

Regular Session, 2008

SENATE BILL NO. 377

BY SENATOR DUPLESSIS

SECRETARY OF STATE. Provides for fees charged by the secretary of state. (8/15/08)

1 AN ACT

2 To amend and reenact R.S. 9:3432(C), R.S. 12:23(G)(2)(b), 205.1(B), 316, and 419(A), R.S.
3 14:325(A), and R.S. 51:214(D) and (E), 216(A)(1), and 217(B), and to repeal R.S.
4 9:2447 and 3410 and R.S. 12:171, 263, 469, and 1364, relative to fees charged by the
5 secretary of state; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 9:3432(C) is hereby amended and reenacted to read as follows:

8 §3432. Registered limited liability partnerships

9 * * *

10 C. The application shall be accompanied by a fee ~~of one hundred dollars~~
11 **made payable to the secretary of state.**

12 * * *

13 Section 2. R.S. 12:23(G)(2)(b), 205.1(B), 316, and 419(A) are hereby amended and
14 reenacted to read as follows:

15 §23. Corporate name; reservation of name

16 * * *

17 G.(1) * * *

1 (2) * * *

2 (b) When a corporate name is reserved as herein provided, the person, firm,
3 corporation, association, partnership, or other entity making such reservation shall
4 pay to the secretary of state, for the use and benefit of the state, a fee ~~of ten dollars~~
5 as a condition of such reservation.

6 * * *

7 §205.1. Annual report to secretary of state

8 * * *

9 B. Each corporation, except a church, shall pay a ~~five dollar~~ filing fee at the
10 time of filing such report. No church shall be required to pay said fee.

11 * * *

12 §316. Fees

13 A. A ~~total fee of fifty dollars~~ shall be paid in advance to the secretary of
14 state, for the use and benefit of the state, by every corporation:

15 (1) For filing and recording application for certificate of authority and
16 certificate of existence, or a certificate of good standing.

17 (2) For filing and recording application for amended certificate of authority
18 to change the name of the corporation.

19 (3) For filing and recording withdrawal proceedings.

20 (4) For filing and recording reinstatement proceedings.

21 (5) For filing and recording certificate of merger.

22 (6) For filing and recording termination of withdrawal proceedings.

23 B.(1) Additional copies, certified or otherwise, of documents, or a
24 certificate shall be furnished upon request ~~at a cost of ten dollars or a certificate only~~
25 ~~for five dollars~~ for a fee which shall be paid in advance.

26 (2) For The secretary of state is authorized to charge a fee for making,
27 issuing, and sealing any other certificates required or permitted by this Chapter, ~~the~~
28 ~~fee shall be five dollars, except that the fee~~ for resignation of a registered agent or
29 officer, appointment of a registered agent, change of a registered office, ~~and~~

1 appointment of officers and directors, ~~and shall be ten dollars and the secretary of~~
2 ~~state is authorized to charge a fee for annual reports of up to twelve dollars.~~

3 * * *

4 §419. Filing of articles

5 A. Articles of incorporation, amendment, consolidation, merger, conversion,
6 or dissolution, as the case may be, when executed by authentic act shall be presented
7 to the secretary of state for filing in the records of his office. If the secretary of state
8 shall find that the articles presented conform to the requirements of this Part, he
9 shall, upon the payment of ~~thirty-five dollars~~ **of the applicable fees**, file the articles
10 so presented in the records of his office and upon such filing the incorporation,
11 amendment, consolidation, merger, conversion, or dissolution provided for therein
12 shall be in effect.

13 * * *

14 Section 3. R.S. 14:325(A) is hereby amended and reenacted to read as follows:

15 §325. Annual registration of conductors of public opinion polls; penalty for failure

16 A. Any persons, associations, partnerships or corporations who offer
17 themselves to the public as professional poll takers shall register with the secretary
18 of state before commencing such activity and annually thereafter not later than
19 February 15 of each year. Only the managing or overseeing party responsible for
20 conducting the poll must register under this act, and it will not be necessary for
21 individuals hired by the managing or overseeing party to register on an individual
22 basis.

23 Such registration shall state that the person, association, partnership or
24 corporation is engaging in the making of public opinion polls or samplings in the
25 state of Louisiana; the name and current mailing address of the person, association,
26 partnership or corporation under which the polls are conducted; the name and current
27 mailing address of the principal executive officer thereof, and the year for which the
28 registration is filed. It shall be signed by the principal executive officer thereof. The
29 secretary of state is directed to collect a registration fee ~~of five dollars~~ for each such

1 registration.

2 * * *

3 Section 4. R.S. 51:214(D) and (E), 216(A)(1), and 217(B) are hereby amended and
4 reenacted to read as follows:

5 §214. Application for registration

6 * * *

7 D. The application for registration shall be accompanied by a filing fee of
8 ~~twenty-five dollars~~, payable to the secretary of state.

9 E. In addition to said filing fee, the secretary of state shall charge and collect,
10 for the use and benefit of the state, a fee of ~~two dollars per page~~ for making and
11 issuing a copy of any document filed in his office under the provisions of this
12 Subpart, plus ~~ten dollars~~ **a fee** for sealing and certifying to the correctness thereof.
13 The additional fee, provided as aforesaid, shall not apply to the original certificate
14 of registration required by R.S. 51:215.

15 * * *

16 §216. Duration and renewal

17 A.(1) Registration of a mark hereunder shall be effective for a term of ten
18 years from the date of registration and, upon application filed within six months prior
19 to the expiration of such term, on a form to be furnished by the secretary of state, the
20 registration may be renewed for a like term. A renewal fee of ~~twenty-five dollars~~
21 payable to the secretary of state shall accompany the application for renewal of the
22 registration.

23 * * *

24 §217. Assignment

25 * * *

26 B. Assignment shall be by instruments in writing duly executed and may be
27 recorded with the secretary of state upon the payment of a fee of ~~twenty-five dollars~~,
28 payable to the secretary of state who, upon recording of the assignment, shall issue
29 in the name of the assignee a new certificate for the remainder of the term of the

1 registration or of the last renewal thereof. An assignment of any registration under
2 this Subpart shall be void as against any subsequent purchaser for valuable
3 consideration without notice, unless it is recorded with the secretary of state within
4 three months after the date thereof or prior to such subsequent purchase.

5 Section 5. R.S. 9:2447 and 3410 are hereby repealed.

6 Section 6. R.S. 12:171, 263, 469, and 1364 are hereby repealed.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Alan Miller.

DIGEST

Present law establishes certain fees payable to the secretary of state.

Present law requires a \$100 application fee for registered LLPs.

Proposed law allows the sec. of state to set the application fee for registered LLPs.

Present law requires a \$10 fee in order to reserve a corporate name.

Proposed law allows the sec. of state to set the fee in order to reserve a corporate name.

Present law requires a \$5 filing fee to accompany the filing of a corporation's annual report.

Proposed law allows the sec. of state to set the fee that accompanies the filing of a corporation's annual report.

Present law requires a \$50 fee to accompany the filing and recordation of certain corporate certificates.

Proposed law allows the sec. of state to set the fee accompanying the filings and recordation of certain corporate certificates.

Present law requires the sec. of state to charge a \$10 fee for certified copies of certain corporate documents and \$5 for corporate certificates.

Proposed law allows the sec. of state to set the fee for certified copies of certain corporate documents and corporate certificates.

Present law requires the sec. of state to charge a \$5 fee for making, issuing and sealing other corporate certificates. For certificates regarding registered agents, registered offices, and appointment of officers and directors, the fee is \$10. For certification of annual reports, the fee is up to \$12.

Proposed law allows the sec. of state to set the fees for making, issuing and sealing other corporate certificates.

Present law requires the sec. of state to charge a \$35 fee for the filing of certain corporate articles.

Proposed law allows the sec. of state to set the fee for certain services.

Present law requires the sec. of state to charge a \$5 fee for the annual registration of conductors of public opinion polls.

Proposed law allows the sec. of state to set the fee for the annual registration of conductors of public opinion polls.

Present law requires the sec. of state to charge a filing fee of \$25 to accompany trademark registration, renewals and assignments, a \$2 per page copy charge relative to trademark registration, and a \$10 fee for sealing and certifying the correctness of such trademark filings.

Proposed law allows the sec. of state to set the fees relative to trademark registration, renewals and assignments, copies, and certification.

Present law requires the sec. of state to charge a \$10 fee for registering or furnishing information regarding wills.

Proposed law repeals such requirements.

Present law requires the sec. of state to charge certain fees for certain partnership filings.

Proposed law repeals such requirements.

Present law requires the sec. of state to charge a \$50 fee for the filing of certain corporation documents and proceedings.

Proposed law repeals such requirements.

Present law requires the sec. of state to charge a \$50 fee for the filing of certain non-profit corporation documents and proceedings.

Proposed law repeals such requirements.

Present law requires the sec. of state to charge a \$50 fee for the filing of certain Seafood Marketing Assoc. corporation documents and proceedings.

Proposed law repeals such requirements.

Present law requires the sec. of state to charge certain fees to accompany various LLP document filings.

Proposed law repeals such requirements.

Effective August 15, 2008.

(Amends R.S. 9:3432(C), R.S. 12:23(G)(2)(b), 205.1(B), 316, and 419(A), R.S. 14:325(A), and R.S. 51:214(D) and (E), 216(A)(1) and 217(B); repeals R.S. 9:2447 and 3410, and R.S. 12:171, 263, 469 and 1364)