

# HOUSE BILL No. 4384

March 24, 2015, Introduced by Rep. Afendoulis and referred to the Committee on Appropriations.

A bill to amend 1982 PA 162, entitled "Nonprofit corporation act," by amending section 1060 (MCL 450.3060), as amended by 2014 PA 557.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 1060. (1) When delivering a document described in this  
2 subsection to the administrator for filing, the person shall pay  
3 the administrator whichever of the following fees apply to that  
4 document:

5           (a) Articles of incorporation of a domestic corporation,  
6 \$10.00.

7           (b) An application of a foreign corporation for a certificate  
8 of authority to conduct affairs in this state, \$10.00.

9           (c) An amendment to the articles of incorporation of a  
10 domestic corporation, \$10.00.

11           (d) An amended application for certificate of authority to

1 conduct affairs in this state, \$10.00.

2 (e) A certificate of merger or conversion under chapter 7,  
3 \$50.00.

4 (f) A certificate attesting to the occurrence of a merger of a  
5 foreign corporation under section 1021, \$10.00.

6 (g) A certificate of dissolution, \$10.00.

7 (h) An application for withdrawal and issuance of a  
8 certificate of withdrawal of a foreign corporation, \$10.00.

9 (i) An application for reservation of corporate name, \$10.00.

10 (j) A certificate of assumed name or certificate of  
11 termination of assumed name, \$10.00.

12 (k) A statement of change of registered office or resident  
13 agent, \$5.00.

14 (l) Restated articles of incorporation of a domestic  
15 corporation, \$10.00.

16 (m) A certificate of abandonment, \$10.00.

17 (n) A certificate of correction, \$10.00.

18 (o) A certificate of revocation of dissolution proceedings,  
19 \$10.00.

20 (p) A certificate of renewal of corporate existence, \$10.00.

21 (q) For examining a special report required by law, \$2.00.

22 (r) A certificate of registration of corporate name of a  
23 foreign corporation, \$50.00.

24 (s) A certificate of renewal of registration of corporate name  
25 of a foreign corporation, \$50.00.

26 (t) A certificate of termination of registration of corporate  
27 name of a foreign corporation, \$10.00.

1 (u) For filing a report required under section 911, ~~\$10.00 if~~  
2 ~~paid before October 1, 2003 or after September 30, 2015. After~~  
3 ~~September 30, 2003 and before October 1, 2015, the fee is \$20.00.~~

4 (2) The fees described in subsection (1) are in addition to  
5 any franchise fees prescribed under this act. The administrator  
6 shall not refund all or any part of a fee described in this  
7 section.

8 (3) Except as provided in subsection (8), the administrator  
9 shall deposit all fees received and collected under this section in  
10 the state treasury to the credit of the administrator, who may only  
11 use the money credited pursuant to legislative appropriation and  
12 only in carrying out those duties of the department required by  
13 law.

14 (4) A person shall pay a minimum charge of \$1.00 for each  
15 certificate and 50 cents per folio to the administrator for  
16 certifying a part of a file or record pertaining to a corporation  
17 if a fee for that service is not described in subsection (1). The  
18 administrator may furnish copies of documents, reports, and papers  
19 required or permitted by law to be filed with the administrator,  
20 and shall charge for those copies the fee established in a schedule  
21 of fees adopted by the administrator with the approval of the state  
22 administrative board. The administrator shall retain the revenue  
23 collected under this subsection, and the department shall use it to  
24 defray the costs for its copying and certifying services.

25 (5) The administrator shall waive the fee for filing initial  
26 articles of incorporation, otherwise required under subsection (1),  
27 if a majority of the initial members of a membership corporation,

1 initial directors of a directorship corporation, or initial  
2 shareholders of a stock corporation, as applicable, are, or if  
3 applicable the initial members, initial directors, or initial  
4 shareholders will be, individuals who served in the armed forces  
5 and were separated from that service with an honorable character of  
6 service or under honorable conditions (general) character of  
7 service.

8 (6) To request a fee waiver under subsection (5), the person  
9 that is submitting the document for filing shall submit both of the  
10 following to the administrator with the document:

11 (a) A signed affidavit requesting the fee waiver and  
12 certifying that a majority of the initial members of the membership  
13 corporation, initial directors of the directorship corporation, or  
14 initial shareholders of the stock corporation, as applicable, are,  
15 or if applicable the initial members, initial directors, or initial  
16 shareholders will be, individuals who served in the armed forces  
17 and were separated from that service with an honorable character of  
18 service or under honorable conditions (general) character of  
19 service.

20 (b) Copies of form DD214 or form DD215, or any other form that  
21 is satisfactory to the department, for each individual described in  
22 subsection (5) who is or will be an initial member of the  
23 corporation, initial director of the corporation, or initial  
24 shareholder of the corporation, as applicable.

25 (7) If a person pays a fee or penalty on behalf of a domestic  
26 or foreign corporation by check and the check is dishonored, the  
27 fee is unpaid and the administrator shall rescind the filing of all

1 related documents.

2 (8) The administrator may accept a credit card in lieu of cash  
3 or check as payment of a fee under this act. The administrator  
4 shall determine which credit cards he or she shall accept for  
5 payment.

6 (9) The administrator may charge a nonrefundable fee of up to  
7 \$50.00 for any document submitted or certificate sent by facsimile  
8 or electronic transmission. The administrator shall retain the  
9 revenue collected under this subsection and the department shall  
10 use it in carrying out its duties required by law.

11 (10) As used in this section, "armed forces" means that term  
12 as defined in section 2 of the veteran right to employment services  
13 act, 1994 PA 39, MCL 35.1092.

14 Enacting section 1. This amendatory act takes effect October  
15 1, 2015.