

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 county 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 counties; authorizing deviation from the required hours of operation for county offices under certain circumstances; 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 county offices. (NRS 122.061, 245.040, 252.050) **Sections 2-4** of this bill authorize
3 deviation from those required hours for county offices if the board of county
4 commissioners approves the plan for the deviation submitted by the office. The
5 plan must be fiscally neutral or result in cost savings.

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

1 **Section 1.** (Deleted by amendment.)
2 **Sec. 2.** NRS 122.061 is hereby amended to read as follows:
3 122.061 1. In any county whose population is 100,000 or
4 more, *except as otherwise provided in subsection 3*, the main office
5 of the county clerk where marriage licenses may be issued must be
6 open to the public for the purpose of issuing such licenses from
7 8 a.m. to 12 a.m. every day including holidays, and may remain
8 open at other times. The board of county commissioners shall
9 determine the hours during which a branch office of the county clerk
10 where marriage licenses may be issued must remain open to the
11 public.



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

4 *3. Any office where marriage licenses may be issued may*
5 *deviate from the hours of operation required pursuant to this*
6 *section if the board of county commissioners approves the plan for*
7 *the deviation submitted by the office. Such a plan must be fiscally*
8 *neutral or result in cost savings.*

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

10 245.040 1. Sheriffs, county recorders and county auditors,
11 county clerks, county assessors and county treasurers shall keep an
12 office at the county seat of their county which, except as otherwise
13 provided in ~~[subsection 3.]~~ *subsections 3 and 4*, must be kept open
14 on all days except Sundays and nonjudicial days from 9 a.m. to
15 12 m., and on all days except Sundays, nonjudicial days and
16 Saturdays from 1 p.m. to 5 p.m. for the transaction of public
17 business, but nothing contained in this subsection interferes with a
18 duty now required of a public officer under the election laws of this
19 State. County clerks shall keep their offices open on all election
20 days during the hours when the polls are open for voting but may,
21 with the consent of the district judge of the county, close their
22 offices for all purposes except election business and the issuance of
23 marriage licenses on any day on which the primary or general
24 election is held.

25 2. Notwithstanding the provisions of subsection 1, the board of
26 county commissioners of any county may, by an order regularly
27 made and entered in the records of its proceedings, designate the
28 days and hours during which the offices of the sheriff, county
29 recorder and county auditor, county clerk, county assessor and
30 county treasurer must be kept open for the transaction of public
31 business. An order so made and entered must require each office to
32 be kept open for not less than 40 hours during each week, and must
33 not prevent the county clerk from closing his or her office for all
34 purposes except election business and the issuance of marriage
35 licenses on primary and general election days as provided in
36 subsection 1.

37 3. The board of county commissioners may authorize a county
38 officer to rent, equip and operate, at public expense, one or more
39 branch offices in the county. The branch office may be kept open for
40 the transaction of public business on the days and during the hours
41 specified in subsections 1 and 2 or on such days and during such
42 hours as determined by the board. The provisions of this subsection
43 do not preempt any other statutory provisions which require certain
44 duties to be performed at the county seat.



1 4. *Any county office may deviate from the hours of operation*
2 *required pursuant to this section if the board of county*
3 *commissioners approves the plan for the deviation submitted by*
4 *the office, except that no such deviation may conflict with the*
5 *election laws of this State. Such a plan must be fiscally neutral or*
6 *result in cost savings.*

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

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

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

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

17 ↪ there must be withheld from the county officer's monthly salary
18 that proportion thereof as the number of days of absence bears to the
19 number of days of the month in which the absence occurs. The
20 money must be withheld from payment of salary to the officer for
21 the next succeeding month by order of the board of county
22 commissioners, but such an order must not be made without first
23 giving the officer affected reasonable notice and an opportunity to
24 appear before the board and defend the charge against him or her.

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

26 252.050 1. In counties where, at the preceding general
27 election, the total votes cast for the office of Representative in the
28 Congress of the United States exceeded 2,500, *except as otherwise*
29 *provided in subsection 5*, district attorneys shall keep an office at
30 the county seat of their county, which must be kept open at least
31 from 9 a.m. to 12 m. and 1 p.m. to 5 p.m. on all days except
32 Saturdays, Sundays and nonjudicial days. Notwithstanding the
33 provisions of this section, the board of county commissioners of any
34 county may, by an order regularly made and entered in the record of
35 its proceedings, extend the days and hours during which the office
36 of the district attorney must be kept open for the transaction of
37 public business. The board of county commissioners may authorize
38 the district attorney to rent, equip and operate, at public expense,
39 one or more branch offices in the county.

40 2. In counties in which the county seat is not the principal
41 center of population, the county commissioners may authorize the
42 district attorney to rent, equip and operate, at public expense, a
43 branch office at the county's principal center of population. ~~[The]~~
44 *Except as otherwise provided in subsection 5*, the branch office
45 must be kept open for the transaction of public business on the days



1 and during the hours specified in subsection 1, but the requirements
2 thereof do not apply to a district attorney when called away from the
3 branch office by official duties.

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

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

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

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

15 ➔ there must be withheld from his or her monthly salary that
16 proportion thereof as the number of days of the absence bears to the
17 number of days of the month in which the absence occurs. This
18 amount must be withheld from the salary of the district attorney for
19 the next succeeding month by order of the board of county
20 commissioners, ~~[]~~ but no order in the premises may be made
21 without first giving the district attorney reasonable notice and an
22 opportunity to appear before the board and defend the charge
23 against him or her.

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

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

31 (b) Spend the hours from 9 a.m. to 5 p.m. of not less than 1 day
32 each week at the county seat, and shall make himself or herself
33 available to the county officers during those hours. The district
34 attorney shall select the day of the week for his or her attendance at
35 the county seat and shall thereafter spend that day each week at the
36 county seat.

37 *5. Any office of a district attorney may deviate from the hours*
38 *of operation required pursuant to this section if the board of*
39 *county commissioners approves the plan for the deviation*
40 *submitted by the office. Such a plan must be fiscally neutral or*
41 *result in cost savings.*

42 **Sec. 4.5.** On or before April 1, 2011, each board of county
43 commissioners that has granted deviations from hours of operation
44 pursuant to this act shall submit to the Director of the Legislative
45 Counsel Bureau for transmittal to the 76th Session of the Nevada



1 Legislature a report evaluating the deviations granted, which must
2 include, without limitation:

3 1. The number of offices in the county that were granted a
4 deviation; and

5 2. Any cost savings resulting from the deviations.

6 **Sec. 5.** This act becomes effective upon passage and approval
7 and expires by limitation on June 30, 2011.

