

REQUIRES TWO-THIRDS MAJORITY VOTE

(§§ 2, 4)

(Reprinted with amendments adopted on April 22, 2019)

FIRST REPRINT

A.B. 482

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, if the county clerk has established such 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



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each violation. **Section 3** also authorizes a board of county commissioners to enact 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, inclusive, may solemnize marriages pursuant to subsection 1 for a period not to exceed 90 days, if the requirements of this subsection are satisfied. The minister or other church or religious official authorized to solemnize a marriage whom he or she temporarily replaces shall provide him or her with a written authorization which states the period during which it is effective, and the temporary replacement shall obtain from the county clerk in the county in which he or she is a temporary replacement a written authorization to solemnize marriage and submit to the county clerk an application fee of \$25.

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

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

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

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

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

(d) ~~If the applicant is a person who desires to be a marriage officiant, include~~ *If the county clerk has established a training course for an applicant seeking to obtain a certificate of permission to perform marriages or a single marriage in this State, include* verification that the applicant has satisfied the requirements of paragraph (d) of subsection 1 of NRS 122.064; and

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

5. A county clerk may grant authorization to perform a specific marriage to a person who submitted an application pursuant to subsection 4 if the county clerk is satisfied that the minister or other church or religious official authorized to solemnize a marriage, whether he or she is active or retired, is in good standing with his or her church or religious organization or, in the case of a notary public, if the notary public is in good standing with the Secretary of State, ~~for in the case of a person who desires to be a marriage officiant,~~ *and, if the county clerk has established a training*



1 *course for an applicant seeking to obtain a certificate of*
2 *permission to perform marriages or a single marriage in this*
3 *State,* that the ~~person~~ *applicant* satisfied the requirements of
4 paragraph (d) of subsection 1 of NRS 122.064. The authorization
5 must be in writing and need not be filed with any other public
6 officer. A separate authorization is required for each marriage
7 performed. A person may not obtain more than five authorizations
8 to perform a specific marriage pursuant to this section in any
9 calendar year and must acknowledge that he or she is subject to the
10 jurisdiction of the county clerk with respect to the provisions of this
11 chapter governing the conduct of ministers, other church or religious
12 officials authorized to solemnize a marriage, notaries public or
13 marriage officiants to the same extent as if he or she had obtained a
14 certificate of permission to perform marriages.

15 ~~{6.—This section must not be construed to allow a county clerk~~
16 ~~to authorize a marriage officiant to solemnize a marriage unless the~~
17 ~~county clerk has established a course for marriage officiants.}~~

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

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

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

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

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

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

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

36 (1) Include the date of the appointment of the notary public
37 by the Secretary of State; and

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



1 refuse to issue a certificate of permission if the notary public has
2 committed any violations of chapter 240 of NRS.

3 (d) If the ~~{applicant is not a minister, other church or religious~~
4 ~~official authorized to solemnize}~~ *county clerk has established a*
5 *training course for an applicant seeking to obtain a* ~~{marriage or~~
6 ~~notary public but a person who desires to be a}~~ *certificate of*
7 *permission to perform marriages or a single* marriage ~~{officiant:}~~
8 *in this State:*

9 (1) Include an additional fee not to exceed \$100 for ~~{a} the~~
10 course ; ~~{for marriage officiants established by the county clerk;}~~
11 and

12 (2) Be accompanied by verification that the applicant
13 successfully completed ~~{a} the~~ course . ~~{for marriage officiants~~
14 ~~established by the county clerk.}~~

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

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

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

22 (a) The church or religious organization of the minister or other
23 church or religious official authorized to solemnize a marriage to
24 furnish any evidence which the county clerk considers necessary or
25 helpful.

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

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

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

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

43 (c) The applicant has not been convicted of a felony, released
44 from confinement or completed his or her parole or probation,



1 whichever occurs later, within 10 years before the date of the
2 application.

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

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

8
9 **AFFIDAVIT OF AUTHORITY TO SOLEMNIZE**
10 **MARRIAGES FOR CHURCHES AND RELIGIOUS**
11 **ORGANIZATIONS**

12
13 State of Nevada }
14 } ss.
15 County of }

16
17 The..... (name of church or
18 religious organization) is organized and carries on its work in
19 the State of Nevada. Its active meetings are located
20 at..... (street address, city or
21 town). The..... (name of church or
22 religious organization) hereby finds
23 that..... (name of minister or other
24 person authorized to solemnize marriages) is in good standing
25 and is authorized by the..... (name
26 of church or religious organization) to solemnize a marriage.

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

30
31
32 Signature of Official

33
34
35 Name of Official
36 (type or print name)

37
38
39 Title of Official

40
41
42 Address

43
44
45 City, State and Zip Code



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.....
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;



1 (c) *Certificate of assumed or fictitious name or renewal*
2 *thereof as required pursuant to NRS 602.020;*

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

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

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

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

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

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

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

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

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

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

