

**Amendment No. 1062**

Senate Amendment to Assembly Bill No. 290 Second Reprint (BDR 10-951)

**Proposed by:** Senator Schneider**Amendment Box:****Resolves Conflicts with:** N/A**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: No

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____
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Amend section 1, page 1, line 2, by deleting:

“2, 3 and 4” and inserting:

“1.5 to 4.3, inclusive.”.

Amend the bill as a whole by adding a new section designated sec. 1.5, following section 1, to read as follows:

**“Sec. 1.5. 1. *“High-rise residential common-interest community” means a common-interest community in which a majority of the units are or will be:***

***(a) Located in one or more high-rise residential buildings; and***

***(b) Designed or intended for residential or hotel-condominium use.***

**2. As used in this section, “high-rise residential building” means a building that:**

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*(a) Is part of a common-interest community, has at least five floors above ground level, including the ground floor, and has a majority of its interior square footage designed or intended for residential or hotel-condominium use; or*

*(b) When completed, will be part of a common-interest community, will have at least five floors above ground level, including the ground floor, and will have a majority of its interior square footage designed or intended for residential use.”.*

Amend the bill as a whole by adding new sections designated sections 4.3 and 4.7, following sec. 4, to read as follows:

**“Sec. 4.3. 1. In a high-rise residential common-interest community:**

*(a) Votes allocated to a unit may be cast pursuant to a proxy in accordance with the provisions of the governing documents;*

*(b) The governing documents may include provisions for casting votes pursuant to a proxy that are different from the provisions of NRS 116.311; and*

*(c) If authorized by the governing documents, a unit’s owner may give a proxy to any other person, including a general proxy authorizing the holder of the proxy to vote as he wishes on any matter on behalf of the unit’s owner. Such a proxy may be a continuing proxy unlimited as to time, but revocable upon written notice.*

*2. If the governing documents for a high-rise residential common-interest community are silent on a matter that is covered by the provisions of NRS 116.311, the provisions of NRS 116.311 control until the governing documents provide otherwise.*

**Sec. 4.7.** NRS 116.003 is hereby amended to read as follows:

116.003 As used in this chapter and in the declaration and bylaws of an association, unless the context otherwise requires, the words and terms defined in NRS 116.005 to 116.095, inclusive, *and section 1.5 of this act* have the meanings ascribed to them in those sections.”.

Amend sec. 5, page 2, line 24, by deleting:

“2, 3 *and* 4” and inserting:

“2 to 4.3, inclusive,”.

Amend sec. 5, page 2, line 25, after “inclusive,” by inserting:

“*and section 1.5 of this act*,”.

Amend the bill as a whole by adding new sections designated sections 5.3 and 5.7, following sec. 5, to read as follows:

“**Sec. 5.3.** NRS 116.212 is hereby amended to read as follows:

116.212 1. If the declaration provides that any of the powers described in NRS 116.3102 are to be exercised by or may be delegated to a profit or nonprofit corporation that exercises those or other powers on behalf of one or more common-interest communities or for the benefit of the units’ owners of one or more common-interest communities, or on behalf of a common-interest community and a time-share plan created pursuant to chapter 119A of NRS, all provisions of this chapter applicable to unit-owners’ associations apply to any such corporation, except as modified by this section.

2. Unless it is acting in the capacity of an association described in NRS 116.3101, a master association may exercise the powers set forth in paragraph (b) of subsection 1 of NRS 116.3102 only to the extent expressly permitted in:

(a) The declarations of common-interest communities which are part of the master association or expressly described in the delegations of power from those common-interest communities to the master association; or

(b) The declaration of the common-interest community which is a part of the master association and the time-share instrument creating the time-share plan governed by the master association.

3. If the declaration of any common-interest community provides that the executive board may delegate certain powers to a master association, the members of the executive board have no liability for the acts or omissions of the master association with respect to those powers following delegation.

4. The rights and responsibilities of units' owners with respect to the unit-owners' association set forth in NRS 116.3103, 116.31032, 116.31034, 116.31036, 116.3108, 116.31085, 116.3109, 116.311, 116.31105 and 116.3112 *and section 4.3 of this act*, apply in the conduct of the affairs of a master association only to persons who elect the board of a master association, whether or not those persons are otherwise units' owners within the meaning of this chapter.

5. Even if a master association is also an association described in NRS 116.3101, the certificate of incorporation or other instrument creating the master association and the declaration of each common-interest community, the powers of which are assigned by the declaration or delegated to the master association, may provide that the executive board of the master association must be elected after the period of the declarant's control in any of the following ways:

(a) All units' owners of all common-interest communities subject to the master association may elect all members of the master association's executive board.

(b) All members of the executive boards of all common-interest communities subject to the master association may elect all members of the master association's executive board.

(c) All units' owners of each common-interest community subject to the master association may elect specified members of the master association's executive board.

(d) All members of the executive board of each common-interest community subject to the master association may elect specified members of the master association's executive board.

**Sec. 5.7.** NRS 116.3106 is hereby amended to read as follows:

116.3106 1. The bylaws of the association must provide:

(a) The number of members of the executive board and the titles of the officers of the association;

(b) For election by the executive board of a president, treasurer, secretary and any other officers of the association the bylaws specify;

(c) The qualifications, powers and duties, terms of office and manner of electing and removing officers of the association and members of the executive board and filling vacancies;

(d) Which powers, if any, that the executive board or the officers of the association may delegate to other persons or to a community manager;

(e) Which of its officers may prepare, execute, certify and record amendments to the declaration on behalf of the association;

(f) Procedural rules for conducting meetings of the association;

(g) A method for amending the bylaws; and

(h) Procedural rules for conducting elections.

2. Except as otherwise provided in the declaration, the bylaws ~~may~~ :

(a) **May** provide for any other matters the association deems necessary and appropriate ~~to~~; **and**

(b) ***In a high-rise residential common-interest community, may include provisions authorized pursuant to section 4.3 of this act.***

3. The bylaws must be written in plain English.”.

Amend the bill as a whole by deleting sec. 7 and adding a new section designated sec. 7, following sec. 6, to read as follows:

“**Sec. 7.** NRS 116.311 is hereby amended to read as follows:

116.311 1. If only one of several owners of a unit is present at a meeting of the association, that owner is entitled to cast all the votes allocated to that unit. If more than one of the owners are present, the votes allocated to that unit may be cast only in accordance with the agreement of a majority in interest of the owners, unless the declaration expressly provides otherwise. There is majority agreement if any one of the owners cast the votes allocated to that unit without protest made promptly to the person presiding over the meeting by any of the other owners of the unit.

2. Except as otherwise provided in this section, votes allocated to a unit may be cast pursuant to a proxy executed by a unit’s owner. A unit’s owner may give a proxy only to a member of his immediate family, a tenant of the unit’s owner who resides in the common-interest community, another unit’s owner who resides in the common-interest community, or a delegate or representative when authorized pursuant to NRS 116.31105. If a unit is owned by more than one person, each owner of the unit may vote or register protest to the casting of votes by the other owners of the unit through an executed proxy. A unit’s owner may revoke a proxy given pursuant to this section only by actual notice of revocation to the person presiding over a meeting of the association.

3. Before a vote may be cast pursuant to a proxy:

(a) The proxy must be dated.

(b) The proxy must not purport to be revocable without notice.

(c) The proxy must designate the meeting for which it is executed.

(d) The proxy must designate each specific item on the agenda of the meeting for which the unit's owner has executed the proxy, except that the unit's owner may execute the proxy without designating any specific items on the agenda of the meeting if the proxy is to be used solely for determining whether a quorum is present for the meeting. If the proxy designates one or more specific items on the agenda of the meeting for which the unit's owner has executed the proxy, the proxy must indicate, for each specific item designated in the proxy, whether the holder of the proxy must cast a vote in the affirmative or the negative on behalf of the unit's owner. If the proxy does not indicate whether the holder of the proxy must cast a vote in the affirmative or the negative for a particular item on the agenda of the meeting, the proxy must be treated, with regard to that particular item, as if the unit's owner were present but not voting on that particular item.

(e) The holder of the proxy must disclose at the beginning of the meeting for which the proxy is executed the number of proxies pursuant to which the holder will be casting votes.

4. A proxy terminates immediately after the conclusion of the meeting for which it is executed.

5. A vote may not be cast pursuant to a proxy for the election or removal of a member of the executive board of an association unless the proxy is exercised through a delegate or representative authorized pursuant to NRS 116.31105.

6. The holder of a proxy may not cast a vote on behalf of the unit's owner who executed the proxy in a manner that is contrary to the proxy.

7. A proxy is void if the proxy or the holder of the proxy violates any provision of subsections 1 to 6, inclusive.

8. If the declaration requires that votes on specified matters affecting the common-interest community must be cast by the lessees of leased units rather than the units' owners who have leased the units:

(a) The provisions of subsections 1 to 7, inclusive, apply to the lessees as if they were the units' owners;

(b) The units' owners who have leased their units to the lessees may not cast votes on those specified matters;

(c) The lessees are entitled to notice of meetings, access to records and other rights respecting those matters as if they were the units' owners; and

(d) The units' owners must be given notice, in the manner provided in NRS 116.3108, of all meetings at which the lessees are entitled to vote.

9. If any votes are allocated to a unit that is owned by the association, those votes may not be cast, by proxy or otherwise, for any purpose.

***10. The provisions of this section do not apply to a high-rise residential common-interest community to the extent that its governing documents include provisions authorized pursuant to section 4.3 of this act for casting votes pursuant to a proxy that are different from the provisions of this section.”.***

Amend the title of the bill, eleventh line, after “board;” by inserting:  
“making various changes concerning high-rise residential common-interest communities;”.