

CHAPTER.....

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:

Section 1. NRS 225.085 is hereby amended to read as follows:
225.085 ~~[A]~~

1. Except as otherwise provided by specific statute, a record shall be deemed to be filed with the Secretary of State ~~if~~ when it is placed in the care, custody and control of the Office of the Secretary of State ~~[. Such a]~~ and the Secretary of State determines that the record:

(a) Is accompanied by the appropriate filing fee, if applicable; and

(b) Meets all other applicable requirements for filing.

2. A record that is filed with the Secretary of State may be disposed of only in accordance with a schedule for retention and disposition approved by the Committee to Approve Schedules for the Retention and Disposition of Official State Records pursuant to procedures set forth in NRS 239.080.

3. The Secretary of State shall adopt regulations to define “care, custody and control” for the purposes of subsection 1.

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

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

~~[For a copy of any law, joint resolution, transcript of record, or other paper on file or of record in his office, other than a document required to be filed pursuant to title 24 of NRS, per page \$1.00
For a copy of any document required to be filed pursuant to title 24 of NRS, per page50]~~

For certifying to ~~[any such]~~ a copy of any law, joint resolution, transcript of record or other paper on file or of record with the Secretary of State, including, but not limited to, a document required to be filed pursuant to title 24 of

NRS, and use of the state seal, for each impression ~~[\$10.00]~~ *\$20.00*
For each passport or other document signed by the Governor and attested by the Secretary of State 10.00
~~[For a negotiable instrument returned unpaid 10.00]~~

2. The Secretary of State:

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

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

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

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

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

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

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

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

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

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

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

(1) A fee of \$25; and

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

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

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

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

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

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

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

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

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

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

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

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

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

2. If a document or payment was mailed but not received by the addressee or was received but the postmarked date is illegible or

omitted, the document or payment shall be deemed filed or made on the date it was mailed, if the sender:

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

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

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

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

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