

SUBSTITUTE FOR
SENATE BILL NO. 666

A bill to amend 1982 PA 162, entitled
"Nonprofit corporation act,"
by amending section 131 (MCL 450.2131), as amended by 1992 PA 198.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 131. (1) A document required or permitted to be filed
2 under this act shall be ~~—filed—~~ **SUBMITTED** by delivering the
3 document to the administrator together with the fees and
4 accompanying documents required by law. **THE ADMINISTRATOR MAY**
5 **ESTABLISH A PROCEDURE FOR ACCEPTING DELIVERY OF A DOCUMENT**
6 **SUBMITTED UNDER THIS SUBSECTION BY FACSIMILE OR OTHER ELECTRONIC**
7 **TRANSMISSION. HOWEVER, BY DECEMBER 31, 2006, THE ADMINISTRATOR**
8 **SHALL ESTABLISH A PROCEDURE FOR ACCEPTING DELIVERY OF A DOCUMENT**
9 **SUBMITTED UNDER THIS SUBSECTION BY ELECTRONIC MAIL OR OVER THE**

1 INTERNET. BEGINNING JANUARY 1, 2007, THE ADMINISTRATOR SHALL ACCEPT
2 DELIVERY OF DOCUMENTS SUBMITTED BY ELECTRONIC MAIL OR OVER THE
3 INTERNET.

4 (2) If ~~the~~ A document SUBMITTED UNDER SUBSECTION (1)
5 substantially conforms to the requirements of this act, the
6 administrator shall endorse upon it the word "filed" with the
7 administrator's official title and the dates of receipt and of
8 filing, and shall file and index the document or a reproduction of
9 the document pursuant to the records ~~media act~~ **REPRODUCTION ACT,**
10 **1992 PA 116, MCL 24.401 TO 24.406,** in the administrator's office.
11 If ~~so~~ requested at the time of the delivery of the document to
12 the administrator's office, the administrator shall include the
13 hour of filing in the endorsement on the document.

14 (3) The administrator shall ~~prepare and~~ return a ~~true~~ copy
15 ~~or, at the administrator's discretion, the original~~ of a document
16 **FILED UNDER SUBSECTION (2),** other than an annual report, **OR, AT HIS**
17 **OR HER DISCRETION, THE ORIGINAL,** to the person who submitted the
18 document for filing. ~~The administrator shall mark the filing date~~
19 ~~on the true copy or original.~~ **THE ADMINISTRATOR SHALL MARK THE**
20 **FILING DATE ON THE COPY OR ORIGINAL BEFORE RETURNING IT OR, IF THE**
21 **DOCUMENT WAS SUBMITTED BY ELECTRONIC MAIL OR OVER THE INTERNET, MAY**
22 **PROVIDE PROOF OF THE FILING DATE TO THE PERSON WHO SUBMITTED THE**
23 **DOCUMENT FOR FILING IN ANOTHER MANNER DETERMINED BY THE**
24 **ADMINISTRATOR.**

25 (4) The records and files of the administrator relating to
26 corporations shall be open to reasonable inspection by the public.
27 The **ADMINISTRATOR MAY MAINTAIN THE** records or files ~~may, at the~~

1 ~~discretion of the administrator, be maintained~~ either in their
2 original form or in the form of reproductions pursuant to the
3 records ~~media~~ REPRODUCTION act, 1992 PA 116, MCL 24.401 TO
4 24.406.

5 (5) The administrator may make ~~reproductions~~ COPIES of ANY
6 documents filed under this act, or any predecessor act, pursuant to
7 the records ~~media~~ REPRODUCTION act, 1992 PA 116, MCL 24.401 TO
8 24.406, and may destroy the originals of the REPRODUCED documents.
9 ~~reproduced.~~

10 (6) ~~-(2)-~~ The A document FILED UNDER SUBSECTION (2) is
11 effective at the time it is endorsed unless a subsequent effective
12 time, not later than 90 days after the date of delivery, is set
13 forth in the document.

14 (7) THE ADMINISTRATOR SHALL CHARGE 1 OF THE FOLLOWING
15 NONREFUNDABLE FEES IF EXPEDITED FILING OF A DOCUMENT BY THE
16 ADMINISTRATOR IS REQUESTED AND THE ADMINISTRATOR SHALL RETAIN THE
17 REVENUE COLLECTED UNDER THIS SUBSECTION AND THE DEPARTMENT SHALL
18 USE IT TO CARRY OUT ITS DUTIES REQUIRED BY LAW:

19 (A) FOR ANY FILING THAT A PERSON REQUESTS THE ADMINISTRATOR TO
20 COMPLETE WITHIN 1 HOUR ON THE SAME DAY AS THE DAY OF THE REQUEST,
21 \$1,000.00. THE DEPARTMENT MAY ESTABLISH A DEADLINE BY WHICH A
22 PERSON MUST SUBMIT A REQUEST FOR FILING UNDER THIS SUBDIVISION.

23 (B) FOR ANY FILING THAT A PERSON REQUESTS THE ADMINISTRATOR TO
24 COMPLETE WITHIN 2 HOURS ON THE SAME DAY AS THE DAY OF THE REQUEST,
25 \$500.00. THE DEPARTMENT MAY ESTABLISH A DEADLINE BY WHICH A PERSON
26 MUST SUBMIT A REQUEST FOR FILING UNDER THIS SUBDIVISION.

27 (C) EXCEPT FOR A FILING REQUEST UNDER SUBDIVISION (A) OR (B),

1 FOR THE FILING OF ANY FORMATION OR QUALIFICATION DOCUMENT THAT A
2 PERSON REQUESTS THE ADMINISTRATOR TO COMPLETE ON THE SAME DAY AS
3 THE DAY OF THE REQUEST, \$100.00. THE DEPARTMENT MAY ESTABLISH A
4 DEADLINE BY WHICH A PERSON MUST SUBMIT A REQUEST FOR FILING UNDER
5 THIS SUBDIVISION.

6 (D) EXCEPT FOR A FILING REQUEST UNDER SUBDIVISION (A) OR (B),
7 FOR THE FILING OF ANY OTHER DOCUMENT CONCERNING AN EXISTING
8 DOMESTIC CORPORATION OR A QUALIFIED FOREIGN CORPORATION THAT A
9 PERSON REQUESTS THE ADMINISTRATOR TO COMPLETE ON THE SAME DAY AS
10 THE DAY OF THE REQUEST, \$200.00. THE DEPARTMENT MAY ESTABLISH A
11 DEADLINE BY WHICH A PERSON MUST SUBMIT A REQUEST FOR FILING UNDER
12 THIS SUBDIVISION.

13 (E) FOR THE FILING OF ANY FORMATION OR QUALIFICATION DOCUMENT
14 THAT A PERSON REQUESTS THE ADMINISTRATOR TO COMPLETE WITHIN 24
15 HOURS OF THE TIME THE ADMINISTRATOR RECEIVES THE REQUEST, \$50.00.

16 (F) FOR THE FILING OF ANY OTHER DOCUMENT CONCERNING AN
17 EXISTING DOMESTIC CORPORATION OR A QUALIFIED FOREIGN CORPORATION
18 THAT A PERSON REQUESTS THE ADMINISTRATOR TO COMPLETE WITHIN 24
19 HOURS OF THE TIME THE ADMINISTRATOR RECEIVES THE REQUEST, \$100.00.

20 Enacting section 1. This amendatory act takes effect January
21 1, 2006.

22 Enacting section 2. This amendatory act does not take effect
23 unless Senate Bill No. 298 of the 93rd Legislature is enacted into
24 law.