

SENATE BILL NO. 325—SENATOR O’CONNELL

MARCH 5, 1999

Referred to Committee on Commerce and Labor

SUMMARY—Prohibits labor commissioner from appealing certain decisions of district court.
(BDR 53-601)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: 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 the labor commissioner; prohibiting the labor commissioner from appealing certain decisions of the district court; 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.** Chapter 607 of NRS is hereby amended by adding thereto a
2 new section to read as follows:
3 *If, upon a petition for judicial review, a decision of the labor*
4 *commissioner is set aside in whole or in part by a district court on the*
5 *ground that substantial rights of the petitioner were prejudiced because*
6 *the decision of the labor commissioner was in violation of constitutional*
7 *or statutory provisions, the labor commissioner shall not appeal the*
8 *judgment of the district court to the supreme court.*
9 **Sec. 2.** NRS 233B.150 is hereby amended to read as follows:
10 233B.150 ~~[An]~~ *Except as otherwise provided in section 1 of this act,*
11 *an* aggrieved party may obtain a review of any final judgment of the district
12 court by appeal to the supreme court. The appeal ~~[shall]~~ *must* be taken as in
13 other civil cases.
14 **Sec. 3.** NRS 412.1393 is hereby amended to read as follows:
15 412.1393 1. Any member of the Nevada National Guard who
16 believes his employment was terminated in violation of NRS 412.139 may,
17 within 60 days after receiving a notice of termination, request a hearing
18 before the labor commissioner to determine if his employment was so
19 terminated.

1 2. The office shall supply the member with all forms needed to request
2 such a hearing. The labor commissioner shall conduct the hearing in the
3 manner provided in NRS 607.205 to 607.220, inclusive ~~H~~, *and section 1*
4 *of this act.*

5 **Sec. 4.** This act becomes effective upon passage and approval.

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