

Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1063

AN ACT to amend the Indiana Code concerning pensions.

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

SECTION 1. IC 5-10-9.8-1, AS ADDED BY P.L.40-2017, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. The following definitions apply throughout this chapter:

- (1) "Board" refers to the board of trustees of the Indiana public retirement system.
- (2) "Employer" means an employer of a ~~state employee (as defined in IC 5-10-11-3)~~ **an employee that may receive a lump sum death benefit under a statute identified in section 2(a) of this chapter.**
- (3) "Fund" refers to the special death benefit fund established by section 2 of this chapter.

SECTION 2. IC 5-10-9.8-2, AS ADDED BY P.L.40-2017, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) The special death benefit fund is established for the purpose of paying lump sum death benefits under the following statutes:

- (1) IC 5-10-10.
- (2) IC 5-10-11.
- (3) IC 10-12-6.
- (4) IC 36-8-6-20.
- (5) IC 36-8-7-26.

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(6) IC 36-8-7.5-22.

(7) IC 36-8-8-20.

(b) The fund consists of:

- (1) appropriations by the general assembly;
- (2) fees remitted to the board under IC 35-33-8-3.2, ~~and IC 5-10-10-4.5, IC 5-10-10-4.8, and IC 5-10-10-4.9;~~
- (3) contributions from employers;
- (4) gifts; and
- (5) interest or other investment income earned on money in the fund.

(c) The fund shall be administered by the board. The expenses of administering the fund shall be paid from money in the fund.

(d) The board shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as the board's other funds may be invested. Interest that accrues from these investments shall be deposited in the fund.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

SECTION 3. IC 5-10-9.8-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 2.5. (a) The board shall determine contributions and contribution rates for individual employers or for a group of employers necessary to adequately maintain the fund.**

(b) The board shall deposit any contributions received under this section in the fund.

SECTION 4. IC 5-10-10-4.5, AS AMENDED BY P.L.179-2018, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4.5. (a) As used in this section, "eligible officer" means a police officer or firefighter whose employer purchases coverage under this section.

(b) As used in this section, "employer" means:

- (1) with respect to a police officer:
 - (A) a postsecondary educational institution, other than a state educational institution, that appoints a police officer under IC 21-17-5; or
 - (B) an operator that employs the police officer under IC 8-22-3-34(b); or
- (2) with respect to a firefighter:
 - (A) a postsecondary educational institution, other than a state educational institution, located in Indiana that:
 - (i) maintains a fire department;



- (ii) employs firefighters for the fire department; and
- (iii) is accredited by the North Central Association; or
- (B) an operator that enters into an operating agreement under IC 5-23 for the operation of a public use airport that:
 - (i) maintains a fire department; and
 - (ii) employs firefighters for the fire department.

(c) If an employer purchases coverage for an eligible officer, the eligible officer is eligible for a special death benefit from the fund in the same manner that any other public safety officer is eligible for a special death benefit from the fund. The cost of the coverage shall be one hundred dollars (\$100) for each eligible officer annually. The cost of the coverage shall be paid to the board for deposit in the fund. **The cost of coverage required by this subsection is in addition to the contribution determined by the board under IC 5-10-9.8-2.5.**

(d) If an employer elects to provide coverage under this section, the employer must purchase coverage for all eligible officers of the employer. An employer that elects to purchase coverage under this section must purchase coverage by making annual payments as prescribed by the board.

SECTION 5. IC 5-10-10-4.8, AS AMENDED BY P.L.193-2016, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4.8. (a) As used in this section, "eligible emergency medical services provider" means an emergency medical services provider who is employed by a person that has contracted with a political subdivision to provide emergency medical services for the political subdivision.

(b) As used in this section, "emergency medical services" has the meaning set forth in IC 16-49-1-5.

(c) As used in this section, "emergency medical services provider" has the meaning set forth in IC 16-41-10-1.

(d) As used in this section, "political subdivision" has the meaning set forth in IC 36-1-2-13.

(e) If an employer purchases coverage for an eligible emergency medical services provider, the eligible emergency medical services provider who dies as a direct result of personal injury or illness resulting from the eligible emergency medical services provider's performance of duties under a contract entered into by the emergency medical services provider's employer to provide emergency medical services for a political subdivision is eligible for a special death benefit from the fund in the same manner as any other public safety officer is eligible for a benefit from the fund. The cost of the coverage must be one hundred dollars (\$100) annually for each eligible emergency



medical services provider paid by the emergency medical services provider's employer. The cost of the coverage shall be paid to the board for deposit into the fund. **The cost of coverage required by this subsection is in addition to the contribution determined by the board under IC 5-10-9.8-2.5.**

(f) If an employer elects to provide coverage under this section, the employer must purchase coverage for all eligible emergency medical services providers of the employer. An employer who elects to purchase coverage under this section must purchase coverage by making annual payments as prescribed by the board.

SECTION 6. IC 5-10-10-4.9, AS AMENDED BY P.L.179-2018, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4.9. (a) As used in this section, "eligible emergency medical services provider" means an emergency medical services provider whose employer purchases coverage under this section.

(b) As used in this section, "emergency medical services provider" has the meaning set forth in IC 16-41-10-1.

(c) As used in this section, "employer" means a health care system affiliated with a state educational institution that:

- (1) maintains an air ambulance services provider; and
- (2) employs emergency medical services providers for the air ambulance services provider.

(d) If an employer purchases coverage for an eligible emergency medical services provider, the eligible emergency medical services provider is eligible for a special death benefit from the fund in the same manner that any other public safety officer is eligible for a special death benefit from the fund. The cost of the coverage must be one hundred dollars (\$100) for each eligible emergency medical services provider annually. The cost of the coverage shall be paid to the board for deposit into the fund. **The cost of coverage required by this subsection is in addition to the contribution determined by the board under IC 5-10-9.8-2.5.**

(e) If an employer elects to provide coverage under this section, the employer must purchase coverage for all eligible emergency medical services providers of the employer. An employer that elects to purchase coverage under this section must purchase coverage by making annual payments as prescribed by the board.

SECTION 7. IC 5-10-10-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) Except as provided in subsection (b), a special death benefit of ~~seventy-five thousand dollars (\$75,000)~~ for a public safety officer who dies in the



~~line of duty before January 1, 1998, and one hundred fifty thousand dollars (\$150,000) for a public safety officer who dies in the line of duty after December 31, 1997, before July 1, 2020, and two hundred~~ **twenty-five thousand dollars (\$225,000) for a public safety officer who dies in the line of duty after June 30, 2020**, shall be paid in a lump sum from the fund to the following relative of a public safety officer who dies in the line of duty:

- (1) To the surviving spouse.
- (2) If there is no surviving spouse, to the surviving children (to be shared equally).
- (3) If there is no surviving spouse and there are no surviving children, to the parent or parents in equal shares.

(b) If the fund would be reduced below two hundred fifty thousand dollars (\$250,000) by payment in full of all claims that become final in any month, the board shall proceed as follows:

- (1) The board shall suspend payment of the claims that become final during that month and the following two (2) months.
- (2) At the end of the suspension period, the board shall pay all suspended claims. If the fund would be exhausted by payment in full of all suspended claims, the amount paid to each claimant shall be prorated.

SECTION 8. IC 10-12-6-2, AS AMENDED BY P.L.40-2017, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. A special death benefit of one hundred fifty thousand dollars (\$150,000) for a motor carrier inspector or special police employee who dies in the line of duty **before July 1, 2020, and two hundred twenty-five thousand dollars (\$225,000) for a motor carrier inspector or special police employee who dies in the line of duty after June 30, 2020**, shall be paid in a lump sum from the special death benefit fund established under IC 5-10-9.8 to the following relative of a motor carrier inspector or special police employee who dies in the line of duty:

- (1) The surviving spouse.
- (2) If there is no surviving spouse, the surviving children (to be shared equally).
- (3) If there is no surviving spouse and there are no surviving children, the parent or parents in equal shares.

SECTION 9. IC 36-8-6-20, AS AMENDED BY P.L.40-2017, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 20. (a) As used in this section, "dies in the line of duty" has the meaning set forth in section 10.1 of this chapter.

(b) A special death benefit of ~~seventy-five thousand dollars~~

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~~(\$75,000) for a fund member who dies in the line of duty before January 1, 1998, and one hundred fifty thousand dollars (\$150,000) for a fund member who dies in the line of duty after December 31, 1997,~~ **before July 1, 2020, and two hundred twenty-five thousand dollars (\$225,000) for a fund member who dies in the line of duty after June 30, 2020,** shall be paid in a lump sum by the Indiana public retirement system from the special death benefit fund established under IC 5-10-9.8 to the following relative of a fund member who dies in the line of duty:

- (1) To the surviving spouse.
- (2) If there is no surviving spouse, to the surviving children (to be shared equally).
- (3) If there is no surviving spouse and there are no surviving children, to the parent or parents in equal shares.

(c) The benefit provided by this section is in addition to any other benefits provided under this chapter.

SECTION 10. IC 36-8-7-26, AS AMENDED BY P.L.40-2017, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 26. (a) As used in this section, "dies in the line of duty" has the meaning set forth in section 12.4 of this chapter.

(b) A special death benefit of ~~seventy-five thousand dollars (\$75,000) for a fund member who dies in the line of duty before January 1, 1998, and one hundred fifty thousand dollars (\$150,000) for a fund member who dies in the line of duty after December 31, 1997,~~ **before July 1, 2020, and two hundred twenty-five thousand dollars (\$225,000) for a fund member who dies in the line of duty after June 30, 2020,** shall be paid in a lump sum by the Indiana public retirement system from the special death benefit fund established under IC 5-10-9.8 to the following relative of a fund member who dies in the line of duty:

- (1) To the surviving spouse.
- (2) If there is no surviving spouse, to the surviving children (to be shared equally).
- (3) If there is no surviving spouse and there are no surviving children, to the parent or parents in equal shares.

(c) The benefit provided by this section is in addition to any other benefits provided under this chapter.

SECTION 11. IC 36-8-7.5-22, AS AMENDED BY P.L.40-2017, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 22. (a) As used in this section, "dies in the line of duty" has the meaning set forth in section 14.1 of this chapter.

(b) A special death benefit of ~~seventy-five thousand dollars~~



~~(\$75,000) for a fund member who dies in the line of duty before January 1, 1998, and one hundred fifty thousand dollars (\$150,000) for a fund member who dies in the line of duty after December 31, 1997,~~ **before July 1, 2020, and two hundred twenty-five thousand dollars (\$225,000) for a fund member who dies in the line of duty after June 30, 2020,** shall be paid in a lump sum by the Indiana public retirement system from the special death benefit fund established under IC 5-10-9.8 to the following relative of a fund member who dies in the line of duty:

- (1) To the surviving spouse.
- (2) If there is no surviving spouse, to the surviving children (to be shared equally).
- (3) If there is no surviving spouse and there are no surviving children, to the parent or parents in equal shares.

(c) The benefit provided by this section is in addition to any other benefits provided under this chapter.

SECTION 12. IC 36-8-8-20, AS AMENDED BY P.L.40-2017, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 20. (a) As used in this section, "dies in the line of duty" has the meaning set forth in section 14.1 of this chapter.

(b) Benefits paid under this section are subject to section 2.5 of this chapter.

(c) A special death benefit of ~~seventy-five thousand dollars (\$75,000) for a fund member who dies in the line of duty before January 1, 1998, and one hundred fifty thousand dollars (\$150,000) for a fund member who dies in the line of duty after December 31, 1997,~~ **before July 1, 2020, and two hundred twenty-five thousand dollars (\$225,000) for a fund member who dies in the line of duty after June 30, 2020,** shall be paid in a lump sum by the Indiana public retirement system from the special death benefit fund established under IC 5-10-9.8 to the following relative of a fund member who dies in the line of duty:

- (1) To the surviving spouse.
- (2) If there is no surviving spouse, to the surviving children (to be shared equally).
- (3) If there is no surviving spouse and there are no surviving children, to the parent or parents in equal shares.

(d) The benefit provided by this section is in addition to any other benefits provided under this chapter.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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