

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON LEGISLATIVE OPERATIONS AND ELECTIONS**

**Seventy-Ninth Session
February 21, 2017**

The Committee on Legislative Operations and Elections was called to order by Chairwoman Olivia Diaz at 1:35 p.m. on Tuesday, February 21, 2017, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/79th2017.

COMMITTEE MEMBERS PRESENT:

Assemblywoman Olivia Diaz, Chairwoman
Assemblyman Nelson Araujo, Vice Chair
Assemblyman Elliot T. Anderson
Assemblywoman Shannon Bilbray-Axelrod
Assemblyman Skip Daly
Assemblyman John Hambrick
Assemblyman Ira Hansen
Assemblyman Richard McArthur
Assemblywoman Daniele Monroe-Moreno
Assemblyman James Ohrenschall
Assemblyman James Oscarson

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Senator David R. Parks, Senate District No. 7

STAFF MEMBERS PRESENT:

Carol Stonefield, Committee Policy Analyst
Brenda Erdoes, Committee Counsel
Julianne King, Committee Secretary
Melissa Loomis, Committee Assistant



OTHERS PRESENT:

Karen Vibe, Private Citizen, Reno, Nevada
Karen Goody, Private Citizen, Reno, Nevada
Pam Roberts, Co-Chair, Nevada Women's Lobby
Riley Roberts, Private Citizen, Reno, Nevada
Zachary Roberts, Private Citizen, Reno, Nevada
James Healey, Private Citizen, Las Vegas, Nevada
Lynn Marie Goya, County Clerk, Clark County
Sydney Hanes, Private Citizen, Dayton, Nevada
Kent M. Ervin, Ph.D., Legislative Liaison, Nevada Faculty Alliance
Mary Liveratti, Community Leader, League of Women Voters of Northern Nevada
Priscilla Maloney, Private Citizen, Reno, Nevada
Megann Johnson, Social Work Intern, Progressive Leadership Alliance of Nevada
Ashley Clift-Jennings, Private Citizen, Reno, Nevada
Jeromy Manke, Private Citizen, Reno, Nevada
Tod Story, Executive Director, American Civil Liberties Union of Nevada
Cristina DiGioia, National Board of Governors/Las Vegas Steering Committee,
Human Rights Campaign
Arthur Stoughton, Private Citizen, Las Vegas, Nevada
Lynn Chapman, State Vice President, Nevada Eagle Forum
William Tarbell, Private Citizen, Sparks, Nevada
John Wagner, Carson City Vice-Chairman, Independent American Party
Janine Hansen, State President, Nevada Families for Freedom
C. T. Wang, Private Citizen, Las Vegas, Nevada
Patti Jesinoski, Private Citizen, Henderson, Nevada
Juanita Clark, Executive Director, Charleston Neighborhood Preservation, Las Vegas,
Nevada
Bonnie McDaniel, Private Citizen, Las Vegas, Nevada

Chairwoman Diaz:

[Roll was taken. Committee rules were explained.] We are here today to speak on Assembly Joint Resolution 2. I am aware that this resolution addresses an important topic for many of you, and I understand the strong feelings on both sides of the issue that this resolution may cause. It is my intention to maintain an atmosphere of courtesy, professionalism, and equal interest in all individuals who are testifying today. For that reason, I remind you that applause or any other indications of support or opposition are not acceptable. I will use the sign-in sheets to monitor the testimony, and I intend to give three minutes to everyone whether they are in support, against, or neutral. Make sure you adhere to the three-minute guideline because we want to make sure everyone gets their voices heard in the process. If there is something that has already been stated before you, a "Me too" is great. Do not feel like you have to retell everything that was just said before you. I will now call up the sponsor of the measure, Assemblyman Araujo, to provide the Committee with the information on Assembly Joint Resolution 2.

Assembly Joint Resolution 2: Proposes to amend the Nevada Constitution to require the recognition of all marriages regardless of gender. (BDR C-690)

Assemblyman Nelson Araujo, Assembly District No. 3:

I represent Assembly District No. 3, which is located in the northwest part of the Las Vegas Valley. Today I am here to discuss Assembly Joint Resolution 2, which proposes to amend the *Nevada Constitution* to recognize all marriages regardless of gender. Currently, Section 21 of Article 1 of the *Nevada Constitution* defines marriage as a union between a man and a woman. However, this section was rendered unenforceable in 2015 by the United States Supreme Court. As many of you will recall, when the U.S. Supreme Court rendered this decision, the country ignited with pride. Here in Nevada, we continue to celebrate that decision. In fact, we currently have conducted over 10,000 same-sex marriages in our state, and there are many more that are expected to be formalized in the near future. Given the U.S. Supreme Court decision, it only makes sense that we take a look at the *Nevada Constitution* and have it reflect the law of the land. At this point, I would like to walk you through the bill.

This resolution would change the title of Article 1, Section 21 of the *Nevada Constitution* from "limitation on recognition of marriage" to "recognition of marriage." This resolution would remove the following phrase: "Only a marriage between a male and a female person shall be recognized and given effect in this state." This resolution would add the following phrases: Under Subsection 1, "The State of Nevada and its political subdivisions shall recognize marriages and issue marriage licenses to couples regardless of gender." and under Subsection 2, "All legally valid marriages must be treated equally under the law." Madam Chairwoman, as you can see, it is a very simple bill. As I have learned in our legislative process, sometimes when we say it is a very simple bill, it can become a very complex bill. However, that is a quick overview of A.J.R. 2. At this moment, before I ask some of our loving, same-sex couples who are here today to share testimony, I would love to take any questions that the Committee may have.

Chairwoman Diaz:

For those of us watching or listening, can you explain how an Assembly joint resolution works?

Assemblyman Araujo:

This would essentially become a five-year process in order for us to make a change to the *Nevada Constitution*. We would have to pass it in the Legislature during this session. We would need to come back the following session in 2019 and pass A.J.R. 2 again, and then it would go to the vote of the people the following year. I think there is a lot of value in having a rich discussion over the fact that the people will get to choose whether they want the *Nevada Constitution* to reflect the law of the land and the recent U.S. Supreme Court decision.

Chairwoman Diaz:

Assuming that it advances out of this session and advances in 2019, it would go to the vote of the people in 2020. Is that correct?

Assemblyman Araujo:

That is correct.

Assemblyman Hansen:

What happens if the people reject it in 2020?

Assemblyman Araujo:

It would remain the same. My goal is to ensure that we give the people of Nevada a say. I am biased, and I personally have seen all the celebrations in a state that has evolved over time and has allowed people to accept their neighbors and embrace each other's differences. There has been an increased level of understanding, love, and compassion, so I would suspect that it would have a favorable outcome. If it did not, then the *Nevada Constitution* would remain the same.

Assemblyman Hansen:

Then the *Nevada Constitution* would be in conflict with the U.S. Supreme Court.

Assemblyman Araujo:

You are correct, and I think you are making a great case as to why we should move forward with ensuring that the *Nevada Constitution* reflects the law of the land.

Assemblyman Hansen:

With your permission, Madam Chairwoman, I reserve my right to have some more questions later on this. There are many angles to this that will develop as we hear additional testimony.

Chairwoman Diaz:

That is understood, Assemblyman Hansen. Assemblyman Araujo, do you have testifiers you would like to invite to testify in support of A.J.R. 2?

Assemblyman Araujo:

There are a number of folks who will be testifying later on. However, we have a few couples here who would benefit the Committee a great deal by having their testimony on the record. If I may ask them to please come forth and share a few remarks, I would greatly appreciate it.

Karen Vibe, Private Citizen, Reno, Nevada:

I am a resident of Reno, Nevada.

Karen Goody, Private Citizen, Reno, Nevada:

I am Karen Goody, Karen Vibe's wife.

Karen Vibe:

We just wanted to make a statement for the record, and it is a similar statement that we made on February 1 on the courthouse steps when this new legislation was first introduced. We feel that our country has made some great advancements in political and civil rights. With the election of our new president, we feel that these same rights and advancements are now being threatened. We feel that preventing two people who love each other from marrying would allow our progress, as we know it today, to regress. We feel that marriage is a choice and opportunity that every couple should have. Our wedding day was one of the happiest days of our lives, and it would be horrifying to think that our marriage would be considered invalid or illegal.

Along with seven other couples and a team of lawyers, we have been fighting for this right since 2012. In October 2014, that lawsuit was successful. Nothing pleases me more than to be able to introduce Karen as my wife. We believe this has a title and a meaning that everyone understands, and it is the level of love and commitment that we have for each other. Karen and I are supporting this new legislation because it will continue to protect our right to be legally married as Nevadans, and we stand alongside Assemblyman Araujo on this new legislation. We feel that marriage serves a higher purpose. It is not a cause, something for or against, or a religious purpose. It is something that includes everyone, and that, in my opinion, serves as a higher purpose and a higher calling. No matter what you believe or who you are, you can be equally treated, and we were all created equal. I feel that marriage should be included under that purpose.

Pam Roberts, Co-Chair, Nevada Women's Lobby:

I am the state co-chair of Nevada Women's Lobby. I am testifying today on behalf of the Nevada Women's Lobby and my family in support of A.J.R. 2. I would like to introduce my family. To my immediate right is Riley Roberts, and to his right is our second son, Zachary Roberts. In the first row is my wife, Gretchen Miller.

On May 26, 1991, my wife and I held our first of four commitment ceremonies. Although it was performed by an ordained minister and witnessed by a small group of friends, at that time our marriage was not legally recognized in this state. However, it was the first step in forming our Nevada family. Our family grew in 1994, with the birth of our first son, Riley, and again in 1998, with our second son, Zachary. If our first marriage had been legally recognized, Gretchen could have adopted both of our sons without much fanfare. Instead, we had to file special forms with doctors, schools, and soccer teams, so Gretchen could function as the true parent of our sons.

In 2002, when anti-equality activists successfully passed Question 2, I have to admit I was crushed, and we almost left Nevada. Discrimination against same-sex couples like mine had been written into the *Nevada Constitution*. Because of the support we received from friends, family, neighbors, and coworkers, we decided to stay. After all, we were a Nevada family. While marriage equality battles spread to other states, Gretchen and I focused on raising our two Nevada boys into two responsible adults.

Our second commitment ceremony occurred on October 1, 2009, when we were able to register as domestic partners. Although it still was not marriage equality, it was sufficient legal recognition for Gretchen to legally adopt our sons. This led to our third commitment ceremony, occurring a few months later, when Gretchen and I were required to affirm to a Washoe County Court judge that we would continue to raise our sons together and provide for them.

Four years later, in 2013, when the United States Supreme Court struck down the Defense of Marriage Act (1996), we decided to get legally married. Nevada still had the gay marriage ban in the *Nevada Constitution*, so we did the next best thing. We were married in Nevada City, Nevada County, California, which was our fourth commitment ceremony. This one was legally recognized. One year later, in 2014, when the U.S. Supreme Court ruled that all states are required to issue marriage licenses to same-sex couples and to recognize same-sex marriages in other jurisdictions, our marriage was legally recognized in all 50 states, including our home state of Nevada. It took over 25 years and four ceremonies, but today, we are a full-fledged Nevada family.

Assembly Joint Resolution 2 is necessary to conform the *Nevada Constitution* to the U.S. Supreme Court's ruling. Your vote in favor of A.J.R. 2 is a vote for all Nevada families, including ours.

Riley Roberts, Private Citizen, Carson City, Nevada:

I do not have anything prepared today, so I am just going to wing it. My parents have been there for me for 22 years. That is no joke; they take it seriously. They made a commitment to each other for longer than I have been alive, and for a reason: Because they knew that they loved each other. Now, I am here alive with my little brother. We hang out all the time. We spend almost every other weekend doing something in the state of Nevada like fishing, hunting, or something that our family raised us to do. Our family showed us how to be respectable human beings. I have never really had a relationship before the last two and a half years, and I now have a girlfriend. I love her to death, and I do not know what I would do if I was unable to marry her because someone said that I could not. To me, being gay is like me not liking eggs and my brother liking eggs. Just because I do not like eggs does not mean that he should not be able to eat eggs. It is that simple. We all have love for each other, and we need to be behind each other and have each other's backs. I love my family, and if we do not pass this, our President could reverse the things that we have. The law of the land can be reversed. If we alter the *Nevada Constitution*, it would be much harder to alter and change back. I really think we can do better. I think that A.J.R. 2 will help us out.

Zachary Roberts, Private Citizen, Carson City, Nevada:

I am Pam Roberts' and Gretchen Miller's son. I absolutely hate talking about myself, but throughout my life, I have received nothing but praise for the way I have been raised. The way I treat people and the way people treat me back is all due to the parenting from my two lovely mothers. 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, it becomes law in 2020, and the U.S. Supreme Court's decision is overturned, nothing would make me prouder than to be part of a state that still recognizes my parents' marriage.

Chairwoman Diaz:

Thank you, Zachary and Riley. Thank you, Ms. Miller, for doing an amazing job with these gentlemen and for sharing your family's story with us today.

Assemblyman Araujo:

We have Mr. James Healey and Ms. Lynn Goya in Las Vegas who also wanted to provide some context for the dialogue.

Chairwoman Diaz:

Good afternoon, former Assemblyman Healey. It is good to see you before the Committee.

James Healey, Private Citizen, Las Vegas, Nevada:

It is great to be before the Committee and to see many of my former colleagues. I miss being up there with you, and I certainly miss the Legislative Counsel Bureau (LCB) staff. Back in the 2013 Session, I had the privilege of standing on the floor of the Assembly to present this bill to the Assembly. I gave a little bit of history about myself and said much of what you just heard from two amazing sons in Carson City.

To Assemblyman Hansen, I appreciate your question. The fact is that we are currently in conflict with the U.S. Supreme Court. We started this legislation back in 2013. Well, long before that, actually, thanks to Senator Parks. We were fortunate enough to have this bill passed in 2013 through both houses. It was not an easy fight. It took a lot of time to educate and have some very serious discussions with legislators on what this truly meant. What it means is that we are going to take discrimination out of the *Nevada Constitution*. Currently, it discriminates with the language stating that a marriage is defined only between a man and a woman.

Some of the testimony we heard during the 2013 Session was about the fact that if we had marriage equality, it would ruin the sanctity of marriage for straight couples. I have talked to people who are veterans, couples who have been married for 50 years, and couples who have been married for 2 years. I ask them the question, "Now that my friends, or even your friends, who are lesbian, gay, bisexual, and transgender (LGBT) can get legally married, has it had an impact on your marriage or your life?" Every single person, some of whom are Republicans, flat-out told me, "No." I have not seen any churches crumble, like we heard would happen if this became law, and churches still have the right to not perform any type of service or ceremony inside the walls of their own church. Our clerk, Ms. Goya, is going to talk a little bit more about that.

I would like to share with the Committee a quote from Justice Anthony Kennedy, who wrote the brief on marriage equality when the U.S. Supreme Court overruled it. "No union is more profound than marriage, for it embodies the highest ideals of love, fidelity, devotion,

sacrifice, and family." Kennedy goes on to say that gay and lesbian couples "ask for equal dignity in the eyes of the law. The *U.S. Constitution* grants them that right." I think that really says it all. Currently, the *Nevada Constitution* contains discriminating language. All we are asking in this legislation is to remove that clause, and simply state, all marriages are treated equally and fairly under the law. Thank you to the Committee for taking this matter under consideration. If we have to rely on the *Nevada Constitution*, it is the right thing to ensure that discrimination is taken out of it, so these loving families have the right to be married and be treated equally under the law.

Lynn Marie Goya, County Clerk, Clark County:

As you know, the Clark County Clerk issues marriage licenses, and Clark County issues more marriage licenses than any other destination in the world. I believe that we need to talk about same-sex marriage both in the legal context and in its economic impact.

A marriage is the most important legal document you ever sign in your life. It is way more important than buying a house or anything else. It determines your ability to provide health care and receive benefits. It allows you the ability to determine the size and scope of your family when you adopt. It determines the ability to make critical life-and-death decisions for your significant other. Marriage is literally the ability to determine life and death in some instances.

Sometimes, as a county clerk, I get people who cannot find their marriage certificate because it was not filed properly, so they come to my office. People come to me when they are 60 years old, saying they do not have the ability to get social security benefits or take care of their loved ones without their marriage certificate. This is an extremely important legal document. We need to separate the church and the state. This is a civil ceremony. This is a civil document, a legal document. Again, the churches have the ability to say no; this church does not recognize the marriage. The state has to recognize marriages because it is a civil benefit that should be available to everyone in the state.

Same-sex marriage has a huge economic impact in Clark County. Marriages, in general, are a \$2-billion-a-year industry for Clark County. In 2015, we issued 4,000 same-sex marriage licenses, and we estimated that had an economic impact of \$102,935,325 ([Exhibit C](#)). Based on license fees and tourism taxes, it added \$4,342,360 to the state and local coffers directly. We have issued over 10,000 same-sex marriage licenses since it became legal, so we are estimating the economic impact of that was \$253,722,762 to the state and local governments. The fees and tourism-related taxes for those 10,000 same-sex marriages were a direct impact to our budgets and added \$10,703,376. We have been advertising to them and letting them know that we welcome their tourism dollars, so we expect that the economic impact will only increase over time.

James Healey:

When I testified on the bill, one of my main focuses was about the financial impact that it has not only here in Nevada, but across the country. One of the most important things legislators do is helping to create an environment that fosters jobs. This legislation ensures we keep

same-sex marriages viable as a huge impact to the state. In just the time that this has become legal, \$10 million of tax revenue has gone directly into our state as a result of not just marriage in general, but specifically same-sex marriage. The last point is, and maybe it helps some people understand as it did in the 2013 Session, the process of voting it through both the Assembly and the Senate for two consecutive sessions allows the ultimate decision to be made by the people of Nevada. I think that is very important and that it is wrong for any representative to step in the way of allowing the people an opportunity to let their voices be heard and make the final decision. It is not the Legislature's final decision. What you will be deciding on, if this passes through the Committee and on to the Assembly, is the fact that it allows the people to make the ultimate decision.

Chairwoman Diaz:

The Committee has a few questions for you. Assemblywoman Bilbray-Axelrod will start.

Assemblywoman Bilbray-Axelrod:

Discrimination, as we know, never ends up on the right side of time or the law. I appreciate Assemblyman Araujo for bringing this forward, and I am happy to be cosponsoring it. I am going to ask you a question, Mr. Healey. If the U.S. Supreme Court was to overturn their decision and Nevada had that written in the *Nevada Constitution*, how would that impact that decision made on the national level?

James Healey:

If the U.S. Supreme Court were to overturn it, it would then return back to states' rights, as it was prior to their decision. It would then be up to the states. Before the decision of the U.S. Supreme Court, there were only 14 states, Nevada included, that did not allow for same-sex marriage. All other states had taken action to remove any type of language or laws on their books that would prevent same-sex marriage from happening. If the decision were to be overturned, say, tomorrow, it would come back to Nevada. Currently, the *Nevada Constitution* does not recognize same-sex marriage, so it would not be legal in the state. I am not a lawyer, so I could not tell you what that means for marriages that have happened since it has become legal. I do not know that off the top of my head, but I do know that it would return to the states, and we would then have to follow the *Nevada Constitution*. That is why this bill is so important. It is a five-year process, but we need to move forward in getting discrimination out of the *Nevada Constitution*.

Brenda Erdoes, Committee Counsel:

Mr. Healey has accurately portrayed where we would be, and so it depends on where the *Nevada Constitution* is at the time that the U.S. Supreme Court changed this decision. It would revert back to the state. There are two things in play here: What the *Nevada Constitution* said at the time and exactly what the U.S. Supreme Court decision held. That is the basics of what would happen.

Assemblywoman Bilbray-Axelrod:

What did you say the economic impact was to the state?

Lynn Goya:

In 2015, we issued 4,000 same-sex licenses. The economic impact was over \$100 million and the fiscal impact, that is to marriage licenses to go into the county and the state, was over \$4 million. If we consider the 10,000 same-sex marriages, it is about \$254 million in economic impact and about \$11 million in fiscal impact.

Assemblyman Hansen:

My question is for the clerk. Mr. Healey touched on it as well. One concern I have is that a preacher, pastor, bishop, or whoever wants to marry people still has to get a license from the city, county, or state. If that is accurate, and then that same individual refuses to marry a same-sex couple, are they subject to losing their license for discrimination if this passes?

Lynn Goya:

It depends on what they are doing with their license. All officiants have to be licensed through the county clerk, but in Clark County and much of Nevada, weddings are a business. If a person is using that license to run a business and make money off it, then they would be subject to the civil regulations. If the person is within a church, and they are just marrying people within the church, then the church has oversight of whether or not the person wants to marry people. If someone is making money from it, charging for it, and it is a business, that is a different thing than if it is just within their church.

Assemblyman Hansen:

If a member of a church is legally licensed by Clark County, then in that church, as long as they are not charging for the license, they will not be subject to losing that license if they refuse to marry a same-sex couple. Do I understand your testimony correctly?

Lynn Goya:

Let me clarify that a little bit. If someone is a religious officiant at a church, and their congregation wants them to marry people, the people can give the religious officiant a tip or a fee. Their primary business is not marrying people. Nevada is a little bit different than many other states because weddings are a business and an industry for Clark County and most of the state. If a person's business is marrying people, they would be subject to the civil laws. If they are a religious organization, and they strictly do it within the religious context, they would not.

Assemblyman Hansen:

Nevada has an interesting tradition on marriage and divorce. The divorce trade was actually one of the main industries at one time.

Assemblyman Oscarson:

Without this being in the *Nevada Constitution*, are there currently things that legally you or married couples are not able to do? Are there constraints on things that you are not able to do based on the fact that it is not in the *Nevada Constitution*?

James Healey:

Are you asking that if this language is not removed and the U.S. Supreme Court overturns the ruling, that we would then be restricted on rights?

Assemblyman Oscarson:

No, sir. Currently, are you denied any legal rights?

James Healey:

Currently, no. We have full legal rights. There is marriage equality, which is the law of the land now. All marriages are treated equally under the current law. If the U.S. Supreme Court overturns it, then it goes back to the states, and it is not recognized in the *Nevada Constitution*.

Chairwoman Diaz:

Ms. Erdoes, could you educate us on what would happen to the marriages that currently exist between same-sex couples if the U.S. Supreme Court decision were to be overturned? What happens to them in Nevada?

Brenda Erdoes:

That is something that we do not know the answer to at this point. I am happy to research that. I do not know that we have case law out there, but we can look and find out.

Assemblyman Araujo:

I just wanted to open it up if Mr. Healey and Ms. Goya are done with their remarks. We have members from Las Vegas and folks up here who are looking to testify for the bill.

Chairwoman Diaz:

Thank you for keeping the Chairwoman running a smooth Committee, Mr. Vice Chair. We are going to open it up to testimony in support of A.J.R. 2. If you are in Carson City and in support of A.J.R. 2, go ahead and start filling up the seats here.

Sydnea Hanses, Private Citizen, Dayton, Nevada:

Thinking back to the huge debate over gay marriage in the United States, which was really just marriage equality, many people were using religious arguments. The bill you have before you will be for the people to vote on and decide. Because it is being given to the people, we should give it a try, see how it goes, and leave religion to the side. Traditional marriage is not really there anymore. You cannot buy me for a pig and a goat from my father. People love each other and deserve to be there for each other. I have heard so many stories where people live together for 10, 15, 20 years, and they never were able to get married. Then, there is a huge car accident, and the person who survived did not have the apartment in their name, or the deceased's family was able to come through and take their property, like the spouse's car. Family members who abandoned them because of who they loved were allowed to take everything because those people were not able to marry.

It breaks my heart. As humans, not Democrats, not Republicans, and very much not religious—because of the separation of church and state—we need to get this to the people. Give us a chance to show that Nevadans are not backwards anymore.

Kent M. Ervin, Ph.D., Legislative Liaison, Nevada Faculty Alliance:

I represent the Nevada Faculty Alliance, the statewide association of university and college faculty in the Nevada System of Higher Education (NSHE). We support the resolution. I will focus on the second clause, which states that all legally valid marriages must be treated equally under the law. The Nevada Faculty Alliance supports the NSHE nondiscrimination policy which states that NSHE is committed to providing a place of work and learning free of discrimination on the basis of a person's age, disability, gender, military status or obligation, sexual orientation, gender identity or expression, genetic information, national origin, race, or religion.

The Nevada Faculty Alliance further supports nondiscrimination in employment and education on the basis of marital status or familial status. Marital status is understood to include being married or not married, but also the race, national origin, religion, age, or gender of the spouse or partner. The amendment would protect against future efforts to roll back equal benefits for employees with same-sex spouses in Nevada, such as the case that was recently accepted by the Texas Supreme Court.

Mary Liveratti, Community Leader, League of Women Voters of Northern Nevada:

The League of Women Voters of Northern Nevada supports equal rights for all under state and federal law. We support legislation to equalize the legal rights, obligations, and benefits available to same-gender couples with those available to heterosexual couples. The League supports legislation to permit same-gender couples to marry under civil law. We believe that the civil status of marriage is already clearly distinguished from the religious institution of marriage, and that religious rights will be preserved.

On a personal note, I have been married to my husband for 38 years, and I cannot imagine not being able to spend those years with someone I love and not be married. We urge you to pass A.J.R. 2.

Priscilla Maloney, Private Citizen, Reno, Nevada:

I would like to point out that Ms. Roberts brought up a very critical piece of information, which is coherence within benefits systems, whether they are health care or retirement systems. In section 10 of Senate Bill 406 of the 78th Session, it defines domestic partner as "a person who is in a domestic partnership that is registered pursuant to chapter 122A of NRS [*Nevada Revised Statutes*], and that has not been terminated pursuant to that chapter." Subsection 4 of section 10 says a spouse is "the surviving husband or wife or domestic partner of a deceased member." This legislation would clarify this, and we would not need folks to have to do a process through the domestic partner statutory scheme. They would be treated equally, just like any other married couple, for purposes of at least the

Public Employees' Retirement System. I did not bring anything with me from the Public Employees' Benefits Program (PEBP) today, but I suspect that PEBP has the same kind of language in their statutes.

On a personal note, as a citizen of Nevada, this is such a great state. We are such an innovator in so many ways. It is exciting that we have the opportunity to fix the disconnect between our current U.S. Supreme Court authority and the *Nevada Constitution*.

Megann Johnson, Social Work Intern, Progressive Leadership Alliance of Nevada:

Progressive Leadership Alliance of Nevada was founded 23 years ago on lesbian, gay, bisexual, transgender, and queer (LGBTQ) and environmental issues. I am here today to say we still stand with the LGBTQ community and are in support.

Chairwoman Diaz:

We are going to go ahead and take the last bit of support here in Carson City before switching over to Las Vegas.

Ashley Clift-Jennings, Private Citizen, Reno, Nevada:

I would like to say ditto to all the former testimonies in regard to the legal and medical rights that this bill would protect. I am going to tell you a personal story. I am in the building all week long as a lobbyist. I am here as a citizen to share my story. I was a very devout Christian as a youth and into college, where I went to Columbia University in New York City. I actually did a lot of work on opposing California Proposition 8 (2008). I married my husband in 2007. We were both devout Christians. My husband was raised in Sparks, Nevada, and we currently live here, have a house here, and our kids go to school in the Washoe County School District. My husband also founded a church in Assemblyman Hansen's district, and so we are very well aware of the religious arguments against this bill.

Currently, I am married to a woman. My spouse came out in 2013 as transgender. This pretty much turned my world upside down. As you can imagine, being Christian, gay, and transgender was not something that was accepted. As we have gone through the social transition, I have learned a lot and have come to accept my spouse's transition. I have also learned a lot about the heterosexual privilege that I was afforded before my spouse came out to me. My spouse came out to me seven years into our marriage.

I am just going to list a few things that we were able to enjoy as a heterosexual couple in our society. This is a list of privileges that gay couples do not have: immediate access to your loved one in case of an accident or emergency; public recognition and support for an intimate relationship, e.g. "Congratulations for an engagement"; expressing affection in most social situations and not expecting hostile or violent reactions from others; and living openly with your partner.

Our neighbors still do not know that my spouse is transgender. That says a lot about our society, and although we have come a long way, we are still not there yet. For instance,

learning about romance and relationships from fictional movies and television. How many characters do you see in movies or television that represent the LGBT population? Or having role models of your gender and sexual orientation and having positive and accurate media images of people with whom you identify; and expecting to be around others of your sexuality most of the time and not worrying about being the only one of your sexuality in a class, on a job, or in a social situation. I could go on and on, but you can imagine that things are not equal, currently. I have seen both sides and lived both sides. I am happily married to my spouse, who happens to be my wife.

I want to congratulate you. We are a very forward state. My spouse now has a social security card with her true identity and her true name, the name she feels comfortable with on it. She was able to also change her birth certificate, thanks to you. Thank you for making our life much easier than it could have been. I urge you to consider people like me, and people who have not been afforded heterosexual privilege like I had for half of my life, because they deserve it.

Chairwoman Diaz:

Thank you for sharing your story, and I think a thanks is in order to Senator Parks who has spearheaded a lot of legislation for equal rights in the area that you mentioned. You have one of the heroes of the state right next to you.

Ashley Clift-Jennings:

You have a really important job as legislators, and I appreciate how seriously you take it.

Chairwoman Diaz:

Senator Parks, thank you for being here in the people's house and Committee.

Senator David R. Parks, Senate District No. 7:

I enjoyed 12 years here in the people's house, and I think during those years I was successful in getting numerous pieces of legislation passed that support equality for all individuals. I believe over my 20 years, roughly over a dozen bills have been passed strictly in this area. I want to support A.J.R. 2. I was a sponsor on that bill. I apologize; I had to come from another hearing where I had another bill up, so I did not hear your earlier testimony. I will not be repetitive, but I want to express my support for this bill. There are numerous provisions in the *Nevada Constitution* that are outdated and have been superseded by federal laws. This is certainly one of them that we would like very much to have removed from the *Nevada Constitution*.

Chairwoman Diaz:

I have a respectful question coming from Assemblyman Hansen.

Assemblyman Hansen:

In all seriousness, you have been a pioneer in this area. One thing that disturbs me in this whole testimony is that we are talking about people who love each other and seem to do well raising children. We want to eliminate discrimination. However, we have an interesting

scenario in Nevada. Eastern and southern Nevada have a growing population of polygamists. People who love each other, seem to raise stable families, and seem to be good members of their communities. I have talked to people from Lincoln County and parts of Clark County where that is now very common. Yet, we continue to discriminate against that type of marriage. If the goal here is to allow people who love each other and are reasonably stable to raise families and to not feel like the state has a target on their back because their lifestyle is inappropriate, why is that not addressed in this type of legislation?

Senator Parks:

There is nothing that would stop such legislation from being brought forward other than prohibitions, especially at the federal level. We certainly have prohibitions in a variety of different realms, such as being underage, for example. It is illegal to marry your sister or brother in Nevada. There is a level of consanguinity that is applied. I think that if somebody wanted to try to introduce such legislation, other than what is at the federal level, they are certainly free to submit such legislation.

Assemblyman Hansen:

I would agree with that except that this is the opportunity. If the ultimate goal is to eliminate marriage inequality, to remove discrimination, and to allow consenting adults who are decent human beings and love each other, and in many cases have been in committed relationships for many years, to have marriage equality, then that is a discrimination that we have right now in our laws. The whole concept behind this bill is to eliminate those types of discriminations. It just seems like on one hand, we are saying we believe in love, equality, and that consenting adults should be allowed to do what they want, but on the other hand, we still have this really powerful discrimination that nobody seems to want to address, particularly, the communities that seem most concerned about discrimination in the law.

Chairwoman Diaz:

The subject matter you just broached was not introduced by this legislation. We will go on to Assemblyman Ohrenschall.

Assemblyman Ohrenschall:

During my first session when I served in the Assembly with you, Senator Parks, I remember all the fights that you led and the very close vote in the Assembly on an anti-housing discrimination bill. I could not believe that it was 2007, and there was a very close vote on banning housing discrimination as it affects the LGBTQ community. I just want to compliment Senator Parks, who is such a leader on these issues. These are human rights issues; they are not LGBTQ issues.

Chairwoman Diaz:

We have the last person at the table in Carson City. After this testimony up here, we will switch to Las Vegas.

Jeromy Manke, Private Citizen, Reno, Nevada:

I am a native Nevadan who was raised by loving parents in Reno, Nevada. Apart from being on the board for the LGBTQ community center, called OUR Center, here in Reno, I am testifying on behalf of myself today. My husband, Brian Jensen, who cannot be here today, is also a native Nevadan and was born in Las Vegas.

Like many of the others here today, our story is very near and dear to our hearts. When we got engaged, marriage was up in the air. Whether we could have our union recognized was definitely an uncertainty. In 2014, as we approached the date of when we were planning to have our wedding, we participated in the American Civil Liberties Union national project called "My Big Gay (Il)legal Wedding," which highlighted same-sex couples who had to travel across state borders in order to get married. Many of these couples had to travel across several states in order to find a state where their marriage would be recognized. Luckily, we had California right next door, and we were able to get married there. However, as I graduated from the University of Nevada, Reno, and my husband attended the University of Nevada, Las Vegas, we very much considered whether to leave the state because we could not get married, and our marriage would not be recognized here.

With the passage of domestic partnership, it was almost a consolation prize for marriage equality, and that is why we have continued to fight and push hard for marriage equality to be legal, especially in Nevada. When same-sex marriage passed here, we were elated and decided to settle down in Nevada. We own a thriving business in Reno. We are on the board of multiple nonprofits here in town. We try to contribute very much to the state in which we both were raised, and which we are both very proud to be natives of.

I think it is very important that we recognize several recent studies that have come up. Affirming and affording protections for same-sex marriages creates a positive environment throughout the state. This results in economic and social benefits. A recent Gallup poll and study published by the Williams Institute at the University of California, Los Angeles School of Law revealed that while LGBTQ communities are clearly present in every state in the union, their visibility is generally higher in states with greater levels of social acceptance and LGBTQ supportive legal climates. Nevada has one of the highest percentages of individuals identifying as LGBTQ throughout the country at 4.2 percent. This is extremely important because LGBTQ individuals are at such a high risk for things like homelessness, suicide, and being disconnected from their families, especially later in life. It is so important that we reaffirm these protections, such as marriage, so that Nevada's LGBTQ citizens can feel accepted and part of our society.

The Washington Post recently published an article stating, since the legalization of same-sex marriages in the country, suicide attempts by LGBTQ youth have dropped by 14 percent. That is a tremendous amount, especially in comparison to heterosexual youth, who only had a 4 percent drop over the last two years. That is because the climate of acceptance has been perpetuated throughout the country. I am in firm support of A.J.R. 2

and strongly encourage you to vote in favor of this. All we are asking is that my marriage is solidified throughout the state to prevent things down the road from creating an environment where uncertainty exists and puts our LGBTQ youth and citizens in jeopardy.

Chairwoman Diaz:

We will now go to testimony in Las Vegas in support of A.J.R. 2.

Tod Story, Executive Director, American Civil Liberties Union of Nevada:

I have been in a relationship with my now-husband for 25 years. When we first met in 1992, our relationship was illegal. In 2002, it was deemed unconstitutional. In 2009, we were finally able to get domesticated, and in 2016, we were finally able to marry.

The fight for LGBTQ equality began legislatively in Nevada in 1993 with the repeal of the sodomy law ([Exhibit D](#)). Since then, many subsequent pieces of legislation have become law, giving LGBTQ individuals and couples equal rights throughout the state; however, a stain remains in our state *Constitution*.

Discrimination is the prejudicial act of denying freedom and equality to those it targets. In 2000 and 2002, Nevada Question 2, a discriminatory effort to deny the rights of LGBTQ Nevadans, altered the *Nevada Constitution* to expressly exclude and discriminate against loving LGBTQ couples by denying them recognition of their rights and responsibilities in marriage. Thankfully, both the United States Court of Appeals for the Ninth Circuit, in 2014, and the U.S. Supreme Court, in 2015, recognized these laws for their prejudicial intentions and overturned state laws with discriminatory definitions of marriage, including Nevada.

As we begin the process of repealing Nevada's discriminatory constitutional language, we must be mindful of the impact hurtful laws like these have on individuals. A study by *JAMA* [Journal of American Medical Association] was released yesterday and found that same-sex marriage policies were associated with a 7 percent reduction in the proportion of all high school students reporting a suicide attempt in the past year. Now is the time to delete this biased language and complete the task of treating everyone and every couple equally in Nevada.

Now is the time to erase the stain of discrimination from the *Nevada Constitution* with A.J.R. 2 and amend it with aspirational, inclusive marriage language for every loving couple.

I also want to add that any legal review that is done should include the decision by the United States Court of Appeals for the Ninth Circuit in 2014.

Cristina DiGioia, National Board of Governors/Las Vegas Steering Committee, Human Rights Campaign:

I could not agree more with all of the testimony in favor of A.J.R. 2 that has been said so far. I am in very strong support of the bill. I cannot imagine how the marriage of my LGBTQ

friends would be less valuable or less legal than one that I, as a heterosexual woman, will have in the future. I cannot understand it, and I am so happy to see all of the support here.

Arthur Stoughton, Private Citizen, Las Vegas, Nevada:

I have been a Nevada resident since 2003. I moved here with a partner of over 11 years, who had a heart attack and died six months later in a parking lot in Las Vegas. At that time, he died intestate, so I had to deal with unimaginable things. The office of the Clark County Public Administrator seized a backpack that he had with him when he died. I could not retrieve it because I was nothing in the eyes of the state. His family had to come out from New Jersey just to get the backpack. I had to get his family's permission to have his body cremated. I am now in a relationship that is a marriage. We make sure to get the state documents. With the current situation in Washington, D.C., I am concerned. What will happen if same-sex marriage is overturned by the U.S. Supreme Court? Will I have to go back to having a family member, at the time of death, say I cannot have the body to do with as I choose?

Chairwoman Diaz:

Thank you for sharing your story with us. Is there anyone else in Las Vegas testifying in support? [There was no one.] Before we switch to opposition, I have a question from Assemblyman Hambrick to our legal counsel.

Assemblyman Hambrick:

I lived on the East Coast for a long time, outside the District of Columbia. In Washington, D.C., a couple could hold themselves in a common-law relationship. That was recognized 24 hours a day. Should this resolution pass, would that have any effect on Nevada's common-law statutes? Right now, we do not have common law in Nevada. I just did not know whether this resolution, should it pass and go to the people, would have any effect on Nevada's common-law situation?

Brenda Erdoes:

No, this would not have an effect because we do not have common-law marriage in Nevada. It would not change that.

Chairwoman Diaz:

We are going to switch to opposition. Anyone in Carson City in opposition to A.J.R. 2 may come to the table.

Lynn Chapman, State Vice President, Nevada Eagle Forum:

I wanted to state that I have been in a traditional marriage for 41 years to the same man. We are in a covenantal marriage, not a commitment. We are in a covenant with God. I wanted to bring up something that Assemblyman Hansen already brought up, which is polygamy. There are a number of lawsuits out there to make polygamy the law of the land as well. The part of this bill that would be added says, "The State of Nevada and its political subdivisions shall recognize marriages and issue marriage licenses to couples regardless of gender." Couple is singular, but the word couples is plural. I am putting together the

polygamists and the couples. A couple would be two people. Couples would be more than two people. I wanted to point that out, and we do have lawsuits pending right now about polygamy.

Chairwoman Diaz:

Ms. Erdoes, can you weigh in on that? Does this, in any way, open the door to protect polygamists? From my reading, I did not gather that at all.

Brenda Erdoes:

I would agree with your reading. This is talking specifically about gender, and using the plural does not indicate that it would allow polygamous marriages.

Chairwoman Diaz:

Thank you. I just wanted to make sure we had clarity for the record. You may proceed.

William Tarbell, Private Citizen, Sparks, Nevada:

I am a retired Presbyterian minister who served for 45 years in seven states across the United States. That is why I decided that I would point out something. Assemblyman Hansen has fled the room, but he raised a couple of questions. First, in all those states where I served and performed weddings, I was considered to be a temporary agent of the state. Ministers are temporarily agents of the state wherever they may perform a ceremony, whether it is in a religious building or not. I was held responsible for making sure that the documents of the wedding were filed at the county courthouses. That was my responsibility, or I could have been fined. Bear in mind there is a crossover here. Somebody said something about there being no penalties for religious persons performing ceremonies if they do not perform a same-sex ceremony, but you need to clarify that somehow in the statutes. People who are religious leaders need to be protected too.

Having been a person in the field for so many years, I am sorry to report that wherever disputes occur, and whatever the cause of the dispute may be, marriages do not settle them. Families still have deep differences regardless of what the relationship is classified as. I hope and pray that whenever someone is married, there is a better, deeper understanding between the people involved.

I also have a question. Does the action of the U.S. Supreme Court set aside the right of a state to make determinations in the area of marriage or any other area it might act on? In other words, why are we here? If the U.S. Supreme Court simply struck down the provision in the *Nevada Constitution* by its action, why are we here? Regarding Assemblyman Hansen's comments about polygamous marriage, I want to back up what my friend to the right is saying by pointing out that a federal judge in Utah has already struck down polygamous marriage restrictions in that state as against the *Nevada Constitution*. That is something that maybe needs to be addressed here too.

To conclude my comments, the foundational principle of marriage has always been, from the beginning of humanity, between a man and a woman and a family that is generated by

that marriage. There are 1.5 billion Muslims in the world, most of the 2.5 billion Christians in the world, and other traditional people groups who are simply not going to go along with any reclassification of marriage, whether it is done by our state or by the U.S. Supreme Court. Whatever happens is a result of this particular effort. It is not legislation; it is an amendment to the *Nevada Constitution*. Whatever happens is a result of that. I hope that it will not be used to punish people who have deeply held conscientious beliefs.

Assemblyman Elliot T. Anderson:

I have a question for legal counsel and then a question for the testifier. Ms. Erdoes, can you confirm that the U.S. Supreme Court decision enjoined enforcement of the *Nevada Constitution* and did not actually strike it out for us?

Brenda Erdoes:

Yes. Because of the Supremacy Clause, that is binding on Nevada.

Assemblyman Elliot T. Anderson:

To be clear, that language is still in there, and the U.S. Supreme Court does not get rid of language in state constitutions. Is that up to the Legislature?

Brenda Erdoes:

That is right. The language stays, but it is not currently effective. Should the case law change, it would come back into being. Does that make sense?

Assemblyman Elliot T. Anderson:

That is what I thought. Dr. Tarbell, do you think in the 1800s people used that same traditional marriage language to deny the right of interracial couples to marry?

William Tarbell:

No. I am familiar with the U.S. Supreme Court decisions in that area. I have read them.

Assemblyman Elliot T. Anderson:

Do you not think that, once upon a time, traditional marriage was only considered between two people of the same race?

William Tarbell:

There were some people who may have applied it that way, but the U.S. Supreme Court's decisions early on set that aside. All of us who are Christians have never, ever looked upon the relationship of people of different races as something outside the pale.

Assemblyman Elliot T. Anderson:

I think we will have to disagree on that point.

William Tarbell:

No. I think what is the case is that some Christians came to that conclusion using their own method of interpreting tradition in scripture.

John Wagner, Carson City Vice-Chairman, Independent American Party:

Marriage is in our bylaws of the *Nevada Constitution*. I have discussed this many times before the committees and on the Senate side. I am addressing the bill, and I do not want to disparage anyone who is in that type of relationship. That is between them, and I would treat all people equally as individuals. Anytime I have appeared before any committee, it is only about the bill. On the off years, I get political. Now it is only about the bill itself. The main problem I have, from a Christian standpoint, is that I feel that God defined that a marriage is between a man and a woman. I know there are problems with the domestic marriages and so forth. I believe the rights that they have should be equal to the Christian rights, such as the right to inherit, and the right to make your wills out to who you want to. I am perfectly fine with everything from a legal standpoint. I know a lot of people who are gays and lesbians, and I get along fine with them. I have no problem whatsoever. I have a problem when I sense that my deep religious belief says God said man and a woman is a marriage. This is where I kind of draw the line.

Janine Hansen, State President, Nevada Families for Freedom:

I served as the petition chairman for 16 of the 17 counties in 2000 when the marriage constitutional amendment was passed. We collected twice the number of signatures we needed. We needed 60,000 and collected 120,000, and that was all with volunteers. It was on the ballot in 2000 and 2002, and it won overwhelmingly by nearly 70 percent of the vote.

My concerns with this are my own experiences, including those in this building. During that campaign, I was regularly threatened. I received death threats and threats to my children. I had to quit going to any kind of public event without my husband or my brother to serve as my bodyguard because I was threatened so many times. That is from people who claim to be tolerant. In this building here, when I have discussed this issue in the past, I had to seek help from the legislative police twice when I was physically threatened. I suffer no delusions about the fact that some people who support this have a real problem tolerating those of us who do not.

I have two questions. What does gender mean in this particular bill? What takes precedent in the *Nevada Constitution* if this passes? In the Ordinance of the *Nevada Constitution*, it states, "That perfect toleration of a religious sentiment shall be secured, and no inhabitant of said state shall ever be molested, in person or property, on account of his or her mode of religious worship." In Article 1, Section 4, it states, "Liberty of conscience. The free exercise and enjoyment of religious profession and worship without discrimination or preference shall be forever allowed in this State . . . but the liberty of conscience [conscience] is hereby secured . . ." My concern is that when these two constitutional rights come together, there will be court cases and problems that will result for those of us who are exercising our religious liberty, which is a fundamental and inalienable right.

In my particular religion, a religious leader has said that there are four cornerstones of religious freedom. The first is the freedom to believe. No one should be criticized, persecuted, or attacked by individuals or governments for what he or she believes about God. No government can exist in peace except such laws are framed and held inviolate as will

secure to each individual the free exercise of conscience. The second cornerstone of religious liberty is the freedom to share our faith and our beliefs with others. Will it become politically incorrect, or will we be silenced and lose our freedom of speech because we do not support this particular amendment? The third cornerstone of religious liberty is the freedom to form religious organizations and to peacefully worship with others. The fourth cornerstone of religious liberty is free exercise of faith, not just in the home and the chapel, but in public places. The Lord commands us not only to pray privately but to also go forth and let our light shine before men. My sincere concern about this entire subject is that as others supposedly obtain their rights, we will lose ours. There will be persecution and intolerance as I have experienced in my own political life. I do not suffer from the delusion that that will not happen. I am sincerely concerned about the court cases and other laws that will come forth out of this particular resolution.

Chairwoman Diaz:

Ms. Erdoes, can you weigh in on the two questions Ms. Hansen posed at the beginning of her testimony? Would you like them repeated?

Janine Hansen:

What does gender mean? Which of these two constitutional amendments takes precedence, the one that secures religious liberty or this one, if it passed?

Brenda Erdoes:

I will address the last question first. If this were to pass, it would be the more specific amendment on this issue, so it would control. Gender would be defined with a normal dictionary definition of gender, which I am trying to find right now.

Janine Hansen:

I am not sure what she said. Does that mean if this one passed, it would take precedence over our religious liberty?

Brenda Erdoes:

Yes, that is what I just said. Another way to say that is the provision that is being discussed today is specific and has been upheld by the U.S. Supreme Court. That regards all sorts of challenges, such as religious liberty. I believe that the U.S. Supreme Court is saying that it does not affect religious liberty.

Janine Hansen:

My concern continues to be, and one of the things that has been expressed by leaders in my church, is that unpaid clergy have now been asked not to do marriages in the church for fear of being forced to marry those who they do not, in our religion, approve of. Therefore, we have already lost some of our religious liberties.

Assemblyman Elliot T. Anderson:

I am sorry to hear that you have had bad experiences with death threats, Ms. Hansen. I do not think anyone supports that. I do not think anyone in this room and on this dais supports death threats or violence.

I am curious about your church. We have had marriage equality in the state for two years. Your church is still there, right? Are you still going to it?

Janine Hansen:

What I said is that some of the rules have been changed, so our religious clergy are not put on the spot when same-sex couples come to ask to be married. They have stopped marrying because of that threat. Part of our religious opportunities, such as to be married in our own church by our own bishop, have been essentially eliminated.

Assemblyman Elliot T. Anderson:

In 2013, the previous iteration of this resolution had a clause that provided explicit protection for churches to not solemnize marriages that they did not approve of. If that amendment were made to this bill, would you then support it because you would have religious liberty?

Janine Hansen:

I certainly think that would be an improvement. That does not mean that my general opinion of this bill would change. I do think that those specific protections are extremely important, as we have seen those kinds of religious liberties negated all around the country.

Assemblyman Elliot T. Anderson:

Can you provide any examples of a gay person suing a church for not marrying them?

Janine Hansen:

I do not have it right here, but I will find some and bring them to you, as well as some other threats that have been made.

Assemblyman Elliot T. Anderson:

I am not asking for bakeshops, wedding cakes, or people who are in business. I am talking about inside the walls of a church where there are pews. I just do not see that happening. If you are going to come up here and talk about religious liberty, it would be important for us to see examples. I do not think there is anyone up here who has ever supported marriage equality who wants to force churches to marry people whom they do not want to. I hear this religious argument all the time. No one is trying to make churches marry, practice, and preach in a way that they do not want to.

Janine Hansen:

I certainly appreciate your sentiments very much. It goes beyond the clergy and the church for people to be able to exercise their religious liberty in free speech, in action, in proselyting, and in other things. It goes beyond that. The church has already taken steps to protect some of the clergy because of their concerns and fears.

Chairwoman Diaz:

Is there any other testimony against A.J.R. 2 in Carson City? [There was none.] Let us go to Las Vegas.

C. T. Wang, Private Citizen, Las Vegas, Nevada:

There are two points I want to make. One is just a question on some of the comments that have been made, and the other is some personal testimony I need to share. First of all, I have to agree with Mr. Healey when he spoke of standing for states' rights. I have to agree with him 100 percent. I am a Tenth Amendment kind of a guy. He made the comment that the U.S. Supreme Court has decided, so we have to amend the *Nevada Constitution*. Later on, he said, however, if the U.S. Supreme Court were to change this decision, then we will have to go back. What will we have to do? Why are we bouncing around? In his closing comment, we have to leave it to the people of Nevada, I love that. The people of Nevada have already decided twice, in 2000 and 2002. Now we are trying to change what the people of Nevada have already decided. The U.S. Supreme Court said we cannot do that. I am a states' rights guy, so I have to wonder about that.

Chairwoman Diaz:

I am not cutting off your testimony; I am just saying that we need to be respectful of everyone's views.

C. T. Wang:

I am being respectful of Mr. Healey's views. I have to question the questions that are raised.

Chairwoman Diaz:

Do it without using his testimony when you are bringing the points before the Committee because I find it disrespectful.

C. T. Wang:

My apologies to the gentleman. I would like to go on. This is an incredibly emotional thing. I heard a statistic a little earlier that Nevada has the highest percentage of LGBTQ people. They used the number 4.2 percent. We have heard in the media that the LGBTQ community nationally is something like 10 percent. I think the reality is about 2 percent according to Barna research several years ago. That notwithstanding, I have to ask why is the world in turmoil because of what two percent of the people want? I have to wonder what the motive behind all of this is.

I have to give you a personal testimony. In 1994, my wife and I had just returned from overseas. I retired. My brother, who has been gay his entire adult life, was celebrating his twenty-fifth year with his partner. We went to their home, and we were having a great time talking, chatting, and shooting the breeze. My wife and I happened to be together with my brother Frank, his partner, and their straight and gay friends. It was a mixed crowd. My wife commented to Frank and said, "I am so glad that you and Les have been together 25 years." Frank caught that right off the bat. Her presumption in that comment was that they had been faithful. He approached her. He could not have been more than three inches from her face,

and said, "You do not have an effing idea what this is all about." I was shocked, but that is what he said: the grand and glorious f-bomb. I am thinking, Holy cow, what is going on? She said, "I guess I do not. I thought you had been faithful all this time." He says, "Woman, it is not about one person forever and ever. It is about how often, how many, how intense, in the shortest amount of time."

Chairwoman Diaz:

Could you bring your comments back to the merit of the bill?

C. T. Wang:

I will. I am trying to get to the motivation. This deals with promiscuity. Here is the other thing he said. He said, "Do you not ever listen to what those gay pride parades say?" I said, "No. What do they say?" He said, "They say recruit, recruit, recruit. Ten percent is not enough." I said, "What?" I do not go to gay pride parades. My point is that it is not about equal rights. It is about promiscuity. We have pedophilia problems.

Chairwoman Diaz:

Mr. Wang, I need you to wrap up because I have been more than generous. You have had your five minutes.

C. T. Wang:

You took 80 minutes for the pros, and you are giving me 5?

Chairwoman Diaz:

It was different individuals. I have been generous in giving you double the time. We need to speak to the merits of the bill, and I have not heard you talk about the language in A.J.R. 2, so I think it is time to move on.

C. T. Wang:

I oppose A.J.R. 2 for those reasons.

Patti Jesinoski, Private Citizen, Henderson, Nevada:

First, I have not been against marriages of the same sex due to a different life choice than mine; it was because I looked to the future of what the passage of this would mean further down the line. When a terrorist gunned down 49 people in a gay bar in Florida, I mourned and cried for those families. The murderer was a follower of Islam, which does not allow this form of union to the point of throwing people off buildings to their death. It causes one to reflect on the injustice of this religion towards civil rights.

What other changes will occur with the change of the wording in the *Nevada Constitution* on marriage? How many different forms of marriage will become law? New York City announced in 2016 that it recognizes 31 gender identities. Facebook is declaring new gender options or identities going from 58 to 71 different identities. California is trying to change the age of consent of sex below 16. We have pedophiles weighing in that they are discriminated against because they like sex with children. A woman with an objects fetish

marries the Eiffel Tower in a 2007 commitment ceremony. Because she is an American woman, Erika Labrie is now Erika "Aya" Eiffel. I do not want to see same-sex marriage put into the *Nevada Constitution* for it will open it up to the 58 to 71 different gender identity options for marriage. It will also lower the age to be married, as Sharia law allows sex and marriage with children. Maybe the government should only have civil unions for all and take the word marriage out of the *Nevada Constitution*.

Juanita Clark, Executive Director, Charleston Neighborhood Preservation, Las Vegas, Nevada:

[Juanita Clark read from prepared testimony ([Exhibit E](#)).] No is our studied response that we request you vote on A.J.R. 2. The *Constitution* of our great state of Nevada was patterned after the *U.S. Constitution* because it was written to establish a solid standard, guide, and measure. If any of you are knowledgeable about the *U.S. Constitution*, you will know that it was done over a period of time by learned people with much experience. It was not an easy time. They belabored this immensely to keep the rights of the people and identified, for the first time in print, inalienable rights, so government would not be involved with those things.

Today we meet to hear the voices of some of "We the people," as established by the Preamble of the *Nevada Constitution*, for yes and no reasoning about why "recognition of all marriages, regardless of gender" must be amended to the *Nevada Constitution*. We have just been told by the legal counsel that gender would be identified by a normal dictionary. I am curious about the definition of normal. I have a stack of dictionaries and thesauruses that I use. I am not saying that any of mine are normal. I would not know how to identify what is normal, so I am very concerned about that and eager to hear the definition of gender in this case.

The youth of our state look to their parents, to those with more years of experience and more varied ideas, for answers of wise guidance, a standard, on which to perpetuate an established measure for their future offspring to maintain an independent form of government free from infringement. We know we have a standard of measure in the United States of exactly how many inches a foot is. Those things are kept under optimum conditions for either absorbing more moisture or drying out more to maintain that standard of measure. Fortunately, we are not changing those. When Ben Franklin was asked what kind of government he has given us, he replied he had given us a republic, which is a form of government if you can keep it.

We urge you to vote no regarding A.J.R. 2, so our posterity can best be free from a government fostering ever-expanding diversions, of which has been mentioned in the testimonies today, within the *Nevada Constitution*.

Chairwoman Diaz:

Is there anyone wishing to testify in opposition in Las Vegas? [There was no one.] Is there anyone wishing to testify in the neutral position in Carson City? [There was no one.] Is there anyone wishing to testify in the neutral position in Las Vegas?

Bonnie McDaniel, Private Citizen, Las Vegas:

I have been a 55-year resident of Las Vegas. The definition of "gender," according to Google, is "masculine, feminine, or neutered." I would like to have that specified out in this bill, not just the word "gender." If, as this bill states, the *U.S. Constitution* supersedes this bill, there is no reason to waste the taxpayers' time and money and the legislators' time to hear this bill. There are far more pressing bills to hear. Same-sex marriages are already considered legal and will not be deemed illegal because of this bill. The U.S. Supreme Court already ruled on that. It is the law of the land.

To give you a little bit of background, I have many friends, from the time I was 18 years old, that are LGBTQ. When I was 18 years old, we did not hear about LGBTQ. One of my very first jobs was as a seamstress at the Stardust Resort and Casino, making G-strings for the male dancers. At 19 years old, that was a pretty strange job for a girl just out of high school. It did not bother me. I was married and had a child by the time I was 17 years old. Many of my gay and lesbian friends are still my gay and lesbian friends. We party together, and we have fun together. When I was 21 years old, we used to go to the gay bars with my girlfriends, who were not lesbians, to dance and have fun. Everyone deserves to be happy with the person they love. Everyone deserves the right to inherit whatever is left afterward. I am not against gay marriage, but only God is going to judge me and my thoughts. God is going to judge them as well. I urge you to think about passing this kind of law. It is already on the books. We do not need to change the *Nevada Constitution* until after the people vote on it again, which they have already done twice.

Chairwoman Diaz:

Basically, A.J.R. 2 would have to get through the legislative bodies twice, and then go before the vote of the people. Ultimately, Nevadans have the final say on whether we amend the *Nevada Constitution*.

I do not see any further testimony in the neutral position. Assemblyman Araujo, I will invite you back to the table for closing remarks on A.J.R. 2.

Assemblyman Araujo:

I thank you all for allowing us to have this dialogue today. I am hopeful that you will allow us, as a body, to begin the process of ensuring that we are protecting marriage, not just as a state, but within our *Nevada Constitution* as a living, breathing document, so that it reflects the law of the land. You have heard this earlier today, and I want to bring you back in. We have had over 10,000 same-sex marriages. More will come. We have this beautiful saying locally, and at the national level, that love is love. All we want is to ensure that love that we fully embrace is protected in every way possible. We do not want to have those "what if" scenarios, and we do not want to have the uncertainty that one decision could potentially rescind something that is so beautiful for so many. I am hopeful that you will take A.J.R. 2 seriously. I am hoping that we can get this passed through the body, on to the next session, and to the vote of the people in 2020. With that, Madam Chairwoman, I thank you for your time and for allowing us to hear this bill.

[Chairwoman Diaz requested emails ([Exhibit F](#)) be made part of the record.]

Chairwoman Diaz:

Thank you, Assemblyman Araujo. I will close the hearing on A.J.R. 2 and open it up for public comment. Is there any public comment in Carson City? [There was none.] Is there any public comment in Las Vegas? [There was none.]

This meeting is adjourned [at 3:24 p.m.].

RESPECTFULLY SUBMITTED:

Julianne King
Committee Secretary

APPROVED BY:

Assemblywoman Olivia Diaz, Chairwoman

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is an undated document titled "Same-Sex Wedding Impacts," submitted by Lynn Goya, County Clerk, Clark County.

[Exhibit D](#) is a letter dated February 21, 2017, in support of [Assembly Joint Resolution 2](#) to Chairwoman Diaz and members of the Assembly Committee on Legislative Operations and Elections, authored and presented by Tod Story, Executive Director, American Civil Liberties Union of Nevada.

[Exhibit E](#) is written testimony presented by Juanita Clark, Executive Director, Charleston Neighborhood Preservation, Las Vegas, Nevada.

[Exhibit F](#) is a collection of emails from the public submitted to the Assembly Committee on Legislative Operations and Elections and entered into the record at the request of Chairwoman Diaz.