

# 2022 South Dakota Legislature

## Draft 784

*Requested by: 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.~~

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

10 **23-7-8.11.** The holder of the regular permit to carry a concealed pistol may renew  
11 the permit through the sheriff of the county where the holder resides for a period  
12 beginning ninety days before the permit expires. The holder ~~shall pay a ten dollar renewal~~  
13 ~~fee and~~ must pass a background investigation, including a computer check of available  
14 online records and the National Instant Criminal Background Check, required under § 23-  
15 7-7 prior to the renewal of the permit. ~~The renewal fee shall be distributed as set forth in~~  
16 ~~§ 23-7-8.2.~~

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

18 **23-7-53.** An applicant ~~shall~~ must submit an application, to the sheriff of the county  
19 in which the applicant resides, for an optional enhanced permit to carry a concealed pistol.  
20 The application must include:

- 21 (1) A copy of the applicant's fingerprints for submission to the Federal Bureau of  
22 Investigation, and any governmental agency or entity authorized to receive such  
23 information, for a state, national, and international criminal background check;  
24 (2) An authorization to run a fingerprint background check;

1 (3) ~~A separate payment for the cost of processing the criminal background check and,~~  
 2 ~~if~~if the sheriff takes the fingerprints, the sheriff shall secure the fingerprints at no  
 3 additional charge to the applicant;

4 ~~(4) A separate application fee of sixty dollars; and~~

5 ~~(5)~~(4) Proof that the applicant:

6 (a) Has successfully completed a qualifying handgun course as defined in § 23-  
 7 7-58, within the preceding twelve months; or

8 (b) Is a current or former law enforcement officer and has, within the preceding  
 9 twelve months, qualified or requalified on a certified shooting course  
 10 administered by a firearms instructor approved by the Law Enforcement  
 11 Officers Standards Commission.

12 ~~Fifty dollars of the application fee must be retained by the sheriff and ten dollars must be~~  
 13 ~~forwarded to the secretary of state for use in administering concealed carry~~  
 14 ~~permits.~~

15 The sheriff shall forward the copy of the applicant's fingerprints, the applicant's  
 16 authorization for processing a criminal background check, and the payment for the  
 17 criminal background check to the Division of Criminal Investigation for processing.

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

19 **23-7-56.** A person who holds an enhanced permit to carry a concealed pistol may  
 20 renew the permit through the sheriff of the county in which the person resides. The period  
 21 for renewal begins one-hundred eighty days before the permit expires and ends thirty  
 22 days after the permit expires.

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

24 (1) ~~Pay a renewal fee in the amount of thirty five dollars;~~

25 ~~(2) Pay the fee for a criminal background check;~~

26 ~~(3) Pass a criminal background check and a National Instant Criminal Background~~  
 27 ~~Check; and~~

28 ~~(4)~~(2) Present proof that:

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

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

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

33 (iii) Received instruction regarding relevant criminal statutory changes;

34 or

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

6 ~~Twenty five dollars of the renewal fee must be retained by the sheriff. Ten dollars~~  
7 ~~of the renewal fee must be forwarded to the secretary of state for use in administering~~  
8 ~~concealed carry permits.~~

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

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

14 **23-7-60.** An applicant ~~shall~~ must submit an application, to the sheriff of the county  
15 in which the applicant resides, for a gold card permit to carry a concealed pistol. The  
16 application must include:

- 17 (1) A copy of the applicant's fingerprints for submission to the Federal Bureau of  
18 Investigation, and any governmental agency or entity authorized to receive such  
19 information, for a state, national, and international criminal background check; and  
20 (2) An authorization to run a criminal background check; ~~and~~  
21 ~~(3) A separate payment for the cost of processing the criminal background check; and~~  
22 ~~(4) A separate application fee of forty dollars for the gold card permit to carry a~~  
23 ~~concealed pistol.~~

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

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

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

31 **23-7-62.** A person who holds a gold card permit to carry a concealed pistol may  
32 renew the permit through the sheriff of the county in which the person resides. The period

1 for renewal begins one hundred eighty days before the permit expires and ends thirty  
2 days after the permit expires.

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

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

5 ~~(2) Pass must pass a criminal background check and a National Instant Criminal~~  
6 Background Check.

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

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

11 **23-7-69.** A person who has been issued a permit to carry a concealed pistol shall  
12 maintain current information on the permit by notifying the secretary of state in writing  
13 of a change in the person's name due to marriage or court order, or of a change in physical  
14 address. If the revised address is located within South Dakota, the secretary of state ~~shall~~  
15 must provide a new permit to the person.

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

- 19 (1) For a South Dakota resident who is active duty military personnel, or the spouse  
20 of a person who is active duty military, with a home of record in South Dakota; or  
21 (2) For a South Dakota permit holder whose home is physically located in South Dakota  
22 but has an official postal address located within in a county in another state that  
23 shares a border with South Dakota.

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

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

27 **47-1A-122.** The Office of the Secretary of State shall collect the following fees  
28 when the documents described in this section are delivered for filing:

- 29 (1) Articles of incorporation, ~~\$150~~ no charge;  
30 (2) Application for use of indistinguishable name, \$25;  
31 (3) Application for reserved name, \$25;  
32 (4) Notice of transfer of reserved name, \$15;  
33 (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  
3 and shall extend the registration for the following year;

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

5 ~~(10)(7)~~ Articles of domestication, ~~\$150~~ no charge;

6 ~~(11)(8)~~ Articles of charter surrender, \$150;

7 ~~(12)(9)~~ Articles of domestication and conversion, ~~\$150~~ no charge;

8 ~~(13)(10)~~ Articles of entity conversion, \$150;

9 ~~(14)(11)~~ Amendment of articles of incorporation, \$60;

10 ~~(15)(12)~~ Restatement of articles of incorporation, \$60;

11 ~~(16)(13)~~ Articles of merger or share exchange, \$60;

12 ~~(17)(14)~~ Articles of dissolution, \$10;

13 ~~(18)(15)~~ Articles of revocation of dissolution, \$10;

14 ~~(19)(16)~~ Certificate of administrative dissolution, no charge;

15 ~~(20)(17)~~ Application for reinstatement following administrative dissolution, plus any  
16 delinquent annual report filing fees for the period before the reinstatement  
17 application, \$300;

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

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

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

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

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

23 ~~(26)(23)~~ Application for transfer of authority, \$25;

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

25 ~~(28)(25)~~ Annual Domestic annual report, \$50 no charge; foreign annual report, \$50.

26 Each entity that does not file or refuses to file its annual report within the time  
27 prescribed is subject to a penalty of fifty dollars to be assessed by the secretary of  
28 state;

29 ~~(29)(26)~~ Articles of correction, \$25;

30 ~~(30)(27)~~ Application for certificate of existence or authorization, \$20;

31 ~~(31)(28)~~ Amended annual report, \$25;

32 ~~(32)(29)~~ Any other document required or permitted to be filed by this chapter, \$20.

33 The Office of the Secretary of State shall collect a fee of thirty dollars each time  
34 process is served on the Office of the Secretary of State under this chapter. The party to

1 a proceeding causing service of process is entitled to recover this fee as costs if the party  
2 prevails in the proceeding.

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

4 **47-20-7.** The annual report shall be delivered to the secretary of state pursuant  
5 to §§ 59-11-24 to 59-11-26, inclusive. ~~A fee of thirty dollars shall be paid to the secretary~~  
6 ~~of state for filing the report.~~ If the report does not conform to requirements, it ~~shall~~ must  
7 be returned to the cooperative for necessary corrections.

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

9 **47-21-43.** The secretary of state shall ~~charge and collect for~~ collect the following  
10 fees when the documents described in this section are delivered for filing:

- 11 (1) ~~Filing articles~~Articles of incorporation, ~~ten dollars~~ no charge;
- 12 (2) ~~Filing articles~~Articles of consolidation or merger, ten dollars;
- 13 (3) ~~Filing articles~~Articles of amendment, ten dollars;
- 14 (4) ~~Filing articles~~Articles of conversion, ten dollars;
- 15 (5) ~~Filing certificate~~Certificate of election to dissolve, two dollars;
- 16 (6) ~~Filing articles~~Articles of dissolution, two dollars; and
- 17 (7) ~~Filing certificate~~Certificate of change of principal office, one dollar.

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

19 **47-28-6.** The secretary of state shall ~~charge and collect for~~ collect the following  
20 fees when the documents described in this section are delivered for filing:

- 21 (1) ~~Filing articles~~Articles of incorporation and issuing a certificate of incorporation, ~~thirty~~  
22 ~~dollars~~ no charge;
- 23 (2) ~~Filing articles~~Articles of amendment and issuing a certificate of amendment, fifteen  
24 dollars;
- 25 (3) ~~Filing articles~~Articles of merger or consolidation and issuing a certificate of merger  
26 or consolidation, fifteen dollars;
- 27 ~~(4) Repealed by SL 2008, ch 275, § 72;~~
- 28 ~~(5)~~(4) ~~Filing articles~~Articles of dissolution, five dollars;
- 29 ~~(6)~~(5) ~~Filing an application~~Application of a foreign corporation for a certificate of authority  
30 to conduct affairs in this state and issuing a certificate of authority, one hundred  
31 twenty-five dollars;

- 1        ~~(7)~~(6) ~~Filing an application~~Application of a foreign corporation for an amended certificate  
 2                    of authority to conduct affairs in this state and issuing an amended certificate of  
 3                    authority, twenty-five dollars;
- 4        ~~(8)~~(7) ~~Filing an application~~Application for withdrawal of a foreign corporation and issuing  
 5                    a certificate of withdrawal, five dollars;
- 6        ~~(9)~~(8) ~~Filing any~~Any other statement or report, including an annual report, of a foreign  
 7                    corporation, ten dollars;
- 8        ~~(10)~~(9)     ~~Filing an annual~~Annual report of a domestic nonprofit corporation under  
 9                    chapter 47-24, ~~ten dollars~~ no charge;
- 10        (11)(10)     ~~Filing a petition~~Petition for reinstatement and issuing a certificate of  
 11                    reinstatement, thirty dollars; and
- 12        ~~(12)~~(11)     ~~Filing a notice~~Notice of sale, transfer, or merger, fifteen dollars.

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

- 14                    **47-34A-212.** The secretary of state shall charge and collect for:
- 15        (a)     Filing the articles of organization in the case of a domestic limited liability company,  
 16                    ~~a filing fee of one hundred fifty dollars~~ no charge. Filing the articles of organization  
 17                    in the case of a foreign limited liability company, a filing fee of seven hundred fifty  
 18                    dollars;
- 19        (b)     No charge for the filing of each domestic liability company annual report. A  
 20                    reporting fee of fifty dollars, due and payable with the filing of each foreign limited  
 21                    liability company annual report. Each entity that does not file or refuses to file its  
 22                    annual report within the time prescribed is subject to a penalty of fifty dollars to  
 23                    be assessed by the secretary of state;
- 24        (c)     Filing the articles of organization in the case of a domestic limited liability company,  
 25                    where the articles of organization contain a notice that the limited liability company  
 26                    is authorized to establish one or more series, ~~a filing fee of two hundred dollars~~ no  
 27                    charge. Filing an application for a certificate of authority in the case of a foreign  
 28                    limited liability company authorized to establish a series under the laws of another  
 29                    state or jurisdiction, or series of such limited liability company on its own behalf, a  
 30                    filing fee of eight hundred dollars.

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

- 32                    **47-34A-1206.** The secretary of state may ~~charge~~ collect the following fees when  
 33                    the documents described in this section are delivered:

- 1 (a) For amending or restating the articles of organization in the case of a domestic  
2 limited liability company, a filing fee of sixty dollars. For amending the certificate  
3 of authority in the case of a foreign limited liability company, a filing fee of seven  
4 hundred fifty dollars;
- 5 (b) For filing articles of termination, ten dollars;
- 6 (c) For filing articles of merger, sixty dollars;
- 7 (d) For filing a statement of dissociation, ten dollars;
- 8 (e) For filing an application to reserve a name, twenty-five dollars;
- 9 (f) For issuing a certificate of existence, twenty dollars;
- 10 (g) For filing an application for registration of name, twenty-five dollars;
- 11 (h) For filing an annual renewal of registration, a limited liability company which has in  
12 effect a registration of its name, may renew such registration from year to year by  
13 annually filing an application for renewal setting forth the facts required to be set  
14 forth in an original application for registration and a certificate of good standing as  
15 required for the original registration and by paying a fee of fifteen dollars. A  
16 renewal application may be filed between the first day of October and the thirty-  
17 first day of December in each year and shall extend the registration for the  
18 following year. Delivery may be made by electronic transmission if and to the  
19 extent permitted by the Office of the Secretary of State. If the document is filed in  
20 typewritten or printed form and not transmitted electronically, the Office of the  
21 Secretary of State may require one exact or conformed copy to be delivered with  
22 the document;
- 23 ~~(i) For acting as agent for service of process the secretary of state shall charge and~~  
24 ~~collect at the time of such service thirty dollars which may be recoverable as~~  
25 ~~taxable costs by the party to the suit or action causing the service to be made if~~  
26 ~~the party prevails in the suit or action;~~
- 27 ~~(j)~~(i) For filing articles of domestication, ~~one hundred fifty dollars~~ no charge;
- 28 ~~(k)~~(j) For filing articles of organization surrender, one hundred fifty dollars;
- 29 ~~(l)~~(k) For filing a plan of conversion, one hundred fifty dollars;
- 30 ~~(m)~~(l) For amending or restating the articles of organization in the case of a domestic  
31 limited liability company or for filing an application to amend or restate the  
32 certificate of authority in the case of a foreign limited liability company, where the  
33 amendment contains a notice that the limited liability company is authorized to  
34 establish one or more series, a filing fee of one hundred ten dollars;
- 35 ~~(n)~~(m) For filing an application for a certificate of designation, ~~fifty dollars~~ no charge.



1           For acting as agent for service of process, the secretary of state shall charge and  
 2           collect at the time of such service thirty dollars that may be recoverable as taxable costs  
 3           by the party to the suit or action causing the service to be made if the party prevails in  
 4           the suit or action.

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

6           **48-7-206.1.** There is no fee for filing for a domestic certificate of limited  
 7           partnership. The provisions of § 1-8-10 notwithstanding, the fee for filing any other  
 8           document required under this chapter with the secretary of state is one hundred twenty-  
 9           five dollars.

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

11           **48-7A-1208.** The provisions of § 1-8-10 notwithstanding, the fee for filing the  
 12           statements and reports provided for in the following sections with the secretary of state  
 13           is as follows:

- 14           (1) Section 48-7A-303, ~~Statement of Authority~~ statement of authority, ~~one hundred~~  
 15           ~~twenty-five dollars~~ no charge;
- 16           (2) Section 48-7A-304, ~~Statement of Denial~~ statement of denial, ten dollars;
- 17           (3) Section 48-7A-704, ~~Statement of Dissociation~~ statement of dissociation, ten dollars;
- 18           (4) Section 48-7A-805, ~~Statement of Dissolution~~ statement of dissolution, ten dollars;
- 19           (5) Section 48-7A-907, ~~Statement of Merger~~ statement of merger, sixty dollars;
- 20           (6) Section 48-7A-1001, ~~Statement of Qualification~~ statement of qualification, ~~one~~  
 21           ~~hundred twenty-five dollars~~ no charge;
- 22           ~~(6A)~~(7) Section 48-7A-1001, ~~Statement of Change~~ statement of change, ten dollars;
- 23           ~~(7)~~(8) Section 48-7A-1003, ~~Annual Report domestic limited liability partnership annual~~  
 24           ~~report, fifty dollars~~ no charge. Section 48-7A-1003, foreign limited liability  
 25           partnership annual report, fifty dollars. Each limited liability partnership, domestic  
 26           or foreign, that does not file or refuses to file its annual report within the time  
 27           prescribed is subject to a penalty of fifty dollars to be assessed by the secretary of  
 28           state;
- 29           ~~(8)~~(9) Section 48-7A-1001.1, ~~Statement of Amendment~~ statement of amendment, fifteen  
 30           dollars;
- 31           ~~(9)~~(10) Section 48-7A-1001.2, ~~Statement of Cancellation~~ statement of cancellation,  
 32           ten dollars;

- 1       ~~(10)~~(11)   Section 48-7A-1102, ~~Statement of Foreign Qualification~~ statement of foreign  
2                   qualification, one hundred twenty-five dollars;  
3       ~~(11)~~(12)   Section 48-7A-1102.1, ~~Statement of Amendment of Foreign Qualification~~  
4                   statement of amendment of foreign qualification, fifteen dollars;  
5       ~~(12)~~(13)   Section 48-7A-1102.2, ~~Statement of Cancellation~~ statement of cancellation,  
6                   ten dollars; and  
7       ~~(13)~~(14)   Filing any other statement, ten dollars.

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