

CHAPTER 42.

TEACHERS' RETIREMENT ACT.

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42.01 to 42.18 [Repealed by 1921 c. 459 s. 3]

42.20 **Definitions.** In sections 42.20 to 42.54, inclusive, unless the context otherwise requires:

"Employer" means this state or any subdivision thereof authorized by law to employ teachers or to pay their salaries.

"Fiscal year" is the year beginning July first and ending June thirtieth.

"Interest" means the actual rate earned by deposits, as certified by the annuity board.

"Junior teacher" designates a teacher who shall not have arrived at the twenty-fifth birthday anniversary on the first day of July preceding.

"Member's deposit" means any deposit made in the retirement deposit fund by or on behalf of a member, excluding the state deposit.

"Net interest" means the gross interest earned by deposits less expense of investment and depreciation of principal.

"Normal school" means any school under the control and management of the board of regents of normal schools.

"Prior service" means service rendered as a teacher in the public schools, the normal schools or the university, prior to the taking effect of this act.

"Public schools" means all schools supported wholly or in part by public funds, and under the control and management of this state, or any subdivision thereof, empowered by law to employ teachers, except schools under the control and management of the board of regents of normal schools or the regents of the University of Wisconsin and except schools in cities of the first class included under section 38.24.

"Required deposit" means the deduction of five per cent of the compensation received by a senior teacher deposited in the retirement deposit fund.

"School year" means one hundred twenty teaching days, or in case of service in this state prior to the taking effect of this act, not less than seventy-five per cent of the then legal school year.

"Senior teacher" designates a teacher who shall have arrived at the twenty-fifth birthday anniversary on the first day of July preceding.

"State deposit" means the deposit made by the state in the retirement deposit fund on behalf of any member.

"Teacher" means any person legally or officially employed or engaged in teaching as a principal occupation.

"Teaching" includes the exercise of any educational function for compensation, in any of the public schools, the normal schools, or the university, or in any school, college, department or institution, within or without this state, in instructing or controlling pupils or students, or in administering, directing, organizing or supervising any educational activity.

"University" means any college, school or department under the control and management of the regents of the University of Wisconsin.

"Year of teaching experience" means a fiscal year during which the teacher was employed as a teacher not less than a full school year.

Note: Bank deposits of teachers' retirement fund made by state annuity and investment board under this chapter are not to be added to general deposits of state of Wisconsin in same banks for purpose of computing \$5000 insurance coverage by FDIC, since such deposits by virtue of vested rights of teachers therein are not made by state in same capacity as are general state deposits. 29 Atty. Gen. 325.

42.21 Title of act; administration of. This act, consisting of sections 42.20 to 42.54 and all amendments thereto, shall be known as the "State Retirement Law." The "State Retirement System" hereby established shall be administered by and under the "State Annuity and Investment Board" through the "Public School Retirement Board," representing the "Public School Retirement Association," "The Normal School Retirement Board," representing the "Normal School Retirement Association," and the "University Retirement Board," representing the "University Retirement Association." A report for each fiscal year shall annually be made to the governor by the state annuity and investment board in substantially the form and manner required for life insurance companies, and shall be filed with and audited by the commissioner of insurance. Such report shall include the reports of the several retirement boards. An examination shall be made at least once in each three years and oftener as requested by the chairman of the state annuity and investment board for which purpose the commissioner of insurance shall have the same powers with respect thereto as provided in the case of life insurance companies. The actual cost of such examination, including the per diem of examiners, shall be certified by and shall be paid to the commissioner of insurance by the state annuity and investment board and added to the appropriation provided for in subsection (1) of section 20.55. [1935 c. 158; 1939 c. 352]

42.22, 42.23 [Repealed by 1929 c. 491 s. 1]

42.24 Treasurer. The state treasurer shall be ex-officio treasurer of the state annuity and investment board and of the state retirement system, and shall give an additional bond in such amount and with such corporate sureties as shall be required and approved by the state annuity and investment board, the cost of which shall be borne by said board.

Note: State treasurer may not require indemnity bond before paying out money on drafts issued by annuity board to replace drafts which were stolen from representative of annuity board, payment on which has been stopped. 20 Atty. Gen. 884.

State treasurer is merely custodian of funds and securities of annuity board and state retirement system and must make such disposition of funds and securities deposited with him as may be directed by annuity board. 22 Atty. Gen. 365.

42.25 Public school retirement association. The public school retirement association shall include as members all senior teachers in the public schools and all teachers and former teachers in the public schools who have a credit in the retirement deposit fund or have a reserve in the annuity reserve fund or who shall be entitled to a present or future benefit under the teachers' insurance and retirement law.

42.26 Public school retirement board. The public school retirement board shall consist of five board members. Upon the taking effect of this act, the three elected members of the board of trustees of the teachers' insurance and retirement fund, with two members to be appointed by the governor, shall become the public school retirement board. The board members appointed by the governor shall serve for terms ending respectively one each on the first day of January in the years 1922 and 1923, and the other board members shall serve until the expiration of the terms for which they were originally elected. The terms of board members shall thereafter be three years.

42.27 Normal school retirement association. The normal school retirement association shall include as members all senior teachers in the normal schools and all teachers and former teachers in the normal schools who have a credit in the retirement deposit fund or have a reserve in the annuity reserve fund.

42.28 University retirement association. The university retirement association shall include as members all senior teachers in the university and all teachers and former teachers in the university who have a credit in the retirement deposit fund or have a reserve in the annuity reserve fund, but shall exclude all teachers at the university below the grade of instructor and all teachers who are or may be entitled to any benefit from the Carnegie foundation for the advancement of teaching under any plan in force prior to the seventeenth day of November, 1915.

42.29 University and normal retirement boards. The normal school retirement board and the university retirement board shall each consist of five board members, to be appointed by the governor. The terms of two members of each board so appointed

shall expire in 1922; two in 1923 and one in 1924, and thereafter the terms of board members shall be three years. All terms shall expire on the first day of January.

42.30 Election of board members by association. The members of each retirement association respectively shall annually elect board members to fill the term beginning the succeeding first day of January. Such election shall be held in such manner and at such time as shall be prescribed in a by-law adopted at the preceding annual election. In the absence of such by-law such election shall be held at such time and in such manner as prescribed in a by-law adopted by the retirement board having jurisdiction, with the approval of the annuity board. Vacancies shall be filled by the remaining board members for the unexpired term. Each retirement board shall annually elect one of their number chairman. Regular meetings shall be held at such times and places as the board may determine and special meetings may be called by the chairman or by any two board members. Three members shall constitute a quorum. Unexcused absence of any board member from three consecutive meetings shall terminate his membership. Absence may be excused only by a unanimous vote at the meeting from which such member is absent.

42.31 State annuity and investment board; organization. (1) The state annuity and investment board from time to time shall adopt such by-laws and make such rules for the transaction of the business of the state retirement system and for the control of the several funds hereby created and the payment of the benefits hereby provided as it shall deem necessary and proper and shall perform all duties necessary or convenient for putting into effect and carrying on the state retirement system.

(2) The state annuity and investment board shall employ such actuarial, legal, medical or other technical service and such clerical and other services as may be necessary, fix the compensation therefor, and may allow actual and necessary expenses incurred in the performance of duty.

42.32 Funds, investment. The annuity and investment board shall receive, hold, invest and pay out according to law, all deposits by the members and by the state and all accretions thereto and other moneys belonging to the several funds. The funds shall be invested in securities in which domestic life insurance companies are authorized to invest their assets, but not less than seventy per cent of all moneys hereinafter invested or reinvested by such board shall be invested in Wisconsin. In making loans, preference shall be given to applications in the following order:

(1) For small loans on improved farm property, at a rate of interest not exceeding five per cent per annum but subject to annual reduction of principal through long terms not exceeding fifty years, except that for the first three years payments on the principal need not be required.

(2) For loans to co-operative associations and mutual organizations, on mortgages held or issued by them.

(3) For loans to town mutual insurance companies on mortgages held or issued by them.

(4) For all other types of loans authorized by section 206.34.

As of June thirtieth of each year the annuity and investment board shall determine the net rate of interest earned during the fiscal year, and shall apportion the interest accordingly to the several funds. The board may insure any of the negotiable securities and other assets which it owns or holds against burglary, robbery or theft. [1933 c. 126]

42.33 Assets, benefits, fund transfers. (1) The annuity board shall at all times maintain assets:

(a) In the "Annuity Reserve Fund" at least equal to the net present value of the prospective benefit payments according to the basic assumptions for the rates on which benefits have been granted;

(b) In the "Retirement Deposit Fund" equal to the liabilities for deposits and interest accretions;

(c) In the "Contingent Fund" equal to the excess of income over authorized disbursements.

(2) The annuity board shall establish and maintain such reserve or surplus funds as the interests of the members and the future solvency of the funds may require. The annuity board shall as of June thirtieth of each year make such valuations of the several funds as are necessary for the purposes of the state retirement system.

(3) For the purpose of determining the actual cost of annuities and other benefits based upon life contingencies, the annuity board shall combine the mortality experience of the contingent fund and the annuity reserve fund, and shall annually apportion, distribute and transfer the cost of such benefits between the said funds in accordance with such combined mortality experience.

(4) The annuity board may from time to time transfer from the contingent fund to the annuity reserve fund amounts not exceeding in the aggregate at any time five per cent of the then net present value of the prospective benefit payments then chargeable to the

annuity reserve fund; provided, that no distribution of gains and savings shall be made from the annuity reserve fund until all of such sums transferred shall have been repaid to the contingent fund with interest.

42.34 Annuity board to fix annuities. As of July 1, 1921, July 1, 1923, July 1, 1926, and triennially thereafter, the annuity board shall make such investigations of the mortality, disability, service and compensation experience of the several funds as shall be necessary. On the basis of such investigation the annuity board shall determine, adopt and certify the rates at which the annuities and other benefits shall be granted. The rates shall be adequate to provide for all benefits as near as may be at actual cost, but shall not be less than the rates based on the minimum standard prescribed by law for granting annuities in this state. No revision of rates shall affect adversely the rights of any beneficiary under an application made prior to such revision. The annuity board shall from time to time order and make such distribution of gains and savings as it may deem equitable.

42.35 Classification, exceptions. (1) Members of each retirement association are classified as follows:

Class A. All persons who, on the day preceding the taking effect of this act, were members of, or entitled to a benefit from, the teachers' insurance and retirement fund.

Class B. Senior teachers employed in the public schools, the normal schools or the university, after this act takes effect, who prior to the taking effect of this act were teachers in any of said schools but were not members of the teachers' insurance and retirement fund.

Class C. All members not included in Class A or in Class B.

(2) Persons residing outside of the United States and teaching temporarily in the state of Wisconsin shall not come under the provisions of the state retirement system.

42.36 Retirement boards to adopt rules, etc. With the approval of the state annuity and investment board, each retirement board shall adopt such by-laws and rules as it may find necessary. The director of investments shall be the secretary of the several retirement boards and furnish all necessary actuarial, stenographic, clerical and other services for said boards at the expense of the state annuity and investment board.

42.37 Retirement boards, duties. Each retirement board shall:

(1) Determine and certify the age, sex, prior service, compensation and teaching experience of members.

(2) Determine and certify to the annuity board the amounts deposited by members, the amounts to be deposited by the state on account of members, and the benefits payable to members.

(3) Maintain individual records and individual accounts for members.

(4) Furnish to any member upon written request not oftener than once in any year a statement of the account of the member.

(5) Perform any duties required of it by the annuity board.

42.38 Review of acts of retirement boards. All acts of any retirement board shall be subject to review, reversal, modification or approval by the annuity board, on their own motion or on complaint, under such rules as it may prescribe. Any teacher or other person aggrieved by any action of any retirement board may appeal to, and have the same reviewed by, the annuity board under such rules as it shall prescribe.

42.39 Reports to be furnished boards. Every employer shall furnish to the state annuity and investment board and to the retirement boards such reports and such information as any of said boards may require, and the state superintendent of public instruction and the county, district and city superintendents shall give such aid and co-operation in furnishing or obtaining any such reports or information, as may be required by any of said boards.

42.40 Required deposits. Each senior teacher shall make a "Required Deposit" in the retirement deposit fund equal to five per cent of all compensation of such member for service as a teacher performed after the taking effect of this act. Any member, or any person on behalf of any member, may at any time as he shall elect make additions to any such required deposits. All amounts deposited by or on behalf of any teacher shall be held for the benefit of the individual teacher in the retirement deposit fund for the purpose of providing an annuity or other benefit as provided in this act.

42.41 Deductions from salaries; pay roll. (1) Every employer shall deduct and withhold from the compensation as a teacher of each senior teacher on each and every pay roll for each and every pay roll period after the taking effect of this act five per cent of the compensation of such senior teacher. Any person or officer whose duty it is to prepare the pay roll for the payment of any of said teachers who receive their salaries from the state treasury shall, on each such pay roll, indicate the entire monthly salary

of each teacher, the amount to be paid such teacher, and the amount, if any, to be deducted for the retirement deposit fund, and shall indicate on said pay roll the total of such deductions as the amount to be paid to the retirement deposit fund.

(2) Whenever deductions shall be made from compensation on any pay roll the employer shall immediately send to the retirement board having jurisdiction a copy of such pay roll in such form as approved by such retirement board with a remittance payable to the order of the treasurer of the state of Wisconsin for all deductions from the compensation of teachers on such pay roll. Junior teachers for whom no deduction is made may be omitted from such copy of the pay roll. The remittances may be by draft, money order or check or otherwise according to rule adopted by said board. A junior teacher may or may not make deposits as the teacher may elect.

(3) The retirement board having jurisdiction shall immediately transmit to the state treasurer all payments received and shall audit the pay rolls of all employers and shall determine the amount deductible from the compensation of members on each pay roll and shall certify to the annuity board the amounts so received.

42.42 Information to retirement board. (1) **PRIOR CONTRACTS.** Every contract of employment as a teacher made after the taking effect of this act shall specify that it is subject to the provisions of the state retirement law, and give the date of the birth of the teacher, and such other information as the retirement board having jurisdiction may require for the identification of the teacher. In any case when such contract was made before the taking effect of this act no deduction without the consent of the teacher shall be made in excess of the deduction authorized when the contract was made.

(2) **EMPLOYER'S STATEMENT TO RETIREMENT BOARD.** On or before September thirtieth, in each year, the employer shall mail to the retirement board having jurisdiction a statement giving the name, address, and date of birth of all teachers employed for the ensuing school year, and such other information as the board may require for the identification of such teacher. Any teacher thereafter employed during the school year shall be reported within thirty days after such employment.

(3) **INFORMATION TO BE FURNISHED BOARD BY TEACHERS.** Upon receiving notice of the employment of a senior teacher for the first time, the retirement board having jurisdiction shall immediately mail to the teacher a blank calling for such information as the board may require for the identification of the teacher and the determination of the state deposit and other rights of the teacher, which blank properly filled shall be returned to the board promptly. The state deposit for the fiscal year shall not be made for any teacher unless such information is received on or before June thirtieth of such year.

(4) **CERTIFICATE TO TEACHER BY BOARD.** Each retirement board shall issue to every member a certificate of membership, which shall contain such information as, with the information derived from the pay roll, shall be necessary to determine the state deposit on behalf of such member and shall be in such form as the annuity board shall prescribe.

42.43 Employers' duties as to funds. Every employer shall be responsible for the payment to the retirement board having jurisdiction of the required deposits to be made by every senior teacher in the service of such employer. No employer shall, without the consent of the member, withhold or deduct from any member's compensation on any pay roll any amount in excess of the required deduction for the period covered by such pay roll.

42.44 Salary less deductions to be complete payment. Notwithstanding any other law, rule or regulation affecting the salary, pay, compensation or tenure of any member, payment of such salary, pay or compensation to such member less the required deductions herein provided shall be a full and complete discharge and acquittance of all claims for service rendered by such member during the period covered by such payment.

42.45 State deposit; basis. The state deposit on behalf of each teacher shall be an amount equal to the following percentage upon the required deposit made by such teacher during the fiscal year, namely, to fifty per cent of the required deposit add five per cent of the required deposit for each year of teaching experience excluding the year for which deposit is made, and deduct one per cent of the required deposit for each one hundred dollars of compensation received during the fiscal year in excess of one thousand two hundred dollars, provided that the total shall not exceed two hundred per cent of the required deposit; provided, that in computing the state deposit, any amount of required deposit on account of any amount of annual compensation in excess of three thousand dollars shall be disregarded in applying the above percentages. If the teacher received compensation for service as a teacher for not less than a school year during the fiscal year the state deposit shall be increased twenty-five dollars.

42.46 Required deposits certified and transferred. The several retirement boards shall annually, as soon after June thirtieth as shall be practicable, ascertain the teaching

experience of, and the amount of required deposits made during the year by each member and on a basis thereof determine the state deposit to be made by the state in the retirement deposit fund on account of service rendered during the year for each member and shall certify the total amount of such state deposits to the annuity board. The annuity board shall thereupon certify, and on the warrant of the secretary of state the state treasurer shall as of June thirtieth of such year transfer from funds appropriated for the purpose, to the retirement deposit fund, the amount of such deposits to be credited to the individual accounts of the members for the purpose of providing an annuity or other benefit as provided in this act.

Note: Upon payment by employer of teacher's delinquent required deposits with teachers' retirement board, state should credit teacher with such state deposits as would have been made on teacher's account had required deposits been made regularly. 19 Atty. Gen. 131.

42.47 Apportionment of interest. As of June thirtieth of each year the annuity board shall credit the account of each member of the several associations in the retirement deposit fund with interest at the actual rate earned during the preceding year as determined by the annuity board.

42.48 Application for benefits. A member may apply at any time to the retirement board having jurisdiction, on a form furnished by it, for a benefit. The board shall determine the benefit to be paid to the member, which shall be certified by the annuity board to the secretary of state. The secretary of state shall thereupon issue his warrants upon which the state treasurer shall make payments accordingly. If the benefit applied for is other than a single payment the state treasurer shall transfer the amount of the member's individual accumulation covered by the application as so certified, from the retirement deposit fund to the annuity reserve fund, and the benefit shall thereafter be paid from the annuity reserve fund. The state treasurer shall make payment by check to the order of the member or beneficiary and the personal indorsement of the payee shall be sufficient receipt and shall constitute a statement that the payee is entitled to the payment of such benefit in full compliance with the requirements of the law.

42.49 Withdrawals; total disability. (1) Upon the expiration of six months after filing application with the retirement board having jurisdiction by a member who has ceased to be employed as a teacher, the accumulation from the member's deposits may be withdrawn:

(a) In a single payment, or

(b) In such instalments as the annuity board shall approve.

(2) When a member has ceased to be employed as a teacher, the accumulation from the member's deposits may be applied by the member as a net single premium at the rate certified by the annuity board, to the purchase of an annuity, the first payment to be made in such month and year as the member shall direct, which annuity may be:

(a) An annuity payable monthly to the member during life;

(b) An annuity payable monthly to the member during life, and in the event of the death of the member before one hundred eighty monthly payments have been made, the monthly payments to be continued to the estate of such member or to such beneficiary as designated by the member until one hundred eighty monthly payments have been made; or

(c) An annuity payable monthly to the member during life, and after death of the member, monthly payments of one-half the monthly amounts paid to the member to be continued to such beneficiary during life as the member shall have designated in the original application for a retirement allowance; or

(d) In such annuity or annuities as the annuity board shall approve.

(3) When a member has ceased to be employed as a teacher, the accumulation from the state deposits may be applied by the member to the purchase of annuity in the same manner as provided in paragraphs (a), (b) or (c) of subsection (2) of this section, except that the first payment cannot be made before the fiftieth birthday anniversary of the member; provided, that the retirement board having jurisdiction, upon application by or on behalf of any member accompanied by satisfactory evidence that such member by reason of a physical or mental disability is incapable of rendering further satisfactory service as a teacher, may authorize such annuity payments to be made prior to the fiftieth birthday anniversary of such teacher.

(4) If a member before attaining age fifty, having made required deposits for not less than a school year during each of five fiscal years immediately preceding, becomes physically or mentally incapacitated to such extent that the member is and will be wholly and presumably permanently unable to engage in any occupation or perform any work for compensation of financial value, and furnishes due proof thereof and that such disability has then existed for sixty days, the member shall be paid from the contingent

fund an annuity during the continuance of such disability in monthly payments of twenty-five dollars each in addition to any other benefit payable to such member. The said retirement board may at any time not more than once in any year require proof of the continuance of such total disability, and if the member shall fail to furnish satisfactory proof thereof, or if it appears at any time that the member has become able to engage in any occupation for remuneration or profit, such annuity shall cease.

(5) Any benefit payable for any month during which the member shall receive compensation as a teacher shall be withheld from the member and be paid into the retirement deposit fund to be accumulated, and to be applied, on the application of the member, as provided in the case of the accumulation from state deposits; provided, that any part of the benefit which is payable from the contingent fund shall be withheld for the benefit of the contingent fund.

(6) Any member, who prior to the thirty-sixth birthday anniversary of such member, has permanently removed from the state of Wisconsin, shall be paid the accumulation from the member's deposits, on filing with the annuity board a written request therefor and a full and complete discharge and release of all right, interest or claim on the part of such member under the state retirement law.

(7) Any member after attaining the age of fifty years, having ceased to be employed as a teacher, and whose accumulations on his deposits do not exceed five hundred dollars shall be paid in a single payment the accumulations from his deposits, on filing with the annuity board an application and a receipt therefor in such form as the annuity board may require. [1937 c. 98]

42.50 Death benefits, how paid. (1) Any member may, by written notice to the retirement board having jurisdiction, in such form as it shall approve, designate any person or persons having an insurable interest in the life of the member as a beneficiary to whom any death benefit payable at the death of the member shall be paid. The member may, from time to time, by a like written notice, change the beneficiary. If no beneficiary shall have been named by the member, such death benefit shall be payable to the estate of the member. Such death benefit shall be the full amount of the accumulation in the retirement deposit fund to the credit of the member from all member's deposits and all state deposits and interest thereon.

(2) Such death benefit payment shall be made, as the member shall have directed, either

(a) As an annuity payable monthly during the life of a beneficiary;

(b) As an annuity payable monthly during the life of a beneficiary with additional payment, if any, to another beneficiary until one hundred eighty monthly payments in all have been made; or

(c) To such beneficiary or to the estate of such member in a number of instalments during a time certain or in a single sum.

Note: See note to art. I, sec. 12, Const., citing *State ex rel. Stafford v. Annuity and Investment Board*, 219 W 31, 261 NW 718. Where teacher unded state retirement system names as beneficiary sister or neph-

ew, the benefits are payable to sister. 19 Atty. Gen. 95.

Annuity and investment board need not recognize partial assignment of death benefit. 22 Atty. Gen. 177.

42.51 Computation for prior service; credits and retirement, Class A. (1) As of the close of the fiscal year preceding the date of issue of a certificate of membership to any member of Class A or Class B, the retirement board shall cause a computation to be made separately for such member of the accumulation which would have resulted at such date from state deposits on account of the compensation for prior service as if this act had been in effect during such prior service. In making such computation the board shall credit each teacher with time absent from his profession while serving as a soldier, sailor, marine or nurse in the armed forces of the United States during the world war, upon proof of such service being furnished the board.

(2) In making such computation, the rate of interest assumed shall be four per cent per annum, and such averages and other methods of approximation may be employed as shall produce substantially correct results. The amount of such computation shall be carried forward and accumulated at the rate of interest used for deposits in the retirement deposit fund.

(3) When any member of Class A or Class B who has taught at least twenty-five years in the public schools, the normal schools or the university shall be paid an annuity under subsection (3) of section 42.49 the annuity shall be increased by the annuity which would be granted at the rates then in force on an accumulation equivalent to the amount of the computation above defined, and such additional annuity shall be paid from the contingent fund. No accumulation from state deposits or transfer of funds shall be required in case of such additional annuity. This section shall not authorize or include any increase in or addition to the death benefit provided in section 42.50.

(4) Upon the issue of a certificate of membership to any member of Class A, the public school retirement board shall determine the accumulation as of the date of the taking effect of this act resulting from the payments by such member to the teachers' insurance and retirement fund with interest thereon at the actual rate earned by said fund. The state annuity and investment board shall thereupon certify the amount of such accumulation for transfer to the credit of said member in the retirement deposit fund as of the date of the taking effect of this act.

(5) Any member of Class A, having elected to retire before the taking effect of this act, shall from the taking effect of this act, be paid the benefits provided under the teachers' insurance and retirement fund law, subject to all the conditions thereof, except the pro rata reduction authorized thereby, as if said law had continued in effect during the payment of such benefits. Such payments shall be made from the contingent fund, except as other provision shall be made therefor.

(6) Any member of Class A who shall have complied with this act and who shall elect to retire after the taking effect of this act, may elect to relinquish any other benefits under this act and to receive in lieu thereof the benefits provided under the teachers' insurance and retirement fund law as if said law continued in effect until such benefits are fully paid, subject to all the conditions of said law, except the pro rata reduction authorized thereby; provided, that if the member shall, before such election to retire, have received any benefit derived from required deposits, the amount so received, with interest, shall be repaid by a pro rata reduction of the future benefits so elected by such member. The accumulation to the credit of the member in the retirement deposit fund shall be applied at the rates then in force toward the payment of the benefit so elected and any remaining part of the benefit so elected shall be paid from the contingent fund. [1939 c. 117]

42.52 Exemption of benefits from process. The benefits payable to, or other right and interest of any member, beneficiary, or distributee of any estate under any provision of the state retirement law shall be exempt from any tax levied by the state or any subdivision thereof, and exempt from levy and sale, garnishment, attachment or any other process whatsoever, and shall be unassignable except as specifically provided herein.

42.53 State annuity and investment board, succession. The state annuity and investment board through the public school retirement board, immediately upon the taking effect of this act, shall succeed to and be vested with all the property, rights, powers and duties, and be subject to all the obligations and liabilities, of the teachers' insurance and retirement fund and of the board of trustees of the teachers' insurance and retirement fund.

42.54 Repeals and reservations. Sections 42.01 to 42.18, inclusive, of the statutes of 1919 are repealed except that any provisions of said sections fixing the amounts and the conditions of payment of any benefits under this act shall remain in force and may be referred to for determining such conditions and benefits until all such benefits have been fully paid.

42.55 [Renumbered section 38.24 by 1941 c. 213 s. 27]

42.56 [Renumbered section 38.25 by 1941 c. 213 s. 28]

42.57 (1) to (5) [Renumbered section 38.26 by 1941 c. 213 s. 29]

42.57 (6) [Repealed by 1941 c. 213 s. 30]