

No. 268, S.]

[Published September 14, 1945.

CHAPTER 585.

AN ACT to revise chapter 49 of the statutes, relating to relief, old-age assistance, aid to dependent children, and blind aid; and kindred provisions found elsewhere in the statutes, and making an appropriation, and providing a penalty.

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

SECTION 1. 20.17 (26) of the statutes, as created by chapter 293, laws of 1945 (Bill No. 1, A.), is amended to read:

20.17 (26) On July 1, 1945, * * * \$90,000, and on July 1, 1946, * * * \$115,000 for distribution to counties and local units of government as direct aid for poor relief. The sums appropriated in this subsection shall not become available until released by the emergency board. They shall be made available by the emergency board at such times and in such amounts as the board may determine to be necessary to adequately provide for the purposes for which they are appropriated, with due regard for the whole amount available for such purposes. If the provision relating to release by the emergency board is invalid, the appropriation in this subsection shall not be invalidated but shall be considered to be made without any condition as to time or manner of release.

SECTION 1a. 20.18 (1) of the statutes as amended by chapter 293, laws of 1945 (Bill No. 1, A.), is amended to read:

20.18 (1) On July 1, 1945, * * * \$1,506,500 and annually, beginning July 1, 1946, * * * \$1,834,400 for state aid for dependent children and in addition thereto all moneys received from the federal government for this purpose, to be expended according to the provisions of section * * * 49.19 and section 49.03 (1) (c) when the county has exercised the option under and given aid pursuant to that paragraph.

SECTION 2. 20.18 (4) of the statutes as amended by chapter 293, laws of 1945 (Bill No. 1, A.), is amended to read:

20.18 (4) BLIND * * * AID. For state and federal aid to the blind and to the blind and deaf, on July 1, 1945, * * * \$163,900, and annually, beginning July 1, 1946, * * * \$170,850, and in addition thereto all moneys received from the federal government for aid to the blind, to be expended according to the provisions of section * * * 49.18 and section 49.03

(1) (c) when the county has exercised the option under and given aid pursuant to that paragraph.

SECTION 3. 20.18 (5) of the statutes as amended by chapter 293, laws of 1945 (Bill No. 1, A.), is amended to read:

20.18 (5) OLD-AGE * * * ASSISTANCE, STATE AID. On July 1, 1945, * * * \$5,372,400, and on July 1, 1946, and annually thereafter * * * \$6,079,350, and in addition there- to all moneys received from the federal government to match expenditures of the state and its political subdivisions for state and federal aid for old-age assistance, to be allotted according to the provisions of section 49.38 and section 49.03 (1) (c) when the county has exercised the option under and given aid pursuant to that paragraph.

SECTION 4. 20.18 (6) of the statutes is amended to read:

20.18 (6) (a) For aid to the counties in the administration of old-age assistance, aid to dependent children, and aid to the blind * * *, annually, beginning January 1, 1939, 80 per cent of all moneys received from the federal government for the administration of these forms of public assistance, to be allotted as provided by * * * section 49.51 (3) (a).

(b) Annually, beginning July 1, 1945, in addition to paragraph (a), \$250,000 to reimburse the counties 25 per cent of the expenditures incurred in the administration of old-age assistance, aid to dependent children, and aid to the blind and for services required for the state, as provided by section 49.51 (3) (b).

SECTION 5. 20.18 (10) of the statutes is created to read:

20.18 (10) TO COUNTIES FOR STATE DEPENDENTS. Annually, beginning July 1, 1945, the sums necessary to reimburse counties for aid to persons chargeable against the state upon certification of the state department of public welfare as provided in section 49.04.

SECTION 5m. 20.18 (8) of the statutes is amended to read:

20.18 (8) Whenever it shall become apparent in any fiscal year that the appropriations made by subsections (1), (4) * * *, (5) or (6) (b) of section 20.18 will exceed the amount needed to pay the state's full share of aid as determined under sections * * * 49.18, 49.19 and 49.38, respectively, such excess shall be transferred, upon order of the state department of public welfare, by the secretary of state, from the original appropriation and used to supplement any of the other appropriations

made by said subsections for the same fiscal year that shall be insufficient to meet the state's full share as determined under said sections * * * 49.18, 49.19 and 49.38.

SECTION 6. 47.08, 48.33, 48.331,, and 49.01 to 49.53 of the statutes are repealed.

SECTION 7. Chapter 49 of the statutes is entitled PUBLIC ASSISTANCE.

SECTION 8. 49.01 of the statutes is created to read:

GENERAL RELIEF

49.01 DEFINITIONS. As used in chapter 49:

(1) "Relief" means such services, commodities or money as are reasonable and necessary under the circumstances to provide food, housing, clothing, fuel, light, water, medicine, medical and surgical treatment (including hospital care), nursing, transportation, and funeral expenses, and includes wages for work relief. The food furnished shall be of a kind and quantity sufficient to provide a nourishing diet. The housing provided shall be adequate for health and decency. Where there are children of school age the relief furnished shall include necessities for which no other provision is made by law.

(2) "Work relief" means any moneys paid to dependent persons entitled to relief who have been required by any municipality or county to work on any work relief project.

(3) "Work relief project" means any undertaking performed in whole or in part by persons receiving work relief.

(4) "Dependent person" or "dependent" means a person without the present available money or income or property or credit, or other means by which the same can be presently obtained, sufficient to provide the necessary commodities and services specified in subsection (1).

(5) "Municipality" means any town, city or village.

(6) "Department" means the state department of public welfare.

SECTION 9. 49.02 of the statutes is created to read:

49.02 RELIEF ADMINISTRATION. (1) Every municipality shall furnish relief to all dependent persons therein and shall establish or designate an official or agency to administer the same.

(2) Every county may furnish relief to all dependent persons within the county but not having a legal settlement therein,

and if it elects to do so, it shall establish or designate an official or agency to administer the same.

(3) When the settlement of a dependent person is unknown or in doubt relief may be initially administered by the municipality in which such person is found in need, but the matter shall be promptly investigated and reported or referred as the case may be to the county in which the municipality is situated.

(4) Nothing in this section shall prevent any county or municipality from entering into a joint or co-operative agreement under section 66.30.

(5) Except in counties having a population of 250,000 or more, the municipality or county shall be liable for the hospitalization of and care rendered by a physician and surgeon to a person entitled to relief under this chapter, without previously authorizing the same, when, in the reasonable opinion of a physician, immediate and indispensable care or hospitalization is required, and prior authorization therefor cannot be obtained without delay likely to injure the patient. There shall be no liability for such care or hospitalization beyond what is reasonably required by the circumstances of the case, and liability shall not attach unless, within 48 hours after furnishing the first care or hospitalization of the patient, written notices by the attending physician and by the hospital be mailed or delivered to the official or agency designated in accordance with this section, reciting the name and address of the patient, so far as known, and the nature of the illness or injury, and the probable duration of necessary treatment and hospitalization. Any municipality giving care or hospitalization as provided in this section to a person who has settlement in some other municipality may recover from such other municipality as provided in section 49.11.

(6) Officials and agencies administering relief shall assist dependent persons to regain a condition of self-support through every proper means at their disposal and shall give such service and counsel to those likely to become dependent as may prevent such dependency.

SECTION 10. 49.03 of the statutes is created to read:

49.03 OPTIONAL COUNTY SYSTEMS. (1) The county board may, by a resolution adopted by an affirmative vote of a majority of all its members:

(a) Provide that the county shall bear the expense of main-

taining all dependents therein and thereupon the county shall relieve all dependents in the county; and all powers conferred and duties imposed by this chapter upon municipalities shall be exercised and performed by the county, or

(b) Abolish all distinction between county dependents and municipal dependents as to sick care requiring the services of a physician or surgeon, or hospitalization; and have the entire expense of such care and hospitalization a county charge, or

(c) Abolish all distinction between county dependents and municipal dependents receiving old-age assistance or aid to dependent children or aid to the blind, as to medical or surgical and hospital and nursing home care, and have the entire expense of such medical, surgical, hospital and nursing home care a county charge, to be administered by the county agency administering such aids and be reimbursed 35 per cent of such expense plus any federal aid received for such expenditures from the appropriations made for aid to the blind, aid to dependent children or old-age assistance as the case may be.

(2) The county board by a resolution adopted by an affirmative vote of majority of all its members may repeal any resolution adopted under subsection (1).

SECTION 11. 49.04 of the statutes is created to read:

49.04 STATE DEPENDENTS. (1) From the appropriation made in section 20.18 (10) the state shall reimburse the counties for the relief of all dependent persons who do not have a settlement within any county in this state and who have resided in the state less than 1 year.

(2) The state department of public welfare shall make suitable rules and regulations governing notification of reimbursement charges, the relief to be provided, the presentation of claims for reimbursement and other matters necessary to the provision of relief to such state dependent persons. The observance of such rules and regulations by a county shall be a condition for reimbursement.

(3) The presentation of a claim for reimbursement shall be accompanied by a verified copy of the sworn statement required by section 49.11 (1), and an affidavit that diligent effort was made to ascertain the facts relating to the dependent's legal settlement and period of residence in the state, and reciting such other facts as the department requires. If the department is satisfied as to the correctness of the claim it shall certify the

same to the secretary of state for payment to the county entitled thereto. Any necessary audit adjustments for any month of the current or prior fiscal years may be included in subsequent certifications.

(4) Any county aggrieved by the disallowance of its claim for reimbursement hereunder may petition the department for a hearing which shall be accorded after due notice. The department may of its own motion order such investigation and hearing as it deems necessary. Such hearing shall be governed by chapter 227.

SECTION 12. 49.05 of the statutes is created to read:

49.05 WORK RELIEF. (1) Any municipality or county required by law to administer relief may require persons entitled to relief to labor on any work relief project authorized and sponsored by the municipality or county, at work which they are capable of performing. When a work relief project requires the employment of skilled tradesmen, and the number of such tradesmen listed on the relief rolls of the municipality or county sponsoring the project is not sufficient to meet the requirements of the project, the municipality or county may hire tradesmen who are not receiving public relief, and they shall be paid at the prevailing wage for such labor in the municipality or county.

(2) The basis of payment of persons granted work relief shall be determined by the unit of government responsible for the person's relief.

(3) Municipalities or counties may authorize work relief projects for the performance of any work not prohibited by law, provided that such projects are not operated so as to supplant regular employes of the municipality or county or the other municipal or county units hereinafter mentioned. Municipalities or counties may, by mutual agreement, assign persons entitled to work relief to work on work relief projects operated by the state or by other municipalities, counties, school districts, drainage districts, utility districts, metropolitan sewerage areas, or other governmental units. Such agreement may or may not provide for full or partial work relief reimbursement to the municipality or county loaning such persons by the municipality or county or unit to which such persons are loaned.

(4) Municipalities or counties granting work relief shall be directly liable to persons granted work relief for any benefits legally recoverable under the workmen's compensation law of

Wisconsin, but may contract with another governmental unit, for whose benefit such work relief project is primarily designed, to share such liability or wholly assume the same, and such other governmental unit is hereby authorized to make such contracts of sharing or total assumption of liability.

(5) Municipalities or counties may authorize the sale of products made on any work relief project to governmental units, and to religious, charitable or educational institutions.

(6) Municipalities or counties may operate work relief projects which will serve to rehabilitate disabled persons so as to enable such persons to qualify for employment in public or private industry.

(7) The value of work relief labor shall be deemed to off-set the payments made therefor and such payments shall not be recoverable under section 49.11.

SECTION 13. 49.06 of the statutes is created to read:

49.06 HOME AND INSURANCE EXEMPT. No person shall be denied relief on the ground that he has an equity in the home in which he lives or a cash or loan value not in excess of \$300 in a policy of insurance. No applicant for relief shall be required to assign such equity or insurance policy as a condition for receiving relief. Where persons are not in fact dependent, as defined by this chapter, but who, if they converted their limited holdings, real or personal, would, by reason of a fallen market or by reason of economic or other conditions, be required to suffer a substantial loss, then and in that event such persons shall be permitted, by proper assignments to the county or municipality, to render themselves qualified to receive relief.

SECTION 14. 49.07 of the statutes is created to read:

49.07 LIABILITY OF RELATIVES; ENFORCEMENT. (1) The father, mother, husband, wife and children of any dependent person who is unable to maintain himself, shall maintain such dependent person, so far as able, in a manner approved by the authorities having charge of the dependent, or by the board in charge of the institution where such dependent person may be; but no child of school age shall be compelled to labor contrary to the child labor laws.

(2) Upon failure of relatives so to do said authorities or board may apply to the county judge of the county in which such dependent person resides for an order to compel such maintenance.

(3) At least 10 days prior to the hearing on said application notice thereof shall be served upon such relatives in the manner provided for the service of summons in courts of record.

(4) The county judge shall in a summary way hear the allegations and proofs of the parties and by order require maintenance from such relatives, if of sufficient ability (having due regard for their own future maintenance and making reasonable allowance for the protection of the property and investments from which they derive their living and their care and protection in old age) in the following order: First the husband or wife; then the father; then the children; and lastly the mother. Such order shall specify a sum which will be sufficient for the support of such dependent person, to be paid weekly or monthly, during a period fixed therein, or until the further order of the court. If satisfied that any such relative is unable wholly to maintain such dependent person, but is able to contribute to his support, the judge may direct 2 or more such relatives to maintain him and prescribe the proportion each shall contribute and if satisfied that such relatives are unable together wholly to maintain such dependent person, but are able to contribute something therefor, the judge shall direct a sum to be paid weekly or monthly by each such relative in proportion to his ability. Upon application of any party affected thereby and upon like notice and procedure, the said judge may modify such order. Obedience to such order may be enforced by proceedings as for a contempt.

(5) Any party aggrieved by such order may appeal therefrom to the circuit court pursuant to the provisions of chapter 324, so far as applicable and necessary, but when the appeal is taken by the authorities having charge of the dependent person an undertaking need not be filed.

(6) If any relative who has been ordered to maintain a dependent person neglects to do as ordered, the authorities or board may recover in an action on behalf of the municipality or institution for relief or support accorded the dependent person against such relative the sum prescribed for each week the order was disobeyed up to the time of judgment, with costs.

SECTION 15. 49.08 of the statutes is created to read:

49.08 RECOVERY FROM DEPENDENTS. If any person at the time of receiving relief under sections 49.01 to 49.17 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 dependent, or the board in charge of the institution, may sue for the value of the relief from such person or his estate. In such action the statutes of limitation shall not be pleaded in defense, except that nothing herein shall eliminate the bar of section 313.08. The court may refuse to render judgment or allow the claim in any case where a parent, wife or child is dependent on such property for support. The records kept by the municipality or institution are prima facie evidence of the value of the relief furnished.

SECTION 16. 49.09 of the statutes is created to read:

49.09 REMOVAL OF DEPENDENTS. (1) When a dependent person, other than a recipient of old-age assistance, aid to blind, or aid to dependent children, is receiving relief elsewhere than at his place of settlement and refuses to return thereto, the officer or agency of the place administering relief or of the place of settlement may petition the judge of the county court or the judge of any other court of record of the county in which the relief is furnished for an order directing such person to return to his place of settlement. The petition shall state specifically the reasons upon which the order is sought and copies shall be served upon the dependent person, the officer or agency of the place of residence or the place of legal settlement. Notice of hearing shall be served upon the same parties at least 10 days in advance of the hearing. Service may be made personally or by registered mail with return receipt requested.

(2) If the judge finds that return to the place of legal settlement does not substantially reduce the employment and earning opportunities of the dependent person, does not materially disrupt family ties, and does not work any material injustice to him, he may order the dependent person to return to his place of settlement. The order of the judge for removal shall specify a time beyond which no further relief shall be granted the dependent person unless he returns to the place of his legal settlement and shall further specify the conditions to be complied with by the petitioning municipality to provide suitable transportation to the place of settlement. The cost of transportation shall be chargeable to the place of legal settlement and may be

recovered as any other relief costs, pursuant to section 49.11. If the place of legal settlement is the petitioner, the entry of such order shall not be a defense to collection of future relief charges unless it can show affirmatively that all conditions as to providing transportation specified in the order were fully complied with. Any such removal order may be suspended by the judge at any time without notice or hearing upon application of the relief agency of the place of residence for authority to issue relief to meet an emergency medical condition, and further the judge may in his discretion at any time entertain an application by the dependent person or either municipality to revoke such removal order and upon giving of notice and hearing as provided in subsection (1), may revoke such order temporarily or permanently. A copy of the order suspending the removal order or a copy of revocation of the removal order shall be served on the place of legal settlement within 10 days of the entry thereof and any and all relief granted pursuant to the suspension of revocation order will be chargeable to the place of legal settlement to the same extent as though no removal order had been entered. Any removal order entered by a judge shall affect and be binding on only those municipalities which have been served with the petition and notice of hearing.

SECTION 17. 49.10 of the statutes is created to read:

49.10 LEGAL SETTLEMENT, HOW DETERMINED. (1) A wife has the settlement of her husband if he has any within the state; but if he has none, she has none.

(2) Legitimate minor children have the settlement of their father if living, or of their mother if their father is deceased; but if the parents are divorced, the children have the settlement of the parent who has legal custody, and if such parent has no settlement, the children have none.

(3) Illegitimate minor children have the settlement of their mother unless her parental rights are terminated; and if her settlement is lost, theirs is lost.

(4) Every person (except as otherwise provided in this section) who resides in any municipality one whole year gains a legal settlement therein; but the time spent by a person in any municipality while supported therein as a dependent person or while residing in a transient camp or while employed on any municipal, county, state or federal work relief project or program or as an inmate of any home, asylum or institution for the care of

aged, neglected or dependent persons, maintained by any lodge, society or corporation, or of any state or United States institution for the care of veterans of the military and naval services, or while residing or while employed on any Indian reservation over which the state has no jurisdiction, shall not be included as part of the year necessary to acquire or lose a settlement. No legal settlement shall be lost, acquired or changed while a person is supported in whole or in part in any institution or foster home as a public charge. The time spent by any person while residing on lands owned, operated or controlled by another municipality shall not be included as part of the year necessary to acquire a legal settlement in the town, city or village wherein such lands are located, but shall be included as part of the year necessary to acquire a legal settlement in such other municipality.

(5) After September 16, 1940, the time spent by any person in the service of the United States army, navy, marine corps, coast guard, or any branch thereof, shall not be included as part of the year necessary to acquire or lose a settlement in any municipality. The provisions of this subsection are retroactive, except that payments or determinations made before July 11, 1943 on the basis of legal settlement under this section before said date are not affected but any findings or determinations on settlement made before such effective date shall not be determinative of settlement in subsequent cases where the application of this subsection would result in a different finding or determination on settlement.

(6) Marriage emancipates minors so that they acquire settlement in their own right.

(7) Every settlement continues until it is lost by acquiring a new one in this state or by residing for one whole year elsewhere than the municipality in which such settlement exists; and upon acquiring a new settlement or upon residing for one whole year elsewhere than the municipality of settlement all former settlements are lost.

(8) Where a divorce has been granted, the date from which a new settlement may be acquired by a married woman shall be the day on which the divorce is granted and not the termination of the year period thereafter when the divorce judgment becomes final.

(9) When any territory is organized into or attached to any municipality every person having a settlement in such territory,

and who actually dwells or has his home, or if absent, had his last dwelling place or home therein, thereafter has a settlement in such new municipality or the one to which such territory is so attached. The organization into or attachment to any municipality of any territory shall not prevent any person from acquiring a legal settlement therein within the time and by the means by which he would have gained it there if no new municipality had been organized or such territory had not been attached.

(10) The provisions of this section shall not affect any commitments to institutions, payments or decisions made or actions, proceedings or petitions pending or causes of action existing on the basis of legal settlement before the effective date of this section.

SECTION 18. 49.11 of the statutes is created to read:

49.11 LEGAL SETTLEMENT, COLLECTION FROM. (1) SWORN STATEMENT OF SETTLEMENT. When relief is granted to a dependent person he shall be required to make a sworn statement of facts relating to his legal settlement; but if he is unable to make a sworn statement it may be made by any person having knowledge of the facts.

(2) RIGHT TO COLLECT FROM PLACE OF SETTLEMENT. When the person so relieved claims a settlement outside the county where the relief is granted or claims to have no settlement, the expenses shall be a charge against the county. The charge shall be audited by the county board, and may be recovered by such county from the county of his settlement, and such county in turn, (except when operating under the county system of relief), may recover from the municipality of his settlement. If the county wherein the aid is granted fails to pay the charge to the granting municipality within 8 months after it is filed with its clerk, the municipality may proceed against said county under this section to recover for the relief granted. In such proceedings the county may set up the defenses that the settlement of the recipient is in the municipality which granted the aid or that he was not in need of the aid furnished or that the notices required to be served were defective to the prejudice of the county. If a county is unable to recover due to the negligence of the municipality in ascertaining the facts relating to the recipient's settlement or in giving the notices required or in ascertaining the need for the aid or because his settlement is in the municipality, the department may order the

municipality to reimburse the county. When the person relieved has his settlement in the county where relieved, and the county system of relief is not in operation, the municipality furnishing the relief may recover therefor from the municipality of his settlement.

(3) NOTICE OF CLAIMED SETTLEMENT. (a) *County system.* When a county grants relief to a person claiming settlement in another county, its clerk shall within 20 days after he becomes a public charge file with the clerk of the other county a notice as provided in paragraph (f).

(b) *Municipal system.* If a municipality grants relief to a person claiming settlement in another county the municipal clerk shall within 20 days after he becomes a public charge file with the clerk of his county a notice as provided in paragraph (f) and that county clerk shall within 20 days after the receipt thereof file a copy of said notice with the clerk of the county in which such person claims a settlement.

(c) *Filing and transmitting.* When a county clerk receives notice from another county clerk as provided for in paragraphs (a) and (b) and his county is not operating under the county system of maintaining its dependents, he shall within 20 days after such receipt file a copy of the notice with the clerk of the municipality in which the dependent claims a settlement. If the county is operating under such county system, its clerk need not file notice with the municipal clerk.

(d) *Settled in county.* If a municipality grants relief to a person claiming settlement in the same county, the municipal clerk shall within 20 days after such person becomes a public charge file with the clerk of the municipality in which the dependent claims a settlement a notice as provided for in paragraph (f).

(e) *Non-settled.* If a municipality grants relief to a person who appears to be without a settlement in Wisconsin, a copy of his sworn statement and a notice as provided for in paragraph (f) shall be filed with the clerk of the county within 20 days after such person becomes a public charge.

(f) *Content of notice.* The nonresident notice filed under paragraphs (a), (b), (c), (d) and (e) shall be on a standard form prescribed by the department and shall state the name of the municipality granting the relief, the name of the person and members of his household who have received public aid,

the name of the municipality where he claims his settlement, or, if such place could not after due diligence be ascertained, a statement of such fact, and the date on which the relief was furnished. Along with the nonresident notice the clerk shall also file a copy of the sworn statement taken as provided in section 49.11 (1).

(g) *Late filing.* If the required nonresident notices are not given within 20 days after the person becomes a public charge but are given later the municipality or county notified shall be liable only for the expense incurred for support from the time such notices are given.

(h) *Notice denying settlement.* Unless the municipality (or county when on the county system) upon which such nonresident notice is filed shall within 20 days deny that the dependent's settlement is as claimed, it shall be liable for his support until said denial is made. The denial shall state the facts upon which settlement is disputed, and copies shall be filed with all municipal and county clerks involved in the giving or transmission of the nonresident notice.

(4) VERIFIED CLAIMS TO BE FILED. Verified claims for relief granted shall be filed with the same parties and the procedure for the filing of claims shall be the same as is provided in section 49.11 (3) for the filing of nonresident notices. When a defendant county operates on the municipal system of relief, a copy of the verified claim shall be filed by the clerk of the defendant county within 30 days after such claim has been filed with him and failure to so file shall bar recovery by a defendant county from the municipality.

(5) STATUTE OF LIMITATIONS. (a) *Accounts against county.* When relief is administered by municipalities, claims therefor against the county are barred unless they are filed within one year from the date the relief is granted.

(b) *Intra-county claims.* When the dependent's settlement is claimed to be within the county wherein the relief is granted, claims not filed with the municipality of alleged settlement within one year after granting the relief are barred.

(c) *Inter-county claims.* When the settlement is alleged to be within another county claims not filed within 2 years from the date the relief is granted are barred.

(d) *Notice of disallowance.* When a claim for relief is disallowed (either by action or lapse of time) the clerk shall within

30 days file notice of disallowance with the clerk of the claimant who shall promptly notify his relief official or agency, and action on the claim must be commenced within 6 months after such filing and within 6 years after the relief was granted.

(e) *Old claims.* A claim for relief granted prior to July 1, 1943, which was valid on said date shall be subject to the provisions of this subsection in like manner as if such relief had been granted on said date, except that filing of a claim for such relief prior to said date in the manner then prescribed shall for all purposes satisfy the filing requirements of this section; but nothing in this subsection shall toll the 6-year statute of limitations on any such claims.

(f) *Six-year limitation.* Any right growing out of a relief claim, (not barred by the 6-year statute of limitations) which a county or municipality had against another county or municipality prior to July 1, 1943, may be enforced in a proceeding before the department as provided in section 49.03 of the 1943 statutes.

(6) WHO MAY SUE. (a) *County.* Upon receipt of notice of the disallowance of the claim of any county, its clerk shall forthwith notify the district attorney of his county, who may institute an action in the name of the county for the recovery of so much of said claim as has been disallowed, and in such action the county shall not be required to give bond.

(b) *Municipality.* Upon receipt of notice of disallowance of the claim of any municipality against another municipality within the same county the clerk receiving such notice shall notify the governing body of his municipality which may thereupon institute a proceeding under subsection (7).

(7) PROCEEDINGS. (a) *Jurisdiction and practice.* All relief claims by one municipality or county against another municipality or county, which have been disallowed or which have not been acted upon as required by statute, may be prosecuted before the department which is hereby given the exclusive power and duty to try and determine such controversies. In any such proceeding all municipalities or counties liable presently or ultimately, or connected with the controversy are necessary parties to the proceeding. The parties have the right to be present at any hearing, by attorney, or any other authorized agent approved by the department, and to present pertinent testimony and argument. The department may appoint exam-

iners to conduct such hearings. The department or an examiner thereof, for the purpose of carrying out such powers and duties, may issue subpoenas. The department may make such regulations and adopt such rules of practice not inconsistent herewith or with Chapter 227 as will enable it to effectually perform its duties hereunder. The department may grant to the prevailing party and against the losing party actual expenses incurred for witnesses but not to exceed \$2 per day for witness fees nor 5 cents per mile for travel.

(b) *Pleadings and hearing.* Such proceedings shall be commenced by complaint which shall be entitled "Before the state department of public welfare of Wisconsin". The complaint shall contain the names of the parties and matters and prayers as in complaints generally. It may be served, with sufficient copies, upon the department by registered mail; the department shall thereupon note such service upon the original complaint and so notify the claimant. The department shall immediately transmit a copy by registered mail to the defendant county or municipality, which shall have 20 days from the time of the mailing of such copy to serve by registered mail an answer, with sufficient copies, upon the department. The department shall acknowledge such service and mail a copy of the answer to the claimant. When the department has determined that the matter is at issue, it shall notify the parties of the time and place of hearing thereon and in its discretion may continue or adjourn such hearing for a reasonable period. The department shall make its findings and order and transmit copies thereof to the parties by registered mail as soon as possible after such hearing.

(c) *Judicial review.* Such order shall be subject to review in the manner provided in chapter 227, except that the appeal shall be taken to the circuit court in one of the following counties: (1) Douglas, (2) Eau Claire, (3) Marathon, (4) Brown, (5) La Crosse, (6) Dane, (7) Milwaukee, and may be heard at a regular or special term.

(d) *Service by mail.* The mailing within such 20 days, of any notice herein provided for shall be by registered mail with return receipt requested.

(e) *State special charge.* When a matter is finally determined on appeal, or if no appeal is taken within the prescribed time, the amount owing by a county or municipality shall be certified by the department to the secretary of state and shall

thereafter be collected as are other special state charges against counties and municipalities, with interest at the rate of 6 per cent per annum to be computed to March 22 following. The state treasurer shall remit to the prevailing county or municipality such amount, as soon after March 1 of each year, as may be, upon order of the secretary of state.

SECTION 19. 49.12 of the statutes is created to read:

49.12 PENALTIES. (1) Any person who, with intent to secure public assistance under any provision of chapter 49, whether for himself or for some other person, wilfully makes any false representations shall, if the value of such assistance so secured does not exceed \$50, be punished by imprisonment not more than 6 months or by a fine not to exceed \$100, and, if the value of the assistance does exceed \$50, by imprisonment not more than 5 years nor less than one year, or by a fine not exceeding \$100.

(2) Any person who wilfully does any act designed to interfere with the proper administration of public assistance shall be fined not less than \$10 nor more than \$100 or be punished by imprisonment for not less than 10 nor more than 60 days.

(3) Any dependent person who sells or exchanges supplies or articles furnished him as assistance or who disposes of such supplies or articles in any other way than as directed, with intent thereby to defraud the county or municipality furnishing him assistance, and any person who purchases any article knowing it to have been furnished to another person as assistance shall be punished as provided in subsection (2).

(4) Any person who without legal authority sends or brings, causes to be sent or brought, or advises any dependent person to go to any municipality for the purpose of making him a charge upon such municipality shall be punished as provided in subsection (2).

(5) Any person in charge of public assistance or any of his assistants who receives or solicits any commission or derives or seeks to obtain any personal financial gain through any purchase, sale, disbursement or contract for supplies or other property used in the administration of public assistance shall be punished as provided in section 348.28.

(6) Where a person is originally eligible for assistance and later receives assets which would make him ineligible for such relief and he fails to notify the proper officer or agency of the receipt of such assets and continues to receive aid, same shall be

considered a fraud and the penalties as set forth in subsection (1) hereof shall apply.

SECTION 20. 49.13 of the statutes is created to read:

49.13 ABANDONMENT OF WIFE AND CHILD. (1) When the father, or mother, being a widow or living separate from her husband, absconds or is about to abscond from his or her children, or a husband from his wife, or when such father, mother, or husband is about to remove permanently from the municipality in which he or she resides, leaving a wife or children, or both, chargeable or likely to become chargeable upon the public for support, or neglects or refuses to support or provide for such wife or children, the county or municipality where such wife or children may be, by the official or agency designated to administer public assistance, may apply to the county judge or any justice of the peace of any county in which any property, real or personal, of said father, mother or husband is situated for a warrant to seize the property.

(2) Upon due proof of the facts aforesaid such judge or justice shall issue his warrant authorizing such county or municipality to seize the property of such person, wherever found in said county; and they shall, respectively, be vested with all the rights and title, as limited in this section, to such property which such person had at the time of his departure. They shall immediately make an inventory thereof and return the same with said warrant and their proceedings thereon to the county court. All sales and transfers of any real or personal property left in such county, made by him after the issuing of such warrant, shall be absolutely void.

(3) Upon such return the county court may inquire into the facts and circumstances and may confirm such seizure or discharge the same; and if the same be confirmed shall from time to time direct what part of the personal property shall be sold and how much of the proceeds of such sales and the rents and profits of the real estate shall be applied toward the maintenance of the wife or children of such person. All such sales shall be at public auction in accordance with the laws relating to execution sales of personalty and realty as provided in sections 272.29 and 272.31.

(4) The county or municipality, respectively, shall receive the proceeds of all property so sold and the rents and profits of the real estate of such person and apply the same to the maintenance

and support of the wife or children of such person; and they shall account to the court for the moneys so received and for the application thereof from time to time.

(5) If the person whose property has been so seized shall return and support the wife or children so abandoned or give security to the county or municipality, respectively, (to be approved by them) that such wife or children shall not thereafter be chargeable to such municipality, the court shall discharge such warrant and order the restoration of the property seized by virtue thereof and remaining unappropriated, or the unappropriated proceeds thereof, after deducting the expenses of such proceedings.

SECTION 21. 49.14 of the statutes is created to read:

49.14 COUNTY HOME; ESTABLISHMENT. (1) Each county may establish a county home for the relief and support of dependent persons pursuant to section 46.17.

(2) In all counties whose population is less than 250,000 such county home shall be governed pursuant to sections 46.18, 46.19 and 46.20.

(3) No county in which a county home is established shall contract to conduct the same or to support and maintain the inmates thereof; and all agreements in violation of this subsection are void.

(4) The trustees or any person employed by the county board pursuant to subsections (1) and (2), may administer oaths concerning any matter submitted to him or them, in connection with their functions.

SECTION 22. 49.15 of the statutes is created to read:

49.15 COUNTY HOME; COMMITMENTS; ADMISSIONS. (1) When it appears to the satisfaction of any judge of a court of record upon petition that a person is without a home or necessary care or is living in a state of filth and squalor likely to induce disease, such judge, after affording such person an opportunity to be heard in person or by someone in his behalf, may commit such person to the county home of his county, if there be one therein, otherwise to the county home of some other county, for an indefinite time subject to further order. If the person sought to be committed has a legal settlement, the petition for commitment shall be signed by the relief officer of the municipality of settlement and the cost of care and maintenance shall be a charge against such municipality; but if the person has no legal settle-

ment or the county in which he has settlement operates on the county system of relief the petition shall be signed by the relief officer of the county and the cost of care and maintenance shall be a charge against the county. Any order or process issued by such judge may be served and such commitment may be made by the petitioning officer.

(2) Any person upon application to the board of trustees may be admitted to the county home upon such terms as may be prescribed by the board. If such person or his relatives are unable to pay for his care and maintenance he may be admitted as a charge of the municipality of his legal settlement or the county if he has no settlement, but no municipality or county shall be bound without the written approval of its relief officer or agency, except as provided in subsection (3).

(3) The actual cost for care and maintenance rendered a relief recipient who has legal settlement in another county shall be a proper relief charge and a liability against the place of settlement and recoverable pursuant to section 49.11.

SECTION 23. 49.16 of the statutes is created to read:

49.16 COUNTY HOSPITAL; ESTABLISHMENT. (1) Each county may establish a county hospital for the treatment of dependent persons, pursuant to section 46.17.

(2) In counties with a population of 250,000 or more such institution shall be governed pursuant to section 46.21, but in all other counties it shall be governed pursuant to sections 46.18, 46.19, and 46.20.

SECTION 24. 49.17 of the statutes is created to read:

49.17 COUNTY HOSPITALS; ADMISSIONS. (1) Any person upon application to the board of trustees may be admitted to the county hospital upon such terms as may be prescribed by the board. If such person or his relatives are unable to pay for his care and maintenance he may be admitted as a charge of the municipality of his legal settlement or the county if he has no settlement, but no municipality or county shall be bound without the written approval of its relief officer or agency, except as provided in subsection (2).

(2) The actual cost for hospitalization and treatment rendered a relief recipient who has legal settlement in another county shall be a proper relief charge and a liability against the place of settlement and recoverable pursuant to section 49.11.

SECTION 25. 49.18 of the statutes is created to read:

AID TO THE BLIND

49.18 AID TO THE BLIND.- (1) Any needy person 18 years of age or more who is blind shall receive aid from the county of his residence as provided in this section. Such aid shall not exceed \$40 per month and, when added to his income from other sources, shall not exceed \$780 per year. The maximum of \$40 per month shall be increased to not to exceed \$50 per month whenever the federal government makes aid available to the states for aid to the blind with respect to such increased maximum.

(1a) On the death of a recipient of such aid, if the estate of the deceased is insufficient to defray the funeral and burial expenses, such reasonable amount not exceeding \$100 shall be paid for such expenses as the county judge directs.

(2) To entitle an applicant to such aid:

(a) He must have resided in this state at the time he lost his sight, or for one year preceding his application. An applicant who has resided less than one year in Wisconsin may be granted aid to the blind if the state from which he removed his residence to Wisconsin grants such aid to any resident of Wisconsin who has moved to such state and lived there less than one year; provided that aid to the blind may not be continued to exceed one year to any recipient who removes his residence to another state;

(b) He must not be an inmate of any state, county or municipally owned charitable, reformatory or penal institution, nor be in attendance at any state, county or municipally owned school for the blind or deaf wherein instruction, room and board and other incidentals are furnished free, except the summer school of the Wisconsin school for the blind;

(c) He must not while receiving aid to the blind be publicly soliciting alms;

(d) He must not have relatives legally responsible for his support and able to support him as provided in section 49.07.

(3) If payments are made by any county within and for the first year after a person takes up residence therein, the same shall be a charge against the county where he resided at least one year before removal to the county which makes such payment. The clerk of the payor county shall certify to the clerk of the other county quarterly any amount not reimbursed under

section 49.18 (10) and the latter clerk shall thereupon draw his warrant upon his county treasurer and in favor of the county making such payment for the amount named in such certificate.

(4) All applicants for aid to the blind shall be examined by a physician skilled in eye diseases who shall keep such records and render such reports as the department prescribes. Re-examination shall also be made when necessary. The fee for each examination shall be \$2 but the county board may by resolution establish a larger fee. An applicant for a peddler's license shall pay for his own examination, not to exceed \$2, and obtain a certificate showing whether he is blind.

(5) An applicant for blind aid shall file his sworn application with the county agency of the county in which he resides, in such manner and form, and containing such information, as the department prescribes.

(6) (a) The agency shall promptly make or cause to be made such further investigation of the condition and circumstances of the applicant as may be necessary or as is required by rules and regulations of the department. The county agency shall decide whether the applicant is entitled to blind aid and fix the amount thereof. Such aid shall be paid monthly.

(b) The decision of the agency shall be final unless a proceeding for review by the department is taken under section 49.50 (8) or (9). The agency may, however, after affording a fair opportunity to the recipient to be heard, revoke or modify any aid, as warranted by new information or altered conditions.

(7) Any person receiving aid shall submit to a re-examination as to his blindness and furnish other information whenever requested so to do by the county agency.

(8) No blind aid shall be payable under this section to any person for any period with respect to which he is receiving old-age assistance under sections 49.20 to 49.39.

(9) The county board shall annually levy a property tax sufficient to pay the aid provided by this section, taking into account the available state and federal aid.

(10) The county treasurer and county agency administrator of each county shall monthly certify under oath to the department in such manner as the department prescribes, the claim of the county for state and federal reimbursement under this section, and if the department approves it, it shall certify to the secretary of state for reimbursement to the county 30 per cent

of the approved amount paid by the county for blind aid pursuant to this section, plus federal aid received for such expenditures. If the total amount due all counties exceeds the sum appropriated by section 20.18 (4), the appropriation shall be prorated by the department among the counties according to the amounts due them. To facilitate prompt reimbursement, the certification of the department may be based upon the certified statements of the county officers, provided that any necessary audit adjustments for any month of current or prior fiscal years may be made and included in subsequent certifications. The secretary of state shall draw his warrant forthwith for reimbursement to the respective counties in accordance with the certification of the department.

SECTION 26. 49.19 of the statutes is created to read:

AID TO DEPENDENT CHILDREN

49.19 Aid to dependent children. (1) (a) A "dependent child" as this term is used in this section is a child under the age of 16, or under the age of 18 if found by the department to be regularly attending school, who has been deprived of parental support or care by reason of the death, continued absence from the home, or incapacity of a parent, and who is living with his father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle or aunt in a residence maintained by one or more such relatives as his or their own home.

(b) Any person having knowledge that any child is dependent upon the public for proper support or that the interest of the public requires that such child be granted aid may bring the facts to the notice of a judge of a juvenile court or of a county court of the county in which the child has a settlement.

(2) An investigation of the circumstances of the child shall be made (which shall include a visit to its home) before granting aid. A report upon such investigation shall be made in writing and become a part of the record in the case.

(3) After the investigation and report, aid may be granted to the person having the care and custody of the child as the best interest of the child requires.

(4) The aid shall be granted only upon the following conditions:

(a) There must be a dependent child who is living with the

person charged with its care and custody and dependent upon the public for proper support and who is under the age of 16 years (or under the age of 18 if found by the department to be regularly attending school). Aid may also be granted for minors other than those specified.

(b) The child must have a settlement in the county in which application is made for aid; but it may with the approval of the court, be cared for outside of the county while receiving aid. For the purpose of this section the receipt of public aid during the year next preceding by any child's family shall not bar the child from having settlement in the county.

(c) In case all other conditions for granting aid are satisfied except that the child does not have a settlement in the county in which application is made, aid shall be granted, but only with the approval of the department. The amount paid from county funds as aid in such cases shall be repaid by the state. For the purposes of this section such aid shall not operate to prevent the gaining of a settlement in the county, and shall be chargeable to the state only until the child has acquired such settlement.

(d) The person having such care and custody must be fit and proper to have the same, and the period of aid must be likely to continue longer than 3 months. Aid may not be granted to the mother or stepmother of a dependent child unless such mother or stepmother is without a husband, or the wife of a husband who is incapacitated for gainful work by mental or physical disability, likely to continue for at least 3 months in the opinion of a competent physician, or the wife of a husband who has been sentenced to a penal institution for a period of at least 3 months, or the wife of a husband who has continuously deserted her for 3 or more months, if the husband has been legally charged with abandonment, or if the mother or stepmother has been divorced from her husband for a period of at least 3 months, dating from the interlocutory order, and unable through use of the provisions of law to compel her former husband to support the child for whom aid is sought.

(e) The ownership of a homestead by a person having the care and custody of any dependent child shall not prevent the granting of aid if the cost of maintenance of said homestead does not exceed the rental which the family would be obliged to pay for living quarters.

(f) Whenever better provisions, public or private, can be made

for the care of such dependent child, aid under this section shall cease.

(g) Aid shall be granted to a mother during the period extending from 6 months before to 6 months after the birth of her child, if her financial circumstances are such as to deprive either the mother or child of proper care. The aid allowed under this paragraph may be given in the form of supplies, nursing, medical or other assistance in lieu of money.

(5) The aid shall be sufficient to enable the person having the care and custody of such children to care properly for them. The amount granted shall be determined by a budget for the family in which all income as well as expenses shall be considered. Such family budget shall be based on a standard budget, including the parents or other person who may be found eligible to receive aid under subsection (1) (a), which budget shall be worked out periodically by the judge or agency administering such aid and the county board or a committee of the board. If the county board does not act, the standard budget shall be worked out by the judge or agency alone. Medical and dental aid may be granted to minor children, the mother and the incapacitated father, as necessary. Not to exceed \$100 shall be allowed to cover the burial expenses of a dependent child or its parents. Aid pursuant to this section shall be the only form of public assistance granted to the family for the benefit of such child; and no aid shall continue longer than one year without reinvestigation. This subsection does not prohibit such public assistance as may legitimately accrue directly to persons other than the beneficiaries of this section who may reside in the same household.

(6) The judge may require the mother to do such remunerative work as in his judgment she can do without detriment to her health or the neglect of her children or her home; and may prescribe the hours during which the mother may work outside of her home.

(7) The county board shall annually appropriate a sum of money sufficient to carry out the provisions of this section. The county treasurer shall pay out the amounts ordered paid under this section.

(8) (a) The county treasurer and county agency administrator shall certify monthly under oath to the department in such manner as the department prescribes, the claim of the

county for state and federal reimbursement for aid under this section, setting forth separately the amount of aid paid in cases under subsection (4) (c), the amount paid in cases for which no federal aid is recoverable, and the amount paid in all other cases.

(b) If the department is satisfied that the amount claimed is correct and that the aid allowed has been granted in compliance with the requirements of this section it shall certify to the secretary of state the amount paid by the county as aid in cases under subsection (4) (c) and one-third of the amount paid in other cases plus federal aid received for such expenditures. If the total amount due to counties from the state under this section is more than the amount appropriated from state funds for aid to dependent children, the department shall prorate the sum remaining after payment in full of all claims under subsection (4) (c) among the various counties according to the amounts due them. To facilitate prompt reimbursement the certification of the department may be based upon the certified statements of the county officers, provided that any necessary audit adjustments for any month of current or prior years may be included in subsequent certifications. The secretary of state shall draw his warrant forthwith for reimbursement to the respective counties in accordance with the certification of the department. In determining the amount available for distribution to the counties, one-half of the annual appropriation from state funds shall be allotted to each half year.

(9) If the head of a family is a war veteran and is hospitalized or institutionalized because of disabilities in a county other than that of his residence or settlement at time of admission, aid shall be granted to the dependent children of such veteran by the county wherein the head of the family had his residence or settlement at the time of admission so long as he remains hospitalized or institutionalized.

SECTION 27. 49.20 of the statutes is created to read:

OLD-AGE ASSISTANCE

49.20 COUNTY OLD-AGE ASSISTANCE. For the more humane care of aged, dependent persons a state system of old-age assistance is hereby established. Such system of old-age assistance shall be administered in each county by the county judge, under the supervision of the state department of public welfare. The cost of old-age assistance shall in the first instance be borne by

the county, but the county shall be entitled to state and federal aid as provided in section 49.38.

SECTION 28. 49.21 of the statutes is created to read:

49.21 RECIPIENTS, WHO MAY BE. (1) Any person who complies with the provisions of sections 49.20 to 49.38 shall be entitled to financial assistance in old age. The amount of such old-age assistance shall be fixed with due regard to the conditions in each case, but in no case shall it exceed \$40 per month. The maximum of \$40 per month shall be increased to not to exceed \$50 per month whenever the federal government makes aid available to the states for old-age assistance with respect to such increased maximum.

(2) Any income or resources of any individual arising from agricultural labor performed by him as an employe, or from labor otherwise performed by him in connection with the raising or harvesting of agricultural commodities, shall not be taken into account in determining need in the manner and to the extent such income and resources are exempted by the federal social security act.

SECTION 29. 49.22 of the statutes is created to read:

49.22 PERSONS ELIGIBLE. Old-age assistance may be granted only to a dependent person who:

(1) Has attained the age of 65 years. This minimum age shall be reduced to 60 years whenever the federal government makes aid available to the states for old-age assistance to persons between 60 and 65 years of age.

(2) Has resided in the state continuously during the year immediately preceding the date of application. An applicant who has resided less than one year in Wisconsin may be granted old-age assistance if the state from which he removed his residence to Wisconsin grants assistance to any resident of Wisconsin who has moved to such state and lived there less than one year; provided that old-age assistance may not be continued to exceed one year to any recipient who removes his residence to another state.

(3) Has no person responsible for his support and able to support him as provided in section 49.07.

SECTION 30. 49.23 of the statutes is created to read:

49.23 PERSONS INELIGIBLE. Old-age assistance shall not be granted or paid to a person:

(1) While or during the time he is an inmate of and receives

the necessities of life from any public institution maintained by the state or any of its political subdivisions, or is an inmate of a private charitable, benevolent or fraternal institution or home for the aged, to which no admission charge as a life tenant has been made; provided that application for old-age assistance may be made while the applicant is an inmate of a county home, but if assistance is granted it shall not begin until he ceases to be an inmate of such home.

(2) If the value of his property or the value of the combined property of husband and wife living together exceeds \$5,000.

(3) Who has deprived himself, directly or indirectly, of any property for the purpose of qualifying for assistance or to avoid the provisions of chapter 49.

SECTION 31. 49.25 of the statutes is created to read:

49.25 ASSISTANCE RECOVERED. On the death of a person who has received old-age assistance, the total amount of such assistance paid (including medical and funeral expense paid as old-age assistance) shall be a claim against his estate, but such claim shall not take precedence over the allowances under section 313.15 or over any claim for institutional care under section 46.10. The court may disallow such claim or any part thereof if satisfied that such disallowance is necessary to provide for the maintenance or support of a surviving spouse or minor or incapacitated adult children, and thereupon the claim shall be waived to the extent of the amount disallowed and assigned to such spouse or children for maintenance or support. The net amount recovered pursuant to this section or section 49.26 shall be paid to the United States, the state and its political subdivisions, in the proportion in which they respectively contributed to such old-age assistance. The county agency of the county from which the deceased beneficiary received old-age assistance shall file the claim herein provided.

SECTION 32. 49.26 of the statutes is created to read:

49.26 TRANSFER OF PROPERTY; LIENS ON REAL PROPERTY. (1) PERSONALTY AND FOREIGN REALTY. If the county agency deems it necessary, it may require as a condition to a grant of assistance that all or any part of an applicant's personal property (except that mentioned in section 272.18 (6), and cash or loan value not in excess of \$1,000 in a policy of insurance) and real property not situated in Wisconsin be transferred to the county agency, except that in counties having a population of

500,000 and having a manager of county institutions such property shall be transferred to such manager. The property shall be managed by the county agency or said manager, who shall pay the net income to those entitled thereto. The county agency or said manager may sell, lease or transfer the property, or defend and prosecute all actions concerning it, and pay all just claims against it, and do all other things necessary for the protection, preservation and management of the property. No person shall be denied old-age assistance on the ground that he has cash or loan value not in excess of \$1,000 in a policy of insurance.

(2) RETURN OF EXCESS. If old-age assistance is discontinued during the life of the beneficiary and the property thus transferred exceeds the total amount of assistance paid (including medical expense paid as old-age assistance); the excess of such property shall be returned to the beneficiary; and in the event of his death such excess, less funeral expenses paid as old-age assistance, shall be considered the property of the beneficiary for administration proceedings. The county agency or manager shall execute and deliver all necessary instruments to give effect to this subsection.

(3) DISTRICT ATTORNEY, DUTIES AND FEES. The district attorney shall take the necessary proceedings and represent the county in respect to any matters under this section. The county court in which the estate is probated may authorize the payment of a fee of 10 per cent but not in excess of \$50 for the services of the district attorney which fee shall be paid into the county treasury. No fee shall be authorized to any county employe for services as estate administrator. The county agency and the district attorney shall report to the county board at its November meeting concerning collections made and estates pending. The county board may authorize the district attorney to act for the county generally to collect old-age assistance liens and claims, and claims for hospitalization, institutional care and general poor relief. It may authorize him to compromise the payment of any such claim, with the approval of such judge, officer or agency or of such committee of the county board as the board designates, but such compromise shall be made only when the collection of the full amount would produce undue hardship upon the debtor or the debt is uncollectible. Any compromise made before July 15, 1943, which would be valid if

made pursuant to these provisions for compromise of claim is hereby validated.

(4) **CERTIFICATE OF LIEN, FILING.** All old-age assistance paid to any beneficiary (including medical and funeral expense paid as old-age assistance) constitutes a lien as hereafter provided and remains a lien until satisfied. When old-age assistance is granted, the name and residence of the beneficiary, the amount of assistance granted, the date when granted, the name of the county, and such other information as the department requires, shall be entered on a certificate, the form of which shall be prescribed by the department. The county agency shall file such certificate, or a copy thereof, in the office of the register of deeds of every county in which real property of the beneficiary is situated.

(5) **LIEN, COVERAGE, EXCEPTIONS.** Upon such filing the lien herein imposed attaches to all real property of the beneficiary presently owned or subsequently acquired (including joint tenancy and homestead interests) in any county in which such certificate is filed for any amount paid or thereafter paid under sections 49.20 to 49.38, and remain such lien until satisfied. The county court may order sale of such realty free and clear of the lien and the lien shall attach to the net proceeds of such sale after taxes, prior encumbrances and the costs of the sale have been deducted. Such lien shall take priority over any lien or conveyance subsequently acquired, made or recorded except tax liens and except that the amounts allowed by court in the estate of any deceased beneficiary and remaining unpaid after all funds and personal property in the estate have been applied according to law, for administration and funeral expense, for hospitalization, nursing and professional medical care furnished such decedent during his last sickness, not to exceed \$300 in the aggregate, shall be charges against all real property of such deceased upon which an old-age assistance lien has attached, and which in such order shall be paid and satisfied prior to such lien out of the proceeds derived from such real property upon liquidation of such old-age assistance lien. The certificate need not be recorded at length by the register of deeds, but upon the filing thereof all persons are hereby charged with notice of the lien and of the rights of the county.

(6) **REGISTER OF DEEDS, INDEX, FEES.** The register of deeds shall keep a separate book, properly indexed, in which

shall be entered an abstract of every certificate so filed which shall show the time of filing, the name and residence of the beneficiary, the date of the certificate, the name of the grantor county, and a record of releases and satisfactions. No fee shall be charged for filing such certificate or the entry of the abstract thereof except in counties wherein the register of deeds is compensated otherwise than by salary, and in such counties a fee of 25 cents shall be paid to the register of deeds by the county filing the certificate.

(7) **LIENS, ENFORCEMENT.** Such liens shall be enforceable by the county filing the certificate after transfer of title of the real property by conveyance, sale, succession, inheritance or will, in the manner provided for the enforcement of mechanics' liens upon real property. No such lien and no claim under section 49.25 shall be enforced against the homestead of the beneficiary while it is occupied by a surviving spouse or by any surviving minor children, or any incapacitated adult children of the beneficiary.

(8) **LIENS, RELEASE.** When the county agency of the lienor county is satisfied that collection of the amount paid as old-age assistance will not thereby be jeopardized or that the release of the lien in whole or in part is necessary to provide for the maintenance of the beneficiary, his spouse, or minor children, or incapacitated adult child, it may release the lien as to all or any part of the real property of the beneficiary, which release shall be filed in the office of the register of deeds of the county in which the certificate is filed. The beneficiary, his heirs, personal representatives or assigns may discharge such lien at any time by paying the amount thereof to the treasurer of the proper county who, with the approval of the county agency, shall execute a satisfaction which shall be filed with the register of deeds.

(9) **LIENS, LIQUIDATION.** The county board may authorize any county agency or official to bid in property at foreclosure under this section at a price not to exceed the amount of the claim for assistance, which claim or any part thereof may be applied as a credit on such a bid, or such agency or official may accept a conveyance in lieu of foreclosure. Title to property acquired under this section vests in such agency for the purpose of liquidation, and may be sold and title transferred by it without regard to section 59.67. In the event the county acquires such property, payment as provided by section 49.25 shall not

be made until the property is sold and payment thereon shall be based on the sale price.

(10) LIENS, TAXES AND REPAIRS. The county agency may from its appropriation for old-age assistance make and pay for necessary and essential repairs or purchase tax certificates on property on which the county has an old-age assistance lien, and such expenditures shall be deducted and returned to the appropriation as a priority in determining the net amount recovered to be shared by the federal, state, and county governments under section 49.25.

SECTION 33. 49.27 of the statutes is created to read:

49.27 APPLICATION FOR ASSISTANCE. An applicant for old-age assistance shall file his sworn application in writing with the county in which he resides, in such manner and form as shall be prescribed by the department. If a person receiving old-age assistance goes to another county to reside in a private, charitable, benevolent or fraternal institution or home for the aged and continues to be eligible for old-age assistance under section 49.23 (1) while therein residing, he shall continue to receive his assistance from the county paying the same at the time he moved unless he has a settlement in the county in which the institution or home is located.

SECTION 34. 49.28 of the statutes is created to read:

49.28 INVESTIGATION. Every application shall be promptly investigated. Grants shall be reinvestigated as often as necessary and at least once each year. All investigations shall be reported in writing and appropriately filed.

SECTION 35. 49.29 of the statutes is created to read:

49.29 CERTIFICATE, CONDITIONS, REVOCATION, RECOVERY OF EXCESS.

(1) A certificate shall be issued to each applicant when old-age assistance is allowed stating the date upon which payments shall commence and the amount of each monthly instalment.

(2) Each beneficiary shall file such reports as the department may require. If it appears at any time that the beneficiary's circumstances have changed his certificate may be modified or revoked. Any sum paid in excess of the amount due shall be returned to the county and may be recovered as a debt due the county.

SECTION 36. 49.30 of the statutes is created to read:

49.30 FUNERAL EXPENSES. On the death of a beneficiary

reasonable funeral expenses shall be paid to such persons as the county judge directs; provided, that these expenses do not exceed \$100 and that the estate of the deceased is insufficient to defray these expenses.

SECTION 37. 49.31 of the statutes is created to read:

49.31 MEDICAL AND SURGICAL ASSISTANCE. Unless the old-age assistance is prorated pursuant to section 49.38 (2), no beneficiary shall during the continuance of old-age assistance receive any other relief from the state or from any political subdivision thereof except for medical and surgical assistance.

SECTION 38. 49.32 of the statutes is created to read:

49.32 PAYMENTS EXEMPT FROM LEVY. All amounts received as old-age assistance shall be exempt from every tax, and from execution, garnishment, attachment, or any other process whatsoever and shall be inalienable.

SECTION 39. 49.33 of the statutes is created to read:

49.33 SPECIAL INQUIRY. If there is a reason to believe that a certificate has been improperly obtained a special inquiry shall be made, and payment may be suspended pending the inquiry. If on inquiry it appears that the certificate was improperly obtained, it shall be canceled; but if it appears that it was properly obtained the suspended instalments shall be paid.

SECTION 40. 49.34 of the statutes is created to read:

49.34 FRAUDS PUNISHED. Any person who by means of a wilfully false statement, representation, impersonation, or other fraudulent device, obtains, or attempts to obtain, or aids or abets any person to obtain a certificate to which he is not entitled, a larger allowance than that to which he is justly entitled, payment of any forfeited instalment grant, or aids or abets in buying or in any way disposing of the property of a beneficiary without the consent of the county agency, shall be fined not more than \$500, or imprisoned not more than one year, or be punished by both such fine and imprisonment.

SECTION 41. 49.35 of the statutes is created to read:

49.35 GENERAL PENALTY. (1) Any person who violates any provision of sections 49.21 to 49.38, for which no penalty is specifically provided, shall be subject to a fine not exceeding \$500 or to imprisonment not exceeding one year, or both.

(2) When a beneficiary is convicted under this section his certificate may be canceled.

SECTION 42. 49.36 of the statutes is created to read:

49.36 EFFECT OF CONVICTION OF OFFENSE. If a beneficiary is convicted of any offense, punishable by imprisonment for one month or longer, payments shall not be made during the period of imprisonment.

SECTION 43. 49.37 of the statutes is created to read:

49.37 COUNTY APPROPRIATION, DISBURSEMENT OF FUNDS, REIMBURSEMENT OF COUNTY. (1) The county board shall annually appropriate a sum of money sufficient to carry out the provisions of sections 49.20 to 49.38, taking into account the money expected to be received during the ensuing year as state and federal aid. Upon the orders of the county judge, the county treasurer shall pay out the amounts ordered to be paid as old-age assistance.

(2) The county board may cause each municipality to reimburse the county for all amounts paid in old-age assistance to persons having a settlement therein, less the amounts received by the county from the state and federal governments pursuant to section 49.38. If the county board has taken such action the county clerk shall make a report to the board at its annual November meeting showing in detail the amounts which are chargeable to each municipality, and the board at such meeting shall determine the amount to be raised and paid by each municipality to reimburse the county.

(3) The county clerk shall charge the amount so determined to such municipality and shall certify the same to the municipal clerk. Each municipality shall annually levy a tax sufficient to meet such charges, and shall pay to the county the amount so certified. Such tax shall be a county special tax for tax settlement purposes but the municipality shall pay to the county on or before March 22 in each year the percentage of such tax actually collected, which percentage shall be determined by applying the ratio of collection of its entire tax roll excepting special assessments and taxes levied pursuant to section 59.96 to the amount of such county special tax.

SECTION 44. 49.38 of the statutes is created to read:

49.38 STATE AID; REIMBURSEMENT TO COUNTY. (1) The county treasurer and county agency administrator shall monthly certify under oath, to the department, in such manner as the department prescribes, the claim of the county for state and federal reimbursement of aid paid under sections 49.20 to 49.38.

If the department is satisfied that the amount claimed has actually been expended in accordance with sections 49.20 to 49.38, it shall certify to the secretary of state 30 per cent of the approved amount paid by each county plus federal aid received for such expenditures. To facilitate prompt reimbursement the certification of the department may be based upon the certified statements of the county officers, provided that any necessary audit adjustments for any month of current or prior fiscal years may be included in subsequent certifications.

(2) The secretary of state shall forthwith draw his warrant for reimbursement to the counties in accordance with the certification of the department. If the total amount payable to all counties exceeds the amount available under the appropriation made in section 20.18 (5), the department shall prorate the amount available among the counties according to the amount paid out by each. Whenever the department prorates the amount available to the various counties, the counties in the next following month may prorate to the recipients of old-age assistance such proportion of the amount allowed as the amount paid by the state bears to the full amount due from the state.

SECTION 45. 49.39 of the statutes is created to read:

49.39 STATE AID TO COUNTIES. Any county which is financially unable to fully perform its duties under sections 49.18 to 49.38 may make application to the department for financial assistance to enable it to perform such duties. Before making a determination upon the application, the department shall hold hearings, investigate and obtain or receive proof as to total indebtedness, and tax levy limitations, cash on hand, anticipated revenues from all sources, reasonableness of amounts of its expenditures and necessity therefor, tax delinquencies, reasonableness of valuation for taxation purposes and such other factors not enumerated which are probative of the applicant's financial condition. If the department is satisfied that the applicant's financial condition is such that it cannot provide money for such forms of public assistance, the department shall certify to the secretary of state for payment to the applicant out of the appropriations provided by section 20.18 (9) an amount which will, together with money that the applicant can provide, be sufficient to enable the applicant to properly perform its duties. No such payment shall be made unless the department's certification is approved by the emergency board. The department

shall fix the time and place of hearing, issue subpoenas, take testimony and make reasonable rules and regulations which are necessary to enable it to effectively perform its duties under this section.

SECTION 46. 49.50 of the statutes is created to read:

ADMINISTRATION OF SECURITY AIDS

49.50 STATE SUPERVISION. (1) PLANS AND RECORDS.

The department shall supervise the administration of old-age assistance, aid to dependent children and blind aid. The department shall submit to the federal authorities state plans for the administration of these forms of public assistance in such form and containing such information as the federal authorities require and shall comply with all requirements prescribed to insure the correctness. All records of the department relating to these forms of public assistance shall be open to inspection, at all reasonable hours, by representatives of the federal government. Such merit system status as any employe may have on the effective date of this section (1945) shall not be deemed changed or interrupted by the provisions hereof.

(2) RULES AND REGULATIONS, MERIT SYSTEM. The department shall adopt rules and regulations, not in conflict with law, for the efficient administration of these forms of public assistance, in agreement with the requirement for federal aid, including the establishment and maintenance of personnel standards on a merit basis. The provisions of this section relating to personnel standards on a merit basis supersede any inconsistent provisions of any law relating to county personnel.

(3) PERSONNEL EXAMINATIONS. State-wide examinations to ascertain qualifications of applicants in any county department administering old-age assistance, aid to dependent children or blind aid shall be given by the state bureau of personnel. The bureau shall be reimbursed for actual expenditures on account of such examinations from the appropriations available to the department for administrative expenditures.

(4) PERSONNEL LISTS. All persons who are qualified as a result of examinations shall be certified to the counties in which they reside at the time of examination; if there are no resident qualified persons for any class of positions on the list certified to the county, appointments shall be made from available lists without regard to residence within the county.

(5) COUNTY PERSONNEL SYSTEMS. In counties having a civil service system, the department may delegate to the civil service agency in such county responsibility for determining qualifications of applicants by merit examination, provided the standards of qualifications and examinations have been approved by the agency and the state bureau of personnel. The personnel in such counties shall be exempt from such re-examination provided such personnel has qualified for present positions by examinations conducted pursuant to standards acceptable to the department.

(6) DEPARTMENT TO ADVISE COUNTIES. The department shall advise all county officers charged with the administration of such laws of these requirements and shall render all possible assistance in securing compliance therewith, including the preparation of necessary blanks and reports. The department shall also publish such information as it deems advisable to acquaint persons entitled to public assistance and the public generally with the laws governing the same.

(7) COUNTIES TO OBSERVE REGULATIONS AND KEEP RECORDS. All county officers and employes performing any duties in connection with the administration of these forms of public assistance shall observe all rules and regulations promulgated by the department pursuant to subsection (2) and shall keep such records and furnish such reports as the department requires in relation to their performance of such duties. All records relating to the administration of these forms of public assistance shall be open to inspection at all reasonable hours, by the department and any authorized employe thereof or by any authorized representative of the federal government.

(8) FAIR HEARING AND REVIEW. Any person whose application for any of these forms of assistance is not acted upon by the county agency within a reasonable time after the filing of the application, or is denied in whole or in part, or whose award is modified or canceled, may petition the department for a review of such action. The department shall, upon receipt of such a petition, give the applicant or recipient reasonable notice and opportunity for a fair hearing. The department may make such additional investigation as it may deem necessary. Notice of the hearing shall be given to the applicant and to the county clerk; and the county shall be entitled to be represented at such hearing. The department shall render its decision as soon as

possible after the hearing and shall send a certified copy of its decision to the applicant, the county clerk and the county officer charged with administration of such assistance. The decision of the department shall have the same effect as an order of the county officer charged with the administration of such form of assistance. Such decision shall be final, but may be revoked or modified as altered conditions may require.

(9) HEARING TO INSURE PROPER ADMINISTRATION. The department may at any time terminate payment of state or federal aid on any grant of old-age assistance, aid to dependent children or blind aid which may have been improperly allowed or which is no longer warranted due to altered conditions. Such action shall be taken only after thorough investigation and after fair notice and hearing. Such notice shall be given to the recipient of the assistance, the county clerk, and the county officer charged with the administration of such assistance, and their statements may be presented either orally or in writing, or by counsel. Any decision of the department terminating the payment of state and federal aid shall be transmitted to the county treasurer, and after receipt of such notice he shall not include any payments thereafter made in such case in the certified statement of the expenditures of the county for which state or federal aid is claimed.

SECTION 47. 49.51 of the statutes is created to read:

49.51 COUNTY ADMINISTRATION. (1) COUNTY OFFICERS AND AGENCIES. The county administration of all laws relating to old-age assistance, aid to dependent children and blind aid shall be vested in the officers and agencies designated in the statutes. The county board may provide assistants for such officers and agencies and prescribe their qualifications and fix their compensation in conformity with the rules and regulations of the department as provided in section 49.50 (2).

(2) (a) *Administration in populous counties.* In counties having a population of 500,000 the county board may by ordinance establish a county department of public welfare to consist of 5 members to be appointed by the board, at least 3 of which members shall be members of the county board. Such department shall administer any one or more of the following forms of public assistance: Old-age assistance, aid to dependent children and blind aid, as the county determines. The investigational departments for these respective forms of assistance, existing in such

county at the effective date of this section, may continue under the county department of public welfare, as the county board may determine. The county department of public welfare, in conformity with the rules and regulations of the state department, as provided in section 49.50 (2) shall appoint an administrator and necessary assistants pursuant to the county civil service law, such appointees to receive such salaries as the county department may fix. The county board may at any time by ordinance discontinue the county department of public welfare and provide that the administration of all such forms of public assistance shall be returned to the county court and such other agencies as administered such laws prior to October 10, 1935.

(b) *County departments.* In counties containing a population of less than 500,000, the county board may by ordinance provide for a county pension department with such personnel, qualifications, duties and compensation as the county board may determine in conformity with the rules and regulations of the department as provided in section 49.50. The county department shall administer within such county all laws relating to old-age assistance, aid to dependent children and blind aid, or any or all of such forms of assistance. The creation of such county pension department shall not prevent the discontinuance thereof by subsequent adoption of an ordinance reinstating the prior method of administering such forms of assistance.

(3) REIMBURSEMENT. (a) *Reimbursement of personnel expenses.* The state shall reimburse the counties for expenditures incurred for personnel employed in the administration of old-age assistance, aid to dependent children, and blind aid, to an amount not exceeding 4 per cent of the total paid by each such county to beneficiaries of these forms of assistance; provided, that if the appropriation in section 20.18 (6) (a) is insufficient for the payment in full of the amounts due the counties under this provision such appropriation shall be prorated.

(b) *Reimbursement of administration expenses.* The state shall also reimburse the counties 25 per cent of the expenditures incurred in the administration of old-age assistance, aid to dependent children, and aid to the blind, and for related welfare services performed by a county agency administering such aids in co-operation with or at the request of the state department pursuant to express authorization; provided, that if the appropriation in section 20.18 (6) (b) is insufficient for the payment in

full of the amounts due the counties under this provision such appropriation shall be prorated.

(c) *Reimbursements made monthly.* Payment of the state aid for administration under this section shall be made monthly on certification of the state department of public welfare, at the same time and in the same manner as state and federal aid for old-age assistance, aid to dependent children and aid to the blind.

(4) PRORATION WHEN STATE APPROPRIATIONS ARE INSUFFICIENT. Whenever the state prorates the appropriations for state aid for old-age assistance, aid to dependent children, and blind aid among the counties, the counties may reduce the amounts allowed to the beneficiaries in the following month, by the amount of the state and federal aid unpaid. Such reduction shall be made on a pro rata basis and shall apply until the state and federal aid is paid in full. The amount unpaid by the state as determined with respect to amounts actually expended by the counties for any of these forms of public assistance shall remain as a charge against the state.

(5) ALTERNATIVE OFFICIAL DESIGNATIONS. The use of the words "county court", "county judge", or "juvenile judge" in any statute relating to old-age assistance, aid to dependent children, and blind aid, unless the context indicates otherwise, means the county court, county judge, juvenile judge, county department of public welfare, or county pension department, whichever has been designated by the county board under this section to administer assistance and aid in the county.

SECTION 48. 49.53 of the statutes is created to read:

49.53 *Limitation on giving information; department rules.* The use or disclosure of information concerning applicants and recipients for any purpose not connected with the administration of aid to dependent children, blind aid and old-age assistance is prohibited. The department shall in conformity with the federal social security act and rules or regulations made pursuant thereto adopt rules and regulations restricting the use and disclosure of information concerning such applicants and recipients to become effective upon publication in the official state paper, and copies thereof shall be filed with the secretary of state and county clerks. Any person violating this section or any rule or regulation promulgated hereunder shall be punished by a fine of not less than \$25 nor more than \$500 or by

imprisonment not less than 10 days nor more than one year, or by both fine and imprisonment.

Approved in part and vetoed in part; vetoed portions overridden, September 6, 1945.

No. 513, S.]

[Published September 28, 1945.

CHAPTER 586.

AN ACT to repeal unintended repeals, reconcile conflicts, renumber for better location, correct references, correct errors, supply omissions, clarify language, repeal obsolete provisions and eliminate duplications in, or caused by, the various acts of the 1945 session of the legislature, the acquisition of war surplus property and making an appropriation.

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

SECTION 1. 6.32 (2a) is repealed.

SECTION 2. 14.30 (16), as amended by chapter 16, laws of 1945, is amended to read:

14.30 (16) Receive, examine, determine and audit claims, duly certified and approved by the state department of public welfare, from the county clerk of any county in behalf of such county, which are presented for payment to reimburse such county for certain expenses incurred or paid by it on and after July 1, 1937, in reference to all matters growing out of the return of escaped convicts, from the state prison, * * * state reformatory and the * * * Wisconsin home for women. If the secretary of state shall find such claims correct and just he shall draw his warrant upon the state treasurer and the treasurer shall pay the amount directed in the warrant and as directed and out of the appropriation provided therefor. The secretary of state may prescribe the form of claim and the information required therein. Expenses as herein used shall only include such amounts as were necessarily incurred and actually paid and shall be no more than the legitimate cost would be to any other county had the offense or crime occurred therein. Any incarceration pending arraignment and all commitments prior to the final disposition of the prisoner charged with any offense or crime referred to in sections 53.01 (2), * * * 54.01 (4)