

Amendment No. 237

Assembly Amendment to Assembly Bill No. 201	(BDR 3-960)
Proposed by: Assembly Committee on Judiciary	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

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"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.



ASSEMBLY BILL NO. 201—ASSEMBLYMEN KIRKPATRICK, THOMPSON, ELLIOT
ANDERSON, BENITEZ-THOMPSON; ARAUJO, BUSTAMANTE ADAMS,
CARLTON, HANSEN, KIRNER, NEAL, SPIEGEL, SWANK AND WHEELER

FEBRUARY 26, 2015

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing eminent domain. (BDR 3-960)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to eminent domain; prohibiting ~~the exercise of~~ a local government from entering into an agreement for the purpose of exercising the power of eminent domain to take a ~~residential~~ mortgage or deed of trust on private property or a note secured by a ~~residential~~ mortgage or deed of trust on private property; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill prohibits ~~the exercise of~~ a local government from entering into an agreement with any person for the purpose of exercising the power of eminent domain to take a ~~residential~~ mortgage or deed of trust on private property or a note secured by a ~~residential~~ mortgage or deed of trust on private property.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 37.030 is hereby amended to read as follows:
37.030 **1.** The private property which may be taken under this chapter includes:
~~1-1~~ **(a)** All real property belonging to any person, company or corporation.
~~2-1~~ **(b)** Lands belonging to the State, or to any county, or incorporated city or town, not appropriated to some public use.
~~3-1~~ **(c)** Property appropriated to public use; but such property shall not be taken unless for a more necessary public use than that to which it has been already appropriated.
~~4-1~~ **(d)** Franchises for toll roads, toll bridges, ferries, and all other franchises; but such franchises shall not be taken unless for free highways, railroads or other more necessary public use.
~~5-1~~ **(e)** All rights-of-way for any and all purposes mentioned in NRS 37.010, and any and all structures and improvements thereon, and the lands held or used in

connection therewith, shall be subject to be connected with, crossed, or intersected by any other right-of-way or improvement or structure thereon. They shall also be subject to a limited use in common with the owner thereof, when necessary; but such uses of crossings, intersections and connections shall be made in the manner most compatible with the greatest public benefit and the least private injury.

~~†6†~~ (f) All classes of private property not enumerated may be taken for public use when such taking is authorized by law.

2. *Notwithstanding any other provision of law, a local government shall not enter into an agreement with any person for the purpose of exercising the power of eminent domain to take a mortgage, deed of trust, or mortgage lien on ~~residential~~ private property or any note secured by a mortgage, deed of trust or mortgage lien on ~~residential~~ private property. ~~It may not be taken under this chapter.~~*

~~3. As used in this section, "residential property" means:~~

~~(a) Improved real estate that consists of not more than four residential units, or~~

~~(b) A single family residential unit, including, without limitation, a condominium, townhouse or home within a subdivision, if the unit is sold, leased or otherwise conveyed unit by unit, regardless of whether the unit is part of a larger building or parcel that consists of more than four units.~~

Sec. 2. NRS 37.090 is hereby amended to read as follows:

37.090 The court or judge thereof shall have power:

1. To determine the places of making connections, crossings, cattle guards and culverts, and to regulate the manner thereof, and of enjoying the common use mentioned in *paragraph (e) of* subsection ~~†5†~~ 1 of NRS 37.030.

2. To hear and determine all adverse or conflicting claims to the property sought to be condemned, and to the damages therefor.

3. To determine the respective rights of different parties asking condemnation of the same property.

Sec. 3. This act becomes effective upon passage and approval.