

ASSEMBLY JUDICIARY COMMITTEE
58th NEVADA ASSEMBLY SESSION

MINUTES

February 21, 1975

Chairman Barengo called to order this meeting of the Assembly Judiciary Committee on Friday, February 21, 1975 at the hour of 9:00 a.m.

MEMBERS PRESENT: Messrs. BARENGO, BANNER, HEANEY, LOWMAN, POLISH, SENA, Mrs. HAYES, and Mrs. WAGNER.

MEMBERS ABSENT: Mr. HICKEY.

Guests present at this meeting were George Archer, representing a Senior Citizens group; Don Perry, Chairman of the Legislation Committee of the American Association of Retired People and Nevada Association of Retired Teachers; John R. Kimball, member of the Advisory Committee of the Aging; Gino Del Carlo, representing Wallie Warren who is a lobbyist for First National Bank; Col. Robert Burns, Office of the Adjutant General of the National Guard; R. Larry Petty, Legislative Counsel Bureau; and Jim Thompson, Chief Deputy Attorney General. Guest Register is attached.

Assemblyman Darrell H. Dreyer attended this meeting to testify regarding A.B.240. This bill is a technical amendment only to change the age from 21 to 18 in Chapter 753, Statutes of Nevada 1973. Mr. Dreyer stated that he thinks these matters should have been caught last session, and the bill has nothing to do with the legal age for drinking alcoholic beverages.

Mrs. Hayes entered the meeting.

Col. Burns testified regarding A.B.102. He pointed out that the change proposed by this bill was merely technical to conform the terminology to that of the federal statutes. He stated that this bill was just missed last session.

Mr. Heaney entered the meeting at this point.

Now testifying on behalf of A.B.271, Col. Burns said that when the State of Nevada waived sovereign immunity, the federal government ceased to be responsible for damages for loss resulting from error, accident, etc. when this

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involved National Guardsmen. Col. Burns cited examples of this type of thing happening. The floor was opened for discussion. Chairman Barengo appointed Mr. Heaney to look into the legal problems presented by this bill, along with himself. Col. Burns testified that they want the federal government to take care of these responsibilities in regards to the Nevada National Guard only.

Mr. Don Perry testified regarding A.B.48. He explained that this bill is an attempt to update the law on the books in the State of Nevada since Nevada first became a state. His research turned up the fact that this law regarding homestead went on the books in 1865 with a limit of \$2,500, and currently the limit on the homestead exemption is \$10,000, which figure went into effect in 1937. Mr. Perry's position is that raising this exemption, or taking it off entirely, is very important to the senior citizens of this State who are living on a fixed income. Mr. Perry stated that under current income figures, \$10,000 value on real property is not very much; therefore, his committee wholeheartedly supports this bill which would remove that figure as a statutory limit and decrease the limit on the quantity of land under the homestead act. The group would like to increase the value to not less than \$25,000. The Committee then proceeded to question Mr. Perry.

Also testifying in regards to A.B.48 was Mr. John Kimball. He is in favor of this bill, especially in connection with the senior citizen. He stated that approximately one-fifth of the population is made up of senior citizens. He also stated that he would like to see included in this piece of legislation some reference to the senior citizen.

Mr. Banner and Mr. Sena were excused from this Committee meeting to testify before the Senate Judiciary Committee. Chairman Barengo stated that the Committee would withhold any action on bills until their return later during the meeting.

Jim Thompson, Deputy Attorney General testified regarding S.B.135, which would make the Attorney General responsible for the issuance of permits or licenses to transfer, possess or sell tear gas devices. The Attorney General's Office feels that their office is not the proper one to administer this program. They feel it should be done on a local level--possibly the Sheriffs' Offices in the various locations of the State would be the ones to handle this.

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Discussion was had and questions were asked by this Committee of Mr. Thompson. Mr. Barengo told the Committee that Col. Lambert of the Nevada Highway Patrol had indicated to him that the Highway Patrol is in full agreement with the bill, but they do not wish to have the responsibility of issuing permits in regards to this. Mr. Barengo was also in touch with Bart Jacka of the Clark County Metro Police. Mr. Jacka wishes to testify regarding a change of this bill. He requested that this Committee hold up on this bill temporarily.

Referring to a letter about A.B.48 and dated February 18, 1975 from Stewart and Horton, Attorneys at Law in Reno, Nevada, Mr. Barengo proceeded to read the letter to this Committee.

They feel that the exemption figure should be raised. The letter also gave an example of a recent bankruptcy case in this area which related to these matters. A copy of this letter is attached to these Minutes.

Regarding A.B.102, Mrs. Hayes moved DO PASS, and Mr. Lowman seconded. Discussion was had. Legislation Action form is attached to these Minutes. Mr. Hickey was not present to vote.
MOTION CARRIED DO PASS A.B.102.

Mr. Lowman moved DO PASS A.B.240. Mr. Polish seconded. Form attached to Minutes. Mr. Hickey was not present to vote.
MOTION CARRIED DO PASS A.B.240.

After a brief discussion about the upcoming agenda, there was a motion to adjourn this meeting, and it was seconded. The meeting was adjourned by Chairman Barengo at 9:15 a.m.

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ROYAL A. STEWART
RICHARD W. HORTON
RAYMOND B. LITTLE

ATTORNEYS AND COUNSELORS AT LAW

ARLINGTON TOWERS • 100 NORTH ARLINGTON • P. O. BOX 2942 • RENO, NEVADA 89505
(702) 322-4508

February 18, 1975

PLEASE REFER TO
OUR FILE:

Robert R. Barengo
Chairman, Judiciary Committee
Nevada State Assembly
Carson City, Nevada

Re: Assembly Bill No. 48

Dear Bob:

AB48 would remove the \$10,000.00 limit from homestead declarations and would result in there being no limit upon the value of the homestead. I think the \$10,000.00 could well be increased to reflect the cost of living but I do feel it would be unfair to creditors to remove all ceiling on the homestead exemption.

An extreme example of what could occur if there were no ceiling can be seen in the Steen bankruptcy in which Mr. and Mrs. Steen filed a homestead declaration upon their home which cost in excess of one and a half million dollars to build. Had Assembly Bill 48 been law, the value of that home would not have been available to creditors. As it is, when the Steen home is sold, \$10,000.00 will be paid to Mr. and Mrs. Steen which they can certainly use to make a down payment on another more modest home.

I do think that NRS. 115.010 could stand an amendment of the last phrase which makes the property declared as a homestead

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liable "for payment of any mortgage or deed of trust hereon executed and given by both husband and wife when that relation exists".

Several years ago, NRS. 115.010 was amended to permit single persons to declare homesteads but the above phrase was not amended to make the property liable for a mortgage or deed of trust executed by a single person. I am sure that is the intent but it would be well if the statute could be amended to make that intent clear and avoid some difficulty in the future.

Cordially yours,

STEWART & HORTON, LTD.

By 
Richard W. Horton

RWH/lf

ASSEMBLY JUDICIARY COMMITTEE
58th NEVADA SESSION

LEGISLATION ACTION

DATE Feb. 21, 1975

BILL NO. A.B. 102

MOTION: _____

Do Pass Amend _____ Indefinitely Postpone _____ Reconsider _____

Moved By Mrs. Hayes Seconded By Mr. Lowman

AMENDMENT: _____

Moved By _____ Seconded By _____

AMENDMENT: _____

Moved By _____ Seconded By _____

VOTE:	MOTION		AMEND		AMEND	
	YES	NO	YES	NO	YES	NO
Barengo	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Banner	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Hayes	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Heaney	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Hickey	_____	_____	_____	_____	_____	_____
Lowman	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Polish	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Sena	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Wagner	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____

Mr. Hickey was absent.

TALLY: ORIGINAL MOTION: Passed Defeated _____ Withdrawn _____
 Amended & Passed _____ Amended & Defeated _____
 Amended & Passed _____ Amended & Defeated _____

Attach to Minutes Feb. 21, 1975
Date

ASSEMBLY JUDICIARY COMMITTEE
58th NEVADA SESSION

LEGISLATION ACTION

DATE Feb. 21, 1975

BILL NO. A.B. 240

MOTION: _____

Do Pass Amend _____ Indefinitely Postpone _____ Reconsider _____

Moved By Mr. Lowman Seconded By Mr. Polish

AMENDMENT: _____

Moved By _____ Seconded By _____

AMENDMENT: _____

Moved By _____ Seconded By _____

VOTE:	MOTION		AMEND		AMEND	
	YES	NO	YES	NO	YES	NO
Barengo	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Banner	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Hayes	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Heaney	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Hickey	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Lowman	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Polish	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Sena	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Wagner	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____

Mr. Hickey was absent.

TALLY:

ORIGINAL MOTION: Passed Defeated _____ Withdrawn _____

Amended & Passed _____ Amended & Defeated _____

Amended & Passed _____ Amended & Defeated _____

Attach to Minutes Feb. 21, 1975
Date