

1 HB639  
2 168881-1  
3 By Representatives Wingo, Mooney and Fridy  
4 RFD: Ways and Means General Fund  
5 First Read: 07-MAY-15

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8 SYNOPSIS: Under existing law, funds in the Secretary  
9 of State Entity Fund may be used for any purpose  
10 whatsoever, provided the funds are allotted and  
11 budgeted in accordance with law.

12 This bill would authorize the Secretary of  
13 State Entity Fund to be used for the administration  
14 of the Office of the Secretary of State.

15  
16 A BILL  
17 TO BE ENTITLED  
18 AN ACT

19  
20 Relating to the Secretary of State Entity Fund; to  
21 amend Section 10A-1-4.31, Code of Alabama 1975; to authorize  
22 the Secretary of State Entity Fund to be used for the  
23 administration of the Office of the Secretary of State.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. Section 10A-1-4.31, Code of Alabama 1975,  
26 is amended to read as follows:

27 "§10A-1-4.31.

1           "(a) The judge of probate or the Secretary of State,  
 2 as the case may be, shall collect the following fees when the  
 3 filing instruments described in this title are delivered to  
 4 him or her for filing:

	FEE FOR STATE OF AL-	FEE FOR THE JUDGE OF
5       "FILED INSTRUMENT	ABAMA	PROBATE
6       "(1) Certificate of for-		
7       mation and restated cer-		
8       tificate of formation	\$100	\$50
9       "(2) Amendment to cer-		
10      tificate of formation	\$50	\$25
11      "(3) Name reservations		
12      "A. less than 24 hours	\$25	No fee
13      "B. 24 hours or more	\$10	No fee
14      "(4) Certificate of ter-		
15      mination	\$100	\$50
16      "(5) Certificate of		
17      merger; articles of		
18      consolidation or share		
19      exchange	\$100	\$50
20      "(6) Foreign entity reg-		
21      istration including		
22      registration of foreign		
23      limited liability part-	\$150	No fee

1	nership		
2	"(7) Certificate of ex-		
3	istence		
4	"A. Less than 24 hours	\$25	No fee
5	"B. 24 hours or more	\$10	No fee
6	"(8) Registered limited		
7	liability partnership		
8	registration	\$100	\$50
9	"(9) Registered limited		
10	liability partnership		
11	annual report	\$100	No fee
12	"(10) Partnership state-		
13	ment (filing or certi-		
14	fying)	\$25	\$25
15	"(11) Any other filing		
16	instrument required or		
17	permitted to be filed		
18	under this title	\$25	\$25

19                   "(b) When appropriate, two checks shall accompany a  
20 filing instrument delivered to the judge of probate or the  
21 Secretary of State for filing, one payable to the judge of  
22 probate for all charges for the judge of probate, and one  
23 payable to the State of Alabama covering all charges for the  
24 Secretary of State. In the case of any filing instrument

1 delivered for filing to the judge of probate accompanied by a  
2 check for the charges for the Secretary of State, the check  
3 for the Secretary of State shall be forwarded by the judge of  
4 probate to the Secretary of State. In the case of any filing  
5 instrument delivered for filing to the Secretary of State  
6 accompanied by a check for the judge of probate, the check for  
7 the judge of probate shall be forwarded by the Secretary of  
8 State to the judge of probate.

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

18 "(d) All funds now or hereafter deposited in the  
19 State Treasury to the credit of the Secretary of State Entity  
20 Fund ~~shall not be expended for any purpose whatsoever unless~~  
21 ~~the same shall~~ may be expended for any purposes whatsoever  
22 related to the administration of the Office of the Secretary  
23 of State as determined by the Secretary of State, provided the  
24 funds have been allotted and budgeted in accordance with the  
25 provisions of Article 4 of Chapter 4 of Title 41, and only in  
26 the amounts and for the purposes provided by the Legislature  
27 in the general appropriation bill or this section.

1           "(e) Seventy percent of funds collected by the  
2 Secretary of State in relation to entities during the fiscal  
3 year shall be deposited to the credit of the State General  
4 Fund.

5           "(f) The fees herein imposed for the office of the  
6 judge of probate shall be charged and paid into the  
7 appropriate county treasury or to the judge of probate as may  
8 be authorized or required by law.

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

12           "(1) One dollar fifty cents (\$1.50) a page for  
13 copying; and

14           "(2) Five dollars (\$5) for the certificate.

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

18           "(1) One dollar fifty cents (\$1.50) a page for  
19 copying; and

20           "(2) Five dollars (\$5) for the certificate.

21           "(i) For requests of immediate expedition of  
22 documents to be obtained in less than 24 hours, other than  
23 name reservations and certificates of existence, by the  
24 Secretary of State regarding document filings, certifications,  
25 and certificates in addition to required fees, a one hundred  
26 dollar (\$100) surcharge shall be imposed."

1                   Section 2. This act shall become effective  
2 immediately following its passage and approval by the  
3 Governor, or its otherwise becoming law.