



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB0460

Introduced 1/26/2005, by Rep. Shane Cultra

#### SYNOPSIS AS INTRODUCED:

805 ILCS 105/114.05	from Ch. 32, par. 114.05
805 ILCS 105/114.10	from Ch. 32, par. 114.10
805 ILCS 105/115.10	from Ch. 32, par. 115.10

Amends the General Not For Profit Corporation Act of 1986. Provides that each domestic and foreign corporation authorized to conduct affairs in the State shall file a decennial (rather than annual) report. Provides that the fee for filing a decennial (rather than annual) report of a domestic or foreign corporation shall be \$50 (rather than \$5).

LRB094 06384 RXD 36468 b

FISCAL NOTE ACT  
MAY APPLY

1 AN ACT concerning business.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The General Not For Profit Corporation Act of  
5 1986 is amended by changing Sections 114.05, 114.10, and 115.10  
6 as follows:

7 (805 ILCS 105/114.05) (from Ch. 32, par. 114.05)

8 Sec. 114.05. Decennial ~~Annual~~ report of domestic or foreign  
9 corporation. Each domestic corporation organized under this  
10 Act, and each foreign corporation authorized to conduct affairs  
11 in this State, shall file, within the time prescribed by this  
12 Act, a decennial ~~an annual~~ report setting forth:

13 (a) The name of the corporation.

14 (b) The address, including street and number, or rural  
15 route number, of its registered office in this State, and the  
16 name of its registered agent at such address and a statement of  
17 change of its registered office or registered agent, or both,  
18 if any.

19 (c) The address, including street and number, if any, of  
20 its principal office.

21 (d) The names and respective addresses, including street  
22 and number, or rural route number, of its directors and  
23 officers.

24 (e) A brief statement of the character of the affairs which  
25 the corporation is actually conducting from among the purposes  
26 authorized in Section 103.05 of this Act.

27 (f) Whether the corporation is a Condominium Association as  
28 established under the Condominium Property Act, a Cooperative  
29 Housing Corporation defined in Section 216 of the Internal  
30 Revenue Code of 1954 or a Homeowner Association which  
31 administers a common-interest community as defined in  
32 subsection (c) of Section 9-102 of the Code of Civil Procedure.

1 (g) Such additional information as may be necessary or  
2 appropriate in order to enable the Secretary of State to  
3 administer this Act and to verify the proper amount of fees  
4 payable by the corporation.

5 Such ~~annual~~ report shall be made on forms prescribed and  
6 furnished by the Secretary of State, and the information  
7 therein required by subsections (a) to (d), both inclusive, of  
8 this Section, shall be given as of the date of the execution of  
9 the annual report. It shall be executed by the corporation by  
10 any authorized officer and verified by him or her, or, if the  
11 corporation is in the hands of a receiver or trustee, it shall  
12 be executed on behalf of the corporation and verified by such  
13 receiver or trustee.

14 (Source: P.A. 92-33, eff. 7-1-01; 93-59, eff. 7-1-03.)

15 (805 ILCS 105/114.10) (from Ch. 32, par. 114.10)

16 Sec. 114.10. Filing of ~~annual~~ report of domestic or foreign  
17 corporation. Such ~~annual~~ report together with all fees and  
18 charges as prescribed by this Act, shall be delivered to the  
19 Secretary of State within 60 days immediately preceding the  
20 first day of the anniversary month of the corporation each 10  
21 years ~~year~~. Proof to the satisfaction of the Secretary of State  
22 that prior to the first day of the tenth anniversary month of  
23 the corporation such report together with all fees and charges  
24 as prescribed by this Act, was deposited in the United States  
25 mail in a sealed envelope, properly addressed, with postage  
26 prepaid, shall be deemed a compliance with this requirement. If  
27 the Secretary of State finds that such report conforms to the  
28 requirements of this Act, he or she shall file the same. If he  
29 or she finds that it does not so conform, he or she shall  
30 promptly return the same to the corporation for any necessary  
31 corrections, in which event the penalties hereinafter  
32 prescribed for failure to file such report within the time  
33 hereinabove provided shall not apply, if such report is  
34 corrected to conform to the requirements of this Act and  
35 returned to the Secretary of State within 30 days of the date

1 the report was returned for corrections.

2 (Source: P.A. 84-1423.)

3 (805 ILCS 105/115.10) (from Ch. 32, par. 115.10)

4 Sec. 115.10. Fees for filing documents. The Secretary of  
5 State shall charge and collect for:

6 (a) Filing articles of incorporation, \$50.

7 (b) Filing articles of amendment, \$25, unless the amendment  
8 is a restatement of the articles of incorporation, in which  
9 case the fee shall be \$100.

10 (c) Filing articles of merger or consolidation, \$25.

11 (d) Filing articles of dissolution, \$5.

12 (e) Filing application to reserve a corporate name, \$25.

13 (f) Filing a notice of transfer or cancellation of a  
14 reserved corporate name, \$25.

15 (g) Filing statement of change of address of registered  
16 office or change of registered agent, or both, if other than on  
17 an annual report, \$5.

18 (h) Filing an application of a foreign corporation for  
19 authority to conduct affairs in this State, \$50.

20 (i) Filing an application of a foreign corporation for  
21 amended authority to conduct affairs in this State, \$25.

22 (j) Filing a copy of amendment to the articles of  
23 incorporation of a foreign corporation holding authority to  
24 conduct affairs in this State, \$25, unless the amendment is a  
25 restatement of the articles of incorporation, in which case the  
26 fee shall be \$100.

27 (k) Filing a copy of articles of merger of a foreign  
28 corporation holding authority to conduct affairs in this State,  
29 \$25.

30 (l) Filing an application for withdrawal and final report  
31 or a copy of articles of dissolution of a foreign corporation,  
32 \$5.

33 (m) Filing a decennial ~~an annual~~ report of a domestic or  
34 foreign corporation, \$50 ~~\$5~~.

35 (n) Filing an application for reinstatement of a domestic

1 or a foreign corporation, \$25.

2 (o) Filing an application for use of an assumed corporate  
3 name, \$150 for each year or part thereof ending in 0 or 5, \$120  
4 for each year or part thereof ending in 1 or 6, \$90 for each  
5 year or part thereof ending in 2 or 7, \$60 for each year or part  
6 thereof ending in 3 or 8, \$30 for each year or part thereof  
7 ending in 4 or 9, and a renewal fee for each assumed corporate  
8 name, \$150.

9 (p) Filing an application for change or cancellation of an  
10 assumed corporate name, \$5.

11 (q) Filing an application to register the corporate name of  
12 a foreign corporation, \$50; and an annual renewal fee for the  
13 registered name, \$50.

14 (r) Filing an application for cancellation of a registered  
15 name of a foreign corporation, \$5.

16 (s) Filing a statement of correction, \$25.

17 (t) Filing an election to accept this Act, \$25.

18 (u) Filing any other statement or report, \$5.

19 (Source: P.A. 92-33, eff. 7-1-01; 92-651, eff. 7-11-02; 93-59,  
20 eff. 7-1-03.)