



2011 ASSEMBLY BILL 320

October 12, 2011 - Introduced by Representatives SPANBAUER, BIES, MILROY, RINGHAND, TURNER and WYNN, cosponsored by Senators KING and TAYLOR. Referred to Committee on Veterans and Military Affairs.

- 1 **AN ACT** *to amend* 188.15 (3) and 188.25; and *to create* 188.15 (4) and (5) of the
2 statutes; **relating to:** corporate powers of Marine Corps League corporations.

Analysis by the Legislative Reference Bureau

Under current law, a department or detachment of a Marine Corps League may be organized as a corporate entity and, upon making the required filing with the Department of Financial Institutions (DFI), has full corporate power to transact business in this state and no personal liability may attach for its corporate acts. This filing with DFI must include a complete list of its duly elected officers. In executing any conveyance or encumbrance by a Marine Corps League corporation, the detachment or department commandant and the detachment or department adjutant, or similar officers, have the powers and duties granted to presidents and secretaries of private corporations.

Also under current law, by January 1 of each year, the state organization of a veterans' society that has an incorporated unit must file with DFI an annual report showing the elected officers of the state organization. If the veterans' society has no state organization, each incorporated unit must file with DFI by January 1 of each year an annual report of the elected officers.

This bill requires any department or detachment of the Marine Corps League in this state to be incorporated under state law. The bill specifies that any such corporation is subordinate to the national Marine Corps League. The bill also requires each detachment of the Marine Corps League in this state, including any unit, auxiliary, or affiliate of such a detachment, to file an annual report by October 1 of each year with the Marine Corps League, department of Wisconsin, showing the

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elected officers of the detachment. The Marine Corps League, department of Wisconsin, must then file a consolidated annual report, by January 1 of each year, that includes information of the department and of each detachment. The bill also specifies that, in executing any conveyance or encumbrance by a Marine Corps League corporation, the detachment or department senior vice commandant has the same powers and duties granted for an adjutant.

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.** 188.15 (3) of the statutes is amended to read:

2 188.15 (3) Sections 180.0203 and 181.0203 shall not apply to corporations
3 organized under s. 188.15. In the execution of any conveyance or encumbrance by
4 such corporations, the detachment or department commandant and the detachment
5 or department adjutant or senior vice commandant, or like or similar officers, shall
6 have the powers and duties granted to presidents and secretaries, respectively,
7 under s. 706.03 (2) and (3). The provisions of this section shall apply to all
8 corporations incorporated hereunder whether incorporated before or after
9 June 4, 1941.

10 **SECTION 2.** 188.15 (4) and (5) of the statutes are created to read:

11 188.15 (4) Any department or detachment of the Marine Corps League in this
12 state shall be incorporated under this section. Any corporation organized under this
13 section is subordinate to the national Marine Corps League and is a corporation
14 described under section 501 (c) (4) of the Internal Revenue Code that is exempt from
15 taxation under section 501 (a) of the Internal Revenue Code.

16 (5) (a) By October 1 of each year, each detachment of the Marine Corps League
17 in this state that is incorporated under this section, including any unit, auxiliary, or
18 affiliate of such a detachment, shall file an annual report with the Marine Corps

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1 League, department of Wisconsin, as incorporated under this section, showing the
2 elected officers of the detachment.

3 (b) The Marine Corps League, department of Wisconsin, shall file a
4 consolidated annual report under s. 188.25 that includes information of the
5 department and of each detachment that files a report under par. (a).

6 **SECTION 3.** 188.25 of the statutes is amended to read:

7 **188.25 Annual reports of veterans' organizations.** The Subject to s.
8 188.15 (5), the state organization of any veterans' society or society affiliate which
9 has a unit incorporated under this chapter shall file with the department of financial
10 institutions on or before January 1 an annual report showing the elected officers of
11 the state organization. No filing fee shall be charged. The secretary of any such state
12 organization shall on request furnish the department of financial institutions
13 information about subordinate units. If Subject to s. 188.15 (5), if any veterans'
14 society or society affiliate has no state organization each unit incorporated under this
15 chapter shall file an annual report of the elected officers with the department of
16 financial institutions on or before January 1.

17 (END)