

No. 177, A.]

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CHAPTER 290.

AN ACT to renumber 49.26 (3) to be 49.26 (3) (a); to amend 49.26 (3) (a) as renumbered; and to create 49.26 (3) (b) of the statutes, relating to recovery of public assistance from estates of recipients.

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

SECTION 1. 49.26 (3) of the statutes is renumbered 49.26 (3) (a) and amended to read:

49.26 (3) DISTRICT ATTORNEY, DUTIES AND FEES, *COLLECTIONS, PROBATE OF ESTATES.* (a) The district attorney shall take the necessary proceedings and represent the county in respect to any matters under this section. Out of the amount collected on any claim for old age assistance, the county court in which the estate is probated may authorize the payment of a collection 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, but any part-time district attorney acting as the attorney for the administrator of an estate in probate shall be entitled to retain any fee allowed to him by the court as attorney for the administrator. * * * The district attorney shall report to the county board at its November meeting concerning collections made, fees allowed 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 * * *

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. * * *

SECTION 2. 49.26 (3) (b) of the statutes is created to read:

49.26 (3) (b) If no qualified person shall apply for administration of the estate of a beneficiary of old-age assistance within 60 days after death, the county agency shall so apply. Any fee allowed a full-time or part-time employe of the county welfare department as administrator of such estate shall be paid by him into the county treasury to be credited to the agency's appropriation as a reduction in cost. The agency shall report to the county board at the November meeting concerning collections so made, fees allowed employes and pending probate proceedings.

Approved June 16, 1949.
