

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 568 be amended to read as follows:

1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 5-10.2-4-6 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JANUARY 1, 2007 (RETROACTIVE)]:
5 Sec. 6. (a) A member who becomes disabled while receiving a salary
6 or employer provided income protection benefits or who is on leave
7 under the Family and Medical Leave Act may retire for the duration of
8 ~~his~~ **the member's** disability if:
9 (1) the member has at least five (5) years of creditable service
10 before the:
11 (A) termination of a salary or employer provided income
12 protection benefits or Family and Medical Leave Act leave; or
13 (B) exhaustion of all worker's compensation benefits;
14 (2) the member has qualified for Social Security disability
15 benefits and has furnished proof of the Social Security
16 qualification to the board; and
17 (3) at least once each year until the member reaches age sixty-five
18 (65) a representative of the board verifies the continued disability.
19 For the purposes of this section, a member of the public employees'
20 retirement fund who has qualified for disability benefits under the
21 federal civil service system is considered to have met the requirement
22 of subdivision (2) if ~~he~~ **the member** furnishes proof of the qualification
23 to the board of the public employees' retirement fund.
24 (b) Benefits for disability shall be paid beginning with the month

1 following the onset of disability as determined by the Social Security
 2 Administration. The benefit is the retirement benefit specified in
 3 section 4 of this chapter with the pension computed using only the
 4 years of creditable service worked to the date of disability and without
 5 reduction for early retirement. However, the monthly disability
 6 retirement benefit may not be less than one hundred **eighty** dollars
 7 ~~(\$100)~~: **(\$180)**.

8 (c) The member may have ~~his~~ **the member's** benefit paid under any
 9 of the retirement benefit options specified in section 7 of this chapter,
 10 except that the member may not choose to have the member's disability
 11 retirement benefit paid under the method specified under section
 12 7(b)(3) of this chapter.

13 (d) This section applies to:

- 14 (1) a member of the public employees' retirement fund who
- 15 became disabled after June 30, 1973; and
- 16 (2) a member of the Indiana state teachers' retirement fund who
- 17 becomes disabled after June 30, 1984, and who chooses disability
- 18 retirement under this section.

19 (e) To the extent required by the Americans with Disabilities Act
 20 (42 U.S.C. 12101 et seq.) and any amendments and regulations to the
 21 Act, the transcripts, records, and other material compiled to determine
 22 the existence of a disability shall be:

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

25 (f) A member may continue to receive disability benefits from the
 26 public employees' retirement fund or the Indiana state teachers'
 27 retirement fund so long as the member is entitled to receive Social
 28 Security benefits, including periods of trial employment or
 29 rehabilitation under the Social Security guidelines. However, during a
 30 period of trial employment or rehabilitation, service credit may not be
 31 granted under the public employees' retirement fund or the Indiana
 32 state teachers' retirement fund.

33 **(g) If the fund is authorized to make, in the form of a single**
 34 **check or a series of checks, a one (1) time distribution that does not**
 35 **increase the pension portion of the monthly benefit, the**
 36 **distribution must include members eligible for disability benefits.**
 37 **A member eligible for disability benefits is required to meet all**
 38 **additional requirements necessary to receive the check or series of**
 39 **checks issued by the fund under this subsection."**

40 Page 4, after line 11, begin a new paragraph and insert:

41 "SECTION 5. [EFFECTIVE JANUARY 1, 2007
 42 (RETROACTIVE)] **IC 5-10.2-4-6, as amended by this act, applies to**
 43 **disability retirement benefits payable by the Indiana state teachers'**
 44 **retirement fund and the public employees' retirement fund after**
 45 **December 31, 2006.**

46 SECTION 6. **An emergency is declared for this act."**

- 1 Renumber all SECTIONS consecutively.
 (Reference is to ESB 568 as printed March 16, 2007.)

Representative Crawford