

## LEGISLATIVE BILL 1004

Approved by the Governor March 15, 1994

Introduced by Schimek, 27

AN ACT relating to fees; to amend sections 28-1440, 33-101, 33-102, 33-133, 64-104, and 67-293, Reissue Revised Statutes of Nebraska, 1943; to change fees payable to the Secretary of State; to change notary public fees; to change the distribution of certain fees; to create a fund; to change a fund name; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 28-1440, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-1440. Any person, organization, corporation, association, or institution, either resident or nonresident of this state, which solicits funds in any county of this state other than where its home office is located, shall first obtain a letter of approval from the county attorney of the county in which its home office is located, which letter shall be forwarded to the Secretary of State together with a fee of ~~one dollar~~ ten dollars. Upon receipt of such letter and fee by the Secretary of State, ~~he or she~~ shall issue a certificate granting the privilege of soliciting throughout the state for the balance of such calendar year. Such persons, organizations, corporations, associations, and institutions may make as many copies of the certificate as they deem necessary either by certification or photostatic process. All persons soliciting funds for themselves or for such organizations, corporations, associations, or institutions, ~~must~~ shall have in their possession a certified or photostatic copy of such certificate. If the person, organization, corporation, association, or institution does not have a home office or district office located in this state, it shall file with the Secretary of State, in lieu of the letter from the county attorney, a certified copy of its articles of incorporation or of its constitution and bylaws; or other evidence of existence and evidence of good standing as the Secretary of State may deem necessary before issuing the certificate to solicit funds in this state.

Sec. 2. That section 33-101, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

33-101. There shall be paid to the Secretary of State the following fees:

- (1) For certificate or exemplification with seal, ten dollars;
- (2) For copies of records, ~~whether typewritten or by photographic or other copying process,~~ for each page, a fee of one dollar;
- (3) For filing articles of association, incorporation, or consolidation, domestic or foreign, if the capital stock is ten thousand dollars or less, ~~forty six~~ sixty dollars; if the capital stock is more than ten thousand dollars but does not exceed twenty-five thousand dollars, ~~seventy one~~ hundred dollars; if the capital stock is more than twenty-five thousand dollars but does not exceed fifty thousand dollars, one hundred fifty dollars; if the capital stock is more than fifty thousand dollars but does not exceed seventy-five thousand dollars, ~~one hundred fifty~~ two hundred twenty-five dollars; if the capital stock is more than seventy-five thousand dollars but does not exceed one hundred thousand dollars, ~~two three~~ three hundred dollars; and if the capital stock is over one hundred thousand dollars, ~~two three~~ three dollars additional for each one thousand dollars in excess of one hundred thousand dollars. ~~For purposes~~ PROVIDED, that for the purpose of computing this fee, the capital stock of a corporation organized under the laws of any other state that domesticates in this state, and which stock does not have a par value, shall be deemed to have a par value of an amount per share equal to the amount paid in as capital for each of such shares as are then issued and outstanding, and in no event less than one dollar per share;
- (4) For recording articles of association or incorporation, amendments, revised or restated articles, changes of registered office or registered agent, increase or decrease of capital stock, merger or consolidation, statement of intent to dissolve, and consent to dissolution, revocation of dissolution, articles of dissolution, domestic or foreign, profit or nonprofit, ~~three five~~ three dollars per page;
- (5) For receiving and filing articles of incorporation of corporations formed for religious, benevolent, or literary purposes, not for profit, conducting no business for profit, with no right to declare dividends

and not mutual in character, or religious or secret societies, or societies or associations composed exclusively of any class of mechanics, express, telegraph, or other employees formed for mutual protection, and not for profit, ~~detective associations~~, and other nonprofit corporations organized under Chapter 21, ten dollars, plus recording fee;

(6) For filing certificate of increase of capital stock of any corporation for profit, association, or consolidation, domestic or foreign, ~~ten fifteen~~ dollars, and ~~two three~~ dollars for each one thousand dollars of increase of capital stock so certified, plus recording fee;

(7) For filing certificate of decrease of capital stock of any corporation for profit, ~~twenty-five thirty~~ dollars, plus recording fee;

(8) For filing decree of court changing the name of any corporation or association, ~~twenty-five thirty~~ dollars, plus recording fee;

(9) For filing amendment to articles of incorporation of any corporation for profit, twenty-five dollars, plus recording fee;

(10) For issuing license, ~~five ten~~ dollars;

(11) For filing amendment to articles of incorporation of nonprofit corporation, five dollars, plus recording fee;

(12) For taking acknowledgment, ~~five ten~~ dollars;

(13) For administering oath, ~~five ten~~ dollars;

(14) For reservation of name, ~~fifteen twenty~~ dollars;

(15) For transfer of reserved name, ~~fifteen twenty~~ dollars;

(16) For registration of name, ~~twenty twenty-five~~ dollars;

(17) For renewal of registered name, ~~twenty twenty-five~~ dollars;

(18) For change of registered agent or registered office for domestic or foreign corporations, or both, ~~fifteen twenty~~ dollars, plus recording fee;

(19) For change of registered agent or registered office for nonprofit corporations, or both, filing, five dollars, plus recording fee;

(20) Fee for filing regarding shares divided and issued into series, revised articles, restated articles, statement of redeemable shares or shares other than redeemable, merger, consolidation, statement of intent to dissolve and consent to dissolution, revocation of dissolution and articles of dissolution of any corporation for profit shall be ~~fifteen twenty~~ dollars, plus recording fee;

(21) Fee for filing notice of merger or consolidation, or articles of dissolution for nonprofit corporations shall be five dollars, plus recording fee;

(22) Fee for filing certificates pertaining to foreign corporations regarding mergers, consolidation, and existence, ~~fifteen twenty~~ dollars, plus recording fee;

(23) Fee for filing foreign application for certificate of authority, one hundred ~~twenty-five~~ dollars, plus recording fee;

(24) Fee for filing foreign amended application for certificate of authority, ~~fifteen twenty~~ dollars, plus recording fee;

(25) Fee for filing withdrawal of a foreign corporation, ~~fifteen twenty~~ dollars, plus recording fee; and

(26) For filing a change of street address in any city or village in this state of the registered office of any registered agent, who serves as registered agent for more than one corporation, ~~fifty seventy-five~~ dollars, plus recording fee.

The fees for filing articles of association, incorporation, or consolidation, domestic or foreign, shall be based on the authorized capital stock. All ~~7~~ and all fees set forth herein in this section shall be paid to the Secretary of State and by him or her paid into the state treasury and shall be remitted to the State Treasurer be placed in for credit to the General Fund, except that domestic and foreign corporate filing fees shall be credited two-thirds to the General Fund and one-third to the Corporation Cash Fund.

Sec. 3. That section 33-102, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

33-102. The Secretary of State shall be entitled to, for receiving, affixing the great seal to, and forwarding the commission of a notary public, the sum of ~~ten fifteen~~ dollars and the additional sum of ~~ten fifteen~~ dollars for filing and approving the bond of a notary public. The Secretary of State shall be entitled to the sum of fifteen dollars for receiving a renewal application pursuant to section 64-104.

The fees received by the Secretary of State pursuant to this section shall be remitted to the State Treasurer for credit seventy-five percent to the General Fund and twenty-five percent to the Administration Cash Fund which is hereby created. Any money in the Administration Cash Fund available for investment shall be invested by the state investment officer pursuant to

sections 72-1237 to 72-1276.

Sec. 4. That section 33-133, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

33-133. Notaries Except as otherwise provided in this section, notaries public may charge and collect fees as follows: For each protest, one dollar; for recording the same, fifty cents two dollars; for each notice of protest, twenty-five cents two dollars; for taking affidavits and seal, twenty-five cents two dollars; for administering oath or affirmation, five cents two dollars; for taking deposition, for each one hundred words contained in such deposition and in the certificate, ten cents one dollar and no more; for each certificate and seal, twenty-five cents five dollars; for taking acknowledgment of deed or other instrument, fifty cents five dollars; and for each mile traveled in serving notice, mileage at the rate provided in section 81-1176. An employee of the state or its political subdivisions may not charge the fees prescribed in this section if his or her governmental employer paid the commission and bonding fees required of notaries public. for state employees.

Sec. 5. That section 64-104, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

64-104. Commissions for general notaries public may be renewed within thirty days prior to the date of expiration by filing a renewal application along with the payment of a fee of five dollars the fee prescribed in section 33-102 and a new bond with the Secretary of State. The bond required for a renewal of such commission shall be in the same manner and form as provided in section 64-102. The renewal application shall be in the manner and form as prescribed by the Secretary of State. Such renewal application made prior to the date of the expiration of any general notary public commission need not be accompanied by any petition. Any renewal application for such commission made after the date of expiration of the commission shall be made in the same manner as a new application for such commission as a general notary public.

Sec. 6. That section 67-293, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

67-293. The filing fee for all filings pursuant to the Nebraska Uniform Limited Partnership Act, including amendments and name reservation, shall be ten dollars plus the recording fees set forth in subdivision (4) of section 33-101, except that the filing fee for filing a certificate of limited partnership pursuant to section 67-240 and for filing an application for registration as a foreign limited partnership pursuant to section 67-281 shall be two hundred dollars plus such recording fees. A fee of one dollar per page shall be paid for a certified copy of any document on file pursuant to the act. The fees for filings pursuant to the act shall be paid to the Secretary of State and by him or her remitted to the State Treasurer. The State Treasurer shall credit fifty percent of such fees to the General Fund and fifty percent of such fees to the Uniform Limited Partnership Corporation Cash Fund which is hereby created. Any money in the Uniform Limited Partnership Corporation Cash Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276. Any money in the Uniform Limited Partnership Cash Fund on the operative date of this act shall be transferred to the Corporation Cash Fund on such date.

Sec. 7. This act shall become operative on January 1, 1995.

Sec. 8. That original sections 28-1440, 33-101, 33-102, 33-133, 64-104, and 67-293, Reissue Revised Statutes of Nebraska, 1943, are repealed.