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# SENATE BILL No. 579

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 36-8-10-23.

**Synopsis:** Pension benefits for sheriff's fund members. Provides that a county fiscal body shall provide an annual cost of living payment to retired or disabled members of the county's sheriff's pension trust. Provides that the cost of living payment is equal to the greater of: (1) 3%; or (2) the increase in the Consumer Price Index.

**Effective:** July 1, 1999.

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January 21, 1999, read first time and referred to Committee on Pensions and Labor.

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First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

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## SENATE BILL No. 579



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

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

1 SECTION 1. IC 36-8-10-23 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 23. (a) ~~This section~~  
3 ~~applies to a county that adopts the provisions of this section by an~~  
4 ~~ordinance of the county fiscal body:~~

5 (b) The county fiscal body ~~may~~ **shall** provide ~~for: (1)~~ an annual cost  
6 of living payment to **the following:**

- 7 (1) Retired ~~or disabled~~ employee beneficiaries. ~~or both; or~~
- 8 (2) an ad hoc cost of living payment to retired ~~or disabled~~
- 9 employee beneficiaries; ~~or both. The amount of the ad hoc cost of~~
- 10 living payment under this subdivision is not an increase in the
- 11 base pension benefit calculated under section 12 or 12.1 of this
- 12 chapter. **Disabled employee beneficiaries.**

13 (c) ~~In (b)~~ The **case amount** of an annual cost of living payment  
14 granted under subsection (b)(1); ~~the amount of the cost of living~~  
15 **payment (a)** shall be determined each year by the pension engineers  
16 under this subsection. ~~The pension engineers shall~~ **The amount of the**  
17 **cost of living payment granted under subsection (a) is equal to the**



- 1 **greater of the following:**  
 2 **(1) Three percent (3%).**  
 3 **(2) The amount determined under this subdivision.** Determine  
 4 if there has been an increase in the Consumer Price Index (United  
 5 States city average) prepared by the United States Department of  
 6 Labor by comparing the arithmetic mean of the Consumer Price  
 7 Index for January, February, and March of the payment year with  
 8 the same three (3) month period of the preceding year. If there has  
 9 been an increase, the increase shall be stated as a percentage of  
 10 the arithmetic mean for the three (3) month period for the year  
 11 preceding the payment year (the adjustment percentage). The  
 12 adjustment percentage shall be rounded to the nearest one-tenth  
 13 of one percent (0.1%). ~~and may not exceed three percent (3%).~~  
 14 ~~(d)~~ **(c) In addition to the cost of living payment under this**  
 15 **section, a county fiscal body may also provide an ad hoc cost of**  
 16 **living payment to retired or disabled employee beneficiaries, or**  
 17 **both. The amount of the ad hoc cost of living payment under this**  
 18 **subdivision is not an increase in the base pension benefit calculated**  
 19 **under section 12 or 12.1 of this chapter.** In the case of ~~a~~ **an ad hoc**  
 20 **cost of living payment granted under this subsection, ~~(b)(2);~~ the**  
 21 **amount of the ad hoc cost of living payment shall be determined by the**  
 22 **county fiscal body and may be:**  
 23 (1) a percentage increase; ~~not to exceed the percentage~~  
 24 ~~determined under subsection (c);~~ or  
 25 (2) a fixed dollar amount.  
 26 ~~(e)~~ **(d)** A payment authorized under this section shall be made to  
 27 each authorized retired or disabled employee beneficiary and may be  
 28 made annually, semiannually, quarterly, or monthly.  
 29 ~~(f)~~ **(e)** A cost of living payment granted under this section shall be  
 30 funded by a direct appropriation or by maintaining a fully funded  
 31 actuarially sound trust fund.  
 32 ~~(g)~~ **(f)** A cost of living payment granted under this section is  
 33 applicable only to retired or disabled employee beneficiaries who are  
 34 at least fifty-five (55) years of age.  
 35 ~~(h)~~ **(g)** No provision of this section shall be made part of any  
 36 ordinance or agreement concerning collective bargaining. No provision  
 37 of this section shall be subject to bargaining under any statute,  
 38 ordinance, or agreement.

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