

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

"Fees for public documents to drop under new law," The Star-Ledger, 9-11-10

"Christie signs bill on OPRA prices," The Press of Atlantic City, 9-12-10

"Fee for public records lowered,:" Courier News, 9-12-10

LAW/KR

[Second Reprint]

ASSEMBLY, No. 559

STATE OF NEW JERSEY
214th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2010 SESSION

Sponsored by:

Assemblyman JOSEPH CRYAN

District 20 (Union)

Assemblyman UPENDRA J. CHIVUKULA

District 17 (Middlesex and Somerset)

Assemblywoman LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Assemblyman RUBEN J. RAMOS, JR.

District 33 (Hudson)

Assemblyman SCOTT T. RUMANA

District 40 (Bergen, Essex and Passaic)

Co-Sponsored by:

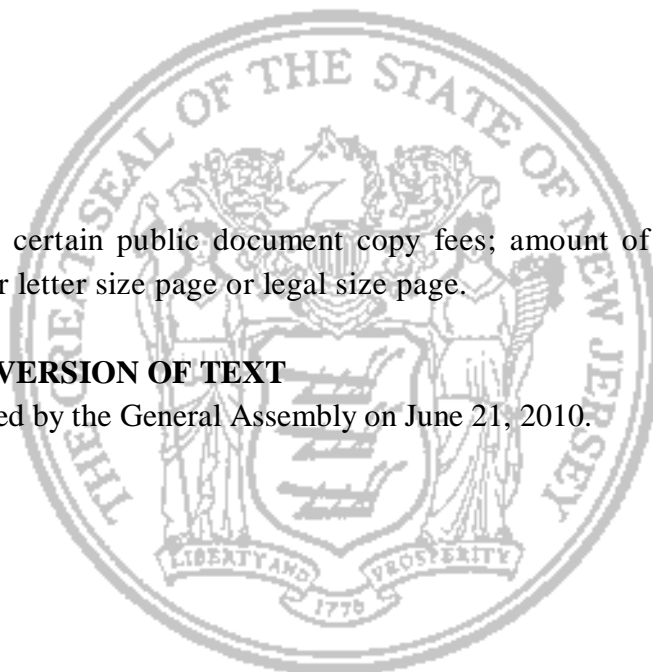
Assemblyman Connors, Assemblywomen Quigley, Voss, Assemblyman Thompson, Assemblywomen Handlin, Vainieri Huttle, Assemblymen Johnson, Bramnick, Moriarty, Assemblywoman N.Munoz, Assemblyman Chiappone, Assemblywoman Rodriguez and Senator Weinberg

SYNOPSIS

Decreases certain public document copy fees; amount of fee dependent upon whether letter size page or legal size page.

CURRENT VERSION OF TEXT

As amended by the General Assembly on June 21, 2010.



(Sponsorship Updated As Of: 6/29/2010)

1 AN ACT concerning certain copy fees for public documents and
2 amending various parts of the statutory law.

3

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

6

7 1. Section 11 of P.L.1987, c.435 (C.22A:4-1a) is amended to
8 read as follows:

9 11. For services herein enumerated the State Treasurer shall
10 collect the following fees:

11 a. For filing any original business certificate for which no other
12 fee is fixed by statute or regulation, \$125.

13 For filing any change or amendment to a previously filed
14 document for which no other fee is fixed by statute or regulation,
15 \$75.

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

19 (1) certificates of appointments for gubernatorial appointees;

20 (2) documents filed by public bodies under the "Open Public
21 Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.);

22 (3) financial disclosures filed by State officials;

23 (4) oaths of office;

24 (5) resignation of office holders;

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

27 b. For certification or exemplification of any document on file,
28 \$25.00.

29 c. For certification or exemplification of any signature on file,
30 including the issuance of a certificate for proving a document
31 outside the United States, also known as an apostille, \$25.00;
32 except that in cases of adoption of a child, the fee for an apostille
33 shall be \$5.00.

34 d. For filing a certified copy of an order of change of name,
35 \$50.00.

36 e. For a paper copy of any document on file, **[\$1.00 per page]**
37 up to \$0.10 per letter size page or smaller and up to \$0.15 per legal
38 size page or larger. If a roll of microfilm images is requested, the
39 State Treasurer shall collect a fee of \$1.00 for each image on the
40 microfilm roll. If a microfiche copy of a microfiche is requested,
41 \$3.00.

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

43 (cf: P.L.2002, c.34, s.34)

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:

¹Assembly ASG committee amendments adopted June 14, 2010.

²Assembly floor amendments adopted June 21, 2010.

1 ¹[2. R.S.39:4-131 is amended to read as follows:

2 39:4-131. The commission shall prepare and supply to police
3 departments and other suitable agencies, forms for accident reports
4 calling for sufficiently detailed information with reference to a
5 motor vehicle accident, including the cause, the conditions then
6 existing, the persons and vehicles involved, the compliance with
7 P.L.1984, c.179 (C.39:3-76.2e et seq.) by the operators and
8 passengers of the vehicles involved in the accident, whether the
9 operator of the vehicle was using a cellular telephone when the
10 accident occurred, and such other information as the chief
11 administrator may require.

12 Every law enforcement officer who investigates a vehicle
13 accident of which report must be made as required in this Title, or
14 who otherwise prepares a written report as a result of an accident or
15 thereafter by interviewing the participants or witnesses, shall
16 forward a written report of such accident to the commission, on
17 forms furnished by it, within five days after his investigation of the
18 accident.

19 Such written reports required to be forwarded by law
20 enforcement officers and the information contained therein shall not
21 be privileged or held confidential. Every citizen of this State shall
22 have the right, during regular business hours and under supervision,
23 to inspect and copy such reports and shall also have the right in
24 person to purchase copies of the reports at the same fee established
25 by section 6 of P.L.2001, c.404 (C.47:1A-5). If copies of reports
26 are requested other than in person, an additional fee of up to \$5.00
27 **【for the first three pages and \$1.00 per page thereafter】** may be
28 added to cover the administrative costs of the report. Upon request,
29 a police department shall send an accident report to a person
30 through the mail or via fax as defined in section 2 of P.L.1976, c.23
31 (C.19:59-2). The police department may require the person
32 requesting the report to provide a completed request form and the
33 appropriate fee prior to faxing or mailing the report. The police
34 department shall provide the person requesting the report with the
35 option of submitting the form and providing the appropriate fee
36 either in person, through the mail, or via fax as defined in section 2
37 of P.L.1976, c.23 (C.19:59-2).

38 The provisions of any other law or regulation to the contrary
39 notwithstanding, reports obtained pursuant to this act shall not be
40 subject to confidentiality requirements except as provided by
41 section 28 of P.L.1960, c.52 (C.2A:84A-28).

42 (cf: P.L.2007, c.20, s.1) **】**¹

43

44 ¹2. R.S.39:4-131 is amended to read as follows:

45 39:4-131. The commission shall prepare and supply to police
46 departments and other suitable agencies, forms for accident reports
47 calling for sufficiently detailed information with reference to a

1 motor vehicle accident, including the cause, the conditions then
2 existing, the persons and vehicles involved, the compliance with
3 P.L.1984, c.179 (C.39:3-76.2e et seq.) by the operators and
4 passengers of the vehicles involved in the accident, whether the
5 operator of the vehicle was using a cellular telephone when the
6 accident occurred, and such other information as the chief
7 administrator may require.

8 Every law enforcement officer who investigates a vehicle
9 accident of which report must be made as required in this Title, or
10 who otherwise prepares a written report as a result of an accident or
11 thereafter by interviewing the participants or witnesses, shall
12 forward a written report of such accident to the commission, on
13 forms furnished by it, within five days after his investigation of the
14 accident.

15 Such written reports required to be forwarded by law
16 enforcement officers and the information contained therein shall not
17 be privileged or held confidential. Every citizen of this State shall
18 have the right, during regular business hours and under supervision,
19 to inspect and copy such reports and shall also have the right in
20 person to purchase copies of the reports at the same fee established
21 by section 6 of P.L.2001, c.404 (C.47:1A-5). If copies of reports
22 are requested other than in person, an additional fee of up to \$5.00
23 **【for the first three pages and \$1.00 per page thereafter】** may be
24 added to cover the administrative costs of the report. Upon request,
25 a police department shall send an accident report to a person
26 through the mail or via fax as defined in section 2 of P.L.1976, c.23
27 (C.19:59-2). The police department may require the person
28 requesting the report to provide a completed request form and the
29 appropriate fee prior to faxing or mailing the report. The police
30 department shall provide the person requesting the report with the
31 option of submitting the form and providing the appropriate fee
32 either in person, through the mail, or via fax as defined in section 2
33 of P.L.1976, c.23 (C.19:59-2).

34 The provisions of any other law or regulation to the contrary
35 notwithstanding, reports obtained pursuant to this act shall not be
36 subject to confidentiality requirements except as provided by
37 section 28 of P.L.1960, c.52 (C.2A:84A-28).

38 When a motor vehicle accident results in the death or
39 incapacitation of the driver or any passenger, the law enforcement
40 officer responsible for notifying the next of kin that their relative is
41 deceased or incapacitated, also shall inform the relative, in writing,
42 how to obtain a copy of the accident report required by this section
43 and the name, address, and telephone number of the person storing
44 the motor vehicle pursuant to section 1 of P.L.1964, c.81
45 (C.39:10A-1).¹

46 (cf: P.L.2008, c.107, s.1)

1 3. Section 65 of P.L.1993, c.210 (C.42:2B-65) is amended to
2 read as follows:

3 65. a. No document required to be filed under this act shall be
4 effective until the applicable fee required by this section is paid.
5 The following fees shall be paid to and collected by the State
6 Treasurer for the use of the State:

7 (1) Upon the receipt for filing of a certificate of registration of
8 alternate name or a certificate of renewal pursuant to section 4 of
9 this act, a fee in the amount of \$50.

10 (2) Upon the receipt for filing of an application for reservation
11 of name, an application for renewal of reservation or a notice of
12 transfer or cancellation of reservation pursuant to section 5 of this
13 act, a fee in the amount of \$50.

14 (3) Upon the receipt for filing of a certificate under subsection
15 b. of section 6 of this act, a fee in the amount of \$25, upon the
16 receipt for filing of a certificate under subsection b. of section 7 of
17 this act, a fee in the amount of \$25 and a further fee of \$10 for each
18 limited liability company affected by such certificate.

19 (4) Upon the receipt for filing of a notice of resignation and
20 affidavit pursuant to subsection c. of section 7 of this act, a fee in
21 the amount of \$25 and upon the receipt for filing of a certificate of
22 change pursuant to subsection c. of section 7 of this act, a fee in the
23 amount of \$25.

24 (5) Upon the receipt for filing of a certificate of formation under
25 section 11 of this act a fee in the amount of \$125; and upon receipt
26 for filing, a certificate of correction under section 12 of this act, a
27 certificate of amendment under section 13 of this act, a certificate
28 of cancellation under section 14 of this act, a certificate of merger
29 or consolidation under section 20 of this act or a restated certificate
30 of formation under section 19 of this act, a fee in the amount of
31 \$100.

32 (6) Upon filing of an annual report, a fee in the amount of
33 \$50.00.

34 (7) Upon requesting a reinstatement of a certificate of a limited
35 liability company, a late filing fee of \$200.00 and a reinstatement
36 filing fee of \$75.00.

37 (8) For certifying copies of any paper on file as provided for by
38 this act, a fee in the amount of \$25 for each copy certified.

39 (9) The State Treasurer may issue photocopies of instruments on
40 file as well as other copies, and for all of those copies, whether
41 certified or not, a fee in the amount of **[\$10 for the first page and \$2**
42 **per page]** up to \$0.10 per letter size page or smaller and up to \$0.15
43 per legal size page or larger thereafter shall be paid.

44 (10) Upon the receipt for filing of an application for registration
45 as a foreign limited liability company under section 53 of this act or
46 a certificate of cancellation under section 56 of this act, a fee in the
47 amount of \$125.

1 (11) For preclearance of any document for filing, a fee in the
2 amount of \$50.

3 (12) For preparing and providing a written report of a record
4 search, a fee in the amount of \$50.

5 (13) For issuing any certificate of the State Treasurer, including
6 but not limited to a certificate of good standing, other than a
7 certification of a copy under paragraph (6) of this subsection, a fee
8 in the amount of \$50, except that for issuing any certificate of the
9 State Treasurer that recites all of a limited liability company's
10 filings with the State Treasurer, a fee of \$100 shall be paid for each
11 such certificate.

12 (14) For receiving and filing and/or indexing any certificate,
13 affidavit, agreement or any other paper provided for by this act, for
14 which no different fee is specifically prescribed, a fee in the amount
15 of \$75.

16 (15) The State Treasurer may in the Treasurer's discretion charge
17 a fee of \$50 for each check received for payment of any fee that is
18 returned due to insufficient funds or the result of a stop payment
19 order.

20 b. In addition to those fees charged under subsection a. of this
21 section, there shall be collected by and paid to the State Treasurer
22 the following:

23 (1) for all services described in subsection a. of this section that
24 are requested to be completed within the same day as the day of the
25 request, an additional sum of up to \$50; and

26 (2) for all services described in subsection a. of this section that
27 are requested to be completed within a 24-hour period from the time
28 of the request, an additional sum of up to \$25.

29 The State Treasurer shall establish (and may from time to time
30 amend) a schedule of specific fees payable pursuant to this
31 subsection.

32 c. The State Treasurer may in his discretion permit the
33 extension of credit for the fees required by this section upon such
34 terms as he shall deem to be appropriate.

35 (cf: P.L.2002, c.34, s.38)

36
37 4. Section 4 of P.L.1997, c.412 (C.46:16-18) is amended to
38 read as follows:

39 4. a. If a notice of federal lien, a refiling of a notice of federal
40 lien, or a notice of revocation of any certificate is presented to the
41 county recording officer, he shall endorse thereon his identification
42 and the date and time of receipt and forthwith file it alphabetically
43 or enter it in an alphabetical index showing the name and address of
44 the person named in the notice, the date and time of receipt, the title
45 and address of the official or entity certifying the lien, and the total
46 amount appearing on the notice of lien.

1 b. If a refiled notice of federal lien referred to in subsection a.
2 of this section or any certificate of release, nonattachment,
3 discharge or subordination is presented for filing to the county
4 recording officer, he shall permanently attach the refiled notice of
5 the certificate to the original notice of lien and enter the refiled
6 notice or the certificate with the date of filing in any alphabetical
7 lien index on the line where the original notice of lien is entered.

8 c. All notices received by a filing officer pursuant to this
9 section and the index of the notices shall be held for public
10 inspection by the filing officer. Upon request, the filing officer
11 shall furnish a copy of any notice of federal lien, or notice or
12 certificate affecting a federal lien, for a fee of **[\$2 per page] up to**
13 **\$0.10 per letter size page or smaller, and up to \$0.15 per legal size**
14 **page or larger.**

15 (cf: P.L.1997, c.412, s.4)

16

17 5. Section 6 of P.L.2001, c.404 (C.47:1A-5) is amended to read
18 as follows:

19 6. a. The custodian of a government record shall permit the
20 record to be inspected, examined, and copied by any person during
21 regular business hours; or in the case of a municipality having a
22 population of 5,000 or fewer according to the most recent federal
23 decennial census, a board of education having a total district
24 enrollment of 500 or fewer, or a public authority having less than
25 \$10 million in assets, during not less than six regular business hours
26 over not less than three business days per week or the entity's
27 regularly-scheduled business hours, whichever is less; unless a
28 government record is exempt from public access by: P.L.1963, c.73
29 (C.47:1A-1 et seq.) as amended and supplemented; any other
30 statute; resolution of either or both houses of the Legislature;
31 regulation promulgated under the authority of any statute or
32 Executive Order of the Governor; Executive Order of the Governor;
33 Rules of Court; any federal law; federal regulation; or federal order.
34 Prior to allowing access to any government record, the custodian
35 thereof shall redact from that record any information which
36 discloses the social security number, credit card number, unlisted
37 telephone number, or driver license number of any person; except
38 for use by any government agency, including any court or law
39 enforcement agency, in carrying out its functions, or any private
40 person or entity acting on behalf thereof, or any private person or
41 entity seeking to enforce payment of court-ordered child support;
42 except with respect to the disclosure of driver information by the
43 Division of Motor Vehicles as permitted by section 2 of P.L.1997,
44 c.188 (C.39:2-3.4); and except that a social security number
45 contained in a record required by law to be made, maintained or
46 kept on file by a public agency shall be disclosed when access to
47 the document or disclosure of that information is not otherwise

1 prohibited by State or federal law, regulation or order or by State
2 statute, resolution of either or both houses of the Legislature,
3 Executive Order of the Governor, rule of court or regulation
4 promulgated under the authority of any statute or executive order of
5 the Governor. Except where an agency can demonstrate an
6 emergent need, a regulation that limits access to government
7 records shall not be retroactive in effect or applied to deny a request
8 for access to a government record that is pending before the agency,
9 the council or a court at the time of the adoption of the regulation.

10 b. A copy or copies of a government record may be purchased
11 by any person upon payment of the fee prescribed by law or
12 regulation ¹[, or if a fee is not prescribed by law or regulation, upon
13 payment of the actual cost of duplicating the record]¹. Except as
14 otherwise provided by law or regulation, the fee assessed for the
15 duplication of a government record embodied in the form of printed
16 matter ²¹, whether by copying or by faxing, scanning or other
17 electronic means of duplication,¹² shall ¹[not exceed the
18 following:] be¹ [first page to tenth page, \$0.75 per page; eleventh
19 page to twentieth page, \$0.50 per page; all pages over twenty, \$0.25
20 per page] ¹[up to]¹ ²[\$0.10] \$0.05² per letter size page or
21 smaller, and ¹[up to]¹ ²[\$0.15] \$0.07² per legal size page or
22 larger. ¹[The actual cost of duplicating the record shall be the cost
23 of materials and supplies used to make a copy of the record, but
24 shall not include the cost of labor or other overhead expenses
25 associated with making the copy except as provided for in
26 subsection c. of this section.]¹ If a public agency can demonstrate
27 that its actual costs for duplication of a government record exceed
28 the foregoing rates, the public agency shall be permitted to charge
29 the actual cost of duplicating the record. ¹The actual cost of
30 duplicating the record ², upon which all copy fees are based,² shall
31 be the cost of materials and supplies used to make a copy of the
32 record, but shall not include the cost of labor or other overhead
33 expenses associated with making the copy except as provided for in
34 subsection c. of this section.¹ ²Access to electronic records and
35 non-printed materials shall be provided free of charge, but the
36 public agency may charge for the actual costs of any needed
37 supplies such as computer discs.²

38 c. Whenever the nature, format, manner of collation, or volume
39 of a government record embodied in the form of printed matter to
40 be inspected, examined, or copied pursuant to this section is such
41 that the record cannot be reproduced by ordinary document copying
42 equipment in ordinary business size or involves an extraordinary
43 expenditure of time and effort to accommodate the request, the
44 public agency may charge, in addition to the actual cost of
45 duplicating the record, a special service charge that shall be
46 reasonable and shall be based upon the actual direct cost of

1 providing the copy or copies; provided, however, that in the case of
2 a municipality, rates for the duplication of particular records when
3 the actual cost of copying exceeds the foregoing rates shall be
4 established in advance by ordinance. The requestor shall have the
5 opportunity to review and object to the charge prior to it being
6 incurred.

7 d. A custodian shall permit access to a government record and
8 provide a copy thereof in the medium requested if the public agency
9 maintains the record in that medium. If the public agency does not
10 maintain the record in the medium requested, the custodian shall
11 either convert the record to the medium requested or provide a copy
12 in some other meaningful medium. If a request is for a record: (1)
13 in a medium not routinely used by the agency; (2) not routinely
14 developed or maintained by an agency; or (3) requiring a substantial
15 amount of manipulation or programming of information technology,
16 the agency may charge, in addition to the actual cost of duplication,
17 a special charge that shall be reasonable and shall be based on the
18 cost for any extensive use of information technology, or for the
19 labor cost of personnel providing the service, that is actually
20 incurred by the agency or attributable to the agency for the
21 programming, clerical, and supervisory assistance required, or both.

22 e. Immediate access ordinarily shall be granted to budgets,
23 bills, vouchers, contracts, including collective negotiations
24 agreements and individual employment contracts, and public
25 employee salary and overtime information.

26 f. The custodian of a public agency shall adopt a form for the
27 use of any person who requests access to a government record held
28 or controlled by the public agency. The form shall provide space
29 for the name, address, and phone number of the requestor and a
30 brief description of the government record sought. The form shall
31 include space for the custodian to indicate which record will be
32 made available, when the record will be available, and the fees to be
33 charged. The form shall also include the following: (1) specific
34 directions and procedures for requesting a record; (2) a statement as
35 to whether prepayment of fees or a deposit is required; (3) the time
36 period within which the public agency is required by P.L.1963, c.73
37 (C.47:1A-1 et seq.) as amended and supplemented, to make the
38 record available; (4) a statement of the requestor's right to challenge
39 a decision by the public agency to deny access and the procedure
40 for filing an appeal; (5) space for the custodian to list reasons if a
41 request is denied in whole or in part; (6) space for the requestor to
42 sign and date the form; (7) space for the custodian to sign and date
43 the form if the request is fulfilled or denied. The custodian may
44 require a deposit against costs for reproducing documents sought
45 through an anonymous request whenever the custodian anticipates
46 that the information thus requested will cost in excess of \$5 to
47 reproduce.

1 g. A request for access to a government record shall be in
2 writing and hand-delivered, mailed, transmitted electronically, or
3 otherwise conveyed to the appropriate custodian. A custodian shall
4 promptly comply with a request to inspect, examine, copy, or
5 provide a copy of a government record. If the custodian is unable
6 to comply with a request for access, the custodian shall indicate the
7 specific basis therefor on the request form and promptly return it to
8 the requestor. The custodian shall sign and date the form and
9 provide the requestor with a copy thereof. If the custodian of a
10 government record asserts that part of a particular record is exempt
11 from public access pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.)
12 as amended and supplemented, the custodian shall delete or excise
13 from a copy of the record that portion which the custodian asserts is
14 exempt from access and shall promptly permit access to the
15 remainder of the record. If the government record requested is
16 temporarily unavailable because it is in use or in storage, the
17 custodian shall so advise the requestor and shall make arrangements
18 to promptly make available a copy of the record. If a request for
19 access to a government record would substantially disrupt agency
20 operations, the custodian may deny access to the record after
21 attempting to reach a reasonable solution with the requestor that
22 accommodates the interests of the requestor and the agency.

23 h. Any officer or employee of a public agency who receives a
24 request for access to a government record shall forward the request
25 to the custodian of the record or direct the requestor to the
26 custodian of the record.

27 i. Unless a shorter time period is otherwise provided by
28 statute, regulation, or executive order, a custodian of a government
29 record shall grant access to a government record or deny a request
30 for access to a government record as soon as possible, but not later
31 than seven business days after receiving the request, provided that
32 the record is currently available and not in storage or archived. In
33 the event a custodian fails to respond within seven business days
34 after receiving a request, the failure to respond shall be deemed a
35 denial of the request, unless the requestor has elected not to provide
36 a name, address or telephone number, or other means of contacting
37 the requestor. If the requestor has elected not to provide a name,
38 address, or telephone number, or other means of contacting the
39 requestor, the custodian shall not be required to respond until the
40 requestor reappears before the custodian seeking a response to the
41 original request. If the government record is in storage or archived,
42 the requestor shall be so advised within seven business days after
43 the custodian receives the request. The requestor shall be advised
44 by the custodian when the record can be made available. If the
45 record is not made available by that time, access shall be deemed
46 denied.

1 j. A custodian shall post prominently in public view in the part
 2 or parts of the office or offices of the custodian that are open to or
 3 frequented by the public a statement that sets forth in clear, concise
 4 and specific terms the right to appeal a denial of, or failure to
 5 provide, access to a government record by any person for
 6 inspection, examination, or copying or for purchase of copies
 7 thereof and the procedure by which an appeal may be filed.

8 k. The files maintained by the Office of the Public Defender
 9 that relate to the handling of any case shall be considered
 10 confidential and shall not be open to inspection by any person
 11 unless authorized by law, court order, or the State Public Defender.
 12 (cf: P.L.2001, c.404, s.6)

13
 14 6. Section 1 of P.L.1959, c.43 (C.48:2-56) is amended to read as
 15 follows:

16 1. The Board of **[Regulatory Commissioners]** Public Utilities
 17 is hereby empowered, authorized and required to charge and collect
 18 fees and charges for the purposes and in the amounts hereinafter set
 19 out.

20 **[.] A. Filing of Annual Reports**

	Charge Per
	Report
23 (1) Sewer	\$20.00
24 0 Classes A, B, C, and D ...	20.00
25 Class E (Income Sheets)	5.00
26 (2) Railroad	50.00
27 Nonoperating	10.00
28 (3) Telephone	
29 Class A	50.00
30 Class B	20.00
31 (4) Water	
32 Class A	50.00
33 Classes B and C	20.00
34 Class D	10.00
35 Class E (Income Sheets)	5.00
36 (5) Bus	
37 Class A	50.00
38 Class B	25.00
39 Class C	10.00
40 (6) Gas	50.00
41 (7) Electric	50.00
42 (8) Combination gas and electric	100.00
43 (9) (Deleted by amendment, P.L.1993, c.124).	

44
 45 **B. Examination and Audit of Annual Reports**

46 (1) The total fee is to be based on reported intrastate operating
 47 revenues, and, except as noted below for certain interstate utilities,

1 will consist of a base charge plus an incremental charge per unit of
 2 \$1,000.00 or fraction thereof for each such unit in excess of the
 3 lower limit of the indicated range.

		The	
		Incremental	
		Charge per	
		\$1,000	
		Unit is	
7	If the Reported Operating	The Base	
8	Revenues Fall Within the Range	Charge is	
9	Under \$10,000	\$10.00	.....
10	\$10,000 to 25,000	15.00	.....
11	25,000 to 50,000	25.00	.....
12	50,000 to 500,000	25.00	\$0.50/M
13	500,000 to 1,000,000	250.00	0.39/M
14	1,000,000 to 5,000,000	445.00	0.15/M
15	5,000,000 to 10,000,000	1,045.00	0.10/M
16	10,000,000 to 50,000,000	1,545.00	0.08/M
17	50,000,000 to 100,000,000	4,745.00	0.07/M
18	100,000,000 to 200,000,000	8,245.00	0.05/M
19	200,000,000 and over	13,245.00	0.03/M

20
 21 (2) Public utilities engaged in interstate commerce who are
 22 required to file annual reports with the board and who derive 50%
 23 or more of their operating revenues from interstate commerce shall
 24 pay a fee for examination and audit of their annual report in
 25 accordance with the following schedule. The board may establish
 26 reasonable rules for the determination of such intrastate revenues in
 27 cases where the same have not been reported.

	For Intrastate Revenues Within the Range	The Fee is
29	Under \$10,000	\$25.00
30	\$10,000 to 50,000	50.00
31	50,001 to 200,000	75.00
32	200,001 to 500,000	150.00
33	500,001 to 1,000,000	300.00
34	over 1,000,000	500.00

	C. Pamphlets and Publications	Charge Per
		Copy
37	(1) Annual report of the Board of	
38	【Regulatory Commissioners】 <u>Public Utilities</u> ...	\$2.00
39	(2) Utility annual report forms	
40	Sewer	5.00
41	Income Sheets	2.00
42	Railroad	10.00
43	Telephone	10.00
44	Water	
45	Classes A, B and C	10.00
46	Class D	5.00
47	Class E (Income Sheets)	2.00

1	Buses		
2	Class A	10.00	
3	Class B	5.00	
4	Class C	2.00	
5	Gas	10.00	
6	Electric	10.00	
7	(3) Pamphlets containing rules and regulations		
8	and all other pamphlets published by the		
9	board		
10	Pamphlets with less than 25 pages...	2.00	
11	Pamphlets with 25 pages or more but less		
12	than 50 pages	2.50	
13	Pamphlets with 50 pages or more	2.50	
14	Plus \$0.25 for each additional 25 pages or		
15	fraction thereof in excess of 50 pages		
16	(4) Uniform system of accounts	10.00	
17	(5) Photocopies of documents or reports--		
18	per page.....	[1.00]	<u>up to \$0.10 for letter size or</u>
19	<u>smaller up to \$0.15 for legal size or larger</u>		
20		Charge for	
21		Each	
22		Year Covered	
23	(6) Compilation of board's decisions ...	\$2.00	
24	(7) Statistics of utilities--private and		
25	municipal	3.00	
26	D. Subpoenas--Petition for and Issuance	Charge per	
27		Subpoena	
28	(1) Subpoena for the attendance of		
29	witnesses	\$2.00	
30	(2) Subpoena duces tecum	5.00	
31	E. Applications and Petitions Submitted to the Board		
32	(1) For approval of issuance of securities or evidences of		
33	indebtedness the filing fee shall be based on the estimated proceeds		
34	before costs and expenses of issuance. When the actual proceeds		
35	become known, the fee will be adjusted accordingly. The total		
36	filing fee will consist of a base charge plus an incremental charge		
37	per unit of \$1,000.00 or fraction thereof of proceeds in excess of the		
38	lower limit of the range of the indicated block. In the case of stock		
39	dividends, the proceeds shall be taken as the amount to be		
40	transferred from earned surplus account.		
41			
42		The Incre-	
43		mental	
44		Charge	
45	If the proceeds of the Trans-	The Base	per \$1,000
46	action Fall Within the Range	Charge is	Unit is
47	Under \$5,000	\$10.00	.....

1	\$5,001 to	10,000	15.00	.....
2	10,001 to	20,000	30.00	.....
3	20,001 to	30,000	50.00	.....
4	30,001 to	100,000	50.00	\$0.70/M
5	100,001 to	500,000	99.00	0.60/M
6	500,001 to	1,000,000	339.00	0.50/M
7	1,000,001 to	5,000,000	589.00	0.40/M
8	5,000,001 to	10,000,000	2,189.00	0.35/M
9	10,000,001 to	25,000,000	3,939.00	0.30/M
10	25,000,001 and over		8,439.00	0.25/M

11 (2) For increases in rates or fares, whether by petition, filing of
 12 revised tariff, or by petition for negotiated relief under R.S.48:2-
 13 21.1, provided that when two petitions or a petition with an
 14 amendment relate to one and the same increase only one fee shall be
 15 charged, the fees are to be based on the proposed increase in annual
 16 operating revenues for which application is made and will consist of
 17 a base charge plus an incremental charge per unit of \$1,000.00 or
 18 fraction thereof for each such unit in excess of the lower limit of the
 19 indicated range.

20				The Incre-
21				mental
22				Charge
23	If the Proposed		The Base	per \$1,000
24	Increase Falls Within the Range		Charge is	Unit is
25	Up to	\$5,000	\$25.00	.....
26	\$5,000 to	30,000	25.00	\$2.00/M
27	30,000 to	100,000	75.00	1.80/M
28	100,000 to	300,000	201.00	1.60/M
29	300,000 to	600,000	521.00	1.40/M
30	600,000 to	1,000,000	941.00	1.20/M
31	1,000,000 to	5,000,000	1,421.00	1.00/M
32	5,000,000 to	10,000,000	5,421.00	0.80/M
33	10,000,000 to	20,000,000	9,421.00	0.60/M
34	20,000,000 and over		15,421.00	0.30/M

35 Filing of an initial rate, a contract for a special rate or any other
 36 document involving a tariff change not otherwise provided for
 37 above 25.00

38 In addition to the filing fee computed in accordance with the
 39 foregoing, the public utility shall pay a processing fee of 1/10 of 1%
 40 of the new or initial annual operating revenues or increase in annual
 41 operating revenues that may be authorized by the board, which fee
 42 in no event shall be less than 25.00

43 Filing automatic adjustment clause tariff
 44 revision..... \$25.00

45 (3) For sales of property or leases of property
 46 (Based on the Consideration or Annual Rental) Filing Fee
 47 Up to \$1,000 \$10.00

1	\$1,001 to	5,000	25.00
2	5,001 to	10,000	50.00
3	10,001 to	20,000	75.00
4	20,001 to	50,000	150.00
5	50,001 to	100,000	250.00
6	100,001 and over	.....	350.00
7	(4) For approval of mergers		Filing Fee
8	The filing fee for approval of mergers is to be based on		
9	the total utility plant account of the surviving utility and will be		
10	computed according to the schedule of charges set forth herein for		
11	sales of property or leases of property.		
12	(5) For approval of a municipal consent		\$20.00
13	Where petition requests approval of more		
14	than one municipal consent on the same		
15	route for each such additional consent		10.00
16	(6) For rehearing, reopening, reargument or		
17	reconsideration of any matter		15.00
18	(7) For approval of contracts under Revised		
19	Statutes 48:3-7.1.....		100.00
20	(8) For establishment of new railroad-highway		
21	crossing at grade.....		50.00
22	(9) For grade crossing separation		100.00
23	(10) For relocation or widening of grade		
24	crossing.....		100.00
25	(11) For abandonment of grade crossing ...		50.00
26	(12) For discontinuance of station agents		
27	and stations		50.00
28	(13) For authority to exercise eminent domain--		
29	for each separate parcel of property		
30	involved		100.00
31	(14) Any application or petition not herein		
32	specifically designated or described.....		25.00
33	(15) For inspection or test of electric,		
34	water or gas meter		5.00
35	(This fee is to be returned to the		
36	customer and collected from the utility		
37	in cases where the meter is found to be		
38	registering fast beyond the allowable		
39	limit of accuracy established by the board.)		
40	F. Buses or Other Motor Vehicles		
41	(1) For approval of transfer of municipal		
42	consents.....		\$25.00
43	(2) For approval of conditional sale contract,		
44	notes or chattel mortgage based on the		
45	principal amount involved		

1		Filing Fee
2	\$5,000 or less	10.00
3	5,001 to 10,000	15.00
4	10,001 to 25,000	25.00
5	25,001 to 50,000	50.00
6	50,001 to 100,000	75.00
7	Over \$100,000	100.00
8	(3) For changes, extensions or consolidation	
9	of existing autobus routes	25.00
10	(4) For approval of leases of equipment	25.00
11		Charges
12	(5) For inspection of new bus equipment and	
13	issuance of certificate of compliance--	
14	each bus	115.00
15	(6) Specification recheck--each bus	50.00
16	(7) For issuance of duplicate certificate of	
17	compliance--each	2.00
18	(8) For inspection of autobus for restoration	
19	to service after removal for lack of	
20	insurance	70.00
21	(9) For each periodic inspection of autobus by	
22	board's inspector (including first	
23	recheck)--each bus	85.00
24	(10) Additional maintenance recheck--each bus	35.00
25	(11) Self inspection--each bus	30.00
26	G. Miscellaneous	Filing Fee
27	(1) Formal complaints--Costs to be assessed	
28	against the respondent utility if the	
29	complaint is sustained by the board	\$25.00
30	(2) Answers to formal complaints	10.00
31	(3) Where the answer sets up a prayer	
32	for affirmative relief	25.00
33	(4) Amendment to any petition or answer ..	10.00
34	(5) Reports and statements filed by pipeline	
35	companies as required by board's rules	
36	issued under the authority of Title 48	
37	of the Revised Statutes except accident	
38	reports	200.00
39	(6) Deleted by amendment, P.L.1993, c.124.	
40		Charge Per
41		Copy
42	(7) Extra copy of any decision, order or	
43	certificate of the board	【2.00
44	Plus a charge for each page exceeding 2 pages	1.00】 up to
45	\$0.10 per letter size page or smaller, up to \$0.15 per legal size page	
46	or larger	
47	(8) Certification of any document	2.50

1 All filing fees shall be paid at the time of the original filing of
2 the report, application, petition or other document or paper in the
3 matter. No pleading will be considered filed until the appropriate
4 fees are paid. In cases where such payment is not feasible, as may
5 be determined by the board, the amount will be due and payable on
6 the presentation of an invoice.

7 When a petition covers more than one matter or makes a prayer
8 for relief with respect to more than one matter, the fee for filing the
9 same shall be the sum of the fees that would be paid for each
10 individual matter.

11 When several utilities or petitioners join in the filing of a single
12 petition, then the fees herein provided shall apply to each petitioner
13 as may be appropriate.

14 (cf: P.L.1993, c.124, s.1)

15

16 7. This act shall take effect immediately but shall be
17 inoperative until the 60th day following enactment.

ASSEMBLY, No. 559

STATE OF NEW JERSEY

214th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2010 SESSION

Sponsored by:

Assemblyman JOSEPH CRYAN

District 20 (Union)

Assemblyman UPENDRA J. CHIVUKULA

District 17 (Middlesex and Somerset)

Assemblywoman LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Co-Sponsored by:

Assemblyman Connors, Assemblywomen Quigley, Voss, Assemblymen Ramos, Thompson, Assemblywomen Handlin, Vainieri Huttle, Assemblymen Johnson and Bramnick

SYNOPSIS

Decreases certain public document copy fees to up to \$0.10 or less per letter size page and up to \$0.15 or less per legal size page.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning certain copy fees for public documents and
2 amending various parts of the statutory law.

3

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

6

7 1. Section 11 of P.L.1987, c.435 (C.22A:4-1a) is amended to
8 read as follows:

9 11. For services herein enumerated the State Treasurer shall
10 collect the following fees:

11 a. For filing any original business certificate for which no other
12 fee is fixed by statute or regulation, \$125.

13 For filing any change or amendment to a previously filed
14 document for which no other fee is fixed by statute or regulation,
15 \$75.

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

19 (1) certificates of appointments for gubernatorial appointees;

20 (2) documents filed by public bodies under the "Open Public
21 Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.);

22 (3) financial disclosures filed by State officials;

23 (4) oaths of office;

24 (5) resignation of office holders;

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

27 b. For certification or exemplification of any document on file,
28 \$25.00.

29 c. For certification or exemplification of any signature on file,
30 including the issuance of a certificate for proving a document
31 outside the United States, also known as an apostille, \$25.00;
32 except that in cases of adoption of a child, the fee for an apostille
33 shall be \$5.00.

34 d. For filing a certified copy of an order of change of name,
35 \$50.00.

36 e. For a paper copy of any document on file, **[\$1.00 per page]**
37 up to \$0.10 per letter size page or smaller and up to \$0.15 per legal
38 size page or larger. If a roll of microfilm images is requested, the
39 State Treasurer shall collect a fee of \$1.00 for each image on the
40 microfilm roll. If a microfiche copy of a microfiche is requested,
41 \$3.00.

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

43 (cf: P.L.2002, c.34, s.34)

44

45 2. R.S.39:4-131 is amended to read as follows:

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 39:4-131. The commission shall prepare and supply to police
2 departments and other suitable agencies, forms for accident reports
3 calling for sufficiently detailed information with reference to a
4 motor vehicle accident, including the cause, the conditions then
5 existing, the persons and vehicles involved, the compliance with
6 P.L.1984, c.179 (C.39:3-76.2e et seq.) by the operators and
7 passengers of the vehicles involved in the accident, whether the
8 operator of the vehicle was using a cellular telephone when the
9 accident occurred, and such other information as the chief
10 administrator may require.

11 Every law enforcement officer who investigates a vehicle
12 accident of which report must be made as required in this Title, or
13 who otherwise prepares a written report as a result of an accident or
14 thereafter by interviewing the participants or witnesses, shall
15 forward a written report of such accident to the commission, on
16 forms furnished by it, within five days after his investigation of the
17 accident.

18 Such written reports required to be forwarded by law
19 enforcement officers and the information contained therein shall not
20 be privileged or held confidential. Every citizen of this State shall
21 have the right, during regular business hours and under supervision,
22 to inspect and copy such reports and shall also have the right in
23 person to purchase copies of the reports at the same fee established
24 by section 6 of P.L.2001, c.404 (C.47:1A-5). If copies of reports
25 are requested other than in person, an additional fee of up to \$5.00
26 **【for the first three pages and \$1.00 per page thereafter】** may be
27 added to cover the administrative costs of the report. Upon request,
28 a police department shall send an accident report to a person
29 through the mail or via fax as defined in section 2 of P.L.1976, c.23
30 (C.19:59-2). The police department may require the person
31 requesting the report to provide a completed request form and the
32 appropriate fee prior to faxing or mailing the report. The police
33 department shall provide the person requesting the report with the
34 option of submitting the form and providing the appropriate fee
35 either in person, through the mail, or via fax as defined in section 2
36 of P.L.1976, c.23 (C.19:59-2).

37 The provisions of any other law or regulation to the contrary
38 notwithstanding, reports obtained pursuant to this act shall not be
39 subject to confidentiality requirements except as provided by
40 section 28 of P.L.1960, c.52 (C.2A:84A-28).

41 (cf: P.L.2007, c.20, s.1)

42

43 3. Section 65 of P.L.1993, c.210 (C.42:2B-65) is amended to
44 read as follows:

45 65. a. No document required to be filed under this act shall be
46 effective until the applicable fee required by this section is paid.

- 1 The following fees shall be paid to and collected by the State
2 Treasurer for the use of the State:
- 3 (1) Upon the receipt for filing of a certificate of registration of
4 alternate name or a certificate of renewal pursuant to section 4 of
5 this act, a fee in the amount of \$50.
- 6 (2) Upon the receipt for filing of an application for reservation
7 of name, an application for renewal of reservation or a notice of
8 transfer or cancellation of reservation pursuant to section 5 of this
9 act, a fee in the amount of \$50.
- 10 (3) Upon the receipt for filing of a certificate under subsection
11 b. of section 6 of this act, a fee in the amount of \$25, upon the
12 receipt for filing of a certificate under subsection b. of section 7 of
13 this act, a fee in the amount of \$25 and a further fee of \$10 for each
14 limited liability company affected by such certificate.
- 15 (4) Upon the receipt for filing of a notice of resignation and
16 affidavit pursuant to subsection c. of section 7 of this act, a fee in
17 the amount of \$25 and upon the receipt for filing of a certificate of
18 change pursuant to subsection c. of section 7 of this act, a fee in the
19 amount of \$25.
- 20 (5) Upon the receipt for filing of a certificate of formation under
21 section 11 of this act a fee in the amount of \$125; and upon receipt
22 for filing, a certificate of correction under section 12 of this act, a
23 certificate of amendment under section 13 of this act, a certificate
24 of cancellation under section 14 of this act, a certificate of merger
25 or consolidation under section 20 of this act or a restated certificate
26 of formation under section 19 of this act, a fee in the amount of
27 \$100.
- 28 (6) Upon filing of an annual report, a fee in the amount of
29 \$50.00.
- 30 (7) Upon requesting a reinstatement of a certificate of a limited
31 liability company, a late filing fee of \$200.00 and a reinstatement
32 filing fee of \$75.00.
- 33 (8) For certifying copies of any paper on file as provided for by
34 this act, a fee in the amount of \$25 for each copy certified.
- 35 (9) The State Treasurer may issue photocopies of instruments on
36 file as well as other copies, and for all of those copies, whether
37 certified or not, a fee in the amount of **[\$10 for the first page and \$2**
38 **per page] up to \$0.10 per letter size page or smaller and up to \$0.15**
39 **per legal size page or larger** thereafter shall be paid.
- 40 (10) Upon the receipt for filing of an application for registration
41 as a foreign limited liability company under section 53 of this act or
42 a certificate of cancellation under section 56 of this act, a fee in the
43 amount of \$125.
- 44 (11) For preclearance of any document for filing, a fee in the
45 amount of \$50.
- 46 (12) For preparing and providing a written report of a record
47 search, a fee in the amount of \$50.

1 (13) For issuing any certificate of the State Treasurer, including
2 but not limited to a certificate of good standing, other than a
3 certification of a copy under paragraph (6) of this subsection, a fee
4 in the amount of \$50, except that for issuing any certificate of the
5 State Treasurer that recites all of a limited liability company's
6 filings with the State Treasurer, a fee of \$100 shall be paid for each
7 such certificate.

8 (14) For receiving and filing and/or indexing any certificate,
9 affidavit, agreement or any other paper provided for by this act, for
10 which no different fee is specifically prescribed, a fee in the amount
11 of \$75.

12 (15) The State Treasurer may in the Treasurer's discretion charge
13 a fee of \$50 for each check received for payment of any fee that is
14 returned due to insufficient funds or the result of a stop payment
15 order.

16 b. In addition to those fees charged under subsection a. of this
17 section, there shall be collected by and paid to the State Treasurer
18 the following:

19 (1) for all services described in subsection a. of this section that
20 are requested to be completed within the same day as the day of the
21 request, an additional sum of up to \$50; and

22 (2) for all services described in subsection a. of this section that
23 are requested to be completed within a 24-hour period from the time
24 of the request, an additional sum of up to \$25.

25 The State Treasurer shall establish (and may from time to time
26 amend) a schedule of specific fees payable pursuant to this
27 subsection.

28 c. The State Treasurer may in his discretion permit the
29 extension of credit for the fees required by this section upon such
30 terms as he shall deem to be appropriate.

31 (cf: P.L.2002, c.34, s.38)

32

33 4. Section 4 of P.L.1997, c.412 (C.46:16-18) is amended to
34 read as follows:

35 4. a. If a notice of federal lien, a refile of a notice of federal
36 lien, or a notice of revocation of any certificate is presented to the
37 county recording officer, he shall endorse thereon his identification
38 and the date and time of receipt and forthwith file it alphabetically
39 or enter it in an alphabetical index showing the name and address of
40 the person named in the notice, the date and time of receipt, the title
41 and address of the official or entity certifying the lien, and the total
42 amount appearing on the notice of lien.

43 b. If a refiled notice of federal lien referred to in subsection a.
44 of this section or any certificate of release, nonattachment,
45 discharge or subordination is presented for filing to the county
46 recording officer, he shall permanently attach the refiled notice of
47 the certificate to the original notice of lien and enter the refiled

1 notice or the certificate with the date of filing in any alphabetical
2 lien index on the line where the original notice of lien is entered.

3 c. All notices received by a filing officer pursuant to this
4 section and the index of the notices shall be held for public
5 inspection by the filing officer. Upon request, the filing officer
6 shall furnish a copy of any notice of federal lien, or notice or
7 certificate affecting a federal lien, for a fee of **[\$2 per page] up to**
8 \$0.10 per letter size page or smaller, and up to \$0.15 per legal size
9 page or larger.

10 (cf: P.L.1997, c.412, s.4)

11

12 5. Section 6 of P.L.2001, c.404 (C.47:1A-5) is amended to read
13 as follows:

14 6. a. The custodian of a government record shall permit the
15 record to be inspected, examined, and copied by any person during
16 regular business hours; or in the case of a municipality having a
17 population of 5,000 or fewer according to the most recent federal
18 decennial census, a board of education having a total district
19 enrollment of 500 or fewer, or a public authority having less than
20 \$10 million in assets, during not less than six regular business hours
21 over not less than three business days per week or the entity's
22 regularly-scheduled business hours, whichever is less; unless a
23 government record is exempt from public access by: P.L.1963, c.73
24 (C.47:1A-1 et seq.) as amended and supplemented; any other
25 statute; resolution of either or both houses of the Legislature;
26 regulation promulgated under the authority of any statute or
27 Executive Order of the Governor; Executive Order of the Governor;
28 Rules of Court; any federal law; federal regulation; or federal order.
29 Prior to allowing access to any government record, the custodian
30 thereof shall redact from that record any information which
31 discloses the social security number, credit card number, unlisted
32 telephone number, or driver license number of any person; except
33 for use by any government agency, including any court or law
34 enforcement agency, in carrying out its functions, or any private
35 person or entity acting on behalf thereof, or any private person or
36 entity seeking to enforce payment of court-ordered child support;
37 except with respect to the disclosure of driver information by the
38 Division of Motor Vehicles as permitted by section 2 of P.L.1997,
39 c.188 (C.39:2-3.4); and except that a social security number
40 contained in a record required by law to be made, maintained or
41 kept on file by a public agency shall be disclosed when access to
42 the document or disclosure of that information is not otherwise
43 prohibited by State or federal law, regulation or order or by State
44 statute, resolution of either or both houses of the Legislature,
45 Executive Order of the Governor, rule of court or regulation
46 promulgated under the authority of any statute or executive order of
47 the Governor. Except where an agency can demonstrate an

1 emergent need, a regulation that limits access to government
2 records shall not be retroactive in effect or applied to deny a request
3 for access to a government record that is pending before the agency,
4 the council or a court at the time of the adoption of the regulation.

5 b. A copy or copies of a government record may be purchased
6 by any person upon payment of the fee prescribed by law or
7 regulation, or if a fee is not prescribed by law or regulation, upon
8 payment of the actual cost of duplicating the record. Except as
9 otherwise provided by law or regulation, the fee assessed for the
10 duplication of a government record embodied in the form of printed
11 matter shall not exceed the following: [first page to tenth page,
12 \$0.75 per page; eleventh page to twentieth page, \$0.50 per page; all
13 pages over twenty, \$0.25 per page] up to \$0.10 per letter size page
14 or smaller, and up to \$0.15 per legal size page or larger. The actual
15 cost of duplicating the record shall be the cost of materials and
16 supplies used to make a copy of the record, but shall not include the
17 cost of labor or other overhead expenses associated with making the
18 copy except as provided for in subsection c. of this section. If a
19 public agency can demonstrate that its actual costs for duplication
20 of a government record exceed the foregoing rates, the public
21 agency shall be permitted to charge the actual cost of duplicating
22 the record.

23 c. Whenever the nature, format, manner of collation, or volume
24 of a government record embodied in the form of printed matter to
25 be inspected, examined, or copied pursuant to this section is such
26 that the record cannot be reproduced by ordinary document copying
27 equipment in ordinary business size or involves an extraordinary
28 expenditure of time and effort to accommodate the request, the
29 public agency may charge, in addition to the actual cost of
30 duplicating the record, a special service charge that shall be
31 reasonable and shall be based upon the actual direct cost of
32 providing the copy or copies; provided, however, that in the case of
33 a municipality, rates for the duplication of particular records when
34 the actual cost of copying exceeds the foregoing rates shall be
35 established in advance by ordinance. The requestor shall have the
36 opportunity to review and object to the charge prior to it being
37 incurred.

38 d. A custodian shall permit access to a government record and
39 provide a copy thereof in the medium requested if the public agency
40 maintains the record in that medium. If the public agency does not
41 maintain the record in the medium requested, the custodian shall
42 either convert the record to the medium requested or provide a copy
43 in some other meaningful medium. If a request is for a record: (1)
44 in a medium not routinely used by the agency; (2) not routinely
45 developed or maintained by an agency; or (3) requiring a substantial
46 amount of manipulation or programming of information technology,
47 the agency may charge, in addition to the actual cost of duplication,

1 a special charge that shall be reasonable and shall be based on the
2 cost for any extensive use of information technology, or for the
3 labor cost of personnel providing the service, that is actually
4 incurred by the agency or attributable to the agency for the
5 programming, clerical, and supervisory assistance required, or both.

6 e. Immediate access ordinarily shall be granted to budgets,
7 bills, vouchers, contracts, including collective negotiations
8 agreements and individual employment contracts, and public
9 employee salary and overtime information.

10 f. The custodian of a public agency shall adopt a form for the
11 use of any person who requests access to a government record held
12 or controlled by the public agency. The form shall provide space
13 for the name, address, and phone number of the requestor and a
14 brief description of the government record sought. The form shall
15 include space for the custodian to indicate which record will be
16 made available, when the record will be available, and the fees to be
17 charged. The form shall also include the following: (1) specific
18 directions and procedures for requesting a record; (2) a statement as
19 to whether prepayment of fees or a deposit is required; (3) the time
20 period within which the public agency is required by P.L.1963, c.73
21 (C.47:1A-1 et seq.) as amended and supplemented, to make the
22 record available; (4) a statement of the requestor's right to challenge
23 a decision by the public agency to deny access and the procedure
24 for filing an appeal; (5) space for the custodian to list reasons if a
25 request is denied in whole or in part; (6) space for the requestor to
26 sign and date the form; (7) space for the custodian to sign and date
27 the form if the request is fulfilled or denied. The custodian may
28 require a deposit against costs for reproducing documents sought
29 through an anonymous request whenever the custodian anticipates
30 that the information thus requested will cost in excess of \$5 to
31 reproduce.

32 g. A request for access to a government record shall be in
33 writing and hand-delivered, mailed, transmitted electronically, or
34 otherwise conveyed to the appropriate custodian. A custodian shall
35 promptly comply with a request to inspect, examine, copy, or
36 provide a copy of a government record. If the custodian is unable
37 to comply with a request for access, the custodian shall indicate the
38 specific basis therefor on the request form and promptly return it to
39 the requestor. The custodian shall sign and date the form and
40 provide the requestor with a copy thereof. If the custodian of a
41 government record asserts that part of a particular record is exempt
42 from public access pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.)
43 as amended and supplemented, the custodian shall delete or excise
44 from a copy of the record that portion which the custodian asserts is
45 exempt from access and shall promptly permit access to the
46 remainder of the record. If the government record requested is
47 temporarily unavailable because it is in use or in storage, the

1 custodian shall so advise the requestor and shall make arrangements
2 to promptly make available a copy of the record. If a request for
3 access to a government record would substantially disrupt agency
4 operations, the custodian may deny access to the record after
5 attempting to reach a reasonable solution with the requestor that
6 accommodates the interests of the requestor and the agency.

7 h. Any officer or employee of a public agency who receives a
8 request for access to a government record shall forward the request
9 to the custodian of the record or direct the requestor to the
10 custodian of the record.

11 i. Unless a shorter time period is otherwise provided by
12 statute, regulation, or executive order, a custodian of a government
13 record shall grant access to a government record or deny a request
14 for access to a government record as soon as possible, but not later
15 than seven business days after receiving the request, provided that
16 the record is currently available and not in storage or archived. In
17 the event a custodian fails to respond within seven business days
18 after receiving a request, the failure to respond shall be deemed a
19 denial of the request, unless the requestor has elected not to provide
20 a name, address or telephone number, or other means of contacting
21 the requestor. If the requestor has elected not to provide a name,
22 address, or telephone number, or other means of contacting the
23 requestor, the custodian shall not be required to respond until the
24 requestor reappears before the custodian seeking a response to the
25 original request. If the government record is in storage or archived,
26 the requestor shall be so advised within seven business days after
27 the custodian receives the request. The requestor shall be advised
28 by the custodian when the record can be made available. If the
29 record is not made available by that time, access shall be deemed
30 denied.

31 j. A custodian shall post prominently in public view in the part
32 or parts of the office or offices of the custodian that are open to or
33 frequented by the public a statement that sets forth in clear, concise
34 and specific terms the right to appeal a denial of, or failure to
35 provide, access to a government record by any person for
36 inspection, examination, or copying or for purchase of copies
37 thereof and the procedure by which an appeal may be filed.

38 k. The files maintained by the Office of the Public Defender
39 that relate to the handling of any case shall be considered
40 confidential and shall not be open to inspection by any person
41 unless authorized by law, court order, or the State Public Defender.
42 (cf: P.L.2001, c.404, s.6)

43
44 6. Section 1 of P.L.1959, c.43 (C.48:2-56)is amended to read as
45 follows:

46 1. The Board of **【Regulatory Commissioners】** Public Utilities
47 is hereby empowered, authorized and required to charge and collect

1 fees and charges for the purposes and in the amounts hereinafter set
 2 out.

3 **[.] Filing of Annual Reports**

	Charge Per
	Report
6 (1) Sewer	\$20.00
7 0 Classes A, B, C, and D ...	20.00
8 Class E (Income Sheets)	5.00
9 (2) Railroad	50.00
10 Nonoperating	10.00
11 (3) Telephone	
12 Class A	50.00
13 Class B	20.00
14 (4) Water	
15 Class A	50.00
16 Classes B and C	20.00
17 Class D	10.00
18 Class E (Income Sheets)	5.00
19 (5) Bus	
20 Class A	50.00
21 Class B	25.00
22 Class C	10.00
23 (6) Gas	50.00
24 (7) Electric	50.00
25 (8) Combination gas and electric	100.00
26 (9) (Deleted by amendment, P.L.1993, c.124).	

27
 28 **B. Examination and Audit of Annual Reports**

29 (1) The total fee is to be based on reported intrastate operating
 30 revenues, and, except as noted below for certain interstate utilities,
 31 will consist of a base charge plus an incremental charge per unit of
 32 \$1,000.00 or fraction thereof for each such unit in excess of the
 33 lower limit of the indicated range.

		The
		Incremental
		Charge per
		\$1,000
		Unit is
37 If the Reported Operating	The Base	
38 Revenues Fall Within the Range	Charge is	
39 Under \$10,000	\$10.00	.....
40 \$10,000 to 25,000	15.00	.....
41 25,000 to 50,000	25.00	.....
42 50,000 to 500,000	25.00	\$0.50/M
43 500,000 to 1,000,000	250.00	0.39/M
44 1,000,000 to 5,000,000	445.00	0.15/M
45 5,000,000 to 10,000,000	1,045.00	0.10/M
46 10,000,000 to 50,000,000	1,545.00	0.08/M
47 50,000,000 to 100,000,000	4,745.00	0.07/M

1	100,000,000 to 200,000,000	8,245.00	0.05/M
2	200,000,000 and over	13,245.00	0.03/M

3

4 (2) Public utilities engaged in interstate commerce who are
 5 required to file annual reports with the board and who derive 50%
 6 or more of their operating revenues from interstate commerce shall
 7 pay a fee for examination and audit of their annual report in
 8 accordance with the following schedule. The board may establish
 9 reasonable rules for the determination of such intrastate revenues in
 10 cases where the same have not been reported.

11	For Intrastate Revenues Within the Range	The Fee is
12	Under \$10,000	\$25.00
13	\$10,000 to 50,000	50.00
14	50,001 to 200,000	75.00
15	200,001 to 500,000	150.00
16	500,001 to 1,000,000	300.00
17	over 1,000,000	500.00

18 C. Pamphlets and Publications Charge Per
 19 Copy

- 20 (1) Annual report of the Board of
 21 **【Regulatory Commissioners】** Public Utilities ... \$2.00
 22 (2) Utility annual report forms
 23 Sewer 5.00
 24 Income Sheets 2.00
 25 Railroad 10.00
 26 Telephone 10.00
 27 Water
 28 Classes A, B and C 10.00
 29 Class D 5.00
 30 Class E (Income Sheets) 2.00
 31 Buses
 32 Class A 10.00
 33 Class B 5.00
 34 Class C 2.00
 35 Gas 10.00
 36 Electric 10.00
 37 (3) Pamphlets containing rules and regulations
 38 and all other pamphlets published by the
 39 board
 40 Pamphlets with less than 25 pages... 2.00
 41 Pamphlets with 25 pages or more but less
 42 than 50 pages 2.50
 43 Pamphlets with 50 pages or more 2.50
 44 Plus \$0.25 for each additional 25 pages or
 45 fraction thereof in excess of 50 pages
 46 (4) Uniform system of accounts 10.00
 47 (5) Photocopies of documents or reports--

1	per page.....			
2	<u>smaller up to \$0.15 for legal size or larger</u>			
3				Charge for
4				Each
5				Year Covered
6	(6) Compilation of board's decisions ...			\$2.00
7	(7) Statistics of utilities--private and			
8	municipal			3.00
9	D. Subpoenas--Petition for and Issuance			Charge per
10				Subpoena
11	(1) Subpoena for the attendance of			
12	witnesses			\$2.00
13	(2) Subpoena duces tecum			5.00
14	E. Applications and Petitions Submitted to the Board			
15	(1) For approval of issuance of securities or evidences of			
16	indebtedness the filing fee shall be based on the estimated proceeds			
17	before costs and expenses of issuance. When the actual proceeds			
18	become known, the fee will be adjusted accordingly. The total			
19	filing fee will consist of a base charge plus an incremental charge			
20	per unit of \$1,000.00 or fraction thereof of proceeds in excess of the			
21	lower limit of the range of the indicated block. In the case of stock			
22	dividends, the proceeds shall be taken as the amount to be			
23	transferred from earned surplus account.			
24				
25				The Incre-
26				mental
27				Charge
28	If the proceeds of the Trans-	The Base		per \$1,000
29	action Fall Within the Range	Charge is		Unit is
30	Under \$5,000	\$10.00		.....
31	\$5,001 to 10,000	15.00		.....
32	10,001 to 20,000	30.00		.....
33	20,001 to 30,000	50.00		.....
34	30,001 to 100,000	50.00		\$0.70/M
35	100,001 to 500,000	99.00		0.60/M
36	500,001 to 1,000,000	339.00		0.50/M
37	1,000,001 to 5,000,000	589.00		0.40/M
38	5,000,001 to 10,000,000	2,189.00		0.35/M
39	10,000,001 to 25,000,000	3,939.00		0.30/M
40	25,000,001 and over	8,439.00		0.25/M
41	(2) For increases in rates or fares, whether by petition, filing of			
42	revised tariff, or by petition for negotiated relief under R.S.48:2-			
43	21.1, provided that when two petitions or a petition with an			
44	amendment relate to one and the same increase only one fee shall be			
45	charged, the fees are to be based on the proposed increase in annual			
46	operating revenues for which application is made and will consist of			
47	a base charge plus an incremental charge per unit of \$1,000.00 or			

1 fraction thereof for each such unit in excess of the lower limit of the
 2 indicated range.

			The Incre-
			mental
			Charge
			per \$1,000
	If the Proposed	The Base	Unit is
	Increase Falls Within the Range	Charge is	
8	Up to \$5,000	\$25.00	.....
9	\$5,000 to 30,000	25.00	\$2.00/M
10	30,000 to 100,000	75.00	1.80/M
11	100,000 to 300,000	201.00	1.60/M
12	300,000 to 600,000	521.00	1.40/M
13	600,000 to 1,000,000	941.00	1.20/M
14	1,000,000 to 5,000,000	1,421.00	1.00/M
15	5,000,000 to 10,000,000	5,421.00	0.80/M
16	10,000,000 to 20,000,000	9,421.00	0.60/M
17	20,000,000 and over	15,421.00	0.30/M

18 Filing of an initial rate, a contract for a special rate or any other
 19 document involving a tariff change not otherwise provided for
 20 above 25.00

21 In addition to the filing fee computed in accordance with the
 22 foregoing, the public utility shall pay a processing fee of 1/10 of 1%
 23 of the new or initial annual operating revenues or increase in annual
 24 operating revenues that may be authorized by the board, which fee
 25 in no event shall be less than 25.00

26 Filing automatic adjustment clause tariff
 27 revision..... \$25.00

(3) For sales of property or leases of property	
(Based on the Consideration or Annual Rental)	Filing Fee
30 Up to \$1,000	\$10.00
31 \$1,001 to 5,000	25.00
32 5,001 to 10,000	50.00
33 10,001 to 20,000	75.00
34 20,001 to 50,000	150.00
35 50,001 to 100,000	250.00
36 100,001 and over	350.00

37 (4) For approval of mergers Filing Fee

38 The filing fee for approval of mergers is to be based on
 39 the total utility plant account of the surviving utility and will be
 40 computed according to the schedule of charges set forth herein for
 41 sales of property or leases of property.

42 (5) For approval of a municipal consent \$20.00

43 Where petition requests approval of more
 44 than one municipal consent on the same
 45 route for each such additional consent 10.00

46 (6) For rehearing, reopening, reargument or
 47 reconsideration of any matter 15.00

1	(7) For approval of contracts under Revised	
2	Statutes 48:3-7.1.....	100.00
3	(8) For establishment of new railroad-highway	
4	crossing at grade.....	50.00
5	(9) For grade crossing separation	100.00
6	(10) For relocation or widening of grade	
7	crossing.....	100.00
8	(11) For abandonment of grade crossing ...	50.00
9	(12) For discontinuance of station agents	
10	and stations	50.00
11	(13) For authority to exercise eminent domain--	
12	for each separate parcel of property	
13	involved	100.00
14	(14) Any application or petition not herein	
15	specifically designated or described.....	25.00
16	(15) For inspection or test of electric,	
17	water or gas meter	5.00
18	(This fee is to be returned to the	
19	customer and collected from the utility	
20	in cases where the meter is found to be	
21	registering fast beyond the allowable	
22	limit of accuracy established by the board.)	
23	F. Buses or Other Motor Vehicles	
24	(1) For approval of transfer of municipal	
25	consents.....	\$25.00
26	(2) For approval of conditional sale contract,	
27	notes or chattel mortgage based on the	
28	principal amount involved	
29		
30		Filing Fee
31	\$5,000 or less	10.00
32	5,001 to 10,000	15.00
33	10,001 to 25,000	25.00
34	25,001 to 50,000	50.00
35	50,001 to 100,000	75.00
36	Over \$100,000	100.00
37	(3) For changes, extensions or consolidation	
38	of existing autobus routes	25.00
39	(4) For approval of leases of equipment	25.00
40		Charges
41	(5) For inspection of new bus equipment and	
42	issuance of certificate of compliance--	
43	each bus	115.00
44	(6) Specification recheck--each bus	50.00
45	(7) For issuance of duplicate certificate of	
46	compliance--each	2.00
47	(8) For inspection of autobus for restoration	

- 1 to service after removal for lack of
- 2 insurance 70.00
- 3 (9) For each periodic inspection of autobus by
- 4 board's inspector (including first
- 5 recheck)--each bus 85.00
- 6 (10) Additional maintenance recheck--each bus 35.00
- 7 (11) Self inspection--each bus 30.00
- 8 G. Miscellaneous Filing Fee
- 9 (1) Formal complaints--Costs to be assessed
- 10 against the respondent utility if the
- 11 complaint is sustained by the board \$25.00
- 12 (2) Answers to formal complaints 10.00
- 13 (3) Where the answer sets up a prayer
- 14 for affirmative relief 25.00
- 15 (4) Amendment to any petition or answer .. 10.00
- 16 (5) Reports and statements filed by pipeline
- 17 companies as required by board's rules
- 18 issued under the authority of Title 48
- 19 of the Revised Statutes except accident
- 20 reports 200.00
- 21 (6) Deleted by amendment, P.L.1993, c.124.
- 22 Charge Per
- 23 Copy
- 24 (7) Extra copy of any decision, order or
- 25 certificate of the board [2.00
- 26 Plus a charge for each page exceeding 2 pages 1.00] up to
- 27 \$0.10 per letter size page or smaller, up to \$0.15 per legal size page
- 28 or larger
- 29 (8) Certification of any document 2.50
- 30 All filing fees shall be paid at the time of the original filing of
- 31 the report, application, petition or other document or paper in the
- 32 matter. No pleading will be considered filed until the appropriate
- 33 fees are paid. In cases where such payment is not feasible, as may
- 34 be determined by the board, the amount will be due and payable on
- 35 the presentation of an invoice.
- 36 When a petition covers more than one matter or makes a prayer
- 37 for relief with respect to more than one matter, the fee for filing the
- 38 same shall be the sum of the fees that would be paid for each
- 39 individual matter.
- 40 When several utilities or petitioners join in the filing of a single
- 41 petition, then the fees herein provided shall apply to each petitioner
- 42 as may be appropriate.
- 43 (cf: P.L.1993, c.124, s.1)
- 44
- 45 7. This act shall take effect immediately but shall be
- 46 inoperative until the 60th day following enactment.

STATEMENT

1
2
3
4
5
6
7
8
9
10
11
12

This bill decreases the fees set for copies of documents in various parts of the New Jersey statutes relating to government entities, excluding the court system. The statute sections amended concern copies of certain public documents from the Office of the State Treasurer or the Board of Public Utilities, of motor vehicle accident reports, and of government records under the open public records act. The fees for copies will be up to 10 cents per page for letter size copies and up to 15 cents per page for legal size copies. Currently, there is no uniform cost for copies of documents among governmental entities.

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 559

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 14, 2010

The Assembly State Government Committee reports favorably and with committee amendments Assembly, No. 559.

As amended, this bill decreases the fees set for copies of documents in various parts of the New Jersey statutes relating to government entities, excluding the court system. The statute sections amended concern copies of certain public documents from the Office of the State Treasurer or the Board of Public Utilities, of motor vehicle accident reports, and of government records under the open public records act (OPRA). The fees for copies will be up to 10 cents per page for letter size copies and up to 15 cents per page for legal size copies, except that the fees set in the OPRA statute are a straightforward \$0.10 or \$0.15 per page. Currently, there is no uniform cost for copies of documents among governmental entities.

This bill was pre-filed for introduction in the 2010-2011 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS

The committee amended the bill to provide that with regard to copies of government records sought under OPRA pursuant to N.J.S.A. 47:1A-5, the fee will be \$0.10 per letter size page or small and \$0.15 per legal size page or larger, instead of “up to” those amounts, and that the duplication fee applies to copying or faxing, scanning and other electronic means of duplication. The amendments also update the statutory law of Section 2 of the bill.

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 559

with Assembly Floor Amendments
(Proposed by Assemblyman CRYAN)

ADOPTED: JUNE 21, 2010

These Assembly floor amendments change the fees for copies of government records under the open public records act (OPRA) to 5 cents per letter size page or smaller, and 7 cents per legal size page or larger. The amendments also provide that access to electronic records and non-printed materials will be provided free of charge, but the public agency may charge for the actual costs of any needed supplies such as computer discs.

LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

ASSEMBLY, No. 559

STATE OF NEW JERSEY 214th LEGISLATURE

DATED: JULY 28, 2010

SUMMARY

- Synopsis:** Decreases certain public document copy fees; amount of fee dependent upon whether letter size page or legal size page.
- Type of Impact:** Decrease in revenues, State General Fund and local government funds.
- Agencies Affected:** State departments and local government entities.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Revenue	Indeterminate - See comments below		
Local Revenue	Indeterminate - See comments Below		

- This bill decreases the fees set for copies of public documents in various parts of the New Jersey statutes relating to government entities, excluding the court system.
- At this time, no information is available regarding how much fee revenue is currently collected from copying public documents and no data is available to project future fee revenue.
- The bill reduces the per page copy rates in some instances from \$1.00 or \$2.00 per page to no more than \$0.10, or \$0.15, per page depending upon the size of the paper, letter or legal.
- With regard to copies of government records sought under the open public records act (OPRA), the bill reduces the per copy rates from a range of \$0.75 to \$0.25 per page to \$0.05 for letter size and \$0.07 for legal size.
- The Office of Legislative Service (OLS) notes that advances in technology have changed the way information is distributed. Electronic collection, storage, and transmission of information, and scanning have reduced the need for making copies of information. Under the bill, access to electronic records and non-printed materials will be provided free of

charge, but a public agency may charge for the actual costs of any needed supplies such as computer discs.

BILL DESCRIPTION

Assembly Bill No. 559 (2R) of 2010 decreases the fees set for copies of documents in various parts of the New Jersey statutes relating to government entities, excluding the court system. The statute sections amended concern copies of certain public documents from the Office of the State Treasurer or the Board of Public Utilities, of motor vehicle accident reports, and of government records under the open public records act (OPRA). The fees for copies will be up to 10 cents per page for letter size copies and up to 15 cents per page for legal size copies, except that the fees set in the OPRA statute are \$0.05 for letter size and \$0.07 for legal size. The bill also provides that access to electronic records and non-printed materials will be provided free of charge, but the public agency may charge for the actual costs of any needed supplies such as computer discs.

FISCAL ANALYSIS

EXECUTIVE BRANCH

The Executive Branch has indicated that the bill will have no impact on the New Jersey Department of State with regard to the fees associated with the State Archives, set by the Secretary of States' Office under N.J.S.A. 22A:4-21, which is not amended by this bill, and a minimal impact on the cost to duplicate open public records act documents.

OFFICE OF LEGISLATIVE SERVICES

The OLS notes that this bill affects not only the Department of State, but also the Department of the Treasury, the Board of Public Utilities, the Department of Motor Vehicles, and other State agencies and local governments with regard to requests pursuant to the open public records act. Estimates of the reduction in fee revenue associated with reduced copying rates were not provided by the other various affected entities. In some cases, the rates will be reduced from \$1.00 or \$2.00 per page to no more than \$0.05 or \$0.07 per page, depending upon the size of the paper. In other instances, the bill reduces the per copy rates from \$0.75 to \$0.25 per page to \$0.05 per letter size page and \$0.07 per legal size page. At this time, the OLS does not have any information with regard to how much fee revenue from document duplication has been collected recently, or in the past, by the various departments or entities identified in this bill, nor can the OLS project the fee revenue because the number of documents requested to be copied, their number of pages and their size is unknown.

The OLS also notes that advances in technology have changed the way information is distributed. Electronic collection, storage, and transmission of information, and scanning have reduced the need for making paper copies of information. This bill states that access to electronic records and non-printed materials will be provided free of charge, but a public agency may charge for the actual costs of any needed supplies such as computer discs.

Section: State Government

*Analyst: Pamela H. Espenshade
Principal Counsel*

*Approved: David J. Rosen
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

SENATE, No. 1212

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED FEBRUARY 8, 2010

Sponsored by:
Senator LORETTA WEINBERG
District 37 (Bergen)

SYNOPSIS

Decreases certain public document copy fees to up to \$0.10 or less per letter size page and up to \$0.15 or less per legal size page.

CURRENT VERSION OF TEXT

As introduced.



S1212 WEINBERG

2

1 AN ACT concerning certain copy fees for public documents and
2 amending various parts of the statutory law.

3

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

6

7 1. Section 11 of P.L.1987, c.435 (C.22A:4-1a) is amended to
8 read as follows:

9 11. For services herein enumerated the State Treasurer shall
10 collect the following fees:

11 a. For filing any original business certificate for which no other
12 fee is fixed by statute or regulation, \$125.

13 For filing any change or amendment to a previously filed
14 document for which no other fee is fixed by statute or regulation,
15 \$75.

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

19 (1) certificates of appointments for gubernatorial appointees;

20 (2) documents filed by public bodies under the "Open Public
21 Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.);

22 (3) financial disclosures filed by State officials;

23 (4) oaths of office;

24 (5) resignation of office holders;

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

27 b. For certification or exemplification of any document on file,
28 \$25.00.

29 c. For certification or exemplification of any signature on file,
30 including the issuance of a certificate for proving a document
31 outside the United States, also known as an apostille, \$25.00;
32 except that in cases of adoption of a child, the fee for an apostille
33 shall be \$5.00.

34 d. For filing a certified copy of an order of change of name,
35 \$50.00.

36 e. For a paper copy of any document on file, **[\$1.00 per page]**
37 up to \$0.10 per letter size page or smaller and up to \$0.15 per legal
38 size page or larger. If a roll of microfilm images is requested, the
39 State Treasurer shall collect a fee of \$1.00 for each image on the
40 microfilm roll. If a microfiche copy of a microfiche is requested,
41 \$3.00.

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

43 (cf: P.L.2002, c.34, s.34)

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.

S1212 WEINBERG

1 2. R.S.39:4-131 is amended to read as follows:

2 39:4-131. The commission shall prepare and supply to police
3 departments and other suitable agencies, forms for accident reports
4 calling for sufficiently detailed information with reference to a
5 motor vehicle accident, including the cause, the conditions then
6 existing, the persons and vehicles involved, the compliance with
7 P.L.1984, c.179 (C.39:3-76.2e et seq.) by the operators and
8 passengers of the vehicles involved in the accident, whether the
9 operator of the vehicle was using a cellular telephone when the
10 accident occurred, and such other information as the chief
11 administrator may require.

12 Every law enforcement officer who investigates a vehicle
13 accident of which report must be made as required in this Title, or
14 who otherwise prepares a written report as a result of an accident or
15 thereafter by interviewing the participants or witnesses, shall
16 forward a written report of such accident to the commission, on
17 forms furnished by it, within five days after his investigation of the
18 accident.

19 Such written reports required to be forwarded by law
20 enforcement officers and the information contained therein shall not
21 be privileged or held confidential. Every citizen of this State shall
22 have the right, during regular business hours and under supervision,
23 to inspect and copy such reports and shall also have the right in
24 person to purchase copies of the reports at the same fee established
25 by section 6 of P.L.2001, c.404 (C.47:1A-5). If copies of reports
26 are requested other than in person, an additional fee of up to \$5.00
27 **【for the first three pages and \$1.00 per page thereafter】** may be
28 added to cover the administrative costs of the report. Upon request,
29 a police department shall send an accident report to a person
30 through the mail or via fax as defined in section 2 of P.L.1976, c.23
31 (C.19:59-2). The police department may require the person
32 requesting the report to provide a completed request form and the
33 appropriate fee prior to faxing or mailing the report. The police
34 department shall provide the person requesting the report with the
35 option of submitting the form and providing the appropriate fee
36 either in person, through the mail, or via fax as defined in section 2
37 of P.L.1976, c.23 (C.19:59-2).

38 The provisions of any other law or regulation to the contrary
39 notwithstanding, reports obtained pursuant to this act shall not be
40 subject to confidentiality requirements except as provided by
41 section 28 of P.L.1960, c.52 (C.2A:84A-28).

42 When a motor vehicle accident results in the death or
43 incapacitation of the driver or any passenger, the law enforcement
44 officer responsible for notifying the next of kin that their relative is
45 deceased or incapacitated, also shall inform the relative, in writing,
46 how to obtain a copy of the accident report required by this section
47 and the name, address, and telephone number of the person storing

S1212 WEINBERG

4

1 the motor vehicle pursuant to section 1 of P.L.1964, c.81
2 (C.39:10A-1).

3 (cf: P.L.2008, c.107, s.1)

4

5 3. Section 65 of P.L.1993, c.210 (C.42:2B-65) is amended to
6 read as follows:

7 65. a. No document required to be filed under this act shall be
8 effective until the applicable fee required by this section is paid.
9 The following fees shall be paid to and collected by the State
10 Treasurer for the use of the State:

11 (1) Upon the receipt for filing of a certificate of registration of
12 alternate name or a certificate of renewal pursuant to section 4 of
13 this act, a fee in the amount of \$50.

14 (2) Upon the receipt for filing of an application for reservation
15 of name, an application for renewal of reservation or a notice of
16 transfer or cancellation of reservation pursuant to section 5 of this
17 act, a fee in the amount of \$50.

18 (3) Upon the receipt for filing of a certificate under subsection
19 b. of section 6 of this act, a fee in the amount of \$25, upon the
20 receipt for filing of a certificate under subsection b. of section 7 of
21 this act, a fee in the amount of \$25 and a further fee of \$10 for each
22 limited liability company affected by such certificate.

23 (4) Upon the receipt for filing of a notice of resignation and
24 affidavit pursuant to subsection c. of section 7 of this act, a fee in
25 the amount of \$25 and upon the receipt for filing of a certificate of
26 change pursuant to subsection c. of section 7 of this act, a fee in the
27 amount of \$25.

28 (5) Upon the receipt for filing of a certificate of formation under
29 section 11 of this act a fee in the amount of \$125; and upon receipt
30 for filing, a certificate of correction under section 12 of this act, a
31 certificate of amendment under section 13 of this act, a certificate
32 of cancellation under section 14 of this act, a certificate of merger
33 or consolidation under section 20 of this act or a restated certificate
34 of formation under section 19 of this act, a fee in the amount of
35 \$100.

36 (6) Upon filing of an annual report, a fee in the amount of
37 \$50.00.

38 (7) Upon requesting a reinstatement of a certificate of a limited
39 liability company, a late filing fee of \$200.00 and a reinstatement
40 filing fee of \$75.00.

41 (8) For certifying copies of any paper on file as provided for by
42 this act, a fee in the amount of \$25 for each copy certified.

43 (9) The State Treasurer may issue photocopies of instruments on
44 file as well as other copies, and for all of those copies, whether
45 certified or not, a fee in the amount of **[\$10 for the first page and \$2**
46 **per page]** up to \$0.10 per letter size page or smaller and up to \$0.15
47 per legal size page or larger thereafter shall be paid.

S1212 WEINBERG

1 (10) Upon the receipt for filing of an application for registration
2 as a foreign limited liability company under section 53 of this act or
3 a certificate of cancellation under section 56 of this act, a fee in the
4 amount of \$125.

5 (11) For preclearance of any document for filing, a fee in the
6 amount of \$50.

7 (12) For preparing and providing a written report of a record
8 search, a fee in the amount of \$50.

9 (13) For issuing any certificate of the State Treasurer, including
10 but not limited to a certificate of good standing, other than a
11 certification of a copy under paragraph (6) of this subsection, a fee
12 in the amount of \$50, except that for issuing any certificate of the
13 State Treasurer that recites all of a limited liability company's
14 filings with the State Treasurer, a fee of \$100 shall be paid for each
15 such certificate.

16 (14) For receiving and filing and/or indexing any certificate,
17 affidavit, agreement or any other paper provided for by this act, for
18 which no different fee is specifically prescribed, a fee in the amount
19 of \$75.

20 (15) The State Treasurer may in the Treasurer's discretion charge
21 a fee of \$50 for each check received for payment of any fee that is
22 returned due to insufficient funds or the result of a stop payment
23 order.

24 b. In addition to those fees charged under subsection a. of this
25 section, there shall be collected by and paid to the State Treasurer
26 the following:

27 (1) for all services described in subsection a. of this section that
28 are requested to be completed within the same day as the day of the
29 request, an additional sum of up to \$50; and

30 (2) for all services described in subsection a. of this section that
31 are requested to be completed within a 24-hour period from the time
32 of the request, an additional sum of up to \$25.

33 The State Treasurer shall establish (and may from time to time
34 amend) a schedule of specific fees payable pursuant to this
35 subsection.

36 c. The State Treasurer may in his discretion permit the
37 extension of credit for the fees required by this section upon such
38 terms as he shall deem to be appropriate.

39 (cf: P.L.2002, c.34, s.38)

40

41 4. Section 4 of P.L.1997, c.412 (C.46:16-18) is amended to
42 read as follows:

43 4. a. If a notice of federal lien, a refiling of a notice of federal
44 lien, or a notice of revocation of any certificate is presented to the
45 county recording officer, he shall endorse thereon his identification
46 and the date and time of receipt and forthwith file it alphabetically
47 or enter it in an alphabetical index showing the name and address of
48 the person named in the notice, the date and time of receipt, the title

S1212 WEINBERG

1 and address of the official or entity certifying the lien, and the total
2 amount appearing on the notice of lien.

3 b. If a refiled notice of federal lien referred to in subsection a.
4 of this section or any certificate of release, nonattachment,
5 discharge or subordination is presented for filing to the county
6 recording officer, he shall permanently attach the refiled notice of
7 the certificate to the original notice of lien and enter the refiled
8 notice or the certificate with the date of filing in any alphabetical
9 lien index on the line where the original notice of lien is entered.

10 c. All notices received by a filing officer pursuant to this
11 section and the index of the notices shall be held for public
12 inspection by the filing officer. Upon request, the filing officer
13 shall furnish a copy of any notice of federal lien, or notice or
14 certificate affecting a federal lien, for a fee of **[\$2 per page] up to**
15 \$0.10 per letter size page or smaller, and up to \$0.15 per legal size
16 page or larger.

17 (cf: P.L.1997, c.412, s.4)

18

19 5. Section 6 of P.L.2001, c.404 (C.47:1A-5) is amended to read
20 as follows:

21 6. a. The custodian of a government record shall permit the
22 record to be inspected, examined, and copied by any person during
23 regular business hours; or in the case of a municipality having a
24 population of 5,000 or fewer according to the most recent federal
25 decennial census, a board of education having a total district
26 enrollment of 500 or fewer, or a public authority having less than
27 \$10 million in assets, during not less than six regular business hours
28 over not less than three business days per week or the entity's
29 regularly-scheduled business hours, whichever is less; unless a
30 government record is exempt from public access by: P.L.1963, c.73
31 (C.47:1A-1 et seq.) as amended and supplemented; any other
32 statute; resolution of either or both houses of the Legislature;
33 regulation promulgated under the authority of any statute or
34 Executive Order of the Governor; Executive Order of the Governor;
35 Rules of Court; any federal law; federal regulation; or federal order.
36 Prior to allowing access to any government record, the custodian
37 thereof shall redact from that record any information which
38 discloses the social security number, credit card number, unlisted
39 telephone number, or driver license number of any person; except
40 for use by any government agency, including any court or law
41 enforcement agency, in carrying out its functions, or any private
42 person or entity acting on behalf thereof, or any private person or
43 entity seeking to enforce payment of court-ordered child support;
44 except with respect to the disclosure of driver information by the
45 Division of Motor Vehicles as permitted by section 2 of P.L.1997,
46 c.188 (C.39:2-3.4); and except that a social security number
47 contained in a record required by law to be made, maintained or
48 kept on file by a public agency shall be disclosed when access to

1 the document or disclosure of that information is not otherwise
2 prohibited by State or federal law, regulation or order or by State
3 statute, resolution of either or both houses of the Legislature,
4 Executive Order of the Governor, rule of court or regulation
5 promulgated under the authority of any statute or executive order of
6 the Governor. Except where an agency can demonstrate an
7 emergent need, a regulation that limits access to government
8 records shall not be retroactive in effect or applied to deny a request
9 for access to a government record that is pending before the agency,
10 the council or a court at the time of the adoption of the regulation.

11 b. A copy or copies of a government record may be purchased
12 by any person upon payment of the fee prescribed by law or
13 regulation, or if a fee is not prescribed by law or regulation, upon
14 payment of the actual cost of duplicating the record. Except as
15 otherwise provided by law or regulation, the fee assessed for the
16 duplication of a government record embodied in the form of printed
17 matter shall not exceed the following: **[first page to tenth page,**
18 **\$0.75 per page; eleventh page to twentieth page, \$0.50 per page; all**
19 **pages over twenty, \$0.25 per page]** up to \$0.10 per letter size page
20 or smaller, and up to \$0.15 per legal size page or larger. The actual
21 cost of duplicating the record shall be the cost of materials and
22 supplies used to make a copy of the record, but shall not include the
23 cost of labor or other overhead expenses associated with making the
24 copy except as provided for in subsection c. of this section. If a
25 public agency can demonstrate that its actual costs for duplication
26 of a government record exceed the foregoing rates, the public
27 agency shall be permitted to charge the actual cost of duplicating
28 the record.

29 c. Whenever the nature, format, manner of collation, or volume
30 of a government record embodied in the form of printed matter to
31 be inspected, examined, or copied pursuant to this section is such
32 that the record cannot be reproduced by ordinary document copying
33 equipment in ordinary business size or involves an extraordinary
34 expenditure of time and effort to accommodate the request, the
35 public agency may charge, in addition to the actual cost of
36 duplicating the record, a special service charge that shall be
37 reasonable and shall be based upon the actual direct cost of
38 providing the copy or copies; provided, however, that in the case of
39 a municipality, rates for the duplication of particular records when
40 the actual cost of copying exceeds the foregoing rates shall be
41 established in advance by ordinance. The requestor shall have the
42 opportunity to review and object to the charge prior to it being
43 incurred.

44 d. A custodian shall permit access to a government record and
45 provide a copy thereof in the medium requested if the public agency
46 maintains the record in that medium. If the public agency does not
47 maintain the record in the medium requested, the custodian shall
48 either convert the record to the medium requested or provide a copy

1 in some other meaningful medium. If a request is for a record: (1)
2 in a medium not routinely used by the agency; (2) not routinely
3 developed or maintained by an agency; or (3) requiring a substantial
4 amount of manipulation or programming of information technology,
5 the agency may charge, in addition to the actual cost of duplication,
6 a special charge that shall be reasonable and shall be based on the
7 cost for any extensive use of information technology, or for the
8 labor cost of personnel providing the service, that is actually
9 incurred by the agency or attributable to the agency for the
10 programming, clerical, and supervisory assistance required, or both.

11 e. Immediate access ordinarily shall be granted to budgets,
12 bills, vouchers, contracts, including collective negotiations
13 agreements and individual employment contracts, and public
14 employee salary and overtime information.

15 f. The custodian of a public agency shall adopt a form for the
16 use of any person who requests access to a government record held
17 or controlled by the public agency. The form shall provide space
18 for the name, address, and phone number of the requestor and a
19 brief description of the government record sought. The form shall
20 include space for the custodian to indicate which record will be
21 made available, when the record will be available, and the fees to be
22 charged. The form shall also include the following: (1) specific
23 directions and procedures for requesting a record; (2) a statement as
24 to whether prepayment of fees or a deposit is required; (3) the time
25 period within which the public agency is required by P.L.1963, c.73
26 (C.47:1A-1 et seq.) as amended and supplemented, to make the
27 record available; (4) a statement of the requestor's right to challenge
28 a decision by the public agency to deny access and the procedure
29 for filing an appeal; (5) space for the custodian to list reasons if a
30 request is denied in whole or in part; (6) space for the requestor to
31 sign and date the form; (7) space for the custodian to sign and date
32 the form if the request is fulfilled or denied. The custodian may
33 require a deposit against costs for reproducing documents sought
34 through an anonymous request whenever the custodian anticipates
35 that the information thus requested will cost in excess of \$5 to
36 reproduce.

37 g. A request for access to a government record shall be in
38 writing and hand-delivered, mailed, transmitted electronically, or
39 otherwise conveyed to the appropriate custodian. A custodian shall
40 promptly comply with a request to inspect, examine, copy, or
41 provide a copy of a government record. If the custodian is unable
42 to comply with a request for access, the custodian shall indicate the
43 specific basis therefor on the request form and promptly return it to
44 the requestor. The custodian shall sign and date the form and
45 provide the requestor with a copy thereof. If the custodian of a
46 government record asserts that part of a particular record is exempt
47 from public access pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.)
48 as amended and supplemented, the custodian shall delete or excise

1 from a copy of the record that portion which the custodian asserts is
2 exempt from access and shall promptly permit access to the
3 remainder of the record. If the government record requested is
4 temporarily unavailable because it is in use or in storage, the
5 custodian shall so advise the requestor and shall make arrangements
6 to promptly make available a copy of the record. If a request for
7 access to a government record would substantially disrupt agency
8 operations, the custodian may deny access to the record after
9 attempting to reach a reasonable solution with the requestor that
10 accommodates the interests of the requestor and the agency.

11 h. Any officer or employee of a public agency who receives a
12 request for access to a government record shall forward the request
13 to the custodian of the record or direct the requestor to the
14 custodian of the record.

15 i. Unless a shorter time period is otherwise provided by
16 statute, regulation, or executive order, a custodian of a government
17 record shall grant access to a government record or deny a request
18 for access to a government record as soon as possible, but not later
19 than seven business days after receiving the request, provided that
20 the record is currently available and not in storage or archived. In
21 the event a custodian fails to respond within seven business days
22 after receiving a request, the failure to respond shall be deemed a
23 denial of the request, unless the requestor has elected not to provide
24 a name, address or telephone number, or other means of contacting
25 the requestor. If the requestor has elected not to provide a name,
26 address, or telephone number, or other means of contacting the
27 requestor, the custodian shall not be required to respond until the
28 requestor reappears before the custodian seeking a response to the
29 original request. If the government record is in storage or archived,
30 the requestor shall be so advised within seven business days after
31 the custodian receives the request. The requestor shall be advised
32 by the custodian when the record can be made available. If the
33 record is not made available by that time, access shall be deemed
34 denied.

35 j. A custodian shall post prominently in public view in the part
36 or parts of the office or offices of the custodian that are open to or
37 frequented by the public a statement that sets forth in clear, concise
38 and specific terms the right to appeal a denial of, or failure to
39 provide, access to a government record by any person for
40 inspection, examination, or copying or for purchase of copies
41 thereof and the procedure by which an appeal may be filed.

42 k. The files maintained by the Office of the Public Defender
43 that relate to the handling of any case shall be considered
44 confidential and shall not be open to inspection by any person
45 unless authorized by law, court order, or the State Public Defender.

46 (cf: P.L.2001, c.404, s.6)

1 6. Section 1 of P.L.1959, c.43 (C.48:2-56) is amended to read
 2 as follows:

3 1. The Board of **【Regulatory Commissioners】** Public Utilities
 4 is hereby empowered, authorized and required to charge and collect
 5 fees and charges for the purposes and in the amounts hereinafter set
 6 out.

7 **【.】** Filing of Annual Reports

	Charge Per
	Report
10 (1) Sewer	\$20.00
11 0 Classes A, B, C, and D ...	20.00
12 Class E (Income Sheets)	5.00
13 (2) Railroad	50.00
14 Nonoperating	10.00
15 (3) Telephone	
16 Class A	50.00
17 Class B	20.00
18 (4) Water	
19 Class A	50.00
20 Classes B and C	20.00
21 Class D	10.00
22 Class E (Income Sheets)	5.00
23 (5) Bus	
24 Class A	50.00
25 Class B	25.00
26 Class C	10.00
27 (6) Gas	50.00
28 (7) Electric	50.00
29 (8) Combination gas and electric	100.00
30 (9) (Deleted by amendment, P.L.1993, c.124).	

31
 32 B. Examination and Audit of Annual Reports

33 (1) The total fee is to be based on reported intrastate operating
 34 revenues, and, except as noted below for certain interstate utilities,
 35 will consist of a base charge plus an incremental charge per unit of
 36 \$1,000.00 or fraction thereof for each such unit in excess of the
 37 lower limit of the indicated range.

		The
		Incremental
		Charge per
		\$1,000
		Unit is
41 If the Reported Operating	The Base	
42 Revenues Fall Within the Range	Charge is	
43 Under \$10,000	\$10.00	.....
44 \$10,000 to 25,000	15.00	.....
45 25,000 to 50,000	25.00	.....
46 50,000 to 500,000	25.00	\$0.50/M
47 500,000 to 1,000,000	250.00	0.39/M
48 1,000,000 to 5,000,000	445.00	0.15/M

S1212 WEINBERG

1	5,000,000 to 10,000,000	1,045.00	0.10/M
2	10,000,000 to 50,000,000	1,545.00	0.08/M
3	50,000,000 to 100,000,000	4,745.00	0.07/M
4	100,000,000 to 200,000,000	8,245.00	0.05/M
5	200,000,000 and over	13,245.00	0.03/M

6

7 (2) Public utilities engaged in interstate commerce who are
 8 required to file annual reports with the board and who derive 50%
 9 or more of their operating revenues from interstate commerce shall
 10 pay a fee for examination and audit of their annual report in
 11 accordance with the following schedule. The board may establish
 12 reasonable rules for the determination of such intrastate revenues in
 13 cases where the same have not been reported.

14	For Intrastate Revenues Within the Range	The Fee is
15	Under \$10,000	\$25.00
16	\$10,000 to 50,000	50.00
17	50,001 to 200,000	75.00
18	200,001 to 500,000	150.00
19	500,001 to 1,000,000	300.00
20	over 1,000,000	500.00

21 C. Pamphlets and Publications Charge Per
 22 Copy

23 (1) Annual report of the Board of
 24 **【Regulatory Commissioners】** Public Utilities ... \$2.00

25 (2) Utility annual report forms

26	Sewer	5.00
27	Income Sheets	2.00
28	Railroad	10.00
29	Telephone	10.00
30	Water	
31	Classes A, B and C	10.00
32	Class D	5.00
33	Class E (Income Sheets)	2.00
34	Buses	
35	Class A	10.00
36	Class B	5.00
37	Class C	2.00
38	Gas	10.00
39	Electric	10.00

40 (3) Pamphlets containing rules and regulations
 41 and all other pamphlets published by the
 42 board

43	Pamphlets with less than 25 pages...	2.00
44	Pamphlets with 25 pages or more but less	
45	than 50 pages	2.50
46	Pamphlets with 50 pages or more	2.50
47	Plus \$0.25 for each additional 25 pages or	
48	fraction thereof in excess of 50 pages	

S1212 WEINBERG

- 1 (4) Uniform system of accounts 10.00
- 2 (5) Photocopies of documents or reports--
- 3 per page..... **[1.00]** up to \$0.10 for letter size or
- 4 smaller up to \$0.15 for legal size or larger
- 5 Charge for
- 6 Each
- 7 Year Covered
- 8 (6) Compilation of board's decisions ... \$2.00
- 9 (7) Statistics of utilities--private and
- 10 municipal 3.00
- 11 D. Subpoenas--Petition for and Issuance Charge per
- 12 Subpoena
- 13 (1) Subpoena for the attendance of
- 14 witnesses \$2.00
- 15 (2) Subpoena duces tecum 5.00
- 16 E. Applications and Petitions Submitted to the Board
- 17 (1) For approval of issuance of securities or evidences of
- 18 indebtedness the filing fee shall be based on the estimated proceeds
- 19 before costs and expenses of issuance. When the actual proceeds
- 20 become known, the fee will be adjusted accordingly. The total
- 21 filing fee will consist of a base charge plus an incremental charge
- 22 per unit of \$1,000.00 or fraction thereof of proceeds in excess of the
- 23 lower limit of the range of the indicated block. In the case of stock
- 24 dividends, the proceeds shall be taken as the amount to be
- 25 transferred from earned surplus account.
- 26
- | | | | | The Incre- |
|----|-------------------------------|-----------|--|-------------|
| | | | | mental |
| | | | | Charge |
| | | | | per \$1,000 |
| | | | | Unit is |
| 30 | If the proceeds of the Trans- | The Base | | |
| 31 | action Fall Within the Range | Charge is | | |
| 32 | Under \$5,000 | \$10.00 |  | ..... |
| 33 | \$5,001 to 10,000 | 15.00 |  | ..... |
| 34 | 10,001 to 20,000 | 30.00 |  | ..... |
| 35 | 20,001 to 30,000 | 50.00 |  | ..... |
| 36 | 30,001 to 100,000 | 50.00 | | \$0.70/M |
| 37 | 100,001 to 500,000 | 99.00 | | 0.60/M |
| 38 | 500,001 to 1,000,000 | 339.00 | | 0.50/M |
| 39 | 1,000,001 to 5,000,000 | 589.00 | | 0.40/M |
| 40 | 5,000,001 to 10,000,000 | 2,189.00 | | 0.35/M |
| 41 | 10,000,001 to 25,000,000 | 3,939.00 | | 0.30/M |
| 42 | 25,000,001 and over | 8,439.00 | | 0.25/M |
- 43 (2) For increases in rates or fares, whether by petition, filing of
- 44 revised tariff, or by petition for negotiated relief under R.S.48:2-
- 45 21.1, provided that when two petitions or a petition with an
- 46 amendment relate to one and the same increase only one fee shall be
- 47 charged, the fees are to be based on the proposed increase in annual
- 48 operating revenues for which application is made and will consist of

S1212 WEINBERG

1 a base charge plus an incremental charge per unit of \$1,000.00 or
 2 fraction thereof for each such unit in excess of the lower limit of the
 3 indicated range.

				The Incre- mental Charge per \$1,000 Unit is
If the Proposed	Increase Falls Within the Range	The Base	Charge is	
9	Up to	\$5,000	\$25.00	.....
10	\$5,000 to	30,000	25.00	\$2.00/M
11	30,000 to	100,000	75.00	1.80/M
12	100,000 to	300,000	201.00	1.60/M
13	300,000 to	600,000	521.00	1.40/M
14	600,000 to	1,000,000	941.00	1.20/M
15	1,000,000 to	5,000,000	1,421.00	1.00/M
16	5,000,000 to	10,000,000	5,421.00	0.80/M
17	10,000,000 to	20,000,000	9,421.00	0.60/M
18	20,000,000 and over		15,421.00	0.30/M

19 Filing of an initial rate, a contract for a special rate or any other
 20 document involving a tariff change not otherwise provided for
 21 above 25.00

22 In addition to the filing fee computed in accordance with the
 23 foregoing, the public utility shall pay a processing fee of 1/10 of 1%
 24 of the new or initial annual operating revenues or increase in annual
 25 operating revenues that may be authorized by the board, which fee
 26 in no event shall be less than 25.00

27 Filing automatic adjustment clause tariff
 28 revision..... \$25.00

29 (3) For sales of property or leases of property

				Filing Fee
(Based on the Consideration or Annual Rental)				
31	Up to	\$1,000		\$10.00
32	\$1,001 to	5,000		25.00
33	5,001 to	10,000		50.00
34	10,001 to	20,000		75.00
35	20,001 to	50,000		150.00
36	50,001 to	100,000		250.00
37	100,001 and over	.....		350.00

38 (4) For approval of mergers Filing Fee

39 The filing fee for approval of mergers is to be based on
 40 the total utility plant account of the surviving utility and will be
 41 computed according to the schedule of charges set forth herein for
 42 sales of property or leases of property.

43 (5) For approval of a municipal consent \$20.00

44 Where petition requests approval of more
 45 than one municipal consent on the same
 46 route for each such additional consent 10.00

47 (6) For rehearing, reopening, reargument or
 48 reconsideration of any matter 15.00

S1212 WEINBERG

1	(7) For approval of contracts under Revised		
2	Statutes 48:3-7.1.....		100.00
3	(8) For establishment of new railroad-highway		
4	crossing at grade.....		50.00
5	(9) For grade crossing separation		100.00
6	(10) For relocation or widening of grade		
7	crossing.....		100.00
8	(11) For abandonment of grade crossing ...		50.00
9	(12) For discontinuance of station agents		
10	and stations		50.00
11	(13) For authority to exercise eminent domain--		
12	for each separate parcel of property		
13	involved		100.00
14	(14) Any application or petition not herein		
15	specifically designated or described.....		25.00
16	(15) For inspection or test of electric,		
17	water or gas meter		5.00
18	(This fee is to be returned to the		
19	customer and collected from the utility		
20	in cases where the meter is found to be		
21	registering fast beyond the allowable		
22	limit of accuracy established by the board.)		
23	F. Buses or Other Motor Vehicles		
24	(1) For approval of transfer of municipal		
25	consents.....		\$25.00
26	(2) For approval of conditional sale contract,		
27	notes or chattel mortgage based on the		
28	principal amount involved		
29			
30		Filing Fee	
31	\$5,000 or less		10.00
32	5,001 to 10,000		15.00
33	10,001 to 25,000		25.00
34	25,001 to 50,000		50.00
35	50,001 to 100,000		75.00
36	Over \$100,000		100.00
37	(3) For changes, extensions or consolidation		
38	of existing autobus routes		25.00
39	(4) For approval of leases of equipment		25.00
40	Charges		
41	(5) For inspection of new bus equipment and		
42	issuance of certificate of compliance--		
43	each bus		115.00
44	(6) Specification recheck--each bus		50.00
45	(7) For issuance of duplicate certificate of		
46	compliance--each		2.00
47	(8) For inspection of autobus for restoration		
48	to service after removal for lack of		

S1212 WEINBERG

1	insurance	70.00
2	(9) For each periodic inspection of autobus by	
3	board's inspector (including first	
4	recheck)--each bus	85.00
5	(10) Additional maintenance recheck--each bus	35.00
6	(11) Self inspection--each bus	30.00
7	G. Miscellaneous	Filing Fee
8	(1) Formal complaints--Costs to be assessed	
9	against the respondent utility if the	
10	complaint is sustained by the board	\$25.00
11	(2) Answers to formal complaints	10.00
12	(3) Where the answer sets up a prayer	
13	for affirmative relief	25.00
14	(4) Amendment to any petition or answer ..	10.00
15	(5) Reports and statements filed by pipeline	
16	companies as required by board's rules	
17	issued under the authority of Title 48	
18	of the Revised Statutes except accident	
19	reports	200.00
20	(6) Deleted by amendment, P.L.1993, c.124.	
21		Charge Per
22		Copy
23	(7) Extra copy of any decision, order or	
24	certificate of the board	【2.00
25	Plus a charge for each page exceeding 2 pages	1.00】 <u>up to</u>
26	<u>\$0.10 per letter size page or smaller, up to \$0.15 per legal size page</u>	
27	<u>or larger</u>	
28	(8) Certification of any document	2.50

29 All filing fees shall be paid at the time of the original filing of
30 the report, application, petition or other document or paper in the
31 matter. No pleading will be considered filed until the appropriate
32 fees are paid. In cases where such payment is not feasible, as may
33 be determined by the board, the amount will be due and payable on
34 the presentation of an invoice.

35 When a petition covers more than one matter or makes a prayer
36 for relief with respect to more than one matter, the fee for filing the
37 same shall be the sum of the fees that would be paid for each
38 individual matter.

39 When several utilities or petitioners join in the filing of a single
40 petition, then the fees herein provided shall apply to each petitioner
41 as may be appropriate.

42 (cf: P.L.1993, c.124, s.1)

44 7. This act shall take effect immediately but shall be
45 inoperative until the 60th day following enactment.

STATEMENT

1
2
3
4
5
6
7
8
9
10
11
12

This bill decreases the fees set for copies of documents in various parts of the New Jersey statutes relating to government entities, excluding the court system. The statute sections amended concern copies of certain public documents from the Office of the State Treasurer or the Board of Public Utilities, of motor vehicle accident reports, and of government records under the open public records act. The fees for copies will be up to 10 cents per page for letter size copies and up to 15 cents per page for legal size copies. Currently, there is no uniform cost for copies of documents among governmental entities.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 1212

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 21, 2010

Senate Budget and Appropriations Committee reports favorably Senate Bill No. 1212 with amendments.

As amended, Senate Bill No. 1212 decreases the fees set for copies of documents in various parts of the New Jersey statutes relating to government entities, excluding the court system. The statute sections amended concern copies of certain public documents from the Office of the State Treasurer or the Board of Public Utilities, of motor vehicle accident reports, and of government records under the open public records act. The fees for copies will be up to 10 cents per page for letter size copies and up to 15 cents per page for legal size copies, except that the fees set for copies of government records under the open public records act (OPRA) are established at 5 cents per letter size page or smaller, and 7 cents per legal size page or larger.

COMMITTEE AMENDMENTS:

The committee amendments provide that a different fee reduction applies to government records requested under OPRA. The amendments also provide that access to electronic records and non-printed materials will be provided free of charge, but the public agency may charge for the actual costs of any needed supplies such as computer discs.

FISCAL IMPACT:

The fiscal impact of this bill is indeterminate. At this time, the OLS does not have any information about how much fee revenue from document duplication requests has been collected by various entities, nor can the OLS project fee revenue because the number of requested pages and their size are unknown.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 1212 STATE OF NEW JERSEY 214th LEGISLATURE

DATED: JULY 28, 2010

SUMMARY

- Synopsis:** Decreases certain public document copy fees; amount of fee dependent upon whether letter size page or legal size page.
- Type of Impact:** Decrease in revenues, State General Fund and local government funds.
- Agencies Affected:** State departments and local government entities.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Revenue	Indeterminate - See comments below		
Local Revenue	Indeterminate - See comments below		

- This bill decreases the fees set for copies of public documents in various parts of the New Jersey statutes relating to government entities, excluding the court system.
- At this time, no information is available regarding how much fee revenue is currently collected from copying public documents and no data is available to project future fee revenue.
- The bill reduces the per page copy rates in some instances from \$1.00 or \$2.00 per page to no more than \$0.10, or \$0.15, per page depending upon the size of the paper, letter or legal.
- With regard to copies of government records sought under the open public records act (OPRA), the bill reduces the per copy rates from a range of \$0.75 to \$0.25 per page to \$0.05 for letter size and \$0.07 for legal size.
- The Office of Legislative Service (OLS) notes that advances in technology have changed the way information is distributed. Electronic collection, storage, and transmission of information, and scanning have reduced the need for making copies of information. Under

the bill, access to electronic records and non-printed materials will be provided free of charge, but a public agency may charge for the actual costs of any needed supplies such as computer discs.

BILL DESCRIPTION

Senate Bill No. 1212 (1R) of 2010 decreases the fees set for copies of documents in various parts of the New Jersey statutes relating to government entities, excluding the court system. The statute sections amended concern copies of certain public documents from the Office of the State Treasurer or the Board of Public Utilities, of motor vehicle accident reports, and of government records under the open public records act (OPRA). The fees for copies will be up to 10 cents per page for letter size copies and up to 15 cents per page for legal size copies, except that the fees set in the OPRA statute are \$0.05 for letter size and \$0.07 for legal size. The bill also provides that access to electronic records and non-printed materials will be provided free of charge, but the public agency may charge for the actual costs of any needed supplies such as computer discs.

FISCAL ANALYSIS

EXECUTIVE BRANCH

The Executive Branch has indicated that the bill will have no impact on the New Jersey Department of State with regard to the fees associated with the State Archives, set by the Secretary of States' Office under N.J.S.A. 22A:4-21, which is not amended by this bill, and a minimal impact on the cost to duplicate open public records act documents.

OFFICE OF LEGISLATIVE SERVICES

The OLS notes that this bill affects not only the Department of State, but also the Department of the Treasury, the Board of Public Utilities, the Department of Motor Vehicles, and other State agencies and local governments with regard to requests pursuant to the open public records act. Estimates of the reduction in fee revenue associated with reduced copying rates were not provided by the other various affected entities. In some cases, the rates will be reduced from \$1.00 or \$2.00 per page to no more than \$0.05 or \$0.07 per page, depending upon the size of the paper. In other instances, the bill reduces the per copy rates from \$0.75 to \$0.25 per page to \$0.05 per letter size page and \$0.07 per legal size page. At this time, the OLS does not have any information with regard to how much fee revenue from document duplication has been collected recently, or in the past, by the various departments or entities identified in this bill, nor can the OLS project the fee revenue because the number of documents requested to be copied, their number of pages and their size is unknown.

The OLS also notes that advances in technology have changed the way information is distributed. Electronic collection, storage, and transmission of information, and scanning have reduced the need for making paper copies of information. This bill states that access to electronic records and non-printed materials will be provided free of charge, but a public agency may charge for the actual costs of any needed supplies such as computer discs.

Section: State Government

*Analyst: Pamela H. Espenshade
Principal Counsel*

*Approved: David J. Rosen
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).