

TABLE 3.13  
State Legislative Retirement Benefits

State	Participation	Requirements for regular retirement	Employee contribution rate	Benefit formula
<b>Alabama</b>	None available.			
<b>Alaska</b>	Optional	Four tiers. Varies depending upon tier. Detailed information set forth in Public Employees' Retirement System (PERS) plan comparison chart.	Four tiers. Varies depending upon tier. Detailed information set forth in Public Employees' Retirement System (PERS) plan comparison chart.	Four tiers. Varies depending upon tier. Detailed information set forth in Public Employees' Retirement System (PERS) plan comparison chart.
<b>Arizona</b>	Mandatory	No requirements, same as other federal qualified defined contribution plans.	Employee: 8%; Employer: 6%	2016 information: 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. AZ SB 1609 of 2011—For those elected to office after 1/1/2012: 3% x years of credited service x highest 5 yr. average in the past 10 years The benefit is capped at 75% of FAS.
<b>Arkansas</b>	Mandatory for those legislators first elected in 2003 or after. Optional for those elected before 2003.	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 17½ years of service. As a regular employee, 65/5 or any 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.	Members pay 5%, state pays 15.32%	(Years of service) x (Final Average Compensation—high 3 years) x (Multiplier—2.00 for contributory members; 1.75 for service rendered prior to 7/1/07 and 1.72 for service after 7/1/07 for non-contributory members) = Retirement Annual Benefit
<b>California</b>	Legislators elected after 1990 are not eligible for retirement benefits for legislative service.			
<b>Colorado</b>	Mandatory	PERA: age 65 with 5 years of service; age 55 with 35 years of service; when age + service equals 85 or more (min. age of 55). State Defined Contribution Plan (DCP): no age requirement and immediate vesting.	Employee: 8% (inc. to 10% by 7/1/21)	PERA: 2.5% x FAS x years of service, capped at 100% of FAS. DCP benefit depends upon contributions and investment return.
<b>Connecticut</b>	Mandatory	Age 60 with 25 years credited service; age 62 with 10–25 years credited service; age 62 with 5 years actual state service. If elected after 2011—age 63 with 25 years of vesting service or age 65 with 10–25 years of vesting service. Reduced benefit available with earlier retirement ages.	Employee 2%	(1.33% x average annual salary) + (5% 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.
<b>Delaware</b>	Mandatory. DE HB 81 of 2011—Mandatory for those elected after January 1, 2012.	Elected before 2012—Age 60 with 5 years of credited service; or 55 with 10 years of service. Elected after 2012—65 with 10 years of service; or 60 with 20 years of service. Vesting at 10 years.	Elected before 2012—3% of annual compensation in excess of \$6,000. Elected after 2012—5% of annual compensation in excess of \$6,000.	2% x FAS x years of service before 1997 + 1.85% times FAS times years of service from 1997 on. FAS = average of highest 3 years.
<b>Florida</b>	Optional.	DB Plan: Six to eight years to vest depending on the start date of service: Retirement at age 62 with at least 6 service years or 30 years of service regardless of age; or, Retirement at age 65 with at least 8 service years or 33 years of service regardless of age. DC Plan: One year to vest, retirement at any age.	Legislator contribution is 3%; employer contribution is 56.75%	DB plan—3% x years of creditable service x average final compensation (average of highest 5 years). DC plan—dependent upon investment experience.
<b>Georgia</b>	Optional.	Vested after 8 years. Age 62 with 8 years of service; age 60 with reduction for early retirement.	Employee: 3.75% + \$7/m.	\$36/month for each year of service.
<b>Hawaii</b>	Optional	Age 60 and 10 years service for normal retirement.	9.8% of monthly base salary.	3% x years of service x average final compensation.

See footnotes at end of table

## STATE LEGISLATURES

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### State Legislative Retirement Benefits (continued)

State	Participation	Requirements for regular retirement	Employee contribution rate	Benefit formula
<b>Idaho</b>	Mandatory; same plan as public employees (PERSI) except legislators are automatically vested.	Age 65 with 5 years of service; reduced benefit at age 55 with 5 years of service.	7.16% paid by member, 11.94% paid by employer.	Average monthly salary for highest 42 consecutive months x 2% x months of credited service.
<b>Illinois</b>	Optional; not the same as the State Employees' Retirement System. Only state senators, representatives and statewide elected officials have the option to participate.	Tier 1—age 55 with 8 years of service or age 62 with 4 years of service. Tier 2—age 67 with 8 years of service or age 62 with 8 years of service reduced ½ of 1% for each month.	11.5% of salary (includes contributions for retirement annuity and survivors annuity) or 9.5% of salary as contributions for just retirement annuity (no survivor annuity).	First 4 yrs x 3.0% = 12%; next 2 yrs x 3.5% = 7.0%; next 2 yrs x 4.0% = 8.0%; next 4 yrs x 4.5% = 18.0%; next 8 yrs x 5.0% = 40.0%
<b>Indiana</b>	Mandatory	Age 65 with 10 years of service; age 60 with at least 15 years of service or at least age 55 and years of service plus age equal at least 85. Reduced benefits available for those age 55 with at least 10 years of service.	5% paid by legislator, 7% paid by state contribution.	DB 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.
<b>Iowa</b>	Optional. Same as state employees plan (IPERS).	Age 65; age 62 with 20 years of service; Rule of 88; age 55 with reduced benefits.	6.29% paid by legislator, 9.44% paid by state.	2% x FAS. x years of service for first 30 years, + 1% x FAS x years in excess of 30 but no more than 5 in excess of 30. FAS is average of 3 highest years taken at June 2012, or average of 5 highest years.
<b>Kansas</b>	Legislators may elect to join the state retirement program unless they have already retired from state employment. Those individuals receive an 8% of income deposit by the state into a deferred compensation plan.	2016 info—Age 65; age 62 with 5 years of service, or when age plus years of service equals 85.	6% of the annualized salary.	2016 information—3 highest years x 1.75% x years of service ÷ 12 = monthly benefit.
<b>Kentucky</b>	Optional. Those who opt out are covered by the state employees' plan. Legislators who were first elected prior to 1/1/2014 are eligible for the DB plan. Legislators first elected after 1/1/14 are eligible for the hybrid plan.	DB Plan: Vesting after 5 years of legislative service of 8 years of state governmental service. Age 65 for normal retirement benefits. Hybrid Plan: Age 65 with 5 years of active service credit or age 57 with 30 years of service.	DB Plan: Members electing to participate in the plan prior to 9/1/2008 contribute 5% of creditable compensation. Members electing to participate in the plan on or after 9/1/2008 contribute 6% of creditable compensation. Hybrid Plan: Members contribute 6% of creditable compensation, employer contributes 4%.	DB Plan: Final compensation x service credit rate x years of service. Final compensation is calculated as the average of the member's three highest years of legislative creditable compensation. Hybrid Plan: Multiple options available. Primary option is to receive monthly allowance payable for life by having accumulated account balance annuitized.
<b>Louisiana</b>	Not available			
<b>Maine</b>	Mandatory	Age 60 if 10 years of service on 7/1/93; 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) x years of service.
<b>Maryland</b>	Mandatory	Age 60 with 8 years; age 50 with 8+ years creditable service for early reduced retirement.	7% of annual salary.	2016 info: 3% of legislative salary for each year of service up to 22 years 3 months. Benefits are recalculated when legislative salaries are changed.
<b>Massachusetts</b>	Mandatory unless they are already receiving a pension from the Massachusetts State Employee Retirement System.	Vesting after 10 years. Eligible to retire at age 55 or 60 after 10 years of service depending on their hire date, eligible to retire at any age after 20 years of service.	9%, although some legislators are grandfathered at lower rates.	Age factor x years of creditable service x FAS. FAS = average of highest 60 or 36 months depending on when service began.
<b>Michigan</b>	Optional. Same as state employee retirement 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.	For legislators elected before 3/31/97—7–10% for (DB) plan. Elected after 3/31/97—(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.	Vesting for contributions to 401(k)—2 years of service vested 50%; 3 years vested 75% and 4 years vested 100%.

See footnotes at end of table

TABLE 3.13

## State Legislative Retirement Benefits (continued)

State	Participation	Requirements for regular retirement	Employee contribution rate	Benefit formula
Minnesota	Mandatory. Legislators elected since 1997 participate in a mandatory retirement plan called the Unclassified Plan; it is a defined contribution 401 (a) plan. Legislators elected prior to 1997 participate in the Legislators Plan which was closed to new members at that time; it is a defined benefit pension plan. All members may choose to participate in the Minnesota deferred compensation plan 457 (b).	Legislators Retirement Plan (LRP) before 7/1/97—62 years with 6 years of service and fully vested. LRP members do not have Social Security coverage. Defined Contribution Plan (DCP) since 1997—age 55 and immediate vesting. DCP members have Social Security coverage.	LRP—9%. DCP—5.75% (inc. to 6% 7/1/19) from member, 6% (inc. to 6.25% 7/1/19) from state.	LRP—2.5% x high 5 year average salary x years of service. DCP benefits depend upon contributions and investment return.
Mississippi	Mandatory	Age 60 with 4 or more years of service, or 25 years of service.	Regular—15.75% state, 9.00% member. Supplemental Legislative Retirement Plan—7.40% state, 3.00% member.	Legislators who qualify for regular state retirement benefits also automatically qualify for the legislators' supplemental benefits. Regular—2% x average compensation x years of service up to and including 25 years of service + 2.5% x average compensation x service in excess of 25 years. Average compensation is calculated using the highest 4 years of compensation. Supplement—1% x average compensation x years of legislative service through 25 years + 1.25% x average compensation x years of service in excess of 25.
Missouri	Mandatory. The retirement plan for Legislators is calculated differently from the plan for other state employees.	For those hired on or before 12/31/2010—vesting at 6 years of service. Age 55; service in three full biennial assemblies (6 years) or Rule of 80. For those entering system after 1/1/2011—vesting at 6 years of service. Age 62; service in three full biennial assemblies (6 years) or the Rule of 90 with a minimum age of 55.	For those hired on or before 12/31/2010—non-contributory. For those entering system after 1/1/2011—contribution of 4% of salary.	For those hired on or before 12/31/2010—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. For those entering system after 1/1/2011—no change.
Montana	Optional. Same as state employees retirement plan.	Members hired before 7/1/11—Age 60 with at least 5 years service; age 65 regardless of years of service; or 30 years of service regardless of age. After 7/1/11—vesting at 5 years. Age 65 with 5 years service, or age 70 and in active service.	7.9% employee and 8.67% employer for DB and DC plan.	2016 info: DB plan—Membership Service Factor (see below) x years of Service Credit x HAC. More than 5 years and less than 10 years of membership service—1.5% Less than 30 years of membership service—1.7857% 30 years or more of membership service—2%
Nebraska	None available			
Nevada	Mandatory, but a legislator, within 30 days after he/she is first elected or appointed, may elect not to participate; a decision to terminate participation in the plan cannot be reversed. The legislators' retirement system is separate from the state employee retirement plan.	Must have at least 10 years of service, be age 60, and no longer be a legislator in order to retire without benefit reduction. A legislator who is no longer serving, has at least 10 years of service, but is under the age of 60 can elect to wait to receive his/her benefit until the age of 60 or begin receiving a reduced benefit prior to the age of 60.	15% of session salary.	Number of years (not to exceed 30) x \$25 = monthly allowance.
New Hampshire	None available			
New Jersey	Mandatory	Age 60; no minimum service requirement.	7.5%	3% x FAS 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	Age 65 with 5 years of service or at any age with 10 years of legislative service.	\$600 per year.	11% of the per diem rate in effect on the first day of the calendar year that the legislator retires x 60 and further multiplied by credited service as a legislator.

See footnotes at end of table

## STATE LEGISLATURES

TABLE 3.13

### State Legislative Retirement Benefits (continued)

State	Participation	Requirements for regular retirement	Employee contribution rate	Benefit formula
<b>New York</b>	Detailed information set forth in Your Retirement Plan: Legislative and Executive Plan, published by New York State Office of the State Comptroller.	Detailed information set forth in Your Retirement Plan: Legislative and Executive Plan, published by New York State Office of the State Comptroller.	Detailed information set forth in Your Retirement Plan: Legislative and Executive Plan, published by New York State Office of the State Comptroller.	Detailed information set forth in Your Retirement Plan: Legislative and Executive Plan, published by New York State Office of the State Comptroller.
<b>North Carolina</b>	Mandatory	Age 65 with 5 years of service; reduced benefit available at earlier ages.	7%.	Highest annual compensation x 4.02% x years of creditable service.
<b>North Dakota</b>	None available.			
<b>Ohio</b>	Optional. OPERS offers three plans for retirement—the traditional plan (a defined benefit plan); the member directed plan (a defined contribution plan); and the combined plan.	Varies depending upon plan. Detailed information set forth in Legislative Benefits, Privileges, and Restrictions of Office.	Varies depending upon plan. Detailed information set forth in Legislative Benefits, Privileges, and Restrictions of Office.	Varies depending upon plan. Detailed information set forth in Legislative Benefits, Privileges, and Restrictions of Office.
<b>Oklahoma</b>	Mandatory. Same as state employees retirement plan.	Vesting at 8 years. If member joined plan before 11/1/11: Age 62 with 6 years of service. If member joined plan after 11/1/11: Age 65 with 6 years of service. Early retirement with reduced benefits at age 55 or 60 with 10 years of service.	3.5% of total compensation.	2% FAS x total years of service. FAS = average of 3 or 5, depending on when member joined plan, highest years of last 10.
<b>Oregon</b>	Optional	OPSRP for general service members is age 65, or age 58 with 30 years of retirement credit. Tier 2—60 years or 30 years of retirement credit. Tier 1—58 or 30 years of retirement credit.	OPRSP DC component—employees contribute 6% of salary. DB component—non-contributory. 457 plans—members may contribute amounts to limits set by IRS.	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. DB component—benefit calculation is 1.5 percent x final average salary x years of service.
<b>Pennsylvania</b>	Optional. Same as state employee retirement plan.	Vesting at 10 years. Retirement age is 55 with 3 years of credited service or according to the Rule of 92 with a minimum of 35 years of service.	7.5% or 8.25% depending on plan.	Annual accrual rate x final average salary x credited years of service. FAS = average of 3 final years of service.
<b>Rhode Island</b>	None available.			
<b>South Carolina</b>	Optional (but not available to anyone first elected to the General Assembly after November 2012). Legislators elected after 2012 have the option of participating in the state employee retirement plan.	2016 information: Age 60 with 8 years of service. 30 years of service regardless of age. Act 278, Laws of 2012—SCRS: vesting at 8 years; retirement benefits at age 65 with 8 years of service or in accord with the Rule of 90. Reduced benefits are available at age 60 with 8 years of service. ORP: immediate vesting in employer contributions.	2016 information: 10% 11% as of January 1, 2013. Act 278, Laws of 2012—SCRS: 7% as of July 1, 2012, rising to 8% on July 1, 2014. ORP: 7% + 5% employer contribution, immediately vested.	2016 information: 4.82% x earnable compensation x years of service. "Earnable compensation" means 40 x the daily rate of remuneration, plus \$12,000, of a member of the General Assembly, as from time to time in effect. Act 278, Laws of 2012—SCRS: 2.25% x years of service x final average compensation, which is the average of the member's 5 highest years of earned compensation. ORP: upon retirement a member may annuitize the balance in the account or take a lump sum or partial distribution. Federal provisions apply.
<b>South Dakota</b>	None available.			
<b>Tennessee</b>	Optional. Same as state employees retirement plan.	Hybrid plan—Vesting at 5 years, age 60 or any combination of age and service to equal 80. Legacy plan—Vesting at 4 years, age 55.	State contributes 4% toward defined benefit, 5% into 401K Member contributes 5% toward defined benefit, 2% into 401K. Legacy Plan—19.66% for original members.	Hybrid plan—\$57.28 x years of service. Legacy plan—\$89.72 x years of service.
<b>Texas</b>	Optional	Age 60 with 8 years of service; or age 50 with 12 years of service.	9.5%	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. In September 2018, a district judge's salary was set at \$140,000 a year.

See footnotes at end of table

TABLE 3.13  
**State Legislative Retirement Benefits** (continued)

State	Participation	Requirements for regular retirement	Employee contribution rate	Benefit formula
Utah	Optional	Age 62 with 10 years and an actuarial reduction; age 65 with 4 years of service for full benefits.	Non-contributory. For the DC plan, employer will contribute 10% of compensation, which will vest after four years of service. Employees may, but are not required, to contribute.	\$30.40/month (as of July 2018) x years of service; adjusted semi-annually according to consumer price index up to a maximum increase of 2%. An additional \$3.50/month for each year of service is payable to elected and appointed legislators who were members of this plan before March 1, 2000.
Vermont	None available. Deferred compensation plan available.			
Virginia	Mandatory. Eligibility for various plans based on membership date. Same as state employees plan.	Plan 1—Age 50 with 30 years of service (unreduced); age 55 with 5 years of service; age 50 with 10 years (reduced). Plan 2—When age and service = 90; or normal Social Security retirement age with 5 years of service (unreduced); age 60 with 5 years of service (reduced). Hybrid plan—When age and service = 90; or normal Social Security retirement age with 5 years of service (unreduced); age 60 with 5 years of service (reduced).	Plan 1—members who qualify do not make an employee contribution. Plan 2—5% of creditable compensation. Hybrid plan—mandatory and voluntary contributions to defined benefit and defined contribution components.	Plan 1—1.7% of average final compensation x years of service (average over highest 36 consecutive months). Plan 2—1.65% of average final compensation x years of service (average over highest 60 consecutive months). Hybrid plan—1.65% of average final compensation x years of service (average over highest 60 consecutive months).
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, new legislators may join PERS Plan 2 or Plan 3.	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.	Plan 2—employee contribution of 7.41% for 2019. Plan 3—no required member contribution for the DB component. The member may contribute from 5% to 15% of salary to the DC component.	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.
West Virginia	Optional	Age 55, if years of service + age equal 80.	Before 10/1/87—7%. After 10/1/87—5%.	2% x final average salary x years of service. Final average salary is based on 3 highest years out of last 10 years.
Wisconsin	Mandatory. Same as state employees retirement plan.	Age 62 for members who began employment before 1/1/17; Age 65 for members who began employment on or after 1/1/17. Age 55 with reduced benefits.	2019 contribution rate is 6.6% of monthly gross salary to their state pension. The employer matches this for a total contribution of 13.2%.	Final average monthly earnings x creditable service x formula multiplier x age reduction factor (if any) = monthly amount. Final average monthly earnings is calculated by adding the highest earnings for three calendar years and dividing this total by the creditable service earned during these years and then dividing by 12.
Wyoming	Optional—Deferred 457 Plan.		\$20 minimum monthly contribution is required to participate.	

Source: National Conference of State Legislatures, 2019.

Key:

COLA—Cost of living adjustment.

CPI—Consumer price index.

DB—Defined Benefit.

DC—Defined Contribution.

FAS—Final average salary.

None available—No retirement benefit provided.

OPERS—Ohio Public Employee's Retirement System.

OPSRP—Oregon Public Employee's Retirement System.

PERA—Public Employee Retirement Association.

PERS—Public Employee's Retirement System.