

CHAPTER 702.

AN ACT to amend 49.10 (4), 49.11 (2), (3) (d), (e), (f), (h) and (4); and to create 49.10 (12) and 49.11 (5) (g) of the statutes, relating to county legal settlement.

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

SECTION 1. 49.10 (4) of the statutes is amended to read:

49.10 (4) Every person (except as otherwise provided in this section) who resides in any municipality one whole year *without receipt of aid under this chapter* gains a legal settlement therein; * * * *and every person who resides in a county for one year without receipt of such aid who has not acquired legal settlement in a municipality acquires legal settlement in such county.* 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.

SECTION 2. 49.10 (12) of the statutes is created to read:

49.10 (12) Any person without legal settlement in any municipality in a county (which is not operating on the county system) who resides in that county one whole year gains a legal settlement in the county; that which interrupts residence toward the gaining or losing of legal settlement in a municipality likewise interrupts residence toward the gaining or losing of a county legal settlement; every such settlement continues until it is lost by acquiring a new one in this state or by residing for one whole year elsewhere than the county of legal settlement or by residing one whole year in a municipality within the county of legal settlement, and the residence which went toward the gaining of the county legal settlement shall, if continuous in the municipality, be included toward the gaining of legal settlement in that municipality.

SECTION 3. 49.11 (2), (3) (d), (e), (f), (h) and (4) of the statutes are amended to read:

49.11 (2) When the person so relieved claims a settlement outside the county where the relief is granted or claims to have *a county settlement in the county* or 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 a municipality* 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) (d) If a municipality grants relief to a person claiming settlement *in a municipality* 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) If a municipality grants relief to a person who *claims a county settlement in the county* or who appears to be without a settlement in Wisconsin, a copy of his sworn state-

ment 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) 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 *or county* 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 file a copy of the sworn statement taken as provided in section 49.11 (1).

(h) Unless the municipality (or county when on the county system *or when the dependent persons are county settled*) 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 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 *against the municipality of legal settlement* 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.

SECTION 4. 49.11 (5) (g) of the statutes is created to read:

49.11 (5) (g) *Accounts against state*. All claims by counties against the state under the terms of section 49.04, which are not filed within two years from the date the relief is granted, are barred.

Approved July 19, 1951.
