

52:16A-40

LEGISLATIVE HISTORY CHECKLIST
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(Division of commercial
recording--broadens purposes)

NJSA: 52:16A-40

LAWS OF: 1992 CHAPTER: 124

BILL NO: A1781

SPONSOR(S) Russo and Martin

DATE INTRODUCED: August 3, 1992

COMMITTEE: ASSEMBLY: State Government; Appropriations

SENATE: ---

AMENDED DURING PASSAGE: Yes Amendments during passage
denoted by asterisks

DATE OF PASSAGE: ASSEMBLY: October 15, 1992

SENATE: October 19, 1992

DATE OF APPROVAL: October 23, 1992

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes 9-21-92 & 10-1-92

SENATE: No

FISCAL NOTE: Yes

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

Report mentioned not available as of 2-1-93
KBG:pp

[SECOND REPRINT]
ASSEMBLY, No. 1781

STATE OF NEW JERSEY

INTRODUCED AUGUST 3, 1992

By Assemblymen RUSSO and MARTIN

1 AN ACT concerning ²[a certain fee to be charged for certain
2 services provided by the Division of Commercial Recording]
3 the Department of State, amending P.L.1982, c.150 and
4 P.L.1992, c.40 and supplementing P.L.1948, c.445 (C.52:16A-1
5 et seq.)².

6

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

9 1. Section 6 of P.L.1982, c.150 (C.52:16A-40) is amended to
10 read as follows:

11 6. The Secretary of State shall charge a [~~\$5.00~~] \$10 fee for
12 use of telephone and expedited over the counter corporate
13 services, which shall be in addition to the fee for the service
14 provided by law. The statutory fee and the additional fee shall be
15 paid by the person requesting the information and documents by
16 the method of payment as established by the Secretary of State.
17 (cf: P.L.1982, c.150, s.6)

18 2. Section 8 of P.L.1982, c.150 (C.52:16A-42) is amended to
19 read as follows:

20 8. a. There is created a fund held by the State Treasurer, but
21 not to exist in the State Treasury, to be the repository for
22 additional fees for electronic data processing, telephone and
23 expedited over the counter corporate services charged to persons
24 pursuant to this act.

25 b. ¹[For the current fiscal year and in] In¹ each fiscal year
26 ¹[thereafter]¹ the additional fees shall be held in the fund and
27 disbursed in such amounts as may be requested by the Secretary
28 of State, to meet the costs of¹: (1) the timely and efficient filing
29 of all documents filed with the division; (2) the maintenance in an
30 accurate and available form of information contained in all
31 documents filed with the division; and (3) the¹ operation of the
32 [electronic data processing, telephone and expedited over the
33 counter] ¹[corporate services as provided for in this act] services
34 provided by the division¹.

35 c. The additional fees are [~~dedicated and pledged to those uses~~
36 ~~and purposes~~] ¹[to be dedicated to the purposes of providing
37 timely and efficient filing of all documents filed with the
38 Division of Commercial Recording and maintaining accurate and
39 available information contained in all documents filed with the
40 division] dedicated and pledged to those uses and purposes¹.

41 (cf: P.L.1982, c.150, s.8)

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 underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ASG committee amendments adopted September 21, 1992.

² Assembly AAP committee amendments adopted October 1, 1992..

1 ²³. The following provision in Section 1 of P.L. 1992, c.40 on
2 page 95 is amended to read as follows:

3
4
5 GENERAL FUND
6 DIRECT STATE SERVICES
7 74 DEPARTMENT OF STATE
8 70 Government Direction, Management and Control
9 74 General Government Services
10 2505 Office of the Secretary of State

11
12 Receipts from [the] over-the-counter service [surcharge]
13 surcharges and the unexpended balance of such [charge]
14 surcharges as of June 30, 1992 are appropriated [for] to meet the
15 costs of [over-the-counter corporate service] the Division of
16 Commercial Recording pursuant to section 8 of P.L. 1982, c. 150
17 (C.52:16A-42)².

18 (cf: P.L.1992, c.40, s.1)

19 ²⁴. (New section) The State Auditor shall undertake a study to
20 determine whether any or all of the services provided by the
21 Department of State may be provided in a more cost effective
22 manner by a private entity, selected through a competitive
23 bidding process. The State Auditor shall report the findings of the
24 study and any recommendations for legislation to the Governor
25 and Legislature within 180 days after the enactment of this act.²

26 ²[3.] 5.² This act shall take effect immediately.

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31 Increases fee to be charged for certain services provided by the
32 Division of Commercial Recording, broadens purposes for which
33 fee may be used and directs State Auditor to study privatization
34 of the Department of State.

ASSEMBLY, No. 1781
STATE OF NEW JERSEY

INTRODUCED AUGUST 3, 1992

By Assemblymen RUSSO and MARTIN

1 AN ACT concerning a certain fee to be charged for certain
2 services provided by the Division of Commercial Recording.

3

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

6 1. Section 6 of P.L.1982, c.150 (C.52:16A-40) is amended to
7 read as follows:

8 6. The Secretary of State shall charge a [~~\$5.00~~] \$10 fee for
9 use of telephone and expedited over the counter corporate
10 services, which shall be in addition to the fee for the service
11 provided by law. The statutory fee and the additional fee shall be
12 paid by the person requesting the information and documents by
13 the method of payment as established by the Secretary of State.
14 (cf: P.L.1982, c.150, s.6)

15 2. Section 8 of P.L.1982, c.150 (C.52:16A-42) is amended to
16 read as follows:

17 8. a. There is created a fund held by the State Treasurer, but
18 not to exist in the State Treasury, to be the repository for
19 additional fees for electronic data processing, telephone and
20 expedited over the counter corporate services charged to persons
21 pursuant to this act.

22 b. For the current fiscal year and in each fiscal year
23 thereafter the additional fees shall be held in the fund and
24 disbursed in such amounts as may be requested by the Secretary
25 of State, to meet the costs of operation of the [electronic data
26 processing, telephone and expedited over the counter] corporate
27 services as provided for in this act.

28 c. The additional fees are [dedicated and pledged to those uses
29 and purposes] to be dedicated to the purposes of providing timely
30 and efficient filing of all documents filed with the Division of
31 Commercial Recording and maintaining accurate and available
32 information contained in all documents filed with the division.

33 (cf: P.L.1982, c.150, s.8)

34 3. This act shall take effect immediately.

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STATEMENT

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39 This bill increases from \$5 to \$10 the fee to be charged for the
40 use of telephone and expedited over the counter corporate
41 services provided by the Division of Commercial Recording.
42 (This fee is in addition to any other statutory fee for those
43 services.)

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 underlined thus is new matter.

1 The bill also states more specifically the purposes for which
2 these fees may be used, namely, to provide timely and efficient
3 filing of all documents filed with the Division of Commercial
4 Recording and to maintain accurate and available information
5 contained in those documents.

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10 Increases fee to be charged for certain services provided by the
11 Division of Commercial Recording and states more specifically
12 the purposes for which fee may be used.

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1781

with committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 21, 1992

The Assembly State Government Committee reports favorably and with committee amendments Assembly Bill No. 1781.

This bill increases from \$5 to \$10 the fee to be charged for the use of telephone and expedited over the counter corporate services provided by the Division of Commercial Recording in the Department of State. (This fee is in addition to any other statutory fee for those services.)

The bill also broadens the purposes for which these fees may be used, namely, to meet the costs of: (1) the timely and efficient filing of all documents filed with the Division of Commercial Recording, (2) the maintenance in an accurate and available form of information contained in all documents filed with the division, and (3) the operation of the services provided by the division. Presently the fees are to be used only to meet the costs of the operation of the electronic data processing, telephone, and expedited over the counter corporate services provided by the division.

COMMITTEE AMENDMENTS

The committee adopted amendments to this bill to clarify that the uses and purposes to which the special fee revenues may be put are to meet the costs of: (1) the timely and efficient filing of all documents filed with the division, (2) the maintenance in an accurate and available form of information filed with the division, and (3) the operation of the services provided by the division. The amendments also clarify that those revenues are statutorily dedicated and pledged to all of those uses and purposes.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[FIRST REPRINT]

ASSEMBLY, No. 1781

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 1, 1992

The Assembly Appropriations Committee reports favorably and with committee amendments Assembly Bill No. 1781 [1R].

Assembly Bill No. 1781 [1R], with committee amendments, increases from \$5 to \$10 the fee to be charged for the use of telephone and expedited over the counter corporate services provided by the Division of Commercial Recording. This fee is in addition to any other statutory fee for those services. The bill also broadens the purposes for which these fees may be used, namely, to meet the costs of: (1) the timely and efficient filing of all documents filed with the Division of Commercial Recording, (2) the maintenance in an accurate and available form of information contained in all documents filed with the division, and (3) the operation of the services provided by the division. Presently the fees are to be used only to meet the costs of the operation of the electronic data processing, telephone, and expedited over the counter corporate services provided by the division.

In addition the bill directs the State Auditor to study whether any or all of the services provided by the Department of State may be provided in a more cost effective manner by a private entity, selected through a competitive bidding process. The State Auditor shall report the findings of the study and any recommendations for legislation to the Governor and Legislature within 180 day.

FISCAL IMPACT:

The Department of State indicates that, after taking into account the decline in corporate transactions because of the sluggish economy and the dropoff of customers using the service because of the increased fee, enactment of this bill would generate about \$1,000,000 in additional annual revenue to be used to help support the operations of the Division of Commercial Recording.

COMMITTEE AMENDMENTS:

The committee amendments provide for the privatization study by the State Auditor and authorize the expenditure of the increased fee revenue in this fiscal year.

FISCAL NOTE TO
[FIRST REPRINT]
ASSEMBLY, No. 1781

STATE OF NEW JERSEY

DATED: October 13, 1992

Assembly Bill No. 1781 (1R) of 1992 increases from \$5 to \$10 the fee to be charged for the use of telephone and expedited over-the-counter corporate services provided by the Division of Commercial Recording. (This fee is in addition to any other statutory fee for those services.)

The Department of State notes that after taking into account the decline in corporate transactions because of the sluggish economy and the dropoff of customers using the service because of the increased fee, enactment of this bill would generate about \$1,000,000 in additional annual revenue to be used to help support the operations of the Division of Commercial Recording.

The Office of Legislative Services concurs.

This fiscal note has been prepared pursuant to P.L.1980, c.67.