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MINUTES OF MEETING - ASSEMBLY COMMITTEE ON JUDICIARY, 55th Session
March 12, 1969

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

PRESENT: Torvinen, Kean, Reid, Lowman, Schouweiler, Swackhamer,
Prince.

ABSENT: Fry, Bryan.

MR. TORVINEN: This is the time set for hearings on AB 273, AB 322 and AB 196. We will hear first from proponents of AB 273.

AB 273: Provides for a commissioner of civil marriages.

MEL CLOSE: The main purpose of 273 is to remove from the marriage business the Justices of the Peace in certain counties. It is our feeling that legal business is great enough for them to devote their whole time to it without the marriages. What it does is remove from the marriage business Justices of the Peace in Las Vegas township and Washoe township and Ormsby county.

The monies that this bill will generate are to be divided between the county and any city involved in the county where their Justice of the Peace no longer has power to perform marriages. I have some projected possible revenues for the counties that will come with this new legislation.

Clark County, using the fee schedule proposed in the bill would raise \$291,000. It would take \$60,000 for running the office with six full-time deputies and three secretaries. This would leave \$231,000 net to be divided.

Washoe County would get \$201,000 and the costs would be \$20,000, leaving a net figure of \$181,000 of which Reno would get \$68,000 and Sparks \$22,000 and the county \$9,000.

(More detailed figures attached to end of minutes).

There are several amendments that I would propose be added to the bill. They are not significant as to philosophy. The first is on page 4, lines 22 through 25.

I talked to Loretta Bowman and she has grave doubts about section 14, lines 31 through 36, the \$1.30 witness fee. She is afraid people might just stand around for the purpose of being called as witnesses. If we leave that in, only people regularly employed by the county will be used as witnesses.

Section 15, page 4: Mrs. Bowman would prefer the fees be \$10 and \$15 but that is not my feeling. At present it is \$15 and \$20.

She argues that it should be regular office hours and I agree. There is no reason to specify differently.

I feel that it is time for the Justices of the Peace to be out of the

marriage business. I tried to do this two years ago. The bill passed in the Assembly and failed in the Senate.

I believe it can be properly handled so that it will not do anything to lower the significance of the marriage ceremony. I think there still must be a ceremony.

It will bring needed revenues to the counties. I think the fees are reasonable. If they haven't got \$15 to get married, they shouldn't be getting married. \$15 and \$20 will not be too burdensome. There is some doubt in my mind whether or not we should have a difference in the fee schedule. Salaries paid do not vary whether they work day or night, so I see little reason to differentiate the fee. Lowering it would cause much less revenue. \$15 is the fee being used by many counties now.

MR. REID: If they are charging \$15 they are charging contrary to law.

MR. CLOSE: Yes, they are.

MR. REID: With this bill, would the Justice of the Peace in outlying areas still be able to marry people?

MR. CLOSE: Yes, they can, but not in any townships where the Justices of the Peace were taken off marriages.

MR. REID: It has always been a mystery whether or not the Justice of the Peace in Las Vegas makes money for anyone other than himself.

MR. CLOSE: Oh no. Everything they make they keep for themselves.

MR. REID: Who pays the hired help? In Las Vegas, for example.

MR. CLOSE: Right now the county pays everyone concerned.

MR. REID: Do they make money or go in the hole?

MR. CLOSE: They just about break even.

MR. REID: Do we still need two Justices of the Peace?

MR. CLOSE: Yes, they were put in to alleviate the calendar problem. I would suggest retaining both, at least now, and see how it works without marriage responsibilities.

MR. REID: Are there any other jurisdictions having situation such as ours?

MR. CLOSE: None that I know of. The highest paid person in government has been: 1. The President of the United States; 2. A sheriff somewhere in Arkansas who got a percentage of all alcoholic beverages sold, 3. Justice of the Peace in Las Vegas. However, the sheriff in Arkansas no longer gets this percentage so our two JP's were number 2 and 3.

MR. KEAN: Page 5, line 1: Should we say "hours and days?"

MR. CLOSE: I think so. It should be that way. Another bill that will affect this greatly, will limit the hours of marriage licenses from 9 to 5.

MR. SCHOUWEILER: I had some discussion with Dr. Homer about this bill. Apparently, their Justice of the Peace is presently being paid \$125 a month. If this were put in, would his salary be adjusted?

BILL GONI: Clerk of Ormsby County: He gets \$125 from the city and \$25 from the county. This is all of his salary.

The revenue from fees projected by Mr. Close is just about right on target as far as Ormsby County is concerned.

We are very limited in space at the courthouse and we would have to expand if this were passed to make room for a marriage commissioner.

MR. CLOSE: We felt this would raise about \$51,000 a year for you and we thought it would be a help, but if Ormsby County wants to be exempted it is certainly all right with me. I don't care if all other counties want to be exempted but we really want this for Clark County. We elect a judge and then he makes \$100,000 a year.

MR. LOWMAN: Do you have any of those suggested amendments written down?

MR. CLOSE: I really haven't at this time but I will prepare them.

RICHARD E. FRAY: Attorney from Reno: I am the draftsman for AB 273. I have been retained at various times by Chapel Bells in Reno and Las Vegas. My only contact with Mr. Close was two telephone calls. I met him for the second time here today. The issue on this thing was to get the JP's back on the bench where they belong. The second purpose was to get a source of funds for cities and counties.

The way the bill has been printed up there are less than 15-20 words changed from my original draft forwarded to Mr. Close for his inspection. I think the bill is a good one. As a practicing attorney I have been obliged to represent indigents in criminal cases. I have had to fight my way in to defend an indigent in Reno. If there is a 15-day period for a preliminary hearing, it is held on the 15th day. I have been present when the judge left the bench and went in to his office to perform sometimes as many as three marriages, keeping a large audience waiting in the courtroom.

I am tired of it. It is not right or good.

This new bill will bring substantial sums of money to the counties and cities. There would be a very modest cost for Ormsby County to prepare space for this Marriage Commissioner. They would recover the cost very rapidly.

As long as society insists that certain obligations and duties flow from the marriage state, the state should prepare the means for them to be married. Another point: As a practicing attorney I have represented a great many divorce actions, and I would think that a quiet

moment or two before the marriage would bring some feeling to this^{2 77} young couple as to the rights and responsibilities of marriage.

There is nothing in this bill that obliges people to use the Marriage Commissioner. They may go to any minister of their own choosing.

I would like to clear some ambiguity since I drafted this. It does not apply to a township of 6,000 or less registered voters. It only precludes marriages being performed in large townships by a Justice of the Peace.

I think it is a good bill, honestly prepared. It is conservative legislation. It will not warp the existing system out of shape.

I would recommend you retain the fee schedule in the bill itself. In virtually every county the fee for issuing a marriage license is \$6. Overtime basis for issuing it is \$16 in Clark County and \$15 in Washoe. Speaking again for Washoe and based upon conversations with employees, they are not regularly shifted employees. If a couple does not wish to pay the larger fee, let them be married in the daytime.

Marriages could be performed with no fee at all. Many ministers do not charge a poor young couple who obviously need to be married.

There will be so much money saved that the Justices of the Peace could be adequately paid and you can get good men. I personally feel JP's should be attorneys.

VICTOR VCORHEES: Las Vegas: The fee is for the issuance of the license only. It would cost \$36 for a couple to get married in Washoe.

MR. TORVINEN: We will now hear from the opposition.

FATHER R. S. PUMPHREY: Carson City: There are a few things I would like to see changed in this bill. (See statement attached).

Any couple that assumes and believes they have been married in Nevada are presumed by the State of Nevada to have been married.

MR. REID: Why wouldn't a minister or anyone else have to be licensed?

FATHER PUMPHREY: You could pretend that you had authority to do this,

MR. REID: This is true, but that would not eliminate the need for you to get a license.

FATHER PUMPHREY: Many of us think the State has no right to decide who can perform marriages. The whole idea of the State deciding who can and who cannot perform marriages as a minister is bad. If you continue this bill one step further and give a Marriage Commissioner responsibility for all marriages several things will have to be changed.

MR. GONI: You must record and have a legal record of the marriage document. We are willing to consider this bill but

FATHER PUMPHREY: We are willing to consider this bill but want several amendments. (Read from statement which is attached).

MR. TORVINEN: Where would you put that language in the bill?

FATHER PUMPHREY: This statement would be attached to the top or the bottom of the certificate. 2 71

MR. TORVINEN: Mr. Fray, do you have any particular fondness for the word "solemnization?"

MR. FRAY: No. Webster defines it as an oath-taking ceremony but in common usage it is usually directed toward marriage.

REVEREND JOHN EMERSON: United Methodist Church, Carson City: I would object, and I think most of the clergy in the state would object, to AB 273 as it presently stands. If there were some changes, it might be acceptable.

This matter of licensing ministers is a part of the bill, reference page 1, lines 22 and 23 and page 5, line 12. Our concern is that this is not only unconstitutional where it has been raised but that this is getting into the field that has been the prerogative of ministers for hundreds of years. The thought of an ordained minister not being able to perform marriages because of not being licensed is not acceptable.

We feel the word "solemnization" should also be stricken. In common usage, it does have a religious connotation, despite what Webster may say.

The establishment of a Marriage Commissioner still, in a sense, limits the couple's freedom to choose or not choose a ceremony. Some couples would feel that this is not what they want. A civil marriage conducted under the auspices of the clerk's office would be adequate.

I think the idea of providing additional fees to the counties instead of letting the JP's get them all is very laudable. However, the additional fee added to the one for issuing the license, is necessitated in part from the cost of establishing a new office. This could be done by the county clerk. The documents must be recorded there anyway.

The language on the marriage commissioner concerns me most. I know of another country that has a similar office. They call it a Marriage Commisar. I have no wish to relate to the image of Russia.

We are establishing a new animal that is not really necessary. A civil marriage could be performed in the office of the county clerk and we could avoid another office with its attendant expense.

MR. TORVINEN: The first thing you are saying is that we should not license ministers for performing marriages. That is not within our purview but we refer to it here. The State does have the right to require licenses or certificates to be filled out in a certain way and to be returned to the county for recording.

MR. EMERSON: The State has the responsibility to see that the couple is married legally inside the law. All marriages must have a civil ceremony in order to be valid.

MR. REID: I would be interested in the position of some of the wedding chapel people on this.

MR. FRY: The wedding chapel people are pretty well united behind this

bill and most of them are here today with us.

MR. TORVINEN: I have a three-page letter here from Judge Beemer. (He read parts of the letter to the committee. Letter attached). 2-79

GEORGE FLINT: There are approximately 450 clergy in Nevada. Not more than 8 or 9 of them have appeared in these halls.

REVEREND JOHN FOLK: Vice President Nevada Ministerial Association: We are strongly in favor of this bill. We would be strongly opposed if it required everyone to be married in a civil ceremony. There are minor changes we would like to have made.

DON HOWE: Las Vegas: Four of us from Las Vegas are in the wedding chapel business and we are not ministers. We are businessmen.

MR. FRY: We do not want you to tamper with the language unless it is really necessary. I am sorry that issues were brought up here that are not germane. I hope you will not be swayed by some of these "cliche terms such as "communist."

ROBERT TRUESDALE: Las Vegas Chapel of the Bells: I polled many ministers in Las Vegas and found only one minister that said he was opposed to this bill. I talked to more than 20 of them.

AB 322: Enlarges authority of justices of the peace to perform marriage outside his township.

MR. FRY: There is nothing wrong with this when it is within the small counties.

MR. TORVINEN: There is a ruling in Washoe that a Justice of the Peace cannot go outside his township unless requested to do so by the Justice of the Peace in the other township. This would be done when a Justice is ill or on vacation, etc.

MR. FLINT: Here is what would happen if we passed both of these. Judge Beemer, if 273 passes, could no longer perform marriages in Washoe township but the Justice from Verdi could come over and perform them.

MR. SCHOUWEILER: I refer you to page 2, lines 37 through 39.

MR. TORVINEN: I would like to hear more from the Ormsby County Clerk.

MR. GONI: We would like you to exclude Ormsby County. We have such limited space. Also, the Justice of the Peace in Ormsby is really doing a good job with his court schedule. The Commissioners and the County Manager feel that we are making just about this amount of money issuing licenses after hours. We do have to put extra people on to take the extra hours. We feel that the expense is not worth what we would get out of it.

MR. TORVINEN: I have a letter here from Harry Brown. (Read parts of the letter, which is attached to these minutes.)

MR. EMERSON: The statement was made that we should not require all couples to go through a civil marriage. It seems to me that we have ² this in effect at the present time. Every couple in the State of Nevada is required to have their marriage recognized in the State. I am, in fact, an agent for the State. Every couple married, no matter by whom, has to fulfill this obligation.

MINIIE ORCUTT: Glory Temple, Reno: We would be in favor of this bill without this restriction that we do have to be married by a civil authority. At present, when anyone buys their license, they may have their marriage wherever they want to. We don't want this decided by force. I am in favor of it as it now stands.

JOHN ETON: I want to go on record as opposing this approach to marriage. Senator Monroe has statements from many groups opposing this.

MR. FRAY: They do not, in the present framework have to be married in any civil service. A compulsory arrangement is the wrong way to go. There will be a more liberal atmosphere with this.

MR. FLINT: SB 603, which was entered two years ago, called for a Civil Commissioner such as this. Reverend has just suggested that everyone was against that bill then and it never got out of committee.

MR. REID: I just talked to Mr. Espinoza, one of the introducers of AB 322 and he can't come in right now. I am familiar with this, however and will tell you about his bill.

Justice Potter from Henderson was going into Las Vegas and performing marriages. George Franklin stopped him from doing this, telling him a JP could only perform marriages in his own township. That is the reason for this bill.

MR. TORVINEN: Would they care if 322 dies if we go ahead with 273?

All guests were excused at this time, 4:10 P.M.

MR. TORVINEN: We have 15 minutes before joining with the Committee on Health and Welfare to discuss the three abortion bills.

Committee was in recess from 4:20 to 4:40 P.M.

AB 216: Resolves ambiguity relating to offense of narcotic drug possession.

MR. TORVINEN: I have here amendment 1482 which the Senate passed and which we have not concurred with or rejected. It includes an amendment to 205.274 concerning the tampering with an automobile.

MR. REID: We had full hearings which they did not have over there. We have given much thought and consideration to this. We thought the joyriding should not be tampered with. Maybe if we tell them all the work we have done on this they might go along with us.

I move we DO NOT CONCUR.

MR. PRINCE: I second the motion.
MOTION CARRIED UNANIMOUSLY.

AB 294: Provides method for appointment of temporary guardian for minor. 2-81

MR. REID: I move Do Pass AB 294.

MR. KEAN: I second the motion.

MOTION CARRIED UNANIMOUSLY.

AB 273: Provides for a commissioner of civil marriages.

MR. REID: How about page 4? Someone had an objection.

MR. PRINCE: But what they objected to is already in the law.

MR. REID: I think that language is good. I would rather it be left there.

MR. TORVINEN: Page 4, lines 31 through 36 is out. There will be no fees for witnesses.

MR. REID: Just cut out section 14. Period. Why do we even need to be involved?

I move we delete section 14.

MR. SWACKHAMER: I second the motion.

MOTION CARRIED UNANIMOUSLY.

MR. KEAN: I move section 15, page 4, line 39 be changed to change "hours stipulated" to "regular office hours."

MR. REID: What do you think about just leaving it as it is?

I move that line 39 be amended to read "a marriage during regular business hours on week days" and then continue from there.

MR. SCHOUWEILER: I second the motion.

Motion CARRIED WITH MR. LOWMAN VOTING NO.

MR. KEAN: Page 5, line 1: I move that the word "and days" be inserted after the word "hours."

MR. SCHOUWEILER: I second the motion.

MOTION CARRIED UNANIMOUSLY.

MR. SCHOUWEILER: Did you take care of the Ormsby County problem?

I move page 3, section 9, line 45 be changed to exclude Ormsby County.

MR. LOWMAN: I second the motion.

MOTION CARRIED UNANIMOUSLY.

MR. TORVINEN: This problem means quite a lot to the Elko County Justice of the Peace, also.

MR. LOWMAN: I did not quite grasp all the stuff about licensing ministers.

MR. REID: I move Do Pass AB 273 as amended.

MR. LOWMAN: I second the motion.

MR. TORVINEN: I want you to think about the splitting of the fees. Should it all go to the county or should part go to the cities?

MR. REID: I withdraw my motion.

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MR. SCHOUWEILER: Page 5, line 12, the word "to" has been left out. I move we insert that.

MR. LOWMAN: I second the motion.
MOTION CARRIED UNANIMOUSLY.

MR. KEAN: Page 5, line 18 goes to the county. I think it is Ok the way it is.

MR. LOWMAN: I don't like the word "dividing" but I guess the word "pro-rating" takes care of that.

MR. TORVINEN: The county provides the office and the clerks.

MR. KEAN: I move we delete section 16, page 4.

MR. SCHOUWEILER: I second the motion.
MOTION CARRIED WITH MR. LOWMAN VOTING NO.

MR. KEAN: Page 5, line 18: Is that where we should put where the money goes?

MR. REID: What is going to happen in North Las Vegas? Is he going to be able to perform marriages?

MR. TORVINEN: Shall we hold until Bart comes back with voter figures? I will get the amendments.

AT 5:00 P.M. The Assembly Committee on Health and Welfare joined the Assembly Committee on Judiciary for a joint discussion of the three Abortion Bills.

After some discussion it was decided that the two committees would separate for a few minutes to determine if there was a majority of each committee that was in favor of putting out some kind of liberalized abortion bill this session.

When the two committees met together after this separate consultation, the decision was that a majority in each committee was in favor of putting out an abortion bill.

The Judiciary Committee presented the points brought up in their meeting to be considered for possible amendments. These were presented by Mr. Schouweiler and are as follows:

1. Residency requirement, possibly two or three months.
2. Husband's consent.
3. Licensed and Accredited Hospital.
4. Lowering from the first trimester to 60 days.
5. Parental or guardianship consent for minor girls.

MR. TORVINEN: Almost all of the proponents for abortion were in favor of AB 229, with AB 259 as second choice. Can we agree to use AB 229 as the vehicle? (It was so agreed.)

MR. WILSON: We had 5 to 4 in favor but I want you to know that no one is bound by this when it comes on the floor.

MRS. BROOKMAN: What happens in small counties where there is no accredited hospital? - 83

MR. SCHOUWEILER: They go where there is one.

MRS. FRAZZINI: There are 31 hospitals in the state and 13 or 14 are accredited.

MR. SWALLOW: Did you talk of a court order?

MR. TORVINEN: No, we did not.

MR. SCHOUWEILER: There was quite a lot of discussion on a court order two years ago with the conclusion that it was an unconstitutional delegation of authority to the judicial bench.

MR. KEAN: 229 calls for one doctor and the woman. Does anyone feel there should be more doctors than that?

MRS. FRAZZINI: I already have amendments to 229 and one of them would take care of that. It requires a Board of three doctors. It will further define this.

MR. TORVINEN: It will be the performing doctor and two additional who will be on the hospital staff.

MR. WILSON: If you consult with three doctors, wouldn't that put an abortion out of the reach of the average family because of the cost?

MR. REID: For any operation in any accredited hospital you have to have a consultation with another doctor.

MR. SCHOUWEILER: In accredited hospitals this is necessary anyway?

MRS. FRAZZINI: Yes, this is one of their rules.

I feel very strongly that the bill should spell out that no nurses, doctors, technicians or anyone else will be forced to do or help with abortions if he doesn't want to.

MRS. BROOKMAN: Same problem in California with the three doctors. What if one of them is a Catholic? It is still just permissive legislation.

TIM HAFEN: At the hearing, it appeared that an abortion would run from \$500 to \$1200. If you are talking about putting this in the reach of all families----Economics will prove that it will be available only to the well-off.

MR. SWACKHAMER: Let's quit kidding ourselves. The only thing that prevents abortion now is money. We will be lowering the cost about \$250.

MR. ESPINOZA: I am sorry to see this issue reduced to talk of money. I believe every child should have the right to live out his existence as God intended him to.

MR. MAY: How does the indigent thing work on this?

MR. TORVINEN: I don't know whether they would qualify under Title 19 or not. If they were qualified for other medical services-----

We will have to work out further procedures which will follow. It is the consensus of both committees that we are going to have to start with AB 229 as the vehicle and work on it with some amendments. We can't work on amendments tonight and we haven't time for each committee to have amendments made. Let's agree on an amendment and have the bill drafter work "after the fact".

MR. MAY: I suggest we appoint a co-subcommittee to work on the amendments.

MR. LOWMAN: No one who opposes should be on the subcommittee.

(It was decided to adopt Mr. May's suggestion).

The Subcommittee appointed was: Mrs. Frazzini, Miss Foote, Mrs. Brookman, Mr. Kean and Mr. Schouweiler.

Meeting was adjourned at 5:45.

OFFICE OF THE WASHOE COUNTY CLERK

COUNTY COURTHOUSE, VIRGINIA AND COURT STS.

P.O. BOX 2444, RENO, NEVADA 89505

TELEPHONE AREA CODE 702

H. K. BROWN, COUNTY CLERK.
EX-OFFICIO CLERK OF THE
SECOND JUDICIAL DISTRICT COURT.
REGISTRAR OF VOTERS.
MEMBER OF THE BOARD OF
COUNTY COMMISSIONERS.
OTHER COMMISSIONS:
ANNEXATION;
BOARD OF EQUALIZATION;
GENERAL OBLIGATION BONDS;
STREET AND HIGHWAY.

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ALEX COON, CHIEF DEPUTY.
ARCHIE NIXON, ASS'T CHIEF DEPUTY
PHONE 785-4236

MELVIN POOLE, DEPUTY REGISTRAR
PHONE 785-4194

MARRIAGE LICENSE BUREAU
PHONE 785-4172

JURY COMMISSIONER
PHONE 785-4271

March 11, 1969

COPY
Hon. Warren L. Monroe, Chairman
Committee on Judiciary Senate Chamber
Capitol Building
Carson City, Nevada 89701

Dear Senator Monroe:

In reference to SB324 (Permits issuance of marriage licenses during County Clerk's regular business hours only.), this office brings to your attention that in the year 1968 we issued 17,861 marriage licenses after regular hours. That's 59% of the 30,287 total licenses issued for the year. The overtime revenue was \$196,471 and, at the same time, if these overtime licenses had not been sold, the State would have lost \$71,444 revenue.

We would urge you to defeat this bill because it would mean a loss of revenue to Washoe County, and, we dare say, other counties would feel the same way for the same reason if they receive more money for overtime work in the marriage license department.

Along the same line, if AB273 (Provides for a commissioner of civil marriages.) should get to your committee, we would favor deleting those parts which would force the county to share this revenue with other subdivisions for the simple reason that the burden of the cost for issuing marriage licenses is borne entirely by the county. And the counties are seeking revenue just as much as any other subdivisions. Therefore, it makes little sense to start splitting up this source.

Thank you for considering these facts. We appreciate the fact that your good judgment will result in right action for the people of the State.

Very truly yours,

H. K. BROWN, County Clerk

By

Alex Coon

Alex Coon, Chief Deputy

AC:jll

cc: Hon. Roy Torvinen, Chairman
Committee on Judiciary Assembly Chamber

WILLIAM R. BEEMER
JUSTICE OF THE PEACE

HELEN CORMIER
CLERK

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JUSTICE OF THE PEACE

RENO TOWNSHIP
ROOM 212
WASHOE COUNTY COURT HOUSE
RENO, NEVADA
89505
March 11, 1969

ADDRESS CORRESPONDENCE TO
P. O. BOX 2173

Roy L. Torvinen, Chairman
Assembly Committee on Judiciary
Room 43, Capitol Building
Carson City, Nevada

Dear Mr. Torvinen:

Thank you for informing me of the hearing on
Assembly Bills 273 and 322, Room 43, Capitol Building, March 12,
at 2:00 P.M.

My Calendar is such that I will be unable to be
present, however in response to your invitation, I will make by com-
ments in writing.

As to Assembly Bill 273, I would speak in de-
fense of the present procedure. Over the years, I have observed that
between one-third and one-half of the general public desire a civil
service. (To set forth the reasons why would serve no purpose here.)
Of this group, no small number of the local public (Reno Township)
desire a civil service in a home or a reserved facility. It would not be
possible to satisfy the local public under the proposed legislation. The
same is true of those whom we encourage to visit our State, although
the need to serve outsiders may not be an important consideration.

Assembly Bill 273 would throw tradition to the
winds, but this may not be considered too important either, as we are
rapidly tending to do things by the numbers.

If Assembly Bill 273 is proposed to speed up
hearings on any and all types of actions before a Justice of the Peace --
I am quick to state that there are no delays in the Reno Township
Justice Court.

If Assembly Bill 273 is proposed as a revenue
producing measure, may I cite figures for your appraisal:

Roy Torvinen, Chairman

Page 2.

In Washoe County, the number of marriage licenses issued annually in recent years has been approaching thirty thousand. Of this number approximately one-third had their marriage solemnized by a civil ceremony (Justice of the Peace).

Assuming 10,000 civil services, approximately one-half or 5,000 are solemnized during regular business hours; the other 5,000 at other than regular business hours. Using the fee schedule proposed in Assembly Bill 273, then:

INCOME:

5,000 @	\$15.00	≠	\$ 75,000.00
5,000 @	20.00	=	<u>100,000.00</u>

Estimated gross income: \$ 175,000.00.

EXPENSE:

In conservatively estimating the number of Marriage Commissioners, deputies and clerks, I would suggest three Commissioners on a 1/2 time basis and six clerks on a 1/2 time basis at \$22,000.00.

NEVADA REVISED STATUTES 4.020 indicates two Justice of the Peace for Reno Township starting January, 1971. Estimating \$18,500.00 per Justice of the Peace		\$37,000.00
Five Justice Court Clerks @ \$350.00 per month		21,000.00
Furniture, fixtures, supplies and office space		<u>6,000.00</u>
Total Estimated Expense		\$86,000.00

Estimated net revenue \$89,000.00.

I would propose if the primary purpose of the measure is to produce revenue, that you consider as a substitute therefor, the following:

Increase the marriage license fee during regular hours to \$15.00, and during other than regular hours to \$20.00. Then, on the basis of 30,000 licenses a year:

Mr. Torvinen, Chairman

Page 3.

15,000 @ \$15.00	=	\$ 225,000.00
15,000 @ 20.00	=	<u>300,000.00</u>

Estimated (Gross Revenue) \$ 525,000.00.

15,000 @ \$6.00	=	\$ 90,000.00
15,000 @ 15.00	=	<u>225,000.00</u>

315,000.00.

Estimated (Current Gross Revenue)

Estimated increase in revenue with no additional expense: \$ 210,000.00.

The wedding chapels may object to an increase in the marriage license fees, but perhaps they should consider adjusting their fees to conform.

May I point out that the cost to the general public would be practically the same in both instances. At the same time we would avoid the undesirable type of legislation that differentiates between Justices of the Peace.

The matter of revenue would be greatly enhanced, and with violent overhaul.

With respect to Assembly Bill 322, it leaves me cold.

Again, I wish to thank you for informing me of your hearing.

Sincerely,


WILLIAM R. BEEMER

WRB:hc

A.B. 273

W. S. Humphrey
March 12, 1967 89

Thank you, gentlemen for an opportunity to testify with regard to A.B. 273.

For such of this bill, there is considerable support. The Nevada Council of Churches has been on record for reform in the judicial marriage processes of this state. Some of the individual denominations have been on record for several years. I would like to offer certain amendments for this bill.

As the bill stands now, it unconsciously, unwittingly seems to approach the formation of a state religion. So I would suggest that wherever the word "solemnization" appears, it be changed to read "perform marriage" which is already in use in this bill; or state the word "legalize marriage." No. 2, a tendency towards state religion is found in Section 12 and in Section 21 and the legality should not be confused with a ritual or atmospheric setting.

This bill providing for a commissioner could more aptly provide for civil authority. Section 1, and Section 2, of this bill refer to civil legal registration of the fact that a legal contract has been entered into. The same is given in Section 5 and Section 6. This bill thus refers not to any religious or church requirement. It is the duty of the state to see that the legalities with the consequences of property, children and other legal responsibilities have a source in a registered legal document. As such, this is the duty of civil authority by whatever name it is called.

In Section 4, this bill states that any person who believes, in Nevada, that they were married have been lawfully married. Therefore, a certificate of permission for a minister is totally unnecessary.

It is the contention of many clergy that no official of this state has the authority under the First Amendment to determine who is a minister or what is a church. Therefore, licensing of ministers is not only unnecessary but illegal.

It is recommended for this, and many other reasons, that the words "minister" and "church" be deleted from this bill, that the civil legalities require a total civil secular contractual arrangement and that no substitute state ceremonial be invented which requires non-believers, as well as believers, of differing persuasions to assent to a state ritual. Instead, it is suggested that attached, with perforations, to the top or bottom of this civil contract be the following:

"This certificate of completed legal marriage contract may be presented to any priest, minister, rabbi, or any other religious leader for a religious, or spiritual, solemnization and blessing of matrimony according to the preferences of the couple and of the religious practices of that organization or religious leader."

*all says minor ex-ho wds of 13, 14, 15, leave it up
 to county for change*

office open 8 hours or less see 17

PROJECTED GROSS "MARRAGE COMMISSIONER" FEES

2-30

CLARK COUNTY	\$291,200.00	LESS COST OF	\$60,000.00	\$231,200.00	*1
WASHOE COUNTY	201,600.00	LESS COST OF	20,000.00	181,600.00	*2
ORMSBY COUNTY	67,200.00	LESS COST OF	16,000.00	51,200.00	*3

*1 SIX FULL TIME DEPUTIES @ \$8,000.00 PER YEAR, AND THREE SECRETARIES AT \$4000.00
 *2 1 & 1/2 " " " @ \$8,000.00 PER YEAR " TWO " AT \$4000.00
 *3 1 & 1/2 " " " @ \$8,000.00 PER YEAR " ONE " AT \$4000.00

COUNTY PORTION CLARK COUNTY	\$115,600.00
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DISTRIBUTION TO CITIES AS FOLLOWS;

RATIO		
64.78	LAS VEGAS	75,800.00
18.53	NORTH LAS VEGAS	21,080.00
12.59	HENDERSON	14,050.00
4.08	BOULDER CITY	4,770.00

\$231,200.00

COUNTY PORTION WASHOE COUNTY	\$ 90,800.00
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DISTRIBUTION TO CITIES AS FOLLOWS;

75.60	RENO	\$ 68,600.00
24.40	SPARKS	22,200.00

\$181,200.00

ORMSBY COUNTY - CARSON CITY	
RETAINS TOTAL OF	\$ 51,200.00

NOTE [1] CITIES WOULD RECIEVE A LARGER PORTION OF THE ABOVE AMOUNTS IF RATIOS WERE APPLIED TO BEFORE COST OF OPERATION FIGURES.

NOTE [2] LABOR FIGURES REFLECT SUBSTANTIALLY MORE PRESONELL THAN ARE PRESENTLY USED UNDER JUSTICE OF THE PEACE OPERATION.