

Adopted	Rejected
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# COMMITTEE REPORT

<b>YES:</b>	<b>10</b>
<b>NO:</b>	<b>0</b>

**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:*

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 2-3.5-3-4 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 4. (a) The PERF board
- 5 shall administer the system, which may be commingled with the PERF
- 6 fund for investment purposes.
- 7 (b) The PERF board shall:
- 8 (1) determine eligibility for and make payments of benefits under
- 9 this chapter, IC 2-3.5-4, and IC 2-3.5-5;
- 10 (2) in accordance with the powers and duties granted in
- 11 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
- 12 through IC 5-10.3-5-6, administer the system; ~~and~~
- 13 (3) provide by rule for the implementation of this chapter,
- 14 IC 2-3.5-4, and IC 2-3.5-5; **and**

1           **(4) authorize deposits.**

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

4           (d) The powers and duties of:

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

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

7                 ~~(3) (2) the attorney general;~~ and

8                 ~~(4) (3) the auditor of state;~~

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

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

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

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

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

21                 **(1) creditable service; or of his**

22                 **(2) benefit;**

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

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

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

35                 (1) Credit interest to the members' annuity savings accounts in the  
36 guaranteed fund and actual earnings to the alternative investment  
37 programs.

38                 (2) After complying with subdivision (1), ~~distribute an amount up~~

1 to the interest credit rate, not to exceed any remaining earnings;  
2 to the reserve accounts:

3 (3) After complying with subdivisions (1) and (2), distribute any  
4 remaining undistributed income reserve as of the end of each  
5 fiscal year on a pro rata basis, based on fiscal year beginning  
6 balances, to all reserve accounts in the pre-1996 account,  
7 including the pension stabilization fund; and in the 1996 account:

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

10 (1) Members' annuity savings accounts in the guaranteed fund or  
11 the alternative investment program:

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

13 **accounting period as determined by the rules of the board."**

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

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

19 (1) creditable service; or

20 (2) benefit;

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

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

33 (b) The board shall do the following:

34 (1) Determine eligibility for and make payments of benefits under  
35 IC 33-38-7 and IC 33-38-8.

36 (2) In accordance with the powers and duties granted it in  
37 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  
38 through IC 5-10.3-5-6, administer the fund.

1 (3) Provide by rule for the implementation of this chapter and  
2 IC 33-38-7 and IC 33-38-8.

3 **(4) Authorize deposits.**

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

6 (d) The powers and duties of:

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

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

9 ~~(3) (2) the attorney general;~~ and

10 ~~(4) (3) the auditor of state;~~

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

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

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

18 SECTION 10. IC 33-39-7-11 IS AMENDED TO READ AS  
19 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 11. (a) The board shall  
20 administer the fund, which may be commingled with the public  
21 employees' retirement fund for investment purposes.

22 (b) The board shall do the following:

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

25 (2) In accordance with the powers and duties granted the board in  
26 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  
27 through IC 5-10.3-5-6, administer the fund.

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

29 **(4) Authorize deposits.**

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

31 (d) The powers and duties of:

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

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

34 ~~(3) (2) the attorney general;~~ and

35 ~~(4) (3) the auditor of state;~~

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

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

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

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

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

- 8 (1) determine eligibility for and make payments of benefits,  
9 except as provided in section 12 of this chapter;  
10 (2) in accordance with the powers and duties granted it in  
11 IC 5-10.3-3-7, IC 5-10.3-3-8, and IC 5-10.3-5-3 through  
12 IC 5-10.3-5-6, administer the 1977 fund; ~~and~~  
13 (3) provide by rule for the implementation of this chapter; **and**  
14 **(4) authorize deposits.**

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

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

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

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

26 Renumber all SECTIONS consecutively.

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

**and when so amended that said bill do pass.**

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Representative Niezgodski