
HOUSE BILL No. 1195

DIGEST OF INTRODUCED BILL

Citations Affected: IC 2-3.5-3-4; IC 5-10-5.5-3; IC 5-10.2-2-17; IC 33-38-6-23; IC 33-39-7-11; IC 36-8-8-5.

Synopsis: Pension contributions. Provides that records concerning mandatory contributions by the state or another employer to a public retirement fund that are paid on behalf of and individually identifiable to a fund member are public records.

Effective: July 1, 2005.

Thompson

January 6, 2005, read first time and referred to Committee on Employment and Labor.

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First Regular Session 114th General Assembly (2005)

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 2004 Regular Session of the General Assembly.

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HOUSE BILL No. 1195



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

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

- 1 SECTION 1. IC 2-3.5-3-4 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The PERF board
- 3 shall administer the system, which may be commingled with the PERF
- 4 fund for investment purposes.
- 5 (b) The PERF board shall:
 - 6 (1) determine eligibility for and make payments of benefits under
 - 7 this chapter, IC 2-3.5-4, and IC 2-3.5-5;
 - 8 (2) in accordance with the powers and duties granted in
 - 9 IC 5-10.3-3-7, IC 5-10.3-3-7.1, IC 5-10.3-3-8, and IC 5-10.3-5-3
 - 10 through IC 5-10.3-5-6, administer the system; and
 - 11 (3) provide by rule for the implementation of this chapter,
 - 12 IC 2-3.5-4, and IC 2-3.5-5.
- 13 (c) A determination by the PERF board may be appealed under
- 14 IC 4-21.5.
- 15 (d) The powers and duties of:
 - 16 (1) the director and the actuary of the PERF board;
 - 17 (2) the treasurer of state;



1 (3) the attorney general; and
2 (4) the auditor of state;
3 with respect to the fund are those specified in IC 5-10.3-3 and
4 IC 5-10.3-4.

5 (e) The PERF board may hire additional personnel, including
6 hearing officers, to assist in the implementation of this chapter.

7 (f) Legislators' retirement system records of individual participants
8 and participants' information are confidential, except for:

9 (1) the name and years of service of a retirement system
10 participant; **and**

11 (2) **the amount of mandatory contributions paid under**
12 **IC 2-3.5-5-5 by the state:**

13 (A) **on behalf of; and**

14 (B) **individually identifiable to;**
15 **a retirement system participant.**

16 SECTION 2. IC 5-10-5.5-3 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) The management
18 administration of the retirement plan created by this chapter is hereby
19 vested in the board of trustees of the public employees' retirement fund.

20 (b) Records of individual participants in the retirement plan created
21 by this chapter and participants' information are confidential, except
22 for:

23 (1) the name and years of service of a retirement plan participant;
24 **and**

25 (2) **the amount of mandatory contributions paid by the state:**

26 (A) **on behalf of; and**

27 (B) **individually identifiable to;**
28 **a retirement plan participant.**

29 SECTION 3. IC 5-10.2-2-17 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 17. Fund records of
31 individual members and membership information are confidential,
32 except for:

33 (1) the name and years of service of a fund member; **and**

34 (2) **the amount of mandatory contributions paid under**
35 **IC 5-10.3-7-9 or IC 21-6.1-4-9 by a fund member's employer:**

36 (A) **on behalf of; and**

37 (B) **individually identifiable to;**
38 **a fund member.** However, this section does not prohibit a board from

39 providing fund records to an association described in IC 5-10.3-8-10
40 or IC 21-6.1-5-17.

41 SECTION 4. IC 33-38-6-23 IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 23. (a) The board of

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1 trustees of the public employees' retirement fund shall administer the
 2 fund, which may be commingled with the public employees' retirement
 3 fund for investment purposes.

4 (b) The board shall do the following:

5 (1) Determine eligibility for and make payments of benefits under
 6 IC 33-38-7 and IC 33-38-8.

7 (2) In accordance with the powers and duties granted it in
 8 IC 5-10.3-3-7, IC 5-10.3-3-7.1, IC 5-10.3-3-8, and IC 5-10.3-5-3
 9 through IC 5-10.3-5-6, administer the fund.

10 (3) Provide by rule for the implementation of this chapter and
 11 IC 33-38-7 and IC 33-38-8.

12 (c) A determination by the board may be appealed under the
 13 procedures in IC 4-21.5.

14 (d) The powers and duties of:

15 (1) the director and the actuary of the board;

16 (2) the treasurer of state;

17 (3) the attorney general; and

18 (4) the auditor of state;

19 with respect to the fund are those specified in IC 5-10.3-3 and
 20 IC 5-10.3-4.

21 (e) The board may hire additional personnel, including hearing
 22 officers, to assist it in the implementation of this chapter.

23 (f) Fund records of individual participants and participants'
 24 information are confidential, except for:

25 (1) the name and years of service of a fund participant; **and**

26 **(2) the amount of mandatory contributions paid by a fund
 27 participant's employer;**

28 **(A) on behalf of; and**

29 **(B) individually identifiable to;**

30 **a fund participant.**

31 SECTION 5. IC 33-39-7-11 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. (a) The board shall
 33 administer the fund, which may be commingled with the public
 34 employees' retirement fund for investment purposes.

35 (b) The board shall do the following:

36 (1) Determine eligibility for and make payments of benefits under
 37 this chapter.

38 (2) In accordance with the powers and duties granted the board in
 39 IC 5-10.3-3-7, IC 5-10.3-3-7.1, IC 5-10.3-3-8, and IC 5-10.3-5-3
 40 through IC 5-10.3-5-6, administer the fund.

41 (3) Provide by rule for the implementation of this chapter.

42 (c) A determination by the board may be appealed under IC 4-21.5.

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1 (d) The powers and duties of:

- 2 (1) the director and the actuary of the board;
 3 (2) the treasurer of state;
 4 (3) the attorney general; and
 5 (4) the auditor of state;

6 with respect to the fund are those specified in IC 5-10.3-3 and
 7 IC 5-10.3-4.

8 (e) The board may hire additional personnel, including hearing
 9 officers, to assist in the implementation of this chapter.

10 (f) Fund records of individual participants and participants'
 11 information are confidential, except for:

- 12 (1) the name and years of service of a fund participant; **and**
 13 (2) **the amount of mandatory contributions paid by the state:**
 14 (A) **on behalf of; and**
 15 (B) **individually identifiable to;**

16 **a fund participant.**

17 SECTION 6. IC 36-8-8-5 IS AMENDED TO READ AS FOLLOWS
 18 [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) The PERF board shall:

- 19 (1) determine eligibility for and make payments of benefits,
 20 except as provided in section 12 of this chapter;
 21 (2) in accordance with the powers and duties granted it in
 22 IC 5-10.3-3-7, IC 5-10.3-3-8, and IC 5-10.3-5-3 through
 23 IC 5-10.3-5-6, administer the 1977 fund; and
 24 (3) provide by rule for the implementation of this chapter.

25 (b) A determination by the PERF board may be appealed under the
 26 procedures in IC 4-21.5.

27 (c) The powers and duties of the director and the actuary of the
 28 PERF board, the treasurer of state, the attorney general, and the auditor
 29 of state, with respect to the 1977 fund, are those specified in
 30 IC 5-10.3-3 and IC 5-10.3-4.

31 (d) The PERF board may hire additional personnel, including
 32 hearing officers, to assist it in the implementation of this chapter.

33 (e) The 1977 fund records of individual members and
 34 membership information are confidential, except for:

- 35 (1) the name and years of service of a 1977 fund member; **and**
 36 (2) **the amount of mandatory contributions paid by a 1977**
 37 **fund member's employer:**
 38 (A) **on behalf of; and**
 39 (B) **individually identifiable to;**

40 **a 1977 fund member.**

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