

SENATE BILL NO. 28—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE NEVADA EQUAL RIGHTS COMMISSION)

PREFILED NOVEMBER 16, 2018

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing confidentiality of information gathered by Nevada Equal Rights Commission. (BDR 18-231)

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 the Nevada Equal Rights Commission; authorizing the Commission to disclose certain information gathered by the Commission to certain governmental entities; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law permits the Nevada Equal Rights Commission to disclose certain
2 information gathered during an investigation of a complaint to certain
3 governmental entities and other persons. (NRS 233.190) This bill permits the
4 Commission to disclose information, except for the name of the complainant, if a
5 complaint meets the Commission’s probable cause standard and a settlement cannot
6 be reached in conciliation, to professional licensing boards and other governmental
7 entities that grant licenses and permits to businesses operating in this State.

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

1 **Section 1.** NRS 233.190 is hereby amended to read as follows:
2 233.190 1. Except as otherwise provided in this section or
3 NRS 239.0115, any information gathered by the Commission in the
4 course of its investigation of an alleged unlawful discriminatory
5 practice in housing, employment or public accommodations is
6 confidential.



1 2. The Commission may disclose information gathered
2 pursuant to subsection 1 to:

3 (a) Any governmental entity as appropriate or necessary to carry
4 out its duties pursuant to this chapter; ~~or~~

5 (b) *Any professional licensing board or other governmental*
6 *entity that issues licenses, certificates, permits or other similar*
7 *authorization to practice or conduct business in this State if the*
8 *Commission finds that probable cause exists to believe that an*
9 *unlawful discriminatory practice has occurred and a settlement*
10 *cannot be reached in mediation or conciliation in a manner which*
11 *does not include any information that may be used to identify the*
12 *complainant; or*

13 (c) To any other person if the information is provided in a
14 manner which does not include any information that may be used to
15 identify the complainant, the party against whom the unlawful
16 discriminatory practice is alleged or any person who provided
17 information to the Commission during the investigation.

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

22 (a) Each has consented to such disclosure; or

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

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

29 (a) Any information obtained during negotiations for a
30 settlement or attempts at mediating or conciliating the complaint.

31 (b) Any investigative notes or reports made by the Commission.

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

35 5. Except as otherwise provided in this section or NRS
36 239.0115, if the Commission's attempts at mediating or conciliating
37 the cause of the grievance succeed, the information gathered
38 pursuant to subsection 1 must remain confidential.

39 6. If the Commission proceeds with a hearing or applies for
40 injunctive relief, confidentiality concerning any information, except
41 negotiations for a settlement or attempts at mediating or conciliating
42 the cause of the grievance, is no longer required.



1 **Sec. 2.** This act becomes effective upon passage and approval
2 for the purpose of adopting regulations, and on July 1, 2019, for all
3 other purposes.

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