

STATE RETIREMENT PROVISIONS FOR STATE LEGISLATORS

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This table shows the retirement plans currently effective for state legislators. In some instances, the table also includes information on plans closed to newly-elected legislators that remain in effect for those elected to a legislature before the current plan became effective. In most cases, more detail on legislators' plans can be found on the websites of the public employees' retirement plan of the state in question. The information in this table was taken from plan descriptions and from legislation enacted in recent years.

Information for Guam and the Virgin Islands dates from 2002.

"None Available" (as in the case of Alabama and some other states) means that the state does not provide retirement benefits based on legislative service.

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State	Participation Requirement	Plan Name	Minimum Age and Service Requirement	Employee Contribution Rate	Benefit Formula
AL	None available				
AK	Optional	Public Employees Retirement System Defined Benefit Plan	Age 60 with 10 years	6.75% employee	2% (first 10 years); or 2.25% (second 10 years); or 2.5% over 20 x average over 5 highest consecutive years x years of service. Disability benefits are available.
AK	Optional	For those elected after July 1, 2006: Public Employees Retirement System Defined Contribution Plan	No age and service requirements; Taxes and penalties may apply if withdrawn before age 59 1/2. Member account contributions are vested as follows: 100% vested in employee contributions from inception. Vested in employer contributions based on the following schedule: 25% after 2 years of service, 50% after 3 years, 75% after 4 years and 100% after 5 years.	8% employee pre-tax contribution and 5% employer contribution, plus an employer contribution to the Health Plan determined by actuarial valuation.	DC account balance plus investment earnings. May be received in several different payment options. No provision for post-retirement benefit increases. Disability benefits are available.
AZ	Mandatory except that officials subject to term limits may opt out for a term of office	Elected Officials Retirement System	Age 65 with 5+ years of service; age 62 with 10+ years of service; or 20 years of service; earlier retirement with an actuarial reduction of benefits. Vesting at 5 years	7% employee	4% x years of credited service x highest 3 yr. average in the past 10 years 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.
AR	Optional. Those elected before 7/1/99 may have service covered as a regular state employee but must have 5 years of	Arkansas Public Employees Retirement System	Age 65 with 10 years of service; 55/12; any age with 28 years of 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 years of service. As a regular employee, 65/5 or any	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 or service. For service that began after July 1, 1991, \$35 x years of service = monthly benefit.

State	Participation Requirement	Plan Name	Minimum Age and Service Requirement	Employee Contribution Rate	Benefit Formula
	regular service to do so.		age/28 years. Members of the contributory plan established in 2005 must have a minimum of 10 years legislative service if they have only legislative state employment		For contributory plan, 2% X FAS x years of service.
CA	Legislators elected after 1990 are not eligible for retirement benefits for legislative service.				
CO	Mandatory:	Either Public Employees' Retirement Association OR State Defined Contribution Plan. A choice is not irrevocable.	PERA: age 65 with 5 years of service; age 50 with 30 years of service; when age + service equals 80 or more (min. age of 55). DCP: no age requirement and immediate vesting.	Employee: 8%	PERA: 2.5% x FAS x years of service, capped at 100% of FAS. DCP benefit depends upon contributions and investment return.
CT	Mandatory	State Employees Retirement System Tier IIA	Age 60 with 25 years credited service; age 62 with 10-25 years credited service; age 62 with 5 years actual state service Reduced benefit available with earlier retirement ages	2%	(.0133 X average annual salary) + (.05 X average salary over "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
DE	Mandatory	State Employees Pension Plan	Age 60 with 5 years of credited service	3% of annual 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
FL	Optional. Elected officials may opt out or may choose between DB and DC plans	Florida Retirement System: Elected Officers' Class	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 2009-2010 for legislators is 14.48% of salary.	DB plan: 3% x years of creditable service x average final compensation (average of highest 5 years) DC plan: dependent upon investment experience.
GA	Optional; choice when first elected.	Georgia Legislative Retirement System	Vested after 8 years. Age 62 with 8 years of service; age 60 with reduction for early retirement	Employee: 3.75% + \$7 / month.	\$36/month for each year of service. Post-retirement benefit increase are not available to any person who joins the system after July 1, 2009.
HI	Mandatory	Public Employees Retirement System; elected officials' plan	Age 55 with 5 years of service, any age with 10 years of service. Vesting at 5 years.	Main plan is noncontributory; 7.8% for elected officials' plan for annuity	3.5 x years 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.
ID	Mandatory	Public Employee Retirement System of Idaho	Age 65 with 5 years of service; reduced benefit at age 55 with 5 years of service.	6.97%	Average monthly salary for highest 42 consecutive months x 2% x months of credited service

State	Participation Requirement	Plan Name	Minimum Age and Service Requirement	Employee Contribution Rate	Benefit Formula
IL	Optional	General Assembly Retirement System	Age 55 with 8 years service or age 62 with 4 years service	8.5% for retirement; 2% for survivors; 1% for automatic increases; total 11.5%	FAS is highest four years of the last 10, capped at \$245,000. Benefit is 3% for each of first 4 years of service; 3.5% for each of the next 2 years; 4% for each of the next 2 years; 4.5% for each of the next 4 years; 5% for each year of service above 12. Benefit capped at 85% of FAS with 20 years of service. Annual COLA at 3%, compounded and not included under the 85% cap.
IL SB 1946 of 2010	Optional	General Assembly Retirement System Changes effective for those taking office after 1/1/2011	Age 67 with 8 years of service; reduced benefits available at 62	Same	Formula is unchanged. FAS was changed to highest 8 of the last 10 years of service, and capped at \$106,800 with an annual adjustment in the cap at the rate of the CPI. Benefit capped at 60% of FAS. Annual COLA at the lesser of 3% or CPI, compounded.
IN	DB plan is optional for those serving on April 30, 1989. Defined contribution plan optional for those serving on 4/30/89 and mandatory for those elected or appointed since 4/30/89	Legislators' Retirement System Defined Benefit (DB) Plan and Defined Contribution Plan (DC) The DC plan is a pilot project that will continue (under 2007 legislation) through 2010.	DB plan: Vesting at 10 years Age 65 with 10 years of legislative service; or, if no longer in the legislature, these options apply: at least 10 years of service; no state salary; at age 55+ Rule of 85 applies; or age 60 with 15 years of service. Early retirement with reduced benefit. Immediate vesting in the DC plan.	DC plan: 5% employee, 20% state (of taxable income). The 20% contribution requirement will end in 2009, and the contribution will be recalculated annually thereafter. The DB plan is funded by employer and employee contributions.	DB benefit plan monthly benefit: Lesser of (a) \$40 x years of General Assembly service completed before 11/8/89 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.
IA	Optional	Public Employees Retirement System	Age 65; age 62 with 20 years of 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
KS	Optional	Public Employees Retirement System	Age 65, age 62 with 10 years of service, or age plus years of service equals 85.	4% (base may include salary, per diem, non-session allowance, session expenses; or various combinations at the legislator's option.)	3 highest years x 1.75% x years of. service ÷ 12= monthly benefit.
KY 8/05	Optional. Those who opt out are covered by the state employees' plan.	Kentucky Legislators' 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. HB 1 of 2008 Special Session raised the contribution level to 6% for legislators	2.75% of FAS (based on creditable compensation) x years of service. FAS is the average monthly earnings for the 60 months preceding retirement. HB 1 of the 2008 Special Session reduced the annual COLA for retired legislators from the CPI (capped at 5%) to 1.5% effective on July 1, 2008. This applies to current as well as to future retirees. The statutes reserve to the legislature the power to make such changes. The amount of the COLA may be increased by the legislature if the legislature prefunds the cost of the increase.

State	Participation Requirement	Plan Name	Minimum Age and Service Requirement	Employee Contribution Rate	Benefit Formula
				elected after 7/1/08	
LA	Legislative service for legislators elected after January 1, 1997, is ineligible for State Employee Retirement System benefits, by terms of a 1996 constitutional amendment.				
ME	Mandatory	Maine State Retirement System	Age 60 (if 10 years of service on 7/1/93) and age 62 (if less than 10 years of service on 7/1/93). Reduced benefit available for earlier retirement.	7.65% legislators; employer contribution is actuarially determined.	2% of average final compensation (the average of the 3 high salary years) times years of service.
MD	Optional	State Legislators' Pension Plan	Age 60 with 8 years; age 50 with 8+ years creditable service for early reduced retirement	5% of annual salary	3% of legislative salary for each year of service up to 22 years 3 months. Benefits are recalculated when legislative salaries are changed.
MA	Optional after each election or re-election to the General Court	State Retirement System legislators' 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.
MI	Optional	Legislative Retirement System (DB) for legislators elected before 3/31/97. Others may join the state defined contribution plan.	Age 55 with 5 years or when age plus years of service equal 70. Employee contributions are immediately vested. Employer contributions are vested as follows: Zero after one year; 50% after two years; 75% after three years; 100% after four years.	7-10% 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.
MN	Mandatory	Legislators Retirement Plan before 7/1/97; Defined Contribution Plan (DCP) since then.	LRP: 62 years with 6 years of service and fully vested. DCP: Age 55 and immediate vesting. 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 year average salary x years of service. DCP benefits depend upon contributions and investment return.
MS	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
MO	Mandatory	Missouri State Employee Retirement System	Age 55; service in 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.

State	Participation Requirement	Plan Name	Minimum Age and Service Requirement	Employee Contribution Rate	Benefit Formula
MO HB 1, 1 st Special Session 2010	No change	No change	For those entering system after January 1, 2011: Age 62; service in three full biennial assemblies (6 years) or the Rule of 90 with a minimum age of 55. Vesting at 6 years of service.	For those entering system after January 1, 2011: 4% of salary	No change
MT	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
NE	None available				
NV	Mandatory; but chapter 380, Laws of 2005, allows legislators to withdraw from the system at will. The decision is final.	Legislators' Retirement System	Age 60 with 10 years of service (legislators elected after July 1, 1985)	15% of session salary	Number of years x \$25 = monthly allowance
NH	None available				
NJ	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.
NM	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.
NY	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: 2% x final average salary (average of 3 highest consecutive years) x years of service to 30 years; multiplier of 1.5% after 30 years. For members who retire with fewer than 20 years of service, the multiplier is 1.67.
NC	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
ND	None available.				
OH	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	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.

State	Participation Requirement	Plan Name	Minimum Age and Service Requirement	Employee Contribution Rate	Benefit Formula
				three years starting in 2006.	
OK	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 levels: 4.5%, 6%, 7.5%, 8.5%, 9% or 10%, of total compensation.	Average 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. S.B. 1641 (Chapter 105, Laws of 2008) provides that for people elected to office on or after July 1, 2008, the formula described here can apply only to years of service as an elected official and can be based only on the higher year of salary received as an elected official (not on any subsequent salary from a non-elective post as was possible under the original provisions). Capped benefits at 100% of salary as a member of the Oklahoma Public Employee Retirement system (not clear whether this is highest salary as an elected official). S.B. 1889 (Chapter 435, Laws of 2010) reduced the menu of options to the highest and lowest, which are shown above, for people elected to office after November 1, 2010. Those who fail to make a choice within 90 days of taking office default to the highest contribution and computation factor.
OR	Optional	Public Employee Retirement System. Those elected for a term beginning after Aug. 29, 2003, may choose to join the Oregon Public Service Retirement Plan (OPRSP)—a hybrid DB/DC plan; the Oregon Savings Growth Plan—a 457 deferred comp. plan, or neither.	Normal retirement age for general service members is age 65 or age 58 with 30 years of retirement credit.	For the OPRSP DC component, employees contribute 6% of salary. The DB component is non-contributory. For the 457 plans, members may contribute amounts to limits set by IRS.	For the OPRSP individual account component, or DC component, at retirement, employees may receive the IAP as a lump-sum payment or in equal installments over a 5, 10, 15 or 20-year period. For the DB component, benefit calculation is 1.5 percent x final average salary x years of service.
PA	Optional	State Employees' Retirement System,	Age 50 with 3 years service; any age with 35 years of service; early retirement with reduced benefit.	7.5%	3% x final average salary x credited years of service (x withdrawal factor if under 50)
PR	Optional	Retirement System of the Employees of the Government of Puerto Rico	After 1990, age 65 with 30 years of service	8.275%	1.5% of average earnings multiplied by the number of years of accredited service.
RI	Legislators elected after January 1995 are ineligible to earn credit for public retirement benefits. Those who served before that time are eligible for a pension of \$600 a year for each year of legislative service, capped at a an annual retirement benefit of \$12,000.				
SC	Mandatory	South Carolina	Age 60 with 8 years of service. 30	10%	4.82% x earnable compensation x years of service. Earnable

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		Retirement System	years of service regardless of age		compensation" means 40 times the daily rate of remuneration, plus \$12,000, of a member of the General Assembly, as from time to time in effect.
SD	None available.				
TN	Optional		Age 55 with 4 years service	5.43%	\$70 per month x years of service with a \$1,375 monthly cap 2006 legislation provides for an annual adjustment in the base amount (not an annual COLA to recipients) and provides that a legislator may reject the increase in writing.
TX	Optional	Employee Retirement System: Elected Class Members	Age 60 with 8 years; or age 50 with 12 years 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.
UT	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%
		2010 legislation closed the plan described above to legislators elected after July 1, 2011 and replaced it with the New Public Employees' Tier II Contributory Retirement Plan Defined Contribution Plan	The new DC plan will be a 401(k) with distribution of accumulations subject to federal rules	Employer will contribute 10% of compensation, which will vest after four years of service. Employees may, but are not required, to contribute.	Benefits will be based upon accumulations in the employee account.
VT	None available. Deferred compensation plan available.				
VA	Mandatory	Virginia Retirement system	Age 50 with 30 years of service (unreduced); age 55 with 5 years and age 50 with 10 years (reduced)	8.91% of creditable compensation	1.7% of average final compensation x years of service
WA	Optional. If before an election the legislator belonged to a state public retirement plan, he or she may continue in that by making contributions. Otherwise the new legislator may join	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	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	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 compensation. DC benefit depends upon the value of accumulations.

State	Participation Requirement	Plan Name	Minimum Age and Service Requirement	Employee Contribution Rate	Benefit Formula
	PERS Plan 2 or Plan 3		contributions to the DC plan..	member may contribute from 5% to 15% of salary to the DC component.	
WV	Optional	Yes	Age 55 - If years of service + age equal 80	4.5% gross income	2% x final average salary x years of service. Final average salary is based on 3 highest years out of last 10 years
WI	Mandatory	Yes	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
WY	None available				
DC 10/02	Mandatory	Yes	Age 62 with 5 years service; age 55 with 30 years, Age 60 with 20 years	Before 10/1/87 7%; after 10/1/87 5%	Multiply high 3 years average pay by indicator under applicable years and months of service
GU 10/02	Optional	Yes	Age 60 with 30 years of service. Age 55 and 15 years of service	5% or 8.5%	An amt equal to 2% of average annual salary for each of the first 10 years of credited service and 2.5% of average annual salary for each yr or part thereof of credited service over 10 years
VI 10/02	Optional	Yes	Age 60 with 10 years of service.	8%	At age 60 with at least 10 years of service, at 2.5% for each year of service or at any age with at least 30 years