

## **IC 2-3.5**

### **ARTICLE 3.5. LEGISLATIVE RETIREMENT BENEFITS**

#### **IC 2-3.5-1**

##### **Chapter 1. Application**

#### **IC 2-3.5-1-1**

##### **Completion of service before April 30, 1989; entitlement**

Sec. 1. A member of the general assembly who completed service as a member of the general assembly before April 30, 1989:

- (1) is entitled to become, at the member's option, a member of PERF, as provided by IC 5-10.3-7-3; and
- (2) is not entitled to become a participant in the legislators' retirement system established by this article.

*As added by P.L.6-1989, SEC.1.*

#### **IC 2-3.5-1-2**

##### **Service on April 30, 1989; election of benefit plans**

Sec. 2. (a) A member of the general assembly who is serving on April 30, 1989, may elect to become a participant in both the defined benefit plan and the defined contribution plan of the legislators' retirement system, as provided by IC 2-3.5-3-1. If such a member does not elect to become a participant in the legislators' retirement system, that member is not affected by this article and is instead covered by IC 5-10.2, IC 5-10.3, and IC 5-10.4.

(b) Notwithstanding IC 5-10.3-7-2 or any other law, a member of the general assembly who is a participant in the legislators' defined benefit plan shall also be a member of PERF or TRF while serving in another position covered by PERF or TRF. However, the following provisions apply to a participant who is also a member of PERF or TRF:

- (1) The board shall include the participant's years of service in the general assembly in the determination of eligibility for benefits under PERF or TRF.
- (2) Except as provided in subdivision (4), the board shall not include in the computation of benefits from PERF or TRF the participant's:
  - (A) salary as a member of the general assembly; or
  - (B) years of service as a member of the general assembly.
- (3) The participant is not required to make annuity contributions to PERF or TRF for service as a member of the general assembly after July 1, 1989.
- (4) IC 5-10.2-4-3.1 and the special provisions for members of the general assembly in IC 5-10.2-3-7.5, IC 5-10.3-7-3, IC 5-10.3-7-7, IC 5-10.3-8-2, IC 5-10.4-5-7, and IC 20-28-10-16 do apply to the determination of the participant's benefits under PERF and TRF for benefits earned

before July 1, 1989. IC 5-10.2-4-3.1 and the special provisions for members of the general assembly in IC 5-10.2-3-7.5, IC 5-10.3-7-3, IC 5-10.3-7-7, IC 5-10.3-8-2, IC 5-10.4-5-7, and IC 20-28-10-16(b) do not apply to the determination of the participant's benefits under PERF or TRF for benefits earned after June 30, 1989.

*As added by P.L.6-1989, SEC.1. Amended by P.L.3-1990, SEC.3; P.L.4-1990, SEC.2; P.L.1-2005, SEC.50; P.L.2-2006, SEC.1; P.L.35-2012, SEC.1.*

### **IC 2-3.5-1-3**

#### **Elected or appointed after April 30, 1989; defined contribution plan**

Sec. 3. A member of the general assembly who is elected or appointed to the general assembly for the first time after April 30, 1989, is a participant in the defined contribution plan of the legislators' retirement system.

*As added by P.L.6-1989, SEC.1.*

### **IC 2-3.5-1-4**

#### **Service before and after, but not on April 30, 1989; defined contribution plan**

Sec. 4. (a) A member of the general assembly who:

- (1) served as a member of the general assembly before April 30, 1989;
- (2) was not serving as a member of the general assembly on April 30, 1989; and
- (3) is subsequently elected or appointed to the general assembly;

is a participant in the defined contribution plan of the legislators' retirement system.

(b) The PERF and TRF benefits earned by a participant described in subsection (a) before July 1, 1989, for service as a member of the general assembly or in another covered position, are not affected by this article. However, the following provisions apply to such a participant who is also a member of PERF or TRF:

- (1) The board shall include the participant's years of service in the general assembly in the determination of eligibility for benefits under PERF or TRF.
- (2) The board shall not include in the computation of benefits from PERF or TRF the participant's:
  - (A) salary as a member of the general assembly that is received after July 1, 1989; or
  - (B) years of service as a member of the general assembly after July 1, 1989.
- (3) The participant is not required to make annuity contributions to PERF or TRF for service as a member of the general assembly after July 1, 1989.
- (4) If IC 5-10.2-4-3.1 or any of the special provisions for members of the general assembly in IC 5-10.2-3-7.5,

IC 5-10.3-7-3, IC 5-10.3-7-7, IC 5-10.3-8-2, IC 5-10.4-5-7, and IC 20-28-10-16 applied to the determination of the participant's benefits under PERF or TRF before July 1, 1989, those provisions do not apply to the determination of the participant's benefits under PERF or TRF for benefits earned after July 1, 1989.

*As added by P.L.6-1989, SEC.1. Amended by P.L.3-1990, SEC.4; P.L.1-2005, SEC.51; P.L.2-2006, SEC.2; P.L.35-2012, SEC.2.*