

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2641**

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**Introduced by Assembly Member Skinner**

February 24, 2012

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An act to add Section 12098.6 to the Government Code, relating to nonprofit corporations.

LEGISLATIVE COUNSEL'S DIGEST

AB 2641, as amended, Skinner. Nonprofit corporations: ~~required filings.~~ *Internet Web site.*

Existing law provides for the organization and governance of nonprofit public benefit corporations, nonprofit mutual benefit corporations, and nonprofit religious corporations. Existing law requires these corporations to prepare and file articles of incorporation with the Secretary of State, and within 90 days of that filing, and biennially thereafter, as specified, to file a form prescribed by the secretary stating specified information regarding certain officers, office location, and agent for service of process, among other information. Existing law requires a charitable corporation, as defined, to also file periodic written reports with the Attorney General beginning within 4 months and 15 days following the close of the first calendar or fiscal year in which it initially receives property, setting forth information as to the nature of the assets held for charitable purposes and the administration thereof.

~~This bill would state the intent of the Legislature to enact legislation that would require the secretary and the Attorney General to cooperate with each other to designate a single form for these purposes and to make that form available for the electronic filing.~~

*This bill would require the Governor’s Office of Business and Economic Development to post on its Internet Web site information to assist an individual to start a nonprofit corporation and to assist nonprofit corporations to achieve compliance with the state’s statutory and regulatory requirements. The bill would require a state agency that has authority to regulate nonprofit corporations to provide accurate and updated information about its requirements, and would prohibit a state agency from using this Internet Web site as the exclusive source of information that it provides to the public. The bill would authorize the office to impose a reasonable fee upon users of the Internet Web site.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.  
 State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 12098.6 is added to the Government Code,
- 2     to read:
- 3     12098.6. (a) The office shall post all of the necessary
- 4     information on its Internet Web site to assist an individual to start
- 5     a nonprofit corporation in this state and to assist a nonprofit
- 6     corporation to achieve compliance with the state’s statutory and
- 7     regulatory requirements. The Internet Web site shall contain
- 8     information on the requirements of state agencies, and shall
- 9     include, but not be limited to, information that does all of the
- 10    following:
- 11    (1) Assists individuals with identifying all state forms or
- 12    documents they may need.
- 13    (2) Provides an electronic copy of all state forms and documents
- 14    available for download.
- 15    (3) Instructs individuals on how and where to submit all state
- 16    forms and documents.
- 17    (4) Assists nonprofit corporations with identifying the state’s
- 18    statutory and regulatory requirements they must comply with to
- 19    maintain their status as a nonprofit corporation in this state.
- 20    (b) The office shall ensure that the Internet Web site is user
- 21    friendly and provides accurate and updated information.
- 22    (c) (1) Each state agency that has authority to regulate
- 23    nonprofit corporations shall provide the office with accurate and
- 24    updated information about its requirements.

1 (2) A state agency shall not use the Internet Web site established  
2 under this section as the exclusive source of information that it  
3 provides to the public on its requirements for nonprofit  
4 corporations.

5 (d) The office may impose a reasonable fee as a condition of  
6 accessing information on the Internet Web site established under  
7 this section.

8 ~~SECTION 1. It is the intent of the Legislature to enact~~  
9 ~~legislation that would require the Secretary of State and the~~  
10 ~~Attorney General to cooperate with each other to designate a single~~  
11 ~~form for filing by a charitable corporation, as defined in Section~~  
12 ~~12582.1 of the Government Code, in satisfaction of the filing~~  
13 ~~requirements pursuant to Sections 6210 and 8210 of the~~  
14 ~~Corporations Code and Section 12586 of the Government Code,~~  
15 ~~and to make that form available for electronic filing.~~