

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; authorizing the board of county commissioners in smaller counties to impose certain duties on the public administrators of the county; authorizing a board of county commissioners to take certain action concerning complaints received by the board against the public administrator; 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 authorizes a public administrator, without procuring letters of
12 administration and upon filing with the court an affidavit of his or her right to do
13 so, to administer an estate in which the gross value of the decedent's property does



14 not exceed \$20,000. (NRS 253.0403) **Section 1.5** of this bill increases this
15 threshold amount to \$25,000.

16 Existing law sets forth the duties of a public administrator in administering the
17 estate of an intestate decedent. (NRS 253.0415) **Section 2** of this bill authorizes the
18 board of county commissioners, in a county whose population is less than 100,000,
19 to require by ordinance, the public administrator, if he or she has been made an
20 administrator of the estate of an intestate decedent who resides in the county, to
21 notify or obtain permission from the board before taking any property belonging to
22 the decedent out of the county.

23 Existing law authorizes a board of county commissioners to investigate any
24 complaint received by the board against the public administrator. (NRS 253.091)
25 **Section 3** of this bill authorizes the board to take any appropriate action that it
26 deems is necessary to resolve such a complaint. **Section 3** also authorizes the board
27 of county commissioners, in a county whose population is less than 100,000,
28 to require, by ordinance, a public administrator to submit an independent audit report
29 to the board on an annual basis, which covers the records and office of the public
30 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*



1 *(d) Not have been found liable in a civil action involving a*
2 *finding of fraud, misrepresentation, material omission,*
3 *misappropriation, theft or conversion.*

4 **Sec. 1.5.** NRS 253.0403 is hereby amended to read as follows:

5 253.0403 1. When the gross value of a decedent's property
6 situated in this State does not exceed ~~[\$20,000;]~~ **\$25,000**, a public
7 administrator may, without procuring letters of administration,
8 administer the estate of that person upon filing with the court an
9 affidavit of his or her right to do so.

10 2. The affidavit must provide:

11 (a) The public administrator's name and address, and his or her
12 attestation that he or she is entitled by law to administer the estate;

13 (b) The decedent's place of residence at the time of his or her
14 death;

15 (c) That the gross value of the decedent's property in this State
16 does not exceed ~~[\$20,000;]~~ **\$25,000;**

17 (d) That at least 40 days have elapsed since the death of the
18 decedent;

19 (e) That no application or petition for the appointment of a
20 personal representative is pending or has been granted in this State;

21 (f) A description of the personal property of the decedent;

22 (g) Whether there are any heirs or next of kin known to the
23 affiant, and if known, the name and address of each such person;

24 (h) If heirs or next of kin are known to the affiant, a description
25 of the method of service the affiant used to provide to each of them
26 notice of the affidavit and that at least 10 days have elapsed since
27 the notice was provided;

28 (i) That all debts of the decedent, including funeral and burial
29 expenses, have been paid or provided for; and

30 (j) The name of each person to whom the affiant intends to
31 distribute the decedent's property.

32 3. Before filing the affidavit with the court, the public
33 administrator shall take reasonable steps to ascertain whether any of
34 the decedent's heirs or next of kin exist. If the administrator
35 determines that heirs or next of kin exist, the administrator shall
36 serve each of them with a copy of the affidavit. Service must be
37 made personally or by certified mail.

38 4. If the affiant:

39 (a) Submits an affidavit which does not meet the requirements
40 of subsection 2 or which contains statements which are not entirely
41 true, any money or property the affiant receives or distributes is
42 subject to all debts of the decedent, based on the priority for
43 payment of debts and charges specified in NRS 147.195.

44 (b) Fails to give notice to heirs or next of kin as required by
45 subsection 3, any money or property the affiant holds or distributes



1 to others shall be deemed to be held in trust for those heirs and next
2 of kin who did not receive notice and have an interest in the
3 property.

4 5. A person who receives an affidavit containing the
5 information required by subsection 2 is entitled to rely upon such
6 information, and if the person relies in good faith, he or she is
7 immune from civil liability for actions based on that reliance.

8 6. Upon receiving proof of the death of the decedent, an
9 affidavit containing the information required by this section and the
10 written approval of the public administrator to do so:

11 (a) A transfer agent of any security shall change the registered
12 ownership of the security claimed from the decedent to the person
13 claiming to succeed to ownership of that security.

14 (b) A governmental agency required to issue certificates of title,
15 ownership or registration to personal property shall issue a new
16 certificate of title, ownership or registration to the person claiming
17 to succeed to ownership of the property.

18 **Sec. 2.** NRS 253.0415 is hereby amended to read as follows:
19 253.0415 1. The public administrator shall:

20 (a) Investigate:

21 (1) The financial status of any decedent for whom he or she
22 has been requested to serve as administrator to determine the assets
23 and liabilities of the estate.

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

27 (3) Whether there are beneficiaries named on any asset of the
28 estate or whether any deed upon death executed pursuant to NRS
29 111.655 to 111.699, inclusive, is on file with the county recorder.

30 (b) Except as otherwise provided in NRS 253.0403 and
31 253.0425, petition the court for letters of administration of the estate
32 of an intestate decedent if, after investigation, the public
33 administrator finds that there is no other qualified person having a
34 prior right who is willing and able to serve.

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

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

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

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

42 3. *In a county whose population is less than 100,000, the*
43 *board of county commissioners may, by ordinance, require the*
44 *public administrator to notify or obtain approval from the board of*
45 *county commissioners before transporting outside the county any*



1 *property of a decedent for whose estate the public administrator*
2 *serves as administrator.*

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

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

6 253.091 1. The board of county commissioners shall:

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

9 (b) Review reports submitted to the board by the public
10 administrator.

11 (c) Investigate any complaint received by the board against the
12 public administrator ~~and~~ *and take any appropriate action it deems*
13 *necessary to resolve the complaint.*

14 2. The board of county commissioners may at any time
15 investigate any estate for which the public administrator is serving
16 as administrator.

17 3. *In a county whose population is less than 100,000, the*
18 *board of county commissioners may, by ordinance, require that,*
19 *on or before March 1 of each year, the public administrator*
20 *submit to the board of county commissioners an independent audit*
21 *report prepared by a certified public accountant of the records and*
22 *office of the public administrator. The ordinance must:*

23 (a) *Provide that each such audit report cover the period*
24 *starting January 1 of the previous calendar year and ending*
25 *December 31 of the previous calendar year.*

26 (b) *Prescribe who is responsible for paying the costs of the*
27 *audit.*

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

