

# PROPOSED AMENDMENT

## SB 63 # 1

### DIGEST

Pension matters. Allows a participant in the state excise police, gaming agent, gaming control officer, and conservation enforcement officers' retirement plan to elect a joint and survivor option for the payment of the participant's retirement allowance. Changes or removes certain provisions to match HB 1145.

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1                   Delete the title and insert the following:  
2                   A BILL FOR AN ACT to amend the Indiana Code concerning  
3                   pensions.  
4                   Page 1, between the enacting clause and line 1, begin a new  
5                   paragraph and insert:  
6                   "SECTION 1. IC 5-10-5.5-10, AS AMENDED BY P.L.128-2008,  
7                   SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
8                   JULY 1, 2026]: Sec. 10. (a) Benefits provided under this section are  
9                   subject to section 2.5 of this chapter.  
10                  (b) **Except as provided in section 10.5 of this chapter**, the annual  
11                  retirement allowance of a participant, payable in equal monthly  
12                  installments beginning on the participant's normal retirement date, shall  
13                  be a percentage of the participant's average annual salary, such  
14                  percentage to be twenty-five percent (25%) increased by one and  
15                  two-thirds percent (1 2/3%) of the participant's average annual salary  
16                  for each completed year of creditable service more than ten (10) years.  
17                  However, the annual retirement allowance computed under this  
18                  subsection may not exceed seventy-five percent (75%) of the  
19                  participant's average annual salary.  
20                  (c) The annual retirement allowance **under subsection (b)** shall  
21                  cease with the last monthly payment prior to the death of the  
22                  participant.  
23                  SECTION 2. IC 5-10-5.5-10.5 IS ADDED TO THE INDIANA  
24                  CODE AS A **NEW SECTION TO READ AS FOLLOWS**  
25                  [EFFECTIVE JULY 1, 2026]: **Sec. 10.5. (a) This section applies to a**  
26                  **participant who retires after June 30, 2026.**

(b) A participant may elect a joint and survivor option for the payment of the participant's retirement allowance instead of the annual retirement allowance provided under section 10 of this chapter. The amount of the optional payments shall be determined under rules of the board and shall be the actuarial equivalent of the benefit payable under section 10 of this chapter.

(c) The following apply to the joint and survivor option under subsection (b):

**(1) The participant receives a decreased retirement benefit during the participant's lifetime, and there is a benefit payable after the participant's death to a designated beneficiary during the lifetime of the beneficiary, which benefit equals, at the option of the participant, either the full decreased retirement benefit or two-thirds (2/3) or one-half (1/2) of that benefit.**

(2) If the participant dies before retirement, the designated beneficiary may receive survivors' benefits if the individual is entitled to survivors' benefits under section 16.3 of this chapter.

(3) If the designated beneficiary dies before the participant retires, the election is automatically canceled and the participant may make a new beneficiary election. A participant described by this subdivision may elect the joint and survivor option after making a new beneficiary election.

SECTION 3. IC 5-10-5.5-16.3, AS ADDED BY P.L.6-2020, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 16.3. (a) This section applies to:

(1) an active participant, regardless of the participant's years of creditable service; and

(2) an inactive participant with at least fifteen (15) years of creditable service;

who dies other than in the line of duty after January 31, 2018. **Except as provided in section 10.5(c)(2) of this chapter, this section does not apply to a participant who elects the joint and survivor option under section 10.5 of this chapter.**

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

(c) A surviving mother or father nominated by the participant to receive survivors' benefits under the provisions of this chapter is entitled to an annual survivors' allowance for life equal to fifty percent

1 (50%) of the amount to which the participant would have been entitled  
 2 if the participant had retired with twenty-five (25) years of service at  
 3 fifty (50) years of age.

4 (d) A surviving spouse nominated by the participant to receive  
 5 survivors' benefits under the provisions of this chapter is entitled to an  
 6 annual survivors' allowance equal to fifty percent (50%) of the amount  
 7 to which the participant would have been entitled if the participant had  
 8 retired with twenty-five (25) years of service at fifty (50) years of age.  
 9 A survivors' allowance payable to a surviving spouse under this  
 10 subsection ends with the last payment before the surviving spouse's  
 11 death.

12 (e) An eligible surviving child who is nominated by the participant  
 13 to receive survivors' benefits under this chapter is entitled to an annual  
 14 survivors' allowance equal to fifty percent (50%) of the amount to  
 15 which the participant would have been entitled if the participant had  
 16 retired with twenty-five (25) years of service at fifty (50) years of age.  
 17 If more than one (1) eligible surviving child is nominated to receive  
 18 survivors' benefits, the annual survivors' allowance shall be divided  
 19 equally between or among the eligible surviving children who were  
 20 nominated to receive survivors' benefits. A survivors' allowance to a  
 21 child ends when the child attains the age of eighteen (18) years or  
 22 marries, whichever occurs first. If a survivors' allowance is divided  
 23 between or among more than one (1) child, and payments to one (1) or  
 24 more children receiving the survivor's allowance cease because of the  
 25 age, marriage, or death of the child, the total annual survivors'  
 26 allowance payable under this subsection shall be divided evenly among  
 27 or between the surviving children, if any, who remain eligible to  
 28 receive the survivors' allowance.".

29 Page 1, line 6, delete "by" and insert "**under**".  
 30 Page 1, line 8, delete "the amount determined under subsection".  
 31 Page 1, line 9, delete "(d)".  
 32 Page 1, line 12, delete "2026." and insert "**2026, the amount**  
 33 **determined under subsection (d) for a member of the fund.**".

34 Page 1, line 14, delete "The" and insert "**For purposes of**  
 35 **determining the**".

36 Page 1, line 16, delete "subsection (c) is determined as follows:" and  
 37 insert "**subsection (c), the applicable amount is determined as**  
 38 **follows:**

<b>If a Member's Creditable</b>	<b>The Amount Is:</b>
<b>Service Is:</b>	

1	At least 5 years, but less than 10 years	\$150
2	At least 10 years, but less than 20 years	\$275
3	At least 20 years, but less than 30 years	\$375
4	At least 30 years	\$450

5 (e) The creditable service used to determine the amount paid to  
6 a member (or to a survivor or beneficiary of a member) under  
7 subsection (c) is the creditable service that was used to compute the  
8 member's retirement benefit under IC 5-10.2-4-4, except that  
9 partial years of creditable service may not be used to determine the  
10 amount paid under subsection (c).

17 (g) This SECTION applies notwithstanding IC 5-10.2-12-4(b).

18 (h) This SECTION expires January 1, 2028.

19 SECTION 5. [EFFECTIVE JULY 1, 2026] (a) As used in this  
20 SECTION, "fund" refers to the Indiana public employees'  
21 retirement fund established by IC 5-10.3-2-1.

25 (c) Not later than October 1, 2026, the supplemental allowance  
26 reserve account shall pay to a member of the fund (or to a survivor  
27 or beneficiary of a member) who retired or was disabled on or  
28 before December 1, 2025, and who is entitled to receive a monthly  
29 benefit on July 1, 2026, the amount determined under subsection  
30 (d) for the member of the fund. The amount is not an increase in  
31 the pension portion of the monthly benefit.

32       (d) For purposes of determining the amount paid under  
33 subsection (c) to a member of the fund (or to a survivor or  
34 beneficiary of a member) who meets the requirements of  
35 subsection (c), the applicable amount is determined as follows:

## 36 If a Member's Creditable The Amount Is:

## 37 Service Is:

38	At least 5 years, but less than 10 years	\$150
39	At least 10 years, but less than 20 years	\$275
40	At least 20 years, but less than 30 years	\$375

1	<b>At least 30 years</b>	<b>\$450</b>
2	(e) The creditable service used to determine the amount paid to a member (or to a survivor or beneficiary of a member) under subsection (c) is the creditable service that was used to compute the member's retirement benefit under IC 5-10.2-4-4, except that partial years of creditable service may not be used to determine the amount paid under subsection (c).	
3	(f) If two (2) or more survivors or beneficiaries of a member are	
4	entitled to an amount paid under subsection (c), the amount shall	
5	be allocated to the survivors or beneficiaries in shares using the	
6	same percentages as the percentages determined under	
7	IC 5-10.2-3-7.5 or IC 5-10.3-8-15 to pay the monthly benefit to the	
8	survivors or beneficiaries.	
9	(g) This SECTION applies notwithstanding IC 5-10.2-12-4(b).	
10	(h) This SECTION expires January 1, 2028.	
11	SECTION 6. [EFFECTIVE JULY 1, 2026] (a) As used in this	
12	SECTION, "participant" has the meaning set forth in	
13	IC 5-10-5.5-1.	
14	(b) As used in this SECTION, "plan" refers to the state excise	
15	police, gaming agent, gaming control officer, and conservation	
16	enforcement officers' retirement plan created by IC 5-10-5.5-2.	
17	(c) As used in this SECTION, "supplemental allowance reserve	
18	account" refers to the supplemental allowance reserve account	
19	established under IC 5-10-5.5-4(c).	
20	(d) Not later than October 1, 2026, the supplemental allowance	
21	reserve account shall pay to a plan participant (or to a survivor or	
22	beneficiary of a plan participant) who:	
23	(1) retired or was disabled on or before July 2, 2025; and	
24	(2) is entitled to receive a monthly benefit as of September 1,	
25	2026;	
26	an amount equal to one percent (1%) of the maximum basic annual	
27	pension amount payable to a retired state police employee in the	
28	grade of trooper who has completed twenty-five (25) years of	
29	service as of July 1, 2026, as calculated under IC 10-12-4-7. The	
30	amount is not an increase in the pension portion of the monthly	
31	benefit.	
32	(e) If two (2) or more survivors or beneficiaries of a plan	
33	participant are entitled to an amount paid under subsection (d), the	
34	amount shall be allocated to the survivors or beneficiaries in shares	
35	using the same percentages as the percentages determined under	

1       **IC 5-10-5.5-16 or IC 5-10-5.5-16.3 to pay the monthly benefit to the**  
2       **survivors or beneficiaries.**

3       **(f) This SECTION applies notwithstanding IC 5-10.2-12-4(b).**

4       **(g) This SECTION expires January 1, 2028.**

5       **SECTION 7. [EFFECTIVE JULY 1, 2026] (a) As used in this**  
6       **SECTION, "trustee" has the meaning set forth in IC 10-12-1-10.**

7       **(b) As used in this SECTION, "trust fund" has the meaning set**  
8       **forth in IC 10-12-1-11.**

9       **(c) Not later than October 1, 2026, the trustee shall pay from the**  
10      **trust fund to each employee beneficiary of the state police pre-1987**  
11      **benefit system covered by IC 10-12-3 who:**

12      **(1) retired or was disabled before July 2, 2025; and**

13      **(2) is entitled to receive a monthly benefit as of September 1,**  
14      **2026;**

15      **an amount equal to one percent (1%) of the maximum basic annual**  
16      **pension amount payable to a retired state police employee in the**  
17      **grade of trooper who has completed twenty (20) years of service as**  
18      **of July 1, 2026, as calculated under IC 10-12-3-7.**

19      **(d) The amounts paid under this SECTION are not an increase**  
20      **in the monthly pension amount of an employee beneficiary.**

21      **(e) This SECTION applies notwithstanding IC 10-12-7-2.**

22      **(f) This SECTION expires January 1, 2028.**

23      **SECTION 8. [EFFECTIVE JULY 1, 2026] (a) As used in this**  
24      **SECTION, "trustee" has the meaning set forth in IC 10-12-1-10.**

25      **(b) As used in this SECTION, "trust fund" has the meaning set**  
26      **forth in IC 10-12-1-11.**

27      **(c) Not later than October 1, 2026, the trustee shall pay from the**  
28      **trust fund to each employee beneficiary of the state police 1987**  
29      **benefit system covered by IC 10-12-4 who:**

30      **(1) retired or was disabled after June 30, 1987, and before**  
31      **July 2, 2025; and**

32      **(2) is entitled to receive a monthly benefit as of September 1,**  
33      **2026;**

34      **an amount equal to one percent (1%) of the maximum basic annual**  
35      **pension amount payable to a retired state police employee in the**  
36      **grade of trooper who has completed twenty-five (25) years of**  
37      **service as of July 1, 2026, as calculated under IC 10-12-4-7.**

38      **(d) The amount paid under this SECTION is not an increase in**  
39      **the monthly pension amount of an employee beneficiary.**

40      **(e) This SECTION applies notwithstanding IC 10-12-7-2."**

- 1 Page 1, delete lines 17 through 18.
- 2 Delete pages 2 through 4.
- 3 Page 5, delete lines 1 through 25.
- 4 Page 5, line 26, delete "2027." and insert "**2028.**".
- 5 Renumber all SECTIONS consecutively.  
(Reference is to SB 63 as introduced.)