

State of Wisconsin



1997 Assembly Bill 553

Date of enactment: **April 20, 1998**

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1997 WISCONSIN ACT 140

AN ACT to repeal 801.11 (7); **to renumber** chapter 184 (title), 184.01 to 184.05, 184.07 to 184.11, 184.13 and 184.15; **to renumber and amend** 184.06, 184.12 and 184.14; **to amend** 20.155 (1) (g), 20.155 (2) (g), 87.01 (7), 182.025 (1), 182.031 (2), 182.70 (9) (a), 182.71 (7) (c), 195.60 (2), 196.02 (7), 196.195 (1), 196.195 (5), 196.202 (2), 196.203 (1), 196.203 (3) (a), 196.203 (4), 196.795 (5) (a), 196.795 (5) (b), 196.80 (1m) (d), 196.85 (1), 196.85 (2), 893.33 (5) and 946.82 (4); and **to create** 59.43 (1) (v), 77.25 (20), chapter 184 and 706.03 (3m) of the statutes; **relating to:** the adoption of the Uniform Unincorporated Nonprofit Association Act; the authority of nonprofit associations to acquire, hold and transfer property; the liability of nonprofit associations and their members; and the ability of nonprofit associations to sue and to be sued.

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

SECTION 1. 20.155 (1) (g) of the statutes is amended to read:

20.155 (1) (g) *Utility regulation.* The amounts in the schedule for the regulation of utilities. Ninety percent of all moneys received by the commission under s. 184.10 (3), 196.85 or 196.855 or 200.10 (3) shall be credited to this appropriation. Ninety percent of all receipts from the sale of miscellaneous printed reports and other copied material, the cost of which was originally paid under this paragraph, shall be credited to this appropriation.

SECTION 2. 20.155 (2) (g) of the statutes is amended to read:

20.155 (2) (g) *Railroad regulation and general program operations.* The amounts in the schedule for railroad regulation under chs. 189 to 192 and 195 and general program operations of the office of the commissioner of railroads. Ninety percent of all moneys received by the office under s. 184.10 (3) or 195.60 or 200.10 (3) shall be credited to this appropriation.

SECTION 3. 59.43 (1) (v) of the statutes is created to read:

59.43 (1) (v) Record and index statements of authority under s. 184.05.

SECTION 4. 77.25 (20) of the statutes is created to read:

77.25 (20) Made under s. 184.15.

SECTION 5. 87.01 (7) of the statutes is amended to read:

87.01 (7) "Public service corporation" means any corporation specified in s. 184.01 200.01.

SECTION 6. 182.025 (1) of the statutes is amended to read:

182.025 (1) Any domestic corporation formed to furnish water, heat, light, power, telegraph or telecommunications service or signals by electricity may, subject to the provisions of ch. 184 200 and by an affirmative vote of at least two-thirds of its outstanding shares entitled to vote thereon, or any cooperative association organized under ch. 185 to furnish water, heat, light, power, telegraph or telecommunications service to its stockholders or members only may, by a vote of a majority of a quorum

* Section 991.11, WISCONSIN STATUTES 1995-96: 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 as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

of its stockholders or members present at any regular or special meeting held upon due notice as to the purpose of the meeting or when authorized by the written consent of the holders of a majority of its capital stock outstanding and entitled to vote or of a majority of its members, mortgage or trust deed any or all of the property, rights and privileges and franchises that it may then own or thereafter acquire, to secure the payment of its bonds or notes to a fixed amount or in amounts to be from time to time determined by the board of directors, and may, in and by such mortgage or deed of trust, provide for the disposal of any of its property and the substitution of other property in its place. Every such mortgage or deed of trust may be recorded in the office of the register of deeds of the county in which such corporation is located at the time of such recording, and such record shall have the same effect as if the instrument were filed in the proper office as a chattel mortgage or financing statement, and so remain until satisfied or discharged without any further affidavit, continuation statement or proceeding whatever. For this purpose the location of such corporation shall be deemed to be: as to a corporation or a cooperative association not at the time subject to either s. 180.0501 or 185.08, the location designated in its articles as then in effect; as to a corporation subject to s. 180.0501, the location of its registered office; and as to a cooperative association subject to s. 185.08, the location of its principal office or registered agent as designated thereunder.

SECTION 7. 182.031 (2) of the statutes is amended to read:

182.031 (2) **POWERS; PLACE OF BUSINESS.** Every such corporation shall possess all the rights and powers conferred upon corporations by chs. 180 and ~~184~~ 200. It may have its principal place of business without the state. If its principal place of business is outside the state, process in actions against it may be served as provided in s. 180.1510 for service on a foreign stock corporation authorized to transact business in this state or upon the department of financial institutions as provided in s. 181.66 (2) for service upon a foreign nonprofit corporation.

SECTION 8. 182.70 (9) (a) of the statutes is amended to read:

182.70 (9) (a) The company may, after certification from the commission according to the procedures under ss. ~~184.03~~ 200.03 and ~~184.04~~ 200.04, issue bonds or other obligations secured by pledge, assignment, mortgage or trust deed of its property.

SECTION 9. 182.71 (7) (c) of the statutes is amended to read:

182.71 (7) (c) The company may, after certification from the commission according to the procedures under ss. ~~184.03~~ 200.03 and ~~184.04~~ 200.04, issue capital stock or negotiable bonds. The money received by the company upon account of capital stock or sale of its negotiable bonds shall be used to pay the original cost of purchase, construction or improvement of the reservoir system. All

tolls collected under sub. (5) shall be applied only to the payment of cost of maintenance and operation of the system and payment of the net return on capital so that the capital stock and bonds of the corporation shall be maintained at par value at all times.

SECTION 10. Chapter 184 (title) of the statutes is renumbered chapter 200 (title).

SECTION 11. 184.01 to 184.05 of the statutes are renumbered 200.01 to 200.05.

SECTION 12. 184.06 of the statutes is renumbered 200.06, and 200.06 (2), as renumbered, is amended to read:

200.06 (2) The commission may attach to the issuance of any certificate under this chapter such terms, conditions or requirements as in its judgment are reasonably necessary to protect the public interest. Any public service corporation dissatisfied with any of the terms or conditions so imposed by the commission in such certificate of authority shall be limited in its remedy to an action to modify or set aside the commission order authorizing a certificate of authority, as provided by s. ~~184.08~~ 200.08. Any public service corporation issuing securities pursuant to any certificate of authority, not having brought any such action to set aside such order, shall be deemed thereby to have waived any and all objections to the terms, conditions and requirements contained in such certificate of authority.

SECTION 13. 184.07 to 184.11 of the statutes are renumbered 200.07 to 200.11.

SECTION 14. 184.12 of the statutes is renumbered 200.12 and amended to read:

200.12 Judicial sale of corporation, reorganization. Whenever the rights, powers, privileges and franchises of any domestic public service corporation shall be sold at judicial sale or pursuant to the foreclosure of a mortgage, the purchaser shall, within sixty days after such sale, organize a new corporation pursuant to the laws respecting corporations for similar purposes and shall convey to such corporation the rights, privileges and franchises which the former corporation had, or was entitled to have, at the time of such sale, and such as are provided by the statutes applicable thereto. The amount of securities which may be issued by the new corporation for the purpose of acquiring the property of the former corporation shall be determined in accordance with ss. ~~184.04~~, ~~184.05~~ 200.04, 200.05 and ~~184.06~~ 200.06.

SECTION 15. 184.13 of the statutes is renumbered 200.13.

SECTION 16. 184.14 of the statutes is renumbered 200.14 and amended to read:

200.14 Validation of securities issued without certificate. Securities issued by any such corporation, for the issuance of which a certificate should have been, but through excusable neglect or mistake was not, applied for, may be validated by the commission upon application of such corporation, signed and verified by the presi-

dent and secretary, and setting forth the information required by s. ~~184.05~~ 200.05 (1), and in addition thereto a concise statement of the reasons why such application was not made at the time such securities were issued. If the commission shall find and determine that such failure to make application was due to excusable neglect or mistake, and was not occasioned by any design to evade compliance with the law, and that such issue was otherwise in accordance with law, the commission shall issue to the corporation a validating certificate.

SECTION 17. 184.15 of the statutes is renumbered 200.15.

SECTION 18. Chapter 184 of the statutes is created to read:

**CHAPTER 184
UNIFORM UNINCORPORATED
NONPROFIT ASSOCIATION ACT**

184.01 Definitions. In this chapter:

(1) "Member" means a person who, under the rules or practices of a nonprofit association, may participate in the selection of persons authorized to manage the affairs of the nonprofit association or in the development of policy of the nonprofit association.

(2) "Nonprofit association" means an unincorporated organization consisting of 3 or more members joined by mutual consent for a common, nonprofit purpose. However, joint tenancy, tenancy in common, or tenancy by the entireties does not, by itself, establish a nonprofit association, even if the coowners share use of the property for a nonprofit purpose.

184.02 Supplementary general principles of law and equity. Principles of law and equity supplement this chapter, unless displaced by a particular provision of this chapter.

184.03 Territorial application. Real and personal property in this state may be acquired, held, encumbered and transferred by a nonprofit association, whether or not the nonprofit association or a member has any other relationship with this state.

184.04 Real and personal property; nonprofit association as legatee or beneficiary. (1) A nonprofit association in its name may acquire, hold, encumber or transfer an estate or interest in real or personal property.

(2) A nonprofit association may be a legatee or beneficiary of a trust or contract.

184.05 Statement of authority as to real property. (1) A nonprofit association may execute and record a statement of authority to transfer an estate or interest in real property in the name of the nonprofit association.

(2) An estate or interest in real property in the name of a nonprofit association may be transferred by a person so authorized in a statement of authority recorded in the office of the county register of deeds in which a transfer of the property would be recorded.

(3) A statement of authority must include all of the following:

(a) The name of the nonprofit association. The name of a nonprofit association as set forth in the statement of authority must contain the words "unincorporated association" or "unincorporated assoc." or end with the abbreviation "U.A." or "UA". The name may not contain language stating or implying that the nonprofit association is incorporated.

(b) The address in this state, including the street address, if any, of the nonprofit association or, if the nonprofit association does not have an address in this state, its address outside this state.

(c) The name or title of a person who is authorized to transfer an estate or interest in real property held in the name of the nonprofit association.

(d) The action, procedure or vote of the nonprofit association that authorizes the person to transfer the real property of the nonprofit association and that authorizes the person to execute the statement of authority.

(4) A statement of authority shall be executed in the same manner as a deed by a person who is not the person authorized by the statement of authority to transfer the estate or interest in real property.

(6) An amendment, including a cancellation, of a statement of authority must meet the requirements for execution and recording of an original statement. Unless canceled earlier, a recorded statement of authority or its most recent amendment is canceled by operation of law 5 years after the date of the most recent recording.

(7) If the record title to real property is in the name of a nonprofit association and the statement of authority is recorded in the office of the county register of deeds in which a transfer of real property would be recorded, the authority of the person named in a statement of authority is conclusive in favor of a person who gives value without notice that the person lacks authority.

184.06 Liability in tort and contract. (1) A nonprofit association is a legal entity separate from its members for the purposes of determining and enforcing rights, duties and liabilities in contract and tort.

(2) A person is not liable for a breach of a nonprofit association's contract merely because the person is a member, is authorized to participate in the management of the affairs of the nonprofit association, or is a person considered to be a member by the nonprofit association.

(3) A person is not liable for a tortious act or omission for which a nonprofit association is liable merely because the person is a member, is authorized to participate in the management of the affairs of the nonprofit association, or is a person considered to be a member by the nonprofit association.

(4) A tortious act or omission of a member or other person for which a nonprofit association is liable is not imputed to a person merely because the person is a member of the nonprofit association, is authorized to participate in the management of the affairs of the nonprofit

association, or is a person considered to be a member by the nonprofit association.

(5) A member of, or a person considered to be a member by, a nonprofit association may assert a claim against the nonprofit association. A nonprofit association may assert a claim against a member or a person considered to be a member by the nonprofit association.

184.07 Capacity to assert and defend; standing.

(1) A nonprofit association, in its name, may institute, defend, intervene or participate in a judicial, administrative or other governmental proceeding or in an arbitration, mediation or any other form of alternative dispute resolution.

(2) A nonprofit association may assert a claim in its name on behalf of its members if one or more members of the nonprofit association have standing to assert a claim in their own right, the interests that the nonprofit association seeks to protect are germane to its purposes, and neither the claim asserted nor the relief requested requires the participation of a member.

184.08 Effect of judgment or order. A judgment or order against a nonprofit association is not by itself a judgment or order against a member.

184.09 Disposition of personal property of inactive nonprofit association. If a nonprofit association has been inactive for 3 years or longer, a person in possession or control of personal property of the nonprofit association may transfer the property to any of the following:

(1) If a document of a nonprofit association specifies a person to whom transfer is to be made under these circumstances, that person.

(2) If no person is so specified, a nonprofit association or nonprofit corporation pursuing broadly similar purposes, or to a government or governmental subdivision, agency or instrumentality.

184.10 Appointment of agent to receive service of process. (1) A nonprofit association may file with the department of financial institutions a statement appointing an agent who is authorized to receive service of process.

(2) A statement appointing an agent shall be on the form prescribed by the department of financial institutions and shall set forth all of the following:

(a) The name of the nonprofit association. The name of a nonprofit association as set forth in the statement appointing an agent must contain the words “unincorporated association” or “unincorporated assoc.” or end with the abbreviation “U.A.” or “UA”. The name may not contain language stating or implying that the nonprofit association is incorporated.

(b) The address in this state, including the street address, if any, of the nonprofit association, or, if the nonprofit association does not have an address in this state, its address out of state.

(c) The name of the person in this state who is authorized to receive service of process and the person’s address, including the street address, in this state.

(d) That the person appointed as agent has accepted the appointment.

(3) A statement appointing an agent must be signed by a person who is authorized to manage the affairs of a nonprofit association. The appointed agent may resign by filing a resignation with the department of financial institutions and giving notice to the nonprofit association.

(4) The department of financial institutions shall collect a fee of \$15 for filing a statement appointing an agent to receive service of process, an amended and restated statement or a resignation.

(5) A statement filed under sub. (1) may be amended by filing a statement changing or restating the information set forth in the original statement and declaring that the statement supersedes and takes the place of the original statement. The statement shall set forth all of the information required under sub. (2) and shall meet the requirements for execution of an original statement.

(6) A statement, an amended and restated statement or a resignation filed under this section is effective on the date on which it is filed by the department of financial institutions.

184.11 Claim not abated by change of members or officers. A claim for relief against a nonprofit association does not abate merely because of a change in its members or persons authorized to manage the affairs of the nonprofit association.

184.12 Venue. For purposes of determining venue under s. 801.50, a nonprofit association is a resident of a county in which it has an office.

184.13 Summons and complaint; service on whom. In an action or proceeding against a nonprofit association, a summons and complaint must be served on an agent who is authorized by appointment to receive service of process, an officer, managing or general agent, or a person who is authorized to participate in the management of its affairs. If none of them can be served, service may be made on a member.

184.14 Uniformity of application and construction. This chapter shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this chapter among states enacting it.

184.15 Transfers by a fiduciary. If before the effective date of this section [revisor inserts date], the transfer vested the estate or interest in another person to hold the estate or interest as a fiduciary for the benefit of the nonprofit association or its members or both, on or after the effective date of this section [revisor inserts date], the fiduciary may transfer the estate or interest to

the nonprofit association in its name, or the nonprofit association, by appropriate proceedings, may require that the estate or interest be transferred to the nonprofit association in its name.

SECTION 19. 195.60 (2) of the statutes is amended to read:

195.60 (2) The office shall annually, within 90 days after the close of each fiscal year, ascertain the total of its expenditures during such year which are reasonably attributable to the performance of its duties relating to railroads. For purposes of such calculation, 90% of the expenditures so determined shall be expenditures of the office and 10% of the expenditures so determined shall be expenditures for state government operations. The office shall deduct therefrom all amounts chargeable to railroads under sub. (1) and s. ~~484.10~~ 200.10 (3). A sum equal to the remainder plus 10% of the remainder shall be assessed by the office to the several railroads in proportion to their respective gross operating revenues during the last calendar year, derived from intrastate operations. Such assessment shall be paid within 30 days after the bill has been mailed to the several railroads, which bill shall constitute notice of assessment and demand of payment thereof. The total amount which may be assessed to the railroads under authority of this subsection shall not exceed 1.75% of the total gross operating revenues of such railroads, during such calendar year, derived from intrastate operations. Ninety percent of the payment shall be credited to the appropriation account under s. 20.155 (2) (g). The railroads shall furnish such financial information as the office requires.

SECTION 20. 196.02 (7) of the statutes is amended to read:

196.02 (7) COMMISSION INITIATIVE. In any matter within its jurisdiction, including, but not limited to, chs. ~~484, 197~~ and 200 and this chapter, the commission may initiate, investigate and order a hearing at its discretion upon such notice as it deems proper.

SECTION 21. 196.195 (1) of the statutes is amended to read:

196.195 (1) REGULATION IMPOSED. Except as provided in this section and ss. 196.202, 196.203, 196.215 and 196.219, a telecommunications utility is subject to every applicable provision of this chapter and ch. ~~484~~ 200.

SECTION 22. 196.195 (5) of the statutes is amended to read:

196.195 (5) COMMISSION ACTION. If after the proceedings under subs. (2), (3) and (4) the commission has determined that effective competition exists in the market for the telecommunications service which justifies a lesser degree of regulation and that lesser regulation in that market will serve the public interest, the commission may, by order, suspend any of the following provisions of law, except as provided under subs. (7) and (8): ch. ~~484~~ 200 and s. 196.02 (2); s. 196.05; s. 196.06; s. 196.07; s.

196.09; s. 196.10; s. 196.12; s. 196.13 (2); s. 196.19; tariffing requirements under s. 196.194; s. 196.196 (1) or (5); s. 196.20; s. 196.204 (7); s. 196.21; s. 196.22; s. 196.26; s. 196.28; s. 196.37; s. 196.49; s. 196.52; s. 196.58; s. 196.60; s. 196.604; s. 196.77; s. 196.78; s. 196.79; and s. 196.805.

SECTION 23. 196.202 (2) of the statutes is amended to read:

196.202 (2) SCOPE OF REGULATION. A cellular mobile radio telecommunications utility is not subject to ch. ~~484~~ 200 or this chapter, except a cellular mobile radio telecommunications utility is subject to s. 196.218 (3) to the extent not preempted by federal law. If the application of s. 196.218 (3) to a cellular mobile radio telecommunications utility is not preempted, a cellular mobile radio telecommunications utility shall respond, subject to the protection of the cellular mobile radio telecommunications utility's competitive information, to all reasonable requests for information about its operations in this state from the commission necessary to establish and administer the universal service fund.

SECTION 24. 196.203 (1) of the statutes is amended to read:

196.203 (1) Except as provided in this section, alternative telecommunications utilities are exempt from all provisions of ch. ~~484~~ 200 and this chapter.

SECTION 25. 196.203 (3) (a) of the statutes is amended to read:

196.203 (3) (a) In response to a petition from any interested person, or upon its own motion, the commission shall determine whether the public interest requires that any provision of ch. ~~484~~ 200 or this chapter be imposed on a person providing or proposing to provide service as an alternative telecommunications utility in a relevant market. In making this determination, the commission may consider factors including the quality of service, customer complaints, concerns about the effect on customers of local exchange telecommunications utilities and the extent to which similar services are available from alternative sources.

SECTION 26. 196.203 (4) of the statutes is amended to read:

196.203 (4) The commission may impose any provision of ch. ~~484~~ 200 or this chapter on one or more, but not necessarily all, alternative telecommunications utilities providing service in a relevant market.

SECTION 27. 196.795 (5) (a) of the statutes is amended to read:

196.795 (5) (a) No holding company which is not a public utility and no nonutility affiliate is subject to any regulatory power of the commission except under this section, ss. 196.52, 196.525 and 196.84 and except under ch. ~~484~~ 200 if the commission has made a determination under sub. (7) (a) which makes such holding company a public service corporation, as defined under s. ~~484.01~~ 200.01 (2).

SECTION 28. 196.795 (5) (b) of the statutes is amended to read:

196.795 (5) (b) The commission has full access to any book, record, document or other information relating to a holding company system to the extent that such information is relevant to the performance of the commission's duties under ch. ~~184 200~~, this chapter or any other statute applicable to the public utility affiliate. The commission may require a holding company to keep any record or document which is necessary for the commission to perform its duties under this section and which is consistent with generally accepted accounting and record-keeping practices of the particular type of business involved. Any information obtained under this paragraph is subject to sub. (9), when applicable.

SECTION 29. 196.80 (1m) (d) of the statutes is amended to read:

196.80 (1m) (d) Consolidate or merge with any Wisconsin corporation if substantially all of the assets of the corporation consist of the entire stock of the public utility. The total of the resulting securities outstanding of the possessor corporation which have not been authorized previously under ch. ~~184 200~~ shall require authorization under ch. ~~184 200~~ as a condition precedent to the merger or consolidation.

SECTION 30. 196.85 (1) of the statutes is amended to read:

196.85 (1) If the commission in a proceeding upon its own motion, on complaint, or upon an application to it deems it necessary in order to carry out the duties imposed upon it by law to investigate the books, accounts, practices and activities of, or make appraisals of the property of any public utility, power district or sewerage system or to render any engineering or accounting services to any public utility, power district or sewerage system, the public utility, power district or sewerage system shall pay the expenses attributable to the investigation, including the cost of litigation, appraisal or service. The commission shall mail a bill for the expenses to the public utility, power district or sewerage system either at the conclusion of the investigation, appraisal or services, or during its progress. The bill constitutes notice of the assessment and demand of payment. The public utility, power district or sewerage system shall, within 30 days after the mailing of the bill pay to the commission the amount of the special expense for which it is billed. Ninety percent of the payment shall be credited to the appropriation account under s. 20.155 (1) (g). The total amount in any one calendar year for which any public utility, power district or sewerage system is liable, by reason of costs incurred by the commission within the calendar year, including charges under s. ~~184.10 200.10~~ (3), may not exceed four-fifths of one percent of its gross operating revenues derived from intrastate operations in the last preceding calendar year. Nothing in this subsection shall prevent the commission from rendering bills in one

calendar year for costs incurred within a previous year. For the purpose of calculating the costs of investigations, appraisals and other services under this subsection, 90% of the costs determined shall be costs of the commission and 10% of the costs determined shall be costs of state government operations.

SECTION 31. 196.85 (2) of the statutes is amended to read:

196.85 (2) The commission shall annually, within 90 days of the commencement of each fiscal year, calculate the total of its expenditures during the prior fiscal year which are reasonably attributable to the performance of its duties relating to public utilities, sewerage systems and power districts under this chapter and chs. 66, ~~184 and 198 and 200~~ and expenditures of the state for state government operations to support the performance of such duties. For purposes of such calculation, 90% of the expenditures so determined shall be expenditures of the commission and 10% of the expenditures so determined shall be expenditures for state government operations. The commission shall deduct from this total all amounts chargeable to public utilities, sewerage systems and power districts under sub. (1) and s. ~~184.10 200.10~~ (3). The commission shall assess a sum equal to the remainder plus 10% of the remainder to the public utilities and power districts in proportion to their respective gross operating revenues during the last calendar year, derived from intrastate operations. If, at the time of payment, the prior year's expenditures made under this section exceeded the payment made under this section in the prior year, the commission shall charge the remainder to the public utilities and power districts in proportion to their gross operating revenues during the last calendar year. If, at the time of payment it is determined that the prior year's expenditures made under this section were less than the payment made under this section in the prior year, the commission shall credit the difference to the current year's payment. The assessment shall be paid within 30 days after the bill has been mailed to the public utilities and power districts. The bill constitutes notice of the assessment and demand of payment. Ninety percent of the payment shall be credited to the appropriation account under s. 20.155 (1) (g).

SECTION 32. 706.03 (3m) of the statutes is created to read:

706.03 (3m) A nonprofit association, as defined in s. 184.01 (2), may authorize a person to execute conveyances of estates or interests in real property by executing and filing a statement of authority under s. 184.05.

SECTION 33. 801.11 (7) of the statutes is repealed.

SECTION 34. 893.33 (5) of the statutes is amended to read:

893.33 (5) This section bars all claims to an interest in real property, whether rights based on marriage, remainders, reversions and reverter clauses in covenants restricting the use of real estate, mortgage liens, old tax

deeds, death and income or franchise tax liens, rights as heirs or under will, or any claim of any nature, however denominated, and whether such claims are asserted by a person sui juris or under disability, whether such person is within or without the state, and whether such person is natural or corporate, or private or governmental, unless within the 30-year period provided by sub. (2) there has been recorded in the office of the register of deeds some instrument expressly referring to the existence of the claim, or a notice pursuant to this section. This section does not apply to any action commenced or any defense or counterclaim asserted, by any person who is in possession of the real estate involved as owner at the time the action is commenced. This section does not apply to any real estate or interest in real estate while the record title to the real estate or interest in real estate remains in a railroad corporation, a public service corporation as defined in s. ~~184.01~~ 200.01, an electric cooperative organized and operating on a nonprofit basis under ch. 185, or any trustee or receiver of a railroad corporation, a public service corporation or an electric cooperative, or to claims or actions founded upon mortgages or trust deeds executed by that cooperative or corporation, or trustees or receivers of that cooperative or corporation. This section also does not apply to real estate or an interest in real estate while the record title to the real estate or interest in real estate remains in the state or a political subdivision or municipal corporation of this state.

SECTION 35. 946.82 (4) of the statutes is amended to read:

946.82 (4) "Racketeering activity" means any activity specified in 18 USC 1961 (1) in effect as of April 27, 1982 or the attempt, conspiracy to commit, or commission of any of the felonies specified in: chs. 945

and 961 and ss. 49.49, 134.05, 139.44 (1), 180.0129, 181.69, ~~184.09 (2)~~, 185.825, 200.09 (2), 215.12, 221.0625, 221.0636, 221.0637, 221.1004, 551.41, 551.42, 551.43, 551.44, 553.41 (3) and (4), 553.52 (2), 940.01, 940.19 (3) to (6), 940.20, 940.203, 940.21, 940.30, 940.305, 940.31, 941.20 (2) and (3), 941.26, 941.28, 941.298, 941.31, 941.32, 943.01 (2) or (2g), 943.012, 943.013, 943.02, 943.03, 943.04, 943.05, 943.06, 943.10, 943.20 (3) (b) to (d), 943.23 (1g), (1m), (1r), (2) and (3), 943.24 (2), 943.25, 943.27, 943.28, 943.30, 943.32, 943.34 (1) (b) and (c), 943.38, 943.39, 943.40, 943.41 (8) (b) and (c), 943.50 (4) (b) and (c), 943.60, 943.70, 944.205, 944.21 (5) (c) and (e), 944.32, 944.33 (2), 944.34, 945.03, 945.04, 945.05, 945.08, 946.10, 946.11, 946.12, 946.13, 946.31, 946.32 (1), 946.48, 946.49, 946.61, 946.64, 946.65, 946.72, 946.76, 947.015, 948.05, 948.08, 948.12 and 948.30.

SECTION 36. Nonstatutory provisions.

(1) PRIOR TRANSFERS OF REAL OR PERSONAL PROPERTY. If, before the effective date of this subsection, an estate or interest in real or personal property was purportedly transferred to a nonprofit association, on the effective date of this subsection, the estate or interest vests in the nonprofit association unless the parties have treated the transfer as ineffective.

SECTION 37. Initial applicability.

(1) This act first applies to actions or proceedings commenced, and to rights accrued, on the effective date of this subsection.

SECTION 38. Effective dates. This act takes effect on the day after publication, except as follows:

(1) The creation of section 184.10 of the statutes takes effect on the first day of the 7th month beginning after publication.