



2009 ASSEMBLY BILL 446

September 25, 2009 – Introduced by Representatives PETROWSKI, DANOU, KERKMAN, LOTHIAN, BERCEAU, TOWNSEND, RIPP, GUNDERSON, KESTELL, LEMAHIEU, BALLWEG, STRACHOTA, A. OTT, BROOKS, NASS and M. WILLIAMS, cosponsored by Senators TAYLOR and LEIBHAM. Referred to Committee on Urban and Local Affairs.

1 **AN ACT to amend** 59.66 (1) (c), 59.66 (2) (a) 1. and 59.66 (2) (a) 2. of the statutes;
2 **relating to:** authorizing county treasurers to provide notice of unclaimed
3 funds by using the Internet.

Analysis by the Legislative Reference Bureau

Under current law, in every odd-numbered year, each officer of a municipality and county must provide a report to the county treasurer listing all persons for whom the officer holds money or security which has not been claimed for at least one year. The treasurer must then publish a legal notice in a newspaper or other publication once a week for three consecutive weeks (class 3 notice) containing the names and last-known addresses of the owners of unclaimed money or security with a value of at least \$10. If the money or security is not claimed within six months, the treasurer takes possession of the money or security and deposits it in the county's general fund. If the money is not claimed within ten years, the money or property becomes the property of the county.

Also under current law, in every odd-numbered year, the circuit court clerk must provide a report to the county treasurer listing all money, securities, or funds in the clerk's possession for which no proceedings in the case have occurred for four or more years. One year after providing the report, the clerk must then turn over any remaining unclaimed funds to the county treasurer. After receiving the funds, the treasurer must publish a class 3 notice of the fact that he or she is in possession of the unclaimed funds. If no legal claim is made within 90 days of the last publication, the treasurer deposits the money in the county's general fund.

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Under this bill, the county treasurer may choose to post on the county's Web site, instead of or in addition to the publication of a class 3 notice, the notice of unclaimed case-related funds received from the circuit court clerk. Also under this bill, the county treasurer may choose to post on the county's Web site and make a copy available at the treasurer's office the notice containing the names and last-known addresses of the owners of unclaimed money or security with a value of at least \$10, instead of or in addition to the publication of a class 3 notice. If the treasurer elects not to provide the class 3 notice, he or she is required to publish a class 3 notice stating that the full notice containing the names and last-known addresses of the owners of the unclaimed money or security that has a value of at least \$10 is available on the county's Web site and at the treasurer's office.

For further information see the *local* 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:

1 **SECTION 1.** 59.66 (1) (c) of the statutes is amended to read:

2 59.66 (1) (c) On or before March 1 of the same year the treasurer shall publish
3 in the county, as a class 3 notice, under ch. 985, or post a notice on the county's Web
4 site, the fact that he or she has unclaimed moneys, securities, or funds in his or her
5 possession for disposition. If no legal claim is made for the moneys, securities, or
6 funds within 90 days after the last publication above provided for, or the initial
7 posting of the notice, whichever is later, then the treasurer shall deposit the moneys,
8 securities, or funds, together with all interest and profits thereon, in the general fund
9 of the county treasury, and no action may thereafter be maintained by any person,
10 firm or corporation against the county or the treasurer for the moneys, securities, or
11 funds.

12 **SECTION 2.** 59.66 (2) (a) 1. of the statutes is amended to read:

13 59.66 (2) (a) 1. On or before January 10 of every odd-numbered year, each
14 officer of a municipality and county, and each clerk of every court of record, shall file
15 with the treasurer of that person's county a written report under oath giving the

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1 names and the last-known addresses of all persons for whom any such officer or clerk
2 holds money or security, and which has not been claimed for at least one year, and
3 showing the amount of the money or the nature of the security in detail. A duplicate
4 report shall also be mailed to the department of financial institutions. Upon
5 receiving the reports the treasurer shall ~~cause to be published~~ publish a class 3
6 notice, under ch. 985, or post a notice on the county's Web site and make a copy of the
7 notice available at the treasurer's office, on or before February 1 of the same year,
8 which contains the names and last-known addresses of the owners of the unclaimed
9 money or security that has a value of at least \$10, and shall state that unless the
10 owners call for and prove their ownership of the money or security, within 6 months
11 from the time of the completed publication or initial posting, the treasurer will take
12 possession or control of the money or security. At the end of the 6 months from the
13 time of the completed publication or initial posting, the treasurer shall also take
14 possession or control of all money or security of persons for whom an officer of a
15 municipality and county, and each clerk of every court of record, holds money or
16 security, and which has not been claimed for at least one year, if the money or security
17 has a value of less than \$10. If the treasurer elects not to publish a class 3 notice
18 containing the names and last-known addresses of the owners of the unclaimed
19 money or security that has a value of at least \$10, the treasurer shall publish a class
20 3 notice, under ch. 985, stating that the notice containing the names and last-known
21 addresses of the owners of the unclaimed money or security that has a value of at
22 least \$10 is available on the county's Web site and at the treasurer's office.

23 **SECTION 3.** 59.66 (2) (a) 2. of the statutes is amended to read:

24 59.66 (2) (a) 2. In counties with a population of 500,000 or more, the treasurer
25 shall distribute to as many community-based newspapers as possible, that are

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SECTION 3

1 published in the county, a copy of the notice that is described in subd. 1. The
2 treasurer shall distribute these copies of notices at the same time that he or she
3 causes the notices to be published or posted.

4 (END)