

LEGISLATIVE FISCAL ESTIMATE TO

[First Reprint]
SENATE, No. 1989

STATE OF NEW JERSEY

DATED: JULY 16, 1997

Senate Bill No. 1989 (1R) of 1997 eliminates the two year limitation on when a reinstatement of a nonprofit domestic or foreign corporation's certificate of incorporation or certificate of authority, revoked for failure to file an annual report with the Secretary of State, can be effected and makes the procedures for a reinstatement similar to the procedures in the "New Jersey Business Corporation Act," N.J.S.14A:4-6. The bill provides that any domestic nonprofit corporation having its certificate of incorporation revoked or any foreign nonprofit corporation having its certificate of authority revoked may cause a reinstatement of the certificate(s) upon payment to the Secretary of State of: the fee then payable upon the filing of the certificate of incorporation, \$50.00; a current annual report fee, \$15.00; plus payment of the \$50.00 reinstatement filing assessment imposed by this bill. The bill also provides that the Secretary of State shall provide the necessary forms for annual report reinstatements to insure uniformity in filing submissions. The bill further provides that the reinstatement would relate back to the date of revocation of the certificate, validating all actions taken in the interim. The bill also provides that if, during the interim, the name of the corporation becomes unavailable, the Secretary of State is authorized to issue a certificate of incorporation to change the name to an available name. In the case of a foreign corporation, an amended certificate of authority adopting an alternate name could be issued.

Currently nonprofit domestic and foreign corporations that have had their certificates revoked for failure to file an annual report with the Secretary of State may, within two years of the revocation, make application for reinstatement and are required to pay double the amount of the fee then payable upon the filing of the certificate, \$100.00, and the fee for filing a current annual report, \$15.00. This bill, by eliminating the double fee and imposing a \$50.00 reinstatement filing fee in addition to the current \$50.00 certificate of incorporation fee and the \$15.00 annual report fee, would require a payment equal to the amount which is currently charged, \$115.00. Based on this information, the Office of Legislative Services (OLS) estimates that this bill will not result in an increase or a decrease of revenue and is therefore revenue neutral. In addition, OLS estimates that requiring the Secretary of State to provide the forms for the reinstatement of certification would not result in any significant additional costs to the department.

S1989 [1R]

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This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.