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CHAPTER 725.

AN ACT to repeal 49.21 (2), 49.23 (1) and (4), 49.26 (11) (d), 49.61 (2) (e), 49.61 (10); to renumber 49.20; to renumber and amend 49.18 (1), 49.27; to amend 49.09 (1), 49.18 (2) (b) and (4), 49.18 (8), 49.19 (1) (a) and (b), 49.19 (2), (3), (4) (f) and (5), 49.26 (5), 49.40 (1), 49.50 (1), 49.50 (3), 49.50 (8) and (9), 49.51 (1), (2) (b), (3) (a), (b) and (c), (4) and (5), 49.53, 49.61 (2) (a), 49.61 (3), 49.61 (5) and (6), 59.15 (2) (e); to repeal and recreate 49.18 (5) and (6) (a) and to create 46.35 (13), 49.18 (1) (b) and (c), 49.19 (1) (c), 49.20 (2), 49.27 (2), 49.38 (3) and 49.50 (10) and 49.61 (1m) of the statutes, relating to public assistance.

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

SECTION 1. 46.35 (13) of the statutes is created to read:

46.35 (13) The administration of aid to totally and permanently disabled persons under section 49.61.

SECTION 2. 49.09 (1) of the statutes is amended to read:

49.09 (1) When a dependent person, other than a recipient of old-age assistance, aid to blind, aid to dependent children, or aid to totally and permanently disabled persons is receiving relief elsewhere than at his place of settlement and refuses to return thereto, the officer or agency of the place administering relief or of the place of settlement may petition the judge of the county court or the judge of any other court of record of the county in which the relief is furnished for an order directing such person to return to his place of settlement. The petition shall state specifically the reasons upon which the order is sought and copies shall be served upon the dependent person, the officer or agency of the place of residence or the place of legal settlement. Notice of hearing shall be served upon the same parties at least 10 days in advance of the hearing. Service may be made personally or by registered mail with return receipt requested.

SECTION 3. 49.18 (1) of the statutes is renumbered 49.18 (1) and (a) and amended to read:

49.18 (1) (a) Any needy person who is blind shall receive aid from the county of his residence as provided in this section. The amount granted shall be determined on the basis of need taking into consideration all income and resources as well as ordinary and special expenses incidental to blindness, *except that as permitted or required for federal aid in making such determination of need the first \$50 of earned income shall be disregarded.* The maximum aid per month shall not exceed twice the maximum amount of federal reimbursement for such aid.

SECTION 4. 49.18 (1) (b) and (c) of the statutes are created to read:

49.18 (1) (b) For the purposes of this section, the term "aid to the blind" means money payments to, or medical care in behalf of or any type of remedial care recognized under this section or section 49.40 in behalf of blind individuals who are needy, but does not include any such payments to or care in behalf of any individual who is an inmate of a public institution (except as a patient in a medical institution) or any individual (a) who is a patient in an institution for tuberculosis or mental diseases, or (b) who has been diagnosed as having tuberculosis or psychosis and is a patient in a medical institution as a result thereof, except that the exclusion of money payments to needy individuals described in clause (a) or (b) shall, in the case of any such individuals who are not patients in a public institution, be effective July 1, 1952. Beginning July 1, 1953, no payment of aid to the blind shall be made to any individual in a private or public institution unless a standard setting authority has been designated or established which shall be responsible for establishing and maintaining standards for such institution.

(c) The department shall by rule establish a definition of blindness in terms of ophthalmic measurements.

SECTION 5. 49.18 (2) (b) and (4) of the statutes are amended to read:

49.18 (2) (b) He must not be * * * in attendance at any state, county or municipally owned school for the blind or deaf wherein instruction, room and board and other incidentals are furnished free, except the summer school of the Wisconsin school for the visually handicapped;

(4) All applicants for aid to the blind shall be examined by a physician skilled in *diseases of the eye* * * * who shall keep such records and render such reports as the department prescribes. *If it be a requirement for federal aid the applicant shall be given the opportunity to select an optometrist to make the examination and such report as the department prescribes.* Reexamination shall also be made when necessary. * * * *A reasonable fee for each examination shall be * * * established by the department.* An applicant for a peddler's license shall pay for his own examination, not to exceed \$2, and obtain a certificate showing whether he is blind.

SECTION 6. 49.18 (5) and (6) (a) of the statutes are repealed and recreated to read:

49.18 (5) Any person believing himself to be eligible for aid to the blind under this section shall be entitled to file his sworn application with the county agency of the county in which he resides, in such manner and form and containing such information as the department may prescribe.

(6) (a) The county agency shall promptly make such further investigation of the conditions and circumstances of the applicant as may be necessary or as is required by the rules and regulations of the department. Every applicant shall be promptly notified in writing of the disposition made of his application. Aid to the blind shall be furnished with reasonable promptness to any eligible individual. Such aid shall be paid monthly.

SECTION 7. 49.18 (8) of the statutes is amended to read:

49.18 (8) No * * * aid to the blind shall be payable under this section to any person for any period with respect to which he is receiving aid to dependent children under section 49.19, old-age assistance under sections 49.20 to 49.39 or aid to totally and permanently disabled persons under section 49.61.

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

49.19 (1) (a) A "dependent child" as this term is used in this section is a child under the age of 16, or under the age of 18 if found by the department to be regularly attending school, who has been deprived of parental support or care by reason of the death, continued absence from the home, or incapacity of a parent, and who is living with his father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle or aunt in a residence maintained by one or more such relatives as his or their own home, or who is living in a foster home having a permit under section 48.38, when a permit is required under such section and placed in such home by a county agency pursuant to chapter 48.

(b) *Any individual wishing to make application for aid to dependent children shall have opportunity to do so. Application for aid shall be made on forms prescribed by the department.* 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 * * * *an agency administering such aid in the county in which the child resides.*

SECTION 9. 49.19 (1) (c) of the statutes is created to read:

49.19 (1) (c) The term "aid to dependent children" means money payments with respect to, or medical care in behalf of or any type of remedial care recognized under subsections (1) to (9) or section 49.40 in behalf of, a dependent child or dependent children, and includes money payments or medical care or any type of remedial care recognized under said subsections for any month to meet the needs of the relative with whom any dependent child is living if money payments have been made under the state plan with respect to such child for such month.

SECTION 10. 49.19 (2), (3), (4) (f) and (5) of the statutes are amended to read:

49.19 (2) * * * *A prompt investigation of the circumstances of the child shall be made (which shall include a visit to its home) before granting aid. A report upon such investigation shall be made in writing and become a part of the record in the case. Every applicant shall be promptly notified in writing of the disposition of his application. Aid shall be furnished with reasonable promptness to any eligible individual.*

(3) After the investigation and report, aid may be granted to the person having the care and custody of the child as the best interest of the child requires. *No such aid shall be furnished any person for any period during which he is receiving old-age assistance, aid to the blind or aid to totally and permanently disabled persons.*

(4) (f) Whenever better provisions, public or private, can be made for the care of such dependent child, aid under this section shall cease. *Prompt notice shall be given to*

the appropriate law-enforcement officials of the county of the furnishing of aid under this section in respect of a child who has been deserted or abandoned by a parent.

(5) The aid shall be sufficient to enable the person having the care and custody of such children to care properly for them. The amount granted shall be determined by a budget for the family in which all income as well as expenses shall be considered. Such family budget shall be based on a standard budget, including the parents or other person who may be found eligible to receive aid under * * * *this section.* * * * Medical and dental aid may be granted to a minor * * * *child,* * * * *to the person having his care and custody,* and to the incapacitated father *when he is in the home,* as necessary. Not to exceed \$150 shall be allowed to cover the burial expenses of a dependent child or its parents. Aid pursuant to this section shall be the only form of public assistance granted to the family for the benefit of such child; and no aid shall continue longer than one year without reinvestigation. This subsection does not prohibit such public assistance as may legitimately accrue directly to persons other than the beneficiaries of this section who may reside in the same household.

SECTION 11. 49.20 of the statutes is renumbered 49.20 (1).

SECTION 12. 49.20 (2) of the statutes is created to read:

49.20 (2) The term "old-age assistance" means money payments to, or medical care in behalf of or any type of remedial care recognized under sections 49.20 to 49.38 or section 49.40 in behalf of needy individuals who are 65 years of age or older (or 60 years or older in the event of the change in the federal law as provided in section 49.22 (1)) but does not include any such payments or care in behalf of any individual who is an inmate of a public institution (except as a patient in a medical institution) or any individual (a) who is a patient in an institution for tuberculosis or mental diseases, or (b) who has been diagnosed as having tuberculosis or psychosis and is a patient in a medical institution as a result thereof, except that the exclusion of money payments to needy individuals described in clause (a) or (b) shall, in the case of any such individuals who are not patients in a public institution, be effective July 1, 1952. Beginning July 1, 1953, no payment of old-age assistance shall be made to any individual in a private or public institution unless a standard setting authority has been designated or established which shall be responsible for establishing and maintaining standards for such institutions. Old-age assistance shall also be granted to aged dependent persons residing voluntarily in county or city homes and the department shall make claim for federal reimbursement therefor when federal funds are made available for that purpose and pay the same to the county.

SECTION 13. 49.21 (2) of the statutes is repealed.

SECTION 14. 49.23 (1) and (4) of the statutes are repealed.

SECTION 15. 49.26 (5) of the statutes is amended to read:

49.26 (5) Upon such filing the lien herein imposed attaches to all real property of the beneficiary 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 sections 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. All judgments, certificates or decrees of courts of competent jurisdiction heretofore entered terminating joint tenancies or assigning such property under a will or an administration of the estate of any such beneficiary shall be binding upon all interested parties 2 years after August 22, 1945, unless within said 2-year period application is made to such court to set aside or modify such judgment, certificate or decree. 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 incumbrances 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.

SECTION 16. 49.26 (11) (d) of the statutes is repealed.

SECTION 17. 49.27 of the statutes is renumbered 49.27 (1) and amended to read:

49.27 (1) 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. *Any individual wishing to make application for old-age assistance shall have opportunity to do so. Every applicant shall be promptly notified in writing of the disposition made of his application. Old-age assistance shall be furnished with reasonable promptness to any eligible individual.* * * *

SECTION 18. 49.27 (2) of the statutes is created to read:

49.27 (2) If a person eligible for or 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, or a county home, or a municipal home, or a private nursing or convalescent home, and continues to be eligible for old-age assistance as defined in section 49.20 (2) while therein residing, he shall receive such assistance, including care given under the provisions of section 49.40, from the county from which he moved, or continue to receive his assistance from the county paying the same at the time he moved, respectively, unless he has a legal settlement under section 49.11 in the county in which the institution or home is located, in which case such county shall make payment of such old-age assistance as he is eligible to receive. As used herein a private nursing or convalescent home means a place not public, admitting 3 or more unrelated persons for indefinite residence for the purpose of furnishing them board, room, laundry and care because of prolonged illness or defect or during recovery from injury or disease, including the procedures commonly employed in waiting on the sick, such as administration of medicines, preparation of diets, bedside care, application of dressings and bandages and treatments prescribed by a physician.

SECTION 23a. 49.38 (3) of the statutes is created to read:

49.38 (3) Whenever the amount certified by the county treasurer and county agency administrator under 49.38 (1) shall include old-age assistance under 49.20 to 49.38 and 49.40 furnished to a person who would otherwise be eligible for relief under 49.045 the department shall include in the certification under 49.38 (1) to the director of budget and accounts 100 per cent of such approved amount paid by the county which amount shall include any federal aid received for such expenditures.

SECTION 23m. 49.40 (1) of the statutes as amended by chapter 222, laws of 1951, is amended to read:

49.40 MEDICAL CARE. (1) The county agency administering aid to the blind, aid to dependent children, 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 section 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 sections 49.18 (1) (a), 49.19 (5), and 49.21 (1). Medical care provided under this section includes hospitalization 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.*

SECTION 19. 49.50 (1), (3), (8) and (9) are amended to read:

49.50(1) The department shall supervise the administration of old-age assistance, aid to dependent children, * * * *aid to the blind * * * and aid to totally and permanently disabled persons.* The department shall submit to the federal authorities state plans for the administration of these forms of public assistance in such form and containing such information as the federal authorities require and shall comply with all requirements prescribed to insure the correctness. All records of the department relating to these forms of public assistance shall be open to inspection, at all reasonable hours, by representatives of the federal government. Such merit system status as any employe may have on the effective date of this section (1945) shall not be deemed changed or interrupted by the provisions hereof.

(3) State-wide examinations to ascertain qualifications of applicants in any county department administering old-age assistance, aid to dependent children, * * * *aid to the blind * * * or aid to totally and permanently disabled persons* 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.

(8) Any person whose application for any of these forms of assistance is not acted upon by the county agency * * * *with reasonable * * * promptness* after

the filing of the application, or is denied in whole or in part, or whose award is modified or canceled, may petition the department for a review of such action. The department shall, upon receipt of such a petition, give the applicant or recipient reasonable notice and opportunity for a fair hearing. The department may make such additional investigation as it may deem necessary. Notice of the hearing shall be given to the applicant and to the county clerk; and the county shall be entitled to be represented at such hearing. The department shall render its decision as soon as possible after the hearing and shall send a certified copy of its decision to the applicant, the county clerk and the county officer charged with administration of such assistance. The decision of the department shall have the same effect as an order of the county officer charged with the administration of such form of assistance. Such decision shall be final, but may be revoked or modified as altered conditions may require.

(9) The department may at any time terminate payment of state or federal aid on any grant of old-age assistance, aid to dependent children * * *, *aid to the blind* * * * *or aid to totally and permanently disabled persons* which may have been improperly allowed or which is no longer warranted due to altered conditions. Such action shall be taken only after thorough investigation and after fair notice and hearing. Such notice shall be given to the recipient of the assistance, the county clerk, and the county officer charged with the administration of such assistance, and their statements may be presented either orally or in writing, or by counsel. Any decision of the department terminating the payment of state and federal aid shall be transmitted to the county treasurer, and after receipt of such notice he shall not include any payments thereafter made in such case in the certified statement of the expenditures of the county for which state or federal aid is claimed.

SECTION 19m. 49.50 (10) of the statutes is created to read:

49.50 (10) JOINT COMMITTEE ON STANDARDS. A joint committee on county institution standards consisting of 6 members shall develop minimum uniform standards for the care, treatment, health, safety, welfare and comfort of patients in county institutions in accordance with the provisions of sections 49.18 (1) (b), 49.20 (2) and 49.61 (1m). Three members shall be from the membership of the state board of public welfare chosen by such board. Three members shall be chosen by the governor and shall be designated as the county board member, the county trustee member and the county superintendent member. The county board member shall be chosen from a list of 5 names of county board chairmen submitted by the Wisconsin county boards association. The county trustee and superintendent members shall be chosen from a list of 5 names for each position submitted by the Wisconsin county hospital association. Terms of office shall begin on January 1, 1952 and shall continue for a period of 2 years. Any member shall be disqualified and cease to be a member of the committee upon losing the status upon which his appointment as a member was based. Vacancies shall be filled in the original manner for the unexpired term. All members shall serve without compensation. A uniform standards plan shall be submitted to the state board of public welfare on or before June 1, 1952. The board shall have power to establish and enforce the standards submitted by the joint committee. Annually, between January 1 and June 1 of each year the joint committee on standards shall review the minimum standards and rules and regulations for their establishment and enforcement and recommend to the state board of public welfare any changes. Such changes shall be effective as of July 1 of that year. If any county home or infirmary fails within 90 days to comply with the uniform standards in a manner satisfactory to the department it may suspend state aid to such institution.

SECTION 20. 49.51 (1), (2) (b), (3) (a), (b) and (c), (4) and (5) of the statutes are amended to read:

49.51 (1) The county administration of all laws relating to old-age assistance, aid to dependent children, * * * *aid to the blind* * * * *and aid to totally and permanently disabled persons* shall be vested in the officers and agencies designated in the statutes. The county board may provide assistants for such officers and agencies and prescribe their qualifications and fix their compensation in conformity with the rules and regulations of the department as provided in section 49.50 (2). The county board may direct the county judge to administer such assistance and may fix his compensation therefor.

(2) (b) In counties containing a population of less than 500,000, the county board may by ordinance provide for a county pension department with such personnel, qualifications, duties and compensation as the county board may determine in conformity with the rules and regulations of the department as provided in section 49.50. The county department shall administer within such county all laws relating to old-age assistance, aid to dependent children, * * * *aid to the blind* * * * *and aid*

to *totally and permanently disabled persons*, or any or all of such forms of assistance. The creation of such county pension department shall not prevent the discontinuance thereof by subsequent adoption of an ordinance reinstating the prior method of administering such forms of assistance.

(3) (a) The state shall reimburse the counties for expenditures incurred in the administration of old-age assistance, aid to dependent children, * * * *aid to the blind* * * * *and aid to totally and permanently disabled persons*, 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) 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, * * * *aid to the blind*, *and aid to totally and permanently disabled persons*, and for related welfare services performed by a county agency administering such aids in co-operation 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.

(c) Payment of the state aid for administration under this section shall be made monthly on certification of the state department of public welfare, at the same time and in the same manner as state and federal aid for old-age assistance, aid to dependent children, * * * *aid to the blind* *and aid to totally and permanently disabled persons*.

(4) Whenever the state prorates the appropriations for state aid for old-age assistance, aid to dependent children, * * * *aid to the blind* * * * *and aid to totally and permanently disabled persons* among the counties, the counties may reduce the amounts allowed to the beneficiaries in the following month, by the amount of the state and federal aid unpaid. Such reduction shall be made on a pro rata basis and shall apply until the state and federal aid is paid in full. The amount unpaid by the state as determined with respect to amounts actually expended by the counties for any of these forms of public assistance shall remain as a charge against the state.

(5) The use of the words "county court", "county judge", or "juvenile judge" in any statute relating to old-age assistance, aid to dependent children, * * * *aid to the blind* * * * *and aid to totally and permanently disabled persons*, unless the context indicates otherwise, means the county court, county judge, juvenile judge, county department of public welfare, or county pension department, whichever has been designated by the county board under this section to administer assistance and aid in the county.

SECTION 21. 49.53 of the statutes is amended to read:

49.53 The use or disclosure of information concerning applicants and recipients for any purpose not connected with the administration of aid to dependent children, *aid to the blind* * * *, * * * old-age assistance *and aid to totally and permanently disabled persons* is prohibited. The department shall in conformity with the federal social security act and rules or regulations made pursuant thereto adopt rules and regulations restricting the use and disclosure of information concerning such applicants and recipients to become effective upon publication in the official state paper, and copies thereof shall be filed with the secretary of state and county clerks. Any person violating this section or any rule or regulation promulgated hereunder shall be punished by a fine of not less than \$25 nor more than \$500 or by imprisonment not less than 10 days nor more than one year, or by both fine and imprisonment.

SECTION 22. 49.61 (1m) of the statutes is created to read:

49.61 (1m) DEFINITION OF AID; INSTITUTION INMATES. For the purpose of this section, the term "aid to the totally and permanently disabled" means money payments to, or medical care in behalf of, or any type of remedial care recognized under this section or section 49.40 in behalf of, needy individuals more than 18 and less than 65 years of age who are totally and permanently disabled, but does not include any such payments to or care in behalf of any individual who is an inmate of a public institution (except as a patient in a medical institution) or any individual (a) who is a patient in an institution for tuberculosis or mental diseases, or (b) who has been diagnosed as having tuberculosis or psychosis and is a patient in a medical institution as a result thereof. Beginning July 1, 1953, no payment of aid to totally and permanently disabled persons shall be made to any individual in a private or public institution unless a standard setting authority has been designated or established which shall be responsible for establishing and maintaining standards for such institutions.

SECTION 23. 49.61 (2) (a) of the statutes is amended to read:

49.61 (2) (a) Who is more than * * * 18 and less than 65 years of age;

SECTION 24. 49.61 (2) (e) of the statutes is repealed.

SECTION 25. 49.61 (3), (5) and (6) of the statutes are amended to read:

49.61 (3) Application * * * may be made by an agent or the legal guardian of a person believing himself to be eligible. Application shall be made on forms prescribed by the state department of public welfare to the welfare agency of the county in which he resides. *Any individual wishing to make application for aid to the totally and permanently disabled shall have opportunity to do so.*

(5) The county agency shall promptly notify the applicant, his agent or his legal guardian, in writing, as to whether or not he has been found to be eligible for this form of aid and the amount, if any, which he will be granted, provided that any applicant dissatisfied with the decision of the county agency upon his application or whose application is not acted upon with reasonable promptness may file a petition for review * * * as provided in section 49.50 (8). *Aid shall be furnished to any eligible individual with reasonable promptness.*

(6) The amount of aid which a person may receive under this section shall be according to his need but shall not exceed \$80 per month. *The agency shall, in determining need, take into consideration any other income and resources of an individual claiming aid under this section.* Any person receiving aid under this section shall not be eligible for old-age assistance, aid to the blind or aid to dependent children.

SECTION 26. 49.61 (10) of the statutes is repealed.

SECTION 27. 59.15 (2) (e) of the statutes is amended to read:

59.15 (2) (e) The county board at any regular or special meeting may provide, fix or change the salary or compensation of any such office, board, commission, committee, position, employe or deputies to elective officers without regard to the tenure of the incumbent (except as provided in paragraph (d)) and also establish the number of employes in any department or office including deputies to elective officers, and may establish rules and regulations of employment for any or all persons paid from the county treasury, but no action of the county board shall be contrary to or in derogation of the rules and regulations of the state department of public welfare pursuant to section 49.50 (2) to (5) relating to employes administering old-age assistance, aid to dependent children, * * * aid to the blind * * * and aid to totally and permanently disabled persons or the provisions of sections 16.31 and 16.44.

Approved August 3, 1951.
