

SENATE BILL NO. 112—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE SECRETARY OF STATE)

FEBRUARY 13, 2003

Referred to Committee on Government Affairs

SUMMARY—Makes various changes to provisions relating to Secretary of State. (BDR 18-557)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to the Secretary of State; revising the date on which a record is deemed to be filed with the Secretary of State; revising the fees charged for certain services provided by the Secretary of State; requiring the Secretary of State to post a schedule of certain fees; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** NRS 225.085 is hereby amended to read as follows:
2 225.085 ~~[A]~~
3 ***1. Except as otherwise provided by specific statute, a*** record
4 shall be deemed to be filed with the Secretary of State ~~[#]~~ *when* it is
5 placed in the care, custody and control of the Office of the Secretary
6 of State ~~[. Such a]~~ *and the Secretary of State determines that the*
7 *record:*
8 ***(a) Is accompanied by the appropriate filing fee, if applicable;***
9 ***and***
10 ***(b) Meets all other applicable requirements for filing.***
11 **2.** A record *that is filed with the Secretary of State* may be
12 disposed of only in accordance with a schedule for retention and
13 disposition approved by the Committee to Approve Schedules for



1 the Retention and Disposition of Official State Records pursuant to
2 procedures set forth in NRS 239.080.

3 **Sec. 2.** NRS 225.140 is hereby amended to read as follows:

4 225.140 1. Except as otherwise provided in subsection 2, in
5 addition to other fees authorized by law, the Secretary of State shall
6 charge and collect the following fees:

7
8 ~~For a copy of any law, joint resolution, transcript~~
9 ~~of record, or other paper on file or of record in~~
10 ~~his office, other than a document required to be~~
11 ~~filed pursuant to title 24 of NRS, per page \$1.00~~

12 ~~For a copy of any document required to be filed~~
13 ~~pursuant to title 24 of NRS, per page50]~~

14 For certifying to ~~[any such]~~ a copy of any law,
15 joint resolution, transcript of record or other
16 paper on file or of record with the Secretary of
17 State, including, but not limited to, a document
18 required to be filed pursuant to title 24 of
19 NRS, and use of the state seal, for each
20 impression ~~[10.00]~~ \$20.00

21 For each passport or other document signed by the
22 Governor and attested by the Secretary of State 10.00

23 ~~[For a negotiable instrument returned unpaid 10.00]~~

24
25 2. The Secretary of State:

26 (a) Shall charge a reasonable fee for searching records and
27 documents kept in his office ~~[]~~, including, but not limited to,
28 records and documents that are stored on a computer database.

29 (b) May charge or collect any filing or other fees for services
30 rendered by him to the State of Nevada, any local governmental
31 agency or agency of the Federal Government, or any officer thereof
32 in his official capacity or respecting his office or official duties.

33 (c) May not charge or collect a filing or other fee for:

34 (1) Attesting extradition papers or executive warrants for
35 other states.

36 (2) Any commission or appointment issued or made by the
37 Governor, either for the use of the state seal or otherwise.

38 (d) May charge a reasonable fee, not to exceed:

39 (1) Five hundred dollars, for providing service within 2 hours
40 after the time the service is requested; and

41 (2) One hundred dollars, for providing any other special
42 service, including, but not limited to, providing service more than 2
43 hours but within 24 hours after the time the service is requested,
44 accepting documents filed by facsimile machine and other use of
45 new technology.



1 (e) Shall charge ~~[a fee, not to exceed the actual cost to the~~
2 ~~Secretary of State, for providing:]~~

3 ~~———— (1) A copy of any record kept in his office that is stored on a~~
4 ~~computer or on microfilm if the copy is provided on a tape, disc or~~
5 ~~other medium used for the storage of information by a computer or~~
6 ~~on duplicate film.~~

7 ~~———— (2) Access to his computer database on which records are~~
8 ~~stored.] a person, for each check or other negotiable instrument~~
9 ~~returned to the Office of the Secretary of State because the person~~
10 ~~had insufficient money or credit with the drawee to pay the check~~
11 ~~or other instrument or because the person stopped payment on the~~
12 ~~check or other instrument, a fee of \$25 or the direct cost incurred~~
13 ~~by the Office of the Secretary of State in processing the check or~~
14 ~~other instrument, whichever is greater.~~

15 3. From each fee collected pursuant to paragraph (d) of
16 subsection 2:

17 (a) The entire amount or \$50, whichever is less, of the fee
18 collected pursuant to subparagraph (1) of that paragraph and ~~[half]~~
19 *one-half* of the fee collected pursuant to subparagraph (2) of that
20 paragraph must be deposited with the State Treasurer for credit to
21 the Account for Special Services of the Secretary of State in the
22 State General Fund. Any amount remaining in the Account at the
23 end of a fiscal year in excess of \$2,000,000 must be transferred to
24 the State General Fund. Money in the Account may be transferred to
25 the Secretary of State’s operating general fund budget account and
26 must only be used to create and maintain the capability of the Office
27 of the Secretary of State to provide special services, including, but
28 not limited to, providing service:

- 29 (1) On the day it is requested or within 24 hours; or
- 30 (2) Necessary to increase or maintain the efficiency of the
31 Office.

32 Any transfer of money from the Account for expenditure by the
33 Secretary of State must be approved by the Interim Finance
34 Committee.

35 (b) After deducting the amount required pursuant to paragraph
36 (a), the remainder must be deposited with the State Treasurer for
37 credit to the State General Fund.

38 ***4. The Secretary of State shall post a schedule of the fees***
39 ***authorized to be charged pursuant to this section in a conspicuous***
40 ***place at each office at which such fees are collected.***

41 **Sec. 3.** NRS 238.100 is hereby amended to read as follows:

42 238.100 1. Except as provided in subsections 2 and 4, or by
43 specific statute, any document or payment required or permitted by
44 law or regulation to be filed or made by mailing to the State or any
45 of its agencies or political subdivisions shall be deemed filed or



1 made on the date of the postmark dated by the post office on the
2 envelope in which it was mailed.

3 2. If a document or payment was mailed but not received by
4 the addressee or was received but the postmarked date is illegible or
5 omitted, the document or payment shall be deemed filed or made on
6 the date it was mailed, if the sender:

7 (a) Establishes by a postal receipt for registered or certified mail
8 that the mailing date was on or before the required date for filing or
9 payment; and

10 (b) Where the document or payment was not received, files a
11 duplicate of the contents of the envelope within 15 days after he
12 becomes aware that it was not received.

13 3. For the purposes of this section, if the required date for filing
14 or making payment is a Saturday, Sunday or legal holiday, the filing
15 or payment is timely if performed on the next day which is not a
16 Saturday, Sunday or legal holiday.

17 4. This section does not apply to the filing of documents
18 ~~under~~ pursuant to *NRS 225.085* or title 24 of NRS.

19 **Sec. 4.** This act becomes effective on July 1, 2003.

