



**REPORTS:**

No

**HEARINGS:**

No

**NEWSPAPER ARTICLES:**

No

# ASSEMBLY, No. 854

## STATE OF NEW JERSEY 209th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2000 SESSION

**Sponsored by:**

**Assemblyman RICHARD H. BAGGER**

**District 22 (Middlesex, Morris, Somerset and Union)**

**SYNOPSIS**

Clarifies that filings with and certifications obtained from the Secretary of State, shall mean filings with and certifications obtained from the Division of Commercial Recording

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



A854 BAGGER

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1 AN ACT concerning filings and certifications with the Division of  
2 Commercial Recording, and supplementing chapter 16 of Title 52  
3 of the Revised Statutes.

4

5 BE IT ENACTED *by the Senate and General Assembly of the State*  
6 *of New Jersey:*

7

8 1. Notwithstanding the provisions of any other law to the contrary,  
9 whenever a law of this State directs a filing to be made with, or a  
10 certification to be obtained from, the Office of the Secretary of State,  
11 that law shall be construed to mean a filing with, or a certification  
12 from, the Division of Commercial Recording, no matter where the  
13 Division is assigned as part of any government reorganization plan.

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15 2. This act shall take effect immediately and be retroactive to May  
16 29, 1998.

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STATEMENT

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21 As part of Governor Christine Todd Whitman's Reorganization Plan  
22 004-1998, the Division of Commercial Recording was transferred from  
23 the Office of the Secretary of State to the Department of Treasury.  
24 This bill requires that whenever the laws of this State direct a filing to  
25 be made with, or a certification to be obtained from, the Office of the  
26 Secretary of State, these laws shall be construed to mean a filing with,  
27 or a certification from, the Division of Commercial Recording, no  
28 matter where the division is assigned as part of any reorganization  
29 plan.

ASSEMBLY COMMERCE, TOURISM, GAMING AND  
MILITARY AND VETERANS' AFFAIRS COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 854**

with committee amendments

**STATE OF NEW JERSEY**

DATED: JANUARY 27, 2000

The Assembly Commerce, Tourism, Gaming and Military and Veterans' Affairs Committee reports favorably and with committee amendments Assembly, No. 854.

As part of Governor Christine Todd Whitman's Reorganization Plan 004-1998 (effective May 29, 1998), the Division of Commercial Recording was transferred from the Office of the Secretary of State to the Department of Treasury's Division of Revenue, Office of Commercial Recording. In order to make the transfer apparent to anyone who consults the statutes, this bill requires that whenever the laws of this State direct a filing to be made with, or a certification to be obtained from, the Office of the Secretary of State, these laws shall be construed to mean a filing with, or a certification from, the State's commercial recording program no matter where the program is assigned as part of any reorganization plan.

The bill if enacted would be retroactive to May 29, 1998.

The committee adopted amendments which:

1. specify the types of filings and certifications covered by the bill, because there are a number of filings which are not intended to be covered, such as the filing of enacted laws and the certification of copies of those filed laws;
2. generalize the reference to the Office of Commercial Recording, so that if the name of the office is changed in the future, further legislation to reflect that change will not be necessary;
3. clarify that the bill applies notwithstanding statutory provisions to the contrary, instead of the provisions of any other law to the contrary, in order to recognize that future reorganization plans may again change the location of certain filings and certifications; and
4. make a minor technical change in the title of the bill.

This bill was prefiled for introduction in the 2000-2001 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

[First Reprint]

**ASSEMBLY, No. 854**

**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2000 SESSION

**Sponsored by:**

**Assemblyman RICHARD H. BAGGER**

**District 22 (Middlesex, Morris, Somerset and Union)**

**Co-Sponsored by:**

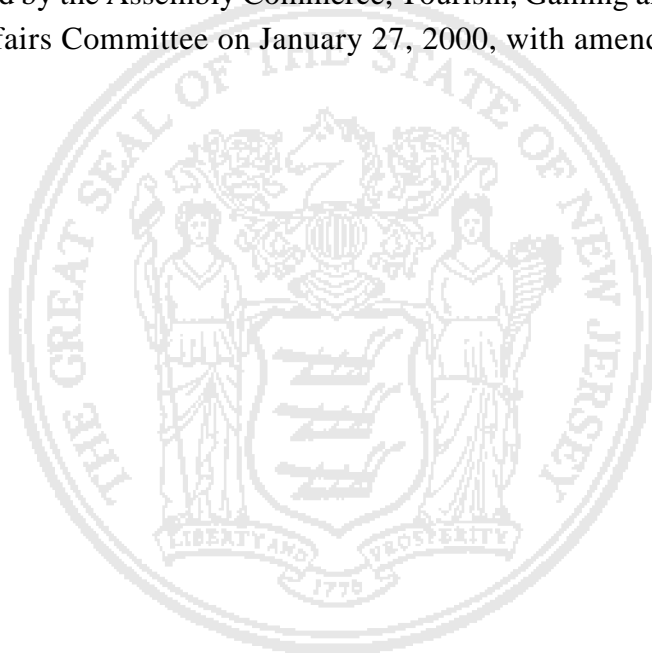
**Senators Singer and Inverso**

**SYNOPSIS**

Clarifies that filings with and certifications obtained from the Secretary of State, shall mean filings with and certifications obtained from the Division of Commercial Recording

**CURRENT VERSION OF TEXT**

As reported by the Assembly Commerce, Tourism, Gaming and Military and Veterans' Affairs Committee on January 27, 2000, with amendments.



**(Sponsorship Updated As Of: 10/3/2000)**

1 AN ACT concerning filings and certifications with the Division <sup>1</sup>of  
2 Revenue, Office<sup>1</sup> of Commercial Recording, and supplementing  
3 chapter 16 of Title 52 of the Revised Statutes.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. <sup>1</sup>a.<sup>1</sup> Notwithstanding the <sup>1</sup>statutory<sup>1</sup> provisions <sup>1</sup>[of any other  
9 law]<sup>1</sup> to the contrary, <sup>1</sup>for any of the areas listed in subsection b. of  
10 this section,<sup>1</sup> whenever a law of this State directs a filing to be made  
11 with, or a certification to be obtained from, the Office of the Secretary  
12 of State, that law shall be construed to mean a filing with, or a  
13 certification from, the <sup>1</sup>[Division of Commercial Recording] State's  
14 commercial recording program<sup>1</sup>, no matter where the <sup>1</sup>[Division]  
15 program<sup>1</sup> is assigned as part of any government reorganization plan.

16 <sup>1</sup>b. The provisions set forth in subsection a. of this section shall  
17 apply to filings and certifications for corporations and all other legal  
18 business entities, Uniform Commercial Code financing statements,  
19 notaries public and foreign commissioners of deeds, apostilles and  
20 other certifications used in international and domestic document  
21 exchange, trade names, trade and service marks, collection agency  
22 bonds, and legal name changes.<sup>1</sup>

23  
24 2. This act shall take effect immediately and be retroactive to  
25 May 29, 1998.

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

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Assembly ACT committee amendments adopted January 27, 2000.

SENATE STATE GOVERNMENT COMMITTEE

STATEMENT TO

[First Reprint]

**ASSEMBLY, No. 854**

**STATE OF NEW JERSEY**

DATED: JUNE 22, 2000

The Senate State Government Committee reports favorably Assembly Bill No. 854 (1R).

As part of Governor Whitman's Reorganization Plan 004-1998 (effective May 29, 1998), the Division of Commercial Recording was transferred from the Office of the Secretary of State to the Department of Treasury's Division of Revenue, Office of Commercial Recording. In order to make the transfer apparent to anyone who consults the statutes, this bill requires that whenever a law of this State directs a filing to be made with, or a certification to be obtained from, the Office of the Secretary of State, that law will be construed to mean a filing with, or a certification from, the State's commercial recording program no matter where the program is assigned as part of any reorganization plan.

The provisions of this bill apply to filings and certifications for corporations and all other legal business entities, Uniform Commercial Code financing statements, notaries public and foreign commissioners of deed, apostilles and other certifications used in international and domestic document exchange, trade names, trade and service marks, collection agency bonds, and legal name changes.

The bill, if enacted, would be retroactive to May 29, 1998.



P.L. 2000, CHAPTER 152, *approved November 12, 2000*  
Assembly, No. 854 (*First Reprint*)

1 AN ACT concerning filings and certifications with the Division <sup>1</sup>of  
2 Revenue, Office<sup>1</sup> of Commercial Recording, and supplementing  
3 chapter 16 of Title 52 of the Revised Statutes.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. <sup>1</sup>a.<sup>1</sup> Notwithstanding the <sup>1</sup>statutory<sup>1</sup> provisions <sup>1</sup>[of any other  
9 law]<sup>1</sup> to the contrary, <sup>1</sup>for any of the areas listed in subsection b. of  
10 this section.<sup>1</sup> whenever a law of this State directs a filing to be made  
11 with, or a certification to be obtained from, the Office of the Secretary  
12 of State, that law shall be construed to mean a filing with, or a  
13 certification from, the <sup>1</sup>[Division of Commercial Recording] State's  
14 commercial recording program<sup>1</sup>, no matter where the <sup>1</sup>[Division]  
15 program<sup>1</sup> is assigned as part of any government reorganization plan.

16 <sup>1</sup>b. The provisions set forth in subsection a. of this section shall  
17 apply to filings and certifications for corporations and all other legal  
18 business entities, Uniform Commercial Code financing statements,  
19 notaries public and foreign commissioners of deeds, apostilles and  
20 other certifications used in international and domestic document  
21 exchange, trade names, trade and service marks, collection agency  
22 bonds, and legal name changes.<sup>1</sup>

23  
24 2. This act shall take effect immediately and be retroactive to  
25 May 29, 1998.

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30 Clarifies that filings with and certifications obtained from the Secretary  
31 of State, shall mean filings with and certifications obtained from the  
32 Division of Commercial Recording.

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

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Assembly ACT committee amendments adopted January 27, 2000.

## CHAPTER 152

**AN ACT** concerning filings and certifications with the Division of Revenue, Office of Commercial Recording, and supplementing chapter 16 of Title 52 of the Revised Statutes.

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

C.52:16-8.1 Filings with, certification from State's commercial recording program; applicability.

1. a. Notwithstanding the statutory provisions to the contrary, for any of the areas listed in subsection b. of this section, whenever a law of this State directs a filing to be made with, or a certification to be obtained from, the Office of the Secretary of State, that law shall be construed to mean a filing with, or a certification from, the State's commercial recording program, no matter where the program is assigned as part of any government reorganization plan.

b. The provisions set forth in subsection a. of this section shall apply to filings and certifications for corporations and all other legal business entities, Uniform Commercial Code financing statements, notaries public and foreign commissioners of deeds, apostilles and other certifications used in international and domestic document exchange, trade names, trade and service marks, collection agency bonds, and legal name changes.

2. This act shall take effect immediately and be retroactive to May 29, 1998.

Approved November 12, 2000.