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ASSEMBLY BILL 365
SUMMARY OF PROPOSED AMENDMENTS

Following is a summary of amendments proposed through Dara J. Goldsmith, Esq., and Jennifer Henry, Clark County Guardianship Commissioner. The Research Division of the Legislative Counsel Bureau compiled the list for the consideration of the Assembly Committee on Judiciary.

1. **Page 3/Section 8** - Revise the reference on page 3, lines 28 and 31, to refer to subsection 1 of Section 7 (instead of subsection 2 of Section 7).
2. **Page 17/Section 54** - On page 17, line 38, delete the language "to act in the best interests of the ward."
3. **Page 19/Section 57** - Revise the reference to "he" on page 18, line 16 to replace "he" with "the proposed guardian". In addition, at line 17, replace "guardian" with "proposed guardian."

Explanation provided by Ms. Goldsmith and Commissioner Henry: "These changes are only to correct reference to" he" and cause consistency to offered language. Change is not critical but is preferable."

4. **Sections 64, 65 and 66** - Currently, under the bill, all three sections include a new subsection 8, which reads as follows:

If notice is given by publication pursuant to N.R.C.P. 4(e), the temporary guardian may request to extend the temporary guardianship for not more than 30 days during the period for publication, but may not be granted more than two extensions.

(See page 25, lines 23 through 26; page 27, lines 26 through 29; and page 29, lines 29 through 32.)

The suggested amendment proposes to *delete* this language and replace it with the following language:

A temporary guardianship may be extended for up to two additional 30-day periods for good cause shown.

5. **Page 49/Section 103** - *Delete* the following language:
 - a. Page 49, lines 14 and 15: "he executed the will or created the interest when";
 - b. Page 49, lines 18 and 19: "after removal of the legal disability"; and
 - c. Page 49, lines 20 and 21: "with the incidents of a". Further, replace this language with pursuant to such interest.

ASSEMBLY JUDICIARY

DATE: 3/25/03 ROOM: 3138 EXHIBIT F

SUBMITTED BY: J. HENRY & D. GOLDSMITH

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Explanation provided by Ms. Goldsmith and Commissioner Henry: "We believe the deletion of the stricken words is preferable and makes it easier to read. We believe that the offered addition is helpful as well." Following is the effect of these changes, as provided by Ms. Goldsmith and Commissioner Henry:

Sec. 103. NRS 159.173 is hereby amended to read as follows:

49-8 159.173 ~~[In case of the sale or other transfer by]~~ *If* a guardian
49-9 of the estate ~~[of]~~ *sells or transfers* any real or personal property *that*
49-10 *is* specifically devised or bequeathed by the ward ~~[who]~~ *or which is*
49-11 *held by the ward as a joint tenancy, designated as being held by*
49-12 *the ward in trust for another person or held by the ward as a*
49-13 *revocable trust and the ward* was competent to make a will *or*
49-14 *create the interest* at the time ~~he executed the will or created the~~
49-15 ~~interest when the will or interest was created,~~ but was not
49-16 competent to make a will *or create the interest* at the time of the
49-17 sale or transfer and never executed a valid later will *or changed the*
49-18 *manner in which he held the interest after removal of the legal*
49-19 ~~disability,~~ the devisee, *beneficiary* or legatee may ~~[at his option]~~
49-20 elect to take the proceeds of ~~[such]~~ *the* sale or other transfer ~~with the~~
49-21 ~~incidents of a~~ PURSUANT TO SUCH INTEREST, specific devise or
bequest.