

SENATE BILL NO. 131—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE NEVADA ASSOCIATION OF COUNTIES)

FEBRUARY 21, 2007

Referred to Committee on Judiciary

SUMMARY—Makes various changes regarding certain court fees charged by county clerks and information collected by governmental entities. (BDR 2-385)

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 governmental administration; authorizing each county clerk to charge and collect an additional fee to pay for the acquisition and improvement of technology used in the office of the county clerk; increasing the amount of certain court fees charged and collected by county clerks; requiring the Department of Cultural Affairs to conduct a study of the feasibility of creating a shared digital archive for electronic records and information collected by governmental entities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each county clerk to charge and collect certain fees relating to certain civil actions and proceedings in district court. (NRS 19.013-19.0335) **Section 2** of this bill increases certain fees charged and collected by each county clerk and authorizes each county clerk to charge and collect an additional fee not to exceed \$5 for filing and recording a bond of a notary public, per name. The additional fee, if charged and collected, must be credited to an account described in **section 1** of this bill. (NRS 19.013) **Section 1** provides that if a county clerk charges and collects an additional fee for filing and recording a bond of a notary public, the proceeds must be accounted for separately in the county general fund and the money in the account must be used only to acquire technology for or to improve technology used in the office of the county clerk.

Section 3 of this bill directs the Department of Cultural Affairs, in consultation with the Department of Information Technology, to conduct a study to determine the feasibility of creating and maintaining a shared digital archive to store, preserve



15 and provide access to permanent digital records and other electronic information
16 collected by the State and local governments.

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

1 **Section 1.** Chapter 19 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 ***1. If a county clerk imposes an additional fee pursuant to***
4 ***subsection 2 of NRS 19.013, the proceeds collected from such a***
5 ***fee must be accounted for separately in the county general fund.***
6 ***Any interest earned on money in the account, after deducting any***
7 ***applicable charges, must be credited to the account. Money that***
8 ***remains in the account at the end of a fiscal year does not revert to***
9 ***the county general fund, and the balance in the account must be***
10 ***carried forward to the next fiscal year.***

11 ***2. The money in the account must be used only to acquire***
12 ***technology for or to improve technology used in the office of the***
13 ***county clerk, including, without limitation, costs related to***
14 ***acquiring or improving technology for converting and archiving***
15 ***records, purchasing hardware and software, maintaining the***
16 ***technology, training employees in the operation of the technology***
17 ***and contracting for professional services relating to the***
18 ***technology.***

19 **Sec. 2.** NRS 19.013 is hereby amended to read as follows:

20 19.013 1. Except as otherwise provided by specific statute,
21 each county clerk shall charge and collect the following fees:
22

23 On the commencement of any action or
24 proceeding in the district court, or on the
25 transfer of any action or proceeding from a
26 district court of another county, except probate
27 or guardianship proceedings, to be paid by the
28 party commencing the action, proceeding or
29 transfer ~~[\$56]~~ \$70

30 On an appeal to the district court of any case from
31 a justice court or a municipal court, or on the
32 transfer of any case from a justice court or a
33 municipal court ~~[42]~~ 52

34 On the filing of a petition for letters testamentary,
35 letters of administration, setting aside an estate
36 without administration, or a guardianship,
37 which fee includes the court fee prescribed by
38 NRS 19.020, to be paid by the petitioner:



1	Where the stated value of the estate is more	
2	than \$2,500	[72] \$85
3	Where the stated value of the estate is	
4	\$2,500 or less, no fee may be charged or	
5	collected.	
6	On the filing of a petition to contest any will or	
7	codicil, to be paid by the petitioner.....	[44] 55
8	On the filing of an objection or cross-petition to	
9	the appointment of an executor, administrator	
10	or guardian, or an objection to the settlement of	
11	account or any answer in an estate or	
12	guardianship matter.....	[44] 55
13	On the appearance of any defendant or any	
14	number of defendants answering jointly, to be	
15	paid upon the filing of the first paper in the	
16	action by him or them	[44] 55
17	For filing a notice of appeal	[24] 30
18	For issuing a transcript of judgment and certifying	
19	thereto	3
20	For preparing any copy of any record, proceeding	
21	or paper, for each page.....	1
22	For each certificate of the clerk, under the seal of	
23	the court	3
24	For examining and certifying to a copy of any	
25	paper, record or proceeding prepared by	
26	another and presented for his certificate	5
27	For filing all papers not otherwise provided for,	
28	other than papers filed in actions and	
29	proceedings in court and papers filed by public	
30	officers in their official capacity	5
31	For issuing any certificate under seal, not	
32	otherwise provided for	6
33	For searching records or files in his office, for	
34	each year	1
35	For filing and recording a bond of a notary public,	
36	per name	15
37	For entering the name of a firm or corporation in	
38	the register of the county clerk.....	20
39		
40	2. <i>A county clerk may charge and collect, in addition to any</i>	
41	<i>fee that a county clerk is otherwise authorized to charge and</i>	
42	<i>collect, an additional fee not to exceed \$5 for filing and recording</i>	
43	<i>a bond of a notary public, per name. On or before the fifth day of</i>	
44	<i>each month, the county clerk shall pay to the county treasurer the</i>	



amount of fees collected by him pursuant to this subsection for credit to the account established pursuant to section 1 of this act.

3. Except as otherwise provided by specific statute, all fees prescribed in this section are payable in advance if demanded by the county clerk.

~~**3-1**~~ **4.** The fees set forth in subsection 1 are payment in full for all services rendered by the county clerk in the case for which the fees are paid, including the preparation of the judgment roll, but the fees do not include payment for typing, copying, certifying or exemplifying or authenticating copies.

~~**4-1**~~ **5.** No fee may be charged ~~to~~ any attorney at law admitted to practice in this State for searching records or files in the office of the clerk. No fee may be charged for any services rendered to a defendant or his attorney in any criminal case or in habeas corpus proceedings.

~~**5-1**~~ **6.** Each county clerk shall, on or before the fifth day of each month, account for and pay to the county treasurer all fees collected during the preceding month.

Sec. 3. 1. The Department of Cultural Affairs shall, during the 2007-2009 interim, conduct a study to determine the feasibility of creating and maintaining a shared digital archive to store, preserve and provide access to the permanent digital records, publications, images and other electronic information collected by the State and local governments.

2. In conducting the study pursuant to subsection 1, the Department of Cultural Affairs shall work in consultation with and solicit advice and recommendations from the Department of Information Technology.

3. The Director of the Department of Cultural Affairs shall submit a report of the results of the study and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmission to the 75th Session of the Nevada Legislature.

Sec. 4. This act becomes effective on July 1, 2007.

