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February 20, 2003

SB100 Senators Schneider, O'Connell and Gegavske  
Committee on Commerce and Labor

Page 3, Line 30-42

Eliminate the requirement a dispute be submitted to mediation or arbitration.

Empower the Commission to resolve all issues.

On Page 11, line 27, the Ombudsman can assist... Good. But don't send homeowner off into a legal jungle of non-binding arbitrations, and trial de-novos.

Let the Ombudsman and Commission speedily resolve. Most can be done IF YOU CAN GET THE ASSOCIATION TO GET SERIOUS AND SIT DOWN WITH AN AGGRIEVED HOMEOWNER.

Reason: Time and money. Been involved in three non-binding.

1. In court
2. Received favorable decision and entered into settlement
3. Received favorable decision, Homeowners Assoc. did not appeal, just ignores.

Thousands of dollars paid out by individual homeowners. Association employs attorneys with ill-founded legal opinions to ring up legal fees and goad Association into fighting rather than complying.

EPCC lost it's \$2,000 deductible D&O. Now has a \$50,000 ded. \$16,000 a year premium.  
EPCC budgets over 1/4 of its \$200,000 income to for attorney at \$50,000 a year.

Page 7, Line 25 after the word Board, Strike "shall if action is required by the board"

Page 7, Line 32 after word that, Strike "if action is required by the board".

Reason: The Board will never agendize the complaint. Period. Why should they. What "action" would be taken on say "The board failed to agendize an action item at the last board meeting".

"Let 'em eat cake" is at EPCC the rule of the day. With the amendment, the Board would be exposed to all other Unit owners to hear the complaint of another unit owner.

Page 13, Line 40 after the word "Conform" add "by adding verbatim language of NRS116"  
(Otherwise paraphrased language can be inserted into bylaws not even closing resembling 116, with the homeowner left with resorting to Arbitration.

Add "at a regularly called executive board meeting", and "exempt common interest associations of 125 unit owners, or less..

Problem with this is it is dangerous including the present language doesn't even required recording the bylaw change due to language of "without compliance with the procedural requirements generally applicable.

EXHIBIT H Senate Committee on Commerce/Labor

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Page 25 .line 26, add (d)

The proxy instructions shall be open to public inspection throughout the meeting.