

Since HB 49 HCS 1 contains an emergency clause, the bill will be effective on its passage and approval by the Governor or upon its otherwise becoming law.

Fiscal Impact:

The Kentucky Public Pensions Authority (KPPA) has completed an actuarial analysis for HB 49 HCS 1 and it is attached to the bill. KPPA staff and their independent actuary have reviewed the HCS 1 Version of House Bill 49 (2022 RS BR 40). Since the proposed legislation states only the first one hundred (100) hours of mandatory overtime that the employee is individually required to work by the employer during a fiscal year is exempt from pension spiking, there is no measurable impact to any of the pension funds maintained by KPPA. Therefore, it would not amend the previous actuarial statement provided for this legislation. The Actuarial Analysis of House Bill 49 (2022 RS BR 40), dated January 24, 2022, is applicable to House Bill 49 (2022 RS BR 40) – HCS 1 Version. The section of the January 24, 2022 AA statement that details the impact is notated below:

Kentucky Public Pensions Authority (KPPA) staff members and the Authority’s independent actuary have examined House Bill 49 (22 RS BR 40). We have determined that the bill may increase benefits for participating members within Tier 1 and Tier 2 of the Kentucky Employees Retirement System, County Employees Retirement System and State Police Retirement System. It will not impact the participation in benefits in any of the retirement systems administered by Kentucky Public Pensions Authority. House Bill 49 (22 RS BR 40) is not expected to have a measurable fiscal impact on any of the KERS, CERS, or SPRS funds.

Part III: Differences to Local Government Mandate Statement from Prior Versions

HB 49 HCS 1 keeps all the provisions of HB 49 as introduced and adds the following:

- Exempts the first 100 hours of mandatory overtime from the anti-pension spiking provisions. The exemption does not apply to overtime hours voluntarily worked by the employee.
- Makes retroactive to May 28, 2020, the exemption for increases in compensation attributable to overtime resulting from a state of emergency declared by the President or when the Governor mobilizes the Kentucky National Guard.

Part II refers to HB 49 as introduced. There are no prior versions.

Data Source(s): LRC Staff, Kentucky Public Pensions Authority

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