

SENATE BILL No. 920

May 1, 2014, Introduced by Senator PAPPAGEORGE and referred to the Committee on Veterans,
Military Affairs and Homeland Security.

A bill to amend 1972 PA 284, entitled
"Business corporation act,"
by amending section 1060 (MCL 450.2060), as amended by 2012 PA 315.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1060. (1) The fees a person shall pay to the
2 administrator when the documents described in this subsection are
3 delivered to him or her for filing are as follows:

4 (a) Articles of a domestic corporation, \$10.00.

5 (b) Application of a foreign corporation for a certificate of
6 authority to transact business in this state, \$10.00.

7 (c) Amendment to the articles of a domestic corporation,
8 \$10.00.

9 (d) Amended application for a certificate of authority to
10 transact business in this state, \$10.00.

1 (e) Certificate of merger, conversion, or share exchange under
2 chapter 7, \$50.00.

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

5 (g) Certificate of dissolution, \$10.00.

6 (h) Application for withdrawal and issuance of a certificate
7 of withdrawal of a foreign corporation, \$10.00.

8 (i) Application for reservation of corporate name, \$10.00.

9 (j) Certificate of assumed name or a certificate of
10 termination of assumed name, \$10.00.

11 (k) Statement of change of registered office or resident
12 agent, \$5.00.

13 (l) Restated articles of domestic corporations, \$10.00.

14 (m) Certificate of abandonment, \$10.00.

15 (n) Certificate of correction, \$10.00.

16 (o) Certificate of revocation of dissolution proceedings,
17 \$10.00.

18 (p) Certificate of renewal of corporate existence, \$10.00.

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

20 (r) Certificate of registration of corporate name of a foreign
21 corporation, \$50.00.

22 (s) Certificate of renewal of registration of corporate name
23 of a foreign corporation, \$50.00.

24 (t) Certificate of termination of registration of corporate
25 name of a foreign corporation, \$10.00.

26 (u) Report required under section 911, \$15.00 if paid before
27 October 1, 2003 or after September 30, 2015. After September 30,

1 2003 and before October 1, 2015, the fee is \$25.00.

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

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

11 (4) The fees described in this section apply to documents
12 filed by a domestic or foreign regulated investment company as
13 defined in section 1064.

14 (5) If any money received by the administrator from fees paid
15 under subsection (1)(u) is not appropriated to the department in
16 that fiscal year, the money remaining from those fees shall revert
17 to the general fund of this state.

18 (6) A minimum charge of \$1.00 for each certificate and 50
19 cents per folio shall be paid to the administrator for certifying a
20 part of a file or record pertaining to a corporation if a fee for
21 that service is not described in subsection (1). The administrator
22 may furnish copies of documents, reports, and papers required or
23 permitted by law to be filed with the administrator, and shall
24 charge for those copies the fee established in a schedule of fees
25 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

1 defray the costs for its copying and certifying services.

2 (7) If a domestic or foreign corporation pays fees or
3 penalties by check and the check is dishonored, the fee is unpaid
4 and the administrator shall rescind the filing of all related
5 documents.

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

10 (9) The administrator may charge a nonrefundable fee of up to
11 \$50.00 for any document submitted or certificate sent by facsimile
12 or electronic transmission. The administrator shall retain the
13 revenue collected under this subsection and the department shall
14 use it to carry out its duties required by law.

15 (10) The administrator shall waive any fee otherwise required
16 under this section if a majority of the shares of the domestic or
17 foreign corporation responsible for paying the fee are ~~7~~ and the
18 ~~corporation provides proof satisfactory to the administrator that~~
19 ~~those shares are, held by 1 or more honorably discharged veterans~~
20 ~~of the armed forces of the United States.~~ **HELD, OR WILL INITIALLY BE**
21 **HELD, BY INDIVIDUALS WHO SERVED IN THE ARMED FORCES AND WERE**
22 **SEPARATED FROM THAT SERVICE WITH AN HONORABLE CHARACTER OF SERVICE**
23 **OR UNDER HONORABLE CONDITIONS (GENERAL) CHARACTER OF SERVICE.**

24 (11) TO REQUEST A FEE WAIVER UNDER SUBSECTION (10), THE
25 INCORPORATORS SHALL SUBMIT BOTH OF THE FOLLOWING TO THE
26 ADMINISTRATOR WITH THE DOCUMENT SUBMITTED FOR FILING UNDER THIS
27 SECTION:

1 (A) A SIGNED AFFIDAVIT REQUESTING THE FEE WAIVER AND
2 CERTIFYING THAT A MAJORITY OF THE SHARES ARE HELD, OR A MAJORITY OF
3 THE INITIAL SHARES OF THE CORPORATION WILL BE HELD, BY INDIVIDUALS
4 WHO SERVED IN THE ARMED FORCES AND WERE SEPARATED FROM THAT SERVICE
5 WITH AN HONORABLE CHARACTER OF SERVICE OR UNDER HONORABLE
6 CONDITIONS (GENERAL) CHARACTER OF SERVICE.

7 (B) COPIES OF FORM DD214 OR FORM DD215, OR ANY OTHER FORM THAT
8 IS SATISFACTORY TO THE DEPARTMENT, FOR EACH INDIVIDUAL DESCRIBED IN
9 SUBDIVISION (A) WHO IS A SHAREHOLDER, OR WILL BE AN INITIAL
10 SHAREHOLDER, OF THE CORPORATION.

11 (12) 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.