

ASSEMBLY BILL NO. 482—COMMITTEE ON JUDICIARY

MARCH 25, 2019

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to governmental administration. (BDR 11-1111)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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; revising provisions relating to an application for issuance or renewal of a certificate of permission to perform marriages or specific marriages; revising provisions governing certain crimes related to soliciting or influencing marriage on county property or performing marriages; authorizing each county clerk to charge and collect a fee for the filing and recording or issuing of certain documents; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a person who is an applicant to become a marriage officiant and who is not otherwise qualified to solemnize a marriage to complete a course for marriage officiants established by a county clerk and pay a certain fee for completing the course. Additionally, existing law requires the county clerk to deposit the fee paid by an applicant for completing such a course in the county treasury to be used for establishing and maintaining a course for marriage officiants. (NRS 122.064) **Section 2** of this bill expands the requirement to take a training course and pay a fee to any applicant for a certificate of permission to perform marriages or specific marriages. Additionally, **section 2** requires the county clerk to deposit the fees collected from applicants who complete such a course in an account to be used to acquire technology or to improve technology used in the office of the county clerk. (NRS 19.016) **Section 1** of this bill makes a conforming change.

Existing law prohibits any person, while on county property, from soliciting or otherwise influencing, another person to be married by a marriage commissioner or justice of the peace or at a commercial wedding chapel. (NRS 122.215) **Section 3** of this bill provides for the imposition of a civil penalty of not more than \$500 for each violation. **Section 3** also authorizes a board of county commissioners to enact



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an ordinance delegating to a hearing officer the authority to determine such violations and levy civil penalties for those violations.

Existing law authorizes the imposition of a civil penalty against any person who knowingly performs a marriage which he or she is not lawfully authorized to perform. (NRS 122.260) **Section 4** of this bill removes the element of knowledge, thereby making a person subject to such a civil penalty regardless of his or her knowledge regarding whether he or she has legal authority to perform the marriage.

Under existing law, in addition to other fees, each county clerk is authorized to charge an additional fee not to exceed \$5 for filing and recording a bond of a notary public, per name. (NRS 19.013) The proceeds from this additional fee are required to be accounted for separately in the county general fund and used only to acquire technology for or to improve technology used in the office of the county clerk. (NRS 19.016) **Section 5** of this bill authorizes each county clerk to also charge such a fee for filing and recording or issuing a: (1) declaration of candidacy or acceptance of candidacy for a public office; (2) certificate of assumed or fictitious name or renewal thereof; (3) certificate of termination of business or of ownership in a business under the assumed or fictitious name; (4) certificate of permission to perform marriages or a specific marriage; and (5) certified copy or certified abstract of a marriage certificate. **Section 5** requires that the additional fees so collected be used only to acquire technology for or to improve technology used in the office of the county clerk.

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

Section 1. NRS 122.062 is hereby amended to read as follows:

122.062 1. Any licensed, ordained or appointed minister or other church or religious official authorized to solemnize a marriage in good standing within his or her church or religious organization, or either of them, incorporated, organized or established in this State, a notary public appointed by the Secretary of State pursuant to chapter 240 of NRS and in good standing with the Secretary of State, or a marriage officiant may join together in marriage persons who present a marriage license obtained from any county clerk of the State, if the minister, other church or religious official authorized to solemnize a marriage, notary public or marriage officiant first obtains or renews a certificate of permission to perform marriages as provided in NRS 122.062 to 122.073, inclusive. The fact that a minister or other church or religious official authorized to solemnize a marriage is retired does not disqualify him or her from obtaining a certificate of permission to perform marriages if, before retirement, the minister or other church or religious official authorized to solemnize a marriage had active charge of a church or religious organization for a period of at least 3 years.

2. A temporary replacement for a licensed, ordained or appointed minister or other church or religious official authorized to solemnize a marriage certified pursuant to NRS 122.062 to 122.073,



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1 inclusive, may solemnize marriages pursuant to subsection 1 for a
2 period not to exceed 90 days, if the requirements of this subsection
3 are satisfied. The minister or other church or religious official
4 authorized to solemnize a marriage whom he or she temporarily
5 replaces shall provide him or her with a written authorization which
6 states the period during which it is effective, and the temporary
7 replacement shall obtain from the county clerk in the county in
8 which he or she is a temporary replacement a written authorization
9 to solemnize marriage and submit to the county clerk an application
10 fee of \$25.

11 3. Any chaplain who is assigned to duty in this State by the
12 Armed Forces of the United States may solemnize marriages if the
13 chaplain obtains a certificate of permission to perform marriages
14 from the county clerk of the county in which his or her duty station
15 is located. The county clerk shall issue such a certificate to a
16 chaplain upon proof of his or her military status as a chaplain and of
17 his or her assignment.

18 4. A licensed, ordained or appointed minister, other church or
19 religious official authorized to solemnize a marriage, active or
20 retired, a notary public or person who desires to be a marriage
21 officiant may submit to the county clerk in the county in which a
22 marriage is to be performed an application to perform a specific
23 marriage in the county. The application must:

24 (a) Include the full names and addresses of the persons to be
25 married;

26 (b) Include the date and location of the marriage ceremony;

27 (c) Include the information and documents required pursuant to
28 subsection 1 of NRS 122.064;

29 (d) ~~If the applicant is a person who desires to be a marriage~~
30 ~~officiant, include~~ **Include** verification that the applicant has
31 satisfied the requirements of paragraph (d) of subsection 1 of NRS
32 122.064; and

33 (e) Be accompanied by an application fee of \$25.

34 5. A county clerk may grant authorization to perform a specific
35 marriage to a person who submitted an application pursuant to
36 subsection 4 if the county clerk is satisfied that the minister or other
37 church or religious official authorized to solemnize a marriage,
38 whether he or she is active or retired, is in good standing with his or
39 her church or religious organization or, in the case of a notary
40 public, if the notary public is in good standing with the Secretary of
41 State, or ~~in the case of a person who desires to be a marriage~~
42 ~~officiant,~~ that the ~~person~~ **applicant** satisfied the requirements of
43 paragraph (d) of subsection 1 of NRS 122.064. The authorization
44 must be in writing and need not be filed with any other public
45 officer. A separate authorization is required for each marriage



1 performed. A person may not obtain more than five authorizations
2 to perform a specific marriage pursuant to this section in any
3 calendar year and must acknowledge that he or she is subject to the
4 jurisdiction of the county clerk with respect to the provisions of this
5 chapter governing the conduct of ministers, other church or religious
6 officials authorized to solemnize a marriage, notaries public or
7 marriage officiants to the same extent as if he or she had obtained a
8 certificate of permission to perform marriages.

9 6. This section must not be construed to allow a county clerk to
10 authorize a ~~marriage-officiant~~ *person* to solemnize a marriage
11 unless the county clerk has established a *training* course for
12 ~~marriage-officiants.~~ *a person who is seeking to obtain a*
13 *certificate of permission to perform marriage or a specific*
14 *marriage.*

15 **Sec. 2.** NRS 122.064 is hereby amended to read as follows:

16 122.064 1. A certificate of permission to perform marriages
17 or a renewal of such a certificate may be obtained only from the
18 county clerk of the county in which the minister, other church or
19 religious official authorized to solemnize a marriage, notary public
20 or person who desires to be a marriage officiant resides, after the
21 filing of a proper application. The initial application or application
22 for renewal must:

23 (a) Be in writing and be verified by the applicant.

24 (b) If the applicant is a minister or other church or religious
25 official authorized to solemnize a marriage:

26 (1) Include the date of licensure, ordination or appointment
27 of the minister or other church or religious official authorized to
28 solemnize a marriage, and the name of the church or religious
29 organization with which he or she is affiliated; and

30 (2) Be accompanied by one copy of the affidavit of authority
31 to solemnize marriages described in subsection 5.

32 (c) If the applicant is a notary public:

33 (1) Include the date of the appointment of the notary public
34 by the Secretary of State; and

35 (2) Be accompanied by a verification issued by the Secretary
36 of State within the 3 months immediately preceding the date of the
37 application which states that the applicant has been appointed as a
38 notary public by the Secretary of State pursuant to chapter 240 of
39 NRS and is in good standing with the Secretary of State. The county
40 clerk must refuse to issue a certificate of permission if the
41 appointment of the notary public is suspended or revoked and may
42 refuse to issue a certificate of permission if the notary public has
43 committed any violations of chapter 240 of NRS.

44 (d) If the ~~applicant is not a minister, other church or religious~~
45 ~~official authorized to solemnize~~ *county clerk has established a*



1 *training course for an applicant seeking to obtain a* ~~marriage or~~
2 ~~notary public but a person who desires to be a~~ *certificate of*
3 *permission to perform marriages or a single* marriage ~~officiant;~~
4 *in this State:*

5 (1) Include an additional fee not to exceed \$100 for ~~the~~ *the*
6 course ; ~~for marriage officiants established by the county clerk;~~
7 and

8 (2) Be accompanied by verification that the applicant
9 successfully completed ~~the~~ *the* course . ~~for marriage officiants~~
10 ~~established by the county clerk.~~

11 (e) Include the social security number of the applicant.

12 (f) Be accompanied by an application fee of \$25.

13 2. To determine the qualifications of any minister, other church
14 or religious official authorized to solemnize a marriage, notary
15 public or person who desires to be a marriage officiant who has filed
16 an application for a certificate of permission, the county clerk with
17 whom the application has been filed may require:

18 (a) The church or religious organization of the minister or other
19 church or religious official authorized to solemnize a marriage to
20 furnish any evidence which the county clerk considers necessary or
21 helpful.

22 (b) An investigation of the background and present activities of
23 the minister, other church or religious official authorized to
24 solemnize a marriage, notary public or person who desires to be a
25 marriage officiant. The cost of an investigation conducted pursuant
26 to this paragraph must be charged to the applicant.

27 3. In addition to the requirement of good standing, the county
28 clerk shall, before approving an initial application, satisfy himself or
29 herself that:

30 (a) If the applicant is a minister or other church or religious
31 official authorized to solemnize a marriage, the applicant's ministry
32 is one of service to his or her church or religious organization or,
33 in the case of a retired minister or other church or religious official
34 authorized to solemnize a marriage, that his or her active ministry
35 was of such a nature.

36 (b) No certificate previously issued to the applicant has been
37 cancelled for a knowing violation of the laws of this State or of the
38 United States.

39 (c) The applicant has not been convicted of a felony, released
40 from confinement or completed his or her parole or probation,
41 whichever occurs later, within 10 years before the date of the
42 application.

43 4. The county clerk may require any applicant to submit
44 information in addition to that required by this section.



5. The affidavit of authority to solemnize marriages required by subparagraph (2) of paragraph (b) of subsection 1 must be in substantially the following form:

AFFIDAVIT OF AUTHORITY TO SOLEMNIZE MARRIAGES FOR CHURCHES AND RELIGIOUS ORGANIZATIONS

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 finds that..... (name of minister or other person authorized to solemnize marriages) is in good standing and is authorized by the..... (name of church or religious organization) to solemnize a marriage.

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.....

6. Not later than 30 days after issuing or renewing a certificate of permission to perform marriages to a notary public, the county clerk must submit to the Secretary of State the name of the notary public to whom the certificate has been issued.

7. If a licensed, ordained or appointed minister, other church or religious official authorized to solemnize a marriage or marriage officiant who holds a certificate of permission to perform marriages changes his or her mailing address, the minister, other church or religious official authorized to solemnize a marriage or marriage officiant must notify the county clerk who issued the certificate of his or her new mailing address not later than 30 days after the change. Pursuant to NRS 122.068, a county clerk may revoke the certificate of permission to perform marriages of a licensed, ordained or appointed minister, other church or religious official authorized to solemnize a marriage or marriage officiant who fails to notify the county clerk of his or her new mailing address within 30 days after the change. If a notary public who holds a certificate of permission to perform marriages changes his or her mailing address, the notary public must submit to the Secretary of State a request for an amended certificate of appointment pursuant to NRS 240.036.

8. The fees collected by the county clerk pursuant to paragraph (d) of subsection 1 must be deposited in the ~~county treasury to be used for establishing and maintaining a course for marriage officiants.~~ *account established pursuant to NRS 19.016.*

Sec. 3. NRS 122.215 is hereby amended to read as follows:

122.215 It is unlawful for any county employee, commercial wedding chapel employee or other person to solicit or otherwise influence, while on county property where marriage licenses are issued, any person to be married by a marriage commissioner or justice of the peace or at a commercial wedding chapel. *Any person who violates this section is subject to a civil penalty of not more than \$500 for each violation. A board of county commissioners may, at the request of the county clerk, enact an ordinance delegating to a hearing officer the authority to determine*



violations of this section and to levy civil penalties for such violations.

Sec. 4. NRS 122.260 is hereby amended to read as follows:

122.260 If any person undertakes to join others in marriage ~~and~~
~~knowing that he or she~~ **and** is not lawfully authorized so to do, or
~~[knowing]~~ **knows** of the existence of any legal impediment to the
proposed marriage, the person shall be punished by a civil penalty
of not more than \$1,500. A board of county commissioners may
enact an ordinance delegating to a hearing officer the authority to
determine violations of this section and to levy civil penalties for
those violations.

Sec. 5. NRS 19.013 is hereby amended to read as follows:

19.013 1. Except as otherwise provided by specific statute,
the county clerk or clerk of the court, as applicable, 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 \$56.00

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..... 42.00

On the filing of a petition for letters testamentary,
letters of administration or setting aside an estate
without administration, 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 72.00

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 for a guardianship, to be
paid by the petitioner:

Where the stated value of the estate is more
than \$2,500 5.00

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 44.00



On the filing of an objection or cross-petition to the appointment of an executor or administrator, or an objection to the settlement of account or any answer in an estate matter	\$44.00
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 the defendant or defendants	44.00
For filing a notice of appeal.....	24.00
For issuing a transcript of judgment and certifying thereto.....	3.00
For preparing any copy of any record, proceeding or paper, for each page, unless such fee is waived by the county clerk or clerk of the court	0.50
For each certificate of the clerk, under the seal of the court.....	3.00
For examining and certifying to a copy of any paper, record or proceeding prepared by another and presented for a certificate of the county clerk or clerk of the court	5.00
For filing all papers not otherwise provided for, other than papers filed in actions and proceedings in court and papers filed by public officers in their official capacity	15.00
For issuing any certificate under seal, not otherwise provided for.....	6.00
For searching records or files in the office of the county clerk or clerk of the court, for each year, unless such fee is waived by the county clerk or clerk of the court, as applicable.....	0.50
For filing and recording a bond of a notary public, per name	15.00
For entering the name of a firm or corporation in the register of the county clerk.....	20.00

2. ~~[A]~~ Except as otherwise provided in subsection 2 of NRS 246.180 or by specific statute, 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 or issuing a ~~[bond]~~ :

- (a) Bond of a notary public, per name~~[]~~;
- (b) Declaration of candidacy or acceptance of candidacy for a public office;
- (c) Certificate of assumed or fictitious name or renewal thereof as required pursuant to NRS 602.020;



1 *(d) Certificate of termination of business or of ownership in a*
2 *business under an assumed or fictitious name as required*
3 *pursuant to NRS 602.055;*

4 *(e) Certificate of permission to perform marriages or a specific*
5 *marriage; and*

6 *(f) Certified copy or certified abstract of a marriage certificate.*

7 3. On or before the fifth day of each month, the county clerk
8 shall pay to the county treasurer the amount of fees collected by the
9 county clerk pursuant to ~~this~~ subsection 2 for credit to the account
10 established pursuant to NRS 19.016.

11 ~~3.1~~ 4. Except as otherwise provided by specific statute, all
12 fees prescribed in this section are payable in advance if demanded
13 by the county clerk or clerk of the court, as applicable.

14 ~~4.1~~ 5. The fees set forth in subsection 1 are payment in full for
15 all services rendered by the county clerk or clerk of the court, as
16 applicable, in the case for which the fees are paid, including the
17 preparation of the judgment roll, but the fees do not include
18 payment for typing, copying, certifying or exemplifying or
19 authenticating copies.

20 ~~5.1~~ 6. No fee may be charged to any attorney at law admitted
21 to practice in this State for searching records or files in the office of
22 the clerk. No fee may be charged for any services rendered to a
23 defendant or the defendant's attorney in any criminal case or in
24 habeas corpus proceedings.

25 ~~6.1~~ 7. Notwithstanding any other provision of law, no fee may
26 be charged or collected for the filing of a petition for a guardianship
27 other than the fee established in subsection 1.

28 ~~7.1~~ 8. Each county clerk and clerk of the court shall, on or
29 before the fifth day of each month, account for and pay to the
30 county treasurer all fees collected during the preceding month.

31 **Sec. 6.** This act becomes effective on July 1, 2019.

