

1999 DRAFTING REQUEST

Bill

Received: **02/16/99**

Received By: **jkreye**

Wanted: **As time permits**

Identical to LRB:

For: **Lorraine Seratti (608) 266-3780**

By/Representing: **Tim**

This file may be shown to any legislator: **NO**

Drafter: **jkreye**

May Contact:

Alt. Drafters:

Subject: **Tax - property**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Require county to distribute excess proceeds from sale of tax delinquent property to the former owner

Instructions:

See Attached

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>
/1	jkreye 03/2/99	ygeller 03/3/99	martykr 03/3/99	_____	lrb_docadmin 03/3/99	lrb_docadminS&L 03/24/99	

FE Sent For:

<END>

06-29-99

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/?	jkreye	1 3/3 jlg	km 3/3	lp 3/3 km 3/3			

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<END>

2-16-99
11 AM

Tim
in secretary's office

business ppty taken - state lien for delinquent
~~sales tax~~

- county auctioned/sold - got more than
delinquent amt

* see 75.36(4) - apply to other properties

- have counties inform DOR or surrender
excess funds? ↓

if person behind in one area
of taxes may be
behind in other areas

directly to DOR?

* look at state as well as counties

see 97-0740², 97-0741², 3185?

B I L L
REQUEST FORM

LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street

Use of this form is optional. It is often better to talk directly with the LRB attorney who will draft the bill.

Use this form only for **BILL** drafts. Attach more pages if necessary.

Legislator, agency or other body requesting this draft:

Representative Lorraine Serotti

Date: 2/18/99

Person submitting request (name, phone number):

Tim Fiochi 6-3780

Persons to contact for questions about this draft (names, phone numbers):



Describe the problem, including any helpful examples.

How do you want to solve the problem?

*One of our constituents property was seized + sold, but the excess proceeds from the sale were not returned to him by the county.
See attached sheet.

Please attach a copy of any correspondence or other material that may help us.

If you know of any statute sections that might be affected, list them or provide a marked-up (not retyped) copy.

You may attach a marked-up (not retyped) copy of any LRB draft, or provide its number (e.g., 1997 LRB-2345/1 or 1995 AB-67):

Requests are confidential unless stated otherwise.

- May we tell others that we are working on this for you? Yes No
- If yes: Anyone who asks? Yes No Any legislator? Yes No Only the following persons: _____

Do you consider this request urgent? Yes No If yes, please indicate why: _____

Should we give this request priority over any other pending request of this legislator, agency or body? Yes No If yes, sign your name here:

Yes No

Under current law, when counties seize and sell homestead property for the purpose of payment of delinquent taxes, they are required to return any proceeds in excess of the amount owed to the former owner. However, counties are not explicitly directed to return excess monies from the sale of any other form of confiscated property.

I would like legislation drafted to require counties to: 1.) Return any excess proceeds from the sale of business or personal property to the former owner; 2.) Inform the Department of Revenue (DOR) of the transaction (this segment may be omitted if there are already requirements for counties to inform DOR); 3.) Allow DOR to issue a garnishment of said proceeds.

Additionally, I would like to provide the same directives regarding the return of excess proceeds to DOR in cases in which they confiscate and sell property.

SS 75.36 (3) deals with distribution of proceeds of sale and SS 75.36 (4) contains the homestead requirement. This legislation should essentially expand SS 75,36 (4) to include all property and require DOR and county governments to return any excess proceeds from sales of confiscated property.



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-2231/9

JK:.....

JG redraft
maker
run

D-N

gen

the

1 AN ACT ...; relating to: proceeds from sales of tax delinquent property.

Analysis by the Legislative Reference Bureau

Under current law, if a person does not pay the property tax that is due on a parcel of real property before September 1, the county treasurer issues a tax certificate on that parcel. The issuance of a tax certificate begins the ~~1~~^{two}-year redemption period during which a person may retain the person's property by paying the delinquent taxes on that property. If the person does not pay the delinquent taxes during the redemption period, the county may acquire the property by taking a tax deed on the property. The county may then sell the property to pay the delinquent taxes. After the delinquent taxes, interest, penalties and special charges related to the property are paid, the county pays the remaining proceeds from the sale of the property to the former owner, if the former owner had used the property as the former owner's homestead.

Under this bill, the county pays the remaining proceeds from the sale of delinquent property to the former property owner, regardless of whether or not the former owner used the property as the former owner's homestead. The county treasurer must also notify the department of revenue of any proceeds paid to the former property owner.

For further information see the *state and 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:

2 SECTION 1. 75.36 (2m) (intro.) of the statutes is amended to read:

D-N

Please review this bill carefully to ensure that it complies with your intent. I did not include a separate provision that allows the department of revenue (DOR) to garnish or attach the tax sale proceeds that are paid to the former owner because DOR can already do that under section 73.03 of the statutes.

JK

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2231/1dn
JK:jlg:km

March 3, 1999

Please review this bill carefully to ensure that it complies with your intent. I did not include a separate provision that allows the department of revenue (DOR) to garnish or attach the tax sale proceeds that are paid to the former owner because DOR can already do that under section 73.03 of the statutes.

Joseph T. Kreye
Legislative Attorney
Phone: (608) 266-2263
E-mail: Joseph.Kreye@legis.state.wi.us

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 3/3/99

To: Representative Seratti

Relating to LRB drafting number: LRB-2231

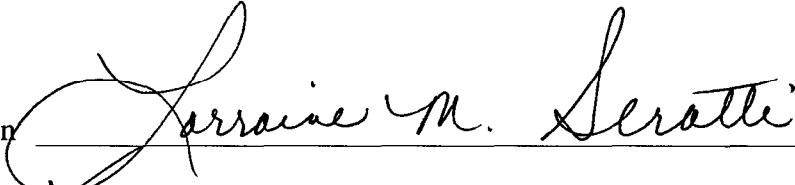
Topic

Require county to distribute excess proceeds from sale of tax delinquent property to the former owner

Subject(s)

Tax - property

1. **JACKET** the draft for introduction



in the **Senate** ____ or the **Assembly** (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Joseph T. Kreye, Legislative Attorney
Telephone: (608) 266-2263