

1 SUBCHAPTER VIII

2 MERGER AND CONSOLIDATION

3 **193.801 Merger and consolidation. (1) AUTHORIZATION.** Unless otherwise
4 prohibited and except as otherwise provided in this subsection, a cooperative may
5 merge or consolidate with a business entity by complying with this section and the
6 applicable law of the jurisdiction under whose laws the surviving business entity will
7 be organized. ✓ A cooperative may not merge or consolidate with a business entity
8 organized under the laws of this state, other than an association, unless the law
9 governing the business entity specifically authorizes merger or consolidation with
10 a cooperative. ✓

11 **(2) PLAN.** To initiate a merger or consolidation, the board shall prepare a
12 written plan stating all of the following: ✓

13 (a) The name of the cooperative and each business entity that is party to the
14 merger or consolidation. ✓

15 (b) The name of the business entity that will survive the merger or
16 consolidation. ✓

17 (c) The manner and basis of converting membership or ownership interests in
18 the cooperative and each business entity that is party to the merger or consolidation
19 into membership or ownership interests in the surviving business entity, money, or
20 other property. ✓

21 (d) The terms of the merger or consolidation. ✓

22 (e) The proposed effect of the merger or consolidation on the members of each
23 association that is party to the merger or consolidation. ✓

1 (f) For a consolidation, the contents of the articles or other organizational
2 documents of the surviving business entity which will be filed with the jurisdiction
3 in which the surviving business entity is organized. ✓

4 (3) NOTICE. (a) The board shall give notice of the merger or consolidation to
5 each member. The notice shall contain all of the following: ✓

6 1. The full text of the plan under sub. (2). ✓

7 2. The time and place of the meeting at which the plan will be considered. ✓

8 (b) A cooperative with more than 200 members may provide the notice in the
9 same manner as notice of a regular members' meeting. ✓

10 (4) ADOPTION OF PLAN; ARTICLES OF MERGER OR CONSOLIDATION. (a) If a quorum
11 of the members eligible to vote is registered as being present or represented by
12 alternative vote at the meeting specified in the notice under sub. (3), the plan of
13 merger or consolidation may be adopted by the following means, as applicable: ✓

14 1. By a majority of the votes cast. ✓

15 2. For a cooperative with articles or bylaws requiring more than majority
16 approval or other conditions for approval, by a sufficient vote as required under the
17 articles or bylaws or by satisfying the other conditions for approval. ✓

18 (b) If a plan is adopted under par. (a), the chairperson, vice-chairperson,
19 records officer, or documents officer of each association that is party to the merger
20 or consolidation shall execute articles of merger or consolidation which state the plan
21 and the fact that the plan was adopted. ✓ The business entity surviving the merger
22 or consolidation shall file the articles of merger with the department. ✓ If the business
23 entity surviving the merger or consolidation is organized under the laws of this state,
24 the department shall issue a certificate of organization to the business entity. ✓

1 **193.805 Merger of subsidiary or parent. (1)** WHEN AUTHORIZED; PLAN OF
2 MERGER. (a) Except as otherwise provided in this paragraph, a parent cooperative
3 that owns at least 90[✓] percent of the outstanding ownership interests of each class and
4 series of a subsidiary business entity, other than ownership interests that, absent
5 this section[✓], would not be entitled to vote on a merger, may merge the subsidiary into
6 the parent or the parent into the subsidiary without a vote of the members of the
7 parent or the members of the subsidiary by complying with this section and the
8 applicable law of the jurisdiction under whose laws the business entity surviving the
9 merger will be organized.[✓] Except as otherwise provided in this paragraph, a parent
10 cooperative that owns at least 90[✓] percent of the outstanding ownership interests of
11 each class and series of 2 or more subsidiary business entities, other than ownership
12 interests that, absent this section, would not be entitled to vote on a merger, may
13 merge the subsidiaries into one another without a vote of the members of the parent
14 or the members of the subsidiaries by complying with this section[✓] and the applicable
15 law of the jurisdiction under whose laws the business entity surviving the merger
16 will be organized. This paragraph does not permit a cooperative to merge with a
17 business entity organized under the laws of this state, other than an association,
18 unless the law governing the business entity specifically authorizes merger with a
19 cooperative.[✓]

20 (b) To initiate a merger under par. (a)[✓], the board shall prepare a written plan
21 stating all of the following:[✓]

22 1. The name of each subsidiary that is party to the merger, the name of the
23 parent, and the name of the business entity surviving the merger.[✓]

24 2. Except as provided in subd. 3.[✓], the manner and basis of converting
25 membership or ownership interests in the parent and each subsidiary that is party

1 to the merger, as applicable, into membership or ownership interests in the surviving
2 business entity, money, or other property. ✓

3 3. If the parent is party to the merger but is not the surviving business entity
4 and if the surviving business entity is a cooperative, a provision for the pro rata ✓
5 issuance of membership interests of the surviving business entity to the holders of
6 membership interests in the parent on surrender of any certificates for shares of the
7 parent. ✓

8 4. If the surviving business entity is a subsidiary cooperative, a statement of
9 any amendments to the articles of the surviving business entity that will be part of
10 the merger. ✓

11 (c) If the parent is party to the merger but is not the surviving business entity,
12 the plan under par. (b) shall be approved by the affirmative vote of the holders of a
13 majority of the voting power of all membership interests of the parent entitled to vote
14 at a regular or special meeting. ✓

15 (2) NOTICE. No later than 10 days after the effective date of the merger, the
16 board of the parent shall give notice of the merger, including a copy of the plan of
17 merger, to each member of each subsidiary that is party to the merger. ✓

18 (3) ARTICLES OF MERGER. The board of the parent shall file with the department ✓
19 articles of merger, signed by the chairperson or his or her designee, containing all of
20 the following: ✓

21 (a) The plan of merger. ✓

22 (b) The number of outstanding membership interests of each class and series
23 of each subsidiary that is party to the merger, other than the classes or series that,
24 absent this section, would not be entitled to vote on a merger, and the number of such
25 membership interests owned by the parent. ✓

1 (c) A statement that the plan of merger has been approved by the parent under
2 this section. ✓

3 (5) CERTIFICATE. If the business entity surviving the merger is organized under
4 the laws of this state, the department shall issue a certificate of organization to the
5 business entity upon receipt of the articles of merger. ✓

6 (6) RIGHTS OF DISSENTING OWNERS. If, immediately prior to a merger under this
7 section, a business entity that is party to the merger is owned, at least in part, by
8 persons other than the parent or an affiliate of the parent, those persons have
9 dissenters' rights under the law governing that business entity's organization.

10 (7) NONEXCLUSIVITY. Mergers authorized under sub. (1) (a) may instead be
11 accomplished under s. 193.801, in which case this section does not apply.

12 **193.807 Effective date; effect of merger or consolidation.** (1) EFFECTIVE
13 DATE. Unless a later date is provided in the plan of merger or consolidation or is
14 required under other applicable law, a merger or consolidation is effective when the
15 articles of merger or consolidation are filed with the department. ✓

16 (2) EFFECT OF MERGER OR CONSOLIDATION. All of the following occur when a
17 merger or consolidation takes effect: ✓

18 (a) All business entities that are party to the merger or consolidation become
19 the business entity surviving the merger or consolidation, as designated in the plan,
20 and the separate existence of every business entity that is party to the merger or
21 consolidation, except the business entity surviving the merger or consolidation,
22 ceases. ✓

23 (b) The title to all property owned by each business entity that is party to the
24 merger or consolidation is vested in the surviving business entity without reversion
25 or impairment. ✓

1 (c) If, under the laws applicable to a business entity that is a party to the merger
2 or consolidation, one or more of the owners thereof is liable for the debts and
3 obligations of such business entity, such owner or owners shall continue to be liable
4 for the debts and obligations of the business entity, but only for such debts and
5 obligations accrued during the period or periods in which such laws are applicable
6 to such owner or owners. ✓ This paragraph does not affect liability under any taxation
7 laws. ✓

8 (d) If, under the laws applicable to the surviving business entity, one or more
9 of the owners thereof is liable for the debts and obligations of such business entity,
10 the owner or owners of a business entity that is party to the merger, other than the
11 surviving business entity, who become subject to such laws shall be liable for the
12 debts and obligations of the surviving business entity to the extent provided in such
13 laws, but only for such debts and obligations accrued after the merger or
14 consolidation. ✓ The owner or owners of the surviving business entity prior to the
15 merger shall continue to be liable for the debts and obligations of the surviving
16 business entity to the extent provided in par. (c). ✓ This paragraph does not affect
17 liability under any taxation laws. ✓

18 (e) The surviving business entity has all liabilities of each business entity that
19 is party to the merger or consolidation. ✓

20 (f) A civil, criminal, administrative, or investigatory proceeding pending by or
21 against any business entity that is a party to the merger or consolidation may be
22 continued as if the merger or consolidation did not occur, or the surviving business
23 entity may be substituted in the proceeding for the business entity whose existence
24 ceased. ✓

1 (g) The articles or other similar governing document of the surviving business
2 entity shall be amended to the extent provided in the plan. ✓

3 (h) The interests of each business entity that is party to the merger that are to
4 be converted into shares, interests, obligations, or other securities of the surviving
5 business entity or any other business entity or into cash or other property are
6 converted, and the former holders of the interests are entitled only to the rights
7 provided in the articles of merger or consolidation to their dissenters' rights under
8 the laws applicable to each business entity that is party to the merger. ✓

9 **193.835 Abandonment of merger. (1) AUTHORITY AND PROCEDURE.** A merger
10 may be abandoned before it takes effect by any of the following means: ✓

11 (b) An abandonment may be approved at a meeting by the affirmative vote of
12 the holders of a majority of the voting power of the membership interests of each
13 cooperative that is party to the merger who are entitled to vote on the approval of the
14 plan of merger, except that the board of a cooperative that is party to the merger may
15 approve the abandonment if no members of that cooperative are entitled to vote. In
16 addition to the other requirements of this paragraph, if a business entity other than
17 a cooperative is party to the merger, an abandonment may only be approved by
18 taking any actions to approve the abandonment that are required by the laws under
19 which the business entity is organized. ✓

20 (c) An abandonment may be approved as provided in the plan of merger. ✓

21 (d) An abandonment may be approved by adoption, by the board of any
22 cooperative that is party to the merger, of a resolution abandoning the merger,
23 subject to the contract rights of any other person under the plan of merger. If a
24 business entity other than a cooperative is party to the merger, an abandonment may
25 be approved by a resolution of the governing body of the business entity adopted ✓

1 according to the laws under which the business entity is organized, subject to the
2 contract rights of any other person under the plan of merger. ✓

3 (2) ARTICLES OF ABANDONMENT. The board or other governing body of any
4 business entity that approves an abandonment under sub. (1) shall file with the
5 department articles of abandonment that contain all of the following: ✓

6 (a) The names of the business entities that were party to the proposed merger. ✓

7 (b) The provisions under sub. (1) under which the proposed merger is
8 abandoned. ✓

9 (c) If the proposed merger is abandoned under sub. (1) (d), the text of the
10 resolution approving the abandonment. ✓

11 SUBCHAPTER IX

12 DISSOLUTION

13 **193.905 Voluntary dissolution; winding up. (1)** NOTICE OF DISSOLUTION.
14 To initiate a voluntary dissolution the board shall file with the department a notice
15 of intent to dissolve. ✓ The board may not file a notice under this subsection unless the
16 notice is approved by affirmative vote of the members. ✓

17 (1m) COLLECTION AND PAYMENT OF DEBTS. After a notice is filed under sub. (1),
18 the board shall proceed as soon as possible to collect, or make provision for the
19 collection of, all unpaid subscriptions for shares and all other debts owing to the
20 cooperative and pay, or make provision for the payment of, all debts, obligations, and
21 liabilities of the cooperative according to the priority accorded to the debts,
22 obligation, and liabilities, by law. ✓

23 (2) TRANSFER OF ASSETS. After a notice is filed under sub. (1), the board may
24 lease or dispose of all or substantially all of the property and assets of the cooperative
25 without a vote of the members. ✓

1 (3) DISTRIBUTION TO MEMBERS AND FORMER MEMBERS. Any property of the
2 cooperative remaining after discharge of the cooperative's debts, obligations, and
3 liabilities may be distributed to the members and former members as provided in the
4 bylaws. ✓

5 (4) UNCLAIMED ASSETS. (a) If the articles or bylaws so provide, assets
6 distributable in the course of the dissolution of a cooperative that remain unclaimed
7 as provided in this paragraph may be forfeited to the cooperative in the manner set
8 forth in s. 185.03 (10), except that the board, a committee designated by the board
9 to liquidate the cooperative's assets, or a court, trustee, or other person authorized
10 to liquidate the assets of the cooperative may declare the funds forfeited, give the
11 notice, determine the purpose or purposes, and dedicate the funds as provided under
12 s. 185.03 (10) and except that any of these persons may declare the funds forfeited
13 no earlier than 2 years and no later than 5 years after the funds are first made
14 available to their owners in the course of the liquidation of the cooperative. ✓

15 (b) Assets distributable in the course of the dissolution of a cooperative that are
16 not forfeited under par. (a) shall be reported and delivered to the state treasurer as
17 provided under ch. 177. ✓

18 (5) ARTICLES OF DISSOLUTION. After payment of all debts, obligations, and
19 liabilities of the cooperative has been made or provided for as required under sub.
20 (1m) and the remaining property of the cooperative has been distributed as provided
21 under sub. (3) or otherwise disposed of under sub. (4), the board shall file with the
22 department articles of dissolution. The articles of dissolution shall state all of the
23 following, as applicable: ✓

24 (a) That all debts, obligations, and liabilities of the cooperative have been paid
25 or adequate provisions have been made for their payment or time periods during

1 which claims may be made against the cooperative have expired and no other claims
2 are outstanding. ✓

3 (b) That the remaining assets of the cooperative have been distributed to the
4 members, pursuant to a liquidation authorized by the members, or as provided under
5 sub. (4). ✓

6 (c) That legal, administrative, or arbitration proceedings by or against the
7 cooperative are not pending or adequate provision has been made for the satisfaction
8 of a judgment, order, or decree that may be entered against the cooperative in such
9 a pending proceeding. ✓

10 (6) EFFECTIVE DATE. A cooperative is dissolved upon the filing of the articles of
11 dissolution as required under sub. (5). ✓

12 (7) CERTIFICATE. Upon accepting articles of dissolution for filing, the
13 department shall issue to the dissolved cooperative or its legal representative a
14 certificate of dissolution that contains all of the following: ✓

15 (a) The name of the dissolved cooperative. ✓

16 (b) The date the articles of dissolution were filed with the department. ✓

17 (c) A statement that the cooperative is dissolved. ✓

18 **193.911 Revocation of dissolution proceedings. (1) AUTHORITY TO REVOKE.**
19 Dissolution proceedings under s. 193.905 ✓ may be revoked before the articles of
20 dissolution are filed with the department as required under s. 193.905 (5). ✓

21 (2) REVOCATION BY MEMBERS. The chairperson may call a members' meeting to
22 submit to the members the question of revoking dissolution proceedings under s.
23 193.905. ✓ The dissolution proceedings are revoked if the proposed revocation is
24 approved at the members' meeting by a majority of the votes cast or, for a cooperative
25 with articles or bylaws requiring more than majority approval or other conditions for

1 approval, by a sufficient vote as required under the articles or bylaws or by satisfying
2 the other conditions for approval. ✓

3 (3) FILING WITH THE DEPARTMENT. The chairperson of the board or the records
4 officer shall file with the department a notice of revocation promptly after the
5 revocation is approved as provided under sub. (2). The revocation is effective upon
6 filing of the notice under this subsection. ✓

7 **193.925 Court-supervised voluntary dissolution.** After a notice of intent
8 to dissolve is filed as required under s. 193.905 (1) and before a certificate of
9 dissolution is issued under s. 193.905 (7), the cooperative or, for good cause shown,
10 a member or creditor of the cooperative may petition the circuit court for the county
11 where the registered address of the cooperative is located to have the dissolution
12 conducted under the supervision of the court. ✓ Section 193.905 does not apply to a
13 dissolution conducted under the supervision of the court under this section. ✓ Section
14 193.911 ✓ applies to a dissolution conducted under the supervision of the court under
15 this section. The court may grant equitable relief that it deems appropriate in a
16 dissolution conducted under its supervision under this section, if the supervision
17 resulted from an application by the cooperative. ✓

18 **193.931 Involuntary dissolution. (1) CAUSES OF ACTION.** (a) A member may
19 bring an action against a cooperative for dissolution, liquidation, and equitable relief
20 if any of the following apply: ✓

21 1. The directors or the persons having the authority otherwise vested in the
22 board are deadlocked in the management of the cooperative's affairs and the
23 members are unable to break the deadlock. ✓

1 2. The directors or those in control of the cooperative have acted fraudulently,
2 illegally, or in a manner unfairly prejudicial toward one or more members in their
3 capacities as members, directors, or officers. ✓

4 3. For a period that includes the time when 2 consecutive regular members'
5 meetings were held, the members failed to elect successors to directors whose terms
6 expired or would have expired upon the election and qualification of their successors. ✓

7 4. The cooperative's assets are being misapplied or wasted. ✓

8 5. The cooperative's period of duration as provided in the articles has expired
9 and has not been lawfully extended. ✓

10 (b) A creditor may bring an action against a cooperative for dissolution,
11 liquidation, and equitable relief if any of the following apply: ✓

12 1. The creditor has obtained a money judgment against the cooperative and an
13 execution on that judgment has been returned unsatisfied. ✓

14 2. The cooperative has admitted in writing that a claim of the creditor against
15 the cooperative is due and owing and that the cooperative is unable to pay its debts
16 in the ordinary course of business. ✓

17 (c) Except as provided in sub. (1m), the attorney general may bring an action
18 against a cooperative for dissolution and liquidation, and for equitable relief for
19 persons other than the attorney general, if any of the following apply: ✓

20 1. The articles and certificate of organization of the cooperative were procured
21 through fraud. ✓

22 2. The cooperative was organized for a purpose prohibited by state law or not
23 permitted by this chapter. ✓

24 3. The cooperative has knowingly, with intentional disregard of the harm that
25 the provision is intended to avert, violated a provision of this chapter, has violated

1 a provision of this chapter more than once, or has violated more than one provision
2 of this chapter. ✓

3 4. The actions of the cooperative, or its failure to act, constitutes surrender or
4 abandonment of the business of the cooperative. ✓

5 **(1m) NOTICE TO COOPERATIVE BY ATTORNEY GENERAL.** The attorney general may
6 not commence an action under sub. (1) (c) until 30 days after giving notice to the
7 cooperative of the reason for the action. If the reason for the action is an act that the
8 cooperative has done or failed to do and the act or omission may be corrected by
9 amending the articles or bylaws or by performing or abstaining from the act, the
10 attorney general shall give the cooperative 30 additional days to make the correction
11 before filing the action. If the cooperative makes the correction before the expiration
12 of the 30 additional days, the attorney general may not bring an action under sub.
13 (1) (c) based upon that act or omission. ✓

14 **(2) FINANCIAL CONDITION OF COOPERATIVE.** In determining whether to order a
15 remedy in an action under sub. (1), the court shall consider the financial condition
16 of the cooperative. The court may not refuse to order a remedy solely on the ground
17 that the cooperative has accumulated operating profits or current operating profits. ✓

18 **(3) ALTERNATIVE REMEDIES.** In deciding whether to order dissolution in an action
19 under sub. (1), the court shall consider whether other relief suggested by one or more
20 parties would permanently remedy the cause of the action and, if so, may order such
21 other relief. ✓

22 **(4) EXPENSES.** If the court finds that a party to an action under sub. (1) has acted
23 arbitrarily, vexatiously, or in bad faith, the court may award reasonable expenses,
24 including attorneys' fees and disbursements, to any of the other parties. ✓

1 (5) VENUE. An action under sub. (1) shall be brought in the circuit court for the
2 county where the registered address of the cooperative is located. ✓

3 (6) PARTIES. It is not necessary to make members parties to an action under sub.
4 (1). ✓

5 **193.935 Procedure in involuntary or court-supervised voluntary**
6 **dissolution. (1) ACTION BEFORE HEARING.** In a dissolution conducted under the
7 supervision of a court under s. 193.925 or in any action under s. 193.931 (1) the court
8 may take any of the following actions before an initial hearing is completed: ✓

9 (a) Issue injunctions. ✓

10 (b) Appoint receivers temporarily, until the conclusion of a hearing under sub.
11 (2), with all powers and duties that the court directs. ✓

12 (c) Take actions required to preserve the cooperative's assets wherever located. ✓

13 (d) Carry on the business of the cooperative. ✓

14 (2) APPOINTMENT OF RECEIVER. In a dissolution conducted under the supervision
15 of a court under s. 193.925 or in any action under s. 193.931 (1) the court may appoint
16 a receiver after a hearing is completed, following notice to the parties as directed by
17 the court. The receiver shall collect the cooperative's assets and amounts owing to
18 the cooperative by subscribers on account of an unpaid portion of the consideration
19 for the issuance of shares. Subject to the order of the court, the receiver may continue
20 the business of the cooperative and lease or dispose of the property and assets of the
21 cooperative at public or private sale. ✓

22 (3) DISTRIBUTION OF ASSETS. In a dissolution conducted under the supervision
23 of a court under s. 193.925 or in any action under s. 193.931 (1), the court shall apply
24 the assets of the cooperative and the proceeds resulting from the lease or disposition

1 of the cooperative's property by following all of the following steps, in alphanumerical
2 order: ✓

3 (a) Applying the assets and proceeds to cover attorneys' fees and disbursements
4 made in connection with the proceedings and the other costs and expenses of the
5 proceedings. ✓

6 (b) Applying the assets and proceeds to cover debts, taxes, and assessments
7 owing to the United States, this state, and other states, in that order. ✓

8 (c) Applying the assets and proceeds to cover worker's compensation claims for
9 which the cooperative is liable under ch. 102, except that this paragraph does not
10 apply to a claim if, at the time of injury, as defined in s. 102.01 (2) (g), the cooperative
11 had in force a policy of worker's compensation insurance as required under s. 102.28
12 (2) (a).

13 (d) Applying the assets and proceeds to cover claims of employees for services
14 performed within 3 months preceding the appointment of the receiver, if any. ✓

15 (e) Applying the assets and proceeds to cover other claims proved and allowed. ✓

16 (f) Distributing the assets and proceeds to the members or pursuant to a
17 liquidation plan approved by the members. ✓

18 **193.941 Receiver qualifications and powers. (1) QUALIFICATIONS.** A
19 receiver appointed under s. 193.935 (1) or (2) shall be an individual, a domestic
20 business entity, or a foreign business entity authorized to transact business in this
21 state and shall give a bond as directed by the court with the sureties required by the
22 court. ✓

23 (2) POWERS. A receiver may bring and defend suits. ✓

24 **193.951 Filing claims in involuntary or court-supervised voluntary**
25 **dissolution proceedings. (1) FILING UNDER OATH.** In a dissolution conducted under

1 the supervision of a court under s. 193.925 or in any action under s. 193.931 (1), the
2 court may require all creditors and claimants of the cooperative to file their claims,
3 under oath and in a form prescribed by the court, with the court or with a receiver
4 appointed under s. 193.935 (1) or (2).

5 (2) DATE TO FILE A CLAIM; NOTICE. If the court requires the filing of claims in a
6 dissolution conducted under the supervision of a court under s. 193.925 or in any
7 action under s. 193.931 (1), the court shall do all of the following:

8 (a) Set a date at least 120 days after the date the order is filed, as the last day
9 for the filing of claims.

10 (b) Prescribe a notice of the fixed date that shall be given to creditors and
11 claimants.

12 (3) CLAIMS BARRED; EXTENSION OF TIME FOR FILING. The court may prohibit any
13 person who fails to file a claim before the date established under sub. (2) (a) from
14 claiming an interest in or receiving payment out of the property and assets of the
15 cooperative. At any time before the date established under sub. (2) (a), the court may
16 extend the time for filing claims beyond the date established under sub. (2) (a).

17 **193.955 Discontinuance of court-supervised dissolution proceedings.**

18 A dissolution conducted under the supervision of a court under s. 193.925 or any
19 action under s. 193.931 (1) may be discontinued at any time during the dissolution
20 proceedings if it is established that cause for dissolution does not exist. The court
21 shall dismiss the proceedings and direct the receiver appointed under s. 193.935 (1)
22 or (2), if any, to deliver to the cooperative its remaining property and assets.

23 **193.961 Order of dissolution.** (1) ISSUANCE; EFFECTIVE DATE. After
24 distribution of a cooperative's assets and proceeds under s. 193.935 (3), the court

1 shall issue an order dissolving the cooperative. The dissolution is effective upon
2 issuance of the order. ✓

3 (2) FILING. After the court issues an order under sub. (1), the court shall file
4 a certified copy of the order with the department. The department may not charge
5 a fee for filing the order. ✓

6 **193.971 Barring of claims. (1) CLAIMS BARRED.** Except as provided in s.
7 193.951 (3), ✓ a creditor or claimant who does not file a claim or bring an action during
8 the pendency of the dissolution proceedings or has not brought an action before the
9 commencement of the dissolution proceedings, and all those claiming through or
10 under the creditor or claimant, are forever barred from bringing an action to collect
11 on that claim or otherwise enforcing it, except as provided in this section. ✓

12 (2) CERTAIN CLAIMS ALLOWED FOR GOOD CAUSE. Except as provided in s. 193.951
13 (3), within one year after the date on which the articles of dissolution are filed under
14 s. 193.905 (5) ✓ or an order of dissolution is issued under s. 193.961, ✓ a creditor or
15 claimant who shows good cause for not having previously filed the claim may apply
16 to the circuit court to allow a claim against the cooperative's undistributed assets or,
17 if the undistributed assets are not sufficient to satisfy the claim, against a person to
18 the extent of the distributions received by that person in the dissolution by virtue of
19 that person's status as a member. ✓

20 (3) CERTAIN OMITTED CLAIMS ALLOWED. A person to whom is owed a debt,
21 obligation, or liability incurred during an action under s. 193.931 (1), ✓ but who is not
22 paid before the distribution of assets and proceeds under s. 193.935 (3) (f), ✓ may bring
23 an action to recover on the claim against the officers, directors, or members of the
24 cooperative before the expiration of the applicable statute of limitations. ✓

25 **SECTION 91.** 196.01 (5) (b) 1. of the statutes is amended to read:

✓

1 196.01 (5) (b) 1. A cooperative association organized under ch. 185 or 193 for
2 the purpose of producing or furnishing heat, light, power or water to its members
3 only.

✓

4 **SECTION 92.** 196.01 (10) of the statutes is amended to read:

5 196.01 (10) "Telecommunications utility" means any person, corporation,
6 company, cooperative, unincorporated cooperative association, partnership,
7 association and lessees, trustees or receivers appointed by any court that owns,
8 operates, manages or controls any plant or equipment used to furnish
9 telecommunications services within the state directly or indirectly to the public.
10 "Telecommunications utility" does not include a telecommunications carrier.

11 **SECTION 93.** 196.02 (2) of the statutes is amended to read:

12 196.02 (2) DEFINITION; CLASSIFICATION. In this subsection, "public utility" does
13 not include a telecommunications cooperative, ^{an} unincorporated telecommunications
14 cooperative association, or ^{plain} ~~a~~ small telecommunications utility except as provided
15 under s. 196.205 or 196.215 (2) and does not include an alternative
16 telecommunications utility. The commission shall provide for a comprehensive
17 classification of service for each public utility. The classification may take into
18 account the quantity used, the time when used, the purpose for which used, and any
19 other reasonable consideration. Each public utility shall conform its schedules of
20 rates, tolls and charges to such classification.

21 **SECTION 94.** 196.02 (2) of the statutes is amended to read:

22 196.02 (2) DEFINITION; CLASSIFICATION. In this subsection, "public utility" does
23 not include a telecommunications cooperative, ^{an} unincorporated telecommunications
24 cooperative association, or ^{plain} ~~a~~ small telecommunications utility except as provided
25 under s. 196.205 or 196.215 (2) and does not include an alternative

1 telecommunications utility. The commission shall provide for a comprehensive
2 classification of service for each public utility. The classification may take into
3 account the quantity used, the time when used, the purpose for which used, and any
4 other reasonable consideration. Each public utility shall conform its schedules of
5 rates, tolls and charges to such classification.

6 SECTION 95. 196.025 (5) (ag) of the statutes is amended to read:

7 196.025 (5) (ag) In this subsection, "electric cooperative" means a cooperative
8 association organized under ch. 185 or 193 for the purpose of generating, distributing
9 or furnishing electric energy at retail or wholesale to its members only.

10 SECTION 96. 196.09 (1) of the statutes is amended to read:

11 196.09 (1) In this section, "public utility" does not include a
12 telecommunications cooperative or ^{an} unincorporated telecommunications cooperative
13 association except as provided under s. 196.205. In subs. (2) to (7), "public utility"
14 does not include a telecommunications utility. Subsection (9) only applies to a
15 telecommunications utility. Every public utility shall file with the commission,
16 within such time as may be required by the commission, its estimate of the annual
17 rate of depreciation required for each of its classes of fixed capital used for public
18 utility purposes, and of the composite annual rate of depreciation required for such
19 fixed capital as an aggregate, which shall constitute the public utility's estimates of
20 the amount which should be returned to it out of its rates for service, to meet the
21 depreciation of its property.

22 SECTION 97. 196.11 (2) of the statutes is amended to read:

23 196.11 (2) Any arrangement under this section shall be under the supervision
24 and regulation of the commission. The commission may order any rate, charge or
25 regulation which the commission deems necessary to give effect to the arrangement.

1 The commission may make any change in a rate, charge or regulation as the
2 commission determines is necessary and reasonable and may revoke its approval
3 and amend or rescind all orders relative to any arrangement. This subsection does
4 not apply to telecommunications cooperatives, unincorporated telecommunications
5 cooperative associations, or telecommunications utilities.

6 SECTION 98. 196.20 (3) of the statutes is amended to read:

7 196.20 (3) Except as provided in subs. (1m) and (5) (a), this section does not
8 apply to telecommunications cooperatives, unincorporated telecommunications
9 cooperative associations, or small telecommunications utilities unless made subject
10 to this section under s. 196.205 or 196.215 (2).

11 SECTION 99. 196.20 (4) (a) 2. of the statutes is amended to read:

12 196.20 (4) (a) 2. "Electric public utility" means a public utility whose purpose
13 is the generation, transmission, delivery or furnishing of electric power but does not
14 include a public utility owned and operated wholly by a municipality or cooperative,
15 or ^{an} unincorporated cooperative association and does not include any public utility
16 which purchases, under federal or state approved wholesale rates, more than 50%
17 of its electric power requirements from other than an affiliated interest as defined
18 under s. 196.52. "Electric public utility" does not include any Class A utility, as
19 defined under s. 199.03 (4), whose electric generation equipment has a total capacity
20 of less than 30 megawatts.

21 SECTION 100. 196.205 (1m) of the statutes is amended to read:

22 196.205 (1m) A telecommunications cooperative or ^{an} unincorporated
23 telecommunications cooperative association may elect to be subject to ss. 196.28 and
24 196.37 as they apply to any rate, toll or charge and to ss. 196.02 (2), 196.09 (1), 196.11
25 (2), 196.20 and 196.26 in any of the following ways:

1 (a) By amendment of the articles of incorporation of the cooperative under s.
2 185.51 or the articles of organization of the association under s. 193.221. ✓

3 (c) By a majority of the voting members of the board of directors of the
4 cooperative or association. ✓

5 SECTION 101. 196.205 (2) of the statutes is amended to read:

6 196.205 (2) Notwithstanding sub. (1m), a telecommunications cooperative or ✓ ^{an}
7 unincorporated telecommunications cooperative association shall be subject to s.
8 196.26 if it is a party in a proceeding on a complaint specified in s. 196.26 (1) (b) or
9 (c).

10 SECTION 102. 196.26 (4) (a) of the statutes is amended to read:

11 196.26 (4) (a) This section does not apply to any rate, toll, charge or schedule
12 of any telecommunications cooperative or unincorporated telecommunications
13 cooperative association. ✓ except as provided under s. 196.205 or unless at least 5% of
14 the customers of the telecommunications cooperative or association ✓ file a complaint
15 with the commission that the rate, toll, charge or schedule is in any respect
16 unreasonable, insufficient or unjustly discriminatory.

17 SECTION 103. 196.28 (4) of the statutes is amended to read:

18 196.28 (4) This section does not apply to rates, tolls or charges of a
19 telecommunications cooperative, ^{an} unincorporated telecommunications cooperative
20 association, ✓ ^a or ^a small telecommunications utility except as provided in s. 196.205 or
21 196.215 (2).

22 SECTION 104. 196.37 (4) of the statutes is amended to read:

23 196.37 (4) This section does not apply to rates, tolls or charges of a
24 telecommunications cooperative, ^{an} unincorporated telecommunications cooperative ✓

1 association, or ^a small telecommunications utility except as provided in s. 196.205 or
2 196.215 (2).

3 SECTION 105. 196.374 (1) ^{lx}(c) of the statutes is amended to read:

4 196.374 (1) (c) "Utility" means a Class A gas or electric utility, as defined by the
5 commission, but does not include a municipal utility, as defined in s. 16.957 (1) (q),
6 a municipal electric company, as defined in s. 66.0825 (3) (d), or a cooperative
7 association organized under ch. 185 [✓]or 193.

8 SECTION 106. 196.378 (1) ^{lx}(k) of the statutes is amended to read:

9 196.378 (1) (k) "Retail electric cooperative" means a cooperative association
10 organized under ch. 185 [✓]or 193 that sells electricity at retail to its members only. For
11 purposes of this paragraph, a cooperative association is not considered to sell
12 electricity at retail solely on the basis of its ownership or operation of a retail electric
13 distribution system.

14 SECTION 107. 196.485 (1) ^{lx}(b) of the statutes is amended to read:

15 196.485 (1) (b) "Cooperative" means a cooperative association organized under
16 ch. 185 [✓]or 193.

17 SECTION 108. 196.49 (2) ^{lx}of the statutes is amended to read:

18 196.49 (2) No public utility may begin the construction, installation or
19 operation of any new plant, equipment, property or facility, nor the construction or
20 installation of any extension, improvement or addition to its existing plant,
21 equipment, property, apparatus or facilities unless the public utility has complied
22 with any applicable rule or order of the commission and with s. 281.35, if applicable.
23 If a cooperative association has been incorporated under ch. 185 [✓]or 193 for the
24 production, transmission, delivery or furnishing of light or power and has filed with
25 the commission a map of the territory to be served by the association and a statement

1 showing that a majority of the prospective consumers in the area are included in the
2 project, no public utility may begin any such construction, installation or operation
3 within the territory until after the expiration of 6 months from the date of filing the
4 map and notice. If the cooperative association has entered into a loan agreement
5 with any federal agency for the financing of its proposed system and has given
6 written notice of the agreement to the commission, no public utility may begin any
7 construction, installation or operation within the territory until 12 months after the
8 date of the loan agreement.

9 **SECTION 109.** 196.491 (1) (bm) of the statutes is amended to read:

10 196.491 (1) (bm) “Cooperative association” means a cooperative association
11 organized under ch. 185 or 193 for the purpose of generating, distributing or
12 furnishing electric energy at retail or wholesale to its members only.

13 **SECTION 110.** 196.491 (4) (b) 1. of the statutes is amended to read:

14 196.491 (4) (b) 1. The person is not a public utility or a cooperative association
15 organized under ch. 185 or 193 for the purpose of generating, distributing or
16 furnishing electric energy at retail or wholesale to its members only.

17 **SECTION 111.** 196.495 (1m) (intro.) of the statutes is amended to read:

18 196.495 (1m) (intro.) No public utility, and no cooperative association
19 organized under ch. 185 or 193 for the purpose of furnishing electric service to its
20 members only, may:

21 **SECTION 112.** 196.495 (2) of the statutes is amended to read:

22 196.495 (2) If a public utility is rendering electric service under an
23 indeterminate permit to a city or village, no cooperative association or
24 unincorporated cooperative association may extend any new electric service to the
25 premises of any person inside the corporate limits, existing on January 1, 1961, of

1 the city or village without the written consent of the public utility. Within any area
2 annexed to a city or village after January 1, 1961, in which annexed area a
3 cooperative association, ^{an} ~~unincorporated cooperative association~~, or ^a ~~public utility~~,
4 other than the public utility serving the city or village under an indeterminate
5 permit, has electric distribution facilities at the time of the annexation, the
6 ~~cooperative~~ association or ~~other~~ public utility may make a primary voltage extension
7 or a secondary voltage extension in the annexed area, subject to sub. (1m).

8 SECTION 113. 196.495 ^x (2m) of the statutes is amended to read:

9 196.495 (2m) The distribution service facilities of a cooperative association,
10 ^{an} ~~unincorporated cooperative association~~, or ^a ~~public utility~~ rendering electric service in
11 an annexed area under sub. (2) shall be subject to acquisition under ch. 197 by a city
12 or village if the city or village operates or proposes to operate its own electric public
13 utility.

14 SECTION 114. 196.495 ^x (3) of the statutes is amended to read:

15 196.495 (3) Nothing in this section shall preclude any public utility or any
16 cooperative association or ~~unincorporated cooperative association~~ from extending
17 electric service to its own property or facilities or to another cooperative association
18 or ~~unincorporated cooperative association~~ for resale.

19 SECTION 115. 196.495 ^x (4) of the statutes is amended to read:

20 196.495 (4) To avoid duplication of facilities, a public utility and a cooperative
21 association or ^{an} ~~unincorporated cooperative association~~ may enter into a written
22 agreement governing the extension of electric distribution lines and the right to
23 serve customers. The commission shall enforce an agreement if the agreement has
24 been filed with the commission and approved by the commission as being in the
25 public interest.

1 **SECTION 116.** 196.495 (5) of the statutes is amended to read:

2 196.495 (5) If an interested party files a complaint with the commission that
3 an electric public utility or a cooperative association ^{an} or unincorporated cooperative
4 association has made a primary voltage extension that requires approval or consent
5 under this section without obtaining approval or consent, the commission shall hear
6 the complaint upon notice to the interested parties. If the commission determines
7 that the primary voltage extension was made in violation of this section, it shall order
8 the prompt removal of the primary voltage extension.

9 **SECTION 117.** 196.495 (6) of the statutes is amended to read:

10 196.495 (6) A cooperative association ^{an} or unincorporated cooperative
11 association shall be subject to the authority of the commission to enforce the
12 provisions of this section and to issue rules and orders relating to the provisions.

13 **SECTION 118.** 196.495 (7) of the statutes is amended to read:

14 196.495 (7) A cooperative association ^{an} or unincorporated cooperative
15 association shall be subject to the authority of the commission to allocate, assess and

16 collect expenditures of the commission against a cooperative association ^{an} or
17 unincorporated cooperative association involved in a proceeding under this section
18 in the same manner as provided for public utilities under s. 196.85.

19 **SECTION 119.** 196.50 (2) (b) of the statutes is amended to read:

20 196.50 (2) (b) A certificate, franchise, license or permit, indeterminate or
21 otherwise, in effect on September 1, 1994, for a telecommunications utility shall
22 remain in effect and shall have the effect of a certificate of authority. A
23 telecommunications utility is not required to apply for a new certificate of authority
24 to continue offering or providing service to the extent of the prior authorization. Each
25 telecommunications utility, including telecommunications cooperatives and

1 unincorporated telecommunications cooperative associations, shall have on file with
2 the commission under s. 196.19 a tariff that sets forth the rates, terms and conditions
3 for all services provided and a map that defines the geographical limits of the service
4 territory that the telecommunications utility is obliged to serve.

5 **SECTION 120.** 196.52 (9) (g) of the statutes is amended to read:

6 196.52 (9) (g) Nothing in this subsection prohibits a cooperative association
7 organized under ch. 185 or 193, a municipal utility, as defined in s. 196.377 (2) (a) 3.,
8 or a municipal electric company, as defined in s. 66.0825 (3) (d), from acquiring an
9 interest in an electric generating facility that is constructed pursuant to a leased
10 generation contract or from acquiring an interest in land on which such an electric
11 generating facility is located.

12 **SECTION 121.** 196.595 (1) (c) of the statutes is amended to read:

13 196.595 (1) (c) “Public utility” in this section means any public utility, as
14 defined in s. 196.01, engaged in the transmission, delivery or furnishing of natural
15 gas by means of pipes or mains, heat, light or power. “Public utility” does not include
16 any cooperative association organized under ch. 185 or 193.

17 **SECTION 122.** 196.605 (1) of the statutes is amended to read:

18 196.605 (1) A public utility which is a cooperative association incorporated
19 under ch. 185 or 193 to furnish telecommunications service in rural areas on a
20 nonprofit basis with a telecommunications utility financed in part through a loan
21 from the United States under the rural electrification act of 1936, 7 USC 901 to
22 950aaa-5, as amended, may require each of its local service telecommunications
23 patrons to deposit with the association the amount of the membership fee or other
24 form of capital representing the proportional share of the total equity capital of the
25 association required as a condition of federal financing. The membership fee or other

1 form of equity capital attributable to each local service patron may be collected by
2 the association in installments in connection with billings for service. The required
3 deposits of equity capital shall be segregated in the billing from service charges and
4 shall be credited when received on the membership or equity capital account of the
5 patron.

6 **SECTION 123.** 196.795 (7) (a) 1. b. of the statutes is amended to read:

7 196.795 (7) (a) 1. b. Any public utility or member of a cooperative association
8 organized under ch. 185 or 193 which reports or has reported information to the
9 commission under the rules promulgated under s. 196.491 (2) (ag).

10 **SECTION 124.** 196.796 (1) (hm) of the statutes is amended to read:

11 196.796 (1) (hm) "Public utility" means every corporation, company, individual
12 or association and their lessees, trustees, ^{or plain} receivers appointed by any court or state
13 or federal agency, that may own, operate, manage, ^{or plain} or control all or any part of a plant
14 or equipment, within the state, for the production, transmission, delivery, ^{or plain} or
15 furnishing of electricity directly to or for the public, except that "public utility" does
16 not include any municipal utility or municipal electric company, as defined in s.
17 ~~66.073~~ ~~66.0825~~ (3) (d), or any cooperative association organized under ch. 185 or 193
18 for the purpose of producing or furnishing heat, light, power, ^{or plain} or water to its members
19 only.

20 **SECTION 125.** 196.807 (1) (a) of the statutes is amended to read:

21 196.807 (1) (a) "Affiliate or utility" means a nonutility affiliate, holding
22 company system, public utility or cooperative association organized under ch. 185 or
23 193.

24 **SECTION 126.** 196.857 (1g) (c) of the statutes is amended to read:

1 196.857 (1g) (c) The commission shall conduct classroom and on-farm stray
2 voltage training sessions for public utilities, cooperatives, unincorporated
3 cooperative associations, electricians or other interested parties.

4 SECTION 127. 196.857 (2m) of the statutes is amended to read:

5 196.857 (2m) ADDITIONAL INVESTIGATIONS. If the commission, at the request of
6 an electric cooperative organized under ch. 185 or 193 or any public utility which is
7 not assessed under sub. (1m), conducts an investigation of the causes of stray voltage
8 on any farm receiving electrical service from that electric cooperative or public
9 utility, that electric cooperative or public utility shall pay reasonable fees assessed
10 by the commission in accordance with a standardized schedule of fees established by
11 the commission by rule. The amounts received under this subsection shall be
12 credited to the appropriation account under s. 20.155 (1) (L).

13 SECTION 128. 199.03 (12) of the statutes is amended to read:

14 199.03 (12) "Public utility" means any person, except a town, village, city or
15 sanitary district, who owns, operates, manages or controls any plant or equipment
16 or any part of a plant or equipment, within the state for the production, transmission,
17 delivery or furnishing of heat, light, water, telecommunications service or power
18 either directly or indirectly to or for the public. "Public utility" includes any person
19 engaged in the transmission or delivery of natural gas for compensation within this
20 state by means of pipes or mains. "Public utility" does not include a cooperative
21 association organized under ch. 185 or 193 for the purpose of generating, distributing
22 or furnishing telecommunications service or electric energy to its members only.

23 SECTION 129. 201.01 (3)^(d) of the statutes is amended to read:

24 201.01 (3) "Securities" means capital stock and evidences of indebtedness of a
25 public service corporation, not including, however, (a) any obligation of a public

1 service corporation which is not a public utility as defined in the federal power act,
 2 falling due one year or less after its date and bearing date not later than the day of
 3 sale; or (b) any evidence of indebtedness of a public service corporation which is a
 4 public utility as defined in the federal power act, the issuance, renewal or
 5 assumption of which is exempt from sec. 204 (a) of the federal power act by the
 6 provisions of sec. 204 (e) thereof; or (c) any obligation issued to the United States of
 7 America in connection with loans for rural telecommunications facilities made
 8 pursuant to the rural electrification act of 1936, as amended, or (d) any securities
 9 issued by a corporation organized under ch. 185 or 193 for the purpose of furnishing
 10 telecommunications service in rural areas.

Insert

11 SECTION 130. 231.35 (2) (b) of the statutes is amended to read:

12 231.35 (2) (b) A cooperative organized under ch. 185 or 193 that consists of one
 13 or more rural hospitals, each with no more than 100 beds.

14 SECTION 131. 234.59 (1) (d) 3. of the statutes is amended to read:

15 234.59 (1) (d) 3. A dwelling unit in a condominium or ^a cooperative, or ^{an}
 16 unincorporated cooperative association, together with an interest in common areas,
 17 if the unit is or will be the principal residence of an applicant.

18 SECTION 132. 234.622 (7) of the statutes is amended to read:

19 234.622 (7) "Qualifying dwelling unit" means a dwelling unit, not including a
 20 mobile home as defined in s. 66.0435, located in this state, habitable as a permanent
 21 residence and to which property taxes or special assessments are, or may
 22 conveniently be, allocated and up to one acre of land appertaining to it held in the
 23 same ownership as the dwelling unit. For purposes of ss. 234.621 to 234.626,
 24 "qualifying dwelling unit" includes a unit in a condominium or in a cooperative or ^{an}
 25 unincorporated cooperative association or in a multi-unit dwelling with 4 or fewer

1 units, but in all of these 3 cases only the portion of taxes or special assessments
2 allocable to the unit lived in by the participant may qualify for loans under ss.
3 234.621 to 234.626.

4 **SECTION 133.** 285.41 (1) (f) of the statutes is amended to read:

5 285.41 (1) (f) "Major utility" means a Class A utility, as defined under s. 199.03
6 (4), which generates electricity or an electrical cooperative association organized
7 under ch. 185 or 193, if the total sulfur dioxide emissions from all stationary air
8 contaminant sources in this state under the ownership or control of the utility or
9 association exceeded 5,000 tons in any year after 1979.

10 **SECTION 134.** 289.41 (1) (d) of the statutes is amended to read:

11 289.41 (1) (d) "Public utility" means a public utility as defined in s. 196.01 (5)
12 or an electric cooperative organized under ch. 185 or 193.

13 **SECTION 135.** 346.50 (1) (c) of the statutes is amended to read:

14 346.50 (1) (c) The vehicle of a public utility, as defined in s. 196.01 (5), a
15 telecommunications carrier, as defined in s. 196.01 (8m), or a rural electric
16 cooperative or ^{an} unincorporated rural electric cooperative association is stopped or left
17 standing and is required for maintenance, installation, repair, construction or
18 inspection of its facilities by the public utility or a rural electric cooperative or ^{an}
19 unincorporated rural electric cooperative association when warning signs, flags,
20 traffic cones, or flashing yellow lights or barricades, have been placed to warn
21 approaching motorists of any obstruction to the traveled portion of the highway.

22 **SECTION 136.** 347.26 (9) of the statutes is amended to read:

23 347.26 (9) WARNING LAMPS ON PUBLIC UTILITY AND COOPERATIVE VEHICLES. Any
24 vehicle of a public utility as defined in s. 196.01 (5), of a telecommunications carrier,
25 as defined in s. 196.01 (8m), or of a cooperative association organized under ch. 185

1 or 193 for the purpose of producing or furnishing heat, light, power or water to its
2 members, which by reason of its use upon a highway creates a vehicular traffic
3 hazard requiring the exercise of unusual care in approaching, overtaking or passing
4 may be equipped with a flashing amber lamp of the dome type or with 2 flashing
5 amber lamps, one showing to the front and one showing to the rear. Such lamps shall
6 be mounted approximately midway between the extremities of the width of the
7 vehicle and at the highest practicable point and shall be used only for the purpose
8 of warning operators of other vehicles of the presence of the traffic hazard. Should
9 such vehicle be of a type so as to make impractical the mounting of such lamps
10 midway between the extremities of the width of the vehicle then such mountings
11 shall be made at or near the upper left front and rear corners of such vehicle.

12 **SECTION 137.** 421.202 (3) of the statutes is amended to read:

13 421.202 (3) Charges for delayed payment and any discount allowed for early
14 payment in transactions under public utility or common carrier tariffs if a
15 subdivision or agency of this state or of the United States regulates such charges or
16 discounts, or if such charges or discounts are made in connection with the furnishing
17 of electric service by an electric cooperative organized and operating on a nonprofit
18 basis under ch. 185 or 193;

19 **SECTION 138.** 421.301 (28) of the statutes is amended to read:

20 421.301 (28) "Organization" means a corporation, government or
21 governmental subdivision or agency, trust, estate, limited liability company,
22 partnership, cooperative or association other than a cooperative organized under ch.
23 185 or 193 which has gross annual revenues not exceeding \$5 million.

24 **SECTION 139.** 421.301 (28) of the statutes is amended to read:

1 421.301 (28) "Organization" means a corporation, government or
2 governmental subdivision or agency, trust, estate, limited liability company,
3 partnership, cooperative or association other than a cooperative organized under ch.
4 185 or 193 which has gross annual revenues not exceeding \$5 million.

5 SECTION 140. 445.01 (8) of the statutes is amended to read:

6 445.01 (8) "Person" includes firm, corporation, partnership, cooperative,
7 unincorporated cooperative association, and association of individuals.

8 SECTION 141. 445.12 (3) (a) of the statutes is amended to read:

9 445.12 (3) (a) The solicitation of memberships or the sale of stock or
10 memberships in any association organized under ch. 185 or 193 by any person who
11 is not a licensed funeral director.

12 SECTION 142. 551.22 (12) of the statutes is amended to read:

13 551.22 (12) Any securities of a cooperative corporation organized under ch. 185
14 or 193.

15 SECTION 143. 560.16 (1) (c) (intro.) of the statutes is amended to read:

16 560.16 (1) (c) (intro.) "Employee-owned business" means a business located in
17 this state which is organized in a manner determined by the secretary to involve
18 substantial employee participation or a cooperative organized under ch. 185 or 193
19 or a corporation in which the employees own the stock of the corporation through an
20 employee stock ownership plan as defined under 26 USC 4975 (e) (7) and in which:

21 SECTION 144. 560.17 (1) (b) of the statutes is amended to read:

22 560.17 (1) (b) "Business" includes cooperatives organized under ch. 185 or 193.

23 SECTION 145. 560.9801 (1) (b) of the statutes, as affected by 2003 Wisconsin Act

24 33, is amended to read:

25 560.9801 (1) (b) A nonprofit cooperative organized under ch. 185 or 193.

1 SECTION 146. 560.9801 (3) (a) 7. of the statutes, as affected by 2003 Wisconsin

2 Act 33, is amended to read:

3 560.9801 (3) (a) 7. If the housing is owned and occupied by members of a
4 cooperative ^{an} ~~or unincorporated cooperative association~~, fees paid to a person for
5 managing the housing.

6 SECTION 147. 560.9804 (2) (e) of the statutes, as affected by 2003 Wisconsin Act

7 33, is amended to read:

8 560.9804 (2) (e) A cooperative organized under ch. 185 ^{or} 193, if the articles of
9 incorporation, ^{articles of organization}, or bylaws of the cooperative limit the rate of
10 dividend that may be paid on all classes of stock.

11 SECTION 148. 609.01 (2) of the statutes is amended to read:

12 609.01 (2) "Health maintenance organization" means a health care plan
13 offered by an organization established under ch. 185 ^{or} 193, 611, 613 or 614 or issued
14 a certificate of authority under ch. 618 that makes available to its enrollees, in
15 consideration for predetermined periodic fixed payments, comprehensive health
16 care services performed by providers participating in the plan.

17 SECTION 149. 609.01 (4) of the statutes is amended to read:

18 609.01 (4) "Preferred provider plan" means a health care plan offered by an
19 organization established under ch. 185 ^{or} 193, 611, 613, or 614 or issued a certificate
20 of authority under ch. 618 that makes available to its enrollees, without referral and
21 for consideration other than predetermined periodic fixed payments, coverage of
22 either comprehensive health care services or a limited range of health care services,
23 regardless of whether the health care services are performed by participating or
24 nonparticipating providers.

25 SECTION 150. 616.09 (1) (c) 1. of the statutes is amended to read:

1 616.09 (1) (c) 1. Plans authorized under s. 616.06 are subject to ch. 185 or 193,
2 as applicable, except that ss. 185.03 (5) and (6), 185.05 (1) (c), 185.55, 185.61, 185.62,
3 185.63, 185.64, 185.71 to 185.76 and, 185.81, 193.151, 193.215 (2) (a) 2., 193.225,
4 193.301 (9), 193.801, 193.805, 193.905 to 193.971, and those provisions applicable to
5 cooperatives or unincorporated cooperative associations with stock do not apply.

6 **SECTION 151.** 706.05 (2m) (b) 2. of the statutes is amended to read:

7 706.05 (2m) (b) 2. Descriptions of property that is subject to liens granted on
8 property thereafter acquired by a rural electric cooperative, or a telephone
9 cooperative, organized under ch. 185 or 193, by a pipeline company under s. 76.02
10 (5), by a public utility under s. 196.01 (5) or by a railroad under s. 195.02 (1) or (5).

11 **SECTION 152.** 706.09 (3) (a) of the statutes is amended to read:

12 706.09 (3) (a) *Public service corporations, railroads, electric cooperatives,*
13 *trustees, governmental units.* While owned, occupied or used by any public service
14 corporation, any railroad corporation as defined in s. 195.02, any electric cooperative
15 organized and operating on a nonprofit basis under ch. 185 or 193, or any trustee or
16 receiver of any such corporation or electric cooperative, or any mortgagee or trust
17 deed trustee or receiver thereof; nor any such interest while held by the United
18 States, the state or any political subdivision or municipal corporation thereof; or

19 **SECTION 153.** 815.18 (2) (c) of the statutes is amended to read:

20 815.18 (2) (c) "Debtor" means an individual. "Debtor" does not include an
21 association, ^acorporation, ^apartnership, ^acooperative, ^{an}unincorporated cooperative
22 association, or ^apolitical body.

23 **SECTION 154.** 893.28 (2) of the statutes is amended to read:

24 893.28 (2) Continuous use of rights in real estate of another for at least 10 years
25 by a domestic corporation organized to furnish telegraph or telecommunications

1 service or transmit heat, power or electric current to the public or for public purposes,
2 or a cooperative association organized under ch. 185 or [✓]193 to furnish telegraph or
3 telecommunications service or transmit heat, power or electric current to its
4 members, establishes the prescriptive right to continue the use, except as provided
5 by s. 893.29. A person who has established a prescriptive right under this subsection
6 may commence an action to establish prescriptive rights under ch. 843.

7 **SECTION 155.** 893.33 (5) [✕] of the statutes is amended to read:

8 893.33 (5) This section bars all claims to an interest in real property, whether
9 rights based on marriage, remainders, reversions and reverter clauses in covenants
10 restricting the use of real estate, mortgage liens, old tax deeds, death and income or
11 franchise tax liens, rights as heirs or under will, or any claim of any nature, however
12 denominated, and whether such claims are asserted by a person sui juris or under
13 disability, whether such person is within or without the state, and whether such
14 person is natural or corporate, or private or governmental, unless within the 30-year
15 period provided by sub. (2) there has been recorded in the office of the register of
16 deeds some instrument expressly referring to the existence of the claim, or a notice
17 pursuant to this section. This section does not apply to any action commenced or any
18 defense or counterclaim asserted, by any person who is in possession of the real
19 estate involved as owner at the time the action is commenced. This section does not
20 apply to any real estate or interest in real estate while the record title to the real
21 estate or interest in real estate remains in a railroad corporation, a public service
22 corporation as defined in s. 201.01, an [✓]electric cooperative organized and operating
23 on a nonprofit basis under ch. 185 or 193, or any trustee or receiver of a railroad
24 corporation, a public service corporation or an electric cooperative, or to claims or
25 actions founded upon mortgages or trust deeds executed by that cooperative or

1 corporation, or trustees or receivers of that cooperative or corporation. This section
2 also does not apply to real estate or an interest in real estate while the record title
3 to the real estate or interest in real estate remains in the state or a political
4 subdivision or municipal corporation of this state.

5 **SECTION 156.** 946.69 (1) ^{lx}(c) of the statutes is amended to read:

6 946.69 (1) (c) A cooperative association organized under ch. 185 [✓]or 193 to
7 furnish or provide telecommunications service, gas, electricity, power or water.

8 **SECTION 157.** 990.01 (14) ^{lx}of the statutes is amended to read:

9 990.01 (14) HOMESTEAD EXEMPTION. "Exempt homestead" means the dwelling,
10 including a building, condominium, mobile home, house trailer or cooperative ^{ran}or
11 unincorporated cooperative association, and so much of the land surrounding it as
12 is reasonably necessary for its use as a home, but not less than 0.25 acre, if available,
13 and not exceeding 40 acres, within the limitation as to value under s. 815.20, except
14 as to liens attaching or rights of devisees or heirs of persons dying before the effective
15 date of any increase of that limitation as to value.

*as last affected by
2003 Wisconsin Act 39*

16 **SECTION 158.** 2001 Wisconsin Act 109, section 9115 (2y) (b) ^{lx}is amended to read:

17 [2001 Wisconsin Act 109] Section 9115 (2y) (b) Notwithstanding section
18 990.001 (11) of the statutes, if a court finds that any part of the repeal of sections
19 11.01 (12s), 11.05 (3) (o), 11.265, 11.50 (3), and 11.50 (10) of the statutes, the
20 renumbering of sections 11.05 (2r) (title), 11.24 (2), and 11.50 (1) (a) 1. of the statutes,
21 the renumbering and amendment of sections 11.05 (1), 11.05 (2), 11.05 (2r), 11.12 (6),
22 11.26 (9) (a), 11.31 (2m), 11.50 (1) (a) 2., 11.50 (5), 11.50 (9), 19.49 (5), 19.59 (7), and
23 71.10 (3) (a) of the statutes, the amendment of sections 5.02 (13), 5.05 (2), 7.08 (2) (c),
24 7.08 (2) (cm), 8.30 (2), 8.35 (4) (a) 1. a. and b., 8.35 (4) (c) and (d), 11.05 (3) (c), 11.05
25 (5), 11.05 (9) (b), 11.05 (12) (b), 11.05 (13), 11.06 (1) (intro.), 11.06 (1) (e), 11.06 (2),

1 11.06 (3) (b) (intro.), 11.06 (4) (b), 11.06 (5), 11.06 (7m) (a), 11.06 (7m) (b), 11.06 (7m)
2 (c), 11.07 (1), 11.07 (5), 11.09 (3), 11.10 (1), 11.12 (2), 11.12 (4), 11.12 (5), 11.14 (3),
3 11.16 (2), 11.16 (5), 11.19 (title), 11.19 (1), 11.20 (1), 11.20 (2), 11.20 (3) (a) and (b),
4 11.20 (7), 11.20 (8) (intro.), 11.20 (8) (a), 11.20 (9), 11.20 (10) (a), 11.20 (12), 11.21 (2),
5 11.21 (15), 11.21 (16), 11.22 (3), 11.23 (1), 11.23 (2), 11.26 (1) (intro.), 11.26 (2) (intro.),
6 11.26 (2) (a), 11.26 (3), 11.26 (4), 11.26 (5), 11.26 (6), 11.26 (8), 11.26 (9) (b), 11.26 (10),
7 11.26 (15), 11.26 (17) (a), 11.31 (1) (intro.), 11.31 (1) (a) to (d), 11.31 (1) (e) and (f), 11.31
8 (2), 11.31 (2m) (title), 11.31 (3), 11.38 (1) (a) 2., 11.38 (6), ~~11.38 (8) (b)~~, 11.50 (2) (a),
9 11.50 (2) (b) 3. and 4., 11.50 (2) (b) 5., 11.50 (2) (c), 11.50 (2) (f), 11.50 (2) (g), 11.50 (2)
10 (h), 11.50 (2) (i), 11.50 (6), 11.50 (7) (intro.), 11.50 (8), 11.50 (10m), 11.50 (11) (e), 11.60
11 (4), 11.61 (1) (a) (by SECTION 2d), 19.53 (6), 19.59 (8) (c), 20.510 (1) (q), 25.42, 71.08
12 (1) (intro.), and 71.10 (3) (b) of the statutes, the repeal and recreation of sections 11.05
13 (9) (title) and 11.50 (4) of the statutes, the creation of sections 11.001 (2m), 11.01 (4m),
14 11.01 (12w), (13) and (14), 11.01 (16) (a) 3., 11.05 (1) (b), 11.05 (2) (b), 11.05 (3) (m),
15 11.05 (3) (r), 11.06 (1) (cm) and (dm), 11.06 (2m) (b) to (d), 11.06 (11) (bm), 11.12 (6)
16 (am), 11.12 (6) (c) and (d), 11.12 (8) and (9), 11.20 (2s), 11.20 (2t), 11.20 (8) (am), 11.24
17 (1w), 11.24 (4), 11.26 (1m), 11.26 (1t), 11.26 (2) (ae), (am), (as) and (av), 11.26 (2m),
18 11.26 (2t), 11.26 (8n), 11.26 (8r), 11.26 (9) (a) 1. to 4., 11.26 (9) (am), 11.26 (9m), 11.26
19 (10a), 11.31 (1) (de), 11.31 (2m) (a), 11.31 (3p), 11.31 (9), 11.385, 11.50 (1) (a) 1. (intro.),
20 11.50 (1) (a) 2m., 11.50 (1) (am), 11.50 (1) (bm) and (cm), 11.50 (2) (b) 6., 11.50 (2) (j),
21 11.50 (2m), 11.50 (2s), 11.50 (2w), 11.50 (9) (b), 11.50 (14), 11.60 (3r), 19.42 (3m), (4g)
22 and (4r), 19.45 (13), 19.49 (1m), 19.49 (5) (b), 19.535, 19.59 (1) (br), 19.59 (7) (b), 19.59
23 (8) (cm) and (cn), 71.07 (6s), 71.10 (3) (ac), 71.10 (3) (d), 71.10 (4) (gw), and 806.04
24 (11m) of the statutes or SECTIONS 9115 (2v), (2x), and (2y), 9132 (4v), 9215 (3v), 9244

SECTION 158

1 (6v), 9315 (2v) and (2w), and 9344 (2v) of this act is unconstitutional, the treatment
2 of those provisions by this act is void.

3 (END)

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2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1745/lins
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OUT OF ORDER!

INSERT A:

~~SECTION [#] 11.38 (8) (b) of the statutes is amended to read:~~

~~11.38 (8) (b) Except as authorized in s. 11.05 (12) (b) and (13), prior to making any disbursement on behalf of a political group which is promoting or opposing a particular vote at a referendum and prior to accepting any contribution or making any disbursement to promote or oppose a particular vote at a referendum, a corporation or association organized under ch. 185 or 193 shall register with the appropriate filing officer specified in s. 11.02 and appoint a treasurer. The registration form of the corporation or association under s. 11.05 shall designate an account separate from all other corporation or association accounts as a campaign depository account, through which all moneys received or expended for the adoption or rejection of the referendum shall pass. The corporation or association shall file periodic reports under s. 11.20 providing the information required under s. 11.06 (1).~~

NOTE: NOTE: Par. (b) was amended eff. 7-1-03 by 2001 Wis. Act 109 to read as shown below. Act 109, s. 9115, provided that if any treatments by Act 109 listed in s. 9115, including the treatment of this provision, was held to be unconstitutional by a court, then all of the listed treatments are void. The United States District Court for the Western District of Wisconsin in Wisconsin Realtors Assoc. v. Ponto, 233 F. Supp. 2d 1078 (2002), found the treatment of certain listed provisions unconstitutional, rendering the treatment of this provision void. NOTE:

(b) Except as authorized in s. 11.05 (12) (b) and (13), prior to making any disbursement on behalf of a political group which is promoting or opposing a particular vote at a referendum and prior to accepting any contribution or making any disbursement to promote or oppose a particular vote at a referendum, a corporation or association organized under ch. 185 shall register with the appropriate filing officer specified in s. 11.02 and appoint a treasurer. The registration form of the corporation or association under s. 11.05 shall designate an account separate from all other corporation or association accounts as a campaign depository account, through which all moneys received or expended for the adoption or rejection of the referendum shall pass. The corporation or association shall file reports under s. 11.20 and under s. 11.21 (16), if applicable, providing the information required under s. 11.06 (1).

History: 1973 c. 334; 1975 c. 93; 1977 c. 427; 1979 c. 328; 1985 a. 303 ss. 71, 72, 86; 1987 a. 370; 1991 a. 316; 2001 a. 109.

INSERT B:

~~SECTION [#] 59.43 (2) (ag) 1. of the statutes, as repealed and recreated by 2003~~

~~Wis. Act 206 is amended to read:~~

~~1. For recording any instrument entitled to be recorded in the office of the register of deeds, \$8 for the first page if the county maintains a land information office under s. 59.72 (3) and \$4 for the first page if the county does not maintain such an office, and \$2 for each additional page, except that no fee may be collected for~~

autanumber

recording a change of address that is exempt from a filing fee under s. 185.83 (1) (b) or 193.111 (1) (b).

NOTE: NOTE: Subd 1. is affected by 2001 Wis. Act 16 and by 1997 Wis. Act 27. The two treatments are irreconcilably in conflict. The treatment by 2001 Act 16 was effective 9-1-01. The treatment by 1997 Wis. Act 27 was originally to be effective 9-1-03, as provided in section 9456 (3m) of that act. 2001 Wis. Act 16, section 4041b, amended 1997 Wis. Act 27, section 9456 (3m), to delete the 9-1-03 delayed date for the treatment by 1997 Wis. Act 27, rendering the treatment effective not later than 9-1-01, the effective date of the amendment of 1997 Wis. Act 27, section 9456 (3m) by 2001 Wis. Act 16, section 4041b. 2003 Wis. Act 48, section 11, creates 1997 Wis. Act 27, section 9456 (3m) (b), which contains an effective date of 7-1-05 for the treatment by 1997 Wis. Act 27, but as a result of 2001 Wis. Act 16, section 4041b, that treatment is already effective. Subd. 1. is shown above as affected by the last passed act, 2001 Wis. Act 16. Subd. 1. as affected by 1997 Wis. Act 27, as affected by 2001 Wis. Act 16, section 4041b, is shown below. NOTE:

1. For recording any instrument entitled to be recorded in the office of the register of deeds, \$8 for the first page if the county maintains a land information office under s. 59.72 (3) and \$4 for the first page if the county does not maintain such an office, and \$2 for each additional page, except that no fee may be collected for recording a change of address that is exempt from a filing fee under s. 185.83 (1) (b).

History: 1995 a. 201 ss. 326, 327, 335, 338 to 353, 355, 361, 367, 369, 375, 377 to 380, 382 to 384; 1995 a. 225 ss. 159, 160, 162; 1995 a. 227; 1997 a. 27, 35, 79, 140, 252, 282, 303, 304; 1999 a. 96; 2001 a. 10, 16 ss. 1999m to 2001m, 4041b; 2003 a. 33 s. 281; 2003 a. 48 s. 11; 2003 a. 206.

INSERT C:

(2) The patron board directors' vote shall be voted collectively as determined by a majority vote of the patron directors. A tie in the number of patron board director votes shall be construed as a ^{LRS: PLS vs spacing} vote against the matter.

INSERT D:

Section #. 193.478 of the statutes is created to read:

193.478 Director Education. A director shall annually attend a course in at least ² ~~two~~ of the following topics offered by a recognized provider of cooperative director education:

- (1) Duties and responsibilities of a cooperative director. ✓
- (2) Board and management relations. ✓
- (3) The Board's role in defining and developing cooperative policies. ✓
- (4) Understanding cooperative governance and structure. ✓
- (5) Understanding financial statements, key financial ratios, and control tools. ✓
- (6) Cooperative finance and equity redemption. ✓
- (7) Cooperative strategic planning. ✓
- (8) Cooperative membership communication and education. ✓
- (9) Selecting and evaluating principal cooperative management. ✓
- (10) Board evaluation. ✓

(11) Analyzing and understanding the current cooperative business environment. ✓

INSERT E:

SECTION 2. 223.105 (1) (b) of the statutes is amended to read:

223.105 (1) (b) "Organization" means any corporation, unincorporated cooperative association, limited liability company, association, partnership or business trust, other than a national bank, state or federal savings and loan association, state or federal savings bank or federal credit union or other than a corporation, limited liability company, association or partnership, all of whose shareholders or members are licensed under SCR 40.02.

History: 1975 c. 65; 1977 c. 187 s. 135; Sup. Ct. Order, eff. 1-1-80; 1983 a. 189 s. 329 (26); 1989 a. 56; 1991 a. 221, 243, 315; 1993 a. 112; 1995 a. 27, 273, 417; 1997 a. 35; 1999 a. 9; 2003 a. 33

INSERT ~~6~~ ⁶:

SECTION 3. Effective date.

(1) The treatment of sections 59.43 (2) (ag) 1. of the statutes (by section XX) takes effect on September 1, 2005.

Amended for insert

2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1745/1ins2LMK

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INS 30-7

SECTION 1. 59.43 (2) (ag) 1. of the statutes, as affected by 1997 Wisconsin Acts 27 and 79, 1997 Wisconsin Act 252, section 84, 2001 Wisconsin Act 16, sections 1999m and 4041b, 2003 Wisconsin Act 48, sections 10 and 11, and 2003 Wisconsin Act 206, is repealed and recreated to read:

59.43 (2) (ag) 1. For recording any instrument entitled to be recorded in the office of register of deeds, \$8 for the first page if the county maintains a land information office under s. 59.72 (3) and \$4 for the first page if the county does not maintain such an office, and \$2 for each additional page, except that no fee may be collected for recording a change of address that is exempt from a filing fee under s. 185.83 (1) (b) or 193.111 (1) (b). ✓

INSERT G

SECTION 2. Effective date.

(1) This act takes effect on September 1, 2005, or on the day after publication, whichever is later. ✓

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

LRB-1745/1dn

RJH:lonk

(date)

Representative Ainsworth:

2003 LRB

This draft is identical to 03-1555/P5. Please let me know if you want any changes.

Peggy Hurley
Legislative Attorney
Phone: (608) 266-8906
E-mail: peggy.hurley@legis.state.wi.us

no a-note
at this time

INSERT A

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SECTION 1. 11.38 (8) (b) of the statutes is amended to read:

11.38 (8) (b) Except as authorized in s. 11.05 (12) (b) and (13), prior to making any disbursement on behalf of a political group which is promoting or opposing a particular vote at a referendum and prior to accepting any contribution or making any disbursement to promote or oppose a particular vote at a referendum, a corporation or association organized under ch. 185^{or 193} shall register with the appropriate filing officer specified in s. 11.02 and appoint a treasurer. The registration form of the corporation or association under s. 11.05 shall designate an account separate from all other corporation or association accounts as a campaign depository account, through which all moneys received or expended for the adoption or rejection of the referendum shall pass. The corporation or association shall file periodic reports under s. 11.20 providing the information required under s. 11.06 (1).

NOTE: NOTE: Par. (b) was amended eff. 7-1-03 by 2001 Wis. Act 109 to read as shown below. Act 109, s. 9115, provided that if any treatments by Act 109 listed in s. 9115, including the treatment of this provision, was held to be unconstitutional by a court, then all of the listed treatments are void. The United States District Court for the Western District of Wisconsin in Wisconsin Realtors Assoc. v. Ponto, 233 F. Supp. 2d 1078 (2002), found the treatment of certain listed provisions unconstitutional, rendering the treatment of this provision void. NOTE:

(b) Except as authorized in s. 11.05 (12) (b) and (13), prior to making any disbursement on behalf of a political group which is promoting or opposing a particular vote at a referendum and prior to accepting any contribution or making any disbursement to promote or oppose a particular vote at a referendum, a corporation or association organized under ch. 185 shall register with the appropriate filing officer specified in s. 11.02 and appoint a treasurer. The registration form of the corporation or association under s. 11.05 shall designate an account separate from all other corporation or association accounts as a campaign depository account, through which all moneys received or expended for the adoption or rejection of the referendum shall pass. The corporation or association shall file reports under s. 11.20 and under s. 11.21 (16), if applicable, providing the information required under s. 11.06 (1).

History: 1973 c. 334; 1975 c. 93; 1977 c. 427; 1979 c. 328; 1985 a. 303 ss. 71, 72, 86; 1987 a. 370; 1991 a. 316; 2001 a. 109.

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SECTION 2. 11.38 (8) (b) of the statutes, as affected by 2005 Wisconsin Act 2001

Wisconsin Act 109, is amended to read:

11.38 (8) (b) Except as authorized in s. 11.05 (12) (b) and (13), prior to making any disbursement on behalf of a political group which is promoting or opposing a particular vote at a referendum and prior to accepting any contribution or making any disbursement to promote or oppose a particular vote at a referendum, a corporation or association organized under ch. 185^{or 193} shall register with the appropriate filing officer

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1 specified in s. 11.02 and appoint a treasurer. The registration form of the corporation
 2 or association under s. 11.05 shall designate an account separate from all other
 3 corporation or association accounts as a campaign depository account, through which
 4 all moneys received or expended for the adoption or rejection of the referendum shall
 5 pass. The corporation or association shall file reports under s. 11.20 and under s. 11.21
 6 (16), if applicable, providing the information required under s. 11.06 (1).

end of insert A

NOTE: NOTE: Par. (b) was amended eff. 7-1-03 by 2001 Wis. Act 109 to read as shown below. Act 109, s. 9115, provided that if any treatments by Act 109 listed in s. 9115, including the treatment of this provision, was held to be unconstitutional by a court, then all of the listed treatments are void. The United States District Court for the Western District of Wisconsin in Wisconsin Realtors Assoc. v. Ponto, 233 F. Supp. 2d 1078 (2002), found the treatment of certain listed provisions unconstitutional, rendering the treatment of this provision void. NOTE:

(b) Except as authorized in s. 11.05 (12) (b) and (13), prior to making any disbursement on behalf of a political group which is promoting or opposing a particular vote at a referendum and prior to accepting any contribution or making any disbursement to promote or oppose a particular vote at a referendum, a corporation or association organized under ch. 185 shall register with the appropriate filing officer specified in s. 11.02 and appoint a treasurer. The registration form of the corporation or association under s. 11.05 shall designate an account separate from all other corporation or association accounts as a campaign depository account, through which all moneys received or expended for the adoption or rejection of the referendum shall pass. The corporation or association shall file reports under s. 11.20 and under s. 11.21 (16), if applicable, providing the information required under s. 11.06 (1).

History: 1973 c. 334; 1975 c. 93; 1977 c. 427; 1979 c. 328; 1985 a. 303 ss. 71, 72, 86; 1987 a. 370; 1991 a. 316; 2001 a. 109.

SECTION 3. Nonstatutory provisions.

(1) Notwithstanding section 990.001 (11) of the statutes, if a court finds that the amendment of section 11.38 (8) (b) (by SECTION ~~XXX~~) of the statutes by this act, or any part of the laws specified in 2001 Wisconsin Act 109, section 9115 (2y) (b) is unconstitutional, the amendment of section 11.38 (8) (b) (by SECTION ~~XXX~~) of the statutes by this act is void.

*use
a.r. (P)
from p. 7 of
this insert*

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F*

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Northrop, Lori

From: Redell, Carol
Sent: Thursday, March 10, 2005 1:07 PM
To: LRB.Legal
Subject: Draft review: LRB 05-1745/1 Topic: Cooperatives

It has been requested by <Redell, Carol> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 05-1745/1 Topic: Cooperatives