

# Government Affairs Update 2018

One of the primary reasons to belong to AANR (besides having fun) is to support our work that protects our right to be nude through legislation and the courts and, where possible, to expand social nude recreation opportunities. Here is a summary of recent activity:

## March

Many legislatures are back in session, but only a few bills have peaked our interest to date:

In **Hawaii**, SB 691 wants to define nude sunbathing as lewd behavior in the state. It will rescind the 2000 Hawaii Supreme Court decision of *State v. Kalama* that says law enforcement agencies cannot arrest or issue a citation to a person who is nude unless the person is acting in a lewd manner. The new proposal will include simple nude sunbathing in the offense. Last year we worked with NAC and discussed jointly hiring a lobbyist, if necessary. Fortunately, the bill never had a hearing as the committee chair where it was assigned was opposed. We will watch the bill carefully and act immediately should it gain any traction in the current session. [Update June 2018: The bill died in committee without a hearing.]

Also, in **Hawaii**, HB 1792 would forbid unmanned aerial hobby aircraft (i.e. “drones”) from taking photos of people from the air without their permission. This matches GAT’s position exactly.

**HB 2711** states: “The legislature finds that public access to beaches is of paramount importance and a public right.” The purpose of the bill is to create a task force to study ways to reopen public access to beaches in areas currently gated or otherwise cut off from the public, and to create more and better public parking areas. What makes this an interesting bill is it does not exclude nude access to beaches. If it doesn’t ban nudists perhaps it can be used to increase our ability to increase nude recreation in the state, assuming SB 691 does not pass. The downside is greater public access also means our isolated nude beaches may get opened up to wider public use.

**HB 2134** makes it a Class B felony to “intentionally or knowingly install or use in any private place, without consent of a minor person any device for observing, recording, amplifying, or broadcasting a minor in a state of undress or sexual activity” and to “intentionally distribute such images of an identifiable image of a minor” (under age 18). While the intent of this bill is a reaction to revenge porn or teenage sexting, it is written so broadly that images of families being nude at a beach or in their backyard (or bathtub – see **Arizona**, above) could also be covered.

In **Utah**, HB 196 allows public breastfeeding whether or not the woman’s breast is covered. But they are not as behind as Idaho. In **Idaho**, a bill was introduced last month finally to allow mothers to breastfeed in public. Idaho is the last state with no legal protection for breastfeeding mothers. The last attempt was in 2003, but the bill died in committee.

In **Arizona**, a couple saw its conviction reversed by the Court of Appeal that saw their kids taken away after WalMart refused to process some nude photos taken by the parents of their 3 girls (ages 5, 4, and 1½) in the bath. Instead, WalMart called Social Services, who took their kids away. The case has taken ten years. The couple is now suing the state.

A member of the Canyon States nudist club received a ticket for nudity in the **Tonto National Forest**. The regulations state nudity is allowed in the area only in undeveloped areas, but it does not specify where exactly such areas are. AANR legal counsel Erich Schuttauf got involved, as did NAC’s Bob Morton, but with only limited success. The regulations were up for review and were re-publishing in February. The Superintendent decided to carry forward the same rules as before.

Outside our region there were two setbacks for the nudist community:

In **Calgary, Canada**, the Calgary Nude Recreation (CNR) club had a nude swim party planned at a local water park. Some opponents found the promotion online and immediately bombarded the water park’s Facebook page and the city council with hysterical complaints and threats to bring baseball bats to the park and knives to slash tires. The city rescinded its permit, citing the probability of violence and their understaffed law enforcement being unable to stop it, if it occurred. AANR members wrote letters supporting the club but there were too few letters compared to the opponents. A month later, the city council reversed itself and allowed the nude swim parties to continue, realizing they were presenting no harm to the young people attending.

Meanwhile in **Jensen Beach, Florida**, the Treasure Coast Naturists had their Nude Bowling Night cancelled by the owners of the bowling alley for essentially the same reason as what happened in Canada; Loud complaints from a small but vocal group of locals opposed to the event.

## April

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In Colorado, HB 18-1143 is a repeal of many of the nudity laws in the state which local courts have ruled unconstitutional. For example, a state court in Ft. Collins ruled that women have the same rights to top freedom as men. We are quietly supporting this because we don't want to stir up any opposition. Odds of passage are good.

In Oregon, the legislature has banned alcohol use on the nude beach at Sauvie Island, near Portland. Law enforcement wanted this, and it passed the legislature by a large majority. In California, the state's Sex Offender Registry is being reorganized into tiers, with the worst offenders (child molestation, etc.) grouped together and others ranked by the seriousness of the felony. Those ticketed for simple nudity do not need to register in most cases, but we are watching to see how these regulations are re-written.

At Bates Beach, Santa Barbara County, California, the local police chief has retired. He agreed not to ticket for nudity there if there were no complaints. We met with the new chief and city manager a few weeks later and received assurances there would be no change in policy.

## May

### **Pirates Cove Nude Beach near San Luis Obispo, California**

The Whales Cave Conservancy (WCC) nude beach advocacy group attended a public workshop on April 25 with San Luis Obispo County Parks "to protect the public access to the beach, cave, trails, coastal views, and night star viewing." Meaning they wanted to reduce the number of parking spaces available to nudists and also narrow the legal hours for parking there.

WCC spoke against these changes and again asked that the Parks Department not restrict access to the legal clothing-optional status of Pirates Cove beach. They also urged more frequent trash pickups than the current twice a month schedule (a tactic to make the nude beach unappealing to visitors). WCC stress the area be kept a "natural and undeveloped area rather than as a traditional county park." About 20 people attended the meeting and no one spoke against the nude beach.

No decisions were reached at the meeting. Parks said their recommendations will be made public "in a few months." We will stay on top of this.

### **Danita Rodriguez, California State Parks Area Superintendent**

On May 3, AANR-West President Gary Mussell met with Danita Rodriguez, the new Central Coast Superintendent for the California State Park system.

Her predecessor, Richard Rozelle, decided to close Gaviota State Beach in Santa Barbara County to nude use after the state's Cahill Policy was rescinded in 2009. Rozelle recently retired so we thought this a good time to introduce ourselves and discuss nude use of the local state parks.

While the meeting was cordial, she said she could not refuse to give tickets at Gaviota, or simply issue warnings, because the state parks director has not rescinded the directive to prohibit nudity in the state park system.

Gary asked her for an update list of citations issued at all the state parks for 2016-2017, as Rozelle used to do, and she said she would do that. The number of tickets will tell us how vigorously they are enforcing the nudity ban on their beaches. We agreed to meet periodically.

### **Tennessee HB 1140**

A bill to protect minors from sexting was amended at the last minute to remove simple nudity among its definitions of things that are illegal. The bill states that people "have a reasonable expectation of privacy, whether clothed or unclothed," and this means photos whose main focus are genitals or breasts, and "that might embarrass the individual" now are a misdemeanor. Our concern was the bill now could make it illegal to take photos of family members or friends skinny dipping in a backyard pool. Luckily that clause was removed, and the bill was passed and became state law this past month.

## Missouri Law Defines Pornography as Health Hazard

The Republican National Committee has had its party's leaders in several Midwest states introduce legislation stating, "pornography is a health hazard." The exact bill language is being used in every state. The reason is to use it as a campaign issue in the fall against their opponents.

The fear is they will include simple nudity as pornography and link the two in future bills after the election. The bill has already passed in Missouri. We are watching these bills carefully.

## June

### Saline Valley Near Death Valley

We thank those AANR-West members who have sent letters of support to the National Park Service about the updated management plan for Saline Valley Warm Springs, adjacent to Death Valley National Park in California.

This has been a popular spot for nudists to enjoy the local hot springs for several decades. We want to keep it that way, with no change in policy or enforcement. If you agree, send a brief letter to:

Death Valley National Park  
P.O. Box 579, Death Valley, CA 92328

Comments may be submitted by email to: <http://parkplanning.nps.gov/SalineValleyWarmSprings>.

AANR and the Naturist Society are working together to have input into the planning process.

Comments are due by July 2. More information can be found at: <https://www.nps.gov/deva/learn/news/saline-valley-comments.htm>

### Auburn Dam, Sacramento River

The California State Parks Department and the US Bureau of Reclamation are collaborating on a new General Plan/Resource Management Plan for Auburn State Recreation Area, located on the north fork of the American River. Just below the Auburn Dam, is a very popular destination for nudists in this part of California.

A public workshop was held on December 7, 2017 in Auburn. AANR-West and GAT were well represented by **Tim Mullins** and other members of the nearby **Northern Exposure club**. Tim reported that nobody objected to the nude beach area as the focus of concern seemed to be access to the area by pet dogs (currently banned) and a demand to build bicycle trails in the park.

Another public hearing is scheduled for June 26 and Tim and his team will be attending. We will report back next month on what happened.

## In Summary (as of June 30, 2018)

Election years are usually when we see a flood of anti-nudity bills introduced by local politicians wanting to use our way of life as a campaign issue. This year, however, it has been extremely rare to see any such bills in the eight western states of our region. One such bill in Hawaii never got a hearing.

Neither has there been many anti-sexting bills or proposals to restrict the use of hobby drones over private property or public parks or beaches (our position is nobody should have their image photographed or videotaped while nude without personal approval).

It seems the politicians are too preoccupied with guns, walls and kids in detention camps to worry about the people who want to hang out together without clothes.

Our Government Affairs Team (GAT) asks all local nudists to **stand up to our opponents** where ever and whenever we can. As long as the world thinks there are only a few of us, and that we don't really care about our rights, we will run the risk of a small band of vocal opponents getting their way.

We are looking into hosting a Government Affairs workshop at the AANR-West convention, so our members can gain a better understanding of what we do to promote or oppose various bills at the federal, state, and local levels.