

AMENDED IN ASSEMBLY JULY 13, 1999

AMENDED IN ASSEMBLY JUNE 23, 1999

SENATE BILL

No. 408

Introduced by Senator Alpert

February 12, 1999

An act to amend Section 12208 of the Government Code, relating to the Secretary of State.

LEGISLATIVE COUNSEL'S DIGEST

SB 408, as amended, Alpert. Secretary of State: fees.

Existing law authorizes the Secretary of State to establish by regulation special handling fees in connection with the filing of documents, issuing of certificates, and other services performed by the office. Existing law also requires that these fees approximate the estimated cost of special handling and be accounted as expenditure reimbursements by the Secretary of State.

This bill would authorize the Secretary of State to charge fees which may be in different amounts not to exceed \$1,000 for preclearance documents and expedited filings, as specified, and would require the secretary to report to the Legislature on the implementation of these provisions. *The bill would specify that the preclearance or expedited filing of documents by the Secretary of State shall be considered discretionary pursuant to other provisions exempting public employees from liability for discretionary acts or omissions.*

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 12208 of the Government Code
2 is amended to read:

3 12208. (a) The Secretary of State may by regulation
4 establish fees to be charged and collected for special
5 handling in connection with filing of documents, issuing
6 of certificates, and other services performed by him or
7 her.

8 (b) Except as provided in subdivision (c), those fees
9 shall approximate the estimated cost of special handling.

10 (c) Fees charged for preclearance of documents and
11 expedited filings may be in different amounts, which shall
12 not exceed one thousand dollars (\$1,000). Those fees may
13 be charged only if the special handling does not cause
14 disruption or delay in the process of normal handling of
15 documents, and if the implementation of the special
16 handling is supported by an appropriation in the Budget
17 Act.

18 (d) Special handling fees shall be accounted as
19 Secretary of State expenditure reimbursements.

20 *(e) The preclearance or expedited filing of documents*
21 *by the Secretary of State or his or her employees pursuant*
22 *to this section shall be considered discretionary pursuant*
23 *to Section 820.2.*

24 SEC. 2. Notwithstanding Section 7550.5 of the
25 Government Code, the Secretary of State shall provide a
26 report to the Legislature within two years of
27 implementation of the special handling provided for in
28 subdivision (c) of Section 12208 of the Government Code.
29 The report shall document the extent to which the special
30 handling service is utilized, the fees charged, and
31 comparative timeframes for regular and special handling
32 regarding preclearance of documents and expedited
33 filings. This section is repealed as of the January 1
34 following the submittal of the report to the Legislature.

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