

*tract, combination, conspiracy, trust, pool or agreement herein declared unlawful or declared to be in restraint of trade, or who shall combine or conspire with any other person, corporation, copartnership, association or trustee to monopolize or attempt to monopolize any part of the trade or commerce in this state shall forfeit for each such offense not less than * * * one hundred dollars nor more than * * * five thousand dollars. Any such person, corporation, copartnership, trustee or association shall also be liable to any person transacting or doing business in this state for all damages he may sustain by reason of the doing of anything forbidden by this section.*

SECTION 2. Two new subsections to section 1747e of the statutes are created to read: (Section 1747e) 2. It shall be the duty of the attorney-general to enforce the provisions of this act and to bring an action for the recovery of the forfeiture herein provided for, whenever complaint shall be made to him and evidence produced which shall satisfy him that there has been any violation thereof. The several district attorneys shall, upon the advice of the attorney-general, who may appear as counsel in any such case, institute such actions or proceedings as he shall deem necessary to recover any forfeiture incurred on account of the violation of any of the provisions of this act.

3. There is hereby appropriated to the attorney-general a sum sufficient to carry out the provisions of this act, not exceeding the sum of ten thousand dollars annually.

SECTION 3. This act shall take effect upon passage and publication.

Approved July 6, 1921.

No. 234, S.]

[Published July 7, 1921.

CHAPTER 459.

AN ACT to repeal sections 42.01 to 42.18, inclusive, excepting certain provisions thereof herein referred to, and to repeal subsection (4) of section 20.25 and section 20.30 of the statutes, relating to the teachers' insurance and retirement fund, to amend paragraph (d) of subsection (5) of section 20.24, and to create sections 42.20 to 42.54, inclusive, and section 20.251, and to create a new section to be numbered 20.30, providing a state retirement system for the public schools, the normal schools and the university, providing a penalty, and making an appropriation.

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

SECTION 1. Subsection (4) of section 20.25 of section 20.30 of the statutes are repealed.

SECTION 2. Paragraph (d) of subsection (5) of section 20.24 of the statutes is amended to read: (20.24) (5) (d) No apportionment of any state moneys other than the interest and revenues derived from the common school fund shall be made * * * for or on account of any public school as defined in section 42.20 unless * * * the employer, as defined in said section 42.20, has complied with the provisions of sections 42.39 to 42.43, inclusive, of the statutes.

SECTION 3. Thirty-seven new sections are added to the statutes to be numbered and to read: 42.20 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 the cities of the first class included under section 925xx of the statutes.

“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.

42.21 This act, consisting of sections 42.20 to 42.54, inclusive, of the statutes 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 “Annuity 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 “annuity board” which report shall include the reports of the several retirement boards. The commissioner of banking shall examine the state retirement system and perform the same duties and have the same powers with respect thereto as is provided by section 2018 in the case of a bank.

42.22 The ex-officio members of said board shall serve without addition to the compensation received in their respective offices and the other members shall serve without compensation, but members of said boards shall be reimbursed for actual necessary expenses in the performance of their duties. Suitable offices, furniture and equipment shall be furnished to the several boards.

42.23 The annuity board shall consist of the superintendent of public instruction and the commissioner of insurance, acting ex-officio, and five members appointed by the governor for terms ending respectively one each on October thirty-first in the years 1922, 1923, 1924, 1925 and 1926. Upon the expiration of their respective terms, their successors shall be appointed by the governor to serve for terms of five years. Any vacancy shall be filled by the governor for the unexpired term. Unexcused absence of any appointed member of the annuity board 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.

42.24 The state treasurer shall be ex-officio treasurer of the annuity 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 annuity board, the cost of which shall be borne by the state.

42.25 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 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 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 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 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 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 (1) The annuity board from time to time shall adopt such by-laws and make such rules for the transaction of its business 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 annuity board shall elect one of its members to act as chairman, employ a secretary and employ such actuarial, legal, medical or other technical service and such clerical and other service as may be necessary, fix the compensation therefor, and may allow actual and necessary expenses incurred in the performance of duty.

42.32 The annuity 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. In making loans, preference shall be given to applications for small loans on improved farm property, subject to annual reduction of principal through long terms not exceeding fifty years. As of June thirtieth of each year the annuity board shall determine the net rate of interest earned during the fiscal year, and shall apportion the interest accordingly to the several funds.

42.33 (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.

42.34 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 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.

42.36 With the approval of the annuity board, each retirement board shall adopt such by-laws and rules as it may find necessary and shall appoint a secretary and such other employes as may be necessary and fix their compensation and may allow actual and necessary expenses incurred in the performance of duty. So far as it may be expedient and economical the annuity board and the retirement boards or any of them may join in appointing a secretary and employes.

42.37 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 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 Every employer shall furnish to the annuity 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 cooperation in furnishing or obtaining any such reports or information, as may be required by any of said boards.

42.40 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 (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 or statement of changes from the preceding 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.

(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 (1) 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) Within ten days after the employment of a teacher, the employer shall mail to the retirement board having jurisdiction a statement giving as to such teacher, the name, address, date of birth and such other information as the board may require for the identification of such teacher.

(3) Upon receiving notice of the employment of a teacher, the retirement board having jurisdiction shall immediately mail to the teacher a request and blank for information showing date of birth, sex, teaching experience and other information necessary for the identification and determination of the rights of the teacher, as prescribed by said board. Every teacher shall promptly reply in writing to requests for information from said board or the annuity board and no state deposit other than for prior service, shall be made on behalf of any teacher for more than sixty days preceding the date such teacher shall have furnished the information herein specified.

(4) 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 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 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 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 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.

42.47 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 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 endorsement 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 (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.

42.50 (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.

42.51 (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.

(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 become entitled to any benefit derived from the accumulation of state deposits, the benefit shall be increased by the benefit 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 benefit shall be paid from the contingent fund.

(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 annuity 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 provisions 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.

42.52 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 The annuity 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 Sections 42.01 to 42.18, inclusive, of the statutes 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.

20.251 (1) In addition to the income tax imposed by sections 1087m—1 to 1087m—30 of the statutes and the surtax imposed by section 5 of chapter 5 of the laws of the special session of 1919, there shall be levied, collected, and paid upon the incomes of all individuals, co-partnerships and fiduciaries, except as otherwise provided by law, a surtax on net income computed at one sixth the rates prescribed in subsection 1 of section 1087m—6.

(2) In addition to the income tax imposed by sections 1087m—1 to 1087m—30 of the statutes and the surtax imposed by section 5 of chapter 5 of the laws of the special session of 1919, there shall be levied, collected, and paid upon the incomes of corporations, joint stock companies or associations, except as otherwise provided by law, a surtax on net income computed at one-sixth the rates prescribed in subsection 2 of section 1087m—6.

(3) The surtax provided for herein shall be upon the net income in excess of three thousand dollars, received during the calendar year ending December 31, 1920, or corresponding fiscal year for which the taxpayer reported his income under the general income tax law, and annually thereafter, and shall be returned, assessed, and collected in the same manner and at the same time as is provided for the return, assessment and payment of the income tax provided for under sections 1087m—1 to 1087m—30, both inclusive, except as otherwise herein provided.

(4) Net income as defined by this act shall be computed in the same manner as the income taxable under sections 1087m—1 to 1087m—5 of the statutes, both inclusive.

(5) In the collection of said surtax the tax collector shall give his separate receipt therefor, and section 1087m—26 shall not apply to said surtax.

(6) The whole amount collected as surtax shall, through the same channel as other income taxes are paid, be paid into the state treasury, and section 1087m—23 of the statutes shall not apply to said surtax. The amount of said surtax herein imposed is hereby levied and shall be collected as herein set forth and shall be paid into the general fund of the state treasury and set apart for the retirement deposit fund and the contingent fund as provided in this act. The state treasurer shall, in the same manner as other income taxes are remitted and paid, annually remit and pay to the city treasurer of each city of the first class in which a teachers' annuity and retirement fund is maintained under the provisions of section 925—xx, twenty-five per cent of the amount of said tax levied and collected from the taxpayers in such city, and it shall be the duty of the city treasurer of such city to pay the whole amount, so remitted and paid, into the general fund of such teachers' annuity and retirement fund of such city to constitute a part of said fund.

(7) Whenever in any year the receipts from the surtax herein provided for shall not be sufficient to provide the necessary moneys to carry out the provisions of this act, the deficit shall be paid out of the general fund of the state treasury, and if in any year such surtax provides more money than is needed, such excess shall be paid into the general fund of the state treasury.

20.30 The balance in or belonging to the board of trustees of the teachers' insurance and retirement fund as of July 1, 1921, the moneys appropriated by section 20.251 of the statutes, excepting the moneys to be paid into the retirement deposit fund under the provisions of sections 42.45 and 42.46, and all other moneys transferred to or received by the contingent fund from any legal source, constitute the contingent fund of the state retirement system; the moneys appropriated by said section 20.251 to be paid into the retirement deposit fund as provided in sections 42.45 and 42.46, all moneys paid into the retirement deposit fund under the provisions of sections 42.39 to 42.44, inclusive, of the statutes, and all other moneys transferred to or received by the retirement deposit fund from any legal source, constitute the retirement deposit fund; and the moneys transferred from the retirement deposit fund to the annuity reserve fund under the provisions of section 42.48 of the statutes, and all other moneys received from any legal source constitute the annuity reserve fund; and are appropriated to the annuity board of the state retirement

system for carrying into effect the provisions of sections 42.20 to 42.54, inclusive, of the statutes. Not to exceed twelve thousand dollars annually of such appropriation to the contingent fund may be used for the administration of said sections last mentioned.

SECTION 4. This act shall take effect upon passage and publication.

Approved July 5, 1921.

No. 163, S.]

[Published July 7, 1921.

CHAPTER 460.

AN ACT to amend subsection 1 of section 1729a of the statutes, relating to payment of wages.

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

SECTION 1. Subsection 1 of section 1729a of the statutes is amended to read: (Section 1729a) 1. Every corporation organized for pecuniary profit engaged in any enterprise or business within the state of Wisconsin, excepting corporations owning or operating hospitals and sanatoriums for the care of sick or insane persons, shall as often as * * * on the *fifteenth and on the last day of each month* pay to every employe engaged in its business, except to those employes engaged in lumbering and logging operations, * * * all wages or salaries earned by such employe to a day not more than * * * *sixteen* days prior to the date of such payment. Any employe who is absent at the time fixed for payment or who for any other reason is not paid at that time shall be paid thereafter at any time upon six days' demand and any employe leaving his or her employment or discharged therefrom shall be paid in full following his or her employment at any time upon three days' demand. No corporation coming within the meaning of this act shall by special contract with employes or by any other means secure exemption from the provisions of this act and each and every employe of any corporation coming within the meaning of this act shall have his or her right of action against any such corporation for the full amount of his or her wages due on each regular pay day as herein provided, in any court of competent jurisdiction. * * * *Whenever such regular payments cover wages earned to a date more*