

**CONFERENCE COMMITTEE REPORT
DIGEST FOR ESB 526**

Citations Affected: IC 4-30-3-14.5; IC 5-10.2; IC 5-10.3-7; IC 5-10.4-7.

Synopsis: PERF membership and retirement benefits. Proposed conference committee report for ESB 526. Provides that, after June 30, 2013, members and full-time employees of the state lottery commission are members of the public employees' retirement fund (fund). Provides that a retired member of the fund who, after June 30, 2013, begins a period of reemployment in a position covered by the fund continues to receive a retirement benefit, but does not earn a supplemental retirement benefit for the member's period of reemployment. Provides that a retired member of the fund who, before July 1, 2013, begins a period of reemployment earns a supplemental benefit for the member's entire period of reemployment. (Currently, a member of the Indiana state teachers' retirement fund who retires and is reemployed in a position covered by the Indiana state teachers' retirement fund continues to receive a retirement benefit, but does not earn a supplemental retirement benefit for the member's period of reemployment.) **(This conference committee report adds language: (1) specifying that a retired member of the public employees' retirement fund (fund) who is reemployed: (A) earns a supplemental benefit, if the member's period of reemployment begins before July 1, 2013; and (B) does not earn a supplemental benefit, if the member's period of reemployment begins after June 30, 2013; and (2) providing that a member or full-time employee of the state lottery commission who becomes a member of the fund on July 1, 2013, is vested in the pension portion of the member's retirement benefit from the fund.)**

Effective: July 1, 2013.

Adopted Rejected

CONFERENCE COMMITTEE REPORT

MR. SPEAKER:

Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill No. 526 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1 Delete everything after the enacting clause and insert the following:
2 SECTION 1. IC 4-30-3-14.5 IS ADDED TO THE INDIANA CODE
3 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
4 1, 2013]: **Sec. 14.5. (a) This section applies to an individual who:**
5 **(1) on July 1, 2013, is a member or a full-time employee of the**
6 **commission; or**
7 **(2) after June 30, 2013, becomes employed or reemployed as**
8 **a member or a full-time employee of the commission.**
9 **(b) After June 30, 2013, a member or an employee of the**
10 **commission:**
11 **(1) is eligible for;**
12 **(2) must participate in; and**
13 **(3) receives the benefits of;**
14 **the public employees' retirement fund under IC 5-10.2 and**
15 **IC 5-10.3.**
16 SECTION 2. IC 5-10.2-2-11, AS AMENDED BY P.L.35-2012,
17 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2013]: Sec. 11. (a) Based on the actuarial investigation and
19 valuation in section 9 of this chapter, the board shall determine:
20 (1) the normal contribution for each contribution rate group,
21 which is the amount necessary to fund the pension portion of the

- 1 retirement benefit;
- 2 (2) the rate of normal contribution;
- 3 (3) the unfunded accrued liability of the public employees'
- 4 retirement fund, the pre-1996 account, and the 1996 account,
- 5 which is the excess of total accrued liability over the fund's or
- 6 account's total assets, respectively; and
- 7 (4) the period, which must be thirty (30) years or a shorter period,
- 8 necessary to amortize the unfunded accrued liability determined
- 9 in subdivision (3).
- 10 (b) Based on the information in subsection (a), the board may
- 11 determine, in its sole discretion, contributions and contribution rates for
- 12 individual employers or for a group of employers.
- 13 (c) The board's determinations under subsection (a):
- 14 (1) are subject to sections 1.5 and 11.5 of this chapter; and
- 15 (2) ~~for an employer making a contribution to the Indiana state~~
- 16 ~~teachers' retirement fund~~; may not include an amount for a retired
- 17 member ~~of the Indiana state teachers' retirement fund~~ for whom
- 18 the employer may not make contributions during the member's
- 19 period of reemployment as provided under ~~IC 5-10.2-4-8(d)~~.
- 20 **IC 5-10.2-4-8(e).**
- 21 SECTION 3. IC 5-10.2-3-1, AS AMENDED BY P.L.35-2012,
- 22 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 23 JULY 1, 2013]: Sec. 1. (a) Except as provided in ~~IC 5-10.2-4-8(d)~~,
- 24 **IC 5-10.2-4-8(e)**, each member's creditable service, for the purpose of
- 25 computing benefits under this article, consists of all service in a
- 26 position covered by a retirement fund plus all other service for which
- 27 the retirement fund law gives credit.
- 28 (b) No member may be required to pay any contributions for service
- 29 before the member is covered by this article as a condition precedent
- 30 to receiving benefits under this article. However, the member must
- 31 furnish to the board proof of the service in a position covered by the
- 32 fund under which the member claims service.
- 33 (c) A member who has past service as an employee of the state or
- 34 a participating political subdivision in a position which was not
- 35 covered by the retirement fund is entitled to credit for this service if the
- 36 position becomes covered before January 1, 1985, by the Indiana state
- 37 teachers' retirement fund, the public employees' retirement fund, or the
- 38 retirement fund for the state board of accounts and if the member
- 39 submits to the board proof of the service in a position covered by the
- 40 fund in which the member claims service.
- 41 (d) A member who has past service in a position that was not
- 42 covered by the retirement fund is entitled to credit for this service if the
- 43 position becomes covered after December 31, 1984, by a fund while
- 44 the member holds that position or another position with the same
- 45 employer and if the member submits to the board proof of the service
- 46 in a position covered by the fund in which the member claims service.
- 47 (e) The proof required by this section must:
- 48 (1) be submitted in a form approved by the director;
- 49 (2) contain dates and nature of service and other information
- 50 required by the director; and

- 1 (3) be certified by the governing body or its agent.
- 2 (f) A member who is a state employee is entitled to service credit for
3 the time the member is receiving disability benefits under a disability
4 plan established under IC 5-10-8-7.
- 5 (g) If a participant in the legislators' defined benefit plan does not
6 become entitled to a benefit from that plan, the board shall include the
7 participant's service in the general assembly in the determination of
8 eligibility for, and computation of, benefits under PERF or TRF at the
9 time the participant would be eligible to receive benefits under PERF
10 or TRF. After benefits commence under PERF or TRF with the general
11 assembly service included, the participant's general assembly service
12 may not be used for the computation of benefits under IC 2-3.5-4.
- 13 (h) A member may receive service credit for all or a part of the
14 member's creditable service in another governmental retirement plan
15 under IC 5-10.3-7-4.5 and IC 5-10.4-4-4. A member may not receive
16 credit for service for which the member receives service credit in
17 another retirement plan maintained by a state, a political subdivision,
18 or an instrumentality of the state for service that PERF or TRF would
19 otherwise give credit.
- 20 (i) A member may use all or a part of the member's creditable
21 service under PERF or TRF in another governmental retirement plan
22 under the terms of the other plan. Creditable service used under the
23 other governmental retirement plan may not be used in PERF or TRF.
- 24 SECTION 4. IC 5-10.2-3-2, AS AMENDED BY P.L.35-2012,
25 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2013]: Sec. 2. (a) Subject to IC 5-10.2-2-1.5, as used in this
27 section, "compensation" means:
- 28 (1) the basic salary earned by and paid to the member; plus
29 (2) the amount that would have been a part of the basic salary
30 earned and paid except for the member's salary reduction
31 agreement established under Section 125, 403(b), or 457 of the
32 Internal Revenue Code.
- 33 (b) Except in cases where:
- 34 (1) the contribution is made on behalf of the member; or
35 (2) a retired member of the Indiana state teachers' retirement fund
36 may not make contributions during a period of reemployment as
37 provided in ~~IC 5-10.2-4-8(d)~~; **IC 5-10.2-4-8(e)**;
- 38 each member shall, as a condition of employment, contribute to the
39 fund three percent (3%) of the member's compensation.
- 40 (c) Except as provided in ~~IC 5-10.2-4-8(d)~~; **IC 5-10.2-4-8(e)**, a
41 member of a fund may make contributions to the member's annuity
42 savings account in addition to the contributions required under
43 subsection (b). The total amount of contributions that may be made to
44 a member's annuity savings account with respect to a payroll period
45 under this subsection may not exceed ten percent (10%) of the
46 member's compensation for that payroll period. The contributions made
47 under this subsection may be picked-up and paid by an employer as
48 provided in subsection (d).
- 49 (d) In compliance with rules adopted by the board, an employer,
50 under Section 414(h)(2) of the Internal Revenue Code, may pick-up

1 and pay the contributions under subsection (c), subject to approval of
 2 the board and to the board's receipt of a favorable private letter ruling
 3 from the Internal Revenue Service. The employer shall reduce the
 4 member's compensation by an amount equal to the amount of the
 5 member's contributions under subsection (c) that are picked-up by the
 6 employer. The board shall by rule establish the procedural
 7 requirements for employers to carry out the pick-up in compliance with
 8 Section 414(h)(2) of the Internal Revenue Code.

9 (e) A member's contributions and interest credits belong to the
 10 member and do not belong to the state or political subdivision.

11 SECTION 5. IC 5-10.2-3-3, AS AMENDED BY P.L.76-2008,
 12 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2013]: Sec. 3. (a) This section:

14 **(1) does not apply to a retired member of the Indiana state**
 15 **teachers' retirement fund who is reemployed begins a period of**
 16 **reemployment in a covered position** more than thirty (30) days
 17 after the member's retirement, ~~in a position covered by the Indiana~~
 18 ~~state teachers' retirement fund; except as provided in subdivision~~
 19 ~~(2); or~~

20 **(2) applies to the entire period of reemployment for a retired**
 21 **member of the public employees' retirement fund who, before**
 22 **July 1, 2013, begins a period of reemployment in a covered**
 23 **position.**

24 (b) Members' contributions, other than members' contributions paid
 25 on behalf of a member, shall be deducted from their compensation even
 26 if the net compensation to the member is less than the statutory
 27 minimum.

28 (c) The payment of a member's compensation minus the deduction
 29 constitutes a complete discharge of all claims for services rendered by
 30 the member during the period covered by the payment, except the
 31 claim for benefits under this article.

32 SECTION 6. IC 5-10.2-4-8, AS AMENDED BY P.L.35-2012,
 33 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2013]: Sec. 8. (a) Subject to subsection ~~(f)~~; **(g)**, if a member
 35 who is receiving retirement benefits becomes reemployed in a position
 36 covered by this article more than thirty (30) days after the member's
 37 retirement, the member's retirement benefit payments continue. ~~Except~~
 38 ~~for~~

39 **(b) This subsection applies only to a retired member of the**
 40 **Indiana state teachers' public employees' retirement fund who, is**
 41 **reemployed before July 1, 2013, begins a period of reemployment**
 42 **in a covered position** more than thirty (30) days after the member's
 43 retirement. ~~in a position covered by the Indiana state teachers'~~
 44 ~~retirement fund;~~ The member shall begin making contributions as
 45 required in IC 5-10.2-3-2, and the member's employer shall make
 46 contributions throughout the member's period of reemployment.

47 ~~(b)~~ **(c)** If a member who is receiving retirement benefits is
 48 reemployed in a position covered by this article not more than thirty
 49 (30) days after the member's retirement, the member's retirement
 50 benefits shall stop, the member shall begin making contributions as

1 required by IC 5-10.2-3-2, and employer contributions shall be made
2 throughout the period of reemployment.

3 ~~(c)~~ **(d)** This subsection ~~does not apply~~ **applies only** to a **retired**
4 member of the ~~Indiana state teachers'~~ **public employees'** retirement
5 fund who, ~~is reemployed before July 1, 2013,~~ **begins a period of**
6 **reemployment in a covered position** more than thirty (30) days after
7 the member's retirement. ~~in a position covered by the Indiana state~~
8 ~~teachers' retirement fund.~~ If a retired member is reemployed in a
9 position covered by this article, section 10 of this chapter applies to the
10 member upon the member's retirement from reemployment.

11 ~~(d)~~ **(e)** Subject to subsection ~~(f)~~; **(g), and except for a member**
12 **described in IC 5-10.2-3-3(a)(2),** the following apply to a **retired**
13 member of the ~~Indiana state teachers' retirement fund~~ who is
14 ~~reemployed~~ **begins a period of reemployment in a covered position**
15 more than thirty (30) days after the member's retirement: ~~in a position~~
16 ~~covered by the Indiana state teachers' retirement fund:~~

17 (1) The member's retirement benefit payments continue during the
18 member's period of reemployment without regard to the amount
19 of the member's earnings from the covered position.

20 (2) The member may not make contributions under IC 5-10.2-3-2,
21 **IC 5-10.3-7-9,** or IC 5-10.4-4-11 during the member's period of
22 reemployment.

23 (3) The member's employer may not make contributions under
24 IC 5-10.2-2-11, **IC 5-10.3-7-9,** or IC 5-10.4-4-11 for or on behalf
25 of the member during the member's period of reemployment.

26 (4) The member does not earn creditable service under
27 IC 5-10.2-3-1 for the member's period of reemployment.

28 (5) The member is not entitled to an additional benefit under
29 sections 9 and 10 of this chapter for the member's period of
30 reemployment.

31 ~~(e)~~ **(f)** The thirty (30) day period provided for in this section may be
32 implemented unless the board receives a determination from the
33 Internal Revenue Service prohibiting the implementation.

34 ~~(f)~~ **(g)** After July 31, 2009, if, on or before the date the member files
35 an application for retirement benefits under this article, a member has
36 a formal or informal agreement with an employer covered by this
37 article to become reemployed in a position covered by this article after
38 the member's retirement, regardless of the time frame between the
39 member's retirement and the member's reemployment, the member's
40 application for retirement benefits is void, and the following apply to
41 the member's continued employment:

42 (1) If a member has received a retirement benefit:

43 (A) the member's retirement benefit shall stop; and

44 (B) the member shall repay the amount of the retirement
45 benefit received.

46 (2) The member shall make contributions as required by
47 IC 5-10.2-3-2 throughout the period of the member's continued
48 employment.

49 (3) Employer contributions shall be made throughout the period
50 of the member's continued employment.

- 1 (4) The member shall earn creditable service under IC 5-10.2-3-1
 2 for the member's continued employment.
- 3 (5) When the period of the member's continued employment
 4 terminates, the member may again file an application for
 5 retirement benefits under this chapter.
- 6 SECTION 7. IC 5-10.2-4-9, AS AMENDED BY P.L.76-2008,
 7 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2013]: Sec. 9. (a) This section ~~does not apply~~ **applies only**
 9 to a **retired** member of the ~~Indiana state teachers'~~ **public employees'**
 10 retirement fund who, is ~~reemployed before July 1, 2013,~~ **begins a**
 11 **period of reemployment in a covered position** more than thirty (30)
 12 days after the member's retirement. ~~in a position covered by the Indiana~~
 13 ~~state teachers' retirement fund.~~
- 14 (b) If a member dies during reemployment and retirement benefits
 15 from before the member's reemployment are payable after the member's
 16 death, the payment of these amounts shall be made without change, and
 17 any additional benefit earned during reemployment shall be paid as
 18 provided in section 10 of this chapter.
- 19 SECTION 8. IC 5-10.2-4-10, AS AMENDED BY P.L.76-2008,
 20 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2013]: Sec. 10. (a) This section ~~does not apply~~ **applies only**
 22 to a **retired** member of the ~~Indiana state teachers'~~ **public employees'**
 23 retirement fund who, is ~~reemployed before July 1, 2013,~~ **begins a**
 24 **period of reemployment in a covered position** more than thirty (30)
 25 days after the member's retirement. ~~in a position covered by the Indiana~~
 26 ~~state teachers' retirement fund.~~
- 27 (b) Benefits provided under this section are subject to
 28 IC 5-10.2-2-1.5.
- 29 (c) Upon termination of reemployment, except by death, the
 30 retirement benefits from before the member's reemployment which are
 31 payable after termination shall be paid without change.
- 32 (d) If the member is reemployed for fewer than ninety (90)
 33 consecutive school or working days, upon termination of
 34 reemployment, contributions and interest credited to the member's
 35 annuity savings account shall be paid to the member.
- 36 (e) If the member is reemployed for ninety (90) or more consecutive
 37 school or working days, upon termination of reemployment, the
 38 member shall receive an additional benefit.
- 39 (f) The additional retirement benefit consists of the sum of a
 40 supplemental pension and a supplemental annuity. The supplemental
 41 pension is computed under section 4 of this chapter using the
 42 member's:
- 43 (1) years of service during the member's reemployment; and
 44 (2) average compensation during the member's reemployment, if
 45 the member is reemployed for less than five (5) years, or average
 46 of the annual compensation (as defined in section 3 of this
 47 chapter) during the member's reemployment.
- 48 If the member is entitled to a supplemental annuity, it consists of an
 49 annuity provided by contributions and interest credited to the member
 50 during reemployment, if any.

1 (g) The additional retirement benefits are guaranteed for five (5)
 2 years or until the member's death, whichever is later. The member may
 3 choose instead of the guaranteed payments any of the options under
 4 section 7 of this chapter for the payment of the member's additional
 5 retirement benefits.

6 (h) IC 5-10.2-2-7 applies to additional retirement benefits.

7 SECTION 9. IC 5-10.3-7-1, AS AMENDED BY P.L.35-2012,
 8 SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2013]: Sec. 1. (a) This section does not apply to:

- 10 (1) members of the general assembly; or
- 11 (2) employees covered by section 3 of this chapter.

12 (b) An employee of the state or of a participating political
 13 subdivision who:

- 14 (1) became a full-time employee of the state or of a participating
 15 political subdivision in a covered position; and
- 16 (2) had not become a member of the fund;

17 before April 1, 1988, shall on April 1, 1988, become a member of the
 18 fund unless the employee is excluded from membership under section
 19 2 of this chapter.

20 (c) Any individual who becomes a full-time employee of the state
 21 or of a participating political subdivision in a covered position after
 22 March 31, 1988, becomes a member of the fund on the date the
 23 individual's employment begins unless the individual is excluded from
 24 membership under section 2 of this chapter.

25 (d) For the purposes of this section, "employees of the state"
 26 includes:

- 27 (1) employees of the judicial circuits whose compensation is paid
 28 from state funds;
- 29 (2) elected and appointed state officers;
- 30 (3) prosecuting attorneys and deputy prosecuting attorneys of the
 31 judicial circuits, whose compensation is paid in whole or in part
 32 from state funds, including participants in the prosecuting
 33 attorneys retirement fund established under IC 33-39-7;
- 34 (4) employees in the classified service;
- 35 (5) employees of any state department, institution, board,
 36 commission, office, agency, court, or division of state government
 37 receiving state appropriations and having the authority to certify
 38 payrolls from appropriations or from a trust fund held by the
 39 treasurer of state or by any department;
- 40 (6) employees of any state agency which is a body politic and
 41 corporate;
- 42 (7) except as provided under IC 5-10.5-7-4, employees of the
 43 board of trustees of the Indiana public retirement system;
- 44 (8) persons who:
 - 45 (A) are employed by the state;
 - 46 (B) have been classified as federal employees by the Secretary
 47 of Agriculture of the United States; and
 - 48 (C) are excluded from coverage as federal employees by the
 49 federal Social Security program under 42 U.S.C. 410;
- 50 (9) the directors and employees of county offices of family and

- 1 children; ~~and~~
 2 (10) employees of the center for agricultural science and heritage
 3 (the barn); **and**
 4 **(11) members and employees of the state lottery commission.**
 5 SECTION 10. IC 5-10.3-7-2 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. The following
 7 employees may not be members of the fund:
 8 (1) Officials of a political subdivision elected by vote of the
 9 people, unless the governing body specifically provides for the
 10 participation of locally elected officials.
 11 (2) Employees occupying positions normally requiring
 12 performance of service of less than six hundred (600) hours
 13 during a year who:
 14 (A) were hired before July 1, 1982; or
 15 (B) are employed by a participating school corporation.
 16 (3) Independent contractors or officers or employees paid wholly
 17 on a fee basis.
 18 (4) Employees who occupy positions that are covered by other
 19 pension or retirement funds or plans, maintained in whole or in
 20 part by appropriations by the state or a political subdivision,
 21 except:
 22 (A) the federal Social Security program; and
 23 (B) the prosecuting attorneys retirement fund established by
 24 IC 33-39-7-9.
 25 (5) Managers or employees of a license branch of the bureau of
 26 motor vehicles commission, except those persons who may be
 27 included as members under IC 9-16-4.
 28 (6) Employees, except employees of a participating school
 29 corporation, hired after June 30, 1982, occupying positions
 30 normally requiring performance of service of less than one
 31 thousand (1,000) hours during a year.
 32 (7) Persons who:
 33 (A) are employed by the state;
 34 (B) have been classified as federal employees by the Secretary
 35 of Agriculture of the United States; and
 36 (C) are covered by the federal Social Security program as
 37 federal employees under 42 U.S.C. 410.
 38 ~~(8) Members and employees of the state lottery commission.~~
 39 SECTION 11. IC 5-10.3-7-3.5 IS ADDED TO THE INDIANA
 40 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 41 [EFFECTIVE JULY 1, 2013]: **Sec. 3.5. (a) As used in this section,**
 42 **"commission" refers to the state lottery commission established**
 43 **under IC 4-30-3-1.**
 44 **(b) Not later than July 1, 2014, for each member or employee of**
 45 **the commission who:**
 46 **(1) is a participant in a defined benefit retirement plan offered**
 47 **by the commission before July 1, 2013; and**
 48 **(2) becomes a member of the fund on July 1, 2013, under**
 49 **IC 4-30-3-14.5;**
 50 **the commission shall transfer from the lottery commission defined**
 51 **benefit retirement plan to the retirement allowance account of the**

1 fund the amount required to fund the pension portion of each
 2 participant's accrued retirement benefit, calculated as if the
 3 participant had been in the fund during the participant's service
 4 with the lottery commission as of July 1, 2013. If the assets in the
 5 lottery commission defined benefit retirement plan are not
 6 sufficient to fund the retirement benefit accrued as of July 1, 2013,
 7 for the participants described in this subsection, the commission
 8 shall pay to the fund, either in a single payment or in installment
 9 payments approved by the board, the amount needed to fund the
 10 accrued retirement benefits as described in this subsection.

11 (c) No amounts shall be transferred as of July 1, 2013, to the
 12 annuity savings account of the fund for a member described in
 13 subsection (b).

14 (d) A member or employee of the commission who becomes a
 15 member of the fund on July 1, 2013, is entitled to receive creditable
 16 service in the fund for all service performed for the commission
 17 before July 1, 2013.

18 (e) The liabilities of a retirement plan offered by the commission
 19 before July 1, 2013, whose participants are transferred on July 1,
 20 2013, to the fund are not liabilities of the fund, except as provided
 21 by agreement between the fund and the commission.

22 (f) This section shall not be interpreted to diminish the amount
 23 of the benefits previously accrued by any member of the
 24 commission's plan who is transferred to the fund under this
 25 section. To the extent that the member's benefit exceeds the
 26 amount due from the fund, the remaining obligation shall be that
 27 of the commission alone.

28 (g) A member or employee of the commission who becomes a
 29 member of the fund on July 1, 2013, under IC 4-30-3-14.5 is vested
 30 in the pension portion of the member's retirement benefit from the
 31 fund. To the extent that the amount transferred to the fund under
 32 this section is not sufficient to fund the cost for vesting under this
 33 subsection, the remaining obligation shall be that of the
 34 commission alone.

35 SECTION 12. IC 5-10.3-7-9 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 9. (a) This section:

37 (1) does not apply to a retired member who begins a period of
 38 reemployment in a covered position more than thirty (30)
 39 days after the member's retirement, except as provided in
 40 subdivision (2); or

41 (2) applies to the entire period of reemployment for a retired
 42 member of the public employees' retirement fund who, before
 43 July 1, 2013, begins a period of reemployment in a covered
 44 position.

45 (b) Each member shall contribute three percent (3%) of his the
 46 member's compensation to the fund as specified in IC 5-10.2-3.
 47 However, for a member who is a state employee, the employer shall
 48 pay the contribution for the member, and for a member who is not a
 49 state employee, the employer may pay all or a part of the contribution
 50 for the member.

51 SECTION 13. IC 5-10.4-7-1, AS AMENDED BY P.L.1-2009,

1 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2013]: Sec. 1. (a) The administrative officers of a school
3 corporation or other institution covered by the fund shall:

- 4 (1) notify each person to be employed in a teaching position that
5 the person's obligations under this article are a condition of
6 employment; and
- 7 (2) make the obligations a part of the teacher's contract.

8 (b) Except in cases where:

- 9 (1) the contribution is made on behalf of the member; or
- 10 (2) a retired member of the Indiana state teachers' retirement fund
11 may not make contributions during a period of reemployment as
12 provided under ~~IC 5-10.2-4-8(d)~~; **IC 5-10.2-4-8(e)**;

13 a teacher's contract shall be construed to require the deduction of
14 contributions to meet the teachers' contractual obligations to the fund
15 and the state.

16 SECTION 14. IC 5-10.4-7-3, AS AMENDED BY P.L.1-2009,
17 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2013]: Sec. 3. (a) Unless the member's contribution is made
19 on behalf of the member or the member is a retired member who may
20 not make contributions during a period of reemployment as provided
21 under ~~IC 5-10.2-4-8(d)~~; **IC 5-10.2-4-8(e)**, the treasurer of a school
22 corporation, the township trustee, or the appropriate officer of any other
23 institution covered by the fund shall:

- 24 (1) deduct from each member's salary the member's contribution
25 for the fund; and
- 26 (2) issue to each member, on behalf of the board, a statement for
27 each contribution deducted.

28 (b) The statement described in subsection (a)(2) is evidence that the
29 member has credit from the fund for payment of the stated contribution.

30 SECTION 15. IC 5-10.4-7-7, AS AMENDED BY P.L.165-2009,
31 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 JULY 1, 2013]: Sec. 7. (a) Not later than January 15, April 15, July 15,
33 and October 15 of each year or an alternate due date established by the
34 rules of the board, the treasurer of a school corporation, the township
35 trustee, or the appropriate officer of any other institution covered by the
36 fund shall make a report to the board on a form furnished by the board
37 and within the time set by the board. Amendatory reports to correct
38 errors or omissions may be required and made.

39 (b) The report required by subsection (a) must include:

- 40 (1) the name of each member employed in the preceding reporting
41 period, except substitute teachers;
- 42 (2) the total salary and other compensation paid for personal
43 services to each member in the reporting period;
- 44 (3) the sum of contributions made for or by each member, except
45 for a retired member who may not make contributions during a
46 period of reemployment as provided under ~~IC 5-10.2-4-8(d)~~;
47 **IC 5-10.2-4-8(e)**;
- 48 (4) the sum of employer contributions made by the school
49 corporation or other institution, except for a retired member for
50 whom or on whose behalf an employer may not make

1 contributions during a period of reemployment as provided under
2 ~~IC 5-10.2-4-8(d)~~; **IC 5-10.2-4-8(e)**;
3 (5) the number of days each member received salary or other
4 compensation for teaching services; and
5 (6) any other information that the board determines necessary for
6 the effective management of the fund.
7 (c) As often as the board determines necessary, the board may
8 review or cause to be reviewed the pertinent records of any public
9 entity contributing to the fund under this article.
(Reference is to ESB 526 as reprinted March 12, 2013.)

Conference Committee Report
on
Engrossed Senate Bill 526

Signed by:

Senator Boots
Chairperson

Representative Burton

Senator Tallian

Representative Niezgodski

Senate Conferees

House Conferees