

CHAPTER 135

TEACHERS RETIREMENT FUND

NOTE: L. 1931, c. 406, in addition to establishing the present teachers retirement fund, repealed L. 1915, c. 199, as amended by L. 1925, c. 404, and provided for the transfer and liquidation of the teachers insurance and retirement fund created by the repealed laws.

135.01 DEFINITIONS.

That portion of L. 1915, c. 199, s. 9, reading: "return to the work of teaching in said public schools" is construed to mean a return to the work of teaching in the public schools of Minnesota. *Mattson v Flynn*, 216 M 357, 13 NW(2d) 11.

The good faith of defendant not being questioned, it was proper for defendant's board to amend Article V, Section 9, of its articles so as to safeguard its financial position. Since the revision did not apply to annuities already granted or applied for prior to adoption of said revision, no vested rights were violated. *Leslie v Mpls. Tchrs. Fund*, 218 M 369, 16 NW(2d) 313.

One who is superintendent of a county school is eligible to membership in the public employees retirement association. 1944 OAG 119, May 9, 1944 (768-K); 1944 OAG 120, May 1, 1944 (768-K).

Superintendent of a school district is eligible for membership. OAG May 9, 1944.

Teacher who accepts employment by the library board loses his status as a teacher and as a member of the teachers retirement fund. OAG Aug. 8, 1944.

Deduction from the salary of a teacher in the employ of a state teachers college is compulsory and the teacher must be a member of either the state employees retirement association or the teachers retirement fund. OAG Dec. 21, 1945 (175).

All employed teachers except those excepted by section 135.05 are members of the retirement fund regardless of the hours of work, or the fact that they are paid out of federal funds. OAG Nov. 25, 1946 (175).

135.02 TEACHERS RETIREMENT FUND.

The phrase "return to the work of teaching in said public schools" means a return to the work of teaching in the public schools of Minnesota. *Mattson v Flynn*, 216 M 359, 13 NW(2d) 11.

135.03 BOARD OF TRUSTEES CREATED.

An annuitant is a member of the fund and may serve as trustee though retired as an active teacher. OAG July 22, 1943 (175).

135.04 POWERS OF BOARD.

The legislature has not authorized the board of trustees of the teachers retirement fund to invest funds in the shares, accounts, or certificates of savings, building and loan associations. OAG Jan. 13, 1947 (454-E).

135.05 MEMBERS OF FUND.

Amended by L. 1947 c. 398 s. 1.

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One who has been retired under L. 1915, c. 199, may continue to receive benefits after engaging in teaching in Ramsey county home school for boys. OAG Dec. 10, 1945 (175-P).

135.06 PAYMENTS BY MEMBERS.

Teachers employed by state teachers colleges are required to be members of either the public employees retirement association, or of the teachers retirement fund. OAG Dec. 21, 1945 (175).

135.10 MAY WITHDRAW FUND, WHEN.

One on sick leave is under a contract still in force, and he cannot be considered as ceasing to render teaching service, and until the termination of his contract, he cannot receive an annuity. OAG June 28, 1946 (175-a).

135.23 CONTRIBUTION BY TEACHERS; TAXATION.

Good faith not being questioned it was proper for defendant's board to amend Article V, Section 9, of its articles so as to safe-guard its financial position. As the revision did not apply to annuities granted or applied for, no vested rights were violated. *Leslie v Mpls. Tchrs. Fund*, 218 M 369, 16 NW(2d) 313.