
HOUSE BILL No. 1350

DIGEST OF INTRODUCED BILL

Citations Affected: IC 33-38-7-20; IC 33-38-8-24.

Synopsis: Judicial pensions. Authorizes a participant with at least eight years of creditable service in the judges' retirement system who is also vested in the public employees' retirement fund (PERF) to elect to use not more than ten years of PERF service credit to qualify for a retirement benefit from the judges' retirement system and waive the right to a retirement benefit from PERF. Requires the PERF board to transfer to the judges' retirement system the amount credited to the participant's annuity savings account and the present value of the retirement benefit payable at 65 years of age that is attributable to the participant who makes the election. Provides that the PERF service credit may not be used to compute the participant's retirement benefit from the judges' retirement system.

Effective: July 1, 2006.

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January 12, 2006, read first time and referred to Committee on Judiciary.

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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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HOUSE BILL No. 1350



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 33-38-7-20 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2006]: **Sec. 20. (a) As used in this section, "retirement fund"**
4 **refers to the public employees' retirement fund established by**
5 **IC 5-10.3-2-1.**

6 **(b) This section applies only to a person who:**
7 **(1) is a judge participating under this chapter;**
8 **(2) before becoming a judge was employed in a position that**
9 **resulted in the person being a member of the retirement fund;**
10 **(3) received credited service in the retirement fund for the**
11 **employment described in subdivision (2), and the credited**
12 **service is not eligible for prior service credit under section 18**
13 **or 19 of this chapter;**
14 **(4) has attained vested status in the retirement fund for the**
15 **employment described in subdivision (2), but has not begun**
16 **receiving a benefit from the retirement fund; and**
17 **(5) has at least eight (8) years of service credit in the judges'**



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retirement system.
(c) If a person becomes a participant in the judges' 1977 benefit system under this chapter, the person may elect credit for the service described in subsection (b)(3) solely for the purpose of meeting the age plus years of service requirement described in section 11(b)(2)(B) of this chapter, if the following conditions are met:

- (1) The prior service was credited under the retirement fund.
- (2) The maximum amount of service that a person may elect to transfer under this section is ten (10) years.
- (3) The person waives the right to a retirement benefit from the retirement fund based on the service transferred under this section.

(d) If a participant makes an election under subsection (c), the board shall transfer from the retirement fund to the judges' 1977 benefit system the amount credited to the participant's annuity savings account and the present value of the retirement benefit payable at sixty-five (65) years of age that is attributable to the participant.

(e) The service for which an election is made under this section may not be used as years of service for the purpose of computing a participant's retirement benefit under section 11(d) of this chapter.

SECTION 2. IC 33-38-8-24 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 24. (a) As used in this section, "retirement fund" refers to the public employees' retirement fund established by IC 5-10.3-2-1.

- (b) This section applies only to a person who:
- (1) is a judge participating under this chapter;
 - (2) before becoming a judge was employed in a position that resulted in the person being a member of the retirement fund;
 - (3) received credited service in the retirement fund for the employment described in subdivision (2), and the credited service is not eligible for prior service credit under section 22 or 23 of this chapter;
 - (4) has attained vested status in the retirement fund for the employment described in subdivision (2), but has not begun receiving a benefit from the retirement fund; and
 - (5) has at least eight (8) years of service credit in the judges' retirement system.

(c) If a person becomes a participant in the judges' 1985 benefit

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1 system under this chapter, the person may elect credit for the
 2 service described in subsection (b)(3) solely for the purpose of
 3 meeting the age plus years of service requirement described in
 4 section 13(2)(B) of this chapter, if the following conditions are met:
 5 (1) The prior service was credited under the retirement fund.
 6 (2) The maximum amount of service that a person may elect
 7 to transfer under this section is ten (10) years.
 8 (3) The person waives the right to a retirement benefit from
 9 the retirement fund based on the service transferred under
 10 this section.
 11 (d) If a participant makes an election under subsection (c), the
 12 board shall transfer from the retirement fund to the judges' 1985
 13 benefit system the amount credited to the participant's annuity
 14 savings account and the present value of the retirement benefit
 15 payable at sixty-five (65) years of age that is attributable to the
 16 participant.
 17 (e) The service for which an election is made under this section
 18 may not be used as years of service for the purpose of computing
 19 a participant's retirement benefit under section 14 of this chapter.
 20 SECTION 3. [EFFECTIVE JULY 1, 2006] IC 33-38-7-20, as
 21 added by this act, applies to participants in the judges' 1977
 22 retirement, disability, and death benefit system who retire after
 23 June 30, 2006.
 24 SECTION 4. [EFFECTIVE JULY 1, 2006] IC 33-38-8-24, as
 25 added by this act, applies to participants in the judges' 1985
 26 retirement, disability, and death benefit system who retire after
 27 June 30, 2006.

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