

SENATE BILL No. 31

DIGEST OF INTRODUCED BILL

Citations Affected: IC 21-6.1-4-6.1.

Synopsis: Military service credit. Provides service credit for members of the Indiana state teachers' retirement fund (TRF) who retire after June 30, 1998, and served in the Peace Corps or national guard during or after completing a postsecondary teacher training program.

Effective: July 1, 1998.

Simpson

January 6, 1998, read first time and referred to Committee on Pensions and Labor.



Introduced

Second Regular Session 110th General Assembly (1998)

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 1997 General Assembly.

SENATE BILL No. 31

A BILL FOR AN ACT to amend the Indiana Code concerning education finance.

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

1 SECTION 1. IC 21-6.1-4-6.1, AS AMENDED BY P.L.5-1997,
2 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 1998]: Sec. 6.1. (a) This subsection applies to members who
4 retire before July 1, 1980. A member who had completed four (4) years
5 of approved college teacher training before voluntary or involuntary
6 induction into the military services is entitled to credit for that service
7 as if the member had begun teaching before the induction. A member
8 who serves in military service is considered a teacher and is entitled to
9 the benefits of the fund if for or during the leave of absence the
10 member pays into the fund the member's contributions. Time served by
11 a member in military service for the duration of the hostilities or for the
12 length of active service in the hostilities and the necessary
13 demobilization time after the hostilities is not subject to the
14 one-seventh rule specified in section 5 of this chapter.

15 (b) This subsection applies to members who retire after June 30,
16 1980. A member who had completed four (4) years of approved college
17 teacher training before voluntary or involuntary induction into military

1998

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1 service is entitled to credit for the member's active military service as
 2 if the member had begun teaching before the induction. A member who
 3 serves in military service is considered a teacher and is entitled to the
 4 benefits of the fund if:

- 5 (1) the member has an honorable discharge; and
- 6 (2) except as provided in subsection ~~(f)~~; **(h)**, the member returns
 7 to active teaching service within eighteen (18) months after the
 8 completion of active military service.

9 The time served by a member in military service for the duration of the
 10 hostilities or for the length of active service in the hostilities and the
 11 necessary demobilization time after the hostilities is not subject to the
 12 one-seventh rule specified in section 5 of this chapter. However, not
 13 more than six (6) years of military service credit may be granted under
 14 this subsection. In order to be eligible for any military service credit
 15 under this subsection, a member must have at least ten (10) years of
 16 in-state service credit.

17 (c) This subsection applies to members who retire after May 1,
 18 1989. A member who had begun but had not completed four (4) years
 19 of approved college teacher training before voluntary or involuntary
 20 induction into the military services is entitled to service credit in an
 21 amount equal to the duration of the member's active military service if
 22 the following conditions are met:

- 23 (1) The member has an honorable discharge.
- 24 (2) Except as provided in subsection ~~(f)~~; **(h)**, the member returns
 25 to a four (4) year approved college teacher training program
 26 within eighteen (18) months after the completion of active
 27 military service and subsequently completes that program.
- 28 (3) The member has at least ten (10) years of in-state service
 29 credit.

30 (d) This subsection applies to members who retire after May 1,
 31 1991, and who are employed at state institutions of higher education.
 32 A member who had begun but had not completed baccalaureate or
 33 post-baccalaureate training before voluntary or involuntary induction
 34 into military service is entitled to the member's active military service
 35 credit for the member's active military service in an amount equal to
 36 the duration of the member's military service if the following
 37 conditions are met:

- 38 (1) The member received an honorable discharge.
- 39 (2) Except as provided in subsection ~~(f)~~; **(h)**, the member returns
 40 to baccalaureate or post-baccalaureate training within eighteen
 41 (18) months after completion of active military service and
 42 subsequently completes that training.



1 (3) The member has at least ten (10) years of in-state service
2 credit.

3 **(e) This subsection applies to members who retire after June 30,**
4 **1998, and have at least ten (10) years of in-state service credit. A**
5 **member is entitled to credit for the member's service in the Peace**
6 **Corps or national guard, if the member served in the Peace Corps**
7 **or national guard after beginning but before completing four (4)**
8 **years of an approved postsecondary teacher training program.**
9 **Except as provided in subsection (h), a member must:**

10 **(1) return to a four (4) year approved postsecondary teacher**
11 **training program within eighteen (18) months after leaving**
12 **service in the Peace Corps or receiving an honorable**
13 **discharge from the national guard; and**

14 **(2) subsequently complete the postsecondary teacher training**
15 **program.**

16 **The member must pay into the fund the member's contributions**
17 **for the period of service in the Peace Corps or national guard.**

18 **(f) This subsection applies to members who retire after June 30,**
19 **1998, and have at least ten (10) years of in-state service credit. A**
20 **member is entitled to credit for the member's service in the Peace**
21 **Corps or national guard, if the member served in the Peace Corps**
22 **or national guard after completing four (4) years of an approved**
23 **postsecondary teacher training program. Except as provided in**
24 **subsection (h), a member must return to active teaching service**
25 **within eighteen (18) months after leaving service in the Peace**
26 **Corps or receiving an honorable discharge from the national**
27 **guard. The member must pay into the fund the member's**
28 **contributions for the period of service in the Peace Corps or**
29 **national guard.**

30 ~~(e)~~ **(g) The maximum amount of service credit that may be granted**
31 **to a member who meets the conditions of subsection (c), ~~or~~ (d), (e), or**
32 **(f) is six (6) years. However, for purposes of subsection (c), ~~or~~ (d), (e),**
33 **or (f) the time served by the member in:**

34 **(1) active military service for the length of active service in**
35 **hostilities and necessary demobilization; or**

36 **(2) the Peace Corps or national guard;**

37 **is not subject to the one-seventh rule specified in section 5 of this**
38 **chapter.**

39 ~~(f)~~ **(h) The board shall extend the eighteen (18) month deadline**
40 **contained in subsection (b)(2), (c)(2), ~~or~~ (d)(2), (e), or (f) if the board**
41 **determines that an illness, an injury, or a disability related to the**
42 **member's military service prevented the member from returning to**



1 active teaching service or to a teacher training program within eighteen
2 (18) months after the member's discharge from military service **or the**
3 **national guard or leave from service in the Peace Corps.** However,
4 the board may not extend the deadline beyond thirty (30) months after
5 the member's discharge **or leave.**

6 ~~(g)~~ **(i)** If a member retires, and the board subsequently determines
7 that the member is entitled to additional service credit due to the
8 extension of a deadline under subsection ~~(f)~~; **(h)**, the board shall
9 recompute the member's benefit. However, the additional service credit
10 may be used only in the computation of benefits to be paid after the
11 date of the board's determination, and the member is not entitled to a
12 recomputation of benefits received before the date of the board's
13 determination.

14 ~~(h)~~ **(j)** Notwithstanding any provision of this section, a member is
15 entitled to military service credit and benefits in the amount and to the
16 extent required by the Uniformed Services Employment and
17 Reemployment Rights Act (38 U.S.C. 4301 et seq.), including all later
18 amendments.

