

Topic: Filing Fee Change Authority

Question by: Yusif Gasimov

Jurisdiction: District of Columbia

Date: 15 November 2010

Jurisdiction	Question(s)
	Does your agency head (Director, Secretary, etc.) have the authority to raise/adjust corporate filings fees through rulemaking without legislative approval?
Manitoba	In Manitoba our fees aren't set by statute, but by "regulation" (equivalent, possibly, to "rule-making"). These regulations have to be approved by my government's Cabinet.
Corporations Canada	
Alabama	
Alaska	
Arizona	Fees in Arizona have to be raised by the legislature, except for expedite fees which the Corporation Commissioners can raise with a super majority--4 out of 5.
Arkansas	All filing fees in Arkansas are approved by the state legislature pursuant to statute.
California	Corporate filing fees in California are set in statute and require legislative approval to change.
Colorado	We can change our business filing fees without statutory changes or rule-making. However, by statute, our fees must be set so that the fees cover costs.
Connecticut	Fees are statutory in Connecticut. There is hybrid agency/legislature authority to set the fee for expedited processing, but that is about it. By hybrid, I mean that there is a statute that permits the Secretary to adopt and set a fee for expedited processing of filings, which used to be \$25 per item. However, in September 2009 the legislature raised almost all fees across the board at almost every agency (effective October 1, 2009), as a means of dealing with our state's fiscal crisis. On that occasion, the legislature's fiscal arm informed our agency that the expedited filing fee would need to be doubled along with most of our other fees, which are set by statute. Statutes were amended to double each statutory fee for each filing type and for each entity type. Our expedited fee is now \$50 per filing, although the statute authorizing the Secretary to set the expedited fee does not explicitly state \$50. Thus, the term "hybrid" authority.
Delaware	
District of	

Columbia	
Florida	Fees in Florida are set by the legislature and can only be changed by the legislature.
Georgia	Georgia's fees are based in statute with the exception of the expedite fee which is rule based. The statutory fees require legislative approval for changes; the rules based fees do not.
Hawaii	Hawaii Revised Statutes ("HRS") Chapter 92-28 provides that fees charged by a government agency, with the approval of the governor, may be increased or decreased in an amount not to exceed 50% of the statutorily assessed fee.
Idaho	Corporate filing fees in Idaho are statutory. They may only be raised by approval of the legislature.
Illinois	No, Business service fees are set by the General Assembly in Illinois
Indiana	
Iowa	
Kansas	Some fees are set by legislation, but we have authority in our Rules and Regulations, to increase fees. Any changes to the Rules and Regs must go through an approval process involving the Attorney General's office and a Rules and Regs board.
Kentucky	
Louisiana	Filing fees in Louisiana are set by the Legislature.
Maine	Maine's corporate filing fees are set in statute and approved by the legislature.
Maryland	
Massachusetts	
Michigan	Michigan does not.
Minnesota	
Mississippi	
Missouri	Missouri's fees are set by statute. the office has no ability to adjust any fee.
Montana	The Montana Secretary of State has the authority to raise/adjust corporate filings fees through rulemaking. Approval by the legislature is not required.
Nebraska	
Nevada	
New Hampshire	About 98% of our fees are set by Legislature, there are only a handful the we are permitted to set internally.
New Jersey	
New Mexico	
New York	In NY corporate filing fees are in statute and can only be amended by the Legislature.
North Carolina	
North Dakota	North Dakota's corporate filing fees are set in statute and require legislative action to change them.
Ohio	No, filing fees are set in the Ohio Revised Code, and are only increased by a legislative act.
Oklahoma	Oklahoma does not. It must be raised/adjusted thru legislation.
Oregon	Oregon's filing fees are in statute.
Pennsylvania	All filing fees in the Commonwealth of Pennsylvania are approved by the state legislature pursuant to statute.
Rhode Island	Rhode Island requires a legislative act to raise or adjust filing fees.
South Carolina	

South Dakota	
Tennessee	
Texas	Fees for corporate filings are set by the Texas legislature.
Utah	
Vermont	
Virginia	
Washington	Currently, Washington law requires the legislature's approval on fee increases, whether in rule or statute. They don't usually require approval on decreases.
West Virginia	
Wisconsin	
Wyoming	Most filing fees in Wyoming are set by statute. However, other fees may be set by rule but fees shall not exceed the cost of providing the services.

Additional comments:

Full text of email:

Dear Corporate Registrars,

I have a quick question:

1 Do your agency head (Director, Secretary, etc.) have the authority to raise/adjust corporate filings fees through rulemaking without legislative approval?

Thank you for your time,

Sincerely,
 Yusif Gasimov, MPA, CP,
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