

2013 DRAFTING REQUEST

Bill

Received: 10/22/2013 Received By: tkuczens
Wanted: As time permits Same as LRB:
For: Glenn Grothman (608) 266-7513 By/Representing: Adam Gibbs
May Contact: Drafter: tkuczens
Subject: State Govt - miscellaneous Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Sen.Grothman@legis.wisconsin.gov
Carbon copy (CC) to: tracy.kuczenski@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Interest and penalties (unclaimed property) and change action for filing a claim

Instructions:

Redraft of 2011 SB 296 with 11- LRBa2215 and redraft of 2011 SB 294

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tkuczens 10/24/2013	jdyer 10/28/2013	jfrantze 10/28/2013	_____	_____	_____	_____
/1				_____	srose 10/28/2013	srose 2/11/2014	State

FE Sent For:

<END>

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INTRO

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1/?	tkuczens	10/28 jld	[Signature]	[Signature]			

FE Sent For:

<END>

Kuczenski, Tracy

From: Gibbs, Adam
Sent: Tuesday, October 22, 2013 10:22 AM
To: Kuczenski, Tracy
Subject: Sen. Grothman - Draft Request: Unclaimed Property Program
Attachments: 13-2080_1.pdf; 13-2079_1.pdf

Tracy,

Earlier in the session, Sen. Grothman had two bills drafted regarding the Unclaimed Property Program. In this year's budget, Unclaimed Property was moved from the Office of the State Treasurer (OST) to DOR.

Sen. Grothman would like these two bills (attached) drafted as one bill with the LRB analysis updated to reflect the changes made in the budget moving the program to DOR. The statutory language shouldn't need to change as it refers to the "administrator" which would now be DOR, but the current LRB analysis refers to the OST.

Please let me know if you have any questions or need clarification. Thank you!

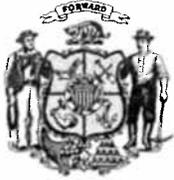
Sincerely,

Adam Gibbs

Office of Senator Grothman

20th Senate District

(608) 266-7513



State of Wisconsin
2013 - 2014 LEGISLATURE

3491/1
LRB-2013/1
TKK/ldj
KEEP
KMR
insert

2013 BILL

10/24/13 soon

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Regen

procedures for establishing a claim to abandoned intangible property and

AN ACT to amend 177.34 (1) of the statutes; relating to: interest due on property determined to be abandoned and due to be paid or delivered to the state treasurer department of revenue

Analysis by the Legislative Reference Bureau

Under current law, a person who holds property that has been determined to be abandoned by the owner of the property must pay or deliver that property to the state treasurer (treasurer). If the person who holds the property fails to pay or deliver the property within the time required by law, the person must pay interest on the property or the value of the property at the annual rate of 18 percent from the date the property should have been paid or delivered. Under this bill, the treasurer may only require a person to pay interest on the property if the person has willfully neglected to pay or deliver the property in a timely manner. The bill also changes the interest rate from 18 percent to 12 percent.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

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

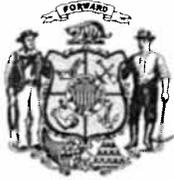
SECTION 1. 177.34 (1) of the statutes is amended to read:

department of revenue (department)

Insert Analysis

insert 1-4

department



INSERTS

2013 BILL

1 AN ACT to amend 177.26 of the statutes; relating to: procedures for establishing
2 a claim.

department ✓

Analysis by the Legislative Reference Bureau

Insert Analysis

Under current law, a person may claim an interest in abandoned, intangible property by filing a claim with the state treasurer. Intangible property is presumed to be abandoned if it is held, issued, or owing in the ordinary course of a holder's business and it has remained unclaimed by the owner for more than five years after it became payable or distributable. Current law requires the state treasurer to consider each claim within 90 days after the claim is filed. The state treasurer may also refer a claim to the attorney general for an opinion on whether to either allow the claim or deny the claim in whole or in part.

department ✓
(2x)

A person aggrieved by a decision of the state treasurer or whose claim has not been acted upon within 90 days (claimant) may, under current law, bring an action to establish the claim in circuit court. If, in circuit court, the claimant establishes the claim against the state treasurer, the court must award costs and reasonable attorney fees to the claimant.

department ✓

*

This bill permits a claimant to petition for judicial review of the decision or inaction of the state treasurer under chapter 227 of the Wisconsin Statutes; chapter 227 establishes uniform procedures for the review of administrative actions and decisions. The bill also eliminates the mandatory award of costs and reasonable attorneys fees to a claimant who prevails against the state treasurer in circuit court in those cases in which the circuit court determines the state treasurer was

↓

department (2x) ✓

BILL

substantially justified in taking its position or in which special circumstances exist that would make the award of costs and attorney fees unjust.

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

SECTION 1. 177.26^x of the statutes is amended to read:

177.26 Action to establish claim. A person aggrieved by a decision of the administrator or whose claim has not been acted upon within 90 days after its filing may bring an action to establish the claim in the circuit court, naming the administrator as a defendant. The action shall be brought petition for judicial review of the decision or of the claim under s. 227.52^v, except that petitions for review shall be served and filed within 90 days after the decision of the administrator or within 180 days after the filing of the claim if the administrator has failed to act on it. If the person establishes the claim in an action against the administrator, the court shall standards under s. 227.485^v shall apply to the award the person of costs and reasonable attorney fees by the court.

(END)

(end ins 1-4)

End Insert Analysis

Insert 1-4

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Rose, Stefanie

From: Gibbs, Adam
Sent: Tuesday, February 11, 2014 3:45 PM
To: LRB.Legal
Subject: Draft Review: LRB -3491/1 Topic: Interest and penalties (unclaimed property) and change action for filing a claim

Please Jacket LRB -3491/1 for the SENATE.