HB165
208838-2
By Representative Ingram
RFD: Ways and Means General Fund
First Read: 02-FEB-21
PFD: 01/26/2021
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)
"(5) e. Foreign entity registration including a statement of foreign limited liability partnership: One hundred fifty dollars ($150).


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

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

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

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

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

"(2) Certified copy of certificates, articles, or statements of merger and conversion filed pursuant to this
chapter, Chapter 2A, Chapter 5A, Chapter 8A, Chapter 9A, or Chapter 10: Five dollars ($5) and

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

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

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

"(e)(1) From the two hundred dollar ($200) fee collected by the Secretary of State for the filing of a certificate of formation in final irrevocable full payment of
immediately available funds, the Secretary of State shall pay
the sum of one hundred dollars ($100) to the county treasurer
for the county in which the office of the initial registered
agent for that entity is located, which sum shall constitute
the entire fee due to that county for the formation of that
entity.

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

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

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

"(1) Two dollars ($2) a page for copying; and

"(2) Ten dollars ($10) for the certificate.
"(h) The judge of probate shall collect the following fees for copying and certifying the copy of any filing instrument relating to an entity:

"(1) Two dollars ($2) a page for copying;

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

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming law.
Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 09-FEB-21.

Jeff Woodard
Clerk

Senate 06-APR-21 Passed