

No. 201, S.]

[Published July 30, 1943.]

CHAPTER 548.

AN ACT to amend 46.10 (7) and (8) and 49.25 of the statutes, relating to recovery of the cost of maintenance of inmates in state and county institutions.

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

SECTION 1. 46.10 (7) and (8) of the statutes are amended to read:

46.10 (7) The actual capita cost, as defined by rule of the state department of public welfare, of maintenance furnished an inmate of any state institution, or any county institution in which the state is chargeable with all or a part of the inmate's maintenance, except as to tuberculosis patients provided for in chapter 50 and subsection (2) of section 58.06, may be recovered by the state department of public welfare, or in counties having a population of 500,000 or more by the county, from such person, or from his estate, or may be recovered from the husband or wife of such person *and in the case of minor children from the father or mother or their estates.* The sworn statement of the collection and deportation counsel of the state department of public welfare, or the superintendent of such institution, for the purpose of showing the names, time in the institution, and the actual per capita cost of maintenance furnished, shall be prima facie evidence of such facts. The state department of public welfare shall make adjustment with the several counties, for their proper share of all moneys recovered, in the settlement with the counties provided in subsections (2) and (3) * * *. *The legislature intends, and so intended at the time this subsection was enacted by chapter 336, laws of 1935, to impose, exclusively by this subsection and no other, a liability for care in those institutions to which this subsection has application, upon the person receiving such care, upon his estate, and upon the relatives named herein and upon their estates. The words "may be recovered" appearing in this subsection are and were intended to impose this liability.*

(8) The state board of control shall appoint an attorney at law, to be known as the "collection and deportation counsel," who shall make all reasonable and proper efforts, but shall give

due regard * * * *to the case and to a widow, husband or minor children* who may be lawfully dependent upon such property for support, to recover the cost of maintenance furnished inmates except as to tuberculosis patients provided for in chapter 50 and * * * section 58.06 (2), and take such steps as may be necessary to arrange for their deportation. Said counsel shall investigate the financial condition of the inmates now in the state and county institutions, except as to tuberculosis patients provided for in chapter 50 and * * * section 58.06 (2), or heretofore or hereafter committed or admitted thereto, and of the relatives liable for the maintenance of such inmates, in order to determine the ability of any inmate or any such relative to make payment in whole or in part for the maintenance of said inmates, and shall investigate the legal settlement status of all said inmates in order to determine which cases, if any, are subject to deportation.

SECTION 2. 49.25 of the statutes is amended to read:

49.25 On the death of a person who has been assisted under sections 49.20 to 49.51, the total amount of assistance paid, including medical and funeral expense paid as old-age assistance, but without any interest, shall be allowed as a claim against the estate of such person by the court having jurisdiction to settle the estate; provided, however, that such claim shall not take precedence over the allowances under section 313.15 *or over any claim for institutional care under section 46.10*; and provided, also, that such court may disallow such claim or any part thereof if it is satisfied that the amount of such disallowance is necessary to provide for the maintenance or support of a surviving spouse or surviving minor children, and thereupon the claim shall be deemed waived to the extent of the amount thus disallowed and assigned to such spouse or minor children for maintenance or support. Of the net amount recovered pursuant to the provisions of this section or section 49.26, one-half shall be paid over to the United States government, and the remainder shall be paid into the treasuries of the state and its political subdivisions, in the proportion in which they respectively contributed to the old-age assistance recovered. It shall be the duty of the county judge of the county from which the deceased beneficiary has received old-age assistance to file the claim herein provided.

Approved July 27, 1943.