

THE EIGHTY-FIFTH DAY

CARSON CITY (Monday), May 1, 2017

Senate called to order at 11:09 a.m.

President Hutchison presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Chad Adamik.

Loving God, our source of being, first let me say; Thank You on behalf of all who are gathered here today. Thank You for Your many and abundant blessings. Thank You for life itself, for the measure of health that we need to fulfill our callings, for sustenance and for friendship. Thank You for the ability to be involved in useful work and for the honor of bearing appropriate responsibilities. Thanks, as well, for the freedom to embrace You or the freedom to reject You. Thank You for loving us even so, from Your boundless and gracious nature.

I pray for the leaders of our State government, for the leaders of this Chamber and for all those assembled here. I pray for the agenda set before them today. Please give an assurance of what would please You and what would benefit those who live and work in our beloved State.

It is in Your many Names I pray.

AMEN.

Pledge of allegiance to the Flag.

By previous order of the Senate, the reading of the Journal is dispensed with, and the President and Secretary are authorized to make the necessary corrections and additions.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Finance, to which was referred Senate Bill No. 3, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Finance, to which were re-referred Senate Bills Nos. 37, 38, 72, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOYCE WOODHOUSE, *Chair*

SECOND READING AND AMENDMENT

Assembly Bill No. 1.

Bill read second time and ordered to third reading.

Assembly Bill No. 33.

Bill read second time and ordered to third reading.

Assembly Bill No. 85.

Bill read second time and ordered to third reading.

Assembly Bill No. 385.

Bill read second time and ordered to third reading.

Assembly Bill No. 451.

Bill read second time and ordered to third reading.

Assembly Bill No. 490.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 35.

Bill read third time.

Remarks by Senator Settlemeyer.

Assembly Bill No. 35 expands the authority of Nevada's Commissioner of Insurance to examine and supervise insurers. The bill adopts portions of the National Association of Insurance Commissioners' (NAIC) Corporate Governance Annual Disclosure Model Act, which increases the disclosure requirements for all insurers domiciled in Nevada. It also adopts portions of the NAIC's Insurance Holding Company System Regulatory Act, which allows the Commissioner to act as a supervisor for an internationally active insurance group in certain circumstances. Finally, Assembly Bill No. 35 makes changes to provisions governing captive insurers, including, without limitation, state-chartered risk retention groups.

Roll call on Assembly Bill No. 35:

YEAS—21.

NAYS—None.

Assembly Bill No. 35 having received a two-thirds majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 54.

Bill read third time.

Remarks by Senator Cancela.

Assembly Bill No. 54 revises the circumstances under which an employer is required to report certain accidents or motor vehicle crashes to the Division of Industrial Relations. The bill requires an employer to report an accident or crash if it results in the hospitalization of at least one employee, rather than the current standard of three or more. Additionally, if the accident or crash causes the loss of at least one eye or an amputation, the employer must report it to the Division within 24 hours.

Roll call on Assembly Bill No. 54:

YEAS—21.

NAYS—None.

Assembly Bill No. 54 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 162.

Bill read third time.

Remarks by Senator Spearman.

Assembly Bill No. 162 authorizes State and local government entities to accept a permanent resident card issued by the United States Citizenship and Immigration Services of the Department of Homeland Security for the purpose of identifying a person. The bill also prohibits a business that accepts a driver's license or identification card issued by Nevada's Department of Motor Vehicles from refusing to accept a permanent resident card for the same purpose.

Roll call on Assembly Bill No. 162:

YEAS—21.

NAYS—None.

Assembly Bill No. 162 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 387.

Bill read third time.

Remarks by Senator Gansert.

Assembly Bill No. 387 clarifies that a licensed social worker must complete two hours of instruction in evidence-based suicide prevention training and awareness every two years.

Roll call on Assembly Bill No. 387:

YEAS—21.

NAYS—None.

Assembly Bill No. 387 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 476.

Bill read third time.

Remarks by Senator Hardy.

Assembly Bill No. 476 makes various changes to the provisions governing electronic notaries public. Specifically, this bill clarifies that an appointment as an electronic notary public does not authorize the electronic notary public to perform notarial acts in another state; removes a requirement for a notary public to file an additional bond and take an additional oath in order to become an electronic notary; makes a person's term of an appointment as an electronic notary public coterminous with that person's term of appointment as a traditional notary public; revises certain course requirements to become an electronic notary public; revises records requirements applicable upon resignation, revocation, or expiration of an appointment as an electronic notary public; revises provisions concerning an electronic signature or electronic seal that has been stolen, lost, damaged, or otherwise rendered incapable of affixing a legible image; and makes various changes to provisions concerning authentication by the Secretary of State to verify that the electronic signature of the electronic notary public on an electronic document is genuine and that the electronic notary public holds the office indicated on the electronic document.

Roll call on Assembly Bill No. 476:

YEAS—21.

NAYS—None.

Assembly Bill No. 476 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Joint Resolution No. 2.

Resolution read third time.

Remarks by Senators Segerblom, Denis, Hammond and Hardy.

SENATOR SEGERBLOM:

Assembly Joint Resolution No. 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. Finally, the resolution specifies that 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 refusing to perform a marriage.

SENATOR DENIS:

At my request the Legal Division researched whether the language in subsection 2 of this resolution would apply to unpaid clergy who perform marriages in conjunction with a church or other religious organization. The language says: "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." The Legal Division has opined that the term "clergy" as used in this language, unless otherwise defined by statute, would include both paid and unpaid clergy and any other person who performs a marriage on behalf of any type of religious organization.

SENATOR HAMMOND:

We take a lot of difficult votes in this Chamber. That is what our constituents elected us for. We are here to make the tough decisions on behalf of people who expect nothing less from us. This is, for me, a difficult vote in some respects. I have always held dear the sanctity of marriage, not as a function of the State, but as a religious covenant between one man and one woman, and I feel strongly about that belief.

In fact, I have voted against legislation similar to what we are voting on today in the past. But the sponsors of this legislation have shown a willingness to amend this bill to include very important religious exemptions and work with members of both parties. We do not see that enough in this Chamber.

When the Supreme Court legalized gay marriage several years ago, I was glad for my friends in the LGBT community. I will not pretend to understand their heart-felt feelings, but I do know that it was meaningful for them to have their love legitimized and their relationships recognized formally by society. Justice Anthony Kennedy noted in his opinion that, "No union is more profound than marriage, for it embodies the highest ideals of love, fidelity, devotion, sacrifice and family. In forming a marital union, two people become something greater than once they were."

My wife Tonya and I have been married for 25 years. I understood, inherently, what Justice Kennedy meant by that and how powerful of a statement it was. I also think of my friends who fought so hard to pass a traditional marriage amendment. I do want to recognize those individuals. They have enormous passion and a deep commitment. It is out of respect for their beliefs that they fought to protect that meaning, and I respect and commend them for that.

But the Supreme Court has ruled, and as a public servant, I have to respect that ruling, and I believe it is important for Nevada to come into compliance with it. This bill allows us to do that while continuing to protect the freedom of religion. This bill will allow individual and institutions to continue to adhere to their beliefs. I urge my colleagues to join me in voting yes today.

SENATOR HARDY:

I have stood before for the divinely ordained ordinance of marriage to be between a man and a woman, and I still so stand. I likewise believe in honoring and obeying the law of the land. I believe in the principal of self-determination or agency granted to each of us before this mortal existence began, and continues to be in force. I believe governments have a responsibility to protect all people from egregious infringements that do not allow them to follow the dictates of their conscience. Tolerance is best demonstrated as a two-way street. I worry that differences of opinions will be construed as hate and lead to animosities that will prevent us from being appreciative of one another. I would implore all of us, including myself, to search within ourselves for ways to understand concerns for those with whom we disagree. How can we protect the rights of conscience with those whom we disagree? I do not know.

We Legislators practice disagreeing with one another on a regular basis, so we should be able to discuss things respectfully and come to some consideration for opposing things even if we cannot still agree on all the issues. Same gender marriage is the law of the land, and those marriages should continue to be recognized as legally binding. I mourn when I, or others, act with perceived hate or contempt for those on either side of this debate. I am appreciative of my family, friends and peers as they, and you, have all been patient with me during this time of

tender discussion. A marriage vow of any kind will help protect and stabilize society and the individuals involved who are committed to each other. I cannot support this resolution, however, with all of its good intentions.

Roll call on Assembly Joint Resolution No. 2:

YEAS—19.

NAYS—Gustavson, Hardy—2.

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

Resolution ordered transmitted to the Assembly.

UNFINISHED BUSINESS

There being no objections, the President and Secretary signed Assembly Concurrent Resolution No. 10.

Senator Ford moved that the Senate adjourn until Tuesday, May 2, 2017, at 11:00 a.m.

Motion carried.

Senate adjourned at 11:31 a.m.

Approved:

MARK A. HUTCHISON
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate