

Amendment No. 169

Senate Amendment to Senate Bill No. 131

(BDR 2-385)

Proposed by: Senate Committee on Judiciary**Amends:** Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will MAINTAIN the 2/3s majority vote requirement for final passage of S.B. 131 (§ 2).

ASSEMBLY ACTION		Initial and Date		SENATE ACTION		Initial and Date	
Adopted	☐	Lost	☐	Adopted	☐	Lost	☐
Concurred In	☐	Not	☐	Concurred In	☐	Not	☐
Receded	☐	Not	☐	Receded	☐	Not	☐

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.

MSN/RRY



Date: 4/9/2007

S.B. No. 131—Makes various changes regarding certain court fees charged and collected by county clerks. (BDR 2-385)



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 ~~and collected~~ 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 ~~county clerks~~ **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 and provide access to permanent digital records and other electronic information collected by the State and local governments.

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

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

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

2. 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, including, without limitation, costs related to acquiring or improving technology for converting and archiving records, purchasing hardware and software, maintaining the technology, training employees in the operation of the technology and contracting for professional services relating to the technology.

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

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

On the commencement of any action or proceeding in the district court, or on the transfer of any action or proceeding from a district court of another county, except probate or guardianship proceedings, to be paid by the party commencing the action, proceeding or transfer	155 \$70
On an appeal to the district court of any case from a justice court or a municipal court, or on the transfer of any case from a justice court or a municipal court	142 52
On the filing of a petition for letters testamentary, letters of administration, setting aside an estate without administration, or a guardianship, which fee includes the court fee prescribed by NRS 19.020, to be paid by the petitioner:	
Where the stated value of the estate is more than \$2,500	172 85
Where the stated value of the estate is \$2,500 or less, no fee may be charged or collected.	
On the filing of a petition to contest any will or codicil, to be paid by the petitioner	144 151 55
On the filing of an objection or cross-petition to the appointment of an executor, administrator or guardian, or an objection to the settlement of account or any answer in an estate or guardianship matter	144 55
On the appearance of any defendant or any number of defendants answering jointly, to be paid upon the filing of the first paper in the action by him or them	144 55
For filing a notice of appeal	124 30
For issuing a transcript of judgment and certifying thereto	3
For preparing any copy of any record, proceeding or paper, for each page	1

1	For each certificate of the clerk, under the seal of the court.....	3
2	For examining and certifying to a copy of any paper, record or	
3	proceeding prepared by another and presented for his	
4	certificate.....	5
5	For filing all papers not otherwise provided for, other than	
6	papers filed in actions and proceedings in court and	
7	papers filed by public officers in their official capacity	5
8	For issuing any certificate under seal, not otherwise provided for.....	6 140
9	For searching records or files in his office, for each year.....	1
10	For filing and recording a bond of a notary public, per name	15
11	For entering the name of a firm or corporation in the register	
12	of the county clerk.....	20

2. *A county clerk may charge and collect, in addition to any fee that a county clerk is otherwise authorized to charge and collect, an additional fee not to exceed \$5 for filing and recording a bond of a notary public, per name. On or before the fifth day of each month, the county clerk shall pay to the county treasurer the 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.

~~3-4~~ 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.

~~4-4~~ 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.

~~5-4~~ 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.