
HOUSE BILL No. 1379

DIGEST OF INTRODUCED BILL

Citations Affected: IC 2-3.5-3-4; IC 5-10-5.5-3; IC 5-10.2-2-17; IC 33-38-6-23; IC 33-39-7-11; IC 36-8-8-5.

Synopsis: Public pension information. Provides that 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. Removes an obsolete reference to the auditor of state's powers and duties for the public employees' retirement fund.

Effective: July 1, 2011.

Thompson

January 20, 2011, read first time and referred to Committee on Employment, Labor and Pensions.

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First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

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HOUSE BILL No. 1379



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, AS AMENDED BY P.L.99-2010,
- 2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2011]: Sec. 4. (a) The PERF board shall administer the
- 4 system, which may be commingled with the PERF fund for investment
- 5 purposes.
- 6 (b) The PERF board shall:
 - 7 (1) determine eligibility for and make payments of benefits under
 - 8 this chapter, IC 2-3.5-4, and IC 2-3.5-5;
 - 9 (2) in accordance with the powers and duties granted in
 - 10 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
 - 11 through IC 5-10.3-5-6, administer the system;
 - 12 (3) provide by rule for the implementation of this chapter,
 - 13 IC 2-3.5-4, and IC 2-3.5-5; and
 - 14 (4) authorize deposits.
- 15 (c) A determination by the PERF board may be appealed under
- 16 IC 4-21.5.
- 17 (d) The powers and duties of:



1 (1) the director and the actuary of the PERF board; **and**
 2 (2) the attorney general; ~~and~~
 3 ~~(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, 2011]: 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, 2011]: Sec. 17. (a) **Except as provided by subsection (b),**
 41 fund records of individual members and membership information are
 42 confidential, except for:

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- 1 (1) the name and years of service of a fund member;
- 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) ~~However,~~ This section does not prohibit a board from providing
 12 fund records to an association described in IC 5-10.3-8-10 or
 13 IC 5-10.4-5-14.

14 SECTION 4. IC 33-38-6-23, AS AMENDED BY P.L.99-2010,
 15 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2011]: Sec. 23. (a) The board of trustees of the public
 17 employees' retirement fund shall administer the fund, which may be
 18 commingled with the public employees' retirement fund for investment
 19 purposes.

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

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

- 31 (d) The powers and duties of:
- 32 (1) the director and the actuary of the board; **and**
- 33 (2) the attorney general; ~~and~~
- 34 ~~(3) the auditor of state;~~

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

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

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

- 41 (1) the name and years of service of a fund participant;
- 42 (2) **the amount of mandatory contributions that:**

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

8 SECTION 5. IC 33-39-7-11, AS AMENDED BY P.L.99-2010,
 9 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2011]: Sec. 11. (a) The board shall administer the fund, which
 11 may be commingled with the public employees' retirement fund for
 12 investment purposes.

- 13 (b) The board shall do the following:
- 14 (1) Determine eligibility for and make payments of benefits under
- 15 this chapter.
- 16 (2) In accordance with the powers and duties granted the board in
- 17 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
- 18 through IC 5-10.3-5-6, administer the fund.
- 19 (3) Provide by rule for the implementation of this chapter.
- 20 (4) Authorize deposits.
- 21 (c) A determination by the board may be appealed under IC 4-21.5.
- 22 (d) The powers and duties of:
- 23 (1) the director and the actuary of the board; **and**
- 24 (2) the attorney general; ~~and~~
- 25 ~~(3) the auditor of state;~~

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

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

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

- 32 (1) the name and years of service of a fund participant;
- 33 (2) **the amount of mandatory contributions that:**
- 34 **(A) are paid under this chapter by the state on behalf of;**
- 35 **and**
- 36 **(B) are individually identifiable to;**
- 37 **a fund participant; and**
- 38 (3) **the amount of a retirement or disability benefit paid to a**
- 39 **fund participant (or to a survivor or beneficiary of a fund**
- 40 **participant) under this chapter.**

41 SECTION 6. IC 36-8-8-5, AS AMENDED BY P.L.99-2010,
 42 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2011]: Sec. 5. (a) The PERF board shall:
 2 (1) determine eligibility for and make payments of benefits,
 3 except as provided in section 12 of this chapter;
 4 (2) in accordance with the powers and duties granted it in
 5 IC 5-10.3-3-7, IC 5-10.3-3-8, and IC 5-10.3-5-3 through
 6 IC 5-10.3-5-6, administer the 1977 fund;
 7 (3) provide by rule for the implementation of this chapter; and
 8 (4) authorize deposits.
 9 (b) A determination by the PERF board may be appealed under the
 10 procedures in IC 4-21.5.
 11 (c) The powers and duties of the director and the actuary of the
 12 PERF board **and** the attorney general, ~~and the auditor of state~~, with
 13 respect to the 1977 fund, are those specified in IC 5-10.3-3 and
 14 IC 5-10.3-4.
 15 (d) The PERF board may hire additional personnel, including
 16 hearing officers, to assist it in the implementation of this chapter.
 17 (e) The 1977 fund records of individual members and membership
 18 information are confidential, except for:
 19 (1) the name and years of service of a 1977 fund member;
 20 (2) **the amount of mandatory contributions that:**
 21 **(A) are paid by a 1977 fund member's employer on behalf**
 22 **of; and**
 23 **(B) are individually identifiable to;**
 24 **a 1977 fund member; and**
 25 **(3) the amount of a retirement or disability benefit paid to a**
 26 **1977 fund member (or to a survivor or beneficiary of a 1977**
 27 **fund member) under this chapter.**

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