

No. 16, S.]

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CHAPTER 337

AN ACT to repeal 49.21 and 49.23; to amend 49.26 (1), (5) and (8), 49.38 (1) and 49.40 (1); to repeal and recreate 49.22 (introductory paragraph); and to create 49.22 (4) and (5) of the statutes, relating to persons eligible for old-age assistance and transfer of property to county agency.

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

SECTION 1. 49.21 of the statutes is repealed.

SECTION 2. 49.22 (introductory paragraph) of the statutes is repealed and recreated to read:

49.22 PERSONS ELIGIBLE. (introductory paragraph) Any needy person who complies with the provisions of ss. 49.20 to 49.38 shall be entitled to financial assistance in old age. The amount granted shall be determined by a budget in which all income and resources as well as expenses shall be considered and the aid per month shall not exceed \$75. Old-age assistance may be granted only to a dependent person who:

SECTION 3. 49.22 (4) and (5) of the statutes are created to read:

49.22 (4) Owns property not in excess of the following:

(a) A homestead regardless of value or in lieu thereof a house trailer actually used as the abode which shall be real estate for purposes of s. 49.26 (5); and

(b) \$500 in liquid assets of which:

1. The first \$300 shall be transferred to the county agency for the sole purpose of providing a fund for the payment of the recipient's funeral expenses.

2. The amount remaining, not to exceed \$200, may be retained by the recipient, free of control of the county agency, for emergency use, provided that regular withdrawal and replacement in this fund shall be regarded as income for the purpose of determining eligibility for old-age assistance.

3. The cash or loan value of a life insurance policy at the date the recipient first receives old-age assistance shall be considered a liquid asset subject to the provisions of this paragraph; however, if the recipient owns a policy of insurance on his life within the limitations of this paragraph the county agency may authorize him to retain it and provide for the payment of premiums thereon in his budget, provided that he designates the county as assignee under the policy to the extent of the amount of old-age assistance granted him during his lifetime. Where the county as subassignee receives proceeds from such policy and where less than \$300 had been transferred to it by the recipient for funeral expenses, the county shall allocate from such proceeds a sum not exceeding \$150 so as to provide a fund for funeral expenses not exceeding \$300; and

(c) Tangible personal property of reasonable value and in actual use.

(5) Has not conveyed or transferred any property in contemplation of such assistance. Any transfer of property within 2 years prior to application and without an adequate and full consideration in money or money's worth shall, unless shown to the contrary, be presumed to have been made in contemplation of such assistance.

SECTION 4. 49.23 of the statutes is repealed.

SECTION 5. 49.26 (1), (5) and (8) of the statutes are amended to read:

49.26 (1) If the county agency deems it necessary, it may require as a condition to a grant of assistance that all or any part of an applicant's personal property (except that mentioned in * * * s. 49.22 (4)) and real property not situated in Wisconsin be transferred to the county agency. The property shall be managed by the county agency who shall pay the net income to those entitled thereto. The county agency may sell, lease or transfer the property, or defend or prosecute all actions concerning it, and pay all just claims against it, and do all other things necessary for the protection, preservation and management of the property. * * *

(5) Upon such filing the lien herein imposed attaches to all real property of the beneficiary *including a house trailer used as an abode* presently owned or subsequently acquired (including joint tenancy and homestead interests) in any county in which such certificate is filed for any amount paid or thereafter paid under ss. 49.20 to 49.38 and 49.40, and remain such lien until satisfied. Such lien shall not sever a joint tenancy nor affect the right of survivorship except that the lien shall be enforceable to the extent that the beneficiary had an interest prior to his decease. The county court may order sale of such realty free and clear of the lien and the lien shall attach to the net proceeds of such sale after taxes, prior encumbrances and the costs of the sale have been deducted. Such lien shall take priority over any lien or conveyance subsequently acquired, made or recorded except tax liens and except that the amounts allowed by court in the estate of any deceased beneficiary and remaining unpaid after all funds and personal property in the estate have been applied according to law, for administration and funeral expense, for hospitalization, nursing and professional medical care furnished such decedent during his last sickness, not to exceed \$300 in the aggregate, shall be charges against all real property of such deceased upon which an old-age assistance lien has attached, and which in such order shall be paid and satisfied prior to such lien out of the proceeds derived from such real property upon liquidation of such old-age assistance lien. The certificate need not be recorded at length by the register of deeds, but upon the filing thereof all persons are hereby charged with notice of the lien and of the rights of the county.

(8) When the county agency of the lienor county is satisfied that 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 of the beneficiary, his

spouse, or minor children, or incapacitated adult child, it may release the lien as to all or any part of the real property of the beneficiary (*including a house trailer as in sub. (5)*), 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 agency, shall execute a satisfaction which shall be filed with the register of deeds.

SECTION 6. 49.38 (1) of the statutes is amended to read:

49.38 (1) The county treasurer and county agency administrator shall monthly certify under oath, to the department, in such manner as the department prescribes, the claim of the county for state and federal reimbursement of aid paid under ss. 49.20 to 49.38. If the department is satisfied that the amount claimed has actually been expended in accordance with ss. 49.20 to 49.38, it shall certify to the director of budget and accounts 30 per cent of the approved amount paid by each county plus federal aid received for such expenditures plus 30 per cent of any amount paid to an eligible recipient in excess of the amount which the federal government will take into account in making reimbursement but not in excess of \$75, as provided in s. * * * 49.22; provided that the department shall certify to the director of budget and accounts 100 per cent of the approved amount paid by each county to eligible persons pursuant to s. 49.235 or in behalf of such eligible persons as medical aid pursuant to s. 49.40, which certified amount shall include any federal aid received for such expenditures. To facilitate prompt reimbursement the certification of the department may be based upon the certified statements of the county officers, provided that any necessary audit adjustments for any month of current or prior fiscal years may be included in subsequent certifications.

SECTION 7. 49.40 (1) of the statutes is amended to read:

49.40 (1) The county agency administering aid to the blind, aid to dependent children, *aid to the totally and permanently disabled* and old-age assistance may provide for medical care needed by recipients of such aids. A person shall be considered to be a recipient if at the time such care is authorized aid to the blind, aid to dependent children or old-age assistance is being granted to him. The provisions of s. 49.11 shall not apply to this section. Medical care shall, as necessary, be authorized and paid for by such county agency in addition to or in lieu of money payments made within the amounts allowed by ss. 49.18 (1) (a), 49.19 (5), and * * * 49.22. Medical care provided under this section includes hospitalization, *home care when prescribed by a physician* and nursing home care; physicians', dentists', and nurses' services; drugs, medical supplies and equipment, prosthetic appliances, and other medical services as each is prescribed by a physician; optometrical services; transportation to obtain medical care; and prepayment of medical care.

Approved June 25, 1953.
