PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION ____

MR. SPEAKER:

I move that Engrossed Senate Bill 309 be amended to read as follows:

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

"SECTION 1. IC 5-10.2-2-11, AS AMENDED BY P.L.182-2009(ss), SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]: Sec. 11. (a) Based on the actuarial investigation and valuation in section 9 of this chapter, each board shall determine:

(1) the normal contribution for the employer, which is the amount necessary to fund the pension portion of the retirement benefit;

(2) the rate of normal contribution;

(3) the unfunded accrued liability of the public employees' retirement fund, the pre-1996 account, and the 1996 account, which is the excess of total accrued liability over the fund's or account's total assets, respectively; and

(4) the rates of contribution for the state expressed as a proportion of compensation of members, which would be necessary to:

(A) amortize the unfunded accrued liability of the state for thirty (30) years or for a shorter time period requested by the budget agency or the governor; and

(B) prevent the state's unfunded accrued liability from increasing.

(b) **Except as provided in IC 5-10.3-6-5 and IC 5-10.4-7-11,** based on the information in subsection (a), each board may determine, in its sole discretion, contributions and contribution rates for individual

employers or for a group of employers.

(c) The board's determinations under subsection (a):

(1) are subject to sections 1.5 and 11.5 of this chapter; and

(2) for an employer making a contribution to the Indiana state teachers' retirement fund, may not include an amount for a retired member of the Indiana state teachers' retirement fund for whom the employer may not make contributions during the member's period of reemployment as provided under IC 5-10.2-4-8(d).

SECTION 2. IC 5-10.3-6-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]: Sec. 5. (a) **Except as provided in subsection (e),** annually the board shall certify to each participating political subdivision its employer contribution rate to the fund, computed, as specified in IC 5-10.2-2, including its share of administration expenses.

(b) The board shall determine the amount of unfunded accrued liability of the political subdivision on the effective date of participation. The political subdivision shall pay the amount in a lump sum or elect to amortize the amount over a period determined by the board.

(c) The payments by the participating political subdivisions for the amounts in subsections (a), (b), ~~and~~ (d), **and (e)** are allocated to the political subdivision and not to the state.

(d) If a political subdivision's account shows a deficit, the board may require the political subdivision to make additional payments necessary to eliminate the deficit, in addition to the employer contributions computed under subsections (a) and (b).

(e) This subsection applies to a participating political subdivision that is a school corporation. For a calendar year that begins after December 31, 2009, and before January 1, 2012, the board shall certify to the participating political subdivision an employer contribution rate to the fund that is the lesser of:

(1) the employer contribution rate certified by the board under subsection (a); or

(2) seven percent (7%).

SECTION 3. IC 5-10.4-7-11, AS ADDED BY P.L.2-2006, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]: Sec. 11. (a) **Except as provided in subsection (e),** annually the board shall certify to each school corporation and each school corporation shall pay its employer contribution rate to the fund, computed as specified in IC 5-10.2-2 for the employer contribution for teachers covered by the 1996 account, including the school corporation's share of administration expenses for the 1996 account.

(b) The board shall determine the amount of unfunded accrued liability of the school corporations. The board shall determine the unfunded accrued liability by individual employers or by a group of

employers. The school corporations shall pay the amount in a lump sum or amortize the amount over a period determined by the board.

(c) The payments by school corporations for the amounts described in subsections (a), (b), ~~and~~ (d), **and (e)** are allocated to the school corporations and not to the state.

(d) If a school corporation's account shows a deficit, the board may require the school corporation to make additional payments necessary to eliminate the deficit in addition to the employer contributions computed under subsections (a) and (b).

(e) For a calendar year that begins after December 31, 2009, and before January 1, 2012, the board shall certify to each school corporation and each school corporation shall pay an employer contribution rate to the fund that is the lesser of:

(1) the employer contribution rate certified by the board under subsection (a); or

(2) seven percent (7%).".

Page 9, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 12. [EFFECTIVE UPON PASSAGE] **(a) This SECTION applies to a school corporation that has its employer contribution rate certified under IC 5-10.3-6-5 or IC 5-10.4-7-11, both as amended by this act, for a calendar year that begins after December 31, 2009, and before January 1, 2011.**

(b) As used in this SECTION, "board" has the meaning set forth in IC 5-10.2-1-1.

(c) The board shall adjust the payments made by the school corporation after the date its employer contribution rate is certified under IC 5-10.3-6-5 or IC 5-10.4-7-11, both as amended by this act, to take into account the payments made by the school corporation before the date its employer contribution rate is certified under IC 5-10.3-6-5 or IC 5-10.4-7-11, both as amended by this act.

(d) This SECTION expires January 1, 2011.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 309 as printed February 22, 2010.)

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Representative Dermody