

No. 139, S.]

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CHAPTER 266

AN ACT to amend 46.106 (4) and 50.09 (4) of the statutes, relating to a court's determination of legal settlement as evidence in certain state administrative proceedings.

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

SECTION 1. 46.106 (4) of the statutes is amended to read:

46.106 (4) When the state or a county feels that the cost of the care of an inmate or patient is improperly charged to it, the matter may be determined by the department after a hearing. The department may on its own motion order a hearing if the charge is against the state. If it is against a county the district attorney for the county may apply in writing to the department for a hearing. The application shall designate the county

to which the inmate is chargeable, or if it be claimed that he is chargeable to the state, it shall so state. The department shall give reasonable notice to the parties interested of the time and place they may be heard. The application may be supported by affidavits and other proper evidence. *At the hearing and in the determination of the matter, evidence of a court determination of legal settlement (or of no settlement) of the patient or inmate shall be regarded as an administrative determination, of such legal settlement status, by the judge and not by the court.* If upon the hearing the department grants the relief asked for, it shall order a proper charge against the county chargeable, or against the state; and the inmate's support shall be charged accordingly.

SECTION 2. 50.09 (4) of the statutes is amended to read:

50.09 (4) Whenever any patient in any sanatorium 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 of hearing. Such application may be supported by affidavits and other proper evidence. *At the hearing and in the determination of the matter, evidence of a court determination of legal settlement (or of no settlement) of the patient shall be regarded as an administrative determination, of such legal settlement status, by the judge and not by the court.* If upon the hearing said board grants the relief asked for, it shall order a proper charge against the county chargeable, or against the state; 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 31, 1959.
