

ASSEMBLY OF THE NEVADA LEGISLATURE, MEETING AS A COMMITTEE OF THE WHOLE,
APRIL 21, 1971, THE HONORABLE LAWRENCE JACOBSEN, SPEAKER, AS CHAIRMAN
(10:00 a.m.)

MR. ASHWORTH: Mr. Chairman, is a motion in order at this time?

MR. CHAIRMAN: Yes, Sir.

MR. ASHWORTH: Mr. Chairman, I would like to move at this time that this House give no more -- no further -- consideration to a 44-seat House for the Assembly and 22-seat House for the Senate.

MR. CHAIRMAN: You can only make a recommendation at this point because this committee has to report back to the Assembly.

MR. ASHWORTH: Then, Mr. Chairman, I would like to make a recommendation that this Committee as a Whole give no further consideration to a 44-seat House for the Assembly.

MR. CHAIRMAN: Mr. Ashworth, as the chairman, I would consider your motion out of order at this moment due to the fact that we do not have all of our members here and we are really not supposed to even be in a recess, but I was hoping that in that time to gain the rest of them. And I think every person should be in their seat before we consider any motions.

MR. ASHWORTH: Mr. Speaker, I am sure there will be enough discussion on it by the time we finish with discussion. Nearly everyone will be here.

MR. CHAIRMAN: Okay. You've heard the motion. It's open for discussion.

MR. LOWMAN: Mr. Speaker, I would certainly consider this motion out of order because we have not yet heard the arguments for any of the

three bills that we have before us. It seems to me that as a Committee of the Whole, the very least we can do is understand the meaning of the three bills before we start making motions.

MR. CHAIRMAN: I would certainly agree. If there are no objections, the chairman will declare the motion out of order.

MR. FRANK YOUNG: Mr. Chairman, may I be accorded the privilege of the Chief Clerk's rostrum, please?

MR. CHAIRMAN: Certainly.

MR. FRANK YOUNG: Mr. Chairman, and Members of the Committee, this Committee of the Whole is called for the purpose of considering reapportionment and in specific, for considering the following seven bills: AB 825, which is the 20-40 Senate-Assembly Plan; AB 827, which is the 18-36 Senate-Assembly Plan; and AB 828, which is the 22-44 Assembly Plan. There are also four other bills residing in this committee as a whole which it may be appropriate for us to consider during this meeting, assuming appropriate action on the first three. Those bills are AB 831, which would reapportion the State Board of Regents; AB 832, which would reapportion local school boards in Washoe and Clark County; AB 833, which would reapportion County Commissioners in the larger counties; and AB 834, which would reapportion state school boards. It would be my recommendation, Mr. Chairman, that we proceed to consider first the three bills relative to reapportionment of the Legislature, and if that procedure meets with your approval, I would like to call at this time on the Legislative Counsel, Perry Burnett, to background the legal situation.

MR. BURNETT: This is a twice-told, or many-told tale, and to give the legal background on a subject of this importance is quite an

assignment. I do not propose to do anything other than give an outline as I can of the background on which you are all familiar with in one way or another. If there are any particular questions, I shall endeavor to answer them as they are raised.

The reapportionment revolution dates back to 1962. Baker v. Carr can -- up to that time it was all a political question. In 1964, Westbury v. Sanders and Reynolds v. Sims witnessed the pronouncement of the one man - one vote doctrine, Westbury v. Sanders as far as Congressional districting is concerned; Reynolds v. Sims as far as State Legislative districting is concerned.

1970 witnessed the third phase of the revolution, which got underway in 1962, with the case of Hadley v. Junior College School District. This decision was handed down in April of last year and it announces that the one man - one vote doctrine under the protection of the Federal Constitution equal protection clause is used as a measure for determining whether or not local elective representative kinds of boards are subject to the rule as well.

So, there is the Congressional level, the State level, and the local board level. This case of Hadley v. Junior College School District is recognized by the Federal Courts examining the Nevada State Board of Education. The courts declared in that case that the Hadley case was controlling and therefore, on the basis of this, declared unconstitutional certain sections of the law having to do with the Nevada State Board of Education, and retained jurisdiction pending action taken by this Session of the Legislature, provided the Attorney General submits the plan to the Court's examination. The Hadley case simply says that all boards composed of elected officials, regardless of whether it's

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legislative or administrative functions they're caught up in, regardless of the purpose of the election itself, were considered to come under the one man - one vote doctrine. The major, if not the only, guideline in this pertaining to the Legislature is the rule that each district must be as nearly equal as any of the other districts. As nearly equal as practical.

There are unresolved matters which concern the Legislature:

The matter of multi-member vs. single-member districts. This issue is before the courts. You've heard about the Chavis case. The decision has not been handed down. In a conversation with Dr. Boyd, Associate Director of the National Municipal Association, as recently as last Thursday, he related that his office had no specific information on the case; that communications had been addressed to the Court indicating the urgency of receiving the Court's ruling because of the great concern expressed by all legislative bodies seeking to have specific guidelines in this area, of multi-member vs. single-member districts.

He reminded me that in the landmark case of Reynolds v. Sims, the decision wasn't handed down until the last day of session, 1964. So, reliance upon any major rule which may help in determining whether or not local member districts are per se invidious under the equal protection clause is reliance upon an event which may simply not occur in time for you to accomplish your work.

As it stands now, multi-member districts are not invidious per se, unless it is established that a racial or socio-economic group is submerged and its voting power diluted. This is the Chavis case.

By way of recapitulation, then, there have been nine states to date, in 1971, that have submitted their plans or which have enacted their legislative redistricting plans. A great variety of plans are evident. Single-member districts, multi-member districts, even in the case of two states, floterial districts. The rule of mathematical exactitude, however, is one that can be applied by this Legislature not only with regard -- or by resorting to what some other state has accomplished. Because, as witness Virginia, one of the nine states having completed the job, there are already a number of cases filed. Virginia is already in court. Now, I don't suppose there is any way that any one can counsel this body or the Senate in such manner as to direct you unerringly to achieve the goal of your activities in redistricting and thereby avoid litigation.

I do feel, however, that the case is plain to say that there must be a rational, statewide plan, a good faith effort to adhere to the major guideline which is, simply stated, each district as nearly equal as is practical.

MR. CHAIRMAN: Does anyone have any questions of Mr. Burnett?

MR. LAURI: Mr. Burnett, in any of those plans you talked about -- I think nine states, you said -- do any of them encompass single and multiple districts in one plan, and if they can, what would be your view of such a proposal?

MR. BURNETT: You're referring to those nine states, Mr. Lauri?

MR. LAURI: Yes.

MR. BURNETT: There is a mixture. There are states that have both multi-member and single-member districts in each house; there

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are states that have -- I guess historically, perhaps -- confined the mixture of multi-member and single-member districts to one house and have gone single-member in the other house. Two states are entirely single-member districts.

MR. FRANK YOUNG: Mr. Chairman, through you, a question to Mr. Burnett. You may have indicated this while somebody else was talking to me. As I understand, one of the cases that we have been most interested in is Whitcome v. Chavis, or the other way around, that is now before the U. S. Supreme Court. Do we have information on what the State of Indiana has done in its Legislative session? Can you discuss that, and where this court case stands?

MR. BURNETT: In my conversation with Dr. Boyd last week, we were advised that Indiana has completed or is undertaking redistricting. This is a representative case. They are undertaking redistricting of the State Legislative Body on the basis of single-member districts. The significance of that is simply that Marion County, Indiana, which is under examination in the present Chavis case. However, it should also be noted that in the Chavis case there are a number of intervenors and the question and the issue is further before the court. It would appear the issue is moot, as far as Indiana is concerned, provided Indiana comes up with a single-member districting plan. But I think that the issue is before the court otherwise, and also there remains the fact that there are five companion cases before the court along with the Chavis case. I think the issue remains before the court.

MR. CHAIRMAN: Are there additional questions?

MR. FRY: I have several questions I'd like answered. Specifically,

in the State of Nevada, what would be your opinion of multiple districts for the Assembly in Washoe County, and single-man districts in Clark County? Is it necessary, in other words, that we do it the same way in both these counties? And then secondly, I think this relates into it, what effect does an overall, let's say a four-man Senatorial District in Washoe County have on the Assembly? Must we have multiple districts, or must we -- can we -- have single districts and permit the Senate to have the large multiple districts?

MR. BURNETT: In answer to the first question, I believe that the matter of multiple-member districts must be related, and has been related historically, to a community of interest that is metropolitan-wide. With recognition given to the cases where there is alleged to be or is thought to be a possibility of submergence for a single-member district. Otherwise, the multi-member district is thought to be an appropriate method of providing for districting considering the community as encompassing the whole metropolitan area. Therefore, I would think that a plan which would provide for multi-member districts in Washoe County and not in Clark, or vice-versa, would subject or bring under examination the whole rationale of multi-member districts. Number two, the matter of a different approach as respects the Senate and the Assembly: I think this would be supportable because this is based upon an abundant example of states that have gone single-member districts for one house and mixed for the other.

MR. HILBRECHT: Mr. Chairman, I have a question and if I can take Mr. Fry's question one step farther, would it improve the

situation -- that is, would reversal or scrutiny by the court be less likely to be unfavorable, if we were to adopt, say, a situation where by way of compromise we had, for example, two-member districts or a combination of single-member and two-member districts in both of the metropolitan counties -- in both Washoe and Clark Counties?

MR. BURNETT: I enter a little further into speculation here. It's a fair question. I think that the courts would be less likely to put down the rationale of the multi-member districts if there were a connection. This is to say, if there were a limit on the number of members running from the given district, and if it were in the low order of numbers, rather than in a wide range. However, this is the case, this is the pattern, in the states that have multi-member districts. Or lack of a pattern, I should say. There are multi-member districts ranging from two to 11, in the plans that have been submitted. But the point in cases keeps coming back, and the courts keep coming back again and again, saying, "that's well, you've accomplished it perhaps in this metropolitan area of the state, and in the other. Now, let's look at the overall plan." And that is important.

MR. McKISSICK: Mr. Speaker, and Perry, you've been quoting from talking to Dr. William J. D. Boyd, is that right?

MR. BURNETT: That's correct.

MR. McKISSICK: Well, Dr. Boyd, in the NSSL Seminar on this, which was sent to every member long before we got here, says, on page 12, in answer to Mr. Fry's first question, "While there has been a great deal of variety as to exactly what importance is placed on

contiguity, compactness and respect of local government boundaries, the one sure thing that does seem to have evolved is the requirement that the Legislature be consistent. That is, it cannot be one part of the state one way and another part another."

And later on, he goes into the floterial districts and states why they are obviously illegal. And he concludes with this interesting commentary: "Any time you indulge in obvious hanky-panky you are simply defeating yourselves because in the long run it is going to drag the courts deeper and deeper into the process and it means that more states are going to take the power of reinforcement and redistricting away from the Legislatures."

MR. BRYAN: Perry, are you aware of any constitutional inhibition in the Nevada Constitution, or any mandate by the United States Supreme Court which would preclude us, as a Legislature, from delegating the duty of reapportionment, at least in the lower political subdivision levels, to that particular political subdivision, rather than assuming it for ourselves?

MR. BURNETT: I know of no Federal Constitutional inhibitions. I think the matter would have to be scrutinized on the basis of its being an unconstitutional delegation of power if that could be. I think that there would be no confrontation with one man - one vote.

MR. GETTO: Mr. Speaker, and Perry, in line with the remarks Mr. McKissick just read, from this would you surmise then, if the state were to go for multiple districts of two in coalition with a Senatorial District of one and the cow counties went single man districts, and the two large counties in multiple districts, what approach would the courts take toward this type of reapportionment?

MR. BURNETT: Again, in view of what has been announced and in view of what appears to be the shape of the rule to come, and alluding to the comments that Assemblyman McKissick read about Boyd, it would seem to me that this may very well be a supportable undertaking. The point being that the rural districts, because of the thinly populated areas in the predominant part of the state, would more obviously fall under single-member districts, and for whatever vitality there is in the rationale between multi-member districts, so long as it's used judiciously, you can use the term in connection with the legislative operation, so long as it's used carefully enough I would think, and so long as it relates to a statewide plan, the metropolitan areas treated carefully in one manner and by an announced objective, an announced criteria -- I think this is important too -- to announce that this is the way that the districting is going to be done and proceed to follow along with the announced criteria. The plan would be directly in recognition of the rural districts being treated in this manner as single member districts and the metropolitan districts being treated as multi-member districts. You know, there is one added point in regard to the mention of criteria,; there are a couple of cases at least in which the plaintiffs have stepped forward with the announced plan, or with the announced criteria of the legislative body, and have come up with a better plan. So, it's important in the matter of establishing criteria to make sure that you have made a good faith effort to follow the criteria that you have announced.

MR. LAURI: Mr. Burnett, to refer back to Dick Bryan's question, do the county commissions and school boards, local school districts,

have the power to redistrict themselves, or does that lie with the Legislature?

MR. BURNETT: I can't speak for that precisely. I think my feeling is that this is the Legislature's job, but again, I guess it is a matter of proper delegation of power. I honestly can't say at this point. It's a matter that would lend itself to some rather quick, I think, research.

MR. GETTO: Mr. Speaker, possibly I missed some of Perry's statements. Can you enlighten me as far as some of the states that have reapportioned? Are there any states that have reapportioned, and the Senate and Assembly, or their House, in numbers that do not align? In other words, 40 and 18, or 20 and 44, and if this happened in the State of Nevada, do you think that we would be more open to court decision? In other words, would we lessen or increase our chances of being sued in court and having the court decide our reapportionment?

MR. BURNETT: Mr. Getto, do you mean the situation where you don't use the building blocks in the Assembly districts to form the Senate? In answer to your first question, I would have to defer to Mr. Palmer. Perhaps he could tell you as to the states that have actually engaged in that, and then I'll take the rest of the question.

(Referring to Arthur Palmer, Esq., Legislative Counsel Bureau)

MR. PALMER: The nine states which have reapportioned -- there are two or three of them which have had exact matchings of their Assembly Districts, two together to form a Senate District. In several of them, this pattern has not pertained, and there has been no real pattern among the nine states to this day.

MR. McKISSICK: I would say there is no problem. I mean, if you want to do it legally, it wouldn't invite or detract from a court action. If the Senate is 20 and we're 44 that's all right. For many years, as you know, we went -- every time we had to reapportion, we'd just add a couple more seats. We went from 43 to 47, 49, and 51 members I think, once. And the Senate was still down in lower numbers. As long as we're within the two-to-one ratio, I think we're all right.

MR. BURNETT: I don't think that's simply the case. The decision is a policy determination and it involves recognition of other districts -- potentiality and difficulty in this regard. But as far as any legal question is concerned, I don't think it raises any legal question.

MRS. BROOKMAN: Mr. Burnett, do you see if there is a constitutional problem in creating a single-seat district which specifically is designed to include an ethnic minority?

MR. BURNETT: There certainly is a constitutional problem even before you create a district. I should say there is a constitutional consideration that has to be given and I would like to add that the consideration is raised, of course, by -- or I should not say of course -- it is raised for the most part in multi-member districts. You can have a constitutional question raised by a single-member district and you can have, plain and simple, gerrymandering, but in multi-member districts you encounter the problem of submergence.

And when you create a single-member district -- I'm going to make a basic assumption -- I'm assuming that you mean a district that's created to give recognition to a particular ethnic group, and this

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done, out of consideration of an alleged dilution of their voting power, if the district isn't created, assuming that -- You do, you can, encounter the constitutional problem and it's been encountered in a number of cases. It was encountered in New York in the Rockefeller v. Wright case, the Adam Clayton Powell case; there were members of the black community on both sides of the issue claiming that to have carved out a single district for them was a Fifteenth Amendment violation, which is that no one's right to vote can be abridged on account of race, color or creed. This is a possibility.

MR. FRANK YOUNG: Mr. Speaker, I'd like to sharpen that just a little bit. I gather that what Perry is saying is a natural following of the Whitcome-Chavis case from Indiana would lead us to, in fact, establish separate districts for separate identifiable minority communities of interest. And I kind of gathered from the phrasing of Mrs. Brookman's question that she felt there was something that might be found by the courts to be wrong with that plan, when in fact I believe that the answer is that it is a natural following of the court decisions to do just that.

MR. BURNETT: Yes, this is the issue before the court now. To determine whether or not in these particular instances there were recognizable ethnic groups of sufficient size to have exercised pronounced voting influence, had it not been for the fact that they were in a submerged multi-member district. And also, that their presence in a multi-member district was in fact by allegation and proof, resulting in a dilution of their voting power.

MR. FRANK YOUNG: Mr. Chairman, if there are no further questions of Mr. Burnett, then I would like to come again, if I may, to the

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Chief Clerk's rostrum. (At the rostrum:) I might say, Mr. Chairman, that in going on, I would think that if there are any further questions of Mr. Burnett, those could be dealt with but I sensed that they were running out and we might profit now by proceeding with some of the less legal and more technical aspects of the reapportionment chore before us.

I would like to direct your attention now, if I may, to the table that was passed out at the beginning of this committee meeting. It's the table headed "Nevada Reapportionment Table, April 20, 1971." Your Elections Committee has prepared this as a way of analyzing the plans embodied in the three different bills -- the 36-18, the 40-20 and the 44-22 arrangements. And we will go over this for the last time, hopefully, at this point.

As you will notice, in the 36-18, there would be 20 Assembly seats for Clark, which would give us 55.6% of the body, as opposed to 55.9% of the population; or Clark would be 3/10% under-represented. Washoe would have nine, or would be 25%, or 2/10% over-represented. The balance of the state, 19.4, or only 1/10% over-represented. And identical figures for the Senate.

Now, you may remember that in previous presentations on this, one of the things that we all liked about the 18-36 was the fact that it rather fit the statewide boards. The Board of Regents and the state school boards would rather nicely fit by combining four Assembly or two Senate Districts, giving us nine seats statewide, and apportioning rather perfectly.

In Clark County, it facilitated our problem because we would have 20 Assembly seats, pairs of which you would combine to make Senate seats,

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pairs of which you would combine to make county commissioner districts. The County Commission being five members, you would have a seating. You would ask that the school board make itself a ten-member board and have a school trustee district for each Senatorial District.

In Washoe County the logical way would be to have five County Commissioners and nine school board members. And at the bottom of the table we have presented what we call a "confusion factor".

Roughly it's number of ballots, but don't worry too much about what 20 and 40 mean. We're just using these as figures to compare the ways of analyzing the different plans as to which is the most complex and which is the simplest. Clearly, the 36-18 is the simplest, the least complex plan.

However, recognizing the Senate's desire not to go below 20, the mood of this House, although initially the majority indicated on a poll that they wanted to go to the 18-36 plan; recognizing a changing mood because of the desire of the Senate not to go below 20, your Elections Committee has not pursued further the 18-36 plan. We have concentrated our thinking, then, on the 40-20 and the 44-22. Let's look now at those.

In the 40-20, Clark would have 22 Assembly, or would be 55% of the House, Washoe ten, the balance of the State eight. There's no really natural number for statewide boards on this plan, unless it be ten. No one really likes to establish an even-numbered board, and if you have ten, the allocation for Clark would probably be six. I suppose you could make Clark over-represented on those boards. Six doesn't match with 22 very well. So that in terms of presenting an integrated package for reduction in confusion, the 40-20 doesn't

seem to have it. It's indicated in the confusion factors at the bottom, with Clark 110 as compared with 20 on the 18-36 plan. Washoe has 70 as compared to the 45 on the 18-36, for a total there of 180.

Looking now at the 44-22: We find for one thing that 44-22 is an even multiple of 11. The State Board of Regents is now 11. It simply lets this stand statewide. It combines four Assembly Districts for one Regent and one State School Board district. The 44-22 plan is shown on the overlay maps at the left. It involves 24 and a fraction seats in Clark County. Let us say for sake of argument, $24\frac{1}{2}$. That full fraction gives Clark County 55.2% of the body, Washoe exactly 25% and the rural counties, plus that 3,000 population from Clark, 19.8% of the body.

Now, because Clark has approximately $24\frac{1}{2}$ Assembly Districts, seven becomes the natural number for Clark for County Commissioners and local school boards, because seven goes into $24\frac{1}{2}$ precisely $3\frac{1}{2}$ times. So that you simply combine $3\frac{1}{2}$ Assembly Districts and you make a County Commission and a local School Board district. I might point out that it is the Senate's plan and the plan which was presented to the Clark County Delegation yesterday, along with a gradual conversion of the operation of the Las Vegas Valley Water District Board to the County Commissioners, to make the Clark County Board of County Commissioners a seven-man board. The Clark County School District is now seven.

It would be my recommendation that in Washoe County the County Commissioners and the local School Districts have an identical number, on their commissions. This would mean either the County

Commissioners going to seven or the School District going to five, as a way of reducing the voters' confusion there. If that is done, you see that the confusion factor for Washoe is a little higher on the 44-22 plan than on the 40-20. For Clark it is significantly reduced, bringing a total for the two counties to 108 as compared with the 40-20 for statewide.

Now, having reviewed these numbers, Mr. Chairman, your Elections Committee has voted to recommend to this committee the adoption of AB 828, the 44-22 plan, as hereby presented. The appropriate maps for Clark County are C-24-B, and for Washoe County, it is W-11-B. The allocation of the other counties is spelled out in the bill and is shown on the maps to the left. Anyone who wants to either come to the front and pick up any of these maps, or look at the maps over here could do so.

I will be available for questions, Mr. Chairman. Either me -- or Mr. Palmer is here -- to also speak on the same subject; or Mr. Dugger. Both Mr. Palmer and Mr. Dugger I should publicly commend for the vast amount of time and patience they have spent "hand holding" the Legislators, if you will, and I don't mean that in any disparaging way, but both of these men have gone out of their way to attempt to answer the questions that each of us have had. Are there any questions?

MR. LAURI: Mr. Speaker, a question for Mr. Young: On your Nevada Reapportionment Table, at the bottom you show the confusion factor between Clark and Washoe Counties under the 18-36, 40-20 and 44-22. When you talk about a confusion factor, are you really talking about the number of ballots and extra work and expense that would be involved in voting?

MR. FRANK YOUNG: That's right, Mr. Lauri. Quite frankly, I found that in explaining the concept of separate ballots a rather difficult one to communicate and describe. More simply, that's what I've done. These are the different number of ballots that the registrar of voters or the county clerk would have to prepare. And I would say it's a measure of expense and, to him, of confusion to candidates, of confusion to party workers due to a Senatorial District including a precinct that the Assembly District doesn't, and confusing boundaries between districts of one office and of another. The higher that number, the more confusion there will be for candidates and party workers and for the election officials. The lower the number, the less confusion.

MR. LAURI: Then, Mr. Young, assuming that the 18-36 was the best as far as sufficient numbers were concerned, the least confusion to the voters, then just starting back because of discontent of the Senate, should we assume then that 44-22, based on equal representation and according to the one man- one vote concept and taking into account a confusion factor of only 108, wouldn't we assume that would be the best plan then for us to adopt?

MR. FRANK YOUNG: Well, I thought I had covered that when I said that looking at this table, your Elections Committee, on which you served, had recommended the 44-22 as being the best plan, all things considered, for this House to adopt.

MR. DREYER: To Mr. Young, I believe that this item of confusion factor should be the least one to be considered, basically. Granted, there will be a number of ballots, but here again, the various registrars of voters, etc. can put this thing through a computer

machine, and they can break it down. I know we've discussed this, and it wouldn't be that difficult. But I don't feel that we should worry about whether we have 29 ballots or 150. That's not our problem.

MR. FRANK YOUNG: Well, Mr. Dreyer, I haven't said what weight you should give to it. I presented the evidence for you, yourself, to weigh. If you want to take the heat from your voters for having confused them, you have at it. I don't.

MR. GLASER: Mr. Speaker, to Mr. Young: I appreciate all the fine work that the Elections Committee has done, and I recognize that we can put this into a computer or lay it out on a flat map, that it balances out numerically and gets the disparity down. But in the case of Elko County in Northeastern Nevada, if you would look at the map that goes along with it, the geographical layout of Elko County would make an almost impossible situation, if you put the Mountain City Township in with Humboldt and Pershing Counties.

It would, in fact, almost disenfranchise 1,125 people up there that are mostly lonely shepherders, miners and cowboys. But in effect, they would never see their Assemblymen, probably, because assuming that if you live over in Humboldt County, to get to the Mountain City Township you can't cut straight across, because of the terrain. You have to go down Interstate 80, up through Elko, take State Highway 47 through up to Wild Horse, and get into the area that way, and chances are that no one would ever do that.

And I feel that, and I hope it works out mathematically, it would be a poor plan directed at those people in that area, and I would object to that. I have also objected to the Carlin Township

being excluded from Elko County. Although, it would be more accessible to someone living in Humboldt or Pershing County. Here again, these people are oriented around the City of Elko, and I think this plan -- while it works out mathematically -- is a poor plan physically.

MR. FRANK YOUNG: Mr. Chairman, I'd like to call on Mr. Palmer to deal with this question as to what would be involved in the way of increasing disparity if we were to keep Elko County whole and what comment he might want to make on that. I think Mr. Palmer has certainly lived with this more than any of us.

MR. PALMER: The comments that have been made are quite accurate. To get to the Mountain City area, you have to go up Highway 57 out of Elko and of course, there's no way to go East and West between Humboldt and Mountain City. We have split the Northern portion of the State along township lines to create the least amount of disparity. We could very easily have kept Carlin and Mountain City with Elko County, but the disparity would run probably up toward -- you would create one district at about almost 14,000 people and your disparity would run up in the high 20's, possibly the 30's, depending on how the balance of it worked out. This is a mathematical situation, admittedly.

MR. ASHWORTH: Mr. Speaker, I rise in opposition to the portion of Clark County, the Northern portion in Clark County, where really the true pioneers of Clark County all reside now. There was an Overton and Moapa Valley, and Mesquite and Bunkerville long before there was a Las Vegas, Boulder City or Henderson. And now this plan takes those people out of Clark County that really pioneered and settled that area and puts them in an area that goes clear up into

Elko County, in the district of those clear up to Beowawe. And I object to those people being taken out of Clark County. I'm sure that they would object. I would be afraid to go into one of those valleys and try to shoot one of their quail or pheasant, anywhere there was a gun around, knowing that I was a part of sending them out into a district away from where their economy lies and all of their community of interest. I just can't buy taking a portion of Clark County and sending it out in that large of an area.

Now, as far as disparity is concerned, I recognize that this would possibly make the numbers come out better, but I think that we would be leaving ourselves open for a suit from some of those people. I've talked with people in Lincoln County and one of the Lincoln County Commissioners. They would not have any objection in bringing their 2,500 people in Lincoln County and be associated with enumeration districts in Clark. But when we take a portion of Clark, in the agricultural area of Clark, and send them into that large an area, I think we would be criticized severely, at least the Clark County Delegation could be.

MR. SWACKHAMER: Mr. Speaker, I would like to point out a couple of obvious discrepancies as far as ethics and practicability in the maps we are looking at now in the area I live in and represent. Up in the Northern part of the State we have a very strong community of interest in the Humboldt River Drainage Basin which includes Elko, Eureka, Lander, Humboldt and Pershing Counties. And I think it would be very poorly received in Lander and Eureka Counties to pull them out of the area or district in which they have a very strong

community of interest and business and commercial ties and put them into what are largely strangers where there are no economic ties or particular interest ties. We also are cutting up counties, not necessarily our counties, but counties in the district will have to be cut out to accommodate this. I would have to say, Mr. Speaker, that the map or reapportionment plan we are looking at now would be, to say the least, very poorly received in Eureka and Lander Counties.

MR. HAFEN: Mr. Speaker, speaking to Mr. Ashworth's objections, what I have found by serving a multi-county district in one county where the county is split is that I strongly feel that where you have a county split, you end up with two representatives instead of one. In the case of Mineral County, I know that the county itself works with myself, it works with Mrs. Hawkins who truly represents most of Mineral County. But I am sure that the Mina District of Mineral, which I represent, also works with Mrs. Hawkins, and I think it gives you actually two representatives in some of these areas where the county is split.

I don't think it is an awful situation. This is one thing that I have noticed and this is one strong feeling in some of the counties where they are split, and I don't feel this is objectionable at all. If the county has to be split to make it work, I think that county ends up with two representatives.

MR. FRANK YOUNG: I would like to take just a moment to provide the House with some information in response to Mr. Ashworth's comment. I haven't taken lightly the matter of peeling off 3,000 people in the Northern part of Clark County because we do have a large

community of interest, and they are a part of the county. And we looked at this rather long and hard before we considered. But let me just present certain facts for the House's consideration. If we keep Clark County whole and stay at 44, Clark would then get 25 seats and the balance of the state only eight. The only way we can justify having Clark at 24 and the balance of the State at nine is to throw that much of Clark's population into the balance of the State and then it becomes by the numbers and the table which is in your Journal for the 31st day. We have many copies around here that are prepared.

It would allocate to the rural counties nine seats -- nine seats which they would not normally get if we didn't do this, until we went to the 45th seat in this body. I am sure that there are divisions on this map that do not please a lot of people in the State. That is what we figured. We didn't write the opinion of the courts. We are simply faced with trying to comply with it. I guess we all have to be prepared to do our own bleeding in order to comply.

I might also say that if we really want to go with a minimum of confusion, and again, you have your own judgments on how important confusion or lack of it is to you; but if you want to minimize confusion in Clark County, having that half-seat is a convenient way of getting the seven districts in Clark County for County Commission and Public School Board. I just wanted you to have those facts with regard to that observation. It is a fair one. I don't like it, but I don't have a better plan to offer, either.

MR. SWALLOW: Yes, Mr. Speaker, in answer to Mr. Ashworth about the pioneers down in that end of the county, I would like to let you

know that those pioneers pioneered down from Lincoln County and some from Nye County to that area, and in talking with those pioneers, I find there is not the opposition you would think there is. The fact is, there is a considerable amount of support down in that area for this plan that is being stated.

In regards to Mr. Swackhamer's observations that Eureka County would not like to be placed in this particular area, I would like to read part of a telegram from this morning. "Eureka County Commissioners wish to be put on record protesting disclosed reports from the plan; strongly urge that Eureka County be placed in a district with White Pine or Elko County." And so, they are quite happy about the idea. And they go on and reiterate that their interests are in this area and they feel it is most advantageous to be placed in a district with White Pine or Elko County district.

I would like to make just one observation. I don't usually say too much, but I sometimes say too much when I do say it. But in all of the observations, I have studied the plans, oh, for many months now, and I have not looked at such a scientific basis as the Elections Committee and Mr. Young, and I would certainly like to commend them on the terrific work that they have put into this thing. But I have studied it, and studied it analytically, and regardless of how you look at it, the advantages to the state are very predominantly indicated toward the 44-22 plan. It's a good plan. It does have inequities. Every one we come up with is going to have problems. But this has even less than any I have come up with so far.

MR. DREYER: I would like to point out that the Supreme Court has ruled that populous and big legislative districts be as equal as

possible. Now, with regard to travelling to and from barriers that Mr. Glaser pointed out, the Supreme Court says that a compactness is not a criteria, but it also says that natural barriers, such as rivers or mountain ranges, are not a criteria. The county lines, city lines, town lines, are not necessarily valid criteria. If by breaking these boundaries you get a population of various districts closer, you must do so. But the census that you have got to use is the smallest possible census that is available to you. This is something we have to think about.

We are not just looking forward to 1972. We are re-districting for the next -- up until 1980 -- ten years. And we have got to get as close as possible. Otherwise, you are going to end up in the courts. And that's why I say, let's go in there again. If we have to break some boundaries, there is just no way out of it.

MR. HILBRECHT: Mr. Chairman, I would like to ask Mr. Young another question. I wonder, Mr. Young, if we were confronted with a situation by virtue of decisions which may have already been made on the other house between -- and our decision were in essence between a 20-4- house or 20-44 division, which would be more desirable between these alternatives, Mr. Young?

MR. FRANK YOUNG: It would be a 20-40.

MR. HOWARD: Mr. Speaker, I, too, would like to commend Mr. Young and the Elections Committee on the work they have done. I have several maps to look over on my desk, and I am just sorry we couldn't come to a decision relative to the 18-36 because we feel this is the ideal situation. It has a low disparity; it takes in county boundaries. I think it would be the ideal plan, but since we aren't going to

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consider that, I think the next step would be to take the 22-44. I can go along with that act since we killed AB 523. I can now take my four-wheel drive and go across the country and get into Mr. Glaser's country and see the Owyhee Reservations and the different areas up in there, and I think I can probably campaign that area with a four-wheel drive, being as how we don't have the passage of AB 523.

MR. GLASER: Mr. Speaker, Mr. Howard darn well better be in a four-wheel drive in that country, because I will be waiting for him with a shotgun.

MR. TORVINEN: Mr. Speaker, I missed the opening two minutes of the Committee of the Whole, but was there any motion or instruction concerning the transcript of the proceedings of this meeting?

MR. CHAIRMAN: There was not, sir. We made adequate preparations for recordings and transcripts at a later date.

MR. TORVINEN: Mr. Speaker, I would move that as part of the committee's report the committee request that the transcript of the proceedings and all of these supporting maps which are available be made a part of the permanent record of the Legislature and the custody of the Research Bureau -- the Research Division of the Bureau.

MR. CHAIRMAN: You have heard the request. All those in favor signify by saying aye. (Thereupon a voice vote was taken.) All those opposed say no. (Thereupon a voice vote was taken.) Request is granted and so ordered.

MR. TORVINEN: There being no other motions at this time, I would now move that ---

MR. SWACKHAMER: Mr. Speaker, before we adjourn this Committee of the Whole, I would have to ask if some action has been taken while I was out of the room that would preclude an 18-36 bill from passing the house, or did the house suddenly decide that it wasn't the pure and proper thing to do?

MR. CHAIRMAN: No, Mr. Swackhamer, there is not. Way earlier, Mr. Ashworth made a motion that we do not consider 22-44. That motion was denied for the fact that it was the first order of business for this committee as a whole and it was my feeling in denying it that no discussion had been had or presented on either of these measures and I felt the motion was out of order.

MR. SWACKHAMER: Well, Mr. Speaker, then I have another request. That is that -- Apparently, there isn't very much stomach in the cow counties for an Assembly map that we have presented to us here. There was a sketch made on the map yesterday that would indicate a 40 man house, and we would like to see another boundary designated that would more properly adhere to, as much as possible, the county lines, and as much as possible adhere to communities of interest and as a secondary consideration, the disparity comes out a little bit larger than the one we see there.

We'll hear more about that later, because we don't believe in the cow counties we are going to have to adhere as strictly to population figures. On that request, Mr. Speaker, I was wondering if Mr. Palmer has a map prepared on the 44 house that would do the things I've indicated or if not, would there be any great change from the map he has prepared for us this morning on the 40 man house?

MR. CHAIRMAN: Mr. Palmer, would you desire to answer that before I recognize Mrs. White?

MR. PALMER: As I understand the question, this relates to the maps which were prepared this morning for your group. Now, we can hold that a 40 house Assembly strictly to county lines, groups of whole counties, not varied by the townships. We do find there that the disparity does rise, I believe, on the maps I prepared, 35 - or 35%. I'm not too sure what we would find in trying to produce a map like that for a 44 Assembly. I assume it might be a little more difficult. Was that the question that you had in mind? Going with any higher number, we usually find with other things being equal, that it's more and more difficult to adhere to county lines if you put more people into a legislative body. I think the map produced this morning for 40, other things being equal, would be made more difficult.

MRS. WHITE: Mr. Speaker, and members of the Assembly, this condition in Clark County is not a happy one, but it has not been done without some notice to the people in the northeastern section and northern section of Clark County. I would like to be on record as having approached these people, or leaders of the group, and having had some response from them. They recognize that there will be decisions which do not please them, but they would, of course, prefer to stay with Clark County.

MR. HILBRECHT: Mr. Chairman, the reason I asked the question a few moments ago is that it has become apparent that, as I gather from the report of our Elections Committee, which has indeed worked very hard and I would like to join those who have commended them on their efforts -- I gather their recommendation at this point is in favor of

a 44 man House. However, am I correct in gathering that this would not be the case if the Senate, for example, were to resist moving from a 20 man house? I think I gathered from Mr. Young's remarks that in the event the Senate would resist -- this is assuming we would pass out a 44-22, I take it the so-called "clean package", and the Senate were to amend in a 20 man situation, we would at that point not want to adhere, or a conference would not feel it in the best interest of the state to adhere to a 44 man house. Is that a correct statement? If so, I would have a second question of Mr. Young.

MR. FRANK YOUNG: Mr. Speaker, when I answered Mr. Hilbrecht a moment ago I was speaking for myself and not for the committee. In my opinion, a 20-44 plan would be the worst of both worlds.

MR. HILBRECHT: With that information, I am wondering if we wouldn't be advised to prepare -- Now, Mr. Swackhamer, as a result, as you know, of our caucus yesterday, prepared on behalf of the cow counties, or the rural county members of the Democratic caucus, another map which may or may not have been circulated, but which he has a number of copies of, which as he correctly stated places first emphasis upon county boundaries unless the disparity would become unreasonable. And based on that, I believe a disparity which is something in the neighborhood of 34.7% has been generated.

My question is, would it be indicated that we have Mr. Palmer prepare a 44 man map with the same considerations so that we could have that available to us in the event that the Senate should not agree to enlarging their house to 22? I'm trying to anticipate what might occur, and what has been indicated to some of us will occur, so that we can save time. I just wondered if the committee would

have any stomach for this or recommend to Mr. Swackhamer that he go to Mr. Palmer and ask for this additional treatment so we would then have it before us.

MR. GLASER: Mr. Speaker, while we have Mr. Palmer and Mr. Burnett here, perhaps they could enlarge and elaborate why -- to sum up the case about why we might go to a larger disparity based on certain factors which Mr. Palmer has told me, and perhaps the nine states have already settled some of the disparity that exists in those states.

MR. PALMER: First, I wish to correct myself. The map that I prepared this morning is 34.7%, which is breaking down the Assembly of 40, eight rural county seats, so we generated 34.7. The question has been asked as to why if we go to 44 or some higher number we would probably increase this disparity. The reason for that is that if you're working with a smaller number of legislators, and you have, say, 15 rural county entities, it's much easier if you add them together into two, three or four legislative districts and maintain a relatively low disparity. The reason is, you have more possible adjustments to make, more possible combinations of groups of counties. As you increase the number of the body from 40 to 44, it ties you down and you have fewer ways of arranging the counties.

I worked this out one time all the way up to 56, which would be the maximum size of this body under the one to three ratio, and I found that I was in an almost impossible situation. I couldn't state right out that it would increase the disparity by going to 44, because you do have alleys and dips, although you do have enough you generally have an upward trend of difficulty. And I

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could perhaps see what we could do with 44, holding strictly to county lines and see if it would come out higher or lower than this.

The other question, I think, related to, if I understand correctly, disparities that have been generated in other states. Is that correct? Wyoming was the first state to reapportion its Legislature based on the 1970 Census and it did have a rather large disparity: 63% in the Senate and 159% disparity in the House. No one seriously takes these figures as establishing some limits to which the Nevada Legislature should strive. While there was no court action brought in the State of Wyoming, this does not suggest the situation that we should consider seriously.

The State of Virginia, the second state to reapportion, had a disparity in the Senate of 10% -- these are overall disparities -- and in the House 107%. South Dakota was the third state we know of to reapportion. I may not have these in exact order, due to the fact we don't know the dates on which the Governor signed the act. But in South Dakota, they were able to maintain an overall disparity in both houses of 5.7%.

New Mexico, in their reapportionment, 71% disparity in the Senate, and 30% in the House. In New Jersey, 34% in the Senate, 31% in the House. The State of Kentucky, 20% disparity in the Senate, 29% in the House. The State of Idaho had a very simple reapportionment. They created 35 Senate Districts out of 70 House Districts, running two members in their lower house to each Senate seat, and had 22% disparity. That was completed here a couple of weeks ago.

In Oklahoma, in both houses the disparity was under one percent, done by computer entirely. The State of Montana did reapportion

last week -- 47% disparity in the Senate, 33% in the House. Many of these states expect to have suits filed against them. Some of the states already have suits filed against them. New Jersey, we had word here recently, there are several cases filed in that state already. Also in Virginia. None of the other states at the moment, that we know of, have specific court suits pending, involved with their recent legislative apportionment.

MR. MCKISSICK: Mr. Speaker, just a point of order. I want to find out who is on first. Have we ever -- we're still in Committee of the Whole -- when a bill -- just for my own identification: Is it correct that AB 825 is the 18-36 measure, AB 827 is the 20-40, and AB 828 is the 22-44?

MR. FRANK YOUNG: AB 825 is the 20-40; AB 827 is the 18-36; AB 828 is 22-44. The recommendation of the Elections Committee is the adoption of 828.

MR. CHAIRMAN: Will everyone please mark their books so that there is -- so that each one of you will know then, that AB 825 is the 20-40, AB 827 is the 18-36, AB 828 is the 22-44.

MR. MAY: Mr. Speaker, along this same line, I haven't been so confused, I don't think, since Mr. McKissick's third degree of consanguinity a couple of years ago. If Mr. Young would perhaps give us the map reference numbers to go with those three Assembly Bills, I would certainly appreciate it.

MR. CHAIRMAN: Mr. Young, would you please give us the map reference numbers to correspond with each bill, AB 825, 827 and 828?

MR. FRANK YOUNG: Yes, Mr. Chairman. Though you to Mr. May: I gather you're primarily interested in the Clark County map numbers.

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The Clark County map numbers are all prefaced with a "C" for "Clark County", and Map C-20, which means 20 seats in Clark County, and that's what fits with 18-36. And "C-22" fits the 20-40 plan; of course, Clark County would get 22 seats there. And "C-24" fits the 22-44 plan because Clark gets 24 and a fraction seats there.

Now, we have made changes in the maps. We've added a suffix letter. The current Clark County map is "C-24-B" and the current Washoe County map is "W-11-B". Have I clarified that? I know it's confusing; I've asked, incidentally, that Mr. Dugger put dates on these maps as the changes are made. With regard to changes on these maps, certainly the farther along we go, the more difficult it is to make changes on them, so certainly there's nothing said that can't be changed.

MR. CHAIRMAN: Would you cover those references one more time?

MR. FRANK YOUNG: Yes, I'll be happy to. The maps for the 18-36 plan are "C-20" for Clark and "W-9" for Washoe. The map for the 20-40 plan is "C-22" for Clark and "W-10" for Washoe. The map for the 22-44 plan is "C-24" for Clark and "W-11" for Washoe. More specifically, the last revision for the 22-44 is "C-24-B" and "W-11-B".

MR. SCHOFIELD: Mr. Young, on that 20-40, did you say that was "C-20"?

MR. FRANK YOUNG: "C-22".

MR. HILBRECHT: Mr. Chairman, I would like to ask Mr. Palmer if he would for our benefit, then, prepare us that possibility we talked about of a 44 map for the rural counties only, with the same set of priorities Mr. Swackhamer gave him yesterday. Which I believe

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is, the first priority being adhering to county lines where possible and communities of interest, and secondly, giving consideration to the lowest possible disparity.

MR. CHAIRMAN: Before answering that, I would appreciate, Mrs. Frazzini, if you would take your seat; Senator Close, if you would refrain from contacting any of the Assemblymen; Mr. Capurro, if you'd keep your seat. It's somewhat confusing with these people wandering around visiting. Also, Mr. Lingenfelter, I would appreciate it if you would keep your seat. I think this matter is of prime importance and certainly deserves everyone's utmost attention. I would instruct the Sergeant at Arms to keep the visitors from roaming around on the floor. Mr. Palmer, would you like to answer that question?

MR. PALMER: In reference to preparing a map showing the rural counties at 44, adhering to county lines and not with any particular regard to disparity, we could do that and have it prepared some time later today. It depends on how long the staff is held here. It should take only about an hour once we get to it.

MR. TORVINEN: Mr. Speaker, I've been waiting for Mr. Ashworth to renew his motion. However, in the absence of that, I would now move that we do recommend that this Committee of the Whole recommend a "Do Pass" on Assembly Bill 828, which is the 44-22, with the amendments on page 4, line 41, changing the "C-24" to "C-24-B"; page 5, line 1, same change; page 5, line 15, changing "W-11" to "W-11-B"; and line 26, page 5, same change.

MR. CHAIRMAN: Would you repeat those amendments one more time? They are not printed.

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MR. TORVINEN: No, the amendments are not printed. This is a Committee of the Whole. The amendments, again, are: Page 4, line 41, "C-24" to "C-24-B"; line 1, changing "C-24" to "C-24-B" on page 5; page 5, line 15, changing "W-11" to "W-11-B", and changing line 26, page 5 from "W-11" to "W-11-B".

MR. CHAIRMAN: You've heard Mr. Torvinen's motion, which is now open for discussion on the recommendation.

MR. SWACKHAMER: Was that a recommendation only?

MR. TORVINEN: A motion that we recommend.

MR. SWACKHAMER: A motion that we recommend. Now, exactly what does that mean?

MR. CHAIRMAN: This means that this recommendation would come back to this body. It would simply be a recommendation from the Committee of the Whole back to the Assembly.

MR. SWACKHAMER: You wouldn't ask for a vote on a recommendation, would you?

MR. CHAIRMAN: We would have to vote on a recommendation.

MR. SWACKHAMER: Is this just a "Do Pass" recommendation from the committee?

MR. CHAIRMAN: That's correct.

MR. TORVINEN: Mr. Speaker, if I did not include that in my motion, I would include in my motion that we recommend "Do Pass" with those amendments.

MR. SWACKHAMER: The motion to "Do Pass" is a debatable motion at this time?

MR. CHAIRMAN: That's correct.

MR. SWACKHAMER: Mr. Ashworth, I would yield to you if you would like to argue this motion.

MR. ASHWORTH: I'm sorry, Mr. Swackhamer. I've been out and I'm just trying to get caught up on what's going on and I'll yield back to you.

MR. SWACKHAMER: Is it a roll call vote?

MR. CHAIRMAN: A roll call vote is not in order in Committee of the Whole.

MR. LOWMAN: Mr. Speaker, on a point of order, I believe this requires a second to his motion.

MR. CHAIRMAN: No, it does not, sir.

MR. LOWMAN: It does not require a second?

MR. CHAIRMAN: Not according to the book.

MR. HILBRECHT: Mr. Speaker, a point of information: I'm trying to understand the amendments here, and I can't seem to find a copy of "C-24-B" available here, and I would request that we have an opportunity to look at the map so we can understand what the amendments are going to be to that bill in the present state.

MR. PALMER: There are no maps, Mr. Speaker.

MR. CHAIRMAN: First, to answer Mr. Lowman's question: On page 408, seconds to a motion weren't required in a Committee of the Whole before they became obsolete in legislative bodies generally. This is correct. The Senate would require a second, but not the Assembly.

MR. LOWMAN: Mr. Speaker, we do require them in our regular standing committees.

MR. CHAIRMAN: That is correct. This is not a regular standing committee.

MR. SCHOFIELD: Mr. Speaker, according to AB 828, just for clarification, would these districts that it's alluded to in the bill be the ones on the "C-24-B" small maps that we have received?

MR. CHAIRMAN: Mr. Schofield, repeat that question again. Everyone pay attention, here.

MR. SCHOFIELD: The boundaries that it's referring to in AB 828 for the districts, would that be referring to the smaller maps that we have here?

MR. FRANK YOUNG: Yes, it does.

MR. SCHOFIELD: If this is so, I would like to -- Before we vote on this, I would like to consider receiving the maps for the districts as requested by Mr. Hilbrecht that Mr. Swackhamer did for the 40 seat -- uh, for the 44. It looks very clean and if we could live with the disparity, I personally feel that we should at least take a good look at it before we vote on this particular AB 828.

MR. CHAIRMAN: Discussion now is simply on Mr. Torvinen's motion.

MR. DREYER: Mr. Speaker, on the motion, as to the C-22, I think it's number B, but rather than vote on something we haven't seen -- I, myself, haven't seen "B" yet. I've got the other one.

MR. FRANK YOUNG: I would like to move to amend Mr. Torvinen's motion to make the number "C-24-A" and not "C-24-B".

MR. TORVINEN: I would accept that amendment.

MR. CHAIRMAN: Mr. Torvinen has accepted Mr. Frank Young's amendment.

MR. FRANK YOUNG: With apologies for the confusion. And I would like to respond now, Mr. Chairman, if I may, to Mr. Schofield. You

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recognize, of course, that the action taken here now on Mr. Torvinen's motion would be an action of a committee, and not the floor action of the Assembly. So if a map this afternoon shows that you want to make some further changes in the bill, before passage to the Senate, that of course is something that is possible to do. I would like to urge upon the Chairman that we go ahead and vote on Mr. Torvinen's motion and get on to consideration of the other four bills before the house.

MR. SWACKHAMER: Mr. Speaker, I would like to rise in opposition to the motion. I think we all know what we're talking about here. Let's quit kidding ourselves. The Senate has agreed on a 20 man house. Our own most knowledgeable man in matters of reapportionment, the man who obviously has spent more time than any of the rest of us in the Assembly, Mr. Young, has told us that a Senate of 20 and a House of 44 is the worst possible combination that we can have. Why should we buy it?

I would suggest to the members of the House that for practical purposes if you ever want to adjourn -- Lord knows I want to adjourn before the fourth of July -- I would suggest we defeat Mr. Torvinen's motion and move on to a practical solution, and one we're all going to buy anyhow. Unfortunately, I believe that will be AB 825 rather than the one we should be dealing with, which is 827, and for that reason, Mr. Speaker, I would urge all of the members of this committee to vote "no" on Mr. Torvinen's motion at this time, and let's get on to a bill that's going to get us what we're going to finally end up with anyhow, whether we like it or not, and give us a chance to adjourn.

MR. LAURI: Mr. Speaker, the Elections Committee began working on reapportionment weeks before the session itself. We met in Carson City to get background started. We've done an awful lot of legwork on this. We went through several plans. We finally arrived at a number that seemed to be the most practical in view of an all around solution for our problems. After all this work, I heard a radio report this morning that said the Assembly has lagged behind the Senate in turning out a reapportionment plan. It seems to me that the Senate merely whipped through a plan which would express their desires as far as reapportionment is concerned. This does not necessarily mean that we cannot arrive at an equitable solution to both houses. And I would support this motion.

MR. ASHWORTH: Mr. Chairman, I rise in opposition to the motion. I feel that the Elections Committee has done an excellent job here, and you will recall that when we first started out it seemed like the ideal was 18-36. And now it seems we're adamant about a 44 seat for the Assembly. I would agree with Mr. Swackhamer that we need to get out of here, the sooner the quicker, and I just think that this 44 is not going to make it down at the other end. It doesn't do for people what I think we should be doing for people. It does for numbers, maybe, what would look good on paper, but I just don't think it accomplishes for the people of the State of Nevada the things that need to be accomplished for them in their representation and I rise in opposition to the motion.

MR. LOWMAN: Mr. Speaker, it seems to me that it is up to this house to present a plan that it believes is workable and useful for

people of the State of Nevada, rather than people in -- presently in office. This is what I think some of my worthy opponents here have been talking about and it seems to me that if the Senate is willing to send us a plan which has no real basis in research, that it is up to us to put them in their place and give them a plan that is based on research and which will do the job, and then maybe they'll see the light.

MR. SWACKHAMER: I have to agree completely with Mr. Lowman's remarks. That is exactly what I would propose to do if we can dump this motion now on 828. We have just exactly the bill that would do just exactly what Mr. Lowman has suggested we should do: Provide the best plan for the people of the State of Nevada; perhaps the poorest people are the people of the Legislature. And if this motion would go down, I would promptly make another motion in the Committee of the Whole, Mr. Speaker, to adopt -- to recommend passage of Bill No. 827.

MR. GETTO: Mr. Speaker, I rise in support of Mr. Torvinen's motion, and I am certainly not convinced of the statement that Mr. Swackhamer has made that we are going to adopt the 40-20 reapportionment whether we like it or not. Because I don't like it, and I have a feeling that the majority of this body doesn't like it. And I further resent very much that the Senate is going to reapportion the House. I'd like to also remind Mr. Swackhamer that there is a possibility that we will reapportion the House and the Senate will reapportion the Senate.

MR. BRYAN: Mr. Chairman, lest my silence be construed as acquiescence, to Mr. Torvinen's motion, I too would rise in opposition

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to it. Speaking as a representative from Clark County, my view is that it is irresponsible, it is unconscionable, and unprecedented, that anyone from Clark County could, regardless of party affiliation, in a county which has gained as a result of reapportionment, rather than lost, could voluntarily cede part of its county to another jurisdictional entity, I could not support it and I urge other members of the House to reject it.

MR. FRANK YOUNG: I cannot let that go unchallenged. Mr. Bryan, you're not ceding a part of Clark County to anyone else at all, and you know that. That part of Clark County will still continue to be represented on the Board of County Commissioners by a County Commissioner. It will still continue to have representation on the local school board. For purposes of representation in this House, it will be combined with others, and that is part of the Supreme Court ruling we must apportion according to: one man - one vote. Now, don't tell us we're ceding a part of Clark County to anybody else. We're not.

MR. SWALLOW: I don't know about the chemical makeup of the fine people of that area. I don't know if they are any different than the rural areas. I think, by logic, we are all about alike. I think it would work out pretty well. I'm glad Mr. Young, in his one statement whereby he said a 20-44 arrangement would not work out too good in his opinion, I'm glad he said it was in his opinion. I've studied the plan immeasurably and, to me, I can't for the life of me see why, if we decided on a 44 house here today or another day, why the Senate couldn't live with theirs until the courts force them into reapportioning in a way and manner that would comply with the

regulations as set down by the courts. However, I think that the plan should work out good. According to the law, it would work out as it should, and I can't see why, from the research I've done, why we couldn't have a 44-20 arrangement and make it a workable and liveable climate.

I don't think we should stand here today and say that we ought to concede with the Senate. I know they are considered a fine house and that we have the utmost respect for them, but I think it is time that we stand up as a body and represent ourselves for a change. We are always doing this. I can't think of one issue, really, where we have stood on our feet and asserted ourselves to the proportions that I think a body of this type should. I don't think it could matter less what the Senate thinks on how we act as a body here this day.

MR. BRYAN: I will yield to Mr. Hilbrecht.

MR. HILBRECHT: I had a remark or two, but first I would like to ask Mr. Young: On looking at C-24-A and it occurs to me that there is one district unnumbered. Is that District No. 5? I concur, I think, with some of Mr. Swallow's remarks. That is, I think it is regrettable frequently that we find ourselves in a position where we feel that a superior plan or a more adventuresome or more progressive one is abandoned in this house because of the resistance of the Senate. But I think we have to weigh these things. I think we have to weigh our obligation to the taxpayers to explore all reasonable means and then bring the session to an end. If that were the case, from the assurances I've gotten, we are going to wind up, if we compromise, with the 44-20 type of house. I don't reject that

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out of hand, except for Mr. Young, and we have spent \$25,000 trying to simplify the confusion factor and other matters, tells us that would be incredible, that we perhaps then would want to reconsider the 20-40, which is in the AB 825.

On the one hand, I'm kind of trapped betwixt and between. I would kind of like to get a purer bill over there. We've discussed it in our caucus, and in our county caucuses, and we don't reject 44, but we are advised that the other house will not move to 22. If those are given facts, and I'm wondering whether it is responsible for us to go to another alternative, which is not embodied in any of these bills, namely a 44-20, based on the information that we spent \$25,000 to get. That is a very bad solution to the problem. That's my -- the problems that I find myself confronted with.

MR. TORVINEN: Mr. Speaker, in reference to some comments that were made several minutes ago, any way you look at this thing, a 44 man Assembly, the metropolitan area of Clark County still gets 24 seats, which is a pretty clear working majority. Although you cannot move the previous question, in a committee of the whole, although I was the last to speak, I would ask that if we might not now have a vote on this measure, being that it's 11:54.

MR. CHAIRMAN: I might advise the group that in a Committee of the Whole, no one is permitted to speak twice until such time as the rest of the body has had an opportunity to speak. So if any member has not had that opportunity, he certainly will be afforded it at this time.

MR. DINI: First, I would like to ask the committee what size districts are in this map. Single member districts, or ---

MR. CHAIRMAN: Single-member districts.

MR. HILBRECHT: This is just a point of inquiry. In other words, if we vote "aye" on Mr. Torvinen's motion, we are bound to single-member districts as well as maps "C-24-A" and "W-11-B". Is that correct?

MR. CHAIRMAN: I believe that is correct.

MR. TORVINEN: As I understand it, that this is a recommendation of a Committee of the Whole on a "Do Pass" on a bill. As I stated before, the bill might be amended on the floor. So, we are not bound, in a sense that we cannot amend it on the floor, as any other piece of legislation.

MR. CHAIRMAN: That's correct, sir. Miss Foote, did you have something? (No reply) Any other members that haven't spoken that desire to speak?

MR. SMALLEY: Mr. Speaker, concerning this 44 house Assembly, we are, in a way -- Clark County is giving away a group of people. Although Mr. Young says that it is only a sum that is being broken away, but all their community of interest does lie in Clark County, like the County Commissioners, the School District, etc., and since the Legislature has much to do with the County Commissioners and the School District, I think that should be more reason why they should not be excluded from Clark County as far as the Legislature is concerned.

MR. CHAIRMAN: I think that it should also be pointed out at this point that this motion and recommendation certainly does not exclude us considering either one of the other bills at a later date. We are simply trying to move on this one at this time.

MR. HOMER: Mr. Speaker, I would like to call to the attention of the house that any bill that we would consider other than 18-36 certainly cuts up Carson City. We are going to have to give somewhere along the line, and it's a matter of we are going to sit here until next Christmas, and still have to turn it over to the courts. The least objectionable parts should be considered and certainly Clark County is going to come out of this with a lion's share any way you look at it. I don't know why they should be bickering about a little give here and there when we are all going to have to give.

MISS FOOTE: Mr. Speaker, I don't think I am the only one that is confused here, but I am confused at this point. I don't have a Washoe "11-B" map, but even if I had it, I know it does not show exactly what happens to the Wadsworth Township. I know that there has been a proposal that this section might be taken from Washoe County and I wonder if anyone can ---

MR. CHAIRMAN: Mr. Capurro, Miss Foote still has the floor. Would someone like to answer that question for her?

MR. CAPURRO: "W-11-B" maps are available and enumeration district LD-11, the Wadsworth Township, would be included in there. It is one of those enumeration districts that is listed on the map. Actually, it is the same as the 11-A map, Miss Foote, as far as the Wadsworth Township is concerned. And while I am on my feet, I haven't spoken on this matter, and I just wanted to relay my feelings. The Washoe County as compared to Clark County, I think that there is no question about the fact that Clark County is going to have substantial representation down there and I'm sure they can take care of any problems that they have got, after we re-district.

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In Washoe County, with 44, we've also increased our Senators from five to five and a half, which will be sharing Senators with, probably, according to that map, Carson City, as part of our district over there. I don't think you could come up with a completely pure ratio as far as county lines are concerned with any map. We feel, in talking this over in Washoe County, that it's a reasonable approach and we've had to give an awful lot and sometimes the other map works a little better for us, but statewide, the 44 seat Assembly seems to be the best.

Now we're also sending down a Senate bill, the Senate reapportionment on this. I think we tend to forget, it's also our duty to tell the Senators, whether they go along with us or not, how we feel in regard to reapportionment of their house. And 22 members down there suits me fine. I think it does the majority of this body. And I suggest that single-seat districts as far as the Senate is concerned also suits me fine and this bill also indicates that. So, I suggest that we're sending a good piece of legislation back to those people to take a close look at, rather than just getting together in the corner and making a decision.

MISS FOOTE: Mr. Speaker, we have mentioned many times about some area being taken away from another county. At the present time, I am one of the representatives of the Wadsworth Township, and I feel that it would be far wiser to have those people in a different area other than Washoe County. These people do have a center of interest, a community interest. They are so close to the City of Fernley that it would seem to me that this would be a wise choice in breaking up

the county line situation. But I do say that there are areas where communities of interest perhaps go along somewhat with county lines and should be adhered to. I have not heard one thing from anyone from the Wadsworth Township to know what their preference is. But I, for one, think that this would be a good plan.

MR. FRANK YOUNG: Mr. Speaker, through you to Miss Foote, I must correct Mr. Capurro and map "W-11-B", which apparently doesn't have an enumeration district shown in Legislative District 11, which is Wadsworth. Wadsworth in the bill itself is pulled out, and put with Lyon County. And that is the conflict between the map and the bill. The bill would hold, unless, of course, this body wanted to amend the bill. I am informed by Mr. Dugger that in his opinion those 550 votes do not adversely affect the disparity in Washoe County. It is needed, though, to bring up the population of Lyon County, where we have brought in Schurz, Storey and enumeration district No. 2 out of Carson City. So, the bill shows Wadsworth Township, and I would think unless you wanted to amend it out of the bill, that's the way it would be.

MR. CHAIRMAN: Are there additional comments?

MR. McKISSICK: One point of order, and then I'll shut up. Actually, we think we're spinning our wheels here, but as I see, it's all being taken down and will be made a part of the transcript. And I point out that Dr. Boyd has also said that the courts have consistently held that the burden of proof is on the Legislature and the Legislature must justify its plan. There have to be good reasons for deviation and incumbency and party advantage are not such good reasons.

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In other words, by doing this today, the last two hours of strenuous debate, I think we're acting responsibly if we move on Mr. Torvinen's motion and get this show on the road. It's as pure a bill as we can work on. Academically, it looks good. But I don't know politically what will happen to it in the Senate.

I think the best and most responsible action this Assembly could do would be now to vote on the recommendation of "Do Pass" AB 828. We've been told by Mr. Swackhamer, if this motion fails, that he will again move to "Do Pass" AB 827, which is the 18-36 vote. Of course, we could go back to 825. We can hassle all three of them, really. There's nothing wrong with doing that. We can pass all three and send them down to the Senate and let them act responsibly. But I think at this point the best move to get the show on the road is to vote "Do Pass" on 828.

MISS HAWKINS: Mr. Speaker, I move the previous question.

MR. CHAIRMAN: This cannot be moved in a Committee of the Whole.

MISS HAWKINS: Oh, excuse me. I thought earlier you said it could.

MR. CHAIRMAN: No, ma'am.

MR. DINI: Mr. Speaker, I'm still confused on that Wadsworth issue. I think you've excluded them from Washoe County in the Senate but have not excluded them in the Assembly. Is that true? But the maps we have on our desks ---

MR. FRANK YOUNG: May I consult here for a moment with Mr. Palmer and Mr. Dugger to see what the intent is?

MR. PALMER: The bill that you have before you was drafted -- and we consider this to be a skeleton bill -- and when we spoke of

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Washoe County, and spoke of Clark County, and spoke of other entities, particularly Carson City, we spoke of it not with all the reservations that certain small portions that might have been detached in some other more specific language which was necessary in another part of the bill. So while it appears like there is an error in drafting of the bill here, there is not, if you consider the fact that this is a skeleton bill and we were considering major entities at most points in the bill.

MR. FRANK YOUNG: Mr. Palmer, it would be your belief that it was our intent to exclude Wadsworth from both the Senate and the Assembly?

MR. PALMER: That's right. This particular problem came up when we had to describe Carson City because at different points in different bills we removed one, two or three enumeration districts. And we felt it would be repetitive to go constantly through a skeleton bill indicating the small portions which we may have extracted from a major entity like Washoe County, Carson City, or Clark County.

MR. HILBRECHT: Mr. Speaker, I have the feeling here that in other meetings and places where I have not been present there has already been made a determination. I have discussed this matter, this motion, in effect, with a number of the members of the Democratic caucus which in an effort to -- what we felt was acting responsibly -- bring the session to a reasonable close. As you have noticed in the press, we had kind of tentatively fixed on a 20-40 formula with the idea that we could accommodate some of the interests of the cow counties by having drafted the maps which Mr. Swackhamer has drafted. I have been authorized by a consensus of our caucus at this time to announce on the floor that the Democrats will not be bound to adhere to that

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determination yesterday if they feel that AB 828 -- Mr. Torvinen's motion which would report that out "Do Pass" as amended -- is an adequate and appropriate reapportionment in their own judgment, they are hereby released from that caucus and I want to assure our Republican members on the floor that our discussion in this matter was simply an effort to expedite and accommodate what we felt were the best interests of the house. So that you can't expect a party line vote from us, if that's what you're looking for.

MR. GLASER: Mr. Speaker, I'd like to reiterate my opposition to AB 828, to the motion, on the grounds that it will create isolated pockets of population in Northern Nevada and I feel there are two other bills that are better than this one before us.

MR. CHAIRMAN: Additional comments? You've heard the motion, then, with the accepted amendment, to recommend AB 828, the 44-22 plan, with the recommended amendments, with a "Do Pass". All those in favor of that motion please stand. (Thereupon, a standing vote was taken.) All those opposed please stand. (Thereupon, a standing vote was taken.) The count is 22 for, and 12 opposed. The motion is carried.

MR. TORVINEN: Mr. Speaker, with the understanding that we may go back into Committee of the Whole this afternoon and consider the bills concerning reapportionment of the various political subdivisions and political units, the school boards, etc., I now move that we do rise from the Committee of the Whole and beg leave to sit again.

MR. CHAIRMAN: You've heard Mr. Torvinen's motion that the Committee of the Whole do now rise and beg leave to sit another time. All those in favor of that motion signify by saying "aye". (Thereupon, a voice vote was taken.) Those opposed say "no". (Thereupon, a voice

vote was taken.) The "ayes" have it. So ordered.

(The Committee of the Whole did thereupon recess at 12:07 p.m.)

(Assembly in Session. Mr. Speaker, the Honorable Lawrence Jacobsen, presiding. Quorum present.)

MR. SPEAKER: The Assembly will come to order. Reports of Standing Committees-- Special Committees)

CHIEF CLERK: Mr. Speaker, your Committee of the Whole, to which was referred Assembly Bill No. 828, has had the same under consideration, and begs leave to report the same back with the recommendation, "Amend and Do Pass as Amended", with the amendment as outlined on page 4, line 41, "C-24" to "C-24-A"; page 5, line 1, "C-24" to "C-24-A"; page 5, line 15, change "W-11" to "W-11-B"; page 5, line 26, change "W-11" to W-11-B. Signed, Mr. Jacobsen, Chairman.

* * * * *

CHIEF CLERK: Mr. Speaker, your Committee of the Whole has also recommended a transcript be available to Legislators and finally deposited in the Legislative Counsel Bureau. Signed, Mr. Jacobsen, Chairman.

MR. SPEAKER: Mr. Torvinen, would you move the adoption of the report?

MR. TORVINEN: I move the adoption of the report.

MR. SPEAKER: Mr. Torvinen moves the adoption of the report, requiring a transcript. All those in favor signify by saying "aye" (Thereupon, a voice vote was taken.) All those opposed say "no". (Thereupon, a voice vote was taken.) The ayes have it. So ordered.

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ASSEMBLY IN SESSION, April 21, 1971, at 4:00 p.m. Quorum present.
Mr. Speaker presiding.

MR. TORVINEN: This morning we passed out of the Committee of the Whole, AB 828 with some minor corrections and at this time, I move that AB 828 be placed on the General File for this legislative day.

MR. SPEAKER: You've heard Mr. Torvinen's motion that AB 828, an act relating to reapportionment, the 22-44, be placed on the general file this legislative day. All those in favor of that motion signify by saying "aye". (Thereupon a voice vote was taken.) Those opposed say "no". (Thereupon, a voice vote was taken.) The "ayes" have it; so ordered.

MR. SWACKHAMER: May I ask when the amendments were adopted?

MR. SPEAKER: They haven't been adopted.

MR. SWACKHAMER: I'm losing my eyesight. I thought it said, "Do Pass as Amended."

MR. SPEAKER: It was simply a recommendation from the Committee of the Whole. "Amend and Do Pass" is what it reads.

MR. TORVINEN: Mr. Speaker, if a correction of the board could show AB 828 - Amend and Do Pass - as the recommendation from the Committee of the Whole. I now move that we do amend AB 828 by interlineation.

MR. SPEAKER: First, we'll have the Chief Clerk read the title and the summary.

(Thereupon, the Chief Clerk read the title and the summary of AB 828.)

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MR. SPEAKER: Are there any amendments to Section 1?

CHIEF CLERK: I have no written amendments, Mr. Speaker.

MR. TORVINEN: Mr. Speaker, in accordance with the report of the Committee of the Whole, I move that -- accordance with that amendment -- I now move that we amend AB 828 by interlineation, by inserting on line 41, after "24", the letter "A"; by inserting on line 41, page 4, after "24", the letter "A"; on line 1, page 5, after "24", inserting the letter "A"; on page 5, line 15, inserting after the figure "11" the letter "B"; on line 26, page 5, after the figure "11", inserting the letter "B".

MR. SWACKHAMER: Mr. Speaker, it seems to me there has been ample time between the time we got into Committee of the Whole to have these amendments made and presented in the regular fashion. I would have to object to accepting the amendments by interdelineation, at this time, on a bill of this consequence.

MR. TORVINEN: Mr. Speaker, the reason for that was that the bill drafter was under the impression that he was to prepare an amendment which would include the description of the enumeration districts contained in each of the maps, which would have been a very lengthy, very long amendment. It would have taken him until late tomorrow afternoon to complete. It was discovered that this was what the bill drafter was doing, and how long that would take, the procedure of amending the bill by interlineation and acting on it at this time was -- and that is the thrust of my motion.

MR. HILBRECHT: Mr. Speaker, I would be the last to interfere with the expeditious carrying forth with this legislation. However, it has come to the attention, I believe, of the Chairman of the Elections

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Committee, the former Elections Committee, that perhaps the amendment as the committee reported it out is not the most desirable amendment. That perhaps the letter "A" following "24" be stricken -- where it has been inserted by the proposed amendment. Furthermore, in a caucus of the -- predominantly, of the Clark County people, it was decided that they would like to prepare an amendment to transfer the valley areas of Clark County back into the Clark County District, and Mr. Speaker advised me immediately preceding this meeting that there would be a procedure for accommodating this -- all of these possible amendments which would include the bill, and I'm just now inquiring of Mr. Speaker or Mr. Torvinen, what that procedure will be.

MR. TORVINEN: Mr. Speaker, could we have a one minute recess?

MR. SPEAKER: One minute recess.

(Assembly then in recess.)

(Assembly in Session:)

MR. SPEAKER: The Assembly will come to order.

MR. TORVINEN: Mr. Speaker, I withdraw the motion concerning AB 828 and I hereby move that my motion concerning the amendment be withdrawn.

MR. SPEAKER: If there are no objections, Mr. Torvinen's motion will be withdrawn.

MR. TORVINEN: May we go to Order of Business No. 8?

MR. SPEAKER: Order of Business No. 8, Motions, Resolutions and Notices.

MR. TORVINEN: I move that Assembly Bill 828 be placed on the Chief Clerk's desk.

MR. SPEAKER: Mr. Torvinen has moved that AB 828 be placed on the Chief Clerk's desk, from General File. All those in favor signify by saying "aye". (Thereupon, a voice vote was taken.) All opposed say "no". (Thereupon, a voice vote was taken.)

MR. SWACKHAMER: Mr. Speaker, at this time, I would move that AB 827 be placed on the General File for this legislative day.

MR. SPEAKER: At this point, Mr. Swackhamer, I would like to advise you that they are both in Committee of the Whole and your motion would be out of order.

(General business was then conducted.)

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(Later:)

MR. TORVINEN: Mr. Speaker, I understand that there a number of members of the house who wish to prepare amendments to AB 828 before considering it again, and for that reason, I now move that in order that those amendments might be prepared that we do stand in recess until the hour of 7:00 this legislative day.

MR. SPEAKER: Before putting Mr. Torvinen's motion, I called the Legislative Counsel Bureau earlier, and they have people standing by to draft their amendments. You've heard Mr. Torvinen's motion that the Assembly do now stand in recess.

MR. SWACKHAMER: Mr. Speaker, may I ask the distinguished Majority Leader if he intends to have a re-seating of the Committee of the Whole tonight?

MR. TORVINEN: Not necessarily.

MR. SWACKHAMER: Mr. Speaker, if - - -

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MR. TORVINEN: Mr. Speaker, through you to Mr. Swackhamer, I would say "no" to his question.

MR. SWACKHAMER: Would the majority leader say yes or no?

MR. SPEAKER: He would say no.

MR. SWACKHAMER: No; thank you.

MISS HAWKINS: Mr. Speaker, I was wondering what would be the purpose of meeting again at 7:00? If we meet and recess for two or three hours and accomplish nothing, what would be the purpose?

MR. TORVINEN: The purpose is to either adopt or reject the amendments and to either pass or defeat AB 828 as amended, or not amended.

MR. SPEAKER: I'm sure it's almost common knowledge at this point that we are faced with a situation where the Senate is sitting over there waiting to recess for maybe three days. I think it behooves us to accomplish our job and send something over to them tonight. And my intention is to stay here long enough until we do just that, if that's possible.

MR. McKISSICK: Well, I agree wholeheartedly, but with the amendments in the process, if we come back at 7:00 and meet, we're going to argue all these amendments. Really, if the Senate has that in mind, I'd rather call their bluff and unless these amendments, I guess, are crucial in the areas of Overton and Goodsprings, etc., we should come back at 7:00 and consider the amendments. But then, I would like to know, if they're not technical amendments, and I don't think they will be, we don't have a bill 30 to 32 pages in length. What good is going to be accomplished? Why don't we send over 828 now, knowing full well that it's not going to be accepted, and come back for a conference?

MR. SPEAKER: This is exactly what we intended to do. But of course, there are people here who want to put amendments on. We talked with Mr. McDonald about being able to interlineate the amendments. He has agreed this is possible in a skeleton order and that at a later date they could be redefined. We're not committing ourselves all the way. We're committing ourselves, undoubtedly to a conference committee, one, two and three.

MR. LAURI: Mr. Speaker, will the Senators be over there if we meet again at seven o'clock? And maybe by eight or nine o'clock, get this bill on the way, will they be over there to receive it?

MR. SPEAKER: They will not, sir, not tonight. But it's necessary if we're going to get it over there for them for action tomorrow morning, then it has to be accomplished tonight. Unless we want to go on into another week.

MR. LAURI: Mr. Speaker, feeling at this stage like most of us, I would just as soon send them our kindest regards and go home.

MR. HILBRECHT: Mr. Speaker, let me make clear the reason why -- I imagine this is primarily for the accommodation of Mr. Glaser and the Elko County people and for Clark County people in order to make some adjustments in the boundaries primarily involving Clark and Elko Counties, from what I understand. Now, we inquired of the Chair, if it was the nature of the amendment that it could be put in by interlineation, and the impression that we received was that it could not. And if this is the case, it would then place those of us, I take it, in Elko and Clark Counties in a peculiar position of having to oppose the bill irrespective of the merits otherwise in the measure

simply because we could never be assured of getting those innovations into the bill.

Now, I might inquire of -- Mr. Speaker, through you to Mr. Young, if we could simply -- if this is a skeleton bill and I confess I don't really know what that means -- if we could simply interlineate someplace in the bill that irrespective of what the formula is in terms of the map it may produce, that we want all of the Overton and the other townships included within, and a contiguous part of, the balance of the Clark County Assembly District. And the same with respect to Elko County. I would have no objection to acting on the bill at this time if that type of amendment would be appropriate. That's the only reason for the delay. It's my understanding that they have to be made more formal than that because of the nature of the amendment. If I'm mistaken, we can proceed.

MR. SPEAKER: Well, Mr. McDonald has informed us that it could be of the informal status if we come to some agreement here. And also attached to the bill would be the map which the leadership of the Senate has assured us that they will not redefine. That will be up to us, to make that re-definition as far as the enumeration districts or whatever it might be. Mr. Burnett and Mr. Palmer were also at our meeting. They assured us that they can accomplish this task.

MR. SWACKHAMER: Mr. Speaker, I was one of the ones that objected to interdelineation and, of course, the reason was we have a bill that is more satisfactory, I believe, than any other to the rural county representatives which adheres to county lines, and I wanted that to be made a part of any bill that would go over to make sure

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that we wouldn't be cut to pieces in our community of interest and that it remains as nearly as possible the same. I have no objection to voting on a bill, as long as we can have some kind of assurance that the map that we favor at least will go with it, so we will know what we're talking about.

MR. SPEAKER: Well, I certainly feel that if we could come to some conclusion if we are skeptical about what might happen, we can of course, sit here and have it reprinted so we know exactly where we are. Some of these things that aren't of a technical nature, I would say that we could go and change everything around.

MR. McKISSICK: Yes, Mr. Speaker. As you well know, and we all know, there's a great move afoot in the Senate to recess for 30 or 60 days and come back. And although you're supposed to send formal committees back and forth to announce, that has been done in other states. One house has recessed, or adjourned sine die. I'd be fearful unless you go over tonight either now or at 7:00, that they could recess tomorrow morning and we're stuck holding the bag. So I think we ought to act, either now or at 7:00 tonight.

MR. SWALLOW: Mr. Speaker, it seems to me like -- I'm not a good politician, I guess -- but it seems to me like a lot of delaying tactics going on and for one reason or another, if we go one way there are delaying tactics. I'm not talking about parties, but there are a lot of tactics going on. And I guess that's politics. But nonetheless, there's one question I would like to ask, can we check -- Mr. Swackhamer. We have references constantly to small counties' decisions, and so forth, and I can't remember being at any of these caucuses that mentioned some of these plans, and I would just like to

get it cleared up to see why I was sleeping at those.

MR. SWACKHAMER: I can assure Mr. Swallow he was invited if he didn't come and it is a matter, of course, of his own preferences. However, I have never told anyone that the small county caucuses were ever in unanimity on any of them. I've always indicated that this was the feeling of the majority.

MR. GLASER: Mr. Speaker, my amendment is relatively simple. It just strikes five words in line 19 and restores the Mountain City and Carlin Townships to Elko County and I would like to -- if possible by interlineation; I think everybody understands this and we could act upon this and the Clark County problem and determine whether this is the way the people want to go at this time and then vote on the bill. I'd like to see it culminated now instead of waiting until 7:00.

MR. ASHWORTH: Mr. Speaker, Mr. Hilbrecht and I just went to the bill drafter's office and I believe -- I could stand corrected -- that he would put our amendments into words and not try to shuffle around any enumeration districts. And the intent of our amendment -- and he indicated to us that it shouldn't take too long to get it here if there was any other business that we could do, I think we could probably have all of these amendments in 15 minutes.

MR. HILBRECHT: Mr. Speaker, I believe that we should try to do these in words and let the map follow, perhaps by tomorrow morning, and then for the Senate's benefit, the "C-25" map, for example, which would, I'm told -- would have to be generated for Clark County and the new cow county or rural county map be generated, and they would just be incorporated by reference, I understand. If that's an

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acceptable procedure, and we all know what we're trying to do, I don't see why you can't get just a simple verbal amendment just like this, and say whatever the map is, there will be another one to follow, and do it.

MR. SPEAKER: Mr. Hilbrecht, I think this is what we had in mind initially when we had a meeting with Mr. McDonald, but there seems to be some feeling that maybe it wouldn't be accurate enough. Whatever your wish is. Certainly we won't take tonight with this thing.

MR. LOWMAN: Mr. Speaker, is a motion for the previous question in order?

MR. SPEAKER: I would say yes.

MR. LOWMAN: So moved.

MR. SPEAKER: Mr. Lowman has moved the previous question, sustained by Mr. Frank Young and Mr. Torvinen. All those in favor of moving the previous question, which would be to recess until 7:00 p.m., signify by saying "aye". (Thereupon a voice vote was taken.) Those who oppose say "no". (Thereupon a voice vote was taken.) The "ayes" have it. We will stand in recess, then, until the hour of 7:00 p.m. this legislative day.
(Assembly then in recess.)

ASSEMBLY IN SESSION, April 21, 1971. Quorum present. Mr. Speaker presiding. Discussion of reapportionment, at 8:20 p.m.

MR. HILBRECHT: I want to call the house's attention to a typographical error which was not picked up. It appears on page 2 of the amendment where it refers to a chart and rather than using the word, line 1, provides by deleting "C-24" and inserting "C-24-A". That should read, I am told by Mr. Young, "C-25". I believe that is simply a technical amendment and should we adopt that, we could, if the chair would so rule, proceed with the amendment. It is a numerical change on line 1, page 2, and it appears again on line 3, page 2. Where it says "C-24-A" it should read "C-25", I am advised by Mr. Young. Would the Chair rule that would not require us to reprint the amendment, simply to interlineate it and proceed with the amendment?

MR. SPEAKER: Certainly. That will be allowed.

MR. HILBRECHT: Mr. Speaker, I would then move the adoption of Amendment No. 2671 to AB 828 with the interlineation heretofore mentioned. Mr. Speaker, it is not necessary to move that amendment by number only, is it? At this point, we have adopted a standing rule, have we not?

MR. SPEAKER: No, I think it would be proper at this time that the proper motion be made to be considered by number only. Let's cover those interlineations one more time so everyone is familiar with them.

MR. HILBRECHT: Mr. Speaker, members of the House, on line 1 of page 2 of the amendment, the matter in parenthesis at the very end

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of that sentence reads "C-24-A". That should read "C-25". On line 3, page 2 of the amendment, once again "C-24-A" appears. That should read "C-25". That should be inserted between the words "map" and "and".

MR. SPEAKER: Now, Mr. Hilbrecht, would you move that we consider Amendment 2671 by number only?

MR. HILBRECHT: I so move.

MR. SPEAKER: Mr. Hilbrecht now moves that we consider Amendment 2671 to Assembly Bill 828 by number only. All those in favor of that motion signify by saying "aye". (Thereupon, a voice vote was taken.) All those who oppose say "no". (Thereupon, a voice vote was taken.) The "ayes" have it. It will be considered by number only.

MR. HILBRECHT: Mr. Speaker, I now move the adoption of amendment 2671 to AB 828 with the interlineations.

MR. SPEAKER: Mr. Hilbrecht now moves the adoption of Amendment No. 2671 with the interlineations. Are there any remarks?

MR. MAY: In accordance with procedure, through you to Mr. Young, on page 2 of the proposed amendment, where "24" and "24-A" were deleted, will now be Map No. 25. May I ask what run number insofar as North Las Vegas, for North Las Vegas Township, Map 25 will now concern itself with?

MR. FRANK YOUNG: Mr. Speaker, we have not run a 25 district map for Clark County. You understand if this amendment is adopted, Clark County will then be legally divided into 25 districts. We have not done that. If this is adopted we will have to produce a map, overnight, or hopefully by noon tomorrow. We have simply put

in here a number which will signify that map. I beg your pardon, Mr. Hilbrecht has one in.

MR. SWACKHAMER: Mr. Speaker, what we have here and what we are discussing in Amendment No. 2671, is an effort on the part of the house to accommodate the rural areas of the state that are, of course, going to lose the most in reapportionment. Of course, this map that we are looking at now deals with a house of the size of 44 which we are not all in agreement with; but it reminds me of the story of the fellow that came into the cow town and found his friend in a poker game. He said, "Say, get out of this game. It's crooked." He said, "I know it's crooked, but it's the only game in town."

We are in the same situation with this amendment. This is the only bill we have to deal with. So I guess we ought to try and amend it. Now this amendment as proposed meets the criteria that has been adopted by the majority of the cow county representatives, of both parties in the numerous caucuses we've had. Number one, it adheres to county lines; number two, that it keeps community of interests paramount in consideration; and number three, that it gives secondary consideration to the disparity ratio. We believe that the map that we see before us does those things. I see a community of interest -- there is only one area, two areas I guess, where the enumeration districts would have to be broken away from counties to make up an Assembly District and those are small population areas that are being broken away and they are contiguous.

I believe for the counties, the 14 rural counties and Carson City, that this may be the best approach that we have. It's the only

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bill we have before us now. And I, for one, am quite willing to take a chance on this rather significant disparity inasmuch as I don't believe the courts are going to hold us with our large area and small population to the same criteria of disparity as they will in the urban areas. On that basis, Mr. Speaker, and members of the Assembly, I urge and request that you do vote favorably on Amendment No. 2671 to Assembly Bill 828.

MR. TORVINEN: Mr. Speaker, I rise in opposition to this amendment. I think we are talking primarily of what my colleague from Battle Mountain said. That he has given the disparity ratio secondary consideration. Perhaps in Hawaii, where they have three or four hundred miles of ocean separating the islands, they get away with a disparity ratio of something like this. The transportation facilities that are now available in this modern world, when you can travel across most of Nevada in a single day, that I don't think we can justify to the courts under the Supreme Court decisions that I've read and the legal scholars' interpretations that I read, the disparity ratio of plus 25 and minus 7 -- a factor of 35. That is way in excess of the five percent reasonable guideline, and it is way in excess of the five percent the court has approved in other areas. The court has disapproved lower than five percent where there isn't some compelling reason.

And just the fact that it is 100 miles, or 300 miles or 200 miles from Austin to Wells or from Austin to Ely, or X number of miles from Ely to Tonopah, I just don't think those are compelling reasons that allow this disparity and in order for us to conscientiously try to comply with the Supreme Court's mandates, I urge that you defeat this amendment.

MR. GLASER: Mr. Speaker, in the event this amendment fails, I will save my ammunition for the next one.

MR. SPEAKER: Are there additional comments?

MR. DREYER: Mr. Speaker, it is the belief of most of the people here that we've worked with, that we still have something going for us. Mr. Torvinen mentioned transportation of the modern world today. I think that if we take a look at the State of Nevada, unless you own a car, that is your only transportation. We have one bus line, that between Las Vegas and Reno; we have one airline and that is between Las Vegas and Reno. And I know the United thing goes over to Elko, but basically speaking, you can't break transportation. But one thing to remember is that there is still 87% public land in Nevada. This alone will be a big selling point for us. We may not have water, but we certainly have lots of land.

MR. ASHWORTH: Mr. Speaker, I concur with Mr. Swackhamer's remarks, and I believe that as long as we do have only one bill before us at this time, that we have only a 44 member Assembly, that we do try to keep the districts in the county lines as much as we possibly can, and this is done. I think that we should be primarily interested in doing what the people want. In this particular instance, the people in the North want to be separated. This amendment separates them into the areas that they want to be in; and certainly in the South. It has been indicated several times today that the people in the Northern part of Clark County want to remain in Clark County. This amendment takes care of that.

It shuffles a few districts over in the Carson City area, and takes care of a problem there, and as long as this is the only bill

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we have, I think we should clean it up and make as good a bill as we can out of it for the interests of the people we are representing.

MR. DINI: Mr. Speaker and members of the Assembly, I would like to point out to the members the area in Western Nevada which we have very carefully tried to apportion in three districts which would include Storey County, Lyon County, Douglas County and Carson City. As we got into Western Nevada, Carson City found itself in the position of having too many people. In Lyon and Douglas Counties, the enumeration districts would make up the difference.

We've gone into this in the Lyon County District up into the Wadsworth area of Washoe County. Their community of interest is the Fernley area in Lyon County. These people have grown up together in that area and have agriculture districts. The children of Wadsworth go to school in Fernley. So, this fits in well to the plan.

We come over here in the Lyon area and pick up one enumeration district in Carson City along the Carson River in the East part of Carson City. The Carson area between Carson City and Douglas reflects upon itself the association these people have with the present reapportionment plan. Otherwise, we've gone up into the central area and taken care of the community of interest in Lander County, Eureka and the Pershing-Humboldt area. We've allowed Elko County to remain a self entity in itself. We've gone over to White Pine and Lincoln County and combined those in the present district they're now in.

We've combined Mineral, Esmeralda and Nye Counties in the central Nevada area. This was formerly -- and the disparity of 35.4% I don't think is anything worse than Wyoming's. You have a report from the

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State Council of Governments last week. In Wyoming the highest percentage was 41.6% greater than the ideal and 45.47% less than the ideal. I would present to you that this, I think, will stand up just as well as Wyoming's plan.

MR. HILBRECHT: Mr. Speaker, I would move that perhaps in the interest of advising better the people on the floor of what the intent of the amendment is and what's been accomplished that we move now into an informal recess and hear from the expert, Mr. Art Palmer, who has prepared a map which represents this plan.

MR. TORVINEN: Mr. Speaker, I would oppose that motion. We met in a Committee of the Whole today. We heard all there is to hear, and it's well past 8:30. I think we're ready to proceed on this matter.

MR. SPEAKER: Further discussion?

MR. SWACKHAMER: I believe this is a matter of pretty great significance to the state, and even though it is 8:35, I would like to have every bit of information that there is available so that I can better make up my mind on whether we're doing the right thing or not and I, too, would like to hear from Mr. -- What I would like from Mr. Palmer is to see if this disparity ratio is out of line.

MR. SPEAKER: At this time the Chair will declare us in informal recess for Mr. Art Palmer to make a presentation which we will limit to five minutes. Do you think that's adequate?

MR. HILBRECHT: Mr. Speaker, I would assume that in five minutes Mr. Palmer can explain the relevant points of the map and amendment.

MR. SPEAKER: We are in informal recess. Mr. Palmer.

MR. PALMER: Basically, the plan that has been presented to you was developed from the criteria that we would hold to entire counties or groupings of whole counties in constructing a plan for the rural areas of the state. And this was adhered to, except in one portion of the state where we know that we can't under almost any number keep from fragmenting some of the 15 rural entities, namely, Carson City. We did attach to Lyon and Storey not only portions of Carson City enumeration district, but also the Township of Wadsworth from Washoe County.

Basically, if we were to attempt to keep the whole county entities with either 40 or 44, we would have a plan similar to that which I assume has been distributed. Do most of the Assemblymen have copies of this? And that is what we attempted to do. That was the criteria that was given to me by interested legislators: to keep communities of interest as near as possible and to group whole counties together.

The point of whether this disparity is too great or not is one which is difficult for anyone to answer. We do know that the states that have reapportioned so far, that probably more than half of them have exceeded in one house or the other, or come very close to this. We have only two states that have really apportioned with any degree of accuracy: Oklahoma, which apportioned both of its houses with less than one percent disparity, and South Dakota, which was about five percent in both houses. The other states, of course, range considerably higher in some respects, than the 30-some odd percent disparity that we have here.

To predict what the courts might consider: I assume that in a state like Nevada, with its rural area, we might consider that the courts might be relatively liberal. I don't believe we can generate too much disparity in the metropolitan areas. If there are any questions in regard to this, I can be more specific with, I would consider those.

MR. HILBRECHT: Mr. Speaker, I wonder, through you to Mr. Palmer, if he would describe in a little more detail the Ormsby County, or rather the Carson City - Lyon and Storey and Washoe problem. And am I correct in assuming, based on those adjusted figures, that the disparity would no longer be 35.4%? That that was figured with the former figures?

MR. PALMER: Yes. This was done hurriedly, in following the instructions that were given to me, I only adjusted to that extent. I indicated to the interested group that this disparity could be brought down again to about 34% with certain adjustments to enumeration districts in Carson City allocated to either Lyon, Storey or to Douglas County which would reduce disparity. I didn't feel free at the time to make those adjustments on my own. I would rather have direction as to which enumeration districts I might extract from Carson City. It's a maneuver.

Wadsworth was added to this area because apparently the community of interest there was to Lyon County, and also, it was necessary to pick up that particular portion of the population.

MR. SCHOFIELD: Mr. Speaker and Mr. Palmer, in the more populous areas, Clark County and Washoe, and also Storey and also

down in that area, it looks like per district it's working out somewhere around 11,000 per seat. Am I correct in assuming that?

MR. PALMER: Yes. In 25 seats, Clark County would have the one representative for roughly around every 11,000 people, and the average district in 44 is 11,108.

MR. SCHOFIELD: Now based on that, could you -- do you think we could safely assume that the disparity would be roughly around six or seven percent in the more populous areas?

MR. PALMER: I would assume that probably that could be done. The reason for that is that the 10,932 average district which is theoretic on this map at 25, being so close to the average district of 11,108; when that was broken down, if you decided to go to 25 single member districts, you would fall within the disparity here without too much difficulty.

MR. SCHOFIELD: It looks like the largest disparity, then, probably would be in the Elko area with 13,958?

MR. PALMER: That's correct. Elko County had almost 14,000. It creates the plus 25.7% on the map. The -- this is under-represented with that high number to that extent.

MR. SCHOFIELD: That would be the largest disparity, then, in that area?

MR. PALMER: That's correct.

MR. SCHOFIELD: At about 25%, did you say?

MR. PALMER: Yes. I think that the maps that have been presented in the lower left-hand corner have a plus 25.7, a minus 7.2, or an overall disparity of 35.4, and that is created by Elko County being held in its entirety, not violating county lines.

MR. TORVINEN: Mr. Speaker, the five minute recess is now up.

MR. SPEAKER: The Assembly will be back in order.

MR. SWALLOW: Would I be out of order for one short observation?

MR. SPEAKER: I imagine at this point, I believe this is strictly to dispute the motion.

MR. SWALLOW: Well, it's attributed to one county that hasn't been considered, and that would be Eureka. I'll make it very brief. All I wanted to say is the County Commissioners of Eureka didn't in any way want to go the way they're being considered in this particular map. And they wanted to be with White Pine or Elko County. And if we're considering the poor people in the rural areas, I think they're as poor a people as we've got in the state, and they are a rural area, I would urge the body to give consideration to this group.

MR. HILBRECHT: Mr. Speaker, on the motion, I would only observe as the colloquy between Mr. Schofield and Mr. Palmer points out, a disparity of 25.7% is attributable almost entirely to the Elko County, which it is my understanding is acceptable to a majority of the house by virtue of Mr. Glaser's amendment affecting Elko County only. So I want to make it clear that we're not going to lower the disparity if we do not adopt the amendment now under consideration, but alternatively adopt only the Elko County amendment, by virtue of the fact that that County is the prime contributor to the disparity figure.

MR. SPEAKER: Are there additional comments?

MR. SCHOFIELD: Mr. Speaker, to the Assembly body, I would rise in support of this amendment and I do it based on the information that Mr. Palmer just gave us, and that is I cannot conceive of any

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court overturning or changing the decision that we've made here which would -- I believe we've very carefully taken into consideration the counties and the community of interest. And I was wondering, Mr. Speaker, if I would be in order to amend the motion to include Eureka County with the White Pine-Lincoln County area?

MR. SPEAKER: I would say that that would be rather irregular at this point, because we are trying to not only expedite things, but I think ample time has been given from the time of our last recess up till now to have this type of amendments available and ready.

MR. SWACKHAMER: To Mr. Schofield, I also represent now Eureka County, and I believe that there could be some misconception here. I also have one of these telegrams Mr. Swallow makes reference to, and I believe that the County Commissioners sent this telegram in response to a map that they saw that had Eureka County running down to the Pahrump area, right through the central part of the State. I don't believe that they have any particular reason to want to move away from the district they're in now. They were very fearful of being put into the Southern part of the State, where they don't have any community of interest. And I would also tell you that more than half of Eureka County is in the Humboldt River Drainage Basin where you have a very strong community of interest. About half of the people live there.

MISS HAWKINS: Mr. Speaker, it seems to me except for perhaps the disparity of Elko there, we can justify the low figures in the other counties on the basis of the fact that these are definitely on rural counties. They are under-represented now, but by the time

the census is taken another time, they will by no means be under-represented. No --- they are over-represented now, and by the rural factor, they will perhaps be under-represented by the next time we re-district. And I think we can justify this to the courts and say we are planning not just for right now, but we are planning for the future.

MR. VALENTINE: As a point of information, is there a motion on the floor?

MR. SPEAKER: Yes, there is. To adopt Amendment No. 2671.

MR. VALENTINE: I move the previous question.

MR. SPEAKER: Mr. Valentine has moved the previous question, sustained by Mr. Dreyer, Mr. Schofield, Mr. Mello, Mr. Lingenfelter, Mr. Lowman. All those in favor of moving the previous question signify by saying "aye". (Thereupon a voice vote was taken.) All those opposed say "no". (Thereupon a voice vote was taken.) The "ayes" have it. The previous question is moved. All those in favor of adopting ---

MR. ASHWORTH: Mr. Speaker, I move for a roll call vote.

MR. SPEAKER: Mr. Ashworth moves for a roll call vote, sustained by Mr. Glaser, Mr. Mello, Mr. Bryan, Mr. Dreyer, Mr. Fry, Mr. Schofield. All those then in favor of adopting Amendment No. 2671 will vote "aye". All those opposed to adoption of Amendment No. 2671 will vote "no". The Chief Clerk will call the roll.

(Thereupon, the Chief Clerk called the roll on adoption of Amendment No. 2671.)

MR. ASHWORTH: Mr. Speaker, may I change my vote to "no"?

MR. SPEAKER: Mr. Ashworth will be recorded as voting "no". Assembly roll call on adoption of Amendment No. 2671, there are 15 "ayes", 23 "nos" and two absent. The amendment is lost. Mr. Torvinen -- Mr. Glaser --

MR. GLASER: Mr. Speaker, I now move we consider Amendment No. 4396 by number only.

MR. SPEAKER: Mr. Glaser moves that we now consider Amendment No. 4396 to AB 828 by number only. All in favor of that motion signify by saying "aye". (Thereupon a voice vote was taken) Those who oppose say "no". (Thereupon a voice vote was taken.) The "ayes" have it, and so ordered.

MR. GLASER: Mr. Speaker, in considering Amendment No. 4396, I would like to bring to your attention ---

MR. SPEAKER: Would you move the adoption, please.

MR. GLASER: I move the adoption of Amendment No. 4396.

MR. SPEAKER: Mr. Glaser moves the adoption of Amendment No. 4396 to AB 828. Are there any remarks?

MR. GLASER: Mr. Speaker, I would like to make a correction on this by interdelineating on line 20. In my hurry on preparing this amendment, I neglected to take out of the Humboldt-Pershing County area on line 20 the Carlin and Mountain City Townships, on lines 20 and 21, and I would like to have this technical correction made by the Chief Clerk if possible.

MR. SPEAKER: Would you repeat your correction?

MR. GLASER: In line 19, we've added just Elko County, and that was the correction I intended but I notice now that in line 20 and 21

the Carlin and Mountain City Townships were included with Humboldt and Pershing and in preparing this amendment we neglected to take them out of that area.

MR. SPEAKER: I realize that, but please state to us exactly how you want the amendment.

MR. GLASER: I will yield to Mr. Torvinen.

MR. TORVINEN: Mr. Speaker, perhaps Amendment 4396 could have added thereto on the third line stating lines 20 and 21 are deleted and inserting "(b) Humboldt and Pershing Counties."

MR. GLASER: That would do the job, Mr. Speaker. Now, Mr. Speaker, may I speak on the justification for this?

MR. SPEAKER: I think it would be proper at this time to withdraw your first motion and make another one that would allow these insertions in there to make sure everyone is in agreement before we get to that point. Let the Chief Clerk read the amendment so we will know what it sounds like.

CHIEF CLERK: Amend Section 1, page 1, line 1, by deleting line 19 and inserting ": (Elko County)." and then in Section 1, page 1 by deleting lines 20 and 21 and inserting " : (b) Humboldt and Pershing Counties." all underscored. Is that how it should read?

MR. GLASER: Mr. Speaker, I move the adoption of Amendment No. 4396 as corrected by the Chief Clerk.

MR. SPEAKER: You have heard Mr. Glaser's motion that we now adopt Amendment No. 4396 with the corrections that were inserted by the Chief Clerk. All in favor of that motion -- Are there any remarks on that amendment?

MR. GLASER: Mr. Speaker, I think that the justification for this amendment, if you will look at the map on the wall, is that they have cut up Elko County and taken out the Township of Carlin, which is the long finger that projects north to south and runs diagonally across Pine Valley, and makes an almost impossible situation there for those people to determine which side of the line they are on and who they would be represented by, in the event that an Assemblyman came from either Pershing or Humboldt County.

Furthermore, it takes the Mountain City Township out and Mountain City is a semi-isolated area in relationship to the Western part of the state. To get to Mountain City, you have to follow Interstate 80 into Elko and then take Highway 43 North to Wildhorse, and through Owyhee and into that area. So their natural egress would be through to Elko. Those people up there want to be part of Elko County and I have received quite a few telegrams to that effect today. They recognize the disparity is going to -- is great -- and that they will be under-represented. But I can assure you that if either Mr. Young or myself return, they will be well represented.

And in spite of this disparity, and in spite of the under-representation, these people have indicated by telephone and telegraph, that they are in favor of this. In Carlin the community of interest is with Elko, through their business, and they should be included in Elko County. So, I think we have justification to do this in spite of a -- of Elko County aggravating the plus side of the disparity factor. I would urge approval of this amendment.

MR. FRANK YOUNG: Mr. Speaker, and members of the Assembly, Mr. Hilbrecht pointed out when he proposed his amendment that he

apparently anticipated that there would be more appetite for this one. But in his amendment the disparity would be no greater than this one. It may therefore seem strange that I would support this amendment when I did not the other one. And I would like to speak as to the reason I do support this one, and I did not support the other one. I feel that the people most likely to bring suit in court to set aside the effect of this amendment are those from Elko themselves. Or, as Mr. Glaser has just said, they are the ones who will be under-represented.

If such a suit is brought, and the plaintiffs are successful, the courts will have a very simple adjustment to make that will not, in fact, undo all of the work done by this Legislative body. To have adopted Mr. Hilbrecht's amendment would not have put us in that position. I therefore feel that this amendment is one that we can risk, whereas the other one is not.

MR. ASHWORTH: Mr. Speaker, I move the previous question.

MR. SPEAKER: Mr. Ashworth moves the previous question, sustained by Mr. Lowman and Mr. Torvinen. All those in favor of moving ---

MR. MCKISSICK: Point of order. If we adopt this amendment, can't we vote on the bill?

MR. SPEAKER: Yes. You've heard the motion, then, to move the previous question. All those in favor signify by saying "aye". (Thereupon a voice vote was taken.) All those opposed say "no". (Thereupon a voice vote was taken.) The "ayes" have it. The previous question is moved. All those in favor of adopting Amendment No. 4396 to AB 828 signify by saying "aye". (Thereupon a voice vote was taken.) All those opposed say "no". (Thereupon a voice vote was taken.)

The "ayes" have it. The amendment is adopted. Are there additional amendments?

CHIEF CLERK: I have no further amendments, Mr. Speaker.

MR. TORVINEN: Mr. Speaker, I move that Amendment No. 4396 be interlineated into the bill, 828.

MR. SPEAKER: You've heard Mr. Torvinen's motion, that Amendment No. 4396 be inserted. Mr. Torvinen, I think in that motion it should also include changing the map number so that we can make sure we have it.

MR. TORVINEN: I was going to do that by a separate motion, to adopt it as a separate amendment.

MR. SPEAKER: Very fine. You've heard Mr. Torvinen's motion, then, that Amendment No. 4396 be interlineated by the Chief Clerk, reprinting temporarily dispensed with, and it be considered on third reading and final passage. All those in favor of that motion signify by saying "aye". (Thereupon a voice vote was taken.) All those opposed say "no". (Thereupon a voice vote was taken.) The "ayes" have it. So ordered.

MR. TORVINEN: Now, Mr. Speaker, I move that the bill be further amended by interlineating on page 5, line 15 by inserting "B" after the figure "11" and on page 5, line 26 by inserting the letter "B" after the figure "11".

MR. SPEAKER: We will have the Chief Clerk read, to make sure we're correct.

CHIEF CLERK: On page 5 of the bill, then, it would read, "therein. [6. Senatorial District is indicated by Map W-11-B and the", all in italics. On line 26, by Map W-11-B and the county map for illustrative

purposes. All in italics.

MR. VALENTINE: I believe that on AB 828, we want to include Wadsworth Township from Washoe County. I would request Mr. Torvinen at that time to amend his motion.

MR. TORVINEN: Mr. Speaker, in a sense, Wadsworth Township is excluded. The bill has an ambiguity in that area. Inasmuch as it is an ambiguity and not a fatal change, I would suggest that this ambiguity be resolved as we suggested otherwise, in the conference committee, where we intend to insert the enumeration districts to make absolutely sure of the boundaries rather than relying on the less positive maps that we are now relying on.

That we all understand this bill is going to the Senate for the purpose of their considering the concept of reapportionment as voted on by this house, and those technical errors and other technical errors will be corrected at the conference.

MR. SCHOFIELD: A point of clarification. Mr. Young, on page 5, line 1, does the map C-24 remain C-24-B as you stated this afternoon?

MR. FRANK YOUNG: Mr. Speaker, through you to Mr. Schofield, the map -- we do not have it around today, Mr. Schofield, we have C-24-A. The difference between C-24-A and C-24, as I am informed by talking to Mr. Dugger, was in the North Las Vegas area. At the request of the North Las Vegas Delegation, we had accepted map C-24 and dropped C-24-A.

MR. SPEAKER: Are there additional comments? You have heard Mr. Torvinen's motion, then, that we interlineate on page 5, line 15 and line 26 as read by the Chief Clerk. All those in favor of the

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motion signify by saying "aye". (Thereupon a voice vote was taken.) Those opposed say "no". (Thereupon a voice vote was taken.) The "ayes" have it. Interlineation will be allowed.

MR. TORVINEN: Mr. Speaker, I'm not sure exactly of the technical motion, but I would move that we dispense with reprinting and that the motion be considered on the third reading and -- for this legislative day.

MR. SPEAKER: You've heard Mr. Torvinen's motion that reprinting be temporarily suspended, that the Chief Clerk make the corrections to interlineate, and the bill continue on to the General File and third reading for this legislative day. All those in favor of that motion signify by saying "aye". (Thereupon a voice vote was taken.) Those who oppose say "no". (Thereupon a voice vote was taken.) The "ayes" have it. So ordered. Order of Business No. 11, then, General File and Third Reading.

MR. MAY: Point of order, then, Mr. Speaker.

MR. SPEAKER: Point of order.

MR. MAY: Has this house formally adopted Mr. Glaser's Amendment No. 4396 to AB 828 at this point?

MR. SPEAKER: That's correct.

MR. ASHWORTH: Mr. Speaker, may I explain my change of my vote, on this amendment, please, since it is germane to this bill?

MR. SPEAKER: Certainly.

MR. ASHWORTH: It was my intention to request reconsideration for the next legislative day. In essence of time and getting something over to the Senate in hopes the Senate could maybe find the error of our way in sending part of Clark County off into another district,

I'm not going to make that motion for reconsideration, and hope we can move this bill along. So now, I would stand in support of the bill and request that these remarks be entered in the Journal for this legislative day.

MR. SPEAKER: Mr. Ashworth, I would have to inform you that I would have to rule your motion out of order that you have made. Because we already passed the other day that things would be transmitted forthwith and I think Mr. Hilbrecht had the same occasion, on, I think it was Senate Bill 359, or Assembly Bill 359. At this time, remarks are open on the bill. Your remarks will be recorded, if you so desire.

MR. HILBRECHT: I would yield to Mr. Torvinen, he being a proponent, I presume.

MR. TORVINEN: Yes, Mr. Speaker, I think that we've discussed this bill. We discussed it considerably in the Committee of the Whole and all the ramifications and maps and so forth are fresh in our minds. I won't belabor the point. We have the evidence and documentation in our records if we go to court concerning this matter and I'm not going to belabor the point, just say this is a good and workable redistricting and reapportionment plan and I urge you all to vote "aye".

MR. HILBRECHT: Mr. Speaker, members of the Assembly, I, too, will be brief. All my objections to this bill are contained in, or the rectification of those objections, are contained in the amendment which this house saw fit to defeat, 2671. I think we're all accustomed to playing the game. I think legislation is the art of compromise. I would be tempted to compromise were it not that I

reside in the most populous county of the state, the county perhaps most significantly affected by this reapportionment, and the county which by virtue of what I consider to be a mechanical and arbitrary system of reapportionment embodied in Assembly Bill 828 insofar as Clark County is concerned. We have successfully diluted the benefit accruing to my county.

For this reason, I cannot support the bill. I regret that I cannot support it, and I want to make it perfectly clear the reason why I am opposed to the bill. That is that it is clear that the scheme of 828, as far as reapportioning Clark County is concerned, attaches three northern townships, or several northern townships in Clark County to Lincoln County and Nye -- the Lincoln-Nye District, and I consider this not to be in the best interests of my county and for that reason, must oppose the measure.

I do, however, want to once again commend Mr. Young and the members of his committee and the house in general, for what I feel is very responsible job. I feel in this instance that it would be irresponsible for me to vote otherwise than I shall vote, which is "nay". I feel that all the interest put forth by this bill -- in other words, achieving a clean bill -- that we heard this morning, and I laud that effort -- did not require this particular nuance, this particular innovation, and for that reason I must oppose the bill. I feel it was unnecessary. I feel that not only the requirements of my county, but those of a majority - vast majority - of the area of the State of Nevada and a substantial minority of Legislators on this floor could have been accommodated and still provided this state a satisfactory reapportionment plan by virtue of the adoption

of Amendment heretofore tendered, and I hope that our tendering of this amendment in good faith indicates that we were not obstructionists. We, too, want to be constructive, but we feel that -- at least, I do -- that in Clark County it would be impossible to concur with this measure. I hope that in conference committee a more workable solution will be arrived at. I would not by my affirmative vote -- not tonight -- want to indicate to the Senate that I concur in any way with what they've done to my county.

MR. SPEAKER: Are there additional comments?

MR. BRYAN: Mr. Speaker, and members of the Assembly, I, too, would be recorded on the roll call as voting "no". I do so for reasons similar to that of my colleague, Mr. Hilbrecht. I cannot support a measure which, in my judgment, forcibly divests 3,000 people who reside in my county from their expressed preferences indicated in both caucuses of our county and also by statements on the floor.

And I would state that the people in these townships -- Moapa, Bunkerville, Mesquite -- have requested that they be permitted to stay with the economic, cultural and family ties that they have enjoyed for at least three generations that I'm aware of. It has been said that this is a responsible act of reapportionment. In my judgment, it has been drafted with the object of political expediency. If this measure is approved by the House, and it appears that it will be, in Clark County it will be referred to as "The Crime of '71". And I would ask my colleagues, particularly those from Clark County, not to be voting accomplices in this act.

MR. DREYER: Mr. Speaker, I will be very brief. I think the subject has been pretty well covered by Mr. Hilbrecht and Mr. Bryan. I just have one thing to say. I think we didn't look too far ahead. We looked strictly for two years, and that's all we looked ahead to. We didn't look ahead for the next eight.

MR. LINGENFELTER: Mr. Speaker, through you to some of my learned colleagues from the South, I notice that it's all right if we cut up Washoe County to try to make the thing work, or we can cut up Carson City. As a matter of fact, we really dissected Carson City to make it work. But it's a real dodo if we do it to Clark County.

Now, I really can't see much justification to that, but it seems like everybody is running for office here today and I think I'll just make my stand when we -- when they give me my district next time out.

MR. HAFEN: Mr. Speaker, all I have to say is -- I made these remarks earlier today -- but an - a - Legislator elected from a district must and does feel responsible to the entire district. My remarks on this bill is, this particular division gives to Clark County one more Assemblyman than they would have got otherwise.

MR. LAURI: Mr. Speaker, I just want to say that our expediency on this measure took us 95 days so far.

MR. SWALLOW: Just real quickly, I'm sure our fellow colleagues will see to it that this is "The Crime of '71" as far as politics are concerned, if they have their way. But I would like to mention that so far as the Clark -- well, I'll refrain from any other comments, Mr. Speaker.

MR. LOWMAN: Mr. Speaker, I move the previous question.

MR. SPEAKER: Mr. Lowman has moved the previous question, sustained by Mr. Bryan, Mr. Branch and Mr. Mello.

MR. BRANCH: Not by me, Mr. Speaker. This is an important question, and I've heard the Speaker before state that on a question of this magnitude, that you would not recognize that type of motion. And I would hope that you wouldn't recognize it at this time.

MR. SPEAKER: I did not realize it. I thought you were one of those sustaining. Are there additional remarks?

MR. BRANCH: Mr. Speaker, if you'll look at the map, you will see where we really went whole hog and gerrymandered. Not just in the Townships of Moapa and the Townships of Logandale and Mesquite that are contiguous to Lincoln County, but you have to come all the way around to Overton and take Overton. Now, that's gerrymandering. The gerrymandering went on in Washoe County, to make this a palatable bill, so to speak. I resent it very, very highly.

Many of my constituents in North Las Vegas are old timers that were born and raised in Moapa, Mesquite, Logandale and Overton. And these people called me today and asked me, "Mr. Branch, do what you can to keep us in Clark County." I do not understand how representatives from Clark County, be they Democrat or Republican, can vote in this House to eliminate these people from their own county. When they do that, they're going to have to answer for it. Now if the rest of the state can vote to eliminate these people from Clark County just to get one man, I resent it very highly and I want to be certain to tell the people in my district about it.

MR. SMALLEY: Mr. Speaker, in a way, those people in Clark County, like many people have for many years, we've been outvoted

in the Assembly, and many of us looked forward to the day that eventually Clark County would have a majority of votes, what we do would be to throw out some of those people who, like the rest of us, have waited so long.

MR. MAY: Mr. Speaker, not to belabor the subject, but I asked Mr. Palmer if in essence it's possible to rearrange a legislative district at a future date, other than ten years hence, and he advised me that certainly, any time that 21 votes are available that it is possible to rearrange the district.

MR. HILBRECHT: Mr. Speaker, I refrained from remarking on this subject and I would really -- spoke earlier in all sincerity when I commended the House in general. However, on one of our recesses today I had the opportunity of studying carefully, for the first time, the Washoe County District plan adopted as a part of this bill by virtue of reference to a map called "W-11-B" as I recall. And if I were to offer a prediction as an attorney, I would say that this is the heart and soul of gerrymandering.

I would ask my colleagues from Washoe County when we go to these conference committees to carefully look at the Capurro pan-handle and the other various nuances in strange forms and shapes that have cropped up in Washoe County. I presume you have the horses here today, but I implore you, if we're going to be clean, Mr. Clean, let's be clean all the way. And that involves the way we district within our counties.

So when you gentlemen go to conference, I hope you'll keep this in mind, and perhaps re-examine how you've carved up your own county.

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I hesitate to say the reasons, but I assume they will become obvious to those who examine those interesting shapes.

MR. MCKISSICK: I move the previous question.

MR. SPEAKER: Mr. McKissick moves the previous question, sustained by Mr. Valentine, Mr. Dini and Mr. Getto. All those in favor of moving the previous question signify by saying "aye." (Thereupon a voice vote was taken.) Those who oppose say "no". (Thereupon a voice vote was taken.) The "ayes" have it. The previous question is moved. The Chief Clerk will call the roll.

(Thereupon the Chief Clerk called the roll on AB 828.)

MR. SPEAKER: Assembly Roll Call on AB 828. There are 25 "ayes", there are 13 "nos", with two absent. The bill having received a Constitutional majority, I declare it passed. Are there any amendments to the title of the bill? Hearing none, I declare the title passed. Mr. Torvinen, a motion is in order to have it reprinted.

MR. TORVINEN: Mr. Speaker, I move that -- the interlineation, you can't send it to the Senate that way? All the corrections were made by interlineation.

MR. SPEAKER: I think we can have it reprinted and to the Senate by the time they are meeting at 10 in the morning.

MR. TORVINEN: Then I so move, Mr. Speaker.

MR. SPEAKER: You've heard Mr. Torvinen's motion that the bill now be reprinted at this time and transmitted to the Senate. All those in favor of that motion signify by saying "aye". (Thereupon a voice vote was taken.) Those who oppose say "no". (Thereupon a voice vote was taken.) The "ayes" have it. So ordered.

MR. TORVINEN: Mr. Speaker, I now move that we stand adjourned until the hour of 9:30 a.m., Thursday, April 22, 1971.

MISS FOOTE: Mr. Speaker, I move to amend that motion. I move to amend to 10:30 tomorrow morning.

MR. TORVINEN: Mr. Speaker, I would oppose that. We've had some more reapportionment bills for the Board of Regents and others that we want to get out of Committee of the Whole and down to the Senate tomorrow.

MR. SPEAKER: Additional remarks on the amendment? You've heard Miss Foote's amendment to Mr. Torvinen's motion that the Assembly now stand adjourned until 10:30. All those in favor of that motion -- or amendment -- signify by saying "aye". (Thereupon a voice vote was taken.) All those opposed say "no". (Thereupon a voice vote was taken.) The "nos" have it. The amendment is lost. Back to Mr. Torvinen's motion that the Assembly do now stand in recess until the hour of 9:30 a.m. Thursday, April 22, 1971. All those in favor say "aye". (Thereupon a voice vote was taken.) Those opposed say "no". (Thereupon a voice vote was taken.) The "ayes" have it. We are in adjournment until 9:30.

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