

methods for the elimination, disposal, or treatment of industrial wastes to control pollution of the surface waters of the state. To this end the committee may cooperate with any public or private agency, *when requested by such agency*, in the conduct of such experiments, investigations, and research and may receive on behalf of the state any moneys which any such agency may contribute as its share of the cost under such cooperative arrangements. *To supervise chemical treatment of waters for the suppression of algae, aquatic weeds, swimmer's itch, and other nuisance producing plants and organisms. To this end the committee may conduct experiments for the purpose of ascertaining the best methods for such control. It may purchase equipment and may make a charge for the use of the same and for materials furnished, together with a per diem charge for any services performed in such work. The charge shall be sufficient to reimburse the committee for the use of the equipment, the actual cost of the materials furnished, and the actual cost of the services rendered plus 10 per cent for overhead and development work.*

SECTION 2. This act shall take effect upon passage and publication.

Approved June 25, 1941.

No. 395, S.]

[Published June 28, 1941.

CHAPTER 308.

AN ACT to repeal section 5 (5); to amend section 1 (9), section 3 (6), section 5 (1) (a) and (4), section 8 (1) (a), and section 13; to renumber section 4 (p) to be section 4 (2) (a); and to create section 4 (2) (b) and section 5 (1) (b) 4, 5, and 6, all of chapter 396, laws of 1937, relating to retirement systems in cities of the first class for the payment of benefits to employes of such cities, and to the widows and children of such employes.

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

SECTION 1. Subsection (9) of section 1 of chapter 396, laws of 1937, is amended to read:

(Chapter 396, Laws of 1937) (Section 1) (9) "Earnable

compensation" shall mean the full rate of compensation that would be payable to a member if he worked the full normal working time for his position, *provided, however, that where service is credited during periods of absences as provided in paragraph (b) of subsection (2) of section 4 of this act, the employe shall be considered to have an earnable compensation during such periods of absence equivalent to his earnable compensation as of his last month of employment prior to the beginning of such absences.* In cases where compensation includes maintenance, the board * * * shall fix the value of that part of the compensation not payable in money * * *.

SECTION 2. Subsection (6) of section 3 of chapter 396, laws of 1937, is amended to read:

(Chapter 396, Laws of 1937) (Section 3) (6) Should any member in a period of 10 consecutive years after last becoming a member be absent from service more than 5 years, *except as provided in paragraph (b) of subsection (2) of section 4 of this act*, or should he withdraw more than 50 per cent of his accumulated contributions, or should he become a beneficiary or die, he shall thereupon cease to be a member.

SECTION 3. Subsection (p) of section 4 of chapter 396, laws of 1937, is renumbered to be paragraph (a) of subsection (2) of said section.

SECTION 4. Paragraph (b) of subsection (2) of section 4 of chapter 396, laws of 1937, is created to read:

(Chapter 396, Laws of 1937) (Section 4) (2) (b) The board shall allow as creditable membership or prior service as the case may be, all time during which any employe was absent due to service in the military or naval forces of the United States of America during a period officially proclaimed to be a national emergency or limited national emergency, and absence during federal hospitalization because of injuries or sickness resulting from such war or emergency service, provided that such employe was duly excused or granted leave of absence from his services as an employe, and provided further that the period allowed as creditable service shall begin with the date the employe was excused or granted leave of absence and shall extend until a date of not more than 90 days after his discharge from military or naval service or federal hospitalization. No absences allowed for creditable service under the provisions of this paragraph

shall be considered as absences under the provisions of subsection (6) of section 3.

SECTION 5. Subdivisions 4, 5, and 6 of paragraph (b) of subsection (1) of section 5 of chapter 396, laws of 1937, are created to read:

(Chapter 396, Laws of 1937) (Section 5) (1) (b) 4. If the retirement allowance of a member entitled to prior service is less than \$60 per month, the pension shall be increased so that the retirement allowance is equal to \$3 per month for each creditable year of service, provided that such increase shall not result in a total retirement allowance in excess of \$60 per month.

5. The provisions of subdivision 4 of this paragraph shall apply to all persons who were formerly active members of the system and who were compulsorily retired on or after January 1, 1941.

6. The total pension of any member payable under the provisions of this section shall not exceed \$75 per month provided, however, that this \$75 per month pension limit shall not apply to any person who was an employe on the date chapter 396, laws of 1937, became effective in any such city or to any person who is an employe on the date this subsection becomes effective in any such city.

SECTION 6. Subsection (4) of section 5 of chapter 396 of the laws of 1937 is amended to read:

(Chapter 396, Laws of 1937) (Section 5) (4) * * * DEATH BENEFITS. Upon the receipt of proper proofs of the death of a member in active service * * * his accumulated contributions shall be paid to such person, if any, as he has nominated by written designation duly executed and filed with the board, otherwise to his executors or administrators, and if such member has completed one or more years of creditable service, there shall be so paid in addition a lump sum benefit of one-half the final average salary of such deceased member, *but not to exceed \$1,000.*

SECTION 7. Subsection (5) of section 5 of chapter 396, laws of 1937, is repealed.

SECTION 8. Paragraph (a) of subsection (1) of section 8 of chapter 396 of the laws of 1937 is amended to read:

(Chapter 396, Laws of 1937) (Section 8) (1) (a) The

annuity savings fund shall be a fund in which shall be accumulated contributions from the compensation of members to provide for their annuities. Upon the basis of such tables as the board shall adopt, and regular interest, the actuary of the retirement system shall determine for each member the proportion of earnable compensation which, when deducted from each payment of his prospective earnable *annual* compensation prior to his attainment of age 60 and accumulated at regular interest until his attainment of such age, shall be computed to provide at that time an annuity equal to the pension to which he will be entitled at that age on account of his service as a member. *The provisions of subdivision 4 of paragraph (b) of subsection (1) of section 5 shall not be considered in making such computation.* Such proportion of compensation shall be computed to remain constant. The proportion as so computed for a member age 59 shall * * * be applied to a member who has attained a greater age before he becomes a member of the retirement system.

SECTION 9. Section 13 of chapter 396, laws of 1937, is amended to read:

(Chapter 396, Laws of 1937) Section 13. No other provision of law in any other statute which provides wholly or partly at the expenses of the city for pensions or retirement benefits for employes of the city shall apply to members or beneficiaries of the retirement system established by this act. Any amounts which may be paid or payable under the provisions of any state workmen's compensation or similar law to a member or to the dependents of a member on account of any disability or death shall be offset against and payable in lieu of any benefits payable out of funds provided by the city under the provisions of this act on account of the same disability or death. In case the present value of the total commuted benefits under said workmen's compensation or similar law is less than the pension reserve on the benefits otherwise payable from funds provided by the city under this act, then the present value of the commuted payments shall be deducted from the pension reserve and such benefits as may be provided by the pension reserve so reduced shall be payable under the provisions of this act. *Any disability or death benefits payable out of funds provided by the city under this act to a member or beneficiaries of*

a member, shall be reduced by the amount paid such member or beneficiary under any law of the United States providing a pension or compensation for such disability or death but United States government insurance benefits for which the member has paid premiums shall not be considered to be a pension or compensation.

SECTION 10. CONSTITUTIONALITY. If any section or part of any section of this act is declared to be unconstitutional, the remainder of this act shall not thereby be invalidated. All provisions of the law inconsistent with the provisions of this act are hereby repealed to the extent of such inconsistency.

SECTION 11. This act shall take effect upon passage and publication, except that the date on which the changes in "Employes' Retirement System" as contained in this act shall become effective in any such city shall be the first Monday following the date on which the common council or other governing body of any such city shall by resolution, adopted by a majority vote, approve and adopt the provisions of this act.

Approved June 25, 1941.

No. 411, S.]

[Published June 28, 1941.

CHAPTER 309.

AN ACT to amend 306.02 of the statutes, relating to appeals from judgments rendered by justices of the peace.

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

Section 306.02 of the statutes is amended to read:

306.02 The appellant or some person authorized by him must, *in all actions in which the adverse party shall have appeared*, within 20 days after receiving written notice that judgment has been rendered, make and present to the justice before whom the action was tried, or his successor in office, or any other justice then lawfully having custody of the docket containing such judgment, a notice of appeal, together with an affidavit that the appeal is made in good faith and not for the purpose of delay; and the appellant must, at the time of presenting such notice and affidavit to the justice, pay him his fees in the action, together with \$1 for his return and \$1 for state tax