

HOUSE BILL NO. 1356

Introduced by

Representatives Clark, Haas, Herbel, Koppang, Pollert

Senator Flakoll

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

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

4 **SECTION 1. AMENDMENT.** Section 54-09-04 of the 1997 Supplement to the North
5 Dakota Century Code is amended and reenacted as follows:

6 **54-09-04. Fees.** The secretary of state, unless otherwise provided by law, shall charge
7 and collect the following fees:

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

Fifty-sixth
Legislative Assembly

- 1 The secretary of state may provide, at no charge, information from publications or
2 reference materials published or maintained by the secretary of state and verbal
3 confirmation of any element of information maintained in a computer data base.
- 4 6. For filing any paper not otherwise provided for, ten dollars.
- 5 7. For filing utility property transfers, five dollars, and issuing a certificate of filing, five
6 dollars.
- 7 8. For sending a copy of a document by electronic transmission, one dollar for each
8 page.
- 9 9. For filing any process, notice, or demand for service, twenty dollars.
- 10 10. For preparing any listing or compilation of any information recorded or filed in the
11 office of the secretary of state, thirty-five dollars plus the actual cost for assembling
12 and providing the information on the medium requested.
- 13 ~~No~~ A member of the legislative assembly, ~~and no~~ or a state or county officer may not be
14 charged for any search relative to matters appertaining to duties of office, ~~nor be charged~~ any
15 fee for a certified copy of any law or resolution passed by the legislative assembly relative to the
16 person's official duties, or for filing any process, notice, or demand for service. All fees when
17 collected must be paid by the secretary of state into the state treasury at the end of each month
18 and placed to the credit of the state. Unless otherwise provided by law, the secretary of state
19 shall retain a handling charge from filing fees tendered when a document submitted to the
20 secretary of state under any law is rejected and not perfected. The handling charge is five
21 dollars or fifty percent of the filing fee, whichever is greater, but may not exceed one hundred
22 dollars. This section does not apply to fees submitted for filing in, or information obtained from,
23 the computerized central notice system, to the computerized Uniform Commercial Code central
24 filing data base, or to the computerized statutory liens data base.