

TITLE VII.

Charitable, Curative, Reformatory and Penal Institutions and Agencies.

CHAPTER 46.

PUBLIC WELFARE.

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GENERAL COMMENT OF INTERIM COMMITTEE, 1947: In recommending this bill to the 1947 legislature for adoption, the Joint Interim Committee on Revision of Public Welfare Laws, appointed pursuant to Jt. Res. No. 72, S., 1945 session, hereby calls special attention to some of the principal features of the bill:

The Committee has combined old Chapter A58, entitled "Public Welfare," and old Chapter 46, entitled "State Board of Control," into a new Chapter 46, entitled "Public Welfare."

There was great need for this change. The State Board of Control was virtually abolished by chapter 9, special session 1937, following which only the skeleton of the board remained; and that disappeared by the enactment of chapter 435, laws of 1939, creating the State Department of Public Welfare and transferring the functions of the former board to it. Notwithstanding these changes in the administrative set-up, no changes had been made in the language of Chapter 46, so that much of it no longer has any application. This bill revises the language of Chapter 46 to bring the law up to date and to make such improvements in it as appear advisable.

At present the statutes provide that there shall be five divisions in the State Department of Public Welfare: (1) public assistance, (2) child welfare, (3) mental hygiene, (4) corrections, and (5) administration. In addition, it has jurisdiction of the division for the adult blind, which was created by the department itself. There was submitted to the Committee a proposal to delegate to the department the authority to create all its own divisions from time to time as it deems best. However, the Committee after due consideration has concluded, and recommends, that the legislature should retain this authority in its own hands. It believes that the power presently vested in the director and board by section 58.35 (1) (e) "to allocate and reallocate functions among the divisions within the department" confers upon the department ample authority to accomplish all needed flexibility and adaptability of the work of the department. Accordingly, in the interest of uniformity, the Committee recommends that the division of adult blind in the State Department of Public Welfare should be created by statute rather than by the department, the same as are the other divisions.

The Committee has considered Bill No. 442, A., introduced in the 1945 session of the legislature, and another proposed bill submitted to the Committee in 1946, for approval, by the Joint Legislative Committee of the Blind of Wisconsin. The effect of each of these measures would be to take the administration of aid and services for the blind out of the State Department of Public Welfare and the State Superintendent of Public Instruction where it is now vested, and place it exclusively in the hands of a separate and independent state department of services for the blind with its own director, board of management, and its own standards, rules and methods.

After carefully considering this proposal, the Committee voted to disapprove the same. Not only would it take assistance to the blind out of the hands of departments where it is now being efficiently and successfully administered, but it would materially increase the costs of administration. While recognizing the good faith of its advocates, the suggested plan, instead of placing the administration and spending of public money in the hands of impartial, disinterested state agencies, places it in control of the iden-

tical group of persons who would benefit by such expenditures. The Committee believes this to be unsound public policy. With many kinds of aids in this state—like aid to the poor, the aged, the blind, the chronically ill and disabled, and to children—always greatly in excess of what the public can afford to pay in taxes in order to fully satisfy their needs, it is important to constantly maintain the proper proportion between the various forms of aids, so that none of them is unduly preferred to the detriment of the others, but all are supported upon an equitable basis.

On the other hand, it appeared to the Committee that the blind could very well be consulted on many of the problems affecting their welfare. The Committee, therefore, recommended to the Department of Public Welfare and the Superintendent of Public Instruction the appointment of a Committee of the Blind to act in an advisory capacity to these departments; and a Committee of six such blind persons has already been named.

Some persons appeared before the Committee in favor of the consolidation of the present divisions of public assistance, child welfare, and adult blind, or at least the divisions of public assistance and child welfare, into a single division to be called the division of social welfare, and relegating these two or three existing divisions to the position of mere bureaus in such newly created division. This suggestion apparently arose since chapter 383, laws of 1945, was adopted, which gave counties the option to create county departments of public welfare in which all county welfare activities would be combined under one head. It was expected that this law would result in a general adoption of the system of departments of public welfare by the various counties of the state, and that by consolidating the divisions mentioned a closer contact with county welfare departments would be possible. However, only a few counties have taken advantage of the law and voluntarily set up county welfare departments; and in a recent survey conducted by the Wisconsin Citizens Expenditure Survey the county boards, by a vote of 39 to 9, disapproved making the establishment of county welfare departments compulsory. There appearing to be no prospect that any large number of counties will establish county welfare departments in the foreseeable future, any plan to consolidate divisions in the State Department of Public Welfare for the purpose of dealing with such departments does not appear to the Committee to be either timely or necessary.

The Joint Interim Committee on Public Welfare Laws definitely favors retaining all the present divisions in the department. There is no serious complaint about any of them. It is not conducive to efficient administration to make changes unless there is a well-founded demand for them, and unless it appears that such changes are reasonably certain to improve conditions. The Committee is satisfied that the suggested plan would not save any money or promote greater efficiency. With respect to co-ordination of work, the various divisions already have a co-ordinator in the person of the director of the department. By making another the co-ordinator of the three divisions mentioned, we would simply be substituting one co-ordinator for another, without improving the situation; but on the contrary, we would be removing the director one step further away from the work for which he is responsible. It will be noted that the director and board already have power to allocate and reallocate the functions of the various divisions, and they have ample authority to bring about any further co-ordination that may be advisable.

Public assistance and child welfare are two decidedly different fields and cannot readily be put under one administrative head. The work of the two is not the same, nor is it interchangeable. Each must have its separate staff of workers and supervisors with their own specialized training and skills. Any attempt to combine their duties can only be detrimental to the efficiency of both, and will not reduce costs of administration. Public assistance and child welfare, as well as aid to the blind, are important features of our public welfare activities, worthy of our best efforts and support, and they should not be reduced to inferior and subordinate positions in the state service or in the public confidence and regard.

One of the questions the Committee was called upon to consider was whether the six division heads of the Department of Public Welfare should be brought under civil service. Views both ways were presented to the Committee. After careful consideration the Committee voted to disapprove such a change. It is believed that the nature of these positions and the type of men wanted to fill them are such that there is no advantage in extending the merit system to them.

The State Board of Public Welfare, and the director, it was felt, should be free and unhampered in making selections for these important positions; and men with the high qualifications sought are not likely to be willing to take a civil service examination. The civil service system is not naturally suited to positions of this kind.

On the other hand, division heads are entitled to protection against arbitrary and unreasonable dismissal; and the Committee has included in this bill a provision to the effect that the division heads are removable only for good cause shown and after formal hearing and by a majority vote of the members of the State Board of Public Welfare.

These provisions serve the two-fold purpose, (1) of protecting division heads against whimsical and unfounded discharge, and (2) of protecting the director against the accusation that a dismissal, made for ample cause, was based on trivial or inadequate reasons. These protective provisions are also in the civil service law. Except the director and division heads, all other employes of the department remain under civil service.

The absence of a note to a section indicates that the meaning is not changed by this bill. (Bill 394-S)

[46.01 Stats. 1945 repealed by 1947 c. 268]

46.011 Department of public welfare; definitions. (1) The state department of public welfare consists of a state board of public welfare, a director of public welfare and its officers and employes and institutions.

(2) Unless the context plainly indicates otherwise, in chapters 46. to 58 (except chapter 50) "board" means the state board of public welfare; "department" means the state department of public welfare; "director" means director of public welfare; and "counsel" means the collection and deportation counsel. [Stats. 1945 s. 58.31; 1947 c. 268 s. 3]

Comment of Interim Committee, 1947: public welfare by 58.36 and 58.37, created by 46.011 is based on 58.31. (2) is new but ch. 435, laws of 1939. The transfer became makes no change of meaning. The state complete years ago. "And institutions" is board of control was abolished and all of its added in (1). (Bill 394-S) functions transferred to the department of

46.012 Board of public welfare. (1) APPOINTMENT, TERM, ELIGIBILITY. The state board of public welfare consists of 7 members appointed by the governor, with the consent of the senate, for terms of 6 years. The term of each present member (1947) shall expire

as of February 1 of the last year of the term for which he was appointed and the terms expiring in 1947 shall be deemed to have expired February 1, 1947, and the term of each member hereafter appointed shall be for 6 years, to commence on the expiration date of the term of his predecessor. Appointments shall be made on the basis of recognized and demonstrated interest in and knowledge of the problems of public welfare. All appointments shall be made without regard to party affiliation or to interest in any special organized group. A majority of the members constitutes a quorum. Each member shall take and file the official oath.

(2) **COMPENSATION.** There shall be at least one meeting a month at Madison, for which each member shall receive for his services a per diem of \$25 for time spent at such meetings and a per diem of \$10 for time spent in visiting the institutions under the jurisdiction of the department, but not exceeding \$800 per annum, together with necessary expenses incurred in the performance of his official duties. [*Stats. 1945 s. 58.32; 1947 c. 268 s. 4*]

Comment of Interim Committee, 1947: 46.012 is based on 58.32. The provision as to expiration of terms is from Substitute Amendment 2, A. to Bill 196, A., 1945 Session. Terms of appointive state officers subject to confirmation by the senate should expire early in the year, to permit prompt action on confirmation. The present pay of board members is a \$10 per diem. The committee recommends the proposed change in per diem and the provision for monthly meetings. (Bill 394-S)

46.013 Board, powers and duties. (1) **CHARACTER.** The powers and duties of the board shall be regulatory, advisory and policy-forming, and not administrative or executive.

(2) **APPOINT DIRECTOR; ELIGIBILITY.** The board shall appoint the director of the department for an indefinite term. His appointment shall not be subject to chapter 16, and shall be made on the basis of recognized and demonstrated interest in and knowledge of the problems of public welfare and with due regard to training, experience, executive and administrative ability and efficiency and general qualifications for performing the duties of the office, and without consideration of nationality or political or religious affiliation.

(3) **CITIZENS' COMMITTEES.** The board may appoint committees of citizens to make studies and recommendations in the field of public welfare, but no committeeman shall receive any compensation except reimbursement for travel expense. [*Stats. 1945 s. 58.33 (1) to (3); 1947 c. 268 s. 5*]

Comment of Interim Committee, 1947: 46.013 restates 58.33 (1) to (3) without change of meaning. Old 58.33 (4) is moved to 46.03 (10). (Bill 394-S)

46.014 Director, powers and duties. (1) **AUTHORITY.** The administrative and executive powers and duties of the department shall be vested in the director, to be administered by him under the statutes and the rules and regulations of the department, and subject to the policies and in accordance with the principles established by the board.

(2) **SALARY.** The salary of the director shall be fixed by the board and shall not exceed \$7,500 per annum.

(3) **RULES.** The director, with the approval of the board, shall establish rules and regulations for administering the department and performing the duties assigned to it.

(4) **ORGANIZATION.** The details of the departmental organization shall be determined by the director with the approval of the board.

(5) **STAFF, CIVIL SERVICE.** The director shall appoint the staff necessary for performing the duties of the department, all of whom shall be subject to civil service except heads of divisions.

(6) **HEADS OF DIVISIONS.** Division heads shall be appointed on the basis of recognized interest, administrative and executive ability, training and experience in and a knowledge and understanding of the problems and needs in the field in which their divisions operate. The heads of divisions shall be appointed and their salaries fixed by the director with the approval of the board; and may be removed by him for cause, with the approval of the board, after a fair hearing.

(7) **OATH, BOND.** The director shall take the official oath and file a bond in such amount and with such surety as the board directs.

(8) **REPORTS.** The director shall annually and at such other times as the board directs, prepare and file budgets and reports relative to the administration of the department.

(9) **INVENTORIES.** On or before July 1 in each year, the director shall cause full and complete inventories and appraisals to be made of all the property of each institution administered by the department, which shall be recorded and so classified as to show separately the amount, kind and value of such property.

(10) **VISITATION.** The director shall cause each of said institutions to be visited and inspected at least once a month to ascertain whether the officers 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. [Stats. 1945 s. 46.03 (4) to (6), 58.34; 1947 c. 268 s. 6]

Comment of Interim Committee, 1947: removal of division heads in (6) is added. 58.34 is renumbered 46.014 and restated with- (9) and (10) are from 46.03 (4) and (6). (3) out change of meaning. The provision as to is from 58.34 (3) and 46.03 (5). (Bill 394-S)

46.015 Department divisions. Within the department there shall be the following divisions: public assistance, child welfare, mental hygiene, corrections, administration, and blind. Subject to the approval of the board, the director shall have the power to allocate and reallocate functions among the divisions. [Stats. 1945 s. 58.35; 1947 c. 268 s. 7]

Comment of Interim Committee, 1947: The departmental division for the adult blind 46.015 is a revision of 58.35. It makes the is made a legislative division for the blind. creation of divisions a legislative matter. (Bill 394-S)

46.016 Co-operation with federal government. The department may co-operate with the United States in carrying out federal acts concerning public assistance, social security, child welfare, mental hygiene and corrections, services for the blind, and in other matters of mutual concern pertaining to public welfare. [Stats. 1945 s. 58.39; 1947 c. 268 s. 8]

Comment of Interim Committee, 1947: blind is included to satisfy the federal re- 46.016 is from 58.39. Co-operation is made quirement. (Bill 394-S) optional. * * * Mention of services for the

46.017 Department, actions, seal. The department may sue and be sued. It shall have a seal with the words "State Department of Public Welfare" and such other design as the department prescribes engraved thereon. [Stats. 1945 s. 58.40; 1947 c. 268 s. 9]

Comment of Interim Committee, 1947: 46.017 is from 58.40. * * * (Bill 394-S)

46.02 Offices and supplies. The department shall be provided with office rooms in the capitol and with necessary furniture, stationery, blanks, books, periodicals, printing and other supplies. [1947 c. 268 s. 10]

46.03 Department, powers and duties. The department shall:

(1) **INSTITUTIONS GOVERNED.** Maintain and govern the Mendota and the Winnebago state hospitals, the central state hospital, the Wisconsin state prison, the Wisconsin state reformatory, the Wisconsin home for women, the Wisconsin school for boys, the Wisconsin school for girls, the Wisconsin workshop for the blind, the Wisconsin child center, the northern and the southern colonies and training schools, Camp Hayward and the diagnostic center.

(2) **SUPERVISION OVER PROPERTY.** Supervise, manage, preserve and care for the buildings, grounds and other property pertaining to said institutions, and promote the objects for which they are established.

(3) **TRUSTEE DUTY.** Take and hold in trust (whenever it deems acceptance advantageous) all property transferred to the state to be applied to any specified purpose, use or benefit pertaining to any of the institutions under its control or the inmates thereof, and apply the same in accordance with the trust; and when ordered by the court, act as trustee of funds paid for the support of any child in a proceeding under chapter 166.

(4) **EDUCATION AND PREVENTION.** Develop and maintain such programs of education and prevention as it deems proper.

(5) **MENTAL HYGIENE.** (a) Execute the laws relating to the custody, care and treatment of mentally ill, mentally infirm, mentally deficient and epileptic persons, inebriates and drug addicts. It shall examine all institutions, public and private, authorized to receive and care for such persons, and inquire into the method of government and the management of persons therein, and examine into the condition of buildings, grounds and other property connected with any such institution and into matters relating to its management.

(b) Direct the psychiatric field work, after-care and community supervision and exercise such powers in relation to prevention as the department deems appropriate.

(6) **CORRECTIONS.** (a) Execute the laws relating to the detention, reformation and correction of delinquents.

(b) Supervise the custody and discipline of all prisoners and the maintenance of state penal and correctional institutions and the industries therein.

(c) Administer parole and probation matters.

(d) If requested by the governor, make recommendations as to pardons or commutations of sentence.

(e) Examine all institutions authorized by law to receive and detain witnesses or prisoners or convicted persons and places of juvenile detention, and inquire into their methods and the management of persons therein, and examine the condition of buildings

and grounds and other property connected with any such institution and all matters relating to its management.

(f) Direct the after care of and supervise all delinquents under its jurisdiction and exercise such functions as it deems appropriate for the prevention of crime and delinquency.

(g) Direct the penal and correctional psychiatric service in all correctional and penal institutions, making its services available to those committed to the department as delinquent children or as convicted criminals.

(h) Direct the educational programs in all correctional schools and correctional and penal institutions.

(7) CHILD WELFARE. (a) Promote the enforcement of laws for the protection of mentally deficient, illegitimate, dependent, neglected and delinquent children; and to this end co-operate with juvenile courts and licensed child welfare agencies and institutions (public and private) and take the initiative in all matters involving the interests of such children where adequate provision therefor has not already been made.

(b) When notified of the birth or expected birth of an illegitimate child, see to it (through advice and assistance to the mother or independently) that the interests of the child are safeguarded, that steps are taken to establish its paternity and that there is secured for the child (as near as possible) the care, support and education that would be given if legitimate.

(8) PUBLIC ASSISTANCE. Administer public assistance, as provided in chapter 49.

(9) BLIND PERSONS. Administer the Wisconsin workshop for the blind and perform other functions prescribed in chapter 47.

(10) TRAINING STAFF. In its discretion, conduct a training program of in-service training and staff development; and, in co-operation with educational institutions, provide facilities for work experience for students, including subsistence.

(11) DESTRUCTION OF OBSOLETE RECORDS. Turn over to the director of purchases for destruction old and obsolete reports, financial and statistical records, papers, documents, correspondence, etc., which in its judgment are no longer needed. [Stats. 1945 s. 46.03 (1) to (3), (7), (8), (10) to (12), s. 46.04, 46.28, 58.33 (4), 58.37; 1947 c. 268 s. 11; 1947 c. 540]

Comment of Interim Committee, 1947: The duties of the department are here collected. Old 46.03 (4), (5) and (6) are moved to new 46.014 by this bill, and old (9) to 46.066. Old (7), (8) and (10) are omitted. New 46.03 is intended to cover the rest of 46.03 and all the transfers recited in 58.37. Those parts of 58.37 which relate to the date of transfer, appropriations, transfer of records and supplies, etc., are no longer needed and are omitted. (1) is limited to institutions now under the department's jurisdiction. (4) is new. The text of new (5) and (6) is chiefly from 58.36 and 58.44 as created by ch. 9, Spl. S. 1937. The provision in 58.44 (2), Spl. S. 1937 as to closing jails is omitted. Provision is made for closing jails in proposed new 53.355 in the bill revising chs. 53 to 55. The word "apprehension" is omitted from new (6) on the ground that apprehension is not now a function of the department. (6) (e) expressly empowers the department to examine "places of juvenile de-

tion". (6) (g) and (h) are added to 46.03 to make more complete the summary of the powers of the department. New (7) comes from old 46.03 (11) and (12) and 46.04. Old 46.04 (1), (2), (3) and (5) and the last sentence of (4) are omitted. * * * 14.71 (1) gives the director power to appoint all needed subordinates, designate their titles, prescribe their duties and fix their compensation. * * * (10) is really a department and not a board function and is so changed by this transfer from 58.33 to 46.03. (11) is from 46.28, with no change in meaning. (Bill 394-S)

Note: See note to 48.07, citing In re Willard, 225 W 553, 275 NW 537.

Department of public welfare possesses no authority to collect and disseminate information to induction centers for purpose of assisting in examination of selectees under selective service act. 32 Atty. Gen. 377.

See note to 340.58 re corporal punishment, 33 Atty. Gen. 127.

[46.035 Stats. 1945 renumbered 46.065 by 1947 c. 268 s. 18]

[46.04 Stats. 1945 renumbered 46.03 by 1947 c. 268]

46.04 Diagnostic center; establishment; purposes. (1) There shall be constructed near the Wisconsin general hospital a hospital type building to be known as the "Wisconsin Diagnostic Center" which shall be equipped and serviced for the temporary residence and diagnosis of persons committed to the services or institutions under the jurisdiction of the state department of public welfare, except those patients committed to the Mendota state hospital and the Winnebago state hospital. The diagnostic center and its services shall be administered by the state department of public welfare and shall be staffed in its diagnostic services by professionally qualified persons appointed from the teaching staff of the medical school of the university by the dean of the medical school of the university.

(2) The diagnostic center shall be so administered as to furnish a complete physical and mental inventory of each individual committed to the care and custody of the department of public welfare, thereby assuring commitment to the institution best suited to care for his particular case, development of the most effective curative or rehabilitative procedures in such case, and the most effective co-ordination of all the institutional facilities

provided by the state. For the purposes of co-ordination between the department of public welfare and the medical school of the university an administrative committee is created to be composed of the president of the university, the chairman of the state board of public welfare, the dean of the medical school, and the director of the department of public welfare. [Stats. 1945 s. 58.41; 1947 c. 268 s. 14]

46.045 Camp Hayward. The department may establish and operate an institution for indigent male persons to be known as Camp Hayward and located on the Hayward Indian School property acquired or to be acquired from the federal government. The department shall prescribe rules and regulations for admission to and for administration of such camp. [Stats. 1945 s. 46.29; 1947 c. 268 s. 15]

Comment of Interim Committee, 1947: 46.045 is from 46.29, with no change in meaning. (Bill 394-S)

46.046 Acceptance of certain federal lands. The state department of public welfare, with the approval of the governor, is authorized to accept for the state at all times any lands, buildings, equipment, and other appurtenances thereto, that have now or hereafter may be transferred to the state by virtue of an act of congress, S. 2984, (Public No. 651, 76th Congress) approved June 24, 1940, and to co-operate in carrying out the provisions thereunder. (The state transient camp at Hayward now occupies a part of this property). [1947 c. 118; 43.08 (2)]

46.05 Bonds of employes; police powers; investigation of complaints. (1) The steward of each institution shall execute and file an official bond in such sum and with such sureties as the director prescribes. He 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 renew the same. The director may require a position bond whenever it appears to him advisable, such position bond to have the same coverage as the official bond.

(2) The warden and the superintendent of all the state charitable, curative, penal and reformatory institutions and of county hospitals and county homes, and such employes under them to whom they delegate police power, may arrest any person within or upon the grounds of such institutions whom they have reason to believe guilty of any offense against the laws or regulations governing the same; may arrest any vagrant or idle person who refuses to leave any such premises; and may take the offender before a magistrate and make complaint against him; and for such purpose they shall possess the powers of constables.

(3) The department shall investigate complaints against any institution under its jurisdiction or against the officers or employes thereof. For that purpose the director and such officers and employes as he authorizes may summon and swear witnesses, take testimony and compel the production of books and papers. The department may, on its own initiative, investigate the affairs of any institution. Any written communication or complaint addressed to the director or the board or any of its members by any inmate, employe or subordinate of any such institution shall be forthwith forwarded unopened to the addressee. [1939 c. 59, 233, 473; 1945 c. 158; 1947 c. 268 s. 16]

Comment of Interim Committee, 1947: 46.05 is a revision. Old 46.05 (1) and (3) are covered by 14.71 (1) and are omitted. The addition of a provision for a "position bond" is new. (1) is to take care of positions that are filled by a shifting personnel. Old (5) is made (2) and the police power therein mentioned is given to the superintendent and those to whom he delegates the power. The limitation as to location within a village or city is eliminated. Old (6) is made (3) and amended to conform to the present organization of the department. (Bill 394-S)

Note: Board of control may from time to time change requirements as to amount of surety bond required of particular employe or officer whose bond is not otherwise fixed by law. [Stats. 1937] 26 Atty. Gen. 360

46.06 Lands; condemnation, easements, leases. (1) **CONDEMNATION.** When the department is authorized and desires to acquire land and is unable to agree with the owner upon the terms of purchase, or when such agreement cannot be had without unreasonable delay, the department may condemn the land in the manner prescribed in chapter 32.

(2) **EASEMENTS.** The department may grant easements for the extension of municipal and public utilities onto the lands of the institutions under its jurisdiction, for the purpose of connecting railroads, roads, waterworks, sewers, electric lines and similar facilities, to serve such institutions.

(3) **LEASES.** The department may rent additional lands for the operation of the institutions under its jurisdiction. [1937 c. 386; 1939 c. 31, 417; 1945 c. 158, 184; 1947 c. 10, 233, 268, 275, 560]

Comment of Interim Committee, 1947: (4) and they are omitted. (3) is new. Old 46.06 (1) is restated without change of meaning. (2) is new and covers old (2), (3) and (8), (9) and (11) are omitted. Their purpose has been served. (Bill 394-S)

46.065 Wages to prisoners; forfeit. The department may provide for assistance of prisoners on their discharge, or for the support of their families while in confinement

by the allowance of moderate wages, to be paid from the operation appropriation of the institution in which they are confined. Until the prisoner's final discharge, the funds arising therefrom shall be under the control of the officer in charge of the institution and shall be used for the benefit of the prisoner and his family. Should any prisoner become a fugitive from justice, he thereby forfeits all earnings credited to his account. If he has dependents, the forfeited earnings shall, in the discretion of the department, go to the dependents. [Stats. 1945 s. 46.035; 1947 c. 268 s. 18]

Comment of Interim Committee, 1947: is amended in the interest of dependents. 46.065 is from 46.035. No change of meaning (Bill 394-S) is intended, except that the forfeit provision

46.066 Freedom of worship; religious ministrations. (1) Subject to reasonable exercise of the privilege, clergymen of all religious faiths shall be given an opportunity to conduct religious services within the state institutions at least once each week, attendance at such services to be voluntary.

(2) Religious ministrations and sacraments according to his faith shall be allowed to every inmate who requests them.

(3) Every inmate who requests it shall have the use of the Bible. [Stats. 1945 s. 46.03 (9), 53.06; 1947 c. 268 s. 19]

Comment of Interim Committee, 1947: New 46.066 is a consolidation and revision of old 46.03 (9) and 53.06. New (3) is suggested by old 55.08, relating to jails. The appointment of chaplains and their duties are left to the rules and regulations of the department. Old 53.06 was created by ch. 193, laws of 1873 and is the same as sections 4905 and 4906, R. S. 1878. It seems advisable to omit mention of any denomination, faith or form of worship. Old 53.06 does not harmonize with sec. 18, Art. I, Wis. Const. New 46.066 is submitted as a fair solution of the problem and as sufficient for the purpose in hand. (Bill 394-S)

46.07 Property of inmates and probationers; deposit and distribution. (1) PROPERTY DELIVERED TO STEWARD; CREDIT AND DEBIT. All money and other property delivered to an officer or employe of any institution for the benefit of an inmate shall forthwith be delivered to the steward, who shall enter the same upon his books to the credit of the inmate. Such property shall be used only under the direction and with the approval of the superintendent or warden and for the benefit of the inmate. If the money remains uncalled for for one year after his death or departure from the institution, the superintendent shall deposit the same in the general fund. If any inmate leaves property (other than money) uncalled for at an institution for one year, the superintendent shall sell the property, and the proceeds shall be deposited in the general fund. If any person satisfies the department, within 5 years after such deposit, of his right to the deposit, the department shall direct the director of budget and accounts to draw his warrant in favor of the claimant and he shall charge the same to the appropriation made by section 20.06 (10). This section shall not apply to earnings credited to prisoners under section 46.065.

(2) PROPERTY DELIVERED TO OFFICER OR EMPLOYE. (a) All money or other property paid or delivered to a probation officer or employe of the department by or for the benefit of any person on probation or parole shall be immediately transmitted to the department and it shall enter the same upon its books to his credit. Such property shall be used only under the direction of the department.

(b) If he absconds, the money shall be credited to the revolving fund created by section 57.075; and other property if not called for within one year shall be sold by the department and the proceeds shall be credited to said fund.

(c) If any person, within 5 years after such crediting of funds, satisfies the department that he is entitled thereto, the department shall certify the amount thereof to the director of budget and accounts for payment to the claimant from the appropriation made by section 20.17 (9). [1937 c. 181 s. 3; 1945 c. 254; 1947 c. 9; 1947 c. 268 s. 20]

Comment of Interim Committee, 1947: the bureau of probation and parole" and "the probation officer", and that under (2) (c) a 5-year limit is placed on claims. Old (1) is omitted. Most of it is covered by 14.68 and the rest is not needed. (Bill 394-S)

46.08 Audits and estimates of expenditures of institutions. Each month the superintendent of each institution shall prepare and file in duplicate with the department a detailed estimate of the expenditures which will be necessary for each institution during the next month. No liability shall be incurred without such estimate being first made and approved by the department. The department shall fix a time, as often as once in each month, for auditing all accounts and charges against institutions. [1947 c. 268 s. 21]

Comment of Interim Committee, 1947: made by the superintendent and approved 46.08 is restated. The estimate should be by the department. (Bill 394-S)

46.09 Purchases, bills, audits, payments. (1) STEWARD AS BUSINESS MANAGER. The steward of each institution shall be the local business manager and requisitioning officer, subject to the direction and the rules and regulations of the department, and within the

limits of the approved monthly estimates shall purchase (as provided in sections 15.54 to 15.67) all necessary materials and supplies. He shall have the immediate charge of all books, accounts, papers and records relating to its financial management, shall keep detailed accounts of all receipts and expenditures, and shall be responsible for the safe-keeping and economical use of all stores and supplies.

(2) **BUTTER AND CHEESE.** No butter or cheese not made wholly and directly from pure milk or cream, salt and harmless coloring matter shall be used in any of the institutions of the state.

(3) **AUDIT OF BILLS.** No bills incurred in the management of such institutions shall be paid until they have been audited by the department. A list thereof, containing the names of the persons to whom allowed, the purpose and institution for which they were incurred, shall be certified by the department and filed with the director of budget and accounts each month. Warrants therefor in favor of each claimant shall be drawn on the state treasurer and delivered to the department and transmitted to the payees. [1947 c. 9; 43.08 (2); 1947 c. 268 s. 22]

46.10 Maintenance of inmates, liability; collection and deportation counsel; collections; court action; recovery. (1) Liability for the maintenance of patients in the institutions specified in this section and the collection and enforcement of such liability is governed exclusively by this section.

(2) Any patient in any charitable or curative institution of the state including the Wisconsin general hospital or of any county or municipality, in which the state is chargeable with all or a part of the patient's maintenance, except tuberculosis patients mentioned in chapter 50 and sections 51.27 and 58.06 (2), or heretofore or hereafter committed or admitted to any such institution, and his property and estate, or the husband or wife of such patient, and their property or estates, and in the case of a minor child the father or mother of the patient, and their property and estates, shall be liable for such patient's maintenance not exceeding the actual per capita cost thereof, and the department may bring action for the enforcement of such liability. The department shall make every reasonable effort to notify the relatives liable as soon as possible after the beginning of the maintenance but such notice or the receipt thereof is not a condition of liability of the relative.

(3) After investigation of the ability to pay of the patient or relative liable for such maintenance, the department shall make collection from the patient or the person who in the opinion of the department under all of the circumstances is best able to pay, giving due regard to relationship and the present needs of the person or of his lawful dependents. However, the liability of relatives for maintenance shall be in the following order: first, the husband or wife of the patient; then, in the case of a minor, the father, and lastly the mother.

(4) Upon the failure of any relative liable for maintenance to make payment or enter into or comply with an agreement for payment, the department may apply to the county court of the county in which the patient resides or has a legal settlement or in which such relative resides for an order to compel payment by such relative. Upon failure to comply with that order, the department may commence an action to recover the amount due.

(5) Upon such application the county court shall hear the allegations and proofs of the parties and shall by order require payment of maintenance by the relative liable therefor, if of sufficient ability, having due regard to the present needs of himself and his lawful dependents. The order shall specify an amount for maintenance to be paid periodically during a specified period or until the further order of the court. Notice of hearing on the application shall be served upon such relative at least 10 days prior to the hearing in the manner of service of a summons in the circuit court. Upon application of any interested party, and upon like notice and procedure, the county court may modify such order. Any party aggrieved by such order or by the judgment of the court may appeal therefrom in the manner provided by law. If an appeal is taken by the department, an undertaking need not be filed.

(6) The per capita cost of maintenance shall be fixed by rule of the department. The sworn statement of the superintendent of the institution in which such patient is or was maintained, or of the collection and deportation counsel, or of the director, shall be evidence of such cost, and of the time spent by the patient in the institution.

(7) The department shall administer and enforce this section. It shall appoint an attorney to be designated "collection and deportation counsel" and other necessary assistants. The department may delegate to such counsel such other powers and duties as it deems advisable. He or any of his assistants may administer oaths, take affidavits and testimony, examine public records, subpoena witnesses and the production of books,

papers, records, and documents material to any matter of proceeding relating to payments for the cost of maintenance. The department shall encourage agreements or settlements with the patient or the relative liable for his maintenance, having due regard to ability to pay and the present needs of lawful dependents.

(8) The department may:

(a) Appear for the state in any and all collection and deportation matters arising in the several courts, and may commence suit in the name of the department to recover the cost of maintenance against the person liable therefor.

(b) Determine whether any patients are subject to deportation; and on behalf of this state enter into reciprocal agreements with other states for deportation and importation of persons who are public charges, upon such terms as will protect the state's interests and promote mutual amicable relations with other states.

(c) From time to time investigate the financial condition and needs of such patients and of the relatives liable for their maintenance, their ability to presently maintain themselves, the persons legally dependent upon them for support, the protection of the property and investments of patients and relatives from which they derive their living and their care and protection, for the purpose of ascertaining the ability of any patient or of any such relative to make payment in whole or in part for the maintenance of such patients.

(d) After due regard to the case and to a wife, husband and minor children who are lawfully dependent on the property for support, compromise or waive the whole or any portion of any claim which the state and county may have for cost of maintenance.

(e) Make agreements with relatives liable therefor, or who may be willing to assume the cost of maintenance of any patient, providing for the payment of such costs at a specified rate or amount.

(f) Make adjustment and settlement with the several counties for their proper share of all moneys collected.

(9) Any person who wilfully testifies falsely as to any material matter in an investigation or proceeding under this section shall be guilty of perjury. Banks, insurance companies, savings and loan associations, brokers and fiduciaries, upon request of the department, shall furnish in writing and duly certified, full information regarding the property, earnings or income or any funds deposited to the credit of or owing to such patient or any person legally responsible for the maintenance of such patient. Such certified statement shall be admissible in evidence in any action or proceeding to compel payment for the maintenance of such patient, and shall be evidence of the facts therein stated, provided a copy of such statement be served upon the party sought to be charged not less than 3 days before the hearing.

(10) The department shall make all reasonable and proper efforts to collect all claims for maintenance, to keep payments current, and to periodically review all unpaid claims.

(11) In any action to recover maintenance, the statute of limitations may be pleaded in defense.

(12) The district attorney or his assistants in counties having a population of 500,000 or more shall, in matters pertaining to the recovery of the cost of maintenance of inmates in county and state institutions having a legal settlement in such county, have the same authority as granted in this section to the state department of public welfare.

(13) This section does not impair any rights or liability existing prior to the effective date of this section. [*Stats. 1945 s. 46.10 (7) to (11); 1947 c. 268 s. 23; 1947 c. 411 s. 6*]

Comment of Interim Committee, 1947: New 46.10 embodies in substance old 46.10 (7) to (11). Subsections (7) to (10) have been revised to clarify the present law so as to establish direct liability for maintenance against the patient or designated relatives, to clarify procedure for securing payment, to provide for court determination after considering ability to pay, to provide for modification of court orders and an action for recovery of amounts due. Formal changes only are made in old 46.10 (11) which appears in this draft as 46.10 (12). The committee's revision of chapter 51 tuberculosis insane, under 51.27, for free care for the tuberculous insane. Therefore a reference to 51.27 is inserted in new 46.10 (2). New (11) states specifically in the statutes what is undoubtedly the law, since the legislature, by ch. 67, laws of 1941, struck out of old 46.10 the provision that "the statutes of limitation shall not be pleaded in defense," and the provision that the state or county, in claims for support, "shall be deemed a preferred creditor." See 31 Atty. Gen. 63. Under the common law, statutes of limitation did not run against the state, and it is therefore ad-

visible to express the present rule in the statute. 37 C. J. sec. 28, pp. 710, 711. (Bill 394-S)

Note: 46.10 (7) and (8), Stats. 1935, authorizing state board of control's recovery of actual per capita cost of maintenance furnished inmates of state and county institutions, from estate of deceased inmate, vested discretion as to collection solely in board. Estate of Sletto, 224 W 178, 272 NW 42.

46.10 (7), (8) and (9), Stats. 1939, do not impose a fixed or absolute liability against a relative so as to attach to his estate, but require that an investigation and determination be made during his lifetime, and hence where this was not done during the lifetime of the wife of an insane person the state had no claim for maintenance against the estate of the deceased wife. Estate of Hahto, 286 W 65, 294 NW 500.

A county court has only such powers as are conferred by statute. Neither a county court nor a guardian is authorized to reserve funds for future burial expenses from the estate of a living insane ward as against proper claims of creditors of the ward. Sec. 319 32 applies only on the death of the ward.

and hence does not affect the preferred status of the state's claim under 46.10 (7), Stats. 1939, against the estate of a living insane ward for care and maintenance furnished in a public institution. Guardianship of Henes, 236 W 635, 296 NW 60.

The state's claim against the estate of a deceased father for maintenance furnished an insane son in a state institution was properly disallowed where no determination of liability of the father for such maintenance had been made before his death (46.10 (7), (8), (9), Stats. 1939). Estate of Laus, 237 W 12, 296 NW 84.

In the absence of an authorizing statute, labor and services performed by an individual while confined in a public institution for the insane cannot be set off against the charge for care and maintenance which the law requires the estate of such person to pay. Estate of Buxton, 246 W 97, 16 NW (2d) 399.

Board of control may compromise state claims for care and maintenance of incompetents in state or county institutions. [Stats. 1935] 24 Atty. Gen. 794.

Words "any state institution" in 46.10 (7), Stats. 1935, include Wisconsin general hospital; collections made on its behalf in which county has some amount due may be credited against state tax next accruing

46.105 Wisconsin general hospital accounts; collection. The department shall make all reasonable and proper efforts, including court actions, to collect all delinquent special rate or pay accounts at the Wisconsin general hospital. All moneys collected shall be deposited weekly with the state treasurer who shall credit 15 per cent thereof to the appropriation made by section 20.17 (1) (c), and the balance thereof to the appropriation made by section 20.41 (10) (a). [Stats. 1945 s. 46.10 (12); 1947 c. 263 s. 24]

Comment of Interim Committee, 1947: 46.105 is old 46.10 (12) with formal changes only. (Bill 394-S)

46.106 Maintenance of inmates; settlements between state and counties. (1) **LEGAL SETTLEMENT; COUNTY LIABILITY.** When a person is committed or admitted to a charitable, curative, reformatory or penal institution of the state or of a county (except tuberculosis patients provided for in chapter 50 and sections 51.27 and 53.06 (2)) the committing or admitting court, judge, magistrate or board shall determine his legal settlement pursuant to section 49.10, and certify the same to the superintendent of the institution. The county of his legal settlement shall be charged with his support as provided by law. If it is found that he does not have a legal settlement in the state, the state shall be charged with his support, and the court, judge, magistrate or board shall submit a transcript of the testimony taken with respect to legal settlement to the department. Nothing shall prevent a recovery of the actual per capita cost of such maintenance by the department or by the county in counties having a population of 500,000 or more, or prohibit the acceptance by the department of payment of the cost of maintenance, or a part thereof, by such person or anyone in his behalf.

(2) **STATEMENT OF COUNTY LIABILITY.** On July 1 in each year the department shall prepare a statement of the amounts due from the several counties to the state for the maintenance, care and treatment of inmates at public charge in state and county charitable, curative, reformatory and penal institutions for the preceding fiscal year and shall give 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 the legal settlement of each inmate, the number of weeks for which support is charged, the amount due the county for maintenance, and the amount due to the state from the county, itemized as to board, clothing, dental, burial, surgical and transfer. The department shall file such statement with the director of budget and accounts, and mail a duplicate to the clerk of each county charged. Thereupon the director shall charge to the several counties the amounts so due, which amounts shall be certified by the secretary of state, upon information certified to him by the director, and levied, collected and paid into the state treasury as a special charge, at the same time as the state taxes. The amount so paid into the state treasury on account of care of patients in county hospitals shall be apportioned and paid to the counties to which it is due, from time to time, in the proportion that the total collections from all counties for the care of such patients bear to the total charges against all counties for such care. The director of budget and accounts shall make the first apportionment and payment on April 1, in each year, covering collections to and including March 22. The collections made after March 22 and through August 20 shall be apportioned and paid on September 1 following, and the final payment shall be made on December 1.

from county under (3). 25 Atty. Gen. 585.

Wisconsin orthopedic hospital for children is not a charitable or curative institution maintained by the state within the meaning of this section. 30 Atty. Gen. 329.

Under amendment of 46.10 (7) by ch. 87, Laws 1941, claim of department of public welfare or of any county against estate, husband or wife of inmate of certain state and county institutions for per capita cost of his maintenance is no longer preferred claim and statutes of limitation are now available as defense. 31 Atty. Gen. 63.

A legislative amendment of 1941, which deleted from 46.10 (7), Stats. 1939, the provision against pleading the statute of limitations in an action by the state to recover for care and maintenance furnished to an inmate in a state or county institution, did not cut off claims in favor of the state existing prior to that time, and, although in cases brought by the state under 46.10 (7) the defendants may now plead the ten-year limitation prescribed by 330.18 (6), such statute of limitations begins to run as against all such claims of the state, including those which had accrued prior to the amendment of 1941, as of the date when such amendment took effect. Estate of Cameron, 249 W 531, 25 NW (2d) 504.

(3) STATEMENT OF COUNTY CLAIMS. On July 1 in each year the 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 for the maintenance, care and treatment of inmates at public charge on forms supplied by the department. Such statement shall cover the preceding fiscal year and shall give the name of each inmate whose support is partly or wholly chargeable to the state; and 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 the officer making it and certified by the trustees of the institution to the department, and a duplicate thereof shall be forwarded to the county clerk. The department shall credit the county with the amount due the county for any recovery of maintenance and shall certify said statement to the director of budget and accounts, who shall pay the aggregate amount found due each county as provided in subsection (2).

(4) RELIEF FROM ERRONEOUS CHARGES TO COUNTY OR STATE. 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. 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.

(5) REVIEW UNDER CHAPTER 227. The order of the department shall be subject to review as provided in chapter 227. Upon entry of final judgment the department shall make the proper charge or credit or both and certify the same to the director of budget and accounts.

(6) CORRECTION OF ERRONEOUS CHARGES. Any error in the accounts between the state and a county for the support of any inmate in any such institution, or in the amount certified to a county as due and to be assessed upon it on account of such support, when certified by the department, shall be corrected by the director of budget and accounts by a proper charge or credit or both on the next state tax. [*Stats. 1945 s. 46.10 (1) to (6); 1947 c. 268 s. 25; 1947 c. 472*]

Comment of Interim Committee, 1947: Old 46.10 (1) to (6) are restated and renumbered 46.106. A reference to 51.27 is inserted in (1). See Note to new 46.10. The specific provision in (1), for approval and certification by the department to the superintendent in cases where the patient does not have a legal settlement in the state, is omitted. The provision in (4) that the department may on its own motion order a hearing is substituted for an application on behalf of the state by the attorney-general. (Bill 394-S)

Note: County may not recover its share paid for support of insane person committed to central state hospital for criminal insane

where only means such person has were derived from his total disability compensation as World War veteran paid under federal law. 22 Atty. Gen. 157.

Error in charging expenses of inmate of public institution to county may be corrected under (4), (5) and (6). *Stats. 1935*, and statute of limitations does not run thereon. 24 Atty. Gen. 360.

Provisions of (2), as amended by ch. 499, laws of 1943, relating to payments by state to counties of state special charges for care, maintenance and treatment in county institutions construed and applied. 33 Atty. Gen. 59.

46.11 Transfer of inmates. (1) When an inmate of a state or county institution is lawfully moved from one institution to another by the department, the superintendent of the institution from which he is removed shall notify the committing court or judge of the removal.

(2) The department may designate in the removal order a person to make the transfer. The person designated shall receive no compensation, but shall be paid his necessary traveling expenses and those of the inmate and of any necessary assistant, to be adjusted by the department and charged to the current expense fund of the institution from which the removal is made as part of the inmate's maintenance costs. This amendment (1947) shall be effective as of July 1, 1946. [*1947 c. 268 s. 26; 1947 c. 508, 602*]

46.115 Sick inmates; transfer to state hospital; treatment. (1) The department shall apply to the board of regents of the university for the admission to the Wisconsin general hospital of any inmate of any state institution under the department, or of any person committed to or applying for admission thereto, or of any other person committed to the department, who is afflicted with any deformity or ailment, which can probably be remedied, or which can be advantageously treated at such hospital, if he cannot receive proper care at the institution to which he has been committed or to which he has applied for admission. The application shall be accompanied by the report of the

physician of such institution or of a physician appointed by the department, in the same form as reports of physicians for the admission of patients to the hospital.

(2) The cost of treatment shall be at the rate charged the county for county patients, and shall be chargeable one-half to the institution and one-half to the state. The department may pay out of such operation fund to the institution the necessary traveling expenses, including the expenses for an attendant when needed. Payments for the treatment of such patients are to be made by the department to the university for the portion chargeable to the operation fund of the institution; and the portion chargeable to the state shall be certified and paid as provided in section 142.08 (1). [1947 c. 268 s. 27]

46.12 Sterilization of defectives. (1) The department may appoint, from time to time, a surgeon and a psychiatrist, of recognized ability, as experts, who (in conjunction with the superintendents of the state and county institutions who have charge of criminal, mentally ill, mentally deficient and epileptic persons) shall examine inmates and patients of such institutions as to their mental and physical condition.

(2) The department may submit to the experts and to the superintendent the name of inmates or patients they desire examined, and the experts and the superintendent shall meet, take evidence and examine into the mental and physical condition of the named inmates or patients and report thereon to the department.

(3) If the experts and superintendent unanimously find that procreation is inadvisable the department may authorize an operation for the prevention of procreation.

(4) Before such operation, the department shall give at least 30 days' notice in writing to the husband or wife, parent or guardian of the inmate or patient, if known, and if unknown, to the person with whom such inmate or patient last resided.

(5) The experts shall receive as compensation \$10 per day and expenses for the days consumed in the performance of their duties.

(6) The record made upon the examination shall be filed in the department; and semiannually after the operation, the superintendent of the institution where such inmate or patient is confined shall report to the department his condition.

(7) The department shall state in its biennial report the number of operations performed under this section and the result of the operations. [1947 c. 268 s. 28]

Comment of Interim Committee, 1947: \$10 as fixed by the board. In practice it is the meaning is not changed except to make \$10 now and there is no likelihood of a rethe per diem \$10 instead of not to exceed duction. (Bill 394-S)

46.13 Wassermann tests; chemical examinations. The department may arrange with the Wisconsin psychiatric institute to give the Wassermann test to any person confined in any state or county institution; and to make such test for any physician of this state who applies therefor in behalf of any resident of this state, free of charge. Arrangements shall also be made with the institute for chemical examinations of cerebrospinal fluid for any physician of this state, free of charge. [1947 c. 268 s. 29]

46.14 Reports of state institutions. (1) **MONTHLY.** The officer in charge of each state institution under the control of the department shall report monthly to the department, an itemized statement of all receipts and disbursements, and of the daily number of inmates, officers, teachers and employes, and of the wages paid to each.

(2) **BIENNIAL.** On July 1 in each even-numbered year such officer shall report to the department, covering the preceding biennial fiscal term, 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 department. [1947 c. 268 s. 30]

46.15 Biennial report of department to governor. On or before December 1 in each even-numbered year the department shall report to the governor its proceedings during the preceding biennial fiscal term, with such recommendations as it deems fit respecting the subjects in its charge or under its supervision; and a financial statement of its operations; a summary of the results of its visits, inspections and investigations and of all statistical information collected by it, properly tabulated; and a concise statement showing the condition of said institution. [1947 c. 268 s. 31]

Comment of Interim Committee, 1947: tailing the contents of reports, is omitted. The provision in old (1), as to reporting on (Bill 394-S) county institutions, is omitted, and (2) de-

46.16 General supervision and inspection by department. (1) **GENERALLY.** The department shall investigate and supervise all the charitable, curative, reformatory and penal institutions of every county and municipality (except tuberculosis sanatoriums); all detention homes for children and all industrial schools, hospitals, asylums and institutions, organized for the purpose set forth in section 58.01, and familiarize itself with all the circumstances affecting their management and usefulness.

(2) CHILD WELFARE AGENCIES; FOSTER HOMES. It may license and revoke licenses of and exercise supervision over all child welfare agencies and the placement of children in foster homes, and grant permits to foster homes. In the discharge of this duty it may inspect the records of child welfare agencies and visit all institutions conducted by them and all foster homes in which children are placed.

(3) COUNTY HOMES, POOR RELIEF. It shall visit the county homes and ascertain the number of each sex and the number of mentally ill, mentally deficient, deaf or blind persons, and children supported in each, at what cost and under what circumstances affecting their health, comfort, morals and education; collect statistics of the cost of support, and other important facts, of the poor relieved at public expense outside of county homes; and collect information as to the adequacy and efficiency of existing laws for the support and relief of the poor, and the causes of pauperism in the state.

(4) PRISONS. It shall visit all places in which persons convicted or suspected of crime or mentally ill persons are confined, and ascertain their arrangement for the separation of the hardened criminals from juvenile offenders and persons suspected of crime or detained as witnesses; collect statistics concerning the inmates, their treatment, employment and reformation; and collect information of other facts and considerations affecting the increase or decrease of crime and mental illness.

(5) INSPECTIONS. It shall inquire into the methods of treatment, instruction, government and management of inmates of the institutions mentioned in this section; the 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 pertaining to their usefulness and management; and recommend to the officers in charge such changes and additional provisions as it deems proper.

(6) FREQUENCY OF INSPECTIONS. It shall inspect and investigate each institution annually, or oftener; and, when directed by the governor, it shall make special investigation into its management, or anything connected therewith, and report to him the testimony taken, the facts found and conclusions thereon.

(7) REPORT LAW VIOLATIONS. It shall inform the governor, and the district attorney of the county in which the institution is located, of any violation of law disclosed in any inspection or investigation of the institution.

(8) OPPORTUNITY TO INSPECT. All trustees, managers, directors, superintendents and other officers or employes of such institutions shall at all times afford to every member of the department and 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 department requires; and if any person offends against this requirement he shall forfeit not less than \$10 nor more than \$100.

(9) TESTIMONIAL POWER; EXPENSES. The director or any person delegated by him may administer oaths and take testimony; and may cause depositions to be taken. All expenses of the investigations, including fees of officers and witnesses, shall be charged to the appropriation for the department.

(10) STATISTICS TO BE FURNISHED. Wherever the department is required to collect statistics, the person or agency shall furnish the required statistics on request. [1939 c. 233, 473; 1947 c. 268 s. 32]

Comment of Interim Committee, 1947: the director and those delegated by him. The power to administer oaths should be in (10) is new. (Bill 394-S)

46.17 County buildings; establishment, approval, inspection. (1) The department shall fix reasonable standards and regulations for the design, construction, repair and maintenance of county homes, county hospitals, houses of correction, workhouses, jails and lockups, and juvenile detention homes, with respect to their adequacy and fitness for the needs which they are to serve.

(2) The selection and purchase of the site, and the plans, specifications and erection of buildings for such institutions shall be subject to the approval of the department.

(3) Before any such building is occupied, and semiannually thereafter, the department shall inspect it with respect to safety, sanitation, adequacy and fitness, and report to the authorities conducting the institution any deficiency found, and order the necessary work to correct it or a new building. If within 6 months thereafter such work is not commenced, or not completed within a reasonable period thereafter, to the satisfaction of the department, it shall suspend the allowance of state aid for, and prohibit the use of such building until said order is complied with. [1939 c. 233, 473; 1945 c. 155; 1947 c. 268 s. 33]

Comment of Interim Committee, 1947: nile detention homes". That is new but is 46.17 is restated. (1) is made to cover "juve- deemed advisable. "County hospitals" in-

clude asylums for the insane. Old (3) has been consolidated with (2) and old (4) is re-numbered (3). (Bill 394-S)

Note: Where proper authorities fail to comply with order of board of control with respect to improvement or replacement of jail, such order may be enforced by court action. 21 Atty. Gen. 81.

46.18 Trustees of county institutions. (1) **TRUSTEES.** Every county home, hospital, tuberculosis hospital or sanatorium, or similar institution, house of correction or workhouse, established by any county whose population is less than 500,000, shall (subject to regulations approved by the county board) be managed by 3 trustees, electors of the county, elected by ballot by the county board. Six months before completion of the buildings for any such institution the county board shall elect 3 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 (and prior to January next) the county board shall elect one trustee for a term of 3 years to begin on the first Monday of January next thereafter. Any vacancy shall be filled for the unexpired term by the county board; but the county chairman may appoint a trustee to fill such vacancy until the county board acts.

(2) **ELIGIBILITY.** No member of the county board shall serve as a trustee during the term for which he was elected. No trustee shall have any other lucrative office or employment in the county government; nor be eligible, during the term for which he was elected, to the office of superintendent of the institution in his charge with the exception of a pension and relief board member.

(3) **REMOVAL OF TRUSTEE.** Any trustee may be removed from office for misconduct or neglect, by a two-thirds vote of the county board, on due notice in writing and hearing of the charges against him.

(4) **OATH OF OFFICE, BOND, EXPENSES, PAY.** Each trustee shall take and file the official oath and execute and file an official bond to the county, in the amount determined by the county board, and the sufficiency of the sureties shall be approved by the chairman of the board. Each trustee shall be reimbursed his traveling expenses necessarily incurred in the discharge of his duties, and shall receive the compensation fixed by the county board, unless otherwise provided by law.

(5) **OFFICERS.** The trustees shall elect a president. The superintendent of the institution shall be ex officio secretary.

(6) **MONTHLY AUDIT; SUITS.** At least once each month the trustees shall audit all claims against the county incurred on behalf of said institutions, 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. The trustees may sue and defend in the name of the county any cause for action involving the interest of said institution and may employ counsel for that purpose. All receipts on account of said institutions shall be paid into the county treasury within one week after receipt.

(7) **FISCAL YEAR.** The fiscal year of each institution shall commence July 1 and end June 30 of the following year.

(8) **BOOKKEEPING.** The department shall formulate a system of keeping the books, accounts and records, and shall furnish blanks for reports, and reports shall be made accordingly.

(9) **REPORTS; ACCOUNTS.** The trustees shall install a system of accounting and reporting, under the supervision of the department, and shall conduct its business in conformity therewith; and the department may from time to time audit the books, records, documents, accounts and transactions of each institution.

(10) **ANNUAL REPORT.** On July 1 of each year the trustees shall prepare a report for the preceding fiscal year and shall transmit a copy to the department, a copy to the county clerk, and keep a 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 current fiscal year, and the reports of the superintendent and visiting physician, of the institution.

(11) **COUNTY APPROPRIATION.** The county board shall annually appropriate for operation and maintenance of each such institution 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.

(12) **EX OFFICIO DUTIES.** The county board may provide that the trustees of any institution shall be the trustees of any other institution. The county board may provide that the county park commission be, ex officio, the trustees of the county workhouse. [1931 c. 71; 1935 c. 229; 1939 c. 75; 1947 c. 268 s. 34]

Comment of Interim Committee, 1947: "pital" is substituted for "asylum for the chronic insane" in (1) and "or similar institution" is inserted. Reports are required

under (8) and details omitted. Under (9) audits by the department of institution books are made permissive, not mandatory. The department has had the duty but not the means to make these audits. (Bill 394-S)

Note: Board of asylum trustees may use for construction of building only money appropriated by county board for that purpose. 20 Atty. Gen. 130.

County board has power to direct disbursement or to appropriate funds earned by county hospital for insane for benefit of institution. 21 Atty. Gen. 59.

(2) does not prevent county board from naming auditing committee of its own members to check on poor relief. 24 Atty. Gen. 75.

Member of board of trustees of county asylum and poor farm may not receive per diem compensation for time spent in assisting acting superintendent in performance of latter's duties. Limitation, if any, upon compensation which member of board of trustees of county asylum and poor farm may receive in year on per diem basis must be found in county ordinance establishing rate of compensation. 29 Atty. Gen. 118.

It is the duty of the district attorney to advise the trustees of county institutions appointed under 46.18, and they may not employ independent counsel for that purpose under 46.18 (6). 33 Atty. Gen. 92.

46.19 Officers and employes of county institutions. (1) The trustees shall appoint a superintendent of each institution and may remove him at pleasure.

(2) The trustees shall prescribe the duties of the superintendent. He shall execute and file an official bond with sureties approved by the trustees.

(3) Subject to the approval of the trustees, the superintendent shall appoint and prescribe the duties of necessary additional officers and employes of the institution, and may remove them at his discretion, subject to the county civil service law.

(4) The salaries of the superintendent, visiting physician and all necessary additional officers and employes shall be fixed by the county board. [1947 c. 268 s. 35]

Note: Where county board has not abolished board of trustees of county institutions that board, under 46.18 and 46.19, has sole authority to appoint superintendent of county workhouse. Appointment of such officer by county board is void. If appointment to such office is made by board of trustees which involves problem of housing and maintenance, matter of providing same lies wholly within discretion of board of trustees provided it acts under regulations approved by county board. 28 Atty. Gen. 19.

46.20 Joint county institutions. (1) Any 2 or more counties may jointly, by majority vote of all the members of each county board, provide for a county home, hospital, tuberculosis hospital or sanatorium, or similar institution, 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 250,000, 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 3 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 50.06 as to tuberculosis sanatoriums and section 46.17, as to other institutions 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 2 electors from each county when 2 counties join, and of one elector from each county in all other cases; which trustees, except those elected at first elections, shall hold during terms of 4 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 an 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 70.57.

(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 of the tuberculosis sanatorium to the state board of health; and one copy of the report of other county institutions to the department, 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 section 46.18 (7) to (10), 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).

(10) Any county or counties maintaining a tuberculosis sanatorium may convey said property or any part thereof or any interest therein to any other county or counties upon such terms and conditions as the respective county boards thereof shall agree by a majority vote of all the members of each of said county boards. [1939 c. 233, 473; 1947 c. 268 s. 36]

46.21 County board of public welfare in populous counties. (1) **APPOINTMENT; ORGANIZATION; COMPENSATION.** (a) In each county having a population of 500,000 there is created a board of 5 members which shall be known as the county board of public welfare, hereinafter referred to as the board. The county board of supervisors by a majority vote of the members-elect thereof shall choose 4 of such members from among the electors of the county, and one member from the membership of said county board of supervisors. All members shall hold office for the term of 4 years. Appointments shall be made on the basis of recognized and demonstrated interest in and knowledge of the problems of public welfare. The present members of the board of public welfare of any such county appointed and acting at the effective date of this act (July 1, 1947) shall continue to hold office until the expiration of their terms, their successors thereafter each to be appointed for the term of 4 years as hereinbefore provided. A majority of the board shall constitute a quorum for the exercise of the power and the authority conferred upon it, and each member of the board shall take and file an official oath, and shall execute and file an official bond with sureties approved and in a reasonable sum fixed by such county board of supervisors.

(b) Each member of the board shall receive as compensation for his services such sum as the county board of supervisors shall provide, to be paid as other county officers are

paid, provided that the member chosen from the county board shall receive a reasonable compensation to be fixed by the county board in addition to his regular salary.

(e) Said board shall annually elect a chairman, vice chairman and secretary. The vice chairman shall serve in the absence of the chairman. The secretary shall be responsible for and publish full stenographic minutes of every meeting of said board. Upon the written request of the secretary the director of institutions and departments shall provide said secretary with such stenographic help as is necessary to comply with the provisions of this section. The county board shall provide said board with suitable quarters for the transaction of its business.

(2) DUTIES AND RESPONSIBILITIES OF THE BOARD. (a) Such board shall be charged with supervising the operation, maintenance and improvement in each county, by the director of institutions and departments, of the county hospital, dispensary-emergency unit of said hospital, mental hygiene clinic, infirmary, department of outdoor relief, home for dependent children, hospital for chronic insane, hospital for mental diseases, tuberculosis hospital and preventorium, county agent's department, farm, service departments, and all buildings and land used in connection with any or all of such institutions. The powers and duties of the board shall be advisory and policy forming only, and not administrative or executive. Such board shall be without authority to adopt policy changes that would increase expenditures beyond budget limitations for the fiscal year, as fixed by the county board of supervisors. Proposed policy changes shall, in all instances, be presented to the director and the finance committee of the county board at the time the department's budget for the ensuing year is being considered.

(b) The hospitals and sanitariums of the county shall be devoted to hospital service and the treatment of such persons who would otherwise be unable to secure the same. Such hospitals and sanitariums may be utilized for such instruction of medical students, physicians and nurses and for such scientific and clinical research as will promote the welfare of the patients, and assist the application of science to the alleviation of human suffering. The board of public welfare is empowered, subject to the approval of the county board of supervisors, to make such arrangements with the medical school of the University of Wisconsin or any other duly accredited medical colleges and medical societies for teaching and research in such institutions as in their judgment will best promote the foregoing hospital aims.

(c) The board shall appoint a director of institutions and departments. Such appointment shall be made on the basis of recognized and demonstrated public interest in and knowledge of the problems of and institutional management of public welfare, and with due regard to training, experience, executive and administrative ability and efficiency, and general qualifications and fitness for performing the duties of the office. The director of institutions and departments acting at the effective date of this act (July 1, 1947) shall constitute the director as defined in this section. The director shall be subject to dismissal for cause by the board or to such lesser disciplinary action for cause as the board deems proper upon verified written charges which may be preferred by the board or any citizen. Upon the filing of such charges the director shall be given at least 10 days' written notice of the time and place where such charges will be heard, together with a copy of the charges, and shall be given an opportunity to appear in person and by an attorney to defend against such charges. The board's action after hearing such charges shall be final. Such director shall file an official oath and bond in such sum as shall be fixed by the county board of supervisors.

(d) Provisions shall be made in the organization of the office of director for the devolution of his authority in the case of his temporary absence, illness or other disability to act.

(e) The county may pay the actual travel expense of persons called into consultation by the board as to matters within the field of public welfare.

(f) The board may provide for and appoint a special examining committee to examine into the qualifications for candidates for the office of director of institutions and departments and make recommendations to the board thereon. The board may compensate the members of such examining committee for their services and expenses and such compensation and reimbursement of expense shall be paid by the county.

(g) The board shall establish such rules and regulations as may be necessary for the management and operation of the county institutions and departments mentioned in section 46.21 (2) (a).

(h) Rules and regulations adopted by and policies established by such board of public welfare shall be subject to change by the county board of supervisors, but only by a two-thirds vote of the members-elect thereof.

(3) DUTIES AND RESPONSIBILITIES OF THE DIRECTOR. (a) All of the administrative and executive powers and duties of managing, operating, maintaining and improving the

several institutions and departments, specified in subsection (2) (a) of this section and such other institutions and departments as may at any future time be placed under the jurisdiction of such board of public welfare and director by the county board of supervisors, shall be vested in such director, to be administered by him under the rules promulgated and subject to the policies and in accordance with the principles established by such county board of public welfare. The salary of such director shall be fixed by the county board of supervisors, to be paid as salaries of other county officers are paid.

(b) Contracts and purchases of the director shall be subject to an inspection either by the proper committee of the county board of supervisors or such other agency as such county board of supervisors may select, provided, that nothing herein contained shall preclude the setting up of a central purchasing department for all county purchases, if so determined by such board of supervisors.

(4) DEPARTMENT HEADS, OFFICERS AND EMPLOYEES. (a) The director shall appoint, pursuant to sections 16.31 to 16.44, and subject to the approval of the county welfare board, department heads who shall, under the direction of said director, have the care and management respectively of the several institutions and departments specified in subsection (2) (a) of this section and such others as may be placed under the jurisdiction of said director and board by the county board of supervisors. Upon recommendation of the director, approved by the board, the county board of supervisors may place more than one institution or department under the management and direction of one department head. The board may prefer charges against any officer or employe in any of the county institutions and departments under its jurisdiction and for that purpose shall be deemed an appointing power within the language of section 16.38 of the statutes.

(b) Each such department head shall take and file his official oath and execute and file an official bond with sureties approved and in such sum as shall be fixed by such board of public welfare.

(c) Each of such department heads shall, subject to the approval of said director, have power to appoint, discipline and remove, under the provisions of sections 16.31 to 16.44 all officers and employes in his department. Such department heads may at any time present communications to the board upon any matter through the director who shall present such communications to the board at its next meeting thereafter.

(d) The county treasurer shall be ex officio the treasurer of all such institutions and departments, and shall keep separate accounts of all moneys appropriated or otherwise received for the aforesaid institutions and departments and pay the same out upon orders issued by the county clerk and countersigned by the county auditor on vouchers certified to the clerk by the director.

(e) All department heads, officers and employes appointed and acting on the effective date of this act (July 1, 1947) shall continue to hold their present respective offices and employments until their right thereto is terminated as provided by law.

(5) ADMISSION OF INMATES FOR PAY. (a) Any resident of this state, not indigent, may be received into the infirmary, 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; but indigent and destitute persons shall have preference in admission to and care in such institution.

(b) The provisions of sections 49.07, 49.08 and 49.13 shall govern the support and maintenance of persons in any of the institutions in charge of said director.

(6) REPORTS; APPROPRIATIONS; EXPENDITURES. (a) On the first day of July of each year, or within 30 days thereafter, said director shall render an annual report together with the reports of the department heads, including an itemized statement of receipts and disbursements for the preceding calendar year. Such director shall maintain the uniform system of books, accounts, records and reports prescribed by the state department of public welfare, conforming in all respects with the provisions of section 46.18 (7) to (10).

(b) The county board shall make sufficient appropriation annually for the support, maintenance, salaries, repairs and improvements to said institutions; and such appropriations so made shall be used for such purposes and subject to the order of such director in such manner as the regulations of the board of public welfare shall provide; but neither the director nor such board shall incur any expense nor make any contract for new buildings or 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 money to defray such expense.

(7) CLINICS. The director is hereby empowered to establish and conduct clinics in connection with the county hospital, subject to such rules and regulations as the board of public welfare may prescribe.

(8) **POWERS OF BOARD; EMERGENCY HOSPITAL.** The board of public welfare, as aforesaid, upon authorization of the county board, shall have and exercise the following additional powers:

(a) To establish and maintain a public health and medical dispensary and conduct same as may be proper and necessary for the preservation of the public health and the prevention of disease in such county.

(b) To establish and maintain in connection with such county hospital an emergency unit or department for the treatment, subject to such rules and regulations as may be prescribed by such board of public welfare, of persons in said county who may meet with accidents or be suddenly afflicted with illness not contagious; provided that medical care and treatment shall only be furnished in such unit or department until such time as the patient may be safely removed to another hospital or to his place of abode, or regularly admitted to said county hospital.

(c) To establish and maintain in connection with the institutions and departments under the control of such board, a training school for nurses and to purchase and take over all property, and to assume all obligations, and to conduct any training school now operated in connection with said institutions or departments or any of them.

(d) To establish and maintain in connection with or separate from the county hospital a unit or department for the treatment, subject to such rules and regulations as may be prescribed by said board of public welfare, of persons in said county who may be afflicted with contagious diseases. [1939 c. 177; 1945 c. 588; 1947 c. 192; 1947 c. 268 s. 37, 560]

[46.22 Stats. 1935 renumbered section 66.50 (1) by 1937 c. 432]

[46.225 Stats. 1935 repealed by 1937 c. 432]

[46.23 to 46.26 Stats. 1945 renumbered 101.40 to 101.43 by 1947 c. 268 s. 44]

[46.27 Stats. 1945 repealed by 1947 c. 268 s. 38]

[46.28 Stats. 1945 renumbered 46.03 (11) by 1947 c. 268 s. 13]

[46.29 Stats. 1945 renumbered 46.045 by 1947 c. 268 s. 15]

[46.30 Stats. 1945 renumbered 49.42 by 1947 c. 268 s. 39]

46.30 County departments of public welfare. There may be established in each county of a population of less than 500,000 a county department of public welfare for the efficient performance of the welfare services of the county. The department shall consist of a county board of public welfare, a county director of public welfare and necessary personnel. [Stats. 1945 s. 58.50; 1947 c. 268 s. 43]

46.31 County boards of public welfare. The county board of public welfare shall consist of 5 residents of the county appointed by the county board of supervisors, either from the board membership or from the county at large. They shall have a demonstrated and recognized knowledge of and interest in public welfare. They shall serve for such terms and receive such compensation as shall be fixed by the county board of supervisors. [Stats. 1945 s. 58.51; 1947 c. 268 s. 43; 1947 c. 293]

46.32 County director of public welfare. It shall be the duty of the county board of public welfare to appoint a county director of public welfare whose qualifications, appointment and tenure, and the salary shall be fixed for him by the county board of public welfare. [Stats. 1945 s. 58.52; 1947 c. 268 s. 43]

46.33 Duties of the county director. The county director shall serve as the executive and administrative officer of the county department of public welfare. In consultation and agreement with the county board of public welfare he shall prepare and submit to the county board of supervisors an annual budget of all funds necessary for the county department, and shall prepare annually a full report of the operations and administration of the department. He shall, after consultation and agreement with the county board of public welfare appoint such employes as may be necessary to administer the functions of the department. [Stats. 1945 s. 58.53; 1947 c. 268 s. 43]

46.34 Duties and responsibilities of the county board of public welfare. The county board of public welfare shall supervise the working of the department and shall be a policy-making body, determining the outlines and principles of the administration of the functions assigned to it by the county board of supervisors pursuant to section 46.35. The county board of public welfare may provide for committees which shall advise with the board on any matters for which it was created. The board may appoint any resident of the county to serve on such committees but members shall serve without compensation. [Stats. 1945 s. 58.54; 1947 c. 268 s. 43]

46.35 Functions, duties and powers of county departments of public welfare. The county board of supervisors may provide that the county department of public welfare shall have any or all of the following functions, duties and powers and such other welfare functions as may be delegated to it:

(1) To make investigations relating to relief or welfare administration and admissions to state and county institutions upon request of court, superintendent, district attorney, veterans' service commission or any other county official.

(2) Furnishing services to families or persons other than the granting of financial or material aid where such services may prevent such families or persons from becoming public charges or restore them to a condition of self-support.

(3) To make certification or referral of eligibles for state or federal works or other assistance programs, eligibility for which is based on need, when designated to perform such certification or referral services, and to certify eligibility for and distribute surplus commodities and foodstuffs.

(4) Making investigations which relate to welfare services upon request by the state department of public welfare.

(5) The maintenance of administrative and reporting relationships with all pertinent state departments.

(6) The administration of relief under sections 49.02 and 49.03 in the event that the county administers relief under those sections.

(7) The administration of aid to dependent children under section 49.19.

(8) The administration of aid to the needy blind under section 49.18.

(9) The administration of old-age assistance under sections 49.20 to 49.38.

(10) To administer child welfare service under and subject to the provisions of section 48.315, thereby administering the functions otherwise administered by county children's board and licensed child welfare agencies.

(11) To make such investigations which are provided for under section 322.02 (1) if the court having jurisdiction so directs.

(12) To perform the duties and functions of a juvenile probation department as defined in 48.03 when requested to do so by the juvenile judge of the county. [*Stats. 1945 s. 58.55; 1947 c. 268 s. 43; 1947 c. 293*]

46.36 Application of terms. In the event that the county department of public welfare administers aid to dependent children, old-age assistance or blind pensions, section 49.50 (2) to (5) shall then be applicable to said department and the term "county department of public welfare" shall be deemed to have the same relationship to the words "county court," "county judge" or "juvenile judge" in any statute relating to such forms of assistance as the term "county pension department" has to said words as provided in section 49.51 (5). [*Stats. 1945 s. 58.56; 1947 c. 268 s. 43*]

46.37 Certain water and sewerage service in Winnebago county. The state department of public welfare as a member of the tri-institutional Winnebago state hospital, Winnebago county asylum and Sunny View sanatorium sewer agreement in Winnebago county is authorized to furnish and charge for water and sewage services to business and dwelling units located in the privately owned area lying west of the Winnebago state hospital and bounded on the west by the railroad properties and on the north, east and south by the grounds of the Winnebago state hospital, together with such dwelling or other units as now exist or as may be erected on the railroad and state owned property adjacent to this area. [*1947 c. 20; 43.08 (2)*]

46.50 State mental health authority. In order to promote co-ordination and efficient development of mental health services by the state and by municipalities in the state, the department of public welfare is declared to be the state mental health authority of Wisconsin and as such is authorized to receive federal grants in aid and to co-operate with the federal government in promoting the extension of such services. [*1947 c. 170; 43.08 (2)*]

46.51 Interdepartmental commission on mental health. (1) An interdepartmental commission on mental health is hereby created and is herewith referred to as the "commission."

(2) The commission shall be composed of the director of the department of public welfare, the state health officer, the superintendent of the department of public instruction or persons designated by these officials; plus one member of the board of public welfare elected by that board and one member of the board of health elected by that board, all of whom shall serve without additional compensation. The commission shall elect one of its members as chairman.

(3) The commission shall meet at the call of its chairman, but not less than once each fiscal year, for the purpose of reviewing the needs and resources for mental health services in the state, to make recommendations concerning such services to the legislature or to any department administering such services and to determine the allocation of federal grants in aid received by the state pursuant to the authority given in section 46.50. [*1947 c. 170; 43.08 (2)*]