

ASSEMBLY BILL NO. 293—ASSEMBLYMAN
OSCARSON (BY REQUEST)

MARCH 13, 2015

JOINT SPONSOR: SENATOR GOICOECHEA

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to public administrators.
(BDR 20-168)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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 public administrators; setting forth certain qualifications for deputy public administrators; requiring a public administrator to obtain permission from the board of county commissioners before transporting certain property outside of the county; requiring a public administrator to submit an independent audit report on an annual basis to the board of county commissioners; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 Existing law requires a public administrator to meet certain qualifications for
- 2 office. (NRS 253.010) Existing law also authorizes a public administrator to
- 3 appoint as many deputy public administrators as he or she deems necessary and
- 4 authorizes a deputy public administrator to perform all duties required of the public
- 5 administrator. (NRS 253.025) **Section 1** of this bill requires a deputy public
- 6 administrator, like a public administrator, to: (1) be a qualified elector of the
- 7 county; (2) be 21 years of age or older; (3) not have been convicted of a felony for
- 8 which his or her civil rights have not been restored by a court of competent
- 9 jurisdiction; and (4) not have been found liable in a civil action involving fraud,
- 10 misrepresentation, material omission, misappropriation, theft or conversion.
- 11 Existing law sets forth the duties of a public administrator in administering the
- 12 estate of an intestate decedent. (NRS 253.0415) **Section 2** of this bill requires a
- 13 public administrator that has been made an administrator of the estate of an
- 14 intestate decedent to obtain permission from the board of county commissioners of
- 15 the county of residence of the decedent before taking any property belonging to the
- 16 decedent out of the county.



17 Existing law authorizes a board of county commissioners to investigate any
18 complaint received by the board against the public administrator. (NRS 253.091)
19 **Section 3** of this bill authorizes the board to take any appropriate action that it
20 deems is necessary to resolve such a complaint. **Section 3** also requires a public
21 administrator to submit an independent audit report to the board on an annual basis,
22 which covers the records and office of the public administrator.

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

1 **Section 1.** NRS 253.025 is hereby amended to read as follows:
2 253.025 1. A public administrator may appoint as many
3 deputies as the public administrator deems necessary to perform
4 fully the duties of his or her office. A deputy so appointed may
5 perform all duties required of the public administrator and has the
6 corresponding powers and responsibilities. Before entering upon the
7 discharge of his or her duties each deputy must take and subscribe to
8 the constitutional oath of office. The appointment of a deputy must
9 not be construed to confer upon that deputy policymaking authority
10 for the office of the county public administrator or the county by
11 which the deputy is employed.

12 2. Each appointment must be in writing and recorded with the
13 oath of office of that deputy in the office of the county recorder.
14 Any revocation or resignation of an appointment must be recorded
15 in the office of the county recorder.

16 3. The public administrator is responsible on his or her official
17 bond for any official malfeasance or nonfeasance of his or her
18 deputies and may require a bond for the faithful performance of the
19 official duties of his or her deputies.

20 4. *Every deputy appointed pursuant to this section must:*
21 *(a) Be a qualified elector of the county;*
22 *(b) Be at least 21 years of age;*
23 *(c) Not have been convicted of a felony for which his or her*
24 *civil rights have not been restored by a court of competent*
25 *jurisdiction; and*
26 *(d) Not have been found liable in a civil action involving a*
27 *finding of fraud, misrepresentation, material omission,*
28 *misappropriation, theft or conversion.*

29 **Sec. 2.** NRS 253.0415 is hereby amended to read as follows:
30 253.0415 1. The public administrator shall:

31 (a) Investigate:
32 (1) The financial status of any decedent for whom he or she
33 has been requested to serve as administrator to determine the assets
34 and liabilities of the estate.



1 (2) Whether there is any qualified person who is willing and
2 able to serve as administrator of the estate of an intestate decedent to
3 determine whether he or she is eligible to serve in that capacity.

4 (3) Whether there are beneficiaries named on any asset of the
5 estate or whether any deed upon death executed pursuant to NRS
6 111.655 to 111.699, inclusive, is on file with the county recorder.

7 (b) Except as otherwise provided in NRS 253.0403 and
8 253.0425, petition the court for letters of administration of the estate
9 of an intestate decedent if, after investigation, the public
10 administrator finds that there is no other qualified person having a
11 prior right who is willing and able to serve.

12 (c) Upon court order, act as administrator of the estate of an
13 intestate decedent, regardless of the amount of assets in the estate of
14 the decedent if no other qualified person is willing and able to serve.

15 2. The public administrator shall not administer any estate:

16 (a) Held in joint tenancy unless all joint tenants are deceased; or

17 (b) For which a deed upon death has been executed pursuant to
18 NRS 111.655 to 111.699, inclusive.

19 3. *A public administrator that has been made the*
20 *administrator of the estate of an intestate decedent shall not*
21 *transport any property of the decedent outside of the county of*
22 *residence of the decedent without first obtaining permission from*
23 *the board of county commissioners.*

24 4. As used in this section, "intestate decedent" means a person
25 who has died without leaving a valid will, trust or other estate plan.

26 **Sec. 3.** NRS 253.091 is hereby amended to read as follows:

27 253.091 1. The board of county commissioners shall:

28 (a) Establish regulations for the form of any reports made by the
29 public administrator.

30 (b) Review reports submitted to the board by the public
31 administrator.

32 (c) Investigate any complaint received by the board against the
33 public administrator ~~H~~ *and take any appropriate action it deems*
34 *necessary to resolve the complaint.*

35 2. The board of county commissioners may at any time
36 investigate any estate for which the public administrator is serving
37 as administrator.

38 3. *On or before March 1 of each year, the public*
39 *administrator shall submit to the board of county commissioners*
40 *an independent audit report prepared by a certified public*
41 *accountant of the records and office of the public administrator.*
42 *Each report must cover the period starting January 1 of the*
43 *previous calendar year and ending December 31 of the previous*
44 *calendar year. The public administrator is responsible for paying*
45 *the costs of the audit.*



1 **Sec. 4.** This act becomes effective on July 1, 2015.

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