
ASSEMBLY BILL NO. 397—ASSEMBLYMEN HORNE, CONKLIN, SHERER, LESLIE, CHOWNING, ANDONOV, ARBERRY, ATKINSON, BEERS, BUCKLEY, CARPENTER, CHRISTENSEN, CLABORN, COLLINS, GEDDES, GIBBONS, GIUNCHIGLIANI, GOICOECHEA, GOLDWATER, GRADY, GRIFFIN, HARDY, HETTRICK, KOIVISTO, MABEY, MANENDO, MCCLAIN, MCCLEARY, MORTENSON, OCEGUERA, PARKS, PERKINS, PIERCE AND WILLIAMS

MARCH 17, 2003

JOINT SPONSORS: SENATORS NEAL, TITUS, WIENER, CEGAVSKE, O'CONNELL, CARLTON, COFFIN, MATHEWS, MCGINNESS, NOLAN AND TIFFANY

Referred to Committee on Judiciary

SUMMARY—Makes various changes concerning proceedings in actions concerning eminent domain. (BDR 3-1082)

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 penalties from being imposed upon a person for rejecting an offer of judgment and proceeding to trial in actions concerning eminent domain regardless of the outcome of the trial; repealing the provision limiting the allowance and apportionment of costs in proceedings concerning eminent domain; and providing other matters properly relating thereto.

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



1 **Section 1.** NRS 37.200 is hereby amended to read as follows:
2 37.200 **1.** Except as otherwise provided in this chapter, the
3 provisions of NRS, Nevada Rules of Civil Procedure and Nevada
4 Rules of Appellate Procedure relative to civil actions, new trials and
5 appeals shall be applicable to and constitute the rules of practice in
6 the proceedings in this chapter.

7 **2.** *Notwithstanding any other provision of law, no penalty*
8 *may be imposed upon a person for rejecting an offer of judgment*
9 *and proceeding to trial, regardless of the outcome of the trial. As*
10 *used in this subsection, "penalty" includes, without limitation, any*
11 *monetary damages, attorney's fees and court costs.*

12 **Sec. 2.** NRS 37.190 is hereby repealed.

13 **Sec. 3.** 1. The amendatory provisions of section 1 of this act
14 apply to any action pending on or after October 1, 2003, whether or
15 not the action was commenced before, on or after October 1, 2003.

16 2. The amendatory provisions of section 1 of this act do not
17 apply to any action for which a final judgment has been entered and
18 for which no further appeal may be filed.

TEXT OF REPEALED SECTION

37.190 Costs: Allowance and apportionment. Costs may be allowed or not, and if allowed may include a maximum of \$350 for appraisal reports used at the trial and \$150 for fees of expert witnesses who testify at the trial, and may be apportioned between the parties on the same or adverse sides, in the discretion of the court.

