

**THE EIGHTY-SIXTH DAY**

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CARSON CITY (Tuesday), May 2, 2017

Assembly called to order at 12:02 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Bishop Ruwolf Hrothulf.

I would like to ask that you not bow your heads today. Instead, take this moment to look around the room at all of the men and women here, in this moment, sharing together this extraordinary universal gift of life and of dedicating ourselves to working toward improving the lives of the people in our state.

This is a room in which there are many challenging debates, many moments of tension, of ideological division, of frustration. But this is also a room where, by the very fact of being human, we have much more in common than we have differences. We share the same spectrum of potential for care, for compassion, for fear, for joy, for love. We respect this universal gift of life.

In this room, let us therefore cherish and celebrate our shared humanness, our shared capacity for reason and compassion, our shared love for the people of our state, for our constitution, for our democracy—and let us root our policymaking process in these values that are relevant to all Nevadans, regardless of religious belief or nonbelief. In gratitude and in love, in reason and in compassion, let us work together for a better Nevada.

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, April 28, 2017

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 11.

SHERRY RODRIGUEZ  
*Assistant Secretary of the Senate*

SENATE CHAMBER, Carson City, May 1, 2017

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 35, 54, 162, 387, 476.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Joint Resolution No. 2, Amendment No. 515, and respectfully requests your honorable body to concur in said amendment.

SHERRY RODRIGUEZ  
*Assistant Secretary of the Senate*

## INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 493—AN ACT making a supplemental appropriation to the Department of Corrections for a projected shortfall related to outside medical expenditures; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 494—AN ACT making a supplemental appropriation to the Division of Health Care Financing and Policy of the Department of Health and Human Services for a projected shortfall resulting from an increase in the Medicaid caseload over the amount legislatively approved for Fiscal Years 2015-2016 and 2016-2017; authorizing the expenditure of certain money for the same purposes; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 495—AN ACT making a supplemental appropriation to the Division of Emergency Management of the Department of Public Safety for a projected shortfall for activities related to reimbursements for the 2017 floods; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 496—AN ACT making a supplemental appropriation to the Office of the Secretary of State for a projected shortfall related to credit card processing fees; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 497—AN ACT making a supplemental appropriation to the Division of Administrative Services of the Department of Motor Vehicles for a projected shortfall related to credit card processing fees; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

## SECOND READING AND AMENDMENT

Senate Bill No. 201.

Bill read second time and ordered to third reading.

## UNFINISHED BUSINESS

## CONSIDERATION OF SENATE AMENDMENTS

Assembly Joint Resolution No. 2.

The following Senate amendment was read:

Amendment No. 515.

ASSEMBLY JOINT RESOLUTION—Proposing to amend the Nevada Constitution to require the recognition of all marriages regardless of gender.

**Legislative Counsel's Digest:**

Section 21 of Article 1 of the Nevada Constitution provides that only a marriage between a male and a female person may be recognized and given effect in this State. The United States Supreme Court, however, held in 2015 that the right to marry is guaranteed by the Fourteenth Amendment to the United States Constitution and that same-sex couples may not be deprived of that right. *See Obergefell v. Hodges*, 135 S. Ct. 2584 (2015). Under the Supremacy Clause of the United States Constitution, federal constitutional law supersedes state constitutional law in most cases. (U.S. Const. Art. VI, cl. 2) As a result, Section 21 of Article 1 of the Nevada Constitution is not enforceable.

This resolution amends Section 21 of Article 1 of the Nevada Constitution to require the State of Nevada and its political subdivisions to recognize all marriages regardless of gender. **In addition, this resolution establishes the rights of religious organizations and members of the clergy to refuse to perform marriages on the basis of gender or other factors, and specifically provides that a person does not have a right to make a claim against a religious organization or member of the clergy for refusing to perform a marriage.** This resolution further provides that all legally valid marriages must be treated equally under the law.

Resolved by the Assembly and Senate of the State of Nevada, Jointly, That Section 21 of Article 1 of the Nevada Constitution be amended to read as follows:

~~[Sec.] Sec. 21. [Limitation on recognition] Recognition of marriage. [Only a marriage between a male and female person shall be recognized and given effect in this state.]~~

*1. The State of Nevada and its political subdivisions shall recognize marriages and issue marriage licenses to couples regardless of gender.*

*2. Religious organizations and members of the clergy have the right to refuse to solemnize a marriage, and no person has the right to make any claim against a religious organization or member of the clergy for such a refusal.*

3. *All legally valid marriages must be treated equally under the law.*

Assemblywoman Diaz moved that the Assembly concur in the Senate Amendment No. 515 to Assembly Joint Resolution No. 2.

Remarks by Assemblywoman Diaz.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 469; Assembly Concurrent Resolution No. 10.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Bilbray-Axelrod, the privilege of the floor of the Assembly Chamber for this day was extended to Marcia Bollea, Katherine Lorenzo, and Eric Young.

On request of Assemblyman Brooks, the privilege of the floor of the Assembly Chamber for this day was extended to Rosalie Marrujo, Karolina Renteria, and Donna West.

On request of Assemblywoman Carlton, the privilege of the floor of the Assembly Chamber for this day was extended to Sondra Cosgrove.

On request of Assemblyman Carrillo, the privilege of the floor of the Assembly Chamber for this day was extended to Cinthia Zermeno.

On request of Assemblywoman Cohen, the privilege of the floor of the Assembly Chamber for this day was extended to Ivan Ramirez, Tobi Tyler, and Joseph Shalev.

On request of Assemblyman Daly, the privilege of the floor of the Assembly Chamber for this day was extended to Mark Lera and Lisa Foley.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Lilian Chicas and Larry Fosgate.

On request of Assemblyman Fumo, the privilege of the floor of the Assembly Chamber for this day was extended to Daniel Hofstein, Richard Lester, and Elizabeth Ramey.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Teresa Elk.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Stephanie Curry.

On request of Assemblywoman Joiner, the privilege of the floor of the Assembly Chamber for this day was extended to Sharon Ingram-Bevans, Cassy Rivas, and Miriam Smith.

On request of Assemblyman Kramer, the privilege of the floor of the Assembly Chamber for this day was extended to George Grover and Jill Mueller.

On request of Assemblywoman Krasner, the privilege of the floor of the Assembly Chamber for this day was extended to Jeff Carlton, Judith Saum, and David VonSeggern.

On request of Assemblyman Marchant, the privilege of the floor of the Assembly Chamber for this day was extended to Bertha Robledo, Juan Robledo, and Loretta Tancredi.

On request of Assemblyman McArthur, the privilege of the floor of the Assembly Chamber for this day was extended to Jerry Holliday, Lena Paola, and Shawana Rhodes.

On request of Assemblyman McCurdy, the privilege of the floor of the Assembly Chamber for this day was extended to Ken Evans, Richard Munk, and Connie Munk.

On request of Assemblywoman Neal, the privilege of the floor of the Assembly Chamber for this day was extended to Ralph E. Williamson.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Noa Peri-Jensch, Yohanan Lowie, and Neville Pokroy.

On request of Assemblyman Oscarson, the privilege of the floor of the Assembly Chamber for this day was extended to Denise Gerdes and Andrea Martinez-Jimenez.

On request of Assemblywoman Spiegel, the privilege of the floor of the Assembly Chamber for this day was extended to Lior Gal, Rebecca Avera, and Dillion Hosier.

On request of Assemblywoman Swank, the privilege of the floor of the Assembly Chamber for this day was extended to Maria Guadalupe Areola, Leonard Jackson, and Carolyn McClure.

On request of Assemblyman Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Rafael Lopez, Dinisha Mingo, and Ender Austin III.

On request of Assemblywoman Titus, the privilege of the floor of the Assembly Chamber for this day was extended to Carol Muir and Ralph Williamson.

On request of Assemblywoman Tolles, the privilege of the floor of the Assembly Chamber for this day was extended to Melissa Holland and Jen Robinson.

On request of Assemblyman Watkins, the privilege of the floor of the Assembly Chamber for this day was extended to Chris Roys and Kanani Espinoza.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Sigal Chattah, Hannah Alterwitz, and Matthew Levin.

On request of Assemblyman Yeager, the privilege of the floor of the Assembly Chamber for this day was extended to Cielo Gumabon and Asha Jones.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Friday, May 5, 2017, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:21 p.m.

Approved:

JASON FRIERSON  
*Speaker of the Assembly*

Attest: SUSAN FURLONG  
*Chief Clerk of the Assembly*