

## CHAPTER 354\*

## TEACHERS RETIREMENT FUND

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354.01 [Renumbered 83A.01]

354.02 [Renumbered 83A.02]

354.03 [Renumbered 83A.03]

354.04 [Renumbered 83A.04]

**354.05 DEFINITIONS.** Subdivision 1. **Terms.** Unless the language or context clearly indicates that a different meaning is intended, the following terms, for the purposes of this chapter, shall be given the meanings subjoined to them.

Subd. 2. **Teacher.** The word "teacher" includes any person who has rendered, is rendering, or shall hereafter render, service as a teacher, supervisor, principal, superintendent, or librarian in the public schools of the state, located outside of the corporate limits of the cities of the first class, in the state colleges, or in any charitable or state institution including penal and corrective institutions supported, in whole or in part, by public funds, or who has been engaged, is engaged, or shall hereafter be engaged, in educational administration in connection with the state public school system, including the state colleges, but excluding the state university, whether the position be a public office or an employment, not including members of any general governing or managing board or body connected with such systems, or the officers of common, independent, special, or associated school districts, or unorganized territory. The term shall also include any nurse, counselor, social worker or psychologist who has rendered, is rendering or shall hereafter render service in the public schools as defined above or in state colleges. The term does not mean any person who works for such school or institution as an independent contractor.

Subd. 3. **Teaching.** The word "teaching" includes the service performed by any person coming within the definition of "teacher" as set forth in subdivision 2.

Subd. 4. **Fund.** The term "fund" means the teachers retirement fund referred to in this chapter.

Subd. 5. **Member of fund.** The term "member of fund" means every teacher who joins and contributes to the teachers retirement fund as provided in this chapter who has not retired.

\*Minnesota Statutes 1961, Chapter 354, STATE GEOGRAPHIC BOARD, renumbered Chapter 83A.

Subd. 6. **Board.** The term "board" means the board of trustees of the teachers retirement fund.

Subd. 7. **Actuarial equivalent.** "Actuarial equivalent" means the annual amount determined by calculations based on mortality tables, purchasable with a given amount at a stated age.

Subd. 8. **Dependent child.** "Dependent child" means any natural or adopted child of a deceased member under the age of 18, unmarried and actually dependent for more than one-half of his support upon such member and for a period of at least 90 days prior to the member's death. It also includes any child of the member conceived during his lifetime and born after his death in any case where a member dies after July 1, 1957.

Subd. 9. **Association.** "Association" means the combined membership of all teachers who qualify and participate in the retirement program provided for in this chapter.

Subd. 10. **Approved actuary.** "Approved actuary" means any actuary who is either a fellow of the society of actuaries or who has at least 15 years of service to major public employee funds or any firm retaining such an actuary on its staff.

Subd. 11. **Accumulated deductions.** "Accumulated deductions" means the total of the sums deducted from the salary of a member and the total amount of assessments paid by a member in lieu of such deductions, credited to his individual fund, less amounts paid to the member or any person in his behalf in the form of refundments, annuity payments or benefit payments and less any other amounts deducted pursuant to law.

Subd. 12. **Payments in lieu of deductions.** "Payments in lieu of deductions" means the assessments or payments made by any member to receive credit for service rendered when no salary deductions were made.

Subd. 13. **Allowable service.** "Allowable service" means:

(1) Any service rendered by a teacher for which on or before July 1, 1957, he received credit to his account in the retirement fund by reason of employee contributions in the form of salary deductions, payments in lieu of salary deductions, or in any other manner authorized by Minnesota Statutes 1953, Sections 135.01 to 135.13, as amended by Laws 1955, Chapters 361, 549, 550, 611 or

(2) Any service rendered by a teacher for which on or before July 1, 1961, he elected to obtain credit for service by making payments to the fund pursuant to sections 354.09, 354.51 or

(3) Any service rendered by a teacher after July 1, 1957, for any calendar month when the member receives salary from which deductions are made, deposited and credited in the fund, or

(4) Any service rendered by a person after July 1, 1957, for any calendar month where payments in lieu of salary deductions are made, deposited and credited into the fund as provided in sections 354.09, subdivision 4, and 354.38 and 354.53, or

(5) Any service rendered by a teacher for which he elected to obtain credit for service by making payments to the fund pursuant to sections 354.09, subdivisions 1, 2, 3, and 4, 354.50, 354.51, and Minnesota Statutes 1957, Section 135.41, Subdivision 4, or

(6) Both service during years of actual membership in the course of which contributions were currently made and service in years during which the teacher was not a member but for which he later elected to obtain credit by making payments to the fund as permitted by any law then in effect.

Subd. 14. **Total and permanent disability.** "Total and permanent disability" means the inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or to be of long continued and indefinite duration.

Subd. 15. **Dependent spouse.** "Dependent spouse" means: (1) the widow of a deceased member who has not remarried and was living with and dependent upon the member at the time of death, or (2) the widower of a deceased member who has attained the age of 65, has not remarried, was living with and dependent upon the member at the time of death for more than one-half of his support; or the widower of a deceased member who has not remarried and is totally and permanently disabled.

Subd. 16. **Retirement annuity.** "Retirement annuity" means the payments made by the fund to a former member after retirement which varies in amount

depending primarily upon both employee and employer contributions made by and in behalf of the particular member.

Subd. 17. **Optional survivors annuity.** "Optional survivors annuity" means the payments made by the fund to a survivor of a former member pursuant to an optional annuity form selected by such member at or before retirement which varies in amount depending primarily upon both employee and employer contributions made by and in behalf of the particular member.

Subd. 18. **Spouses annuity.** "Spouses annuity" means the payments made by the fund to a spouse of a deceased member commencing at age 62 or 65 which varies in amount depending primarily upon both employee and employer contributions made by and in behalf of the particular member.

Subd. 19. **Annuity.** "Annuity" means a retirement annuity, optional survivors annuity, or spouses annuity.

Subd. 20. **Benefit.** "Benefit" means an allowance paid or payable by the fund to a surviving dependent spouse or a dependent child which is a fixed amount and also includes an allowance paid or payable by the fund to a member or former member who is permanently and totally disabled.

Subd. 21. **Retirement.** "Retirement" means the withdrawal of a member from active teaching service who is paid a retirement annuity thereafter and commences with the date designated by the retirement board when the retirement annuity shall first accrue to the former member after his withdrawal from active teaching service. This date shall determine any rights specified in sections 354.05 to 354.14 and 354.31 to 354.55 which occur either before or after retirement, as the case may be.

Subd. 22. **Designated beneficiary.** "Designated beneficiary" means the person designated by a member to receive the balance of his accumulated deductions after death. If the member had failed to designate such a person or if the person designated predeceased the member, beneficiary in such cases means the estate of the deceased member.

[1931 c 406 s 1; 1957 c 576 s 1, 2; Ex1957 c 16 s 1, 2; Ex1959 c 50 s 1-4; 1961 c 597 s 1; Ex1961 c 17 s 1; 1963 c 845 s 1; 1965 c 821 s 1] (2950-1)

**354.06 BOARD OF TRUSTEES; MEMBERSHIP; DUTIES.** Subdivision 1. The management of the fund shall be vested in a board of seven trustees to be known as the board of trustees of the teachers retirement fund. It shall be composed of the following persons: the commissioner of education, the state auditor, the commissioner of insurance, and four members of the fund who shall be elected by mail ballot for terms of four years by the members of the fund in a manner to be fixed by the board of trustees of the fund. The terms of office of all incumbent elective members of the board of trustees on July 1, 1963 shall terminate on the first day of July 1965. In 1965, there shall be elected four members of the board of trustees, for terms commencing on the first of July 1965, two of whom shall be elected for terms of four years each, and two for terms of two years each. Thereafter in every odd numbered year there shall be elected two members of the board of trustees for terms of four years commencing on the first of July next succeeding their election. Each election shall be completed by June 1st of each succeeding odd numbered year. In the case of elective members, vacancies shall be filled by appointment by the remainder of the board, the appointee to serve until the members of the fund have elected a trustee to serve for the unexpired term caused by such vacancy. No member shall be appointed by the board, or elected by the members of the fund as a trustee who is not a member of the fund in good standing at the time of such appointment or election. It shall be the duty of the board of trustees to faithfully administer the law without prejudice and consistent with the expressed intent of the legislature. They shall act as trustees with a fiduciary obligation to the state of Minnesota which created the fund, the taxpayers which aid in financing it and the teachers who are its beneficiaries.

Subd. 2. The board shall annually elect one of its members as president, shall elect a secretary, and fix his salary, who shall serve during the pleasure of the board and be the executive officer of the board, with such duties as the board shall prescribe. The board shall employ all other clerks and employees necessary to properly administer the fund. The cost and expense of administering the provisions of sections 354.05 to 354.10 shall be paid by the fund.

Subd. 3. The state treasurer shall be ex officio treasurer of the fund and his

general bond to the state shall cover any liabilities for his acts as treasurer of the fund. He shall receive all moneys payable to the fund and pay out the same only on warrants issued by the state auditor upon vouchers signed by the president and secretary of the board. The treasurer shall give receipts for all moneys received by him for the fund, keep a full, correct, and separate account of the financial transactions connected therewith, and make an annual report to the board at its annual meeting of the receipts and disbursements and other financial transactions connected with the fund.

Subd. 4. All members of the board shall serve without compensation but shall receive necessary expenses while attending all meetings of the board, to be paid out of the fund.

Subd. 5. The board shall meet regularly at its office at such times as it shall determine. Special meetings may be held at any time at the call of the president of the board or of any three members thereof.

Subd. 6. The fiscal year of the fund shall begin on the first day of July of each year and end on the 30th day of June of the following year.

Subd. 7. A suitable office shall be provided by the state through the proper officer for the use of the board and its secretary.

*[1931 c 406 s 3; 1955 c 361 s 1; Ex1959 c 50 s 5; Ex1961 c 17 s 2, 3; 1963 c 585 s 1] (2950-3)*

**354.07 POWERS OF THE BOARD.** Subdivision 1. The board shall have, and is hereby granted, power to frame bylaws for its own government and for the management of the fund not inconsistent with the laws of the state and to modify them at pleasure; to adopt, alter, and enforce reasonable rules and regulations not inconsistent with the laws of the state for the administration and management of the fund, for the payment and collection of payments from members, and for the payment of withdrawals and benefits; to pass upon and allow or disallow all applications for membership in the fund and for credit for teaching service; to pass upon and allow or disallow all claims for withdrawals, pensions, or benefits payable from the fund; to provide for the payment out of the fund of all necessary expenses for the administration thereof and of all claims for withdrawals, pensions, or benefits allowed.

Subd. 2. In passing upon all applications and claims, the board may summon, swear, hear, and examine witnesses and, in the case of claims for disability benefits, may require the claimant to submit to a medical examination by a physician of the board's choice, at the expense of the claimant, as a condition precedent to the passing on the claim, and, in the case of all applications and claims, may conduct investigations necessary to determine the validity and merit of the same.

Subd. 3. The board may sue or be sued in the name of the board of trustees of the teachers retirement fund and in all actions brought by or against it the board shall be represented by the attorney general.

Subd. 4. It shall be the duty of the board from time to time to certify to the state board of investment for investment as much of the funds in its hands as shall not be needed for current purposes. The state board of investment shall thereupon invest and reinvest the sum so certified in such securities as are now or may hereafter be duly authorized legal investments for state employees retirement fund and all such securities so purchased shall be deposited with the state treasurer. All interest from this investment shall be credited to the fund and used for current purposes, except as hereinafter provided. The state board of investment shall have authority to sell, convey, and exchange such securities and invest and reinvest the funds when it deems it desirable to do so, and shall sell securities upon request of the officers of the association when such officers determine funds are needed for its purposes. All of the provisions regarding accounting procedures and restrictions and conditions for the purchase and sale of securities for the state employees retirement fund shall apply to the accounting, purchase and sale of securities for the teachers' retirement fund.

Subd. 5. The board shall keep a record of the receipts and disbursements of the fund and a separate account with each member of the fund. The board shall also keep separate accounts for annuity payments, for employer contributions and all other necessary accounts and reserves. It shall determine annually the annual interest earnings of the fund. Five percent of the annual interest earnings shall annually be set aside as a capital reserve account until the capital re-

serve account equals two percent of the assets of the fund. This amount in the contingency reserve account on June 30, 1958 shall be transferred to the excess earnings account and the balance should be transferred to the capital reserve account July 1, 1961. The capital gains and losses of the fund shall be reflected in this account. The remaining portion of the annual interest earnings, computed to the last full quarter percent shall be apportioned and credited to the separate members' accounts. The annual interest earnings to be credited shall be apportioned on the basis of the proportion each member's account bears to the total amount credited. The excess of the annual interest earnings in the excess earnings reserve which was not credited to the various accounts shall be credited to the gross interest earnings for the next succeeding year.

Subd. 6. The board shall present annually to the members of the fund at its annual meeting a report of the condition of the fund for the last preceding fiscal year, which shall include a statement of the receipts and disbursements of the fund, a list of the securities in which the fund is invested, and such other information as may be necessary or desirable. One copy of the report shall be filed in the office of the commissioner of education, one with the governor, and other copies filed or distributed as the board may determine. The report shall be published in the biennial report of the commissioner of education.

[1931 c 406 s 4; 1949 c 708 s 1; 1951 c 481 s 1; 1953 c 750 s 1; 1961 c 380 s 3; Ex1961 c 17 s 4; 1965 c 305 s 2] (2950-4)

#### **354.08 RIGHTS OF NON-MEMBERS TO MAKE PAYMENTS TO THE FUND.**

Any teacher who was not a member of the teachers insurance and retirement fund, created by Laws 1915, Chapter 199, but who rendered teaching service prior to August 1, 1931, in any public school or institution to which sections 354.05 to 354.10 apply, and who has become a member of the fund hereby created, shall have the right to pay into the fund hereby created and receive credit therefor as of the time paid, such sums as such teacher would have paid as assessments had such teacher been a member of the fund created by Laws 1915, Chapter 199, together with simple interest on the same at the rate of six percent from the time the service was rendered until paid and such additional sums as such teacher may elect to pay; the aggregate of which assessments, interest, and additional sums shall not exceed five percent of such teacher's average yearly salary for the five years of service immediately preceding the school year 1931-1932, or the first thereof, but not more than \$100 per year, multiplied by the number of years of such prior service. Members of the teachers retirement fund shall have the right to pay assessments, interest, and additional sums, as provided for in this section, for service rendered prior to August 1, 1931, in schools or institutions in Minnesota to which sections 354.05 to 354.10 apply; provided, that in the case of any such teacher who has rendered more than 15 years of such prior service there shall be assigned to such teacher's credit from state funds, if in the judgment of the teachers retirement fund board adequate funds are available, as a part of such teacher's savings, for each year of service beyond 15, five percent of the total additional amount that such teacher has a right to pay, as hereinbefore provided, not exceeding the amount paid by such teacher under such right and in no event more than 50 percent of the total additional amount which may be paid. The amount so assigned from state funds shall reduce to the extent thereof the total amount which the teacher may pay under the right as aforesaid. Any money so contributed by the state shall be used only to purchase an annuity, as hereinafter provided, and may not be withdrawn in cash as a part of such teacher's savings.

[1937 c. 112 s. 1] (2950-7)

#### **354.09 TEACHERS FROM OTHER STATES OR OTHER SCHOOLS.**

Subdivision 1. Except as provided in subdivision 4, teachers who have rendered teaching service in other states or in the public schools of this state to which sections 354.05 to 354.10 do not apply, or in the University of Minnesota, who prior thereto have been, or thereafter become members of the fund, may be given credit for such teaching service by the board, provided that no credit may be given for any part thereof rendered subsequent to June 30, 1953, for which they are entitled to receive benefits under any other retirement system; and, after having acquired credit for 15 years of teaching service in schools or institutions to which sections 354.05 to 354.10 apply, of which at least five years shall have been rendered subsequent to such other teaching service, such teachers may then pay into the fund an amount equal to six percent of the average yearly salary, not exceeding \$175, received dur-

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ing the five years immediately before completion of the required Minnesota service or July 1, 1951, whichever is later, multiplied by the number of years of such teaching service for which credit is given, together with interest thereon at the rate of four percent per annum from the time of rendering such previous service until July 1, 1947. The payments hereunder shall not exceed \$175 per year for any such service rendered prior to July 1, 1953, and \$216 per year for any such service rendered thereafter and shall be without interest for any such service rendered subsequent to June 30, 1947.

Subd. 2. The board shall provide in its rules and regulations the method and means for reinstatement as members of the fund of teachers who have withdrawn therefrom and who afterwards reenter teaching service. In computing the time of service of a teacher, the length of a legal school year in the district or institution where such service was rendered shall constitute a year under sections 354.05 to 354.10, provided such year is not less than the legal minimum school year of this state. No person shall be allowed credit for more than one year of teaching service for any calendar year. If a teacher, commencing July 1, 1961, teaches for 20 days or more in any year, credit shall be given for such fractional part of the year as the term of service rendered bears to the legal school year in such district or institution, but in no case shall the legal year be less than the minimum school year of this state. No credit shall be given thereafter for teaching service within a year where such teaching service is less than the minimum prescribed above.

Subd. 3. If a member is granted (1) a Sabbatical leave or (2) a leave for educational purposes in any foreign country under a scholarship received from the board of foreign scholarships or (3) a leave for performing interchange teaching service in a foreign country pursuant to federal law or (4) a leave to participate in work of the National Science Foundation, he may receive allowable service credit not exceeding three years in any ten consecutive years toward a retirement annuity by paying into the fund employee contributions during the period of leave. The employee contribution shall be based upon the rate of contributions paid and the salary received during the year immediately preceding the leave. This subdivision also applies to any such service occurring prior to its enactment provided that the payments into the retirement fund for any year prior to July 1, 1953, shall not exceed \$175 and for any year from July 1, 1953, to June 30, 1955, such payments shall not exceed \$216 and for any year prior to July 1, 1965, such payment shall not exceed \$288 and for any subsequent year payment shall not exceed \$432. These payments shall be without interest. A member shall not accrue more than three years allowable service by reason of this section unless the allowable service credit was paid for by the member prior to July 1, 1962.

Subd. 4. After July 1, 1957, payments made pursuant to subdivision 1, representing employee contributions, shall be accepted only if an equal additional amount, representing employer contributions, is received from the agency formerly employing such teacher. However, the teacher or the school district or institution which presently employs him, may pay such equal additional amount representing the employer contribution required by this subdivision. Interest shall be paid on both the employee and employer contribution at the rate of four percent per annum from the year on which such service was purchased to the date of payment. The board may authorize the collection of these payments in the form of installments rather than a lump sum. Any school district or institution which desires to make the employer contribution herein provided, is hereby authorized to appropriate money for such purpose.

All payments into the fund pursuant to subdivision 1, shall be considered accumulations after January 1, 1957, for the purpose of computing any annuity provided in Extra Session Laws 1957, Chapter 16.

In no case shall the provisions of subdivision 1, apply to teachers who become members of the fund after July 1, 1957.

Subd. 5. If a member is granted leave of absence, he may accrue allowable service credit toward a retirement annuity if the following conditions are met:

- (a) An authorized leave of absence is granted by the employer and the employer certifies that it will pay the employer contribution provided in (d) below or the member certifies that he will pay such employer contributions.
- (b) The leave of absence does not exceed one year.

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(c) All former leaves of absence for which allowable service credit was given the member do not in total exceed one year during the last ten consecutive years.

(d) The employing subdivision pays the employer contribution and the contribution to amortize the deficit in the fund during the period of the leave based on the average salary of the member for the year prior to his leave of absence or in lieu thereof the member pays this amount.

(e) The member pays the employer contribution for the period of the leave of absence based on the average salary of the employee for the year prior to his leave of absence and such payment is made currently or within one year from the date the leave of absence terminates.

The term employer for this subdivision means the school district or institution last employing the member before the leave of absence.

[1931 c 406 s 8; 1949 c 708 s 4; 1953 c 750 s 4; 1955 c 361 s 6, 7; Ex1957 c 16 s 14, 15; Ex1961 c 17 s 5-7; 1965 c 821 s 2] (2950-8)

**354.10 FUND NOT SUBJECT TO ASSIGNMENT OR PROCESS; BENEFICIARIES.** The right of a teacher to avail himself of the benefits of sections 354.05 to 354.10 and 354.31 to 354.55, and acts amendatory thereof, is a personal right only and shall not be assignable. All moneys to the credit of a teacher's account in the fund or any moneys payable to him from the fund shall belong to the state of Minnesota until actually paid to the teacher or his beneficiary pursuant to the provisions of sections 354.05 to 354.10 and 354.31 to 354.55, and acts amendatory thereof. Any assignment or attempted assignment of a teacher's interest in the fund, or of the beneficiary's interest therein, by a teacher or his beneficiary shall be null and void and the same shall be exempt from garnishment or levy under attachment or execution and from all taxation by the state of Minnesota. Any beneficiary designated by a teacher under the terms of sections 354.05 to 354.10 and 354.31 to 354.55, and acts amendatory thereof, may be changed or revoked by the teacher at his pleasure, in such manner as the board may prescribe. In case a designated beneficiary dies before the teacher designating him dies, and a new beneficiary is not designated, the teacher's estate shall be the beneficiary.

[1931 c 406 s 10; 1955 c 361 s 8; 1961 c 745 s 1] (2950-10)

**354.11 APPLICATION.** Sections 354.05 to 354.10 shall not apply to any city of the first class of this state, except as provided in section 354.05.

[1931 c 406 s. 14] (2950-14)

**354.12 COUNTY SUPERINTENDENTS ELIGIBLE TO MEMBERSHIP.** All county superintendents of schools now in office, or who shall hereafter be elected or appointed thereto, and all former county superintendents of schools who have heretofore contributed to the teachers insurance and retirement fund, if otherwise eligible, are hereby made eligible to membership in this fund and admitted to membership therein upon written application to the board of trustees of the teachers insurance and retirement fund, or to its secretary, and shall thereafter be subject to all of the provisions of Laws 1915, Chapter 199.

[1931 c. 146 s. 1] (2953-1)

**354.13 CREDIT FOR PAYMENTS.** All such superintendents or former superintendents of schools who have heretofore contributed to the teachers insurance and retirement fund and who become members thereof, as provided in section 354.12, shall receive the same credit for payments made and for service rendered as if they had been members of the fund during the time of such payments. Any superintendent or former superintendent who has heretofore received or would be entitled to receive, if he had been eligible to membership in the fund an annuity shall be paid such annuity from the fund as he would have been entitled to had he been a member during the time he contributed.

[1931 c. 146 s. 2] (2953-2)

**354.14 PAYMENTS INTO FUND DEDUCTED FROM SALARIES.** It is hereby made the duty of the county officials required by law to draw the warrants for the payment of the salaries of such county superintendents of schools to deduct and withhold from each month's salary due to each such superintendent the amount which such superintendent is required to pay into the teachers insurance and retirement fund, as specified in sections 354.12 to 354.14, and the county treasurer shall remit the amount so withheld to the state treasurer at the time and in the manner of remitting moneys belonging to the fund received from boards of educa-

tion or other managing bodies of school districts or other educational institutions and report to the board of trustees of the fund the name of the county superintendent from whose salary such deductions were made and the amount of such deductions.

[1931 c. 146 s. 4] (2953-4)

**354.15 TEACHERS RETIREMENT FUND ASSOCIATIONS IN CITIES.** In every city of this state now or hereafter having a population of more than 10,000, the teaching body may, with the consent of the council in the city, establish an association to be known as the teachers retirement fund association, to be formed and organized and to have powers and privileges as provided in sections 354.17 to 354.23.

[1909 c. 343 s. 1; 1911 c. 383 s. 1] (1358)

**354.16 INCORPORATION.** Any plan for the establishment of such an association shall include a provision for the organization of a corporation under the provisions of Revised Laws 1905, Chapter 58, and acts amendatory thereof.

[1909 c. 343 s. 2] (1359)

**354.17 PLAN OF ASSOCIATION; FUND; APPROVAL OF COUNCIL.** When any teaching body of any city of this state having a population of more than 10,000, desires to avail itself of these privileges, that teaching body shall formulate a plan for the formation and incorporation of such an association and the collection and disbursement of a fund for the benefit of retired teachers in the city, which plan shall be submitted to the council of the city for approval, and when the same is approved by the council, the association so established and incorporated shall have full power and authority to receive and disburse funds in accordance with the plan so adopted.

[1909 c. 343 s. 3; 1911 c. 383 s. 2] (1360)

**354.18 APPROVAL OF TEACHERS.** No such association shall be incorporated and commence to collect and disburse funds until the plan so to be proposed by the teaching body shall be approved in writing by a majority of all the teachers in the employ of the board of education and when the corporation is formed there shall be filed with the articles of incorporation an affidavit made by some officer of the board of education that a majority of the teachers have approved in writing of the formation of the association.

[1909 c. 343 s. 4] (1361)

**354.19 CONTRIBUTION BY TEACHERS; TAXATION.** The plan shall include a provision that only such teachers as make a contribution to the fund, as provided in the plan, shall be entitled to the benefits thereof, and may include a provision that a portion of the fund shall be raised by taxation upon the property of the city, it being understood that all teachers who are willing to comply with the terms and conditions of the articles of association and bylaws of the association shall be entitled to participate in the benefits of the fund.

In any city of the first class where no automatic or compulsory retirement plan affecting such teachers has been established, every teacher coming within the provisions of this act who shall have attained the age of 70 years as of June 30, 1942, and any teacher who shall have attained the age of 69 years as of June 30, 1943, and any teacher who shall have attained the age of 68 years as of June 30, 1944, and thereafter any teacher who shall have attained the age of 68 as of June 30 of any year, shall be automatically retired and severed from the service in the respective school system.

In any city of the first class, the plan, subject to the approval of the city council of such city, may provide that any member applying for an annuity shall be entitled to an annuity on the single life plan, or its actuarial equivalent under any optional method of retirement provided in the articles of the association, from city deposits at least equal to \$2 per month for each year of teaching service in such city. Such annuity payments shall not commence until the member has reached the age of 55 years, and has completed 20 years of teaching service in such city, or until the member has reached the age of 62 years if he has not completed 20 years of teaching service in such city. Where the aggregate of the city deposit to the credit of such member will not provide the minimum annuity prescribed, the city deposit shall be increased in the year of retirement to the amount necessary to provide such minimum annuity. Except as herein provided, the provisions for city deposits in such



plan in any city of the first class shall not be altered by the provisions of this paragraph. City deposits as used herein is hereby defined as that portion of the fund to be raised by taxation upon the property of the city.

[1909 c 343 s 5; 1941 c 214 s 1; 1945 c 390 s 1; 1951 c 25 s 1] (1362)

**354.20 TAX LEVIES.** When the plan is adopted, and the association is formed and incorporated, the proper officers of the association shall certify annually to the proper authorities, who have charge of the levying of taxes for school purposes in the city and in the county in which the city is located, the amount which it will be necessary to raise by taxation in order to carry out the plan so adopted, for the coming year, and it shall be the duty of the authorities so having charge of the levying of taxes to include in the tax levy for the ensuing year, a tax in addition to all other taxes, the rate allowed to be levied or expended for the cost of government by the charter of any city affected by Laws 1945, Chapter 390, sufficient to produce so much of the sum so certified as the said authorities having charge of the levying of taxes for school purposes in said city shall approve; provided, that any portion of the sum so certified which is not included in the tax so levied and collected shall be increased with interest at the rate currently earned on the invested funds of the association and added to the amount certified for the ensuing year, and provided that in cities other than those of the first class to which this law is applicable, the tax shall in no event exceed one-tenth of a mill upon each dollar of the assessed value of all taxable property of the city unless the authorities having charge of the levying of taxes for school purposes in such last mentioned cities shall determine that a larger tax than one-tenth of a mill upon all taxable property of the city should be levied, in which event the amount so determined shall be levied, which shall in cities other than cities of the first class, in no event exceed three-tenths of a mill upon each dollar of the assessed value of all taxable property of the city. The tax shall be collected as other taxes are collected in the city and when so collected paid over to the treasurer of the association to be held and disbursed in accordance with the provisions of the plan so to be adopted.

Any such association formed by the teachers employed by any independent school district, in any city of the first class the territorial limits of which school district coincide with the territorial limits of such city, and the government of the independent school district, not provided for in the charter of the city, shall not pay to any beneficiary more than \$1,200 as an annuity in any one year, from public funds in addition to the annuity which the member's contributions with interest to the time of retirement, would provide, or the equivalent thereof; provided that on and after August 1, 1957, nothing in this section shall prevent such association from paying an aggregate annuity and pension of up to \$2,400 in any one year to any teacher who retired or retires on or after July 31, 1948, if such teacher is entitled to such amount under the articles of incorporation and bylaws of such association.

Provided, that after the date the members of such association are covered under the act of Congress approved August 14, 1955, Chapter 531, 49 Stat. 620, officially cited as the "Social Security Act," as such act has been and may be from time to time amended, the amount of taxes levied by or for such independent school district for the purpose of carrying out the plan of the retirement fund association shall not exceed in any one year four percent of the total annual payroll of the members of such association, as determined in September of each year, plus one percent of payroll to retire the unfunded liability existing on the date that Social Security goes into effect. Provided, further that after the date the members of such association are covered under said "Social Security Act" the limitations contained in this section relative to the maximum amount of yearly benefits that may be paid from public funds to any beneficiary may be increased or decreased at any time by the members of the association in the plan for the association for the amendment of the articles of incorporation of the association, except that the benefits to be provided by the association shall be limited to those which an actuarial valuation shows may be supported by the contributions of members and taxes levied for the purpose of carrying out the plan of the association not exceeding the limit herein provided. If the members of the association vote not to be covered by social security, the figure of \$1,200 set forth in this section shall be amended to read \$1,500, and the figure of \$2,400 set forth above in this section shall be amended to read \$3,000.

This enactment shall not affect the annuities or rights to annuities of any members of such association who, at the time of this enactment, are being paid annuities, or any members who now are, or, prior to July 31, 1948, will be eligible

to retirement, and shall have retired prior to that date; and, at the time the association shall certify to the board of education in any year the amount necessary to be raised by taxation, it shall file with the clerk of the board an itemized statement of its assets and liabilities at the close of the fiscal year, an itemized statement of receipts and disbursements for the year, and a list of the annuities paid during the year; and all the records of such association shall be open to reasonable public inspection.

[1909 c 343 s 6; 1911 c 383; 1917 c 300; 1919 c 144; 1921 c 303; 1923 c 310; 1935 c 111 s 2; 1945 c 390 s 2; 1949 c 523 s 1; 1955 c 722 s 1; 1957 c 655 s 1] (1363)

**354.21 POWER TO HOLD PROPERTY.** Any such association so to be formed shall be empowered to receive, hold, and dispose of real estate or personal property acquired by it, either by gift or purchase or in any other lawful way, as provided by its articles of association so to be adopted, as herein provided.

[1909 c. 343 s. 7] (1364)

**354.22 PRO RATA DISTRIBUTION OF FUNDS.** The plan may provide in the event that the funds of the association are not sufficient to pay annuities in full, as provided in the plan, in any particular year, that the amount available shall be prorated between those entitled to receive the same.

[1909 c. 343 s. 8] (1365)

**354.23 TEACHERS; EXTENSION TO EMPLOYEES OF ASSOCIATION.** The word "teachers," as used in sections 354.15 to 354.23, includes superintendents, supervisors, principals, as well as instructors, who are in the employ of the board of education or board of school inspectors in the city mentioned in sections 354.15 to 354.23, and the plan or articles of incorporation of any such association heretofore established or hereafter established may also provide by amendment thereto, or otherwise, that it shall include employees and former, or retired employees of such association, provided however, that no employee, former or retired employee who has a credit or credits to his account as a municipal employee under Minnesota Statutes, Chapter 422, shall be required to become a member of any such association unless he has given written notice to such association and to the retirement board of the municipality with which he has such a credit within two years after becoming eligible to such membership of his desire to avail himself of the provisions of sections 354.15 to 354.23 and become a member of such association. Upon so electing, the city treasurer and retirement board of the municipality with which such employee or former or retired employee so has a credit, shall transfer and pay over to such association all of the moneys remaining to the credit of such employee, former or retired employee, whereupon he shall become a member of such association, and such moneys shall be held by and applied toward his benefit in accordance with the articles of incorporation and by-laws of such association. The retirement fund so paying over and transferring said moneys shall thereupon be relieved of all further liability and responsibility to such employee, former or retired employee, of any nature whatsoever arising out of his former contributions to, credits, or participation in, the municipal pension and retirement plan adopted pursuant to Minnesota Statutes, Chapter 422.

No employee of a teachers' retirement fund association to whom sections 354.15 to 354.23 hereafter apply in accordance with this section, shall be required or permitted to become a member of any retirement fund or relief association or to contribute to any fund established for such purpose except a fund established pursuant to the terms of sections 354.15 to 354.23.

[1909 c 343 s 9; 1955 c 10 s 1] (1366)

**354.31 SCOPE AND APPLICATION.** Sections 354.31 to 354.39 apply to any member of the teachers retirement association included in any agreement or modification made between the state and secretary of health, education and welfare, making the provisions of the federal old age and survivors insurance act applicable to such members. Sections 354.31 to 354.39 also apply to any school district or institution employing such member. Except as otherwise specifically provided in sections 354.31 to 354.39, the provisions of sections 354.05 to 354.14 and 354.41 to 354.55, and acts amendatory thereof, shall apply.

[Ex1957 c 15 s 1; Ex1959 c 50 s 6; 1963 c 845 s 2]

**354.32 CONTRIBUTIONS BY EMPLOYER AND EMPLOYEE.** Subdivision 1. The employee contribution to the teachers retirement fund shall be an amount equal to three percent of the salary of every member. This contribution shall be made

by deduction from salary. No deduction shall be made from any salary in excess of \$7,200 in any fiscal year. Where any portion of a member's salary is paid from other than public funds, such member's employee contribution shall be based on the entire salary received limited to \$7,200 in any fiscal year.

Subd. 2. The employer contribution to the fund shall be an amount equal to three percent of the salary of each member not exceeding \$7,200 in any fiscal year.

Subd. 3. An additional contribution of one and one-half percent shall be made to the fund based on the salary of each member not to exceed \$7,200 in any fiscal year for the purpose of amortizing the deficit in the fund.

[*Ex1957 c 15 s 2; Ex1959 c 50 s 29; 1965 c 821 s 3-5*]

**354.33 COMPUTATION OF RETIREMENT ANNUITIES.** Subdivision 1. The amount of the retirement annuity is an amount equal to the annuity which could be purchased by the member's accumulated deductions, the employer's contribution, and interest. The retirement purchase rates shall be based on the 1937 standard annuity table of mortality set back two years, with interest at the rate of three percent and calculated separately as to sex. The accumulated deductions, employer's contribution and interest earned shall be computed as follows:

(a) the members accumulated deductions plus interest to July 1, 1957, plus interest to the date of retirement, and

(b) the members accumulated deductions plus 20 percent plus the employer's contribution from July 1, 1957, plus interest to the date of retirement.

Subd. 2. The provisions of subdivisions 3 and 4 apply to any member covered by social security pursuant to a referendum authorized by section 355.42, paragraph (e).

Subd. 3. When any person retires who, on July 1, 1957 had ten or more years of allowable service as a member and who does not qualify for old age and survivors primary benefits, he shall have the option to receive the annuity provided in subdivision 1 or the annuity provided in Minnesota Statutes 1953, Sections 135.01 to 135.13, as amended by Laws 1955.

Subd. 4. When any person retires who, on July 1, 1957, has ten or more years of allowable service as a member, he shall receive in addition to the annuity provided in subdivision 1, an amount which when added to his old age survivors insurance primary benefit equals the annuity he would have received under Minnesota Statutes 1953, Sections 135.01 to 135.13, as amended by Laws 1955.

Subd. 5. Notwithstanding the provisions of subdivision 1 when any person retires who (a) on July 1, 1959 had ten or more years of allowable service, and (b) does not have any retroactive social security coverage by reason of his position in the retirement system, and (c) does not qualify for old age and survivor primary benefits at the time of retirement, the annuity shall be computed under section 354.44.

Subd. 6. When any person retires and whose annuity is computed under subdivision 1 of this section as a result of his transfer from public school teaching to state college or junior college teaching, the annuity shall be computed under section 354.44 up to the date of transfer.

[*Ex1957 c 15 s 3; Ex1959 c 50 s 23, 26; 1963 c 586 s 1; 1965 c 804 s 1; 1965 c 821 s 6*]

**354.34 OPTIONAL RETIREMENT ANNUITIES; UNPAID ANNUITIES, DISPOSITION.** Subdivision 1. The retirement board shall establish optional annuities at retirement which shall take the form of an annuity payable for a period certain and for life thereafter; or as a joint and survivor annuity. The board shall also establish an optional annuity which shall take the form of a guaranteed refund annuity paying the annuitant a fixed amount for life with the guarantee that in the event of death the balance of the accumulated deductions will be paid to the designated beneficiary. Such optional forms shall be actuarially equivalent to the normal forms. In establishing these optional forms the board shall obtain the written recommendation of an approved actuary and these recommendations shall be a part of the permanent records of the board.

Subd. 2. Upon the death of the member after retirement where no designated beneficiary shall survive the member, any remaining unpaid guaranteed annuity payments shall be commuted at three percent interest and paid in one sum to the estate of the member. Upon the death of any designated beneficiary after the death of the member, the value of any unpaid guaranteed annuity payments shall

be commuted at three percent interest and paid in one sum to the estate of such designated beneficiary.

[*Ex1957 c 15 s 4; Ex1959 c 50 s 9; Ex1961 c 17 s 9; 1963 c 845 s 3*]

NOTE: See also section 354.45.

**354.35 RETIREMENT BEFORE BECOMING ELIGIBLE FOR SOCIAL SECURITY.** Any member who retires before he is eligible for social security retirement benefits, may elect to receive retirement benefits from the association in an amount greater than his annuity computed on the basis of his age when he retires provided in section 354.33. He shall exercise this option by making an application to the board on a form provided by the board. This greater amount shall be the actuarial equivalent of the member's annuity computed on the basis of his age when he retires. The greater amount shall be paid until the member reaches the age of 65 at which time the payment from the association shall be reduced. These annuities provided in this section shall be computed by an approved actuary.

[*Ex1957 c 15 s 5*]

**354.36 PAYMENTS AFTER DEATH.** Subdivision 1. Where a member dies before retirement there shall be paid to his surviving dependent spouse or, if there is no surviving dependent spouse, to his designated beneficiary an amount equal to his accumulated deductions plus interest credited his account to the date of death.

Subd. 2. Where a former member dies after retirement a death benefit shall be paid in accordance with his optional annuity selected pursuant to section 354.34 or any other reversionary annuity selected by the member before retirement.

Subd. 3. Under the terms of sections 354.31 to 354.39 there are no survivors benefits payable as such to the surviving spouse or dependent children of any deceased member. However any member may provide for payments to a surviving spouse or any dependent child by selecting an appropriate annuity payable after his death to any such person in the manner authorized by the board as provided in section 354.34.

[*Ex1957 c 15 s 6; Ex1961 c 17 s 10*]

**354.37 DISABILITY BENEFITS.** The disability benefit shall be computed in the manner provided in section 354.48, without the supplementary benefit therein referred to and in accordance with the law in effect when the disability application is received. The total disability benefit paid from the retirement fund shall be limited to 50 percent of the salary upon which it is based. Members whose total and permanent disability shall have been established prior to July 1, 1961, shall continue to receive the disability benefits provided by the law then in effect so long as the total and permanent disability continues.

[*Ex1957 c 15 s 7; Ex1959 c 50 s 31; 1961 c 597 s 2; 1963 c 845 s 4*]

**354.38 MILITARY SERVICE CREDIT.** After any agreement or modification is made pursuant to section 354.39, an employee given a leave of absence to enter military service and who returns to teaching service upon discharge from military service as provided in Minnesota Statutes, Section 192.262 shall obtain credit for his period of military service but he shall not receive credit for any voluntary extension of military service at the instance of the member beyond the initial period of enlistment, induction or call to active duty. Such member shall obtain such credit by paying into the fund an employee contribution based upon his salary at the date of return from military service. The amount of this contribution shall be three percent of his salary not to exceed \$4,800 in any fiscal year ending prior to July 1, 1965, and not to exceed \$7,200 in any fiscal year thereafter. In such cases the employer contribution and additional contribution provided in section 354.32 shall be paid by the state in the manner provided in section 354.43.

[*Ex1957 c 15 s 8; Ex1959 c 50 s 7; 1965 c 821 s 7*]

**354.39 EFFECTIVE DATE; APPLICATION.** Sections 354.31 to 354.39 take effect on the date any agreement or modification is made between the state and the secretary of health, education and welfare making such agreement or modification applicable to service performed in positions covered by the teachers retirement association. Sections 354.31 to 354.39 shall apply to any coverage group consisting of members of the teachers retirement association included in any such agreement or modification.

[*Ex1957 c 15 s 9; Ex1959 c 50 s 46*]

**354.41 TEACHERS RETIREMENT ASSOCIATION, ELIGIBILITY FOR MEMBERSHIP.** Subdivision 1. The teachers retirement fund created by Minne-

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sota Statutes, Sections 354.05 to 354.10, is confirmed and continued. Hereafter membership in the fund is referred to as membership in the association. The membership in the association consists only of teachers. Except as provided in this subdivision, any person who was a member of the association on June 30, 1957, shall continue his membership with the association.

Subd. 2. Every teacher after June 30, 1957, in the service or entering the service of the state or its governmental subdivision as a teacher, except persons specially excluded, shall become a member of the association by the acceptance of such employment.

[*Ex1957 c 16 s 3; Ex1959 c 50 s 27, 28*]

**354.42 TEACHERS RETIREMENT FUND, CONTRIBUTIONS BY EMPLOYER AND EMPLOYEE.** Subdivision 1. There is a special fund known as the "teachers retirement fund" consisting of employee contributions, employer contributions, and other amounts authorized by law including amounts in the fund when Extra Session Laws 1957, Chapter 16 take effect. From this fund there is appropriated the payments authorized by Extra Session Laws 1957, Chapter 16 in the amounts, in the manner and at such time, provided herein.

Subd. 2. The employee contribution to the fund shall be an amount equal to six percent of the salary of every member. This contribution shall be made by deduction from salary in the manner provided in subdivision 4. No deduction shall be made from any salary in excess of \$7,200 in any fiscal year. Where any portion of a member's salary is paid from other than public funds, such member's employee contribution shall be based on the entire salary received limited to \$7,200 in any fiscal year.

Subd. 3. The employer contribution to the fund shall be an amount equal to three percent of the salary of each member not exceeding \$4,800 in any fiscal year for the biennium commencing July 1, 1957 and ending June 30, 1959 and six percent thereafter. Commencing July 1, 1965 the employer contribution provided in this subdivision shall be an amount equal to six percent of the salary of each member not exceeding \$7,200 in any fiscal year. This contribution shall be made in the manner provided in section 354.43.

Subd. 4. It is the duty of each person, officer, board of education, or managing body required by law to draw the warrants or orders for payment of salaries to teachers to deduct and withhold from each month's salary due to every teacher who is a member of the fund the amount which such teacher is required to pay into the fund and, at the time of such deduction, a statement showing the amount thereof shall be furnished to such teacher. Such officer, board of education, or other managing body of each school district or institution shall, between the first and fifteenth days of January and between the fifteenth and thirtieth days of June, each year, forward to the treasurer of the county in which such school or institution is situated a statement, verified by the secretary or clerk thereof, showing the amount of money so retained from each teacher in accordance with the provisions of act, and, with the statement, shall transmit the entire amount so retained to the treasurer of the county; and, in case any school district is situated in more than one county, the report and remittance shall be sent to the senior county. Such board of education or other managing body shall, on or before the thirtieth day of June, each year, transmit to the county superintendent of schools, a statement showing the name of each teacher, the number of months of school taught by him during the year for which the statement is made, the number of months which constitutes a school year in the district or institution, and such other information as the board may require. If no teacher in such public school or other institution comes under the provisions of Extra Session Laws 1957, Chapter 16, the report shall state such fact. Each of the foregoing reports shall be verified by the person making the same; provided, that if the drawing of the warrant or order for the payment of any teacher's salary devolves upon any state officer or board, such officer or board shall make the reports herein required directly to the board of trustees and remit the money so deducted to the state treasurer.

Subd. 5. An additional contribution shall be made in the amount of one percent of the salary of each member not to exceed \$7,200 in any fiscal year for the purpose of amortizing the deficit in the fund. This contribution shall be made in the manner provided in section 354.43.

Subd. 6. All contributions shall be credited to a fund and all interest and other income of the association shall be credited to said fund. The retirement fund shall

be disbursed only for the purposes herein provided. The expenses of said association and the annuities herein provided upon retirement shall be paid only from said fund.

Subd. 7. (1) Any deductions taken from the salary of an employee for the retirement fund in error shall, upon discovery and verification by the school district or institution making the deduction, be refunded to the employee.

(2) In the event a salary warrant or check from which a deduction for the retirement fund was taken has been canceled or the amount of the warrant or check returned to the funds of the school district or institution making the payment, a refundment of the sum so deducted, or any portion of it as is required to adjust the deductions, shall be made to the school district or institution provided application for it is made on a form furnished by the retirement board.

[*Ex1957 c 16 s 4; Ex1959 c 50 s 30; 1965 c 821 s 8-10*]

**354.43 EMPLOYER CONTRIBUTIONS, FINANCING.** Subdivision 1. The board shall from time to time determine the amount of money necessary and presently needed to meet the state's obligation as provided in sections 354.05 to 354.14 and 354.31 to 354.55, and acts amendatory thereof, and shall certify the amount so determined to the state auditor. In so certifying the board shall certify separately the amount required to meet the state's obligation on account of services rendered for and on behalf of the state at large and the amount required to meet the state's obligation on account of services rendered for and on behalf of the schools and institutions located outside of the cities of the first class.

Subd. 2. The auditor is hereby directed to include in each annual state tax levy the amounts so certified, which amounts are hereby annually levied against the taxable property in the state, including, notwithstanding the provisions of Minnesota Statutes, Section 273.13, Subdivisions 6 and 7, all real property which is used for the purposes of a homestead. In certifying the rate to the several county auditors, the state auditor shall certify the amount required to be levied on account of services rendered for the schools and institutions outside of cities of the first class against all of such taxable property located outside of the cities of the first class.

[*Ex1957 c 16 s 5; Ex1959 c 50 s 8; 1961 c 745 s 2; 1965 c 821 s 15*]

**354.44 RETIREMENT BENEFITS.** Subdivision 1. **Requirements as to age and service.** Any member or former member who ceases or has ceased to render teaching services either before or after July 1, 1959 in any school or institution covered by Minnesota Statutes, Sections 354.05 to 354.14 and 354.31 to 354.55, and acts amendatory thereof, and who has attained the age of at least 55 years with not less than ten years allowable service, or who has received credit for not less than 30 years allowable service regardless of age, is entitled upon written application to a retirement annuity.

Subd. 2. **Computation of annuity.** The amount of the retirement annuity is an amount equal to double the annuity which could be purchased by the member's accumulated deductions plus interest thereon. The annuity shall be determined by the member's age, his sex, double the amount of his accumulated deductions, double the interest earned on the accumulated deductions, and the appropriate mortality tables and interest rates. For the purpose of determining the amount of the annuity, the accumulated deductions prior to July 1, 1957, and the accumulated deductions subsequent to July 1, 1957, shall be considered separately.

(1) For service rendered prior to July 1, 1957, the accumulated deductions for any member shall be carried forward at a fixed amount which is shown credited to his account as of that date. That fixed amount shall also include any payments in lieu of salary deductions which are to be made in the future and are actually so made pursuant to an agreement executed between the member and the board as authorized by section 354.50 or any other authorized payments made by the member to the fund. The annuity granted with respect to such period shall be determined by the following:

(a) The fixed amount of the accumulated deductions for such period including the interest credited thereon as earned up to July 1, 1957.

(b) Annuity purchase rates based on the mortality tables and interest assumption used by the board prior to July 1, 1957, calculated separately as to sex.

(2) For service rendered subsequent to July 1, 1957, the accumulated deductions for any member shall consist of the amounts actually credited to his ac-

count by reason of salary deductions. The annuity granted with respect to such period shall be determined by the following:

- (a) accumulated deductions for such period;
- (b) interest credited on these accumulated deductions from July 1, 1957, to the date of retirement;
- (c) interest credited on accumulated deductions including prior credited interest provided in paragraph: (1) from July 1, 1957, to the date of retirement;
- (d) after the amount available for an annuity granted with respect to such person is determined in accordance with the provisions of this subdivision, an additional amount equal to 20 percent of the sum of clause (2) (a) plus clause (2) (b) is to be added. This added amount is not to be doubled as provided for other amounts determined in this subdivision;
- (e) annuity purchase rate based on the 1937 standard annuity table of mortality set back two years and calculated separately as to sex, with an interest assumption of three percent.

Subd. 3. **Application for retirement.** Retirement may be made upon application of the member or of some one acting in his behalf.

Subd. 4. **Time and manner of payments.** A member may make application to the board for a retirement annuity any time after his teaching service has terminated and he has satisfied the age and service requirements of this chapter for retirement. The annuity payment shall begin to accrue from the first day of the month following the date the application is filed with the board.

Subd. 5. **Resumption of teaching.** A teacher who has purchased an annuity under any provision of any retirement law applicable to schools and institutions covered by sections 354.05 to 354.14 and 354.31 to 354.55 and acts amendatory thereof and has thereafter resumed teaching in any school or institution to which such sections apply shall continue to receive payments in accordance with such annuity except that during any quarter in which his income from such teaching service exceeds the sum of \$600; the amount in excess of \$600 shall be deducted from the annuity payable for the quarter immediately following the quarter in which the excess amount was earned.

[*Ex1957 c 16 s 6; Ex1959 c 50 s 10-12; 1961 c 745 s 3; Ex1961 c 17 s 11; 1963 c 246 s 1; 1965 c 821 s 11*]

**354.45 OPTIONAL RETIREMENT ANNUITIES; UNPAID ANNUITIES, DISPOSITION.** Subdivision 1. The retirement board shall establish optional annuities at retirement which shall take the form of an annuity payable for a period certain and for life thereafter; or as a joint and survivor annuity. The board shall also establish an optional annuity which shall take the form of a guaranteed refund annuity paying the annuitant a fixed amount for life with the guarantee that in the event of death the balance of the accumulated deductions will be paid to the designated beneficiary. Such optional forms shall be actuarially equivalent to the normal forms provided in section 354.44. In establishing these optional forms the board shall obtain the written recommendation of an approved actuary and these recommendations shall be a part of the permanent records of the board.

Subd. 2. Upon the death of the member after retirement where no designated beneficiary shall survive the member, any remaining unpaid guaranteed annuity payments shall be commuted at three percent interest and paid in one sum to the estate of the member. Upon the death of any designated beneficiary after the death of the member, the value of any unpaid guaranteed annuity payments shall be commuted at three percent interest and paid in one sum to the estate of such designated beneficiary.

[*Ex1957 c 16 s 7; Ex1961 c 17 s 12; 1963 c 845 s 5*]

NOTE: See also section 354.34.

**354.46 PAYMENTS AFTER DEATH.** Subdivision 1. **Benefits for spouse and children of teacher.** Upon the death of a member before retirement or upon the death of a former member who was disabled and receiving disability benefits pursuant to section 354.48 at the time of his death, who has had at least 18 months of allowable service, his surviving dependent spouse and dependent children under the age of 18 shall receive the monthly benefit provided below. Where a member died on or after July 1, 1955, leaving any dependent child, such dependent child shall receive the benefits provided in this subdivision commencing from and after the effective date of Extra Sessions Laws 1957, Chapter 16.

- (a) Surviving dependent spouse.....30 percent of the member's monthly average salary not to exceed \$65 per month
- (b) Each dependent child .....20 percent of the member's monthly average salary not to exceed \$45 per month

In addition to the amounts provided in (a) and (b) hereof, 10 percent of the member's monthly average salary not to exceed \$20 per month shall be paid to be divided equally among the dependent children. Payments for the benefit of any dependent child under the age of 18 years shall be made to the surviving parent, or if there be none, to the legal guardian of such child. The maximum monthly benefit shall not exceed \$250 for any one family. The surviving dependent spouse benefit shall terminate upon his or her remarriage, and the dependent children's benefit shall be reduced pro tanto when any child is no longer dependent.

Any survivor of a member whose average salary was less than \$75 per month shall not be entitled to the benefits provided in this subdivision. If the survivor benefits provided in this subdivision exceed in total the monthly average salary of the deceased member, these benefits shall be reduced to an amount equal to the deceased member's monthly average salary.

**Subd. 2. Surviving dependent spouse.** Upon the death of a member before retirement who has had at least 20 years of credited allowable service, his surviving dependent spouse shall be paid a deferred annuity in an amount equal to 75 percent of the member's annuity computed on the basis provided in section 354.44 not to exceed \$150 per month. This annuity shall be paid when such surviving dependent spouse reaches the age of 62 and shall terminate upon remarriage. The surviving dependent spouse has the option, if qualified, to receive the benefits provided in subdivision 1 or the annuity provided in subdivision 2 but not both.

**Subd. 3. Payment after death of retiree.** If a former member dies after his retirement, there shall be paid to his surviving spouse or dependent children if no spouse survives, or to the designated beneficiary if there be no spouse or surviving children, an amount equal to the annuity payment computed to the date of death if no optional or reversionary annuity was designated by the member. If more than one dependent child qualifies, this amount shall be divided equally among the dependent children.

**Subd. 4. Death in special cases.** If a member died after June 30, 1957, and was receiving disability benefits as provided in section 354.48, at the time of his death, his survivors shall be entitled to the benefits provided in subdivision 1 from and after June 30, 1961. If any such survivor received a refundment after the death of such a person, the refundment shall be repaid to the fund before the survivors benefits provided herein are payable.

[*Ex1957 c 16 s 8; Ex1959 c 50 s 13, 14, 47; 1961 c 737 s 1-3*]

**354.47 REFUNDMENT AFTER DEATH.** Subdivision 1. **Death before retirement.** If a member dies before retirement and neither an optional annuity, nor reversionary annuity is payable, there shall be paid to his surviving dependent spouse or if there is no surviving dependent spouse to his designated beneficiary an amount equal to his accumulated deductions with interest credited to his account to the date of death.

**Subd. 2. Benefits of \$500 or less.** If a member or a former member dies without having designated a beneficiary, or if the beneficiary should die before making application for the refundment to the credit of such deceased member or former member, and the amount of the benefit is \$500 or less, the retirement board may 90 days after the date of death of the member or former member in the absence of probate proceedings make payment to the surviving spouse of the deceased member or former members, or, if none to the next of kin under the laws of descent of the state of Minnesota and such payment shall be a bar to recovery by any other person or persons. Any retirement allowance or annuity which shall have accrued at the time of death of an annuitant may be paid in like manner.

**Subd. 3. Option to receive benefits in installments.** The beneficiary or surviving spouse of any deceased member or former member entitled to receive a refundment shall have the option of having the amount due him paid in monthly installments in such amounts as may be agreed upon with the retirement board.

[*Ex1957 c 16 s 9; Ex1959 c 50 s 48; Ex1961 c 17 s 13; 1963 c 845 s 6; 1965 c 821 s 12*]

**354.48 PERMANENT DISABILITY BENEFITS.** Subdivision 1. **Age, service and salary requirements.** Where any member became totally and permanently dis-



abled after at least ten years of allowable service or after age 50 with five years of allowable service, whichever is sooner, he shall be entitled to a disability benefit in an amount provided in subdivision 3. If such disabled person's teaching service has terminated at any time, at least five of the required ten years of allowable service must have been rendered after last becoming a member. Any member whose average salary is less than \$75 per month shall not be entitled to disability benefits.

**Subd. 2. Applications.** This benefit shall begin to accrue upon the expiration of 90 days following the commencement of disability unless the member is receiving salary for either annual or sick leave for a period of more than 90 days in which event payment shall accrue from the date salary ceased. If written application for disability benefit has not been filed with the board within 90 days from the commencement of disability, the disability benefit shall begin to accrue 30 days prior to the receipt of such application. If salary is being received for either annual or sick leave during said 30-day period, payments shall accrue from the date salary ceases.

**Subd. 3. Computation of benefits.** The amount of the disability benefit is an amount equal to double the annuity which could be purchased by the member's accumulated deductions plus interest thereon computed as though the teacher were age 65 at the time the benefit begins to accrue and in accordance with the law in effect when the disability application is received.

The benefit granted shall be determined by the following:

- (a) The amount of the accumulated deductions;
- (b) Interest actually earned on these accumulated deductions to the date the benefit begins to accrue;
- (c) Interest for the years from the date the benefit begins to accrue to the date such member attains age 65 at the rate which is the average rate credited for the five years prior to the date the benefit begins to accrue;
- (d) Annuity purchase rates based on the 1937 standard annuity table of mortality set back two years and calculated separately as to sex with interest assumption of three percent.

In addition a supplementary monthly benefit shall be paid in accordance with the following table:

Age when disabled	Supplementary Benefit
Under age 56	\$50
56	45
57	40
58	35
59	30
60	25
61	20
62	15
63	10
64	5

For the purposes of computing a retirement annuity when the member becomes eligible, the amounts paid for disability benefits shall not be deducted from the individual member's accumulated deductions. If the disability benefits provided in this subdivision exceed the monthly average salary of the disabled member, the disability benefits shall be reduced to an amount equal to the disabled member's average salary. Any member who began to receive disability benefits between July 1, 1957, and June 30, 1959, shall receive the supplementary monthly benefit provided in accordance with the foregoing table and such supplementary monthly benefit shall begin to accrue after June 30, 1959, and shall continue as long as disability benefits are paid to such member.

**Subd. 4. Determination by the board.** The board shall have the member examined by at least two licensed physicians selected by the board. These physicians shall make written reports to the board concerning the member's disability including medical opinions as to whether or not the member is permanently and totally disabled within the meaning of Minnesota Statutes 1957, Section 135.01, Subdivision 14, and acts amendatory thereof. The board shall also obtain written certification from the last employer stating whether or not the member was separated from service because of a disability which would reasonably prevent further service to the employer and as a consequence the member is not entitled to

compensation from the employer. If upon the consideration of the reports of the physicians and such other evidence presented by the member or others interested therein, the board finds the member totally and permanently disabled, it shall grant him a disability benefit. The fact that an employee is placed on leave of absence without compensation because of disability shall not bar him from receiving a disability benefit.

Subd. 5. **Benefits paid under other laws.** The disability benefit shall be reduced by any amounts received or receivable by a member from the employer under applicable workmen's compensation laws.

Subd. 6. **Regular physical examinations.** At least once each year during the first five years following the allowance of a disability benefit to any member, and at least once in every three-year period thereafter, the board shall require the disability beneficiary to undergo a medical examination to be made at the place of residence of such person, or at any other place mutually agreed upon, by a physician or physicians engaged by the board. If any examination indicates that he is no longer permanently and totally disabled or that he is engaged or is able to engage in a gainful occupation, payments of the disability benefit by the fund shall be discontinued. The payments shall discontinue as soon as he is reinstated to the payroll following sick leave, but in no case shall payment be made for more than 60 days after physicians engaged by the board find that such person is no longer permanently and totally disabled.

Subd. 7. **Partial re-employment.** Should the disabled person resume a gainful occupation and his earnings are less than his salary at the date of disability or the salary currently paid for similar positions, the board shall continue the disability benefit in an amount which when added to such earnings does not exceed his salary at the date of disability or the salary currently paid for similar positions, whichever is lower, provided the disability benefit in such case does not exceed the disability benefit originally allowed.

Subd. 8. **Refusal of examination.** Should any such disabled person refuse to submit to a medical examination as herein provided, payments by the fund shall be discontinued and all rights of the member in any disability benefit shall be revoked by the board.

Subd. 9. **Return to teaching service.** Any person receiving a disability benefit who is restored to active teaching service shall have deductions taken for the retirement fund.

Subd. 10. **Retirement status at age 65.** No person shall be entitled to receive disability benefits and a public retirement annuity at the same time. The disability benefit paid to a person hereunder shall terminate when he reaches age 65 if he is still totally and permanently disabled. At that time he shall be deemed to be on retirement status and he may at his option be paid either a straight life retirement annuity as provided in section 354.44 or a straight life retirement annuity equal to the disability benefit paid to him before he reached age 65, whichever amount is greater. If his disability benefit was computed pursuant to section 354.37, at age 65 he may at his option be paid either a straight life retirement annuity as provided in section 354.33 or a straight life retirement annuity equal to the disability benefit paid to him before he reached age 65, whichever is greater. He may instead of taking the straight life annuity provided herein, however, select an optional retirement annuity as provided in section 354.34 or 354.45, whichever is applicable.

[*Ex 1957 c 16 s 10; Ex 1959 c 50 s 15; 1961 c 597 s 3; 1963 c 845 s 7*]

**354.49 REFUNDMENT OR DEFERRED ANNUITY.** Subdivision 1. Any person who ceases to render teaching service in any school or institution to which section 354.05 to 354.14 and 354.31 to 354.55 apply shall be entitled to a refundment provided in subdivision 2, or a deferred retirement annuity as provided in subdivision 3. Application for refundment may be made no sooner than 30 days after termination of teaching service if the applicant has not again become a teacher.

Subd. 2. Except as provided in subdivision 3, any person who ceases to be a member by reason of termination of teaching service, shall receive a refundment in an amount equal to his accumulated deductions without interest.

Subd. 3. Any person with at least ten years of credited allowable service when such termination occurs, may at his option leave his accumulated deductions in the fund and thereby be entitled to a deferred retirement annuity commencing at age 65. The amount of the annuity shall be determined in the manner provided in

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section 354.44, subdivision 2, using the mortality table and interest rate provided in paragraph (2) of that subdivision, or the annuity shall be determined in the manner provided in section 354.33, whichever is applicable. Such person may revoke this option at any time prior to the commencement of annuity payments by filing a written statement with the board and making application for a refund. Such person may be entitled to a refund of his accumulated deductions within 30 days thereafter.

Subd. 4. Membership in the retirement association of any person shall terminate upon his ceasing to be a "teacher" whether by resignation, dismissal, or termination of temporary or provisional appointment.

Subd. 5. The right of refundment provided in Extra Session Laws 1957, Chapter 16 is not restricted as to time unless specifically provided and the statute of limitations does not apply thereto.

[*Ex1957 c 16 s 11; Ex1959 c 50 s 16, 17*]

**354.50 TERMINATION OF RIGHTS.** Subdivision 1. When any member accepts a refundment provided in section 354.49, all existing service credits and all rights and benefits to which the member was entitled prior to the acceptance of such refundment shall terminate and shall not again be restored until the former member acquires not less than five years allowable service credit subsequent to taking his last refundment. In that event he may repay such refundment. If more than one refundment has been taken, all refundments must be repaid.

Subd. 2. If a member desires to repay his refundments before he has acquired five years of allowable service credit after taking his last refundment, he may repay to the fund such amount, either in installments or lump sum, when he has acquired at least one year of allowable service credit after taking his last refundment. These payments shall be credited to a suspense account in his behalf and when the said five years have elapsed, the balance in the suspense account shall be credited to his accumulated deductions in the manner and subject to the conditions provided in subdivision 1.

[*Ex1957 c 16 s 12; Ex1961 c 17 s 14*]

**354.51 PAYMENTS TO RECEIVE CREDIT FOR PRIOR SERVICE.** Subdivision 1. After July 1, 1961, no member shall be entitled to make payments in lieu of salary deductions to the retirement board to receive credit for any period of service prior to that date for which employee contributions were not deducted from his salary, except as provided in section 354.09, subdivision 4, 354.38, 354.50, 354.53.

Subd. 2. Before July 1, 1961, any member may make payments to the retirement board to receive credit in any case where the payments were authorized by Minnesota Statutes 1953, Sections 135.01 to 135.13 as amended by Laws 1955, Chapters 361, 549, 550, 611, and Laws 1957, Chapter 818, Section 2, except in any case provided in Minnesota Statutes 1953, Section 135.09 as amended by Laws 1955. The retirement board may make any agreement with the member it deems proper, providing for installment payments if the member cannot pay the amount due before the cut-off date. The amount of payment and interest rate charged to the member shall be as provided in Minnesota Statutes 1953, Sections 135.01 to 135.13, as amended by Laws 1955, Chapters 361, 549, 550, 611, and Laws 1957, Chapter 818, Section 2.

[*Ex1957 c 16 s 13; Ex1959 c 50 s 18, 19*]

**354.511 PAYMENTS TO RECEIVE CREDIT FOR SERVICES AFTER JULY 1, 1957.** Until July 1, 1967, members of the teachers retirement fund shall have the right to pay into the fund, and receive credit therefor as of the time such service was rendered, for services rendered subsequent to July 1, 1957, in schools or institutions to which Minnesota Statutes, Chapter 354 applies, provided such payment includes simple interest on such amounts at the rate of three percent per annum from the time such service was rendered until such amount was paid. Such payment may be made for an amount equal to the members employee contribution rate applied to the excess of his salary over \$4,800, but in no event shall such excess be greater than \$2,400. Each such payment shall be credited with interest as if it had been credited to the member's account at the time such service was rendered.

[*1965 c 821 s 14*]

**354.52 REPORTS.** Subdivision 1. Each county superintendent shall, on or before September 1, each year, report to the board giving an itemized summary of

the statements received by him from the school boards and other managing bodies, including a statement of the total amount withheld from the salaries of teachers as shown by reports provided in section 354.42, subdivision 4.

Subd. 2. On or before the last day of January, April, July and October, the treasurer of each employing school district and other managing bodies of schools and institutions to which Extra Session Laws 1957, Chapter 16, applies shall transmit all moneys received and furnish a signed statement indicating the amount received and transmitted, which signing of such statement shall have the force and effect of an oath as to the correctness of the amount so received and transmitted, and such other information as the board shall require. The state treasurer shall credit all money received or withheld pursuant to the provisions of sections 354.05 to 354.10 to the fund and the reports and date received by him from each reporting agency shall be available for the board. Any person wilfully failing to perform any of the duties imposed upon him by this section shall be guilty of a misdemeanor.

Subd. 3. The state treasurer, the several county treasurers, and the treasurers of the various school districts and institutions to which Extra Session Laws 1957, Chapter 16 apply shall be officially liable for the receipt, handling, and disbursement of all moneys coming into their hands belonging to the fund and the sureties on the official bonds of each of these treasurers shall be liable for such moneys the same as for all other moneys belonging to the school funds of this state.

[*Ex1957 c 16 s 16; 1963 c 584 s 1; 1965 c 447 s 1, 2*]

**354.53 MILITARY SERVICE CREDIT.** Any employee given a leave of absence to enter military service and who returns to teaching service upon discharge from military service as provided in Minnesota Statutes, Section 192.262, shall obtain credit for his period of military service but he shall not receive credit for any voluntary extension of military service at the instance of the member beyond the initial period of enlistment, induction or call to active duty. Such member shall obtain such credit by paying into the fund an employee contribution based upon his salary at the date of return from military service. The amount of his contribution shall be six percent of his salary not to exceed \$4,800 in any fiscal year ending prior to July 1, 1965, and not to exceed \$7,200 in any fiscal year thereafter. In such cases the employer contribution and additional contribution provided in section 354.42 shall be paid by the state in the manner provided in section 354.43.

[*Ex1957 c 16 s 17; Ex1959 c 50 s 20; 1965 c 821 s 13*]

**354.54 APPLICATION.** Extra Session Laws 1957, Chapter 16 do not apply to any city of the first class of this state, except as provided in section 354.05.

[*Ex1957 c 16 s 18*]

**354.55 OPTIONS TO CERTAIN MEMBERS.** Subdivision 1. Any annuity purchased or benefits accruing from the fund pursuant to Minnesota Statutes 1953, Section 135.10, Subdivisions 2, 4 and 6, Laws 1955, Chapter 611, Section 2, Laws 1957, Chapter 818, Section 3, prior to July 1, 1957, or any annuity purchased or benefit accruing from the fund pursuant to Laws 1957, Chapter 752, and Minnesota Statutes 1957, Section 135.33, Subdivisions 3 and 4, 135.55, Subdivision 1, prior to July 1, 1959, or any annuity payable pursuant to Laws 1915, Chapter 199, shall continue in effect at such amount and subject to such conditions as the law then in effect provided except that refundment shall be paid pursuant to section 354.47 regardless of the date when the teacher retired.

Subd. 2. Any election made by a teacher pursuant to Minnesota Statutes 1953, Section 135.10, Subdivision 3, prior to July 1, 1957, shall continue in effect at such amount and subject to such conditions as the law then in effect permitted.

Subd. 3. Any person who ceased teaching service prior to July 1, 1957, who left his accumulated deductions in the fund for the purpose of receiving when eligible, a retirement annuity in accordance with the law in effect at the date such service terminated, shall have his annuity computed in accordance with the law in effect at the date he ceased teaching service.

Subd. 4. Each annuitant who as a member of the fund commencing drawing his annuity under Minnesota Statutes, Section 135.10 between August 1, 1931, and June 30, 1953, but not including his beneficiaries, shall be paid the sum of \$25 per month, which payments shall be guaranteed by the state, in addition to the amounts such annuitant is otherwise entitled to receive under the provisions of sections 354.05 to 354.14 and 354.31 to 354.55.

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Subd. 5. Each annuitant who as a member of the fund commenced drawing an annuity pursuant to Laws 1915, Chapter 199, as amended, shall be paid \$10 per month in addition to the amount such annuitant is otherwise entitled to receive under the provisions of Minnesota Statutes 1961, Sections 135.01 to 135.56. The supplemental pension provided for in this subdivision shall be paid from the general revenue fund and such moneys as are required for its payment are hereby annually appropriated to the teachers retirement fund.

[*Ex1957 c 16 s 20; Ex1959 c 50 s 21, 22; 1965 c 644 s 1*]

**354.56 ANNUITANTS UNDER LAWS 1915, CHAPTER 199; ADDED BENEFITS.** Each annuitant who as a member of the fund commenced drawing his annuity pursuant to Laws 1915, Chapter 199, as amended, but not including his beneficiaries, shall be paid the sum of \$25 per month, which payments shall be guaranteed by the state, in addition to the amounts such annuitant is otherwise entitled to receive under the provisions of Minnesota Statutes, Sections 354.05 to 354.11.

[*1959 c 546 s 1*]

**354.57 OPERATIONS ACCOUNT REFLECTING INTEREST ON DEDUCTIONS OF MEMBERS ACCEPTING REFUNDMENT.** The retirement board is directed to establish an operations account which shall reflect the following as credits in the said account:

(1) The interest on the accumulated deductions of all former members who have accepted refundments at the rate established by the board and applied generally to the member's accumulated deductions for the purpose of determining retirement annuities.

[*Ex1959 c 50 s 24*]

**354.58 SUPPLEMENTAL RETIREMENT ANNUITY.** A supplemental retirement annuity shall be paid to any member who retires after July 1, 1959. In establishing this supplemental retirement annuity the board shall ascertain the member's accumulated deduction including interest for the period of allowable service prior to July 1, 1957, and the member shall receive a retirement credit of 25 percent of this amount. The retirement credit so established shall be the basis for purchasing a supplemental retirement annuity using the 1937 standard annuity table of mortality set back two years with interest at the rate of three percent and calculated separately as to sex. If the member retires pursuant to sections 354.44 or 354.45 his supplemental retirement annuity shall be doubled. If the member retires pursuant to sections 354.33, 354.34 or 354.35 his supplemental retirement annuity shall not be doubled.

[*Ex1959 c 50 s 25*]

**354.59 STATE COLLEGE TEACHERS, ADDITIONAL RETIREMENT ALLOWANCE.** In addition to other retirement benefits provided by law for teachers including those received under provisions of Minnesota Statutes 1957, Sections 135.01 to 135.18 and 135.31 to 135.55, as amended, each state college teacher, who on July 1, 1957, had been a member of the teachers retirement association for at least 15 years, upon retirement shall be paid one dollar a month for each year of allowable service, as defined by Minnesota Statutes 1957, Section 135.01, Subdivision 13, as amended by Extra Session Laws 1959, Chapter 50, Section 50, out of the teachers' retirement fund. The moneys necessary to make the payments as provided for herein are appropriated out of moneys in the teachers' retirement fund.

[*Ex1961 c 16 s 1*]

**354.60 SERVICE IN OTHER PUBLIC RETIREMENT FUNDS; ANNUITY.** Any person who has been a member of the state employees retirement association or the public employees retirement association or the teachers retirement association shall be entitled when qualified to an annuity from each fund if his total allowable service in all three funds or in any two of these funds totals ten or more years, provided no portion of the allowable service upon which the retirement annuity from one fund is based is again used in the computation for benefits from another fund and provided further that he has not taken a refundment from any one of these three funds since his membership in that association has terminated. The annuity from each fund shall be determined by the appropriate provisions of

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the law except that the requirement that an annuitant must have at least ten years' membership service or ten years of allowable service in the respective association shall not apply for the purposes of this section provided the combined service in two or more of these funds equals ten or more years.

[*Ex1961 c 17 s 15*]

NOTE: See also sections 352.72 and 353.71.

**354.61 CANCELLATION OF WARRANTS.** Any state auditor's warrant payable from the retirement fund remaining unpaid for a period of six years shall be canceled into the retirement fund and not into the general revenue fund.

[*1963 c 845 s 8*]