

## Amendment No. 750

Senate Amendment to Assembly Bill No. 545 First Reprint

(BDR 20-548)

**Proposed by:** Senate Committee on Government Affairs**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: No

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____
Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____
Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

## SHORT FORM AMENDMENT

Sections 42, 43, 46, 47 and 75.5 of this act are the only sections affected by this amendment.

LJM/BJE



Date: 5/24/2011

A.B. No. 545—Makes changes to the population basis for the exercise of certain powers by local governments. (BDR 20-548)



---

**Section 42 of Assembly Bill No. 545 is hereby amended as follows:**

---

1     **Sec. 42.** NRS 248.100 is hereby amended to read as follows:

2     248.100 1. The sheriff shall:

3     (a) Except in a county whose population is ~~[400,000]~~ ~~[100,000]~~ 700,000 or more, attend in  
4 person, or by deputy, all sessions of the district court in his or her county.

5     (b) Obey all the lawful orders and directions of the district court in his or her county.

6     (c) Except as otherwise provided in subsection 2, execute the process, writs or warrants of  
7 courts of justice, judicial officers and coroners, when delivered to the sheriff for that purpose.

8     2. The sheriff may authorize the constable of the appropriate township to receive and  
9 execute the process, writs or warrants of courts of justice, judicial officers and coroners.

---

**Section 43 of Assembly Bill No. 545 is hereby amended as follows:**

---

10     **Sec. 43.** NRS 252.070 is hereby amended to read as follows:

11     252.070 1. All district attorneys may appoint deputies, who are authorized to transact all  
12 official business relating to those duties of the office set forth in NRS 252.080 and 252.090 to the  
13 same extent as their principals and perform such other duties as the district attorney may from  
14 time to time direct. The appointment of a deputy district attorney must not be construed to confer  
15 upon that deputy policymaking authority for the office of the district attorney or the county by  
16 which the deputy district attorney is employed.

17     2. District attorneys are responsible on their official bonds for all official malfeasance or  
18 nonfeasance of the deputies. Bonds for the faithful performance of their official duties may be  
19 required of deputies by district attorneys.

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

26     4. Deputy district attorneys of counties whose population is less than 100,000 may engage  
27 in the private practice of law. In any other county, except as otherwise provided in NRS 7.065  
28 and this subsection, deputy district attorneys shall not engage in the private practice of law. An  
29 attorney appointed to prosecute a person for a limited duration with limited jurisdiction may  
30 engage in private practice which does not present a conflict with his or her appointment.

31     5. Any district attorney may, subject to the approval of the board of county commissioners,  
32 appoint such clerical, investigational and operational staff as the execution of duties and the  
33 operation of his or her office may require. The compensation of any person so appointed must be  
34 fixed by the board of county commissioners.

35     6. In a county whose population is ~~[400,000]~~ ~~[100,000]~~ 700,000 or more, deputies are  
36 governed by the merit personnel system of the county.

---

**Section 46 of Assembly Bill No. 545 is hereby amended as follows:**

---

1       **Sec. 46.** NRS 260.040 is hereby amended to read as follows:

2       260.040 1. The compensation of the public defender must be fixed by the board of county  
3 commissioners. The public defender of any two or more counties must be compensated and be  
4 permitted private civil practice of the law as determined by the boards of county commissioners  
5 of those counties, subject to the provisions of subsection 4 of this section and NRS 7.065.

6       2. The public defender may appoint as many deputies or assistant attorneys, clerks,  
7 investigators, stenographers and other employees as the public defender considers necessary to  
8 enable him or her to carry out his or her responsibilities, with the approval of the board of county  
9 commissioners. An assistant attorney must be a qualified attorney licensed to practice in this  
10 State and may be placed on a part-time or full-time basis. The appointment of a deputy, assistant  
11 attorney or other employee pursuant to this subsection must not be construed to confer upon that  
12 deputy, assistant attorney or other employee policymaking authority for the office of the public  
13 defender or the county or counties by which the deputy, assistant attorney or other employee is  
14 employed.

15       3. The compensation of persons appointed under subsection 2 must be fixed by the board of  
16 county commissioners of the county or counties so served.

17       4. The public defender and his or her deputies and assistant attorneys in a county whose  
18 population is less than 100,000 may engage in the private practice of law. Except as otherwise  
19 provided in this subsection, in any other county, the public defender and his or her deputies and  
20 assistant attorneys shall not engage in the private practice of law except as otherwise provided in  
21 NRS 7.065. An attorney appointed to defend a person for a limited duration with limited  
22 jurisdiction may engage in private practice which does not present a conflict with his or her  
23 appointment.

24       5. The board of county commissioners shall provide office space, furniture, equipment and  
25 supplies for the use of the public defender suitable for the conduct of the business of his or her  
26 office. However, the board of county commissioners may provide for an allowance in place of  
27 facilities. Each of those items is a charge against the county in which public defender services  
28 are rendered. If the public defender serves more than one county, expenses that are properly  
29 allocable to the business of more than one of those counties must be prorated among the counties  
30 concerned.

31       6. In a county whose population is ~~[400,000]~~ ~~[100,000]~~ 700,000 or more, deputies are  
32 governed by the merit personnel system of the county.

---

**Section 47 of Assembly Bill No. 545 is hereby amended as follows:**

---

33       **Sec. 47.** NRS 3.310 is hereby amended to read as follows:

34       3.310 1. Except as otherwise provided in this subsection, the judge of each district court  
35 may appoint a bailiff for the court in counties polling 4,500 or more votes. In counties polling  
36 less than 4,500 votes, the judge may appoint a bailiff with the concurrence of the sheriff. Subject  
37 to the provisions of subsections 2, 4 and 10, in a county whose population is ~~[400,000]~~ ~~[100,000]~~  
38 700,000 or more, the judge of each district court may appoint a deputy marshal for the court  
39 instead of a bailiff. In each case, the bailiff or deputy marshal serves at the pleasure of the judge  
40 he or she serves.

41       2. In all judicial districts where there is more than one judge, there may be a number of  
42 bailiffs or deputy marshals at least equal to the number of judges, and in any judicial district

1 where a circuit judge has presided for more than 50 percent of the regular judicial days of the  
2 prior calendar year, there may be one additional bailiff or deputy marshal, each bailiff or deputy  
3 marshal to be appointed by the joint action of the judges. If the judges cannot agree upon the  
4 appointment of any bailiff or deputy marshal within 30 days after a vacancy occurs in the office  
5 of bailiff or deputy marshal, then the appointment must be made by a majority of the board of  
6 county commissioners.

7 3. Each bailiff or deputy marshal shall:

8 (a) Preserve order in the court.

9 (b) Attend upon the jury.

10 (c) Open and close court.

11 (d) Perform such other duties as may be required of him or her by the judge of the court.

12 4. The bailiff or deputy marshal must be a qualified elector of the county and shall give a  
13 bond, to be approved by the district judge, in the sum of \$2,000, conditioned for the faithful  
14 performance of his or her duty.

15 5. The compensation of each bailiff or deputy marshal for his or her services must be fixed  
16 by the board of county commissioners of the county and his or her salary paid by the county  
17 wherein he or she is appointed, the same as the salaries of other county officers are paid.

18 6. The board of county commissioners of the respective counties shall allow the salary  
19 stated in subsection 5 as other salaries are allowed to county officers, and the county auditor  
20 shall draw his or her warrant for it, and the county treasurer shall pay it.

21 7. The provisions of this section do not:

22 (a) Authorize the bailiff or deputy marshal to serve any civil or criminal process, except such  
23 orders of the court which are specially directed by the court or the presiding judge thereof to him  
24 or her for service.

25 (b) Except in a county whose population is ~~400,000~~ ~~100,000~~ 700,000 or more, relieve the  
26 sheriff of any duty required of him or her by law to maintain order in the courtroom.

27 8. If a deputy marshal is appointed for a court pursuant to subsection 1, each session of the  
28 court must be attended by the deputy marshal.

29 9. For good cause shown, a deputy marshal appointed for a court pursuant to subsection 1  
30 may be assigned temporarily to assist other judicial departments or assist with court  
31 administration as needed.

32 10. A person appointed to be a deputy marshal for a court pursuant to subsection 1 must be  
33 certified by the Peace Officers' Standards and Training Commission as a category I peace officer  
34 not later than 18 months after appointment.

---

**Section 75.5 of Assembly Bill No. 545 is hereby amended as follows:**

---

35 Sec. 75.5. Chapter 218D of NRS is hereby amended by adding thereto a new section to  
36 read as follows:

37 1. Before changing a classification in a statute based upon population as defined in NRS  
38 0.050, the Legislature shall review the classification, consider the suggestions of all interested  
39 persons in the State relating to whether the classification should remain unchanged or be  
40 amended, and find that the classification should be amended to a different level. The  
41 determination that a classification should be amended must not solely be based upon changes  
42 in the population of local governments in this State.

43 2. In determining whether a classification should be amended, the Legislature shall  
44 consider:

1 (a) The appropriateness of the statute to local governments or other entities of a particular  
2 population classification;  
3 (b) Any changes in conditions that are applicable to the affected entities;  
4 (c) Changes in state or federal law other than the law being amended; and  
5 (d) The testimony of representatives of local governments and other persons indicating a  
6 need for and desire to apply the statute to the local government or to exclude the local  
7 government from the applicability of the statute.