



2022 South Dakota Legislature

Senate Bill 212

SENATE STATE AFFAIRS ENGROSSED

Introduced by: The Committee on State Affairs at the request of the Office of the Governor

1 **An Act to revise certain fees collected by the Office of the Secretary of State.**

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

3 **Section 1. That § 23-7-8.2 be AMENDED:**

4 **23-7-8.2.** The permit to carry a concealed pistol is valid for a period of five years
 5 from the date of issuance. ~~The fee for issuing the permit is ten dollars. The local authority~~
 6 ~~shall collect the fee. Seven dollars of the fee must be forwarded to the secretary of state~~
 7 ~~and three dollars must be deposited in the general fund of the county or municipality~~
 8 ~~issuing the permit. The fee for issuing the permit is three dollars. The local authority shall~~
 9 collect the fee, and it must be deposited in the general fund of the county.

10 **Section 2. That § 23-7-8.11 be AMENDED:**

11 **23-7-8.11.** The holder of the regular permit to carry a concealed pistol may renew
 12 the permit through the sheriff of the county where the holder resides for a period
 13 beginning ninety days before the permit expires. ~~The holder shall pay a ten dollar renewal~~
 14 ~~fee and shall pay a three dollar fee and must~~ pass a background investigation, including
 15 a computer check of available online records and the National Instant Criminal Background
 16 Check, required under § 23-7-7 prior to the renewal of the permit. The renewal fee shall
 17 ~~be distributed as set forth in § 23-7-8.2. The renewal fee shall be distributed as set forth~~
 18 in § 23-7-8.2.

19 **Section 3. That § 23-7-53 be AMENDED:**

20 **23-7-53.** An applicant ~~shall~~ must submit an application, to the sheriff of the county
 21 in which the applicant resides, for an optional enhanced permit to carry a concealed pistol.
 22 The application must include:

- 1 (1) A copy of the applicant's fingerprints for submission to the Federal Bureau of
 2 Investigation, and any governmental agency or entity authorized to receive such
 3 information, for a state, national, and international criminal background check;
 4 (2) An authorization to run a fingerprint background check;
 5 (3) ~~A separate payment for the cost of processing the criminal background check and,~~
 6 A separate payment for the cost of processing the criminal background check and,
 7 if the sheriff takes the fingerprints, the sheriff shall secure the fingerprints at no
 8 additional charge to the applicant;
 9 ~~(4) A separate application fee of sixty dollars;~~
 10 (4) A separate application fee of fifty dollars; and
 11 ~~(5)~~(5) Proof that the applicant:
 12 (a) Has successfully completed a qualifying handgun course as defined in § 23-
 13 7-58, within the preceding twelve months; or
 14 (b) Is a current or former law enforcement officer and has, within the preceding
 15 twelve months, qualified or requalified on a certified shooting course
 16 administered by a firearms instructor approved by the Law Enforcement
 17 Officers Standards Commission.
 18 ~~Fifty dollars of the application fee must be retained by the sheriff and ten dollars must be~~
 19 ~~forwarded to the secretary of state for use in administering concealed carry~~
 20 ~~permits.~~Fifty dollars of the application fee must be retained by the sheriff.
 21 The sheriff shall forward the copy of the applicant's fingerprints, the applicant's
 22 authorization for processing a criminal background check, and the payment for the
 23 criminal background check to the Division of Criminal Investigation for processing.

24 **Section 4. That § 23-7-56 be AMENDED:**

25 **23-7-56.** A person who holds an enhanced permit to carry a concealed pistol may
 26 renew the permit through the sheriff of the county in which the person resides. The period
 27 for renewal begins one-hundred eighty days before the permit expires and ends thirty
 28 days after the permit expires.

29 In order to renew an enhanced permit a person shall:

- 30 ~~(1) Pay a renewal fee in the amount of thirty five dollars;~~
 31 ~~(2) Pay the fee for a criminal background check;~~
 32 ~~(3)~~(1) Pay a renewal fee in the amount of twenty-five dollars;
 33 (2) Pay the fee for a criminal background check;

1 (3) Pass a criminal background check and a National Instant Criminal Background
2 Check; and

3 (4) Present proof that:

4 (a) During the period for renewal, as set forth in this section, the person:

5 (i) Successfully completed the live fire component of a qualifying
6 handgun course defined in § 23-7-58;

7 (ii) Received instruction regarding the use of force standards; and

8 (iii) Received instruction regarding relevant criminal statutory changes;
9 or

10 (b) The person is a current or former law enforcement officer who, within the
11 twelve-month period preceding the date of the expiration, qualified or
12 requalified on a certified shooting course administered by a firearms
13 instructor approved by the Law Enforcement Officers Standards
14 Commission.

15 ~~Twenty-five dollars of the renewal fee must be retained by the sheriff. Ten dollars~~
16 ~~of the renewal fee must be forwarded to the secretary of state for use in administering~~
17 ~~concealed carry permits.~~Twenty-five dollars of the renewal fee must be retained by the
18 sheriff.

19 If a person fails to renew an enhanced permit to carry a concealed pistol during
20 the period set forth in this section, the permit is deemed to be invalid. In order to obtain
21 an enhanced permit thereafter, the person shall submit an application and meet all
22 requirements set forth in § 23-7-53.

23 **Section 5. That § 23-7-60 be AMENDED:**

24 **23-7-60.** An applicant ~~shall~~ must submit an application, to the sheriff of the county
25 in which the applicant resides, for a gold card permit to carry a concealed pistol. The
26 application must include:

27 (1) A copy of the applicant's fingerprints for submission to the Federal Bureau of
28 Investigation, and any governmental agency or entity authorized to receive such
29 information, for a state, national, and international criminal background check;

30 (2) An authorization to run a criminal background check;

31 (3) A separate payment for the cost of processing the criminal background check; and

32 (4) A separate application fee of thirty dollars for the gold card permit to carry a
33 concealed pistol.

34 ~~(3) A separate payment for the cost of processing the criminal background check; and~~

1 ~~(4) A separate application fee of forty dollars for the gold card permit to carry a~~
2 ~~concealed pistol.~~

3 ~~Thirty dollars of the application fee must be retained by the sheriff and ten dollars~~
4 ~~must be forwarded to the secretary of state for use in administering concealed carry~~
5 ~~permits.~~Thirty dollars of the application fee must be retained by the sheriff.

6 The sheriff shall forward the copy of the applicant's fingerprints, and the applicant's
7 authorization for processing a criminal background check, ~~and the payment for the~~
8 ~~criminal background check~~ to the Division of Criminal Investigation for processing.

9 **Section 6. That § 23-7-62 be AMENDED:**

10 **23-7-62.** A person who holds a gold card permit to carry a concealed pistol may
11 renew the permit through the sheriff of the county in which the person resides. The period
12 for renewal begins one hundred eighty days before the permit expires and ends thirty
13 days after the permit expires.

14 In order to renew a gold card permit, a person shall:

15 (1) Pay a thirty dollar renewal fee; and shall:

16 ~~(1) Pay a forty dollar renewal fee; and~~

17 (2) Pass a criminal background check (2) and a National Instant Criminal Background
18 Check.

19 ~~Thirty dollars of the renewal fee must be retained by the sheriff and ten dollars~~
20 ~~must be forwarded to the secretary of state for use in administering concealed carry~~
21 ~~permits.~~Thirty dollars of the renewal fee must be retained by the sheriff.

22 **Section 7. That § 23-7-69 be AMENDED:**

23 **23-7-69.** A person who has been issued a permit to carry a concealed pistol shall
24 maintain current information on the permit by notifying the secretary of state in writing
25 of a change in the person's name due to marriage or court order, or of a change in physical
26 address. If the revised address is located within South Dakota, the secretary of state ~~shall~~
27 must provide a new permit to the person.

28 The county sheriff may issue a temporary permit or the secretary of state may
29 issue an updated permit that reflects an address outside of South Dakota in the following
30 instances:

31 (1) For a South Dakota resident who is active duty military personnel, or the spouse
32 of a person who is active duty military, with a home of record in South Dakota; or

1 (2) For a South Dakota permit holder whose home is physically located in South Dakota
 2 but has an official postal address located within in a county in another state that
 3 shares a border with South Dakota.

4 ~~The fee for processing a replacement permit is two dollars and shall be used by the~~
 5 ~~secretary of state to administer the concealed carry program.~~

6 **Section 8. That § 47-1A-122 be AMENDED:**

7 **47-1A-122.** The Office of the Secretary of State shall collect the following fees
 8 when the documents described in this section are delivered for filing:

- 9 (1) Articles of incorporation, ~~\$150~~ no charge;
 10 (2) Application for use of indistinguishable name, \$25;
 11 (3) Application for reserved name, \$25;
 12 (4) Notice of transfer of reserved name, \$15;
 13 (5) Application for registered name, \$25;
 14 (6) Application for renewal of registered name, \$15. A renewal application may be filed
 15 between the first day of October and the thirty-first day of December in each year
 16 and shall extend the registration for the following year;

17 ~~(7) to (9) — Repealed by SL 2008, ch 275, § 27;~~

18 ~~(10)(7)~~ (7) Articles of domestication, ~~\$150~~ no charge;

19 ~~(11)(8)~~ (8) Articles of charter surrender, \$150;

20 ~~(12)(9)~~ (9) Articles of domestication and conversion, ~~\$150~~ no charge;

21 ~~(13)(10)~~ (10) Articles of entity conversion, \$150;

22 ~~(14)(11)~~ (11) Amendment of articles of incorporation, \$60;

23 ~~(15)(12)~~ (12) Restatement of articles of incorporation, \$60;

24 ~~(16)(13)~~ (13) Articles of merger or share exchange, \$60;

25 ~~(17)(14)~~ (14) Articles of dissolution, \$10;

26 ~~(18)(15)~~ (15) Articles of revocation of dissolution, \$10;

27 ~~(19)(16)~~ (16) Certificate of administrative dissolution, no charge;

28 ~~(20)(17)~~ (17) Application for reinstatement following administrative dissolution, plus any
 29 delinquent annual report filing fees for the period before the reinstatement
 30 application, \$300;

31 ~~(21)(18)~~ (18) Certificate of reinstatement, no charge;

32 ~~(22)(19)~~ (19) Certificate of judicial dissolution, no charge;

33 ~~(23)(20)~~ (20) Application for certificate of authority, \$750;

34 ~~(24)(21)~~ (21) Application for amended certificate of authority, \$250;

- 1 ~~(25)~~(22) Application for certificate of withdrawal, \$10;
 2 ~~(26)~~(23) Application for transfer of authority, \$25;
 3 ~~(27)~~(24) Certificate of revocation of authority to transact business, no charge;
 4 ~~(28)~~(25) ~~Annual Domestic annual report, \$50 no charge; foreign annual report, \$50.~~
 5 Each entity that does not file or refuses to file its annual report within the time
 6 prescribed is subject to a penalty of fifty dollars to be assessed by the secretary of
 7 state;
 8 ~~(29)~~(26) Articles of correction, \$25;
 9 ~~(30)~~(27) Application for certificate of existence or authorization, \$20;
 10 ~~(31)~~(28) Amended annual report, \$25;
 11 ~~(32)~~(29) Any other document required or permitted to be filed by this chapter, \$20.

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

16 **Section 9. That § 47-20-7 be AMENDED:**

17 **47-20-7.** The annual report shall be delivered to the secretary of state pursuant
 18 to §§ 59-11-24 to 59-11-26, inclusive. ~~A fee of thirty dollars shall be paid to the secretary~~
 19 ~~of state for filing the report.~~ If the report does not conform to requirements, it shall must
 20 be returned to the cooperative for necessary corrections.

21 **Section 10. That § 47-21-43 be AMENDED:**

22 **47-21-43.** The secretary of state shall ~~charge and collect for~~ collect the following
 23 fees when the documents described in this section are delivered for filing:

- 24 (1) ~~Filing articles~~Articles of incorporation, ~~ten dollars~~ no charge;
 25 (2) ~~Filing articles~~Articles of consolidation or merger, ten dollars;
 26 (3) ~~Filing articles~~Articles of amendment, ten dollars;
 27 (4) ~~Filing articles~~Articles of conversion, ten dollars;
 28 (5) ~~Filing certificate~~Certificate of election to dissolve, two dollars;
 29 (6) ~~Filing articles~~Articles of dissolution, two dollars; and
 30 (7) ~~Filing certificate~~Certificate of change of principal office, one dollar.

31 **Section 11. That § 47-28-6 be AMENDED:**

1 **47-28-6.** The secretary of state shall ~~charge and collect for~~ collect the following
 2 fees when the documents described in this section are delivered for filing:

- 3 (1) ~~Filing articles~~Articles of incorporation and issuing a certificate of incorporation, ~~thirty~~
 4 ~~dollars~~ no charge;
- 5 (2) ~~Filing articles~~Articles of amendment and issuing a certificate of amendment, fifteen
 6 dollars;
- 7 (3) ~~Filing articles~~Articles of merger or consolidation and issuing a certificate of merger
 8 or consolidation, fifteen dollars;
- 9 ~~(4) Repealed by SL 2008, ch 275, § 72;~~
- 10 ~~(5)~~(4) ~~Filing articles~~Articles of dissolution, five dollars;
- 11 ~~(6)~~(5) ~~Filing an application~~Application of a foreign corporation for a certificate of authority
 12 to conduct affairs in this state and issuing a certificate of authority, one hundred
 13 twenty-five dollars;
- 14 ~~(7)~~(6) ~~Filing an application~~Application of a foreign corporation for an amended certificate
 15 of authority to conduct affairs in this state and issuing an amended certificate of
 16 authority, twenty-five dollars;
- 17 ~~(8)~~(7) ~~Filing an application~~Application for withdrawal of a foreign corporation and issuing
 18 a certificate of withdrawal, five dollars;
- 19 ~~(9)~~(8) ~~Filing any~~Any other statement or report, including an annual report, of a foreign
 20 corporation, ten dollars;
- 21 ~~(10)~~(9) ~~Filing an annual~~Annual report of a domestic nonprofit corporation under
 22 chapter 47-24, ~~ten dollars~~ no charge;
- 23 ~~(11)~~(10) ~~Filing a petition~~Petition for reinstatement and issuing a certificate of
 24 reinstatement, thirty dollars; and
- 25 ~~(12)~~(11) ~~Filing a notice~~Notice of sale, transfer, or merger, fifteen dollars.

26 **Section 12. That § 47-34A-212 be AMENDED:**

27 **47-34A-212.** The secretary of state shall charge and collect for:

- 28 (a) Filing the articles of organization in the case of a domestic limited liability company,
 29 ~~a filing fee of one hundred fifty dollars~~ no charge. Filing the articles of organization
 30 in the case of a foreign limited liability company, a filing fee of seven hundred fifty
 31 dollars;
- 32 (b) No charge for the filing of each domestic liability company annual report. A
 33 reporting fee of fifty dollars, due and payable with the filing of each foreign limited
 34 liability company annual report. Each entity that does not file or refuses to file its

- 1 annual report within the time prescribed is subject to a penalty of fifty dollars to
2 be assessed by the secretary of state;
- 3 (c) Filing the articles of organization in the case of a domestic limited liability company,
4 where the articles of organization contain a notice that the limited liability company
5 is authorized to establish one or more series, ~~a filing fee of two hundred dollars~~ no
6 charge. Filing an application for a certificate of authority in the case of a foreign
7 limited liability company authorized to establish a series under the laws of another
8 state or jurisdiction, or series of such limited liability company on its own behalf, a
9 filing fee of eight hundred dollars.

10 **Section 13. That § 47-34A-1206 be AMENDED:**

11 **47-34A-1206.** The secretary of state may ~~charge~~ collect the following fees when
12 the documents described in this section are delivered:

- 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 certificate
15 of authority in the case of a foreign limited liability company, a filing fee of seven
16 hundred fifty 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
25 annually filing an application for renewal setting forth the facts required to be set
26 forth in an original application for registration and a certificate of good standing as
27 required for the original registration and by paying a fee of fifteen dollars. A
28 renewal application may be filed between the first day of October and the thirty-
29 first day of December in each year and shall extend the registration for the
30 following year. Delivery may be made by electronic transmission if and to the
31 extent permitted by the Office of the Secretary of State. If the document is filed in
32 typewritten or printed form and not transmitted electronically, the Office of the
33 Secretary of State may require one exact or conformed copy to be delivered with
34 the document;

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

~~(j)~~(i) For filing articles of domestication, ~~one hundred fifty dollars~~ no charge;

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

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

~~(m)~~(l) For amending or restating the articles of organization in the case of a domestic limited liability company or for filing an application to amend or restate the certificate of authority in the case of a foreign limited liability company, where the amendment contains a notice that the limited liability company is authorized to establish one or more series, a filing fee of one hundred ten dollars;

~~(n)~~(m) For filing an application for a certificate of designation, ~~fifty dollars~~ no charge.
For acting as agent for service of process, the secretary of state shall charge and collect at the time of such service thirty dollars that may be recoverable as taxable costs by the party to the suit or action causing the service to be made if the party prevails in the suit or action.

Section 14. That § 48-7-206.1 be AMENDED:

48-7-206.1. There is no fee for filing for a domestic certificate of limited partnership. The provisions of § 1-8-10 notwithstanding, the fee for filing any other document required under this chapter with the secretary of state is one hundred twenty-five dollars.

Section 15. That § 48-7A-1208 be AMENDED:

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

- (1) Section 48-7A-303, ~~Statement of Authority~~ statement of authority, ~~one hundred twenty-five dollars~~ no charge;
- (2) Section 48-7A-304, ~~Statement of Denial~~ statement of denial, ten dollars;
- (3) Section 48-7A-704, ~~Statement of Dissociation~~ statement of dissociation, ten dollars;
- (4) Section 48-7A-805, ~~Statement of Dissolution~~ statement of dissolution, ten dollars;
- (5) Section 48-7A-907, ~~Statement of Merger~~ statement of merger, sixty dollars;

- 1 (6) Section 48-7A-1001, ~~Statement of Qualification~~ statement of qualification, ~~one~~
2 hundred twenty-five dollars no charge;
- 3 ~~(6A)(7)~~ Section 48-7A-1001, ~~Statement of Change~~ statement of change, ten dollars;
- 4 ~~(7)(8)~~ Section 48-7A-1003, ~~Annual Report~~ domestic limited liability partnership annual
5 report, ~~fifty dollars no charge~~. Section 48-7A-1003, foreign limited liability
6 partnership annual report, fifty dollars. Each limited liability partnership, domestic
7 or foreign, that does not file or refuses to file its annual report within the time
8 prescribed is subject to a penalty of fifty dollars to be assessed by the secretary of
9 state;
- 10 ~~(8)(9)~~ Section 48-7A-1001.1, ~~Statement of Amendment~~ statement of amendment, fifteen
11 dollars;
- 12 ~~(9)(10)~~ Section 48-7A-1001.2, ~~Statement of Cancellation~~ statement of cancellation,
13 ten dollars;
- 14 ~~(10)(11)~~ Section 48-7A-1102, ~~Statement of Foreign Qualification~~ statement of foreign
15 qualification, one hundred twenty-five dollars;
- 16 ~~(11)(12)~~ Section 48-7A-1102.1, ~~Statement of Amendment of Foreign Qualification~~
17 statement of amendment of foreign qualification, fifteen dollars;
- 18 ~~(12)(13)~~ Section 48-7A-1102.2, ~~Statement of Cancellation~~ statement of cancellation,
19 ten dollars; and
- 20 ~~(13)(14)~~ Filing any other statement, ten dollars.