

ASSEMBLY OF THE NEVADA LEGISLATURE, MEETING AS A COMMITTEE OF THE WHOLE,  
APRIL 22, 1971, THE HONORABLE LAWRENCE JACOBSEN, SPEAKER, AS CHAIRMAN  
(5:00 p.m.)

MR. FRANK YOUNG: Mr. Chairman, and members of the Assembly, yesterday we passed out of this House, AB 828 calling for 22 Senate Districts and 44 Assembly on a single-seat basis statewide. During the Committee of the Whole meeting I was asked by Assemblyman Hilbrecht what my recommendations would be if the Senate did not want to go to 22 but rather to stay at 20. I gave an answer which was not just off the top, because I had thought about it. The answer was that I would not recommend to stay at 44 and rather to 40 because I felt the 20-44 plan would be the worst of both worlds.

Because the Senate has indicated they will not depart from their 20 Senate plan, I therefore recommend at this time that this committee now give consideration to AB 825 introduced and now residing in this committee, providing for a 20-40 apportionment arrangement. I would, after dispensing with this action, I would propose, Mr. Chairman, that we consider four other bills, namely, AB 736 and 737 residing on the Chief Clerk's desk, and AB 832 and 833 residing in this committee.

Now, by way of providing just a little background information: We have had the latest Clark County map for the 40 seat arrangement, it's C-22-C. I was informed a few minutes ago by Mr. Dugger, who having had an inkling of this trend, reviewed again in some detail the C-22 map and found greater disparity than he had thought, and

## Assembly Committee of the Whole

he has made some adjustments in that map. And he tells me that C-22-D is on its way here; it's being reproduced now by the Highway Department. Those of us from Clark County should review this carefully tonight if in fact we decide to adopt it or if we recommend to the house 825. It would be my recommendation that we not attempt, before taking action this evening, to finalize the maps, but rather that that be an activity to be engaged in between the action of this committee tonight and action on the floor by the Assembly tomorrow.

You must bear in mind that if we amend AB 825 tomorrow, we would hope to amend it in great detail. The amendments would include long citations of enumeration districts and it takes time on the part of Mr. Dugger, time with great care to convert the maps to this detailed citation of enumeration districts. So by suggesting that we have until the floor action tomorrow for the maps, I am not quite sure we should make that decision among our various caucuses tonight.

I would further suggest the procedure that the rural county Legislators of this House decide for themselves and propose the rural county map. There have been -- the ones for the 40-20 are on the poster over here. I might mention or call your attention to the fact that Elko County line there excludes Carlin. I would presume that, I would not be surprised if the rural county caucus were not to tell us that they wanted to keep Elko whole in line with our amendment adopted last night.

Now, before proceeding further, for those of you who may be concerned about the numbers gained I will set your minds at ease as to my recommendation in that regard. The 40 seat Assembly provides 22 seats to Clark County. We can carve up those 22 districts to create seven County Commissioner districts in the following manner: Five County Commission districts consisting of three Assembly districts each; and two County Commission districts consisting of three and a half Assembly districts each. That is five County Commission districts consisting of three Assembly districts each that should total 15. Two County Commission districts consisting of three and one half Assembly districts each, that adds up to seven, or a total of 22.

Now that would give us a disparity assuming those Assembly districts are precisely even, about 15%. It may be, if we can get lucky and pick some of the larger Assembly districts then we can combine them into three and some of the smaller ones will be combined into three and one half and narrow that disparity slightly. One of the other arrangements that we have -- let me speak on the County Commissioners for a moment. Obviously, what we do for the County Commissioners in Clark, where we're going to a seven-man board, would also fit precisely with the school districts in Clark with seven men.

Now, with regard to the Washoe County Commissioners, I gather from those Washoe County Assemblymen I talked to that there is little appetite for changing the present five-man County Commission. So that presumably, any bill we operate on here will be restricted to Clark County.

## Assembly Committee of the Whole

Now, with regard to the Regents and State School Board, Assembly Bills 736 and 737 provide for a nine-man board. Five for Clark, two for Washoe, and two for the balance of the state. With two in the rural areas of the state, that will mean one school board member for each two Assembly districts. And I would presume that we would want to tie together the northern Senate district and the central, and then the remaining two Senate districts in another. In Washoe County, with ten Assembly districts getting two Regent seats, that means one per five Assembly seats. In Clark County, with five being allocated there, you would divide 22 into -- I would suggest as follows: You would have one district consisting of four Assembly districts; you would make four Regent districts consisting of four and a half Assembly districts; that four plus four and a half leaves 18 plus the four in the other district, making that 22 Assembly districts in Clark County. This would give us a disparity, if all districts were precise, of about 11 or 12%. Let me stop at that point and ask if there are any questions before we proceed with motions.

MR. SPEAKER: Does anyone have any questions?

MR. CAPURRO: I just want to point out that the Clark County 22 maps are here.

MR. FRANK YOUNG. They have arrived. Thank you very much. You may want to pass those out.

MR. HILBRECHT: Mr. Chairman, through you to Mr. Young, I take it that the cow county maps would be the large map on the right, is that correct?

MR. YOUNG: Mr. Hilbrecht, I would prefer to have the chairman of the Rural County Delegation answer that question. I don't see Mr. Swackhamer here.

MR. HILBRECHT: Mr. Swackhamer -- That's the reason I'm asking the question, Mr. Young. Mr. Swackhamer was going to give this amendment. As you know, he's disposing of his interests in a business and has been called back to locate some records that are necessary in that sale, and I'm advised he won't be back until in the morning. But ---

MR. FRANK YOUNG: I see. Well, may I ask this question, then?

MR. HILBRECHT: Are these both 20 man situations here?

MR. FRANK YOUNG: Mr. Hilbrecht, the maps on the wall here are the 20-40 arrangement that the Elections Committee had worked out; really that Mr. Palmer had worked on; and I think I'll let Art speak to what he put there, and in particular, how it might differ from the map that Mr. Swackhamer was proposing to us last night with eight Assembly districts for the rural counties.

MR. HILBRECHT: Yes, that relates to my question.

MR. CHAIRMAN: Mr. Palmer, would you like to proceed with the --

MR. PALMER: The map which you have on the wall here -- if we followed Mr. Swackhamer -- Assemblyman Swackhamer's suggestion of yesterday with consolidated Carlin Township and reconstituted Elko County in one Assemblyman district; Humboldt and Pershing and Lander and Eureka -- the current district which you have as a Senate district now would be constituted as an Assembly district. That would be roughly 12 and a half thousand. Elko would be about 14,000. White Pine and Lincoln would remain as you see them there in another Assembly district.

Assembly Committee of the Whole

Nye, Esmeralda and all of Mineral -- that map there shows a cutout of a portion of Mineral County, but Schurz Township by Assemblyman Swackhamer's suggestion of yesterday would be put back in Mineral County.

And then Lyon County, Storey County, and some enumeration districts in Carson City would constitute another district much as you see it there; Douglas and enumeration districts in Carson City would constitute the last district. So, to that extent, that map would differ from the one we have here from the one that Assemblyman Swackhamer was interested in yesterday.

MR. HILBRECHT: Mr. Chairman, and Mr. Young, what would be -- through you may I ask Mr. Palmer a question?

MR. CHAIRMAN: Certainly.

MR. HILBRECHT: Mr. Palmer, Mr. Swackhamer advised me this afternoon, and something to my surprise, that the map that he asked you to prepare with regard to the 40 seats and the 44 was identical.

MR. PALMER: That's right.

MR. HILBRECHT: And the difference between that and the map on the board is simply that in one you have given a higher priority to county lines, than to disparity and the one on the board you have paid first attention to disparity, with a secondary interest to county lines. Is that right?

MR. PALMER: That's basically the difference. I did miss one county. Churchill County, by the Swackhamer plan, would constitute one Assembly district by itself.

MR. HILBRECHT: Well, then, Mr. Chairman, just to -- to you and Mr. Young, it was Mr. Swackhamer's suggestion -- I just want to throw

it out to this Committee of the Whole -- that in open discussion, I'm sure that he would like to tender an amendment which would, in addition to the amendment you've suggested, Mr. Young, would give the House the opportunity of adopting this other priority, with respect only to the cow counties. And I just want to advise you that I think his absence -- and I'm sure he would want it.

MR. FRANK YOUNG: Mr. Chairman, to Mr. Palmer, I think that one matter with regard to this map which was passed out last night and the one we've just been discussing the last couple of minutes, is Wadsworth. The one I have, which is, I think, the one Mr. Swackhamer put out last evening, Mr. Palmer, includes Wadsworth with Lyon County. You did not refer to that a moment ago.

MR. PALMER: The map which Mr. Swackhamer was working with did include Wadsworth Township. I understood that the feeling of the Assembly was to keep intact the entire County of Clark and Washoe, and the description that I just gave here did vary from that by that one township. If Wadsworth was kept with Washoe County, we would probably increase the disparity by about one percent.

MR. HOMER: Mr. Speaker, I just wondered if there was agreed -- because Mr. Swackhamer's agreement last night was the enumeration districts in Carson City would be the same as in the other maps. One enumeration District, No. 2, would go to Lyon County. Enumeration Districts No. 1 and 17 would go to Douglas County. Is that correct?

MR. PALMER: That is basically what would be generated in the plan that I have described here, and which I believe Assemblyman Swackhamer agreed to have.

MR. CAPURRO: Yes, Mr. Speaker, I would like to offer my suggestion that Wadsworth remain within the county line. For one reason, the

fact it is there, and second reason, the fact that it would be easier when the -- in the Senators' idea of having one Senator from Sparks and out towards Wadsworth and we could easily adopt the Assembly plan to that and also keep within the rural county idea of county lines. And I would suggest that that be included.

MR. FRANK YOUNG: I would like to hear from any other members of the rural county caucus that could speak to -- speak for that caucus as to whether or not the map proposed by Mr. Swackhamer last night is the one the majority of that caucus favors.

MR. ROY YOUNG: We just met sort of briefly up there this afternoon, Mr. Chairman. We were talking to some -- some number. And I think the general consensus of opinion was that in particular, that map, we would come down on the numbers. We didn't really talk about lines. Just numbers was what we talked about. But generally, I think that this map that we're talking of here is pretty close to what they had in mind. I didn't know that Mr. Swackhamer was leaving. Did somebody say he won't be back tonight?

MR. CHAIRMAN: That's true. He informed the Speaker it was imperative that he go to Battle Mountain and he wouldn't be back until tomorrow morning.

MISS HAWKINS: We've had so many maps lately that I think that perhaps it's time that we got some "As" and "Bs" for those too, because we have several of them that are based on the 40 plan that are quite different, as you can see, from the one that's up there. And I think that we need some maps at this stage before we can do anything about it.

MR. CHAIRMAN: That is true. The Rural County Caucus did not have any maps to work with and the consensus was, I think, at that



caucus that we wanted to see maps to know where we were. I think that a good number of us had never encountered Mr. Swackhamer's map until yesterday or last night.

MR. GETTO: Mr. Speaker, what I got out of the caucus that we had was that we would adopt the map for the rural counties that we adopted in the 44 plan last night. And basically, try to adhere to county lines as close as we could. It's amazing the numbers of Assemblymen would be the same in the 40 or 44.

MR. GLASER: Mr. Speaker, there isn't any difference in the 44 and the 40 Assembly maps. I asked Mr. Swackhamer an hour or so ago if he had a map on the 40. He said it's the very same one that was prepared for 44. If we go 45 it might make a difference, but as far as Wadsworth goes, I don't know whether -- I thought he had that in with Lyon County on the maps for 44.

MR. TORVINEN: Mr. Speaker, I think that's true. But in order to conform with the Senate, and apparently that's what we have to do, Wadsworth in the Senate -- in the Washoe County Senate reapportionment map which the Senators were kind enough to give me, Sparks and Wadsworth is in one Senatorial district, and the remainder of Washoe is four Senatorial seats. So that in order to conform to that, we would, as Mr. Capurro said, want to keep Washoe -- Wadsworth in Washoe County.

I see by these varying maps that Schurz Township has been placed in Lyon County to offset the same number of voters, 550. I think that, to belabor the question in the small county division any more in this Committee of the Whole is really taking up valuable time when we should be discussing some other matters. And that we should -- I would hope that the small county people would meet and divide their small counties up in a better manner than Mr. Swackhamer's map of

yesterday, because it goes from 10,500 in Churchill County to 13,279 in Nye, Esmeralda, Mineral district. But I think we ought to give them overnight, until tomorrow at 11:00 to come back here with a better plan. And with that, I would suggest that we go on to other matters.

MR. HILBRECHT: Mr. Speaker, or Mr. Chairman, I concur in that. I just wanted to point out, and was inquiring, more or less, whether we were expected during the night, as the Clark County and Washoe County people are going to be expected, I presume, to go over their maps and get their amendments drawn so that when we meet we can go on post haste. And if that's the case, then I think maybe I better try to contact Mr. Swackhamer in order -- or perhaps the vice-chairman, and have the cow counties doing the same thing.

MR. CHAIRMAN: This is correct.

MR. FRANK YOUNG: I would like to have that answer, not by 11 tomorrow, but rather if at all possible, tonight. The reason being that I would like to get this information to the staff so that the amendments can be ready for us for action as early tomorrow as possible so that these bills can actually be amended and sent on to the Senate. And we will be well on our way to getting this Session adjourned sine die.

MR. ROY YOUNG: I'll contact Mr. Swackhamer if I can find him.

MR. GLASER: Are these amendments to AB 825 which you requested?

MR. FRANK YOUNG: Correct.

MR. DINI: Mr. Speaker and members of the Assembly, I have to take this occasion to comment on the proposition by Mr. Torvinen

## Assembly Committee of the Whole

that we delete the Wadsworth district from the Lyon area. I think you will find, if we're talking about community of interest, and the things that people are more interested in, and the subjects that cover both areas, that the Wadsworth district should be with the Fernley area, because it's an agricultural area. There are people with the same community of interest. People go to school in Fernley from Wadsworth. And all these things point to their community of interest. I don't know why 565 votes couldn't hurt Sparks or Washoe County one iota. You were talking about maintaining county lines.

Now, there's no unanimity in the small counties about agreeing on these county lines. I did vote for making Elko the single member district and in creating the disparity problem that we have done in that, although it would seem to be a Republican measure last night when we adopted the measure, and then some of the Democrats voted against it in the general bill. But if we're going to play the game of reapportionment fair and square, one man - one vote, let's play it that way and quit playing this damn game of gerrymandering around. In certain small counties, okay, but in certain small counties, not okay.

MR. TORVINEN: Mr. Speaker, we had quite a set-to yesterday about whether or not to cut Clark County. The Clark County people and the Elko County people said we're not going to cut up the counties. Which is all right, that's here in our own house. We were also told by the Senators that this is the way the Senate is going to be. And Wadsworth is going to be in the Washoe Senatorial District. And if Wadsworth is going to be in the Washoe Senatorial District,

the rest of Wadsworth is going to be in the Assembly districts, and we better just stop arguing about it and get on with it. I'm sorry, Mr. Dini, but that's the way it is, and I agree with you that there's a better community of interest with Wadsworth and Fernley than Wadsworth and Reno, but if we're going to get on with this game we better just go by the rules. And the rules are that we are going with this map.

MR. MCKISSICK: Mr. Speaker, unfortunately, we're talking now in the Committee of the Whole about AB 825. Now, if we're going to put it over for the evening, I would imagine that we're going to extend the session by at least two days. I mean, we've got to be here through Sunday if we do that, because if you look at 825, the wording we're stuck with, they're referring to maps "C-22" and "W-11", etc. on page 4 and 5. And Mr. Torvinen or somebody would have to make the appropriate motion to correct those references.

On the other hand, we could go ahead as a Committee of the Whole and recommend a "Do Pass", vote on the 20-40 concept, and send it over to the Senate and do the cleanup language. As long as -- in addition to the district language -- as to the reference to the maps, over in the Senate, or in conference. I would rather -- rather than extend the session three days -- vote one way or the other to get this bill out of here.

MR. CAPURRO: Yes, Mr. Speaker, I would suggest that we do pass this bill and that we offer amendments from the various county -- or the cow counties, the Washoe and Clark as far as enumeration districts tomorrow in the way that it's set up. And this way, it's out, it's on the floor, and amendments can be provided at that time. Is this basically ---

MR. FRANK YOUNG: I was prepared to make a motion. I move a "Do Pass" recommendation on AB 825 with the specific maps to be referred to, and be determined tomorrow, after individual caucuses have a chance to look at them tonight, and that the detailed amendment to skeleton bill 825 be prepared by the Counsel Bureau for adoption at as early a date tomorrow as possible. The Legislative Counsel Bureau prepare the amendments to skeleton bill 825 for adoption at as early a date tomorrow, as early an hour tomorrow as possible. Now, have I placed an impossible burden on the Counsel Bureau?

REPRESENTATIVE OF LEGISLATIVE COUNSEL BUREAU: I think not. We await the information. We await the determination passed tonight.

MR. FRANK YOUNG: I would presume that you would have, either by 8:00 tonight or at the latest by 8:00 in the morning, the final decision on the maps.

MR. CHAIRMAN: You've heard Mr. Frank Young's motion that the Assembly of the Whole do recommend a "Do Pass" recommendation on AB 825 with specific maps of the individual caucuses to be developed tonight and that amendments be prepared for adoption tomorrow to the skeleton bill. Ready for the question? All those, then, in favor, 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. That will be our recommendation.

MR. HILBRECHT: A question, Mr. Chairman. To expedite things, I wonder if someone would explain to me whether, since we're having to go to conference, it's my understanding on these bills, whether we can

in any way expedite the procedure here when we get back on the floor by anything we might do now respecting amendments so that having to do things like interlineation -- so that everybody understands how we're going to handle what will probably be several amendments, and maybe get the bill on over to the Senate with some kind of understanding about how or what the procedure will be when you get into conference committee. I'm just inquiring whether there's any way we can expedite things. I'm sure we're all interested in that.

MR. CHAIRMAN: I feel certain that if any agreement we come to, as long as it's a majority or unanimous, I'm sure we can almost do anything within the realm of ---

MR. FRANK YOUNG: Mr. Chairman, I think there might very well be one matter that we should resolve at this point, because I'm sure that it would affect the labor of the Counsel Bureau. That concerns the matter of single vs. multiple seat districts. The bill as drawn in single. If amendments were proposed tomorrow to make it multiple, this would have a significant effect on the detail of the listing of enumeration districts. I would make a second motion that this body -- this committee -- recommend to the Assembly that we stay with single seat Assembly districts statewide.

(Interruption from another member.)

MR. FRANK YOUNG: I will make that later. One at a time.

MR. CHAIRMAN: You've heard Mr. Frank Young's recommendation, that the Committee of the Whole do recommend to the Assembly body that single seat Assembly districts statewide, meaning rural, Clark and Washoe.

MR. BRANCH: Mr. Speaker, I would amend that motion to make it single and two-man districts in Washoe and Clark. It's not two-seat -- two-man districts.

MR. CHAIRMAN: You've heard Mr. Branch's amendment, then, to have single for the rural counties and two-man districts for Washoe and Clark.

MR. BRANCH: Single and two-man districts.

MR. CHAIRMAN: Single and two-man, not to exceed two-man. You're including also rural counties in this?

MR. BRANCH: Single seat districts in the rural counties, single and two-man districts, not to exceed two-man districts, in Washoe and Clark.

MR. CHAIRMAN: Okay, you've heard the amendment, then. Single for the rural counties; single and two-man districts for Washoe and Clark. Is there any discussion on that amendment?

MISS FOOTE: Mr. Speaker, I would oppose that amendment. I know that this will mean that some of us will be running against incumbents. But I think if we're truly interested in having this one man - one vote reapportionment thing, as a truly significant representation of the people, we cannot vote for this amendment.

MR. CAPURRO: Mr. Speaker, I'll have to rise in opposition to that motion, as much as I would -- have sometimes thought it over this period of this session, and I look at my district, and our district, and two-man looks good. But I will have to oppose the motion because I think we can get better representation and less problem of court action against us, and totally have a better reapportionment scheme with single-man program. We in Washoe

County as Republicans there, have a lot to lose in this regard because of the way it's put together. Yet, we're going to have to come up with a reasonable one-man district approach. And we've -- Clark County has seen fit to work out this arrangement and rural counties are in belief that this is the way to go, so I suggest that we defeat that motion and we go with single-man districts for this Assembly.

MR. MCKISSICK: Mr. Speaker, actually, the way the motion was stated, it's not a bad motion at all. The original motion was that we were stuck with single-man. Now the Senate already, as we understand it, is going to go multiple districts in Washoe and Clark, which means we're in court anyway. With the words "not to exceed two-man", we've got some leeway. We can go back to one-man districts or we can go to two-man districts. As I said before, the Senate's going to have us in court anyway. And the "not to exceed two-man" districts makes good sense. Because we can also come back on single man because of the words "not to exceed". We can still come back to single-man districts. So actually, I think it's a good motion.

MR. HILBRECHT: Mr. Chairman, I think it may have some merit. I am inclined to favor the single man district from the standpoint of political science. From the standpoint of effectiveness on this floor, I certainly believe that a two-man district can deliver very effective representation. But beyond all that, I think Mr. McKissick touched on something that maybe we ought to think about. And we're not only talking about the densely populated two urban counties. We are going to be confronted, I concur with Mr. McKissick, almost inevitably, with some court action in both of these counties to



## Assembly Committee of the Whole

change the Senate's apportionment. And it may be actually an act of responsibility and some leadership on our part if we were to give ourselves in those two populous counties where that is almost certain to happen, an easy formula with which the court could establish what I mentioned in a previous -- or what I called in a previous Committee of the Whole meeting -- a modular approach to the problem, by providing in Clark County, for example, an easy method by utilizing two Assembly seats and making a module of two Assembly seats and a single Senate seat an acceptable and perhaps a very responsible and responsive solution to the problem of reapportionment.

And it occurs to me it may have that advantage as well. And I think that if, as I said before, I suppose, that legislation is the art of compromise, and maybe this would be a reasonable compromise in the public interest, because we also, I think, owe some responsibility although I realize we backed off it, with respect to the Senate and what the people have to -- deserve to expect in the other house of this Legislature. And we may be giving some guidelines that would be useful in that area, and I would like to perhaps have Mr. Young, who has studied the problem, and who I know believes very firmly in single-member districts, discuss the possibility, or if there would be an advantage in that area.

MRS. WHITE: Mr. Speaker, I would support Mr. Capurro and Miss Foote.

MR. FRANK YOUNG: Ty, I'm sorry. I didn't quite get the thrust of your question.

MR. HILBRECHT: The consideration of the module which you and I have discussed, whether this would tend to give the court a readily

## Assembly Committee of the Whole

available plan which would be rational and would be tied to our apportionment efforts in this house, by simply super-imposing on our two-man -- if we were to have them in the urban counties --our two-man Assembly districts a Senate district?

MR. FRANK YOUNG: I'm sure that's a reasonable way to go. It would produce less confusion, too. On the other hand, if we adopt here single Assembly seat districts there's nothing to prevent us from super-imposing on top of that the single Senate district either, so I don't really think that needs to indicate here our thinking on this particular question. I think that this discussion is covered quite well now. If we are going to save time tomorrow on the floor, and if we could vote on this now, Mr. Speaker.

MR. DREYER: Mr. Speaker, I'd like to quote a little bit from William Boyd on the report that was made before the Legislature Bureau. "Again, multi-member districts deprive a great many of the people within populous counties of any representation whatsoever." And it says, quoting Mr. Boyd, "Inevitably, the dominant party has swept all the seats and all representatives elected would mainly belong to the majority ethnic group of the district."

He also pointed out, and I'm basing this -- talking about the Indiana case which apparently is going to be the key case as far as the Supreme Court is -- how the Supreme Court rules; I think all the other states in the nation will have to follow suit. But it points out that if the lower court, of course, felt that the single legislative body that had some districts which had elected a single member to the district in the multi and others, the lower

court had ruled it invalid, and again, the Supreme Court, according to Mr. Boyd -- and I feel that he might be somewhat of an expert on it, more so than the rest of us -- is apt to agree with the lower district court. Namely, the lower court said that as far as Indiana and Illinois were concerned that if the state -- that means the entire state -- were multi-member districts electing the same number of legislators, containing the same number of people, it would be valid.

Or otherwise, it isn't valid, and he believes that the Supreme Court is apt to agree with the lower district court. In other words, the mixed multi-member and a single-member system is out. And I think if we're going to go anywhere at all, we better go one way or the other, for the entire state, since basically we have to go single district. If not, we're going to be in court.

MR. FRANK YOUNG: It's also of interest to note, isn't it, that in Indiana, where they now have an appeal -- the State has appealed to the U. S. Supreme Court -- that the Legislature itself has gone ahead and reapportioned on a single-seat basis. One hundred representative seats throughout the State of Indiana.

MR. TORVINEN: I call for the question.

MR. CHAIRMAN: In the Committee of the Whole, we can't call for the question.

MR. BRYAN: Mr. Chairman, if I might inquire of you, is there any parliamentary device known to the rules in common law or Mason's Manual of Legislative Procedure where we can vote on this issue which is before the Committee of the Whole at this time? If there is, I would make such a motion.

MR. CHAIRMAN: Certainly. We will conclude with that. I think it's fair for everyone to have their own expressions. And I felt that way right from the beginning. But if you have such feeling, certainly, I would want to hear it.

MR. TORVINEN: Mr. Speaker, I wasn't moving the question. I was just expressing my desire that we would call for the question.

MR. BRANCH: I made that motion because I felt like we might be able to accomplish something here. Let me give an example of my district. At the present time, Mr. May and myself represent 45,000 people in the City of North Las Vegas. I happen to live in Legislative District No. 17 and I know that area very well. And in the legislative district -- I'm not talking about the people that live inside the Federal boundaries of Nellis Air Force Base, but outside of it -- there are very few people out there. You don't have the people in that district, outside of the people who live there, in Nellis Air Force Base.

Now, assuming that I ran in Legislative District No. 17, I would only be representing, as far as I can see, approximately about three to four hundred people that I had been representing before. Out of the 45,000 that I represent now. In Legislative District No. 20, which is cut out of a part of North Las Vegas, only a portion of it is in North Las Vegas. The rest of it is out in the county, except for a certain area that was annexed by the City of North Las Vegas, which I understand is still in litigation.

But the people who live in Nellis Air Force Base cannot vote. Now, there is a housing development outside of the base itself called Mansion Manor, which does have some registered voters. But I would

## Assembly Committee of the Whole

assume, without going to the books, that there are not in Legislative District No. 17, which I would represent, that there are not more than 300 registered voters in the entire district. Now, if Legislative District No. 17 is a legal district, based on the population inside of Nellis Air Force base, I would be representing a large number of people but they are people who are not permanent residents of our county or of our state, who are just in transit as members of the military.

Now, I don't know what legal significance it would really have as far as a legislative district, but I felt like if the courts were to rule that you could have either single or build two-man districts, I could be representing not only that district -- which, like I say, has very few registered voters -- but also a portion of the people in the City of North Las Vegas that I have represented for the last four years. And that's the reason for my making the amended motion to Mr. Young's motion, because I don't see where I would be representing really, a lot of jackrabbits out there, other than the people that are in Nellis Air Force Base. Maybe you can tell me what legal status these people have. As far as I can see, they have none. I know that they cannot vote in Nellis Air Force Base.

MR. LAURI: Mr. Chairman, I'll keep my remarks brief. Last night we heard cries of outrage about how the Republican Assembly was trying to jam an unfair plan down the throats of some of our members. I question the sincerity of those remarks, after a plan is offered that is eminently fair to all the voters in this state: single districts. I question the sincerity of the remarks made in this connection tonight.

MR. LINGENFELTER: Mr. Speaker, through you to Mr. Branch, it sounds like No. 17 is going to be over-represented. I was a little worried about that for a while. I was wondering whether we should look at Clark's 24 seats right now, that they've got a lot of people, but very damn few voters. This bothers me a little bit, because I know we have a heavy registered voter list in Washoe County, so maybe we better look at instead of numbers -- maybe we ought to look at people who are interested in government and are willing to vote for the people that they represent. I'd like to disagree on the amendment. I think if we're going to go to one man - one vote, let's go to the single member districts. That kind of appeals to me a little bit. Maybe a nasty old guy like myself can find a single district and not have to have anybody file against me. That sure appeals to me.

MR. GLASER: Mr. Speaker, I would like to speak against the amended motion and in favor of the single seat districts. I think we should act responsibly here and I don't care what the Senate does. If they force that thing back in that's going to put the responsibility back on them. I think we have a compelling argument in favor of single seat districts and this is pointed out it makes it more responsive. Now, if my distinguished colleague from North Las Vegas fears that he's not going to represent enough people, I think he ought to have the opportunity to move to Elko County, where he can have 14,000 souls, about 250,000 cattle, half a million sheep, 27 jackasses and a million jackrabbits.

MR. CHAIRMAN: Are there additional comments? You've heard the amendment, then, to make single districts for rural counties, single

and two-man districts for Washoe and Clark. All those in favor of that recommendation, please stand. (Thereupon a standing vote was taken.) Okay, that amendment -- or that recommendation -- is lost. All those in favor then of single-seat Assembly districts statewide, please stand. (Thereupon a standing vote was taken.) The Chair will declare it was unanimous.

MR. FRANK YOUNG: Mr. Chairman, I would now, for purposes of sending a model act to the Senate, to which the courts might refer in suit, I move that the act -- that our bill sent over there provide for single seat Senate districts as now contained in the bill.

MR. CHAIRMAN: You've heard the recommendation. Are there any remarks on the recommendation? Question? All those then in favor, please stand. (Thereupon a standing vote was taken.) This will be single seat districts. Let the record show it was unanimous.

MR. FRANK YOUNG: Mr. Speaker, it's interesting how much more quickly we can arrive at a decision about the Senate than about ourselves. Are there any more questions anyone feels they would like to see resolved at this point, or does anyone have an amendment they would propose to offer on 825, other than the one that Dr. Homer is talking about with regard to enumeration districts in Carson City? That they would surface at this time so that we can save time tomorrow.

MR. HILBRECHT: Mr. Speaker, I feel compelled in Mr. Swackhamer's absence to assume that he would like to tender an amendment somewhat similar to the one tendered last evening insofar as it would affect the rural counties. I have the feeling, in view of the fact that the

## Assembly Committee of the Whole

maps are the same, I assume the amendments would be almost identical with some already drafted last evening and I can't think that would be a great delay, but -- and I'm not a representative of the cow counties. I'm simply speaking of what Mr. Swackhamer advised me before he left very shortly, and I'm sure he would like the privilege of tendering that amendment.

MR. CHAIRMAN: I think Mr. Young has a recommendation.

MR. FRANK YOUNG: I'll move at this time that this body accept the rural county map prepared by the rural county caucus of this body so long as it does not include Wadsworth. All right, in other words, they're leaving it up to the rural county Assemblymen. And that we'll have the amendments drawn for the bill in accordance with that map.

MR. ROY YOUNG: Mr. Chairman, in talking with Mr. Art Palmer here, he may be familiar with what Mr. Swackhamer had in mind, if all the cow counties men could meet him as soon as we get through here.

MISS HAWKINS: I believe the map that Mr. Swackhamer had does not include Wadsworth, and it also puts Schurz back in Mineral County.

MR. FRANK YOUNG: I think that's right, and I would think that Mr. Palmer probably would know very well, and that we could certainly agree that, after their caucus tonight, certainly if Mr. Swackhamer gets back and things change, we're not going to try to hold it. We can proceed and hopefully, save some time that way. If that's agreeable to the body, I think that's a good way to proceed.

MR. CHAIRMAN: I'm sure we can contact him by 'phone this evening if he hasn't had time to get to Battle Mountain yet. But I'm sure that within an hour or two we can make those arrangements.



MR. KEAN: Mr. Speaker, since we've come to some very significant decisions in the last hour, does that shed any light on an anticipation of what we're going to do and how long the rest of this weekend?

MR. CHAIRMAN: I would say depending on the Counsel Bureau and how fast they can turn these things out, of course. I'm sure that it is certainly within the realm now of possibility that either Saturday night or Sunday night, we'll be able to go home for keeps.

MR. KEAN: There's a chance, then, that we'll be working Saturday and Sunday?

MR. CHAIRMAN: This is correct. I think it's foolish at this point with the momentous decisions we've just made -- it would be foolish for us to take a day off and come back and go into the thing. We'd be better to hang tight and do it.

MR. MAY: Mr. Chairman, through you to Mr. Young, I don't want to be arbitrary about this, and I do appreciate the courtesy extended to me by the reworking of this Legislative District 19 on this map. However, just as a point of information, the boundary lines of College Park, the housing development of perhaps 3,500 or 4,000 homes, is somewhat - - -

MR. FRANK YOUNG: Mr. May, can we take care of that? We've agreed here that Washoe County people will come look at their map afterward with Mr. Dugger and I, and those from Clark can too. Let's not delay this meeting now for that.

MR. MAY: I'll do that, then. Very good.

MR. FRANK YOUNG: We have a motion relative to this body binding itself to accept the rural counties caucus map.

MR. CHAIRMAN: You've heard the recommendation, then, that the body accept the rural county map, excluding Wadsworth.

MR. HOWARD: Question, then. Which map are you talking about?

MR. FRANK YOUNG: What we're saying is this: That if you adopt the map tonight, and as long as it keeps Wadsworth in Washoe County, keeps Clark County whole, that this body will accept what your rural county caucus comes up with.

MR. CHAIRMAN: It will be the rural county map that the rural county people will adopt itself.

MR. DINI: Mr. Speaker, I think there's some confusion there, because we've got about three or four different rural county maps.

MR. CHAIRMAN: I realize that ---

MR. DINI: One's got Wadsworth in, one's got Wadsworth out, one's got ---

MR. FRANK YOUNG: You'll be meeting with Mr. Palmer in the lounge after this meeting to decide which one you want.

MR. CHAIRMAN: The map, Mr. Dini, you have on your desk now, regardless of whether you have a dozen of them, the rural county people will get together and make up their own map. You've got to start from scratch and make up a new one so it satisfies people of the rural counties; likewise, with Clark and Washoe.

MR. KEAN: I move that we now, the Committee of the Whole, do now arise.

MR. CHAIRMAN: One moment. We have one recommendation which I'm sure Mr. Hilbrecht would like to pursue on account of Mr. Swackhamer not being here. That recommendation being that this body accept a rural county map excluding Wadsworth. All those in favor of that ---

MR. HILBRECHT: Mr. Speaker, I think it's not to simply say that the rural counties map as agreed upon by the rural county caucus will be accepted as an amendment to the bill. And further, I think it appropriate for Mr. Young to say the same thing with respect to whatever the number might be of the Clark County and the Washoe County maps as an exhibit to the bill, all in one motion. I think that's what our intent is at this time.

MR. CHAIRMAN: Mr. Young, would you withdraw that first recommendation? And let's include it all in one.

MR. FRANK YOUNG: Yes, I will.

MR. HILBRECHT: Mr. Speaker, at this time I would move that we recommend that Assembly Bill 825 receive the recommendation of this committee, "Do Pass as Amended", those amendments to be in whatever particulars come out of the rural counties caucus of this body, the Washoe County caucus of this body, and the Clark County caucus, which I presume, all of which will be done immediately upon our rising from this committee meeting. Is that an adequate motion?

MR. CHAIRMAN: I would say so.

MR. LOWMAN: I don't have as much faith in my fellow Assemblymen from Clark County as Mr. Hilbrecht does. I don't want to be bound by the caucus. If I get up there and they gerrymander me out of a district, I don't want to be bound by it.

MR. HILBRECHT: Mr. Speaker, couldn't we handle that by floor amendment, however? When the bill is considered on the floor, so that we can proceed now?

MR. CHAIRMAN: Certainly, I think so.

MR. LOWMAN: I don't see any justification for that. I, of course, am in the minority party of my own caucus, and I just don't appreciate being in that position.

MR. CHAIRMAN: How would you suggest we proceed then?

MR. LOWMAN: I think you have a map to which you can make amendments already, and it seems to me like we agreed to such map already, and we were to go this evening and look at the map again. If we're not satisfied with it, then we should be able to bring in amendments.

MR. CAPURRO: I would like to assure Mr. Lowman, although he might be a minority member of his delegation, he is not a minority member of this house, and I'm sure we can assure him the protection of that.

MR. CHAIRMAN: I should advise you also that this is only a committee recommendation which will go back to the Assembly body. You've heard the motion for recommendation. All those in favor 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.

MR. FRANK YOUNG: Mr. Chairman, I gather the mood of the body is now to rise, so I won't press the matter of the other four bills. But could I at least have some expression here as to whether there is any objection to proceeding as outlined earlier with the nine-man state school board, as it is now with seven elected plus two appointed, a nine man Board of Regents, which means reducing it by two, seven-man County Commissioners in Clark only, plus a seven-man apportionment for Clark School District. That's those four bills I

outlined earlier. If not, what we'll do is proceed staff-wise to get the work done for those and bring it back for Committee of the Whole action.

MR. WILSON: Mr. Speaker, point of information, to Mr. Young. What would prevent us from proceeding now on this program?

MR. FRANK YOUNG: I think, Mr. Wilson, for one thing, everybody's tired. Secondly, I would gather that after more complete staff work on this, we will have something more concrete for people to look at in the way of maps and concrete proposals, and that they would in fact be related to the legislative proposals. So I think that there is not a whole lot to offer to make a basic decision on 20-40. As long as I hear no real objection to the other plan, we'll go ahead and develop the maps and the amendments to go with the bills for specific consideration here on the floor.

MR. TORVINEN: Mr. Speaker, I think the board of county -- in our caucus, one of the things I think we talked of in our caucus is probably reapportionment of the local school board, and the local County Commissioners. So that would be a matter ---

MR. FRANK YOUNG: That's all the more reason for not doing it now.

MR. SPEAKER: Are there additional comments or is there additional business before the Committee of the Whole?

MR. ASHWORTH: Mr. Speaker, if the Chair will designate a room, then I'd like to call a meeting of the Clark County Delegation.

(At this point, the Chairman then delegated meeting rooms for the various Delegations.)

MR. TORVINEN: Mr. Speaker, I now move that the Committee of the Whole do now rise and report back to the Assembly.

MR. CHAIRMAN: Mr. Torvinen moves that the Committee of the Whole do now rise and beg leave to sit again, and report back to the Assembly. 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. We have arisen.

ASSEMBLY OF THE NEVADA LEGISLATURE IN SESSION. QUORUM PRESENT. MR. SPEAKER PRESIDING.

MR. SPEAKER: Assembly will be in order. Order of Business No. 4, Reports of Committees.

CHIEF CLERK: Mr. Speaker, your Committee of the Whole, to which was referred Assembly Bill 825, has had the same under consideration and begs leave to report it back with the recommendation, "Amend and Do Pass as Amended", those amendments to be in whatever particulars come out of the Rural County Caucus, Clark County Caucus, and Washoe County Caucus today. Signed, Mr. Jacobsen.

The recommendation of the Committee of the Whole is that on 825 there be a "Do Pass as Amended" with specific maps of the individual caucuses and that the Legislative Counsel is to prepare amendments to a skeleton bill of Assembly Bill 825 for consideration by the Assembly on the next legislative day. Signed, Mr. Jacobsen.

And another recommendation of the Committee of the Whole is that the Assembly stay with single-seat Senate districts statewide and single-seat Assembly districts statewide. Also signed by Mr. Jacobsen, chairing the committee.

MR. SPEAKER: Mr. Torvinen, a motion is in order to adopt the reports.

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

MR. SPEAKER: Mr. Torvinen has moved the adoption of the reports of the Committee of the Whole. All those in favor, 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 committee reports are adopted. At this point I would say that AB 825 would be automatically on General File for the next legislative day.

MR. MCKISSICK: One cleanup matter. As I understand, last night we passed a resolution that all of the transcription that is being taken -- recorded -- be put in a transcript form and furnished every member of the house, which I think is a waste of time and money and everything else. We'll never read it. If that motion was made, I think that we should not each get one. Just making ten copies would be enough.

MR. SPEAKER: I think the motion, Mr. McKissick, contained the fact that one copy would be -- the original be secured and put in the Legislative Counsel Research Division. If there were members of the body that desired a copy they would be made available.

MR. HILBRECHT: Mr. Speaker, it was my memory of it -- I do believe it might be valuable to us. I rather suspect that some of us may participate in some litigation which may result from the reapportionment of the other House. That is, we may have our ideas and certainly, as citizens of the State of Nevada, we would be privileged to put forward our plan of reapportionment of the Senate.

And the proceedings of this body, I would think, would be quite influential in a court of law if they were well considered. And for that reason, as needed, I would like them available to us.

MR. SPEAKER: Certainly. They will be available. This is one of the reasons we doubled up the staff. We will have the tapes all marked and separate so that everything will be contained in one package and will be available to the research department.

\* \* \* \* \*

MR. TORVINEN: Mr. Speaker, I now move that we do stand in recess -- stand adjourned -- until the hour of 11:00 a.m., Friday, April 23, 1971 the 96th day of the 1971 Legislative Session.

(Thereupon a vote was taken, the motion carried, and the Assembly adjourned.)