

SENATE BILL NO. 160—SENATOR NEAL

PREFILED FEBRUARY 3, 2025

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to the Nevada Equal Rights Commission. (BDR 18-82)

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

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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 discriminatory practices; moving the Nevada Equal Rights Commission from the Department of Employment, Training and Rehabilitation to the Office of the Attorney General; revising certain duties of the Commission; establishing certain requirements relating to attorneys and paralegals who provide services to or are employed by the Commission; establishing certain requirements relating to a complaint alleging an unlawful discriminatory practice in employment; setting forth certain requirements relating to the final disposition of a complaint alleging an unlawful discriminatory practice; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law creates the Nevada Equal Rights Commission within the
2 Department of Employment, Training and Rehabilitation. (Chapter 233 of NRS)
3 **Sections 2-30** of this bill: (1) move the Commission from the Department to the
4 Office of the Attorney General; and (2) reorganize certain provisions relating to the
5 Commission. **Section 46** of this bill repeals the provisions of existing law which
6 establish the Commission within the Department. Consistent with the repeal and
7 relocation of the Commission, **sections 31-38** of this bill revise certain references to
8 provisions of existing law relating to the Commission.
9 **Sections 41 and 42** of this bill: (1) require the Attorney General to appoint the
10 members of the Commission and the Administrator of the Commission as soon as
11 practicable after July 1, 2025; and (2) provide that the existing members and
12 Administrator, if qualified, may continue to serve until the Attorney General
13 appoints the new members and Administrator.
14 Existing law requires the Commission to carry out certain duties. (NRS
15 233.140) **Section 12** requires the Commission to prepare and publish on the
16 Internet website of the Commission a summary of the process by which a person



17 may file an appeal with the United States Equal Employment Opportunity
18 Commission.

19 Under existing law, the Commission is authorized to investigate and conduct
20 hearings concerning acts of prejudice with regard to housing, employment and
21 public accommodations. (NRS 233.150) **Section 15** requires: (1) an attorney who is
22 employed by, contracts with or provides volunteer services to the Commission to
23 review any complaint filed with the Commission alleging an unlawful
24 discriminatory practice and prepare all findings of fact and final disposition of the
25 complaint; (2) a paralegal who is employed by the Commission to annually
26 complete a minimum number of hours established by the Commission of
27 continuing education in certain areas relating to the work of the Commission; and
28 (3) the Commission to establish programs for law students to intern with the
29 Commission and attorneys to volunteer legal services to the Commission.

30 **Section 20** provides that if a complaint is filed with the Commission alleging
31 an unlawful discriminatory practice in employment: (1) by a governmental agency,
32 the Commission must consider the historical patterns and practices of the agency in
33 determining whether an investigation is warranted and any acts of nonfeasance and
34 malfeasance with regard to the complaint on behalf of the agency or a public officer
35 or public employee of the agency; and (2) by a private employer, the Commission
36 must consider any historical data available relating to the discriminatory practices
37 on behalf of the private employer.

38 Under existing law, if the Commission conducts an investigation of a complaint
39 which alleges an unlawful discriminatory practice in housing, the Commission must
40 make a final disposition of the complaint within 1 year after the date the
41 Commission receives the complaint, unless it is impracticable to do so. (NRS
42 233.165) **Sections 19 and 21** require that if the Commission conducts an
43 investigation of a complaint alleging an unlawful discriminatory practice in
44 housing, the Commission must make a final disposition of the complaint within 18
45 months after the date the complaint is received, unless the Commission determines
46 it is impracticable to do so. If the Commission determines it is impracticable,
47 **section 21** requires the Commission to send to the complainant and the person
48 against whom the complaint was filed a statement informing the parties of its
49 reasons for not making a final disposition of the complaint within that period.

50 **Section 21** also prohibits the Commission from closing a complaint without a
51 final disposition, unless the complainant has verbally or physically abused or
52 threatened a member of the Commission.

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

1 **Section 1.** Chapter 228 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 30, inclusive, of this
3 act.

4 **Sec. 2. 1. *It is hereby declared to be the public policy of the***
5 ***State of Nevada to protect the welfare, prosperity, health and***
6 ***peace of all the people of the State, and to foster the right of all***
7 ***persons reasonably to seek and obtain housing accommodations***
8 ***without discrimination, distinction or restriction because of race,***
9 ***religious creed, color, age, sex, disability, sexual orientation,***
10 ***gender identity or expression, national origin or ancestry.***



1 2. *It is hereby declared to be the public policy of the State of*
2 *Nevada to protect the welfare, prosperity, health and peace of all*
3 *the people of the State, and to foster the right of all persons*
4 *reasonably to seek and be granted services in places of public*
5 *accommodation without discrimination, distinction or restriction*
6 *because of race, religious creed, color, age, sex, disability, sexual*
7 *orientation, gender identity or expression, national origin or*
8 *ancestry.*

9 3. *It is hereby declared to be the public policy of the State of*
10 *Nevada to protect the welfare, prosperity, health and peace of all*
11 *the people of the State, and to foster the right of all persons*
12 *reasonably to seek, obtain and hold employment without*
13 *discrimination, distinction or restriction because of race, religious*
14 *creed, color, age, sex, disability, sexual orientation, gender identity*
15 *or expression, national origin or ancestry. As used in this*
16 *subsection:*

17 (a) *“Protective hairstyle” includes, without limitation,*
18 *hairstyles such as natural hairstyles, afros, bantu knots, curls,*
19 *braids, locks and twists.*

20 (b) *“Race” includes traits associated with race, including,*
21 *without limitation, hair texture and protective hairstyles.*

22 4. *It is recognized that the people of this State should be*
23 *afforded full and accurate information concerning actual and*
24 *alleged practices of discrimination and acts of prejudice, and that*
25 *such information may provide the basis for formulating statutory*
26 *remedies of equal protection and opportunity for all citizens in this*
27 *State.*

28 **Sec. 3.** *As used in sections 2 to 30, inclusive, of this act,*
29 *unless the context otherwise requires, the words and terms defined*
30 *in sections 4 to 7, inclusive, of this act, have the meanings*
31 *ascribed to them in those sections.*

32 **Sec. 4.** *“Administrator” means the Administrator of the*
33 *Commission.*

34 **Sec. 5.** *“Commission” means the Nevada Equal Rights*
35 *Commission in the Office of the Attorney General.*

36 **Sec. 6.** *“Disability” means, with respect to a person:*

37 1. *A physical or mental impairment that substantially limits*
38 *one or more of the major life activities of the person;*

39 2. *A record of such an impairment; or*

40 3. *Being regarded as having such an impairment.*

41 **Sec. 7.** *“Member” means a member of the Nevada Equal*
42 *Rights Commission.*

43 **Sec. 8.** 1. *The Nevada Equal Rights Commission is hereby*
44 *created in the Office of the Attorney General.*



1 2. *The Commission consists of five members appointed by the*
2 *Attorney General. The members of the Commission must be*
3 *representative of all groups, including, without limitation, those*
4 *based on religion, disability, race, ethnicity, sexual orientation and*
5 *gender identity or expression, and representative of both sexes in*
6 *the State.*

7 3. *Each member of the Commission is entitled to receive a*
8 *salary of not more than \$80, as fixed by the Commission, for each*
9 *day actually employed on the work of the Commission.*

10 4. *While engaged in the business of the Commission, each*
11 *member and employee of the Commission is entitled to receive the*
12 *per diem allowance and travel expenses provided for state officers*
13 *and employees generally.*

14 **Sec. 9.** 1. *The Attorney General shall appoint a Chair of*
15 *the Commission and the members shall elect a Secretary from the*
16 *membership of the Commission.*

17 2. *The Commission may meet regularly at least twice a year*
18 *on the call of the Chair at a place designated by the Chair or a*
19 *majority of the Commission.*

20 3. *The employees of the Commission are in the classified*
21 *service of the State.*

22 **Sec. 10.** 1. *The Attorney General shall appoint an*
23 *Administrator of the Commission. The Administrator must have*
24 *had successful experience in the administration and promotion of*
25 *a program comparable to the program provided by sections 2 to*
26 *30, inclusive, of this act.*

27 2. *The Administrator shall:*

28 (a) *Be jointly responsible to the Attorney General and the*
29 *Commission;*

30 (b) *Directly supervise all the technical and administrative*
31 *activities of the Commission; and*

32 (c) *Perform any lawful act which the Administrator considers*
33 *necessary or desirable to carry out the purposes and provisions of*
34 *sections 2 to 30, inclusive, of this act.*

35 3. *On or before January 15 of each odd-numbered year, the*
36 *Administrator shall prepare and submit a report concerning*
37 *the activities of the Commission to the Attorney General and the*
38 *Director of the Legislative Counsel Bureau. The Director of the*
39 *Legislative Counsel Bureau shall cause the report to be made*
40 *available to each Senator and member of the Assembly.*

41 **Sec. 11.** *The Attorney General may designate another agency*
42 *to perform the duties and functions of the Commission set forth in*
43 *sections 13 and 18 to 22, inclusive, of this act.*

44 **Sec. 12.** *The Commission shall:*



1 *1. Foster mutual understanding and respect among all*
2 *groups, including, without limitation, those based on race,*
3 *religion, disability, ethnicity, sexual orientation and gender*
4 *identity or expression, and between the sexes in the State.*

5 *2. Aid in securing equal health and welfare services and*
6 *facilities for all the residents of the State without regard to race,*
7 *religion, sex, sexual orientation, gender identity or expression,*
8 *age, disability or nationality.*

9 *3. Study problems arising between groups within the State*
10 *which may result in tensions, discrimination or prejudice because*
11 *of race, color, creed, sex, sexual orientation, gender identity or*
12 *expression, age, disability, national origin or ancestry, and*
13 *formulate and carry out programs of education and disseminate*
14 *information with the objective of discouraging and eliminating*
15 *any such tensions, prejudices or discrimination.*

16 *4. Secure the cooperation of various groups, including,*
17 *without limitation, those based on race, religion, sex, sexual*
18 *orientation, gender identity or expression, age, disability,*
19 *nationality and ethnicity, veterans' organizations, labor*
20 *organizations, business and industry organizations and fraternal,*
21 *benevolent and service groups, in educational campaigns devoted*
22 *to the need for eliminating group prejudice, racial or area*
23 *tensions, intolerance or discrimination.*

24 *5. Cooperate with and seek the cooperation of federal and*
25 *state agencies and departments in carrying out projects within*
26 *their respective authorities to eliminate intergroup tensions and to*
27 *promote intergroup harmony.*

28 *6. Develop and carry out programs of education and*
29 *disseminate information as necessary to inform employers,*
30 *employees, employment agencies and job applicants about their*
31 *rights and responsibilities set forth in NRS 613.4353 to 613.4383,*
32 *inclusive.*

33 *7. Prepare and publish a summary on the Internet website of*
34 *the Commission which describes the process by which a person*
35 *may file an appeal with the United States Equal Employment*
36 *Opportunity Commission pursuant to Title VII of the Civil Rights*
37 *Act of 1964, 42 U.S.C. §§ 2000e et seq., or NRS 613.420, which*
38 *must include, without limitation, a sample appeal.*

39 **Sec. 13. The Commission may:**

40 **1. Order the Administrator to:**

41 *(a) With regard to public accommodation, investigate tensions,*
42 *practices of discrimination and acts of prejudice against any*
43 *person or group because of race, color, creed, sex, age, disability,*
44 *sexual orientation, national origin, ancestry or gender identity or*
45 *expression and may conduct hearings with regard thereto.*



1 (b) *With regard to housing, investigate tensions, practices of*
2 *discrimination and acts of prejudice against any person or group*
3 *because of race, color, creed, sex, age, disability, sexual*
4 *orientation, gender identity or expression, national origin or*
5 *ancestry, and may conduct hearings with regard thereto.*

6 (c) *With regard to employment, investigate:*

7 (1) *Tensions, practices of discrimination and acts of*
8 *prejudice against any person or group because of race, color,*
9 *creed, sex, age, disability, sexual orientation, gender identity or*
10 *expression, national origin or ancestry, and may conduct hearings*
11 *with regard thereto; and*

12 (2) *Any unlawful employment practice by an employer*
13 *pursuant to the provisions of NRS 613.4353 to 613.4383, inclusive,*
14 *and may conduct hearings with regard thereto.*

15 *↳ As used in this paragraph, "race" includes traits associated*
16 *with race, including, without limitation, hair texture and*
17 *protective hairstyles, as defined in paragraph (a) of subsection 3 of*
18 *section 2 of this act.*

19 2. *Mediate between or reconcile the persons or groups*
20 *involved in the tensions, practices and acts described in*
21 *subsection 1.*

22 3. *Issue subpoenas for the attendance of witnesses or for the*
23 *production of documents or tangible evidence relevant to any*
24 *investigations or hearings conducted by the Commission.*

25 4. *Delegate its power to hold hearings and issue subpoenas to*
26 *a member or any hearing officer employed by the Commission.*

27 5. *Adopt reasonable regulations necessary for the*
28 *Commission to carry out the functions assigned to it by law.*

29 **Sec. 14.** 1. *The Commission shall not contract with or enter*
30 *into a memorandum of understanding with the United States*
31 *Department of Housing and Urban Development for the*
32 *Commission to investigate and enforce laws relating to fair*
33 *housing as a certified agency unless the Legislature, by resolution*
34 *or other appropriate legislative measure, expressly authorizes the*
35 *Commission to do so.*

36 2. *As used in this section:*

37 (a) *"Certified agency" has the meaning ascribed to it in 24*
38 *C.F.R. § 115.100(c). The term includes the certification of an*
39 *agency as substantially equivalent as described in 42 U.S.C. §*
40 *3610(f)(3)(A) and 24 C.F.R. Part 115, Subpart B.*

41 (b) *"Memorandum of understanding" means the*
42 *memorandum of understanding described in 24 C.F.R. § 115.205.*

43 **Sec. 15.** 1. *An attorney who is employed by, contracts with*
44 *or provides volunteer services to the Commission must:*



1 (a) Review any complaint filed with the Commission which
2 alleges an unlawful discriminatory practice; and

3 (b) Prepare all findings of fact relating to an investigation and
4 the final disposition of the complaint before the Commission.

5 2. A paralegal who is employed by the Commission must
6 annually complete a minimum number of hours established by the
7 Commission of continuing education in the areas of constitutional
8 laws, state law and federal law relating to unlawful discriminatory
9 practices.

10 3. The Commission shall establish:

11 (a) An internship program for law students to provide services
12 to the Commission; and

13 (b) A volunteer program for attorneys to provide legal services
14 to the Commission.

15 **Sec. 16.** All gifts of money which the Commission is
16 authorized to accept must be deposited with the State Treasurer for
17 credit to the Nevada Equal Rights Commission Gift Fund which is
18 hereby created as a trust fund.

19 **Sec. 17.** The Commission shall:

20 1. Accept any complaint alleging an unlawful discriminatory
21 practice over which the Commission has jurisdiction pursuant to
22 sections 2 to 30, inclusive, of this act; and

23 2. Adopt regulations setting forth the manner in which the
24 Commission will process a complaint and determine whether to
25 hold an informal meeting or conduct an investigation concerning
26 the complaint.

27 **Sec. 18.** 1. A complaint which alleges unlawful
28 discriminatory practices in:

29 (a) Housing must be filed with the Commission not later than
30 1 year after the date of the occurrence of the alleged practice or
31 the date on which the practice terminated.

32 (b) Employment or public accommodations must be filed with
33 the Commission not later than 300 days after the date of the
34 occurrence of the alleged practice.

35 ↪ A complaint is timely if it is filed with an appropriate federal
36 agency within that period. A complainant shall not file a
37 complaint with the Commission if any other state or federal
38 administrative body or officer which has comparable jurisdiction
39 to adjudicate complaints of discriminatory practices has made a
40 decision upon a complaint based upon the same facts and legal
41 theory.

42 2. The complainant shall specify in the complaint the alleged
43 unlawful practice and sign it under oath.

44 3. The Commission shall send to the party against whom an
45 unlawful discriminatory practice is alleged:



1 (a) A copy of the complaint;
2 (b) An explanation of the rights which are available to that
3 party; and

4 (c) A copy of the procedures of the Commission.

5 4. The Commission shall notify each party to the complaint of
6 the limitation on the period of time during which a person may
7 apply to the district court for relief pursuant to NRS 613.430.

8 5. If a person files a complaint pursuant to paragraph (b) of
9 subsection 1 which alleges an unlawful discriminatory practice in
10 employment, the Commission shall, as soon as practicable after
11 receiving the complaint, notify in writing the person who filed the
12 complaint that the person may request that the Commission issue
13 a right-to-sue notice pursuant to NRS 613.412.

14 6. For the purposes of paragraph (b) of subsection 1, an
15 unlawful discriminatory practice in employment which relates to
16 compensation occurs on:

17 (a) Except as otherwise provided in paragraph (b), the date
18 prescribed by 42 U.S.C. § 2000e-5(e)(3)(A), as that section existed
19 on January 1, 2019.

20 (b) If 42 U.S.C. § 2000e-5(e)(3)(A) is amended and the
21 Commission determines by regulation that the section, as
22 amended, provides greater protection for employees than that
23 section as it existed on January 1, 2019, the date prescribed by 42
24 U.S.C. § 2000e-5(e)(3)(A), as amended.

25 **Sec. 19. 1.** If the Commission determines to conduct an
26 investigation of a complaint which alleges an unlawful
27 discriminatory practice in housing in accordance with the
28 regulations adopted pursuant to section 17 of this act, the
29 Commission shall:

30 (a) Begin an investigation of the complaint within 30 days
31 after the Commission receives the complaint.

32 (b) Complete its investigation of the complaint within 100 days
33 after the Commission receives the complaint unless it is
34 impracticable to do so.

35 (c) Make a final disposition of the complaint within 18 months
36 after the date the Commission receives the complaint unless it is
37 impracticable to do so.

38 2. If the Commission determines that it is impracticable to
39 complete an investigation or make a final disposition of a
40 complaint which alleges an unlawful discriminatory practice in
41 housing within the period prescribed in subsection 1, the
42 Commission shall send to the complainant and the person against
43 whom the complaint was filed a statement setting forth its reasons
44 for not completing the investigation or making a final disposition
45 of the complaint within that period.



1 **Sec. 20. 1.** *If a complaint is filed with the Commission*
2 *alleging an unlawful discriminatory practice in employment by a*
3 *governmental agency or a public officer or public employee*
4 *thereof, the Commission shall consider:*

5 *(a) The historical patterns and practices of the agency as a*
6 *factor in determining whether an investigation is warranted.*

7 *(b) Any acts of nonfeasance or malfeasance with regard to the*
8 *complaint on behalf of the agency or a public officer or public*
9 *employee thereof. Any findings of fact and final disposition of the*
10 *complaint alleging an unlawful discriminatory practice in*
11 *employment must address any allegations of nonfeasance and*
12 *malfeasance by the agency or a public officer or public employee.*

13 **2.** *If a complaint is filed alleging an unlawful discriminatory*
14 *practice in employment by a private employer, the Commission*
15 *shall consider any historical data available relating to the*
16 *discriminatory practices of the private employer in determining*
17 *whether an investigation is warranted.*

18 **Sec. 21. 1.** *Except as otherwise provided in subsection 2 or*
19 *3, if the Commission conducts an investigation of a complaint*
20 *which alleges an unlawful discriminatory practice in housing,*
21 *employment or public accommodation in accordance with the*
22 *regulations adopted pursuant to section 17 of this act, the*
23 *Commission must make a final disposition of the complaint within*
24 *18 months after the date the Commission receives the complaint*
25 *unless the Commission determines it is impracticable to do so*
26 *pursuant to subsection 2.*

27 **2.** *If the Commission determines that it is impracticable to*
28 *make a final disposition of a complaint which alleges an unlawful*
29 *discriminatory practice within the period prescribed by subsection*
30 *1, the Commission shall send to the complainant and the person*
31 *against whom the complaint was filed a statement setting forth its*
32 *reasons for not making a final disposition of the complaint within*
33 *that period.*

34 **3.** *The Commission may close an investigation of a complaint*
35 *without a final disposition if the Commission determines that the*
36 *complainant has verbally or physically abused or threatened a*
37 *member of the Commission. The Commission may not close an*
38 *investigation without a final disposition for any other reason.*

39 **Sec. 22. 1.** *When a complaint is filed whose allegations if*
40 *true would support a finding of unlawful practice, the Commission*
41 *shall determine whether to hold an informal meeting to attempt a*
42 *settlement of the dispute in accordance with the regulations*
43 *adopted pursuant to section 17 of this act. If the Commission*
44 *determines to hold an informal meeting, the Administrator may, to*
45 *prepare for the meeting, request from each party any information*



1 *which is reasonably relevant to the complaint. No further action*
2 *may be taken if the parties agree to a settlement.*

3 2. *If an agreement is not reached at the informal meeting*
4 *held pursuant to subsection 1, the Administrator shall determine*
5 *whether to conduct an investigation into the alleged unlawful*
6 *practice in accordance with the regulations adopted pursuant to*
7 *section 17 of this act. After the investigation, if the Administrator*
8 *determines that an unlawful practice has occurred, the*
9 *Administrator shall attempt to mediate between or reconcile the*
10 *parties. The party against whom a complaint was filed may agree*
11 *to cease the unlawful practice. If an agreement is reached, no*
12 *further action may be taken by the complainant or by the*
13 *Commission.*

14 3. *If the attempts at mediation or conciliation conducted*
15 *pursuant to subsection 2 fail, the Commission may hold a public*
16 *hearing on the matter. After the hearing, if the Commission*
17 *determines that an unlawful practice has occurred, the*
18 *Commission may:*

19 (a) *Serve a copy of the findings of fact of the Commission*
20 *within 10 calendar days upon any person found to have engaged*
21 *in the unlawful practice; and*

22 (b) *Order the person to:*

23 (1) *Cease and desist from the unlawful practice. The order*
24 *must include, without limitation, the corrective action the person*
25 *must take.*

26 (2) *In cases involving an unlawful employment practice,*
27 *restore all benefits and rights to which the aggrieved person is*
28 *entitled, including, without limitation, rehiring, back pay for a*
29 *period described in subsection 4, annual leave time, sick leave time*
30 *or pay, other fringe benefits and seniority, with interest thereon*
31 *from the date of the decision of the Commission at a rate equal to*
32 *the prime rate at the largest bank in Nevada, as ascertained by the*
33 *Commissioner of Financial Institutions, on January 1 or July 1,*
34 *as the case may be, immediately preceding the date of the decision,*
35 *plus 2 percent. The rate of interest must be adjusted accordingly*
36 *on each January 1 and July 1 thereafter until the judgment is*
37 *satisfied.*

38 (3) *In cases involving an unlawful employment practice*
39 *relating to discrimination on the basis of sex, pay an amount*
40 *determined to be appropriate by the Commission for lost wages*
41 *that would have been earned in the absence of discrimination or*
42 *other economic damages resulting from the discrimination,*
43 *including, without limitation, lost payment for overtime, shift*
44 *differential, cost of living adjustments, merit increases or*
45 *promotions, or other fringe benefits.*



1 (4) *In cases involving an unlawful employment practice*
2 *committed by an employer with 50 or more employees that the*
3 *Commission determines was willful, pay a civil penalty of:*

4 (I) *For the first unlawful employment practice that the*
5 *person has engaged in during the immediately preceding 5 years*
6 *which the Commission determines was willful, not more than*
7 *\$5,000.*

8 (II) *For the second unlawful employment practice that*
9 *the person has engaged in during the immediately preceding 5*
10 *years which the Commission determines was willful, not more*
11 *than \$10,000.*

12 (III) *For the third and any subsequent unlawful*
13 *employment practice that the person has engaged in during the*
14 *immediately preceding 5 years which the Commission determines*
15 *was willful, not more than \$15,000.*

16 4. *For the purposes of subparagraph (2) of paragraph (b) of*
17 *subsection 3, the period for back pay must not exceed a period*
18 *beginning 2 years before the date on which the complaint was*
19 *filed and ending on the date the Commission issues an order*
20 *pursuant to paragraph (b) of subsection 3.*

21 5. *Before imposing a civil penalty pursuant to subparagraph*
22 *(4) of paragraph (b) of subsection 3, the Commission must allow*
23 *the person found to have willfully engaged in an unlawful*
24 *employment practice 30 days to take corrective action from the*
25 *date of service of the order made pursuant to paragraph (a) of*
26 *subsection 3. If the person takes such corrective action, the*
27 *Commission shall not impose the civil penalty.*

28 6. *The order of the Commission is a final decision in a*
29 *contested case for the purpose of judicial review. If the person*
30 *fails to comply with the order, the Commission shall apply to the*
31 *district court for an order compelling compliance, but failure or*
32 *delay on the part of the Commission does not prejudice the right of*
33 *an aggrieved party to judicial review. The court shall issue the*
34 *order unless it finds that the findings or order of the Commission*
35 *are not supported by substantial evidence or are otherwise*
36 *arbitrary or capricious. If the court upholds the order of the*
37 *Commission and finds that the person has violated the order by*
38 *failing to cease and desist from the unlawful practice or to make*
39 *the payment ordered, the court shall award the aggrieved party*
40 *actual damages for any economic loss and no more.*

41 7. *After the Commission has held a public hearing and*
42 *rendered a decision, the complainant is barred from proceeding on*
43 *the same facts and legal theory before any other administrative*
44 *body or officer.*



1 8. *For the purposes of this section, an unlawful employment*
2 *practice shall be deemed to be willful if a person engages in the*
3 *practice with knowledge that it is unlawful or with reckless*
4 *indifference to whether it is lawful or unlawful.*

5 **Sec. 23.** 1. *The Commission shall accept a complaint that*
6 *alleges that a local elected officer has engaged in an unlawful*
7 *employment practice of discrimination pursuant to Title VII of the*
8 *Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq., or NRS*
9 *613.330 and take appropriate action.*

10 2. *The Commission shall present a complaint to the district*
11 *court pursuant to NRS 283.440 if the Commission determines*
12 *after a hearing held pursuant to subsection 3 of section 22 of this*
13 *act that a local elected officer has engaged in an unlawful*
14 *employment practice of discrimination pursuant to Title VII of the*
15 *Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq., or NRS*
16 *613.330 and that the discriminatory practice that forms the basis*
17 *of such a complaint is severe or pervasive such that removal from*
18 *office is an appropriate remedy. In addition to any monetary*
19 *penalties, the Commission may impose upon the local elected*
20 *officer any other reasonable sanction, including, without*
21 *limitation, a requirement to complete a course or training related*
22 *to the unlawful employment practice of discrimination.*

23 3. *Any fine or penalty required to be paid by a local elected*
24 *officer because such officer was determined pursuant to*
25 *subsection 2 to have engaged in an unlawful employment practice*
26 *of discrimination must be assessed against such officer in his or*
27 *her personal capacity, and may not be paid with public money or*
28 *contributions received pursuant to chapter 294A of NRS. Except*
29 *for a fine or a penalty, no damages may be assessed against the*
30 *local elected officer in his or her personal capacity.*

31 4. *As used in this section, "local elected officer" means a*
32 *person who holds a local government office to which the person*
33 *was elected.*

34 **Sec. 24.** *If, after the Administrator has conducted a*
35 *preliminary investigation into an alleged unlawful discriminatory*
36 *practice in housing, employment or public accommodations, the*
37 *Commission determines that the practice will cause immediate and*
38 *irreparable harm to any person aggrieved by the practice, the*
39 *Commission, after the informal meeting and before holding a*
40 *public hearing upon the matter, may apply on behalf of such*
41 *person to the district court for a temporary restraining order or*
42 *preliminary injunction as provided in the Nevada Rules of Civil*
43 *Procedure.*

44 **Sec. 25.** 1. *Except as otherwise provided in this section or*
45 *NRS 239.0115, any information gathered by the Commission in*



1 *the course of its investigation of an alleged unlawful*
2 *discriminatory practice in housing, employment or public*
3 *accommodations is confidential.*

4 2. *Except as otherwise provided in subsection 5, the*
5 *Commission may disclose information gathered pursuant to*
6 *subsection 1 to:*

7 (a) *Any governmental entity as appropriate or necessary to*
8 *carry out its duties pursuant to sections 2 to 30, inclusive, of this*
9 *act; or*

10 (b) *Any other person if the information is provided in a*
11 *manner which does not include any information that may be used*
12 *to identify the complainant, the party against whom the unlawful*
13 *discriminatory practice is alleged or any person who provided*
14 *information to the Commission during the investigation.*

15 3. *Except as otherwise provided in subsection 4, the*
16 *Commission shall disclose information gathered pursuant to*
17 *subsection 1 to the complainant and the party against whom the*
18 *unlawful discriminatory practice is alleged if:*

19 (a) *Each has consented to such disclosure; or*

20 (b) *The Commission has determined to conduct a hearing on*
21 *the matter or apply for a temporary restraining order or an*
22 *injunction or an action has been filed in court concerning the*
23 *complaint.*

24 4. *The Commission may not disclose to the complainant or*
25 *the party against whom the unlawful discriminatory practice is*
26 *alleged:*

27 (a) *Any information obtained during negotiations for a*
28 *settlement or attempts at mediating or conciliating the complaint;*

29 (b) *Any investigative notes or reports made by the*
30 *Commission; and*

31 (c) *Any information that may be used to identify a person who*
32 *provided information to the Commission during the investigation*
33 *and who has requested anonymity.*

34 5. *After the filing of a complaint with the Commission, access*
35 *to information related to the complaint must be limited only to the*
36 *staff of the Commission as is necessary to carry out the duties of*
37 *the Commission relating to the complaint. Such staff shall not*
38 *disclose such information to the other officers and employees of*
39 *the Office of the Attorney General, including, without limitation,*
40 *supervisors of the Office and the Attorney General, unless the*
41 *disclosure is necessary to carry out the duties of the Commission*
42 *relating to the complaint.*

43 6. *Except as otherwise provided in this section or NRS*
44 *239.0115, if the attempts of the Commission to mediate or*



1 *conciliate the cause of the grievance succeed, the information*
2 *gathered pursuant to subsection 1 must remain confidential.*

3 *7. If the Commission proceeds with a hearing or applies for*
4 *injunctive relief, confidentiality concerning any information,*
5 *except negotiations for a settlement or attempts at mediating or*
6 *conciliating the cause of the grievance, is no longer required.*

7 **Sec. 26.** *After the completion of any hearing, the*
8 *Commission shall report in writing to the Attorney General with*
9 *its findings of fact and recommendations or actions taken*
10 *pursuant to sections 2 to 30, inclusive, of this act. The Commission*
11 *shall use its best efforts to bring about compliance with its*
12 *recommendations.*

13 **Sec. 27.** *Notwithstanding any provision of sections 2 to 30,*
14 *inclusive, of this act, it is not an unlawful discriminatory practice*
15 *in public accommodations for any place of public accommodation*
16 *to offer differential pricing, discounted pricing or special offers*
17 *based on sex to promote or market the place of public*
18 *accommodation.*

19 **Sec. 28.** *Notwithstanding the protections in sections 2 to 30,*
20 *inclusive, of this act for hair texture and protective hairstyles, an*
21 *employer may enforce health and safety requirements set forth in*
22 *federal or state law.*

23 **Sec. 29.** *Any person who willfully resists, prevents or*
24 *impedes or interferes with the Commission, its members, the*
25 *Administrator or agents in the performance of duties pursuant to*
26 *sections 2 to 30, inclusive, of this act shall be fined not more than*
27 *\$500.*

28 **Sec. 30.** *1. All penalties and fines imposed by the*
29 *Commission pursuant to sections 22 and 29 of this act must be*
30 *deposited with the State Treasurer for credit to the State General*
31 *Fund.*

32 *2. If the money collected from the imposition of any penalty*
33 *and fine is deposited in the State General Fund pursuant to*
34 *subsection 1, the Commission may present a claim to the State*
35 *Board of Examiners for recommendation to the Interim Finance*
36 *Committee if money is required to pay attorney's fees or the costs*
37 *of an investigation, or both.*

38 **Sec. 31.** *NRS 232.910 is hereby amended to read as follows:*
39 *232.910 1. The Department of Employment, Training and*
40 *Rehabilitation is hereby created. The purpose of the Department is*
41 *to plan, coordinate and carry out various services and activities*
42 *designed to achieve and support employment and economic*
43 *independence for residents of this State who are disadvantaged,*
44 *displaced or disabled.*



1 2. The Department consists of a Director and the following
2 divisions:

- 3 (a) Employment Security Division;
- 4 (b) Rehabilitation Division; and
- 5 (c) Such other divisions as the Director may establish.

6 3. The Governor's Office of Workforce Innovation [~~Nevada~~
7 ~~Equal Rights Commission~~] and the Board for the Education and
8 Counseling of Displaced Homemakers are within the Department.

9 **Sec. 32.** NRS 10.195 is hereby amended to read as follows:

10 10.195 Except as otherwise provided in [~~NRS 233.190;~~
11 ~~section 25 of this act:~~

12 1. A settlement agreement must not contain a provision that
13 prohibits or otherwise restricts a party from disclosing factual
14 information relating to a claim in a civil or administrative action if
15 the claim relates to any of the following:

16 (a) Conduct that if criminal liability were imposed would
17 constitute a sexual offense pursuant to NRS 179D.097 and would be
18 punishable as a felony, regardless of whether there was a criminal
19 investigation, prosecution or conviction of such conduct;

20 (b) Discrimination on the basis of sex by an employer or a
21 landlord; or

22 (c) Retaliation by an employer or a landlord against the claimant
23 for his or her reporting of discrimination on the basis of sex.

24 2. If a settlement agreement is entered into on or after July 1,
25 2019, any provision in such an agreement that prohibits or otherwise
26 restricts a party from disclosing factual information pursuant to
27 subsection 1 is void and unenforceable.

28 3. A court shall not enter an order that prohibits or otherwise
29 restricts the disclosure of factual information in a manner that
30 conflicts with subsection 1.

31 4. Except as otherwise provided in subsection 5, upon the
32 request of the claimant, the settlement agreement must contain a
33 provision that prohibits the disclosure of:

34 (a) The identity of the claimant; and

35 (b) Any facts relating to the action that could lead to the
36 disclosure of the identity of the claimant.

37 5. If a governmental agency or a public officer is a party to the
38 settlement agreement pursuant to subsection 1, a claimant shall not
39 request and the settlement agreement must not contain a provision
40 pursuant to subsection 4.

41 6. Nothing in this section shall be construed to prohibit:

42 (a) A court from considering any pleading or other record to
43 determine the factual basis of a civil claim pursuant to subsection 1;
44 or



1 (b) An entry or enforcement of a provision in a settlement
2 agreement pursuant to subsection 1 that prohibits disclosure by a
3 party of the settlement amount.

4 7. As used in this section:

5 (a) "Claimant" means a person who filed a claim in a civil
6 action or an administrative action pursuant to subsection 1.

7 (b) "Employer" has the meaning ascribed to it in NRS 33.220.

8 (c) "Landlord" means an owner of real property, or the owner's
9 representative, who provides a dwelling unit on the real property for
10 occupancy by another for valuable consideration.

11 **Sec. 33.** NRS 50.069 is hereby amended to read as follows:

12 50.069 1. Except as otherwise provided in ~~NRS 233.190,~~
13 *section 25 of this act*, a provision of a contract or settlement
14 agreement is void and unenforceable if:

15 (a) The provision prohibits or otherwise restricts a party to the
16 contract or settlement agreement from testifying at a judicial or
17 administrative proceeding when the party has been required or
18 requested to testify at the proceeding pursuant to:

19 (1) A court order;

20 (2) A lawful subpoena; or

21 (3) A written request by an administrative agency; and

22 (b) The judicial or administrative proceeding described in
23 paragraph (a) concerns another party to the contract or settlement
24 agreement and his or her commission of:

25 (1) A criminal offense;

26 (2) An act of sexual harassment, including, without
27 limitation, repeated, unsolicited verbal or physical contact of a
28 sexual nature that is threatening in character;

29 (3) An act of discrimination on the basis of race, religion,
30 color, national origin, disability, sexual orientation, gender identity
31 or expression, ancestry, familial status, age or sex by an employer or
32 a landlord; or

33 (4) An act of retaliation by an employer or a landlord against
34 another person for the reporting of discrimination on the basis of
35 race, religion, color, national origin, disability, sexual orientation,
36 gender identity or expression, ancestry, familial status, age or sex.

37 2. As used in this section:

38 (a) "Employer" has the meaning ascribed to it in NRS 33.220.

39 (b) "Landlord" means an owner of real property, or the owner's
40 representative, who provides a dwelling unit on the real property for
41 occupancy by another for valuable consideration.

42 **Sec. 34.** NRS 118.110 is hereby amended to read as follows:

43 118.110 Any aggrieved person who claims to have been
44 injured by a discriminatory housing practice or who believes that he
45 or she will be injured by such a practice that is about to occur may



1 file a complaint with the Commission in the manner prescribed in
2 ~~[NRS 233.160.]~~ *section 18 of this act.*

3 **Sec. 35.** NRS 239.010 is hereby amended to read as follows:

4 239.010 1. Except as otherwise provided in this section and
5 NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095,
6 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030,
7 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152,
8 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413,
9 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345,
10 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270,
11 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280,
12 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640,
13 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730,
14 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312,
15 130.712, 136.050, 159.044, 159A.044, 164.041, 172.075, 172.245,
16 176.01334, 176.01385, 176.015, 176.0625, 176.09129, 176.156,
17 176A.630, 178.39801, 178.4715, 178.5691, 178.5717, 179.495,
18 179A.070, 179A.165, 179D.160, 180.600, 200.3771, 200.3772,
19 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923,
20 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040,
21 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350,
22 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 218G.615,
23 224.240, 226.462, 226.796, 228.270, 228.450, 228.495, 228.570,
24 231.069, 231.1285, 231.1473, 232.1369, ~~[233.190.]~~ 237.300,
25 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040,
26 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270,
27 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264,
28 244.335, 247.540, 247.545, 247.550, 247.560, 250.087, 250.130,
29 250.140, 250.145, 250.150, 268.095, 268.0978, 268.490, 268.910,
30 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680,
31 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086,
32 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830,
33 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870,
34 293.906, 293.908, 293.909, 293.910, 293B.135, 293D.510, 331.110,
35 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593,
36 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205,
37 353A.049, 353A.085, 353A.100, 353C.240, 353D.250, 360.240,
38 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138,
39 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300,
40 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626,
41 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750,
42 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120,
43 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317,
44 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975,
45 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143,



1 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685,
2 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153,
3 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350,
4 425.400, 427A.1236, 427A.872, 427A.940, 432.028, 432.205,
5 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430,
6 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360,
7 439.4941, 439.4988, 439.5282, 439.840, 439.914, 439A.116,
8 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170,
9 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735,
10 442.774, 445A.665, 445B.570, 445B.7773, 449.209, 449.245,
11 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164,
12 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056,
13 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407,
14 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063,
15 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363,
16 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833,
17 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285,
18 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110,
19 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710,
20 604D.500, 604D.600, 612.265, 616B.012, 616B.015, 616B.315,
21 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137,
22 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230,
23 628B.760, 629.043, 629.047, 629.069, 630.133, 630.2671,
24 630.2672, 630.2673, 630.2687, 630.30665, 630.336, 630A.327,
25 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415,
26 632.3423, 632.405, 633.283, 633.301, 633.427, 633.4715, 633.4716,
27 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169,
28 634A.185, 634B.730, 635.111, 635.158, 636.262, 636.342, 637.085,
29 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183,
30 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220,
31 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745,
32 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090,
33 641.221, 641.2215, 641A.191, 641A.217, 641A.262, 641B.170,
34 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320,
35 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050,
36 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130,
37 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947,
38 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900,
39 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275,
40 669.285, 669A.310, 670B.680, 671.365, 671.415, 673.450, 673.480,
41 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710,
42 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190,
43 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410,
44 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306,
45 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480,



1 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536,
2 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550,
3 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159,
4 711.600, *and section 25 of this act*, sections 35, 38 and 41 of
5 chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391,
6 Statutes of Nevada 2013 and unless otherwise declared by law to be
7 confidential, all public books and public records of a governmental
8 entity must be open at all times during office hours to inspection by
9 any person, and may be fully copied or an abstract or memorandum
10 may be prepared from those public books and public records. Any
11 such copies, abstracts or memoranda may be used to supply the
12 general public with copies, abstracts or memoranda of the records or
13 may be used in any other way to the advantage of the governmental
14 entity or of the general public. This section does not supersede or in
15 any manner affect the federal laws governing copyrights or enlarge,
16 diminish or affect in any other manner the rights of a person in any
17 written book or record which is copyrighted pursuant to federal law.

18 2. A governmental entity may not reject a book or record
19 which is copyrighted solely because it is copyrighted.

20 3. A governmental entity that has legal custody or control of a
21 public book or record shall not deny a request made pursuant to
22 subsection 1 to inspect or copy or receive a copy of a public book or
23 record on the basis that the requested public book or record contains
24 information that is confidential if the governmental entity can
25 redact, delete, conceal or separate, including, without limitation,
26 electronically, the confidential information from the information
27 included in the public book or record that is not otherwise
28 confidential.

29 4. If requested, a governmental entity shall provide a copy of a
30 public record in an electronic format by means of an electronic
31 medium. Nothing in this subsection requires a governmental entity
32 to provide a copy of a public record in an electronic format or by
33 means of an electronic medium if:

34 (a) The public record:

- 35 (1) Was not created or prepared in an electronic format; and
36 (2) Is not available in an electronic format; or

37 (b) Providing the public record in an electronic format or by
38 means of an electronic medium would:

- 39 (1) Give access to proprietary software; or
40 (2) Require the production of information that is confidential
41 and that cannot be redacted, deleted, concealed or separated from
42 information that is not otherwise confidential.

43 5. An officer, employee or agent of a governmental entity who
44 has legal custody or control of a public record:



1 (a) Shall not refuse to provide a copy of that public record in the
2 medium that is requested because the officer, employee or agent has
3 already prepared or would prefer to provide the copy in a different
4 medium.

5 (b) Except as otherwise provided in NRS 239.030, shall, upon
6 request, prepare the copy of the public record and shall not require
7 the person who has requested the copy to prepare the copy himself
8 or herself.

9 **Sec. 36.** NRS 283.440 is hereby amended to read as follows:

10 283.440 1. Any person who is now holding or who shall
11 hereafter hold any office in this State and who refuses or neglects to
12 perform any official act in the manner and form prescribed by law,
13 or who is guilty of any malpractice or malfeasance in office, may be
14 removed therefrom as hereinafter prescribed in this section, except
15 that this section does not apply to:

16 (a) A justice or judge of the court system;

17 (b) A state officer removable from office only through
18 impeachment pursuant to Article 7 of the Nevada Constitution; or

19 (c) A State Legislator removable from office only through
20 expulsion by the State Legislator's own House pursuant to Section 6
21 of Article 4 of the Nevada Constitution.

22 2. Whenever a complaint in writing, duly verified by the oath
23 of any complainant, is presented to the district court alleging that
24 any officer within the jurisdiction of the court:

25 (a) Has been guilty of charging and collecting any illegal fees
26 for services rendered or to be rendered in the officer's office;

27 (b) Has refused or neglected to perform the official duties
28 pertaining to the officer's office as prescribed by law; or

29 (c) Has been guilty of any malpractice or malfeasance in office,
30 ↪ the court shall cite the party charged to appear before it on a
31 certain day, not more than 10 days or less than 5 days from the day
32 when the complaint was presented. On that day, or some subsequent
33 day not more than 20 days from that on which the complaint was
34 presented, the court, in a summary manner, shall proceed to hear the
35 complaint and evidence offered by the party complained of. If, on
36 the hearing, it appears that the charge or charges of the complaint
37 are sustained, the court shall enter a decree that the party
38 complained of shall be deprived of the party's office.

39 3. The clerk of the court in which the proceedings are had,
40 shall, within 3 days thereafter, transmit to the Governor or the board
41 of county commissioners of the proper county, as the case may be, a
42 copy of any decree or judgment declaring any officer deprived of
43 any office under this section. The Governor or the board of county
44 commissioners, as the case may be, shall appoint some person to fill
45 the office until a successor shall be elected or appointed and



1 qualified. The person so appointed shall give such bond as security
2 as is prescribed by law and pertaining to the office.

3 4. If the judgment of the district court is against the officer
4 complained of and an appeal is taken from the judgment so
5 rendered, the officer so appealing shall not hold the office during the
6 pendency of the appeal, but the office shall be filled as in case of a
7 vacancy.

8 5. As used in this section, "malfeasance in office" includes,
9 without limitation:

10 (a) Engaging in an unlawful employment practice of
11 discrimination pursuant to Title VII of the Civil Rights Act of 1964,
12 42 U.S.C. §§ 2000e et seq., or NRS 613.330 that is severe or
13 pervasive such that removal from office is an appropriate remedy.

14 (b) Willfully failing to comply with any other sanction imposed
15 upon a local elected officer pursuant to ~~[NRS 233.175.]~~ *section 23*
16 *of this act.*

17 **Sec. 37.** NRS 353.347 is hereby amended to read as follows:

18 353.347 1. ~~##~~ *In relation to the Nevada Equal Rights*
19 *Commission, if the* ~~[Director of the Department of Employment,~~
20 ~~Training and Rehabilitation]~~ *Attorney General* determines that
21 current claims exceed the amount of money available because
22 revenue from billed services has not been collected or because of a
23 delay in the receipt of money from federal grants, he or she may
24 request from the Director of the Office of Finance a temporary
25 advance from the State General Fund for the payment of authorized
26 expenses.

27 2. The Director of the Office of Finance shall notify the State
28 Controller and the Fiscal Analysis Division of the Legislative
29 Counsel Bureau of his or her approval of a request made pursuant to
30 subsection 1. The State Controller shall draw his or her warrant
31 upon receipt of the approval by the Director of the Office of
32 Finance.

33 3. An advance from the State General Fund:

34 (a) May be approved by the Director of the Office of Finance for
35 the budget account of the Nevada Equal Rights Commission of the
36 ~~[Department of Employment, Training and Rehabilitation.]~~ *Office*
37 *of the Attorney General.*

38 (b) Is limited to 25 percent of the revenue expected to be
39 received *by the Nevada Equal Rights Commission* in the current
40 fiscal year from any source other than legislative appropriation.

41 4. Any money which is temporarily advanced from the State
42 General Fund to an account pursuant to subsection 3 must be repaid
43 by August 31 following the end of the immediately preceding fiscal
44 year.



1 **Sec. 38.** NRS 613.412 is hereby amended to read as follows:
2 613.412 If a person files a complaint pursuant to paragraph (b)
3 of subsection 1 of ~~[NRS 233.160]~~ *section 18 of this act* which
4 alleges an unlawful discriminatory practice in employment, the
5 Nevada Equal Rights Commission shall issue, upon request from the
6 person, a right-to-sue notice if at least 180 days have passed after
7 the complaint was filed pursuant to ~~[NRS 233.160.]~~ *section 18 of*
8 *this act.* The right-to-sue notice must indicate that the person may,
9 not later than 90 days after the date of receipt of the right-to-sue
10 notice, bring a civil action in district court against the person named
11 in the complaint.

12 **Sec. 39.** Section 18 of this act is hereby amended to read as
13 follows:

14 Sec. 18. 1. A complaint which alleges unlawful
15 discriminatory practices in:

16 (a) Housing must be filed with the Commission not later
17 than 1 year after the date of the occurrence of the alleged
18 practice or the date on which the practice terminated.

19 (b) Employment or public accommodations must be filed
20 with the Commission not later than 300 days after the date of
21 the occurrence of the alleged practice.

22 ➤ A complaint is timely if it is filed with an appropriate
23 federal agency within that period. A complainant shall not file
24 a complaint with the Commission if any other state or federal
25 administrative body or officer which has comparable
26 jurisdiction to adjudicate complaints of discriminatory
27 practices has made a decision upon a complaint based upon
28 the same facts and legal theory.

29 2. The complainant shall specify in the complaint the
30 alleged unlawful practice. ~~[and sign it]~~ *The complaint must*
31 *be in writing and signed* under oath ~~[]~~ *by the complainant.*

32 3. *If the complaint alleges an unlawful discriminatory*
33 *practice in housing, the Commission shall serve upon the*
34 *complainant:*

35 (a) *Notice that the complaint was filed with the*
36 *Commission;*

37 (b) *A copy of the procedures of the Commission;*

38 (c) *The information set forth in subsection 9 of section*
39 *22 of this act; and*

40 (d) *Information relating to the state and federal*
41 *administrative bodies and courts with which the*
42 *complainant may file the complaint.*

43 4. The Commission shall send to the party against whom
44 an unlawful discriminatory practice is alleged:

45 (a) A copy of the complaint;



1 (b) An explanation of the rights which are available to
2 that party; and

3 (c) A copy of the procedures of the Commission.

4 *↪ If the complaint alleges an unlawful discriminatory*
5 *practice in housing, the Commission shall comply with the*
6 *requirements of this subsection within 10 days after the*
7 *Commission receives the complaint.*

8 ~~[4.]~~ 5. *A person against whom an unlawful*
9 *discriminatory practice in housing is alleged may file*
10 *with the Commission an answer to the complaint filed*
11 *against the person not later than 10 days after the person*
12 *receives the information described in subsection 4.*

13 6. The Commission shall notify each party to the
14 complaint of the limitation on the period of time during which
15 a person may apply to the district court for relief pursuant to
16 NRS 613.430.

17 ~~[5.]~~ 7. If a person files a complaint pursuant to
18 paragraph (b) of subsection 1 which alleges an unlawful
19 discriminatory practice in employment, the Commission
20 shall, as soon as practicable after receiving the complaint,
21 notify in writing the person who filed the complaint that the
22 person may request that the Commission issue a right-to-sue
23 notice pursuant to NRS 613.412.

24 ~~[6.]~~ 8. For the purposes of paragraph (b) of subsection
25 1, an unlawful discriminatory practice in employment which
26 relates to compensation occurs on:

27 (a) Except as otherwise provided in paragraph (b), the
28 date prescribed by 42 U.S.C. § 2000e-5(e)(3)(A), as that
29 section existed on January 1, 2019.

30 (b) If 42 U.S.C. § 2000e-5(e)(3)(A) is amended and the
31 Commission determines by regulation that the section, as
32 amended, provides greater protection for employees than that
33 section as it existed on January 1, 2019, the date prescribed
34 by 42 U.S.C. § 2000e-5(e)(3)(A), as amended.

35 **Sec. 40.** Section 22 of this act is hereby amended as follows:

36 Sec. 22. 1. When a complaint is filed whose
37 allegations if true would support a finding of unlawful
38 practice, the Commission shall determine whether to hold an
39 informal meeting to attempt a settlement of the dispute in
40 accordance with the regulations adopted pursuant to section
41 17 of this act. If the Commission determines to hold an
42 informal meeting, the Administrator may, to prepare for the
43 meeting, request from each party any information which is
44 reasonably relevant to the complaint. ~~[No]~~ *Except as*



1 *otherwise provided in subsection 3, no* further action may be
2 taken if the parties agree to a settlement.

3 2. If an agreement is not reached at the informal meeting
4 held pursuant to subsection 1, the Administrator shall
5 determine whether to conduct an investigation into the
6 alleged unlawful practice in accordance with the regulations
7 adopted pursuant to section 17 of this act. After the
8 investigation, if the Administrator determines that an
9 unlawful practice has occurred, the Administrator shall
10 attempt to mediate between or reconcile the parties. The party
11 against whom a complaint was filed may agree to cease the
12 unlawful practice. ~~##~~ *Except as otherwise provided in*
13 *subsection 3, if* an agreement is reached, no further action
14 may be taken by the complainant or by the Commission.

15 3. *If an agreement is reached by the parties in a case*
16 *involving a discriminatory practice in housing, the*
17 *agreement must be approved by the Commission. The*
18 *agreement must be made public unless the parties otherwise*
19 *agree and the Commission determines that disclosure is not*
20 *necessary to further the purposes of chapter 118 of NRS.*

21 4. If the attempts at mediation or conciliation conducted
22 pursuant to subsection 2 fail ~~§~~ *in a case involving an*
23 *unlawful practice in employment or public*
24 *accommodations,* the Commission may hold a public hearing
25 on the matter. After the hearing, if the Commission
26 determines that an unlawful practice has occurred, the
27 Commission may:

28 (a) Serve a copy of the findings of fact of the Commission
29 within 10 calendar days upon any person found to have
30 engaged in the unlawful practice; and

31 (b) Order the person to:

32 (1) Cease and desist from the unlawful practice. The
33 order must include, without limitation, the corrective action
34 the person must take.

35 (2) In cases involving an unlawful employment
36 practice, restore all benefits and rights to which the aggrieved
37 person is entitled, including, without limitation, rehiring, back
38 pay for a period described in subsection ~~4~~ 5, annual leave
39 time, sick leave time or pay, other fringe benefits and
40 seniority, with interest thereon from the date of the decision
41 of the Commission at a rate equal to the prime rate at the
42 largest bank in Nevada, as ascertained by the Commissioner
43 of Financial Institutions, on January 1 or July 1, as the case
44 may be, immediately preceding the date of the decision, plus
45 2 percent. The rate of interest must be adjusted accordingly



1 on each January 1 and July 1 thereafter until the judgment is
2 satisfied.

3 (3) In cases involving an unlawful employment
4 practice relating to discrimination on the basis of sex, pay an
5 amount determined to be appropriate by the Commission for
6 lost wages that would have been earned in the absence of
7 discrimination or other economic damages resulting from the
8 discrimination, including, without limitation, lost payment for
9 overtime, shift differential, cost of living adjustments, merit
10 increases or promotions, or other fringe benefits.

11 (4) In cases involving an unlawful employment
12 practice committed by an employer with 50 or more
13 employees that the Commission determines was willful, pay a
14 civil penalty of:

15 (I) For the first unlawful employment practice that
16 the person has engaged in during the immediately preceding 5
17 years which the Commission determines was willful, not
18 more than \$5,000.

19 (II) For the second unlawful employment practice
20 that the person has engaged in during the immediately
21 preceding 5 years which the Commission determines was
22 willful, not more than \$10,000.

23 (III) For the third and any subsequent unlawful
24 employment practice that the person has engaged in during
25 the immediately preceding 5 years which the Commission
26 determines was willful, not more than \$15,000.

27 ~~[4.]~~ 5. For the purposes of subparagraph (2) of
28 paragraph (b) of subsection ~~[3.]~~ 4, the period for back pay
29 must not exceed a period beginning 2 years before the date on
30 which the complaint was filed and ending on the date the
31 Commission issues an order pursuant to paragraph (b) of
32 subsection ~~[3.]~~ 4.

33 ~~[5.]~~ 6. Before imposing a civil penalty pursuant to
34 subparagraph (4) of paragraph (b) of subsection ~~[3.]~~ 4, the
35 Commission must allow the person found to have willfully
36 engaged in an unlawful employment practice 30 days to take
37 corrective action from the date of service of the order made
38 pursuant to paragraph (a) of subsection ~~[3.]~~ 4. If the person
39 takes such corrective action, the Commission shall not
40 impose the civil penalty.

41 ~~[6.]~~ 7. *If the attempts at mediation or conciliation fail*
42 *in a case involving an unlawful housing practice:*

43 (a) *The complainant or the person against whom the*
44 *complaint was filed may elect to have the claims included in*
45 *the complaint decided in a court of competent jurisdiction.*



1 *If the court determines that the person against whom the*
2 *complaint was filed has committed an unlawful housing*
3 *practice, the court may:*

4 (1) *Award to the complainant actual damages and,*
5 *within the limitations prescribed by federal law, punitive*
6 *damages;*

7 (2) *Award to the prevailing party costs and*
8 *reasonable attorney's fees; and*

9 (3) *Order such other relief as the court deems*
10 *appropriate, including, without limitation:*

11 (I) *Ordering a permanent or temporary*
12 *injunction;*

13 (II) *Issuing a temporary restraining order; or*

14 (III) *Enjoining the defendant from continuing the*
15 *unlawful practice or taking other affirmative action.*

16 (b) *If an election is not made pursuant to paragraph (a),*
17 *the Commission shall hold a public hearing on the matter.*
18 *After the hearing, if the Commission determines that an*
19 *unlawful practice has occurred, the Commission may:*

20 (1) *Serve a copy of the findings of fact within 10 days*
21 *upon any person found to have engaged in the unlawful*
22 *practice;*

23 (2) *Order the person to cease and desist from the*
24 *unlawful practice;*

25 (3) *Award to the complainant actual damages; and*

26 (4) *Impose a civil penalty of not more than \$25,000*
27 *upon the person who committed the unlawful*
28 *discriminatory practice.*

29 8. The order of the Commission is a final decision in a
30 contested case for the purpose of judicial review. If the
31 person fails to comply with the order, the Commission shall
32 apply to the district court for an order compelling compliance,
33 but failure or delay on the part of the Commission does not
34 prejudice the right of an aggrieved party to judicial review.
35 The court shall issue the order unless it finds that the findings
36 or order of the Commission are not supported by substantial
37 evidence or are otherwise arbitrary or capricious. If the court
38 upholds the order of the Commission and finds that the
39 person has violated the order by failing to cease and desist
40 from the unlawful practice or to make the payment ordered,
41 the court shall award the aggrieved party actual damages for
42 any economic loss and no more.

43 ~~[7-]~~ 9. After the Commission has held a public hearing
44 and rendered a decision, the complainant is barred from



1 proceeding on the same facts and legal theory before any
2 other administrative body or officer.

3 ~~§. 10.~~ **10.** For the purposes of this section, an unlawful
4 employment practice shall be deemed to be willful if a person
5 engages in the practice with knowledge that it is unlawful or
6 with reckless indifference to whether it is lawful or unlawful.

7 **Sec. 41.** 1. As soon as practicable after July 1, 2025, the
8 Attorney General shall appoint to the Nevada Equal Rights
9 Commission the members required by section 8 of this act to be
10 appointed to the Commission.

11 2. The persons who are members of the Nevada Equal Rights
12 Commission created by NRS 233.030, as that section existed on
13 June 30, 2025, continue to serve as members until the Attorney
14 General appoints members to the Commission pursuant to section 8
15 of this act.

16 **Sec. 42.** 1. As soon as practicable after July 1, 2025, the
17 Attorney General shall appoint to the Nevada Equal Rights
18 Commission the Administrator of the Commission required by
19 section 10 of this act to be appointed.

20 2. Any person who, on July 1, 2025, is serving as the
21 Administrator of the Nevada Equal Rights Commission and who is
22 otherwise qualified to serve as the Administrator on that date may
23 continue to serve in that capacity until his or her successor is
24 appointed by the Attorney General pursuant to section 10 of this act.

25 **Sec. 43.** 1. Any administrative regulations adopted by an
26 officer or an agency whose name has been changed or whose
27 responsibilities have been transferred pursuant to the provisions of
28 this act to another officer or agency remain in force until amended
29 by the officer or agency to which the responsibility for the adoption
30 of the regulations has been transferred.

31 2. Any contracts or other agreements entered into by an officer
32 or agency whose name has been changed or whose responsibilities
33 have been transferred pursuant to the provisions of this act to
34 another officer or agency are binding upon the officer or agency to
35 which the responsibility for the administration of the provisions of
36 the contract or other agreement has been transferred. Such contracts
37 and other agreements may be enforced by the officer or agency to
38 which the responsibility for the enforcement of the provisions of the
39 contract or other agreement has been transferred.

40 3. Any action taken by an officer or agency whose name has
41 been changed or whose responsibilities have been transferred
42 pursuant to the provisions of this act to another officer or agency
43 remains in effect as if taken by the officer or agency to which the
44 responsibility for the enforcement of such actions has been
45 transferred.



1 **Sec. 44.** The provisions of subsection 1 of NRS 218D.380 do
2 not apply to any provision of this act which adds or revises a
3 requirement to submit a report to the Legislature.

4 **Sec. 45.** The Legislative Counsel shall, in preparing
5 supplements to the Nevada Administrative Code, appropriately
6 change any references to an officer, agency or other entity whose
7 name is changed or whose responsibilities are transferred pursuant
8 to the provisions of this act to refer to the appropriate officer,
9 agency or other entity.

10 **Sec. 46.** NRS 233.010, 233.020, 233.030, 233.040, 233.050,
11 233.080, 233.085, 233.090, 233.100, 233.110, 233.140, 233.150,
12 233.153, 233.157, 233.160, 233.165, 233.170, 233.175 233.180,
13 233.190, 233.200, 233.205, 233.207, 233.210 and 233.220 are
14 hereby repealed.

15 **Sec. 47.** 1. This section becomes effective upon passage and
16 approval.

17 2. Sections 1 to 14, inclusive, 16, 17, 18, 22 to 38, inclusive,
18 and 41 to 46, inclusive, of this act become effective on July 1, 2025.

19 3. Sections 15, 20 and 21 of this act become effective:

20 (a) Upon passage and approval for the purpose of adopting any
21 regulations and performing any other preparatory administrative
22 tasks that are necessary to carry out the provisions of this act; and

23 (b) On January 1, 2026, for all other purposes.

24 4. Sections 19, 39 and 40 of this act become effective on the
25 date the Governor declares that the Federal Government has
26 determined that certain provisions of NRS provide rights and
27 remedies for alleged discriminatory housing practices substantially
28 equivalent to federal law.

LEADLINES OF REPEALED SECTIONS

233.010 Declaration of public policy.

233.020 Definitions.

**233.030 Creation; number, appointment and salary of
members; expenses of members and employees.**

233.040 Qualifications of members.

**233.050 Chair and Secretary; meetings; classification of
employees.**

**233.080 Biennial report to Governor and Director of
Legislative Counsel Bureau.**

**233.085 Designation by Governor of another agency to
perform certain duties and functions of Commission.**



233.090 Administrator: Appointment; qualifications.

233.100 Administrator: Classification.

233.110 Administrator: Duties.

233.140 Commission: Duties.

233.150 Commission: Authority to order Administrator to conduct investigations and hearings; mediation; subpoenas; regulations.

233.153 Legislative approval required before Commission may enter into contract with United States Department of Housing and Urban Development to act as certified agency.

233.155 Nevada Equal Rights Commission Gift Fund.

233.157 Acceptance of complaint alleging unlawful discriminatory practice; regulations for processing and determining type of administrative action on complaints.

233.160 Complaint alleging unlawful discriminatory practices: Limitations on filing; contents; duties of Commission; date on which unlawful discriminatory practice in employment occurs.

233.165 Complaint alleging unlawful discriminatory practice in housing: Period for investigation and final disposition; exception.

233.170 Complaint alleging unlawful discriminatory practice: Procedure for resolution; effect of settlement, agreement or administrative order; scope of administrative order; judicial order compelling compliance; judicial review of administrative order; limitations on certain administrative actions; certain unlawful employment practices deemed willful.

233.175 Complaint alleging local elected officer engaged in unlawful employment practice of discrimination: Acceptance by Commission; presentation of certain complaints to district court; imposition of monetary penalties and sanctions.

233.180 Injunctive relief.

233.190 Confidentiality of information.

233.200 Report to Governor upon completion of hearing; efforts of Commission to bring about compliance with its recommendations.

233.205 Differential pricing, discounted pricing or special offers based on gender do not constitute unlawful discriminatory practice in public accommodations.

233.207 Authority of employers to enforce health and safety requirements notwithstanding protections for hair texture and protective hairstyles.

233.210 Penalty for willful interference with performance of duties by Commission.



233.220 Deposit of penalties and fines; claims for attorney’s fees and costs of investigation.

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