tail Installment Sales Act. Your attention, however, is called to the provisions of section 9 of the Act which provides, in part, as follows:

"* * * No retail seller may sell, assign and transfer any retail installment contract to any person other than a licensee under this act."

It thus appears that the retail seller residing in Indiana is precluded from selling to anyone other than a licensee, but I think it is fundamental that the State has no extraterritorial legislative jurisdiction to require a non-resident corporation which is not doing business in Indiana to take out a license in order to do business with an Indiana citizen where the business done is transacted in the foreign state.

TEACHERS' RETIREMENT FUND BOARD: Leave of absence for professional improvement or war service, whether credit may be given for.

April 7, 1939.

Mr. Robert B. Hougham, Executive Secretary,
Indiana State Teachers' Retirement Fund Board,
State House,
Indianapolis, Indiana.

Dear Sir:

I have your letter requesting an official opinion upon the question as to whether, in determining a teacher's status in the Retirement Fund, credit may be given for a leave of absence granted for professional improvement and time spent in school prior to the passage of the 1915 Retirement Fund Act. You have also asked whether or not the Retirement Fund Board has the authority to grant leave of absence on account of war service, which service occurred prior to the beginning date of teaching.

The first State Teachers' Retirement Fund Act was passed in 1915. Section 18 of that Act (Acts 1915, chapter 182, p. 658) contained the following:

"Any teacher may be given a leave of absence for study, professional improvement, or temporary disability, not exceeding one year in seven, and shall be
regarded as a teacher and entitled to the benefits of this Act, provided that during such absence, he or she continues to pay into such fund the amount of assessment payable by such teacher as provided by this Act."

The 1915 Act was amended in 1921 and the foregoing language was included in section 14 of the original Act as amended. Section 18 of the 1915 Act was repealed. In 1937, section 14 was amended by adding "United States Military, Naval or Allied service" as purposes for which a leave of absence should be given. The 1939 amendment readopted the above provision together with the 1937 addition.

In an official opinion furnished to the Secretary of the State Teachers' Retirement Fund on November 12, 1921, the Attorney General held that the Retirement Fund Board was not authorized to grant credit for any time spent in school or study prior to the passage of the 1915 Act. (Reports and Opinions, Attorney General, Indiana, 1921-1922, p. 264.)

The conclusion reached in that opinion apparently was based upon the statement therein contained, that prior to the passage of the 1915 Act, no leave of absence could have been granted by the board for study. It appears that prior to 1915, the right was given to include time spent on leave of absence granted for study, professional improvement or temporary disability in computing a teacher's years of service under pension funds authorized for schools in certain classes of cities. (Cities over 100,000, section 28-4607, Burns 1933, Acts 1907, chapter 170, section 7; cities of 20,000 to 100,000, section 28-4707, Burns 1933, Acts 1913, chapter 334, section 7.)

Section 7 of the first State Pension Fund Act (Acts 1915, chapter 182, p. 658) made provision for giving credit for years of service under the state fund, equal to that to which teachers were entitled because of assessments paid under the local acts. Thus, a teacher who was a member of a local pension fund, upon transfer to the state fund, would obtain a service status which might be based in part upon leaves of absence granted prior to 1915 while a member of her local fund. The 1915 Act contained the following:

"Credit shall be given under this act for all years of service rendered under its provisions before, as well as after, the taking effect of this act." (Acts 1915, chapter 182, p. 658, section 18.)
The 1921, 1937 and 1939 amendments to the Retirement Fund Act, also contain the last above quoted language, except that in the 1921 amendment, the word "Amending" preceded the last word, "Act," appearing in the sentence. In the opinion furnished to the Secretary of the State Teachers' Retirement Fund Board on November 12, 1921, it appears that no consideration or effect was given to the above provision. To give effect to this language which has been a part of the Retirement Fund Law since its inception, it is necessary to hold that in computing the number of years which a teacher is entitled to claim as service in the public schools of the State for the purposes of the Act, the years spent in such service in the manner specified in the Act prior to 1915 as well as after 1915, should be counted.

The Act now provides that any teacher may be given a leave of absence for study, professional improvement, temporary disability or for United States Military, Naval or Allied service, not exceeding one year in seven, and if he shall pay the assessments due the fund for such period he shall be regarded as a teacher and entitled to the benefits of the Act. It would follow that "years of service" within the meaning of the Act shall include years allowed as leave of absence for the specified purposes. Therefore, years of service rendered, in the manner specified in the Act before 1915, would include, as it would after 1915, time, not to exceed one year in seven, spent after teaching service had begun for the purposes specified. You, therefore, should give credit for a leave of absence granted for professional improvement and time spent in school prior to the passage of the 1915 Act.

The term "leave of absence," as used in the Act, denotes an allowance of time spent away or apart from teaching service and implies that the person receiving such leave of absence was engaged in teaching service before the absence began. Therefore, the General Assembly has given the Retirement Fund Board the authority to count time spent in study, professional improvement, temporary disability, United States Military, Naval or Allied service, if spent after teaching service began, in computing the years of service rendered by a teacher.