

## CHAPTER 135

## TEACHERS RETIREMENT FUND

**135.01 DEFINITIONS.**

**HISTORY.** 1931 c. 406 s. 1; M. Supp. s. 2950-1.

A teacher who had qualified herself for an annuity before August 1, 1931, under the old act, has vested right to retirement under the old law and should be granted retirement under the new law. OAG May 16, 1933.

All persons entering the employment of the state department of education since July 1, 1929, must become members of either the Teachers Retirement Fund or the State Employees Retirement Association, and such employees as would come within the terms of both bodies must become members of both. OAG Oct. 8, 1935 (175p).

Agricultural schools under the direct control of the board of regents of the University of Minnesota are excluded. OAG March 16, 1938 (175p).

Penal institutions do not come within the provisions of this section. OAG June 6, 1939 (175p).

The superintendent of the state school and colony for the feeble-minded at Faribault is not eligible for membership in the teachers retirement fund, his supervision of education being merely nominal. OAG June 6, 1939 (175p).

Pension and retirement acts are remedial in nature and are entitled to a liberal construction which will meet an essential legislative purpose. *Mattson v Flynn*, 216 M 357, 13 NW(2d) 11.

Good faith of defendant being unquestioned, it was proper for its board to amend Article V, Section 9, of the articles to safeguard the financial position of the defendant state agency. No vested rights were violated. *Leslie v Mpls. Teachers Retirement Fund*, 218 M 369, 16 NW(2d) 313.

A resolution defining the age at which a teacher may be employed is legal, but the county school board may by resolution rescind the rule at any time. OAG May 9, 1944 (768k).

The superintendent of a county school district is a teacher. OAG May 9, 1944 (768k).

**135.02 TEACHERS RETIREMENT FUND.**

**HISTORY.** 1931 c. 406 s. 2; M. Supp. s. 2950-2.

**135.03 BOARD OF TRUSTEES CREATED.**

**HISTORY.** 1931 c. 406 s. 3; M. Supp. s. 2950-3.

When the legislature failed to provide for the payment of furniture and equipment, the board could pay therefor from the contingency reserve fund. OAG Nov. 2, 1937 (175).

**135.04 POWERS OF BOARD.**

**HISTORY.** 1931 c. 406 s. 4; M. Supp. s. 2950-4.

The state board of investment has no power to sell or to accept payments before the maturity of bonds held in teachers retirement, public employees retirement, and state employees retirement funds without a request of the retirement board. OAG May 11, 1937 (928b-5).

**135.05 MEMBERS OF FUND.**

**HISTORY.** 1931 c. 406 s. 5; M. Supp. s. 2950-5.

### 135.06 PAYMENTS BY MEMBERS.

HISTORY. 1931 c. 406 s. 6; M. Supp. s. 2950-6.

Teachers employed by the state must make payments into the teachers retirement fund based upon their regular salary, notwithstanding it has been temporarily reduced by an act of the legislature. OAG Nov. 25, 1933.

### 135.07 FUNDS OF FORMER ASSOCIATION TRANSFERRED TO NEW FUND.

HISTORY. 1931 c. 406 s. 7; M. Supp. s. 2950-7.

A teacher who retired under Laws 1915, Chapter 199, rightfully claimed payments during the time she was employed as a teacher in the canal zone. *Mattson v Flynn*, 216 M 357, 13 NW(2d) 11.

An application by non-members of the old teachers retirement fund for a refund must be made on or before Jan. 1, 1934. OAG Nov. 20, 1933.

Interest on payments into the old fund should be credited as of Jan. 1, 1932, and become a part of the balance due as "teachers' savings" even though the amount could not be definitely determined until the liquidation of the old fund after Jan. 1, 1934. OAG May 2, 1934 (175).

A teacher who rendered service previous to August 1, 1931, and makes application within two years after rendering the first teaching service after that date, is permitted to become a member of the new fund, and their accounts in the old fund may be transferred to the new. OAG March 9, 1935 (175m).

A teacher is entitled to an annuity under the old fund from the date she first applied for retirement, at which time her application was rejected because of an erroneous interpretation of the law. OAG July 20, 1935 (175a).

One who terminated her teaching service in 1925 could not obtain money paid into the old fund on an application made after Jan. 1, 1934, though she had been assured by the secretary of the old fund that she could leave her money in the fund indefinitely. OAG Sept. 11, 1936 (175j).

Members who have withdrawn funds under Laws 1915, Chapter 199, cannot refund the moneys drawn with interest under Laws 1937, Chapter 112; members may pay interest on arrears to passage of Laws 1937, Chapter 112; payments from 1931 to date cannot be credited on arrears previous to 1931. OAG June 7, 1937 (175r).

Tentative interest credit is to be used as additional annuity and should be paid to teacher's estate as such. OAG June 16, 1938 (175a).

Full interest should be credited to the teacher's account. OAG Dec. 17, 1938 (175d).

### 135.08 RIGHTS OF TEACHERS NOT MEMBERS OF THE TEACHERS INSURANCE AND RETIREMENT FUND TO MAKE PAYMENTS TO THE TEACHERS RETIREMENT FUND.

HISTORY. 1937 c. 112 s. 1; M. Supp. s. 2950-7.

Credit for out of state service is limited to service prior to joining the Minnesota fund. 1936 OAG 200, May 25, 1935 (175a).

### 135.09 TEACHERS FROM OTHER STATES OR OTHER SCHOOLS.

HISTORY. 1931 c. 406 s. 8; M. Supp. s. 2950-8.

Credit for out of state teaching is limited to services rendered prior to joining the Minnesota fund. OAG May 25, 1935 (175o).

### 135.10 MAY WITHDRAW FUND, WHEN.

HISTORY. 1931 c. 406 s. 9; M. Supp. s. 2950-9.

Members who have withdrawn funds under Laws 1915, Chapter 199, cannot refund the moneys drawn with interest under Laws 1938, Chapter 112; mem-

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bers must pay interest on arrears to passage of Laws 1937, Chapter 112; payments from 1931 to date cannot be credited on arrears previous to 1931. OAG June 7, 1937 (175r).

A teacher who has ceased to teach and is drawing an annuity may teach in other schools and continue to receive annuity payments. OAG March 16, 1939 (175a).

Where the life annuitant dies before reaching the expectancy age, there is no refund. OAG July 26, 1944 (175a).

## 135.11 RIGHTS NOT ASSIGNABLE.

HISTORY. 1931 c. 406 s. 10; M. Supp. s. 2950-10.

## 135.12 TEACHERS TO ELECT MEMBERS OF BOARD.

HISTORY. 1931 c. 406 s. 11; M. Supp. s. 2950-11.  
Members cannot vote by proxy. OAG Nov. 1, 1937 (175d).

## 135.13 BOARD TO CERTIFY TO STATE AUDITOR.

HISTORY. 1931 c. 406 s. 12; 1935 c. 301; M. Supp. s. 2950-12.

## 135.14 AUDITOR MAY SELL TAX ANTICIPATION CERTIFICATES.

HISTORY. 1931 c. 406 s. 13; M. Supp. s. 2950-13.

## 135.15 APPLICATION.

HISTORY. 1931 c. 406 s. 14; M. Supp. s. 2950-14.

## 135.16 COUNTY SUPERINTENDENTS ELIGIBLE TO MEMBERSHIP IN RETIREMENT FUND.

HISTORY. 1931 c. 146 s. 1; M. Supp. s. 2953-1.

## 135.17 TO RECEIVE CREDITS FOR PAYMENTS.

HISTORY. 1931 c. 146 s. 2; M. Supp. s. 2953-2.

## 135.18 PAYMENT INTO FUND MAY BE DEDUCTED FROM SALARIES.

HISTORY. 1931 c. 146 s. 4; M. Supp. s. 2953-4.

## 135.19 TEACHERS RETIREMENT FUND ASSOCIATIONS IN CITIES.

HISTORY. 1909 c. 343 s. 1; 1911 c. 383 s. 1; G.S. 1913 s. 1422; G.S. 1923 s. 1358; M.S. 1927 s. 1358.

The electors of the city of Minneapolis may not amend its charter so that it would conflict with any general legislation concerning pension systems for employees. OAG Aug. 22, 1934 (335d).

## 135.20 INCORPORATION.

HISTORY. 1909 c. 343 s. 2; G.S. 1913 s. 1423; G.S. 1923 s. 1359; M.S. 1927 s. 1359.

## 135.21 PLAN OF ASSOCIATION; FUND; APPROVAL OF COUNCIL.

HISTORY. 1909 c. 343 s. 3; 1911 c. 383 s. 2; G.S. 1913 s. 1424; G.S. 1923 s. 1360; M.S. 1927 s. 1360.

The Duluth teachers retirement fund association may extend or renew an existing mortgage, though by reason of the depreciation of land values, the mortgage is in excess of the appraised value. OAG Jan. 12, 1934.

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### 135.22 APPROVAL OF BOARD OF EDUCATION.

HISTORY. 1909 c. 343 s. 4; G.S. 1913 s. 1425; G.S. 1923 s. 1361; M.S. 1927 s. 1361.

### 135.23 CONTRIBUTION BY TEACHERS; TAXATION.

HISTORY. 1909 c. 343 s. 5; G.S. 1913 s. 1426; G.S. 1923 s. 1362; M.S. 1927 s. 1362; 1941 c. 214; 1945 c. 390 s. 1.

### 135.24 TAX LEVIES.

HISTORY. 1909 c. 343 s. 6; 1911 c. 383; G.S. 1913 s. 1427; 1917 c. 300; 1919 c. 144; 1921 c. 303; 1923 c. 310; G.S. 1923 s. 1363; M.S. 1927 s. 1363; 1935 c. 111 s. 2; M. Supp. s. 1363; 1945 c. 390 s. 2.

### 135.25 POWER TO HOLD PROPERTY.

HISTORY. 1909 c. 343 s. 7; G.S. 1913 s. 1428; G.S. 1923 s. 1364; M.S. 1927 s. 1364.

### 135.26 PRO RATA DISTRIBUTION OF FUNDS.

HISTORY. 1909 c. 343 s. 8; G.S. 1913 s. 1429; G.S. 1923 s. 1365; M.S. 1927 s. 1365.

### 135.27 TEACHERS.

HISTORY. 1909 c. 343 s. 9; G.S. 1913 s. 1430; G.S. 1923 s. 1366; M.S. 1927 s. 1366.

A refusal to sign a written contract by a teacher terminates her membership in the Duluth teachers retirement association. OAG Nov. 24, 1933.