

2009 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2392

## 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2392

Senate Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: 02/12/09

Recorder Job Number: 9300

Committee Clerk Signature

*Katherine Quisenberry*

Minutes:

**Alvin Jager:** See attached testimony #1

**Senator Cook:** Regarding the bounced check. If a third party files on behalf of another party, would they not know that they filing was reversed.

**Alvin Jager:** We would be making contact with the proper individuals to make sure something didn't get screwed up.

**Senator Cook:** Is that for a contractor contracting to do work with the state?

**Alvin Jager:** For anybody doing contracting work. It has been in there for many years. Digging up things and giving it to us. No one comes looking for it; state agencies don't have any interest in it. We think that the contract that is entered in is between the contractor and the customer. No need to report it to us.

**Senator Dever:** A few years ago we moved against the bond, or threatened to.

**Alvin Jager:** A requirement to be licensed is for a \$2,500 bond. But there is not a state agency that would go after that bond.

**Senator Dever:** We contacted the end user, and they contacted the bond agency.

**Alvin Jager:** Come a long way in our administrative practices. I am happy to be able to come to you with a better way of doing things.

Page 2

Senate Government and Veterans Affairs Committee

Bill/Resolution No. 2392

Hearing Date: 2/12/09

**Senator Nelson:** What is the charge for disc?

**Alvin Jager:** \$10 for disc, \$35 to query the information.

Senator Dever closed the public hearing on SB2392

## 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No.2392

Senate Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: 02/12/09

Recorder Job Number: 9303

Committee Clerk Signature

*Katrina Quise*

### Minutes:

A motion was made by Senator Cook with a second by Senator Oehlke to move the amendments on SB2392. The motion carried 5-0. A motion was made Senator Cook with a second by Senator Nelson for a do pass as amended. The motion carried 5-0 with Senator Oehlke carrying the bill.

**FISCAL NOTE**  
**Requested by Legislative Council**  
02/16/2009

Amendment to: SB 2392

**1A. State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2007-2009 Biennium		2009-2011 Biennium		2011-2013 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
<b>Revenues</b>	\$0	\$0	\$3,700	\$0	\$3,700	\$0
<b>Expenditures</b>	\$0	\$0	\$2,500	\$0	\$2,500	\$0
<b>Appropriations</b>	\$0	\$0	\$0	\$0	\$0	\$0

**1B. County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2007-2009 Biennium			2009-2011 Biennium			2011-2013 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

**2A. Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

Section 1 is to make the fee correspond to similar fees set in law.

Section 3 relates to the fee charged a lobbyist for each additional organization represented.

Section 4 relates to fees for providing information from the agency's files, which are public record.

**B. Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Section 1 of the bill is revenue neutral.

Section 3 increases by \$10 the fee for the second and succeeding organizations registered by a lobbyist.

Section 4 of the bill is essentially revenue neutral. It changes the formula on which the fee for copies is assessed regardless of the method of transmission.

**3. State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

**A. Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

The revenue projection is only for Section 3 of the bill and is based on the history of the number of additional organizations represented in the past two legislative lobbyist registration cycles by a single lobbyist.

**B. Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

The expenditures are related to the cost of adding and maintaining each additional registration.

**C. Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

None needed.

<b>Name:</b>	Al Jaeger	<b>Agency:</b>	Secretary of State
<b>Phone Number:</b>	328-2900	<b>Date Prepared:</b>	02/16/2009

**FISCAL NOTE**  
**Requested by Legislative Council**  
01/27/2009

Bill/Resolution No.: SB 2392

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2007-2009 Biennium		2009-2011 Biennium		2011-2013 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
<b>Revenues</b>	\$0	\$0	\$3,700	\$0	\$3,700	\$0
<b>Expenditures</b>	\$0	\$0	\$2,500	\$0	\$2,500	\$0
<b>Appropriations</b>	\$0	\$0	\$0	\$0	\$0	\$0

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2007-2009 Biennium			2009-2011 Biennium			2011-2013 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

Section 1 is to make the fee correspond to similar fees set in law.

Section 2 relates to the fee charged a lobbyist for each additional organization represented.

**B. Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Section 1 of the bill is revenue neutral.

Section 2 increases by \$10 the fee for the second and succeeding organizations registered by a lobbyist.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

The revenue projection is based on the history of the number of additional organizations represented in the past two legislative lobbyist registration cycles by a single lobbyist.

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

The expenditures are related to the cost of adding and maintaining each additional registration.

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

None needed.

<b>Name:</b>	Al Jaeger	<b>Agency:</b>	Secretary of State
<b>Phone Number:</b>	328-2900	<b>Date Prepared:</b>	01/30/2009

723  
2-13-09  
1-13

PROPOSED AMENDMENTS TO SENATE BILL NO. 2392

Page 1, line 1, replace the second "and" with ", subsection 1 of section 43-07-10,"

Page 1, line 2, after "54-05.1-03" insert ", and sections 54-09-04 and 54-09-08" and after "fees" insert ", contractor license renewals,"

Page 1, line 3, remove "and" and after "fees" insert ", and fees collected by the secretary of state"

Page 2, after line 7, insert:

**"SECTION 2. AMENDMENT.** Subsection 1 of section 43-07-10 of the North Dakota Century Code is amended and reenacted as follows:

1. Any license issued under this chapter may be renewed for each successive fiscal year by obtaining from the registrar a certificate of renewal. To obtain a certificate of renewal, the licensee shall file with the registrar an application, ~~which~~ that includes a listing of each project, contract, or subcontract completed by the licensee during the preceding calendar year in this state over the amount of twenty-five thousand dollars; and the nature of the work of each project, contract, or subcontract; ~~and, if a performance bond was required, the name and address of the person who issued the bond.~~ The registrar shall within a reasonable time forward a copy of the list to the state tax commissioner. The applicant shall include with the application a copy of a certificate of liability insurance unless the registrar has a current valid certificate of insurance on file, and a certification that the applicant has submitted all payroll taxes, including North Dakota income tax, workforce safety and insurance premiums, and unemployment insurance premiums due at the time of renewal, which documents need not be notarized."

Page 2, after line 13, insert:

**"SECTION 4. AMENDMENT.** Section 54-09-04 of 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~~ fifty cents per page.
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 searching records and archives of the state, five dollars. For the purposes of this section, a search of records conducted by the secretary of state for which a fee must be collected includes the following:



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- a. A search of a filed document that is active or archived, an archived index, or an index of business name changes to identify specific information to satisfy a request;
  - b. A search of any record for which written verification of the facts of the search 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, the fee provided in section 10-01.1-03.
  9. ~~8.~~ 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.

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.

If, upon due presentment, any check, draft, money order, or other form of lawful payment provisionally accepted in payment of any filing fee authorized to be charged and collected by the secretary of state, is not honored or paid, or if no lawful form of payment accompanies the filing, any record of credit or payment must be canceled or reversed as though no credit had been given or payment attempted and the filing or action is void. The secretary of state may return to the last-known address of the filer any record or document that was attempted to be filed or may retain as unfiled the record or document for a reasonable time to permit proper payment and filing.

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 5. AMENDMENT.** Section 54-09-08 of the North Dakota Century Code is amended and reenacted as follows:

**54-09-08. Secretary of state's general services operating fund.** The secretary of state's general services operating fund is a special fund in the state treasury. Moneys in the fund are to be used pursuant to legislative appropriations for the provision of services under section 16.1-02-15, subsection 6 of section 41-09-94,

3 of 3

subsection 8 of section 54-09-04, and sections 10-35-33, 54-09-10, and 54-09-11. At the close of each biennium, the secretary of state shall transfer any unobligated balance remaining in the fund exceeding seventy-five thousand dollars to the general fund."

Renumber accordingly





**REPORT OF STANDING COMMITTEE**

**SB 2392: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2392 was placed on the Sixth order on the calendar.

Page 1, line 1, replace the second "and" with ", subsection 1 of section 43-07-10,"

Page 1, line 2, after "54-05.1-03" insert ", and sections 54-09-04 and 54-09-08" and after "fees" insert ", contractor license renewals,"

Page 1, line 3, remove "and" and after "fees" insert ", and fees collected by the secretary of state"

Page 2, after line 7, insert:

**"SECTION 2. AMENDMENT.** Subsection 1 of section 43-07-10 of the North Dakota Century Code is amended and reenacted as follows:

1. Any license issued under this chapter may be renewed for each successive fiscal year by obtaining from the registrar a certificate of renewal. To obtain a certificate of renewal, the licensee shall file with the registrar an application, ~~which that~~ that includes a listing of each project, contract, or subcontract completed by the licensee during the preceding calendar year in this state over the amount of twenty-five thousand dollars, and the nature of the work of each project, contract, or subcontract, ~~and, if a performance bond was required, the name and address of the person who issued the bond.~~ The registrar shall within a reasonable time forward a copy of the list to the state tax commissioner. The applicant shall include with the application a copy of a certificate of liability insurance unless the registrar has a current valid certificate of insurance on file, and a certification that the applicant has submitted all payroll taxes, including North Dakota income tax, workforce safety and insurance premiums, and unemployment insurance premiums due at the time of renewal, which documents need not be notarized."

Page 2, after line 13, insert:

**"SECTION 4. AMENDMENT.** Section 54-09-04 of 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~~ fifty cents per page.
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 searching records and archives of the state, five dollars. For the purposes of this section, a search of records conducted by the secretary of state for which a fee must be collected includes the following:

- a. A search of a filed document that is active or archived, an archived index, or an index of business name changes to identify specific information to satisfy a request;
  - b. A search of any record for which written verification of the facts of the search 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, the fee provided in section 10-01.1-03.
- 9- 8. 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.

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.

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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 5. AMENDMENT.** Section 54-09-08 of the North Dakota Century Code is amended and reenacted as follows:

**54-09-08. Secretary of state's general services operating fund.** The secretary of state's general services operating fund is a special fund in the state treasury. Moneys in the fund are to be used pursuant to legislative appropriations for the provision of services under section 16.1-02-15, subsection 6 of section 41-09-94, subsection 9 8 of section 54-09-04, and sections 10-35-33, 54-09-10, and 54-09-11. At the close of each biennium, the secretary of state shall transfer any unobligated balance remaining in the fund exceeding seventy-five thousand dollars to the general fund."

Renumber accordingly

2009 HOUSE GOVERNMENT AND VETERANS AFFAIRS

SB 2392



## 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. Senate Bill 2392

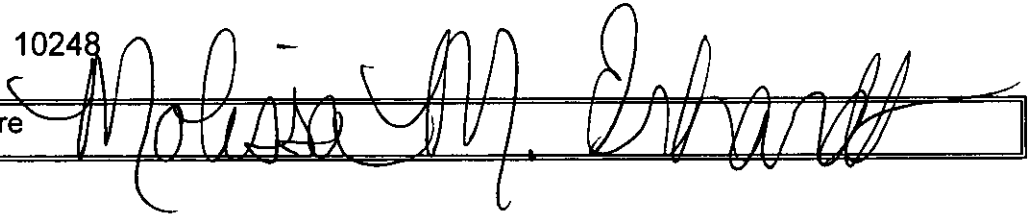
House Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: 3/5/2009

Recorder Job Number: 10248

Committee Clerk Signature



Minutes:

**Chairman Grande:** Open the hearing on SB 2392. Clerk read the title.

**Al Jaeger, Secretary of State of ND:** This bill has three purposes: 1. It is to make things easier. 2. It is to reduce bureaucracy. 3. It is to adjust a page of the appropriate service provided. Testimony. See Attachment # 1.

**Rep. Meier:** How many registered Lobbyist's do we have this year?

**Al Jaeger:** I don't know off the top of my head as to what it is today, it is close to 600. I am guessing they represent about 1300 or 1400 organizations. All I have to do is go up to the office and get the information if you want an accurate number and last session if I remember right there were over 600 and I think we were like 1400 or 1500 that were represented. In fact I might have some reference to that in our fiscal note because that (not sure what speaker said).

For the last session we had 661 lobbyists representing a 1,043 organizations and so I imagine we will end up in this session close to that.

**Rep. Froseth:** On Page 4, the new language in 13-22 if the fee is not paid or a check is written, is there a particular time involved there and the check comes back do you remove it?

**Al Jaeger:** That is what we want to do as soon as we know that there is non-payment that we can do it at that particular time. It does not happen often but when it does happen and we don't have a bill for sound basis to reverse it, it is a little frustrating.

**Rep. Kasper:** In looking at your fee increases on the top of Page 2, you are going from a dollar a page to two dollars a page that is doubling of the fee.

**Al Jaeger:** Actually there again it is the way it is calculated and it is consistent with the way we do the other things in the central indexing system. So I know it appears that there doing an increase but in reality it is revenue neutral.

**Rep. Kasper:** Is two dollars double one dollar, can you explain how it is revenue neutral, the language is pretty clear.

**Al Jaeger:** If you look at seven which is crossed out, we are crossing out a dollar per printed page and so that is where the revenue neutral comes in.

**Chairman Grande:** Does that mean that most documents or filed instruments are more than one page, is that what you are saying?

**Al Jaeger:** Yes.

**Rep. Kasper:** It looks like in Section 6 you are talking about certified copies and in Section 7 you are talking about a filed instrument, I think those are two different copies, two different documents are they not?

**Al Jaeger:** That is true Rep. Kasper, but the situation is that all of the certified copies that we have already have the fee that this has been changed to so that we have it in consistency and so that creates a little bit of an administrative concern when you are dealing with it separately and differently.

**Rep. Kasper:** If you hop over to Page 3, here again Lines 5, 6, and 7, you are going from one dollar for every four pages to 50 cents per page and that is a doubling of the fee again. Is there some nuance here I don't understand from what you are doing here?

**Al Jaeger:** If you have five pages you would be charged two dollars because it is a retraction thereof and so essentially again we are working with the fractions. So at some point that creates a little bit of an unfairness and also yes it is a slight increase from the four copies per page, but again in terms of what we are doing and what we are providing and how we are providing it this fee hasn't been changed for as long as I have been in the office so it is appropriate to address it.

**Chairman Grande:** Any other questions? Anyone wishing to speak in favor of 2392? Favor? Opposition? Opposition? Close the hearing on SB 2392.

## 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. Committee Work One 2392

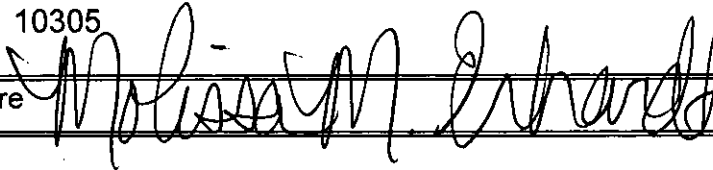
House Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: 3/5/2009

Recorder Job Number: 10305

Committee Clerk Signature



Minutes:

**Chairman Grande:** We will discuss SB 2392.

**Rep. Kasper:** Motion for a Do Pass and then I'd like to have a discussion.

**Chairman Grande:** Do I have a second?

**Vice Chairman Randy Boehning:** 2<sup>nd</sup>.

**Chairman Grande:** Motion by Rep. Kasper, 2<sup>nd</sup> by Rep. Boehning for a Do Pass.

**Chairman Grande:** Clerk will call the roll of a Do Pass.

**Clerk Erhardt:** Roll Call: Yes: 13. No: 0. Absent: 0. Carrier: Rep. Nathe.

Date: 3/5/9  
Roll Call Vote #: \_\_\_\_\_

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2392

House Government and Veterans Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass

Motion Made By Kasper Seconded By Boehning

Representatives	Yes	No	Representatives	Yes	No
Chairman Grande	✓		Rep. Amerman	✓	
Vice Chairman Boehning	✓		Rep. Conklin	✓	
Rep. Dahl	✓		Rep. Schneider	✓	
Rep. Froseth	✓		Rep. Winrich	✓	
Rep. Karls	✓		Rep. Wolf	✓	
Rep. Kasper	✓				
Rep. Meier	✓				
Rep. Nathe	✓				

Total (Yes) 13 No 0

Absent 0

Floor Assignment Rep. Nathe

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

SB 2392, as engrossed: Government and Veterans Affairs Committee (Rep. Grande, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2392 was placed on the Fourteenth order on the calendar.

2009 TESTIMONY

SB 2392

ALVIN A. JAEGER  
SECRETARY OF STATE

HOME PAGE [www.nd.gov/sos](http://www.nd.gov/sos)



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SECRETARY OF STATE  
STATE OF NORTH DAKOTA  
600 EAST BOULEVARD AVENUE DEPT 108  
BISMARCK ND 58505-0500

February 12, 2009

TO: Senator Dever, Chairman,  
and Members of the Senate Government and Veterans Affairs Committee

FR: Al Jaeger, Secretary of State

RE: SB 2392 – Fees, Contractor Bond,

Section 1, Page 2, Lines 2 and 3: The change is revenue neutral and makes the fee easier to apply and consistent with the other fees accessed in the Central Indexing System.

Section 2, Page 2, Line 12: Changes from \$5 to \$15 the fee for each additional organization registered and represented by a lobbyist.

I respectfully request the addition to the bill of the attached amendments.

On page 1, the requirement to list whether or not the contractor had to provide a performance on any contract is being removed. This office has learned that disclosure of this information has no value to any state agency or other entity. Therefore, there is no need to ask a contractor to provide it.

On page 2, the fee for copies is being changed from one dollar for every four pages or fraction therefore to fifty cents per page.

On page 3, the fee for sending a copy by electronic transmission is being removed.

On page 4, text is being added to the Century Code making it clear that a filing can be reversed or cancelled if a payment is not paid and a cite correction is made in the new Section 5.



## PROPOSED AMENDMENTS TO SB 2392

On page 1, line 1, remove the "and" after 41-09-96 and insert immediately thereafter  
",subsection 1 of section 43-07-10,"

On page 1, line 2, after 54-05.1-03 insert ",section 54-09-04, and section 54-09-08"

On page 1, line 2, after "fees", insert ",contractor license renewal requirements,"

On page 1, line 3, delete "and"

On page 1, line 3, after "fees", insert ", and fees collected by the secretary of state"

On page 2, line 8, after "**AMENDMENT.**", insert;

"Subsection 1 of Section 43-07-10 of the North Dakota Century Code is amended and reenacted to read as follows:

1. Any license issued under this chapter may be renewed for each successive fiscal year by obtaining from the registrar a certificate of renewal. To obtain a certificate of renewal, the licensee shall file with the registrar an application, which includes a listing of each project, contract, or subcontract completed by the licensee during the preceding calendar year in this state over the amount of twenty-five thousand dollars, and the nature of the work of each project, contract, or subcontract, ~~and, if a performance bond was required, the name and address of the person who issued the bond.~~ The registrar shall within a reasonable time forward a copy of the list to the state tax commissioner. The applicant shall include with the application a copy of a certificate of liability insurance unless the registrar has a current valid certificate of insurance on file, and a certification that the applicant has submitted all payroll taxes, including North Dakota income tax, workforce safety and insurance premiums, and

unemployment insurance premiums due at the time of renewal, which documents need not be notarized.

**SECTION 3.”**

Page 2, after line 13, insert:

**SECTION 4. AMENDMENT.** Section 54-09-04 of the North Dakota Century Code is amended and reenacted to read 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~~ fifty cents per page.
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 searching records and archives of the state, five dollars. For the purposes of this section, a search of records conducted by the secretary of state for which a fee must be collected includes the following:
  - a. A search of a filed document that is active or archived, an archived index, or an index of business name changes to identify specific information to satisfy a request;
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- 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, the fee provided in section 10-01.1-03.
- 9.8. 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.

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.

If, upon due presentment, any check, draft, money order, or other form of lawful payment provisionally accepted in payment of any filing fee authorized to be charged and collected by the secretary of state, is not honored or paid, or if no lawful form of payment accompanies the filing, any record of credit or payment shall be cancelled or reversed as though no credit had been given or payment attempted and the filing or action shall be null and void. Any records or documents that were attempted to be filed may be returned to the last known address of the filer, if any, or, in the discretion of the secretary of state, may be retained unfiled for a reasonable period of time in order to permit proper payment and filing.

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 5. AMENDMENT.** Section 54-09-08 of the North Dakota Century Code is amended and reenacted to read as follows:

**54-09-08. Secretary of state's general services operating fund.** The secretary of state's general services operating fund is a special fund in the state treasury. Moneys in the fund are to be used pursuant to legislative appropriations for the provision of services under section 16.1-02-15, subsection 6 of section 41-09-94, subsection ~~9~~ 8 of section 54-09-04, and sections 10-35-33, 54-09-10, and 54-09-11. At the close of each biennium, the secretary of state shall transfer any unobligated balance remaining in the fund exceeding seventy-five thousand dollars to the general fund.

Renumber accordingly.

Attachment #1

ALVIN A. JAEGER  
SECRETARY OF STATE

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BISMARCK ND 58505-0500

March 5, 2009

TO: Rep. Grande, Chairman,  
and Members of the House Government and Veterans Affairs Committee

FR: Al Jaeger, Secretary of State

RE: SB 2392 – Copy and Lobbyist Fees – Contractor Performance Bond

Section 1, Page 2, Lines 4 and 5: The change is revenue neutral and makes the fee easier to apply and makes it consistent with the other fees accessed for copies of documents provided from the agency's Central Indexing System.

Section 2, Page 2, Lines 18 and 19: The change removes the requirement for a contractor to provide information on their contractor's license renewal application as to whether or not they were required to provide a performance bond on any project they completed. The Secretary of State's office has learned that disclosure of this information on the renewal application has absolutely no value to any state agency or any other entity. Therefore, there is no reason to ask a contractor to provide information without value or benefit and which only creates unnecessary paperwork for the contractor.

Section 3, Page 2, Line 30: Changes from \$5 to \$15 the fee for each additional organization registered and represented by a lobbyist.

Section 4, Page 3, Lines 6 and 7: Instead of calculating fees for copies by a "fraction thereof" for every four pages (whether it is for one, two, three, or four pages), the fee is changed to a simple per page fee for easier and more accurate calculation.

Section 4, Page 3, Lines 27 and 28: Removes the fee for sending a copy by electronic transmission.

Section 4, Page 4, Lines 13 thru 20: Allows for the cancellation or reversal of any filing made with the Secretary of State's office for which the payment is not honored or paid.

Section 5, Page 4, Line 29: Because of the elimination of the subsection on lines 27 and 28 on page 3, the Century Code cite in N.D.C.C. § 54-09-08 must be changed.

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TO: Rep. Grande, Chairman,  
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FR: Al Jaeger, Secretary of State

RE: SB 2392 – Copy and Lobbyist Fees – Contractor Performance Bond

The following information is in response to Rep Kasper's questions this morning related to fees.

All of Section 1 pertains to copies from the agency's Central Indexing System.

On the top of page 2, lines 1 and 2 are the fees currently charged for "regular" copies. As you will note the cost is \$2.00 per page as is proposed in line 4 for a "certified" copy. There is a difference in the base fee because there is a different process between a regular and a certified copy. As it is, we only have 2 or 3 requests a year for certified copies per year.

The reason line 5 is being eliminated is because that service is no longer exists.

Nevertheless, the main concern is with the programming needed to account for the difference between \$2 a page for a regular copy and \$1 a page for a certified copy. By having both per page costs the same for Central Indexing System documents, we save a significant amount of money on programming. This is especially a factor since we provide so few certified copies per year. Therefore, it is important to have the per page fee the same.

As to the other copy fees in Section 4 of the bill on page 3, line 6. These fees have been the same for 16 years. Since we are going on line with a lot of our applications, a fraction thereof for copies for every four pages would require additional programming costs. It is also confusing for the customers. Therefore, it is better to have a simple per page cost. For example, under current law, if we provide one copy, the fee is a \$1. It isn't 25 cents.

Keep in mind the bill eliminates the \$1 per page electronic transmission fee on lines 27 and 28. It was set in 1993 and it is too high, as it pertains to today's transmitting options.

We are very careful with our fees. Most of them in our office have been the same for the past 16 years. The reason for the changes in this bill is to directly offset the cost of providing the service, which has increased over that period. That is the reason for the 50 cents per page fee and why the \$10 increase is being proposed in the lobbyist fee for adding extra organizations.