

Amendment No. 79

Assembly Amendment to Assembly Bill No. 60	(BDR 4-422)
Proposed by: Assembly Committee on Judiciary	
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"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

JDK/BAW



Date: 4/5/2021

A.B. No. 60—Makes certain provisions of a contract or settlement agreement void and unenforceable. (BDR 4-422)



ASSEMBLY BILL NO. 60—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED NOVEMBER 18, 2020

Referred to Committee on Judiciary

SUMMARY—Makes certain provisions of a contract or settlement agreement void and unenforceable. (BDR 4-422)

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

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to witnesses; making provisions of a contract or settlement agreement that prohibit or restrict a party to the contract or settlement agreement from testifying at a judicial or administrative proceedings concerning criminal conduct, ~~for~~ sexual harassment, discrimination or retaliation void and unenforceable under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill provides that a provision of a contract or settlement agreement is void and unenforceable if the provision prohibits or restricts a party to the contract or settlement agreement from testifying at a judicial or administrative proceeding concerning another party to the contract or settlement agreement and his or her commission of criminal conduct, ~~for~~ sexual harassment ~~for~~, discrimination based on race, religion, color, national origin, disability, sexual orientation, gender identity or expression, ancestry, familial status, age or sex, or retaliation for the reporting of such discrimination. **Section 2** of this bill provides that such provisions are void and unenforceable if contained in a contract or settlement agreement entered into on or after the effective date of this bill. **Section 1** does not apply to a settlement agreement that results from successful mediation or conciliation by the Nevada Equal Rights Commission within the Department of Employment, Training and Rehabilitation.

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

Section 1. Chapter 50 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in NRS 233.190, a provision of a contract or settlement agreement is void and unenforceable if:

(a) The provision prohibits or otherwise restricts a party to the contract or settlement agreement from testifying at a judicial or administrative proceeding

1 *when the party has been required or requested to testify at the proceeding*
2 *pursuant to:*

3 (1) *A court order;*

4 (2) *A lawful subpoena; or*

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

6 (b) *The judicial or administrative proceeding described in paragraph (a)*
7 *concerns another party to the contract or settlement agreement and his or her*
8 *commission of:*

9 (1) *A criminal offense; ~~for~~*

10 (2) *An act of sexual harassment, including, without limitation ~~for~~*

11 ~~=====~~ *(I) ~~Repeated,~~ repeated, unsolicited verbal or physical contact of a*
12 *sexual nature that is threatening in character;*

13 ~~=====~~ *(II) ~~Discrimination~~*

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

17 ~~=====~~ *(III) ~~Retaliation~~*

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

22 2. *As used in this section:*

23 (a) *“Employer” has the meaning ascribed to it in NRS 33.220.*

24 (b) *“Landlord” means an owner of real property, or the owner’s*
25 *representative, who provides a dwelling unit on the real property for occupancy*
26 *by another for valuable consideration.*

27 **Sec. 2.** This act applies to any contract or settlement agreement entered into
28 on or after the effective date of this act.

29 **Sec. 3.** This act becomes effective upon passage and approval.