

SENATE BILL No. 181

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-10-5.5.

Synopsis: Survivors' benefits. Provides that a participant in the state excise police, gaming agent, gaming control officer, and conservation enforcement officers' retirement plan (EG&C plan) who dies after January 31, 2018, is not required to have a minimum number of years of creditable service in the EG&C plan at the time of the participant's death in order for the participant's nominated survivor to be entitled to receive survivors' benefits. Provides that if a participant in the EG&C plan dies in the line of duty after January 31, 2018, the participant's nominated survivor is entitled to an annual survivors' allowance for life equal to 100% of the amount to which the participant would have been entitled had the participant retired with 25 years of service at 50 years of age. Provides that if a participant in the EG&C plan dies other than in the line of duty after January 31, 2018, the participant's nominated survivor is entitled to an annual survivors' allowance for life equal to 50% of the amount to which the participant would have been entitled had the participant retired with 25 years of service at 50 years of age. Makes technical corrections. (The introduced version of this bill was prepared by the interim study committee on pension management oversight.)

Effective: February 1, 2018 (retroactive); July 1, 2018 (retroactive).

Sandlin, Boots

January 6, 2020, read first time and referred to Committee on Pensions and Labor.



Second Regular Session of the 121st General Assembly (2020)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2019 Regular Session of the General Assembly.

SENATE BILL No. 181

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 5-10-5.5-0.1, AS ADDED BY P.L.220-2011,
2 SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 FEBRUARY 1, 2018 (RETROACTIVE)]: Sec. 0.1. (a) As used in this
4 section, "plan" refers to the state excise police, gaming agent, gaming
5 control officer, and conservation enforcement officers' retirement plan
6 established by section 2 of this chapter.
7 (b) The following amendments to this chapter apply as follows:
8 (1) The addition of section 7.5 of this chapter by P.L.180-2007
9 applies after June 30, 2007, to active participants of the plan.
10 (2) The amendments made to section 8 of this chapter by
11 P.L.180-2007 apply after June 30, 2007, to active participants of
12 the plan.
13 (3) The amendments made to sections 10, 11, and 12 of this
14 chapter by P.L.180-2007 apply to participants of the plan who
15 retire after June 30, 2007.
16 (4) The amendments made to sections 7 and 13.5 of this chapter
17 by P.L.180-2007 apply to participants of the plan who become



1 disabled after June 30, 2007.

2 (5) The addition of section 22 of this chapter by P.L.128-2008
3 applies only to a participant in the plan who is in active service
4 after June 30, 2008.

5 (6) The amendments made to sections 9 and 10 of this chapter by
6 P.L.128-2008 apply only to a participant in the plan who is in
7 active service after June 30, 2008.

8 **(c) Notwithstanding any other law, if a participant dies in the**
9 **line of duty after January 31, 2018, and before April 1, 2020, and**
10 **a survivors' benefit is paid under section 17(b) of this chapter to**
11 **the participant's survivor, either:**

12 **(1) the survivor may repay the full amount distributed under**
13 **section 17(b) of this chapter and the board shall provide the**
14 **full annual survivors' allowance allowed under section 16.6 of**
15 **this chapter; or**

16 **(2) the board may adjust the amount of the full annual**
17 **survivors' allowance allowed under section 16.6 of this**
18 **chapter to account for any amount distributed under section**
19 **17(b) of this chapter.**

20 SECTION 2. IC 5-10-5.5-1, AS AMENDED BY P.L.35-2012,
21 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 FEBRUARY 1, 2018 (RETROACTIVE)]: Sec. 1. ~~As used in~~ **The**
23 **following definitions apply throughout** this chapter, ~~and~~ unless the
24 context clearly denotes otherwise:

25 **(1) "Americans with Disabilities Act" refers to the Americans**
26 **with Disabilities Act (42 U.S.C. 12101 et seq.) and any**
27 **amendments and regulations related to the Act.**

28 **(2) "Average annual salary" means the average annual salary**
29 **of an officer during the five (5) years of highest annual salary**
30 **in the ten (10) years immediately preceding an officer's**
31 **retirement date, determined without regard to any salary**
32 **reduction agreement established under Section 125 of the**
33 **Internal Revenue Code.**

34 ~~(+)~~ **(3) "Board" refers to the board of trustees of the Indiana public**
35 **retirement system established by IC 5-10.5-3-1.**

36 **(4) "Commission" means the alcohol and tobacco commission.**

37 ~~(2)~~ **(5) "Department" means the Indiana department of natural**
38 **resources.**

39 ~~(3)~~ **"Commission" means the alcohol and tobacco commission.**

40 **(6) "Dies in the line of duty" means death that occurs as a**
41 **direct result of personal injury or illness caused by incident,**
42 **accident, or violence that results from any action that the**



1 participant, in the participant's capacity as an officer:

2 (A) is obligated or authorized by rule, regulation, condition
3 of employment or service, or law to perform; or

4 (B) performs in the course of controlling or reducing crime
5 or enforcing the criminal law.

6 The term includes a death presumed incurred in the line of
7 duty under IC 5-10-13 for an officer who is an Indiana state
8 excise police officer or an Indiana state conservation
9 enforcement officer.

10 (7) "Interest" means the rate of interest specified by rule by
11 the board of trustees of the Indiana public retirement system
12 established by IC 5-10.5-3-1.

13 ~~(4)~~ (8) "Officer" means any Indiana state excise police officer, any
14 Indiana state conservation enforcement officer, any gaming agent,
15 or any gaming control officer.

16 ~~(5)~~ (9) "Participant" means any officer who has elected to
17 participate in the retirement plan created by this chapter.

18 ~~(6)~~ "Salary" means the total compensation, exclusive of expense
19 allowances, paid to any officer by the department or the
20 commission, determined without regard to any salary reduction
21 agreement established under Section 125 of the Internal Revenue
22 Code.

23 ~~(7)~~ "Average annual salary" means the average annual salary of
24 an officer during the five (5) years of highest annual salary in the
25 ten (10) years immediately preceding an officer's retirement date,
26 determined without regard to any salary reduction agreement
27 established under Section 125 of the Internal Revenue Code.

28 ~~(8)~~ (10) "Public employees' retirement act" means IC 5-10.3.

29 ~~(9)~~ (11) "Public employees' retirement fund" means refers to the
30 public employees' retirement fund created by IC 5-10.3-2.

31 ~~(10)~~ "Interest" means the rate of interest specified by rule by the
32 board of trustees of the Indiana public retirement system
33 established by IC 5-10.5-3-1.

34 ~~(11)~~ "Americans with Disabilities Act" refers to the Americans
35 with Disabilities Act (42 U.S.C. 12101 et seq.) and any
36 amendments and regulations related to the Act.

37 (12) "Salary" means the total compensation, exclusive of
38 expense allowances, paid to any officer by the department or
39 the commission, determined without regard to any salary
40 reduction agreement established under Section 125 of the
41 Internal Revenue Code.

42 ~~(12)~~ (13) Other words and phrases when used in this chapter



1 shall; for the purposes of this chapter; have the meanings
2 respectively ascribed to them as set forth in IC 5-10.3-1.

3 SECTION 3. IC 5-10-5.5-15, AS AMENDED BY P.L.136-2018,
4 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2018 (RETROACTIVE)]: Sec. 15. **(a) This subsection
6 applies to participants who die before February 1, 2018.** Surviving
7 mothers, fathers, surviving spouses or unmarried children under the age
8 of eighteen (18) years, of participants who have accrued at least fifteen
9 (15) years of creditable service and who die, shall be entitled to receive
10 survivors' benefits in the amount provided in this chapter. ~~Survivor's~~
11 **Survivors'** benefits shall be paid to such of the above enumerated
12 persons as the participant shall nominate by written direction duly
13 acknowledged and filed with the board.

14 **(b) This subsection applies to participants who die after January
15 31, 2018. Only surviving mothers, fathers, surviving spouses, or
16 unmarried children under the age of eighteen (18) years of
17 participants who die are eligible to receive survivors' benefits in
18 the amount provided by this chapter. Survivors' benefits shall be
19 paid to those eligible persons whom the participant nominates by
20 written direction duly acknowledged and filed with the board.**

21 SECTION 4. IC 5-10-5.5-16 IS AMENDED TO READ AS
22 FOLLOWS [EFFECTIVE FEBRUARY 1, 2018 (RETROACTIVE)]:
23 Sec. 16. **(a) This section applies to participants who die before
24 February 1, 2018.**

25 **(b)** Benefits provided under this section are subject to section 2.5 of
26 this chapter.

27 ~~(b)~~ **(c)** A surviving mother or father nominated by the participant to
28 receive survivors' benefits under the provisions of this chapter shall be
29 entitled to an annual survivors' allowance for life equal to fifty percent
30 (50%) of the amount the participant would have been entitled to if ~~he~~
31 **the participant** had retired.

32 ~~(c)~~ **(d)** A surviving spouse nominated by the participant to receive
33 survivors' benefits under the provisions of this chapter shall be entitled
34 to an annual survivors' allowance equal to fifty percent (50%) of the
35 amount the participant would have been entitled to if ~~he or she~~ **the**
36 **participant** had retired. In the case of a surviving spouse who is more
37 than five (5) years younger than the deceased participant at the time of
38 the participant's death, the amount of the annual survivors' allowance
39 shall be reduced actuarially, without regard to the sex of the spouse or
40 the participant. In all cases the survivors' allowance to a surviving
41 spouse shall cease with the last payment prior to the surviving spouse's
42 death.



1 (Ⓣ) (e) A surviving child eligible and nominated by the participant
 2 to receive survivors' benefits under the provisions of this chapter shall
 3 be entitled to an annual survivors' allowance equal to fifty percent
 4 (50%) of the amount the participant would have been entitled to if ~~he~~
 5 **the participant** had retired. If more than one (1) surviving child is
 6 eligible and nominated to receive survivors' benefits, the annual
 7 allowance shall be divided equally between or among such children. In
 8 all cases, the survivors' allowance to a child shall cease when the child
 9 attains the age of eighteen (18) years or marries, whichever occurs first.
 10 Where a survivors' allowance is divided between or among more than
 11 one (1) child, and payments to one (1) or more children cease, the total
 12 annual allowance payable shall be divided evenly among or between
 13 such of the remaining children who are eligible therefor.

14 (Ⓣ) (f) In the event that no nomination is made by an eligible
 15 participant, or in the event that the nominated survivor predeceases the
 16 participant and no contingent survivor is nominated and an eligible
 17 participant dies, no survivors' allowance shall be payable. In such case,
 18 the board shall make a lump sum payment to the estate of the deceased
 19 participant equal to the total of all funds standing to the credit of the
 20 participant in the participant's savings fund plus accumulated interest
 21 thereon.

22 (Ⓣ) (g) A survivor's allowance under this section that was terminated
 23 because of a surviving spouse's remarriage shall be reinstated on July
 24 1, 1997, and continue during the life of the surviving spouse.

25 SECTION 5. IC 5-10-5.5-16.3 IS ADDED TO THE INDIANA
 26 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
 27 **[EFFECTIVE FEBRUARY 1, 2018 (RETROACTIVE)]: Sec. 16.3. (a)**
 28 **This section applies to a participant who dies other than in the line**
 29 **of duty after January 31, 2018.**

30 **(b) Benefits provided under this section are subject to section**
 31 **2.5 of this chapter.**

32 **(c) A surviving mother or father nominated by the participant**
 33 **to receive survivors' benefits under the provisions of this chapter**
 34 **is entitled to an annual survivors' allowance for life equal to fifty**
 35 **percent (50%) of the amount to which the participant would have**
 36 **been entitled if the participant had retired with twenty-five (25)**
 37 **years of service at fifty (50) years of age.**

38 **(d) A surviving spouse nominated by the participant to receive**
 39 **survivors' benefits under the provisions of this chapter is entitled**
 40 **to an annual survivors' allowance equal to fifty percent (50%) of**
 41 **the amount to which the participant would have been entitled if the**
 42 **participant had retired with twenty-five (25) years of service at**



1 fifty (50) years of age. A survivors' allowance payable to a
2 surviving spouse under this subsection ends with the last payment
3 before the surviving spouse's death.

4 (e) An eligible surviving child who is nominated by the
5 participant to receive survivors' benefits under this chapter is
6 entitled to an annual survivors' allowance equal to fifty percent
7 (50%) of the amount to which the participant would have been
8 entitled if the participant had retired with twenty-five (25) years of
9 service at fifty (50) years of age. If more than one (1) eligible
10 surviving child is nominated to receive survivors' benefits, the
11 annual survivors' allowance shall be divided equally between or
12 among the eligible surviving children who were nominated to
13 receive survivors' benefits. A survivors' allowance to a child ends
14 when the child attains the age of eighteen (18) years or marries,
15 whichever occurs first. If a survivors' allowance is divided between
16 or among more than one (1) child, and payments to one (1) or more
17 children receiving the survivor's allowance cease because of the
18 age, marriage, or death of the child, the total annual survivors'
19 allowance payable under this subsection shall be divided evenly
20 among or between the surviving children, if any, who remain
21 eligible to receive the survivors' allowance.

22 SECTION 6. IC 5-10-5.5-16.6 IS ADDED TO THE INDIANA
23 CODE AS A NEW SECTION TO READ AS FOLLOWS
24 [EFFECTIVE FEBRUARY 1, 2018 (RETROACTIVE)]: **Sec. 16.6. (a)**
25 **This section applies to participants who die in the line of duty after**
26 **January 31, 2018.**

27 (b) Benefits provided under this section are subject to section
28 2.5 of this chapter.

29 (c) A surviving mother or father nominated by the participant
30 to receive survivors' benefits under the provisions of this chapter
31 is entitled to an annual survivors' allowance for life equal to one
32 hundred percent (100%) of the amount to which the participant
33 would have been entitled if the participant had retired with
34 twenty-five (25) years of service at fifty (50) years of age.

35 (d) A surviving spouse nominated by the participant to receive
36 survivors' benefits under the provisions of this chapter is entitled
37 to an annual survivors' allowance equal to one hundred percent
38 (100%) of the amount to which the participant would have been
39 entitled if the participant had retired with twenty-five (25) years of
40 service at fifty (50) years of age. A survivors' allowance payable to
41 a surviving spouse under this subsection ends with the last payment
42 before the surviving spouse's death.



1 (e) An eligible surviving child who is nominated by the
 2 participant to receive survivors' benefits under this chapter is
 3 entitled to an annual survivors' allowance equal to one hundred
 4 percent (100%) of the amount to which the participant would have
 5 been entitled if the participant had retired with twenty-five (25)
 6 years of service at fifty (50) years of age. If more than one (1)
 7 eligible surviving child is nominated to receive survivors' benefits,
 8 the annual survivors' allowance shall be divided equally between
 9 or among the eligible surviving children who were nominated to
 10 receive survivors' benefits. A survivors' allowance to a child ends
 11 when the child attains the age of eighteen (18) years or marries,
 12 whichever occurs first. If a survivors' allowance is divided between
 13 or among more than one (1) child, and payments to one (1) or more
 14 children receiving the survivor's allowance cease because of the
 15 age, marriage, or death of the child, the total annual survivors'
 16 allowance payable under this subsection shall be divided evenly
 17 among or between the surviving children, if any, who remain
 18 eligible to receive the survivors' allowance.

19 SECTION 7. IC 5-10-5.5-17 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE FEBRUARY 1, 2018 (RETROACTIVE)]:
 21 Sec. 17. (a) **This section applies to participants who die before**
 22 **February 1, 2018.**

23 (b) Any participant whose employment as an officer is terminated
 24 before accumulating fifteen (15) years of creditable service and before
 25 attaining the age of forty-five (45) years shall be entitled to a lump sum
 26 refund of all contributions standing to ~~his~~ **the participant's** credit in
 27 the participants' savings fund plus accumulated interest thereon.

28 ~~(b)~~ (c) If a participant dies before accumulating fifteen (15) years of
 29 creditable service, all contributions standing to ~~his~~ **the participant's**
 30 credit in the participants' savings fund plus the accumulated interest
 31 thereon shall be paid by the board to the person the participant shall
 32 nominate by written direction duly acknowledged and filed with the
 33 board. The payment may be in the form of a lump sum or a series of
 34 payments, at the discretion of the board.

35 ~~(c)~~ (d) If a participant dies before accumulating fifteen (15) years of
 36 creditable service and has nominated no beneficiary, or in the event
 37 that the participant's nominee predeceases ~~him~~, **the participant**, all
 38 contributions standing to ~~his~~ **the participant's** credit in the
 39 participants' savings fund, plus accumulated interest thereon shall be
 40 paid by the board to the estate of the deceased participant. The payment
 41 may be in the form of a lump sum or a series of payments, at the
 42 discretion of the board.



1 ~~(d)~~ **(e)** If a participant terminates **his the participant's** employment
 2 after accumulating fifteen (15) years of creditable service, but before
 3 becoming eligible for any benefits under this chapter, no refund of
 4 contributions and interest shall be allowed. In such case, the
 5 participant's contributions shall be retained by the board until the
 6 participant becomes eligible for benefits. At that time, benefits shall be
 7 paid to, or on behalf of the participant in the same manner and in the
 8 same amount as all similar benefits are paid.

9 SECTION 8. IC 5-10-5.5-17.5 IS ADDED TO THE INDIANA
 10 CODE AS A NEW SECTION TO READ AS FOLLOWS
 11 [EFFECTIVE FEBRUARY 1, 2018 (RETROACTIVE)]: **Sec. 17.5. (a)**
 12 **This section applies to participants who die after January 31, 2018.**

13 **(b) Any participant whose employment as an officer is**
 14 **terminated before accumulating fifteen (15) years of creditable**
 15 **service and before attaining the age of forty-five (45) years is**
 16 **entitled to a lump sum refund of all contributions standing to the**
 17 **participant's credit in the participants' savings fund plus**
 18 **accumulated interest thereon.**

19 **(c) If a participant dies and has nominated no beneficiary, or in**
 20 **the event that the participant's nominee predeceases the**
 21 **participant, all contributions standing to the participant's credit in**
 22 **the participants' savings fund, plus accumulated interest thereon**
 23 **shall be paid by the board to the estate of the deceased participant.**
 24 **The payment may be in the form of a lump sum or a series of**
 25 **payments, at the discretion of the board.**

26 **(d) If a participant terminates the participant's employment**
 27 **after accumulating fifteen (15) years of creditable service, but**
 28 **before becoming eligible for any benefits under this chapter, no**
 29 **refund of contributions and interest shall be allowed. In this case,**
 30 **the participant's contributions shall be retained by the board until**
 31 **the participant becomes eligible for benefits. At that time, benefits**
 32 **shall be paid to, or on behalf of the participant in the same manner**
 33 **and in the same amount as all similar benefits are paid.**

34 SECTION 9. An emergency is declared for this act.

