

**OPINION
64-68**

April 4, 1964 (OPINION)

CORPORATIONS

RE: Annual Reports - Filed with Secretary of State

This is in response to your letter in which you ask for an opinion as to whether or not corporations incorporated under chapter 6-11 of the North Dakota Century Code have to file a current annual report with your department or must they file such report with the State Examiner.

Chapter 6-11 of the North Dakota Century Code does not provide that corporations formed thereunder file an annual report with the State Examiner or the State Banking Board. However, Section 6-11-07 of the North Dakota Century Code authorizes the State Examiner to make rules and regulations, not inconsistent with the law governing the operation of the business of such association, which would permit him to promulgate a rule or regulation requiring the companies organized under chapter 6-11 to file an annual report with him.

Section 6-11-06 of the North Dakota Century Code specifically provides that except as herein specifically otherwise provided, the corporations formed under chapter 6-11 shall be subject to all of the laws of the State of North Dakota related to general corporations. This, in effect, means that the corporations organized under chapter 6-11 must file the annual reports required of corporations under title 10 with the Secretary of State.

It is therefore our opinion that corporations formed under chapter 6-11 of the North Dakota Century Code must file the annual reports required of corporations under title 10 with the Secretary of State.

It is our further opinion that the State Examiner may promulgate rules or regulations requiring such companies or corporations to also file an annual report with his office.

HELGI JOHANNESON

Attorney General