

**Amendment No. 540**

Assembly Amendment to Assembly Bill No. 139

(BDR 20-325)

**Proposed by:** Assembly Committee on Government Affairs**Amendment Box:** Replaces Amendment No. 172.**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date	
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____		Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____		Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____		Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) **green bold** is newly added transitory language.

MSM



Date: 4/19/2007

A.B. No. 139—Revises provisions relating to local governmental administration.  
(BDR 20-325)



## 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; **authorizing boards of county commissioners to apply for and accept certain rights over federal lands and to indemnify the Federal Government in connection with rights granted over those federal lands**; providing for the disposition of excess payments made to a county recorder; revising provisions relating to the appointment and oath of deputy sheriffs; **exempting the sheriff of a county whose population is 400,000 or more from the requirement to attend in person or by deputy all sessions in district court in that county**; **authorizing boards of county commissioners to delegate authority to approve certain claims for refunds of charges or fees paid to county departments of aviation**; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law authorizes boards of county commissioners to apply for and accept grants of rights-of-way, permits, leases and patents over federal lands within the National Forest System pursuant to certain federal laws. (NRS 244.277) Section 1 of this bill adds the Southern Nevada Public Lands Management Act of 1998, Public Law 105-263, to the list of federal laws concerning lands with respect to which boards of county commissioners may apply for and accept such land rights. Section 1 of this bill also authorizes boards of county commissioners to indemnify the United States in connection with such land rights.

Under existing law, a county recorder collects various fees. (NRS 247.305) Section ~~1~~ 2 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~~ 3 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)

Existing law requires each county sheriff to attend in person or by deputy all sessions of the district court in that county. (NRS 248.100) Section 4 of this bill exempts the sheriff of a county whose population is 400,000 or more (currently Clark County) from that requirement.

Existing law authorizes boards of county commissioners to delegate to the county manager, the county administrator or, in counties without a manager or administrator, any other county employee the authority to approve certain claims for refunds of registration fees or deposits paid to the county department of parks and recreation. (NRS 354.240) Section 5 of this bill authorizes boards of county commissioners to delegate to the same types of county officials or employees the authority to approve certain claims for refunds of registration fees or deposits paid to the county department of aviation.

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

**Section 1. NRS 244.277 is hereby amended to read as follows:**

244.277 The board of county commissioners may apply for and accept:

1. Grants of rights-of-way, permits, leases and patents and subsequent renewals of grants of rights-of-way, permits, leases and patents over, upon, under or through any land or interest in land owned by the United States and administered by the Secretary of the Interior through the Bureau of Land Management and by the Secretary of Agriculture with respect to lands within the National Forest System, pursuant to Title V of the Federal Land Policy and Management Act of 1976, 43 U.S.C. §§ 1761-1771, ~~and~~ the Recreation and Public Purposes Act, 43 U.S.C. §§ 869-869-4, and the Southern Nevada Public Land Management Act of 1998, Public Law 105-263; and

2. Special use permits for parks, forests and public property owned by the United States and administered by the Secretary of Agriculture, through the United States Forest Service, pursuant to Title 16 of the United States Code and 36 C.F.R. Part 251,

and in connection therewith may indemnify the United States and may comply with federal regulations and stipulations consistent with the federal statutes and regulations set forth in this section or any other applicable federal statute or regulation.

~~Section 1.~~ **Sec. 2. 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

1 For a certified copy of a certificate of marriage .....\$10  
2 For a certified abstract of a certificate of marriage..... 10  
3

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

14 3. Except as otherwise provided in this subsection and NRS 375.060, a county  
15 recorder shall charge and collect, in addition to any fee that a county recorder is  
16 otherwise authorized to charge and collect, an additional fee of \$1 for recording a  
17 document, instrument, paper, notice, deed, conveyance, map, chart, survey or any  
18 other writing. A county recorder shall not charge the additional fee authorized in  
19 this subsection for recording the originally signed copy of a certificate of marriage  
20 described in NRS 122.120. On or before the fifth day of each month, the county  
21 recorder shall pay the amount of fees collected by him pursuant to this subsection to  
22 the county treasurer. On or before the 15th day of each month, the county treasurer  
23 shall remit the money received by him pursuant to this subsection to the State  
24 Treasurer for credit to the Account to Assist Persons Formerly in Foster Care  
25 established pursuant to NRS 432.017.

26 4. Except as otherwise provided in this subsection, subsection 5 or by specific  
27 statute, a county recorder shall charge and collect, in addition to any fee that a  
28 county recorder is otherwise authorized to charge and collect, an additional fee of  
29 \$25 for recording any document that does not meet the standards set forth in  
30 subsection 3 of NRS 247.110. A county recorder shall not charge the additional fee  
31 authorized by this subsection for recording a document that is exempt from the  
32 provisions of subsection 3 of NRS 247.110.

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

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

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

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

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

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

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

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

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

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

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

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

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

10       ~~Sec. 2.~~ Sec. 3. NRS 248.040 is hereby amended to read as follows:

11       248.040 1. Except as provided in NRS 248.045, each sheriff may:

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

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

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

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

30       Sec. 4. **NRS 248.100 is hereby amended to read as follows:**

31       248.100 1. The sheriff shall:

32       (a) ~~Attend~~ *Except in counties whose population is 400,000 or more, attend*  
33 *in person, or by deputy, all sessions of the district court in his county.*

34       (b) Obey all the lawful orders and directions of the ~~same~~ *district court in his*  
35 *county.*

36       (c) Except as otherwise provided in subsection 2, execute the process, writs or  
37 warrants of courts of justice, judicial officers and coroners, when delivered to him  
38 for that purpose.

39       2. The sheriff may authorize the constable of the appropriate township to  
40 receive and execute the process, writs or warrants of courts of justice, judicial  
41 officers and coroners.

42       Sec. 5. **NRS 354.240 is hereby amended to read as follows:**

43       354.240 1. If a board of county commissioners determines by competent  
44 evidence that money has been paid into the treasury of the county under any of the  
45 circumstances mentioned in NRS 354.220, the board of county commissioners, by  
46 its unanimous resolution, may direct the county treasurer to refund to the applicant  
47 the amount of money paid into the county treasury in excess of the amount legally  
48 payable.

49       2. In the case of a claim for a refund of property tax, if the board has  
50 unanimously found that the applicant is entitled to a refund, it shall direct the  
51 county treasurer to refund to the applicant the amount claimed if the claim is made  
52 within 3 years after the tax was due. The county may withhold amounts refunded

1 from its subsequent apportionments of revenues from property tax to the other  
2 taxing units in the county which levied a tax represented in the combined tax rate.

3 3. If the county treasurer determines by competent evidence that money in the  
4 amount of \$500 or less has been paid into the county treasury under any of the  
5 circumstances listed in NRS 354.220, he may, upon receiving the written approval  
6 of the district attorney, refund to the applicant the amount paid which is in excess of  
7 the amount legally payable.

8 4. In the case of a claim for a refund of property tax which has been  
9 authorized and approved in the manner provided in subsection 3, the county  
10 treasurer shall make a refund to the applicant in the amount claimed if the claim is  
11 made within 3 years after the tax was due. The county may withhold amounts  
12 refunded from its subsequent apportionments of revenues from property tax to the  
13 other taxing units in the county which levied a tax represented in the combined tax  
14 rate.

15 5. A board of county commissioners may, in the case of a claim for a refund  
16 of a registration fee or deposit paid to the county department of parks and  
17 recreation, delegate the authority to approve all such claims of less than \$1,000, to:

18 (a) The county manager or his designee;

19 (b) The county administrator or his designee; or

20 (c) In a county that has neither a county manager nor a county administrator,  
21 any other county employee.

22 6. A board of county commissioners may, in the case of a claim for a refund  
23 of a registration fee or deposit paid to the county department of aviation, delegate  
24 the authority to approve all such claims of less than \$100, to:

25 (a) The county manager or his designee;

26 (b) The county administrator or his designee; or

27 (c) In a county that has neither a county manager nor a county  
28 administrator, any other county employee.

29 7. A county treasurer, upon receiving written approval of a claim pursuant to  
30 subsection 5 ~~or 6~~, may refund to the applicant the amount of the refund due.

31 ~~7.8.~~ 8. At the end of each month the county treasurer shall provide to the  
32 board of county commissioners a list of all refunds made by him during that month.  
33 The list must contain the name of each taxpayer or other person to whom a refund  
34 was made and the amount of the refund. The county treasurer shall maintain a copy  
35 of the list and make it available for public inspection.

36 ~~Sec. 3.~~ Sec. 6. This act becomes effective on July 1, 2007.