

## SENATE JUDICIARY COMMITTEE

## MINUTES OF MEETING

MARCH 12, 1975

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

PRESENT:                    Senator Close  
                               Senator Wilson  
                               Senator Bryan  
                               Senator Sheering  
                               Senator Dodge  
                               Senator Foote  
                               Senator Hilbrecht

ABSENT:                    None

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

Fran Breen, Nevada Banker's Association stated that it was the Bank's position that anything above \$15,000 would create a problem but that they were willing to compromise at \$20,000. They are opposed to the \$25,000 figure for two reasons: 1) the effect of a \$25,000 exemption as far as IRS levy is concerned. The general law is that, notwithstanding a state exemption, unless there are specific conditions in the exemption law which would make the wife's interest not subject to it; the homestead exemption is not effective against an IRS levy.

Senator Dodge stated that he did not feel that this was a compelling argument against an increase. He informed Mr. Breen about testimony received previously by the Committee on this matter in which it was pointed out as an example, that the homes of senior citizens who had incurred large medical debts would be endangered under such a bill. He felt that some type of protection should be afforded under these circumstances.

At this point, Mr. Breen requested that Mr. Lloyd Hughes, Nevada National Bank, explain the Bank's position as a practical business problem.

Mr. Hughes stated that the majority of small loans are borrowed under a corporate form with a personal guarantee behind it. If a business does experience financial difficulty and the bank is forced into a liquidation position, under the Homestead Act the bank would have no protection. The Bank's rely on a person's ability to repay without having to go on a secured basis.

Senator Bryan stated that it was his understanding that the purpose of this piece of legislation was simply to re-evaluate the dollar amount involved. He felt that the \$25,000 figure today was much more reasonable now, than was the \$10,000 figure in 1935.

Senator Hilbrecht agreed with Senator Bryan and stated that the concept of the Homestead Act was to completely protect a person's home.

Senator Close read to Mr. Breen and Mr. Hughes the proposed amendments to the bill. After a brief discussion, the Committee requested that Mr. Breen pro-

vide some input to them on the automobile exemption before they take any further action.

There was no action taken at this time.

SB 173 Enacts the Nevada Antitrust Act

Donald Klasic, Attorney General's Office, reviewed with the Committee the final sections of the bill:

Sections 21 and 22 provide that if any corporation violates the chapter or any final judgment rendered in an antitrust action, the Attorney General can sue to have their charter revoked.

Section 23 enables a private party to sue for treble damages.

Section 24 identical to the Federal Act; provides that any final judgment or decree shall be prima facie evidence to prove that an antitrust violation occurred.

Section 25 provides that the state or local subdivision can sue for treble damages.

Section 26 contains the felony provisions. Mr. Klasic stated that he felt there may be a problem with the use of the term "knowingly" in that it would be difficult to prove that a person "knowingly" committed the act. He suggested using "any violation" as the federal government does.

Senator Dodge suggested using "any person who knowingly commits an act which violates any of the provisions" in that ignorance of the law is not a proper defense.

Section 27 provides for a statute of limitations.

Sections 28 and 29 - no discussion

Section 30 Provides for coordination of enforcement provisions with other states and the federal government in sharing information.

Section 31 - creates the Attorney General's antitrust fund which would be made up of 10% of all recoveries made for the state and would be used for financing antitrust activities.

Sections 32 and 33 - no discussion.

There was no action taken at this time.

SB 230 Grants justices and municipal courts original jurisdiction of juvenile traffic offenses.

George Holt, Clark County District Attorney, informed the Committee that last year the juvenile court handled over 7,800 petitions and that his office alone had over 6,000 traffic and misdemeanor offenses. He stated that he was in favor of the bill but felt that the added work load may create problems for the city judges and the justices of the peace.

Senator Dodge stated that one of the reasons for changing the jurisdiction was that juveniles who lived in rural areas had to travel great distances in order to appear for a traffic offense. This legislation would enable them to appear in a local court.

Senator Bryan agreed with Mr. Holt in that the justice courts now are already crowded without the added burden of juvenile traffic offenses.

After further discussion, Senator Foote moved to indefinitely postpone action.  
Seconded by Senator Bryan; carried unanimously.

A motion was made by Senator Sheerin to approve the following minutes:

February 4, 1975  
February 12, 1975  
February 14, 1975  
February 18, 1975  
February 19, 1975  
February 26, 1975  
February 27, 1975

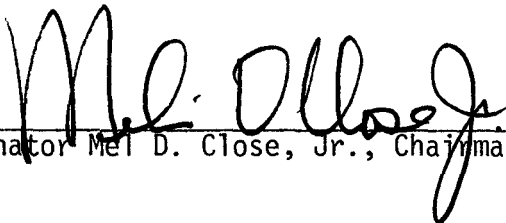
Seconded by Senator Hilbrecht and carried unanimously.

There being no further business, the meeting was adjourned.

Respectfully submitted,

  
Cheri Kinsley, Secretary

APPROVED:

  
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Senator Mel D. Close, Jr., Chairman