

PRESENT: Mary Frazzini, Chairman; Frank Young, Vice-Chairman, Nick Lauri Rawson Prince, Juanita White, Darrell Dreyer and Margie Foote

OTHERS

PRESENT: Art Palmer and Perry Burnett, Legislative Counsel Bureau.

The meeting was convened by Vice-Chairman, Frank Young, for further discussion on reapportionment in Room 222, at 7:30 a.m.

Mr Perry Burnett presented information with regard to reapportioning of local boards and they have found that the court decisions have indicated that they should be reapportioned. It is not clear as to when but it would certainly be advisable. It is clear from the Hadley vs Jr. College.... case of February 1970 and another case, that points in the same directions, is the Fahey vs Laxalt case, here in Nevada. He felt that, if it was not done in this session, they might be subject to suit. The next problem Mr. Burnett addressed to the committee was "must these local boards be apportioned in such a way as to not submerge a separate minority community of interest." Further clarification indicated that, as long as a board or related group was carrying out governmental functions, it must follow the "one-man one-vote" decision.

Perry B. also remarked that another aspect of the Fahey vs Laxalt case is that the court expressly retains jurisdiction over parties, reserving jurisdiction to consider any legislation hereinafter enacted by the Nevada Legislature. Another matter he discussed was the selective nature of the way cases are reported. This particular case was not recorded therefore it eluded any kind of indexing. This case, which involved the Clark County School District, Fahey vs Mulroy, was just a one Judge Court, because the court did not determine the constitutionality of Chapter 386. Rather, it passed upon the resolutions that had been adopted by the Board of County Commissioners, implementing the sections of the statutes. The court got into the picture because it was considered a Civil Rights Matter, but it didn't have to be heard by a three man panel because no law of the state was being construed or passed upon. The Federal Judges have quite a bit of discretion in reporting these cases. Mr. Burnett said he was going to pull out all provisions of the material available regarding local elections and prepare copies for the committee, so that they could have one package to study.

In any event, the at-large election problem is a very difficult one, because the courts are quite reluctant to do anything more, by way of requirement, then is, for example, in the Chavis Case. The plaintiff has to make the case - he has to establish that there is an identifiable political or racial social economic unit of significant enough size to be potentially a district, without gerrymandering. If he can establish that, as a result of this non-recognition, that his vote had been diluted, then he has a case. He would also have a case on the county level.

Mr. Burnett quoted from "Symposium on One-man One-Vote Government" dated 1967-68; (although probably out-dated) but the particular quote has not been supplanted or over-ruled. "A much stronger case can be

made when at-large elections in the city discriminate against the partisan, ethnic and social economic interests that are minorities. In the litigation on state legislative apportionment, courts have paid relative little attention to the problem of at-large elections. From the very few words that have been spoken on the subject, it might be assumed that the Supreme Court is not likely to place any restrictions on the use of at-large districts." This is the language we have to live with right now. If the determination is to back-off and to settle with an at-large arrangement, it is going to take several more of these very careful steps by the court to get up to it and strike it down."

Mr. Young mentioned to the Clark County members present that the present at-large arrangement of the Las Vegas City Commissions, which are non-partisan offices, would not be disturbed. The key people in the NAACP were also interested in this question but the Clark County Commission is presently apportioned or districted.

Mrs. White asked if the people could move for the reapportionment of all of these boards or if they would have to be considered separately. The court would have to consider each board separately, Mr. Burnett said, since they have to make their decision on a basis of facts presented in each case. Mr. Young summarized as follows - Local boards must be reapportioned (local elective boards) and it is probably desirable to do it now. It appears to be acceptable to have them "At-Large". — Mr. Burnett added that the at-large arrangement is not "per se" considered invidious.

Mrs. White added that the at-large arrangement was not satisfactory since it didn't guarantee the One-man One-vote theory. Mr. Lauri added, that on a state-wide basis, there would be no problem, but when you come into local districts, then there is more concern, because the numbers of those being discriminated against, would then mount proportionately.

Mr. Burnett remarked that was an acute awareness of this problem or threat, as far as these people were concerned, but the courts have been reluctant to take it on. He further emphasized that, as long as you are reapportioning on a local district and you have a large ethnic group that is representing a sizeable minority, any redistricting plan would have to take note of that and give them equal representation within the total proportion of all the others. This fact cannot be ignored and, if you re-district to submerge them, then you leave yourself open to a court interpretation.

Frank Young again summarized saying that - if we district and submerge we are in more trouble than if we are at-large and submerge. Mr. Burnett added that basically, since a ten year period was being looked at, this had to be considered and that they better figure on this basis and get it over with.

Mr. Dreyer brought up the matter of Nevada being made up of so much public land and wondered if this could not be taken into consideration, especially in the disparity figures. According to Mr. Burnett, this would be considered another cumulative matter - just one more factor to be considered. This would give some kind of justification for a deviation which might be avoided if the county lines were not respected; in other words, justification for respecting the integrity of the political subdivision lines. Mr. Lauri mentioned that the courts have given consideration to this - referring again to the Hawaii case, the difference being that they have water and Nevada has land. Mr. Lauri also referred to reapportioning and respecting townships and county lines, that then we wouldn't run into as much trouble as if we ignored these factors. Mr. Burnett remarked that defensively, this would be so.

Mr. Young said he would like to move in and get some directions to Art Palmer and Perry Burnett for the development of some packaged, skeleton bills, hopefully to introduce tomorrow afternoon, so they might be printed and on the desks. He gave to the committee members a copy of Senate Bill 643, introduced last Friday, which is the only bill introduced in either house. It is just a skeleton bill, based on a 20-40 arrangement and identifies how many go to each county but not how they are elected. It provides for a determination of who gets a two year and who gets the four year term, by a drawing of lots. Mr. Young felt it was an effort by the Senate to get up for consideration and confirmation by the Senate, that they want to stay at 20-40.

He then gave each member of the committee a sheet (attachment No. 1 to minutes) he had prepared, showing in vertical columns, some of the plans that had been discussed in the committee, the various arrangements of seats, regents, boards etc. also indicating the logical numbers for each arrangement. He covered each suggested arrangement especially as relating to Clark and Washoe Counties and the so-called "Confusion Factor" at the bottom of the page. The natural number for Regents, under the 20-40 plan, which is shown as would be closer to 10.

He then discussed briefly the 45 seat plan and in further detail discussed the 44-22 plan (which is Grover Swallow's plan) It is the one which would peel off about 3,000 people from Clark County, giving 24 seats to the balance of Clark County. One of the things discovered with 44 assembly seats around the state, eleven becomes the natural number for the state-wide boards. By combining four assembly districts, it makes a natural district for regents and the state school board. The other discovery made is that in the 44-22 plan, seven becomes a natural number for Clark County offices. In the peeling of the 3,000 people from northern Clark County to wrap with Lincoln and Nye, the separate assembly district, this means that Clark County has 24.5 assembly seats. This is precisely 3.5×7 - so for every $3 \frac{1}{2}$ assembly seats, you could have a county commissioner seat, a hospital trustee seat, a local school board seat. The school board of Clark County would remain at 7 (which they would like). It would require that the Clark County Commissioners be increased by two, thereby considerably reducing the confusion.

The "Confusion Factors" were then discussed by Mr. Young, which is roughly akin to what he had been talking about as ballots. This is a number for comparison of the five plans in terms of their complexity. The first one is beautiful for Clark (36-18) but the 40-20 is Murder for Clark County and the 44-22 looks pretty good. The 45-22 is again murder for everyone. The least confusion comes from the 36-18, the next least confusion comes from the 44-22 plan.

Mr. Palmer then passed out maps to all committee members, with a further refinement of the 44-22 plan, as far as the rural counties are concerned. Mr. Young answered questions from Mr. Prince about the 3,500 people that are being taken away from Clark County because, by using assembly districts to make up the county commission districts, they would be in a different district. Mr. Young answered that 21 of the 24 Assembly seats in Clark County would be apportioned to one and the balance of the 3,000 would vote for a County Commissioner. They would also vote for a Clark County School Trustee. They would not be voting for an Assemblyman that is thought of as a Clark County Assemblyman. Mrs. White questioned the matter of the Senator, which would not be representative either of this group.

The maps presented by Mr. Palmer were discussed, the four maps on the 44-22 plan. The various breakdowns were gone over and the shifting done in various areas. Various changes were made to show how adjustments could be made and various districts that could be established. In order to bring Carson City into adjustment with its total population (which is too large for an assembly district and not large enough for a Senate district) it becomes necessary to extract from Carson City, Enumeration Districts No. 1 and 17, basically the outlying areas to the west, Pinon Hills and the Stewart area, putting them in with Douglas County. Also, the Brunswick Canyon enumeration district was put into Lyon County District, to build it up to the assembly district figure. When you are working with this number, Carson City has to be fragmented and cannot be broken down into township lines. There is a slight increase in disparity (the second map) being + 3.8.

Basically, Mr. Palmer added, they have held to a fair criteria and have held the county lines where possible. We have broken into township lines at Elko County and Nye County and also Mineral County and into the enumeration districts in Carson City.

Mrs. White briefly stated the opinions she had gotten over the week-end and the three plans discussed for District No. 1 in Clark County. The people in that area preferred proposed plan No. 3, that is, they would all stay together and add some of Henderson to that district. Some of the other outlying areas, definitely did not want to go with Lincoln County and would rather stay in the North Las Vegas area. They felt, although there might possibly be some agricultural links, that their main links were with Las Vegas and North Las Vegas.

Mr. Young also remarked that Norm Glaser and Roy Young said the people in Carlin and Mountain City do not want to be taken away from Elko County. Part of the problem is - how much can you really consider in the wishes of the people. The mathematical niceties don't give the people too much of a choice but the courts don't give the legislature too much of a choice in these matters.

Mr. Young suggested to the committee, that they direct the Legislative Counsel Bureau to prepare two packages of skeleton bills; one for the 40-20 plan and one for the 44-22 plan. These bills would reapportion the Legislature, the Regents, the State School Board, Clark County Commissioners, Hospital Trustees, School Districts and bodies from other counties. He asked the committee if they wanted to undertake to have all of this in the same bill, in both packages, and also to reapportion the Washoe County Commissioners. The members seemed to feel that this was the first step in the right direction including even school trustees in Washoe County. Mr. Young said that he did not believe they had to worry about the school trustees in other counties, since they were elected at large and would not have to be considered.

Mr. Young asked the committee if they were in agreement - that it would involve single seat districts on all of these boards and also proposed another alternative; having the skeleton bills say that you could live anywhere but could run within a district.

Motion was made by Darrell Dreyer, seconded by R. Prince, that these two packages of skeleton bills be submitted. Motion carried.

A.B. 736, a bill in this committee was referred to by Mr. Young, wherein they had stated that the regent terms would be six years. The committee questioned the need for the six year term, which would not involve a constitutional problem according to Russ McDonald, since the only offices that involve a constitutional problem are offices actually created by the Legislature. They are limited to four year terms.

The committee will meet again tomorrow morning, April 13th, at 7:30 a.m. at which time Mr. Palmer and Mr. Burnett will get back to them with any questions and further directions. At that time, they will look at the package, decide whether or not they will be able to introduce it tomorrow afternoon or whether it will have to be delayed until Wednesday. Mr. Young stated that he wanted to meet the Speaker's schedule, to start reapportionment on Wednesday.

The meeting adjourned at 9:00 a.m.

B. Sullivan