

State of South Dakota

EIGHTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2013

400U0140

HOUSE JUDICIARY ENGROSSED NO. **HB 1163** 01/28/2013

Introduced by: Representatives Lust, Cronin, Feinstein, Gosch, Johns, Mickelson, Stevens,
and Westra and Senators Rave, Brown, Olson (Russell), and Tieszen

1 FOR AN ACT ENTITLED, An Act to revise certain provisions related to the filing of the
2 certificate of limited partnerships.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 48-7-206 be amended to read as follows:

5 48-7-206. ~~An~~ The original ~~and one exact or conforming copy of~~ a certificate of limited
6 partnership or of any certificate of amendment or cancellation, or of any judicial decree of
7 amendment or cancellation, shall be delivered to the secretary of state. A person who executes
8 a certificate as an agent or fiduciary need not exhibit evidence of ~~his~~ the person's authority as
9 a prerequisite to filing. Unless the secretary of state finds that any certificate does not conform
10 to law, upon receipt of all filing fees required by law ~~he~~ the secretary of state shall:

- 11 (1) Endorse on the original ~~and the copy~~ the word, "Filed", and the day, month, and year
12 of the filing thereof; and
- 13 (2) File the original in ~~his~~ the office; and
- 14 (3) Return ~~the~~ a copy to the person who filed it or ~~his~~ the person's representative.



1 Upon the filing of a certificate of amendment or judicial decree of amendment in the Office
2 of the Secretary of State, the certificate of limited partnership ~~shall be~~ is amended as ~~set forth~~
3 ~~therein, and upon~~ provided in the certificate. Upon the effective date of a certificate of
4 cancellation, or a judicial decree thereof, the certificate of limited partnership is cancelled.

5 Delivery of a certificate may be filed by electronic transmission as permitted by the Office
6 of the Secretary of State. If the certificate is filed in a typewritten or printed form and not
7 transmitted electronically, the Office of the Secretary of State may require one exact or
8 conforming copy of the certificate to be delivered with the original certificate.