

No. 34, A.]

[Published May 19, 1947.]

CHAPTER 121.

AN ACT to revise certain provisions in Chapter 49 of the statutes relating to relief, old-age assistance, aid to dependent children, aid to the blind, aid to totally and permanently disabled persons and kindred provisions found elsewhere in the statutes and making an appropriation.

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

SECTION 1. 14.71 (6) (f) of the statutes is amended to read:

14.71 (6) (f) *As a limitation on state reimbursement*, the provisions of this section relating to the allowance for the use of a personal automobile shall apply to county employes, any part of whose salary or expenses * * * is paid, directly or indirectly, by the state.

SECTION 2. 20.18 (1), (4) and (5) are amended by striking out "49.03 (1) (c) when the county has exercised the option under and given aid pursuant to that paragraph" and inserting "49.40" in lieu thereof; 20.18 (9) is amended by substituting therein "49.39" for "49.505"; and 20.18 (8) is amended to read:

20.18 (8) Whenever it * * * becomes apparent in any fiscal year that the appropriations made by subsections (1), (4), (5) or (6) (b) of section 20.18 will exceed the amount needed to pay the state's full share of aid as determined under sections 49.18, 49.19 * * *, 49.38, 49.40 and 49.51 (3) (b), respectively, such excess shall be transferred, upon order of the state department of public welfare, by the secretary of state, from the original appropriation and used to supplement any of the other appropriations made by said subsections for the same fiscal year that shall be insufficient to meet the state's full share as determined under said sections 49.18, 49.19 * * *, 49.38, 49.40 and 49.51 (3) (b).

SECTION 3. 49.01 (1) of the statutes is amended to read:

49.01 (1) "Relief" means such services, commodities or money as are reasonable and necessary under the circumstances to provide food, housing, clothing, fuel, light, water, medicine, medical, *dental*, and surgical treatment (including hospital care), *optometrical services* * * *, nursing, transportation,

and funeral expenses, and includes wages for work relief. The food furnished shall be of a kind and quantity sufficient to provide a nourishing diet. The housing provided shall be adequate for health and decency. Where there are children of school age the relief furnished shall include necessities for which no other provision is made by law.

SECTION 4. 49.03 (1) (b) of the statutes is amended to read:

49.03 (1) (b) Abolish all distinction between county dependents and municipal dependents as to * * * *medical, surgical, dental, hospital and nursing care and optometrical services*; and have the entire expense of such care * * * a county charge * * *.

SECTION 5. 49.03 (1) (c) of the statutes is repealed.

SECTION 6. 49.11 (3) (c) of the statutes is amended to read:

49.11 (3) (c) *Filing and transmitting.* When a county clerk receives notice from another county clerk as provided for in paragraphs (a) and (b) and his county is not operating under the county system of maintaining its dependents, he shall within 20 days after such receipt file a copy of the notice with the clerk of the municipality in which the dependent claims a settlement. If the county is operating under such county system, its clerk need not file notice with the municipal clerk until the county ceases to operate under the county system and operates on the municipal system.

SECTION 7. 49.11 (3) (i) of the statutes is created to read:

49.11 (3) (i) *Lapse of nonresidence notice.* The effect of a nonresident notice is terminated by voluntary absence of the relief recipient for one year from the municipality or county originating such notice.

SECTION 8. 49.15 (4) of the statutes is created to read:

49.15 (4) The county board of any county may by resolution provide that the county shall bear the expense of maintaining all dependent persons committed or admitted to the county home, and may repeal any resolution adopted under this subsection.

SECTION 9. 49.17 (3) of the statutes is created to read:

49.17 (3) The county board of any county may by resolution provide that the county shall bear the expense of maintaining all dependent persons admitted to the county hospital, and may repeal any resolution adopted under this subsection.

SECTION 10. 49.18 (3) of the statutes is repealed.

SECTION 11. 49.19 (1) (b), (4) (d), and (8) (a) and (b) of the statutes are amended to read:

49.19 (1) (b) Any person having knowledge that any child is dependent upon the public for proper support or that the interest of the public requires that such child be granted aid may bring the facts to the notice of a judge of a juvenile court or of a county court of the county in which the child * * * resides.

(4) (d) The person having such care and custody must be fit and proper to have the same, and the period of aid must be likely to continue * * * *for at least 3 months*. Aid may not be granted to the mother or stepmother of a dependent child unless such mother or stepmother is without a husband, or the wife of a husband who is incapacitated for gainful work by mental or physical disability, likely to continue for at least 3 months in the opinion of a competent physician, or the wife of a husband who has been sentenced to a penal institution for a period of at least 3 months, or the wife of a husband who has continuously * * * *abandoned* her for *at least 3 * * ** months, if the husband has been legally charged with abandonment *under section 351.30*, or if the mother or stepmother has been divorced from her husband for a period of at least 3 months, dating from the interlocutory order, and unable through use of the provisions of law to compel her former husband to support the child for whom aid is sought.

(8) (a) The county treasurer and the county agency administrator shall certify monthly under oath to the department in such manner as the department prescribes, the claim of the county for state and federal reimbursement for aid under this section, setting forth separately * * * the amount paid in cases for which no federal aid is recoverable, and the amount paid in all other cases.

(b) If the department is satisfied that the amount claimed is correct and that the aid allowed has been granted in compliance with the requirements of this section it shall certify to the secretary of state * * * one-third of the amount paid * * * *by the county* plus federal aid received for such expenditures. If the total amount due to counties from the state under this section is more than the amount appropriated from state funds for aid to dependent children, the department

shall prorate * * * among the various counties according to the amounts due them. To facilitate prompt reimbursement to the amounts due them. 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 years may be included in subsequent certifications. The secretary of state shall draw his warrant forthwith for reimbursement to the respective counties in accordance with the certification of the department. In determining the amount available for distribution to the counties, one-half of the annual appropriation from state funds shall be allotted to each half year.

SECTION 12. 49.19 (4) (b) and (c) of the statutes are repealed.

SECTION 12a. 49.23 (4) is created to read:

49.23 (4) When and if federal aid for old-age assistance becomes available to persons who are now rendered ineligible for such aid by subsection (1), the effect of said subsection shall thereupon cease; and eligibility for such aid shall thereafter be determined as though subsection (1) had never been enacted. The purpose of this subsection is to enable the state to match federal old-age assistance at all times and to the fullest extent.

SECTION 13. 49.25 of the statutes is amended to read:

49.25 ASSISTANCE RECOVERED. On the death of a person who has received old-age assistance, the total amount of such assistance paid (including * * * *aid paid under sections 49.30 and 49.40* as old-age assistance) shall be a claim against his estate, but such claim shall not take precedence over the allowances under section 313.15 or over any claim for * * * *care * * * or maintenance furnished by the state or its political subdivisions.* The court may disallow such claim or any part thereof if satisfied that such disallowance is necessary to provide for the maintenance or support of a surviving spouse or minor or incapacitated adult children, and thereupon the claim shall be waived to the extent of the amount disallowed and *that amount* assigned to such spouse or children for maintenance or support. The net amount recovered pursuant to this section or section 49.26 shall be paid to the United States, the state and its political subdivisions, in the proportion in which they respectively contributed to such old-age assist-

ance. The county agency of the county from which the deceased beneficiary received old-age assistance shall file the claim herein provided.

SECTION 14. 49.26 (3), (4) and (6) of the statutes are amended to read:

49.26 (3) DISTRICT ATTORNEY, DUTIES AND FEES. 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 shall be entitled to retain any fee allowed to him by the court as attorney for the administrator*. No fee shall be * * * allowed to any county employe for services as estate administrator. The county agency and the district attorney shall report to the county board at its November meeting concerning collections made 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 any 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. Any compromise made before July 15, 1943 which would be valid if made pursuant to these provisions for compromise of claim is hereby validated.

(4) CERTIFICATE OF LIEN, FILING. All old-age assistance aid to any beneficiary (including * * * *aid paid under sections 49.30 and 49.40* as old-age assistance) constitutes a lien as hereafter provided and remains a lien until satisfied. When old-age assistance is granted, the name and residence of the beneficiary, the amount of assistance granted, the date when granted, the name of the county, and such other information as the department requires, shall be entered on a certificate, the form of which shall be prescribed by the department. The county agency shall file such certificate, or a copy thereof, in the

office of the register of deeds of every county in which real property of the beneficiary is situated.

(6) REGISTER OF DEEDS, INDEX, FEES. 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 grantor county, and a record of releases and satisfactions. No fee shall be charged for filing such certificate, *release or satisfaction* 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, *release or satisfaction*.

SECTION 15. 49.26 (7a) is created to read:

49.26 (7a) NONPRIORITY OF LIEN. The old-age assistance lien shall not take precedence over any claim for care or maintenance furnished by the state or its political subdivisions, but all such public claims when allowed by the court shall share pro rata.

SECTION 15a. 49.27 is amended to read:

49.27 APPLICATION FOR ASSISTANCE; CONTINUED ELIGIBILITY; COUNTY LIABILITY. An applicant for old-age assistance shall file his sworn application in writing with the county in which he resides, in such manner and form as shall be prescribed by the department. If a person receiving old-age assistance goes to another county to reside in a private *tax-exempt*, charitable, benevolent or fraternal institution or home for the aged and continues to be eligible for old-age assistance under section 49.23 (1) while therein residing, he shall continue to receive his assistance from the county paying the same at the time he moved unless he has a settlement in the county in which the institution or home is located.

SECTION 16. 49.31 of the statutes is repealed.

SECTION 17. 49.39 of the statutes is amended to read:

49.39 STATE AID TO COUNTIES. Any county which is financially unable to fully perform its duties under sections 49.18 to 49.38 and 49.61 may make application to the department for financial assistance to enable it to perform such duties. Before making a determination upon the application, the de-

partment shall hold hearings, investigate and obtain or receive proof as to total indebtedness, and tax levy limitations, cash on hand, anticipated revenues from all sources, reasonableness of amounts of its expenditures and necessity therefor, tax delinquencies, reasonableness of valuation for taxation purposes and such other factors not enumerated which are probative of the applicant's financial condition. If the department is satisfied that the applicant's financial condition is such that it cannot provide money for such forms of public assistance, the department shall certify to the secretary of state for payment to the applicant out of the appropriations provided by section 20.18 (9) an amount which will, together with money that the applicant can provide, be sufficient to enable the applicant to properly perform its duties. No such payment shall be made unless the department's certification is approved by the emergency board. The department shall fix the time and place of hearing, issue subpoenas, take testimony and make reasonable rules and regulations which are necessary to enable it to effectively perform its duties under this section.

SECTION 18. 49.40 of the statutes is created to read:

49.40 SUPPLEMENTARY HEALTH SERVICES. (1) The county agency administering aid to the blind, aid to dependent children, and old-age assistance may supplementary to such aids authorize and pay for medical, surgical, dental, hospital and nursing home care and optometrical services for recipients of such aids when necessary. The provisions of section 49.11 shall not apply to this section.

(2) Upon forms prescribed by the department claims by counties for reimbursement shall be made at the same time and in the same manner as other claims for aid to the blind, aid to dependent children, and old-age assistance and if approved by the department 35 per cent of such expenditures plus any federal aid that may be received for such expenditures shall be certified by the department to the secretary of state as reimbursement to the counties. 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 years may be included in subsequent certifications.

SECTION 19. 49.41 of the statutes is created to read:

49.41 ASSISTANCE GRANTS EXEMPT FROM LEVY.

All grants of old-age assistance, aid to dependent children, aid to the blind, and aid to totally and permanently disabled persons shall be exempt from every tax, and from execution, garnishment, attachment and every other process and shall be inalienable.

SECTION 20. 49.50 (3), (5) and (6) of the statutes are amended to read:

49.50 (3) PERSONNEL EXAMINATIONS. State-wide examinations to ascertain qualifications of applicants in any county department administering old-age assistance, aid to dependent children or blind aid shall be given by the state bureau of personnel. The bureau shall be reimbursed for actual expenditures * * * *incurred in the performance of its functions under this section* from the appropriations available to the department for administrative expenditures.

(5) COUNTY PERSONNEL SYSTEMS. In counties having a civil service system, the department may delegate to the civil service agency in such county responsibility for determining qualifications of applicants by merit examination, provided the standards of qualifications and examinations have been approved by the * * * *department* and the state bureau of personnel. The personnel in such counties shall be exempt from such re-examination provided such personnel has qualified for present positions by examinations conducted pursuant to standards acceptable to the department.

SECTION 21. 49.51 (3) (a) and (b) of the statutes are amended to read:

49.51 (3) (a) *Federal aid.* The state shall reimburse the counties for expenditures incurred * * * in the administration of old-age assistance, aid to dependent children, and blind aid, * * * *to be prorated in accordance with the amount expended by each county for such administration and be paid from the appropriation made by section 20.18 (6) (a).*

(b) *State aid.* The state shall also reimburse the counties 25 per cent of the expenditures incurred in the administration of old-age assistance, aid to dependent children, and aid to the blind, and for related welfare services performed by a county agency administering such aids in cooperation with or at the request of the state department pursuant to express authorization; provided, that if the appropriation in section 20.18 (6) (b) is insufficient for the payment in full of the amounts due

the counties under this provision such appropriation shall be prorated. *In no event shall reimbursement to any county under this subsection exceed its total expenditures for administration and if any reduction is necessary to avoid payments over such total, the amount available under this paragraph shall be reduced.*

Approved May 14, 1947.

No. 234, A.]

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CHAPTER 122.

AN ACT to create 21.025 (11m) of the statutes, relating to retaining certain items of the uniform by active members of the Wisconsin state guard at the time of its demobilization.

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

21.025 (11m) of the statutes is created to read:

21.025 (11m) RETENTION OF ITEMS OF UNIFORM.

(a) Officers and enlisted men of the "Wisconsin State Guard" who have served honorably therein for a period of at least one year and are active members of their respective units at the time of its demobilization shall, upon application to the unit commander, be permitted to retain the following items of the uniform:

- Belt, web waist
- Cap, field cotton
- Cap, field woolen
- Coat, woolen serge
- Insignia, collar gilt disc, "cross-rifle"
- Insignia, collar gilt disc, "WIS"
- Necktie, black
- Overcoat, short woolen O.D.
- Raincoat
- Shirt, cotton khaki
- Shirt, flannel O.D.
- Shoes, service
- Trousers, cotton khaki
- Trousers, woolen O.D.