

Adopted Rejected

COMMITTEE REPORT

YES: 10
NO: 0

MR. SPEAKER:

*Your Committee on Labor and Employment, to which was referred House Bill 1050, 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:*

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 36-8-8-13.8, AS AMENDED BY P.L.1-2007,
- 4 SECTION 242, IS AMENDED TO READ AS FOLLOWS
- 5 [EFFECTIVE UPON PASSAGE]: Sec. 13.8. (a) This section applies
- 6 to an active or retired member who dies other than in the line of duty
- 7 (as defined in section 14.1 of this chapter) after August 31, 1982.
- 8 (b) If a fund member dies while receiving retirement or disability
- 9 benefits, the following apply:
- 10 (1) Except as otherwise provided in this subsection, each of the
- 11 member's surviving children is entitled to a monthly benefit equal
- 12 to twenty percent (20%) of the fund member's monthly benefit:
- 13 (A) until the child becomes eighteen (18) years of age; or

1 (B) until the child becomes twenty-three (23) years of age if
2 the child is enrolled in and regularly attending a secondary
3 school or is a full-time student at an accredited college or
4 university;
5 whichever period is longer. However, if the board finds upon the
6 submission of satisfactory proof that a child who is at least
7 eighteen (18) years of age is mentally or physically incapacitated,
8 is not a ward of the state, and is not receiving a benefit under
9 clause (B), the child is entitled to receive an amount each month
10 that is equal to the greater of thirty percent (30%) of the monthly
11 pay of a first class patrolman or first class firefighter or fifty-five
12 percent (55%) of the monthly benefit the deceased member was
13 receiving or was entitled to receive on the date of the member's
14 death as long as the mental or physical incapacity of the child
15 continues. Benefits paid for a child shall be paid to the surviving
16 parent as long as the child resides with and is supported by the
17 surviving parent. If the surviving parent dies, the benefits shall be
18 paid to the legal guardian of the child.

19 (2) The member's surviving spouse is entitled to a monthly benefit
20 equal to sixty percent (60%) of the fund member's monthly
21 benefit during the spouse's lifetime. If the spouse remarried before
22 September 1, 1983, and benefits ceased on the date of remarriage,
23 the benefits for the surviving spouse shall be reinstated on July 1,
24 1997, and continue during the life of the surviving spouse.

25 If a fund member dies while receiving retirement or disability benefits,
26 there is no surviving eligible child or spouse, and there is proof
27 satisfactory to the local board, subject to review in the manner
28 specified in section 13.1(c) of this chapter, that the parent was wholly
29 dependent on the fund member, the member's surviving parent is
30 entitled, or both surviving parents if qualified are entitled jointly, to
31 receive fifty percent (50%) of the fund member's monthly benefit
32 during the parent's or parents' lifetime. **As used in this subsection, a
33 parent is wholly dependent on a fund member if the fund member
34 claimed the parent as a dependent on the federal income tax return
35 filed by the fund member in the year before the year in which the
36 fund member died.**

37 (c) Except as otherwise provided in this subsection, if a fund
38 member dies while on active duty or while retired and not receiving

1 benefits, the member's children and the member's spouse, or the
 2 member's parent or parents are entitled to receive a monthly benefit
 3 determined under subsection (b). If the fund member did not have at
 4 least twenty (20) years of service or was not at least fifty-two (52) years
 5 of age, the benefit is computed as if the member:

- 6 (1) did have twenty (20) years of service; and
- 7 (2) was fifty-two (52) years of age.

8 SECTION 2. IC 36-8-8-13.9, AS AMENDED BY P.L.1-2007,
 9 SECTION 243, IS AMENDED TO READ AS FOLLOWS
 10 [EFFECTIVE UPON PASSAGE]: Sec. 13.9. (a) This section applies
 11 to an active member who died in the line of duty (as defined in section
 12 14.1 of this chapter) before September 1, 1982.

13 (b) Except as otherwise provided in this subsection, if a fund
 14 member dies in the line of duty, the following apply:

- 15 (1) Each of the member's surviving children is entitled to a
 16 monthly benefit equal to twenty percent (20%) of the fund
 17 member's monthly benefit:

- 18 (A) until the child becomes eighteen (18) years of age; or
- 19 (B) until the child becomes twenty-three (23) years of age if
 20 the child is enrolled in and regularly attending a secondary
 21 school or is a full-time student at an accredited college or
 22 university;

23 whichever period is longer. However, if the board finds upon the
 24 submission of satisfactory proof that a child who is at least
 25 eighteen (18) years of age is mentally or physically incapacitated,
 26 is not a ward of the state, and is not receiving a benefit under
 27 clause (B), the child is entitled to receive an amount each month
 28 that is equal to the greater of thirty percent (30%) of the monthly
 29 pay of a first class patrolman or first class firefighter or fifty-five
 30 percent (55%) of the monthly benefit the deceased member was
 31 receiving or was entitled to receive on the date of the member's
 32 death as long as the mental or physical incapacity of the child
 33 continues. Benefits paid for a child shall be paid to the surviving
 34 parent as long as the child resides with and is supported by the
 35 surviving parent. If the surviving parent dies, the benefits shall be
 36 paid to the legal guardian of the child.

- 37 (2) The member's surviving spouse is entitled to a monthly benefit
 38 equal to sixty percent (60%) of the fund member's monthly

1 benefit during the spouse's lifetime. If the spouse remarried before
 2 September 1, 1983, and benefits ceased on the date of remarriage,
 3 the benefits for the surviving spouse shall be reinstated on July 1,
 4 1997, and continue during the life of the surviving spouse.

5 If there is no surviving eligible child or spouse, and there is proof
 6 satisfactory to the local board, subject to review in the manner
 7 specified in section 13.1(c) of this chapter, that the parent was wholly
 8 dependent on the fund member, the member's surviving parent is
 9 entitled, or both surviving parents if qualified are entitled jointly, to
 10 receive fifty percent (50%) of the fund member's monthly benefit
 11 during the parent's or parents' lifetime. **As used in this subsection, a**
 12 **parent is wholly dependent on a fund member if the fund member**
 13 **claimed the parent as a dependent on the federal income tax return**
 14 **filed by the fund member in the year before the year in which the**
 15 **fund member died.**

16 (c) If the fund member did not have at least twenty (20) years of
 17 service or was not at least fifty-two (52) years of age, the benefit under
 18 subsection (b) is computed as if the member:

- 19 (1) did have twenty (20) years of service; and
- 20 (2) was fifty-two (52) years of age.

21 (d) The unit of local government that employed the deceased
 22 member shall after December 31, 2003, offer to provide and pay for
 23 health insurance coverage for the member's surviving spouse and for
 24 each natural child, stepchild, or adopted child of the member:

- 25 (1) until the child becomes eighteen (18) years of age;
- 26 (2) until the child becomes twenty-three (23) years of age if the
 27 child is enrolled in and regularly attending a secondary school or
 28 is a full-time student at an accredited college or university; or
- 29 (3) during the entire period of the child's physical or mental
 30 disability;

31 whichever period is longest. If health insurance coverage is offered by
 32 the unit to active members, the health insurance provided to a surviving
 33 spouse and child under this subsection must be equal in coverage to
 34 that offered to active members. The offer to provide and pay for health
 35 insurance coverage shall remain open for as long as there is a surviving
 36 spouse or as long as a natural child, stepchild, or adopted child of the
 37 member is eligible for coverage under subdivision (1), (2), or (3).

38 SECTION 3. IC 36-8-8-14.1, AS AMENDED BY P.L.1-2007,

1 SECTION 244, IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE UPON PASSAGE]: Sec. 14.1. (a) Benefits paid under
3 this section are subject to section 2.5 of this chapter.

4 (b) This section applies to an active member who dies in the line of
5 duty after August 31, 1982.

6 (c) If a fund member dies in the line of duty after August 31, 1982,
7 the member's surviving spouse is entitled to a monthly benefit during
8 the spouse's lifetime, equal to the benefit to which the member would
9 have been entitled on the date of the member's death, but not less than
10 the benefit payable to a member with twenty (20) years service at
11 fifty-two (52) years of age. If the spouse remarried before September
12 1, 1983, and benefits ceased on the date of remarriage, the benefits for
13 the surviving spouse shall be reinstated on July 1, 1997, and continue
14 during the life of the surviving spouse.

15 (d) If a fund member dies in the line of duty, each of the member's
16 surviving children is entitled to a monthly benefit equal to twenty
17 percent (20%) of the fund member's monthly benefit:

- 18 (1) until the child reaches eighteen (18) years of age; or
19 (2) until the child reaches twenty-three (23) years of age if the
20 child is enrolled in and regularly attending a secondary school or
21 is a full-time student at an accredited college or university;

22 whichever period is longer. However, if the board finds upon the
23 submission of satisfactory proof that a child who is at least eighteen
24 (18) years of age is mentally or physically incapacitated, is not a ward
25 of the state, and is not receiving a benefit under subdivision (2), the
26 child is entitled to receive an amount each month that is equal to the
27 greater of thirty percent (30%) of the monthly pay of a first class
28 patrolman or first class firefighter or fifty-five percent (55%) of the
29 monthly benefit the deceased member was receiving or was entitled to
30 receive on the date of the member's death as long as the mental or
31 physical incapacity of the child continues. Benefits paid for a child
32 shall be paid to the surviving parent as long as the child resides with
33 and is supported by the surviving parent. If the surviving parent dies,
34 the benefits shall be paid to the legal guardian of the child.

35 (e) If there is no surviving eligible child or spouse, and there is
36 proof satisfactory to the local board, subject to review in the manner
37 specified in section 13.1(c) of this chapter, that the parent was wholly
38 dependent on the fund member, the member's surviving parent is

1 entitled, or both surviving parents if qualified are entitled jointly, to
 2 receive fifty percent (50%) of the fund member's monthly benefit
 3 during the parent's or parents' lifetime. **As used in this subsection, a**
 4 **parent is wholly dependent on a fund member if the fund member**
 5 **claimed the parent as a dependent on the federal income tax return**
 6 **filed by the fund member in the year before the year in which the**
 7 **fund member died.**

8 (f) If the fund member did not have at least twenty (20) years of
 9 service or was not at least fifty-two (52) years old, the benefit is
 10 computed as if the member:

- 11 (1) did have twenty (20) years of service; and
- 12 (2) was fifty-two (52) years of age.

13 (g) For purposes of this section, "dies in the line of duty" means
 14 death that occurs as a direct result of personal injury or illness caused
 15 by incident, accident, or violence that results from:

16 (1) any action that the member, in the member's capacity as a
 17 police officer:

- 18 (A) is obligated or authorized by rule, regulation, condition of
- 19 employment or service, or law to perform; or
- 20 (B) performs in the course of controlling or reducing crime or
- 21 enforcing the criminal law; or

22 (2) any action that the member, in the member's capacity as a
 23 firefighter:

- 24 (A) is obligated or authorized by rule, regulation, condition of
- 25 employment or service, or law to perform; or
- 26 (B) performs while on the scene of an emergency run
- 27 (including false alarms) or on the way to or from the scene.

28 The term includes a death presumed incurred in the line of duty under
 29 IC 5-10-13.

30 (h) The unit of local government that employed the deceased
 31 member shall after December 31, 2003, offer to provide and pay for
 32 health insurance coverage for the member's surviving spouse and for
 33 each natural child, stepchild, or adopted child of the member:

- 34 (1) until the child becomes eighteen (18) years of age;
- 35 (2) until the child becomes twenty-three (23) years of age if the
- 36 child is enrolled in and regularly attending a secondary school or
- 37 is a full-time student at an accredited college or university; or
- 38 (3) during the entire period of the child's physical or mental

1 disability;
2 whichever period is longest. If health insurance coverage is offered by
3 the unit to active members, the health insurance provided to a surviving
4 spouse and child under this subsection must be equal in coverage to
5 that offered to active members. The offer to provide and pay for health
6 insurance coverage shall remain open for as long as there is a surviving
7 spouse or as long as a natural child, stepchild, or adopted child of the
8 member is eligible for coverage under subdivision (1), (2), or (3)."

9 Renumber all SECTIONS consecutively.
 (Reference is to HB 1050 as introduced.)

and when so amended that said bill do pass.

Representative Niezgodski