

No. 399, A.]

[Published June 10, 1945.]

CHAPTER 273.

AN ACT to repeal and recreate 100.07 of the statutes, relating to audit of payments to milk producers, and providing a penalty.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

100.07 of the statutes is repealed and recreated to read:

100.07 MILK PAYMENTS; AUDITS. (1) Whenever petitions signed by more than 60 per cent of the producers of milk delivered to any dairy plant or petitions signed by more than 60 per cent of the producers comprising any municipal milk shed shall be presented to the department asking for the audit of payments to producers, the department by investigation and public hearing shall determine the facts in support of and against such petition and render its decision thereon. The department by order shall define the plants and areas affected. All persons receiving from producers in any such plant or area milk any part of which is used for fluid distribution shall keep adequate records of all purchases and all usage or disposition of milk and shall make reports thereof as prescribed by the department. The department shall have free access to such records and shall after entry of such order audit the receipts and usage or disposition of milk and cream at intervals sufficiently frequent to keep the producers informed for bargaining purposes.

(2) Each such person shall deduct from the price to producers an amount sufficient to administer this section, to be the same for all, and not to exceed one-half cent per 100 pounds of milk received or its equivalent. Amounts so deducted are trust funds and shall be paid to the department.

(3) Whenever petitions signed by more than 51 per cent of the producers of milk delivered to any such plant or in any such municipal milk shed shall be presented to the department asking for discontinuance of such auditing service, it shall promptly hold a public hearing to determine the sufficiency of such petitions, and if it shall appear that the required number of persons have so petitioned, the auditing service shall be ordered discontinued. Plants and areas now being audited by the department shall continue to receive such service until an order of discontinuance is made as herein provided.

(4) Authorized officials of any organization whose members are producers delivering milk to any such plant or in any such municipal milk shed may sign petitions for such auditing service or for the discontinuance thereof for and on behalf of the producer members of such organization.

(5) Any person who violates this section by failing to pay to the department the deductions required by this section, or by failing to make or to keep the required records or reports, or by wilfully making any false entry in such records or reports, or by wilfully failing to make full and true entries in such records or reports, or by obstructing, refusing or resisting other than through judicial process any department audit of such records, shall be punished by a fine of not more than \$100 or by imprisonment in the county jail not more than 6 months, or by both such fine and imprisonment.

(6) Action to enjoin violation of this section may be commenced and prosecuted by the department in the name of the state in any court having equity jurisdiction.

Approved June 6, 1945.

No. 437, A.]

[Published June 10, 1945.

CHAPTER 274.

AN ACT to repeal 25.17 (8), (9) (f) and (h), 42.32 (last paragraph after (4)); to repeal and recreate 25.28 (1) and 42.47; to amend 25.17 (1) and (4), 42.24, 42.32 (Introductory paragraph) and (4), 42.33 (1) (c), 42.34, 42.40, 42.41 (1), 42.49 (1) (Introductory paragraph) and (2) (Introductory paragraph) and (b), 42.50 (1), (2) (b), (d) and (3); to create 25.17 (1a) and 42.23, relating to the teachers' state retirement system.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 25.17 (1) of the statutes is amended to read:

25.17 (1) To have exclusive control of the investment and collection of the principal and interest of all moneys loaned or invested from any of the following funds: The several funds of the state retirement system, the life fund, the state insurance fund, the soldiers' rehabilitation fund, the funds created by sec-