

and imprisonment and federal aids may be withheld. 38 Atty. Gen. 251.

A county pension director may not furnish to a county board member a list of names of persons in his district with amounts of aid they have received monthly as aid to the blind, aid to dependent children, or old-age assistance. 39 Atty. Gen. 205.

49.53 (1) does not prohibit the applicant for public assistance from disclosing the facts relating to the same, nor does it prevent a representative of the department of public welfare from testifying regarding aid to dependent children in a prosecution for nonsupport under 52.05, against a parent responsible for their support. 46 Atty. Gen. 316.

49.61 History: 1945 c. 578, 588; Stats. 1945 s. 49.61; 1947 c. 9 s. 31; 1951 c. 595; 1951 c. 725 s. 22 to 25; 1953 c. 31 s. 45; 1953 c. 61, 286, 330, 558, 631; 1955 c. 160; 1957 c. 366; 1959 c. 344, 440; 1959 c. 659 s. 79; 1961 c. 370, 462, 524, 542, 565, 578, 682; 1965 c. 138, 362; 1965 c. 433 s. 121; 1965 c. 590; 1967 c. 9, 69, 295; 1969 c. 154, 193, 345; 1969 c. 366 s. 117 (1) (c).

The amendment of 49.61 (2) (a), by ch. 595, Laws 1951, so as to eliminate the maximum age limit, was not nullified by the repetition of the deleted words by ch. 725, Laws 1951, where the failure to italicize the words as provided in 35.08 (2) and other circumstances indicate that the repetition of the words in the later law was due to inadvertence. 40 Atty. Gen. 268.

See note to 49.18, citing 43 Atty. Gen. 108.

Where the federal government has disallowed federal aid for payments by a county under 49.61 because federal regulations were not complied with, the state department of public welfare is obligated to recoup any payments advanced to the county as federal aid; but if the payments made by the county complied with state regulations, the county is to be reimbursed in the prescribed percentage for state aid. 43 Atty. Gen. 125.

See note to 49.27, citing 51 Atty. Gen. 186.

49.65 History: 1967 c. 55; Stats. 1967 s. 49.65.

49.70 History: Spl. S. 1963 c. 2; Stats. 1963 s. 49.70; 1969 c. 283 s. 20.

CHAPTER 50.

Tuberculosis Sanatoriums.

Revisor's Note, 1939: Sections 46.27 (2) and 50.09 (3) (created by chapters 233 and 473) direct the revisor of statutes "to make the necessary changes in the language of the statutes so as to indicate the transfers" of specified functions, powers and duties from the state board of control to the state board of health made by chapters 233 and 473. Changing the "language of the statutes" is a new function for the revisor and a very delicate one. Heretofore statutes have been printed literally in the language found in the acts of the legislature. There have been directions by the legislature to the revisor to substitute specific terms for other specific terms in the statutes. That task is merely clerical; it is simple. However, the task assigned by chapters 223 and 473 is not a simple one. The changes indicated are not entirely clear in all

particulars. Extracting some of the powers given by a section of the statute and leaving others mutilates the section. It is best to make the changes in the "language of the statutes" by bill rather than have the revisor do it. A change made by a bill is the law and is binding on everyone. A change made by the revisor is merely his opinion and binds no one. In the 1939 Wisconsin Statutes, the revisor has made what he considers to be the "changes in the language of the statutes" necessary to carry out the order of the law. In the execution of that command he has somewhat changed the language of sections 46.03 (1), 46.05 (1), 46.16 (1) (a), (c), 46.17 (1), 46.20 (3), (8), 50.03, 50.04, 50.05 and 50.07; has created section 140.055; and has rewritten sections 50.01 and 50.06.

50.01 History: 1911 c. 457; Stats. 1911 s. 1421—9 sub. 1, 3, 1421—11 sub. 2; 1913 c. 328; 1915 c. 544; 1917 c. 298 s. 2; 1919 c. 122; 1919 c. 346 s. 10; 1919 c. 679 s. 38; Stats. 1919 s. 50.06; 1923 c. 113; 1939 c. 233, 473; 1943 c. 326; 1945 c. 155, 559; 1953 c. 213; 1957 c. 526 s. 7; Stats. 1957 s. 50.01; 1969 c. 366 ss. 41, 117 (1)(a).

Revisor's Note, 1939: Subsection (4) is from 46.17 (1), (2); (5) is from 46.17 (3); (7) is from 46.18 (7) (d). Paragraphs (b) and (c) of subsection (7) of section 46.18 are obsolete. See revisor's note to chapter 50.

See note to 46.17, citing 21 Atty. Gen. 996.

Creation of a sanatorium under this section does not automatically establish within such sanatorium an outpatient department as authorized under 50.06, Stats. 1961. 52 Atty. Gen. 98.

50.02 History: 1955 c. 223; Stats. 1955 s. 50.065; 1957 c. 526 s. 8 to 11; Stats. 1957 s. 50.02; 1969 c. 366 s. 117 (1)(a).

50.03 History: 1957 c. 526 s. 5; 1957 c. 698; Stats. 1957 s. 50.03; 1969 c. 366.

50.04 History: 1957 c. 526 s. 5; 1957 c. 672, 698; Stats. 1957 s. 50.04; 1959 c. 255; 1961 c. 329; 1965 c. 419; 1965 c. 659 ss. 23 (2), 24 (9); 1969 c. 276 s. 584 (1)(b); 1969 c. 366 s. 117 (1) (a), (b).

The expense of preparing for burial the body of an indigent patient who died in a county tuberculosis sanatorium is part of the "maintenance" expense within 50.07, Stats. 1921. 11 Atty. Gen. 336.

A prisoner who has a legal settlement in Sheboygan county and is sentenced to jail in Manitowoc county may, upon developing tuberculosis, be transferred to the tuberculosis sanatorium of Manitowoc county; and maintenance may be charged to Sheboygan county under 50.07, Stats. 1929. 18 Atty. Gen. 277.

A person admitted as a "pay patient" under the provisions of 50.07, Stats. 1941, and who later fails to pay his bill is not kept as a public charge within the meaning of 50.07 (3). 30 Atty. Gen. 324.

The state board of health may not approve an allowance of state funds for care of a patient in a county tuberculosis hospital unless a county judge has made a determination that support of such patient should be a public charge. Where application is made for treatment at public charge and evidence is given which would warrant necessary findings by

the county judge, the grant of an application should be construed as compliance with statutory requirements although it does not expressly recite that the judge determined chargeability for the patient's support. 31 Atty. Gen. 124.

A county may accept federal aid for its share of cost under 50.07 (2), Stats. 1941, of maintaining indigent resident Indians in a county tuberculosis sanatorium. 31 Atty. Gen. 264.

A person who has resided in this state for 5 years or more in the aggregate prior to his admission to a state or county tuberculosis sanatorium is entitled to free care even though his legal settlement in this state has been lost, and in such case he is a state charge. 37 Atty. Gen. 80.

The cost of streptomycin treatment for a patient in a tuberculosis sanatorium should be handled as other maintenance costs in determining the per capita cost to be used in the annual adjustment between the state and counties pursuant to 50.11, Stats. 1947. This applies also to patients receiving free care under 50.07 (2a). 37 Atty. Gen. 280.

Where fire damages a county tuberculosis sanatorium, the expense of pumping water out of the boiler room, installing piping to a temporary kitchen and laundry, and installing temporary partitions are proper items to be included in computing per capita cost of maintenance of patients; but replacement of privately owned clothing of employes destroyed in the fire is not. 39 Atty. Gen. 55.

50.06 and 50.07, Stats. 1953, apply to hospitals operated and maintained jointly by 2 or more counties. Under 50.07 (2) maintenance of patients includes emergency surgical work. What is emergency surgical work is a medical and surgical question depending upon the particular circumstances. Surgical work of a non-emergency character, not incidental to the treatment for tuberculosis, is to be handled as in other indigent cases. 43 Atty. Gen. 242.

The cost of routine chest surgery for treatment of a tuberculosis patient in a county sanatorium is part of the patient's maintenance. If it is to be furnished at Wisconsin general hospital, the patient should be sent there at the expense of the sanatorium, not discharged from the sanatorium and admitted to Wisconsin general hospital through proceedings before the county judge of the patient's county of legal settlement pursuant to ch. 142. 44 Atty. Gen. 220.

In the computation of charges for the maintenance of patients in state tuberculosis sanatoriums, money expended from the highway appropriation provided in 20.420 (73), Stats. 1955, should not be considered. 44 Atty. Gen. 234.

See note to 48.55, citing 46 Atty. Gen. 240.
See note to 50.09, citing 49 Atty. Gen. 191.

50.05 History: 1939 c. 65, 424; Stats. 1939 s. 50.075; 1957 c. 526 s. 14; Stats. 1957 s. 50.05.

50.06 History: 1919 c. 529; Stats. 1919 s. 50.08; 1949 c. 201; 1951 c. 496; 1953 c. 475; 1955 c. 166; 1957 c. 526 s. 15; Stats. 1957 s. 50.06; 1963 c. 6, 154; 1965 c. 160, 368, 552; 1969 c. 55; 1969 c. 276 s. 582 (3); 1969 c. 366 s. 117 (1) (a).

50.07 History: 1943 c. 326; Stats. 1943 s. 50.095; 1957 c. 526 s. 17; 1957 c. 698; Stats. 1957 s. 50.07; 1969 c. 366 ss. 43, 117 (1) (a).

Under 50.095, Stats. 1945, the board of health has power only to make recommendations as to standards of care and treatment in tuberculosis sanatoria. It may not withhold state aid if sanatoria do not provide adequate standards of care. Under 50.06 (8) the board may withhold state aid and prohibit use of a sanatorium building if it finds a defect in the matter of safety, sanitation, adequacy or fitness. The board's rule-making power under 140.05 (3) does not extend to establishing minimum standards of personnel and facilities in tuberculosis sanatoria. The board may prescribe minimum standards for the guidance of sanatorium officials but is without power to enforce them. 35 Atty. Gen. 29.

50.08 History: 1939 c. 65; Stats. 1939 s. 50.10; 1945 c. 104, 588; 1953 c. 31 s. 45; 1957 c. 526 s. 18; Stats. 1957 s. 50.08.

The county has no claim against the estate of a deceased husband for maintenance of his wife in a county tuberculosis sanatorium, where the wife was committed at public charge and no proceedings have been taken to charge the husband pursuant to 50.10 and 49.11, Stats. 1945. 34 Atty. Gen. 251.

50.09 History: 1943 c. 326; Stats. 1943 s. 50.11; 1945 c. 22, 104, 168; 1947 c. 472; 1953 c. 213; 1957 c. 361; 1957 c. 526 s. 19; 1957 c. 672 s. 41; Stats. 1957 s. 50.09; 1959 c. 266, 555; 1959 c. 659 s. 79; 1963 c. 181; 1969 c. 8, 255; 1969 c. 366 s. 117 (1) (a), (b), (i), (j), (3) (c).

Under 50.09 (3), Stats. 1959, county boards must take affirmative action before 14% may be added to charges for care in county sanatoria. 49 Atty. Gen. 191.

50.095 History: 1963 c. 192; Stats. 1963 s. 50.095.

50.10 History: 1943 c. 326; Stats. 1943 s. 50.12; 1957 c. 526 s. 20; Stats. 1957 s. 50.10; 1969 c. 366 s. 117 (1) (a).

50.11 History: 1943 c. 326; Stats. 1943 s. 50.13; 1953 c. 54; 1957 c. 526 s. 22; Stats. 1957 s. 50.11; 1969 c. 276 s. 603 (5); 1969 c. 366 s. 117 (1) (a).

CHAPTER 51.

State Mental Health Act.

General Comment of Interim Committee, 1947: In recommending this bill to the 1947 Legislature for passage, the Joint Interim Committee on Revision of Public Welfare Laws, appointed pursuant to Jt. Res. No. 72 S., 1945 session, wishes to direct special attention to some of the principal features of the bill:

The committee has consolidated old Chapter 51, entitled "Hospitals and Asylums for the Insane" and old Chapter 52, entitled "Homes for the Feeble-Minded", into new Chapter 51, entitled "Care of Mentally Ill, Infirm and Deficient Persons", for the reason that the two chapters relate to the same general subject.

The committee has adopted a new terminology in regard to mental ailments and mental institutions which it considers a