

SENATE BILL No. 570

June 10, 2003, Introduced by Senator EMERSON and referred to the Committee on Appropriations.

A bill to amend 1972 PA 284, entitled "Business corporation act," by amending section 1060 (MCL 450.2060), as amended by 2001 PA 57; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

5 (a) Articles of **a domestic** ~~corporations~~ **corporation,**
6 \$10.00.

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

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

SENATE BILL No. 570

- 1 (d) Amended application for a certificate of authority to
2 transact business in this state, \$10.00.
- 3 (e) Certificate of merger or share exchange ~~as provided in~~
4 **under** chapter 7, \$50.00.
- 5 (f) Certificate attesting to the occurrence of a merger of a
6 foreign corporation ~~as provided in~~ **under** section 1021, \$10.00.
- 7 (g) Certificate of dissolution, \$10.00.
- 8 (h) Application for withdrawal and issuance of a certificate
9 of withdrawal of a foreign corporation, \$10.00.
- 10 (i) Application for reservation of corporate name, \$10.00.
- 11 (j) Certificate of assumed name or a certificate of
12 termination of assumed name, \$10.00.
- 13 (k) Statement of change of registered office or resident
14 agent, \$5.00.
- 15 (l) Restated articles of domestic corporations, \$10.00.
- 16 (m) Certificate of abandonment, \$10.00.
- 17 (n) Certificate of correction, \$10.00.
- 18 (o) Certificate of revocation of dissolution proceedings,
19 \$10.00.
- 20 (p) Certificate of renewal of corporate existence, \$10.00.
- 21 (q) For examining a special report required by law, \$2.00.
- 22 (r) Certificate of registration of corporate name of a
23 foreign corporation, \$50.00.
- 24 (s) Certificate of renewal of registration of corporate name
25 of a foreign corporation, \$50.00.
- 26 (t) Certificate of termination of registration of corporate
27 name of a foreign corporation, \$10.00.

1 (u) Report required under section 911, \$10.00.

2 (2) The fee amounts set forth in subsection (1) apply until
3 September 30, 2003. Beginning October 1, 2003, the amount of
4 those fees paid to the administrator in any state fiscal year
5 shall be established by a fee schedule contained in an
6 appropriation act for that fiscal year.

7 (3) ~~(2) The fees prescribed in subsection (1), no part of~~
8 ~~which shall be refunded, shall be~~ **The fees described in**
9 **subsections (1) and (2) are** in addition to ~~the~~ any franchise
10 fees prescribed in this act. ~~, and shall, when collected, be~~
11 ~~paid into the treasury of the state and credited to the~~
12 ~~administrator to be used solely by the department in carrying out~~
13 ~~those duties required by law.~~ **The administrator shall not refund**
14 **all or any part of a fee described in this section. The**
15 **administrator shall deposit all fees received and collected under**
16 **this section in the state treasury to the credit of the**
17 **administrator, who may only use the money credited pursuant to**
18 **legislative appropriation and only in carrying out those duties**
19 **of the department required by law.**

20 (4) ~~(3) Fees paid by or on behalf of~~ **The fees described in**
21 **this section apply to documents filed by a domestic** ~~and~~ **or**
22 **foreign regulated investment** ~~companies~~ **company** as defined in
23 section 1064. ~~are the same as are charged foreign and domestic~~
24 ~~corporations for the purposes specified in this section.~~

25 ~~(4) The fees received pursuant to section 915 shall be~~
26 ~~deposited in the state treasury to the credit of the~~
27 ~~administrator to be used by the department in carrying out those~~

1 ~~duties required by law. After the payment of the amounts~~
2 ~~appropriated by the legislature for the necessary expenses~~
3 ~~incurred in the administration of this act, the money remaining~~
4 ~~shall be credited to the general fund of the state.~~

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

9 **(6) ~~(5)~~ A minimum charge of \$1.00 for each certificate and**
10 **50 cents per folio shall be paid to the administrator for**
11 **certifying a part of a file or record pertaining to a corporation**
12 **~~for which provision for payment is not set forth~~ if a fee for**
13 **that service is not described in subsection (1) or established**
14 **pursuant to subsection (2).** The administrator may furnish copies
15 of documents, reports, and papers required or permitted by law to
16 be filed with the administrator, and shall charge for those
17 copies ~~pursuant to~~ **the fee established in** a schedule of fees
18 ~~which~~ **adopted by** the administrator ~~shall adopt~~ with the
19 approval of the state administrative board. The administrator
20 shall retain the revenue collected under this subsection, ~~to be~~
21 ~~used by the department~~ **and the department shall use it** to defray
22 the costs for its copying and certifying services.

23 **(7) ~~(6)~~ If a domestic or foreign corporation pays fees or**
24 **penalties by check and the check is dishonored, the fee is unpaid**
25 **and the administrator shall rescind the filing of all related**
26 **documents.** ~~will be rescinded.~~

27 **(8) ~~(7)~~ The administrator may accept a credit card** ~~—~~ in

1 lieu of cash or check ~~—~~ as payment of a fee under this act.

2 The administrator shall determine which credit cards ~~may be~~

3 ~~accepted~~ **he or she shall accept** for payment.

4 **(9)** ~~—(8)—~~ The administrator may charge a nonrefundable fee of

5 up to \$50.00 for any document submitted or certificate sent by

6 facsimile or electronic transmission. The administrator shall

7 retain the revenue collected under this section and ~~to be used~~

8 ~~by the department in carrying~~ **the department shall use it to**

9 **carry** out its duties required by law.

10 Enacting section 1. Section 915 of the business corporation

11 act, 1972 PA 284, MCL 450.1915, is repealed.