

The meeting was called to order at 9:22 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

AB 822 Revises method of determining attorneys' fees respecting estates of decedents.

Don Perry, Past President of Retired Teachers Association and Charter Chairman of the Joint Legislative Committee Representing the American Association of Retired Persons, stated that the AARP is in full support of this bill. The two major things that concern retired persons is time and the sometimes excessive costs. We feel that this bill is a step forward in correcting these problems. We would suggest one amendment. On page 1, line 15, after the word "include" add in "the notice must include by attachment or otherwise specific and detailed information supporting the entitlement to such amount including reference to time and hours, dates and reditions of services, the nature and extent of such services, any claim ordinary or extraordinary services, the complicated nature of the work required, and benefits derived by the estate, or ward, or beneficiary and shall further set forth such information considered to be relative or material to the application or petition for fees or commissions, following such hearings the court shall make such a determination regarding fees and commissions." This would conform with the Rule of the District Court, Rule 17.

Senator Raggio stated that a lot of the time has been eliminated, except in those cases where property has to be sold and things of that nature that do have to take time. We have also eliminated the old practice of charging 5% in these probate matters. He stated he has a real problem with the bill, because there is nowhere else where fees are regulated.

Senator Dodge stated he had some real concern in the accountability of estate cases. He stated this may not be the best answer, but it is better then trying to schedule some kind of percentage based on value. There should be some accountability, and he sees nothing wrong with the bill.

Senator Raggio stated that you have to look at the other side. "If I were an attorney representing a probate, I can't sit

down with the executor and say I'm going to charge X amount of dollars. I don't know what we are going to get into. We have a fellow working in our office who specializes in probates, so we could take a case and work on it 15 hours where someone else, without much expertise, who may spend 100 hours on the same case." He felt there was a real danger with putting something in the law that emphasizes time.

Senator Dodge stated that all this does is place an emphasis on accountability.

Senator Raggio stated that he objects to the whole concept of the Legislature setting fees. He felt that the language should be left in that states the amount may be fixed by agreement.

After further discussion it was agreed to strike the brackets on lines 4, 6, 7 and 10, putting back the existing law and allow for the attorney and executioner to come to an agreement on the amount, if they wish. Go with the Douglas County Rule 17, but put in the time and hours, but leave out the date or rendition of services.

Senator Hernstadt moved that AB 822 be passed out of Committee with an "amend and do pass" recommendation.

Seconded by Senator Dodge. The motion carried with the vote as follows:

AYE: Senator Close	NAY: None	ABSTAINED: Senator Don
Senator Hernstadt		Ashworth
Senator Ford		
Senator Dodge		
Senator Raggio		
Senator Sloan		

AB 769 Clarifies role of affidavits in certain eviction proceedings.

Senator Hernstadt stated that the way the law is now, the landlord gives the tenant the notice and if he doesn't respond to it, the landlord has two options. He can either file for summary eviction, or he can lock him out. Where this has been abused is that if the landlord wanted the tenant out, rather than giving him 30 days notice he would refuse to take the person's money and use the five day notice. Under this bill, if you offered the landlord the money and he refused to take it, you would have recourse. The problem with this is how does the landlord know that the tenant has filed?

Senator Close stated that the bill should be amended to make immediate personal service on the landlord or his agent. Also, put some language in that says if the tenant has paid or tendered.

Senator Raggio stated that here is the way it should read on



line 13, page 1, subsection 1, "if the tenant timely files the affidavit, the landlord or his agent, after receipt of the copy of the affidavit shall not provide for the admittance." Because the landlord should be able to lock out until he has a copy of the affidavit.

Senator Raggio moved that AB 769 be passed out of Committee with an "amend and do pass" recommendation.

Seconded by Senator Dodge.

Motion carried unanimously among those present. Senator Hernstadt was absent for the vote.

AB 389 Provides penalty for stopping payment on a check under certain circumstances.

The Committee went over the amendments and further amended the bill as follows:

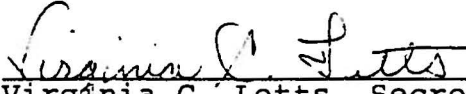
Obtaining of property under false pretenses should go up in the substantive part of the bill rather than in the prima facie section. Strike wages from the bill. Amend NRS 205.380 to provide a new subsection to the effect that every person who stops payment on the check and fails to return, or fails to offer to return, merchandise which is returnable, that shall be evidence of intent to cheat or defraud.

Senator Raggio moved that AB 389 be passed out of Committee with an "amend and do pass" recommendation.

Seconded by Senator Dodge.

Motion carried unanimously among those present. Senators Hernstadt and Ford were absent for the vote.

Respectfully submitted,

  
Virginia C. Letts, Secretary

APPROVED:

Senator Melvin D. Close, Jr., Chairman