

IC 5-10.2

**ARTICLE 10.2. PUBLIC RETIREMENT AND
DISABILITY BENEFITS**

IC 5-10.2-1

Chapter 1. Definitions

IC 5-10.2-1-1

"Board"

Sec. 1. "Board", as used in this article, means the board of trustees of the Indiana public retirement system established by IC 5-10.5-3-1. *As added by Acts 1977, P.L.53, SEC.2. Amended by P.L.23-2011, SEC.6.*

IC 5-10.2-1-2

"Fund"

Sec. 2. Fund. "Fund" as used in this article means the Indiana state teachers' retirement fund and the public employees' retirement fund. *As added by Acts 1977, P.L.53, SEC.2.*

IC 5-10.2-1-3

"Employer"

Sec. 3. (a) "Employer" as used in this article means the state for employees of the state and a political subdivision or school corporation for its employees.

(b) With regard to employer contributions, "employer" includes the state for members of the Indiana state teachers' retirement fund with respect to the pre-1996 account.

As added by Acts 1977, P.L.53, SEC.2. Amended by P.L.54-1993, SEC.1.

IC 5-10.2-1-3.5

"Internal Revenue Code"

Sec. 3.5. As used in this article, "Internal Revenue Code":

(1) means the Internal Revenue Code of 1954, as in effect on September 1, 1974, if permitted with respect to governmental plans; or

(2) to the extent not inconsistent with subdivision (1), has the meaning set forth in IC 6-3-1-11.

As added by P.L.55-1989, SEC.7.

IC 5-10.2-1-4

"Member"

Sec. 4. Member. "Member" as used in this article means a member of the Indiana state teachers' retirement fund or of the public employees' retirement fund.

As added by Acts 1977, P.L.53, SEC.2.

IC 5-10.2-1-4.5

"1996 account"

Sec. 4.5. As used in this article, "1996 account" refers to the 1996 account established within the Indiana state teachers' retirement fund under IC 5-10.4-2-2.

As added by P.L.54-1993, SEC.2. Amended by P.L.2-2006, SEC.17.

IC 5-10.2-1-5

"Participating political subdivision"

Sec. 5. Participating Political Subdivision. "Participating political subdivision" as used in this article means a political subdivision which is participating in the public employees' retirement fund as specified in IC 5-10.3-6.

As added by Acts 1977, P.L.53, SEC.2.

IC 5-10.2-1-5.5

"Pre-1996 account"

Sec. 5.5. As used in this article, "pre-1996 account" refers to the pre-1996 account established within the Indiana state teachers' retirement fund under IC 5-10.4-2-2.

As added by P.L.54-1993, SEC.3. Amended by P.L.2-2006, SEC.18.

IC 5-10.2-1-6

"Retirement fund law"

Sec. 6. Retirement Fund Law. "Retirement fund law" as used in this article means the statutes governing the Indiana state teachers' retirement fund and the statutes governing the public employees' retirement fund.

As added by Acts 1977, P.L.53, SEC.2.

IC 5-10.2-1-6.5

"School corporation"

Sec. 6.5. As used in this article, "school corporation" has the meaning set forth in IC 5-10.4-1-13.

As added by P.L.54-1993, SEC.4. Amended by P.L.2-2006, SEC.19.

IC 5-10.2-1-7

"Social Security Act"

Sec. 7. Social Security Act. "Social Security Act" as used in this article means the act of Congress approved August 14, 1935, chapter 531, 49 Stat. 620 (42 U.S.C. 301), as amended, and any rules or regulations issued pursuant to it.

As added by Acts 1977, P.L.53, SEC.2.

IC 5-10.2-1-8

"Vested status"

Sec. 8. (a) Except as provided in subsection (b), "vested status" as used in this article means the status of having ten (10) years of creditable service.

(b) In the case of a person who is an elected county official whose governing body has provided for the county official's participation in the public employees' retirement fund under IC 5-10.3-7-2(1),

"vested status" means the status of having:

- (1) at least eight (8) years of creditable service as an elected county official in an office described in IC 5-10.2-4-1.7;
- (2) been elected at least two (2) times if the person would have had at least eight (8) years of creditable service as an elected county official in an office described in IC 5-10.2-4-1.7 had the person's term of office not been shortened under a statute enacted under Article 6, Section 2(b) of the Constitution of the State of Indiana; or
- (3) at least ten (10) years of creditable service as a member of the fund based on a combination of service as an elected county official and as a full-time employee in a covered position.

(c) In the case of a person whose term of office commences after the election on November 5, 2002, as auditor of state, secretary of state, or treasurer of state, and who is prohibited by Article 6, Section 1 of the Constitution of the State of Indiana from serving in that office for more than eight (8) years during any period of twelve (12) years, that person shall be vested with at least eight (8) years of creditable service as a member of the fund.

(d) This subsection applies to an individual elected to the office of treasurer of state at the election on November 7, 2006. The individual is vested for purposes of this article if the individual is reelected as treasurer of state at the 2010 general election and serves in the office until January 1, 2015.

As added by Acts 1977, P.L.53, SEC.2. Amended by P.L.73-2002, SEC.1; P.L.88-2005, SEC.1; P.L.115-2008, SEC.4.

IC 5-10.2-1-9

Gender; number

Sec. 9. Gender; Number. (a) When a masculine pronoun is used in this article, it refers to the masculine, feminine, or neuter, as appropriate.

(b) The singular form of any noun used in this article includes the plural, and the plural includes the singular, as appropriate.

As added by Acts 1977, P.L.53, SEC.2.

IC 5-10.2-1-10

"Member's contribution"

Sec. 10. As used in this article, "member's contribution" includes contributions paid by:

- (1) the employer for members of the public employees' retirement fund; or
- (2) a school corporation, the state, or a state educational institution for members of the teachers' retirement fund.

As added by P.L.41-1983, SEC.4. Amended by P.L.35-1985, SEC.2; P.L.2-2007, SEC.92.