

THE THIRTY-SECOND DAY

CARSON CITY (Thursday), March 9, 2017

Assembly called to order at 11:58 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Brooks, who was excused.

Prayer by the Chaplain, Reverend Jedidiah Maschke.

Almighty God, Ruler of the nations, regard with favor Your servants, these Assemblymen and women of the State of Nevada. Give them health of body and mind and make them strong to bear the burdens of their office. Give them wisdom and understanding, that under their leadership our state may be directed in the ways of righteousness and peace.

Remind us that all rule and authority come from You, and those in leadership serve as Your ministers in the administration of their office. Keep me and all the citizens of this state mindful of our obligation to support them with fervent prayer and ready obedience to the laws of our country.

Bless our Assemblywomen and men, I pray You, and make them a blessing to the people of our state, to the glory of Your holy name. For Jesus' sake.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Benitez-Thompson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 8, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 35, 42, 43, 110, 133; Senate Joint Resolution No. 1.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 1.

Assemblyman Yeager moved that the resolution be referred to the Committee on Judiciary.

Motion carried.

NOTICE OF EXEMPTION

March 9, 2017

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 143, 178, 186, 211, 219, 225 and 234.

MARK KRMPOTIC
Fiscal Analysis Division

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Education:

Assembly Bill No. 273—AN ACT relating to education; requiring school districts in certain larger counties to collect and report data concerning the height and weight of certain pupils; and providing other matters properly relating thereto.

Assemblywoman Diaz moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 35.

Assemblyman Yeager moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 42.

Assemblyman Yeager moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 43.

Assemblywoman Swank moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 110.

Assemblyman Yeager moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 133.

Assemblyman Yeager moved that the bill be referred to the Committee on Judiciary.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 25.

Bill read third time.

Remarks by Assemblyman Fumo.

ASSEMBLYMAN FUMO:

Assembly Bill 25 provides that for the purpose of determining whether a probationer or a parolee is allowed a deduction from his or her period of probation or sentence, respectively, the person is deemed to be current with any fee to defray the costs of his or her supervision and any payment of restitution for any given month if, during that month, that person makes at least the minimum monthly payment established by the court, the Division of Parole and Probation of the Department of Public Safety, or the State Board of Parole Commissioners, as applicable.

Roll call on Assembly Bill No. 25:

YEAS—41.

NAYS—None.

EXCUSED—Brooks.

Assembly Bill No. 25 having received a constitutional majority,
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 27.

Bill read third time.

Remarks by Assemblywoman Tolles.

ASSEMBLYWOMAN TOLLES:

Assembly Bill 27 transfers from the Executive Secretary of the State Board of Parole Commissioners to the Department of Corrections the responsibility of preparing a list of offenders eligible for parole. The Department of Corrections must provide the list to the Executive Secretary at least 40 days before any scheduled action by the Board. This bill is effective July 1, 2017.

Roll call on Assembly Bill No. 27:

YEAS—41.

NAYS—None.

EXCUSED—Brooks.

Assembly Bill No. 27 having received a constitutional majority,
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 31.

Bill read third time.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Assembly Bill 31 changes the name of the Specialist for the Rights of Elderly Persons to the Attorney for the Rights of Older Persons and Persons with a Physical Disability, an Intellectual Disability or a Related Condition. The measure expands the scope of the powers and duties of the Attorney to include services to older persons, persons with a physical disability, persons with an intellectual disability, and persons with a related condition, and to acting as the state legal assistance developer for the purposes of satisfying certain requirements of federal law.

The measure further expands the authority of the Community Advocate for Elder Rights within the Aging and Disability Services Division of the Department of Health and Human Services by authorizing the Community Advocate to provide assistance to persons who are less than 60 years of age and do not reside in facilities for long-term care. The bill is effective upon passage and approval.

Roll call on Assembly Bill No. 31:

YEAS—41.

NAYS—None.

EXCUSED—Brooks.

Assembly Bill No. 31 having received a constitutional majority,
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 99.

Bill read third time.

Remarks by Assemblymen Araujo and Sprinkle.

ASSEMBLYMAN ARAUJO:

Assembly Bill 99 requires a private or public institution or agency authorized to care for children to treat a child consistent with his or her gender identity or expression. Employees of such facilities, including foster homes, foster care agencies, child care facilities, mental health facilities, juvenile justice detention centers, and emergency shelters, must receive training on working with lesbian, gay, bisexual, transgender, and questioning—otherwise known as LGBTQ—children within 90 days of employment and annually thereafter. Such training must be approved by the licensing agency of the facility or the Division of Child and Family Services in the Department of Health and Human Services.

The Division must adopt regulations that a court, including a juvenile court, must consider before placing a child in a child care or detention facility or in a mental health or treatment facility. The bill also requires the Division to adopt regulations for establishing protocols to ensure that children in the custody of child welfare agencies are placed appropriately given their gender identity or expression. These regulations shall be developed in consultation with LGBTQ children in the custody of child welfare agencies or the courts; representatives of child welfare agencies; and facilities, courts, and LGBTQ organizations, in addition to advocates for children and other persons deemed appropriate by the Division.

Finally, the bill revises the way in which foster children are notified of their rights and requires the Division to establish a process for resolving grievances filed by children in the custody of child welfare agencies. This bill is effective upon passage and approval for the purpose of adopting regulations and performing preparatory administrative tasks and on October 1, 2017, for all other purposes.

According to the “National Coming Out Day Youth Report,” 7 percent of lesbian, gay, bisexual, transgender, and questioning, also referred to as LGBTQ, youth who are out to their families indicated that their families are “not at all accepting” of their sexual identify. For some of these young people, the lack of acceptance they face results in abuse and/or neglect from their parents, resulting in LGBTQ young people being overrepresented in foster care. The lack of acceptance also places these youth at an increased risk of homelessness.

Even though LGBTQ youth are overrepresented in foster care, only 14 states have foster care laws inclusive of sexual orientation and gender identity. While Nevada does have comprehensive antidiscrimination policies and laws, they do not specifically address child welfare. Without these types of laws, policies, and trainings in place, Nevada’s LGBTQ youth face the prospect of neglect, discrimination, and abuse within the very institutions charged to protect them. Inappropriate placements and a lack of understanding of the needs of LGBTQ youth also endanger their health and safety as they are at increased risk of physical violence, homelessness, and unfortunately, suicide.

Assembly Bill 99 is a critical piece of legislation that will ensure we are taking the right steps forward towards protecting our most vulnerable youth. I urge this body to please support Assembly Bill 99.

ASSEMBLYMAN SPRINKLE:

I rise in support of Assembly Bill 99. I think what is most important here is that we think about whom it is this bill is addressing. We are talking about kids; we are talking about scared and vulnerable kids who have had their lives turned upside-down. They have been taken from their families, from their homes, and they have been placed in institutions or homes or other places that are unfamiliar to them. While they are struggling with the day-to-day life, we need to assure that the people that are now charged with looking after them and taking care of them fully understand where these kids are coming from.

I think it is also important to point out that with this bill, there was good discussion in my committee. I believe the sponsor heard the concerns and the comments that were raised during the committee hearing, and he has been unbelievably open and willing to talk to anybody, which is how a rather lengthy amendment came off of this floor yesterday. I think that it is really

valuable and important to point that out—that while this bill moves forward, there has been a lot of effort to appease those people who had concerns with it.

So for that reason and for many others, I would just say ultimately this bill is about acceptance and a level of understanding of our kids who are very fearful and at a time in their lives where things have been completely turned upside down. For all of those reasons, I hope this body will support Assembly Bill 99.

Roll call on Assembly Bill No. 99:

YEAS—26.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—15.

EXCUSED—Brooks.

Assembly Bill No. 99 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 2.

Resolution read third time.

Remarks by Assemblymen Araujo, Jauregui, Paul Anderson, Edwards, Elliot Anderson, Hambrick, and Krasner.

ASSEMBLYMAN ARAUJO:

Assembly Joint Resolution 2 proposes to amend the *Nevada Constitution* to provide that the state of Nevada and its political subdivisions shall recognize marriages of and issue licenses to couples, regardless of gender. All legally valid marriages shall be treated equally under the law. The resolution also proposes to repeal existing provisions that only a marriage between a male person and female person may be recognized and given effect in Nevada.

A few years ago, our United States Supreme Court ruled that marriage equality was the law of the land. Since then, more than 10,000 same-sex couples in Nevada have formed a legal union, a union embedded in love. Yet, Nevada's *Constitution* still defines marriage as a union between a man and a woman.

During our committee hearing, we heard from Karen Vibe and Karen Goody, the first same-sex couple married in Washoe County. During their testimony, Karen Vibe said the following: "Nothing pleases me more than to be able to introduce Karen as my wife." "Our wedding day was one of the happiest days of our lives, and it would be horrifying to think that our marriage could be considered invalid or illegal. . . . We feel that marriage serves a higher purpose. . . . [N]o matter what you believe or who you are . . . we were all created equal."

We also heard from children of same-sex couples like Pam and Gretchen's son, Zachary Roberts, who is 18 years old. He said the following: "I am so proud to be a Nevada resident. I take so much pride in it, and it is all I talk about. . . . I just hope . . . our state keeps progressing and we keep doing the right thing in bringing these bills to the table. It makes me so happy to see our state . . . moving forward. If our state passes this bill . . . in 2020 . . . [and] the Supreme Court's decision were overturned, nothing would make me more proud than to be a part of a state that still recognizes my parents' marriage."

Mr. Speaker, it is time for Nevada's *Constitution* to recognize all marriages, regardless of gender. We, as a state, must do everything we can to protect love.

ASSEMBLYWOMAN JAUREGUI:

It is time for Nevada's *Constitution* to reflect what the majority of Nevadans already recognize—that no matter who you love, you are welcomed, loved, and valued here in our state. I cannot think of any better way to honor Nevada's culture of freedom and personal liberty than by protecting Nevadans of all backgrounds from discrimination. This is Nevada's heritage, one of equality.

ASSEMBLYMAN PAUL ANDERSON:

I first want to thank my friend and bill sponsor for bringing this bill forward and leading the discussion. This is a difficult vote for me, as it was in 2013 when this body brought a very similar resolution. I did not run for the Assembly to deny anyone rights. I do not believe in any type of discrimination, nor do I believe that LGBT couples are any less entitled than I am. This body has previously spoken on the issue, as has the Supreme Court.

I understand the arguments on both sides of the issue. I know the arguments of my religion, of my political party, of those who feel passionately on both sides. I respect both sides of this argument and congratulate those who have fought so long and hard for equality. That being said, I also think it is important to acknowledge those that worked so hard to pass a traditional marriage amendment into the *Constitution* in 2000 and 2002. They put a lot of time, talent, and treasure in that fight, and they won it fairly and by an overwhelming majority. Whether you disagree or agree, the people brought this amendment to the *Constitution*, and I think it should be the people who bring an amendment to overturn that.

I will be voting no on A.J.R. 2, because this already settled law. There is only so long that we can vote on the same issue and continually take this up. I do want to take a moment, though, to thank my family members and friends that are in the LGBTQ community and are in my life. I love and support them. This vote is not an effort to say anything other than I believe it is time to move on from the issue and that if there is a grassroots movement of people that feel passionate about taking this out of the *Constitution*, I think it should be removed the same way it was put in.

ASSEMBLYMAN EDWARDS:

I know this is kind of a sensitive issue for a lot of people and it is kind of a hard decision in many cases. I think we do need to look to the people of our state and realize that not so long ago, they really decided this issue. They decided where they stood. They were so firm about it; they actually put it in the *Constitution*. I think that demands our respect and a whole lot of credibility.

Now, I understand that the U.S. Supreme Court decision of a couple of years ago changes that. But the decision was five to four, and quite honestly, I find the legal reasoning of the four to be more credible. I think it is more consistent with our *Constitution*; I think it is more consistent with our federal system of government. I stand with the four.

I find that the question should have been left to the state level as well. Too many things get sent up to the Supreme Court that should have been left to the state. This is one of them. The Supreme Court decision does not require the Congress or the state legislatures to rewrite their constitutions or to rewrite their laws. That is one of the great things about our federal system and the separation of powers. When the judiciary rules on something, the legislative branch, at every level, does not have to rewrite and revisit everything that they look at. Otherwise, ladies and gentlemen, we would spend 120 days every other year just changing the laws in accordance with the judicial decisions that have happened since *sine die*.

If this issue does go back to the Supreme Court, frankly the arguments of the four may become the arguments of the five. Then are we to revisit this again and spend our time changing the laws when we do not need to? Because our form of government does not require it. My constituents have written to me overwhelmingly that they oppose this. Their voices are in the *Constitution*, and they want me to protect their voices. I agree with them and I will protect their voice.

ASSEMBLYMAN ELLIOT ANDERSON:

I rise in support of A.J.R. 2. I want to respond briefly to a few points because we have been here before and we have heard the arguments of letting the people choose. I think it is important to note that the people will get to choose. This gets to go to the ballot. I do not need to tell anyone here that a lot has changed since 2000 and 2002. We have seen polling on this issue go dramatically the other way. There is nothing to be afraid of by asking the people what they think.

While it is true that the decision does not require us to rewrite our *Constitution*, it is not enforceable the way that it is. We should make it clear to the people who visit Las Vegas from all over the world that they are welcome here. This is one of those things that makes us look

inhospitable and is something that we might regret if we leave it in too long into the future. We do not want to come back here in 50 years and say, Why did we ever have this in here. Opinions have changed, and I urge this body to support this and give the people a chance to change their minds as well.

ASSEMBLYMAN HAMBRICK:

I want to echo the words of the Minority Leader. I do not believe in any kind of discrimination. However, I am a person of deep faith and truly believe that marriage is a religious sacrament between one man and one woman. I will be respectfully voting no on A.J.R. 2.

ASSEMBLYWOMAN KRASNER:

I understand that this is a difficult issue for many and that this conversation can be hard for some. I am a straight woman and I am married to a man. I am also a law school graduate and a college instructor who teaches courses on the *United States Constitution*. So when these tough issues are brought up here in the Assembly, I look for the logical answer and I look to the *U.S. Constitution*.

The United States Supreme Court has spoken on this issue. In *Obergefell v. Hodges* in 2015, the United States Supreme Court held that the fundamental right to marry is guaranteed to same-sex couples by both the due process clause and the equal protection clause of the Fourteenth Amendment to the *United States Constitution*, which I will read. Section 1 of the Fourteenth Amendment to the *United States Constitution*:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside.

No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

You see, the *United States Constitution* applies to all U.S. citizens: male or female, black or white, rich or poor, gay or straight. Mr. Speaker, I will be voting yes on A.J.R. 2.

Roll call on Assembly Joint Resolution No. 2:

YEAS—27.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Hansen, Kramer, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—14.

EXCUSED—Brooks.

Assembly Joint Resolution No. 2 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Elliot Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to John Ferdinand and Eli Morse.

On request of Assemblyman Paul Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Tennille Pereira.

On request of Assemblyman Araujo, the privilege of the floor of the Assembly Chamber for this day was extended to Scott Gardner and Jeremy Wilson.

On request of Assemblyman Carrillo, the privilege of the floor of the Assembly Chamber for this day was extended to Paul Sharenbrock and Patrick Wilson.

On request of Assemblyman Daly, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from Jesse Hall Elementary School: Ryan Bailey, Tristen Bartch, Warren Christy Jr., Anna Dimas Whitt, Stewart Dugas, McKenzie Gray, Graysen Hackworth, Kenna Halverson, Breanna James, Ridgedon Johnson, Kaylin Lane, Ethan Lewallen, Darren Mauwee, Tai'Sean Metoyer, Noel Mier, Trinity Minor, Justin Moody, Ashley Naranjo Moreno, Mia Rogers, Jada Sam, Maaliyah Shaw, Shawna Sobolik, Hannah Vandiver, Jonathan Vazquez, Katy Zboinski, Allieghfaye Abbie, Billy Bayliss, Kolby Benge, Jessie Bowling, Danielle Davis, Rachel Forbush, Olivia Gill, William Gilmore, Brisa Guzman, Christina Hendricks, Makena Kapahee, James Larsen, Sonny Lewis-Calvin, Aiden Lopez, Charlie Lubin, Janelle Martinez, Kate Merlino, Ryan Munoz, Katie Nelson, Lylac Ortero, Mia Piazza-Vulliety, Parker Roukey, Brooke Scurry, Anthony Thomas, Daniel White, Esteban Zomoza, Shalaya Barraza, Karson Bates, Brooke Baxter, Samantha Bingham, Harmonie Cooper, Miah Cummins, Macy Flores, Wesley Fontes, Natalia Hernandez-Lopez, Jayde Hurst, Jaydon Jones, Abdouleye Keita, Lucas Lappin, Francine Lopez, Angelica Martinez-Ponsock, Quinn McDonald, Angel Melendez, Ben Mullins, Jasie Myres, Todd Oltman, Riley Rock, Irene Skenandore, Chloe Spreen, Zoe Swanson, Natasha Tenk, McKenna Timmons, Isabella Wallmuth, Kyla Appleton, Grace Baker, Makenna Bradshaw, Silas Cervantes, Makena Charlebois, Ethan Clack, Brady Cunningham, Kaiya Denny, Teagan Early, Sequoia Harjo, Faith Harrell, Sydney Heinrichy, Justin Jayme, Louanne Jim, Benjamin Kimball, Gweny LaFrance, Cadence Lambdin, Jacob Latham, Kaden Lotito, Vanessa Macias, Emily Moss, Ashlyn Mueller, Oscar Ordonez, Sammy Osborne, Aron Quartz, Colin Spencer, and Miles Young.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Asa Gilmore and Jordan Smith.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Nancy Brown, Jack Prien, and Fred Scruggs.

On request of Assemblywoman Joiner, the privilege of the floor of the Assembly Chamber for this day was extended to Lynne E. Keller, J. Chrissi Barnett, and Amy Nelson.

On request of Assemblyman Kramer, the privilege of the floor of the Assembly Chamber for this day was extended to Max Macedo, Jodi Mason, and Amin Aminian.

On request of Assemblywoman Krasner, the privilege of the floor of the Assembly Chamber for this day was extended to Karen Barsell, Lisa-Marie Lightfoot, and Ta-Tiana Anderson-Hall.

On request of Assemblyman Marchant, the privilege of the floor of the Assembly Chamber for this day was extended to Maggie Colucci.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Jerry Robish.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to Mike Mazzone, Chris Short, and Jay Robinson.

On request of Assemblywoman Swank, the privilege of the floor of the Assembly Chamber for this day was extended to Colleen Wapole.

On request of Assemblywoman Titus, the privilege of the floor of the Assembly Chamber for this day was extended to Brandon Wilding and Beau Valory.

On request of Assemblywoman Tolles, the privilege of the floor of the Assembly Chamber for this day was extended to Cindy Baines, Sharon Zadra, Stacey Wittek, and Lynda Hascheff.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Michael-Ann Lazzarino, Farah Rashdan, and Shannon Nichole Parsons.

On request of Assemblyman Yeager, the privilege of the floor of the Assembly Chamber for this day was extended to Abbi Silver and Margaret Colucci.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Friday, March 10, 2017, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:45 p.m.

Approved:

JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly