

Amendment No. 16

Assembly Amendment to Assembly Bill No. 102	(BDR 2-591)
Proposed by: Assembly Committee on Judiciary	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	☐	Lost	☐		Adopted	☐	Lost	☐	
Concurred In	☐	Not	☐		Concurred In	☐	Not	☐	
Receded	☐	Not	☐		Receded	☐	Not	☐	

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.

CSL/BAW



Date: 4/3/2017

A.B. No. 102—Revises certain provisions relating to the proper venue in civil actions. (BDR 2-591)



ASSEMBLY BILL NO. 102—ASSEMBLYMEN
PICKARD AND COHEN

PREFILED FEBRUARY 3, 2017

Referred to Committee on Judiciary

SUMMARY—Revises certain provisions relating to the proper venue in civil actions. (BDR 2-591)

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 civil actions; revising certain provisions relating to the proper venue in civil actions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a court to maintain continuing jurisdiction over certain matters relating to domestic relations, including, without limitation, divorce, child custody and child support matters. (NRS 125.150, 125A.315, 126.191, 130.202, 130.205-130.206) Continuing jurisdiction allows a court to modify its final order, judgment or decree to account for changed circumstances relating to the parties or instances of fraud or mistake. (NRS 125.150, 125A.315) Existing law also requires that a civil action must be removed from a court of this State if venue is not proper and the defendant, before the time for filing an answer to the complaint has expired, demands in writing that the trial be carried out in a court where venue is proper. (NRS 13.050) Existing law does not, however, authorize a change of venue after a trial is complete. (NRS 13.050)

This bill authorizes a court to remove a civil proceeding, including, without limitation, matters relating to domestic relations, to a court in another county after: (1) a final order, judgment or decree has been entered in ~~that~~ a proceeding ~~in which the court has continuing jurisdiction~~; (2) a party to the final order, judgment or decree ~~has filed~~ a subsequent petition or motion relating to the proceeding; ~~and~~ (3) none of the parties currently reside in the county where the final order, judgment or decree was entered ~~;~~ and (4) the respondent files a timely demand for the petition or motion to be heard in a county where either party to the proceeding resides or where the child which is the subject of the proceeding resides. ~~This bill also authorizes the respondent, before the time for filing a response to the subsequent motion has expired, to file a demand for the motion to be heard in a county where venue is proper. This.~~ Finally, this bill authorizes a court to approve ~~this~~ such a demand and remove the proceeding to another court within this State where venue is proper and which is agreed upon by the parties or ordered by the court.

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

Section 1. NRS 13.050 is hereby amended to read as follows:

13.050 1. If the county designated for that purpose in the complaint ~~is~~ petition or motion is not the proper county, the ~~action~~ proceeding may, notwithstanding, be tried or heard therein, unless :

(a) ~~After the filing of a complaint or petition, the defendant before the time for answering expires demands in writing , before the time for answering expires,~~ that the trial be had in the proper county, and the place of trial be thereupon changed by consent of the parties, or by order of the court, as provided in this section.

(b) ~~After the entry of a final order, judgment or decree when~~ In a proceeding in which the court has continuing jurisdiction after the issuance of a final order, judgment or decree, including, without limitation, any proceeding for divorce, annulment, separate maintenance or parentage or custody of a child and where no party currently resides in the county in which the order, judgment or decree was entered, the respondent demands in writing, before the time for filing a response expires, that the petition or motion be heard in the proper county and be thereupon changed by consent of the parties of residence of either party to the proceeding or in the county where the child who is the subject of the proceeding resides, or by order of the court, as provided in this section.

2. The court may, on motion ~~or stipulation~~, change the place of ~~trial~~ the proceeding in the following cases:

(a) When the county designated in the complaint , petition or motion is not the proper county.

(b) When there is reason to believe that an impartial ~~trial~~ proceeding cannot be had therein.

(c) When the convenience of the witnesses and the ends of justice would be promoted by the change.

(d) When any defendant in a case commenced in a county without a business court requests a change to a county:

(1) With a business court; and

(2) In which the case, if originally commenced in such county, would be eligible for assignment to the business court.

(e) When each of the parties consent to the change.

3. When the place of ~~trial~~ the proceeding is changed, all other ~~proceedings~~ matters relating to the proceeding shall be had in the county to which the place of ~~trial~~ the proceeding is changed, unless otherwise provided by the consent of the parties in writing duly filed, or by order of the court, and the papers shall be filed or transferred accordingly.

4. As used in this section, "business court" means, as designated pursuant to the rules of the applicable district court:

(a) A business court docket;

(b) A business matter designation; or

(c) At least one business court judge.