

## **IC 5-10.3-11**

### **Chapter 11. Pension Relief Fund**

#### **IC 5-10.3-11-0.3**

##### **Reduction of property tax levies relating to state payment of certain retirement fund benefits**

Sec. 0.3. For property taxes first due and payable after December 31, 2008, the department of local government finance shall reduce the maximum permissible ad valorem property tax levy of any civil taxing unit and special service district by the amount of the payment to be made in 2009 by the state of Indiana under this chapter, as amended by P.L.146-2008, for benefits to members (and survivors and beneficiaries of members) of the 1925 police pension fund, the 1937 firefighters' fund, or the 1953 police pension fund.

*As added by P.L.220-2011, SEC.83.*

#### **IC 5-10.3-11-1**

##### **Creation; administration; revenues**

Sec. 1. There is created within the public employees' retirement fund a separate account known as the pension relief fund. This fund is administered by the board of trustees of the Indiana public retirement system, referred to as the "state board" in this chapter. The pension relief fund consists of revenues received under IC 6-7-1-28.1(4), IC 7.1-4-12-1, any appropriations to the fund, and earnings on these revenues.

*As added by Acts 1980, P.L.8, SEC.45. Amended by P.L.26-1996, SEC.3; P.L.23-2011, SEC.20.*

#### **IC 5-10.3-11-2**

##### **Powers and duties of state board**

Sec. 2. The state board shall:

- (1) make payments from the pension relief fund;
- (2) administer the pension relief fund in accordance with the powers and duties granted it in IC 5-10.3-3-7, IC 5-10.3-3-8, and IC 5-10.3-5-3 through IC 5-10.3-5-6; and
- (3) provide by rule and regulation for the implementation of this chapter.

*As added by Acts 1980, P.L.8, SEC.45.*

#### **IC 5-10.3-11-3**

##### **Payments to units of local government; restriction**

Sec. 3. The pension relief fund may be used only for making payments to cities, counties, towns, and townships, referred to as "units of local government" in this chapter, having pension funds established under IC 18-1-12, IC 19-1-18, IC 19-1-24, IC 19-1-25-4, IC 19-1-30, IC 19-1-37, or IC 19-1-44 (all before their repeal). Payments received by the units may be used only for:

- (1) pension payments from a pension fund listed in this section;
- or
- (2) withdrawals under section 6 of this chapter.

*As added by Acts 1980, P.L.8, SEC.45. Amended by P.L.182-2009(ss), SEC.74.*

#### **IC 5-10.3-11-4**

##### **Certification of information to state board; determination of total pension payments**

Sec. 4. (a) Monies from the pension relief fund shall be paid annually by the state board under the procedures specified in this section.

(b) Each year, before a date set by the state board, each unit of local government must certify to the state board:

- (1) the amount of payments made during the preceding year for benefits under its pension funds covered by this chapter, referred to in this section as "pension payments";
- (2) the data determined necessary by the state board to perform an actuarial valuation of the unit's pension funds covered by this chapter;
- (3) the names required to prepare the list specified in subsection (c); and
- (4) any other information that is necessary for the state board to make distributions to units under this chapter.

A unit is ineligible to receive a distribution under this section if it does not supply the complete information required by this subsection or a substantial amount of the information required if it is accompanied by an affidavit of the chief executive officer of the unit detailing the steps which have been taken to obtain the information and the reasons the complete information has not been obtained. This subsection supersedes the reporting requirement of IC 5-10-1.5 as it applies to pension funds covered by this chapter.

(c) Each year, before a date set by the state board, the state board shall prepare a list of all police officers and firefighters, active, retired, and deceased if their beneficiaries are eligible for benefits, who are members of a police or fire pension fund that was established before May 1, 1977. The list may not include police officers, firefighters, or their beneficiaries for whom no future benefits will be paid. The state board shall then compute the present value of the accrued liability to provide the pension and other benefits to each person on the list.

(d) Each year, before a date set by the state board, the state board shall determine the total pension payments made by all units of local government for the preceding year and shall estimate the total pension payments to be made to all units in the calendar year in which the July 1 occurs and in the following calendar year.

*As added by Acts 1980, P.L.8, SEC.45. Amended by Acts 1982, P.L.39, SEC.1; P.L.25-1994, SEC.8; P.L.26-1996, SEC.4; P.L.38-2001, SEC.1; P.L.146-2008, SEC.35.*

#### **IC 5-10.3-11-4.5**

##### **Repealed**

*(Repealed by P.L.146-2008, SEC.814.)*

#### **IC 5-10.3-11-4.7**

##### **Distributions to units of local government**

Sec. 4.7. (a) In 2009 and each year thereafter, the state board shall distribute from the pension relief fund to each unit of local government the total amount of pension, disability, and survivor benefit payments from the 1925 police pension fund (IC 36-8-6), the 1937 firefighters' pension fund (IC 36-8-7), and the 1953 police pension fund (IC 36-8-7.5) to be made by the unit in the calendar year, as estimated by the state board under section 4 of this chapter.

(b) The state board shall make the distributions under subsection (a) in two (2) equal installments before July 1 and before October 2 of each year.

*As added by P.L.38-2001, SEC.2. Amended by P.L.28-2006, SEC.1; P.L.234-2007, SEC.277; P.L.146-2008, SEC.36; P.L.115-2010, SEC.4.*

#### **IC 5-10.3-11-5**

##### **Annual report**

Sec. 5. At least annually the state board shall report in writing to each affected unit of local government the following information:

(1) The projected pension payments for the next twenty (20) years.

(2) The present value of the total future projected pension payments.

*As added by Acts 1980, P.L.8, SEC.45. Amended by P.L.47-1985, SEC.7; P.L.26-1996, SEC.5.*

#### **IC 5-10.3-11-6**

##### **Separate accounts**

Sec. 6. (a) The state board shall maintain separate accounts for each unit of local government for purposes of this section. The accounts are separate and distinct accounts within the public employees' retirement fund and the pension relief fund.

(b) A unit of local government may do the following:

(1) Make deposits at any time to the separate account established for the unit under this section.

(2) Withdraw once each year from the unit's separate account all or a part of the balance in the account to pay pension benefits under IC 36-8-6, IC 36-8-7, or IC 36-8-7.5.

(3) Direct the state board at any time to pay from the unit's separate account all or a part of either or both of the following:

(A) The unit's employer contributions under IC 36-8-8-6.

(B) The contributions paid by the unit for a member under IC 36-8-8-8(a).

*As added by P.L.38-2001, SEC.3. Amended by P.L.146-2008, SEC.37; P.L.182-2009(ss), SEC.75.*