

MINUTES OF MEETING - HEALTH AND WELFARE - 55TH NEVADA ASSEMBLY  
SESSION - MARCH 12, 1969

Present: Wilson, Swallow, Foote, Frazzini, Espinoza,  
May, Brookman and T. Hafen

Absent: Homer

Also Present: Wm. Deutsch, Chairman, Southern Nevada Human  
Relations Commission;  
Michael Dawson, Executive Secretary of Southern  
Nevada Human Relations Commission;  
Freeman Johnson, Carpenter, Las Vegas;  
Reverend Marion Bennett, Las Vegas;  
L.L. McDaniel, Las Vegas;  
Eddie Scott, Sparks;  
Representatives of the Press and interested  
parties.

Chairman Wilson convened the meeting at 3:00 p.m. and noted  
those persons present.

A.B. 382, empowers counties to deal with civil and equal rights.

Mr. Deutsch introduced himself and noted that A.B. 614 dealt  
with the same legislation. The purpose of the bills came  
about through a ruling which stopped the county from providing  
funds to their organization. They have no legal authority,  
only the good will furnished through their service. There  
have been several hundred complaints in the past where they  
have cooperated with the authorities in bring about justice.

He noted that the money is already budgeted and if they are  
to continue their services and not allowed the use of these  
funds, the people may be asked to provide the means.

Mr. Dawson addressed the committee on behalf of the same organi-  
zation and he noted their services are voluntary. The commission  
consists of 20 members of various walks of life. All major  
religious sects are represented; not confined to any particular  
one. Some of their work has been working with persons contem-  
plating suicide. They have had over 400 inquiries which required  
them to cooperate with the police department. In many cases  
they refer the people to the proper authority for handling.  
He noted a recent incident in the dairy field in Henderson  
recently which reached a successful conclusion.

Frazzini asked how many women were on the commission and Mr.  
Dawson said unfortunately there were only three at the present  
time. Foote said he had listed the various members of the  
commission and asked if there was any ordinance which guided  
in the choice of these individuals. Dawson said they were  
appointed by the City Fathers and that there had been no recent  
appointments because the only time they lose a member is if  
they move from the area or pass away.

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May said from the evidence it appeared that the only thing they were requesting was the right to continue in the same manner they had in the past. Dawson said this was correct; the District Attorney's opinion had precluded the city and county from providing the funds for their functioning. All the bill does is allow them to receive this money which is already available and budgeted to them.

Brookman noted that they were also interested in starting the junior human relations commissions in the schools. Chairman Wilson thanked both for appearing and said they would be acting on these this afternoon.

Eddie Scott asked if this would apply to Washoe County as well as Clark since the bill stated, "any county" and Deutsch said it would apply to any city who wished to set up this type of program; they could do so under this bill.

Brookman informed the committee that the reason for both bills was A.B. 382 inadvertently left out "cities" and provided only for "counties".

A.B. 353, enacting open housing law; and A.B. 572, doing same.

Chairman Wilson noted that although they had held previous hearings on these bills, they did not want to keep anyone from testifying on them. He requested that each person limit his or her comments and thereafter recognized Reverend Marion Bennett.

Rev. Bennett noted that he was representing the NAACP as well as his church. He commented that he hoped the committee could come up with a bill stronger than the federal law now in existence on open housing. He said he would not take up time by pointing out the problems in Las Vegas right now, but he pointed out that Nevada has an opportunity to head off any future problems which might arise which other states are now experiencing. If men of good will take positive steps to stop the problems before they start, they can keep trouble out of Nevada. It only takes one incident to set off a riot. He hoped in the interest of human dignity and the welfare of the State, the people would come up with a good strong bill.

Freeman Johnson was recognized and he noted his question on page 2 of both bills regarding Section 7 and Chapter 207 of NRS. It states "Any person violating the provisions....." (emphasis added). Knowing that homes are purchased from banks and financial institutions and requires insurance policies in behalf of such lender, he wondered if "person" covered this area also, or would they need to insert "agency," or "organization" for this purpose. It is evident that unless a person is independently wealthy, they have to go to a lending institution for the funds, is it right that they could refuse to lend for whatever reason they may have?

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Chairman Wilson thanked Mr. Johnson for his questions and assured him that the committee welcomed his comments. He said, however, the word, "person" covers companies, organizations, institutions, etc. as far as the law is concerned. He said they had asked the Legislative Counsel Bureau about this very fact and were told that "person" would mean all. They had wanted to be sure there was no possible way a lending institution could discriminate in their loans because it would certainly be superfluous for the committee to come out with a bill that was not as strong as the federal law; it would be a waste of time.

Wilson said he had also asked the bureau about the commission's subpoena powers which are in the civil rights statute. Their answer is as follows quoted from letter addressed to Mr. Wilson:

"To add any separate provision for subpoena and related administrative powers, because the Nevada commission on equal rights of citizens already has these powers under NRS 233.070 and they are made applicable by section 6 of A.B. 353."

Therefore, additional subpoena powers would be unnecessary. Also,

"To prohibit specifically threats or violence against a person who exercises his rights under the "open housing" law," it is unnecessary "because NRS 207.190 prohibits coercion against the exercise of any legal right, with penalties equivalent to those of the federal law."

The latter portion being explained upon Wilson's request to clarify the instance where people may be threatened with violence for exercising the rights under this bill. These do not have to be specifically stated in the bill because they are already in existence in the Nevada Statutes.

Wilson said they had contacted the National Institute of Real Estate Brokers office in Chicago on February 11th and requested information on their Federal Statute passed April 9, 1966 to ascertain how far-reaching this statute went with regard to the exemptions under federal acts.

They referred us to Mr. Williamson's assistant, Mr. Nevins who commented "In short, the court decision (Mayer Case) has accomplished the following: Any exemptions under Federal acts that would attempt to allow some measure of discrimination have been swept aside." That means any person, institution, company, or whatever.

"A state could of course enact provisions that would accomplish the same thing. However, the only value in such a statute would be to allow a case to be run through state courts. At the moment cases (without specific state provisions) would have to be run through Federal courts."

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Wilson noted in view of this 1966 decision, Nevada could handle all of their cases through the state courts and under the Equal Rights Commission.

Reverend Bennett inquired as to the punitive damages and Wilson noted that A.B. 353 has punitive powers; but he was referring to the prohibiting of threats of violence against any person exercising their rights under this law.

On the question of who enforces this bill, it was noted that S. Bill 288 would cover this. Reverend Bennett said he wondered how cumbersome this could become. He wondered if it did not add additional road blocks to the situation. From experience they know that it sometimes takes many months to go through the Equal Rights Commission. Under the present law, you would almost be better without it.

Chairman Wilson said he had consulted an independent attorney who told him that 288 would not only enhance the position of the Equal Rights Commission but would prevent such burdensome hearings as they have in Las Vegas. This is a procedural matter and it would aid the Equal Rights Commission to operate under this bill.

Mrs. Miller with the Women's league of voters, asked if he was referring to the option of going directly through the courts rather than the Equal Rights Commission and Chairman Wilson said he was told by the attorney that A.B. 353 will not prevent anyone from going to the courts as long as they agreed to pay the attorney and court costs. The Equal Rights Commission will not pay the fees for them.

May said he believed the intent of 288 was to provide the regulatory provisions for the Equal Rights Commission. There is the possibility of persons not being able to afford to go directly to the courts. He said in his opinion if this could be broadened to provide better laws through the Equal Rights Commission, it should be the first concern.

Mr. Scott said this was very vague to him. When a person goes to court they go for a reason and the law has to provide the way. He said if they were able to go to the courts today for relief there would be no need for the legislation. A.B. 353 in his opinion did not provide for an individual going into court.

Wilson said A.B. 353 was designed for the purpose of preventing discrimination on the basis of race, creed or color; other laws provide the right of individuals to go to court.

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Espinoza asked if there should have the words "found guilty" or "convicted" rather than "violating" on line 6, page 2 of A.B. 353. Chairman Wilson said in his opinion any person known to "violate" would be "guilty" as well. It is simply a legal interpretation which will suffice. Espinoza said he felt it should be provided that he has been found guilty of such violation.

Chairman Wilson said it applies to the violation of sub-section 1 which explains what he violates. That is why they hold the hearings, to find the individual either guilty or not guilty of the violation of sub-section 1. He said if the committee preferred to go back and obtain new language or additional language, it would be up to them

Scott requested clarification regarding the broker's position in discrimination by buyer or seller. Chairman Wilson read the suggested amendments which would provide that no real estate broker could be denied the right to join multiple listings. He said the Counsel Bureau had informed that this wording would cover the problem unless someone else had other language that would apply. Scott said it seemed to him this did not specify the fact that the broker must be licensed.

Espinoza said it had to mean licensed broker and should perhaps be amended in that respect.

Mrs. Nicholson, League of Women Voters, said she hated to belabor the subject, but she noted in S.B. 288, they define the word "person" and A.B. 353 does not. She wondered why the drafter feels it is necessary in one respect and not the other.

Chairman Wilson said when he requested the drafting of the bill, he asked them to streamline it and make it as precise as possible covering the area we are talking about.

Mr. Lamar McDaniel presented his views to the committee wherein he noted the use of words on page 1, Section 5, "If the commission determines that discrimination has occurred and that mediation has failed....." He said if he were to look at a house and he liked it, and his family liked it, and later the broker gave him some phoney excuse why he could not buy it; rather than admitting that it was because he was black, what recourse did this give to him. He could be given the reason that it was because he had 10 kids or something like that. He did not see why he would have to give cause if in his opinion he had been discriminated against.

Chairman Wilson said all of this wording is taken from the Civil Rights act; they are only amending the area in Section 7. He said if they tried to go into the whole act and change it, they would be opening up a big can of worms. There are parts of the



present act which are stronger than any in the country.

McDaniel then pointed out that portion in Section 7 which reads "No person may refuse to rent, lease, sell or otherwise convey any real property solely because of race, religious creed, color or national origin." (emphasis added)

He said it is a fact that no one is going to actually say "We will not rent to you because you are black." They can always come back and say they did not discriminate because of color but because of some other trumped up reason like my having 10 children. Frazzini said the person who owns the property has to have some rights. If Mr. McDaniel owned a house he would probably not want to rent it to a family with ten kids either; she would deny anyone with 10 kids the right to rent her house; the purpose of this bill is to prevent discrimination. It is to protect everyone, including Mr. McDaniel. It still provides for mediation and there are agencies for appeal.

Mr. McDaniel said he could understand that but any black person who has been discriminated against has not been given the true reason, they are always given some phoney excuse. In his opinion if the bill was passed, there would be just as much discrimination as there is now.

May said he was not naive enough to believe that just because they pass this bill, every person will automatically stop discriminating; but it will make them stop and think about it. It will have a realistic impact on those persons who actually discriminate solely on the basis of color.

Swallow said he could understand what Mr. McDaniel was trying to say; he himself actually has nine children so understood the problem. But the commission would be set up to handle these matters. He continued by saying every person working on this matter is trying to solve the problems in the best way possible.

McDaniel then said he would like them to delete the word "solely" in Section 7 and include "for any reason" or note "because he is black". Frazzini said she did not want the color stated in there. And she did not want to add "for any reason". If they did this, she wants them to add "women" in there - or "marital status".

Mrs. Nicholson noted that there was no law in the State of Nevada nor any other state that prevents persons from renting or selling to certain people - they note in their ads in the newspapers if they will not sell to single people or to families with children or to persons with pets. These things are legal rights and apply to white people as well. In her opinion they were getting into the "grey" area.

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Mrs. Brookman said in her opinion the purpose was to get the best for the State of Nevada - to make it stronger than the federal law. She noted that one of the things missing in A.B. 353, which she had included in her bill, and which she felt was important was the reference to sex and marital status.

Reverend Bennett noted in A.B. 572, subsection 2 of Section 7, the provision seemed a little strong to him. Chairman Wilson said there was no court in the country that wanted to put someone in jail. McDaniel asked what would happen if this bill that they decide on did not come out as strong as the federal law. Chairman Wilson said if they find it does not provide the strength they want they will simply kill it and forget it.

Scott said he would like the word "person" defined in the bill and Chairman Wilson said they could easily amend it.

McDaniel then asked about the damages to the injured party. Chairman Wilson said that would go into another grey area. There are people all over the country who look for something like this so they can sue a person for monetary gain. The purpose of this bill is to prevent discrimination not to put some money in someone's pocket.

Scott said in order to accomplish what they are after with the least amount of commotion, it was necessary to come up with a bill that did not have any loop-holes. Chairman Wilson said if they were to wait for the perfect law which would eliminate all loop-holes they would wait a long time.

All witnesses and interested parties were excused and members of the committee remained for further discussion.

Discussion was held on the suggestion to set forth definition for the word "person" which would cover all areas in the bill when it appeared.

Hafen moved for the insertion of the definition of person in A.B. 353; to be inserted wherever necessary throughout the bill. Motion seconded by May  
Unanimously carried

Upon reviewing the suggestion of removal of the word "solely" on line 4, Section 7, it was determined that they would be defeating the purpose of the law if that were done.

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Mr. May said he believed Mr. Scott had made some good points with regard to the amendments to be put into the bill. He felt they should denote "licensed real estate brokers" in this respect. It was noted by Mr. Espinoza that it should not refer to "licensed salesmen" because in some instances they are precluded from joining certain organizations.

Frazzini moved that the amendment be amended to reflect "licensed" brokers not be denied the right to join multiple listings.  
Motion seconded by Swallow;  
Unanimously carried.

Brookman then asked them to please include "sex or marital status" in A.B. 353. Swallow noted that this had been discussed and after taking a poll on the floor, it was determined by putting these words in the bill, it would lose the power needed to pass.

Frazzini said she had polled the floor and there had not been one "no" vote cast.

Chairman Wilson asked what would happen if these were included in the bill and a single woman wanted to rent a room in her home. That would mean she could not deny a male person the right of renting.

May moved for a Do Pass on A.B. 382;  
motion seconded by Brookman  
Unanimously carried.

May moved for a Do Pass on A.B. 614;  
Motion seconded by Frazzini  
Unanimously carried.

Hafen asked if they could act on A.B. 353 with the amendments made. Brookman said she wanted to see the amendments first. They would most likely have them by Thursday so they could wait until then.

Frazzini said she wanted them to consider inserting the word "sex" into this bill in Section 9 of the amendment. She noted that there is often discrimination on the part of FHA and other lending institutions against women. A single woman cannot obtain a loan from FHA. Foote said in that case they would insert the term "marital status".

Frazzini moved for the inclusion of "marital status" in subsection 2 of Section 9;  
Motion seconded by Brookman

Discussion requested.



May said this would be taking away the right of the lending institutions to decide who they will loan their funds to. The single woman is not always the best person to loan money to. As far as the FHA is concerned this is federal law and there is no way for Nevada to change it.

Brookman said the purpose of this bill is to do away with discrimination and she is adamant in her opinion with regard to inserting "sex" and "marital status" into the bill.

Hafen said this would only open up a can of worms, we cannot deal with this in this particular area or any other. Swallow said he agreed that if they were going to lay this on the table they they would have to be blunt. When they talk about loaning money to the single woman, she is going to be the poorest credit risk. It has nothing to do with her ability to pay or her reputation or standing in the community. But the possibility is there that she will one day get married. She is going to go where her husband wants her to go. The difference between the single man and the single woman is that the husband would most likely stay where he is. He said it may be a strange philosophy but that is the way it is. It would be as unjust to the women as it would be to the men if this were to be provided. Besides that feature, there would be little chance of the bill passing on the floor with that in the bill.

Brookman said this was discrimination in any event. The public policy says that all people in the State of Nevada have equal rights and shall not be discriminated against because of race, creed or color. She reiterated that she felt it should be amended to include "sex" and "marital status".

May said the purpose of this bill was to pass a fair housing law so why not pass the law the way it is. If the women want to add this in the laws of Nevada, let them put a bill in to accomplish it. Let it go to committee and be discussed - but the prime concern right now is to get a strong open housing law on the books.

Chairman Wilson noted that there had been a motion and a second for the insertion of "sex" and "marital status" into subsection 2, Section 9 of A.B. 353; Vote taken as follows: Three For and Four Against.

Frazzini said it looked like they would be covered through the definition of "person" in the bill anyway.

Chairman Wilson then presented the cosmotology BDR's for Mrs. Frazzini to present. She noted that they had come from southern Nevada and mostly from the Southern Nevada Cosmotology Association which is different from the cosmotology board.

<sup>\*</sup>  
BDR 54-1067 refers to restrictions on styling of hairpieces. They are becoming big business in this state as well as others and this proposes that no matter where you purchase your hairpiece, it cannot be styled by anyone other than by a licensed cosmetologist. It does not prohibit a barber from performing these functions, however. Hafen asked if this would prevent his neighbor from setting his wife's hairpiece and Frazzini said it would.

<sup>\*\*</sup>  
BDR 54-1064 limits the terms of the board members on the State Board of Cosmetology to not more than two successive terms.

<sup>+</sup>  
BDR 54-1063 increases certain requirements for cosmetologists. It provides for the completion of the 12th grade or its equivalent rather than the 10th grade.

<sup>++</sup>  
BDR 51-1068 includes the term "hairpiece" under the definition of cosmetology.

Foote moved that the above-mentioned BDR's be drafted and introduced as committee measures to be referred back to the Health and Welfare Committee for further consideration;

May moved that Foote's motion be amended as follows: "The above mentioned BDR's be drafted and introduced as committee measures (by request) and referred back to the Health and Welfare Committee for further consideration;

Motion as amended seconded by Swallow and unanimously carried.

Chairman Wilson stated that they would meet briefly with the Judiciary Committee on the abortion legislation immediately following their meeting; Frazzini moved for adjournment and unanimously carried.

\* AB 688

\*\* AB 689

+ AB 686

++ AB 687