

February 11, 2025

Chair Scheible and

Senate Committee on Judiciary

Re: OPPOSITION TO Senate Bill 126 (BDR 11-582)

Sponsor: - Senator Neal

Dear Chair Scheible and Committee Members:

I am writing about SB 126 and in this letter, I am explaining why this is not a good idea. I have been a family law attorney practicing as a litigator since 2003. If SB 126 is passed, it will overturn longstanding Nevada law on PERS pension division where the community property share is a clear and fair percentage of the entire pension earned. Presently, we look at the entire pension and each year of the pension is treated the same because you cannot get to the last year of the pension without the first year of the pension. Each year builds upon each prior year.

If SB 126 becomes law, it wants you to ignore this. Instead, it will rewrite the terms for PERS pension division by *pretending* the employee is retiring on the date of divorce. That is a fallacy, and it is done simply to give more of the asset to the person that earned the pension, despite the fact that it is a benefit of employment and a shared community asset. Often, a pension is the largest asset in a divorce. The result is to harm the spouse that did not earn the pension, and sometimes significantly lower that spouse's share. Pretending the PERS earning spouse is retiring at the time of divorce is designed to dilute the other spouse's share. It is a "hypothetical" situation slanted to benefit the party that was in the PERS job.

Also, the "homemaker" exception is confusing. It is folding in law from alimony without a definition. What if the non-PERS spouse was a homemaker, perhaps even for many years of their marriage, but is working at divorce? Does it count? What if that person worked part-time, does that count? This is an avoidable can of worms.

There are so many flaws with this law. The reality is the final "high three years" (which is what the PERS pension is generally based on for its final numbers) are never attained without the foundation of the earlier years. Rather than supporting a convoluted fiction, we should treat the spouses equally. SB 126 asks you to suspend reality, give more to the PERS members, and ignore the harm to the non-PERS member.

Sincerely,



Melissa L. Exline, Esq.