

out the period after the word "chapter" in the last line of subsection 9, and inserting the following: "Provided, that no licensed physician shall issue any prescription for intoxicating liquor for the use of any minor unless he shall at the same time deliver to the parent or guardian of said minor a certificate in writing stating that in his judgment intoxicating liquor is necessary for the health of said minor. Provided, further, that said liquor cannot be obtained except upon presentation by said parent or guardian of said minor of said certificate attached to said prescription."

SECTION 119. Paragraph (b) of subsection 1 of section 1636—49a of the statutes, created by chapter 537 of the Laws of 1921, is amended by inserting after the word "seven" in the last line, the words "and one-half".

SECTION 120. Subsection (13a) of section 35.84 of the statutes as amended by chapter 121 of the Laws of 1921, is amended by adding after the word "member" in the first line the words "and officer".

SECTION 121. This act shall take effect upon passage and publication.

Approved July 14, 1921.

No. 499, S.]

[Published August 9, 1921.

CHAPTER 591.

AN ACT to amend subsection (1) of section 42.18 (amended by section 309 of chapter 242, laws of 1921); to repeal section 310 of chapter 242, laws of 1921; to amend subdivision (d) of subsection (1) of section 17.23 of the statutes; to create subsections 1 and 15 of section 925—xx of the statutes; and to amend said section 925—xx, relating to teachers' annuity and retirement fund in cities of the first class.

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

SECTION 1. Subsection (1) of section 42.18 of the statutes (amended by section 309 of chapter 242, laws of 1921) is amended to read: (42.18) (1) Sections 42.01 to 42.17 shall not apply to cities of the first class. * * *

SECTION 2. Section 310 of chapter 242, laws of 1921, is repealed.

SECTION 3. Subdivision (d) of subsection (1) of section 17.23

of the statutes is amended to read: (17.23) (1) (d) In appointive office, by appointment for the residue of the unexpired term by the appointing power and in the manner prescribed by law for making regular full term appointments thereto, except that vacancies in the office of any member of the board of trustees of the public-school teachers' annuity and retirement fund shall be filled * * * *in the following manner: In case the vacancy be that of a member of the managing body of the schools, such managing body, at its next regular meeting after the occurrence of such vacancy, shall elect a member to serve as such trustee during the residue of the unexpired term; in case the vacancy be that of a teacher member, the remaining teacher members of said board shall elect a teacher to serve as trustee until a teacher shall have been elected to serve as trustee for the residue of the unexpired term, at the next annual election, provided for in subsection 5 of section 925—xx, after the occurrence of such vacancy.*

SECTION 4. Two new subsections are added to section 925—xx of the statutes to read: (Section 925—xx) 1. The provisions of section 925—xx, heretofore in effect, fixing the amounts and conditions of payments of any assessments, refunds, and annuities thereunder, shall remain in force and shall be referred to for the purpose of determining such amounts and conditions of payments until all such payments have been made, insofar as said provisions apply to teachers in the public schools of cities of the first class who are in the service at the time this subsection takes effect, and insofar as said provisions apply to pensioners or annuitants under said section 925—xx. Every teacher in the schools of any such city where a pension system has been established at the time this subsection takes effect who desires to avail himself of the rights and benefits conferred and to assume the limitations and assessments imposed by this section, shall file a written application therefor and consent thereto, as provided in subsection 3 of this section, within one year from the first day of November in the year in which this subsection takes effect. Every such teacher who fails to file such written application and consent within the time prescribed by the provisions of this subsection shall be forever barred from coming under the provisions of this section. The filing of such application and consent by any teacher who heretofore has come under the provisions of section 925—xx, shall operate as a substitution by such teacher of the provisions of this section in lieu of the provisions of section 925—xx heretofore

in effect, fixing the amounts and conditions of payments of any assessments, refunds and annuities for such teacher. Any teacher in the service at the time this subsection takes effect who had not elected to come under the provisions of section 925—xx, heretofore in effect, and who elects to come under the provisions of this section shall, within five years from the date upon which this subsection takes effect, pay as arrearages, into the annuity and retirement fund, in addition to the current monthly payments provided for in this section, a sum equal to the various payments, compounded semi-annually at the rate of four per cent interest, which would have been made by such teacher if he had elected to come under the provisions of section 925—xx, heretofore in effect. Payment of such arrearages by any such teacher shall be made, within said five years, in such manner as the board of trustees may determine.

15. It shall be the duty of the managing body in charge of the public schools of any such city to notify the board of trustees, in writing, on the first day of each month, of the employment or appointment of any new teacher or teachers, and of all discharges, dismissals, suspensions, and resignations from the service, and all deaths which shall have occurred in the teaching corps during the preceding month, and such written notification shall state the dates upon which any such event or events shall have occurred. The officers and heads of departments of said managing body of such schools are hereby charged with the duty of supplying to said board of trustees, without any charge or expense to said board of trustees, all information requested by said board of trustees concerning any employe under the charge of or supervision of such officers, heads of departments, or such managing body, which such information such board of trustees shall need in the performance of its duties, and all employes of such managing body are charged with the duty of promptly supplying such information for the purposes of said board of trustees.

SECTION 5. Section 925—xx of the statutes is amended to read: Section 925—xx. * * * 2. The president of the * * * managing body of the schools, * * * two female teachers, not more than one of whom shall be a principal or vice principal, two male teachers, not more than one of whom shall be a principal or vice principal, and four members of the * * * managing body of the schools in cities of the first class, are hereby constituted a board of trustees * * * to be known as the

“Public-School Teachers’ Annuity and Retirement Fund Trustees.” * * * *The trustees shall serve without pay, * * * but the member who shall have been elected secretary of such board of trustees may receive such compensation for clerical duties performed in connection with the annuity and retirement fund, as said board shall determine. Said board is empowered to employ all persons needed to perform actuarial, accounting, and clerical work necessary to the proper performance of the duties of such board, and also any physician or physicians, surgeon or surgeons, whose services may be necessary to advise said board concerning the condition of any person who applies for pension or annuity to said board of trustees. Whenever any trustee shall cease to be a member of the managing body, or a teacher in the public schools, he shall cease to be such trustee.*

* * * 3. All teachers employed in the public schools of such cities * * * at the time of the organization of said board * * * desiring to come under the provisions of this * * * section, shall file a written application therefor *and consent thereto* with the superintendent of schools, *or with the clerk or secretary of the* * * * managing body of such schools, together with written authority * * * to the * * * managing body to deduct from each monthly salary due the applicant, the sum * * * *or sums hereinafter provided*, and to pay the same regularly into the city treasury as part of said annuity and retirement fund as herein provided.

* * * 4. Any person accepting an appointment as teacher in the regular service of such city, after this * * * section takes effect, and serving thereunder, shall, as a part of the consideration for his employment, be conclusively presumed to have consented to * * * the provisions of this * * * section. *But any person who shall have attained the age of fifty years before entering the service of such city as such teacher and who shall enter such service as such teacher after this section takes effect, shall have the option to elect whether such person desires to avail himself of the rights and benefits conferred and to assume the limitations and assessments imposed by this section, and such person shall file written notice of such election with the superintendent of schools, or with the clerk or secretary of the managing body of such schools, within six months from the date of such person’s appointment as such teacher.*

* * * 5. When twenty-five or more teachers in such school

shall have * * * *consented*, a meeting of all * * * *such* teachers * * * may be called by five or more * * * who shall designate the time and place of holding such meeting, and publish notice thereof at least once a week for two successive weeks, in a newspaper published in such city. Such teachers shall, at such meeting, elect by ballot one female teacher, who shall hold office as trustee aforesaid for a term of one year, one female teacher who shall hold office as trustee for a term of two years, one male teacher who shall hold office as trustee for a term of one year, and one male teacher who shall hold office for a term of two years; and a majority of all the votes cast shall be necessary in each case for an election. * * * Annually, thereafter, at a meeting duly called by the board of trustees * * * on the last Saturday of September, one female and one male teacher shall be elected in the same manner for a term of two years.

6. At the next meeting of the * * * managing body of *the schools*, * * * after the election of such trustees, * * * *such* * * * body * * * shall elect two of * * * *its* number * * * members of the * * * *said* board of trustees, * * * for * * * a term of one year, and two * * * for a term of two years, and annually thereafter at * * * *its* first regular meeting held after the last Saturday of September, * * * *such* body shall elect two of * * * *its* number to be members of *said* board of trustees * * * for * * * a term of two years. * * * *The* trustees shall hold office until their successors are elected and qualified. * * *

* * * 7. A majority of * * * *said* board of trustees * * * shall constitute a quorum for the transaction of business. Such board * * * shall, within * * * *thirty* days after the election of * * * trustees, * * * *meet* and organize, by the election from * * * *its* members, of a president, vice president and secretary, and may adopt rules of order not inconsistent with this * * * *section*.

* * * 8. A teachers' annuity and retirement fund is hereby created in cities of the first class, and the fund shall consist of (a) * * * endowment fund, (b) * * * reserve fund, and (c) * * * general fund. The endowment fund shall be made up of gifts and legacies specifically given * * * *thereto*. The reserve fund shall be made up of (a) the monthly payments made pursuant to the provisions of this * * * *sec-*

tion by the teachers, * * * and (b) all unexpended income for any year derived from any source. The general fund shall be made up of (a) gifts and legacies not specifically given to * * * the endowment fund; (b) interest derived from * * * the endowment and * * * reserve funds; (c) * * * moneys transferred from * * * the reserve fund in the manner following * * *: Immediately upon the voluntary or involuntary retirement of any teacher, whether such teacher retire with or without pension, all moneys paid by such teacher into the reserve fund * * * shall be transferred * * * into the general fund; * * * (d) all moneys paid into the * * * fund by the * * * managing body in the manner hereinafter provided; (e) all moneys obtained by such other methods * * * as may be * * * legally devised * * *. The general fund may be drawn upon for the purposes of this * * * section by said board of trustees. The moneys standing to the credit of any retirement fund heretofore established in cities of the first class, and consisting of gifts and legacies specifically given to any permanent or endowment fund, shall be set apart by the board of trustees as an endowment fund; and all moneys standing to the credit of said retirement fund on the thirty-first day of July, 1915, derived from any other sources, shall be set apart by the board of trustees of such retirement fund as a reserve fund.

* * * 9. Said board shall have control of the annuity and retirement fund and the investment thereof, investing the same only in such securities as savings banks are authorized by law to invest in. *No member of said board nor any person officially connected with said board, either as an employe or as legal advisor thereof, shall have any financial interest in the gains or profits of, or from any investment which may be made by such board, nor shall any such person act as the agent of any other person or person's who may have any such interest concerning any such investment. Said board shall have the power to require each teacher employed in the public schools of such city to file a statement or statements in such form as such board shall direct, concerning all service rendered by such teacher and such other information which said board shall need in the performance of its duties.* The board shall receive and consider all applications for annuity under this * * * section, shall determine the amount thereof, if not otherwise provided, and direct payment of the annuities.

* * * 10. The city treasurer shall * * * be the custodian of said annuity and retirement fund, and shall make payments therefrom; he shall keep the books of account concerning such fund, in such manner as may be prescribed by said board of trustees, which books of account shall always be subject to the inspection of the board of trustees, or any member thereof, and any contributing teacher. * * * *He shall furnish to said board of trustees a bond in such amount as the said board may designate, which bond shall indemnify the said board of trustees against any loss which may result from any action or failure to act on the part of such custodian or any of his agents. All fees and charges incidental to the procuring and giving of such bond shall be paid by said board of trustees. The city attorney of such city shall be the legal advisor of and attorney for the board.*

* * * 11. Beginning with the monthly payment of teachers' salaries in November, after the first meeting of the board of trustees * * * the * * * managing body of such school; shall reserve from the salary of each teacher who has come under the provisions of this section, * * * and from every monthly payment thereafter, * * * the sum of two dollars for the first ten years of service, the sum of three dollars for the next five years of service, and thereafter the sum of four dollars, and shall pay the sum so reserved into the * * * annuity and retirement fund. * * * *Except as provided in subsection 1 of this section, every teacher employed in the public schools of any such city * * * at the time this * * * section shall have become operative in any such city, and who shall not have * * * come under its provisions on or before the first day of November, 1917 (in the case of public-school teachers of any such city in which a public-school teachers' annuity and retirement fund shall have been heretofore established), or, on or before the expiration of two years after this * * * section shall have become operative in such city (in the case of public-school teachers of any such city in which this * * * section may hereafter become operative), shall be forever barred from coming under the provisions of this * * * section.*

* * * 12. The city treasurer, upon * * * order * * * or warrant of the board of trustees shall pay out of said annuity and retirement fund, in monthly payments, to each teacher *entitled thereto under the provisions of this section* who shall retire

from the service of the city, upon the recommendation of the board of trustees * * * annually such sum as shall have been determined by said board of trustees in accordance with the provisions of this section.

(a) A teacher who has taught twenty-five years in public schools, at least fifteen of which must have been served in the public schools of a city to which this section applies, shall, upon a certificate of incapacity furnished by his attending physician and by a physician employed by the board of trustees, receive an annuity of six hundred dollars.

(b) For every additional year of service over twenty-five, a teacher, entitled to an annuity under the provisions of this section, shall receive an additional sum of twenty dollars a year; but every such additional year of service shall have been rendered in such city of the first class, and in no case shall any pension or annuity exceed the sum of nine hundred dollars a year.

(c) The board of trustees may allow a teacher who has taught for fifteen years or more in any such city, and who has become incapacitated, having paid the amount of fifteen years' contribution or more, * * * six months after he has ceased active service in the school, upon a certificate of such incapacity furnished by * * * his attending physician and by a physician employed by the board of trustees, an annuity, the amount of which, * * * to be determined by the board of trustees, shall be, as nearly as practicable, as many twenty-fifths of the full annuity of six hundred dollars provided in this section as the years of service of such teacher in said city are a part of twenty-five, and such annuity shall cease when the incapacity ceases. Should such incapacity become permanent and should such teacher retire from the service of such city, the board of trustees may pay to such teacher a proportionate annuity, * * * which shall be, as nearly as practicable, as many twenty-fifths of * * * said full annuity * * * as the years of service of such teacher in said city are part of the twenty-five.

(d) The board of trustees may allow a teacher who has taught for fifteen or more years and less than twenty-five years in any such city, and who shall have attained the age of sixty-five years, having paid the full amount of contribution for each year of such service in such city, a proportionate annuity which shall be, as nearly as practicable, as many twenty-fifths of the full annuity of

six hundred dollars, provided in this section, as the years of service of such teacher in said city are a part of twenty-five.

(e) Upon the recommendation of the superintendent of schools, if any, and the * * * managing body of such schools, the board of trustees, * * * shall grant an annuity to any teacher who has come under the provision of this section, who * * * is mentally or physically incapacitated.

(f) On the application of any teacher coming under the provisions of this * * * section, and having complied * * * therewith, said board of trustees shall retire such teacher provided he has been engaged in the work of teaching for a period aggregating thirty-five years, twenty of which shall have been in the public schools of such city * * * and such teacher shall be entitled to receive the annuity provided for in paragraphs (a) and (b) of this subsection.

(g) On the application of any teacher coming under the provisions of this * * * section * * * who has complied * * * therewith and is sixty-five years of age, said board of trustees shall retire such teacher provided * * * he has been engaged in the work of teaching for a period aggregating twenty-five years, fifteen years of which shall have been in the said city, * * * and such teacher shall be entitled to receive the annuity provided for in paragraphs (a) and (b) of this subsection.

* * * 13. All annuities granted by the board of trustees or other managing body under the provisions of this * * * section, shall be uniform in amount except as otherwise provided herein. * * *

* * * 14. No annuity shall be paid to any teacher until such teacher shall have contributed to the * * * annuity and retirement fund * * * the following sums: Two hundred dollars for the first ten years of service, one hundred fifty dollars for the next five years of service, and forty dollars for each and every succeeding year of service. Any contributing teacher, who has taught in said city for a period of four years or more, may, in addition to the monthly payments provided by subsection * * * 11, pay into the city treasury as part of said fund, in sums of ten dollars, or any multiple thereof, until the entire sum * * * which such contributing teacher would have paid if he had paid regularly from the time of his entering the service of such city, is

paid by such teacher. * * * *No teacher shall be required to pay into such fund for more than forty years.*

* * * 16. Any contributing teacher who shall retire voluntarily or involuntarily from the service, not being in receipt of an annuity, shall * * * be entitled to receive one-half of the total amount paid by him into said fund, and in case of the death of any contributing teacher, his heirs, or legatees shall be entitled to receive one-half of the total amount paid by such teacher into said fund, upon application therefor * * * and upon proof of death of *said contributing teacher*, and * * * *establishment of said claim* * * * to the satisfaction of said board of trustees.

* * * 17. All annuities granted under the provisions of this * * * *section* shall be exempt from execution, attachment * * * and garnishment process, and no annuitant shall have the right to transfer or assign his * * * annuity.

* * * 18. All elections or appointment of teachers *in such cities* * * * shall be on probation, and after successful probation for four years, the election or appointment shall be permanent, during efficiency or good behavior, provided that teachers having taught four years or more in cities to which this * * * *section* applies shall be deemed to have served their term of probation. No teacher who has become permanently employed as herein provided by reason of four or more years of continuous service, shall be discharged, except for cause upon written charges, which shall after ten days' written notice thereof to such teacher, upon such teacher's written request, be investigated, heard and determined by the board of school directors, whose action and decision in the matter shall be final.

* * * 19. The term "teacher" in this section shall include all superintendents, principals, supervisors, and regular instructors employed in the public schools *of such cities* * * * *but* nothing herein contained shall * * * affect the election, appointment or tenure of the superintendent, * * * assistant superintendents * * * *or* special supervisors.

* * * 20. (a) The * * * board of trustees of the * * * annuity and retirement fund, shall report to the * * * managing body *of the schools* of such city at or before the first meeting of said * * * managing body, in July of each year, the amount of money required for the next fiscal year for the pay-

ment of annuities legally granted by such board of trustees, and for the payment of other necessary and current expenses * * *. Such report shall set forth the estimated income of said annuity and retirement fund for the next fiscal year, and the *additional* amount * * * required * * * and it shall be the duty of said * * * managing body to set aside from the general fund for the support of the schools in such city, an amount which shall be sufficient to cover the said excess, * * * and such managing body, shall annually pay into the annuity and retirement fund, * * * a sum not less than * * * the amount paid into said fund the preceding year by the teachers. * * *

(b) But in any year during which the amount paid into said annuity and retirement fund under the provisions of section 20.251 shall be equal to or in excess of the amounts required to be set aside and paid into said fund by said managing body under the provisions of paragraph (a) of this subsection, said managing body shall not be required to set aside and pay into said annuity and retirement fund the amounts provided for in said paragraph (a). If the amount paid into said annuity and retirement fund under the provisions of section 20.251 shall, in any year, be less than the amounts required to be set aside and paid into said annuity and retirement fund by said managing body under the provisions of paragraph (a) of this subsection, said managing body shall only be required to set aside and pay into said annuity and retirement fund an amount which, when added to the amount paid into such annuity and retirement fund under the provisions of section 20.251, shall be equal to the amounts required to be set aside and paid into said annuity and retirement fund by said managing body under the provisions of said paragraph (a).

* * * 21. Whenever territory shall * * * be annexed to * * * any such city, * * * the teachers employed at the time of such annexation in any school situated in such annexed territory shall elect within three months after their legal appointment by the * * * managing body of such city * * * whether they will come under *the provisions of this * * * section*. Whenever teachers employed in any school situated in territory heretofore annexed to any such city * * * where a teachers' annuity and retirement fund under this or any previous * * * law, heretofore existed, have already made their election to come under such * * * law, such election shall be deemed valid under this * * * section. The time served by

the teachers in a school situated in territory so annexed, shall, for the purpose of this * * * *section* only, be counted as if it has been rendered in a school of the city to which such territory has been annexed.

SECTION 6. This act shall take effect upon passage and publication.

Approved July 14, 1921.