

SUBSTITUTE FOR
SENATE BILL NO. 667

A bill to amend 1982 PA 213, entitled
"Michigan revised uniform limited partnership act,"
by amending section 206 (MCL 449.1206), as amended by 1992 PA 110.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 206. (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. A person who executes a
5 certificate as an attorney in fact, agent, or fiduciary ~~need not~~
6 ~~exhibit~~ **IS NOT REQUIRED TO PROVIDE** evidence of his or her
7 authority as a prerequisite to filing. **THE ADMINISTRATOR MAY**
8 **ESTABLISH A PROCEDURE FOR ACCEPTING DELIVERY OF A DOCUMENT**
9 **SUBMITTED UNDER THIS SUBSECTION BY FACSIMILE OR OTHER ELECTRONIC**
10 **TRANSMISSION. HOWEVER, BY DECEMBER 31, 2006, THE ADMINISTRATOR**

1 SHALL ESTABLISH A PROCEDURE FOR ACCEPTING DELIVERY OF A DOCUMENT
 2 FILED UNDER THIS SUBSECTION BY ELECTRONIC MAIL OR OVER THE
 3 INTERNET. BEGINNING JANUARY 1, 2007, THE ADMINISTRATOR SHALL ACCEPT
 4 DELIVERY OF DOCUMENTS SUBMITTED BY ELECTRONIC MAIL OR OVER THE
 5 INTERNET.

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

16 (3) The administrator shall ~~prepare and~~ return ~~either~~ a
 17 ~~true~~ copy of ~~the~~ A document FILED UNDER SUBSECTION (1), or AT
 18 HIS OR HER DISCRETION the original, ~~at his or her discretion,~~ to
 19 the person who submitted ~~it~~ THE DOCUMENT for filing. ~~showing the~~
 20 ~~filing date.~~ THE ADMINISTRATOR SHALL MARK THE FILING DATE ON THE
 21 COPY OR ORIGINAL BEFORE RETURNING IT OR, IF THE DOCUMENT WAS
 22 SUBMITTED BY ELECTRONIC MAIL OR OVER THE INTERNET, MAY PROVIDE
 23 PROOF OF THE FILING DATE TO THE PERSON WHO SUBMITTED THE DOCUMENT
 24 FOR FILING IN ANOTHER MANNER DETERMINED BY THE ADMINISTRATOR.

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

1 ~~the 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 ~~so reproduced.~~

10 (6) ~~—(2)—~~ **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) ~~—(3)—~~ The administrator may ~~—, at his or her discretion,~~
 15 require that a **PERSON SUBMIT A** document ~~—required or permitted to~~
 16 ~~be filed under this act be~~ **DESCRIBED IN SUBSECTION (1)** on a form
 17 prescribed by the administrator.

18 (8) **THE ADMINISTRATOR SHALL CHARGE 1 OF THE FOLLOWING**
 19 **NONREFUNDABLE FEES IF EXPEDITED FILING OF A DOCUMENT BY THE**
 20 **ADMINISTRATOR IS REQUESTED AND THE ADMINISTRATOR SHALL RETAIN THE**
 21 **REVENUE COLLECTED UNDER THIS SUBSECTION AND THE DEPARTMENT SHALL**
 22 **USE IT TO CARRY OUT ITS DUTIES REQUIRED BY LAW:**

23 (A) **FOR ANY FILING THAT A PERSON REQUESTS THE ADMINISTRATOR TO**
 24 **COMPLETE WITHIN 1 HOUR ON THE SAME DAY AS THE DAY OF THE REQUEST,**
 25 **\$1,000.00. THE DEPARTMENT MAY ESTABLISH A DEADLINE BY WHICH A**
 26 **PERSON MUST SUBMIT A REQUEST FOR FILING UNDER THIS SUBDIVISION.**

27 (B) **FOR ANY FILING THAT A PERSON REQUESTS THE ADMINISTRATOR TO**

1 COMPLETE WITHIN 2 HOURS ON THE SAME DAY AS THE DAY OF THE REQUEST,
2 \$500.00. THE DEPARTMENT MAY ESTABLISH A DEADLINE BY WHICH A PERSON
3 MUST SUBMIT A REQUEST FOR FILING UNDER THIS SUBDIVISION.

4 (C) EXCEPT FOR A FILING REQUEST UNDER SUBDIVISION (A) OR (B),
5 FOR THE FILING OF ANY FORMATION OR QUALIFICATION DOCUMENT THAT A
6 PERSON REQUESTS THE ADMINISTRATOR TO COMPLETE ON THE SAME DAY AS
7 THE DAY OF THE REQUEST, \$100.00. THE DEPARTMENT MAY ESTABLISH A
8 DEADLINE BY WHICH A PERSON MUST SUBMIT A REQUEST FOR FILING UNDER
9 THIS SUBDIVISION.

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

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

20 (F) FOR THE FILING OF ANY OTHER DOCUMENT CONCERNING AN
21 EXISTING DOMESTIC LIMITED PARTNERSHIP OR A QUALIFIED FOREIGN
22 LIMITED PARTNERSHIP THAT A PERSON REQUESTS THE ADMINISTRATOR TO
23 COMPLETE WITHIN 24 HOURS OF THE TIME THE ADMINISTRATOR RECEIVES THE
24 REQUEST, \$100.00.

25 Enacting section 1. This amendatory act takes effect January
26 1, 2006.

27 Enacting section 2. This amendatory act does not take effect

1 unless Senate Bill No. 298 of the 93rd Legislature is enacted into
2 law.