

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 adopt certain regulations; 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 ~~if~~ ***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 **3. The Secretary of State shall adopt regulations to define**
4 **"care, custody and control" for the purposes of subsection 1.**

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

6 225.140 1. Except as otherwise provided in subsection 2, in
7 addition to other fees authorized by law, the Secretary of State shall
8 charge and collect the following fees:
9

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

14 ~~For a copy of any document required to be filed~~
15 ~~pursuant to title 24 of NRS, per page..... .50]~~

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

23 For each passport or other document signed by the
24 Governor and attested by the Secretary of State..... 10.00

25 ~~For a negotiable instrument returned unpaid 10.00]~~

26
27 2. The Secretary of State:

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

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

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

36 (1) Attesting extradition papers or executive warrants for
37 other states.

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

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

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

43 (2) One hundred dollars, for providing any other special
44 service, including, but not limited to, providing service more than 2
45 hours but within 24 hours after the time the service is requested,



1 accepting documents filed by facsimile machine and other use of
2 new technology.

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

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

9 ~~----- (2) Access to his computer database on which records are~~
10 ~~stored.] a person, for each check or other negotiable instrument~~
11 ~~returned to the Office of the Secretary of State because the person~~
12 ~~had insufficient money or credit with the drawee to pay the check~~
13 ~~or other instrument or because the person stopped payment on the~~
14 ~~check or other instrument:~~

15 (1) A fee of \$25; and

16 (2) *If the check or other instrument that was returned had*
17 *been presented for the payment of a filing fee for more than one*
18 *entity, an additional fee in an amount equal to the actual cost*
19 *incurred by the Office of the Secretary of State to perform the*
20 *following actions as a result of the returned check or instrument:*

21 (I) *Reversing the status of the entities in the records of*
22 *the Office of the Secretary of State; and*

23 (II) *Recouping any fees charged for services rendered*
24 *by the Office of the Secretary of State to the entities, including,*
25 *without limitation, fees charged for providing service pursuant to*
26 *paragraph (d), providing copies or issuing certificates.*

27 *The Secretary of State shall, by regulation, establish procedures*
28 *for the imposition of the fees authorized by this paragraph and the*
29 *manner in which a fee authorized by subparagraph (2) will be*
30 *calculated.*

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

33 (a) The entire amount or \$50, whichever is less, of the fee
34 collected pursuant to subparagraph (1) of that paragraph and ~~[half]~~
35 *one-half* of the fee collected pursuant to subparagraph (2) of that
36 paragraph must be deposited with the State Treasurer for credit to
37 the Account for Special Services of the Secretary of State in the
38 State General Fund. Any amount remaining in the Account at the
39 end of a fiscal year in excess of \$2,000,000 must be transferred to
40 the State General Fund. Money in the Account may be transferred to
41 the Secretary of State's operating general fund budget account and
42 must only be used to create and maintain the capability of the Office
43 of the Secretary of State to provide special services, including, but
44 not limited to, providing service:

45 (1) On the day it is requested or within 24 hours; or



1 (2) Necessary to increase or maintain the efficiency of the
2 Office.

3 Any transfer of money from the Account for expenditure by the
4 Secretary of State must be approved by the Interim Finance
5 Committee.

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

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

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

13 238.100 1. Except as provided in subsections 2 and 4, or by
14 specific statute, any document or payment required or permitted by
15 law or regulation to be filed or made by mailing to the State or any
16 of its agencies or political subdivisions shall be deemed filed or
17 made on the date of the postmark dated by the post office on the
18 envelope in which it was mailed.

19 2. If a document or payment was mailed but not received by
20 the addressee or was received but the postmarked date is illegible or
21 omitted, the document or payment shall be deemed filed or made on
22 the date it was mailed, if the sender:

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

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

29 3. For the purposes of this section, if the required date for filing
30 or making payment is a Saturday, Sunday or legal holiday, the filing
31 or payment is timely if performed on the next day which is not a
32 Saturday, Sunday or legal holiday.

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

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

