

# HOUSE BILL No. 5498

April 30, 2014, Introduced by Rep. Lori and referred to the Committee on Military and Veterans Affairs.

A bill to amend 1982 PA 162, entitled "Nonprofit corporation act," by amending section 1060 (MCL 450.3060), as amended by 2012 PA 309.

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

1           Sec. 1060. (1) The fees a person shall pay to the  
2 administrator for the purposes described in this section are as  
3 follows:

4           (a) Examining, filing, and copying of articles of a domestic  
5 corporation, \$10.00.

6           (b) Examining and filing articles or certificate of  
7 incorporation, and other papers connected with the application of a  
8 foreign corporation for admission to conduct affairs in this state,  
9 \$10.00.

10           (c) Examining, filing, and copying an amendment to the  
11 articles of a domestic corporation, \$10.00.

1 (d) Examining and filing an amendment to the articles of a  
2 foreign corporation, \$10.00.

3 (e) Examining, filing, and copying a certificate of merger or  
4 consolidation under chapter 7, \$50.00.

5 (f) Examining and filing a certificate of merger or  
6 consolidation of a foreign corporation, under section 1021, \$10.00.

7 (g) Examining, filing, and copying a certificate of  
8 dissolution, \$10.00.

9 (h) Examining and filing an application for withdrawal and  
10 issuance of a certificate of withdrawal of a foreign corporation,  
11 \$10.00.

12 (i) Examining, filing, and copying an application for  
13 reservation of corporate name, \$10.00.

14 (j) Examining, filing, and copying a certificate of assumed  
15 name or certificate of termination of assumed name, \$10.00.

16 (k) Examining, filing, and copying a statement of change of  
17 registered office or resident agent, \$5.00.

18 (l) Examining, filing, and copying restated articles of  
19 domestic corporation, \$10.00.

20 (m) Examining, filing, and copying a certificate of  
21 abandonment, \$10.00.

22 (n) Examining, filing, and copying a certificate of  
23 correction, \$10.00.

24 (o) Examining, filing, and copying a certificate of revocation  
25 of dissolution proceedings, \$10.00.

26 (p) Examining, filing, and copying a certificate of renewal of  
27 corporate existence, \$10.00.

1 (q) Filing and examination of a special report required by  
2 law, \$2.00.

3 (r) Examining and filing a certificate of election, \$10.00.

4 (s) Filing a report required under section 911, \$10.00 if paid  
5 before October 1, 2003 or after September 30, 2015. After September  
6 30, 2003 and before October 1, 2015, the fee is \$20.00.

7 (2) A corporation shall pay the applicable fee described in  
8 this section to the administrator at the time of filing or when the  
9 service is rendered by the administrator. The fees described in  
10 this section are in addition to any franchise fees prescribed in  
11 this act.

12 (3) A person shall pay a minimum charge of \$1.00 for each  
13 certificate and 50 cents per folio to the administrator for  
14 certifying a part of a file or record pertaining to a corporation  
15 if a fee for that service is not described in subsection (1). The  
16 administrator may furnish copies of documents, reports, and papers  
17 required or permitted by law to be filed with the administrator,  
18 and shall charge for those copies the fee established in a schedule  
19 of fees adopted by the administrator with the approval of the state  
20 administrative board.

21 (4) The administrator shall not refund all or any part of a  
22 fee described in this section. The administrator shall deposit all  
23 fees received and collected under this section in the state  
24 treasury to the credit of the administrator, who may only use the  
25 money credited pursuant to legislative appropriation and only in  
26 carrying out those duties of the department required by law.

27 (5) The administrator shall waive any fee otherwise required

1 under this section if a majority of the members ~~or directors of the~~  
2 ~~corporation responsible for paying the fee are,~~ and the corporation  
3 ~~provides proof satisfactory to the administrator that a majority of~~  
4 ~~the members or directors are, honorably discharged veterans of the~~  
5 ~~armed forces of the United States.~~ OF A MEMBERSHIP CORPORATION,  
6 DIRECTORS OF A DIRECTORSHIP CORPORATION, OR SHAREHOLDERS OF A STOCK  
7 CORPORATION, AS APPLICABLE, ARE, OR IF APPLICABLE THE INITIAL  
8 MEMBERS, INITIAL DIRECTORS, OR INITIAL SHAREHOLDERS WILL BE,  
9 INDIVIDUALS WHO SERVED IN THE ARMED FORCES AND WERE SEPARATED FROM  
10 THAT SERVICE WITH AN HONORABLE CHARACTER OF SERVICE OR UNDER  
11 HONORABLE CONDITIONS (GENERAL) CHARACTER OF SERVICE.

12 (6) TO REQUEST A FEE WAIVER UNDER SUBSECTION (5), THE PERSON  
13 THAT IS SUBMITTING THE DOCUMENT FOR FILING SHALL SUBMIT BOTH OF THE  
14 FOLLOWING TO THE ADMINISTRATOR WITH THE DOCUMENT:

15 (A) A SIGNED AFFIDAVIT REQUESTING THE FEE WAIVER AND  
16 CERTIFYING THAT A MAJORITY OF THE MEMBERS OF THE MEMBERSHIP  
17 CORPORATION, DIRECTORS OF THE DIRECTORSHIP CORPORATION, OR  
18 SHAREHOLDERS OF THE STOCK CORPORATION, AS APPLICABLE, ARE, OR IF  
19 APPLICABLE THE INITIAL MEMBERS, INITIAL DIRECTORS, OR INITIAL  
20 SHAREHOLDERS WILL BE, INDIVIDUALS WHO SERVED IN THE ARMED FORCES  
21 AND WERE SEPARATED FROM THAT SERVICE WITH AN HONORABLE CHARACTER OF  
22 SERVICE OR UNDER HONORABLE CONDITIONS (GENERAL) CHARACTER OF  
23 SERVICE.

24 (B) COPIES OF FORM DD214 OR FORM DD215, OR ANY OTHER FORM THAT  
25 IS SATISFACTORY TO THE DEPARTMENT, FOR EACH INDIVIDUAL DESCRIBED IN  
26 SUBDIVISION (A) WHO IS OR WILL BE A MEMBER OF THE CORPORATION,  
27 DIRECTOR OF THE CORPORATION, OR SHAREHOLDER OF THE CORPORATION, AS

House Bill No. 5498 as amended June 4, 2014

1 APPLICABLE.

2 (7) AS USED IN THIS SECTION, "ARMED FORCES" MEANS THAT TERM AS  
3 DEFINED IN SECTION 2 OF THE VETERAN RIGHT TO EMPLOYMENT SERVICES  
4 ACT, 1994 PA 39, MCL 35.1092.

[Enacting section 1. This amendatory act takes effect 90 days after  
the date it is enacted into law.]