
ASSEMBLY BILL NO. 152—COMMITTEE ON
GOVERNMENT AFFAIRS

(ON BEHALF OF LANDER COUNTY)

FEBRUARY 18, 2003

Referred to Committee on Government Affairs

SUMMARY—Authorizes certain counties to adopt ordinance providing, under certain circumstances, for interchangeable filling of certain county offices by way of ex officio service of certain other county officers. (BDR 23-396)

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 county government; authorizing the boards of county commissioners of certain counties to adopt an ordinance providing, under certain circumstances, for the interchangeable filling of certain county offices by way of the ex officio service of certain other county officers; and providing other matters properly relating thereto.

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

- 1 **Section 1.** NRS 281.010 is hereby amended to read as follows:
2 281.010 1. ~~The~~ *Except as otherwise provided in subsection*
3 *3 or where otherwise provided by law, the* following officers must
4 be elected:
5 (a) A Governor.
6 (b) A Lieutenant Governor.
7 (c) Two United States Senators.
8 (d) The number of members of the House of Representatives of
9 the United States to which this state may be entitled.



* A B 1 5 2 *

- 1 (e) The number of presidential electors to which this state may
- 2 be entitled.
- 3 (f) Justices of the Supreme Court.
- 4 (g) District judges.
- 5 (h) Senators and members of the Assembly.
- 6 (i) A Secretary of State.
- 7 (j) A State Treasurer.
- 8 (k) A State Controller.
- 9 (l) An Attorney General.
- 10 (m) Other officers whose elections are provided for by law.
- 11 (n) For each county, and the equivalent officers for Carson City:
- 12 (1) One county clerk, who is ex officio clerk of the board of
- 13 county commissioners and clerk of the district court of his county.
- 14 (2) One sheriff.
- 15 (3) One district attorney.
- 16 (4) One public administrator . [~~except where otherwise~~
- 17 ~~provided by law.~~]
- 18 (5) One county assessor . [~~except where otherwise provided~~
- 19 ~~by law.~~]
- 20 (6) One county treasurer . [~~except where otherwise provided~~
- 21 ~~by law.~~]
- 22 (7) The number of county commissioners as provided by
- 23 law.
- 24 (8) One county recorder, who is ex officio county auditor of
- 25 his county if a county comptroller has not been appointed in his
- 26 county.
- 27 (9) Justices of the peace.
- 28 (10) Constables . [~~except where otherwise provided by~~
- 29 ~~law.~~]
- 30 2. All officers who are not elected must be appointed.
- 31 3. *Except as otherwise provided in subsections 4 and 5, the*
- 32 *board of county commissioners of a county whose population is*
- 33 *less than 100,000 may, by ordinance, provide that any of the*
- 34 *county officers described in subparagraphs (1) to (6), inclusive, (8)*
- 35 *and (10) of paragraph (n) of subsection 1 shall serve ex officio as*
- 36 *another county officer described in those subparagraphs.*
- 37 4. *A board of county commissioners shall not provide for a*
- 38 *county officer to serve ex officio in another county office pursuant*
- 39 *to subsection 3 unless the county officer is qualified to perform the*
- 40 *duties of that other office.*
- 41 5. *An ordinance adopted pursuant to subsection 3 must not*
- 42 *take effect until the earlier of:*
- 43 (a) *The expiration of the current term of the person serving in*
- 44 *the county office that is to be filled ex officio by another county*
- 45 *officer; or*



1 (b) *A vacancy occurring in the county office that is to be filled*
2 *ex officio by another county officer.*

3 **Sec. 2.** NRS 246.010 is hereby amended to read as follows:
4 246.010 ~~{1. County clerks shall be elected}~~ *Except as*
5 *otherwise provided in subsection 3 of NRS 281.010, county clerks*
6 *must be:*

7 1. *Elected* by the qualified electors of their respective counties.
8 2. ~~{County clerks shall be chosen}~~ *Chosen* by the electors of
9 their respective counties at the general election in 1922, and at the
10 general election every 4 years thereafter, and shall enter upon the
11 duties of their respective offices on the ~~{1st}~~ *first* Monday of
12 January subsequent to their election.

13 **Sec. 3.** NRS 247.010 is hereby amended to read as follows:
14 247.010 1. Except as otherwise provided in subsection ~~{3.}~~ *2*
15 *of this section and subsection 3 of NRS 281.010, county recorders*
16 *must be ~~{elected}~~:*

17 (a) *Elected* by the qualified electors of their respective counties.
18 ~~{2. County recorders must be chosen}~~

19 (b) *Chosen* by the electors of their respective counties at the
20 general election in 1922, and at the general election every 4 years
21 thereafter, and shall enter upon the duties of their respective offices
22 on the ~~{1st}~~ *first* Monday of January subsequent to their election.

23 ~~{3. The}~~
24 2. *Except as otherwise provided in an ordinance adopted*
25 *pursuant to subsection 3 of NRS 281.010, the Clerk of Carson City*
26 *is ex officio the Recorder of Carson City.*

27 **Sec. 4.** NRS 248.010 is hereby amended to read as follows:
28 248.010 ~~{1. Sheriffs shall be elected}~~ *Except as otherwise*
29 *provided in an ordinance adopted pursuant to subsection 3 of NRS*
30 *281.010, sheriffs must be:*

31 1. *Elected* by the qualified electors of their respective counties.

32 2. ~~{Sheriffs shall be chosen}~~ *Chosen* by the electors of their
33 respective counties at the general election in 1922, and at the
34 general election every 4 years thereafter, and shall enter upon the
35 duties of their respective offices on the ~~{1st}~~ *first* Monday of
36 January subsequent to their election.

37 **Sec. 5.** NRS 249.010 is hereby amended to read as follows:
38 249.010 1. Except as *otherwise* provided in subsection ~~{3.}~~ *2*
39 *of this section or in an ordinance adopted pursuant to subsection 3*
40 *of NRS 281.010, county treasurers must be ~~{elected}~~:*

41 (a) *Elected* by the qualified electors of their respective counties.

42 ~~{2. County treasurers must be chosen}~~

43 (b) *Chosen* by the electors of their respective counties at the
44 general election in 1922, and at the general election every 4 years



1 thereafter, and shall enter upon the duties of their respective offices
2 on the ~~[1st]~~ *first* Monday of January subsequent to their election.

3 ~~[3.—The]~~
4 *2. Except as otherwise provided in an ordinance adopted*
5 *pursuant to subsection 3 of NRS 281.010, the* county clerks of
6 Churchill, Douglas, Esmeralda, Eureka, Lyon, Mineral, Pershing
7 and Storey Counties are ex officio county treasurers of their
8 respective counties.

9 **Sec. 6.** NRS 250.010 is hereby amended to read as follows:
10 250.010 ~~[1.—County assessors shall be elected]~~ *Except as*
11 *otherwise provided in an ordinance adopted pursuant to*
12 *subsection 3 of NRS 281.010, county assessors must be:*

13 *1. Elected* by the qualified electors of their counties.
14 *2. ~~[County assessors shall be chosen]~~ Chosen* by the electors of
15 their respective counties at the general election in 1922, and at the
16 general election every 4 years thereafter, and shall enter upon the
17 duties of their offices on the ~~[1st]~~ *first* Monday of January
18 subsequent to their election.

19 **Sec. 7.** NRS 252.020 is hereby amended to read as follows:
20 252.020 ~~[1.—District attorneys shall be elected]~~ *Except as*
21 *otherwise provided in an ordinance adopted pursuant to*
22 *subsection 3 of NRS 281.010, district attorneys must be:*

23 *1. Elected* by the qualified electors of their respective counties.
24 *2. ~~[District attorneys shall be chosen]~~ Chosen* by the electors
25 of their respective counties at the general election in 1922, and at the
26 general election every 4 years thereafter, and shall enter upon the
27 duties of their offices on the ~~[1st]~~ *first* Monday of January
28 subsequent to their election.

29 **Sec. 8.** NRS 253.010 is hereby amended to read as follows:
30 253.010 *1. Except as otherwise provided in subsection ~~[3.] 2~~*
31 *of this section or in an ordinance adopted pursuant to subsection 3*
32 *of NRS 281.010, public administrators must be ~~[elected]~~ :*

33 *(a) Elected* by the qualified electors of their respective counties.
34 ~~[2.—Public administrators must be chosen]~~
35 *(b) Chosen* by the electors of their respective counties at the
36 general election in 1922 , and at the general election every 4 years
37 thereafter, and shall enter upon the duties of their office on the ~~[1st]~~
38 *first* Monday of January subsequent to their election.

39 ~~[3.] 2. Except as otherwise provided in an ordinance adopted~~
40 ~~pursuant to subsection 3 of NRS 281.010:~~

41 *(a)* The district attorneys of Lander, Lincoln and White Pine
42 Counties are ex officio public administrators of Lander County,
43 Lincoln County and White Pine County, respectively.

44 *(b)* The Clerk of Carson City shall serve as Public Administrator
45 of Carson City.



1 **Sec. 9.** NRS 258.010 is hereby amended to read as follows:
2 258.010 1. Except as otherwise provided in subsections 2 and
3 3 ~~2~~ *of this section or subsection 3 of NRS 281.010:*
4 (a) Constables must be elected by the qualified electors of their
5 respective townships.
6 (b) The constables of the several townships of the State must be
7 chosen at the general election of 1966, and shall enter upon the
8 duties of their offices on the first Monday of January next
9 succeeding their election, and hold their offices for the term of 4
10 years thereafter, until their successors are elected and qualified.
11 (c) Constables must receive certificates of election from the
12 boards of county commissioners of their respective counties.
13 2. In a county which includes only one township, the board of
14 county commissioners may, by resolution, appoint the sheriff ex
15 officio constable to serve without additional compensation. The
16 resolution must not become effective until the completion of the
17 term of office for which a constable may have been elected.
18 3. In a county whose population:
19 (a) Is less than 400,000, if the board of county commissioners
20 determines that the office of constable is not necessary in one or
21 more townships within the county, it may, by ordinance, abolish the
22 office of constable in those townships.
23 (b) Is 400,000 or more, if the board of county commissioners
24 determines that the office of constable is not necessary in one or
25 more townships within the county, it may, by ordinance, abolish the
26 office in those townships, but the abolition does not become
27 effective as to a particular township until the constable incumbent
28 on May 28, 1979, does not seek, or is defeated for, reelection.
29 For a township in which the office of constable has been abolished,
30 the board of county commissioners may, by resolution, appoint the
31 sheriff ex officio constable to serve without additional
32 compensation.
33 **Sec. 10.** This act becomes effective on July 1, 2003.

