

No. 756, A.]

[Published July 18, 1957.

CHAPTER 361

AN ACT to amend 50.11 (4) ; and to create 46.106 (1m) and 50.11 (1m) of the statutes, relating to liability for the care of public charges in institutions and notice by committing or admitting court.

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

SECTION 1. 46.106 (1m) of the statutes is created to read:

46.106 (1m) NOTICE BY COMMITTING OR ADMITTING COURT. Notwithstanding any other provision of the statutes, whenever a determina-

tion of legal settlement of a committed or admitted mental patient is made, including temporary detention under s. 51.04 (2) and (3), the judge making such determination shall within 20 days notify by forwarding a copy of the commitment, admission or application, as the case may be, by certified mail to the district attorney or corporation counsel of the county of legal settlement so determined, and the state department of public welfare in all instances. Notice need not be given to a county that has been represented in the determination by counsel. If such notice is not given within 20 days, the county of commitment or admission shall be liable for the cost of care and maintenance of the patient until such notice is given, and the state or county later notified shall be liable only for such costs incurred from the time notice is given. If a county so notified is found not to be the county of legal settlement in a proceeding under sub. (4), the county of actual legal settlement or the state may be held liable irrespective of notice if a party to the proceeding under sub. (4).

SECTION 2. 50.11(1m) of the statutes is created to read:

50.11 (1m) In the event the court, judge, magistrate or board fails to give the proper notice by certified mail as provided in sub. (1) the county of admission shall be liable for the cost of care and maintenance of the patient until the county charged with the cost of care and maintenance is given proper notice, a copy of which notice shall be sent to the state board of health. If it appears that the patient is without a legal settlement under sub. (1) then the state board of health shall be given notice by certified mail that the state shall be chargeable for the care and in the event the state is not notified the county of admission shall be liable for the cost of care until the notice is given unless the state or some other county in a proceeding under sub. (4) is held liable.

SECTION 3. 50.11 (4) of the statutes is amended to read:

50.11 (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 or *corporation counsel* of such county on its behalf, may make written application to the state board of health for relief from such charge *but such relief shall not extend retroactively more than 2 years from the date of commitment, admission or proper notice as specified in sub. (1m), whichever is latest.* 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 * * * 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.

Approved July 10, 1957.