

2021 Survey

State Legislative Retirement Benefits

<i>State</i>	<i>Participation</i>	<i>Requirements for regular retirement</i>	<i>Employee contribution rate</i>	<i>Benefit formula</i>
Alabama	No retirement plan available.			
Alaska	Optional; same as the state employee retirement plan.	Four tiers, and requirements vary depending upon tier. Detailed information set forth in Public Employees' Retirement System (PERS) plan comparison chart: http://doa.alaska.gov/drb/pdf/pers/PERSTierChart.pdf .	Four tiers, and requirements vary depending upon tier. Detailed information set forth in Public Employees' Retirement System (PERS) plan comparison chart: http://doa.alaska.gov/drb/pdf/pers/PERSTierChart.pdf .	Four tiers, and requirements vary depending upon tier. Detailed information set forth in Public Employees' Retirement System (PERS) plan comparison chart: http://doa.alaska.gov/drb/pdf/pers/PERSTierChart.pdf .
Arizona	Mandatory.	Legislators may begin to withdraw from their 401(a) defined contribution retirement plans after they leave elected office and without penalty when they turn 59 ½. If they make any withdrawals before 59 ½, they will pay a 10% early withdrawal penalty. Similar to other federal qualified defined contribution plans.	Legislator: 8%. State: 6%.	The benefit amount varies based on individual investment risk and the performance of the fund.

Arkansas	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 17 and 1/2 years of service. As a regular employee, 65 with 5 years of service or any age with 28 years of service. Members of the contributory plan established in 2005 must have a minimum of 10 years legislative service if they have only legislative state employment.	Legislator: 5%. State: 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.
California	No retirement plan available.			
Colorado	Mandatory; same plan as the state employee retirement plan.	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.	Legislator: 10%.	PERA: 2.5% x FAS x years of service, capped at 100% of FAS. DCP benefit depends upon contributions and investment return.
Connecticut	Mandatory; same plan as the state employee retirement plan.	Age 55 with 10 years credited service; age 65 with 5 years credited service. Reduced benefit available with earlier retirement ages. Legislators participate in either Tier I, Tier II, Tier IIA, Tier III or Tier IV of the State Employees' Retirement System, depending on the date their state service began.	Legislator: 0-3% depending on the tier.	(1.33% x average annual salary) + (5% x average salary over "breakpoint") x credited service up to 35 years. After 2009, increase breakpoint by 6% per year rounded to nearest \$100.

Delaware	Mandatory for those elected after Jan. 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.	Legislators elected before 2012: 3% of annual compensation in excess of \$6,000. Legislators 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.
Florida	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: 3%. State: 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.
Georgia	Optional; not the same as the state employee retirement	Vested after 8 years. Age 62 with 8 years of service; age 60 with reduction for early retirement.	Legislator: 3.75% + \$7/month.	\$36/month for each year of service.
Hawaii	Optional; not the same as the state employee retirement plan.	Age 60 and 10 years service for normal retirement.	Legislator: 9.8% of monthly base salary.	3% x years of service x average final compensation.

Idaho	Mandatory; same plan as public employees (PERSI) except legislators are automatically vested. Legislators who assume office in and following 2021 are only eligible to receive a part-time retirement benefit.	Age 65 with 5 years of service; reduced benefit at age 55 with 5 years of service.	Legislator: 7.16%. State: 11.94%.	Average monthly salary for highest 42 consecutive months x 2% x months of credited service.
Illinois	Optional; not the same as the State Employees' Retirement System.	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 1/2 of 1% for each month.	Legislator: 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 years x 3.0% = 12%; next 2 years x 3.5% = 7.0%; next 2 years x 4.0% = 8.0%; next 4 years x 4.5% = 18.0%; next 8 years x 5.0% = 40.0%.
Indiana	Mandatory; not the same plan as the state employee retirement plan.	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.	Legislator: 5%. State: 7%.	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.

Iowa	Optional; same as state employees plan (IPERS).	Age 65; age 62 with 20 years of service; Rule of 88; or age 55 with reduced benefits.	Legislator: 6.29%. State: 9.44%.	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 taken at June 2012, or average of 5 highest years.
Kansas	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. Because the legislature is not full-time, contribution rates are based on annualized salaries.	Age 65; age 62 with 5 years of service, or when age plus years of service equals 85.	Legislators: 6% of the annualized salary.	3 years of annualized option x 1.75% x years of service.

Kentucky	Optional. Legislators who opt out of the legislator retirement plan are covered by the state employee 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.
Louisiana	No retirement plan available.			
Maine	Mandatory, though it may be waived in certain situations. The legislator retirement program is different than the state employee program.	Age 60 if 10 years of service on 7/1/93; age 62 if less than 10 years of service on 7/1/93; age 65 if less than 5 years of service on 7/1/11. Reduced benefit available for earlier retirement.	Legislator: 7.65%. State: contribution is actuarially determined.	2% of average final compensation (the average of the 3 high salary years) times years of service. An age reduction factor is applied for each full year the legislator is below their normal retirement age (60, 62 or 65).
Maryland	Mandatory; not the same plan as the state employee program.	Age 60 with 8 years; age 50 with 8+ years creditable service for early reduced retirement.	Legislator: 7% 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.

Massachusetts	Mandatory unless they are already receiving a pension from the Massachusetts State Employee Retirement System. Same as state employee retirement plan.	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.	Legislator: 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.
Michigan	Optional; same as state employee retirement plan.	Age 59 1/2 eligible for distributions without penalty.	Employees may contribute up to 3% of salary. The state will contribute 4% and match dollar for dollar the first 3% of contributions each pay period.	Vesting for contributions to 401(k) - 2 years of service vested 50%; 3 years vested 75% and 4 years vested 100%.

<p>Minnesota</p>	<p>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). The legislator plan is the same as the state employee retirement plan.</p>	<p>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.</p>	<p>LRP—9%. DCP—6% from member, 6.25% from state.</p>	<p>LRP - 2.5% x high 5 year average salary x years of service. DCP benefits depend upon contributions and investment return.</p>
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Mississippi	Mandatory; the legislator retirement program is the same as the state employee program, but legislators also have a supplemental retirement plan only for legislators.	This depends on the tier in which you fall when first elected or began state service: 1) Pre 6/30/1992 - 6/30/2007: Vested at 4 years; Eligible to retire with 25 years of service or age 60 and vested, 2) 7/1/2007 – 6/30/2011: Vested at 8 years; Eligible to retire with 25 years of service or age 60 and vested, and 3) 7/1/11 or later: Vested at 8 years; Eligible to retire with 30 years of service or age 60 and vested.	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.	Legislator: 7.9%. State: 8.67%. For both DB and DC plan.	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	No retirement plan available.			
Nevada	Mandatory, not the same as the state employee retirement plan. Legislators may, within 30 days of being first elected or appointed, elect not to participate; legislators may change their enrollment at the start of a new session.	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.	Legislator: 15% of session salary.	Number of years (not to exceed 30) x \$25 = monthly allowance.
New Hampshire	No retirement plan available.			

New Jersey	Mandatory for those who are eligible. The defined contribution plan is the same as the state employee plan; the pension option is not.	For the pension plan: Age 60; no minimum service requirement.	Pension plan: 7.5%. Defined contribution plan: 5.5%.	Pension plan: 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; not the same as the state employee retirement	Age 65 with 5 years of service or at any age with 10 years of legislative service.	\$600/year.	11% of the per diem rate in effect on the first day of the calendar year that the legislator retires x 60 and
New York	Optional; same as the state employee retirement plan.	Detailed information set forth in <i>Your Retirement Plan: Legislative and Executive Plan</i> , published by New York State Office of the State Comptroller.	Detailed information set forth in <i>Your Retirement Plan: Legislative and Executive Plan</i> , published by New York State Office of	Detailed information set forth in <i>Your Retirement Plan: Legislative and Executive Plan</i> , published by New York State Office of the State Comptroller.
North Carolina	Mandatory; the legislator plan is not the same as the state employee plan.	Age 65 with 5 years of service; reduced benefit available at earlier ages.	Legislator: 7%.	Highest annual compensation x 4.02% x years of creditable service.
North Dakota	No retirement plan available.			

<p>Ohio</p>	<p>Optional; same as the state employee retirement plan. 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.</p>	<p>Varies depending on retirement plan and eligibility group. To receive unreduced benefits under the Traditional Plan or Combined Plan, a member in Group A qualifies at age 65 with at least 5 years of service credit or at any age with 30 years of service credit, a member in Group B qualifies for age and service retirement at age 66 with at least five years of service credit, with 31 years of service credit (if at least age 52), or at any age with 32 years of service credit, or a member in Group C qualifies for age and service retirement at age 67 with at least five years of service credit or at age 55 with 32 years of service credit. Member Directed Plan: A member who has reached age 55 and has amounts on deposit in his or her account may receive benefits from the vested amounts in the account either as monthly annuity payments or a partial lump-sum distribution and monthly annuity payments.</p>	<p>Legislator: 10% of earnable salary. A member may elect to contribute amounts beyond the required contribution. State: is 14%.</p>	<p>Traditional Plan: 2.2% of the final average salary per year for each of the first 30 years of service credit, and 2.5% of final average salary for each year of service credit over 30 years or 35 years depending on what group the member is in. Member Directed Plan: member directs the investment of the contributions and benefits are based solely on the success of those investments. Combined Plan: member directs the investment of the member's contributions; OPERS invests the employer's contributions. Benefits are based on a combination of the success of the investments and the member's age, year of service and final average salary. The formula is 1% of the OPERS member's final annual salary for each of the first 30 years of service, and 1.25% of final annual salary for each year, or portion thereof, of service over 30 years or 35 years depending on the member's group.</p>
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Oklahoma	Mandatory; same as the state employee retirement plan. Some legislators may opt out.	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.	Legislators qualifying for OPERS contribute 3.5% of total compensation. Those starting on or after 11/1/2015 participate in Pathfinder, a defined contribution plan. Mandatory contribution rate is 4.5%, but members can opt to contribute more.	2% FAS x total years of service. FAS = average of 3 or 5, depending on when member joined plan, highest years of last 10.
Oregon	Optional; same as state employee retirement plan.	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.	Under the Member Directed Plan, the member directs the investment of the contributions in the member's account and benefits are based solely on the success of those investments.
Pennsylvania	Optional; same as state employee retirement plan.	Depends on the plan.	Depends on the plan.	Depends on the plan.
Rhode Island	No retirement plan available.			

South Carolina	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.	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.	Legislator: 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.	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.
South Dakota	No retirement plan available.			
Tennessee	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.

Texas	Optional; not the same as the state employee retirement plan.	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.
Utah	Optional; not the same as the state employee retirement plan.	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	No legislator retirement plan available. Deferred compensation plan is available.			

Virginia	Mandatory; same as state employee retirement plan. Eligibility for various plans based on membership date.	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; same as the state employee retirement plan. 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 7.9% 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; same as the state employee retirement plan.	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 6.75% of monthly gross salary to their state pension. The employer matches this for a total contribution of 13.5%.	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.	n/a	\$20 minimum monthly contribution is required to participate.	n/a

Source: National Conference of State Legislatures, 2021.

Key:

DB— Defined Benefit

DC— Defined Contribution

FAS— Final average salary

OPERS— Ohio Public Employee's Retirement System

OPSRP— Oregon Public Employee's Retirement System

PERA— Public employee retirement ass

PERS— Public Employee's Retirement System

