

# HOUSE RESEARCH

## Bill Summary

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### Overview

This bill makes a variety of changes in laws relating to the business services functions of the office of the secretary of state.

#### Section

- 1**      **Employment agency surety bonds.** Requires employment agency surety bonds to be filed with the Department of Labor and Industry, instead of with the secretary of state.
- 2**      **Corporate registration.** Maintains current requirement that business corporations file registration information with the secretary of state by December 31 each year, but strikes language requiring the secretary of state to send corporations a registration form and a notice of the duty to file the form.
- 3**      **On-line corporate registration.** Provides that after December 31, 2004, annual business corporation registration may be done only on-line.
- 4**      **Reinstatement of corporate registration.** Provides for the secretary of state to issue a certificate of administrative dissolution if a business corporation does not file its registration in a calendar year. Under current law this occurs only if the business fails to file for three consecutive years. Strikes language specifying how the secretary of state is to notify a corporation of its dissolution. Provides that later filing of a registration (with the \$25 fee required in current law) returns the corporation to good standing as of the date of dissolution, validates contracts, and restores assets and rights to the corporation.
- 5**      **Reinstatement; cooperative.** Strikes language providing that a cooperative under chapter 308A may retroactively reinstate its existence only within one year of the date of dissolution. Thus a cooperative could reinstate its existence without a time limit.

## Section

- 6        **Reinstatement; cooperative.** Strikes language providing that a cooperative under chapter 308B may retroactively reinstate its existence only within one year of the date of dissolution. Thus a cooperative could reinstate its existence without a time limit.
- 7        **Nonprofit corporation registration.** Maintains current requirement that nonprofit corporations file registration information with the secretary of state by December 31 each year, but strikes language requiring the secretary of state to send corporations a registration form and a notice of the duty to file the form.
- 8        **On-line registration; nonprofit corporation.** Provides that after December 31, 2004, annual nonprofit corporation registration may be done only on-line.
- 9        **Limited liability company registration.** Maintains current requirement that limited liability companies file registration information with the secretary of state by December 31 each year, but strikes language requiring the secretary of state to send companies a registration form and a notice of the duty to file the form.
- 10       **On-line registration; limited liability company.** Provides that after December 31, 2004, annual limited liability company registration may be done only on-line.
- 11       **Reinstatement of limited liability company registration.** Strikes requirement that a limited liability company must act within one year to reinstate its existence after administrative termination or revocation.
- 12       **Invention developer surety bond.** Provides that the surety bond required of invention developers must be filed with the attorney general, instead of the secretary of state.
- 13       **Plumbing bond.** Provides that the bond required of people doing plumbing work must be filed with the commissioner of health, rather than with the secretary of state.
- 14       **High pressure piping bond.** Provides that the bond required of applicants for high pressure piping licenses must be filed with the Department of Labor and Industry, rather than with the secretary of state.
- 15       **Auctioneer license fee.** Strikes requirement that a county auditor send the secretary of state a copy of each auctioneer license the auditor issues, and also strikes the requirement that the county auditor send the secretary of state \$10 of the \$20 fee that the auditor collects for issuing the license.
- 16       **Auctioner licenses.** Strikes requirement that the secretary of state prescribe a numbering system for auctioneer licenses, and prescribes methods for county auditors to assign these numbers.
- 17       **Auctioneer change of address.** Strikes requirement that the county auditor notify the secretary of state of a change in address filed by a licensed auctioneer.
- 18       **Secured transaction fees.** Provides that the fee for filing and indexing a record under Article 9 of the Uniform Commercial Code is \$15 for a record delivered by electronic means (as compared to the current \$20 fee, which would continue to apply to paper records). Makes the same change in the fee for responding to a request for information from the filing office.
- 19       **Certification; liquor license referendum.** Strikes requirement that the county clerk or recorder certify results of a local liquor-law referendum to the secretary of state.
- 20       **Notaries public.** Strikes duties of the commissioner of commerce relating to appointment of notaries public. Provides that notaries will continue to be appointed by the governor, subject to advice and consent of the senate. Provides that the secretary of state will receive notary applications, will maintain a register of notaries appointed by the governor with advice and consent of the senate, and will receive fees for the performance of these functions. Provides that the governor may receive notary applications directly.

**Section**

Establishes similar provisions relating to nonresident notary applications.

- 21**     **Notary public change of address.** Requires a notary public to notify the secretary of state, rather than the commissioner of commerce of a name or address change.
- 22**     **Park superintendent bond.** Requires a park superintendent to file a bond with the relevant park board, instead of with the secretary of state.
- 23**     **Base budget.** Instructs the Department of Finance to include certain costs of assuming and operating the notary function as part of the base budget of the Office of the Secretary of State.
- 24**     **Effective dates.** Sections relating to corporate and limited liability company and cooperative registration are effective January 1, 2004. Sections 20 and 21 are effective July 1, 2005.