

SECTION 1. Subsection (1) of section 82.02 of the statutes is amended to read: (82.02) (1) To employ such persons as may be needed to carry on its work, and assign to them such duties and delegate to them such authority as it deems advisable. Its chief engineer shall be known as the state highway engineer. *Its secretary is authorized to sign and execute, in the name of the commission, any contract or agreement with the federal government or its departments, subdivisions of the state, corporations, associations, copartnerships and individuals, which has been determined upon and approved by the commission.*

SECTION 2. This act shall take effect upon passage and publication.

Approved May 12, 1925.

No. 62, S.]

[Published May 13, 1925.

CHAPTER 121.

AN ACT to create sections 49.20 to 49.39, inclusive, and subsections (13m) and (13n) of section 20.17 of the statutes, relating to old age pensions, providing penalties and making an appropriation.

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

SECTION 1. Twenty new sections are added to the statutes and two new subsections are added to section 20.17 of the statutes to read: 49.20 Any county is hereby authorized, through a two-thirds vote of the members elected to its county board, to establish a system of old age pensions in accordance with the provisions of sections 49.20 to 49.39. After having operated under such system for one year or more, any county may abandon such system.

49.21 Any person while residing in a county, which maintains a system of old age pensions, who shall comply with the provisions of sections 49.20 to 49.39, inclusive, shall be entitled to a pension in old age. The amount of such pension 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 un-

der the terms of this act, shall exceed a total of one dollar a day.

49.22 An old age pension may be granted only to an applicant who :

(1) Has attained the age of seventy years or upwards.

(2) Has been a citizen of the United States for at least fifteen years before making application for a pension.

(3) Has resided in the state and county in which he makes application :

(a) Continuously for at least fifteen years immediately preceding the date of application, but continuous residence in the state and county shall not be deemed to have been interrupted by periods of absence therefrom if the total of such periods does not exceed three years, or,

(b) Forty years, at least five of which have immediately preceded the application ;

(c) Provided, that absence in the service of the state of Wisconsin or of the United States shall not be deemed to interrupt residence in the state or county if a domicile be not acquired outside the state or county.

(4) Is not at the date of making application an inmate of any prison, jail, workhouse, infirmary, insane asylum, or any other public correctional institution ;

(5) During the period of ten years immediately preceding such date has not been imprisoned for a felony ;

(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 a pension.

(7) Has not, within one year preceding such application for pension been a habitual tramp or beggar.

(8) Has no child or other person responsible under the law of this state for his support and able to support him.

49.23 No old age pension shall be granted or paid to a person :

(1) While or during the time he is an inmate of and receives the necessities of life from any charitable institution maintained by the state or any of the political subdivisions of the state, or of a private charitable, benevolent or fraternal institution or home for the aged.

(2) If the value of his property or the value of the combined property of husband and wife living, together exceeds three thousand dollars.

(3) Who has deprived himself, directly or indirectly, of any property for the purpose of qualifying for old age relief.

49.24 The annual income of any property which is not so utilized as to produce a reasonable income, shall be computed at five per cent of its value.

49.25 On the death of a person pensioned under sections 49.21 to 49.39, inclusive, or of the survivor of a married couple, both of whom were so pensioned, the total amount paid as pension 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 of the pensions 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 acquire as a condition to the grant of a pension certificate, that all or any part of the property of an applicant for a pension 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 pension is discontinued during the lifetime of the pensioner the property thus transferred to the board of control exceeds the total amount paid as pensions with simple interest at three per cent annually, the remainder of such property shall be returned to the pensioner; and in the event of his death such remainder shall be considered as the property of the pensioner for proper administration proceedings. The board of control shall execute and deliver all necessary instruments to give effect to this subsection.

(3) The attorney-general at the request of the board of control shall take the necessary proceedings and represent and advise the board in respect to any matters arising under this section.

49.27 An applicant for a pension 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 pension, if any, and such decision shall be final. An applicant whose application for a pension has been rejected, may not again apply for a pension 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 a pension is allowed, a certificate stating the date upon which pension payments shall commence and the amount of each installment, which may be monthly or quarterly as the judge may decide.

(2) Each pensioner 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 pension certificate issued. Any pension paid in excess of the amount due under the provisions of said sections shall be returned to the county and may be recoverable as a debt due the county.

49.30 On the death of a pensioner 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 the pension no pensioner shall receive any other relief from the state or from any political subdivision thereof except for medical and surgical assistance.

(2) If the pensioner 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 installments of the pension 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 pensions 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.

49.33 If at any time the county judge has reason to believe that a pension certificate has been improperly obtained, the county judge shall cause special inquiry to be made and may suspend payment of any installment pending the inquiry. If on inquiry it appears that the certificate was improperly obtained, it shall be cancelled but if it appears that the certificate was properly obtained, the suspended installments shall be payable in due course.

49.34 Any person who by means of a wilfully false statement or representation, or by impersonation, or other fraudulent device obtains, or attempts to obtain, or aids or abets any person to obtain:

- (a) A pension certificate to which he is not entitled;
- (b) A larger pension than that to which he is justly entitled;
- (c) Payment of any forfeited installment grant;

(d) Or aids or abets in buying or in any way disposing of the property of a pensioner without the consent of the county judge shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than five hundred dollars, or be imprisoned in the county jail for not more than one year, or be punished by both such fine and imprisonment, in the discretion of the court.

49.35 (1) Any person who violates any provision of section 49.21 to 49.39, inclusive, for which no penalty is specifically provided shall be subject to a fine not exceeding five hundred dollars or to imprisonment not exceeding one year, or both.

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

49.36 If a pensioner 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 establishes an old age pension system shall annually appropriate a sum of money sufficient to carry out the provisions of section 49.20 to 49.39, inclusive. Upon the orders of the judge of the

county court, the county treasurer shall pay out the amounts ordered to be paid as pensions, under the provisions of said section.

(2) Each city, town and village shall reimburse the county for all amounts of money paid in old age pensions 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 pensions, 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 for pensions;
- (b) The total number of applications for pensions;
- (c) The number granted, the number denied, the number cancelled 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, and shall publish such information as it may deem advisable to acquaint aged persons and the public generally with the old age pension plan of this state.

(20.17) (13m) For state aid for old age pensions, annually on January 1, not to exceed two hundred thousand dollars, according to the provisions of section 49.37.

(13n) Annually, beginning July 1, 1925, five thousand dollars for the purpose of carrying out its functions under the provisions of sections 49.20 to 49.39, inclusive.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 12, 1925.

No. 408, S.]

[Published May 13, 1925.

CHAPTER 122.

AN ACT to create a new paragraph of subsection (13) of section 352.03 (4601—4a) of the statutes, relating to standards of fruits and fruit products.

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

SECTION 1. A new paragraph is added to subsection (13) of section 352.03 (4601—4a) of the statutes to read: (352.03) (4601—4a) (13) (New paragraph) Modified-fruits are fruit products obtained from clean, sound, properly matured fruits that have been sulphured and brined and from which substantially all brine and sulphur dioxide have been subsequently removed together with that portion of the fruit juices unavoidably removed by said treatment, and which have also been treated and preserved by or in a sugar syrup or sugar solution with or without added harmless color or flavor and conform in name with the fruit or fruits used in their preparation, and which food products shall not contain sulphur dioxide in excess of thirty-five thousandths of one per cent by weight.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 12, 1925.