

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WITHDRAWN	Noes _____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

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1001 be amended to read as follows:

- 1 Page 103, between lines 33 and 34, begin a new paragraph and
- 2 insert:
- 3 "SECTION 41. IC 5-10-1.1-3.5, AS AMENDED BY P.L.3-2008,
- 4 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 2011]: Sec. 3.5. (a) **Except as provided in subsection (f)**, this
- 6 section applies to an individual who becomes an employee of the state
- 7 after June 30, 2007.
- 8 (b) Unless an employee notifies the state that the employee does not
- 9 want to enroll in the deferred compensation plan, on day thirty-one (31)
- 10 of the employee's employment:
- 11 (1) the employee is automatically enrolled in the deferred
- 12 compensation plan; and
- 13 (2) the state is authorized to begin deductions as otherwise
- 14 allowed under this chapter.
- 15 (c) The auditor of state shall provide written notice to an employee
- 16 of the provisions of this chapter. The notice provided under this
- 17 subsection must:
- 18 (1) be provided:
- 19 (A) with the employee's first paycheck; and
- 20 (B) on paper that is a color that is separate and distinct from
- 21 the color of the employee's paycheck;
- 22 (2) contain a statement concerning:
- 23 (A) the purposes of;
- 24 (B) procedures for notifying the state that the employee does

- 1 not want to enroll in;
 2 (C) the tax consequences of; and
 3 (D) the details of the state match for employee contribution to;
 4 the deferred compensation plan; and
 5 (3) list the telephone number, electronic mail address, and other
 6 contact information for the auditor of state, who serves as plan
 7 administrator.

8 (d) Notwithstanding IC 22-2-6, except as provided by subsection ~~(e)~~
 9 **(e) or (f)**, the state shall deduct from an employee's compensation as a
 10 contribution to the deferred compensation plan established by the state
 11 under this chapter an amount equal to the maximum amount of any
 12 match provided by the state on behalf of the employee to a defined
 13 contribution plan established under section 1.5(a) of this chapter.

14 (e) An employee may contribute to the deferred compensation plan
 15 established by the state under this chapter an amount other than the
 16 amount described in subsection (d) by affirmatively choosing to
 17 contribute:

- 18 (1) a higher amount;
 19 (2) a lower amount; or
 20 (3) zero (0).

21 **(f) This subsection applies if the state does not authorize, before**
 22 **December 1, 2011, an annual match under section 1.5 of this**
 23 **chapter that equals at least three hundred ninety dollars (\$390).**
 24 **Notwithstanding subsection (b), an individual who becomes an**
 25 **employee of the state after December 31, 2011, may not be enrolled**
 26 **in the deferred compensation plan unless the individual authorizes**
 27 **the individual's employer to enroll the individual in the plan. For**
 28 **an individual who becomes an employee of the state after June 30,**
 29 **2007, and before January 1, 2012, the state may not deduct, after**
 30 **December 31, 2011, contributions for the deferred compensation**
 31 **plan from the employee's compensation, unless the employee**
 32 **authorizes the state to continue to make the deductions.**

33 SECTION 42. IC 5-10-6.5 IS ADDED TO THE INDIANA CODE
 34 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2011]:

36 **Chapter 6.5. State Employee Bonus Programs**

37 **Sec. 1. As used in this chapter, "state agency" means an**
 38 **authority, board, branch, commission, committee, department,**
 39 **division, or other instrumentality of the executive, including the**
 40 **administrative, department of state government. The term "state**
 41 **agency" does not include the judicial or legislative departments of**
 42 **state government, nor does that term include a state educational**
 43 **institution.**

44 **Sec. 2. As used in this chapter, "state employee" refers to a**
 45 **full-time employee of a state agency.**

46 **Sec. 3. Before a state employee may receive any amount**
 47 **authorized by the governor or a state agency as a pay for**

1 **performance bonus or award in addition to the state employee's**
2 **normal compensation, the budget committee established under**
3 **IC 4-12-1-3 shall approve the award or bonus."**

4 Renumber all SECTIONS consecutively.
(Reference is to HB 1001 as printed February 21, 2011.)

Representative Summers