

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 fifteen (15)~~twenty (20)~~ years of service credit;
13 (c) Been separated from service for the period required by KRS 61.637 so that the
14 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; **and**

8 (b) Individuals employed under KRS 70.291 to 70.293 shall not be eligible to
9 receive health insurance coverage through the county police department, the
10 sheriff's office, or the fiscal court of the county police department or sheriff's
11 office;

12 (e)} 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) The county police department, sheriff's office, or fiscal court of the county
18 police department or sheriff's office shall not pay any insurance contributions
19 to the state health insurance plan, as provided by KRS 18A.225 to 18A.2287,
20 for individuals employed under KRS 70.291 to 70.2931.

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

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

27 (1) As used in this section:

- 1 (a) "City" means any incorporated city, consolidated local government, unified
2 local government, urban-county government, or charter county government,
3 operating under the law of this Commonwealth, and the offices and agencies
4 thereof; and
- 5 (b) "Police officer" has the same meaning as "police officer" in KRS 15.420 and
6 as "officer" in KRS 16.010.
- 7 (2) Subject to the limitations of subsection (7) of this section, a city may employ
8 individuals as police officers under this section who have retired from the Kentucky
9 Employees Retirement System, the County Employees Retirement System, or the
10 State Police Retirement System.
- 11 (3) To be eligible for employment under this section, an individual shall have:
 - 12 (a) Participated in the Law Enforcement Foundation Program fund under KRS
13 15.410 to 15.510 or retired as a commissioned officer pursuant to KRS
14 Chapter 16;
 - 15 (b) Retired with at least fifteen (15)~~twenty (20)~~ years of service credit;
 - 16 (c) Been separated from service for the period required by KRS 61.637 and
17 78.5540 so that the member's retirement is not voided;
 - 18 (d) Retired with no administrative charges pending; and
 - 19 (e) Retired with no preexisting agreement between the individual and the city
20 prior to the individual's retirement for the individual to return to work for the
21 city.
- 22 (4) Individuals employed under this section shall:
 - 23 (a) Serve for a term not to exceed one (1) year. The one (1) year employment
24 term may be renewed annually at the discretion of the employing city;
 - 25 (b) Receive compensation according to the standard procedures applicable to the
26 employing city; and
 - 27 (c) Be employed based upon need as determined by the employing city.

- 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 or the County Employees Retirement System; **and**
7 (b) ~~Individuals employed under this section shall not be eligible to receive health
8 insurance coverage through the employing city;~~
9 (e) The city shall not pay any employer contributions or retiree health expense
10 reimbursements to the Kentucky Retirement Systems required by KRS 61.637
11 for individuals employed under this section; **and**
12 (d) ~~The city shall not pay any insurance contributions to the state health insurance
13 plan, as provided by KRS 18A.225 to 18A.2287, for individuals employed
14 under this section.~~
- 15 (6) Individuals employed under this section shall be subject to any merit system, civil
16 service, or other legislative due process provisions applicable to the employing city.
17 A decision not to renew a one (1) year appointment term under this section shall not
18 be considered a disciplinary action or deprivation subject to due process.
- 19 (7) A city government shall be limited in the number of retired police officers that it
20 may hire under this section as follows:
 - 21 (a) A city government that employed an average of five (5) or fewer police
22 officers over the course of the immediately preceding calendar year shall not
23 be limited in the number of officers that they may hire under this section;
 - 24 (b) A city government that employed an average of more than five (5) but fewer
25 than one hundred (100) police officers over the course of the immediately
26 preceding calendar year shall not hire more than five (5) police officers or a
27 number equal to twenty-five percent (25%) of the police officers employed by

7 (8) Retired police officers employed by a city government for purposes of KRS
8 158.4414 shall not apply against the limitations provided by subsection (7) of this
9 section.

10 ➔ Section 4. KRS 61.702 is amended to read as follows:

11 (1) For purposes of this section:

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

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

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

24 members purchase individual health insurance coverage through a health
25 insurance exchange established under 42 U.S.C. sec. 18031 or 18041;

1 for members who began participating in the system on or after July 1, 2003,
2 the term shall mean the amount determined in subsection (4)(e) of this
3 section; and

4 (c) "Months of service" means the total months of combined service used to
5 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 contract
16 or on a self-insured basis to provide a group hospital and medical
17 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 and
24 medical insurance plans established, contracted, or authorized by
25 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 and for those recipients
7 described in subparagraph 3.b. of this paragraph, the board may
8 authorize these participants to be included in the Kentucky Employees
9 Health Plan as provided by KRS 18A.225 to 18A.2287 and shall provide
10 benefits for recipients in the plan equal to those provided to state
11 employees having the same Medicare hospital and medical insurance
12 eligibility status. Notwithstanding the provisions of any other statute
13 except subparagraph 3.b. of this paragraph, system recipients shall be
14 included in the same class as current state employees for purposes of
15 determining medical insurance policies and premiums in the Kentucky
16 Employees Health Plan as provided by KRS 18A.225 to 18A.2287.
- 17 2. Regardless of age, if a recipient or the spouse or dependent child of a
18 recipient who elects coverage becomes eligible for Medicare, he or she
19 shall participate in the plans offered by the systems for Medicare
20 eligible recipients. Individuals participating in the Medicare eligible
21 plans may be required to obtain and pay for Medicare Part A and Part B
22 coverage, in order to participate in the Medicare eligible plans offered
23 by the system.
- 24 3. The system shall continue to provide the same hospital and medical
25 insurance plan coverage for recipients and qualifying dependents after
26 the age of sixty-five (65) as before the age of sixty-five (65), if:
27 a. The recipient is not eligible for Medicare coverage; or

of all claims for services rendered by the person during the period covered by the payment, except as to any benefits provided by KRS 16.505 to 16.652 or 61.510 to 61.705. No member may elect whether to participate in, or choose the contribution amount to accounts established pursuant to 26 U.S.C. sec. 401(h) within the funds established in KRS 16.510 and 61.515, or the insurance trust fund established under KRS 61.701. The member shall have no option to receive the contribution required by this paragraph directly instead of having the contribution paid to accounts established pursuant to 26 U.S.C. sec. 401(h) within the funds established in KRS 16.510 and 61.515, or the insurance trust fund established under KRS 61.701. No member may receive a rebate or refund of contributions. If a member establishes a membership date prior to September 1, 2008, pursuant to KRS 61.552(2) or (3), then this paragraph shall not apply to the member and all contributions previously deducted in accordance with this paragraph shall be refunded to the member without interest. The contribution made pursuant to this paragraph shall not act as a reduction or offset to any other contribution required of a member or recipient under KRS 16.505 to 16.652 or 61.510 to 61.705.

20 5. The board of trustees, at its discretion, may direct that the contributions
21 required by this paragraph be accounted for within 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, through the use of separate accounts

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

1. The recipient of a retirement allowance, by payroll deduction from his
2 or her retirement allowance, or by other method;
 3. The insurance trust fund established under KRS 61.701 or accounts
4 established pursuant to 26 U.S.C. sec. 401(h) within the funds
5 established in KRS 16.510 and 61.515;
 6. Another state-administered retirement system, including the County
7 Employees Retirement System, under a reciprocal arrangement, except
8 that any portion of the premium paid from the funds specified by
9 subparagraph 2. of this paragraph under a reciprocal agreement shall not
10 exceed the amount that would be payable under this section if all the
11 member's service were in the systems administered by the Kentucky
12 Retirement Systems. If the board provides for cross-referencing of
13 insurance premiums, the employer's contribution for the working
14 member or spouse shall be applied toward the premium, and the
15 insurance trust fund established under KRS 61.701 or accounts
16 established pursuant to 26 U.S.C. sec. 401(h) within the funds
17 established in KRS 16.510 and 61.515 shall pay the balance; or
 18. A combination of the fund sources described by subparagraphs 1. to 3.
19 of this paragraph.

Group rates under the hospital and medical insurance plan shall be made available to the spouse, each dependent child, and each disabled child, regardless of the disabled child's age, of a recipient who is a former member or the beneficiary, if the premium for the hospital and medical insurance for the spouse, each dependent child, and each disabled child, or beneficiary is paid by payroll deduction from the retirement allowance, electronic funds transfer, or by another method. For purposes of this subsection only, a child shall be considered disabled if he or she has been determined to be eligible for

1 federal Social Security disability benefits or meets the dependent disability
2 standard established by the Department of Employee Insurance in the
3 Personnel Cabinet.

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

- 8 1. One hundred percent (100%) of the monthly premium for single
9 coverage shall be paid for a retired member who had two hundred forty
10 (240) months of service or more upon retirement or for a retired member
11 who when he or she was an employee became disabled as a direct result
12 of an act in line of duty as defined in KRS 16.505 or as a result of a
13 duty-related injury as defined in KRS 61.621;
- 14 2. Seventy-five percent (75%) of the monthly premium for single coverage
15 shall be paid for a retired member who had less than two hundred forty
16 (240) months of service but at least one hundred eighty (180) months of
17 service upon retirement, provided such retired member agrees to pay the
18 remaining twenty-five percent (25%) by payroll deduction from his or
19 her retirement allowance, electronic funds transfer, or by another
20 method;
- 21 3. Fifty percent (50%) of the monthly premium for single coverage shall be
22 paid for a retired member who had less than one hundred eighty (180)
23 months of service but had at least one hundred twenty (120) months of
24 service upon retirement, provided such retired member agrees to pay the
25 remaining fifty percent (50%) by payroll deduction from his or her
26 retirement allowance, electronic funds transfer, or by another method; or
- 27 4. Twenty-five percent (25%) of the monthly premium for single coverage

1 shall be paid for a retired member who had less than one hundred twenty
2 (120) months of service but had at least forty-eight (48) months of
3 service upon retirement, provided such retired member agrees to pay the
4 remaining seventy-five percent (75%) by payroll deduction from his or
5 her retirement allowance, electronic funds transfer, or by another
6 method.

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

- 9 1. Dies as a direct result of an act in line of duty as defined in KRS 16.505
10 or dies as a result of a duty-related injury as defined in KRS 61.621, the
11 monthly premium shall be paid for his or her spouse so long as the
12 spouse remains eligible for a monthly retirement benefit;
- 13 2. Becomes totally and permanently disabled as defined in KRS 16.582 as
14 a direct result of an act in line of duty as defined in KRS 16.505 or
15 becomes disabled as a result of a duty-related injury as defined in KRS
16 61.621 and is eligible for the benefits provided by KRS 61.621(5)(a), the
17 monthly premium shall be paid for his or her spouse so long as the
18 member and the spouse individually remain eligible for a monthly
19 retirement benefit; and
- 20 3. Dies as a direct result of an act in line of duty as defined in KRS 16.505,
21 dies as a result of a duty-related injury as defined in KRS 61.621,
22 becomes totally and permanently disabled as defined in KRS 16.582 as a
23 direct result of an act in line of duty as defined in KRS 16.505, or
24 becomes disabled as a result of a duty-related injury as defined in KRS
25 61.621 and is eligible for the benefits provided by KRS 61.621(5)(a), the
26 monthly premium shall be paid for each dependent child as defined in
27 KRS 16.505, so long as the member remains eligible for a monthly

- 3 (d) 1. For a member who began participating in the system prior to July 1,
4 2003, who was determined to be in a hazardous position in the Kentucky
5 Employees Retirement System or in a position in the State Police
6 Retirement System, or who is receiving a retirement allowance based on
7 General Assembly service, the funds specified under paragraph (a)2. of
8 this subsection shall also pay a percentage of the monthly contribution
9 rate sufficient to fund the premium costs for hospital and medical
10 insurance coverage for the spouse and for each dependent child of a
11 recipient.

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

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 16.543(1) or 61.543(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, a monthly
7 insurance contribution of ten dollars (\$10) for each year of service
8 as a participating employee in a nonhazardous position;
 - 9 b. For members with service in a hazardous position or who
10 participate in the State Police Retirement System, a monthly
11 insurance contribution of fifteen dollars (\$15) for each year of
12 service as a participating employee in a hazardous position or the
13 State Police Retirement System; and
 - 14 c. Upon the death of the retired member, the beneficiary, if the
15 beneficiary is the member's spouse, shall be entitled to a monthly
16 insurance contribution of ten dollars (\$10) for each year of service
17 the member attained as a participating employee in a hazardous
18 position.
 - 19 3. The minimum service requirement to participate in benefits as provided
20 by subparagraph 1. of this paragraph shall be waived for a member who
21 receives a satisfactory determination of a hazardous disability that is a
22 direct result of an act in line of duty as defined in KRS 16.505, and the
23 member shall be entitled to the benefits payable under this subsection as
24 though the member had twenty (20) years of service in a hazardous
25 position.
 - 26 4. The minimum service required to participate in benefits as provided by
27 subparagraph 1. of this paragraph shall be waived for a member who is

disabled as a result of a duty-related injury as defined in KRS 61.621 and is eligible for the benefits provided by KRS 61.621(5)(b), and the member shall be entitled to the benefits payable under this subsection as though the member had twenty (20) years of service in a nonhazardous position.

6. Notwithstanding the provisions of this paragraph, the minimum service
7 requirement to participate in benefits as provided by subparagraph 1. of
8 this paragraph shall be waived for a for a member who dies as a direct
9 result of an act in line of duty as defined in KRS 16.505, who becomes
10 totally and permanently disabled as defined in KRS 16.582 as a direct
11 result of an act in line of duty as defined in KRS 16.505, who dies as a
12 result of a duty-related injury as defined in KRS 61.621, or who
13 becomes disabled as a result of a duty-related injury as defined in KRS
14 61.621 and is eligible for the benefits provided by KRS 61.621(5)(a),
15 and the premium for the member, the member's spouse, and for each
16 dependent child as defined in KRS 16.505 shall be paid in full by the
17 systems so long as the member, member's spouse, or dependent child
18 individually remains eligible for a monthly retirement benefit.

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

21. a. On July 1 of each year by one and one-half percent (1.5%). The
22 increase shall be cumulative and shall continue to accrue after the
23 member's retirement for as long as a monthly insurance
24 contribution is payable to the retired member or beneficiary but
25 shall not apply to any increase in the contribution attributable to
26 the increase specified by subdivision b. of this subparagraph; and
27 b. On January 1 of each year by five dollars (\$5) for members who

- 1 have accrued an additional full year of service as a participating
2 employee beyond the career threshold, subject to the following
3 restrictions:
- 4 i. The additional insurance contribution provided by this
5 subdivision shall only be applied to the monthly contribution
6 amounts provided under subparagraph 2.a. and b. of this
7 paragraph;
- 8 ii. The additional insurance contribution provided by this
9 subdivision shall only be payable towards the health plans
10 offered by the system to retirees who are not eligible for
11 Medicare or for reimbursements provided to retirees not
12 eligible for Medicare pursuant to subsection (6)(a)2. of this
13 section; and
- 14 iii. In order for the annual increase to occur as provided by this
15 subdivision, the funding level of retiree health benefits for
16 the system in which the employee is receiving the additional
17 insurance contribution shall be at least ninety percent (90%)
18 as of the most recent actuarial valuation and be projected by
19 the actuary to remain ninety percent (90%) for the year in
20 which the increase is provided.
- 21 7. The benefits of this paragraph provided to a member whose participation
22 begins on or after July 1, 2003, shall not be considered as benefits
23 protected by the inviolable contract provisions of KRS 16.652 or
24 61.692. The General Assembly reserves the right to suspend or reduce
25 the benefits conferred in this paragraph if in its judgment the welfare of
26 the Commonwealth so demands.
- 27 8. An employee whose membership date is on or after September 1, 2008,

1 who retires and is reemployed in a regular full-time position required to
2 participate in the system or the County Employees Retirement System
3 shall not be eligible for health insurance coverage or benefits provided
4 by this section and shall take coverage with his or her employing agency
5 during the period of reemployment in a regular full-time position.

7 a. "Career threshold" for a member with service in a nonhazardous
8 position means twenty-seven (27) years of service credited under
9 KRS 16.543(1), 61.543(1), 78.615(1), or another state-
10 administered retirement system and for a member with service in a
11 hazardous position means the service requirements specified by
12 KRS 16.577(2) or (3) or 16.583(6)(b), as applicable; and

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 Kentucky Retirement Systems from funds
7 specified under paragraph (a)2. of this subsection shall not be more than
8 one hundred percent (100%) of the monthly contribution adopted by the
9 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 for an
11 amount not to exceed the total monthly contribution rate determined under
12 subsection (4) of this section.
- 13 (c) For purposes of recipients described by paragraph (a)1. of this subsection, the
14 plan shall not be made available if all recipients are eligible for the same
15 coverage as recipients living in Kentucky.

16 ➔Section 5. KRS 78.5536 is amended to read as follows:

- 17 (1) For purposes of this section:
- 18 (a) "Hospital and medical insurance plan" may include, at the board's discretion,
19 any one (1) or more of the following:
- 20 1. Any hospital and medical expense policy or certificate, provider-
21 sponsored integrated health delivery network, self-insured medical plan,
22 health maintenance organization contract, or other health benefit plan;
- 23 2. Any health savings account as permitted by 26 U.S.C. sec. 223 or health
24 reimbursement arrangement or a similar account as may be permitted by
25 26 U.S.C. sec. 105 or 106. Such arrangement or account, at the board's
26 discretion, may reimburse any medical expense permissible under 26
27 U.S.C. sec. 213; or

- 1 3. A medical insurance reimbursement program established by the board
2 through the promulgation of administrative regulation under which
3 members purchase individual health insurance coverage through a health
4 insurance exchange established under 42 U.S.C. sec. 18031 or 18041;
- 5 (b) "Monthly contribution rate" shall be the amount determined by the board
6 based upon the requirements of subsection (4)(a) to (d) of this section, except
7 that for members who began participating in the system on or after July 1,
8 2003, the term shall mean the amount determined in subsection (4)(e) of this
9 section; and
- 10 (c) "Months of service" shall mean the total months of combined service used to
11 determine benefits under the system, except service added to determine
12 disability benefits or service otherwise prohibited from being used to
13 determine retiree health benefits under KRS 78.510 to 78.852 shall not be
14 counted as "months of service."
- 15 (2) (a) 1. The board of trustees of the system shall arrange by appropriate contract
16 or on a self-insured basis to provide a group hospital and medical
17 insurance plan coverage for:
18 a. Present and future recipients of a retirement allowance from the
19 County Employees Retirement System; and
20 b. The spouse and each qualified dependent of a recipient who is a
21 former member or the beneficiary, provided the spouse and
22 dependent meet the requirements to participate in the hospital and
23 medical insurance plans established, contracted, or authorized by
24 the system.
25 2. Any recipient who chooses coverage under a hospital and medical
26 insurance plan shall pay, by payroll deduction from the retirement
27 allowance, electronic funds transfer, or by another method, the

1 difference between the premium cost of the hospital and medical
2 insurance plan coverage selected and the monthly contribution rate to
3 which he or she would be entitled under this section.

- 4 (b) 1. For present and future recipients of a retirement allowance from the
5 system who are not eligible for Medicare and for those recipients
6 described in subparagraph 3.b. of this paragraph, the board may
7 authorize these participants to be included in the Kentucky Employees
8 Health 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 except subparagraph 3.b. of this paragraph, system recipients shall be
13 included in the same class as current state employees for purposes of
14 determining medical insurance policies and premiums in the Kentucky
15 Employees Health Plan as provided by 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 B
21 coverage in order to participate in the Medicare eligible plans offered by
22 the system.

23 3. The system shall continue to provide the same hospital and medical
24 insurance plan coverage for recipients and qualifying dependents after
25 the age of sixty-five (65) as before the age of sixty-five (65), if:
26 a. The recipient is not eligible for Medicare coverage; or
27 b. The recipient would otherwise be eligible for Medicare coverage

1 but is subject to the Medicare Secondary Payer Act under 42
2 U.S.C. sec. 1395y(b) and has been reemployed by a participating
3 agency which offers the recipient a hospital and medical insurance
4 benefit or by a participating agency which is prevented from
5 offering a hospital and medical benefit to the recipient as a
6 condition of reemployment under KRS[70.293, 95.022, or]
7 164.952. Individuals who are eligible, pursuant to this subdivision,
8 to be included in the Kentucky Employees Health Plan as provided
9 by KRS 18A.225 to 18A.2287 may be rated as a separate class
10 from other eligible employees and retirees for the purpose of
11 determining medical insurance premiums.

from the creditable compensation of each member whose membership date begins on or after July 1, 2003, and who is subject to the benefits provided under subsection (4)(e) of this section, an amount equal to one percent (1%) of the member's creditable compensation if the member is participating in a nonhazardous position and two percent (2%) of the member's creditable compensation if the member is participating in a hazardous position. The deducted amounts shall, at the discretion of the board, be credited to accounts established pursuant to 26 U.S.C. sec. 401(h), within the funds established in KRS 78.520, or the insurance trust fund established under KRS 61.701. Notwithstanding the provisions of this paragraph, a transfer of assets between the accounts established pursuant to 26 U.S.C. sec. 401(h), within the funds established in KRS 78.520, and the insurance trust fund established under KRS 61.701 shall not be allowed.

- 15 2. The employer shall file the contributions as provided by subparagraph 1.
16 of this paragraph at the retirement office in accordance with KRS
17 78.625. Any interest or penalties paid on any delinquent contributions
18 shall be credited to accounts established pursuant to 26 U.S.C. sec.
19 401(h), within the funds established in KRS 78.520, or the insurance
20 trust fund established under KRS 61.701. Notwithstanding any
21 minimum compensation requirements provided by law, the deductions
22 provided by this paragraph shall be made, and the compensation of the
23 member shall be reduced accordingly.

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

27 4. Every member shall be deemed to consent and agree to the deductions

1 made pursuant to this paragraph, and the payment of salary or
2 compensation less the deductions shall be a full and complete discharge
3 of all claims for services rendered by the person during the period
4 covered by the payment, except as to any benefits provided by KRS
5 78.510 to 78.852. No member may elect whether to participate in, or
6 choose the contribution amount to accounts established pursuant to 26
7 U.S.C. sec. 401(h) within the funds established in KRS 78.520, or the
8 insurance trust fund established under KRS 61.701. The member shall
9 have no option to receive the contribution required by this paragraph
10 directly instead of having the contribution paid to accounts established
11 pursuant to 26 U.S.C. sec. 401(h) within the funds established in KRS
12 78.520, or the insurance trust fund established under KRS 61.701. No
13 member may receive a rebate or refund of contributions. If a member
14 establishes a membership date prior to July 1, 2003, pursuant to KRS
15 61.552(2) or (3) or who is subject to the benefits provided under
16 subsection (4)(b) or (d) of this section, then this paragraph shall not
17 apply to the member and all contributions previously deducted in
18 accordance with this paragraph shall be refunded to the member without
19 interest. The contribution made pursuant to this paragraph shall not act
20 as a reduction or offset to any other contribution required of a member
21 or recipient under KRS 78.510 to 78.852.

22 5. The board of trustees, at its discretion, may direct that the contributions
23 required by this paragraph be accounted for within accounts established
24 pursuant to 26 U.S.C. sec. 401(h) within the funds established in KRS
25 78.520, or the insurance trust fund established under KRS 61.701,
26 through the use of separate accounts.

27 (4) (a) The premium required to provide hospital and medical insurance plan

1 coverage under this section shall be paid wholly or partly from funds
2 contributed by:

- 3 1. The recipient of a retirement allowance, by payroll deduction from his
4 or her retirement allowance, electronic funds transfer, or by other
5 method;
- 6 2. The insurance trust fund established by KRS 61.701 or accounts
7 established pursuant to 26 U.S.C. sec. 401(h) within the funds
8 established in KRS 78.520;
- 9 3. Another state-administered retirement system, including the systems
10 administered by Kentucky Retirement Systems, under a reciprocal
11 arrangement, except that any portion of the premium paid from the
12 funds specified by subparagraph 2. of this paragraph under a reciprocal
13 agreement shall not exceed the amount that would be payable under this
14 section if all the member's service were in the County Employees
15 Retirement System. If the board provides for cross-referencing of
16 insurance premiums, the employer's contribution for the working
17 member or spouse shall be applied toward the premium, and the
18 insurance trust fund established under KRS 61.701 or accounts
19 established pursuant to 26 U.S.C. sec. 401(h) within the funds
20 established in KRS 78.520, shall pay the balance; or
- 21 4. A combination of the fund sources described by subparagraphs 1. to 3.
22 of this paragraph.

23 Group rates under the hospital and medical insurance plan shall be made
24 available to the spouse, each dependent child, and each disabled child,
25 regardless of the disabled child's age, of a recipient who is a former member
26 or the beneficiary, if the premium for the hospital and medical insurance for
27 the spouse, each dependent child, and each disabled child, or beneficiary is

1 paid by payroll deduction from the retirement allowance, electronic funds
2 transfer, or by another method. For purposes of this subsection only, a child
3 shall be considered disabled if he or she has been determined to be eligible for
4 federal Social Security disability benefits or meets the dependent disability
5 standard established by the Department of Employee Insurance in the
6 Personnel Cabinet.

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

11 1. One hundred percent (100%) of the monthly premium for single
12 coverage shall be paid for a retired member who had two hundred forty
13 (240) months of service or more upon retirement or for a retired member
14 who when he or she was an employee was disabled as a direct result of
15 an act in line of duty as defined in KRS 78.510(48) or as a result of a
16 duty-related injury as defined in KRS 61.621;

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

24 3. Fifty percent (50%) of the monthly premium for single coverage shall be
25 paid for a retired member who had less than one hundred eighty (180)
26 months of service but had at least one hundred twenty (120) months of
27 service upon retirement, provided such retired member agrees to pay the

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

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

23 3. Dies as a direct result of an act in line of duty as defined in KRS 78.510,
24 dies as a result of a duty-related injury as defined in KRS 61.621,
25 becomes totally and permanently disabled as defined in KRS 78.5524 as
26 a direct result of an act in line of duty as defined in KRS 78.510, or
27 becomes disabled as a result of a duty-related injury as defined in KRS

1 61.621 and is eligible for the benefits provided by KRS 61.621(5)(a), the
2 monthly premium shall be paid for each dependent child as defined in
3 KRS 78.510, so long as the member remains eligible for a monthly
4 retirement benefit, unless deceased, and each dependent child
5 individually remains eligible under KRS 78.510.

- 6 (d) 1. For a member who began participating in the system prior to July 1,
7 2003, who was determined to be in a hazardous position in the County
8 Employees Retirement System, or who is receiving a retirement
9 allowance based on General Assembly service, the funds specified under
10 paragraph (a)2. of this subsection shall also pay a percentage of the
11 monthly contribution rate sufficient to fund the premium costs for
12 hospital and medical insurance coverage for the spouse and for each
13 dependent child of a recipient.
- 14 2. The percentage of the monthly contribution rate paid for the spouse and
15 each dependent child of a recipient who was in a hazardous position or
16 who is receiving a retirement allowance based on General Assembly
17 service in accordance with subparagraph 1. of this paragraph shall be
18 based solely on the member's service in a hazardous position using the
19 formula in paragraph (b) of this subsection, except that for any recipient
20 of a retirement allowance from the County Employees Retirement
21 System who was contributing to the system on January 1, 1998, for
22 service in a hazardous position, the percentage of the monthly
23 contribution shall be based on the total of hazardous service and any
24 nonhazardous service as a police or firefighter with the same agency, if
25 that agency was participating in the County Employees Retirement
26 System but did not offer hazardous duty coverage for its police and
27 firefighters at the time of initial participation.

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

2 1. Participation in the insurance benefits provided under this section shall
3 not be allowed until the member has earned at least one hundred twenty
4 (120) months of service in the state-administered retirement systems,
5 except that for members who begin participating in the system on or
6 after September 1, 2008, participation in the insurance benefits provided
7 under this section shall not be allowed until the member has earned at
8 least one hundred eighty (180) months of service credited under KRS
9 78.615(1) or another state-administered retirement system;

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

16 a. For members with service in a nonhazardous position who do not
17 meet the career threshold, a monthly insurance contribution of ten
18 dollars (\$10) for each year of service as a participating employee
19 in a nonhazardous position;

20 b. For members with service in a nonhazardous position who meet
21 the career threshold, a monthly insurance contribution towards the
22 health plans offered to retirees who are not eligible for Medicare
23 of forty dollars (\$40) for each year of service as a participating
24 employee in a nonhazardous position and a monthly insurance
25 contribution towards the health plans offered to retirees who are
26 eligible for Medicare of ten dollars (\$10) for each year of service
27 as a participating employee in a nonhazardous position. The

monthly insurance contribution payable to retirees eligible for Medicare under this subdivision shall be adjusted as necessary so that it is equivalent to the monthly contribution amount computed under subdivision a. of this subparagraph as adjusted by subparagraph 6.a. of this paragraph;

- c. For members with service in a hazardous position who do not meet the career threshold, a monthly insurance contribution of fifteen dollars (\$15) for each year of service as a participating employee in a hazardous position;
 - d. For members with service in a hazardous position who meet the career threshold, a monthly insurance contribution towards the health plans offered to retirees who are not eligible for Medicare of fifty dollars (\$50) for each year of service as a participating employee in a hazardous position and a monthly insurance contribution towards the health plans offered to retirees who are eligible for Medicare of fifteen dollars (\$15) for each year of service as a participating employee in a hazardous position. The monthly insurance contribution payable to retirees eligible for Medicare under this subdivision shall be adjusted as necessary so that it is equivalent to the monthly contribution amount computed under subdivision c. of this subparagraph as adjusted by subparagraph 6.a. of this paragraph; and
 - e. Upon the death of the retired member, the beneficiary, if the beneficiary is the member's spouse, shall be entitled to a monthly insurance contribution of ten dollars (\$10) for each year of service the member attained as a participating employee in a hazardous position;

- 1 3. The minimum service requirement to participate in benefits as provided
- 2 by subparagraph 1. of this paragraph shall be waived for a member who
- 3 receives a satisfactory determination of a hazardous disability that is a
- 4 direct result of an act in line of duty as defined in KRS 78.510(48) and
- 5 the member shall be entitled to the benefits payable under this
- 6 subsection as though the member had twenty (20) years of service in a
- 7 hazardous position;
- 8 4. The minimum service required to participate in benefits as provided by
- 9 subparagraph 1. of this paragraph shall be waived for a member who is
- 10 disabled as a result of a duty-related injury as defined in KRS 61.621
- 11 and is eligible for the benefits provided by KRS 61.621(5)(b), and the
- 12 member shall be entitled to the benefits payable under this subsection as
- 13 though the member had twenty (20) years of service in a nonhazardous
- 14 position;
- 15 5. Notwithstanding the provisions of this paragraph, the minimum service
- 16 requirement to participate in benefits as provided by subparagraph 1. of
- 17 this paragraph shall be waived for a member who dies as a direct result
- 18 of an act in line of duty as defined in KRS 78.510(48), who becomes
- 19 totally and permanently disabled as defined in KRS 78.5524 as a direct
- 20 result of an act in line of duty as defined in KRS 78.510, who dies as a
- 21 result of a duty-related injury as defined in KRS 61.621, or who
- 22 becomes disabled as a result of a duty-related injury as defined in KRS
- 23 61.621 and is eligible for the benefits provided by KRS 61.621(5)(a),
- 24 and the premium for the member, the member's spouse, and for each
- 25 dependent child as defined in KRS 78.510 shall be paid in full by the
- 26 systems so long as the member, member's spouse, or dependent child
- 27 individually remains eligible for a monthly retirement benefit;

- 1 6. Except as provided by subparagraph 5. of this paragraph, the monthly
2 insurance contribution amount shall be increased:
3 a. On July 1 of each year by one and one-half percent (1.5%). The
4 increase shall be cumulative and shall continue to accrue after the
5 member's retirement for as long as a monthly insurance
6 contribution is payable to the retired member or beneficiary but
7 shall not apply to any increase in the contribution attributable to
8 the increase specified by subdivision b. of this subparagraph; and
9 b. On January 1 of each year by five dollars (\$5) for members who
10 have accrued an additional full year of service as a participating
11 employee beyond the career threshold, subject to the following
12 restrictions:
13 i. The additional insurance contribution provided by this
14 subdivision shall only be applied to the monthly contribution
15 amounts provided under subparagraph 2.b. and d. of this
16 paragraph;
17 ii. The additional insurance contribution provided by this
18 subdivision shall only be payable towards the health plans
19 offered by the system to retirees who are not eligible for
20 Medicare or for reimbursements provided to retirees not
21 eligible for Medicare pursuant to subsection (6)(a)2. of this
22 section; and
23 iii. In order for the annual increase to occur as provided by this
24 subdivision, the funding level of retiree health benefits for
25 the system in which the employee is receiving the additional
26 insurance contribution shall be at least ninety percent (90%)
27 as of the most recent actuarial valuation and be projected by

the actuary to remain ninety percent (90%) for the year in which the increase is provided;

7. The benefits of this paragraph provided to a member whose participation begins on or after July 1, 2003, shall not be considered as benefits protected by the inviolable contract provisions of KRS 78.852. The General Assembly reserves the right to suspend or reduce the benefits conferred in this paragraph if in its judgment the welfare of the Commonwealth so demands;
 8. An employee whose membership date is on or after September 1, 2008, who retires and is reemployed in a regular full-time position required to participate in the system or the Kentucky Retirement Systems shall not be eligible for health insurance coverage or benefits provided by this section and shall take coverage with his or her employing agency during the period of reemployment in a regular full-time position; and
 9. For purposes of this paragraph:
 - a. "Career threshold" for a member with service in a nonhazardous position means twenty-seven (27) years of service credited under KRS 16.543(1), 61.543(1), 78.615(1), or another state-administered retirement system and for a member with service in a hazardous position means the service requirements specified by KRS 78.5514(2)(a)2. or (3)(b), or 78.5516(6)(b), as applicable; and
 - b. "Funding level" means the actuarial value of assets divided by the actuarially accrued liability expressed as a percentage that is determined and reported by the system's actuary in the annual actuarial valuation.

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

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

- 5 (6) (a) The board shall promulgate an administrative regulation to establish a medical
6 insurance reimbursement plan to provide reimbursement for hospital and
7 medical insurance plan premiums of recipients of a retirement allowance who:
- 8 1. Are not eligible for the same level of hospital and medical benefits as
9 recipients living in Kentucky and having the same Medicare hospital
10 and medical insurance eligibility status; or
- 11 2. Are eligible for retiree health subsidies as provided by subsection (4)(e)
12 of this section, except for those recipients eligible for full premium
13 subsidies under subsection (4)(e)5. of this section. The reimbursement
14 program as provided by this subparagraph shall be available to the
15 recipient regardless of the hospital and medical insurance plans offered
16 by the systems.
- 17 (b) An eligible recipient shall file proof of payment for hospital and medical
18 insurance plan coverage with the retirement office. Reimbursement to eligible
19 recipients shall be made on a quarterly basis. The recipient shall be eligible
20 for reimbursement of substantiated medical insurance premiums paid by the
21 recipient to obtain coverage for an amount not to exceed the total monthly
22 contribution rate determined under subsection (4) of this section. For
23 reimbursements provided under paragraph (a)2. of this subsection, the full
24 subsidy under subsection (4)(e)2. of this section shall be reimbursed by the
25 system to the recipient up to the amount individually paid by the recipient to
26 obtain coverage. In the case of recipients of a retirement allowance from a
27 nonhazardous position, the reimbursement shall be limited to the amount paid

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