

Amendment No. 742

Senate Amendment to Assembly Bill No. 169 First Reprint (BDR 20-832)

Proposed by: Senate Committee on Government Affairs

Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will MAINTAIN the 2/3s majority vote requirement for final passage of A.B. 169 R1 (§ 2).

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) variations of *green bold underlining* is language proposed to be added 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 proposed to be retained in this amendment.

EMR/HAC



Date: 5/17/2017

A.B. No. 169—Revises provisions governing certain fees collected by county recorders. (BDR 20-832)



ASSEMBLY BILL NO. 169—ASSEMBLYMEN JAUREGUI;
BROOKS AND CARRILLO

PREFILED FEBRUARY 13, 2017

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing certain fees collected by county recorders. (BDR 20-832)

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 recorders; providing that a county recorder has discretion to accept and record a document that does not meet certain formatting requirements; revising certain fees collected by a county recorder; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, certain documents submitted to a county recorder must meet certain formatting requirements and the county recorder is authorized to charge and collect a fee for documents which do not meet those formatting requirements. (NRS 247.110, 247.305) **Section 1** of this bill provides that a county recorder has the discretion to accept and record a document that does not meet formatting requirements. **Section 2** of this bill removes the fee charged for documents which do not comply with the formatting requirements.

Existing law requires the county recorder to charge and collect certain other fees for recording a document, including fees based on the number of pages in the document, certain indexing fees and an additional fee. (NRS 247.305) **Section 2** revises the fees collected for recording certain documents ~~++ and eliminates the additional fee for recording documents that are more than one page.~~ **Section 2** also increases the additional fee collected for recording certain documents from \$3 to \$5.

Existing law requires the county recorder to charge certain fees for recording certain documents relating to a mining claim. (NRS 247.310) Section 2.5 of this bill provides that the fee for recording a notice or certificate of location of a mining claim, or an amended notice or certificate of the location of a mining claim is \$10 and eliminates the additional fee for recording such documents that are more than one page.

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

Section 1. NRS 247.110 is hereby amended to read as follows:
247.110 1. When a document authorized, entitled or required by law to be recorded is deposited in the county recorder's office for recording, the county recorder shall:

(a) Endorse upon it the time when it was received, noting:
(1) The year, month, day, hour and minute of its reception;
(2) The document number; and
(3) The amount of fees collected for recording the document.
(b) Record the document without delay, together with the acknowledgments, proofs and certificates, written upon or annexed to it, with the plats, surveys, schedules and other papers thereto annexed, in the order in which the papers are received for recording.

(c) Note at the upper right corner of the record and upon the document, except a map, so recorded the exact time of its reception and the name of the person at whose request it was recorded.

(d) Upon request, place a stamp or other notation upon one copy of the document presented at the time of recording to reflect the information endorsed upon the original pursuant to subparagraphs (1) and (2) of paragraph (a) and as evidence that the county recorder received the original, and return the copy to the person who presented it.

2. In addition to the information described in paragraph (a) of subsection 1, a county recorder may endorse upon a document the book and page where the document is recorded.

3. Except as otherwise provided in this section ~~1, subsection 5 of NRS 247.305~~ and NRS 111.366 to 111.3697, inclusive, a document, except a map, certificate or affidavit of death, military discharge or document regarding taxes that is issued by the Internal Revenue Service of the United States Department of the Treasury, that is submitted for recording must be on a form authorized by NRS 104.9521 for the type of filing or *, except as otherwise provided in subsection 5,* must:

(a) Be on white, 20-pound paper that is 8 1/2 inches by 11 inches in size.
(b) Have a margin of 1 inch on the left and right sides and at the bottom of each page.

(c) Have a space of 3 inches by 3 inches at the upper right corner of the first page and have a margin of 1 inch at the top of each succeeding page.

(d) Not be on sheets of paper that are bound together at the side, top or bottom.

(e) Not contain printed material on more than one side of each page.

(f) Not have any documents or other materials physically attached to the paper.

(g) Not contain:

(1) Colored markings to highlight text or any other part of the document;
(2) A stamp or seal that overlaps with text or a signature on the document, except in the case of a validated stamp or seal of a professional engineer or land surveyor who is licensed pursuant to chapter 625 of NRS;

(3) Text that is smaller than a 10-point Times New Roman font and is printed in any ink other than black; or

(4) More than nine lines of text per vertical inch.

4. The provisions of subsection 3 do not apply to a document submitted for recording that has been filed with a court and which conforms to the formatting requirements established by the court.

5. *A county recorder has the discretion to accept and record a document that does not meet the formatting requirements set forth in paragraphs (a) to (g), inclusive, of subsection 3.*

6. A document is recorded when the information required pursuant to this section is placed on the document and is entered in the record of the county recorder.

1 **Sec. 2.** NRS 247.305 is hereby amended to read as follows:

2 247.305 1. If another statute specifies the fee to be charged for a service,
3 county recorders shall charge and collect only the fee specified. Otherwise, unless
4 prohibited by NRS 375.060, county recorders shall charge and collect the following
5 fees:

6 (a) ~~For any document specified in paragraphs (b), (l) and (m) of~~
7 ~~section 1 of NRS 247.120, or any amendments thereto:~~

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

9 ~~(b) (2) For each additional page.....\$1~~

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

12 ~~(d) (3) For copying any a record, for each page.....\$1~~

13 ~~(b) For any other documents:~~

14 ~~(1) For recording a document.....\$25~~

15 ~~(2) (b) For copying a record, for each page.....\$1~~

16 ~~(e) (3) (c) For certifying, including certificate and seal.....\$4~~

17 ~~(f) (4) (d) For a certified copy of a certificate of marriage.....\$10~~

18 ~~(g) (5) (e) For a certified abstract of a certificate of marriage.....\$10~~

19 ~~(h) (6) (f) For a certified copy of a certificate of marriage or for a certified~~
20 ~~abstract of a certificate of marriage, the additional sum of \$5 for the Account for~~
21 ~~Aid for Victims of Domestic Violence in the State General Fund. The fees collected~~
22 ~~for this purpose must be paid over to the county treasurer by the county recorder on~~
23 ~~or before the fifth day of each month for the preceding calendar month, and must be~~
24 ~~credited to that Account. The county treasurer shall, on or before the 15th day of~~
25 ~~each month, remit those fees deposited by the recorder to the State Controller for~~
26 ~~credit to that Account.~~

27 2. Except as otherwise provided in this subsection and NRS 375.060, a county
28 recorder may charge and collect, in addition to any fee that a county recorder is
29 otherwise authorized to charge and collect, an additional fee not to exceed ~~1\$31~~ **\$5**
30 for recording a document, instrument, paper, notice, deed, conveyance, map, chart,
31 survey or any other writing. A county recorder may not charge the additional fee
32 authorized in this subsection for recording an originally signed certificate of
33 marriage described in NRS 122.120. On or before the fifth day of each month, the
34 county recorder shall pay the amount of fees collected by him or her pursuant to
35 this subsection to the county treasurer for credit to the account established pursuant
36 to NRS 247.306.

37 3. Except as otherwise provided in this subsection and NRS 375.060, a county
38 recorder shall charge and collect, in addition to any fee that a county recorder is
39 otherwise authorized to charge and collect, an additional fee of \$1 for recording a
40 document, instrument, paper, notice, deed, conveyance, map, chart, survey or any
41 other writing. A county recorder shall not charge the additional fee authorized in
42 this subsection for recording an originally signed certificate of marriage described
43 in NRS 122.120. On or before the fifth day of each month, the county recorder shall
44 pay the amount of fees collected by him or her pursuant to this subsection to the
45 county treasurer. On or before the 15th day of each month, the county treasurer
46 shall remit the money received by him or her pursuant to this subsection to the State
47 Treasurer for credit to the Account to Assist Persons Formerly in Foster Care
48 established pursuant to NRS 432.017.

49 4. Except as otherwise provided in this subsection and NRS 375.060, a board
50 of county commissioners may, in addition to any fee that a county recorder is
51 otherwise authorized to charge and collect, impose by ordinance a fee of not more
52 than \$3 for recording a document, instrument, paper, notice, deed, conveyance,
53 map, chart, survey or any other writing. A county recorder shall not charge the

additional fee authorized by this subsection for recording an originally signed 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 or her 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 or her pursuant to this subsection to the organization operating the program for legal services for the indigent that receives the fees charged pursuant to NRS 19.031 to be used to provide legal services for abused and neglected children.

~~5. Except as otherwise provided in this subsection or subsection 6 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.~~

~~6.~~ Except as otherwise provided in subsection ~~17.1~~ 6, a county recorder shall not charge or collect any fees for any of the services specified in this section when rendered by the county recorder to:

- (a) The county in which the county recorder's office is located.
- (b) The State of Nevada or any city or town within the county in which the county recorder's office is located, if the document being recorded:
 - (1) Conveys to the State, or to that city or town, an interest in land;
 - (2) Is a mortgage or deed of trust upon lands within the county which names the State or that city or town as beneficiary;
 - (3) Imposes a lien in favor of the State or that city or town; or
 - (4) Is a notice of the pendency of an action by the State or that city or town.

~~17.1~~ 6. A county recorder shall charge and collect the fees specified in this section for copying any document at the request of the State of Nevada, and any city or town within the county. For copying, and for his or her certificate and seal upon the copy, the county recorder shall charge the regular fee.

~~18.1~~ 7. If the amount of money collected by a county recorder for a fee pursuant to this section:

- (a) Exceeds by \$5 or less the amount required by law to be paid, the county recorder shall deposit the excess payment with the county treasurer for credit to the county general fund.
- (b) Exceeds by more than \$5 the amount required by law to be paid, the county recorder shall refund the entire amount of the excess payment.

~~19.1~~ 8. Except as otherwise provided in subsection 2, 3, 4 or ~~18.1~~ 7 or by an ordinance adopted pursuant to the provisions of NRS 244.207, county recorders shall, on or before the fifth working day of each month, account for and pay to the county treasurer all such fees collected during the preceding month.

~~110.1~~ 9. For the purposes of this section, "State of Nevada," "county," "city" and "town" include any department or agency thereof and any officer thereof in his or her official capacity.

Sec. 2.5. NRS 247.310 is hereby amended to read as follows:

247.310 1. Except as otherwise provided by law, county recorders shall charge the following fees for recording affidavits of proof of labor on mining claims and for recording, pursuant to subsection 3 of NRS 517.230, affidavits of intent to hold mining claims:

For recording any such affidavits that embrace therein one claim.....\$2
For each additional mining claim embraced in the affidavit.....2

1 2. Except as otherwise provided by law, county recorders shall charge \$10
2 for recording:

3 (a) A notice or certificate of location of a mining claim; or

4 (b) An amended notice or certificate of location of a mining claim.

5 3. Except as otherwise provided by an ordinance adopted pursuant to the
6 provisions of NRS 244.207, county recorders shall, on or before the 5th working
7 day of each month, account for and pay to the county treasurer all such fees
8 collected during the preceding month.

9 Sec. 3. (Deleted by amendment.)