

MINUTES

ASSEMBLY JUDICIARY COMMITTEE

April 26, 1977

8:15 a.m.

Members Present: Chairman Barengo
 Vice Chairman Hayes
 Mr. Price
 Mr. Coulter
 Mr. Sena
 Mrs. Wagner
 Mr. Ross
 Mr. Polish
 Mr. Banner

Chairman Barengo brought this meeting to order at 8:15 a.m.

Senate Bill 504:

Mike Fondi, Carson City District Attorney, having been previously sworn, testified on this bill stating that this bill essentially makes some minor changes in the law effecting duties of coroners. A key change is made in the language regarding when a death might have been caused by a criminal act; then the switching of the order of priority of who has control of the investigation, whether the coroner, the sheriff or district attorney. The purpose for the amendment is because for the most part coroners are not trained, whereas the sheriff and/or district attorney would be. Mr. Fondi also stated that the Clark County District Attorney's office is also in support of this bill, in addition to the Carson City Justice of the Peace being in favor of the bill.

Fred C. Gale, Chief Deputy Coroner, Carson City, being sworn in testified against this bill asking for a further study of the problem. Attached hereto and marked as Exhibit "A" is a copy of his testimony. There was lengthy questioning of him and District Attorney Fondi on this matter.

Assembly Bill 40:

Upon request of Chairman Barengo, Mr. Fondi, Carson City District Attorney, gave his opinion of a proposed amendment to this bill. Chairman Barengo explained to the committee that there was a problem with the passage of this bill before because the passage of it would not trigger the judgeship in Carson City because there is no vacancy. He recognized the need for an additional District Judge in Carson City and he believes they have found a way to add a new judge in Carson City via this bill. He then gave the committee the background on it. The Chairman stated that this is all constitutionally sound and has been checked out with all of the legal authorities. Mr. Fondi added that this is every bit as sound as the prior methods of doing it which was that the Judge had a prearranged signed commitment from the Governor and he would be reappointed the same day and a vacancy would be created automatically at that moment and that is how a second judge was added. Chairman Barengo added that all we are doing within this bill is taking advantage of a present vacancy. There was considerable discussion amongst the committee. Thereafter, Mr. Banner moved for a DO PASS AS AMENDED, the amendment having been asked for of Frank Daykin by the Chairman subject to this committee's approval, Mrs. Hayes seconded the motion. Mrs. Wagner abstained from voting. The motion carried.

April 26, 1977

Senate Bill 412:

Mr. Alan B. Schwartz, having been sworn, testified on this bill in opposition to Section 17 therein. Attached hereto and marked as Exhibit "B" is a copy of a letter he distributed to each member of the committee. Attached hereto and marked as Exhibit "C" is a copy of his entire testimony, along with an exhibit of his own showing an overview of recent efforts to allow gay citizens their rights.

Senator Bryan then testified before the committee on this bill in an attempt to clarify certain points of the bill. He stated that the original bill would have done some things that neither he nor Senator Close, the co-sponsor of the bill, wished it to do, one of which would have been to make homosexual relations legal. This was done by repealing NRS 201.190. Therefore, part of the amendments that the committee now sees in this bill was an attempt to address that situation and to make it very clear. The committee, he stated, did make a policy judgment in that it determined that there should not be a criminal penalty for consensual heterosexual relationships by and between adults. The committee had considerable discussion on this bill and questioning of Sen. Bryan.

Senate Bill 431:

Mr. John Butler, being sworn in, executive secretary of the Nevada State Board of Registered Professional Engineers, testified on this bill. He stated that there was a hearing about a week ago on this bill and at that time they thought everything was satisfactory to the engineers of this state. However, they noted in the reprint of the bill, a certain change in Paragraph 3 regarding the terms "engineering" and "engineered". He explained that the objection to this was probably that the State Board was trying to have a monopoly on these terms, however, he feels it is very necessary in order that they might control people who attempt to call themselves engineers and are not registered as such. Therefore, he asked that this bill be revised again back to the way it was on the original printing, placing back in the words "engineering and engineered". Chairman Barengo referred to this being the same testimony as Mr. Russ Mc Donald gave to this committee at an earlier date.

Mr. George Hastings, lobbyist for the Nevada Society of Professional Engineers, being sworn in, testified on this bill by merely stating that he supports what Mr. Butler just stated. Attached hereto and marked as Exhibit "D" is a letter from Nevada Society of Professional Engineers dated April 25, 1977.

Mr. Jack Warnecke, a resident of Carson City and a registered professional engineer in Nevada, as well as, California and a member of the American Institute of Chemical Engineers, testified on this bill as a private citizens and not as a representative of any of these organizations. He was interested in Paragraph 3a, line 9, it says that the principles of the corporation are registered. He stated that he thought this would present some problems as he can see where a restriction of this kind applied to a partnership is perfectly valid, but, in a corporation, he sees no reason why those people need to be registered professional engineers in order for that corporation to practice in the state.

Assembly Bill 355:

Chairman Barengo introduced a letter from the State Gaming Control Board Chairman, Phil Hannifin, regarding this bill and it is attached hereto and marked as Exhibit "E".

COMMITTEE ACTION:

Assembly Bill 40, Mr. Banner moved for a DO PASS AS AMENDED, Mrs. Hayes seconded the motion. Mrs. Wagner abstained from voting. The motion carried.

Assembly Bill 24, Mrs. Hayes moved that the committee CONCUR WITH THE AMENDMENTS, Mr. Ross seconded the motion. The motion carried unanimously.

Assembly Joint Resolution 1, Mrs. Wagner moved that the committee NOT CONCUR WITH THE AMENDMENTS, Mr. Barengo seconded the motion. Mr. Sena, Mrs. Hayes, Mr. Polish and Mr. Banner voted "NO". The motion carried.

Assembly Bill 315, Mr. Coulter moved to CONCUR WITH THE AMENDMENTS, Mrs. Wagner seconded the motion. The motion carried unanimously.

Assembly Bill 8, Mr. Coulter moved to CONCUR WITH THE AMENDMENTS, Mr. Polish seconded the motion. Mr. Barengo and Mrs. Wagner voted "no". The motion carried.

Assembly Bill 210, Mr. Ross moved that they NOT CONCUR WITH THE AMENDMENTS, Mr. Polish seconded the motion. Mrs. Wagner abstained from voting and Mr. Barengo voted "no".

There being no further business, this meeting was adjourned at 11:00 a.m.

Respectfully submitted,



Anne M. Peirce

STATEMENT MADE BEFORE THE NEVADA ASSEMBLY "JUDICIARY COMMITTEE" ON
S.B.504.

Tuesday April 26th, 1977. 08.00.

* * * * *

GOOD MORNING. MR. CHAIRMAN, MEMBERS OF THE COMMITTEE:

MY NAME IS FRED C. GALE, OF CARSON CITY. I AM HERE REPRESENTING RICHARD
MAYNE, CHIEF DEPUTY CORONER FOR CLARK COUNTY AND RALPH BAILY, CHIEF
DEPUTY CORONER FOR WASHOE COUNTY. BOTH, UNFORTUNATELY, HAVE HEAVY CASE
LOADS, AT THIS TIME, AND CANNOT BE HERE.

THEY BELIEVE, AND I CONCUR, AND RECOMMEND THAT BEFORE AN AMENDMENT, SUCH
AS APPEARS ON LINE 13 AND 14, BE OFFICIALLY ADOPTED, THAT A TWO YEAR
STUDY AMONG: J.P./CORONERS, PROFESSIONAL CORONERS OF WASHOE AND CLARK
COUNTY, LAW ENFORCEMENT AGENCIES AND DISTRICT ATTORNEYS BE CONDUCTED TO
SEE IF THIS IS GOOD LEGISLATION. PERHAPS THIS IS SOMETHING THAT THE
"STATE CRIME COMMISSION" CAN PARTICIPATE ?.

ONE OF THE NUMBER OF PROBLEMS WITH THIS BILL IS THAT IT WAS INTRODUCED
TOO LATE IN THE SESSION. WITHOUT EXAGGERATION, I BELIEVE THAT OUT OF
SOME 41 J.P./CORONERS IN NEVADA, NOT TO MENTION THE MANY DEPUTIES, ONLY
A FEW KNOW ABOUT S.B.504.

THIS BILL IS MOVING TOO FAST TO WARRANT AN IMMEDIATE CHANGE.

(if there is time). DR. SALVADORINI, "JEFF" SPRINGMEYER AND I
PIONEERED THE MEDICO-LEGAL FIELD IN THE MID-1950'S. ACCORDING TO
ONE RADIO COMMENTATOR, "WE WERE TWENTY-YEARS AHEAD OF OUR TIMES!".
FINALLY IT'S HERE.

BY 1979, WE WILL HAVE ENOUGH STATISTICS TO EITHER WARRENT, OR, NOT
TO INTERFERE WITH THE STATUTE.



Chief Deputy Coroner, Carson City.
NEVADA.

1841
EXHIBIT A

P. O. Box 3616
Incline Village, Nv. 89450
April 21, 1977

Assemblyman Robert R. Barengo, Chairman
Assembly Judiciary Committee
Legislative Building
401 South Carson Street
Carson City, Nevada 89701

Dear Assemblyman Barengo:

I am writing in regards to Senate Bill 412, which was passed by the Nevada State Senate on April 20, 1977, and referred to your Assembly committee, and its subcommittee. Although I am in favor of both this bill as it was introduced, and the companion Assembly Bill 647, I want to voice my strong objection to the amendments that were added by the Senate Judiciary Committee prior to recommending S.B. 412 with a "do pass".

Section 17 of the Senate Bill has been amended to redefine the "infamous crime against nature" to apply only between members of the same sex. With the passage of this bill, as amended, consenting adult sexual activity will soon become legal in the State of Nevada, but adult homosexuals committing sexual acts, in private, and with consent, could be imprisoned for one to six years in the state prison. There would be no possibility for parole unless a board composed of the Administrator of the Division of Mental Hygiene and Mental Retardation, the state prison warden, and a qualified psychiatrist certifies that the person is not a menace to the health, safety or morals of others. There would also be no possibility for probation unless a qualified psychiatrist certifies to the same issues.

Members of the Judiciary, we are living in the year 1977! As of this date 18 states have repealed sodomy statutes against homosexual activity between consenting adults in private. Although large states such as California and Illinois have been progressive in this area, many smaller and conservative states including Wyoming, New Mexico, North Dakota, Maine, New Hampshire, Iowa, Alaska, Oregon, Delaware, Connecticut and Hawaii have repealed these statutes and are aware that the State Legislature has no right to regulate the sexuality of its citizens. Statutes such as these also empower local law enforcement agencies to spend considerable time and effort controlling victimless crime activities at the expense of the enforcement of more serious criminal activity.

In addition to the above states' actions, many counties, cities and municipalities, including the Federal Government, have introduced and/or passed legislation concerning equal civil rights for gay persons. The American Psychological Association no longer considers homosexuality to be an illness or a disease, and has deleted it from their listing of mental disorders. Although I realize Nevada is a conservative state, it seems hypocritical to me that a state liberal enough to permit gambling, and which either permits or "overlooks" (at county option) prostitution - the selling of sex - would introduce new legislation that allows for the continuing harassment of the homosexual community. I am a resident, and taxpayer of this State, and I am proud to be a Nevadan, but I can not allow you to discriminate against me in this way, without trying to convince you that this amendment is barbaric

and out-dated in light of this society's current standards of morality.

I am in favor of all current and proposed statutes that prohibit rape (sexual assault), sexual activity with minors, and public sexual acts. But statutes that allow my neighbors, coworkers and friends to engage in private activities that I am severely prohibited from engaging in are outright discriminatory actions that do not permit me to be an equal citizen of this state.

I am inflicting no harm in anyone by my loving of a person who happens to be of the same sex as me. This world is still full of enough hatred, bias, and discrimination. Let's not reinforce these negative emotions through antiquated legislation. I urge you to recommend the passage of this bill, but only after amendments have been inserted to eliminate the presently worded discrimination against the homosexual citizens who call Nevada home.

Very truly yours,



ALAN B. SCHWARTZ

cc: Assemblywoman Karen W. Hayes
Assemblyman James J. Banner
Assemblyman Steven A. Coulter
Assemblyman John Polish
Assemblyman Robert E. Price
Assemblyman R. Ian Ross
Assemblyman Nash M. Sena
Assemblywoman Sue Wagner
Tom Beatty

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EXHIBIT B 1842

Assmeblyman Robert R. Barengo, Chairman
P. 2

and out-dated in light of this society's current standards of morality.

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Very truly yours,



ALAN B. SCHWARTZ

cc: Assemblywoman Karen W. Hayes
Assemblyman James J. Banner
Assemblyman Steven A. Coulter
Assemblyman John Polish
Assemblyman Robert E. Price
Assemblyman R. Ian Ross
Assemblyman Nash M. Sena
Assemblywoman Sue Wagner
Tom Beatty

TESTIMONY AGAINST SB 412

PRESENTED TO THE NEVADA ASSEMBLY JUDICIARY COMMITTEE

APRIL 26, 1977

MR. CHAIRMAN, AND COMMITTEE MEMBERS. I HOPE YOU HAVE ALL READ THE LETTER I SENT TO EACH OF YOU LAST FRIDAY. BEFORE I BEGIN, I WOULD LIKE TO DISTRIBUTE AN ADDITIONAL HANDOUT CONTAINING INFORMATION I WILL BE REFERRING TO DURING MY TESTIMONY.

I AM SORRY TO SEE THE ABSENCE OF A LARGE NUMBER OF PEOPLE HERE TO TESTIFY AGAINST THIS BILL. BUT IN MANY WAYS, THIS IS WHAT I HAD EXPECTED. COMING TO TESTIFY AGAINST A BILL THAT SEEKS TO DISCRIMINATE AGAINST HOMOSEXUALS IS NOT EASY. PEOPLE FEAR THAT ANY TESTIMONY THEY PRESENT WOULD BE SELF INCRIMINATING. SINCE PRESENT STATUTES DEFINE HOMOSEXUAL ACTIVITY AS ILLEGAL AND CRIMINAL, PEOPLE'S FEARS ARE INDEED JUSTIFIED. IN ADDITION, THERE IS THE FEAR THAT EMPLOYERS, NEIGHBORS, AND FRIENDS WOULD BECOME AWARE OF ONE'S HOMOSEXUALITY AND USE THIS AGAINST THE INDIVIDUAL. SUCH APPREHENSION IS ONLY REINFORCED BY PROPOSED STATUTES SUCH AS THIS ONE. OPPRESSION OF A CLASS OF INDIVIDUALS CAN ONLY PRODUCE SORROW, WORRY AND ANGUISH FOR THEM AND COULD MAKE THESE INDIVIDUALS LESS PRODUCTIVE CITIZENS IN OUR COMMUNITIES.

I COME HERE AS A RESIDENT OF THIS STATE CONCERNED THAT THE RIGHTS BEING AFFORDED TO OTHER CITIZENS IN NEVADA BY THE PASSAGE OF THIS BILL WILL BE DENIED TO ME. I AM NOT A GAY ACTIVIST, NOR HAVE I EVER BEEN A MEMBER OF ANY GAY RIGHTS ORGANIZATIONS. ALL OF THE INFORMATION THAT I WILL PRESENT TO YOU TODAY HAS COME ABOUT FROM ENDLESS HOURS OF RESEARCH THAT I HAVE DONE IN THE SHORT PERIOD OF TIME SINCE THIS AMENDMENT WAS INTRODUCED AND PASSED IN THE SENATE LAST WEEK.

THERE ARE TWO ASPECTS OF THIS BILL THAT ARE ANTIQUATED AND OUT

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EXHIBIT C

OF LINE WITH MODERN VIEWPOINTS. THE FIRST IS THE DISCRIMINATION THAT THIS BILL IS PROPOSING AGAINST ONE SPECIFIC GROUP OF PERSONS. BY DEFINING "THE INFAMOUS CRIME AGAINST NATURE" AS APPLYING ONLY BETWEEN MEMBERS OF THE SAME SEX, YOU ARE DISCRIMINATING AGAINST HOMOSEXUALS OF THIS STATE. THIS BILL IS DENYING DUE PROCESS AND EQUAL PROTECTION GUARANTEES; IT IS DENYING THE RIGHT TO FREEDOM FROM CRUEL AND UNUSUAL PUNISHMENT BY ENFORCING LENGTHY PRISON TERMS UPON ONLY ONE GROUP OF PERSONS; IT IS DENYING FREEDOM OF EXPRESSION AND THE RIGHT TO PRIVACY BY REGULATING WHAT PEOPLE CAN DO IN THE PRIVACY OF THEIR OWN HOMES. THESE ARE RIGHTS THAT ARE GUARANTEED BY THE CONSTITUTIONS OF BOTH THE UNITED STATES AND THE STATE OF NEVADA.

SECONDLY, THIS BILL HAS THE EFFECT OF INCREASING PENALTIES FOR THIS TYPE OF BEHAVIOR. LIMITATIONS ON PAROLE AND PROBATION, CURRENTLY IN THE NEVADA REVISED STATUTES, ARE ENFORCED ONLY IF PHYSICAL FORCE IS INVOLVED, OR IF THE PERSON UPON WHOM SUCH OFFENSE WAS COMMITTED IS UNDER THE AGE OF 18 YEARS. WITH THE PASSAGE OF THIS BILL, HOWEVER, SUCH LIMITATIONS ON PAROLE AND PROBATION WILL BE EXPANDED TO INCLUDE ALL OFFENDERS.

MANY PEOPLE OFFER THE ARGUMENT THAT STATUTES THAT DEAL WITH THE BEHAVIOR OF CONSENTING ADULTS IN PRIVATE ARE NOT ENFORCED. THIS MAY BE TRUE TO SOME EXTENT, BUT NOT ENTIRELY. PROSECUTIONS HAVE BEEN MADE IN THE STATE OF NEVADA UNDER SECTION 201.190. IN ADDITION, IF THE INTENT TO ENFORCE WAS NOT PRESENT, WHY WOULD THIS AMENDMENT HAVE BEEN INSERTED INTO THIS BILL UPON RECOMMENDATION OF THE NUMBER TWO PERSON IN THE DISTRICT ATTORNEY'S OFFICE OF CLARK COUNTY?

I WONDER HOW MANY OF YOU REALIZE THE SCOPE AND NUMBER OF PERSONS THAT THIS LAW WILL BE DISCRIMINATING AGAINST. MOST SOURCES AND STUDIES HAVE ESTIMATED THAT HOMOSEXUALS COMPRISE 10 PERCENT OF THE POPULATION NATIONWIDE. ALTHOUGH NO ONE CAN ASCERTAIN THE EXACT NUMBER

OF HOMOSEXUALS IN NEVADA, CERTAIN CHARACTERISTICS OF THIS STATE'S POPULATION COULD INDICATE THAT THE PREVALENCE RATE IS PROBABLY NO LOWER THAN THE NATIONAL AVERAGE. IN NEVADA, THERE ARE 100.7 MALES FOR EVERY 100 FEMALES, COMPARED WITH A NATIONAL AVERAGE OF 93.6 MALES FOR EVERY 100 FEMALES. YOU WOULD ASSUME THAT WITH THIS FAIRLY EVEN RATIO BETWEEN THE SEXES, THERE WOULD BE A HIGHER DEGREE OF MARRIAGES. YET, THE NUMBER OF HOUSEHOLDS IN NEVADA THAT CONTAIN ONLY ONE PERSON IS NEARLY TWO PERCENTAGE POINTS ABOVE THE NATIONAL AVERAGE. IN ADDITION, THE NUMBER OF MEN IN NEVADA THAT ARE DIVORCED OR SEPARATED IS TWICE THE NATIONAL AVERAGE, WHILE THE NUMBER OF WOMEN WHO ARE DIVORCED OR SEPARATED IS 1½ TIMES THE NATIONAL AVERAGE. THERE IS A HIGHER DEGREE OF ADULT MALES AND FEMALES IN THIS STATE, THAN NATIONALLY, THAT ARE NOT CURRENTLY MARRIED. I AM NOT IMPLYING THAT ALL THESE PEOPLE ARE HOMOSEXUALS, BUT CERTAINLY MANY OF THEM MAY BE LEADING ALTERNATIVE LIFESTYLES.

CONSIDERATION SHOULD ALSO BE GIVEN TO OUR PROXIMITY TO CALIFORNIA, AND THE FACT THAT A LARGE PERCENTAGE OF PERSONS WHO HAVE MIGRATED TO NEVADA HAVE COME FROM CALIFORNIA. IN ADDITION, ESPECIALLY IN LAS VEGAS, THERE IS AN ABUNDANCE OF PERSONS EMPLOYED IN THE ENTERTAINMENT INDUSTRY, A FIELD THAT HAS OFTEN BEEN ASSOCIATED WITH HOMOSEXUALITY.

STATUTES SUCH AS THIS ONE WILL NOT ONLY DISCRIMINATE AGAINST PEOPLE IN THE ARTS, THOUGH. I PERSONALLY KNOW GAY PEOPLE IN THE FOLLOWING PROFESSIONS THAT LIVE IN NEVADA: DENTISTS, DOCTORS, PHARMACISTS, LAWYERS, UNION LEADERS, BANKERS, STATE ADMINISTRATIVE EMPLOYEES, SCHOOL DISTRICT ADMINISTRATORS, NEWSPAPER REPORTERS, CONSTRUCTION WORKERS, PUBLIC UTILITY ADMINISTRATORS, CAR SALESMEN, GROCERY MANAGERS, SCHOOL TEACHERS, UNIVERSITY PROFESSORS, REAL ESTATE BROKERS, ACCOUNTANTS, BUS DRIVERS, TRUCK DRIVERS, RESEARCH SCIENTISTS AND OF COURSE CASINO EMPLOYEES. THESE PEOPLE NOT ONLY LINE IN THE RENC

1846

AND LAS VEGAS METROPOLITAN AREAS, BUT RESIDE IN THE COMMUNITIES OF ELKO, BATTLE MOUNTAIN, GARDNERVILLE, HAWTHORNE, YERINGTON, CARSON CITY AND AT LAKE TAHOE.

THE PEOPLE WHO WILL BE EFFECTED BY THIS LAW CONSTITUTE A SIZEABLE AND BROAD PORTION OF OUR NEVADA COMMUNITIES. GAY PERSONS ARE PREHAPS THE LARGEST MINORITY GROUP IN THIS STATE SINCE ONLY 5.6% OF THE POPULATION IS BLACK, 5.6% ARE SPANISH-AMERICAN, AND ONLY 2.6% ARE REPRESENTATIVES OF ALL OTHER RACIAL MINORITIES.

IT IS MY CONVICTION THAT NO LEGISLATURE WOULD KNOWINGLY CRIMINALIZE SUCH A LARGE PORTION OF ITS CONSTITUENTS. AFFECTIONAL RELATIONSHIPS THAT WE CONDUCT WITH OTHER CONSENTING ADULTS IN THE PRIVACY OF OUR OWN HOMES ARE NOT, AND SHOULD NEVER BE, THE CONCERN OF THE STATE.

(TESTIMONY CONTINUES WITH AN OVERVIEW AND SUMMARY OF THE HANDOUT PREVIOUSLY DISTRIBUTED.)

AN OVERVIEW OF RECENT EFFORTS TO ALLOW GAY CITIZENS THEIR RIGHTS:

TESTIMONY IN SUPPORT OF REPEALING AMENDMENTS TO SB 412

- I. Eighteen states now have no restrictions on adult consensual sex acts, including homosexual acts:

California	New Hampshire
Colorado	New Mexico
Connecticut	North Dakota
Delaware	Ohio
Hawaii	Oregon
Illinois	South Dakota
Indiana	Washington
Iowa	West Virginia
Maine	Wyoming

- II. The following six states have bills currently being considered that will repeal all adult consensual sex acts, including homosexual acts:

Kansas	Oklahoma
Massachusetts	Pennsylvania
New York	Wisconsin

- III. In Kentucky, homosexual activities have been changed from a felony to a misdemeanor.

- IV. The only state to recently adopt penal code revisions for heterosexual activity, but not for homosexual activity, is Texas. Currently, Arizona and Missouri are considering legislation that would legalize heterosexual activity without legalizing homosexual activity, but in both these states penalties for homosexual activity will be reduced from what they currently are. In Nevada, the penalties are being increased.

- V. The first government entity to protect gay civil rights was Atlanta in 1971. Since that time, 39 other municipalities have adopted gay civil right laws (usually relating to employment, housing and public accommodations, but can vary from state to state and can also include protection in the lines of credit, insurance and financing):

For All Citizens

Anchorage, Alaska
East Lansing, Michigan
Ann Arbor, Michigan
Washington, D.C.
Seattle, Washington
Berkeley, California
Detroit, Michigan
Columbus, Ohio
Minneapolis, Minnesota
Alfred, New York
St. Paul, Minnesota
Palo Alto, California
San Jose, California
Portland, Oregon
Moscow, Idaho
Madison, Wisconsin
Marshall, Minnesota
Yellow Springs, Ohio
Austin, Texas
Bloomington, Indiana
Cleveland Heights, Ohio
Tucson, Arizona
Santa Clara County, California
Howard County, Maryland
Hennepin County, Minnesota
Dade County, Florida

Only Municipal Workers and
City Contractors Protected

Atlanta, Georgia
New York, New York
San Francisco, California
Ithaca, New York
Sunnyvale, California
Mountain View, California
Cupertino, California
Santa Barbara, California
Chapel Hill, North Carolina
Boston, Massachusetts
Pullman, Washington
Amherst, Massachusetts
Los Angeles, California

A survey of citizen attitudes conducted by the Tulsa, Oklahoma Human Relations Commission found a plurality of 47 percent to 38 percent of citizens supporting a proposed ordinance banning discrimination against gay people. This occurred in a city often considered so religious that it is nicknamed the "City of Churches".

VI. Pennsylvania was the first state to adopt gay civil rights protection in relation to all state employment.

VII. The following 11 states have bills currently under consideration to grant civil rights to gay persons:

Maine	Maryland
California	Oregon
Massachusetts	Minnesota
Washington	Illinois
Connecticut	New York
Hawaii	

VIII. Since originally being introduced by Bella Abzug in May, 1974, the move to amend the federal civil rights act of 1964 to include sexual orientation has grown in support. The bill (HR 2998) is currently sponsored by Ed Koch

and has 39 sponsors, 12 of whom did not sponsor the legislation in the last session of Congress. Sponsors come from New York, California, Oregon, Washington, D.C., Minnesota, Massachusetts, Maryland, Pennsylvania, Colorado, Missouri, Illinois, Michigan, Connecticut and Ohio. Although most sponsors are Democrats, two (McCloskey, California and McKinney, Connecticut) are Republicans! The following is a quote from Pete McCloskey in which he explains why he is for gay rights:

What changed my point of view was that, up until that time, the literature and the fear of homosexuality was that the homosexual would seduce a child and lead someone into a life of sin and dissipation. There wasn't one of these individuals that I found in defending these cases that would ever have approached a young person. In fact, he wouldn't have approached anybody. The shyness, the compassion, the humility of these people was what impressed me plus the obvious success that most of them had had. It just seemed a shame to make that criminal contact. That's what changed my attitude.

In addition, Margaret Costanza, President Carter's public liaison, has held and will continue to hold meetings in the White House with representatives of the National Gay Task Force to see that federal discrimination practices against homosexuals are eliminated.

- IX. Anita Bryant and her "Save Our Children, Inc." organization is currently trying to repeal the recently enacted Dade County (Florida) equal rights laws. The following two articles, from the New York Times and from the Mayor of San Francisco, are typical of many that are supportive of the Miami ordinance:

Not long ago we expressed pleasure that Miami singer Anita Bryant retained her TV job despite an anti-Anita campaign brought on by her opposition to a Dade County ordinance that prohibits discrimination against homosexuals. Now, due largely to Miss Bryant's efforts, the county has scheduled a special June election to reconsider the measure, and we hope the voters will uphold it. Some correspondents interpreted our support for Miss Bryant's right to speak as support for what she has been saying. Far from it. Miss Bryant's arguments - such as her charge that homosexuals are out to recruit converts among children - are absurd as well as benighted, and county officials are to be commended for extending the area of civil rights to an often abused group. It is good that Miss Bryant is keeping her job; it would be better if she lost her campaign.

- from an editorial in "The New York Times", March 26, 1977

Letter From The Mayor

March 30, 1977

Dade County Commission
Dade County Court House
Miami, Florida 33130

Attention: Commissioner Ruth Shack

We understand you will be considering a referendum on the repeal of your recently passed Gay civil rights ordinance on April 5th.

As you may know, San Francisco was among the first municipalities to guarantee the civil rights of the Gay minority in similar legislation in February of 1972.

To date, more than 35 communities have seen fit to guarantee that Gay citizens are given the same rights as other taxpayers.

Our experience has been that our ordinance has enhanced the quality of life and reduced unnecessary frictions within our city by extending to the Gay minority the dignity and respect due to all our citizens.

We can only salute your courage in establishing this important legislation and extend our moral support and hope that you will choose to support its continuation.

Sincerely,

George R. Moscone
Mayor

X. Miscellaneous support:

- A. The 4,400 members of the National Lawyers Guild in 1974 voted to oppose gay oppression.
- B. The State Bar of California in 1976 endorsed equal rights for gays.
- C. The American Association of University Professors, 75,000 members strong in 2,000 colleges, passed a measure to censure any college discriminating against gay persons.
- D. The American Psychological Association vote of December 15, 1973, ratified on April 8, 1974, showed that 58 percent of its 17,905 members voted in favor of eliminating homosexuality as a mental illness. Thirty-eight percent of the membership was opposed, while the rest abstained.
- E. Twenty-two San Francisco area labor unions support gay rights in all upcoming union contracts. The unions include the Building and Construction Union, Teamsters, Longshoremen, United Farm Workers, etc. Eighteen of these 22 unions support the federal gay rights bill.
- F. In November, 1976, the National Conference of Roman Catholic Bishops stated as policy that "Homosexuals like everyone else should not suffer from prejudice against their basic human rights. They have a right to respect, friendship and justice."
- G. The 65th General Convention of the United States Episcopal Church, in September 1976, stated "Homosexual persons are children of God who have full and equal claim with all other persons."
- H. The United Methodists Board of Church and Society made a public statement welcoming homosexuals to the church.
- I. The federal Civil Service Commission now bans discrimination on the basis of sexual orientation.
- J. The United States Immigration and Naturalization Service has stopped excluding homosexuals from citizenship and entry into this country.
- K. The United States Department of State on February 7, 1977, announced it has discontinued its policy of automatically barring gay people from employment involving security clearance and foreign service.

XI. Dr. Albert Geis, University of California, Irvine, Sociologist, surveyed police department and prosecuting attorneys in the seven states where gay sexual activity between consenting adults have been legal for several years. His study found that the sexual law reforms passed in these states produced no increase in homosexual rape, no increase in the incidence of gay sex with minors and no increase in the number of gay persons involved in nonsexual crime. Police reported having more time available to deal with the more serious criminal elements in these states.

I WOULD LIKE TO CONCLUDE WITH A STATEMENT MADE BY REPRESENTATIVE EDWARD KOCH UPON INTRODUCING GAY RIGHTS LEGISLATION TO THE UNITED STATES CONGRESS:

"I believe that the fight for human rights is one of—if not the—most important fights that people of good will must be involved in, particularly those who have the power to legislate. The struggle for human rights, which includes equal rights for women, blacks, Hispanics and all minorities here in this country, must include equal protection for individuals without regard to their affectional preferences.

"When people ask why I take on this fight, I respond by saying if I were not to support equal rights for all of these communities, how can I, as I do, oppose repression in the Soviet Union and Uganda against the citizens of those countries by their repressive governments? Repression has many faces and exists in every country, and I will not excuse that repression against any group nor will I shun the battle to remove the oppression from any group."

Introducing Gay Rights To Congress

Rep.
Edward
I.
Koch

I STRONGLY RECOMMEND THAT SB 412 NOT BE PASSED UNLESS AMENDMENTS THAT DISCRIMINATE AGAINST HOMOSEXUALS ARE FIRST REMOVED. COMPANION BILL AB 647 CAN BE APPROVED, SINCE THIS BILL HAS NO SUCH AMENDMENT ATTACHED, AND WILL STILL ALLOW FOR ENACTMENT OF THE RECOMMENDED RAPE STATUTE CHANGES.

RENO CHAPTER
NEVADA SOCIETY OF PROFESSIONAL ENGINEERS
RENO, NEVADA

ADDRESS REPLY TO WRITER

April 25, 1977

Senate Committee of Commerce and Labor
Legislative Building
Carson City, Nevada 89701

Re: Senate Bill 431

Gentlemen:

This is to inform you that the Reno Chapter of the Nevada Society of Professional Engineers with over 100 members is opposed to the part of SB 431 where NRS 625 is changed to allow general use of the terms "Engineering" and "Engineered".

We feel that this portion of NRS 625 has served to protect the public against persons claiming to be engineers.

Very truly yours,



Clayton A. Carpenter, P.E.
President

EXHIBIT ¹⁰⁵⁹ D

GOVERNOR
 PHILIP P. HANNIFIN
 CHAIRMAN
 JOHN H. STRATTON
 MEMBER
 JEFFREY H. SILVER
 MEMBER
 IRENE F. MORRIS
 ACTING
 EXECUTIVE SECRETARY

GAMING CONTROL BOARD
 1150 EAST WHELAN STREET
 CARSON CITY, NEVADA 89710

LAS VEGAS OFFICE
 VALLEY BANK PLAZA, SUITE 501
 300 SOUTH FOURTH STREET
 LAS VEGAS, NEVADA 89109
 (702) 255-0131

April 21, 1977

The Honorable Mel Close, Chairman
 Nevada State Senate Judiciary Committee
 Legislative Building
 Carson City, Nevada 89710

Re: AB 355
 Costs of Subsequent
 Investigations

Dear Senator Close:

The Board has recently learned that an amendment to AB 355 is pending before the Senate and Judiciary Committee relating to costs of Board investigations of licensees which are conducted subsequent to licensing. It is our understanding that a proposed amendment has been suggested by Mr. Sawyer and Mr. Faiss which would, in general terms, impose the responsibility for costs of out of state audits of markers on the respective licensees. While this amendment ostensibly accomplishes the goals of the Board as earlier presented to the Judiciary Committee, you should be aware of additional changes to the law which would result if AB 355 is amended to include this provision. It is because of the broader ramifications of the amendment that the Board is adamantly opposed to it.

The first paragraph of the Amendment would, with the limited exception contained within the amendment, preclude assessment of investigative fees against a company already licensed. The language of this paragraph could reasonably be interpreted to mean that fees related to investigations of key employees, loan transactions, public financing proposals and other similar matters could not be charged and collected from licensees.

Also the Amendment would provide that licensees shall bear the costs of examination of markers maintained out of

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EXHIBIT E

state. However, the Committee should be aware that an audit of such markers maintained out of state include much more than the mere physical examination of the documents involved. To properly investigate out-of-state marker practices, Board Agents must additionally review the out-of-state accounting procedures, interview collection agents and junket representatives, at times interview certain casino customers, and always maintain liaison with local law enforcement agencies in the foreign jurisdiction involved. All of these procedural investigative steps are necessarily involved in an audit of markers maintained out of state and are purely a result of the licensees' decision to do credit collection business out of the state of Nevada. Under the Sawyer provision, only the one audit procedure--actual examination of the documents themselves--would be chargeable to the licensee.

Another portion of the Sawyer Amendment which is unacceptable to the State regulatory agencies is the provision that the Board must identify to the licensee each particular document examined. While the Board has never refused to provide an itemized billing for investigative costs, the Board should not be forced to advise any licensee of the details of a particular investigation. These particular investigations may, in some cases, be very lengthy and may involve potential criminal prosecutions. Disclosure of what any particular investigation may be focused upon at an early stage of the investigation would totally frustrate many tax collection and criminal prosecution efforts.

Additionally, the Sawyer Amendment would, for the first time in the history of gaming control, make the regulatory agencies responsible to the industry rather than the industry being responsible to the Board and Commission. This would represent a diametrically opposite approach to gaming control from that which has existed before.

Finally, the Sawyer Amendment would create a new right for licensees which they do not have at this time. The amendment would create a statutory right to maintain original markers outside the State of Nevada so long as copies are maintained within the State. It is the position of the Board, C.P.A.'s who work for the Board, some licensees, and many

independent C.P.A.'s that "exact copies" are not an adequate substitute for original documents. The Committee did not request testimony relevant to this point during its hearings on this Bill and have therefore not had the benefit of both sides of this argument. The amendment proposed by Mr. Sawyer would, however, result in a situation which could be intolerable to the State.

For example, the Board is aware that some licensees have had serious financial difficulties as a result of practices involving markers sent out of state. In such cases, it might be appropriate for the regulatory agencies to order that licensee to retain all original markers within the State until the out-of-state difficulties are resolved. Mr. Sawyer's Amendment would preclude such action. This would represent the loss of a significant tool of control by the State. It cannot be emphasized strongly enough that the mere physical examination of markers outside the State of Nevada by Board agents, while being an integral part of an audit, does not satisfy all of the problems caused by markers being sent out of state.

In conclusion, the Board wants the Judiciary Committee to know its position relating to costs of investigations conducted subsequent to licensing or registration. The Board would, of course, urge the Committee to adopt Section 5 of AB 355 as originally presented. As you will recall, Section 5 of the first draft of AB 355 imposed limited out of state costs upon licensees. The Board has never objected to providing an itemized billing to any licensee or applicant who requests one, and will continue to do so in the future. If the Legislature decides, as the Assembly Judiciary Committee apparently did at one time, that the State is to fund these investigations, then that is also acceptable to the Board. The important thing is that the Board be able to conduct its investigation in its usual thorough, unfettered manner.

The Board is, however, opposed to having to advise the licensee of the details of its investigation or of to having to limit its out of state investigation to only an examination of the documents involved. Additionally, the Board believes it to be absolutely necessary that it be able to prevent

The Honorable Mel Close, Chairman
April 21, 1977
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original markers from being removed from the State in cases
where such prohibitive action is warranted.

Sincerely,

STATE GAMING CONTROL BOARD

By


Philip P. Harniman
Chairman

PPH/pt

cc: Honorable Robert Barengo
Assembly Judiciary Committee

Sec. ____ .1. The board or commission shall not assess or charge any licensee, holding company, intermediary company or publicly traded corporation which is registered with the commission for costs of any investigation conducted subsequent to licensing or registration, unless such licensee, company or corporation is an applicant for approval of any act or transaction for which commission approval is required. Costs of the investigation necessitated by the application which may be assessed to such applicant shall be restricted to out-of-state transportation, food and lodging, as limited by law or regulation governing out-of-state travel by state employees. The applicant shall receive a full and complete accounting of such costs.

2. A licensee shall not be required to maintain within this state credit instruments, I.O.U.s, markers or other original documents evidencing indebtedness to the licensee so long as the licensee maintains exact copies thereof within this state. If the licensee elects to maintain any such original documents outside this state, the board may examine such documents at any place they are maintained. In such instance, the board may require the licensee to reimburse the board only for the costs of out-of-state transportation, food and lodging, as limited by law or regulation governing out-of-state travel by state employees. The costs shall be billed to the licensee with a full and complete accounting, including an itemization of the original documents examined.