

1 AN ACT relating to reemployment of retired police officers.

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

3 ➔Section 1. KRS 70.292 is amended to read as follows:

4 (1) A county police department or county sheriff's office in the Commonwealth of
5 Kentucky may employ police officers who have retired under the State Police
6 Retirement System, Kentucky Employees Retirement System, or the County
7 Employees Retirement System as provided by KRS 70.291 to 70.293.

8 (2) An individual employed under KRS 70.291 to 70.293 shall have:

9 (a) 1. Participated in the Law Enforcement Foundation Program fund under
10 KRS 15.410 to 15.515; or

11 2. Retired as a commissioned officer pursuant to KRS Chapter 16;

12 (b) Retired with at least twenty (20) years of service credit;

13 (c) Been separated from service for the period required by KRS 61.637 ***and***
14 ***78.5540*** so that the member's retirement is not voided;

15 (d) Retired with no administrative charges pending; and

16 (e) Retired with no pre-existing agreement between the individual and the county
17 police department or the sheriff's office prior to the individual's retirement for
18 the individual to return to work for the county police department or the
19 sheriff's office.

20 ➔Section 2. KRS 70.293 is amended to read as follows:

21 (1) Individuals employed under KRS 70.291 to 70.293 shall:

22 (a) Serve for a term not to exceed one (1) year. The one (1) year employment
23 term may be renewed annually at the discretion of the employing county
24 police department or sheriff's office;

25 (b) Receive compensation according to the standard procedures applicable to the
26 employing county police department or sheriff's office; and

27 (c) Be employed based upon need as determined by the county police department

1 or the employing sheriff's office.

2 (2) Notwithstanding any provisions of KRS 16.505 to 16.652, 18A.225 to 18A.2287,
3 61.510 to 61.705, or 78.510 to 78.852 to the contrary:

4 (a) Individuals employed under KRS 70.291 to 70.293 shall continue to receive
5 all retirement and health insurance benefits to which they were entitled upon
6 retiring in the applicable system administered by Kentucky Retirement
7 Systems or the County Employees Retirement System;

8 (b) **Except as provided in paragraph (e) of this subsection,** individuals employed
9 under KRS 70.291 to 70.293 shall not be eligible to receive health insurance
10 coverage through the county police department, the sheriff's office, or the
11 fiscal court of the county police department or sheriff's office;

12 (c) The county police department, sheriff's office, or fiscal court of the county
13 police department or sheriff's office shall not pay any employer contributions
14 or retiree health expense reimbursements to the Kentucky Retirement Systems
15 required by KRS 61.637(17) or 78.5540(4) for individuals employed under
16 KRS 70.291 to 70.293; ~~and~~

17 (d) **Except as provided in paragraph (e) of this subsection,** the county police
18 department, sheriff's office, or fiscal court of the county police department or
19 sheriff's office shall not pay any insurance contributions to the state health
20 insurance plan, as provided by KRS 18A.225 to 18A.2287, for individuals
21 employed under KRS 70.291 to 70.293; **and**

22 **(e) Effective August 1, 2026, the chief legislative body of the county, urban-**
23 **county, or consolidated local government who is responsible for approving**
24 **the budget of the sheriff's office or sheriff's department may by legislative**
25 **action provide or authorize provision of health insurance coverage for**
26 **individuals employed under KRS 70.291 to 70.293, subject to the terms and**
27 **conditions established by the chief governing body of the county, urban-**

1 county, or consolidated local government.

2 (3) Individuals employed under KRS 70.291 to 70.293 shall be subject to any merit
3 system, civil service, or other legislative due process provisions applicable to the
4 county police department or sheriff's office. A decision not to renew a one (1) year
5 appointment term under this section shall not be considered a disciplinary action or
6 deprivation subject to due process.

7 ➔Section 3. KRS 95.022 is amended to read as follows:

8 (1) As used in this section:

9 (a) "City" means any incorporated city, consolidated local government, unified
10 local government, urban-county government, or charter county government,
11 operating under the law of this Commonwealth, and the offices and agencies
12 thereof; and

13 (b) "Police officer" has the same meaning as "police officer" in KRS 15.420 and
14 as "officer" in KRS 16.010.

15 (2) Subject to the limitations of subsection (7) of this section, a city may employ
16 individuals as police officers under this section who have retired from the Kentucky
17 Employees Retirement System, the County Employees Retirement System, or the
18 State Police Retirement System.

19 (3) To be eligible for employment under this section, an individual shall have:

20 (a) Participated in the Law Enforcement Foundation Program fund under KRS
21 15.410 to 15.510 or retired as a commissioned officer pursuant to KRS
22 Chapter 16;

23 (b) Retired with at least twenty (20) years of service credit;

24 (c) Been separated from service for the period required by KRS 61.637 and
25 78.5540 so that the member's retirement is not voided;

26 (d) Retired with no administrative charges pending; and

27 (e) Retired with no preexisting agreement between the individual and the city

1 prior to the individual's retirement for the individual to return to work for the
2 city.

3 (4) Individuals employed under this section shall:

4 (a) Serve for a term not to exceed one (1) year. The one (1) year employment
5 term may be renewed annually at the discretion of the employing city;

6 (b) Receive compensation according to the standard procedures applicable to the
7 employing city; and

8 (c) Be employed based upon need as determined by the employing city.

9 (5) Notwithstanding any provisions of KRS 16.505 to 16.652, 18A.225 to 18A.2287,
10 61.510 to 61.705, or 78.510 to 78.852 to the contrary:

11 (a) Individuals employed under this section shall continue to receive all
12 retirement and health insurance benefits to which they were entitled upon
13 retiring in the applicable system administered by Kentucky Retirement
14 Systems or the County Employees Retirement System;

15 (b) Except as provided in paragraph (e) of this subsection, individuals employed
16 under this section shall not be eligible to receive health insurance coverage
17 through the employing city;

18 (c) The city shall not pay any employer contributions or retiree health expense
19 reimbursements to the Kentucky Retirement Systems required by KRS
20 61.637(17) or 78.5540(4) for individuals employed under this section; ~~and~~

21 (d) Except as provided in paragraph (e) of this subsection, the city shall not pay
22 any insurance contributions to the state health insurance plan, as provided by
23 KRS 18A.225 to 18A.2287, for individuals employed under this section; and

24 (e) Effective August 1, 2026, the legislative body of the city may by legislative
25 action provide or authorize provision of health insurance coverage for
26 individuals employed under this section, subject to the terms and conditions
27 established by the city.

- 1 (6) Individuals employed under this section shall be subject to any merit system, civil
2 service, or other legislative due process provisions applicable to the employing city.
3 A decision not to renew a one (1) year appointment term under this section shall not
4 be considered a disciplinary action or deprivation subject to due process.
- 5 (7) A city government shall be limited in the number of retired police officers that it
6 may hire under this section as follows:
- 7 (a) A city government that employed an average of five (5) or fewer police
8 officers over the course of the immediately preceding calendar year shall not
9 be limited in the number of officers that they may hire under this section;
- 10 (b) A city government that employed an average of more than five (5) but fewer
11 than one hundred (100) police officers over the course of the immediately
12 preceding calendar year shall not hire more than five (5) police officers or a
13 number equal to twenty-five percent (25%) of the police officers employed by
14 the city in the immediately preceding calendar year, whichever is greater; and
- 15 (c) A city government that employed an average of one hundred (100) or more
16 police officers over the course of the immediately preceding calendar year
17 ~~[2015]~~ shall not hire more than twenty-five (25) police officers or a number
18 equal to ten percent (10%) of the police officers employed by the city in the
19 immediately preceding calendar year, whichever is greater.
- 20 (8) Retired police officers employed by a city government for purposes of KRS
21 158.4414 shall not apply against the limitations provided by subsection (7) of this
22 section.
- 23 ➔Section 4. 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) A postsecondary institution may employ individuals as police officers under this
6 section who have retired from the Kentucky Employees Retirement System, the
7 County Employees Retirement System, or the State Police Retirement System.
- 8 (3) To be eligible for employment under this section, an individual shall have:
- 9 (a) Participated in the Law Enforcement Foundation Program fund under KRS
10 15.410 to 15.510, retired as a commissioned officer pursuant to KRS Chapter
11 16, or retired as a police officer from a postsecondary institution;
- 12 (b) Retired with at least twenty (20) years of service credit;
- 13 (c) Been separated from service for the period required by KRS 61.637 ~~and~~
14 78.5540 so that the member's retirement is not voided;
- 15 (d) Retired with no administrative charges pending; and
- 16 (e) Retired with no preexisting agreement between the individual and the
17 postsecondary institution prior to the individual's retirement for the individual
18 to return to work for the postsecondary institution.
- 19 (4) Individuals employed under this section shall:
- 20 (a) Serve for a term not to exceed one (1) year. The one (1) year employment
21 term may be renewed annually at the discretion of the employing
22 postsecondary institution;
- 23 (b) Receive compensation according to the standard procedures applicable to the
24 employing postsecondary institution; and
- 25 (c) Be employed based upon need as determined by the employing postsecondary
26 institution.
- 27 (5) Notwithstanding any provisions of KRS 16.505 to 16.652, 18A.225 to 18A.2287,

1 61.510 to 61.705, or 78.510 to 78.852 to the contrary:

2 (a) Individuals employed under this section shall continue to receive all
3 retirement and health insurance benefits to which they were entitled upon
4 retiring in the applicable system administered by Kentucky Retirement
5 Systems;

6 (b) Except as provided in paragraph (e) of this subsection, individuals employed
7 under this section shall not be eligible to receive health insurance coverage
8 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) or 78.5540(4) for individuals employed under
12 this section;~~and~~

13 (d) Except as provided in paragraph (e) of this subsection, the postsecondary
14 institution shall not pay any insurance contributions to the state health
15 insurance plan, as provided by KRS 18A.225 to 18A.2287, for individuals
16 employed under this section; and

17 (e) Effective August 1, 2026, the governing body of the postsecondary
18 institution may by action of the governing body provide or authorize
19 provision of health insurance coverage for individuals employed under this
20 section, subject to the terms and conditions established by the postsecondary
21 institution.

22 (6) Individuals employed under this section shall be subject to any legislative due
23 process provisions applicable to police officers of the employing postsecondary
24 institution. A decision not to renew a one (1) year appointment term under this
25 section shall not be considered a disciplinary action or deprivation subject to due
26 process.

27 ➔Section 5. KRS 61.702 is amended to read as follows:

1 (1) For purposes of this section:

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

4 1. Any hospital and medical expense policy or certificate, provider-
5 sponsored integrated health delivery network, self-insured medical plan,
6 health maintenance organization contract, or other health benefit plan;

7 2. Any health savings account as permitted by 26 U.S.C. sec. 223 or health
8 reimbursement arrangement or a similar account as may be permitted by
9 26 U.S.C. sec. 105 or 106. Such arrangement or account, at the board's
10 discretion, may reimburse any medical expense permissible under 26
11 U.S.C. sec. 213; or

12 3. A medical insurance reimbursement program established by the board
13 through the promulgation of administrative regulation under which
14 members purchase individual health insurance coverage through a health
15 insurance exchange established under 42 U.S.C. sec. 18031 or 18041;

16 (b) "Monthly contribution rate" is the amount determined by the board based
17 upon the requirements of subsection (4)(a) to (d) of this section, except that
18 for members who began participating in the system on or after July 1, 2003,
19 the term shall mean the amount determined in subsection (4)(e) of this
20 section; and

21 (c) "Months of service" means the total months of combined service used to
22 determine benefits under the system, except service added to determine
23 disability benefits or service otherwise prohibited from being used to
24 determine retiree health benefits under KRS 16.505 to 16.652 or 61.510 to
25 61.705 shall not be counted as "months of service." For current and former
26 employees of the Council on Postsecondary Education who were employed
27 prior to January 1, 1993, and who earn at least fifteen (15) years of service

1 credit in the Kentucky Employees Retirement System, "months of service"
2 shall also include vested service in another retirement system other than the
3 Kentucky Teachers' Retirement System sponsored by the Council on
4 Postsecondary Education.

- 5 (2) (a) 1. The board of trustees of the system shall arrange by appropriate contract
6 or on a self-insured basis to provide a group hospital and medical
7 insurance plan coverage for:
- 8 a. Present and future recipients of a retirement allowance from the
9 Kentucky Employees Retirement System and the State Police
10 Retirement System; and
 - 11 b. The spouse and each qualified dependent of a recipient who is a
12 former member or the beneficiary, provided the spouse and
13 dependent meet the requirements to participate in the hospital and
14 medical insurance plans established, contracted, or authorized by
15 the system.
- 16 2. Any recipient who chooses coverage under a hospital and medical
17 insurance plan shall pay, by payroll deduction from the retirement
18 allowance, electronic funds transfer, or by another method, the
19 difference between the premium cost of the hospital and medical
20 insurance plan coverage selected and the monthly contribution rate to
21 which he or she would be entitled under this section.
- 22 (b) 1. For present and future recipients of a retirement allowance from the
23 system who are not eligible for Medicare and for those recipients
24 described in subparagraph 3.b. of this paragraph, the board may
25 authorize these participants to be included in the Kentucky Employees
26 Health Plan as provided by KRS 18A.225 to 18A.2287 and shall provide
27 benefits for recipients in the plan equal to those provided to state

1 employees having the same Medicare hospital and medical insurance
2 eligibility status. Notwithstanding the provisions of any other statute
3 except subparagraph 3.b. of this paragraph, system recipients shall be
4 included in the same class as current state employees for purposes of
5 determining medical insurance policies and premiums in the Kentucky
6 Employees Health Plan as provided by KRS 18A.225 to 18A.2287.

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

14 3. The system shall continue to provide the same hospital and medical
15 insurance plan coverage for recipients and qualifying dependents after
16 the age of sixty-five (65) as before the age of sixty-five (65), if:

- 17 a. The recipient is not eligible for Medicare coverage; or
18 b. The recipient would otherwise be eligible for Medicare coverage
19 but is subject to the Medicare Secondary Payer Act under 42
20 U.S.C. sec. 1395y(b) and has been reemployed by a participating
21 agency which offers the recipient a hospital and medical insurance
22 benefit or by a participating agency which is prevented from
23 offering or which does not offer a hospital and medical benefit to
24 the recipient as a condition of reemployment under KRS 70.293,
25 95.022, or 164.952. Individuals who are eligible, pursuant to this
26 subdivision, to be included in the Kentucky Employees Health
27 Plan as provided by KRS 18A.225 to 18A.2287 may be rated as a

1 separate class from other eligible employees and retirees for the
2 purpose of determining medical insurance premiums.

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

8 (d) Notwithstanding anything in KRS Chapter 16 or 61 to the contrary, the board
9 of trustees, in its discretion, may take necessary steps to ensure compliance
10 with 42 U.S.C. ~~sec. [secs.]~~ 300bb-1 et seq.

11 (3) (a) Each employer participating in the Kentucky Employees Retirement System
12 or the State Police Retirement System as provided in KRS 16.505 to 16.652 or
13 61.510 to 61.705 shall contribute to the insurance trust fund established under
14 KRS 61.701 the amount necessary to provide the monthly contribution rate as
15 provided for under this section. Such employer contribution rate shall be
16 developed by appropriate actuarial method as a part of the determination of
17 each respective employer contribution rate determined under KRS 61.565.

18 (b) 1. Each employer described in paragraph (a) of this subsection shall deduct
19 from the creditable compensation of each member whose membership
20 date begins on or after September 1, 2008, an amount equal to one
21 percent (1%) of the member's creditable compensation. The deducted
22 amounts shall, at the discretion of the board, be credited to accounts
23 established pursuant to 26 U.S.C. sec. 401(h), within the funds
24 established in KRS 16.510 and 61.515, or the insurance trust fund
25 established under KRS 61.701. Notwithstanding the provisions of this
26 paragraph, a transfer of assets between the accounts established pursuant
27 to 26 U.S.C. sec. 401(h), within the funds established in KRS 16.510

- 1 and 61.515, and the insurance trust fund established under KRS 61.701
2 shall not be allowed.
- 3 2. The employer shall file the contributions as provided by subparagraph 1.
4 of this paragraph at the retirement office in accordance with KRS
5 61.675. Any interest or penalties paid on any delinquent contributions
6 shall be credited to accounts established pursuant to 26 U.S.C. sec.
7 401(h), within the funds established in KRS 16.510 and 61.515, or the
8 insurance trust fund established under KRS 61.701. Notwithstanding
9 any minimum compensation requirements provided by law, the
10 deductions provided by this paragraph shall be made, and the
11 compensation of the member shall be reduced accordingly.
- 12 3. Each employer shall submit payroll reports, contributions lists, and other
13 data as may be required by administrative regulation promulgated by the
14 board of trustees pursuant to KRS Chapter 13A.
- 15 4. Every member shall be deemed to consent and agree to the deductions
16 made pursuant to this paragraph, and the payment of salary or
17 compensation less the deductions shall be a full and complete discharge
18 of all claims for services rendered by the person during the period
19 covered by the payment, except as to any benefits provided by KRS
20 16.505 to 16.652 or 61.510 to 61.705. No member may elect whether to
21 participate in, or choose the contribution amount to accounts established
22 pursuant to 26 U.S.C. sec. 401(h) within the funds established in KRS
23 16.510 and 61.515, or the insurance trust fund established under KRS
24 61.701. The member shall have no option to receive the contribution
25 required by this paragraph directly instead of having the contribution
26 paid to accounts established pursuant to 26 U.S.C. sec. 401(h) within the
27 funds established in KRS 16.510 and 61.515, or the insurance trust fund

1 established under KRS 61.701. No member may receive a rebate or
2 refund of contributions. If a member establishes a membership date
3 prior to September 1, 2008, pursuant to KRS 61.552(2) or (3), then this
4 paragraph shall not apply to the member and all contributions previously
5 deducted in accordance with this paragraph shall be refunded to the
6 member without interest. The contribution made pursuant to this
7 paragraph shall not act as a reduction or offset to any other contribution
8 required of a member or recipient under KRS 16.505 to 16.652 or
9 61.510 to 61.705.

10 5. The board of trustees, at its discretion, may direct that the contributions
11 required by this paragraph be accounted for within accounts established
12 pursuant to 26 U.S.C. sec. 401(h) within the funds established in KRS
13 16.510 and 61.515, or the insurance trust fund established under KRS
14 61.701, through the use of separate 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, including the County
24 Employees Retirement System, under a reciprocal arrangement, except
25 that any portion of the premium paid from the funds specified by
26 subparagraph 2. of this paragraph under a reciprocal agreement shall not
27 exceed the amount that would be payable under this section if all the

1 member's service were in the systems administered by the Kentucky
2 Retirement Systems. If the board provides for cross-referencing of
3 insurance premiums, the employer's contribution for the working
4 member or spouse shall be applied toward the premium, and the
5 insurance trust fund established under KRS 61.701 or accounts
6 established pursuant to 26 U.S.C. sec. 401(h) within the funds
7 established in KRS 16.510 and 61.515 shall pay the balance; or

- 8 4. A combination of the fund sources described by subparagraphs 1. to 3.
9 of this paragraph.

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

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

- 25 1. One hundred percent (100%) of the monthly premium for single
26 coverage shall be paid for a retired member who had two hundred forty
27 (240) months of service or more upon retirement or for a retired member

1 who when he or she was an employee became disabled as a direct result
2 of an act in line of duty as defined in KRS 16.505 or as a result of a
3 duty-related injury as defined in KRS 61.621;

4 2. Seventy-five percent (75%) of the monthly premium for single coverage
5 shall be paid for a retired member who had less than two hundred forty
6 (240) months of service but at least one hundred eighty (180) months of
7 service upon retirement, provided such retired member agrees to pay the
8 remaining twenty-five percent (25%) by payroll deduction from his or
9 her retirement allowance, electronic funds transfer, or by another
10 method;

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

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

24 (c) Notwithstanding paragraph (b) of this subsection, for a member participating
25 in the system prior to July 1, 2003, who:

26 1. Dies as a direct result of an act in line of duty as defined in KRS 16.505
27 or dies as a result of a duty-related injury as defined in KRS 61.621, the

- 1 monthly premium shall be paid for his or her spouse so long as the
2 spouse remains eligible for a monthly retirement benefit;
- 3 2. Becomes totally and permanently disabled as defined in KRS 16.582 as
4 a direct result of an act in line of duty as defined in KRS 16.505 or
5 becomes disabled as a result of a duty-related injury as defined in KRS
6 61.621 and is eligible for the benefits provided by KRS 61.621(5)(a), the
7 monthly premium shall be paid for his or her spouse so long as the
8 member and the spouse individually remain eligible for a monthly
9 retirement benefit; and
- 10 3. Dies as a direct result of an act in line of duty as defined in KRS 16.505,
11 dies as a result of a duty-related injury as defined in KRS 61.621,
12 becomes totally and permanently disabled as defined in KRS 16.582 as a
13 direct result of an act in line of duty as defined in KRS 16.505, or
14 becomes disabled as a result of a duty-related injury as defined in KRS
15 61.621 and is eligible for the benefits provided by KRS 61.621(5)(a), the
16 monthly premium shall be paid for each dependent child as defined in
17 KRS 16.505, so long as the member remains eligible for a monthly
18 retirement benefit, unless deceased, and each dependent child
19 individually remains eligible under KRS 16.505.
- 20 (d) 1. For a member who began participating in the system prior to July 1,
21 2003, who was determined to be in a hazardous position in the Kentucky
22 Employees Retirement System or in a position in the State Police
23 Retirement System, or who is receiving a retirement allowance based on
24 General Assembly service, the funds specified under paragraph (a)2. of
25 this subsection shall also pay a percentage of the monthly contribution
26 rate sufficient to fund the premium costs for hospital and medical
27 insurance coverage for the spouse and for each dependent child of a

1 recipient.

2 2. The percentage of the monthly contribution rate paid for the spouse and
3 each dependent child of a recipient who was in a hazardous position or
4 who is receiving a retirement allowance based on General Assembly
5 service in accordance with subparagraph 1. of this paragraph shall be
6 based solely on the member's service in a hazardous position using the
7 formula in paragraph (b) of this subsection.

8 (e) For members who begin participating in the system on or after July 1, 2003:

9 1. Participation in the insurance benefits provided under this section shall
10 not be allowed until the member has earned at least one hundred twenty
11 (120) months of service in the state-administered retirement systems,
12 except that for members who begin participating in the system on or
13 after September 1, 2008, participation in the insurance benefits provided
14 under this section shall not be allowed until the member has earned at
15 least one hundred eighty (180) months of service credited under KRS
16 16.543(1) or 61.543(1), or another state-administered retirement system.

17 2. A member who meets the minimum service requirements as provided by
18 subparagraph 1. of this paragraph shall upon retirement be eligible for
19 the following monthly contribution rate to be paid on his or her behalf,
20 or on behalf of the spouse or dependent of a member with service in a
21 hazardous position, from the funds specified under paragraph (a)2. of
22 this subsection:

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

26 b. For members with service in a hazardous position or who
27 participate in the State Police Retirement System, a monthly

1 insurance contribution of fifteen dollars (\$15) for each year of
2 service as a participating employee in a hazardous position or the
3 State Police Retirement System; and

4 c. Upon the death of the retired member, the beneficiary, if the
5 beneficiary is the member's spouse, shall be entitled to a monthly
6 insurance contribution of ten dollars (\$10) for each year of service
7 the member attained as a participating employee in a hazardous
8 position.

9 3. The minimum service requirement to participate in benefits as provided
10 by subparagraph 1. of this paragraph shall be waived for a member who
11 receives a satisfactory determination of a hazardous disability that is a
12 direct result of an act in line of duty as defined in KRS 16.505, and the
13 member shall be entitled to the benefits payable under this subsection as
14 though the member had twenty (20) years of service in a hazardous
15 position.

16 4. The minimum service required to participate in benefits as provided by
17 subparagraph 1. of this paragraph shall be waived for a member who is
18 disabled as a result of a duty-related injury as defined in KRS 61.621
19 and is eligible for the benefits provided by KRS 61.621(5)(b), and the
20 member shall be entitled to the benefits payable under this subsection as
21 though the member had twenty (20) years of service in a nonhazardous
22 position.

23 5. Notwithstanding the provisions of this paragraph, the minimum service
24 requirement to participate in benefits as provided by subparagraph 1. of
25 this paragraph shall be waived for a for a member who dies as a direct
26 result of an act in line of duty as defined in KRS 16.505, who becomes
27 totally and permanently disabled as defined in KRS 16.582 as a direct

1 result of an act in line of duty as defined in KRS 16.505, who dies as a
2 result of a duty-related injury as defined in KRS 61.621, or who
3 becomes disabled as a result of a duty-related injury as defined in KRS
4 61.621 and is eligible for the benefits provided by KRS 61.621(5)(a),
5 and the premium for the member, the member's spouse, and for each
6 dependent child as defined in KRS 16.505 shall be paid in full by the
7 systems so long as the member, member's spouse, or dependent child
8 individually remains eligible for a monthly retirement benefit.

9 6. Except as provided by subparagraph 5. of this paragraph, the monthly
10 insurance contribution amount shall be increased:

11 a. On July 1 of each year by one and one-half percent (1.5%). The
12 increase shall be cumulative and shall continue to accrue after the
13 member's retirement for as long as a monthly insurance
14 contribution is payable to the retired member or beneficiary but
15 shall not apply to any increase in the contribution attributable to
16 the increase specified by subdivision b. of this subparagraph; and

17 b. On January 1 of each year by five dollars (\$5) for members who
18 have accrued an additional full year of service as a participating
19 employee beyond the career threshold, subject to the following
20 restrictions:

21 i. The additional insurance contribution provided by this
22 subdivision shall only be applied to the monthly contribution
23 amounts provided under subparagraph 2.a. and b. of this
24 paragraph;

25 ii. The additional insurance contribution provided by this
26 subdivision shall only be payable towards the health plans
27 offered by the system to retirees who are not eligible for

1 Medicare or for reimbursements provided to retirees not
2 eligible for Medicare pursuant to subsection (6)(a)2. of this
3 section; and

4 iii. In order for the annual increase to occur as provided by this
5 subdivision, the funding level of retiree health benefits for
6 the system in which the employee is receiving the additional
7 insurance contribution shall be at least ninety percent (90%)
8 as of the most recent actuarial valuation and be projected by
9 the actuary to remain ninety percent (90%) for the year in
10 which the increase is provided.

11 7. The benefits of this paragraph provided to a member whose participation
12 begins on or after July 1, 2003, shall not be considered as benefits
13 protected by the inviolable contract provisions of KRS 16.652 or
14 61.692. The General Assembly reserves the right to suspend or reduce
15 the benefits conferred in this paragraph if in its judgment the welfare of
16 the Commonwealth so demands.

17 8. An employee whose membership date is on or after September 1, 2008,
18 who retires and is reemployed in a regular full-time position required to
19 participate in the system or the County Employees Retirement System
20 shall not be eligible for health insurance coverage or benefits provided
21 by this section and shall take coverage with his or her employing agency
22 during the period of reemployment in a regular full-time position.

23 9. For purposes of this paragraph:

24 a. "Career threshold" for a member with service in a nonhazardous
25 position means twenty-seven (27) years of service credited under
26 KRS 16.543(1), 61.543(1), 78.615(1), or another state-
27 administered retirement system and for a member with service in a

1 hazardous position means the service requirements specified by
2 KRS 16.577(2) or (3) or 16.583(6)(b), as applicable; and

3 b. "Funding level" means the actuarial value of assets divided by the
4 actuarially accrued liability expressed as a percentage that is
5 determined and reported by the system's actuary in the annual
6 actuarial valuation.

7 (f) For members with service in another state-administered retirement system
8 who select hospital and medical insurance plan coverage through the system:

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

27 2. A member may not elect coverage for hospital and medical benefits

1 through more than one (1) of the state-administered retirement systems;
2 and

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

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

12 (6) (a) The board shall promulgate an administrative regulation to establish a medical
13 insurance reimbursement plan to provide reimbursement for hospital and
14 medical insurance plan premiums of recipients of a retirement allowance who:
15 1. Are not eligible for the same level of hospital and medical benefits as
16 recipients living in Kentucky and having the same Medicare hospital
17 and medical insurance eligibility status; or
18 2. Are eligible for retiree health subsidies as provided by subsection (4)(e)
19 of this section, except for those recipients eligible for full premium
20 subsidies under subsection (4)(e)5. of this section. The reimbursement
21 program as provided by this subparagraph shall be available to the
22 recipient regardless of the hospital and medical insurance plans offered
23 by the systems.

24 (b) An eligible recipient shall file proof of payment for hospital and medical
25 insurance plan coverage with the retirement office. Reimbursement to eligible
26 recipients shall be made on a quarterly basis. The recipient shall be eligible
27 for reimbursement of substantiated medical insurance premiums for an

1 amount not to exceed the total monthly contribution rate determined under
2 subsection (4) of this section.

3 (c) For purposes of recipients described by paragraph (a)1. of this subsection, the
4 plan shall not be made available if all recipients are eligible for the same
5 coverage as recipients living in Kentucky.

6 ➔Section 6. KRS 78.5536 is amended to read as follows:

7 (1) For purposes of this section:

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

10 1. Any hospital and medical expense policy or certificate, provider-
11 sponsored integrated health delivery network, self-insured medical plan,
12 health maintenance organization contract, or other health benefit plan;

13 2. Any health savings account as permitted by 26 U.S.C. sec. 223 or health
14 reimbursement arrangement or a similar account as may be permitted by
15 26 U.S.C. sec. 105 or 106. Such arrangement or account, at the board's
16 discretion, may reimburse any medical expense permissible under 26
17 U.S.C. sec. 213; or

18 3. A medical insurance reimbursement program established by the board
19 through the promulgation of administrative regulation under which
20 members purchase individual health insurance coverage through a health
21 insurance exchange established under 42 U.S.C. sec. 18031 or 18041;

22 (b) "Monthly contribution rate" shall be the amount determined by the board
23 based upon the requirements of subsection (4)(a) to (d) of this section, except
24 that for members who began participating in the system on or after July 1,
25 2003, the term shall mean the amount determined in subsection (4)(e) of this
26 section; and

27 (c) "Months of service" shall mean the total months of combined service used to

1 determine benefits under the system, except service added to determine
2 disability benefits or service otherwise prohibited from being used to
3 determine retiree health benefits under KRS 78.510 to 78.852 shall not be
4 counted as "months of service."

- 5 (2) (a) 1. The board of trustees of the system shall arrange by appropriate contract
6 or on a self-insured basis to provide a group hospital and medical
7 insurance plan coverage for:
- 8 a. Present and future recipients of a retirement allowance from the
9 County Employees Retirement System; and
 - 10 b. The spouse and each qualified dependent of a recipient who is a
11 former member or the beneficiary, provided the spouse and
12 dependent meet the requirements to participate in the hospital and
13 medical insurance plans established, contracted, or authorized by
14 the system.
- 15 2. Any recipient who chooses coverage under a hospital and medical
16 insurance plan shall pay, by payroll deduction from the retirement
17 allowance, electronic funds transfer, or by another method, the
18 difference between the premium cost of the hospital and medical
19 insurance plan coverage selected and the monthly contribution rate to
20 which he or she would be entitled under this section.
- 21 (b) 1. For present and future recipients of a retirement allowance from the
22 system who are not eligible for Medicare and for those recipients
23 described in subparagraph 3.b. of this paragraph, the board may
24 authorize these participants to be included in the Kentucky Employees
25 Health Plan as provided by KRS 18A.225 to 18A.2287 and shall provide
26 benefits for recipients in the plan equal to those provided to state
27 employees having the same Medicare hospital and medical insurance

- 1 eligibility status. Notwithstanding the provisions of any other statute
2 except subparagraph 3.b. of this paragraph, system recipients shall be
3 included in the same class as current state employees for purposes of
4 determining medical insurance policies and premiums in the Kentucky
5 Employees Health Plan as provided by KRS 18A.225 to 18A.2287.
- 6 2. Regardless of age, if a recipient or the spouse or dependent child of a
7 recipient who elects coverage becomes eligible for Medicare, he or she
8 shall participate in the plans offered by the systems for Medicare
9 eligible recipients. Individuals participating in the Medicare eligible
10 plans may be required to obtain and pay for Medicare Part A and Part B
11 coverage in order to participate in the Medicare eligible plans offered by
12 the system.
- 13 3. The system shall continue to provide the same hospital and medical
14 insurance plan coverage for recipients and qualifying dependents after
15 the age of sixty-five (65) as before the age of sixty-five (65), if:
- 16 a. The recipient is not eligible for Medicare coverage; or
17 b. The recipient would otherwise be eligible for Medicare coverage
18 but is subject to the Medicare Secondary Payer Act under 42
19 U.S.C. sec. 1395y(b) and has been reemployed by a participating
20 agency which offers the recipient a hospital and medical insurance
21 benefit or by a participating agency which is prevented from
22 offering or which does not offer a hospital and medical benefit to
23 the recipient as a condition of reemployment under KRS 70.293,
24 95.022, or 164.952. Individuals who are eligible, pursuant to this
25 subdivision, to be included in the Kentucky Employees Health
26 Plan as provided by KRS 18A.225 to 18A.2287 may be rated as a
27 separate class from other eligible employees and retirees for the

1 purpose of determining medical insurance premiums.

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

7 (d) Notwithstanding anything in KRS Chapter 78 to the contrary, the board of
8 trustees, in its discretion, may take necessary steps to ensure compliance with
9 42 U.S.C. sec. 300bb-1 et seq.

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

17 (b) 1. Each employer described in paragraph (a) of this subsection shall deduct
18 from the creditable compensation of each member whose membership
19 date begins on or after July 1, 2003, and who is subject to the benefits
20 provided under subsection (4)(e) of this section, an amount equal to one
21 percent (1%) of the member's creditable compensation if the member is
22 participating in a nonhazardous position and two percent (2%) of the
23 member's creditable compensation if the member is participating in a
24 hazardous position. The deducted amounts shall, at the discretion of the
25 board, be credited to accounts established pursuant to 26 U.S.C. sec.
26 401(h), within the funds established in KRS 78.520, or the insurance
27 trust fund established under KRS 61.701. Notwithstanding the

- 1 provisions of this paragraph, a transfer of assets between the accounts
2 established pursuant to 26 U.S.C. sec. 401(h), within the funds
3 established in KRS 78.520, and the insurance trust fund established
4 under KRS 61.701 shall not be allowed.
- 5 2. The employer shall file the contributions as provided by subparagraph 1.
6 of this paragraph at the retirement office in accordance with KRS
7 78.625. Any interest or penalties paid on any delinquent contributions
8 shall be credited to accounts established pursuant to 26 U.S.C. sec.
9 401(h), within the funds established in KRS 78.520, or the insurance
10 trust fund established under KRS 61.701. Notwithstanding any
11 minimum compensation requirements provided by law, the deductions
12 provided by this paragraph shall be made, and the compensation of the
13 member shall be reduced accordingly.
- 14 3. Each employer shall submit payroll reports, contributions lists, and other
15 data as may be required by administrative regulation promulgated by the
16 board of trustees pursuant to KRS Chapter 13A.
- 17 4. Every member shall be deemed to consent and agree to the deductions
18 made pursuant to this paragraph, and the payment of salary or
19 compensation less the deductions shall be a full and complete discharge
20 of all claims for services rendered by the person during the period
21 covered by the payment, except as to any benefits provided by KRS
22 78.510 to 78.852. No member may elect whether to participate in, or
23 choose the contribution amount to accounts established pursuant to 26
24 U.S.C. sec. 401(h) within the funds established in KRS 78.520, or the
25 insurance trust fund established under KRS 61.701. The member shall
26 have no option to receive the contribution required by this paragraph
27 directly instead of having the contribution paid to accounts established

1 pursuant to 26 U.S.C. sec. 401(h) within the funds established in KRS
2 78.520, or the insurance trust fund established under KRS 61.701. No
3 member may receive a rebate or refund of contributions. If a member
4 establishes a membership date prior to July 1, 2003, pursuant to KRS
5 61.552(2) or (3) or who is subject to the benefits provided under
6 subsection (4)(b) or (d) of this section, then this paragraph shall not
7 apply to the member and all contributions previously deducted in
8 accordance with this paragraph shall be refunded to the member without
9 interest. The contribution made pursuant to this paragraph shall not act
10 as a reduction or offset to any other contribution required of a member
11 or recipient under KRS 78.510 to 78.852.

12 5. The board of trustees, at its discretion, may direct that the contributions
13 required by this paragraph be accounted for within accounts established
14 pursuant to 26 U.S.C. sec. 401(h) within the funds established in KRS
15 78.520, or the insurance trust fund established under KRS 61.701,
16 through the use of separate accounts.

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

20 1. The recipient of a retirement allowance, by payroll deduction from his
21 or her retirement allowance, electronic funds transfer, or by other
22 method;

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

26 3. Another state-administered retirement system, including the systems
27 administered by Kentucky Retirement Systems, under a reciprocal

1 arrangement, except that any portion of the premium paid from the
2 funds specified by subparagraph 2. of this paragraph under a reciprocal
3 agreement shall not exceed the amount that would be payable under this
4 section if all the member's service were in the County Employees
5 Retirement System. If the board provides for cross-referencing of
6 insurance premiums, the employer's contribution for the working
7 member or spouse shall be applied toward the premium, and the
8 insurance trust fund established under KRS 61.701 or accounts
9 established pursuant to 26 U.S.C. sec. 401(h) within the funds
10 established in KRS 78.520, shall pay the balance; or

11 4. A combination of the fund sources described by subparagraphs 1. to 3.
12 of this paragraph.

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

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

- 1 1. One hundred percent (100%) of the monthly premium for single
2 coverage shall be paid for a retired member who had two hundred forty
3 (240) months of service or more upon retirement or for a retired member
4 who when he or she was an employee was disabled as a direct result of
5 an act in line of duty as defined in KRS 78.510(48) or as a result of a
6 duty-related injury as defined in KRS 61.621;
 - 7 2. Seventy-five percent (75%) of the monthly premium for single coverage
8 shall be paid for a retired member who had less than two hundred forty
9 (240) months of service but at least one hundred eighty (180) months of
10 service upon retirement, provided such retired member agrees to pay the
11 remaining twenty-five percent (25%) by payroll deduction from his or
12 her retirement allowance, electronic funds transfer, or by another
13 method;
 - 14 3. Fifty percent (50%) of the monthly premium for single coverage shall be
15 paid for a retired member who had less than one hundred eighty (180)
16 months of service but had at least one hundred twenty (120) months of
17 service upon retirement, provided such retired member agrees to pay the
18 remaining fifty percent (50%) by payroll deduction from his or her
19 retirement allowance, electronic funds transfer, or by another method; or
 - 20 4. Twenty-five percent (25%) of the monthly premium for single coverage
21 shall be paid for a retired member who had less than one hundred twenty
22 (120) months of service but had at least forty-eight (48) months of
23 service upon retirement, provided such retired member agrees to pay the
24 remaining seventy-five percent (75%) by payroll deduction from his or
25 her retirement allowance, electronic funds transfer, or by another
26 method.
- 27 (c) Notwithstanding paragraph (b) of this subsection, for a member participating

1 in the system prior to July 1, 2003, who:

2 1. Dies as a direct result of an act in line of duty as defined in KRS 78.510
3 or dies as a result of a duty-related injury as defined in KRS 61.621, the
4 monthly premium shall be paid for his or her spouse so long as the
5 spouse remains eligible for a monthly retirement benefit;

6 2. Becomes totally and permanently disabled as defined in KRS 78.5524 as
7 a direct result of an act in line of duty as defined in KRS 78.510 or
8 becomes disabled as a result of a duty-related injury as defined in KRS
9 61.621 and is eligible for the benefits provided by KRS 61.621(5)(a), the
10 monthly premium shall be paid for his or her spouse so long as the
11 member and the spouse individually remain eligible for a monthly
12 retirement benefit; and

13 3. Dies as a direct result of an act in line of duty as defined in KRS 78.510,
14 dies as a result of a duty-related injury as defined in KRS 61.621,
15 becomes totally and permanently disabled as defined in KRS 78.5524 as
16 a direct result of an act in line of duty as defined in KRS 78.510, or
17 becomes disabled as a result of a duty-related injury as defined in KRS
18 61.621 and is eligible for the benefits provided by KRS 61.621(5)(a), the
19 monthly premium shall be paid for each dependent child as defined in
20 KRS 78.510, so long as the member remains eligible for a monthly
21 retirement benefit, unless deceased, and each dependent child
22 individually remains eligible under KRS 78.510.

23 (d) 1. For a member who began participating in the system prior to July 1,
24 2003, who was determined to be in a hazardous position in the County
25 Employees Retirement System, or who is receiving a retirement
26 allowance based on General Assembly service, the funds specified under
27 paragraph (a)2. of this subsection shall also pay a percentage of the

1 monthly contribution rate sufficient to fund the premium costs for
2 hospital and medical insurance coverage for the spouse and for each
3 dependent child of a recipient.

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

18 (e) For members who begin participating in the system on or after July 1, 2003:

19 1. Participation in the insurance benefits provided under this section shall
20 not be allowed until the member has earned at least one hundred twenty
21 (120) months of service in the state-administered retirement systems,
22 except that for members who begin participating in the system on or
23 after September 1, 2008, participation in the insurance benefits provided
24 under this section shall not be allowed until the member has earned at
25 least one hundred eighty (180) months of service credited under KRS
26 78.615(1) or another state-administered retirement system;

27 2. A member who meets the minimum service requirements as provided by

1 subparagraph 1. of this paragraph shall upon retirement be eligible for
2 the following monthly contribution rate to be paid on his or her behalf,
3 or on behalf of the spouse or dependent of a member with service in a
4 hazardous position, from the funds specified under paragraph (a)2. of
5 this subsection:

- 6 a. For members with service in a nonhazardous position who do not
7 meet the career threshold, a monthly insurance contribution of ten
8 dollars (\$10) for each year of service as a participating employee
9 in a nonhazardous position;
- 10 b. For members with service in a nonhazardous position who meet
11 the career threshold, a monthly insurance contribution towards the
12 health plans offered to retirees who are not eligible for Medicare
13 of forty dollars (\$40) for each year of service as a participating
14 employee in a nonhazardous position and a monthly insurance
15 contribution towards the health plans offered to retirees who are
16 eligible for Medicare of ten dollars (\$10) for each year of service
17 as a participating employee in a nonhazardous position. The
18 monthly insurance contribution payable to retirees eligible for
19 Medicare under this subdivision shall be adjusted as necessary so
20 that it is equivalent to the monthly contribution amount computed
21 under subdivision a. of this subparagraph as adjusted by
22 subparagraph 6.a. of this paragraph;
- 23 c. For members with service in a hazardous position who do not meet
24 the career threshold, a monthly insurance contribution of fifteen
25 dollars (\$15) for each year of service as a participating employee
26 in a hazardous position;
- 27 d. For members with service in a hazardous position who meet the

1 career threshold, a monthly insurance contribution towards the
2 health plans offered to retirees who are not eligible for Medicare
3 of fifty dollars (\$50) for each year of service as a participating
4 employee in a hazardous position and a monthly insurance
5 contribution towards the health plans offered to retirees who are
6 eligible for Medicare of fifteen dollars (\$15) for each year of
7 service as a participating employee in a hazardous position. The
8 monthly insurance contribution payable to retirees eligible for
9 Medicare under this subdivision shall be adjusted as necessary so
10 that it is equivalent to the monthly contribution amount computed
11 under subdivision c. of this subparagraph as adjusted by
12 subparagraph 6.a. of this paragraph; and

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

18 3. The minimum service requirement to participate in benefits as provided
19 by subparagraph 1. of this paragraph shall be waived for a member who
20 receives a satisfactory determination of a hazardous disability that is a
21 direct result of an act in line of duty as defined in KRS 78.510(48) and
22 the member shall be entitled to the benefits payable under this
23 subsection as though the member had twenty (20) years of service in a
24 hazardous position;

25 4. The minimum service required to participate in benefits as provided by
26 subparagraph 1. of this paragraph shall be waived for a member who is
27 disabled as a result of a duty-related injury as defined in KRS 61.621

1 and is eligible for the benefits provided by KRS 61.621(5)(b), and the
2 member shall be entitled to the benefits payable under this subsection as
3 though the member had twenty (20) years of service in a nonhazardous
4 position;

5 5. Notwithstanding the provisions of this paragraph, the minimum service
6 requirement to participate in benefits as provided by subparagraph 1. of
7 this paragraph shall be waived for a member who dies as a direct result
8 of an act in line of duty as defined in KRS 78.510(48), who becomes
9 totally and permanently disabled as defined in KRS 78.5524 as a direct
10 result of an act in line of duty as defined in KRS 78.510, who dies as a
11 result of a duty-related injury as defined in KRS 61.621, or who
12 becomes disabled as a result of a duty-related injury as defined in KRS
13 61.621 and is eligible for the benefits provided by KRS 61.621(5)(a),
14 and the premium for the member, the member's spouse, and for each
15 dependent child as defined in KRS 78.510 shall be paid in full by the
16 systems so long as the member, member's spouse, or dependent child
17 individually remains eligible for a monthly retirement benefit;

18 6. Except as provided by subparagraph 5. of this paragraph, the monthly
19 insurance contribution amount shall be increased:

20 a. On July 1 of each year by one and one-half percent (1.5%). The
21 increase shall be cumulative and shall continue to accrue after the
22 member's retirement for as long as a monthly insurance
23 contribution is payable to the retired member or beneficiary but
24 shall not apply to any increase in the contribution attributable to
25 the increase specified by subdivision b. of this subparagraph; and

26 b. On January 1 of each year by five dollars (\$5) for members who
27 have accrued an additional full year of service as a participating

1 employee beyond the career threshold, subject to the following
2 restrictions:

3 i. The additional insurance contribution provided by this
4 subdivision shall only be applied to the monthly contribution
5 amounts provided under subparagraph 2.b. and d. of this
6 paragraph;

7 ii. The additional insurance contribution provided by this
8 subdivision shall only be payable towards the health plans
9 offered by the system to retirees who are not eligible for
10 Medicare or for reimbursements provided to retirees not
11 eligible for Medicare pursuant to subsection (6)(a)2. of this
12 section; and

13 iii. In order for the annual increase to occur as provided by this
14 subdivision, the funding level of retiree health benefits for
15 the system in which the employee is receiving the additional
16 insurance contribution shall be at least ninety percent (90%)
17 as of the most recent actuarial valuation and be projected by
18 the actuary to remain ninety percent (90%) for the year in
19 which the increase is provided;

20 7. The benefits of this paragraph provided to a member whose participation
21 begins on or after July 1, 2003, shall not be considered as benefits
22 protected by the inviolable contract provisions of KRS 78.852. The
23 General Assembly reserves the right to suspend or reduce the benefits
24 conferred in this paragraph if in its judgment the welfare of the
25 Commonwealth so demands;

26 8. An employee whose membership date is on or after September 1, 2008,
27 who retires and is reemployed in a regular full-time position required to

1 participate in the system or the Kentucky Retirement Systems shall not
2 be eligible for health insurance coverage or benefits provided by this
3 section and shall take coverage with his or her employing agency during
4 the period of reemployment in a regular full-time position; and

5 9. For purposes of this paragraph:

6 a. "Career threshold" for a member with service in a nonhazardous
7 position means twenty-seven (27) years of service credited under
8 KRS 16.543(1), 61.543(1), 78.615(1), or another state-
9 administered retirement system and for a member with service in a
10 hazardous position means the service requirements specified by
11 KRS 78.5514(2)(a)2. or (3)(b), or 78.5516(6)(b), as applicable;
12 and

13 b. "Funding level" means the actuarial value of assets divided by the
14 actuarially accrued liability expressed as a percentage that is
15 determined and reported by the system's actuary in the annual
16 actuarial valuation.

17 (f) For members with service in another state-administered retirement system
18 who select hospital and medical insurance plan coverage through the system:

19 1. The system shall compute the member's combined service, including
20 service credit in another state-administered retirement system, and
21 calculate the portion of the member's premium monthly contribution rate
22 to be paid by the funds specified under paragraph (a)2. of this subsection
23 according to the criteria established in paragraphs (a) to (e) of this
24 subsection. Each state-administered retirement system shall pay
25 annually to the insurance trust fund established under KRS 61.701 the
26 portion of the system's cost of the retiree's monthly contribution for
27 single coverage for hospital and medical insurance plan which shall be

1 equal to the percentage of the member's number of months of service in
2 the other state-administered retirement plan divided by his or her total
3 combined service and in conjunction with the reciprocal agreement
4 established between the system and the other state-administered
5 retirement systems. The amounts paid by the other state-administered
6 retirement plans and by the County Employees Retirement System from
7 funds specified under paragraph (a)2. of this subsection shall not be
8 more than one hundred percent (100%) of the monthly contribution
9 adopted by the respective boards of trustees;

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

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

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

22 (6) (a) The board shall promulgate an administrative regulation to establish a medical
23 insurance reimbursement plan to provide reimbursement for hospital and
24 medical insurance plan premiums of recipients of a retirement allowance who:

25 1. Are not eligible for the same level of hospital and medical benefits as
26 recipients living in Kentucky and having the same Medicare hospital
27 and medical insurance eligibility status; or

- 1 2. Are eligible for retiree health subsidies as provided by subsection (4)(e)
2 of this section, except for those recipients eligible for full premium
3 subsidies under subsection (4)(e)5. of this section. The reimbursement
4 program as provided by this subparagraph shall be available to the
5 recipient regardless of the hospital and medical insurance plans offered
6 by the systems.
- 7 (b) An eligible recipient shall file proof of payment for hospital and medical
8 insurance plan coverage with the retirement office. Reimbursement to eligible
9 recipients shall be made on a quarterly basis. The recipient shall be eligible
10 for reimbursement of substantiated medical insurance premiums paid by the
11 recipient to obtain coverage for an amount not to exceed the total monthly
12 contribution rate determined under subsection (4) of this section. For
13 reimbursements provided under paragraph (a)2. of this subsection, the full
14 subsidy under subsection (4)(e)2. of this section shall be reimbursed by the
15 system to the recipient up to the amount individually paid by the recipient to
16 obtain coverage. In the case of recipients of a retirement allowance from a
17 nonhazardous position, the reimbursement shall be limited to the amount paid
18 by the recipient to obtain single coverage.
- 19 (c) For purposes of recipients described by paragraph (a)1. of this subsection, the
20 plan shall not be made available if all recipients are eligible for the same
21 coverage as recipients living in Kentucky.