
ASSEMBLY BILL NO. 139—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE NEVADA
ASSOCIATION OF COUNTY RECORDERS)

FEBRUARY 21, 2007

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to local governmental administration. (BDR 20-325)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets **[omitted material]** is material to be omitted.

AN ACT relating to local governmental administration; providing for the disposition of excess payments made to a county recorder; revising provisions relating to the appointment and oath of deputy sheriffs; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a county recorder collects various fees. (NRS 247.305) **Section 1** of this bill provides that if a fee collected by a county recorder exceeds by \$5 or less the amount required by law to be paid, the county recorder is required to deposit the overpayment with the county treasurer for credit to the county general fund. If the overpayment is more than \$5, the county recorder is required to refund the entire amount of the overpayment.

Existing law authorizes a sheriff to appoint, in writing, deputy sheriffs and requires each deputy sheriff to take an oath to discharge his duties. (NRS 248.040)

Section 2 of this bill changes the office where the oath and written appointment of a deputy sheriff must be officially retained from the county auditor to the county recorder. Under existing law, the oaths and written appointments of deputies of many county elected officers are recorded with the county recorder or their respective counties. (NRS 246.030, 247.040, 249.060, 250.060, 252.070, 253.025, 258.060)



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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 247.305 is hereby amended to read as follows:
247.305 1. If another statute specifies the fee to be charged
for a service, county recorders shall charge and collect only the fee
specified. Otherwise, unless prohibited by NRS 375.060, county
recorders shall charge and collect the following fees:

For recording any document, for the first page.....	\$10
For each additional page	1
For recording each portion of a document which must be separately indexed, after the first indexing.....	3
For copying any record, for each page.....	1
For certifying, including certificate and seal.....	4
For a certified copy of a certificate of marriage.....	10
For a certified abstract of a certificate of marriage	10

2. Except as otherwise provided in this subsection and NRS
375.060, a county recorder may charge and collect, in addition to
any fee that a county recorder is otherwise authorized to charge and
collect, an additional fee not to exceed \$3 for recording a document,
instrument, paper, notice, deed, conveyance, map, chart, survey or
any other writing. A county recorder may not charge the additional
fee authorized in this subsection for recording the originally signed
copy of a certificate of marriage described in NRS 122.120. On or
before the fifth day of each month, the county recorder shall pay the
amount of fees collected by him pursuant to this subsection to the
county treasurer for credit to the account established pursuant to
NRS 247.306.

3. Except as otherwise provided in this subsection and NRS
375.060, a county recorder shall charge and collect, in addition to
any fee that a county recorder is otherwise authorized to charge and
collect, an additional fee of \$1 for recording a document,
instrument, paper, notice, deed, conveyance, map, chart, survey or
any other writing. A county recorder shall not charge the additional
fee authorized in this subsection for recording the originally signed
copy of a certificate of marriage described in NRS 122.120. On or
before the fifth day of each month, the county recorder shall pay
the amount of fees collected by him pursuant to this subsection to
the county treasurer. On or before the 15th day of each month, the
county treasurer shall remit the money received by him pursuant
to this subsection to the State Treasurer for credit to the Account to



1 Assist Persons Formerly in Foster Care established pursuant to
2 NRS 432.017.

3 4. Except as otherwise provided in this subsection, subsection
4 5 or by specific statute, a county recorder shall charge and collect, in
5 addition to any fee that a county recorder is otherwise authorized to
6 charge and collect, an additional fee of \$25 for recording any
7 document that does not meet the standards set forth in subsection 3
8 of NRS 247.110. A county recorder shall not charge the additional
9 fee authorized by this subsection for recording a document that is
10 exempt from the provisions of subsection 3 of NRS 247.110.

11 5. Except as otherwise provided in subsection 6, a county
12 recorder shall not charge or collect any fees for any of the services
13 specified in this section when rendered by him to:

14 (a) The county in which his office is located.

15 (b) The State of Nevada or any city or town within the county in
16 which his office is located, if the document being recorded:

17 (1) Conveys to the State, or to that city or town, an interest in
18 land;

19 (2) Is a mortgage or deed of trust upon lands within the
20 county which names the State or that city or town as beneficiary;

21 (3) Imposes a lien in favor of the State or that city or town;
22 or

23 (4) Is a notice of the pendency of an action by the State or
24 that city or town.

25 6. A county recorder shall charge and collect the fees specified
26 in this section for copying any document at the request of the State
27 of Nevada, and any city or town within the county. For copying, and
28 for his certificate and seal upon the copy, the county recorder shall
29 charge the regular fee.

30 7. For the purposes of this section, "State of Nevada,"
31 "county," "city" and "town" include any department or agency
32 thereof and any officer thereof in his official capacity.

33 8. *If the amount of money collected by a county recorder for*
34 *a fee pursuant to this section:*

35 (a) *Exceeds by \$5 or less the amount required by law to be*
36 *paid, the county recorder shall deposit the excess payment with the*
37 *county treasurer for credit to the county general fund.*

38 (b) *Exceeds by more than \$5 the amount required by law to be*
39 *paid, the county recorder shall refund the entire amount of the*
40 *excess payment.*

41 9. Except as otherwise provided in subsection 2, ~~for~~ 3 or 8 or
42 by an ordinance adopted pursuant to the provisions of NRS 244.207,
43 county recorders shall, on or before the fifth working day of each
44 month, account for and pay to the county treasurer all such fees
45 collected during the preceding month.



1 **Sec. 2.** NRS 248.040 is hereby amended to read as follows:
2 248.040 1. Except as provided in NRS 248.045, each sheriff
3 may:

4 (a) Appoint, in writing signed by him, one or more deputies,
5 who may perform all the duties devolving on the sheriff of the
6 county and such other duties as the sheriff may from time to time
7 direct. The appointment of a deputy sheriff must not be construed to
8 confer upon that deputy policymaking authority for the office of the
9 sheriff or the county by which the deputy sheriff is employed.

10 (b) Except as otherwise provided in this paragraph, only remove
11 a deputy who has completed a probationary period of 12 months for
12 cause. A deputy who functions as the head of a department or an
13 administrative employee or who has not completed the probationary
14 period may be removed at the sheriff's pleasure.

15 2. No deputy sheriff is qualified to act as such unless he has
16 taken an oath to discharge the duties of the office faithfully and
17 impartially. The oath *, together with the written appointment,* must
18 be ~~certified on the back of his appointment and filed~~ *recorded* in
19 the office of the *recorder of the* county ~~auditor.~~ *within which the*
20 *sheriff legally holds and exercises his office. Revocations of such*
21 *appointments must be recorded as provided in this subsection.*
22 *From the time of the recording of the appointments or revocations*
23 *therein, persons shall be deemed to have notice of the*
24 *appointments or revocations.*

25 3. The sheriff may require of his deputies such bonds as to him
26 seem proper.

27 **Sec. 3.** This act becomes effective on July 1, 2007.

