

#### **IC 5-10.1-4**

#### Chapter 4. Coverage of Members of Retirement Systems

#### **IC 5-10.1-4-1**

##### **Referenda**

Sec. 1. The governor may conduct separate referenda for each of the following retirement systems to determine whether the positions covered by the systems will be included in the agreement:

- (1) the Indiana state teachers' retirement fund;
- (2) the public employees' retirement fund;
- (3) each retirement system established by a state educational institution; and
- (4) each other retirement system which is financially supported by a political subdivision if the board or governing body administering the retirement system requests a referendum.

*As added by Acts 1977, P.L.53, SEC.1. Amended by P.L.2-2007, SEC.88.*

#### **IC 5-10.1-4-2**

##### **Procedure for referenda**

Sec. 2. (a) Each referendum shall be conducted in compliance with section 218(d) of the Social Security Act.

(b) The governor may designate the board or governing body administering the affairs of each retirement system, or the board of trustees in the case of state educational institutions, as the agency to conduct the referendum for the system.

(c) Each board or governing body shall pay the expenses of the referendum for the system it administers, except that:

- (1) the expenses of the referendum for a political subdivision participating in the public employees' retirement fund shall be paid by the political subdivision; and
- (2) the expenses of the referendum for a state educational institution shall be paid by the institution.

*As added by Acts 1977, P.L.53, SEC.1. Amended by P.L.2-2007, SEC.89.*

#### **IC 5-10.1-4-3**

##### **Referenda for public employees' retirement fund**

Sec. 3. Referenda for Public Employees' Retirement Fund. (a) Separate referenda must be conducted for state employees and for employees of each participating political subdivision who are members of the public employees' retirement fund.

(b) Members of the public employees' retirement fund who are classified as federal employees by the secretary of agriculture of the United States and who participate in the federal civil service retirement system may not vote in any referendum.

*As added by Acts 1977, P.L.53, SEC.1.*

#### **IC 5-10.1-4-4**

##### **Effect of affirmative vote in referenda**

Sec. 4. Effect of Affirmative Vote in Referenda. (a) If a majority of the employees in a retirement system vote in the affirmative in the referendum, the governor shall:

(1) certify to the secretary of health, education and welfare of the United States that the conditions prescribed by the Social Security Act have been met; and

(2) notify the state agency of the certification.

(b) The state agency shall then request a modification of the agreement by the federal administration to include service in positions covered by these retirement systems.

(c) The state agency, or the governing body for a political subdivision, may request that the modification not include the following positions covered by a retirement system:

(1) services of an emergency nature;

(2) elective positions;

(3) part-time positions;

(4) positions, the compensation for which is paid on a fee basis;

(5) agricultural labor; and

(6) service performed by a student, if the service would be excluded if done for a private employer.

*As added by Acts 1977, P.L.53, SEC.1.*

#### **IC 5-10.1-4-5**

##### **Effect of negative vote in referenda**

Sec. 5. Effect of Negative Vote in Referenda. (a) If in a referendum the vote of the majority is negative, no member of the retirement system may be included in a modification of the agreement.

(b) A subsequent referendum may be conducted upon the request of the board or governing body. However, no subsequent referendum may be conducted until one (1) year after a prior referendum.

*As added by Acts 1977, P.L.53, SEC.1.*

#### **IC 5-10.1-4-6**

##### **Effective date of modification**

Sec. 6. (a) The effective date of a modification of the agreement must be determined by resolution of the board of each of the following retirement systems:

(1) the public employees' retirement fund;

(2) the Indiana state teachers' retirement fund; and

(3) any retirement system established by a state educational institution.

For political subdivisions the governing body shall determine the effective date by resolution. The effective date may be made retroactive to the extent permitted by federal law.

(b) The effective date of a modification for employees of political subdivisions with retirement systems which are not covered by subsection (a) of this section may be January 1, 1955, or any subsequent January 1.

*As added by Acts 1977, P.L.53, SEC.1. Amended by P.L.2-2007,*

*SEC.90.*