

Amendment No. 454

Assembly Amendment to Assembly Bill No. 189

(BDR 18-406)

Proposed by: Committee on Government Affairs**Amendment Box:****Resolves Conflicts with:** N/A**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____
Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____
Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____

Amend sec. 6, page 6, line 25, by deleting “180” and inserting “~~180~~ 300”.

Amend sec. 8, page 8, line 8, by deleting “~~3. If~~” and inserting “3. ~~If~~”.

Amend sec. 8, page 8, by deleting lines 14 through 36 and inserting:

“~~4.1~~ If the attempts at mediation or conciliation fail in a case involving an unlawful practice in employment or public accommodations, the Commission may hold a public hearing on the matter.

After the hearing, if the Commission determines that an unlawful practice has occurred, it may:

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

(b) Order the person to:

(1) Cease and desist from the unlawful practice.

SP/MSM

Date: 4/21/2005

A.B. No. 189—Revises provisions relating to Nevada Equal Rights Commission.

(2) In cases involving an unlawful employment practice, restore all benefits and rights to which the aggrieved person is entitled, including, ~~[but not limited to,]~~ **without limitation**, rehiring, back pay for a period not to exceed 2 years after the date of the most recent unlawful practice, annual leave time, sick leave time or pay, other fringe benefits and seniority, with interest thereon from the date of the Commission's decision at a rate equal to the prime rate at the largest bank in Nevada, as ascertained by the Commissioner of Financial Institutions, on January 1 or July 1, as the case may be, immediately preceding the date of the Commission's decision, plus 2 percent. The rate of interest must be adjusted accordingly on each January 1 and July 1 thereafter until the judgment is satisfied.

~~[5. If the attempts at mediation or conciliation fail in a case".~~

Amend sec. 8, page 9, by deleting lines 20 through 28 and inserting:

~~"6.]~~ **4. In addition to any other remedies or penalties provided in this section, the Commission may:**

(a) Award to the complainant punitive damages of not more than \$25,000;

(b) Impose a civil penalty of not more than \$25,000 upon the person who committed the unlawful practice; and

(c) Recover from the person who committed the unlawful practice costs incurred by the Commission to hear and decide the matter.

5. The order of the Commission is a final decision in a contested case for the purpose of judicial review. If the person fails to comply with the Commission's order, the Commission shall apply to the district court for an order compelling such compliance, but failure or delay on the part of the Commission does not prejudice the right of an aggrieved party to judicial review. The court shall

issue the order unless it finds that the Commission's findings or order are not supported by substantial evidence or are otherwise arbitrary or capricious. ~~If the court upholds the~~".

Amend sec. 8, page 9, by deleting lines 33 through 36 and inserting:

~~"7.4~~ **6.** After the Commission has held a public hearing and rendered a decision, the complainant is barred from proceeding on the same facts and legal theory before any other administrative body or officer."

Amend the bill as a whole by deleting sections 17 through 23 and renumbering sections 24 and 25 as sections 17 and 18.

Amend the title of the bill by deleting the sixth through ninth lines and inserting:
"and providing other".

**If this amendment is adopted, the Legislative
Counsel's Digest will be changed to read as follows:**

Legislative Counsel's Digest:

Existing law prohibits discrimination in employment, housing and places of public accommodations. (Chapters 118, 233, 613 and 651 of NRS) Under existing law, the Nevada Equal Rights Commission has the power to investigate, mediate and hold hearings relating to unlawful discriminatory practices in those areas. (NRS 233.150)

This bill authorizes the Nevada Equal Rights Commission to initiate a complaint alleging an unlawful discriminatory practice in housing and requires the Commission to investigate such a complaint if the complaint is not resolved at an informal settlement meeting.

Existing law prohibits discrimination in housing against any person or group because of race, color, creed, sex, disability, national origin or ancestry. (NRS 233.010, 233.150)

This bill adds familial status to the list of discriminatory bases that are prohibited in housing and therefore allows the Nevada Equal Rights Commission to order its Administrator to investigate and conduct hearings concerning tensions, practices of discrimination and acts of prejudice relating to familial status.

Existing law authorizes the Nevada Equal Rights Commission to apply to the district court for a temporary restraining order or preliminary injunction on behalf of a person aggrieved by an alleged discriminatory practice in employment, housing or public accommodations after an informal meeting is held and before holding a public hearing on the matter if the Commission determines that the practice will cause immediate and irreparable harm to the person. (NRS 233.180)

This bill allows the Commission to apply for such relief at any time after the Administrator of the Commission has conducted a preliminary investigation.

Existing law excludes from the regulatory authority of the Nevada Equal Rights Commission a single-family house sold or rented by an owner if the owner does not have any ownership interest in, title to or right to the proceeds from the sale or rental of more than three single-family homes and the house was sold or rented without the use of the facilities or services of a real estate broker or salesman. (NRS 118.060)

This bill provides that for such a house to be excluded from the regulatory authority of the Commission, the house must also be sold or rented without the publication, posting or mailing of an advertisement or written notice indicating a discriminatory preference or limitation.

Existing law prohibits a person from taking various actions relating to the sale or rental of certain housing based on a discriminatory purpose. (NRS 118.100)

This bill expands the list of such prohibited discriminatory practices in housing to include discrimination in making available certain real estate transactions and denial of access to or membership or participation in multiple-listing services and real estate brokers' organizations. This bill also clarifies that certain religious organizations, nonprofit institutions and private clubs may, under certain circumstances, restrict to their own membership or give preference to their own membership in regard to the sale, rental and occupancy of certain dwellings and lodgings that they own or operate.

Existing law prohibits a landlord from refusing to rent certain dwellings solely because a service animal will be residing with the prospective tenant in the dwelling. Under existing law, a landlord may require proof that an animal is a service animal. (NRS 118.105)

This bill provides that if an animal has not attended a school for service animals, a landlord may require the disabled person who owns the animal to provide documentation showing that the animal performs a function which ameliorates the effects of its owner's disability.