



January 22, 2019

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## HOUSE BILL No. 1139

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DIGEST OF HB 1139 (Updated January 17, 2019 1:45 pm - DI 133)

**Citations Affected:** Noncode.

**Synopsis:** Pension thirteenth checks. Provides for thirteenth checks in 2019 and 2020 for certain members of the: (1) Indiana state teachers' retirement fund; (2) public employees' retirement fund; (3) state excise police, gaming agent, gaming control officer, and conservation enforcement officers' retirement plan; (4) state police pre-1987 benefit system; and (5) state police 1987 benefit system.

**Effective:** July 1, 2019.

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### Burton, Gutwein

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January 7, 2019, read first time and referred to Committee on Ways and Means.  
January 22, 2019, reported — Do Pass.

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HB 1139—LS 6388/DI 128





January 22, 2019

First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

## HOUSE BILL No. 1139

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A BILL FOR AN ACT concerning labor and safety.

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

- 1           SECTION 1. [EFFECTIVE JULY 1, 2019] (a) As used in this  
2 SECTION, "fund" refers to the Indiana state teachers' retirement  
3 fund established by IC 5-10.4-2-1.  
4           (b) Not later than October 1, 2019, the fund shall pay the  
5 amount determined under subsection (d) to a member of the fund  
6 (or to a survivor or beneficiary of a member) who retired or was  
7 disabled on or before December 1, 2018, and who is entitled to  
8 receive a monthly benefit on July 1, 2019. The amount is not an  
9 increase in the pension portion of the monthly benefit.  
10          (c) After June 30, 2020, and not later than October 1, 2020, the  
11 fund shall pay the amount determined under subsection (d) to a  
12 member of the fund (or to a survivor or beneficiary of a member)  
13 who retired or was disabled on or before December 1, 2019, and  
14 who is entitled to receive a monthly benefit on July 1, 2020. The  
15 amount is not an increase in the pension portion of the monthly  
16 benefit.  
17          (d) The amount paid under this SECTION to a member of the  
18 fund (or to a survivor or beneficiary of a member) who meets the

HB 1139—LS 6388/DI 128



1 requirements of subsection (b) or (c) is determined as follows:

2           **If a Member's Creditable                           The Amount Is:**  
 3                           **Service Is:**

4 <b>At least 5 years, but less than 10 years</b>	<b>\$150</b>
5 <b>(only in the case of a member receiving</b>	
6 <b>disability retirement benefits)</b>	
7 <b>At least 10 years, but less than 20 years</b>	<b>\$275</b>
8 <b>At least 20 years, but less than 30 years</b>	<b>\$375</b>
9 <b>At least 30 years</b>	<b>\$450</b>

10           (e) The creditable service used to determine the amount paid to  
 11 a member (or to a survivor or beneficiary of a member) under this  
 12 SECTION is the creditable service that was used to compute the  
 13 member's retirement benefit under IC 5-10.2-4-4, except that  
 14 partial years of creditable service may not be used to determine the  
 15 amount paid under this SECTION.

16           (f) If two (2) or more survivors or beneficiaries of a member are  
 17 entitled to an amount paid under this SECTION, the amount shall  
 18 be allocated to the survivors or beneficiaries in shares using the  
 19 same percentages as the percentages determined under  
 20 IC 5-10.2-3-7.5 or IC 5-10.4-4-10 to pay the monthly benefit to the  
 21 survivors or beneficiaries.

22           (g) The fund may not use employer contributions to make the  
 23 payments required under subsection (b) or (c), as applicable,  
 24 unless, and only to the extent that, the amounts necessary to make  
 25 the payments required under subsection (b) or (c), as applicable,  
 26 exceed the amounts appropriated in the state budget for the  
 27 biennium beginning July 1, 2019, for the purposes described in  
 28 subsection (b) or (c), as applicable.

29           (h) This SECTION expires January 1, 2021.

30           SECTION 2. [EFFECTIVE JULY 1, 2019] (a) As used in this  
 31 SECTION, "fund" refers to the public employees' retirement fund  
 32 established by IC 5-10.3-2-1.

33           (b) Not later than October 1, 2019, the fund shall pay the amount  
 34 determined under subsection (d) to a member of the fund (or to a  
 35 survivor or beneficiary of a member) who retired or was disabled  
 36 on or before December 1, 2018, and who is entitled to receive a  
 37 monthly benefit on July 1, 2019. The amount is not an increase in  
 38 the pension portion of the monthly benefit.

39           (c) After June 30, 2020, and not later than October 1, 2020, the  
 40 fund shall pay the amount determined under subsection (d) to a  
 41 member of the fund (or to a survivor or beneficiary of a member)  
 42 who retired or was disabled on or before December 1, 2019, and



1 who is entitled to receive a monthly benefit on July 1, 2020. The  
2 amount is not an increase in the pension portion of the monthly  
3 benefit.

4 (d) The amount paid under this SECTION to a member of the  
5 fund (or to a survivor or beneficiary of a member) who meets the  
6 requirements of subsection (b) or (c) is determined as follows:

7 If a Member's Creditable 8 Service Is:	The Amount Is:
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9 At least 5 years, but less than 10 years 10 (only in the case of a member receiving 11 disability retirement benefits)	\$150
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12 At least 10 years, but less than 20 years	\$275
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13 At least 20 years, but less than 30 years	\$375
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14 At least 30 years	\$450
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15 (e) The creditable service used to determine the amount paid to  
16 a member (or to a survivor or beneficiary of a member) under this  
17 SECTION is the creditable service that was used to compute the  
18 member's retirement benefit under IC 5-10.2-4-4, except that  
19 partial years of creditable service may not be used to determine the  
20 amount paid under this SECTION.

21 (f) If two (2) or more survivors or beneficiaries of a member are  
22 entitled to an amount paid under this SECTION, the amount shall  
23 be allocated to the survivors or beneficiaries in shares using the  
24 same percentages as the percentages determined under  
25 IC 5-10.2-3-7.5 or IC 5-10.3-8-15 to pay the monthly benefit to the  
26 survivors or beneficiaries.

27 (g) The fund may not use employer contributions to make the  
28 payments required under subsection (b) or (c), as applicable,  
29 unless, and only to the extent that, the amounts necessary to make  
30 the payments required under subsection (b) or (c), as applicable,  
31 exceed the amounts appropriated in the state budget for the  
32 biennium beginning July 1, 2019, for the purposes described in  
33 subsection (b) or (c), as applicable.

34 (h) This SECTION expires January 1, 2021.

35 SECTION 3. [EFFECTIVE JULY 1, 2019] (a) As used in this  
36 SECTION, "participant" has the meaning set forth in  
37 IC 5-10-5.5-1.

38 (b) As used in this SECTION, "plan" refers to the state excise  
39 police, gaming agent, gaming control officer, and conservation  
40 enforcement officers' retirement plan created by IC 5-10-5.5-2.

41 (c) Not later than October 1, 2019, the board of trustees of the  
42 Indiana public retirement system established by IC 5-10.5-3-1 shall



1 pay the amount determined under subsection (e) to a plan  
 2 participant (or to a survivor or beneficiary of a plan participant)  
 3 who retired or was disabled on or before December 1, 2018, and  
 4 who is entitled to receive a monthly benefit on July 1, 2019. The  
 5 amount is not an increase in the annual retirement allowance.

6 (d) After June 30, 2020, and not later than October 1, 2020, the  
 7 board of trustees of the Indiana public retirement system  
 8 established by IC 5-10.5-3-1 shall pay the amount determined  
 9 under subsection (e) to a plan participant (or to a survivor or  
 10 beneficiary of a plan participant) who retired or was disabled on  
 11 or before December 1, 2019, and who is entitled to receive a  
 12 monthly benefit on July 1, 2020. The amount is not an increase in  
 13 the annual retirement allowance.

14 (e) The amount paid under this SECTION to a plan participant  
 15 (or to a survivor or beneficiary of a plan participant) who meets  
 16 the requirements of subsection (c) or (d) is determined as follows:

17 If a Plan Participant's Creditable	The Amount Is:
18 Service Is:	

19 At least 5 years, but less than 10 years 20 (only in the case of a member receiving 21 disability retirement benefits)	\$150
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22 At least 10 years, but less than 20 years	\$275
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23 At least 20 years, but less than 30 years	\$375
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24 At least 30 years	\$450
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25 (f) The creditable service used to determine the amount paid to  
 26 a plan participant (or to a survivor or beneficiary of a plan  
 27 participant) under this SECTION is the creditable service that was  
 28 used to compute the plan participant's retirement allowance under  
 29 IC 5-10-5.5-10 and IC 5-10-5.5-12, except that partial years of  
 30 creditable service may not be used to determine the amount paid  
 31 under this SECTION.

32 (g) If two (2) or more survivors or beneficiaries of a plan  
 33 participant are entitled to an amount paid under this SECTION,  
 34 the amount shall be allocated to the survivors or beneficiaries in  
 35 shares using the same percentages as the percentages determined  
 36 under IC 5-10-5.5-16 to pay the monthly benefit to the survivors or  
 37 beneficiaries.

38 (h) The board of trustees of the Indiana public retirement  
 39 system established by IC 5-10.5-3-1 may not use employer  
 40 contributions to make the payments required under subsection (c)  
 41 or (d), as applicable, unless, and only to the extent that, the  
 42 amounts required to make the payments under subsection (c) or



1 (d), as applicable, exceed the appropriations in the state budget for  
 2 the biennium beginning July 1, 2019, for the purposes described in  
 3 subsection (c) or (d), as applicable.

4 (i) This SECTION expires January 1, 2021.

5 SECTION 4. [EFFECTIVE JULY 1, 2019] (a) As used in this  
 6 SECTION, "trustee" has the meaning set forth in IC 10-12-1-10.

7 (b) As used in this SECTION, "trust fund" has the meaning set  
 8 forth in IC 10-12-1-11.

9 (c) Not later than October 1, 2019, the trustee shall pay from the  
 10 trust fund to each employee beneficiary of the state police pre-1987  
 11 benefit system covered by IC 10-12-3 who:

12 (1) retired or was disabled before July 2, 2018; and

13 (2) is entitled to receive a monthly benefit as of September 1,  
 14 2019;

15 an amount equal to one percent (1%) of the maximum basic annual  
 16 pension amount payable to a retired state police employee in the  
 17 grade of trooper who has completed twenty (20) years of service as  
 18 of July 1, 2019, as calculated under IC 10-12-3-7.

19 (d) After September 1, 2020, and not later than October 1, 2020,  
 20 the trustee shall pay from the trust fund to each employee  
 21 beneficiary of the state police pre-1987 benefit system covered by  
 22 IC 10-12-3 who:

23 (1) retired or was disabled before July 2, 2019; and

24 (2) is entitled to receive a monthly benefit as of September 1,  
 25 2020;

26 an amount equal to one percent (1%) of the maximum basic annual  
 27 pension amount payable to a retired state police employee in the  
 28 grade of trooper who has completed twenty (20) years of service as  
 29 of July 1, 2020, as calculated under IC 10-12-3-7.

30 (e) The amounts paid under this SECTION are not an increase  
 31 in the monthly pension amount of an employee beneficiary.

32 (f) The trustee may not use employer contributions to make the  
 33 payments required under subsection (c) or (d), as applicable,  
 34 unless, and only to the extent that, the amounts required to make  
 35 the payments under subsection (c) or (d), as applicable, exceed the  
 36 appropriations in the state budget for the biennium beginning July  
 37 1, 2019, for the purposes described in subsection (c) or (d), as  
 38 applicable.

39 (g) This SECTION expires January 1, 2021.

40 SECTION 5. [EFFECTIVE JULY 1, 2019] (a) As used in this  
 41 SECTION, "trustee" has the meaning set forth in IC 10-12-1-10.

42 (b) As used in this SECTION, "trust fund" has the meaning set



1       forth in IC 10-12-1-11.

2       (c) Not later than October 1, 2019, the trustee shall pay from the  
3 trust fund to each employee beneficiary of the state police 1987  
4 benefit system covered by IC 10-12-4 who:

5           (1) retired or was disabled after June 30, 1987, and before  
6 July 2, 2018; and

7           (2) is entitled to receive a monthly benefit as of September 1,  
8 2019;

9       an amount equal to one percent (1%) of the maximum basic annual  
10 pension amount payable to a retired state police employee in the  
11 grade of trooper who has completed twenty-five (25) years of  
12 service as of July 1, 2019, as calculated under IC 10-12-4-7.

13       (d) After September 1, 2020, and not later than October 1, 2020,  
14 the trustee shall pay from the trust fund to each employee  
15 beneficiary of the state police 1987 benefit system covered by  
16 IC 10-12-4 who:

17           (1) retired or was disabled after June 30, 1987, and before  
18 July 2, 2019; and

19           (2) is entitled to receive a monthly benefit as of September 1,  
20 2020;

21       an amount equal to one percent (1%) of the maximum basic annual  
22 pension amount payable to a retired state police employee in the  
23 grade of trooper who has completed twenty-five (25) years of  
24 service as of July 1, 2020, as calculated under IC 10-12-4-7.

25       (e) The amount paid under this SECTION is not an increase in  
26 the monthly pension amount of an employee beneficiary.

27       (f) The trustee may not use employer contributions to make the  
28 payments required under subsection (c) or (d), as applicable,  
29 unless, and only to the extent that, the amounts required to make  
30 the payments under subsection (c) or (d), as applicable, exceed the  
31 appropriations in the state budget for the biennium beginning July  
32 1, 2019, for the purposes described in subsection (c) or (d), as  
33 applicable.

34       (g) This SECTION expires January 1, 2021.





COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1139, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1139 as introduced.)

HUSTON

Committee Vote: Yeas 23, Nays 0

