

May 1986 Spec. Sess.  
Senate Bill 7

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## 1985 Wisconsin Act 338

AN ACT to amend 14.38 (9), 20.575 (1) (g), 179.03 (2), 180.08 (2), 180.793 (2) and (4), 180.87 (1) (f), 180.87 (1) (j) and (p), 181.07 (2), 181.653 (4), 181.68 (1) (g), 181.68 (1) (gm), 185.045, 185.48 (4) and (6) and 185.83 (1) (e); and to create 20.575 (1) (gb), 179.16 (5), 180.87 (1) (t), 181.68 (1) (k), 181.68 (4) and 185.83 (1) (h) of the statutes, relating to reservation of corporate name by telephone, expeditious processing of documents, records and certifications by the secretary of state, increasing annual report fees for corporations and cooperatives, requiring the legislative audit bureau to conduct a performance audit and making appropriations.

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

SECTION 1. 14.38 (9) of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

14.38 (9) FURNISH CERTIFIED COPIES. Make a copy of any law, resolution, deed, bond, record, document or paper deposited or kept in his or her office, upon request therefor, attach thereto his or her certificate, with the greater or lesser seal affixed, and collect therefor 50 cents per page and \$5 for such certificate; if a copy is not to be certified and if the reproduction is performed by the office of the secretary of state, then collect a fee to cover the actual and necessary cost of reproduction and actual and necessary cost of transcription required to produce the copy or \$2, whichever is greater; also to record any document

authorized or required by law to be recorded in his or her office, and to charge therefor a fee of \$1 per page. The fee for certified copies of appointments, certificates of incorporations or amendments, licenses of foreign corporations, or similar certificates, and for certificates as to results of search of the records and files of his or her office, when a printed form is used, shall be \$5, but when a specially prepared form is required the fee shall be \$10. Telegraphic reports as to results of record searches shall be \$5 plus the cost of the telegram. The secretary of state shall charge and collect for preparing any record or certificate under this subsection in an expeditious manner, \$25 in addition to the fee otherwise required under this subsection.

SECTION 2. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

1985-86

1986-87

**20.575 Secretary of state**

(1 ) MANAGING AND OPERATING  
PROGRAM RESPONSIBILITIES

(gb) Expedited service and  
telephone application for  
reservation of name

SECTION 3. 20.575 (1) (g) of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

20.575 (1) (g) *Program fees.* The amounts in the schedule for the purpose of carrying out general program operations. Except as provided under ~~par. pars.~~ (gb), (h) and (ka), not to exceed \$4, as determined by the secretary of state, of each amount collected under ss. 180.793 (2) and (4), 180.87 (1) (j) and (p), 181.653 (4), 181.68 (1) (gm), 185.48 (4) and (6) and 185.83 (1) (e) plus 12.4% of the fees collected by the secretary of state, other than fees forwarded by registers of deeds under ss. 409.403 (5) (a), 409.405 (1) and (2) and 409.406 and other than \$2 of the fees collected by the secretary of state for each filing under ss. 409.403 (5) (b), 409.405 (1) and (2) and 409.406 and other than an amount not to exceed \$4 of each amount collected under ss. 180.793 (2) and (4), 180.87 (1) (j) and (p), 181.653 (4), 181.68 (1) (gm), 185.48 (4) and (6) and 185.83 (1) (e), shall be credited to this appropriation.

SECTION 4. 20.575 (1) (gb) of the statutes is created to read:

20.575 (1) (gb) *Expedited service and telephone application for reservation of name.* The amounts in the schedule for processing of a document, record or certification in an expeditious manner under s. 14.38 (9), 179.16 (5), 180.87 (1) (t), 181.68 (1) (k) or 185.83 (1) (h) and for taking telephone applications to reserve a name under s. 179.03 (2), 180.08 (2), 181.07 (2) or 185.045. All expedited service fees collected under ss. 14.38 (9), 179.16 (5), 180.87 (1) (t), 181.68 (1) (k) and 185.83 (1) (h) and all fees for telephone application to reserve a name collected under s. 179.03 (2), 180.87 (1) (f), 181.68 (1) (g) or 185.045 shall be credited to this appropriation.

SECTION 5. 179.03 (2) of the statutes is amended to read:

179.03 (2) The reservation shall be made by filing with the secretary of state an application executed by the applicant to reserve a specified name together with a fee of \$10, or making a telephone application to reserve a specified name. The fee for a telephone application to reserve a specified name for 60 days is \$20. If the secretary of state finds that the name is available for use by a domestic limited partnership or foreign limited partnership, he or she shall reserve the name for the exclusive use of the applicant for a period of 60 days. The secretary of state shall cancel the telephone application to reserve a specified name if the secretary of state does not receive the proper fee within 10 business days after the application. Once

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having ~~so~~ reserved a name, the same applicant may not again reserve the same name until more than 60 days after the expiration of the last 60-day period for which that applicant reserved that name. The right to the exclusive use of a reserved name may be transferred to any other person by filing in the office of the secretary of state, together with a fee of \$10, a notice of the transfer executed by the applicant for whom the name was reserved and specifying the name and address of the transferee.

SECTION 6. 179.16 (5) of the statutes is created to read:

179.16 (5) The secretary of state shall charge and collect, for processing a document required or permitted to be filed under this chapter in an expeditious manner, or preparing a record under sub. (4) in an expeditious manner, \$25 in addition to the fee required by other provisions of this chapter.

SECTION 7. 180.08 (2) of the statutes is amended to read:

180.08 (2) The reservation shall be made by filing with the secretary of state an application to reserve a specified corporate name, executed by the applicant or making a telephone application to reserve a specified corporate name. If the secretary of state finds that the name is available for corporate use, he or she shall reserve the same for the exclusive use of the applicant for a period of 60 days. The secretary of state shall cancel the telephone application to reserve a specified corporate name if the secretary of state does not receive the proper fee within 10 business days after the application.

SECTION 8. 180.793 (2) and (4) of the statutes, as affected by 1985 Wisconsin Act 29, are amended to read:

180.793 (2) Any such report not filed as required by sub. (1) may be filed only upon payment to the secretary of state of ~~\$22~~ not to exceed \$26.

(4) The corporation may be restored to good standing by delivering to the secretary of state a current annual report conforming to the requirements of law and by paying to the secretary of state the ~~\$22~~ not to exceed \$26 late filing fee plus ~~\$11~~ not to exceed \$15 for each calendar year or part of a calendar year during which the corporation has not been in good standing, not exceeding a total of ~~\$132~~ \$176.

SECTION 9. 180.87 (1) (f) of the statutes is amended to read:

180.87 (1) (f) Filing an application to reserve a corporate name for 60 days, \$10; making a telephone application to reserve a corporate name for 60 days,

\$20; and filing an application to reserve a corporate name under s. 180.08 (3), \$50, plus \$10 for each year of reservation in excess of 5 years.

SECTION 10. 180.87 (1) (j) and (p) of the statutes, as affected by 1985 Wisconsin Act 29, are amended to read:

180.87 (1) (j) Filing an annual report of a foreign corporation ~~\$26 not to exceed \$30~~, and in case the annual report shows that the corporation employs in this state capital in excess of the amount of capital on which a fee has previously been paid, computed as provided in s. 180.813, an additional fee which, with previous payments made on account of capital employed in this state, will amount to \$1.25 for each \$1,000 or fraction thereof of the excess.

(p) Filing an annual report of a domestic corporation, ~~\$44 not to exceed \$15~~.

SECTION 11. 180.87 (1) (t) of the statutes is created to read:

180.87 (1) (t) Processing a document required or permitted to be filed or recorded under this chapter in an expeditious manner, or preparing a record under par. (r) in an expeditious manner, \$25 in addition to the fee required by other provisions of this chapter.

SECTION 12. 181.07 (2) of the statutes is amended to read:

181.07 (2) The reservation shall be made by filing with the secretary of state an application to reserve a specified corporate name, executed by the applicant or making a telephone application to reserve a specified corporate name. If the secretary of state finds that the name is available for corporate use, he or she shall reserve the same for the exclusive use of the applicant for a period of 60 days. The secretary of state shall cancel the telephone application to reserve a specified corporate name if the secretary of state does not receive the proper fee within 10 business days after the application.

SECTION 13. 181.653 (4) of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

181.653 (4) The corporation may be restored to good standing by delivering to the secretary of state a current annual report conforming to the requirements of law and by paying to the secretary of state the ~~\$47 not to exceed \$21~~ late filing fee plus ~~\$6 not to exceed \$10~~ for each calendar year or part of a calendar year during which the corporation has not been in good standing, not exceeding a total of ~~\$77~~ \$121.

SECTION 14. 181.68 (1) (g) of the statutes is amended to read:

181.68 (1) (g) Filing an application to reserve a corporate name for 60 days, \$10; making a telephone application to reserve a corporate name for 60 days, \$20; and filing an application to reserve a corporate name under s. 181.07 (3), \$50, plus \$10 for each year of reservation in excess of 5 years;

SECTION 15. 181.68 (1) (gm) of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

181.68 (1) (gm) Filing an annual report of a domestic corporation, ~~\$6 not to exceed \$10~~;

SECTION 16. 181.68 (1) (k) of the statutes is created to read:

181.68 (1) (k) Processing a document required or permitted to be filed or recorded under this chapter in an expeditious manner, or preparing a record under par. (i) in an expeditious manner, \$25 in addition to the fee required by other provisions of this chapter.

SECTION 16m. 181.68 (4) of the statutes is created to read:

181.68 (4) The secretary of state shall establish the fees specified under ss. 180.793 (2) and (4), 180.87 (1) (j) and (p), 181.653 (4), 181.68 (1) (gm), 185.48 (4) and (6) and 185.83 (1) (e) subject to the maximum amounts provided in those sections.

SECTION 17. 185.045 of the statutes is amended to read:

**185.045 Reserved name.** ~~The provisions of s. Sections 180.08 shall and 180.87 (1) (f)~~ apply to cooperatives, with the word "cooperative" substituted for the words "corporate" and "corporation".

SECTION 18. 185.48 (4) and (6) of the statutes, as affected by 1985 Wisconsin Act 29, are amended to read:

185.48 (4) Any report not filed as required by sub. (3) may be filed only upon payment to the secretary of state of ~~\$22 not to exceed \$26~~.

(6) The cooperative may be restored to good standing by delivering to the secretary of state a current annual report and by paying the ~~\$22 not to exceed \$26~~ late filing fee plus ~~\$44 not to exceed \$15~~ for each calendar year or part thereof during which it was not in good standing, not exceeding a total of ~~\$132~~ \$176.

SECTION 19. 185.83 (1) (e) of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

185.83 (1) (e) Filing an annual report of a cooperative, ~~\$44 not to exceed \$15~~.

SECTION 20. 185.83 (1) (h) of the statutes is created to read:

185.83 (1) (h) Processing a document required or permitted to be filed or recorded under this chapter in an expeditious manner, or preparing a record under par. (f) in an expeditious manner, \$25 in addition to the fee required by other provisions of this chapter.

SECTION 21. **Nonstatutory provisions.** (1) LEGISLATURE. The legislative audit bureau shall conduct a program audit of the office of the secretary of state to determine if the staffing level of the office is adequate considering its workload. The bureau shall report the findings of its audit to the joint audit committee and to the joint committee on finance before August 1, 1986.

(2) **SECRETARY OF STATE.** The authorized FTE positions for the office of the secretary of state are increased effective July 1, 1986, by 2.0 PRO program assistant positions, to be funded from the appropriation under section 20.575 (1) (gb) of the statutes for expedited service and for telephone reservation of a name.

(3) **JOINT COMMITTEE ON FINANCE.** No position authorized by SECTION 22 of this act may be filled, no funds appropriated under SECTION 22 of this act may be expended and the fees established under sections 180.793 (2) and (4), 180.87 (1) (j) and (p), 181.653 (4), 181.68 (1) (gm), 185.48 (4) and (6) and 185.83 (1) (e) of the statutes may not be increased unless authorized by the joint committee on finance under sections 16.505 and 16.515 of the statutes. The joint committee on finance may not authorize the filling of any of those positions or the expenditure of any of those funds before the audit under subsection (1) is submitted to the joint committee on finance.

(4) **POSITION REQUEST.** The secretary of state shall submit to the joint committee on finance for its consideration under sections 16.505 and 16.515 of the statutes a request for 2.0 PRO program assistant positions effective July 1, 1986, to be funded by an increase of \$44,600 in fiscal year 1986-87 in the appropriation under section 20.575 (1) (h) of the statutes.

**SECTION 22. Appropriation changes; secretary of state.**

(1) **HANDLING EXISTING WORKLOAD.** The dollar amount in the schedule under section 20.005 (3) of the statutes for the appropriation to the office of the secretary of state under section 20.575 (1) (g) of the statutes, as affected by the acts of 1985, is increased by \$142,800 for fiscal year 1986-87 to increase the authorized FTE positions for the office of the secretary of state by 1.0 PRO administrative assistant supervisor position effective July 1, 1986, and by 3.5 PRO program assistant positions for the period July 1, 1986 to June 30, 1987 for handling existing workload.

**SECTION 23. Effective dates.** (1) Except as provided in subsections (2) and (3), this act takes effect on July 1, 1986.

(2) The treatment of sections 14.38 (9), 179.03 (2), 179.16 (5), 180.08 (2), 180.87 (1) (f) and (t), 181.07 (2), 181.68 (1) (g) and (k), 185.045 and 185.83 (1) (h) of the statutes takes effect on December 1, 1986.

(3) The treatment of sections 180.793 (2) and (4), 180.87 (1) (j) and (p), 181.653 (4), 181.68 (1) (gm), 185.48 (4) and (6) and 185.83 (1) (e) of the statutes takes effect on January 1, 1987.