

HOUSE BILL No. 1280

DIGEST OF INTRODUCED BILL

Citations Affected: IC 33-13-9.1-10; IC 33-13-10.1-14.

Synopsis: Judges' retirement benefits. Provides that a judge may receive credit in the judges' 1977 benefit system or the judges' 1985 benefit system for prior service credited under the public employees' retirement fund for service as a judge of a small claims court or as a part-time municipal court judge after December 31, 1970, and before January 1, 1978. Provides for the repayment of benefits received from the public employees' retirement fund for service as a full-time referee, full-time commissioner, full-time magistrate, judge of a small claims court, or a part-time municipal court judge before the service is credited in the judges' 1977 benefit system or the judges' 1985 benefit system.

Effective: July 1, 1998.

Keeler

January 13, 1998, read first time and referred to Committee on Ways and Means.

C
O
P
Y



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.

C
O
P
Y

HOUSE BILL No. 1280



A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

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

1 SECTION 1. IC 33-13-9.1-10 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 10. (a) This section
 3 applies to a person who:
 4 (1) is a judge participating under this chapter;
 5 (2) before becoming a judge **participating under this chapter:**
 6 (A) was appointed by a court to serve as a full-time referee,
 7 full-time commissioner, or full-time magistrate;
 8 (B) served as a judge of a small claims court; or
 9 (C) served as a part-time municipal court judge after
 10 December 31, 1970, and before January 1, 1978;
 11 (3) was a member of the public employees' retirement fund
 12 during the employment described in subdivision (2); and
 13 (4) received credited service under the public employees'
 14 retirement fund for the employment described in subdivision (2).
 15 (b) If a person becomes a participant in the judges' 1977 benefit
 16 system under ~~IC 33-13-9.1-1~~, **section 1 of this chapter**, credit for prior
 17 service by the judge as a full-time referee, full-time commissioner, or



1 full-time magistrate, **judge of a small claims court, or part-time**
 2 **municipal court judge** shall be granted under this chapter by the board
 3 if:

4 (1) the prior service was credited under the public employees'
 5 retirement fund;

6 (2) the state contributes to the judges' 1977 benefit system the
 7 amount the board determines necessary to amortize the prior
 8 service liability over a period determined by the board, but not
 9 more than ten (10) years; ~~and~~

10 (3) the judge pays in a lump sum or in a series of payments
 11 determined by the board, not exceeding five (5) annual
 12 payments, the amount the judge would have contributed if the
 13 judge had been a member of the judges' 1977 benefit system
 14 during the prior service;

15 **(4) the judge agrees to an appropriate adjustment**
 16 **determined by the board in a future benefit payable to the**
 17 **judge under the public employees' retirement fund; and**

18 **(5) the judge has received benefits from the public**
 19 **employees' retirement fund attributable to service that the**
 20 **judge seeks to have granted under this chapter, and the**
 21 **judge pays in a lump sum or in a series of payments**
 22 **determined by the board, not exceeding five (5) annual**
 23 **payments, an amount determined by the board as a**
 24 **repayment of the benefits.**

25 (c) If the requirements of subsection ~~(b)(2)~~ ~~and~~ ~~(b)(3)~~ **(b)** are not
 26 satisfied, a participant is entitled to credit only for years of service after
 27 the date of participation in the 1977 benefit system.

28 (d) An amortization schedule for contributions paid under
 29 subsection ~~(b)(2)~~ ~~or~~ ~~(b)(3)~~ **(b)** must include interest at a rate
 30 determined by the board.

31 (e) The following provisions apply to a person described in
 32 subsection (a):

33 (1) A minimum benefit applies to participants receiving credit in
 34 the judges' 1977 benefit system from service covered by the
 35 public employees' retirement fund. The minimum benefit is
 36 payable at sixty-five (65) years of age and equals the actuarial
 37 equivalent of the vested retirement benefit that is:

38 (A) payable to the member at normal retirement under
 39 IC 5-10.2-4-1 as of the day before the transfer; and

40 (B) based solely on:

41 (i) creditable service;

42 (ii) the average of the annual compensation; and



C
O
P
Y

- 1 (iii) the amount credited under IC 5-10.2 and IC 5-10.3
 2 to the annuity savings account of the transferring
 3 member as of the day before the transfer.
- 4 (2) If the requirements of subsection ~~(b)(2)~~ and ~~(b)(3)~~ **(b)**
 5 are satisfied, the board shall transfer from the public employees'
 6 retirement fund to the judges' 1977 benefit system the amount
 7 credited to the annuity savings account and the present value of
 8 the retirement benefit payable at sixty-five (65) years of age that
 9 is attributable to the **service described in subsection (a)(2) for**
 10 **the transferring participant. If the judge has received benefits**
 11 **from the public employees' retirement fund attributable to**
 12 **service described in subsection (a)(2), the board shall make**
 13 **the appropriate adjustments to the amount transferred.**
- 14 (3) The amount the state and the participant must contribute to
 15 the judges' 1977 benefit system under subsection (b) shall be
 16 reduced by the amount transferred to the judges' 1977 benefit
 17 system by the board under subdivision (2).
- 18 (4) If the requirements of subsection ~~(b)(2)~~ and ~~(b)(3)~~ **(b)** are
 19 satisfied, credit for prior service in the public employees'
 20 retirement fund as a full-time referee, full-time commissioner, ~~or~~
 21 full-time magistrate, **judge of a small claims court, or**
 22 **part-time municipal court judge** is waived. Any credit for the
 23 prior service under the judges' 1977 benefit system may be
 24 granted only under subsection (b).
- 25 (5) Credit for prior service in the public employees' retirement
 26 fund for service other than as a full-time referee, full-time
 27 commissioner, ~~or~~ full-time magistrate, **judge of a small claims**
 28 **court, or part-time municipal court judge** remains under the
 29 public employees' retirement fund and may not be credited under
 30 the judges' 1977 benefit system.
- 31 SECTION 2. IC 33-13-10.1-14 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 14. (a) This section
 33 applies to a person who:
- 34 (1) is a judge participating under this chapter;
 35 (2) before becoming a judge **participating under this chapter:**
 36 **(A)** was appointed by a court to serve as a full-time referee,
 37 full-time commissioner, or full-time magistrate;
 38 **(B) served as a judge of a small claims court; or**
 39 **(C) served as a part-time municipal court judge after**
 40 **December 31, 1970, and before January 1, 1978;**
 41 (3) was a member of the public employees' retirement fund
 42 during the employment described in subdivision (2); and

C
O
P
Y

- 1 (4) received credited service under the public employees'
 2 retirement fund for the employment described in subdivision (2).
 3 (b) If a person becomes a participant in the judges' 1985 benefit
 4 system under ~~IC 33-13-10.1-1~~, **section 1 of this chapter**, credit for
 5 prior service by the judge as a full-time referee, full-time
 6 commissioner, ~~or~~ full-time magistrate, **judge of a small claims court,**
 7 **or part-time municipal court judge** shall be granted under this
 8 chapter by the board if:
- 9 (1) the prior service was credited under the public employees'
 10 retirement fund;
 11 (2) the state contributes to the judges' 1985 benefit system the
 12 amount the board determines necessary to amortize the prior
 13 service liability over a period determined by the board, but not
 14 more than ten (10) years; ~~and~~
 15 (3) the judge pays in a lump sum or in a series of payments
 16 determined by the board, not exceeding five (5) annual
 17 payments, the amount the judge would have contributed if the
 18 judge had been a member of the judges' 1985 benefit system
 19 during the prior service;
 20 **(4) the judge agrees to an appropriate adjustment**
 21 **determined by the board in a future benefit payable to the**
 22 **judge under the public employees' retirement fund; and**
 23 **(5) the judge has received benefits from the public**
 24 **employees' retirement fund attributable to service that the**
 25 **judge seeks to have granted under this chapter, and the**
 26 **judge pays in a lump sum or in a series of payments**
 27 **determined by the board, not exceeding five (5) annual**
 28 **payments, an amount determined by the board as a**
 29 **repayment of the benefits.**
- 30 (c) If the requirements of subsection ~~(b)(2)~~ and ~~(b)(3)~~ (b) are not
 31 satisfied, a participant is entitled to credit only for years of service after
 32 the date of participation in the 1985 benefit system.
- 33 (d) An amortization schedule for contributions paid under
 34 subsection ~~(b)(2)~~ or ~~(b)(3)~~ (b) must include interest at a rate
 35 determined by the board.
- 36 (e) The following provisions apply to a person described in
 37 subsection (a):
- 38 (1) A minimum benefit applies to participants receiving credit in
 39 the judges' 1985 benefit system from service covered by the
 40 public employees' retirement fund. The minimum benefit is
 41 payable at sixty-five (65) years of age and equals the actuarial
 42 equivalent of the vested retirement benefit that is:

C
O
P
Y

- 1 (A) payable to the member at normal retirement under
 2 IC 5-10.2-4-1 as of the day before the transfer; and
 3 (B) based solely on:
 4 (i) creditable service;
 5 (ii) the average of the annual compensation; and
 6 (iii) the amount credited under IC 5-10.2 and IC 5-10.3
 7 to the annuity savings account of the transferring
 8 member as of the day before the transfer.
- 9 (2) If the requirements of subsection ~~(b)(2)~~ and ~~(b)(3)~~ **(b)** are
 10 satisfied, the board shall transfer from the public employees'
 11 retirement fund to the judges' 1985 benefit system the amount
 12 credited to the annuity savings account and the present value of
 13 the retirement benefit payable at sixty-five (65) years of age that
 14 is attributable to **the service described in subsection (a)(2) for**
 15 **the transferring participant. If the judge has received benefits**
 16 **from the public employees' retirement fund attributable to**
 17 **service described in subsection (a)(2), the board shall make**
 18 **the appropriate adjustments to the amount transferred.**
- 19 (3) The amount the state and the participant must contribute to
 20 the judges' 1985 benefit system under subsection (b) shall be
 21 reduced by the amount transferred to the judges' 1985 benefit
 22 system by the board under subdivision (2).
- 23 (4) If the requirements of subsection ~~(b)(2)~~ and ~~(b)(3)~~ **(b)** are
 24 satisfied, credit for prior service in the public employees'
 25 retirement fund as a full-time referee, full-time commissioner, ~~or~~
 26 full-time magistrate, **judge of a small claims court, or**
 27 **part-time municipal court judge** is waived. Any credit for the
 28 prior service under the judges' 1985 benefit system may be
 29 granted only under subsection (b).
- 30 (5) Credit for prior service in the public employees' retirement
 31 fund for service other than as a full-time referee, full-time
 32 commissioner, ~~or~~ full-time magistrate, **judge of a small claims**
 33 **court, or part-time municipal court judge** remains under the
 34 public employees' retirement fund and may not be credited under
 35 the judges' 1985 benefit system.

C
O
P
Y