

MINUTES OF THE
MEETING OF THE SENATE COMMITTEE
ON JUDICIARY

SIXTY-FIRST SESSION
NEVADA STATE LEGISLATURE
April 29, 1981

The Senate Committee on Judiciary was called to order by Chairman Melvin D. Close at 8:05 a.m., Wednesday, April 29, 1981, in Room 213 of the Legislative Building, Carson City, Nevada. Exhibit A is the Meeting Agenda. Exhibit B is the Attendance Roster.

COMMITTEE MEMBERS PRESENT:

Senator Melvin D. Close, Chairman
Senator Keith Ashworth, Vice Chairman
Senator Don W. Ashworth
Senator William J. Raggio
Senator Jean Ford
Senator William H. Hernstadt
Senator Sue Wagner

STAFF MEMBER PRESENT:

Shirley LaBadie, Secretary

SENATE BILL NO. 563--Requires search of certain arrested persons for devices which identify medical conditions.

Mr. Zane Miles, Elko County Public Defender, recommended the passage of S. B. No. 563. Numerous incidences have happened in the jails and facilities in the State of Nevada in which persons have been suffering from illnesses and have been mistakenly incarcerated as drunks and have died. This bill would not solve every possible occurrence but would provide for an officer to investigate for a possible bracelet or necklace indicating a medical problem and minimize these unfortunate occurrences.

Chairman Close stated this bill provides for the search of a visible device but not in the wallet of a person. Mr. Miles stated he would like to have the bill amended so the wallet could be inspected which is usually inspected anyhow for identification.

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SENATE BILL NO. 578--Requires certain hearings after placement of foster child.

Mr. William LaBadie and Ms. Gloria Handley, Nevada State Welfare Division offered testimony in support of S. B. No. 578. Ms. Handley stated the bill would require that a dispositional hearing be held in juvenile court for every child who has been in foster care or institutional care 18 months, then annually thereafter. She said Congress in 1980, enacted Public Law 96-272 which is the adoption assistance and child welfare act of 1980. This legislation was requested by the welfare department to comply with the federal legislation. Federal money in the amount of \$934,432 as of this current fiscal year depends on the passage of S. B. No. 578. This amount of money comes into the state to pay for the foster care of children and for some of the service costs in paying for the staff time in providing the foster care services. This is under Title 4e and 4b of the Social Security Act.

Ms. Handley stated the federal legislation was based on the assumption Child Welfare Agencies were not following up on foster care. Children were remaining in homes too long and lost in the foster care system. These safeguards were enacted to insure the children did not remain in care indefinitely. The legislation of the federal law requires this disposition to be made 18 months after the child goes into foster care. Ms. Handley presented the committee with copies of the federal law. (See Exhibit C attached hereto.) The federal requirements are listed on this attachment under (C).

Ms. Handley stated what is being done in Clark County now could be deemed a dispositional hearing. The law requires a judicial review when a child has been in care for six months. Clark County is doing that with a written report to the court plus a full hearing. In Washoe County and the rural counties, the requirement of the law is met by a written report to the court, there is no hearing. The court would have the right to ask for a hearing if necessary.

Senator Wagner asked what kind of time or burden would be placed on the courts under this legislation. Ms. Handley replied the procedures used in Clark County would be satisfactory. This would affect about 100 cases in Washoe and the rural counties per year. She could not indicate a cost estimate, most of the hearings would last approximately one-half hour.

Senator Raggio questioned if this needed to be enacted in the statutes or could an administrative procedure be used. Ms. Handley replied their interpretation was that some kind of law

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is needed. An administrative body approved by the court could possibly be used.

Senator Raggio asked how the six months hearings are being handled. Ms. Handley stated in Clark County it is being handled by a full judicial review, in Washoe County, a written report is submitted to the court which is usually accepted. Mr. LaBadie stated sometimes these are not accepted and a hearing is held before the master and gives his report to the judge and the judge signs it.

Senator Ford stated the interium subcommittee had received extensive testimony about the problem of children in foster care being lost in the system. They had suggested some areas to be reviewed.

Senator Wagner questioned the future funding of this program by the federal government. Mr. LaBadie stated he could foresee no problems and there is a possibility of considerably more money coming for these programs.

Mr. Ned Solomon, Deputy Director of the Clark County Juvenile Court stated he supported the bill and its concept, however there is an Assembly bill No. 531 which is scheduled for hearing on April 30 which covers all the provisions of this bill. He stated the assembly bill is more inclusive and requires the state to review all the provisions that the law would require. The assembly bill would let a judge know the things to look for and outlines more specifically the responsibility they have. Mr. Solomon stated he felt a review is needed every six months regarding a foster child.

Chairman Close stated the legislature is getting toward the end of the session and the committee may decide to pass it and let the Assembly take care of both bills.

ASSEMBLY BILL NO. 93--Changes requirements for issuing marriage licenses and solemnizing marriages.

Assemblyman Dean Rhodes, stated he opposes A. B. No. 93. The legislation passed the Assembly 22-16 after heavy lobbying efforts by one special group. He felt the legislation is an example of something which should never have reached the halls of the legislature. It is a local issue, could and should have been solved by local officials; it is definitely special interest legislation promoted by one wedding chapel operator, directed at only one county, Elko. It only affects counties under 100,000 and over 15,000, Douglas-Carson City would be affected also. He stated the chapel operators approached the county officials and requested longer hours and many other matters which were in

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the original version of A. B. No. 93. Since that time, it has been amended out to include three extra hours. The county officials felt sufficient business was not there to warrant the longer hours. The chapel operators stated their existence would create hundreds if not thousands of licenses each year. Actually in 1979, prior to the chapel operators being in Elko, 3,683 licenses were sold. The wedding chapel operators came into existence in April, in that year 3,575 licenses were sold. A drop of 108 licenses during that time when they were in existence. The operator further stated and Mr. Rhodes quoted his statement: "that he could get legislation passed requiring smaller counties to keep marriage license bureaus open longer hours" and the operator also stated "that my track record of success with the legislature is 99%". Mr. Rhodes stated if the business is there, the county officials have stated they will increase the hours but they should decide when and what hours to keep the bureau open. The legislation is special interest and does not serve the people of Nevada or especially the people of the rural areas. It is offered to enhance the business of one group and one individual and is not reflected or supported by the community which he represents.

Mr. Joe Midmore, representing the Elko wedding center, stated in rebuttal to Assemblyman Rhode's remarks, he was the one group which did the heavy lobbying. Regarding the sunset provision in the bill, it was stated it is only another ploy to pass the bill, it was a sincere attempt to assure the opponents of the bill that two years down the line that if certain things did not happen, they would have a right to take the measure off the books. He stated he also felt it should have been handled locally but as to not being the business of the legislature, he disagreed. He said the legislature long ago decided to regulate the hours the county clerk's office is open where the marriage business in a county is sufficient and was the business of the legislature. The legislature has been aware that the marriage business is a valuable adjunct to the tourist industry.

Mr. Midmore stated when his client found that sufficient marriage licenses were being issued to make a wedding chapel a viable business, they went to the county and asked to have the clerk's office open for a few extra hours on weekends after opening the chapel. They found they had to turn people away because they had not arrived in Elko by noon on Saturday or Sunday. The hours are 10:00 to 12:00 and 11:00 to 12:00 on Sundays. The proposed legislation would add three additional hours and the same hours on holidays.

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Senator Keith Ashworth questioned if it would be possible to give marriage licenses to the justice of the peace or operator of a chapel and let them issue the license. Mr. Midmore stated if this happened in Washoe or Clark County, wedding chapels would be put on the county line, then the large communities receiving the financial benefits, would lose quite a bit. Some other counties have allowed the sheriff to serve as a person to notify the deputy clerk on call. That would be impracticable in Elko because the dispatch center is the city police.

Senator Hernstadt stated he did not like groups coming in to have the legislature make judgements on their problems. It might be a suggestion that the chapels issue the licenses if they were within a three mile radius, this would eliminate the border chapels. Mr. Midmore stated he would not like to make a major change in A. B. No. 93 and go back to the Assembly committee with it.

Mr. Midmore stated when the county commissioners were approached by the chapel operators, they met with considerable opposition. The operators offered to put up a trust account to hold the county harmless financially on the costs of operating the clerk's office for the extra hours. He felt the extra money involved would amount to \$2,500, this is just an estimate. His clients felt the additional weddings would total over 1,000, this could bring the clerk's office \$27,000, so this is what was suggested to be put up. The operators had not guaranteed to put up the gross amount taken in on the additional licenses, but to cover the costs. They were accused of welshing on the offer so no agreement was reached.

Mr. Midmore stated the wedding chapel is turning business away every weekend, they are going to White Pine. White Pine has an arrangement where the sheriff contacts the clerk who comes down and issue the license. The clerk in Battle Mountain stated she would come down anytime which is an hour drive from Elko. Mr. Midmore stated in regard to the decreases in licenses, there was a general decrease statewide because of the economy, however it was less in Elko than anywhere else.

Mr. Midmore stated in reference to the 3,575 marriages performed, the vast majority of which were performed in the court house, the justice of the peace was probably the highest paid official of the state of Nevada. That is not guaranteed or should be by a county commissioner or anyone else. Statements have been made that Elko County does not want the wedding chapel. The Elko County Commission in their testimony in the Assembly hearing stated they did not want it.

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Mr. Midmore advised the committee the wedding chapel in Elko had performed approximately 1,250 marriages since their organization. He said justice of the peace weddings usually produce \$20.00. He phoned the Elko justice court to inquire the cost of performing a wedding and was advised the statutory fee is \$10.00 and we ask something for the judge. That is a quote. The implication was the \$10.00 went somewhere else, it does not.

Mr. Midmore stated there has been an unpleasant clash between his client and the county for the few extra hours requested. The Chamber of Commerce, Government Affairs Committee supported this measure, as amended. It was suggested in the Elko Free Press that the committee's move was somehow flawed. The Free Press has openly been against A. B. No. 93 from the start. (See Exhibit D attached hereto). He added the way his clients stated they would come to the legislature was injudicious, but they have a right to petition their legislature when they feel an injustice is done at the local government level. There was testimony in the Assembly hearing that a marriage performed in a marriage chapel was somehow illicit, they were called "whiskey weddings", this is unfair and unjust and wrong.

Mr. Midmore stated the laws presently on the books regarding wedding chapels in the larger counties indicates this is a matter which can be properly considered by the legislature. He did not feel the county commissioners would increase the hours because of the problems already encountered with them and the chapels. Mr. Midmore urged A. B. No. 93 be passed by the committee.

Senator Norman Glaser, Northern Nevada District, stated he is opposed to A. B. No. 93 and had testified in the Assembly hearing to that effect. A. B. No. 93 is a bad bill because it intrudes on the county's prerogatives. For years the state has objected to the federal government interceding in the affairs of the state. Now this bill would provide the state to intercede in the county affairs. There are statutes on the books for the counties to be responsive to this problem. The county commissioners and clerk will anticipate future demands on additional hours needed in the clerk's office. He stated in response to Mr. Midmore's statement of the Chamber of Commerce endorsing A. B. No. 93, he had received a call from the Executive Director of the Chamber of Commerce and made it clear, the Chamber did not endorse the bill, neither did they oppose the bill. He asked for an indefinite postponement of A. B. No. 93 and let the counties respond in the normal manner if a need is indicated for additional hours.

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Senator Don Ashworth stated the wedding business in Clark County had been very lucrative in past years so far as the justice of the peace is concerned. The legislature has passed a law which makes the moneys received to revert to the General Fund. He asked Senator Glaser if he would be in favor of a similar situation in Elko. Senator Glaser stated he would have to look at the legislation but would not be adverse to that proposal. Senator Raggio stated if this is done, the salaries would have to be augmented.

Chairman Close asked what the justice of the peace received in salary in Elko. Judge Lunsford replied, approximately \$1,100, and he receives a salary from the City of Elko as Municipal Judge of somewhat less than that. This is a monthly salary.

Mr. Zane Miles, Elko, stated he was in support of A. B. No. 93. He stated he wanted to make the position of the Elko Chamber of Commerce clear. He is a director and serves on the Board of Directors and the director assigned to attend the meetings of the Governmental Affairs Committee. The committees are given the authority to take action as they see fit, upon approval by the Board of Directors. The Board has never taken a stance on A. B. No. 93. When the wedding chapel approached the Governmental Affairs Committee, it was suggested the clerk's office stay open on holidays and the saturday and sunday hours be extended. When the original draft of A. B. No. 93 came out, the Legislative Affairs Committee of the Elko Chamber of Commerce opposed it, as did Mr. Miles. The committee however did continue to support the concept of the bill. After the amended version of A. B. No. 93 came out, the committee endorsed it. The Government Affairs committee is compiled of concerned businessmen of the effect of legislation on the Elko business community.

Mr. Miles stated in reference to a statement that local government should make the decision on this issue, that the marriage industry is an integral part of the tourism business in Nevada. He felt the legislature has a duty to set the standards for any industry which has such a substantial effect on the State of Nevada.

Mr. Miles stated he had heard of a comment made recently at a party by the wife of the justice of the peace, "it is not your ox that is being gored". He said if the license hours are relatively limited, then the justice of the peace only has to be available for a short number of hours to get his share of the licenses. The justice of the peace would have to be available on weekends and holidays in order to get his share.

Senator Keith Ashworth asked if Mr. Miles represented the wedding chapels, Mr. Miles stated yes, he thought he had said that when he introduced himself.

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Mr. Miles stated the wedding chapels had done some advertising already, see Exhibit E attached hereto. They have had a large billboard outside of Salt Lake City advertising Elko's wedding facilities.

Senator Raggio asked who owns the wedding chapel in Elko. Mr. Miles replied it is owned by Elko Wedding Center, Inc., which is a corporation of two licensed ministers who service the chapel, Reverend Geroge Flint and Reverend Robert Trusdell. He stated to the best of his knowledge, they do not hold any stock in the chapel. Mr. Trusdell has under lease and under option to purchase the building where the chapel is located and he sub-leases that to the chapel. The president of the corporation is the son of Mr. Trusdell and a large portion is owned by the Nevada Christian Fellowship.

Mr. John Carpenter, Elko County Commissioner, testified he is in opposition to A. B. No. 93. He stated it is an issue which can and should be handled in Elko County. If the business warrants an increase, they would open the clerk's office sufficient number of hours. He stated it costs about \$80 a weekend to open the office for three extra hours. An increase of 10% is needed before consideration is given to opening the clerk's office any more hours. Otherwise money will have to be transferred from the taxpayers to subsidize the clerk's office.

Senator Ford asked Mr. Carpenter if he would give consideration to make arrangements for persons going to the court house after hours and could call somewhere to obtain a license. Mr. Carpenter stated that could be an alternative. However he felt they are accomodating approximately 99% of the people wanting to get a marriage license. He said there were no statistics presented by the marriage chapel as to the number of people being turned away. He felt even with additional hours, there is not going to be an increase in licenses being issued.

Chairman Close stated the committee is involved in a "scum fight" between the justice of the peace, the wedding chapel and the county commissioners. He said he understood the politics in a small town and is the problem. The issue has not been tested by the county commissioners and now it has been brought before the legislature. The committee will decide one way or another, even if it is a difficult task. The matters should have been resolved locally, rather than bringing it before the legislature.

Mr. Carpenter stated the county commissioners had worked with the wedding chapels, however had two law suits filed there, one against

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Senator Wagner asked if anyone had any information or statistics on the issuing of marriage licenses on weekends. Ms. Judy Bailey, Washoe County Clerk stated she did not have any on that but when the Marriage Commissioner Office was moved from the Court House in Washoe County, a drop of 25% to 30% in marriages performed was experienced. Even with signs, people have been unable to find the office.

Mr. Bill Gibbs, County Commissioner, Elko County, stated he is in opposition to A. B. No. 93. He stated even though the amount of money involved with staying open the additional hours is minimal, it adds up. The county is probably going to be faced with a revenue cap which may be more restrictive than before. The local officials are more aware of the wants of the citizens of a community and where the money should be spent and saved. The money needed for the additional hours could be spent for law enforcement or the improvement of the library.

Mrs. Gerri Lunsford, representing herself and 53 other people, works for the University of Nevada and married to the Justice of the Peace in Elko County, stated the figure of \$60,000 salary of the judge is incorrect. Between both salaries, they do not make that amount. She said she did not feel the marriage chapels had increased the economy of Elko County to any substantial degree. There are two wedding chapel associations in Nevada, one entitled The Affiliated Wedding Chapel of Nevada. She stated she had a list of the corporate officers and most of them are the name of Trusdell. There is another wedding chapel association in Nevada. They oppose this bill and did so in the Assembly hearings.

Mrs. Lunsford stated she took great exception to the remarks of Mr. Miles concerning her. She said there is no truth in the remark. She said in jest one day "yes, Jim it is funny to you so long as it does not involve you".

Mrs. Lunsford stated her husband had been asked in the assembly hearing, on a certain hearing, how many licenses were issued. He replied eight, they asked how many did he do, he said one. The minutes from the assembly hearing state that Judge Lunsford said that the chapel did seven, that is incorrect. Mr. Flint stood up in the room and said that he did seven. Another chapel owner said that is not true, I did one of those in Douglas County. She stated she had called Douglas County to see if they were open on a Sunday afternoon. After being connected with the sheriff's office, she was told the girl did not issue the licenses and a person will come down on call, but an employee has to be with the county for one year before he is eligible to come down on call.

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Mrs. Lunsford stated it was not a good idea to have conference chapels, it would be a mess to have someone issuing licenses every three miles. If chapels are set up 50 miles from the line, the tourist will never get to Elko or Las Vegas to leave their money, they will return to their home state.

In regards to the advertising by the wedding chapel, a sign on top of a car is illegal but no one has said anything to them. She said she wanted to file a complaint but her husband would not allow her to do so. She felt this is a county level and should be solved there.

Mr. Bob Kane, County Clerk of Elko County, was the next to testify on A. B. No. 93. He gave the committee information regarding the Marriage Licenses issued in Elko County. (See Exhibit F attached hereto.) He said he had been county clerk for 30 years, the first five years they worked until 12:00 on saturday. In 1955, the Clark County delegation had a bill passed which cut the work day to a five day schedule. Then the office opened up for two hours on saturday and one on sunday. Four years ago they tried to go back at 4:00 p.m. to issue marriage licenses, but there was no demand at that time.

Senator Ford asked if some sign was posted. Mr. Kane stated all the motels and casinos were aware of the extra hour. The discussion regarding this by the committee resulted in a suggestion that some sign be put outside the court house regarding the hours a license can be obtained.

Mr. Kane stated there was bill introduced in the legislature in 1955 to allow the county commissioners to pass an ordinance to let the clerk charge people extra money for issuance of licenses. This was on the books until two years ago. The Elko wedding chapel told him they were responsible to get that taken out of the law. He was told by Mr. Trusdell. He further stated it had not been advised by his attorneys that a marriage license could be issued somewhere else than the clerk's office.

Judge Lunsford, Justice of the Peace of Elko County, stated he had been so for 22 years. He went on record saying that Mr. Kane, himself and the county commissioners are interested in the tourist industry. He said when Mr. Kane used to come down on the weekends at 4:00 p.m. for the issuing of licenses, there was notice in the jail. Then the doors were not locked from the outside. There was no business at that time, however. He said his salary is not in the range of \$60,000. The fee he receives for performing marriages is \$10.00 which is the statutory fee. If one of the

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clerks made a statement to leave something for the judge, he was not aware of it and would correct them if it is being done. Something can be left for the witnesses and that is explained. He said he did not want a monopoly on the marriage business and welcomed any competition. He stated during the Labor Day weekend, the office is opened every night at 6:00 because of the influx of tourists.

Mr. Midmore stated he had several issues which he wished to address after the testimony by the opponents of the bill. The statement had been made that a 10% increase would be needed before opening for additional hours. He understood that to mean the increase would have to come before opening for more hours. Regarding the people turned away from the wedding chapel, the chapel averages six a week who leave and do not return. On some weekends, it averages twelve or more. He stated this is a rare incidence where an elected official is in business that private enterprise is also doing business. He advised the committee the wedding chapels are operated by ministers and they have to be licensed by the county. He said testimony had been given that there were two wedding chapel associations and the other one opposed the bill. If it did, it was not voiced.

Mr. Bryce Wilson, Nevada Association of Counties, stated the issue had been well discussed. Basically it is a cost effective decision, how much revenue, how much expense; how much good for the community, how much trouble for the government. The decision would best be made by the local government. He stated he did no support A. B. No. 93.

Judge Lunsford stated if they open additional hours between 6:00 and 7:00 p.m., security will have to be provided for the sheriff's office. One of the county commissioners was hit last week leaving the building.

ASSEMBLY BILL NO. 255--Reduces period required for sale of goods in storage to satisfy liens.

No one was available to testify on A. B. No. 255.

ASSEMBLY BILL NO. 303--Increases compensation of witnesses at hearings.

Mr. Will Diess, Vice President of the International Union of Police testified in behalf of A. B. No. 303. He asked that the name of Mr. Bill Bunker be added but he was testifying in another hearing. He stated the bill addresses changing the statutes for witnesses who appear before the courts and increasing that

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fee from \$15.00 to \$25.00 and the mileage at the rate of \$.19 a mile both ways to and from the court. Presently the mileage is \$.15 one mile or \$.075 a mile. Addressing this bill from the side of the police and fire and his self as working on the criminal and civil side, he did not want it to appear it was a police-fire bill. It is a witness fee bill. He stated a policeman or fireman is not paid when testifying when he is on duty. They are only paid the \$15.00 when they are on vacation or on a day off. If a person traveled 30 miles at the rate of \$.075, the total he would receive would be \$4.50 for the round trip of 60 miles. With gasoline at \$1.30 a gallon, and a mileage of 15 miles per gallon, he would receive \$4.50 but spend \$5.20 to go to the court.

Mr. Diass stated he receives \$.19 a mile in serving on a state board, but the general public gets \$.075. Two years from now gasoline will be considerably higher and the amount presently received is not adequate.

Mr. Diass stated a small businessman would be required to shut down his business to appear as a witness and would receive only \$15.00 a day. Cases which go on for weeks will cause a person to be away from a job which pays more and for the sum of \$15.00 per day. This creates a financial burden on the witness to the extent where there is a reluctance for them to testify. On the civil side, there is no impact or cost because the moving party would get the money back once the judgement is ruled.

Mr. Diass stated there is an amendment on the first page of the bill. It protects a person that appears before the court, they will retain their job when they return from testifying. Senator Raggio asked when the last time a change was made in the fees. Mr. Diass stated it was approximately four sessions ago. The fee then was \$10.00. He did not feel it was right to pay public and state officials \$.19 and expect the public to get \$.075.

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

Respectfully submitted:

Shirley LaBadie
Shirley LaBadie, Secretary

APPROVED BY:

Mel D. Close
Senator Melvin D. Close, Chairman

DATE: May 14, 1981

SENATE AGENDA

COMMITTEE MEETINGS

EXHIBIT A

Committee on JUDICIARY, Room 213.

Day Wednesday, Date April 29, Time 8:00 a.m.

S. B. No. 563--Requires search of certain arrested persons for devices which identify medical conditions.

S. B. No. 578--Requires certain hearings after placement of foster child.

A. B. No. 93--Changes requirements for issuing marriage licenses and solemnizing marriages.

A. B. No. 255--Reduces period required for sale of goods in storage to satisfy liens.

A. B. No. 303--Increases compensation of witnesses at hearings.

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EXHIBIT B

PLEASE PRINT	PLEASE PRINT	PLEASE PRINT	PLEASE PRINT
NAME	ORGANIZATION & ADDRESS		TELEPHONE
L. H. KANE	ELKO COUNTY CLERK		737-3044
Margaret Williams	WASHOE Co		747-4902
GERRI LUNSFORD	Self - 1191 W. Ash		738-6464
William B. Gibbs	Elko Co Commission Wells Nev		752-3514
Dick Snyder	Elko Daily Free Press ELKO		738-3118
E. E. Luassard	Sales 491 W. T. St. ELKO		738-6464
Gloria Handley	Welfare Division		885-4771
Bill Stiles	Inmate Union of Prison		
Bill Bunker	Federated Fire Fighters		883-2703
Joe M. Dunro	Elko Welfare Center		
Lore S. Myles	Elko Co Pub. Util. SB #563 Elko Washoe County AB #93		736-3139
Bruce Wilson	New Assn of Counties CC		883-7863
John Bank	Washoe County Clerk		785-6136

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94 STAT. 511

"(5) The term 'case review system' means a procedure for assuring that—

"(A) each child has a case plan designed to achieve placement in the least restrictive (most family like) setting available and in close proximity to the parents' home, consistent with the best interest and special needs of the child,

"(B) the status of each child is reviewed periodically but no less frequently than once every six months by either a court or by administrative review (as defined in paragraph (6)) in order to determine the continuing necessity for and appropriateness of the placement, the extent of compliance with the case plan, and the extent of progress which has been made toward alleviating or mitigating the causes necessitating placement in foster care, and to project a likely date by which the child may be returned to the home or placed for adoption or legal guardianship, and

"(C) with respect to each such child, procedural safeguards will be applied, among other things, to assure each child in foster care under the supervision of the State of a dispositional hearing to be held, in a family or juvenile court or another court (including a tribal court) of competent jurisdiction, or by an administrative body appointed or approved by the court, no later than eighteen months after the original placement (and periodically thereafter during the continuation of foster care), which hearing shall determine the future status of the child (including, but not limited to, whether the child should be returned to the parent, should be continued in foster care for a specified period, should be placed for adoption, or should (because of the child's special needs or circumstances) be continued in foster care on a permanent or long-term basis); and procedural safeguards shall also be applied with respect to parental rights pertaining to the removal of the child from the home of his parents, to a change in the child's placement, and to any determination affecting visitation privileges of parents.

"(6) The term 'administrative review' means a review open to the participation of the parents of the child, conducted by a panel of appropriate persons at least one of whom is not responsible for the case management of, or the delivery of services to, either the child or the parents who are the subject of the review.

"TECHNICAL ASSISTANCE; DATA COLLECTION AND EVALUATION

"SEC. 476. (a) The Secretary may provide technical assistance to the States to assist them to develop the programs authorized under this part and shall periodically (1) evaluate the programs authorized under this part and part B of this title and (2) collect and publish data pertaining to the incidence and characteristics of foster care and adoptions in this country. 42 USC 676.

"(b) Each State shall submit statistical reports as the Secretary may require with respect to children for whom payments are made under this part containing information with respect to such children including legal status, demographic characteristics, location, and length of any stay in foster care." *Ante*, p. 501, *post*, p. 516. Statistical reports to Secretary.

Editorials...

EXHIBIT D

Wedding chapel bill deserves rejection

Assembly Bill 93 - the wedding chapel's bill aimed at Elko County - is scheduled for a hearing tomorrow morning before the Nevada Senate's Judiciary Committee. It deserves a rapid and sure death.

Operators of Elko's wedding chapel last summer told the Elko County Commission that if the commission did not extend the hours of the county clerk's office on the weekends, state legislation would be introduced to accomplish just that. Commissioners said they were willing to extend the hours if the chapel owners would deposit \$27,040 in a special savings account to guarantee the county's extra expenses.

Chapel co-owner George Flint told the commission. "I can get the law changed for less than \$27,000." At another meeting, Flint boasted of having a 99 percent track record as a lobbyist for the wedding chapel industry.

The wedding chapel's legislative proposal came in the form of AB93, which originally would have required the Elko County sheriff to issue marriage licenses when the clerk's office was closed and would have prohibited the justice of the peace from performing marriages in the courthouse.

AB93 has since been amended to only require the clerk's office to stay open an additional three hours a week. In that form it passed the Assembly last week.

Wedding chapel operators say keeping the clerk's office open longer will result in more tourism business because more people will be able to buy licenses.

Their claim, however, is not supported by Elko County's experience. The clerk's office has worked longer hours on weekends in past years with no increase in business. And after the wedding chapel opened here last summer, the number of marriage licenses issued actually decreased from the previous year's figures. Flint had also told the commission the wedding chapel would produce more marriage licenses.

Assemblyman Dean Rhoads, who along with Elko County officials helps lead the opposition to AB93, noted after the Assembly vote. "This issue should never have reached the

Nevada Legislature. It's a local issue."

We agree.

The hours of operation of the Elko County Clerk's office should be decided by the Elko County Commission and not by the wedding chapel and the legislature.

We believe Assemblyman Rhoads deserves praise for his opposition to AB93. His position on the legislation represents, we believe, the vast majority of his constituents.

The position of the Elko Chamber of Commerce and its governmental affairs committee is much more difficult to understand. The chamber committee endorsed AB93, and the manner its endorsement was made known helped pass the bill, according to Rhoads.

A telegram signed by Zane Miles, a committee member and attorney for the wedding chapel, announcing the endorsement was read by a Clark County assemblyman on the Assembly floor just before the vote. Rhoads said the telegram resulted in three added votes for AB93. The measure passed 22-16. It needed 21 votes to pass.

We believe the action of the chamber's governmental affairs committee was irresponsible. It supposedly did not purport to represent the view of the chamber board or the general membership - indeed, we believe it was contrary to the view of the chamber membership. But, as Rhoads noted, many assemblymen understood that it did.

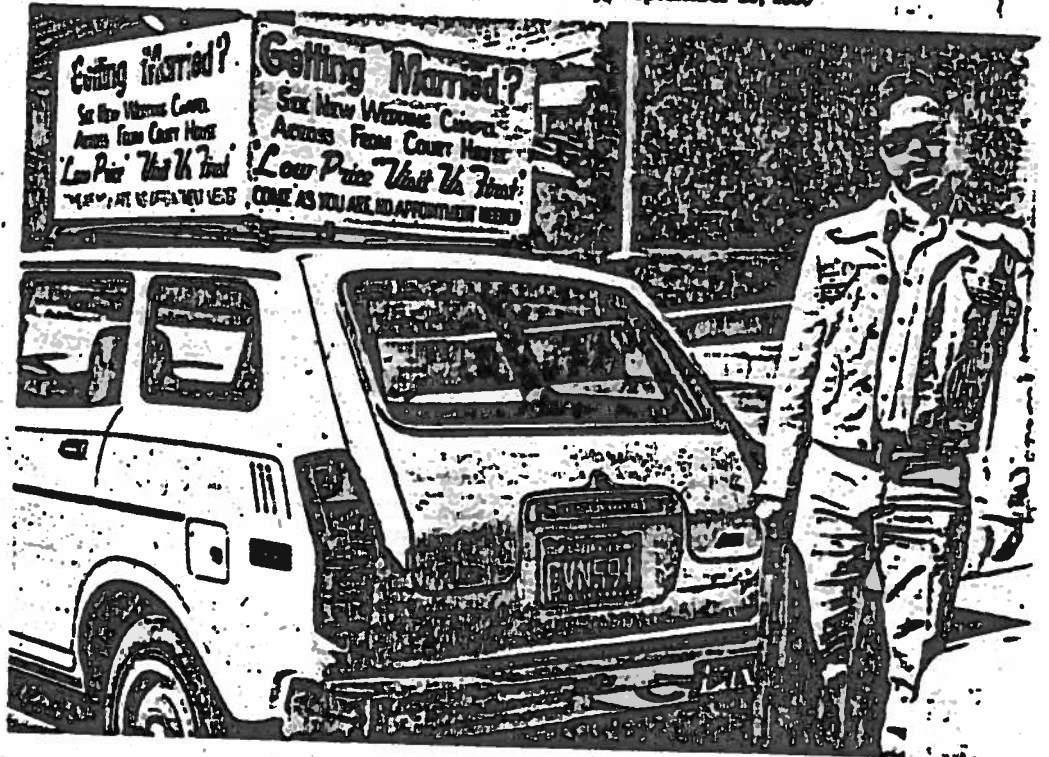
It reminds us of the chamber's ill-conceived support of mandatory water meters, a proposal which was soundly defeated by the city's voters.

State Senator Norman Glaser says he has received more mail on AB93 than on any subject since ERA. And that mail - with the exception of the chamber's committee - has been opposed to AB93. He along with Rhoads testified against AB93 in an Assembly committee.

Rhoads said he is hopeful AB93 will be killed in Senate. "The lobbyists have less power in the Senate than they do in the Assembly," he said.

The Senate and its judiciary committee will give us an opportunity to see who does control the legislature. -D

1230



Rick Trussdell of the wedding chapel stands beside newly uncovered sign. He holds sign advertiser minister's fee of \$5.

'Sign war' apparently heating up again

The "sign war," using the Elko County Courthouse as a battlefield, appears to be heating up again this week.

The county commission reviewed the courthouse signs at a Wednesday morning meeting.

Larry Petty, attorney for Elko Wedding Center Inc., said his clients are concerned about two of the signs which state the justice of the peace performs marriage ceremonies.

The wedding chapel once filed suit against Justice of the Peace E. F. Lunsford. The suit said the chapel owners objected to nine signs around the courthouse directing people to the office of the justice of the peace.

The suit, filed by county public defender Zane Miles, asked the Nevada Supreme Court to issue a writ of prohibition which would order the signs taken down. The Supreme Court refused and dismissed the suit.

Petty asked the county commission what the status was of the signs.

Chairman Dale Porter replied the commission believes it, and not the justice of the peace, is responsible for signs around the courthouse.

He said County Manager George Boucher was responsible for having the signs painted at the direction of the commission.

Commissioner John Carpenter said he

had held an informal meeting with chapel operator Bob Trussdell because the sign situation "was getting completely out of hand."

"We had the public defender filing actions against the justice of the peace," Miles had also represented the chapel owners at commission meetings.

He said he personally favored a change wanted by the wedding chapel - having the sign read "civil marriages" and omitting the word "performed."

He said Trussdell had agreed then to stop using a sign on top of a small foreign station wagon and to stop having chapel personnel escort couples from the wedding chapel to the county clerk's office.

Petty, a Reno attorney, said he believes the current courthouse signs, painted in different colors are "an attempt to influence people to be married by the justice of the peace. And that has been outlawed since 1977."

He added the signs do not list all the judge's functions.

Porter said the commission would review the law with its counsel, Gary Digraza, and decide at the October meeting how the signs will be worded.

Immediately after that, the chapel operators left the meeting and tore paper which had been concealing the sign on the small station wagon to reveal the sign.

And they added a new sign on the car which reads "Minister fee only \$5."



Weather

For Elko and vicinity:

Fair through Sunday with high cloudiness. Low tonight and Saturday night 40 high Saturday 63, Sunday 62. Winds light and variable becoming southwesterly 5-15 mph afternoons. Zero chance of rain through Saturday.

For northeastern Nevada:

Variable high cloudiness through Sunday. Lows 35 to 45, highs 75-85. Winds light and variable, becoming southwesterly 10-20 mph afternoons.

The extended outlook for northeastern Nevada for the period Sunday through Tuesday:

Fair. Highs 75-85, lows 30-40.

The weather for the 24-hour period ending at 11 a.m.

	Temp.		Precip.
	Max.	Min.	
Boise	77	49	-
Elko	57	37	-
Ely	79	37	-
Las Vegas	83	62	-
Reno	82	47	-
San Francisco	71	52	-
Salt Lake City	78	67	-
Winnemucca	85	38	-
Battle Mtn.	85	39	-
Tonopah	85	46	-
Loveclock	84	47	-



SALE
Remember our 50% off sale
now going on thru Sept. 1st.
All you young ladies remember our
Campus '80 Campaign
MODE O'DAY
Elko Shopping Plaza

Bergin Animal Hospital
has received a new shipment of Parvo
vaccine and will be able to complete
second injections due this week and
next on Wednesday, Aug. 20, 10 a.m.
to noon, 2-5 p.m.
• • No appointments, please.

EXHIBIT E

GETTING MARRIED?

THIS INFORMATIONAL SHEET IS GIVEN
TO YOU
SO THAT YOU WILL NOT BE CONFUSED
BY MISLEADING SIGNS POSTED ON OR
ABOUT COURT HOUSE PROPERTY

A MARRIAGE LICENSE CAN ONLY BE
OBTAINED AT THE CLERKS OFFICE THROUGH
MAIN ENTRANCE ON SECOND FLOOR OF COURT HOUSE

NOT !! JUSTICE OF PEACE
OFFICE

AFTER RECEIVING YOUR MARRIAGE LICENSE
YOU CAN BE MARRIED BY A LICENSED
MINISTER OF ANY CHURCH IN THE STATE

(see church registry in yellow pages)
or any Justice of Peace in the state of Nevada (except marriage
commissioner townships) or marriage commissioners in commissioner
townships.

OR A NON-DENOMINATIONAL
MINISTER AT THE ELKO WEDDING
CENTER ACROSS FROM COURT HOUSE

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MARRIAGE LICENSE ISSUED ELKO COUNTY NEVADA

PERMITS CONTINUED

FORM 30-10

EXHIBIT P

YEAR	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	TOTAL	
1 1962	117	138	181	197	187	203	234	227	217	187	181	195	2264	1
2 1963	138	132	168	181	180	187	220	216	229	188	220	175	2234	2
3 1964	134	161	156	151	178	182	186	217	196	161	149	124	1995	3
4 1965	139	155	179	165	190	171	179	202	234	191	181	146	2132	4
5 1966	155	137	164	172	195	202	237	227	221	172	185	185	2252	5
6 1967	130	146	175	201	184	221	238	231	255	221	226	199	2427	6
7 1968	145	172	210	208	230	239	239	275	208	217	211	183	2517	7
8 1969	156	168	226	221	297	228	263	264	254	215	244	237	2771	8
9 1970	192	208	223	220	249	249	296	226	260	246	230	226	2825	9
10 1971	196	182	229	215	288	276	303	280	270	275	220	207	2941	10
11 1972	184	205	246	258	255	296	303	285	329	242	239	251	3093	11
12 1973	177	242	255	249	296	310	300	293	302	253	287	257	3221	12
13 1974	167	195	283	253	312	303	297	377	287	271	319	310	3374	13
14 1975	186	219	252	294	361	315	319	366	270	287	312	272	3453	14
15 1976	243	235	268	299	312	325	357	359	314	334	316	330	3692	15
16 1977	251	264	258	350	352	303	358	317	332	325	318	322	3750	16
17 1978	265	309	286	346	334	355	404	380	323	317	294	312	3925	17
18 1979	238	255	330	353	329	319	334	295	325	274	291	340	3683	18
19 1980	182	265	312	303	324	322	322	371	286	298	315	275	3575	19
20 1981	232	308												20
21														21
22														22
23														23
24														24
25														25
26														26
27														27

1734

5	1932	7	7	21	12	26	26	28	27	22	23	22	18	220	5
6	1933	7	4	11	18	11	18	22	12	21	14	15	26	179	6
7	1934	7	14	14	23	16	26	23	9	17	18	24	23	214	7
8	1935	18	8	8	10	20	26	13	19	31	20	19	21	213	8
9	1936	6	10	18	15	27	28	27	34	21	30	20	31	267	9
10	1937	9	10	16	18	24	20	26	28	31	34	39	30	285	10
11	1938	19	17	16	24	21	29	20	27	35	20	26	33	287	11
12	1939	20	12	21	25	30	31	36	29	35	38	31	28	336	12
13	1940	14	17	21	32	30	28	39	54	53	46	34	40	408	13
14	1941	19	15	31	40	35	35	57	76	72	65	64	52	586	14
15	1942	49	49	47	46	44	62	56	58	46	70	36	24	587	15
16	1943	29	26	40	34	47	71	48	71	65	78	54	62	625	16
17	1944	54	52	57	57	52	67	65	68	64	77	45	64	722	17
18	1945	53	43	62	51	67	68	86	77	92	113	105	130	947	18
19	1946	98	119	137	142	156	184	198	190	179	160	176	149	1888	19
20	1947	135	131	174	178	176	202	187	212	206	211	188	176	2176	20
21	1948	172	138	169	148	152	171	195	187	195	183	191	133	2034	21
22	1949	100	71	144	145	149	198	191	171	187	186	155	138	1835	22
23	1950	89	119	142	183	133	164	202	172	212	146	150	180	1892	23
24	1951	124	144	120	168	151	192	189	190	189	170	154	155	1946	24
25	1952	97	137	136	169	188	172	202	208	186	176	178	164	2013	25
26	1953	120	141	150	190	190	163	179	201	218	182	185	142	2061	26
27	1954	145	139	135	156	182	155	204	165	191	190	169	158	1989	27
28	1955	126	117	150	182	152	217	177	176	207	183	160	173	2020	28
29	1956	112	119	152	130	179	195	185	208	197	153	152	181	1963	29
30	1957	98	113	165	152	172	192	209	192	190	146	153	145	1927	30
31	1958	129	103	149	169	199	197	186	220	189	165	162	159	2027	31
32	1959	146	128	184	158	178	166	192	200	184	174	158	137	2005	32
33	1960	134	111	148	146	165	163	201	184	176	205	149	181	1963	33
34	1961	146	135	165	174	154	198	213	203	208	168	194	174	2132	34
35															35
36															36

1735

MARRIAGE LICENSE ISSUED IN ELKO COUNTY, NEVADA

1978	TOTAL MONTH	AFTER HOURS
JANUARY	265	136
FEBRUARY	309	144
MARCH	286	118
APRIL	346	171
MAY	334	155
JUNE	355	139
JULY	404	181
AUGUST	380	159
SEPTEMBER	323	169
OCTOBER	317	152
NOVEMBER	294	154
DECEMBER	312	127
TOTAL	3925	1805

1979	TOTAL MONTH	AFTER HOURS
JANUARY	238	91
FEBRUARY	255	114
MARCH	330	160
APRIL	353	165
MAY	329	145
JUNE	319	135
JULY	334	143
AUGUST	295	110
SEPTEMBER	325	170
OCTOBER	274	114
NOVEMBER	291	125
DECEMBER	340	144
TOTAL	3683	1616

1980	TOTAL MONTH	AFTER HOURS
JANUARY	182	70
FEBRUARY	265	117
MARCH	312	172
APRIL	303	113
MAY	324	150
JUNE	322	126
JULY	322	123
AUGUST	371	186
SEPTEMBER	286	135
OCTOBER	298	134
NOVEMBER	315	163
DECEMBER	275	81
TOTAL	3575	1570

1981	TOTAL MONTH	AFTER HOURS
JANUARY	232	93
FEBRUARY	308	148
MARCH 1-12	102	43

1736

ELKO COUNTY MARRIAGE LICENSE ISSUED AFTER REGULAR HOURS

1978 DATE	2	SAT 7	SUN 8	SAT 14	SUN 15	SAT 21	SUN 22	SAT 28	SUN 29	SAT	WEEKENDS		MONTH	
											SUN	TOTAL		
JANUARY	10	15	15	19	10	27	11	10	10			136	265	
DATE FEBRUARY		4	5	11	12	18	19	25	26			144	309	
DATE MARCH		4	5	11	12	18	19	25	26			118	286	
DATE APRIL		1	2	8	9	15	16	22	23	29	30			
DATE MAY		6	7	13	14	20	21	27	28			155	334	
DATE JUNE		3	4	10	11	17	18	24	25			139	355	
DATE JULY		1	2	8	9	15	16	22	23	29	30			
DATE AUGUST		5	6	12	13	19	20	26	27			159	380	
DATE SEPTEMBER	1	2	3	4	9	10	16	17	23	24	30			
DATE OCTOBER	3	37	14	2	23	8	20	13	21	7	21	169	323	
DATE NOVEMBER		4	5	11	12	18	19	24	25	26				
DATE DECEMBER		22	9	16	8	22	11	27	35	4		154	294	
TOTAL 1978		2	3	9	10	16	17	23	24	30		31	127	312
		15	9	24	5	15	11	14	1	18	15	127	312	
												1805	3925	

1737

1979 DATE	SAT	SUN	SAT	SUN	SAT	SUN	SAT	SUN	SAT	WEEKEND		MONTH
	6	7	13	14	20	21	27	28	SAT	SUN	TOTAL	
JANUARY	14	9	8	13	10	4	23	10			91	238
DATE FEBRUARY	3	4	10	11	17	18	24	25				
	14	10	15	11	24	13	20	7			114	255
DATE MARCH	3	4	10	11	17	18	24	25	31			
	22	11	19	12	20	14	21	14	27		160	330
DATE APRIL		1	7	8	14	15	21	22	28	29		
		10	28	10	29	7	33	8	29	11	165	353
DATE MAY	5	6	12	13	19	20	26	27				
	33	9	17	7	24	11	22	22			145	329
DATE JUNE	2	3	9	10	16	17	23	24	30			
	14	4	15	4	28	12	21	12	25		135	319
DATE JULY		1	7	8	14	15	21	22	28	29		
		12	22	8	25	8	35	9	16	8	143	334
DATE AUGUST	4	5	11	12	18	19	25	26	31			
	17	6	17	6	29	8	22	2	3		110	295
DATE SEPTEMBER	1	2	8	9	15	16	22	23	29	30		
	40	14	19	15	11	10	26	9	16	10	170	325
DATE OCTOBER	6	7	13	14	20	21	27	28				
	18	14	17	12	17	5	16	15			114	274
DATE NOVEMBER	3	4	10	11	17	18	24	25				
	30	9	23	9	23	11	13	7			125	291
DATE DECEMBER	1	2	8	9	15	16	22	23	29	30		
	15	11	9	12	24	8	15	12	26	12	144	340
TOTAL 1979											1616	3683

1980 DATE	SAT	SUN	SAT	SUN	SAT	SUN	SAT	SUN	SAT	WEEKEND		MONTH	
	5	6	12	13	19	20	26	27	SAT	SUN	TOTAL		
JANUARY	8	6	11	9	10	10	11	5			70	182	
DATE FEBRUARY	2	3	9	10	16	17	23	24					
	12	7	19	7	23	10	26	13			117	265	
DATE MARCH	1	2	8	9	15	16	22	23	29	30			
	24	10	33	11	21	9	25	14	17	8	172	312	
DATE APRIL	5	6	12	13	19	20	24	26	27				
	32	5	16	11	17	7	1	19	5		113	303	
DATE MAY	3	4	10	11	17	18	24	25	26	31			
	22	12	15	6	27	10	25	15	1	17	150	324	
DATE JUNE		1	7	8	14	15	21	22	28	29			
		15	17	12	17	7	18	12	20	8	126	322	
DATE JULY	4	5	6	12	13	19	20	26	27				
	8	28	7	20	14	19	10	13	4		123	322	
DATE AUGUST	2	3	9	10	16	17	23	24	29	30	31		
	18	11	29	7	15	12	20	12	13	36	13	186	371
DATE SEPTEMBER	1	6	7	13	14	20	21	27	28				
	4	17	12	23	10	23	17	22	7		135	286	
DATE OCTOBER	3	4	5	11	12	18	19	25	26				
	4	28	5	22	13	25	5	21	11		134	298	
DATE NOVEMBER	1	2	8	9	15	16	22	23	29	30			
	32	5	22	13	26	7	23	12	18	5	163	315	
DATE DECEMBER	6	7	13	14	20	21	27	28					
	27	7	11	3	9	5	11	8			81	275	
TOTAL 1980											1570	3575	
1981 DATE JANUARY	3	4	10	11	17	18	24	25	31				
	16	6	11	4	19	7	14	6	10		93	232	
DATE FEBRUARY		1	7	8	14	15	21	22	28				
		8	22	8	48	13	20	10	19		148	309	
DATE MARCH	1	7	8	14	15								
	7	22	14	23	8						75	144	