

**THE FIFTY-FIRST DAY**

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CARSON CITY (Wednesday), August 16, 2023

Senate called to order at 11:46 a.m.

President Marshall presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Don Baumann.

Good and gracious God, our hearts are heavy this morning as we remember the ultimate sacrifice by Officer Eric Talley and the nine people in the Boulder, Colorado grocery store who lost their lives in another act of senseless violence yesterday. We ask for Your comfort for Officer Talley's wife and seven children along with the other nine families whose lives have now been changed forever.

We ask for Your protection for all in law enforcement who accept the risk of their own safety daily, as they put on their uniforms, from those who are protecting this assembly to those who serve where we live.

Finally, we ask for the wisdom of Solomon for this Body who has been appointed by You to punish those who do wrong and commend those who do right through the laws they enact. May they thread the impossible needle that balances gun ownership while punishing and trying to prevent crimes of gun violence like yesterday.

We ask this in the Name of the God of justice.

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.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, March 22, 2021

*To the Honorable the Senate:*

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bill No. 103.

CAROL AIELLO-SALA

*Assistant Chief Clerk of the Assembly*

WAIVERS AND EXEMPTIONS

NOTICE OF EXEMPTION

March 23, 2021

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the exemption of: Senate Bills Nos. 306, 331.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Senate Bill No. 117.

WAYNE THORLEY

*Fiscal Analysis Division*

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro moved that Senate Joint Resolution No. 8 of the 80th Session be taken from the Secretary's desk and placed on the Resolution File.

Motion carried.

Senator Ratti moved that Senate Standing Rule No. 50 be suspended, and that Senate Bill No. 336 be withdrawn from the Committee on Commerce and Labor and re-referred to the Committee on Natural Resources.

Remarks by Senator Ratti.

We are coming up upon deadline dates, and this bill has content that would be of interest to both the Committee on Commerce and Labor and the Committee on Natural Resources. This allows us to balance some workload and make sure this bill gets the proper hearing.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Senators Pickard, Settlemeyer, Buck and Hardy:

Senate Bill No. 339—AN ACT relating to common-interest communities; authorizing a unit-owners' association of a common-interest community to lease abandoned residential property within the common-interest community in certain circumstances; and providing other matters properly relating thereto.

Senator Pickard moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Senator Neal:

Senate Bill No. 340—AN ACT relating to employment; requiring the Director of the Department of Health and Human Services to establish a home care employment standards board under certain circumstances; prescribing the membership of a home care employment standards board; requiring such a board to conduct an investigation into certain matters relating to the employment of home care employees; requiring such a board to develop recommendations concerning the minimum wage for home care employees or the working conditions of such employees; authorizing the Director to adopt regulations implementing such recommendations; revising provisions governing the administration and enforcement of provisions governing the minimum wage paid to employees in this State; providing penalties; and providing other matters properly relating thereto.

Senator Neal moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Senator Spearman:

Senate Bill No. 341—AN ACT relating to health care; requiring the Division of Public and Behavioral Health of the Department of Health and Human Services to apply for grants to reduce disparities in health care and behavioral health; creating and prescribing the duties of the Kidney Disease Prevention and Education Task Force; imposing requirements concerning expenditures relating to certain health matters; creating the Minority Health and Equity Account to hold funding for the Office of Minority Health and Equity within the Department; authorizing the Office to enter into a joint partnership with a public or private entity; requiring a managed care plan that

provides behavioral health services to recipients of Medicaid to prepare and implement a plan to ensure the delivery of such services in a culturally competent manner; and providing other matters properly relating thereto.

Senator Spearman moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Education:

Senate Bill No. 342—AN ACT relating to higher education; authorizing the Board of Regents of the University of Nevada to enter into an agreement to affiliate with a publicly or privately owned medical facility or related entity for certain purposes; and providing other matters properly relating thereto.

Senator Denis moved that the bill be referred to the Committee on Education.

Motion carried.

By Senators Pickard, Hansen, Hardy and Buck:

Senate Bill No. 343—AN ACT relating to education; creating the Account for Improvements to Leased Property; setting forth various requirements related to lease agreements for school facilities to reduce class sizes; authorizing the board of trustees of a school district to enter into lease agreements for school facilities to reduce class sizes; requiring the revenues collected from various excise taxes on the sale of cannabis and cannabis products to be deposited in the Account for Improvements to Leased Property; and providing other matters properly relating thereto.

Senator Pickard moved that the bill be referred to the Committee on Finance.

Motion carried.

By Senator Ohrenschall:

Senate Bill No. 344—AN ACT relating to animals; enacting provisions relating to the importation, possession, sale, transfer and breeding of dangerous wild animals; and providing other matters properly relating thereto.

Senator Ohrenschall moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By Senator Ohrenschall:

Senate Bill No. 345—AN ACT relating to juvenile justice; raising the minimum age at which a child may be punished for a crime or adjudicated delinquent for an act that would be a crime if committed by an adult; and providing other matters properly relating thereto.

Senator Ohrenschall moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assembly Bill No. 103.

Senator Ratti moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senator Cannizzaro moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 11:54 a.m.

#### SENATE IN SESSION

At 12:00 p.m.

President Marshall presiding.

Quorum present.

#### MOTIONS, RESOLUTIONS AND NOTICES

Senator Ratti moved that the action whereby Senate Bill No. 340 was referred to the Committee on Commerce and Labor be rescinded.

Motion carried.

Senator Ratti moved that Senate Standing Rule No. 40 be suspended and that the bill be referred to the Committee on Health and Human Services.

Motion carried.

#### SECOND READING AND AMENDMENT

Senate Bill No. 42.

Bill read second time and ordered to third reading.

Senate Bill No. 65.

Bill read second time and ordered to third reading.

Senate Bill No. 117.

Bill read second time and ordered to third reading.

Senate Bill No. 196.

Bill read second time and ordered to third reading.

#### MOTIONS, RESOLUTIONS AND NOTICES

Senator Brooks moved that Senate Bill No. 117 be taken from the General File and re-referred to the Committee on Finance.

Senator Kieckhefer moved that Senate Bill No. 47 be taken from the General File and placed on the Secretary's desk.

Motion carried.

#### GENERAL FILE AND THIRD READING

Senate Bill No. 9.

Bill read third time.

Remarks by Senator Denis.

Senate Bill No. 9 creates an exemption to the State licensure requirement for investment advisors to specific types of qualifying private funds as defined in federal law. In order to qualify

for the licensure exemption, the investment advisor must provide advice solely to one or more qualifying funds; not be required to register with the Securities and Exchange Commission; not have engaged in any activity that would disqualify an issuer pursuant to federal law, and pay any fee required by the Securities Administrator.

The bill also sets forth the investment advisor's duties and disclosure and reporting requirements. It defines the terms "eligible fund" and "qualified client" per federal law. An investment adviser who becomes ineligible for the exemption under this measure must comply with any applicable laws for licensure within 90 days of ineligibility.

Roll call on Senate Bill No. 9:

YEAS—21.

NAYS—None.

Senate Bill No. 9 having received a two-thirds majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 35.

Bill read third time.

Remarks by Senator Goicoechea.

Senate Bill No. 35 eliminates the Fund for the Private Investigator's Licensing Board within the State General Fund and, instead, requires the Board to deposit all money that the Board receives in banks, credit unions, savings and loan associations, or savings banks in this State, with the exception of fines resulting from when a hearing officer or panel is not utilized by the Board for a disciplinary matter and a fine is imposed upon a licensee.

Sections 2 and 3 of Senate Bill No. 35 are effective upon passage and approval for purposes of the Board establishing a bank, credit union or savings and loan account and for other administrative tasks, while Section 1 of the bill is effective on October 1, 2021.

Roll call on Senate Bill No. 35:

YEAS—21.

NAYS—None.

Senate Bill No. 35 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 58.

Bill read third time.

Remarks by Senator Seevers Gansert.

Senate Bill No. 58 revises the responsibilities of the Investigation Division of the Department of Public Safety to include investigations relating to technological crimes and assisting other divisions within the Department of Public Safety. In addition, the bill authorizes the Investigation Division to conduct criminal investigations relating to enforcement of statutes relating to cannabis, upon request by other State agencies. Finally, the measure authorizes the Investigation Division to assist any board, agency, commission or other unit of the Executive Branch that requests assistance and is authorized to conduct criminal investigations.

Roll call on Senate Bill No. 58:

YEAS—21.

NAYS—None.

Senate Bill No. 58 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 8 of the 80th Session.

Resolution read.

Remarks by Senators Cannizzaro, Hansen, Spearman, Seevers Gansert, Neal, Scheible, Ohrenschall, Harris, Hammond, Pickard and Hardy.

SENATOR CANNIZZARO:

Senate Joint Resolution No. 8 of the 80th Legislative Session proposes to amend the *Nevada Constitution* by adding a guarantee that equality of rights under the law shall not be denied or abridged by this State or any of its political subdivisions on account of race, color, creed, sex, sexual orientation, gender identity or expression, age, disability, ancestry or national origin. If approved in identical form during the 2021 Legislative Session, the proposal will be submitted to the voters for final approval or disapproval at the 2022 General Election.

I would like to share a story with you. In 1936, Sylvia was born in rural upstate New York, the daughter of potato farmers. As a young girl, Sylvia excelled in math at school. She dreamed of graduating from high school and attending college. She was smart and hardworking, earning a scholarship to go to college. Rather than graduating high school and attending college, she was told that college was not for girls. It was not what girls do. Girls, her parents explained, should not endeavor to seek an education. Sylvia never did go to college. She married and was soon a mother of four children. When her husband left home one day, she suddenly found herself alone and struggling to raise her children. Neighbors would stare. What kind of person was a single mother? She struggled to find a job and ended up working multiple jobs just to provide for her children. When she attempted to get a home loan in order to put a roof over the heads of her children, the bank refused to see her. A single woman could not get a loan without a husband.

Sylvia's daughter, Norma, found herself looking for employment to help her family rather than finishing high school. She moved to Las Vegas and eventually had three daughters of her own. She continued to work in restaurants and, eventually, found herself managing one of them. One day, she noticed an unexpected raise in pay. She discovered another female worker had filed a lawsuit claiming there was disparity in pay between male and female employees. That employee won. Unbeknownst to her, Norma was making less than her male counterparts were simply because she was a woman. When Norma joined a local community service and civic organization, she looked to join the ranks of leadership, offering ideas about how to obtain grants in order to spruce up the meeting place. She was repeatedly told that because she was a woman, she was better suited for the spouses group, not the leadership of the organization.

Early on, Norma's oldest daughter decided she wanted to go to law school. There were many times when others told her that she should rethink her career decision because women do not usually make good lawyers and besides, how would she ever find a husband if her focus was on school and not on how well she could cook? Her daughter was told she would need to be twice as smart and three times as prepared if she wanted to compete with the men in her class for jobs, internships and the like. Imagine her surprise when, during a job interview for a legal position, she was asked if she knew how to make coffee and whether she would be capable of ensuring there was always hot coffee in the office if hired. She was asked if she was planning on having children soon. They stated it was so funny when they hired someone, who then took maternity leave and decided not to return, thereby leaving a vacancy which they have to cover when the person is out. They said they were sure she understood the complication if that was something in her future, and it would be better to choose not to have children in order to keep a career. Imagine, if she was to have a child, how would she keep her obligations to her chosen career path?

One of the most prevalent questions I have been asked about Senate Joint Resolution No. 8 of the 80th Session is, why should we endeavor to place equality in our own *Nevada Constitution*. Some have asked why this is even needed because, surely, we have come far in passing legislation to ensure every person is treated equally. Certainly, with a majority female Legislature, and with

the diversity of representation amongst this Body, we have come far from the days of prohibiting women from getting home loans merely because they were single. This is a true statement, but it did not simply happen. We did not wake up one day and suddenly find that equality abounds. I would argue that, despite passing laws that have incrementally eroded pieces of inequality, barriers still exist. They are laid bare for the world to see in the midst of a global pandemic. Ask any person who may fall within the parameters of the language in Senate Joint Resolution No. 8 of the 80th Session whether the world is truly equal. I would bet, despite the long way we have come, they would say inequality still exists. It is important to keep in mind that this sense of equality is the result of expensive, hard-fought legal battles challenging the legal constructs that have permitted inequality to persist.

We often are pointed to the *Nevada Constitution* or several Nevada statutes showing equality under the law already exists. As an example, within the text of Senate Joint Resolution No. 8 of the 80th Session, there is mention of NRS 217.420, which deals with grants from the Account to Aid Victims of Domestic Violence. This section requires an applicant provide its services without any discrimination because of race, religion, color, age, sex, sexual orientation, gender identity or expression, marital status, national origin or ancestry. We are pointed to specific instances where equality may be displayed to argue the idea there is no need for this type of constitutional affirmation.

The first black president, the first female-majority Legislature, concrete examples of what it means to be diverse demonstrate equality still alludes us with women earning just 82 percent of what is earned by their male counterparts, black women earning 63 percent and Latina women making just 55 percent. Inequality still exists. In our homeless populations, there are disproportionate numbers of males, black individuals, middle-aged veterans and the disabled. In the last four years, we have fought for an accommodation for pregnant mothers, equal pay for equal work, paid time off and more policies to address inequality.

This begs the question, if the statutes ensuring equality are acceptable and something upon which we should hang our hats, why are they not good enough for our Constitution? There is a difference between pointing to specific instances, or even a State statute, and ensuring equality of treatment under the law from a constitutional perspective. When a law is challenged because it is discriminatory in nature or in its effect, the court must consider whether that law meets a particular standard. For example, when someone who is discriminated against on a basis of their sex challenges a law, the court, even under the Equal Protection Clause of the 14th Amendment, looks to see whether the policy or law serves an important government interest and whether it is substantially related to those objectives. In the language of the preamble to Senate Joint Resolution No. 8 of the 80th Session, it specifically mentions the general nature of the protections afforded by the Equal Protection Clause of the 14th Amendment. In this acknowledgement, there is a lack of specificity in ensuring equal rights diminish the ability to challenge laws where the effect is discriminatory. Where there is a constitutional guarantee to equality, that specific guarantee ensures not only that a law is not facially discriminatory but also it ensures that, in its application, it is, likewise, not discriminatory. It solidifies we believe discrimination should be evaluated by ensuring the court requires the State to provide a compelling interest for the challenged law and demonstrates that the law is narrowly tailored to achieve that purpose. What we prohibit, by ensuring equality in the fabric of our Constitution, is that discrimination cannot be cloaked in neutral statutory language. It must be equal in its application. This means we cannot justify discriminatory acts because of a long-standing tradition. There must be compelling interest that is best served by a narrowly tailored statute to address that interest. Disregarding the legal significance of why that is important is to turn a blind eye as to why we are all here to serve, why we pass laws in the first place.

Some of the specters that have offered to defeat Senate Joint Resolution No. 8 of the 80th Session include the naïve argument that equality already exists and, thus, a re-affirmation of such equality is unnecessary. This argument quite plainly ignores judicial review and implicitly validates the notion certain people ought to be protected under the law and certain others should not. There are claims this will diminish the ability of girls to play sports activity; that we have diminished faith in female athletes or are ripping opportunities from them. It is important to note that Senate Joint Resolution No. 8 of the 80th Session does not seek to erase the differences between every person and what those differences uniquely and beautifully represent. What it does

is to ensure equality of opportunity and the promise that simply because of your sex or gender, your race, color or creed, that basis is not enough. It is not sufficient to be treated unfairly under the law.

I share these stories of Sylvia and Norma with you because these strong, inspiring women are examples of why equality is so important. In an age of proclaimed equality, I share these stories not for the first time but for a consecutive time nearly four years after I first shared them with this Body. The fight for equality is ongoing. In 2016, Sylvia's granddaughter, Norma's daughter, was elected to represent the people of Senate District 6 in the Nevada State Senate. Unlike my amazing grandmother, I was able to attend college. I was able to pursue a career and was not inhibited by whether or not I knew how to make coffee or whether I made certain choices about whether or when to have a family without it endangering my career. That fight is long from over. I am proud to be their daughter and granddaughter, and I stand in full support of Senate Joint Resolution No. 8 of the 80th Session.

SENATOR HANSEN:

In the 2019 Session, in this Chamber, we passed a bill dealing with equality, voter equality. We decided we would give up select rights Nevadans had when it came to the national popular vote. Although it was a 12 to 8 vote in this Chamber, the Governor vetoed that measure because it removed selective rights that protected the citizens of the State of Nevada. I still occasionally have people come up to me and ask "Don't you believe that all votes should be counted equally?" When I tell them "no," and they are shocked. I give them a simple example; on the other side of this mountain range to the west are 35-million people. Those 35-million people get two United States Senators. In Nevada, even though we only have 3-million people, we also have two United States Senators. That is an almost ten to one voter advantage and protection under the law. This is why, when we give the Pledge of Allegiance, we pledge to a republic and not a democracy. The laws protect and give advantages to minorities.

When I listened to some of the supposed advantages of equality, people immediately understand that when we give up and become equal when it comes to voting rights, we actually give up advantages, protections and entitlements that exist under our Constitution. Some advantages and benefits we now have in our laws protect women. These include: athletic scholarships for women; women-only sports; special laws on alimony, family law and child custody; shelters for battered women; women-only academic scholarships; specific offices reserved exclusively for women; additional penalties for harming pregnant women; preferential treatment in custody hearings; blue-collar labor standards with protection for women; physical testing examinations that are different for women, and bathroom and locker-room facilities. There is no military draft for women. These are all laws that exist today and give protection to women. If we were truly to have equality, like equality in voting, those rights would be given up. Why would we want to do that?

I have a wife, mother, 4 sisters, 4 daughters, 8 granddaughters and 23 nieces, most all of who live in the State of Nevada. I do not want to see them give up the rights, privileges and advantages the feminist movement has put on the books to protect them and give them advantages. When it comes to physical strength, males have a distinct advantage. A question often comes up about a disparity in pay between men and women. That is against the law. Our Attorney General in Nevada would love the opportunity to aggressively prosecute anyone in the State who knowingly violates equal pay laws and gives a man more than a woman or a woman more than a man for that matter. Once this is put into the Constitution, we remove our ability, as a legislative body, to amend inequalities that may exist in law. Once it is in the Constitution, it is much more difficult for a legislative body to make necessary changes.

I see no necessary or logical reason to, essentially, undo what several generations of the feminist movement have successfully placed in law. I did not touch on Title 9, but we have our own version of this law in *Nevada Administrative Code*, section 385. We just had a beauty pageant here in Nevada where the women contestants were defeated by a biological male. That pageant is a stepping-stone to becoming Miss Nevada. Are we really going to deny women the opportunities to get those scholarships that come with that title by allowing someone to participate who is biologically male? We have some incredibly confused thinking in our Nation now. We have parents who are going to wait until their children grow up to determine whether they are a boy or



a girl, and they will get to make the determination. You may as well wait for them to ask, "Which planet is the sun and which is the moon?" because there are biological factors known as the "X" and "Y" chromosomes that determine that prior to birth. People in this room have asked me if I believe in science when it comes to the climate debate. I believe in science, and I believe in science when it comes to biology. There is nothing more basic in science than that.

I have a certain sense of *deja vu*. When Alice Paul wrote the Equal Rights Amendment in 1923, she included only the word "sex." We have added nine additional categories to that original amendment. If most of the early feminists were to review this and see that all of the advantages placed into law are going to be stripped away, they would think we have all lost our minds. This is similar to stripping away voter rights if we came to true equality in everything. Especially in a female-majority legislature, there is nothing we now cannot do in this Body.

In November 1978, the Equal Rights Amendment (ERA) was on the ballot in Nevada. It was defeated by more than a two-to-one vote. The most aggressive opponents were grassroots women in Nevada who did not want to give up the advantages they had. When this goes on the ballot, I believe it is facing a similar defeat simply because of one inclusion, and that is gender identity and expression. This, if placed in law, will allow biological males to compete in all areas currently reserved exclusively for women. I do not want to see this Body give up the rights of my female children, grandchildren, nieces or any other women in the State of Nevada. I urge this Body to vote "no" on Senate Joint Resolution No. 8 of the 80th Session and give serious consideration to the ramifications for all of the girls who will lose the advantages, entitlements and privileges the feminist movement has so aggressively placed in law for their protection. I urge my colleagues to vote "no" on Senate Joint Resolution No. 8 of the 80th Session for the good of the women in the State of Nevada.

SENATOR SPEARMAN:

I was born a little girl, a little black girl who grew up to be a black woman. I am one of the people affected by the lack of equality in our Constitution and, for that matter, the *United States Constitution*. Let me break it down to you as a "girl" and as a "woman." Over the years, the quest for equality has been met with the same obstinacy over and over again. Many of the arguments against this today are the same ones that were used against it in the 70s. Again, I am speaking as a girl who grew up to be a woman, a black woman. That is important because, most of the time, I see the people who are arguing against this equality were born in privilege. If you go back in history, the Constitution was not even written for average white men, it was written for white, wealthy men. Over the years, it has morphed to include supposedly everybody. I do not believe that. I do not believe that because most of the people in the generation before me could not even vote until the Voting Rights Act passed. Most of the people in the generation before me had to watch the signs stating "colored" or "white" on water fountains. You want to talk about men going into a women's restroom, try putting up a sign that says "colored" and "white" on the restrooms. That is what I grew up with. We have not yet given up, and we will not give up now. Those born in privilege have no idea what it feels like to be excluded based on sex, gender or whatever you want to call it. At the end of the day, my gender is also accompanied by my blackness that has experienced, and is still experiencing, racism, sexism, and as a member of the LGTBQ community, homophobia. How about that?

We do not give up. We are going to persist. Abolitionists persisted in order to end the heinous practice of slavery. In the South, Negroes, as we were then called, persisted to end Jim Crow. African-Americans also persisted to get the 1964 Civil Rights Act. Cesar Chavez and migrant workers persisted to improve working conditions. Vietnam veterans persisted to get the health-care they so deserved, along with recognition for their service and appreciation for their sacrifice. HIV/AIDS activists persisted to ensure they had the human dignity already given to them by God. When you stop to think about this, "I ain't asking nobody to give me the right to be equal." I was born equal. The Equal Rights Amendment does not say it is the only way you can be equal, it says, "recognize my equality."

Those who were born in privilege never had to walk into a store and be followed and asked what they were doing. They never walked into a grocery store and had to be careful about what they said or did or lived in the South and had to be concerned about being lynched. Women, even when they are raped by someone who is not drunk but is an athlete are told, "Boys will be boys."

I ain't asking you to give me equal rights. I am saying you need to recognize my equal rights just like you recognize my blackness, just like you recognize my woman-ness. Recognize that."

If you look through the lens of the lived experience of most women, and probably all women in the BIPOC community, you will find, to a certain extent, that white women have been placed on a pedestal. This was one of the reasons they had mammies to take care of the kids and let the newborn babies suck on their breasts. They had no milk, but that is what they did. When you stop and take a look at my lived experience, through the lens of my life, you know exactly why I support the ERA. If you can comprehend what it means to have to fight every day of your life to be recognized as equal, if you understand that, then, you know why we should vote "yes" on this resolution.

There ain't no equality comes to me easy. I know "ain't" is not a proper word, but I have three degrees so I am going to use it again; we ain't gonna stop fighting, not now, not ever. In 1978, Nevadans overwhelmingly defeated an ERA amendment. This was after the first black man to be a Senator in Nevada, Senator Neal, fought so hard to bring it through to that point. He believed in it then, and he lived that belief.

We want to say everybody is equal. No, everybody is not equal. If you look at the riot that happened at the United States Capitol on January 6 and then look at what happened to marchers who had a legal right to protest, even here in Nevada, the latter were shot with rubber bullets. They did not have guns. They did not have poles to use to beat police. They were not shouting obscenities. They were just asking for justice. If you understand why I am so passionate about fighting for equality, you know exactly what I have lived through all of my life. Discrimination after discrimination, cloaked in terms like, "We are just trying to help you." No. I do not need your help. What I need you to do is recognize my equality.

That is what Senate Joint Resolution No. 8 of the 80th Session does. I am sure many in this room will "vote their conscience." I want you to do that because I am going to vote my conscience. I am going to vote the conscience of my mother. I am going to vote the conscience of my grandmother. I am going to vote the conscience of my sisters and my great-grandmother and every woman I have ever met who has struggled for equality. Yes, I am going to vote my conscience. I urge this Body to vote "yes" on Senate Joint Resolution No. 8 of the 80th Session.

This is a black girl who grew up to be a black woman who wants recognition in the *Nevada Constitution*.

SENATOR SEEVERS GANSERT:

I support Senate Joint Resolution No. 8 of the 80th Session, today, as I did two years ago. This is actually the third time I have supported a measure on equal rights over the last three Legislative Sessions. The first time, I was the lone Republican, and the last time I was joined by several of my Republican colleagues. I do not view equality as a partisan issue.

Members of this Body are elected to review material, get the facts and make decisions. Particularly on this piece of legislation, the rhetoric is rampant and "what if" scenarios ample. I have close friends and family on both sides of this issue. This resolution raises our emotions because it feels personal. This resolution includes powerful words that can make a difference in people's lives. Let us pause for a moment and think about who we know that are people of different colors, religions, sexual orientations and more.

This Body itself reflects great diversity. The words of the resolution reflect people of great diversity, and we are talking about whether they, as individuals, should have "equality of rights under the law." I have taken time to review and research what this resolution means in form and practice. Senate Joint Resolution No. 8 of the 80th Session simply states, "... equality of rights under the law shall not be denied or abridged by this State or any of its political subdivisions on account of race, color, creed, sex, sexual orientation, gender identity or expression, age, disability, ancestry or national origin." Again, it states, "... equality of rights under the law shall not be denied or abridged ..." That is a clear statement of purpose. This amendment to the Constitution is limited to "this State or any of its political subdivisions," not the private sector.

This amendment is limited in scope. We have passed dozens of statutes to make sure people cannot be fired, denied housing or denied public services because of race, color, creed, sex, sexual orientation, gender identity or expression, age, disability, ancestry or national origin. Our State-level Equal Rights Amendment will strengthen these protections. Specifically, we have had

questions concerning religious protections. I firmly believe we must have freedom of religion. I am a lifelong practicing Catholic, and my religion is important to me. During the Senate's Legislative Operations and Elections Committee, I specifically asked about protection of religious beliefs. The record clearly established that the word "creed" covers religious beliefs. In addition, the *Nevada Constitution* in Article 1 already protects freedom of religion, so there is already a constitutional provision that prohibits laws that provide unequal treatment based on religious beliefs as those laws would be impinging on freedom of religion. The reference to "creed" here provides the same type of protection that would already be included in Article 1 of the *Nevada Constitution*. It is also protected by the First Amendment to the *U.S. Constitution*. This amendment secures religious freedom.

We have had questions on athletics. When asked about gender-specific sports teams for schools, the Legislative Counsel Bureau, Legal Division, responded that because the State has a compelling governmental interest in ensuring competitive balance and the integrity of school sports, the amendment would not prohibit having gender-specific sports teams for schools. Again, the amendment would not prohibit having gender-specific sports teams for schools.

Regarding abortion, in 1972, Texas amended its state constitution to include, "Equality under the law shall not be denied or abridged because of sex, race, color, creed or national origin." Despite this language, the state still has many restrictions on abortion. In contrast, New York has not amended its constitution to include a prohibition of sex discrimination but is considered one of the most aggressive abortion rights states in the country.

Clearly, the intent of this resolution is not to restrict religious freedom, undermine women's athletics or expand abortion practices in Nevada. Rather, the intent is as stated, to provide equality of rights under the law. Our system of checks and balances will see challenges and address all of these issues over time. We were elected to make hard decisions, and I have weighed the facts and consciously set aside the hyperbole. I am left with the conclusion that equality is essential to our society. I choose to be on the side of history where all people have the right to equality under the law. My vote will be a strong and resounding "yes." I support this amendment and support providing Nevadans the opportunity to vote on this measure.

SENATOR NEAL:

I rise in support of Senate Joint Resolution No. 8 of the 80th Session. Audrey Lord once said, "When I dare to be powerful and use my strength in the service of my vision, then it becomes less and less important whether I am afraid." These words have fueled my life as a woman and my life as a black woman. They fueled my mother's life as a mulatto woman.

The Equal Rights Amendment is, and was, a powerful movement. Yet, black women still struggle for equality. We continue to ask the equal right to be paid the same as our other racial counterparts. We still seek not to be cast into the deep myth of stereotypes that have blemished our lives. This Nation has chosen who they would like to give rights to and has been super selective about the power it wishes to bestow upon groups.

In 1920, women got the right to vote, but this did not apply to black women who were still disenfranchised by poll taxes, tests on the Constitution and violence. In 1924, Native-American women, under the Citizenship Act, were given the right to vote. In 1952, Asian-American women who happened to be naturalized immigrants were given the right to vote under the Walter McCarran Act. In 1975, the United States began to allow people with limited English proficiency the right to vote through an amendment to the 1964 Voting Rights Act.

I cite these milestones because of their selective attitudes regarding which classes of people were entitled to rights and which classes were not. I had a father who, in 1977, fought for the ERA, and a mother, who, in the early 80s, decided she would quit working and build her own business. She dared to be powerful in the service of her vision, as did many other women I know. They simply dared to be by refusing to be sidelined and marginalized. One of my greatest goals has been to speak power to a woman who, even on welfare or is a young student hopeful to graduate from college, that who you imagine, who you dream and who you dare to be in the service of your vision is your greatest power. Do not be afraid, do not be silenced, but be fearless in the service of your identity.

I close by quoting Audrey Lord who said, "Silence has never protected you, and it never will." I support Senate Joint Resolution No. 8 of the 80th Session.

## SENATOR SCHEIBLE:

I would like to remind this Body that it is the tool of the oppressor to turn the oppressed against each other, as if trans women are not also women, as if trans girls are not also girls, as if the barriers I, or my colleagues from Districts 1, 4, 5, 6, 7, 8, 11, 13, 15 and 21 experienced were erected by transgender people. It is not just sexism but misogyny that has stifled our voices and has attempted to crush our spirits not just today, not just yesterday, but for generations.

Creating an artificial fear, a boogiemán, a "somebody else" who will threaten our equality and our dignity is the tool of the oppressor to ensure that those of us who have not been treated equally under the law will look at each other instead of the system that has created that inequality. To provoke infighting, to create division, to sow that argument and that antipathy is a false narrative that pits us against each other. Suggesting that transgender men are not men and that transgender women are not women is wrong.

Here, in the State of Nevada, we believe in equality. We come to this Legislature every day to ensure that all of our constituents are heard, in the Assembly, in the Senate and in our government. We do not ask them to point fingers at each other. We look at ourselves and ask what more can we do for Nevadans to ensure every child grows up realizing their full potential to be an athlete, an artist, a lawyer, an author or to win a beauty pageant. A woman won the Miss Silver State beauty pageant this year, and her name is Kataluna Enriquez. I wish I had a chance to talk with her before sharing this but, since she told the *Parhump Valley Times*, I hope she will not mind I am repeating it. She said, "I wanted to share my story and present that I was more than just a body. Pageantry people think it is only about beauty, but it is how you present yourself, what you advocate for, what you have done and the goals you have." As Nevadans, our goal should always be to improve upon the laws we have already passed, to strengthen our resolve to be equal, to treat others with equality, dignity, kindness and compassion. It is to recognize that every Nevadan has the right to be treated equally under the law. That right is not just something we talk about on the Senate Floor. It is not just something that we will tweet about later today. It is a legal protection that allows the people who are actually suffering and actually oppressed some chance for justice. It offers them hope that one day a court of law will look at their case, recognize they have been oppressed and make some kind of change. They will get their day in court. They will get that ruling that says every single Nevadan shall be treated the same under the law. It might not be enough. Here, in this Body, we cannot change every heart and mind with a speech, a vote or a bill. We can stand up for what is right, do right by our constituents and pass Senate Joint Resolution No. 8 of the 80th Session.

## SENATOR OHRENSCHALL:

I rise in support of Senate Joint Resolution No. 8 of the 80th Session. I have been looking at the history of the ERA from the 1970s. In 1973, there were only four Senators in this Chamber who were willing to vote "yes" in support of the original ERA: my colleague's father, State Senators Joe Neal; State Senator Richard Bryan, Thomas R.C. "Spike" Wilson from Reno and our GOP friend, Cliff Young from Reno; the rest of the Chamber was "no." In 1978, the measure failed on the ballot. Nevada is a different State than it was back then. Nevada has changed, and our constituents have changed. Voting for this resolution will give our constituents an opportunity to weigh-in on this. When it passes, it will mean so much to many people who never had these types of rights before. I urge its support.

## SENATOR HARRIS:

I speak in support of Senate Joint Resolution No. 8 of the 80th Session today. No woman, no minority has an advantage in America, not by law, not by any other mechanism. We have placed tax breaks and explicit inequality into the *Nevada Constitution*. It is "equality" that makes some nervous? Only those who do not need laws to protect their rights have the audacity to proclaim that there are advantages that will disappear by enshrining "equality" into law.

Regarding transgender women participating in female sports, I am a female athlete, and I am not scared. I welcome transgender female colleagues. The idea that any biological male would pretend to be transgender to take away a scholarship from a biological female is absurd. It demonstrates how far we still need to go to understand the shoes that our transgender citizens walk in. No one chooses to be transgender. There are no benefits. From the best data we can collect, transgender people face frequent experiences of discrimination, violence, social and economic

moralization, and abuse across their lifetime. A transgender person is murdered at least once every three days. If anything belongs in the *Nevada Constitution* it is equality. We must take some time to think about why it is the current systems are set up the way they are; why we even have to say it, but we do. I urge its passage.

SENATOR HAMMOND:

Over the last month or so, I have had several conversations, e-mails and voice mails on this issue. I know two years ago how I voted, and I want to recap the statement I made two years ago and inject a few thoughts for today. Two years ago, I said I was given limited time to review the resolution. We have had two years to look at the contents of this resolution and the message it conveys. I have had a lot of time to talk to people about what this resolution says and what it does not say.

Many of the arguments against have been conjecture, what might happen and the ramifications if this happens. I look at the face of the resolution, what it is asking we Legislators and what it is asking the people of the State of Nevada to eventually vote on. No part of this is anything but equality under the law. I said it two years ago, and I still say it today. The issue before us today is not one of social issues. Perhaps, it will be one day. Maybe we will see policies and laws passed. Debate will continue. Court cases will continue to adjudicate, and we will come to conclusions on certain issues as described by some of my colleagues on the Floor today.

As far as this resolution, the fact it will make its way to the people who will make the final decision, I am comfortable with that. We will have debates on other issues. I have said this before, this is a question of justice, period. We can have no true, just society without first and foremost ensuring each citizen is equal under the eyes of the law. I said that two years ago, and I believe it is true today.

Additionally, two years ago, I also said that while debating the Fourteenth Amendment, the great abolitionist and lawmaker, Thaddeus Stevens, said, and I quote, "I don't hold with equality in all things, only with equality before the law and nothing more." I believe that. We cannot state everything is equal. We know that is not true. If it were true, I would be in the National Basketball Association and be making a lot of money. My body is not equal to that of a 6'10", athletic, young person. It does not happen that way. We know that sometimes geography will dictate the equality and ability to earn in some places. There are certain rivers in the world where you do not have the ability to navigate; therefore, the economy is not the same as another place like the Mississippi where the economy was afforded to those who lived on that river. Many things are not equal in this world.

Under the law, we can all be equal. Therefore, in good conscience, I cannot vote against something that calls for nothing more than equality under the law for all people. I look forward to future discussions. I will say Nevada has always lead the way when it comes to freedom and equality under the law. It is the root of the foundation that made our State in 1864. It holds true today. By enshrining the rights of women and all other groups in this amendment to be treated equally, we recognize their parody in the human race and ensure Nevada remains a national model for freedom-loving people everywhere.

It is 2021 people. The time for arguing about what a women's place is has passed. I have three daughters and a wife. I do not speak for my wife, I never have. I get in trouble when I do. My daughters, regardless of politics and how I feel about policy at the national or State level, the fact my three daughters can look to the White House and the administrations there and see somebody who looks like them is amazing.

Today, I will say I am a "yes" on Senate Joint Resolution No. 8 of the 80th Session.

SENATOR PICKARD:

I have thought a lot about my vote last Session on Senate Joint Resolution No. 8 of the 80th Session, not because I thought I was wrong but because of the response my vote engendered within my District. The volume of response was surprising. In the run-up to today's vote, it was no different. I am encouraged and surprised to hear the statements made today asking for kindness where kindness has not been found in the building many times. However, I am moved again this Session by the remarks of my colleague from Senate District 1. Recognition of our rights and our responsibilities in this building should be tantamount to our duties here. I have consistently

encouraged merits on the resolution and find no problem with its language. It calls for equality under the law, something I stood for long before I entered the Legislature.

I understand my constituents' concerns that the language will be misinterpreted and misused to promote changes in social order that is incompatible with their personal beliefs. That is just as valid as the comments made here today. While I may share those concerns, I believe we should support equality under the law. The idea this resolution should go to the vote of the people gives me peace in thinking that, yes, we are a different society today than we were 20, 30, 40 years ago. In 1923, my grandmother had a Ph.D. in chemistry, chose to teach at the high school level and became a principal. That was a rarity at the time. She was also a single mother for the latter part of my father's youth and faced many disadvantages. At the end of the day, she persevered and was a remarkable example to my father and my uncle.

Today is a day we can celebrate not because we think similarly or because we believe this resolution should or should not pass but because we have an opportunity to vote on it as representatives of our constituents. Whether or not we vote consistent with our constituents will be up to our constituents to decide. I will be a "yes" on Senate Joint Resolution No. 8 of the 80th Session.

SENATOR HARDY:

I look at the word "rights" and consider the right to choose which I call "agency." Agency is such a critical, eternal and universal principle that both good and bad things happen in the world. We each have our agency. We make laws in which some of our choices will have negative consequences, yet the person with agency can still ignore or disobey the law with potential ensuing tragedies such as happened yesterday in Colorado. Every decision we make has consequences positively or negatively eventually.

My goal is to follow my ultimate leader and invite others to do the same in a nonjudgmental way that will not interfere with their opportunity to reach their greatest potential for personal peace and joy. I hope in our efforts to facilitate some to legitimately exercise their agency, we do not adversely affect the agency of others.

Roll call on Senate Joint Resolution No. 8 of the 80th Session:

YEAS—18.

NAYS—Buck, Goicoechea, Hansen—3.

Senate Joint Resolution No. 8 of the 80th Session having received a constitutional majority, Madam President declared it passed.

Resolution ordered transmitted to the Assembly.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Bill No. 83.

REMARKS FROM THE FLOOR

Senator Donate requested that his remarks be entered in the Journal.

Our Nation stood together in silence as we watched the atrocity that occurred less than 24 hours ago inside of a grocery store in Boulder, Colorado. Yesterday was another reminder to all of us here in this Chamber of the senseless tragedies that have precipitated from the epidemic known as gun violence. Gun violence is the leading cause of premature deaths in the United States. According to the American Public Health Association, guns kill more than 38,000 people and cause nearly 85,000 injuries each year.

Every single time an event like this occurs, we mourn together and question to ourselves "How could this happen? Where did we go wrong?" Let me be clear, we let this happen, and we are all guilty of failing to act every time it occurs.

My generation has experienced this issue unlike any other. We have grown up practicing active shooter drills early on in elementary school all the way into our college years, practicing to hide beneath our desks and learning the right ways to barricade a door from an intruder. We wore

orange in middle school to show solidarity, not realizing the trauma and consequences that would follow after. This is an issue that is sown within our own culture, and it is something that we cannot fail to ignore anymore. The burden of gun violence in the United States and, here, in Nevada has shown to us just how valuable prevention and deterrence can be. There is still so much work to be done and far fewer ways to be held accountable.

It is not surprising to me that every time this occurs, we can already assume that it was probably some young, teenage male that had pushed on the boundaries of insecurity and fragility. Yet, we remain in a standstill, wondering how we can take action to support and forgetting that we have an underfunded mental-health system right in front of us. Gun violence is not inevitable. Gun violence can be prevented just like we are seeing right now with the policy actions for COVID-19.

When we politicize human suffering and public health, we fail to act on issues that have restrained us for far too long. May we pray for the families that were affected, support public-health research and programming to help reduce the burden of gun violence. Let us fight for a day when we no longer have to send our thoughts and prayers for a tragedy that could have been easily prevented.

Senator Cannizzaro moved that the Senate adjourn until Wednesday, March 24, 2021, at 11:00 a.m.

Motion carried.

Senate adjourned at 1:08 p.m.

Approved:

KATE MARSHALL  
*President of the Senate*

Attest: CLAIRE J. CLIFT  
*Secretary of the Senate*