

No. 11, S.]

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CHAPTER 328.

AN ACT to amend Title VII of the statutes; to renumber and amend chapters 45e and 45k of the statutes to be chapter 46; and to rearrange, renumber, revise and amend the sections of said chapters, all relating to the state board of control.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The title of Title VII of the statutes is amended to read "Title VII. * * * **CHARITABLE, CURATIVE, REFORMATORY AND PENAL INSTITUTIONS AND AGENCIES;**" and said title shall include revised chapters 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, and 58.

SECTION 2. The title of chapter 45e of the statutes is amended to read: "Chapter * * * 46. * * * State board of control *and local boards.* * * *

SECTION 3. The chapter title of chapter 45k is stricken out.

STATE BOARD OF CONTROL

SECTION 4. Section 561 is renumbered to be subsection (1) of section 46.01 and is amended to read:

46.01 ORGANIZATION. (1) * * * To secure the just, humane and economical administration of the laws concerning the * * * charitable, curative, reformatory, and penal institutions of this state, there is hereby constituted a board of five members which shall be known as the "State Board of Control of Wisconsin." * * * The board shall be a body corporate * * * and in addition to the * * * functions expressly * * * authorized by law shall have all * * * powers necessary to the full and complete performance thereof. * * *

SECTION 5. Subsections 1, 2 and 3 of section 561a are renumbered to be subsections (2), (3) and (4), respectively, of section 46.01, and amended to read:

(46.01) (2) * * * *The members of said board shall be appointed by the governor, by and with the advice and consent of the senate, * * * for * * * terms of five years each, the original terms having commenced on the first Monday in April, respectively, in 1910, 1911, 1912, 1913 and 1914. One of such members shall be a woman; no two shall at the time of their appointment be residents of the same congressional district; and not all shall at such time belong to the same political party. One of said members shall be designated by the governor as president of the board.* * * *

(3) * * * Each person who accepts such appointment shall * * * take and * * * *file the official oath.*
* * *

(4) * * * Each member of said board shall devote his entire time *and attention* to the duties of his office.

SECTION 6. Section 561b is renumbered to be section 46.02, and is amended to read:

46.02 BOARD MEETINGS AND SUPPLIES. * * *
Said board shall be provided with a room or rooms in the capitol as its office, and shall there hold a regular meeting for the transaction of business at least once in each month. *A majority of the members shall be a quorum.* * * * *The board shall be supplied with all necessary furniture, blanks, blank books and printing. It may subscribe for not more than two hundred copies, in any one year, of the proceedings of the national conference of charities and corrections, * * * and may purchase books or periodicals for its library at a cost not to exceed one hundred dollars per annum.*

SECTION 7. The introductory paragraph and subsections (1), (2), (3), (4), (5), (6), (7), (13) and (14) of section 561j, and section 561dn are consolidated and renumbered to be section 46.03, and amended to read:

46.03 GENERAL FUNCTIONS OF THE BOARD.
* * * The * * * said board * * * shall:

(1) * * * Maintain and govern the Wisconsin state hospital for the insane, the northern hospital for the insane, *the central state hospital for the insane*, the state prison, *and the state prison farms*, the Wisconsin state reformatory, *the Wisconsin industrial home for women*, the Wisconsin industrial school for boys, *the Wisconsin industrial school for girls*, the Wisconsin school for the blind, *the Wisconsin institute for blind artisans*, the Wisconsin school for the deaf and dumb, the state public school * * *, the Wisconsin home for the feeble-minded, *the southern Wisconsin home for the feeble-minded*, *the Wisconsin state tuberculosis sanatorium*, *the northern state tuberculosis sanatorium*, *the state tuberculosis camp*, and all other * * * charitable, curative, reformatory, and penal institutions that may be established or maintained by the state.

(2) * * * Supervise and direct the management and affairs *and preserve and care for the buildings, grounds, and all other property* * * * pertaining to said institutions, and promote the objects for which they * * * are established

(3) * * * Take and hold in trust, *whenever the board may deem the acceptance thereof advantageous*, * * * all property, real or personal, transferred in any manner to the

state to be applied to any *specified* purpose, use or benefit * * * *pertaining to any of said institutions or the inmates thereof*, and * * * apply the same * * * *in accordance with the trust.*

(4) * * * On or before * * * *July* first in each year, *make* full and complete inventories and appraisals of all the property of each such institution, which shall be recorded and so classified as to * * * *show separately* the amount, kind, and value of such property.

(5) * * * *Make* and cause to be printed * * * regulations * * * for its own government, * * * the management of said institutions, and the accomplishment of the purposes for which they * * * *are* established.

(6) * * * *Visit* and inspect each of said institutions at least once in each month, either as a body or by some member or members, and ascertain whether the officers, teachers and employes therein are competent and faithful in the discharge of their duties, * * * all inmates * * * properly cared for and governed, * * * all accounts, books and vouchers * * * properly kept, and all the business affairs * * * properly conducted.

(7) * * * *Establish and maintain* a system and *prescribe forms* for keeping the books, * * * accounts, and records, and for rendering reports of all * * * said institutions * * *, which shall be as nearly uniform as is practicable * * *

(8) * * * *At the close of each fiscal year*, cause all * * * the financial transactions and accounts of or relating to * * * said several institutions * * * to be thoroughly examined * * * *by an accountant*, pursuant to the provisions of chapter 15 of the statutes; * * * and said accountant shall submit a full and detailed report * * * of such examination to the governor as soon as practicable.

SECTION 8. Section 561k, subsection (9) of section 564, and section 4734f are consolidated and renumbered to be section 46.04, and amended to read:

46.04 OFFICERS AND EMPLOYES OF THE BOARD.

(1) * * * *The board shall appoint a secretary*, who shall be a competent and experienced bookkeeper, and shall keep its books, records and accounts under such * * * regulations as it may prescribe. He shall keep a separate book account with each department of the several institutions, including all items purchased or sold on account thereof, and the products thereof,

with an estimate of their value, in such manner as to * * * show the relative cost and expenditure on account of each department, and the income thereof; and in case the income or profits of any department shall be made to contribute to the income or support of any other department of any such institution the books shall show the fact.

(2) * * * *The board may appoint and fix the compensation of such agents and inspectors as may be necessary to inspect and investigate * * * all * * * institutions subject to its inspection and investigation, * * * such agents and inspectors to make a report of such inspection and investigation to the * * * board. * * * Such agents and inspectors shall be exempt from the provisions of chapter 16 of the statutes.*

(3) * * * *The board * * * shall appoint and employ one or more officers to be known as field officers * * * who shall carefully look after the welfare of all persons paroled from * * * any state penal institution or from the house of correction of Milwaukee county, or placed on probation pursuant to section 57.01 and subject to its control as provided in section 57.02.*

SECTION 9. Subsections (8), (9) and (10) of section 561j; section 561l; subsection (10) of section 564; the first sentence of section 609; and section 561g are consolidated and renumbered to be section 46.05, and amended to read:

46.05 OFFICERS AND EMPLOYES OF INSTITUTIONS; POLICE POWERS; COMPLAINTS. (1) * * * *The board shall * * * annually appoint for each hospital for the insane a superintendent, one assistant physician, a matron, and a steward; for the state reformatory a superintendent, an assistant superintendent, and a steward; for the central state hospital, * * * the school for the blind, the school for the deaf, and the industrial school for boys, each a superintendent and a steward; for the industrial home for women a superintendent and a steward, who shall be women; for the institute for blind artisans, the industrial school for girls, the state tuberculosis sanatoriums, and the state tuberculosis camp, each a superintendent; for the state public school, and the homes for the feeble-minded, each a superintendent, a steward, and a matron; and for the state prison a warden, * * * a steward, a deputy warden, a chaplain, and a matron. * * * The duties of said officers shall be fixed by said board, except as otherwise provided by law; but the board may combine the functions and duties of superintendent or warden and steward in one person at any of said institutions except the state hospitals for the insane.*

(2) * * * The salaries of the officers of said institutions, if not otherwise fixed *by law*, shall be * * * *fixed* by the board of control; but no salary shall exceed twenty-five hundred dollars per annum, except the salaries of the superintendents of the northern hospital for the insane and the Wisconsin state hospital for the insane, * * * *which shall not exceed thirty-five hundred dollars per annum.* The steward of each institution shall * * * *execute and file an official* * * * bond * * * in such * * * sum and with such sureties as said board may prescribe. * * * Said board shall also require any other officer or other person having the possession or custody of any money or property belonging to the state or any institution under its control or supervision 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 officer in charge * * * 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) * * * Physicians to be employed in the Wisconsin state prison, Wisconsin state reformatory, and Wisconsin industrial home for women, * * * shall be exempt from the provisions of * * * *chapter 16 of the statutes.*

(5). * * * The officers, janitors and guards of all the state charitable, *curative*, penal and reformatory institutions, and of the county asylums for the chronic insane, and the keepers of poorhouses 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 institutions * * * *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 4444n; 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, guards and keepers shall possess all the powers and authority of police officers and constables.*

(6) * * * Said board shall * * * *investigate all complaints against any of the institutions hereinbefore designated by name, 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 either of its members by any inmate, 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 10. The last sentence of section 609 is renumbered to be section 4444n, and amended to read:

STATE AND COUNTY INSTITUTIONS; DISORDERLY CONDUCT. Section 4444n. * * * Any person who shall be guilty of any noisy, boisterous or disorderly conduct, or of fighting, immoderate drinking, drunkenness, indecent exposure of the person, lewd, wanton or obscene conduct, or vulgar or obscene language, or of any offense against the laws or the * * * regulations governing either of * * * *the charitable, curative, reformatory, and penal institutions of the state or any county, within the same or the grounds thereof, * * * shall * * * be punished by a fine of not less than one dollar nor more than fifty dollars or by imprisonment in the county jail not less than two days nor more than sixty days; but if a different penalty or punishment is prescribed by law for any such offense the same may be imposed instead of the penalty or punishment prescribed in this section.*

SECTION 11. Parts of sections 605, 606, 607; and sections 561h, and 561t, and 567e are consolidated and renumbered to be section 46.06, and amended to read:

46.06 ACQUISITION AND DISPOSITION OF LANDS.

(1) *Whenever the said board is authorized by law to acquire land for a specified public purpose and the owner thereof refuses to agree upon the compensation 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 the state institutions under its charge with a general line of railroad, * * * *but any license granted in pursuance hereof shall be revocable at the will of the legislature.*

(3) * * * The * * * board * * * *may convey to any city * * * land not exceeding one acre in extent, to*

be used by said city for waterworks purposes, for such compensation as said board shall deem reasonable; *and may* * * * permit any city * * * on such terms as may be just and reasonable to make such exploration on the lands of any state * * * institution *under its control* as may be needful in locating a water supply for a municipal waterworks.

(4) * * * The * * * board * * * *may* enter into a contract with the officers of the village of Union Grove, permitting them to connect the sewer system of said village * * * with the main sewer drain of the southern Wisconsin home for feeble-minded * * * and * * * *shall* fix the value or compensation which shall be received by the state for the granting of such permission. The * * * board * * * shall submit such sewer system plans to the state board of health for * * * *its* approval.

SECTION 12. Sections 561*m* and 561*p* are consolidated and renumbered to be, respectively, subsections (1) and (2) of a new section to be numbered 46.07, RECEIPTS ON BEHALF OF THE STATE OR INMATES.

SECTION 13. Section 561*n* is renumbered to be section 46.08, MONTHLY ESTIMATES AND AUDITS.

SECTION 14. Sections 561*m* and 561*o* are consolidated and renumbered to be section 46.09, PURCHASES; BILLS AND CLAIMS; and the first two sentences of section 561*m* are numbered subsection (1), the last sentence of section 561*m* is numbered subsection (2), the third and fourth sentences of section 561*m* are numbered subsection (3), and section 561*o* is numbered subsection (4) of said section 46.09.

SECTION 15. Sections 573*u*, 573*v*, 584*a*, 561*e*, 591, 592, 593, and 604*e* are consolidated and renumbered to be section 46.10, and revised to read:

46.10 SETTLEMENTS BETWEEN THE STATE AND THE SEVERAL COUNTIES FOR MAINTENANCE OF INMATES. (1) Whenever any person shall be brought before any court, judge, magistrate, or board for examination and commitment to any of the charitable, curative, reformatory, or penal institutions of the state, or of any county, for whose support in whole or in part any county may be chargeable, the application for such examination shall state the county in which such person resides. The said court, judge, magistrate, or board shall give due notice of the hearing to the district attorney of such county, if within the state, who shall attend said hearing; and the said court, judge, magistrate, or board shall upon proper evidence determine the legal residence of such person, and his general financial ability. If the evidence does not disclose prop-

erty sufficient to save the county harmless from the expenses 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 residence 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 the first day of July in each year the state board of control 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 inmates at public charge in state or county charitable, curative, reformatory, and penal institutions. Such statement shall cover the preceding fiscal year and shall specify the name of every inmate in each state institution whose support is partly chargeable to some county, and the name of every inmate 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 inmate, his residence, the number of weeks for which support is charged, the grounds of the liability, and the amount due to the state from such county, itemized as to board and clothing. 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 the first day of July in each year the superintendent or other officer in charge of each county charitable, curative, reformatory, and penal institution 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 inmates at public charge. Such statement shall cover the preceding fiscal year and shall specify the name of each inmate 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 inmate, his residence, the number of weeks

for which support is charged, the grounds of the liability, and the amount due to the county from the state, itemized as to board and clothing. 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 control, for examination and approval; 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 inmate in any charitable, curative, reformatory, or penal institution 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 control for relief from such charge. The application shall designate the county to which such inmate 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 inmate'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 twenty 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 inmate 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 inmate in any charitable, curative, reformatory, or penal institution, 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 control, the secretary of state shall correct such error by a proper charge or credit on the state tax next accruing.

SECTION 16. Section 608 is repealed.

SECTION 17. Section 561jj is renumbered to be section 46.11, and amended to read:

46.11 TRANSFER OF INMATES. * * * (1) *Whenever any inmate lawfully committed * * * to any state or county penal, reformatory, curative, or charitable institution * * * shall be removed * * * in a case authorized by law from any one of these institutions to any other of them by the state board of control * * * the superintendent of the institution from which any such removal is made shall notify the court or judge who committed such inmate 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 * * * inmates are * * * adjusted.*

SECTION 18. Sections 597, 604n and 604o of the statutes are repealed.

SECTION 19. Section 561jm is renumbered to be section 46.12 **STERILIZATION OF DEFECTIVES**, and subsection numbers thereof shall be inclosed in parentheses.

SECTION 20. Section 561jn is renumbered to be section 46.13 **WASSERMAN TESTS AND OTHER CHEMICAL EXAMINATIONS**.

SECTION 21. Section 562 is renumbered to be section 46.14 and amended to read:

46.14 **REPORTS FROM STATE INSTITUTIONS.** (1) * * * *The officer in charge of each * * * state institution under the * * * control of said board shall * * * make a monthly report * * * to the board, * * * comprising an itemized * * * statement of all receipts and disbursements, * * * and of the daily number of inmates, officers, teachers, and employes, and the wages paid to each. * * **

(2) * * * *On the first day of * * * July in each even-numbered year the officer in charge of each such institution 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 22. Section 561d is renumbered to be section 46.15 and amended to read:

46.15 **BIENNIAL REPORT OF THE BOARD.** (1) * * * *On or before December first in each even-numbered year the board 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 state and county charitable, curative, reformatory, and penal institutions; 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 condition 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 inmates, 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 inmates * * * 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 inmates;

(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 officers in immediate charge * * * as the board shall deem proper to lay before the legislature. * * *

LOCAL BOARDS.

SECTION 23. The introductory clause and subsections (1), (2), (4), (5), (6), (7), and (8) of section 564, and section 565, are consolidated and renumbered to be section 46.16, and amended to read:

46.16 GENERAL SUPERVISION AND INSPECTION. (1)

* * * The state board of control shall:

(a) * * * Investigate and supervise all the charitable, curative, reformatory, and * * * penal institutions * * * of every county and other municipality, and all industrial schools, hospitals and asylums, organized or existing or which shall be organized under chapter 86 of these statutes, and * * * familiarize itself with all the circumstances affecting their management and usefulness. * * *

(b) * * * Visit the poorhouses in the state, * * * and ascertain how many persons of each sex, how many insane, idiotic, deaf and dumb, or blind persons, and how many * * * children are supported in each, at what cost and under what circumstances affecting their health, comfort, * * * morals, and education; * * * collect statistics of the number and cost of support, * * * and other important facts, * * * of the poor * * * relieved at public expense outside of poorhouses; * * * and * * * collect such other information as may throw light on the adequacy and efficiency of existing laws for the support and relief of the poor, * * * and the causes operating to increase or diminish pauperism in the state.

(c) * * * Visit the jails, * * * municipal prisons, houses of correction, workhouses, and all other places in which persons convicted or suspected of crime or insane persons are confined, * * * and ascertain their sanitary condition * * * and arrangement for the separation of the hardened criminals from juvenile offenders and * * * persons suspected of crime or detained as witnesses; * * * collect important statistics concerning the inmates, their treatment, employment, and reformation * * *; and * * * collect information of all other important facts * * * and considerations affecting * * * the increase or diminution of crime and insanity.

(d) * * * Visit each of the institutions * * * herebefore referred to and inquire into their methods of treatment, instruction, government, and management of their inmates; the official conduct of * * * their trustees, managers, directors, superintendents, and other officers and employes * * *; 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.

(e) * * * 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 connected therewith, * * * and report to him the testimony taken, the facts found, and conclusions thereon.

(f) 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 ten nor more than one hundred dollars. 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 control.*

SECTION 24. Subsection (3) of section 564; sections 566a, 566b, and 1421—10; and those parts of sections 603, 604, 604x—1, 697a, 1421—9, 1518, and 1523 which relate to the establishment and erection of buildings of institutions, are consolidated and renumbered to be section 46.17, and revised to read:

46.17 ESTABLISHMENT, APPROVAL, AND INSPECTION OF BUILDINGS. (1) The state board of control, with the advice and approval of the state chief engineer, shall ascertain and fix reasonable standards and regulations for the construction, repair and maintenance of poorhouses, asylums for the insane, tuberculosis hospitals and sanatoriums, houses of correction, workhouses, jails, and lockups, with respect to their safety, sanitation, and adequacy and fitness for the needs of the community which they are to serve.

(2) The establishment of, purchase of the site, and erection of buildings for any such institution shall be subject to the approval of the state board of control.

(3) No building for any such institution shall be constructed until the plans and specifications therefor have been approved by said board, or its secretary when directed by the board, and the state chief engineer as conforming with such standards and all other requirements of law.

(4) 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 six months thereafter such work be not commenced, or not com-

pleted 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 25. Sections 15.17, 15.18, 15.19, 15.20, 604g, 604ha, 697y—1, 697y—2, 697y—3, 697y—4, 1421—15, 1520, and 1521; subsections 3 and 4 of section 697y—5, 2 of section 1421—9, and 1 and 3 of section 1421—11; and parts of sections 604a, 604h, subsection 2 of section 1421—11, 1518 and 1526, are consolidated and renumbered to be section 46.18 and revised to read:

46.18 BOARD OF TRUSTEES OF COUNTY INSTITUTIONS. (1) The management of every poorhouse, asylum for the chronic insane, tuberculosis hospital or sanatorium, house of correction, or workhouse, established by any county whose population is less than two hundred and fifty thousand, shall be controlled and directed, subject to regulations approved by the county board, by a board of trustees composed of three electors of the county, elected by ballot by the county board. Upon completion of the buildings for any such institution the county board shall, at an annual or special meeting, elect three trustees whose terms shall begin at once and end, respectively, on the first Monday of the second, third, and fourth January next thereafter. At its annual meeting in every subsequent year the county board shall elect one trustee for a term of three years to begin on the first Monday of January next thereafter. Any vacancy in the board of trustees shall be filled for the unexpired term, at any meeting of the county board; but the county chairman may appoint a trustee to fill such vacancy until such action by the county board.

(2) No member of the county board shall serve as such trustee during the term for which he was elected. No such trustee shall have any other lucrative office or employment in the county government; or be eligible, during the term for which he was elected, to the office of superintendent of the institution in his charge.

(3) Any trustee may be removed from office for misconduct or neglect, by an affirmative vote of two-thirds of the members of the county board, on due notice in writing and hearing of the charges preferred against him.

(4) Each trustee shall take and file the official oath, and execute and file an official bond to the county, the amount of which shall be determined by the county board, and the sufficiency of the sureties whereof shall be approved by the chairman of said board. He shall be reimbursed his traveling expenses

necessarily incurred in the discharge of his functions, and shall receive such compensation as shall be fixed by the county board, unless otherwise provided by law.

(5) The trustees shall organize by the election of a president. The superintendent of the institution shall be ex officio secretary of the board.

(6) At least once each month the trustees shall audit all claims against the county incurred on behalf of said institution, when presented to them verified under oath by the claimant or his agent, and when allowed the president and secretary shall certify such claims to the county clerk, who shall thereupon issue county orders for their payment. They may sue and defend, in the name of the county, any cause of action involving the interest of said institution, and may employ counsel for that purpose. All receipts on account of said institution shall be paid into the county treasury by the superintendent of the institution within one week after receipt.

(7) (a) The fiscal year of each such county institution shall commence with July first of each year and end with June thirtieth of the following year.

(b) The state board of control shall formulate a uniform system of keeping all the books, accounts and records, and shall prescribe and furnish blanks for a uniform system of the reports of said institutions, which shall definitely and accurately show, with respect to each institution: the itemized gross earnings and expenses; the net earnings or expenses; a classified summary of all products of the farm sold, consumed, and on hand; the amounts invested in land, buildings, improvements, and personal property; the depreciation of the personal property; the per capita cost per week of maintaining the inmates, and the items upon which such per capita cost is computed; the total expense or saving to the county on account of the maintenance of the institution; and such other information as may be required by the board in order to give a full understanding of the investment, operation, and management of the institution and the financial results of such management.

(c) The trustees of each such institution shall cause said system of accounting and reporting to be installed, under the supervision of the board of control, and shall conduct its business in conformity therewith; and the board of control shall from time to time inspect, examine, and audit the books, records, documents, accounts, and transactions of each institution.

(d) On the first day of July of each year the trustees shall prepare a report covering the preceding fiscal year, concerning the matters specified in paragraph (b), and shall transmit one

copy to the state board of control, one copy to the clerk of the county in which said institution is located, and keep one copy on file at the institution. Such report shall be accompanied by an inventory of all properties on hand on the last day of the fiscal year, an estimate of the receipts and expenditures for the ensuing fiscal year, and the reports of the superintendent and visiting physician, if any, of the institution.

(8) The county board shall annually appropriate for operation and maintenance of each such institution, in addition to the amount appropriated for construction and improvement of grounds and buildings, a sum not less than the amount of state aid estimated by the trustees to accrue to said institution; or such lesser sum as may be estimated by the trustees to be necessary for operation and maintenance.

(9) The county board may provide that the board of trustees of any such institution already existing shall be, ex officio, the board of any other such institution.

SECTION 26. Section 697*b*; subsections 1 and 2 of section 697*y*—5; section 1421—16; and parts of sections 604*h* and 1522, and of subsection 2 of section 1421—11 are consolidated and renumbered to be section 46.19 and revised to read:

46.19 SUPERINTENDENT AND OTHER OFFICERS AND EMPLOYEES OF COUNTY INSTITUTIONS. (1) Every such county institution shall be managed, pursuant to regulations prescribed by the board of trustees, by a superintendent, who shall be appointed by and be removable at the pleasure of said board.

(2) The trustees shall fix the compensation and prescribe the duties of the superintendent, who shall execute and file an official bond with sureties approved and in an amount fixed by the trustees.

(3) Except as otherwise provided by law, the superintendent shall, subject to the approval of the trustees, appoint, fix the designation and compensation of, and prescribe the duties of all necessary additional officers and employes of said institution, and may remove them at his discretion, subject to the county civil service law.

SECTION 27. On and after the passage and publication of this act all existing boards of trustees, in charge of the poor-house, asylum for the chronic insane, tuberculosis hospital or sanatorium, house of correction, or workhouse, of any county whose population is less than two hundred and fifty thousand, and all superintendents of said institutions appointed by said boards shall be governed pursuant to sections 46.18 and 46.19; but all members of any board, commission, committee or other

body, overseers, superintendents, and other officers, in charge of said institutions who are now in office, shall continue in said offices, respectively, until the expiration of their terms, according to the statutes in force next prior to the passage and publication of this act, and until the beginning of the next regular terms, if any, of their successors, respectively, as fixed in this act.

SECTION 28. Sections 697i to 697w, inclusive, are repealed.

SECTION 29. Sections 604i to 604m, inclusive; 697f to 697k, inclusive; and 1421—17 to 1421—24, inclusive, are consolidated and renumbered to be section 46.20, and revised to read:

46.20 JOINT COUNTY INSTITUTIONS. (1) Any two or more counties may jointly, by majority vote of all the members of each county board, provide for a poorhouse, asylum for the chronic insane, tuberculosis hospital or sanatorium, house of correction, or workhouse, which shall be established, maintained, and operated pursuant to all the statutes relating to the establishment, maintenance, and operation of similar institutions, respectively, by any single county whose population is less than two hundred and fifty thousand, except as otherwise provided in this section; and in all respects, except as herein specified, each such institution shall be the county institution of each of the counties so joining.

(2) The county board of each such county shall elect three of its members to represent the county in a joint committee to select the site, anywhere within either of said counties, and prepare the plans and specifications of the buildings, for such institution; and said joint committee shall be vested with all functions, relative to the establishment of such institution, possessed by the county board relative to like county institutions.

(3) Upon approval of the site, plans and specifications, as provided in section 46.17, the joint committee shall report to the several county boards the estimated cost of said site and buildings, and the amount thereof chargeable to each county on the basis set forth in paragraph (a) of subsection (6), appending to each report a copy of the plans and specifications and all matter relating to said site and buildings; and if the said report shall be approved by each county board, the joint committee shall purchase said site and cause said buildings to be erected in accordance with the plans and specifications.

(4) The functions of the joint committee shall terminate upon completion of said buildings; and the board of trustees thereupon elected shall be composed of two electors from each county when two counties join, and of one elector from each county in all other cases; which trustees, except those elected at first elec-

tions, shall hold during terms of four years in the former case, and as many years as there are counties joining in the other cases. Trustees elected at first elections shall hold for terms beginning at once and so ending that the terms of one member only will expire on the first Monday of each succeeding January, beginning with January of the second year thereafter; which terms shall be allotted to the respective trustees at their first meeting. The county board of each county joining shall at annual meeting elect a successor to any trustee from such county whose term will expire on the first Monday of the next following January. The trustees shall have the qualifications and functions and be subject to the limitations and restrictions of trustees elected pursuant to section 46.18. They shall be reimbursed their traveling expenses necessarily incurred in the discharge of their functions, and shall receive compensation similar to that of the trustees, respectively, of like county institutions; and if the county board is empowered to fix the latter, the compensation of the joint trustees shall be fixed by joint action of the county boards.

(5) All receipts on account of such institution shall be paid into the treasury of the county in which said institution is located.

(6) Prior to the election of the trustees the joint committee, and thereafter the board of trustees, shall audit all claims against said counties on account of such institution; and all such claims shall, in the first instance, be certified to and paid by the county in which said institution is located, subject to apportionment and adjustment among the several counties as follows:

(a) All expenditures for the site, buildings, furniture, equipment, and permanent improvements, after deducting all receipts therefor except county appropriations, shall immediately upon payment be apportioned by the clerk of the county in which the institution is located and certified to the clerks of the other counties, on the basis of the percentage which the valuation of the taxable property in each county bears to the valuation of the aggregate taxable property in all said counties, as determined pursuant to section 1069.

(b) All expenditures for repairs, maintenance, and operation, after deducting all receipts therefor except county appropriations, shall be so apportioned for each month, on the first day of the next succeeding month, on the basis of the percentage which the aggregate cost of keeping the inmates at public charge from each such county bears to the aggregate cost of keeping the inmates at public charge from all such counties, adopting as

the unit of cost the total average cost per capita per week of keeping all the inmates, at public charge and otherwise, in said institution.

(c) Immediately upon receipt of such certified apportionment each such other county shall pay over to the county in which said institution is located its proportion of said expense.

(7) If any net profit shall arise from the operation of said institution it shall be apportioned among the several counties on the basis prescribed in paragraph (b) of subsection (6); and the county in which said institution is located shall pay over to the other counties, respectively, their proportions of such profit.

(8) The trustees shall transmit one copy of their annual report to the state board of control, one copy to the clerk of each joint county, and shall file one copy at the institution. It shall be itemized with respect to the several counties and shall, in addition to the requirements of subsection (7) of section 46.18, include an itemized statement showing the amounts of the receipts and profits credited and expenditures charged to the several counties for the past fiscal year, and an estimate of such amounts for the ensuing fiscal year; and each county board shall provide for meeting its estimated share of said expenditures.

(9) At any time after the organization of any such institution, any additional county or counties may join in the support and conduct thereof upon payment of such equitable proportion of the original cost of its establishment, and any joint county may withdraw upon such terms, as may be agreed upon among the county boards of the counties interested; and thereupon the board of trustees of such institution shall be reorganized, in such manner as may be determined by the county boards of the participating counties, to conform to the provisions of subsection (4).

SECTION 30. Sections 697—45, 697—46, 697—47, 697—47a, 697—48, 697—49, 697—49m and 697—49n are consolidated and renumbered to be section 46.21, and amended to read:

46.21 BOARD OF ADMINISTRATION IN POPULOUS COUNTIES. (1) ELECTION; ORGANIZATION; COMPENSATION. (a) * * * In each county * * * having * * * a population of two hundred and fifty thousand or more * * * a board of administration * * * shall have charge of * * * the county hospital for destitute sick persons, county poor farm, almshouse, department of outdoor relief, home for dependent children, hospital for the insane, asylum for the chronic insane, tuberculosis hospital, and school of agriculture

and domestic science, and of all lands * * * used in connection with any and all such institutions.

(b) * * * *Said board shall consist of five members, each of whom shall be an elector in said county, shall hold no other lucrative position in the county government, and shall devote his entire time to the duties of such office. Three of said members shall be elected by the county board, and two appointed by the governor, as follows:* Before the first day of October, 1915, the county board shall, at a regular or adjourned meeting elect by ballot * * * one member for a term of one year, one for a term of three years, and one for a term of four years; and the governor shall appoint * * * one member for a term of two years, and the other for a term of five years; all of said terms * * * to commence on the first day of October, 1915. Thereafter * * * each succeeding member shall be elected by the county board * * * or appointed by the governor, respectively, for the term of five years. * * *

(c) Each administrator shall * * * take and * * * file the official oath * * * and shall execute and file * * * an official bond with sureties approved and in a reasonable sum * * * fixed by said county board * * *.

(d) The compensation for each * * * administrator shall be three thousand dollars per annum, * * * paid monthly as other county officers are paid. * * *.

(e) Such administrators * * * shall * * * annually elect a president, vice president and secretary. The county board shall provide said board * * * with suitable quarters for the transaction of its business.

(f) *In all matters relating to the school of agriculture and domestic science the county superintendent of schools shall be ex officio a member of said board, but without additional compensation.*

(2) FUNCTIONS OF THE BOARD. (a) * * * The board of administration * * * shall have and exercise exclusively the same * * * functions in all matters relating to the care and support of the inmates of any said institutions and the management and operation thereof, as * * * are now vested in the county board, and in any and all boards of trustees of any and all of said institutions now organized and now provided by law for such counties, * * * and all the functions of boards of trustees of similar institutions in other counties, so far as consistent herewith.

(b) * * * It shall let all contracts and make all purchases for whatever may be necessary to maintain and from

time to time improve said institutions, and maintain, support and care for the * * * inmates therein.

(c) * * * It shall make all necessary * * * regulations for the government and maintenance of * * * the institutions in its charge and for the admission and discharge of patients or inmates, * * * and shall * * * fix * * * the salaries of * * * the superintendents and of all other officers and employes of said * * * institutions, and of the district physicians, which salaries shall be payable monthly out of the * * * county treasury.

(3) SUPERINTENDENTS; OFFICERS AND EMPLOYES. (a) *The board shall biennially appoint eight superintendents, who shall, subject to the powers and regulations of the board, have the charge and management, respectively, of the county hospital, almshouse and waterworks, outdoor relief, hospital for the insane, asylum for the chronic insane, tuberculosis hospital, school of agriculture and domestic science, and home for dependent children. The superintendents of the county hospital, hospital for the insane, asylum for the chronic insane, and tuberculosis hospital, shall each be a legally qualified physician, shall reside on the grounds of the institution in his charge, and shall provide and manage all necessary medical aid and attendance for the inmates thereof; and the superintendent of the county hospital shall also provide and manage all necessary medical aid and attendance for the inmates of the almshouse and county farm. The superintendent of the almshouse and waterworks shall reside on the grounds of the almshouse; the superintendent of outdoor relief shall be stationed at and have charge of the poor office and the support and relief of the poor; and the superintendent of the school of agriculture and domestic science shall manage the instructional, demonstrational, and experimental work of that institution.*

(b) * * * Each such superintendent shall within ten days after written notice of his appointment * * * take and file * * * the official oath * * * and execute and file * * * an official bond with sureties approved and in a reasonable sum * * * fixed * * * by said board of * * * administration * * *.

(c) Each of said superintendents shall have power to appoint and remove all officers and employes in his respective department, subject to the approval of said board of administration.

(d) The said superintendents may make * * * regulations for such institutions * * * subject to approval by said board of administration. * * *

(e) * * * The * * * county treasurer shall be ex officio the treasurer of said institutions * * * and shall keep separate accounts of all moneys appropriated or otherwise received for the aforesaid institutions and pay the same only upon orders issued by the county clerk on vouchers certified to the clerk by the president and secretary of said board of administration.

(f) *The board shall biennially appoint as many district county physicians as it may deem necessary to care for all sick and poor, and shall prescribe rules and regulations governing the work of and territory to be covered by such district physicians.*

(4) ADMISSION OF INMATES FOR PAY. (a) * * * *Any resident of this state not indigent may be received into the county hospital, and any such resident not indigent who is blind, old, lame, impotent or decrepit may be received into the almshouse and county farm, to be treated, cared for and maintained upon such terms and conditions and at such rate of pay as may be established by the board of * * * administration; but indigent and destitute persons shall be cared for and have preference of admission to * * * said institutions.*

(b) * * * *The provisions of sections * * * 49.10 to 49.13 shall govern the support and maintenance of persons in any of the institutions in charge of said board of administration.*

(5) REPORTS; APPROPRIATIONS; EXPENDITURES. (a) * * * *On the first day of * * * July * * * of each year, or within thirty days thereafter, said board of administration shall * * * render an annual report, together with the reports of the said superintendents, including an itemized statement of receipts and disbursements for the year ending on the last day of * * * June in each year. * * * Said board shall maintain the uniform system of books, accounts, records, and reports prescribed by the state board of control, conforming in all respects with the provisions of subsection (7) of section 46.18.*

(b) *The county board * * * shall make sufficient appropriations annually * * * for the support, maintenance, salaries, repairs and improvements of said institutions and district physicians, and complying with subsection (8) of section 46.18 so far as consistent with subsection (23) of section 709, and such appropriations so made shall be used for such purposes and subject to the order of said board of administration in such manner as * * * its regulations may provide; but the * * * board of administration shall not * * * incur any expense or make any contract for new buildings or for additions to present buildings, or for the purchase of land, without*

first being authorized so to do by the county board, nor until the county board has appropriated or provided for the raising of the money to defray such expense. * * *

SECTION 31. Subsection (23) of section 670 is repealed.

SECTION 32. Section 697—49b is repealed.

SECTION 33. Section 41.48 is amended by inserting at the beginning of the first sentence, and as a part of said sentence, the following: "In all counties whose population is less than two hundred and fifty thousand,"

SECTION 34. Section 959—130 is renumbered to be section 46.22 MUNICIPAL HOSPITAL BOARD.

SECTION 35. Section 13.05 is renumbered to be subsection (1) of said section and section 562b is renumbered to be subsection (2) of section 13.05.

SECTION 36. Section 567 of the statutes is repealed.

SECTION 37. Section 37.10 is renumbered to be subsection (1) of said section; and section 41.03 is renumbered to be subsection (2) of section 37.10, and amended to read:

(37.10) (2) * * * The board * * * shall establish and maintain * * * in one of the normal schools of the state, located in a city maintaining a graded school for the deaf, * * * a normal training department for oral teachers of the deaf. * * * Candidates for admission to this course shall have completed at least one year of the advanced course in a state normal school or its equivalent. Graduates from said course shall be granted a diploma by the board * * * that will serve as a basis for an unlimited state certificate, qualifying the holder to teach in any day school for the deaf in this state, or in any public * * * school of the state, below high school grade.

SECTION 38. Chapters 52, 109, 110 and 265 laws of 1887; chapters 125 and 469 laws of 1889; chapter 273 laws of 1893; chapter 37 laws of 1897; chapter 289 laws of 1901; chapters 384, 503 and 520 laws of 1909; chapter 496 laws of 1915; and chapters 295, 354 and 476 laws of 1917, are repealed.

SECTION 39. This act shall take effect upon passage and publication.

Approved June 11, 1919.