



Journal of the Senate

State of Indiana

119th General Assembly

First Regular Session

Eleventh Meeting Day

Monday Afternoon

January 26, 2015

The Senate convened at 2:03 p.m., with the President of the Senate, Sue Ellspermann, in the Chair.

Prayer was offered by Pastor Jeremy Bialek, Indianapolis Christian Fellowship.

The Pledge of Allegiance to the Flag was led by Senator James W. Merritt, Jr.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Leising
Arnold	Long
Banks, A.	Merritt
Bassler	Messmer
Becker	Miller, Patricia
Boots	Miller, Pete
Bray	Mishler
Breaux	Mrvan
Broden	Niemeyer
Brown	Perfect
Buck	Raatz
Charbonneau	Randolph
Crider	Rogers
Delph	Schneider
Eckerty	Smith
Ford	Steele
Glick	Stoops
Grooms	Tallian
Head	Taylor
Hershman	Tomes
Holdman	Walker
Houchin	Waltz
Kenley	Yoder
Kruse	Young, M.
Lanane	Zakas

Roll Call 29: present 50; excused 0. [Note: A indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill 316, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 13, delete "authorizing body that has" and insert

"redevelopment commission or other entity that has established".

Page 1, line 14, delete "authorized".

Page 1, run in lines 13 through 14.

Page 1, line 15, delete "authorizing body" and insert "redevelopment commission or other entity that has established".

Page 1, line 16, delete "for".

Page 1, run in lines 15 through 16.

Page 2, between lines 2 and 3, begin a new line block indented and insert:

"(4) One (1) member selected jointly by the superintendents of the Clarksville Community School Corporation, Greater Clark County Schools, and West Clark Community Schools."

Page 2, line 3, delete "(4)" and insert "(5)".

Page 2, between lines 20 and 21, begin a new line block indented and insert:

"(2) study the impact of tax increment financing districts on county government, municipal government, schools, libraries, and fire protection districts in Clark County;

(3) study any other fiscal challenge that the commission believes is affecting the greater Clark County area;"

Page 2, line 21, delete "(2)" and insert "(4)".

Page 2, line 26, delete "and".

Page 2, between lines 26 and 27, begin a new line block indented and insert:

"(5) prepare a recommended plan for the management of tax increment financing districts in Clark County; and"

Page 2, line 27, delete "(3)" and insert "(6)".

Page 2, between lines 31 and 32, begin a new paragraph and insert:

"(f) The commission is entitled to reimbursement for expenses of the commission from each redevelopment commission or other entity that has established at least one (1) existing tax increment financing district in Clark County. The reimbursement amount to which the commission is entitled from a redevelopment commission or other entity under this subsection must be proportionate to:

(1) the incremental property tax revenue in the preceding year that is attributable to all existing tax increment financing districts established by the redevelopment commission or other entity; divided by (2) the total incremental property tax revenue in the preceding year that is attributable to all existing tax increment financing districts established by all redevelopment commissions or other entities in Clark County.

(g) The commission may contract for professional services for purposes of completing the duties of the commission.

(h) The chair of the commission may request the legislative council to authorize the legislative services agency to provide assistance to the commission that relates to the duties of the commission. If the legislative council authorizes assistance under this subsection, the legislative council may enter into an agreement with the commission that specifies the services that the legislative services agency will provide to the commission."

Page 2, delete lines 32 through 34, begin a new paragraph and insert:

"(i) The commission shall prepare and submit a report of the study and recommendations of the commission under subsection (e) to the legislative council before November 1, 2015. The report submitted to the legislative council must be in an electronic format under IC 5-14-6. In addition, the commission shall present the commission's report at a public meeting that must be scheduled within thirty (30) days following submission of the report to the legislative council."

Page 2, line 35, delete "(g)" and insert "(j)".

(Reference is to SB 316 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 2.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Utilities, to which was referred Senate Bill 412, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 2, delete "conservation," and insert "conservation (including energy efficiency),".

Page 2, line 3, after "management," insert "distributed generation,".

Page 3, line 15, after "commission's" strike "plan" and insert "analysis".

Page 3, line 15, after "of the" strike "plan" and insert "analysis".

Page 3, line 21, strike "a plan" and insert "an analysis".

Page 3, line 27, strike "plan," and insert "analysis,".

Page 4, line 2, strike "plan" and insert "analysis".

Page 4, line 4, strike "plan" and insert "analysis".

Page 5, line 18, after "budgets," insert "program costs,".

Page 5, line 25, after "recoveries" insert "or incentives".

Page 5, line 30, delete "of:" and insert "of a plan that includes:".

Page 5, line 33, delete "and".

Page 5, between lines 33 and 34, begin a new line block indented and insert:

"(3) program budgets and program costs; and

(4) evaluation, measurement, and verification procedures that must include independent evaluation, measurement, and verification."

Page 5, delete line 34.

Page 5, line 35, before "A" insert "An electricity supplier may submit a plan required under this subsection to the commission for a determination of the overall reasonableness of the plan either as part of a general basic rate proceeding or as an independent proceeding.".

Page 6, line 5, delete "An electricity supplier may submit a plan under subsection".

Page 6, delete lines 6 through 8.

Page 6, line 9, delete "determination of reasonableness," and insert "In making a determination of the overall reasonableness of a plan submitted under subsection (g),".

Page 6, between lines 35 and 36, begin a new line block indented and insert:

"(8) The lost revenues and financial incentives associated with the plan and sought to be recovered or received by the electricity supplier."

Page 6, line 36, delete "(8)" and insert "(9)".

Page 7, line 33, delete "The commission may approve recovery of the following with" and insert "If the commission finds a plan submitted by an electricity supplier under subsection (g) to be reasonable, the commission shall allow the electricity supplier to recover or receive the following:".

Page 7, delete line 34.

Page 7, line 41, delete "Lost" and insert "Reasonable lost".

(Reference is to SB 412 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 3.

MERRITT, Chair

Report adopted.

REPORT OF THE SENATE COMMITTEE ON ETHICS

Madam President: Pursuant to Senate Rule 97, the Senate Committee on Ethics met on January 26, 2015, to render an advisory opinion with regard to Senator Delph's request that the Committee consider whether or not he has a conflict of interest pertaining to Senate Bill 55 which would require him to be excused from voting on this bill at any stage of the legislative process. The members in attendance were: Chairman Eckerty, Senator Walker, Senator Steele, Senator Arnold, Senator Breaux, and Senator Lanane.

The Senate Committee on Ethics has considered the facts presented by Senator Delph and hereby recommends that Senator Delph be excused from participation in all votes pertaining to Senate Bill 55 because of his potential conflict of interest with regard to the legislation. The vote of the Committee was 6-0.

ECKERTY, Chair

Report adopted.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 11

House Concurrent Resolution 11, sponsored by Senator Altling:

A CONCURRENT RESOLUTION recognizing the 90th consecutive Parade of Bands Pageant during prerace activities at the Indianapolis Motor Speedway.

Whereas, The Indianapolis Motor Speedway is the Racing Capital of the World and annually hosts the world's largest one-day sporting event;

Whereas, The Indianapolis 500's prerace ceremonies have included the Parade of Bands Pageant since its 1922 debut that was directed by W. S. Mitchell, director of the Indianapolis Military Band;

Whereas, The first Parade of Bands captured headlines across the country, including an article in The New York Times;

Whereas, Some 178,000 musicians from alumni, community, fraternal, industrial, military, professional, high school, and university bands have taken approximately 961 million steps around the World's Greatest Racetrack, many of whom became lifelong race fans;

Whereas, The showmanship of bands from across the country, including the unique sounds of the Holland (Michigan) High School Marching Band performing in wooden shoes, the precision of the United States Marine Corps Band, and the dynamically enthusiastic Purdue University All-American Marching Band, adds to the kaleidoscope of sound, color, and emotion of race day;

Whereas, Today, high school and university band members showcase their talents that add to the excitement, tradition, and pageantry of the Indianapolis 500 in the Parade of Bands that is produced by Purdue University Professor Jay S. Gephart, Al G. Wright Chair of University Bands; and

Whereas, On Sunday, May 24, 2015, the 90th consecutive Parade of Bands will step off around the Indianapolis Motor Speedway before the running of the 99th Indianapolis 500: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly applauds and commends the Indianapolis Motor Speedway and the Purdue University bands and orchestras for making the Parade of Bands part of the Indianapolis 500 prerace ceremonies and providing opportunities for thousands of musicians to participate in an international event.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the Indianapolis Motor Speedway and Professor Jay S. Gephart, Al G. Wright Chair of University Bands.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

House Concurrent Resolution 12

House Concurrent Resolution 12, sponsored by Senator Broden:

A CONCURRENT RESOLUTION honoring the District 11 All-Stars on becoming the 2014 Senior Softball Little League World Champions.

Whereas, Senior Softball Little League is for girls ages 14 through 16;

Whereas, The District 11 All-Stars were victorious in the Central Regional Tournament in South Bend defeating the Ohio State Champs 2 - 0 to advance to the Senior Softball Little League World Series in Lower Sussex, Delaware;

Whereas, The District 11 All-Stars have won the Central Regional Tournament every year since 2006 to advance to the Senior Softball Little League World Series;

Whereas, During the World Series, the District 11 All-Stars represented the Central Region and faced teams from Puerto Rico, Poland, Pennsylvania, Texas, Delaware, and Montana;

Whereas, The team allowed only three teams to score against them in both tournaments, while outscoring their opponents 86 to 7;

Whereas, In a game aired on ESPN, the District 11 All-Stars defeated the West team from Missoula, Montana by a score of 5 - 0 to win the World Series Championship;

Whereas, Dedicated to perfection through hard work, the District 11 All-Stars committed only three errors during the Senior Softball Little League World Series; and

Whereas, Through dedication and hard work, the District 11 All Stars became the 2014 Senior Softball Little League World Champions for a second consecutive year: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly wishes to congratulate the 2014 Senior Softball Little League World Champion team and to wish them continued success in all their future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to team members Katlynn Sopczynski, Nichole Kirkpatrick, Megan Riba, Sydney Swartz, Mackenzie Shields, Makenzie Kazmierczak, Alyssa Gutierrez, Alexis Riley, Ashton Woods, Taylor Meehan, Madeline Logsdon, Megan Bonk, Jordyn Westphal, Ashlyn Kopinski, Dezaray Watts, and Melissa Hicks, and team coaches Derek Hicks, Matt Kirkpatrick, and Doug Kazmierczak.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed House Bills 1017, 1021, 1047, and 1119 and the same are herewith transmitted to the Senate for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed House Bill 1050 and the same is herewith transmitted to the Senate for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

SENATE BILLS ON SECOND READING

Senate Bill 2

Senator Steele called up Senate Bill 2 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 5

Senator Bray called up Senate Bill 5 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 26

Senator Patricia Miller called up Senate Bill 26 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 33

Senator Boots called up Senate Bill 33 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 38

Senator Steele called up Senate Bill 38 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 113

Senator Boots called up Senate Bill 113 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 118

Senator Kruse called up Senate Bill 118 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 137

Senator Randolph called up Senate Bill 137 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 166

Senator Patricia Miller called up Senate Bill 166 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 166-1)

Madam President: I move that Senate Bill 166 be amended to read as follows:

Page 4, line 20, after "provide" insert "**in Indiana**".
(Reference is to SB 166 as printed January 23, 2015.)

PATRICIA MILLER

Motion prevailed. The bill was ordered engrossed.

Senate Bill 265

Senator Kruse called up Senate Bill 265 for second reading. The bill was re-read a second time by title.

SENATE MOTION (Amendment 265-1)

Madam President: I move that Senate Bill 265 be amended to read as follows:

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

"SECTION 1. IC 5-10-5.5-7.5, AS AMENDED BY P.L.23-2011, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7.5. (a) As used in this section, "board" refers to the board of trustees of the Indiana public retirement system established by IC 5-10.5-3-1.

(b) As used in this section, "public retirement fund" refers collectively to:

- (1) the public employees' retirement fund (IC 5-10.3);
- (2) the Indiana state teachers' retirement fund (IC 5-10.4);
- (3) the state police pension trust (IC 10-12); and
- (4) the 1977 police officers' and firefighters' pension and disability fund (IC 36-8-8).

(c) Subject to this section, a participant may purchase **and claim** service credit for the participant's prior service in a position covered by a public retirement fund.

(d) To purchase the service credit described in subsection (c), a participant must meet the following requirements:

- (1) The participant has at least one (1) year of creditable service in the retirement plan created by this chapter.
- (2) The participant has not attained vested status in and is not an active participant in the public retirement fund from which the participant is purchasing the service credit.
- (3) Before the participant retires, the participant makes contributions to the retirement plan created by this chapter as follows:

(A) Contributions that are equal to the product of the following:

- (i) The participant's salary at the time the participant actually makes a contribution for the service credit.
- (ii) A rate, determined by the actuary for the retirement plan created by this chapter, based on the age of the participant at the time the participant actually makes a contribution for service credit and computed to result in a contribution amount that approximates the actuarial present value of the benefit attributable to the service credit purchased.
- (iii) The number of years of service credit the participant intends to purchase.

(B) Contributions for any accrued interest, at a rate determined by the actuary for the retirement plan created by this chapter, for the period from the participant's initial participation in the retirement plan created by this chapter to the date payment is made by the participant.

(e) At the request of the participant purchasing service credit under this section, the amount a participant is required to contribute under subsection (d)(3) may be reduced by a trustee to trustee transfer from a public retirement fund in which the participant has an account that contains amounts attributable to member contributions (plus any credited earnings) to the retirement plan created by this chapter. The participant may direct the transfer of an amount only to the extent necessary to fund the service purchase under subsection (d)(3). The participant shall complete any forms required by the public retirement fund from which the participant is requesting a transfer or the retirement plan created by this chapter before the transfer is made.

(f) At least ten (10) years of service in the retirement plan created by this chapter is required before a participant may receive a benefit based on service credit purchased under this section.

(g) A participant who:

- (1) terminates employment before satisfying the eligibility requirements necessary to receive an annual retirement allowance; or
- (2) receives an annual retirement allowance for the same service from another tax supported governmental retirement plan other than under the federal Social Security Act;

may withdraw the purchase amount plus accumulated interest after submitting a properly completed application for a refund to the retirement plan created by this chapter.

(h) The following may apply to the purchase of service credit under this section:

- (1) The board may allow a participant to make periodic payments of the contributions required for the purchase of the service credit. The board shall determine the length of the period during which the payments must be made.
- (2) The board may deny an application for the purchase of service credit if the purchase would exceed the limitations under Section 415 of the Internal Revenue Code.
- (3) A participant may not claim the service credit for purposes of determining eligibility for a benefit or

computing benefits unless the participant has made all payments required for the purchase of the service credit.

(i) To the extent permitted by the Internal Revenue Code and applicable regulations, the retirement plan created by this chapter may accept, on behalf of a participant who is purchasing permissive service credit under this chapter, a rollover of a distribution from any of the following:

- (1) A qualified plan described in Section 401(a) or Section 403(a) of the Internal Revenue Code.
- (2) An annuity contract or account described in Section 403(b) of the Internal Revenue Code.
- (3) An eligible plan that is maintained by a state, a political subdivision of a state, or an agency or instrumentality of a state or political subdivision of a state under Section 457(b) of the Internal Revenue Code.
- (4) An individual retirement account or annuity described in Section 408(a) or Section 408(b) of the Internal Revenue Code.

(j) To the extent permitted by the Internal Revenue Code and applicable regulations, the retirement plan created by this chapter may accept, on behalf of a participant who is purchasing permissive service credit under this chapter, a trustee to trustee transfer from any of the following:

- (1) An annuity contract or account described in Section 403(b) of the Internal Revenue Code.
- (2) An eligible deferred compensation plan under Section 457(b) of the Internal Revenue Code.

SECTION 2. IC 5-10.3-7-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4.5. (a) As used in this section, "out-of-state service" means service in another state in a comparable position that would be creditable service if performed in Indiana.

(b) Subject to subsections (c) through (f), a member may purchase **and claim** out-of-state service credit if the member meets the following requirements:

- (1) The member has at least one (1) year of creditable service in the fund.
- (2) Before the member retires, the member makes contributions to the fund as follows:

(A) Contributions that are equal to the product of the following:

- (i) The member's salary at the time the member actually makes a contribution for the service credit.
- (ii) A rate, determined by the actuary of the fund, based on the age of the member at the time the member actually makes a contribution for service credit and computed to result in a contribution amount that approximates the actuarial present value of the benefit attributable to the service credit purchased.
- (iii) The number of years of out-of-state service the member intends to purchase.

(B) Contributions for any accrued interest, at a rate determined by the actuary for the fund, for the period from the member's initial membership in the fund to the date payment is made by the member.

- (3) The member has received verification from the fund

that the out-of-state service is, as of that date, valid.

(c) Out-of-state years that qualify a member for retirement in an out-of-state system or in any federal retirement system may not be granted under this section.

(d) At least ten (10) years of service in Indiana is required before a member may receive a benefit based on out-of-state service credits.

(e) A member who:

- (1) terminates employment before satisfying the eligibility requirements necessary to receive a monthly allowance; or
- (2) receives a monthly allowance for the same service from another tax supported public employee retirement plan other than under the Social Security Act;

may withdraw the purchase amount plus accumulated interest after submitting a properly completed application for a refund to the fund.

(f) The following apply to the purchase of service credit under this section:

(1) The board may allow a member to make periodic payments of the contributions required for the purchase of the service credit. The board shall determine the length of the period during which the payments must be made.

(2) The board may deny an application for the purchase of service credit if the purchase would exceed the limitations under Section 415 of the Internal Revenue Code.

(3) A member may not claim the service credit for purposes of determining eligibility or computing benefits unless the member has made all payments required for the purchase of the service credit.

SECTION 3. IC 5-10.3-7-4.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4.6. (a) Subject to the provisions of this section, a member may purchase **and claim** service credit for the member's prior service in a position covered by the 1925 police pension fund under IC 36-8-6, the 1937 firefighters' pension fund under IC 36-8-7, or the 1953 police pension fund under IC 36-8-7.5 if the member meets the following requirements:

(1) The member has at least one (1) year of credited service in the fund.

(2) The member has not attained vested status in and is not an active member of the 1925 police pension fund, the 1937 firefighters' pension fund, or the 1953 police pension fund.

(3) Before the member retires, the member makes contributions to the fund as follows:

(A) Contributions that are equal to the product of the following:

(i) The member's salary at the time the member actually makes a contribution for the service credit.

(ii) A rate, determined by the actuary of the fund, based on the age of the member at the time the member actually makes a contribution for service credit and computed to result in a contribution amount that approximates the actuarial present value of the benefit attributable to the service credit purchased.

(iii) The number of years of service credit the

member intends to purchase.

(B) Contributions for any accrued interest, at a rate determined by the actuary for the fund, for the period from the member's initial membership in the fund to the date payment is made by the member.

(4) The member has received verification from the fund that the service in the 1925 police pension fund, the 1937 firefighters' pension fund, or the 1953 police pension fund is, as of that date, valid.

(b) At least ten (10) years of service in Indiana is required before a member may receive a benefit based on service credits purchased under this section.

(c) A member who:

- (1) terminates employment before satisfying the eligibility requirements necessary to receive a monthly allowance; or
- (2) receives a monthly allowance for the same service from another tax supported public employee retirement plan other than under the Social Security Act;

may withdraw the purchase amount plus accumulated interest after submitting a properly completed application for a refund to the fund.

(d) The following apply to the purchase of service credit under this section:

(1) The board may allow a member to make periodic payments of the contributions required for the purchase of the service credit. The board shall determine the length of the period during which the payments must be made.

(2) The board may deny an application for the purchase of service credit if the purchase would exceed the limitations under Section 415 of the Internal Revenue Code.

(3) A member may not claim the service credit for purposes of determining eligibility or computing benefits unless the member has made all payments required for the purchase of the service credit."

Page 1, line 6, after "purchase" insert "**and claim**".

Page 3, after line 42, begin a new paragraph and insert:

"SECTION 5. IC 5-10.3-7-4.8, AS ADDED BY P.L.148-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4.8. (a) As used in this section, "state quasi-governmental entity service" means service in Indiana that would be considered creditable service if performed by an employee of a member of the fund by an individual who:

(1) provided the service as an employee of a body corporate and politic, nonprofit corporation established by the state, or other quasi-governmental entity that performed a state governmental function; and

(2) was not a member of the fund under section 1 of this chapter during the period of employment.

(b) A member may purchase **and claim** state quasi-governmental entity service credit subject to the following:

(1) The member must have at least one (1) year of credited service in the fund.

(2) The member must have at least ten (10) years of in-state credited service before the member may claim the service credit.

(3) Before the member retires, the member must make

contributions to the fund:

(A) that are equal to the product of:

- (i) the member's salary at the time the member actually makes a contribution for the service credit;
- (ii) a percentage rate, as determined by the actuary of the fund, based on the age of the member at the time the member makes a contribution for service credit and computed to result in a contribution amount that approximates the actuarial present value of the benefit attributable to the service credit purchased; and
- (iii) the number of years of state quasi-governmental entity service the member intends to purchase; and

(B) for any accrued interest, at a rate determined by the actuary of the fund, for the period from the member's initial membership in the fund to the date payment is made by the member.

(4) The member must provide verification of the service with the state quasi-governmental entity in a manner prescribed by the fund.

(c) State quasi-governmental entity service that qualifies a member for retirement in a private retirement system or a federal retirement system may not be granted under this section.

(d) A member who:

- (1) terminates employment before satisfying the eligibility requirements necessary to receive a monthly allowance; or
- (2) receives a monthly allowance for the same service from another tax supported public employee retirement plan other than under the federal Social Security Act;

may withdraw the personal contributions made under the contributory plan plus accumulated interest after submitting to the fund a properly completed application for a refund.

(e) The following apply to the purchase of service credit under this section:

- (1) The board may allow a member to make periodic payments of the contributions required for the purchase of the service credit. The board shall determine the length of the period during which the payments must be made.
- (2) The board may deny an application for the purchase of service credit if the purchase would exceed the limitations under Section 415 of the Internal Revenue Code.
- (3) A member may not claim the service credit for purposes of determining eligibility or computing benefits unless the member has made all payments required for the purchase of the service credit.

SECTION 6. IC 5-10.3-7-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) A member who:

- (1) enters the United States armed services;
- (2) leaves ~~his~~ the **member's** contributions in the fund;
- (3) except as provided in subsection (c), resumes service with ~~his~~ the **member's** employer within one hundred twenty (120) days after ~~his~~ the **member's** unconditional discharge; and
- (4) would be entitled to service credit for military service under the Uniformed Services Employment and Reemployment Rights Act (38 U.S.C. 4301 et seq.) if the

member had resumed service with the member's employer within ninety (90) days after discharge; is entitled to service credit for the armed service.

(b) A state employee who left employment before January 1, 1946, or an employee of a political subdivision who left employment before the participation date, to enter the United States armed services is entitled to service credit for the armed service if ~~he~~ the **member**:

- (1) except as provided in subsection (c), resumes service with the employer within one hundred twenty (120) days after ~~his~~ the **member's** unconditional discharge; and
- (2) would be entitled to service credit for military service under the applicable requirements of federal law in effect at the time of reemployment if the employee had resumed service with the employee's employer within ninety (90) days after discharge.

(c) The board shall extend the one hundred twenty (120) day reemployment requirement contained in subsection (a)(3) or (b)(1) if the board determines that an illness, an injury, or a disability related to the member's military service prevented the member from resuming employment within one hundred twenty (120) days after the member's discharge from military service. However, the board may not extend the deadline beyond thirty (30) months after the member's discharge.

(d) If a member retires and the board subsequently determines that the member is entitled to additional service credit due to the extension of a deadline under subsection (c), the board shall recompute the member's benefit. However, the additional service credit may be used only in the computation of benefits to be paid after the date of the board's determination, and the member is not entitled to a recomputation of benefits received before the date of the board's determination.

(e) Notwithstanding any provision of this section, a member is entitled to service credit and benefits in the amount and to the extent required by the Uniformed Services Employment and Reemployment Rights Act (38 U.S.C. 4301 et seq.).

(f) Subject to the provisions of this section, an active member may purchase **and claim** not more than two (2) years of service credit for the member's service on active duty in the armed services if the member meets the following conditions:

- (1) The member has at least one (1) year of credited service in the fund.
- (2) The member serves on active duty in the armed services of the United States for at least six (6) months.
- (3) The member receives an honorable discharge from the armed services.

(4) Before the member retires, the member makes contributions to the fund as follows:

(A) Contributions that are equal to the product of the following:

- (i) The member's salary at the time the member actually makes a contribution for the service credit.
- (ii) A rate, determined by the actuary of the fund, that is based on the age of the member at the time the member actually makes a contribution for service credit and computed to result in a contribution amount that approximates the actuarial present value

of the benefit attributable to the service credit purchased.

(iii) The number of years of service credit the member intends to purchase.

(B) Contributions for any accrued interest, at a rate determined by the actuary of the fund, for the period from the member's initial membership in the fund to the date payment is made by the member.

However, a member is entitled to purchase service credit under this subsection only to the extent that service credit is not granted for that time under another provision of this section. At least ten (10) years of service in Indiana is required before a member may receive a benefit based on service credits purchased under this section. A member who terminates employment before satisfying the eligibility requirements necessary to receive a monthly allowance or receives a monthly allowance for the same service from another tax supported public employee retirement plan other than under the federal Social Security Act may withdraw the purchase amount plus accumulated interest after submitting a properly completed application for a refund to the fund.

(g) The following apply to the purchase of service credit under subsection (f):

(1) The board may allow a member to make periodic payments of the contributions required for the purchase of the service credit. The board shall determine the length of the period during which the payments must be made.

(2) The board may deny an application for the purchase of service credit if the purchase would exceed the limitations under Section 415 of the Internal Revenue Code.

(3) A member may not claim the service credit for purposes of determining eligibility or computing benefits unless the member has made all payments required for the purchase of the service credit.

SECTION 7. IC 5-10.4-4-4, AS ADDED BY P.L.2-2006, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) As used in this section, "out-of-state service" means service in any state in a comparable position that would be creditable service if performed in Indiana. The term includes comparable service performed:

- (1) on a United States military installation;
- (2) in a federal prison; or
- (3) at an educational facility operated or supervised by the Bureau of Indian Affairs.

(b) In computing the service credit for a member who began teaching in Indiana before July 1, 1981, and who has served as a public school teacher out of state, the board may include the greater of:

- (1) eight (8) years of out-of-state service rendered before July 1, 1981; or
- (2) one (1) year of out-of-state service rendered before July 1, 1981, for every four (4) years of in-state service.

(c) In addition, a member may purchase **and claim** out-of-state service credit that has not been claimed under subsection (b) subject to the limitations of subsections (d) and (e) if the member satisfies the following requirements:

(1) The member has at least one (1) year of creditable service in the fund.

(2) Before the member retires, the member makes contributions to the fund that meet the following requirements:

(A) The contributions are equal to the product of the following:

(i) For service credit purchased before January 1, 1994, the member's salary when the member first became a member of the fund. For service credit purchased after December 31, 1993, the member's salary at the time the member actually makes a contribution for the service credit.

(ii) For service credit purchased before January 1, 1994, normal cost, as determined by the actuary of the fund. For purposes of this section, "normal cost" means the value of the annual amount required to fund the prospective benefits promised an employee for the work the employee has performed. For service credit purchased after December 31, 1993, a percentage rate, as determined by the actuary of the fund, based on the age of the member at the time the member actually makes a contribution for service credit and computed to result in a contribution amount that approximates the actuarial present value of the benefit attributable to the service credit purchased.

(iii) The number of years of out-of-state service the member intends to purchase.

(B) The contributions are for any accrued interest, at a rate determined by the actuary for the fund, for the period from the member's initial membership in the fund to the date payment is made by the member.

(3) The member has received verification from the fund that the out-of-state service is, as of that date, valid.

(d) Out-of-state years that qualify a member for retirement in an out-of-state system or in a federal retirement system may not be granted under this section.

(e) After April 1, 1965, at least ten (10) years of in-state service is required before a member may claim any out-of-state service credits.

(f) A member who:

- (1) terminates employment before satisfying the eligibility requirements necessary to receive a monthly allowance; or
- (2) receives a monthly allowance for the same service from another tax supported public employee retirement plan other than under the federal Social Security Act;

may withdraw the personal contributions made under the contributory plan plus accumulated interest after submitting a properly completed application for a refund to the fund.

(g) The following apply to the purchase of service credit under this section after July 1, 1998:

(1) The board may allow a member to make periodic payments of the contributions required for the purchase of the service credit. The board shall determine the length of the period during which the payments must be made.

(2) The board may deny an application for the purchase of service credit if the purchase would exceed the limitations under Section 415 of the Internal Revenue Code.

(3) A member may not claim the service credit for purposes of determining eligibility or computing benefits unless the member has made all payments required for the purchase of the service credit.

(h) Contributions received after July 1, 1993, for the purchase of service credit under this section must be applied against the unfunded accrued liability of the fund.

SECTION 8. IC 5-10.4-4-5, AS ADDED BY P.L.2-2006, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) As used in this section, "private teaching service" means service in Indiana as a teacher in a private school, kindergarten through postsecondary, that would be creditable service if performed in an accredited public school in Indiana.

(b) A member may purchase **and claim** private teaching service credit subject to the following:

(1) The member must have at least one (1) year of credited service in the fund.

(2) The member must have at least ten (10) years of in-state credited service before the member may claim the service credit.

(3) Before the member retires, the member must make contributions to the fund:

(A) that are equal to the product of:

(i) the member's salary at the time the member actually makes a contribution for the service credit;

(ii) a percentage rate, as determined by the actuary of the fund, based on the age of the member at the time the member makes a contribution for service credit and computed to result in a contribution amount that approximates the actuarial present value of the benefit attributable to the service credit purchased; and

(iii) the number of years of private teaching service the member intends to purchase; and

(B) for any accrued interest, at a rate determined by the actuary of the fund, for the period from the member's initial membership in the fund to the date payment is made by the member.

(4) The fund must receive verification from the private school that the private teaching service occurred.

(c) Service for years of private teaching that qualify a member for retirement in an out-of-state system, a private retirement system, or a federal retirement system may not be granted under this section.

(d) A member who:

(1) terminates employment before satisfying the eligibility requirements necessary to receive a monthly allowance; or

(2) receives a monthly allowance for the same service from another tax supported public employee retirement plan other than under the federal Social Security Act;

may withdraw the personal contributions made under the contributory plan plus accumulated interest after submitting to the fund a properly completed application for a refund.

(e) The following apply to the purchase of service credit under this section:

(1) The board may allow a member to make periodic

payments of the contributions required for the purchase of the service credit. The board shall determine the length of the period during which the payments must be made.

(2) The board may deny an application for the purchase of service credit if the purchase would exceed the limitations under Section 415 of the Internal Revenue Code.

(3) A member may not claim the service credit for purposes of determining eligibility or computing benefits unless the member has made all payments required for the purchase of the service credit.

SECTION 9. IC 5-10.4-4-6, AS ADDED BY P.L.2-2006, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. (a) As used in this section, "substitute teaching service" means service in Indiana as a substitute teacher that is not covered under section 1(c) of this chapter but is served by a person who has other service that is covered under section 1(a) of this chapter.

(b) A member may purchase **and claim** substitute teaching service if:

(1) the member has at least one (1) year of creditable service in the fund;

(2) before the member retires, the member makes contributions to the fund:

(A) that are equal to the product of:

(i) the member's salary at the time the member actually makes a contribution for the service credit;

(ii) a percentage rate, as determined by the actuary of the fund, based on the age of the member at the time the member makes a contribution for service credit and computed to result in a contribution amount that approximates the actuarial present value of the benefit attributable to the service credit purchased; and

(iii) the number of years of substitute teaching service the member intends to purchase; and

(B) for any accrued interest, at a rate determined by the actuary of the fund, for the period from the member's initial membership in the fund to the date payment is made by the member; and

(3) the fund receives verification from the school corporation that the substitute teaching service occurred.

(c) Service for years of substitute teaching that qualify a member for retirement in an out-of-state system or in a federal retirement system may not be granted under this section.

(d) A member who:

(1) terminates employment before satisfying the eligibility requirements necessary to receive a monthly allowance; or

(2) receives a monthly allowance for the same service from another tax supported public employee retirement plan other than under the federal Social Security Act;

may withdraw the personal contributions made under the contributory plan plus accumulated interest after submitting to the fund a properly completed application for a refund.

(e) The following apply to the purchase of service credit under this section:

(1) The board may allow a member to make periodic payments of the contributions required for the purchase of

the service credit. The board shall determine the length of the period during which the payments must be made.

(2) The board may deny an application for the purchase of service credit if the purchase would exceed the limitations under Section 415 of the Internal Revenue Code.

(3) A member may not claim the service credit for purposes of determining eligibility or computing benefits unless the member has made all payments required for the purchase of the service credit.

SECTION 10. IC 5-10.4-4-8, AS AMENDED BY P.L.115-2009, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. (a) This subsection applies to a member who retires before July 1, 1980. A member who had completed four (4) years of approved college teacher education before voluntary or involuntary induction into the military services is entitled to credit for that service as if the member had begun teaching before the induction. A member who serves in military service is considered a teacher and is entitled to the benefits of the fund if before or during the leave of absence the member pays into the fund the member's contributions. Time served by a member in military service for the duration of the hostilities or for the length of active service in the hostilities and the necessary demobilization time after the hostilities is not subject to the one-seventh rule set forth in section 7 of this chapter.

(b) This subsection applies to a member who retires after June 30, 1980. A member who completed four (4) years of approved college teacher education before voluntary or involuntary induction into military service is entitled to credit for the member's active military service as if the member had begun teaching before the induction. A member who serves in military service is considered a teacher and is entitled to the benefits of the fund if the following conditions are met:

(1) The member has an honorable discharge.

(2) Except as provided in subsection (g), the member returns to active teaching service not later than twenty-four (24) months after the completion of active military service.

(3) The member has at least ten (10) years of in-state service credit.

The time served by a member in military service for the duration of the hostilities or for the length of active service in the hostilities and the necessary demobilization time after the hostilities is not subject to the one-seventh rule set forth in section 7 of this chapter. However, not more than six (6) years of military service credit may be granted under this subsection.

(c) This subsection applies to a member who retires after May 1, 1989. A member who had begun but had not completed four (4) years of approved college teacher education before voluntary or involuntary induction into the military services is entitled to service credit in an amount equal to the duration of the member's active military service if the following conditions are met:

(1) The member has an honorable discharge.

(2) Except as provided in subsection (g), the member returns to a four (4) year approved college teacher training program not later than twenty-four (24) months after the completion of active military service and subsequently completes that program.

(3) The member has at least ten (10) years of in-state service credit.

The time served by a member in active military service for the length of active service in the hostilities and the necessary demobilization is not subject to the one-seventh rule set forth in section 7 of this chapter. However, not more than six (6) years of military service credit may be granted under this subsection.

(d) This subsection applies to a member who retires after May 1, 1991, and who is employed at a state educational institution. A member who had begun but had not completed baccalaureate or post-baccalaureate education before voluntary or involuntary induction into military service is entitled to the member's active military service credit for the member's active military service in an amount equal to the duration of the member's military service if the following conditions are met:

(1) The member received an honorable discharge.

(2) Except as provided in subsection (g), the member returns to baccalaureate or post-baccalaureate education not later than twenty-four (24) months after completion of active military service and subsequently completes that education.

(3) The member has at least ten (10) years of in-state service credit.

The time served by a member in active military service for the length of active service in the hostilities and the necessary demobilization is not subject to the one-seventh rule set forth in section 7 of this chapter. However, not more than six (6) years of military service credit may be granted under this subsection.

(e) For purposes of this section, a member returns to active teaching service on the earlier of:

(1) the date on which the member signs a teacher's contract; or

(2) the date on which the member is first employed in a position covered by this article.

(f) For purposes of this section, a member returns to:

(1) a teacher training program; or

(2) baccalaureate or post-baccalaureate education;

on the date the member registers for or enrolls in classes that the member attends.

(g) The board shall extend the twenty-four (24) month deadline contained in subsection (b)(2), (c)(2), or (d)(2) if the board determines that an illness, an injury, or a disability related to the member's military service prevented the member from returning to active teaching service or to a teacher education program not later than twenty-four (24) months after the member's discharge from military service. However, the board may not extend the deadline beyond forty-eight (48) months after the member's discharge.

(h) If a member retires and the board subsequently determines that the member is entitled to additional service credit due to the extension of a deadline under subsection (g), the board shall recompute the member's benefit. However, the additional service credit may be used only in the computation of benefits to be paid after the date of the board's determination, and the member is not entitled to a recomputation of benefits received before the date of the board's determination.

(i) Notwithstanding any provision of this section, a member is

entitled to military service credit and benefits in the amount and to the extent required by the federal Uniformed Services Employment and Reemployment Rights Act (38 U.S.C. 4301 et seq.), including all later amendments.

(j) Subject to this section, an active member may purchase **and claim** not more than two (2) years of service credit for the member's service on active duty in the armed services if the member meets the following conditions:

- (1) The member has at least one (1) year of credited service in the fund.
- (2) The member serves on active duty in the armed services of the United States for at least six (6) months.
- (3) The member receives an honorable discharge from the armed services.
- (4) Before the member retires, the member makes contributions to the fund as follows:

(A) Contributions that are equal to the product of:

- (i) the member's salary at the time the member actually makes a contribution for the service credit;
- (ii) a rate, determined by the actuary of the fund, that is based on the age of the member at the time the member actually makes a contribution for service credit and computed to result in a contribution amount that approximates the actuarial present value of the benefit attributable to the service credit purchased; and
- (iii) the number of years of service credit the member intends to purchase.

(B) Contributions for any accrued interest, at a rate determined by the actuary of the fund, for the period from the member's initial membership in the fund to the date payment is made by the member.

However, a member is entitled to purchase service credit under this subsection only to the extent that service credit is not granted for that time under another provision of this section. At least ten (10) years of service in Indiana is required before a member may receive a benefit based on service credits purchased under this section. A member who terminates employment before satisfying the eligibility requirements necessary to receive a monthly allowance or receives a monthly allowance for the same service from another tax supported public employee retirement plan other than under the federal Social Security Act may withdraw the purchase amount plus accumulated interest after submitting a properly completed application for a refund to the fund.

(k) The following apply to the purchase of service credit under subsection (j):

- (1) The board may allow a member to make periodic payments of the contributions required for the purchase of the service credit. The board shall determine the length of the period during which the payments must be made.
- (2) The board may deny an application for the purchase of service credit if the purchase would exceed the limitations under Section 415 of the Internal Revenue Code.
- (3) A member may not claim the service credit for purposes of determining eligibility or computing benefits unless the member has made all payments required for the purchase of the service credit.

(l) This subsection applies to a member who retires after June 30, 2006. A member may not receive credit under this section for service for which the member receives service credit under the terms of a military or another governmental retirement plan.

SECTION 11. IC 36-8-8-8.3, AS AMENDED BY P.L.35-2012, SECTION 122, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8.3. (a) This section applies to a fund member who, after June 30, 2009, completes service for which the 1977 fund gives credit.

(b) A fund member may purchase **and claim** not more than two (2) years of service credit for the fund member's service on active duty in the armed services if the fund member meets the following conditions:

- (1) The fund member has at least one (1) year of credited service in the fund.
- (2) The fund member serves on active duty in the armed services of the United States for at least six (6) months.
- (3) The fund member receives an honorable discharge from the armed services.
- (4) Before the fund member retires, the fund member makes contributions to the fund as follows:

(A) Contributions that are equal to the product of the following:

- (i) The salary of a first class patrolman or firefighter at the time the fund member actually makes a contribution for the service credit.
- (ii) A rate, determined by the actuary of the 1977 fund, that is based on the age of the fund member at the time the fund member actually makes a contribution for service credit and that is computed to result in a contribution amount that approximates the actuarial present value of the retirement benefit attributable to the service credit purchased.
- (iii) The number of years of service credit the fund member intends to purchase.

(B) Contributions for any accrued interest, at a rate determined by the actuary of the 1977 fund, for the period from the fund member's initial membership in the 1977 fund to the date payment is made by the fund member.

(c) A fund member must have at least twenty (20) years of service before a fund member may receive a benefit based on a service credit purchased under this section. A fund member's years of service may not exceed thirty-two (32) years with the inclusion of the service credit purchased under this section.

(d) A fund member may not receive service credit under this section:

- (1) for service credit received under IC 36-8-5-7; or
- (2) if the military service for which the fund member requests credit also qualifies the fund member for a benefit in a military or another governmental retirement system.

(e) A fund member who:

- (1) terminates service before satisfying the eligibility requirements necessary to receive a retirement benefit payment from the 1977 fund; or
- (2) receives a retirement benefit for the same service from another retirement system, other than under the federal

Social Security Act;

may withdraw the fund member's contributions made under this section plus accumulated interest after submitting to the fund a properly completed application for a refund.

(f) The following apply to the purchase of service credit under this section:

(1) The system board may allow a fund member to make periodic payments of the contributions required for the purchase of the service credit. The system board shall determine the length of the period during which the payments must be made.

(2) The system board may deny an application for the purchase of service credit if the purchase would exceed the limitations under Section 415 of the Internal Revenue Code.

(3) A fund member may not claim the service credit for purposes of determining eligibility or computing benefits unless the fund member has made all payments required for the purchase of the service credit.

(g) To the extent permitted by the Internal Revenue Code and applicable regulations, the 1977 fund may accept, on behalf of a fund member who is purchasing service credit under this section, a rollover of a distribution from any of the following:

(1) A qualified plan described in Section 401(a) or Section 403(a) of the Internal Revenue Code.

(2) An annuity contract or account described in Section 403(b) of the Internal Revenue Code.

(3) An eligible plan that is maintained by a state, a political subdivision of a state, or an agency or instrumentality of a state or a political subdivision of a state under Section 457(b) of the Internal Revenue Code.

(4) An individual retirement account or annuity described in Section 408(a) or 408(b) of the Internal Revenue Code.

(h) To the extent permitted by the Internal Revenue Code and the applicable regulations, the 1977 fund may accept, on behalf of a fund member who is purchasing service credit under this section, a trustee to trustee transfer from any of the following:

(1) An annuity contract or account described in Section 403(b) of the Internal Revenue Code.

(2) An eligible deferred compensation plan under Section 457(b) of the Internal Revenue Code.

SECTION 12. IC 36-8-8-8.5, AS AMENDED BY P.L.35-2012, SECTION 123, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8.5. (a) This section applies to a fund member who, after June 30, 2010, completes service for which the 1977 fund gives credit.

(b) As used in this section, "public retirement fund" refers to any of the following, either singly or collectively:

(1) The public employees' retirement fund (IC 5-10.3).

(2) The Indiana state teachers' retirement fund (IC 5-10.4).

(3) The state excise police, gaming agent, gaming control officer, and conservation enforcement officers' retirement fund (IC 5-10-5.5).

(4) The state police pension trust (IC 10-12).

(5) A sheriff's pension trust (IC 36-8-10-12).

(c) Subject to this section, a fund member may purchase **and claim** service credit for the fund member's prior service in a

position covered by a public retirement fund.

(d) To purchase **and claim** the service credit described in subsection (c), a fund member must meet the following requirements:

(1) The fund member has at least one (1) year of creditable service in the 1977 fund.

(2) The fund member has not attained vested status in and is not an active member in the public retirement fund from which the fund member is purchasing service credit.

(3) Before the fund member retires, the fund member makes contributions to the 1977 fund as follows:

(A) Contributions that are equal to the product of the following:

(i) The salary of a first class patrolman or firefighter at the time the fund member actually makes a contribution for the service credit.

(ii) A rate, determined by the actuary for the 1977 fund, that is based on the age of the fund member at the time the fund member actually makes a contribution for the service credit and that is computed to result in a contribution amount that approximates the actuarial present value of the retirement benefit attributable to the service credit purchased.

(iii) The number of years of service credit the fund member intends to purchase.

(B) Contributions for any accrued interest, at a rate determined by the actuary for the 1977 fund, for the period from the fund member's initial membership in the 1977 fund to the date payment is made by the fund member.

(e) At the request of the fund member purchasing service credit under this section, the amount a fund member is required to contribute under subsection (d)(3) may be reduced by a trustee to trustee transfer from the public retirement fund in which the fund member has an account that contains amounts attributable to member contributions (plus any credited earnings) to the 1977 fund. The fund member may direct the transfer of an amount only to the extent necessary to fund the service purchase under subsection (d)(3). The fund member shall complete any forms required by the public retirement fund from which the fund member is requesting a transfer or the 1977 fund before the transfer is made.

(f) A fund member must have at least twenty (20) years of service in the 1977 fund before a fund member may receive a retirement benefit based on service credit purchased under this section. A fund member's years of service may not exceed thirty-two (32) years with the inclusion of the service credit purchased under this section.

(g) A fund member who:

(1) terminates employment before satisfying the eligibility requirements necessary to receive a retirement benefit payment from the 1977 fund; or

(2) receives a retirement benefit for the same service from another tax supported governmental retirement plan other than the federal Social Security Act;

may withdraw the fund member's contributions made under this

section plus accumulated interest after submitting a properly completed application for a refund to the 1977 fund.

(h) The following apply to the purchase of service credit under this section:

(1) The system board may allow a fund member to make periodic payments of the contributions required for the purchase of the service credit. The system board shall determine the length of the period during which the payments may be made.

(2) The system board may deny an application for the purchase of service credit if the purchase would exceed the limitations under Section 415 of the Internal Revenue Code.

(3) A fund member may not claim the service credit for purposes of determining eligibility or computing benefits unless the fund member has made all payments required for the purchase of the service credit.

(i) To the extent permitted by the Internal Revenue Code and applicable regulations, the 1977 fund may accept, on behalf of a fund member who is purchasing service credit under this section, a rollover of a distribution from any of the following:

(1) A qualified plan described in Section 401(a) or 403(a) of the Internal Revenue Code.

(2) An annuity contract or account described in Section 403(b) of the Internal Revenue Code.

(3) An eligible plan that is maintained by a state, a political subdivision of a state, or an agency or instrumentality of a state or a political subdivision of a state under Section 457(b) of the Internal Revenue Code.

(4) An individual retirement account or annuity described in Section 408(a) or 408(b) of the Internal Revenue Code.

(j) To the extent permitted by the Internal Revenue Code and applicable regulations, the 1977 fund may accept, on behalf of a fund member who is purchasing service credit under this section, a trustee to trustee transfer from any of the following:

(1) An annuity contract or account described in Section 403(b) of the Internal Revenue Code.

(2) An eligible deferred compensation plan under Section 457(b) of the Internal Revenue Code.

(k) The fund member's employer may pay all or a part of the fund member's contributions required for the purchase of service credit under this section. In that event, the actuary shall determine the amortization, and subsections (g), (h)(1), (h)(3), and (i) do not apply.

SECTION 13. IC 36-8-8-8.8, AS AMENDED BY P.L.35-2012, SECTION 124, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8.8. (a) This section applies to a fund member who, after June 30, 2010, completes service for which the 1977 fund gives credit.

(b) As used in this section, "out-of-state service" means service in another state in a comparable position for which the fund member would receive service credit in the 1977 fund if the service had been performed in Indiana.

(c) Subject to subsections (d) through (g), a fund member may purchase **and claim** out-of-state service credit if the fund member meets the following requirements:

(1) The fund member has at least one (1) year of credited

service in the 1977 fund.

(2) Before the fund member retires, the fund member makes contributions to the 1977 fund as follows:

(A) Contributions that are equal to the product of the following:

(i) The salary of a first class patrolman or firefighter at the time the fund member makes a contribution for the service credit.

(ii) A rate, determined by the actuary for the 1977 fund, that is based on the age of the fund member at the time the fund member makes a contribution for the service credit and that is computed to result in a contribution amount that approximates the actuarial present value of the retirement benefit attributable to the service credit purchased.

(iii) The number of years of out-of-state service credit the fund member intends to purchase.

(B) Contributions for any accrued interest, at a rate determined by the actuary for the 1977 fund, for the period from the fund member's initial membership in the 1977 fund to the date payment is made by the fund member.

(3) The fund member has received verification from the 1977 fund that the out-of-state service is, as of the date payment is made by the fund member, valid.

(d) A fund member must have at least twenty (20) years of service before the fund member may receive a benefit based on service credit purchased under this section. A fund member's years of service may not exceed thirty-two (32) years with the inclusion of service credit purchased under this section.

(e) A fund member may not receive service credit under this section if the service for which the fund member requests credit also qualifies the fund member for a benefit in another governmental retirement system.

(f) A fund member who:

(1) terminates service before satisfying the eligibility requirements necessary to receive a retirement benefit payment from the 1977 fund; or

(2) receives a retirement benefit for the same service from another retirement system, other than under the federal Social Security Act;

may withdraw the fund member's contributions made under this section plus accumulated interest after submitting to the 1977 fund a properly completed application for a refund.

(g) The following apply to the purchase of service credit under this section:

(1) The system board may allow a fund member to make periodic payments of the contributions required for the purchase of the service credit. The system board shall determine the length of the period during which the payments must be made.

(2) The system board may deny an application for the purchase of service credit if the purchase would exceed the limitations under Section 415 of the Internal Revenue Code.

(3) The fund member may not claim the service credit for purposes of determining eligibility or computing benefits

unless the fund member has made all payments required for the purchase of the service credit.

(h) To the extent permitted by the Internal Revenue Code and the applicable regulations, the 1977 fund may accept, on behalf of a fund member who is purchasing service credit under this section, a rollover of a distribution from any of the following:

- (1) A qualified plan described in Section 401(a) or Section 403(a) of the Internal Revenue Code.
- (2) An annuity contract or account described in Section 403(b) of the Internal Revenue Code.
- (3) An eligible plan that is maintained by a state, a political subdivision of a state, or an agency or instrumentality of a state or a political subdivision of a state under Section 457(b) of the Internal Revenue Code.
- (4) An individual retirement account or annuity described in Section 408(a) or 408(b) of the Internal Revenue Code.

(i) To the extent permitted by the Internal Revenue Code and the applicable regulations, the 1977 fund may accept, on behalf of a fund member who is purchasing service credit under this section, a trustee to trustee transfer from any of the following:

- (1) An annuity contract or account described in Section 403(b) of the Internal Revenue Code.
- (2) An eligible deferred compensation plan under Section 457(b) of the Internal Revenue Code."

Renumber all SECTIONS consecutively.

(Reference is to SB 265 as printed January 16, 2015.)

KRUSE

Motion prevailed. The bill was ordered engrossed.

Senate Bill 293

Senator Patricia Miller called up Senate Bill 293 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 318

Senator Head called up Senate Bill 318 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 332

Senator Boots called up Senate Bill 332 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 339

Senator Rogers called up Senate Bill 339 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 354

Senator Steele called up Senate Bill 354 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 369

Senator Pete Miller called up Senate Bill 369 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 393

Senator Charbonneau called up Senate Bill 393 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 393-1)

Madam President: I move that Senate Bill 393 be amended to read as follows:

Page 1, line 9, after "bond" insert "**with the fiscal officer of the political subdivision and**".

Page 1, line 12, after "bonds" insert "**with the county auditor and**".

Page 2, delete lines 8 through 14, begin a new paragraph and insert:

"(e) The fiscal officer of a political subdivision with whom an official bond is filed under subsection (b) shall file a copy of the bond with the state board of accounts:

(1) contemporaneously with the filing of the political subdivision's annual financial report required under IC 5-11-1-4(a); and

(2) electronically in the manner prescribed under IC 5-14-3.8-7."

(Reference is to SB 393 as printed January 23, 2015.)

CHARBONNEAU

Motion prevailed. The bill was ordered engrossed.

Senate Bill 419

Senator Boots called up Senate Bill 419 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 419-1)

Madam President: I move that Senate Bill 419 be amended to read as follows:

Page 1, line 4, after "that" insert ":

(1)".

Page 1, line 5, after "marshal" delete "." and insert "**;** and

(2) on July 1, 2015, do not provide one (1) of the following for town law enforcement officers:

(A) Fund membership.

(B) Participation in another pension or retirement plan."

Page 1, line 8, delete "Notwithstanding section 2 of this chapter, after" and insert "**After**".

Page 1, line 12, delete "and".

Page 1, line 14, after "IC 5-2-1-9;" insert "**and**

(3) normally performs services for the town for at least one thousand seven hundred fifty (1,750) hours during a year;"

Page 2, line 3, after "who" insert ":

(1)".

Page 2, line 4, after "IC 36-8-8-4" delete "." and insert "; or (2) participates in another pension or retirement plan offered by the town."

Page 2, line 5, delete "Notwithstanding IC 5-10.3-7-2, after" and insert "After".

Page 2, line 6, after "who" insert "(1)".

Page 2, line 7, after "IC 5-2-1-9" insert "; and (2) normally performs services for the town for at least one thousand seven hundred fifty (1,750) hours during a year;"

Page 2, line 8, beginning with "becomes" begin a new line blocked left.

(Reference is to SB 419 as printed January 23, 2015.)

BOOTS

Motion prevailed. The bill was ordered engrossed.

Senate Bill 461

Senator Patricia Miller called up Senate Bill 461 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 462

Senator Patricia Miller called up Senate Bill 462 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 94

Senator Crider called up Senate Bill 94 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 168

Senator Patricia Miller called up Engrossed Senate Bill 168 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 30: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Clere, Kirkhofer, and C. Brown.

Engrossed Senate Bill 207

Senator Patricia Miller called up Engrossed Senate Bill 207 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning

health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 31: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Clere, Kirkhofer, and C. Brown.

Engrossed Senate Bill 216

Senator Zakas called up Engrossed Senate Bill 216 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 32: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Zent and Culver.

Engrossed Senate Bill 307

Senator Bray called up Engrossed Senate Bill 307 for third reading:

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

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 33: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor : Representative Steuerwald.

SENATE MOTION

Madam President: I move that the following resolution be adopted:

HCR 10 Senator M. Young
Congratulating the Ben Davis High School
football team.

LONG

Motion prevailed.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 10

House Concurrent Resolution 10, sponsored by Senators M. Young and Delph:

A CONCURRENT RESOLUTION congratulating the Ben Davis High School football team.

Whereas, The 12-2 Ben Davis Giants captured the Indiana High School Athletic Association Class 6A state football championship by defeating the top-ranked Carmel Greyhounds 42-24;

Whereas, This state championship win marks the eighth title won by Ben Davis, making the Giants the seventh school with as many crowns;

Whereas, Coming from behind has become a way of life for the tenacious Ben Davis Giants;

Whereas, The Giants rallied to defeat Warren Central 40-36 in the regional, and trailed Center Grove by 17 in the fourth quarter in the semistate before winning 49-45;

Whereas, Making its 10th appearance in a football championship game and the first in 12 years, the Ben Davis team did not panic when it fell behind by 17 points early in the second quarter, the team simply began chipping away at the lead;

Whereas, The first two touchdowns of the second half were the result of a fumble recovery and a pass interception, leading to scoring drives of 26 and 38 yards;

Whereas, With 5:38 left in the game, the Giants stunned the crowd when the team lined up as if to attempt a field goal, but holder Kyle Castner took the snap and headed for the end zone, scoring a three-yard touchdown putting Ben Davis ahead by 18;

Whereas, Kyle Castner completed 18 of 30 passes for 136 yards and two scores and running back Chris Evans rushed for 131 yards and a touchdown on 19 carries;

Whereas, Chris Evans, who rushed for 131 yards, added a 38-yard touchdown with 1:46 left in the game;

Whereas, Coach Mike Kirschner credits the Giants' state championship victory on the strength of victories over four consecutive top 10 teams to end the year;

Whereas, Athletics can play a major role in the development of our youth. Striving for excellence in athletics, as in life, helps to teach our children to always try to achieve their personal best in whatever they are doing; and

Whereas, The team's state championship and great season are the consequence of a total team effort, and each member of the team, the managers, and the coaching staff should be praised for superior performance and team spirit: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly congratulates the Ben Davis Giants on its Indiana High School Athletic Association Class 6 football championship and to wish the team continued success both on and off the field.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to each member of the Ben Davis High School football team, head coach Mike Kirschner, assistant coaches Anthony Arnett, Jon Tate, LT Helton, and Brett Waller, assistant athletic director Doug Schornick, athletic director John Clark, and principal Sandra Squire.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

SENATE MOTION

Madam President: I move that Senator Kruse be added as third author of Senate Bill 358.

GROOMS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kruse be added as third author of Senate Bill 420.

GROOMS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hershman be added as cosponsor of House Concurrent Resolution 11.

ALTING

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Bassler be added as coauthor of Senate Bill 433.

TOMES

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Tomes be added as coauthor of Engrossed Senate Bill 298.

A. BANKS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Niemeyer be added as coauthor of Senate Bill 286.

TOMES

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Ford be added as second author of Senate Bill 398.

BASSLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Eckerty be added as second author of Senate Bill 348.

YODER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator A. Banks be added as second author of Senate Bill 280.

YODER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator M. Young be added as second author of Senate Bill 55.

STEELE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Becker and Kruse be added as coauthors of Senate Bill 323.

HEAD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Buck be added as second author of Senate Bill 211.

PATRICIA MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Becker be added as second author of Senate Bill 462.

PATRICIA MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Becker be added as second author of Senate Bill 461.

PATRICIA MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Becker be added as second author of Senate Bill 293.

PATRICIA MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Becker be added as second author of Senate Bill 420.

GROOMS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Becker be added as second author of Senate Bill 358.

GROOMS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Steele be removed as second author of Senate Bill 259.

STEELE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Houchin be added as second author of Senate Bill 259.

GROOMS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Steele be removed as second author of Senate Bill 356.

STEELE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Houchin be added as second author of Senate Bill 356.

GROOMS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Merritt be added as coauthor of Senate Bill 190.

ARNOLD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Breaux be added as coauthor of Senate Bill 293.

PATRICIA MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Taylor be added as coauthor of Senate Bill 318.

HEAD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Breaux be added as coauthor of Senate Bill 286.

TOMES

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Head be added as coauthor of Senate Bill 182.

LANANE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kruse be added as coauthor of Senate Bill 182.

LANANE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Becker be added as second author, Senator Charbonneau be added as third author, and Senators Mrvan and Breaux be added as coauthors of Senate Bill 464.

PATRICIA MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Stoops be added as coauthor of Senate Bill 304.

BRAY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Crider be added as second author of Senate Bill 294.

PATRICIA MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lanane be added as second author and Senator Arnold be added as coauthor of Senate Bill 125.

CRIDER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator A. Banks be added as coauthor of Senate Bill 296.

BUCK

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Bassler be added as third author of Senate Bill 36.

BOOTS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kenley be added as second author of Senate Bill 345.

ROGERS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kenley be added as second author of Senate Bill 517.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Tuesday, January 27, 2015.

LONG

Motion prevailed.

The Senate adjourned at 2:51 p.m.

JENNIFER L. MERTZ
Secretary of the Senate

SUE ELLSPERMANN
President of the Senate