

## CHAPTER 135

## TEACHERS RETIREMENT FUND

## 135.01 DEFINITIONS

HISTORY. 1915 c 199 s 1; 1925 c 404 s 1; 1931 c 406 s 1.

Where a teacher entitled to payment of back annuities died before collecting them her heirs are entitled to the amount due. OAG Jan. 16, 1948 (175-A).

If a school nurse holds a certificate from the state department of education she is entitled to membership in the state teachers retirement fund. OAG Nov. 6, 1951 (175-A).

A teacher not rendering teaching service in the schools at the time she became permanently disabled is not eligible to receive a disability annuity. OAG Sept. 21, 1951 (175-E).

Where a person divides his time equally between employment by the city of Fergus Falls and the independent school district of Fergus Falls and, by virtue of his employment by the school district is a member of the state teachers retirement fund and deductions from his salary are made, he is, under the provisions of section 353.01, prohibited from becoming a member of the public employees retirement association. OAG Dec. 26, 1947 (331-B-1); OAG Jan. 6, 1948 (331-B-1).

## 135.02 TEACHERS RETIREMENT FUND

HISTORY. 1915 c 199 s 2; 1931 c 406 s 2.

A teacher employed solely to teach veterans qualifies for membership under chapter 135. OAG Jan. 25, 1946 (175).

## 135.03 BOARD OF TRUSTEES CREATED

HISTORY. 1915 c 199 s 4; 1931 c 406 s 3.

## 135.04 POWERS OF THE BOARD

HISTORY. 1915 c 199 s 4; 1949 c 708 s 1; 1951 c 481 s 1; 1953 c 750 s 1.

## 135.05 MEMBERS OF FUND

HISTORY. 1915 c 199 s 8; 1931 c 406 s 5; 1947 c 398 s 1; 1949 c 483 s 1; 1949 c 708 s 2; 1951 c 481 s 2; 1951 c 544 s 1; 1953 c 750 s 2.

Where a teacher has become a member under the provisions of Laws 1947, Chapter 398, and becomes eligible for retirement benefits prior to Aug. 1, 1952, any unpaid balance in arrears at the date of approved retirement must be paid before the member is entitled to receive an annuity. OAG Nov. 3, 1947 (175-A).

Under the provisions of Laws 1947, Chapter 398, any teacher electing to become a member of the teachers retirement fund is obligated to pay into the fund five percent assessment from current salaries, and pay an additional sum such as arrears or payment for teaching service prior to date of membership, which is optional, but if the member elects to pay the same, such payment must be made prior to Aug. 1, 1952, as required by chapter 398. OAG Nov. 28, 1947 (175-A).

Laws 1947, Chapter 398, does not apply to teachers who were drawing annuities on Jan. 1, 1932, under Laws 1915, Chapter 199, and who thereafter resumed teaching. OAG Jan. 29, 1948 (175-A).

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Payments by teachers into the retirement fund while on sabbatical leave are limited to five percent of the actual salary received while on such leave. OAG Feb. 28, 1950 (175-G).

In computing annual payments to be paid by a teacher into the teachers retirement fund the excess of salary over \$2,000 per year may be included in allowing the average salary of a teacher under the provisions of section 135.05. OAG March 16, 1950 (175-D).

Section 135.05, subdivision 2 applies to teaching services rendered in public schools outside the state or the public schools of the state to which the state teachers retirement act is not applicable. OAG April 18, 1950 (175-O).

A former teacher holding a membership in the state teachers retirement fund and now business manager and supervisor of the building and grounds of a school district may retain his membership in the state teachers retirement fund. OAG May 8, 1951 (175-A).

Teachers under 25 years of age and teachers having an option to become members of the state teachers retirement fund are not eligible to membership in the public employees retirement association. OAG Nov. 18, 1952 (331-B-1).

### 135.06 PAYMENT BY MEMBERS

**HISTORY.** 1915 c 199 s 3; 1931 c 406 s 6; 1949 c 708 s 3; 1951 c 481 s 3; 1951 c 696 s 1; 1953 c 750 s 3.

Laws 1947, Chapter 398, permitting teachers who had not previously become members of the teachers retirement fund to become members and giving such teachers the option to pay arrears is construed in conjunction with the provisions of sections 135.05, 135.06, and 135.11, and a teacher who has become a member under chapter 398 and becomes eligible to retirement benefits prior to Aug. 1, 1952, must pay all arrears before such member may be paid an annuity. OAG Nov. 3, 1947 (175-A).

Under the provisions of Laws 1947, Chapter 398, any teacher electing to become a member of the teachers retirement fund is obligated to pay into the fund five percent assessment from current salaries, and pay an additional sum such as arrears or payment for teaching service prior to date of membership, which is optional, such payment must be made prior to August 1, 1952, as required by chapter 398. OAG Nov. 28, 1947 (175-A).

An annuitant may not waive an annuity to which he is entitled. OAG Sept. 22, 1949 (175-A).

A member of the state teachers retirement fund, teaching in England on an exchange basis, may not pay into the fund for the period while teaching abroad, and may not obtain credit under the teachers retirement fund law for the period while teaching on an exchange basis in England under the federal Fulbright law. OAG Jan. 6, 1954 (175-O).

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

The state's contribution to a teacher's savings, under section 135.07, may be used to purchase an annuity payable to the beneficiary in the event of the death of the employee. Matching by the state under the provisions of section 135.10 includes that part of the annuity purchased with contribution by the state. OAG July 9, 1953 (175-A).

A state employee who is drawing a pension from the state teachers retirement fund, retains her membership in the state employees retirement association and is entitled to a retirement benefit from the retirement fund upon the termination of her state service. OAG Oct. 27, 1951 (331-A-6).

### 135.09 TEACHERS FROM OTHER STATES OR OTHER SCHOOLS

**HISTORY.** 1931 c 406 s 8; 1949 c 708 s 4; 1953 c 750 s 4.

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Only teachers who resume teaching upon a permanent basis may repay a refundment. OAG Sept. 15, 1953 (175-K).

### **135.10 PAYMENT OF TEACHERS' SAVINGS IN CASH; PURCHASE OF ANNUITIES**

**HISTORY.** 1931 c 406 s 9; 1949 c 708 s 5; 1951 c 481 s 4; 1953 c 750 s 5.

Under the provisions of Laws 1947, Chapter 398, any teacher electing to become a member of the teachers retirement fund is obligated to pay into the fund five percent assessment from current salaries, and pay an additional sum such as arrears or payment for teaching service prior to date of membership, which is optional, but if the member elects to pay the same, such payment must be made prior to Aug. 1, 1952, as required by chapter 398. OAG Nov. 28, 1947 (175-A).

Teachers are not entitled to draw annuities under the state teachers retirement laws for any period prior to their request to the board for retirement even though the request could have been made at an earlier date. OAG Jan. 4, 1950 (175-A).

Under section 135.10, as amended by Laws 1951, Chapter 481, Section 4, annuity payments will continue after the annuitant's death for the remainder of the 15 years, but matching payments by the state will cease in case of annuitant who has elected to take option 4 annuity whose designated beneficiary is other than "a surviving spouse, child, grandchild, or parent." OAG May 21, 1951 (175-A).

In case of the death of a member of the state teachers retirement fund who died before cashing her first annuity warrant, her savings should be paid to her beneficiary, if there is one, otherwise to her estate. OAG May 22, 1951 (175-A).

Teachers retirement annuity payments may be made to the beneficiary designated by the deceased member whose savings were used in the purchase of an annuity for himself and wife, although he, as beneficiary thereunder, dies prior to the receipt of his first annuity payment. OAG July 7, 1952 (175-A).

In case of the death of a teacher the state does not match payments of term annuities purchased prior to the enactment of Laws 1951, Chapter 481. OAG Oct. 28, 1952 (175-A).

The state's contribution to a teacher's savings, under section 135.07, may be used to purchase an annuity payable to the beneficiary in the event of the death of the employee. Matching by the state under the provisions of section 135.10 includes that part of the annuity purchased with contribution by the state. OAG July 9, 1953 (175-A).

Neither the petitioner nor the representative of the estate of a deceased teacher has the right to rescind an election made by the teacher during her lifetime. OAG Oct. 28, 1953 (175-A).

In the case of a retired teacher who has earned more than \$900 for teaching services, the annuity must be reduced by the excess of such amount from \$900. OAG Oct. 29, 1953 (175-A).

A teacher not rendering teaching service in schools to which the state teachers retirement act applies is not entitled to disability annuity. OAG Sept. 21, 1951 (175-E).

In the event of the simultaneous death of a deceased member of the teachers retirement association, and his spouse, the amount of the member's credit as teacher's savings should be paid to the estate of the deceased member. OAG Nov. 23, 1953 (175-K).

### **135.11 RIGHTS NOT ASSIGNABLE**

**HISTORY.** 1915 c 199 s 11; 1931 c 406 s 10.

### **135.12 TEACHERS TO ELECT MEMBERS OF BOARD**

**HISTORY.** 1915 c 199 s 14; 1931 c 406 s 11.

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### 135.13 BOARD TO CERTIFY TO STATE AUDITOR

HISTORY. 1931 c 406 s 12; 1935 c 301 s 1; 1949 c 708 s 6.

A law to be general need not operate alike upon all provided the legislature make the necessary classifications. Should the law result in inequality, it is still constitutional. *Hassler v Engberg*, 233 M 487, 48 NW(2d) 344.

“The amount so certified shall be so adjusted by the deficit or surplus of the preceding year” is construed to mean the total surplus or deficit at the end of the preceding year, not merely the deficit or surplus incurred during the preceding year. OAG Aug. 6, 1951 (175-J).

### 135.14 AUDITOR MAY SELL TAX ANTICIPATION CERTIFICATES

HISTORY. 1915 c 199 s 12; 1931 c 406 s 13.

### 135.19 TEACHERS RETIREMENT FUND ASSOCIATIONS IN CITIES

City teachers retirement fund association, organized under the provisions of sections 135.19 to 135.27, may amend its articles of incorporation so as to provide for survivorship benefits. Minnesota nonprofit corporation act is applicable to such associations. OAG Sept. 15, 1953 (175-I).

### 135.23 CONTRIBUTION BY TEACHERS; TAXATION

HISTORY. 1909 c 343 s 5; 1941 c 214 s 1; 1945 c 390 s 1; 1951 c 25 s 1.

Where a teachers retirement association by its articles of incorporation, conditions its liability for annuity payments on “memberships” in the association, and membership, in turn, is dependent upon employment by the board of education of a city of the first class, membership in the retirement association is not terminated when a member is granted a leave of absence by the board of education but does not resign until the expiration of his leave of absence. The association is then liable for annuity payments to the member who fulfills all other conditions for payment of an annuity. Held, under facts in this case, that teacher was still in employ of board of education on Feb. 1, 1945, under leave of absence from said board expiring on that date and entitled to the superannuation benefits provided for by defendant's articles of incorporation, as ordered by the trial court. *Bartlett v Duluth Teachers Retirement Fund Association*, 224 M 522, 28 NW(2d) 740.

### 135.24 TAX LEVIES

HISTORY. 1909 c 343 s 6; 1911 c 383 s 1; 1917 c 300 s 1; 1919 c 144 s 1; 1921 c 303 s 1; 1923 c 310 s 1; 1935 c 111 s 2; 1945 c 390 s 2; 1949 c 523 s 1.

## CHAPTER 136

### STATE TEACHERS COLLEGES

#### 136.01 DESIGNATION

HISTORY. 1858 c 79 s 1, 4, 5, 9; 1873 c 2 s 1; 1874 c 4; 1877 c 74 subc 9 s 1; 1895 c 184; 1913 c 362; 1921 c 260 s 1.

NOTE: The Winona, Mankato, and St. Cloud Teachers Colleges were established under Laws 1858, Chapter 79, as amended by Laws 1877, Chapter 74; Moorhead Teachers College by Laws 1885, Chapter 158; Duluth Teachers College by Laws 1895, Chapter 184; and Bemidji Teachers College by Laws 1913, Chapter 362. The provisions of the laws establishing these colleges were confirmed by Laws 1921,