
ASSEMBLY BILL NO. 139—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE NEVADA
ASSOCIATION OF COUNTY RECORDERS)

FEBRUARY 21, 2007

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to local governmental administration. (BDR 20-325)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to local governmental administration; authorizing boards of county commissioners to apply for and accept certain rights over federal lands and to indemnify the Federal Government in connection with rights granted over those federal lands; providing for the disposition of excess payments made to a county recorder; revising provisions relating to the appointment and oath of deputy sheriffs; exempting the sheriff of a county whose population is 400,000 or more from the requirement to attend in person or by deputy all sessions in district court in that county; authorizing boards of county commissioners to delegate authority to approve certain claims for refunds of charges or fees paid to county departments of aviation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law authorizes boards of county commissioners to apply for and accept
2 grants of rights-of-way, permits, leases and patents over federal lands within the
3 National Forest System pursuant to certain federal laws. (NRS 244.277) **Section 1**
4 of this bill adds the Southern Nevada Public Lands Management Act of 1998,
5 Public Law 105-263, to the list of federal laws concerning lands with respect to
6 which boards of county commissioners may apply for and accept such land rights.
7 **Section 1** of this bill also authorizes boards of county commissioners to indemnify
8 the United States in connection with such land rights.



* A B 1 3 9 R 1 *

9 Under existing law, a county recorder collects various fees. (NRS 247.305)
10 **Section 2** of this bill provides that if a fee collected by a county recorder exceeds
11 by \$5 or less the amount required by law to be paid, the county recorder is required
12 to deposit the overpayment with the county treasurer for credit to the county
13 general fund. If the overpayment is more than \$5, the county recorder is required to
14 refund the entire amount of the overpayment.

15 Existing law authorizes a sheriff to appoint, in writing, deputy sheriffs and
16 requires each deputy sheriff to take an oath to discharge his duties. (NRS 248.040)
17 **Section 3** of this bill changes the office where the oath and written appointment of
18 a deputy sheriff must be officially retained from the county auditor to the county
19 recorder. Under existing law, the oaths and written appointments of deputies of
20 many county elected officers are recorded with the county recorder or their
21 respective counties. (NRS 246.030, 247.040, 249.060, 250.060, 252.070, 253.025,
22 258.060)

23 Existing law requires each county sheriff to attend in person or by deputy all
24 sessions of the district court in that county. (NRS 248.100) **Section 4** of this bill
25 exempts the sheriff of a county whose population is 400,000 or more (currently
26 Clark County) from that requirement.

27 Existing law authorizes boards of county commissioners to delegate to the
28 county manager, the county administrator or, in counties without a manager or
29 administrator, any other county employee the authority to approve certain claims
30 for refunds of registration fees or deposits paid to the county department of parks
31 and recreation. (NRS 354.240) **Section 5** of this bill authorizes boards of county
32 commissioners to delegate to the same types of county officials or employees the
33 authority to approve certain claims for refunds of registration fees or deposits paid
34 to the county department of aviation.

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

1 **Section 1.** NRS 244.277 is hereby amended to read as follows:
2 244.277 The board of county commissioners may apply for and
3 accept:

4 1. Grants of rights-of-way, permits, leases and patents and
5 subsequent renewals of grants of rights-of-way, permits, leases and
6 patents over, upon, under or through any land or interest in land
7 owned by the United States and administered by the Secretary of the
8 Interior through the Bureau of Land Management and by the
9 Secretary of Agriculture with respect to lands within the National
10 Forest System, pursuant to Title V of the Federal Land Policy and
11 Management Act of 1976, 43 U.S.C. §§ 1761-1771, ~~and~~ the
12 Recreation and Public Purposes Act, 43 U.S.C. §§ 869-869-4 ~~;~~,
13 *and the Southern Nevada Public Land Management Act of 1998,*
14 *Public Law 105-263;* and

15 2. Special use permits for parks, forests and public property
16 owned by the United States and administered by the Secretary of
17 Agriculture, through the United States Forest Service, pursuant to
18 Title 16 of the United States Code and 36 C.F.R. Part 251,



1 ↪ and in connection therewith may *indemnify the United States*
2 *and may* comply with federal regulations and stipulations consistent
3 with the federal statutes and regulations set forth in this section or
4 any other applicable federal statute or regulation.

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

6 247.305 1. If another statute specifies the fee to be charged
7 for a service, county recorders shall charge and collect only the fee
8 specified. Otherwise, unless prohibited by NRS 375.060, county
9 recorders shall charge and collect the following fees:

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

20
21 2. Except as otherwise provided in this subsection and NRS
22 375.060, a county recorder may charge and collect, in addition to
23 any fee that a county recorder is otherwise authorized to charge and
24 collect, an additional fee not to exceed \$3 for recording a document,
25 instrument, paper, notice, deed, conveyance, map, chart, survey or
26 any other writing. A county recorder may not charge the additional
27 fee authorized in this subsection for recording the originally signed
28 copy of a certificate of marriage described in NRS 122.120. On or
29 before the fifth day of each month, the county recorder shall pay the
30 amount of fees collected by him pursuant to this subsection to the
31 county treasurer for credit to the account established pursuant to
32 NRS 247.306.

33 3. Except as otherwise provided in this subsection and NRS
34 375.060, a county recorder shall charge and collect, in addition to
35 any fee that a county recorder is otherwise authorized to charge and
36 collect, an additional fee of \$1 for recording a document,
37 instrument, paper, notice, deed, conveyance, map, chart, survey or
38 any other writing. A county recorder shall not charge the additional
39 fee authorized in this subsection for recording the originally signed
40 copy of a certificate of marriage described in NRS 122.120. On or
41 before the fifth day of each month, the county recorder shall pay
42 the amount of fees collected by him pursuant to this subsection to
43 the county treasurer. On or before the 15th day of each month, the
44 county treasurer shall remit the money received by him pursuant
45 to this subsection to the State Treasurer for credit to the Account to



1 Assist Persons Formerly in Foster Care established pursuant to
2 NRS 432.017.

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

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

14 (a) The county in which his office is located.

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

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

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

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

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

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

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

33 8. *If the amount of money collected by a county recorder for
34 a fee pursuant to this section:*

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

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

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



1 **Sec. 3.** NRS 248.040 is hereby amended to read as follows:

2 248.040 1. Except as provided in NRS 248.045, each sheriff
3 may:

4 (a) Appoint, in writing signed by him, one or more deputies,
5 who may perform all the duties devolving on the sheriff of the
6 county and such other duties as the sheriff may from time to time
7 direct. The appointment of a deputy sheriff must not be construed to
8 confer upon that deputy policymaking authority for the office of the
9 sheriff or the county by which the deputy sheriff is employed.

10 (b) Except as otherwise provided in this paragraph, only remove
11 a deputy who has completed a probationary period of 12 months for
12 cause. A deputy who functions as the head of a department or an
13 administrative employee or who has not completed the probationary
14 period may be removed at the sheriff's pleasure.

15 2. No deputy sheriff is qualified to act as such unless he has
16 taken an oath to discharge the duties of the office faithfully and
17 impartially. The oath, *together with the written appointment*, must
18 be ~~certified on the back of his appointment and filed~~ *recorded* in
19 the office of the *recorder of the* county ~~auditor~~ *within which the*
20 *sheriff legally holds and exercises his office. Revocations of such*
21 *appointments must be recorded as provided in this subsection.*
22 *From the time of the recording of the appointments or revocations*
23 *therein, persons shall be deemed to have notice of the*
24 *appointments or revocations.*

25 3. The sheriff may require of his deputies such bonds as to him
26 seem proper.

27 **Sec. 4.** NRS 248.100 is hereby amended to read as follows:

28 248.100 1. The sheriff shall:

29 (a) ~~Attend~~ *Except in counties whose population is 400,000 or*
30 *more, attend* in person, or by deputy, all sessions of the district
31 court in his county.

32 (b) Obey all the lawful orders and directions of the ~~same~~
33 *district court in his county.*

34 (c) Except as otherwise provided in subsection 2, execute the
35 process, writs or warrants of courts of justice, judicial officers and
36 coroners, when delivered to him for that purpose.

37 2. The sheriff may authorize the constable of the appropriate
38 township to receive and execute the process, writs or warrants of
39 courts of justice, judicial officers and coroners.

40 **Sec. 5.** NRS 354.240 is hereby amended to read as follows:

41 354.240 1. If a board of county commissioners determines by
42 competent evidence that money has been paid into the treasury of
43 the county under any of the circumstances mentioned in NRS
44 354.220, the board of county commissioners, by its unanimous
45 resolution, may direct the county treasurer to refund to the applicant



1 the amount of money paid into the county treasury in excess of the
2 amount legally payable.

3 2. In the case of a claim for a refund of property tax, if the
4 board has unanimously found that the applicant is entitled to a
5 refund, it shall direct the county treasurer to refund to the applicant
6 the amount claimed if the claim is made within 3 years after the tax
7 was due. The county may withhold amounts refunded from its
8 subsequent apportionments of revenues from property tax to the
9 other taxing units in the county which levied a tax represented in the
10 combined tax rate.

11 3. If the county treasurer determines by competent evidence
12 that money in the amount of \$500 or less has been paid into the
13 county treasury under any of the circumstances listed in NRS
14 354.220, he may, upon receiving the written approval of the district
15 attorney, refund to the applicant the amount paid which is in excess
16 of the amount legally payable.

17 4. In the case of a claim for a refund of property tax which has
18 been authorized and approved in the manner provided in subsection
19 3, the county treasurer shall make a refund to the applicant in the
20 amount claimed if the claim is made within 3 years after the tax was
21 due. The county may withhold amounts refunded from its
22 subsequent apportionments of revenues from property tax to the
23 other taxing units in the county which levied a tax represented in the
24 combined tax rate.

25 5. A board of county commissioners may, in the case of a
26 claim for a refund of a registration fee or deposit paid to the county
27 department of parks and recreation, delegate the authority to
28 approve all such claims of less than \$1,000, to:

- 29 (a) The county manager or his designee;
30 (b) The county administrator or his designee; or
31 (c) In a county that has neither a county manager nor a county
32 administrator, any other county employee.

33 6. *A board of county commissioners may, in the case of a*
34 *claim for a refund of a registration fee or deposit paid to the*
35 *county department of aviation, delegate the authority to approve*
36 *all such claims of less than \$100, to:*

- 37 (a) *The county manager or his designee;*
38 (b) *The county administrator or his designee; or*
39 (c) *In a county that has neither a county manager nor a*
40 *county administrator, any other county employee.*

41 7. A county treasurer, upon receiving written approval of a
42 claim pursuant to subsection 5 ~~7~~ or 6, may refund to the applicant
43 the amount of the refund due.

44 ~~7~~ 8. At the end of each month the county treasurer shall
45 provide to the board of county commissioners a list of all refunds



1 made by him during that month. The list must contain the name of
2 each taxpayer or other person to whom a refund was made and the
3 amount of the refund. The county treasurer shall maintain a copy of
4 the list and make it available for public inspection.

5 **Sec. 6.** This act becomes effective on July 1, 2007.

