

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 personal information contained in certain documents is either maintained in a confidential manner or removed from the document; 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:

1 Existing law prohibits, with certain exceptions, a governmental agency from
2 requiring a person to include personal information on any document submitted to
3 the governmental agency on or after January 1, 2007. On or before January 1, 2017,
4 each governmental agency is required to ensure that any personal information
5 contained in a document submitted to that agency before January 1, 2007, is either
6 maintained in a confidential manner or removed from the document. (NRS
7 239B.030) **Section 1** of this bill authorizes rather than requires each governmental
8 agency to ensure that any personal information contained in a document submitted
9 to that agency before January 1, 2007, is either maintained in a confidential manner
10 or removed from the document.

11 Existing law requires the board of county commissioners in a county whose
12 population is 700,000 or more (currently Clark County) to designate one branch
13 office of the county clerk at which marriage licenses may be issued and establish
14 that office in an incorporated city whose population is 220,000 or more but less



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15 than 500,000 (currently the City of Henderson). Existing law also authorizes the
16 board to designate, at the request of the county clerk, not more than four additional
17 branch offices of the county clerk at which marriage licenses can be issued. (NRS
18 122.040) **Section 2** of this bill removes the requirement to establish a branch office
19 at which marriage licenses can be issued in an incorporated city whose population
20 is 220,000 or more but less than 500,000 and allows the board to designate, at the
21 request of the county clerk, not more than five branch offices at which marriage
22 licenses may be issued.

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

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

30 Existing law prohibits any person, while on county courthouse property, from
31 soliciting another person to be married by a marriage commissioner or justice of the
32 peace or at a commercial wedding chapel. (NRS 122.215) **Section 7** of this bill
33 extends this prohibition to 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
2 follows:

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

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

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

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

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

22 3. A governmental agency shall take necessary measures to
23 ensure that notice of the provisions of this section is provided to
24 persons with whom it conducts business. Such notice may include,



1 without limitation, posting notice in a conspicuous place in each of
2 its offices.

3 4. A governmental agency may require a person who records,
4 files or otherwise submits any document to the governmental agency
5 to provide an affirmation that the document does not contain
6 personal information about any person or, if the document contains
7 any such personal information, identification of the specific law,
8 public program or grant that requires the inclusion of the personal
9 information. A governmental agency may refuse to record, file or
10 otherwise accept a document which does not contain such an
11 affirmation when required or any document which contains personal
12 information about a person that is not required to be included in the
13 document pursuant to a specific state or federal law, for the
14 administration of a public program or for an application for a federal
15 or state grant.

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

21 (a) Maintained in a confidential manner if the personal
22 information is required to be included in the document pursuant to a
23 specific state or federal law, for the administration of a public
24 program or for an application for a federal or state grant; or

25 (b) Obliterated or otherwise removed from the document, by any
26 method, including, without limitation, through the use of computer
27 software, if the personal information is not required to be included
28 in the document pursuant to a specific state or federal law, for the
29 administration of a public program or for an application for a federal
30 or state grant.

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

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



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

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

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

15 7. As used in this section:

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

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

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

22 122.040 1. Before persons may be joined in marriage, a
23 license must be obtained for that purpose from the county clerk of
24 any county in the State. Except as otherwise provided in this
25 subsection, the license must be issued at the county seat of that
26 county. The board of county commissioners:

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

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

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

37 (b) In a county whose population is less than 700,000 may, at
38 the request of the county clerk, designate one branch office of the
39 county clerk at which marriage licenses may be issued, if the
40 designated branch office is established in a county office building
41 which is located outside of the county seat.

42 2. Except as otherwise provided in this section, before issuing a
43 marriage license, the county clerk shall require each applicant to
44 provide proof of the applicant's name and age. The county clerk



1 may accept as proof of the applicant's name and age an original or
2 certified copy of any of the following:

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

6 (b) A passport.

7 (c) A birth certificate and:

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

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

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

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

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

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

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

39 4. Upon finding that extraordinary circumstances exist which
40 result in only one applicant being able to appear before the county
41 clerk, the county clerk may waive the requirements of subsection 3
42 with respect to the person who is unable to appear before the county
43 clerk, or may refer the applicant to the district court. If the applicant
44 is referred to the district court, the district court may waive the
45 requirements of subsection 3 with respect to the person who is



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1 unable to appear before the county clerk. If the district court waives
2 the requirements of subsection 3, the district court shall notify the
3 county clerk in writing. If the county clerk or the district court
4 waives the requirements of subsection 3, the county clerk shall
5 require the applicant who is able to appear before the county clerk
6 to:

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

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

16 ➤ If any of the information required on the application is unknown
17 to the person responding to the question, the person must state that
18 the answer is unknown. The county clerk shall not deny a license to
19 an applicant who states that the applicant does not have a social
20 security number or who states that any requested information
21 concerning the parents of either the person who is responding to the
22 question or the person who is unable to appear is unknown.

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

27 (a) Personally given before the clerk;

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

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

37 6. If a parent giving consent to the marriage of a minor
38 pursuant to subsection 5 has a last name different from that of the
39 minor seeking to be married, the county clerk shall accept, as proof
40 that the parent is the legal parent of the minor, a certified copy of the
41 birth certificate of the minor which shows the parent's first and
42 middle name and which matches the first and middle name of the
43 parent on any document listed in subsection 2.



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

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

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

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

9 122.060 1. The county clerk is entitled to receive as his or
10 her fee for issuing a marriage license the sum of \$21.

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

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

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

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

23 (b) Collect the additional fee described in subsection 2 of NRS
24 246.180, if the board of county commissioners has adopted an
25 ordinance authorizing the collection of such fee, and deposit the fee
26 pursuant to NRS 246.190.

27 3. The county clerk shall also at the time of issuing the
28 marriage license collect the additional sum of \$4 for the State of
29 Nevada. The fees collected for the State must be paid over to the
30 county treasurer by the county clerk on or before the fifth day of
31 each month for the preceding calendar month, and must be placed to
32 the credit of the State General Fund. The county treasurer shall
33 remit quarterly all such fees deposited by the county clerk to the
34 State Controller for credit to the State General Fund.

35 4. The county clerk shall also at the time of issuing the
36 marriage license collect the additional sum of \$25 for the Account
37 for Aid for Victims of Domestic Violence in the State General Fund.
38 The fees collected for this purpose must be paid over to the county
39 treasurer by the county clerk on or before the fifth day of each
40 month for the preceding calendar month, and must be placed to the
41 credit of that Account. The county treasurer shall, on or before the
42 15th day of each month, remit those fees deposited by the county
43 clerk to the State Controller for credit to that Account.



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

2 122.066 1. The Secretary of State shall establish and
3 maintain a statewide database of ministers or other persons
4 authorized to solemnize a marriage. The database must:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

43 5. An affidavit of ~~revocation~~ *removal* of authority to
44 solemnize marriages that is received pursuant to subsection 4 must
45 be sent to the county clerk within 5 days after the minister or other



1 person authorized to solemnize a marriage ceased to be a member of
2 the church or religious organization in good standing or ceased to be
3 a minister or other person authorized to solemnize a marriage for the
4 church or religious organization.

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

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

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

43 9. The Secretary of State may adopt regulations concerning the
44 creation and administration of the statewide database. This section
45 does not prohibit the Secretary of State from making the database



1 publicly accessible for the purpose of viewing ministers or other
2 persons who are authorized to solemnize a marriage in this State.

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

4 122.0665 1. If a minister or other person authorized to
5 solemnize a marriage is no longer authorized to solemnize a
6 marriage by the church or religious organization that authorized the
7 minister or other person to solemnize marriages when he or she
8 applied for a certificate of permission to perform marriages pursuant
9 to NRS 122.064, the church or religious organization shall, within 5
10 days after the authorization is terminated, file an affidavit of
11 ~~revocation~~ removal of authority to solemnize marriages with the
12 county clerk of the county where the original affidavit of authority
13 to solemnize marriages was filed.

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

16
17 AFFIDAVIT OF ~~REVOCATION~~ REMOVAL OF
18 AUTHORITY TO SOLEMNIZE MARRIAGES

19
20 State of Nevada }
21 } ss.
22 County of }
23

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

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

37
38
39 Signature of Official

40
41
42 Name of Official
43 (type or print name)



1
2 Title of Official

3
4
5 Address

6
7
8 City, State and Zip Code

9
10
11 Telephone Number

12
13 Signed and sworn to (or affirmed) before me this.....
14 day of the month of..... of the year.....
15

16
17 Notary Public for
18 County, Nevada.
19

20 My appointment expires

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

22 122.068 1. Any county clerk who has issued a certificate of
23 permission to perform marriages to a minister or other person
24 authorized to solemnize a marriage pursuant to NRS 122.062 to
25 122.073, inclusive, may revoke the certificate for good cause shown
26 after a hearing.

27 2. If the certificate of permission to perform marriages of any
28 minister or other person authorized to solemnize a marriage is
29 revoked ~~or~~ *or if the county clerk has received an affidavit of*
30 *removal of authority to solemnize marriages pursuant to NRS*
31 *122.0665*, the county clerk shall inform the Secretary of State of that
32 fact, and the Secretary of State shall immediately remove the name
33 of the minister or other person authorized to solemnize a marriage
34 from the official list contained in the database of ministers or other
35 persons authorized to solemnize a marriage and shall notify each
36 county clerk and county recorder in the State of the revocation ~~or~~ *or*
37 *removal of authority*.

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

39 122.130 1. Each person who solemnizes a marriage shall
40 make a record of it and, within 10 days after the marriage, shall
41 deliver to:

42 (a) If the board of county commissioners has adopted an
43 ordinance pursuant to NRS 246.100, the county clerk of the county
44 where the license was issued ~~is a copy of~~ the *original* certificate of
45 marriage required by NRS 122.120.



1 (b) If the board of county commissioners has not adopted an
2 ordinance pursuant to NRS 246.100, the county recorder of the
3 county where the license was issued ~~fa copy of~~ the *original*
4 certificate of marriage required by NRS 122.120.

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

13 3. All ~~copies of~~ *original* certificates must be recorded by the
14 county recorder or filed by the county clerk in a book to be kept by
15 him or her for that purpose. For recording or filing the ~~copies,~~
16 *original certificates*, the county recorder or county clerk is entitled
17 to the fees designated in subsection 2 of NRS 122.060 and
18 subsection 3 of NRS 122.135. All such fees must be deposited in the
19 county general fund.

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

21 122.185 The office of the commissioner of civil marriages and
22 each room therein shall prominently display on the wall, or other
23 appropriate place, a sign informing all people who avail themselves
24 of the services of the commissioner of civil marriages of the
25 following facts:

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

33 2. The amount of the fee to be charged for solemnization of a
34 marriage ~~including any extra charge to be made for solemnizing a~~
35 ~~marriage after regular working hours~~ in the office of the
36 commissioner of civil marriages;

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

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

43 5. That if the commissioner of civil marriages, any deputy
44 commissioner of civil marriages, or any other employee in the office
45 of the commissioner or in the office of the county clerk solicits such



1 an extra gratuity fee or other remuneration, the matter should be
2 reported to the district attorney for such county.

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

4 122.215 It is unlawful for any county employee, commercial
5 wedding chapel employee or other person to solicit or otherwise
6 influence, while on county ~~fourthouse~~ property ~~+~~ *where*
7 *marriage licenses are issued*, any person to be married by a
8 marriage commissioner or justice of the peace or at a commercial
9 wedding chapel.

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

11 122.230 Every person solemnizing a marriage who fails or
12 neglects to make and deliver an originally signed ~~copy of the~~
13 certificate thereof, within the time specified in NRS 122.130, to:

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

16 2. If the board of county commissioners has not adopted an
17 ordinance pursuant to NRS 246.100, the county recorder,

18 **↪** is guilty of a misdemeanor.

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

20 122.240 Every county recorder or county clerk who fails or
21 neglects to record or file a ~~copy of a~~ certificate of marriage as
22 required by this chapter is guilty of a misdemeanor.

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

24 247.305 1. If another statute specifies the fee to be charged
25 for a service, county recorders shall charge and collect only the fee
26 specified. Otherwise, unless prohibited by NRS 375.060, county
27 recorders shall charge and collect the following fees:

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

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

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

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

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

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

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

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



1 2. Except as otherwise provided in this subsection and NRS
2 375.060, a county recorder may charge and collect, in addition to
3 any fee that a county recorder is otherwise authorized to charge and
4 collect, an additional fee not to exceed \$3 for recording a document,
5 instrument, paper, notice, deed, conveyance, map, chart, survey or
6 any other writing. A county recorder may not charge the additional
7 fee authorized in this subsection for recording ~~the~~ *an* originally
8 signed ~~copy of a~~ certificate of marriage described in NRS 122.120.
9 On or before the fifth day of each month, the county recorder shall
10 pay the amount of fees collected by him or her pursuant to this
11 subsection to the county treasurer for credit to the account
12 established pursuant to NRS 247.306.

13 3. Except as otherwise provided in this subsection and NRS
14 375.060, a county recorder shall charge and collect, in addition to
15 any fee that a county recorder is otherwise authorized to charge and
16 collect, an additional fee of \$1 for recording a document,
17 instrument, paper, notice, deed, conveyance, map, chart, survey or
18 any other writing. A county recorder shall not charge the additional
19 fee authorized in this subsection for recording ~~the~~ *an* originally
20 signed ~~copy of a~~ certificate of marriage described in NRS 122.120.
21 On or before the fifth day of each month, the county recorder shall
22 pay the amount of fees collected by him or her pursuant to this
23 subsection to the county treasurer. On or before the 15th day of each
24 month, the county treasurer shall remit the money received by him
25 or her pursuant to this subsection to the State Treasurer for credit to
26 the Account to Assist Persons Formerly in Foster Care established
27 pursuant to NRS 432.017.

28 4. Except as otherwise provided in this subsection and NRS
29 375.060, a board of county commissioners may, in addition to any
30 fee that a county recorder is otherwise authorized to charge and
31 collect, impose by ordinance a fee of not more than \$3 for recording
32 a document, instrument, paper, notice, deed, conveyance, map,
33 chart, survey or any other writing. A county recorder shall not
34 charge the additional fee authorized by this subsection for
35 recording ~~the~~ *an* originally signed ~~copy of a~~ certificate of
36 marriage described in NRS 122.120. On or before the fifth day of
37 each month, the county recorder shall pay the amount of fees
38 collected by him or her pursuant to this subsection to the county
39 treasurer. On or before the 15th day of each month, the county
40 treasurer shall remit the money received by him or her pursuant to
41 this subsection to the organization operating the program for legal
42 services for the indigent that receives the fees charged pursuant to
43 NRS 19.031 to be used to provide legal services for abused and
44 neglected children.



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

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

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

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

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

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

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

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

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

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

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

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

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



- 1 10. For the purposes of this section, "State of Nevada,"
- 2 "county," "city" and "town" include any department or agency
- 3 thereof and any officer thereof in his or her official capacity.
- 4 **Sec. 11.** This act becomes effective on July 1, 2013.

