

MEMBERS PRESENT

Chairman Westall
Vice Chairman Mello
Mr. Barengo
Mr. Glover
Mr. Harmon
Mr. Vergiels
Mr. Rusk
Mr. Tanner
Mr. Weise

GUESTS PRESENT

See Guest List attached

Chairman Westall called the meeting to order at 4:00 p.m. She called for testimony on behalf of A.C.R. 32.

ASSEMBLY CONCURRENT RESOLUTION 32

Assemblyman Nick Horn, of Assembly District 15, stated that the Assembly Committee on Elections had proposed A.C.R. 32. He explained that that committee had asked Andy Grose to present information regarding reapportionment and some of the things that could be done to prepare for reapportionment. The Elections Committee then decided to proceed and request that the Legislative Commission conduct a study to assist in preparing for the 1981 reapportionment.

Andy Grose, of the Legislative Counsel Bureau, said that the Whereases pretty well explain the situation. It largely comes out of the experience of 1971. It was felt that if they had had a committee of legislators prior to the 1971 session who could have worked with the staff to make certain decisions and give them some guidance as how best to prepare for the 1971 redistricting that it would have gone a lot more smoothly. This is not a proposal for a study in the traditional sense, but rather it directs the Legislative Commission to establish a committee for guidance for the staff.

Chairman Westall asked Mr. Grose if he saw this more as a staff study. Mr. Grose said that it was not, as the fundamental part was to have a committee of legislators as there are policy matters along the way that the staff would need guidance on. The staff would be doing all it could, but could use that guidance on policy.

Chairman Westall asked how many meetings this would likely require. Mr. Grose said there would probably be one meeting early in the interim and then after the first data is in, probably after August of 1980, there would probably be two to three more meetings.

Mr. Mello asked if this would lead to having the legislation already prepared for the next session. Mr. Grose said that it would.

Mr. Glover asked how we are standing with the Federal Government on the enumeration districts as far as the census goes next time, and will we be required to use enumeration districts during reapportionment.

Mr. Grose answered that you wouldn't necessarily be required to use enumeration districts, but you would still be required to adhere to all the long line of Supreme Court decisions on one man one vote, and there is no other data available other than enumeration districts.

Mr. Glover stated that a number of sessions ago a resolution was passed asking the Census Bureau to allow the state to participate in drawing those enumeration districts up.

Mr. Grose answered that the Legislative Commission voted to accept that responsibility and the Research Division drew the enumeration districts for all of the state outside of Washoe and Clark Counties. Within those counties there are Metropolitan Census Area Committees that do the drawing in there. So there are a lot better enumeration districts of the rural areas than in the past.

Senator Jean Ford, District 3, Clark County, explained that Assemblyman Harmon and she have been appointed by the Commission to represent the Nevada Legislature on the Ethics, Elections and Reapportionment Committee of the National Conference of State Legislatures. She and Andy Grose attended the last meeting in Florida in March and she gave a copy of a policy position from that meeting to the members of the committee, a copy of which is attached hereto and marked Exhibit A. It opposes federally mandated procedures, and, therefore, would be relevant to A.C.R. 32. She supports A.C.R. 32. There are meetings being scheduled by NCSL on the subject covered by this resolution which could be helpful to the interim committee.

Testimony was concluded on A.C.R. 32.

ASSEMBLY CONCURRENT RESOLUTION 29

Assemblyman Robert Price stated that the thrust of A.C.R. 29 is pretty well spelled out in the Whereases and the Resolved. It has appeared to him over the three sessions in which he has served that automobile insurance rates, particularly no-fault insurance, have raised questions in his mind and in the minds of people in Nevada as to the reasons for certain rates. It appears to him to be a valid subject matter for the Legislature to look into, and then the insurance companies could let the public know their reasons and positions on rates and classifications.

Mrs. Westall asked how many meetings would be necessary to conclude this study. Mr. Price answered that, due to the probability of great public interest, there would have to be several meetings around the state

Mr. Weise asked if this were not the job of the Insurance Commissioner.

Mr. Price said that it is his understanding that the hearings by the Insurance Commissioner are generally directed to a single subject matter and application of some type or change in regulation, etc., so they would be narrower in scope. Also, the public probably would not be so closely involved. This would bring back some answers more directly to the Legislature.

In response to a question from Mr. Barengo, Mr. Price said this could also cover motorcycles, as this would be a related matter, unless it were limited further by the committee.

Jim Wadhams, State Commerce Director, which includes the Insurance Commissioner's office, supports the concept of A.C.R. 29 to the extent that they could educate the Legislature and the people in Nevada as to how their insurance rates are calculated, how the classification system operates, what affects those rates, and it would probably generate great sympathy for the Insurance Commissioner. They welcome the interest and would participate in any way necessary. There is presently a law which sets forth the standards and methods for calculating insurance rates, and that would probably be the basis of any study.

Virgil Anderson of AAA, expressed support of A.C.R. 29. He suggested that the Legislative Commission look at changes that have taken place in the tort system itself and changes that have taken place with respect to the threshold, and he would recommend that as an amendment to the resolution.

Richard R. Garrod, of Farmers Insurance Group, pledged all the support of his company.

Testimony was concluded on A.C.R. 29.

ASSEMBLY RESOLUTION 20 and ASSEMBLY CONCURRENT RESOLUTION 31

Andy Grose explained that this subject was discussed before (regarding committee tapes) when the committee asked that the rules be drawn. The Senate Legislative Functions Committee, on the knowledge that the Assembly Committee is processing both a joint rule and a one house rule, is waiting for the joint rule to come rather than act on their own.

ASSEMBLY CONCURRENT RESOLUTION 30

Assemblyman Thomas Hickey explained that the Highway Department has one of the largest budgets in the state and is a combination of both federal and state money. It seems justifiable to study the increased requests for money for maintenance in light of requests for increased taxes. He feels that this agency has not been watched with any kind of jaundiced eye as to its budgets or operation. He selected this part of the highway system for study as it would be impossible to study the whole operation, and maintenance seems to

be a major problem at this time.

John Crossley, Legislative Auditor, concurred with Mr. Hickey by explaining that in performance auditing, rather than auditing the whole agency, it is better to do a particular part as the scope is too large to cover the whole operation at one time. It is more effective to cover selected areas. They felt that since performance in maintenance includes state and federal money, that would be the best area to cover at this time.

Mr. Hickey said that from his past experience, a performance audit is one of the best tools that can be used to clean up the operation.

Mrs. Westall asked how many meetings would be anticipated to cover this investigation. Mr. Hickey felt that it could be done in two or three meetings on the part of the Legislative Commission. There would probably be more work on the part of the Auditing Department.

Mr. Weise asked if this were just to determine efficiency rather than set policy. Mr. Hickey said that was correct.

Mr. Hickey felt that this study would be necessary before an increase in budget or revenue to the Highway Department could be justified for maintenance.

Testimony was concluded on A.C.R. 30.

SENATE BILL 268

Senator Jean Ford explained that the procedure being called for by this bill is actually being followed by the bill drafters at the present time with two exceptions. Section One calls for a memorandum to be prepared upon a draft if the bill drafter feels that there is a constitutional problem. That is a part of the internal procedure that is being carried out at the present time. In Subsection Two, it says if a constitutional memorandum is prepared for a bill or joint resolution, a copy of the memorandum must be sent to the requester when the draft is submitted to him for review. That is also done at the present time. The new procedure being suggested is if the bill or resolution is introduced, the Legislative Counsel would send a copy of the memorandum to each member of the committee to which the bill or resolution has been referred. In Subsection Three, when an amendment to a bill or resolution is drafted, which, if adopted, would be clearly unconstitutional, the Legislative Counsel would draft a constitutional memorandum and include it with the amendment. If the amendment is adopted, the memorandum would be attached to the bill. This is already part of the procedure. What they are suggesting is that memorandums indicating constitutional problems ought to be available to all members of the policy committee at the time bills are being considered. This would make the information available to all rather than just to the requester.

Mr. Barengo felt that the constitutionality of a law should be left up the courts. There are many laws on the books now that are clearly unconstitutional

Testimony was concluded on S.B. 268.

COMMITTEE ACTION

Assembly Concurrent Resolution 16

The proposed amendments to A.C.R. 16 were explained by Mr. Barengo. A copy of the proposals is attached hereto and marked Exhibit B.

Mr. Vergiels moved that the amendments be adopted, seconded by Mr. Tanner. The motion was carried with Mr. Glover and Mr. Barengo voting "No".

Assembly Resolution 12

Mr. Glover explained that there were technical problems with A.R. 12, and that the introducer had requested that the previous action taken by the committee be rescinded.

Mr. Glover moved that the previous action taken on A.R. 12 be rescinded and that it be referred back to the committee, seconded by Mr. Rusk. The motion was carried unanimously.

Senate Bill 55

Mr. Weise moved that S.B. 55 be recommended Do Pass, seconded by Mr. Glover. The motion was carried unanimously.

Assembly Concurrent Resolution 31

Mr. Vergiels moved that A.C.R. 31 be recommended Do Pass, seconded by Mr. Weise. The motion carried unanimously.

The meeting was adjourned by Chairman Westall at 4:55 p.m.

Respectfully submitted,



Ruth Olguin
Committee Secretary

GUEST LIST LEGISLATIVE FUNCTIONS COMMITTEE
April 19, 1979

<u>NAME</u> (Please print)	<u>REPRESENTING</u>	<u>WISH TO SPEAK</u>	
		Yes	No
W. Rehner	CSMA		✓
✓ Richard R Garrod	FARMERS UNIONS	✓	
✓ ANDY GROSE	LCB	✓	
Gene Phelps	Hwy DEPT	ACR30	
Bill Marsh	Hwy Dept	ACR30	
Knauer	Ins Division		✓
Fred Telle			✓
✓ Jim Washburn	Communal Dept	ACR29	
✓ Nick Horn	AD 15	ACR32	
✓ Gen Ford	Sen. # 3	SB 268	
✓ VIKTOR ANDERSON	AAA	ACR29	
✓ Assemblyman Hickay	Sponsor		



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Jason Boe
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Executive Director
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POLICY POSITION

CONGRESSIONAL REDISTRICTING

- WHEREAS, three bills currently under consideration in Congress (H.R. 1516, H.R. 2653, and S 596) would significantly interfere with the powers of state legislatures to redraw Congressional district lines after each decennial census; and
- WHEREAS, all three bills would impose a litany of substantive and inconsistent standards to govern redistricting plans; and
- WHEREAS, H.R. 2653 and S. 596 both vest redistricting powers in a bipartisan commission to be appointed by majority and minority party leaders in each house of the state legislature with those members then choosing a fifth member to head the commission which would then prepare a redistricting plan to be submitted to the Federal Elections Commission; and
- WHEREAS, the nation's state legislatures have acted in a responsible manner in Congressional redistricting, with the overall population deviation in Congressional districts within one percent in virtually every state; and
- WHEREAS, each state legislature, since it is representative of the entire voting population of the state, is the proper body to develop a Congressional redistricting plan and procedures for its state; now therefore,
- BE IT RESOLVED by the National Conference of State Legislatures that the NCSL is opposed to any federally mandated procedures, structures, or substantive standards for redistricting, which NCSL believes would constitute a fundamental revision of the accepted Constitutional role of the state legislatures and of the historic federal-state relationship.

1979 REGULAR SESSION (60TH)

ASSEMBLY ACTION		SENATE ACTION		Assembly	AMENDMENT BLANK
Adopted	<input type="checkbox"/>	Adopted	<input type="checkbox"/>	AMENDMENTS to	Assembly Concurrent
Lost	<input type="checkbox"/>	Lost	<input type="checkbox"/>		Joint
Date:		Date:		Bill No.	Resolution No. 16
Initial:		Initial:		BDR	678
Concurred in	<input type="checkbox"/>	Concurred in	<input type="checkbox"/>	Proposed by	Committee on Legislative
Not concurred in	<input type="checkbox"/>	Not concurred in	<input type="checkbox"/>		Functions
Date:		Date:			
Initial:		Initial:			

Amendment No 584



Amend the resolution, page 1, line 9, by deleting "Seventeenth", and inserting "Twenty-fifth".

Amend the resolution, by deleting lines 10 and 11.

Amend the resolution, page 1, line 12, by deleting "4. Sixty-first", and inserting "3. Sixty-fifth".

Amend the resolution, page 1, by deleting lines 14 through 22, inclusive.

To: E & E
LCB File
Journal
Engrossment
Bill ✓

Date 4-13-79 Drafted by JSP:sl

