

No. 381, A.]

[Published June 18, 1943.]

CHAPTER 325.

AN ACT to create 71.08 of the statutes, relating to the filing of certain information in connection with the income tax return.

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

71.08 of the statutes is created to read:

71.08 INFORMATION REQUIRED FOR LOCAL ASSESSORS. Each person, firm or corporation except farmers and wholesalers subject to section 78.11 required under this chapter to file a return of income in which inventories are a factor, shall file for each taxing district on a form to be provided by the department of taxation the following information: (a) the inventory at the beginning and at the end of the fiscal year; (b) the total of merchandise purchased during the year; and (c) the total sales during the year. Such information shall be forwarded by the department on or before May 1 to the assessor in the local taxation district concerned.

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No. 398, A.]

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CHAPTER 326.

AN ACT to repeal 46.10 (1a); to amend 46.03 (1), 50.02 (3), 50.03 (2), (3) and (5), 50.06 (1), 50.07 (3) (introductory paragraph) and (4) (b); and to create 20.06 (11), 50.05 (4), 50.06 (8), 50.051 to 50.056, 50.095 and 50.11 to 50.14 of the statutes, relating to tuberculosis sanatoria.

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

SECTION 1. A new subsection is added to section 20.06 to read:

20.06 (11) Such sums as may be necessary for repayment of moneys paid into the general fund under the provisions of section 50.053 (2) and section 50.11, such payments to be made upon the certification of the state board of health, notwithstanding the provisions of section 20.06 (2).

SECTION 2. 46.03 (1) is amended by adding at the end thereof

the following: “*except the Wisconsin state sanatorium, the northern state sanatorium and the state tuberculosis camp.*”

SECTION 3. 46.10 (1a) is repealed.

SECTION 4. 50.02 (3) is amended to read:

50.02 (3) There may also be admitted for care and treatment upon proper certificate of examining physician and recommendation of the superintendent of the institution, any inmate committed to the industrial school for boys, industrial school for girls or the state public school, who is suffering from tuberculosis, and the state * * * *department of public welfare* is * * * authorized to cause such transfers thereto.

SECTION 5. 50.03 (2) is amended by substituting “(1) of section 50.11” for “(1a) of section 46.10”; 50.03 (3) is amended by substituting “50.11” for “46.10”; and 50.03 (5) is amended by substituting “50.11” for “46.10” in the third line and by substituting “50.11” for “46.10” in the last line.

SECTION 6. A new subsection is added to section 50.05 to read:

50.05 (4) The state board of health may transfer any patient from the state sanatorium, or from any county sanatorium or from any institution receiving state aid under the provisions of section 58.06 (2), to this institution, upon recommendation of the superintendent of the institution, and the patient consenting thereto, whenever it is for the best interest of said patient.

SECTION 7. A new section is added to the statutes to read:

50.051 OFFICERS AND EMPLOYES OF INSTITUTIONS; POLICE POWERS; COMPLAINTS. (1) The board shall appoint a superintendent for each of the state tuberculosis sanatoria and for the state tuberculosis camp. The duties of said officer shall be fixed by said board, except as otherwise provided by law.

(2) The salaries of the officers of said institutions, if not otherwise fixed by law, shall be fixed by the board. The superintendent of each institution shall execute and file an official bond in such sum and with such sureties as said board may prescribe. The board shall require any other officer or other person having the possession or custody of any money or property belonging to the state or to any of said institutions to give an official bond, and from time to time to renew the same.

(3) Except as otherwise provided by law the board shall fix the number and prescribe the duties and compensation of

subordinate officers, teachers and employes in each such institution, who shall be appointed by the superintendent subject to approval by the board; and may remove or discharge any officer, teacher or employe who shall be guilty of any malfeasance or misbehavior in his office or employment or of neglect or improper discharge of duty.

(4) The board may give such instruction in occupational therapy or vocational training at such institutions as it shall deem wise; such instruction shall consist of vocational advice and technical training necessary for the proper qualifications of the patients of such institutions for present and future usefulness.

(5) The officers, janitors and guards of all the said institutions not located within the corporate limits of any village or city are empowered to summarily arrest all persons within or upon the grounds of such institution whom they have reasonable cause to believe guilty of any offense against the laws or regulations governing the same, or of any other violation of section 343.463; to arrest any vagrant or idle person who shall refuse to leave any of said institutions or premises when requested so to do; and to take any such offender before any court of competent jurisdiction and cause proper complaint to be made against him; and for such purpose said officers, janitors and guards shall possess all the powers and authority of police officers and constables.

(6) Said board shall investigate all complaints against any of said institutions, or against the officers or employes thereof; may summon, compel the attendance of and swear witnesses, and compel the production of books and papers; and may at any time, on its own initiative, investigate the affairs of any such institution in such manner as may seem best. Any written communication or complaint addressed to such board or any of its members by any patient, employe or subordinate of any such institution shall be forthwith forwarded as addressed without the breaking of the seal or the reading thereof or other interference by any officer or employe of the institution from which it shall be sent.

SECTION 8. A new section is added to the statutes to read:

50.052 ACQUISITION AND DISPOSITION OF LANDS. (1) Whenever the said board is authorized by law to acquire land for said institutions and the owner thereof refuses to agree upon the com-

pensation therefor, or whenever by reason of the absence or legal incapacity of the owner, or other cause, such agreement cannot be had without unreasonable delay, the said board may acquire such land by condemnation proceedings in the manner prescribed in chapter 32.

(2) Said board may construct and operate, or may grant license to any railway company to construct and operate, a spur railroad track over lands belonging to the state to connect any of said institutions with a general line of railroad, but any license granted in pursuance hereof shall be revocable at the will of the legislature.

SECTION 9. A new section is added to the statutes to read:

50.053 RECEIPTS ON BEHALF OF THE STATE OR PATIENTS. (1) All moneys received by any person for or in behalf of the board of health or any of said institutions shall be paid within one week of receipt into the general fund of the state treasury and except as expressly provided otherwise shall be available for state account generally.

(2) All money or property paid or delivered to any officer or employe of said institutions for the benefit of any patient therein shall forthwith be paid or transmitted to the superintendent thereof, who shall enter the same upon his books to the credit of the person or persons for whose benefit it was designed. Such money or property shall be used only under the direction and with the approval of the superintendent of the institution and for the benefit of the person or persons for whom it was designed. If the money of any patient in any of said institutions shall remain uncalled for one year or more after the discharge, death or unauthorized departure of the patient from such institution, the superintendent shall deposit such uncalled for funds in the general fund as a nonappropriated receipt; or if any such patient leaves personal property uncalled for at an institution for one year or more, the superintendent shall sell the property and deposit the proceeds in the general fund as a nonappropriated receipt. Any such patient who can satisfy the state board of health, within 5 years of the date of such deposit of uncalled for money or proceeds of sale of personal property in the general fund, as to the validity of his claim to funds so deposited, shall be repaid, and the board shall direct the secretary of state to draw his warrant in favor of the person so entitled to the funds, which

the secretary of state shall do and charge to the appropriation made by section 20.06 (11).

SECTION 10. A new section is added to the statutes to read:

50.054 PURCHASES: BILLS AND CLAIMS. (1) The superintendent of each institution shall be the local business manager and requisitioning officer thereof, subject to the direction and the rules and regulations of the state board of health, and within the limits of the monthly estimates made for the purpose shall purchase as provided in sections 15.26 to 15.40, all materials and supplies necessary therefor. He shall have the immediate charge of all books, accounts, papers and records relating to its financial management, and shall keep detailed accounts of all receipts and expenditures, be responsible for the safekeeping and economical use of all stores and supplies, and require verified bills of all articles bought.

(2) All materials and supplies shall be purchased as provided in sections 15.26 to 15.40; provided that no butter or cheese not made wholly and directly from pure milk or cream, salt and harmless coloring matter shall be purchased for or used in any of said institutions.

(3) On the receipt of property purchased he shall compare the articles received with the bills therefor, and see that they are correct as to quality, quantity and the price charged, and to every bill which shall be so found he shall attach a certificate setting forth the fact that he has made such examination and has proven the extensions and footings, and that the bill is in all respects just and correct. All such bills shall be laid before the board at its next regular meeting for allowance, and no bill or account shall be audited nor any appropriation made for the payment thereof which shall not first be so certified and presented, and verified by the affidavit of the claimant or his agent.

SECTION 11. A new section is added to the statutes to read:

50.055 HOSPITALIZATION OF PATIENTS AT WISCONSIN GENERAL HOSPITAL. (1) The state board of health shall make application to the board of regents of the university for the admission to the state of Wisconsin general hospital of any patient of any state tuberculosis sanatorium or camp or of any person committed to, or applying for admission thereto, who is afflicted with any disease, malady, deformity or ailment, which can probably be remedied, or which can be advantageously treated by proper

medical or surgical care, at the state of Wisconsin general hospital, in all cases where such person cannot receive proper care at the institution to which he has been committed or to which he has made application for admission. Said application shall be accompanied by the report of the physician of said institution or by a physician appointed by the board of health, in the same form as reports of other physicians for admission of patients to said hospital.

(2) The net cost of such treatment shall be at the same rate charged the county for county patients, and shall be chargeable one-half to the appropriation for operation of the institution from which the said patient is sent and one-half to the state. The said board may likewise pay out of the operation fund to the institution the necessary traveling expenses, including the expenses for an attendant when such person cannot travel alone to and from the hospital. Payments for the treatment of such patients are to be made by the board of health to the regents of the university for such portion as is chargeable to the operation fund of any institution, and such portion as is chargeable to the state shall be certified and paid as provided in section 142.08 (1).

SECTION 12. A new section is added to the statutes to read:

50.056 REPORTS FROM STATE INSTITUTIONS. (1) The superintendent of each state tuberculosis sanatorium or camp shall make a monthly report to the state board of health, comprising an itemized statement of all receipts and disbursements, and of the daily number of patients, officers, teachers and employes, and the wages paid to each.

(2) On July 1 in each even-numbered year the superintendent shall make a report to said board, covering the preceding biennial fiscal term, comprising a summarized statement of the management of every department of the institution and of all receipts and disbursements, and such other information as may be required by the board.

SECTION 13. Subsection (1) of section 50.06 is amended to read:

(50.06) (1) Every county may pursuant to this section, establish a county tuberculosis sanatorium. In counties whose population is 250,000 or more such institution shall be governed pursuant to section 46.21. In all other counties it shall be governed pursuant to sections 46.18, 46.19 and 46.20, except as otherwise

provided in this section, and except that references to the state board of control (or state department of public welfare) therein shall for the purposes of this section be construed to mean the state board of health.

SECTION 14. Subsection (8) of section 50.06 is created to read:

50.06 (8) SEMI-ANNUAL INSPECTION OF BUILDINGS. Before the occupancy of any such building, and semi-annually thereafter, the board shall cause such building to be inspected with respect to its safety, sanitation, adequacy and fitness, and report to the authorities conducting said institution any deficiency found, stating the nature of the deficiency, in whole or in part, and ordering the necessary work to correct it or that a new building shall be provided. If within 6 months thereafter such work be not commenced, or not completed within a reasonable period thereafter, to the satisfaction of the board, it shall suspend the allowance of any state aid for, and prohibit the use of such building for the purposes of said institution until said order shall have been complied with.

SECTION 15. The introductory paragraph of section 50.07 (3) is amended by substituting "50.11" for "46.10"; and section 50.07 (4) (b) is amended by substituting "50.06" for "46.17".

SECTION 16. A new section is added to the statutes to read:

50.095 GENERAL SUPERVISION AND INSPECTION. (1) The state board of health shall:

(a) Investigate and supervise all of the tuberculosis hospitals and sanatoria of every county and other municipality, and familiarize itself with all the circumstances affecting their management and usefulness.

(b) Visit each of said institutions and inquire into their methods of treatment, instruction, government and management of their patients; the official conduct of their trustees, managers, directors, superintendents and other officers and employees; the condition of the buildings, grounds and all other property pertaining to said institutions, and all other matters and things pertaining to their usefulness and management; and recommend to the officers in charge such changes and additional provisions as it shall deem proper.

(c) Inspect each such institution annually, or oftener if necessary; and, whenever directed by the governor make special investigation into their past or present management, or anything con-

nected therewith, and report to him the testimony taken, the facts found, and conclusions thereon.

(d) Inform the governor, and the district attorney of the county in which the institution is located, of any violation of law disclosed in any investigation of any such institution.

(2) All trustees, managers, directors, superintendents and other officers or employes of the institutions aforesaid shall at all times afford to every member of said board or its agents, unrestrained facility for inspection of and free access to all parts of the buildings and grounds and to all books and papers of such institutions and shall give either verbally or in writing, such information as the board may require; and if any such person shall offend against this requirement he shall forfeit not less than \$10 nor more than \$100. Each member of the board is authorized to administer oaths and take testimony and may cause depositions to be taken pursuant to law. All expenses of such investigations, including fees of officers and witnesses, shall be charged to the appropriation for the state board of health.

SECTION 17. A new section is added to the statutes to read:

50.11 SETTLEMENTS BETWEEN STATE AND COUNTIES FOR MAINTENANCE OF PATIENTS; PROPERTY OF PATIENTS AND RELATIVES CHARGEABLE; RECOVERY; POWERS; DUTIES. (1) Whenever any person shall apply for admission to any institution provided for in chapter 50 and section 58.06 (2), the court, judge, magistrate or board before whom such matter is pending shall give due notice of the hearing to the district attorney of such county who shall attend said hearing; and the said court, judge, magistrate or board shall upon proper evidence determine the legal settlement of such person and his general financial ability. If the evidence does not disclose property sufficient to save the county free from the expense of his support, the said court, judge, magistrate or board shall ascertain by further proof the residence and financial ability of any person, if any, liable for such support, pursuant to law, and shall order proper proceedings to be brought for the enforcement of such liability; but if the evidence discloses that the legal settlement of the person so examined and found destitute is within some other county within the state, such hearing shall be continued and the district attorney of such other county shall be duly notified and shall appear at such continued hearing. At the conclusion of said hearing the court, judge, magistrate or board shall determine the chargeability for the support

of such person and certify such determination to the superintendent of the institution; and thereupon such person shall be admitted.

(2) On July 1 in each year the state board of health shall prepare a statement of the amounts due from the several counties to the state, pursuant to law, for the maintenance, care and treatment of patients at public charge in state or county tuberculosis sanatoria. Such statements shall cover the preceding fiscal year and shall specify the name of every patient in each state institution whose support is partly chargeable to some county, and the name of every patient in each county institution whose support is wholly chargeable in the first instance to the state and partly chargeable over to some county; and shall further specify, with respect to each patient, his legal settlement, the number of weeks for which support is charged, the amount due the county for any recovery of maintenance, and the amount due to the state from such county, itemized as to board, clothing, dental, burial, surgical and transfer. The president and secretary of the board shall certify said statement, file it with the secretary of state and mail a duplicate to the clerk of each county charged; and thereupon the secretary of state shall charge to the several counties the amounts so due, which shall be certified, levied, collected and paid into the state treasury with the state tax as a special charge.

(3) On July 1 in each year the superintendent or other officer in charge of each county sanatorium shall prepare a statement of the amount due from the state to the county in which such institution is located, pursuant to law, for the maintenance, care and treatment therein of patients at public charge, on forms supplied by the state board of health. Such statement shall cover the preceding fiscal year and shall specify the name of each patient whose support is partly chargeable to the state, or wholly chargeable in the first instance to the state and partly chargeable over to some other county; and shall further specify, with respect to each patient, his legal settlement, the number of weeks for which support is charged, and the amount due to the county from the state, itemized as to board, clothing, dental, burial, surgical and transfer. Said statement shall be verified by affidavit by the officer making it and certified by the trustees of the institution to the state board of health, for examination and approval, and a duplicate thereof shall be forwarded by said board to the county clerk of the county involved. The said board shall give proper

credit of the amount due the county for any recovery of maintenance and, when approved, the president and secretary of the board shall certify said statement to the secretary of state, who shall credit the aggregate amount found due on the state tax next accruing from said county.

(4) Whenever any patient in any sanatorium of the state or of any county is improperly charged to the state or to any county, the attorney general on behalf of the state, or the district attorney of such county on its behalf, may make written application to the state board of health for relief from such charge. The application shall designate the county to which such patient is chargeable, or if it be claimed that he is chargeable to the state it shall be so stated. Said board shall give reasonable notice to the parties interested of the time and place at which and when they may be heard. Such application may be supported by affidavits and other proper evidence. If upon the hearing said board shall grant the relief asked for, it shall order a proper charge against the county chargeable, or against the state, as the case may be; and from and after the making of such order such patient's support shall be charged accordingly; but the county named in such order may, in like manner apply to said board for relief from the burden thereby imposed, in which case the matter shall be heard and disposed of as herein provided.

(5) Any party aggrieved by any such order may, within one year from the making thereof, appeal to the circuit court of Dane county, by serving a notice of the appeal upon the president or secretary of said board, the district attorney of any county which is a party in interest and upon the attorney general. Within 20 days after the service of such notice the secretary of said board shall transmit to the clerk of such court all the original papers used upon the hearing before it, together with a certified copy of all the proceedings, orders and decisions made thereon. When a complete determination of the controversy cannot be had without the presence of other parties than those to the original proceeding the court shall order such parties to be brought in, and for that purpose may make such order as it may deem necessary. Such appeal shall be tried by a jury unless such mode of trial is waived, in the manner in which actions originally brought in the circuit court are tried. The jury shall find a special verdict naming the county to which the support of such patient is chargeable or whether it is chargeable to the state, and judgment

shall be entered accordingly. An appeal may be taken from such judgment to the supreme court as in other cases. The prevailing party in either court shall be entitled to the usual costs. Upon the rendition of final judgment said board shall make the proper charges or credits on its books and certify the same to the secretary of state.

(6) If any error has been or shall be committed in the accounts between the state and any county in making charges for the support of any patient in any state or county sanatorium, or in the amount certified to any county as due and to be assessed upon it on account of such support, and such error shall be certified by the state board of health, the secretary of state shall correct such error by a proper charge or credit on the state tax next accruing.

SECTION 18. A new section is added to the statutes to read:

50.12 TRANSFER OF PATIENTS. (1) Whenever any patient lawfully committed to any state or county tuberculosis sanatorium shall be removed in a case authorized by law from any of these institutions to any other of them by the state board of health, the superintendent of the institution from which any such removal is made shall notify the court or judge who committed such patient of the fact of such removal.

(2) The board may designate, in the order of removal, the superintendent of the institution from which or to which such removal is made or any other discreet citizen, to make such removal. The person so designated shall receive no mileage or per diem for making such removal, but shall be paid his actual and necessary traveling expenses and those of the person removed and of any necessary assistant, to be adjusted by the board and charged to the current expense fund of the institution from which such removal is made; but if some county is chargeable with any portion of the expense of maintaining the person so removed, such county shall be charged therewith, and such charge shall be adjusted in the same manner that charges for the maintenance of such patients are adjusted.

SECTION 19. A new section is added to the statutes to read:

50.13 WASSERMANN TESTS AND OTHER CHEMICAL EXAMINATIONS. The state board of health is authorized to make necessary arrangements with the laboratory of the psychiatric institute for the giving of the Wassermann test to any person confined in any state or county tuberculosis sanatorium, and for making such

test for any practicing physician of this state who makes application therefor in behalf of any resident of this state, free of charge. Arrangements shall also be made with said institute for the making of chemical examinations of the cerebrospinal fluid for any practicing physician of this state free of charge.

SECTION 20. A new section is added to the statutes to read:

50.14 BIENNIAL REPORT OF BOARD. (1) On or before December 1 in each even-numbered year the state board of health shall make to the governor a report of its proceedings during the preceding biennial fiscal term, with such recommendations as it may deem fit respecting the subjects in its charge or under its supervision, and including also: A detailed statement of all expenditures from the state treasury on behalf of the board and all the state and county tuberculosis sanatoria; a summary of the results of all its visits, inspections and investigations in respect to matters committed to it, and of all statistical information collected by it, properly tabulated; and a concise statement showing the conditions of said institutions.

(2) Said report shall further show, with respect to each state institution:

(a) The kind and estimated value of all the property in its charge at the commencement of the biennial term;

(b) The kind and cost of all permanent additions and improvements made;

(c) The amount of money received from all public and private sources;

(d) The receipt of all money and property from private sources for the benefit of patients, and the disposition made thereof;

(e) The amount and estimated value of all products of the farm, shop, industries and other sources of support and supply in its charge and the cost and application thereof;

(f) The number of all patients maintained at the commencement and at the close of each fiscal year, the average number during the year, and the average cost of maintenance per capita per week, based upon the total amount expended during the year for subsistence and for repairs and renewals of property, including the net value of all products of the farm and garden consumed at the institution and of all labor expended in the care and repair of the property but excluding the cost of permanent

additions to and improvements of property and private contributions for patients;

(g) Such further facts relating to the financial condition as the board may deem necessary for the information of the legislature;

(h) An estimate of the expenses for the ensuing biennial fiscal term;

(i) Such parts of the reports of the superintendents as the board shall deem proper to lay before the legislature.

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CHAPTER 327.

AN ACT to amend 203.22 of the statutes, relating to coinsurance clauses.

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

203.22 of the statutes is amended to read:

203.22 Except as otherwise provided by law, no fire insurance company shall issue any policy in this state containing any provision limiting the amount to be paid in case of loss below the actual cash value of the property, if within the amount for which the premium is paid, unless, at the option of the insured, a reduced rate shall be given for the use of a coinsurance clause made a part of the policy. * * * Any company may, by so providing in the policy, distribute the total insurance in the manner and upon as many items as specified therein, or limit the amount recoverable upon any single item, article, or animal to an amount not exceeding the cost thereof, or to an amount specified in the policy. Any company, officer, or agent violating any provision of this section shall upon conviction thereof, be punished by a fine of not less than \$100 nor more than \$500 and the license of such agent and company may be suspended for a period not exceeding one year.

Approved June 16, 1943.