

# HOUSE BILL No. 1345

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## DIGEST OF INTRODUCED BILL

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

**Synopsis:** TRF military service credit. Allows a member of the teachers' retirement fund (TRF) to receive credit for past active military service, not to exceed six years, in computing the member's pension benefit to be paid after July 1, 1999, if the member: (1) has at least ten years of in-state teaching service; (2) served on active duty in the United States armed forces; (3) received an honorable discharge; (4) is not entitled to a military pension; and (5) is not eligible for military service credit under another provision of the TRF law.

**Effective:** July 1, 1999.

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**Kromkowski**

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January 12, 1999, read first time and referred to Committee on Ways and Means.

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Introduced

First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

## HOUSE BILL No. 1345

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

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

1 SECTION 1. IC 21-6.1-4-6.1 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6.1. (a) This subsection  
3 applies to members who retire before July 1, 1980. A member who had  
4 completed four (4) years of approved college teacher training before  
5 voluntary or involuntary induction into the military services is entitled  
6 to credit for that service as if the member had begun teaching before  
7 the induction. A member who serves in military service is considered  
8 a teacher and is entitled to the benefits of the fund if for or during the  
9 leave of absence the member pays into the fund the member's  
10 contributions. Time served by a member in military service for the  
11 duration of the hostilities or for the length of active service in the  
12 hostilities and the necessary demobilization time after the hostilities is  
13 not subject to the one-seventh rule specified in section 5 of this chapter.  
14 (b) This subsection applies to members who retire after June 30,  
15 1980. A member who had completed four (4) years of approved college  
16 teacher training before voluntary or involuntary induction into military  
17 service is entitled to credit for the member's active military service as

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

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

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

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

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

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

- 37 (1) The member received an honorable discharge.
- 38 (2) Except as provided in subsection (f), the member returns to  
 39 baccalaureate or post-baccalaureate training within eighteen (18)  
 40 months after completion of active military service and  
 41 subsequently completes that training.
- 42 (3) The member has at least ten (10) years of in-state service



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1 credit.

2 (e) The maximum amount of service credit that may be granted to  
3 a member who meets the conditions of subsection (c) or (d) is six (6)  
4 years. However, for purposes of subsection (c) or (d), the time served  
5 by the member in active military service for the length of active service  
6 in hostilities and necessary demobilization is not subject to the  
7 one-seventh rule specified in section 5 of this chapter.

8 (f) The board shall extend the eighteen (18) month deadline  
9 contained in subsection (b)(2), (c)(2), or (d)(2) if the board determines  
10 that an illness, an injury, or a disability related to the member's military  
11 service prevented the member from returning to active teaching service  
12 or to a teacher training program within eighteen (18) months after the  
13 member's discharge from military service. However, the board may not  
14 extend the deadline beyond thirty (30) months after the member's  
15 discharge.

16 (g) If a member retires, and the board subsequently determines that  
17 the member is entitled to additional service credit due to the extension  
18 of a deadline under subsection (f), the board shall recompute the  
19 member's benefit. However, the additional service credit may be used  
20 only in the computation of benefits to be paid after the date of the  
21 board's determination, and the member is not entitled to a  
22 recomputation of benefits received before the date of the board's  
23 determination.

24 (h) Notwithstanding any provision of this section, a member is  
25 entitled to military service credit and benefits in the amount and to the  
26 extent required by the Uniformed Services Employment and  
27 Reemployment Rights Act (38 U.S.C. 4301 et seq.), including all later  
28 amendments.

29 (i) **Notwithstanding any provision of this section, a member**  
30 **who:**

- 31 **(1) has at least ten (10) years of in-state teaching service;**  
32 **(2) served on active military duty in the United States armed**  
33 **forces;**  
34 **(3) received an honorable discharge;**  
35 **(4) is not entitled to receive a pension for service in the United**  
36 **States armed forces; and**  
37 **(5) is not entitled to military service credit under subsections**  
38 **(a) through (h) for purposes of determining eligibility for or**  
39 **the computation of benefits under this chapter;**  
40 **is entitled to service credit in an amount equal to the duration of**  
41 **the retired member's military service, not to exceed six (6) years.**  
42 **The service credit may be used only in computation of benefits to**



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1     **be paid after July 1, 1999, and only after the board determines that**  
2     **the member is eligible for the service credit.**

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