

ASSEMBLY BILL NO. 2—COMMITTEE OF THE WHOLE

FEBRUARY 24, 2010

Referred to Committee of the Whole

SUMMARY—Authorizes deviation from the required hours of operation for public offices under certain circumstances. (BDR 23-14)

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 public offices; authorizing deviation from the required hours of operation for public offices if necessary because of a severe financial emergency; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law provides for the establishment of required hours of operation for
2 public offices of both state and local governments. (NRS 122.061, 245.040,
3 252.050, 281.110) **Section 1** of this bill authorizes deviation from those required
4 hours if the entity or officer in charge of an office of State Government determines
5 in writing that the deviation is necessary because of a severe financial emergency
6 and submits a copy of the determination to the Legislature or Legislative
7 Commission. **Sections 2-4** of this bill authorize deviation from those required hours
8 for offices of local government if the board of county commissioners determines
9 that the deviation is necessary because of a severe financial emergency.

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

1 **Section 1.** NRS 281.110 is hereby amended to read as follows:
2 281.110 1. *Except as otherwise provided in subsection 2:*
3 (a) Unless required for the efficient transaction of business and
4 the convenience of the persons with whom business is transacted,
5 the offices of all state officers, departments, boards, commissions
6 and agencies must:
7 ~~(a)~~ (I) Maintain not less than a 40-hour workweek.



1 ~~[(b)]~~ (2) Be open for the transaction of business at least from
2 8 a.m. until 12 p.m. and from 1 p.m. until 5 p.m. every day of the
3 year, with the exception of Saturdays, Sundays and legal holidays.

4 ~~[(2)]~~ (b) Variable workweek scheduling may be required in those
5 agencies where coverage is needed on Saturdays, Sundays and legal
6 holidays or on other days or during other hours, as necessary.

7 ~~[(3)]~~ (c) The offices of all state officers, departments, boards,
8 commissions and agencies that are open on the days and during the
9 hours set forth in *subparagraph (2) of* paragraph ~~[(b) of subsection~~

10 ~~[(a)]~~ must remain open during the noon hour of each working day
11 if any such office has more than one person on its staff.

12 *2. Any office of a state officer, department, board,*
13 *commission or agency may deviate from the hours of operation*
14 *required pursuant to this section if the entity responsible for the*
15 *office determines in writing that the deviation is necessary because*
16 *of a severe financial emergency and submits a copy of the*
17 *determination to the Legislature, or the Legislative Commission if*
18 *the Legislature is not in regular session.*

19 **Sec. 2.** NRS 122.061 is hereby amended to read as follows:

20 122.061 1. In any county whose population is 100,000 or
21 more, *except as otherwise provided in subsection 3,* the main office
22 of the county clerk where marriage licenses may be issued must be
23 open to the public for the purpose of issuing such licenses from
24 8 a.m. to 12 a.m. every day including holidays, and may remain
25 open at other times. The board of county commissioners shall
26 determine the hours during which a branch office of the county clerk
27 where marriage licenses may be issued must remain open to the
28 public.

29 2. In all other counties, the board of county commissioners
30 shall determine the hours during which the offices where marriage
31 licenses may be issued must remain open to the public.

32 *3. Any office where marriage licenses may be issued may*
33 *deviate from the hours of operation required pursuant to this*
34 *section if the board of county commissioners determines that the*
35 *deviation is necessary because of a severe financial emergency.*

36 **Sec. 3.** NRS 245.040 is hereby amended to read as follows:

37 245.040 1. Sheriffs, county recorders and county auditors,
38 county clerks, county assessors and county treasurers shall keep an
39 office at the county seat of their county which, except as otherwise
40 provided in ~~[(subsection 3.)]~~ *subsections 3 and 4,* must be kept open
41 on all days except Sundays and nonjudicial days from 9 a.m. to
42 12 m., and on all days except Sundays, nonjudicial days and
43 Saturdays from 1 p.m. to 5 p.m. for the transaction of public
44 business, but nothing contained in this subsection interferes with a
45 duty now required of a public officer under the election laws of this



1 State. County clerks shall keep their offices open on all election
2 days during the hours when the polls are open for voting but may,
3 with the consent of the district judge of the county, close their
4 offices for all purposes except election business and the issuance of
5 marriage licenses on any day on which the primary or general
6 election is held.

7 2. Notwithstanding the provisions of subsection 1, the board of
8 county commissioners of any county may, by an order regularly
9 made and entered in the records of its proceedings, designate the
10 days and hours during which the offices of the sheriff, county
11 recorder and county auditor, county clerk, county assessor and
12 county treasurer must be kept open for the transaction of public
13 business. An order so made and entered must require each office to
14 be kept open for not less than 40 hours during each week, and must
15 not prevent the county clerk from closing his or her office for all
16 purposes except election business and the issuance of marriage
17 licenses on primary and general election days as provided in
18 subsection 1.

19 3. The board of county commissioners may authorize a county
20 officer to rent, equip and operate, at public expense, one or more
21 branch offices in the county. The branch office may be kept open for
22 the transaction of public business on the days and during the hours
23 specified in subsections 1 and 2 or on such days and during such
24 hours as determined by the board. The provisions of this subsection
25 do not preempt any other statutory provisions which require certain
26 duties to be performed at the county seat.

27 4. *Any county office may deviate from the hours of operation*
28 *required pursuant to this section if the board of county*
29 *commissioners determines that the deviation is necessary because*
30 *of a severe financial emergency, except that no such deviation*
31 *may conflict with the election laws of this State.*

32 5. A county officer who violates the provisions of this section
33 is guilty of a misdemeanor, and if an officer mentioned in
34 subsection 1 absents himself or herself from office, except:

35 (a) When called away from his or her office by official duties;

36 (b) When expressly permitted so to do by the board of county
37 commissioners or a majority of the members thereof in writing; or

38 (c) When he or she makes provision to leave his or her office
39 open for the transaction of public business on the days and during
40 the hours prescribed by this section and in charge of a deputy
41 qualified to act in the county officer's absence,

42 ➔ there must be withheld from the county officer's monthly salary
43 that proportion thereof as the number of days of absence bears to the
44 number of days of the month in which the absence occurs. The
45 money must be withheld from payment of salary to the officer for



1 the next succeeding month by order of the board of county
2 commissioners, but such an order must not be made without first
3 giving the officer affected reasonable notice and an opportunity to
4 appear before the board and defend the charge against him or her.

5 **Sec. 4.** NRS 252.050 is hereby amended to read as follows:

6 252.050 1. In counties where, at the preceding general
7 election, the total votes cast for the office of Representative in the
8 Congress of the United States exceeded 2,500, *except as otherwise*
9 *provided in subsection 5*, district attorneys shall keep an office at
10 the county seat of their county, which must be kept open at least
11 from 9 a.m. to 12 m. and 1 p.m. to 5 p.m. on all days except
12 Saturdays, Sundays and nonjudicial days. Notwithstanding the
13 provisions of this section, the board of county commissioners of any
14 county may, by an order regularly made and entered in the record of
15 its proceedings, extend the days and hours during which the office
16 of the district attorney must be kept open for the transaction of
17 public business. The board of county commissioners may authorize
18 the district attorney to rent, equip and operate, at public expense,
19 one or more branch offices in the county.

20 2. In counties in which the county seat is not the principal
21 center of population, the county commissioners may authorize the
22 district attorney to rent, equip and operate, at public expense, a
23 branch office at the county's principal center of population. ~~[The]~~
24 *Except as otherwise provided in subsection 5, the* branch office
25 must be kept open for the transaction of public business on the days
26 and during the hours specified in subsection 1, but the requirements
27 thereof do not apply to a district attorney when called away from the
28 branch office by official duties.

29 3. ~~[Any]~~ *Except as otherwise provided in subsection 5, any*
30 district attorney violating the provisions of subsection 1 or 2 is
31 guilty of a misdemeanor. If any district attorney is absent from his
32 or her office, except:

33 (a) When called away from his or her office by official duties;

34 (b) When expressly permitted so to do by the board of county
35 commissioners or a majority of the members thereof in writing; or

36 (c) When the district attorney first makes provision to leave his
37 or her office open for the transaction of public business on the days
38 and during the hours prescribed in subsection 1 and in charge of a
39 deputy qualified to act in his or her absence,

40 ➤ there must be withheld from his or her monthly salary that
41 proportion thereof as the number of days of the absence bears to the
42 number of days of the month in which the absence occurs. This
43 amount must be withheld from the salary of the district attorney for
44 the next succeeding month by order of the board of county
45 commissioners , ~~[and]~~ but no order in the premises may be made



1 without first giving the district attorney reasonable notice and an
2 opportunity to appear before the board and defend the charge
3 against him or her.

4 4. Notwithstanding any other provision of ~~[this section,]~~
5 *subsection 1, 2 or 3, except as otherwise provided in subsection 5,*
6 the district attorney in each county having a population of 700 or
7 less, regardless of where the district attorney resides or where he or
8 she keeps his or her office, shall:

9 (a) Attend all meetings, regular or special, of the board of
10 county commissioners.

11 (b) Spend the hours from 9 a.m. to 5 p.m. of not less than 1 day
12 each week at the county seat, and shall make himself or herself
13 available to the county officers during those hours. The district
14 attorney shall select the day of the week for his or her attendance at
15 the county seat and shall thereafter spend that day each week at the
16 county seat.

17 *5. Any office of a district attorney may deviate from the hours*
18 *of operation required pursuant to this section if the board of*
19 *county commissioners determines that the deviation is necessary*
20 *because of a severe financial emergency.*

21 **Sec. 5.** This act becomes effective upon passage and approval.

