

**2013 DRAFTING REQUEST**

**Bill**

Received: **10/8/2012** Received By: **agary**  
Wanted: **As time permits** Same as LRB:  
For: **Administration-Budget** By/Representing: **Quinn**  
May Contact: Drafter: **agary**  
Subject: **Fin. Inst. - Bus. Assn** Addl. Drafters:  
Extra Copies:

Submit via email: **YES**  
Requester's email:  
Carbon copy (CC) to: **aaron.gary@legis.wisconsin.gov**

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**Pre Topic:**

DOA:.....Quinn, BB0024 -

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**Topic:**

Corporation dissolution notification

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**Instructions:**

See attached

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**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>
/?	agary 10/24/2012			_____			
/1	agary 10/31/2012	jdyer 10/29/2012	10/29/2012	_____	lparisi 10/29/2012		State
/2		jdyer 11/1/2012	11/1/2012	_____	sbasford 11/1/2012		State

FE Sent For:

<END>

**2013 DRAFTING REQUEST**

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Wanted: **As time permits** Companion to LRB:  
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/?	agary 10/24/2012	2 11/1 jld		Jim 10/11/12			
/1		jdye 10/29/2012	10/29/2012		lparisi 10/29/2012		State

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<END>

2013 DRAFTING REQUEST

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See attached

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/?	agary	10/25 jld		12/29			

FE Sent For:

<END>

**Gary, Aaron**

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**To:** Hanaman, Cathlene  
**Subject:** RE: Statutory Language Drafting Request

**From:** [brian.quinn@wisconsin.gov](mailto:brian.quinn@wisconsin.gov) [mailto:[brian.quinn@wisconsin.gov](mailto:brian.quinn@wisconsin.gov)]  
**Sent:** Thursday, September 27, 2012 4:51 PM  
**To:** Hanaman, Cathlene  
**Cc:** Frederick, Caitlin - DOA; Quinn, Brian D - DOA; Thornton, Scott - DOA  
**Subject:** Statutory Language Drafting Request

**Biennial Budget:** 2013-15

**DOA Tracking Code:** BB0024

**Topic:** Corporation Dissolution Notification

**SBO Team:** TLGED

**SBO Analyst:** Quinn, Brian D - DOA  
**Phone:** (608) 266-1923  
**E-mail:** [brian.quinn@wisconsin.gov](mailto:brian.quinn@wisconsin.gov)

**Agency Acronym:** DFI

**Agency Number:** 144

**Priority:** Low

**Intent:**

The department currently has to give two notices to a corporation or LLC that the department is administratively dissolving the corporation or LLC. If the notices are returned as undeliverable, the department must publish a notice in the official state newspaper which includes a listing of entity names that have been returned.

Modify this current language to replace the requirement for a published notice in the state's official newspaper with a requirement for the department to make a posting on its Web site instead.

**Attachments:** False

Please send completed drafts to [statlanguage@wisapps.wi.gov](mailto:statlanguage@wisapps.wi.gov)

-3876  
AB 493  
SB 291  
- 2413

## Gary, Aaron

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**From:** Quinn, Brian D - DOA <Brian.Quinn@wisconsin.gov>  
**Sent:** Thursday, October 18, 2012 10:17 AM  
**To:** Gary, Aaron  
**Subject:** RE: BB0024 - corporation dissolution notification

In essence, the amended bill went from 2 to 1 postings in the newspaper and our intention is to return to the original intent of the introduced bill to go to purely online postings.

Brian Quinn  
Executive Policy & Budget Analyst  
Department of Administration  
Division of Executive Budget and Finance  
(608)-266-1923  
[brian.quinn@wisconsin.gov](mailto:brian.quinn@wisconsin.gov)

---

**From:** Quinn, Brian D - DOA  
**Sent:** Thursday, October 18, 2012 10:14 AM  
**To:** Gary, Aaron - LEGIS  
**Subject:** RE: BB0024 - corporation dissolution notification

Actually, never mind. The purpose of this drafting request is to change from the requirement of one posting in the newspaper to go to online postings only.

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Department of Administration  
Division of Executive Budget and Finance  
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[brian.quinn@wisconsin.gov](mailto:brian.quinn@wisconsin.gov)

---

**From:** Quinn, Brian D - DOA  
**Sent:** Thursday, October 18, 2012 10:13 AM  
**To:** Gary, Aaron - LEGIS  
**Subject:** RE: BB0024 - corporation dissolution notification

I thought that it sounded familiar. Yeah, you can cancel that.

Brian Quinn  
Executive Policy & Budget Analyst  
Department of Administration  
Division of Executive Budget and Finance  
(608)-266-1923  
[brian.quinn@wisconsin.gov](mailto:brian.quinn@wisconsin.gov)

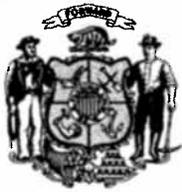
---

**From:** Gary, Aaron [<mailto:Aaron.Gary@legis.wisconsin.gov>]  
**Sent:** Thursday, October 18, 2012 10:10 AM  
**To:** Quinn, Brian D - DOA  
**Subject:** BB0024 - corporation dissolution notification

Hi Brian,

I believe the substance of this drafting request was enacted last session as 2011 Act 234 (SB-391 w/ SA 2).  
Do you want me to cancel this request?  
Thanks. Aaron

Aaron R. Gary  
Attorney, Legislative Reference Bureau



State of Wisconsin  
2013 - 2014 LEGISLATURE

soon



LRB-0215/1  
ARG:.....

in  
10/24

fld  
S-note

DOA:.....Quinn, BB0024 - Corporation dissolution notification

**FOR 2013-2015 BUDGET - NOT READY FOR INTRODUCTION**

PWF  
Jan 19/29  
NDF

X  
1 don't gen  
AN ACT ...; relating to: the budget.

*Analysis by the Legislative Reference Bureau*

**COMMERCE AND ECONOMIC DEVELOPMENT**

**BUSINESS ORGANIZATIONS AND FINANCIAL INSTITUTIONS**

Under current law, DFI may, under certain circumstances, initiate the involuntary dissolution of a domestic business corporation, nonstock corporation, or limited liability company (LLC) or the revocation of a certificate of authority of a foreign business corporation, nonstock corporation, or LLC. If DFI commences a proceeding to administratively dissolve, or revoke the certificate of authority for, any of these entities, DFI must give the entity specified forms of written notice. Under certain circumstances, if DFI's notice is returned to DFI as undeliverable, DFI must attempt to give a follow-up notice. If this follow-up notice cannot be delivered, DFI must give the notice by publishing a class 1 notice (one insertion) in the official state newspaper.

Under this bill, if DFI's follow-up notice cannot be delivered, instead of giving the notice by publishing a class 1 notice in the official state newspaper, DFI must give the notice by posting it on DFI's Internet site. For two years, DFI must also publish a monthly class 1 notice in the official state newspaper informing the public that these administrative dissolution and revocation notices are posted on DFI's Internet site.

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.** 180.1421 (2m) (b) of the statutes is amended to read:

2           180.1421 (2m) (b) If the notice under par. (a) is returned to the department as  
3 undeliverable or if the corporation's principal office cannot be determined from the  
4 records of the department, the department shall give the notice by ~~publishing a class~~  
5 ~~1 notice under ch. 985 in the official state newspaper~~ posting the notice on the  
6 department's Internet site.

7 History: 1989 a. 303; 1995 a. 27; 2001 a. 44; 2011 a. 234.

8           **SECTION 2.** 180.1531 (2m) (b) of the statutes is amended to read:

9           180.1531 (2m) (b) If the notice under par. (a) is returned to the department as  
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11 records of the department, the department shall give the notice by ~~publishing a class~~  
12 ~~1 notice under ch. 985 in the official state newspaper~~ posting the notice on the  
department's Internet site.

13 History: 1989 a. 303; 1991 a. 269; 1993 a. 35; 1995 a. 27; 2001 a. 44; 2011 a. 234.

14           **SECTION 3.** 181.1421 (2) (b) of the statutes is amended to read:

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18 ~~1 notice under ch. 985 in the official state newspaper~~ posting the notice on the  
department's Internet site.

19 History: 1997 a. 79; 2001 a. 44; 2011 a. 234.

**SECTION 4.** 181.1421 (3) (d) of the statutes is amended to read:

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2  
3

181.1421 (3) (d) If the notice is ~~published as a class 1 notice, under ch. 985, the~~  
~~effective date set under ch. 985 for the notice posted on the department's Internet~~  
~~site, the date of posting.~~ ✓

History: 1997 a. 79; 2001 a. 44; 2011 a. 234. ✓

4 SECTION 5. 181.1531 (2g) (b) of the statutes is amended to read:

5 181.1531 (2g) (b) If the notice under par. (a) is returned to the department as  
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8 ~~department's Internet site.~~ ✓  
9

History: 1997 a. 79; 2001 a. 44; 2011 a. 234. ✓

10 SECTION 6. 183.09025 (2) (b) of the statutes is amended to read:

11 183.09025 (2) (b) Within 60 days after the date on which the notice is received  
12 or the date on which the ~~class 1~~ ✓ notice under par. (d) is ~~published~~ ✓ posted, the limited  
13 liability company shall correct each ground for dissolution or demonstrate to the  
14 reasonable satisfaction of the department that each ground determined by the  
15 department does not exist.

History: 2003 a. 33; 2005 a. 132; 2011 a. 234. ✓

16 SECTION 7. 183.09025 (2) (d) of the statutes is amended to read:

17 183.09025 (2) (d) If a notice under par. (a) or (c) is returned to the department  
18 as undeliverable, the department shall again mail the notice to the limited liability  
19 company as provided under that paragraph. If the notice is again returned to the  
20 department as undeliverable, the department shall give the notice by ~~publishing a~~  
~~class 1 notice under ch. 985 in the official state newspaper posting the notice on the~~  
21 ~~department's Internet site.~~ ✓  
22

History: 2003 a. 33; 2005 a. 132; 2011 a. 234. ✓

23 SECTION 8. 183.1021 (2g) (b) of the statutes is amended to read:



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

LRB-0215/1dn

ARG: A:...

date

Jld

ATTN: Brian Quinn

\* In our correspondence, you indicated that the intent of this draft is to return to the provisions of SB-391, as introduced, rather than the provisions as enacted in 2011 Wisconsin Act 234. A version of the nonstatutory provision in this draft was included in SB-391. Please advise if you did not want this nonstatutory provision included in the draft. <sup>2011</sup> Me

Aaron R. Gary  
Legislative Attorney  
Phone: (608) 261-6926  
E-mail: aaron.gary@legis.wisconsin.gov

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

LRB-0215/1dn  
ARG:jld:jm

October 29, 2012

ATTN: Brian Quinn

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Phone: (608) 261-6926  
E-mail: [aaron.gary@legis.wisconsin.gov](mailto:aaron.gary@legis.wisconsin.gov)

**Gary, Aaron**

---

**From:** Quinn, Brian D - DOA <Brian.Quinn@wisconsin.gov>  
**Sent:** Monday, October 29, 2012 3:30 PM  
**To:** Gary, Aaron  
**Subject:** Re: Corporation Dissolution Notification

Aaron,

We may take that nonstat language out altogether, but for now change it to six months as opposed to 24 months. That would be consistent with how the department was expecting to accrue savings from the provision.

---

Brian Quinn  
Executive Policy & Budget Analyst  
Department of Administration  
Division of Executive Budget and Finance  
(608)-266-1923  
[brian.quinn@wisconsin.gov](mailto:brian.quinn@wisconsin.gov)

13-0215



LMR



LRB-0215/4 2  
ARG:jld

in 10/31

Secr

DOA:.....Quinn, BB0024 - Corporation dissolution notification

**FOR 2013-2015 BUDGET - NOT READY FOR INTRODUCTION**

9  
Only changes pp. 1, 4

don't gen

1 AN ACT ...; relating to: the budget.

*Analysis by the Legislative Reference Bureau*

**COMMERCE AND ECONOMIC DEVELOPMENT**

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Under this bill, if DFI's follow-up notice cannot be delivered, instead of giving the notice by publishing a class 1 notice in the official state newspaper, DFI must give the notice by posting it on DFI's Internet site. For ~~two years~~ <sup>Six months</sup>, DFI must also publish a monthly class 1 notice in the official state newspaper informing the public that these administrative dissolution and revocation notices are posted on DFI's Internet site.

✓

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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23          **SECTION 8.** 183.1021 (2g) (b) of the statutes is amended to read:

24          183.1021 (2g) (b) If the notice under par. (a) is returned to the department as  
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1 determined from the records of the department, the department shall give the notice  
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3 the notice on the department's Internet site.

4 **SECTION 9114. Nonstatutory provisions; Financial Institutions.**

5 (1) NOTICE IN DISSOLUTION AND REVOCATION PROCEEDINGS. In addition to posting  
6 the notices described in sections 180.1421 (2m) (b), 180.1531 (2m) (b), 181.1421 (2)  
7 (b), 181.1531 (2g) (b), 183.09025 (2) (d), and 183.1021 (2g) (b) of the statutes, as  
8 affected by this act, the department of financial institutions shall, for <sup>24</sup> ~~24~~ <sup>6</sup> months after  
9 the effective date of this subsection, publish a monthly class 1 notice under chapter  
10 985 of the statutes in the official state newspaper informing the public that notices  
11 described in sections 180.1421 (2m) (b), 180.1531 (2m) (b), 181.1421 (2) (b), 181.1531  
12 (2g) (b), 183.09025 (2) (d), and 183.1021 (2g) (b) of the statutes, as affected by this act,  
13 are posted on the department's Internet site.

14

(END)



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-0215/2

ARG:jld:jm

DOA:.....Quinn, BB0024 - Corporation dissolution notification

**FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION**

1 AN ACT ...; relating to: the budget.

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10 985 of the statutes in the official state newspaper informing the public that notices  
11 described in sections 180.1421 (2m) (b), 180.1531 (2m) (b), 181.1421 (2) (b), 181.1531  
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13 are posted on the department's Internet site.

14 (END)