
SENATE BILL No. 385

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-8.

Synopsis: Police pension benefits. Increases the retirement, disability, and survivor benefits by 50% for police officers who: (1) are members of the 1925 fund, the 1953 fund, or the 1977 fund; and (2) retire, become disabled, or die after December 31, 2006. Provides for a one time adjustment in the benefits of police officers who retire, are disabled, or die before January 1, 2007.

Effective: January 1, 2007.

Rogers

January 11, 2006, read first time and referred to Committee on Pensions and Labor.

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Introduced

Second Regular Session 114th General Assembly (2006)

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 2005 Regular Session of the General Assembly.

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SENATE BILL No. 385

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 36-8-6-8 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JANUARY 1, 2007]: Sec. 8. (a) For a member who
3 became disabled before July 1, 2000, the 1925 fund shall be used to
4 pay a pension in a sum determined by the local board, but not
5 exceeding:
6 (1) for a disability or disease occurring before July 1, 1982, fifty
7 percent (50%); and
8 (2) for a disability or disease occurring after June 30, 1982,
9 fifty-five percent (55%);
10 of the salary of a first class patrolman, to a member of the police
11 department who has suffered or contracted a mental or physical disease
12 or disability that renders the patrolman unable to perform the essential
13 functions of any duty in the police department, considering reasonable
14 accommodation to the extent required by the Americans with
15 Disabilities Act. If a member who becomes eligible for a disability
16 pension has more than twenty (20) years of service, the member is
17 entitled to receive a disability pension equal to the pension the member



1 would have received if the member had retired on the date of the
2 disability.

3 (b) Except as otherwise provided in this subsection, for a member
4 who becomes disabled after June 30, 2000, the 1925 fund shall be used
5 to pay a pension in a sum determined by the local board, but not
6 exceeding fifty-five percent (55%) of the salary of a first class
7 patrolman, **in the case of a member who becomes disabled before**
8 **January 1, 2007, or not exceeding eighty-three percent (83%) of**
9 **the salary of a first class patrolman, in the case of a member who**
10 **becomes disabled after December 31, 2006,** to a member of the
11 police department who has suffered or contracted a mental or physical
12 disease or disability:

- 13 (1) that is:
 - 14 (A) the direct result of:
 - 15 (i) a personal injury that occurs while the fund member is on
 - 16 duty;
 - 17 (ii) a personal injury that occurs while the fund member is
 - 18 off duty and is responding to an offense or a reported
 - 19 offense, in the case of a police officer; or
 - 20 (iii) an occupational disease (as defined in IC 22-3-7-10),
 - 21 including a duty related disease that is also included within
 - 22 clause (B);
 - 23 (B) a duty related disease (for purposes of this section, a "duty
 - 24 related disease" means a disease arising out of the fund
 - 25 member's employment; a disease is considered to arise out of
 - 26 the fund member's employment if it is apparent to the rational
 - 27 mind, upon consideration of all of the circumstances, that:
 - 28 (i) there is a connection between the conditions under which
 - 29 the fund member's duties are performed and the disease;
 - 30 (ii) the disease can be seen to have followed as a natural
 - 31 incident of the fund member's duties as a result of the
 - 32 exposure occasioned by the nature of the fund member's
 - 33 duties; and
 - 34 (iii) the disease can be traced to the fund member's
 - 35 employment as the proximate cause); or
 - 36 (C) a disability presumed incurred in the line of duty under
 - 37 IC 5-10-13; and
 - 38 (2) that renders the member unable to perform the essential
 - 39 functions of any duty in the police department, considering
 - 40 reasonable accommodation to the extent required by the
 - 41 Americans with Disabilities Act.

42 If a member who becomes eligible for a disability pension has more

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1 than twenty (20) years of service, the member is entitled to receive a
2 disability pension equal to the pension the member would have
3 received if the member had retired on the date of the disability.

4 (c) Except as otherwise provided in this subsection, for a member
5 who becomes disabled after June 30, 2000, the 1925 fund shall be used
6 to pay a pension in a sum determined by the local board, but not
7 exceeding fifty-five percent (55%) of the salary of a first class
8 patrolman, **in the case of a member who becomes disabled before**
9 **January 1, 2007, or not exceeding eighty-three percent (83%) of**
10 **the salary of a first class patrolman, in the case of a member who**
11 **becomes disabled after December 31, 2006,** to a member of the
12 police department who has suffered or contracted a mental or physical
13 disease or disability:

- 14 (1) that is not described in subsection (b)(1); and
- 15 (2) that renders the member unable to perform the essential
16 functions of any duty in the police department, considering
17 reasonable accommodation to the extent required by the
18 Americans with Disabilities Act.

19 If a member who becomes eligible for a disability pension has more
20 than twenty (20) years of service, the member is entitled to receive a
21 disability pension equal to the pension the member would have
22 received if the member had retired on the date of the disability.

23 (d) The member must have retired from active service after a
24 physical examination by the police surgeon or another surgeon
25 appointed by the local board. The disability must be determined solely
26 by the local board after the examination and a hearing conducted under
27 IC 36-8-8-12.7. A member shall be retained on active duty with full pay
28 until the member is retired by the local board because of the disability.

29 (e) After a member has been retired upon pension, the local board
30 may, at any time, require the retired member to again be examined by
31 the police surgeon or another surgeon appointed by the local board.
32 After the examination the local board shall conduct a hearing under
33 IC 36-8-8-12.7 to determine whether the disability still exists and
34 whether the retired member should remain on the pension roll. The
35 retired member shall be retained on the pension roll until reinstated in
36 the service of the police department, except in case of resignation. If
37 after the examination and hearing the retired member is found to have
38 recovered from the member's disability and to be again fit for active
39 duty, then the member shall be put on active duty with full pay and
40 from that time is no longer entitled to payments from the 1925 fund. If
41 the member fails or refuses to return to active duty, the member waives
42 all rights to further benefits from the 1925 fund.

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1 (f) If the salary of a first class patrolman is increased or decreased,
 2 the pension payable shall be proportionately increased or decreased.
 3 However, the monthly pension payable to a member or survivor may
 4 not be reduced below:

5 (1) the amount of the first full monthly pension received by that
 6 person; or

7 (2) fifty-five percent (55%) of the salary of a first class patrolman,
 8 **in the case of a member who becomes disabled before January**
 9 **1, 2007, or eighty-three percent (83%) of the salary of a first**
 10 **class patrolman, in the case of a member who becomes**
 11 **disabled after December 31, 2006;**

12 whichever is greater.

13 (g) Time spent receiving disability benefits is considered active
 14 service for the purpose of determining retirement benefits until the
 15 member has a total of twenty (20) years of service.

16 (h) A fund member who is receiving disability benefits under this
 17 chapter shall be transferred from disability to regular retirement status
 18 when the member becomes fifty-five (55) years of age.

19 SECTION 2. IC 36-8-6-9 IS AMENDED TO READ AS FOLLOWS
 20 [EFFECTIVE JANUARY 1, 2007]: Sec. 9. (a) Benefits paid under this
 21 section are subject to section 1.5 of this chapter.

22 (b) The 1925 fund shall be used to provide a member of the police
 23 department who retires from active duty after twenty (20) or more years
 24 of active duty an annual pension equal to fifty percent (50%) of the
 25 salary of a first class patrolman in the police department, **in the case of**
 26 **a member who retires before January 1, 2007, or seventy-five**
 27 **percent (75%) of the salary of a first class patrolman in the police**
 28 **department, in the case of a member who retires after December**
 29 **31, 2006, plus:**

30 (1) for a member who retires before January 1, 1986, two percent
 31 (2%) of the first class patrolman's salary for each year of service;

32 or

33 (2) for a member who retires after December 31, 1985, one
 34 percent (1%) of the first class patrolman's salary for each six (6)
 35 months of service;

36 of the retired member over twenty (20) years. However, the pension
 37 may not exceed in any year an amount greater than seventy-four
 38 percent (74%) of the salary of a first class patrolman, **in the case of a**
 39 **member who retires before January 1, 2007, or one hundred**
 40 **percent (100%) of the salary of a first class patrolman, in the case**
 41 **of a member who retires after December 31, 2006.** The pensions
 42 shall be computed on an annual basis but shall be paid in not less than

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1 twelve (12) equal monthly installments. If the salary of a first class
2 patrolman is increased or decreased, the pension payable shall be
3 proportionately increased or decreased.

4 (c) If a member voluntarily retires after twenty (20) or more years
5 of service, the member is entitled to retirement and the pension,
6 without reference to ~~his~~ **the member's** physical condition at the time
7 of application. However, ~~he~~ **the member** then relinquishes all rights to
8 other benefits or pensions for temporary disability. After retirement the
9 member is not required to render further services on the police
10 department, is no longer subject to the rules of the department, and may
11 not be deprived of other benefits under this chapter that may accrue to
12 ~~him~~ **the member** or ~~his~~ **the member's** dependents.

13 (d) To be retired based upon length of service, only the time served
14 by the member on the regularly constituted police department may be
15 computed. Time served by a member as a special police officer, a
16 merchant police officer, or a private police officer may not be
17 considered in computing length of service.

18 SECTION 3. IC 36-8-6-9.6 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 9.6. (a) This
20 section applies to an active or retired member who dies other than in
21 the line of duty (as defined in section 10.1 of this chapter).

22 (b) A payment shall be made to the surviving spouse of a deceased
23 member in an amount fixed by ordinance, but at least an amount equal
24 to the following:

25 (1) To the surviving spouse of a member who died before January
26 1, 1989, an amount equal to thirty percent (30%) of the monthly
27 pay of a first class patrolman per month during the surviving
28 spouse's life if the spouse did not remarry before September 1,
29 1983. If the spouse remarried before September 1, 1983, and
30 benefits ceased on the date of remarriage, the benefits for the
31 surviving spouse shall be reinstated on July 1, 1997, and continue
32 during the life of the surviving spouse.

33 (2) Except as otherwise provided in this subdivision, to the
34 surviving spouse of a member who dies after December 31, 1988,
35 an amount per month, during the spouse's life, equal to:

36 **(A) in the case of a member who dies before January 1,**
37 **2007, the greater of:**

38 ~~(A)~~ **(i)** thirty percent (30%) of the monthly pay of a first
39 class patrolman; or

40 ~~(B)~~ **(ii)** fifty-five percent (55%) of the monthly benefit the
41 deceased member was receiving or was entitled to receive
42 on the date of the member's death; **or**

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1 **(B) in the case of a member who dies after December 31,**
 2 **2006, the greater of:**

3 **(i) forty-five percent (45%) of the monthly pay of a first**
 4 **class patrolman; or**

5 **(ii) eighty-three percent (83%) of the monthly benefit the**
 6 **deceased member was receiving or was entitled to**
 7 **receive on the date of the member's death.**

8 However, if the deceased member was not entitled to a benefit
 9 because the member had not completed twenty (20) years of
 10 service, for purposes of computing the amount under clause ~~(B)~~,
 11 **(A)(ii) or (B)(ii)**, the member's benefit shall be considered to be
 12 fifty percent (50%) of the monthly salary of a first class
 13 patrolman, **in the case of a member who dies before January**
 14 **1, 2007, or seventy-five percent (75%) of the salary of a first**
 15 **class patrolman, in the case of a member who dies after**
 16 **December 31, 2006.** The amount provided in this subdivision is
 17 subject to adjustment as provided in subsection (e).

18 (c) Except as otherwise provided in this subsection, a payment shall
 19 also be made to each child of a deceased member less than eighteen
 20 (18) years of age, in an amount fixed by ordinance, but at least an
 21 amount equal to twenty percent (20%) of the monthly pay of a first
 22 class patrolman per month, **in the case of a member who dies before**
 23 **January 1, 2007, or thirty percent (30%) of the monthly pay of a**
 24 **first class patrolman per month, in the case of a member who dies**
 25 **after December 31, 2006:**

- 26 (1) until the child becomes eighteen (18) years of age;
 27 (2) until the child becomes twenty-three (23) years of age if the
 28 child is enrolled in and regularly attending a secondary school or
 29 is a full-time student at an accredited college or university; or
 30 (3) during the entire period of the child's physical or mental
 31 disability;

32 whichever period is longer. However, the total of benefits under this
 33 subsection added to the benefits under subsection (b) may not exceed
 34 the maximum benefits computed under section 9 of this chapter for
 35 pension payments to a member who retires from active service after
 36 twenty (20) years or more of active service. This maximum benefit is
 37 equal to fifty percent (50%) of the salary of a first class patrolman in
 38 the police department, **in the case of a member who dies before**
 39 **January 1, 2007, or seventy-five percent (75%) of the salary of a**
 40 **first class patrolman in the police department, in the case of a**
 41 **member who dies after December 31, 2006,** plus, for a member who
 42 retired before January 1, 1986, two percent (2%) of the first class

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1 patrolman's salary for each year of service of the retired member over
 2 twenty (20) years or, for a member who retires after December 31,
 3 1985, plus one percent (1%) of the first class patrolman's salary for
 4 each six (6) months of service of the retired member over twenty (20)
 5 years. However, the maximum benefit may not exceed in any year an
 6 amount greater than seventy-four percent (74%) of the salary of a first
 7 class patrolman, **in the case of a member who dies before January**
 8 **1, 2007, or one hundred percent (100%) of the salary of a first class**
 9 **patrolman, in the case of a member who dies after December 31,**
 10 **2006.**

11 (d) Except as otherwise provided in this subsection, if a deceased
 12 member leaves no surviving spouse and no child who qualifies for
 13 benefits under subsection (c) but does leave a dependent parent or
 14 parents, an amount equal to twenty percent (20%) of the monthly pay
 15 of a first class patrolman, **in the case of a member who dies before**
 16 **January 1, 2007, or thirty percent (30%) of the monthly pay of a**
 17 **first class patrolman, in the case of a member who dies after**
 18 **December 31, 2006,** per month from the time of the member's death
 19 shall be paid to the dependent parent or parents during their
 20 dependency. When both parents survive, the total amount is still twenty
 21 percent (20%) **or thirty percent (30%), as the case may be,** to be
 22 paid to them jointly. In all cases of payment to a dependent relative of
 23 a deceased member, the board is the final judge of the question of
 24 necessity and dependency and of the amount to be paid. The board may
 25 also reduce or terminate temporarily or permanently a payment to a
 26 dependent relative of a deceased member when it determines that the
 27 condition of the fund or other circumstances make this action
 28 necessary.

29 (e) If the salary of a first class patrolman is increased or decreased,
 30 the pension payable under this section shall be proportionately
 31 increased or decreased. However, the monthly pension payable to a
 32 member or survivor may not be reduced below the amount of the first
 33 full monthly pension received by that person.

34 SECTION 4. IC 36-8-6-10.1 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 10.1. (a) This
 36 section applies to a member who dies in the line of duty after August
 37 31, 1982.

38 (b) The surviving spouse is entitled to a monthly benefit, during the
 39 spouse's lifetime, equal to the benefit to which the member would have
 40 been entitled on the date of the member's death, but no less than fifty
 41 percent (50%) of the monthly wage received by a first class patrolman,
 42 **in the case of a member who dies before January 1, 2007, or**

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1 **seventy-five percent (75%) of the monthly wage received by a first**
 2 **class patrolman, in the case of a member who dies after December**
 3 **31, 2006.** If the surviving spouse remarried before September 1, 1983,
 4 and benefits ceased on the date of remarriage, the benefits for the
 5 surviving spouse shall be reinstated on July 1, 1997, and continue
 6 during the life of the surviving spouse.

7 (c) A payment shall also be made to each child of a deceased
 8 member less than eighteen (18) years of age, in an amount fixed by
 9 ordinance, but at least an amount equal to twenty percent (20%) of the
 10 monthly pay of a first class patrolman per month, **in the case of a**
 11 **member who dies before January 1, 2007, or thirty percent (30%)**
 12 **of the monthly pay of a first class patrolman per month, in the case**
 13 **of a member who dies after December 31, 2006,** to each child:

- 14 (1) until the child becomes eighteen (18) years of age;
 15 (2) until the child becomes twenty-three (23) years of age if the
 16 child is enrolled in and regularly attending a secondary school or
 17 is a full-time student at an accredited college or university; or
 18 (3) during the entire period of the child's physical or mental
 19 disability;

20 whichever period is longer.

21 (d) The surviving children of the deceased member who are eligible
 22 to receive a benefit under subsection (c) may receive an additional
 23 benefit in an amount fixed by ordinance, but the total additional benefit
 24 under this subsection to all the member's children may not exceed a
 25 total of thirty percent (30%) of the monthly wage received by a first
 26 class patrolman, **in the case of a member who dies before January**
 27 **1, 2007, or forty-five percent (45%) of the monthly wage received**
 28 **by a first class patrolman, in the case of a member who dies after**
 29 **December 31, 2006.** However, this limitation does not apply to the
 30 children of a member who are physically or mentally disabled.

31 (e) If a deceased member leaves no surviving spouse and no child
 32 who qualifies for benefits under subsection (c) but does leave a
 33 dependent parent or parents, an amount equal to twenty percent (20%)
 34 of the monthly pay of a first class patrolman, **in the case of a member**
 35 **who dies before January 1, 2007, or thirty percent (30%) of the**
 36 **monthly pay of a first class patrolman, in the case of a member**
 37 **who dies after December 31, 2006,** per month from the time of the
 38 member's death shall be paid to the dependent parent or parents during
 39 their dependency. When both parents survive, the total amount is still
 40 twenty percent (20%) **or thirty percent (30%), as the case may be,**
 41 to be paid to them jointly. In all cases of payment to a dependent
 42 relative of a deceased member, the board is the final judge of the

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1 question of necessity and dependency and of the amount to be paid.
2 The board may also reduce or terminate temporarily or permanently a
3 payment to a dependent relative of a deceased member when it
4 determines that the condition of the fund or other circumstances make
5 this action necessary.

6 (f) If the salary of a first class patrolman is increased or decreased,
7 the pension payable under this section shall be proportionately
8 increased or decreased. However, the monthly pension payable to a
9 member or survivor may not be reduced below the amount of the first
10 full monthly pension received by that person.

11 (g) For purposes of this section, "dies in the line of duty" means
12 death that occurs as a direct result of personal injury or illness caused
13 by incident, accident, or violence that results from any action that the
14 member in the member's capacity as a police officer:

15 (1) is obligated or authorized by rule, regulation, condition of
16 employment or service, or law to perform; or

17 (2) performs in the course of controlling or reducing crime or
18 enforcing the criminal law.

19 The term includes a death presumed incurred in the line of duty under
20 IC 5-10-13.

21 (h) The unit of local government that employed the deceased
22 member shall after December 31, 2003, offer to provide and pay for
23 health insurance coverage for the member's surviving spouse and for
24 each natural child, stepchild, or adopted child of the member:

25 (1) until the child becomes eighteen (18) years of age;

26 (2) until the child becomes twenty-three (23) years of age if the
27 child is enrolled in and regularly attending a secondary school or
28 is a full-time student at an accredited college or university; or

29 (3) during the entire period of the child's physical or mental
30 disability;

31 whichever period is longest. If health insurance coverage is offered by
32 the unit to active members, the health insurance provided to a surviving
33 spouse and child under this subsection must be equal in coverage to
34 that offered to active members. The offer to provide and pay for health
35 insurance coverage shall remain open for as long as there is a surviving
36 spouse or as long as a natural child, stepchild, or adopted child of the
37 member is eligible for the coverage under subdivision (1), (2), or (3).

38 SECTION 5. IC 36-8-6-11 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 11. The 1925
40 fund shall be used to pay an amount, equal to the pensions provided by
41 this chapter in the case of voluntary retirement after twenty (20) years'
42 service, to a member of the police department who is dismissed for any

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1 reason after having been in actual service for twenty (20) years,
2 including two percent (2%) additional for each full year of service in
3 excess of twenty (20) years' service. However, a pension under this
4 section may not exceed in any year an amount greater than seventy-four
5 percent (74%) of the salary of a first class patrolman, **in the case of a**
6 **member who is dismissed before January 1, 2007, or one hundred**
7 **percent (100%) of the salary of a first class patrolman, in the case**
8 **of a member who is dismissed after December 31, 2006.**

9 SECTION 6. IC 36-8-7.5-12 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 12. (a) Benefits
11 paid under this section are subject to section 1.5 of this chapter.

12 (b) The 1953 fund shall be used to provide a member of the police
13 department who retires from active duty after twenty (20) or more years
14 of active duty an annual pension equal to fifty percent (50%) of the
15 salary of a first class patrolman in the police department, **in the case of**
16 **a member who retires before January 1, 2007, or seventy-five**
17 **percent (75%) of the salary of a first class patrolman in the police**
18 **department, in the case of a member who retires after December**
19 **31, 2006, plus:**

- 20 (1) for a member who retires before January 1, 1986, two percent
- 21 (2%) of the first class patrolman's salary for each year of service;
- 22 or
- 23 (2) for a member who retires after December 31, 1985, one
- 24 percent (1%) of the first class patrolman's salary for each six (6)
- 25 months of service;

26 of the retired member over twenty (20) years. The pension may not
27 exceed in any year an amount greater than seventy-four percent (74%)
28 of the salary of a first class patrolman, **in the case of a member who**
29 **retires before January 1, 2007, or one hundred percent (100%) of**
30 **the salary of a first class patrolman, in the case of a member who**
31 **retires after December 31, 2006.** The pensions shall be computed on
32 an annual basis but shall be paid in twelve (12) equal monthly
33 installments. If the salary of a first class patrolman is increased or
34 decreased, the pension payable shall be proportionately increased or
35 decreased.

36 (c) If a member retires upon ~~his~~ **the member's** voluntary application
37 after twenty (20) years or more of active service, ~~he~~ **the member** then
38 relinquishes all rights to other benefits or pensions for disability during
39 the time of ~~his~~ **the member's** retirement.

40 (d) After retirement the member is not required to render further
41 services on the police department and is no longer subject to the rules
42 of the police department, unless a national emergency has been

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1 declared by the local board, on application by the executive, the safety
 2 board, and the police chief of the city. Upon declaration of such an
 3 emergency, the retired member, if physically able, shall return to active
 4 duty under the rank ~~he the member~~ attained at the time of ~~his the~~
 5 ~~member's~~ retirement, and if ~~he the member~~ refuses to return to active
 6 duty upon being declared physically fit, ~~he the member~~ forfeits ~~his the~~
 7 ~~member's~~ right to receive ~~his the member's~~ pension until the time ~~he~~
 8 ~~the member~~ returns to active duty and again is retired or discharged
 9 from service.

10 (e) No pension, annuity, or benefit provided by this chapter is
 11 payable by the local board except upon written application by the
 12 member of the police department, or the surviving spouse or other
 13 dependent, upon the forms and with the information required by the
 14 local board.

15 SECTION 7. IC 36-8-7.5-13 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 13. (a) For a
 17 member who becomes disabled before July 1, 2000, the 1953 fund shall
 18 be used to pay a pension in an annual sum equal to:

- 19 (1) fifty percent (50%) for a disease or disability occurring before
- 20 July 1, 1991; and
- 21 (2) fifty-five percent (55%) for a disease or disability occurring
- 22 after June 30, 1991.

23 of the salary of a first class patrolman in the police department,
 24 computed and payable as prescribed by section 12(b) of this chapter,
 25 to an active member of the police department who has been in active
 26 service for more than one (1) year and who has suffered or contracted
 27 a mental or physical disease or disability that ~~render renders~~
 28 the member permanently unfit for active duty in the police department, or
 29 to an active member of the police department who has been in active
 30 service for less than one (1) year who has suffered or received personal
 31 injury from violent external causes while in the actual discharge of the
 32 member's duties as a police officer. The pensions provided for in this
 33 subsection shall be paid only so long as the member of the police
 34 department remains unfit for active duty in the police department.

35 (b) For a member who becomes disabled after June 30, 2000, the
 36 1953 fund shall be used to pay a pension in an annual sum equal to
 37 fifty-five percent (55%) of the salary of a first class patrolman in the
 38 police department, **in the case of a member who becomes disabled**
 39 **before January 1, 2007, or eighty-three percent (83%) of the salary**
 40 **of a first class patrolman in the police department, in the case of a**
 41 **member who becomes disabled after December 31, 2006**, computed
 42 on an annual basis and payable in twelve (12) equal monthly

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1 installments, to an active member of the police department who:
 2 (1) has suffered or incurred a disability that renders the member
 3 permanently unfit for active duty in the police department and
 4 that is:
 5 (A) the direct result of:
 6 (i) a personal injury that occurs while the fund member is on
 7 duty;
 8 (ii) a personal injury that occurs while the fund member is
 9 off duty and is responding to an offense or a reported
 10 offense; or
 11 (iii) an occupational disease (as defined in IC 22-3-7-10),
 12 including a duty related disease that is also included within
 13 clause (B);
 14 (B) a duty related disease (for purposes of this section, a "duty
 15 related disease" means a disease arising out of the fund
 16 member's employment; a disease is considered to arise out of
 17 the fund member's employment if it is apparent to the rational
 18 mind, upon consideration of all of the circumstances, that:
 19 (i) there is a connection between the conditions under which
 20 the fund member's duties are performed and the disease;
 21 (ii) the disease can be seen to have followed as a natural
 22 incident of the fund member's duties as a result of the
 23 exposure occasioned by the nature of the fund member's
 24 duties; and
 25 (iii) the disease can be traced to the fund member's
 26 employment as the proximate cause); or
 27 (C) a disability presumed incurred in the line of duty under
 28 IC 5-10-13; and
 29 (2) is unable to perform the essential functions of the job,
 30 considering reasonable accommodation to the extent required by
 31 the Americans with Disabilities Act.
 32 The pensions provided for in this subsection shall be paid only so long
 33 as the member of the police department remains unfit for active duty
 34 in the police department. If the salary of a first class patrolman is
 35 increased or decreased, the pension payable shall be proportionately
 36 increased or decreased. However, the monthly pension payable to a
 37 member or survivor may not be reduced below the amount of the first
 38 full monthly pension received by that person.
 39 (c) For a member who becomes disabled after June 30, 2000, the
 40 1953 fund shall be used to pay a pension in an annual sum equal to
 41 fifty-five percent (55%) of the salary of a first class patrolman in the
 42 police department, **in the case of a member who becomes disabled**

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1 **before January 1, 2007, or eighty-three percent (83%) of the salary**
2 **of a first class patrolman in the police department, in the case of a**
3 **member who becomes disabled after December 31, 2006,** computed
4 on an annual basis and payable in twelve (12) equal monthly
5 installments, to an active member of the police department who has
6 been in active service for at least one (1) year and:

- 7 (1) has suffered or incurred a disability that:
 - 8 (A) renders the member permanently unfit for active duty in
 - 9 the police department; and
 - 10 (B) is not described in subsection (b)(1); and
- 11 (2) is unable to perform the essential functions of the job,
- 12 considering reasonable accommodation to the extent required by
- 13 the Americans with Disabilities Act.

14 The pension provided in this subsection shall be paid only so long as
15 the member of the police department remains unfit for active duty in
16 the police department. If the salary of a first class patrolman is
17 increased or decreased, the pension payable shall be proportionately
18 increased or decreased. However, the monthly pension payable to a
19 member or survivor may not be reduced below the amount of the first
20 full monthly pension received by that person.

21 (d) For a member who became disabled before July 1, 2000, the
22 1953 fund shall be used to pay temporary benefits in an annual sum
23 equal to thirty percent (30%) of the salary of a first class patrolman in
24 the police department, computed and payable as prescribed by section
25 12(a) of this chapter, to an active member of the police department who
26 has been in active service for more than one (1) year and who has
27 suffered any physical or mental disability that renders the member
28 temporarily or permanently unable to perform ~~his~~ **the member's** duties
29 as a member of the police department, or to an active member of the
30 police department who has been in active service for less than one (1)
31 year and who has suffered or received personal injury from violent
32 external causes while in the actual discharge of the member's duties as
33 a police officer, until the time the member is physically and mentally
34 able to return to active service on the police department.

35 (e) For a member who becomes disabled after June 30, 2000, the
36 1953 fund shall be used to pay a pension in an annual sum equal to
37 thirty percent (30%) of the salary of a first class patrolman in the police
38 department, **in the case of a member who becomes disabled before**
39 **January 1, 2007, or forty-five percent (45%) of the salary of a first**
40 **class patrolman in the police department, in the case of a member**
41 **who becomes disabled after December 31, 2006,** computed on an
42 annual basis and payable in twelve (12) equal monthly installments, to

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1 an active member of the police department who:

2 (1) suffers or incurs a disability that renders the member

3 temporarily unfit for active duty in the police department and that

4 is:

5 (A) the direct result of:

6 (i) a personal injury that occurs while the fund member is on

7 duty;

8 (ii) a personal injury that occurs while the fund member is

9 off duty and is responding to an offense or a reported

10 offense, in the case of a police officer; or

11 (iii) an occupational disease (as defined in IC 22-3-7-10),

12 including a duty related disease that is also included within

13 clause (B);

14 (B) a duty related disease (for purposes of this section, a "duty

15 related disease" means a disease arising out of the fund

16 member's employment; a disease is considered to arise out of

17 the fund member's employment if it is apparent to the rational

18 mind, upon consideration of all of the circumstances, that:

19 (i) there is a connection between the conditions under which

20 the fund member's duties are performed and the disease;

21 (ii) the disease can be seen to have followed as a natural

22 incident of the fund member's duties as a result of the

23 exposure occasioned by the nature of the fund member's

24 duties; and

25 (iii) the disease can be traced to the fund member's

26 employment as the proximate cause); or

27 (C) a disability presumed incurred in the line of duty under

28 IC 5-10-13; and

29 (2) is unable to perform the essential functions of the job,

30 considering reasonable accommodation to the extent required by

31 the Americans with Disabilities Act.

32 The pension provided in this subsection shall be paid only so long as

33 the member of the police department remains unfit for active duty in

34 the police department. If the salary of a first class patrolman is

35 increased or decreased, the pension payable shall be proportionately

36 increased or decreased. However, the monthly pension payable to a

37 member or survivor may not be reduced below the amount of the first

38 full monthly pension received by that person.

39 (f) For a member who becomes disabled after June 30, 2000, the

40 1953 fund shall be used to pay temporary benefits in an annual sum

41 equal to thirty percent (30%) of the salary of a first class patrolman in

42 the police department, **in the case of a member who becomes**

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1 **disabled before January 1, 2007, or forty-five percent (45%) of the**
2 **salary of a first class patrolman in the police department, in the**
3 **case of a member who becomes disabled after December 31, 2006,**
4 computed on an annual basis and payable in twelve (12) equal monthly
5 installments, to an active member of the police department:

- 6 (1) who has been in active service for at least one (1) year;
- 7 (2) suffers or incurs a disability that:
 - 8 (A) renders the member temporarily unfit for active duty in the
 - 9 police department; and
 - 10 (B) is not described in subsection (e)(1); and
- 11 (3) is unable to perform the essential functions of the job,
- 12 considering reasonable accommodation to the extent required by
- 13 the Americans with Disabilities Act.

14 The pension provided for in this subsection shall be paid only so long
15 as the member of the police department remains unfit for active duty
16 in the police department. If the salary of a first class patrolman is
17 increased or decreased, the pension payable shall be proportionately
18 increased or decreased. However, the monthly pension payable to a
19 member or survivor may not be reduced below the amount of the first
20 full monthly pension received by that person.

21 (g) If an application is made by an active member of the police
22 department because of physical or mental disability for temporary
23 benefits as provided in subsection (d), (e), or (f), the benefit is not
24 payable until the local board determines after a hearing conducted
25 under IC 36-8-8-12.7 that the member is unfit for active duty on the
26 police department, considering reasonable accommodation to the
27 extent required by the Americans with Disabilities Act. Before the
28 hearing, a physician to be appointed by the local board shall examine
29 the member and certify in writing whether in the physician's opinion
30 the member is unfit, physically or mentally, for active duty in the police
31 department. After the pension or benefit has been granted by the local
32 board, the payment commences with the original date of the injury or
33 illness causing the disability.

34 (h) A member who has been granted a disability benefit under this
35 section and who fails or refuses to submit to a physical examination at
36 any time by the local board physician has no right in the future to
37 receive the disability benefit, and any benefit that has been granted
38 shall be immediately canceled by the local board.

39 (i) The local board may, from time to time, require a member of the
40 police department who is receiving at any time disability benefits or
41 pensions as provided in this section to be examined by the physician
42 appointed by the local board. After the examination, the local board

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1 shall conduct a hearing under IC 36-8-8-12.7 to determine whether the
 2 disability still exists and whether the member should continue to
 3 receive the pension or benefit. If after the examination and hearing the
 4 member is found to have recovered from the member's disability and
 5 is fit for active duty on the police department, then upon written notice
 6 to the member by the local board, the member shall be reinstated in
 7 active service, the safety board shall be informed of the action of the
 8 local board, and from that time the member is no longer entitled to
 9 payments from the 1953 fund. If the member fails or refuses to return
 10 to active duty after ordered by the local board, the member ceases to be
 11 a member of the 1953 fund and waives all rights to any further
 12 pensions or benefits provided by the 1953 fund.

13 (j) Notwithstanding any other provision of this chapter, no disability
 14 benefit may be paid for any disability based upon or caused by any
 15 mental or physical condition that a member had at the time the member
 16 entered or reentered the member's active service in the police
 17 department.

18 (k) If a member who is receiving disability benefits under
 19 subsection (a), (b), or (c) for a disease or disability occurring after June
 20 30, 1991, is transferred from disability to regular retirement status, the
 21 member's monthly pension may not be reduced below fifty-five percent
 22 (55%) of the salary of a first class patrolman at the time of payment of
 23 the pension.

24 (l) To the extent required by the Americans with Disabilities Act,
 25 the transcripts, reports, records, and other material compiled to
 26 determine the existence of a disability shall be:

- 27 (1) kept in separate medical files for each member; and
- 28 (2) treated as confidential medical records.

29 (m) A fund member who is receiving disability benefits under this
 30 chapter shall be transferred from disability to regular retirement status
 31 when the member becomes fifty-five (55) years of age.

32 SECTION 8. IC 36-8-7.5-13.6 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 13.6. (a) This
 34 section applies to an active or retired member who dies other than in
 35 the line of duty (as defined in section 14.1 of this chapter).

36 (b) The 1953 fund shall be used to pay an annuity, computed under
 37 subsection (g) and payable in monthly installments, to the surviving
 38 spouse of a member of the fund who dies from any cause after having
 39 served for one (1) year or more. The annuity continues during the life
 40 of the surviving spouse unless the spouse remarried before September
 41 1, 1983. If the spouse remarried before September 1, 1983, benefits
 42 ceased on the date of remarriage. If a member of the fund died, but not

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1 in the line of duty, and the member's surviving spouse remarried before
2 September 1, 1983, the benefits of the surviving spouse shall be
3 reinstated on July 1, 1997, and continue during the life of the surviving
4 spouse.

5 (c) The 1953 fund shall also be used to pay an annuity equal to
6 twenty percent (20%) of the salary of a first class patrolman on the
7 police department, **in the case of a member who dies before January**
8 **1, 2007, or thirty percent (30%) of the salary of a first class**
9 **patrolman in the police department, in the case of a member who**
10 **dies after December 31, 2006**, computed as provided in section 12(b)
11 of this chapter and payable in monthly installments, to each dependent
12 child of a member of the fund who dies from any cause after having
13 served for one (1) year or more as an active member of the police
14 department. The pension to each child continues:

- 15 (1) until the child becomes eighteen (18) years of age;
- 16 (2) until the child becomes twenty-three (23) years of age if the
- 17 child is enrolled in and regularly attending a secondary school or
- 18 is a full-time student at an accredited college or university; or
- 19 (3) during the entire period of the child's physical or mental
- 20 disability;

21 whichever period is longest. However, the pension to the child ceases
22 if the child marries or is legally adopted by any person.

23 (d) If a deceased member leaves no surviving spouse and no child
24 who qualifies for a benefit under subsection (c) but does leave a
25 dependent parent or parents, the 1953 fund is used to pay an annuity
26 not greater than a sum equal to twenty percent (20%) of the salary of
27 a first class patrolman on the police department, **in the case of a**
28 **member who dies before January 1, 2007, or thirty percent (30%)**
29 **of the salary of a first class patrolman in the police department, in**
30 **the case of a member who dies after December 31, 2006**, computed
31 and payable as provided in section 12(b) of this chapter, payable
32 monthly to the dependent parent or parents of a member of the police
33 department who dies from any cause after having served for one (1)
34 year or more as an active member of the police department. The
35 annuity continues for the remainder of the life or lives of the parent or
36 parents as long as either or both fail to have sufficient other income for
37 their proper care, maintenance, and support.

38 (e) In all cases of payment to a dependent relative of a deceased
39 member, the local board is the final judge of the question of necessity
40 and dependency and of the amount within the stated limits to be paid.
41 The local board may also reduce or terminate temporarily or
42 permanently a payment to a dependent relative of a deceased member

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1 when it determines that the condition of the 1953 fund or other
2 circumstances make this action necessary.

3 (f) If the salary of a first class patrolman is increased or decreased,
4 the pension payable under this section shall be proportionately
5 increased or decreased. However, the monthly pension payable to a
6 member or survivor may not be reduced below the amount of the first
7 full monthly pension received by that person.

8 (g) Except as otherwise provided in this subsection, the annuity
9 payable under subsection (b) equals one (1) of the following:

10 (1) For the surviving spouse of a member who dies before January
11 1, 1989, thirty percent (30%) of the salary of a first class
12 patrolman.

13 (2) For the surviving spouse of a member who dies after
14 December 31, 1988, **and before January 1, 2007**, an amount per
15 month during the spouse's life equal to the greater of:

16 (A) thirty percent (30%) of the monthly pay of a first class
17 patrolman; or

18 (B) fifty-five percent (55%) of the monthly benefit the
19 deceased member was receiving or was entitled to receive on
20 the date of the member's death.

21 **(3) For the surviving spouse of a member who dies after**
22 **December 31, 2006, an amount per month during the spouse's**
23 **life equal to the greater of:**

24 **(A) forty-five percent (45%) of the monthly pay of a first**
25 **class patrolman; or**

26 **(B) eighty-three percent (83%) of the monthly benefit the**
27 **deceased member was receiving or was entitled to receive**
28 **on the date of the member's death.**

29 However, if the deceased member was not entitled to a benefit because
30 the member had not completed twenty (20) years of service, for the
31 purposes of computing the amount under subdivision (2)(B) **or (3)(B)**
32 the member's benefit is considered to be fifty percent (50%) of the
33 monthly salary of a first class patrolman, **in the case of a member who**
34 **dies before January 1, 2007, or seventy-five percent (75%) of the**
35 **salary of a first class patrolman, in the case of a member who dies**
36 **after December 31, 2006.** The amount provided in this subdivision is
37 subject to adjustment as provided in subsection (f).

38 SECTION 9. IC 36-8-7.5-13.7 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 13.7. (a) This
40 section applies to a member who died in the line of duty (as defined in
41 section 14.1 of this chapter) before September 1, 1982.

42 (b) The 1953 fund shall be used to pay an annuity, computed under

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1 subsection (g) and payable in monthly installments, to the surviving
 2 spouse of a member. The annuity continues during the life of the
 3 surviving spouse unless the spouse remarried before September 1,
 4 1983. If the spouse remarried before September 1, 1983, benefits
 5 ceased on the date of remarriage. If a member of the fund died, but not
 6 in the line of duty, and the member's surviving spouse remarried before
 7 September 1, 1983, the benefits of the surviving spouse shall be
 8 reinstated on July 1, 1997, and continue during the life of the surviving
 9 spouse.

10 (c) The 1953 fund shall also be used to pay an annuity equal to
 11 twenty percent (20%) of the salary of a first class patrolman on the
 12 police department, **in the case of a member who dies before January**
 13 **1, 2007, or thirty percent (30%) of the salary of a first class**
 14 **patrolman in the police department, in the case of a member who**
 15 **dies after December 31, 2006**, computed as provided in section 12(b)
 16 of this chapter and payable in monthly installments, to each dependent
 17 child of a member of the fund who dies from any cause while in the
 18 actual discharge of duties as a police officer. The pension to each child
 19 continues:

- 20 (1) until the child becomes eighteen (18) years of age;
- 21 (2) until the child becomes twenty-three (23) years of age if the
- 22 child is enrolled in and regularly attending a secondary school or
- 23 is a full-time student at an accredited college or university; or
- 24 (3) during the entire period of the child's physical or mental
- 25 disability;

26 whichever period is longest. However, the pension to the child ceases
 27 if the child marries or is legally adopted by any person.

28 (d) If a deceased member leaves no surviving spouse and no child
 29 who qualifies for a benefit under subsection (c) but does leave a
 30 dependent parent or parents, the 1953 fund shall be used to pay an
 31 annuity not greater than a sum equal to twenty percent (20%) of the
 32 salary of a first class patrolman on the police department, **in the case**
 33 **of a member who dies before January 1, 2007, or thirty percent**
 34 **(30%) of the salary of a first class patrolman in the police**
 35 **department, in the case of a member who dies after December 31,**
 36 **2006**, computed and payable as provided in section 12(b) of this
 37 chapter, payable monthly to the dependent parent or parents of a
 38 member of the police department. The annuity continues for the
 39 remainder of the life or lives of the parent or parents as long as either
 40 or both fail to have sufficient other income for their proper care,
 41 maintenance, and support.

42 (e) In all cases of payment to a dependent relative of a deceased

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1 member, the local board is the final judge of the question of necessity
2 and dependency and of the amount within the stated limits to be paid.
3 The local board may also reduce or terminate temporarily or
4 permanently a payment to a dependent relative of a deceased member
5 when it determines that the condition of the 1953 fund or other
6 circumstances make this action necessary.

7 (f) If the salary of a first class patrolman is increased or decreased,
8 the pension payable under this section shall be proportionately
9 increased or decreased. However, the monthly pension payable to a
10 member or survivor may not be reduced below the amount of the first
11 full monthly pension received by that person.

12 (g) The annuity payable under subsection (b) equals thirty percent
13 (30%) of the salary of a first class patrolman, **in the case of a member**
14 **who dies before January 1, 2007, and forty-five percent (45%) of**
15 **the salary of a first class patrolman, in the case of a member who**
16 **dies after December 31, 2006.** The amount provided in this subsection
17 is subject to adjustment as provided in subsection (f).

18 (h) The unit of local government that employed the deceased
19 member shall after December 31, 2003, offer to provide and pay for
20 health insurance coverage for the member's surviving spouse and for
21 each natural child, stepchild, or adopted child of the member:

- 22 (1) until the child becomes eighteen (18) years of age;
- 23 (2) until the child becomes twenty-three (23) years of age if the
24 child is enrolled in and regularly attending a secondary school or
25 is a full-time student at an accredited college or university; or
- 26 (3) during the entire period of the child's physical or mental
27 disability;

28 whichever period is longest. If health insurance coverage is offered by
29 the unit to active members, the health insurance provided to a surviving
30 spouse and child under this subsection must be equal in coverage to
31 that offered to active members. The offer to provide and pay for health
32 insurance coverage shall remain open for as long as there is a surviving
33 spouse or as long as a natural child, stepchild, or adopted child of the
34 member is eligible for coverage under subdivision (1), (2), or (3).

35 SECTION 10. IC 36-8-7.5-14.1 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 14.1. (a) This
37 section applies to an active member who dies in the line of duty after
38 August 31, 1982.

39 (b) If a member dies in the line of duty after August 31, 1982, the
40 surviving spouse is entitled to a monthly benefit, during the spouse's
41 lifetime, equal to the benefit to which the member would have been
42 entitled on the date of the member's death, but not less than fifty

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1 percent (50%) of the monthly wage received by a first class patrolman,
 2 **in the case of a member who dies before January 1, 2007, and**
 3 **seventy-five percent (75%) of the monthly wage received by a first**
 4 **class patrolman, in the case of a member who dies after December**
 5 **31, 2006.** If the spouse remarried before September 1, 1983, benefits
 6 ceased on the date of remarriage. However, if a member of the police
 7 department dies in the line of duty after August 31, 1982, and the
 8 member's surviving spouse remarried before September 1, 1983, the
 9 benefits for the surviving spouse shall be reinstated on July 1, 1995,
 10 and continue during the life of the surviving spouse.

11 (c) The 1953 fund shall also be used to pay an annuity equal to
 12 twenty percent (20%) of the salary of a first class patrolman on the
 13 police department, **in the case of a member who dies before January**
 14 **1, 2007, and thirty percent (30%) of the salary of a first class**
 15 **patrolman on the police department, in the case of a member who**
 16 **dies after December 31, 2006,** computed as provided in section 12(b)
 17 of this chapter and payable in monthly installments, to each dependent
 18 child of a member of the fund who dies from any cause while in the
 19 actual discharge of duties as a police officer. The pension to each child
 20 continues:

- 21 (1) until the child becomes eighteen (18) years of age;
- 22 (2) until the child becomes twenty-three (23) years of age if the
- 23 child is enrolled in and regularly attending a secondary school or
- 24 is a full-time student at an accredited college or university; or
- 25 (3) during the entire period of the child's physical or mental
- 26 disability;

27 whichever period is longest. However, the pension to the child ceases
 28 if the child marries or is legally adopted by any person.

29 (d) The surviving children of the deceased member who are eligible
 30 to receive a benefit under subsection (c) may receive an additional
 31 benefit in an amount fixed by ordinance, but the total benefit to all the
 32 member's children under this subsection may not exceed a total of
 33 thirty percent (30%) of the monthly wage received by a first class
 34 patrolman, **in the case of a member who dies before January 1,**
 35 **2007, and forty-five percent (45%) of the wages received by a first**
 36 **class patrolman, in the case of a member who dies after December**
 37 **31, 2006.** However, this limitation does not apply to the children of a
 38 member who are physically or mentally disabled.

39 (e) If a deceased member leaves no surviving spouse and no child
 40 who qualifies for a benefit under subsection (c) but does leave a
 41 dependent parent or parents, the 1953 fund shall be used to pay an
 42 annuity not greater than a sum equal to twenty percent (20%) of the

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1 salary of a first class patrolman on the police department, **in the case**
 2 **of a member who dies before January 1, 2007, or thirty percent**
 3 **(30%) of the salary of a first class patrolman on the police**
 4 **department, in the case of a member who dies after December 31,**
 5 **2006,** computed and payable as provided in section 12(b) of this
 6 chapter, payable monthly to the dependent parent or parents of a
 7 member of the police department who dies from any cause while in the
 8 actual discharge of duties as a police officer. The annuity continues for
 9 the remainder of the life or lives of the parent or parents as long as
 10 either or both fail to have sufficient other income for their proper care,
 11 maintenance, and support.

12 (f) In all cases of payment to a dependent relative of a deceased
 13 member, the local board is the final judge of the question of necessity
 14 and dependency and of the amount within the stated limits to be paid.
 15 The local board may also reduce or terminate temporarily or
 16 permanently a payment to a dependent relative of a deceased member
 17 when it determines that the condition of the 1953 fund or other
 18 circumstances make this action necessary.

19 (g) If the salary of a first class patrolman is increased or decreased,
 20 the pension payable under this section shall be proportionately
 21 increased or decreased. However, the monthly pension payable to a
 22 member or survivor may not be reduced below the amount of the first
 23 full monthly pension received by that person.

24 (h) For purposes of this section, "dies in the line of duty" means
 25 death that occurs as a direct result of personal injury or illness caused
 26 by incident, accident, or violence that results from any action that the
 27 member, in the member's capacity as a police officer:

- 28 (1) is obligated or authorized by rule, regulation, condition of
- 29 employment or service, or law to perform; or
- 30 (2) performs in the course of controlling or reducing crime or
- 31 enforcing the criminal law.

32 The term includes a death presumed incurred in the line of duty under
 33 IC 5-10-13.

34 (i) The unit of local government that employed the deceased
 35 member shall after December 31, 2003, offer to provide and pay for
 36 health insurance coverage for the member's surviving spouse and for
 37 each natural child, stepchild, or adopted child of the member:

- 38 (1) until the child becomes eighteen (18) years of age;
- 39 (2) until the child becomes twenty-three (23) years of age if the
- 40 child is enrolled in and regularly attending a secondary school or
- 41 is a full-time student at an accredited college or university; or
- 42 (3) during the entire period of the child's physical or mental

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1 disability;
2 whichever period is longest. If health insurance coverage is offered by
3 the unit to active members, the health insurance provided to a surviving
4 spouse and child under this subsection must be equal in coverage to
5 that offered to active members. The offer to provide and pay for health
6 insurance coverage shall remain open for as long as there is a surviving
7 spouse or as long as a natural child, stepchild, or adopted child of the
8 member is eligible for coverage under subdivision (1), (2), or (3).

9 SECTION 11. IC 36-8-8-11 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 11. (a) Benefits
11 paid under this section are subject to section 2.5 of this chapter.

12 (b) Each fund member who qualifies for a retirement benefit
13 payment under section 10(b) of this chapter is entitled to receive a
14 monthly benefit equal to fifty percent (50%) of the monthly salary of
15 a first class patrolman, **in the case of a police officer who retires
16 before January 1, 2007**, or firefighter in the year the member ended
17 **his the member's** active service, **or seventy-five percent (75%) of
18 the monthly salary of a first class patrolman, in the case of a police
19 officer who retires after December 31, 2006**, plus:

- 20 (1) for a member who retires before January 1, 1986, two percent
- 21 (2%) of that salary for each full year of active service; or
- 22 (2) for a member who retires after December 31, 1985, one
- 23 percent (1%) of that salary for each six (6) months of active
- 24 service;
- 25 over twenty (20) years, to a maximum of twelve (12) years.

26 (c) Each fund member who qualifies for a retirement benefit
27 payment under section 10(c) of this chapter is entitled to receive a
28 monthly benefit equal to fifty percent (50%) of the monthly salary of
29 a first class patrolman, **in the case of a police officer who retires
30 before January 1, 2007**, or firefighter in the year the member ended
31 **his the member's** active service, **or seventy-five percent (75%) of
32 the monthly salary of a first class patrolman in the year the
33 member ended the member's active service, in the case of a police
34 officer who retires after December 31, 2006**, plus one percent (1%)
35 of that salary for each six (6) months of active service over twenty (20)
36 years, to a maximum of twelve (12) years, all actuarially reduced for
37 each month (if any) of benefit payments prior to fifty-two (52) years of
38 age, by a factor established by the fund's actuary from time to time.

39 SECTION 12. IC 36-8-8-13.5 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 13.5. (a) This
41 section applies only to a fund member who:

- 42 (1) is hired for the first time after December 31, 1989;

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1 (2) chooses coverage by this section and section 12.5 of this
2 chapter under section 12.4 of this chapter; or
3 (3) is described in section 12.3(c)(2) of this chapter.

4 (b) A fund member who is determined to have a Class 1 impairment
5 and for whom it is determined that there is no suitable and available
6 work within the fund member's department, considering reasonable
7 accommodation to the extent required by the Americans with
8 Disabilities Act, is entitled to a monthly base benefit equal to forty-five
9 percent (45%) of the monthly salary of a first class patrolman, **in the**
10 **case of a police officer for whom a local board makes a**
11 **determination of impairment before January 1, 2007,** or firefighter
12 in the year of the local board's determination of impairment **or, in the**
13 **case of a police officer for whom a local board makes a**
14 **determination of impairment after January 1, 2007, sixty-eight**
15 **percent (68%) of the monthly salary of a first class patrolman in**
16 **the year of the local board's determination of impairment.**

17 (c) A fund member who is determined to have a Class 2 impairment
18 and for whom it is determined that there is no suitable and available
19 work within the fund member's department, considering reasonable
20 accommodation to the extent required by the Americans with
21 Disabilities Act, is entitled to a monthly base benefit equal to:

22 (1) twenty-two percent (22%) of the monthly salary of a first class
23 patrolman, **in the case of a police officer for whom a local**
24 **board makes a determination of impairment before January**
25 **1, 2007,** or firefighter in the year of the local board's
26 determination of impairment; or

27 (2) **thirty-three percent (33%) of the monthly salary of a first**
28 **class patrolman in the year of the local board's determination**
29 **of impairment, in the case of a police officer for whom a local**
30 **board makes a determination of impairment after January 1,**
31 **2007;**

32 plus one-half percent (0.5%) of that salary for each year of service, up
33 to a maximum of thirty (30) years of service.

34 (d) For applicants hired before March 2, 1992, a fund member who
35 is determined to have a Class 3 impairment and for whom it is
36 determined that there is no suitable and available work within the fund
37 member's department, considering reasonable accommodation to the
38 extent required by the Americans with Disabilities Act, is entitled to a
39 monthly base benefit equal to the product of the member's years of
40 service (not to exceed thirty (30) years of service) multiplied by one
41 percent (1%) of the monthly salary of a first class patrolman or
42 firefighter in the year of the local board's determination of impairment.

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1 (e) For applicants hired after March 1, 1992, or described in section
 2 12.3(c)(2) of this chapter, a fund member who is determined to have a
 3 Class 3 impairment and for whom it is determined that there is no
 4 suitable and available work within the fund member's department,
 5 considering reasonable accommodation to the extent required by the
 6 Americans with Disabilities Act, is entitled to the following benefits
 7 instead of benefits provided under subsection (d):

8 (1) If the fund member did not have a Class 3 excludable
 9 condition under section 13.6 of this chapter at the time the fund
 10 member entered or reentered the fund, the fund member is
 11 entitled to a monthly base benefit equal to the product of the
 12 member's years of service, not to exceed thirty (30) years of
 13 service, multiplied by one percent (1%) of the monthly salary of
 14 a first class patrolman or firefighter in the year of the local board's
 15 determination of impairment.

16 (2) Except as provided in subdivision (5), a fund member is
 17 entitled to receive the benefits set forth in subdivision (1) if:

18 (A) the fund member had a Class 3 excludable condition under
 19 section 13.6 of this chapter at the time the fund member
 20 entered or reentered the fund;

21 (B) the fund member has a Class 3 impairment that is not
 22 related in any manner to the Class 3 excludable condition
 23 described in clause (A); and

24 (C) the Class 3 impairment described in clause (B) occurs after
 25 the fund member has completed four (4) years of service with
 26 the employer after the date the fund member entered or
 27 reentered the fund.

28 (3) Except as provided in subdivision (5), a fund member is not
 29 entitled to a monthly base benefit for a Class 3 impairment if:

30 (A) the fund member had a Class 3 excludable condition under
 31 section 13.6 of this chapter at the time the fund member
 32 entered or reentered the fund; and

33 (B) the Class 3 impairment occurs before the fund member has
 34 completed four (4) years of service with the employer after the
 35 date the fund member entered or reentered the fund.

36 (4) A fund member is not entitled to a monthly base benefit for a
 37 Class 3 impairment if:

38 (A) the fund member had a Class 3 excludable condition under
 39 section 13.6 of this chapter at the time the fund member
 40 entered or reentered the fund; and

41 (B) the Class 3 impairment is related in any manner to the
 42 Class 3 excludable condition.

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1 (5) If, during the first four (4) years of service with the employer:

2 (A) a fund member with a Class 3 excludable condition is
3 determined to have a Class 3 impairment; and

4 (B) the Class 3 impairment is attributable to an accidental
5 injury that is not related in any manner to the fund member's
6 Class 3 excludable condition;

7 the member is entitled to receive the benefits provided in
8 subdivision (1) with respect to the accidental injury. For purposes
9 of this subdivision, the local board shall make the initial
10 determination of whether an impairment is attributable to an
11 accidental injury. The local board shall forward the initial
12 determination to the director of the PERF board for a final
13 determination by the PERF board or the PERF board's designee.

14 (f) If a fund member is entitled to a monthly base benefit under
15 subsection (b), (c), (d), or (e), the fund member is also entitled to a
16 monthly amount:

17 (1) that is no less than ten percent (10%) and no greater than
18 forty-five percent (45%) of the monthly salary of a first class
19 patrolman, **in the case of a police officer for whom a local
20 board makes a determination of impairment before January
21 1, 2007**, or firefighter in the year of the local board's
22 determination of impairment; **or**

23 (2) **that is not less than fifteen percent (15%) and not greater
24 than sixty-eight percent (68%) of the monthly salary of a first
25 class patrolman in the year of the local board's determination
26 of impairment, in the case of a police officer for whom a local
27 board makes a determination of impairment after December
28 31, 2006.**

29 The additional monthly amount shall be determined by the PERF
30 medical authority based on the degree of impairment.

31 (g) Benefits for a Class 1 impairment are payable until the fund
32 member becomes fifty-two (52) years of age. Benefits for a Class 2 and
33 a Class 3 impairment are payable:

34 (1) for a period equal to the years of service of the member, if the
35 member's total disability benefit is less than:

36 (A) thirty percent (30%) of the monthly salary of a first class
37 patrolman, **in the case of a police officer for whom a local
38 board makes a determination of impairment before
39 January 1, 2007**, or firefighter in the year of the local board's
40 determination of impairment; **or**

41 (B) **forty-five percent (45%) of the monthly salary of a first
42 class patrolman in the year of the local board's**

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1 **determination of impairment, in the case of a police officer**
2 **for whom a local board makes a determination of**
3 **impairment after December 31, 2006;**
4 and the member has fewer than four (4) years of service; or
5 (2) until the member becomes fifty-two (52) years of age if the
6 member's benefit is:
7 (A) equal to or greater than:
8 (i) thirty percent (30%) of the monthly salary of a first class
9 patrolman, **in the case of a police officer for whom a local**
10 **board makes a determination of impairment before**
11 **January 1, 2007,** or firefighter in the year of the local
12 board's determination of impairment; or
13 (ii) **forty-five percent (45%) of the monthly salary of a**
14 **first class patrolman in the year of the local board's**
15 **determination of impairment, in the case of a police**
16 **officer for whom a local board makes a determination of**
17 **impairment after December 31, 2006; or**
18 (B) less than:
19 (i) thirty percent (30%) of the monthly salary of a first class
20 patrolman, **in the case of a police officer for whom a local**
21 **board makes a determination of impairment before**
22 **January 1, 2007,** or firefighter in the year of the local
23 board's determination of impairment; or
24 (ii) **forty-five percent (45%) of the monthly salary of a**
25 **first class patrolman in the year of the local board's**
26 **determination of impairment, in the case of a police**
27 **officer for whom a local board makes a determination of**
28 **impairment after December 31, 2006;**
29 if the member has at least four (4) years of service.
30 (h) Upon becoming fifty-two (52) years of age, a fund member with
31 a Class 1 or Class 2 impairment is entitled to receive the retirement
32 benefit payable to a fund member with:
33 (1) twenty (20) years of service; or
34 (2) the total years of service and salary, as of the year the member
35 becomes fifty-two (52) years of age, that the fund member would
36 have earned if the fund member had remained in active service
37 until becoming fifty-two (52) years of age;
38 whichever is greater.
39 (i) Upon becoming fifty-two (52) years of age, a fund member who
40 is receiving or has received a Class 3 impairment benefit that is:
41 (1) equal to or greater than:
42 (A) thirty percent (30%) of the monthly salary of a first class

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1 patrolman, **in the case of a police officer for whom a local**
 2 **board makes a determination of impairment before**
 3 **January 1, 2007**, or firefighter in the year of the local board's
 4 determination of impairment; or
 5 **(B) forty-five percent (45%) of the monthly salary of a first**
 6 **class patrolman in the year of the local board's**
 7 **determination of impairment, in the case of a police officer**
 8 **for whom a local board makes a determination of**
 9 **impairment after December 31, 2006; or**

10 (2) less than:

11 (A) thirty percent (30%) of the monthly salary of a first class
 12 patrolman, **in the case of a police officer for whom a local**
 13 **board makes a determination of impairment before**
 14 **January 1, 2007**, or firefighter in the year of the local board's
 15 determination of impairment; or

16 **(B) forty-five percent (45%) of the monthly salary of a first**
 17 **class patrolman in the year of the local board's**
 18 **determination of impairment, in the case of a police officer**
 19 **who becomes disabled after December 31, 2006;**

20 if the member has at least four (4) years of service;

21 is entitled to receive the retirement benefit payable to a fund member
 22 with twenty (20) years of service.

23 (j) Notwithstanding section 12.3 of this chapter and any other
 24 provision of this section, a member who:

25 (1) has had a covered impairment;

26 (2) recovers and returns to active service with the department; and

27 (3) within two (2) years after returning to active service has an
 28 impairment that, except for section 12.3(b)(3) of this chapter,
 29 would be a covered impairment;

30 is entitled to the benefit under this subsection if the impairment
 31 described in subdivision (3) results from the same condition or
 32 conditions (without an intervening circumstance) that caused the
 33 covered impairment described in subdivision (1). The member is
 34 entitled to receive the monthly disability benefit amount paid to the
 35 member at the time of the member's return to active service plus any
 36 adjustments under section 15 of this chapter that would have been
 37 applicable during the member's period of reemployment.

38 SECTION 13. IC 36-8-8-13.8 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 13.8. (a) This
 40 section applies to an active or retired member who dies other than in
 41 the line of duty (as defined in section 14.1 of this chapter) after August
 42 31, 1982.

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1 (b) If a fund member dies while receiving retirement or disability
 2 benefits, the following apply:
 3 (1) Except as otherwise provided in this subsection, each of the
 4 member's surviving children is entitled to a monthly benefit equal
 5 to twenty percent (20%) of the fund member's monthly benefit, **in**
 6 **the case of a firefighter or in the case of a police officer who**
 7 **dies before January 1, 2007, or thirty percent (30%) of the**
 8 **fund member's monthly benefit, in the case of a police officer**
 9 **who dies after December 31, 2006:**
 10 (A) until the child becomes eighteen (18) years of age; or
 11 (B) until the child becomes twenty-three (23) years of age if
 12 the child is enrolled in and regularly attending a secondary
 13 school or is a full-time student at an accredited college or
 14 university;
 15 whichever period is longer. However, if the board finds upon the
 16 submission of satisfactory proof that a child who is at least
 17 eighteen (18) years of age is mentally or physically incapacitated,
 18 is not a ward of the state, and is not receiving a benefit under
 19 clause (B), the child is entitled to receive an amount each month
 20 that is equal to the greater of thirty percent (30%) of the monthly
 21 pay of a first class patrolman or first class firefighter or fifty-five
 22 percent (55%) of the monthly benefit the deceased member was
 23 receiving or was entitled to receive on the date of the member's
 24 death, **in the case of a firefighter or in the case of a police**
 25 **officer who dies before January 1, 2007, or the greater of**
 26 **forty-five percent (45%) of the monthly pay of a first class**
 27 **patrolman or eighty-three percent (83%) of the monthly**
 28 **benefit the deceased member was receiving or was entitled to**
 29 **receive on the date of the member's death, in the case of a**
 30 **police officer who dies after December 31, 2006,** as long as the
 31 mental or physical incapacity of the child continues. Benefits paid
 32 for a child shall be paid to the surviving parent as long as the
 33 child resides with and is supported by the surviving parent. If the
 34 surviving parent dies, the benefits shall be paid to the legal
 35 guardian of the child.
 36 (2) The member's surviving spouse is entitled to a monthly benefit
 37 equal to sixty percent (60%) of the fund member's monthly
 38 benefit during the spouse's lifetime, **in the case of a firefighter**
 39 **or in the case of a police officer who dies before January 1,**
 40 **2007, or a monthly benefit equal to ninety percent (90%) of**
 41 **the fund member's monthly benefit during the spouse's**
 42 **lifetime, in the case of a police officer who dies after**

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1 **December 31, 2006.** If the spouse remarried before September 1,
2 1983, and benefits ceased on the date of remarriage, the benefits
3 for the surviving spouse shall be reinstated on July 1, 1997, and
4 continue during the life of the surviving spouse.

5 If a fund member dies while receiving retirement or disability benefits,
6 there is no surviving eligible child or spouse, and there is proof
7 satisfactory to the local board, subject to review in the manner
8 specified in section 13.1(b) of this chapter, that the parent was wholly
9 dependent on the fund member, the member's surviving parent is
10 entitled, or both surviving parents if qualified are entitled jointly, to
11 receive fifty percent (50%) of the fund member's monthly benefit
12 during the parent's or parents' lifetime, **in the case of a firefighter or**
13 **in the case of a police officer who dies before January 1, 2007, or**
14 **seventy-five percent (75%) of the fund member's monthly benefit**
15 **during the parent's or parents' lifetime, in the case of a police**
16 **officer who dies after December 31, 2006.**

17 (c) Except as otherwise provided in this subsection, if a fund
18 member dies while on active duty or while retired and not receiving
19 benefits, the member's children and the member's spouse, or the
20 member's parent or parents are entitled to receive a monthly benefit
21 determined under subsection (b). If the fund member did not have at
22 least twenty (20) years of service or was not at least fifty-two (52) years
23 of age, the benefit is computed as if the member:

- 24 (1) did have twenty (20) years of service; and
- 25 (2) was fifty-two (52) years of age.

26 SECTION 14. IC 36-8-8-14.1 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 14.1. (a) Benefits
28 paid under this section are subject to section 2.5 of this chapter.

29 (b) This section applies to an active member who dies in the line of
30 duty after August 31, 1982.

31 (c) If a fund member dies in the line of duty after August 31, 1982,
32 the member's surviving spouse is entitled to a monthly benefit during
33 the spouse's lifetime, equal to the benefit to which the member would
34 have been entitled on the date of the member's death, but not less than
35 the benefit payable to a member with twenty (20) years service at
36 fifty-two (52) years of age. If the spouse remarried before September
37 1, 1983, and benefits ceased on the date of remarriage, the benefits for
38 the surviving spouse shall be reinstated on July 1, 1997, and continue
39 during the life of the surviving spouse.

40 (d) If a fund member dies in the line of duty, each of the member's
41 surviving children is entitled to a monthly benefit equal to twenty
42 percent (20%) of the fund member's monthly benefit, **in the case of a**

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1 **firefighter or in the case of a police officer who dies before January**
2 **1, 2007, or thirty percent (30%) of the fund member's monthly**
3 **benefit, in the case of a police officer who dies after December 31,**
4 **2006:**

5 (1) until the child reaches eighteen (18) years of age; or
6 (2) until the child reaches twenty-three (23) years of age if the
7 child is enrolled in and regularly attending a secondary school or
8 is a full-time student at an accredited college or university;
9 whichever period is longer. However, if the board finds upon the
10 submission of satisfactory proof that a child who is at least eighteen
11 (18) years of age is mentally or physically incapacitated, is not a ward
12 of the state, and is not receiving a benefit under subdivision (2), the
13 child is entitled to receive an amount each month that is equal to the
14 greater of thirty percent (30%) of the monthly pay of a first class
15 patrolman or first class firefighter or fifty-five percent (55%) of the
16 monthly benefit the deceased member was receiving or was entitled to
17 receive on the date of the member's death, **in the case of a firefighter**
18 **or in the case of a police officer who dies before January 1, 2007,**
19 **or an amount each month that is equal to the greater of forty-five**
20 **percent (45%) of the monthly pay of a first class patrolman or**
21 **eighty-three percent (83%) of the monthly benefit the deceased**
22 **member was receiving or was entitled to receive on the date of the**
23 **member's death, in the case of a police officer who dies after**
24 **December 31, 2006,** as long as the mental or physical incapacity of the
25 child continues. Benefits paid for a child shall be paid to the surviving
26 parent as long as the child resides with and is supported by the
27 surviving parent. If the surviving parent dies, the benefits shall be paid
28 to the legal guardian of the child.

29 (e) If there is no surviving eligible child or spouse, and there is
30 proof satisfactory to the local board, subject to review in the manner
31 specified in section 13.1(b) of this chapter, that the parent was wholly
32 dependent on the fund member, the member's surviving parent is
33 entitled, or both surviving parents if qualified are entitled jointly, to
34 receive fifty percent (50%) of the fund member's monthly benefit
35 during the parent's or parents' lifetime, **in the case of a firefighter or**
36 **in the case of a police officer who dies before January 1, 2007, or**
37 **a monthly benefit equal to seventy-five percent (75%) of the fund**
38 **member's monthly benefit during the parent's or parents' lifetime,**
39 **in the case of a police officer who dies after December 31, 2006.**

40 (f) If the fund member did not have at least twenty (20) years of
41 service or was not at least fifty-two (52) years old, the benefit is
42 computed as if the member:

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- 1 (1) did have twenty (20) years of service; and
- 2 (2) was fifty-two (52) years of age.
- 3 (g) For purposes of this section, "dies in the line of duty" means
- 4 death that occurs as a direct result of personal injury or illness caused
- 5 by incident, accident, or violence that results from:
- 6 (1) any action that the member, in the member's capacity as a
- 7 police officer:
- 8 (A) is obligated or authorized by rule, regulation, condition of
- 9 employment or service, or law to perform; or
- 10 (B) performs in the course of controlling or reducing crime or
- 11 enforcing the criminal law; or
- 12 (2) any action that the member, in the member's capacity as a
- 13 firefighter:
- 14 (A) is obligated or authorized by rule, regulation, condition of
- 15 employment or service, or law to perform; or
- 16 (B) performs while on the scene of an emergency run
- 17 (including false alarms) or on the way to or from the scene.
- 18 The term includes a death presumed incurred in the line of duty under
- 19 IC 5-10-13.

- 20 (h) The unit of local government that employed the deceased
- 21 member shall after December 31, 2003, offer to provide and pay for
- 22 health insurance coverage for the member's surviving spouse and for
- 23 each natural child, stepchild, or adopted child of the member:
- 24 (1) until the child becomes eighteen (18) years of age;
- 25 (2) until the child becomes twenty-three (23) years of age if the
- 26 child is enrolled in and regularly attending a secondary school or
- 27 is a full-time student at an accredited college or university; or
- 28 (3) during the entire period of the child's physical or mental
- 29 disability;
- 30 whichever period is longest. If health insurance coverage is offered by
- 31 the unit to active members, the health insurance provided to a surviving
- 32 spouse and child under this subsection must be equal in coverage to
- 33 that offered to active members. The offer to provide and pay for health
- 34 insurance coverage shall remain open for as long as there is a surviving
- 35 spouse or as long as a natural child, stepchild, or adopted child of the
- 36 member is eligible for coverage under subdivision (1), (2), or (3).

37 SECTION 15. [EFFECTIVE JANUARY 1, 2007] (a) **This**

38 **SECTION applies to the following:**

- 39 (1) **A 1925 police pension fund under IC 36-8-6.**
- 40 (2) **The 1953 police pension fund under IC 36-8-7.5.**
- 41 (3) **The 1977 police officers' and firefighters' pension and**
- 42 **disability fund under IC 36-8-8.**

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1 **(b) A pension fund described in subsection (a) shall provide for**
2 **a one (1) time increase under subsection (c) in the amount of the**
3 **benefits paid to the following:**
4 **(1) A fund member who is a police officer and who is**
5 **receiving retirement benefits or disability benefits from the**
6 **fund as of December 31, 2006.**
7 **(2) A survivor of a fund member who is a police officer, if the**
8 **survivor is receiving survivor benefits from the fund as of**
9 **December 31, 2006.**
10 **(c) The increase required by subsection (b) is equal to the**
11 **amount necessary to ensure that the member or survivor receives**
12 **benefits as of January 2006 in the amount that the member or**
13 **survivor would have received under IC 36-8-6, IC 36-8-7.5, and**
14 **IC 36-8-8, all as amended by this act, if the member had retired,**
15 **become disabled, or died after December 31, 2006.**
16 **(d) The increases specified in this section:**
17 **(1) are based upon the date of the member's latest retirement**
18 **or disability;**
19 **(2) do not apply to benefits payable in a lump sum; and**
20 **(3) are in addition to any other increase provided by law.**
21 **(e) This SECTION expires July 1, 2008.**

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