

The meeting was called to order at 9:10 a.m. Senator Close was in the Chair.

PRESENT: Senator Close
Senator Hernstadt
Senator Don Ashworth
Senator Dodge
Senator Ford
Senator Raggio
Senator Sloan

ABSENT: None

AB 30 Changes certain procedures for defending actions against public officers and employees.
(See minutes of May 9, 15, and 16 for testimony and discussion.)

The Committee concurred with amendments 1278 and 988, unanimously.

AB 334 Extends jurisdiction of district courts in divorce cases to adjudication of rights in property held in joint tenancy.
(See minutes of May 1 for testimony, discussion and action.)

Senator Raggio stated that he had talked with Judge Thompson, who agreed that various judges treat this thing differently. Some judges believe that they have no authority over any joint tenancy property. Judge Thompson said he is one of the few that treats it as community property in any case, whether it is joint tenancy or not. "I explained to him that present law does not allow a court to even partition joint tenancy, unless you structurally pray to do so. You have to include the prayer in your divorce pleading. I told him what we wanted to do was to authorize the court to handle joint tenancy property in connection with the divorce action. That is why we put in the court may also partition joint tenancy property. He agrees that a court can determine that even though property is in joint tenancy and may have been held only for the convenience of the parties. He stated he could live with it the way it was." Senator Raggio stated his suggestion would be to add the language, "The court may partition joint tenancy property, or if the court determines it to be community property but that it was held for the convenience of the parties only, the court may treat it as community property." Also, limit it to property held by spouses only.

The Committee agreed that this needed to be clarified and would go to conference on this.

AB 511 Provides procedure for appointment of guardians of adults and establishes special guardianships for persons of limited capacity. (See minutes of May 22 and May 23 for discussion and testimony.)

Senator Close stated that there are just too many things that have to be corrected in this bill and there just isn't enough time to do it in.

Senator Ford stated that she had requested that perhaps some people could come in and testify on this, and she had been told it wasn't necessary. She stated she felt this was a really needed bill.

Senator Dodge stated that when it is reviewed there should be sufficient time to analyze the whole procedure and set up a procedure that will be tailored to that type of situation and do it correctly. The main problem is that this bill came over to us at such a late date and there just isn't time to go over it and do it right this session.

Senator Hernstadt moved that AB 511 be "indefinitely postponed."

Seconded by Senator Sloan.

The motion carried, the vote was as follows:

AYE: Senator Close	NAY: Senator Ford
Senator Hernstadt	
Senator Ashworth	
Senator Dodge	
Senator Sloan	
Senator Raggio	

AB 784 Revises provisions relating to renting, leasing and unlawful detainer of mobile home lots and restricts renting of lots by dealers, installers and salesmen of mobile homes. (See minutes of May 10, 11 and 21 for testimony and discussion and action.)

Senator Close went over the amendments with the Committee and made the additional following changes.

Section 3, line 42 add in "unless provided for in the lease."

Section 9, line 28 change "60 days" to "90 days."

Section 18, make a new subsection 3, "unless a local ordinance otherwise applies."

The Committee adjourned the meeting at 10:30 a.m.

Respectfully submitted,

APPROVED:



Senator Melvin D. Close, Jr., Chairman
(Committee Minutes)



Virginia C. Letts, Secretary

1780