

to have accrued until discovery on the part of the state of the facts constituting the fraud.

SECTION 36. Subsection (4) of section 330.19 of the statutes is amended to read:

(330.19) (4) An action upon a liability created by statute, * * * when a different limitation is not prescribed by law.

SECTION 37. Subsection (1) of section 330.21 of the statutes is amended to read:

(330.21) (1) An action *by a private party* upon a statute penalty or forfeiture when the action is given to the party prosecuting therefor and the state, * * * except when the statute imposing it provides a different limitation.

SECTION 38. Section 330.28 of the statutes is repealed.

SECTION 39. This act shall take effect upon passage and publication.

Approved April 30, 1931.

No. 182, A.]

[Published May 2, 1931.]

CHAPTER 80.

AN ACT to renumber subsection (3) of section 142.03 to be subsection (4) of said section and the first paragraph and subsections (1), (2) and (3) of section 142.08 to be respectively subsections (1), (2), (3) and (4) of said section; to amend sections 142.01, 142.02, subsection (2) of section 142.03, sections 142.04, 142.05 and 142.06 and, as renumbered, subsection (1) of section 142.08; and to create subsection (3) of section 142.03 and subsection (5) of section 142.08 of the statutes, relating to the treatment of crippled or ailing persons.

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

SECTION 1. Subsection (3) of section 142.03 is renumbered to be subsection (4) of said section and the first paragraph and subsections (1), (2) and (3) of section 142.08 of the statutes are renumbered to be respectively subsections (1), (2), (3) and (4) of said section.

SECTION 2. Sections 142.01, 142.02, subsection (2) of section 142.03, sections 142.04, 142.05 and 142.06 and, as renumbered, subsection (1) of section 142.08 of the statutes are amended to read: 142.01 A person having a legal settlement in any county in this

state who is * * * *crippled or ailing and whose condition* can probably be remedied or advantageously treated, if he or the person liable for his support is financially unable to provide proper treatment, may be treated at the Wisconsin General Hospital or the Wisconsin Orthopedic Hospital For Children at Madison or in such other hospital as the county judge shall direct, except that when the person to be treated, or his guardian if he be under guardianship, shall select that such treatment be at the said Wisconsin General Hospital or the said Wisconsin Orthopedic Hospital, the hospital of his selection shall be the place of treatment; provided that the right of such selection shall not exist in counties having a population of five hundred thousand or more.

142.02 When the case of such person shall come to the notice of a sheriff, county supervisor, town clerk, health officer, health nurse, poor commissioner, policeman, physician or surgeon, or any public official, he shall and any teacher, priest or minister may, file with the county judge of the county wherein such afflicted person has a legal settlement an application for * * * such treatment at such hospital.

(142.03) (2) The judge if satisfied that the required facts exist, shall appoint a physician personally to examine the person. The physician shall make a verified report in writing, within such time as the court shall direct, setting forth the nature and history of the case, and such other information as will be likely to aid in its treatment, and giving his opinion whether the condition of the person can probably be remedied, or should be treated, at a hospital, and whether the person can receive adequate treatment in the county, at home or in a hospital, and any information within the knowledge of the physician relative to his financial situation. The physician shall be paid by the county, five dollars, and actual and necessary expenses. *In the case of a crippled person for whom recommendation has been made for hospital treatment, by a recognized orthopedic surgeon, such recommendation may be accepted by the county judge as a reason for commitment of the crippled person to the designated or selected hospital.*

142.04 If the court shall be satisfied that the required facts exist and that the person should be treated at the Wisconsin General Hospital, or at the Wisconsin Orthopedic Hospital for Children, or if the person to be treated, or his guardian if he be under guardianship, selects either of said hospitals as the place of treatment,

he shall so find and enter an order * * * so directing. If he find the required facts and that the person can receive adequate treatment at home or in a hospital, at the same or less expense to the county, and the person to be treated shall not make the selection aforesaid, he shall enter an order directing such treatment, the place thereof, and the physician or physicians. If the court is not so satisfied, he may make further investigation. If the court does not find the required facts, he shall enter an order denying the application. Upon granting the application, he shall ascertain from the superintendent of the hospital whether the person can be received as a patient, and if he can the court shall certify his order to the hospital and to the county clerk.

142.05 (1) If the patient is unable to bear his expense to the * * * place of treatment, and the county court shall so order, the county treasurer shall advance to the patient the necessary transportation and expenses out of the county treasury. Likewise, upon the patient's discharge from the * * * place of treatment, the county judge may order transportation and expenses for the patient's return to his residence. If the patient is unable to travel alone to the place of treatment, the court may appoint a suitable person to * * * accompany him * * * and such person shall receive actual and necessary expenses, and, if not a salaried officer, a per diem of three dollars per day going and returning; and the same shall be paid by the county.

(2) If at the time of commitment the court is satisfied that the patient is unable to bear the expense of returning to his residence or that he will not be able to return alone, the court may at that time authorize the hospital to pay such transportation and expense and may appoint a suitable person to accompany the patient and authorize the hospital to pay the actual and necessary expenses of such person and the per diem provided for in subsection (1). Any hospital making such payments shall be reimbursed by the county.

142.06 When the superintendent of the hospital or the attending physician is of the opinion that a county patient is cured, or no longer needs treatment, or cannot benefit thereby, he shall discharge the patient. The county judge in case of treatment in the county may discharge the patient whenever he is satisfied as to said facts. If the patient is unable to travel alone, and provision therefor has not been made under section 142.05, the superinten-

dent or *physician* shall notify the county judge who shall appoint some suitable person to bring the patient back. Such person shall receive expenses and compensation as provided in section 142.05.

(142.08) (1) (as renumbered) The net cost of caring for a certified patient at the *Wisconsin General Hospital or Wisconsin Orthopedic Hospital For Children* shall be paid one-half by the state and one-half by the county of his legal settlement. The county board may in its own name collect from such patient the total net cost of such care, and after deducting its share of the cost of such care pay the balance so collected to the state.

SECTION 3. A new subsection is added respectively to sections 142.03 and 142.08 of the statutes to read: (142.03) (3) (a) Adequate treatment for a crippled person means that treatment which is given in a hospital which maintains a resident or visiting surgeon who devotes full time to the practice of orthopedic surgery, and the operative treatment given crippled persons in such hospital shall be performed by an orthopedic surgeon.

(b) A crippled person for the purpose of this chapter means one who has some physical defect such as affections of the joints, affections of the bones, disturbances of the neuro-muscular mechanism, congenital deformities, static and other acquired deformities, that may be corrected or improved by orthopedic surgery or other special surgical and medical care.

(c) In the case of a crippled person under twenty-one years of age who has been committed to any hospital for treatment, such hospital on discharge of the patient shall make a report to the crippled children division of the state department of public instruction, stating the name, age and address of the child, name of his father or guardian, description of his disability, treatment given, recommendation for after-care, and such other information as said department may require.

(142.08) (5) The expense of treatment of patients in other hospitals under this chapter shall be paid by the county treasurer upon certificate of the county judge, who shall be satisfied as to the correctness and reasonableness thereof.

SECTION 4. This act shall take effect upon passage and publication.

Approved April 30, 1931.