

Assembly Committee of the Whole

ASSEMBLY IN SESSION, APRIL 26, 1971. QUORUM PRESENT. MR. SPEAKER PRESIDING. 12:15 P.M.

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(Senate Bill No. 663 was given First Reading.)

MR. TORVINEN: Mr. Speaker, I move that Senate Bill 663 be declared an emergency measure and placed on the General File for third reading for this legislative day.

MR. SPEAKER: You've heard Mr. Torvinen's motion, that Senate Bill 663 ---

MR. TORVINEN: On the top of the General File, please.

MR. SPEAKER: -- be declared an emergency measure and placed at the 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.) Those opposed say "no". (Thereupon a voice vote was taken.) The "ayes" have it. So ordered.

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

Senate Bill 663.

CHIEF CLERK: Mr. Speaker, these have been placed on everyone's desk.

(The Chief Clerk then gave third reading to SB 663.)

MR. TORVINEN: Will it be necessary to read the Senate Bill? It's on everyone's desk.

MR. SPEAKER: The Chief Clerk informs me we did not have enough copies to distribute to each and every one, and this is one of the reasons for floor reading. Does everyone have a copy? If there are no objections, then, further reading will be dispensed with.

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(The Chief Clerk then read the last section of SB 663.)

MR. SPEAKER: Are there any amendments to Section 1 or Section 4? To the bill as a whole?

CHIEF CLERK: No.

MR. SPEAKER: Questions or comments.

MR. CAPURRO: Mr. Speaker, I just want to make one comment.

On page 3, you will notice the Washoe County Commissioners. The only change we've made in here is population to make sure we coincide. We used the same County Commissioner language as used in the law in Washoe County under NRS 244.033 and the next bill that we will act on will ask that the County Commissioners reapportion themselves according to the Assembly Districts. Although this language is different, I just wanted it for the record the fact that it is not the intent to redistrict them according to this language.

This is to clarify the fact of population, and that's the basic change in it. What we intend to do, of course, is to pass a bill which will allow them to redistrict themselves within the next year according to the Assembly Districts that are provided in our reapportionment here. And I'd like those remarks to be entered in the Journal.

MR. SPEAKER: If there are no objections, Mr. Capurro's remarks will be entered in the Journal for this legislative day.

MR. BRYAN: Mr. Speaker, through you to someone who can answer this question, the only comment that I had is that late last night I had a call from someone in Los Angeles who claimed that their

enumeration district was included in this bill. And I'm wondering if these enumeration districts have been verified for accuracy.

MR. FRANK YOUNG: Mr. Speaker, through you to Mr. Bryan, about ten times, Mr. Bryan.

MR. BRANCH: Mr. Speaker, I have a question. I notice this is Senate Bill 663 and I don't recall the Senate having gone into session this morning as yet. Did they pass this bill already?

(Mumbling comments -- not distinguishable on tape.)

MR. SPEAKER: Are there additional remarks or further comments? Hearing none, the Chief Clerk will call the roll.

(Thereupon the Chief Clerk called the roll on SB 663.)

MR. SPEAKER: Assembly roll call on Senate Bill 663: There are 30 "ayes", no "nays", and ten 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. A motion is in order to immediately transmit it to the Senate.

MR. TORVINEN: Mr. Speaker, I move that Senate Bill 663 be transmitted forthwith by the swift runner to the Senate.

MR. SPEAKER: You've heard Mr. Torvinen's motion that Senate Bill 663 be transmitted forthwith by the Assistant Chief Clerk 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. So ordered.

MR. TORVINEN: Mr. Speaker, I move that Assembly Bill 833 be placed on the bottom of the Chief Clerk's desk.

MR. SPEAKER: You've heard Mr. Torvinen's motion that AB 883 -- 833, an act which creates county commissioner districts in certain counties, be placed on 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. So ordered.

MR. TORVINEN: Where does Senate Bill 662 now reside?

MR. SPEAKER: On the Chief Clerk's desk.

MR. TORVINEN: Mr. Speaker, I now move that Senate Bill 662 be taken from the Chief Clerk's desk and placed -- I think it's already been declared an emergency measure a couple of times -- and placed on the General File and Third Reading for this legislative day.

MR. SPEAKER: You've heard Mr. Torvinen's motion that Senate Bill 662, an act which would require local government units to apportion, 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 who oppose say "no". (Thereupon a voice vote was taken.) The "ayes" have it. So ordered. It will be placed on General File and Third Reading. Order of Business No. 11, General File and Third Reading. Senate Bill 662.

(The Chief Clerk then gave third reading to SB 662.)

CHIEF CLERK: I have an amendment to Section 4, Mr. Speaker. Amendment No. 2673 to Senate Bill 662, proposed by Mr. Torvinen.

"Amend Sec. 4, page 2, by deleting lines 6 through 10 and inserting:

'number of members serving on such board. Such division shall be accomplished prior to January 1, 1972.

2. Such districts shall be single-member districts and shall be formed with reference to assembly districts insofar as practicable. All such districts created pursuant to the provisions of this subsection shall be of as nearly equal population as is practicable. Municipal corporations whose charters provide for redistricting, or cities incorporated under general law, are hereby exempted from the requirements of this section.

3. Nothing in this section shall be construed to direct or authorize any change in the number of members composing the governing body or board as such body or board is constituted on the effective date of this act.

4. The members of such bodies or boards covered by the provisions of this section, as constituted on the effective date of this act, shall continue to hold office for the terms for which they were elected.' "

MR. TORVINEN: I move the adoption of Amendment No. 2673 to Senate Bill 662.

MR. SPEAKER: Mr. Torvinen has moved that we adopt Amendment No. 2673 to Senate Bill 662. Are there any remarks?

MR. TORVINEN: Mr. Speaker, there is one of the esteemed members of the Upper House seated here with me and he has advised that this amendment is acceptable to the Senate. If we can dispose of this one last matter, we may be able to adjourn sine die. Well, there's one other last matter, but this is the second to the last matter.

MR. LINGENFELTER: Mr. Speaker, through you to Mr. Torvinen, and maybe even to the esteemed Senator from the Upper House, nothing in this section shall be construed to direct or authorize any change in the number of members of the local governing body or board of county commissioners on the effective date of this act. Would that preclude a school board from going from seven to five if they so desire to fit in our districts?

MR. TORVINEN: Yes, that's correct. With the amendments that we passed last night, which were included in the Clark County School District map, it's now -- and which was the law before -- in counties with more than 1,000 students in their school district you have to have seven members on their school board and that was the law before and it's still the law.

MR. WILSON: Mr. Speaker, through you to Mr. Torvinen, does this mean that a municipal corporation, such as we live in in Las Vegas, or Reno, cannot redistrict itself in districts representative of the people in that particular municipality?

MR. TORVINEN: You'll see from the exemption, it says that municipal corporations whose charters provide for redistricting, so they redistrict in accordance with their charter and not in accordance with this act.

MR. WILSON: But they are not exempted from having to redistrict reapportionment center?

MR. TORVINEN: No. The courts wouldn't let them do that anyway.

MR. SPEAKER: I think, Mr. Wilson, the amendment even states they are hereby exempted from the requirements of this section.

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MR. FRANK YOUNG: Mr. Speaker, and members of the Assembly, I want to commend Mr. Torvinen and those who worked with him in the preparation of this amendment. I had some rather severe reservations about 662 last evening with my foggy mind, but this amendment really quite well takes care of it and I feel much better about that bill with this amendment.

MR. KEAN: Mr. Speaker, I have a minor reservation about one part where it says that they shall do it according to Assembly districts. Then they're not authorized or not directed to -- I'll look at the word here -- they're not authorized to make any changes in their number. And it seems to me that those things might be conflicting where they went to Assembly districts and there are only so many Assembly districts that they could conflict seriously. I think that if we were to make a minor amendment just to say that they may not have more and may reduce them to fit the number of Assembly Districts, it might be more workable. I make that suggestion. It's very minor and I think it would take some of the workability -- unworkability -- out of this amendment.

MR. TORVINEN: I think that to do that properly we would have to go into 20 or 30 sections of NRS and amend them to change the number of the boards, which is exactly the thing that the Senate will not agree to. And we know that Washoe County at seven doesn't divide into ten. So there's a problem there, but that's taken care of by the saving word on the sixth line -- fifth line -- of the amendment which says "insofar as practicable." Those are the savings words and they're there for that purpose. I would agree with Mr. Kean

that this doesn't fit the situation with ten Assembly Districts and seven school board members, but I know of no other way at this late date of accomplishing any other compromise.

MR. BRANCH: Mr. Speaker, through you to Mr. Torvinen, our charter does not call for redistricting. Would this bill preclude our city from redistricting on a one man - one vote? At the present time we do not have wards as you do in Reno and Sparks, with members on the boards, which is one man - one vote. Would this mean that our city would not have to redistrict but that we can continue at large?

MR. TORVINEN: They would still be under the court obligation to redistrict. The court, no matter what kind of a law we pass here -- the court is going to require them in your city to redistrict, sometime before the next election. With regard to the general law concerning incorporated cities redistricting, I am not currently familiar with that. I'm going to refer that to Mr. Smith or someone else -- Mr. Lingenfelter.

MR. LAURI: Mr. Speaker, through you to Mr. Torvinen, could I have you clarify on how the statutes call for the number of school boards? Is that not less than seven?

MR. TORVINEN: They now read that in counties having more than 1,000 pupils, and less than 200,000 people, they have seven members. At least seven. They shall have seven members.

MR. LAURI: Would you interpret that to mean that they could have more?

MR. TORVINEN: No. I interpret it to mean seven.

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MR. LAURI: Thank you.

MR. LINGENFELTER: Mr. Speaker, I'd like to clarify a couple of problems of -- look at the total of the bill 662 -- and to Mr. Branch's problems, is that it says except as otherwise specifically provided by law, the governing board of any local government unit, whose members are chosen by popular vote is hereby directed by the enactment of an ordinance or the adoption of a resolution or order, to divide the geographical area it serves into the number of election districts which is identical with the number of members serving on such board.

And all that we did with our amendment was, because of certain city charters, having their own redistricting provisions, we except those city charters which have redistrict -- uh, portions in them. But places like North Las Vegas would be mandated to redistrict, and this bill in no way prevents them from doing so.

And in answer to Mr. Kean's problem, I was talking to people in the hall this morning regarding the problem of the size of the school boards, and unless the county at the present time has a seven man school board, and they were quite concerned that the second largest county in the State should go from seven to five. We discussed it, and as you know as our districts are made up, with ten of them in the Assembly districts and providing two districts to get five, and those districts going along the line of the Senate, and in other words they run five -- from five districts and two members of the school board would run at large. The Senate has redistricted themselves.

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Now, what the court will do -- that's another matter. But the mechanics are in our bill for them to run in this manner and there's no problem with it I see.

MR. KEAN: Mr. Speaker, I'm still a little bothered about one section. I think that if we could have about a two minute recess --

MR. SPEAKER: Mr. McKissick, did you want to say something first before we have a recess? There'll be a two minute recess.

(Assembly in recess.)

ASSEMBLY IN SESSION:

MR. SPEAKER: The Assembly will come to order. Are there additional remarks on the amendment? Amendment No. 2673. Additional questions? All those, then, in favor of adoption of the amendment -- Mr. McKissick, excuse me.

MR. MCKISSICK: Yes, I would like to apologize to the house on behalf of the Washoe Delegation, for putting you through these last two days of haggling among ourselves. Of course, we listened to you for quite a while too.

I've got to compliment the drafters of this amendment. I guess it's the best we could do. I was told by my former friend, Senator Swobe, last night at 3 o'clock that this is what he would put on today. It's a back-handed way of saving face for our Senators, which is all right, I guess. What the Senate feels about me is exquisitely unimportant, but if we have to go this way with this garbage language, I guess we do. It shows a tremendous low brain wattage, in my opinion, on the Senate side and when it gets to the court, I guarantee you I will be intervenor or plaintiff in the court action. When our people go to court and vote one Assemblyman

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and four Senators and it's going to make us look awfully silly in court. But I plan to be in court. If anybody from the Washoe Delegation wants to continue and join me in the court action, I'll see you in court.

MR. SPEAKER: Are there additional comments? You've heard the motion, then, we do now adopt Amendment No. 2673 to Senate Bill 662. All those in favor of adoption signify by saying "aye". (Thereupon a voice vote was taken.) Those opposed say "no". (Thereupon a voice vote was taken.) The "ayes" have it. The amendment is adopted.

MR. TORVINEN: Mr. Speaker, I move that Amendment No. 2673 be interlineated in the bill, 662, by the Clerk and that it be on third and final passage for this legislative day.

MR. SPEAKER: You've heard Mr. Torvinen's motion that reprinting of Senate Bill 662 be dispensed with, that it be considered an emergency measure, that Amendment No. 2673 be inserted by the Clerk, that it be continued on General File and Third Reading 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. So ordered. Remarks are now open on Senate Bill 662. Hearing none, the Chief Clerk will call the roll.

(The Chief Clerk then called roll on SB 662.)

MR. SPEAKER: Assembly roll call on Senate Bill 662. There are 28 "ayes", two "nos" and ten absent. The bill having received a Constitutional majority, I declare it passed. Amendments to the title? Hearing none, I declare the title passed.

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MR. TORVINEN: Mr. Speaker, is it the proper motion now that reprinting be dispensed with and the bill be transmitted forthwith to the Senate?

MR. SPEAKER: You've heard Mr. Torvinen's motion that reprinting be dispensed with, and that Senate Bill 662 be transmitted by our fast runner to the Senate. All those in favor of that motion signify by saying "aye". (Thereupon, a voice vote was taken.) Those who oppose say "no". (Thereupon a voice vote was taken.) The "ayes" have it. So ordered. Order of Business No. 12, Unfinished Business of the Preceding Day. A motion is in order to move on AB 736 which is our unfinished business.

MR. FRANK YOUNG: Mr. Speaker, I move that this body do now concur with Senate Amendment No. 2672 to AB 736.

MR. SPEAKER: Assembly Bill 736, Amendment No. 2672. AB 736 changes the terms of the Regents and changes the board's composition. You've heard Mr. Frank Young's motion, then, that we do now concur with the Senate Amendment No. 2672 to Assembly Bill 736. Are there any remarks?

MR. FRANK YOUNG: Yes, Mr. Speaker. What the Senate has removed with this amendment are the following provisions: No member of the Board of Regents may be elected to such office more than twice and no person who has been a member of the Board of Regents at any time prior to the effective date of this Act may be elected to the office again for a full six year term, more than once. Now, in the opinion of a number of members of this body, a limitation of 12 years on the Board of Regents is not unwise.

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In fact, it would be quite wise. We were asked in this Session, and it passed both houses, to limit library trustees to two four-year terms. We have a Constitutional limit now of two four-year terms on our Governor. It was the opinion of those who watched the operation of the Board of Regents that the infusion of new blood was an improvement. However, at this late date, we certainly are not about to lose this bill. This particular matter can be argued out at subsequent sessions without any real loss at this point and so because of that -- I don't agree with the Senate's feeling on this. I understand there was considerable controversy about it down there, and I would urge the body to adopt this amendment, and let's get on with the show.

MR. SPEAKER: Any additional comments?

MISS HAWKINS: I would endorse this amendment. I've been a consistent opponent to efforts to limit terms of office because I think that, basically, the people will limit those terms of office. If we get somebody who's really good, I don't see any reason why they should be restricted from serving. And I think that it makes us be more observant of the people who do serve, to get them out if they aren't doing a good job.

MR. SPEAKER: Are there additional comments? You've heard the motion that we do now concur with Senate Amendment No. 2672 to Assembly Bill 736. 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, and it is concurred in. Are there additional amendments?

CHIEF CLERK: No further amendments, to the bill, Mr. Speaker.

MR. SPEAKER: If there are none, the bill is ordered to enrollment.

MR. FRANK YOUNG: May we go to Order of Business No. 14?

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

MR. FRANK YOUNG: Mr. Speaker, I'd like to have the following remarks entered in the Journal, if I may.

MR. SPEAKER: If there are no objections, the remarks of Mr. Frank Young will be entered in the Journal for this legislative day.

MR. FRANK YOUNG: I feel it incumbent on me, Mr. Speaker and members of the House, to make it known that I had personally recommended that the body spend more time in deliberating the matters that it attempted to do with tired minds last night. That on Friday, again on Saturday, I recommended that we not meet on Sunday, but come back at 11 o'clock this morning with bills ready to process.

I only hope that in the hours of yesterday that there were no errors that crept into these bills on which a great deal of time and effort has been spent. And I will find it most regrettable if such errors have crept in that would create confusion for other levels of government with regard to whom we have intended to do our best in accordance with the decision of the courts.

Now changing the subject just slightly, Mr. Speaker, I'd like to report to this body how the \$25,000 fund stands which was authorized by this body and the Senate for assistance in doing our reapportionment task. You will be interested to know that as of a

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few days ago, there was on the order of \$4,000 left. That of the \$25,000 authorization just 10%, or \$2,500 was spent for computer time itself. In fact, about \$7,000 was spent for collection of the data and the verification of that data. There were holes in it when we got it. We had to fill those holes in. Then, for the time of our consultants, the time of Mr. Dugger and others in consultation and analysis of the data, cost about \$8,000. For the time of the Highway Department and others who helped us in the mapping, about \$4,000.

Now, I would indicate that the balance of three or four thousand dollars will be spent for documentation so that if we're challenged in court, this information will be available for our defense.

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MR. SPEAKER: Along with Mr. Frank Young's remarks, I, too want to add my congratulations to you for a terrific job, and we certainly appreciate your efforts in our behalf and in behalf of the State of Nevada.

(End of reapportionment transcript.)

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