

Amendment No. 722

Assembly Amendment to Senate Bill No. 364 First Reprint (BDR 19-185)

Proposed by: Assembly Committee on Government Affairs

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 underlining* is newly added transitory language.

KRO/MSN



Date: 5/22/2013

S.B. No. 364—Revises provisions governing governmental administration.
(BDR 19-185)



SENATE BILL NO. 364—SENATOR ATKINSON

MARCH 18, 2013

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing governmental administration.
(BDR 19-185)

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; ~~removing the requirement that each governmental agency ensure that any~~ **revising provisions governing** personal information contained in certain documents ~~is either maintained in a confidential manner or removed from the document;~~ **held by governmental agencies;** removing the requirement that the board of county commissioners in certain larger counties establish in certain cities a branch office of the county clerk at which marriage licenses may be issued; revising provisions relating to recording and filing certificates of marriage; revising provisions governing certain other documents relating to marriage; prohibiting certain solicitations on county property; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits, with certain exceptions, a governmental agency from requiring a person to include personal information on any document submitted to the governmental agency on or after January 1, 2007. On or before January 1, 2017, each governmental agency is required to ensure that any personal information contained in a document submitted to that agency before January 1, 2007, is either maintained in a confidential manner or removed from the document. (NRS 239B.030) **Section 1** of this bill ~~authorizes rather than~~ **removes the January 1, 2017, deadline for complying with such requirements and instead** requires each governmental agency **, as of July 1, 2013,** to ensure that any personal information contained in a document submitted to that agency before January 1, 2007, is either maintained in a confidential manner or **, within the limits of available resources,** removed from the document.

Existing law requires the board of county commissioners in a county whose population is 700,000 or more (currently Clark County) to designate one branch office of the county clerk at which marriage licenses may be issued and establish that office in an incorporated city whose population is 220,000 or more but less than 500,000 (currently the City of Henderson). Existing law also authorizes the board to designate, at the request of the county clerk, not more than four additional branch offices of the county clerk at which marriage licenses can be issued. (NRS 122.040) **Section 2** of this bill removes the requirement to establish a branch office at which marriage licenses can be issued in an incorporated city whose population is

20 220,000 or more but less than 500,000 and allows the board to designate, at the request of the
21 county clerk, not more than five branch offices at which marriage licenses may be issued.

22 Existing law requires copies of certificates of marriage to be recorded by the county
23 recorder or filed by the county clerk. (NRS 122.130) **Sections 2.5, 5.5 and 8-10** of this bill
24 remove references to "copies" of certificates of marriage so that original certificates of
25 marriage are required to be recorded by the county recorder or filed by the county clerk.

26 **Sections 3-5** of this bill revise provisions governing certain documents relating to the
27 authority to solemnize marriages.

28 Existing law prohibits any person, while on county courthouse property, from soliciting
29 another person to be married by a marriage commissioner or justice of the peace or at a
30 commercial wedding chapel. (NRS 122.215) **Section 7** of this bill extends this prohibition to
31 all county property where marriage licenses are issued.

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

1 **Section 1.** NRS 239B.030 is hereby amended to read as follows:

2 239B.030 1. Except as otherwise provided in subsections 2 and 6, a person
3 shall not include and a governmental agency shall not require a person to include
4 any personal information about a person on any document that is recorded, filed or
5 otherwise submitted to the governmental agency on or after January 1, 2007.

6 2. If personal information about a person is required to be included in a
7 document that is recorded, filed or otherwise submitted to a governmental agency
8 on or after January 1, 2007, pursuant to a specific state or federal law, for the
9 administration of a public program or for an application for a federal or state grant,
10 a governmental agency shall ensure that the personal information is maintained in a
11 confidential manner and may only disclose the personal information as required:

12 (a) To carry out a specific state or federal law; or

13 (b) For the administration of a public program or an application for a federal or
14 state grant.

15 **↪** Any action taken by a governmental agency pursuant to this subsection must not
16 be construed as affecting the legality of the document.

17 3. A governmental agency shall take necessary measures to ensure that notice
18 of the provisions of this section is provided to persons with whom it conducts
19 business. Such notice may include, without limitation, posting notice in a
20 conspicuous place in each of its offices.

21 4. A governmental agency may require a person who records, files or
22 otherwise submits any document to the governmental agency to provide an
23 affirmation that the document does not contain personal information about any
24 person or, if the document contains any such personal information, identification
25 of the specific law, public program or grant that requires the inclusion of the personal
26 information. A governmental agency may refuse to record, file or otherwise accept
27 a document which does not contain such an affirmation when required or any
28 document which contains personal information about a person that is not required
29 to be included in the document pursuant to a specific state or federal law, for the
30 administration of a public program or for an application for a federal or state grant.

31 5. ~~{On or before January 1, 2017, each}~~ **Each** governmental agency shall
32 ~~{may}~~ ensure that any personal information contained in a document that has been
33 recorded, filed or otherwise submitted to the governmental agency before January
34 1, 2007, which the governmental agency continues to hold is:

35 (a) Maintained in a confidential manner if the personal information is required
36 to be included in the document pursuant to a specific state or federal law, for the

administration of a public program or for an application for a federal or state grant; or

(b) ~~Obliterated~~ Within the limits of available resources, obliterated or otherwise removed from the document, by any method, including, without limitation, through the use of computer software, if the personal information is not required to be included in the document pursuant to a specific state or federal law, for the administration of a public program or for an application for a federal or state grant.

Any action taken by a governmental agency pursuant to this subsection must not be construed as affecting the legality of the document.

6. A person may request that a governmental agency obliterate or otherwise remove from any document submitted by the person to the governmental agency before January 1, 2007, any personal information about the person contained in the document that is not required to be included in the document pursuant to a specific state or federal law, for the administration of a public program or for an application for a federal or state grant or, if the personal information is so required to be included in the document, the person may request that the governmental agency maintain the personal information in a confidential manner. If any documents that have been recorded, filed or otherwise submitted to a governmental agency:

(a) Are maintained in an electronic format that allows the governmental agency to retrieve components of personal information through the use of computer software, a request pursuant to this subsection must identify the components of personal information to be retrieved. The provisions of this paragraph do not require a governmental agency to purchase computer software to perform the service requested pursuant to this subsection.

(b) Are not maintained in an electronic format or not maintained in an electronic format in the manner described in paragraph (a), a request pursuant to this subsection must describe the document with sufficient specificity to enable the governmental agency to identify the document.

The governmental agency shall not charge any fee to perform the service requested pursuant to this subsection.

7. As used in this section:

(a) "Governmental agency" means an officer, board, commission, department, division, bureau, district or any other unit of government of the State or a local government.

(b) "Personal information" has the meaning ascribed to it in NRS 603A.040.

Sec. 2. NRS 122.040 is hereby amended to read as follows:

122.040 1. Before persons may be joined in marriage, a license must be obtained for that purpose from the county clerk of any county in the State. Except as otherwise provided in this subsection, the license must be issued at the county seat of that county. The board of county commissioners:

(a) In a county whose population is 700,000 or more ~~+~~

~~(1) Shall designate one branch office of the county clerk at which marriage licenses may be issued and shall establish and maintain the designated branch office in an incorporated city whose population is 220,000 or more but less than 500,000; and~~

~~(2) May, in addition to the branch office described in subparagraph (1)~~ may, at the request of the county clerk, designate not more than ~~four~~ five branch offices of the county clerk at which marriage licenses may be issued, if the designated branch offices are located outside of the county seat.

(b) In a county whose population is less than 700,000 may, at the request of the county clerk, designate one branch office of the county clerk at which marriage

licenses may be issued, if the designated branch office is established in a county office building which is located outside of the county seat.

2. Except as otherwise provided in this section, before issuing a marriage license, the county clerk shall require each applicant to provide proof of the applicant's name and age. The county clerk may accept as proof of the applicant's name and age an original or certified copy of any of the following:

(a) A driver's license, instruction permit or identification card issued by this State or another state, the District of Columbia or any territory of the United States.

(b) A passport.

(c) A birth certificate and:

(1) Any secondary document that contains the name and a photograph of the applicant; or

(2) Any document for which identification must be verified as a condition to receipt of the document.

➤ If the birth certificate is written in a language other than English, the county clerk may request that the birth certificate be translated into English and notarized.

(d) A military identification card or military dependent identification card issued by any branch of the Armed Forces of the United States.

(e) A Certificate of Citizenship, Certificate of Naturalization, Permanent Resident Card or Temporary Resident Card issued by the United States Citizenship and Immigration Services of the Department of Homeland Security.

(f) Any other document that provides the applicant's name and age. If the applicant clearly appears over the age of 25 years, no documentation of proof of age is required.

3. Except as otherwise provided in subsection 4, the county clerk issuing the license shall require each applicant to answer under oath each of the questions contained in the form of license. The county clerk shall, except as otherwise provided in this subsection, require each applicant to include the applicant's social security number on the affidavit of application for the marriage license. If a person does not have a social security number, the person must state that fact. The county clerk shall not require any evidence to verify a social security number. If any of the information required is unknown to the person, the person must state that the answer is unknown. The county clerk shall not deny a license to an applicant who states that the applicant does not have a social security number or who states that any requested information concerning the applicant's parents is unknown.

4. Upon finding that extraordinary circumstances exist which result in only one applicant being able to appear before the county clerk, the county clerk may waive the requirements of subsection 3 with respect to the person who is unable to appear before the county clerk, or may refer the applicant to the district court. If the applicant is referred to the district court, the district court may waive the requirements of subsection 3 with respect to the person who is unable to appear before the county clerk. If the district court waives the requirements of subsection 3, the district court shall notify the county clerk in writing. If the county clerk or the district court waives the requirements of subsection 3, the county clerk shall require the applicant who is able to appear before the county clerk to:

(a) Answer under oath each of the questions contained in the form of license. The applicant shall answer any questions with reference to the other person named in the license.

(b) Include the applicant's social security number and the social security number of the other person named in the license on the affidavit of application for the marriage license. If either person does not have a social security number, the person responding to the question must state that fact. The county clerk shall not require any evidence to verify a social security number.

1 ✎ If any of the information required on the application is unknown to the person
2 responding to the question, the person must state that the answer is unknown. The
3 county clerk shall not deny a license to an applicant who states that the applicant
4 does not have a social security number or who states that any requested information
5 concerning the parents of either the person who is responding to the question or the
6 person who is unable to appear is unknown.

7 5. If any of the persons intending to marry are under age and have not been
8 previously married, and if the authorization of a district court is not required, the
9 clerk shall issue the license if the consent of the parent or guardian is:

10 (a) Personally given before the clerk;

11 (b) Certified under the hand of the parent or guardian, attested by two
12 witnesses, one of whom must appear before the clerk and make oath that the
13 witness saw the parent or guardian subscribe his or her name to the annexed
14 certificate, or heard him or her acknowledge it; or

15 (c) In writing, subscribed to and acknowledged before a person authorized by
16 law to administer oaths. A facsimile of the acknowledged writing must be accepted
17 if the original is not available.

18 6. If a parent giving consent to the marriage of a minor pursuant to subsection
19 5 has a last name different from that of the minor seeking to be married, the county
20 clerk shall accept, as proof that the parent is the legal parent of the minor, a
21 certified copy of the birth certificate of the minor which shows the parent's first and
22 middle name and which matches the first and middle name of the parent on any
23 document listed in subsection 2.

24 7. If the authorization of a district court is required, the county clerk shall
25 issue the license if that authorization is given to the county clerk in writing.

26 8. All records pertaining to marriage licenses are public records and open to
27 inspection pursuant to the provisions of NRS 239.010.

28 9. A marriage license issued on or after July 1, 1987, expires 1 year after its
29 date of issuance.

30 **Sec. 2.5.** NRS 122.060 is hereby amended to read as follows:

31 122.060 1. The county clerk is entitled to receive as his or her fee for
32 issuing a marriage license the sum of \$21.

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

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

35 (1) If the board of county commissioners has adopted an ordinance
36 pursuant to NRS 246.100, deposit the sum into the county general fund pursuant to
37 NRS 246.180 for filing the originally signed ~~copy of the~~ certificate of marriage
38 described in NRS 122.120.

39 (2) If the board of county commissioners has not adopted an ordinance
40 pursuant to NRS 246.100, pay it over to the county recorder as his or her fee for
41 recording the originally signed ~~copy of the~~ certificate of marriage described in
42 NRS 122.120.

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

46 3. The county clerk shall also at the time of issuing the marriage license
47 collect the additional sum of \$4 for the State of Nevada. The fees collected for the
48 State must be paid over to the county treasurer by the county clerk on or before the
49 fifth day of each month for the preceding calendar month, and must be placed
50 to the credit of the State General Fund. The county treasurer shall remit quarterly
51 all such fees deposited by the county clerk to the State Controller for credit to the
52 State General Fund.

4. The county clerk shall also at the time of issuing the marriage license collect the additional sum of \$25 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 clerk on or before the fifth day of each month for the preceding calendar month, and must be placed to the credit of that Account. The county treasurer shall, on or before the 15th day of each month, remit those fees deposited by the county clerk to the State Controller for credit to that Account.

Sec. 3. NRS 122.066 is hereby amended to read as follows:

122.066 1. The Secretary of State shall establish and maintain a statewide database of ministers or other persons authorized to solemnize a marriage. The database must:

(a) Serve as the official list of ministers or other persons authorized to solemnize a marriage approved in this State;

(b) Provide for a single method of storing and managing the official list;

(c) Be a uniform, centralized and interactive database;

(d) Be electronically secure and accessible to each county clerk in this State;

(e) Contain the name, mailing address and other pertinent information of each minister or other person authorized to solemnize a marriage as prescribed by the Secretary of State; and

(f) Include a unique identifier assigned by the Secretary of State to each minister or other person authorized to solemnize a marriage.

2. If the county clerk approves an application for a certificate of permission to perform marriages, the county clerk shall:

(a) Enter all information contained in the application into the electronic statewide database of ministers or other persons authorized to solemnize a marriage maintained by the Secretary of State not later than 10 days after the certificate of permission to perform marriages is approved by the county clerk; and

(b) Provide to the Secretary of State all information related to the minister or other person authorized to solemnize a marriage pursuant to paragraph (e) of subsection 1.

3. Upon approval of an application pursuant to subsection 2, the minister or other person authorized to solemnize a marriage:

(a) Shall comply with the laws of this State governing the solemnization of marriage and conduct of ministers or other persons authorized to solemnize a marriage;

(b) Is subject to further review or investigation by the county clerk to ensure that he or she continues to meet the statutory requirements for a person authorized to solemnize a marriage; and

(c) Shall provide the county clerk with any changes to his or her status or information, including, without limitation, the address or telephone number of the church or religious organization or any other information pertaining to certification.

4. A certificate of permission is valid until the county clerk has received an affidavit of ~~revocation~~ *removal* of authority to solemnize marriages pursuant to NRS 122.0665 ~~or the certificate of permission is revoked pursuant to NRS 122.068.~~

5. An affidavit of ~~revocation~~ *removal* of authority to solemnize marriages that is received pursuant to subsection 4 must be sent to the county clerk within 5 days after the minister or other person authorized to solemnize a marriage ceased to be a member of the church or religious organization in good standing or ceased to be a minister or other person authorized to solemnize a marriage for the church or religious organization.

6. If the county clerk in the county where the certificate of permission was issued has reason to believe that the minister or other person authorized to solemnize a marriage is no longer in good standing within his or her church or religious organization, or that he or she is no longer a minister or other person authorized to solemnize a marriage, or that such church or religious organization no longer exists, the county clerk may require satisfactory proof of the good standing of the minister or other person authorized to solemnize a marriage. If such proof is not presented within 15 days, the county clerk shall ~~revoke~~ **remove** the certificate of permission by amending the electronic record of the minister or other person authorized to solemnize a marriage in the statewide database pursuant to subsection 1.

7. Except as otherwise provided in subsection 8, if any minister or other person authorized to solemnize a marriage to whom a certificate of permission has been issued severs ties with his or her church or religious organization or moves from the county in which his or her certificate was issued, the certificate shall expire immediately upon such severance or move, and the church or religious organization shall, within 5 days after the severance or move, file an affidavit of ~~revocation~~ **removal** of authority to solemnize marriages pursuant to NRS 122.0665. If the minister or other person authorized to solemnize a marriage voluntarily advises the county clerk of the county in which his or her certificate was issued of his or her severance with his or her church or religious organization, or that he or she has moved from the county, the certificate shall expire immediately upon such severance or move without any notification to the county clerk by the church or religious organization.

8. If any minister or other person authorized to solemnize a marriage, who is retired and to whom a certificate of permission has been issued, moves from the county in which his or her certificate was issued to another county in this State, the certificate remains valid until such time as the certificate otherwise expires or is **removed or** revoked as prescribed by law. The minister or other person authorized to solemnize a marriage must provide his or her new address to the county clerk in the county to which the minister or other person authorized to solemnize a marriage has moved.

9. The Secretary of State may adopt regulations concerning the creation and administration of the statewide database. This section does not prohibit the Secretary of State from making the database publicly accessible for the purpose of viewing ministers or other persons who are authorized to solemnize a marriage in this State.

Sec. 4. NRS 122.0665 is hereby amended to read as follows:

122.0665 1. If a minister or other person authorized to solemnize a marriage is no longer authorized to solemnize a marriage by the church or religious organization that authorized the minister or other person to solemnize marriages when he or she applied for a certificate of permission to perform marriages pursuant to NRS 122.064, the church or religious organization shall, within 5 days after the authorization is terminated, file an affidavit of ~~revocation~~ **removal** of authority to solemnize marriages with the county clerk of the county where the original affidavit of authority to solemnize marriages was filed.

2. The affidavit of ~~revocation~~ **removal** of authority to solemnize marriages must be in substantially the following form:

AFFIDAVIT OF ~~REVOCATION~~ **REMOVAL** OF AUTHORITY TO
SOLEMNIZE MARRIAGES

State of Nevada

}

County of } ss.
..... }

The..... (name of church or religious organization)
is organized and carries on its work in the State of Nevada. Its active
meetings are located at..... (street address, city or
town). The..... (name of church or religious
organization) hereby ~~revokes~~ **removes** the authority
of..... (name of minister or other person authorized to
solemnize marriages), filed in the County of....., on
the..... day of the month of....., of the year....., to solemnize
marriages.

I am duly authorized by..... (name of church or
religious organization) to complete and submit this affidavit.

.....
Signature of Official

.....
Name of Official
(type or print name)

.....
Title of Official

.....
Address

.....
City, State and Zip Code

.....
Telephone Number

Signed and sworn to (or affirmed) before me this..... day of the
month of..... of the year.....

Notary Public for
..... County, Nevada.

My appointment expires

Sec. 5. NRS 122.068 is hereby amended to read as follows:

122.068 1. Any county clerk who has issued a certificate of permission to
perform marriages to a minister or other person authorized to solemnize a marriage
pursuant to NRS 122.062 to 122.073, inclusive, may revoke the certificate for good
cause shown after a hearing.

2. If the certificate of permission to perform marriages of any minister or
other person authorized to solemnize a marriage is revoked ~~it~~ **or if the county
clerk has received an affidavit of removal of authority to solemnize marriages
pursuant to NRS 122.0665**, the county clerk shall inform the Secretary of State of
that fact, and the Secretary of State shall immediately remove the name of the
minister or other person authorized to solemnize a marriage from the official list

1 contained in the database of ministers or other persons authorized to solemnize a
2 marriage and shall notify each county clerk and county recorder in the State of the
3 revocation ~~+~~ *or removal of authority.*

4 **Sec. 5.5.** NRS 122.130 is hereby amended to read as follows:

5 122.130 1. Each person who solemnizes a marriage shall make a record of it
6 and, within 10 days after the marriage, shall deliver to:

7 (a) If the board of county commissioners has adopted an ordinance pursuant to
8 NRS 246.100, the county clerk of the county where the license was issued ~~+~~ *copy*
9 ~~+~~ *the original* certificate of marriage required by NRS 122.120.

10 (b) If the board of county commissioners has not adopted an ordinance
11 pursuant to NRS 246.100, the county recorder of the county where the license was
12 issued ~~+~~ *copy of the original* certificate of marriage required by NRS 122.120.

13 2. If the ~~+~~ *copy of the original* certificate of marriage that is held by the
14 person who solemnizes the marriage is lost or destroyed before it is delivered
15 pursuant to subsection 1, the county clerk may charge and collect from the person
16 who solemnizes the marriage a fee of not more than \$15 for the preparation of an
17 affidavit of loss or destruction and the issuance of a replacement certificate. All fees
18 collected by the county clerk pursuant to this subsection must be deposited in the
19 county general fund.

20 3. All ~~+~~ *copies of the original* certificates must be recorded by the county
21 recorder or filed by the county clerk in a book to be kept by him or her for that
22 purpose. For recording or filing the ~~+~~ *copies, original certificates*, the county
23 recorder or county clerk is entitled to the fees designated in subsection 2 of NRS
24 122.060 and subsection 3 of NRS 122.135. All such fees must be deposited in the
25 county general fund.

26 **Sec. 6.** NRS 122.185 is hereby amended to read as follows:

27 122.185 The office of the commissioner of civil marriages and each room
28 therein shall prominently display on the wall, or other appropriate place, a sign
29 informing all people who avail themselves of the services of the commissioner of
30 civil marriages of the following facts:

31 1. That the solemnization of the marriage by the commissioner of civil
32 marriages is not necessary for a valid marriage and that the parties wishing to be
33 married may have a justice of the peace within a township where such justice of the
34 peace is permitted to perform marriages, or any minister or other person authorized
35 to solemnize a marriage of their choice who holds a valid certificate of permission
36 to perform marriages within the State, perform the ceremony;

37 2. The amount of the fee to be charged for solemnization of a marriage ~~+~~
38 ~~including any extra charge to be made for solemnizing a marriage after regular~~
39 ~~working hours~~ in the office of the commissioner of civil marriages;

40 3. That all fees charged are paid into the county general fund of the particular
41 county involved;

42 4. That other than the statutory fee, the commissioner of civil marriages and
43 the deputy commissioners of civil marriages are precluded by law from receiving
44 any gratuity fee or remuneration whatsoever for solemnizing a marriage; and

45 5. That if the commissioner of civil marriages, any deputy commissioner of
46 civil marriages, or any other employee in the office of the commissioner or in the
47 office of the county clerk solicits such an extra gratuity fee or other remuneration,
48 the matter should be reported to the district attorney for such county.

49 **Sec. 7.** NRS 122.215 is hereby amended to read as follows:

50 122.215 It is unlawful for any county employee, commercial wedding chapel
51 employee or other person to solicit or otherwise influence, while on county
52 ~~fourthouse~~ property ~~+~~ *where marriage licenses are issued*, any person to be

1 married by a marriage commissioner or justice of the peace or at a commercial
2 wedding chapel.

3 **Sec. 8.** NRS 122.230 is hereby amended to read as follows:

4 122.230 Every person solemnizing a marriage who fails or neglects to make
5 and deliver an originally signed ~~copy of the~~ certificate thereof, within the time
6 specified in NRS 122.130, to:

7 1. If the board of county commissioners has adopted an ordinance pursuant to
8 NRS 246.100, the county clerk; or

9 2. If the board of county commissioners has not adopted an ordinance
10 pursuant to NRS 246.100, the county recorder,
11 is guilty of a misdemeanor.

12 **Sec. 9.** NRS 122.240 is hereby amended to read as follows:

13 122.240 Every county recorder or county clerk who fails or neglects to record
14 or file a ~~copy of a~~ certificate of marriage as required by this chapter is guilty of a
15 misdemeanor.

16 **Sec. 10.** NRS 247.305 is hereby amended to read as follows:

17 247.305 1. If another statute specifies the fee to be charged for a service,
18 county recorders shall charge and collect only the fee specified. Otherwise, unless
19 prohibited by NRS 375.060, county recorders shall charge and collect the following
20 fees:

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

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

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

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

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

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

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

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

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

47 3. Except as otherwise provided in this subsection and NRS 375.060, a county
48 recorder shall charge and collect, in addition to any fee that a county recorder is
49 otherwise authorized to charge and collect, an additional fee of \$1 for recording a
50 document, instrument, paper, notice, deed, conveyance, map, chart, survey or any
51 other writing. A county recorder shall not charge the additional fee authorized in
52 this subsection for recording ~~the~~ an originally signed ~~copy of a~~ certificate of
53 marriage described in NRS 122.120. On or before the fifth day of each month, the

1 county recorder shall pay the amount of fees collected by him or her pursuant to
2 this subsection to the county treasurer. On or before the 15th day of each month, the
3 county treasurer shall remit the money received by him or her pursuant to this
4 subsection to the State Treasurer for credit to the Account to Assist Persons
5 Formerly in Foster Care established pursuant to NRS 432.017.

6 4. Except as otherwise provided in this subsection and NRS 375.060, a board
7 of county commissioners may, in addition to any fee that a county recorder is
8 otherwise authorized to charge and collect, impose by ordinance a fee of not more
9 than \$3 for recording a document, instrument, paper, notice, deed, conveyance,
10 map, chart, survey or any other writing. A county recorder shall not charge the
11 additional fee authorized by this subsection for recording ~~the~~ *an* originally signed
12 ~~copy of a~~ certificate of marriage described in NRS 122.120. On or before the fifth
13 day of each month, the county recorder shall pay the amount of fees collected by
14 him or her pursuant to this subsection to the county treasurer. On or before the 15th
15 day of each month, the county treasurer shall remit the money received by him or
16 her pursuant to this subsection to the organization operating the program for legal
17 services for the indigent that receives the fees charged pursuant to NRS 19.031 to
18 be used to provide legal services for abused and neglected children.

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

26 6. Except as otherwise provided in subsection 7, a county recorder shall not
27 charge or collect any fees for any of the services specified in this section when
28 rendered by the county recorder to:

29 (a) The county in which the county recorder's office is located.

30 (b) The State of Nevada or any city or town within the county in which the
31 county recorder's office is located, if the document being recorded:

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

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

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

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

38 7. A county recorder shall charge and collect the fees specified in this section
39 for copying any document at the request of the State of Nevada, and any city or
40 town within the county. For copying, and for his or her certificate and seal upon the
41 copy, the county recorder shall charge the regular fee.

42 8. If the amount of money collected by a county recorder for a fee pursuant to
43 this section:

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

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

49 9. Except as otherwise provided in subsection 2, 3, 4 or 8 or by an ordinance
50 adopted pursuant to the provisions of NRS 244.207, county recorders shall, on or
51 before the fifth working day of each month, account for and pay to the county
52 treasurer all such fees collected during the preceding month.

1 10. For the purposes of this section, “State of Nevada,” “county,” “city” and
2 “town” include any department or agency thereof and any officer thereof in his or
3 her official capacity.

4 **Sec. 11.** This act becomes effective on July 1, 2013.