Adopted	Rejected

COMMITTEE REPORT

YES: 12
NO: 0

MR. SPEAKER:

Your Committee on **Employment, Labor and Pensions**, to which was referred House Bill 1057, 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:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 33-39-7-0.1, AS ADDED BY P.L.220-2011, SECTION 543, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 0.1. The amendments made to sections 15, 16, and 19 of this chapter by P.L.33-2006 apply to a participant in the fund who:

(1) is serving on July 1, 2006; or

(2) ~~begins service~~ **serves** after July 1, 2006;

in a position described in section 8 of this chapter.

SECTION 2. IC 33-39-7-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 8. (a) As used in this chapter, "services" means the ~~period beginning on the first day upon~~ **sum of all periods in** which a person ~~first became:~~ **is employed as:**

(1) a prosecuting attorney or chief deputy prosecuting attorney;

(2) any other deputy prosecuting attorney who is:

(A) appointed under IC 33-39-6-2; and

(B) paid by the state from the state general fund; or

(3) the executive director or the assistant executive director of the prosecuting attorneys council of Indiana.

~~whether that date is before, on, or after January 1, 1990, and ending on the date under consideration, including all intervening employment in a position described in subdivisions (1) through (3).~~ If an individual is elected or appointed to a position described in subdivisions (1) through (3) and serves one (1) or more terms or part of a term, then retires from office **or otherwise separates from service,** but at a later period or periods is appointed or elected and serves in a position described in subdivisions (1) through (3), the individual shall pay into the fund during all the periods that the individual serves in that position, except as otherwise provided in this chapter, whether the periods are connected or disconnected.

(b) A senior prosecuting attorney appointed under IC 33-39-1 is not required to pay into the fund during any period of service as a senior prosecuting attorney.".

Page 2, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 4. IC 33-39-7-13, AS AMENDED BY P.L.16-2011, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 13. (a) A participant who:

(1) ceases service in a position described in section 8 of this chapter, other than by death or disability; and

(2) is not eligible for a retirement benefit under this chapter;

is entitled to withdraw from the fund, beginning on the date specified by the participant in a written application. The date upon which the withdrawal begins may not be before the date of final termination of employment or the date thirty (30) days before the receipt of the application by the board. Upon withdrawal the participant is entitled to receive the total sum contributed plus interest at a rate specified by rule by the board, payable not later than sixty (60) days from the date of the withdrawal application.

(b) Notwithstanding section 8 of this chapter, a participant who withdraws from the fund under subsection (a) and becomes a participant again at a later date is not entitled to service credit for years of service before the withdrawal, **unless the participant pays into the fund the full amount received by the participant when the**

participant withdrew from the fund. The board shall grant a participant service credit for years of service by the participant before the participant's withdrawal from the fund if the participant makes the repayment required by this subsection in a lump sum or a series of payments determined by the board, not exceeding five (5) annual installments.".

Page 2, line 27, strike "or".

Page 2, between lines 29 and 30, begin a new line double block indented and insert:

"**(B) is at least fifty-five (55) years of age and the participant's age in years plus the participant's years of service is at least eighty-five (85); or**".

Page 2, line 30, delete "(B)" and insert "**(C)**".

Page 2, delete lines 34 through 42, begin a new paragraph and insert:

"SECTION 6. IC 33-39-7-16, AS AMENDED BY P.L.16-2011, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 16. (a) This section does not apply to a participant who ~~meets the requirements for disability benefits under~~ **becomes permanently disabled, as described in** section 17 of this chapter.

(b) A participant who:

(1) applies for a retirement benefit; and

(2) is at least:

(A) sixty-five (65) years of age; or

(B) fifty-five (55) years of age and the participant's age in years plus the participant's years of service is at least eighty-five (85);

is entitled to an annual retirement benefit as calculated in subsection (c).

~~(b)~~ **(c)** Except as provided in ~~subsections (c) and (d),~~ **subsection (e),** the amount of the annual retirement benefit to which a participant ~~who applies for a retirement benefit and who is at least sixty-five (65) years of age~~ **described in subsection (b)** is entitled equals the product of:

(1) the highest annual salary that was paid to the participant before separation from service; multiplied by

(2) the percentage prescribed in the following table:

Participant's Years of Service	Percentage

Less than 8	0
8	24%
9	27%
10	30%
11	33%
12	50%
13	51%
14	52%
15	53%
16	54%
17	55%
18	56%
19	57%
20	58%
21	59%
22 ~~or more~~ **through 28**	60%
29 through 35	**65%**
36 or more	**70%**

If a participant has a partial year of service in addition to at least eight (8) full years of service, an additional percentage is calculated under this subsection by prorating between the applicable percentages, based on the number of months in the partial year of service.

~~(c)~~ ~~If~~ **(d) Except as provided in subsection (e) and section 19(c)(2)(B) of this chapter,** a participant who:

(1) applies for a retirement benefit; **and**

(2) is not ~~at least sixty-five (65) years of age; the participant~~ **described in subsection (b);**

is entitled to receive a reduced annual retirement benefit that equals the benefit that would be payable if the participant were sixty-five (65) years of age reduced by one-fourth percent (0.25%) for each month that the participant's age at retirement precedes the participant's sixty-fifth birthday.

~~(d)~~ **(e)** Benefits payable to a participant under this section are reduced by the pension, if any, that would be payable to the participant from the public employees' retirement fund if the participant had retired from the public employees' retirement fund on the date of the participant's retirement from the prosecuting attorneys retirement fund.

Benefits payable to a participant under this section are not reduced by annuity payments made to the participant from the public employees' retirement fund.

~~(e)~~ **(f)** If benefits payable from the public employees' retirement fund exceed the benefits payable from the prosecuting attorneys retirement fund, the participant is entitled at retirement to withdraw from the prosecuting attorneys retirement fund the total sum contributed plus interest at a rate specified by rule by the board.".

Delete page 3.

Page 4, delete lines 1 through 3.

Page 5, line 1, delete "is at least sixty-five" and insert "**is:**

(1) at least sixty-five (65) years of age; or

(2) at least fifty-five (55) years of age and the participant's age in years plus the participant's years of service is at least eighty-five (85).".

Page 5, delete line 2.

Page 5, delete lines 9 through 42, begin a new paragraph and insert:

"SECTION 8. IC 33-39-7-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 18. (a) Except as provided in subsection (b), ~~the amount of the annual benefit payable to~~ a participant who ~~meets the requirements for disability benefits under section 17 of this chapter~~ **becomes permanently disabled, as described in section 17 of this chapter,** is **entitled to an annual benefit** equal to the product of:

(1) the annual salary that was paid to the participant at the time of separation from service; multiplied by

(2) the percentage prescribed in the following table:

Participant's Years of Service	Percentage
~~Less than 5~~	~~0~~
~~5-10~~ **0-10**	~~40%~~ **50%**
11	~~41%~~ **51%**
12	~~42%~~ **52%**
13	~~43%~~ **53%**
14	~~44%~~ **54%**
15	~~45%~~ **55%**
16	~~46%~~ **56%**
17	~~47%~~ **57%**

18	~~48%~~ **58%**
19	~~49%~~ **59%**
20 or more	~~50%~~ **60%**

If a participant has a partial year of service in addition to at least ten (10) years of service, an additional percentage is calculated under this subsection by prorating between the applicable percentages, based on the number of months in the partial year of service.

(b) Benefits payable to a participant under this section are reduced by the amounts, if any, that are payable to the participant from the public employees' retirement fund.

SECTION 9. IC 33-39-7-19, AS AMENDED BY P.L.33-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 19. **(a) A participant may designate the participant's surviving spouse or one (1) or more of the participant's surviving dependent children to receive the benefit provided by this section upon the death of the participant. A participant may designate a trust or a custodian account under IC 30-2-8.5 that is established for one (1) or more of the participant's surviving dependent children to receive the benefit provided by this section instead of designating one (1) or more of the participant's surviving dependent children to receive the benefit directly.**

~~(a)~~ **(b)** ~~The surviving spouse of~~ **If** a participant: ~~who:~~

(1) dies; and

(2) on the date of death:

(A) was receiving benefits under this chapter;

(B) **was in service in a position described in section 8 of this chapter and** had completed at least eight (8) years of service in a position described in section 8 of this chapter; ~~or~~

(C) ~~met the requirements for~~ **had a permanent** disability ~~benefits under~~ **as described in** section 17 of this chapter; **or**

(D) was not in service in a position described in section 8 of this chapter, had completed at least eight (8) years of service in a position described in section 8 of this chapter, and was entitled to a future benefit;

the participant's beneficiary designated under subsection (a) is entitled, regardless of the participant's age, to the benefit prescribed by

subsection ~~(b).~~ **(c).**

~~(b)~~ **(c)** The ~~surviving spouse~~ **amount of the annual benefit payable to a beneficiary to whom subsection (b) applies** is ~~entitled to a benefit for life~~ equal to the greater of:

(1) ~~seven~~ **twelve** thousand dollars ~~($7,000);~~ **($12,000);** or

(2) fifty percent (50%) of the amount of retirement benefit:

(A) the participant was drawing at the time of death; or

(B) to which the participant would have been entitled had the participant retired and begun receiving retirement benefits on the date of death. ~~with reductions as necessary under~~ **However, the reduction described in** section ~~16(c)~~ **16(d)** of this chapter **does not apply to the calculation of a survivor benefit under this clause.**

(d) A benefit payable under this section is subject to the following:

(1) A surviving spouse designated as the beneficiary under subsection (a) is entitled to receive the benefit for life.

(2) The total monthly benefit payable to a surviving child or children is equal to the same monthly benefit that was to have been payable to the surviving spouse.

(3) If there is more than one (1) child designated by the participant, the children are entitled to share the benefit in equal monthly amounts.

(4) A child entitled to a benefit shall receive that child's share until the child becomes eighteen (18) years of age or during the entire period of the child's physical or mental disability, whichever period is longer.

(5) Upon the cessation of benefits to one (1) designated child, if there are one (1) or more other children then surviving and still entitled to benefits, the remaining children shall share the benefit equally. If the surviving spouse of the participant is surviving upon the cessation of benefits to all designated children, the surviving spouse shall then receive the benefit for the remainder of the spouse's life.

(6) The benefit is payable to the participant's surviving spouse if any of the following occur:

(A) No child or children named as a beneficiary by the participant survive the participant.

1 **(B) No child or children designated by the participant is or**
2 **are entitled to a benefit due to the age of the child or**
3 **children at the time of death of the participant.**
4 **(C) A designation is not made.**
5 ~~(c)~~ **(e)** Benefits payable to a ~~surviving~~ ~~spouse~~ **designated**
6 **beneficiary** under this section are reduced by the amounts, if any, that
7 are payable to the surviving spouse **or the surviving dependent**
8 **children** from the public employees' retirement fund as a result of the
9 participant's death.".
10 Delete page 6.
11 Page 7, delete lines 1 through 27.
12 Renumber all SECTIONS consecutively.
(Reference is to HB 1057 as introduced.)

and when so amended that said bill do pass.

_____
Representative Gutwein