

SENATE BILL NO. 439

August 20, 2019, Introduced by Senator HOLLIER 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 2015 PA 65.

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,

1 \$10.00.

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

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

6 (d) An amended application for certificate of authority to
7 conduct affairs in this state, \$10.00.

8 (e) A certificate of merger or conversion under chapter 7,
9 \$50.00.

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

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

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

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

16 (j) A certificate of assumed name or certificate of
17 termination of assumed name, \$10.00.

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

20 (l) Restated articles of incorporation of a domestic
21 corporation, \$10.00.

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

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

24 (o) A certificate of revocation of dissolution proceedings,
25 \$10.00.

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

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

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

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

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

5 (u) For filing a report required under section 911, \$10.00 if
6 paid after September 30, ~~2019~~—**2023**. Before October 1, ~~2019~~—**2023**,
7 the fee is \$20.00.

8 (2) The fees described in subsection (1) are in addition to
9 any franchise fees prescribed under this act. The administrator
10 shall not refund all or any part of a fee described in this
11 section.

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

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

29 (5) The administrator shall waive the fee for filing initial

1 articles of incorporation, otherwise required under subsection (1),
2 if a majority of the initial members of a membership corporation,
3 initial directors of a directorship corporation, or initial
4 shareholders of a stock corporation, as applicable, are, or if
5 applicable the initial members, initial directors, or initial
6 shareholders will be, individuals who served in the ~~armed forces~~
7 **Armed Forces of the United States** and were separated from that
8 service with an honorable character of service or under honorable
9 conditions (general) character of service.

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

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

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

27 (7) If a person pays a fee or penalty on behalf of a domestic
28 or foreign corporation by check and the check is dishonored, the
29 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.~~