

Amendment No. 205

Senate Amendment to Senate Bill No. 14 (BDR 11-117)

Proposed by: Senate Committee on Finance**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. 14 (§§ 1, 2, 3).

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 dashed underlining** is newly added transitory language.

NMB/RRY



Date: 4/5/2009

S.B. No. 14—Increases the portion of the fee for a marriage license that funds the Account for Aid for Victims of Domestic Violence.
(BDR 11-117)



SENATE BILL NO. 14—SENATOR MATHEWS

PREFILED NOVEMBER 24, 2008

Referred to Committee on Finance

SUMMARY—~~Increases the portion of the fee for~~ **Makes various changes to fees relating to** a marriage license that ~~funds~~ **fund** the Account for Aid for Victims of Domestic Violence. (BDR 11-117)

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 marriage; increasing the portion of the fee for a marriage license that funds the Account for Aid for Victims of Domestic Violence; ***providing for the collection of additional fees relating to marriage licenses to fund the Account for Aid for Victims of Domestic Violence;*** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a county clerk to collect certain fees when issuing a marriage license. (NRS 122.060) A portion of the fee a county clerk collects when issuing a marriage license is dedicated to the Account for Aid for Victims of Domestic Violence in the State General Fund. **Section 1** of this bill increases the portion of the fee for a marriage license that funds the Account for Aid for Victims of Domestic Violence from \$20 to \$25.

Section 2 of this bill provides that the county clerk shall collect, if authorized by the board of county commissioners, an additional fee of \$5 for the Account for Aid for Victims of Domestic Violence in the State General Fund when certifying a copy of a certificate of marriage or when certifying an abstract of a certificate of marriage. (NRS 246.180) Section 3 of this bill requires the county recorder to charge the same fee as required in section 2. (NRS 247.305)

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

Section 1. NRS 122.060 is hereby amended to read as follows:

122.060 1. The county clerk is entitled to receive as his fee for issuing ~~the~~ **a marriage** license the sum of \$21.

2. The county clerk shall also at the time of issuing the **marriage** license:

(a) Collect the sum of \$10 and:

(1) If the board of county commissioners has adopted an ordinance pursuant to NRS 246.100, deposit the sum into the county general fund pursuant to

1 NRS 246.180 for filing the originally signed copy of the certificate of marriage
2 described in NRS 122.120.

3 (2) If the board of county commissioners has not adopted an ordinance
4 pursuant to NRS 246.100, pay it over to the county recorder as his fee for recording
5 the originally signed copy of the certificate of marriage described in NRS 122.120.

6 (b) Collect the additional fee described in subsection 2 of NRS 246.180, if the
7 board of county commissioners has adopted an ordinance authorizing the collection
8 of such fee, and deposit the fee pursuant to NRS 246.190.

9 3. The county clerk shall also at the time of issuing the *marriage* license
10 collect the additional sum of \$4 for the State of Nevada. The fees collected for the
11 State must be paid over to the county treasurer by the county clerk on or before
12 the fifth day of each month for the preceding calendar month, and must be placed to
13 the credit of the State General Fund. The county treasurer shall remit quarterly all
14 such fees deposited by the county clerk to the State Controller for credit to the State
15 General Fund.

16 4. The county clerk shall also at the time of issuing the *marriage* license
17 collect the additional sum of ~~\$20~~ *\$25* for the Account for Aid for Victims of
18 Domestic Violence in the State General Fund. The fees collected for this purpose
19 must be paid over to the county treasurer by the county clerk on or before the fifth
20 day of each month for the preceding calendar month, and must be placed to the
21 credit of that Account. The county treasurer shall, on or before the 15th day of each
22 month, remit those fees deposited by the county clerk to the State Controller for
23 credit to that Account.

24 **Sec. 2. NRS 246.180 is hereby amended to read as follows:**

25 246.180 1. If the board of county commissioners has adopted an ordinance
26 pursuant to NRS 246.100, the county clerk shall charge and collect the following
27 fees:

- 28 (a) For filing any certificate of marriage, \$10.
29 (b) For copying any certificate of marriage, \$1 per page.
30 (c) For a certified copy of a certificate of marriage, \$10.
31 (d) For a certified abstract of a certificate of marriage, \$10.

32 **(e) For a certified copy of a certificate of marriage or for a certified abstract**
33 **of a certificate of marriage, the additional sum of \$5 for the Account for Aid for**
34 **Victims of Domestic Violence in the State General Fund. The fees collected for**
35 **this purpose must be paid over to the county treasurer by the county clerk on or**
36 **before the fifth day of each month for the preceding calendar month, and must be**
37 **credited to that Account. The county treasurer shall, on or before the 15th day of**
38 **each month, remit those fees deposited by the clerk to the State Controller for**
39 **credit to that Account.**

40 2. In addition to the fees described in subsection 1, a county clerk may charge
41 and collect an additional fee not to exceed \$3 for filing a certificate of marriage, if
42 the board of county commissioners has adopted an ordinance authorizing the
43 additional fee. The county clerk shall pay to the county treasurer the amount of fees
44 collected by him pursuant to this subsection for credit to the account established
45 pursuant to NRS 246.190.

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

50 4. Except as otherwise provided in an ordinance adopted pursuant to NRS
51 244.207, county clerks shall, on or before the fifth working day of each month,
52 account for and pay to the county treasurer all fees related to filing certificates of
53 marriage collected during the preceding month.

5. For purposes of this section, “State of Nevada,” “county,” “city” and “town” include any department or agency thereof and any officer thereof in his official capacity.

Sec. 3. 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:

(a) For recording any document, for the first page, \$10.

(b) For each additional page, \$1.

(c) For recording each portion of a document which must be separately indexed, after the first indexing, \$3.

(d) For copying any record, for each page, \$1.

(e) For certifying, including certificate and seal, \$4.

(f) For a certified copy of a certificate of marriage, \$10.

(g) For a certified abstract of a certificate of marriage, \$10.

(h) For a certified copy of a certificate of marriage or for a certified abstract of a certificate of marriage, the additional sum of \$5 for the Account for Aid for Victims of Domestic Violence in the State General Fund. The fees collected for this purpose must be paid over to the county treasurer by the county recorder on or before the fifth day of each month for the preceding calendar month, and must be credited to that Account. The county treasurer shall, on or before the 15th day of each month, remit those fees deposited by the recorder to the State Controller for credit to that Account.

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

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

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

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

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

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

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

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

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

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

17 7. If the amount of money collected by a county recorder for a fee pursuant to
18 this section:

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

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

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

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

31 ~~Sec. 2.~~ **Sec. 4.** This act becomes effective upon passage and approval.