
ASSEMBLY BILL NO. 477—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE NEVADA ASSOCIATION OF COUNTIES)

MARCH 28, 2005

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to authority of deputies appointed by certain public officers. (BDR 20-584)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State: Yes.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to public officers; revising provisions relating to the authority of deputies appointed by certain public 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 246.030 is hereby amended to read as follows:
2 246.030 1. All county clerks ~~[are authorized to]~~ *may* appoint
3 deputies . ~~[, who are authorized to transact all official business~~
4 ~~appertaining to the office to the same extent as their principals.]~~ A
5 deputy must be at least 18 years of age.
6 2. County clerks are responsible on their official bonds for all
7 official malfeasance or nonfeasance of their deputies. Bonds for the
8 faithful performance of their official duties may be required of
9 deputies by county clerks.
10 3. All appointments of deputies under the provisions of this
11 section must be in writing ~~[,]~~ and must, together with the oath of
12 office of the deputies, be recorded in the office of the recorder of the
13 county within which the principal legally holds and exercises his
14 office. Revocations of such appointments must be recorded in the
15 same manner. From the time of the recording of the appointments or



1 revocations, persons shall be deemed to have notice of the
2 appointment or revocation.

3 **Sec. 2.** NRS 247.040 is hereby amended to read as follows:

4 247.040 1. All county recorders ~~[are authorized to]~~ *may*
5 appoint deputies . ~~[, who are authorized to transact all official~~
6 ~~business appertaining to the office to the same extent as their~~
7 ~~principals.]~~ A deputy must be at least 18 years of age.

8 2. County recorders are responsible on their official bonds for
9 all official malfeasance or nonfeasance of their deputies. Bonds for
10 the faithful performance of their official duties may be required of
11 deputies by county recorders.

12 3. All appointments of deputies under the provisions of this
13 section must be in writing ~~[.]~~ and must, together with the oath of
14 office of the deputies, be recorded in the office of the recorder of the
15 county within which the county recorder legally holds office.
16 Revocations of such appointments must be recorded in the same
17 manner. From the time of the recording of the appointments or
18 revocations, persons shall be deemed to have notice of the
19 appointment or revocation.

20 **Sec. 3.** NRS 248.040 is hereby amended to read as follows:

21 248.040 1. Except as provided in NRS 248.045, each sheriff
22 may:

23 (a) Appoint, in writing signed by him, one or more deputies . ~~[.]~~
24 ~~who may perform all the duties devolving on the sheriff of the~~
25 ~~county.]~~

26 (b) Except as otherwise provided in this paragraph, only remove
27 a deputy who has completed a probationary period of 12 months for
28 cause. A deputy who functions as the head of a department or an
29 administrative employee or who has not completed the probationary
30 period may be removed at the sheriff's pleasure.

31 2. No deputy sheriff is qualified to act as such unless he has
32 taken an oath to discharge the duties of the office faithfully and
33 impartially. The oath must be certified on the back of his
34 appointment and filed in the office of the county auditor.

35 3. The sheriff may require of his deputies such bonds as to him
36 seem proper.

37 **Sec. 4.** NRS 249.060 is hereby amended to read as follows:

38 249.060 1. County treasurers may appoint one or more
39 deputies ~~[.]~~ and may take from them bond with sureties. A deputy
40 must be at least 18 years of age. Every county treasurer and his
41 sureties are liable for every official act of his deputies.

42 2. ~~[Any county treasurer may authorize his deputy or deputies~~
43 ~~to transact any official business pertaining to the office of county~~
44 ~~treasurer in the same manner as the county treasurer.]~~



1 ~~—3.]~~ All appointments of deputies under the provisions of this
2 section must be in writing [;] and must, together with the oath of
3 office of the deputies, be recorded in the office of the recorder of the
4 county within which the county treasurer legally holds and exercises
5 his office. Revocations of such appointments must also be recorded
6 as provided in this section. From the time of the recording of the
7 appointments or revocations therein, persons shall be deemed to
8 have notice of the appointments or revocations.

9 **Sec. 5.** NRS 250.060 is hereby amended to read as follows:

10 250.060 1. All county assessors ~~[are authorized to]~~ *may*
11 appoint deputies . ~~[, who are authorized to transact all official~~
12 ~~business relating to the offices to the same extent as the county~~
13 ~~assessors.]~~ A deputy must be at least 18 years of age.

14 2. County assessors are responsible on their official bonds for
15 all official malfeasance or nonfeasance of their deputies. Bonds for
16 the faithful performance of their official duties may be required of
17 deputies by county assessors.

18 3. All appointments of deputies under the provisions of this
19 section must be in writing [;] and must, together with the oath of
20 office of the deputies, be recorded in the office of the recorder of the
21 county within which the county assessor legally holds and exercises
22 his office. Revocations of such appointments must also be recorded
23 as provided in this section. From the time of the recording of the
24 appointments or revocations therein, persons shall be deemed to
25 have notice of the appointments or revocations.

26 **Sec. 6.** NRS 252.070 is hereby amended to read as follows:

27 252.070 1. All district attorneys ~~[are authorized to]~~ *may*
28 appoint deputies . ~~[, who may transact all official business relating~~
29 ~~to the offices to the same extent as their principals.]~~

30 2. District attorneys are responsible on their official bonds for
31 all official malfeasance or nonfeasance of the deputies. Bonds for
32 the faithful performance of their official duties may be required of
33 deputies by district attorneys.

34 3. All appointments of deputies under the provisions of this
35 section must be in writing [;] and must, together with the oath of
36 office of the deputies, be recorded in the office of the recorder of the
37 county within which the district attorney legally holds and exercises
38 his office. Revocations of those appointments must also be recorded
39 as provided in this section. From the time of the recording of the
40 appointments or revocations therein, persons shall be deemed to
41 have notice of the appointments or revocations.

42 4. Deputy district attorneys of counties whose population is
43 less than 100,000 may engage in the private practice of law. In any
44 other county, except as otherwise provided in NRS 7.065 and this
45 subsection, deputy district attorneys shall not engage in the private



1 practice of law. An attorney appointed to prosecute a person for a
2 limited duration with limited jurisdiction may engage in private
3 practice which does not present a conflict with his appointment.

4 5. Any district attorney may, subject to the approval of the
5 board of county commissioners, appoint such clerical,
6 investigational and operational staff as the execution of duties and
7 the operation of his office may require. The compensation of any
8 person so appointed must be fixed by the board of county
9 commissioners.

10 6. In a county whose population is 400,000 or more, deputies
11 are governed by the merit personnel system of the county.

12 **Sec. 7.** NRS 253.025 is hereby amended to read as follows:

13 253.025 1. A public administrator may appoint *deputies*. ~~As~~
14 ~~many deputies as he deems necessary to perform fully the duties of~~
15 ~~his office. A deputy so appointed may perform all duties required of~~
16 ~~the public administrator and has the corresponding powers and~~
17 ~~responsibilities.]~~ Before entering upon the discharge of his duties
18 each deputy must take and subscribe to the constitutional oath of
19 office.

20 2. Each appointment must be in writing and recorded with the
21 oath of office of that deputy in the office of the county recorder.
22 Any revocation or resignation of an appointment must be recorded
23 in the office of the county recorder.

24 3. The public administrator is responsible on his official bond
25 for any official malfeasance or nonfeasance of his deputies and may
26 require a bond for the faithful performance of the official duties of
27 his deputies.

28 **Sec. 8.** NRS 253.175 is hereby amended to read as follows:

29 253.175 1. A public guardian may appoint deputies . ~~to~~
30 ~~perform the duties of his office. A deputy so appointed may transact~~
31 ~~all official business relating to the office of the public guardian to~~
32 ~~the same extent as the public guardian, except that the deputy is not~~
33 ~~authorized to establish or change the policies of the office or to~~
34 ~~employ or terminate the employment of subordinates in the office.]~~
35 Before entering upon the discharge of his duties, each deputy must
36 take and subscribe to the constitutional oath of office.

37 2. Each appointment must be in writing and recorded, with the
38 oath of office of that deputy, in the office of the county recorder.
39 Any revocation or resignation of an appointment must be recorded
40 in the office of the county recorder.

41 3. The public guardian is responsible on his official bond for
42 any official malfeasance or nonfeasance of his deputies and may
43 require a bond for the faithful performance of the official duties of
44 his deputies.



1 4. The compensation of a deputy public guardian must be fixed
2 by the board of county commissioners and paid out of the county
3 general fund.

4 **Sec. 9.** NRS 258.060 is hereby amended to read as follows:

5 258.060 1. All constables ~~{are authorized to}~~ *may* appoint
6 deputies . ~~{, who shall have power to transact all official business~~
7 ~~appertaining to the offices to the same extent as their principals, but~~
8 ~~no person shall}~~ *A person must not* be appointed a deputy constable
9 unless ~~{such person shall have}~~ *he has* been a resident of the State of
10 Nevada for at least 6 months ~~{prior to}~~ *before* the date of ~~{such}~~ *the*
11 appointment.

12 2. Constables ~~{shall be}~~ *are* responsible for the compensation
13 of their deputies ~~{, and shall be}~~ *and are* responsible on their official
14 bonds for all official malfeasance or nonfeasance of the same.
15 Bonds for the faithful performance of their official duties may be
16 required of the deputies by the constables.

17 3. All appointments of deputies under the provisions of this
18 section ~~{shall}~~ *must* be in writing ~~{, and shall,}~~ *and must*, together
19 with the oath of office of the deputies, be filed and recorded in a
20 book provided for that purpose in the office of the recorder of the
21 county within which the constable legally holds and exercises his
22 office. Revocations of such appointments ~~{shall}~~ *must* also be filed
23 and recorded as provided in this section. From the time of the filing
24 of the appointments or revocations therein, persons shall be deemed
25 to have notice of the same.

26 **Sec. 10.** NRS 259.040 is hereby amended to read as follows:

27 259.040 1. All coroners may appoint *deputies*. ~~{a deputy or~~
28 ~~deputies, who may transact such official business pertaining to the~~
29 ~~offices as their principals direct.}~~ Coroners are responsible for the
30 compensation of the *deputies* ~~{deputy or deputies,}~~ and are
31 responsible on their official bonds for all official malfeasance or
32 nonfeasance of the ~~{deputy or}~~ deputies.

33 2. All appointments of deputies must be made in writing and
34 must, with the oath of office, be filed in the office of the recorder of
35 the county within which the principal holds and exercises his office.

36 **Sec. 11.** This act becomes effective upon passage and
37 approval.



