

State of Misconsin 2011 - 2012 LEGISLATURE



2011 ASSEMBLY BILL 507

February 1, 2012 – Introduced by Representatives THIESFELDT, SPANBAUER and ENDSLEY. Referred to Committee on Urban and Local Affairs.

1	AN ACT to renumber 59.66 (2) (title); and to renumber and amend 59.66 (2)
2	(a) 1., 59.66 (2) (a) 2., 59.66 (2) (am), 59.66 (2) (b) and 59.66 (2) (c) of the statutes;
3	relating to: authorizing cities, villages, and towns to retain certain unclaimed
4	funds in a public treasury.

Analysis by the Legislative Reference Bureau

Under current law, in every odd-numbered year, each officer of a municipality and county and each clerk of every court of record must provide a report to the county treasurer listing all persons for whom the officer or clerk holds money or security that has not been claimed for at least one year. The county 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 county treasurer takes possession of the money or security that, was in the possession of both county and municipal officers, and the clerks of courts, 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.

Under this bill, if the money or security is not claimed within six months of the completed publication, a county treasurer takes possession of the money or security that was in the possession of the county officers and clerks of courts and deposits it in the county's general fund, and a municipal treasurer takes possession of the money or security that was in the possession of municipal officers and deposits it in the municipality's general fund. Also under the bill, if the money is not claimed

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within ten years, the money or property becomes the property of the county or municipality.

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:

SECTION 1. 59.66 (2) (title) of the statutes is renumbered 66.0610 (title).

SECTION 2. 59.66 (2) (a) 1. of the statutes is renumbered 66.0610 (1) (a) and amended to read:

66.0610 (1) (a) On or before January 10 of every odd-numbered year, each 4 5 officer of a municipality and county, and each clerk of every court of record, shall file 6 with the <u>county</u> 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 7 8 clerk holds money or security, and which has not been claimed for at least one year, 9 and showing the amount of the money or the nature of the security in detail. A 10 duplicate report shall also be mailed to the department of financial institutions. 11 Upon receiving the reports the <u>county</u> treasurer shall cause to be published <u>publish</u> 12a class 3 notice, under ch. 985, on or before February 1 of the same year, which 13contains the names and last-known addresses of the owners of the unclaimed money 14or security that has a value of at least \$10, and shall state that unless the owners call for and prove their ownership of the money or security, within 6 months from the time 1516 of the completed publication, the <u>county</u> treasurer will take possession or control of 17the money or security held by the county treasurer, county officer, or clerk of every court of record, and the municipal treasurer will take possession or control of the 18 19 money or security held by the municipal treasurer or a municipal officer. At the end 20of the 6 months from the time of the completed publication, the <u>county</u> treasurer shall 2011 – 2012 Legislature

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1	also take possession or control of all money or security of persons for whom $\frac{1}{2}$
2	<u>county</u> officer of a municipality and county, and each clerk of every court of record,
3	holds money or security, and <u>the municipal treasurer shall also take possession or</u>
4	control of all money or security of persons for whom a municipal officer holds money
5	or security, and which has not been claimed for at least one year, if the money or
6	security has a value of less than \$10.
7	SECTION 3. 59.66 (2) (a) 2. of the statutes is renumbered 66.0610 (1) (b) and
8	amended to read:
9	66.0610 (1) (b) In counties with a population of 500,000 or more, the <u>county</u>
10	treasurer shall distribute to as many community-based newspapers as possible, that
11	are published in the county, a copy of the notice that is described in subd. 1. <u>par. (a).</u>
12	The <u>county</u> treasurer shall distribute these copies of notices at the same time that
13	he or she causes the notices to be published.
14	SECTION 4. 59.66 (2) (am) of the statutes is renumbered 66.0610 (2) and
15	amended to read:
16	66.0610 (2) Any money or security of which the <u>a county or municipal</u> treasurer
17	has taken possession or control under par. <u>sub. (1)</u> (a) 1. and has had in his or her
18	possession or control for more than one year shall, to the extent possible, be deposited
19	in the county's <u>or municipality's</u> general revenue fund. Money or security that is
20	deposited under this paragraph <u>subsection</u> may remain in the county's <u>or</u>
21	<u>municipality's</u> general revenue fund or may be used by the county <u>or municipality</u>
22	until the money or security is paid or delivered to its owner, or becomes the property
23	of the county <u>or municipality</u> , under par. (b) <u>sub. (3)</u> .
94	Successory 5, 50,66 (2) (b) of the statutes is renumbered 66,0610 (2) and amended

24 SECTION 5. 59.66 (2) (b) of the statutes is renumbered 66.0610 (3) and amended 25 to read:

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1	66.0610 (3) If within 10 years from the time any such money or security is
2	delivered to the <u>a county or municipal</u> treasurer the owner of the money or security
3	proves to the satisfaction of the treasurer the owner's right to the possession of the
4	money or security, it shall be paid or delivered to the owner. If no such proof is made,
5	then at the end of the 10-year period the money or property shall become the
6	property of the county <u>or municipality</u> . Nothing in this subsection <u>section</u> shall be
7	construed to deprive the owner of any such property of the owner's right to proceed
8	by court action for the recovery of such money or security from the <u>a county or</u>
9	<u>municipal</u> treasurer.
10	SECTION 6. 59.66 (2) (c) of the statutes is renumbered 66.0610 (4) and amended
11	to read:
12	66.0610 (4) Any person violating this subsection section shall, upon conviction,
13	be fined not less than \$50 nor more than \$200 or imprisoned for not less than 30 days
14	nor more than 6 months.
15	SECTION 7. Initial applicability.
16	(1) This act first applies to the next succeeding January 10 of an odd-numbered
17	year, except that if this subsection takes effect after October 1 of an even-numbered
18	year, the act first applies to the January 10 of the odd-numbered year which occurs
19	after the next succeeding January 10 of an odd-numbered year.
20	(END)