

February 17, 1969

Meeting was called to order at 3:00 P.M. by Chairman Torvinen.

Members Present: Torvinen, Lowman, Kean, Schouweiler, Reid, Prince, and Bryan.

Absent: Swackhammer.

AB 170 - Enacts fair housing law.

Mr. Torvinen stated that "Woody" (Chairman Woodrow Wilson of the Health & Welfare Committee) had a bill which is substantially the same as this one. He said that Mr. Wilson would like this moved to Health & Welfare."

Fry moved to refer it to Health & Welfare.

Reid: "In all fairness, we should ask you, Mr. Chairman, where should the bill go?"

Kean moved "DO PASS".

Schouweiler, answering Mr. Reid's question, said, "We do not know, because we do not have the other bill".

Chairman Torvinen: "I think it could go here, but there are facets that belong in Health & Welfare. My personal feeling is that we have enough bills that require notice to interested persons. The constitutional season is half over, and we have enough bills for the next 30 days."

Kean: "I would like to keep this one here."

Kean made a motion that AB 170 be retained in Committee, and that a committee be selected to investigate it and compare it with the Federal Standards on Fair Housing" so that the committee could compare them.

Prince seconded the motion. "I think we should have a study on it and keep it in committee".

Schouweiler: "There will be people who will want a public hearing".

Chairman Torvinen: "I have plenty of bills to fill up the next 2 weeks, although I haven't really scheduled them. There are another 10 bills that haven't come back from the printer, and they don't get on this list until they come back from the printer. There are about 5 bills that we have set hearings on, and a number of bills that we haven't. We have got off the subject. Zel (Lowman) came in late. Zel, we are discussing AB 170, the Fair Housing bill. It was my opinion we should refer this to Health & Welfare because Woody is coming in with another bill. Kean made a motion that the

committee might compare it with the minimum standards of fair housing law."

Lowman: "How does this one effect the one Woodrow Wilson is going to introduce?"

Torvinen called for a vote on Mr. Kean's motion.
There were 3 for, 4 against, and 2 not voting.

Reid: "I move we keep the bill in committee without appointing a study committee".

Mr. Lowman asked if that meant that he would then attempt to get the other bill of Mr. Wilson's into the Judiciary Committee?

Mr. Reid said he would include that in his motion, because, "it is properly a Judiciary bill. I think we are able to better handle it".

Lowman: "You know you will run into the Chairman of Health & Welfare, because he wants it."

Kean: "If you take no action, the bill just stays here".

Bryan: "I amend Mr. Reid's motion so that no further action will be taken until we see the other bill."

Reid: "Mr. Chairman, I think we are about to make the motion ourselves. I think if we want to keep this one here, then we have to do something today to get the other one here. That will tell you what you are going to do tomorrow".

Schouweiler: "They think they should be in the same committee. If we want to refer them later to another committee, we can do it".

Torvinen: "Did Mr. Bryan's motion get a second?"

Kean seconded.

Bryan: "Does this put you in an awkward position to fight the Chairman, so to speak, for the bill?"

Torvinen: "We will just have to wait until the leadership comes to a head and let the leadership decide".

Bryan: "What position will you take when Woody asks for the bill tomorrow?"

Torvinen: "My feeling is that they both have to go in the same committee".

Bryan: "What is the big objection to letting Health & Welfare have it?"

Reid: "Do you think Fair Housing belongs in Health & Welfare?"

Lowman: "By the nature of the bill, it belongs in here, but I frankly am not going to fight for it."

Torvinen: "Very frankly, I know he wants it, and I am of the opinion that he should have it".

Kean: "Let Woody have it and keep this one. If we have to bring them together by amendments, we will compare the two and junk one."

Schouweiler: "If you want hearings on fair housing ---"

Kean: "I don't want hearings. If they want hearings, fine. In their committee or in here, fine. We can go listen to them".

Torvinen: "Mr. Bryan's motion was to hold it over - to defer action on AB 170. Any further discussion on it? (No discussion indicated). Are you ready for the question? All in favor signify by saying "aye". Unanimously carried.

Mr. Torvinen said he would try to get Mel Close, Lowman and Wilson together and see what they wanted to do.

A.B. 117 - Specifies times when one spouse may testify against the other.

Mr. Torvinen said he had checked with the California Code, and "our proposed amendment is the same as the California Code amendment to our existing statute".

Bryan: "I would like to place an amendment on that in line with last week's discussion regarding property."

Fry said that the California Code, incidentally, does have property code in it.

Torvinen requested that he make a copy available to Mr. Bryan.

A.B. 70 - Prohibits exhibition and sale of obscene material to minors.

Mr. Reid: "Mr. Chairman, I would like to propose some amendments that I would like to explain. This is Zel's (Lowman) obscenity bill. Page 1, Line 20, change the age to 17 years in keeping with the New York Statute, and Sec. 6, Page 1, delete lines 22 through 24, which simply takes out the words "genitals, pubic area or buttocks with less than a full opaque covering, the showing of the female breast with less than a fully opaque covering of any portion below the top of the nipple, or the depiction of ---" "It simply takes out "buttocks, and if female, breasts."

Feb. 17, 1969

Reid (continued) "Sec. 8, Page 2, Line 7, delete, in keeping with my previous suggestion, the words 'genitals or pubic area, buttocks, or if such person is a female, breasts'."

"The last amendment would be on the last Sec. 10, sub sec. 3, which would delete the words, 'motion picture'."

Kean: Mr. Chairman, I make a motion DO PASS Mr. Reid's Amendments as stated to A.B. 70, after improvements."

Torvinen: "I am going to redraft your motion to take each amendment one at a time."

Kean: "I withdraw my motion."

Bryan: Made a motion that Page 1, Line 20 of A.B. 70 be adopted to read: "Minor means any person under the age of 17 years".

Lowman seconded. Unanimously carried.

Torvinen asked the committee consider the next amendment to A.B. 70, which was Sec. 6, Page 1, deleting lines 22 through 24, removing the words, "buttocks, and if female, breasts."

Reid moved. Bryan seconded. Unanimously carried.

Torvinen: "Sec. 8, Page 2, Line 7, Mr. Reid has suggested we delete, in keeping with previous suggestions, the words, 'genitals or pubic area, buttocks, or if such person is a female, breasts'."

Reid: "I would make a motion they be deleted."

Bryan seconded. Unanimously carried.

Reid: Referring to Page 2, Line 12, "minor any picture, photograph, drawing, sculpture, motion picture film" and Page 2, Line 24, "to premises whereon there is exhibited a motion picture, show or" He moved that these words be deleted from the bill.

Schouweiler seconded.

Mr. Reid said he was quite impressed with the presentation made by the theatre industry at their public hearing. He said he also listened to Mr. Lowman's statement that they had had time to 'clean their own house' and this is probably true. If the motion picture industry is trying to clean their own house, let's let them do it. I think we should go along with them to see if their rating system is responsible. For that reason, I made the foregoing motion".

Mr. Lowman: "Mr. Chairman, as I think I said at the hearing, the fact that they have a rating system would not be effected by this bill, as nearly as I can see. The point, as I understand it is that this is still voluntary. This rating program. If a fellow like Lloyd Katz wants to cooperate with it, he will, but I'll bet we will find motion picture people in Las Vegas who won't cooperate with it. For this reason, I would oppose this amendment."

Torvinen: "This was given to me by Carl Soderblom, a member of the railroad industry who was contracted by the motion picture industry. He supplied the following provisions that we add to line 26, page 2, "unless such minor is accompanied by a parent, guardian or spouse".

Sec. 4, you have to revise so that it would be the same as the first part of Sec. 10".

Reid: "Mr. Chairman, I don't know if it was Mr. Kean or Mr. Swackhammer who took this section. If we allow the motion picture industry to set their own standards, they are going to comply, but if we try to tell them what to do, if we start directing them like we are trying to do here, we are going to defeat the whole purpose of their act. The more we stay out of it, the better off we will be."

Schouweiler: "It was also noted that the motion picture industry was able to start this program in 1968. They haven't had time to get this program under way so that we can take a fair look at it as to policing itself. Two years isn't that long a time away from the present when we could take another look at the motion picture industry to see if they are using their authority correctly. We ought to give private industry an opportunity to regulate it themselves."

Torvinen: "If we are going to regulate printers, publishers and photographers, we might as well regulate motion pictures the same."

Schouweiler: You delete motion picture on Line 24, Page 2, "whereon there is exhibited a motionpicture show or other presentation which, in whole or in part, depicts nudity ---"

Lowman: "I am using the wording proposed by the industry, as represented by Mr. Soderblom. I won't accept the amendment."

Schouweiler: "In order to amend Mr. Lowman's, you have to defeat Mr. Reid's amendment."

Torvinen: "I have an amendment which I had prepared to Sec. 1, Page 1, Line 2, by deleting "10" and inserting "11". Amend Sec. 2, Page 1, line 5, by deleting "10" and inserting "11". Amend Sec. 4, Page 1, line 16, by deleting "10" and inserting "11". Amend Sec. 11, Page 2, by deleting line 27 and inserting:

"Sec. 11. Any person who sells for resale any picture,

6. - Judiciary Meeting

Feb. 17, 1969

photograph, drawing, sculpture or similar visual representation which would violate the provisions of Sec. 10 of this Act if sold to a minor shall plainly mark on the front of such items in letters plainly visible to any potential purchaser the words "Adults Only".

2. Any person who violates the provisions of sub section 1 is guilty of a misdemeanor.

Sec. 12. This act shall become effective upon passage and approval."

Amend the title by deleting the last two lines and inserting: "Obscene material to minors; requiring clear labeling of such material; providing penalties; and providing other matters properly relating thereto."

Mr. Kean asked if this would relieve the store owners. Mr. Torvinen replied, "no, this adds new criminal responsibility on the wholesaler."

Kean moved DO PASS. He commented, "hold it just long enough to give them a chance to reply."

Schouweiler seconded.

Lowman objected to that. "As I see it, the idea was to try to keep these things away from youngsters. Now we are condoning the fact that they are all right for adults. I don't think it is good for adults, but I think adults should be able to take care of themselves. We are condoning it for adults by this Act."

Kean: "I will change my motion to DO NOT PASS. I propose an amendment which says any person who sells for resale etc. which would violate Sec. 10 of this Act."

Schouweiler seconded. Commented: "If this passes, we are automatically asking the bill drafter for a severability clause."

Torvinen called for a vote. One assent. motion failed.

A.B. 119 - Repeals provision of criminal procedure law providing for exclusion of certain persons at preliminary examinations.

Fry moved DO KILL on A.B. 119.

Reid: "We should keep this until we get another bill."

Kean seconded motion, that A.B. 119 be postponed indefinitely.

7. - Judiciary Meeting

Feb. 17, 1969

Schouweiler: What do we have in lieu of 119?"

Bryan: "It is actually an insurance bill".

Schouweiler: "We should wait until the new bill is prepared. I move that A.B. 119 be held in committee".

A.B. 315 - Provides for removal of juvenile probation officers by probation committee. No action taken.

A.B. 299. - Torvinen to Mr. Jacobsen. "Jake, we did not have this on the agenda, but we are trying to get rid of some of these bills."

Jacobsen: "This was brought to my attention by the Douglas and Ormsby Counties. In cases of indigent deceased persons, they are required to gather their effects. It amounts to a bundle of old clothes. It is up to us to dispose of them".

Torvinen referred to the 1st section, where a coroner is appointed pursuant to the provisions of NRS 244.163. Is this the county section? Where there is an heir or some family, are these things disposed of, or is the public administrator supposed to be prepared to take care of this?

Jacobsen: "In the cases of the old pensioners, they die with nothing but the clothes on their backs. It is better we burn them up. Russ McDonald drafted these bills, and Verla Stinson is right across the street".

Torvinen: "I think we are talking about technical legal problems".

Fry: Referring to Line 6, Page 2, "259.170. If the money (be) deposited with the county treasurer pursuant to subsection 2 of NRS 259.150 is demanded within 6 years, the county treasurer---"

Under the present law, it is still going to the County Treasurer, but it goes for another purpose. All we would have to do is, on Page 2, delete Lines 16 thru 22, but I don't know if the County would go for that."

Kean: "The County ought to go for the burial proposals."

Torvinen. "Line 22 adds onto the escheat law. The Attorney General gets into this law somehow. Reasonable notice. It seems to me you could amend that on property any less than \$25."

McDonald: "This dog has been around for so many years. You don't want to impose a lot of costs for posting. What about 10 days posting? You get by with that on a joint estate or even a million dollar estate. Ten days posting at the court house?"

8. - Judiciary Meeting

Feb. 17, 1969

Torvinen: "Another problem would be the cutting of lines 16 through 22 on Page 2. Whether they would be in conflict with the general escheat laws?"

Fry: Referring to NRS 154. "They are paid to the County Treasurer for the benefit of the State of Nevada. All monies shall be paid to the State for the general school fund".

Torvinen: "Add to line 22 'that funds in excess, other than burial expenditures, be paid in accordance with Chapter 154'.

McDonald: "Does this get the County off the hook?"

Schouweiler: Moved to adopt with amendments as stated.

Bryan seconded. Unanimously carried.

McDonald:" With respect to juveniles names referred to this committee. I have reference to the juvenile court act. I understand it went to the desk?"

Torvinen: "That's right. It is on the desk".

Fry: "Do you want us to re-refer it to ourselves?"

McDonald: "I think that is w hat Mr. Lowman wants."

Torvinen: A.B. 300 - Provides that fee for divorce and annulment records be collected when complaint is filed. -"We pay \$36 for our complaints here. This is what we are doing in Washoe County. If you want to do it in Clark County, I think you should be treated equally with us. I agree that we don't need any discussion or to call anybody in. I don't know what the reason is for collecting at any particular time. Last year we had to pay for State recordation of vital statistics, or divorce records".

Schouweiler: "Obviously, they are going to get more than they need".

Fry moved DO PASS.

Reid: "What are they going to do with the dollar?"

Torvinen: "That dollar is used to pay for the State recording of divorces."

Reid: "How is it handled in Clark County?"

Bryan: "You have a little form your secretary types up and you file it at the end."

9. Judiciary Meeting

Feb. 17, 1969

Torvinen said that after July 1967 you only have to call one place to find out about all divorces granted in Washoe County.

Schouweiler seconded Mr. Fry's motion. Unanimously carried.

A.B. 303 - Prohibits wife beating. Mr. Fry suggested getting Mr. Dini.

Kean made a motion to indefinitely postpone. Seconded by Reid.

A.B. 294 - Torvinen: "This bill was requested by our Legal Aid Office in Reno. They apparently felt that if a mother needed to leave town and left her child in care of a grandmother, and the child needed a tracheotomy or a tonsillectomy or any other thing that would require a guardian to sign for, would the grandmother be the guardian. Apparently, with these lower income type people, the legal aid people have had many requests for letters of guardianship?"

Reid moved DO PASS.

Schouweiler seconded. Unanimously carried.

A.B. 303 - Torvinen: "Did we take any action on this? Mr. Dini sent over a note requesting us to hold up on this one for a few more days." No further action was taken.

A.B. 255 - Provides a uniform sheriff's fee schedule - Torvinen: "This is Messrs. McKissick and Reid's bill, and introduced at the request of Sheriff Lamb. Do you think we better notify Sheriff Lamb and Bud Young of Reno?"

Reid: No one from Clark County would come up on this. The Under-Sheriff looked it over and said it was o.k.

Kean moved DO PASS.

Torvinen: "Any portion of revenue in the small counties might be very dear to them. There are 17 statutes for 17 counties. Out of courtesy, we should let Mr. Prince and Mr. Swackhammer's sheriffs know what we are doing".

Kean: "Mr. Chairman, it is getting so late in the Session. I think we should pass it. It is so good".

Torvinen: "I think we should notify Mr. Prince as a courtesy, and I think we should give him a chance."

No further action was taken.

A.B. 315. - was mentioned. No action taken.

Chairman adjourned the meeting at 4:45 P.M.