

ASSEMBLY BILL NO. 51—COMMITTEE
ON GOVERNMENT AFFAIRS

(ON BEHALF OF LYON COUNTY)

PREFILED DECEMBER 20, 2012

Referred to Committee on Government Affairs

SUMMARY—Provides for the District Attorney of Lyon County to be ex officio Public Administrator of Lyon County. (BDR 20-395)

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; providing for the District Attorney of Lyon County to be ex officio Public Administrator of Lyon County; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Under existing law, most counties elect a public administrator every 4 years.
2 For certain other counties (currently Humboldt, Lander, Lincoln, Storey and White
3 Pine Counties), the district attorney of the county serves, ex officio, as the public
4 administrator of the county. (NRS 253.010, 253.050) **Sections 1 and 2** of this bill
5 add Lyon County to the list of counties in which the district attorney serves, ex
6 officio, as the public administrator. **Section 3** of this bill provides that the District
7 Attorney of Lyon County will begin to serve, ex officio, as the Public
8 Administrator of Lyon County on January 5, 2015.

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

- 1 **Section 1.** NRS 253.010 is hereby amended to read as follows:
2 253.010 1. Except as otherwise provided in subsections 4 and
3 5 or as altered pursuant to the mechanism set forth in NRS
4 244.1507, public administrators must be elected by the qualified
5 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, *Lyon*, Storey and White Pine Counties are ex officio public administrators of Humboldt County, Lander County, Lincoln County, *Lyon 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, *Lyon*, 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. 2. NRS 253.050 is hereby amended to read as follows:

253.050 1. For the administration of the estates of deceased persons, public administrators are entitled to be paid as other administrators or executors are paid, subject to the provisions of NRS 245.043.

2. The district attorneys of Humboldt, Lander, Lincoln, *Lyon*, 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 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.

Sec. 3. With respect to the general election to be held on November 4, 2014, the County Clerk of Lyon County:

1. Shall inform any person who files a declaration of candidacy or acceptance of candidacy for the Office of District Attorney of



1 Lyon County for that election that the District Attorney of Lyon
2 County serves ex officio as the Public Administrator of Lyon
3 County on and after January 5, 2015.

4 2. Shall not accept a declaration of candidacy or acceptance of
5 candidacy for the Office of Public Administrator of Lyon County
6 for that election.

7 **Sec. 4.** 1. This section and section 3 of this act become
8 effective on January 1, 2014.

9 2. Sections 1 and 2 of this act become effective on January 5,
10 2015.

