SENATE BILL NO. 164–SENATORS PARKS, SPEARMAN, WOODHOUSE, MANENDO; ATKINSON, FORD AND KIHUEN

FEBRUARY 16, 2015

JOINT SPONSORS: ASSEMBLYMEN ELLIOT ANDERSON, SWANK, CARRILLO; ARAUJO AND THOMPSON

Referred to Committee on Judiciary

SUMMARY—Revises provisions prohibiting certain discriminatory acts. (BDR 18-59)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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 discrimination; amending various provisions of existing law to prohibit discrimination on the basis of sexual orientation and gender identity or expression; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill adds "gender identity or expression" and "sexual orientation" to various provisions of existing law that prohibit discrimination, thus expanding the bases upon which discrimination is impermissible. **Section 13** of this bill specifically adds "gender identity or expression" to the list of attributes upon which the murder of a person in the first degree may be aggravated.

Sections 5 and 6 of this bill define the terms "gender identity or expression" and "sexual orientation" for use throughout the entirety of the Nevada Revised Statutes (NRS). **Sections 1, 7, 12, 14, 18, 23, 29, 34-36, 38 and 40** of this bill delete definitions for those terms from existing sections of NRS, without changing their meanings, to avoid repeating the definitions in multiple locations.

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

Section 1. NRS 233.020 is hereby amended to read as follows:

233.020 As used in this chapter:

1. "Administrator" means the Administrator of the Commission.

2. "Commission" means the Nevada Equal Rights Commission within the Department of Employment, Training and Rehabilitation.

3. "Disability" means, with respect to a person:

(a) A physical or mental impairment that substantially limits one or more of the major life activities of the person;

(b) A record of such an impairment; or

(c) Being regarded as having such an impairment.

4. ~~[~~"Gender identity or expression" means a gender-related identity, appearance, expression or behavior of a person, regardless of the person's assigned sex at birth.

~~5.]~~ "Member" means a member of the Nevada Equal Rights Commission.

~~[~~6. "Sexual orientation" means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.~~]~~

Sec. 2. NRS 233.040 is hereby amended to read as follows:

233.040 The members of the Commission must be representative of ~~[~~religious, disabled, racial and ethnic~~]~~ ***all*** groups ~~[~~of~~]~~ ***, including, without limitation, those based on religion, disability, race, ethnicity, sexual orientation, and gender identity or expression, and representative of*** both sexes in the State.

Sec. 3. NRS 233.140 is hereby amended to read as follows:

233.140 The Commission shall:

1. Foster mutual understanding and respect among all ~~[~~racial, religious, disabled and ethnic~~]~~ groups ***, including, without limitation, those based on race, religion, sexual orientation, gender identity or expression, disability and ethnicity,*** and between the sexes in the State.

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

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

4. Secure the cooperation of various ~~[~~racial, religious, disabled, nationality and ethnic~~]~~ groups, ***including, without limitation, those based on race, religion, sexual orientation, gender identity or expression, disability and ethnicity,*** veterans' organizations, labor

organizations, business and industry organizations and fraternal, benevolent and service groups, in educational campaigns devoted to the need for eliminating group prejudice, racial or area tensions, intolerance or discrimination.

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

Sec. 4. The preliminary chapter of NRS is hereby amended by adding thereto the provisions set forth as sections 5 and 6 of this act.

Sec. 5. ***Except as otherwise provided by specific statute or required by the context, "gender identity or expression" and any variation of that term means a gender-related identity, appearance, expression or behavior of a person, regardless of the person's assigned sex at birth.***

Sec. 6. ***Except as otherwise provided by specific statute or required by the context, "sexual orientation" and any variation of that term means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.***

Sec. 7. NRS 41.690 is hereby amended to read as follows:

41.690 1. A person who has suffered injury as the proximate result of the willful violation of the provisions of NRS 200.030, 200.050, 200.280, 200.310, 200.366, 200.380, 200.400, 200.460, 200.463, 200.4631, 200.464, 200.465, 200.467, 200.468, 200.471, 200.481, 200.508, 200.5099, 200.571, 200.575, 203.010, 203.020, 203.030, 203.060, 203.080, 203.090, 203.100, 203.110, 203.119, 205.010 to 205.025, inclusive, 205.060, 205.067, 205.075, 205.0832, 205.220, 205.226, 205.228, 205.240, 205.270, 205.2715, 205.274, 205.2741, 206.010, 206.040, 206.125, 206.140, 206.150, 206.200, 206.310, 206.330, 207.180, 207.190, 207.200 or 207.210 by a perpetrator who was motivated by the injured person's actual or perceived race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression may bring an action for the recovery of his or her actual damages and any punitive damages which the facts may warrant. If the person who has suffered injury prevails in an action brought pursuant to this subsection, the court shall award the person costs and reasonable attorney's fees.

2. The liability imposed by this section is in addition to any other liability imposed by law.

~~[3. As used in this section, "gender identity or expression" has the meaning ascribed to it in NRS 193.0148.]~~

Sec. 8. NRS 111.237 is hereby amended to read as follows:

111.237 1. Every provision in a written instrument relating to real property which purports to forbid or restrict the conveyance,

encumbrance, leasing or mortgaging of such real property to any person of a specified race, color, religion, ancestry ***,*** ~~[or]~~ national origin ***, sexual orientation, or gender identity or expression*** is voidable by the grantee, the grantee's successors and assigns in the manner prescribed in subsection 3 and every restriction or prohibition as to the use or occupation of real property because of the user's or occupier's race, color, religion, ancestry ***,*** ~~[or]~~ national origin ***, sexual orientation, or gender identity or expression*** is voidable by the grantee, the grantee's successors and assigns in the manner prescribed in subsection 3.

2. Every restriction or prohibition, whether by way of covenant, condition upon use or occupation, or upon transfer of title to real property, which restriction or prohibition directly or indirectly limits the acquisition, use or occupation of such property because of the acquirer's, user's or occupier's race, color, religion, ancestry ***,*** ~~[or]~~ national origin ***, sexual orientation, or gender identity or expression*** is voidable by the grantee, the grantee's successors and assigns in the manner prescribed in subsection 3.

3. The owner or owners of any real property subject to any restriction or prohibition specified in subsections 1 and 2 may record an affidavit declaring such restrictions or prohibitions to be void in the office of the county recorder in which such real property is located, and such recording shall operate to remove such restrictions or prohibitions.

Sec. 9. NRS 118.030 is hereby amended to read as follows:

118.030 As used in NRS 118.010 to 118.120, inclusive, unless the context otherwise requires, the words and terms defined in NRS 118.040 to ~~[118.093,]~~ ***118.090,*** inclusive, have the meanings ascribed to them in those sections.

Sec. 10. NRS 125D.180 is hereby amended to read as follows:

125D.180 1. In determining whether there is a credible risk of abduction of a child, the court shall consider any evidence that the petitioner or respondent:

(a) Has previously abducted or attempted to abduct the child;

(b) Has threatened to abduct the child;

(c) Has recently engaged in activities that may indicate a planned abduction, including:

(1) Abandoning employment;

(2) Selling a primary residence;

(3) Terminating a lease;

(4) Closing bank or other financial management accounts, liquidating assets, hiding or destroying financial documents, or conducting any unusual financial activities;

(5) Applying for a passport or visa or obtaining travel documents for the respondent, a family member or the child; or

(6) Seeking to obtain the child's birth certificate or school or medical records;

(d) Has engaged in domestic violence, stalking, or child abuse or neglect;

(e) Has refused to follow a child custody determination;

(f) Lacks strong familial, financial, emotional or cultural ties to the State or the United States;

(g) Has strong familial, financial, emotional or cultural ties to another state or country;

(h) Is likely to take the child to a country that:

(1) Is not a party to the Hague Convention on the Civil Aspects of International Child Abduction and does not provide for the extradition of an abducting parent or for the return of an abducted child;

(2) Is a party to the Hague Convention on the Civil Aspects of International Child Abduction but:

(I) The Hague Convention on the Civil Aspects of International Child Abduction is not in force between the United States and that country;

(II) Is noncompliant according to the most recent compliance report issued by the United States Department of State; or

(III) Lacks legal mechanisms for immediately and effectively enforcing a return order pursuant to the Hague Convention on the Civil Aspects of International Child Abduction;

(3) Poses a risk that the child's physical or emotional health or safety would be endangered in the country because of specific circumstances relating to the child or because of human rights violations committed against children;

(4) Has laws or practices that would:

(I) Enable the respondent, without due cause, to prevent the petitioner from contacting the child;

(II) Restrict the petitioner from freely traveling to or exiting from the country because of the petitioner's gender, ***sexual orientation, gender identity or expression,*** nationality, marital status or religion; or

(III) Restrict the child's ability legally to leave the country after the child reaches the age of majority because of the child's gender, ***sexual orientation, gender identity or expression,*** nationality or religion;

(5) Is included by the United States Department of State on a current list of state sponsors of terrorism;

(6) Does not have an official United States diplomatic presence in the country; or

(7) Is engaged in active military action or war, including a civil war, to which the child may be exposed;

(i) Is undergoing a change in immigration or citizenship status that would adversely affect the respondent's ability to remain in the United States legally;

(j) Has had an application for United States citizenship denied;

(k) Has forged or presented misleading or false evidence on government forms or supporting documents to obtain or attempt to obtain a passport, a visa, travel documents, a social security card, a driver's license or other government-issued identification card or has made a misrepresentation to the United States Government;

(l) Has used multiple names to attempt to mislead or defraud; or

(m) Has engaged in any other conduct the court considers relevant to the risk of abduction.

2. In the hearing on a petition pursuant to the provisions of this chapter, the court shall consider any evidence that the respondent believed in good faith that the respondent's conduct was necessary to avoid imminent harm to the child or respondent and any other evidence that may be relevant to whether the respondent may be permitted to remove or retain the child.

3. If the court finds during the hearing on the petition that the respondent's conduct is intended to avoid imminent harm to the child or respondent, the court shall not issue an abduction prevention order.

Sec. 11. NRS 176.0125 is hereby amended to read as follows:

176.0125 The Commission shall:

1. Identify and study the elements of this State's system of criminal justice which affect the sentences imposed for felonies and gross misdemeanors.

2. Evaluate the effectiveness and fiscal impact of various policies and practices regarding sentencing which are employed in this State and other states, including, but not limited to, the use of plea bargaining, probation, programs of intensive supervision, programs of regimental discipline, imprisonment, sentencing recommendations, mandatory and minimum sentencing, mandatory sentencing for crimes involving the possession, manufacture and distribution of controlled substances, structured or tiered sentencing, enhanced penalties for habitual criminals, parole, credits against sentences, residential confinement and alternatives to incarceration.

3. Recommend changes in the structure of sentencing in this State which, to the extent practicable and with consideration for their fiscal impact, incorporate general objectives and goals for sentencing, including, but not limited to, the following:

(a) Offenders must receive sentences that increase in direct proportion to the severity of their crimes and their histories of criminality.

(b) Offenders who have extensive histories of criminality or who have exhibited a propensity to commit crimes of a predatory or violent nature must receive sentences which reflect the need to ensure the safety and protection of the public and which allow for the imprisonment for life of such offenders.

(c) Offenders who have committed offenses that do not include acts of violence and who have limited histories of criminality must receive sentences which reflect the need to conserve scarce economic resources through the use of various alternatives to traditional forms of incarceration.

(d) Offenders with similar histories of criminality who are convicted of similar crimes must receive sentences that are generally similar.

(e) Offenders sentenced to imprisonment must receive sentences which do not confuse or mislead the public as to the actual time those offenders must serve while incarcerated or before being released from confinement or supervision.

(f) Offenders must not receive disparate sentences based upon factors such as race, gender ***, sexual orientation, gender identity or expression,*** or economic status.

(g) Offenders must receive sentences which are based upon the specific circumstances and facts of their offenses, including the nature of the offense and any aggravating factors, the savagery of the offense, as evidenced by the extent of any injury to the victim, and the degree of criminal sophistication demonstrated by the offender's acts before, during and after commission of the offense.

4. Evaluate the effectiveness and efficiency of the Department of Corrections and the State Board of Parole Commissioners with consideration as to whether it is feasible and advisable to establish an oversight or advisory board to perform various functions and make recommendations concerning:

(a) Policies relating to parole;

(b) Regulatory procedures and policies of the State Board of Parole Commissioners;

(c) Policies for the operation of the Department of Corrections;

(d) Budgetary issues; and

(e) Other related matters.

5. Evaluate the effectiveness of specialty court programs in this State with consideration as to whether such programs have the effect of limiting or precluding reentry of offenders and parolees into the community.

6. Evaluate the policies and practices concerning presentence investigations and reports made by the Division of Parole and Probation of the Department of Public Safety, including, without limitation, the resources relied on in preparing such investigations and reports and the extent to which judges in this State rely on and follow the recommendations contained in such presentence investigations and reports.

7. Evaluate, review and comment upon issues relating to juvenile justice in this State, including, but not limited to:

(a) The need for the establishment and implementation of evidence-based programs and a continuum of sanctions for children who are subject to the jurisdiction of the juvenile court; and

(b) The impact on the criminal justice system of the policies and programs of the juvenile justice system.

8. Compile and develop statistical information concerning sentencing in this State.

9. Identify and study issues relating to the application of chapter 241 of NRS to meetings held by the:

(a) State Board of Pardons Commissioners to consider an application for clemency; and

(b) State Board of Parole Commissioners to consider an offender for parole.

10. Identify and study issues relating to the operation of the Department of Corrections, including, without limitation, the system for allowing credits against the sentences of offenders, the accounting of such credits and any other policies and procedures of the Department which pertain to the operation of the Department.

11. Evaluate the policies and practices relating to the involuntary civil commitment of sexually dangerous persons.

12. Identify and study the impacts and effects of collateral consequences of convictions in this State. Such identification and study:

(a) Must cause to be identified any provision in the Nevada Constitution, the Nevada Revised Statutes and the Nevada Administrative Code which imposes a collateral sanction or authorizes the imposition of a disqualification, and any provision of law that may afford relief from a collateral consequence;

(b) May rely on the study of this State's collateral sanctions, disqualifications and relief provisions prepared by the National Institute of Justice described in section 510 of the Court Security Improvement Act of 2007, Public Law 110-177; and

(c) Must include the posting of a hyperlink on the Commission's website to any study of this State's collateral sanctions, disqualifications and relief provisions prepared by the National

Institute of Justice described in section 510 of the Court Security Improvement Act of 2007, Public Law 110-177.

13. For each regular session of the Legislature, prepare a comprehensive report including the Commission's recommended changes pertaining to the administration of justice in this State, the Commission's findings and any recommendations of the Commission for proposed legislation. The report must be submitted to the Director of the Legislative Counsel Bureau for distribution to the Legislature not later than September 1 of each even-numbered year.

Sec. 12. NRS 179A.175 is hereby amended to read as follows:

179A.175 1. The Director of the Department shall establish within the Central Repository a program for reporting crimes that manifest evidence of prejudice based on race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression.

2. The program must be designed to collect, compile and analyze statistical data about crimes that manifest evidence of prejudice based on race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression. The Director shall adopt guidelines for the collection of the statistical data, including, but not limited to, the criteria to establish the presence of prejudice.

3. The Central Repository shall include in its annual report to the Governor pursuant to subsection 6 of NRS 179A.075, and in any other appropriate report, an independent section relating solely to the analysis of crimes that manifest evidence of prejudice based on race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression.

4. Data acquired pursuant to this section must be used only for research or statistical purposes and must not contain any information that may reveal the identity of an individual victim of a crime.

~~[5. As used in this section, "gender identity or expression" has the meaning ascribed to it in NRS 193.0148.]~~

Sec. 13. NRS 200.033 is hereby amended to read as follows:

200.033 The only circumstances by which murder of the first degree may be aggravated are:

1. The murder was committed by a person under sentence of imprisonment.

2. The murder was committed by a person who, at any time before a penalty hearing is conducted for the murder pursuant to NRS 175.552, is or has been convicted of:

(a) Another murder and the provisions of subsection 12 do not otherwise apply to that other murder; or

(b) A felony involving the use or threat of violence to the person of another and the provisions of subsection 4 do not otherwise apply to that felony.

➥ For the purposes of this subsection, a person shall be deemed to have been convicted at the time the jury verdict of guilt is rendered or upon pronouncement of guilt by a judge or judges sitting without a jury.

3. The murder was committed by a person who knowingly created a great risk of death to more than one person by means of a weapon, device or course of action which would normally be hazardous to the lives of more than one person.

4. The murder was committed while the person was engaged, alone or with others, in the commission of, or an attempt to commit or flight after committing or attempting to commit, any robbery, arson in the first degree, burglary, invasion of the home or kidnapping in the first degree, and the person charged:

(a) Killed or attempted to kill the person murdered; or

(b) Knew or had reason to know that life would be taken or lethal force used.

5. The murder was committed to avoid or prevent a lawful arrest or to effect an escape from custody.

6. The murder was committed by a person, for himself or herself or another, to receive money or any other thing of monetary value.

7. The murder was committed upon a peace officer or firefighter who was killed while engaged in the performance of his or her official duty or because of an act performed in his or her official capacity, and the defendant knew or reasonably should have known that the victim was a peace officer or firefighter. For the purposes of this subsection, "peace officer" means:

(a) An employee of the Department of Corrections who does not exercise general control over offenders imprisoned within the institutions and facilities of the Department, but whose normal duties require the employee to come into contact with those offenders when carrying out the duties prescribed by the Director of the Department.

(b) Any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive, when carrying out those powers.

8. The murder involved torture or the mutilation of the victim.

9. The murder was committed upon one or more persons at random and without apparent motive.

10. The murder was committed upon a person less than 14 years of age.

11. The murder was committed upon a person because of the actual or perceived race, color, religion, national origin, physical or mental disability ***,*** ~~or~~ sexual orientation ***, or gender identity or expression*** of that person.

12. The defendant has, in the immediate proceeding, been convicted of more than one offense of murder in the first or second degree. For the purposes of this subsection, a person shall be deemed to have been convicted of a murder at the time the jury verdict of guilt is rendered or upon pronouncement of guilt by a judge or judges sitting without a jury.

13. The person, alone or with others, subjected or attempted to subject the victim of the murder to nonconsensual sexual penetration immediately before, during or immediately after the commission of the murder. For the purposes of this subsection:

(a) "Nonconsensual" means against the victim's will or under conditions in which the person knows or reasonably should know that the victim is mentally or physically incapable of resisting, consenting or understanding the nature of his or her conduct, including, but not limited to, conditions in which the person knows or reasonably should know that the victim is dead.

(b) "Sexual penetration" means cunnilingus, fellatio or any intrusion, however slight, of any part of the victim's body or any object manipulated or inserted by a person, alone or with others, into the genital or anal openings of the body of the victim, whether or not the victim is alive. The term includes, but is not limited to, anal intercourse and sexual intercourse in what would be its ordinary meaning.

14. The murder was committed on the property of a public or private school, at an activity sponsored by a public or private school or on a school bus while the bus was engaged in its official duties by a person who intended to create a great risk of death or substantial bodily harm to more than one person by means of a weapon, device or course of action that would normally be hazardous to the lives of more than one person. For the purposes of this subsection, "school bus" has the meaning ascribed to it in NRS 483.160.

15. The murder was committed with the intent to commit, cause, aid, further or conceal an act of terrorism. For the purposes of this subsection, "act of terrorism" has the meaning ascribed to it in NRS 202.4415.

Sec. 14. NRS 207.297 is hereby amended to read as follows:

207.297 As used in NRS 207.300 and 207.310:

1. "Disability" means, with respect to a person:

(a) A physical or mental impairment that substantially limits one or more of the major life activities of the person;

(b) A record of such an impairment; or

(c) Being regarded as having such an impairment.

2. "Familial status" means the fact that a person:

(a) Lives with a child under the age of 18 and has:

(1) Lawful custody of the child; or

(2) Written permission to live with the child from the person who has lawful custody of the child;

(b) Is pregnant; or

(c) Has begun a proceeding to adopt or otherwise obtain lawful custody of a child.

~~[3. "Sexual orientation" means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.]~~

Sec. 15. NRS 209.365 is hereby amended to read as follows:

209.365 1. The Director shall adopt, with the approval of the Board, regulations establishing and governing a program, to be carried out within each facility and institution, to prevent an offender from possessing or receiving a publication which is detrimental to the offender's rehabilitation or which has the potential to disrupt security or promote violence or disorder in the facility or institution because the subject matter of the publication:

(a) Is sexually explicit;

(b) Is graphically violent; or

(c) Encourages or glamorizes:

(1) Crime;

(2) The activities of a criminal gang; or

(3) Violence against law enforcement, women, children or members of a particular religion, ethnic group or race ~~[.]~~ ***or persons of a particular sexual orientation, or gender identity or expression.***

2. The regulations must provide that if an offender is prohibited from possessing or receiving a publication pursuant to this section, the offender possessing or receiving the publication must be provided with notice of the determination and an opportunity to appeal the determination. An appeal may be summarily denied if the appeal involves a publication that is similar to a publication that previously has been prohibited.

3. The establishment of the program required pursuant to this section does not affect:

(a) The authority of the Department to review materials that are possessed or received by an offender, including, but not limited to, publications, for any other lawful purpose or reason; or

(b) The procedures used by the Department to conduct such reviews.

4. The Department and its officers, employees and independent contractors are immune from liability for damages arising from an

act or omission that allows an offender to possess or receive a publication that is prohibited pursuant to this section.

5. As used in this section:

(a) "Criminal gang" has the meaning ascribed to it in NRS 213.1263.

(b) "Publication" means a book, magazine, newsletter, bulletin, pamphlet or other similar item as determined by the Director.

Sec. 16. NRS 217.420 is hereby amended to read as follows:

217.420 To be eligible for a grant from the Account for Aid for Victims of Domestic Violence, an applicant must:

1. Be a nonprofit corporation, incorporated or qualified in this state.

2. Be governed by a board of trustees which reflects the racial, ethnic, economic and social composition of the county to be served and includes at least one trustee who has been a victim of domestic violence.

3. Receive at least 15 percent of its money from sources other than the Federal Government, the State, any local government or other public body or their instrumentalities. Any goods or services which are contributed to the organization may be assigned their reasonable monetary value for the purpose of complying with the requirement of this subsection.

4. Provide its services exclusively for victims of domestic violence and only within this state.

5. Require its employees and volunteer assistants to maintain the confidentiality of any information which would identify persons receiving the services.

6. Provide its services without any discrimination on the basis of race, religion, color, age, sex, ***sexual orientation, gender identity or expression,*** marital status, national origin or ancestry.

7. Be able to provide:

(a) Except in counties whose population is less than 100,000, shelter to victims on any day, at any hour.

(b) A telephone service capable of receiving emergency calls on any day, at any hour.

(c) Except in counties whose population is less than 100,000, facilities where food can be stored and prepared.

(d) Counseling, or make referrals for counseling, for victims or spouses of victims and their children.

(e) Assistance to victims in obtaining legal, medical, psychological or vocational help.

(f) Education and training for members of the community on matters which relate to domestic violence.

Sec. 17. NRS 274.140 is hereby amended to read as follows:

274.140 1. The provisions of NRS 274.110, 274.120 and subsection 1 of NRS 274.130 do not apply to regulations adopted pursuant to any statute whose purpose is the protection of the environment, the preservation of historic places and landmarks, or the protection of persons against discrimination on the basis of race, color, religion, sex, ***sexual orientation, gender identity or expression,*** marital status, national origin or handicap.

2. No exemption, modification or alternative to any regulation adopted under NRS 274.110, 274.120 or 274.130 is effective which:

(a) Presents a significant risk to the health or safety of persons resident in or employed within a specially benefited zone;

(b) Conflicts with federal law or regulations such that the State, or any local government or any area of the State other than specially benefited zones, or any business located outside of a specially benefited zone would be disqualified from a federal program or from federal tax benefits or other benefits;

(c) Suspends or modifies a regulation specifically required by law; or

(d) Eliminates or reduces benefits to persons who are residents of or employed within a zone.

Sec. 18. NRS 281.370 is hereby amended to read as follows:

281.370 1. All personnel actions taken by state, county or municipal departments, housing authorities, agencies, boards or appointing officers thereof must be based solely on merit and fitness.

2. State, county or municipal departments, housing authorities, agencies, boards or appointing officers thereof shall not refuse to hire a person, discharge or bar any person from employment or discriminate against any person in compensation or in other terms or conditions of employment because of the person's race, creed, color, national origin, sex, sexual orientation, gender identity or expression, age, political affiliation or disability, except when based upon a bona fide occupational qualification.

3. As used in this section ~~[~~:

~~(a) "Disability"]~~ ***, "disability"*** means, with respect to a person:

~~[(1)]~~ ***(a)*** A physical or mental impairment that substantially limits one or more of the major life activities of the person;

~~[(2)]~~ ***(b)*** A record of such an impairment; or

~~[(3)]~~ ***(c)*** Being regarded as having such an impairment.

~~[(b) "Gender identity or expression" means a gender-related identity, appearance, expression or behavior of a person, regardless of the person's assigned sex at birth.~~

~~(c) "Sexual orientation" means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.~~]

Sec. 19. NRS 284.150 is hereby amended to read as follows:

284.150 1. The classified service of the State of Nevada is comprised of all positions in the public service now existing or hereafter created which are:

(a) Lawfully designated as being in the classified service; and

(b) Filled according to merit and fitness from eligible lists prepared upon the basis of examination, which must be open and competitive, except as otherwise provided in this chapter and NRS 209.161.

2. Except as otherwise provided in NRS 193.105, 209.161 and 416.070, a person must not be appointed, transferred, promoted, demoted or discharged in the classified service in any manner or by any means other than those prescribed in this chapter and the regulations adopted in accordance therewith.

3. A person must not be discriminated against on account of the person's religious opinions or affiliations, race, sex, ***sexual orientation, gender identity or expression,*** age or disability.

Sec. 20. NRS 284.385 is hereby amended to read as follows:

284.385 1. An appointing authority may:

(a) Dismiss or demote any permanent classified employee when the appointing authority considers that the good of the public service will be served thereby.

(b) Except as otherwise provided in NRS 284.148, suspend without pay, for disciplinary purposes, a permanent employee for a period not to exceed 30 days.

2. Before a permanent classified employee is dismissed, involuntarily demoted or suspended, the appointing authority must consult with the Attorney General or, if the employee is employed by the Nevada System of Higher Education, the appointing authority's general counsel, regarding the proposed discipline. After such consultation, the appointing authority may take such lawful action regarding the proposed discipline as it deems necessary under the circumstances.

3. A dismissal, involuntary demotion or suspension does not become effective until the employee is notified in writing of the dismissal, involuntary demotion or suspension and the reasons therefor. The notice may be delivered personally to the employee or mailed to the employee at the employee's last known address by registered or certified mail, return receipt requested. If the notice is mailed, the effective date of the dismissal, involuntary demotion or suspension shall be deemed to be the date of delivery or if the letter is returned to the sender, 3 days after mailing.

4. No employee in the classified service may be dismissed for ~~[religious or racial reasons.]~~ ***any reason relating to religion, race, sexual orientation, or gender identity or expression.***

Sec. 21. NRS 288.270 is hereby amended to read as follows:

288.270 1. It is a prohibited practice for a local government employer or its designated representative willfully to:

(a) Interfere, restrain or coerce any employee in the exercise of any right guaranteed under this chapter.

(b) Dominate, interfere or assist in the formation or administration of any employee organization.

(c) Discriminate in regard to hiring, tenure or any term or condition of employment to encourage or discourage membership in any employee organization.

(d) Discharge or otherwise discriminate against any employee because the employee has signed or filed an affidavit, petition or complaint or given any information or testimony under this chapter, or because the employee has formed, joined or chosen to be represented by any employee organization.

(e) Refuse to bargain collectively in good faith with the exclusive representative as required in NRS 288.150. Bargaining collectively includes the entire bargaining process, including mediation and fact-finding, provided for in this chapter.

(f) Discriminate because of race, color, religion, sex, ***sexual orientation, gender identity or expression,*** age, physical or visual handicap, national origin or because of political or personal reasons or affiliations.

(g) Fail to provide the information required by NRS 288.180.

2. It is a prohibited practice for a local government employee or for an employee organization or its designated agent willfully to:

(a) Interfere with, restrain or coerce any employee in the exercise of any right guaranteed under this chapter.

(b) Refuse to bargain collectively in good faith with the local government employer, if it is an exclusive representative, as required in NRS 288.150. Bargaining collectively includes the entire bargaining process, including mediation and fact-finding, provided for in this chapter.

(c) Discriminate because of race, color, religion, sex, ***sexual orientation, gender identity or expression,*** age, physical or visual handicap, national origin or because of political or personal reasons or affiliations.

(d) Fail to provide the information required by NRS 288.180.

Sec. 22. NRS 319.060 is hereby amended to read as follows:

319.060 "Eligible family" means a person or family, selected without regard to race, creed, national origin ***,*** ~~[or]~~ sex, ***sexual orientation, or gender identity or expression,*** determined by the

Division to require such assistance as is made available by this chapter on account of insufficient personal or family income after taking into consideration, without limitation, such factors as:

1. The amount of the total income of that person or family available for housing needs;

2. The size of the family;

3. The cost and condition of housing facilities available;

4. The ability of the person or family to compete successfully in the normal private housing market and to pay the amounts at which private enterprise is providing decent, safe and sanitary housing;

5. If appropriate, standards established for various federal programs determining eligibility based on income of those persons and families; and

6. Service in the Armed Forces of the United States with a minimum of 90 days on active duty at some time between:

(a) April 21, 1898, and June 15, 1903;

(b) April 6, 1917, and November 11, 1918;

(c) December 7, 1941, and December 31, 1946;

(d) June 25, 1950, and January 31, 1955; or

(e) January 1, 1961, and May 7, 1975,

➥ and at least 2 years' continuous residence in Nevada immediately preceding any application for assistance under this chapter.

Sec. 23. NRS 338.125 is hereby amended to read as follows:

338.125 1. It is unlawful for any contractor in connection with the performance of work under a contract with a public body, when payment of the contract price, or any part of such payment, is to be made from public money, to refuse to employ or to discharge from employment any person because of his or her race, color, creed, national origin, sex, sexual orientation, gender identity or expression, or age, or to discriminate against a person with respect to hire, tenure, advancement, compensation or other terms, conditions or privileges of employment because of his or her race, creed, color, national origin, sex, sexual orientation, gender identity or expression, or age.

2. Contracts between contractors and public bodies must contain the following contractual provisions:

> In connection with the performance of work under this contract, the contractor agrees not to discriminate against any employee or applicant for employment because of race, creed, color, national origin, sex, sexual orientation, gender identity or expression, or age, including, without limitation, with regard to employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination,

rates of pay or other forms of compensation, and selection for training, including, without limitation, apprenticeship.

The contractor further agrees to insert this provision in all subcontracts hereunder, except subcontracts for standard commercial supplies or raw materials.

3. Any violation of such provision by a contractor constitutes a material breach of contract.

~~[4. As used in this section:~~

~~(a) "Gender identity or expression" means a gender-related identity, appearance, expression or behavior of a person, regardless of the person's assigned sex at birth.~~

~~(b) "Sexual orientation" means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.]~~

Sec. 24. NRS 361.140 is hereby amended to read as follows:

361.140 1. In addition to the corporations defined by law to be charitable corporations there are hereby included:

(a) Any corporation whose objects and purposes are religious, educational or for public charity and whose funds have been derived in whole or substantial part from grants or other donations from governmental entities or donations from the general public, or both, not including donations from any officer or trustee of the corporation; and

(b) Any corporation prohibited by its articles of incorporation from declaring or paying dividends, and where the money received by it is devoted to the general purpose of charity and no portion of the money is permitted to inure to the benefit of any private person engaged in managing the charity, except reasonable compensation for necessary services actually rendered to the charity, and where indigent persons without regard to race ***,*** ~~[or]~~ color ***, sexual orientation, or gender identity or expression*** may receive medical care and attention without charge or cost.

2. All buildings belonging to a corporation defined in subsection 1, together with the land actually occupied by the corporation for the purposes described and the personal property actually used in connection therewith, are exempt from taxation when used solely for the purpose of the charitable corporation.

Sec. 25. NRS 386.580 is hereby amended to read as follows:

386.580 1. An application for enrollment in a charter school may be submitted to the governing body of the charter school by the parent or legal guardian of any child who resides in this State. Except as otherwise provided in this subsection and subsection 2, a charter school shall enroll pupils who are eligible for enrollment in the order in which the applications are received. If the board of

trustees of the school district in which the charter school is located has established zones of attendance pursuant to NRS 388.040, the charter school shall, if practicable, ensure that the racial composition of pupils enrolled in the charter school does not differ by more than 10 percent from the racial composition of pupils who attend public schools in the zone in which the charter school is located. If a charter school is sponsored by the board of trustees of a school district located in a county whose population is 100,000 or more, except for a program of distance education provided by the charter school, the charter school shall enroll pupils who are eligible for enrollment who reside in the school district in which the charter school is located before enrolling pupils who reside outside the school district. Except as otherwise provided in subsection 2, if more pupils who are eligible for enrollment apply for enrollment in the charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll pursuant to this subsection on the basis of a lottery system.

2. Before a charter school enrolls pupils who are eligible for enrollment, a charter school may enroll a child who:

(a) Is a sibling of a pupil who is currently enrolled in the charter school;

(b) Was enrolled, free of charge and on the basis of a lottery system, in a prekindergarten program at the charter school or any other early childhood educational program affiliated with the charter school;

(c) Is a child of a person who is:

(1) Employed by the charter school;

(2) A member of the committee to form the charter school; or

(3) A member of the governing body of the charter school;

(d) Is in a particular category of at-risk pupils and the child meets the eligibility for enrollment prescribed by the charter school for that particular category; or

(e) Resides within the school district and within 2 miles of the charter school if the charter school is located in an area that the sponsor of the charter school determines includes a high percentage of children who are at risk. If space is available after the charter school enrolls pupils pursuant to this paragraph, the charter school may enroll children who reside outside the school district but within 2 miles of the charter school if the charter school is located within an area that the sponsor determines includes a high percentage of children who are at risk.

➥ If more pupils described in this subsection who are eligible apply for enrollment than the number of spaces available, the charter school shall determine which applicants to enroll pursuant to this subsection on the basis of a lottery system.

3. Except as otherwise provided in subsection 8, a charter school shall not accept applications for enrollment in the charter school or otherwise discriminate based on the:

(a) Race;

(b) Gender;

(c) Religion;

(d) Ethnicity; ~~[or]~~

(e) Disability ~~[,]~~ ***;***

(f) Sexual orientation; or

(g) Gender identity or expression,

➥ of a pupil.

4. If the governing body of a charter school determines that the charter school is unable to provide an appropriate special education program and related services for a particular disability of a pupil who is enrolled in the charter school, the governing body may request that the board of trustees of the school district of the county in which the pupil resides transfer that pupil to an appropriate school.

5. Except as otherwise provided in this subsection, upon the request of a parent or legal guardian of a child who is enrolled in a public school of a school district or a private school, or a parent or legal guardian of a homeschooled child, the governing body of the charter school shall authorize the child to participate in a class that is not otherwise available to the child at his or her school or homeschool or participate in an extracurricular activity at the charter school if:

(a) Space for the child in the class or extracurricular activity is available;

(b) The parent or legal guardian demonstrates to the satisfaction of the governing body that the child is qualified to participate in the class or extracurricular activity; and

(c) The child is a homeschooled child and a notice of intent of a homeschooled child to participate in programs and activities is filed for the child with the school district in which the child resides for the current school year pursuant to NRS 392.705.

➥ If the governing body of a charter school authorizes a child to participate in a class or extracurricular activity pursuant to this subsection, the governing body is not required to provide transportation for the child to attend the class or activity. A charter school shall not authorize such a child to participate in a class or activity through a program of distance education provided by the charter school pursuant to NRS 388.820 to 388.874, inclusive.

6. The governing body of a charter school may revoke its approval for a child to participate in a class or extracurricular activity at a charter school pursuant to subsection 5 if the governing

body determines that the child has failed to comply with applicable statutes, or applicable rules and regulations. If the governing body so revokes its approval, neither the governing body nor the charter school is liable for any damages relating to the denial of services to the child.

7. The governing body of a charter school may, before authorizing a homeschooled child to participate in a class or extracurricular activity pursuant to subsection 5, require proof of the identity of the child, including, without limitation, the birth certificate of the child or other documentation sufficient to establish the identity of the child.

8. This section does not preclude the formation of a charter school that is dedicated to provide educational services exclusively to pupils:

(a) With disabilities;

(b) Who pose such severe disciplinary problems that they warrant a specific educational program, including, without limitation, a charter school specifically designed to serve a single gender that emphasizes personal responsibility and rehabilitation; or

(c) Who are at risk.

➥ If more eligible pupils apply for enrollment in such a charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll pursuant to this subsection on the basis of a lottery system.

Sec. 26. NRS 387.800 is hereby amended to read as follows:

387.800 1. A board of trustees of a school district may:

(a) Authorize for commercial advertising the use of buses owned by the school district; and

(b) Establish the fees and other terms and conditions which are applicable to such advertising.

2. Any advertising authorized pursuant to subsection 1:

(a) Must conform with all applicable local ordinances regarding signs; and

(b) Must not:

(1) Promote hostility, disorder or violence;

(2) Attack ~~[ethnic, racial or religious]~~ groups ~~[,]~~ ***on the basis of their ethnicity, race, religion, sexual orientation, or gender identity or expression;***

(3) Invade the rights of others;

(4) Inhibit the functioning of the school;

(5) Override the school's identity;

(6) Promote the use of controlled substances, dangerous drugs, intoxicating liquor, tobacco or firearms;

(7) Promote any religious organization;

(8) Contain political advertising; or

(9) Promote entertainment deemed improper or inappropriate by the board of trustees.

3. The board of trustees of each school district that receives money pursuant to subsection 1 shall establish a special revenue fund and direct that the money it receives pursuant to subsection 1 be deposited in that fund. Money in the fund must not be commingled with money from other sources. The board of trustees shall disburse the money in the fund to the schools within its district giving preference to the schools within the district that the district has classified as serving a significant proportion of pupils who are economically disadvantaged.

4. A school that receives money pursuant to subsection 3 shall expend the money only to purchase textbooks and laboratory equipment and to pay for field trips.

Sec. 27. NRS 392A.010 is hereby amended to read as follows:

392A.010 1. The Legislature declares that the primary consideration of the Legislature when enacting legislation regarding the appropriate instruction of profoundly gifted pupils in Nevada is to pursue all suitable means for the promotion of intellectual, literary and scientific improvements to the system of public instruction in a manner that will best serve the interests of all pupils, including profoundly gifted pupils.

2. The Legislature further declares that there are pupils enrolled in the public middle schools, junior high schools and high schools in this State who are so profoundly gifted that their educational needs are not being met by the schools in which they are enrolled, and by participating in an accelerated program of education, these pupils may obtain early admission to university studies. These accelerated programs should be designed to address the different and distinct learning styles and needs of these profoundly gifted pupils.

3. It is the intent of the Legislature that participation in such accelerated programs of education for profoundly gifted pupils be open to all qualified applicants, regardless of race, culture, ethnicity ***,*** ~~[or]~~ economic means, ***sexual orientation, or gender identity or expression,*** and that specific criteria for admission into those programs be designed to determine the potential for success of an applicant.

4. It is further the intent of the Legislature to support and encourage the ongoing development of innovative educational programs and tools to improve the educational opportunities of profoundly gifted pupils, regardless of race, culture, ethnicity or economic means and to increase the educational opportunities of pupils who are identified as profoundly gifted, gifted and talented,

having special educational needs or being at risk for underachievement.

Sec. 28. NRS 396.530 is hereby amended to read as follows:

396.530 The Board of Regents shall not discriminate in the admission of students on account of national origin, religion, age, physical disability, sex, ***sexual orientation, gender identity or expression,*** race or color.

Sec. 29. NRS 412.116 is hereby amended to read as follows:

412.116 1. The forces of the Nevada National Guard must be organized, armed, disciplined, governed, administered and trained as prescribed by applicable federal laws and regulations and Office regulations.

2. It hereby is declared to be the policy of the State that there must be an equality of treatment and opportunity for all persons in the Nevada National Guard without regard to race, creed, color, gender, sexual orientation ***, gender identity or expression,*** or national origin.

~~[3. As used in this section, "sexual orientation" means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.]~~

Sec. 30. NRS 432.525 is hereby amended to read as follows:

432.525 A child placed in a foster home by an agency which provides child welfare services has the right:

1. To receive information concerning his or her rights set forth in this section and NRS 432.530 and 432.535.

2. To be treated with dignity and respect.

3. To fair and equal access to services, placement, care, treatment and benefits.

4. To receive adequate, healthy, appropriate and accessible food.

5. To receive adequate, appropriate and accessible clothing and shelter.

6. To receive appropriate medical care, including, without limitation:

(a) Dental, vision and mental health services;

(b) Medical and psychological screening, assessment and testing; and

(c) Referral to and receipt of medical, emotional, psychological or psychiatric evaluation and treatment as soon as practicable after the need for such services has been identified.

7. To be free from:

(a) Abuse or neglect, as defined in NRS 432B.020;

(b) Corporal punishment, as defined in NRS 388.5225;

(c) Unreasonable searches of his or her personal belongings or other unreasonable invasions of privacy;

(d) The administration of psychotropic medication unless the administration is consistent with NRS 432B.197 and the policies established pursuant thereto; and

(e) Discrimination or harassment on the basis of his or her actual or perceived race, ethnicity, ancestry, national origin, color, religion, sex, sexual orientation, gender identity ~~[,]~~ ***or expression,*** mental or physical disability or exposure to the human immunodeficiency virus.

8. To attend religious services of his or her choice or to refuse to attend religious services.

9. Except for placement in a facility, as defined in NRS 432B.6072, not to be locked in any room, building or premise or to be subject to other physical restraint or isolation.

10. Except as otherwise prohibited by the agency which provides child welfare services:

(a) To send and receive unopened mail; and

(b) To maintain a bank account and manage personal income, consistent with the age and developmental level of the child.

11. To complete an identification kit, including, without limitation, photographing, and include the identification kit and his or her photograph in a file maintained by the agency which provides child welfare services and any employee thereof who provides child welfare services to the child.

12. To communicate with other persons, including, without limitation, the right:

(a) To communicate regularly, but not less often than once each month, with an employee of the agency which provides child welfare services who provides child welfare services to the child;

(b) To communicate confidentially with the agency which provides child welfare services to the child concerning his or her care;

(c) To report any alleged violation of his or her rights pursuant to NRS 432.550 without being threatened or punished;

(d) Except as otherwise prohibited by a court order, to contact a family member, social worker, attorney, advocate for children receiving foster care services or guardian ad litem appointed by a court or probation officer; and

(e) Except as otherwise prohibited by a court order and to the extent practicable, to contact and visit his or her siblings, including siblings who have not been placed in foster homes and to have such contact arranged on a regular basis and on holidays, birthdays and other significant life events, unless such contact is contrary to the safety of the child or his or her siblings.

13. Not to have contact or visitation with a sibling withheld as a form of punishment.

Sec. 31. NRS 463.151 is hereby amended to read as follows:

463.151 1. The Legislature hereby declares that the exclusion or ejection of certain persons from licensed gaming establishments which conduct pari-mutuel wagering or operate any race book, sports pool or games, other than slot machines only, is necessary to effectuate the policies of this chapter and to maintain effectively the strict regulation of licensed gaming.

2. The Commission may by regulation provide for the establishment of a list of persons who are to be excluded or ejected from any licensed gaming establishment which conducts pari-mutuel wagering or operates any race book, sports pool or games, other than slot machines only. The list may include any person whose presence in the establishment is determined by the Board and the Commission to pose a threat to the interests of this state or to licensed gaming, or both.

3. In making that determination, the Board and the Commission may consider any:

(a) Prior conviction of a crime which is a felony in this state or under the laws of the United States, a crime involving moral turpitude or a violation of the gaming laws of any state;

(b) Violation or conspiracy to violate the provisions of this chapter relating to:

(1) The failure to disclose an interest in a gaming establishment for which the person must obtain a license; or

(2) Willful evasion of fees or taxes;

(c) Notorious or unsavory reputation which would adversely affect public confidence and trust that the gaming industry is free from criminal or corruptive elements; or

(d) Written order of a governmental agency which authorizes the exclusion or ejection of the person from an establishment at which gaming or pari-mutuel wagering is conducted.

4. Race, color, creed, national origin or ancestry, ~~[or]~~ sex ***, sexual orientation, or gender identity or expression*** must not be grounds for placing the name of a person upon the list.

Sec. 32. NRS 463.15995 is hereby amended to read as follows:

463.15995 1. The Commission shall, with the advice and assistance of the Board, adopt regulations authorizing a gaming licensee to charge a fee for admission to an area in which gaming is conducted in accordance with the provisions of this section.

2. The regulations adopted by the Commission pursuant to this section must include, without limitation, provisions that:

(a) A gaming licensee may not charge a fee pursuant to this section unless:

(1) The Chair of the Board grants administrative approval of a request by a gaming licensee to charge such a fee; and

(2) Such administrative approval is not revoked or suspended by the Chair of the Board.

(b) The Chair of the Board may, in the Chair's sole and absolute discretion, grant, deny, limit, condition, restrict, revoke or suspend any administrative approval of a request by a gaming licensee to charge a fee pursuant to this section. In considering such a request, the Chair of the Board shall consider all relevant factors, including, without limitation:

(1) The size of the area;

(2) The amount of gaming that occurs within the area;

(3) The types and quantity of gaming offered;

(4) The business purpose of the area;

(5) Other amenities that are offered within the area;

(6) The amount of the costs and expenses incurred in creating the area;

(7) The benefit to the State in having gaming conducted within the area;

(8) The amount of the fee charged and whether the fee charged is unreasonable as compared to the prevailing practice within the industry; and

(9) Whether the area should more appropriately be treated as a gaming salon.

➥ The decision of the Chair of the Board regarding such a request may be appealed by the gaming licensee to the Commission pursuant to its regulations.

(c) A gaming licensee who charges a fee pursuant to this section:

(1) Shall deposit with the Board and thereafter maintain a refundable revolving fund in an amount determined by the Commission to pay the expenses of admission of agents of the Board or Commission to the area for which a fee for admission is charged.

(2) Shall arrange for access by agents of the Board or Commission to the area for which a fee for admission is charged.

(3) Shall, at all times that a fee is charged for admission to an area pursuant to this section in an establishment for which a nonrestricted license has been issued, provide for the public at least the same number of gaming devices and games in a different area for which no fee is charged for admission.

(4) Shall, at all times that a fee is charged for admission to an area pursuant to this section in an establishment for which a restricted license has been issued, post a sign of a suitable size in a conspicuous place near the entrance of the establishment that

provides notice to patrons that they do not need to pay an admission fee or cover charge to engage in gaming.

(5) Shall not use a fee charged for admission to create a private gaming area that is not operated in association or conjunction with a nongaming activity, attraction or facility.

(6) Shall not restrict admission to the area for which a fee for admission is charged to a patron on the ground of race, color, religion, national origin ***, sexual orientation, gender identity or expression,*** or disability of the patron, and any unresolved dispute with a patron concerning restriction of admission shall be deemed a dispute as to the manner in which a game is conducted pursuant to NRS 463.362 and must be resolved pursuant to NRS 463.362 to 463.366, inclusive.

(d) If a gaming licensee who holds a nonrestricted license charges a fee pursuant to this section, unless the area for which a fee for admission is charged is otherwise subject to the excise tax on admission to any facility in this State where live entertainment is provided pursuant to chapter 368A of NRS, the determination of the amount of the liability of the gaming licensee for that tax:

(1) Includes the fees charged for admission pursuant to this section; and

(2) Does not include charges for food, refreshments and merchandise collected in the area for which admission is charged.

Sec. 33. NRS 463.4076 is hereby amended to read as follows:

463.4076 1. The admission of a patron to a gaming salon:

(a) May be restricted on the basis of the financial criteria of the patron as established by the licensee and approved by the Board; and

(b) Must not be restricted on the basis of the race, color, religion, national origin, ancestry, physical disability ***,*** ~~[or]~~ sex ***, sexual orientation, or gender identity or expression*** of the patron.

2. Any unresolved dispute with a patron concerning restriction of admission to a gaming salon shall be deemed a dispute as to the manner in which a game is conducted pursuant to NRS 463.362 and must be resolved pursuant to NRS 463.362 to 463.366, inclusive.

Sec. 34. NRS 610.010 is hereby amended to read as follows:

610.010 As used in this chapter, unless the context otherwise requires:

1. "Agreement" means a written and signed agreement of indenture as an apprentice.

2. "Apprentice" means a person who is covered by a written agreement, issued pursuant to a program with an employer, or with an association of employers or an organization of employees acting as agent for an employer.

3. "Disability" means, with respect to a person:

(a) A physical or mental impairment that substantially limits one or more of the major life activities of the person;

(b) A record of such an impairment; or

(c) Being regarded as having such an impairment.

4. ~~[“Gender identity or expression” means a gender-related identity, appearance, expression or behavior of a person, regardless of the person’s assigned sex at birth.~~

~~5.]~~ “Program” means a program of training and instruction as an apprentice in an occupation in which a person may be apprenticed.

~~[6. “Sexual orientation” means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.]~~

Sec. 35. NRS 613.310 is hereby amended to read as follows:

613.310 As used in NRS 613.310 to 613.435, inclusive, unless the context otherwise requires:

1. “Disability” means, with respect to a person:

(a) A physical or mental impairment that substantially limits one or more of the major life activities of the person, including, without limitation, the human immunodeficiency virus;

(b) A record of such an impairment; or

(c) Being regarded as having such an impairment.

2. “Employer” means any person who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, but does not include:

(a) The United States or any corporation wholly owned by the United States.

(b) Any Indian tribe.

(c) Any private membership club exempt from taxation pursuant to 26 U.S.C. § 501(c).

3. “Employment agency” means any person regularly undertaking with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer, but does not include any agency of the United States.

4. ~~[“Gender identity or expression” means a gender-related identity, appearance, expression or behavior of a person, regardless of the person’s assigned sex at birth.~~

~~5.]~~ “Labor organization” means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment or other conditions of employment.

~~[6.]~~ ***5.*** "Person" includes the State of Nevada and any of its political subdivisions.

~~[7. "Sexual orientation" means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.]~~

Sec. 36. NRS 645.321 is hereby amended to read as follows:

645.321 1. It is unlawful, on account of race, religious creed, color, national origin, disability, sexual orientation, gender identity or expression, ancestry, familial status or sex, to:

(a) Discriminate against any person:

(1) By denying the person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service or facility relating to the sale or rental of dwellings; or

(2) In the terms or conditions of such access, membership or participation.

(b) Discriminate against any person:

(1) By denying the person access to any opportunity to engage in a transaction regarding residential real estate; or

(2) In the terms or conditions of such a transaction.

2. Any person violating the provisions of subsection 1 shall be punished by a fine of $500 for the first offense and for the second offense shall show cause why his or her license should not be revoked by the Commission.

3. As used in this section:

(a) "Disability" means, with respect to a person:

(1) A physical or mental impairment that substantially limits one or more of the major life activities of the person;

(2) A record of such an impairment; or

(3) Being regarded as having such an impairment.

(b) "Familial status" means the fact that a person:

(1) Lives with a child under the age of 18 and has:

(I) Lawful custody of the child; or

(II) Written permission to live with the child from the person who has lawful custody of the child;

(2) Is pregnant; or

(3) Has begun a proceeding to adopt or otherwise obtain lawful custody of a child.

~~[(c) "Gender identity or expression" means a gender-related identity, appearance, expression or behavior of a person, regardless of the person's assigned sex at birth.~~

~~(d) "Sexual orientation" means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.]~~

Sec. 37. NRS 645.635 is hereby amended to read as follows:

645.635 The Commission may take action pursuant to NRS 645.630 against any person subject to that section who is guilty of:

1. Offering real estate for sale or lease without the knowledge and consent of the owner or the owner's authorized agent or on terms other than those authorized by the owner or the owner's authorized agent.

2. Negotiating a sale, exchange or lease of real estate, or communicating after such negotiations but before closing, directly with a client if the person knows that the client has a brokerage agreement in force in connection with the property granting an exclusive agency, including, without limitation, an exclusive right to sell to another broker, unless permission in writing has been obtained from the other broker.

3. Failure to deliver within a reasonable time a completed copy of any purchase agreement or offer to buy or sell real estate to the purchaser or to the seller, except as otherwise provided in subsection 4 of NRS 645.254.

4. Failure to deliver to the seller in each real estate transaction, within 10 business days after the transaction is closed, a complete, detailed closing statement showing all of the receipts and disbursements handled by him or her for the seller, failure to deliver to the buyer a complete statement showing all money received in the transaction from the buyer and how and for what it was disbursed, or failure to retain true copies of those statements in his or her files. The furnishing of those statements by an escrow holder relieves the broker's, broker-salesperson's or salesperson's responsibility and must be deemed to be in compliance with this provision.

5. Representing to any lender, guaranteeing agency or any other interested party, verbally or through the preparation of false documents, an amount in excess of the actual sale price of the real estate or terms differing from those actually agreed upon.

6. Failure to produce any document, book or record in his or her possession or under his or her control, concerning any real estate transaction under investigation by the Division.

7. Failure to reduce a bona fide offer to writing where a proposed purchaser requests that it be submitted in writing, except as otherwise provided in subsection 4 of NRS 645.254.

8. Failure to submit all written bona fide offers to a seller when the offers are received before the seller accepts an offer in writing and until the broker has knowledge of that acceptance, except as otherwise provided in subsection 4 of NRS 645.254.

9. Refusing because of race, color, national origin, sex ***, sexual orientation, gender identity or expression,*** or ethnic group to show,

sell or rent any real estate for sale or rent to qualified purchasers or renters.

10. Knowingly submitting any false or fraudulent appraisal to any financial institution or other interested person.

11. Any violation of NRS 645C.557.

Sec. 38. NRS 645C.480 is hereby amended to read as follows:

645C.480 1. A certified or licensed appraiser is guilty of unprofessional conduct if the certified or licensed appraiser:

(a) Fails to produce any document, book or record in his or her possession or under his or her control after being requested to do so by the Division as part of its investigation of a complaint;

(b) Refuses to prepare or communicate an appraisal because of age, race, color, national origin, disability, sexual orientation, gender identity or expression, familial status, sex or ethnic group; or

(c) Fails to supervise adequately an intern associated with him or her.

2. As used in this section:

(a) "Disability" means, with respect to a person:

(1) A physical or mental impairment that substantially limits one or more of the major life activities of the person;

(2) A record of such an impairment; or

(3) Being regarded as having such an impairment.

(b) "Familial status" means the fact that a person:

(1) Lives with a child under the age of 18 and has:

(I) Lawful custody of the child; or

(II) Written permission to live with the child from the person who has lawful custody of the child;

(2) Is pregnant; or

(3) Has begun a proceeding to adopt or otherwise obtain lawful custody of a child.

~~[(c) "Gender identity or expression" means a gender-related identity, appearance, expression or behavior of a person, regardless of the person's assigned sex at birth.~~

~~(d) "Sexual orientation" means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.]~~

Sec. 39. NRS 648.193 is hereby amended to read as follows:

648.193 During a polygraphic examination, the examiner or intern shall not make inquiries into the religion, political affiliations, affiliations with labor organizations ***, sexual orientation, gender identity or expression,*** or sexual activities of the person examined unless the person's religion or those affiliations or activities are germane to the issue under investigation and the inquiries are made at the request of the person examined.

Sec. 40. NRS 651.050 is hereby amended to read as follows:

651.050 As used in NRS 651.050 to 651.110, inclusive, unless the context otherwise requires:

1. "Disability" means, with respect to a person:

(a) A physical or mental impairment that substantially limits one or more of the major life activities of the person;

(b) A record of such an impairment; or

(c) Being regarded as having such an impairment.

2. ~~[~~"Gender identity or expression" means a gender-related identity, appearance, expression or behavior of a person, regardless of the person's assigned sex at birth.

~~3.]~~ "Place of public accommodation" means:

(a) Any inn, hotel, motel or other establishment which provides lodging to transient guests, except an establishment located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor of the establishment as the proprietor's residence;

(b) Any restaurant, bar, cafeteria, lunchroom, lunch counter, soda fountain, casino or any other facility where food or spirituous or malt liquors are sold, including any such facility located on the premises of any retail establishment;

(c) Any gasoline station;

(d) Any motion picture house, theater, concert hall, sports arena or other place of exhibition or entertainment;

(e) Any auditorium, convention center, lecture hall, stadium or other place of public gathering;

(f) Any bakery, grocery store, clothing store, hardware store, shopping center or other sales or rental establishment;

(g) Any laundromat, dry cleaner, bank, barber shop, beauty shop, travel service, shoe repair service, funeral parlor, office of an accountant or lawyer, pharmacy, insurance office, office of a provider of health care, hospital or other service establishment;

(h) Any terminal, depot or other station used for specified public transportation;

(i) Any museum, library, gallery or other place of public display or collection;

(j) Any park, zoo, amusement park or other place of recreation;

(k) Any nursery, private school or university or other place of education;

(l) Any day care center, senior citizen center, homeless shelter, food bank, adoption agency or other social service establishment;

(m) Any gymnasium, health spa, bowling alley, golf course or other place of exercise or recreation;

(n) Any other establishment or place to which the public is invited or which is intended for public use; and

(o) Any establishment physically containing or contained within any of the establishments described in paragraphs (a) to (n), inclusive, which holds itself out as serving patrons of the described establishment.

~~[4. "Sexual orientation" means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.]~~

Sec. 41. NRS 686A.680 is hereby amended to read as follows:

686A.680 An insurer that uses information from a consumer credit report shall not:

1. Use an insurance score that is calculated using income, gender, ***sexual orientation, gender identity or expression,*** address, zip code, ethnic group, religion, marital status or nationality of the consumer as a factor, or would otherwise lead to unfair or invidious discrimination.

2. Deny, cancel or fail to renew a policy on the basis of credit information unless the insurer also considers other applicable underwriting factors that are independent of credit information and not expressly prohibited by this section.

3. Base renewal rates for a policy upon credit information unless the insurer also considers other applicable factors independent of credit information.

4. Take an adverse action against an applicant or policyholder based on the applicant or policyholder not having a credit card account unless the insurer also considers other applicable factors independent of credit information.

5. Consider an absence of credit information or an inability to calculate an insurance score in underwriting or rating a policy unless the insurer does any one of the following:

(a) Treats the applicant or policyholder as otherwise approved by the Commissioner, after the insurer presents to the Commissioner information indicating that such an absence or inability relates to the risk for the insurer.

(b) Treats the applicant or policyholder as if the applicant or policyholder had neutral credit information, as defined by the insurer.

(c) Excludes the use of credit information as a factor, and uses only underwriting criteria other than credit information.

6. Take an adverse action against an applicant or policyholder based on credit information, unless an insurer obtains and uses a consumer credit report issued or an insurance score calculated within 90 days from the date the policy is first written or renewal is issued.

7. Except as otherwise provided in this subsection, use credit information regarding a policyholder without obtaining an updated

consumer credit report regarding the policyholder and recalculating the insurance score at least once every 36 months. At the time of the annual renewal of a policyholder's policy, the insurer shall, upon the request of the policyholder or the policyholder's agent, reunderwrite and rerate the policy based upon a current consumer credit report or insurance score. An insurer need not, at the request of a policyholder or the policyholder's agent, recalculate the insurance score of or obtain an updated consumer credit report of the policyholder more frequently than once in any 12-month period. An insurer may, at its discretion, obtain an updated consumer credit report regarding a policyholder more frequently than once every 36 months, if to do so is consistent with the underwriting guidelines of the insurer. An insurer does not need to obtain an updated consumer credit report for a policyholder if any one of the following applies:

(a) The insurer is treating the policyholder as otherwise approved by the Commissioner.

(b) The policyholder is in the most favorably-priced tier of the insurer and all affiliates of the insurer. With respect to such a policyholder, the insurer may elect to obtain an updated consumer credit report if to do so is consistent with the underwriting guidelines of the insurer.

(c) Credit information was not used for underwriting or rating the policyholder when the policy was initially written. The fact that credit information was not used initially does not preclude an insurer from using such information subsequently when underwriting or rating such a policyholder upon renewal, if to do so is consistent with the underwriting guidelines of the insurer.

(d) The insurer reevaluates the policyholder at least once every 36 months based upon underwriting or rating factors other than credit information.

8. Use the following as a negative factor in any insurance scoring methodology or in reviewing credit information for the purpose of underwriting or rating a policy:

(a) Credit inquiries not initiated by the applicant or policyholder, or inquiries requested by the applicant or policyholder for his or her own credit information.

(b) Inquiries relating to insurance coverage, if so identified on the consumer credit report.

(c) Collection accounts relating to medical treatment, if so identified on the consumer credit report.

(d) Multiple lender inquiries, if identified on the consumer credit report as being related to home loans or mortgages and made within 30 days of one another, unless only one inquiry is considered.

(e) Multiple lender inquiries, if identified on the consumer credit report as being related to a loan for an automobile and made within 30 days of one another, unless only one inquiry is considered.

Sec. 42. NRS 686B.060 is hereby amended to read as follows:

686B.060 In determining whether rates comply with the standards under NRS 686B.050, the following criteria shall be applied:

1. Due consideration shall be given to past and prospective loss and expense experience within and outside of this state, to catastrophe hazards and contingencies, to trends within and outside of this state, to loadings for leveling premium rates over time or for dividends or savings to be allowed or returned by insurers to their policyholders, members or subscribers, and to all other relevant factors, including the judgment of technical personnel.

2. Risks may be classified in any reasonable way for the establishment of rates and minimum premiums, except that classifications may not be based on race, color, creed ***,*** ~~[or]~~ national origin ~~[.]~~ ***, sexual orientation, or gender identity or expression.*** Rates thus produced may be modified for individual risks in accordance with rating plans or schedules which establish reasonable standards for measuring probable variations in hazards, expenses, or both.

3. The expense provisions included in the rates to be used by an insurer may reflect the operating methods of the insurer and, so far as it is credible, its own expense experience.

4. The rates may contain an allowance permitting a profit that is not unreasonable in relation to the riskiness of the class of business.

Sec. 43. NRS 687B.390 is hereby amended to read as follows:

687B.390 No insurer shall cancel or refuse to renew an automobile liability insurance policy solely because of the age, residence, race, color, creed, national origin, ancestry ***, sexual orientation, gender identity or expression*** or occupation of anyone who is an insured.

Sec. 44. NRS 689C.520 is hereby amended to read as follows:

689C.520 1. Before the issuance of a certificate of registration, each voluntary purchasing group shall, to the satisfaction of the Commissioner:

(a) Establish the conditions of membership in the group and require as a condition of membership that all employers include all their eligible employees. The group may not differentiate among classes of membership on the basis of the kind of employment, race, religion, sex, ***sexual orientation, gender identity or expression,*** education, health or income. The group shall set reasonable fees for

membership which will finance all reasonable and necessary costs incurred in administering the group.

(b) Provide to members of the group and their eligible employees information meeting the requirements of NRS 689C.440 regarding any proposed contracts.

2. In addition to the information required pursuant to subsection 1, a voluntary purchasing group shall provide annually to members of the group information regarding available benefits and carriers.

Sec. 45. Section 1.130 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as last amended by chapter 32, Statutes of Nevada 2011, at page 134, is hereby amended to read as follows:

Sec. 1.130 Certain activities prohibited.

1. A person shall not be appointed to or removed from, or in any way favored or discriminated against with respect to, any City position or appointive City administrative office because of race, sex, sexual orientation, ***gender identity or expression,*** religion, color, age, disability, marital status or national origin, or because of political or personal reasons or affiliations, except when based upon a bona fide occupational qualification.

2. A person who seeks appointment or promotion with respect to any City position or appointive City administrative office shall not directly or indirectly give, render or pay any money, service or other valuable thing to any person for or in connection with his or her test, appointment, proposed appointment, promotion or proposed promotion.

3. A person shall not orally, in writing or otherwise solicit or assist in soliciting any assessment, subscription or contribution for any elected officer of the City or candidate for any City office from any person holding any compensated appointive City position.

4. A person who holds any compensated appointive City position shall not make, solicit or receive any contribution of campaign funds for any elected officer of the City or candidate for any City office or take any part in the management, affairs or political campaign of the candidate.

5. Any person who by himself, herself or with others willfully violates any of the provisions of subsections 1, 2 or 3 is subject to the jurisdiction of the Justice Court of the Township of Sparks and is guilty of a misdemeanor, punishable by a fine of not more than $500 or by imprisonment for not more than 6 months, or both.

6. Any person who violates any of the provisions of this section shall be ineligible to hold any City office or position for a period of 5 years and, if the person is an officer or employee of the City, shall immediately forfeit his or her office or position.

7. As used in this section:

(a) "Gender identity or expression" has the meaning ascribed to it in section 5 of this act.

(b) "Sexual orientation" has the meaning ascribed to it in section 6 of this act.

Sec. 46. NRS 118.075, 118.093 and 193.0148 are hereby repealed.

Sec. 47. This act becomes effective on July 1, 2015.

TEXT OF REPEALED SECTIONS

118.075 "Gender identity or expression" defined. "Gender identity or expression" means a gender-related identity, appearance, expression or behavior of a person, regardless of the person's assigned sex at birth.

118.093 "Sexual orientation" defined. "Sexual orientation" means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.

193.0148 "Gender identity or expression" defined. "Gender identity or expression" means the gender-related identity, appearance, expression or behavior of a person, regardless of the person's assigned sex at birth.

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