

12:8-15 et al

LEGISLATIVE HISTORY CHECKLIST

NJSA 12:8-15 et al (State, Dept. of-- change filing fees-- modernize Division of Commerical Recording)

LAWS 1987 CHAPTER 435

Bill No. S3257

Sponsor (s) Lipman

Date Introduced April 27, 1987

Committee: Assembly -----

Senate State Government; Revenue, Finance & Appropriations

Amended during passage Yes Amendments during passage denoted by asterisks.

Date of Passage: Assembly January 11, 1988

Senate December 21, 1987

Date of approval January 15, 1988

Following statements are attached if available:

Sponsor statement Yes

Committee Statement: Assembly No

Senate Yes

Fiscal Note No

Veto Message No

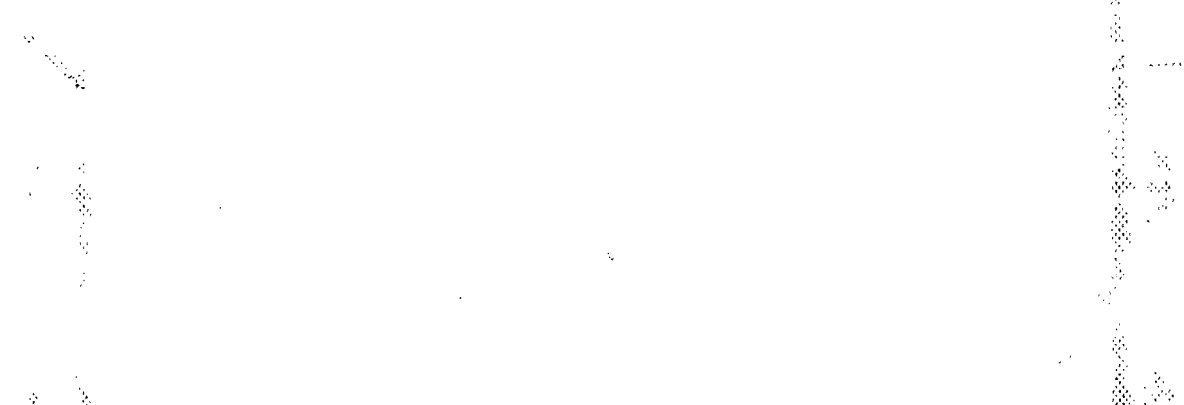
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SENATE, No. 3257

STATE OF NEW JERSEY

INTRODUCED APRIL 27, 1987

By Senator LIPMAN

Referred to Committee on State Government and Federal and
Interstate Relations and Veterans Affairs

AN ACT concerning the modernization of the Division of Commercial Recording in the Department of State ****[and]**** ***,** the ****[amount]**** ***payment*** of certain filings fees ***and the custody of certain records***, revising parts of the statutory law and making an appropriation therefor.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 *1. R. S. 12:8-15 is amended to read as follows:

2 12:8-15. Certificate of appointment as pilot. The commissioners
3 shall give to every person appointed by them as a branch pilot or
4 deputy pilot, a certificate of appointment signed by a majority of
5 them, or by their chairman, or by their direction, which cer-
6 tificate shall be presented to the **[Governor]** *Secretary of*
7 *State**[:]** **.**

1 2. R. S. 12:8-16 is amended to read as follows:

2 12:8-16. Oath of pilots. Whenever a person shall produce to the
3 Governor, or, in case of his absence from the seat of government,
4 to the Secretary of State, a certificate of appointment from the
5 commissioners, or a majority of them, the Governor or the Secre-
6 tary of State, as the case may be, shall administer to such person
7 the following oath:

8 "I, A. B., do solemnly swear (or affirm), that I will well and
9 faithfully, and according to the best of my skill and knowledge,
10 execute and discharge the business and duty of a
11 branch pilot for the bar, Jersey City, Newark, and Perth Amboy

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter printed in italics thus is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

***—Senate committee amendments adopted June 11, 1987.**

****—Senate committee amendments adopted December 17, 1987.**

12 and harbor of Sandy Hook, and that I will at all times use my
 13 best endeavors to repair on board all ships and vessels that I shall
 14 ****[set]**** ****see**** and conceive to be bound for, or coming into, or
 15 going out of the harbor aforesaid, unless I am well assured that
 16 some other licensed pilot is then on board the same; and I do
 17 further swear (or affirm), that I will, from time to time and at all
 18 times, make the best dispatch in my power to bring safely over
 19 the bar at Sandy Hook every vessel committed to my care in
 20 coming in or going out; and that I will, from time to time and at
 21 all times, truly observe, follow, and fulfill, to the best of my skill,
 22 ability, and knowledge, all such orders and directions as I shall or
 23 may receive from the commissioners of pilotage, relative to all
 24 matters or things that may appertain to the duty of a pilot."

25 *The Secretary of State shall charge a fee of \$25.00 for administer-*
 26 *ing the oath.*

1 3. R. S. 12:8-17 is amended to read as follows:

2 12:8-17. Bond and license of pilots. After a branch pilot or
 3 deputy pilot has taken the oath prescribed in section 12:8-16 of
 4 this title, the **[Governor]** *Secretary of State* shall direct the com-
 5 missioners to take bond from him in the sum of \$500.00 with two
 6 sufficient sureties to be approved by the commissioners, for the
 7 faithful discharge of his duties prescribed in this chapter. There-
 8 upon the commissioners shall deliver to the pilot a license referring
 9 to his respective branch. Every license shall be signed by the
 10 **[Governor]** *Secretary of State* and be of force during the term
 11 therein specified, or during the pilot's good behavior. Every person
 12 who shall be appointed a pilot and who shall have taken an oath
 13 and given a bond in accordance with this chapter, shall be to all
 14 intents and purposes a pilot, agreeably to the certificate of the
 15 commissioners.*

1 ***[1.]* *4.*** N. J. S. 12A:9-403 is amended to read as follows:

2 12A:9-403. (1) Presentation for filing of a financing statement,
 3 tender of the filing fee and acceptance of the statement by the
 4 filing officer constitutes filing under this chapter.

5 (2) Except as provided in subsection (6) a filed financing state-
 6 ment is effective for a period of five years from the date of filing.
 7 The effectiveness of a filed financing statement lapses on the
 8 expiration of the five-year period unless a continuation statement
 9 is filed prior to the lapse. If a security interest perfected by filing
 10 exists at the time insolvency proceedings are commenced by or
 11 against the debtor, the security interest remains perfected until
 12 termination of the insolvency proceedings and thereafter for a

13 period of 60 days or until expiration of the five-year period,
14 whichever occurs later. Upon lapse the security interest becomes
15 unperfected, unless it is perfected without filing. If the security
16 interest becomes unperfected upon lapse, it is deemed to have been
17 unperfected as against a person who became a purchaser or lien
18 creditor before lapse.

19 (3) A continuation statement may be filed by the secured party
20 within six months prior to the expiration of the five-year period
21 specified in subsection (2). Any such continuation statement must
22 be signed by the secured party, identify the original statement by
23 file number and state that the original statement is still effective.
24 A continuation statement signed by a person other than the secured
25 party of record must be accompanied by a separate written state-
26 ment of assignment signed by the secured party of record and
27 complying with subsection (2) of 12A:9-405, including payment of
28 the required fee.

29 Upon timely filing of the continuation statement, the effectiveness
30 of the original statement is continued for five years after the last
31 date to which the filing was effective whereupon it lapses in the
32 same manner as provided in subsection (2) unless another con-
33 tinuation statement is filed prior to such lapse. Succeeding con-
34 tinuation statements may be filed in the same manner to continue
35 the effectiveness of the original statement. The filing officer shall
36 so arrange matters by physical annexation of financing statements
37 to continuation statements or other related filings, or by other
38 means, that if he physically destroys the financing statements of
39 a period more than five years past, those which have been continued
40 by a continuation statement or which are still effective under sub-
41 section (6) shall be retained.

42 (4) Except as provided in subsection (7), a filing officer shall
43 mark each statement with a file number and with the date and hour
44 of filing and shall hold the statement or a microfilm or other photo-
45 graphic copy thereof for public inspection. In addition, the filing
46 officer shall index the statements according to the name of the debtor
47 and shall note in the index the file number and the address of the
48 debtor given in the statement. A financing statement covering
49 collateral which is or is to become a fixture or fixtures, or crops
50 growing or to be grown, shall also be indexed in the name of the
51 record owner of the realty.

52 (5) The uniform fee for filing, indexing and furnishing filing
53 data for an original or a continuation statement or any amendment
54 of either shall be ~~[\$10.00]~~ \$25.00.

55 (6) A real estate mortgage which is effective as a fixture filing
56 under subsection (6) of 12A:9-402 remains effective as a fixture
57 filing until the mortgage is released or satisfied of record or its
58 effectiveness otherwise terminates as to the real estate.

59 (7) When a financing statement covers timber to be cut or
60 covers minerals or the like (including oil and gas) or accounts
61 subject to subsection (5) of 12A:9-103, or is filed as a fixture filing,
62 it shall be filed for record and the filing officer shall index it under
63 the names of the debtor and any owner of record shown on the
64 financing statement in the same fashion as if they were the
65 mortgagors in a mortgage of the real estate described, and, to the
66 extent that the law of this State provides for indexing of mortgages
67 under the name of the mortgagee, under the name of the secured
68 party as if he were the mortgagee thereunder, or where indexing
69 is by description in the same fashion as if the financing statement
70 were a mortgage of the real estate described.

1 ***[2.]*** *5.* N. J. S. 12A:9-404 is amended to read as follows:

2 12A:9-404. (1) If a financing statement covering consumer goods
3 is filed on or after the effective date of this act, then within one
4 month or within 10 days following written demand by the debtor
5 after there is no outstanding secured obligation and no commitment
6 to make advances, incur obligations or otherwise give value, the
7 secured party must file with each filing officer with whom the
8 financing statement was filed, a termination statement to the effect
9 that he no longer claims a security interest under the financing
10 statement, which shall be identified by file number. In other cases
11 whenever there is no outstanding secured obligation and no com-
12 mitment to make advances, incur obligations or otherwise give
13 value, the secured party must on written demand by the debtor
14 send the debtor, for each filing officer with whom the financing
15 statement was filed, a termination statement to the effect that he
16 no longer claims a security interest under the financing statement,
17 which shall be identified by the filing officer's file number. A termi-
18 nation statement signed by a person other than the secured party
19 of record must be accompanied by a separate written statement of
20 assignment signed by the secured party of record and complying
21 with subsection (2) of 12A:9-405, including payment of the re-
22 quired fee. If the affected secured party fails to file such a termina-
23 tion statement as required by this subsection, or to send such a
24 termination statement within 10 days after proper demand therefor
25 he shall be liable to the debtor for \$100.00, and in addition for any
26 loss caused to the debtor by such failure.

27 (2) On presentation to the filing officer of such a termination
28 statement he must note it in the index and attach it to the original
29 financing statement.

30 If he has received the termination statement in duplicate, he
31 shall return one copy of the termination statement to the secured
32 party stamped to show the time of receipt thereof. If the filing
33 officer has a microfilm or other photographic record of the financing
34 statement, and of any related continuation statement, statement of
35 assignment and statement of release, he may remove the originals
36 from the files at any time after receipt of the termination state-
37 ment, or if he has no such record, he may remove them from the
38 files at any time after one year after receipt of the termination
39 statement.

40 (3) The uniform fee for filing, attaching and indexing a termina-
41 tion statement including sending or delivering the financing state-
42 ment shall be ~~[\$10.00]~~ \$25.00.

1 *~~[3.]~~* *6.* N. J. S. 12A :9-405 is amended to read as follows:

2 12A :9-405. (1) A financing statement may disclose an assign-
3 ment of a security interest in the collateral described in the finan-
4 cing statement by indication in the financing statement of the name
5 and address of the assignee or by an assignment itself or a copy
6 thereof on the face or back of the statement. On presentation to
7 the filing officer of such a financing statement the filing officer shall
8 mark the same as provided in 12A :9-403(4). The uniform fee for
9 filing, indexing and furnishing filing data for a financing statement
10 so indicating an assignment shall be ~~[\$10.00]~~ \$25.00.

11 (2) A secured party may assign of record all or a part of his
12 rights under a financing statement by ~~[the]~~ filing in the place where
13 the original financing statement was filed of a separate written
14 statement of assignment signed by the secured party of record and
15 setting forth the name of the secured party of record and the
16 debtor, the file number and the date of filing of the financing
17 statement and the name and address of the assignee and containing
18 a description of the collateral assigned. A copy of the assignment
19 is sufficient as a separate statement if it complies with the pre-
20 ceeding sentence. On presentation to the filing officer of such a
21 separate statement, the filing officer shall mark such separate
22 statement with the date and hour of filing. He shall note the
23 assignment on the index of the financing statement, or in the case
24 of a fixture filing, or a filing covering timber to be cut, or covering
25 minerals or the like (including oil and gas) or accounts subject to
26 subsection (5) of 12A :9-103, he shall index the assignment under

27 the name of the assignor as grantor and, to the extent that the law
 28 of this State provides for indexing the assignment of a mortgage
 29 under the name of the assignee, he shall index the assignment of
 30 the financing statement under the name of the assignee. The uni-
 31 form fee for filing, indexing and furnishing filing data about such a
 32 separate statement of assignment shall be **[\$10.00]** \$25.00. Not-
 33 withstanding the provisions of this subsection, an assignment of
 34 record of a security interest in a fixture contained in a mortgage
 35 effective as a fixture filing (subsection (6) of 12A:9-402) may be
 36 made only by an assignment of the mortgage in the manner pro-
 37 vided by the law of this State other than this act.

38 (3) After the disclosure or filing of an assignment under this
 39 section, the assignee is the secured party of record.

1 ***[4.]*** *7.* N. J. S. 12A :9-406 is amended to read as follows:

2 12A :9-406. A secured party of record may by his signed state-
 3 ment release all or a part of any collateral described in a filed
 4 financing statement. The statement of release is sufficient if it
 5 contains a description of the collateral being released, the name
 6 and address of the debtor, the name and address of the secured
 7 party, and the file number of the financing statement. A statement
 8 of release signed by a person other than the secured party of
 9 record must be accompanied by a separate written statement of
 10 assignment signed by the secured party of record and complying
 11 with subsection (2) of 12A :9-405, including payment of the re-
 12 quired fee. Upon presentation of such a statement of release to the
 13 filing officer he shall mark the statement with the hour and date of
 14 filing and shall note the same upon the index of the filing of the
 15 financing statement. The uniform fee for filing and noting such a
 16 statement of release shall be **[\$10.00]** \$25.00.

1 ***[5.]*** *8.* N. J. S. 12A :9-407 is amended to read as follows:

2 12A :9-407. Information from filing officer.

3 (1) If the person filing any financing statement, amendment,
 4 termination statement, statement of assignment, or statement of
 5 release, furnishes the filing officer a copy thereof, the filing officer
 6 shall upon request note upon the copy the file number and date and
 7 hour of the filing of the original and deliver or send the copy to such
 8 person.

9 (2) Upon request of any person, the Secretary of State may issue
 10 **[his]** a certificate showing whether there is on file on the date and
 11 hour stated therein, any presently effective financing statement
 12 naming a particular debtor and any statement of assignment
 13 thereof and if there is, giving the date and hour of filing of each

14 statement and the names and addresses of each secured party
 15 therein. The uniform fee for such a certificate shall be **[\$15.00]**
 16 *\$25.00*. Upon request the filing officer shall furnish a copy of any
 17 filed financing statement, continuation statement, termination state-
 18 ment, statement of assignment, or statement of release for a fee
 19 **[of \$1.00 per page]** *as set forth in section ****[8]**** ****11**** of*
 20 *P. L. , c. (C.) (now pending before the Legis-*
 21 *lature as this bill).*

1 ***[6.]* *9.*** N. J. S. 14A:15-2 is amended to read as follows:

2 14A:15-2. Filing fees of the Secretary of State.

3 On filing any certificate or other papers relative to corporations
 4 in the office of the Secretary of State, there shall be paid to the
 5 Secretary of State **[for the use of the State]**, filing fees as fol-
 6 lows****[, in addition to any applicable license fee]****:

7 (1) Certificate of incorporation and amendments thereto:

8 (a) for filing the original certificate of incorpora-
 9 tion **[\$50.00]** *\$100.00*

10 (b) for filing a certificate of amendment of the certifi-
 10A cate of incorporation, including any number of
 11 amendments \$50.00

12 (c) for filing a certificate of abandonment of one or
 13 more amendments of the certificate of incorpora-
 14 tion \$50.00

15 (d) for filing a certificate of merger or a certificate
 16 of consolidation \$50.00

17 (e) for filing a certificate of abandonment of a
 18 merger or consolidation \$50.00

19 (2) Restated certificate of incorporation:

20 For filing a restated certificate of incorporation,
 21 including any amendments of the certificate of
 22 incorporation concurrently adopted \$50.00

23 (3) Dissolution of corporation:

24 (a) for filing a certificate of dissolution **[\$35.00]** *\$50.00*

25 (b) **[for filing an affidavit of the publication and of**
 26 **the mailing of a notice to creditors** \$10.00

27 **(c)]** for filing a certificate of revocation of dissolution
 28 proceedings **[\$35.00]** *\$50.00*

29 (4) Admission and withdrawal of foreign corporation:

30 (a) for filing an application for a certificate of
 31 authority to transact business in this State and
 32 issuing a certificate of authority **[\$175.00]** *\$100.00*

33	(b) for filing an application for an amended certificate of authority to transact business in this State and issuing an amended certificate of authority	\$50.00
34		
35		
36		
37	(c) for filing an application for withdrawal from this State and issuing a certificate of withdrawal	\$50.00
38		
39		
40	(d) for filing a certificate of change of post-office address to which process may be mailed by the Secretary of State	\$25.00
41		
42		
43	(e) for filing a certificate, order or decree with respect to the dissolution of a foreign corporation, the termination of its existence, or the cancellation of its authority, and issuing a certificate of withdrawal	\$50.00
44		
45		
46		
47		
48	(5) Registered office and registered agent:	
49	(a) for filing a certificate of change of address of registered office, or change of registered agent, or both	\$10.00
50		
51		
52	(b) for filing a certificate of change of address of registered agent, where such certificate effects a change in the address of the registered office of one or more corporations, for each corporation named in the certificate	\$10.00
53		
54		
55		
56		
57	(c) for filing an affidavit of resignation of a registered agent	\$10.00
58		
59	(6) Annual report:	
60	For each such report required to be filed ..	[\$15.00] \$20.00
61	(7) Tax clearance certificate from the Director of the Division of Taxation:	
62		
63	For each such certificate required to be filed	[\$15.00] \$20.00
64		
1	* [7.] * *10.* N. J. S. 14A:15-3 is amended to read as follows:	
2	14A:15-3. The Secretary of State shall also charge and collect	
3	for:	
4	(1) filing an application to reserve a specified corporate name and issuing a certificate of reservation	[\$25.00] \$50.00
5		
6		
7	if application is for the first name available for corporate use among not more than three specified names	[\$25.00] \$50.00
8		
9		
10	(2) filing a notice of transfer of a reserved corporate name	\$25.00
11		

12	(3) filing an application by a foreign corporation to	
13	register its corporate name	\$50.00
14	(4) filing an application by a foreign corporation to	
15	renew the registration of its corporate	
16	name	\$50.00
17	(5) filing a statement of cancellation of shares	\$50.00
18	(6) filing a statement of reduction of stated	
19	capital	\$50.00
20	(7) filing a certificate as to the acquisition of the	
21	shares or a class of shares of a domestic cor-	
22	poration	\$50.00
23	(8) issuing a certificate of standing, including regis-	
24	tered agent and registered office [\$15.00]	\$25.00
25	(9) issuing a certificate of standing, same as above,	
26	but including incorporators, officers and directors,	
27	and authorized shares	\$25.00
28	(10) issuing a certificate of standing, listing charter	
29	documents	\$25.00
30	(11) issuing a certificate of availability of corporate	
31	name (one to three names) [\$10.00]	\$25.00
32	(12) filing a certificate of registration of fictitious	
33	name	[\$30.00] \$50.00
34	(13) filing a certificate of renewal of registration of fic-	
35	titious name [\$30.00] * \$25.00*	
36	(14) filing a certificate of correction, in addition to any	
37	applicable license fee	\$10.00
38	(15) [all other certificates issued or papers filed, but not	
39	otherwise provided for	\$15.00]
40	<i>filing and issuing a reinstatement of charter</i>	\$50.00
41	(16) corporate status reports—per name [\$2.00]	\$5.00
42	(17) <i>accepting service of process against a corporation</i>	
43	<i>pursuant to N. J. S. 2A:15-26 et seq.</i>	\$25.00

1 ***[S.]*** *11.* (New section) For services herein enumerated the
2 Secretary of State shall collect the following fees:

3 a. For issuing any certificate or filing any document for which no
4 other fee is fixed by statute or regulation, \$25.00, except that the
5 provisions of this subsection shall not apply to:

- 6 (1) certificates of appointments for gubernatorial appointees;
- 7 (2) documents filed by public bodies under the "Open Public
8 Meetings Act," P. L. 1975, c. 231 (C. 10:4-6 et seq.);
- 9 (3) financial disclosures filed by State officials;
- 10 (4) oaths of office;
- 11 (5) resignation of ****[officeholders]**** ***office holders***;

12 (6) documents filed by other State government entities indexed
 13 in the department's miscellaneous file.

14 b. For certification or exemplification of any document on file,
 15 \$25.00.

16 c. For certification or exemplification of any signature on file,
 17 including the issuance of a certificate for proving a document
 18 outside the United States, also known as an apostille, \$25.00.

19 d. For filing a certified copy of an order of change of name,
 20 \$50.00.

21 e. For a paper copy of any document on file, \$1.00 per page. If
 22 a roll of microfilm images is requested, the Secretary of State shall
 23 collect a fee of \$1.00 for each image on the microfilm roll. If a
 24 microfiche copy of a microfiche is requested, \$3.00.

25 f. For filing a proof of publication, \$10.00.

1 ***[9.]*** *12.* N. J. S. 15A :15-1 is amended to read as follows:

2 15A :15-1. Filing Fees of the Secretary of State.

3 On filing any certificate or other papers relative to corporations
 4 in the office of the Secretary of State, there shall be paid to the
 5 Secretary of State **[for the use of the State,]** filing fees as follows:

6 a. Certificate of incorporation and amendments thereto:

7 (1) for filing the original certificate of incorpora-
 8 tion **[\$10.00]** \$50.00

9 (2) for filing a certificate of amendment of the
 10 certificate of incorporation including any number
 11 of amendments \$50.00

12 (3) for filing a certificate of abandonment of one or
 13 more amendments of the certificate of incorpo-
 14 ration \$50.00

15 (4) for filing a certificate of merger or a certificate
 16 of consolidation \$50.00

17 (5) for filing a certificate of abandonment of a
 18 merger or consolidation \$50.00

19 b. Restated certificate of incorporation:

20 for filing a restated certificate of incorporation
 21 including any amendments of the certificate of
 22 incorporation concurrently adopted \$50.00

23 c. Dissolution of corporation:

24 (1) for filing a certificate of dissolution **[\$35.00]** \$50.00

25 (2) **[for filing an affidavit of the publication and of**
 26 **the mailing of a notice to creditors \$10.00**

27 (3) **]** for filing a certificate of revocation of dissolu-
 28 tion proceedings **[\$35.00]** \$50.00

29	d. Admission and withdrawal of foreign corporation:	
30	(1) for filing an application for a certificate of	
31	authority to conduct activities in this State and	
32	issuing a certificate of authority	[\$15.00] \$100.00
33	(2) for filing an application for an amended cer-	
34	tificate of authority to conduct activities in this	
35	State and issuing an amended certificate of	
36	authority	\$50.00
37	(3) for filing an application for withdrawal from	
38	this State and issuing a certificate of with-	
39	drawal	\$50.00
40	(4) for filing a certificate of change of post office	
41	address to which process may be mailed by the	
42	Secretary of State	\$25.00
43	(5) for filing a certificate, order or decree with	
44	respect to the dissolution of a foreign corpora-	
45	tion, the termination of its existence, or the	
46	cancellation of its authority, and issuing a cer-	
47	tificate of withdrawal	\$50.00
48	e. Registered office and registered agent:	
49	(1) for filing a certificate of change of address of	
50	registered office, or change of registered agent	
51	or both	\$10.00
52	(2) for filing a certificate of change of address of	
53	registered agent where such certificate effects a	
54	change in the address of the registered office of	
55	one or more corporations, for each corporation	
56	named in the certificate	\$10.00
57	(3) for filing an affidavit of resignation of a regis-	
58	tered agent	\$10.00
59	f. Annual report:	
60	for each such report required to be filed	\$15.00
1	*[10.]* *13.* N. J. S. 15A :15-2 is amended to read as follows:	
2	15A :15-2. Additional Miscellaneous Fees.	
3	The Secretary of State shall also charge and collect for:	
4	a. filing an application to reserve a specified corporate	
5	name and issuing a certificate of reserva-	
6	tion	[\$25.00] \$50.00
7	(1) if application is for first name available for	
8	corporate use among not more than three speci-	
9	fied names	[\$25.00] \$50.00
10	b. filing a notice of transfer of a reserved corporate	
11	name	[\$25.00] \$50.00

12	c. filing an application by a foreign corporation to	
13	register its corporate name	\$50.00
14	d. filing an application by a foreign corporation to re-	
15	new the registration of its corporate name	\$50.00
16	e. issuing a certificate of standing, including registered	
17	agent and registered office [\$15.00]	\$25.00
18	f. issuing a certificate of standing, same as above, but	
19	including incorporators, officers and trustees	\$25.00
20	g. issuing a certificate of standing, listing charter docu-	
21	ments	\$25.00
22	h. issuing a certificate of availability of corporate name	
23	(1 to 3 names) [\$10.00]	\$25.00
24	i. filing a certificate of registration of alternate	
25	name [\$30.00]	\$50.00
26	j. filing a certificate of renewal of registration of alter-	
27	nate name [\$30.00]	\$50.00
28	k. filing a certificate of correction [\$10.00]	\$50.00
29	l. [all other certificates issued or papers filed, but not	
30	otherwise provided for	\$15.00
31	m.] corporate status reports—per name ... [\$2.00]	\$5.00

1 ***[11.]*** *14.* Sections 65 of P. L. 1983, c. 489 (C. 42:2A-68) is
2 amended to read as follows:

3 65. Filing fees of the Secretary of State. On filing any certificate
4 or other papers relative to limited partnerships in the Office of the
5 Secretary of State, there shall be paid to the Secretary of State,
6 filing fees, in addition to any applicable recording fees:

7	a. filing an application to reserve a specified limited	
8	partnership name and issuing a certificate of reser-	
9	vation [\$25.00]	\$50.00
10	if application is for the first name available for	
11	limited partnership use among not more than three	
12	specified names [\$30.00]	\$50.00
13	b. filing a notice of transfer of a reserved limited	
14	partnership name [\$25.00]	\$50.00
15	c. filing original certificate of limited	
16	partnership [\$50.00]	\$100.00
17	d. filing a certificate of amendment to the certificate	
18	of limited partnership, including any number of	
19	amendments	\$50.00
20	e. filing certificate of cancellation [\$35.00]	\$50.00
21	f. filing order or judgment amending certificate of	
22	limited partnership or cancellation [\$35.00]	\$50.00

- 23 g. filing application by a foreign limited partnership to
 24 transact business in this State and issuing a certifi-
 25 cate of authority**[\$175.00]** \$100.00
- 26 b. filing application by a foreign limited partnership for
 27 amended certificate to transact business in this State
 28 and issuing an amended certificate of authority \$50.00
- 29 i. filing annual report**[\$15.00]** \$20.00
- 30 j. filing a certificate or registration of an alternate
 31 name**[\$30.00]** \$50.00
- 32 k. filing a renewal of registration of alternate
 33 name**[\$30.00]** \$50.00
- 34 l. limited partnership status reports—per
 35 name**[\$2.00]** \$5.00
- 36 m. **[\$All other certificates issued or papers filed but not**
 37 **otherwise provided for \$15.00]**
 38 *filing a change of agent or office, or both \$10.00*

1 ***[12.]*** *15.* R. S. 48:3-38 is amended to read as follows:

2 48:3-38. On the application of any railroad, street railway, canal
 3 or steamboat company the Governor may appoint such persons as
 4 the company may designate to act as policemen for the company.
 5 **[He]** *The Secretary of State* shall issue to each person so ap-
 6 pointed a commission, a copy of which shall be filed in the office of
 7 the Superintendent of State Police. *Each appointee shall pay to*
 8 *the Secretary of State a fee of \$25.00 for that commission.*

9 All applications shall, in the first instance, be made to said
 10 superintendent. The superintendent shall investigate and deter-
 11 mine the character, competency, integrity and fitness of the person
 12 or persons designated in the application. Notwithstanding any
 13 other provision of law in the case of any railroad, street railway,
 14 canal or steamboat company, the operations of which extend from
 15 this State to any other, such person or persons need not be resi-
 16 dents of the State of New Jersey. If the application is approved
 17 by the superintendent, the applicant shall then present the ap-
 18 proved application to the Governor.

19 Every person so appointed and commissioned shall, in the
 20 several counties, possess all the powers of policemen and constables
 21 in criminal cases of the several municipalities in such counties and
 22 shall be compensated by the company.

23 When on duty, except when employed as a detective, he shall
 24 wear in plain view a metallic shield or device with the words
 25 “railway police,” “canal police” or “steamboat police” as may be
 26 appropriate, and the name or style of the company for whom he
 27 was appointed inscribed thereon.

28 Notwithstanding anything to the contrary herein contained, all
 29 appointments made prior to the effective date of this enactment
 30 which meet the requirements thereof shall be and they hereby are
 31 declared to be valid.

32 When any such company shall file in the offices of the Super-
 33 intendent of State Police a notice that it no longer requires the
 34 service of such policeman, his power as such shall cease and
 35 determine.

1 ***[13.]*** *16.* R. S. 52:16-10 is amended to read as follows:

2 52:16-10. The secretary of state shall not be entitled to, or take,
 3 receive or retain, except for the use of the state, any compensation,
 4 pay, fee or emolument whatsoever, other than his annual salary,
 5 for any act or service performed or thing done or furnished by
 6 **[him]** *the Secretary of State* in any official capacity, or under any
 7 law of this ****[state]**** *State*******, including the preparation and
 8 furnishing of copies of the laws for publication in the several
 9 newspapers designated to publish the same, and the preparation
 10 and furnishing of a copy of the laws to the person authorized to
 11 print the pamphlet laws of the state in each and every year**].**
 12 The gross amount of all moneys received by the secretary in any
 13 capacity for the use of the State shall be paid to the State Treas-
 14 urer **[in the manner provided by law]**, *except as is otherwise*
 15 *provided in this 1987 amendatory and supplementary act.*

1 ***[14.]*** *17.* (New section) There is created a ****[non-lap-**
 2 **sing]****, revolving fund in the General Treasury, to be administered
 3 by the Secretary of State, to be the depository of all fees received
 4 by the Department of State pursuant to N. J. S. 12A:9-403 through
 5 N. J. S. 12A:9-407; N. J. S. 14A:15-2 and N. J. S. 14A:15-3;
 6 N. J. S. 15A:15-1 and N. J. S. 15A:15-2; section ****[8]**** ****11****
 7 of P. L. , c. (C.) (now pending before the
 8 Legislature as this bill); section 65 of P. L. 1983, c. 489 (C.
 9 42:2A-68); R. S. 48:3-38; section 2 of P. L. 1979, c. 460 (C.
 10 52:7-11); R. S. 52:16-10; sections 3 through 6 of P. L. 1966, c. 263
 11 (C. 56:3-13.3 through C. 56:3-13.6); and section 5 of P. L. 1971,
 12 c. 171 (C. ****[56:3-13.7]**** ****56:3-13.7a****). The fund is to be
 13 known as the "Secretary of State Fund." The moneys deposited
 14 in the fund are dedicated and pledged solely for the purposes
 15 contained in this 1987 amendatory and supplementary act and shall
 16 be in addition to any moneys appropriated by the Legislature to
 17 the department for the purposes specified in section ****[16]****
 18 ****19**** of this act. *When the ****[Secretary of State]**** ****Admin-***
 19 *istrator of the Office of Telecommunications and Information*

20 *Systems** certifies to the Governor and State Treasurer that the*
 21 *design, construction, purchase and implementation of an automated*
 22 *information system within the Division of Commercial Recording*
 23 *in the Department of State is completed, the Secretary of State*
 24 *Fund shall be terminated and all fees received by the Department*
 25 *of State shall be deposited in the General Fund.**

1 ***[15.]* *18.*** (New section) Commencing with fiscal year 1988
 2 ***[and in each year thereafter]* **and in each year thereafter****,
 3 there shall be appropriated from the Secretary of State Fund to
 4 the General Fund an amount equivalent to the lesser of:

5 a. ****[\$12,000,000.00]** **\$11,000,000.00****; or

6 b. the total amount of fees ****[received by]** **deposited in****
 7 the ***[Department of State]* *Secretary of State Fund*** during
 8 the fiscal year.

1 ****[*19. (New section) All records and record indexes, both manual**
 2 **and electronic, of any office, agency, or division that reports to the**
 3 **Secretary of State shall remain in the sole custody and control of**
 4 **the secretary or the secretary's designees. Custody and control**
 5 **shall include, but is not limited to, all equipment used to record**
 6 **those records and maintain any indexes, and all personnel needed**
 7 **for the creation and maintenance of such records and indexes. This**
 8 **custody and control pursuant to P. L. 1984, c. 34 (C. 52:18A-178**
 9 **et seq.), any orders or any executive reorganizations to the**
 10 **contrary.]*****

1 ***[16.]* **[*20.]* **19.**** (New section) There shall be appro-
 2 priated from the Secretary of State Fund to the Department of
 3 State in fiscal year 1988 ***[and in each year thereafter]* **and**
 4 **in each year thereafter****, amounts in excess of the amount required
 5 to be appropriated pursuant to section ****[15]** **18**** of this
 5A act, for the following purposes:

6 a. designing, constructing, purchasing, maintaining and imple-
 7 menting an automated information system within the Division of
 8 Commercial Recording in the Department of State; and

9 b. establishing a centralized filing office for farm products liens
 10 as provided in the Federal Food Security Act and any federal
 11 regulations adopted pursuant to that act****[;]** **.****

1 ***[17.]* **[*21.]* **20.**** (New section) The ***[State Govern-**
 2 **ment]* *Judiciary*** committees of the Senate and General Assem-
 3 bly, or their respective successors, are constituted a joint
 4 committee for the purposes of monitoring and evaluating whether
 5 the implementation of purposes set forth in section ****[16]****
 6 ****19**** of this act are being conducted in a timely fashion and

7 pursuant to the parameters and schedules set forth in the modern-
 8 ization schedule developed for the ****[division.]**** ***Division of*
 9 *Commercial Recording***. The joint committee shall also review
 10 the expenditures made from the fund established pursuant to
 11 section ****[14]**** ***17*** of this act to verify that expenditures
 12 made from moneys appropriated from the fund are consistent
 13 with the purposes set forth in section ****[16]**** ***19*** of this act.
 14 The joint committee shall report its findings annually to the
 15 Legislature.

1 ***[18.]*** ****[*22.*]**** ***21.*** Section 2 of P. L. 1979, c. 460 (C.
 2 52:7-11) is amended to read as follows:

3 2. a. The Secretary of State shall appoint so many notaries
 4 public as the **[Governor]** *Secretary of State* shall deem necessary
 5 to commission, who shall hold their respective offices for the term
 6 of five years, but may be removed from office at the pleasure of the
 7 **[Governor]** *Secretary of State*.

8 b. A person desiring to be appointed and commissioned a notary
 9 public shall make application to the Secretary of State on a form
 10 prescribed by **[him]** *the Secretary of State* and endorsed by a
 11 member of the Legislature or the Secretary of State or Assistant
 12 Secretary of State. Renewals thereof shall be made in the same
 13 manner as the original application.

14 c. *The fee to be collected by the Secretary of State for that*
 15 *appointment or renewal shall be \$25.00.*

1 ***[19.]*** ****[*23.*]**** ***22.*** Section 3 of P. L. 1966, c. 263 (C.
 2 56:3-13.3) is amended to read as follows:

3 3. Application for registration.

4 Subject to the limitations set forth in this act, any person who
 5 adopts and uses a mark in this State may file in the office of the
 6 Secretary of State, on a form to be furnished by the Secretary of
 7 State, an application for registration of that mark setting forth,
 8 but not limited to, the following information:

9 (a) the name and business address of the person applying for
 10 such registration; and, if a corporation the state of incorporation;

11 (b) the goods or services in connection with which the mark is
 12 used and the mode or manner in which the mark is used in connec-
 13 tion with such goods or services and the class in which such goods
 14 or services fall;

15 (c) the date when the mark was first used anywhere and the
 16 date when it was first used in this State by the applicant or his
 17 predecessor in business; and

18 (d) a statement that the applicant is the owner of the mark and
 19 that no other person has the right to use such mark in this State

20 either in the identical form thereof or in such near resemblance
21 thereto as might be calculated to deceive or to be mistaken therefor.

22 The application shall be signed and verified by the applicant or
23 by a member of the firm or an officer of the corporation or associa-
24 tion applying.

25 The application shall be accompanied by a specimen or facsimile
26 of such mark in triplicate.

27 The application for registration shall be accompanied by a filing
28 fee of ~~[\$25.00]~~ \$50.00 payable to the Secretary of State.

1 ~~*[20.]~~ ~~**[24.]**~~ ~~**23.**~~ Section 4 of P. L. 1966, c. 263 (C.
2 56:3-13.4) is amended to read as follows:

3 4. Certificate of registration.

4 Upon compliance by the applicant with the requirements of this
5 act, the Secretary of State shall cause a certificate of registration
6 to be issued and delivered to the applicant. The certificate of
7 registration shall be issued under the signature of the Secretary
8 of State and the Seal of the State, and it shall show the name and
9 business address and, if a corporation, the state of incorporation,
10 of the person claiming ownership of the mark, the date claimed for
11 the first use of the mark anywhere and the date claimed for the
12 first use of the mark in this State, the class of goods or services
13 and a description of the goods or services on which the mark is
14 used, a reproduction of the mark, the registration date and the
15 term of the registration.

16 A certified copy of said certificate of registration may be ob-
17 tained from the Secretary of State upon the payment of a fee of
18 ~~[\$10.00]~~ \$25.00.

19 Any certificate of registration issued by the Secretary of State
20 under the provisions hereof or a copy thereof duly certified by the
21 Secretary of State shall be admissible in evidence as competent and
22 sufficient proof of the registration of such mark in any action or
23 judicial proceedings in any court of this State.

1 ~~*[21.]~~ ~~**[25.]**~~ ~~**24.**~~ Section 5 of P. L. 1966, c. 263 (C.
2 56:3-13.5) is amended to read as follows:

3 5. Duration and renewal.

4 Registration of a mark hereunder shall be effective for a term
5 of 10 years from the date of registration and, upon application filed
6 within six months prior to the expiration of such term, on a form to
7 be furnished by the Secretary of State, which includes a statement
8 that the mark is still in use in this State, the registration may be
9 renewed for a like term. A renewal fee of ~~[\$25.00]~~ \$50.00, payable
10 to the Secretary of State, shall accompany the application for
11 renewal of the registration.

12 A mark registration may be renewed for successive periods of
13 10 years in like manner.

14 The Secretary of State shall notify registrants of marks here-
15 under of the necessity of renewal within the year next preceding
16 the expiration of the 10 years from the date of registration, by
17 writing to the last known address of the registrants.

18 Any registration in force on the date on which this act shall
19 become effective shall expire 10 years from the date of the registra-
20 tion or of the last renewal thereof or one year after the effective
21 date of this act, whichever is later, and may be renewed by filing an
22 application with the Secretary of State on a form furnished by him
23 and paying the aforementioned renewal fee therefor within six
24 months prior to the expiration of the registration.

25 The Secretary of State shall within six months after the effective
26 date of this act notify all registrants of marks under previous acts
27 of the date of expiration of such registrations unless renewed in
28 accordance with the provisions of this act, by writing to the last
29 known address of the registrants.

1 *~~[22.]~~* **~~[*26.*]~~** **25.** Section 6 of P. L. 1966, c. 263 (C.
2 56:3-13.6) is amended to read as follows:

3 6. Assignment.

4 Any mark and its registration hereunder shall be assignable with
5 the good will of the business in which the mark is used, or with that
6 part of the good will of the business connected with the use of
7 and symbolized by the mark. Assignment shall be by instruments
8 in writing duly executed and may be recorded with the Secretary
9 of State upon the payment of a fee of ~~[\$15.00]~~ \$25.00, payable to
10 the Secretary of State who, upon recording of the assignment, shall
11 issue in the name of the assignee a new certificate for the remainder
12 of the term of the registration or of the last renewal thereof. An
13 assignment of any registration under this act shall be void as
14 against any subsequent purchaser for valuable consideration with-
15 out notice, unless it is recorded with the Secretary of State within
16 three months after the date thereof or prior to such subsequent
17 purchase.

1 *~~[23.]~~* **~~[*27.*]~~** **26.** Section 5 of P. L. 1971, c. 171 (C.
2 56:3-13.7a) is amended to read as follows:

3 5. Upon request of any person, the Secretary of State shall issue
4 upon the payment of a fee of ~~[\$15.00]~~ \$25.00 a certificate of
5 availability of a mark (one to three marks).

1 *~~[24.]~~* **~~[*28.*]~~** **27.** N. J. S. 14A:15-1 and N. J. S.
2 22A:4-1 are repealed.

1 ***[25.]*** ****[*29.*]**** **28.** There is appropriated to the Depart-
 2 ment of State \$2,000,000.00 from the General Fund for the purposes
 3 specified in section ****[16]**** **19** of this act.

1 ***[26.]*** ****[*30.*]**** **29.** Sections ****[13, 14 and 25]**** **16,
 2 17, 18, 19 and 28** shall take effect immediately ***[and]*** ****[*,*]****
 3 **and** the remainder of this act shall take effect on the 90th
 4 day after ****[the date of]**** enactment ****[*and section 19 shall**
 5 *expire five years thereafter****.

STATE GOVERNMENT—GENERAL

Changes certain filing fees in the Department of State and provides
 for the modernization of the Division of Commercial Recording,
 appropriates \$2,000,000.

Sponsor's

17

STATEMENT

This bill does several things affecting the Department of State. First, the bill changes many of the filing fees that are required to be collected by the Secretary of State. Second, the bill establishes a non-lapsing, revolving fund in the General Treasury, to be administered by the Secretary of State, to be the depository of fees that are specified in this act. Commencing with fiscal year 1988 and in each year thereafter, there shall be appropriated from the fund to the General Fund an amount equivalent to the lesser of:

- a. \$12,000,000.00; or
- b. the total amount of fees received by the department during the fiscal year.

There shall also be appropriated from the fund to the department in fiscal year 1988 and in each year thereafter, amounts in excess of the amount required to be appropriated to the General Fund for the following purposes:

- (1) designing, constructing, purchasing, maintaining and implementing an automated information system within the Division of Commercial Recording in the department; and
- (2) establishing a centralized filing office for farm products liens as provided in the Federal Food Security Act and any federal regulations adopted pursuant to that act.

The bill appropriates \$2,000,000.00 as initial start-up moneys to the Department of State, for the purposes of modernizing, improving and upgrading the division. The increased fees provided in this bill are expected to pay for the cost of the modernization of the Division of Commercial Recording.

STATE GOVERNMENT—GENERAL

Changes certain filing fees in the Department of State and provides for the modernization of the Division of Commercial Recording, appropriates \$2,000,000.

SENATE STATE GOVERNMENT AND FEDERAL AND
INTERSTATE RELATIONS AND VETERANS AFFAIRS
COMMITTEE

STATEMENT TO

SENATE, No. 3257

with Senate committee amendments

STATE OF NEW JERSEY

DATED: JUNE 11, 1987

The Senate State Government Committee reports favorably and with committee amendments Senate Bill No. 3257.

This bill concerns the Department of State. It increases various filing fees which the Secretary of State is required to collect. These changes are expected to generate approximately \$3 million in added revenues. The bill also creates a non-lapsing, revolving fund, to be known as the Secretary of State Fund, which shall be the depository for fees received by the department. Commencing with fiscal year 1988, there shall be appropriated from the Secretary of State Fund to the General Fund an amount equivalent to the lesser of \$12 million or the total amount of fees received by the department during the fiscal year. There shall be appropriated from the Secretary of State Fund to the department in fiscal year 1988, amounts in excess of \$12 million (if that is the lesser amount). The department shall use these monies to design, construct, purchase, maintain and implement an automated information system within the Division of Commercial Recording and to establish a centralized filing office for farm product liens pursuant to the Federal Food Security Act. The bill appropriates \$2 million to the department as initial start-up funds.

The bill constitutes the Senate and General Assembly Judiciary Committees as a joint committee to monitor and evaluate the implementation of this act and to review expenditures. It amends sections of existing law to provide for the appropriate gender-neutral terminology and to grant the Secretary of State, not the Governor, the authority to determine how many notaries public shall be commissioned. The bill also repeals existing sections of law concerning license fees payable by domestic corporations and the payment of various other fees.

The committee amended the bill to:

(1) provide that when the Secretary of State certifies to the Governor and State Treasurer that the design, construction, purchase and implementation of an automated information system within the Division of Commercial Recording is completed, the Secretary of State Fund shall be terminated and all fees received by the Department of State shall be deposited in the General Fund;

(2) provide that for a period of five years, all records and record indexes, both manual and electronic, of any office, agency or division that reports to the Secretary of State shall remain in the sole custody and control of the Secretary;

(3) give the Secretary of State appointment powers with regard to pilots; and

(4) give the Senate and General Assembly Judiciary Committees, instead of the State Government Committees, oversight responsibilities.

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SENATE REVENUE, FINANCE AND APPROPRIATIONS
COMMITTEE

STATEMENT TO

SENATE, No. 3257

[OFFICIAL COPY REPRINT]

with Senate committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 17, 1987

The Senate Revenue, Finance and Appropriations Committee reported Senate Bill No. 3257 OCR favorably, with committee amendments.

Senate Bill No. 3257 OCR, as amended, changes many of the filing fees that are required to be collected by the Secretary of State and also establishes certain new fees for services. In addition, the bill establishes a Secretary of State Fund as a revolving fund in the General Treasury administered by the Secretary of State, to be the depository of certain fees and any appropriations made to the fund. In addition, the bill appropriates \$2,000,000.00 to the Department of State to effectuate the purposes of the act.

Beginning in fiscal year 1988 and in each year thereafter, a sum will be appropriated from the Secretary of State Fund to the General Fund in an amount equivalent to the lesser of \$11,000,000.00 or the total amount of fees received by the department during the fiscal year. In any year in which moneys remain in the Secretary of State Fund after the appropriation to the General Fund, the remaining moneys shall be appropriated to the Department of State for the following purposes:

(1) designing, constructing, purchasing, maintaining and implementing an automated information system within the Division of Commercial Recording in the department; and

(2) establishing a centralized filing office for farm products liens as provided in the Federal Food Security Act and any federal regulations adopted pursuant to the act.

The bill also provides that the Senate and General Assembly Judiciary Committees are constituted as a joint committee for the purpose of overseeing this modernization program.

COMMITTEE AMENDMENTS:

The committee amendments make the bill identical to Assembly Bill No. 3960 OCR Aca Aa. In addition to technical amendments, the

amendments reduce the maximum amount that will be deposited in the General Fund from \$12,000,000.00 to \$11,000,000.00. The amendments also delete a section concerning custody of certain records of the Department of State.

FISCAL IMPACT:

The bill appropriates \$2,000,000.00 from the General Fund to the Department of State to effectuate the purposes of the act. In addition, the bill increases existing, and establishes new fees to be paid to the Secretary of State and establishes a Secretary of State Fund to be the depository of the fees. In any fiscal year, an amount from that fund shall be paid to the General Fund equal to \$11,000,000.00 or if the amount in the fund is less than that, the amount in the fund. If moneys remain in the fund thereafter, the moneys may be utilized for the purposes of modernizing, improving and upgrading the Division of Commercial Reporting in the department.
