

**MINUTES OF THE  
SENATE COMMITTEE ON LEGISLATIVE OPERATIONS AND ELECTIONS**

**Seventy-Eighth Session  
February 25, 2015**

The Senate Committee on Legislative Operations and Elections was called to order by Chair Patricia Farley at 3:44 p.m. on Wednesday, February 25, 2015, in Room 2144 of the Legislative Building, Carson City, 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 Patricia Farley, Chair  
Senator James A. Settelmeyer, Vice Chair  
Senator Greg Brower  
Senator Kelvin Atkinson  
Senator Tick Segerblom

**STAFF MEMBERS PRESENT:**

Michael Stewart, Policy Analyst  
Brenda Erdoes, Legislative Counsel  
Linda Hiller, Committee Secretary  
Haley Johnson, Committee Secretary

**OTHERS PRESENT:**

Lee-Ann Easton, Administrator, Division of Human Resource Management,  
Department of Administration

**Chair Farley:**

The first bill for our work session is [Senate Bill 5](#).

**[SENATE BILL 5:](#)** Revises provisions governing elections for nonpartisan offices.  
(BDR 24-90)

**Michael Stewart (Policy Analyst):**

The work session documents in front of you include four bills. The first is [Senate Bill 5](#) ([Exhibit C](#)).

Senate Bill 5 was brought to us by Senator James Settelmeyer. It provides that a candidate for a nonpartisan office who receives a majority of the vote cast in a primary election, including certain municipal primary elections, must be declared the winner, and his or her name is not placed on the general election ballot.

Senator Settelmeyer offered an amendment to remove the provisions of the bill that would impact the cities of Reno and Sparks. So that would be the deletion of sections 4, 5, 6 and 7.

I will note that the other cities that have this 50.1 percent provision are Boulder City, Henderson, Las Vegas and North Las Vegas.

**Senator James A. Settelmeyer (Senatorial District No. 17):**

The amendments were to address some concerns that Senator Atkinson had about counties that may have been missed or may have been included but had not necessarily requested it.

**Chair Farley:**

I will close the work session on S.B. 5.

SENATOR SEGERBLOM MOVED TO AMEND AND DO PASS AS AMENDED S.B. 5.

SENATOR ATKINSON SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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**Chair Farley:**

I will now open the work session on Senate Bill 62.

**SENATE BILL 62:** Revises provisions governing the employment, promotion, dismissal, demotion and suspension of state employees. (BDR 23-285)

**Mr. Stewart:**

Senate Bill 62 was brought to us by the Division of Human Resource Management. In short, this bill authorizes the State Personnel Commission to adopt regulations concerning a number of different employee-related matters ([Exhibit D](#)).

These include the restoration of employee positions; reemployment; employee disability; employee suspension and demotion; and an employee's use of medical marijuana.

The Personnel Commission and the Division of Human Resource Management identified several issues they believe need to be addressed in regulations to keep up with some of the new provisions concerning medical marijuana.

Three specific proposals are in the proposed amendment. The first would amend section 1 to require that the regulations adopted by the Personnel Commission provide an employee who failed to obtain permanent status following a promotion be restored to a vacant position in the same class that he or she held prior to that promotion. This occurs provided that the employee does not displace any other employee with greater seniority.

It specifies that if no such position is available, the employee must either be appointed to a vacant position in a comparable class or a lower class. If that position or no such position exists, the employee must be placed on an appropriate reemployment list.

Section 2 of the bill allows the Personnel Commission to adopt regulations that provide for the filling of an employee's position at or below the grade of her or his current position if the employee becomes unable to perform the essential functions of that job. The second proposal is the proposed amendment provides that such an appointment would be subject to the approval of the appointing authority.

Third, the provisions in section 3 of *Nevada Revised Statute* 284.379, specify that continued efforts must be made for an employee with a disability to enable that employee to perform the essential functions of that position.

The new language in the bill specifies that if an employee can no longer perform the functions in her or his current position, the agency can consider separation

or disability retirement provided that the employee cannot be appointed to another position at or below his or her grade level.

The proposed amendment clarifies that such an appointment would need to be into a vacant position to which the employee is qualified and such an appointment must not cause undue hardship to the agency. The definition of undue hardship given by the Division during testimony has been included.

I will note that there was no opposition to the bill. Representatives from the Division are here to answer any questions if the Committee has any.

**Senator Settlemeyer:**

I was curious about the term "greater seniority." Does that mean that the employee has served more time with the State or has greater seniority in the actual position that you are trying to fill again?

**Lee-Ann Easton (Administrator, Division of Human Resource Management, Department of Administration):**

We will have the Personnel Commission go through workshops to determine what the greater seniority will be. In a normal situation, there is a calculation that we go through. If we were to apply that, it would be the time in the position and the time with the State. This specific calculation is used when we actually review the time of service and seniority credits with each employee.

But what we will do is hold workshops to find the best practice for this particular situation and go through the Personnel Commission.

**Senator Settlemeyer:**

I assume those will go through the *Nevada Administrative Code* and be adopted by the Legislative Commission so that the Legislature would have the opportunity to weigh in one more time to make sure that our opinion of seniority and your opinion are the same.

**Ms. Easton:**

Yes, absolutely.

**Chair Farley:**

I will close the work session on S.B. 62.

SENATOR SEGERBLOM MOVED TO AMEND AND DO PASS AS AMENDED S.B. 62.

SENATOR ATKINSON SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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**Chair Farley:**

I will now open the work session on S.B. 104.

**SENATE BILL 104:** Makes various changes relating to political advertising.  
(BDR 24-86)

**Mr. Stewart:**

This is another bill from Senator Settelmeyer. Senate Bill 104 provides an exception to the requirement that political advertisements disclose the name of the person or entity who paid for such advertising ([Exhibit E](#)).

The exception in this bill would apply to any statement or communication appearing on any article of clothing, regardless of its cost, and other forms of advertising including buttons, pins, candy, jar openers, etc., having a retail value of less than \$5.

We have a small amendment that was proposed by Senator Settelmeyer, at the suggestion of Senator Atkinson, concerning the items covered under this bill. Essentially it would clarify that items covered under this bill would have a retail cost of less than \$5 each. The intent is to add the word "each" after the dollar amount of \$5.

I would note that the fiscal impact on S.B. 104 indicates an impact of \$0 to the State.

**Chair Farley:**

I will now close the work session on S.B. 104.

SENATOR ATKINSON MOVED TO AMEND AND DO PASS AS AMENDED S.B. 104.

SENATOR BROWER SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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**Chair Farley:**

I will now open the work session on S.J.R. 4.

**SENATE JOINT RESOLUTION 4:** Urges Congress to enact the Marketplace Fairness Act. (BDR R-98)

**Mr. Stewart:**

Senate Joint Resolution 4 urges the United States Congress to pass the Marketplace Fairness Act which would provide states with the authority to require out-of-state retailers, such as online and catalog retailers, to collect and remit sales tax on purchases shipped into the State of Nevada ([Exhibit F](#)). There were no specific amendments offered.

**Chair Farley:**

I will close the work session on S.J.R. 4.

SENATOR ATKINSON MOVED TO DO PASS S.J.R. 104.

SENATOR SETTELMAYER SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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**Chair Farley:**

I adjourn this meeting at 3:58 p.m.

RESPECTFULLY SUBMITTED:

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Haley Johnson,  
Committee Secretary

APPROVED BY:

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Senator Patricia Farley, Chair

DATE: \_\_\_\_\_

EXHIBIT SUMMARY				
Bill	Exhibit		Witness or Agency	Description
	A	1		Agenda
	B	1		Attendance Roster
S.B. 5	C	1	Michael Stewart	Work Session Document
S.B. 62	D	4	Michael Stewart	Work Session Document
S.B. 104	E	1	Michael Stewart	Work Session Document
S.J.R. 4	F	1	Michael Stewart	Work Session Document