



Reprinted
February 23, 2010

**ENGROSSED
SENATE BILL No. 30**

DIGEST OF SB 30 (Updated February 22, 2010 5:16 pm - DI 102)

Citations Affected: IC 2-3.5; IC 5-10; IC 5-10.2; IC 5-10.3; IC 5-10.4; IC 33-38; IC 33-39; IC 36-8.

Synopsis: Various PERF and TRF matters. Provides that certain members of the public employees' retirement fund (PERF) and the Indiana teachers' retirement fund (TRF) may withdraw the member's annuity savings account (ASA) if the member has separated employment and is not employed in a covered position for 30 days. (Current law provides that such members must have separated employment and not be in a covered position for 90 days.) Removes the requirement that certain members must be either a member of: (1) PERF after December 31, 2008; or (2) TRF after June 30, 2009; in order to request a distribution from the member's ASA. Authorizes the PERF and TRF to adopt rules to allow a member that designates more than one beneficiary to allocate benefit shares in percentage increments. Provides that, before July 1, 2012, an active member of the 1977 police officers' and firefighters' pension and disability fund (1977 fund) who is eligible to receive an unreduced retirement benefit may
(Continued next page)

Effective: Upon passage; July 1, 2010.

Boots, Tallian, Buck, Arnold, Deig
(HOUSE SPONSOR — NIEZGODSKI)

January 5, 2010, read first time and referred to Committee on Pensions and Labor.
January 11, 2010, reported favorably — Do Pass.
January 14, 2010, read second time, ordered engrossed.
January 15, 2010, engrossed.
January 19, 2010, read third time, passed. Yeas 50, nays 0.

HOUSE ACTION

February 2, 2010, read first time and referred to Committee on Labor and Employment.
February 16, 2010, amended, reported — Do Pass.
February 22, 2010, read second time, amended, ordered engrossed.

C
o
p
y



elect to receive at retirement a partial lump sum distribution equal to the member's monthly benefit times the member's years of creditable service in exchange for an actuarially reduced monthly benefit. Provides that an annual cost of living adjustment for monthly retirement benefits received by a member or survivor of the 1977 fund may not be used to decrease the member's monthly benefit. Requires the PERF board of trustees, one time before January 1, 2015, and every five years thereafter, to evaluate statewide physical and mental examination standards used by the 1977 fund. Eliminates references to the treasurer of state's duties concerning the following pension funds administered by the public employees' retirement fund (PERF): (1) Legislators' retirement system. (2) Judges' retirement system. (3) Prosecuting attorneys retirement fund. (4) 1977 police officers' and firefighters' retirement and disability fund. (In 2009 the treasurer of state's role as treasurer of PERF was eliminated and those duties were assigned to the PERF board and executive director.) Provides that, for TRF and funds managed by PERF, records concerning: (1) mandatory public retirement fund contributions that are paid by the state or another employer on behalf of, and are individually identifiable to, a fund member; and (2) the amount of an employer paid retirement or disability benefit; are public records. Provides that a PERF or TRF member or may petition the board of trustees of the member's fund (board) to correct an error in a determination of the member's: (1) creditable service; or (2) benefit; at any time. Provides that if the board does not find an error in the determination and the member petitioned the board within six years after the determination, the member may appeal the board's decision under the administrative orders and procedures law. Updates language concerning the TRF board's distribution of TRF's investment earnings. Makes a technical corrections to resolve conflicting language. (The introduced version of this bill was prepared by the pension management oversight commission.)

C
O
P
Y



Second Regular Session 116th General Assembly (2010)

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 2009 Regular and Special Sessions of the General Assembly.

ENGROSSED
SENATE BILL No. 30

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 2-3.5-3-4 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 4. (a) The PERF board
3 shall administer the system, which may be commingled with the PERF
4 fund for investment purposes.
5 (b) The PERF board shall:
6 (1) determine eligibility for and make payments of benefits under
7 this chapter, IC 2-3.5-4, and IC 2-3.5-5;
8 (2) in accordance with the powers and duties granted in
9 IC 5-10.3-3-7, IC 5-10.3-3-7.1, IC 5-10.3-3-8, and IC 5-10.3-5-3
10 through IC 5-10.3-5-6, administer the system; ~~and~~
11 (3) provide by rule for the implementation of this chapter,
12 IC 2-3.5-4, and IC 2-3.5-5; **and**
13 **(4) authorize deposits.**
14 (c) A determination by the PERF board may be appealed under
15 IC 4-21.5.
16 (d) The powers and duties of:
17 (1) the director and the actuary of the PERF board;

ES 30—LS 6147/DI 116+



C
O
P
Y

1 ~~(2)~~ **the treasurer of state;**
 2 ~~(3)~~ **(2) the attorney general; and**
 3 ~~(4)~~ **(3) the auditor of state;**
 4 with respect to the fund are those specified in IC 5-10.3-3 and
 5 IC 5-10.3-4.

6 (e) The PERF board may hire additional personnel, including
 7 hearing officers, to assist in the implementation of this chapter.

8 (f) Legislators' retirement system records of individual participants
 9 and participants' information are confidential, except for:

- 10 **(1) the name and years of service of a retirement system**
 11 **participant;**
- 12 **(2) the amount of mandatory contributions that:**
 13 **(A) are paid under IC 2-3.5-5-5 (before its repeal) or**
 14 **IC 2-3.5-5-5.5 by the state on behalf of; and**
 15 **(B) are individually identifiable to;**
 16 **a retirement system participant; and**
- 17 **(3) the amount of a monthly retirement or disability benefit**
 18 **paid to a retirement system participant (or to a survivor or**
 19 **beneficiary of a retirement system participant) under**
 20 **IC 2-3.5-4.**

21 SECTION 2. IC 5-10-5.5-3 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3. (a) The management
 23 administration of the retirement plan created by this chapter is hereby
 24 vested in the board of trustees of the public employees' retirement fund.

25 (b) Records of individual participants in the retirement plan created
 26 by this chapter and participants' information are confidential, except
 27 for:

- 28 **(1) the name and years of service of a retirement plan participant;**
- 29 **(2) the amount of mandatory contributions that:**
 30 **(A) are paid under this chapter by the state or a retirement**
 31 **plan participant's employer on behalf of; and**
 32 **(B) are individually identifiable to;**
 33 **a retirement plan participant; and**
- 34 **(3) the amount of a monthly retirement allowance or**
 35 **disability benefit paid to a retirement plan participant (or to**
 36 **a survivor or beneficiary of a retirement plan participant)**
 37 **under this chapter.**

38 SECTION 3. IC 5-10.2-2-17, AS AMENDED BY P.L.2-2006,
 39 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2010]: Sec. 17. (a) **Except as provided by subsection (b),**
 41 fund records of individual members and membership information are
 42 confidential, except for:

C
O
P
Y



- 1 (1) the name and years of service of a fund member; ~~However,~~
- 2 (2) the amount of mandatory contributions that:
- 3 (A) are paid under IC 5-10.3-7-9 or IC 5-10.4-4-11 by a
- 4 fund member's employer on behalf of; and
- 5 (B) are individually identifiable to;
- 6 a fund member; and
- 7 (3) the amount of the pension portion of a monthly retirement
- 8 or disability benefit (excluding the annuity) paid to a fund
- 9 member (or to a survivor or beneficiary of a fund member)
- 10 under IC 5-10.3-8 or IC 5-10.4-5.

11 (b) This section does not prohibit a board from providing fund
 12 records to an association described in IC 5-10.3-8-10 or
 13 IC 5-10.4-5-14.

14 SECTION 4. IC 5-10.2-3-6.5, AS AMENDED BY P.L.115-2009,
 15 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 UPON PASSAGE]: Sec. 6.5. (a) This section applies:

- 17 (1) after ~~December 31, 2008~~, to a member of the public
- 18 employees' retirement fund; and
- 19 (2) after ~~June 30, 2009~~, to a member of the Indiana state teachers'
- 20 retirement fund.

21 ~~(b)~~ (a) A member who meets all of the following requirements may
 22 elect to withdraw the entire amount in the member's annuity savings
 23 account before the member is eligible to do so at retirement under
 24 IC 5-10.2-4-2:

- 25 (1) The member has attained vested status in the fund.
- 26 (2) The member ~~terminates~~ **has terminated** employment with the
- 27 applicable fund ~~after the date specified in subsection (a):~~ **and is**
- 28 **not currently employed in a covered position.**
- 29 (3) The member has not performed any service in a position
- 30 covered by the fund for at least ~~ninety (90)~~ **thirty (30)** days after
- 31 the date the member terminates employment.
- 32 (4) **The member makes the election described in this**
- 33 **subsection:**
- 34 (A) **after December 31, 2008, if the member is a member of**
- 35 **the public employees' retirement fund; or**
- 36 (B) **after June 30, 2009, if the member is a member of the**
- 37 **Indiana state teachers' retirement fund.**
- 38 (5) **Except as provided in subsection (b), the member is not**
- 39 **eligible for a reduced or unreduced retirement on the date the**
- 40 **fund receives notice of the election described in this**
- 41 **subsection.**

42 (b) The requirement described in subsection (a)(5) does not

C
o
p
y



1 **apply to a member of the public employees' retirement fund who:**
 2 **(1) was eligible for a reduced or unreduced retirement; and**
 3 **(2) received a distribution under this section;**
 4 **after December 31, 2008, and before January 1, 2010.**

5 (c) A member who elects to withdraw the entire amount in the
 6 member's annuity savings account under subsection ~~(b)~~ (a) shall
 7 provide notice of the election on a form provided by the board.

8 (d) The election to withdraw the entire amount in the member's
 9 annuity savings account is irrevocable.

10 (e) The board shall pay the amount in the member's annuity savings
 11 account as a lump sum.

12 (f) Except as provided in subsection (g), a member who makes a
 13 withdrawal under this section is entitled to receive, when the member
 14 becomes eligible to receive a retirement benefit under IC 5-10.2-4, a
 15 retirement benefit equal to the pension provided by employer
 16 contributions computed under IC 5-10.2-4.

17 (g) A member who:
 18 (1) transfers creditable service earned under the fund to another
 19 governmental retirement plan under section 1(i) of this chapter;
 20 and
 21 (2) withdraws the member's annuity savings account under this
 22 section to purchase the service;

23 may not use the transferred service in the computation of a retirement
 24 benefit payable under subsection (f).

25 SECTION 5. IC 5-10.2-3-7.5, AS AMENDED BY P.L.113-2009,
 26 SECTION 1, AND AS AMENDED BY P.L.115-2009, SECTION 2, IS
 27 CORRECTED AND AMENDED TO READ AS FOLLOWS
 28 [EFFECTIVE JULY 1, 2010]: Sec. 7.5. (a) *This subsection applies to*
 29 *members who die after March 31, 1990, and before January 1, 2007.*
 30 A surviving dependent or surviving spouse of a member who dies in
 31 service is entitled to a survivor benefit if:

- 32 ~~(1) the member dies after March 31, 1990;~~
 33 ~~(2)~~ (1) the member has:
 34 (A) at least ten (10) years of creditable service, if the member
 35 died in service as a member of the general assembly;
 36 (B) at least fifteen (15) years of creditable service, if the
 37 member died in service in any other position covered by the
 38 retirement fund; or
 39 (C) at least ten (10) years but not more than fourteen (14)
 40 years of creditable service if the member:
 41 (i) was at least sixty-five (65) years of age; and
 42 (ii) died in service in a position covered by the teachers'

C
o
p
y



1 retirement fund; and
 2 ~~(2)~~ (2) the surviving dependent or surviving spouse qualifies for
 3 a survivor benefit under subsection ~~(b)~~ (c) or ~~(c)~~ (d).
 4 (b) This subsection applies to members who die after December 31,
 5 2006. A surviving dependent or surviving spouse of a member who dies
 6 is entitled to a survivor benefit if:
 7 (1) the member has:
 8 (A) at least ten (10) years of creditable service, if the member
 9 died in service as a member of the general assembly;
 10 (B) at least ten (10) years but not more than fourteen (14)
 11 years of creditable service if the member was at least sixty-five
 12 (65) years of age and died in service in a position covered by
 13 the fund (other than a position described in clause (A)); or
 14 (C) at least fifteen (15) years of creditable service, if the
 15 member died in service in a position covered by the fund
 16 (other than a position described in clause (A)); and
 17 (2) the surviving dependent or surviving spouse qualifies for a
 18 survivor benefit under subsection (c) or (d).
 19 ~~(c)~~ (c) If a member described in subsection (a) or (b) dies with a
 20 surviving spouse who was married to the member for at least two (2)
 21 years, the surviving spouse is entitled to a survivor benefit equal to the
 22 monthly *pension* benefit that would have been payable to the spouse
 23 under the joint and survivor option of IC 5-10.2-4-7 upon the member's
 24 death following retirement at:
 25 (1) fifty (50) years of age; or
 26 (2) the actual date of death;
 27 whichever is later. However, benefits payable under this subsection are
 28 subject to subsections ~~(e)~~ (f) and ~~(g)~~ (h).
 29 ~~(c)~~ (d) If a member described in subsection (a) or (b) dies without
 30 a surviving spouse who was married to the member for at least two (2)
 31 years, but with a surviving dependent, the surviving dependent is
 32 entitled to a survivor benefit in a monthly amount equal to the actuarial
 33 equivalent of the monthly *pension* benefit that would have been
 34 payable to the spouse (assuming the spouse would have had the same
 35 birth date as the member) under the joint and survivor option of
 36 IC 5-10.2-4-7 upon the member's death following retirement at:
 37 (1) fifty (50) years of age; or
 38 (2) the actual date of death;
 39 whichever is later. If there are two (2) or more surviving dependents,
 40 the actuarial equivalent of the benefit described in this subsection shall
 41 be calculated and, considering the dependents' attained ages, an equal
 42 dollar amount shall be determined as the monthly *pension* benefit to be

C
 O
 P
 Y



1 paid to each dependent. Monthly *pension* benefits under this subsection
 2 are payable until the date the dependent becomes eighteen (18) years
 3 of age or dies, whichever is earlier. However, if a dependent has a
 4 permanent and total disability (using disability guidelines established
 5 by the Social Security Administration) at the date the dependent
 6 reaches eighteen (18) years of age, the monthly *pension* benefit is
 7 payable until the date the dependent no longer has a disability (using
 8 disability guidelines established by the Social Security Administration)
 9 or dies, whichever is earlier. Benefits payable under this subsection are
 10 subject to subsections ~~(e)~~ (f) and ~~(g)~~ (h).

11 ~~(d)~~ (e) *This subsection applies if a member did not designate a*
 12 *beneficiary or the designated beneficiary does not survive the member.*
 13 Except as provided in subsections ~~(e)~~ (f) and ~~(h)~~ (i), the surviving
 14 spouse or surviving dependent of a member who is entitled to a
 15 survivor benefit under subsection ~~(b)~~ (c) or ~~(c)~~ (d) or section 7.6 of this
 16 chapter may elect to receive a lump sum payment of the total amount
 17 credited to the member in the member's annuity savings account or an
 18 amount equal to the member's federal income tax basis in the member's
 19 annuity savings account as of December 31, 1986. A surviving spouse
 20 or surviving dependent who makes such an election is not entitled to an
 21 annuity as part of the survivor benefit under subsection ~~(b)~~ (c) or ~~(c)~~ (d)
 22 or section 7.6 of this chapter to the extent of the lump sum payment.

23 ~~(e)~~ (f) If a member *described in subsection (a) or (b) or section*
 24 *7.6(a) of this chapter* is survived by a designated beneficiary, *who is*
 25 *not a surviving spouse or surviving dependent entitled to a survivor*
 26 *benefit under subsection (e) or (d) or section 7.6 of this chapter*, the
 27 following provisions apply:

28 (1) If the member is survived by one (1) designated beneficiary,
 29 the designated beneficiary is entitled to receive in a lump sum or
 30 over a period of up to five (5) years, as elected by the designated
 31 beneficiary, the amount credited to the member's annuity savings
 32 account, less any disability benefits paid to the member.

33 (2) If the member is survived by two (2) or more designated
 34 beneficiaries, the designated beneficiaries are entitled to receive
 35 in a lump sum or over a period of up to five (5) years, as elected
 36 by the designated beneficiary, equal shares of the amount credited
 37 to the member's annuity savings account **unless the member has**
 38 **allocated the shares among the designated beneficiaries in a**
 39 **manner authorized under IC 5-10.3-8-15 or IC 5-10.4-4-10,**
 40 less any disability benefits paid to the member.

41 (3) If the member is also survived by a spouse or dependent who
 42 is entitled to a survivor benefit under subsection ~~(b)~~ (c) or ~~(c)~~ (d)

C
O
P
Y



1 or section 7.6 of this chapter, the surviving spouse or dependent
 2 is not entitled to an annuity or a lump sum payment as part of the
 3 survivor benefit, unless the surviving spouse or dependent is also
 4 a designated beneficiary.

5 ~~f~~ (g) If a member dies:

6 (1) without a surviving spouse or surviving dependent who
 7 qualifies for survivor benefits under subsection ~~f~~ (c) or ~~f~~ (d)
 8 or section 7.6 of this chapter; and

9 (2) without a surviving designated beneficiary who is entitled to
 10 receive the member's annuity savings account under subsection
 11 ~~f~~ (f);

12 the amount credited to the member's annuity savings account, less any
 13 disability benefits paid to the member, shall be paid to the member's
 14 estate.

15 ~~f~~ (g) (h) Survivor benefits payable under this section or section 7.6 of
 16 this chapter shall be reduced by any disability benefits paid to the
 17 member.

18 ~~f~~ (h) (i) Additional annuity contributions, if any, shall not be included
 19 in determining survivor benefits under subsection ~~f~~ (c) or ~~f~~ (d) or
 20 section 7.6 of this chapter, but are payable in a lump sum payment to:

21 (1) the member's surviving designated beneficiary; or

22 (2) the member's estate, if there is no surviving designated
 23 beneficiary.

24 ~~f~~ (i) (j) Survivor benefits provided under this section or section 7.6 of
 25 this chapter are subject to IC 5-10.2-2-1.5.

26 ~~f~~ (j) (k) A benefit specified in this section shall be forfeited and
 27 credited to the member's retirement fund if no person entitled to the
 28 benefit claims it within three (3) years after the member's death.
 29 However, the board may honor a claim that is made more than three (3)
 30 years after the member's death if the board finds, in the board's
 31 discretion, that:

32 (1) the delay in making the claim was reasonable or other
 33 extenuating circumstances justify the award of the benefit to the
 34 claimant; and

35 (2) paying the claim would not cause a violation of the applicable
 36 Internal Revenue Service rules.

37 SECTION 6. IC 5-10.3-8-5 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 5. ~~C~~laims of Error: A
 39 member may petition the board to correct an error in the determination
 40 of ~~his~~ **the member's**:

41 (1) creditable service; or ~~of his~~

42 (2) benefit;

C
o
p
y



1 ~~within one (1) year after the determination.~~ **at any time.** The petition
 2 must contain the necessary information to sustain ~~his~~ **the member's**
 3 claim of error. The board shall investigate the claim and, if error is
 4 found, shall order the member's records corrected. **If no error is found**
 5 **and the member petitioned the board to correct the error within**
 6 **six (6) years after the determination of the member's creditable**
 7 **service or benefit, the member may appeal the board's decision**
 8 **under IC 4-21.5.**

9 SECTION 7. IC 5-10.3-8-15 IS ADDED TO THE INDIANA CODE
 10 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY
 11 1, 2010]: **Sec. 15. The board may adopt rules to allow a member**
 12 **who designates more than one (1) beneficiary to allocate benefit**
 13 **shares in percentage increments.**

14 SECTION 8. IC 5-10.4-2-6, AS ADDED BY P.L.2-2006, SECTION
 15 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON
 16 PASSAGE]: Sec. 6. ~~(a)~~ The board shall do the following:

17 (1) Credit interest to the members' annuity savings accounts in the
 18 guaranteed fund and actual earnings to the alternative investment
 19 programs.

20 (2) After complying with subdivision (1), ~~distribute an amount up~~
 21 ~~to the interest credit rate; not to exceed any remaining earnings;~~
 22 ~~to the reserve accounts:~~

23 ~~(3) After complying with subdivisions (1) and (2); distribute any~~
 24 ~~remaining undistributed income reserve as of the end of each~~
 25 ~~fiscal year on a pro rata basis; based on fiscal year beginning~~
 26 ~~balances; to all reserve accounts in the pre-1996 account;~~
 27 ~~including the pension stabilization fund; and in the 1996 account.~~

28 ~~(b) Income may not be distributed under subsection (a)(2) or (a)(3)~~
 29 ~~to the following:~~

30 ~~(1) Members' annuity savings accounts in the guaranteed fund or~~
 31 ~~the alternative investment program.~~

32 ~~(2) The annuity reserve for benefits-in-force:~~

33 **accounting period as determined by the rules of the board.**

34 SECTION 9. IC 5-10.4-4-10, AS AMENDED BY P.L.115-2009,
 35 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2010]: Sec. 10. (a) The director shall obtain a designation of
 37 beneficiary as soon as possible from each member.

38 **(b) The board may adopt rules to allow a member who**
 39 **designates more than one (1) beneficiary to allocate benefit shares**
 40 **in percentage increments.**

41 ~~(b)~~ **(c)** Notwithstanding a contrary collateral agreement, court order,
 42 process, attachment, or levy, the right to receive a death benefit under

C
O
P
Y



1 IC 5-10.2 or this article vests with the designated beneficiary on file
2 with the fund at the time of the member's death. The fund shall
3 distribute the death benefit to the designated beneficiary or the
4 designated beneficiary's estate in accordance with IC 5-10.2 and this
5 article.

6 SECTION 10. IC 5-10.4-5-17 IS ADDED TO THE INDIANA
7 CODE AS A NEW SECTION TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2010]: **Sec. 17. A member may petition the**
9 **board to correct an error in the determination of the member's:**

- 10 (1) **creditable service; or**
- 11 (2) **benefit;**
- 12 **at any time. The petition must contain the necessary information**
- 13 **to sustain the member's claim of error. The board shall investigate**
- 14 **the claim and, if an error is found, shall order the member's**
- 15 **records corrected. If no error is found and the member petitioned**
- 16 **the board to correct the error within six (6) years after the**
- 17 **determination of the member's creditable service or benefit, the**
- 18 **member may appeal the board's decision under IC 4-21.5.**

19 SECTION 11. IC 33-38-6-23 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 23. (a) The board of
21 trustees of the public employees' retirement fund shall administer the
22 fund, which may be commingled with the public employees' retirement
23 fund for investment purposes.

- 24 (b) The board shall do the following:
- 25 (1) Determine eligibility for and make payments of benefits under
- 26 IC 33-38-7 and IC 33-38-8.
- 27 (2) In accordance with the powers and duties granted it in
- 28 IC 5-10.3-3-7, IC 5-10.3-3-7.1, IC 5-10.3-3-8, and IC 5-10.3-5-3
- 29 through IC 5-10.3-5-6, administer the fund.
- 30 (3) Provide by rule for the implementation of this chapter and
- 31 IC 33-38-7 and IC 33-38-8.

32 **(4) Authorize deposits.**
33 (c) A determination by the board may be appealed under the
34 procedures in IC 4-21.5.

- 35 (d) The powers and duties of:
- 36 (1) the director and the actuary of the board;
- 37 ~~(2) the treasurer of state;~~
- 38 ~~(3) (2) the attorney general;~~ and
- 39 ~~(4) (3) the auditor of state;~~
- 40 with respect to the fund are those specified in IC 5-10.3-3 and
- 41 IC 5-10.3-4.

42 (e) The board may hire additional personnel, including hearing

C
o
p
y



1 officers, to assist it in the implementation of this chapter.

2 (f) Fund records of individual participants and participants'
3 information are confidential, except for:

4 (1) the name and years of service of a fund participant;

5 (2) **the amount of mandatory contributions that:**

6 (A) **are paid under this chapter, IC 33-38-7, or IC 33-38-8**
7 **by the state on behalf of; and**

8 (B) **are individually identifiable to;**

9 **a fund participant; and**

10 (3) **the amount of a retirement or disability benefit paid to a**
11 **fund participant (or to a survivor or beneficiary of a fund**
12 **participant) under IC 33-38-7 or IC 33-38-8.**

13 SECTION 12. IC 33-39-7-11 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 11. (a) The board shall
15 administer the fund, which may be commingled with the public
16 employees' retirement fund for investment purposes.

17 (b) The board shall do the following:

18 (1) Determine eligibility for and make payments of benefits under
19 this chapter.

20 (2) In accordance with the powers and duties granted the board in
21 IC 5-10.3-3-7, IC 5-10.3-3-7.1, IC 5-10.3-3-8, and IC 5-10.3-5-3
22 through IC 5-10.3-5-6, administer the fund.

23 (3) Provide by rule for the implementation of this chapter.

24 (4) **Authorize deposits.**

25 (c) A determination by the board may be appealed under IC 4-21.5.

26 (d) The powers and duties of:

27 (1) the director and the actuary of the board;

28 ~~(2) the treasurer of state;~~

29 ~~(3) (2) the attorney general; and~~

30 ~~(4) (3) the auditor of state;~~

31 with respect to the fund are those specified in IC 5-10.3-3 and
32 IC 5-10.3-4.

33 (e) The board may hire additional personnel, including hearing
34 officers, to assist in the implementation of this chapter.

35 (f) Fund records of individual participants and participants'
36 information are confidential, except for:

37 (1) the name and years of service of a fund participant;

38 (2) **the amount of mandatory contributions that:**

39 (A) **are paid under this chapter by the state on behalf of;**
40 **and**

41 (B) **are individually identifiable to;**

42 **a fund participant; and**

C
O
P
Y



1 **(3) the amount of a retirement or disability benefit paid to a**
2 **fund participant (or to a survivor or beneficiary of a fund**
3 **participant) under this chapter.**

4 SECTION 13. IC 36-8-8-5 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 5. (a) The PERF board
6 shall:

7 (1) determine eligibility for and make payments of benefits,
8 except as provided in section 12 of this chapter;

9 (2) in accordance with the powers and duties granted it in
10 IC 5-10.3-3-7, IC 5-10.3-3-8, and IC 5-10.3-5-3 through
11 IC 5-10.3-5-6, administer the 1977 fund; ~~and~~

12 (3) provide by rule for the implementation of this chapter; **and**
13 **(4) authorize deposits.**

14 (b) A determination by the PERF board may be appealed under the
15 procedures in IC 4-21.5.

16 (c) The powers and duties of the director and the actuary of the
17 PERF board, ~~the treasurer of state~~, the attorney general, and the auditor
18 of state, with respect to the 1977 fund, are those specified in
19 IC 5-10.3-3 and IC 5-10.3-4.

20 (d) The PERF board may hire additional personnel, including
21 hearing officers, to assist it in the implementation of this chapter.

22 (e) The 1977 fund records of individual members and membership
23 information are confidential, except for:

24 (1) the name and years of service of a 1977 fund member;

25 **(2) the amount of mandatory contributions that:**

26 **(A) are paid by a 1977 fund member's employer on behalf**
27 **of; and**

28 **(B) are individually identifiable to;**
29 **a 1977 fund member; and**

30 **(3) the amount of a retirement or disability benefit paid to a**
31 **1977 fund member (or to a survivor or beneficiary of a 1977**
32 **fund member) under this chapter.**

33 SECTION 14. IC 36-8-8-11 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 11. (a) Benefits paid
35 under this section are subject to section 2.5 of this chapter.

36 (b) **Except as provided in section 24 of this chapter**, each fund
37 member who qualifies for a retirement benefit payment under section
38 10(b) of this chapter is entitled to receive a monthly benefit equal to
39 fifty percent (50%) of the monthly salary of a first class patrolman or
40 firefighter in the year the member ended his active service plus:

41 (1) for a member who retires before January 1, 1986, two percent

42 (2%) of that salary for each full year of active service; or

C
o
p
y



1 (2) for a member who retires after December 31, 1985, one
 2 percent (1%) of that salary for each six (6) months of active
 3 service;
 4 over twenty (20) years, to a maximum of twelve (12) years.

5 (c) Each fund member who qualifies for a retirement benefit
 6 payment under section 10(c) of this chapter is entitled to receive a
 7 monthly benefit equal to fifty percent (50%) of the monthly salary of
 8 a first class patrolman or firefighter in the year the member ended ~~his~~
 9 **the member's** active service plus one percent (1%) of that salary for
 10 each six (6) months of active service over twenty (20) years, to a
 11 maximum of twelve (12) years, all actuarially reduced for each month
 12 (if any) of benefit payments prior to fifty-two (52) years of age, by a
 13 factor established by the fund's actuary from time to time.

14 SECTION 15. IC 36-8-8-15 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 15. Each year the PERF
 16 board shall determine if there has been an increase or decrease in the
 17 consumer price index (United States city average) prepared by the
 18 United States Department of Labor by comparing the arithmetic mean
 19 of the consumer price index for January, February, and March of that
 20 year with the arithmetic mean for the same three (3) months of the
 21 preceding year. If there has been an increase, or a decrease, it shall be
 22 stated as a percentage of the arithmetic mean for the preceding three
 23 (3) month period. The percentage shall be rounded to the nearest
 24 one-tenth of one percent (0.1%) and may not exceed three percent
 25 (3%). **If there is a percentage increase of the arithmetic mean for**
 26 **the preceding three (3) month period**, a fund member's or survivor's
 27 monthly benefit, beginning with the July payment, shall be increased
 28 ~~or decreased~~ by an amount equal to the June payment times the
 29 percentage increase. ~~or decrease~~. However, a fund member's or
 30 survivor's monthly benefit may not be increased ~~or decreased~~ under this
 31 section until July of the year following the year of the first monthly
 32 benefit payment to the fund member or survivor. In computing a fund
 33 member's benefit, the increase ~~or decrease~~ is based only on those years
 34 for which the fund member was eligible for benefit payments under this
 35 chapter. A monthly benefit may not be reduced ~~below the amount of~~
 36 ~~the first monthly benefit received by the fund member or survivor.~~ **if**
 37 **there is a percentage decrease of the arithmetic mean for the**
 38 **preceding three (3) month period.**

39 SECTION 16. IC 36-8-8-19 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 19. (a) The baseline
 41 statewide physical examination required by section 7(a) of this chapter
 42 shall be prescribed by the PERF board and shall be administered by the

C
o
p
y



1 appointing authority, as determined by the local board, after the
2 appointing authority extends a conditional offer for employment. The
3 baseline statewide physical examination shall be administered by a
4 licensed physician and must include all of the following:

- 5 (1) A general medical history.
- 6 (2) The tests identified in rules that shall be adopted by the PERF
7 board under IC 4-22-2.

8 (b) The PERF board shall adopt minimum standards by rule under
9 IC 4-22-2 that a police officer or firefighter must meet for the baseline
10 statewide physical examination described in subsection (a). The
11 baseline statewide physical examination and related standards must:

- 12 (1) reflect the essential functions of the job;
- 13 (2) be consistent with business necessity; ~~and~~
- 14 (3) be reviewed by the 1977 fund advisory board; ~~and~~
- 15 **(4) be evaluated by the PERF board one (1) time before**
16 **January 1, 2015, and every five (5) years thereafter.**

17 (c) The PERF board shall, in consultation with the commissioner of
18 mental health, select the baseline statewide mental examination
19 described in section 7(a) of this chapter. The standards for passing the
20 baseline statewide mental examination shall be determined by the local
21 board. The baseline statewide mental examination and related
22 standards must:

- 23 (1) reflect the essential functions of the job;
- 24 (2) be consistent with business necessity; ~~and~~
- 25 (3) be reviewed by the 1977 fund advisory board; ~~and~~
- 26 **(4) be evaluated by the PERF board one (1) time before**
27 **January 1, 2015, and every five (5) years thereafter.**

28 The purpose of the baseline statewide mental examination is to
29 determine if the police officer or firefighter is mentally suitable to be
30 a member of the department. The local board may designate a
31 community mental health center or a managed care provider (as
32 defined in IC 12-7-2-127(b)), a hospital, a licensed physician, or a
33 licensed psychologist to administer the examination. However, the
34 results of a baseline statewide mental examination shall be interpreted
35 by a licensed physician or a licensed psychologist.

36 (d) The employer shall pay for no less than one-half (1/2) the cost
37 of the examinations.

38 (e) Each local board shall name the physicians who will conduct the
39 examinations under this section.

40 (f) If a local board determines that a candidate passes the local
41 physical and mental standards, if any, established under IC 36-8-3.2-6,
42 the baseline statewide physical examination described in subsection

C
o
p
y



1 (a), and the baseline statewide mental examination described in
2 subsection (c), the local board shall send the following to PERF:

3 (1) Copies and certification of the results of the baseline statewide
4 physical examination described in subsection (a).

5 (2) Certification of the results of the physical agility examination
6 required under IC 36-8-3.2-3 or IC 36-8-3.2-3.5.

7 (3) Certification of the results of the baseline statewide mental
8 examination described in subsection (c).

9 (g) The PERF board or the PERF board's designee shall then
10 determine whether the candidate passes the baseline statewide physical
11 standards adopted under subsection (b). If the candidate passes the
12 baseline statewide standards, the PERF board or the PERF board's
13 designee shall also determine whether the candidate has a Class 3
14 excludable condition under section 13.6 of this chapter. The PERF
15 board or the PERF board's designee shall retain the results of the
16 examinations and all documents related to the examination until the
17 police officer or firefighter retires or separates from the department.

18 (h) To the extent required by the federal Americans with Disabilities
19 Act, the PERF board shall do the following:

20 (1) Treat the medical transcripts, reports, records, and other
21 material compiled under this section as confidential medical
22 records.

23 (2) Keep the transcripts, reports, records, and material described
24 in subdivision (1) in separate medical files for each member.

25 (i) A local board may, at the request of an appointing authority or on
26 the local board's own motion, issue subpoenas, discovery orders, and
27 protective orders in accordance with the Indiana Rules of Trial
28 Procedure to facilitate the receipt of accurate and original documents
29 necessary for the proper administration of this chapter. A subpoena or
30 order issued under this subsection:

31 (1) must be served in accordance with the Indiana Rules of Trial
32 Procedure; and

33 (2) may be enforced in the circuit or superior court with
34 jurisdiction for the county in which the subpoena or order is
35 served.

36 SECTION 17. IC 36-8-8-24.8 IS ADDED TO THE INDIANA
37 CODE AS A NEW SECTION TO READ AS FOLLOWS
38 [EFFECTIVE JULY 1, 2010]: **Sec. 24.8. (a) This section does not
39 apply to a fund member who elects to enter the DROP (as defined
40 in IC 36-8-8.5-4) under IC 36-8-8.5.**

41 **(b) Benefits paid under this section are subject to section 2.5 of
42 this chapter.**

C
o
p
y



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

(c) As used in this section, "partial lump sum distribution" means the amount calculated under subsection (f).

(d) After June 30, 2010, a fund member may elect to receive at retirement a partial lump sum distribution if the fund member meets all of the following requirements on the date of the election:

- (1) The fund member is in active service.
- (2) The fund member qualifies for a retirement fund benefit payment under section 10(b) of this chapter.

(e) A fund member's election under subsection (d):

- (1) must be in writing;
- (2) must be filed with the PERF board, on a form prescribed by the PERF board; and
- (3) is irrevocable.

(f) The partial lump sum distribution for a fund member who makes an election described in subsection (d) is determined in STEP TWO of the following formula:

STEP ONE: Determine the lesser of the following:

- (A) The fund member's years of service for which the fund member has received service credit in the fund.
- (B) Thirty-two (32).

STEP TWO: Multiply the STEP ONE amount by the fund member's monthly benefit calculated under section 11(b) of this chapter.

(g) The monthly benefit of a fund member who receives a partial lump sum distribution under this section is actuarially reduced by subtracting an amount determined by dividing the partial lump sum distribution amount determined in subsection (f) by a rate, determined by the actuary for the fund, that is:

- (1) based on the age of the fund member and, if applicable, the age of the fund member's spouse at the time the fund member elects to take the partial lump sum distribution; and
- (2) computed to result in a monthly benefit amount that has an actuarial present value that approximates the partial lump sum distribution amount.

(h) A fund member who makes an election described in subsection (d) must elect to receive the partial lump sum distribution determined in subsection (f) as:

- (1) a lump sum paid not later than thirty (30) days after the fund member's retirement date; or
- (2) three (3) equal annual payments commencing not later than thirty (30) days after the fund member's retirement date and thereafter paid on the anniversary of the fund member's

C
o
p
y



1 **retirement date.**
2 **(i) This section expires July 1, 2012.**
3 **SECTION 18. An emergency is declared for this act.**

**C
o
p
y**



COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Senate Bill No. 30, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 30 as introduced.)

BOOTS, Chairperson

Committee Vote: Yeas 10, Nays 0.

C
O
P
Y

COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred Senate Bill 30, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 2-3.5-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 4. (a) The PERF board shall administer the system, which may be commingled with the PERF fund for investment purposes.

(b) The PERF board shall:

- (1) determine eligibility for and make payments of benefits under this chapter, IC 2-3.5-4, and IC 2-3.5-5;
- (2) in accordance with the powers and duties granted in IC 5-10.3-3-7, IC 5-10.3-3-7.1, IC 5-10.3-3-8, and IC 5-10.3-5-3 through IC 5-10.3-5-6, administer the system; ~~and~~
- (3) provide by rule for the implementation of this chapter, IC 2-3.5-4, and IC 2-3.5-5; **and**
- (4) authorize deposits.**

(c) A determination by the PERF board may be appealed under IC 4-21.5.

(d) The powers and duties of:

- (1) the director and the actuary of the PERF board;
- ~~(2) the treasurer of state;~~
- ~~(3)~~ **(2)** the attorney general; and
- ~~(4)~~ **(3)** the auditor of state;

with respect to the fund are those specified in IC 5-10.3-3 and IC 5-10.3-4.



(e) The PERF board may hire additional personnel, including hearing officers, to assist in the implementation of this chapter.

(f) Legislators' retirement system records of individual participants and participants' information are confidential, except for the name and years of service of a retirement system participant."

Page 6, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 4. IC 5-10.3-8-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 5. ~~Claims of Error:~~ A member may petition the board to correct an error in the determination of ~~his the member's~~:

- (1) creditable service; or ~~of his~~
- (2) benefit;

~~within one (1) year after the determination. at any time.~~ The petition must contain the necessary information to sustain ~~his the member's~~ claim of error. The board shall investigate the claim and, if error is found, shall order the member's records corrected. **If no error is found and the member petitioned the board to correct the error within six (6) years after the determination of the member's creditable service or benefit, the member may appeal the board's decision under IC 4-21.5."**

Page 6, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 6. IC 5-10.4-2-6, AS ADDED BY P.L.2-2006, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. ~~(a)~~ The board shall do the following:

- (1) Credit interest to the members' annuity savings accounts in the guaranteed fund and actual earnings to the alternative investment programs.
- (2) After complying with subdivision (1), ~~distribute an amount up to the interest credit rate, not to exceed any remaining earnings, to the reserve accounts:~~
- (3) ~~After complying with subdivisions (1) and (2);~~ distribute any remaining undistributed income reserve as of the end of each fiscal year on a pro rata basis; based on fiscal year beginning balances; to all reserve accounts in the pre-1996 account; including the pension stabilization fund; and in the 1996 account.

~~(b) Income may not be distributed under subsection (a)(2) or (a)(3) to the following:~~

- (1) Members' annuity savings accounts in the guaranteed fund or the alternative investment program;
 - (2) The annuity reserve for benefits-in-force.
- accounting period as determined by the rules of the board."**

Page 6, between lines 25 and 26, begin a new paragraph and insert:

C
O
P
Y



"SECTION 8. IC 5-10.4-5-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 17. A member may petition the board to correct an error in the determination of the member's:**

- (1) creditable service; or**
- (2) benefit;**

at any time. The petition must contain the necessary information to sustain the member's claim of error. The board shall investigate the claim and, if an error is found, shall order the member's records corrected. If no error is found and the member petitioned the board to correct the error within six (6) years after the determination of the member's creditable service or benefit, the member may appeal the board's decision under IC 4-21.5.

SECTION 9. IC 33-38-6-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 23. (a)** The board of trustees of the public employees' retirement fund shall administer the fund, which may be commingled with the public employees' retirement fund for investment purposes.

(b) The board shall do the following:

- (1) Determine eligibility for and make payments of benefits under IC 33-38-7 and IC 33-38-8.
- (2) In accordance with the powers and duties granted it in IC 5-10.3-3-7, IC 5-10.3-3-7.1, IC 5-10.3-3-8, and IC 5-10.3-5-3 through IC 5-10.3-5-6, administer the fund.
- (3) Provide by rule for the implementation of this chapter and IC 33-38-7 and IC 33-38-8.
- (4) Authorize deposits.**

(c) A determination by the board may be appealed under the procedures in IC 4-21.5.

(d) The powers and duties of:

- (1) the director and the actuary of the board;
- ~~(2) the treasurer of state;~~
- ~~(3)~~ **(2)** the attorney general; and
- ~~(4)~~ **(3)** the auditor of state;

with respect to the fund are those specified in IC 5-10.3-3 and IC 5-10.3-4.

(e) The board may hire additional personnel, including hearing officers, to assist it in the implementation of this chapter.

(f) Fund records of individual participants and participants' information are confidential, except for the name and years of service of a fund participant.

SECTION 10. IC 33-39-7-11 IS AMENDED TO READ AS

C
o
p
y



FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 11. (a) The board shall administer the fund, which may be commingled with the public employees' retirement fund for investment purposes.

(b) The board shall do the following:

(1) Determine eligibility for and make payments of benefits under this chapter.

(2) In accordance with the powers and duties granted the board in IC 5-10.3-3-7, IC 5-10.3-3-7.1, IC 5-10.3-3-8, and IC 5-10.3-5-3 through IC 5-10.3-5-6, administer the fund.

(3) Provide by rule for the implementation of this chapter.

(4) Authorize deposits.

(c) A determination by the board may be appealed under IC 4-21.5.

(d) The powers and duties of:

(1) the director and the actuary of the board;

~~(2) the treasurer of state;~~

~~(3) (2) the attorney general; and~~

~~(4) (3) the auditor of state;~~

with respect to the fund are those specified in IC 5-10.3-3 and IC 5-10.3-4.

(e) The board may hire additional personnel, including hearing officers, to assist in the implementation of this chapter.

(f) Fund records of individual participants and participants' information are confidential, except for the name and years of service of a fund participant.

SECTION 11. IC 36-8-8-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 5. (a) The PERF board shall:

(1) determine eligibility for and make payments of benefits, except as provided in section 12 of this chapter;

(2) in accordance with the powers and duties granted it in IC 5-10.3-3-7, IC 5-10.3-3-8, and IC 5-10.3-5-3 through IC 5-10.3-5-6, administer the 1977 fund; ~~and~~

(3) provide by rule for the implementation of this chapter; **and**

(4) authorize deposits.

(b) A determination by the PERF board may be appealed under the procedures in IC 4-21.5.

(c) The powers and duties of the director and the actuary of the PERF board, ~~the treasurer of state;~~ the attorney general, and the auditor of state, with respect to the 1977 fund, are those specified in IC 5-10.3-3 and IC 5-10.3-4.

(d) The PERF board may hire additional personnel, including hearing officers, to assist it in the implementation of this chapter.

C
O
P
Y



(e) The 1977 fund records of individual members and membership information are confidential, except for the name and years of service of a 1977 fund member."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 30 as printed January 12, 2010.)

NIEZGODSKI, Chair

Committee Vote: yeas 10, nays 0.

C
O
P
Y

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 30 be amended to read as follows:

Page 2, line 9, after "for" insert ":

(1)".

Page 2, line 10, after "participant" delete "." and insert ";

(2) the amount of mandatory contributions that:

(A) are paid under IC 2-3.5-5-5 (before its repeal) or IC 2-3.5-5-5.5 by the state on behalf of; and

(B) are individually identifiable to;

a retirement system participant; and

(3) the amount of a monthly retirement or disability benefit paid to a retirement system participant (or to a survivor or beneficiary of a retirement system participant) under IC 2-3.5-4.

SECTION 2. IC 5-10-5.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3. (a) The management administration of the retirement plan created by this chapter is hereby vested in the board of trustees of the public employees' retirement fund.

(b) Records of individual participants in the retirement plan created by this chapter and participants' information are confidential, except for:

(1) the name and years of service of a retirement plan participant;

(2) the amount of mandatory contributions that:

(A) are paid under this chapter by the state or a retirement plan participant's employer on behalf of; and

(B) are individually identifiable to;

a retirement plan participant; and

(3) the amount of a monthly retirement allowance or



disability benefit paid to a retirement plan participant (or to a survivor or beneficiary of a retirement plan participant) under this chapter.

SECTION 3. IC 5-10.2-2-17, AS AMENDED BY P.L.2-2006, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 17. (a) **Except as provided by subsection (b),** fund records of individual members and membership information are confidential, except for:

- (1) the name and years of service of a fund member; ~~However,~~
- (2) **the amount of mandatory contributions that:**
 - (A) are paid under IC 5-10.3-7-9 or IC 5-10.4-4-11 by a fund member's employer on behalf of; and
 - (B) are individually identifiable to; a fund member; and
- (3) the amount of the pension portion of a monthly retirement or disability benefit (excluding the annuity) paid to a fund member (or to a survivor or beneficiary of a fund member) under IC 5-10.3-8 or IC 5-10.4-5.

(b) This section does not prohibit a board from providing fund records to an association described in IC 5-10.3-8-10 or IC 5-10.4-5-14."

Page 8, line 42, after "for" insert ":

(1)".

Page 9, line 1, after "participant" delete "." and insert ";

- (2) **the amount of mandatory contributions that:**
 - (A) are paid under this chapter, IC 33-38-7, or IC 33-38-8 by the state on behalf of; and
 - (B) are individually identifiable to; a fund participant; and
- (3) the amount of a retirement or disability benefit paid to a fund participant (or to a survivor or beneficiary of a fund participant) under IC 33-38-7 or IC 33-38-8."

Page 9, line 25, after "for" insert ":

(1)".

Page 9, line 26, after "participant" delete "." and insert ";

- (2) **the amount of mandatory contributions that:**
 - (A) are paid under this chapter by the state on behalf of; and
 - (B) are individually identifiable to; a fund participant; and
- (3) the amount of a retirement or disability benefit paid to a fund participant (or to a survivor or beneficiary of a fund

**C
O
P
Y**



participant) under this chapter."

Page 10, line 4, after "for" insert ":

(1)".

Page 10, line 5, after "member" delete "." and insert ";

(2) the amount of mandatory contributions that:

(A) are paid by a 1977 fund member's employer on behalf of; and

**(B) are individually identifiable to;
a 1977 fund member; and**

(3) the amount of a retirement or disability benefit paid to a 1977 fund member (or to a survivor or beneficiary of a 1977 fund member) under this chapter."

Page 13, line 9, delete "IC 36-8-8-24" and insert "IC 36-8-8-24.8".

Page 13, line 11, delete "Sec. 24." and insert "**Sec. 24.8.**".

Re-number all SECTIONS consecutively.

(Reference is to ESB 30 as printed February 16, 2010.)

THOMPSON

**C
O
P
Y**

