

1 AN ACT relating to retirement benefits for legislators.

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

3 →Section 1. KRS 6.505 is amended to read as follows:

4 (1) (a) Each legislator in office on July 1, 1980, may within thirty (30) days after that  
5 date, and any legislator thereafter taking office ***as of the effective date of this***  
6 ***Act***, may within thirty (30) days after the date thereof, elect to make monthly  
7 contributions to the Legislators' Retirement Plan, in an amount equal to five  
8 percent (5%) of his monthly creditable compensation, as defined in KRS  
9 61.510(13). The election shall be effective to establish membership in the plan  
10 as of July 1, 1980, or as of the date from which the thirty (30) day period is  
11 measured, as the case may be. Provided, however, that any legislator who was  
12 in office on July 1, 1980, and who is in office at the time he makes the  
13 election may, after the expiration of the thirty (30) day period and until May 1,  
14 1982, make the election, in which event he shall pay to the Legislators'  
15 Retirement Plan, for the months between July 1, 1980, and the date of his  
16 election such sum as, when added to any member's contribution by him that is  
17 transferred from another retirement system under KRS 6.535, will equal the  
18 member's contribution required by this section. If the member makes his  
19 election after February 1, 1981, he shall in addition pay to the plan interest on  
20 the foregoing sum, at six percent (6%) per annum, calculated as if the sum  
21 consisted of equal monthly payments, one (1) of which was due at the end of  
22 each month between July 1, 1980, and the date the election was made. The  
23 election shall be addressed to and filed with the secretary of the Finance and  
24 Administration Cabinet and shall constitute an authorization to the secretary  
25 to thereafter cause to be deducted from the member's monthly creditable  
26 compensation an amount equal to five percent (5%) thereof, as a voluntarily  
27 elected contribution by the member towards the funding of the Legislators'

1 Retirement Plan.

- 2 (b) 1. For a member who begins participating in the Legislators' Retirement  
3 Plan prior to January 1, 2014, the election shall operate to create an  
4 inviolable contract between such member and the Commonwealth,  
5 guaranteeing to and vesting in the member the rights and benefits  
6 provided for under KRS 6.515 to 6.530.
- 7 2. a. For members who begin participating in the Legislators'  
8 Retirement Plan on or after January 1, 2014, the General Assembly  
9 reserves the right to amend, suspend, or reduce the benefits and  
10 rights provided under KRS 6.500 to 6.577 if, in its judgment, the  
11 welfare of the Commonwealth so demands, except that the amount  
12 of benefits the member has accrued at the time of amendment,  
13 suspension, or reduction shall not be affected.
- 14 b. For purposes of this subparagraph, the amount of benefits the  
15 member has accrued at the time of amendment, suspension, or  
16 reduction shall be limited to the accumulated account balance the  
17 member has accrued at the time of amendment, suspension, or  
18 reduction.
- 19 c. The provisions of this subsection shall not be construed to limit the  
20 General Assembly's authority to change any other benefit or right  
21 specified by KRS 6.500 to 6.577, for members who begin  
22 participating in the Legislators' Retirement Plan on or after January  
23 1, 2014, except the benefits specified by subparagraph 2.b. of this  
24 paragraph.
- 25 3. The provisions of this paragraph shall not be construed to limit the  
26 General Assembly's authority to amend, reduce, or suspend the benefits  
27 and rights of members of the Legislators' Retirement Plan as provided by

1           KRS 6.500 to 6.577 that the General Assembly had the authority to  
2           amend, reduce, or suspend, prior to July 1, 2013.

3           (c) An election once made under this section either to participate or not to  
4           participate in the Legislators' Retirement Plan, shall be considered to apply to  
5           all future service as a legislator except as otherwise provided by this section,  
6           whether in the same or a different office as a legislator, and whether or not it  
7           is in successive terms.

8           (d) Notwithstanding the provisions of this subsection:

9           1. A legislator who becomes a member of the Legislators' Retirement Plan  
10           on or after September 1, 2008, but prior to January 1, 2014, shall make  
11           monthly contributions to the Legislators' Retirement Plan in an amount  
12           equal to six percent (6%) of his monthly creditable compensation, as  
13           defined in KRS 61.510(13).

14           2. A legislator who becomes a member of the Legislators' Retirement Plan  
15           on or after January 1, 2014, shall make monthly contributions to the  
16           Legislators' Retirement Plan in an amount equal to six percent (6%) of  
17           his or her monthly creditable compensation, as defined in KRS  
18           61.510(13), of which:

19           a. Five percent (5%) of his or her monthly creditable compensation,  
20           as defined in KRS 61.510(13), shall be used to provide funding for  
21           benefits provided under KRS 21.402; and

22           b. One percent (1%) of his or her monthly creditable compensation,  
23           as defined in KRS 61.510(13), shall be used exclusively to help  
24           fund retiree health benefits as provided by KRS 6.577 and shall not  
25           be refunded to the member if the member withdraws his or her  
26           accumulated account balance as provided by KRS 21.460. The  
27           amounts deducted under this subdivision shall be credited to an

1 account established pursuant to 26 U.S.C. sec. 401(h), within the  
2 fund established by KRS 6.530.

3 (2) A legislator entitled to elect membership in the retirement system who failed to  
4 elect membership within thirty (30) days after taking office may elect membership  
5 not later than August 31, 2005. An election, upon being made pursuant to this  
6 section, shall operate to create an inviolable contract between the member entitled  
7 to elect membership under this subsection and the Commonwealth, guaranteeing to  
8 and vesting in the member the rights and benefits provided for under the terms and  
9 conditions of KRS 6.500 to 6.577.

10 (3) When any legislator makes a delayed election of membership in the Legislators'  
11 Retirement Plan under subsection (2) of this section, his active membership in the  
12 Kentucky Employees Retirement System shall terminate, as of the date his  
13 membership in the Legislators' Retirement Plan becomes effective, and any credit in  
14 the Kentucky Employees Retirement System, earned for service as a legislator,  
15 which he then has or which he subsequently regains while being an active member  
16 of the Legislators' Retirement Plan, shall be transferred to and counted as service  
17 credit in the Legislators' Retirement Plan, and shall no longer constitute credit in the  
18 Kentucky Employees Retirement System, except for the purpose of validating any  
19 other credit in that system if the member pays the difference, if any, between the  
20 amount transferred from the Kentucky Employees Retirement System and the  
21 actuarial value of the transferred service. However, any credit he then has in the  
22 Kentucky Employees Retirement System, earned for service in any capacity other  
23 than a legislator, shall not be affected. No person may attain credit in more than one  
24 (1) of the retirement plans or systems mentioned in this section for the same period  
25 of service. When credit is transferred from the Kentucky Employees Retirement  
26 System to the Legislators' Retirement Plan, the Kentucky Employees Retirement  
27 System shall transfer to the Legislators' Retirement Fund an amount equal to the

1 employee's and employer's contributions attributable to that credit, together with  
2 interest on the contributions from the date made to the date of transfer at the  
3 actuarially assumed interest rate of the Kentucky Employees Retirement System in  
4 effect at the time the contributions were made, compounded annually at that same  
5 interest rate.

6 (4) The state shall, solely for the purpose of compliance with Section 414(h) of the  
7 United States Internal Revenue Code, pick up the employee contributions required  
8 by this section for all compensation earned after August 1, 1982, and the  
9 contributions so picked up shall be treated as employer contributions in determining  
10 tax treatment under the United States Internal Revenue Code and KRS 141.010(10).  
11 The picked-up employee contribution shall satisfy all obligations to the retirement  
12 system satisfied prior to August 1, 1982, by the employee contribution, and the  
13 picked-up employee contribution shall be in lieu of an employee contribution. The  
14 state shall pay these picked-up employee contributions from the same source of  
15 funds which is used to pay earnings to the employee. The employee shall have no  
16 option to receive the contributed amounts directly instead of having them paid by  
17 the employer to the system. Employee contributions picked up after August 1, 1982,  
18 shall be treated for all purposes of KRS 6.500 to 6.535 in the same manner and to  
19 the same extent as employee contributions made prior to August 1, 1982.

20 (5) When any legislator elects membership in the Legislators' Retirement Plan in  
21 accordance with this section, his active membership in the Kentucky Employees  
22 Retirement System, State Police Retirement System, County Employees Retirement  
23 System, or Teachers' Retirement System shall terminate, as of the date his  
24 membership in the Legislators' Retirement Plan becomes effective, and any credit in  
25 such other system or systems, earned for service as a legislator, which he then has or  
26 which he subsequently regains while being an active member of the Legislators'  
27 Retirement Plan, shall be transferred to and counted as service credit in the

1 Legislators' Retirement Plan, and shall no longer constitute credit in such other  
2 retirement system except for the purpose of validating any other credit in that  
3 system. However, any credit he then has in such other retirement system, earned for  
4 service in any capacity other than a legislator, shall not be affected. No person may  
5 attain credit in more than one (1) of the retirement plans or systems mentioned in  
6 this section, for the same period of service.

7 (6) A member of the Legislators' Retirement Plan who would be entitled, under KRS  
8 61.552, to repurchase credit in the Kentucky Employees Retirement System, for  
9 previous service as a legislator, which credit had been lost by refund of  
10 contributions, may pay the amount required by KRS 61.552 directly to the  
11 Legislators' Retirement Plan and thereby obtain credit in that plan for such service,  
12 rather than making payment to the Kentucky Employees Retirement System for  
13 credit which would be transferred to the Legislators' Retirement Plan. In such event,  
14 the Kentucky Employees Retirement System shall transfer to the Legislators'  
15 Retirement Plan an amount equal to the employer's contributions that originally  
16 were made to the Kentucky Employees Retirement System for the regained service  
17 credit, with interest as provided in KRS 6.535. Six (6) months' current service shall  
18 be required in the Legislators' Retirement Plan in order for the repurchased credit to  
19 remain in force, the same as provided in KRS 61.552. Service purchased under this  
20 subsection on or after January 1, 2014, shall not be used to determine the member's  
21 participation date in the Legislators' Retirement Plan.

22 **(7) Notwithstanding any other provision of KRS 6.500 to 6.577, 21.345 to 21.580, or**  
23 **61.510 to 61.705 to the contrary:**

24 **(a) The Legislators' Retirement Plan, as provided by KRS 6.500 to 6.577, shall**  
25 **be closed to new members as of the effective date of this Act. A legislator**  
26 **who has not contributed to the Legislators' Retirement Plan prior to the**  
27 **effective date of this Act shall not be eligible to participate in or receive**

1           benefits from the Legislators' Retirement Plan but shall instead participate  
2           in the Kentucky Employees Retirement System for his or her service to the  
3           General Assembly; and  
4           (b) Members of the General Assembly who began contributing to the  
5           Legislators' Retirement Plan prior to the effective date of this Act shall, as  
6           of the effective date of this Act, cease contributing and earning benefits in  
7           the Legislators' Retirement Plan for their service to the General Assembly  
8           and shall instead contribute and earn benefits in the Kentucky Employees  
9           Retirement System for any future service as a member of the General  
10           Assembly occurring on or after the effective date of this Act.