

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1306 be amended to read as follows:

1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 5-10.2-4-6 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 6. (a) A member who
5 becomes disabled while receiving a salary or employer provided income
6 protection benefits or who is on leave under the Family and Medical
7 Leave Act may retire for the duration of his disability if:
8 (1) the member has at least five (5) years of creditable service
9 before the:
10 (A) termination of a salary or employer provided income
11 protection benefits or Family and Medical Leave Act leave; or
12 (B) exhaustion of all worker's compensation benefits;
13 (2) the member has qualified for Social Security disability benefits
14 and has furnished proof of the Social Security qualification to the
15 board; and
16 (3) at least once each year until the member reaches age sixty-five
17 (65) a representative of the board verifies the continued disability.
18 For the purposes of this section, a member of the public employees'
19 retirement fund who has qualified for disability benefits under the
20 federal civil service system is considered to have met the requirement
21 of subdivision (2) if he furnishes proof of the qualification to the board
22 of the public employees' retirement fund.
23 (b) Benefits for disability shall be paid beginning with the month
24 following the onset of disability as determined by the Social Security
25 Administration. The benefit is the retirement benefit specified in section
26 4 of this chapter with the pension computed using only the years of
27 creditable service worked to the date of disability and without reduction
28 for early retirement. ~~However,~~ **Except as provided in subsection (g),**
29 the monthly disability retirement benefit may not be less than one
30 hundred dollars (\$100).

1 (c) The member may have his benefit paid under any of the
2 retirement benefit options specified in section 7 of this chapter, except
3 that the member may not choose to have the member's disability
4 retirement benefit paid under the method specified under section 7(b)(3)
5 of this chapter.

6 (d) This section applies to:

7 (1) a member of the public employees' retirement fund who
8 became disabled after June 30, 1973; and

9 (2) a member of the Indiana state teachers' retirement fund who
10 becomes disabled after June 30, 1984, and who chooses disability
11 retirement under this section.

12 (e) To the extent required by the Americans with Disabilities Act (42
13 U.S.C. 12101 et seq.) and any amendments and regulations to the Act,
14 the transcripts, records, and other material compiled to determine the
15 existence of a disability shall be:

16 (1) kept in separate medical files for each member; and

17 (2) treated as confidential medical records.

18 (f) A member may continue to receive disability benefits from the
19 public employees' retirement fund or the Indiana state teachers'
20 retirement fund so long as the member is entitled to receive Social
21 Security benefits, including periods of trial employment or rehabilitation
22 under the Social Security guidelines. However, during a period of trial
23 employment or rehabilitation, service credit may not be granted under
24 the public employees' retirement fund or the Indiana state teachers'
25 retirement fund.

26 **(g) This subsection applies only to a member of the public**
27 **employees' retirement fund. The pension portion (plus**
28 **postretirement increases to the pension portion) provided by**
29 **employer contributions of the monthly disability retirement**
30 **benefit payable under this section after December 31, 2004, may**
31 **not be less than one hundred eighty dollars (\$180). The increase**
32 **specified in this subsection is in addition to any other increase**
33 **provided by law."**

34 Renumber all SECTIONS consecutively.

(Reference is to EHB 1306 as printed February 20, 2004.)

Senator HOWARD