

SENATE JUDICIARY COMMITTEE

MINUTES OF MEETING

MARCH 11, 1975

The meeting was called to order at 9:00 a.m. Senator Close was in the Chair.

PRESENT: Senator Close
 Senator Bryan
 Senator Dodge
 Senator Foote
 Senator Sheerin
 Senator Hilbrecht

ABSENT: Senator Wilson

AB 48 Removes \$10,000 limit on statutory homestead and from dwelling exemption and limits quantity of land in homestead.

SB 289 Increases homestead exemption from \$10,000 to \$25,000.

Testimony was presented before the Committee by the following:

Bud Campos - Stated that he had a homestead. He also felt that the person that needs the most protection is the person living on a pension.

Gino Del Carlo - Informed the Committee that the federal exemption is \$10,000 and that the reason for the \$20,000 figure in AB 48 was to bring it more in line with federal law. He also requested that the Committee withhold action on these bills until tomorrow in that there are other people who wish to testify but were unable to attend this morning.

Don Perry - State Chairman of the Joint Legislative Committee of Retired Persons - Stated that this bill is very important to senior citizens. His organization is in favor of the \$25,000 limit in that it is more in line with the present economic situation.

Assemblyman Bob Barengo - Informed the Committee that the federal law has a \$15,000 limit and is only effective when there is no state law. He also stated that the Assembly would have no objection to raising the limit to \$25,000.

Jim Kosinski, Deputy Legislative Counsel and Assembly Bill Drafting Advisor - Read to the Committee the federal law on exemptions of bankrupts.

Senator Bryan recommended amending AB 48 by retaining NRS 115.050 which is repealed in Section 3; increasing the limit to \$25,000; and amending line 48 of page 2.
 Senator Hilbrecht recommended amending the following Subsections

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AB 48 of Section 2:
SB 289 b) Increase to \$2,000
 d) Increase to \$2,500
 e) Increase miner's cabin or dwelling to \$1500
 Increase miner's claim to \$2,000.

Senator Dodge suggested adding a new subsection which would include personal clothing not to exceed \$1,000.

There was no action taken on these bills at this time. They will be placed on the agenda for March 12, 1975 for further consideration.

SB 293 Revises provisions relating to marriage.

Jim Kosinski discussed with the Committee the following amendments:

Section 1 - delete

Section 2 - Make provisions that it refer to both male and female persons.

Line 24 amend to specify that persons of the same sex may not be married.

Subsection 2 - delete.

Delete lines 8 and 9 of page 2 which contains the new language.

Section 3 - Remove brackets on lines 25 and 28.

Delete lines 29 through 38.

Line 40 add the term "Under extraordinary circumstances" at the beginning of the sentence.

Section 4 - delete.

Section 6 - delete.

The Committee requested that Mr. Kosinski draft new language that would permit 1) persons between the ages of 16 and 18 years to be married with parental consent and 2) persons under the age of 16 to be married with parental consent and a court order obtained under extraordinary circumstances.

There was no action taken on the bill at this time.

SB 253 Revises provisions relating to alimony.

Senator Close read to the Committee the following amendments:

Section 1 - Delete line 3 and insert brackets after "wife".
 Delete lines 8 through 23 and insert "of the children."

Section 1, Page 2 - Delete lines 11 through 14 and insert "court."

Delete line 15 and insert "If the court".

Delete "otherwise" from line 16.

Delete bracket from line 23.

Beginning line 23 "If a decree ..." delete through line 28.

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SB 253 Section 1, Page 2 - Insert new subsection 6 as follows:
 "If installment payments of alimony are provided for either in an agreement by the parties settling their property rights or by a decree of divorce, the order is not subject to modification by the court as to accrued installments. Installments not accrued at the time a motion for modification is filed may be modified upon a showing of changed circumstances, whether or not the court has expressly retained jurisdiction for such modification."

Section 2 - Delete lines 34 and 35 and insert "together with costs and reasonable attorney's fees".

The bill had been pass as amended on March 10, 1975 so no further action was taken.

AB 293 Creates tort action for perjury and subornation of perjury which injures a person or his property.

Senator Close read to the Committee the following amendment:

Delete lines 3 through 12 and insert:

"A person who has been deprived of his liberty or has suffered other harm to himself or his property as the proximate result of the commission or subornation of perjury by another may bring an action in any court having jurisdiction of the amount claimed for the recovery of his actual damages and any punitive damages which the facts may warrant."

After discussion, it was the decision of the Committee to withhold action until Assemblyman Craddock could be present for testimony.

SB 294 Imposes stricter standard for justifiable homicide by public officers.

Bart Jacka, Assistant Sheriff of the Las Vegas Metropolitan Police Department presented testimony before the Committee. In reference to the case cited by Senator Neal in his testimony of March 10, 1975, Mr. Jacka stated that it had been the intent of the officer to disable the vehicle only. He explained the policy of the police department in the event an officer should kill a suspect while in pursuit.

Mr. Jacka also stated that he feels the present law is adequate and that this bill would place officers in jeopardy. However, he would not be opposed to the bill as amended by Senator Wilson.

After discussion, the Committee concurred with Senator Wilson's recommendation of March 10, 1975 to amend the bill by placing "when necessary" in lines 9, 11, and 12 following each semi-colon.

Senator Bryan moved a "do pass" as amended,
 Seconded by Senator Hilbrecht,
 Motion carried unanimously. Senator Sheerin and Wilson were absent from the vote.

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SJR 30 of the 57th Session - Proposes to amend Nevada Constitution by authorizing Legislature to expand membership of Supreme Court and to authorize Division of Supreme Court into panels for hearing certain cases.

Senator Hilbrecht moved a "do kill",
Seconded by Senator Bryan,
Motion carried unanimously. Senators Sheerin and Wilson were absent from the vote.

Senator Close presented to the Committee the following items for introduction:

BDR 3-1068 Revises provisions relating to civil causes of action for seduction.

BDR C-1069 Proposes constitutional amendment to eliminate certain restrictions on the right to seek elective office.

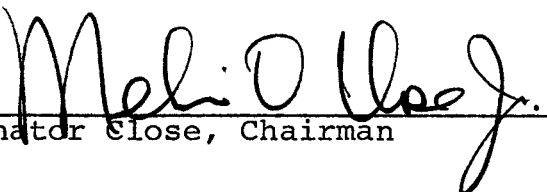
Senator Bryan moved a Committee introduction,
the motion was seconded and carried unanimously.

There being no further business, the meeting was adjourned.

Respectfully submitted,


Cheri Kinsley, Secretary

APPROVED:


Senator Close, Chairman