

SENATE BILL NO. 451—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE COUNTY FISCAL
OFFICERS ASSOCIATION)

MARCH 24, 2003

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing account established for acquisition and improvement of technology in office of county recorder and certain provisions regarding format of certain documents filed in office of county recorder. (BDR 20-293)

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; revising format of certain documents that are filed in the office of the county recorder; authorizing county recorders to expend all money in an account established for the acquisition and improvement of technology used in the office of the county recorder; and providing other matters properly relating thereto.

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

- 1 **Section 1.** NRS 247.110 is hereby amended to read as follows:
2 247.110 1. When a document authorized by law to be
3 recorded is deposited in the county recorder's office for recording,
4 the county recorder shall:
5 (a) Endorse upon it the time when it was received, noting:
6 (1) The year, month, day, hour and minute of its reception;
7 (2) The document number; and
8 (3) The amount of fees collected for recording the document.



* S B 4 5 1 R 1 *

1 (b) Record the document without delay, together with the
2 acknowledgments, proofs and certificates, written upon or annexed
3 to it, with the plats, surveys, schedules and other papers thereto
4 annexed, in the order in which the papers are received for recording.

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

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

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

16 3. A county recorder shall not refuse to record a document on
17 the grounds that the document is not legally effective to accomplish
18 the purposes stated therein.

19 4. ~~Except as otherwise provided in this section and~~
20 ~~subsection 4 of NRS 247.305, a~~ document, except a map, *certificate*
21 *or affidavit of death, military discharge or document regarding*
22 *taxes that is issued by the Internal Revenue Service of the United*
23 *States Department of the Treasury*, that is submitted for recording
24 must:

25 (a) Be on *white, 20-pound* paper that is 8 1/2 inches by 11
26 inches in size. ~~and~~

27 (b) Have a margin of 1 inch on the left and right sides and at the
28 bottom of each page. ~~and~~

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

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

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

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

38 (g) *Not contain:*

39 (1) *Colored markings to highlight text or any other part of*
40 *the document;*

41 (2) *A stamp or seal that overlaps with text or a signature on*
42 *the document, except in the case of a validated stamp or seal of a*
43 *professional engineer or land surveyor who is licensed pursuant to*
44 *chapter 625 of NRS;*



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

3 (4) *More than 9 lines of text per vertical inch.*

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

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

8 247.305 1. If another statute specifies the fee to be charged
9 for a service, county recorders shall charge and collect only the fee
10 specified. Otherwise county recorders shall charge and collect the
11 following fees:

12	
13	For recording any document, for the first page..... \$10
14	For each additional page 1
15	For recording each portion of a document which must
16	be separately indexed, after the first indexing 3
17	For copying any record, for each page..... 1
18	For certifying, including certificate and seal..... 4
19	For a certified copy of a certificate of marriage..... 10
20	For a certified abstract of a certificate of marriage 10
21	

22 2. Except as otherwise provided in this subsection, a county
23 recorder may charge and collect, in addition to any fee that a county
24 recorder is otherwise authorized to charge and collect, an additional
25 fee not to exceed \$3 for recording a document, instrument, paper,
26 notice, deed, conveyance, map, chart, survey or any other writing. A
27 county recorder may not charge the additional fee authorized in this
28 subsection for recording the originally signed copy of a certificate of
29 marriage described in NRS 122.120. On or before the fifth day of
30 each month, the county recorder shall pay to the county treasurer the
31 amount of fees collected by him pursuant to this subsection for
32 credit to the account established pursuant to NRS 247.306.

33 3. Except as otherwise provided in this subsection, a county
34 recorder shall charge and collect, in addition to any fee that a county
35 recorder is otherwise authorized to charge and collect, an additional
36 fee of \$1 for recording a document, instrument, paper, notice, deed,
37 conveyance, map, chart, survey or any other writing. A county
38 recorder shall not charge the additional fee authorized in this
39 subsection for recording the originally signed copy of a certificate of
40 marriage described in NRS 122.120. On or before the fifth day of
41 each month, the county recorder shall pay to the county treasurer the
42 amount of fees collected by him pursuant to this subsection. On or
43 before the 15th day of each month, the county treasurer shall remit
44 the money received by him pursuant to this subsection to the State



1 Treasurer for credit to the Account to Assist Persons Formerly in
2 Foster Care established pursuant to NRS 423.137.

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

12 5. Except as otherwise provided in subsection ~~5~~ 6, a county
13 recorder shall not charge or collect any fees for any of the services
14 specified in this section when rendered by him to:

15 (a) The county in which his office is located.
16 (b) The State of Nevada or any city or town within the county in
17 which his office is located, if the document being 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 ~~5~~ 6. A county recorder shall charge and collect the fees
27 specified in this section for copying of any document at the request
28 of the State of Nevada, and any city or town within the county. For
29 copying, and for his certificate and seal upon the copy, the county
30 recorder shall charge the regular fee.

31 ~~6~~ 7. For purposes of this section, "State of Nevada,"
32 "county," "city" and "town" include any department or agency
33 thereof and any officer thereof in his official capacity.

34 ~~7~~ 8. Except as otherwise provided in subsection 2 or 3 or by
35 an ordinance adopted pursuant to the provisions of NRS 244.207,
36 county recorders shall, on or before the fifth working day of each
37 month, account for and pay to the county treasurer all such fees
38 collected during the preceding month.

39 **Sec. 3.** NRS 247.306 is hereby amended to read as follows:

40 247.306 1. If a county recorder imposes an additional fee
41 pursuant to subsection 2 of NRS 247.305, the proceeds collected
42 from such a fee must be accounted for separately in the county
43 general fund. Any interest earned on money in the account, after
44 deducting any applicable charges, must be credited to the account.
45 Money that remains in the account at the end of a fiscal year does



1 not revert to the county general fund, and the balance in the account
2 must be carried forward to the next fiscal year.

3 2. The money in the account must be used only to acquire
4 technology for or improve the technology used in the office of the
5 county recorder, including, without limitation, costs related to
6 acquiring or improving technology for converting and archiving
7 records, purchasing hardware and software, maintaining the
8 technology, training employees in the operation of the technology
9 and contracting for professional services relating to the technology.

10 3. The county recorder shall submit an annual report to the
11 board of county commissioners of the county which contains ~~†~~

12 ~~—(a) An estimate of the proceeds that the county recorder will~~
13 ~~collect from the additional fee imposed pursuant to subsection 2 of~~
14 ~~NRS 247.305 in the following fiscal year; and~~

15 ~~—(b) A proposal for expenditures of~~ *a list of expenditures made*
16 *during the immediately preceding fiscal year from the account*
17 *established pursuant to this section.*

18 4. *The board of county commissioners of the county shall*
19 *authorize the county recorder or his designee to expend all* the
20 proceeds from the additional fee imposed pursuant to subsection 2
21 of NRS 247.305 for the costs related to the technology required for
22 the office of the county recorder ~~[for the following fiscal year.]~~ *in*
23 *any manner that the county recorder or his designee deems*
24 *appropriate at the time the county recorder makes such an*
25 *expenditure.*

26 **Sec. 4.** This act becomes effective on July 1, 2003.

