



2015 SENATE BILL 527

January 7, 2016 - Introduced by Senators STROEBEL, LASEE, NASS, KAPENGA, OLSEN, MARKLEIN and RINGHAND, cosponsored by Representatives BERNIER, NOVAK, HORLACHER, DANOU, MURPHY, SINICKI, BALLWEG, E. BROOKS, R. BROOKS, KNODL, T. LARSON, BRANDTJEN and SUBECK. Referred to Committee on Elections and Local Government.

1 **AN ACT** *to renumber and amend* 59.66 (1) (c); *to amend* 59.66 (2) (a) 1., 59.66
2 (2) (a) 2. and 59.66 (2) (am); and *to create* 59.66 (1) (c) 1. b., 59.66 (2) (a) 1g. a.
3 and 59.66 (2) (a) 1g. b. of the statutes; **relating to:** notice of unclaimed funds
4 held by a county treasurer.

Analysis by the Legislative Reference Bureau

This bill provides an alternate method for a county treasurer to provide notice of certain unclaimed money or securities.

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

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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.

Under this bill, in either of the situations described above, the county treasurer must provide a legal notice containing the names and last-known addresses of the owners of unclaimed money or securities with a value of at least \$20. In each situation, the treasurer may provide this notice by either: 1) providing a class 3 notice containing the names and last-known addresses of the owners of unclaimed money or securities with a value of at least \$20; or 2) providing a single legal notice (class 1 notice) containing the names and last-known addresses of the owners of unclaimed money or security with a value of at least \$20 followed by a legal notice for two consecutive weeks (class 2 notice) that a list of names and last-known addresses of the owners of unclaimed money or security that has a value of at least \$20 is available on the county's Internet 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 renumbered 59.66 (1) (c) 1. (intro.) and
2 amended to read:

3 59.66 (1) (c) 1. (intro.) On or before March 1 of the same year that the circuit
4 court clerk turns over money or securities to the treasurer under par. (b), the
5 treasurer shall ~~publish~~ provide notice in any of the following manners:

6 a. By providing in the county, a class 3 notice, under ch. 985, of the fact that he
7 or she has names and last-known addresses of the owners of unclaimed moneys,
8 securities, or funds that have a value of at least \$20 and that are in his or her the
9 treasurer's possession for disposition.

10 2. If no legal claim is made for the moneys, securities, or funds within 90 days
11 after the last publication ~~above~~ provided for under subd. 1., then the treasurer shall
12 deposit the moneys, securities, or funds, together with all interest and profits
13 thereon, in the general fund of the county treasury, and no action may thereafter be

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1 maintained by any person, firm, or corporation against the county or the treasurer
2 for the moneys, securities, or funds.

3 **SECTION 2.** 59.66 (1) (c) 1. b. of the statutes is created to read:

4 59.66 (1) (c) 1. b. By providing in the county, a class 1 notice, under ch. 985, of
5 the names and last-known addresses of the owners of unclaimed moneys, securities,
6 or funds that have a value of at least \$20 and are in the treasurer's possession for
7 disposition, and, beginning the week after the class 1 notice, providing a class 2
8 notice, under ch. 985, that a list of names and last-known addresses of the owners
9 of unclaimed moneys, securities, or funds that have a value of at least \$20 and that
10 are in the treasurer's possession for disposition is available on the county's Internet
11 site and at the treasurer's office. If the treasurer provides notice under this subd. 1.
12 b., the treasurer shall make available the list of names and last-known addresses
13 of the owners of unclaimed moneys, securities, or funds that have a value of at least
14 \$20 and that are in the treasurer's possession for disposition on the county's Internet
15 site and at the treasurer's office.

16 **SECTION 3.** 59.66 (2) (a) 1. of the statutes is amended to read:

17 59.66 (2) (a) 1. On or before January 10 of every odd-numbered year, each
18 officer of a municipality and county, and each clerk of every court of record, shall file
19 with the treasurer of that person's county a written report under oath giving the
20 names and the last-known addresses of all persons for whom any such officer or clerk
21 holds money or security, and which has not been claimed for at least one year, and
22 showing the amount of the money or the nature of the security in detail. A duplicate
23 report shall also be mailed to the department of financial institutions.

24 1g. Upon receiving the reports under subd. 1., the treasurer shall ~~cause to be~~
25 ~~published a class 3 notice, under ch. 985,~~ on or before February 1 of the same year,

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1 ~~which contains the names and last-known addresses of the owners of the unclaimed~~
2 ~~money or security that has a value of at least \$10, and shall state that unless the~~
3 ~~owners call for and prove their ownership of the money or security, within 6 months~~
4 ~~from the time of the completed publication, the treasurer will take possession or~~
5 ~~control of the money or security. provide notice in any of the following manners:~~

6 1t. At the end of the 6 months from the time of the completed publication notice
7 procedure under subd. 1g., the treasurer shall also take possession or control of all
8 money or security of persons for whom an officer of a municipality and county, and
9 each clerk of every court of record, holds money or security, and which has not been
10 claimed for at least one year, if the money or security has a value of less than \$20.

11 **SECTION 4.** 59.66 (2) (a) 1g. a. of the statutes is created to read:

12 59.66 (2) (a) 1g. a. By providing a class 3 notice, under ch. 985, of the names
13 and last-known addresses of the owners of unclaimed money or security that has a
14 value of at least \$20. Each notice under this subd. 1g. a. shall state that unless the
15 owner requests and proves ownership of the money or security within 6 months from
16 the time of the completed publication, the treasurer will take possession of the money
17 or security.

18 **SECTION 5.** 59.66 (2) (a) 1g. b. of the statutes is created to read:

19 59.66 (2) (a) 1g. b. By providing a class 1 notice, under ch. 985, of the names
20 and last-known addresses of the owners of unclaimed money or security that has a
21 value of at least \$20, and, beginning the week after the class 1 notice, providing a
22 class 2 notice, under ch. 985, that a list of names and last-known addresses of the
23 owners of unclaimed money or security that has a value of at least \$20 is available
24 on the county's Internet site and at the treasurer's office. Each notice under this
25 subd. 1g. b. shall state that unless the owner requests and proves ownership of the

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1 money or security within 6 months from the time of the completed publication, the
2 treasurer will take possession of the money or security. If the treasurer provides
3 notice under this subd. 1g. b., the treasurer shall make available the list of names
4 and last-known addresses of the owners of unclaimed money or security that has a
5 value of at least \$20 on the county's Internet site and at the treasurer's office.

6 **SECTION 6.** 59.66 (2) (a) 2. of the statutes is amended to read:

7 59.66 (2) (a) 2. In counties with a population of 500,000 or more, the treasurer
8 shall distribute to as many community-based newspapers as possible, that are
9 published in the county, a copy of ~~the~~ a notice that is described in subd. ~~1.~~ 1g. The
10 treasurer shall distribute these copies of notices at the same time that he or she
11 causes the notices to be published.

12 **SECTION 7.** 59.66 (2) (am) of the statutes is amended to read:

13 59.66 (2) (am) Any money or security of which the treasurer has taken
14 possession or control under par. (a) ~~1.~~ and has had in his or her possession or control
15 for more than one year shall, to the extent possible, be deposited in the county's
16 general revenue fund. Money or security that is deposited under this paragraph may
17 remain in the county's general revenue fund or may be used by the county until the
18 money or security is paid or delivered to its owner, or becomes the property of the
19 county, under par. (b).

20 (END)