

No. 390, S.]

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### CHAPTER 376.

AN ACT to repeal 54.03 (1) and 54.05; to renumber 54.03 (2) to (8) to be 54.03 (1) to (7); to amend 46.011 (1), 46.014 (6), 46.045, 51.41 (1) (introductory paragraph) and (e) and (2), 54.03 (2) as renumbered, and 54.06 (13); to repeal and recreate 20.17 (33), 46.012 (1), 46.013, 46.015, 47.05 (1), 51.40 and 54.04; and to create 46.001 and 46.03 (11) of the statutes, relating to certain changes in the state department of public welfare and making appropriations.

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

SECTION 1. 20.17 (33) of the statutes is repealed and recreated to read:

20.17 (33) GIFTS, GRANTS, AND DONATIONS GENERALLY. (a) All gifts, grants, and donations of money received by the department, for the purposes given, for the execution of its functions and consistent with the gift, grant, or donation.

(b) The department may also accept from private sources gifts, grants, and donations other than money and use such property for the purposes given.

SECTION 2. 46.001 of the statutes is created to read:

46.001 PURPOSES OF CHAPTER. The purposes of this chapter are to conserve human resources in Wisconsin; to provide a just and humane program of services to dependent, neglected and illegitimate children; to prevent dependency, mental illness, delinquency, crime and other forms of social maladjustment by a continuous attack on causes; to provide effective aid and services to all persons in need thereof and to assist such persons to achieve or regain self-dependence at the earliest possible date; to provide a just, humane and efficient program for the rehabilitation of juvenile delinquents and other offenders; to avoid duplication and waste of effort and money on the part of public and private agencies; and to co-ordinate and integrate a social welfare program.

SECTION 2a. 46.011 (1) of the statutes is amended to read:

46.011 (1) The state department of public welfare consists of a state board of public welfare, a director of public welfare, a *deputy director* and its officers and employees and institutions.

SECTION 3. 46.012 (1) of the statutes is repealed, the board of public welfare thereunder abolished and 46.012 (1) is recreated to read:

46.012 (1) APPOINTMENT, TERM, ELIGIBILITY. The state board of public welfare consists of 9 members appointed by the governor with the consent of the senate for terms of 6 years. Appointments shall be made on the basis of recognized and demonstrated interest in and knowledge of the problems of public welfare. At least one member shall be appointed on the basis of recognized and demonstrated interest in and knowledge of the problems of mental hygiene; and at least one each on the basis of similar qualifications in the fields of child and youth problems, public assistance, and corrections. The latter 4 persons designated in the preceding sentence shall be appointed by the governor from nominations submitted by a panel consisting of the chairman of the state board of health, the state superintendent of public instruction, the president of the university, the president of the county judges association of Wisconsin and the chairman of the Wisconsin welfare council. At least 2 nominations shall be submitted by the panel for each such position. All appointments shall be made without regard to party affiliation or to interest in any special organized group. The governor shall appoint initially 3 to serve for 6 years, 3 to serve for 4 years, and 3 to serve for 2 years; terms shall expire on April 1, of the year of expiration. Thereafter, each member shall be appointed and confirmed for 6 years. Vacancies shall be filled by the governor in accordance with the foregoing for the unexpired term by and with the advice of the senate. A majority of the members constitutes a quorum. Each member shall take and file the official oath. The board shall elect a chairman from its own number. The director of public welfare shall serve as a nonvoting ex officio member of the board, and, when matters

affecting any division of the department are being considered by the board, the head of that division shall serve for the time as a nonvoting, ex officio member of the board. The board shall make such rules and orders for the regulation of its own proceedings as it shall deem proper.

SECTION 4. 46.013 of the statutes is repealed and recreated to read:

46.013 FUNCTIONS OF BOARD. (1) POWERS AND DUTIES. The powers and duties of the board shall be regulatory, advisory, and policy-forming and not administrative or executive. The board shall review the internal organization of the department and shall from time to time make reports to the legislature, based upon these studies; the first such report shall be in 1951. The board shall plan for and establish within the department a program of research designed to determine the effectiveness of the treatment, curative, and rehabilitative programs of the various institutions and divisions of the department. The board shall make a report to the legislature of its activities and accomplishments before each convening date of the regular session of the legislature. The report shall include specific recommendations for legislation, planned and drafted as a part of an integrated, unified, and consistent program to conserve human resources and to correct and prevent social maladjustments. The board may inquire into any matter affecting social welfare and hold hearings and subpoena witnesses and make recommendations to the appropriate agencies, public or private, thereon.

(2) APPOINT DIRECTOR; ELIGIBILITY. The board shall appoint the director of the department for an indefinite term and may, at its discretion, remove him. 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. The board shall consider, among other qualifications, his interest in and knowledge of the treatment phases of public welfare programs. Racial, religious, national or political affiliations shall not be considered in the selection of the director. The salary of the director shall be fixed by the board and shall not exceed \$10,000 per annum.

(3) CITIZENS' COMMITTEES. The board may from time to time appoint, with the approval of the governor, committees of citizens to advise it on public welfare programs and problems, particularly in the fields of mental health, child welfare, youth control, community services, and corrections. Among other purposes, these committees should seek to advise the board concerning the co-ordination of public and private welfare activities and to promote better understanding among the state, the counties, and municipalities. Committee members shall receive no compensation except reimbursement for necessary travel expense.

SECTION 4a. 46.014 (6) of the statutes is amended to read:

46.014 (6) DEPUTY DIRECTOR AND HEADS OF DIVISIONS. *The deputy director and the 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 \* \* \* fields in which \* \* \* they will respectively operate. The deputy director and 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.*

SECTION 5. 46.015 of the statutes is repealed and recreated to read:

46.015 DEPARTMENT DIVISIONS. The department shall be organized to include a deputy director and the following divisions: mental hygiene, corrections, child welfare and youth service, public assistance, and business management. The director may, with the approval of the board, allocate and re-allocate departmental functions and institutions among these divisions.

SECTION 6. 46.03 (11) of the statutes is created to read:

46.03 (11) YOUTH SERVICE. Administer the program of youth services as provided in chapter 54. The treatment program provided in sections 54.08 to 54.38 and the treatment and correctional facilities administered by the department for youth, including the Wisconsin school for boys, the Wisconsin school for girls, and the Wisconsin child center, may be allocated to the division of child welfare and youth service at the discretion of the board.

SECTION 6a. 46.045 of the statutes is amended to read:

46.045 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. *The administration of said camp shall be allocated to the division of public assistance.*

SECTION 7. 47.05 (1) of the statutes is repealed and recreated to read:

47.05 (1) CREATION. A program of services to the blind is established in the division of public assistance in the department of public welfare.

SECTION 8. 51.40 of the statutes is repealed and recreated to read:

51.40 ALCOHOL STUDIES. There is established within the division of mental hygiene of the state department of public welfare a program to combat alcoholism as prescribed in section 51.41. The director of the state department of public welfare shall employ such assistance for the division of mental hygiene as may be deemed necessary to carry out the purposes of sections 51.41 and 51.42.

SECTION 9. 51.41 (1) (introductory paragraph) and (e) and (2) of the statutes are amended to read:

51.41 DUTIES OF THE \* \* \* DEPARTMENT. (1) (introductory paragraph) It shall be the duty of the \* \* \* *state department of public welfare*:

(e) To give financial aid *but not to exceed \$40,000 annually*, out of the funds provided by section \* \* \* 20.17 (1) (a) for the maintenance and operation of county or municipal facilities for the treatment of alcoholics provided such facilities are operated in accordance with the standards prescribed by the \* \* \* *department*, are open to all regardless of ability to pay, and provided the county or municipality operating the facility supply at least 50 per cent of the cost of maintenance and operation, except that the \* \* \* *department* may require a lesser amount of local financial participation for a period of not to exceed 2 years for the purpose of demonstrating the services of such a facility.

(2) The \* \* \* *department* and its director shall not participate in the enforcement of the laws pertaining to the taxing and sale of intoxicating liquors.

SECTION 10. 54.03 (1) of the statutes is repealed.

SECTION 11. 54.03 (2), (3), (4), (5), (6), (7) and (8) of the statutes are renumbered 54.03 (1), (2), (3), (4), (5), (6) and (7), respectively, and (2) is amended to read:

(2) "Division" means the \* \* \* *division of child welfare and youth service* in the department of public welfare created by section 54.04 \* \* \* (1).

SECTION 12. 54.04 of the statutes is repealed, the youth service commission abolished, and 54.04 is recreated to read:

54.04 DIVISION CREATED; CO-OPERATION OF PUBLIC AGENCIES; GIFTS. (1) There shall be created a division of child welfare and youth service in the department of public welfare.

(2) The department may accept gifts, grants, or donations of money or of property from private sources to be administered by the department for the purposes of this chapter. All money so received shall be paid into the general fund and is appropriated therefrom as provided in section 20.17 (33).

SECTION 13. 54.05 of the statutes is repealed.

SECTION 14. 54.06 (13) of the statutes is amended to read:

54.06 (13) To administer under the director of the department of public welfare \* \* \* *the treatment program and facilities for children* and youth provided for under sections 54.08 to 54.38.

SECTION 14a. (1) Personnel of the department who are subject to chapter 16 of the statutes shall be continued in the positions they occupy at the time this act takes effect, or shall be transferred to other positions in the department in accordance with the provisions of chapter 16 after due consideration of the needs of the department under the reorganization herein effected.

(2) Incumbent division heads of the department on the effective date of this act who are retained in the department as directors or bureau chiefs shall suffer no reduction in salary or retirement benefits.

SECTION 15. This act shall take effect July 1, 1949, except that the provisions of section 46.012 (1) of the statutes (recreated by SECTION 3 of this act) providing for the appointment by the governor of the initial members of the state board of public welfare, their confirmation, qualifying and organization shall take effect upon passage and publication so that said board will be ready to assume its duties on July 1, 1949.

Approved June 29, 1949.