

the waters of this state, except in outlying waters, unless a resident fishing license has been duly issued to him, subject to all other provisions of law.

Approved June 12, 1947.

No. 77, A.]

[Published June 16, 1947.

### CHAPTER 267.

AN ACT to amend 85.05 (2) (d) of the statutes, relating to licenses, permit fees and taxes on motor vehicles engaged in interstate commerce.

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

85.05 (2) (d) of the statutes is amended to read:

85.05 (2) (d) \* \* \* *Notwithstanding any contrary provision of this section, the commissioner of the motor vehicle department, with the approval of the governor, shall have authority to enter into reciprocal agreements with the responsible officers of other states as to licenses, permit fees, mileage and flat taxes under which motor vehicles, trailers or semitrailers properly licensed or registered in other states may be operated in interstate commerce in this state without a Wisconsin registration or the payment of permit fees or mileage or flat taxes, provided like privileges are accorded to vehicles owned by Wisconsin citizens when operated in such other states.*

Approved June 13, 1947.

No. 394, S.]

[Published June 18, 1947.

### CHAPTER 268.

AN ACT to revise chapters 46 and A58 of the statutes, relating to public welfare.

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

SECTION 1. The title to chapter 46 of the statutes shall read:

CHAPTER 46  
PUBLIC WELFARE

SECTION 2. 46.01 is repealed.

SECTION 3. 58.31 is renumbered and revised to read:

46.011 DEPARTMENT OF PUBLIC WELFARE; DEFINITIONS. (1) The state department of public welfare consists of a state board of public welfare, a director of public welfare and its officers and employes and institutions.

(2) Unless the context plainly indicates otherwise, in chapters 46 to 58 (except chapter 50) "board" means the state board of public welfare; "department" means the state department of public welfare; "director" means director of public welfare; and "counsel" means the collection and deportation counsel.

SECTION 4. 58.32 is renumbered and revised to read:

46.012 BOARD OF PUBLIC WELFARE. (1) APPOINTMENT, TERM, ELIGIBILITY. The state board of public welfare consists of 7 members appointed by the governor, with the consent of the senate, for terms of 6 years. The term of each present member (1947) shall expire as of February 1 of the last year of the term for which he was appointed and the terms expiring in 1947 shall be deemed to have expired February 1, 1947, and the term of each member hereafter appointed shall be for 6 years, to commence on the expiration date of the term of his predecessor. Appointments shall be made on the basis of recognized and demonstrated interest in and knowledge of the problems of public welfare. All appointments shall be made without regard to party affiliation or to interest in any special organized group. A majority of the members constitutes a quorum. Each member shall take and file the official oath.

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

SECTION 5. 58.33 (1) to (3) are renumbered and revised to read:

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

(2) APPOINT DIRECTOR; ELIGIBILITY. The board shall appoint

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

(3) **CITIZENS' COMMITTEES.** The board may appoint committees of citizens to make studies and recommendations in the field of public welfare, but no committeeman shall receive any compensation except reimbursement for travel expense.

**SECTION 6.** 58.34 and 46.03 (4), (5) and (6) are consolidated, renumbered and revised to read:

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

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

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

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

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

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

(7) **OATH, BOND.** The director shall take the official oath and

file a bond in such amount and with such surety as the board directs.

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

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

(10) **VISITATION.** The director shall cause each of said institutions to be visited and inspected at least once a month to ascertain whether the officers and employes therein are competent and faithful in the discharge of their duties, all inmates properly cared for and governed, all accounts, books and vouchers properly kept, and all the business affairs properly conducted.

**SECTION 7.** 58.35 is renumbered and revised to read:

**46.015 DEPARTMENT DIVISIONS.** Within the department there shall be the following divisions: public assistance, child welfare, mental hygiene, corrections, administration, and blind. Subject to the approval of the board, the director shall have the power to allocate and reallocate functions among the divisions.

**SECTION 8.** 58.39 is renumbered and revised to read:

**46.016 CO-OPERATION WITH FEDERAL GOVERNMENT.** The department may co-operate with the United States in carrying out federal acts concerning public assistance, social security, child welfare, mental hygiene and corrections, services for the blind, and in other matters of mutual concern pertaining to public welfare.

**SECTION 9.** 58.40 is renumbered and revised to read:

**46.017 DEPARTMENT, ACTIONS, SEAL.** The department may sue and be sued. It shall have a seal with the words "State Department of Public Welfare" and such other design as the department prescribes engraved thereon.

**SECTION 10.** 46.02 is revised to read:

**46.02 OFFICES AND SUPPLIES.** The department shall be provided with office rooms in the capitol and with necessary furniture, stationery, blanks, books, periodicals, printing and other supplies.

**SECTION 11.** 46.03 (except subsections (4), (5), (6) and

(9)), 46.04 and 58.37 are consolidated, renumbered and revised to read:

46.03 DEPARTMENT, POWERS AND DUTIES. The department shall:

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

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

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

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

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

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

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

(b) Supervise the custody and discipline of all prisoners and

the maintenance of state penal and correctional institutions and the industries therein.

(c) Administer parole and probation matters.

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

(e) Examine all institutions authorized by law to receive and detain witnesses or prisoners or convicted persons and places of juvenile detention, and inquire into their methods and the management of persons therein, and examine the condition of buildings and grounds and other property connected with any such institution and all matters relating to its management.

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

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

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

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

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

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

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

SECTION 12. 58.33 (4) is renumbered and revised to read:

46.03 (10) TRAINING STAFF. In its discretion, conduct a training program of in-service training and staff development; and,

in cooperation with educational institutions, provide facilities for work experience for students, including subsistence.

SECTION 13. 46.28 is renumbered and revised to read:

46.03 (11) DESTRUCTION OF OBSOLETE RECORDS. Turn over to the director of purchases for destruction old and obsolete reports, financial and statistical records, papers, documents, correspondence, etc., which in its judgment are no longer needed.

SECTION 14. 58.41 is renumbered 46.04 and amended by substituting "the Mendota state hospital and the Winnebago state hospital" for "the state hospital for the insane at Mendota and the state hospital for the insane at Winnebago."

SECTION 15. 46.29 is renumbered and revised to read:

46.045 CAMP HAYWARD. The department may establish and operate an institution for indigent male persons to be known as Camp Hayward and located on the Hayward Indian School property acquired or to be acquired from the federal government. The department shall prescribe rules and regulations for admission to and for administration of such camp.

SECTION 16. 46.05 is revised to read:

46.05 BONDS OF EMPLOYEES; POLICE POWERS; INVESTIGATION OF COMPLAINTS. (1) The steward of each institution shall execute and file an official bond in such sum and with such sureties as the director prescribes. He shall also require any other officer or other person having the possession or custody of any money or property belonging to the state or any institution under its control or supervision to give an official bond, and from time to time renew the same. The director may require a position bond whenever it appears to him advisable, such position bond to have the same coverage as the official bond.

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

(3) The department shall investigate complaints against any

institution under its jurisdiction or against the officers or employes thereof. For that purpose the director and such officers and employes as he authorizes may summon and swear witnesses, take testimony and compel the production of books and papers. The department may, on its own initiative, investigate the affairs of any institution. Any written communication or complaint addressed to the director or the board or any of its members by any inmate, employe or subordinate of any such institution shall be forthwith forwarded unopened to the addressee.

SECTION 17. 46.06 is revised to read:

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

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

(3) LEASES. The department may rent additional lands for the operation of the institutions under its jurisdiction.

SECTION 18. 46.035 is renumbered and revised to read:

46.065 WAGES TO PRISONERS; FORFEIT. The department may provide for assistance of prisoners on their discharge, or for the support of their families while in confinement by the allowance of moderate wages, to be paid from the operation appropriation of the institution in which they are confined. Until the prisoner's final discharge, the funds arising therefrom shall be under the control of the officer in charge of the institution and shall be used for the benefit of the prisoner and his family. Should any prisoner become a fugitive from justice, he thereby forfeits all earnings credited to his account. If he has dependents, the forfeited earnings shall, in the discretion of the department, go to the dependents.

SECTION 19. 46.03 (9) and 53.06 are consolidated, renumbered and revised to read:

46.066 FREEDOM OF WORSHIP; RELIGIOUS MINISTRATION. (1) Subject to reasonable exercise of the privilege,



clergymen of all religious faiths shall be given an opportunity to conduct religious services within the state institutions at least once each week, attendance at such services to be voluntary.

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

(3) Every inmate who requests it shall have the use of the Bible.

SECTION 20. 46.07 is revised to read:

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

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

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

(c) If any person, within 5 years after such crediting of funds, satisfies the department that he is entitled thereto, the department shall certify the amount thereof to the secretary of state for payment to the claimant from the appropriation made by section 20.17 (9).

SECTION 21. 46.08 is revised to read:

46.08 AUDITS AND ESTIMATES OF EXPENDITURES OF INSTITUTIONS. Each month the superintendent of each institution shall prepare and file in duplicate with the department a detailed estimate of the expenditures which will be necessary for each institution during the next month. No liability shall be incurred without such estimate being first made and approved by the department. The department shall fix a time, as often as once in each month, for auditing all accounts and charges against institutions.

SECTION 22. 46.09 is revised to read:

46.09 PURCHASES, BILLS, AUDITS, PAYMENTS. (1) STEWARD AS BUSINESS MANAGER. The steward of each institution shall be the local business manager and requisitioning officer, subject to the direction and the rules and regulations of the department, and within the limits of the approved monthly estimates shall purchase (as provided in sections 15.26 to 15.40) all necessary materials and supplies. He shall have the immediate charge of all books, accounts, papers and records relating to its financial management, shall keep detailed accounts of all receipts and expenditures, and shall be responsible for the safekeeping and economical use of all stores and supplies.

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

(3) AUDIT OF BILLS. No bills incurred in the management of such institutions shall be paid until they have been audited by the department. A list thereof, containing the names of the persons to whom allowed, the purpose and institution for which they were incurred, shall be certified by the department and filed with the secretary of state each month. Warrants therefor in favor of each claimant shall be drawn on the state treasurer and delivered to the department and transmitted to the payees.

SECTION 23. 46.10 (7) to (11) are renumbered and revised to read:

46.10 MAINTENANCE OF INMATES, LIABILITY; COLLECTION AND DEPORTATION COUNSEL; COLLECTIONS; COURT ACTION; RECOVERY. (1) Liability for the maintenance of patients in the institutions specified in this section and the collection and enforcement of such liability is governed exclusively by this section.

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

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

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

(5) Upon such application the county court shall hear the allegations and proofs of the parties and shall by order require

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

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

(7) The department shall administer and enforce this section. It shall appoint an attorney to be designated "collection and deportation counsel" and other necessary assistants. The department may delegate to such counsel such other powers and duties as it deems advisable. He or any of his assistants may administer oaths, take affidavits and testimony, examine public records, subpoena witnesses and the production of books, papers, records, and documents material to any matter of proceeding relating to payments for the cost of maintenance. The department shall encourage agreements or settlements with the patient or the relative liable for his maintenance, having due regard to ability to pay and the present needs of lawful dependents.

(8) The department may:

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

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

the state's interests and promote mutual amicable relations with other states.

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

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

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

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

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

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

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

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

(13) This section does not impair any rights or liability existing prior to the effective date of this section.

SECTION 24. 46.10 (12) is renumbered 46.105 and is revised to read:

**46.105 WISCONSIN GENERAL HOSPITAL ACCOUNTS; COLLECTION.** The department shall make all reasonable and proper efforts, including court actions, to collect all delinquent special rate or pay accounts at the Wisconsin general hospital. All moneys collected shall be deposited weekly with the state treasurer who shall credit 15 per cent thereof to the appropriation made by section 20.17 (1) (e), and the balance thereof to the appropriation made by section 20.41 (10) (a).

SECTION 25. 46.10 (1) to (6) are renumbered and revised to read:

**46.106 MAINTENANCE OF INMATES; SETTLEMENTS BETWEEN STATE AND COUNTIES.** (1) **LEGAL SETTLEMENT; COUNTY LIABILITY.** When a person is committed or admitted to a charitable, curative, reformatory or penal institution of the state or of a county (except tuberculosis patients provided for in chapter 50 and sections 51.27 and 58.06 (2)) the committing or admitting court, judge, magistrate or board shall determine his legal settlement pursuant to section 49.10, and certify the same to the superintendent of the institution. The county of his legal settlement shall be charged with his support as provided by law. If it is found that he does not have a legal settlement in the state, the state shall be charged with his support, and the court, judge, magistrate or board shall submit a transcript of the testimony taken with respect to legal settlement to the department. Nothing shall prevent a recovery of the actual per capita cost of such maintenance by the department or by the county in counties having a population of 500,000 or more, or prohibit the acceptance by the department of payment of the cost of maintenance, or a part thereof, by such person or anyone in his behalf.

(2) **STATEMENT OF COUNTY LIABILITY.** On July 1 in each

year the department shall prepare a statement of the amounts due from the several counties to the state for the maintenance, care and treatment of inmates at public charge in state and county charitable, curative, reformatory and penal institutions for the preceding fiscal year and shall give the name of every inmate in each state institution whose support is partly chargeable to some county, and the name of every inmate in each county institution whose support is wholly chargeable in the first instance to the state and partly chargeable over to some county; and the legal settlement of each inmate, the number of weeks for which support is charged, the amount due the county for maintenance, and the amount due to the state from the county, itemized as to board, clothing, dental, burial, surgical and transfer. The department shall file such statement with the secretary of state, and mail a duplicate to the clerk of each county charged. Thereupon the secretary of state shall charge to the several counties the amounts so due, which amounts shall be certified, levied, collected and paid into the state treasury as a special charge. The amount so paid into the state treasury on account of care of patients in county hospitals shall be apportioned and paid to the counties to which it is due, from time to time, in the proportion that the total collections from all counties for the care of such patients bear to the total charges against all counties for such care. The secretary of state shall make the first apportionment and payment on April 1, in each year, covering collections to and including March 22. The collections made after March 22 and through August 20 shall be apportioned and paid on September 1 following, and the final payment shall be made on December 1.

(3) STATEMENT OF COUNTY CLAIMS. On July 1 in each year the officer in charge of each county charitable, curative, reformatory and penal institution shall prepare a statement of the amount due from the state to the county for the maintenance, care and treatment of inmates at public charge on forms supplied by the department. Such statement shall cover the preceding fiscal year and shall give the name of each inmate whose support is partly or wholly chargeable to the state; and his legal settlement, the number of weeks for which support is charged and the amount due to the county from the state, itemized as to board, clothing, dental, burial, surgical and transfer. Said statement shall be verified by the officer making it and certified

by the trustees of the institution to the department, and a duplicate thereof shall be forwarded to the county clerk. The department shall credit the county with the amount due the county for any recovery of maintenance and shall certify said statement to the secretary of state, who shall pay the aggregate amount found due each county as provided in subsection (2).

(4) **RELIEF FROM ERRONEOUS CHARGES TO COUNTY OR STATE.** When the state or a county feels that the cost of the care of an inmate or patient is improperly charged to it, the matter may be determined by the department after a hearing. The department may on its own motion order a hearing if the charge is against the state. If it is against a county the district attorney for the county may apply in writing to the department for a hearing. The application shall designate the county to which the inmate is chargeable, or if it be claimed that he is chargeable to the state, it shall so state. The department shall give reasonable notice to the parties interested of the time and place they may be heard. The application may be supported by affidavits and other proper evidence. If upon the hearing the department grants the relief asked for, it shall order a proper charge against the county chargeable, or against the state; and the inmate's support shall be charged accordingly.

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

(6) **CORRECTION OF ERRONEOUS CHARGES.** Any error in the accounts between the state and a county for the support of any inmate in any such institution, or in the amount certified to a county as due and to be assessed upon it on account of such support, when certified by the department, shall be corrected by the secretary of state by a proper charge or credit or both on the next state tax.

SECTION 26. 46.11 is revised to read:

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

(2) The department may designate, in the removal order, a



person to make the transfer. The person designated shall receive no compensation, but shall be paid his necessary traveling expenses and those of the inmate and of any necessary assistant, to be adjusted by the department and charged to the current expense fund of the institution from which the removal is made as part of the inmate's maintenance costs; but if some county is chargeable with any portion of the expense of maintaining the inmate, it shall be charged therewith, and the charge shall be adjusted the same as charges for his maintenance.

SECTION 27. 46.115 is revised to read:

46.115 SICK INMATES; TRANSFER TO STATE HOSPITAL; TREATMENT. (1) The department shall apply to the board of regents of the university for the admission to the Wisconsin general hospital of any inmate of any state institution under the department, or of any person committed to or applying for admission thereto, or of any other person committed to the department, who is afflicted with any deformity or ailment, which can probably be remedied, or which can be advantageously treated at such hospital, if he cannot receive proper care at the institution to which he has been committed or to which he has applied for admission. The application shall be accompanied by the report of the physician of such institution or of a physician appointed by the department, in the same form as reports of physicians for the admission of patients to the hospital.

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

SECTION 28. 46.12 is revised to read:

46.12 STERILIZATION OF DEFECTIVES. (1) The department may appoint, from time to time, a surgeon and a psychiatrist, of recognized ability, as experts, who (in conjunction with the superintendents of the state and county institutions who have charge of criminal, mentally ill, mentally deficient

and epileptic persons) shall examine inmates and patients of such institutions as to their mental and physical condition.

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

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

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

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

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

(7) The department shall state in its biennial report the number of operations performed under this section and the result of the operations.

SECTION 29. 46.13 is revised to read:

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

SECTION 30. 46.14 is revised to read:

46.14 REPORTS OF STATE INSTITUTIONS. (1) MONTHLY. The officer in charge of each state institution under the control of the department shall report monthly to the department, an itemized statement of all receipts and disburse-

ments, and of the daily number of inmates, officers, teachers and employes, and of the wages paid to each.

(2) BIENNIAL. On July 1 in each even-numbered year such officer shall report to the department, covering the preceding biennial fiscal term, a summarized statement of the management of every department of the institution and of all receipts and disbursements, and such other information as may be required by the department.

SECTION 31. 46.15 is revised to read:

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

SECTION 32. 46.16 is revised to read:

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

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

(3) COUNTY HOMES, POOR RELIEF. It shall visit the county homes and ascertain the number of each sex and the number of mentally ill, mentally deficient, deaf or blind persons, and children supported in each, at what cost and under what circumstances affecting their health, comfort, morals and education;

collect statistics of the cost of support, and other important facts, of the poor relieved at public expense outside of county homes; and collect information as to the adequacy and efficiency of existing laws for the support and relief of the poor, and the causes of pauperism in the state.

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

(5) INSPECTIONS. It shall inquire into the methods of treatment, instruction, government and management of inmates of the institutions mentioned in this section; the conduct of their trustees, managers, directors, superintendents and other officers and employes; the condition of the buildings, grounds and all other property pertaining to said institutions, and all other matters pertaining to their usefulness and management; and recommend to the officers in charge such changes and additional provisions as it deems proper.

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

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

(8) OPPORTUNITY TO INSPECT. All trustees, managers, directors, superintendents and other officers or employes of such institutions shall at all times afford to every member of the department and its agents, unrestrained facility for inspection of and free access to all parts of the buildings and grounds and to all books and papers of such institutions; and shall give, either verbally or in writing, such information as the department requires; and if any person offends against this requirement he shall forfeit not less than \$10 nor more than \$100.

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

(10) **STATISTICS TO BE FURNISHED.** Wherever the department is required to collect statistics, the person or agency shall furnish the required statistics on request.

**SECTION 33.** 46.17 is revised to read:

**46.17 COUNTY BUILDINGS; ESTABLISHMENT, APPROVAL, INSPECTION.** (1) The department shall fix reasonable standards and regulations for the design, construction, repair and maintenance of county homes, county hospitals, houses of correction, workhouses, jails and lockups, and juvenile detention homes, with respect to their adequacy and fitness for the needs which they are to serve.

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

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

**SECTION 34.** 46.18 is revised to read:

**46.18 TRUSTEES OF COUNTY INSTITUTIONS.** (1) **TRUSTEES.** Every county home, hospital, tuberculosis hospital or sanatorium, or similar institution, house of correction or workhouse, established by any county whose population is less than 500,000, shall (subject to regulations approved by the county board) be managed by 3 trustees, electors of the county, elected by ballot by the county board. Six months before completion of the buildings for any such institution the county board shall elect 3 trustees whose terms shall begin at once and end, respectively, on the first Monday of the second, third and fourth January next thereafter. At its annual meeting in every

subsequent year (and prior to January next) the county board shall elect one trustee for a term of 3 years to begin on the first Monday of January next thereafter. Any vacancy shall be filled for the unexpired term by the county board; but the county chairman may appoint a trustee to fill such vacancy until the county board acts.

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

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

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

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

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

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

(8) **BOOKKEEPING.** The department shall formulate a system

of keeping the books, accounts and records, and shall furnish blanks for reports, and reports shall be made accordingly.

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

(10) **ANNUAL REPORT.** On July 1 of each year the trustees shall prepare a report for the preceding fiscal year and shall transmit a copy to the department, a copy to the county clerk, and keep a copy on file at the institution. Such report shall be accompanied by an inventory of all properties on hand on the last day of the fiscal year, an estimate of the receipts and expenditures for the current fiscal year, and the reports of the superintendent and visiting physician, of the institution.

(11) **COUNTY APPROPRIATION.** The county board shall annually appropriate for operation and maintenance of each such institution not less than the amount of state aid estimated by the trustees to accrue to said institution; or such lesser sum as may be estimated by the trustees to be necessary for operation and maintenance.

(12) **EX OFFICIO DUTIES.** The county board may provide that the trustees of any institution shall be the trustees of any other institution. The county board may provide that the county park commission be, ex officio, the trustees of the county workhouse.

SECTION 35. 46.19 is revised to read:

**46.19 OFFICERS AND EMPLOYES OF COUNTY INSTITUTIONS.** (1) The trustees shall appoint a superintendent of each institution and may remove him at pleasure.

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

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

(4) The salaries of the superintendent, visiting physician and all necessary additional officers and employes shall be fixed by the county board.

SECTION 36. 46.20 is amended by substituting "hospital" for "asylum for the chronic insane" in subsection (1); by inserting "or similar institution" after "sanatorium" in subsection (1); by substituting "department" for "state board of control" in subsection (8); and by substituting "section 46.18 (7) to (10)" for "subsection (7) of section 46.18" in subsection (8); and as so amended, 46.20 is reenacted.

SECTION 37. 46.21 is amended by substituting "section 46.18 (7) to (10)" for "subsection (7) of section 46.18" in subsection (6) (a); and as so amended, 46.21 is reenacted.

SECTION 38. 46.27 is repealed.

SECTION 39. 46.30 is renumbered and revised to read:

49.42 LOANS TO STUDENTS. (1) From the appropriation provided by section 20.17 (35), the department shall make loans to needy and qualified residents of the state desirous of attending the university, the state teachers' colleges, Stout institute, Wisconsin institute of technology, or other educational institutions in this state of like rank above the high school.

(2) Such loans shall be made to students who are either unemployed or would otherwise be unable to continue their education.

(3) Loans shall be made on the student's application indorsed by the authorities of the institution which the applicant desires to attend or is attending. The terms of the loans shall be prescribed by the department, which may adopt and enforce all necessary rules to carry out this section.

(4) Loans may be made to minors; and minority shall not be a defense to the collection of the debt.

SECTION 40. The title to chapter A58 is repealed.

SECTION 41. 58.36 is repealed.

SECTION 42. 58.38 is repealed.

SECTION 43. 58.50 to 58.56 are renumbered 46.30 to 46.36 and are reenacted, and, as so renumbered, 46.34 is amended by substituting "46.35" for "58.55", and 46.35 is amended by substituting "veterans' service commission" for "soldiers and sailors relief commission."

SECTION 44. 46.23 to 46.26 are renumbered 101.40 to 101.43 and revised to read:

101.40 PUBLIC WORKS, UNEMPLOYMENT. The state department of public welfare shall ascertain from the various



departments and state institutions tentative plans for such extension of public works of the state as shall be best adapted to supply increased opportunities for advantageous public labor during periods of temporary unemployment, together with estimates of the amount, character and duration of such employment, and the number of employes that could profitably be used therein, and the rates of wages and such other information as the department of public welfare deems necessary.

101.41 INDUSTRIAL COMMISSION, UNEMPLOYMENT, PANICS. In cooperation with the state department of agriculture, the industrial commission shall keep constantly advised of industrial conditions affecting the employment of labor in this state; and whenever it is represented to the industrial commission by the governor, or the commission shall otherwise have reason to believe, that a period of extraordinary unemployment caused by industrial depression exists in the state, the commission shall immediately inquire into the facts relating thereto, and find and report to the governor whether in fact such condition does exist.

101.42 DEPARTMENT OF PUBLIC WELFARE, EXPENDITURES TO RELIEVE DEPRESSION. In the event that the industrial commission reports to the governor that a condition of extraordinary unemployment caused by industrial depression exists in the state, the department of public welfare may make such disposition of funds to be used for said purposes among the several institutions and departments for such extension of the public works of the state under the charge or direction thereof, including the purchase of materials and supplies necessary therefor, as shall, in the judgment and discretion of the department of public welfare, be best adapted to advance the public interest by providing the maximum of public employment, in relief for the existing conditions of extraordinary unemployment, consistent with the most useful, permanent and economic extension of the works aforesaid.

101.43 INDUSTRIAL COMMISSION, DEPRESSION, LABOR LISTS, EMPLOYMENT. Immediately upon publication of a finding that a period of extraordinary unemployment due to industrial depression exists throughout the state, the industrial commission shall cause to be prepared by the various institutions and departments approved lists of applicants for public employment and secure from such applicants full informa-

tion as to their industrial qualifications and submit the same to the state department of public welfare. Preference for employments under the provisions of sections 101.40 to 101.43 shall be extended first to citizens of this state, second to other citizens of the United States at the time of making application, and last to aliens who are residents of this state at the time of making such application.

SECTION 45. 20.17 (1) (c) is amended by substituting "46.105" for "46.10 (12)" and by substituting "sections 51.27 and 58.06 (2)" for "section 58.06 (2)".

SECTION 46. 142.08 (1) is amended to read:

142.08 (1) The net cost of caring for a patient certified, within the quota fixed for any county by section 142.04, to the Wisconsin general hospital shall be paid one-half by the state and one-half by the county of his legal settlement. The cost of caring for a patient certified to the Wisconsin general hospital from any county in excess of the quota fixed for said county by section 142.04 shall be paid entirely by the county of legal settlement. \* \* \*

Approved June 14, 1947.

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No. 446, S.]

[Published June 19, 1947.

## CHAPTER 269.

AN ACT to create 366.20 of the statutes, relating to the reporting of certain deaths and providing a penalty.

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

366.20 of the statutes is created to read:

366.20 REPORTING DEATHS REQUIRED; PENALTY. (1) All physicians, authorities of hospitals, sanitariums, institutions (public and private), convalescent homes, authorities of any institution of a like nature, and other persons having knowledge of the death of any person who shall have died under any of the following circumstances listed below, shall immediately report such death to the sheriff, police chief, or coroner of the county wherein such death took place:

(a) All deaths in which there are unexplained, unusual or suspicious circumstances.