The funding level of the system is greater than one hundred percent  
14 (100%) and subsequent legislation authorizes the use of any surplus  
15 actuarial assets to provide an increase in retirement allowances  
16 described by this subsection for the system which has the surplus  
17 actuarial assets; or
- 18 2. The General Assembly appropriates sufficient funds or directs payment  
19 of funds to fully prefund the increase described by this subsection in the  
20 year the increase is provided.

21 (b) The board of trustees of the Kentucky Retirement Systems shall, at least thirty  
22 (30) days prior to the beginning of regular sessions of the General Assembly  
23 held in even-numbered years, advise the General Assembly of the following:

- 24 1. Which systems have a funding level greater than one hundred percent  
25 (100%) and can support an increase in recipients' retirement allowances  
26 as provided by paragraph (a) of this subsection over the next budget  
27 biennium without reducing the funding level of the system below one

- 1                   hundred percent (100%); and
- 2           2.   If no surplus actuarial assets are available, the level of funds needed to
- 3                   fully prefund an increase for system recipients over the next budget
- 4                   biennium if a one and one-half percent (1.5%) increase is provided
- 5                   annually over the biennium.
- 6           (c)   For purposes of this subsection, "funding level" means the actuarial value of
- 7                   assets divided by the actuarially accrued liability expressed as a percentage
- 8                   that is determined and reported by the system's actuary in the system's
- 9                   actuarial valuation.
- 10          (d)   The full increase described by this subsection shall only be provided if the
- 11                recipient has been receiving a benefit for at least twelve (12) months prior to
- 12                the effective date of the increase. If the recipient has been receiving a benefit
- 13                for less than twelve (12) months prior to the effective date of the increase
- 14                provided by this subsection, the increase shall be reduced on a pro rata basis
- 15                for each month the recipient has not been receiving benefits in the twelve (12)
- 16                months preceding the effective date of the increase.
- 17          (e)   In determining the annual employer contribution rate, only the cost of
- 18                increases granted as of the most recent valuation date shall be recognized.
- 19          (f)   The benefits of this subsection as provided on July 1, 2009, and thereafter
- 20                shall not be considered as benefits protected by the inviolable contract
- 21                provisions of KRS 16.652 and 61.692~~[, and 78.852]~~. The General
- 22                Assembly reserves the right to suspend or reduce the benefits conferred in this
- 23                subsection if, in its judgment, the welfare of the Commonwealth so demands.
- 24          (3)   A reemployed retired member whose payments are suspended as provided under
- 25                KRS 61.637 shall be eligible for an increase in his suspended retirement allowance
- 26                as provided under this section, computed as if he were receiving the retirement
- 27                allowance at the time the increase under this section is effective.

- 1           (4) In addition to the increase to a recipient's retirement allowance as provided by  
2           subsection (2) of this section, the General Assembly may, by subsequent  
3           legislation, provide supplemental increases to a recipient's retirement  
4           allowance to help adjust for actual changes in the recipient's cost of living if  
5           the General Assembly appropriates sufficient funds to fully prefund the  
6           benefit in the year the increase is provided.

7           ➔SECTION 73. KRS 61.702 (Effective April 1, 2021) IS REPEALED AND  
8           REENACTED TO READ AS FOLLOWS:

9           (1) For purposes of this section:

10           (a) "Hospital and medical insurance plan" may include, at the board's  
11           discretion, any one (1) or more of the following:

12           1. Any hospital and medical expense policy or certificate, provider-  
13           sponsored integrated health delivery network, self-insured medical  
14           plan, health maintenance organization contract, or other health  
15           benefit plan;

16           2. Any health savings account as permitted by 26 U.S.C. sec. 223 or  
17           health reimbursement arrangement or a similar account as may be  
18           permitted by 26 U.S.C. sec. 105 or 106. Such arrangement or account,  
19           at the board's discretion, may reimburse any medical expense  
20           permissible under 26 U.S.C. sec. 213; or

21           3. A medical insurance reimbursement program established by the board  
22           through the promulgation of administrative regulation under which  
23           members purchase individual health insurance coverage through a  
24           health insurance exchange established under 42 U.S.C. sec. 18031 or  
25           18041;

26           (b) "Monthly contribution rate" shall be the amount determined by the board  
27           based upon the requirements of paragraphs (4)(a) to (4)(c) of this section,

1 except that for members who began participating in the system on or after  
2 July 1, 2003, the term shall mean the amount determined in paragraph  
3 (4)(d) of this section; and

4 (c) "Months of service" shall mean the total months of combined service used  
5 to determine benefits under the system, except service added to determine  
6 disability benefits or service otherwise prohibited from being used to  
7 determine retiree health benefits under KRS 16.505 to 16.652 or 61.510 to  
8 61.705 shall not be counted as "months of service". For current and former  
9 employees of the Council on Postsecondary Education who were employed  
10 prior to January 1, 1993, and who earn at least fifteen (15) years of service  
11 credit in the Kentucky Employees Retirement System, "months of service"  
12 shall also include vested service in another retirement system other than the  
13 Kentucky Teachers' Retirement System sponsored by the Council on  
14 Postsecondary Education.

15 (2) (a) 1. The board of trustees of the system shall arrange by appropriate  
16 contract or on a self-insured basis to provide a group hospital and  
17 medical insurance plan coverage for:

18 a. Present and future recipients of a retirement allowance from the  
19 Kentucky Employees Retirement System and the State Police  
20 Retirement System; and

21 b. The spouse and each qualified dependent of a recipient who is a  
22 former member or the beneficiary, provided the spouse and  
23 dependent meet the requirements to participate in the hospital  
24 and medical insurance plans established, contracted, or  
25 authorized by the system.

26 2. Any recipient who chooses coverage under a hospital and medical  
27 insurance plan shall pay, by payroll deduction from the retirement



1                   allowance, electronic funds transfer, or by another method, the  
2                   difference between the premium cost of the hospital and medical  
3                   insurance plan coverage selected and the monthly contribution rate to  
4                   which he or she would be entitled under this section.

5           (b) 1. For present and future recipients of a retirement allowance from the  
6                   system who are not eligible for Medicare, the board may authorize  
7                   these participants to be included in the Kentucky Employees Health  
8                   Plan as provided by KRS 18A.225 to 18A.2287 and shall provide  
9                   benefits for recipients in the plan equal to those provided to state  
10                  employees having the same Medicare hospital and medical insurance  
11                  eligibility status. Notwithstanding the provisions of any other statute,  
12                  system recipients shall be included in the same class as current state  
13                  employees for purposes of determining medical insurance policies and  
14                  premiums in the Kentucky Employees Health Plan as provided by  
15                  KRS 18A.225 to 18A.2287.

16           2. Regardless of age, if a recipient or the spouse or dependent child of a  
17                   recipient who elects coverage becomes eligible for Medicare, he or she  
18                   shall participate in the plans offered by the systems for Medicare  
19                   eligible recipients. Individuals participating in the Medicare eligible  
20                   plans may be required to obtain and pay for Medicare Part A and Part  
21                   B coverage, in order to participate in the Medicare eligible plans  
22                   offered by the system.

23           3. The system shall continue to provide the same hospital and medical  
24                   insurance plan coverage for recipients and qualifying dependents  
25                   after the age of sixty-five (65) as before the age of sixty-five (65), if the  
26                   recipient is not eligible for Medicare coverage.

27           (c) For recipients of a retirement allowance who are not eligible for the same

1 level of hospital and medical benefits as recipients living in Kentucky  
2 having the same Medicare hospital and medical insurance eligibility status,  
3 the board shall provide a medical insurance reimbursement plan as  
4 described in subsection (6) of this section.

5 (d) Notwithstanding anything in KRS Chapter 16 or 61 to the contrary, the  
6 board of trustees, in its discretion, may take necessary steps to ensure  
7 compliance with 42 U.S.C. secs. 300bb-1 et seq.

8 (3) (a) Each employer participating in the Kentucky Employees Retirement System  
9 or the State Police Retirement System as provided in KRS 16.505 to 16.652  
10 or 61.510 to 61.705 shall contribute to the insurance trust fund established  
11 under KRS 61.701 the amount necessary to provide the monthly  
12 contribution rate as provided for under this section. Such employer  
13 contribution rate shall be developed by appropriate actuarial method as a  
14 part of the determination of each respective employer contribution rate  
15 determined under KRS 61.565.

16 (b) 1. Each employer described in paragraph (a) of this subsection shall  
17 deduct from the creditable compensation of each member whose  
18 membership date begins on or after September 1, 2008, an amount  
19 equal to one percent (1%) of the member's creditable compensation.  
20 The deducted amounts shall, at the discretion of the board, be credited  
21 to accounts established pursuant to 26 U.S.C. sec. 401(h), within the  
22 funds established in KRS 16.510 and 61.515, or the insurance trust  
23 fund established under KRS 61.701. Notwithstanding the provisions of  
24 this paragraph, a transfer of assets between the accounts established  
25 pursuant to 26 U.S.C. sec. 401(h), within the funds established in KRS  
26 16.510 and 61.515, and the insurance trust fund established under  
27 KRS 61.701 shall not be allowed.

- 1           2. The employer shall file the contributions as provided by subparagraph  
2           1. of this paragraph at the retirement office in accordance with KRS  
3           61.675. Any interest or penalties paid on any delinquent contributions  
4           shall be credited to accounts established pursuant to 26 U.S.C. sec.  
5           401(h), within the funds established in KRS 16.510 and 61.515, or the  
6           insurance trust fund established under KRS 61.701. Notwithstanding  
7           any minimum compensation requirements provided by law, the  
8           deductions provided by this paragraph shall be made, and the  
9           compensation of the member shall be reduced accordingly.
- 10          3. Each employer shall submit payroll reports, contributions lists, and  
11          other data as may be required by administrative regulation  
12          promulgated by the board of trustees pursuant to KRS Chapter 13A.
- 13          4. Every member shall be deemed to consent and agree to the deductions  
14          made pursuant to this paragraph, and the payment of salary or  
15          compensation less the deductions shall be a full and complete  
16          discharge of all claims for services rendered by the person during the  
17          period covered by the payment, except as to any benefits provided by  
18          KRS 16.505 to 16.652 or 61.510 to 61.705. No member may elect  
19          whether to participate in, or choose the contribution amount to  
20          accounts established pursuant to 26 U.S.C. sec. 401(h) within the  
21          funds established in KRS 16.510 and 61.515, or the insurance trust  
22          fund established under KRS 61.701. The member shall have no option  
23          to receive the contribution required by this paragraph directly instead  
24          of having the contribution paid to accounts established pursuant to 26  
25          U.S.C. sec. 401(h) within the funds established in KRS 16.510 and  
26          61.515, or the insurance trust fund established under KRS 61.701. No  
27          member may receive a rebate or refund of contributions. If a member

1 establishes a membership date prior to September 1, 2008, pursuant to  
2 subsection (2) or (3) of Section 52 of this Act, then this paragraph  
3 shall not apply to the member and all contributions previously  
4 deducted in accordance with this paragraph shall be refunded to the  
5 member without interest. The contribution made pursuant to this  
6 paragraph shall not act as a reduction or offset to any other  
7 contribution required of a member or recipient under KRS 16.505 to  
8 16.652 or 61.510 to 61.705.

9 5. The board of trustees, at its discretion, may direct that the  
10 contributions required by this paragraph be accounted for within  
11 accounts established pursuant to 26 U.S.C. sec. 401(h) within the  
12 funds established in KRS 16.510 and 61.515, or the insurance trust  
13 fund established under KRS 61.701, through the use of separate  
14 accounts.

15 (4) (a) The premium required to provide hospital and medical insurance plan  
16 coverage under this section shall be paid wholly or partly from funds  
17 contributed by:

18 1. The recipient of a retirement allowance, by payroll deduction from his  
19 or her retirement allowance, or by other method;

20 2. The insurance trust fund established under KRS 61.701 or accounts  
21 established pursuant to 26 U.S.C. sec. 401(h) within the funds  
22 established in KRS 16.510 and 61.515;

23 3. Another state-administered retirement system under a reciprocal  
24 arrangement, except that any portion of the premium paid from the  
25 funds specified by subparagraph 2. of this paragraph under a  
26 reciprocal agreement shall not exceed the amount that would be  
27 payable under this section if all the member's service were in the

1 systems administered by the Kentucky Retirement Systems; or

2 4. A combination of the fund sources described by subparagraph 1. to 3.  
3 of this paragraph.

4 Group rates under the hospital and medical insurance plan shall be made  
5 available to the spouse, each dependent child, and each disabled child,  
6 regardless of the disabled child's age, of a recipient who is a former member  
7 or the beneficiary, if the premium for the hospital and medical insurance  
8 for the spouse, each dependent child, and each disabled child, or beneficiary  
9 is paid by payroll deduction from the retirement allowance, electronic funds  
10 transfer, or by another method. For purposes of this subsection only, a child  
11 shall be considered disabled if he or she has been determined to be eligible  
12 for federal Social Security disability benefits or meets the dependent  
13 disability standard established by the Department of Employee Insurance in  
14 the Personnel Cabinet.

15 (b) For a member who began participating in the system prior to July 1, 2003,  
16 the monthly contribution rate shall be paid by the system from the funds  
17 specified under paragraph (a)2. of this subsection and shall be equal to a  
18 percentage of the single premium to cover the retired member as follows:

19 1. One hundred percent (100%) of the monthly premium for single  
20 coverage shall be paid for a retired member who had two hundred  
21 forty (240) months of service or more upon retirement or for a retired  
22 member who when he or she was an employee became disabled as a  
23 direct result of an act in line of duty as defined in KRS 16.505 or as a  
24 result of a duty-related injury as defined in KRS 61.621;

25 2. Seventy-Five percent (75%) of the monthly premium for single  
26 coverage shall be paid for a retired member who had less than two  
27 hundred forty (240) months of service but at least one hundred eighty

1                   (180) months of service upon retirement, provided such retired  
2                   member agrees to pay the remaining twenty-five percent (25%) by  
3                   payroll deduction from his or her retirement allowance, electronic  
4                   funds transfer, or by another method;

5                   3. Fifty percent (50%) of the monthly premium for single coverage shall  
6                   be paid for a retired member who had less than one hundred eighty  
7                   (180) months of service but had at least one hundred twenty (120)  
8                   months of service upon retirement, provided such retired member  
9                   agrees to pay the remaining fifty percent (50%) by payroll deduction  
10                  from his or her retirement allowance, electronic funds transfer, or by  
11                  another method; or

12                  4. Twenty-five percent (25%) of the monthly premium for single  
13                  coverage shall be paid for a retired member who had less than one  
14                  hundred twenty (120) months of service but had at least forty-eight  
15                  (48) months of service upon retirement, provided such retired member  
16                  agrees to pay the remaining seventy-five percent (75%) by payroll  
17                  deduction from his or her retirement allowance, electronic funds  
18                  transfer, or by another method.

19                  Notwithstanding the foregoing provisions of this paragraph, an employee  
20                  participating in the system prior to July 1, 2003, who is killed as a direct  
21                  result of an act in line of duty as defined in KRS 16.505 or as a result of a  
22                  duty-related injury as defined in KRS 61.621, shall have the monthly  
23                  premium paid for the beneficiary, if the beneficiary is the member's spouse,  
24                  and for each dependent child as defined by KRS 16.505, so long as they  
25                  individually remain eligible for a monthly retirement benefit.

26                  (c) 1. For a member who began participating in the system prior to July 1,  
27                  2003, who was determined to be in a hazardous position in the

1           Kentucky Employees Retirement System or in a position in the State  
2           Police Retirement System, the funds specified under paragraph (a)2.  
3           of this subsection shall also pay a percentage of the monthly  
4           contribution rate sufficient to fund the premium costs for hospital and  
5           medical insurance coverage for the spouse and for each dependent  
6           child of a recipient.

7           2. The percentage of the monthly contribution rate paid for the spouse  
8           and each dependent child of a recipient who was in a hazardous  
9           position in accordance with subparagraph 1. of this paragraph shall  
10           be based solely on the member's service in a hazardous position using  
11           the formula in paragraph (b) of this subsection.

12           (d) For members who begin participating in the system on or after July 1,  
13           2003:

14           1. Participation in the insurance benefits provided under this section  
15           shall not be allowed until the member has earned at least one hundred  
16           twenty (120) months of service in the state-administered retirement  
17           systems, except that for members who begin participating in the  
18           system on or after September 1, 2008, participation in the insurance  
19           benefits provided under this section shall not be allowed until the  
20           member has earned at least one hundred eighty (180) months of  
21           service credited under KRS 16.543(1), 61.543(1) or another state-  
22           administered retirement system.

23           2. A member who meets the minimum service requirements as provided  
24           by subparagraph 1. of this paragraph shall upon retirement be eligible  
25           for the following monthly contribution rate to be paid on their behalf  
26           from the funds specified under paragraph (a)2. of this subsection:

27           a. For members with service in a nonhazardous position, a monthly

1                   insurance contribution of ten dollars (\$10) for each year of  
2                   service as a participating employee in a nonhazardous position;  
3                   and

4                   b. For members with service in a hazardous position or who  
5                   participate in the State Police Retirement System, a monthly  
6                   insurance contribution of fifteen dollars (\$15) for each year of  
7                   service as a participating employee in a hazardous position or  
8                   the State Police Retirement System. Upon the death of the retired  
9                   member, the beneficiary, if the beneficiary is the member's  
10                  spouse, shall be entitled to a monthly insurance contribution of  
11                  ten dollars (\$10) for each year of service the member attained as  
12                  a participating employee in a hazardous position.

13                  3. The minimum service requirement to participate in benefits as  
14                  provided by subparagraph 1. of this paragraph shall be waived for a  
15                  member who becomes disabled as a direct result of an act in line of  
16                  duty as defined in KRS 16.505 or who dies as a result of a duty-related  
17                  injury as defined in KRS 61.621, and the member shall be entitled to  
18                  the benefits payable under this subsection as though the member had  
19                  twenty (20) years of service in the position for which the disabling  
20                  condition occurred.

21                  4. Notwithstanding the provisions of this paragraph, the minimum  
22                  service requirement to participate in benefits as provided by  
23                  subparagraph 1. of this paragraph shall be waived for a for a member  
24                  who dies as a direct result of an act in line of duty as defined in KRS  
25                  16.505 or who dies as a result of a duty-related injury as defined in  
26                  KRS 61.621, and the premium for the member's spouse and for each  
27                  dependent child as defined in KRS 16.505 shall be paid in full by the



1 systems so long as they individually remain eligible for a monthly  
2 retirement benefit.

3 5. Except as provided by subparagraph 4. of this paragraph, the monthly  
4 insurance contribution amount shall be increased July 1 of each year  
5 by one and one-half percent (1.5%). The increase shall be cumulative  
6 and shall continue to accrue after the member's retirement for as long  
7 as a monthly insurance contribution is payable to the retired member  
8 or beneficiary.

9 6. The benefits of this paragraph provided to a member whose  
10 participation begins on or after July 1, 2003, shall not be considered  
11 as benefits protected by the inviolable contract provisions of KRS  
12 16.652 or 61.692. The General Assembly reserves the right to suspend  
13 or reduce the benefits conferred in this paragraph if in its judgment  
14 the welfare of the Commonwealth so demands.

15 7. An employee whose membership date is on or after September 1, 2008,  
16 who retires and is reemployed in a regular full-time position required  
17 to participate in the system or the County Employees Retirement  
18 System shall not be eligible for health insurance coverage or benefits  
19 provided by this section and shall take coverage with his or her  
20 employing agency during the period of reemployment in a regular  
21 full-time position.

22 (e) For members with service in another state-administered retirement system  
23 who select hospital and medical insurance plan coverage through the  
24 system:

25 1. The system shall compute the member's combined service, including  
26 service credit in another state-administered retirement system, and  
27 calculate the portion of the member's premium monthly contribution

- 1 rate to be paid by the funds specified under paragraph (a)2. of this  
2 subsection according to the criteria established in paragraphs (a) to  
3 (d) of this subsection. Each state-administered retirement system shall  
4 pay annually to the insurance trust fund established under KRS  
5 61.701 the portion of the system's cost of the retiree's monthly  
6 contribution for single coverage for hospital and medical insurance  
7 plan which shall be equal to the percentage of the member's number  
8 of months of service in the other state-administered retirement plan  
9 divided by his or her total combined service and in conjunction with  
10 the reciprocal agreement established between the system and the other  
11 state-administered retirement systems. The amounts paid by the other  
12 state-administered retirement plans and by the Kentucky Retirement  
13 Systems from funds specified under paragraph (a)2. of this subsection  
14 shall not be more than one hundred percent (100%) of the monthly  
15 contribution adopted by the respective boards of trustees;
- 16 2. A member may not elect coverage for hospital and medical benefits  
17 through more than one (1) of the state-administered retirement  
18 systems; and
- 19 3. A state-administered retirement system shall not pay any portion of a  
20 member's monthly contribution for medical insurance unless the  
21 member is a recipient or annuitant of the plan.
- 22 (5) Premiums paid for hospital and medical insurance coverage procured under  
23 authority of this section shall be exempt from any premium tax which might  
24 otherwise be required under KRS Chapter 136. The payment of premiums by the  
25 funds described by subsection (4)(a)2. of this section shall not constitute taxable  
26 income to an insured recipient. No commission shall be paid for hospital and  
27 medical insurance procured under authority of this section.

1 (6) The board shall promulgate an administrative regulation to establish a medical  
2 insurance reimbursement plan to provide reimbursement for hospital and  
3 medical insurance plan premiums of recipients of a retirement allowance who  
4 are not eligible for the same level of hospital and medical benefits as recipients  
5 living in Kentucky and having the same Medicare hospital and medical insurance  
6 eligibility status. An eligible recipient shall file proof of payment for hospital and  
7 medical insurance plan coverage with the retirement office. Reimbursement to  
8 eligible recipients shall be made on a quarterly basis. The recipient shall be  
9 eligible for reimbursement of substantiated medical insurance premiums for an  
10 amount not to exceed the total monthly contribution rate determined under  
11 subsection (4) of this section. The plan shall not be made available if all  
12 recipients are eligible for the same coverage as recipients living in Kentucky.

13 ➔Section 74. KRS 61.705 is amended to read as follows:

14 (1) Upon the death of a retired member of the Kentucky Employees Retirement  
15 System~~[, County Employees Retirement System,]~~ or State Police Retirement  
16 System who was receiving a monthly retirement allowance based on a minimum of  
17 forty-eight (48) months of service or whose retirement allowance based on a  
18 minimum of forty-eight (48) months was suspended in accordance with KRS  
19 61.637, a death benefit of five thousand dollars (\$5,000) shall be paid. If the retired  
20 member had more than one (1) account in the Kentucky Employees Retirement  
21 System~~[, County Employees Retirement System,]~~ or State Police Retirement  
22 System, or was eligible for a benefit under Section 15 of this Act from the County  
23 Employees Retirement System, the systems~~[system]~~ shall pay only one (1) five  
24 thousand dollar (\$5,000) death benefit. Each system's cost shall be prorated  
25 between the systems based upon the level of service credit in each system.  
26 Application for the death benefit made to the Kentucky Retirement Systems shall  
27 include acceptable evidence of death and of the eligibility of the applicant to act on

1 the deceased retired member's behalf.

2 (2) The death benefit shall be paid to a beneficiary named by the retired member. Upon  
3 retirement or any time thereafter, the retired member may designate on the form  
4 prescribed by the board, death benefit designation, a person, the retired member's  
5 estate, a trust or trustee, or a licensed funeral home, as the beneficiary of the death  
6 benefit provided by this section or Section 15 of this Act. The beneficiary for the  
7 death benefit may or may not be the same beneficiary designated in accordance with  
8 KRS 61.590(1) but only one (1) designation shall be available to a retired member  
9 who has service in both the County Employees Retirement System and the  
10 Kentucky Retirement Systems. If the beneficiary designated under this section is a  
11 person and that person dies prior to the member, or if the beneficiary was the retired  
12 member's spouse and they were divorced on the date of the retired member's death,  
13 then the retired member's estate shall become the beneficiary, unless the retired  
14 member has filed a subsequent death benefit designation. If a licensed funeral home  
15 is designated as beneficiary and the licensed funeral home cannot be reasonably  
16 identified or located by Kentucky Retirement Systems at the time of the retired  
17 member's death, then the retired member's estate shall become the beneficiary of the  
18 death benefit.

19 (3) If, at the time of the retired member's death, a debt to the Kentucky Retirement  
20 Systems remains on his or her account, the balance owed shall be deducted from the  
21 five thousand dollars (\$5,000) death benefit.

22 (4) Upon the death of a retired member, the death benefit provided pursuant to this  
23 section may be assigned by the designated beneficiary to a bank or licensed funeral  
24 home.

25 ~~{(5) Effective January 1, 2019, this section does not apply to members who began~~  
26 ~~participating in the systems administered by Kentucky Retirement Systems on~~  
27 ~~or after January 1, 2014}.~~

1        ➔ Section 75. KRS 16.642 is amended to read as follows:

- 2        (1) The board shall be the trustee of~~[the several]~~ funds created by KRS 16.505 to  
3        16.652, and KRS 61.701 and shall have full power to invest and reinvest such  
4        assets in accordance with federal law~~[funds, subject to the limitations that no~~  
5        ~~investments shall be made except upon the exercise of bona fide discretion, in~~  
6        ~~securities which, at the time of making the investment, are, by law, permitted for the~~  
7        ~~investment of funds by fiduciaries in this state, except that the board may, at its~~  
8        ~~discretion, purchase common stock in corporations that do not have a record of~~  
9        ~~paying dividends to their stockholders. Subject to such limitations, the board shall~~  
10       ~~have full power to hold, purchase, sell, assign, transfer or dispose of any of the~~  
11       ~~securities or investments in which any of the funds created herein have been~~  
12       ~~invested, as well as of the proceeds of such investments and any moneys belonging~~  
13       ~~to such funds].~~
- 14       (2) The board, through adopted written policies, shall maintain ownership and  
15       control over its assets held in its unitized managed custodial account~~[All~~  
16       ~~securities acquired under authority of KRS 16.505 to 16.652 shall be registered in~~  
17       ~~the name "Kentucky Retirement Systems" or nominee name as provided by KRS~~  
18       ~~286.3-225, and every change in registration, by reason of sale or assignment of such~~  
19       ~~securities shall be accomplished pursuant to written policies adopted by the board].~~
- 20       (3) The board, in keeping with its responsibility as trustee and wherever feasible, shall  
21       give priority to the investment of funds in obligations calculated to improve the  
22       industrial development and enhance the economic welfare of the Commonwealth.
- 23       (4) The investment committee established pursuant to KRS 61.650 shall serve as the  
24       investment committee of the funds established by KRS 16.505 to 16.652.
- 25       (5) Based upon market value at the time of purchase, the board shall limit the amount  
26       of assets managed by any one (1) active or passive investment manager to fifteen  
27       percent (15%) of the assets in the pension and insurance funds.

1        ➔Section 76.    KRS 61.505 (Effective April 1, 2021) is amended to read as  
2 follows:

3    (1)    There is created an eight (8) member Kentucky Public Pensions Authority whose  
4        purpose shall be to administer and operate:

5        (a)    A single personnel system for the staffing needs of the Kentucky Retirement  
6               Systems and the County Employees Retirement System;

7        (b)    A system of accounting that is developed by the authority for the Kentucky  
8               Retirement Systems and the County Employees Retirement System;

9        (c)    Day-to-day administrative needs of the Kentucky Retirement Systems and the  
10             County Employees Retirement System, including but not limited to:

11            1.    Benefit counseling and administration;

12            2.    Information technology and services, including a centralized Web site  
13               for the authority, the Kentucky Retirement Systems, and the County  
14               Employees Retirement System;

15            3.    Legal services;

16            4.    Employer reporting and compliance;

17            5.    Processing and distribution of benefit payments, and other financial,  
18               investment administration, and accounting duties as directed by the  
19               Kentucky Retirement Systems board of trustees or the County  
20               Employees Retirement System board of trustees; ~~and~~

21            6.    All administrative actions necessary to carry out benefit functions  
22               required by the Kentucky Retirement Systems and the County  
23               Employment Retirement System statutes, including but not limited to  
24               administration of reduced and unreduced retirement benefits,  
25               disability retirement, reemployment after retirement, service  
26               purchases, computation of sick-leave credit costs, pension spiking  
27               determinations, and all other administrative decisions and orders; and

- 1           Z.   Completing and compiling financial data and reports;
- 2           (d) Any jointly held assets used for the administration of the Kentucky Retirement
- 3           Systems and the County Employees Retirement System, including but not
- 4           limited to real estate, office space, equipment, and supplies~~[- Perimeter Park~~
- 5           ~~West Incorporated shall be considered a jointly held asset];~~
- 6           (e) Hiring a single actuarial consulting firm who shall serve both the Kentucky
- 7           Retirement Systems and the County Employees Retirement System; ~~{and}~~
- 8           (f) *The Authority may promulgate administrative regulations as an authority*
- 9           *or on behalf of the Kentucky Retirement Systems and the County*
- 10           *Employees Retirement System, individually or collectively, provided such*
- 11           *regulations are not inconsistent with the provisions of this section and KRS*
- 12           *16.505 to 16.652, 61.510 to 61.705, 78.510 to 78.852, and 61.505, necessary*
- 13           *or proper in order to carry out the provisions of this section and duties*
- 14           *authorized by KRS 16.505 to 16.652 and 61.510 to 61.705; and*
- 15           (g) Other tasks or duties as directed solely or jointly by the boards of the
- 16           Kentucky Retirement Systems or the County Employees Retirement System.
- 17       (2) The eight (8) member Kentucky Public Pensions Authority shall be composed of
- 18       the following individuals:
- 19           (a) The chair of the Kentucky Retirement Systems board of trustees;
- 20           (b) The chair of the County Employees Retirement System board of trustees;
- 21           (c) The investment committee chair of the Kentucky Retirement Systems board of
- 22           trustees, unless the investment committee chair is also the chair of the board
- 23           of trustees in which case the chair of the Kentucky Retirement Systems shall
- 24           appoint an individual who serves on the investment committee;
- 25           (d) The investment committee chair of the County Employees Retirement System
- 26           board of trustees, unless the investment committee chair is also the chair of
- 27           the County Employees Retirement System board of trustees in which case the

1 chair of the County Employees Retirement System shall appoint an individual  
2 who serves on the investment committee;

3 (e) Two additional (2) trustees of the Kentucky Retirement Systems board of  
4 trustees selected by the chair of the Kentucky Retirement Systems board of  
5 trustees of which one (1) shall be a trustee who was elected by the  
6 membership of one (1) of the systems administered by Kentucky Retirement  
7 Systems and one (1) shall be a trustee of Kentucky Retirement Systems who  
8 was appointed by the Governor; and

9 (f) Two additional (2) trustees of the County Employees Retirement System  
10 board of trustees selected by the chair of the County Employees Retirement  
11 System board of trustees of which one (1) shall be a trustee who was elected  
12 by the membership of the County Employees Retirement System and one (1)  
13 shall be a trustee of the County Employees Retirement System who was  
14 appointed by the Governor.

15 (3) The Kentucky Public Pensions Authority is hereby granted the powers and  
16 privileges of a corporation, including but not limited to the following powers:

17 (a) To sue and be sued in its corporate name;

18 (b) To make bylaws not inconsistent with the law and in accordance with its  
19 duties as provided by this section;

20 (c) To conduct the business and promote the purposes for which it was formed;

21 (d) To carry out the obligations of the authority subject to KRS Chapters 45, 45A,  
22 56, and 57;

23 (e) To purchase fiduciary liability insurance; and

24 (f) The Kentucky Public Pensions Authority shall reimburse any authority  
25 member, officer, or employee for any legal expense resulting from a civil  
26 action arising out of the performance of his or her official duties. The hourly  
27 rate of reimbursement for any contract for legal services under this paragraph



1           shall not exceed the maximum hourly rate provided in the Legal Services  
2           Duties and Maximum Rate Schedule promulgated by the Government  
3           Contract Review Committee established pursuant to KRS 45A.705, unless a  
4           higher rate is specifically approved by the secretary of the Finance and  
5           Administration Cabinet or his or her designee.

6   (4) Any vacancy which may occur in an appointed position on the Kentucky Public  
7       Pensions Authority shall be filled in the same manner which provides for the  
8       selection of the particular member of the authority. No person shall serve in more  
9       than one (1) position as a member of the authority and if a person holds more than  
10      one (1) position as a member of the authority, he or she shall resign a position.

11   (5) (a) Membership on the authority shall not be incompatible with any other office  
12          unless a constitutional incompatibility exists. No authority member shall serve  
13          in more than one (1) position as a member of the authority.

14       (b) An authority member shall be removed from office upon conviction of a  
15          felony or for a finding of a violation of any provision of KRS 11A.020 or  
16          11A.040 by a court of competent jurisdiction.

17       (c) A current or former employee of the County Employees Retirement System,  
18          Kentucky Retirement Systems, or the Kentucky Public Pensions Authority  
19          shall not be eligible to serve as a member of the authority.

20   (6) Kentucky Public Pensions Authority members who do not otherwise receive a  
21       salary from the State Treasury shall receive a per diem of eighty dollars (\$80) for  
22       each day they are in session or on official duty, and they shall be reimbursed for  
23       their actual and necessary expenses in accordance with state administrative  
24       regulations and standards, except that the members shall not receive a per diem or  
25       receive reimbursements on the same day they receive a per diem or reimbursements  
26       for service to the Kentucky Retirement Systems board of trustees or County  
27       Employees Retirement Systems board of trustees.

- 1 (7) (a) The authority shall meet at least once in each quarter of the year and may meet  
2 in special session upon the call of the chair or the executive director of the  
3 authority.
- 4 (b) The authority shall elect a chair and a vice chair. The chair shall not serve  
5 more than four (4) consecutive years as chair or vice chair of the authority.  
6 The vice chair shall not serve more than four (4) consecutive years as chair or  
7 vice chair of the authority. A member who has served four (4) consecutive  
8 years as chair or vice chair of the authority may be elected chair or vice chair  
9 of the authority after an absence of two (2) years from the positions.
- 10 (c) A majority of the authority members shall constitute a quorum and all actions  
11 taken by the authority shall be by affirmative vote of a majority of the  
12 authority members present.
- 13 (d) The authority shall post on the authority's Web site and shall make available  
14 to the public:
- 15 1. All meeting notices and agendas of the authority. Notices and agendas  
16 shall be posted to the authority's Web site at least seventy-two (72) hours  
17 in advance of the authority's meetings, except in the case of special or  
18 emergency meetings as provided by KRS 61.823;
- 19 2. All authority minutes or other materials that require adoption or  
20 ratification by the authority. The items listed in this subparagraph shall  
21 be posted within seventy-two (72) hours of adoption or ratification of  
22 the authority;
- 23 3. All bylaws, policies, or procedures adopted or ratified by the authority;  
24 and
- 25 4. A listing of the members of the authority and membership on each  
26 committee established by the authority.
- 27 (8) (a) The Kentucky Public Pensions Authority shall appoint or contract for the

1 services of an executive director and fix the compensation and other terms of  
2 employment for this position without limitation of the provisions of KRS  
3 Chapter 18A, 45A, and KRS 64.640. The executive director shall be the chief  
4 administrative officer of the authority, the Kentucky Retirement Systems  
5 board of trustees, and the County Employees Retirement System board of  
6 trustees. The executive director shall work cooperatively with the chief  
7 executive officers of the Kentucky Retirement Systems and the County  
8 Employees Retirement System.

9 (b) The Kentucky Public Pensions Authority shall authorize the executive director  
10 to appoint the employees deemed necessary to transact the duties of the  
11 authority for the purposes outlined in subsection (1) of this section.

12 (c) Effective April 1, 2021, the Kentucky Public Pensions Authority shall assume  
13 responsibility of administering the staff of the Kentucky Retirement Systems  
14 in order to provide the services established by this section.

15 (d) All employees of the Kentucky Public Pensions Authority, except for the  
16 executive director, chief investment officer, and one (1) deputy chief  
17 investment officer, shall be subject to the state personnel system established  
18 pursuant to KRS 18A.005 to 18A.204 and shall have their salaries determined  
19 by the secretary of the Personnel Cabinet.

20 (e) The authority shall annually report to the Public Pension Oversight Board the  
21 number of employees of the authority, the salary paid to each employee, and  
22 the change in the salaries of each individual employed by the authority over  
23 the prior year.

24 (f) The authority shall require the executive director and the employees as it  
25 thinks proper to execute bonds for the faithful performance of their duties  
26 notwithstanding the limitations of KRS Chapter 62.

27 (g) Notwithstanding any other provision of statute to the contrary, including but

1 not limited to any provision of KRS Chapter 12, the Governor shall have no  
2 authority to change any provision of this section by executive order or action,  
3 including but not limited to reorganizing, replacing, amending, or abolishing  
4 the membership of the Kentucky Public Pensions Authority.

5 (9) All employees of the authority shall serve during its will and pleasure.  
6 Notwithstanding any statute to the contrary, employees shall not be considered  
7 legislative agents under KRS 6.611.

8 (10) The Attorney General, or an assistant designated by him or her, may attend each  
9 meeting of the authority and may receive the agenda, board minutes, and other  
10 information distributed to authority members upon request. The Attorney General  
11 may act as legal adviser and attorney for the authority, and the authority may  
12 contract for legal services, notwithstanding the limitations of KRS Chapter 12 or  
13 13B.

14 (11) (a) All expenses incurred by or on behalf of the Kentucky Public Pensions  
15 Authority shall be paid by the systems administered by the Kentucky  
16 Retirement Systems or the County Employees Retirement System and shall be  
17 prorated, assigned, or allocated to each system as determined by Kentucky  
18 Public Pensions Authority. Any additional initial costs determined by the  
19 authority to be attributable solely to establishing a separate County Employees  
20 Retirement System board and the Kentucky Public Pensions Authority as  
21 provided by this section and KRS 78.782 shall be paid by the County  
22 Employees Retirement System. Any additional ongoing annual administrative  
23 and investment expenses that occur after the establishment of a separate  
24 County Employees Retirement System board and the Kentucky Public  
25 Pensions Authority that are determined by the authority to be a direct result of  
26 establishing a separate County Employees Retirement System board and the  
27 Kentucky Public Pensions Authority shall be paid by the County Employees

1 Retirement System.

2 (b) Any other statute to the contrary notwithstanding, authorization for all  
3 expenditures relating to the administrative operations of the Kentucky  
4 Public Pensions Authority, the Kentucky Retirement Systems, and the  
5 County Employees Retirement System shall be contained in the biennial  
6 budget unit request, branch budget recommendation, and the financial plan  
7 adopted by the General Assembly pursuant to KRS Chapter 48. The request  
8 from the Kentucky Public Pensions Authority shall include any specific  
9 administrative expenses requested by the Kentucky Retirement Systems  
10 board of trustees or the County Employees Retirement System board of  
11 trustees pursuant to subsection (13) of Section 29 of this Act or subsection  
12 (13) of Section 66 of this Act, as applicable, that are not otherwise expenses  
13 specified by paragraph (a) of this subsection.

14 (12) (a) An authority member shall discharge his or her duties as a member of the  
15 authority, including his or her duties as a member of a committee of the  
16 authority:

- 17 1. In good faith;
- 18 2. On an informed basis; and
- 19 3. In a manner he or she honestly believes to be in the best interest of the  
20 County Employees Retirement System and the Kentucky Retirement  
21 Systems, as applicable.

22 (b) An authority member discharges his or her duties on an informed basis if,  
23 when he or she makes an inquiry into the business and affairs of the authority,  
24 system, or systems or into a particular action to be taken or decision to be  
25 made, he or she exercises the care an ordinary prudent person in a like  
26 position would exercise under similar circumstances.

27 (c) In discharging his or her duties, an authority member may rely on information,

1 opinions, reports, or statements, including financial statements and other  
2 financial data, if prepared or presented by:

- 3 1. One (1) or more officers or employees of the authority whom the  
4 authority member honestly believes to be reliable and competent in the  
5 matters presented;
- 6 2. Legal counsel, public accountants, actuaries, or other persons as to  
7 matters the authority member honestly believes are within the person's  
8 professional or expert competence; or
- 9 3. A committee of the authority of which he or she is not a member if the  
10 authority member honestly believes the committee merits confidence.

11 (d) An authority member shall not be considered as acting in good faith if he or  
12 she has knowledge concerning the matter in question that makes reliance  
13 otherwise permitted by paragraph (c) of this subsection unwarranted.

14 (e) Any action taken as a member of the authority, or any failure to take any  
15 action as an authority member, shall not be the basis for monetary damages or  
16 injunctive relief unless:

- 17 1. The authority member has breached or failed to perform the duties of the  
18 member's office in compliance with this section; and
- 19 2. In the case of an action for monetary damages, the breach or failure to  
20 perform constitutes willful misconduct or wanton or reckless disregard  
21 for human rights, safety, or property.

22 (f) A person bringing an action for monetary damages under this section shall  
23 have the burden of proving by clear and convincing evidence the provisions of  
24 paragraph (e)1. and 2. of this subsection, and the burden of proving that the  
25 breach or failure to perform was the legal cause of damages suffered by the  
26 Kentucky Retirement Systems or County Employees Retirement System, as  
27 applicable.

(g) In discharging his or her administrative duties under this section, an authority member shall strive to administer the systems in an efficient and cost-effective manner for the taxpayers of the Commonwealth of Kentucky and shall take all actions available under the law to contain costs for the trusts, including costs for participating employers, members, and retirees.

➔Section 77. KRS 61.650 (Effective April 1, 2021) is amended to read as follows:

(1) (a) The board shall be the trustee of ~~the several~~ funds created by KRS 16.510, 61.515, and 61.701 pertaining~~[as it pertains]~~ to the accounts for the Kentucky Employees Retirement System or State Police Retirement System~~[trust fund for the Kentucky Retirement Systems insurance trust fund]~~, notwithstanding the provisions of any other statute to the contrary, and shall have exclusive power to invest and reinvest such assets~~[funds]~~ in accordance with federal law.

(b) 1. The board shall establish an investment committee whose membership shall be composed of the following:

a. The three (3) trustees of the Kentucky Retirement Systems board appointed by the Governor pursuant to KRS 61.645 who have investment experience; and

b. Additional trustees appointed by the board chair.

2. The investment committee shall have authority to implement the investment policies adopted by the board and act on behalf of the board on all investment-related matters and to acquire, sell, safeguard, monitor, and manage the assets and securities of the several funds.

(c) A trustee, officer, employee, employee of the Kentucky Public Pensions Authority, or other fiduciary shall discharge duties with respect to the retirement system:

- 1           1.   Solely in the interest of the members and beneficiaries;
- 2           2.   For the exclusive purpose of providing benefits to members and
- 3               beneficiaries and paying reasonable expenses of administering the
- 4               system;
- 5           3.   With the care, skill, and caution under the circumstances then prevailing
- 6               that a prudent person acting in a like capacity and familiar with those
- 7               matters would use in the conduct of an activity of like character and
- 8               purpose;
- 9           4.   Impartially, taking into account any differing interests of members and
- 10           beneficiaries;
- 11           5.   Incurring any costs that are appropriate and reasonable; and
- 12           6.   In accordance with a good-faith interpretation of the law governing the
- 13           retirement system.
- 14       (d)   In addition to the standards of conduct prescribed by paragraph (c) of this
- 15       subsection:
- 16           1.   All internal investment staff~~[, including investment staff]~~ of the
- 17               Kentucky Public Pensions Authority, and investment consultants shall
- 18               adhere to the Code of Ethics and Standards of Professional Conduct, and
- 19               all board trustees shall adhere to the Code of Conduct for Members of a
- 20               Pension Scheme Governing Body. All codes cited in this subparagraph
- 21               are promulgated by the CFA Institute; and
- 22           2.   Investment managers shall comply with all applicable provisions of the
- 23               federal Investment Advisers Act of 1940, as amended, and the rules and
- 24               regulations promulgated thereunder, and shall comply with all other
- 25               applicable federal securities statutes and related rules and regulations
- 26               that apply to investment managers.
- 27       (2)   *The board, through adopted written policies, shall maintain ownership and*



- 1       *control over its assets held in its unitized managed custodial account*~~[All~~  
2       ~~securities acquired under authority of KRS 61.510 to 61.705 shall be registered in~~  
3       ~~the name "Kentucky Retirement Systems" or nominee name as provided by KRS~~  
4       ~~286.3 225 and every change in registration, by reason of sale or assignment of such~~  
5       ~~securities, shall be accomplished pursuant to written policies adopted by the board].~~  
6       (3) The board, in keeping with its responsibility as trustee and wherever consistent with  
7       its fiduciary responsibilities, shall give priority to the investment of funds in  
8       obligation calculated to improve the industrial development and enhance the  
9       economic welfare of the Commonwealth.  
10      (4) The contents of real estate appraisals, engineering or feasibility estimates, and  
11      evaluations made by or for the system relative to the acquisition or disposition of  
12      property, until such time as all of the property has been acquired or sold, shall be  
13      excluded from the application of KRS 61.870 to 61.884 and shall be subject to  
14      inspection only upon order of a court of competent jurisdiction.  
15      (5) Based upon market value at the time of purchase, the board shall limit the amount  
16      of assets managed by any one (1) active or passive investment manager to fifteen  
17      percent (15%) of the assets in the pension and insurance funds.  
18      (6) All contracts for the investment or management of assets of the systems shall not be  
19      subject to KRS Chapters 45, 45A, 56, and 57. Instead, the board shall conduct the  
20      following process to develop and adopt an investment procurement policy with  
21      which all prospective contracts for the investment or management of assets of the  
22      systems shall comply:  
23          (a) On or before July 1, 2017, the board shall consult with the secretary of the  
24              Finance and Administration Cabinet or his or her designee to develop an  
25              investment procurement policy, which shall be written to meet best practices  
26              in investment management procurement;  
27          (b) Thirty (30) days prior to adoption, the board shall tender the preliminary

- 1 investment procurement policy to the secretary of the Finance and  
2 Administration Cabinet or his or her designee for review and comment;
- 3 (c) Upon receipt of comments from the secretary of the Finance and  
4 Administration Cabinet or his or her designee, the board shall choose to adopt  
5 or not adopt any recommended changes;
- 6 (d) Upon adoption, the board shall tender the final investment procurement policy  
7 to the secretary of the Finance and Administration Cabinet or his or her  
8 designee;
- 9 (e) No later than thirty (30) days after receipt of the investment procurement  
10 policy, the secretary or his or her designee shall certify whether the board's  
11 investment procurement policy meets or does not meet best practices for  
12 investment management procurement; and
- 13 (f) Any amendments to the investment procurement policy shall adhere to the  
14 requirements set forth by paragraphs (b) to (e) of this subsection.

15 ➔Section 78. KRS 61.557 is amended to read as follows:

- 16 (1) Inasmuch as the takeover of the Kentucky State Employment Service by the federal  
17 government, through its United States Employment Service and War Manpower  
18 Commission, was recognized by both federal and state governments as a temporary  
19 measure during the war emergency, and the employment service was, in fact,  
20 returned to the state government at the close of the emergency period, the  
21 employees of the service are recognized as employees of the Commonwealth for the  
22 purposes of KRS 61.510 to 61.692 during the period of control by the federal  
23 government, in the same manner as if they had been employed in another  
24 department of the government of the Commonwealth during that period.
- 25 (2) If a parted employer rejoins a department as a result of the cancellation of a contract  
26 or lease arrangement, thereby causing each employee thereof to again become an  
27 employee as defined in KRS 61.510(5), the system may negotiate with the publicly

1 held corporation or other similar organizations for payment for the years of service  
2 credit under the system for all employees working on the date the contract or other  
3 lease arrangement is canceled in order to avoid an impairment in the retirement  
4 benefits of the employees, if any payment accepted by the system for the service is  
5 consistent with the provisions of subsections (7)(b) and (8) of Section 52 of this  
6 Act~~[KRS 61.552(6) and (8)]~~. No payment made pursuant to this section shall be  
7 picked up by the employer, as described in KRS 61.560(4).

8 ➔Section 79. KRS 61.701 (Effective April 1, 2021) is amended to read as  
9 follows:

10 (1) (a) There is hereby *maintained*~~[created and established]~~ a trust fund ~~{to be~~  
11 ~~}~~known as "Kentucky Retirement Systems insurance trust fund."~~[and a trust~~  
12 ~~fund to be known as the "County Employees Retirement System insurance~~  
13 ~~trust fund."]~~

14 (b) ~~[All assets received in the Kentucky Retirement Systems ]~~Insurance trust fund  
15 *assets* shall be deemed trust funds to be held and applied solely as provided in  
16 this section. Assets ~~[of the trust fund ]~~shall not be used for any other purpose  
17 and shall not be used to pay the claims of creditors or any individual, person,  
18 or employer participating in the Kentucky Employees Retirement System,  
19 *County Employees Retirement System*, or State Police Retirement System.

20 (c)~~[ All assets received in the County Employees Retirement System insurance~~  
21 ~~trust fund shall be deemed trust funds to be held and applied solely as~~  
22 ~~provided in this section. Assets of the trust fund shall not be used for any other~~  
23 ~~purpose and shall not be used to pay the claims of creditors or any individual,~~  
24 ~~person, or employer participating in the County Employees Retirement~~  
25 ~~System.~~

26 (d)~~]~~ The trust fund *has been*~~[is intended to be ]~~established as a trust exempt from  
27 taxation under 26 U.S.C. sec. 115.

- 1       ~~[(e) Effective April 1, 2021, the assets held in the Kentucky Retirement Systems~~  
2       ~~insurance trust fund as of March 31, 2021, that were attributable to~~  
3       ~~contributions made by County Employees Retirement System members,~~  
4       ~~employers, or recipients and the resulting investment returns shall be~~  
5       ~~transferred to the County Employees Retirement System insurance trust fund.]~~
- 6       (2) The insurance trust fund has been~~[funds are]~~ created for the purpose of providing a  
7       trust separate from the retirement funds. Trust fund assets are dedicated for use for  
8       health benefits as provided in KRS 61.702, and Section 14 of this Act, and as  
9       permitted under 26 U.S.C. secs. 105 and 106, to retired recipients and employees of  
10      employers participating in the Kentucky Employees Retirement System~~[as it relates~~  
11      ~~to the Kentucky Retirement Systems insurance trust fund]~~, County Employees  
12      Retirement System~~[as it relates to the County Employees Retirement System~~  
13      ~~insurance trust fund]~~, and State Police Retirement System~~[as it relates to the~~  
14      ~~Kentucky Retirement Systems insurance trust fund]~~, and to certain of their  
15      dependents or beneficiaries, including but not limited to qualified beneficiaries as  
16      described in 42 U.S.C. secs. 300bb-1 et seq.
- 17      (3) ~~[The Kentucky Retirement Systems insurance trust fund shall be administered by~~  
18      ~~the board of trustees of the Kentucky Retirement Systems and the County~~  
19      ~~Employees Retirement System insurance trust fund shall be administered by the~~  
20      ~~board of trustees of the County Employees Retirement System and the respective~~  
21      ~~board shall serve as trustees of the fund.]~~The boards shall manage the assets of the  
22      insurance fund~~[funds]~~ in the same manner in which the respective board  
23      administers its retirement funds, except that separate accounting and financial  
24      reporting shall be maintained for the insurance trust fund~~[funds]~~.
- 25      (4) In addition to the requirements of subsection (2) of this section, the employers  
26      participating in the trust funds are limited to the Commonwealth, political  
27      subdivisions of the Commonwealth, and entities whose income is exempt from

1       taxation under 26 U.S.C. sec. 115. No other entity may participate in the insurance  
2       trust funds.

3       (5) If ~~the~~<sup>a</sup> insurance trust fund is terminated, the assets in the insurance trust fund  
4       may revert, after the payment of all liabilities, to the participating employers as  
5       determined by the board of trustees.

6       (6) The respective board of trustees may adopt regulations and procedures and take all  
7       action necessary and appropriate to provide that the income of the insurance trust  
8       fund the board administers is exempt from taxation under Title 26 of United States  
9       Code.

10      (7) The establishment of the Kentucky Retirement Systems insurance trust fund ~~or the~~  
11      ~~County Employees Retirement System insurance trust fund~~ shall not diminish or  
12      expand the rights of any recipients, employees, or dependents to health benefits.

13      ➔Section 80.   KRS 70.293 (Effective April 1, 2021) is amended to read as  
14      follows:

15      (1) Individuals employed under KRS 70.291 to 70.293 shall:

16          (a)   Serve for a term not to exceed one (1) year. The one (1) year employment term  
17               may be renewed annually at the discretion of the employing county police  
18               department or sheriff's office;

19          (b)   Receive compensation according to the standard procedures applicable to the  
20               employing county police department or sheriff's office; and

21          (c)   Be employed based upon need as determined by the county police department  
22               or the employing sheriff's office.

23      (2) Notwithstanding any provisions of KRS 16.505 to 16.652, 18A.225 to 18A.2287,  
24      61.510 to 61.705, or 78.510 to 78.852 to the contrary:

25          (a)   Individuals employed under KRS 70.291 to 70.293 shall continue to receive  
26               all retirement and health insurance benefits to which they were entitled upon  
27               retiring in the applicable system administered by Kentucky Retirement

1 Systems or the County Employees Retirement System;

2 (b) Individuals employed under KRS 70.291 to 70.293 shall not be eligible to  
3 receive health insurance coverage through the county police department, the  
4 sheriff's office, or the fiscal court of the county police department or sheriff's  
5 office;

6 (c) The county police department, sheriff's office, or fiscal court of the county  
7 police department or sheriff's office shall not pay any employer contributions  
8 or retiree health expense reimbursements to the Kentucky Retirement Systems  
9 required by subsection (4) of Section 16 of this Act or subsection (17) of  
10 Section 65 of this Act~~[KRS 61.637(17)]~~ for individuals employed under KRS  
11 70.291 to 70.293; and

12 (d) The county police department, sheriff's office, or fiscal court of the county  
13 police department or sheriff's office shall not pay any insurance contributions  
14 to the state health insurance plan, as provided by KRS 18A.225 to 18A.2287,  
15 for individuals employed under KRS 70.291 to 70.293.

16 (3) Individuals employed under KRS 70.291 to 70.293 shall be subject to any merit  
17 system, civil service, or other legislative due process provisions applicable to the  
18 county police department or sheriff's office. A decision not to renew a one (1) year  
19 appointment term under this section shall not be considered a disciplinary action or  
20 deprivation subject to due process.

21 ➔Section 81. KRS 95.022 (Effective April 1, 2021) is amended to read as  
22 follows:

23 (1) As used in this section:

24 (a) "City" means any incorporated city, consolidated local government, unified  
25 local government, urban-county government, or charter county government,  
26 operating under the law of this Commonwealth, and the offices and agencies  
27 thereof; and

1 (b) "Police officer" has the same meaning as "police officer" in KRS 15.420 and  
2 as "officer" in KRS 16.010.

3 (2) Subject to the limitations of subsection (7) of this section, a city may employ  
4 individuals as police officers under this section who have retired from the Kentucky  
5 Employees Retirement System, the County Employees Retirement System, or the  
6 State Police Retirement System.

7 (3) To be eligible for employment under this section, an individual shall have:

8 (a) Participated in the Law Enforcement Foundation Program fund under KRS  
9 15.410 to 15.510 or retired as a commissioned officer pursuant to KRS  
10 Chapter 16;

11 (b) Retired with at least twenty (20) years of service credit;

12 (c) Been separated from service for the period required by KRS 61.637 and  
13 Section 16 of this Act so that the member's retirement is not voided;

14 (d) Retired with no administrative charges pending; and

15 (e) Retired with no preexisting agreement between the individual and the city  
16 prior to the individual's retirement for the individual to return to work for the  
17 city.

18 (4) Individuals employed under this section shall:

19 (a) Serve for a term not to exceed one (1) year. The one (1) year employment term  
20 may be renewed annually at the discretion of the employing city;

21 (b) Receive compensation according to the standard procedures applicable to the  
22 employing city; and

23 (c) Be employed based upon need as determined by the employing city.

24 (5) Notwithstanding any provisions of KRS 16.505 to 16.652, 18A.225 to 18A.2287,  
25 61.510 to 61.705, or 78.510 to 78.852 to the contrary:

26 (a) Individuals employed under this section shall continue to receive all  
27 retirement and health insurance benefits to which they were entitled upon

- 1           retiring in the applicable system administered by Kentucky Retirement  
2           Systems or the County Employees Retirement System;
- 3       (b) Individuals employed under this section shall not be eligible to receive health  
4           insurance coverage through the employing city;
- 5       (c) The city shall not pay any employer contributions or retiree health expense  
6           reimbursements to the Kentucky Retirement Systems required by KRS  
7           61.637~~[(47)]~~ for individuals employed under this section; and
- 8       (d) The city shall not pay any insurance contributions to the state health insurance  
9           plan, as provided by KRS 18A.225 to 18A.2287, for individuals employed  
10          under this section.
- 11   (6) Individuals employed under this section shall be subject to any merit system, civil  
12          service, or other legislative due process provisions applicable to the employing city.  
13          A decision not to renew a one (1) year appointment term under this section shall not  
14          be considered a disciplinary action or deprivation subject to due process.
- 15   (7) A city government shall be limited in the number of retired police officers that it  
16          may hire under this section as follows:
- 17       (a) A city government that employed an average of five (5) or fewer police  
18           officers over the course of calendar year 2015 shall not be limited in the  
19           number of officers that they may hire under this section;
- 20       (b) A city government that employed an average of more than five (5) but fewer  
21           than one hundred (100) police officers over the course of calendar year 2015  
22           shall not hire more than five (5) police officers or a number equal to twenty-  
23           five percent (25%) of the police officers employed by the city in calendar year  
24           2015, whichever is greater; and
- 25       (c) A city government that employed an average of one hundred (100) or more  
26           police officers over the course of calendar year 2015 shall not hire more than  
27           twenty-five (25) police officers or a number equal to ten percent (10%) of the



1 police officers employed by the city in calendar year 2015, whichever is  
2 greater.

3 (8) Retired police officers employed by a city government for purposes of KRS  
4 158.4414 shall not apply against the limitations provided by subsection (7) of this  
5 section.

6 ➔Section 82. KRS 161.155 is amended to read as follows:

7 (1) As used in this section:

- 8 (a) "Teacher" shall mean any person for whom certification is required as a basis  
9 of employment in the common schools of the state;
- 10 (b) "Employee" shall mean any person, other than a teacher, employed in the  
11 public schools, whether on a full or part-time basis;
- 12 (c) "Immediate family" shall mean the teacher's or employee's spouse, children  
13 including stepchildren and foster children, grandchildren, daughters-in-law  
14 and sons-in law, brothers and sisters, parents and spouse's parents, and  
15 grandparents and spouse's grandparents, without reference to the location or  
16 residence of said relative, and any other blood relative who resides in the  
17 teacher's or employee's home;
- 18 (d) "Sick leave bank" shall mean an aggregation of sick leave days contributed by  
19 teachers or employees for use by teachers or employees who have exhausted  
20 all sick leave and other available paid leave days; and
- 21 (e) "Assault" shall mean an act that intentionally causes injury so significant that  
22 the victim is determined to be, by certification of a physician or surgeon duly  
23 qualified under KRS Chapter 342, incapable of performing the duties of his or  
24 her job.

25 (2) Each district board of education shall allow to each teacher and full-time employee  
26 in its common school system not less than ten (10) days of sick leave during each  
27 school year, without deduction of salary. Sick leave shall be granted to a teacher or

1 employee if he or she presents a personal affidavit or a certificate of a physician  
2 stating that the teacher or employee was ill, that the teacher or employee was absent  
3 for the purpose of attending to a member of his or her immediate family who was  
4 ill, or for the purpose of mourning a member of his or her immediate family. The  
5 ten (10) days of sick leave granted in this subsection may be taken by a teacher or  
6 employee on any ten (10) days of the school year and shall be granted in addition to  
7 accumulated sick leave days that have been credited to the teacher or employee  
8 under the provisions of subsection (4) of this section.

9 (3) A school district shall coordinate among the income and benefits from workers'  
10 compensation, temporary disability retirement, and district payroll and benefits so  
11 that there is no loss of income or benefits to a teacher or employee for work time  
12 lost because of an assault while performing the teacher's or employee's assigned  
13 duties for a period of up to one (1) year after the assault. In the event a teacher or  
14 employee suffers an assault while performing his or her assigned duties that results  
15 in injuries that qualify the teacher or employee for workers' compensation benefits,  
16 the district shall provide leave to the teacher or employee for up to one (1) year after  
17 the assault with no loss of income or benefits under the following conditions:

18 (a) The district shall pay the salary of the teacher or employee between the time  
19 of the assault and the time the teacher's or employee's workers' compensation  
20 income benefits take effect, or the time the teacher or employee is certified to  
21 return to work by a physician or surgeon duly qualified under KRS Chapter  
22 342, whichever is sooner;

23 (b) The district shall pay, for up to one (1) year from the time of the assault, the  
24 difference between the salary of the teacher or employee and any workers'  
25 compensation income benefits received by the teacher or employee resulting  
26 from the assault. Payments by the district shall include payments for  
27 intermittent work time missed as a result of the assault during the one (1) year

- 1 period. If the teacher's or employee's workers' compensation income benefits  
2 cease during the one (1) year period after the assault, the district shall also  
3 cease to make payments under this paragraph;
- 4 (c) The Commonwealth, through the Kentucky Department of Education, shall  
5 make the employer's health insurance contribution during the period that the  
6 district makes payments under paragraphs (a) and (b) of this subsection;
- 7 (d) The Commonwealth, through the Kentucky Department of Education, shall  
8 make the employer's contribution to the retirement system in which the  
9 teacher or employee is a member during the period that the district makes  
10 payments under paragraphs (a) and (b) of this subsection; and
- 11 (e) Payments to a teacher or employee under paragraphs (a) and (b) of this  
12 subsection shall be coordinated with workers' compensation benefits under  
13 KRS Chapter 342, disability retirement benefits for teachers under KRS  
14 161.661 to 161.663, and disability retirement benefits for employees under  
15 KRS 61.600 to 61.621 and Sections 7 to 11 of this Act~~[78.545]~~ so that the  
16 teacher or employee receives income equivalent to his or her full contracted  
17 salary, but in no event shall the combined payments exceed one hundred  
18 percent (100%) of the teacher's or employee's full contracted salary.
- 19 (4) Days of sick leave not taken by an employee or a teacher during any school year  
20 shall accumulate without limitation and be credited to that employee or teacher.  
21 Accumulated sick leave may be taken in any school year. Any district board of  
22 education may, in its discretion, allow employees or teachers in its common school  
23 system sick leave in excess of the number of days prescribed in this section and may  
24 allow school district employees and teachers to use up to three (3) days' sick leave  
25 per school year for emergency leave pursuant to KRS 161.152(3). Any accumulated  
26 sick leave days credited to an employee or a teacher shall remain so credited in the  
27 event he or she transfers his or her place of employment from one (1) school district

1 to another within the state or to the Kentucky Department of Education or transfers  
2 from the Department of Education to a school district.

3 (5) Accumulated days of sick leave shall be granted to a teacher or employee if, prior to  
4 the opening day of the school year, an affidavit or a certificate of a physician is  
5 presented to the district board of education, stating that the teacher or employee is  
6 unable to commence his or her duties on the opening day of the school year, but will  
7 be able to assume his or her duties within a period of time that the board determines  
8 to be reasonable.

9 (6) Any school teacher or employee may repurchase previously used sick leave days  
10 with the concurrence of the local school board by paying to the district an amount  
11 equal to the total of all costs associated with the used sick leave.

12 (7) A district board of education may adopt a plan for a sick leave bank. The plan may  
13 include limitations upon the number of days a teacher or employee may annually  
14 contribute to the bank and limitations upon the number of days a teacher or  
15 employee may annually draw from the bank. Only those teachers or employees who  
16 contribute to the bank may draw upon the bank. Days contributed will be deducted  
17 from the days available to the contributing teacher or employee. The sick leave bank  
18 shall be administered in accordance with a policy adopted by the board of  
19 education.

20 (8) (a) A district board of education shall establish a sick leave donation program to  
21 permit teachers or employees to voluntarily contribute sick leave to teachers  
22 or employees in the same school district who are in need of an extended  
23 absence from school. A teacher or employee who has accrued more than  
24 fifteen (15) days' sick leave may request the board of education to transfer a  
25 designated amount of sick leave to another teacher or employee who is  
26 authorized to receive the sick leave donated. A teacher or employee may not  
27 request an amount of sick leave be donated that reduces his or her sick leave

1 balance to less than fifteen (15) days.

2 (b) A teacher or employee may receive donations of sick leave if:

3 1. a. The teacher or employee or a member of his or her immediate  
4 family suffers from a medically certified illness, injury,  
5 impairment, or physical or mental condition that has caused or is  
6 likely to cause the teacher or employee to be absent for at least ten  
7 (10) days; or

8 b. The teacher or employee suffers from a catastrophic loss to his or  
9 her personal or real property, due to either a natural disaster or fire,  
10 that either has caused or will likely cause the employee to be  
11 absent for at least ten (10) consecutive working days;

12 2. The teacher's or employee's need for the absence and use of leave are  
13 certified by a licensed physician for leave requested under subparagraph  
14 1.a. of this subsection;

15 3. The teacher or employee has exhausted his or her accumulated sick  
16 leave, personal leave, and any other leave granted by the school district;  
17 and

18 4. The teacher or employee has complied with the school district's policies  
19 governing the use of sick leave.

20 (c) While a teacher or employee is on sick leave provided by this section, he or  
21 she shall be considered a school district employee, and his or her salary,  
22 wages, and other employee benefits shall not be affected.

23 (d) Any sick leave that remains unused, is not needed by a teacher or employee,  
24 and will not be needed in the future shall be returned to the teacher or  
25 employee donating the sick leave.

26 (e) The board of education shall adopt policies and procedures necessary to  
27 implement the sick leave donation program.

- 1 (9) A teacher or employee may use up to thirty (30) days of sick leave following the  
2 birth or adoption of a child or children. Additional days may be used when the need  
3 is verified by a physician's statement.
- 4 (10) (a) After July 1, 1982~~[, and except as otherwise provided by this subsection]~~, a  
5 district board of education may compensate, at the time of retirement or upon  
6 the death of a member in active contributing status at the time of death who  
7 was eligible to retire by reason of service, an employee or a teacher, or the  
8 estate of an employee or teacher, for each unused sick leave day. The rate of  
9 compensation for each unused sick leave day shall be based on a percentage of  
10 the daily salary rate calculated from the employee's or teacher's last annual  
11 salary, not to exceed thirty percent (30%). Payment for unused sick leave  
12 days~~[, not to exceed the amount based upon the unused sick leave days~~  
13 ~~accrued as of December 31, 2018]~~, shall be incorporated into the annual  
14 salary~~[compensation]~~ of the final year of service for inclusion in the  
15 calculation of the employee's or teacher's retirement allowance only at the  
16 time of his or her initial retirement; provided that the member makes the  
17 regular retirement contribution for members on the sick leave payment. The  
18 accumulation of these days includes unused sick leave days held by the  
19 employee or teacher at the time of implementation of the program.
- 20 (b) For a teacher or employee who begins employment with a local school district  
21 on or after July 1, 2008, the maximum amount of unused sick leave days a  
22 district board of education may recognize in calculating the payment of  
23 compensation to the teacher or employee under this subsection shall not  
24 exceed three hundred (300) days.
- 25 (11) Any statute to the contrary notwithstanding, employees and teachers who  
26 transferred from the Department of Education to a school district, from a school  
27 district to the Department of Education, or from one (1) school district to another

1 school district after July 15, 1981, shall receive credit for any unused sick leave to  
2 which the employee or teacher was entitled on the date of transfer. This credit shall  
3 be for the purposes set forth in subsection (10) of this section.

4 (12) The death benefit provided in subsection (10) of this section may be cited as the  
5 Baughn Benefit.

6 ➔Section 83. KRS 161.675 is amended to read as follows:

7 (1) The board of trustees shall arrange by appropriate contract or on a self-insured basis  
8 to provide a broad program of group hospital and medical insurance for present and  
9 future eligible recipients of a retirement allowance from the Teachers' Retirement  
10 System. The board of trustees may also arrange to provide health insurance  
11 coverage through an insurer licensed pursuant to Subtitle 38 of KRS Chapter 304  
12 and offering a managed care plan as defined in KRS 304.17A-500 as an alternative  
13 to group hospital and medical insurance for persons eligible for hospital and  
14 medical benefits under this section. The board of trustees may authorize eligible  
15 recipients of a retirement allowance from the Teachers' Retirement System who are  
16 less than age sixty-five (65) to be included in the state-sponsored health insurance  
17 that is provided to active teachers and state employees under KRS 18A.225.  
18 Members who are sixty-five (65) or older and retired for service shall not be eligible  
19 to participate in the state employee health insurance program as described in KRS  
20 18A.225.

21 (2) (a) The coverage provided shall be as set forth in the contracts and the  
22 administrative regulations of the board of trustees. The board of trustees may  
23 change the levels of coverage and eligibility conditions to meet the changing  
24 needs of the annuitants and, when necessary, to contain the expenses of the  
25 insurance program within the funds available to finance the insurance  
26 program, except as provided by paragraph (b) of this subsection. The contracts  
27 and administrative regulations shall provide for but not be limited to hospital

1 room and board, surgical procedures, doctors' care in the hospital, and  
2 miscellaneous hospital costs. An annuitant whose effective date of retirement  
3 is July 1, 1974, and thereafter, must have a minimum of five (5) years'  
4 creditable Kentucky service in the Teachers' Retirement System or five (5)  
5 years of combined creditable service in the state-administered retirement  
6 systems if the member is retiring under the reciprocity provisions of KRS  
7 61.680,~~and~~ 61.702, and Section 14 of this Act. An annuitant shall not elect  
8 coverage through more than one (1) of the state-administered retirement  
9 systems. The board of trustees shall offer coverage to the disabled child of an  
10 annuitant regardless of the disabled child's age if the annuitant pays the entire  
11 premium for the disabled child's coverage. A child shall be considered  
12 disabled if he has been determined to be eligible for federal Social Security  
13 disability benefits.

14 (b) Individuals who become members of the Kentucky Teachers' Retirement  
15 System on or after July 1, 2008, shall not be eligible for benefits under this  
16 section unless the member has at least fifteen (15) or more years of service  
17 credited under KRS 161.500 or another state-administered retirement system.

18 (3) All expenses for benefits under this section shall be paid from the funding  
19 provisions contained in KRS 161.420(5), from a trust fund established by the board  
20 under 26 U.S.C. sec. 115, premium charges received from the annuitants and the  
21 spouses, and from funds that may be appropriated or allocated by statute.

22 (4) (a) The board of trustees shall determine the amount of health insurance  
23 supplement payments that the Teachers' Retirement System will provide to  
24 assist eligible annuitants in paying the cost of their health insurance, based on  
25 the funds available in the medical insurance fund and any trust fund  
26 established by the board for this purpose under 26 U.S.C. sec. 115. The board  
27 of trustees shall establish the maximum monthly amounts of health insurance



1 supplement payments that will be made by the Kentucky Teachers' Retirement  
2 System for eligible annuitants. The board of trustees shall annually establish  
3 the percentage of the maximum monthly health insurance supplement  
4 payment that will be made, based on age and years of service credit of eligible  
5 recipients of a retirement allowance. Monthly health insurance supplement  
6 payments made by the retirement system may not exceed the amount of the  
7 single coverage insurance premium chosen by the eligible annuitants. In order  
8 to qualify for health insurance supplements, the annuitant must agree to pay  
9 the difference between the insurance premium and the applicable supplement  
10 payment, by payroll deduction from his retirement allowance, or by a payment  
11 method approved by the retirement system.

- 12 (b) The board shall, effective July 1, 2010, have the authority to charge retired  
13 members who are not paying the Standard Medicare Part B premium an  
14 amount equal to the Standard Medicare Part B premium in addition to any  
15 other payments determined by the board to be necessary to contain costs  
16 within the available funding. If the board determines that retired members  
17 who are not paying the Standard Medicare Part B premium should pay the  
18 equivalent of the Standard Medicare Part B premium, the board shall phase in  
19 the premium according to the following schedule:

20 July 1, 2010.....Thirty-three percent (33%)  
21 July 1, 2011.....Sixty-seven percent (67%)  
22 July 1, 2012, and thereafter.....One hundred percent (100%)

23 Nothing in this paragraph shall limit the board's authority to change the levels  
24 of coverage, eligibility conditions, or levels of health insurance supplement  
25 for retirees in order to contain costs within available funding.

- 26 (c) The board of trustees may offer, on a full-cost basis, health care insurance  
27 coverage provided by the retirement system to spouses and dependents of

1 eligible annuitants not otherwise eligible for regular coverage. Recipients of a  
2 retirement allowance from the retirement system must agree to pay the cost of  
3 this coverage by payroll deduction from their retirement allowance or by a  
4 payment method approved by the retirement system.

5 (d) The board of trustees shall offer, on a full-cost basis, health insurance  
6 coverage provided by the retirement system to the disabled child of an  
7 annuitant, regardless of the age of the disabled child. A child shall be  
8 considered disabled for purposes of this section if the child has been  
9 determined to be eligible for federal Social Security disability benefits.

10 (5) The board of trustees is empowered to require the annuitant and the annuitant's  
11 spouse to pay a premium charge to assist in the financing of the hospital and  
12 medical insurance program. The board of trustees is empowered to pay the expenses  
13 for insurance coverage from the medical insurance fund, from any trust fund  
14 established by the board for this purpose under 26 U.S.C. sec. 115, from the  
15 premium charges received from the annuitants and the spouses, and from funds that  
16 may be appropriated or allocated by statute. The board may provide insurance  
17 coverage by making payment to insurance carriers including health insurance plans  
18 that are available to active and retired state employees and active teachers,  
19 institutions, and individuals for services performed, or the board of trustees may  
20 elect to provide insurance on a "self-insurance" basis or a combination of these  
21 provisions.

22 (6) The board of trustees may approve health insurance supplement payments to  
23 eligible annuitants who are less than sixty-five (65) years of age, as reimbursement  
24 for hospital and medical insurance premiums made by annuitants for their  
25 individual coverage. Eligible annuitants or recipients are those annuitants who are  
26 not eligible for Medicare and who do not reside in Kentucky or in an area outside of  
27 Kentucky where comparable coverage is available. The reimbursement payments

1 shall not exceed the minimum supplement payment that would have been made had  
2 the annuitant lived in Kentucky. Eligible annuitants or recipients shall submit proof  
3 of payment to the retirement system for hospital and medical insurance that they  
4 have obtained. Reimbursement payments shall be made on a quarterly basis.

5 (7) Contracts negotiated may include the provision that a stated amount of hospital cost  
6 or period of hospitalization shall incur no obligation on the part of the insurance  
7 carrier or the retirement system or any trust fund established for this purpose by the  
8 board.

9 (8) The board of trustees is empowered to promulgate administrative regulations to  
10 assure efficient operation of the hospital and medical insurance program.

11 (9) Premiums paid for hospital and medical insurance coverage procured under  
12 authority of this section shall be exempt from any premium tax which might  
13 otherwise be required under KRS Chapter 136. The payment of premiums by the  
14 medical insurance fund or another trust fund established by the board for this  
15 purpose shall not constitute taxable income to an insured recipient.

16 (10) In the event that a member is providing services on less than a full-time basis under  
17 KRS 161.605, the retirement system may pay the full cost of the member's health  
18 insurance coverage for the full fiscal year that the member is providing those  
19 services, at the conclusion of which, the retirement system may then bill the active  
20 employer and the active employer shall reimburse the retirement system for the cost  
21 of the health insurance coverage incurred by the retirement system on a pro rata  
22 basis for the time that the member was employed by the active employer.

23 ➔Section 84. KRS 164.952 is amended to read as follows:

24 (1) As used in this section:

25 (a) "Police officer" has the same meaning as "police officer" in KRS 15.420, as  
26 "police officer" in KRS 164.950 to 164.980, and as "officer" in KRS 16.010;  
27 and

1 (b) "Postsecondary institution" means any public institution of postsecondary  
2 education authorized to establish a police department pursuant to KRS  
3 164.950 to 164.980 that participates in the Kentucky Employees Retirement  
4 System.

5 (2) Subject to the limitations of subsection (7) of this section, a postsecondary  
6 institution may employ individuals as police officers under this section who have  
7 retired from the Kentucky Employees Retirement System, the County Employees  
8 Retirement System, or the State Police Retirement System.

9 (3) To be eligible for employment under this section, an individual shall have:

10 (a) Participated in the Law Enforcement Foundation Program fund under KRS  
11 15.410 to 15.510, retired as a commissioned officer pursuant to KRS Chapter  
12 16, or retired as a police officer from a postsecondary institution;

13 (b) Retired with at least twenty (20) years of service credit;

14 (c) Been separated from service for the period required by KRS 61.637 or Section  
15 16 of this Act so that the member's retirement is not voided;

16 (d) Retired with no administrative charges pending; and

17 (e) Retired with no preexisting agreement between the individual and the  
18 postsecondary institution prior to the individual's retirement for the individual  
19 to return to work for the postsecondary institution.

20 (4) Individuals employed under this section shall:

21 (a) Serve for a term not to exceed one (1) year. The one (1) year employment term  
22 may be renewed annually at the discretion of the employing postsecondary  
23 institution;

24 (b) Receive compensation according to the standard procedures applicable to the  
25 employing postsecondary institution; and

26 (c) Be employed based upon need as determined by the employing postsecondary  
27 institution.

- 1 (5) Notwithstanding any provisions of KRS 16.505 to 16.652, 18A.225 to 18A.2287,  
2 61.510 to 61.705, or 78.510 to 78.852 to the contrary:
- 3 (a) Individuals employed under this section shall continue to receive all  
4 retirement and health insurance benefits to which they were entitled upon  
5 retiring in the applicable system administered by Kentucky Retirement  
6 Systems;
- 7 (b) Individuals employed under this section shall not be eligible to receive health  
8 insurance coverage through the employing postsecondary institution;
- 9 (c) The postsecondary institution shall not pay any employer contributions or  
10 retiree health expense reimbursements to the Kentucky Retirement Systems  
11 required by KRS 61.637(17) for individuals employed under this section; and
- 12 (d) The postsecondary institution shall not pay any insurance contributions to the  
13 state health insurance plan, as provided by KRS 18A.225 to 18A.2287, for  
14 individuals employed under this section.
- 15 (6) Individuals employed under this section shall be subject to any legislative due  
16 process provisions applicable to police officers of the employing postsecondary  
17 institution. A decision not to renew a one (1) year appointment term under this  
18 section shall not be considered a disciplinary action or deprivation subject to due  
19 process.
- 20 (7) The number of retired police officers a postsecondary institution may hire under the  
21 provisions of this section shall be limited to five (5) retired police officers or a  
22 number equal to twenty-five percent (25%) of the police officers employed by the  
23 postsecondary institution in calendar year 2018, whichever is greater.
- 24 ➔Section 85. The following KRS sections are repealed:
- 25 61.5956 Optional 401(a) money purchase plan for new nonhazardous members who  
26 begin participating in KERS or CERS on or after January 1, 2019. (Declared void --  
27 See LRC Note Below)

1 61.555 Service credit, creditable compensation, and other credits for military  
2 service. (Effective April 1, 2021)

3 61.5525 Method for determining purchase of service credit -- Exceptions.

4 ➔Section 86. No provisions of this Act shall increase or decrease benefits being  
5 paid to retirees, beneficiaries, or recipients of the Kentucky Retirement Systems or the  
6 County Employees Retirement System nor shall any provisions of this Act increase or  
7 decrease benefits that have accrued to members of the Kentucky Retirement Systems or  
8 the County Employees Retirement System on the effective date of this Act.

9 ➔Section 87. The provisions of this Act shall not be construed to limit the  
10 General Assembly's authority to amend, reduce, or suspend any provision of KRS 16.505  
11 to 16.652, 61.510 to 61.705, or 78.510 to 78.852, that the General Assembly had the  
12 authority to amend, reduce, or suspend, prior to April 1, 2021.

13 ➔Section 88. Members of the board of the Kentucky Retirement Systems and the  
14 County Employees Retirement System who will serve on these respective boards on or  
15 after April 1, 2021, may meet prior to April 1, 2021, for purposes of discussion and  
16 preparing for the establishment of separate boards but no official action may be taken by  
17 these boards until April 1, 2021.

18 ➔Section 89. The individual serving as the Executive Director of the Kentucky  
19 Retirement Systems immediately prior to April 1, 2021, shall serve as the interim  
20 Executive Director of the Kentucky Public Pensions Authority until a permanent  
21 Executive Director is established by the authority. On or before July 1, 2021, the  
22 Kentucky Public Pensions Authority shall select an individual to serve as the permanent  
23 Executive Director.

24 ➔Section 90. Whereas the effective transfer of the County Employees Retirement  
25 System is imperative to the members of all state-administered retirement systems, an  
26 emergency is declared to exist and this Act takes effect on April 1, 2021, except that  
27 Section 88 shall take effect upon its passage and approval by the Governor or upon its

- 1 otherwise becoming a law.