

1993 Assembly Bill 1043

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1993 WISCONSIN ACT 306

AN ACT to renumber and amend 59.90 (1); to amend 59.90 (2); and to create 59.90 (1) (b) and 59.90 (1m) of the statutes, relating to: the holding period for unclaimed funds in a public treasury.

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

SECTION 1. 59.90 (1) of the statutes is renumbered 59.90 (1) (a) and amended to read:

59.90 (1) (a) On or before January 10 of every odd-numbered year, each ~~county, town, city and~~ village, town and county officer, and each clerk of every court of record, shall file with the ~~county~~ treasurer of that person's county a written report under oath giving the names and the last-known addresses of all persons for whom any such officer or clerk holds money or security, and which has not been claimed for at least one year, and showing the amount of ~~such the~~ money or the nature of ~~such the~~ security in detail. A duplicate report shall also be mailed to the secretary of state. Upon receiving ~~said the~~ reports the ~~county~~ treasurer shall cause to be published a class 3 notice, under ch. 985, on or before February 1 of the same year, which ~~notice shall contain~~ contains the names and last-known addresses of the owners of such unclaimed money or security, and shall state that unless the owners call for and prove their ownership of ~~such the~~ money or security, within 6 months from the time of the completed publication, the ~~county~~ treasurer will take possession or control of ~~such the~~ money or security.

SECTION 2. 59.90 (1) (b) of the statutes is created to read:

59.90 (1) (b) In counties with a population of 500,000 or more, the treasurer shall distribute to as many community-based newspapers as possible, that are published in the county, a copy of the notice that is described in par.

(a). The treasurer shall distribute these copies of notices at the same time that he or she causes the notices to be published.

SECTION 3. 59.90 (1m) of the statutes is created to read:

59.90 (1m) Any money or security of which the treasurer has taken possession or control under sub. (1) (a) and has had in his or her possession or control for more than 1 year shall, to the extent possible, be deposited in the county's general revenue fund. Money or security that is deposited under this subsection may remain in the county's general revenue fund or may be used by the county until the money or security is paid or delivered to its owner, or becomes the property of the county, under sub. (2).

SECTION 4. 59.90 (2) of the statutes is amended to read:

59.90 (2) If within ten years from the time any such money or security is delivered to the ~~county~~ treasurer the owner ~~thereof shall prove of the money or security~~ proves to the satisfaction of the ~~county~~ treasurer the owner's right to the possession of the ~~same money or security~~, it shall be paid or delivered to the owner. If no such proof is made, then at the end of ~~such the~~ ten-year period ~~such the~~ money or property shall become the property of the county. Nothing ~~herein contained in this section~~ shall be construed to deprive the owner of any such property of the owner's right to proceed by court action for the recovery of such ~~moneys~~ money or security from the ~~county~~ treasurer.