

No. 645, A.]

[Published July 14, 1943.]

CHAPTER 522.

AN ACT to amend 49.26 (4) of the statutes, relating to liens on real property created by grants of old-age assistance, the collection of such liens or claims and claims for certain other public aid rendered and the compromise thereof.

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

49.26 (4) of the statutes is amended to read:

49.26 (4) All old-age assistance paid to any beneficiary under sections 49.20 to 49.51, including medical and funeral expense paid as old-age assistance, shall become and constitute a lien as hereafter provided and shall remain a lien until it is satisfied. When old-age assistance is granted to any person under sections 49.20 to 49.51, the name and residence of the beneficiary, the amount of assistance so granted, the date when such assistance is granted, the name of the county granting the assistance, and such other information as the state pension department shall require, shall be entered upon a certificate, the form of which shall be prescribed by the state pension department. The county judge of the county granting old-age assistance shall cause such certificate, or a copy thereof, to be filed in the office of the register of deeds of every county in the state in which real property of the beneficiary may be situated. From and after the time of such filing in the office of the register of deeds the lien herein imposed shall attach to any and all real property of the beneficiary presently owned or subsequently acquired, including joint tenancy interests, in any county in which such certificate is filed for any amounts paid or which thereafter may be paid under sections 49.20 to 49.51, and shall remain such lien until it is satisfied. Such lien shall take priority over any other lien subsequently acquired or recorded except tax liens. The certificate herein provided need not be recorded at length by the register of deeds, but upon the filing thereof all persons shall thereby be charged with due notice of the lien and of the rights of the county thereunder. 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 county granting old-age assistance to such beneficiary, and a record of any releases and satisfactions. No fee shall be charged for the filing of 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. Such liens shall be enforceable by the county filing the certificate after transfer of title of the real property by sale, succession, inheritance, or will, in the manner provided by law for the enforcement of mechanics' liens upon real property. Provided, however, that 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 of the beneficiary; and provided, also that whenever the county judge of the county in whose favor such lien exists is satisfied that the 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 or support of the beneficiary, his spouse, or minor children, he may release the lien hereby imposed with respect 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 judge, shall execute a proper satisfaction which shall be duly filed with the register of deeds. *The county board may by resolution authorize and empower any county agency or official to bid in property at foreclosure under this subsection at a figure not to exceed the amount of claim for assistance, and said claim or any part thereof may be applied as a credit on such a bid, or such agency or individual may accept a conveyance in lieu of foreclosure; title to any property acquired under this subsection shall vest in such agency for the purpose of liquidation, and said property may be sold and title transferred by it without regard to section 59.67. In the event the county shall so acquire such property, payment as provided by section 49.25 shall not be made until such property is sold and payment thereon shall be based on the sale price therefor. The county board may designate and authorize the district attorney*

to act for the county generally to collect such old-age assistance liens and claims, and claims for hospitalization, institutional care and general poor relief. The county board may authorize the district attorney to compromise the payment of any such claim, except old-age assistance claims as provided for in section 49.26 (4), with the approval of such judge, officer or agency of the county or of such committee of the county board as the county board may designate, 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 otherwise uncollectible. Any compromise made before the effective date of this amendment (1943) which would be valid if made pursuant to the provisions for compromise of claims under this amendment, is hereby validated.

Approved July 12, 1943.

No. 336, S.]

[Published July 15, 1943.

CHAPTER 523.

AN ACT to amend 82.01 (1) (a) of the statutes, relating to the future appointment of members of the highway commission. *The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

82.01 (1) (a) of the statutes is amended to read:

82.01 (1) (a) There is created a highway commission of 3 members. Such members shall be appointed by the governor with the advice and consent of the senate, for initial terms expiring on March 1, 1931, March 1, 1933, and March 1, 1935, respectively. Thereafter as the various terms expire all appointments shall be for a term of 6 years and until their successors qualify. *Upon the expiration of the terms of members serving on July 1, 1943, appointments shall be made so that one member shall come from the north section of the state, one from the east section and one from the west section; provided that any member serving on July 1, 1943 may be reappointed to succeed himself regardless of from what section of the state he or the 2 other members shall come. The north section shall comprise that part of the state north of a line running along the southern boundaries of Pepin, Eau Claire, Clark, Marathon, Shawano and*