



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-3306/3
RAC&JK:sac:jf

2013 ASSEMBLY BILL 801

February 20, 2014 - Introduced by Representatives AUGUST, SCHRAA, CZAJA, KUGLITSCH, STRACHOTA, JACQUE, KAPENGA, KRUG, MURTHA, KNODL, BIES, PRIDEMORE, T. LARSON and CRAIG, cosponsored by Senator KEDZIE. Referred to Committee on State Affairs and Government Operations.

AUTHORS SUBJECT TO CHANGE

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

Analysis by the Legislative Reference Bureau

Current law requires the administrator of the state's unclaimed property program—currently the secretary of revenue—to publish in a newspaper of general circulation in any county the names of all persons who may reside in that county and be owners of abandoned property held by the state. This bill requires that the names also be published on an Internet site maintained by the administrator.

The bill also requires the administrator to notify the Department of Revenue (DOR) by July 1 of each year, along with any available social security numbers of the persons on the list. DOR must then notify the administrator if any such person has filed a Wisconsin income tax return in that year and must provide the administrator with the address of the person that appears on the tax return. DOR must also notify the administrator if any such person owes a debt to a state agency, county, or municipality that DOR may collect under the tax refund intercept program.

Under the bill, if the value of the property that is owed to any person who is identified by DOR is \$2,000 or less, the person is not required to file a claim and the administrator must deliver the property or pay the amount owing to the person. If the value of the property is greater than \$2,000, the administrator must send written notice to the person, informing the person that he or she is the owner of abandoned

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property held by the state and may file a claim with the administrator for return of the property. Before paying any amount owed to the person, however, the administrator must first pay to DOR the amount owed to the person so that DOR may use that amount to collect any debt the person owes under the tax refund intercept program. Any amount remaining after satisfying the debt is then paid to the person.

For further information see the *state* 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.** 71.93 (1) (d) of the statutes is renumbered 71.93 (1) (d) (intro.) and
2 amended to read:

3 71.93 (1) (d) (intro.) “Refund” means the any of the following:

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

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

8 71.93 (1) (d) 2. The amount owed to a debtor under s. 177.24 (3) for the return
9 of abandoned property under s. 177.24 which exceeds a debtor’s Wisconsin tax
10 liability or any other liability owed to the department.

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

13 71.93 (3) (a) (intro.) The department of revenue shall setoff any debt or other
14 amount owed to the department, regardless of the origin of the debt or of the amount,
15 its nature or its date. The department’s setoff shall also be made against unclaimed
16 property owed to the debtor under s. 177.24. If after the setoff there remains a refund
17 in excess of \$10, the department shall set off the remaining refund against certified
18 debts of other entities in the following order:

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

2 177.18 (1) Before July 1 of each year, the administrator shall publish on an
3 Internet site maintained by the administrator a notice entitled “Notice of the names
4 of persons appearing to be owners of abandoned ~~property~~ property. Except as
5 provided in sub. (1m), the notice shall include the name of each person identified in
6 a report filed under s. 177.17 since the publication of the previous notice. The
7 administrator shall also publish the notice as a class 1 notice under ch. 985, in a
8 newspaper of general circulation in the county in which is located the last-known
9 address of the person to be named in the notice. If no address is listed or the address
10 is outside this state, the notice shall be published in the county in which the holder
11 of the property has its principal place of business within this state.

12 **SECTION 5.** 177.19 of the statutes is created to read:

13 **177.19 Tax return identification of apparent owners of abandoned**
14 **property.** (1) Annually, before July 1, the administrator shall notify the
15 department of revenue of the names of all persons appearing to be owners of
16 abandoned property under s. 177.18 (1). The administrator shall also provide to the
17 department of revenue the social security numbers of the persons, if available.

18 (2) The department of revenue shall notify the administrator if any person
19 under sub. (1) has filed a Wisconsin income tax return in that year and shall provide
20 the administrator with the address of the person that appears on the tax return. The
21 department shall also notify the administrator if any person under sub. (1) is a debtor
22 under s. 71.93 or 71.935.

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

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

4 (b) 1. If the value of the property that is owed the person is \$2,000 or less after
5 any setoff is paid under par. (a), the person is not required to file a claim under s.
6 177.24 and the administrator shall deliver the property or pay the amount owing to
7 the person in the manner provided under s. 177.24 (3).

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

13 **SECTION 6. Effective date.**

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

15 (END)