

Fifty-fifth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1235

Introduced by

Representative Wardner

1 A BILL for an Act to amend and reenact sections 54-09-02 and 54-09-04 of the North Dakota
2 Century Code, relating to the duties of and fees charged by the secretary of state.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 54-09-02 of the 1995 Supplement to the North
5 Dakota Century Code is amended and reenacted as follows:

6 **54-09-02. Duties of secretary of state.** In addition to the duties prescribed by the
7 constitution, the secretary of state shall:

- 8 1. ~~Attend every session of the legislative assembly for the purpose of receiving~~
9 Receive bills and resolutions ~~therefrom~~ from every session of the legislative
10 assembly, and shall perform such other duties as may devolve upon the secretary
11 of state by resolution of the two houses, or either of them.
- 12 2. Keep a register of and attest the official acts of the governor.
- 13 3. Affix the great seal with the secretary of state's attestation to commissions and
14 other public instruments to which the official signature of the governor is required.
- 15 4. ~~Record in proper books~~ and maintain records of all conveyances made to the state
16 and all articles of incorporation filed in the secretary of state's office.
- 17 5. ~~Receive and record in the proper books~~ Record and maintain records of the official
18 bond of any state official who furnishes in lieu of the bond furnished by the state
19 bonding fund a bond by a duly authorized surety company.
- 20 6. ~~Take and file receipts~~ Maintain records for all books distributed by the secretary of
21 state and direct the county auditor of each county to do the same as provided by
22 law.

7. Furnish on demand to persons paying the fees therefor a certified copy of all or any part of any law, record, or other instrument filed, deposited, or recorded in the secretary of state's office.
8. ~~Keep a fee book in which must be entered~~ records of all the fees, commissions, and compensation of whatever nature or kind earned, collected, or charged by the secretary of state, with the date, name of payor, and the nature of the services in each case. ~~The book must be verified annually by affidavit of the secretary of state entered therein.~~
9. Biennially report to the governor with copies filed in the secretary of state's office as prescribed by section 54-06-04 all moneys received from any source for services performed, and accompany ~~such~~ the report with a detailed statement under oath of the manner in which the appropriations for the secretary of state's office have been expended during the preceding two fiscal years.
10. Immediately after the laws, resolutions, and journals of the legislative assembly are bound, distribute the laws, resolutions, and journals to the persons entitled thereto by law or rules of the senate and house of representatives.
11. ~~Keep a registry~~ records of cities as prescribed by law.
12. Indicate on each bill passed by the legislative assembly the date of filing in the secretary of state's office.
13. Perform all other duties as are prescribed by law.

SECTION 2. AMENDMENT. Section 54-09-04 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-09-04. Fees. The secretary of state, unless otherwise provided by law, shall charge and collect the following fees:

1. For a copy of any law, resolution, record, or other document or paper on file in the secretary of state's office, one dollar for every four pages or fraction thereof.
2. For affixing the signature of the secretary of state, certificate, or seal, or combination thereof to any document, ten dollars.
3. For filing a certificate of appointment of attorney, five dollars.
4. For any other document signed by the governor, except a commission, and attested by the secretary of state, five dollars.

1 5. For searching records and archives of the state, five dollars. For the purposes of
2 this section, a search of records conducted by the secretary of state for which a fee
3 must be collected includes the following:

4 a. A search of a filed document that is active or archived, an archived index, or
5 an index of business name changes to identify specific information to satisfy a
6 request;

7 b. A search of any record for which written verification of the facts of the search
8 is required; and

9 c. For every search of records when the request for the search is contained in a
10 list compiled by the requester.

11 The secretary of state may provide, at no charge, information from publications or
12 reference materials published or maintained by the secretary of state and verbal
13 confirmation of any element of information maintained in a computer data base.

14 6. For filing any paper not otherwise provided for, ten dollars.

15 7. For filing utility property transfers, five dollars, and issuing a certificate of filing, five
16 dollars.

17 8. For sending a copy of a document by electronic transmission, one dollar for each
18 page.

19 9. For filing any process, notice, or demand for service, twenty dollars.

20 10. For preparing any listing or compilation of any information recorded or filed in the
21 office of the secretary of state, thirty-five dollars plus the actual cost for assembling
22 and providing the information on the medium requested.

23 No member of the legislative assembly, and no state or county officer may be charged for any
24 search relative to matters appertaining to duties of office, nor be charged any fee for a certified
25 copy of any law or resolution passed by the legislative assembly relative to the person's official
26 duties. All fees when collected must be paid by the secretary of state into the state treasury at
27 the end of each month and placed to the credit of the state. Unless otherwise provided by
28 ~~statute~~ law, the secretary of state shall retain a handling charge from filing fees tendered when
29 a document submitted to the secretary of state under any law is rejected and not perfected.

30 The handling charge is five dollars or fifty percent of the filing fee, whichever is greater, but may
31 not exceed one hundred dollars. This section does not apply to fees submitted for filing in, or

- 1 information obtained from, the computerized central notice system, to the computerized Uniform
- 2 Commercial Code central filing data base, or to the computerized statutory liens data base.