

he may disclose such information in any civil action brought by such patient or his legal representatives to recover damages for malpractice in such professional attendance, and also in any criminal prosecution for such malpractice, whenever such patient or his legal representatives shall have first given evidence relating to such information.

(Am. 1911, c. 664, s. 44.)

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No. 218, S.]

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CHAPTER 323.

AN ACT to create sections 460—1 to 460—20, inclusive, of the statutes, relating to the teachers' insurance and retirement fund.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There are added to the statutes twenty new sections to read: Section 460—1. 1. There is created a teachers' insurance and retirement fund, which shall be managed by a board of trustees to be known as the board of trustees of the teachers' insurance and retirement fund. Such board shall consist of five members. The state treasurer and the state superintendent of public instruction shall be ex-officio members of said board; three members, one of whom shall be a woman, shall be elected by the members of the teachers' insurance and retirement fund at their annual meeting, as herein provided. One such elective member may be a retired member of the fund. No teacher shall be elected as a member of the board of trustees by the members of said fund, who is not a member of said fund at the time of election. The term of office of elective members of said board of trustees shall be three years, except as provided in subsection 3 of this section, and shall begin on the first day of January, next succeeding after such election takes place, provided that the elective members of the first board of trustees shall assume office immediately after their election.

(Am. 1911, c. 664, s. 78.)

2. At the time and place of meeting of the Wisconsin state teachers' association for the year 1911, those teachers described in and complying with section 460—8 shall be qualified to meet for the purpose of electing from such qualified teachers members of the board of trustees of the teachers' insurance and retirement fund, as herein provided.

(Am. 1911, c. 664, s. 78.)

3. The teachers qualified, as herein provided, shall at the annual meeting for 1911 elect as members of the board of trustees, as herein provided, one male teacher for a term of one year, one male teacher for a term of two years, and one female teacher for a term of three years; and annually thereafter, at the time and place of meeting of the Wisconsin state teachers' association, the board of trustees shall call a meeting of the members of the fund for the purpose of electing members of the board of trustees, of making the annual report of said fund, and for the transaction of such other business as may pertain to the interests of the fund.

(Am. 1911, c. 664, s. 78.)

4. In case any vacancy occurs among the members of the board elected at the annual meeting of said members of the fund, said board shall fill said vacancy until the next annual meeting of the members of the fund, when said members at said annual meeting shall elect a trustee for the unexpired term.

5. In the interval of time between the passage of this act and until the elective members of the first board of trustees assume office, as provided in subsection 1 of this section, the state superintendent of public instruction and the state treasurer shall constitute a temporary board of trustees of the teachers' insurance and retirement fund. Said temporary board shall account for all its transactions pertaining to the fund in the same manner as the said board of trustees.

Section 460—2. Said board of trustees shall organize by the election of a president. The state treasurer shall be ex-officio treasurer of said board, and shall receive and make payments from and account for said funds in the same manner as for other state funds. Said board may employ a secretary to be chosen for such a term as shall be determined by said board. Said secretary shall perform such duties in connection with the teachers' insurance and retirement fund as may be prescribed by the board.

Section 460—3. Said board shall meet during the month of September of each year at its office at a time to be fixed by the board and at any other time on the call of the president or of any two members thereof. Said board may adopt rules for the government of its meetings and for membership in the fund, payments thereto and therefrom, and for other matters which will be calculated to aid teachers in securing the benefit of the fund.

Section 460—4. Members of said board shall receive no compensation except their necessary traveling expenses in-

curred in attending the meetings, to be paid from the teachers' insurance and retirement fund upon the certificate of the president and secretary; but if the board shall elect one of its members secretary, such member shall receive compensation for services rendered as secretary. The secretary of said board shall receive a salary to be fixed by the board, at an amount not to exceed twelve hundred dollars per annum. The compensation of the secretary and any other necessary expenses incurred by said board in carrying out the provisions of this act shall be paid from the fund.

(Am. 1911, c. 664, s. 78.)

Section 460—5. Said board shall have charge of the fund and shall invest the same under the same conditions as the trust funds of the state may be invested.

Section 460—6. Said board shall report annually as of the year ending the first day of September. A copy of said report shall be transmitted to the annual meeting of the members of the teachers' insurance and retirement fund and to the state superintendent of public instruction. Said superintendent shall include a copy of said report in his biennial report to the governor.

Section 460—7. Said board shall not be a corporation, but may sue and be sued in the name of the board. All actions brought by or against the board shall be prosecuted or defended, as the case may be, by the attorney general.

Section 460—8. 1. Each school district board, each high school district board, each town board of school directors, each board of education, or other managing body of each city, and of each school district, and of each village, and of each town operating its schools under the township system of school government, shall retain on every pay day from the salary of each teacher in their respective schools the amounts herein provided. Each teacher shall be furnished a statement by such board, showing the amount so deducted from his or her salary.

2. Every teacher shall be assessed upon his or her salary as teacher for a period of twenty-five years as follows: one per centum per annum, but not more than fifteen dollars per year, for each of the first ten years of service as teacher; and two per centum per annum, but not more than thirty dollars per year, for each successive year of service as teacher, until said teacher shall have had a total of twenty-five years of teaching service when said assessments shall cease. The total amount paid into said fund by each teacher shall be based upon said twenty-five years of service as teacher with assessments as pro-

vided in this subsection; provided that such total amount shall not be less than the full amount of the annuity to which such teacher shall be entitled for the first year.

5. In becoming a teacher in said public schools after September 1, 1911, he or she shall be conclusively deemed to undertake and agree to pay such assessments, and to have such assessments deducted from his or her salary as herein provided.

4. Any person employed as teacher in said public schools, when this act takes effect, may, at any time before September 1, 1912, elect to come within the provisions of this act, by notifying in writing the board of trustees of the teachers' insurance and retirement fund.

(Am. 1911, c. 664, s. 78.)

5. At the time of giving said notice to the board of trustees, as herein provided, such teacher shall notify the local school board or any other managing body in writing of his or her election to come within the provisions of this act; and shall authorize said school board, as a part of said notice, to deduct from each payment of salary due him or her a sum equal to said per centum of such payment as provided in subsection 2 of this section.

Section 460—9. 1. Each such school district board, each high school district board, each town board of school directors, each board of education, or other managing body, shall each year, between the 20th and 30th days of June, forward to the treasurer of the town, village, or city in which the schoolhouse of said teacher is located, a statement verified by the secretary or clerk thereof of the moneys so retained, in accordance with the provisions of this act, together with said moneys so retained.

(Am. 1911, c. 664, s. 78.)

2. Said statement shall also include the following: Name and monthly salary of each of said teachers; number of months of school taught by each teacher in said public schools of the district, village, or city over which said school board, or other managing body, has jurisdiction during the school year for which the statement is made; the number of months constituting a school year in such district, village, or city; the total salary of each teacher; the total amount withheld from the salary of each teacher, in accordance with the provisions of this act; the total amount so withheld from the salaries of all of said teachers for the school year, next preceding; and the total number of years each teacher has taught, in the public schools of the state.

(Am. 1911, c. 664, s. 78.)

3. Said school board shall at the same time send a copy of said statement to the superintendent of the county, district, or city in which said schoolhouse is located.

4. If no teacher in such city, village, town, or school district comes under the provisions of this act, the school board or other managing body of such city, village, town, or school district shall state this fact under the oath of the secretary or clerk thereof to the treasurer of said city, village, or town; and shall at the same time forward a copy of said statement to the superintendent of said county, district, or city.

(Am. 1911, c. 664, s. 78.)

5. Each county, district, and city superintendent shall each year, between the 30th day of June and the 10th day of July, report under oath to the board of trustees of the teachers' insurance and retirement fund. Said report shall contain an itemized account of the statements received by him from the school boards and a statement of the total amount withheld from the salaries of all of said teachers in said report.

6. The board of trustees of the teachers' insurance and retirement fund; each county, district, and city superintendent; each school district board; each high school district board; each town board of education, or other managing body, shall keep complete records of the data contained in said reports and of the statements hereinbefore mentioned.

7. Each town, village, and city treasurer shall, between the 30th day of June and the 10th day of July of each year, certify under oath to the county treasurer the amount of moneys so received from such school board or other managing body, and shall forward to the county treasurer with such sworn statement the moneys so received and certified.

8. Between the 15th day of July and the 1st day of August of each year, the county treasurer shall transmit to the state treasurer all moneys which he has received from the treasurers of the towns, villages, and cities in accordance with the provisions of this act; and shall certify under oath to the board of trustees of the teachers' insurance and retirement fund the amount so received and transmitted to the state treasurer, as herein provided.

(Am. 1911, c. 664, s. 78.)

9. The state treasurer shall credit all moneys received under the provisions of these acts to the fund designated as the teachers' insurance and retirement fund.

(Am. 1911, c. 664, s. 78.)

10. No city, village, town, or school district shall share in any of the seven-tenths mill tax apportionment for any year, unless it has made the report as herein provided and paid over

to the state treasurer for the teachers' insurance and retirement fund such per centum, as provided in subsection 2 of section 460—8, of the total sum paid in wages to such teachers as come under the provisions of this act.

(Am. 1911, c. 664, s. 78.)

Section 460—10. The state treasurer shall annually set aside from that portion of the common school fund known as the seven-tenths mill tax, or from any other general state tax levied for the support of said schools, ten cents for each person of school age in this state.

Section 460—11. The moneys received under the provisions of section 460—8 to 460—10, inclusive, together with donations or legacies received therefor, or moneys received from any legal source of increment, shall constitute a fund to be known as the "teachers' insurance and retirement fund."

Section 460—12. Any teacher coming from schools not included under the provisions of this act shall pay assessments for said years of service in such schools, as provided in section 460—13, based upon his or her first annual salary in said public schools of the state, together with the regular assessments as provided in subsection 2 of section 460—8, before receiving any retirement annuity.

(Am. 1911, c. 664, s. 78.)

Section 460—13. Any teacher who may be teaching in said public schools and who has complied with the provisions of these sections may retire and receive the annuity provided for in the following cases:

(Am. 1911, c. 664, s. 78.)

1. After a period or periods aggregating twenty-five years of service as teacher, of which eighteen years must have been spent in the public schools of this state, provided that payments by said teacher to the fund shall have amounted to a sum as provided in section 460—8. If said payments shall not have amounted to said sum, the teacher shall pay into the fund the deficiency before receiving said annuity.

2. After eighteen years of service as teacher in the public schools of the state, when said teacher suffers from a permanent mental or physical disability, to be determined by said board after an examination by two physicians appointed by said board, provided that payments by said teacher to the fund shall have amounted to a sum as provided in section 460—8. If said payments shall not have amounted to said sum, the teacher shall pay into the fund the deficiency before receiving the annuity. The examination fees of such physician shall be paid by said applicant.

3. In computing the terms of service under subsections 1 and 2 of this section, a year shall be a legal school year at the time and place where said service was rendered, except that where the service was rendered in schools not included within the provisions of this act, a time less than a legal school year in this state shall not be included as a year, but only as such proportion of a year as the number of teaching weeks in each such year bears to the number of weeks required at the time to constitute a legal school year in this state:

(Am. 1911, c. 664, s. 78.)

4. Any person who has complied with the provisions of this act and desires to retire from active service in said public schools shall apply in writing to the board of trustees of the teachers' insurance and retirement fund.

(Am. 1911, c. 664, s. 78.)

Section 460—14. 1. Each teacher retiring from the service of said public schools under the provisions of subsections 1 and 2 of section 460—13 shall annually and for life be entitled to receive as annuity twelve dollars and fifty cents for each year of service as teacher; provided that said annuity shall not exceed four hundred and fifty dollars in any one year, subject, however, to all the provisions of this act.

2. The board of trustees may ratably reduce the annuities provided in this act whenever, in the judgment of the board, the condition of the fund shall require such reduction.

3. Any teacher who shall cease to teach in said public schools before receiving any benefit or annuity from the fund, shall, if application be made in writing to the board of trustees within six months after the date of his or her resignation, be entitled to the return of one-half of the amount without interest, which shall have been paid into the fund by such teacher. If such teacher should again thereafter teach in said public schools, he or she shall, within one year from the date of his or her return to the service in said public schools, refund to said fund the amount so returned to such teacher, together with simple interest on said amount (but not to exceed four per centum per annum) for the time such amount was withdrawn from the fund.

4. The state treasurer shall pay said annuities quarterly in September, December, March, and June of each year, upon the warrants of the secretary of state issued upon certificates of the president and secretary of said board. No payments shall be made prior to September, 1912.

5. Payments from the fund shall be made from the income thereof and in addition thereto, when necessary, from the prin-

cipal of moneys received under sections 460—8 to 460—10, inclusive.

(Am. 1911, c. 664, s. 78.)

Section 460—15. One year's leave or leaves of absence granted by the proper authorities of any of said public schools to any teacher under the provisions of this act shall be computed as a part of said twenty-five years of service, provided that the payments to said fund shall be continued during said leave of absence and shall equal the assessment paid by such teacher for the year next preceding the period or periods of absence respectively. Not more than one full school year's leave or leaves of absence in the aggregate shall be computed as a part of said twenty-five years of service of said teacher; and in case of absence of less than a school year, only the time covered by such absence shall be so computed.

(Am. 1911, c. 664, s. 78.)

Section 460—16. Any person retiring under these sections may again enter upon the work of teaching in said public schools; during said term of teaching the annuity paid to such person shall cease. Said annuity shall again be paid to said person upon his or her further retirement.

(Am. 1911, c. 664, s. 78.)

Section 460—17. The annuities so created shall not be subject to attachment, garnishment, execution, or other seizure on process, nor shall they be subject to sale, assignment, pledge, mortgage, or other alienation.

Section 460—18. A suitable office in the capitol with suitable furniture and office supplies shall be furnished the board of trustees of the teachers' insurance and retirement fund.

Section 460—19. The term teacher as used in this act shall include all persons employed in teaching by any city board of education, or school board or other managing body of any city, town, village, or rural school district in this state and all superintendents and assistant superintendents of said schools, all supervisors of instruction, all principals and assistant principals, and special teachers of said schools.

(Am. 1911, c. 664, s. 78.)

Section 460—20. This act shall not apply to cities of the first class.

(Am. 1911, c. 664, s. 78.)

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 10, 1911.