



**POLICEMEN'S & FIREFIGHTERS'
RETIREMENT FUND
STATUTES**

REVISED JULY, 2020



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67A.345 Continued health insurance eligibility for retirees -- Benefits -- Payments made to provider -- Group rates for spouses, dependents, and disabled children.

- (1) All members of the policemen's and firefighters' retirement fund of the urban-county government, operated pursuant to KRS 67A.360 to 67A.690, and all members of the urban-county government city employees pension fund who retired prior to July 1, 1999, and who did not terminate their participation in the group health insurance plan provided by the urban-county government before that date, and all members who retire on or after July 1, 1999, or who withdrew from service on a certificate prior to September 18, 2002, or who withdraw on a certificate as provided by KRS 67A.410(3)(a) or (b), shall continue to be eligible to participate, at the member's cost, in a group health insurance plan approved by the urban-county council for such retirees.
- (2) The urban-county government shall provide, on behalf of all eligible members of the policemen's and firefighters' retirement fund and city employees pension, the following benefits:
 - (a) A sum equal to the single premium for the plan coverage selected by the retiree, but not more than one hundred percent (100%) of the urban-county government's contribution to the health insurance component of the benefit pool for current urban-county government employees; and
 - (b) Upon the death of a member of the policemen's and firefighters' retirement fund due to occupational causes, the urban-county government shall pay to the approved provider of the group health insurance plan one hundred percent (100%) of the cost of the family medical coverage for the member's surviving spouse and dependent children as long as they remain eligible for a monthly retirement allowance from the retirement fund.
- (3) No benefits shall be available under this section to retired members who were not, immediately prior to July 1, 1999, participants in the group health insurance plan coverage provided to urban-county government employees and retirees or who retire on or after July 1, 1999, and, at the time of their retirement, do not elect to participate in the group health insurance plan coverage provided pursuant to subsection (1) of this section.
- (4) Benefits shall be available under this section to members of the policemen's and firefighters' retirement fund who:
 - (a) Prior to September 18, 2002, withdrew from service on a certificate when they attain the age of forty-six (46) years if, at the time they withdrew from service, they elected to participate in the group health insurance plan coverage provided pursuant to subsection (1) of this section upon attaining age forty-six (46);
 - (b) Withdraw on a certificate entitling them to a pension benefit at the age of forty-one (41) as provided by KRS 67A.410(3)(a) if, at the time they withdraw from service, they elect to participate in the group health insurance plan coverage provided pursuant to subsection (1) of this section upon attaining

age forty-one (41); or

- (c) Withdraw on a certificate entitling them to a pension benefit at the age of fifty (50) as provided by KRS 67A.410(3)(b) if, at the time they withdraw from service, they elect to participate in the group health insurance plan coverage provided pursuant to subsection (1) of this section upon attaining age fifty (50).
- (5) All payments shall be made to the approved provider of the group health insurance plan, not to the retiree, and the retiree shall not be entitled to receive any portion of the government contribution remaining after payment is made to the approved provider.
- (6) Group rates under the group health insurance plan approved by the urban-county council under subsection (1) of this section shall be made available to the spouse, dependents, and disabled children, regardless of the disabled child's age, of a qualified and participating retiree, if the premium for the spouse, dependent, or disabled child is paid by the retired member, spouse, dependent, or disabled child, by payroll deduction or similar method.

Effective: March 14, 2013

History: Amended 2013 Ky. Acts ch. 7, sec. 1, effective March 14, 2013. -- Amended 2006 Ky. Acts ch. 144, sec. 1, effective April 4, 2006. -- Created 2002 Ky. Acts ch. 274, sec. 8, effective July 15, 2002.

67A.360 Definitions for KRS 67A.360 to 67A.690.

Words and phrases, wherever used in KRS 67A.360 to 67A.690, unless a different meaning is clearly indicated by the context, shall have the following meanings:

- (1) "Fund" shall mean the "Policemen's and Firefighter's Retirement Fund of the ... Urban-County Government";
- (2) "Government" shall mean the governmental unit of any urban-county government in the Commonwealth of Kentucky, including the governmental unit of any former urban-county government which changes its form of government, class or other status;
- (3) "Department" shall mean the police department or the fire department of a government;
- (4) "Board" shall mean the board of trustees provided in KRS 67A.360 to 67A.690 as the agency responsible for the direction and operation of the affairs and business of the fund. The board shall hold title to all assets of the fund;
- (5) "Member" shall mean any member of the police or fire department who is included in the membership of the fund;
- (6) "Service" shall mean actual employment in a department of a government, or a city existing within the boundaries of the government immediately prior to the establishment of an urban-county government, for salary or compensation, or service otherwise creditable as herein provided;
- (7) "Prior service" shall mean service rendered prior to the date of establishment of the fund or the fund of a city existing within the boundaries of the government immediately prior to the establishment of an urban-county government;
- (8) "Membership service" shall mean service rendered on or after the date of establishment of the fund or the fund of a city existing within the boundaries of the government immediately prior to the establishment of an urban-county government;
- (9) "Total service" shall mean prior service, membership service, and service credit purchased by a member as provided in KRS 67A.402;
- (10) "Regular interest" shall mean such rate of interest as shall be fixed by the board, provided that for the first five (5) years of operation of the fund the rate shall be not less than three percent (3%) per annum, compounded annually;
- (11) "Occupational disability" shall mean disability due to occupational causes, including but not limited to injury or disease. The presumption of contracting disease "while on active duty as a result of strain or the inhalation of noxious fumes, poisons or gases" created by KRS 79.080 shall be a presumption of "occupational disability" hereunder;
- (12) "Occupational death" shall mean death due to occupational causes, including but not limited to injury or disease;
- (13) "Average salary" shall mean the highest average annual salary of the member for any three (3) consecutive years of service within the total service of the member, including employee contributions picked up after August 1, 1982 pursuant to KRS 67A.510(2);

- (14) The masculine pronoun, wherever used, shall include the feminine pronoun; and widow shall include widower;
- (15) The fiscal year of the fund shall date from July 1 of any year to June 30 of the next year following;
- (16) "Total disability" shall mean a disability which substantially precludes a person from performing with reasonable regularity the substantial and material parts of any gainful work or occupation in the service of the department that he would be competent to perform were it not for the fact that the impairment is founded upon conditions which render it reasonably certain that it will continue indefinitely;
- (17) "Minor child" includes, as applicable, a child under the age of twenty-three (23) still engaged in full-time education;
- (18) "Mayor," "commissioner of finance," "commissioner of public safety," and "director of human resources" shall mean the persons holding the office or job most closely resembling the ordinary meaning of such terms, in the event that a government does not have an office so described;
- (19) "Salary" means the member's actual base rate of pay and any other compensation that the government chooses to include. "Salary" shall include longevity pay, training incentive pay, and hazardous duty and special duty pay but shall exclude uniform and equipment allowances, uniform maintenance allowances, education incentive pay, annual payments for excess accumulated sick leave credit, compensation for overtime work, except for scheduled overtime of fire department members, and any other compensation excluded by the government;
- (20) "Participation date" means the date the member was hired by the government in a position eligible to participate in the fund; and
- (21) "Actuarial 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 actuary in the annual actuarial valuation of the fund.

Effective: March 14, 2013

History: Amended 2013 Ky. Acts ch. 7, sec. 2, effective March 14, 2013. -- Amended 2002 Ky. Acts ch. 274, sec. 1, effective July 15, 2002. -- Amended 2000 Ky. Acts ch. 484, sec. 1, effective July 14, 2000. -- Amended 1990 Ky. Acts ch. 189, sec. 1, effective July 13, 1990. -- Amended 1982 Ky. Acts ch. 166, sec. 38, effective July 15, 1982. -- Amended 1978 Ky. Acts ch. 164, sec. 6, effective June 17, 1978. -- Created 1974 Ky. Acts ch. 106, sec. 1, effective July 1, 1974.

67A.370 Retirement and benefit fund established -- Name.

There is hereby established in urban-county governments, a retirement and benefit fund for members of the police and fire departments, their dependents and beneficiaries. The fund shall be known as the "Policemen's and Firefighters' Retirement Fund of the ... Urban-County Government." In such name all of its business shall be transacted, all of its moneys invested and all of its accumulated reserves consisting of cash, securities, and other property shall be held.

Effective: June 17, 1978

History: Amended 1978 Ky. Acts ch. 164, sec. 7, effective June 17, 1978. -- Created 1974 Ky. Acts ch. 106, sec. 2, effective July 1, 1974.

67A.380 Purpose of fund.

The purpose of the fund is to provide retirement annuities and disability benefits for the members of the police and fire departments who become aged or otherwise incapacitated, and widows' annuities and other benefits to the dependents of such members to the end that such members may accumulate reserves for themselves and their dependents to meet, without prejudice or hardship, the hazards of old age, disability, death, and termination of service, thereby encouraging qualified personnel to enter and remain in the service of such departments.

Effective: July 1, 1974

History: Created 1974 Ky. Acts ch. 106, sec. 3, effective July 1, 1974.

67A.390 Membership.

The following persons shall become members of the fund:

- (1) All active full-time members of a department in service on the day prior to the date of establishment;
- (2) All persons who become full-time members on or after the date of establishment who shall become members as a condition of employment, except that, effective July 1, 2013, any member who retires and receives a retirement annuity from the fund shall not be eligible to participate in the fund following retirement and earn a second retirement annuity from the fund; and
- (3) All members of a department who on the date of establishment are working in a civilian or appointive capacity for the government, the Commonwealth of Kentucky, or the United States of America, while on an approved leave of absence from a department.

Effective: March 14, 2013

History: Amended 2013 Ky. Acts ch. 7, sec. 3, effective March 14, 2013. -- Amended 1974 Ky. Acts ch. 106, sec. 4, effective July 1, 1974.

67A.400 Service credit -- Computation.

- (1) Each person becoming a member on the date of establishment shall be entitled to full credit for all service rendered prior to such date. Each person becoming a member after the date of establishment shall be entitled to credit after such date, provided contributions are made or, after August 1, 1982, picked up pursuant to KRS 67A.510(2) for all such subsequent service. Total service shall include prior service and membership service.
- (2) The following types of service shall be eligible for service credit:
 - (a) Service as a full-time member of a department of the government;
 - (b) Service in a civilian or other capacity in the service of the government, Commonwealth of Kentucky, or the federal government, while on approved leave of absence from a department, subject to maximum credit for such service of one (1) year;
 - (c) Service in any branch of the armed forces of the United States during a period of national emergency while on leave of absence from a department, provided that such leave-of-absence-service shall not exceed five (5) years, and that such member shall reenter the service of a department of the government within a period of six (6) months following the date of separation other than by dishonorable discharge from such service; and
 - (d) All service rendered in a civilian capacity as provided in subsection (3) of KRS 67A.390.
- (3) In the computation of service credit, nine (9) months or more of service during a year shall entitle a member for one (1) year of service; six (6) to nine (9) months of service shall constitute three-quarters (3/4) of a year; three (3) to six (6) months, one-half (1/2) year; less than three (3) months, one-quarter (1/4) of a year.

Effective: July 15, 1982

History: Amended 1982 Ky. Acts ch. 166, sec. 39, effective July 15, 1982. -- Created 1974 Ky. Acts ch. 106, sec. 5, effective July 1, 1974.

67A.402 Employee purchase of service credit -- Payment procedures.

- (1)
 - (a) Except as otherwise provided in paragraph (d) of this subsection, any member whose participation date in the fund is prior to March 14, 2013, who has at least five (5) years of total service credit as a member of the fund may purchase service credit, that is not otherwise purchasable, for up to a maximum of four (4) years of service.
 - (b) Except as otherwise provided in paragraph (d) of this subsection, any member whose participation date in the fund is on or after March 14, 2013, who has at least five (5) but no more than ten (10) years of membership service may, subject to the limitations provided by this section, purchase periods of active military duty service in the Armed Forces of the United States, not to exceed four (4) years, that are not otherwise credited under KRS 67A.400(2)(c). The member shall provide verification of the period of active military duty as prescribed by the board.
 - (c) The member shall not be entitled to purchase any service credit under this section for which he or she has been given credit in another defined benefit retirement fund; however, the member may purchase government service credit by transferring funds directly from another public defined benefit retirement plan if the member provides proof that he or she is not eligible for a retirement benefit from the other public defined benefit retirement fund.
 - (d) Any provision of law to the contrary notwithstanding:
 1. No service credit purchase under this subsection shall be counted toward the accrual of a health or other medical insurance retirement benefit in this fund;
 2. No service purchased under this section by a member whose participation date in the fund is on or after March 14, 2013, shall be used to determine the member's eligibility to retire or to withdraw on a certificate under KRS 67A.410(2) or (3)(b); and
 3. The amount of service a member can purchase under this section shall not exceed the amounts specified by paragraphs (a) and (b) of this subsection.
- (2) A member who purchases service credit shall file an application with the board no later than sixty (60) days prior to the anticipated service purchase payment date. The member shall pay to the fund an amount which shall be determined by actuarial method consistent with the methods prescribed for determining the purchase of prior service credit which shall be the principal.
- (3) Payment of the principal shall be made in a lump sum or payment of the principal and interest may be made by installments. Interest, at the annual rate of return on investments of the fund for the preceding year, shall be established by the commissioner of finance on or before August 31 of each year and shall be based on financial statements of the fund for the year ending June 30, except that the interest shall not be less than three percent (3%). Interest shall be added to the principal for the time period for which installments are to be made.

- (4) If payments are made by installment, the cost of purchasing the service credit shall be recalculated annually based upon the member's current salary, the interest rate established by the commissioner of finance, and other factors required by the actuarial method. The member's payments shall be adjusted annually to reflect the annual recalculation of the cost of purchasing service credit. Installment payments shall be consecutive and the total number of monthly installments shall not be less than twelve (12) or more than two hundred forty (240). The member shall pay the installments by payroll deduction.
- (5) Payments shall not be picked up by the urban-county government. No employer contribution shall be paid on the installments. The board shall determine how much of the total cost represents payment for one (1) quarter of the service to be purchased and the member shall receive service credit for one (1) quarter of the service each time this amount is paid.
- (6) If the member dies, retires, or ceases to be a member of the fund before he or she has made all installment payments for the purchase of service credit, the fund shall refund to the member, his or her qualified surviving spouse, or his or her estate, the portion of any payment that does not represent a full quarter of service.
- (7) A member whose participation date in the fund is prior to March 14, 2013, who does not repay a refund of contributions, as provided in KRS 67A.500(3), shall be entitled to purchase service credit for prior membership service.
- (8) The member may cancel a purchase obligation at any time, but once canceled, a member shall have forever forfeited, waived, and relinquished the right to purchase service credit.

Effective: March 14, 2013

History: Amended 2013 Ky. Acts ch. 7, sec. 4, effective March 14, 2013. -- Amended 2006 Ky. Acts ch. 144, sec. 2, effective April 4, 2006. -- Amended 2000 Ky. Acts ch. 484, sec. 2, effective July 14, 2000. -- Created 1990 Ky. Acts ch. 189, sec. 13, effective July 13, 1990.

67A.404 Purchase of retirement credit for accumulated unused sick leave.

- (1) Any member who retires based on age and service on or after January 1, 1990, or based on service on or after September 18, 2002, may purchase service credit for unused sick leave accrued while contributing to the retirement fund from which the retirement benefit is to be paid in accordance with this section.
- (2) A member retiring based on age and service, or based on service only, on or after September 18, 2002, who chooses to purchase service credit for unused, accumulated sick leave as provided in this section shall notify the board of his or her intention upon submitting his or her retirement application to the board. The urban-county government shall certify the retiring member's unused, accumulated sick leave balance, up to a maximum of seven hundred and twenty (720) hours for members employed by the division of police and one thousand and eight (1,008) hours for members employed by the division of fire. The member's sick leave balance, expressed in days, shall be divided by the average number of working days per month and rounded to the nearest number of whole months. This number of months shall be added to the member's service credit for the purpose of determining his or her rate of retirement annuity pursuant to KRS 67A.430 and his or her total service credit pursuant to KRS 67A.400. The value of the unused, accumulated sick leave shall be based on the daily salary rate calculated from the member's last annual salary. Payment for unused sick leave, up to a maximum of seven hundred and twenty (720) hours for members employed by the division of police and one thousand and eight (1,008) hours for members employed by the division of fire, shall be incorporated into the annual salary of the final year of service, provided that the member contributes to the retirement fund the amount set forth in KRS 67A.510 and the urban-county government matches such contribution by the amount set forth in KRS 67A.520(1) on the unused, accumulated sick leave.

Effective: April 4, 2006

History: Amended 2006 Ky. Acts ch. 144, sec. 3, effective April 4, 2006. -- Created 1990 Ky. Acts ch. 189, sec. 14, effective July 13, 1990.

67A.406 Confidentiality of member's account records -- Exceptions -- Response to subpoena of records.

- (1) Each current, former, or retired member's account shall be administered in a confidential manner, and specific data regarding a current, former, or retired member shall not be released for publication unless authorized by the member. However, the board may release account information to the urban-county government or to any other governmental agency as it deems necessary or in response to a lawful subpoena or order issued by a court of law.
- (2) A subpoena served upon the board that requires the production of any specific data regarding a current, former, or retired member is sufficient if the secretary of the board delivers within five (5) working days, by certified mail or by personal delivery, legible and durable copies of records, certified by the secretary, or an affidavit stating the information required by the subpoena. The production of documents or an affidavit shall be in lieu of any personal testimony of the secretary unless, after the production of documents or affidavit, a separate subpoena is served upon the board specifically directing the testimony of the secretary.
- (3) The certification shall be signed before a notary public by the secretary and shall include the name of the member, the member's Social Security number, and a legend substantially to the following effect: "The records are true and complete reproductions of the original records which are housed in the board's office. This certification is given by the undersigned in lieu of his or her personal appearance."
- (4) When an affidavit or copies of records are personally delivered, a receipt shall be presented to the person receiving the records for his or her signature and shall be immediately signed and returned to the person delivering the records. When an affidavit or copies of records are sent via certified mail, the receipt used by the postal authorities shall be sufficient to prove delivery and receipt of the affidavit or copies of records.
- (5) When the affidavit or copies of records are delivered to a party for use in a deposition, they shall, after termination of the deposition, be delivered personally or by certified mail to the clerk of the court or other body before which the action or proceeding is pending. It shall be the responsibility of the party or attorney to transmit the receipt obtained to the secretary of the board. Upon issuance of a final order terminating the case and after the normal retention period for court records expires, the affidavit or copies of records shall be permanently disposed of by the clerk in a manner that protects the confidentiality of the information contained therein.
- (6) Records of the board that are susceptible to photostatic reproduction may be proved as to foundation, identity, and authenticity without any preliminary testimony by use of legible and durable copies, certified in accordance with this section.

Effective: April 4, 2006

History: Created 2006 Ky. Acts ch. 144, sec. 12, effective April 6, 2006.

67A.410 Voluntary retirement.

- (1) For members whose participation date in the fund is prior to March 14, 2013:
 - (a) The member may, at his or her option, retire on a service retirement annuity if he or she has completed at least twenty (20) years of total service, provided the member retires and begins receiving a service retirement annuity prior to July 1, 2013; or
 - (b) The member may, at his or her option, retire on a service retirement annuity if he or she is at least forty-one (41) years of age and has completed at least twenty (20) years of total service if the member retires on or after July 1, 2013.
- (2) For members whose participation date in the fund is on or after March 14, 2013, the member may, at his or her option, retire on a service retirement annuity if he or she is at least fifty (50) years of age and has at least twenty-five (25) years of membership service.
- (3)
 - (a) Any member whose participation date in the fund is prior to March 14, 2013, who does not retire by July 1, 2013, who withdraws from service prior to age forty-one (41) after having completed at least twenty (20) years of total service, and who has not accepted a refund of contributions, shall receive upon application to the fund, a certificate entitling the member to a service retirement annuity upon his or her attainment of age forty-one (41).
 - (b) Any member whose participation date in the fund is on or after March 14, 2013, who withdraws from service prior to age fifty (50) after having completed at least twenty-five (25) years of membership service, and who has not accepted a refund of contributions, shall receive upon application to the fund, a certificate entitling the member to a service retirement annuity upon his or her attainment of age fifty (50).
 - (c) Upon the death of a member prior to age forty-one (41) who is holding a certificate issued by the fund pursuant to paragraph (a) of this subsection or upon the death of a member prior to age fifty (50) who is holding a certificate issued by the fund pursuant to paragraph (b) of this subsection, the surviving spouse shall receive an annuity in accordance with KRS 67A.492 based upon the survivorship payment option selected by the member.
 - (d) The certificates provided by this subsection shall be issued by the fund and shall specify the amount of the annuity earned and accrued at the date of withdrawal from service, except that the amount of annuity earned and accrued at the date of withdrawal shall be actuarially adjusted to reflect the survivorship payment option selected by the member upon application for a certificate.
- (4) Provided the member has met the terms required by this section to receive a service retirement annuity, the board shall grant the retirement annuity upon receipt of the application of the member.

Effective: March 14, 2013

History: Amended 2013 Ky. Acts ch. 7, sec. 5, effective March 14, 2013. -- Amended

2006 Ky. Acts ch. 144, sec. 4, effective April 4, 2006. -- Amended 2002 Ky. Acts ch. 274, sec. 2, effective July 15, 2002. -- Amended 1994 Ky. Acts ch. 380, sec. 1, effective July 15, 1994. -- Amended 1992 Ky. Acts ch. 181, sec. 1, effective July 14, 1992. -- Created 1974 Ky. Acts ch. 106, sec. 6, effective July 1, 1974.

67A.420 Compulsory retirement.

Each member shall be subject to compulsory retirement according to the rules of the government in which he is employed, except that any member able to perform his assigned duties shall not be precluded from serving:

- (1) At least twenty (20) years if the member's participation date in the fund is prior to March 14, 2013; or
- (2) At least twenty-five (25) years if the member's participation date in the fund is on or after March 14, 2013.

Effective: March 14, 2013

History: Amended 2013 Ky. Acts ch. 7, sec. 6, effective March 14, 2013. -- Created 1974 Ky. Acts ch. 106, sec. 7, effective July 1, 1974.

67A.430 Rate of retirement annuity -- Retroactive increase of monthly annuity to \$1,250 -- Annual adjustment.

- (1)
 - (a) For a member whose participation date in the fund is prior to March 14, 2013, the rate of retirement annuity shall be two and one-half percent (2.5%) of average salary, as defined in KRS 67A.360(13), for each year of total service.
 - (b) For a member whose participation date in the fund is on or after March 14, 2013, the rate of retirement annuity shall be two and one-quarter percent (2.25%) of average salary, as defined in KRS 67A.360(13), for each year of total service.
 - (c) Fractional periods of service shall be considered in the calculation of such annuities according to the rate provided by paragraph (a) or (b) of this subsection, based upon the participation date of the member.
- (2) Any retiree or surviving spouse who, as of July 1, 2005, was receiving a monthly annuity of less than one thousand two hundred fifty dollars (\$1,250) shall have the pension increased to one thousand two hundred fifty dollars (\$1,250). Such increase shall be retroactive to July 1, 2005, and the retiree or surviving spouse shall receive a lump-sum payment equal to the difference between the amount of the monthly annuities received between July 1, 2005, and July 15, 2006, and the amount that would have been received had the monthly annuity been increased on July 1, 2005. The board shall increase this annuity at the same rate as annually provided by KRS 67A.690(1), and such increase shall be determined and granted annually thereafter by the board.

Effective: March 14, 2013

History: Amended 2013 Ky. Acts ch. 7, sec. 7, effective March 14, 2013. -- Amended 2006 Ky. Acts ch. 144, sec. 5, effective April 4, 2006. -- Amended 2002 Ky. Acts ch. 274, sec. 3, effective July 15, 2002. -- Amended 2001 Ky. Acts ch. 131, sec. 1, effective June 21, 2001. -- Amended 2000 Ky. Acts ch. 484, sec. 3, effective July 14, 2000. -- Amended 1996 Ky. Acts ch. 311, sec. 1, effective July 15, 1996. -- Created 1974 Ky. Acts ch. 106, sec. 8, effective July 1, 1974.

67A.440 Death of member due to occupational causes -- Benefits to surviving spouse, minor children, and parents. (Effective July 15, 2020)

- (1) (a) Upon death of a member due to occupational causes, regardless of length of service, the surviving spouse shall be entitled immediately upon cessation of salary to an annuity equal to seventy-five percent (75%) of the member's last rate of salary. This annuity shall be payable until the surviving spouse dies. In addition, if any minor children of the member, under age eighteen (18), survive the member, the surviving spouse or parent or legal guardian shall receive on account of each child, ten percent (10%) of the member's last rate of salary until each child attains age eighteen (18). In the case of a child regularly engaged in full-time educational activities, payments shall continue until age twenty-three (23), but payments shall be made directly to a child between the ages of eighteen (18) and twenty-three (23). The combined payments to a surviving spouse and minor children shall not exceed one hundred percent (100%) of the final rate of salary. When more than one (1) child survives the member, the amount payable by reason of such children shall be divided equally among them.
- (b) Any surviving spouse who is drawing a benefit pursuant to paragraph (a) of this subsection on July 1, 2013, that is less than the amount computed under paragraph (a) of this subsection, shall have the retirement annuity increased to the amount determined under paragraph (a) of this subsection.
- (2) If the member is not survived by a spouse, and there are minor children of the member, the following benefits shall be paid:
 - (a) One (1) minor child, fifty percent (50%) of the final rate of salary;
 - (b) Two (2) minor children, an additional fifteen percent (15%) of final salary;
 - (c) Three (3) or more minor children, an additional ten percent (10%) of final salary, subject to a maximum combined payment of seventy-five percent (75%) of the member's final rate of salary.

These benefits shall be divided in equal amounts for each child and paid to the parent or legal guardian of each child under eighteen (18). In the case of a child regularly engaged in full-time educational activities, payments shall continue until age twenty-three (23), but payments shall be made directly to the child between the ages of eighteen (18) and twenty-three (23). As eligibility of children expires, the total annuity payment shall be reduced by percentage amount in reverse order.

- (3) If neither a surviving spouse nor minor children eligible for benefits survive the member, each dependent parent shall be entitled to an annuity equal to twenty-five percent (25%) of the member's last rate of salary, or fifty percent (50%) to both parents.

Effective: July 15, 2020

History: Amended 2020 Ky. Acts ch. 103, sec. 1, effective July 15, 2020. -- Amended 2013 Ky. Acts ch. 7, sec. 8, effective March 14, 2013. -- Amended 2002 Ky. Acts ch. 274, sec. 4, effective July 15, 2002. -- Amended 1980 Ky. Acts ch. 81, sec. 1, effective July 15, 1980. -- Created 1974 Ky. Acts ch. 106, sec. 9, effective July 1, 1974.

67A.450 Death not in the line of duty of member ineligible or eligible for voluntary service retirement -- Benefits to surviving spouse and minor children. (Effective July 15, 2020)

- (1) For a member who on the date of death is not eligible for a voluntary service retirement under KRS 67A.410, whose death occurs while in service, arising from any cause other than in the performance of duty, provided the member has had at least five (5) years of total service, his or her surviving spouse shall receive an annuity equal to one and one-half percent (1-1/2%) of average salary for each year of total service, credited to the member, but not less than fifteen percent (15%) of average salary, subject to the following conditions:
 - (a) The surviving spouse had been married to the member at least six (6) months prior to his or her death;
 - (b) The surviving spouse's annuity will terminate in any event when the surviving spouse dies. The annuity of each child or children shall continue until each child attains age eighteen (18), or, in the case of a child regularly engaged in full-time educational activities the age of twenty-three (23).
- (2) If, in addition to a surviving spouse, minor children survive the member, an additional annuity shall be payable for such children equal to fifty percent (50%) of the amount of the surviving spouse's annuity for the first child, and twenty-five percent (25%) of the amount of the surviving spouse's annuity for each additional child, subject to a maximum combined payment for the surviving spouse and children of seventy-five percent (75%) of the member's average salary. The annuity payable for minor children shall be divided and paid in equal amounts for each child to the parent or guardian of each child under eighteen (18), and directly to each child between the ages of eighteen (18) and twenty-three (23) who is regularly engaged in full-time educational activities. As eligibility of children expires, the total annuity payable for such children shall be reduced by percentage amount in reverse order.
- (3) If the member is not survived by a surviving spouse who qualifies under KRS 67A.450(1)(a) and there are minor children, the following benefits shall be paid: (a) one (1) minor child, fifty percent (50%), (b) two (2) minor children, fifteen percent (15%) additional, (c) three (3) or more minor children ten percent (10%) additional, subject to a maximum combined payment of seventy-five percent (75%) of the average salary as defined in KRS 67A.360(13). The benefits payable for minor children shall be divided and paid in equal amounts for each child to the parent or legal guardian of each child under the age of eighteen (18), and directly to each child between the ages of eighteen (18) and twenty-three (23) who is regularly engaged in full-time educational activities. The annuity of each child or children shall continue until each child attains age eighteen (18), or, in the case of a child regularly engaged in full-time educational activities the age of twenty-three (23). The annuity payments shall be reduced in reverse order, as provided in subsection (2) of this section.
- (4) Any active member who, on the date of death would otherwise be eligible for a service retirement under KRS 67A.410, shall be deemed to have service until the

date of the member's death calculated with credit for accumulated sick leave under KRS 67A.404. The deceased member shall be deemed to have elected the survivorship one hundred percent (100%) allowance option under KRS 67A.492(2)(b).

Effective: July 15, 2020

History: Amended 2020 Ky. Acts ch. 103, sec. 2, effective July 15, 2020. -- Amended 2006 Ky. Acts ch. 144, sec. 6, effective April 4, 2006. -- Amended 1990 Ky. Acts ch. 189, sec. 2, effective July 13, 1990. -- Amended 1980 Ky. Acts ch. 81, sec. 2, effective July 15, 1980. -- Amended 1976 Ky. Acts ch. 175, sec. 2. -- Created 1974 Ky. Acts ch. 106, sec. 10.

67A.460 Permanent occupational disability -- Annuity rate -- Disability retirement benefits.

- (1) If a total and permanent occupational disability occurs, the member shall receive an annuity calculated pursuant to subsection (2) of this section. This benefit shall begin at the time the member's salary ceases, and shall be paid during his or her entire lifetime. At the member's death, his or her eligible surviving spouse, if any, shall receive the benefits as provided under KRS 67A.492, and his or her minor children, if any, shall receive benefits as provided under KRS 67A.440.
- (2) The minimum annuity rate for a total and permanent occupational disability shall be:
 - (a) Fifty percent (50%) of the member's last rate of salary if the member's rate of disability is less than twenty percent (20%) and the disablement is the direct result of documented occupational injuries for service to the department that occurred on or after July 1, 2013;
 - (b) Sixty percent (60%) of the member's last rate of salary if the member's rate of disability is less than twenty percent (20%) and the disablement is the direct result of documented occupational injuries for service to the department that occurred prior to July 1, 2013; or
 - (c) Sixty percent (60%) of the member's last rate of salary if the member's rate of disability is equal to twenty percent (20%) or more. The minimum annuity rate provided by this paragraph shall be increased by one half (1/2) of the amount by which the member's percentage of disability exceeds twenty percent (20%), but this increase shall be not more than fifteen percent (15%) of the member's last rate of salary and the member's total annuity shall not be greater than seventy-five percent (75%) of his or her last rate of salary.
- (3) The member's percentage of disability shall be the average of the impairment rating determined by two (2) physicians selected by the board under KRS 67A.480, using the "Guides to the Evaluation of Permanent Impairment".
- (4) If a member is eligible for a service retirement annuity under KRS 67A.410 and the amount of the member's service retirement annuity would exceed the amount of his or her total and permanent occupational disability annuity, as determined by the board under this section, then the member may elect to receive an additional service retirement annuity payment equal to the amount by which the member's service retirement annuity would have exceeded the amount of his or her total and permanent occupational disability annuity, in addition to the member's disability annuity, by filing with the board the application required by KRS 67A.410.

Effective: March 14, 2013

History: Amended 2013 Ky. Acts ch. 7, sec. 9, effective March 14, 2013. -- Amended 2010 Ky. Acts ch. 90, sec. 7, effective July 15, 2010. -- Amended 2006 Ky. Acts ch. 144, sec. 7, effective April 4, 2006. -- Amended 2000 Ky. Acts ch. 484, sec. 4, effective July 14, 2000. -- Amended 1994 Ky. Acts ch. 380, sec. 2, effective July 15, 1994. -- Amended 1990 Ky. Acts ch. 189, sec. 16, effective July 13, 1990. -- Created 1974 Ky. Acts ch. 106, sec. 11, effective July 1, 1974.

67A.462 Review of disability retirements -- Suspension or termination of disability benefits -- Investigations, hearings, and appeals. (Effective July 15, 2020)

- (1) Once each year following the retirement of a member on a disability retirement allowance, the board may require the person, prior to his or her normal retirement date, to undergo a medical examination. Should he or she refuse to submit to any such medical examination, his or her retirement allowance shall be discontinued until his or her withdrawal of his or her refusal, and should his or her refusal continue for one (1) year, all his or her rights to any further disability allowance shall cease. Any member whose medical examination reveals that he or she is no longer totally and permanently disabled within the meaning of KRS 67A.360(16) shall be disqualified from further receipt of disability benefits.
- (2)
 - (a) Once each year following the retirement of a member on a disability retirement allowance, the board shall require the person, prior to his or her normal retirement date, to complete and return to the board a statement indicating whether he or she is employed, the name of his or her employer, if any, and a description of his or her job duties. The board shall discontinue the disability benefits of any member for the duration of his or her refusal to provide the board with employment information. Any member who fails to provide the information to the board within one (1) year after the initial request shall lose his or her right to any further disability benefits.
 - (b) The board shall have the right to terminate the disability retirement benefits of any member who is employed in an occupation which is essentially similar to that of his or her former employment, either in job classification, similarity of duties, or which otherwise demonstrates that the member is performing activities for which he or she earlier claimed he or she was disabled from performing. For the purpose of this section, members may not hold a sworn position as an elected, paid, or volunteer peace officer, firefighter, paramedic, or any other position generally considered to be a public safety position that otherwise qualifies for hazardous duty salary, retirement, or death benefits under the laws of the Commonwealth or the laws applicable to such employment within the state or federal jurisdiction governing the position, and continue to receive disability benefits.
- (3) The board is authorized to make reasonable investigative inquiries, conduct a hearing, and request the appearance of witnesses, including the member receiving disability benefits, to ensure compliance with this section. Any member whose disability benefits are terminated may request a rehearing before the board under KRS 67A.660. A member may seek judicial review of any final order of the board revoking disability benefits in accordance with KRS 67A.670.

Effective: July 15, 2020

History: Amended 2020 Ky. Acts ch. 103, sec. 3, effective July 15, 2020. -- Created 1990 Ky. Acts ch. 189, sec. 12, effective July 13, 1990.

67A.470 Total and permanent disability not occasioned by duties of member -- Benefits.

- (1)
 - (a) Upon total and permanent disability of a member as the result of any cause other than occupational disability, if a member shall have rendered at least five (5) years of total service, he shall be entitled to a disability retirement annuity determined under this section.
 - (b) For a member whose participation date in the fund is prior to March 14, 2013, the amount of the disability retirement annuity shall be equal to two and one-half percent (2.5%) of the average salary, as defined in KRS 67A.360(13), for each full year of total service, subject to a minimum payment of twenty-five percent (25%) of such average salary and a maximum payment of seventy-five percent (75%) of average salary.
 - (c) For a member whose participation date in the fund is on or after March 14, 2013, the amount of the disability retirement annuity shall be equal to two and one-quarter percent (2.25%) of the average salary, as defined in KRS 67A.360(13), for each full year of total service, subject to a minimum payment of twenty-two and one-half percent (22.5%) of such average salary and a maximum payment of sixty-seven and one-half percent (67.5%) of average salary.
 - (d) Payment of the disability annuity as provided by this section shall be made during disability of the member. After the member's death, his eligible widow, if any, shall receive the benefits as provided in KRS 67A.492, and his minor children, if any, shall receive benefits as provided under KRS 67A.450.
- (2) Any annuity for nonoccupational disability shall begin to accrue upon the expiration of ninety (90) days following the commencement of disability provided that if the member is receiving salary for sick leave for a period of more than ninety (90) days, payment shall accrue from the date such salary ceases. If written application for such annuity shall not have been filed with the board prior to the expiration of ninety (90) days from date of disability, the annuity shall begin to accrue from the date the application shall be filed but not prior to the expiration of ninety (90) days from the date of disability, nor in any event prior to the time when salary payments to the employee shall have ceased.

Effective: March 14, 2013

History: Amended 2013 Ky. Acts ch. 7, sec. 10, effective March 14, 2013. -- Amended 1990 Ky. Acts ch. 189, sec. 17, effective July 13, 1990. -- Amended 1980 Ky. Acts ch. 81, sec. 3, effective July 15, 1980. -- Created 1974 Ky. Acts ch. 106, sec. 12, effective July 1, 1974.

67A.480 Medical examination to determine disability -- Certification of examining physicians.

For the purpose of KRS 67A.360 to 67A.690, a member shall be considered totally and permanently disabled after the board has received written certification by at least two (2) licensed and practicing physicians selected by the board that the member is totally and likely to be permanently disabled for the further performance of the duties of any assigned position in the service of the department. If upon consideration of the report of such physicians and such other evidence as shall have been presented to it by the member or others interested therein, the board finds the member to be totally and permanently disabled, it shall grant him a disability retirement annuity upon written certification that the member has been separated from the service of the government because of total disability of such nature as to reasonably prevent further service for the employer, and as a consequence is not entitled to compensation from the government.

Effective: July 1, 1974

History: Created 1974 Ky. Acts ch. 106, sec. 13, effective July 1, 1974.

67A.490 Death of member -- Benefit to designated beneficiary when no surviving spouse's, children's, or dependent parent annuities payable.

- (1) Upon death of a member, occurring while in active service, if no surviving spouse's annuity, children's annuities, or dependent parent annuities are payable, the designated beneficiary of the member or his or her estate shall be entitled to a death benefit equal to the total contributions made by the member, including the amount of any employee contributions picked up by the urban-county government pursuant to KRS 67A.510(2), without interest, or one thousand five hundred dollars (\$1,500), whichever is greater.
- (2) Upon death of a retired member, if no surviving spouse's annuity, children's annuities, or dependent parent annuities shall be due and payable, a death benefit shall be paid to the designated beneficiary or estate of the member, equal to the excess, if any, of the total contributions made by the member, including those picked up pursuant to KRS 67A.510(2), to this fund to the date of retirement, without interest, over the total annuity payments received by the member. The minimum payment in such case shall be one thousand five hundred dollars (\$1,500). If a surviving spouse's annuity, children's annuities, or dependent parent annuities are payable after the death of the retired member, the amount of such death benefit, if any, shall be determined upon termination of annuity payments to all survivors of the member, whether such termination occurs by death or other cause.

Effective: April 4, 2006

History: Amended 2006 Ky. Acts ch. 144, sec. 8, effective April 4, 2006. -- Amended 1982 Ky. Acts ch. 166, sec. 40, effective July 15, 1982. -- Amended 1980 Ky. Acts ch. 81, sec. 4, effective July 15, 1980. -- Created 1974 Ky. Acts ch. 106, sec. 14, effective July 1, 1974.

67A.492 Surviving spouse benefit of sixty percent of member's final annuity, final rate of pay, or service retirement annuity -- Eligibility -- Purchase of optional survivorship allowance -- Surviving children benefit of fifty percent to seventy-five percent. (Effective July 15, 2020)

- (1)
 - (a) Upon the death of a retired member, his or her surviving spouse shall receive an annuity equal to sixty percent (60%) of the member's final annuity, or of the member's final rate of pay, whichever is greater.
 - (b) Upon the death of a member who withdraws on a certificate as provided by KRS 67A.410(3)(a) or (b), his or her surviving spouse shall receive an annuity equal to sixty percent (60%) of the member's service retirement annuity.
 - (c) The surviving spouse must have been married to the member for at least three (3) years prior to the member's death or six (6) months prior to the member's retirement or withdrawal on a certificate as provided by KRS 67A.410(3)(a) or (b), in order to be eligible for the benefits provided in this section. Effective April 4, 2006, the benefits provided by this section shall be made eligible to surviving spouses of any retired member who died on July 14, 2000, or thereafter.
- (2) Any member who retires on July 15, 1990, or thereafter, and any member who withdraws on a certificate as provided by KRS 67A.410(3)(a) or (b), shall have the option at retirement or upon application for a certificate to purchase an increased annuity allowance for his or her surviving spouse. The amount of any such optional survivorship allowance shall be actuarially equivalent to the amount of retirement allowance otherwise payable to the member. No surviving minor children annuity shall be payable under subsection (3) of this section if a surviving spouse annuity is payable under this subsection. The member may elect either of two (2) options:
 - (a) Survivorship seventy-five percent (75%). The member may elect to receive a decreased retirement allowance during his or her lifetime and have seventy-five percent (75%) of such retirement allowance continue after the member's death to his or her eligible surviving spouse until the surviving spouse's death; or
 - (b) Survivorship one hundred percent (100%). The member may elect to receive a decreased retirement allowance during his or her lifetime and have such retirement allowance continued at the same rate after the member's death to his or her eligible surviving spouse until the surviving spouse's death.
- (3) If, in addition to a surviving spouse who is entitled to an annuity under subsection (1) of this section, a minor child or children survive the member, an additional annuity shall be provided for such child or children equal to:
 - (a) For the first child, fifty percent (50%) of the amount of the surviving spouse's annuity; and
 - (b) For each additional child, twenty-five percent (25%) of the amount of the surviving spouse's annuity;subject to a maximum combined annuity for the surviving spouse and minor children not to exceed seventy-five percent (75%) of the member's final annuity,

final rate of pay, or service retirement annuity, calculated, as applicable, under subsection (1) of this section.

The annuity provided for the minor children shall be divided and paid in equal amounts for each child to the surviving parent or guardian of each child under the age of eighteen (18), and paid directly to each child between the ages of eighteen (18) and twenty-three (23) who is regularly engaged in full-time educational activities. The annuity of each child or children shall continue until each child attains the age of eighteen (18), or in the case of a child regularly engaged in full-time educational activities, the age of twenty-three (23). As the eligibility of children expire, the total annuity for such children shall be reduced by percentage amount in reverse order.

- (4) If the member is not survived by a spouse who qualifies under subsection (1) or (2) of this section, and a minor child or children survive the member, an annuity shall be provided for such child or children equal to the following share of the member's final annuity, final rate of pay, or service retirement, whichever is greater:
- (a) For the first child, fifty percent (50%); and
 - (b)
 - 1. For two (2) children, an additional fifteen percent (15%); or
 - 2. For three (3) or more children, an additional ten percent (10%) each;

subject to a maximum combined annuity for all minor children not to exceed seventy-five percent (75%) of the member's final annuity, final rate of pay, or service retirement, whichever is greater.

The annuity provided for the minor children shall be divided and paid in equal amounts for each child to the surviving parent or guardian of each child under the age of eighteen (18), and paid directly to each child between the ages of eighteen (18) and twenty-three (23) who is regularly engaged in full-time educational activities. The annuity of each child or children shall continue until each child attains the age of eighteen (18), or in the case of a child regularly engaged in full-time educational activities, the age of twenty-three (23). As the eligibility of children expire, the total annuity for such children shall be reduced by percentage amount in reverse order.

Effective: July 15, 2020

History: Amended 2020 Ky. Acts ch. 103, sec. 4, effective July 15, 2020. -- Amended 2013 Ky. Acts ch. 7, sec. 11, effective March 14, 2013. -- Amended 2006 Ky. Acts ch. 144, sec. 9, effective April 4, 2006. -- Amended 2000 Ky. Acts ch. 484, sec. 5, effective July 14, 2000. -- Created 1990 Ky. Acts ch. 189, sec. 15, effective July 13, 1990.

67A.500 Withdrawal from service prior to retirement -- Refunds -- Forfeitures -- Repayment upon reemployment.

- (1) Upon withdrawal from service prior to retirement, a member shall be entitled to receive a refund of the amount of contributions made by the member or picked up by the urban-county government pursuant to KRS 67A.510(2) after the date of establishment, without interest. Payments of picked up employee contributions shall be subject to state and federal tax as appropriate.
- (2) Any member receiving a refund of contributions shall thereby ipso facto forfeit, waive, and relinquish all accrued rights and benefits in the system, including all credited and creditable service. The board may, in its discretion, regardless of cause, withhold payment of a refund for a period not to exceed six (6) months after receipt of an application from a member.
- (3) Any member who has received a refund shall be considered a new member upon subsequent reemployment if such person qualifies for membership under KRS 67A.360 to 67A.690. Any member who is reemployed after withdrawing from service and who received a refund of contributions shall, within ninety (90) days of his reemployment or prior to retirement, whichever occurs first, make a repayment to the system of the amount or amounts previously received as a refund, including interest at the rate determined by the board to be the actual rate of return on investments made by the board, but not less than three percent (3%) per annum, from the dates of the refund to the date of repayment, compounded annually. Upon the restoration of such refunds, such member shall have reinstated to his account all credited service represented by the refunds of which repayment has been made. Repayment of refunds by any member shall include all refunds received by a member prior to the date of his last withdrawal from service, with interest, and shall be made in a single lump sum payment. Repayments shall not be picked up by the urban-county government. If repayment is not made within the specified time period, the member shall have forever forfeited, waived, and relinquished the right to have reinstated to his account the credited service represented by the refunds for which repayment was not made, but shall not be precluded from purchasing service credit as provided in KRS 67A.402 if the member began participating in the fund prior to March 14, 2013.
- (4) Any member who has received, or who is entitled to receive, a refund, but who within six (6) months of becoming entitled to receive such refund, qualifies for membership under the provisions of a fund in effect in another government adopted pursuant to law, shall have the option of paying his refund into such other fund, in which event he shall be deemed a member of such other fund and his account therein shall be credited with all contributions, including those picked up pursuant to KRS 67A.510(2), and service under his original fund.

Effective: January 1, 2015

History: Amended 2014 Ky. Acts ch. 92, sec. 37, effective January 1, 2015. -- Amended 2013 Ky. Acts ch. 7, sec. 12, effective March 14, 2013. -- Amended 2000 Ky. Acts ch. 484, sec. 6, effective July 14, 2000. -- Amended 1982 Ky. Acts ch. 166, sec. 41, effective July 15, 1982. -- Created 1974 Ky. Acts ch. 106, sec. 15, effective July 1, 1974.

67A.510 Members' contributions -- Picked-up employee contributions.

- (1) (a) Each active member shall contribute a sum equal to not less than ten and one-half percent (10.5%) nor more than eleven percent (11%) of current salary, to be determined by the legislative body of the urban-county government, except that:
 1. For members whose participation date in the fund is prior to March 14, 2013, the members shall, effective July 1, 2013, contribute a sum equal to twelve percent (12%) of current salary to the fund; and
 2. For members whose participation date in the fund is on or after March 14, 2013, the member shall contribute a sum equal to twelve percent (12%) of current salary to the fund.
 - (b) The commissioner of finance of the government is hereby authorized to deduct such amount provided by this subsection from the salary paid to each active member during any pay period. This contribution shall be made as a deduction from salary, notwithstanding that the salary paid in cash to such member may be reduced thereby below the established statutory rate. Every member of the fund shall be deemed to consent and agree to the deduction from salary as herein provided, and shall receipt for his full salary, and payment to such member of salary less such deduction shall constitute a full and complete discharge and acquittance of all claims and demand whatsoever for the services rendered by such member during the period covered by such payment, except as to the benefits herein provided. After August 1, 1982, employee contributions shall be picked up by the urban-county government pursuant to subsection (2) of this section.
- (2) The urban-county government shall, solely for the purpose of compliance with Section 414(h) of the United States Internal Revenue Code, pick up the employee contributions required by this section for all compensation earned after August 1, 1982, and the contributions so picked up shall be treated as employer contributions in determining tax treatment under the United States Internal Revenue Code and KRS 141.010. However, the urban-county government shall continue to withhold federal and state income taxes based upon these contributions and hold them in a separate account until the Internal Revenue Service or the federal courts rule that, pursuant to Section 414(h) of the United States Internal Revenue Code, these contributions shall not be included as gross income of the employee until such time as the contributions are distributed or made available to the employee. The picked-up employee contribution shall satisfy all obligations to the retirement fund satisfied prior to August 1, 1982, by the employee contribution, and the picked-up employee contribution shall be in lieu of an employee contribution. The urban-county government shall pay these picked-up employee contributions from the same source of funds which is used to pay earnings to the employee. The employee shall have no option to receive the contributed amounts directly instead of having them paid by the urban-county government to the fund. Employee contributions picked up after August 1, 1982, shall be treated for all purposes of KRS 67A.360 to 67A.690 in the same manner and to the same extent as employee contributions made prior to

August 1, 1982.

Effective: April 27, 2018

History: Amended 2018 Ky. Acts ch. 171, sec. 71, effective April 14, 2018; and ch. 207, sec. 71, effective April 27, 2018. -- Amended 2013 Ky. Acts ch. 7, sec. 13, effective March 14, 2013. -- Amended 1990 Ky. Acts ch. 189, sec. 3, effective July 13, 1990; and ch. 476, Pt. VII D, sec. 646, effective April 11, 1990. -- Amended 1982 Ky. Acts ch. 166, sec. 37, effective July 15, 1982. -- Amended 1980 Ky. Acts ch. 329, sec. 1, effective July 15, 1980. -- Created 1974 Ky. Acts ch. 106, sec. 16, effective July 1, 1974.

Legislative Research Commission Note (4/27/2018). This statute was amended by 2018 Ky. Acts chs. 171 and 207, which do not appear to be in conflict and have been codified together.

67A.520 Contributions by government -- Injunction or mandamus requiring compliance.

The government shall make annual contributions to the fund toward the annuities and benefits provided by KRS 67A.360 to 67A.690 based upon the results of the annual actuarial valuation of the fund required by KRS 67A.560(6)(c). These contributions by the government shall be equal to the sum of the normal contribution amount and an additional amount to be known as the actuarially accrued liability contribution amount.

- (1) For purposes of this section, the normal contribution amount shall be an annual amount that, when combined with all active member contributions to the fund, is sufficient to fund the benefits earned during the year.
- (2) For purposes of this section, the actuarially accrued liability contribution amount shall be an annual amount that is sufficient to amortize the total unfunded actuarially accrued liability of the fund over a period of thirty (30) years, using the level-dollar amortization method, for a period beginning July 1, 2013, and ending June 30, 2043. The level-dollar amortization method shall be used to determine the government's contribution payable on or after July 1, 2013.
- (3) The government contribution to the fund computed under this section shall:
 - (a) Be determined using the entry age normal cost method;
 - (b) Effective July 1, 2013, and for each fiscal year thereafter, not be less than twenty million dollars (\$20,000,000) annually for the thirty (30) year period occurring on or after July 1, 2013, unless the pension fund has an actuarial funding level equal to or greater than one hundred percent (100%) as determined by the actuarial valuation of the fund, in which case, the contribution payable by the government shall be equal to the normal contribution amount specified by this section; and
 - (c) Be fixed by the board annually, in accordance with this section and based upon the results of the annual actuarial valuation required by KRS 67A.560 (6)(c), and shall be in effect for a period of one (1) fiscal year. The board shall notify the government of the rates payable under this section following the board's acceptance of the actuarial valuation.
- (4) In addition to other remedies provided by law, any member of the fund or any annuitant may obtain in the Circuit Court of any county in which the government is located an injunction or mandamus requiring the government to comply with this section.

Effective: March 14, 2013

History: Amended 2013 Ky. Acts ch. 7, sec. 14, effective March 14, 2013. -- Amended 2002 Ky. Acts ch. 274, sec. 5, effective July 15, 2002. -- Amended 1990 Ky. Acts ch. 189, sec. 4, effective July 13, 1990. -- Amended 1982 Ky. Acts ch. 297, sec. 3, effective July 15, 1982. -- Amended 1980 Ky. Acts ch. 329, sec. 2, effective July 15, 1980. -- Created 1974 Ky. Acts ch. 106, sec. 17, effective July 1, 1974.

**67A.530 Board of trustees to operate fund and direct policies -- Membership --
How chosen. (Effective July 15, 2020)**

- (1) The responsibility for the proper operation of the fund and the direction of its policies shall be vested in a board of trustees of twelve (12) members, consisting of the mayor, the commissioner of public safety, the commissioner of finance, the director of human resources, two (2) retired members of the fund, the chiefs of the police and fire department, and two (2) active members of each department, who shall be elected by ballot by the active members of the respective departments and shall serve for alternating terms of two (2) years under rules adopted by the board. One of the active members representing each department shall be elected on even-numbered years; and the other active member representing the department shall be elected on odd-numbered years. In the event of a vacancy of an elected member, the pension board shall fill the vacancy by appointment until the next regular election.
- (2) The retired fund members shall be selected by retired fund members by ballot to serve two (2) year terms. One (1) retired fund member shall be a retired fire department member, and the other shall be a retired police department member. Retired fund members of a department shall submit the names of at least three (3) nominees from their department to the pension board not less than three (3) months before the term of office is due to expire. The retired members of each department shall have the right to vote for nominees of the department from which the member retired. For the term beginning October 15, 2000, names of nominees from each department shall be submitted to the pension board by no later than August 15, 2000, and August 15 of each subsequent election year. The pension board shall cause to be prepared an official ballot of the retired nominees for each respective department, which shall be distributed to all retired fund members from each respective department from which the member retired by mail to their last known address. The ballot shall contain the name and address of each of the candidates. Retired fund members shall be instructed to vote for one (1) nominee. Any ballot marked with more than one (1) vote per ballot shall be disqualified and not counted. In the event of vacancy of an elected retired fund member of the board, the retiree receiving the next largest number of votes from the department for which the vacancy exists shall fill the vacancy until the next election for a representative of that retiree's department. Retired fund members shall vote for one (1) candidate from the department from which the member retired by marking a square opposite the name of the candidate of his or her choice and returning the marked ballot to the secretary of the pension board. Votes shall be tabulated by a committee of three (3) pension board members appointed by the chairman for that purpose. The tabulating committee shall report in writing to the pension board the results of the election and the name of the retired fund member who shall serve on the board.

Effective: July 15, 2020

History: Amended 2020 Ky. Acts ch. 103, sec. 5, effective July 15, 2020. -- Amended 2000 Ky. Acts ch. 333, sec. 1, effective July 14, 2000; and ch. 484, sec. 7, effective July 14, 2000. -- Amended 1990 Ky. Acts ch. 189, sec. 5, effective July 13, 1990. -- Created 1974 Ky. Acts ch. 106, sec. 18, effective July 1, 1974.

Legislative Research Commission Note (7/14/2000). This section was amended by

2000 Ky. Acts chs. 333 and 484. Where these Acts are not in conflict, they have been codified together. Where a conflict exists between a change in ch. 484 that is a revisory amendment to delete superseded text and a change in ch. 333 that is nonrevisory and substantive in nature, ch. 333 has been allowed to prevail. Cf. KRS 7.136(3)

67A.540 Election among active members -- Certification of vote.

- (1) Subject to the foregoing provisions, there shall be held on the first Wednesday after the first Tuesday of September of each year an election among the active members for trustee of the fund.
- (2) On or before August 10 preceding, nominations for candidates in the election shall be filed with the chief of the police department and the chief of the fire department. The nominations shall be in writing and shall be signed by not less than twenty-five percent (25%) of the members. Within five (5) days after the close of nominations, the chiefs of the respective departments shall certify in writing to all districts and bureaus of the departments the names of those placed in nomination.
- (3) On the first Wednesday after the first Tuesday in September beginning at the hour of 12 noon on Wednesday and continuing thereafter for a forty-eight (48) hour period, an election shall be held under the supervision of the commanding officers of the districts and bureaus. Each member shall vote at the district or bureau of which he is a member, except those members who are not assigned to a specific district or bureau, who shall vote at the office of the chief of police or chief of the fire department, as the case may be. At the close of voting, the commanding officer of each district or bureau, shall in the presence of the nominees or their duly authorized agents, open the ballot box and count the votes. He shall then make a certificate of the count and send the certificate with the ballots in a sealed envelope to the mayor, who shall, on the following Wednesday, open all the certificates so received and after counting all the returns, certify the result to the board. On the third Wednesday after the first Tuesday in September the candidate or candidates receiving the most votes shall assume office.

Effective: July 1, 1974

History: Created 1974 Ky. Acts ch. 106, sec. 19, effective July 1, 1974.

67A.550 Duties of board.

In addition to other duties provided in KRS 67A.360 to 67A.690, the board shall:

- (1) Establish and maintain an office in the facilities provided by the government for the meetings of the board and the keeping of the books, accounts, and records of the fund; hold regular meetings monthly, and such special meetings as may be deemed necessary; and keep a full record of all of its proceedings, which shall be open to inspection by the public;
- (2) Provide for the installation of a system of accounts and records that will give full effect to the requirements of KRS 67A.360 to 67A.690; adopt all necessary actuarial tables to be used in the operation of the fund; and provide for the compilation of such statistical and financial data as may be required for actuarial valuations, periodic surveys, and calculations;
- (3) Obtain such information from the participating members and the government as shall be necessary for the proper operation of the fund;
- (4) Consider and pass upon all applications for annuities, benefits, refunds and other payments, and authorize the expenditure for such purposes, in accordance with the provisions hereof. The board shall have authority to promulgate such rules and regulations, not inconsistent with the provisions of KRS 67A.360 to 67A.690, necessary for the proper determination of all claims before it;
- (5) Accept any gift, grant, or bequest of any money or property of any kind, for the purposes designated by the grantor if such purposes are specified as providing cash benefits to some or all of the members or annuitants of the fund; if no such purposes are designated, the same shall be credited to the account representing income from investments; and
- (6) Have the accounts of the fund audited in accordance with Government Auditing Standards, issued by the Comptroller General of the United States, as of the end of each fiscal year, by a competent accountant, and submit the audit report to the government with other financial or statistical data as are necessary for a proper interpretation of the condition of the fund and the results of its operations. The board shall also cause to be published for distribution among the members a synopsis of such report.

Effective: July 15, 1996

History: Amended 1996 Ky. Acts ch. 311, sec. 2, effective July 15, 1996. -- Created 1974 Ky. Acts ch. 106, sec. 20, effective July 1, 1974.

67A.560 Board officers -- Treasurer -- Legal adviser -- Actuarial assistance -- Rules and regulations -- Legislative intent to conform with applicable federal statutes, regulations, and published guidance. (Effective July 15, 2020)

- (1) The officers of the board shall consist of a president, vice president, and a secretary. The president shall be the chief executive officer of the board, shall preside at all meetings and shall appoint all necessary committees. The vice president shall serve as president in the absence of the president.
- (2) The board shall designate a secretary who may be a member of the board and shall fix the secretary's compensation. The secretary shall keep a full account of all proceedings of the board and shall give notice of all meetings and give effect to all resolutions, orders, and directives of the board. The secretary shall be in charge of the detailed affairs of administration of the fund; shall keep the record of proceedings of all meetings; shall keep all books, files, records, and accounts of the fund; shall receive all applications for annuities, benefits, and refunds; shall prepare periodic reports relative to the financial operations of the fund for the information of the board and its membership; shall compile all statistics pertinent to the operations of the fund; and shall answer all correspondence received by the board.
- (3) The commissioner of finance shall be ex officio treasurer of the board and custodian of the fund. The commissioner shall have custody of all cash and securities of the fund, subject to the authority and directives of the board, and shall keep such accounts and records as may be prescribed by the board. These accounts and records shall be subject to inspection of the board or any member thereof.
- (4) The commissioner of finance shall, within ten (10) days after his or her selection, execute a bond to the board, with good surety, in such penal sum as the board directs, to be approved by the board, conditioned upon the faithful performance of the duties of the office, and that the commissioner shall safely keep and shall truthfully account for all money and properties that come into his or her hands as treasurer of the fund, and that upon the expiration of his or her term of office, he or she shall deliver to his or her successor all securities, unexpended moneys, and other properties that come into his or her hands as treasurer of the fund. The bond shall be filed with the secretary of the board, and suit thereon may be filed in the name of the board for use of the board or any person injured by its breach. The premium on said bond may be paid out of the fund.
- (5) The commissioner of law of the government shall serve as legal adviser to the board, except that the board shall have the power to hire independent counsel, the cost of such independent counsel to be borne by the pension fund.
- (6)
 - (a) The board shall employ actuarial assistance from time to time to advise it in matters relating to the technical aspects of operations of the fund, to assist in the preparation of the periodic financial reports, to conduct the annual actuarial valuation of the fund, to determine the government's contribution as provided by KRS 67A.520, and to make periodic analyses of the operation of the fund.
 - (b) Within six (6) months after the establishment of an urban-county form of government, an actuarial study shall be made for the purpose of

recommending rates, mortality, disability, retirement, separations from service, and other essential factors.

- (c) Beginning with the fiscal year ending June 30, 2013, and each fiscal year thereafter, an actuarial valuation of the fund shall be completed by the actuary employed by the fund. The valuation shall include a description of the actuarial assumptions used and descriptive statistics on the actuarial health of the fund, and shall determine the government's contribution in accordance with KRS 67A.520. Actuarial assumptions used in the fund's valuation shall be reasonably related to the experience of the fund and represent the actuary's best estimate of anticipated experience.
 - (d) At least once every five (5) years, the board shall cause an actuarial experience study of the fund to be completed by the actuary employed by the board. The actuarial experience study shall include a review of actuarial assumptions, actuarial tables, and actuarial funding methods used in the actuarial valuation. Based upon the results of the experience study, the actuary employed by the fund shall recommend the actuarial assumptions, actuarial tables, and actuarial funding methods to be adopted by the board.
 - (e) In the event the actuarial valuation or actuarial experience study is not undertaken as provided by this subsection, any member of the fund or any annuitant may obtain an injunction or mandamus requiring the actuarial valuation or actuarial experience study be completed, or may obtain the appointment of a person or persons to complete the actuarial valuation or actuarial experience study, from the Circuit Court of any county in which the government is located.
- (7) The board shall establish rules and regulations to implement the provisions of KRS 67A.360 to 67A.690 which shall not be inconsistent therewith. Notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that the provisions of KRS 67A.360 to 67A.690 conform with federal statutes or regulations and meet the qualification requirements under 26 U.S.C. sec. 401(a), applicable federal regulations, and other published guidance. Provisions of KRS 67A.360 to 67A.690 which conflict with federal statutes or regulations or qualification under 26 U.S.C. sec. 401(a), applicable federal regulations, and other published guidance shall not be available. The board shall have the authority to promulgate regulations to conform with federal statutes and regulations and to meet the qualification requirements under 26 U.S.C. sec 401(a).

Effective: July 15, 2020

History: Amended 2020 Ky. Acts ch. 103, sec. 6, effective July 15, 2020. -- Amended 2013 Ky. Acts ch. 7, sec. 15, effective March 14, 2013. -- Amended 2006 Ky. Acts ch. 144, sec. 10, effective April 4, 2006. -- Amended 2000 Ky. Acts ch. 484, sec. 8, effective July 14, 2000. -- Amended 1990 Ky. Acts ch. 189, sec. 6, effective July 13, 1990. -- Amended 1984 Ky. Acts ch. 24, sec. 4, effective July 13, 1984. -- Amended 1982 Ky. Acts ch. 297, sec. 4, effective July 15, 1982. -- Created 1974 Ky. Acts ch. 106, sec. 21, effective July 1, 1974.

67A.570 Investments.

The board may invest the moneys accruing to the fund, in interest-bearing bonds of any county, urban-county government or city in this Commonwealth, or in any securities in which trustees are permitted to invest trust funds under the laws of this Commonwealth, or in international or other securities as permitted under federal law. Such bonds shall be registered in the name of the board to the extent possible. The securities acquired by the board shall be deposited with the commissioner of finance and shall be subject to the order of the board. The board may at the cost of the pension fund employ or engage consultants to provide investment advice to aid the board in its determinations.

Effective: January 1, 2015

History: Amended 2014 Ky. Acts ch. 92, sec. 38, effective January 1, 2015. -- Amended 2006 Ky. Acts ch. 144, sec. 11, effective April 4, 2006. -- Amended 1990 Ky. Acts ch. 189, sec. 7, effective July 13, 1990. -- Amended 1984 Ky. Acts ch. 24, sec. 5, effective July 13, 1984. -- Created 1974 Ky. Acts ch. 106, sec. 22, effective July 1, 1974.

67A.580 Accounts and records -- Reserve accounts.

- (1) An adequate system of accounts and records shall be established and maintained for the fund that will reflect fully the requirements of the provisions of KRS 67A.360 to 67A.690. This system shall be integrated, to the extent possible with the accounts, records, and procedures of the government to the end that the same shall operate most effectively and at minimum expense, and that duplication of records and accounts may be avoided.
- (2) All assets of the fund shall be credited according to the purposes for which they are held in the following designated reserve accounts:
 - (a) **Members' Contribution Reserve.** The amounts contributed by the members, including those picked up pursuant to KRS 67A.510(2), shall be credited to this reserve, together with regular interest thereon as herein provided. An individual account shall be maintained for each member, to which shall be credited the amounts of his contributions or amounts picked up by the urban-county government. Upon the granting of a service retirement annuity, disability annuity, or survivor's annuity or benefit, the accumulated contributions to the credit of the member concerned shall be transferred from this reserve to the retirement reserve. Refunds and death payments representing member's contributions shall be charged to this reserve.
 - (b) **Employer's Contribution Reserve.** The amounts contributed by the government under the provisions hereof, for service retirement annuity, disability retirement annuity, and benefits to survivors covering membership service and prior service, shall be credited to this reserve. Upon the granting of a service retirement annuity, disability retirement annuity, or survivor's benefit, an amount representing the excess of the actuarial value of the annuity, or benefit over the accumulated contributions of the member, shall be transferred from this reserve to the retirement reserve.
 - (c) **Retirement Reserve.** Upon the granting of a service retirement annuity, disability retirement annuity, or survivor's benefit, the accumulated contributions of the member, including those picked up pursuant to KRS 67A.510(2), and an amount representing the excess of the actuarial value of the annuity or benefit over such accumulated contributions, shall be transferred to this reserve from the member's contribution reserve and employer's contribution reserve, respectively. All income from investments, including gains on investment transactions, shall be credited to this reserve. All losses on investments shall be charged to this reserve. All payments on account of any annuity made by the fund shall be charged to this reserve. Any deficiency in this reserve shall be removed by an increase in the amount of government's contributions for future membership service.

Effective: March 14, 2013

History: Amended 2013 Ky. Acts ch. 7, sec. 16, effective March 14, 2013. -- Amended 2002 Ky. Acts ch. 274, sec. 6, effective July 15, 2002. -- Amended 1982 Ky. Acts ch. 166, sec. 42, effective July 15, 1982. -- Created 1974 Ky. Acts ch. 106, sec. 23, effective July 1, 1974.

67A.590 Payment of moneys from fund.

- (1) The officers of the government designated by law to draw warrants on the government treasury, shall on request in writing by the board, draw warrants on the commissioner of finance, payable to the treasurer of the board, against moneys of the fund.
- (2) Moneys ordered paid from the fund to any person shall be paid by the treasurer only, upon warrant signed by the president of the board and countersigned by the secretary. No warrant shall be drawn except by order of the board duly entered on the record of proceedings of the board.

Effective: July 13, 1990

History: Amended 1990 Ky. Acts ch. 189, sec. 8, effective July 13, 1990. -- Created 1974 Ky. Acts ch. 106, sec. 24, effective July 1, 1974.

67A.600 Fund to supersede prior pension funds -- Increase in retirement annuity.

- (1) It is the intention of KRS 67A.360 to 67A.690 that the fund herein created shall supersede and take the place of the pension fund established under KRS 95.851 to 95.884 inclusive, for cities becoming urban-county governments, which sections shall be without force and effect, insofar as applicable to such urban-county governments.
- (2) The fund created by KRS 67A.360 to 67A.690 shall succeed to and assume as of July 1, 1974, all assets of such pension funds, and shall continue to make payment of all annuities, pensions, and benefits granted by superseded pension funds at the rates previously fixed and under the conditions previously in effect, except as provided in subsection (3) of this section.
- (3)
 - (a) Persons who retired under the provisions of KRS 95.520 to 95.620, or 95.851 to 95.884 in a city which subsequently was merged into an urban-county government, or their surviving spouses or eligible children, shall receive an upward adjustment in their retirement or survivor's annuity by calculation of a two percent (2%) annual increase compounded, from July 1, 1974, until July 15, 1980, and annual increases compounded, from July 15, 1980, until July 15, 1990, in the same percentage amount by which the pension board increased other pensions pursuant to KRS 67A.690(1) for those same years. The survivor's annuity shall be determined as if the retired member's annuity had been increased annually by two percent (2%) compounded from July 1, 1974, until July 15, 1980, and annual increases compounded, from July 15, 1980, until July 15, 1990, in the same percentage amount by which the pension board increased other pensions pursuant to KRS 67A.690(1) for those same years. For purposes of calculation, the member's or survivor's first increase shall occur July 1, 1974, but only after the member was retired for one (1) year or attained age fifty-one (51), whichever was later, or would have been retired one (1) year or reached the age of fifty-one (51), whichever was later, in the event the member died before being retired one (1) year or reaching the age of fifty-one (51), unless retirement was under disability, in which case age and length of retirement criteria shall not apply.
 - (b) After calculation of the new annuity level, persons affected by this section shall be granted the same annual increase granted to retirees pursuant to KRS 67A.690(1), and the annuity on which this cost-of-living increment is based shall be the annuity level reached through the addition of annual compounded increases calculated pursuant to paragraph (a) of this subsection. If the member has not attained the age of fifty-one (51) or would not have attained the age of fifty-one (51) in the event the member is deceased, then the member or survivor shall receive increases of two percent (2%) compounded annually until the member attains or would have attained age fifty-one (51), at which time the same annual increase granted to retirees who retired pursuant to KRS 67A.690(1) shall apply. In addition, each annuitant or surviving spouse or eligible child shall receive a one-time lump-sum payment of five hundred dollars (\$500).

- (4) The provisions of subsection (3) of this section shall not apply to any retiree or surviving spouse who receives a minimum retirement annuity, annually adjusted, pursuant to 1972 Acts Chapter 185, Section 1, but each such retiree or surviving spouse shall receive a one-time lump-sum payment of five hundred dollars (\$500). If, in the future, any retiree or spouse annuity granted pursuant to this section falls below the adjusted minimum annuity, the affected retiree or spouse shall be granted, from that time forward, the adjusted minimum annuity calculated pursuant to 1972 Acts Chapter 185, Section 1.

Effective: January 1, 2015

History: Amended 2014 Ky. Acts ch. 92, sec. 39, effective January 1, 2015. -- Amended 1990 Ky. Acts ch. 189, sec. 10, effective July 13, 1990. -- Amended 1988 Ky. Acts ch. 353, sec. 1, effective July 15, 1988. -- Amended 1980 Ky. Acts ch. 188, sec. 47, effective July 15, 1980. -- Created 1974 Ky. Acts ch. 106, sec. 25, effective July 1, 1974.

67A.610 Member deemed to authorize deductions for contributions -- Picked-up employee contributions.

Each member shall, by virtue of the payment of contributions to the fund, receive a vested interest in such contributions, and in consideration of such vested interest, shall be conclusively deemed to undertake and agree to pay the same and to have the amounts deducted from his salary as herein provided. After August 1, 1982, employee contributions shall be picked up by the urban-county government pursuant to KRS 67A.510(2).

Effective: July 15, 1982

History: Amended 1982 Ky. Acts ch. 166, sec. 43, effective July 15, 1982. -- Created 1974 Ky. Acts ch. 106, sec. 26, effective July 1, 1974.

67A.620 Benefits nonassignable -- Not to be attached except for child support.

The right to a retirement annuity, disability annuity, survivor's annuity or benefit, death benefit, or any other benefit under the provision hereof, by whatever name called, or refund, is personal with the recipient thereof, and the assignment, garnishment, execution, or transfer of such benefit or any part thereof shall be void, except as herein provided. Any such annuity, benefit, or refund shall not answer for debts contracted by the person receiving the same, and it is the intention of this section that they shall not be attached or affected by any judicial proceeding, except for court or administratively ordered current child support, or owed child support, or to-be-owed child support.

Effective: July 15, 1998

History: Amended 1998 Ky. Acts ch. 255, sec. 33, effective July 15, 1998. -- Amended 1990 Ky. Acts ch. 189, sec. 9, effective July 13, 1990. -- Created 1974 Ky. Acts ch. 106, sec. 27, effective July 1, 1974.

67A.630 Payment of annuities.

Any service retirement annuity, disability retirement annuity, or any other annuity provided herein shall be payable in equal monthly installments as life annuities, and shall not be increased, decreased, revoked, or repealed, except for error, or except where specifically otherwise provided. The cost of providing death benefits for members in receipt of retirement annuities shall not be construed as a reduction in the life annuity payable to the member. The first payment of an annuity shall be made for the fraction of a month elapsing until the end of the first month; and the last payment shall be made as of the end of the month in which death occurs.

Effective: July 1, 1974

History: Created 1974 Ky. Acts ch. 106, sec. 28, effective July 1, 1974.

67A.640 Obligations of government.

It is the intention of KRS 67A.360 to 67A.690 that the payment of the required contributions by the government shall include all allowances, annuities, benefits, and administration expenses and shall be the obligation of the government.

Effective: July 1, 1974

History: Created 1974 Ky. Acts ch. 106, sec. 29, effective July 1, 1974.

67A.650 Change in form of government, class, or other status not to affect coverage.

Any government covered by KRS 67A.360 to 67A.690, which may subsequently change its form of government or its class or other status, shall continue to be covered by KRS 67A.360 to 67A.690.

Effective: July 1, 1974

History: Created 1974 Ky. Acts ch. 106, sec. 30, effective July 1, 1974.

67A.655 Transition to County Employees Retirement System.

The legislative body in an urban-county government may issue the appropriate order, pursuant to KRS 78.530(1), directing participation for policemen and firefighters in the County Employees Retirement System. All new employees who would have been granted membership in the policemen's and firefighter's retirement fund of the urban-county government shall be members of the County Employees Retirement System. All active members of the policemen's and firefighter's retirement fund of the urban-county government at the time of transition to the County Employees Retirement System may choose membership in the County Employees Retirement System or may retain membership in the local retirement fund, but the legislative body may withdraw its order prior to the effective date if the number of active members choosing to transfer is not sufficient to fully fund the balance of the cost of transition after available local pension assets are included. The urban-county government shall elect the alternate participation plan, pursuant to KRS 78.530(3), for active members who transfer to the County Employees Retirement System. Notwithstanding the provisions of KRS 78.530(3)(b), the urban-county government may, at its option, extend the payment period for the cost of alternate participation to a maximum of thirty (30) years with the interest at the rate actuarially assumed by the County Employees Retirement System board. The urban-county government shall have the right to use assets in the local pension fund, other than those assets, as determined by actuarial valuation, necessary to pay benefits to the remaining active members of the local retirement fund and retirees and their survivors, to assist in the payment of the annual installment cost of alternate participation. The County Employees Retirement System employee contribution shall be made as a deduction from salary, and payment to the member of salary less this deduction shall constitute a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by the member during the period covered by the payment. All policemen and firefighters who become members of the County Employees Retirement System pursuant to this section shall be granted hazardous duty coverage.

Effective: July 15, 2016

History: Amended 2016 Ky. Acts ch. 31, sec. 3, effective July 15, 2016. -- Created 1994 Ky. Acts ch. 371, sec. 1, effective July 15, 1994.

67A.660 Rehearing by board. (Effective July 15, 2020)

After a determination has been made on any application by the board, any interested person may, within twenty (20) days after notice of the determination or finding of the board, apply for a rehearing with respect to any of the matters determined by the board. The application shall specify the matter of which a rehearing is sought. The board shall fix the time for the rehearing at the board's next scheduled regular meeting held after the same is filed with the secretary of the board, in no event to be less than sixty (60) days from the date the application is filed unless otherwise agreed by the parties. Upon the rehearing a complete transcript shall be made of all evidence presented. The cost of such transcript shall be borne equally by the applicant for the rehearing and the board. Upon rehearing, the board may change, modify, vacate or affirm its previous order upon said application and enter such an order as it deems necessary.

Effective: July 15, 2020

History: Amended 2020 Ky. Acts ch. 103, sec. 7, effective July 15, 2020. -- Created 1974 Ky. Acts ch. 106, sec. 31, effective July 1, 1974.

67A.670 Appeal to circuit court.

- (1) The order or determination of the board upon the rehearing shall be conclusive and binding, but any interested party may, within twenty (20) days after the rendition of the order of the board, by petition appeal to the Circuit Court of the county in which the urban-county government is located for a review of the order of the board.
- (2) The petition shall state fully the grounds upon which a review is sought, assign all errors relied on and be verified by the petitioner who shall furnish a copy to the board at the time of the filing of the same. Summons shall be issued directing the board to answer within twenty (20) days and directing the board to send the original record to the circuit clerk certifying that such record is the entire original record of the rehearing which shall be filed by the clerk of the Circuit Court and such record shall then become and be considered by the Circuit Court on the review. The appeal provided for herein shall not be considered effective unless the person making the appeal has paid to the board one-half (1/2) of the cost of the transcript of the record of the rehearing within the period provided for making the appeal.
- (3) No new nor additional evidence may be introduced in the Circuit Court except as to fraud or misconduct of some person engaged in the administration of KRS 67A.360 to 67A.690, and affecting the order, decision or determination appealed from, but the court shall otherwise hear the cause upon the record as certified by the board and shall dispose of the cause in summary manner, its review being limited to determining whether or not:
 - (a) The board acted without or in excess of its powers;
 - (b) The order, decision or determination was procured by fraud;
 - (c) The order, decision or determination of the board is not in conformity with the provisions of KRS 67A.360 to 67A.690;
 - (d) If findings of fact are in issue the party seeking to set aside any order, decision or determination of the board shall have the burden of proof to show by clear and satisfactory evidence that the order, decision or determination is unreasonable or unlawful. If upon appeal as herein provided, the order, decision or determination of the board is reversed the party perfecting the appeal shall be refunded by the board his portion of the costs paid for the transcript of the record made on the rehearing.
- (4) The board and each interested party may appear before the Circuit Court. The court shall enter judgment affirming, modifying or setting aside the order, decision or determination appealed from, or in its discretion remand the cause to the board for further proceedings in conformity with the direction of the court. The court may, before judgment and upon a sufficient showing of fact, remand the cause to the board.

Effective: July 1, 1974

History: Created 1974 Ky. Acts ch. 106, sec. 32, effective July 1, 1974.

67A.680 Appeal to Court of Appeals.

- (1) The judgment of the Circuit Court shall be subject to appeal to the Court of Appeals. The scope of review by the Court of Appeals shall include all matters subject to review by the Circuit Court and also errors of law arising in the Circuit Court and upon appeal made reviewable by the Rules of Procedure.
- (2) The procedure as to appeal to the Court of Appeals shall be the same as in civil actions so far as it is applicable to and shall not conflict with the provisions of KRS 67A.360 to 67A.690.

Effective: July 1, 1974

History: Created 1974 Ky. Acts ch. 106, sec. 33, effective July 1, 1974.

67A.690 Increase in retirement annuity.

- (1) (a) The increase in retirement annuities provided and authorized by paragraphs (b) and (c) of this subsection shall be provided when:
 1. A member who retired prior to July 1, 2013, has been retired for one (1) year or attained forty-seven (47) years of age, whichever is later;
 2. The member would have been retired for one (1) year or attained forty-seven (47) years of age, whichever is later, in the event the member died prior to July 1, 2013;
 3. A member who retires on or after July 1, 2013, has been retired five (5) years or attained fifty (50) years of age, whichever is sooner; or
 4. The member would have been retired for five (5) years or attained fifty (50) years of age, whichever is sooner, in the event the member dies on or after July 1, 2013.
- (b) Except as provided by paragraph (c) of this subsection, for each member, widow, or dependent child who is eligible for an increase in retirement annuities as provided by paragraph (a) of this subsection, the board shall increase his or her retirement annuity by:
 1. Two percent (2%) per year, compounded annually, if the member, widow, or dependent child is receiving an annualized retirement annuity of less than forty thousand dollars (\$40,000);
 2. One and one-half percent (1.5%) per year, compounded annually, if the member, widow, or dependent child is receiving an annualized retirement annuity of at least forty thousand dollars (\$40,000) but less than seventy-five thousand dollars (\$75,000); or
 3. One percent (1%) per year, compounded annually, if the member, widow, or dependent child is receiving an annualized retirement annuity equal to or greater than seventy-five thousand dollars (\$75,000), except that no member, widow, or dependent child receiving an annualized retirement annuity equal to or greater than one hundred thousand dollars (\$100,000) shall receive an increase in his or her retirement annuity until January 1, 2016.
- (c) If the fund has an actuarial funding level greater than eighty-five percent (85%), as determined by the most recently completed actuarial valuation of the fund, the board shall, in lieu of the increase provided by paragraph (b) of this subsection, increase retirement annuities for members, widows, and dependent children as follows, provided the increase meets the requirements of paragraph (d) of this subsection:
 1. For members whose participation date in the fund is prior to March 14, 2013, who are eligible for an increase in retirement annuities as provided by paragraph (a) of this subsection, the board may increase retirement annuities by an amount not less than two percent (2%) nor more than five percent (5%) per year, compounded annually;
 2. For members whose participation date in the fund is on or after March

14, 2013, who are eligible for an increase in retirement annuities as provided by paragraph (a) of this subsection, the board may increase retirement annuities by an amount not more than three percent (3%) per year, compounded annually; and

3. Increases provided under this paragraph shall be in lieu of the increases provided under paragraph (b) of this subsection.
- (d) The board shall determine annually whether an increase in retirement annuities can be provided under paragraph (c) of this subsection. No increase in retirement annuities shall be provided under paragraph (c) of this subsection, if the increase in retirement annuities will reduce the actuarial funding level of the fund below eighty-five percent (85%).
- (2) Beginning July 1, 2001, notwithstanding any other provision to the contrary, any member, retired prior to July 1, 2013, under occupational disability, as provided in KRS 67A.460, or nonoccupational disability shall be entitled to an increase in his or her annuity, or in the event of death the annuity paid to his or her spouse or dependent, after he or she has been retired one (1) year regardless of age or date of retirement. A member retiring under occupational disability, as provided in KRS 67A.460, or nonoccupational disability, on or after July 1, 2013, shall be entitled to an increase in his or her annuity as provided by subsection (1) of this section. The amount of the annual increase shall be the same as described in subsection (1) of this section, compounded annually, and the increase shall be determined and granted annually thereafter by the board. For a member retired on occupational disability for a length of time in excess of one (1) year prior to June 21, 2001, the board shall increase the member's annuity as described in this paragraph, on July 1, 2001, and each July 1 thereafter.
- (3)
 - (a) A member who retired pursuant to the provisions of KRS 67A.360 to 67A.690 prior to July 15, 1980, or pursuant to KRS 67A.690(2) after July 15, 1980, or his surviving spouse or eligible surviving children, shall receive an upward adjustment in their retirement or survivor's annuity by calculation of a two percent (2%) annual increase compounded from July 1, 1974, until July 15, 1980, and annual increases compounded, from July 15, 1980, until July 15, 1990, in the same percentage amount by which the pension board increased other pensions pursuant to subsection (1) of this section for those same years. For purposes of calculation, unless the member retired under disability, the member's or survivor's first increase shall occur after the member was retired for one (1) year or attained the age of forty-seven (47), whichever was later, or would have been retired one (1) year or reached the age of forty-seven (47), whichever was later, in the event the member died before being retired one (1) year or reaching the age of forty-seven (47). In the case of retirement under disability, no age or length of retirement criteria shall apply.
 - (b) After calculation of the new annuity level, members of age forty-seven (47) or more affected by this subsection, or survivors of a member who would have been forty-seven (47) or more in the event the member is deceased, shall be granted the same annual increase granted to retirees who retired July 15, 1980,

or thereafter, pursuant to subsection (1) of this section, and the annuity on which this cost-of-living increment is based shall be the annuity level reached through the addition of annual compounded increases calculated pursuant to paragraph (a) of this subsection, but not less than the annuity level in effect prior to July 15, 1990. If the member has not attained the age of forty-seven (47) or would not have attained the age of forty-seven (47) in the event the member is deceased, then the member or survivor shall receive increases of two percent (2%) compounded annually until the member attains or would have attained age forty-seven (47), at which time the same annual increase granted to retirees who retired July 15, 1980, or thereafter shall apply.

- (4) The provisions of subsection (3) of this section shall not apply to any retiree or surviving spouse who receives a minimum retirement annuity, annually adjusted, pursuant to KRS 67A.430. If, in the future, any retiree or spouse annuity granted pursuant to this section falls below the adjusted minimum annuity, the affected retiree or spouse shall be granted, from that time forward, the adjusted minimum annuity calculated pursuant to KRS 67A.430.

Effective: March 14, 2013

History: Amended 2013 Ky. Acts ch. 7, sec. 17, effective March 14, 2013. -- Amended 2002 Ky. Acts ch. 274, sec. 7, effective July 15, 2002. -- Amended 2001 Ky. Acts ch. 131, sec. 2, effective June 21, 2001. -- Amended 1990 Ky. Acts ch. 189, sec. 11, effective July 13, 1990. -- Amended 1988 Ky. Acts ch. 353, sec. 2, effective July 15, 1988. -- Amended 1980 Ky. Acts ch. 329, sec. 3, effective July 15, 1980. -- Created 1974 Ky. Acts ch. 106, sec. 36, effective July 1, 1974.

67A.990 Penalties.

Any person who knowingly makes any false statement, or falsifies, or permits to be falsified, any record or records of the fund established pursuant to KRS 67A.370, in any attempt to defraud the fund, shall be fined not less than \$500 or imprisoned in the county jail for not more than twelve (12) months, or both, and the fund shall have the right to recover any payments made under false representations.

Effective: July 1, 1974

History: Created 1974 Ky. Acts ch. 106, sec. 34, effective July 1, 1974.

79.080 Retirement, disability, health maintenance organization coverage, or hospitalization benefits for employees and elected officers -- Participation in state health insurance coverage program for state employees -- Termination of participation -- Coverage provided in County Employees Retirement System after August 1, 1988.

- (1) The term "health maintenance organization" for the purposes of this section, means a health maintenance organization as defined in KRS 304.38-030, which has been issued a certificate of authority by the Department of Insurance as a health maintenance organization and which is qualified under the requirements of the United States Department of Health, Education and Welfare, except as provided in subsection (4) of this section.
- (2) Cities of all classes, counties, and urban-county governments and the agencies of cities, counties, charter county, and urban-county governments are authorized to establish and operate plans for the payment of retirement, disability, health maintenance organization coverage, or hospitalization benefits to their employees and elected officers, and health maintenance organization coverage or hospitalization benefits to the immediate families of their employees and elected officers. The plan may require employees to pay a percentage of their salaries into a fund from which coverage or benefits are paid, or the city, county, charter county, urban-county government, or agency may pay out of its own funds the entire cost of the coverage or benefits. A plan may include a combination of contributions by employees and elected officers and by the city, county, charter county, urban-county government, or agency into a fund from which coverage or benefits are paid, or it may take any form desired by the city, county, charter county, urban-county government, or agency. Each city, county, charter county, urban-county government, or agency may make rules and regulations and do all other things necessary in the establishment and operation of the plan.
- (3) Cities of all classes, counties, charter counties, urban-county governments, the agencies of cities, counties, charter counties, and urban-county governments, and all other political subdivisions of the state may provide disability, hospitalization, or other health or medical care coverage to their officers and employees, including their elected officers, through independent or cooperative self-insurance programs and may cooperatively purchase the coverages.
- (4) Any city, county, charter county, or urban-county government which is a contributing member to any one (1) of the retirement systems administered by the state may participate in the state health insurance coverage program for state employees as defined in KRS 18A.225 to 18A.229. Should any city, county, charter county, or urban-county government opt at any time to participate in the state health insurance coverage program, it shall do so for a minimum of three (3) consecutive years. If after the three (3) year participation period, the city, county, charter county, or urban-county government chooses to terminate participation in the state health insurance coverage program, it will be excluded from further participation for a period of three (3) consecutive years. If a city, county, charter county, or urban-county government, or one (1) of its agencies, terminates participation of its active

employees in the state health insurance coverage program and there is a state appropriation for the employer's contribution for active employees' health insurance coverage, neither the unit of government, or its agency, nor the employees shall receive the state-funded contribution after termination from the state employee health insurance program. The three (3) year participation and exclusion cycles shall take effect each time a city, county, charter county, or urban-county government changes its participation status.

- (5) Any city, county, charter county, urban-county government, or other political subdivision of the state which employs more than twenty-five (25) persons and which provides hospitalization benefits or health maintenance organization coverage to its employees and elected officers, shall annually give its employees an option to elect either standard hospitalization benefits or membership in a qualified health maintenance organization which is engaged in providing basic health services in a health maintenance service area in which at least twenty-five (25) of the employees reside; except that if any city, county, charter county, urban-county government, or agencies of any city, county, charter county, urban-county government, or any other political subdivision of the state which does not have a qualified health maintenance organization engaged in providing basic health services in a health maintenance service area in which at least twenty-five (25) of the employees reside, the city, county, charter county, urban-county government, or agencies of the city, county, charter county, urban-county government, or any other political subdivision of the state may annually give its employees an option to elect either standard hospitalization benefits or membership in a health maintenance organization which has been issued a certificate of authority by the Department of Insurance as a health maintenance organization and which is engaged in providing basic health services in a health maintenance service area in which at least twenty-five (25) of the employees reside. Any premium due for health maintenance organization coverage over the amount contributed by the city, county, charter county, urban-county government, or other political subdivision of the state which employs more than twenty-five (25) persons for any other hospitalization benefit shall be paid by the employee.
- (6) If an employee moves his place of residence or employment out of the service area of a health maintenance organization, under which he has elected coverage, into either the service area of another health maintenance organization or into an area of the state not within a health maintenance organization service area, the employee shall be given an option, at the time of the move or transfer, to elect coverage either by the health maintenance organization into which service area he moves or is transferred or to elect standard hospitalization coverage offered by the employer.
- (7) Any plan adopted shall provide that any officer or member of a paid fire or police department who has completed five (5) years or more as a member of the department, but who is unable to perform his duties by reason of heart disease or any disease of the lungs or respiratory tract, is presumed to have contracted his disease while on active duty as a result of strain or the inhalation of noxious fumes, poison or gases, and shall be retired by the pension board under terms of the pension system of which he is a member, if the member passed an entrance physical

examination and was found to be in good health as required.

- (8) The term "agency" as used herein shall include boards appointed to operate waterworks, electric plants, hospitals, airports, housing projects, golf courses, parks, health departments, or any other public project.
- (9) After August 1, 1988, except as permitted by KRS 65.156, no new retirement plan shall be created pursuant to this section, and cities which were covered by this section on or prior to August 1, 1988, shall participate in the County Employees Retirement System effective August 1, 1988. Any city, county, charter county, urban-county, or agency thereof which provided a retirement plan for its employees, pursuant to this section, on or prior to August 1, 1988, shall place employees hired after August 1, 1988, in the County Employees Retirement System. The city, county, charter county, urban-county, or agency thereof shall offer employees hired on or prior to August 1, 1988, membership in the County Employees Retirement System under the alternate participation plan as described in KRS 78.530(3), but such employees may elect to retain coverage under this section.

Effective: July 14, 2018

History: Amended 2018 Ky. Acts ch. 112, sec. 1, effective July 14, 2018. -- Amended 2010 Ky. Acts ch. 24, sec. 74, effective July 15, 2010. -- Amended 2000 Ky. Acts ch. 438, sec. 5, effective April 21, 2000. -- Amended 1994 Ky. Acts ch. 350, sec. 5, effective July 15, 1994. -- Amended 1988 Ky. Acts ch. 11, sec. 7, effective July 15, 1988. -- Amended 1986 Ky. Acts ch. 292, sec. 1, effective July 15, 1986. -- Amended 1984 Ky. Acts ch. 177, sec. 10, effective July 13, 1984. -- Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 35, sec. 3. -- Amended 1970 Ky. Acts ch. 212, sec. 1. -- Amended 1966 Ky. Acts ch. 10, sec. 1. -- Created 1948 Ky. Acts ch. 129, sec. 1.

164.2841 Free tuition at state-supported school for survivor of police officer, firefighter, or volunteer firefighter killed in line of duty -- Free tuition at state-supported school for survivor of other state-administered retirement system participants who died as a result of duty-related injury -- Limitation.

- (1) (a) Any person whose parent or any nonmarried widow or widower whose spouse was a resident of the Commonwealth of Kentucky upon becoming a law enforcement officer, firefighter, or volunteer firefighter and who was killed while in active service or training for active service or who died as a result of a service-connected disability shall not be required to pay any matriculation or tuition fee upon admission to any state-supported university, community college, or vocational training institution. The provisions of this subsection shall apply to any firefighter or volunteer firefighter who is killed or dies under the conditions covered in this subsection on July 1, 1989, or thereafter.
- (b) In order to obtain the benefits conferred by paragraph (a) of this subsection, the parent-child relationship shall be shown by birth certificate, adoption papers, or other documentary evidence. The spousal relationship shall be shown by a marriage certificate or other documentary evidence. The parent's or spouse's service and the cause of death shall be evidenced by certification from the records of the Kentucky Justice and Public Safety Cabinet, the appropriate city or county law enforcement agency which employed the deceased, the administrative agency for the fire department or fire protection district recognized for funding under KRS 95A.262, or the administrative agency having jurisdiction over any paid firefighters of all counties and cities of all classes.
- (2) (a) Any person whose parent or any nonmarried widow or widower whose spouse was an employee participating in a state-administered retirement system, and not otherwise covered by subsection (1) of this section, and who died as a result of a duty-related injury as described in KRS 61.621 shall not be required to pay any matriculation or tuition fee upon admission to any state-supported university, community college, or vocational training institution.
- (b) In order to obtain the benefits conferred by paragraph (a) of this subsection, the parent-child relationship shall be shown by birth certificate, adoption papers, or other documentary evidence. The spousal relationship shall be shown by a marriage certificate or other documentary evidence. The parent's or spouse's service and the cause of death shall be evidenced by certification from the records of the employing agency or the appropriate retirement system.
- (3) If one so admitted to a state-supported university, community college, or vocational training institution under the provisions of this section shall have obtained a cash scholarship paid or payable to the institution, from whatever source, the amount of the scholarship shall be applied to the credit of the applicant in the payment of incidental expenses of his attendance at the institution, and any balance, if the terms of the scholarship permit, shall be returned to the applicant.

Effective: June 26, 2007

History: Amended 2007 Ky. Acts ch. 85, sec. 171, effective June 26, 2007. -- Amended 2001 Ky. Acts ch. 7, sec. 4, effective June 21, 2001. -- Amended 1992 Ky. Acts ch. 381, sec. 9, effective July 14, 1992; ch. 197, sec. 1, effective July 14, 1992. -- Amended 1990 Ky. Acts ch. 143, sec. 1, effective July 13, 1990. -- Created 1986 Ky. Acts ch. 324, sec. 2, effective April 4, 1986.

164.2842 Free tuition at state-supported school for survivor of police officer, firefighter, or volunteer firefighter permanently and totally disabled in line of duty -- Free tuition at state-supported school for survivor of other state-administered retirement system participants disabled as a result of duty-related injury.

- (1) (a) The spouse, regardless of age, and any child of a permanently and totally disabled law enforcement officer, firefighter, or volunteer firefighter injured while in active service or in training for active service, who is over the age of seventeen (17) and under the age of twenty-three (23) shall not be required to pay any matriculation or tuition fee upon his admission to any state-supported university, community college, or vocational training institution for a period not in excess of thirty-six (36) months in order to obtain a diploma, nor in excess of the lesser number of months required for a certificate of completion.
- (b) For the spouse or child to be entitled to benefits under this section, the disabled law enforcement officer, firefighter, or volunteer firefighter shall be rated permanently and totally disabled for pension purposes or one hundred percent (100%) disabled for compensation purposes by the Kentucky Justice and Public Safety Cabinet, the appropriate city or county law enforcement agency which employed the disabled, the administrative agency for the fire department or fire protection district recognized for funding under KRS 95A.262, or the administrative agency having jurisdiction over any paid firefighters of all counties and cities of all classes, or if deceased, the claim to benefits is to be based on the rating held by the law enforcement officer, firefighter, or volunteer firefighter at the time of death. The parent's or spouse's service and rating shall be evidenced by certification from the records of the Kentucky Justice and Public Safety Cabinet, the appropriate local law enforcement agency, the administrative agency for the fire department or fire protection district recognized for funding under KRS 95A.262, or the administrative agency having jurisdiction over any paid firefighters of all counties and cities of all classes.
- (c) In the absence of certification of permanent and total disability by the Kentucky Department of Workers' Claims, the Kentucky Justice and Public Safety Cabinet, the appropriate local law enforcement agency, the administrative agency for the fire department or fire protection district recognized for funding under KRS 95A.262, or the administrative agency having jurisdiction over any paid firefighters of all counties and cities of all classes, medical evidence showing permanent and total disability or the existence of permanent and total disability for a period of at least thirty (30) days immediately prior to death may be accepted, if this evidence is signed by a physician licensed to practice or an official of an accredited medical hospital.
- (d) The parent-child relationship shall be shown by birth certificate, legal adoption papers, or other documentary evidence. The spousal relationship shall be shown by a marriage certificate or other documentary evidence.

- (e) To entitle a spouse or child to benefits under this section the disabled law enforcement officer, firefighter, or volunteer firefighter shall have been a resident of the Commonwealth of Kentucky upon becoming a law enforcement officer, firefighter, or volunteer firefighter.
- (2) (a) The spouse, regardless of age, and any child of a person who was an employee participating in a state-administered retirement system and not otherwise covered by subsection (1) of this section and who was disabled as a result of a duty-related injury as described in KRS 61.621, who is over the age of seventeen (17) and under the age of twenty-three (23) shall not be required to pay any matriculation or tuition fee upon his admission to any state-supported university, community college, or vocational training institution for a period not in excess of thirty-six (36) months in order to obtain a diploma, nor in excess of the lesser number of months required for a certificate of completion.
- (b) The parent-child relationship shall be shown by birth certificate, legal adoption papers, or other documentary evidence. The spousal relationship shall be shown by a marriage certificate or other documentary evidence.
- (3) The marriage of an eligible child shall not serve to deny full entitlement to the benefits provided in this section.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 24, sec. 212, effective July 15, 2010. -- Amended 2007 Ky. Acts ch. 85, sec. 172, effective June 26, 2007. -- Amended 2001 Ky. Acts ch. 7, sec. 5, effective June 21, 2001. -- Amended 1994 Ky. Acts ch. 181, sec. 100, effective April 4, 1994. -- Amended 1992 Ky. Acts ch. 381, sec. 10, effective July 14, 1992. -- Amended 1990 Ky. Acts ch. 143, sec. 2, effective July 13, 1990. -- Created 1986 Ky. Acts ch. 324, sec. 3, effective April 4, 1986.