

Assembly Committee of the Whole

ASSEMBLY IN SESSION, APRIL 25, 1971. QUORUM PRESENT. MR. SPEAKER PRESIDING.

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MR. FRANK YOUNG: I now move, Mr. Speaker -- I think this is under the correct order of business -- that we do concur in the Senate Amendment to AB 825, Senate Amendment No. 105.

(Chief Clerk began to read the amendment.)

MR. FRANK YOUNG: Mr. Speaker, I move that Amendment No. 105 be considered by number only.

MR. SPEAKER: Mr. Frank Young moves at this point that Amendment No. 105 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. It will be considered by number only.

MR. FRANK YOUNG: Mr. Speaker, I now most reluctantly move that we do concur in Amendment No. 105.

MR. SPEAKER: Mr. Frank Young moves that we do concur with Senate Amendment No. 105 to Assembly Bill 825. Are there any remarks?

MR. FRANK YOUNG: Mr. Speaker and members of the Assembly, picking up a bit where we left off last evening, as you know, AB 825 as originally sent to the Senate provided for single-seat districts, both Senate and Assembly, statewide. The Senate is very willing to let us have single-seat districts, but they are unwilling to forego their own continued tenure in that body in order to have single seats for the Senate. Therefore, they have sent back to us their plan for the Senate. I say their plan; actually, the Senate has bought the

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Assembly's plan for districting for the rural Senate districts. They have some at-large districts for Washoe and Clark which are called for in this amendment.

I would like to assure the house that this amendment has been reviewed in rather critical detail by a number of staff and legislators from various parts of the state. Specifically, Russ McDonald, Art Palmer, Fred Dugger, the Majority Leader, the Speaker, the Senate Majority Leader, Senator Brown, Senator Gibson, the Senate Minority Leader, Senator Swobe, myself -- and several errors were found in the amendment. They have been corrected. We have shown some areas of question to the Chairman of the Assembly Washoe Delegation. I think we've got them all caught. If in fact there are some areas that are omitted, you may notice that in the bill we provide the opportunity for the county clerks or registrar of voters to attach forgotten enumeration districts, but I don't think there are any forgotten. That's there for insurance.

As long as the Senate will not go along with what I think is a better plan, I would urge this body to adopt this amendment.

MR. SPEAKER: Are there additional comments?

MR. POGGIONE: Mr. Speaker, I know it's blowing a lot of hot air, but we heard the other night about the "Crime of '71". I submit to this body that the "Crime of '72" is that the Senate, in their wisdom, has elected to go to multiple-seat districts and they're going to drive us all into Court as a result of it. And I hope that they can survive the battle. I think that we've done a good job, and in all sincerity we've worked hard. We've done

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everything that we possibly could to redistrict according to what the courts have set forth. I feel that the Senate has fallen on their face on this matter, and it's up to them. They're going to have to suffer the consequences. But I hate to be drug along with them.

MR. SPEAKER: Are there additional comments? You've heard the motion, then, that we do now concur with Senate Amendment No. 105 to Assembly Bill 825. All those in favor of concurring, 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 concurred in. Are there additional amendments?

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

MR. SPEAKER: Hearing none, the bill is ordered returned to enrollment.

MR. FRANK YOUNG: Mr. Speaker, when this bill was first passed in this house the other day, the house asked -- or you asked, Mr. Speaker -- that I identify individuals who had helped in the reapportionment and I did supply the Chief Clerk with a list which has been included in the Journal. I see, though, in the back of the hall, one individual who has spent many hours -- many of them at nights when it was only then that the computer was available. He spent many hours counselling Senators and Assemblymen as to the effect on their district and why it was that they could or could not do certain things. And I would like to have this body honor and pay tribute to Fred Dugger from Central Data Processing, who has done so much to make this a really workable plan for us.

Now, Mr. Speaker, I would like to call to the members' attention that the amendment for AB 737 is on the desk. I think the amendment for 736 will be here very shortly. I would like to move the two bills as soon as we have the amendment for 736, but I would like to have the members look very carefully at this amendment to make sure they understand it and what it is we're doing. The districts established for both the Board of Regents and the State Board of Education are the same. And so if you've looked at one amendment, and studied it, you will have already identified the characteristics of the two. So as soon as that other amendment is here and available, we will move both bills.

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

(Later of the day of April 25:)

MR. FRANK YOUNG: Mr. Speaker, I move at this time that Assembly Bill 736 be placed on the General File for this legislative day.

MR. SPEAKER: You've heard Mr. Frank Young's motion that AB 736, an act which changes and limits terms of Regents and changes board composition for the Board of Regents, be taken from 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.

MR. FRANK YOUNG: Now, Mr. Speaker, I move that Assembly Bill 737, which does the same for the State Board of Education, be placed on the General File for this legislative day.

MR. SPEAKER: You've heard Mr. Frank Young's motion that AB 737 which limits the terms of members of the State Board of Education and changes board composition, be taken from 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 there was a recess at the request of Mr. Kean.)

ASSEMBLY IN SESSION:

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(The Chief Clerk gave third reading to AB 736.)

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

CHIEF CLERK: I have an amendment, Mr. Speaker, to this bill. Amendment No. 4474 to AB 736 proposed by Mr. Frank Young.

MR. FRANK YOUNG: I move that we consider Amendment No. 4474 to AB 736 by number only.

MR. SPEAKER: Mr. Frank Young moves that we now consider Amendment No. 4474 to AB 736 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, and so ordered.

MR. FRANK YOUNG: Mr. Speaker, I move the adoption of Amendment No. 4474 to AB 736.

MR. SPEAKER: Mr. Frank Young now moves the adoption of Amendment No. 4474 to AB 736. Are there any remarks?

MR. FRANK YOUNG: Mr. Speaker, this amendment provides for

apportionment and districting of the Board of Regents into nine districts statewide with two districts in Washoe, two in the balance of the state, and five in Clark. The map for the districting of Clark is "C-5". I'm not sure what subletter; they're off the desk there now. "C-5"; just "C-5". The amendment provides for the description of each of those subdistricts "a" through "d", in terms of Assembly District numbers, and where we have divided Assembly Districts by the enumeration districts.

It provides for two subdistricts in Washoe County. We've taken five Assembly Districts and tied them together. Generally speaking, Virginia being the dividing line in Reno, or in Washoe County -- South Virginia. And we provide in the balance of the state that two Senatorial Districts make up one Regent district, or -- yes, one Regent's district, and the other two make up the other one.

Now, I might just mention in passing at this point that the next bill we're going to consider, 737, has identical districts with identical descriptions. That's why we're considering the two simultaneously. If this amendment is adopted I will then move that the bill be sent to reprinting before we vote on it.

MR. SPEAKER: Are there additional comments?

MR. HILBRECHT: Mr. Speaker, I'm a little confused by Mr. Young's last comment. I followed him right up til then, but is the printer in such a condition at this time that we can hope to get the measure back in time to adjourn this evening?

MR. SPEAKER: That's correct. We had more or less anticipated what our actions are going to be, and I hope our anticipations are correct, because we have it already preprinted, or they're in the

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process. Might as well be honest with you.

MR. FRY: May I inquire as to what happened to the county commissioner bills and the 831, 2, 3, 4 series?

MR. FRANK YOUNG: Mr. Speaker, through you to Mr. Fry, they're still being drafted. That is, amendments to them are still being drafted, Mr. Fry. These two bills are not in Committee of the Whole, so we were able to move them from the Chief Clerk's desk right on to the board.

MR. SPEAKER: Are there additional comments? You've heard the motion, then, that we do now adopt amendment No. 4474 to AB 736. All those in favor of that 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. We have now adopted Amendment No. 4474.

MR. FRANK YOUNG: Mr. Speaker, I'd like to -- I don't know whether it requires a motion or not -- but move that this goes to the printer's immediately.

MR. SPEAKER: It would not require a motion. It would be transmitted forthwith. General File and Third Reading.

MR. DREYER: Mr. Speaker, I believe we're coming up with AB 737? Could we go to Order of Business No. 8, please?

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

MR. DREYER: Mr. Speaker, I now move that AB 737 be placed on the Chief Clerk's desk. We have an amendment coming. I've just been informed we should have it as soon as possible.

MR. SPEAKER: You've heard Mr. Dreyer's motion that AB 737 be taken from its place on the General File and placed on the Chief Clerk's desk for possible amendment. Are there any remarks?

MR. FRANK YOUNG: Mr. Speaker, through you to Mr. Dreyer, I wonder if he would defer that motion until we have adopted the reapportionment portion of this bill and then if he so wishes, propose that amendment -- or that motion -- so that we could at least get these reapportionment motions considered one after the other.

MR. DREYER: I'll concur with Mr. Young as far as the reapportionment only.

MR. SPEAKER: If there are no objections, then, Mr. Dreyer will be allowed to withdraw his motion.

MR. DREYER: Well, only on that one section, Mr. Speaker. Section 11 is what we have the amendment on.

MR. HILBRECHT: Point of order. I believe that what Mr. Young should do is move that we first consider Amendment No. 4477 to 737 and that would obviate the problem. If that motion carried, then Mr. Dreyer's fears would be allayed, I believe.

MR. SPEAKER: Right. It would simply be an understanding, then. It's about the only way we could handle it at this point. I would say the proper way would be if your amendment, you feel, will be here shortly, it would be my desire to let the body have a couple of hours for supper, or for dinner.

MR. DREYER: I'm sure it would be here certainly after the supper hour.



MR. SPEAKER: Would you withdraw your motion, then, with that understanding or would you rather leave your motion stand?

MR. DREYER: I'll withdraw only to consider Amendment No. 4477. Then we do have the other amendment forthcoming.

MR. SPEAKER: Right. You've heard the motion, then. 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, and so ordered. We will continue on General File and Third Reading of AB 737 to consider only Amendment No. 4477.

(Chief Clerk gave third reading to first reprint of AB 737.)

CHIEF CLERK: I have two amendments to the bill, Mr. Speaker. This is amendment No. 4477 to AB 737 proposed by Mr. Frank Young.

MR. FRANK YOUNG: I move that we consider Amendment No. 4477 by number only.

MR. SPEAKER: Mr. Frank Young moves that we consider Amendment No. 4477 to AB 737 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. We will consider it by number only.

MR. FRANK YOUNG: Mr. Speaker, I move the adoption of Amendment No. 4477 to AB 737.

MR. SPEAKER: Mr. Frank Young moves the adoption of Amendment No. 4477. Are there any remarks?

MR. FRANK YOUNG: Yes, Mr. Speaker, and members of the Assembly, you probably have on your desks two different copies of Amendment 4477. If you will look about two-thirds of the way down the page you will

see the difference between the two, and I want you to throw one of them away.

Where it says in Section 3, subparagraph 1(a) subdistrict "A" shall consist of Assembly District Number, the amendment you should keep -- the amendment we're adopting -- is the one that says Nos. 23, 24, 25, 27 and 28. Throw away the one that says Nos. 1, 2, 3, 5 and 6. Is that clear to everybody? It's important that it be clear to the Chief Clerk, and that she has the right one.

Now, Mr. Speaker, this amendment provides for the same parallel districts for the State Board of Education as we have just established in the previous amendment for the Board of Regents. I encourage the adoption of this amendment.

MR. SPEAKER: Are there additional comments on the Amendment No. 4477? All those, then, in favor of adopting Amendment No. 4477 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.

(On motion of Mr. Dreyer, AB 737 was then placed on the Chief Clerk's desk, for other possible amendment. Thereupon, other business was conducted by the Assembly.)

(Later of the day of April 25:)

MR. FRANK YOUNG: Mr. Speaker, I move that we withdraw AB 833 from the Committee of the Whole.

MR. SPEAKER: Mr. Frank Young has moved that we withdraw AB 833 from the Committee of the Whole. Are there any remarks?

MR. FRANK YOUNG: Mr. Speaker and members of the Assembly, AB 833 calls for apportioning County Commissioners. Amendments are on your desks. If this motion passes, I will then move 833 to the General File for adoption of the amendments and passage of the bill.

MR. SPEAKER: Are there additional remarks? You've heard the motion, then, to withdraw AB 833 from the Committee of the Whole. 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, and so ordered.

MR. FRANK YOUNG: I now move Assembly Bill 833 to the General File for consideration at this time.

MR. SPEAKER: Mr. Frank Young now moves that it be declared an emergency measure, placed on top of 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. General File and Third Reading, Order of Business No. 11. Assembly Bill 833.

(Chief Clerk then gave third reading to AB 833.)

CHIEF CLERK: I have two amendments to the bill, Mr. Speaker. Amendment No. 4437 and 4021.

MR. MAY: Mr. Speaker, at this time, Mr. Branch and I would request permission of the house to withdraw Amendment No. 4021 to Assembly Bill 833.

MR. SPEAKER: If there are no objections, Mr. May and Mr. Branch will be permitted to withdraw Amendment No. 4021 to AB 833. No objections? It is withdrawn.

CHIEF CLERK: I have another amendment, Mr. Speaker. Amendment No. 4437 to AB 833, proposed by Mr. Frank Young.

MR. FRANK YOUNG: I move that we consider Amendment No. 4437 to AB 833 by number only.

MR. SPEAKER: Mr. Frank Young has moved that we consider Amendment No. 4437 to AB 833 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, and so ordered.

MR. FRANK YOUNG: Mr. Speaker, I now move the adoption of Amendment No. 4437 to AB 833.

MR. SPEAKER: Mr. Frank Young now moves the adoption of Amendment No. 4437. Are there any remarks?

MR. FRANK YOUNG: Mr. Speaker, this amendment provides for the districting of Clark County's County Commissioners into seven single-seat districts of nearly equal population as represented on Map "C-7" and for districting of the Washoe County's County Commissioners into commissioner districts consisting of two Assembly Districts each as spelled out on page three of the amendment. It provides for staggered terms for holding all current incumbents in office until the end of their terms. I urge the adoption of the amendment.

MR. MAY: Mr. Speaker, through you to Mr. Young, was that map for Clark County "C-7" or "C-7-B" as in Boy?

MR. FRANK YOUNG: "C-7-B".

MR. SPEAKER: "C-7-B". Are there additional comments?

You've heard the motion, then, that we do now adopt Amendment No. 4437

to AB 833. All those in favor of adopting 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 amend-  
ment is adopted. Are there additional amendments?

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

MR. FRANK YOUNG: Mr. Speaker, I now move that we consider AB 833 as an emergency measure, that reprinting be dispensed with, and we vote on it at this time.

MR. SPEAKER: You've heard Mr. Frank Young's motion that AB 833 be considered an emergency measure, that reprinting be dispensed with, that it continue 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.) All those opposed say "no". (Thereupon a voice vote was taken.) The "ayes" have it, and so ordered. General File and Third Reading, AB 833. Are there any remarks? Hearing none, the Chief Clerk will call the roll.

(The Chief Clerk then called roll on AB 833.)

MR. SPEAKER: Assembly roll call on AB 833: There are 32 "ayes", no "nays" and eight 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. Frank Young, a motion would be in order to withhold reprinting until such time as it goes to enrollment, that the amendment be inserted and transmit it to the Senate.

MR. FRANK YOUNG: So moved, Mr. Speaker.

MR. SPEAKER: Mr. Frank Young has moved that reprinting be dispensed with, that the Chief Clerk be allowed to insert the amendment, and it be transmitted forthwith to the Senate. 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 other business was conducted by the Assembly.)

(Later of the day of April 25, regarding AB 737.)

MR. FRANK YOUNG: Mr. Speaker, we have a conflict between the amendment we just adopted (4475) and the previous amendment adopted. I therefore now move, Mr. Speaker, that we rescind the action whereby we adopted Amendment 4477.

MR. DREYER: Mr. Speaker, through you to Mr. Young, I believe we had a gentleman's agreement here that we would only agree on the voting of the amendment, I believe it was 4477; you may correct me. At that time I said I would only allow 4477 to go through. I don't recall --

MR. SPEAKER: Mr. Dreyer, I would have to say you're out of order at this point, due to the fact that when we adopted that amendment before dinner, and now we adopt this one, we simply have a conflict, and now we're trying to correct just that.

MR. DREYER: Well, Mr. Speaker, I'd like to know where the conflict is. The only amendment was --

MR. SPEAKER: If you'll give us a moment, we certainly can explain it to you.

MR. FRANK YOUNG: Mr. Speaker, and members of the House, with your permission I will explain before moving the amendment. I think this may resolve things. If all of you have the bill on your desk, the amendment we adopted earlier, Amendment No. 4477, you will notice that right in the middle of the page the second line above where it says Section 3, it said "Amend Section 1, page 2, line 35 by deleting 11 and inserting 9." Now, that's the line that the amendment we've just adopted removes. So, if you will rescind the action by which we adopted this amendment I will then move that we delete that section of the amendment 4477 by interdelineation and then I will move readoption of the amended amendment, which I think will put us in the clear. Would you like me to go through that again?

All right. I gather Mr. Dreyer is satisfied. I therefore, Mr. Speaker, hereby move that we rescind the action by which we adopted Amendment No. 4477 to AB 737.

MR. SPEAKER: You've heard Mr. Frank Young's motion, that we do now rescind the action whereby we adopted Amendment No. 4477 to AB 737. All those in favor of rescinding our action 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. We have rescinded our action.

MR. FRANK YOUNG: Now, Mr. Speaker, I move that we strike from Amendment 4477 the line in the middle of the page which reads, "Amend Section 1, page 2, line 35 by deleting 11 and inserting 9."

MR. SPEAKER: Cover that one more time.

MR. FRANK YOUNG: Amend Section 1, page 2, line 35 by deleting 11 and inserting 9.

MR. SPEAKER: The previous amendment simply gave it a subsection number, which we've deleted.

MR. FRANK YOUNG: Does everybody understand the deletion we've made?

MR. SPEAKER: You've heard Mr. Frank Young's motion, then, to amend Section 1, page 2, line 35 by deleting 11 and inserting 9.

MR. FRANK YOUNG: Mr. Speaker and members of the Assembly, I think what we've really done is we have removed the matter of changing the number of the subparagraph that we've just removed from the bill, so we don't need to change the number anymore. I therefore now, Mr. Speaker, move the adoption of the amended Amendment 4477.

MR. SPEAKER: Mr. Frank Young now moves the adoption of the amended amendment, amended by Section 1, page 2, line 35 by deleting 11 and inserting 9. If there's anyone that's in doubt at this point, we would have it reprinted.

MR. DINI: Are we going back to a nine man board from 11, is that what we're doing?

MR. FRANK YOUNG: No, Mr. Dini. If you will look on page 2 of the red-tabbed bill, 737, the amendment we just adopted, Amendment 4475 struck lines 35 and 36 which was Subsection 11. Correct? We therefore no longer have a need for that subsection. Amendment 4477 was simply changing that number of Subsection 11 to Subsection 9. We don't need it any more. Okay?

MR. SPEAKER: Mr. Young, I think it's apparent at this point that those involved aren't paying any attention and I might wonder whether we should have it taken back to the Counsel Bureau and put back in proper shape so everyone can see what --



MR. FRANK YOUNG: I don't really believe that's necessary, Mr. Speaker.

MR. SPEAKER: Is there anyone that disagrees with our action up to this point? You've heard Mr. Young's motion, then, to amend the amendment by interlineation as so stated. We are simply taking 4475 and inserting it into 4477 and these are the amendments that we have adopted to date: the one before dinner and the one just a few moments ago. All those, then, in favor of the 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. The amendment is adopted.

MR. FRANK YOUNG: I now move the adoption of 4477 as amended.

MR. SPEAKER: Mr. Frank Young moves the adoption of Amendment 4477 as amended. 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.

MR. FRANK YOUNG: Now, Mr. Speaker, I move that printing be dispensed with and that AB 737 be declared an emergency measure and remain on General File for voting this day.

MR. SPEAKER: You've heard Mr. Frank Young's motion that AB 737 be declared an emergency measure, reprinting be dispensed with at this time and the Chief Clerk be allowed to insert the amendments. 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. Now

on General File and Third Reading. Remarks are open on AB 737.

MR. MCKISSICK: I move the previous question.

MR. SPEAKER: Mr. McKissick moves the previous question, sustained by Mr. Getto, Mr. Poggione, Mr. Hilbrecht.

MR. POGGIONE: Mr. Speaker, I thought I'd save Mr. Branch the trouble -- Mr. Dave "roll call" Branch the trouble. Would you care for a roll call vote, Mr. Branch? I thought I'd save him the trouble.

MR. SPEAKER: Did you ask for a roll call vote, then, Mr. Poggione?

MR. HILBRECHT: It's on third reading, Mr. Speaker. I believe it's customary to take a roll call vote.

MR. SPEAKER: I somewhat felt that he was going to request a roll call of the previous question. Hearing none, the Chief Clerk --- All those, then, 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 Chief Clerk will call the roll on AB 737.

(The Chief Clerk then called roll on AB 737 as amended.)

MR. SPEAKER: Assembly roll call on 737: 26 "ayes", seven "nos", six absent and one not voting. 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. It will be transmitted to the Senate.

MR. POGGIONE: Could we go to Order of Business 14?

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

MR. POGGIONE: I'd like to quote out of the past, a la from our distinguished Minority Leader, the people have been had again.

MR. HILBRECHT: Mr. Speaker, I think he took some liberty with my language, but I understand the intent. Mr. Speaker, at this time, if it's necessary, I would move that the bill be sent forthwith to the Senate, dispensing with printing and whatever else you're supposed to do.

MR. SPEAKER: Mr. Hilbrecht, I'd have to somewhat correct your motion due to the fact of what we've done with the amendment, the interlineations and one thing and another, it's necessary to have it reprinted, re-engrossed and -- at least, re-engrossed, and then transmitted forthwith to the Senate. You've heard that motion. 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, and so ordered.

(Thereupon other business was conducted by the Assembly.)

(Later of the day of April 25:)

MR. HILBRECHT: Mr. Speaker, unless there's a contingency with which I am not familiar, I would at this time move that the rules be suspended, that Senate Bill 662 be declared an emergency measure, placed on the General File for third reading and final passage at this time.

MR. SPEAKER: You've heard Mr. Hilbrecht's motion that SB 662 be declared an emergency measure; that it be placed on General File and Third Reading for this legislative day.

MR. FRY: This bill is a duplication of a bill that is presently in the Assembly and has not been looked upon with a great deal of favor by the committee that is handling this bill and I would suggest that perhaps this bill should not be considered at this late date. We're trying to get out of here, hopefully by Midnight, and save the voters 30 bucks an Assemblyman, and I think it's just too late for that.

MR. HILBRECHT: Mr. Speaker, if I may explain, SB 662 appears on your desks in mimeographed form, or Xerox form. It was declared an emergency measure in the Senate. The purpose of this measure is to avoid what may otherwise compel us by court order to be called into session, either special session or a session called pursuant to an order of court, because we have not discharged all of our responsibilities in the area of reapportioning all quasi-legislative boards and bodies in the State of Nevada.

Mr. Young and I were assured by Mr. McDonald that this is a legal, Constitutional and sensible delegation of authority to these various local government entities and I'm very fearful that if we do not enact this measure, that we will be ordered into session by some court some time prior to the next primary election in order to reapportion these local government bodies. And Mr. McDonald advises us that this is the simplest -- perhaps not the best -- but this is, the simplest, and a Constitutional method of effecting this.

I think that the cost to the taxpayers of Nevada of being called into a special session by direction of some court is far outweighed -- far outweighs any consideration of the few minutes it may take us to pass this measure, if we should desire to do so.

MR. SPEAKER: Before allowing further discussion, this has not had first reading in this house and I would ask the Chief Clerk to read it at this time so everyone will be aware of what the measure consists of.

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

MR. SPEAKER: Mr. Valentine, I think there are probably mimeographed copies on everyone's desk.

MR. HILBRECHT: Mr. Speaker, if I may advise, through you to Mr. Valentine, it's BDR No. 19-2259, which is identical to BDR No. 19-2258.

MR. SPEAKER: It has to have first reading in this house, in any manner -- whichever way we go, and so at this time I would ask the Chief Clerk to read it.

(Chief Clerk thereupon gave first reading to SB 662.)

MR. SPEAKER: After first reading, Mr. Hilbrecht of course, has moved that it be declared an emergency measure, be placed on General File for third reading this legislative day. On that motion, any questions or remarks?

MR. VALENTINE: I move that any further consideration of SB 662 be indefinitely postponed.

MR. SWACKHAMER: I rise to oppose Mr. Valentine's motion. To me, this action makes a lot of sense. Number one, we can't anticipate every possible ramification of reapportionment, and it seems to me that this one would. And also would seem to me, who better to apportion the hospital board or board of county commissioners or board of trustees of an irrigation district than the people who are actually there?

I mean, they would certainly have more knowledge of the local situation than the Legislature does. We have gone through an agonizing experience trying to reapportion the Nevada Legislature, and I believe that they can do it better, and I don't believe I can see anything wrong with this. In fact, I am very high on the idea of having this proceed.

MR. TORVINEN: Mr. Speaker, on Mr. Valentine's motion, I would also oppose it. It was my intention to bring SB 662 up after we considered one more bill, a bill which would reapportion the local school districts in Washoe and Clark Counties. We're just presently waiting for the mimeographed copies to be distributed to the desks.

I understand it to be the intention of the Senate to ignore any reapportionment of local agencies, county commissioners or school boards, and at least to suggest to the Senate that they ought to at least look at our bills, we though we'd hold off on 662. We will probably be here for another hour or so anyway. But it certainly was my intention that we pass 662 because I agree that it's a necessary piece of legislation. There may be some local boards or districts that we have ignored, and it's a necessary piece of legislation.

MR. SPEAKER: Are there additional comments on Mr. Valentine's motion?

MR. FRY: Mr. Speaker, Washoe County took quite a bit of time to sit down and divide their boards of County Commissioners, Hospital Trustees, School Boards, and in essence, this bill just wipes all that out. And I really don't know that this bill does anything. It says

that people will -- local government units will -- divide themselves into geographical areas that they serve. But this certainly does not do the job as far as Eureka or Lander County, because basically what it's pointed at is at Washoe County and at Clark County.

And there's always one Assemblyman that is going to serve Lander and Eureka County and how are they going to divide that up? And I can't for the life of me, see in Washoe County five or seven doctors sitting around a computer dividing themselves up into districts that are based on population. And I think that basically this body, the Assembly, should give some direction to these local agencies to reapportion themselves. And they just don't have the tools. We spent many, many, many days here -- Frank Young, of course, knows this better than any of us -- and I can't see these local agencies doing it. And I oppose this bill.

MR. HILBRECHT: Mr. Speaker, in the first place I'm certainly not the definitive expert on the subject, but Russ McDonald does not agree with Mr. Fry's opinion of what this bill does. It will leave any specific enactment that might come out of this session having to do with county commissions, such as the one that we have already passed, as I recall, intact, he advises me. It would only deal with those with which we have not seen fit to deal by a specific law, and with respect to these, I don't believe that the statute will, as a practical matter, come into effect.

If the citizens of Eureka County are not interested in being reapportioned and do not file a lawsuit, I presume they'll go lumping along as they have in the past. But if they should, I think it a

remarkable result that this Legislature by any order of court should be compelled to meet again to reapportion the county commissioners of Eureka County. And it's that incredible, but possible, we are told, conclusion that we're attempting to avoid by this measure. I really believe it's vital.

MR. LAURI: Mr. Speaker, Mr. Frank Young has guided this house through many hours of reapportioning work. Would it be proper to put the question to him for his opinion on this? I would like to know, for my own information.

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

MR. FRANK YOUNG: The motion before the House is indefinite postponement of this?

MR. SPEAKER: This is correct, sir. Mr. Lauri has asked that you give us your expertise as far as SB 662 is concerned.

MR. FRANK YOUNG: Mr. Speaker, I have a couple of questions which I would personally like to ask Mr. McDonald, and I would like to propose as a method of procedure here that Mr. Valentine withdraw his motion, that he let us proceed with a couple of other measures which are now distributed and we can act on them rather quickly with dispatch and get them on down to the Senate. And then I would like to ask for an informal recess to bring Mr. McDonald in here to explain, to answer some of my reservations and those of the other members of the house with regard to this measure. The last thing I want to do is give anybody an excuse for not abiding by the reapportionment plan we have established here.



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

MR. SPEAKER: If there are no objections, then, Mr. Valentine will be allowed to withdraw his motion of indefinite postponement of SB 662 and now moves to place it on the Chief Clerk's desk. Is there any discussion on that motion? All those then --

MR. HILBRECHT: Mr. Speaker, I certainly don't oppose that motion. We do have some other matters we can deal with in the meantime, and perhaps some clarification -- I believe there is some confusion about the intent of this bill and it would probably assist.

MR. FRANK YOUNG: Have we adopted the motion to put it on the Chief Clerk's desk?

MR. SPEAKER: No, sir, we have not. All those, then, in favor of Mr. Valentine's last motion to place SB 662 upon the Chief Clerk's desk 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.

MR. FRANK YOUNG: May we go to order of business No. 8?

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

MR. FRANK YOUNG: Mr. Speaker, I now move that we withdraw from the Committee of the Whole AB 832. AB 832 creates school trustee districts in certain county school districts.

MR. SPEAKER: You've heard Mr. Frank Young's motion that we now withdraw from Committee of the Whole AB 832, pertaining to school trustees, in school districts. Are there any remarks on that motion?

All those then in favor of withdrawing AB 832 from the Committee of the Whole 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. We have withdrawn it from the Committee of the Whole.

MR. FRANK YOUNG: Mr. Speaker, I now move that we place AB 832 on the General File.

MR. SPEAKER: Mr. Frank Young now moves that AB 832 be declared an emergency measure, 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.) All those opposed 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, AB 832.

(The Chief Clerk thereupon gave third reading to AB 832.)

CHIEF CLERK: I have two amendments to the bill, Mr. Speaker. Amendment No. 4509 and 4381. Amendment No. 4509, amend Section 1, page 1, by deleting lines 1-5 and ---

MR. FRY: Point of order. We would like to see 4381.

MR. FRANK YOUNG: Mr. Speaker, I believe that's Mr. May's amendment. Perhaps he would prepare to withdraw.

MR. SPEAKER: It's 4391.

MR. FRY: Whatever.

MR. MAY: Mr. Speaker, at this time, Mr. Branch and I, being the producers of that particular amendment, would request permission to have it withdrawn.

MR. SPEAKER: If there are no objections, then, Mr. May and Mr. Branch will request permission to withdraw Amendment No. 4391. If there are no objections, it will be withdrawn.

MR. FRY: At this time, I would move that Assembly Bill 832 be taken from wherever it is and put on the Chief Clerk's desk. We don't have the amendments for Washoe County.

MR. FRANK YOUNG: Through you to Mr. Fry, I have the Washoe County one in the other bill that I showed you, and I'll move it after we adopt this one.

MR. FRY: Could we have a one minute recess?

MR. SPEAKER: There'll be a one minute recess.

(Assembly then in recess.)

ASSEMBLY IN SESSION:

MR. FRANK YOUNG: I move Assembly Bill 832 to the Chief Clerk's desk.

MR. SPEAKER: Mr. Frank Young moves AB 832, an act relating to school trustees, to the Chief Clerk's desk. 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.

MR. FRANK YOUNG: I now move -- Mr. Speaker, I'm not sure how to proceed, but I wish to request permission of the house to introduce on behalf of the Washoe Delegation, to request permission to introduce a bill.

MR. SPEAKER: Request for introduction. Would you give the bill to the Chief Clerk so we can have the BDR number and everything?

CHIEF CLERK: Mr. Frank Young requests permission to introduce a bill. Summary, creates trustee districts in certain county school districts. Fiscal Note: No. An act relating to certain boards of trustees of school districts, creating trustee districts, providing for elections, providing other matters properly relating thereto.

MR. FRANK YOUNG: Mr. Speaker, this is a bill that reapportions the Washoe County School District into five districts. It's proposed by the Washoe County Delegation. In a conference we have just had with Mr. Perry Burnett, he advises us that we can proceed with this while he prepares some revisions to the 832 bill concerning Clark County. So with that explanation, Mr. Speaker, and speaking on behalf of the Washoe Delegation, I would request authorization for introduction.

MR. SPEAKER: Are there additional comments? You've heard the request, then, for introduction on a bill which creates trustee districts in certain county school districts. All those in favor of the request for introduction signify by saying "aye". (Thereupon a voice vote was taken.)

I understand we have to call the roll and that's proper. At this time, the Chief Clerk will call the roll.

(The Chief Clerk thereupon called roll on the permission to introduce the bill.)

MR. SPEAKER: Assembly roll call on the request for introduction of BDR 34-2260: There are 30 "ayes", no "nays", nine absent and one not voting. Request for introduction is granted.

CHIEF CLERK: This will be Assembly Bill 840 by the Washoe County Delegation. AB 840, summary, creates trustee districts in certain county school districts. Fiscal Note: No. An act relating to certain boards of trustees of school districts, creating trustee districts, providing for elections, and providing other matters properly relating thereto.

MR. FRANK YOUNG: Mr. Speaker, I move that AB 840 be made an emergency measure and placed on General File for consideration at this time.

MR. SPEAKER: You've heard Mr. Frank Young's motion that AB 840 be declared an emergency measure. AB 840 creates trustee districts in certain county school districts. You've heard the motion, then, to declare it an emergency measure and place it 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.) All those opposed say "no". (Thereupon a voice vote was taken.) The "ayes" have it, and so ordered. Copies will be Xeroxed immediately and will be on your desks.

MR. FRANK YOUNG: They're already on the desks.

MR. SPEAKER: Already there. Very fine. Then we'll go to Order of Business No. 11, General File and Third Reading, AB 840.

(Assembly then in recess.)

ASSEMBLY IN SESSION:

MR. TORVINEN: Mr. Speaker, are we on ---

MR. SPEAKER: General File and Third Reading.

MR. TORVINEN: Assembly Bill --

MR. SPEAKER: 840.

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MR. TORVINEN: 840. Mr. Speaker, I move that we amend AB 840 by interlineation by striking Section 4 and renumbering Section 5, Section 4.

MR. SPEAKER: By striking Section 4?

MR. TORVINEN: Yes, page 2, that's the second line from the bottom, page 2. That NRS 386.200 is a provision whereby the school districts may reapportion themselves. It's a rather cumbersome and complicated system but there may be some value in leaving it in and there's no real -- except to delete some verbage in the NRS which may be redundant. There's no real reason for repealing it. I'm sure the repealer in this bill was a clean-up measure and for no other purpose, but in veiw of the confusion we're having here, it may be an alternative method of accomplishing reapportionment. It may be better to leave that in the law, and inasmuch as it's a very simple amendment, I would propose that at this time.

MR. FRANK YOUNG: Mr. Speaker, members of the Assembly, put your minds at ease that this provision, 200, might be used to defeat our plans here of districting. We just simply say that it calls for ten percent or more of the registered voters of the county school districts filing a written petition with the Board of County Commissioners so this means it won't be done lightly and I therefore think it's -- I concur with Mr. Torvinen that we should make this change in the bill.

MR. SPEAKER: You've heard the motion, then for interlineation. On page 2, to strike Section 4 which reads, "Section 4. NRS 386.200 is hereby repealed." and to number Section 5 as Section 4. All those

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in favor of that interlineation 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. Interlineation is approved.

MR. TORVINEN: Mr. Speaker, I now move that the bill be declared an emergency measure, that the Clerk be authorized to insert the interlineation in the bill and that we proceed with the bill on third reading and General File.

MR. SPEAKER: Mr. Torvinen's motion is somewhat secondary to the fact that Mr. Young already moved this be an emergency measure. We approved interlineation, so at this time questions or remarks are open on AB 840.

MR. TORVINEN: Let's send it to the Senate.

MR. SPEAKER: Hearing none, the Chief Clerk will call the roll on AB 840.

(The Chief Clerk thereupon called roll on AB 840 as amended.)

MR. SPEAKER: Assembly roll call on AB 840: There are 27 "ayes", no "nays" and 13 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 now in order that reprinting be dispensed with and it be transmitted forthwith to the Senate.

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

MR. SPEAKER: Mr. Torvinen has moved that reprinting be dispensed with, that it be transmitted forthwith to the Senate. All those in favor of that motion signify by saying "aye". (Thereupon

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a voice vote was taken.) All those opposed say "no". (Thereupon a voice vote was taken.) The "ayes" have it, and so ordered.

(Thereupon other business was conducted by the Assembly.)

(Later of the day of April 25:)

CHIEF CLERK: Mr. Speaker, I have a request to introduce a bill, Mr. Speaker. This is a request for an introduction by Mr. Frank Young, BDR 40-2262.\* Summary, creates hospital trustee districts in certain counties. An act relating to boards of hospital trustees, providing for elections and designations of hospital trustee districts in certain counties. Mr. Frank Young requests permission to introduce the bill, Mr. Speaker.

MR. SPEAKER: You've heard the request for introduction on BDR 40-2262. Are there any remarks? Hearing none, the Chief Clerk will call the roll.

(The Chief Clerk called roll on permission to introduce the bill.)

MR. SPEAKER: Assembly roll call on request for introduction on BDR 40-2262: There are 28 "ayes", no "nays", and 12 absent. The request is granted.

CHIEF CLERK: This will be AB 842 introduced by Mr. Frank Young. I've read the summary and the title of the bill, Mr. Speaker.

MR. FRANK YOUNG: Mr. Speaker, I move that AB 842 be made an emergency measure and placed on General File for passage at this time.

MR. SPEAKER: You've heard Mr. Frank Young's motion that AB 842 be declared an emergency measure, reprinting be dispensed with, and

\*A.B. 842



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be placed on General File and Third Reading for this legislative day. You've heard the motion. 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, and so ordered. General File and Third Reading, AB 842, are there any remarks?

MR. FRANK YOUNG: Mr. Speaker, and members of the Assembly, copies of this bill are on your desks. This apportions the Clark County Board of Hospital Trustees into five districts. There are five elected members now. The districts are the same as the Regents and State Board of Education. I have personally checked the details of the districting and find them exactly parallel to that of the 736 and 737 and urge your passage.

MR. SPEAKER: Are there additional comments? Hearing none, the Chief Clerk will call the roll on AB 842.

(Chief Clerk then called roll on AB 842.)

MR. SPEAKER: Assembly roll call on AB 842: There are 29 "ayes", no "nays", ten absent and one not voting. 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. Motion is now in order to transmit it forthwith to the Senate.

MR. LAURI: So moved, Mr. Speaker.

MR. SPEAKER: Mr. Lauri has moved that AB 842 be transmitted forthwith to the Senate. 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, and so ordered.

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

(Later of the day of April 25:)

MR. SPEAKER: Mr. Torvinen, a motion would be in order to place AB 736 on the General File.

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

MR. SPEAKER: Mr. Torvinen moves that AB 736, an act which changes and limits terms of Regents and changes the board's composition, 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.) All those opposed say "no". (Thereupon a voice vote was taken.) The "ayes" have it, and so ordered.

\* \* \* \* \*

MR. SPEAKER: Order of Business No. 11, General File and Third Reading.

(Chief Clerk then gave third reading to AB 832.)

CHIEF CLERK: Mr. Speaker, I have an amendment to Section 1 and other sections of the bill. Amendment No. 4551.

MR. FRANK YOUNG: Mr. Speaker, I would move that Amendment No. 4551 be considered by number only.

MR. SPEAKER: Mr. Frank Young has moved that Amendment No. 4551 to AB 832 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, and so ordered.

MR. FRANK YOUNG: Mr. Speaker, I move the adoption of Amendment No. 4551 to AB 832.

MR. SPEAKER: Mr. Frank Young now moves the adoption of Amendment No. 4551 to AB 832. Are there any remarks?

MR. FRANK YOUNG: Mr. Speaker, AB 832 with this amendment will reapportion the Las Vegas, or rather the Clark County Board of School Trustees into seven districts, the same as the Board of County Commissioners, and the plan that we adopted in AB 833. There were several problems with the bill earlier this evening. I think those problems have now all been resolved so that the small school districts can still have seven board of trustees if they wish.

MR. SPEAKER: Are there additional comments?

MR. MAY: Mr. Speaker, through you to Mr. Young, I have, even though Mr. Young was asked to get No. 4551 as a correct copy, I have 4509 marked corrected copy. It's just a point of clarification.

MR. FRANK YOUNG: No, those should be disposed of.

MR. KEAN: In reapportioning the same group in Washoe County, was that eliminated in the area to be deleted?

MR. FRANK YOUNG: No, we had another bill earlier this evening, Mr. Kean, that did the Washoe County Board. The only two groups that were tied together in the same bill were the County Commissioners, and the Senate, I understand, is amending that out of Washoe County, so it will come back to us, presumably, later tonight just for Clark County.

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MR. GETTO: Mr. Speaker, in Amendment 76-C, does this assure the small counties that in those that are below 1,000 students that they will be five and those above will be seven? And then Washoe will be five and Clark County will be seven?

MR. FRANK YOUNG: You're talking about amendment 4551, right? And I believe that amendment does just that.

MR. SPEAKER: Are there additional comments?

MR. MCKISSICK: Yes, Mr. Young, you say one of the other bills we passed dealt with the Washoe County School District? I thought the Washoe County School District had to be included in this one.

MR. FRANK YOUNG: Mr. Speaker, it was Assembly Bill 840 which was introduced tonight and passed as an emergency measure. Assembly Bill 840 passed in this form. I might point out, Mr. Speaker, that 840 is not one of the bills that has been reported back, or that was just reported, in the report that the Chief Clerk read. She said that they'd passed 737, which is the State School Board and 841, which I think is the Clark County Board of Hospital Trustees -- no, no. 841 was Mr. Jacobsen's bill resolving the conflict with --. 842 was Clark County's Board of Hospital Trustees. So, that's what they've passed over there so far.

MR. HILBRECHT: My cursory reading of this and working with Mr. Young in drawing what has resulted in this amendment, I believe that he states it correctly and I wish we could get on and adopt it unless there are serious questions from people in Clark County.

MR. SPEAKER: Are there additional comments? You've heard the motion that we do now adopt Amendment No. 4551 to AB 832. 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 to the bill, Mr. Speaker.

MR. FRANK YOUNG: Mr. Speaker, I now move that reprinting be dispensed with and that AB 832 remain on General File for the passage this day.

MR. SPEAKER: You've heard Mr. Frank Young's motion that reprinting be dispensed with, that AB 832 remain 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.) All those opposed 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, AB 832.

(The Chief Clerk then called roll on AB 832.)

MR. SPEAKER: Assembly roll call on AB 832: There are 24 "ayes", no "nays", and 16 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. Frank Young, a motion is in order to dispense with reprinting and transmit it forthwith to the Senate.

MR. FRANK YOUNG: So moved, Mr. Speaker.

MR. SPEAKER: You've heard Mr. Frank Young's motion that reprinting be dispensed with and it be transmitted forthwith to the Senate. 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.

CHIEF CLERK: AB 736, introduced by the Committee on Education.

(Thereupon, the Chief Clerk gave third reading to AB 736. There were no amendments, questions or comments. The Chief Clerk then called roll on AB 736.)

MR. SPEAKER: Assembly roll call on AB 736: There are 25 "ayes", no "nays", and 15 absent. The bill having received a Constitutional majority, I declare it passed. Are there amendments to the title of the bill? Hearing none, I declare the title passed. Mr. Frank Young, would you move that reprinting be dispensed with -- oh, it doesn't need reprinting? -- be transmitted forthwith to the Senate.

MR. FRANK YOUNG: So moved, Mr. Speaker.

MR. SPEAKER: Mr. Frank Young moves that it be transmitted forthwith to the Senate. 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.

MR. FRANK YOUNG: Mr. Speaker, I'm happy to inform you that that completes the Assembly's work on a model package of reapportionment bills of which I think we may all be justly proud.

MR. HILBRECHT: Mr. Speaker, may we go to Order of Business 14?

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

MR. HILBRECHT: Mr. Speaker, it's my understanding that at this minute we are awaiting some Xerox copies of amendments to AB 833,

having to do with the County Commission. That bill contains treatment, as we passed it out of this house, of both the Washoe County and the Clark County Commissions. There was some resistance, apparently, in the Senate, to the Washoe County portion of that, for which reason it will be deleted by this amendment. But there is a technical problem that has arisen and that is that the amendments were drawn to the bill in its original form and not to its reprinted form.

So that, for that reason, we are going to have to, it's my understanding, rescind the action whereby we passed the bill, go back to the original bill, and amend that bill, so when we do have the amendments back, that will be the procedure. It shouldn't take us more than a few minutes as soon as the amendments arrive. So, I wonder if we could have any other matter that we have to get out of the way at this time. Those amendments should be here, and then we should be in shape to finish up.

(MR. LINGENFELTER asked a question that is not distinguishable on the tape.)

MR. HILBRECHT: My understanding is that that's all they do. The only reason I thought an explanation was in order is because we're not going to be as we thought we were, in a position where we would simply be concurring in some Senate amendments. In typical form, when the Senate had the amendments drafted, they amended the wrong bill. So we have to go back to the original bill if we're going to have it.

MR. FRANK YOUNG: Mr. Speaker, through you to Mr. Hilbrecht, where the bill has not been reprinted, it would seem to me that it

is the safest approach, and I daresay, it was even advised by counsel, to amend a bill that hasn't yet been reprinted, I think would be rather risky business. So this sounds like a very safe way to proceed.

MR. MCKISSICK: Mr. Speaker, is it my understanding that we're going to try to drive on tonight through all these reapportionment bills, and if so, with the small number here, on the quorum, I want to go on record -- this may be rather esoteric at this point -- but if we're going to bow to the will of the Senate and redistrict the county commissioners in Clark County and wipe out Washoe County as far as districts, which means we would give it to themselves to district themselves, and I've been falsely accused of trying to blanket my father in, which is impossible. Dwight D. Eisenhower couldn't beat him in Washoe County. I'm going to resist that. And I want to put you on notice that I'm going to sit here and fight against blanketing out Washoe County and if you're going to try to do all this tonight, I want to put you on warning.

MR. KEAN: Mr. Speaker, I concur with what Mr. McKissick said. We had a caucus of our county and the majority agreed that we would not leave our county without redistricting. It has to be done, and we better do it. It's done, and all we have to do is accept it. And I would suggest that we go home for about three days and wait until tempers cool and come back.

MR. LINGENFELTER: (Mr. Lingenfelter's remarks cannot be distinguished on the tape.)

MR. HILBRECHT: Mr. Speaker, it occurs to me that what we ought to do is wait until the amendments come back and if it turns out that we do not, in effect, concur with them, or do not adopt them, this



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isn't an unfamiliar situation. I presume we'll be in a conference then, will we not? Or if this is not accepted by the Senate or we'll lose the bill, one of the two, I suppose. I don't understand what's so mystique about this. I regret it, but it seems to me ---

MR. TORVINEN: As far as I know, the only time involved is what it takes that Xerox machine to make 45 copies, or 50 copies. I can't imagine why they're not back now.

MR. MAY: May I ask again on Mr. McKissick's question, on whether it is the intent of the Chair to pursue the issue through the balance of the evening until the early morning hours?

MR. SPEAKER: Well, certainly, it's my desire to pursue this thing to sine die. If we have to leave all these bills here and die, that's what we're going to do as far as I'm concerned.

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

(Later, on April 25:)

MR. TORVINEN: Mr. Speaker, I move at this time that we do now request that the Senate return to the Assembly, AB 833.

MR. SPEAKER: You've heard Mr. Torvinen's motion that we now request the Senate to return to this body AB 833. Are there any remarks?

MR. TORVINEN: It's the last piece of legislation we have.

MR. KEAN: Just a point of inquiry. What's the net effect of that?

MR. TORVINEN: We amended 833 today and sent it to the Senate. It has the County Commissioners' amendments, redistricting the County

Commissioners in Washoe and Clark Counties. The Senate has rejected our amendments. The bill drafter, instead of drafting new amendments in the Senate, drafted amendments that fit the bill to be acted on in the Assembly. In order to act on it, to include only the Clark County Delegation, or Clark County Commissioners, it's necessary to bring the bill back and act on it.

MR. SPEAKER: You've heard the motion. Are there additional remarks? That motion being that to ask the Senate to return to this body AB 833. 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.

MR. HILBRECHT: Mr. Speaker, may we go to Order of Business 14?

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

MR. HILBRECHT: Mr. Speaker, addressing myself momentarily to 833, and I would hope, perhaps, that Mr. Young, who is far more versed in this matter, and perhaps Mr. Smith, than I, -- and I'm speaking now in behalf of Clark County, which is -- which requires some kind of legislation in this area if we are to effect a couple of other changes that are necessary. There are good and sufficient reasons why a bill like 833 which in effect has the effect of changing the number of Commissioners in Clark County, as well as reapportioning them, has to be enacted.

It has to do with the management of the water resources in the Las Vegas Valley and I don't want to belabor the point, because of

course it's simply our problem, but it's also the problem of one of the largest, I suppose, stream systems in the Western United States, namely, the Colorado River. We here face a problem where if we don't manage it within the state and within our county responsibly, the Federal Government, which has drafted the complaints -- necessary papers -- to file suit in the United States District Court for the District of Nevada, will restrain and enjoin the political subdivisions in the Las Vegas Drainage Area from disposing of their sewage effluents into that stream system and this is a situation which I presume would result in a vast expenditure of state monies and political subdivision monies. In other words, we're trying to avert an emergency which may be only a very, very few months away.

And I would like to have, perhaps, Mr. Smith discuss this with us because at this point it appears inopportune that the drafters drafted together a Washoe and a Clark County bill in this particular respect. In every other case, I think we took the precaution of separating the two, recognizing the divergent interests of the two sections of the state. I think it's very important that you recognize the significance to the State of Nevada and to the county. And I wonder if the Chair would recognize Mr. Smith to discuss this?

MR. SMITH: Mr. Speaker and members of the Assembly, when we passed Senate Bills 644 and 647 we in effect created a board that would be managing our water resource, and it's absolutely essential that we get this seven-man County Commission on during this session. As Mr. Hilbrecht has said, it was unfortunate we tied the two counties together. We didn't realize because we had concurrence in this house

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as to the nature of the bill and now we've run into trouble in the Senate and apparently running into some trouble in this house. With 28 people here, and four people I know that are going to be very much opposed to passage of the bill as amended, I suppose we could get it out, but we're going to have to have a lot of serious consideration and serious cooperation.

MR. HILBRECHT: Mr. Speaker, I don't know procedurally how we could do this. Maybe Mr. Young could help us. I would certainly hold out to the bitter end with our Washoe County bretheren here. I concur with them that they should have -- that their feelings with respect to the Washoe County Commission situation should receive our support and I, for one, will stay here as long as it takes to have that consideration granted. I only ask that we be allowed to get a bill -- apparently now the vehicle is 833 -- which will deal with our problems and which I will represent on this floor there is absolute concurrence in both the Senate and the Assembly from Clark County.

So I'm willing to come back tomorrow morning and any statement I may have said to the contrary I now openly retract, if it is necessary to assist our Washoe problem, because I understand the problem they're facing. Fortunately, we don't have that problem with respect to our County Commission. I would like to request their cooperation if we can to get this measure on.

MR. LINGENFELTER: Mr. Speaker, I have to agree with Clark County. They have a problem, and I'd be more than willing to help them. But I think that by putting this amendment on, we do just what

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our fellow Legislators on the other side of the great house would like us to do, and if we do this we satisfy Clark County's problems and at the same time we take gas in Washoe County. And I'm not willing, and I hate to be in this position, to do this type of thing. I just feel that they put us in the position of we're going to have to stand our ground on this particular amendment and I'll stay here as long as we have to to correct Clark County's problems. I refuse to back up on the position that our delegation took on this matter.

I look at this amendment and I see the names on it and I understand the names, but the two members from Washoe County that are on this amendment voted in favor of folding and allowing the Senate to do what they so desire and the rest of us refused to do this, and I think there is nine -- about 12 of us -- and out of the 12 there's two that said they were willing to fold and ten said no. And I would hope that the ten would hold fast and let's get this thing straightened out once and for all.

MR. KEAN: Maybe there might be some avenue that we can escape this situation. That if we were to go ahead and pass this amendment and at the same time have an irrevocable agreement that we will then put out another amendment that takes care of Washoe County, then by separating the two, maybe we can take care of and assist Clark County and at the same time take care of Washoe by having a separate bill doing what we want to do. And if we can enlist the assistance of the rest of the Assembly, maybe we can work this out, and Mr. Speaker, on the basis of that, maybe we could have a one minute recess to talk about it, after Mr. Torvinen speaks.

MR. SPEAKER: We have one piece of business here that we'd like to handle. Mr. Torvinen, go ahead.

MR. TORVINEN: Mr. Speaker, very briefly, in response to Mr. Kean, we sent bills down on other reapportionment that fortunately were separated between Clark and Washoe. We sent down hospital trustees, we sent down school trustees. Both were immediately indefinitely postponed. Your suggestion is all right, except that we're just going to send down another bill that will be immediately postponed and then we have two options. One, to adjourn sine die or one, to sit here and wait to see what's going to happen. So, with that I would allow -- concede to the Speaker and go on to the next order of business. Mr. Speaker, do we have 833 back from the Senate?

MR. SPEAKER: We have one piece of business here we can handle, and at this time we might as well proceed with it.

(Thereupon other business was conducted by the Assembly.)

(Later, on April 25:)

MR. SPEAKER: Order of Business No. 7, Messages from the Senate.

(The Chief Clerk read message from the Senate indicating that the Senate returned AB 833 in accordance with Assembly's request.)

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

MR. TORVINEN: Mr. Speaker, I move that the Senate Bill 833 (sic) be placed on the General File and Third Reading for this legislative day.

MR. SPEAKER: At this time we have to have a move that the action of passage be rescinded first.

MR. TORVINEN: Mr. Speaker, I move that the vote whereby we passed Assembly Bill 833 be rescinded.

MR. SPEAKER: You've heard Mr. Torvinen's motion that the vote whereby AB 833 was passed be rescinded. All those in favor of that motion signify by saying "aye". (Thereupon a voice vote was taken.)

MR. KEAN: I have a priority motion which I move we adjourn.

MR. SPEAKER: The chair would deny that motion unless this house wants to call me out of order. The motion is to rescind the vote whereby AB 833 was passed -- to be rescinded. 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. Mr. Torvinen, a motion is in order now to -- It's placed on the board automatically. General File and Third Reading.

(The Chief Clerk then gave third reading to AB 833.)

CHIEF CLERK: I have an amendment to the bill, Mr. Speaker, Amendment No. 4526.

MR. FRANK YOUNG: Mr. Speaker, I believe it's in order at this point to rescind our action whereby we adopted Amendment No. 4437 to AB 833.

MR. SPEAKER: You've heard the motion, then, that we do now rescind the vote whereby we adopted Amendment No. 4437 to AB 833. 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. We have rescinded our action of passage of Amendment 4437.

CHIEF CLERK: This puts the bill in the original stage, then, unamended. I have before the House, Amendment No. 4526 to AB 833 proposed by Mr. Torvinen, Mr. Hilbrecht and Mr. Capurro. Amend Section 1, page 1, by deleting line 2 and inserting ---

MR. FRANK YOUNG: I move that we consider Amendment No. 4526 by number only.

MR. SPEAKER: Mr. Frank Young moves now that we consider Amendment No. 4526 to AB 833 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. We will consider it by number only.

MR. FRANK YOUNG: Mr. Speaker, I now move the adoption of Amendment No. 4526 to AB 833.

MR. SPEAKER: Mr. Frank Young now moves the adoption of Amendment No. 4526. Are there any remarks?

MR. FRANK YOUNG: I think this has already received ample remarks, Mr. Speaker.

MISS FOOTE: This is one of those simple little amendments that does only one thing. It destroys any reapportionment of the Washoe County Commissioners. I feel that in this Session of the Legislature we have felt it was our duty to follow the letter of the law and work out reapportionment problems for all of the various things that have to be reapportioned. I feel that whatever the reason the Senate has given us for taking Washoe County out of this bill is not valid.



And I would hope that everyone in this House would realize that the mandate has come down from the courts saying that people should be represented, one man - one vote, and that is our intention by keeping Washoe County Commissioners in this bill.

MR. HILBRECHT: Mr. Speaker, I would only say that I concur with Miss Foote, but I do not concur with the result. We're just the victims of the fact that these two bills happen to be rolled up in one. If not, I presume we would have passed both and probably the Senate, in its infinite but not always unfailing wisdom, would have killed one and passed the other. And all we ask is that if you're really committed to reapportionment and responsible government, then at least you have to do -- let's get on with the work with Clark County and then we're willing to sit here and get on with the work with Washoe and we'll try to back them down in that respect too. But I do think that it is an act of irresponsibility not to do as much apportioning as we can get on at this minute and then get on with the rest of the job later.

MISS FOOTE: Mr. Speaker and members of the Assembly, it seems to me this particular issue can be settled only one way, and we need your help. If this bill is necessary to Clark County and you uphold with us not allowing this amendment, if the Senators from Clark County, too, realize this is an important measure, perhaps they can twist a few arms over there and see that this bill goes through. If we take this amendment out, then the Washoe County Commissioners will not be reapportioned.

MR. MCKISSICK: Yes, Mr. Speaker, before somebody moves the previous question, I beg, I beseech, my fellow members of the Clark

and rural Delegations to stand with us in defeating this amendment. I understand that we have great introducers: Torvinen, Hilbrecht and Capurro, and it's a matter of expediency. We want to help Clark, and I know that Mr. Hilbrecht is sincere that he wants to help us in return. But it's not in the cards, let's face it. The next motion will be to put that miserable SB 662 on the board and let them reapportion themselves in Washoe County, which if you pass this amendment, that's the logical step. We will have bowed; we'll have shot our wad. We're dead. We have nothing left to fight with. So I urge, really, that we defeat this amendment and we take our chances.

MR. HILBRECHT: Mr. Speaker, I would not be adverse to moving 662. I concur with Mr. McKissick with respect to 662, although I was one of the people that asked that this measure be drafted as a catch-all. I wouldn't be adverse to moving 662 up and indefinitely postponing it before we deal with this amendment. All I'm suggesting is that this is something -- this is a matter about which there is no controversy, and what we're really doing is generating a controversy for leverage.

Now, 662 I'm perfectly willing to see indefinitely postponed and this will leave the Washoe County Senators, perhaps, exactly where they deserve to be left, with no vehicle to authorize their County Commissioners to reapportion themselves. And I'm sure litigation will take care of that situation then. Now, if we can join with you in that, I would suggest that perhaps a motion would be in order to move that particular Senate measure to the top of the

General File and we can deal with that. But, please, let us get the reapportionment insofar as we are capable of getting it on responsibly with legislation, on at this time. If perhaps a one minute recess would do, we might explore that possibility, Mr. Speaker. I would so move at this time.

MR. SPEAKER: If there are no objections, we'll be in one minute recess.

(Assembly then in recess.)

ASSEMBLY IN SESSION:

(From this point on, the tape is blank. The following is taken from the Assembly Journal for this legislative day:)

Messrs. Lowman, Capurro and Kean requested a roll call on Mr. Frank Young's motion.

Roll call on Mr. Frank Young's motion:

Yeas - 4.

Nays - Branch, Brookman, Bryan, Dini, Dreyer, Foote, Frazzini, Getto, Glaser, Hawkins, Homer, Kean, Lauri, Lingenfelter, May, McKissick, Poggione, Schofield, Smalley, Smith, Swallow, Valentine, Wilson, Frank Young, Mr. Speaker - 25.

Absent - Ashworth, Fry, Howard, Mello, Olsen, Prince, Ronzone, Swackhamer, White, Roy Young - 10.

Not Voting - Hafen.

The motion having failed to receive a majority, Mr. Speaker declared it lost and Amendment No. 4526 lost.

On motion of Mr. Torvinen, the Assembly then adjourned at 2:16 a.m.