

CHAPTER.....

AN ACT relating to public administrators; authorizing the boards of county commissioners of certain counties to abolish the office of public administrator; requiring the board of county commissioners to employ or contract for the services of a person to carry out the duties of a public administrator in a county where the office has been abolished; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the election, qualifications and duties of a public administrator in securing and administering the estate of an intestate decedent. (Chapter 253 of NRS) For Humboldt, Lander, Lincoln, Storey and White Pine Counties, the district attorney of the county serves, ex officio, as the public administrator of the county. In Carson City, the Clerk of Carson City serves as the Public Administrator of Carson City. (NRS 253.010)

Section 3 of this bill authorizes the board of county commissioners in a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties) to abolish the office of public administrator. **Section 3** requires the board of county commissioners in a county where the office of public administrator has been abolished to employ or contract with a person to perform the duties and functions of a public administrator within the county. **Sections 1, 2 and 4-36** of this bill make conforming changes.

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

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

Section 1. NRS 244.200 is hereby amended to read as follows:
244.200 The boards of county commissioners shall have power and jurisdiction in their respective counties to examine and audit:

1. The accounts of all officers having the care, management, collection or disbursement of any money belonging to the county or appropriated by law, or otherwise, for its use and benefit; and

2. The money and property entrusted to the care of, and the fees or compensation received by ~~the~~ :

(a) *The* public administrators of the respective counties in their several official capacities ~~};~~ ; *or*

(b) *The persons employed by or contracted with the respective counties pursuant to section 3 of this act,*

↪ as applicable.

Sec. 2. NRS 248.245 is hereby amended to read as follows:
248.245 In counties having a population of less than 100,000, the sheriff shall report immediately ~~{to the public administrator}~~ all



deaths which the sheriff gains knowledge of in the performance of his or her duties ~~to~~ *to the public administrator or the person employed or contracted with pursuant to section 3 of this act, as applicable.*

Sec. 3. Chapter 253 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A board of county commissioners of a county whose population is less than 100,000 may by ordinance abolish the office of public administrator.

2. If a board of county commissioners abolishes the office of the public administrator pursuant to subsection 1:

(a) The person who was elected, appointed or serves as ex officio public administrator pursuant to NRS 253.010 is entitled to serve out the remainder of his or her term of office before the office of public administrator may be abolished;

(b) The board must employ or contract for the services of a person to carry out the duties and responsibilities set forth in this chapter and any other provision of law relating to a public administrator; and

(c) The board must set forth in the ordinance adopted pursuant to subsection 1 the qualifications for a person employed or contracted with pursuant to paragraph (b). Such qualifications must include, without limitation:

(1) A requirement that a person employed or contracted with pursuant to paragraph (b):

(I) Be at least 21 years of age;

(II) Not have been convicted of a felony for which his or her civil rights have not been restored by a court of competent jurisdiction; and

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

(2) Any requirement of the person to post a bond or provide other security with the county.

3. A board of county commissioners of a county whose population is less than 100,000 may amend or repeal an ordinance adopted pursuant to subsection 1 to resume pursuant to NRS 253.010:

(a) The election of a public administrator for the county; or

(b) The person who is ex officio public administrator serving as public administrator in the county.

Sec. 4. NRS 253.010 is hereby amended to read as follows:

253.010 *Except as otherwise provided in section 3 of this act:*



1. Except as otherwise provided in subsections 4 and 5 or as altered pursuant to the mechanism set forth in NRS 244.1507, public administrators must be elected by the qualified electors of their respective counties.

2. Public administrators must be chosen by the electors of their respective counties at the general election in 1922 and at the general election every 4 years thereafter, and shall enter upon the duties of their office on the first Monday of January after their election.

3. The public administrator of a county must:

(a) Be a qualified elector of the county;

(b) Be at least 21 years of age on the date he or she will take office;

(c) Not have been convicted of a felony for which his or her civil rights have not been restored by a court of competent jurisdiction; and

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

4. The district attorneys of Humboldt, Lander, Lincoln, Storey and White Pine Counties are ex officio public administrators of Humboldt County, Lander County, Lincoln County, Storey County and White Pine County, respectively, unless such an arrangement is altered pursuant to the mechanism set forth in NRS 244.1507. The Clerk of Carson City shall serve as Public Administrator of Carson City.

5. In a county other than Carson City and Humboldt, Lander, Lincoln, Storey and White Pine Counties, if, for any reason, the office of public administrator becomes vacant, the board of county commissioners may appoint a public administrator for the remainder of the unexpired term.

Sec. 5. NRS 253.025 is hereby amended to read as follows:

253.025 1. ~~[A]~~ *Except as otherwise provided in subsection 5, a* public administrator may appoint as many deputies as the public administrator deems necessary to perform fully the duties of his or her office. A deputy so appointed may perform all duties required of the public administrator and has the corresponding powers and responsibilities. Before entering upon the discharge of his or her duties each deputy must take and subscribe to the constitutional oath of office. The appointment of a deputy must not be construed to confer upon that deputy policymaking authority for the office of the county public administrator or the county by which the deputy is employed.



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

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

4. Every deputy appointed pursuant to this section must:

- (a) Be a qualified elector of the county;
- (b) Be at least 21 years of age;
- (c) Not have been convicted of a felony for which his or her civil rights have not been restored by a court of competent jurisdiction; and

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

5. The provisions of this section do not apply if the office of public administrator is abolished pursuant to section 3 of this act.

Sec. 6. NRS 253.040 is hereby amended to read as follows:

253.040 1. Public administrators *and persons employed or contracted with pursuant to section 3 of this act, as applicable*, may administer on the estates of any deceased persons in any cases where by law they are entitled to administer by virtue of their ~~office~~ *position*. Except as otherwise provided in NRS 253.0403 and 253.0425, public administrators *and any person employed or contracted with pursuant to section 3 of this act* are required to make formal application for letters of administration.

2. In counties whose population is 100,000 or more, the public administrator shall execute a bond to the State of Nevada in the amount of \$100,000, conditioned that the public administrator will faithfully execute the duties of the trust according to law.

3. In counties whose population is less than 100,000, the official bond given pursuant to NRS 253.020 *or any bond required pursuant to section 3 of this act, as applicable*, may secure the faithful execution of the public administrator's duties for all estates for which he or she has been issued letters of administration, and all estates administered pursuant to NRS 253.0403, if the aggregate value of all the estates does not exceed the amount of his or her bond.

Sec. 7. NRS 253.0403 is hereby amended to read as follows:

253.0403 1. When the gross value of a decedent's property situated in this State does not exceed \$25,000, a public administrator



or a person employed or contracted with pursuant to section 3 of this act, as applicable, may, without procuring letters of administration, administer the estate of that person upon filing with the court an affidavit of his or her right to do so.

2. The affidavit must provide:

(a) The ~~{public administrator's}~~ name and address ~~{ }~~ *of the public administrator or person employed or contracted with pursuant to section 3 of this act, as applicable*, and his or her attestation that he or she is entitled by law to administer the estate;

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

(c) That the gross value of the decedent's property in this State does not exceed \$25,000;

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

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

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

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

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

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

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

3. Before filing the affidavit with the court, the public administrator *or a person employed or contracted with pursuant to section 3 of this act, as applicable*, shall take reasonable steps to ascertain whether any of the decedent's heirs or next of kin exist. If the administrator *or person* determines that heirs or next of kin exist, the administrator *or person* shall serve each of them with a copy of the affidavit. Service must be made personally or by certified mail.

4. If the affiant:

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



(b) Fails to give notice to heirs or next of kin as required by subsection 3, any money or property the affiant holds or distributes to others shall be deemed to be held in trust for those heirs and next of kin who did not receive notice and have an interest in the property.

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

6. Upon receiving proof of the death of the decedent, an affidavit containing the information required by this section and the written approval of the public administrator *or person employed or contracted with pursuant to section 3 of this act, as applicable*, to do so:

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

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

Sec. 8. NRS 253.0405 is hereby amended to read as follows:

253.0405 1. Subject to the provisions of subsections 2 and 3, before the issuance of the letters of administration for an estate, before filing an affidavit to administer an estate pursuant to NRS 253.0403, before petitioning to have an estate set aside pursuant to NRS 253.0425, and without giving notice to the next of kin, the public administrator *or a person employed or contracted with pursuant to section 3 of this act, as applicable*, may act on behalf of the estate of a deceased person to identify and secure all tangible and intangible assets of the estate if the administrator *or person* finds that:

(a) There are no relatives of the deceased who are able to protect the property; or

(b) Failure to do so could endanger the property.

2. A public administrator *or a person employed or contracted with pursuant to section 3 of this act, as applicable*, shall not distribute, liquidate or otherwise administer any assets of an estate which are identified and secured pursuant to subsection 1 unless:

(a) A court has issued letters of administration for the estate; or

(b) A court order authorizing the public administrator *or person* to act as administrator of the estate has been issued.



3. A public administrator *or a person employed or contracted with pursuant to section 3 of this act, as applicable*, may, for the purpose of protecting the assets of an estate which are identified and secured pursuant to subsection 1, authorize any of the following persons to access the real and personal property of the estate:

- (a) A relative of the deceased;
- (b) A named executor or named trustee of the estate; or
- (c) An attorney or any other natural person designated by the next of kin of the deceased.

Sec. 9. NRS 253.0407 is hereby amended to read as follows:

253.0407 1. Except as otherwise provided in subsection 2, a public administrator ~~or~~ *or a person employed or contracted with pursuant to section 3 of this act, as applicable*, with regard to the personal property of the estate of a decedent, may donate property that has a value of less than \$250 to a nonprofit organization, or destroy property that has a value of less than \$100, if a notice of intent to donate or destroy the property is mailed by certified mail or delivered personally to the decedent's next of kin and the property is not claimed within 15 days.

2. A public administrator *or a person employed or contracted with pursuant to section 3 of this act, as applicable*, may authorize the immediate destruction of the property of a decedent, without giving notice to the next of kin, if:

- (a) The administrator *or person employed or contracted with pursuant to section 3 of this act, as applicable*, determines that the property has been contaminated by vermin or biological or chemical agents;
- (b) The expenses related to the decontamination of the property cause salvage to be impractical;
- (c) The property constitutes an immediate threat to public health or safety;
- (d) The handling, transfer or storage of the property may endanger public health or safety or exacerbate contamination; and
- (e) The value of the property is less than \$100 or, if the value of the property is \$100 or more, a state or local health officer has endorsed the destruction of the property.

Sec. 10. NRS 253.0415 is hereby amended to read as follows:

253.0415 1. The public administrator *or the person employed or contracted with pursuant to section 3 of this act, as applicable*, shall:

- (a) Investigate:



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

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

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

(b) Except as otherwise provided in NRS 253.0403 and 253.0425, petition the court for letters of administration of the estate of an intestate decedent if, after investigation, the public administrator *or the person employed or contracted with pursuant to section 3 of this act, as applicable*, finds that there is no other qualified person having a prior right who is willing and able to serve.

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

2. The public administrator *or a person employed or contracted with pursuant to section 3 of this act, as applicable*, shall not administer any estate:

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

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

3. In a county whose population is less than 100,000, the board of county commissioners may, by ordinance, require the public administrator *or the person employed or contracted with pursuant to section 3 of this act, as applicable*, to notify or obtain approval from the board of county commissioners before transporting outside the county any property of a decedent for whose estate the public administrator *or person* serves as administrator.

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

Sec. 11. NRS 253.042 is hereby amended to read as follows:

253.042 In connection with an investigation conducted pursuant to subsection 1 of NRS 253.0415, a public administrator *or a person employed or contracted with pursuant to section 3 of this act, as applicable*, may:

1. Require any spouse, parent, child or other kindred of the decedent to give any information and to execute any written requests or authorizations necessary to provide the public administrator *or person* with access to records, otherwise



confidential, needed to evaluate the public administrator's *or person's* eligibility to serve.

2. Obtain information from the public records in any office of the State or any of its agencies or subdivisions upon request and without payment of any fee.

3. Investigate the assets and personal and family history of any decedent for whom he or she has been requested to serve as administrator, without hiring or being licensed as a private investigator pursuant to chapter 648 of NRS.

Sec. 12. NRS 253.0425 is hereby amended to read as follows:

253.0425 1. If the public administrator *or a person employed or contracted with pursuant to section 3 of this act, as applicable*, finds that there is no qualified person willing and able to administer the estate of a particular decedent, the *public* administrator *or person* shall investigate further to estimate its gross value.

2. If the estate appears to have a gross value of \$100,000 or less, the public administrator *or person employed or contracted with pursuant to section 3 of this act, as applicable*, shall:

(a) Assist a proper person to petition to have it set aside without administration or directly receive the assets from a custodian, as the facts may warrant;

(b) Himself or herself petition to have the estate set aside without administration and properly distributed; or

(c) Administer the estate pursuant to NRS 253.0403.

3. If the estate appears to have a gross value of more than \$100,000:

(a) The public administrator *or person employed or contracted with pursuant to section 3 of this act, as applicable*, shall proceed with summary or full administration as the value of the estate requires.

(b) The public administrator *or person employed or contracted with pursuant to section 3 of this act, as applicable*, may retain an attorney to assist him or her, rotating this employment in successive estates among the attorneys practicing in the county who are qualified by experience and willing to serve. The attorney's fee is a charge upon the estate.

Sec. 13. NRS 253.0435 is hereby amended to read as follows:

253.0435 ~~The~~

1. *Except as otherwise provided in subsection 2, the* public administrator may, within the limits of appropriations for his or her office:

~~(a)~~ (a) Be provided with sufficient facilities and supplies for the proper performance of his or her duties.



~~[2.]~~ (b) Employ subordinates necessary for the proper performance of his or her duties.

~~[3.]~~ (c) Contract for the services of consultants or assistants.

~~[4.]~~ (d) Consult with the district attorney in matters relating to the performance of his or her duties.

2. The provisions of this section do not apply if the office of public administrator is abolished pursuant to section 3 of this act.

Sec. 14. NRS 253.0447 is hereby amended to read as follows:
253.0447 ~~[A]~~

1. Except as otherwise provided in subsection 2, a public administrator may file with the board of county commissioners a request for payment for expenses incurred in the performance of such duties. The amount to be paid as expenses must be determined by the board. Payment must be made from the general fund of the county if the board approves the request and determines that there is sufficient money in the fund to pay the public administrator or other suitable person designated by the board to perform those duties. This section does not require the board to authorize payment of any expense that can be paid from the assets of a person or an estate.

2. The provisions of this section do not apply if the office of public administrator is abolished pursuant to section 3 of this act.

Sec. 15. NRS 253.050 is hereby amended to read as follows:
253.050 1. For the administration of the estates of deceased

persons ~~[-public]~~ :

(a) **Public** administrators are entitled to be paid as other administrators or executors are paid, subject to the provisions of NRS 245.043.

(b) Persons employed or contracted with pursuant to section 3 of this act are entitled to be paid as other administrators or executors are paid.

2. The district attorneys of Humboldt, Lander, Lincoln, Storey and White Pine Counties as ex officio public administrators and the Clerk of Carson City serving as Public Administrator of Carson City may retain all fees provided by law received by them as public administrators.

3. The public administrator *or a person employed or contracted with pursuant to section 3 of this act* is entitled to compensation from the estate or from beneficiaries for the reasonable value of his or her services performed in preserving the property of an estate of a deceased person before the appointment of an administrator. Compensation must be set by the board of county commissioners.



4. Except as otherwise provided in subsection 2, a public administrator who does not receive a salary pursuant to NRS 245.043:

(a) Is entitled to receive annual compensation, for the costs and expenses incident to a public administrator, as set by the board of county commissioners and paid out of the county fund; and

(b) May retain all fees provided by law received by him or her as public administrator.

5. *In a county where the office of public administrator has been abolished pursuant to section 3 of this act, any compensation or fees described in subsections 1 and 3 or otherwise provided by law for the administration of an estate of a deceased person to which the person employed or contracted with pursuant to section 3 of this act is entitled must be paid into the county general fund.*

Sec. 16. NRS 253.060 is hereby amended to read as follows:

253.060 Except as otherwise provided in this chapter, public administrators ~~and~~ *and persons employed or contracted with pursuant to section 3 of this act*, in administering upon estates, shall be governed by the same rules and laws by which other administrators or executors are governed.

Sec. 17. NRS 253.070 is hereby amended to read as follows:

253.070 All persons, and especially all civil officers, shall give all information in their possession to public administrators *and persons employed or contracted with pursuant to section 3 of this act* respecting estates and the property and condition thereof, upon which no other person has then administered.

Sec. 18. NRS 253.080 is hereby amended to read as follows:

253.080 Public administrators *and persons employed or contracted with pursuant to section 3 of this act* shall institute, maintain and prosecute all necessary actions at law and in equity for the recovery and for the protection of the property, debts, papers or other estate of any deceased person upon whose estate they may be administering.

Sec. 19. NRS 253.091 is hereby amended to read as follows:

253.091 1. The board of county commissioners shall:

(a) Establish regulations for the form of any reports made by the public administrator ~~and~~ *or a person employed or contracted with pursuant to section 3 of this act, as applicable.*

(b) Review reports submitted to the board by the public administrator ~~and~~ *or a person employed or contracted with pursuant to section 3 of this act, as applicable.*

(c) Investigate any complaint received by the board against the public administrator *or a person employed or contracted with*



pursuant to section 3 of this act and take any appropriate action it deems necessary to resolve the complaint.

2. The board of county commissioners may at any time investigate any estate for which the public administrator *or a person employed or contracted with pursuant to section 3 of this act, as applicable*, is serving as administrator.

3. In a county whose population is less than 100,000, the board of county commissioners may, by ordinance, require that, on or before March 1 of each year, the public administrator *or person employed or contracted with pursuant to section 3 of this act, as applicable*, submit to the board of county commissioners an independent audit report prepared by a certified public accountant of the records and office of the public administrator ~~[]~~, *or the records of the person, as applicable*. The ordinance must:

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

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

Sec. 20. NRS 253.110 is hereby amended to read as follows:

253.110 No public administrator *or person employed or contracted with pursuant to section 3 of this act* may be:

1. Interested in any expenditures of any kind, made on account of any estate of a deceased person which he or she is administering, except as necessarily made in the course of the administration.

2. Associated in business with anyone so interested.

Sec. 21. NRS 253.120 is hereby amended to read as follows:

253.120 **1.** Public administrators shall, at the expiration of their terms of office, surrender up to their successors in office all the books or papers belonging or appertaining to the office, including all exhibits, estates, money and property in their possession; but upon the expiration of the term of office of any public administrator before the entry of a decree of distribution in any estate for which the public administrator is the duly appointed, qualified and acting administrator, if good cause be shown therefor, the court shall enter an order in such estate, authorizing and directing a person to whom letters have been issued, to close up the estate as expeditiously as possible, or the court shall enter an order requiring the filing of a petition for letters by the successor in office of the public administrator.

2. *Persons employed or contracted with pursuant to section 3 of this act shall, at the expiration of their employment or contract, surrender up to the board of county commissioners all the books*



or papers belonging or appertaining to the person in relation to performing the duties and responsibilities set forth in this chapter and any other provision of law relating to administering an estate on behalf of the county, including all exhibits, estates, money and property in their possession. Upon the expiration of the employment or contract, before the entry of a decree of distribution in any estate for which the person is the duly appointed, qualified and acting administrator, if good cause be shown therefor, the court shall enter an order in such estate, authorizing and directing a person to whom letters have been issued, to close up the estate as expeditiously as possible, or the court shall enter an order requiring the filing of a petition for letters by the successor.

Sec. 22. NRS 258.075 is hereby amended to read as follows:

258.075 In counties having a population of less than 100,000, every constable shall report immediately to the public administrator *or a person employed or contracted with pursuant to section 3 of this act, as applicable*, all deaths which the constable gains knowledge of in the performance of his or her duties.

Sec. 23. NRS 259.160 is hereby amended to read as follows:

259.160 1. Upon payment of money into the county treasurer's office in such case, he or she shall place it to the credit of the county. Upon the delivery of property, he or she shall:

(a) Deliver such property to the public administrator *or a person employed or contracted with pursuant to section 3 of this act, as applicable*, for disposition according to law; or

(b) Give written notice to the public administrator *or a person employed or contracted with pursuant to section 3 of this act, as applicable*, of his or her intention to sell such property at public sale.

2. If within 10 days after the giving of notice pursuant to paragraph (b) of subsection 1, the public administrator *or a person employed or contracted with pursuant to section 3 of this act, as applicable*, claims the property for disposition, the county treasurer shall deliver it to him or her.

3. If the public administrator *or a person employed or contracted with pursuant to section 3 of this act, as applicable*, does not claim the property as provided in subsection 1, the county treasurer may, after giving notice by posting at the courthouse for at least 10 days, sell the property at public sale and place the proceeds to the credit of the county.



Sec. 24. NRS 139.040 is hereby amended to read as follows:

139.040 1. Administration of the intestate estate of a decedent must be granted to one or more of the persons mentioned in this section, and they are respectively entitled to priority for appointment in the following order:

- (a) The surviving spouse.
- (b) The children.
- (c) A parent.
- (d) The brother or the sister.
- (e) The grandchildren.
- (f) Any other of the kindred entitled to share in the distribution of the estate.
- (g) The public administrator ~~§~~ *or a person employed or contracted with pursuant to section 3 of this act, as applicable.*
- (h) Creditors who have become such during the lifetime of the decedent.

(i) Any of the kindred not above enumerated, within the fourth degree of consanguinity.

(j) Any person or persons legally qualified.

2. A person in each of the foregoing classes is entitled:

(a) To appointment, if the person is:

(1) A resident of the State of Nevada or the person:

(I) Associates as coadministrator a resident of the State of Nevada or a banking corporation authorized to do business in this State; or

(II) Is named as personal representative in the will if the will is the subject of a pending petition for probate, and the court in its discretion believes it would be appropriate to make such an appointment; or

(2) A banking corporation which is authorized to do business in this State or which:

(I) Associates as coadministrator a resident of the State of Nevada or a banking corporation authorized to do business in this State; or

(II) Is named as personal representative in the will if the will is the subject of a pending petition for probate, and the court in its discretion believes it would be appropriate to make such an appointment.

(b) To nominate a resident of the State of Nevada or a qualified banking corporation for appointment, whether or not the nominator is a resident of the State of Nevada or a qualified banking corporation. The nominee has the same priority as the nominator.



That priority is independent of the residence or corporate qualification of the nominator.

3. If any heir who is otherwise entitled to appointment is a minor or an incapacitated person for whom a guardian has been appointed, the court may appoint the guardian of the minor or incapacitated person as administrator.

Sec. 25. NRS 139.135 is hereby amended to read as follows:

139.135 1. An agreement between an heir finder and an apparent heir, the primary purpose of which is to locate, recover or assist in the recovery of an estate for which the public administrator *or person employed or contracted with pursuant to section 3 of this act, as applicable*, has petitioned for letters of administration, is void and unenforceable if the agreement is entered into during the period beginning with the death of the person whose estate is in probate until 90 days thereafter. Upon a showing of good cause, the court may extend such a period until 180 days after the death of the person.

2. As used in this section, "heir finder" means a person who, for payment of a fee, assignment of a portion of any interest in a decedent's estate or other consideration, provides information, assistance, forensic genealogy research or other efforts related to another person's right to or interest in a decedent's estate. The term does not include:

(a) A person acting in the capacity of a personal representative or guardian ad litem;

(b) A person appointed to perform services by a probate court in which a proceeding in connection with a decedent's estate is pending; or

(c) An attorney providing legal services to a decedent's family member if the attorney has not agreed to pay to any other person a portion of the fees received from the family member or the family member's interest in the decedent's estate.

Sec. 26. NRS 146.080 is hereby amended to read as follows:

146.080 1. If a decedent leaves no real property, nor interest therein, nor mortgage or lien thereon, in this State, and the gross value of the decedent's property in this State, over and above any amounts due to the decedent for services in the Armed Forces of the United States and the value of any motor vehicles registered to the decedent, does not exceed the applicable amount, a person who has a right to succeed to the property of the decedent pursuant to the laws of succession for a decedent who died intestate or pursuant to the valid will of a decedent who died testate, on behalf of all persons entitled to succeed to the property claimed, or the Director of the



Department of Health and Human Services or , *as applicable, the public administrator or a person employed or contracted with pursuant to section 3 of this act*, on behalf of the State or others entitled to the property, may, 40 days after the death of the decedent, without procuring letters of administration or awaiting the probate of the will, collect any money due the decedent, receive the property of the decedent, and have any evidences of interest, indebtedness or right transferred to the claimant upon furnishing the person, representative, corporation, officer or body owing the money, having custody of the property or acting as registrar or transfer agent of the evidences of interest, indebtedness or right, with an affidavit showing the right of the affiant or affiants to receive the money or property or to have the evidence transferred.

2. An affidavit made pursuant to this section must state:

(a) The affiant's name and address, and that the affiant is entitled by law to succeed to the property claimed;

(b) The date and place of death of the decedent;

(c) That the gross value of the decedent's property in this State, except amounts due the decedent for services in the Armed Forces of the United States or the value of any motor vehicles registered to the decedent, does not exceed the applicable amount, and that the property does not include any real property nor interest therein, nor mortgage or lien thereon;

(d) That at least 40 days have elapsed since the death of the decedent, as shown in a certified copy of the certificate of death of the decedent attached to the affidavit;

(e) That no petition for the appointment of a personal representative is pending or has been granted in any jurisdiction;

(f) That all debts of the decedent, including funeral and burial expenses, and money owed to the Department of Health and Human Services as a result of the payment of benefits for Medicaid, have been paid or provided for;

(g) A description of the personal property and the portion claimed;

(h) That the affiant has given written notice, by personal service or by certified mail, identifying the affiant's claim and describing the property claimed, to every person whose right to succeed to the decedent's property is equal or superior to that of the affiant, and that at least 14 days have elapsed since the notice was served or mailed;

(i) That the affiant is personally entitled, or the Department of Health and Human Services is entitled, to full payment or delivery of the property claimed or is entitled to payment or delivery on



behalf of and with the written authority of all other successors who have an interest in the property;

(j) That the affiant has no knowledge of any existing claims for personal injury or tort damages against the decedent; and

(k) That the affiant acknowledges an understanding that filing a false affidavit constitutes a felony in this State.

3. If the affiant:

(a) Submits an affidavit which does not meet the requirements of subsection 2 or which contains statements which are not entirely true, any money or property the affiant receives is subject to all debts of the decedent.

(b) Fails to give notice to other successors as required by subsection 2, any money or property the affiant receives is held by the affiant in trust for all other successors who have an interest in the property.

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

5. Upon receiving proof of the death of the decedent and an affidavit containing the information required by this section:

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

(b) A governmental agency required to issue certificates of title, ownership or registration to personal property shall issue a new certificate of title, ownership or registration to the person claiming to succeed to ownership of the property. The governmental agency may not refuse to accept an affidavit containing the information required by this section, regardless of the form of the affidavit.

6. If any property of the estate not exceeding the applicable amount is located in a state which requires an order of a court for the transfer of the property, or if the estate consists of stocks or bonds which must be transferred by an agent outside this State, any person qualified pursuant to the provisions of subsection 1 to have the stocks or bonds or other property transferred may do so by obtaining a court order directing the transfer. The person desiring the transfer must file a petition, which may be ex parte, containing:

(a) A specific description of all the property of the decedent.

(b) A list of all the liens and mortgages of record at the date of the decedent's death.

(c) An estimate of the value of the property of the decedent.



(d) The names, ages of any minors and residences of the decedent's heirs and devisees.

(e) A request for the court to issue an order directing the transfer of the stocks or bonds or other property if the court finds the gross value of the estate does not exceed the applicable amount.

(f) An attached copy of the executed affidavit made pursuant to subsection 2.

↪ If the court finds that the gross value of the estate does not exceed the applicable amount and the person requesting the transfer is entitled to it, the court may enter an order directing the transfer.

7. As used in this section, "applicable amount" means:

(a) If the claimant is the surviving spouse of the decedent, \$100,000.

(b) For any other claimant, \$25,000.

Sec. 27. NRS 179A.100 is hereby amended to read as follows:

179A.100 1. The following records of criminal history may be disseminated by an agency of criminal justice without any restriction pursuant to this chapter:

(a) Any which reflect records of conviction only; and

(b) Any which pertain to an incident for which a person is currently within the system of criminal justice, including parole or probation.

2. Without any restriction pursuant to this chapter, a record of criminal history or the absence of such a record may be:

(a) Disclosed among agencies which maintain a system for the mutual exchange of criminal records.

(b) Furnished by one agency to another to administer the system of criminal justice, including the furnishing of information by a police department to a district attorney.

(c) Reported to the Central Repository.

3. An agency of criminal justice shall disseminate to a prospective employer, upon request, records of criminal history concerning a prospective employee or volunteer which are the result of a name-based inquiry and which:

(a) Reflect convictions only; or

(b) Pertain to an incident for which the prospective employee or volunteer is currently within the system of criminal justice, including parole or probation.

4. Records of criminal history must be disseminated by an agency of criminal justice, upon request, to the following persons or governmental entities:

(a) The person who is the subject of the record of criminal history for the purposes of NRS 179A.150.



(b) The person who is the subject of the record of criminal history when the subject is a party in a judicial, administrative, licensing, disciplinary or other proceeding to which the information is relevant.

(c) The Nevada Gaming Control Board.

(d) The State Board of Nursing.

(e) The Private Investigator's Licensing Board to investigate an applicant for a license.

(f) A public administrator *or a person employed or contracted with pursuant to section 3 of this act, as applicable*, to carry out the duties as prescribed in chapter 253 of NRS.

(g) A public guardian to investigate a protected person or proposed protected person or persons who may have knowledge of assets belonging to a protected person or proposed protected person.

(h) Any agency of criminal justice of the United States or of another state or the District of Columbia.

(i) Any public utility subject to the jurisdiction of the Public Utilities Commission of Nevada when the information is necessary to conduct a security investigation of an employee or prospective employee or to protect the public health, safety or welfare.

(j) Persons and agencies authorized by statute, ordinance, executive order, court rule, court decision or court order as construed by appropriate state or local officers or agencies.

(k) Any person or governmental entity which has entered into a contract to provide services to an agency of criminal justice relating to the administration of criminal justice, if authorized by the contract, and if the contract also specifies that the information will be used only for stated purposes and that it will be otherwise confidential in accordance with state and federal law and regulation.

(l) Any reporter or editorial employee who is employed or affiliated with a newspaper, press association or commercially operated, federally licensed radio or television station who requests a record of a named person or aggregate information for statistical purposes, excluding any personal identifying information, in a professional capacity for communication to the public.

(m) Prospective employers if the person who is the subject of the information has given written consent to the release of that information by the agency which maintains it.

(n) For the express purpose of research, evaluative or statistical programs pursuant to an agreement with an agency of criminal justice.

(o) An agency which provides child welfare services, as defined in NRS 432B.030.



(p) The Division of Welfare and Supportive Services of the Department of Health and Human Services or its designated representative, as needed to ensure the safety of investigators and caseworkers.

(q) The Aging and Disability Services Division of the Department of Health and Human Services or its designated representative, as needed to ensure the safety of investigators and caseworkers.

(r) An agency of this or any other state or the Federal Government that is conducting activities pursuant to Part D of Subchapter IV of Chapter 7 of Title 42 of the Social Security Act, 42 U.S.C. §§ 651 et seq.

(s) The State Disaster Identification Team of the Division of Emergency Management of the Department.

(t) The Commissioner of Insurance.

(u) The Board of Medical Examiners.

(v) The State Board of Osteopathic Medicine.

(w) The Board of Massage Therapy and its Executive Director.

(x) The Board of Examiners for Social Workers.

(y) The State Board of Cosmetology and its Executive Director.

(z) The Committee on Domestic Violence appointed pursuant to NRS 228.470 when, pursuant to NRS 228.495, the Committee is reviewing the death of the victim of a crime that constitutes domestic violence pursuant to NRS 33.018.

(aa) A county coroner or medical examiner, as needed to conduct an investigation of the death of a person.

5. Agencies of criminal justice in this State which receive information from sources outside this State concerning transactions involving criminal justice which occur outside Nevada shall treat the information as confidentially as is required by the provisions of this chapter.

Sec. 28. NRS 239A.070 is hereby amended to read as follows:

239A.070 This chapter does not apply to any subpoena issued pursuant to title 14 or chapters 616A to 617, inclusive, of NRS or prohibit:

1. Dissemination of any financial information which is not identified with or identifiable as being derived from the financial records of a particular customer.

2. The Attorney General, State Controller, district attorney, Department of Taxation, Director of the Department of Health and Human Services, Administrator of the Securities Division of the Office of the Secretary of State, public administrator ~~and~~ *or person employed or contracted with pursuant to section 3 of this act, as*



applicable, sheriff or a police department from requesting of a financial institution, and the institution from responding to the request, as to whether a person has an account or accounts with that financial institution and, if so, any identifying numbers of the account or accounts.

3. A financial institution, in its discretion, from initiating contact with and thereafter communicating with and disclosing the financial records of a customer to appropriate governmental agencies concerning a suspected violation of any law.

4. Disclosure of the financial records of a customer incidental to a transaction in the normal course of business of the financial institution if the director, officer, employee or agent of the financial institution who makes or authorizes the disclosure has no reasonable cause to believe that such records will be used by a governmental agency in connection with an investigation of the customer.

5. A financial institution from notifying a customer of the receipt of a subpoena or a search warrant to obtain the customer's financial records, except when ordered by a court to withhold such notification.

6. The examination by or disclosure to any governmental regulatory agency of financial records which relate solely to the exercise of its regulatory function if the agency is specifically authorized by law to examine, audit or require reports of financial records of financial institutions.

7. The disclosure to any governmental agency of any financial information or records whose disclosure to that particular agency is required by the tax laws of this State.

8. The disclosure of any information pursuant to NRS 353C.240, 425.393, 425.400 or 425.460.

9. A governmental agency from obtaining a credit report or consumer credit report from anyone other than a financial institution.

Sec. 29. NRS 239A.075 is hereby amended to read as follows:

239A.075 Upon presentation of a death certificate, affidavit of death or other proof of death, a financial institution shall provide the Director of the Department of Health and Human Services or a public administrator *or a person employed or contracted with pursuant to section 3 of this act, as applicable*, with a statement which sets forth the identifying number and account balance of any accounts on which only the name of the deceased person appears. A financial institution may charge a reasonable fee, not to exceed \$2, to provide a public administrator *or a person employed or*



contracted with pursuant to section 3 of this act, as applicable, with a statement pursuant to the provisions of this section.

Sec. 30. NRS 356.330 is hereby amended to read as follows:

356.330 1. "Public money" means all money deposited with a depository by any of the following:

(a) The State Treasurer.

(b) An official custodian with plenary authority, including control over money belonging to, or held for the benefit of, the State or any of its political subdivisions, public corporations, municipal corporations, courts, or public agencies, boards, commissions or committees. If the exercise of plenary authority over public money requires action by or the consent of two or more recognized official custodians, the official custodians shall be treated as one official custodian having plenary authority over the public money. For the purposes of this paragraph:

(1) "Control" means the possession of public money and the authority to establish accounts of public money in public depository institutions and to make deposits, withdrawals and disbursements of public money.

(2) "Official custodian" means the State or any of its political subdivisions, public corporations, municipal corporations, courts, or public agencies, boards, commissions or committees.

(c) A public administrator *or a person employed or contracted with pursuant to section 3 of this act, as applicable,* acting as a trustee, agent or bailee.

2. The term does not include money deposited with a depository by:

(a) A Native American tribe or an agent or representative thereof;

(b) The Federal Government or an agent or representative thereof; or

(c) The Public Employees' Retirement System or an agent or representative thereof.

Sec. 31. NRS 433.541 is hereby amended to read as follows:

433.541 Whenever any person admitted to a division facility dies, the administrative officer shall send written notice to the decedent's legally appointed representative, listing the personal property remaining in the custody or possession of the facility. If there is no demand made upon the administrative officer of the facility by the decedent's legally appointed representative, all personal property of the decedent remaining in the custody or possession of the administrative officer must be held by the officer for a period of 1 year from the date of the decedent's death for the



benefit of the heirs, legatees or successors of the decedent. At the end of this period, another notice must be sent to the decedent's representative, listing the property and specifying the manner in which the property will be disposed of if not claimed within 15 business days. After 15 business days, all personal property and documents of the decedent, other than cash, remaining unclaimed in the possession of the administrative officer must be disposed of as follows:

1. All documents must be filed by the administrative officer with ~~the~~:

(a) *The* public administrator of the county from which the consumer was admitted ~~;~~; *or*

(b) *If the office of public administrator has been abolished pursuant to section 3 of this act, the person employed or contracted with pursuant to section 3 of this act to carry out the duties and responsibilities of chapter 253 of NRS in the county from which the consumer was admitted, as applicable.*

2. All other personal property must be sold at a public auction or by sealed bids. The proceeds of the sale must be applied to the decedent's unpaid balance for costs incurred at the division facility.

Sec. 32. NRS 435.625 is hereby amended to read as follows:

435.625 Whenever any person admitted to a division facility dies, the administrative officer shall send written notice to the decedent's legally appointed representative, listing the personal property remaining in the custody or possession of the facility. If there is no demand made upon the administrative officer of the facility by the decedent's legally appointed representative, all personal property of the decedent remaining in the custody or possession of the administrative officer must be held by the officer for a period of 1 year from the date of the decedent's death for the benefit of the heirs, legatees or successors of the decedent. At the end of this period, another notice must be sent to the decedent's representative, listing the property and specifying the manner in which the property will be disposed of if not claimed within 15 business days. After 15 business days, all personal property and documents of the decedent, other than cash, remaining unclaimed in the possession of the administrative officer must be disposed of as follows:

1. All documents must be filed by the administrative officer with ~~the~~:

(a) *The* public administrator of the county from which the consumer was admitted ~~;~~; *or*



(b) If the office of public administrator has been abolished pursuant to section 3 of this act, the person employed or contracted with pursuant to section 3 of this act to carry out the duties and responsibilities of chapter 253 of NRS in the county from which the consumer was admitted, as applicable.

2. All other personal property must be sold at a public auction or by sealed bids. The proceeds of the sale must be applied to the decedent's unpaid balance for costs incurred at the division facility.

Sec. 33. NRS 440.250 is hereby amended to read as follows:

440.250 1. Not later than the fifth day of each month, deputy county health officers shall file with the county health officer all original birth and death certificates executed by them.

2. Within 5 days after receipt of the original death certificates, the county health officer shall file with the public administrator *or a person employed or contracted with pursuant to section 3 of this act, as applicable*, a written list of the names and social security numbers of all deceased persons and the names of their next of kin as those names appear on the certificates.

Sec. 34. NRS 669.045 is hereby amended to read as follows:

669.045 1. "Fiduciary" means a trustee, executor, administrator, guardian of an estate, personal representative, conservator, assignee for the benefit of creditors, receiver, depository or person that receives on deposit money or property from a public administrator *or a person employed or contracted with pursuant to section 3 of this act, as applicable*, under any provision of this chapter or from another fiduciary.

2. As used in this section, "administrator" includes servicers or administrators of individual retirement accounts within the meaning of section 408(a) of the Internal Revenue Code of 1986, 26 U.S.C. § 408(a), where the servicer or administrator holds itself out to the public for performance of such services and holds or maintains an ownership interest in the servicing rights of such accounts, or possesses or controls any of the assets of such accounts, including cash.

Sec. 35. NRS 704.197 is hereby amended to read as follows:

704.197 1. A public administrator, ~~for~~ deputy designated by the public administrator *or a person employed or contracted with pursuant to section 3 of this act, as applicable*, may submit a written request to a public utility for the name and address of a person listed in the records of the public utility if the information is necessary to assist the public administrator *or a person employed or contracted with pursuant to section 3 of this act, as applicable*, in



carrying out the public administrator's *or person's* duties pursuant to chapter 253 of NRS.

2. Upon receipt of a written request pursuant to subsection 1, a public utility shall disclose the name and address of the person listed in the records of customers of the public utility to the public administrator, ~~for~~ a deputy designated by the public administrator ~~or~~ *or a person employed or contracted with pursuant to section 3 of this act, as applicable.*

3. A disclosure made in good faith pursuant to subsection 1 does not give rise to any action for damages for the disclosure of the name and address of a customer by a public utility.

Sec. 36. Section 3.030 of the Charter of Carson City, being chapter 213, Statutes of Nevada 1969, as last amended by chapter 341, Statutes of Nevada 1999, at page 1408, is hereby amended to read as follows:

Sec. 3.030 Clerk: Duties; salary.

1. The provisions of chapter 246 of NRS apply to the Office of Clerk, except that all deputy clerks other than the two provided for in section 2.330 must be appointed pursuant to and are governed by the regulations for the Merit Personnel System.

2. The Clerk shall:

(a) Keep the corporate seal and all books and papers belonging to Carson City.

(b) Attend all meetings of the Board and keep an accurate journal of its proceedings, including a record of all ordinances, bylaws and resolutions passed or adopted by it. After approval of the journal at each meeting of the Board, the Clerk shall attest the journal after it has been signed by the Mayor.

(c) Enter in the journal the results of the vote of the Board upon the passage of ordinances or of any resolution appropriating money, abolishing licenses, or increasing or decreasing the rates of licenses.

(d) Act as ex officio Recorder. The provisions of chapter 247 of NRS apply to the Clerk while acting in that capacity, except that all deputy recorders other than the two provided for in section 2.330 must be appointed pursuant to and as governed by the regulations for the Merit Personnel System.

(e) ~~Serve~~ *Except as otherwise provided in section 3 of this act, serve* as Public Administrator without additional salary. The provisions of chapter 253 of NRS apply to the



Office of Clerk while performing the duties of Public Administrator.

(f) Perform such other duties as may be required by:

(1) The Board; or

(2) The provisions of Nevada Revised Statutes,

↳ which apply to county clerks.

3. The Clerk is entitled to an annual salary in the amount specified in NRS 245.043. The Clerk shall not engage in any other business or occupation that creates a conflict of interest between his or her personal interest in the business or occupation and his or her official duties.

Sec. 37. This act becomes effective on July 1, 2019.

