The meeting was called to order at 8:05 a.m. Senator Close was in the Chair.

PRESENT: Senator Close
Senator Hernstadt
Senator Don Ashworth
Senator Dodge
Senator Ford
Senator Raggio
Senator Sloan

ABSENT: None

SB 510 Limits issuance of search warrants for premises of certain press and broadcasting facilities under certain circumstances.

Senator Sloan commented that the Attorney General had asked him some time ago to work with him on a bill that would provide some safeguards on First Amendment rights of the press to make sure that there are not intrusions by law enforcement in light of the Supreme Court decision on the Stanford Daily paper case. The bill, as put in, was at the request of Sigma Delta Chi and essentially parallels the bill which Assemblyman Coulter introduced in the Assembly which has been killed by the Judiciary Committee over there.

The Attorney General and some of the district attorneys expressed opposition to that bill. Senator Sloan continued that he and the Attorney General came up with some substantial amendments to the bill which they feel meets the criticism offered by the district attorneys, and yet provides the safeguards which he and the Attorney General see as essential to the continued operation of a free press.

Senator Sloan went on that the scope of the original bill was overly broad because it focused on physical buildings as opposed to specific types of property and work product. He feels it is important to have a policy statement of our continued belief in and desire for rigorous enforcement of the requirements of the First Amendment. The press feels, and justifiably so, that recent decisions of the U.S. Supreme Court are attempting to some degree to undermine the concept of a free press in our society. Senator Sloan thinks passage of this bill would indicate to those in Washington and elsewhere that the First Amendment is alive and well in Nevada.

Attorney General Bryan stated the genesis of this controversy is Archer vs. Stanford Daily. In the Stanford Daily case, there was a demonstration at Stanford University Hospital; and during the course of the demonstration, the police

were called to restore order. A couple of police officers were injured in a scuffle which ensued. Subsequent to that, criminal charges were filed, including battery of a police officer and assault with a deadly weapon.

The morning after the demonstration occurred, the Stanford Daily paper ran a special edition with a photograph, on the front page, of the riot scene. Although the newspaper was not the defendant nor involved in the sense of having fostered or participated in the demonstration, a search warrant was obtained for their premises. During the course of that search, reporters' notes, records, the entire Stanford Daily facility was searched. The ostensible basis for the search was that the law enforcement officers thought there might be additional photos available which might help them identify some of the demonstrators. In fact no additional photos were found, and in reading the case it appears that there were no additional photos or negatives available.

The Stanford Daily paper filed suit under 1983 which is a title and section of the federal law, for violation of civil rights, alleging that their constitutional rights under the First Amendment, Fourth Amendment, and Fourteenth Amendment, had been violated. They prevailed in trial court, the case was appealed to the 9th circuit court, where they again prevailed.

The U.S. Supreme Court reversed both the trial court and the appellate court in a 5 to 3 decision. They held the fact that there were no special constitutionally-protected rights insofar as the press was concerned. As a result of that a number of states have considered, as California will this June, a constitutional amendment to the state constitution. A number of states have enacted statutes which in effect, by legislative action, override the decision of the Supreme Court by establishing certain procedural safeguards. Prior to this case there was no reported decision in American jurisprudence where a search warrant had been issued to search a newsroom or work product.

Since the Stanford case there has been 14 cases where search warrants have been issued, so the concern is justified. Senator Sloan feels that the way information is gathered needs to be protected; obviously one way is to protect a confidential source of information to the press. The shield law, enacted in 1971 and amended in 1975, is NRS 49.275 and the subtitle is "privilege for news media". The original thrust of the bill was to protect the newsroom. Attorney General Bryan thought it was misdirected as the essential interest to protect is the work product, the notes, the materials for information gathering in the course of process and disseminating information to the public. If a search warrant can make this information available to anyone, it will have a chilling effect

on the newsgathering function.

Richard Bryan continued that the amendments submitted to the Committee are to limit the scope of the search warrants availability only to work product material. At the same time, law enforcement must be protected as related to criminal activities. Mr. Bryan said what he and Senator Sloan have done is to rely on a definition already found in NRS 49.275. They have used the original bill as vehicle for these amendments rather than a prepare a new bill because of the lateness of the session.

Senator Raggio asked if there should be some language in the bill to cover the case where someone gives information specifically to a newsperson just to evade this law.

Attorney General Bryan said he didn't think it does violence to the purpose of the bill but would again suggest that the language in subsection 2 is taken from 49.275.

Senator Raggio agreed that was the source. He said there are good reporters and bad reporters and if someone had material of this kind that was ordinarily reachable by search warrant, and didn't want to part with it, a situation could arise whereby some agreement was reached to deposit the material with some former reporter. It would be easy enough to say, "I received this to prepare something" and he wouldn't want that to happen.

Senator Dodge asked if the opinions in the Stanford case hinged at all on the fact that these pictures did not come through a confidential source?

Attorney General Bryan did not recall that language. The majority holding at Stanford was fairly broad in the sense that they said the newspaper was not a party to the proceeding and therefore was not protected under the Fourth Amendment. They specifically rejected the contention made in that case that, aside from the question of loss of First Amendment rights, if the Fourth Amendment was deemed not to apply, nevertheless the First Amendment placed the Stanford Daily News in a position where the information should not have been obtainable.

Senator Dodge commented that he could see the point of indiscriminate search of press files, but said that Mr. Bryan had premised his argument with the social desirability of being able to preserve the confidentiality of the sources. He said that is the same reason why they oppose all the things he has ever seen on any of these cases against reporters; it has been based on confidentiality argument. In the case of the Stanford picture, it doesn't seem to him that there was anything confidential about that picture. Senator Dodge continued that it was a public demonstration, so it was simply a case

where someone took a picture of a public situation and it wasn't a confidential tip from an informant. Senator Dodge wanted to know if that information should fall into a different category than that which is truly confidential. Also, he wanted to know what was the responsibility of the newspaper (particularly for information not from confidential sources) to reveal any pertinent information that might have to do with the commission of a crime; in the interests of protecting society as you might expect of a private citizen.

Attorney General Bryan stated that raises a question in terms of public policy and the functional responsibility of the press; whether it is proper to impose on the press that obligation, notwithstanding the fact that there may be some societal benefit. The more persuasive argument being that in terms of gathering this information for ultimate communication to the press, the stronger argument exists for the protection of that right as opposed to society's right to have the information relating to a specific offense. There are exceptions for direct criminal activity where the information is necessary to prevent the death or injury to an individual.

Senator Hernstadt said he has a problem with subsection D. To him it says that if someone goes into a newsroom to get information and the newsroom person says "you just try and get it", someone could go into court with that because their intent could be to erase or destroy the information so someone could get the search warrant. He asked if the language wasn't a little broad.

Attorney General Bryan replied that what they tried to do was to balance the legitimate law enforcement interests and the concerns voiced by the press. The four exceptions were tailored to cover those concerns.

Senator Hernstadt said that all onehas to do is to allege probable cause that there may be concealment or destruction and they can come charging in.

Mr. Bryan answered that Amendment D contains a stronger burden of proof on the requesting party for a search warrant than Amendment C does. Probable cause requires substantially more in the law, and there is a body of case laws that indicate probable cause is much more difficult to establish.

Senator Hernstadt asked just what exactly is work product and does it differ from notes and raw product.

Mr. Bryan said that it does, once the information is disseminated publicly then the ordinary rules of evidence apply.

Senator Dodge asked what about the cases where they are locking up the reporter. Obviously they are not reaching those cases with a subpena; or they wouldn't be locking up the

reporter.

Attorney General Bryan replied that those are cases in states where there is no statute, there is no shield law. In other words, the shield law is not created by a constitutional provision; these are created by statutory right. There is no common law of journalists and confidential sources, that is strictly a creature of statute.

Senator Close commented that this goes far beyond what he understands to be the attorney/client privileges.

Senator Sloan asked if the present shield law did not cover that particular instance.

Senator Close said that he knew an attorney in Las Vegas who very nearly lost his license and got involved with federal court because of something exactly like what is trying to be protected here.

Senator Sloan remarked that it is his understanding that this is just an extension of the shield law which would address itself to the knowledge that a reporter would have. He continued that if the reporter had the knowledge but had not committed it to paper, the statute, just passed by this legislature, and the stands on policy in this area, does the exact same thing they are discussing.

Senator Close stated that this shield seems to extend to the janitor or whatever of the TV station, not just editorial personnel or reporters. This is in Amendment 3A.

Mr. Bryan commented that the reason for this is that they were trying to make the provisions parallel to existing law.

Senator Close asked if there was any reason to continue the broad coverage on TV and radio stations.

Attorney General Bryan answered that what they are talking about is reporters; and they are just trying to make the bill consistent with the shield law.

Senator Dodge asked if the shield law only goes to warrants.

Mr. Bryan said that the shield law talks about a testimonial privilege. That is to say that an individual who is a journalist, who is brought before a grand jury (or any type of judicial proceedings) cannot be compelled, to use the language here, "to disclose any published or unpublished information obtained or prepared by such person in such person's professional capacity of gathering or receiving information." He would also like to point out that he has talked with Bob Miller, District Attorney for Clark County, and he has no

opposition to the bill before you or the amendments that the Committee would offer.

Steve Coulter, Assemblyman, District 27, stated that he is a former reporter in Washington and the Reno area, who also teaches journalism at the University on a part-time basis.

He said he introduced a bill earlier this session that stated the search warrant could only be issued if the subpena had been issued and not complied with. He offered the Assembly Judiciary Committee a number of amendments to the California approach, and even some of the suggestions of President Carter. Essentially these excluded any reporter if there was probable cause to think that the reporter has committed a crime,or seizure of material to prevent injury to life or property. The Assembly Judiciary Committee did not go along with that. There was basically strong opposition to it by the District Attorney and the Sheriff of Washoe County. They did request a resolution to look at in the Interim; to go into the whole question of search warrants.

Assemblyman Coulter continued that a lot of reporters are concerned about the Stanford Daily decision. For the press to be able to function properly they have to be able to protect the identity of their sources. He thinks the Stanford decision circumvents the Nevada shield law. He said it is important that the press not be an investigative arm of government. If they are forced into that position it will destroy their credibility. There have been cases where reporters have worked their way into some underground organization and were able to report on what was happening, perhaps witnessed crimes. There were a number of attempts to haul them into court to report on it.

Senator Raggio asked Assemblyman Coulter how he would define reporter.

Assemblyman Coulter replied that a reporter can be any number of things; looking at the definition in the bill, free lance reporters would not be covered, nor authors of books. He admitted that he wasn't sure how to define it.

Senator Raggio said that troubled him; because anyone that has ever been employed by a newspaper, a reporter for example, if they have interviewed one person; or does a person have to have written one article that was published; or is it anyone who has had any involvement in any degree with the written or visual media.

Assemblyman Coulter said he thought it difficult because there can be so many exceptions.

Cal Dunlap, Washoe County District Attorney, stated that he has probably been the most vocal opposition to this type of legislation. He said that he found the present proposal much more acceptable than anything he had seen thus far, either on a national level or here in the legislature. He commented that his primary concern, that of rogue reporters or people who are involved in criminal activity as part of or in addition to their jounalistic activities, is pretty well taken care of by this bill.

Mr. Dunlap continued that in addition he is concerned about possession of actual pieces of crime, contraband and such, which seem pretty well addressed in the bill. He said the National Board of District Attorneys sent out a request for a definition of "press", so they are having the same difficulties in that regard.

Senator Sloan remarked that in the Stanford case there was not even a prior request by law enforcement. There were no attempts to produce the picture voluntarily, no subpena, the police just went in.

Mr. Dunlap agreed that was true; however, there was a part of the case he found interesting. When the staff of the Stanford Daily was asked their policy and procedure in the face of a subpena, they answered frankly they would have destroyed the picture. One of the Justices inquired whether their action would have been the same in the case of a Presidential assassination recorded on film. They responded that their action would have been the same.

Senator Sloan asked Mr. Dunlap if he felt the press cooperated in Washoe County.

Mr. Dunlap responded that he thought the press treats law enforcement well. However, he said there have been some instances on television where information of interest to law enforcement was stated in an interview. They did not get a search warrant and go after them. They called up the station, and have had mixed responses. In some instances they were invited to come down for the information, in others the response was the opposite. But Mr. Dunlap's office did not seek a search warrant.

Mr. Dunlap continued that he did not feel that any county in the state is going to ask for a search warrant unless there are good and compelling reasons to do so. He does not believe a judge is going to issue or sign such a warrant without the same criteria.

Mr. Dunlap concluded that he felt this was a much better bill and would commend the Attorney General and his staff. However, he said there was still a concern that somewhere in the future that somebody might do something and he would rather take that

chance than give criminals a bill which perhaps they can find a loophole to give them some advantage over society.

Senator Dodge asked Mr. Dunlap if he was really able to get the information through the subpena process.

Mr. Dunlap replied no; he thought the subpena process is pretty well misunderstood. In order to issue any subpena other than a Grand Jury subpena, there must be a pending charge or no subpena can be issued. Most often when seeking a search warrant, you don't have the charges; a search warrant may be necessary to prove one is right or not in gathering additional evidence or perhaps to clear someone. With the Grand Jury subpena, theoretically the Grand Jury meets tomorrow, and something is needed the night before, a subpena can be sent out to have the person appear. However, in Washoe County, the Grand Jury only meets every two weeks. Unless a quorum can be rounded up for an emergency meeting when an investigative matter has to be handled immediately, and there is not a Grand Jury subpena available, Mr. Dunlap said he cannot use a Grand Jury subpena to bring items to his office, it has to go to the Grand Jury.

Frank Delaplane, Managing Editor of the Gazette/Journal, and also representing Sigma Delta Chi in Northern Nevada wanted to ask a couple of questions. Under section A, what is meant with regard to probable cause? First is that the journalist has committed a crime, the exception to A being the Pentagon Papers situation, if the crime is consisting of the receipt of, possession of, communication of such materials. Now would this include obstruction of justice by not turning over certain materials?

Senator Sloan replied that in answer to Mr. Delaplane's first question, if they had a Grand Jury report that was by statute illegal to have possession of, then this law would apply. This would have to be an independent act by the newspaperman. He added that he had gone over the bill with the Delta Chi people in Southern Nevada, and they indicated that although this bill is not exactly what they wanted, it is better than the Assembly bill.

Mr. Delaplane stated that with section D he did have a problem. He said that wherever there is probable cause to believe the materials are in imminent danger of alteration, destruction, or concealment, prior to the time notice is given of the subpena, SB 510 in its original form only went as far as destruction. Here they are getting into alteration or concealment. What in effect stops anybody from getting a search warrant? If he wanted some material out of a newsroom, it would appear all he needed to do is state alteration or concealment and in almost any case he could get a search warrant; it opens up a loophole for anyone to convince a magistrate that something like this might happen.

Senator Sloan commented that it was his and the Attorney General's feeling that to get SB 510 passed that kind of requirement was in there; it was their judgement on balance that this legislative mandate would make it more difficult to get a search warrant than having no law whatsoever. It seemed to be based on conversations with Sigma Delta Chi and other people in Southern Nevada.

Senator Sloan said there may be greater potential for that kind of conduct, which Mr. Delaplane outlined in section D, in than out. On balance, said Senator Sloan, he and the Attorney General felt there was greater protection afforded with the bill passed than with the bill killed.

Senator Dodge remarked that he would like to say that most of the time when this type of information is developed, it will be in the larger counties. He said they have magistrates sitting in those situations who have a fair appreciation of the First Amendment. He said he didn't think just anybody could go in and say he had a suspicion that this is what is going to happen. Senator Dodge said he thought they would have to submit some type of affirmative information. A magistrate is not going to issue the warrant without some concrete evidence, some type of affirmative action that there is imminent danger of loss of the information.

Senator Raggio added that he supposed that if the warrant was already issued and the information was destroyed, then the person would be guilty of contempt. There has to be a willful doing of the act to be guilty.

Mr. Delaplane said that the main problem is that there are all these hypothetical situations where someone "might" do something, or is it the right to protect society as a whole. Should it center on one person who might find a loophole, or is it our right to information. People like you come to the press so they can pass on information so people won't have to fear retaliation or who they are.

Mr. Delaplane wondered if that was more important than the information that is available every day from all types of sources of the media. He said his personal opinion is that these third party searches are a violation of the Fourth Amendment, and he thinks they have gone a lot further. He thought if anything this bill should probably be expanded to include other people such as doctors and lawyers. He said while researching this bill and talking to people in California, the D.A.'s office went into an attorney's office to get information. The Attorney General in California also said they are going to get into the Medi-Cal thing. It could happen to anybody. The problem with the Stanford thing is that they were taking pictures. The ones that were printed were public record. However, the police were looking for other

pictures where they could possibly identify other people. Mr. Delaplane concluded that if they start doing this when people are involved in riots or whatever, the news people are going to be in jeopardy, in danger of great bodily harm because these people are going to resist having their pictures taken.

Senator Dodge asked Mr. Delaplane if he had developed any public policy.

Mr. Delaplane replied that they would do the same thing as any other private citizen when it comes to witnessing a crime.

Senator Dodge said it seemed to him that there are some situations where it is a public deal. He continued that it did not seem to him that they are compromising their position on confidentiality if they try to help the law enforcement people.

Mr. Delaplane said that there are many times that the press is cooperative. He feels it is up to them to decide when it is the public's right to know; the newspaper cannot be set up as some investigative arm of law enforcement.

Senator Dodge agreed, saying that the Watergate type of investigation should be protected. Presumably if the police had been on the ball, they could have developed the same type of information.

Mr. Delaplane said that they just can't draw any kind of bill on anything that fine that is automatically going to limit any amount of abuse on either side. He said they have to look at the overall good that comes out of that law. If people want to sit there and abuse it, then they take their chances.

Senator Raggio commented to the Committee that as far as cooperation, the Reno papers historically, and the whole media in Reno, have been very cooperative. He said in the years he served as District Attorney, Mr. Delaplane, in many cases when he was covering that beat, had information and, at the request of the authorities, held that information until the situation wasn't that sensitive.

Senator Raggio continued that none of them had any concern with the legitimate press, the real concern is what is the definition of "press". He said there can be an underground newspaper, or the scurrilous handout, those are the areas where problems of this type occur. They don't normally occur in the Reno Evening Gazette or Nevada State Journal press room. He asked if there is any real valid definition of the press that could be utilized that wouldn't be too limiting.

Mr. Delaplane said he didn't think there could be one. He could sit up in his attic with a machine and have the right, as our forefathers did, to start a newspaper.

Senator Sloan asked if, on balance, Mr. Delaplane would rather have this bill, or no bill at all.

Mr. Delaplane said he has some problems with the bill but supposes it is better than nothing. He added that if violation comes, then they can fight it in the future. Under certain circumstances, they are willing to have someone come into their newsroom.

Mr. Delaplane remarked that his main problem is with section D. If that could be taken out altogether he guessed the bill would be all right. It does put something on record that there is a concern of some kind against this type of search; and the magistrates would think twice before issuing a warrant. He added that if they do have problems with it, they can go from there.

Resolutions from the Nevada Press Association were entered into the record as requested by Senator Close. (Attachment A)

AB 598 Provides for issuance of marriage licenses by certain wedding chapels.

AB 599 Abolishes officer of commissioner of civil marriages and allows police judges to perform marriages.

George Flint, representing the Nevada Wedding Chapel Association, submitted his testimony for the record. (Attachment A) He also passed out figures that were supplied by the counties (Attachment B); as well as the underlined portions of NRS 122 relating to the changes this bill would make (Attachment C). He also presented the wedding chapel industries' position regarding these bills (Attachment D). See Attachment E for pictures showing proximity of the Marriage License Bureau and the Commissioner of civil marriages.

Judy Bailey, Chief Deputy County Clerk, Washoe County, representing County Clerks and the Board of Washoe County Commissioners, stated that AB 598 serves no useful purpose so why is it even being considered. The hours at the Marriage License Bureau have always been from 8 a.m. to 12 midnight. They have never put an office any place else.

Senator Raggio stated that when that was put into the law, Sparks was very interested in having an office. He asked Ms. Bailey if she knew why that wasn't done.

Ms. Bailey replied that the present County Clerk never saw fit to open an office there. However, it is needed and wanted by the commissioners.

Mr. Bailey continued that AB 599 as amended proposed to close the office of the commissioner of civil marriages at 5 p.m. and to put them in a separate building. She asked if the wedding chapels are also going to close at 5 p.m., and what about the ones within 500 feet of the marriage license bureau. She stated that they are even more competitive than

the outlying chapels. The marriage commissioners are not in competition with the chapels, they cannot even advertise, by statute; they offer an entirely different type of service from the chapels. Their office is set up to provide civil ceremonies for those who desire a civil ceremony. The chapels have ministers who offer other than a civil ceremony.

Ms. Bailey affirmed that since the office was created, she does not know of any case where any of the deputies have tried to steer people into a civil ceremony or to any particular wedding chapel. People that want a civil ceremony would be deprived of one after 5 p.m. or be forced to spend more money and stay overnight. This is not a true service to the community.

Ms. Bailey concluded by saying that to move their office to another location would be an added expense to the taxpayers at a time when the taxpayers are calling for less spending by government. Ms. Bailey said they feel this bill is premature and the timing entirely wrong in the face of the new tax bill.

Sam Mamet, representing Clark County, stated that although Clark County is not entirely thrilled with the change, they feel that the situation being what it is, they help support the changes. If given the responsibility they will find the space required. So Clark County neither supports nor opposes these bills.

Senator Dodge asked if, as Mr. Flint stated, the people are influenced to use the local (civil) office rather than the chapels.

Mr. Mamet replied, on the basis of his knowledge of the situation in Clark County, it is true that within the court house the two areas, the marriage commissioner and the marriage license bureau are almost next to each other. He said he has not been aware of any abuses of the system as far as Clark County is concerned, since he became involved in this legislation. He remarked that the statutes are placed in plain view as well as the list of wedding chapels. The statutes clearly state there shall be no soliciting. He said the last statistics he saw were that about 30 or 40 percent of those who came in to get their licenses were married by the Marriage Commissioners.

Senator Close wanted to know why the Assembly put in that language about 8 a.m. to 5 p.m.

Mr. Flint stated that the subcommittee that handled and processed the bill felt that the civil service should be available within the court house for those who specifically did

not want a church, chapel, or religious ceremony. Two members of the committee took the position that a civil ceremony should be fitted into a normal 8 hour day, eliminating two shifts of personnel and saving the county perhaps $100,000 in payroll costs.

Senator Dodge asked what about the other counties where the Justice of the Peace performs the ceremonies.

Mr. Flint replied that this would only affect Clark and Washoe counties. In the counties where the Justice of the Peace officiates, the ceremonies are performed around the clock, seven days a week.

Ms. Judy Bailey passed out figures for Washoe County which she pointed out differed from Mr. Flint's figures. (See Attachment E).

Senator Raggio asked what the anticipated impact on Washoe County would be if AB 598 and AB 599 are enacted.

Mr. Flint indicated that about 80 percent of the licenses are obtained in the evenings or on week-ends. So there is not apparently that much impact on the license fee.

Senator Raggio remarked that Mr. Flint was saying on the one hand that there isn't that much impact, but at the same time he is cutting out 80 percent of the business for the county.

Mr. Flint stated that if the number was cut in half, and the fees raised, they would no longer be taking in $217,860; they would be taking in $108,930. So even if they lost on-half of their weddings, they would more than make it up in the licensing feed.

Madaline Compigoni, marriage license clerk, stated that she would just like to say that she wrote licenses for six years for Washoe County. She said it is very difficult to get people to pay $19 for a license when they still remember the $2 license fee.

ACR 38 Encourages the use of prisoners to educate youth against crime.

Warden Charles Wolff, Jr., stated that this represents Nevada's answer to "Scared Straight". The bottom line, according to the warden, is that they have developed a preliminary program. They are in the process of selecting inmates for the program and their first dry run is Friday (May 4, 1979) at Maximum Security. The Board of Prison Commissioners, and the Governor support the program; it is part of the crime prevention plan they are doing at the crime commission.

(ACR 38 - bill action continued)

Senator Sloan moved that ACR 38 be passed out of Committee with a "do pass" recommendation.

Seconded by Senator Ford.

Motion carried.

Senator Dodge absent.

SB 439 Provides specifically that living together is not a matter of defense or mitigation to prosecution for assault or battery.

Senator Ford moved that SB 439 be passed out of Committee with a "do pass" recommendation.

Seconded by Senator Hernstadt.

Motion carried.

Senator Dodge absent.

SB 500 Provides for appointment, powers and duties of supervisor for gaming establishment if its license is lapsed, revoked or suspended.

David Russell, representing the gaming industry, was before the Committee to answer any questions that they might have.

The Committee read through the amendments previously submitted. The following points were brought out. On line 40, "appeal" should be deleted; it should just be "judicial review". On page 3, line 23, they will check with the gaming people because this was not one of the amendments previously discussed.

Mr. Russell brought out the fact that on page 4, line 19, he had testified previously that they didn't want anything that would impair the contract.

Senator Sloan stated that presently this type of action or revocation of license could give rise to a default or acceleration; and this might conflict with the existing law.

Mr. Russell commented that the language right here would not permit the creditor to foreclose in the event of revocation, suspension or the creation of an appointed supervisor, when abrogation exists. Both Mr. Faiss and Mr. Russell have concern that this could be an impairment of the contract and could impede any future financing.

Senator Raggio remarked that on the other side, if a default or acceleration is allowed, they are defeating the whole

concept of the supervisors, because their action could result in there being nothing to supervise.

Mr. Russell said they will make the decision when this action takes place whether it is better for the operator to go on a foreclosure action or to bring in a supervisor to operate the business.

Senator Raggio stated that they want as a public policy in large casinos, with a heavy impact on the public, to allow them to continue to operate and here that concept can be defeated.

The consensus of the Committee was to leave line 19, section 20 as is.

Meeting adjourned to go into session.

Meeting reconvened at 12:10 p.m.

Bob Faiss, appearing for the Nevada Resort Association, said they are very concerned about this proposed amendment. They are concerned that it would restrict the rights of secured creditors to protect their investment. They feel this might be a constitutional impairment of the contract.

Their second concern is that any law which can be read as restricting rights of the creditor whose loan is secured by gaming property, makes that loan much less attractive; and may serve to interfere with gaming investments in Nevada. Mr. Faiss understands the concern of the Committee to keep the establishment open. He suggested that this language is not going to achieve much and may have a very negative effect. He said it is his understanding that under this bill, default usually under a deed of trust, would not go into effect until there is a revocation. So if the deed of trust provides for such an event, it is questionable whether this language could be read to keep the creditor from pursuing the remedy that he has under the deed of trust. Mr. Faiss stressed that there will be great concern for someone coming in and investing until this language has been interpreted.

Senator Dodge said that what they are getting at is that it wouldn't be an automatic default simply by virtue of this. If there is some additional language that states that there are specific privisions to notes, deeds of trust, or others that this act would not impair those provisions; but that this procedure would not bring about automatic default.

Mr. Faiss said that he would think so; but there are a lot of investment attorneys looking at this right now, with what he does with the future investment.

Senator Close observed that he didn't think the Committee has any objection to limiting this to the act of a supervisor

being appointed. Senator Close said that was what they intended in the first place.

Senator Dodge commented that he thought they could make it stronger and say that it was not to be construed to impair any contract.

Senator Close stated that they would go on with the bill to see if there are any other changes they need to make and that they would take Mr. Faiss' comments into consideration.

Senator Close continued that on page 4, line 18, strike "former" and say, "by a majority in interest"; page 6, line 3, add "appointment of the supervisor" so it will now read: "legal ownership interest in the gaming establishment prior to appointment of supervisor must be notified".

After some discussion, it was decided to put in the "last known address if any and if none then by public notice.", and will get language to the effect that "this shall be deemed notice" and make the language mandatory. Also, on page 6, the word "hypothecate" is placed in the wrong spot, it should come after the words "for full market value".

On the problem that Bob Faiss mentioned, they will make the language clear that the appointment of a supervisor under this act shall not be deemed to be in effect if there is a procedure already commenced.

Senator Ford moved to pass SB 500 out of Committee with an "amend and do pass" recommendation.

Seconded by Senator Sloan.

Motion carried unanimously.

Meeting adjourned as there was no further business.

Respectfully submitted,

Virginia C. Letts

Virginia C. Letts, Secretary

APPROVED:

Senator Melvin D. Close, Jr., Chairman

EXHIBIT "A"

R E S O L U T I O N

May 5, 1979

The Nevada State Press Association hereby calls upon the Nevada Legislature to amend Chapter 179 of the NRS by adding thereto a new section which shall read as follows:

Notwithstanding the authority by which a search warrant may be issued in accordance with the provisions of NRS 179.015 to 179.115, no warrant shall be issued for the purpose of searching the premises of a newspaper or electronic news media.

Any information or material so sought shall be obtained only through subpoena.

Unanimously passed and adopted by the membership of the Nevada State Press Assn. at its general membership meeting, Elko, Nev., May 5, 1979.

EXHIBIT A

THE NEVADA STATE PRESS ASSOCIATION UNANIMOUSLY APPROVED THE FOLLOWING RESOLUTIONS AT THE MAY, 1979, CONVENTION HELD IN ELKO, NEVADA.

1. The Nevada State Press Association hereby calls upon the Nevada legislature to amend Chapter 179 of NRS by adding thereto a new section which shall read as follows:

Not withstanding the authority by which a search warrant may be issued in accordance with the provisions of NRS 179.015 to 179.115, no warrant shall be issued for the purpose of searching the premises of a newspaper or electronic news media. Any information or material so sought shall be obtained only through subpoena. (relates to search and seizure legislation)

2. We the members of the Nevada State Press Association hereby petition the Nevada Legislature to act in the interest of the right of the people of Nevada to know and be informed about criminal history records information by passing NO LAW which will restrict or deny access to records of arrest and conviction. (relates to privacy and security laws required by LEAA).

3. Whereas the Nevada State Press Association is concerned that NO LAW be adopted by the Nevada legislature which interferes with First Amendment rights and WHEREAS an attempt by Assemblyman Steve Coulter to win passage of protective search and seizure relief (AB 178) failed to win support and WHEREAS the Nevada State Press Association is willing to assume its professional responsibility on this issue of grave concern BE IT RESOLVED that the Nevada State Press Association appoint a study committee to research alternatives for legislative relief for the media in light of recent court decisions on search and seizure and BE IT FURTHER RESOLVED that the findings of the Nevada State Press Association be submitted to the Legislative Commission for its consideration.

4. The Nevada State Press Association HEREBY RESOLVES that if the 1979 legislature passes a Privacy and Security law as the LEAA says is required, that the said law carry a self-destruct clause making the NRS version null and void if LEAA ceases to exist as presently federally mandated.

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RESOLUTION

EXHIBIT A

May 5, 1979

WHEREAS the Nevada State Press Association is concerned that no law be adopted by the Nevada Legislature which interferes with First Amendment rights,

and WHEREAS an attempt by Assemblyman Steve Coulter to win passage of protective search and seizure relief in the 1979 session failed to win support,

and WHEREAS the Nevada State Press Association is willing to assume its professional responsibility in this issue of grave concern,

BE IT RESOLVED that the Nevada State Press Association appoint a study committee to research alternatives for legislative relief for the media in light of recent court decisions on search and seizure.

and BE IT FURTHER RESOLVED that the findings of the Nevada State Press Association be submitted to the Legislative Commission for its consideration.

Unanimously passed and adopted by the membership of the Nevada State Press Assn. at its general membership meeting, Elko, Nev., May 5, 1979.

R E S O L U T I O N

EXHIBIT A

May 5, 1979

The Nevada State Press Association HEREBY RESOLVES that if the 1979 Legislature passes a Privacy and Security law as the LEAA says is required, that the said law carry a self-destruct clause making the NRS version null and void if the LEAA ceases to exist as presently federally mandated.

Unanimously passed and adopted by the general membership of the Nevada State Press Association, at its general membership meeting, Elko, Nev. , May 5, 1979.

R E S O L U T I O N

EXHIBIT A

May 5, 1979

We the members of the Nevada State Press Association hereby petition the Nevada Legislature to act in the interest of the right of the people of Nevada to know and be informed about criminal history records information by passing NO LAW which will restrict or deny access to records of arrest and conviction.

Unanimously passed and adopted by the membership of the Nevada State Press Assn. at its general membership meeting, Elko, Nev., May 5, 1979.

FREEDOM of INFORMATION
SDX LAS VEGAS CHAPTER

P.O. BOX 15047
LAS VEGAS, NEVADA 89114

EXHIBIT A

PETITION

April 7, 1979

WE the undersigned members of the Southern Nevada news media urge the Nevada Legislature to maintain access of working reporters to all arrest and conviction records without restriction, in the interest of the public's right to know.

	NAME	AFFILIATION
1.	Chris Chrystal	Las Vegas SUN
2.	Darrell N Dreyer	KSHO-TV
3.	Bill Vincent	R-J
4.	Don P. Kellam	UPI
5.	Myram Borders	UPI
6.		
7.		
8.	Steven L Sherman	KORK RADIO
9.	David F. Miller	KLAS-TV
10.	HANK TESTER	KLVX-TV
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FREEDOM of INFORMATION

EXHIBIT A

SDX LAS VEGAS CHAPTER

P.O. BOX 15047
LAS VEGAS, NEVADA 89114

	NAME	AFFILIATION
24.	Bob [illegible]	LV SUN
25.	Phil Hanna	LV Sun
26.		
27.	Dave Campbell	AP Radio
28.	Monica Caruso	KNX-Radio WNEW-TV (N.Y.C.)
29.	Al Kotz	LV SUN
30.	Barbara Greenspan	LV Sun
31.	[illegible] Olsker	L.V. Sun
32.	Ray [illegible]	LV Sun
33.	Jeffrey M. German	L.V. SUN
34.	James P. Coleman	L.V. Sun
35.	Mike Donahue	LV SUN
36.	Don Chase	LV SUN
37.	W. H. Guthrie	LV SUN
38.	Charlotte Dorr	LV Sun
39.	Dave Patterson	LV Sun
40.	Jim Henke	LV Sun
41.	George Stamm	LV SUN
42.	Thomas A. Bruny	LV SUN
43.	Paul G. Loop	LV SUN
44.	William Gray	LV SUN LV Sun
45.	Gary Thompson	LV Sun
46.	Mary Manning Whitaker	LV Sun
47.	David Lee Waite	——
48.	Tom Jones IV	L.V. Sun.
49.	Ken Jones	LV Sun LV Sun
50.	Jerry [illegible]	LV Sun
51.	Jeff Meyer	Sun
52.	George [illegible]	Sun
53.	Cristine [illegible]	SUN
54.	[illegible]	L.V. Sun

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FREEDOM of INFORMATION

SDX LAS VEGAS CHAPTER

EXHIBIT A

P.O. BOX 15047
LAS VEGAS, NEVADA 89114

	NAME	AFFILIATION
55.	Robert J. [illegible]	KLAS-TV C.B.S.
56.	Bill [illegible]	KLAS-TV
57.	Lucius P. Dawkins Jr.	KLAS-TV-8
58.	Bill McCarty	KLAS-TV-8
59.	Chuck Russell	KLAS-TV 8
60.	Kay Cogar	KLAS-TV 8
61.	[illegible]	KLAS T.V.
62.	C. David Davis III	KLAS-TV 8
63.	Claudia C Collins	KSHO-TV 13
64.	Terry G James	KSHO-TV
65.	Randy Goldfarb	KSHO-TV 13
66.	[illegible]	KSHO-TV-13
67.	[illegible]	KNUU
68.	Gregory G. Howell	KNUU
69.	[illegible]	KNUU
70.	Bill [illegible]	KOKK-TV-3
71.	ROB McCoy	KORK TV-3
72.	Andrea Boggs	KORK TV. 3 (NBC)
73.	Carl Hamed	KORK-TV 3 (NBC)
74.	Dan [illegible]	KORK-TV 3 (NBC)
75.	[illegible] Dix	KORK-TV 3 (NBC)
76.	Richard [illegible]	KORK-TV 3 (NBC)
77.	Richard K. Pratt	KORK-TV 3 (NBC)
78.	Jeff Adler	LV SUN
79.	Tricia White	Las Vegas Review Journal
80.	[illegible]	Las Vegas Review-Journal
81.	Alice [illegible] Morris	KORK TV-3
82.	[illegible]	KLAS-TV & B.H.G.
83.	[illegible] Westrup	KLAS-TV
84.	[illegible]	Las Vegas Sun
85.		

FREEDOM of INFORMATION
SDX LAS VEGAS CHAPTER

EXHIBIT A

P.O. BOX 15047
LAS VEGAS, NEVADA 89114

	NAME	AFFILIATION
86.	Linda M. Yarrell	Las Vegas Review-Journal
87.	Wayne M. Stewart	R-J
88.	Debbie Sorentino	R-J
89.	Eileen Adams	R-J
90.	Doug DuBois	R-J
91.	Gary Bausch	R-J
92.	Sherman P. Frederick	R-J
93.	Kent F. Lanier	Review-Journal
94.	J.K. Duff	R-J.
95.	Dimitrid Russell	Review-Journal
96.	Scott Lloyd	Review-Journal
97.	Pete Mikels	R-J
98.	Lance Peterson	Review-Journal
99.	Alan Kimball	R-J
100.	A. D. Hopkins	The Review-Journal
101.	Joseph Kirby	R-J
102.	Jane Ann Morrison	Review-Journal
103.	Dan Coyle	R-J
104.	Jim Kastelic	R-J
105.	Brian Greenspun	LAS VEGAS SUN
106.	J.D. King	The Valley Times
107.	John L. Brown	The Valley Times

EXHIBIT A

April 11, 1979

We the undersigned members of the Northern Nevada news media urge the Nevada Legislature to maintain access of working reporters to all arrest and conviction records without restriction, in the interest of the public's right to know.

NAME	AFFILIATION
1. Gayle Fisher	Associated Press
2. [illegible]	Reno Newspaper Inc
3. John C. Heeyer	Nevada Appeal
4. Sue Morrow	Nevada Appeal
5. Jack McFarren	Reno Newspapers Inc.
6. Steven R. Frady	Nevada Appeal
7. J. R. [illegible]	Ely Daily Times
8. [illegible]	Gazette/Journal — Reno
9. Carol Pingle	Lovelock Review Miner
10. June McMahon	Humboldt Sun
11. Eugene O. Pingle	Review-Miner
12. [illegible]	Battle Mountain Bugle
13. [illegible]	Humboldt Sun
14. Curtis W. [illegible]	Lahontan Valley News
15. Henry [illegible]	NEVADAN
16. Marilyn [illegible]	Editor Sparks Tribune
17. [illegible]	KOLO-TV 8
18. Gary Elam	Sparks Tribune
19. Henry Jones	SPARKS TRIBUNE
20. George Carmen	Ely Daily Times

21	132.	[illegible]	Reno Newspapers
22	133.	[illegible]	Reno Newspapers
23	134.	R. S. Lauder	Reno Newspapers
24	135.	Zenita Powers	Reno Newspapers
25	136.	Barbara Henry	Reno Newspapers
26	137.	[illegible]	Reno Newspapers
27	138.	[illegible]	Elko Independent
29	139.	James R. Sanford	MASON VALLEY NEWS
29	140.	William G. Roberts	Reese River Reveille
30	141.	Joe McGuire	Elko Independent
31	142.	Gerald A. Roberts	Eureka Sentinel
32	143.	Mel Steninger	Elko Daily Free Press
33	144.	[illegible]	Associated Press
34	145.	Robert D. Hansen	Reno Newspapers
35	146.		
36	147.		
37	148.		
38	149.		
39	150.		
40	151.		
41	152.		
42	153.		
43	154.		
44	155.		
45	156.		
46	157.		

106.1 W.W. Wright - Review Journal

107. Mike O'Callaghan LV SUN

EXHIBIT A

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Chairman Close and members of the Senate Judiciary Committee -- good morning. On this 106th day of this legislative session I'm well aware of the fact that each of you have listened to millions of words of testimony and debate since opening day. Matters of vital importance to your constituents. Today I come before you with 2 short but extremely vitally important measures for (yet) another Nevada industry -- the wedding chapels. I pledge to you that my testimony these next few minutes will be as brief as possible. These 2 bills you are now considering are the only bills before you this session that we as an industry have asked you to look at. Thank you for your willingness to consider helping us.

Although these two measures contain 5 changes to existing statutes the primary change to be considered is on lines 7 and 8 of page 2 of AB 599 -- the physical separation of the office of marriage commission in Reno and Las Vegas from the office of the Marriage License Bureau (in these two cities.) You will notice that these bills are both re-prints and represent a compromise made between the chapel industry and the county clerks of Washoe and Las Vegas. A compromise made under advisement of a sub-committee of the

Government Affairs Committee in the other house. Gone from AB 598 is any mention of wedding chapels issuing marriage licenses. Gone from AB 599 is any mention of the Office of Marriage Commission being abolished or of police judges handling the matter of civil marriage. That tack or approach was the result of several legislators asking "why is the county even in the marriage business competing with private enterprise?" This question continually arises each time we have asked you as a legislature to more specifically spell out what we feel has been your true legislative intent in the past -- that is to have these two offices operate as just that; two separate departments of the county. As things now stand the marriage commission now operates as an extention of the marriage license bureau. We in the private sector cannot continue to cope with this and I hope you will be able to see why from this presentation.

Before I attempt to brief you on the specific problems that have brought about the need for AB 598 and AB 599 let me say: Nevada's approximately 40 commercial wedding chapels are an integral part of a rather unique industry virtually unknown anywhere except here in Nevada. I believe, with good statistical backing, that wedding couples and their guests spend annually $150,000,000.00 while visiting our state. You as legislators have been good through the years to our industry. You have amended and modernized the statutes covering marriage to keep up with trends and social

changes. And obviously the "Industry" as we call it has been good for all Nevadans. Only approximately 3% of the money coming to Nevada because of this unique industry is spent in our wedding chapels. The remaining 97% is spent in our hotels, casinos, restaurants, shopping centers, service stations -- yes through the entire fabric of our business community. This year, 1979, there will be one wedding for every 6 residents of our state. A remarkable figure compared to 1 wedding for every 150 residents in California. For every 6 residents in Nevada 1500 tourist dollars will be received this year from this segment of our tourist economy.

During the 1950's and 1960's our Justice Courts married approximately 35% of all couples coming to Las Vegas, Reno, Carson City and the rural areas of Nevada for the purpose of matrimony. Especially in Las Vegas and Reno this created such a "crush" on the regular judicial business of these justice courts that the legislature in 1969 took a serious look at some way of solving this problem. The chapel industry also suffered. We have documented testimony that portions of the large amounts of cash available through these civil marriage services was used to influence the license clerks to direct more and more of these weddings to the J.P.'s. The close camaraderie between the marriage license bureau staff and the Justice's of the Peace was a constant threat to the private sector.

The chapel lobby worked hard and long with the legislature during the 1969 session and the final result was the establishment of the office of "Civil Marriage Commissioner" in Las Vegas and Reno. Monies previously kept by the Justice's of the Peace were now funneled directly in the County General Fund in Clark and Washoe Counties.

Originally this session our intent was to ask you to abolish the Marriage Commissioner's office and allow another entity of government to handle the matter of civil marriage. The $20.00 around the clock license fee would bring in sufficient extra profit dollars to (nearly) replace all profits from the commissioner's office. We as an industry however are just as happy to see this office continue to exist if once and for all we can convince you that it should not be part & parcel of the same office that all our clients must visit -- the Marriage License Bureau.

Before you is a copy of NRS 122.179. You can see as we have underlined that the legislature has made law that the offices of the Commissioner of Civil Marriage be a separate office. It is to have it's own clerical personel -- it's own office equipment -- it's own location I would suggest. These specifics were added to the law in 1977 as you can see.

Yet there has been no change in the actual or physical operation or make-up of these offices since their inception on January 1, 1971.

In Las Vegas for example, the two offices operate in one large room with only a 40 inch room divider as a separation. Both use one common cash register. The commissioners use the girls in the license bureau to type their marriage certificates. The clerk that issues the license often also acts as the legal witness to the ceremony itself. (I would say) it is my firm belief that the only separation here are 2 separate sets of books. And that may even be debatable as we have found it impossible to obtain independent exact operational cost figures on these offices. We can only be supplied figures on the operational costs of them together.

In Reno the offices are separated at least to the degree that there is a hallway between them. Yet the two staffs inter-mingle and visit with each other and for all practical purposes become a working team. And that is in itself where the real problem, as far as the private sector is concerned, begins.

The normal camaraderie that forms between employees working together is naturally here. After all they are physicallyas close all during their shifts as you and I are sitting together in this hearing room. Part of the team sells the marriage license and the other part of the team performs civil marriage ceremonies. You will notice that NRS 122.189 prohibits any influence of couples to the Commissioner of Civil Marriage. I would suggest that the very existance of the close proximity of these two offices automatically lends itself to a form of automatic or involuntary steering or influencing. And the cheery "good morning" salutation of the commissioner himself standing there while the couple is handed their license is certainly some form of influence upon the couple. The most well intentioned couple can be suddenly swayed from returning to the strip chapel under these conditions. After all it is 106° outside and the chapel is 3 miles away through strange and trafic snarled streets. Yes the normal camaraderie that forms between these two teams expands itself into what we feel is an abnormal desire. That desire to keep as many of these couples as absolutely possible a complete sale for the county; both the license sale and the ceremony itself. The only way to curb this is to physically separate.

We don't mind competing with the county but we want to do it on the same basis as we compete within the private enterprise. After all how sucessful would wedding chapel "X" be if it's clients had to go to Wedding chapel "Y" to obtian their licenses?

(Naturally) we in the private sector feel we are correct in asking this change -- this separation. We see all our problems and our frustrations. Yet we have tried to carefully examine all facits of this move. We have tried to consider the counties position. From their stand-point what are their considerations? We feel there are only two. Financial and space. As I will show you neither is a problem and passage of these bills has to lead to a more fair treatment of the chapels and a closer fulfillment of existing statutes.

We have, prior to our compromise with county clerks and their lobbyists, heard repeatedly the argument of available space. Neither office need be more than 500 square feet and can be anywhere as long as not in the same building where the licenses are sold. In Las Vegas this could be across the street in the same building that houses the Justice Court. In Reno, the county has leased or taken space near the courthouse for the District Attorney and the Public Defender.

And the Treasurer and Tax Collector was moved out of the Courthouse years ago. It could certainly be no major problem to trade with one of these departments so as to accomplish this statute mandate.

The matter of space, the argument of space, is a trivial ~~matter~~ question I believe.

I could give you many examples and specifics of the unfairness of the existing problem but I promised to be as brief as possible. And I'm sure you can see how our concerns have built through the years.

I've talked of a compromise between the chapels and the counties. This compromise we thought was final and binding. Yet late last week we were informed by county lobbyists that they had been instructed to proceed with an attempt to kill these amended bills. My inquiry to them was why? The answer the same; space and money.

I again say neither is a concern. And the proposal is fair. Fair to the taxpaying private sector -- the 40 or so chapels that do not feel they should have to continue to expose their clients to their largest competition -- the county financed Marriage Commissioner.

It is my belief that the true problem here is the clerks fear of a continued erosion of their empire. First the fear of AJR 1 of the 59th session. Then the fear of this proposal. The clerk wonders what will they possibly lose next? Yet here there is now no losing of an office; only moving it so as to accomplish an overall fairness (to all concerned.)

In concluding these prepared remarks let me again point out that the original Title of the Bills and the amended versions show we have done our best to please Clark and Washoe Counties.

We have through this testimony attempted to show you the private sector of this industry does not want an exclusive. We only want to be able to feel we are on equal ground competitively with the Marriage Commissioner.

We have tried unsuccessfully to solve these problems between ourselves and county authorities. But to no avail and you the legislature have become our tribunal of last resort.

The Assembly passed these two bills overwhelmingly and now we sincerely ask you for what we feel is fair treatment for both us and these two county office. Nothing short of physical separation as addressed in AB 599 will solve a continuing and growing impossible situation.

ATTACHMENT "C"

FINANCIAL IMPACT OF AB 599

CLARK COUNTY

MARRIAGE LICENSE BUREAU

YEAR	NUMBER OF LICENSES SOLD	REVENUE	PROJECTED REVENUE (AB599)	INCREASE
1977-78	52,415	$430,851	$681,395	$250,544
1978-79	56,010	$465,729	$728,130	$262,401

MARRIAGE COMMISSIONER

YEAR	TOTAL REVENUE	COSTS	NET REVENUE TO COUNTY
1977-78	$433,700	$130,110	$303,590
1978-79	$424,250	$127,275	$296,975

TOTAL REVENUE TO COUNTY (CURRENT)

SOURCE	1977-78	1978-79
LICENSE BUREAU	$430,851	$465,729
MARRIAGE COMMISSIONER	$433,700	$424,250
TOTAL REVENUE	$864,551	$889,979
COSTS (MARRIAGE COMM.)	$130,110	$127,275
TOTAL NET REVENUE	$734,441	$762,704

TOTAL REVENUE TO COUNTY IF: 1. LICENSE FEE INCREASED
2. MARRIAGE COMMISSIONER REVENUE REDUCED BY ONE-HALF (50 percent)

SOURCE	1977-78	1978-79
LICENSE BUREAU	$681,395	$728,130
MARRIAGE COMMISSIONER	$216,850	$212,125
TOTAL REVENUE	$898,245	$940,255
COSTS (MARRIAGE COMM.)	130,110	127,275
TOTAL NET REVENUE-PROJECTED	$768,135	$812,980
TOTAL NET REVENUE-ACTUAL	$734,441	$762,704
INCREASE	$ 33,694	$ 50,276

NOTE: INFORMATION DERIVED FROM: CLARK COUNTY FINANCIAL REPORTS
COSTS FOR OPERATING MARRIAGE COMMISSIONER OFFICE REPRESENT A COST FACTOR OF 30 percent.
CLARK COUNTY CLERK

FINANCIAL IMPACT OF
AB 599

EXHIBIT C

WASHOE COUNTY

MARRIAGE LICENSE BUREAU

YEAR	NUMBER OF LICENSES SOLD	REVENUE	PROJECTED REVENUE (AB599)	INCREASE
1977-78	35,116	$294,456	$456,508	$162,052
1978-79	40,086	$337,000	$521,118	$184,118

MARRIAGE COMMISSIONER

YEAR	TOTAL REVENUE	COSTS	NET REVENUE TO COUNTY
1977-78	$217,860	$121,152	$ 96,707
1978-79	$276,570	$135,042	$141,528

TOTAL REVENUE TO COUNTY (CURRENT)

SOURCE	1977-78	1978-79
LICENSE BUREAU	$294,456	$337,000
MARRIAGE COMMISSIONER	$217,860	$276,570
TOTAL REVENUE	$512,316	$613,570
COSTS(MARRIAGE COMM.)	121,152	135,042
TOTAL NET REVENUE	$391,164	$478,528

TOTAL REVENUE TO COUNTY IF: 1. LICENSE FEE INCREASED
2. MARRIAGE COMMISSIONER REVENUE REDUCED BY ONE-HALF (50 percent)

SOURCE	1977-78	1978-79
LICENSE BUREAU	$456,508	$521,118
MARRIAGE COMMISSIONER	$108,930	$138,285
TOTAL REVENUE	$565,438	$659,403
COSTS (MARRIAGE COMM)	$121,152	$135,042
TOTAL NET REVENUE-PROJECTED	$444,286	$524,361
TOTAL NET REVENUE-ACTUAL	$391,164	$478,528
INCREASE	$ 53,122	$ 45,833

NOTE: TOTAL REVENUE, SALE OF LICENSES AND COSTS ARE BASED UPON INFORMATION PRESENTED TO ASSEMBLY COMMITTEE BY WASHOE COUNTY CLERK

EXHIBIT C

employed in the same county clerk's office. The compensation of any deputy commissioner of civil marriages shall not be based in any manner upon the number or volume of marriages that he may solemnize in the performance of his duties.

3. In counties which contain commissioner townships and in which deputy commissioners of civil marriages are employed, no more than two deputy commissioners shall be on duty within the courthouse of such county for the purpose of solemnizing marriages at any one time.

(Added to NRS by 1969, 765)

122.177 Area for solemnizing marriages; ceremony to be privately conducted in dignified manner. The county shall provide a suitable area separate from the marriage license bureau or other place where marriage licenses are issued for the solemnizing of marriages. The area shall be appropriately furnished by the county to provide a tranquil atmosphere and the solemnizing ceremony shall be privately conducted in a dignified manner without haste.

(Added to NRS by 1969, 766)

122.179 Clerical personnel, supplies, equipment to be provided by county.

1. The county shall provide suitable office space, office equipment, office supplies, and secretarial or other clerical personnel necessary for the proper operation of the office of the commissioner of civil marriages.

2. The county clerk shall establish the office of the commissioner of civil marriages as a separate office and shall maintain separate records for that office.

(Added to NRS by 1969, 766; A 1977, 576)

122.181 Fees for solemnizing marriages: Amounts; disposition. The commissioner of civil marriages or his deputy commissioner of civil marriages is entitled to receive as his fee for solemnizing a marriage during regular office hours on weekdays the sum of $25. The fee for solemnizing a marriage on Saturdays, Sundays, holidays or during any hours other than regular business hours is $30. All fees received for solemnizing marriages by the commissioner or his deputy shall be deposited in the county general fund.

(Added to NRS by 1969, 766; A 1975, 540)

122.183 Hours of office operation. The hours of operation for the office of the commissioner of civil marriages shall be established by the commissioner in his sole discretion.

(Added to NRS by 1969, 766)

122.185 Signs required in office, rooms: Contents. The office of the commissioner of civil marriages and each room therein shall prominently display on the wall, or other appropriate place, a sign informing all

EXHIBIT C

people who avail themselves of the services of the commissioner of civil marriages of the following facts:

1. That the solemnization of the marriage by the commissioner of civil marriages is not necessary for a valid marriage and that the parties wishing to be married may have a justice of the peace within a township where such justice of the peace is permitted to perform marriages, or any minister of their choice who holds a valid certificate within the state perform the ceremony;

2. The amount of the fee to be charged for solemnization of a marriage, including any extra charge to be made for solemnizing a marriage after regular working hours in the office of the commissioner of civil marriages;

3. That all fees charged are paid into the county general fund of the particular county involved;

4. That other than the statutory fee, the commissioner of civil marriages and the deputy commissioners of civil marriages are precluded by law from receiving any gratuity fee or remuneration whatsoever for solemnizing a marriage; and

5. That if the commissioner of civil marriages, any deputy commissioner of civil marriages, or any other employee in the office of the commissioner or in the office of the county clerk solicits such an extra gratuity fee or other remuneration, the matter should be reported to the district attorney for such county.

(Added to NRS by 1969, 766)

122.187 Receipt of additional fees prohibited. No other fee may be charged or received by the commissioner of civil marriages for solemnizing a marriage or for any other pertinent service other than the fee established by NRS 122.181.

(Added to NRS by 1969, 767)

122.189 Prohibited acts. It is unlawful for the commissioner of civil marriages, any deputy commissioner, or any employee in the office of the commissioner or in the office of the county clerk to:

1. Solicit, accept or receive any gratuity, remuneration or fee whatsoever for the solemnizing of marriages;

2. Participate in or receive the benefits of any fees solicited or received by any other person; or

3. Influence or attempt to influence any person to have a marriage solemnized in the office of the commissioner of civil marriages.

(Added to NRS by 1969, 767; A 1977, 576)

122.191 Display, contents of information signs indicating location of office. Signs may be displayed to inform any person of the location of the office of the commissioner of civil marriages. Such signs shall have printed thereon only the following words: "Office of the Commissioner

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EXHIBIT C

Assembly Bill No. 341—Committee on Government Affairs

CHAPTER.....

AN ACT relating to marriage; providing for separate records for office of commissioner of civil marriages; prohibiting solicitation to perform a marriage; providing a penalty; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. NRS 122.179 is hereby amended to read as follows:

122.179 *1.* The county shall provide suitable office space, office equipment, office supplies, and secretarial or other clerical personnel necessary for the proper operation of the office of the commissioner of civil marriages. [, and all personnel engaged in the operation of such office shall be employees of the county clerk's office.]

2. The county clerk shall establish the office of the commissioner of civil marriages as a separate office and shall maintain separate records for that office.

SEC. 2. NRS 122.189 is hereby amended to read as follows:

122.189 [The] *It is unlawful for the* commissioner of civil marriages, [and all of the county clerk's employees, shall not solicit,] *any deputy commissioner, or any employee in the office of the commissioner or in the office of the county clerk to:*

1. Solicit, accept or receive any gratuity, remuneration or fee whatsoever for the solemnizing of marriages [and shall not participate] *;*

2. Participate in or receive the benefits of any fees solicited or received by any other person [.] *; or*

3. Influence or attempt to influence any person to have a marriage solemnized in the office of the commissioner of civil marriages.

SEC. 3. Chapter 122 of NRS is hereby amended by adding thereto a new section which shall read as follows:

It is unlawful for any county employee, commercial wedding chapel employee or other person to solicit or otherwise influence, while on county courthouse property, any person to be married by a marriage commissioner or justice of the peace or at a commercial wedding chapel.

19 77

EXHIBIT C

CHAPEL INDUSTRY POSITION REGARDING
A.B. 663, A.B. 598 & A.B. 599

A.B. 663 — Amend bill so the $30.00 fee for "JP" to perform marriage is divided half for Justice of the Peace and half for the respective County General Fund as presented in original Committee presentation.

A.B. 598 — Amend bill so courthouses in counties over 100,000 must keep their marriage license bureau open at least from 8 a.m. until midnight 7 days per week.

Keep lines (brackets) 7-12 on page 1 as is in bill.

Amend out all reference to chapels issuing marriage licenses as presented in original Committee presentation.

A.B. 599 — Any of these 4 alternatives regarding the existing marriage commissioner's office in courthouse would be acceptable to wedding industry:

A. Complete repeal of office with no alternative except wedding chapels for civil weddings. Change license fee to $20.00 at all times plus $2.00 filing fee at time license is recorded.

B. Separate two offices physically into separate buildings but leave County in business and leave fees same.

C. Transfer "civil marriage" to mayor's office in cities of Las Vegas and Reno. Raise fees for license to $20.00 with $2.00 recording fee as in Choice "A". City would keep $28.00 of $30.00 marriage fee.

D. Leave everything status quo but mandate Marriage Commissioner's office open only 8 a.m. to 5 p.m. daily.

EXHIBIT C

Chapels, counties unite in spirit

By LEE ADLER
Gazette—Journal Legislative Bureau

After some negotiations, representatives of Washoe and Clark counties achieved a marriage of the minds with the wedding chapel industry.

The event was solemnized Monday evening when the Assembly Government Affairs Committee recommended passage of two bills designed to physically separate the County Marriage License Bureau and the Marriage Commissioner's Office.

Wedding chapel spokesmen had complained that their business was hurting because couples taking out wedding licenses were being "steered" by county employees to the commissioners office, where a civil ceremony was performed.

Other aspects of the compromise would require that license bureaus be opened from 8 a.m. to midnight, seven days a week. And, if they wished, they can remain open beyond that.

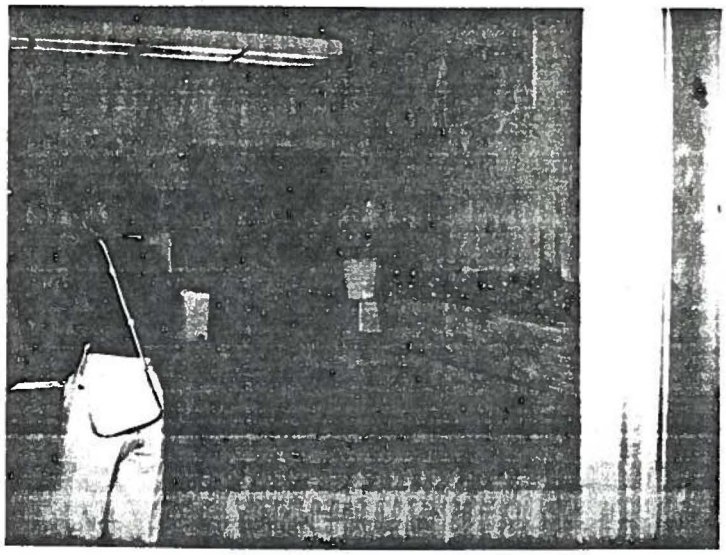
Instead of the existing day-night differential, the license fee would be set at a flat $20 fee regardless of time.

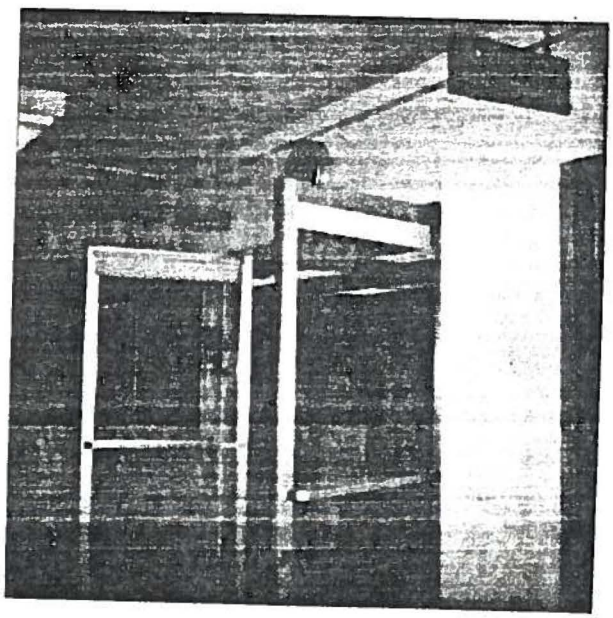
The marriage commissioner's office, by contrast, would be open only between 8 a.m. and 5 p.m. The hours are currently a matter of county option.

The chapel industry, for its part, abandoned its efforts to have chapels authorized to issue licenses. Also killed was a provision which would have had city police magistrates perform civil wedding ceremonies.

The bills, AB 599 and AB 598, which apply only to Clark and Washoe Counties now go to the assembly as a whole for action.

EXHIBIT D





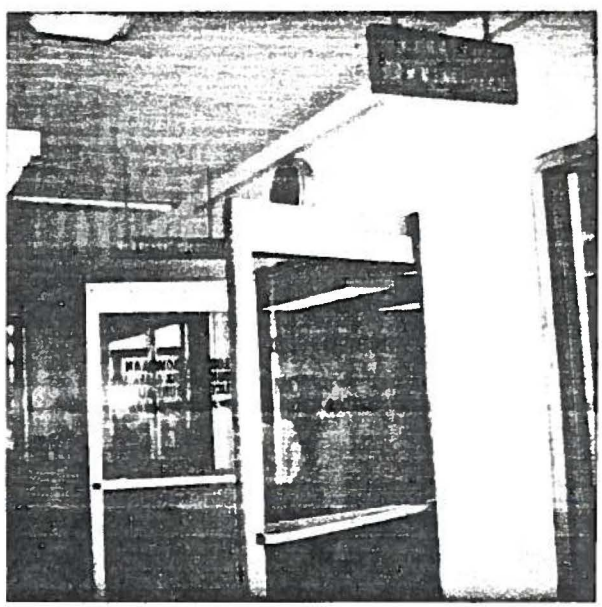
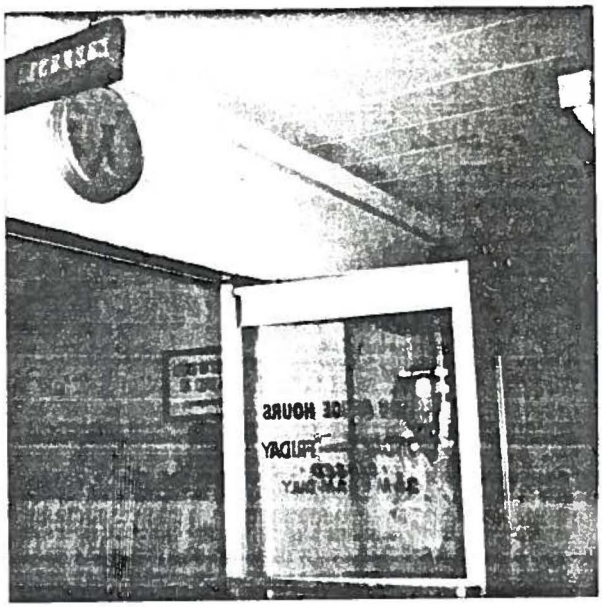


EXHIBIT D


OFFICE OF COMMISSIONER
OF CIVIL MARRIAGES




OFFICE OF COMMISSIONER
OF CIVIL MARRIAGES


OFFICE OF COMMISSION
OF CIVIL MARRIAGE

ATTACHMENT "E"

MARRIAGE COMMISSIONER

	Marriages Performed	Revenue	Average Per Ceremony
FY 1977-1978	7,869	$217,860	$ 27.68
FY 1978-1979 (Estimated April through June)	10,031	276.570	27.57

MARRIAGE LICENSES

	Licenses Sold	Revenue	Average Per License	Fee	Recorder Fee	State Fee	County Fee	Recorder Fee
FY 1976-1977	34,261	$285,132	$ 8.32	$3.00	$102,783	$4.00 $137,044	$13.00 $445,393	$2.00 $68,502
FY 1977-1978	35,116	294,456	8.38	3.00	105,348	4.00 140,464	13.00 456,508	2.00 70,232
FY 1978-79 (Estimated April through June)	40,086	337,000	8.40	3.00	120,258	4.00 160,344	13.00 521,118	2.00 80,172

FY 1978-1979 REVENUES

License Fees	$337,000	
Recorder	120,258	
State	160,344	
Marr. Comm.	276,570	
	$894,172	
DIFFERENCE	$894,172	$1,158,462
	- 881,892	- 881,892
	$ 12,280	$ 276,570

FY 1978-1979 PROJECTED (AB 599)

License Fees	$521,118
Recorder	120,258
State	160,344
Recorder	80,172
	$881,892

FY 1978-1979 PROJECTED (AB 599)
PLUS MARRIAGE COMM. FEES

Marr. Comm. Fees	$276,570
License Fee	521,118
Recorder	120,258
State	160,344
Recorder	80,172
	$1,158,462

A. C. R. 38

ASSEMBLY CONCURRENT RESOLUTION NO. 38—ASSEMBLYMEN MAY, HAYES, FITZPATRICK, RHOADS, PRENGAMAN, CRADDOCK, FIELDING, SENA, GLOVER, DINI, WESTALL, MANN, PRICE, WEBB, MALONE, RUSK, BREMNER, POLISH, MARVEL, BERGEVIN, HICKEY, HORN, VERGIELS, HARMON, WEISE, CHANEY, BENNETT, TANNER, STEWART, BRADY, BEDROSIAN, JEFFREY, CAVNAR, WAGNER, BARENGO, GETTO, ROBINSON AND COULTER

APRIL 19, 1979

Referred to Committee on Judiciary

SUMMARY—Encourages use of prisoners to educate youth against crime. (BDR 2039)

EXPLANATION—Matter in *italics* is new; matter in brackets [ ] is material to be omitted.

ASSEMBLY CONCURRENT RESOLUTION—Urging the board of state prison commissioners to use suitable convicts to educate youth against crimes.

WHEREAS, Crimes committed by juveniles in Nevada have increased greatly in recent years to the point where juvenile crime is at epidemic proportions; and

WHEREAS, Experience has demonstrated that persons who have been imprisoned for crime have been effective spokesmen to convince juveniles to avoid criminal activity, as in the case of the academy award winning documentary "Scared Straight"; now, therefore, be it

Resolved by the Assembly of the State of Nevada, the Senate concurring, That the board of state prison commissioners is urged to establish a program of using suitable convicts to educate youth against similar offenses; and be it further

Resolved, That a copy of this resolution be prepared and transmitted forthwith by the legislative counsel to the board of state prison commissioners.

SENATE BILL NO. 439—COMMITTEE ON JUDICIARY

APRIL 9, 1979

Referred to Committee on Judiciary

SUMMARY—Provides specifically that living together is not matter of defense or mitigation to prosecution for assault or battery. (BDR 16-1458)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

EXPLANATION—Matter in *italics* is new; matter in brackets [ ] is material to be omitted.

AN ACT relating to assault and battery; providing specifically that living together is not a defense or mitigating circumstance; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. NRS 200.471 is hereby amended to read as follows:

200.471 1. As used in this section, "assault" means an unlawful attempt, coupled with a present ability, to commit a violent injury on the person of another.

2. Any person convicted of an assault shall be punished:

(a) If the assault is not made with use of a deadly weapon, or the present ability to use a deadly weapon, for a misdemeanor.

(b) If the assault is made with use of a deadly weapon, or the present ability to use a deadly weapon, for a gross misdemeanor.

3. The fact that the victim resided in the same household with the defendant at the time of the assault is not a defense to a charge of assault or a circumstance in mitigation of punishment for the assault.

SEC. 2. NRS 200.481 is hereby amended to read as follows:

200.481 1. As used in this section:

(a) "Battery" means any willful and unlawful use of force or violence upon the person of another.

(b) "Child" means a person less than 18 years of age.

(c) "Officer" means:

(1) A peace officer as defined in NRS 169.125;

(2) A person employed in a full-time salaried occupation of fire-fighting for the benefit or safety of the public; or

(3) A member of a volunteer fire department.

2. Any person convicted of a battery, other than a battery committed by an adult upon a child, shall be punished:

S. B. 500

SENATE BILL NO. 500—COMMITTEE ON JUDICIARY

APRIL 21, 1979

Referred to Committee on Judiciary

SUMMARY—Provides for appointment, powers and duties of supervisor for gaming establishment if its license is lapsed, revoked or suspended. (BDR 41-1729)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: Yes.

EXPLANATION—Matter in *italics* is new; matter in brackets [ ] is material to be omitted.

AN ACT relating to gaming establishments; providing for the appointment of a supervisor following the lapse, revocation or suspension of a gaming license and for management of the establishment by the supervisor; providing for sale of the establishment by the owners or supervisor; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Title 41 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 30, inclusive, of this act.

SEC. 2. As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 5, inclusive, of this act have the meanings ascribed to them in those sections.

SEC. 3. "Commission" means the Nevada gaming commission.

SEC. 4. "Person" means any natural person, association, firm, partnership, limited partnership, corporation, trust or other form of business organization.

SEC. 5. "Supervisor" means the person appointed by a district court as a fiduciary to manage and control a gaming establishment pursuant to this chapter.

SEC. 6. The legislature hereby finds, and declares it to be the policy of this state, that:

1. The stability and continuity of gaming establishments in this state are essential to the state's economy and to the general welfare of its residents.

2. Any closure of a gaming establishment because of a lapse, revocation or suspension of its license may cause unnecessary financial hardship to its employees, creditors and investors and may have an adverse economic effect on the residents of the community in which it is located and on the state generally.