

No. 209, S.]

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CHAPTER 181.

AN ACT to repeal and recreate section 49.20 and to amend section 49.21, the introductory paragraph and subsections (2), (6) and (7) of section 49.22, the introductory paragraph of section 49.23, section 49.25, subsections (1) and (2) of section 49.26, sections 49.27 to 49.32, paragraphs (a) and (b) of section 49.34, subsection (2) of section 49.35 and sections 49.36 to 49.39 of the statutes, relating to old-age assistance.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 49.20 of the statutes is repealed.

SECTION 2. A new section is added to the statutes to be numbered and to read: 49.20 (1) 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 board of control, as provided in sections 49.28 and 49.39. The cost of old-age assistance shall in the first instance be borne by the county, but the county shall be entitled to reimbursement from the state and from the cities, villages and towns of which the beneficiaries are residents as provided in section 49.37.

(2) The provisions of sections 49.20 and 49.39 shall apply only to such counties whose county boards have made an appropriation to carry out these provisions.

SECTION 3. Section 49.21, the introductory paragraph and subsections (2), (6) and (7) of section 49.22, the introductory paragraph of section 49.23, section 49.25, subsections (1) and (2) of section 49.26, sections 49.27 to 49.32, paragraphs (a) and (b) of section 49.34, subsection (2) of section 49.35 and sections 49.36 to 49.39 of the statutes are amended to read: 49.21 Any person while residing in a county, which maintains a system of old-age * * * *assistance*, who shall comply with the provisions of sections 49.20 to 49.39, 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 be an amount which, when added to the income of the applicant, including income

from property, as computed under the terms of this act, shall exceed a total of one dollar a day.

(49.22) (Introductory paragraph) * * * Old-age * * * assistance may be granted only to an applicant who:

(2) Has been a citizen of the United States for at least fifteen years before making application for * * * old-age assistance.

(6) If a husband, has not without just cause failed to support his wife and his children under the age of fifteen years for six months or more during the fifteen years preceding the date of application for * * * old-age assistance.

(7) Has not, within one year preceding such application for * * * old-age assistance been a habitual tramp or beggar.

(49.23) (Introductory paragraph) * * * Old-age * * * assistance shall not be granted or paid to a person:

49.25 On the death of a person * * * who has been assisted under sections 49.21 to 49.39, or of the survivor of a married couple, both of whom were so * * * assisted, the total amount paid * * * together with simple interest at three per cent annually shall be allowed and deducted from the estate of such person or persons by the court having jurisdiction to settle the estate. The amount so recovered shall be paid into the treasuries of the state, county, town, village or city in the proportion in which they respectively contributed toward the total * * * old-age assistance received by the deceased or by the married couple of which the deceased was the survivor.

(49.26) (1) If the county judge deems it necessary, he may require as a condition to the grant of a * * * certificate, that all or any part of the property of an applicant for * * * old-age assistance be transferred to the board of control. Such property shall be managed by the board of control, which shall pay the net income to the person or persons entitled thereto. The board shall have power to sell, lease or transfer such property, or defend and prosecute all suits concerning it, and to pay all just claims against it, and to do all other things necessary for the protection, preservation and management of the property.

(2) If in the event that the * * * old-age assistance is discontinued during the lifetime of the * * * beneficiary the property thus transferred to the board of control exceeds the total amount paid * * * with simple interest at three per cent annually, the remainder of such property shall be returned to the * * * beneficiary; and in the event of his death such

remainder shall be considered as the property of the * * * *beneficiary* for proper administration proceedings. The board of control shall execute and deliver all necessary instruments to give effect to this subsection.

49.27 An applicant for * * * *old-age assistance* shall file his application in writing with the county judge of the county in which he resides, in such manner and form as shall be prescribed by the board of control. All statements in the application shall be sworn to or affirmed by the applicant, setting forth that all facts are true in every material point.

49.28 The county judge shall promptly make or cause to be made such investigation as he may deem necessary. The county judge shall decide upon the application, and fix the amount of the * * * *old-age assistance*, if any, and such decision shall be final; *provided that the county board may at any time reduce or discontinue entirely such assistance granted to any beneficiary.* An applicant whose application for * * * *old-age assistance* has been rejected or *whose allowance has been stopped*, may not again apply * * * until the expiration of twelve months from the date of his previous application.

49.29 (1) The county judge shall issue to each applicant to whom * * * *old-age assistance* is allowed, a certificate stating the date upon which * * * payments shall commence and the amount of each installment, which may be monthly or quarterly, as the judge may decide.

(2) Each * * * *beneficiary* under the provisions of sections 49.20 to 49.39, shall file such reports with the county judge as the board of control may from time to time require. If it appears at any time that the applicant's circumstances have changed, the county judge may revoke or modify any * * * certificate issued. Any * * * *sum* paid in excess of the amount due under the provisions of said sections shall be returned to the county and * * * *shall* be recoverable as a debt due the county.

49.30 On the death of a * * * *beneficiary* such reasonable funeral expenses for burial shall be paid to such persons as the county judge may direct; provided, that these expenses do not exceed one hundred dollars and provided further that the estate of the deceased is insufficient to defray these expenses.

49.31 (1) During the continuance of * * * *old-age assistance* no * * * *beneficiary* shall receive any other relief

from the state or from any political subdivision thereof except for medical and surgical assistance.

(2) If the * * * *beneficiary* is, on the testimony of at least three reputable witnesses, found incapable of taking care of himself or his money, the county judge may direct the payment of the instalments of the * * * *old-age assistance* to any responsible person or corporation for his benefit, or may suspend payment, for such period as the judge shall deem advisable.

49.32 All * * * *amounts paid as old-age assistance* shall be exempt from any tax levied by the state or by any subdivision thereof, and exempt from levy and sale, garnishment, attachment or any other process whatsoever and shall be inalienable in any form.

49.34 (a) A * * * certificate to which he is not entitled;

(b) A larger * * * *allowance* than that to which is justly entitled;

(49.35) (2) Where a * * * *beneficiary* is convicted of an offense under this section the county judge may cancel the certificate.

49.36 If a * * * *beneficiary* is convicted of any misdemeanor, felony or other offense, punishable by imprisonment for one month or longer, payments shall not be made during the period of imprisonment.

49.37 (1) The county board of each county which * * * *operates under the state system of old-age assistance* shall annually appropriate a sum of money sufficient to carry out the provisions of sections 49.20 to 49.39. Upon the orders of the judge of the county court, the county treasurer shall pay out the amounts ordered to be paid as * * * *old-age assistance*, under the provisions of said sections.

(2) Each city, town and village shall reimburse the county for all amounts of money paid in old-age * * * *assistance* to its residents, less the amounts received by the county from the state pursuant to subsection (3) of this section. The county clerk shall make a report to the county board at its annual November meeting showing in detail the amounts which under this subsection are chargeable to each city, town and village, and the county board at such meeting shall determine the amount to be raised and paid by each such city, town and village to reimburse the county. The county clerk shall charge the amount so

determined to such city, town or village and shall certify the same to the city, town or village clerk. Each city, town or village shall annually levy a tax sufficient to meet such charges, which shall be collected as are other taxes and paid into the county treasury.

(3) On the first day of January of each year the county treasurer shall certify under oath, in duplicate, to the secretary of state and the state board of control, the amount paid out by such county during the preceding year for old-age * * * *assistance*, and if the board of control shall approve the same and shall cause its approval to be indorsed by the president and secretary of said board on the certificate received by the secretary of state, the secretary of state shall credit one-third of the amount so certified to be due such county on the state taxes next due therefrom, and the state treasurer shall credit such county with said one-third of such amount in his annual settlement with said county for taxes due the state; provided, that if the total amount payable to all the counties under this section, as certified by the county treasurers, shall exceed the sum appropriated by subsection (13m) of section 20.17, the secretary of state and the state treasurer shall prorate the said sum among the various counties according to the amount paid out.

49.38 Within thirty days after the close of each calendar year, the county clerk of each county shall make a report for the preceding year, to the state board of control stating:

- (a) The amount paid * * * *as old-age assistance*;
- (b) The total number of applications for * * * *assistance*;
- (c) The number granted, the number denied, the number canceled during that year, and such other information as the board of control may deem advisable.

49.39 The board of control shall from time to time prescribe and promulgate rules and regulations to efficiently carry out the provisions of sections 49.20 to 49.39 * * * *It shall also publish such information as it may deem advisable to acquaint aged persons and the public generally with the old-age * * * assistance plan of this state.*

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

Approved June 14, 1929.