

1 HB165
2 208838-2
3 By Representative Ingram
4 RFD: Ways and Means General Fund
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6 PFD: 01/26/2021

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ENROLLED, An Act,

Relating to business entities; to amend Section 10A-1-4.31, Code of Alabama 1975, as last amended by Act 2020-73, 2020 Regular Session; to allow the Secretary of State to waive the Certificate of Existence fee for business entities under certain circumstances.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 10A-1-4.31, Code of Alabama 1975, as last amended by Act 2020-73, 2020 Regular Session, is amended to read as follows:

"§10A-1-4.31.

"(a) (1) The Secretary of State shall collect the following fees when a filing instrument described in this title is delivered to the Secretary of State for filing:

"~~(1)~~a. Certificate of formation for all entities: Two hundred dollars (\$200)₹.

"~~(2)~~b. Amendment to a certificate of formation and a restated certificate of formation: One hundred dollars (\$100)₹.

"~~(3)~~c. Name reservations and notice of transfer of name reservation: Twenty-five dollars (\$25)₹.

"~~(4)~~d. Certificates, articles, or statements of dissolution or cancellation: One hundred dollars (\$100)₹.

1 "~~(5)~~e. Foreign entity registration including a
2 statement of foreign limited liability partnership: One
3 hundred fifty dollars (\$150)~~7.~~

4 "~~(6)~~f. Certificate of existence: Twenty-five dollars
5 (\$25)~~7.~~

6 "~~(7)~~g. Certificates, articles, or statements of
7 merger, conversion, and share exchange: One hundred dollars
8 (\$100)~~7~~ ~~and.~~

9 "~~(8)~~h. Any other filing instrument required or
10 permitted to be delivered to the Secretary of State for filing
11 pursuant to this title: One hundred dollars (\$100).

12 "(2) If a state of emergency declared in this or any
13 other state or by the federal government renders substantial
14 compliance with this article impossible or unreasonable, the
15 Secretary of State may waive the Certificate of Existence fee
16 of twenty-five dollars (\$25).

17 "(b) The judge of probate shall collect the
18 following fees when a filing instrument described in this
19 title is delivered to the judge of probate for filing:

20 "(1) Certified copy of statements of authority,
21 denial, and cancellation thereof, permitted to be filed with
22 the judge of probate: One hundred dollars (\$100)~~7.~~

23 "(2) Certified copy of certificates, articles, or
24 statements of merger and conversion filed pursuant to this

1 chapter, Chapter 2A, Chapter 5A, Chapter 8A, Chapter 9A, or
 2 Chapter 10: Five dollars (\$5), ~~and.~~

3 "(3) Any other filing instrument required or
 4 permitted to be delivered to the judge of probate for filing
 5 pursuant to this title: One hundred dollars (\$100).

6 "(c) There is hereby established in the State
 7 Treasury a fund to be known and designated as the Secretary of
 8 State Entity Fund. All funds, fees, charges, costs, and
 9 collections accruing to or collected by the Secretary of State
 10 under the foregoing provisions of this section or any other
 11 fees collected by the Secretary of State relating to entities
 12 shall be deposited into the State Treasury to the credit of
 13 the Secretary of State Entity Fund except as so provided in
 14 subsection (e).

15 "(d) Except as set forth in ~~subsection~~ subdivision
 16 (e) (1), all funds now or hereafter deposited in the State
 17 Treasury to the credit of the Secretary of State Entity Fund
 18 shall not be expended for any purpose whatsoever unless the
 19 same shall have been allotted and budgeted in accordance with
 20 the provisions of Article 4 of Chapter 4 of Title 41, and only
 21 in the amounts and for the purposes provided by the
 22 Legislature in the general appropriation bill or this section.

23 "(e) (1) From the two hundred dollar (\$200) fee
 24 collected by the Secretary of State for the filing of a
 25 certificate of formation in final irrevocable full payment of

1 immediately available funds, the Secretary of State shall pay
2 the sum of one hundred dollars (\$100) to the county treasurer
3 for the county in which the office of the initial registered
4 agent for that entity is located, which sum shall constitute
5 the entire fee due to that county for the formation of that
6 entity.

7 "(2) After the payment of the amounts set forth in
8 ~~subsection~~ subdivision (e) (1) have been paid, 70 percent of
9 the remaining funds collected by the Secretary of State in
10 final irrevocable full payment of immediately available funds
11 in relation to entities during the fiscal year shall be
12 deposited to the credit of the State General Fund.

13 "(f) The fees ~~(1) herein~~ imposed for the office of
14 the judge of probate or ~~(2)~~ required to be paid by the
15 Secretary of State to the county treasurer pursuant to
16 ~~subsection~~ subdivision (e) (1) shall be charged and paid into
17 the appropriate county treasury or to the judge of probate as
18 may be authorized or required by law.

19 "(g) The Secretary of State shall collect the
20 following fees for copying and certifying the copy of any
21 filing instrument relating to a domestic or foreign entity:

22 "(1) Two dollars (\$2) a page for copying, ~~and.~~

23 "(2) Ten dollars (\$10) for the certificate.

1 "(h) The judge of probate shall collect the
2 following fees for copying and certifying the copy of any
3 filing instrument relating to an entity:

4 "(1) Two dollars (\$2) a page for copying; ~~and.~~

5 "(2) Ten dollars (\$10) for the certificate."

6 Section 2. This act shall become effective
7 immediately upon its passage and approval by the Governor, or
8 its otherwise becoming law.

