

State of Wisconsin



2013 Assembly Bill 801

Date of enactment:
Date of publication*:

2013 WISCONSIN ACT

AN ACT *to renumber and amend* 71.93 (1) (d); *to amend* 71.93 (3) (a) (intro.) and 177.18 (1); and *to create* 71.93 (1) (d) 2. and 177.19 of the statutes; **relating to:** establishing a process for the return of unclaimed property by the state.

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

SECTION 1. 71.93 (1) (d) of the statutes is renumbered 71.93 (1) (d) (intro.) and amended to read:

71.93 (1) (d) (intro.) "Refund" means the any of the following:

1. The excess amount by which any payments, refundable credits, or both exceed a debtor's Wisconsin tax liability or any other liability owed to the department.

SECTION 2. 71.93 (1) (d) 2. of the statutes is created to read:

71.93 (1) (d) 2. The amount owed to a debtor under s. 177.24 (3) for the return of abandoned property under s. 177.24 which exceeds a debtor's Wisconsin tax liability or any other liability owed to the department.

SECTION 3. 71.93 (3) (a) (intro.) of the statutes, as affected by 2013 Wisconsin Act 20, is amended to read:

71.93 (3) (a) (intro.) The department of revenue shall setoff any debt or other amount owed to the department, regardless of the origin of the debt or of the amount, its nature or its date. The department's setoff shall include the use of unclaimed property owed to the debtor under s. 177.24. If after the setoff there remains a refund in excess of \$10, the department shall set off the remaining refund against certified debts of other entities in the following order:

SECTION 4. 177.18 (1) of the statutes is amended to read:

177.18 (1) Before July 1 of each year, the administrator shall publish on an Internet site maintained by the administrator a notice entitled "Notice of the names of persons appearing to be owners of abandoned property". Except as provided in sub. (1m), the notice shall include the name and last-known address of each person identified in a report filed under s. 177.17 since the publication of the previous notice. The administrator shall also publish the notice as a class 1 notice under ch. 985, in a newspaper of general circulation in the county in which is located the last-known address of 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 5. 177.19 of the statutes is created to read:

177.19 Tax return identification of apparent owners of abandoned property. (1) Annually, before July 1, the administrator shall notify the department of revenue of the names of all persons appearing to be owners of abandoned property under s. 177.18 (1). The administrator shall also provide to the department of revenue the social security numbers of the persons, if available.

(2) The department of revenue shall notify the administrator if any person under sub. (1) has filed a Wis-

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

consin income tax return in that year and shall provide the administrator with the address of the person that appears on the tax return. The department shall also notify the administrator if any person under sub. (1) is a debtor under s. 71.93 or 71.935.

(3) For any person who is identified under sub. (2), the administrator shall do all of the following:

(a) If the person is a debtor under s. 71.93 or 71.935, the administrator shall first pay to the department from the amount that is owed the person all setoffs against the person's debt under s. 71.93 or 71.935.

(b) 1. If the value of the property that is owed the person is \$2,000 or less after any setoff is paid under par. (a),

the person is not required to file a claim under s. 177.24 and the administrator shall deliver the property or pay the amount owing to the person in the manner provided under s. 177.24 (3).

2. If the value of the property that is owed the person is greater than \$2,000 after any setoff is paid under par. (a), the administrator shall send written notice to the person, informing the person that he or she is the owner of abandoned property held by the state and may file a claim with the administrator for return of the property under s. 177.24.

SECTION 6. Effective date.

(1) This act takes effect on July 1, 2015.
