

1991 Assembly Bill 717

Date of enactment: **April 30, 1992**
Date of publication*: **May 13, 1992**

1991 WISCONSIN ACT 299

AN ACT *to repeal* 14.58 (7m); *to renumber and amend* 177.29 (2); *to amend* 14.58 (9), 14.58 (12), 18.10 (5), 20.912 (1), 59.20 (5) (a), 59.20 (5) (b), 59.20 (5) (b), 177.18 (1) and 177.32; and *to create* 177.18 (1m) and 177.29 (2) (b) of the statutes, **relating to:** biennial reporting requirements of the state treasurer; public access to information relating to the owners of public debt, revenue obligations or operating notes issued by the state; the period for payment of checks and other drafts issued by the state; publication of notices of abandoned property appearing to be owned by nonresidents; fiscal agent services in connection with the issuance of state bonds or notes; the limitation periods and enforcement of the uniform unclaimed property act; agreements to locate, deliver or recover certain property that is reported, paid or delivered to the state; and verification of reports by county treasurers concerning fines, forfeitures, assessments, surcharges and fees collected.

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

SECTION 1. 14.58 (7m) of the statutes is repealed.

SECTION 2. 14.58 (9) of the statutes is amended to read:

14.58 (9) (title) BIENNIAL REPORT. ~~Report to the governor, within 20 days after June 30 in each even-numbered year, On or before October 15 of each odd-numbered year, submit to the governor and the chief clerk of each house of the legislature, for distribution to the legislature under s. 13.172 (2), a report containing the same information required of departments and independent agencies under s. 15.04 (1) (d). The report shall also include~~ a statement showing for each of the 2 preceding fiscal years the cash balance in each state fund at the beginning of the fiscal year, the aggregate amount of receipts credited and the aggregate amount of disbursements charged to each said fund during the fiscal year and the resultant cash balance in each state fund at the end of the fiscal year. This statement shall further show as of the end of each said 2 fiscal years, at par, the aggregate value of securities held for each state fund and the aggregate value of securities held in trust or deposited for safekeeping, and shall show the manner in which the total cash

balance was accounted for by listing the balances on deposit in each state account in a public depository, deducting from the total of such balances the aggregate amount of checks, share drafts or other drafts outstanding and adding thereto the aggregate amount of cash and cash items in office.

SECTION 3. 14.58 (12) of the statutes is amended to read:

14.58 (12) STAMP CHECKS AND DRAFTS. Cause to be plainly printed or stamped upon ~~all checks, share drafts~~ each check, share draft and other drafts draft issued by the state treasurer, the words "Void if not presented for payment within one year". Any check, share draft or other draft ~~not presented for payment within the aforesaid period of time, as determined by the state treasurer but not to exceed one year shall be properly canceled by the, during which the check or other draft may be presented for payment. The state treasurer shall cancel~~ on his or her records any check or other draft that is not presented for payment within the prescribed time period and shall credit the amount thereof ~~credited~~ to the fund upon which it was is drawn. Notice of such cancellation and credit shall be immediately submitted by the state treasurer to the department of administration.

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SECTION 4. 18.10 (5) of the statutes is amended to read:

18.10 (5) **REGISTRATION.** The state treasurer shall act as registrar for evidence of indebtedness registrable as to principal or interest or both. No transfer of a registered evidence of indebtedness is valid unless made on the register maintained by the state treasurer for that purpose, and the state shall be entitled to treat the registered owner as the owner of such instrument for all purposes. Payments of principal and interest, when registered as to interest, of registered instruments shall be by check, share draft or other draft to the registered owner at the owner's address as it appears on the register, unless the commission has otherwise provided. Information in the register relating to the owners of evidence of indebtedness is not available for inspection and copying under s. 19.35 (1). The commission may make such other provisions respecting registration as it deems necessary or useful. The state treasurer may enter into a contract for the performance of any of his or her functions under this subsection and sub. (7).

SECTION 6. 20.912 (1) of the statutes is amended to read:

20.912 (1) **CANCELLATION OF OUTSTANDING CHECKS AND SHARE DRAFTS.** If any check, share draft or other draft drawn and issued by the state treasurer upon the funds of the state in any state depository is not paid within ~~one~~ year after issue the time period designated by the state treasurer under s. 14.58 (12) as shown on the check or other draft, the state treasurer ~~may~~ shall cancel the check, share draft or other draft and credit the amount thereof to the fund on which it is drawn.

SECTION 7. 59.20 (5) (a) of the statutes is amended to read:

59.20 (5) (a) Except as provided in par. (b), transmit to the state treasurer at the time required by law to pay the state taxes a particular statement, certified by the treasurer's personal affidavit indorsed upon signature affixed or attached thereto, of all moneys received by him or her during the preceding year and which are payable to the state treasurer for licenses, fines, penalties, or on any other account, and at the same time pay to the state treasurer the amount thereof after deducting the legal fees.

SECTION 8. 59.20 (5) (b) of the statutes, as affected by 1991 Wisconsin Act 39, section 1606, is amended to read:

59.20 (5) (b) For all court imposed fines and forfeitures required by law to be deposited in the state treasury, the amounts required by s. 165.87 for the penalty assessment surcharge, the amounts required by s. 167.31 (5) for the weapons assessment, the amounts required by s. 973.045 for the crime victim and witness assistance surcharge, the amounts required by s. 161.41 (5) for the drug abuse program improvement surcharge, the amounts authorized by s. 971.37 (1m) (c) 1. or required by s. 973.055 (1) for the domestic abuse assessment, the

amounts required by s. 346.655 for the driver improvement surcharge, the amounts required by s. 102.85 (4) for the uninsured employer assessment, the amounts required by s. 144.992 for the environmental assessment, the amounts required by s. 29.9965 for the wild animal protection assessment, the amounts required by s. 29.997 for the natural resources assessment surcharge, the amounts required by s. 29.9967 for the fishing shelter removal assessment, the amounts required by s. 350.115 for the snowmobile registration restitution payment and the amounts required by s. 29.998 for natural resources restitution payments, transmit to the state treasurer a statement of all moneys required by law to be paid on the actions so entered during the preceding month on or before the first day of the next succeeding month, certified by the treasurer's personal affidavit indorsed upon signature affixed or attached thereto, and at the same time pay to the state treasurer the amount thereof.

SECTION 9. 59.20 (5) (b) of the statutes, as affected by 1991 Wisconsin Act 39, section 1607, is amended to read:

59.20 (5) (b) For all court imposed fines and forfeitures required by law to be deposited in the state treasury, the amounts required by s. 165.87 for the penalty assessment surcharge, the amounts required by s. 345.54 (1) for the automatic reinstatement assessment, the amounts required by s. 167.31 (5) for the weapons assessment, the amounts required by s. 973.045 for the crime victim and witness assistance surcharge, the amounts required by s. 161.41 (5) for the drug abuse program improvement surcharge, the amounts authorized by s. 971.37 (1m) (c) 1. or required by s. 973.055 (1) for the domestic abuse assessment, the amounts required by s. 346.655 for the driver improvement surcharge, the amounts required by s. 102.85 (4) for the uninsured employer assessment, the amounts required by s. 144.992 for the environmental assessment, the amounts required by s. 29.9965 for the wild animal protection assessment, the amounts required by s. 29.997 for the natural resources assessment surcharge, the amounts required by s. 29.9967 for the fishing shelter removal assessment, the amounts required by s. 350.115 for the snowmobile registration restitution payment and the amounts required by s. 29.998 for natural resources restitution payments, transmit to the state treasurer a statement of all moneys required by law to be paid on the actions so entered during the preceding month on or before the first day of the next succeeding month, certified by the treasurer's personal affidavit indorsed upon signature affixed or attached thereto, and at the same time pay to the state treasurer the amount thereof.

SECTION 10. 177.18 (1) of the statutes, as affected by 1991 Wisconsin Act 39, is amended to read:

177.18 (1) The administrator shall publish a notice entitled "Notice of names of persons appearing to be owners of abandoned property" not later than the September 1 20 following the report required under s.

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177.17, Except as provided in sub. (1m), the notice shall include the name of each person identified in a report filed under s. 177.17 since the publication of the previous notice. The administrator shall publish the notice as a class 1 notice under ch. 985, in a newspaper of general circulation in each the county of this state in which is located the last-known address of any the person to be named in the notice. If no address is listed or the address is outside this state, the notice shall be published in the county in which the holder of the property has its principal place of business within this state.

SECTION 11. 177.18 (1m) of the statutes is created to read:

177.18 (1m) If the address of a person to be named in a notice under sub. (1) is outside this state, and if the administrator has entered into an agreement under s. 177.33 (1) with the state in which the address is located, the administrator may omit the information specified in sub. (2) with respect to that person from the notice published under sub. (1).

SECTION 12. 177.29 (2) of the statutes is renumbered 177.29 (2) (a) and amended to read:

177.29 (2) (a) No Except as provided in par. (b), no civil action or proceeding with respect to any duty of a holder under this chapter may be commenced more than 5 years after the duty arose.

SECTION 13. 177.29 (2) (b) of the statutes is created to read:

177.29 (2) (b) The expiration of any period of time during which an action or proceeding may be commenced or enforced to obtain payment of a claim for money or to recover property may not serve as a defense to an action or proceeding brought by or on behalf of the administrator against a governmental entity, or an officer or employee thereof, for the payment or delivery of abandoned property to the administrator or for the enforcement of a penalty.

SECTION 14. 177.32 of the statutes is amended to read:

177.32 Enforcement. The attorney general may bring an action in the circuit court or in federal court to enforce this chapter.

SECTION 17. Initial applicability. (1) The treatment of section 14.58 (9) of the statutes first applies to the report to be filed under that subsection in 1993.

(2) The treatment of section 177.29 (2) of the statutes and the creation of section 177.29 (2) (b) of the statutes first apply with respect to property held by governmental entities, or officers or employees thereof, on the effective date of this subsection.

SECTION 18. Effective dates. This act takes effect on the day after publication, except as follows:

(1) The treatment of section 14.58 (7m) of the statutes takes effect on January 1, 1992.

(2) The treatment of section 59.20 (5) (b) (by SECTION 9) of the statutes takes effect on December 1, 1991, or the day after publication, whichever is later.