

ASSEMBLY BILL NO. 368—COMMITTEE
ON GOVERNMENT AFFAIRS

MARCH 21, 2023

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing public administrators.
(BDR 20-848)

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; authorizing the boards of county commissioners of all counties to abolish the office of public administrator; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law authorizes the board of county commissioners in a county whose
2 population is less than 100,000 (currently all counties other than Clark and Washoe
3 Counties) to abolish the office of public administrator. (NRS 253.125) **Section 2** of
4 this bill authorizes all counties, including Clark and Washoe Counties, to abolish
5 the office of public administrator. **Section 1** of this bill makes a conforming change
6 to reflect this authorization being extended to all counties.

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

1 **Section 1.** NRS 253.040 is hereby amended to read as follows:
2 253.040 1. Public administrators and persons employed or
3 contracted with pursuant to NRS 253.125, as applicable, may
4 administer on the estates of any deceased persons in any cases
5 where by law they are entitled to administer by virtue of their
6 position. Except as otherwise provided in NRS 253.0403 and
7 253.0425, public administrators and any persons employed or
8 contracted with pursuant to NRS 253.125 are required to make
9 formal application for letters of administration.



2. In counties whose population is 100,000 or more, the public administrator *or a person employed or contracted with pursuant to NRS 253.125, as applicable*, shall execute a bond to the State of Nevada in the amount of \$100,000, conditioned that the public administrator *or the person employed or contracted with pursuant to NRS 253.125, as applicable*, 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 NRS 253.125, as applicable, may secure the faithful execution of the public administrator's or other person'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. 2. NRS 253.125 is hereby amended to read as follows:

253.125 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 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; 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



- 1 adopted pursuant to subsection 1 to resume pursuant to
2 NRS 253.010:
3 (a) The election of a public administrator for the county; or
4 (b) The person who is ex officio public administrator serving as
5 public administrator in the county.

