

# HOUSE BILL No. 1084

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 5-10.2-1-8; IC 5-10.2-4-1; IC 5-10.2-4-1.5.

**Synopsis:** PERF vesting for elected county officials. Allows an elected county official who is limited by the Constitution of the State of Indiana to no more than eight years in office in a 12 year period to vest in the public employees' retirement fund after serving eight years. Makes an elected county official who is limited to two terms in a 12 year period and who has vested in the public employees' retirement fund eligible for normal retirement at 65 years of age. Allows an elected county official limited to two terms in a 12 year period who has prior or subsequent service in the public employees' retirement fund to retire earlier than 65 years of age if other qualifications are met.

**Effective:** July 1, 1999.

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**Kromkowski**

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January 6, 1999, read first time and referred to Committee on Local Government.

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Introduced

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.

## HOUSE BILL No. 1084

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

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

1 SECTION 1. IC 5-10.2-1-8 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. Vested Status.  
3 "Vested status" as used in this article means the status of having ten  
4 (10) years of creditable service. **However, in the case of an elected**  
5 **county official who is limited by Article 6, Section 2 of the**  
6 **Constitution of the State of Indiana to no more than eight (8) years**  
7 **in office in a twelve (12) year period and has served those eight (8)**  
8 **years, "vested status" means the status of having at least eight (8)**  
9 **years of creditable service as an elected county official.**

10 SECTION 2. IC 5-10.2-4-1 IS AMENDED TO READ AS  
11 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) This subsection  
12 applies to:

- 13 (1) members of the public employees' retirement fund who retire  
14 before July 1, 1995; and  
15 (2) members of the Indiana state teachers' retirement fund who  
16 retire before May 2, 1989.

17 A member who has reached age sixty-five (65) and has at least ten (10)

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1 years of creditable service is eligible for normal retirement.

2 (b) This subsection applies to members of the Indiana state teachers'  
3 retirement fund who retire after May 1, 1989, and to members of the  
4 public employees' retirement fund who retire after June 30, 1995,  
5 **except as provided by section 1.5 of this chapter.** A member is  
6 eligible for normal retirement if:

7 (1) the member is at least sixty-five (65) years of age and has at  
8 least ten (10) years of creditable service;

9 (2) the member is at least sixty (60) years of age and has at least  
10 fifteen (15) years of creditable service; or

11 (3) the member's age in years plus the member's years of service  
12 is at least eighty-five (85) and the member is at least fifty-five  
13 (55) years of age.

14 (c) A member who has reached age fifty (50) and has at least fifteen  
15 (15) years of creditable service is eligible for early retirement with a  
16 reduced pension.

17 (d) A member who is eligible for normal or early retirement is  
18 entitled to choose a retirement date on which his benefit begins if the  
19 following conditions are met:

20 (1) The application for retirement benefits and the choice of the  
21 date is filed on a form provided by the board.

22 (2) The date must be after the cessation of his service and be the  
23 first day of a month.

24 (3) The retirement date is not more than six (6) months before the  
25 date the application is received by the board. However, if the  
26 board determines that a member is incompetent to file for benefits  
27 and choose a retirement date, the retirement date may be any date  
28 that is the first of the month after the time the member became  
29 incompetent.

30 SECTION 3. IC 5-10.2-4-1.5 IS ADDED TO THE INDIANA  
31 CODE AS A NEW SECTION TO READ AS FOLLOWS  
32 [EFFECTIVE JULY 1, 1999]: **Sec. 1.5. (a) This section applies only  
33 to members of the public employees' retirement fund who retire  
34 after June 30, 1999.**

35 (b) A member of the public employees' retirement fund who has  
36 been an elected county official who is limited by Article 6, Section  
37 2 of the Constitution of the State of Indiana to not more than eight  
38 (8) years in office in a twelve (12) year period and has served those  
39 eight (8) years is eligible for normal retirement after becoming  
40 sixty-five (65) years of age.

41 (c) An elected county official subject to the restrictions in  
42 subsection (b) who has prior or subsequent covered employment in



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1 **the public employees' retirement fund may retire subject to section**  
2 **(1)(b)(2), (1)(b)(3), and (1)(c) of this chapter.**

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