Date:  March 11, 2019  
To:   Senator Nicole Cannizzaro, Chair, Senate Judiciary Committee  
From:  Kent M. Ervin, NFA Legislative Liaison (kent.ervin@nevadafacultyalliance.org)  
Subj:  AJR2(2017), hearing 3/12/2019  

The Nevada Faculty Alliance (NFA) is the independent statewide association of NSHE faculty. We support AJR2.

The NFA upholds the NSHE non-discrimination policy, which (paraphrasing) commits to:  

- providing a place of work and learning free of discrimination on the basis of age, disability, gender, military status or obligations, sexual orientation, gender identity or expression, genetic information, national origin, race, or religion.

The NFA would add to this policy non-discrimination in employment and education on the basis of marital status or familial status. Marital status is understood to include being married or not married, but also to whom you are married—that is, the race, national origin, religion, age, or gender of your spouse.

I will focus on the third clause of the proposed constitutional article, which states that all legally valid marriages must be treated equally under the law.

Passage of the amendment will protect against future efforts like a lawsuit in Texas attempting to roll back equal spousal benefits for City of Houston employees with same-sex spouses. The challenge of Houston's benefits for same-sex couples seeks to narrow the scope of the Obergefell ruling, maintaining that spousal benefits are not a fundamental right and can be restricted by the state on the basis of the sex of the spouses.

Mr. Douglas Alexander, the lawyer who defended Houston’s benefits policy, told the Texas court “...that if you extend spousal benefits to opposite-sex couples, then … you also have to extend it to same sex,” … “Not because there’s a fundamental right to employment benefits or spousal benefits but because there’s a fundamental right that both of those marriages be treated equally.” But the Texas Supreme Court ruled that the constitutional recognition of same-sex marriage does not necessarily extend to spousal benefits, and the U.S. Supreme Court declined to review that decision. The case is now back in the lower Texas courts.
Clarifying in the Nevada Constitution that all legally valid marriages are equal under the law in
the Nevada constitution will ensure equal treatment of employees and their spouses in our great
state regardless of gender and regardless of the outcome of such lawsuits.

Please support AJR2*. Thank you.

Sources:
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