



January 27, 2006

## SENATE BILL No. 332

DIGEST OF SB 332 (Updated January 26, 2006 9:56 am - DI 113)

**Citations Affected:** IC 5-10; IC 11-8; IC 20-12; noncode.

**Synopsis:** Department of correction pension benefits. Specifies that if a hazardous duty employee of the department of correction: (1) works within a prison or juvenile facility or performs parole or emergency response operations and functions; and (2) dies in the line of duty; the employee's survivor is entitled to the \$150,000 death benefit from the special death benefit fund. Provides that each child and surviving spouse of such a hazardous duty employee is eligible to attend any state supported college, university, or technical school without paying tuition or mandatory fees. Requires the pension management oversight commission to study retirement and other employee benefits for hazardous duty workers of the department of correction.

**Effective:** July 1, 2006; January 1, 2007.

**Young R Michael**

January 10, 2006, read first time and referred to Committee on Pensions and Labor.  
January 19, 2006, amended, reported favorably — Do Pass; reassigned to Committee on Appropriations.  
January 26, 2006, amended, reported favorably — Do Pass.

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SB 332—LS 7048/DI 73+



January 27, 2006

Second Regular Session 114th General Assembly (2006)

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 2005 Regular Session of the General Assembly.

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## SENATE BILL No. 332

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 5-10-10-1.5 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1.5. As used in
- 3 this chapter, "correctional officer" includes:
- 4 (1) a county jail officer under IC 11-12-4-4;
- 5 (2) a person who has received a correctional officer training
- 6 certificate under IC 11-8-2-8;
- 7 (3) a prison matron or an assistant prison matron under
- 8 IC 36-8-10-5; ~~and~~
- 9 (4) any other person whose duties include the daily or ongoing
- 10 supervision and care of persons who are lawfully detained (as
- 11 defined in IC 35-41-1-18) in a facility operated by the state or a
- 12 political subdivision of the state; **and**
- 13 **(5) a hazardous duty employee of the department of**
- 14 **correction who:**
- 15 **(A) works within a prison or juvenile facility; or**

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1                   **(B) performs parole or emergency response operations and**  
2                   **functions.**

3                   SECTION 2. IC 11-8-2-12 IS ADDED TO THE INDIANA CODE  
4 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE  
5 JANUARY 1, 2007]: **Sec. 12. Each child and surviving spouse of a**  
6 **hazardous duty employee of the department who:**

- 7                   **(1) works within a prison or juvenile facility; or**
- 8                   **(2) performs parole or emergency response operations and**
- 9                   **functions;**

10 **and dies in the line of duty is eligible to attend any Indiana state**  
11 **supported college, university, or technical school under**  
12 **IC 20-12-19.5-1 without paying tuition or mandatory fees.**

13                   SECTION 3. IC 20-12-19.5-1 IS AMENDED TO READ AS  
14 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. (a) The  
15 children of:

- 16                   (1) regular, paid law enforcement officers;
- 17                   (2) regular, paid firefighters;
- 18                   (3) volunteer firefighters (as defined in IC 36-8-12-2);
- 19                   (4) county police reserve officers;
- 20                   (5) city police reserve officers;
- 21                   (6) paramedics (as defined in IC 16-18-2-266);
- 22                   (7) emergency medical technicians (as defined in
- 23                   IC 16-18-2-112); ~~or~~
- 24                   (8) advanced emergency medical technicians (as defined in
- 25                   IC 16-18-2-6) (repealed); **or**
- 26                   **(9) hazardous duty employees of the department of correction**
- 27                   **who:**

- 28                   **(A) work within a prison or juvenile facility; or**
- 29                   **(B) perform parole or emergency response operations and**
- 30                   **functions;**

31 who have been killed in the line of duty shall not be required to pay  
32 tuition or mandatory fees at any state supported college, university, or  
33 technical school, so long as the children are under the age of  
34 twenty-three (23) and are full-time students pursuing a prescribed  
35 course of study.

- 36                   (b) The surviving spouse of: ~~a~~
- 37                   (1) **a** regular, paid law enforcement officer;
- 38                   (2) **a** regular, paid firefighter;
- 39                   (3) **a** volunteer firefighter (as defined in IC 36-8-12-2);
- 40                   (4) **a** county police reserve officer;
- 41                   (5) **a** city police reserve officer;
- 42                   (6) **a** paramedic (as defined in IC 16-18-2-266);

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- 1 (7) **an** emergency medical technician (as defined in
- 2 IC 16-18-2-112); **or**
- 3 (8) **an** advanced emergency medical technician (as defined in
- 4 IC 16-18-2-6) (repealed); **or**
- 5 (9) **a hazardous duty employee of the department of**
- 6 **correction who:**

- 7 (A) **works within a prison or juvenile facility; or**
- 8 (B) **performs parole or emergency response operations and**
- 9 **functions;**

10 who has been killed in the line of duty may not be required to pay  
 11 tuition or mandatory fees at any state supported college, university, or  
 12 technical school, so long as the surviving spouse is pursuing a  
 13 prescribed course of study at the institution towards an undergraduate  
 14 degree.

15 (c) This section applies to the children and surviving spouse of: **or**

- 16 (1) **a** regular, paid law enforcement officer;
- 17 (2) **a** regular, paid firefighter;
- 18 (3) **a** volunteer firefighter (as defined in IC 36-8-12-2);
- 19 (4) **a** county police reserve officer;
- 20 (5) **a** city police reserve officer;
- 21 (6) **a** paramedic (as defined in IC 16-18-2-266);
- 22 (7) **an** emergency medical technician (as defined in
- 23 IC 16-18-2-112); **or**
- 24 (8) **an** advanced emergency medical technician (as defined in
- 25 IC 16-18-2-6) (repealed); **or**
- 26 (9) **a hazardous duty employee of the department of**
- 27 **correction who:**
- 28 (A) **works within a prison or juvenile facility; or**
- 29 (B) **performs parole or emergency response operations and**
- 30 **functions;**

31 if the public safety officer described in this subsection was a resident  
 32 of Indiana and was killed in the line of duty before, on, or after July 1,  
 33 1993.

34 SECTION 4. [EFFECTIVE JULY 1, 2006] (a) **As used in this**  
 35 **SECTION, "a hazardous duty worker" means an employee of the**  
 36 **department of correction who:**

- 37 (1) **works within a prison or juvenile facility; or**
- 38 (2) **performs parole or emergency response operations and**
- 39 **functions.**

40 (b) **Before November 1, 2006, the pension management**  
 41 **oversight commission established by IC 2-5-12 shall study**  
 42 **retirement and other employee benefits for hazardous duty**

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1 workers and make recommendations, including any recommended  
2 legislation, concerning those benefits. The department of  
3 correction and the public employees' retirement fund shall provide  
4 assistance as requested by the commission.

5 (c) The commission shall operate under the policies governing  
6 study committees adopted by the legislative council.

7 (d) This SECTION expires December 31, 2006.

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## COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Senate Bill No. 332, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 9, delete "As" and insert "**(a) Except as provided in subsection (b), as**".

Page 2, between lines 14 and 15, begin a new paragraph and insert:

**"(b) The term does not include an employee of the department who is a teacher and a member of the Indiana state teachers' retirement fund."**

Page 3, between lines 11 and 12, begin a new line blocked left and insert:

**"However, an employee of the department who is a teacher and a member of the Indiana state teachers' retirement fund may not become a member of the fund established under this chapter."**

Page 6, line 20, delete "Each" and insert "**Except as provided in subsection (c), each**".

Page 6, line 26, delete "Each" and insert "**Except as provided in subsection (c), each**".

Page 6, between lines 32 and 33, begin a new paragraph and insert:

**"(c) An individual who is a teacher and a member of the Indiana state teachers' retirement fund may not become a member of the fund."**

Page 6, line 36, delete "or the Indiana state" and insert ".".

Page 6, delete line 37.

Page 6, line 39, delete "or the" and insert ".".

Page 6, delete line 40.

Page 7, line 2, delete "or the Indiana state teachers'" and insert ".".

Page 7, delete line 3.

Page 7, line 6, delete "or the Indiana state teachers' retirement fund".

Page 7, line 11, delete "or the Indiana state" and insert ".".

Page 7, delete line 12.

Page 8, line 40, delete "or the Indiana state teachers' retirement fund".

Page 9, line 8, delete "or the".

Page 9, line 9, delete "Indiana state teachers' retirement fund".

Page 9, line 17, delete "or the Indiana state teachers' retirement fund".

Page 13, line 9, delete "or the" and insert ",".

Page 13, line 10, delete "Indiana state teachers' retirement fund,".

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Page 13, line 14, delete "or the Indiana state teacher's" and insert ".".

Page 13, delete line 15.

Page 13, line 19, delete "or the Indiana state teacher's retirement fund".

Page 14, line 5, delete "or the Indiana state teachers'" and insert ";".

Page 14, line 6, delete "retirement fund;".

Page 14, line 8, delete "or the".

Page 14, line 9, delete "Indiana state teachers' retirement fund".

Page 15, line 42, delete "or the Indiana state teachers' retirement fund".

Page 16, line 2, delete "or the Indiana state".

Page 16, line 3, delete "teachers' retirement fund".

Page 19, line 4, after "correction" insert ", **other than an employee who is a teacher and a member of the Indiana state teachers' retirement fund,**".

Page 19, line 11, after "department" insert ", **other than an employee who is a teacher and a member of the Indiana state teachers' retirement fund,**".

Page 19, line 31, after "correction" insert ", **other than an employee who is a teacher and a member of the Indiana state teachers' retirement fund,**".

Page 20, line 9, after "correction" insert ", **other than an employee who is a teacher and a member of the Indiana state teachers' retirement fund,**".

Page 20, line 29, after "correction" insert ", **other than an employee who is a teacher and a member of the Indiana state teachers' retirement fund,**".

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

(Reference is to SB 332 as introduced.)

HARRISON, Chairperson

Committee Vote: Yeas 9, Nays 0.

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## COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill No. 332, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 1 through 15.

Delete pages 2 through 17.

Page 18, delete lines 1 through 29.

Page 18, line 42, delete "an" and insert "**a hazardous duty**".

Page 18, line 42, delete ", other than".

Page 19, delete line 1.

Page 19, line 2, delete "state teachers' retirement fund,".

Page 19, line 8, delete "an" and insert "**a hazardous duty**".

Page 19, line 9, delete ", other than an employee who is a".

Page 19, delete line 10.

Page 19, line 11, delete "fund,".

Page 19, line 31, after "(9)" insert "**hazardous duty**".

Page 19, line 31, delete ", other than an".

Page 19, delete line 32.

Page 19, line 33, delete "teachers' retirement fund,".

Page 20, line 11, delete "an" and insert "**a hazardous duty**".

Page 20, line 11, delete ", other than".

Page 20, delete line 12.

Page 20, line 13, delete "state teachers' retirement fund,".

Page 20, line 33, delete "an" and insert "**a hazardous duty**".

Page 20, line 33, delete ", other than".

Page 20, delete line 34.

Page 20, line 35, delete "state teachers' retirement fund,".

Page 20, after line 41, begin a new paragraph and insert:

**"SECTION 6. [EFFECTIVE JULY 1, 2006] (a) As used in this SECTION, "a hazardous duty worker" means an employee of the department of correction who:**

**(1) works within a prison or juvenile facility; or**

**(2) performs parole or emergency response operations and functions.**

**(b) Before November 1, 2006, the pension management oversight commission established by IC 2-5-12 shall study retirement and other employee benefits for hazardous duty workers and make recommendations, including any recommended legislation, concerning those benefits. The department of correction and the public employees' retirement fund shall provide assistance as requested by the commission.**

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**(c) The commission shall operate under the policies governing study committees adopted by the legislative council.**

**(d) This SECTION expires December 31, 2006."**

Re-number all SECTIONs consecutively.

and when so amended that said bill do pass.

(Reference is to SB 332 as printed January 20, 2006.)

MEEKS, Chairperson

Committee Vote: Yeas 7, Nays 0.

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