

**MINUTES OF THE
SENATE COMMITTEE ON JUDICIARY**

**Seventy-sixth Session
April 25, 2011**

The Senate Committee on Judiciary was called to order by Chair Valerie Wiener at 9:14 a.m. on Monday, April 25, 2011, 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 Valerie Wiener, Chair
Senator Allison Copening, Vice Chair
Senator Ruben J. Kihuen
Senator Mike McGinness
Senator Don Gustavson
Senator Michael Roberson

COMMITTEE MEMBERS ABSENT:

Senator Shirley A. Breeden (Excused)

STAFF MEMBERS PRESENT:

Linda J. Eissmann, Policy Analyst
Bradley A. Wilkinson, Counsel
Judith Anker-Nissen, Committee Secretary

CHAIR WIENER:

I will open the work session with Senate Bill (S.B.) 185.

SENATE BILL 185: Makes various changes relating to real property.
(BDR 10-23)

LINDA J. EISSMANN:

Senate Bill 185, sponsored by Senator Michael A. Schneider, would prohibit a private transfer fee and various fees and expenses a homeowners' association

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can charge to unit owners. I will read from the work session document ([Exhibit C](#)).

Page 2 of [Exhibit C](#) indicates the amendments and bullet points which are the provisions in the new amendment. The fee provisions of the bill are gone, but the “private transfer fee” remains.

We also received an amendment ([Exhibit D](#)) this morning from the Nevada Justice Association that would delete section 25 of the bill in its entirety.

CHAIR WIENER:

Are there any questions or comments, Committee?

SENATOR ROBERSON:

We received these amendments this morning; I like what I heard Ms. Eissmann say about this amendment, [Exhibit C](#). It starts to take away some of the concerns I had with this bill. There are certain aspects of this bill I really like, especially section 25. I would never support the Nevada Justice Association amendment, [Exhibit D](#), removing section 25. I could support this bill but would like more time to look at these changes.

CHAIR WIENER:

That is the challenge, as you will recall, Senator Roberson. We had a work session before we received a one-week waiver. Because of what it took to get everybody together— many voices contributed to this—the same concerns you have were brought to the table. This is a rarity to have a work session when we are in final passage in the first House, so this is our last shot at doing something with S.B. 185.

SENATOR ROBERSON:

I appreciate that and would like to have a chance to discuss these changes with Senator Schneider. If I were to be asked to vote now without fully reading this, I could not vote for it. Hopefully I can if it gets to the Senate Floor.

CHAIR WIENER:

Any additional discussion?

SENATOR COPENING:

Did you get the chance to speak with Senator Schneider?

CHAIR WIENER:

I had the opportunity to give him a copy of the amendment as soon as I received it, but I have not had the chance to talk with him. I did visit with him about the high points of what we were doing but did not have a detailed discussion with him.

SENATOR GUSTAVSON:

When did we receive the waiver? I was wondering about the ten-day deadline.

CHAIR WIENER:

We requested the waiver as a Committee after our work session on April 15 and received the waiver—we had a one-week deadline.

SENATOR GUSTAVSON:

We all voted to support the bill, and I wanted to make sure on what I was voting.

CHAIR WIENER:

Actually, we did not move on the bill; that is why we received the waiver as we had additional work to do. We had the hearing, the work session and then we received the waiver, so we did not take any action. But we did hear it, and this addresses many of the concerns the Committee had during that time.

MS. EISSMANN:

To clarify for the Committee, my understanding of the waiver is it was a waiver from the Committee passage deadline, not a waiver from tomorrow's House passage deadline, so this bill is still subject to tomorrow's deadline or it will die. We do not have a Committee meeting planned for tomorrow—that is our difficulty.

SENATOR COPENING:

Giving my vote of approval does not do any good any more, at least it seems to be that way. Senator Breeden—who was definitely there representing the best interests of the sponsor to make sure things stayed in that Senator Schneider wanted—and I went over everything and took into consideration all of the amendments. All of us wanted to make sure the bill got passed, and we felt

these changes would be supported by Senator Schneider. I would like to see it passed because I know that he has a passion for seeing many of these things changed. But I would like, if there is a way, to get to him and ...

SENATOR ROBERSON:

I understand that we need four votes to get this out today. Out of courtesy and respect to Senator Schneider, I will vote yes on the bill today in Committee, but I want to reserve the right to vote no on the Senate Floor after I have had a chance to talk to him and fully digest this.

CHAIR WIENER:

Thank you for stating that. You always have the right to change your mind on the Senate Floor, and I appreciate you making that clear.

SENATOR KIHUEN:

I know a lot of people have been working many hours on this bill. It is not the perfect bill, but I think it brings many good changes about which we are concerned.

SENATOR KIHUEN MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 185.

SENATOR COPENING SECONDED THE MOTION.

CHAIR WIENER:

That is with the amendment in [Exhibit C](#).

SENATOR ROBERSON:

To clarify, that does not include the amendment, [Exhibit D](#), brought by The Capitol Company and Nevada Justice Association.

CHAIR WIENER:

That is correct. It is different from the amendment in [Exhibit D](#).

SENATOR GUSTAVSON:

I will vote yes on the bill today until we find more information about this. I will reserve my voting rights on the Senate Floor.

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SENATOR MCGINNESS:

I will vote yes on the bill but reserve my voting rights on the Senate Floor.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR WIENER:

The second bill for work session is Assembly Bill (A.B.) 142.

[ASSEMBLY BILL 142 \(1st Reprint\)](#): Makes various changes governing crimes against property. (BDR 15-599)

MS. EISSMANN:

This bill was sponsored by Assemblymen Jason Frierson, William C. Horne, Harvey J. Munford, James Ohrenschall, Assemblywoman Peggy Pierce, et al. I will read from the work session document ([Exhibit E](#)). There were no amendments or opposition to the bill.

CHAIR WIENER:

Is there any discussion, Committee?

SENATOR COPENING MOVED TO DO PASS A.B. 142.

SENATOR KIHUEN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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The meeting is adjourned at 9:28 a.m.

RESPECTFULLY SUBMITTED:

Judith Anker-Nissen,
Committee Secretary

APPROVED BY:

Senator Valerie Wiener, Chair

DATE: _____

| <u>EXHIBITS</u> | | | |
|-----------------|---------|-------------------|-----------------------|
| Bill | Exhibit | Witness / Agency | Description |
| | A | | Agenda |
| | B | | Attendance Roster |
| S.B. 185 | C | Linda J. Eissmann | Work session document |
| S.B. 185 | D | Linda J. Eissmann | Amendment to S.B. 185 |
| A.B. 142 | E | Linda J. Eissmann | Work session document |