

Assembly Committee of the Whole

ASSEMBLY IN SESSION, SATURDAY, APRIL 24, 1971. QUORUM PRESENT.  
MR. SPEAKER PRESIDING.

\* \* \* \* \*

12:15 p.m.:

MR. FRANK YOUNG: Mr. Speaker, I move that Assembly Bill 825 be taken from the Chief Clerk's desk and put on the General File for action at this time.

MR. SPEAKER: You've heard Mr. Frank Young's motion that Assembly Bill 825 be taken from the Chief Clerk's desk and placed on 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, and so ordered. Order of Business No. 11, General File and Third Reading.

(Thereupon the Chief Clerk gave third reading to the first reprint of AB 825.)

CHIEF CLERK: I have amendments to Sections 4, 5 and other sections of the bill, Mr. Speaker. Amendment No. 4433 to AB 825 proposed by Mr. Frank Young.

MR. FRANK YOUNG: Mr. Speaker, I move that Amendment No. 4433 be considered by number only.

MR. SPEAKER: Mr. Frank Young has moved that Amendment No. 4433 to AB 825 be considered by number only. 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. FRANK YOUNG: Mr. Speaker, I move the adoption of Amendment No. 4433.

MR. SPEAKER: Mr. Frank Young now moves the adoption of that Amendment No. 4433. Are there any remarks?

MR. FRANK YOUNG: Yes, Mr. Speaker and members of the Assembly, I hope we have this amendment correct. It's the third or fourth version this morning. Basically, the major thing that this amendment does is to admittedly undo much of, but not all of, what we did last evening by interlineation of the amendment adopted last night. What we had done last night by taking Schurz Township out of Mineral County was to blow the defense of our counsel if we are taken to court, for we would then have violated one of our own guidelines, namely, to keep counties whole. By putting Schurz back into the same legislative district as Mineral County is in -- as the rest of Mineral County is in -- we are now keeping the counties whole.

Now, I said that we were undoing most but not all of what we had done last evening by interlineation. There was one enumeration district last evening that would have been removed from Carson City that is not now being removed, an enumeration district, I believe, of some 287 people. Under the bill as it will be as amended by this amendment, the lowest population district in the state - legislative district - will be the Douglas one.

There are several other technical corrections. The first one that I would call to your attention is the very first one, Section 4, page 2, line 15, where the county clerks have been directed by

the bill that if they find an enumeration district had been overlooked in this bill, it empowers them to attach it to a legislative district. The bill as currently printed would prevent the change in such attachment or any change in any of the districts for ten years. I'm not sure that we can or should bind future Legislative bodies from making changes in any of the districts based upon any subsequent census taken. So that has been removed from line 15.

Several other technical corrections as a result of discovery by Mr. Dugger of a duplication of enumeration districts, the interchange of a couple of enumeration districts between two of the legislative districts, but that is the extent of this amendment.

MR. HOMER: Mr. Speaker and members of the Assembly, I merely wish to apologize to the members of this house for wasting a lot of your valuable time last night. It's too bad, but it seems that no matter what we do, our ideas are no good and they're going to be changed anyway by the boys that are running the show and so we might as well accept this. A remark was made on the floor that my move was a political move, last night. I would like to know what there is about reapportionment that is not political. And it's just a matter of who's got the power in politics as to how this thing goes. And I still say this constitutes the idea that it's perfectly all right to rip one county to shreds for the benefit of the others. And I do thank you for your time last night, even though it was in vain.

MR. SWACKHAMER: Mr. Speaker, I'm sorry that I'm just not blessed with instant comprehension, and I'm going to have to ask

Mr. Young again. I believe I understand him to say that the only county whose county lines have been violated and certain enumeration districts have to be added from that county to others to make a proper number is the Carson City county. Is that correct? In our guidelines, our criteria, which we asked, has been adhered to except in this one instance, and there was no other way to go. Thank you very much, Mr. Young.

MISS HAWKINS: I was just wondering, and I don't exactly consider this a technical amendment when we remove following the next decennial census. Now, is this going to leave us so that every time the Legislature convenes, somebody is going to complain that they have had a tremendous increase in population and therefore we ought to reapportion again?

MR. FRANK YOUNG: Well, Miss Hawkins, -- through you, Mr. Speaker, to Miss Hawkins -- I'm sure that if any subsequent Legislature wants to do that, we can't bind them. We can't prevent them. And if there is a census that has been contracted for by the State or any party of the State to be done by the Bureau of the Census, I would see nothing that would prevent this body, or our successors, from undertaking a reapportionment based on a subsequent census.

MR. SWACKHAMER: I would like to add, Mr. Speaker, to Mr. Young's remarks that's the situation that exists now, and I have personally served in Legislatures in all the regular reapportionment sessions that have been able -- a county has been able to convince the Legislature that they have had significant growth within their county and there has been a reapportionment made, in that counties

have been granted an additional seat, and I don't believe anything has been changed in that way.

MR. FRANK YOUNG: Mr. Speaker, if I may speak for a third time on this, go back to what we're talking about here. We're saying that we've overlooked an enumeration district. The clerk has the power to add it to the nearest adjacent one, and this could, in fact, give a rather large disparity and a subsequent session might want to do something about that disparity. And I think it would be a wise thing to do. Frankly, we've simply adopted some language here from I think it's North Dakota, that appears to us to be wise to take care of any oversights that we make in these rushing days here at the end, where we're trying to make sure we make no mistakes, but we're human.

MRS. WHITE: Mr. Speaker and members of the Assembly, I haven't been involved in this and I thought that the situation relating to Carson City, the inclusion of it in the central area, was decided last night and I don't understand exactly what this is all about.

MR. HILBRECHT: Mrs. White, I'm really not, probably, the appropriate one to ask, but I hate to see Frank carry the laboring oar when a number of us were present at the time that what I think were the decisions that resulted in this amendment in that regard were decided upon, or at least, suggested. If I understand it correctly, and Dr. Homer can correct me because, of course, he knows about it more than I, -- and I don't mean to imply that he concurs with this --. There was one, or possibly two, enumeration districts that struck, I think, at the very heart of Carson City. They went into what we called the urban area of Carson, or the urban district

## Assembly Committee of the Whole

of Carson City and took several hundred, or I guess in toto, thousands of people out of the urban, downtown, high density area of Carson City.

And those mistakes you cured last night and this amendment does not retreat from those changes. What it retreats from are some enumeration districts in the non-urban, or the rural, area of the Carson City unit. And it reattaches them to Lyon County, I believe, and then withdraws from the Lyon County district the Schurz Township which really is within the County of Mineral.

But when it comes to the urban area of Carson City, we have still attempted, I believe, by these amendments, to keep that intact. And I concur with Mr. Homer that that was an outrageous problem there, and I think that these amendments do not affect that part of Carson City. I don't mean to imply that it doesn't take part of Carson City, but I think a compromise has been attempted to be struck in that area. Am I correct, Dr. Homer?

MR. HOMER: Through you both to Mr. Hilbrecht and Dr. White, this is only partially true, if you can picture now what they're doing with this amendment. You come in on Route 50 from the East, right over to Carson Street, and right down out the South end of town, and this whole section of Carson was wiped out. And there's plenty of urban area that is wiped out now, by these amendments that you're about to pass. And I think the only other comment I can say to Mrs. White is that if she wants to go into a little side room, I'll tell her about the birds and bees.

MRS. WHITE: Mr. Speaker, I'm still puzzled why a matter of four or five hundred people in the Carson area makes a great deal of

## Assembly Committee of the Whole

difference in the reapportionment. In other words, why is it necessary for the Carson City area to be exactly the same size as some others? I don't see -- I just can't see a discrepancy of a few hundred people making any difference.

MR. SPEAKER: Mr. Frank Young, you'll be permitted to speak a fourth time.

MR. FRANK YOUNG: Mr. Speaker, through you to Mrs. White, I was rather surprised this morning to find that in -- by leaving within Carson City the 287 people that I indicated, we have increased our disparity 2.2 percent. Now, we're already very high in our disparity and that's -- well, that's a judgment. Perhaps we shouldn't do that, but we are. But this amendment is proposing that we do do that.

Carson City, of course, is in the unfortunate position of being too big for one Assembly district and too small for a full Senate. It's about one and a half Assembly districts, is what it is. And it's in more trouble in that regard than any other area of the state. It's about fifteen plus thousand, whereas -- fifteen and a half thousand, I believe. Elko, you see, is under 14,000. We're reducing it from the 15,000 plus category down to a little over ten. Although it will still be larger -- it will still be a larger district than the Douglas, plus the few enumeration districts in Carson City.

Now, somebody this morning suggested that the districts that we are attaching to Douglas and to Lyon are perhaps the most rapidly growing areas in Carson City. And I think this is important, because one of the things it says is that as time goes on, the Assemblymen from Douglas and from Lyon are going to have to pay an

Assembly Committee of the Whole

ever-increasing attention to the citizens from Carson City who are in their Legislative districts. It increases the argument that has been made on this floor that really, this gives Carson City three Assemblymen to do their bidding here in this body. I really believe that. I understand well the feeling of pride of the people of this city who want to remain whole, but, of course, if we kept them whole they would be under-represented, wouldn't they?

MR. SPEAKER: Are there additional comments? You've heard the motion, then, that we do now adopt Amendment No. 4433 to Assembly Bill 825. All those in favor of adoption 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. FRANK YOUNG: Mr. Speaker, is a motion necessary to see that this bill and its amendment is now sent forthwith, post-haste, to the printing?

MR. SPEAKER: Certainly. It would have to be declared an emergency measure that it -- to print it. No, not reprinting.

MR. FRANK YOUNG: It's my understanding, Mr. Speaker, that the printing office will be able to reprint this in approximately two hours so that we might then come back and adopt it. The Senate is awaiting receipt of the bill, so they might adopt it and amend it yet this afternoon and get their amendments back to us.

MR. SPEAKER: If there are no additional amendments, then the bill is ordered to be reprinted, re-engrossed and returned to the Assembly. A rush order will be put on it.



(Thereupon, other business was conducted by the Assembly.)

(Later of the day of April 24, 1971:)

MR. FRANK YOUNG: Mr. Speaker, I move that AB 825 be moved to the General File for action at this time.

MR. SPEAKER: You've heard Mr. Frank Young's motion that AB 825, an act relating to reapportioning, be taken from its place on the Chief Clerk's desk and placed on the General File for this legislative day. 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, and so ordered.

(Thereupon the Chief Clerk gave third reading to the second reprint of AB 825.)

MR. SPEAKER: Are there any amendments to Section 1 or Section 11?

CHIEF CLERK: No.

MR. SPEAKER: Any amendments to the bill as a whole?

CHIEF CLERK: No.

MR. SPEAKER: Any questions or comments?

MR. FRANK YOUNG: Mr. Speaker and members of the Assembly, I hope we're coming near the end of a long road. The summary of this bill says that it apportioned both houses of the Legislature according to population. We might also be able to say that this is a bill to limit campaign expenses. In my opinion, there is no tool more effective in doing so than going to single-seat districts, a major

accomplishment of this piece of legislation. Through having the single-seat district concept, we have also developed the building block method of building not only Senatorial but County Commissioner, School District, Hospital Trustee and other boards and commission districts.

Much has been said and much attention has been given to the numbers game. 18-36, 22-44, 20-40, etc. Over-concentration on numbers obscures the real significance of this bill. I truly believe that there is -- that there are few pieces of legislation that we have passed in this Session that will have more far-reaching effect on the future of this State, than this particular piece of legislation and particularly, its provision for single-seat legislative districts.

MR. HOMER: Mr. Speaker, through you to Mr. Frank Young, after the action of last night and the action of this morning, I think I have the right to ask what name or names were on the request for this morning's amendments?

MR. FRANK YOUNG: Mr. Speaker, I believe that amendment carried only my own name.

MR. SPEAKER: That is correct.

MR. HOMER: I would ask that that be made a part of the Journal this legislative day.

MR. SPEAKER: It is a part of the Journal. Are there additional comments or remarks? Hearing none, the Chief Clerk will call the roll.

(Thereupon, the Chief Clerk called roll on AB 825.)

Assembly Committee of the Whole

MR. SPEAKER: Assembly roll call on AB 825: There are 21 "ayes", two "nos", seven absent -- 31 "ayes". Assembly roll call on AB 825: There are 31 "ayes", two "nos" and seven absent. The bill having received a constitutional majority, I declare it passed. Are there any amendments to the title?

CHIEF CLERK: No.

MR. SPEAKER: Hearing none, I declare the title passed.

MR. FRANK YOUNG: Mr. Speaker, is a motion necessary to have it transmitted forthwith to the Senate?

MR. SPEAKER: The Chief Clerk assures me it's not necessary, that we have a standing motion before the house to transmit it forthwith.

MR. FRANK YOUNG: I would like to request that my remarks on the bill be entered in the Journal for this legislative day.

MR. SPEAKER: If there are no objections, Mr. Frank Young's remarks will be entered in the Journal, along with Dr. Homer's remarks.

MR. HILBRECHT: Mr. Speaker, under Order of Business 14 --

MR. SPEAKER: Order of Business 14, Remarks from the floor.

MR. HILBRECHT: Mr. Speaker, I believe it is appropriate at this time for me to commend Mr. Frank Young on what I consider to be one of the most remarkable achievements in the Nevada Legislature by way of legislation during my recent service here. If someone had informed me at the beginning of this session that the Nevada Legislature would not only apportion itself, rationally and reasonably, but would also switch to single-member districts, thereby affording the people of

Nevada probably the most responsive kind of government in the Legislative branch, I would have said that was an impossibility. I believe that full credit for that belongs to Mr. Young, who I hold in very high esteem for his accomplishment. I would like these remarks to be reflected in the Journal, as well.

MR. SPEAKER: Certainly. And along with those remarks, the Chair would like entered the fact that Mr. Young's absence from the floor within the last two weeks is only because of his interest and dedication in the area of Assembly Bill 825 and all those other measures in regard to reapportionment.

MR. LAURI: Mr. Speaker, I would like the Journal to reflect the prodigious output and amount of hard work that went into this thing along with Mr. Frank Young by members of the research team in the Counsel Bureau, and I believe Mr. Fred Dugger is with the Highway Department? -- Central Data Processing. Because the amount of labor involved was just prodigious.

MR. SPEAKER: If there are no objections, I think it would be proper for Mr. Frank Young to list those other associated people that have worked so hard in this effort and that all of them be included in the Journal for this legislative day.

MR. GETTO: Yes, Mr. Speaker, I'd like to say a few remarks about Mr. Young's accomplishments. What has transpired here has been my philosophy from over a year ago, and in many of the talks that I gave I expounded on this philosophy that the single-man districts was something that we should all strive for. But I, like Mr. Hilbrecht, really thought that this would never come to be at this Session of

## Assembly Committee of the Whole

the Legislature. And I certainly do want to commend Mr. Young for his strength and his conviction in sticking with it. And also those that helped Mr. Young and kept their heads bowed and working toward one direction. I think that this is one of the greatest pieces of legislation for the citizens of this State.

MR. TORVINEN: Mr. Speaker, there's not much I can add to the accolades given to Mr. Young for his work in this matter. Certainly, I'm sure that he will be given the recognition that he justly deserves. I would like to say that it's my understanding that the Senate will have their amendments to AB 825 back to us by 5:00. And at that time we can act on the Senate amendments to this bill. And I know you all hate to stay here after 5:00 like we've been doing the last few evenings and I'm sure I've been the brunt of muttered oaths under your breath when we have to come back late at night, but let's hope that tonight might be the last, and we can act on some of these reapportionment matters.

MR. FRANK YOUNG: Mr. Speaker and members of the Assembly, I always appreciate compliments and this has been something that I have -- apportionment is something that I have been personally interested in since well before I ever considered running for office, and more particularly, of course, in the single-seat district concept over the last year or two. There have been many others, not the least, of course, was the Elections Committee itself who worked long and hard on all of this. Their effort is by no means to be underestimated. I would like the privilege of bringing to the floor of the house tomorrow those members who played such an active role from the staff

standpoint and who have been here and played a very active role: Fred Dugger, as you all know, Perry Burnett, Art Palmer and other individuals.

Just a word, Mr. Speaker, about our anticipation for the other apportionment bills which are moving. For those of you particularly from Clark County who haven't yet seen the maps that are here on the table, we now have what I hope is the final map. It is C-22-F, and we hope F is for final. There's a five district and a seven district map. Those are the maps for the county commissioners and the local school board or board of regents and school trustees and state school board, hospital trustees. It is my anticipation, Mr. Speaker, that the words that go along with these maps will be drafted tonight for adoption as amendments tomorrow. But the bills will be pre-printed so that hopefully, by the time we come in tomorrow afternoon, not only can we adopt the amendment, but have the bill representing the amendment in our hands rather immediately thereafter.

Now, of course, if a member of the house wants to propose another amendment, that's his prerogative, but not anticipating that, we would, I hope, proceed that way over the night, the evening, and the early morning tomorrow and that's one of the reasons I personally recommended that we not come in until after lunch tomorrow, so this can be all done, and hopefully, move on to adjournment tomorrow evening.

MR. HOMER: Mr. Speaker, might I respectfully request that a little space be left at the end of these remarks about reapportionment for some possible comments from the courts?

Assembly Committee of the Whole

(Thereupon, other business was conducted by the Assembly.)

(Later of the day of April 24, 1971:)

MR. FRANK YOUNG: Mr. Speaker, in view of the fact that we have Senate amendments to AB 825, I would like to move that we would consider that amendment at this time.

MR. SPEAKER: Assembly Bill 825. Order of Business No. 12, Unfinished Business of the Preceding Day. This bill has not been reprinted, so you would have to match this amendment with your last reprint in your book, which is the second reprint. Amendment No. 4468.

MR. FRANK YOUNG: Mr. Speaker, I move we consider this amendment by number only.

MR. SPEAKER: Mr. Frank Young moves that we consider Amendment No. 4468 to Assembly Bill 825 by number only. 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. FRANK YOUNG: Mr. Speaker, I move the adoption of Amendment No. 4468.

MR. SPEAKER: Mr. Frank Young moves that we do now concur with Amendment No. 4468 to Assembly Bill 825. Are there any remarks?

MR. FRANK YOUNG: Mr. Speaker, I make that motion to concur most regrettably, for I feel that this house acted responsibly in sending to the Senate a measure for single-seat Senate districts. They have responded in a manner in which I feel there is no room for

give on their part with a plan which first of all adopts for the rural Senate districts the configuration which we sent to them. And a map pointing that out, or outlining that, is coming around to you now. It provides, though, for multiple-seat districts in Clark and Washoe Counties, provides for suitable staggering of terms, provides that only one of the Senators recently elected will have to stand election again next year, namely Senator Monroe, the Senator from Elko County, because his district is being changed substantially.

I suspect that with this amendment to the bill, the bill is subject to a court challenge. And that if it is successfully challenged, that all Senators would then have to run again. But in view of the insistence in the Senate and in view of the fact that this arrangement preserves the incumbency of nine of the ten Senators who were just elected, I can well understand that there would be no receding from it, and I therefore urge this body, reluctantly, to concur in this amendment.

MR. MELLO: Yes, through you to Mr. Young, on the last page of the amendment -- I think I'm reading it correctly, but I'd like Mr. Young to answer me if I'm not. It appears to me that you have one district, Sparks, Sun Valley, Roop District you might say, what we have right now, and then four from the Reno area and one at large?

MR. CAPURRO: Yes, what they've done, Don, is in taking the Sparks district they have to impose some districts out of the Sparks Township -- some enumeration districts out of the Sparks Township -- to get them out to Wadsworth, because it's not contiguous, and then



Assembly Committee of the Whole

they take in the Wadsworth Township for one Senator. That's what they've done, unlike our Assembly District, where we've stuck to the enumeration district and within the Sparks City limits.

MR. VALENTINE: (Mr. Valentine's remarks are not distinguishable on the tape.)

MR. FRANK YOUNG: Mr. Speaker, through you to Mr. Valentine, it seems to me, unless I'm reading this wrong, Mr. Valentine, under subparagraph 1, Washoe County Legislative District No. 1 composed of Bald Mountain, Gerlach, Reno, Sparks and Verdi Townships, excluding those enumeration districts in the Sparks Township defined in the 1970 National Census and so forth. Well, Sparks Township includes the City of Sparks.

MR. VALENTINE: (Again, Mr. Valentine's remarks are not distinguishable on the tape.)

MR. SPEAKER: There will be a one minute recess.

(Assembly in recess.)

ASSEMBLY IN SESSION:

MR. FRANK YOUNG: Mr. Speaker, at this time I'd like to withdraw my motion to adopt --

MR. SPEAKER: Motion to concur.

MR. FRANK YOUNG: Motion to concur and to substitute a motion to -- that we do not concur.

MR. SPEAKER: If there are no objections, Mr. Frank Young will be allowed to withdraw his motion of concurrence.

MR. LINGENFELTER: I disagree with Mr. Young. I think the wisdom of the Senate should be concurred in. I think that this is

a beautiful amendment and I don't think we should disagree with the wisdom that's on the other side of the house and I think it's a beautiful amendment. I would like to concur with them.

MR. FRANK YOUNG: Mr. Speaker, I'd just like to point out to Mr. Lingenfelter, I can well understand why you concur. It gives you ten Senators from Washoe County.

MR. HOMER: Mr. Speaker, I move we pass the amendment and watch the sparks fly.

MISS FOOTE: Sparks has had lots of trouble, but we're not going to fly.

MR. FRANK YOUNG: The hour is quite late. Let me just simply say to the house that I think that the parliamentary procedure here is for us not to concur. I would presume that the bill itself would go back to the Senate where they might recede from their action and pass a correct amendment tomorrow and I believe we can arrange for the pre-printing of the next reprint, assuming the adoption of the correct amendment, so there'll be no time lost tomorrow by this parliamentary procedure.

MR. MELLO: Mr. Speaker, I can understand why the members of this house would like to adopt the amendment, and in a way, I feel the same way, if it wasn't for the fact that we are losing a Senator. I would have to vote against the adoption of the amendment.

MR. HILBRECHT: Mr. Speaker, I believe that as it's been explained to me, we can now have the bill --- Due to the Senate's unfortunate screw-up we will not lose any time because we can reprint this bill so that I would suggest that we do exactly as Mr. Young

suggests; that we withdraw it and move -- and pass a motion not to concur. It will not affect the bill. What we will have thought was done will actually be accomplished now. Apparently, part of the amendment which was intended to be adopted was omitted from the amendment that the Senate actually adopted, so this will cure that problem.

MISS HAWKINS: I guess I'm not adding too well this late at night. Would you please explain to me where you get ten Senators out of this?

MR. FRANK YOUNG: Well, Miss Hawkins, on the last page they had deleted only line 23 of page 7 and then inserted some language which provides for five Senators and then they have left in, you see, all of the words about the next Senate districts 12, 13, 14, 15 and 16.

MISS HAWKINS: Thank you. I didn't go back and check the original bill.

MR. VALENTINE: Mr. Speaker, if we're going to end up with ten Senators, I think we should go ahead and adopt it.

MR. HILBRECHT: Mr. Speaker, I don't think we could stand many more than we already have over there.

MR. SPEAKER: You've heard the motion, then, that we do not concur with Senate Amendment No. 4468 to Assembly Bill 825. All those in favor of not concurring 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. We have not concurred with Amendment No. 4468. Are there additional amendments? Hearing none, the bill is ordered returned to the Senate.

(Thereupon, the Assembly adjourned at 7:55 p.m.)