

1 AN ACT relating to retiree health provisions of the Kentucky Retirement Systems.

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

3 ➔Section 1. KRS 61.702 is amended to read as follows:

4 (1) For purposes of this section:

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

7 1. Any hospital and medical expense policy or certificate, provider-
8 sponsored integrated health delivery network, self-insured medical plan,
9 health maintenance organization contract, or other health benefit plan;
10 2. Any health savings account as permitted by 26 U.S.C. sec. 223 or health
11 reimbursement arrangement or a similar account as may be permitted by
12 26 U.S.C. sec. 105 or 106. Such arrangement or account, at the board's
13 discretion, may reimburse any medical expense permissible under 26
14 U.S.C. sec. 213; or

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

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

24 (c) "Months of service" means the total months of combined service used to
25 determine benefits under the system, except service added to determine
26 disability benefits or service otherwise prohibited from being used to
27 determine retiree health benefits under KRS 16.505 to 16.652 or 61.510 to

1 61.705 shall not be counted as "months of service." For current and former
2 employees of the Council on Postsecondary Education who were employed
3 prior to January 1, 1993, and who earn at least fifteen (15) years of service
4 credit in the Kentucky Employees Retirement System, "months of service"
5 shall also include vested service in another retirement system other than the
6 Kentucky Teachers' Retirement System sponsored by the Council on
7 Postsecondary Education.

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

11 a. Present and future recipients of a retirement allowance from the
12 Kentucky Employees Retirement System and the State Police
13 Retirement System; and

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

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

25 (b) 1. For present and future recipients of a retirement allowance from the
26 system who are not eligible for Medicare and for those recipients
27 described in subparagraph 3.b. of this paragraph, the board may

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

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

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

20 a. The recipient is not eligible for Medicare coverage; or
21 b. The recipient would otherwise be eligible for Medicare coverage
22 but is subject to the Medicare Secondary Payer Act under 42
23 U.S.C. sec. 1395y(b) and has been reemployed by a participating
24 agency which offers the recipient a hospital and medical insurance
25 benefit or by a participating agency which is prevented from
26 offering a hospital and medical benefit to the recipient as a
27 condition of reemployment under KRS 70.293, 95.022, or

164.952. Individuals who are eligible, pursuant to this subdivision,
2 to be included in the Kentucky Employees Health Plan as provided
3 by KRS 18A.225 to 18A.2287 may be rated as a separate class
4 from other eligible employees and retirees for the purpose of
5 determining medical insurance premiums.

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

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

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

(b) 1. Each employer described in paragraph (a) of this subsection shall deduct from the creditable compensation of each member participating in a:

a. Nonhazardous position whose membership date begins on or after September 1, 2008, 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; and

b. Hazardous position as provided in KRS 61.592 or in a position

participating in the State Police Retirement System, 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 two percent (2%) of the member's creditable compensation.

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 16.510 and 61.515, 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 16.510 and 61.515, and the insurance trust fund established under KRS 61.701 shall not be allowed.

2. The employer shall file the contributions as provided by subparagraph 1. of this paragraph at the retirement office in accordance with KRS 61.675. Any interest or penalties paid on any delinquent contributions shall be credited 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. Notwithstanding any minimum compensation requirements provided by law, the deductions provided by this paragraph shall be made, and the compensation of the member shall be reduced accordingly.
3. Each employer shall submit payroll reports, contributions lists, and other data as may be required by administrative regulation promulgated by the board of trustees pursuant to KRS Chapter 13A.
4. Every member shall be deemed to consent and agree to the deductions made pursuant to this paragraph, and the payment of salary or

1 compensation less the deductions shall be a full and complete discharge
2 of all claims for services rendered by the person during the period
3 covered by the payment, except as to any benefits provided by KRS
4 16.505 to 16.652 or 61.510 to 61.705. No member may elect whether to
5 participate in, or choose the contribution amount to accounts established
6 pursuant to 26 U.S.C. sec. 401(h) within the funds established in KRS
7 16.510 and 61.515, or the insurance trust fund established under KRS
8 61.701. The member shall have no option to receive the contribution
9 required by this paragraph directly instead of having the contribution
10 paid to accounts established pursuant to 26 U.S.C. sec. 401(h) within the
11 funds established in KRS 16.510 and 61.515, or the insurance trust fund
12 established under KRS 61.701. No member may receive a rebate or
13 refund of contributions.

14 **5.** If a member establishes a membership date prior to:

15 **a.** September 1, 2008, pursuant to KRS 61.552(2) or (3), then this
16 paragraph shall not apply to the member for purposes of the
17 contribution payable for participation in a nonhazardous
18 position as provided in subparagraph 1.a. of this paragraph; or

19 **b.** July 1, 2003, pursuant to KRS 61.552(2) or (3), or who is subject
20 to the benefits provided under subsection (4)(b) or (d) of this
21 section, then this paragraph shall not apply to the member;

22 and all contributions previously deducted in accordance with this
23 paragraph shall be refunded to the member without interest.

24 **6.** The contribution made pursuant to this paragraph shall not act as a
25 reduction or offset to any other contribution required of a member or
26 recipient under KRS 16.505 to 16.652 or 61.510 to 61.705.

27 **7.** [5.] The board of trustees, at its discretion, may direct that the contributions

1 required by this paragraph be accounted for within accounts established
2 pursuant to 26 U.S.C. sec. 401(h) within the funds established in KRS
3 16.510 and 61.515, or the insurance trust fund established under KRS
4 61.701, through the use of separate accounts.

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

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

27 Group rates under the hospital and medical insurance plan shall be made

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

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

15 1. One hundred percent (100%) of the monthly premium for single
16 coverage shall be paid for a retired member who had two hundred forty
17 (240) months of service or more upon retirement or for a retired member
18 who when he or she was an employee became disabled as a direct result
19 of an act in line of duty as defined in KRS 16.505 or as a result of a
20 duty-related injury as defined in KRS 61.621;

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

- 1 3. Fifty percent (50%) of the monthly premium for single coverage shall be
2 paid for a retired member who had less than one hundred eighty (180)
3 months of service but had at least one hundred twenty (120) months of
4 service upon retirement, provided such retired member agrees to pay the
5 remaining fifty percent (50%) by payroll deduction from his or her
6 retirement allowance, electronic funds transfer, or by another method; or
7 4. Twenty-five percent (25%) of the monthly premium for single coverage
8 shall be paid for a retired member who had less than one hundred twenty
9 (120) months of service but had at least forty-eight (48) months of
10 service upon retirement, provided such retired member agrees to pay the
11 remaining seventy-five percent (75%) by payroll deduction from his or
12 her retirement allowance, electronic funds transfer, or by another
13 method.
- 14 (c) Notwithstanding paragraph (b) of this subsection, for a member participating
15 in the system prior to July 1, 2003, who:
 - 16 1. Dies as a direct result of an act in line of duty as defined in KRS 16.505
17 or dies as a result of a duty-related injury as defined in KRS 61.621, the
18 monthly premium shall be paid for his or her spouse so long as the
19 spouse remains eligible for a monthly retirement benefit;
 - 20 2. Becomes totally and permanently disabled as defined in KRS 16.582 as
21 a direct result of an act in line of duty as defined in KRS 16.505 or
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), the
24 monthly premium shall be paid for his or her spouse so long as the
25 member and the spouse individually remain eligible for a monthly
26 retirement benefit; and
 - 27 3. Dies as a direct result of an act in line of duty as defined in KRS 16.505,

1 dies as a result of a duty-related injury as defined in KRS 61.621,
2 becomes totally and permanently disabled as defined in KRS 16.582 as a
3 direct result of an act in line of duty as defined in KRS 16.505, or
4 becomes disabled as a result of a duty-related injury as defined in KRS
5 61.621 and is eligible for the benefits provided by KRS 61.621(5)(a), the
6 monthly premium shall be paid for each dependent child as defined in
7 KRS 16.505, so long as the member remains eligible for a monthly
8 retirement benefit, unless deceased, and each dependent child
9 individually remains eligible under KRS 16.505.

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

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

25 (e) For members who begin participating in the system on or after July 1, 2003:
26 1. Participation in the insurance benefits provided under this section shall
27 not be allowed until the member has earned at least one hundred twenty

1 (120) months of service in the state-administered retirement systems,
2 except that for members who begin participating in the system on or
3 after September 1, 2008, participation in the insurance benefits provided
4 under this section shall not be allowed until the member has earned at
5 least one hundred eighty (180) months of service credited under KRS
6 16.543(1) or 61.543(1), or another state-administered retirement system.

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

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

16 b. For members with service in a hazardous position who do not
17 meet the career threshold or with service[who participate] in the
18 State Police Retirement System who do not meet the career
19 threshold, a monthly insurance contribution of fifteen dollars
20 (\$15) for each year of service as a participating employee in a
21 hazardous position or the State Police Retirement System;[and]

22 c. For members with service in a hazardous position who meet the
23 career threshold or with service in the State Police Retirement
24 System who meet the career threshold, a monthly insurance
25 contribution towards the health plans offered to retirees who are
26 not eligible for Medicare of fifty dollars (\$50) for each year of
27 service as a participating employee in a hazardous position or

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

16 3. The minimum service requirement to participate in benefits as provided
17 by subparagraph 1. of this paragraph shall be waived for a member who
18 receives a satisfactory determination of a hazardous disability that is a
19 direct result of an act in line of duty as defined in KRS 16.505, 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 hazardous
22 position.

23 4. The minimum service required to participate in benefits as provided by
24 subparagraph 1. of this paragraph shall be waived for a member who is
25 disabled as a result of a duty-related injury as defined in KRS 61.621
26 and is eligible for the benefits provided by KRS 61.621(5)(b), and the
27 member shall be entitled to the benefits payable under this subsection as

1 though the member had twenty (20) years of service in a nonhazardous
2 position.

- 3 5. Notwithstanding the provisions of this paragraph, the minimum service
4 requirement to participate in benefits as provided by subparagraph 1. of
5 this paragraph shall be waived for a for a member who dies as a direct
6 result of an act in line of duty as defined in KRS 16.505, who becomes
7 totally and permanently disabled as defined in KRS 16.582 as a direct
8 result of an act in line of duty as defined in KRS 16.505, who dies as a
9 result of a duty-related injury as defined in KRS 61.621, or who
10 becomes disabled as a result of a duty-related injury as defined in KRS
11 61.621 and is eligible for the benefits provided by KRS 61.621(5)(a),
12 and the premium for the member, the member's spouse, and for each
13 dependent child as defined in KRS 16.505 shall be paid in full by the
14 systems so long as the member, member's spouse, or dependent child
15 individually remains eligible for a monthly retirement benefit.
- 16 6. Except as provided by subparagraph 5. of this paragraph, the monthly
17 insurance contribution amount shall be increased:
 - 18 a. On July 1 of each year by one and one-half percent (1.5%). The
19 increase shall be cumulative and shall continue to accrue after the
20 member's retirement for as long as a monthly insurance
21 contribution is payable to the retired member or beneficiary but
22 shall not apply to any increase in the contribution attributable to
23 the increase specified by subdivision b. of this subparagraph; and
 - 24 b. On January 1 of each year by five dollars (\$5) for members who
25 have accrued an additional full year of service as a participating
26 employee beyond the career threshold, subject to the following
27 restrictions:

1 by this section and shall take coverage with his or her employing agency
2 during the period of reemployment in a regular full-time position.

3 9. For purposes of this paragraph:

4 a. "Career threshold" for a member with service in a nonhazardous
5 position means twenty-seven (27) years of service credited under
6 KRS 16.543(1), 61.543(1), 78.615(1), or another state-
7 administered retirement system and for a member with service in a
8 hazardous position means the service requirements specified by
9 KRS 16.577(2) or (3) or 16.583(6)(b), as applicable; and
10 b. "Funding level" means the actuarial value of assets divided by the
11 actuarially accrued liability expressed as a percentage that is
12 determined and reported by the system's actuary in the annual
13 actuarial valuation.

14 15 (f) For members with service in another state-administered retirement system
16 who select hospital and medical insurance plan coverage through the system:

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

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

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

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

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

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

1 program as provided by this subparagraph shall be available to the
2 recipient regardless of the hospital and medical insurance plans offered
3 by the systems.

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

19 ➔Section 2. The Public Pension Oversight Board shall continue to monitor the
20 actuarial data of the Kentucky Employees Retirement System and State Police
21 Retirement System retiree health funds and shall, during the 2026 Interim, evaluate
22 potential legislative options to adjust retiree health benefits and costs for those members
23 who began participating in the system on or after July 1, 2003, in the event the retiree
24 health funds continue to see actuarial improvement.

25 ➔Section 3. The amendments to the employee contribution provisions specified
26 in subsection (3)(b) of Section 1 of this Act shall apply to employee contributions
27 payable on or after July 1, 2027.

1 ➔Section 4. The amendments to the monthly insurance contribution amounts
2 specified in subsection (4)(e)2. of Section 1 of this Act shall:
3 (1) Be payable prospectively for insurance premiums for health plans beginning
4 on or after January 1, 2027;
5 (2) Be increased annually after January 1, 2027, in accordance with subsection
6 (4)(e)6.a. of Section 1 of this Act; and
7 (3) For purposes of calculating the amounts that become payable on or after
8 January 1, 2027, apply to the service as a participating employee accrued on or after July
9 1, 2003, for covered members and retirees, regardless of retirement date.