

HOUSE BILL No. 1058

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-8-8.

Synopsis: Police officers' and firefighters' retirement. Provides that a member of the 1977 police officers' and firefighters' pension and disability fund may retire and receive benefits after 20 years of service, regardless of age.

Effective: July 1, 1998.

Kersey

January 6, 1998, read first time and referred to Committee on Ways and Means.



Introduced

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. 1058

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 36-8-8-10, AS AMENDED BY P.L.232-1997,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 1998]: Sec. 10. (a) A fund member is eligible for retirement
4 after he has completed twenty (20) years of active service.
5 (b) Benefits to a retired fund member begin the date
6 ~~(1) the fund member becomes fifty-five (55) years of age; or~~
7 ~~(2) on which the fund member retires.~~
8 ~~whichever is later.~~ Benefit payments to a retired fund member begin on
9 the first day of the month on or after the date ~~he reaches fifty-five (55)~~
10 ~~years of age or on which he the fundmember~~ retires. ~~whichever is~~
11 ~~later.~~
12 (c) If a fund member
13 ~~(1) becomes fifty-five (55) years of age; or~~
14 ~~(2) retires on a date other than on the first day of the month~~
15 the amount due the fund member for the initial partial monthly benefit
16 is payable together with the regular monthly benefit on the first of the
17 month following the date the fund member ~~becomes fifty-five (55)~~

1998

IN 1058—LS 6380/DI 79+



1 ~~years of age or retires, whichever is later.~~

2 SECTION 2. IC 36-8-8-12, AS AMENDED BY P.L.213-1995,
3 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 1998]: Sec. 12. (a) Benefits paid under this section are subject
5 to sections 2.5 and 2.6 of this chapter.

6 (b) If an active fund member has a covered impairment, as
7 determined under sections 12.3 through 13.1 of this chapter, the
8 member is entitled to receive the benefit prescribed by section 13.3 or
9 13.5 of this chapter. A member who has had a covered impairment and
10 returns to active duty with the department shall not be treated as a new
11 applicant seeking to become a member of the 1977 fund.

12 (c) If a retired fund member ~~who has not yet reached the member's~~
13 ~~fifty-fifth birthday~~ is found by the PERF board to be permanently or
14 temporarily unable to perform all suitable work for which the member
15 is or may be capable of becoming qualified, the member is entitled to
16 receive during the disability the retirement benefit payments payable
17 at ~~fifty-five (55) years of age.~~ **retirement.** During a reasonable period
18 in which a disabled fund member is becoming qualified for suitable
19 work, the member may continue to receive disability benefit payments.
20 However, benefits payable for disability under this subsection are
21 reduced by amounts for which the fund member is eligible from:

22 (1) a plan or policy of insurance providing benefits for loss of
23 time because of disability;

24 (2) a plan, fund, or other arrangement to which the fund member's
25 employer has contributed or for which the fund member's
26 employer has made payroll deductions, including a group life
27 policy providing installment payments for disability, a group
28 annuity contract, or a pension or retirement annuity plan other
29 than the fund established by this chapter;

30 (3) the federal Social Security Act (42 U.S.C. 401 et seq.), the
31 Railroad Retirement Act (45 U.S.C. 231 et seq.), the United States
32 Department of Veterans Affairs, or another federal, state, local, or
33 other governmental agency;

34 (4) worker's compensation payable under IC 22-3; and

35 (5) a salary or wage, including overtime and bonus pay and extra
36 or additional remuneration of any kind, the fund member receives
37 or is entitled to receive from the member's employer.

38 For the purposes of this subsection, a retired fund member is
39 considered eligible for benefits from subdivisions (1) through (5)
40 whether or not the member has made application for the benefits.

41 (d) Notwithstanding any other law, a plan, policy of insurance, fund,
42 or other arrangement:



1 (1) delivered, issued for delivery, amended, or renewed after
2 April 9, 1979; and

3 (2) described in subsection (c)(1) or (c)(2);
4 may not provide for a reduction or alteration of benefits as a result of
5 benefits for which a fund member may be eligible from the 1977 fund
6 under subsection (c).

7 (e) Time spent receiving disability benefits is considered active
8 service for the purpose of determining retirement benefits until the
9 fund member has a total of twenty (20) years of service.

10 SECTION 3. IC 36-8-8-13.3, AS AMENDED BY P.L.213-1995,
11 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 1998]: Sec. 13.3. (a) This section applies only to a fund
13 member who:

14 (1) is hired for the first time before January 1, 1990; and

15 (2) does not choose coverage by sections 12.5 and 13.5 of this
16 chapter under section 12.4 of this chapter.

17 This section does not apply to a fund member described in section
18 12.3(c)(2) of this chapter.

19 (b) A fund member who is determined to have a covered
20 impairment and for whom it is determined that there is no suitable and
21 available work within the fund member's department, considering
22 reasonable accommodation to the extent required by the Americans
23 with Disabilities Act, is entitled to receive during the disability a
24 benefit equal to the benefit that the fund member would have received
25 if the fund member had retired. If the disabled fund member does not
26 have at least twenty (20) years of service, ~~or is not at least fifty-five~~
27 ~~(55) years of age~~, the benefit is computed and paid as if the fund
28 member had twenty (20) years of service. ~~and was fifty-five (55) years~~
29 ~~of age.~~

30 (c) Notwithstanding section 12.3 of this chapter and any other
31 provision of this section, a member who:

32 (1) has had a covered impairment;

33 (2) recovers and returns to active service with the department; and

34 (3) within two (2) years after returning to active service has an
35 impairment that except for section 12.3 of this chapter would be
36 a covered impairment;

37 is entitled to the benefit under this subsection if the impairment
38 described in subdivision (3) results from the same condition or
39 conditions (without an intervening circumstance) that caused the
40 covered impairment described in subdivision (1). The member is
41 entitled to receive the monthly disability benefit amount paid to the
42 member at the time of the member's return to active service plus any



1 adjustments under section 15 of this chapter that would have been
2 applicable during the member's period of reemployment.

3 SECTION 4. IC 36-8-8-13.5, AS AMENDED BY P.L.213-1995,
4 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 1998]: Sec. 13.5. (a) This section applies only to a fund
6 member who:

- 7 (1) is hired for the first time after December 31, 1989;
8 (2) chooses coverage by this section and section 12.5 of this
9 chapter under section 12.4 of this chapter; or
10 (3) is described in section 12.3(c)(2) of this chapter.

11 (b) A fund member who is determined to have a Class 1 impairment
12 and for whom it is determined that there is no suitable and available
13 work within the fund member's department, considering reasonable
14 accommodation to the extent required by the Americans with
15 Disabilities Act, is entitled to a monthly base benefit equal to forty-five
16 percent (45%) of the monthly salary of a first class patrolman or
17 firefighter in the year of the local board's determination of impairment.

18 (c) A fund member who is determined to have a Class 2 impairment
19 and for whom it is determined that there is no suitable and available
20 work within the fund member's department, considering reasonable
21 accommodation to the extent required by the Americans with
22 Disabilities Act, is entitled to a monthly base benefit equal to
23 twenty-two percent (22%) of the monthly salary of a first class
24 patrolman or firefighter in the year of the local board's determination
25 of impairment plus one-half percent (0.5%) of that salary for each year
26 of service, up to a maximum of thirty (30) years of service.

27 (d) For applicants hired before March 2, 1992, a fund member who
28 is determined to have a Class 3 impairment and for whom it is
29 determined that there is no suitable and available work within the fund
30 member's department, considering reasonable accommodation to the
31 extent required by the Americans with Disabilities Act, is entitled to a
32 monthly base benefit equal to the product of the member's years of
33 service (not to exceed thirty (30) years of service) multiplied by one
34 percent (1%) of the monthly salary of a first class patrolman or
35 firefighter in the year of the local board's determination of impairment.

36 (e) For applicants hired after March 1, 1992, or described in section
37 12.3(c)(2) of this chapter, a fund member who is determined to have a
38 Class 3 impairment and for whom it is determined that there is no
39 suitable and available work within the fund member's department,
40 considering reasonable accommodation to the extent required by the
41 Americans with Disabilities Act, is entitled to the following benefits
42 instead of benefits provided under subsection (d):



- 1 (1) If the fund member did not have a Class 3 excludable
2 condition under section 13.6 of this chapter at the time the fund
3 member entered or reentered the fund, the fund member is
4 entitled to a monthly base benefit equal to the product of the
5 member's years of service, not to exceed thirty (30) years of
6 service, multiplied by one percent (1%) of the monthly salary of
7 a first class patrolman or firefighter in the year of the local board's
8 determination of impairment.
- 9 (2) Except as provided in subdivision (5), a fund member is
10 entitled to receive the benefits set forth in subdivision (1) if:
11 (A) the fund member had a Class 3 excludable condition under
12 section 13.6 of this chapter at the time the fund member
13 entered or reentered the fund;
14 (B) the fund member has a Class 3 impairment that is not
15 related in any manner to the Class 3 excludable condition
16 described in clause (A); and
17 (C) the Class 3 impairment described in clause (B) occurs after
18 the fund member has completed four (4) years of service with
19 the employer after the date the fund member entered or
20 reentered the fund.
- 21 (3) Except as provided in subdivision (5), a fund member is not
22 entitled to a monthly base benefit for a Class 3 impairment if:
23 (A) the fund member had a Class 3 excludable condition under
24 section 13.6 of this chapter at the time the fund member
25 entered or reentered the fund; and
26 (B) the Class 3 impairment occurs before the fund member has
27 completed four (4) years of service with the employer after the
28 date the fund member entered or reentered the fund.
- 29 (4) A fund member is not entitled to a monthly base benefit for a
30 Class 3 impairment if:
31 (A) the fund member had a Class 3 excludable condition under
32 section 13.6 of this chapter at the time the fund member
33 entered or reentered the fund; and
34 (B) the Class 3 impairment is related in any manner to the
35 Class 3 excludable condition.
- 36 (5) If, during the first four (4) years of service with the employer:
37 (A) a fund member with a Class 3 excludable condition is
38 determined to have a Class 3 impairment; and
39 (B) the Class 3 impairment is attributable to an accidental
40 injury that is not related in any manner to the fund member's
41 Class 3 excludable condition;
42 the member is entitled to receive the benefits provided in



1 subdivision (1) with respect to the accidental injury. For purposes
 2 of this subdivision, the local board shall make the initial
 3 determination of whether an impairment is attributable to an
 4 accidental injury. The local board shall forward the initial
 5 determination to the director of the PERF board for a final
 6 determination by the PERF board or the PERF board's designee.

7 (f) If a fund member is entitled to a monthly base benefit under
 8 subsection (b), (c), (d), or (e), the fund member is also entitled to a
 9 monthly amount that is no less than ten percent (10%) and no greater
 10 than forty-five percent (45%) of the monthly salary of a first class
 11 patrolman or firefighter in the year of the local board's determination
 12 of impairment. The additional monthly amount shall be determined by
 13 the PERF medical authority based on the degree of impairment.

14 (g) Benefits for a Class 1 impairment are payable until the fund
 15 member ~~becomes fifty-five (55) years of age; is eligible for~~
 16 **retirement**. Benefits for a Class 2 and a Class 3 impairment are
 17 payable:

18 (1) for a period equal to the years of service of the member, if the
 19 member's total disability benefit is less than thirty percent (30%)
 20 of the monthly salary of a first class patrolman or firefighter in the
 21 year of the local board's determination of impairment and the
 22 member has fewer than four (4) years of service; or

23 (2) until the member ~~becomes fifty-five (55) years of age is~~
 24 **eligible for retirement** if the member's benefit is:

25 (A) equal to or greater than thirty percent (30%) of the
 26 monthly salary of a first class patrolman or firefighter in the
 27 year of the local board's determination of impairment; or

28 (B) less than thirty percent (30%) of the monthly salary of a
 29 first class patrolman or firefighter in the year of the local
 30 board's determination of impairment if the member has at least
 31 four (4) years of service.

32 (h) Upon becoming ~~fifty-five (55) years of age; eligible for~~
 33 **retirement**, a fund member with a Class 1 or Class 2 impairment is
 34 entitled to receive the retirement benefit payable to a fund member
 35 with

36 ~~(1) twenty (20) years of service. or~~

37 ~~(2) the total years of service and salary, as of the year the member~~
 38 ~~becomes fifty-five (55) years of age; that the fund member would~~
 39 ~~have earned if the fund member had remained in active service~~
 40 ~~until becoming fifty-five (55) years of age;~~

41 ~~whichever is greater.~~

42 (i) Upon becoming ~~fifty-five (55) years of age; eligible for~~



1 **retirement**, a fund member who is receiving or has received a Class 3
2 impairment benefit that is:

- 3 (1) equal to or greater than thirty percent (30%) of the monthly
4 salary of a first class patrolman or firefighter in the year of the
5 local board's determination of impairment; or
6 (2) less than thirty percent (30%) of the monthly salary of a first
7 class patrolman or firefighter in the year of the local board's
8 determination of impairment if the member has at least four (4)
9 years of service;

10 is entitled to receive the retirement benefit payable to a fund member
11 with twenty (20) years of service.

12 (j) Notwithstanding section 12.3 of this chapter and any other
13 provision of this section, a member who:

- 14 (1) has had a covered impairment;
15 (2) recovers and returns to active service with the department; and
16 (3) within two (2) years after returning to active service has an
17 impairment that, except for section 12.3(b)(3) of this chapter,
18 would be a covered impairment;

19 is entitled to the benefit under this subsection if the impairment
20 described in subdivision (3) results from the same condition or
21 conditions (without an intervening circumstance) that caused the
22 covered impairment described in subdivision (1). The member is
23 entitled to receive the monthly disability benefit amount paid to the
24 member at the time of the member's return to active service plus any
25 adjustments under section 15 of this chapter that would have been
26 applicable during the member's period of reemployment.

27 SECTION 5. IC 36-8-8-14.1, AS AMENDED BY P.L.40-1997,
28 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 1998]: Sec. 14.1. (a) Benefits paid under this section are
30 subject to section 2.5 of this chapter.

31 (b) If a fund member dies while receiving retirement or disability
32 benefits, the following apply:

- 33 (1) Each of the member's surviving children is entitled to a
34 monthly benefit equal to twenty percent (20%) of the fund
35 member's monthly benefit:

- 36 (A) until the child reaches eighteen (18) years of age; or
37 (B) until the child reaches twenty-three (23) years of age if the
38 child is enrolled in and regularly attending a secondary school
39 or is a full-time student at an accredited college or university;
40 whichever period is longer. However, if the board finds upon the
41 submission of satisfactory proof that a child who is at least
42 eighteen (18) years of age is mentally or physically incapacitated,



1 is not a ward of the state, and is not receiving a benefit under
 2 subdivision (1)(B), the child is entitled to receive an amount each
 3 month that is equal to the greater of thirty percent (30%) of the
 4 monthly pay of a first class patrolman or first class firefighter or
 5 fifty-five percent (55%) of the monthly benefit the deceased
 6 member was receiving or was entitled to receive on the date of the
 7 member's death as long as the mental or physical incapacity of the
 8 child continues. Benefits paid for a child shall be paid to the
 9 surviving parent as long as the child resides with and is supported
 10 by the surviving parent. If the surviving parent dies, the benefits
 11 shall be paid to the legal guardian of the child.

12 (2) The member's surviving spouse is entitled to a monthly benefit
 13 equal to sixty percent (60%) of the fund member's monthly
 14 benefit during the spouse's lifetime. If the spouse remarried before
 15 September 1, 1983, and benefits ceased on the date of remarriage,
 16 the benefits for the surviving spouse shall be reinstated on July 1,
 17 1997, and continue during the life of the surviving spouse.

18 If a fund member dies while receiving retirement or disability benefits,
 19 there is no surviving eligible child or spouse, and there is proof
 20 satisfactory to the local board, subject to review in the manner
 21 specified in section 13.1(b) of this chapter, that the parent was wholly
 22 dependent on the fund member, the member's surviving parent is
 23 entitled, or both surviving parents if qualified are entitled jointly, to
 24 receive fifty percent (50%) of the fund member's monthly benefit
 25 during the parent's or parents' lifetime.

26 (c) If a fund member dies while on active duty or while retired and
 27 not receiving benefits, the member's children and the member's spouse,
 28 or the member's parent or parents, are entitled to receive a monthly
 29 benefit determined under subsection (b). If the fund member did not
 30 have at least twenty (20) years of service, ~~or was not at least fifty-five~~
 31 ~~(55) years old~~, the benefit is computed as if the member

32 ~~(1) did have twenty (20) years of service. and~~

33 ~~(2) was fifty-five (55) years of age.~~

34 (d) If a fund member dies in the line of duty after August 31, 1982,
 35 the member's surviving spouse is entitled to an additional monthly
 36 benefit during the spouse's lifetime, equal to the difference between the
 37 benefit payable under subsection (b)(2) and the benefit to which the
 38 member would have been entitled on the date of the member's death,
 39 but not less than the benefit payable to a member with twenty (20)
 40 years of service. ~~at fifty-five (55) years of age.~~ If the spouse remarried
 41 before September 1, 1983, and benefits ceased on the date of
 42 remarriage, the benefits for the surviving spouse shall be reinstated on



1 July 1, 1997, and continue during the life of the surviving spouse. For
 2 purposes of this subsection, "dies in the line of duty" means death that
 3 occurs as a direct result of personal injury or illness resulting from:

4 (1) any action that the member, in the member's capacity as a
 5 police officer, is obligated or authorized by rule, regulation,
 6 condition of employment or service, or law to perform in the
 7 course of controlling or reducing crime or enforcing the criminal
 8 law; or

9 (2) any action that the member, in the member's capacity as a
 10 firefighter, is obligated or authorized by rule, regulation,
 11 condition of employment or service, or law to perform while on
 12 the scene of an emergency run (including false alarms) or on the
 13 way to or from the scene.

14 SECTION 6. IC 36-8-8-18 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 18. (a) Except as
 16 provided in subsection (b), if a unit becomes a participant in the 1977
 17 fund, credit for prior service by police officers or firefighters before the
 18 date of participation may be given by the PERF board only if:

19 (1) the unit contributes to the 1977 fund the amount necessary to
 20 amortize prior service liability over a period of not more than
 21 forty (40) years, the amount and period to be determined by the
 22 PERF board; and

23 (2) the police officers or firefighters pay, either in a lump sum or
 24 in a series of payments determined by the PERF board, the
 25 amount that they would have contributed if they had been
 26 members of the 1977 fund during their prior service.

27 If the requirements of subdivisions (1) and (2) are not met, a fund
 28 member is entitled to credit only for years of service after the date of
 29 participation.

30 (b) If a unit becomes a participant in the 1977 fund under section
 31 3(c) of this chapter, or if a firefighter becomes a member of the 1977
 32 fund under section 7(g) of this chapter, credit for prior service before
 33 the date of participation or membership may be given by the PERF
 34 board only if the following requirements are met:

35 (1) The unit contributes to the 1977 fund the amount necessary to
 36 fund prior service liability amortized over a period of not more
 37 than ten (10) years. The amount of contributions must be based on
 38 the actual salary earned by a first class firefighter at the time the
 39 unit becomes a participant in the 1977 fund, or the firefighter
 40 becomes a member of the 1977 fund, or if no such salary
 41 designation exists, the actual salary earned by the firefighter.
 42 However, credit for prior service is limited to the amount



1 necessary to allow the firefighter to accrue twenty (20) years of
 2 service credit in the 1977 fund. ~~by the time the firefighter reaches~~
 3 ~~fifty-five (55) years of age~~. The limit on credit for prior service
 4 does not apply if the firefighter was a member of the 1937 fund or
 5 1977 fund whose participation was terminated due to the creation
 6 of a new fire protection district under IC 36-8-11-5 and who
 7 subsequently became a member of the 1977 fund. A firefighter
 8 who was a member of or reentered the 1937 fund or 1977 fund
 9 whose participation was terminated due to the creation of a new
 10 fire protection district under IC 36-8-11-5 is entitled to full credit
 11 for prior service in an amount equal to the firefighter's years of
 12 service before becoming a member of or reentering the 1977 fund.
 13 Service may only be credited for time as a full-time, fully paid
 14 firefighter or as an emergency medical technician under section
 15 7(g) of this chapter.

16 (2) The amount the firefighter would have contributed if the
 17 firefighter had been a member of the 1977 fund during the
 18 firefighter's prior service must be fully paid and must be based on
 19 the firefighter's actual salary earned during that period before
 20 service can be credited under this section.

21 (3) Any amortization schedule for contributions paid under
 22 subdivision (1) and contributions to be paid under subdivision (2)
 23 must include interest at a rate determined by the PERF board.

24 (c) This subsection applies to a unit that:

25 (1) becomes a participant in the 1977 fund under section 3(c) of
 26 this chapter; and

27 (2) is a fire protection district created under IC 36-8-11 that
 28 includes a township or a municipality that had a 1937 fund.

29 A firefighter who continues uninterrupted service with a unit covered
 30 by this subsection and who participated in the township or municipality
 31 1937 fund is entitled to receive service credit for such service in the
 32 1977 fund. However, credit for such service is limited to the amount
 33 accrued by the firefighter in the 1937 fund or the amount necessary to
 34 allow the firefighter to accrue twenty (20) years of service credit in the
 35 1977 fund, ~~by the time the firefighter becomes fifty-five (55) years of~~
 36 ~~age~~; whichever is less.

37 (d) The unit shall contribute into the 1977 fund the amount
 38 necessary to fund the amount of past service determined in accordance
 39 with subsection (c), amortized over a period not to exceed ten (10)
 40 years with interest at a rate determined by the PERF board.

41 (e) If the township or municipality has accumulated money in its
 42 1937 fund, any amount accumulated that exceeds the present value of



1 all projected future benefits from the 1937 plan shall be paid by the
 2 township or municipality to the unit for the sole purpose of making the
 3 contributions determined in subsection (d).

4 SECTION 7. IC 36-8-8-18.1 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 18.1. If a unit becomes
 6 a participant in the 1977 fund and the unit previously covered police
 7 officers, firefighters, or emergency medical technicians in PERF, or if
 8 the employees of the unit become members of the 1977 fund under
 9 section 7(g) of this chapter, the following provisions apply:

10 (1) A minimum benefit applies to members electing to transfer or
 11 being transferred to the 1977 fund from PERF. The minimum
 12 benefit payable at age ~~fifty-five (55)~~, for such a member equals
 13 the actuarial equivalent of the vested retirement benefit payable
 14 to the member upon normal retirement under IC 5-10.2-4-1 as of
 15 the day before the transfer, based solely on:

16 (A) creditable service;

17 (B) the average of the annual compensation; and

18 (C) the amount credited to the annuity savings account;

19 of the transferring member as of the day before the transfer under
 20 IC 5-10.2 and IC 5-10.3.

21 (2) The PERF board shall transfer from PERF to the 1977 fund
 22 the amount credited to the annuity savings accounts and the
 23 present value of the retirement benefits payable at age sixty-five
 24 (65) attributable to the transferring members.

25 (3) The amount the unit and the member must contribute to the
 26 1977 fund under section 18 of this chapter, if any service credit
 27 is to be given under that section, will be reduced by the amounts
 28 transferred to the 1977 fund by the PERF board under subdivision
 29 (2).

30 (4) Credit for prior service in PERF of a member as a police
 31 officer, a firefighter, or an emergency medical technician is
 32 waived in PERF. Any credit for that service under the 1977 fund
 33 shall only be given in accordance with section 18 of this chapter.

34 (5) Credit for prior service in PERF of a member, other than as a
 35 police officer, a firefighter, or an emergency medical technician,
 36 remains in PERF and may not be credited under the 1977 fund.

