

ing unit shall be deemed to constitute service only to the extent of the excess of such amounts over the expenses actually incurred and accounted for by the individual to his employing unit; provided that the term "wages" shall not include:

(1) That part of the remuneration which, after remuneration equal to \$3,000 has been paid to an individual by an employer with respect to employment during any calendar year, is paid to such individual by such employer with respect to employment occurring during such calendar year and after December 31, 1939;

(2) The amount of any payment with respect to services performed after December 31, 1940, to, or on behalf of, an individual in its employ under a plan or system established by an employing unit which makes provision for individuals in its employ generally or for a class or classes of such individuals (including any amount paid by an employing unit for insurance or annuities, or into a fund, to provide for any such payment), on account of (A) retirement, or (B) sickness or accident disability, or (C) medical and hospitalization expenses in connection with sickness or accident disability, or (D) death, provided the individual in its employ (i) has not the option to receive, instead of provision for such death benefit, any part of such payment, or, if such death benefit is insured, any part of the premiums (or contributions to premiums) paid by his employing unit, and (ii) has not the right, under the provisions of the plan or system or policy of insurance providing for such death benefit, to assign such benefit, or to receive a cash consideration in lieu of such benefit either upon his withdrawal from the plan or system providing for such benefit or upon termination of such plan or system or policy of insurance or of his services with such employing unit;

(3) The payment by an employing unit (without deduction from the remuneration of the individual in its employ) of the tax imposed upon an individual in its employ under Section 1400 of the Federal Internal Revenue Code with respect to services performed after December 31, 1940; or

(4) Dismissal payments after December 31, 1940, which the employing unit is not legally required to make.

SEC. 2. *And be it further enacted*, That this Act is hereby declared to be an emergency law, necessary for the immediate preservation of the public health and safety, and being passed by a ye and nay vote, supported by three-fifths of all of the members elected to each of the two Houses of the General Assembly, the same shall take effect April 1, 1941.

Approved April 23, 1941.