

Table 3.13
STATE LEGISLATIVE RETIREMENT BENEFITS

<i>State or other jurisdiction</i>	<i>Participation</i>	<i>Plan name</i>	<i>Requirements for regular retirement</i>	<i>Employee contribution rate</i>	<i>Benefit formula</i>
Alabama	None available.	Public Employees Retirement System	Age 60 with 10 yrs.	Employee 6.75%	2% (first 10 yrs.); or 2.25% (second 10 yrs.); or 2.5% over 20 yrs. x average salary over 5 highest consecutive yrs. x yrs. of service
Alaska	Optional	Elected Officials Retirement System	Age 65, 5+ yrs. service; age 62, 10+ yrs. service; or 20 yrs. service; earlier retirement with an actuarial reduction of benefits. Vesting at 5 yrs.	Employee 7%	4% x years of credited service x highest 3 yr. average in the past 10 yrs. The benefit is capped at 80% of FAS. An elected official may purchase service credit in the plan for service earned in a non-elected position by buying it at an actuarially-determined amount.
Arizona	Mandatory—except that officials subject to term limits may opt out for a term of office.	Arkansas Public Employees Retirement System	Age 65, 10 yrs. service; or age 55, 12 yrs. service; or any age, 28 yrs. service; any age if serving in the General Assembly on 7/1/79; any age if in elected office on 7/1/79 with 17 and 1/2 yrs. of service. As a regular employee, age 65, 5 yrs. service, or any age and 28 yrs. Members of the contributory plan established in 2005 must have a minimum of 10 yrs. legislative service; if they have only legislative state employment.	Non-contributory plan in effect for those elected before 2006. For those elected then and thereafter, a contributory plan that requires 5% of salary.	For service that began after 7/1/99: 2.07% x FAS x years of service. FAS based on three highest consecutive years of service. For service that began after July 1, 1991, \$.35 x years of service equals monthly benefit. For contributory plan, 2% x FAS x years of service.
Arkansas	Optional. Those elected before 7/1/99 may have service covered as a regular state employee but must have 5 years of regular service to do so.				
California	Legislators elected after 1990 are not eligible for retirement benefits for legislative service.				
Colorado	Mandatory	Either Public Employees' Retirement Association or State Defined Contribution Plan. A choice is not irrevocable.	PERA: age 65, 5 yrs. service; age 50, 30 yrs. service; when age + service equals 80 or more (min. age of 55). DCP: no age requirement & vested immediately	Employee: 8%	PERA: 2.5% x FAS x yrs. of service, capped at 100% of FAS. DCP benefit depends upon contributions and investment returns.
Connecticut	Mandatory	State Employees Retirement System Tier IIA	Age 60, 25 yrs. credited service; age 62, 10–25 yrs. credited service; age 62, 5 yrs. actual state service. Reduced benefit available with earlier retirement ages.	2%	(.0133 x avg. annual salary) + (.005 x avg. annual salary in excess of "breakpoint" x credited service up to 35 years. 2003: \$36,400 2004: \$38,600 2005: \$40,900 2006: \$43,400 2007: \$46,000 2008: \$48,800 2009: \$51,700 After 2009—increase breakpoint by 6% per year, rounded to nearest \$100.

See footnotes at end of table.

STATE LEGISLATIVE RETIREMENT BENEFITS — Continued

State or other jurisdiction	Participation	Plan name	Requirements for regular retirement	Employee contribution rate	Benefit formula
Delaware	Mandatory	State Employees Pension Plan	Age 60, 5 yrs. credited service	3% of total monthly compensation in excess of \$6,000	2% times FAS times years of service before 1997 + 1.85% times FAS times years of service from 1997 on. FAS=average of highest 3 years.
Florida	Optional. Elected officials may opt out and may choose between DB and DC plans.	Florida Retirement System	Vesting in DB plan, 6 years; in DC plan, 1 year. DB plan: Age 62 with 6 years; 30 years at any age. DC plan: any age	No employee contribution. Employer contribution for 2004–2005 for legislators is 12.49% of salary.	DB plan: 3% x years of creditable service x average final compensation (average of highest 5 yrs). DC plan: Dependent upon investment experience.
Georgia	Optional: Choice when first elected.	Georgia Legislative Retirement System	Vested after 8 yrs.; age 62, with 8 yrs. of service; age 60 with reduction for early retirement.	Employee rate 3.75% + \$7 month	\$36 month for each year of service.
Hawaii	Mandatory	Public Employees Retirement System; elected officials' plan	Age 55 with 5 years of service, any age with 10 years service. Vesting at 5 years.	Main plan is non-contribution; 7.8% for elected officials' plan for annuity.	3.5 x yrs. of service as elected official x highest average salary plus annuity based on contributions as an elected official. Highest average salary = average of 3 highest 12-month periods as elected official.
Idaho	Mandatory		Age 65 with 5 yrs. service; reduced benefit at age 55 with 5 yrs. of service.	6.97%	Avg. monthly salary for highest 42 consecutive months x 2% x months of credited service.
Illinois	Optional	General Assembly Retirement System	Age 55, 8 yrs. service or age 62, 4 yrs. service	8.5% for retirement; 2% for survivors; 1% for automatic increases; 11.5% total	3% of each of 1st 4 yrs.; 3.5% for each of next 2 yrs.; 4% for each of next 2 yrs.; 4.5% for each of the next 4 yrs.; 5% for each yr. above 12
Indiana	DB plan is optional for those serving on April 30, 1989. Defined contribution plan is optional for those serving on April 30, 1989 and mandatory for those elected or appointed since April 30, 1989.	Legislator's Retirement System and Defined Benefit (DB) Plan and Defined Contribution Plan (DC).	DB plan: Vesting at 10 yrs. Age 65 with 10 yrs. of legislative service; or if no longer in the legislature, these options apply; at least 10 yrs. service; no state salary; at age 55+ Rule of 85 applies; or age 60 with 15 yrs. of service. Early retirement with reduced benefit. Immediate vesting in the DC plan.	DC plan: 5% employee, 20% state (of taxable income). DB plan and employer contributions funded by appropriation.	DB benefit plan monthly benefit: Lesser of (a) \$40 x years of General Assembly service completed before November 8, 1989 or (b) 1/12 of the average of the three highest consecutive years of General Assembly service salary. DC plan: numerous options for withdrawing accumulations in accord with IRS regulations. Loans are available. A participant in both plans may receive a benefit from both plans.
Iowa	Optional	Public Employees Retirement System	Age 65; age 62 with 20 yrs. service Rule of 88; reduced benefit at 55 with at least 4 years of service.	3.7% individual	2% times FAS x years of service for first 30 years, + 1% times FAS times years in excess of 30 but no more than 5 in excess of 30. FAS is average of 3 highest years.
Kansas	Optional	Public Employees Retirement System	Age 65, age 62 with 10 yrs. of service or age plus yrs. of service equals 85 pts.	4% of salary, (4% annualized salary for Legislators).	3 highest yrs. x 1.75% x yrs. service divided by 12.

See footnotes at end of table.

STATE LEGISLATURES

STATE LEGISLATIVE RETIREMENT BENEFITS — Continued

State or other jurisdiction	Participation	Plan name	Requirements for regular retirement	Employee contribution rate	Benefit formula
Kentucky	Optional. Those who opt out are covered by the state employees' plan	Kentucky Legislator's Retirement Plan	Age 65 with five years of service; any age with 30 years of service, and intermediate provisions. Early retirement with reduced benefits.	5% of creditable compensation, set by law at \$27,500; not the same as actual salary. Revised to be payable on compensation reported on W-2 forms beginning in 2005.	2.75% of FAS (based on creditable compensation) x years of service. FAS is the average monthly earnings for the 60 months preceding retirement.
Louisiana	None available				
Maine	Mandatory	Maine State Retirement Plan	Age 60 (if 10 yrs. of service on 7/1/93) and age 62 (if less than 10 yrs. of service on 7/1/93). Reduced benefit available for earlier retirement.	7.65% for legislators; employer contribution is actuarially determined.	2% of average final compensation (the average of the 3 high salary years) times years of service.
Maryland	Optional	State Legislator's Pension Plan	Age 60, with 8 yrs.; age 50, 8+ yrs creditable service (early reduced retirement)	5% of annual salary	3% of legislative salary for each yr of service up to a max. of 22 yrs. 3 months. Benefits are recalculated when legislative salaries are changed.
Massachusetts	Optional after each election or re-election to the General Court.	State Retirement System legislator's plan	Age 55 with 6 years service; unreduced benefit at 65. Vesting at 6 years. Reduced benefits for retirement before age 65.	9%. Some legislators are grandfathered at lower rates.	2.5 times years of service times FAS. FAS = average of highest 36 months. Service credit is allowed for membership in other Massachusetts retirement plans.
Michigan	Optional	Legislative Retirement System (DB) for legislators elected before 3/31/97. Others may join the state defined contribution plan.	Age 55, 5 yrs. or age plus service equals 70	7%–13% for DB plan. For the DC plan, the state contributes 4% of salary. Members may contribute up to 3% of salary. The state will match the member's contribution in addition to the state 4% contribution.	For DB plans, various provisions, depending on when service started. For the DC plan, benefits depend upon contributions and earnings.
Minnesota	Mandatory	Legislators Retirement Plan before 7/1/97; Defined Contribution Plan (DCP) since then.	LRP: Age 62, 6 yrs. service and fully vested. DCP: age 55 and vested immediately. LRP members do not have Social Security coverage. DCP members have Social Security coverage.	LRP: 9% DCP: 4% from member, 6% from state.	2.7% x high 5 yr. avg. salary x length of service (yrs.) DCP benefit depends upon contributions and investment return.
Mississippi	Mandatory	Legislators' plan within the Public Employees' Retirement System	Age 60 with 4 or more years of service, or 25 years of service.	Regular: 7.25% state 9.75% to 10.75% effective July 1, 2005; Supplement for legislative service: 3%/6.33%	Legislators who qualify for regular state retirement benefits also automatically qualify for the legislators' supplemental benefits. Regular: 2% times FAS times years of service up to and including 25 years of service + 2.5% times FAS times service in excess of 25 years FAS is based on the high 4 years. Supplement: 1% times FAS times years of legislative service through 25 years, + 1.25% times FAS times years of service in excess of 25.

See footnotes at end of table.

STATE LEGISLATIVE RETIREMENT BENEFITS — Continued

State or other jurisdiction	Participation	Plan name	Requirements for regular retirement	Employee contribution rate	Benefit formula
Missouri.....	Mandatory	Missouri State Employee Retirement System	Age 55; three full biennial assemblies (6 years) or Rule of 80. Vesting at 6 years of service.	Non-contributory	Monthly pay divided by 24 x years of creditable service, capped at 100% of salary. Benefit is adjusted by the percentage increase in pay for an active legislator.
Montana.....	Optional	Public Employees Retirement System. Either a DB or a DC plan is available.	Vesting at 5 years. Age 60 with at least 5 years service; age 65 regardless of years of service; or 30 years of service regardless of age	6.9% for DB plan. Employer contribution of 4.19% plus employee contribution of 6.9% for DC plan.	DB plan: 1/56 times years of service times FAS. Early retirement with reduced benefits is available. DC plan: Employee contributions and earnings are immediately vested. Employer contributions and earnings are vested after 5 years.
Nebraska.....	None available				
Nevada.....	Mandatory; but Chapter 380, Laws of 2005, allows legislators to withdraw from the system at will. The decision is final.	Legislator's Retirement System	Age 60, 10 yrs. service	15% of session salary	Number of years x \$25 = monthly allowance
New Hampshire.....	None available				
New Jersey.....	Mandatory	Public Employees' Retirement System	Age 60; no minimum service requirement. Early retirement with no benefit reduction with 25 years of service. Vesting at 8 years.	5% of salary	3% x Final Average Salary x years of service. FAS = higher of three highest years or three final years. Benefit is capped at 2/3 of FAS. Other formulas apply if a legislator also has other service covered by the Public Employee Retirement System.
New Mexico.....	Optional	Legislative Retirement Plan	Plans 1A and 1B: Age 65 with 5 years of service; 64/8; 63/11; 60/12; or any age with 14 years of service. Plan 2: 65 with five years of service or at any age with 10 years of service.	Plan 1A: \$100 per year for service after 1959. Plan 1B: \$200 per year (now closed to new enrollments). Plan 2: \$500/year	Plan 1A: \$250 per year of service. Plan 1B: \$500 per year of service after 1959. Plan 2: 11 percent of the IRS per diem rate in effect on December 31st of the year a legislator retires x 60 x the years of credited service. For a legislator who retired in 2003 the benefit would be \$957 per year of credited service. Annual 3% COLA.
New York.....	Mandatory	New York State and Local Retirement System	Age 62 with 5 years of service; 55 with 30 years; reduced benefit available at 55/5. Vesting at 5 years.	3% for first 10 years of membership (Tier 4 provisions).	Tier 4: For less than 20 yrs of service, pension = 1/60th for (1.66% of final average salary (FAS) x years of service; for 20-years service, pension = 1/50th (2%) of FAS x years of service; each year of service beyond 39, pension = 3/200th (1.5%) of FAS.
North Carolina.....	Mandatory	Legislative Retirement System	Age 65 with 5 years of service; reduced benefit available at earlier ages.	7%	Highest annual compensation x 4.02% x years of service.
North Dakota.....	None available.				
Ohio.....	Optional	Public Employees Retirement System	Age 60 with 5 years service or 55 with 25 years service or at any age with 30 years service	8.5% of gross salary. A 10% contribution rate for legislators will be phased in over three years starting in 2006.	2.2% of final average salary times years of service up to and through 30 years of service. 2.5% starting with the 31st year of service and every year thereafter.

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STATE LEGISLATIVE RETIREMENT BENEFITS — Continued

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Oklahoma	Legislators may retain membership as regular public employees if they have that status when elected; one time option to join Elected Officials' Plan.	Public Employee Retirement System, as regular member or elected official member. [Information here is for the Elected Officials' Plan.]	Elected Officials' Plan: Age 60 with 6 years service vesting at 6 years.	Optional contribution of 4.5%, 6%, 7.5%, 8.5%, 9%, or 10% of total compensation.	Avg. participating salary x length of service x computation factor depending on optional contributions ranging from 1.9% for a 4.5% contribution to 4% for a 10% contribution.
Oregon	Optional	Public Employee Retirement System legislator plan	Age 55, 30+ yrs. Service, 5 years vesting.	16.317% of subject wages	1.67% x yrs. service and final avg. monthly salary
Pennsylvania	Optional	State Employees' Retirement System	Age 50, 3 yrs. service, any age with 35 years of service; early retirement with reduced benefit.	7.5%	3% x final avg. salary x credited yrs. of service (x withdrawal factor if under regular retirement age - 50 for legislators).
Rhode Island	Legislators elected after January 1995 are ineligible for retirement benefits based on legislative service. (a)				
South Carolina	Mandatory, but members may opt out six months after being sworn into office.	South Carolina Retirement System	Age 60, 8 yrs. service; 30 yrs. of service regardless of age	10%	4.82% of annual compensation x yrs. service
South Dakota	None available.				
Tennessee	Optional		Age 55, 4 yrs. service	5.43%	\$70 per month x yrs. service with a \$1,375 monthly cap
Texas	Optional	Employee Retirement System: Elected Class Members	Age 60, 8 yrs. service; age 50, 12 yrs. service. Vesting at 8 years.	8%	2.3% x district judge's salary x length of service, with the monthly benefit capped at the level of a district judge's salary, and adjusted when such salaries are increased. Various annuity options are available. Military service credit may be purchased to add to elective class service membership. In July 2005, a district judge's salary was set at \$125,000; a year.
Utah	Mandatory	Governors' and Legislators' Retirement Plan	Age 62 with 10 years and an actuarial reduction; age 65 with 4 years of service for full benefits.	Non-contributory	\$24.80/month (as of July 2004) x years of service; adjusted semi-annually according to consumer price index up to a maximum increase of 2%.
Vermont	None available. Deferred compensation plan available.				
Virginia	Mandatory		Age 50, 30 yrs. service (unreduced); age 55, 5 yrs. service; age 50, 10 yrs. service (reduced)	8.91% of creditable compensation	1.7% of average final compensation x yrs. of service

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STATE LEGISLATIVE RETIREMENT BENEFITS — Continued

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Washington	Optional. If before an election the legislator belonged to a state public retirement plan, he or she may continue in that plan by making contributions. Otherwise the new legislator may join PERS Plan 2 or Plan 3.	See column to left. PERS plan 2 is a DB plan. PERS plan 3 is a hybrid DB/DC plan.	PERS plan 2: Age 65 with 5 years of service credit. Plan 3: Age 65 with 10 years of service credit for the DB side of the plan; immediate benefits (subject to federal restrictions) on the DC side of the plan. The member may choose various options for investment of contributions to the DC plan.	PERS plan 2: Employee contribution of 2.43% for 2002. Estimated at 3.33% for 2005–2007. Plan 3: No required member contribution for the DB component. The member may contribute from 5% to 15% of salary to the DC component.	PERS plan 2: 2% x years of service credit x average final compensation. Plan 3: DB is 1% x service credit years x average final accumulations. DC benefit depends upon the value of
West Virginia	Optional		Age 55, if yrs. of service+age equal 80	4.5% gross income	2% of final avg. salary x yrs. service. Final avg. salary is based on 3 highest yrs. out of last 10 yrs.
Wisconsin	Mandatory		Age 62 normal; age 57 with 30 years of service.	2.6% of salary in 2003, adjusted annually	Higher benefit of formula (2.165% x years of service x salary for service before 2000; 2% x years of service x salary for service 2000 and after) or money-purchase calculation.
Wyoming	None available				
Dist. of Columbia	Mandatory		Age 62.5 yrs. service; age 55, 30 yrs. service; age 60, 20 yrs. service	Before 10/1/87, 7%; after 10/1/87, 5%	Multiply high 3 yrs. average pay by indicator under applicable yrs. or months of service.
Puerto Rico	Optional	Retirement System of the Employees of the Government of Puerto Rico	After 1990, age 65 with 30 years of service.	8.28%	1.5% of average earnings multiplied by the number of years of accredited service.
Guam	Optional		Age 60, 30 yrs. service; age 55, 15 yrs. service	5% or 8.5%	An amount equal to 2% of avg. annual salary for each of the first 10 yrs. of credited service and 2.5% of avg. annual salary for each yr. or part thereof of credited service over 10 yrs.
U.S. Virgin Islands	Optional		Age 60, 10 yrs. service	8%	At age 60 with at least 10 yrs. of service; at 2.5% for each yr. of service or at any time with at least 30 yrs. service

Source: National Conference of State Legislatures, January 2006 and updated January 2009.

Notes:

This table shows the retirement plans effective for state legislators elected in 2003, 2004 and thereafter. In general the table does not include information on closed plans, plans that continue in force for some legislators who entered the plans in previous years, but which have been closed to additional members. The information in this table was updated for all states and Puerto Rico in 2004 and updated for 2005 state legislation. Information for the District of Columbia, Guam and the Virgin Islands dates from 2002.

Key:

N.A. — Information not available
 None available. — No retirement benefit provided.
 (a) Constitution has been amended effective 1/95. Any legislator elected after this date is not eligible to join the State Retirement System, but will be compensated for \$10,000/yr. with cost of living increases to be adjusted annually.