

State of South Dakota

NINETIETH SESSION
LEGISLATIVE ASSEMBLY, 2015

805W0486

HOUSE BILL NO. 1219

Introduced by: Representatives Peterson (Kent), Conzet, Jensen (Alex), Klumb, Mickelson, Partridge, and Westra and Senators Novstrup (David), Lederman, and Solano

1 FOR AN ACT ENTITLED, An Act to permit entities to voluntarily disclose ownership on
2 filings with the Office of the Secretary of State.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 59-11 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 In addition to filing an annual report pursuant to § 59-11-24, a filing entity may include in
7 its annual report a statement of voluntary disclosure of beneficial interests.

8 Section 2. That § 47-1A-122 be amended to read as follows:

9 47-1A-122. The Office of the Secretary of State shall collect the following fees when the
10 documents described in this section are delivered for filing:

- 11 (1) Articles of incorporation, \$150;
- 12 (2) Application for use of indistinguishable name, \$25;
- 13 (3) Application for reserved name, \$25;
- 14 (4) Notice of transfer of reserved name, \$15;
- 15 (5) Application for registered name, \$25;



- 1 (6) Application for renewal of registered name, \$15. A renewal application may be filed
- 2 between the first day of October and the thirty-first day of December in each year and
- 3 shall extend the registration for the following year;
- 4 (7) to (9) Repealed by SL 2008, ch 275, § 27;
- 5 (10) Articles of domestication, \$150;
- 6 (11) Articles of charter surrender, \$150;
- 7 (12) Articles of domestication and conversion, \$150;
- 8 (13) Articles of entity conversion, \$150;
- 9 (14) Amendment of articles of incorporation, \$60;
- 10 (15) Restatement of articles of incorporation, \$60;
- 11 (16) Articles of merger or share exchange, \$60;
- 12 (17) Articles of dissolution, \$10;
- 13 (18) Articles of revocation of dissolution, \$10;
- 14 (19) Certificate of administrative dissolution, no charge;
- 15 (20) Application for reinstatement following administrative dissolution, plus any
- 16 delinquent annual report filing fees for the period prior to the reinstatement
- 17 application, \$300;
- 18 (21) Certificate of reinstatement, no charge;
- 19 (22) Certificate of judicial dissolution, no charge;
- 20 (23) Application for certificate of authority, \$750;
- 21 (24) Application for amended certificate of authority, \$250;
- 22 (25) Application for certificate of withdrawal, \$10;
- 23 (26) Application for transfer of authority, \$25;
- 24 (27) Certificate of revocation of authority to transact business, no charge;

- 1 (28) Annual report, \$50;
- 2 (29) Articles of correction, \$25;
- 3 (30) Application for certificate of existence or authorization, \$20;
- 4 (31) For filing a statement of voluntary disclosure of beneficial interests pursuant to
- 5 section 1 of this Act, \$25;
- 6 (32) Any other document required or permitted to be filed by this chapter, \$20.

7 The Office of the Secretary of State shall collect a fee of thirty dollars each time process is
8 served on the Office of the Secretary of State under this chapter. The party to a proceeding
9 causing service of process is entitled to recover this fee as costs if the party prevails in the
10 proceeding.

11 Section 3. That § 47-34A-1206 be amended to read as follows:

12 47-34A-1206. The secretary of state may charge the following fees:

- 13 (a) For amending or restating the articles of organization in the case of a domestic
- 14 limited liability company, a filing fee of sixty dollars. For amending the registration
- 15 in the case of a foreign limited liability company, a filing fee of seven hundred fifty
- 16 dollars;
- 17 (b) For filing articles of termination, ten dollars;
- 18 (c) For filing articles of merger, sixty dollars;
- 19 (d) For filing a statement of dissociation, ten dollars;
- 20 (e) For filing an application to reserve a name, twenty-five dollars;
- 21 (f) For issuing a certificate of existence, twenty dollars;
- 22 (g) For filing an application for registration of name, twenty-five dollars;
- 23 (h) For filing an annual renewal of registration, a limited liability company which has in
- 24 effect a registration of its name, may renew such registration from year to year by

1 annually filing an application for renewal setting forth the facts required to be set
2 forth in an original application for registration and a certificate of good standing as
3 required for the original registration and by paying a fee of fifteen dollars. A renewal
4 application may be filed between the first day of October and the thirty-first day of
5 December in each year and shall extend the registration for the following year.
6 Delivery may be made by electronic transmission if and to the extent permitted by
7 the Office of the Secretary of State. If the document is filed in typewritten or printed
8 form and not transmitted electronically, the Office of the Secretary of State may
9 require one exact or conformed copy to be delivered with the document;

10 (i) For acting as agent for service of process the secretary of state shall charge and
11 collect at the time of such service thirty dollars which may be recoverable as taxable
12 costs by the party to the suit or action causing the service to be made if the party
13 prevails in the suit or action;

14 (j) For filing articles of domestication, one hundred fifty dollars;

15 (k) For filing articles of organization surrender, one hundred fifty dollars;

16 (l) For filing a plan of conversion, one hundred fifty dollars;

17 (m) For filing a statement of voluntary disclosure of beneficial interests pursuant to
18 section 1 of this Act, twenty-five dollars.