

**MINUTES OF THE  
SENATE COMMITTEE ON JUDICIARY**

**Seventy-fourth Session  
April 11, 2007**

The Senate Committee on Judiciary was called to order by Chair Mark E. Amodei at 9:10 a.m. on Wednesday, April 11, 2007, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator Mark E. Amodei, Chair  
Senator Maurice E. Washington, Vice Chair  
Senator Mike McGinness  
Senator Dennis Nolan  
Senator Valerie Wiener  
Senator Terry Care  
Senator Steven A. Horsford

**GUEST LEGISLATORS PRESENT:**

Senator Dina Titus, Clark County Senatorial District No. 7

**STAFF MEMBERS PRESENT:**

Linda J. Eissmann, Committee Policy Analyst  
Brad Wilkinson, Chief Deputy Legislative Counsel  
Gale Maynard, Committee Secretary

**OTHERS PRESENT:**

Tim Crowley, The Nevada Subcontractors Association  
Bruce King, The Nevada Subcontractors Association  
Keith L. Lee, State Contractors' Board  
David F. Brown, State Contractors' Board  
Scott Canepa, Nevada Trial Lawyers Association  
Robin Vircsik  
Randy Robison, City of Mesquite

Senate Committee on Judiciary  
April 11, 2007  
Page 2

Cotter C. Conway, Washoe County Public Defender  
William R. Uffelman, Nevada Bankers Association  
Jason M. Frierson, Clark County Public Defender's Office  
Frederick Schlottman, Administrator, Offender Management Division,  
Carson City, Department of Corrections  
R. Ben Graham, Nevada District Attorneys Association

CHAIR AMODEI:

We call this meeting of the Senate Committee on Judiciary to order and start with the amendment for Senate Bill (S.B.) 553.

**SENATE BILL 553**: Makes various changes to provisions relating to construction. (BDR 3-960)

TIM CROWLEY (The Nevada Subcontractors Association):

There were many concerns raised at the last hearing for this bill, and I have provided the Committee with amendments ([Exhibit C](#)). The intent is to have the State Contractors' Board oversee an inspection process on construction defect claims. These inspections pinpoint legitimate construction defects opposed to normal wear on a home and identify the responsible party.

Currently, every subcontractor involved in a construction process is noticed when a claim is filed. We found a solution that adds no additional time to the inspection process and deleted the provisions that changed the structure of the State Contractors' Board.

Our amendment does two basic things; it requires all *Nevada Revised Statute* (NRS) 40 claims be filed with the State Contractors' Board; currently, this process is voluntary. Once the State Contractors' Board is notified, they have an obligation under existing statute to inspect the defect and issue a report.

Our amendment also prevents lawsuits from being filed until after the inspection process is complete. It is essential for contractors to know they have an opportunity to fix a defect without being sued despite the repair.

The amendments are simple. They make changes to existing statute and have a positive impact on the homeowner as well as the builders. We request your support.

Senate Committee on Judiciary  
April 11, 2007  
Page 3

CHAIR AMODEI:

Are there any questions? Mr. King, do you have anything to add?

BRUCE KING (The Nevada Subcontractors Association):

No, I do not.

CHAIR AMODEI:

Is there more testimony on S.B. 553?

KEITH L. LEE (State Contractors' Board):

We have examined this bill and there are several issues. Since last week when this bill was first introduced, we reported 38 submissions to the State Contractors' Board. It has now increased to 41. I indicated that our records show 250 construction defect lawsuits were filed in Clark County last year. On average, there were 1,000 homeowners involved; this averages 3 complaints per day. If we are mandated to be further involved in construction defects, we would have to hire additional investigators and management staff.

The report is informal with the idea to mediate disputes and get to a resolution. If the report becomes admissible, it would have to be reviewed by legal counsel. Unknown costs and factors would have to be dealt with. To put this process in place would take six months.

How are we going to pay for this? Are we assessing 16,000 licensees and looking at classifications or are we going to assess the homeowner? These are the concerns we have.

CHAIR AMODEI:

Mr. Brown, how does the State Contractors' Board operate? Are they self-funded? Is there a general fund? How do they pay the bills?

MR. LEE:

They are self-funded through license fees and other fees collected from the licensees.

CHAIR AMODEI:

Do you know what the annual budget is?

MR. LEE:

It seems to be \$7 million per year.

CHAIR AMODEI:

If this bill were to pass, would it increase your expenses by 50 percent?

MR. LEE:

Yes, by at least 50 percent. We have not analyzed how many investigators will be needed along with training and additional management. As lawyers, we may be involved in writing reports and defending the inspectors in litigation.

CHAIR AMODEI:

The concern on behalf of the proponents of the bill is that although the problem may be fixed according to the existing statute, they still find themselves in litigation. Is this your understanding?

MR. LEE:

I understand the present provisions of NRS 40.600 are not working.

CHAIR AMODEI:

As a representative of the State Contractors' Board, do you have any thoughts for solutions?

DAVID F. BROWN (State Contractors' Board):

We discussed using a mediator to determine if there was an existing defect. The plaintiffs bring the action, and the general contractor brings in the subcontractors and suppliers named in the proceedings. The general contractor or home builder should prepare an affidavit which establishes a good-faith cause and belief that there are defects before third parties are called. These are possible solutions.

I am concerned about consequences. *Nevada Revised Statute* 624.295 states that if a Board member becomes aware of a complaint that may require discipline, he notifies the Executive Officer of the State Contractors' Board who takes action. *Nevada Revised Statute* 624.3017 states that workmanship not commensurable to the standards of the trade is cause for disciplinary action.

The licensees may become subject to disciplinary action and fines by the Board at a greater rate. Another problem is a homeowners' association could bring complaints about 100 homes and these complaints will have to be reviewed and handled within 30 days. This will delay other investigations by the Board.

There could be a serious problem if a home builder that pays \$1,000 per cause of action has 500 complaints about workmanship and defect issues.

Currently, NRS 40.6887 provides that the State Contractors' Board may collect fees from licensees to cover costs. When an investigator determines there needs to be testing, the costs increase if expert structural personnel are needed to make a determination. It is not clear in the statutes if these costs are upon the home builder or spread across the 16,000 contractors.

I understand that the Committee is looking for solutions, but these are our concerns.

CHAIR AMODEI:

Mr. Canepa, what are your solutions?

SCOTT CANEPA (Nevada Trial Lawyers Association):

I take exception to the statement about subcontractors who fixed defects and are still in lawsuits. I am not aware of a situation like this. If it is true, the reason would be a contractual indemnity provision which requires them to defend and/or indemnify the general contractor or owner.

There has been testimony in the Assembly and the Senate concerning indemnity provisions. Let us not forget that subcontractors, general contractors and owners are involved in the process of building, constructing and selling to consumers. They sign contracts that presuppose they understood there was an indemnity provision and should not complain.

The proposed amendment repudiates the deal struck in the 73rd Session with regard to the right to repair. In general, we have a right to repair statute, and this amendment creates delay for no purpose. If the problem is, "I cannot get out," how does this amendment assist those subcontractors who cannot get out?

No language in the amendment would excuse litigant participants. This delays the process. It is not clear whether this precedes the NRS 40 right to repair process or if it is meant to overlap when the homeowner is involved in two civil actions simultaneously. Based on previous testimony, the intent is meant to precede the right to repair process. If this is the case, it will delay the process.

The vast majority of defects going to court are those requiring an expert. The experts hired by the State Contractors' Board are not likely to have the necessary expertise to diagnose the problems of structural, electrical, mechanical design and construction defects requiring the State Contractors' Board to hire experts in those fields at a considerable cost and a delay up to 180 days for the homeowner.

If there is a defect found, the homeowner starts the NRS 40 process which adds another 150 days to the process. The homeowner may be looking at a year before they can seek redress in the courts.

Another issue of the bill is the language that says, the finding of the inspectors or of the board is admissible in the subsequent civil action so that the jury can hear what the inspector said, yet it is not subject to judicial review.

If the findings by the inspector were a result of mis-, mal- or nonfeasance, does the homeowner have to battle this finding before a jury with experts and no vehicle for judicial review, even if it was fraud?

The bill says this amendment to NRS 40.6887 applies to any action pending. I take it to mean that any lawsuit on file will have to be abated and the action stayed. Hundreds of pending cases will have to be stopped and routed through this process before getting back into the court system if no resolution can be made by the State Contractors' Board.

Under NRS 624, the State Contractors' Board has no jurisdiction over non-licensees. The majority of home sellers are not licensed contractors; they are single-purpose business entities, usually limited liability companies, and the State Contractors' Board has no authority over them. The theory that this Board has authority over these participants is not true. The State Contractors' Board has no jurisdiction on claims more than four years old. Our statutes of limitation permit a homeowner to bring a claim ten years after the date of purchase depending on the nature and extent of defect.

Advocates who represent homeowners victimized by faulty construction want to know the basis for the opinions in the findings. In practice, we are finding some contractors repairing defects, but the majority of contractors are not. They are turning these matters over to their insurance companies and at that point, this bill is meaningless. The repairs remain undone, and we have subjected the homeowner to extensive delays before they get money to fix their residence.

CHAIR AMODEI:

Is there anyone else to testify on S.B. 553?

ROBIN VIRCSIK:

I have an advocacy Website, <<http://www.lasvegaslemonade.org/>>. I have some questions about the bill and some suggestions are included in my handout ([Exhibit D](#)).

Under the new language in S.B. 553, will the Contractors' Board still have the right to pull the contractor's license if they do not repair within a 20-day period?

BRAD WILKINSON (Chief Deputy Legislative Counsel):

I believe the answer to the question is yes.

MS. VIRCSIK:

Homeowners are concerned that when S.B. 553 was first publicized, it appeared that NRS 40 had been turned over to the new commission. We want to make sure that under the new language of the bill, a homeowner still has the right to file under NRS 40 by paying a minimal fee of \$40, and the attorney can recoup his costs from the builder. Is this still in effect?

CHAIR AMODEI:

Yes.

MS. VIRCSIK:

Under the new language as proposed in [Exhibit C](#), No. 3 says, "The State Contractors' Board shall develop regulations for an extension of time for structural defects." As a homeowner, I ask you to implement a Nevada New Home Lemon Law which is explained in [Exhibit D](#), No. 1 under "Changes to AB 553." I filed a claim with the State Contractors' Board; they were helpful, but I had to turn over the keys to my home and allow them unlimited access for

three weeks. For homeowners who have substantial defects where it will take months to repair the home, it is unfair. In cases like this, it would be fair for the homeowner if the builder bought the home back at market value or replaced it with a similar model.

CHAIR AMODEI:

Mr. Wilkinson, will you and Ms. Eissmann get a copy of the Texas Home Lemon Law for the Committee's consideration?

MS. VIRCSIK:

You can link to the Texas Home Lemon Law from my Website or go to Nevada New Home Lemon Law. When I filed the complaint with the State Contractors' Board, I had an inspection done by Mr. Richard Franklin. When the Board came to my house, I argued every point of the entire inspection report. It was hard for me because I do not have construction experience and language.

Senate Bill 553 should include a provision where the homeowner has the right to have their inspector present when the State Contractors' Board comes to the home. There were items mentioned in my inspection report that I could not locate.

If the homeowner is responsible for explaining to the State Contractors' Board and the builder why each defect should be fixed, this needs to be in writing.

CHAIR AMODEI:

Ms. Eissmann, please see that this information gets to Mr. Lee and Mr. Brown for their input.

MS. VIRCSIK:

Before filing my claim with the State Contractors' Board, I paid a fee of \$325 for an inspection of my home; the State Contractors' Board ruled in my favor and the builder repaired my home. It was deemed that my home had toxic mold; my house was re-inspected for structure, which cost another \$300, and mold test for an additional \$300. I paid these fees and none of the defects were my fault. If I understand the process, I have to take the builder to small claims court to recoup my fees. Is it possible to have language in S.B. 553 to have the State Contractors' Board have the builder reimburse reasonable inspection fees and make mold assessments?



Senate Committee on Judiciary  
April 11, 2007  
Page 9

CHAIR AMODEI:

Is there anyone else to testify on S.B. 553 in the Grant Sawyer Building?

SENATOR CARE:

There is no one else remaining in the Grant Sawyer Building to testify.

CHAIR AMODEI:

Is there anyone else in Carson City to testify on behalf of S.B. 553? The Committee will be considering the amendments offered today and not the original bill. We will close the hearing and move to the work session document ([Exhibit E](#), original is on file in the Research Library) for S.B. 212.

**SENATE BILL 212**: Revises provisions governing the issuance of nonrestricted gaming licenses in certain counties. (BDR S-998)

The sponsor of this bill, Senator Michael A. Schneider, has asked that this bill be moved to tomorrow. We will move to the next bill in the work session document, S.B. 216.

**SENATE BILL 216**: Allows certain convicted persons to make a monetary donation to a charitable organization in lieu of performing community service. (BDR 14-929)

RANDY ROBISON (City of Mesquite):

After listening to the amendments proposed by Chair Amodei and Senator McGinness, we can live with the conceptual amendments. I spoke with our justices and city manager, and they are fine with the monetary penalties going directly to offset the costs of law enforcement activities as long as the fees stay within the local community.

CHAIR AMODEI:

Mr. Wilkinson, there was a question of language; we need to make sure it is correct and not inadvertently put into a state fund.

MR. WILKINSON:

I understand your request and will see to it that the language is clear.

Senate Committee on Judiciary  
April 11, 2007  
Page 10

SENATOR MCGINNESS:

This was my concern. We want to make sure that these monetary penalties stay within the local community.

CHAIR AMODEI:

There was a proposed amendment from Ms. June Barton on page 7. Mr. Wilkinson, do you have any input?

MR. WILKINSON:

I did look into it and it is not much different than what you are suggesting. There is not any specific language proposed.

CHAIR AMODEI:

What is the pleasure of the Committee on S.B. 216?

SENATOR MCGINNESS MOVED TO AMEND AND DO PASS AS AMENDED S.B. 216 WITH THE CONCEPTUAL AMENDMENT PREPARED BY STAFF ALONG WITH THE AMENDMENT FOR ANY RESOURCE GENERATED TO STAY IN THE LOCALITY.

SENATOR WIENER SECONDED THE MOTION.

CHAIR AMODEI:

Is there any discussion amongst Committee members?

THE MOTION CARRIED UNANIMOUSLY.

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We will move to S.B. 299 and my intent is to open this up for discussion among Committee members.

**SENATE BILL 299**: Establishes provisions relating to crimes against unborn children. (BDR 15-730)

Conway Cotter had some discussions on the public safety aspects of unborn children. Please give the Committee an update.

COTTER C. CONWAY (Washoe County Public Defender):

I submitted an amendment on page 18 of [Exhibit E](#). There were concerns with the language and it could incorporate some unintended results dealing with pregnant women who may cause the death of their child by their own actions. This is not the intent of the proposed amendment. In our meeting, the enhancements were considered most with no other change in definitions, so the law stands as it presently exists.

SENATOR WASHINGTON:

I need clarification. With the language "unknowingly" where a drunk driver caused the life of an unborn child, is there any provision in statute to address this situation? Could the driver be charged "unknowingly" for the life of the unborn child as opposed to an enhancement of knowingly committing a murder or slaying both mother and child?

MR. CONWAY:

I do not know if that would apply. I wish there was more information from the prosecution who handled that case in Las Vegas on what charges were brought and why. I do not know if they could bring criminal charges under NRS 200.210. This is what I was trying to do with my proposed amendment but may have gone too far by incorporating the unwilling situation.

SENATOR WASHINGTON:

You are moving into a direction with which I am comfortable. The term "unwillingly" may mean that someone who is intoxicated or under the influence of drugs gets into a vehicle accident and causes loss of life to an unborn child; there should be something in statute that addresses this situation. With the language of "knowingly," I can live with the enhanced penalties because it is a different situation.

Mr. Chair, Senator Warren B. Hardy II made a point that needs to be addressed. With the term "willingly," you have made a choice to consume a substance and caused an accident where a life was lost; there should be some penalty for that decision. Therefore, if no language can be reached, I agree with Senator Hardy.

MR. CONWAY:

When I worked on the amendment, I took it from the driving under the influence (DUI) statute. I am troubled about changing the status of law but understand the concerns. The Committee should look toward that language from the

standpoint that it is taken from existing reckless driving statute and the DUI statute causing death.

We do not want to throw the net too wide; this is my concern. I tried to narrow the broad language of the original bill.

SENATOR CARE:

I have given S.B. 299 some thought. The enhancement is fine. In the world of tort, the expression is "you take your victim as you find him," and this will only apply where the drunk driver is insured or has money. A lawsuit for infliction of emotional distress will be compelling. The mother would regard the fetus as a living child and the loss of the fetus will have an effect on testimony before a jury in civil litigation; this does not help in a criminal context. If nothing can be done in the criminal aspect, there is civil action.

SENATOR NOLAN:

I looked through the documentation staff provided with regard to what other states are doing. In comparison, would Maryland's law address some of the concerns expressed by Senator Care? In summary, Maryland says:

Prosecution may be instituted for murder or manslaughter of a viable fetus if the person prosecuted intended to cause a death of the viable fetus, intended to cause a serious physical injury to the viable fetus or wantonly or recklessly disregarded the likelihood that the person's actions would have caused the death of or serious physical injury to a viable fetus.

In the case of the car accident, and specifically with the DUI, their behavior is reckless in most cases. I am concerned about the unintended consequences for someone who runs a stop sign, who is not impaired and had no intention of causing an injury to a mother or unborn fetus. I do not know if the language gives the courts enough discretion to deal with those incidences.

CHAIR AMODEI:

We will take a vote on this tomorrow. It will give the Committee a chance to review all the amendments and discussion on S.B. 299. We will close the hearing and move to S.B. 302.

**SENATE BILL 302**: Revises provisions governing credit cards. (BDR 8-1173)

What is the pleasure of the Committee? Is there any formal discussion?

SENATOR CARE:

I recall an amendment prohibiting the practice of a credit card company telling a merchant they will not be able to do business with that credit card company unless the merchant does not give discounts to customers who do business in cash. It does not seem to be appropriate conduct. Therefore, the amendment seems reasonable.

CHAIR AMODEI:

Senator Dina Titus made an indication of another amendment offered by the Nevada Bankers Association and the Bank of America. I am not sure if it was the same. Is there someone who can shed some light on this issue?

WILLIAM R. UFFELMAN (Nevada Bankers Association):

There was discussion with Senator Titus about the amendment and we subsequently struck some language. The amendment should reflect there will be no universal default. At a bank where you have a mortgage or credit card, if you fall behind on the payments, the language will allow the bank to change the interest rate on the credit card but only within their own institution and its affiliates and subsidiaries.

The language Senator Titus offered on a credit card company prohibiting a merchant from offering cash discounts causes no problem. I provided the Committee with a copy of the federal law and the Visa merchant agreement, where the first line states that a merchant may offer a cash discount.

CHAIR AMODEI:

Mr. Uffelman, page 21 of [Exhibit E](#) discusses inserting the word "solely" in several places.

MR. UFFELMAN:

That is correct. It will now say universal default is prohibited; however, a creditor cannot make a change unless the default is within its own business lines.

SENATOR DINA TITUS (Clark County Senatorial District No. 7):

I would like to have legal counsel tell us exactly what these amendments do to the statutes. I think it guts the bill and I want to be sure I have a clear understanding.

CHAIR AMODEI:

We will roll this bill for tomorrow's meeting; it will give our legal counsel a chance to respond and give you an opportunity to discuss the amendments further.

SENATOR TITUS:

Since this bill came before the Committee, much has been written in the paper; a lot of people did not realize what was going on with these credit card companies. It is a concern among our citizens.

CHAIR AMODEI:

We will bring S.B. 302 back to Committee tomorrow and go to S.B. 354.

**SENATE BILL 354**: Makes various changes to provisions relating to the safety of children. (BDR 15-1062)

SENATOR HORSFORD:

There is a new amendment from the Washoe County School District ([Exhibit F](#)). It has been reviewed by myself and other law enforcement. We agree with the changes. I can make a motion.

SENATOR HORSFORD MOVED TO AMEND AND DO PASS AS AMENDED S.B. 354 WITH THE AMENDMENTS IN THE WORK SESSION DOCUMENT ELIMINATING THE PROVISIONS WHERE SEX OFFENDERS CAN LIVE, THE AMENDMENT FROM MR. CONWAY FROM THE WASHOE COUNTY PUBLIC DEFENDER'S OFFICE AND THE AMENDMENT FROM THE WASHOE COUNTY SCHOOL DISTRICT IN [EXHIBIT F](#).

SENATOR WIENER SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Senate Committee on Judiciary  
April 11, 2007  
Page 15

CHAIR AMODEI:

We will move to S.B. 378 which deals with limits for liabilities.

**SENATE BILL 378**: Limits the liability of certain nonprofit organizations and their agents, employees and volunteers under certain circumstances. (BDR 3-1318)

Are there any thoughts from the Committee?

SENATOR HORSFORD:

I will abstain from the vote on this bill.

SENATOR MCGINNESS:

Mr. Jeffrey Burr suggested some clarification between "regular" commercial activity and occasional activity. I am not sure if it is necessary.

SENATOR MCGINNESS MOVED TO AMEND AND DO PASS AS AMENDED S.B. 378.

CHAIR AMODEI:

Mr. Wilkinson, do you have any idea as to how to implement these suggestions in the form of an amendment?

MR. WILKINSON:

I have not received any proposed language or suggestions on how to implement this. It is primarily focused on when the activity is commercial in character. There is no element on whether it is carried on regularly. There may be a way to craft the language to address these issues. It is not clear what Mr. Burr was attempting to convey.

CHAIR AMODEI:

Senator McGinness has amended his motion.

SENATOR MCGINNESS MOVED TO DO PASS S.B. 378.

SENATOR NOLAN SECONDED THE MOTION.

Senate Committee on Judiciary  
April 11, 2007  
Page 16

SENATOR WASHINGTON:

As a disclosure, I am a member of a religious organization that may have some charitable and nonprofit activities, but I will be voting on the bill.

SENATOR NOLAN:

I have the same disclosure as Senator Washington.

CHAIR AMODEI:

Are there any other disclosures or discussions?

SENATOR CARE:

I sat on a nonprofit board from time to time, but I do not currently. I will be voting against the motion.

THE MOTION CARRIED. (SENATORS CARE AND WIENER VOTED NO.  
SENATOR HORSFORD ABSTAINED FROM THE VOTE.)

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CHAIR AMODEI:

We will move to S.B. 380.

[SENATE BILL 380](#): Makes various changes concerning defendants in criminal actions. (BDR 14-279)

What is the pleasure of the Committee?

SENATOR MCGINNESS MOVED TO AMEND AND DO PASS AS AMENDED S.B. 380 WITH THE AMENDMENTS IN [EXHIBIT E](#), PAGE 26 OF THE WORK SESSION DOCUMENT FOR A.B. 193.

SENATOR NOLAN SECONDED THE MOTION.

CHAIR AMODEI:

Is there any discussion among Committee members?



Senate Committee on Judiciary  
April 11, 2007  
Page 17

SENATOR CARE:

What does the amendment do? There was testimony about treatment and testimony saying there needs to be a program. Does the amendment cover this?

MR. WILKINSON:

It might be helpful to have some of the interested parties speak on behalf of this bill.

JASON M. FRIERSON (Clark County Public Defender's Office):

This bill represents a joint effort on the part of the District Attorney's Association and the Public Defender's Office to come up with something that could work in a practical sense. We have completed three of the four steps. We incorporated the language from other bills for effectiveness. Treatment is one of those areas originally available and the language is that people get adequate treatment.

For the record, one area of this bill that language was not agreed upon were sections 38 to 45 dealing with incompetent individuals. We believe we can come to some resolution. The remainder of the bill is language that will address our needs in dealing with our clients who are involved.

FREDERICK SCHLOTTMAN (Administrator, Offender Management Division, Carson City, Department of Corrections):

After speaking with Ben Graham, our understanding is that offenders sentenced under this change will go to Lake's Crossing Center for the Mentally Disordered Offender until judged competent and no longer requiring acute care. There will be no fiscal impact on the Department of Corrections.

R. BEN GRAHAM (Nevada District Attorneys Association):

I urge you to pass this bill.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR AMODEI:

We will move to S.B. 483.

Senate Committee on Judiciary  
April 11, 2007  
Page 18

**SENATE BILL 483**: Makes various changes to provisions relating to business.  
(BDR 7-868)

Senator Care, have you had discussion with anyone about this since the hearing?

SENATOR CARE:

No. I remember two situations that arose with this bill. Basically, the Business Law Section of the State Bar of Nevada agreed to delete that section pertaining to NRS 116 for homeowners association. There was some language agreed to relating to the section of the bill dealing with NRS 107 involving the real estate brokers. The language was consistent with a bill the Committee entertained a week ago.

CHAIR AMODEI:

It was dealing with the foreclosures. Amendments by Robert Kim get us out of homeowners associations, and Rocky Finseth's amendments have made us consistent with the acts already taken. Is that accurate as far as what those two amendments do?

MR. WILKINSON:

Yes. The issue for the Committee will be to make it consistent with S.B. 217 or remove it from the bill.

**SENATE BILL 217**: Revises the provisions governing deeds of trust and the sale of real property after default. (BDR 9-742)

CHAIR AMODEI:

Senator Care, what is your preference? Do we remove it from the bill or make the bill match S.B. 217?

SENATOR CARE:

No, not really. If there is a free-standing bill, S.B. 217, then the language in S.B. 483 would be redundant.

CHAIR AMODEI:

We need to make them consistent unless there is an objection from Committee members. What is the pleasure of the committee?

SENATOR CARE MOVED TO AMEND AND DO PASS AS AMENDED S.B. 483 WITH THE AMENDMENT FROM MR. KIM DELETING NRS 116 LANGUAGE AND THE AMENDATORY LANGUAGE THAT NRS 107 BE CONSISTENT WITH S.B. 217.

SENATOR HORSFORD SECONDED THE MOTION.

CHAIR AMODEI:

Is there any discussion on the motion?

MR. WILKINSON:

Mr. Kim also had some minor revisions he recommended that are included in the work session document [Exhibit E](#), page 43.

CHAIR AMODEI:

Is there any objection to including those technical amendments recommended by Mr. Kim?

SENATOR CARE:

No, Mr. Chair, and I will amend my motion to the comments made by counsel.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR AMODEI:

Is there anything else we need to cover?

SENATOR CARE:

There are potentially three other bills that we need to cover tomorrow.

LINDA J. EISSMANN (Committee Policy Analyst):

There was S.B. 471 and it was moved because you asked me to contact the Department of Public Safety. That matter is on another bill.

**SENATE BILL 471**: Revises provisions relating to the registration of sex offenders and offenders convicted of a crime against a child. (BDR 14-1426)

Senate Committee on Judiciary  
April 11, 2007  
Page 20

CHAIR AMODEI:

We will move to Senate Joint Resolution (S.J.R.) 2.

**SENATE JOINT RESOLUTION 2**: Proposes to amend the Nevada Constitution to revise provisions relating to the selection of justices and judges. (BDR C-177)

If this passes, it sets in motion a process that would go to a vote of the people for a constitutional amendment in 2007 and 2009.

Is there any informal discussion amongst Committee members? If not, what is the pleasure of the Committee on S.J.R. 2?

SENATOR NOLAN MOVED TO DO PASS S.J.R. 2.

SENATOR HORSFORD SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS AMODEI, McGINNESS AND WASHINGTON VOTED NO.)

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Senate Committee on Judiciary  
April 11, 2007  
Page 21

CHAIR AMODEI:

If there is nothing else to come before the Committee, we are adjourned at 10:29 a.m.

RESPECTFULLY SUBMITTED:

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Gale Maynard,  
Committee Secretary

APPROVED BY:

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Senator Mark E. Amodei, Chair

DATE: \_\_\_\_\_