

January 28, 1998

HOUSE BILL No. 1162

DIGEST OF HB 1162 (Updated January 27, 1998 1:02 pm - DI 73)

Citations Affected: IC 5-10; IC 36-8.

Synopsis: Police, firefighters, and public safety officers' death benefits. Increases the death benefit from \$6,000 to \$9,000 and the line of duty death benefit from \$75,000 to \$150,000 for members of the 1925 police pension fund, the 1937 firefighters' pension fund, the 1953 police pension fund, and the 1977 police officers' and firefighters' pension and disability fund who die after December 31, 1997. Increases the line of duty death benefit paid from the state special death benefit fund to state police officers, county sheriffs, county police officers, correctional officers, excise police officers, county police reserve officers, city police reserve officers, conservation enforcement officers, town marshals, deputy town marshals, and state university police officers from \$75,000 to \$150,000 who die after December 31, 1997.

Effective: See text of bill.

T. Adams

January 8, 1998, read first time and referred to Committee on Ways and Means.
January 27, 1998, amended, reported — Do Pass.

HB 1162—LS 6527/DI 79



C
O
P
Y

January 28, 1998

Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

HOUSE BILL No. 1162

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 5-10-10-6 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JANUARY 1, 1998 (RETROACTIVE)]:
3 Sec. 6. (a) Except as provided in subsection (b), a special death benefit
4 of ~~seventy-five one hundred fifty~~ thousand dollars (~~\$75,000~~)
5 (**\$150,000**) shall be paid in a lump sum from the fund to the following
6 relative of a public safety officer who dies in the line of duty:
7 (1) To the surviving spouse.
8 (2) If there is no surviving spouse, to the surviving children (to be
9 shared equally).
10 (3) If there is no surviving spouse and there are no surviving
11 children, to the parent or parents in equal shares.
12 (b) If the fund would be reduced below two hundred fifty thousand
13 dollars (\$250,000) by payment in full of all claims that become final in
14 any month, the board shall proceed as follows:
15 (1) The board shall suspend payment of the claims that become
16 final during that month and the following two (2) months.
17 (2) At the end of the suspension period, the board shall pay all

HB 1162—LS 6527/DI 79



C
O
P
Y

1 suspended claims. If the fund would be exhausted by payment in
2 full of all suspended claims, the amount paid to each claimant
3 shall be prorated.

4 SECTION 2. IC 36-8-6-9.8, AS AMENDED BY P.L.40-1997,
5 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JANUARY 1, 1998 (RETROACTIVE)]: Sec. 9.8. (a) Benefits paid
7 under this section are subject to section 1.5 of this chapter.

8 (b) The 1925 fund shall be used to pay funeral benefits to the heirs
9 or estate of an active or a retired member of the police department who
10 has died from any cause, in an amount fixed by ordinance, but at least:

11 (1) one thousand five hundred dollars (\$1,500) for a member who
12 dies before September 1, 1984;

13 (2) three thousand dollars (\$3,000) for a member who dies after
14 August 31, 1984, and before July 1, 1994; ~~and~~

15 (3) six thousand dollars (\$6,000) for a member who dies after
16 June 30, 1994, **and before July 1, 1998; and**

17 **(4) nine thousand dollars (\$9,000) for a member who dies**
18 **after June 30, 1998.**

19 (c) In addition, a payment shall be made to the surviving spouse of
20 a deceased member, in an amount fixed by ordinance, but at least the
21 following:

22 (1) To the surviving spouse of a member who dies before January
23 1, 1989, an amount equal to thirty percent (30%) of the monthly
24 pay of a first class patrolman per month during the surviving
25 spouse's life if the spouse did not remarry before September 1,
26 1983. If the spouse remarried before September 1, 1983, and
27 benefits ceased on the date of remarriage, the benefits for the
28 surviving spouse shall be reinstated on July 1, 1997, and continue
29 during the life of the surviving spouse.

30 (2) To the surviving spouse of a member who dies after December
31 31, 1988, an amount per month, during the spouse's life, equal to
32 the greater of:

33 (A) thirty percent (30%) of the monthly pay of a first class
34 patrolman; or

35 (B) fifty-five percent (55%) of the monthly benefit the
36 deceased member was receiving or was entitled to receive on
37 the date of the member's death.

38 However, if the deceased member was not entitled to a benefit
39 because the member had not completed twenty (20) years of
40 service, for the purposes of computing the amount under clause
41 (B), the member's benefit shall be considered to be fifty percent
42 (50%) of the monthly salary of a first class patrolman. The

C
O
P
Y



1 amount provided for in this subdivision is subject to adjustment
2 as provided in subsection (f).

3 (d) A payment shall also be made to each child of a deceased
4 member under the age of eighteen (18) years, in an amount fixed by
5 ordinance, but at least an amount equal to twenty percent (20%) of the
6 monthly pay of a first class patrolman per month to each child:

- 7 (1) until the child reaches the age of eighteen (18);
8 (2) until the child reaches twenty-three (23) years of age if the
9 child is enrolled in and regularly attending a secondary school or
10 is a full-time student at an accredited college or university; or
11 (3) during the entire period of the child's physical or mental
12 disability;

13 whichever period is longer. However, the total of benefits under this
14 subsection added to the benefits under subsection (c) may not exceed
15 the maximum benefits computed under section 9 of this chapter for
16 pension payments to a member who retires from active service after
17 twenty (20) years or more of active service.

18 (e) If a deceased member leaves no surviving spouse and no child
19 who qualifies for benefits under subsection (d) but does leave a
20 dependent parent or parents, an amount equal to twenty percent (20%)
21 of the monthly pay of a first class patrolman per month from the time
22 of his death shall be paid to the dependent parent or parents during
23 their dependency. When both parents survive, the total amount is still
24 twenty percent (20%), to be paid to them jointly. In all cases of
25 payment to a dependent relative of a deceased member, the board is the
26 final judge of the question of necessity and dependency and of the
27 amount to be paid. The board may also reduce or terminate temporarily
28 or permanently a payment to a dependent relative of a deceased
29 member when it determines that the condition of the fund or other
30 circumstances makes this action necessary.

31 (f) If the salary of a first class patrolman is increased or decreased,
32 the pension payable under this section shall be proportionately
33 increased or decreased.

34 SECTION 3. IC 36-8-6-20 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE JANUARY 1, 1998 (RETROACTIVE)]:
36 Sec. 20. **(a) As used in this section, "dies in the line of duty" has the**
37 **meaning set forth in section 10.1 of this chapter.**

38 ~~(a)~~ **(b) A special death benefit of seventy-five thousand dollars**
39 **(\$75,000) for a fund member who dies in the line of duty before**
40 **July 1, 1998, and one hundred fifty thousand dollars (\$150,000) for**
41 **a fund member who dies in the line of duty after June 30, 1998,**
42 **shall be paid in a lump sum by the public employees' retirement fund**

C
O
P
Y



1 from the pension relief fund established under IC 5-10.3-11 to the
 2 following relative of a fund member who dies in the line of duty: ~~(as~~
 3 ~~defined in section 10.1 of this chapter):~~

4 (1) To the surviving spouse.

5 (2) If there is no surviving spouse, to the surviving children (to be
 6 shared equally).

7 (3) If there is no surviving spouse and there are no surviving
 8 children, to the parent or parents in equal shares.

9 ~~(b)~~ (c) The benefit provided by this section is in addition to any
 10 other benefits provided under this chapter.

11 SECTION 4. IC 36-8-7-13, AS AMENDED BY P.L.169-1994,
 12 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JANUARY 1, 1998 (RETROACTIVE)]: Sec. 13. (a) Benefits paid
 14 under this section are subject to section 2.5 of this chapter.

15 (b) Upon the death of a disabled, retired, or discharged member of
 16 the fire department who was receiving or entitled to receive a pension
 17 at the time of his death, or upon the death of a member in active service
 18 at the time of his death, the local board shall authorize and pay out of
 19 the 1937 fund at least:

20 (1) one thousand five hundred dollars (\$1,500) for a member who
 21 dies before September 1, 1984;

22 (2) three thousand dollars (\$3,000) for a member who dies after
 23 August 31, 1984, and before July 1, 1994; ~~and~~

24 (3) six thousand dollars (\$6,000) for a member who dies after
 25 June 30, 1994, **and before July 1, 1998; and**

26 **(4) nine thousand dollars (\$9,000) for a member who dies**
 27 **after June 30, 1998;**

28 as death benefits.

29 (c) The death benefit described under this section shall be paid to
 30 the following:

31 (1) to the surviving spouse;

32 (2) if there is no surviving spouse, to the surviving children; and

33 (3) if there is no surviving spouse, and if there are no surviving
 34 children, to the estate;

35 of the deceased member and is in addition to other benefits paid to a
 36 member or survivor under this chapter.

37 SECTION 5. IC 36-8-7-26 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JANUARY 1, 1998 (RETROACTIVE)]:
 39 Sec. 26. (a) **As used in this section, "dies in the line of duty" has the**
 40 **meaning set forth in section 12.1 of this chapter.**

41 ~~(a)~~ (b) A special death benefit of seventy-five thousand dollars
 42 (\$75,000) **for a fund member who dies in the line of duty before**

C
O
P
Y



1 **July 1, 1998, and one hundred fifty thousand dollars (\$150,000) for**
 2 **a fund member who dies in the line of duty after June 30, 1998,**
 3 shall be paid in a lump sum by the public employees' retirement fund
 4 from the pension relief fund established under IC 5-10.3-11 to the
 5 following relative of a fund member who dies in the line of duty: ~~(as~~
 6 ~~defined in section 12.1 of this chapter):~~

7 (1) To the surviving spouse.

8 (2) If there is no surviving spouse, to the surviving children (to be
 9 shared equally).

10 (3) If there is no surviving spouse and there are no surviving
 11 children, to the parent or parents in equal shares.

12 ~~(b)~~ (c) The benefit provided by this section is in addition to any
 13 other benefits provided under this chapter.

14 SECTION 6. IC 36-8-7.5-13.8, AS AMENDED BY P.L.40-1997,
 15 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JANUARY 1, 1998 (RETROACTIVE)]: Sec. 13.8. (a) Benefits paid
 17 under this section are subject to section 1.5 of this chapter.

18 (b) The 1953 fund shall be used to pay to the beneficiary or estate
 19 of a member of the fund, active or retired, who:

20 (1) dies from any cause after having served for one (1) year or
 21 more as an active member of the police department; or

22 (2) dies from any cause while in the actual discharge of his duties
 23 as a police officer after having served less than one (1) year as an
 24 active member of the police department;

25 fifteen hundred dollars (\$1,500) for a member who died before
 26 September 1, 1984, three thousand dollars (\$3,000) for a member who
 27 dies after August 31, 1984, and before July 1, 1994, ~~and~~ six thousand
 28 dollars (\$6,000) for a member who dies after June 30, 1994, ~~and~~
 29 **before July 1, 1998, and nine thousand dollars (\$9,000) for a**
 30 **member who dies after June 30, 1998.** Any member of the fund may
 31 name a beneficiary to receive the amount provided for upon his death
 32 by designating in writing in such form as is prescribed by the local
 33 board and delivered to the board. The beneficiary may be changed from
 34 time to time by the member by canceling the designation and delivering
 35 a new designation to the local board. If the member makes no
 36 designation of beneficiary, the sum provided for shall be paid to the
 37 member's estate.

38 (c) In addition, the 1953 fund shall be used to pay an annuity,
 39 computed under subsection (h) and payable in monthly installments, to
 40 the surviving spouse of a member of the fund who:

41 (1) dies from any cause after having served for one (1) year or
 42 more; or



C
O
P
Y

1 (2) dies from any cause while in the actual discharge of his duties
 2 as a police officer after having served less than one (1) year as an
 3 active member of the police department.

4 The annuity continues during the life of the surviving spouse unless the
 5 spouse remarried before September 1, 1983. If the spouse remarried
 6 before September 1, 1983, benefits ceased on the date of remarriage.
 7 However, if a member of the police department died in the line of duty
 8 and the member's surviving spouse remarried before September 1,
 9 1983, the benefits for the surviving spouse shall be reinstated on July
 10 1, 1995, and continue during the life of the surviving spouse. If a
 11 member of the fund died, but not in the line of duty, and the member's
 12 surviving spouse remarried before September 1, 1983, the benefits of
 13 the surviving spouse shall be reinstated on July 1, 1997, and continue
 14 during the life of the surviving spouse.

15 (d) The 1953 fund shall also be used to pay an annuity equal to
 16 twenty percent (20%) of the salary of a first class patrolman on the
 17 police department, computed as provided in section 12(b) of this
 18 chapter and payable in monthly installments, to each dependent child
 19 of a member of the fund who dies from any cause after having served
 20 for one (1) year or more as an active member of the police department
 21 or dies from any cause while in the actual discharge of his duties as a
 22 police officer after having served less than one (1) year as an active
 23 member of the police department. The pension to each child continues:

- 24 (1) until the child attains the age of eighteen (18) years;
 25 (2) until the child becomes twenty-three (23) years of age if the
 26 child is enrolled in and regularly attending a secondary school or
 27 is a full-time student at an accredited college or university; or
 28 (3) during the entire period of the child's physical or mental
 29 disability;

30 whichever period is longer. However, the pension to the child ceases
 31 if the child marries or is legally adopted by any person.

32 (e) If a deceased member leaves no surviving spouse and no child
 33 who qualifies for a benefit under subsection (d) but does leave a
 34 dependent parent or parents, the 1953 fund shall be used to pay an
 35 annuity not greater than a sum equal to twenty percent (20%) of the
 36 salary of a first class patrolman on the police department, computed
 37 and payable as provided in section 12(b) of this chapter, payable
 38 monthly to the dependent parent or parents of a member of the police
 39 department who:

- 40 (1) dies from any cause after having served for one (1) year or
 41 more as an active member of the police department; or
 42 (2) dies from any cause while in the actual discharge of his duties

C
O
P
Y



1 as a police officer after having served less than one (1) year as an
2 active member of the police department.

3 The annuity continues for the remainder of the life or lives of the parent
4 or parents as long as either or both fail to have sufficient other income
5 for their proper care, maintenance, and support.

6 (f) In all cases of payment to a dependent relative of a deceased
7 member, the local board is the final judge of the question of necessity
8 and dependency and of the amount within the stated limits to be paid.
9 The local board may also reduce or terminate temporarily or
10 permanently a payment to a dependent relative of a deceased member
11 when it determines that the condition of the 1953 fund or other
12 circumstances make this action necessary.

13 (g) If the salary of a first class patrolman is increased or decreased,
14 the pension payable under this section shall be proportionately
15 increased or decreased.

16 (h) The annuity payable under subsection (c) equals one (1) of the
17 following:

18 (1) For the surviving spouse of a member who dies before January
19 1, 1989, thirty percent (30%) of the salary of a first class
20 patrolman.

21 (2) For the surviving spouse of a member who dies after
22 December 31, 1988, an amount per month during the spouse's life
23 equal to the greater of:

24 (A) thirty percent (30%) of the monthly pay of a first class
25 patrolman; or

26 (B) fifty-five percent (55%) of the monthly benefit the
27 deceased member was receiving or was entitled to receive on
28 the date of the member's death.

29 However, if the deceased member was not entitled to a benefit because
30 the member had not completed twenty (20) years of service, for the
31 purposes of computing the amount under clause (B) the member's
32 benefit shall be considered to be fifty percent (50%) of the monthly
33 salary of a first class patrolman. The amount provided for in this
34 subdivision is subject to adjustment as provided in subsection (g).

35 SECTION 7. IC 36-8-7.5-22 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JANUARY 1, 1998 (RETROACTIVE)]:
37 Sec. 22. (a) **As used in this section, "dies in the line of duty" has the**
38 **meaning set forth in section 14.1 of this chapter.**

39 (a) (b) **A special death benefit of seventy-five thousand dollars**
40 **(\$75,000) for a fund member who dies in the line of duty before**
41 **July 1, 1998, and one hundred fifty thousand dollars (\$150,000) for**
42 **a fund member who dies in the line of duty after June 30, 1998,**

C
O
P
Y



1 shall be paid in a lump sum by the public employees' retirement fund
 2 from the pension relief fund established under IC 5-10.3-11 to the
 3 following relative of a fund member who dies in the line of duty: ~~(as~~
 4 ~~defined in section 14.1 of this chapter):~~

5 (1) To the surviving spouse.

6 (2) If there is no surviving spouse, to the surviving children (to be
 7 shared equally).

8 (3) If there is no surviving spouse and there are no surviving
 9 children, to the parent or parents in equal shares.

10 ~~(b)~~ (c) The benefit provided by this section is in addition to any
 11 other benefits provided under this chapter.

12 SECTION 8. IC 36-8-8-16, AS AMENDED BY P.L.169-1994,
 13 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JANUARY 1, 1998 (RETROACTIVE)]: Sec. 16. (a) Benefits paid
 15 under this section are subject to section 2.5 of this chapter.

16 (b) The heirs or estate of a fund member is entitled to receive at
 17 least:

18 (1) one thousand five hundred dollars (\$1,500) upon the fund
 19 member's death before September 1, 1984;

20 (2) three thousand dollars (\$3,000) upon the fund member's death
 21 after August 31, 1984, and before July 1, 1994; ~~and~~

22 (3) six thousand dollars (\$6,000) upon the fund member's death
 23 after June 30, 1994, **and before July 1, 1998; and**

24 **(4) nine thousand dollars (\$9,000) upon the fund member's**
 25 **death after June 30, 1998.**

26 SECTION 9. IC 36-8-8-20 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JANUARY 1, 1998 (RETROACTIVE)]:
 28 Sec. 20. (a) **As used in this section, "dies in the line of duty" has the**
 29 **meaning set forth in section 14.1 of this chapter.**

30 ~~(a)~~ (b) Benefits paid under this section are subject to section 2.5 of
 31 this chapter.

32 ~~(b)~~ (c) A special death benefit of seventy-five thousand dollars
 33 (\$75,000) **for a fund member who dies in the line of duty before**
 34 **July 1, 1998, and one hundred fifty thousand dollars (\$150,000) for**
 35 **a fund member who dies in the line of duty after June 30, 1998,**
 36 shall be paid in a lump sum by the public employees' retirement fund
 37 from the pension relief fund established under IC 5-10.3-11 to the
 38 following relative of a fund member who dies in the line of duty: ~~(as~~
 39 ~~defined in section 14.1 of this chapter):~~

40 (1) To the surviving spouse.

41 (2) If there is no surviving spouse, to the surviving children (to be
 42 shared equally).



C
O
P
Y

1 (3) If there is no surviving spouse and there are no surviving
2 children, to the parent or parents in equal shares.
3 ~~(c)~~ (d) The benefit provided by this section is in addition to any
4 other benefits provided under this chapter.
5 SECTION 10. **An emergency is declared for this act.**

C
o
p
y



COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1162, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Replace the effective date in SECTIONS 1 through 8 with "[EFFECTIVE JANUARY 1, 1998 (RETROACTIVE)]".

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-10-10-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 1998 (RETROACTIVE)]:
Sec. 6. (a) Except as provided in subsection (b), a special death benefit of ~~seventy-five~~ **one hundred fifty** thousand dollars (~~\$75,000~~) (**\$150,000**) shall be paid in a lump sum from the fund to the following relative of a public safety officer who dies in the line of duty:

- (1) To the surviving spouse.
- (2) If there is no surviving spouse, to the surviving children (to be shared equally).
- (3) If there is no surviving spouse and there are no surviving children, to the parent or parents in equal shares.

(b) If the fund would be reduced below two hundred fifty thousand dollars (\$250,000) by payment in full of all claims that become final in any month, the board shall proceed as follows:

- (1) The board shall suspend payment of the claims that become final during that month and the following two (2) months.
- (2) At the end of the suspension period, the board shall pay all suspended claims. If the fund would be exhausted by payment in full of all suspended claims, the amount paid to each claimant shall be prorated."

Page 8, after line 26, begin a new paragraph and insert:

"SECTION 10. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to House Bill 1162 as introduced.)

BAUER, Chair

Committee Vote: yeas 22, nays 0.



C
O
P
Y