

Assembly

MINUTES OF MEETING - COMMITTEE ON JUDICIARY, 54th Session, February 10, 1967

Meeting was called to order at 9:15 A.M.

Present: Wooster, Schouweiler, White, Lowman, Kean, Hilbrecht, Swackhamer,

Absent: Dungan, Torvinen (came in for a minute at the last after meeting with Judge Craven).

AB 176: Allows parties to stipulate to release of attachment.

The bill was introduced by Mr. Close and he was present to explain its purpose. After a suit is instituted in the district court or justice court a plaintiff is entitled to attach property of the defendant. Sometimes they get together and agree that a certain portion should be released to the plaintiff or to the defendant. This release is then taken to the judge who signs it. Generally he does not take the time to read it because he is busy and he relies on the honesty and integrity of the attorneys. A copy then goes into the court files and one goes to the sheriff who then disburses the properties according to the agreement. This bill would do away with the portion requiring the judge's signature which really is not necessary.

Mr. Loman asked if Mr. Close had discussed this matter with any judges and Mr. Close said he had discussed it with Judges Sexton, Mowbray and Mendoza, and they were in agreement.

Mr. Kean asked if there might not be a step missing. When you file the stipulation how does the judge become aware of it?

Mr. Close replied that there was no need for the judge to be aware of it.

Mr. Schouweiler moved Do Pass
Mr. Lowman seconded
Motion passed unanimously

AB 179: Requires annual accounting by nontestamentary trustees.

Mr. Close reminded the committee that at the last meeting where he spoke for the bill they had asked him to get an amendment for it. He reported that after discussing it with Mr. McDonald they had decided an entirely new bill would be preferable. AB 179 is the new bill which was drafted to replace AB 80. AB 179 requires that an accounting be made to each beneficiary of a trust each year. The accounting is to be in some detail, as the bill outlines.

Mr. Swackhamer was concerned about whether or not we are taking all the precautions possible to protect the beneficiary of the trust. He asked what happens if the trustee does not make this annual report and if it is possible for the assets of the trust to be dissipated.

Mr. Close said there is protection but mostly after the fact. A copy of each trust is filed with the IRS and the attorney who draws it will keep a copy.

Mr. Wooster said he feels this bill will make more protection than at present. It is a step forward.

February 10, 1967

Assembly Committee on Judiciary

Mr. Hilbrecht said that usually the trust is not concealed altogether, just some of the assets. An accounting would be a significant control. A trust is made during the settlor's life and a third party will be aware of it.

Mr. White moved Do Pass AB 179 and postpone indefinitely AB 80
Mr. Lowman seconded
Motion passed unanimously

SB 24: Harmonizes provisions for distribution of Nevada Reports and Statutes of Nevada.

Mr. Swackhamer inquired if anyone knew what these things are worth and Mr. Wooster said he had always had to pay \$10 per volume.

Mr. Hilbrecht asked if anybody had introduced a bill to take care of reprinting more of these volumes. He said he had heard that someone was doing so but that he had not yet seen any such bill.

Mr. Wooster called Mr. Russ McDonald and asked him to come in and discuss this and a couple of other bills with the committee. Mr. McDonald said that at the last session the Secretary of State got \$60,000 for reprinting. He had an inventory made of stock on hand. It was concluded that 500 copies is not sufficient. Mr. Koontz suggested a minimum of 700. Then there was a check made to see who was getting free copies of the volumes. A new analysis was made and decisions made on who should get free volumes in the future. These are all listed in the bill. There is an arrangement for exchange of volumes with other state law libraries.

Mr. Hilbrecht asked if the new list eliminated county officers and Mr. McDonald said that it did not.

Mr. Hilbrecht asked if administrative agencies were to buy their copies and Mr. McDonald said yes.

Mr. Kean moved Do Pass
Mr. Schouweiler seconded
Motion passed unanimously

SB 73: Amends laws relating to bonds of unincorporated towns and certain cities by including reference to Uniform Commercial Code.

Mr. Kean moved Do Pass
Mr. Schouweiler seconded
Motion passed unanimously

Mr. Wooster said the committee would not discuss SB 28 at this time because Miss Dungan had asked that it be held until she could be present.

SB 70: Provides for preparation and distribution of advance sheets of Statutes of Nevada.

Mr. McDonald said that following the last session his office began getting

February 10, 1967

Assembly Committee on Judiciary

numerous calls about where is my advance sheet of the Statutes? So it was decided to reorganize this situation. Mr. McDonald thought that the state should at least get back its cost on these advance sheets. This bill prepares lists of who gets the free copies and establishes a price at which advance sheets should be distributed to other people.

Mr. Torvinen asked if these advance sheets are indexed and Mr. McDonald said they were not. Recipients would have to use the journal.

Mr. Torvinen moved Do Pass Ab 70

Mr. Kean seconded

Motion passed unanimously

SB 72: Directs legislative commission to determine number of pages to be printed for Nevada Revised Statutes, annotations and digest.

Mr. McDonald said a study had been made of the publications put out by his office. He said they have to hire four girls to take care of the inventory. The law says they have to print 2500 copies. What is left at the beginning of the next session is dumped because it is then out of date. What they want to do is to go to a different binding and save the printing set-ups and not have to print so many to begin with. He said the entire new thing can be sold for \$100 and they would not have to be stuck with all these old copies. If they can have standing lead they can print as needed. They can get rid of two of the full-time inventory clerks.

Mr. Torvinen asked if it is possible to save all this lead and Mr. McDonald said it is.

Mr. Swackhamer asked what would be done with the 900 copies on hand now. Mr. McDonald said they will salvage all they can.

Mr. Kean moved Do Pass

Mr. Lowman seconded

Motion passed unanimously

Mr. Kean inquired who sets the price and was told the legislature does.

AB 175: Exempts certain articles from the liens of innkeepers and apartment keepers, and extends right of lien.

Mr. Torvinen was asked to speak on this since he had introduced the bill. He said that if you have received judgment against someone, articles that are necessary for his livelihood are exempt. But, if you are behind in your rent, the landlord can keep anything, even your false teeth, waitress' uniforms, or what have you. These may be articles needed desperately for earning a living.

Mr. Hilbrecht said he likes the bill but does not want to see it extended to unfurnished apartments. Mr. Torvinen said this had been included at Mr. Close's suggestion. It was decided to hold over the bill and ask Mr. Close to come in and explain why he had wanted this provision added.

Meeting adjourned at 10:05 A.M.