SENATE BILL NO. 46–COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF CLARK COUNTY)

PREFILED NOVEMBER 10, 2026

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to the public administration of estates. (BDR 20-580)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.
Effect on the State Highway Fund: 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 the public administration of estates; authorizing certain county officers to petition for an order appointing certain persons to carry out the duties and responsibilities relating to the public administration of estates; authorizing a board of county commissioners to set forth by ordinance any act or omission that creates a rebuttable presumption that the public administrator has committed an act of malfeasance or nonfeasance in office; authorizing the board of county commissioners to require the public administrator to appear at any regularly scheduled meeting of the board; authorizing the board of county commissioners to, by ordinance, authorize the coroner to carry out the duties of a public administrator in regards to certain money or property; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, with certain exceptions, the public administrator is an elected county officer who administers the estates of certain deceased persons. (Chapter 253 of NRS)

Section 2 of this bill authorizes the district attorney, coroner or public guardian of the county to petition a district court for an order appointing the district attorney, coroner, public guardian or any employee thereof, to carry out the duties and responsibilities of the public administrator generally or in regard to a particular estate.

Section 3 of this bill authorizes a board of county commissioners to set forth by ordinance any specific act or omission that creates a rebuttable presumption that the public administrator has committed an act of malfeasance or nonfeasance in office. **Section 9** of this bill provides that the provisions of any ordinance adopted by a board of county commissioners pursuant to **section 3** do not apply to a public administrator elected before October 1, 2027.

Under existing law, the board of county commissioners is required to: (1) review certain reports submitted by the public administrator; and (2) investigate any complaint received by the board against the public administrator. (NRS 253.091) **Section 4** of this bill authorizes the board of county commissioners to also require the public administrator to appear at any regularly scheduled meeting of the board to report on any matter relating to the office of the public administrator.

Under existing law, the coroner is required, with certain exceptions, to inventory any money or property which may have been found on or about a deceased and deliver the inventory and money or property to the county treasurer. (NRS 259.150) The county treasurer is required to deliver such property to the public administrator or, if the public administrator office has been abolished, a person employed or contracted with the county. (NRS 259.160) **Section 5** of this bill provides that the board of county commissioners may by ordinance authorize the coroner to carry out the duties and responsibilities of a public administrator in regard to money or property of a decedent that is of de minimis value. **Section 7** of this bill makes an exception to the requirement under existing law that the coroner deliver the property and money of the decedent to the county treasurer if the coroner is authorized by an ordinance enacted pursuant to **section 5** to dispose of the money and property. **Section 8** of this bill provides that certain requirements that apply to the disposal of money and property of a decedent by the county treasurer do not apply if the coroner disposes of the money and property pursuant to an ordinance enacted pursuant to **section 5**.

Existing law provides that the sheriff is ex officio coroner of the county unless the office of coroner is created and appointed by the board of county commissioners. (NRS 244.163, 259.020) Under existing law, certain provisions of the Nevada Revised Statutes apply to the coroner regardless of whether the coroner is the sheriff or an appointed office. (NRS 259.010) **Section 6** of this bill provides that **section 5** also applies to the coroner regardless of whether the coroner is the sheriff or an appointed office.

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

Section 1. Chapter 253 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. The district attorney, coroner or public guardian may petition a district court for an order appointing the district attorney, coroner, public guardian or any employee thereof to carry out the duties and responsibilities set forth in this chapter and any other provision of law relating to a public administrator. A petition authorized pursuant to this section may:***

(a) Request the appointment by the court of one or more persons who meet the requirements set forth in subsection 2; and

(b) Request the appointment of one or more persons for the purposes of carrying out the duties and responsibilities set forth in

this chapter and any other provision of law relating to a public administrator generally or in regard to a particular estate.

2. A person appointed by a district court 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; and

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

3. If a person appointed by a district court pursuant to this section is not an elected officer, the person must take the constitutional official oath, which is for the faithful performance of the duties of his or her office.

4. A person appointed by a district court pursuant to this section:

(a) Is not required to give an official bond. For purposes of the appointment, the person serves as a representative of the office of public administrator but remains an employee of the district attorney, coroner or public guardian, as applicable.

(b) Is entitled to collect all fees, costs and expenses provided by law for the administration of an estate of a deceased person, which must be paid into the county general fund.

5. The appointment of a person pursuant to this section must not be construed to confer upon that person policymaking authority for the office of the public administrator or the county by which the person is employed.

6. The provisions of this section do not require a vacancy in the office of public administrator to have occurred or the board of county commissioners to abolish the office of public administrator.

Sec. 3. ***1. A board of county commissioners may set forth by ordinance any specific act or omission that creates a rebuttable presumption that the public administrator has committed an act of malfeasance or nonfeasance in office.***

2. Any act or omission specified in an ordinance enacted pursuant to subsection 1 is in addition to any other act or omission which would constitute an act of malfeasance or nonfeasance in office pursuant to federal or state law.

Sec. 4. 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 or a person employed or contracted with pursuant to NRS 253.125, as applicable.

(b) Review reports submitted to the board by the public administrator or a person employed or contracted with pursuant to NRS 253.125, as applicable.

(c) Investigate any complaint received by the board against the public administrator or a person employed or contracted with pursuant to NRS 253.125 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 NRS 253.125, 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 NRS 253.125, 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.

4. The board of county commissioners may require the public administrator to appear at any regularly scheduled meeting of the board of county commissioners to report on any matter relating to the office of the public administrator, including, without limitation:

(a) The status of estates being administered by the public administrator, including, without limitation, the status of any case or litigation involving the public administrator;

(b) The possession, management and disposition of property of any decedent;

(c) The appointment, use and duties of deputies appointed pursuant to NRS 253.025;

(d) Any interaction with another county office or department; and

(e) Any other matter relating to the performance of the duties of the public administrator.

Sec. 5. Chapter 259 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of county commissioners may by ordinance authorize the coroner to carry out the duties and responsibilities of a public administrator, as set forth in chapter 253 of NRS and any

other provision of law relating to a public administrator generally, in regard to money or property of a decedent that is of de minimis value.

2. The provisions of this section do not require that the coroner be appointed by a district court to administer an estate pursuant to section 2 of this act.

Sec. 6. NRS 259.010 is hereby amended to read as follows:

259.010 1. Every county in this State constitutes a coroner's district, except a county where a coroner is appointed pursuant to the provisions of NRS 244.163.

2. The provisions of this chapter, except NRS 259.025, 259.045, 259.047, 259.049, subsections 3 and 4 of NRS 259.050, NRS 259.053 and 259.150 to 259.180, inclusive, ***and section 5 of this act,*** do not apply to any county where a coroner is appointed pursuant to the provisions of NRS 244.163.

Sec. 7. NRS 259.150 is hereby amended to read as follows:

259.150 1. The coroner shall inventory, in the presence of at least one other person, any money or property which may have been found on or about the deceased, unless taken from his or her possession by legal authority ***.*** ~~[, and]~~ ***Unless the coroner is authorized by an ordinance enacted pursuant to section 5 of this act to dispose of the money and property, the coroner*** shall deliver without delay a signed copy of the inventory and the money or property to the treasurer of the county. If the coroner fails to pay or deliver such money or property to the county treasurer, the county treasurer may recover it by an action at law.

2. The coroner shall affix appropriate seals, signs or other devices prohibiting entrance to the residence of a deceased person who had lived alone under circumstances indicating that no other person can reasonably be expected to provide immediate security for the deceased's property. Any person, except the coroner, the coroner's deputy, a law enforcement officer or the executor or administrator of the deceased's estate, who removes such a coroner's seal, sign or other device or who enters upon any property bearing such a seal, sign or other device is guilty of a misdemeanor.

Sec. 8. 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 NRS 253.125, 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 NRS 253.125, 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 NRS 253.125, 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 NRS 253.125, as applicable, does not claim the property as provided in subsection 2, 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.

4. The provisions of subsections 1 to 3, inclusive, do not apply if the board of county commissioners adopts an ordinance pursuant to section 5 of this act and the coroner disposes of the decedent's money or property pursuant to that ordinance.

Sec. 9. The provisions of any ordinance adopted by a board of county commissioners pursuant to section 3 of this act do not apply to a public administrator elected before October 1, 2027.

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