

(6) EXISTING POLICE JUSTICES. In any city which has a police justice pursuant to section 62.24 of the 1943 or prior statutes, the provisions of that section shall remain effective until such time that a police justice of the peace is designated under the provisions of this section but not later than May 1, 1947.

Approved May 1, 1945.

No. 92, S.]

[Published May 4, 1945.

CHAPTER 104.

AN ACT to amend 49.10, 50.03 (2), 50.10, 50.11 (1), 58.06 (2); and to create 50.03 (2a) and (2b) and 50.07 (2a) of the statutes, relating to the public care of the tuberculous.

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

SECTION 1. 49.10 of the statutes is amended to read:

49.10 If any person at the time of receiving any relief, support or maintenance at public charge, under this chapter or as an inmate of any county or municipal institution in which the state is not chargeable with all or a part of the inmate's maintenance or as a tuberculosis patient provided for in chapter 50 and section 58.06 (2), or at any time thereafter, is the owner of property, the authorities charged with the care of the poor of the municipality, or the board in charge of the institution, chargeable with such relief, support or maintenance may sue for and collect the value of the same against such person and against his estate. In any such action or proceeding the statutes of limitation shall not be pleaded in defense, except that nothing contained herein shall be construed to eliminate the bar of the nonclaim statute (section 313.08); but the court may, in its discretion, refuse to render judgment or allow the claim in favor of the claimant in any case where a parent, wife or child is dependent on such property for future support. The records kept by the municipality or institution for the purpose of showing the names and value of the relief, support and maintenance furnished shall be prima facie evidence. *This section shall not apply to any person who shall receive care for pulmonary tuberculosis as provided in section 50.03 (2a) and section 50.07 (2a).*

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

50.03 (2) Any patient unable or who believes that his circumstances do not warrant his being required to pay any part of his care *or who meets the requirements of subsection (2a)* shall file an application with the county judge of the county within which he has a legal settlement, and if applicant has no legal settlement in any county, then, with the county judge of the county where he is found, setting forth the fact that he is unable or that his circumstances do not warrant his being required to pay the cost of his care *or that he meets the requirements of subsection (2a)*. If the patient is a minor, the said application shall be made and filed by a parent or his guardian. The said judge may designate a person or official by whom such application may be made. Said judge, upon further presentation of the report of the examining physician, and a statement from the superintendent of the sanatorium that the applicant is eligible and can be received, shall make an investigation in the manner prescribed in section 50.11 (1), except that in such investigation, the said judge shall give due consideration to the desirability of isolating the patient because of the contagious character of the disease, to avoid jeopardizing the support of the patient's dependents during his hospitalization and their future requirements due to the patient's probable future lessened earning power after hospitalization; also to the probable length of time of such hospitalization. The chargeability of the person liable for the care of a patient shall be determined by the same rules applicable to the patient. Such judge may, whenever the facts disclosed in the hearing warrant, provide in his certification that the patient pay such part of the cost of his care as the judge deems just, which part or proportion may be increased or decreased after hearing by him whenever the circumstances warrant. *If the court determines that the patient meets the settlement or residence requirements specified in subsection (2a) it shall make no investigation as to the patient's financial status other than to determine whether or not he is the beneficiary of insurance as specified in subsection (2a).*

SECTION 3. 50.03 (2a) and (2b) of the statutes are created to read:

50.03 (2a) Any patient who has a legal settlement in this state or any patient who, or whose parent, if the patient is a minor, has resided in this state for 5 years or more in the aggre-

gate prior to his application for admission shall be cared for at said institutions without charge to him, regardless of his ability to pay, and the cost of his care shall be charged against the state subject to a charge over against the county of his legal settlement as provided in subsection (3). If any such patient shall be the beneficiary of a policy of hospitalization, health or accident insurance or other contract covering care in a tuberculosis sanatorium, he shall be liable to pay the cost of his care to the extent of the liability on such policy, insurance or contract as determined by the admitting court, except that such liability shall not include amounts payable as disability benefits under any such policy. Any such patient who, by reason of his tuberculosis, is entitled to damages or workmen's compensation, shall be liable for the cost of his care to the extent that the same may be recoverable in an action or workmen's compensation proceedings, and may be required to execute all necessary papers and do all necessary acts to insure the collection thereof. Nothing contained in this subsection shall prohibit any patient from paying all or a part of the cost of his care if he so desires.

(2b) Patients now in the institutions specified in section 50.03, 50.07 and 58.06 (2) shall be entitled to the benefits of subsection (2a) and section 50.07 (2a) for care received after the effective date of this act. All such cases which shall be chargeable to the state at large under sections 50.03 (2a) and 50.07 (2a) shall be reviewed by the board of health. If the board is not satisfied that the patient meets the 5-year residence requirement, it shall submit the question to the county judge of the county where the patient was found for determination. All such cases which shall be chargeable to the county of the patient's legal settlement under sections 50.03 (2a) and 50.07 (2a) shall be considered as initial applications in the manner provided in section 50.11, except that no further application need be made by patients whose legal settlement was previously determined under said section.

SECTION 4. 50.07 (2a) of the statutes is created to read:

50.07 (2a) Any patient who meets the legal settlement or residence requirements specified in section 50.03 (2a) shall be cared for in such institution without charge to him, regardless of his ability to pay, except as otherwise provided in said section 50.03 (2a), and the cost of his care shall be charged to the state or the county in which he has his legal settlement in accordance with the provisions of this chapter.

SECTION 5. 50.10 of the statutes is amended to read:

50.10 Whenever a person is admitted to any institution specified in chapter 50 and the expense of his maintenance in such institution is chargeable to the state or any subdivision thereof or both, the relative of such person described in section 49.11 shall be liable to the state or any subdivision thereof in the manner and to the extent provided in sections 49.11 and 49.12. The district attorney of any county in which such relative resides shall at the request of the county judge or the governing body of such institution take all necessary procedures to enforce the provisions of this section. *This section shall not apply to the relatives of any patient who receives care under the provisions of section 50.03 (2a) or section 50.07 (2a).*

SECTION 6. 50.11 (1) of the statutes is amended to read:

50.11 (1) Whenever any person shall apply for admission to any institution provided for in chapter 50 and section 58.06 (2), the court, judge, magistrate or board before whom such matter is pending shall give due notice of the hearing to the district attorney of such county who shall attend said hearing; and the said court, judge, magistrate or board shall upon proper evidence determine the legal settlement of such person and his general financial ability. If the evidence does not disclose property sufficient to save the county free from the expense of his support, the said court, judge, magistrate or board shall ascertain by further proof the residence and financial ability of any person, if any, liable for such support, pursuant to law, and shall order proper proceedings to be brought for the enforcement of such liability; but if the evidence discloses that the legal settlement of the person so examined and found destitute is within some other county within the state, such hearing shall be continued and the district attorney of such other county shall be duly notified and shall appear at such continued hearing. At the conclusion of said hearing the court, judge, magistrate or board shall determine the chargeability for the support of such person and certify such determination to the superintendent of the institution; and thereupon such person shall be admitted. *If the court finds that the applicant meets the settlement or residence requirements specified in section 50.03 (2a) it shall make no investigation as to his financial status other than to determine whether or not he is the beneficiary of insurance as provided in said section.*

SECTION 7. 58.06 (2) of the statutes is amended to read:

58.06 (2) Any private, philanthropic tuberculosis sanatorium organized on a nonprofit basis, if approved by the state board of health, may admit patients committed to it by any county in the manner and upon the terms provided by section 50.07, *except that if the amount charged such patients is more than the per capita cost as determined under section 50.07 they shall not be entitled to the benefits provided by section 50.07 (2a).*

Approved May 1, 1945.

No. 38, A.]

[Published May 4, 1945.

CHAPTER 105.

AN ACT to amend 80.17, 80.20, 80.24 and 80.25 of the statutes, relating to appeals from highway orders to the circuit court.

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

SECTION 1. 80.17 of the statutes is amended to read:

80.17 Any person aggrieved by any order of the town supervisors laying out, altering, widening, or discontinuing any highway, or refusing so to do may, within 30 days after such determination, appeal therefrom to the county *or circuit* judge for the appointment of commissioners to review the order or determination. Failure of the supervisors to file their decision upon any application to lay out, alter, widen or discontinue any highway within 60 days after the application is made shall be deemed a refusal of the application. The appeal shall be in writing and shall briefly state the grounds upon which it is made, and whether it be made to reverse entirely the order or determination or only a part, and in the latter case it shall state what part. In case of highways upon a line between 2 counties the appeal may be made to the county *or circuit* judge of either county.

SECTION 2. 80.20 of the statutes is amended to read:

80.20 Before proceeding to act under said warrant said commissioners shall be duly sworn justly and impartially to discharge their duties as such commissioners; they shall meet at the time and place mentioned in such warrant and proceed to