

1973 Assembly Bill 1287

Date published:  
December 22, 1973

### CHAPTER 147, Laws of 1973

AN ACT to repeal 46.22 (4) (a), (c) and (d), 49.176, 49.18, 49.20, 49.22, 49.235, 49.27 to 49.29, 49.33 to 49.37, 49.51 (2) (a) 8 to 10 and 49.61; to renumber 46.22 (4) (b) and (e) to (i) and 49.51 (2) (a) 11 to 14; to amend 45.37 (14), 46.206, 49.046, 49.085, 49.19 (5), 49.30, 49.41, 49.45 (11) (e) and (g), 49.46 (1) (b) and (e) and (2), 49.47 (4) (a) and (c) 1, (6) (a) 1 to 6, 8 to 12 and 15, (b) and (c), 49.50 (3), (8) and (9), 49.52 (5), 49.53 (1) and (2) (a), 52.01 (1), 74.03 (9) (e), 74.031 (11) (e) and 440.82 (2); to repeal and recreate 49.177, 49.46 (1) (a), (c) and (d) 2 and 49.54; and to create 46.22 (4) (g), 49.01 (9) to (12), 49.45 (3) (d), 49.47 (9) and 49.51 (2) (a) 12 of the statutes, relating to enabling federal administration of aid to the blind, old-age assistance and aid to totally and permanently disabled persons, and establishing a program of supplemental state aids.

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

SECTION 1. 45.37 (14) of the statutes, as affected by chapter 90, laws of 1973, is amended to read:

45.37 (14) POWERS OF COMMANDANT OVER PERSONAL FUNDS OF MEMBERS. The commandant of the home may receive, disburse and account for personal funds of members of the home, received from any source other than state funds or old-age assistance payments received under Title XVI of the federal social security act, received from any source, under policies adopted by the board of veterans affairs.

SECTION 2. 46.206 of the statutes is amended to read:

**46.206 Welfare services; supervisory functions of state department.** (1) (a) The department shall supervise the administration of ~~old-age assistance, social services and aid to families with dependent children, aid to the blind and aid to totally and permanently disabled persons.~~ social services and aid under s. 49.19 The department shall submit to the federal authorities state plans for the administration of ~~these forms of public assistance~~ social services and aid under s. 49.19 in such form and containing such information as the federal authorities require, and shall comply with all requirements prescribed to ~~insure~~ ensure their correctness.

(b) All records of the department and all county records relating to ~~these forms of public assistance social services, aid to families with dependent children and aid under ss. 49.18, 49.20 and 49.61, 1971 stats., as affected by ch. 90, laws of 1973,~~ shall be open to inspection, at all reasonable hours, by authorized representatives of the federal government. All county records relating to the administration of ~~these forms of such services and~~ public assistance shall be open to inspection at all reasonable hours by authorized representatives of the department.

(c) The department may at any time audit all county records relating to the administration of ~~these forms of such services and~~ public assistance and may also at any time conduct administrative reviews of county departments of public welfare created by ss. 49.51 (2) (a) and 46.22. Whenever the department conducts such audit or administrative review in a county it shall furnish a copy of the audit or administrative review report to the chairman of the county board, to the county clerk, to the chairman of the county board of public welfare, and to the director of the county department of public welfare, of such county.

(2) The county administration of all laws relating to ~~old-age assistance, social services and aid to families with dependent children, aid to the blind and aid to totally and permanently disabled persons~~ shall be vested in the officers and agencies designated in the statutes.

(3) The use of the words "county agency" in any statute relating to ~~old-age assistance, social services or aid to families with dependent children, aid to the blind, and aid to totally and permanently disabled persons~~ means the county department of public welfare as created by s. 49.51 (2) (a) or 46.22 (1), ~~provided that the provisions of.~~ Nothing in this subsection shall ~~not~~ deprive the juvenile court of any authority it otherwise has under the law.

SECTION 3. 46.22 (4) (a), (c) and (d) of the statutes are repealed.

SECTION 4. 46.22 (4) (b) and (e) to (i) of the statutes, as affected by chapter 90, laws of 1973, are renumbered 46.22 (4) (a), (b), (c), (d), (e) and (f), respectively.

SECTION 5. 46.22 (4) (g) of the statutes is created to read:

46.22 (4) (g) To provide social services for:

1. Persons eligible for or receiving supplemental security aids under Title XVI of the social security act.
2. Persons eligible for or receiving state supplemental payments under s. 49.177.
3. Persons eligible for or receiving aid to families with dependent children under s. 49.19.

SECTION 6. 49.01 (9) to (12) of the statutes are created to read:

49.01 (9) "Federal Title XVI" means Title XVI of the federal social security act.

CHAPTER 147

500

(10) "Essential person" means any person defined as an essential person under federal Title XVI.

(11) "Accommodated person" means any person in a hospital or in a skilled nursing facility or intermediate care facility, as defined in Title XIX of the social security act, who would have been eligible for benefits under s. 49.177 or 49.19 or federal title XVI if he were not in such a hospital or facility.

(12) "Public medical institution" has the meaning designated in Title XIX of the federal social security act.

SECTION 7. 49.046 of the statutes is amended to read:

**49.046 Relief of needy Indians.** From the appropriation made in s. 20.435 (4) (e) and (o) the department may grant relief to needy Indians not eligible for aid under ~~ss. 49.18, s. 49.19, 49.20 to 49.37~~ 49.177, 49.46 or 49.47, ~~or 49.61~~ and residing on tax-free lands, or may appoint the welfare agency in the county or municipality wherein such needy Indians reside to administer such relief. Any ~~such~~ agency so appointed shall make such reports as are required and such accounting for funds as are made available under this section. The department shall adopt and publish suitable rules and regulations governing eligibility for the amount of and the furnishing and paying of relief under this section. The department may enter into suitable agreements with any appropriate agency of the federal government for provision of relief to needy Indians.

SECTION 8. 49.085 of the statutes is amended to read:

**49.085 No action against members of the Menominee Indian tribe in certain cases.** No action shall be commenced under s. 46.10, ~~or 49.08 or 49.25~~ or any other provision of law for the recovery from assets distributed to members of the Menominee Indian tribe and others by the United States pursuant to P.L. 83-399, as amended, for the value of relief or old-age assistance under ~~this chapter s. 49.20, 1971 Stats., as affected by ch. 90, laws of 1973,~~ and the value of maintenance in state institutions under ch. 46, furnished prior to termination date (as defined in s. 70.057 ~~[Stats., 1967]~~ Stats.) to any legally enrolled member of the Menominee Indian tribe, his or her dependents, or lawful distributees of such member under section 3, said P.L. 83-399, as amended. For purposes of this section, "legally enrolled members of the Menominee Indian tribe" shall include only those persons whose names appear on "Final Roll-Menominee Indian Tribe of Wisconsin" as proclaimed by the secretary of the interior November 26, 1957, and published at pages 9951 et seq. of the federal register, Thursday, December 12, 1957.

SECTION 9. 49.176 of the statutes, as affected by chapter 90, laws of 1973, is repealed.

SECTION 10. 49.177 of the statutes, as affected by chapter 90, laws of 1973, is repealed and recreated to read:

**49.177 State supplemental payments.** (1) DEFINITION. In this section "secretary" means the secretary of the U.S. department of health, education and welfare or the secretary of any other federal agency subsequently charged with the administration of federal Title XVI.

(2) ELIGIBILITY. (a) Those of the following persons who meet the resource limitations of federal Title XVI are entitled to receive supplemental payments in an amount determined by the department and approved by the joint committee on finance:

1. Any needy person or couple residing in this state who, as of December 31, 1973, was receiving benefits under s. 49.18, 49.20 or 49.61, 1971 stats., as affected by ch. 90, laws of 1973.

2. Any needy person or couple residing in this state and receiving benefits under federal Title XVI.

3. Any needy person or couple residing in this state whose income, after deducting income excludable under federal Title XVI, is less than the combined benefit level available under federal Title XVI and this section.

4. Any essential person.

(b) To assure that patients in a public medical institution or any accommodated person, having a monthly income exceeding the payment rates established under s. 1611 (e) of federal Title XVI, has certain income available for his personal needs, such individuals may retain income in an amount equal to the maximum income allowed under said section. Income in excess of that allowed shall be applied toward the cost of care in the facility.

(3) MINIMUM SUPPLEMENTAL PAYMENT IN CERTAIN CASES. The total monthly benefits received under this section and federal title XVI by a person or couple described in sub. (2) (a) 1 shall not be less than the total state cash assistance payment amount plus gross earned and unearned income, received by such person or couple for December of 1973.

(4) OPTIONAL FEDERAL ADMINISTRATION. (a) The department may enter into an agreement with the secretary under which the secretary will provide supplemental payments to all eligible persons on behalf of the state or any of its subdivisions. Under the agreement the department shall pay to the secretary an amount specified in accordance with agreed procedures. The department may make advance payments to the secretary if the agreement so provides.

(b) The department may enter into an agreement with the secretary under which the secretary may determine eligibility for medical assistance in the case of aged, blind or disabled individuals under the state plan approved under Title XIX of the social security act.

(c) Agreements made under this subsection or modifications to such agreements require prior approval by the joint committee on finance.

SECTION 11. The unnumbered heading immediately preceding section 49.18 of the statutes is repealed.

SECTION 12. 49.18 of the statutes, as affected by chapter 90, laws of 1973, is repealed.

SECTION 13. 49.19 (5) of the statutes is amended to read:

CHAPTER 147

502

49.19 (5) (a) 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 ~~except as excluded under s. 49.18 (1) (a)~~ as well as expenses shall be considered, ~~and except all~~;

1. All income of each dependent child included in the grant who is: a) a full-time student; or b) a part-time student who is not a full-time employe. For purposes of this subdivision a student is an individual attending a school, college, university or a course of vocational or technical training designed to fit him for gainful employment and except all.

2. From the earned income of any other child 14 years of age or older or any other individual living in the same home as the child and whose needs are taken into account in determining the budget the first \$30 of the total of such earned income for such month plus one-third of the remainder of such income shall not be counted in determining the family income, but this exclusion shall. The exclusion provided under this subdivision does not apply to earned income derived from a training or retraining project or in the case of any person who terminates or reduces his income, terminates his employment or refuses employment without good cause, except that. However, the department may adjust this earned income provision by rule to conform to changes made in federal regulations when such adjustment is approved by the joint committee on finance.

(b) 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 this section. ~~Medical and dental aid may be granted to a minor child, to the person having his care and custody, and to the incapacitated father when he is in the home, as necessary.~~

(c) The aid allowed under this subsection may be given in the form of supplies or commodities or vouchers for the same, in lieu of money, as a type of remedial care authorized under sub. (1) (c), whenever the giving of aid in such form is deemed advisable by the county welfare director dispensing such aid as a means either of attempting to rehabilitate a particular person having the care and custody of any such children or of preventing the misuse or mismanagement by such person of aid in the form of money payments.

(d) ~~Not to exceed more than~~ \$300 shall be allowed to cover the funeral and burial expenses of a dependent child or ~~its~~ his parents, exclusive of and in addition to the actual cemetery charges which shall also be paid by the county responsible for the burial of the recipient.

(e) No aid shall continue longer than one year without reinvestigation.

(f) 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.

SECTION 14. The unnumbered heading immediately preceding 49.20 of the statutes is repealed.

SECTION 15. 49.20 of the statutes, as affected by chapter 90, laws of 1973, and 49.22 and 49.235 of the statutes are repealed.

SECTION 16. 49.27 to 49.29 of the statutes are repealed.

SECTION 17. 49.30 of the statutes is amended to read:

**49.30 Funeral expenses.** On the death of a beneficiary of benefits under federal Title XVI or s. 49.177, if the estate of the deceased is insufficient to defray the funeral and burial expenses, ~~such~~ reasonable funeral and burial expenses shall be paid to such persons as the county agency directs; ~~provided, that these expenses do.~~ Expenses so paid shall not exceed \$300, exclusive of and in addition to the actual cemetery charges which. Such expenses and charges shall also be paid by the county responsible for the burial of the recipient. The state shall reimburse counties fully for expenses and charges paid under this section.

SECTION 18. 49.33 to 49.37 of the statutes are repealed.

SECTION 19. 49.41 of the statutes is amended to read:

**49.41 Assistance grants exempt from levy.** All grants of ~~old-age assistance, aid to families with dependent children, aid to the blind, and aid to totally and permanently disabled persons shall be~~ payments made for social services, and benefits under s. 49.177 or federal Title XVI, are exempt from every tax, and from execution, garnishment, attachment and every other process and shall be inalienable.

SECTION 20. 49.45 (3) (d) of the statutes is created to read:

49.45 (3) (d) No payment may be made for inpatient hospital services, skilled nursing home services, intermediate care facility services, tuberculosis institution services or inpatient mental institution services, unless the facility providing such services has in operation a utilization review program and meets federal regulations governing such utilization review programs.

SECTION 21. 49.45 (11) (e) and (g) of the statutes are amended to read:

49.45 (11) (e) "Skilled nursing home" means a facility or distinct part thereof, which:

1. Is licensed or approved by the department under state law for the accommodation of convalescents or other persons who are not acutely ill and not in need of hospital care ~~and which employs;~~

2. Employs sufficient registered nursing practitioners for supervision of those giving nursing care to patients; and

3. Qualifies as a "skilled nursing facility" within the meaning of Title XIX of the social security act.

(g) "Intermediate care facility" means either of the following:

1. An institution or distinct part thereof, which is licensed:

a. Licensed or approved under state law to provide, on a regular basis, health related care and services to individuals who do not require the degree of care and treatment which a hospital or skilled nursing home is designated to provide but who because of their mental or physical condition require care and services above the level of room and board, which can be made available to them only through institutional facilities; ~~or and~~

b. Qualifies as an "intermediate care facility" within the meaning of Title XIX of the social security act.

2. A public institution, or distinct part thereof, which is:

a. Licensed or approved under state law for the mentally retarded or persons with related conditions, the primary purpose of which is to provide health or rehabilitative

services for mentally retarded individuals according to rules promulgated by the department; and

b. Qualifies as an "intermediate care facility" within the meaning of Title XIX of the social security act.

SECTION 22. 49.46 (1) (a) of the statutes is repealed and recreated to read:

49.46 (1) (a) The following shall receive medical assistance under this section:

1. Any person included in the grant of aid to families with dependent children.
2. Any person under 21 years of age who is, or except for age or school attendance requirements would be a dependent child under s. 49.19.
3. Any essential person.
4. Any person receiving benefits under s. 49.177 or federal Title XVI.

SECTION 23. 49.46 (1) (b) of the statutes is amended to read:

49.46 (1) (b) Any person shall be considered a recipient of aid for ~~2~~ 3 months prior to the month of application if the proper agency determines eligibility existed during such prior month.

SECTION 24. 49.46 (1) (c) and (d) 2 of the statutes are repealed and recreated to read:

49.46 (1) (c) Medical assistance shall be provided to a person or family for 4 calendar months following the month in which the person or family becomes ineligible for aid to families with dependent children because of increased income from employment if:

1. The person or family was eligible for aid to families with dependent children for at least 3 of the 6 months immediately preceding the month in which the person or family became ineligible; and

2. The person or at least one member of the family is employed.

(d) 2. Any accommodated person or any patient in a public medical institution shall be considered a recipient for purposes of this section if such person or patient would have inadequate means to meet his need for care and services if living in his usual living arrangement.

SECTION 25. 49.46 (1) (e) and (2) of the statutes, as affected by chapter 90, laws of 1973, are amended to read:

49.46 (1) (e) If an application under s. 49.47 (3) shows that the person has income and resources are within the limitations of the old age assistance, aid to the blind, aid to families with dependent children, or aid to totally and permanently disabled persons programs s. 49.19, federal Title XVI or s. 49.177, or that he is an essential person, an accommodated person or a patient in a public medical institution, ~~the person he~~ shall be granted the benefits enumerated under sub. (2) whether or not ~~such person he~~ requests or receives a grant of any of such aids.

(2) BENEFITS. (a) The department shall audit and pay charges made in accordance with s. 49.45(11)(a) for medical assistance to recipients for ~~inpatient~~:

1. Inpatient hospital services other than services in an institution for tuberculosis or mental diseases (except as hereinafter provided); ~~hospital~~

2. Hospital outpatient services; ~~physicians'~~

3. Physicians', chiropractors', dentists', podiatrists', optometrists' and nurses' services; ~~laboratory~~

4. Laboratory and X-ray services; ~~eye~~

5. Eye glasses prescribed by a physician skilled in the diseases of the eye or by an optometrist; ~~transportation~~

6. Transportation to obtain medical care;

7. The following services when prescribed by a physician: skilled nursing home services, excluding services in an institution for tuberculosis or mental diseases (except as hereinafter provided); intermediate care facility services; home health care; physical and occupational therapy and related services; medical supplies and equipment, including rental of durable equipment, drugs, prosthetic devices and other diagnostic, screening, preventive and rehabilitative and other medical services, and; inpatient hospital and, skilled nursing home facility, and intermediate care facility services for individuals 65 years of age and over when a patient in an institution for mental diseases; or tuberculosis; and inpatient psychiatric hospital services for individuals under 21 years of age or for individuals under 22 years of age who were receiving such service immediately prior to reaching age 21.

8. Early and periodic screening and diagnosis of individuals under 21 years of age and all medically necessary treatment found by such screening and diagnosis.

(b) Nursing services rendered in connection with treatment by prayer or spiritual means alone and in accordance with the tenets and practice of any recognized church or religious denomination and given by a duly accredited practitioner thereof may be furnished such individuals by any visiting nurse service, sanatorium, nursing home and private duty nursing services given in conformity with the tenets and practices of such church or religious denomination upon referral by and certification of said accredited practitioner that in his or her opinion such services are necessary for the health and well-being of the said individual.

(c) Medical assistance shall also include payment of any of the deductible and coinsurance portions of the above services which are not paid under Title XVIII and the monthly premiums payable under section 1839 of the social security act.



SECTION 26. 49.47 (4) (a) and (c) 1, (6) (a) 1 to 6, 8 to 12 and 15, (b) and (c) of the statutes, as affected by chapter 90, laws of 1973, are amended to read:

49.47 (4) (a) Any ~~person~~ individual who meets the limitations on income and resources under pars. (b) and (c) ~~and shall be eligible for medical assistance under this section if such individual is:~~

1. Under 21 years of age.
2. A relative enumerated in s. 49.19 (1) (a) with whom a dependent child as defined in s. 49.19 (1) (a) is living.
3. 65 years of age or older, blind pursuant to s. 49.18, 18 years or older and.
4. Blind or totally and permanently disabled pursuant to s. 49.61, or a child under the age of 18 living in the family group dependent pursuant to s. 49.19 and the enumerated relatives of such child with whom the child is living and any medically indigent child under 18 as defined under federal Title XVI.

(c) 1. ~~If single, eligibility~~ Eligibility exists if his income does not exceed the maximum standard of need used in determining eligibility for aid to the blind, aid to the permanently and totally disabled or old age assistance. For a family of 2 or more, ~~eligibility exists if income does not exceed the maximum standard of need used in determining eligibility~~ for aid to families with dependent children under s. 49.19 or state supplemental aid under s. 49.177. In this subdivision ~~"maximum standard of need"~~ shall be based on the combined allowance standard for that single person or family plus, if a single person, the maximum shelter allowance established by the department or plus, if a family of 2 or more, the maximum shelter allowance established by the department for that county under aid to families with dependent children. In this subdivision "income" includes, without limitation because of enumeration, all pensions from state, federal or private sources, annuities, social security payments and recurrent insurance payments from state, federal and private sources, wages, and salaries less employment expenses, alimony, returns on investments, net rents and net profits from business or professional enterprises. "Income" does not include earned or unearned income which would be excluded in determining income in computing the budget pursuant to for the individual or family under s. 49.18 (1) (a), 49.19 (5), 49.22 (1) or 49.61 (6) (a) or 49.177, or for the aged, blind or disabled individual under federal Title XVI.

(6) (a) 1. Inpatient hospital services in a semiprivate room (other than services in an institution for mental diseases);

2. Outpatient hospital services;
3. Diagnostic laboratory and X-ray procedures;
4. Skilled nursing home services directly following hospitalization (other than services in an institution for tuberculosis or mental diseases) for individuals 18 years of age or older when authorized by a physician;

5. Physicians' services whether furnished in the office, the patients' home, a hospital or a skilled nursing home or elsewhere;

6. Dental services;

8. The deductible portion and coinsurance of any health care benefits paid under Title XVIII of the social security act reduced by the amount of available excess income and conforming to the scope, amount and duration of benefits payable under the state plan;

9. The following services when prescribed by a physician, ~~physical~~:

a. Physical or occupational therapy when rendered by a licensed or registered therapist, ~~home~~.

b. Home health care, ~~nurse's~~.

c. Nurse's services, ~~and pharmaceutical~~.

d. Pharmaceutical services;

10. Podiatrists' services;

11. Intermediate care facility services;

12. Transportation to obtain medical care, ~~and~~.

15. Inpatient psychiatric hospital services for individuals under 21 years of age or for individuals under 22 years of age who were receiving such service immediately prior to reaching age 21.

(b) Benefits shall not include any payments with respect to ~~care~~:

1. Care or services for an individual who is an inmate of a public institution, except as a patient in a medical institution, or who is a patient in an institution for tuberculosis; care a resident in an intermediate care facility.

2. Care or services in any other private or public institution, unless ~~it~~ the institution has been approved by a standard-setting authority responsible by law for establishing and maintaining standards for such institution ~~or that~~.

3. That part of any ~~services~~ service otherwise authorized under this section which ~~are~~ is payable through insurance, 3rd party liability, or any federal, state, county, municipal or private benefit systems to which the beneficiary may otherwise be entitled.

(c) Payments shall not include care for services rendered earlier than 2 3 months preceding the month of application, but in no event may payments be made for medical assistance rendered during a period when the beneficiary would not have been eligible for benefits under this section.

SECTION 27. 49.47 (8) of the statutes is created to read:

49.47 (8) ENROLLMENT FEE. As long as an enrollment fee or premium is required for persons receiving benefits under Title XIX of the social security act, the department shall charge the minimum enrollment fee or premium required under federal law. The fee or premium so charged shall be related to the beneficiary's income, in accordance with guidelines established by the secretary of the U.S. department of health, education and welfare.

SECTION 28. 49.50 (3), (8) and (9) of the statutes are amended to read:

49.50 (3) PERSONNEL EXAMINATIONS. State-wide examinations to ascertain qualifications of applicants in any county department administering ~~old age assistance, aid to families with dependent children, aid to the blind or aid to totally and permanently disabled persons~~ shall be given by the director of personnel as defined in s. 16.02 (6). The department of administration shall be reimbursed for actual expenditures incurred in the performance of its functions under this section from the appropriations available to the department of health and social services for administrative expenditures.

(8) FAIR HEARING AND REVIEW. (a) Any person whose application for ~~aid to the blind, old age assistance, aid to families with dependent children and aid to totally and permanently disabled persons~~ is not acted upon by the county agency with reasonable promptness after the filing of the application, or is denied in whole or in part, or whose award is modified or canceled, or who believes his award to be insufficient, may petition the department for a review of such action. ~~The department shall, upon,~~

(b) Upon receipt of such a petition, under par. (a) the department shall give the applicant or recipient reasonable notice and opportunity for a fair hearing. The department may make such additional investigation as it deems necessary. Notice of the hearing shall be given to the applicant and to the county clerk; ~~and the county shall be entitled to.~~ The county may 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.

(c) Whenever any municipality or county receives a nonresident notice pursuant to s. 49.11 and there is reasonable basis for belief that the recipient of such relief may be eligible for assistance under s. 49.18, 49.19, 49.20 to 49.37 or 49.61, such municipality or county may after 60 days request the county department of public welfare of the county wherein the recipient of relief is residing to investigate the possible eligibility of such relief recipient for assistance under one of said sections and if s. 49.19. If the latter county refuses to grant such assistance, the municipality or county wherein liability for paying the relief ultimately rests may petition the department for a hearing hereunder under this section to determine eligibility of the relief recipient for such assistance. Copies of the petition shall be sent to the county wherein the dependent

person may be residing or receiving relief by the county or municipality liable for ultimately paying said relief. ~~The aforesaid~~ This procedure or any subsequent decision of the department shall not bar recovery of any claim under s. 49.11 to the date of the final decision.

(9) HEARING TO INSURE PROPER ADMINISTRATION. (a) The department may at any time terminate payment of state or federal aid on any grant of ~~old age assistance, aid to families with dependent children, aid to the blind or aid to totally and permanently disabled persons~~ 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.

(b) Any decision of the department terminating the payment of state and federal aid shall be transmitted to the county treasurer, ~~and after~~. After receipt of such notice ~~he the county treasurer~~ 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 29. 49.51 (2) (a) 8 to 10 of the statutes are repealed.

SECTION 30. 49.51 (2) (a) 11 to 14 of the statutes, as affected by chapter 90, laws of 1973, are renumbered 49.51 (2) (a) 8 to 11, respectively.

SECTION 31. 49.51 (2) (a) 12 of the statutes is created to read:

49.51 (2) (a) 12. To provide social services for:

a. Persons eligible for or receiving benefits under the supplementary security income program under federal Title XVI, the supplemental payments program under s. 49.177 or aid to families with dependent children under s. 49.19; and

SECTION 32. 49.52 (5) of the statutes, as affected by chapter 90, laws of 1973, is amended to read:

49.52 (5) DISTRESSED COUNTIES, APPLICATION FOR AID. (a) Any county which is financially unable to fully perform its duties under ss. 49.18 to 49.37, 49.46, 49.47 and 49.61, 1971 Stats., as affected by ch. 90, laws of 1973, including the administration and services specified in sub. (2), after having received payments under subs. (1) and (2) and s. 20.435 (4) (d) may ~~make application apply~~ to the department for financial assistance to enable ~~it the county~~ to perform such duties, ~~except that aid~~. Aid under this paragraph shall be available only for county costs under ss. 49.18, 49.20 to 49.37, 49.46, 49.47 and 49.61, 1971 Stats., as affected by ch. 90, laws of 1973, actually incurred prior to January 1, 1974, and no aid shall be available under this paragraph for any county costs incurred after January 1, 1975.

(b) 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 on the applicant's financial condition.

(c) 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 department of administration for payment to the applicant out of the

CHAPTER 147

510

appropriations provided by s. 20.435 (4) (d) 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 board on government operations. 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 33. 49.53 (1) and (2) (a) of the statutes are amended to read:

49.53 (1) ~~The~~ Except as provided under sub. (2), no person may use or disclosure of disclose information concerning applicants and recipients of aid to families with dependent children, ~~aid to the blind, old age assistance and aid to totally and permanently disabled persons~~ social services under s. 49.01, or supplemental payments under s. 49.177, for any purpose not connected with the administration of the programs, ~~except as provided under sub. (2), is prohibited.~~ Any person violating this ~~section subsection~~ may be fined not less than \$25 nor more than \$500 or imprisoned in the county jail not less than 10 days nor more than one year or both.

(2) (a) Each county agency administering ~~aid to the blind, aid to families with dependent children, old age assistance or aid to totally and permanently disabled persons~~ shall maintain a monthly report at its office showing the names and addresses of all persons receiving such aids together with the amount paid during the preceding month, ~~but nothing herein contained.~~ Nothing in this paragraph shall be construed to authorize or require the disclosure in such report of any information (names, addresses, amounts of aid or otherwise) pertaining to adoptions, ~~to~~ aid furnished to or in behalf of unmarried mothers ~~pursuant to~~ under s. 49.19 (4) (d) and (g), or ~~to~~ aid furnished for the care of children in foster homes ~~pursuant to~~ under s. 49.19 (10).

SECTION 34. 49.54 of the statutes is repealed and recreated to read:

**49.54 Income determination.** In determining the amount of aid to be granted a person applying for supplemental payments under s. 49.177, income shall be disregarded to the extent allowed by federal regulations.

SECTION 35. 49.61 of the statutes is repealed.

SECTION 36. 52.01 (1) of the statutes, as affected by chapter 90, laws of 1973, is amended to read:

52.01 (1) (a) The parent and spouse of any dependent person (as defined in s. 49.01) 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 is; but no parent shall be required to support a child 18 years of age or older.

(b) For purposes of this section those persons receiving benefits under federal title XVI or under s. 49.177 shall not be deemed dependent persons.

(c) For the purpose of determining the ability of a parent or spouse to maintain a dependent person, relief granted under s. 71.09 (7) shall not be considered.

SECTION 37. 74.03 (9) (e) of the statutes is amended to read:

74.03 (9) (e) He shall next retain for the county the balance due on county taxes levied for social security ~~pursuant to sections 49.18, under s. 49.19, 49.37 and 49.61.~~

SECTION 38. 74.031 (11) (e) of the statutes is amended to read:

74.031 (11) (e) He shall next retain for the county the balance due on county taxes levied for social security pursuant to sections 49.18, under s. 49.19, 49.37 and 49.61.

SECTION 39. 440.82 (2) of the statutes is amended to read:

440.82 (2) Any ex-soldier of the United States in any war, who has a 25% disability or more or has a cardiac disability recognized by the U. S. veterans administration, and any person disabled to the extent of the loss of one arm or one leg or more or who has been declared blind ~~under s. 49.18 (4)~~ as defined under Title XVI of the social security act, shall, upon presenting proof to the department that he satisfies these conditions, be granted a special license without payment of any fee. Such person must have been a bona fide resident of this state for at least 5 years preceding the application, and shall while engaged in such business carry on his person his license and the proof required for its issuance, and such blind person shall also carry a picture of himself which is not more than 3 years old. Such special license shall not entitle a blind person to peddle for hire for another person.

SECTION 40. **Interim assistance.** Any person receiving benefits under s. 49.18, 49.20 or 49.61, 1971 Stats., as of December 31, 1973, who lives in this state and is eligible for benefits under Title XVI of the federal social security act shall receive interim aid during the period between his application for such benefits and the first payment made by the social security administration under said Title XVI or until June 30, 1974, whichever is earlier. The amount of interim aid so provided shall be determined by the department on the basis of those benefits available to the applicant or his family under s. 49.18, 49.20 or 49.61, 1971 stats., as affected by ch. 90, laws of 1973.

SECTION 41. **Effective date.** This act shall take effect January 1, 1974.