

Assembly Bill No. 2—Committee of the Whole

CHAPTER.....

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:

Existing law provides for the establishment of required hours of operation for county offices. (NRS 122.061, 245.040, 252.050) **Sections 2-4** of this bill authorize deviation from those required hours for county offices if the board of county commissioners approves the plan for the deviation submitted by the office. The 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:

Section 1. (Deleted by amendment.)

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

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

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

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

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

245.040 1. Sheriffs, county recorders and county auditors, county clerks, county assessors and county treasurers shall keep an office at the county seat of their county which, except as otherwise provided in ~~subsection 3,~~ *subsections 3 and 4*, must be kept open on all days except Sundays and nonjudicial days from 9 a.m. to 12 m., and on all days except Sundays, nonjudicial days and Saturdays from 1 p.m. to 5 p.m. for the transaction of public



business, but nothing contained in this subsection interferes with a duty now required of a public officer under the election laws of this State. County clerks shall keep their offices open on all election days during the hours when the polls are open for voting but may, with the consent of the district judge of the county, close their offices for all purposes except election business and the issuance of marriage licenses on any day on which the primary or general election is held.

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

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

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

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

- (a) When called away from his or her office by official duties;
- (b) When expressly permitted so to do by the board of county commissioners or a majority of the members thereof in writing; or
- (c) When he or she makes provision to leave his or her office open for the transaction of public business on the days and during



the hours prescribed by this section and in charge of a deputy qualified to act in the county officer's absence,

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

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

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

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

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

- (a) When called away from his or her office by official duties;
- (b) When expressly permitted so to do by the board of county commissioners or a majority of the members thereof in writing; or
- (c) When the district attorney first makes provision to leave his or her office open for the transaction of public business on the days



and during the hours prescribed in subsection 1 and in charge of a deputy qualified to act in his or her absence,

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

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

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

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

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

Sec. 4.5. On or before April 1, 2011, each board of county commissioners that has granted deviations from hours of operation pursuant to this act shall submit to the Director of the Legislative Counsel Bureau for transmittal to the 76th Session of the Nevada Legislature a report evaluating the deviations granted, which must include, without limitation:

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

2. Any cost savings resulting from the deviations.

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

