

**161.567 Authorization for optional retirement plan for designated employees of certain public universities.**

- (1) An optional retirement plan is hereby authorized for designated employees of public postsecondary education institutions who are also eligible for membership in the Kentucky Teachers' Retirement System under KRS 161.220(4)(b) and 161.470(1). The purpose of the optional retirement plan shall be to provide suitable retirement and death benefits, while affording the maximum portability of these benefits to the eligible employees as an alternative to membership in the retirement system. Benefits shall be provided by the purchase of annuity contracts, mutual fund accounts, or similar investment products, or a combination thereof, collectively referred to as contracts or annuity contracts, at the option of the participant and offered by the selected provider for plans established under Section 403(b) of the Internal Revenue Code. The specific provisions of provider contracts with respect to the benefits payable to members and their beneficiaries shall prevail over specific provisions relating to the same subjects found in KRS 161.220 to 161.716, other than this section.
- (2) The boards of regents of those institutions identified in KRS 161.220(4)(b) shall select no less than two (2) but no more than four (4) companies from which to purchase contracts under the optional retirement plan. As criteria for this selection, the boards of regents shall consider, among other things, and as appropriate for the type of contract provider, the following:
  - (a) The portability of the contracts offered or to be offered by a company, based on the number of states in which the company provides contracts under similar plans;
  - (b) The efficacy of the contracts in the recruitment and retention of employees for the various state public postsecondary education institutions;
  - (c) The nature and extent of the rights and benefits to be provided by the contracts for participating employees and their beneficiaries;
  - (d) The relation of the rights and benefits to the amount of contributions required;
  - (e) The suitability of the rights and benefits to the needs and interests of eligible employees and the various state public postsecondary education institutions; and
  - (f) The ability of the designated companies to provide the rights and benefits under those contracts.

**Effective:** July 1, 2008

**History:** Amended 2008 Ky. Acts ch. 78, sec. 25, effective July 1, 2008. -- Amended 1997 (1st Extra. Sess.) Ky. Acts ch. 1, sec. 69, effective May 30, 1997. -- Amended 1996 Ky. Acts ch. 253, sec. 1, effective July 15, 1996. -- Created 1994 Ky. Acts ch. 290, sec. 1, effective July 15, 1994.