

MEMBERS PRESENT: Chairman Stewart
Vice Chairman Sader
Mr. Thompson
Ms. Foley
Mr. Beyer
Mr. Price
Mr. Chaney
Mr. Malone
Mrs. Cafferata
Ms. Ham
Mr. Banner

MEMBERS ABSENT: None

GUESTS PRESENT: John R. Cockle; NV Bankers Association,
NV National Bank

Chairman Stewart called the meeting to order at 8:10 a.m. and said the Committee would hear testimony on SB 446 first, since there was only one witness present to testify.

SB 446: Authorizes certain trustees to make specified sales.

Mr. John Cockle, General Counsel for Nevada National Bank and formerly head of their trust department, and also representing the Nevada Bankers Association, testified that this Association unanimously supports SB 446.

Mr. Cockle said this legislation would be very useful in the transaction of normal business affairs among the hundreds of trusts which a bank manages. He said it sometimes occurs that a trust will wish to buy common stocks or other securities at almost the same moment that those securities are being liquidated by another trust under the same bank's management; the liquidation being not for reasons of quality or anything like that, but rather for obtaining funds for the purposes of the trust or for distribution.

The witness noted that the Comptroller of the Currency Regulations, which are applicable only to national banks, contain wording very similar to that contained in this bill.

Mr. Cockle explained that currently a statute originally passed circa 1941 prohibits such a sale regardless of the fairness of the transaction, or the desires of both trusts, with no exceptions. It has therefore been necessary to sell those securities to a broker and buy them back, paying commissions both ways. He said there was no particular percentage in this, and that the banks consider it their fiduciary duty to raise this question to the Legislature.

Mr. Cockle told the Committee that two trusts are particularly common in today's estate planning for the same beneficiary, primarily the wife's trust and the family trust, with the wife having the life-time benefit of both trusts. The banks cannot even sell securities between those two trusts under the current law.

Mr. Sader asked if, under the new language proposed, the sale would not be court approved. Mr. Cockle said this would mean prior court approval would not be required. He explained that in testamentary trusts the banks do have a court that is readily available, and there is no problem here. However, in those plans which have private trusts, which are funded only after death and are not subject to court approval, it would require the banks to open a new case in court for such approval. He said the banks do discuss this with their co-trustees, and must get their approval on all transfers of all sorts. He added that even if the banks do not have co-trustees, they discuss it with the beneficiaries in every case, and report the details of the transaction.

Mr. Sader asked if Mr. Cockle would explain the regulatory procedures with which the banks must comply. Mr. Cockle said the banks are subject to reporting to the Comptroller of the Currency, which inspects each trust department of a national bank on an annual basis.. He said this usually takes experienced examiners three or four weeks, and they are extremely cautious. In addition to this, the banks have both internal and external auditors; the internal auditors reporting directly to the Board of Directors, not to the management, and the external auditors--becoming more and more independent all the time--examining all phases of trust operations, including compliance with this sort of a statute. Those audits are mandated by the federal banking laws.

Mr. Cockle further explained that national banks have a more thorough pattern of regulation, which has developed over the years; state banks (there are four state banks in Nevada having trust powers) do not have such a formal body of examinations and regulations and requirements, but in general, the State Banking Commissioner, finding that the regulatory process of the Comptroller is not only exceedingly experienced and able, but also supported by the trust people they are examining, follows the federal banking regulations, except where they conflict with state laws and requirements. The State Banking Commissioner, the FDIC and the internal and external auditors closely monitor the state banks in Nevada.

Mr. Sader then asked if laws similar to SB 446 prevailed in other states. Mr. Cockle said it is common practice as the law is proposed, not as the current statute exists. He said that, while he has not canvassed all 50 states, he has yet to find one that doesn't permit it.

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SB 448: Reduces margin necessary for court to consider new sale of real property from estate of decedent.

Mr. Cockle also testified on this bill, stating that all of the heads of the trust departments of all Nevada banks which have active trust departments unanimously support SB 446 and SB 448.

SB 448 results from price inflation in real estate holdings. The banks frequently have, in an estate or in a trust, a piece of real estate which must be sold because the proceeds are to be distributed to several family members. Under current law, the banks shall set the hearing for approval of a sale under court procedure when the banks have a bid that is satisfactory to the trustee; having done so, there is a 10% requirement of any higher bid that is proposed. He explained that sales have been conducted in the past three or four years at prices of one half million dollars, one million dollars, etc.; and on a million dollars 10% is one hundred thousand dollars. If someone were to wish to increase the original proposed price by a sum of ten thousand dollars, or twenty-five thousand dollars, the bank would be remiss in its duty not to call off the notice, etc, of the hearing and substitute the higher bid. Thus, the current law is quite unrealistic in the context of today's real estate values.

Mr. Cockle went on to explain to the Committee that the Senate amended this bill slightly to state that 5% of the bid is required. However, if the bid is more than one hundred thousand dollars, then the 5% does not move after the one hundred thousand; i.e., any bid of five thousand dollars, would cause that bid to be considered in open court and prevent a further hearing on that sale. He went on to submit that this is not necessarily in the interest of the banks, but it is in the interest of the beneficiaries.

Mr. Sader said, when you have an estate and have a piece of real property that you, as the bank, as executor or administrator, want to sell, then you put it out to bid, in most cases. You also have to seek court confirmation of the sale. This law pertains to a situation where someone wants to offer more money for a property for which the bank has already established a sale price and a purchaser, and simply lowers the percentage increase which the new buyer must produce. Mr. Cockle added that without SB 448, with all the machinery and motion, if the new bid was not 10% higher, the bank had no business considering it in that particular hearing.

Mr. Beyer asked the reason for originally setting a minimum bid percentage increase. Mr. Cockle said it was probably for convenience. He said that in 99% of the cases there is no second bid involved; however, currently if someone were to appear in court and the bank did not know about it in advance, and if that person offered \$100 more than the first bid, the bank would have to adjourn the hearing right then, because the bank would have to find out if the person was talking about cash,

or some kind of financing, etc. which might make the bank recommend that the bid not be considered. On the other hand, court hearings are cumbersome to set up, with the notices required, etc., and the court does not want to have a bidding battle going on for relatively minor amounts.

SB 226: Requires notice of proceeding for appointment of guardian be given to next of kin.

Chairman Stewart said that he was informed that the Senate is passing over a separate bill having to do with the appointment of guardians and which affects the same sections of NRS, and it was suggested SB 226 be held for comparison with this other bill. The Committee agreed to the delay.

SB 358: Prohibits murderer from succeeding to community property.

Mr. Stewart explained that when a couple has community property, and one person dies, the property of the dead spouse is subject to their will. If it is not willed to someone, then it goes to the surviving spouse. SB 358 would prevent the spouse from inheriting the property if the spouse killed the victim.

There is currently a similar law which applies to separate-- i.e., not community-- property. Thus, this bill simply extends that law which applies to the separate property section to community property.

There followed a discussion of the succession of inheritance. It was noted that if there are no children, nor relatives, etc., then the inheritance will eventually go to the state. There is always an heir, even if it is the state. The heirs, in descending order, are listed in the statutes, with the state being last in line.

Mr. Sader explained that currently the law only covers separate property in this matter. SB 358 would extend it to community property. However, other types of property are still not covered. He suggested that joint property, life insurance, proceeds and all other types of property be included in this bill. None of these goes through an estate. Mr. Sader added that there is case law in many states involving whether or not a murderer can succeed to joint property of the victim, and it has gone both ways in several states. This state does not have any controlling case laws. This is also true for life insurance proceeds.

It was also noted that, while insurance policies often cover suicide situations, they seldom mention the situation where the spouse murders his/her mate. By amending SB 358, the latter situation would also be covered.

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It was suggested the Committee vote to amend and pass the bill, following which Chairman Stewart would bring the bill to the Assembly floor. He said that if any Committee member had a problem with the amendments, then he would pull the bill back.

Ms. Foley moved AMEND AND DO PASS SB 358, to include joint property, life insurance proceeds, and any other property. The motion was seconded by Mr. Malone and passed unanimously, with Ms. Ham and Mr. Price absent at the time of the vote.

SB 581: Makes various changes in provisions regarding estates of decedents.

Mr. Stewart explained that this bill simply makes the procedure when the wife dies the same as that for when the husband dies. Basically, if the wife dies without a will but has heirs, and then the husband dies without a will but he has no heirs, the husband's property reverts to the wife's heirs.

Currently there is a law covering the reverse situation; i.e., when the husband dies first and has heirs, then the wife dies without leaving any heirs, the wife's property reverts to the husband's heirs. The current law does not cover the former situation, however, and this bill will correct that oversight.

Mr. Malone moved DO PASS SB 581, seconded by Mr. Thompson and passed unanimously, with Ms. Ham, Mr. Price and Mr. Sader absent at the time of the vote.

SB 448: Reduces margin necessary for court to consider new sale of real property from estate of decedent.

Ms. Foley had a proposed amendment to this bill, which arose out of a problem of an estate in Nevada. What Amendment 893 does is permit the sale of a large piece of property to a developer, using that procedure which is often used in those instances when an estate is not involved.

Mr. Stewart explained the amendment as follows: if an estate wishes to sell a large piece of property it is often easier to do so by splitting up the property or selling to a developer. The law provides that there must be security for the mortgage, but oftentimes a developer uses what is known as a release clause, so that a certain amount is paid on the mortgage, and a portion of that property is released from the mortgage so the developer can go ahead and develop that piece of property. This is normal business practice in selling large pieces of land. This bill would allow a mortgage to contain a release provision, all subject to court review--it must be approved by the court. He said he supported this amendment.

Mr. Thompson moved AMEND SB 448 PER AMENDMENT 893, seconded by Mr. Malone and passed unanimously, with Mr. Sader and Mr. Price absent at the time of the vote.

Mr. Malone moved DO PASS SB 448 AS AMENDED, seconded by Mr. Thompson and passed unanimously, with Mr. Sader and Mr. Price absent at the time of the vote.

SB 446: Authorizes certain trustees to make specified sales.

Mr. Beyer moved DO PASS SB 446, seconded by Mr. Chaney and passed unanimously, with Mr. Price absent at the time of the vote.

Next Mr. Sader requested a Committee introduction for a bill requested by the district attorney's office. He said this bill was of major importance to the DA's; it involves the ability to appeal an evidentiary ruling--habeas corpus type of material--which they now cannot appeal to the supreme court at all. He said it is the most important bill the DA's have asked for all session, and he could not explain why it is so late in appearing. Mr. Malone agreed it is an extremely necessary bill.

Mr. Thompson moved for a COMMITTEE INTRODUCTION OF BDR 14-1937*, seconded by Mr. Malone and passed unanimously, with Mr. Banner, Mr. Price and Ms. Foley absent at the time of the vote.

AB 432: Makes various revisions to law governing mobile home parks.

Chairman Stewart distributed copies of proposed amendments to this bill (EXHIBIT A), which he then proceeded to go over with the Committee. It was pointed out that these amendments were the result of a 3½ hour meeting of the subcommittee with both the landlords and the tenants, and while neither party was completely satisfied, both were willing to accept these as a compromise solution.

In addition to those amendments listed in EXHIBIT A, it was suggested that page 11, line 10 should be changed in order to make it consistent with the rest of the bill by eliminating the reference to section 22, since this section has been deleted from the bill.

Mr. Sader moved AMEND AND DO PASS AB 432 as noted above, seconded by Mr. Chaney.

During the ensuing discussion Ms. Foley was told that one park owner and several tenants from both the north and the south were present at the subcommittee hearing.

Then Mr. Malone pointed out to the Committee that there were numerous parts of AB 432 which had also been contained in AB 30 and AB 31, and he questioned whether this was an attempt to obtain passage of measures which had already been killed. It was pointed out to Mr. Malone that it often occurs that more than one bill will make the same changes to various sections of the NRS, and this is simply wise planning on the part of the lobbyists. It was not felt to be a deceptive measure.

It was also pointed out to Mr. Malone that the reason three of the four bills dealing with mobile homes went to the Committee on Commerce is because the Chairman of that Committee also chaired the interim subcommittee on this subject.

Several members of the Committee also commended the subcommittee on the compromise amendments, which obviously required a great deal of work.

Mr. Banner said that because of all the work involved, he felt this bill should pass Committee so that it can be voted upon on the floor of the Assembly; he noted however, that although he would vote in favor of the bill in Committee, he did not want to be committed to also support the bill on the floor.

Mr. Beyer said he felt the amendments had been gone over much too quickly, and that he did not feel well enough versed in them without additional study to vote on them.

Ms. Foley proposed the Committee amend the bill and pass it out, with the understanding that it would be re-referred back to Committee if that proved desirable and/or necessary.

Chairman Stewart noted that things are moving fast, and this being an Assembly bill it still has to pass the Senate. He suggested getting the amendments, and then putting the bill on the Chief Clerk's desk for a day in order to give everyone time to study the entire bill and its amendments; this would, hopefully, get the bill moving, without really pushing anyone to decide whether they favor or oppose the bill prior to studying it.

Mr. Sader's motion to AMEND AND DO PASS AB 432 passed, with Mr. Beyer, Mrs. Cafferata, Ms. Ham and Mr. Malone voting against.

AB 340: Provides procedure for fixing salaries of justices of peace and police judges.

Mr. Thompson said he had a few amendments which he would like to add to this bill; he said these were a result of Judge Davis' testimony before this Committee.

Page 2, lines 1-2 should be changed to read that the salary should be an amount up to 95% of the sheriff's salary.

Section 2 is in conflict with SB 440, so this entire section should be deleted.

All portions which are affected by the first change should be changed so as to conform to 95% of the sheriff's salary.

Section 8, subsection 3 should be amended to clarify that the county in which the judge is presently sitting will pay the judge.

Section 10 should be deleted, since it was taken care of in AB 310.

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Mr. Thompson said that, while he did not have the actual amendments, he would like to pass the bill out of Committee and get the amendments afterwards.

Mr. Beyer said an additional amendment should appear in line 1 of page 2: it should read an amount up to rather than equal to.

Mr. Thompson moved AMEND AB 340 as note above, seconded by Mrs. Cafferata.

In the discussion that followed, Ms. Foley noted that she disagreed with the first proposed amendment, since in some cases this would result in a decrease in salary for a justice of the peace, especially since the 95% is for a full time justice; those working part time would receive even less. This is because in some counties a sheriff's salary is much lower than a district judge's salary.

Mr. Thompson said that if this portion was not changed, and it was left at 95% of a district judge's salary, it would not really make that much difference, since the bill will read the justice is entitled up to 95%; thus there is really no mandate that he must receive a full 95%, only that he can receive that much. Mr. Thompson said he would therefore like to amend his motion to reflect this.

Mrs. Cafferata said that since this change did not really mandate anything, then it really isn't necessary at all and should be deleted from the bill. She said she would not support leaving this section as originally written, however.

Since the original motion made by Mr. Thompson included changing page 2, lines 1-2 to read 95% of a sheriff's salary, Ms. Foley moved AMEND MR. THOMPSON'S AMENDMENT to read 95% of a district judge's salary, but reading up to rather than equal to. This was seconded by Mr. Thompson.

At this point the Chairman suggested that, since Mr. Thompson was going to second the amendment to his amendment, he instead simply withdraw his original motion and the process begin anew. Mr. Thompson agreed and WITHDREW HIS MOTION, which was seconded by Mrs. Cafferata.

Ms. Foley then moved AMEND AB 340 as previously noted by Mr. Thompson, except that page 2, lines 1-2 read "up to 95% of the annual salary provided district judges". This motion was seconded by Mr. Thompson and passed unanimously.

Mr. Thompson then moved DO PASS AB 340 AS AMENDED, seconded by Mr. Chaney.

In the discussion which followed, Mr. Stewart noted he was going to vote against this bill because he felt this matter should be left in the hands of the counties. Mr. Sader said he was going

to vote in favor of the bill because he felt it did leave it in the hands of the counties, but also gives the counties guidelines in order to protect the judges.

Mr. Thompson's motion to DO PASS AB 340 AS AMENDED passed, with Mr. Stewart and Ms. Ham voting against.

As there was no further business, the Chairman adjourned the meeting at 10:00 a.m.

Respectfully submitted,

Pamela B. Sleeper

Pamela B. Sleeper
Assembly Attache

**61st NEVADA LEGISLATURE
ASSEMBLY JUDICIARY COMMITTEE
LEGISLATION ACTION**

DATE: Wednesday, 13 May 1981
 SUBJECT: SB 358: Prohibits murderer from succeeding to community property.

MOTION:

DO PASS _____ AMEND _____ INDEFINITELY POSTPONE _____
 RECONSIDER _____ AMEND AND DO PASS XX

MOVED BY: MS. FOLEY SECONDED BY: MR. MALONE

AMENDMENT:

Include joint property, life insurance proceeds, and any other property.

MOVED BY: _____ SECONDED BY: _____

AMENDMENT:

MOVED BY: _____ SECONDED BY: _____

VOTE:	MOTION		AMEND		AMEND	
	YES	NO	YES	NO	YES	NO
Thompson	<u>X</u>	---	---	---	---	---
Foley	<u>X</u>	---	---	---	---	---
Beyer	<u>X</u>	---	---	---	---	---
Price	<u>ABSENT</u>		---	---	---	---
Sader	<u>X</u>	---	---	---	---	---
Stewart	<u>X</u>	---	---	---	---	---
Chaney	<u>X</u>	---	---	---	---	---
Malone	<u>X</u>	---	---	---	---	---
Cafferata	<u>X</u>	---	---	---	---	---
Ham	<u>ABSENT</u>		---	---	---	---
Banner	<u>X</u>	---	---	---	---	---
TALLY:	<u>9</u>	<u>0</u>	---	---	---	---

ORIGINAL MOTION: Passed XX Defeated _____ Withdrawn _____
 AMENDED & PASSED _____ AMENDED & DEFEATED _____
 AMENDED & PASSED _____ AMENDED & DEFEATED _____

ATTACHED TO MINUTES OF Assembly Judiciary Committee
Wednesday, 13 May 1981

61st NEVADA LEGISLATURE
ASSEMBLY JUDICIARY COMMITTEE
LEGISLATION ACTION

DATE: Wednesday, 13 May 1981

SUBJECT: SB 581: Makes various changes in provisions regarding estates of decedents.

MOTION:

DO PASS XX AMEND _____ INDEFINITELY POSTPONE _____
 RECONSIDER _____

MOVED BY: MR. MALONE SECONDED BY: MR. THOMPSON

AMENDMENT:

MOVED BY: _____ SECONDED BY: _____

AMENDMENT:

MOVED BY: _____ SECONDED BY: _____

VOTE:	MOTION		AMEND		AMEND	
	YES	NO	YES	NO	YES	NO
Thompson	<u>X</u>	---	---	---	---	---
Foley	<u>X</u>	---	---	---	---	---
Beyer	<u>X</u>	---	---	---	---	---
Price	<u>ABSENT</u>	---	---	---	---	---
Sader	<u>ABSENT</u>	---	---	---	---	---
Stewart	<u>X</u>	---	---	---	---	---
Chaney	<u>X</u>	---	---	---	---	---
Malone	<u>X</u>	---	---	---	---	---
Cafferata	<u>X</u>	---	---	---	---	---
Ham	<u>ABSENT</u>	---	---	---	---	---
Banner	<u>X</u>	---	---	---	---	---
TALLY:	<u>8</u>	<u>0</u>	---	---	---	---

ORIGINAL MOTION: Passed XX Defeated _____ Withdrawn _____
 AMENDED & PASSED _____ AMENDED & DEFEATED _____
 AMENDED & PASSED _____ AMENDED & DEFEATED _____

ATTACHED TO MINUTES OF Assembly Judiciary Committee
 Wednesday, 13 May 1981

61st NEVADA LEGISLATURE
ASSEMBLY JUDICIARY COMMITTEE
LEGISLATION ACTION

DATE: Wednesday, 13 May 1981
SUBJECT: SB 448: Reduces margin necessary for court to consider new sale of real property from estate of decedent.

MOTION: DO PASS _____ AMEND XX INDEFINITELY POSTPONE _____
RECONSIDER _____
MOVED BY: MR. THOMPSON SECONDED BY: MR. MALONE

AMENDMENT:
Amendment 893 to SB 448.

MOVED BY: _____ SECONDED BY: _____

AMENDMENT:

MOVED BY: _____ SECONDED BY: _____

VOTE:	MOTION		AMEND		AMEND	
	YES	NO	YES	NO	YES	NO
Thompson	X	—	—	—	—	—
Foley	X	—	—	—	—	—
Beyer	X	—	—	—	—	—
Price	ABSENT	—	—	—	—	—
Sader	ABSENT	—	—	—	—	—
Stewart	X	—	—	—	—	—
Chaney	X	—	—	—	—	—
Malone	X	—	—	—	—	—
Caifferata	X	—	—	—	—	—
Ham	X	—	—	—	—	—
Banner	X	—	—	—	—	—
TALLY:	9	0	—	—	—	—

ORIGINAL MOTION: Passed XX Defeated _____ Withdrawn _____
AMENDED & PASSED _____ AMENDED & DEFEATED _____
AMENDED & PASSED _____ AMENDED & DEFEATED _____

ATTACHED TO MINUTES OF Assembly Judiciary Committee
Wednesday, 13 May 1981

**61st NEVADA LEGISLATURE
ASSEMBLY JUDICIARY COMMITTEE
LEGISLATION ACTION**

DATE: Wednesday, 13 May 1981

SUBJECT: SB 448: Reduces margin necessary for court to consider new sale of real property from estate of decedent.

MOTION:

DO PASS _____ AMEND _____ INDEFINITELY POSTPONE _____
RECONSIDER _____ DO PASS AS AMENDED XX

MOVED BY: MR. MALONE SECONDED BY: MR. THOMPSON

AMENDMENT:

MOVED BY: _____ SECONDED BY: _____

AMENDMENT:

MOVED BY: _____ SECONDED BY: _____

VOTE:	MOTION		AMEND		AMEND	
	YES	NO	YES	NO	YES	NO
Thompson	X	—	—	—	—	—
Foley	X	—	—	—	—	—
Beyer	X	—	—	—	—	—
Price	ABSENT	—	—	—	—	—
Sader	ABSENT	—	—	—	—	—
Stewart	X	—	—	—	—	—
Chaney	X	—	—	—	—	—
Malone	X	—	—	—	—	—
Cafferata	X	—	—	—	—	—
Ham	X	—	—	—	—	—
Banner	X	—	—	—	—	—
TALLY:	<u>9</u>	<u>0</u>	—	—	—	—

ORIGINAL MOTION: Passed XX Defeated _____ Withdrawn _____

AMENDED & PASSED _____ AMENDED & DEFEATED _____

AMENDED & PASSED _____ AMENDED & DEFEATED _____

ATTACHED TO MINUTES OF Assembly Judiciary Committee
Wednesday, 13 May 1981

**61st NEVADA LEGISLATURE
ASSEMBLY JUDICIARY COMMITTEE
LEGISLATION ACTION**

DATE: Wednesday, 13 May 1981

SUBJECT: SB 446: Authorizes certain trustees to make specified sales.

MOTION:

DO PASS XX AMEND _____ INDEFINITELY POSTPONE _____
RECONSIDER _____

MOVED BY: MR. BEYER SECONDED BY: MR. CHANEY

AMENDMENT:

MOVED BY: _____ SECONDED BY: _____

AMENDMENT:

MOVED BY: _____ SECONDED BY: _____

	MOTION		AMEND		AMEND	
VOTE:	<u>YES</u>	<u>NO</u>	<u>YES</u>	<u>NO</u>	<u>YES</u>	<u>NO</u>
Thompson	<u>X</u>	___	___	___	___	___
Foley	<u>X</u>	___	___	___	___	___
Beyer	<u>X</u>	___	___	___	___	___
Price	<u>ABSENT</u>	___	___	___	___	___
Sader	<u>X</u>	___	___	___	___	___
Stewart	<u>X</u>	___	___	___	___	___
Chaney	<u>X</u>	___	___	___	___	___
Malone	<u>X</u>	___	___	___	___	___
Cafferata	<u>X</u>	___	___	___	___	___
Ham	<u>X</u>	___	___	___	___	___
Banner	<u>X</u>	___	___	___	___	___
TALLY:	<u>10</u>	<u>0</u>	___	___	___	___

ORIGINAL MOTION: Passed XX Defeated _____ Withdrawn _____
 AMENDED & PASSED _____ AMENDED & DEFEATED _____
 AMENDED & PASSED _____ AMENDED & DEFEATED _____

ATTACHED TO MINUTES OF Assembly Judiciary Committee
 Wednesday, 13 May 1981

**61st NEVADA LEGISLATURE
ASSEMBLY JUDICIARY COMMITTEE
LEGISLATION ACTION**

DATE: Wednesday, 13 May 1981
 SUBJECT: AB 432: Makes various revisions to law governing mobile home parks.

MOTION:

DO PASS _____ AMEND _____ INDEFINITELY POSTPONE _____
 RECONSIDER _____ AMEND AND DO PASS XX _____

MOVED BY: MR. SADER SECONDED BY: MR. CHANEY

AMENDMENT:

Amendments contained in EXHIBIT A.

Page 11, line 10: delete reference to section 22.

MOVED BY: _____ SECONDED BY: _____

AMENDMENT:

MOVED BY: _____ SECONDED BY: _____

VOTE:	MOTION		AMEND		AMEND	
	YES	NO	YES	NO	YES	NO
Thompson	<u>X</u>	—	—	—	—	—
Foley	<u>X</u>	—	—	—	—	—
Beyer	—	<u>X</u>	—	—	—	—
Price	<u>X</u>	—	—	—	—	—
Sader	<u>X</u>	—	—	—	—	—
Stewart	<u>X</u>	—	—	—	—	—
Chaney	<u>X</u>	—	—	—	—	—
Malone	—	<u>X</u>	—	—	—	—
Cafferata	—	<u>X</u>	—	—	—	—
Ham	—	<u>X</u>	—	—	—	—
Banner	<u>X</u>	—	—	—	—	—
TALLY:	<u>7</u>	<u>4</u>	—	—	—	—

ORIGINAL MOTION: Passed XX Defeated _____ Withdrawn _____
 AMENDED & PASSED _____ AMENDED & DEFEATED _____
 AMENDED & PASSED _____ AMENDED & DEFEATED _____

ATTACHED TO MINUTES OF Assembly Judiciary Committee
Wednesday, 13 May 1981

61st NEVADA LEGISLATURE
ASSEMBLY JUDICIARY COMMITTEE
LEGISLATION ACTION

DATE: Wednesday, 13 May 1981
 SUBJECT: AB 340: Provides procedure for fixing salaries of justices of peace and police judges.

MOTION:

DO PASS _____ AMEND XX INDEFINITELY POSTPONE _____
 RECONSIDER _____

MOVED BY: MR. THOMPSON SECONDED BY: MRS. CAFFERATA

AMENDMENT:

Page 2, lines 1-2: change to read: "...an amount up to 95% of the annual salary provided for sheriffs..." This change should be reflected throughout the bill, as necessary.

Section 2: delete entirely.

Section 8, subsection 3: clarify that the county in which the judge is presently sitting should pay the judge.

Section 10: delete entirely.

AMENDMENT:

Page 2, lines 1-2: change to read: "...an amount up to 95% of the annual salary provided for district judges..."

MOVED BY: MS. FOLEY SECONDED BY: MR. THOMPSON

VOTE:	MOTION		AMEND		AMEND	
	<u>YES</u>	<u>NO</u>	<u>YES</u>	<u>NO</u>	<u>YES</u>	<u>NO</u>
Thompson	___	___	___	___	___	___
Foley	___	___	___	___	___	___
Beyer	___	___	___	___	___	___
Price	___	___	___	___	___	___
Sader	___	___	___	___	___	___
Stewart	___	___	___	___	___	___
Chaney	___	___	___	___	___	___
Malone	___	___	___	___	___	___
Cafferata	___	___	___	___	___	___
Ham	___	___	___	___	___	___
Banner	___	___	___	___	___	___
TALLY:	___	___	___	___	___	___

ORIGINAL MOTION: Passed _____ Defeated _____ Withdrawn XX
 AMENDED & PASSED _____ AMENDED & DEFEATED _____
 AMENDED & PASSED _____ AMENDED & DEFEATED _____

ATTACHED TO MINUTES OF Assembly Judiciary Committee
Wednesday, 13 May 1981

61st NEVADA LEGISLATURE
ASSEMBLY JUDICIARY COMMITTEE
LEGISLATION ACTION

DATE: Wednesday, 13 May 1981
 SUBJECT: AB 340: Provides procedure for fixing salaries of justices of peace and police judges.

MOTION:
 DO PASS _____ AMEND XX INDEFINITELY POSTPONE _____
 RECONSIDER _____
 MOVED BY: MS. FOLEY SECONDED BY: MR. THOMPSON

AMENDMENT:
 Page 2, line 1: Change to read "...an amount up to 95% of..."
 This change should be reflected throughout the bill, as necessary.
 Section 2: delete entirely.
 Section 8, subsection 3: clarify that the county in which the judge is presently sitting should pay the judge.
 Section 10: delete entirely.

MOVED BY: _____ SECONDED BY: _____

VOTE:	MOTION		AMEND		AMEND	
	YES	NO	YES	NO	YES	NO
Thompson	<u>X</u>	—	—	—	—	—
Foley	<u>X</u>	—	—	—	—	—
Beyer	<u>X</u>	—	—	—	—	—
Price	<u>X</u>	—	—	—	—	—
Sader	<u>X</u>	—	—	—	—	—
Stewart	<u>X</u>	—	—	—	—	—
Chaney	<u>X</u>	—	—	—	—	—
Malone	<u>X</u>	—	—	—	—	—
Cafferata	<u>X</u>	—	—	—	—	—
Ham	<u>X</u>	—	—	—	—	—
Banner	<u>X</u>	—	—	—	—	—
TALLY:	<u>11</u>	<u>0</u>	—	—	—	—

ORIGINAL MOTION: Passed XX Defeated _____ Withdrawn _____
 AMENDED & PASSED _____ AMENDED & DEFEATED _____
 AMENDED & PASSED _____ AMENDED & DEFEATED _____

ATTACHED TO MINUTES OF Assembly Judiciary Committee
 Wednesday, 13 May 1981

PROPOSED AMENDMENTS TO AB 432NEW SECTION

The landlord shall post and maintain a sign clearly readable at the entrance to the park which advises people that before any mobile home in the park is sold the parties must first confer with the manager.

PAGE 1

Line 5 : service fees applies in (a) an equal and uniform manner

Line 6 : ...to all tenants similarly (situated) located... and by the size of the mobile home and the classification of the lot as either double or.. single size.

Line 10: received by the tenant (120) 90 days in advance...

Line 11: delete "on or"

Line 14: "Prohibit or require deposits..."

PAGE 2

Lines 4-5: ...tenant to register the guest within 48 hours of his arrival, Sundays and holidays not included

Line 18: tenancy in the park unless the landlord determines that, based on the prior tenancies or character of the prospective tenant, he will not obey the regulations of the park. If...

Lines 21-23: delete

Lines 36-49: a) The landlord may not change an existing park to an adult park, or park for older persons, unless the tenants who do not meet those restrictions are given the option of remaining in the park or relocating to a comparable park within 10 miles at the landlord's expense, including, but without limitation, the cost of taking down, moving and setting up the tenant's mobile home. The tenant has 9 months from the time he has received notice that the park is to be changed to give the landlord notice of his election to relocate.

b) The landlord may not change an existing park to a park in which certain areas are restricted to adults or older persons unless the tenants who do not meet the restrictions are given the option of remaining at their space or, at the landlord's expense, relocating to a permitted area within the park, or to a comparable park within 10 miles. The tenant has 9 months from the time he has received notice that the restrictions are to be changed to give the landlord notice of his election to relocate.

c) The landlord may not change the restriction on an existing adult park or a park for older persons unless each adult or older tenant is given the option of remaining at his space, or, at the expense of the landlord, relocating to a permitted area within the park, or to a comparable park within 10 miles. The tenant has 9 months from the time he receives notice of the change in restriction to give the landlord notice of his election to relocate.

PAGE 3

Line 2 : ...tenants in the park do not meet those restrictions unless such condition is fully disclosed. Parks that are in the process of changing restrictions shall give written notice to prospective tenants of the change being made and the existence of tenants who do not meet the new restrictions prior to the establishment of the landlord-tenant relationship.

Line 19: delete "moving"; insert "relocating"

Line 24: delete "12"; insert "9"

Line 26: delete "and all required permits"

Line 27: delete

Line 44: out for rent. Mobile Home Park or Park does not include those areas or tracts of land, whether within or without a park, where the lots are held out for rent on a nightly basis.

PAGE 4

Line 39: amend to require that only clause in which blank space occurs is void if not filled in.

PAGE 6

Line 12: charge for occupancy of a mobile home lot or modify the terms of any lease or rental agreement.

Line 17: leave at 60 days

Lines 41-45: take out brackets; leave in old language about pets

PAGE 7

Line 31: is sent to the tenant (120) 90 days in advance...

Line 37-38: the date the rental payment is due nor collect an amount that exceeds \$1.00 per day for each day overdue, calculated from the date the rental payment was due. Any fee for late payment of...

Line 41: delete "except for the use of the recreational facilities of the park."

Line 42: ...additional fee for a guest of a tenant. The landlord may require a guest to register as an occupant when the guest has lived with the tenant ~~4 weeks~~ or more within any 12 month period. 70 days

PAGE 8

Line 2 : delete "moral"

Line 4 : delete "prospective"

Line 9 : delete

Line 11: delete "except as provided in subsection 4"

Line 21: delete "twelve"; insert "nine"

Lines 39-40: delete; insert "Whenever notices are required in this chapter which are longer than the periodic tenancy such notice time prevails notwithstanding the periodic term."

Line 42: Notwithstanding the expiration of periodic terms the rental agreement described in NRS 118.291 may not...

E 9

Line 2 : ...receiving written notification

Line 8 : "Condemnation or a change in land use..."

PAGE 9

Line 47: 3. A mobile home shall be deemed unfit for occupancy if, by way of example but not exclusively, fuel, sewer, water, or electricity are not being adequately supplied to the mobile home.

Lines 48-49: delete

PAGE 10

Lines 1-6: delete

Line 31: insert new language

(d) A report of the recommendations of the board is admissible in court in any subsequent proceeding between the parties arising out of the dispute. Any recommendation in favor of one party creates a rebuttable presumption that the court should enforce it, if it has legal or equitable grounds to do so.

(e) The repeated failure of the landlord or his agent to attend grievance hearings conducted by the board, when notice to attend has been given, is grounds for the governing body to impose a fine of not more than \$1,000.00 pursuant to disciplinary proceedings against the landlord's business license.

Line 30: add at end of sentence... "or the governing body of the city or county."

PAGE 11

Lines 1-8: delete (Section 2)

Line 10
Lines 21-23: ...out for rent. Mobile Home Park or Park does not include those areas or tracts of land, whether within or without a park, where the lots are held out for rent on a nightly basis.