



2025 South Dakota Legislature

House Bill 1024

Introduced by: The Chair of the House Committee on Appropriations at the request of the Secretary of State

1 **An Act to amend certain fees collected by the secretary of state.**

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

3 **Section 1. That § 47-1A-122 be AMENDED:**

4 **47-1A-122.** ~~The Office of the Secretary of State~~ secretary of state shall collect the
5 following fees when the documents described in this section are delivered for filing:

- 6 (1) Articles of incorporation, ~~-\$150~~ one hundred fifty dollars;
- 7 (2) Application for use of indistinguishable name, ~~-\$25~~ twenty-five dollars;
- 8 (3) Application for reserved name, ~~-\$25~~ twenty-five dollars;
- 9 (4) Notice of transfer of reserved name, ~~-\$15~~ fifteen dollars;
- 10 (5) Application for registered name, ~~-\$25~~ twenty-five dollars;
- 11 (6) Application for renewal of registered name, ~~-\$15. A renewal application may be filed~~
12 ~~between the first day of October and the thirty-first day of December in each year~~
13 ~~and shall extend the registration for the following year~~ filed between October first
14 and December thirty-first each year to extend the registration for the following
15 year, fifteen dollars;
- 16 (7) ~~to (9)~~ ~~Repealed by SL 2008, ch 275, § 27;~~
- 17 ~~(10)~~ Articles of domestication, ~~-\$150~~ one hundred fifty dollars;
- 18 ~~(11)~~(8) Articles of charter surrender, ~~-\$150~~ one hundred fifty dollars;
- 19 ~~(12)~~(9) Articles of domestication and conversion, ~~-\$150~~ one hundred fifty dollars;
- 20 ~~(13)~~(10) Articles of entity conversion, ~~-\$150~~ one hundred fifty dollars;
- 21 ~~(14)~~(11) Amendment of articles of incorporation, ~~-\$60~~ sixty dollars;
- 22 ~~(15)~~(12) Restatement of articles of incorporation, ~~-\$60~~ sixty dollars;
- 23 ~~(16)~~(13) Articles of merger or share exchange, ~~-\$60~~ sixty dollars;
- 24 ~~(17)~~(14) Articles of dissolution, ~~-\$10~~ ten dollars;
- 25 ~~(18)~~(15) Articles of revocation of dissolution, ~~-\$10~~ ten dollars;
- 26 ~~(19)~~(16) Certificate of administrative dissolution, no charge;

~~(20)~~(17) Application for reinstatement following administrative dissolution, three hundred dollars, plus any delinquent annual report filing fees and associated penalty fees for the period before the reinstatement application, ~~-\$300~~;

~~(21)~~(18) Certificate of reinstatement, no charge;

~~(22)~~(19) Certificate of judicial dissolution, no charge;

~~(23)~~(20) Application for certificate of authority, ~~-\$750~~ seven hundred fifty dollars;

~~(24)~~(21) Application for amended certificate of authority, ~~-\$250~~ two hundred fifty dollars;

~~(25)~~(22) Application for certificate of withdrawal, ~~-\$10~~ ten dollars;

~~(26)~~(23) Application for transfer of authority, ~~-\$25~~ twenty-five dollars;

~~(27)~~(24) Certificate of revocation of authority to transact business, no charge;

~~(28)~~(25) Annual report, ~~-\$50~~. Each entity that does not file or refuses to file its annual report within the time prescribed is subject to a penalty of fifty dollars to be assessed by the secretary of state fifty-five dollars;

(26) Fee imposed on any entity that does not file or refuses to file an annual report within the time prescribed, fifty-five dollars in addition to the annual report filing fee;

~~(29)~~(27) Articles of correction, ~~-\$25~~ twenty-five dollars;

~~(30)~~(28) Application for certificate of existence or authorization, ~~-\$20~~ twenty dollars;

~~(31)~~(29) Amended annual report, ~~-\$25~~ thirty dollars; and

~~(32)~~(30) Any other document required or permitted to be filed by this chapter, ~~-\$20~~ twenty dollars.

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

Section 2. That § 47-20-7 be AMENDED:

47-20-7. The ~~A cooperative must deliver the annual report shall be delivered required by § 47-20-4 to the secretary of state pursuant to §§ 59-11-24 to 59-11-26 59-11-28, inclusive. A fee of thirty fifty-five dollars shall must be paid to the secretary of state for filing the report.~~

If the report does not conform to requirements, ~~it shall~~ the report must be returned to the cooperative for necessary corrections.

Section 3. That § 47-28-6 be AMENDED:

- 1 **47-28-6.** The secretary of state shall charge and collect fees for:
- 2 (1) Filing articles of incorporation and issuing a certificate of incorporation, thirty
- 3 dollars;
- 4 (2) Filing articles of amendment and issuing a certificate of amendment, fifteen dollars;
- 5 (3) Filing articles of merger or consolidation and issuing a certificate of merger or
- 6 consolidation, fifteen dollars;
- 7 ~~(4)~~—~~Repealed by SL 2008, ch 275, § 72;~~
- 8 ~~(5)~~ Filing articles of dissolution, five dollars;
- 9 ~~(6)~~(5) Filing an application of a foreign corporation for a certificate of authority to conduct
- 10 affairs in this state and issuing a certificate of authority, one hundred twenty-five
- 11 dollars;
- 12 ~~(7)~~(6) Filing an application of a foreign corporation for an amended certificate of authority
- 13 to conduct affairs in this state and issuing an amended certificate of authority,
- 14 twenty-five dollars;
- 15 ~~(8)~~(7) Filing an application for withdrawal of a foreign corporation and issuing a certificate
- 16 of withdrawal, five dollars;
- 17 ~~(9)~~(8) Filing any other statement or report, including an annual report, of a foreign
- 18 corporation, ten dollars;
- 19 ~~(10)~~(9) Filing an annual report of a domestic nonprofit corporation under chapter 47-
- 20 24, ten dollars;
- 21 ~~(11)~~(10) Filing a petition for reinstatement and issuing a certificate of reinstatement,
- 22 thirty dollars; and
- 23 ~~(12)~~(11) Filing a notice of sale, transfer, or merger, fifteen dollars.

24 **Section 4. That § 47-34A-212 be AMENDED:**

- 25 **47-34A-212.** The secretary of state shall charge and collect for:
- 26 (a) Filing the articles of organization in the case of a domestic limited liability company,
- 27 a filing fee of one hundred fifty dollars. Filing the articles of organization in the case
- 28 of a foreign limited liability company, a filing fee of seven hundred fifty dollars;
- 29 (b) A reporting fee of ~~fifty~~ fifty-five dollars, due and payable with the filing of each
- 30 annual report. Each entity that does not file or refuses to file its annual report
- 31 within the time prescribed is subject to a penalty of ~~fifty~~ fifty-five dollars to be
- 32 assessed by the secretary of state;
- 33 (c) Filing the articles of organization in the case of a domestic limited liability company,
- 34 where the articles of organization contain a notice that the limited liability company

1 is authorized to establish one or more series, a filing fee of two hundred dollars.
2 Filing an application for a certificate of authority in the case of a foreign limited
3 liability company authorized to establish a series under the laws of another state
4 or jurisdiction, or series of such limited liability company on its own behalf, a filing
5 fee of eight hundred dollars.

6 **Section 5. That § 48-7A-1208 be AMENDED:**

7 **48-7A-1208.** The provisions of § 1-8-10 notwithstanding, the fee for filing the
8 statements and reports provided for in the following sections with the secretary of state
9 is as follows:

- 10 (1) Section 48-7A-303, Statement of Authority, one hundred twenty-five dollars;
- 11 (2) Section 48-7A-304, Statement of Denial, ten dollars;
- 12 (3) Section 48-7A-704, Statement of Dissociation, ten dollars;
- 13 (4) Section 48-7A-805, Statement of Dissolution, ten dollars;
- 14 (5) Section 48-7A-907, Statement of Merger, sixty dollars;
- 15 (6) Section 48-7A-1001, Statement of Qualification, one hundred twenty-five dollars;
- 16 (6A) Section 48-7A-1001, Statement of Change, ten dollars;
- 17 (7) Section 48-7A-1003, Annual Report, ~~fifty~~ fifty-five dollars. Each limited liability
18 partnership, domestic or foreign, that does not file or refuses to file its annual
19 report within the time prescribed is subject to a penalty of ~~fifty~~ fifty-five dollars to
20 be assessed by the secretary of state;
- 21 (8) Section 48-7A-1001.1, Statement of Amendment, fifteen dollars;
- 22 (9) Section 48-7A-1001.2, Statement of Cancellation, ten dollars;
- 23 (10) Section 48-7A-1102, Statement of Foreign Qualification, one hundred twenty-five
24 dollars;
- 25 (11) Section 48-7A-1102.1, Statement of Amendment of Foreign Qualification, fifteen
26 dollars;
- 27 (12) Section 48-7A-1102.2, Statement of Cancellation, ten dollars; and
- 28 (13) Filing any other statement, ten dollars.

29 **Section 6. That § 57A-9-528 be AMENDED:**

30 **57A-9-528.** For each effective financing statement filed under this chapter, three
31 dollars of the fee collected pursuant to § 57A-9-525, ~~and the computer search fee~~
32 ~~assessed pursuant to § 57A-9-525, shall~~ must be deposited in the financing statement
33 and annual report filing fee fund.

1 ~~For~~Except for a nonprofit, for each annual report filed pursuant to § 59-11-24 in
2 fiscal years 2010 and 2011, ~~three dollars of the fee collected shall be deposited in the~~
3 ~~financing statement and annual report filing fee fund. For each annual report filed pursuant~~
4 ~~to § 59-11-24 in fiscal year 2012 and each year thereafter, one dollar, six dollars of the~~
5 annual report fee ~~shall~~ must be deposited in the financing statement and annual report
6 filing fee fund.

7 ~~For~~Except for a nonprofit, for each amendment of an annual report filed pursuant
8 to § 59-11-24 in fiscal year 2016 and each year after, the fee for the amendment ~~shall~~
9 must be deposited in the financing statement and annual report filing fee fund.

10 For each application for a certificate of designation filed under § 47-34A-707, five
11 dollars of the fee collected ~~shall~~ must be deposited in the financing statement and annual
12 report filing fee fund.

13 **Section 7. That § 57A-9-529 be AMENDED:**

14 **57A-9-529.** At the end of each fiscal year, any funds in the financing statement
15 and annual report filing fee fund, not otherwise appropriated, in excess of ~~twenty five~~ fifty
16 thousand dollars, ~~shall revert~~ revert to the general fund.