

Members Present:

Chairman Hayes
Vice Chairman Stewart
Mr. Banner
Mr. Brady
Mr. Coulter
Mr. Fielding
Mr. Horn
Mr. Malone
Mr. Polish
Mr. Prengaman
Mr. Sena

Members Absent:

None

Guests Present:

John Cockle Nevada National Bank

Vice Chairman Stewart called the meeting to order at 8:10 a.m.

SENATE BILL 364

Removes requirement of supporting affidavit for certain small claims against estates.

Mr. Cockle said that this bill corrects a detail concerning the filing of claims against estates. He said that presently all claims against an estate must be accompanied by an affidavit filed with the District Court. He said that it had been recommended that claims of \$500 or more should be accompanied by the affidavit, but the Senate had amended this amount to \$250. He said he would support the bill as amended.

SENATE BILL 365

Permits regulated corporate trustees to make certain sales and automatically includes certain powers in wills and trusts.

Mr. Cockle said that under the present law, no trustee may transfer or sell property from one trust to another even though the trusts may be related. He said the bill would provide that a corporate trustee who manages money trusts can make a sale between trusts provided that the transaction is fair to both accounts and is not otherwise prohibited by law.

Mr. Cockle said that the Controller of the Currency had changed this in Federal regulations to read as this bill reads.

SENATE BILL 368

Confers additional powers on fiduciaries.

Mr. Cockle said he would be in favor of this bill. He said that the bill essentially provides greater flexibility to a fiduciary in the settlement of estates and trusts. He said he thought the bill would make estate and trust administration less cumbersome, more understandable, and less expensive.

The Committee was in recess at 8:16 a.m.

The Committee reconvened at 8:24 a.m. in a joint session with the Senate Judiciary Committee in Room 213. All Senate Committee members were present.

SENATE BILL 500

Provides for appointment, powers and duties of supervisor for gaming establishment if its license is lapsed, revoked or suspended.

Members of the Gaming Control Board and staff were present, and there was a section-by-section discussion of this bill and possible amendments to the bill.

Please see the Senate minutes of the meeting if further information is desired.

The joint session was in recess at 10:20 a.m.

The Committee reconvened at 10:33 a.m.

SENATE BILL 364

Mr. Malone moved Do Pass; Mr. Stewart seconded the motion. The Committee approved the motion on the following vote:

Aye - Hayes, Stewart, Brady, Coulter, Malone, Polish,
Sena - 7.

Nay - None.

Absent - Banner, Fielding, Horn, Prengaman - 4.

SENATE BILL 365

Mr. Sena moved Do Pass of S.B. 365; Mr. Brady seconded the motion. The Committee approved the motion on the following vote:

Aye - Hayes, Stewart, Brady, Coulter, Malone, Polish,
Sena - 7.

Nay - None.

Absent - Banner, Fielding, Horn, Prengaman - 4.

SENATE BILL 368

Mr. Polish moved Do Pass; Mr. Sena seconded the motion. The Committee approved the motion on the following vote:

Aye - Hayes, Stewart, Banner, Brady, Coulter, Malone,
Polish, Sena - 8.
Nay - None.
Absent - Fielding, Horn, Prengaman - 3.

ASSEMBLY BILL 763

Limits liability for certain injuries at ski resorts.

Mr. Stewart said that he and Mr. Brady as a subcommittee on this bill had received a copy of a Washington statute which is currently pending before the Oregon Legislature (Exhibit A). He said this language was better than that proposed in this bill. He proposed amending this bill by using the Washington language.

Mr. Polish moved to Amend, and Do Pass A.B. 763 as Amended; Mr. Sena seconded the motion. The Committee approved the motion on the following vote:

Aye - Hayes, Stewart, Banner, Brady, Coulter, Horn,
Malone, Polish, Sena - 9.
Nay - None.
Absent - Fielding, Prengaman - 2.

SENATE BILL 114

Permits actions against political subdivisions without naming members of their governing bodies.

Mr. Stewart moved for Do Pass; Mr. Sena seconded the motion. The Committee approved the motion on the following vote:

Aye - Hayes, Stewart, Banner, Brady, Coulter, Horn,
Malone, Polish, Sena - 9.
Nay - None.
Absent - Fielding, Prengaman - 2.

SENATE BILL 353

Creates presumption that trustee with title has power to sell, convey or encumber real property.

Mr. Malone moved to Do Pass S.B. 353; Mr. Stewart seconded the motion. The Committee approved the motion on the following vote:

Aye - Hayes, Stewart, Banner, Brady, Coulter, Horn,
Malone, Polish, Sena - 9.
Nay - None.
Absent - Fielding, Prengaman - 2.

SENATE BILL 291

Authorizes award of deficiency judgment directly to beneficiary of deed of trust.

Mr. Stewart moved for Do Pass; Mr. Sena seconded the motion. The Committee approved the motion on the following vote:

Aye - Hayes, Stewart, Banner, Brady, Coulter, Horn, Malone, Polish, Sena - 9.

Nay - None.

Absent - Fielding, Prengaman - 2.

SENATE BILL 290

Authorizes additional means of proving service in probate proceedings.

Mr. Sena moved Do Pass; Mr. Stewart seconded the motion. The Committee approved the motion on the following vote:

Aye - Hayes, Stewart, Banner, Brady, Coulter, Horn, Malone, Polish, Sena - 9.

Nay - None.

Absent - Fielding, Prengaman - 2.

SENATE BILL 103

Requires bail to continue through different proceedings on same charge.

Mr. Stewart moved for Do Pass; Mr. Sena seconded the motion. The Committee approved the motion on the following vote:

Aye - Hayes, Stewart, Banner, Brady, Coulter, Horn, Malone, Polish, Sena - 9.

Nay - None.

Absent - Fielding, Prengaman - 2.

SENATE BILL 89

Specifies when monetary judgments for minors may be paid to parents or must be paid to appointed guardians.

Mr. Sena moved for Do Pass; Mr. Stewart seconded the motion. The Committee approved the motion on the following vote:

Aye - Hayes, Stewart, Brady, Coulter, Horn, Malone, Polish, Sena - 8.

Nay - None.

Absent - Banner, Fielding, Prengaman - 3.

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The meeting was adjourned at 10:50 a.m.

Respectfully submitted,



Carl R. Ruthstrom, Jr.
Secretary

Whereas, it is the purpose of this Act to clarify the policy of this state governing the duties of skiers and the liability of operators of ski areas with respect to skiing injuries resulting from alpine or nordic skiing; and

Whereas, the Legislative Assembly affirms the principle that, as a matter of law, certain risks are inherent in the sport, and that, as a matter of public policy, no person engaged in such sport shall recover from a ski operator for injuries resulting from those inherent risks; now, therefore,

Be It Enacted by the People of Oregon:

SECTION 1.

(1) Notwithstanding ^{NRS 41.141} ~~ORS 18.470~~ and ~~subsection (2) of ORS 18.475~~, an individual who engages in the sport of skiing, alpine or nordic, accepts and assumes, as a matter of law, the risks that are inherent in skiing insofar as they are reasonably obvious, expected or necessary.

(2) "Inherent risks" of skiing means those dangers or conditions which are an integral part of the sport, including, but not limited to, changing weather conditions; variations or steepness in terrain; snow or ice conditions; surface or subsurface conditions such as bare spots, creeks and gullies, forest growth, rocks, stumps, lift towers and other structures and their components; collisions with other skiers; and a skier's failure to ski within his own ability.