

The meeting was called to order at 8:10 a.m. Senator Close was in the Chair.

PRESENT: Senator Close
Senator Hernstadt
Senator Don Ashworth
Senator Dodge
Senator Ford
Senator Raggio
Senator Sloan

ABSENT: None

SB 363 Extends allowance for mileage of witnesses.

Sam Mamet, Trial Lawyers Association, stated they are in support of the bill, but feel that there should be a fiscal note attached. There is a bill in the Assembly Judiciary, AB 134, that has been passed out of there and is currently in Ways and Means. That bill extends farther than this one. It raises the \$15 per day to \$25. It raises the 15¢ per mile to 17¢ per mile, and makes it round trip.

Senator Ford moved that SB 363 be passed out of Committee with a "do pass and re-refer to Finance" recommendation.

Seconded by Senator Sloan.

Motion carried unanimously. Senator Dodge was absent for the vote.

SB 364 Removes requirement of supporting affidavit for certain small claims against estates.

John Cockel, Nevada National Bank Appraiser, stated he is appearing here for the Trust Committee for the Nevada Bankers Association, who requested this bill. The bill has the effect of saying that an affidavit is not required for a claim that does not attain the amount of \$500 or more. The advice to the executor will be the equivalent to filing it with the county court. That is because under present statute, every \$15 utility bill has to be sent out for an affidavit. They feel that every bill under \$500 be treated just like a bill.

Senator Close stated that then anyone could send a bill for \$500, with no supporting affidavit, and that bill is due and owing, and because you receive the bill, unless you want to contest it, you pay.

Mr. Cockel stated that if the executor is performing his functions, he is not going to pay it without the knowledge that it is a proper bill. He has all sorts of recourse by contesting it in court, or merely rejecting it and make the creditors prove it is due.

Senator Close stated that that is very costly and time consuming, as well as very expensive. The affidavit puts him under the penalty of perjury if he has led to the executor or the court.

Senator Ashworth stated he would like to go on record that this is not one of his bills.

Senator Ford stated she thought the \$500 figure was a little high and perhaps \$250 would be a better figure.

Senator Close stated that we would be allowing claims to be filed with the executor as well as the clerk. This may be appropriate if there is a bank involved, but what about the relative or inexperienced person. He felt this should be taken out of the language.

Senator Raggio stated that he could see a case where the executor or the attorney for the executor gets the bill and thinks it is taken care of, but the creditor never gets paid.

Senator Ford stated that on line 2 you could put in "or received by the executor and filed with the clerk."

Senator Raggio stated that throughout the law it states that the affidavit must be filed with the clerk of the court. Perhaps somewhere in the law it could be made a permanent duty of the executor, who receives a claim, to notify the creditor that he must file a claim.

Senator Close stated he thought it would be better to leave it the way it is, otherwise you are putting an extra burden on the executor to file the claim properly.

Senator Raggio stated he thought the language "received by the executor" should be stricken and the bill processed.

Senator Ford moved that SB 364 be passed out of Committee with an "amend and do pass" recommendation.

Seconded by Senator Raggio.

Motion carried unanimously. Senator Dodge was absent for the vote.

SB 365 Permits regulated corporate trustees to make certain sales and automatically includes certain powers in wills and trusts.

John Cockel, representing the Trust Committee for the Nevada Bankers Association, stated this also came from their committee. This bill stems from a 1941 law which states that property may not be sold from one trust to another under any circumstances. The comptrollers regulations for

National Banks, states that a security, or other asset, can be sold from one trust to another if the transaction is fair to both trusts, otherwise this is prohibited. We do find on occasion an estate or a trust who will need money and must therefore sell a security even though it is a very appropriate security to be held in that trust. In order to save on commission costs and other things, if it is a quoted security, then we sometimes find it convenient to sell it to a different or related trust. The law now prohibits that, unless it is specifically so stated in the trust document. This is applicable to regulated banks and trust companies. an individual trustee, who happens to be a trustee of more than one trust, would not be affected. He still could not sell between two trusts. Nor would it effect a non-regulated corporate trustee.

Senator Hernstadt asked if it were between the bank and say a widow, could it then be done.

Mr. Cockel stated that it could. The bank would be doing it and would say to her in a letter that we wish to sell the stock from trust A to trust B. She would write back and say it was okay, then we could do it.

Senator Close asked what if there is no market price available on the property you are selling, such as diamonds or real property.

Mr. Cockel stated it would have to be appraised. However, generally the banks steer away from that. We would still be required to demonstrate that it was a fair transaction.

Senator Close asked if this bill were limited just to securities, then would they have an objection.

Mr. Cockel stated he couldn't see doing it that way. There are circumstances between two trusts, say a marital trust and a non-marital trust, where interest in Real Estate could be involved.

Senator Ashworth asked if all trusts and wills, under NRS 163.260 as amended, would be executed in the state without reference.

Senator Close stated he felt that there would be individuals that would not be aware of what was in there.

Senator Ashworth stated that right now in documents his company processes, it is set out in the document itself that we are incorporating the powers of NRS 163.260 to 410, and there is a copy of the statute attached.

Mr. Cockel stated that very few of the wills or trusts he has seen, do in fact, incorporate those provisions by reference.

Senator Close stated that under NRS 405, you have the power to apportion allocation of receipts and expenses that the trustee determines. It provides for the stock dividends to apply to either principal or income. Normally in trusts, all capital gains for example, are applied to principle. In a peculiar case you may see it applied to income, but to say that all trusts and wills, without even thinking about it apply to NRS 405, that raises a question.

Mr. Cockel stated that the ultimate protection of a beneficiary is the fact that he receives reports of what has been done and can object at any time to those accountings. However, if it is the judgment of the committee that this provision should be deleted, we still would urge the committee to retain the first two sections concerning the sale of assets from one trust to another.

Joe Civiglia, Superintendent of Banks, stated that from a regulation standpoint there is no problem. It would be far easier from a regulated lender's view to be able to use the provisions on a mandatory basis in Section 3, than to look to the instruments that have been looked to in the past.

Senator Raggio asked if they would object to making the provisions of Section 2 applicable onto to a trustee who was a banker or a regulated corporate trust.

Senator Ashworth stated, that once you get into a family type situation or Inter vivos type trust, it becomes irrevocable, at least a portion of it, upon the death of one of the individuals.

Senator Raggio stated, that in a family type situation you may not knowingly create a trust deed that you would want to have all the broad powers of borrowing and so forth. Now, if a bank or regulated institution were designated, then they would be expected to know the powers. He felt that is a point for argument.

After some discussion the Committee agreed to drop Section 2.

Senator Raggio moved that SB 365 be passed out of Committee with an "amend and do pass" recommendation.

Seconded by Senator Sloan.

The motion carried unanimously, Senator Dodge was absent for the vote.

SB 367 Extends Uniform Gifts to Minors Act to permit certain additional kinds of gifts to be made and to permit testamentary gifts.

Senator Sloan asked if this was a variance of the Uniform Act, or does it incorporate new provisions into the act.

Senator Raggio stated, that he thought the Nevada law only applied to annuities.

Senator Close stated, that uniform gifts to minors is included in the estate of the donor.

Senator Ashworth stated that he didn't feel they should get the idea that you cannot make gifts such as real property, limited partnerships, and such. You can still do that. All that is being done here is bypassing the drafting of a trust document to incorporate what is in this bill and put it under the Uniform Gift to Minors act. You can still make gifts to minors under a separate trust that you draft yourself.

Senator Raggio asked what the point of this bill was then.

Senator Ashworth stated, that it was cost. You can go to a savings account and say, "I want that transferred to my brother so and so for my child." Then on your stock and everything else, it is printed right on there. Basically what you have done is incorporated the document here in that circumstance.

Senator Close stated that perhaps the Committee should look into the Uniform Act and also see if any of this bill violates federal law, before they took any further action on this bill.

SB 368 Confers additional powers on fiduciaries.

George Vargas stated that this was not one of the Trust Department's bills.

Senator Ashworth asked what is done now if a corporate fiduciary or corporate trustee dies.

Mr. Vargas, stated that the trust agreement provides for that. Usually the successor or survivor would be named.

Senator Raggio stated he had a problem with Section 4. Why are they able to hold without interest?

Senator Ashworth stated the holding without interest is actually a misnomer. If it actually makes money and generates money, that money is ultimately distributed out. What this apparently says is that they do not have an obligation of going forth and paying interest on money withheld.

Senator Hernstadt stated that they have a responsibility to invest.

Senator Close stated that the language "without payment of interest," in Section 4 should be deleted, than whatever the document says it says.

Senator Ashworth stated there was the same problem in Section 5, also in Section 6, they could say they are relinquishing the power.

Senator Raggio stated he would like to see them make application to the courts to do some of the things they are asking to be mandated.

After discussion by the Committee it was agreed that Sections 5, 6 and 7 should be deleted, and have Section 8 become Section 5.

Senator Hernstadt moved that SB 368 be passed out of Committee with an "amend and do pass" recommendation.

Seconded by Senator Ford.

The motion was unanimous, Senator Dodge was absent from the vote.

SB 379 Makes various changes to law on guardianships.

John Cockel appearing for the Nevada Bankers Association, stated that in reviewing the Guardianship Statute, relating to sales of property, the procedures differed slightly in estates and testamentary trusts. It seems more logical to adopt the sales provisions of the estate law, than those of the guardianship law, as the uniform way in which a sale would be conducted. That is the purpose of this bill.

Senator Close asked, on line 6, why can you not sell a partnership to another partner.

Mr. Cockel stated that you can, and was not sure why that was in the bill.

Senator Ashworth stated that there is usually a buy and sell agreement between partners.

Mr. Cockel stated that their main concern is that the law states that a non-resident of this state cannot be appointed by the court as a guardian unless he associates himself with either a banking corporation or a resident as a co-resident. There are situations where a couple gets a divorce and the mother and child move to a foreign state, the child may have \$50 or \$100, but you have to go through a bank and charge a minimum annual fee and all the paper work to be associated as a co-guardian.

Mr. Vargas stated that what happens is that if you are the guardian of the person you don't have to go through the bank. If you are the guardian of the estate you would have to go through a bank. What this bill would do is, if you have a non-resident guardian of the person or ward, than you don't have to have a bank involved.

Mr. Cockel stated that a bank never serves as guardian of the person.

Mr. Vargas stated that if there is a very small estate why require a co-guardian. This could be amended to put a limit on the estate part of it.

Senator Ashworth stated that SB 395 deals with this same type of thing, and perhaps there should be some input on that before this is processed.

Mr. Cockel stated another point is that under present law, guardianships, testamentary trusts and estates, all have notice provisions which do conflict with each other. Also, they would like to have NRS 159.197 amended to make estates under \$5,000 exempt from this, and this would conform with other statutes dealing with this.

SB 165 Tightens certain provisions relating to gaming licensing and control.

(see minutes of February 28, March 1, and 26 for previous testimony and discussion)

Testifying on this bill were Phil Pro and Jack Stratton from the Gaming Control Board.

Senator Close stated if the person is found unsuitable the contract is voidable. If somebody is found to be unsuitable with whom you have a contract, like the meat purveyor, and he and the hotel/casino do not have this special provision, if you find him unsuitable, how can you stop him from saying we have a contract and you breached it, and I'm going to sue you. There could be a real problem with this.

Mr. Stratton stated that had happened in Las Vegas. At that time there was a changeover of ownership at the gift shop in Circus Circus. There was a change of licensee, so we used a little leverage and advised the licensee to get rid of the person in the gift shop, who was Tony Spilotro.

Senator Close asked what if you couldn't get rid of him because there was a firm contract.

Mr. Stratton stated that in this case it was a very costly thing. They had to buy out the contract because this was entered into prior to the time this particular legislation was in, so there was no wording in there to cancel this.

Senator Close stated it seemed to him to give the Board the power to declare someone unsuitable and the only choice the casino has is to revoke his contract, or sue for breach of contract. If that can be enforced, he felt the provision of voidability should carry through, beyond just the employee situation.

Mr. Stratton stated that when SB 236 was amended to include these type of people coming in for licensing suitability finding, that will assist them in that particular area.

Senator Sloan asked what about the last section where it talks about gross dissaportionment. That has a provision of determination. You might have a circumstance, such as the Tropicana, where the allegation is that the producer of that show is getting more compensation than he is entitled to.

Mr. Stratton stated that that was not the case in that instance.

Senator Close asked why on Page 2, line 7 the word "every" was picked up and put into the next two sentences in the bottom of Subsection 5.

Senator Sloan stated that what they are saying, there, is that once the exception is taken out, this could have a prospective application.

Mr. Stratton stated that that was correct.

Senator Raggio stated that, then you would always have a prospective application.

Mr. Stratton stated that, that was his understanding.

Senator Ashworth stated that the inference he gets is that the problem that occurred at Circus Circus would now be covered under this act.

Mr. Stratton stated that although they haven't run into that type of situation since, it was put in to cover that type of situation.

Senator Ashworth asked, if you had the meat purveyor situation, and you have a contract with him, would he be outside the gambit of Subsection 4, so he would not be incorporated by reference.

Mr. Stratton stated that he would not be an employee so he would come under Section 5.

Senator Ford asked what their feeling was in changing "is" to "has been" on Page 2, line 16.

Mr. Pro stated they would have no problem with that.

Senator Sloan stated he felt they were saying it is a prior adjudication of unsuitability, as opposed to the circumstance where there is an existing contract, then you call a person in and find him unsuitable, and use that determination clause provided by law. If you are going to change it to "has been", there is really no reason to put that language in. That

raises disputes, and we could include a provision for its termination upon the finding that the person is unsuitable, because "has been" is in the past tense and so it can't apply to executory right. The whole thrust of this is to a person who may not be presently unsuitable, but who is found unsuitable.

Senator Hernstadt asked if they wanted this effective on passage and approval.

Mr. Stratton stated that as far as they were concerned the sooner it went into effect the better.

Senator Close stated that what they would do, is in Sub-section 5, line 20, add the exact language from line 7 beginning "every" to the end of line 13, and add "without prior approval" on line 15. On Page 3, lines 12 and 13 add in "without prior approval" and then make this effective on passage of the bill.

Senator Sloan stated he wished it to be made clear that this is prospective.

Senator Sloan moved that SB 165 be passed out of Committee with an "amend and do pass" recommendation.

Seconded by Senator Hernstadt.

Motion carried unanimously. Senator Dodge was absent for the vote.

SB 362 Provides for service of process on corporation after dissolution, expiration or forfeiture of charter.

Senator Close stated he thought there was a law covering this now. NRS. 78.590 deals with "dissolutionment of corporations."

Senator Sloan stated the problem is that NRS 17.750 doesn't make any provision.

Senator Raggio stated that there is no provision now to serve them after dissolutionment. He felt that the last sentence was unclear. Does it mean that personal service is required to the Secretary of State?

Senator Close stated that the language could be "mail copies of the process to the Secretary of State, the resident agent, if there is one, and each officer and director.

Senator Sloan moved that SB 362 be passed out of Committee with an "amend and do pass" recommendation.

Seconded by Senator Ashworth.

Motion carried unanimously. Senator Dodge was absent for the vote.

AB 257 Prescribes conduct of examinations of prospective jurors in civil actions.

Senator Raggio stated the problem is that there is no uniformity among judges. Some of the judges allow some meaningful additional examination and some absolutely curtail it.

Senator Close stated that the language here is, that Attorneys are entitled to conduct supplemental examinations, and that takes us back to where we were a few years back.

Senator Raggio stated that, it still requires the judge to conduct the initial examination.

Senator Sloan stated that in the first draft the language was "may conduct supplemental examinations", the second one is "are".

Senator Close stated that he hadn't realized that had been changed, and it should be "may" to give the judge some control.

Senator Ashworth stated that it should then be changed back to the way it was originally.

Senator Raggio stated that may be a problem as the Assembly had put that amendment in.

Senator Close asked how about the language "entitled but not limited to supplemental examinations", that gives the court some control.

Senator Ashworth moved that AB 257 be passed out of Committee with an "amend and do pass" recommendation.

Seconded by Senator Raggio.

The motion carried unanimously.

AB 258 Changes conduct of examination of prospective jurors in criminal cases.

Senator Raggio stated this should conform with AB 257. We could work the word limited in here and say, "entitled to conduct a limited supplemental examination." That would make it the same.

Senator Close felt the language was clear here and that he would make sure that they both were the same.

Senator Ford moved that AB 258 be passed out of Committee with a "do pass" recommendation.

Seconded by Senator Hernstadt.

AB 412 Allows corporations to fix in their bylaws manner of holding annual meeting of stockholders.
(See minutes of April 3, for testimony)

Senator Ashworth stated they are adding the language on line 4, "in the manner." That would mean that the manner in which the directors are actually elected is being changed. However, it is provided by the by-laws and the plurality of the votes cast.

Senator Raggio stated that according to the by-laws, it allows the corporation to fix in their by-laws, the manner of holding their annual meeting of stockholders.

Alan Glover, Assembly District 40, Carson City, stated this bill was at the request of Ted Stokes, who is an attorney in Carson City. It is a technical correction on the date, the manner and time in which a corporate meeting can be held. He stated other than that he did not have too much knowledge of the bill.

Frank Daykin, Legislative Counsel Bureau, stated that the idea is to permit the directors to set the place of the annual meeting. Under present law it says the directors shall be chosen at the annual meeting to be held at the time and place provided in the by-laws. As amended it would say on a date, and at a time, or in the manner provided for in the by-laws. That frees the directors to specify the place. "In the manner" the law provides now that generally any action required to be taken at a meeting may be taken without a meeting if there is unanimous written consent. This would allow the corporation to specify in its by-laws that the annual meeting would be held in that way. You might telephone, but then you would have to reduce the assent to the actions in writing.

Senator Ford asked what was the intent of the comma after manner, as that seemed to set it apart.

Mr. Daykin stated that the comma follows, to make a pair with the comma after "time." You would then read independently "on a date" and "at a time", as provided by the by-laws and as an alternative to that or in the manner provided by the by-laws. They could set the place of the meeting, because place has come out of what must be specified, so it would take an amendment to the by-laws to change the manner of holding the meeting.

Senator Raggio moved the AB 412 be passed out of Committee with a "do pass" recommendation.

Seconded by Senator Hernstadt.

Motion carried unanimously.

SB 243 Adds two judges to second judicial district.
(See minutes of March 2 for testimony)

Senator Ford stated that one of the problems with this bill is that if SJR 10 does not pass, the next time judges get elected would be 1984.

There was a discussion between the members of the Committee as to how many judges were needed in Washoe and how many in Clark County. Senator Hernstadt brought out the fact that he felt if Washoe got two so should Clark as they had a much heavier work-load and greater need. Senator Raggio brought out the fact that Washoe had already allotted funds for two and had the space to put them.

After further discussion, it was decided to go with 2 judges in both districts.

Senator Dodge brought out the fact that he felt some testimony should be gotten from the Public Defender's Office as he felt that Judge Young had brought out the fact in his previous testimony that most of the problems in his district was the lack of Public Defenders. He also stated he did not feel that more judges were needed in the Cow Counties, if the problem with the Public Defender could be straightened out.

Senator Sloan moved that SB 243 be passed out of Committee with and "amend and do pass and re-refer to Finance" recommendation.

Seconded by Senator Hernstadt.

Motion carried unanimously.

The meeting adjourned at 10:50 a.m.

Respectfully submitted:

APPROVED BY:


Virginia C. Letts, Secretary

Senator Melvin D. Close, Jr., Chairman

SENATE BILL NO. 165—COMMITTEE ON JUDICIARY

JANUARY 31, 1979

Referred to Committee on Judiciary

SUMMARY—Tightens certain provisions relating to gaming licensing and control. (BDR 41-1172)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.



EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to gaming licensing and control; prohibiting affiliates of licensees from paying remuneration to, contracting with or employing certain unsuitable and unlicensed persons; eliminating an exemption from requirements for suitability or licensing; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. NRS 463.165 is hereby amended to read as follows:
2 463.165 1. Except for persons associated with licensed corporations
3 and required to be licensed by NRS 463.530, each employee, agent,
4 guardian, personal representative, lender or holder of indebtedness of a
5 gaming licensee who, in the opinion of the commission, has the power to
6 exercise a significant influence over the licensee's operation of a gaming
7 establishment may be required to apply for a license.
8 2. A person required to be licensed pursuant to subsection 1 shall
9 apply for a license within 30 days after the commission requests that he
10 do so.
11 3. If an employee required to be licensed under subsection 1:
12 (a) Does not apply for a license within 30 days after being requested
13 to do so by the commission, and the commission makes a finding of
14 unsuitability for such reason;
15 (b) Is denied a license because of a lack of good character, honesty or
16 integrity; or
17 (c) Has his license revoked by the commission,
18 the gaming licensee by whom he is employed shall terminate his employ-
19 ment upon notification by registered or certified mail to the licensee of
20 such action.
21 4. A gaming licensee *or an affiliate of the licensee* shall not pay to a

Original bill is 3 pages long.
Contact the Research Library for
a copy of the complete bill.

SENATE BILL NO. 243—SENATORS WILSON, YOUNG,
RAGGIO AND KOSINSKI

FEBRUARY 16, 1979

Referred to Committee on Judiciary

SUMMARY—Adds two judges to second judicial district.
(BDR 1-1099)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: Yes.



EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to the district courts; providing for the addition of two judges to the second judicial district; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. NRS 3.010 is hereby amended to read as follows:
2 3.010 1. The state is hereby divided into nine judicial districts, as
3 follows:
4 First judicial district. The counties of Storey and Carson City con-
5 stitute the first judicial district.
6 Second judicial district. The county of Washoe constitutes the
7 second judicial district.
8 Third judicial district. The counties of Churchill, Eureka and
9 Lander constitute the third judicial district.
10 Fourth judicial district. The county of Elko constitutes the fourth
11 judicial district.
12 Fifth judicial district. The counties of Mineral, Esmeralda and Nye
13 constitute the fifth judicial district.
14 Sixth judicial district. The counties of Pershing and Humboldt con-
15 stitute the sixth judicial district.
16 Seventh judicial district. The counties of White Pine and Lincoln
17 constitute the seventh judicial district.
18 Eighth judicial district. The county of Clark constitutes the eighth
19 judicial district.
20 Ninth judicial district. The counties of Douglas and Lyon constitute
21 the ninth judicial district.
22 2. For each of the judicial districts, except the first, second and eighth
23 judicial districts, there shall be one district judge. For the first judicial
24 district there shall be two district judges. For the second judicial district

Original bill is 2 pages long.
Contact the Research Library for
a copy of the complete bill.

SENATE BILL NO. 362—COMMITTEE ON JUDICIARY

MARCH 23, 1979

Referred to Committee on Judiciary

SUMMARY—Provides for service of process on corporation after dissolution, expiration or forfeiture of charter. (BDR 7-1162)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.



EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to corporations; providing for service of process on a corporation which is continued by law as a body corporate after dissolution, expiration or forfeiture of charter; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

1 SECTION 1. NRS 78.750 is hereby amended to read as follows:
2 78.750 1. In any action commenced against any corporation in any
3 court of this state, service of process [shall] *may* be made in the manner
4 provided by law and rule of court for the service of civil process.
5 2. *Service of process on a corporation which has been continued as a*
6 *body corporate under NRS 78.585 may be made by serving the secretary*
7 *of state and mailing copies of the process and any associated documents*
8 *by certified mail, with return receipt requested, to the resident agent and*
9 *each officer and director of the corporation as named in the list last filed*
10 *with the secretary of state before the dissolution or expiration of the*
11 *corporation or the forfeiture of its charter. The manner of serving process*
12 *described in this subsection does not affect the validity of any other*
13 *service authorized by law.*

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SENATE BILL NO. 363—COMMITTEE ON JUDICIARY

MARCH 23, 1979

Referred to Committee on Judiciary

SUMMARY—Extends allowance for mileage of witnesses. (BDR 4-1161)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: Yes.



EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to witnesses; extending the allowance for mileage to include travel to the court and return to the witness's residence; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. NRS 50.225 is hereby amended to read as follows:
2 50.225 Witnesses required to attend in the courts of this state are
3 entitled to receive the following compensation:
4 1. For attending in any criminal case, or civil suit or proceeding
5 before a court of record, master, commissioner, justice of the peace, or
6 before the grand jury, in obedience to a subpoena, \$15 for each day's
7 attendance, which [shall include] *includes* Sundays and holidays.
8 2. Mileage [shall] *must* be allowed and paid at the rate of 15 cents
9 a mile [, one way only,] for each mile necessarily and actually traveled
10 *to and* from the place of residence by the shortest and most practical
11 route, but:
12 (a) A person [shall not be] *is not* obliged to testify in a civil action
13 or proceeding unless his mileage and at least 1 day's fees have been paid
14 him; and
15 (b) Any person in attendance at the trial and sworn as a witness is
16 entitled to witness fees irrespective of service of subpoena.
17 3. Witness fees in civil cases [shall] *must* be taxed as disbursement
18 costs against the defeated party upon proof by affidavit that they have
19 been actually incurred. Costs [shall] *must* not be allowed for more than
20 two witnesses to the same fact or series of facts, nor [shall] *may* a party
21 plaintiff or defendant be allowed any fees or mileage for attendance as
22 a witness in his own behalf.

SENATE BILL NO. 364—COMMITTEE ON JUDICIARY

MARCH 23, 1979

Referred to Committee on Judiciary

SUMMARY—Removes requirement of supporting affidavit for certain small claims against estates. (BDR 12-1540)

FISCAL NOTE: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No.



EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to estates of deceased persons; removing the requirement of a supporting affidavit for certain small claims against estates; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. NRS 147.070 is hereby amended to read as follows:
- 2 147.070 1. Every claim *for an amount of \$500 or more* filed with
- 3 the clerk [shall] *or received by the executor must* be supported by the
- 4 affidavit of the claimant that:
- 5 (a) The amount is justly due (or if the claim is not yet due, that
- 6 the amount is a just demand and will be due on the.....day
- 7 of.....).
- 8 (b) No payments have been made thereon which are not credited.
- 9 (c) There are no offsets to the [same] *amount demanded* to the
- 10 knowledge of the claimant or other affiant.
- 11 2. Every claim filed with the clerk [shall] *must* contain the mail-
- 12 ing address of the claimant. Any written notice mailed by an executor
- 13 or administrator to the claimant at the address furnished is proper notice.
- 14 3. When the affidavit is made by any other person than the claimant,
- 15 the reasons why it is not made by the claimant [shall] *must* be set forth
- 16 in the affidavit.
- 17 4. The oath may be taken before any officer authorized to admin-
- 18 ister oaths.
- 19 5. The amount of interest [shall] *must* be computed and included
- 20 in the statement of the claim and the rate of interest determined.
- 21 6. The court may, in its discretion, for good cause shown, allow a
- 22 defective claim or affidavit to be corrected or amended on application
- 23 made at any time before the filing of the final account.

SENATE BILL NO. 365—COMMITTEE ON JUDICIARY

MARCH 23, 1979

Referred to Committee on Judiciary

SUMMARY—Permits regulated corporate trustees to make certain sales and automatically includes certain powers in wills and trusts. (BDR 13-1530)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to trusts; permitting a regulated corporate trustee to sell property of one trust to himself as trustee of another trust under certain circumstances; providing for the automatic inclusion of certain powers in wills and trusts unless in conflict with the provisions of the instrument; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

1 SECTION 1. NRS 163.060 is hereby amended to read as follows:
2 163.060 1. No trustee, *other than a bank or regulated corporate*
3 *trustee*, shall as trustee of one trust sell property to itself as trustee of
4 another trust except with the approval of the district court having juris-
5 diction of the trust estate and of the accounting thereof.
6 2. *A bank or other regulated corporate trustee may sell assets held*
7 *by it as fiduciary in one account to itself as fiduciary in another account*
8 *if the transaction is fair to both accounts and if the transaction is not*
9 *otherwise prohibited by law.*

10 SEC. 2. NRS 163.260 is hereby amended to read as follows:
11 163.260 1. [By an expressed intention of the testator or settlor
12 so to do contained in a will, or in an instrument in writing whereby a
13 trust estate is created inter vivos, any or all of the powers or any portion
14 thereof enumerated in NRS 163.265 to 163.410, inclusive, as they exist
15 at the time of the signing of the will by the testator or at the time of the
16 signing by the first settlor who signs the trust instrument, may be, by
17 appropriate reference made thereto, incorporated in such will or other
18 written instrument, with the same effect as though such language were
19 set forth verbatim in the instrument. Incorporation of one or more of
20 the powers contained in NRS 163.265 to 163.410, inclusive, by refer-
21 ence to the proper section shall be in addition to and not in limitation
22 of the common law or statutory powers of the fiduciary.] *All of the*
23 *powers enumerated in NRS 163.265 to 163.410, inclusive, as they exist*

Original bill is 2 pages long.
Contact the Research Library for
a copy of the complete bill.

SENATE BILL NO. 368—COMMITTEE ON JUDICIARY

MARCH 23, 1979

Referred to Committee on Judiciary

SUMMARY—Confers additional powers on fiduciaries. (BDR 13-1160)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.



EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to fiduciaries; conferring certain additional powers on fiduciaries and their successors; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. Chapter 162 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 7, inclusive, of this act.
3 SEC. 2. *A successor or substitute fiduciary succeeds to all the powers
4 and duties which the will, deed or other instrument conferred on the
5 original fiduciary with respect to the estate or trust unless the instrument
6 expressly prohibits a successor or substitute from succeeding to those
7 powers and duties.*
8 SEC. 3. *The survivor of two or more fiduciaries may continue to
9 administer the property of the estate or trust without the appointment
10 of a successor unless the continued administration by the survivor is con-
11 trary to an express provision of the will, deed or other instrument gov-
12 erning the estate or trust.*
13 SEC. 4. *At the time for distribution of any property of an estate or
14 trust, the fiduciary may withhold, without payment of interest, any part
15 or all of the property from the beneficiaries if the fiduciary determines
16 that the property may be subject to conflicting claims, tax deficiencies
17 or other liabilities, contingent or otherwise, relating to the estate or trust.*
18 SEC. 5. *If it appears to the satisfaction of a fiduciary that any assets
19 of the estate or trust should be liquidated before distribution, he may
20 postpone distribution, without payment of interest, for a reasonable time
21 to allow for the liquidation in an orderly manner which will minimize any
22 loss of value to the estate or trust.*
23 SEC. 6. *A fiduciary may relinquish or restrict the scope of any power
24 which he holds in connection with the estate or trust, whether the power
25 has been granted expressly or is implied in law. The fiduciary must effect
26 such a relinquishment or restriction of power by means of a written*

ASSEMBLY BILL NO. 257—COMMITTEE ON JUDICIARY

FEBRUARY 2, 1979

Referred to Committee on Judiciary

SUMMARY—Prescribes conduct of examinations of prospective jurors in civil actions. (BDR 2-895)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.



EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to examinations of prospective jurors in civil actions; prescribing the conduct of initial and supplemental examinations; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. NRS 16.030 is hereby amended to read as follows:
2 16.030 1. In preparing for the selection of the jury, the clerk, under
3 the direction of the judge, shall place in a box ballots containing the
4 names of the persons summoned who have appeared and have not been
5 excused. The clerk shall mix the ballots and draw from the box the num-
6 ber of names needed to complete the jury in accordance with the proce-
7 dure provided either in subsection 2 or subsection 3, as the judge directs.
8 2. The judge may require that eight names be drawn, and the persons
9 whose names are called shall be examined as to their qualifications to
10 serve as jurors. If any persons are excused or discharged, or if the ballots
11 are exhausted before the jury is selected, additional names shall be drawn
12 from the jury box and those persons summoned and examined as pro-
13 vided by law until the jury is selected.
14 3. The judge may require that the clerk draw a number of names to
15 form a panel of prospective jurors equal to the sum of the number of
16 regular jurors and alternate jurors to be selected and the number of per-
17 emptory challenges to be exercised. The persons whose names are called
18 shall be examined as to their qualifications to serve as jurors. If any
19 persons on the panel are excused for cause, they shall be replaced by
20 additional persons who shall also be examined as to their qualifications.
21 When a sufficient number of prospective jurors has been qualified to
22 complete the panel, each side shall exercise its peremptory challenges
23 out of the hearing of the panel by alternately striking names from the list
24 of persons on the panel. After the peremptory challenges have been

Original bill is 2 pages long.
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a copy of the complete bill.

ASSEMBLY BILL NO. 258—COMMITTEE ON JUDICIARY

FEBRUARY 2, 1979

—○—
Referred to Committee on Judiciary

SUMMARY—Changes conduct of examination of prospective jurors
in criminal cases. (BDR 14-899)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.



EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to the examination of prospective jurors in criminal cases; altering the conduct thereof; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

1 SECTION 1. NRS 175.031 is hereby amended to read as follows:
2 175.031 The court shall conduct the *initial* examination of prospec-
3 tive jurors, [except it shall permit] and the defendant or his attorney
4 and the district attorney [to] may supplement the examination by such
5 further inquiry as [it] the court deems proper. [or shall itself submit to
6 the prospective jurors such additional questions by the parties or their
7 attorneys as it deems proper.] *Any supplemental examination must not*
8 *be unreasonably restricted.*

ASSEMBLY BILL NO. 412—ASSEMBLYMAN GLOVER

FEBRUARY 14, 1979

Referred to Committee on Commerce

SUMMARY—Allows corporations to fix in their bylaws manner of holding annual meeting of stockholders. (BDR 7-1051)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.



EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to corporations; allowing corporations to fix in their bylaws the manner of holding the annual meeting of stockholders; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. NRS 78.330 is hereby amended to read as follows:
2 78.330 1. The directors of every corporation shall be chosen at the
3 annual meeting of the stockholders, [thereof,] to be held [at the time
4 and place] *on a date and at a time, or in the manner*, provided for by the
5 by-laws, by a plurality of the votes cast at [such] *the* election. But if for
6 any reason [such directors shall not be] *the directors are not* elected at
7 the annual meeting of the stockholders, they may be elected at any
8 special meeting of the stockholders which is called and held for that
9 purpose.
10 2. At least one-fourth in number of the directors of every corporation
11 shall be elected annually.
12 3. Unless otherwise provided in the certificate or articles of incor-
13 poration, or an amendment thereto, the number of directors of any
14 corporation organized under the provisions of this chapter may from time
15 to time be increased or decreased in such manner as shall be provided
16 in the certificate or articles of incorporation, or an amendment thereto, or
17 by the bylaws of the corporation; but the number [shall] *must* not be
18 reduced to less than three, except that, in cases where all the shares of
19 the corporation are owned beneficially and of record by either one or two
20 stockholders, the number of directors may be less than three but not less
21 than the number of stockholders.