

Introduced by

Government and Veterans Affairs Committee

(At the request of the Secretary of State)

1 A BILL for an Act to create and enact a new section to chapter 54-09 of the North Dakota
2 Century Code, relating to fees to be paid to the secretary of state by government officials when
3 performing their duties; and to amend and reenact sections 54-09-04 and 54-09-07 of the North
4 Dakota Century Code, relating to fees charged by and service of process on the secretary of
5 state.

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

7 **SECTION 1. AMENDMENT.** Section 54-09-04 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **54-09-04. Fees.** The secretary of state, unless otherwise provided by law, shall charge
10 and collect the following fees:

- 11 1. For a copy of any law, resolution, record, or other document or paper on file in the
12 secretary of state's office, one dollar for every four pages or fraction thereof.
- 13 2. For affixing the signature of the secretary of state, certificate, or seal, or
14 combination thereof to any document, ten dollars.
- 15 3. For filing a certificate of appointment of attorney, five dollars.
- 16 4. For searching records and archives of the state, five dollars. For the purposes of
17 this section, a search of records conducted by the secretary of state for which a
18 fee must be collected includes the following:
 - 19 a. A search of a filed document that is active or archived, an archived index, or
20 an index of business name changes to identify specific information to satisfy a
21 request;
 - 22 b. A search of any record for which written verification of the facts of the search
23 is required; and

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

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

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

6. For filing utility property transfers, five dollars, and issuing a certificate of filing, five dollars.

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

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

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

~~A member of the legislative assembly or a state or county officer may not be charged for any search relative to matters appertaining to duties of office, any fee for a certified copy of any law or resolution passed by the legislative assembly relative to the individual's official duties, or for filing any process, notice, or demand for service.~~ An individual required to file an oath of office with the secretary of state may not be charged for filing the oath of office, nor may a state or county officer be charged for filing any document with the secretary of state when acting in the officer's official capacity. All fees when collected must be paid by the secretary of state into the state treasury at the end of each month and placed to the credit of the state. Unless otherwise provided by law, the secretary of state shall retain a handling charge from filing fees tendered when a document submitted to the secretary of state under any law is rejected and not perfected. The handling charge is five dollars or fifty percent of the filing fee, whichever is greater, but may not exceed one hundred dollars. This section does not apply to fees submitted for filing in, or information obtained from, the computerized central notice system, to the computerized Uniform Commercial Code central filing data base, or to the computerized statutory liens data base.

SECTION 2. A new section to chapter 54-09 of the North Dakota Century Code is created and enacted as follows:

1 **Exception from fees.** A member of the legislative assembly or a state or county office
2 may not be charged by the secretary of state for any search relative to matters appertaining to
3 duties of office, any fee for a certified copy of any law or resolution passed by the legislative
4 assembly relative to the individual's official duties, or for filing any process, notice, or demand
5 for service relative to the individual's official duties.

6 **SECTION 3. AMENDMENT.** Section 54-09-07 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **54-09-07. Service of process on secretary of state if agent not found - Procedure**
9 **- Time for answering process.** If an agent other than the secretary of state has been
10 appointed for receipt of service, but the affidavit of a sheriff or of an adult who is not a party to a
11 proceeding establishes that diligent inquiry has been made and that personal service cannot be
12 accomplished upon any registered agent, officer, or superintending, managing, or general
13 agent of an entity, then the secretary of state may be deemed the agent of the entity for
14 receiving service of process. Service on the secretary of state must be made by registered
15 mail or personal delivery to the secretary of state and not by electronic communication. The
16 party serving process, notice, or demand must provide a copy of the affidavit of a sheriff or of
17 an adult who is not a party to the proceeding that service cannot be accomplished and must file
18 with the secretary of state ~~an original and two~~ three copies of the process, notice, or demand,
19 together with the fees required by section 54-09-04. Service on the secretary of state
20 constitutes personal service on the entity. The secretary of state shall immediately forward a
21 copy of the sheriff or other adult's affidavit and of the process, notice, or demand by registered
22 mail addressed to the entity to be served at its registered office or last address on file with the
23 secretary of state. Notwithstanding a shorter period of time specified in the process, notice, or
24 demand, the entity has thirty days after the secretary of state receives the documents to
25 respond to the process, notice, or demand.