

1 AN ACT relating to public administrators.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 395.390 is amended to read as follows:

4 (1) The District Court of a county which has a public administrator and guardian shall,  
5 after the expiration of sixty (60) days from the death of the decedent, order the  
6 public administrator and guardian to administer the estate of the decedent where the  
7 surviving spouse and heirs waive their right to be appointed, or if the surviving  
8 spouse does not nominate a suitable administrator, or in the event any of the persons  
9 designated in KRS 395.040 are unable, or found to be incapable of handling or  
10 managing the estate, or if from any other cause there is no personal representative.  
11 If there is no public administrator and guardian, the court shall *use its discretion to*  
12 *appoint an administrator*~~order the sheriff~~ to administer the estate. *The*  
13 *appointment shall be subject to denial by the appointee.*

14 (2) The District Court shall also confide to the public administrator and guardian the  
15 care and control of the persons and estates of all minors when it appears that a  
16 minor has no testamentary guardian and no one will apply for appointment, or  
17 serve, as guardian.

18 ➔Section 2. KRS 395.400 is amended to read as follows:

19 The public administrator and guardian ~~or sheriff~~ shall, by virtue of his office and the  
20 order of court, be the administrator or administrator de bonis non, or if there is a will,  
21 administrator with the will annexed, and shall have all the rights and powers and be  
22 subjected to the same liabilities and be governed by the same laws prescribed for  
23 administrators and guardians. ~~[If the sheriff is acting, his powers, rights, duties and~~  
24 ~~liabilities shall not expire with his office of sheriff.]~~The court may, however, at any time,  
25 set aside the order entrusting the estate to the public administrator and guardian ~~or~~  
26 ~~sheriff~~ and allow an executor or administrator to qualify.