

Conceptual Amendment to AB 133R1
Proposed by Assemblymember Gurr
April 28, 2025

Explanation of amendment: Certain boards of county commissioners have approved county offices to be open only 4 business days per week rather than Monday-Friday. This amendment revises the language of Section 1 of the bill (NRS 245.040(5)) to provide that the county treasurer can't close earlier than 5 p.m. on any business day to account for a situation where the office of the county treasurer is only open 4 business days per week.

Section 1. 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 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~~ *Except as otherwise provided in subsection 5 and 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. *The board of county commissioners of any county shall not designate or approve the county office or branch offices, if any, of the county treasurer to close earlier than 5 p.m. for the transaction of business on ~~all days except Saturdays, Sundays and nonjudicial days~~ any business day. Nothing in this subsection shall be construed to prohibit the offices from closing later than 5 p.m.*

6. 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.