

LEGISLATIVE BILL 749

Approved by the Governor April 11, 2018

Introduced by Williams, 36.

A BILL FOR AN ACT relating to the Secretary of State; to amend section 33-101, Reissue Revised Statutes of Nebraska, and section 21-1905, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to recording and filing fees; and to repeal the original sections.
Be it enacted by the people of the State of Nebraska,

Section 1. Section 21-1905, Revised Statutes Cumulative Supplement, 2016, is amended to read:

21-1905 (a) The Secretary of State shall collect the following fees when the documents described in this subsection are delivered for filing:

- (1)(i) Articles of incorporation or (ii) documents relating to domestication...\$10.00
- (2) Application for reserved name...\$25.00
- (3) Notice of transfer of reserved name...\$25.00
- (4) Application for registered name...\$25.00
- (5) Application for renewal of registered name...\$25.00
- (6) Corporation's statement of change of registered agent or registered office or both...\$5.00
- (7) Agent's statement of change of registered office for each affected corporation...\$25.00 (not to exceed a total of \$1,000)
- (8) Agent's statement of resignation...no fee
- (9) Amendment of articles of incorporation...\$5.00
- (10) Restatement of articles of incorporation with amendments...\$5.00
- (11) Articles of merger...\$5.00
- (12) Articles of dissolution...\$5.00
- (13) Articles of revocation of dissolution...\$5.00
- (14) Certificate of administrative dissolution...no fee
- (15) Application for reinstatement following administrative dissolution...\$5.00
- (16) Application for reinstatement more than five years after the effective date of an administrative dissolution or administrative revocation...\$500.00
- (17) Certificate of reinstatement...no fee
- (18) Certificate of judicial dissolution...no fee
- (19) Certificate of authority...\$10.00
- (20) Application for amended certificate of authority...\$5.00
- (21) Application for certificate of withdrawal...\$5.00
- (22) Certificate of revocation of authority to transact business...no fee
- (23) Biennial report...\$20.00
- (24) Articles of correction...\$5.00
- (25) Application for certificate of good standing...\$10.00
- (26) Any other document required or permitted to be filed by the Nebraska Nonprofit Corporation Act...\$5.00
- (i) Amendments...\$5.00
- (ii) Mergers...\$5.00

(b) The Secretary of State shall collect a recording fee of five dollars per page in addition to the fees set forth in subsection (a) of this section, except that there shall be no recording fee collected for the filing of a biennial report required by section 21-19,172.

(c) The Secretary of State shall collect the following fees for copying and certifying the copy of any filed document relating to a domestic or foreign corporation:

- (1) \$1.00 per page; and
- (2) \$10.00 for the certificate.

(d) All fees set forth in this section shall be collected by the Secretary of State and remitted to the State Treasurer and credited two-thirds to the General Fund and one-third to the Corporation Cash Fund.

Sec. 2. Section 33-101, Reissue Revised Statutes of Nebraska, is amended to read:

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, for each page, a fee of one dollar;
- (3) For accessing records by electronic means:

(a) For batch requests of business entity information, fifteen dollars for up to one thousand business entities accessed and an additional fifteen dollars for each additional one thousand business entities accessed over one thousand;

(b) For information in the Secretary of State's Uniform Commercial Code Division data base, including records filed pursuant to the Uniform Commercial Code, Chapter 52, article 2, 5, 7, 9, 10, 11, 12, or 14, Chapter 54, article 2, or the Uniform State Tax Lien Registration and Enforcement Act, for batch requests searched by debtor location, fifteen dollars for up to one thousand records accessed and an additional fifteen dollars for each additional one thousand records accessed over one thousand;

(c) For an electronically transmitted certificate indicating whether a business is properly registered with the Secretary of State and authorized to do business in the state, six dollars and fifty cents;

(d) For the entire contents of the data base regarding corporations and the Uniform Commercial Code, but excluding electronic images, three hundred dollars weekly subscription rate, one thousand dollars monthly subscription rate for a twice-monthly service, and eight hundred dollars monthly subscription rate;

(e) For images of records accessed over the Internet or by other electronic means other than facsimile machine, forty-five cents for each page or image of a page, not to exceed two thousand dollars per request for batch requests; and

(f) For the entire contents of the image data base regarding corporations and the Uniform Commercial Code, eight hundred dollars monthly subscription rate;

(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, five dollars per page;

(5) For taking acknowledgment, ten dollars;

(6) For administering oath, ten dollars;

(7) For filings by for-profit corporations and associations required or permitted by law to file articles of incorporation or organization with the Secretary of State, the fees provided in section 21-205 unless otherwise specifically provided by law; and

(8) For filings by nonprofit corporations and associations required or permitted by law to file articles of incorporation or organization with the Secretary of State or for such a filing by any entity declared to be a corporation under section 21-608, the fees provided in section 21-1905 unless otherwise specifically provided by law.

All fees collected pursuant to subdivision (3) of this section shall be deposited in the Records Management Cash Fund and shall be distributed as provided in any agreements between the State Records Board and the Secretary of State.

Sec. 3. Original section 33-101, Reissue Revised Statutes of Nebraska, and section 21-1905, Revised Statutes Cumulative Supplement, 2016, are repealed.