

1969 Senate Bill 354

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CHAPTER 366, LAWS OF 1969

AN ACT to repeal 14.95, 46.012, 46.013 (3), 46.014 (1) to (8), 46.015, 46.02, 46.15, 46.99, 47.095 (2), 49.01 (6), 49.47 (8), 54.03 (1), 55.01 (3) (c), 140.01 to 140.04, 140.05 (6) and (13), 140.12, 140.24 (2), 140.28 (1), 140.45 (1) (b) and (4) (a) and (c), 140.52 (1), 140.56 (2) to (6), 140.66 (1), 140.67 (1), 140.68, 141.15 (1) (d), 145.03 (1), 146.30 (1) (e) and (8), 156.01 (2), 156.02, 158.01 (11), 158.05 (3) and 159.04; to renumber 54.03 (6) and (7), 140.45 (4) (b) and (7) to (10) and 145.03 (2) and (3); to renumber and amend 15.197 (4) (b), 46.014 (9) and (10), 140.28 (2) and 140.57; to amend 15.05 (1) (b), 15.191 (intro.), 15.197 (3), (4) (intro.) and (5), 37.11 (14), 46.013 (1) and (2), 46.03 (7) (d) and (15), 47.05 (1) and (2) (intro.), (d) and (e), 47.06, 47.07, (2), (3) and (5), 47.08, 47.09, 47.095 (1), 47.10, 48.67 (1), 48.993 (1), 49.45 (2) (a) 5 and (11) (e), 49.46 (1) (d) 1, 50.01 (1), 50.03 (2), 50.07 (2), 51.24 (3) (a), 51.37 (1), 57.115, 57.14, 69.02 (1), (2) (intro.), (a), (c) and (d), (3) (intro.), (a) and (e) and (5), chapter 140 (title), 140.05 (1) and (4), 140.13 (2), 140.16, 140.45 (4), (6), (7) and (8), as renumbered, 140.58 (3), 141.045 (1), 143.04 (11), 143.05 (5), 143.07 (2) and (5), 143.11, 145.02 (3) (f), 145.12 (2), 146.15, 146.30 (1) (a), 156.01 (8), 156.03 (1) and (2) (intro.), 156.04 (2) and (4), 156.05 (3) and (4), 156.08 (1) and (2) (e), 156.095 (1) (a) and (d), 156.10 (1), 156.13 (5), 157.12 (1) (b), 158.06 (1), 159.05 (1) and (2), 159.06 (3), 176.05 (6a), 245.07 and 343.09 (4); to repeal and recreate 13.83 (3) (b) 3. c and g, chapter 46 (title), 46.011, 46.017, chapter 69 (title). 69.01, 140.14, 140.56 (1), 145.01 (5), 145.03 (title), 156.01 (1), 158.05 (1) and (2), 159.01 (9a) and 160.01 (9); and to create 15.197 (4) (b), 20.435 (4) (r), 46.80, 140.01, 140.02 and 158.01 (3n) of the statutes, relating to the statutory implementation of changes made by the 1967 executive branch reorganization that affect the department of health and social services.

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

SECTION 1. 13.83 (3) (b) 3. c and g of the statutes are repealed and recreated to read:

13.83 (3) (b) 3. c. The department of health and social services;
g. The state health officer;

SECTION 2. 14.95 of the statutes is repealed.

SECTION 3. 15.05 (1) (b) of the statutes is amended to read:

15.05 (1) (b) If a department is under the direction and supervision of a board, the board shall appoint a secretary to serve at the pleasure of the board, except that the secretary of veterans affairs shall be appointed by the governor with the advice and consent of the senate for an indefinite term, outside the classified service. In such departments, the powers and duties of the board shall be regulatory, advisory and policy-making, and not administrative. All of the administrative powers and duties of

the department are vested in the secretary, to be administered by him under the direction of the board. *The secretary, with the approval of the board, shall establish rules for administering the department and performing the duties assigned to the department.*

SECTION 4. 15.191 (intro.) of the statutes is amended to read:

15.191 (intro.) The department of health and social services shall have the program responsibilities specified for the department under chs. 46 to 58, 69, 140, 141, 143, 145, 146, 156, and 158 to 160 ~~and 163~~ and ss. 13.53 (4) and (5), 14.225, 14.752 (1), ~~20.670, 20.920 (2) (e), 20.949, 20.979~~ 20.435 20.916 (3), 20.920, 20.923 (3) (g), 23.99 25.31, 29.145 (1), (1b), 30.71 (1), 32.02, 35.86, 36.217, 36.225, 36.227, 45.30, ~~46.99~~, 59.68, 68.15, 70.117, 97.046, 97.12, 101.40 to 101.43, 121.79 (1) (e), 139.13, 142.05 (4), 143.07 (5), 149.01, 155.01, 161.03, 161.14, 161.19, 174.13, 176.05 (21) (f), 231.11 (8), 236.12, 247.24, 247.29 (3), 285.05, 292.45, 313.03 (3), 319.295, 324.01, 341.12 (4), 343.09, 887.23, 957.11, 957.13, 957.27, 957.28 and 959.15. In addition:

(1) The division on aging shall have the program responsibilities specified for the division under s. ~~14.95~~ 46.80.

SECTION 5. 15.197 (3) and (4) (intro.) of the statutes are amended to read:

15.197 (3) There is created in the department of health and social services a council on community mental health centers consisting of the state health officer or his designee as secretary, the secretary of local affairs and development or his designee, and 12 persons appointed by the state health officer for staggered 4-year terms who shall include representatives of nongovernmental organizations or groups, state agencies and the local public, concerned with the planning, operation or utilization of community mental health centers or other mental health facilities; and representatives of consumers of the services provided by such services or facilities who are familiar with the need for such services or facilities.

(4) (intro.) Each of the examining councils created in the department of health and social services under this subsection, *except the cosmetologists examining council*, shall serve the state health officer in an advisory capacity in the formulating of rules to be adopted by the state health officer for the regulation of a particular trade or profession. The provisions of s. 15.08, except subs. (4) (b) and (5) thereof, shall apply to examining councils.

SECTION 6. 15.197 (4) (b) of the statutes is renumbered 15.197 (3m) and amended to read:

15.197 (3m) COUNCIL ON COSMETOLOGY. There is created ~~a cosmetologists examining~~ *in the department of health and social services a council on cosmetology* consisting of 7 members. One member shall be an employe of the division of health, selected by the state health officer, to serve as the secretary of the council. Six members shall be ~~practicing~~ licensed cosmetologists *practicing in Wisconsin for at least 5 years immediately prior to their appointment*, appointed by the state health officer for staggered 3-year terms.

SECTION 7. 15.197 (4) (b) of the statutes is created to read:

15.197 (4) (b) *Cosmetologists*. There is created a cosmetologists examining council. Members of the council shall be appointed by the state health officer for staggered 3-year terms. The state health officer may remove members for cause. They shall have been engaged in this state, for at least 5 years immediately prior to their appointment, in the practice of all branches of cosmetology as managing cosmetologists.

SECTION 8. 15.197 (5) of the statutes is amended to read:

15.197 (5) There is created in the department of health and social services a council on facilities for the mentally retarded consisting of the

state health officer or his designee as secretary, the secretary of local affairs and development or his designee, and 12 persons, appointed by the state health officer for staggered 4-year terms, who shall include representatives of nongovernmental organizations or groups, state agencies and the local public, concerned with the planning, operation or utilization of facilities for the mentally retarded; representatives of nongovernmental organizations or groups concerned with education, employment, rehabilitation, welfare and health; and representatives of consumers of the services provided by such facilities.

SECTION 8d. At the appropriate place in the schedule of section 20.005 of the statutes insert the following amounts for the purposes indicated:

1969-70 1970-71

20.435 HEALTH AND SOCIAL SERVICES, DEPARTMENT OF

(4) FAMILY SERVICES

(r) Grants and gifts to the division
of aging SEG C BLANK

SECTION 8m. 20.435 (4) (r) of the statutes is created to read:

20.435 (4) (r) *Grants and gifts to the division of aging.* All moneys received from gifts and grants to the division under s. 46.80 (3).

SECTION 9. 37.11 (14) of the statutes is amended to read:

37.11 (14) The board of regents of state colleges shall have authority ~~to~~ *universities may* grant scholarships equivalent in value to the payment of incidental fees to disabled bona fide residents of the state who are recommended and supervised by the ~~rehabilitation division of the state board of vocational, technical and adult education~~ *department of health and social services under ch. 55.*

SECTION 10. Chapter 46 (title) of the statutes is repealed and recreated to read:

CHAPTER 46.

SOCIAL SERVICES.

SECTION 11. 46.011 of the statutes is repealed and recreated to read:

46.011 DEFINITIONS. In chs. 46 to 58, unless the context requires otherwise:

(1) "Department" means the department of health and social services.

(2) "Board" means the health and social services board.

(3) "Secretary" means the secretary of health and social services.

SECTION 12. 46.012 of the statutes is repealed.

SECTION 13. 46.013 (1) and (2) of the statutes are amended to read:

46.013 (1) ~~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) **SECRETARY; ELIGIBILITY.** ~~The board shall appoint the director for an indefinite term and may, at its discretion, remove him. His~~ *The secretary's* appointment shall be ~~outside the classified service and shall be made on the basis of recognized and demonstrated interest in and knowledge of the problems of public welfare and a demonstrable awareness of tolerable limits of the burden of taxation acceptable therein to the citizens of this state.~~ *The director's* His salary shall be fixed by the board at not to exceed \$2,500 more than the maximum of the highest classified salary range in the department. 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~~ *secretary*.

SECTION 14. 46.013 (3) of the statutes is repealed.

SECTION 15. 46.014 (1) to (8) of the statutes are repealed.

SECTION 16. 46.014 (9) and (10) of the statutes are renumbered 46.014 (1) and (2).

SECTION 17. 46.015 of the statutes is repealed.

SECTION 18. 46.017 of the statutes is repealed and recreated to read:
46.017 LEGAL ACTIONS. The department may sue and be sued.

SECTION 19. 46.02 of the statutes is repealed.

SECTION 20. 46.03 (7) (d) of the statutes is amended to read:

46.03 (7) (d) Administer the program of youth services as ~~provided in chapter~~ *under ch. 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 for children and youth at the discretion of the board.~~

SECTION 21. 46.03 (15) of the statutes is amended to read:

46.03 (15) Pursuant to ~~its rules and regulations adopted under section 46.014 (3)~~ the department may, with the approval of the governor and the director of personnel, provide employes in its institutions with laundry, food, housing and necessary furnishings.

SECTION 22. 46.15 of the statutes is repealed.

SECTION 24. 46.80 of the statutes is created to read:

46.80 AGING. (1) The division shall be the mechanism by which governmental and nongovernmental agencies may coordinate their policies, plans and activities with regard to the aging. To this end it shall:

(a) Conduct a continuous review of the scope and degree of coordination of all state programs and activities on the aging and make recommendations to the appropriate agencies regarding the expansion, coordination, consolidation and reorganization of particular activities as a means of developing a more effective and efficient total program for the aging.

(b) Examine the need for future activities, programs, services and facilities for the aging on the state, local and voluntary levels.

(c) Encourage, promote and aid in the establishment of programs and services for the aging within subordinate units of government and nongovernmental groups, and assist organizations and committees in the development of programs in such manner as the division deems appropriate.

(d) Gather and disseminate information about programs, services, activities and facilities for the aging.

(e) Conduct a continuous program to stimulate public awareness and understanding of the needs and potentials of the aging.

(f) Provide consultant service to assist in the development of local housing for the aged.

(2) The several state agencies shall cooperate with the division in making available to it such available data as will facilitate the work of the division. The division shall make available to the several state agencies such information as it secures which will facilitate the effective operation of their programs for the aging.

(3) The division may accept, on behalf of the state, and use gifts and grants.

(4) The administrator of the division in consultation with the secretary shall appoint such technical staff as is necessary to carry out the functions of this program.

SECTION 25. 46.99 of the statutes is repealed.

SECTION 26. 47.05 (1) and (2) (intro.), (d) and (e) of the statutes are amended to read:

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

(2) (intro.) The ~~division~~ department shall:

(d) Provide vocational rehabilitation services to blind persons determined by the ~~division~~ department to be eligible therefor.

(e) Study the causes of blindness, learn what proportion of these cases were preventable, and ~~cooperate with the state board of health in adopting and enforcing~~ adopt and enforce preventive measures.

SECTION 27. 47.06 of the statutes is amended to read:

47.06 The ~~division~~ department may, with the approval of the department, provide means of instruction in a workshop or school to any blind residents of the state who desire to learn a trade; and by rule may provide for or make a reasonable allowance, ~~under the rules and regulations of the division,~~ for the board of indigent blind persons attending the workshop who are not residents of the city of Milwaukee, for a reasonable time so as to enable them to learn a trade and become self-supporting. The ~~division~~ department may also provide means of transportation from any point within the state for any indigent blind person who is a resident of the state and who desires to avail himself of the privileges of the workshop, schools, and other facilities and services of the ~~division~~ department.

SECTION 28. 47.07 (2), (3) and (5) of the statutes are amended to read:

47.07 (2) No person shall sell, distribute or exhibit any product which purports or is advertised to be "blind-made" unless there is attached thereto a label furnished by the ~~services to the blind, division of public assistance of the department.~~

(3) The ~~services to the blind~~ department shall prepare a label which shall be attached to blind-made products and which shall provide for a certification thereon that the product is "blind-made". If such article is manufactured in ~~the~~ this state, the manufacturer shall obtain ~~said the~~ label, affix it to the product and complete the certification. If such product is manufactured outside ~~the~~ this state, the seller in ~~the~~ this state shall obtain such label or stamp, affix it to the product and complete the certification. The ~~services to the blind~~ department shall furnish these labels to vendors of blind-made products at a price covering the cost of producing such labels.

(5) Complaints of violation of this section shall be made to the ~~services to the blind~~ department which shall investigate any such complaints and, when justified, refer the complaint for prosecution to the district attorney of the county where the alleged violation occurred.

SECTION 29. 47.08 of the statutes is amended to read:

47.08 The ~~division,~~ with the approval of the department, is authorized ~~to~~ may establish a business enterprise program for the blind. In connec-

tion therewith, the ~~division is authorized to~~ department may own, lease, manage, supervise and operate vending stands and other business enterprises for the use or benefit of blind persons in federal, state, private and other buildings. The share of the supervisory and other expenses of this program to be charged to each enterprise shall not exceed ~~3 per cent~~ 3% of the gross receipts of such enterprise. The ultimate objective of this program shall be to enable blind persons to own and operate their own business enterprises. To this end whenever the blind person is able to pay for his equipment and stock, the ~~division~~ department shall sell it to him at depreciated cost. The ~~division~~ department, however, is not required to consummate such a sale until the blind person has operated the concession under ~~division~~ department supervision for one year. The contract between the ~~division~~ department and the blind purchaser shall stipulate that, in the event of a subsequent resale or in the event of the death of the blind purchaser, the ~~division~~ department shall have the option of repurchasing the enterprise, together with all its assets, at depreciated cost, such option to be exercised within 90 days after notice. It shall further stipulate that if, at the expiration of any term of lease, the lessor considers the blind lessee to be unsatisfactory, the latter shall resell to the ~~division~~ department at depreciated cost. In such event, the ~~division~~ department shall select another blind operator as lessee.

SECTION 30. 47.09 of the statutes is amended to read:

47.09 The ~~division, with the approval of the~~ department, may establish, maintain and continue to maintain concession stands in the state capitol, the state office building, the Wisconsin general hospital, and in all new state buildings, other than correctional, mental or educational institutions, to be operated by blind persons chosen and supervised by the ~~division~~ department. Upon consent of the custodian of ~~said~~ the building, the operator of ~~said~~ the stand may also place vending machines in other locations in each of said buildings. During any period in which the ~~division~~ department deems that a concession stand would not be profitable in any new state building, other than an educational, a correctional, or mental institution, the custodian of such building shall give preference to blind operators of merchandise vending machines. If no blind operators of merchandise vending machines are available, the ~~division~~ department may itself place vending machines in such new state buildings, other than correctional, mental or educational institutions. In the latter case, the profit from such vending machines shall be ~~turned over to services to the blind,~~ division of public assistance, as part of its revolving fund ~~credited to the~~ department. The blind operators of concession stands in all state buildings, other than correctional, mental or educational institutions, shall have the right to purchase the stock and equipment on the terms set forth in s. 47.08, and to operate them independently.

SECTION 31. 47.095 (1) of the statutes is amended to read:

47.095 COUNCIL ON BLINDNESS. ~~(1) there shall be created 2 advisory committees of the blind each to be composed of 3 members. One such committee shall act as an advisory committee to the board of public welfare, and the other shall act as an advisory committee to the state superintendent of public instruction. The board of public welfare and state superintendent shall each appoint their committees of 3 members for terms of 2, 4 and 6 years respectively. Thereafter each member shall be appointed for a term of 6 years. Appointment shall be made on the basis of recognized interest in and a demonstrated knowledge of the problems of the visually handicapped. The committee appointed by the board of public welfare and the committee appointed by the state superintendent of public instruction~~ The council on blindness shall make recommendations as to procedures and policies affecting any problem of the visually handicapped before ~~such respective the~~ department. The ~~committees~~ council shall advise on such services, activi-

ties, programs, investigations and researches as in ~~their~~ *its* judgment shall ~~will~~ contribute to the welfare of visually handicapped persons. The ~~board of public welfare and the superintendent of public instruction~~ *department* shall seek the advice of and consult with ~~their respective advisory committees~~ *the council* on problems and policy changes affecting the visually handicapped in ~~such departments' respective jurisdictions;~~ *the department's jurisdiction* and the ~~committee council~~ may initiate consultations with the ~~respective departments~~ *department*. Notwithstanding any provision to the contrary, the ~~committees~~ *council* shall have access to files, records and statistics kept in ~~either the department~~ which relate to matters concerning the visually handicapped. The ~~3 members acting as the advisory committee to the board of public welfare and the 3 members acting as the advisory committee to the state superintendent of public instruction~~ before June 22, 1949 shall be the members of the advisory committee to the board of public welfare and the state superintendent of public instruction for the remainder of the terms for which originally appointed.

SECTION 32. 47.095 (2) of the statutes is repealed.

SECTION 33. 47.10 of the statutes is amended to read:

47.10 The department, ~~through the division,~~ shall cooperate, pursuant to agreements, with the federal government in carrying out the purposes of any federal statutes pertaining to vocational rehabilitation of the blind and is authorized to adopt such methods of administration as are found by the federal government to be necessary for the proper and efficient operation of such agreements or plans for vocational rehabilitation of the blind and to comply with such conditions as ~~may be~~ *are* necessary to secure the full benefits of such federal statutes.

SECTION 34. 48.67 (1) of the statutes is amended to read:

48.67 (1) The department shall prescribe rules establishing minimum requirements for the issuance of licenses to and establishing standards for the operation of child welfare agencies, day care centers, foster homes, and county departments of public welfare or county children's boards under s. 48.43 (1) (am). These rules shall be designed to protect and promote the health, safety and welfare of the children in the care of all licensees. The department shall consult with the ~~industrial commission,~~ *department of industry, labor and human relations* and the department of public instruction, ~~and the state board of health~~ before prescribing these rules.

SECTION 35. 48.993 (1) of the statutes is amended to read:

48.993 (1) Pursuant to the interstate compact on juveniles, the governor is authorized to designate an officer or employe of the ~~state department of public welfare~~ *health and social services* to be the compact administrator, who, acting jointly with like officers of other party states, shall promulgate rules to carry out more effectively the terms of the compact. He shall serve subject to the pleasure of the governor. Whenever there is a vacancy in the office of compact administrator or in the case of his absence or disability, his functions shall be performed by the ~~director of the division of corrections of the state department of public welfare~~ *secretary of health and social services*, or other employe designated by the ~~director~~ *secretary* of the department. The compact administrator is authorized to cooperate with all departments, agencies and officers of and in the government of this state and its political subdivisions in facilitating the proper administration of the compact or of any supplementary agreement entered into by this state ~~thereunder~~.

SECTION 36. 49.01 (6) of the statutes is repealed.

SECTION 37. 49.45 (2) (a) 5 of the statutes is amended to read:

49.45 (2) (a) 5. Cooperate with the ~~state bureau~~ *of division* for handicapped children, ~~state board of health and the state board of vocational,~~

CHAPTER 366

1260

~~technical and adult education of the department of public instruction to carry out the provisions of Title XIX;~~

SECTION 38. 49.45 (11) (e) of the statutes is amended to read:

49.45 (11) (e) "Skilled nursing home" means a facility, licensed or approved by the ~~state board of health or a facility approved by the department~~ for the accommodation of convalescents or other persons who are not acutely ill and not in need of hospital care and which employs sufficient registered nursing practitioners for supervision of those giving nursing care to patients.

SECTION 39. 49.46 (1) (d) 1 of the statutes is amended to read:

49.46 (1) (d) 1. Children placed in licensed foster homes by the ~~division for children and youth department~~ and which children would be eligible for payment of aid to families with dependent children in foster homes except that such placement is not made by a county agency will be considered as recipients of aid to families with dependent children.

SECTION 40. 49.47 (8) of the statutes is repealed.

SECTION 41. 50.01 (1) of the statutes is amended to read:

50.01 (1) Every county may, pursuant to this section, establish a county tuberculosis sanatorium. In counties whose population is 250,000 or more such institution shall be governed pursuant to s. 46.21. In all other counties it shall be governed pursuant to ss. 46.18, 46.19 and 46.20, except as otherwise provided in this section, ~~and except that references to the state department of public welfare therein shall for the purposes of this section be construed to mean the state board of health.~~

SECTION 42. 50.03 (2) of the statutes is amended to read:

50.03 (2) There may also be admitted for care and treatment upon proper certificate of examining physician and recommendation of the ~~director of the state department of public welfare~~ *secretary of health and social services* any minor committed to the department or to the institutions under its supervision. The department is authorized to make such transfers.

SECTION 43. 50.07 (2) of the statutes is amended to read:

50.07 (2) All trustees, managers, directors, superintendents and other officers or employes of the institutions aforesaid shall at all times afford to ~~every member of said board~~ *the department* or its agents, unrestrained facility for inspection of and free access to all parts of the buildings and grounds and to all books and papers of such institutions and shall give either verbally or in writing, such information as ~~the board may require, and if the department requires.~~ Any ~~such person shall offend against this requirement~~ *he violating this subsection* shall forfeit not less than \$10 nor more than \$100. ~~Each member of the board is authorized to~~ *The department may* administer oaths and take testimony and may cause depositions to be taken pursuant to law. All expenses of such investigations, including fees of officers and witnesses, shall be charged to the appropriation for the ~~state board of health department.~~

SECTION 44. 51.24 (3) (a) of the statutes is amended to read:

51.24 (3) (a) The north division, on meeting the minimum uniform standards and on providing intensive treatment procedures approved by the ~~director of the state department of public welfare~~ *secretary* may, upon application to the ~~director~~ *secretary*, and in addition to the aid under sub. (2) be granted state aid for such treatment of patients having legal settlement in that county at the rate of 12% of the audited individual average per capita costs for the previous fiscal year, for the first 364 days of such treatment, provided that such additional grants-in-aid shall be limited to first admission of patients and patients readmitted after any absence, whether with or without authority, of 30 consecutive days or

more. For eligible care furnished during the first year of operation under this subsection (the fiscal year beginning July 1, 1964), the percentage shall be applied to the full average per capita cost of care and maintenance of patients in the Mendota state hospital and Winnebago state hospital for the fiscal year ending June 30, 1964, excluding the cost of outpatient and evaluation clinic services under s. 51.37. For purposes of accumulating the 364 days, absence of a patient for less than 30 consecutive days shall not be deemed a change in the admission status of the patient. Reimbursement under this subsection shall commence for all patients admitted or readmitted after 30 days absence, ~~on or after July 1, 1964, or on or after the date the hospital is approved by the director of public welfare~~ *secretary*, whichever is later. Approval by the ~~director~~ *secretary* may be withdrawn by him at any time. Care in any division or unit of any county mental health center established under this section shall be deemed continuous for the purpose of computing aid under this paragraph.

SECTION 45. 51.37 (1) of the statutes is amended to read:

51.37 (1) The state department of public welfare (~~hereinafter referred to as "department"~~) may establish a system of outpatient clinic services in any institution of the division of mental hygiene, ~~said governed by the~~ department.

SECTION 46. 54.03 (1) of the statutes is repealed.

SECTION 47. 54.03 (6) and (7) of the statutes are renumbered 54.03 (1) and (2).

SECTION 48. 55.01 (3) (c) of the statutes is repealed.

SECTION 49. 57.115 of the statutes is amended to read:

57.115 When an emergency exists which in the opinion of the ~~director~~ *secretary* of the department makes it advisable he may permit the temporary removal of a convicted person for such period and upon such conditions as he determines. The ~~director~~ *secretary* may delegate this authority to the deputy ~~director~~, the ~~director of administrator of the~~ *corrections function* and the wardens and superintendents of the state prisons.

SECTION 50. 57.14 of the statutes is amended to read:

57.14 The ~~director of the state department of public welfare is authorized and empowered to~~ *secretary may* deputize any person regularly employed by another state to act as an officer and agent of this state in effecting the return of any person who has violated the terms and conditions of parole or probation as granted by this state. In any matter relating to the return of such person, any agent so deputized shall have all the powers of a police officer of this state. Any deputization pursuant to this ~~statute section~~ shall be in writing and any person authorized to act as an agent of this state ~~pursuant hereto~~ *under this section* shall carry formal evidence of his deputization and shall produce the same upon demand.

SECTION 51. Chapter 69 (title) of the statutes is repealed and recreated to read:

CHAPTER 69.

COLLECTION OF VITAL STATISTICS.

SECTION 52. 69.01 of the statutes is repealed and recreated to read:

69.01 COLLECTION OF VITAL STATISTICS. The department of health and social services shall supervise and direct the collection of vital statistics.

SECTION 53. 69.02 (1), (2) (intro.), (a), (c) and (d), (3) (intro.), (a) and (e) and (5) of the statutes are amended to read:

69.02 VITAL STATISTICS. (1) The Bureau shall be under the immediate supervision and direction of the state board of health. "*Department*" in this chapter means the department of health and social services.

CHAPTER 366

1262

(2) The ~~board~~ *department* shall designate a state registrar of vital statistics who, ~~unless he is secretary of the board,~~ shall under the supervision of the secretary of the state board of health have charge of the bureau. For budgetary purposes the bureau shall consist of a division of public health statistics and a ~~division~~ of legal records.

~~(2) The division of~~ (3) For public health statistics *the registrar* shall:

(a) Prepare all forms required to be prepared by the ~~bureau~~ *department* under this chapter.

(c) Collect, examine and tabulate all papers required to be filed with the ~~bureau~~ *department* under this chapter.

(d) Enforce the provisions of sections ss. 69.06 and 69.07.

~~(3) The division of~~ (4) For legal records *the registrar*:

(a) Shall file and index papers required to be filed with the state registrar under this chapter *him* and shall preserve such records after they have served their purpose as public health statistics.

(e) May operate a microfilm laboratory in connection with its duties under this chapter; the services of this laboratory may be available at cost to other governmental agencies if such use does not interfere with the ~~bureau's~~ *department's* duties under this chapter; copies of records needed to complete register of deeds records shall be furnished free of charge.

(5) The ~~bureau is authorized to~~ *department may* make such refunds which in its judgment should be paid because of over-remittance of fees and properly account for such refunds.

SECTION 54. Chapter 140 (title) of the statutes is amended to read:

CHAPTER 140.

State Board of HEALTH; Administration and Supervision.

SECTION 55. 140.01 to 140.04 of the statutes are repealed.

SECTION 56. 140.01 of the statutes is created to read:

140.01 DEFINITIONS. As used in chapters 140 to 143, unless the context requires otherwise:

(1) "Department" means the department of health and social services.

(2) "Secretary" means the secretary of health and social services.

(3) "Board" means the health and social services board.

(4) "Division" means the division of health in the department.

SECTION 57. 140.02 of the statutes is created to read:

140.02 STATE HEALTH OFFICER; DUTIES, SALARY. (1) The state health officer, as administrator of the division, may:

(a) Adopt rules for the conduct of any function within the jurisdiction of the division.

(b) With the approval of the council on health, appoint such advisory and examining bodies as are provided by law.

(2) The state health officer's salary shall be fixed by the board at not to exceed \$500 more than the maximum of the highest classified salary range in the division of health.

SECTION 58. 140.05 (1) and (4) of the statutes are amended to read:

140.05 (1) The ~~state board of health~~ *department* shall have general supervision throughout the state of the health and life of citizens, and shall study especially the vital statistics of the state and endeavor to put the same to profitable use. It shall make sanitary investigations into the causes of disease, especially epidemics, the causes of mortality, and the effect on health of localities, employments, conditions, habits and circumstances, and make sanitary inspections and surveys in all parts of the state. It may, upon due notice, enter upon and inspect private property. It

shall have power to execute what is reasonable and necessary for the prevention and suppression of disease. It shall voluntarily or when required, advise public boards or officers in regard to heating and ventilation of any public building or institution. It may ~~send its secretary or a committee to any part of the state to~~ investigate the cause and circumstances of any special or unusual disease or mortality, or ~~to~~ inspect any public building; and ~~such officers~~ shall have full authority to do any act necessary therefor. The ~~board may establish bureaus and~~ *department* shall possess all powers necessary to fulfill the duties prescribed in the statutes and to bring action in the courts for the enforcement of health laws and health rules. It may empower the state health officer to act for the ~~board~~ *department* upon such matters as it ~~may determine~~ *determines* in issuing and enforcing orders in compliance with law and rules ~~and regulations~~ adopted by the ~~board~~ *department*. Whenever anyone feels aggrieved by any order of a state health officer, he may appeal to the ~~board~~ *department*.

(4) ~~Any member of the board~~ *The department* may administer oaths, certify to official acts, issue subpoenas, compel the attendance of witnesses, and production of papers, books, documents and testimony. Witness fees and mileage shall be paid by the state and charged to the appropriation for the ~~board~~ *department*, but no witness subpoenaed at the instance of parties other than the ~~board~~ *department* shall be entitled to fees or mileage from the state, unless the ~~board~~ shall ~~certify~~ *department certifies* that his testimony was material.

SECTION 59. 140.05 (6) and (13) of the statutes are repealed.

SECTION 60. 140.12 of the statutes is repealed.

SECTION 61. 140.13 (2) of the statutes is amended to read:

140.13 (2) To provide such methods of administration, ~~appoint a director and other personnel of the division~~ and take such other action as may be necessary to comply with the requirements of the federal act and the regulations thereunder;

SECTION 62. 140.14 of the statutes is repealed and recreated to read:

140.14 COUNCIL ON HOSPITAL CONSTRUCTION. (1) The department shall consult the council on hospital construction in carrying out the administration of ss. 140.10 to 140.22.

(2) The department shall constitute the sole agency of the state for the purpose of:

(a) Making an inventory of existing hospitals, surveying the need for construction of hospitals and developing the program of hospital construction specified in ss. 140.15 and 140.16; and

(b) Developing and administering a state plan for the construction of public and other nonprofit hospitals specified in ss. 140.17 to 140.22.

SECTION 63. 140.16 of the statutes is amended to read:

140.16 The ~~state health officer~~ *department* shall prepare and submit to the surgeon general a state plan which shall include the hospital construction program developed under ~~section~~ s. 140.15 and which shall provide for the establishment, administration and operation of hospital construction activities in accordance with the requirements of the federal act and regulations thereunder, and shall make the plan or a copy thereof available upon request to all interested persons or organizations. The ~~state health officer~~ *department* shall ~~from time to time~~ review the hospital construction program and submit to the surgeon general any modifications thereof which ~~he may find~~ *it finds* necessary and not inconsistent with the requirements of the federal act.

SECTION 64. 140.24 (2) of the statutes is repealed.

SECTION 65. 140.28 (1) of the statutes is repealed.

CHAPTER 366

1264

SECTION 66. 140.28 (2) of the statutes is renumbered 140.28 and amended to read:

140.28 COUNCIL ON HOSPITAL REGULATION AND APPROVAL. ~~The function of the advisory committee shall be to~~ *council on hospital regulation and approval shall* develop and recommend a uniform code of rules and standards for the consideration of the ~~board department~~ and ~~to consult and advise with the board department~~ in matters of policy affecting the adoption, amendment, interpretation and enforcement of rules and standards authorized under ss. 140.23 to 140.29. The ~~advisory committee~~ *council* shall review proposed rules and revisions of rules and make recommendations to the ~~board department~~.

SECTION 67. 140.45 (1) (b) and (4) (a) and (c) of the statutes are repealed.

SECTION 68. 140.45 (4) (b) and (7) to (10) of the statutes are renumbered 140.45 (4) and (6) to (9), and 140.45 (4), (6), (7) and (8), as renumbered, are amended to read:

140.45 (4) SANITARIANS EXAMINING COUNCIL. The ~~sanitarians examining committee~~ *council* shall conduct examinations in various parts of the state for the purpose of determining the qualifications of persons who desire to act as registered sanitarians pursuant to minimum standards and qualifications established by the ~~board department~~. The examining ~~committee~~ *council* shall act in an advisory capacity in establishing minimum standards and qualifications.

(6) A fee of \$10 shall accompany the application under sub. (5). Every sanitarian who desires to continue his registration shall ~~annually~~ pay to the ~~board department~~ an annual fee of \$5, which shall be paid on or before the date fixed by the ~~board department~~ for renewing the certificate of registration for the current year. All fees collected shall be paid into the general fund. Certificates of registration revoked for failure to pay renewal fees shall be reinstated under the rules ~~and regulations~~ of the ~~board department~~.

(7) Agreements for reciprocity with those states having a registered sanitarian's act may be entered into by the ~~board department~~ at its discretion and under such rules as the ~~board may prescribe~~ *department prescribes*.

(8) The ~~board shall have the power to~~ *department may* revoke the certificate of registration of any registrant for unprofessional conduct or the practice of any fraud or deceit in obtaining registration, or any gross negligence, incompetency, or misconduct in the practice of professional sanitation, ~~provided that~~ *but* no such revocation of certificate shall be permitted until after a hearing, duly noticed, is held and the person affected given the opportunity to answer the charges that have been filed against him with the ~~board department~~.

SECTION 69. 140.52 (1) of the statutes is repealed.

SECTION 70. 140.56 (1) of the statutes is repealed and recreated to read:

140.56 RADIATION PROTECTION COUNCIL. (1) The radiation protection council shall provide the department with technical advice and assistance in the administration of ss. 140.50 to 140.60 and in the development of rules.

SECTION 71. 140.56 (2) to (6) of the statutes are repealed.

SECTION 72. 140.57 of the statutes is renumbered 140.56 (2) and amended to read:

140.56 (2) The ~~board~~ *department* shall, on the recommendation of the ~~advisory~~ council promulgate a radiation protection code. Other departments and agencies of state government and local governmental units

may adopt the identical code, but no other codes or ordinances relating to this subject shall be promulgated or enacted.

SECTION 73. 140.58 (3) of the statutes is amended to read:

140.58 (3) The ~~state board of health~~ *department* shall enforce the rules pertaining to ionizing radiation in establishments principally engaged in furnishing medical, surgical, chiropractic and other health services to persons and animals. The ~~industrial commission~~ *department of industry, labor and human relations* shall enforce the rules pertaining to ionizing radiation in industrial establishments. The ~~board~~ *department* shall notify the ~~commission~~ *department of industry, labor and human relations* and deliver to it a copy of each new registration and at such time a decision shall be made as to which state agency shall enforce the rules pertaining to ionizing radiation. The ~~board~~ *department* and the ~~commission~~ *department of industry, labor and human relations* are directed to consult with the ~~advisory committee~~ *radiation protection council* in case of jurisdictional problems.

SECTION 74. 140.66 (1) of the statutes is repealed.

SECTION 75. 140.67 (1) of the statutes is repealed.

SECTION 76. 140.68 of the statutes is repealed.

SECTION 77. 141.045 (1) of the statutes is amended to read:

141.045 (1) The qualifications of all public health nurses hereafter entering such employment shall be prescribed by rules adopted by the ~~state board of health~~ *department* upon recommendation of a ~~committee of 3 members, one selected by the state board of health, one by the state board of nursing, and one by the state superintendent of public instruction.~~ This ~~committee shall be known as the certification committee for public health nurses~~ *the public health nurses examining council*. All public health nurses shall be registered nurses as provided in ch. 149, but practical nurses may be employed by health agencies under the supervision of a certified public health nurse to perform services for which licensed.

SECTION 78. 141.15 (1) (d) of the statutes is repealed.

SECTION 79. 143.04 (11) of the statutes is amended to read:

143.04 (11) When violation hereof is reported to him by a local ~~or state~~ health officer *or by the department* the district attorney shall forthwith prosecute the proper action, and upon request of the ~~state health officer~~ *department*, the attorney general shall assist.

SECTION 80. 143.05 (5) of the statutes is amended to read:

143.05 (5) The local board of health shall employ as many persons as are necessary to execute its orders and properly guard any place if quarantine or other restrictions on communicable disease are violated or intent to violate is manifested. Such persons shall be sworn in as quarantine guards, shall have police powers, and may use all necessary means to enforce the state laws for the prevention and control of communicable diseases, or the orders, rules and regulations of *the department or any board of health*.

SECTION 81. 143.07 (2) and (5) of the statutes are amended to read:

143.07 (2) An officer of the ~~state board of health~~ *department* having knowledge of any known or reasonably suspected case of such a menace for which no treatment is being administered under the supervision of a physician authorized to prescribe drugs shall forthwith investigate or cause such case to be investigated by such means as ~~may be~~ *are* necessary. Whenever, following a request of an officer of the ~~state board of health~~ *department*, a reasonably suspected case of such menace ~~shall refuse or neglect~~ *refuses or neglects* examination by a physician licensed to prescribe drugs, an officer of the ~~state board of health~~ *department* may proceed to have such person committed in conformity with ~~subsection~~ *sub.*

CHAPTER 366

1266

(5) ~~of this section~~, to an institution for examination or observation. A local health officer who is a physician may be authorized to make such investigation and take such commitment procedures in any specific case when directed to do so by the ~~state board of health or the state health officer department~~.

(5) Any such person who thus ceases or refuses treatment under the supervision of a physician authorized to prescribe drugs, upon proof of the facts, may be committed by the judge of any court of record to any county or state institution where proper care and precaution can be provided; ~~provided, that~~. Any county board of counties having a population of 250,000 or more may designate the county institution or place to which such commitments shall be made. The ~~state department of public welfare is authorized to~~ *may* make such provision for the treatment of venereal disease cases at one or more of the state institutions under its management and shall designate the state institution to which commitment may be made ~~thereto~~. Such person shall, upon verified petition setting forth the facts by an officer of the ~~state board of health department~~ or a local health officer authorized by ~~such board the department~~, be summoned by such judge to appear at the time and place stated in the summons, which time shall not be less than 48 hours after service. If the person summoned, as herein provided, ~~shall fail~~ *fails* without reasonable cause to appear and abide by the order of the judge, he may be proceeded against as in case of contempt. In any case when it ~~shall be made to appear~~ *appears* to the judge that such summons will be ineffectual a warrant may be issued by such judge, directed to the sheriff or any constable or police officer of the county for the apprehension and production of such person complained against before such judge forthwith, and such person shall be arrested and taken before such judge accordingly. Upon return of the process the judge shall proceed to hear the latter summarily. Commitment shall continue until the disease is no longer communicable or until other provisions satisfactory to the ~~state board of health department~~ are made for treatment, the certificate of the officer making the complaint being prima facie evidence of either. Nothing herein contained shall be construed as in any manner restricting or limiting the rights of individuals as declared in ~~subsection (2) of section 147.19 s. 147.19 (2)~~.

SECTION 82. 143.11 of the statutes is amended to read:

143.11 Any person who ~~shall willfully violate~~ *violates* any law relating to the public health, for which violation no other penalty is prescribed, or any order or regulation of *the department or of any board of health or town sanitary district commission, lawfully made and duly published*, shall be imprisoned not more than 3 months or fined not to exceed \$100.

SECTION 83. 145.01 (5) of the statutes is repealed and recreated to read:

145.01 (5) DEPARTMENT. "Department" means the department of health and social services.

SECTION 84. 145.02 (3) (f) of the statutes is amended to read:

145.02 (3) (f) Issue special orders ~~by or through the state health officer~~ directing and requiring compliance with the rules and standards of the ~~board department~~ promulgated under this chapter whenever, in the judgment of the ~~state health officer department~~, such rules or standards are threatened with violation, are being violated or have been violated. The circuit court of any county where violation of such an order has occurred shall have jurisdiction to enforce the order by injunctive and other appropriate relief. The district attorney of the county wherein violation of such order has occurred shall bring action for its enforcement.

SECTION 85. 145.03 (title) of the statutes is repealed and recreated to read:

145.03 APPRENTICESHIP.

SECTION 86. 145.03 (1) of the statutes is repealed.

SECTION 87. 145.03 (2) and (3) of the statutes are renumbered 145.03 (1) and (2).

SECTION 88. 145.12 (2) of the statutes is amended to read:

145.12 (2) Any person ~~who shall do any act prohibited in violating~~ this chapter or ~~fail failing~~ to obey a lawful order of the ~~board~~ department, or a judgment or decree of a court in connection with this chapter, ~~shall be punished by imprisonment in the county jail may be imprisoned for not more than three 3 months or by a fine fined not exceeding one hundred dollars more than \$100.~~

SECTION 89. 146.15 of the statutes is amended to read:

146.15 State officials, physicians of mining, manufacturing and other companies or associations, officers and agents of a company incorporated by or transacting business under the laws of this state, shall when requested, furnish, so far as practicable, the ~~state board of health or its secretary department~~ any information required touching the public health; and for refusal shall forfeit ~~ten dollars~~ \$10.

SECTION 90. 146.30 (1) (a) of the statutes is amended to read:

146.30 (1) (a) A "nursing home" means any building, structure, institution, boarding home, convalescent home, agency or other place, not limited by enumeration, for the reception and care or treatment for not less than 72 hours in any week of 3 or more unrelated individuals herein-after designated patients, who by reason of disability, whether physical or mental, including mental retardation and mental illness, are in need of nursing home services. ~~The definition of a~~ "nursing home" shall not include institutions under the jurisdiction of or subject to the supervision of the ~~state department of public welfare~~, including but not limited to county institutions, child care institutions, child care centers, day care centers, day nurseries, nursery schools, foster homes, child welfare agencies, child placing agencies and, mental health clinics. ~~The definition of a~~ "nursing home" shall not include other institutions under the jurisdiction of or subject to the supervision of the ~~state board of health~~, including but not limited to, tuberculosis sanatoria, maternity homes, maternity hospitals, hotels, and general and special purpose hospitals, except any part thereof which comes within the definition of a "nursing home.". A "nursing home" shall not include the offices of persons licensed by the state to treat the sick. The reception and care or treatment in a household or family of a person related by blood to the head of such household or family, or to his or her spouse, within the degree of consanguinity of first cousin, shall not constitute the premises to be a "nursing home.".

SECTION 91. 146.30 (1) (e) of the statutes is repealed.

SECTION 92. 146.30 (8) of the statutes is repealed.

SECTION 93. 156.01 (1) of the statutes is repealed and recreated to read:

156.01 (1) "Department" means the department of health and social services.

SECTION 94. 156.01 (2) of the statutes is repealed.

SECTION 95. 156.01 (8) of the statutes is amended to read:

156.01 (8) A "field educator" is a person employed by the ~~board~~ department for the purpose of supervising the apprentice funeral directors and embalmers of the state, inspecting funeral establishments and performing such other duties as ~~may be~~ are assigned. The field educator shall be a licensed embalmer in good standing, and have had at least 5 years of practical experience in embalming dead human bodies. The position of field educator shall be subject to ~~chapter subch. II of ch. 16~~. The ~~state board~~ of health department upon recommendation of the ~~committee of~~

CHAPTER 366

1268

~~examiners council~~ may, if deemed necessary, appoint more than one field educator.

SECTION 96. 156.02 of the statutes is repealed.

SECTION 97. 156.03 (1) and (2) (intro.) of the statutes are amended to read:

156.03 POWERS OF DEPARTMENT. (1) The ~~committee may recommend and the board shall have the power and it shall be its duty~~ department shall:

(a) ~~To~~ Enforce the provisions of this chapter. In discharge of this duty the ~~members of the board, the field educator, and other duly authorized employes shall have authority to~~ of the department may enter at all reasonably hours for the purpose of inspecting the premises in which the business of a funeral director is conducted or where embalming is practiced.

(b) ~~To~~ Make and enforce reasonable rules and regulations not inconsistent with this chapter covering the control of communicable diseases and covering sanitary and health regulations in the preparation, transportation and disposition of dead human bodies.

(2) The board ~~in cooperation with the committee state health officer and the examining council by joint action~~ may:

SECTION 98. 156.04 (2) and (4) of the statutes are amended to read:

156.04 (2) No person shall engage in the business of a funeral director, or hold himself out as engaged in such business, in whole or in part, unless first licensed as a funeral director by the ~~board~~ department. Application for such license (other than a renewal) shall be in writing and verified on a form to be furnished by the ~~board~~ department. The application must specify the address at which the applicant proposes to conduct the business of a funeral director and shall contain such other information as the ~~board or committee may require~~ department requires to determine compliance with the requirements of ~~ss. 156.01 to 156.16~~ this chapter. Accompanying the application shall be an examination fee of \$15, together with affidavits from at least 2 reputable freeholders of the county in which the applicant resides or proposes to conduct the business of a funeral director, to the effect that the applicant is of good moral character, of temperate habits, and a citizen of the United States. The fee for the license, if granted, is, \$5.

(4) Written and oral examinations for a funeral director's license shall be held at least once a year at a time and place to be designated by the ~~board and the committee~~ department, and conducted by the ~~committee of examiners~~ department. The examination shall include the subjects of funeral directing, burial or other disposition of dead human bodies, sanitary science, public health, transportation, business ethics, together with the laws of the state of Wisconsin and rules and regulations of the ~~board~~ department relating to communicable diseases, quarantine and causes of death.

SECTION 99. 156.05 (3) and (4) of the statutes are amended to read:

156.05 (3) Applications for the examination for an embalmer's license shall be in writing and verified on a blank to be prescribed and furnished by the ~~board~~ department, and be accompanied by such proof of compliance with the requirements of ~~ss. 156.01 to 156.16~~ this chapter and with such other information as the ~~board and committee may require~~ department requires and shall be accompanied by a fee of \$15. The fee for the license, if granted is \$5.

(4) Written and oral examinations for an embalmer's license shall be held at least once a year at a time and place to be designated by the ~~board and the committee~~ department and conducted by the ~~committee of examiners~~ department. The examinations shall include the subjects of

anatomy, bacteriology, autopsy, chemistry, practical embalming, sanitation, public health, business ethics, and the laws of this state and rules ~~and regulations of the state board of health~~ *department* relating to communicable diseases, quarantine and causes of death.

SECTION 100. 156.08 (1) and (2) (e) of the statutes are amended to read:

156.08 (1) Any person holding a valid license as a funeral director or embalmer in another state having requirements substantially equal to those in this state may, if such state recognizes licenses issued by the ~~Wisconsin board~~ *department*, apply for a license to practice in this state by filing with the ~~board~~ *department* a certified statement from the secretary of the examining board of the state in which the applicant holds a license, showing the qualifications upon which said license was granted, together with his recommendation. Thereupon the ~~board~~ *department* may upon the ~~recommendation of the committee of examiners~~ and payment of the required fee issue such license.

(2) (e) Satisfactorily passed an examination by the ~~committee of examiners~~ *department* on the content of this chapter, the rules of the ~~state board of health~~ *department* governing the preparation, embalming and transportation of deceased remains, and the vital statistics provisions pertaining thereto.

SECTION 101. 156.095 (1) (a) and (d) of the statutes are amended to read:

156.095 (1) (a) A person desiring to become an apprentice as a funeral director or embalmer shall make application on a form provided for the purpose and must appear before ~~a member of the board, or a member of the committee~~ *the department*, or any duly appointed representative of said ~~board and committee~~; if however, any doubt exists as to the qualifications of the applicant, said application shall be submitted to the entire ~~board and committee, or a subcommittee thereof duly appointed by the board and~~ may be accepted or rejected by a majority vote of the ~~board and committee~~ or said ~~subcommittee~~ *the department*. The application shall state that the applicant is over 18 years of age, of temperate habits, of good moral character, a citizen of the United States, and holds a high school diploma or possesses equivalent education as defined by the ~~board~~ *department* and has completed one academic year of instruction in a recognized college or university in a course of study approved by the ~~board~~ *department* or has equivalent education. Such application must be substantiated by the oath of the applicant and be accompanied by a fee of \$5. When the ~~board~~ *department* is satisfied as to the qualifications of an applicant for apprenticeship, ~~they~~ it shall ~~instruct the secretary to~~ issue a certificate of apprenticeship. When the apprentice enters the employment of a licensed embalmer or funeral director, he shall immediately notify the ~~secretary of the board~~ *department*, giving the name and place of business of the embalmer or funeral director whose service he has entered. If, at any time thereafter, such apprentice leaves the employ of the licensed embalmer or funeral director whose service he has entered, ~~it shall be the duty of~~ such licensed embalmer or funeral director ~~to~~ shall give such an apprentice an affidavit showing the length of time he has served as an apprentice with him, and the work he has done in detail, which affidavit shall be filed with the ~~secretary of the board~~ *department* and made a matter of record in that office. If such apprentice ~~shall~~ thereafter ~~enter~~ enters the employ of another licensed embalmer or funeral director in this state, he shall forthwith report such employment to the ~~secretary~~ *department*.

(d) All apprentices registered ~~as provided in~~ under this section shall be required to ~~make~~ report to said ~~board~~ the department monthly, and semiannually on May 15 and November 15, upon forms provided by the

CHAPTER 366

1270

~~board~~ department. The monthly report shall contain such information as the ~~board and committee may require~~ department requires. Failure to submit the required reports shall constitute justification for termination of the apprenticeship.

SECTION 102. 156.10 (1) of the statutes is amended to read:

156.10 (1) The term of an apprenticeship for either funeral director or embalmer shall begin on the date of registration and terminate after a period of not more than 4 years from the time of first registration (unless the time is extended ~~as provided in sections 156.01 to 156.16~~) under this chapter. A registered apprentice must make application for license and must appear before the ~~committee of examiners~~ department for examination within 4 years from the date of registration (unless the time is extended ~~as provided in sections 156.01 to 156.16~~) under this chapter. Non-compliance with the provisions of this subsection terminates the right to serve as an apprentice.

SECTION 103. 156.13 (5) of the statutes is amended to read:

156.13 (5) The ~~committee~~ funeral director's and embalmer's examining council shall make recommendations to the ~~board~~ department whether to revoke or suspend any license, permit or certificate of registration, after the public hearing.

SECTION 104. 157.12 (1) (b) of the statutes is amended to read:

157.12 (1) (b) There shall be established and maintained a fund for the perpetual care and maintenance of said public mausoleum or columbarium in such sum as ~~shall be~~ is fixed by the state ~~board of health~~ department of health and social services, but which shall in no case be less than ~~twenty-five per cent~~ 25% of the cost of said structures. Said fund shall be accumulated and established by applying thereto at least ~~twenty-five per cent~~ 25% of all proceeds received from sales of mausoleum rooms or crypts and columbarium niches, until said perpetual care fund has been accumulated, except a building or structure now constructed, in which said public or community mausoleum or columbarium is located or contained, is covered by a perpetual care fund of the cemetery in which it is located and such perpetual care fund shall be made up of at least ~~fifteen per cent~~ 15% of the proceeds received by the cemetery from the sale of cemetery lots. Then, in such an event, the perpetual care fund for the public or community mausoleum or columbarium itself shall not exceed ~~ten per cent~~ 10% of the cost of the construction of said public or community mausoleum or columbarium. The custodian or depository of said fund shall be the treasurer of the agency owning and operating the cemetery in which said public mausoleum or columbarium is located, who shall furnish and file with said agency, and at its expense, a bond in such sum and with surety or sureties approved by the county court, indemnifying and securing said agency against loss occasioned by the failure of said treasurer to properly protect, preserve and administer said fund, except where, by the terms of sale of said mausoleum rooms or crypts and columbarium niches, it is provided that the purchaser thereof shall pay directly to any trust company in the state of Wisconsin, designated by the cemetery as the custodian of the perpetual care fund for said public or community mausoleum or columbarium. Then, in such an event, it shall not be necessary for the treasurer of the agency owning and operating the cemetery to furnish and file the bond required by this section. Said fund shall be invested by said treasurer upon the written order of the ~~board~~ department of health and social services, as provided in ~~chapter~~ ch. 320, and the income ~~or avails~~ therefrom used solely for the preservation and maintenance of said public mausoleum or columbarium, which shall be paid out or expended by said treasurer only upon the written order of said ~~board~~ department.

SECTION 105. 158.01 (3n) of the statutes is created to read:

158.01 (3n) "Department" means the department of health and social services.

SECTION 106. 158.01 (11) of the statutes is repealed.

SECTION 106m. 158.05 (1) and (2) of the statutes are repealed and recreated to read:

158.05 BARBER SECTION. (1) There is created under the department of health and social services, division of health, a barber section. The division of health shall appoint a supervisor and not less than 2 inspectors under the classified service. The supervisor and all inspectors shall have been engaged in the practice of barbering for at least 5 years immediately preceding their appointments.

(2) There is provided under the barber section an examining council in accordance with s. 15.197 (4) (a).

SECTION 107. 158.05 (3) of the statutes is repealed.

SECTION 108. 158.06 (1) of the statutes is amended to read:

158.06 (1) The ~~committee of examiners~~ department shall conduct all examinations of applicants for journeyman barber licenses, master barber licenses and shop manager licenses not less than 4 times each year at such time and place as the ~~committee may determine~~ department determines. Special examinations may be held upon authorization by the ~~board~~ department.

SECTION 109. 159.01 (9a) of the statutes is repealed and recreated to read:

159.01 (9a) "Department" means the department of health and social services.

SECTION 110. 159.04 of the statutes is repealed.

SECTION 111. 159.05 (1) and (2) of the statutes are amended to read:

159.05 COUNCIL ON COSMETOLOGY; INSPECTORS. (1) ~~The state board of health shall appoint an advisory committee whose purpose will be to~~ The council on cosmetology shall recommend rules and regulations pertaining to the administration of the laws relating to cosmetology for the consideration of the board. ~~The committee shall consist of 7 members; one shall represent the board; 6 shall be licensed cosmetologists practicing in Wisconsin. State associations of cosmetologists may submit lists of names to the board for the consideration of the board in making appointments to the advisory committee. The terms of office shall be for 3 years excepting the first appointments which shall be for 3 years, 2 years and 1 year, respectively, as is determined by the board. The committee shall elect one of its members as chairman and the representative of the board shall act as secretary. The committee shall meet at the call of the chairman at least once, but not oftener than 4 times, in each fiscal year at a place and date approved by the state health officer, unless in the opinion of the state health officer a bona fide emergency exists which would require additional meetings. The members of the committee shall be entitled to receive a per diem of \$25 for each day in attendance at official meetings of the committee plus actual and necessary travel and subsistence expense while so serving away from their places of residence.~~

(2) The state health officer ~~department~~ shall appoint, under the classified service, field inspectors who shall have been engaged in the practice of cosmetology in this state as licensed cosmetologists for the last 3 years immediately preceding their appointment. Such field inspectors shall devote their time to inspecting beauty and electrolysis salons and schools of cosmetology and in the performance of such other duties as ~~may be~~ are assigned by the ~~board~~ department in connection with this chapter, and may enter any beauty and electrolysis salon or school of cosmetology during reasonable business hours for the purpose of inspec-

CHAPTER 366

1272

tion. In addition, the ~~state health officer~~ *department* shall appoint, under the classified service, such investigators as ~~may be~~ *are* required, whose qualifications shall be established jointly by the ~~state health officer~~ *department* and the ~~bureau of personnel~~ *director of personnel*, to carry out ~~such~~ investigations as ~~may be~~ assigned.

SECTION 112. 159.06 (3) of the statutes is amended to read:

159.06 (3) The ~~committee of examiners~~ *state health officer* shall prescribe rules and regulations for the conduct of such examinations, ~~subject to the approval of the board.~~

SECTION 113. 160.01 (9) of the statutes is repealed and recreated to read:

160.01 (9) "Department" means the department of health and social services.

SECTION 114. 176.05 (6a) of the statutes is amended to read:

176.05 (6a) The rules and regulations made by the ~~state board of health~~ *department of health and social services* governing sanitation in restaurants shall apply to all "Class B" licenses issued under this section ~~provided that~~ *but the board* ~~department~~ shall not restrict the serving of free cheese in individual portions to patrons as permitted by ss. 160.01 (3) and 176.50. No "Class B" license shall be issued unless the premises to be licensed conform to such rules and regulations.

SECTION 115. 245.07 of the statutes is amended to read:

245.07 In the case of an individual whose premarital laboratory test or physical examination results in a positive finding, for a venereal disease, when in the opinion of his attending physician the individual does not have a venereal disease in an infective or communicable stage, the ~~state board of health~~ *department of health and social services* may review the findings ~~through the state health officer or his duly authorized representative and thereafter the state health officer or his duly authorized representative is empowered to grant a certificate to the county clerk that the individual does not have an infective or communicable venereal disease if such be his best judgment.~~

SECTION 116. 343.09 (4) of the statutes is amended to read:

343.09 (4) Whenever a license is denied by the ~~commissioner~~ *secretary*, such denial may be reviewed by a reviewing board upon written request of the applicant filed with the department within 10 days after receipt of notice of such denial. The reviewing board shall consist of the ~~commissioner~~ *secretary* and 4 persons designated by the ~~chairman~~ *of the state board of health officer*. The persons designated by the ~~chairman~~ *of the state board of health officer* shall be either members of the state board of health or physicians duly licensed to practice medicine in this state. The members so designated by the ~~chairman~~ *of the state board of health officer* shall receive the same per diem and expenses as provided by law for members of the state board of health, which per diem and expenses ~~in s. 15.08 (7) which shall be charged to the same appropriation as per diems and expenses for members of the state board of health for the department of health and social services.~~ The ~~commissioner~~ *secretary* plus any 2 of the members designated by the ~~chairman~~ *of the state board of health officer* constitute a quorum. Actions of the reviewing board are subject to judicial review as provided in ~~under~~ s. 343.40.

SECTION 117. CORRECTION OF NAMES. (1) DEPARTMENT. (a) Wherever the terms "state board of health", "state board", "board", "state health officer" or "state board of health and vital statistics" appear in sections 48.60 (2) (d), 50.01 (4), (5), (7) and (8), 50.02 (2) (a), (b) and (c), 50.04 (1) and (9), 50.06 (1), (3), (5) and (9), 50.07 (1) (intro.), 50.09 (4) and (6), 50.10, 50.11, 69.02 (3) (d), 69.03, 69.04, 69.06 (4) and (5), 69.08 (1), 69.15, 69.29 (1), 69.31, 69.32 (1) and (3), 69.34 (1), 69.35,

69.43, 69.52 (3), 69.53 (1) and (3), 140.05 (2), (3), (5), (7), (8), (9), (11), (12) and (14), 140.055, 140.07 (1), (2), (3) and (4) (intro.) and (g), 140.08 (1), 140.13 (intro.) and (6), 140.15, 140.18, 140.20, 140.21, 140.22, 140.26, 140.27 (1) and (4), 140.29 (4), 140.45 (2) and (5) (intro.), 140.53 (1) (intro.) and (2) (intro.), 140.54 (1), (2) and (4), 140.58 (1) and (2), 140.59, 140.60, 140.67 (2) and (3), 140.69, 140.70, 140.71, 140.73, 140.74, 140.75, 140.76, 141.01 (3) (b) and (6) (e) and (g), 141.015 (4), (5), (9), (10) and (13), 141.045 (2) to (5), 141.065, 141.07, 141.10 (3) (b), 141.15 (2) to (10), 143.01, 143.02 (title) and (1) to (5), 143.03 (2) and (3), 143.04 (6), (7) and (8), 143.05 (1), (2), (4) and (8), 143.07 (1), (4), (6), (7), (8), (9), (10) and (12), 143.08, 143.12 (1), 143.14 (1), (2) and (3), 143.15 (2) to (5), 143.16, 143.17 (2), 145.02 (3) (intro.) and (4), 145.03 (1) and (2), as renumbered, 145.04 (3), 145.06 (1) (a), 145.07 (1), (2), (3) (intro.) and (b), (4), (6), (7) and (8), 145.08 (1) (j), (2) and (3), 145.09 (2), 145.10 (1) (intro.) and (c), (2) and (3), 145.11 (2), 145.13, 145.14 (1) (a) and (2) (intro.), 146.01 (1), 146.02 (1) and (2), 146.03 (3) and (4), 146.07 (1), 146.085, 146.14 (1), 146.17, 146.18, 146.24, 146.30 (2) to (7) and (9) to (12), 156.01 (6) and (7), 156.05 (1), 156.095 (1) (c), 156.10 (2) to (7), 156.105, 156.11, 156.12 (4), 156.13 (1) to (4), 156.15 (1), 158.02, 158.03 (2) and (3), 158.04 (3), (5) (a) to (d), (6) and (13), 158.06 (2), 158.09 (1) (e), (2) and (5), 158.10 (3) and (4), 158.11 (1) (c), 158.12 (1) and (2) (b), 158.13 (1) (intro.), 158.14 (2) (intro.) and (3), 158.15, 159.02 (1) to (4), (6) and (8) (e), 159.03, 159.06 (1) and (2), 159.08 (1) (2) (c), (4) (b) and (5) to (9), 159.09 (1) to (4), 159.10 (2), 159.11 (1) (intro.), 159.12 (2) and (3), 159.13, 159.14 (2) (intro.) and (g) and (3), 160.01 (1) (a) and (4), 160.02 (1) and (4), 160.025, 160.03 (6), 160.04, 160.05, 160.06, 160.08, 160.10, 160.21, 160.22 and 160.36 of the statutes, the term "department" is substituted.

(b) Wherever the term "state board of health" appears in sections 46.20 (8), 50.04 (7) (b), 50.09 (1m), (2), (3), (4) and (7), 58.06 (2), 140.09 (4) and (6), 141.02 (2), 141.05 (1), 141.06 (1) and (2), 141.10 (1) and (3) (a), 143.03 (1), 143.04 (1), 143.05 (3), 143.06 (4), 143.12 (4), 143.13 (2) and (3), 146.14 (2) and 152.12 (1) (a) of the statutes, the term "department" is substituted.

(c) Wherever the terms "state department of public welfare" or "department of public welfare" appear in sections 46.03 (14), 46.035 (2) (d), 46.042 (1), 46.043, 46.048, 46.062, 46.10 (12), 46.106 (1m), 46.21 (6) (a), 46.22 (4) (intro.) and (f) 4, 46.37, 46.50, 48.02 (1) and (6), 48.06 (3), 48.07 (1), the subtitle preceding 48.48, 48.52 (1) (intro.), 48.57 (1) (g), 48.88 (2) (a), 48.89 (1) (intro.) and (2), 48.93 (2), 48.95, 48.98 (1), (2) and (3), 48.992 (2) (a), 48.993 (2), 48.994, 48.995 (2), 49.04 (2) and (3), 49.171 (3) (b), 49.172 (5), 49.173 (1) (intro.) and (3), 49.18 (6) (b), 49.19 (3) (b), 49.20 (1), 49.51 (2) (a) 4, 49.61 (2) (g), (3) and (7), 51.001 (3), (4) and (5), 51.24 (3) (b), 51.26 (1) (a), 51.27 (2) (b), 51.36 (1) and (9) (title), 51.38 (1), (5) and (9) (title), 52.05 (2), 53.44, 55.01 (1), 56.04, 56.065 (1), 56.08 (13), 57.071, 58.05 (3) and (5), 58.06 (2), 58.07 (4), 140.36 (1), 142.04 and 142.05 (4) of the statutes, the term "department" is substituted.

(d) Wherever the term "public welfare department" appears in section 46.09 (3) of the statutes, the term "department" is substituted.

(e) Wherever the term "state department" appears in sections 48.75 (1), 140.08 (3) and 140.09 (7) of the statutes, the term "department" is substituted.

(f) Wherever the term "state" appears in section 143.04 (4) of the statutes, the term "department" is substituted.

(g) Wherever the term "barber's division of the state board of health" appears in section 158.01 (4), (5) and (6) of the statutes, the term "department" is substituted.

(h) Wherever the terms “director of the state department of public welfare, hereafter known as the director”, “director of public welfare, hereafter cited as the director” or “the division of funeral directing and embalming of the state board of health” appear in sections 51.36 (3) (e), 51.38 (3) (e) and 156.08 (4) of the statutes, the term “department” is substituted.

(i) Wherever the term “the board’s” appears in sections 50.09 (7) and 145.09 (1) of the statutes, the term “the department’s” is substituted.

(j) Wherever the terms “the board”, “said board”, “such board”, “the board and committee”, “state board and committee”, or “board and committee of examiners” appear in sections 50.09 (3) and (4), 60.72 (1), 145.02 (2) and (3) (a), 145.04 (1), 145.05 (2), 156.045 (1) (d), (e) and (g) and (2) (b), 156.06, 156.08 (3) and (4) (a), 156.095 (1) (e), (2) (a), (c) and (d) and (4), 157.12 (1) (a), 158.03 (1) and (4), 159.08 (10), 161.01 (14) and 174.13 (3) of the statutes, the term “the department” is substituted.

(2) DEPARTMENT OF HEALTH AND SOCIAL SERVICES. (a) Wherever the terms “state board of health” or “board of health” appear in sections 14.225, 14.752 (1) (intro.) and (3) (intro.), 16.85 (1), 30.11 (5) (a), 30.19 (3), 30.71 (1), 35.86 (1), 36.215 (2), 36.217, 36.22 (2), 43.49 (3), 59.96 (1), (2) (b), (4), (5) (c) and (6) (r), 60.72 (1), 60.303 (5), (7) and (9) (a), 60.054 (17) (a), 66.058 (5), 66.076 (12), 66.202 (3) and (6) (a) and (c), 66.203 (11), 66.205 (10), 70.11 (21) (a) and (d), 71.04 (2b) (intro.) and (b), 71.05 (1) (b) 5 (intro.) and b, 97.046 (4) and (6), 97.30, 115.40 (6) (b) 3, 118.25 (2) (c), 140.09 (2), 144.025 (3) (b) and (5) (a), 144.03 (1), 147.15 (1), 155.01, 157.06, 161.01 (8), (9), (14) and (16), 161.03, 161.04 (1) (intro.) and (3), 161.09 (5), 161.19, 167.27 (4), 174.13 (3), 176.121 (1), 198.22 (7), 210.05 (7) and (14), 236.12 (2) (a), 236.13 (1) (d) and (2m), 236.335, 245.06 (1) (b) and 255.02 (5) of the statutes, the term “department of health and social services” is substituted.

(b) Wherever the term “state department of public welfare” appears in sections 16.51 (7), 16.53 (7), 21.56 (2) (b), 25.31, 32.02 (1), 36.227 (3) (b) and (d), 45.30 (1) (b), 45.35 (6), 49.11 (7) (b), 53.14, 59.15 (2) (c), 59.175, 59.68 (2), 59.715 (21), 68.15, 101.40, 101.43, 140.37, 161.02 (3), 176.05 (21) (f), 210.03 (2), 227.01 (5) (h), 231.11 (8), 245.32 (1), 247.24, 292.45 (2), 313.03 (3), 319.295, 324.01, 343.06 (11), 343.30 (2d), 343.31 (4) and 957.28 of the statutes, the term “department of health and social services” is substituted.

(c) Wherever the term “department of public welfare” appears in sections 16.13 (2) and 101.42 of the statutes, the term “department of health and social services” is substituted.

(d) Wherever the terms “state department of public welfare, state board of health”, “state department of public welfare, the state board of health” or “state department of public welfare or the state board of health” appear in sections 16.58 (8), 70.117 and 887.23 of the statutes, the term “department of health and social services” is substituted.

(e) Wherever the terms “services to the blind, division of public assistance, department of public welfare” or “corrections division of the department of public welfare” appear in sections 63.08 (6), 63.32 and 341.12 (4) of the statutes, the term “department of health and social services” is substituted.

(f) Wherever the terms “state board of vocational, technical and adult education” and “rehabilitation division of the state board of vocational, technical and adult education” appears in sections 41.18 (2), 41.19 (7) and 45.35 (9) of the statutes, the term “department of health and social services” is substituted.

(g) Wherever the term "local and state boards of health" appears in section 118.25 (3) of the statutes, the term "local boards of health and the department of health and social services" is substituted.

(3) SECRETARY. (a) Wherever the terms "director" or "director of public welfare" appear in sections 46.014 (1) and (2), as renumbered, 46.018, 46.042 (2) and (4), 46.046, 46.05 (1) and (3), 46.10 (6), 51.36 (4) (intro.), (5), (6) (b) 2, (7) (intro.) and (d) and (8), 51.37 (4), 51.38 (4) (intro.), (5), (6) (b) 2, (7) (intro.) and (d) and (8), 51.76, 52.05 (2), 57.071 and 285.06 (1) of the statutes, the term "secretary" is substituted.

(b) Wherever the terms "director of public welfare", "director of the state department of public welfare" or "director" appear in sections 51.26 (1) (a) and 53.14 of the statutes, the term "secretary" is substituted.

(c) Wherever the term "president and secretary of the board" appears in section 50.09 (2) and (3) of the statutes, the term "secretary of health and social services" is substituted.

(d) Wherever the terms "director of public welfare" or "director of the state department of public welfare" appear in sections 13.53 (4) (a) and (5) and 285.05 (1) of the statutes, the term "secretary of health and social services" is substituted.

(4) HEALTH AND SOCIAL SERVICES BOARD. Whenever the term "state board of public welfare" appears in sections 51.36 (8) (d) and 51.38 (8) (d) of the statutes, the term "health and social services board" is substituted.

SECTION 118. CROSS REFERENCES. (1) Wherever the term "adopted under s. 46.014 (3)" appears in section 46.03 (14) of the statutes, the term "adopted" is substituted.

(2) Wherever the term "s. 14.95" appears in section 20.435 (4) (bb) of the statutes, the term "s. 46.80" is substituted.

Approved January 23, 1970.
