

Adopted	Rejected
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COMMITTEE REPORT

YES:	12
NO:	1

MR. SPEAKER:

Your Committee on Employment, Labor and Pensions, to which was referred Senate Bill 248, 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 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning state
- 3 pensions and wage payment and wage claims.
- 4 Page 1, between the enacting clause and line 1, begin a new
- 5 paragraph and insert:
- 6 "SECTION 1. IC 2-3.5-5-9 IS AMENDED TO READ AS
- 7 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 9. All benefits and
- 8 assets in the defined contribution fund are exempt from levy, sale,
- 9 garnishment, attachment, or other legal process, **except for a qualified**
- 10 **domestic relations order**. However, a participant's benefits may be
- 11 transferred to reimburse the state for loss resulting from the participant's
- 12 criminal taking of state property if the board receives adequate proof of
- 13 the loss. The loss must be proven by conviction of a felony or
- 14 misdemeanor.
- 15 SECTION 2. IC 2-3.5-5-10 IS AMENDED TO READ AS
- 16 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 10. A participant or

1 beneficiary may not assign any payment under this chapter except for:

2 (1) premiums on a life, hospitalization, surgical, or medical group
3 insurance plan maintained in part by a state agency; ~~and~~

4 (2) dues to an association that proves to the board's satisfaction
5 that the association has as members at least twenty percent (20%)
6 of the retired participants in the legislators' defined benefit plan;

7 **or**

8 **(3) a payment made under a qualified domestic relations**
9 **order."**

10 Page 3, after line 18, begin a new paragraph and insert:

11 "SECTION 4. IC 11-10-6-12 IS ADDED TO THE INDIANA
12 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
13 [EFFECTIVE UPON PASSAGE]: **Sec. 12. An offender employed in**
14 **accordance with this chapter is subject to IC 22-2-5-3 and**
15 **IC 22-2-9-8.**

16 SECTION 5. IC 11-10-7-3 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Any
18 agreement entered into between the commissioner and a private person
19 under this chapter must provide that an offender employed by a private
20 person under this chapter will be paid at least the prevailing wage for
21 that type of work as established by the department of workforce
22 development, including applicable wage increases for overtime work.

23 (b) An offender may be employed under this chapter only on a
24 voluntary basis and only after the offender has been informed of the
25 conditions of the offender's employment.

26 (c) An offender employed under this chapter is not eligible for
27 unemployment compensation benefits under workforce development
28 laws.

29 **(d) An offender employed in accordance with this chapter is**
30 **subject to IC 22-2-5-3 and IC 22-2-9-8.**

31 SECTION 6. IC 22-2-5-3 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. ~~Farmers and~~
33 ~~those engaged in the business of agriculture and horticulture~~ **The**
34 **following** shall be specifically exempt from the provisions of this
35 chapter:

36 **(1) Farmers and those engaged in the business of agriculture**
37 **and horticulture.**

38 **(2) Criminal offenders in a facility operated by the**

1 **department of correction (as established by IC 11-8-2-1) or**
2 **operated by a private operator under contract with the**
3 **department of correction.**

4 SECTION 7. IC 22-2-9-8 IS ADDED TO THE INDIANA CODE
5 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
6 **UPON PASSAGE]: Sec. 8. Criminal offenders in a facility operated**
7 **by the department of correction (as established by IC 11-8-2-1) or**
8 **operated by a private operator under contract with the department**
9 **of correction are specifically exempt from this chapter.**

10 SECTION 8. **An emergency is declared for this act."**

11 Renumber all SECTIONS consecutively.

(Reference is to SB 248 as printed January 25, 2013.)

and when so amended that said bill do pass.

Representative Gutwein