



**MINUTES OF THE MEETING
OF THE LEGISLATIVE COMMISSION'S
COMMITTEE ON REAPPORTIONMENT AND REDISTRICTING
(Senate Concurrent Resolution No. 1; File No. 95, *Statutes of Nevada 1999*)
January 22, 2001
Carson City, Nevada**

The fifth meeting of the Legislative Commission's Committee on Reapportionment and Redistricting (Senate Concurrent Resolution No. 1; File No. 95, *Statutes of Nevada 1999*) was held on Monday, January 22, 2001, at 1 p.m. in Room 4100 of the Legislative Building, 401 South Carson Street, Carson City, Nevada, and videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Pages 3 and 4 contain the "Meeting Notice and Agenda."

COMMITTEE MEMBERS PRESENT IN CARSON CITY:

Senator Ann O'Connell, Chairwoman
Senator William J. Raggio
Senator Dean A. Rhoads
Senator Dina Titus
Assemblywoman Barbara E. Buckley
Assemblyman Joseph E. Dini, Jr.
Assemblywoman Christina R. Giunchigliani
Assemblyman Lynn C. Hettrick

OTHER LEGISLATORS PRESENT:

Senator Mike McGinness
Assemblywoman Sharron E. Angle
Assemblyman Bob Beers
Assemblyman John C. Carpenter

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Robert E. Erickson, Research Director
Vance A. Hughey, Principal Research Analyst
Brian L. Davie, Legislative Services Officer
Scott G. Wasserman, Chief Deputy Legislative Counsel
William L. Keane, Deputy Legislative Counsel
Kathy L. Steinle, Geographic Information System (GIS) Specialist, Information Systems Unit
Susan Furlong Reil, Principal Research Secretary

MEETING NOTICE AND AGENDA

Name of Organization: Legislative Commission's Committee on Reapportionment and Redistricting (S.C.R. 1)

Date and Time of Meeting: Monday, January 22, 2001
1 p.m.

Place of Meeting: Legislative Building
Room 4100
401 South Carson Street
Carson City, Nevada

Note: Some members of the committee may be attending the meeting and other persons may observe the meeting and provide testimony, through a simultaneous videoconference conducted at the following location:

Grant Sawyer State Office Building
Room 4401
555 East Washington Avenue
Las Vegas, Nevada

If you cannot attend the meeting, you can listen to it live over the Internet. The address for the legislative Web site is <http://www.leg.state.nv.us>. For audio broadcasts, click on the link "Listen to Meetings Live on the Internet."

A G E N D A

- I. Opening Remarks
Senator Ann O'Connell, Chairwoman
- *II. Approval of Minutes of the September 29, 2000, Meeting
- III. Presentation by David C. Sheffield, President, State Board of Education, on Districts of Members
- IV. Presentation by Representative of University of Nevada Board of Regents on Districts of Members
- V. Presentation on Congressional Districts by United States Representative Jim Gibbons or Staff Representative
- VI. Presentation on Congressional Districts by United States Representative Shelley Berkley or Staff Representative
- VII. Report on Census 2000 and Revised Population Projections by Legislative District
Robert E. Erickson, Research Director, Legislative Counsel Bureau (LCB)
Vance A. Hughey, Principal Research Analyst, LCB
- VIII. Update on Informational Maps Concerning Current Legislative Districts
Kathy L. Steinle, Geographic Information System (GIS) Specialist, LCB
- IX. Census 2000 Redistricting Products and Election Data Tables
Scott G. Wasserman, Chief Deputy Legislative Counsel, LCB
Kathy L. Steinle, GIS Specialist, LCB
Brian L. Davie, Legislative Services Officer, LCB
- X. Update on Adjustment Issue
Scott G. Wasserman, Chief Deputy Legislative Counsel, LCB
- *XI. Discussion and Action on Proposed Rule IV, "Procedures of Redistricting Committees," of the Rules for Reapportionment and Redistricting by the 2001 Nevada Legislature
Scott G. Wasserman, Chief Deputy Legislative Counsel, LCB

XII. Public Comment

*Denotes items on which the committee may take action.

Note: We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Research Division of the Legislative Counsel Bureau, in writing, at the Legislative Building, 401 South Carson Street, Carson City, Nevada 89701-4747, or call Susan Furlong Reil at (775) 684-6825 as soon as possible.

Notice of this meeting was posted in the following Carson City, Nevada, locations: Blasdel Building, 209 East Musser Street; Capitol Press Corps, Basement, Capitol Building; City Hall, 201 North Carson Street; Legislative Building, 401 South Carson Street; and Nevada State Library, 100 Stewart Street. Notice of this meeting was faxed for posting to the following Las Vegas, Nevada, locations: Clark County Office, 500 South Grand Central Parkway; and Grant Sawyer State Office Building, 555 East Washington Avenue.

OPENING REMARKS

Chairwoman O'Connell called the meeting to order at 1:15 p.m. and directed the Committee's secretary to call roll. All Committee members were present.

APPROVAL OF MINUTES OF THE SEPTEMBER 29, 2000, MEETING

SENATOR RHOADS MOVED FOR APPROVAL OF THE MINUTES OF THE COMMITTEE'S MEETING HELD ON SEPTEMBER 29, 2000, IN CARSON CITY, NEVADA. THE MOTION WAS SECONDED BY ASSEMBLYWOMAN GIUNCHIGLIANI AND CARRIED UNANIMOUSLY.

PRESENTATION BY DAVID C. SHEFFIELD, PRESIDENT, STATE BOARD OF EDUCATION, ON DISTRICTS OF MEMBERS

David C. Sheffield

David C. Sheffield, President, State Board of Education, Elko, Nevada, reported that the State Board of Education plans to work with the Board of Regents of the University and Community College System of Nevada (UCCSN) to develop congruent redistricting plans. Currently, the district boundaries of the State Board of Education are the same as those of the Board of Regents, and it is the desire of both boards that any proposed redistricting plan should retain this approach. Population served and student demographics also are important criteria that must be considered before a determination is made as to whether an increase in the number of districts will be necessary in order to maintain adequate representation ratios.

Chairwoman O'Connell questioned if the State Board of Education intends to present a proposed redistricting plan to the Legislature for consideration, and if so, whether such a proposal also would reflect that of the Board of Regents. Responding, Mr. Sheffield indicated that the State Board of Education expects to offer a proposed redistricting plan for the Legislature's consideration that will parallel the draft proposal of the Board of Regents.

Responding to a question from Senator Titus, Mr. Sheffield reiterated that population served and student demographics are criteria that will be closely examined once detailed population data is received from the United States (U.S.) Department of Commerce, Census Bureau (Census Bureau) by Nevada. A determination as to whether additional seats are necessary in order to adequately represent the interests of the population served by the State Board of Education will be made once the Board has had an opportunity to study the detailed census results.

PRESENTATION BY REPRESENTATIVE OF UNIVERSITY OF NEVADA BOARD OF REGENTS ON DISTRICTS OF MEMBERS

Thalia Dondero and Jane Nichols

Thalia Dondero, Chair, Board of Regents, Las Vegas, Nevada; and Jane Nichols, Chancellor, Reno, Nevada, both of

the UCCSN, discussed the status of the Board's involvement in the redistricting process. Ms. Dondero reported that a decrease in the number of regent districts is not anticipated. The Board of Regents has directed UCCSN staff to explore potential redistricting plans based upon 11, 12, and 13 Board seats and has provided the following guidelines to assist in redrawing the boundaries of its districts:

1. Diversity of population should be maintained within each proposed district;
2. Any new board districts must be created in Clark County, Nevada;
3. Reconfiguration of existing district boundaries should maintain representation of northern and rural Nevada.

Dr. Nichols noted that the UCCSN is utilizing internal consultants to assist in its redistricting activities. In addition, the UCCSN has purchased the same software that is being used by the Legislature for redistricting. The Board of Regents plans to review some preliminary population projections at its March 2001 meeting to try to identify some potential district lines; however, it will be unable to provide final recommendations to the Legislature until after it has had an opportunity to examine the final detailed census data.

Responding to an inquiry from Assemblywoman Giunchigliani, Ms. Dondero indicated that she did not have with her information regarding the current size of each Board of Regent district. Ms. Giunchigliani questioned the Board of Regents' rationale in directing UCCSN staff to explore potential redistricting plans based upon 11, 12, and 13 districts. Ms. Dondero explained that the Board of Regents is of the opinion that it may be necessary to expand its membership in order to ensure that northern and rural Nevada do not experience a loss of seats on the Board. Nevada's population growth, particularly in Clark County, suggests that in order to maintain proportionate size, the boundaries of districts that are currently located in northern and rural Nevada would need to be redrawn to include portions of Clark County. Ms. Giunchigliani observed that it appears the goal of the Board of Regents is to maintain representation based on geography rather than population.

Senator Titus questioned the ability of the Board of Regents to operate effectively with 13 members. Ms. Dondero stated that in her view, a 13-member Board of Regents could provide effective representation. She pointed out that the sparse population of Nevada's rural areas necessitates the creation of geographically large rural districts in order to maintain equality among districts; however, it is also important that the geographic size of a rural district not impede the ability of a regent to adequately represent his or her constituency.

Continuing, Senator Titus commented that she has heard speculation that in the future, the Board of Regents may be split so that one board oversees community colleges and another governs the universities. She invited Ms. Dondero to share her thoughts on this conjecture. Ms. Dondero opined that as a whole, students' interests are best served by a single board. Dr. Nichols reported that the UCCSN is currently undertaking an 11-month study that includes a review of governance. As a part of this study, the UCCSN will review a variety of governance models. The results of the study will not be available until after the redistricting process is complete; however, the UCCSN plans to continue exploring issues related to effective board functioning.

David C. Sheffield

Chairwoman O'Connell asked Mr. Sheffield if he could share with the Committee the population of each State Board of Education district. Mr. Sheffield indicated that there are about 330,000 students in Nevada and 11 State Board of Education members, or about 30,000 to 35,000 students per board member.

Robert E. Erickson, Research Director, Research Division, Legislative Counsel Bureau, Carson City, indicated that during the 1990 redistricting, there were approximately 109,000 residents in each district of the Board of Regents/State Board of Education.

PRESENTATION ON CONGRESSIONAL DISTRICTS BY UNITED STATES REPRESENTATIVE JIM GIBBONS OR STAFF REPRESENTATIVE

Robert S. Uithoven

Robert S. Uithoven, District Director for U.S. Representative Jim Gibbons (R-Nevada), Reno, read into the record a statement from Representative Gibbons regarding reapportionment and redistricting (Exhibit A), covering the following points:

- Nevada has experienced unprecedented growth during the past ten years. As the state's population grows, so does its political influence at the federal level.
- A third representative in Congress will help further Nevada's position on important issues such as keeping the state free of nuclear waste, protecting our major economic industries, and securing federal tax dollars to address education and transportation needs.
- In order to maintain public trust, it is important that the reapportionment and redistricting efforts remain fair and open.
- It is also important that the interests of all Nevadans be placed above those of elected officials.
- Nevada's bipartisan congressional delegation must continue to present a unified front in representing the interests of both rural and urban Nevada.
- All three congressional districts should include growth areas. In Representative Gibbons' view, creating a "landlocked" congressional district would not be in the state's best interests.
- Nevada's major economic industries—gaming, grazing, mining, and ranching—will be best served through the combined efforts of the state's congressional delegation to secure funds for education and infrastructure needs in growth areas.
- Representative Gibbons is of the opinion that it would be inappropriate to submit a proposed redistricting plan at this time.

Assemblywoman Giunchigliani asked Mr. Uithoven to define the term "land lock" as used in Representative Gibbons' written statement. Responding, Mr. Uithoven explained that "landlocked" refers to a condition that exists when the geographic area of a district is insufficient to accommodate future growth. He emphasized that Representative Gibbons does not support the creation of any district that cannot accommodate future growth. In addition, it is Representative Gibbons' view that all three congressional districts should include rural areas of the state.

Continuing, Mr. Uithoven acknowledged that there are some misconceptions regarding Representative Gibbons' assertion that each of the three congressional districts in the state should contain rural areas. He noted that Representative Gibbons recognizes that once the congressional districts are redrawn, his district will include a portion of Clark County. He also pointed out that Clark County contains many rural areas.

Assemblywoman Giunchigliani questioned whether Representative Gibbons has taken a position with regard to the use of the actual population count or statistically adjusted population data. Mr. Uithoven indicated that he was not able to respond to Ms. Giunchigliani's inquiry and offered to provide her with an answer at a future date.

Chairwoman O'Connell inquired about the number of additional residents that will be needed for each congressional district. Mr. Uithoven stated that Representative Gibbons anticipates that approximately 70,000 residents of Clark County will be added to his district, Congressional District 2 (CD 2), in the redistricting process. He noted that Representative Gibbons has formed some preliminary thoughts regarding potential redistricting plans but is of the view that it would be prudent to wait until the detailed population data is released in April 2001 before submitting a formal draft proposal for the Legislature's consideration.

Continuing, Chairwoman O'Connell questioned whether U.S. Representative Shelley Berkley (D-Nevada) and Representative Gibbons have discussed the issue of reapportionment and redistricting of Nevada. Mr. Uithoven indicated that both of Nevada's congressional representatives have publicly expressed their respective positions with regard to reapportionment and redistricting, and he declined to speculate about the final outcome. He reiterated that Representative Gibbons' primary concerns are that the reapportionment and redistricting process be fair and open to the public and that each congressional district includes geographic areas that are able to accommodate future growth.

In terms of geography, Representative Gibbons currently represents approximately 99 percent of Clark County, Nevada—including Henderson, Nellis Air Force Base, North Las Vegas, Spanish Trails, Summerlin, and Sun City—along with the rest of the state. Mr. Uithoven reported that Representative Gibbons anticipates submitting a proposed plan for the redistricting of Nevada’s congressional districts after the official detailed population data is released in April 2001.

At the request of Chairwoman O’Connell, a verbatim transcript of the testimony of Mr. Uithoven is attached as Exhibit B to these minutes.

**PRESENTATION ON CONGRESSIONAL DISTRICTS BY UNITED STATES REPRESENTATIVE
SHELLEY BERKLEY OR STAFF REPRESENTATIVE**

Shelley Berkley

United States Representative Shelley Berkley (D-Nevada), Las Vegas, advocated the formation of the new third congressional district within the existing first congressional district (Congressional District 1 [CD 1]) in Clark County. In her view, each congressional district should represent Nevada’s distinct constituencies: rural, suburban, and urban. Because Clark County faces different issues than other communities in Nevada, she urged the Committee members to support a congressional reapportionment and redistricting plan wherein both CD 1 and the new third congressional district would represent Clark County. Representative Berkley recommended that CD 1, which she represents, consist primarily of Clark County’s urban areas; the new third congressional district represent constituents living in suburban Clark County; and the remainder of the state comprise CD 2. In support of her position, Representative Berkley offered the following comments:

- The congressional district she represents is 99 percent urban. With a population of approximately 1.1 million, it is the largest congressional district in the United States.
- While many areas of the state have grown over the past decade, a significant portion of Nevada’s growth has occurred within metropolitan Clark County. It is expected that Clark County will continue to experience substantial growth in the future.
- The population of Clark County is sufficient to support the creation of the new third congressional district within the existing first congressional district.
- Commonality of interests is the primary issue in redrawing boundary lines for Nevada’s congressional districts. Socioeconomic and growth-related issues and concerns are common interests shared by all citizens of Clark County.
- The reapportionment of Nevada’s congressional districts must be fair and provide strong representation to all constituencies. Specifically, it is important that the Legislature ensure that the commonality of interests shared by Clark County residents be preserved and that this constituency be afforded a strong position in the electoral process.
- Likewise, Clark County’s inner-city dwellers share common interests and face challenges unique to urban areas such as crime, declining infrastructure, inadequate public transportation, inability to access health care, overcrowded schools, and urban congestion. In order to preserve the political power of Nevada’s urban dwellers, it is important that this constituency be allowed to remain unified within one congressional district. To do otherwise would fracture the political cohesiveness of working men and women and could result in the disenfranchisement of this segment of our society.
- The diverse nature of Clark County’s geography and communities requires that each of the two proposed Clark County congressional districts would encompass both some urban and suburban, as well as affluent and working-class, neighborhoods.
- The most effective congressional representatives are those who have homogeneous districts with identifiable issues on which to focus their energies. If the Nevada Legislature creates congressional districts that blend rural,

suburban, and urban dwellers, it will limit the future ability of the state's congressional representatives to provide effective representation due to the wide diversity of the constituencies within each district.

Chairwoman O'Connell questioned whether Representative Berkley plans to provide the Committee with a formal reapportionment and redistricting plan for Nevada's congressional districts. Responding, Representative Berkley indicated that she intends to offer several alternate redistricting plans that would maintain the urban core of Clark County within the first congressional district. She opined that it would be unwise and a disservice to all Nevadans if the Legislature were to create congressional districts that encompass portions of both northern and southern Nevada, thus requiring a congressional representative from southern Nevada to spend time visiting constituents in northern Nevada as well.

Senator Rhoads voiced his disagreement with Representative Berkley's views, questioning how a congressional representative from southern Nevada can effectively act on behalf of all Nevadans if he or she does not make an effort to visit other areas of the state to gain a thorough understanding of the issues facing businesses and residents of rural communities. Further, he expressed concern about the ability of two representatives from southern Nevada to embrace causes important to rural residents and vote intelligently on these issues without the benefit of first-hand knowledge. Senator Rhoads acknowledged and expressed appreciation to Representative Berkley for her support on key mining votes, particularly in view of the fact that there is no mining industry in her congressional district.

Representative Berkley explained that over the course of her career, she has had an opportunity to spend a great deal of time in rural Nevada. In her current capacity as the representative of CD 1, she works closely with the agriculture and mining industries and with Representative Gibbons on issues important to Nevadans. Because of the size of CD 1, it is her view that spending time outside her district would be a disservice to her constituents. She indicated that while she is sensitive to issues facing northern Nevadans and does occasionally visit the area, in her view it is not necessary or advisable that she visit, for instance, a mine in Carlin, Nevada, when there are other serious issues requiring her attention within her own congressional district. Representative Berkley cautioned the Committee against creating east-west congressional districts, opining that to do so would result in less than full representation to the rural areas of the state. Continuing, she complimented Representative Gibbons on his representation of CD 2 and assured the Committee and their staffs work closely on issues important to all Nevadans.

Continuing, Representative Berkley inquired about the time frame within which she should work to create proposed reapportionment and redistricting plans for Nevada's congressional districts. Chairman O'Connell indicated that any proposed plans would likely need to be submitted for consideration no later than the end of April 2001.

At the request of Chairwoman O'Connell, a verbatim transcript of the testimony of Representative Berkley is attached as Exhibit C to these minutes.

REPORT ON CENSUS 2000 AND REVISED POPULATION PROJECTIONS BY LEGISLATIVE DISTRICT

Robert E. Erickson

Robert E. Erickson, Research Director, Legislative Counsel Bureau (LCB), Carson City, advised the Committee that on December 28, 2000, the Census Bureau reported that Nevada's total statewide unadjusted population as of April 1, 2000, was 1,998,257. He noted that staff's in-state projection of a little over 2 million is closer to the actual count than the Census Bureau estimate of between 1.8 million and 1.9 million. It is anticipated that more detailed census data may be received as early as the first part of March 2001. Mr. Erickson provided the following background and historical information on Nevada's demographics:

- Beginning in 1963, over half of all Nevada residents lived in Clark County. The state demographer estimates that as of April 1, 2000, approximately 68.5 percent of Nevada's population resided in Clark County.
- Nevada has been the fastest growing state in the United States for the last 40 years and is currently the 35th most populous state in the nation. During this period of time, the ten-year percentage population increases for Nevada have been 78 percent during the 1950s, 71 percent in the 1960s, 63 percent in the 1970s, 50 percent in the 1980s, and 66.3 percent during the 1990s. In comparison, the United States' total population increased a little over 13

percent during the 1990s.

- It is likely that Nevada's population will be sufficient by the year 2010 to entitle Nevada to a fourth seat in Congress, even if growth does not continue at its current rate.

Chairwoman O'Connell observed that the Census Bureau's statewide unadjusted population count does not include people who have moved to Clark County since April 1, 2000. Mr. Erickson acknowledged the accuracy of her statement and noted that the reapportionment and redistricting of Nevada will be based on the Census Bureau's April 1, 2000, population figures.

Vance A. Hughey

Vance A. Hughey, Principal Research Analyst, Research Division, LCB, Carson City, provided the Committee with updated population estimates for Senate and Assembly legislative districts (Exhibit D). Mr. Hughey reminded Committee members that they had received an earlier version of these estimates along with a map atlas dated August 2000 titled "Current Legislative Districts & Population Estimates."

Mr. Hughey explained that in updating the legislative district population estimates, Mr. Erickson and he proportionally reduced the population of each district by 1.66 percent to reflect the disparity between staff's statewide population estimate of 2,032,000 and the Census Bureau's final unadjusted statewide population count of 1,998,257. He also reminded the Committee that staff's population estimates are based on a number of sources including *Congressional Quarterly* information, local government data, the state demographer's projections, and voter registration statistics. The figures contained in Exhibit D represent staff's best estimates of district-level population counts. Mr. Hughey indicated that these reports will be reissued once final detailed population data is received from the Census Bureau.

Senator Raggio questioned whether the statewide population count released by the Census Bureau in December 2000 is an estimate or a final figure that will be used for Nevada's reapportionment and redistricting task. Responding, Mr. Erickson explained that the number provided by the Census Bureau is the official final unadjusted statewide population count for Nevada and will not change. This unadjusted statewide population count, together with the number of federal employees living overseas (approximately 3,000 people for Nevada) was used for the apportionment of Congress.

Chairwoman O'Connell invited staff to provide the Committee with a brief summary of a lawsuit filed by the state of Utah regarding the 2000 census count. Scott G. Wasserman, Chief Deputy Legislative Counsel, Legal Division, LCB, Carson City, reported that the state of Utah has filed a lawsuit alleging that thousands of missionaries living overseas were not counted and reported back to Utah's state count. Utah contends that missionaries should be dealt with in the same manner as military personnel living overseas. If Utah is successful in its challenge, it could gain, and the state of North Carolina could lose, one congressional seat.

Senator Titus questioned whether the district-level population counts set forth in Exhibit D are estimates or final counts. Responding, Mr. Hughey explained that the Census Bureau's statewide, unadjusted population count of 1,998,257 is final; it is the allocation of that statewide population among the legislative districts that is estimated.

Referencing the overseas voting population, Mr. Erickson noted that these residents are not allocated to any geographical area of the state. He also cautioned the Committee to remember that there remains a possibility that the Census Bureau could release a second set of statistically adjusted population numbers.

UPDATE ON INFORMATIONAL MAPS CONCERNING CURRENT LEGISLATIVE DISTRICTS

Kathy L. Steinle

Kathy L. Steinle, Geographic Information System (GIS) Specialist, LCB, Carson City, directed the Committee's attention to a booklet titled "Current Legislative Districts & Population Projections" dated January 2001, consisting

of maps of legislative districts and projected population estimates. Please see Exhibit E. Ms. Steinle reminded Committee members that they had received an earlier version of this map atlas dated August 2000. She reported that the updated booklet differs from the August 2000 version in that: (1) the location of each current legislator's residence is signified by a bright pink symbol on each map; and (2) the projected population numbers set forth in the tables have been updated to reflect the Census Bureau's final statewide unadjusted population count and the district-level population estimates as revised by Mr. Erickson and Mr. Hughey.

Senator Rhoads asked if the figures contained in the new map atlas are expected to change. Responding, Ms. Steinle explained that as soon as the Census Bureau releases Nevada's detailed census data in March 2001, the numbers set forth in the map atlas tables will be revised accordingly.

CENSUS 2000 REDISTRICTING PRODUCTS AND ELECTION DATA TABLES

Scott G. Wasserman

Scott G. Wasserman, Chief Deputy Legislative Counsel, Legal Division, LCB, Carson City, explained that Phase 3 of the Census 2000 Redistricting Data Program—the reporting segment of the 2000 census—is currently underway. Pursuant to the provisions of Public Law (P.L.) 94-171, the Census Bureau is required to report to the Governor and to legislative leadership Census 2000 population data for: (1) counties; (2) American Indian areas; (3) cities; (4) towns; (5) census tracts; (6) block groups; and (7) blocks. Because Nevada participated in Phase 2 of the Census 2000 Redistricting Data Program, it will also receive population data for existing election precincts and legislative districts. As evidenced by the December 28, 2000, letter from Marshall L. Turner, Jr., Chief, Census 2000 Redistricting Data Office (Exhibit F), Nevada has received the first of the requested redistricting data products. A CD-ROM containing the geographic database that provides the final Census 2000 tabulation boundary lines for the census blocks—commonly known as Topologically Integrated Geographic Encoding and Referencing (TIGER) files, or TIGER/Line files—has been delivered to Nevada. Once the Census Bureau's final detailed population data becomes available in March 2001, these files will be updated.

Kathy L. Steinle

Ms. Steinle, previously identified on page 13 of these minutes, discussed the contents of the CD-ROM provided by the Census Bureau and its application. She explained that the TIGER/Line files contain data that describe three major types of geographic features:

1. Lines—Line features include hydrography, railroads, roads, selected pipelines and power lines, and transportation features.
2. Landmarks—Cemeteries, churches, parks, schools, and selected shopping centers and factories are some landmark features.
3. Polygons—Polygon features consist of legal entities such as counties, congressional districts, Indian reservations, precincts, and state legislative districts, together with statistical entities such as census tracts and census blocks.

Using a TIGER conversion tool in the autoBound redistricting software, the TIGER/Line files will be converted into a usable format so that all three of these geographic feature types will be available in Nevada's database during the redistricting task.

Continuing, Ms. Steinle reported that staff is currently building a database that contains election and voter registration data, including numbers from the close of voter registration for the 2000 General Election. This database, along with the redistricting Census 2000 TIGER/Line files, will be available for use on each of the caucus' redistricting workstations and the public redistricting workstation by February 5, 2001.

Brian L. Davie

Brian L. Davie, Legislative Services Officer, LCB, Las Vegas, explained the details of the elections and voter registration databases, covering the following points:

- Census geography detail has increased significantly in recent years. During the 1980 census, Nevada had about 9,000 census blocks, mostly in the urban areas of Las Vegas and Reno, with large enumeration areas covering the remainder of the state. For the 1990 census, the Census Bureau block numbered the entire country, and Nevada had approximately 32,000 blocks throughout the state. According to the Census Bureau, Nevada has 60,831 census tabulation blocks for the 2000 census.
- The elections database for the 2001 redistricting effort consists of the voter registration files by precinct as of the close of registration for the 1996, 1998, and 2000 General Elections along with the statewide voting results for the 1996 and 2000 Presidential races; the 1998 U.S. Senate race between John Ensign and U.S. Senator Harry Reid (D-Nevada); and the U.S. Senate race between Edward R. Bernstein and John Ensign in 2000.
- Because of precinct boundary changes and the limitations of the census geography, the elections and voter registration databases over the 1996, 1998, and 2000 election cycles are not strictly comparable. Given this circumstance, it is important that all interested parties recognize that the election and voter registration databases are most useful for general rather than specific analysis of voting and registration trends.
- The redistricting software application allocates the elections and voter registration data to census geography to the block level based on the proportion of voting age population in each block within each precinct. For this reason, the elections and registration data will provide only a general rather than a precise reflection of the actual numbers at the block level. Population, however, will be accurate according to the census results at all geographic levels, including census blocks.

Chairwoman O'Connell asked if the Census 2000 TIGER/Line files would reduce the amount of time needed to draft the actual reapportionment and redistricting bills. Mr. Wasserman explained that using the TIGER/Line files, descriptions of districts are generated quickly. However, staff must then examine maps and confirm that each district contains the correct census geography and that nothing has been overlooked. Chairwoman O'Connell invited Mr. Wasserman to estimate the amount of time that will be needed by LCB's Legal Division to complete the bill drafting and proofing process. Mr. Wasserman indicated that ten days should allow staff sufficient advance time for the bill-drafting portion of the process.

UPDATE ON ADJUSTMENT ISSUE

Scott G. Wasserman

Mr. Wasserman, previously identified on page 14 of these minutes, reminded the Committee that the Census Bureau is scheduled to decide in late February 2001 whether the detailed final census data to be released to the states will be statistically adjusted for accuracy. Mr. Wasserman summarized recent developments regarding the adjustment issue, covering the following points:

- The U.S. Department of Commerce adopted a regulation, effective November 6, 2000, that sets forth the procedure to be followed in determining whether statistical sampling will improve the overall accuracy of the census data. This regulation provides that a committee composed of Census Bureau senior career professionals shall make a recommendation to the Director of the Census Bureau as to whether making an adjustment to the census data based on statistical sampling will result in a more accurate census. Thereafter, the Director of the Census Bureau will consider the committee's recommendation and decide whether to release adjusted numbers or the traditional head count as the official P.L. 94-171 census data.
- Three possible scenarios could occur as a result of the regulation:
 1. If the committee recommends that the census data be adjusted for the undercount but the Director of the Census Bureau does not concur, then all states would receive both the adjusted and unadjusted population figures, but the unadjusted numbers would be issued as P.L. 94-171 census data.
 2. However, if the committee recommends that an adjustment be made to the census data and the Director of the Census Bureau agrees with that recommendation, then the states would receive both set of data—adjusted and

unadjusted—but the adjusted figures would be issued as the official P.L. 94-171 census data.

3. In the event the committee recommends that the census data not be adjusted, only the unadjusted population count will be released to the states.
- The regulation adopted by the U.S. Department of Commerce further provides that the determination of the Director of the Census Bureau whether to use adjusted or unadjusted numbers as the P.L. 94-171 census data is not subject to review, reconsideration, or reversal by the U.S. Secretary of Commerce. The intent of this specific provision is to remove politics from the decision-making process. The regulation remains effective until amended or revoked by the U.S. Secretary of Commerce.
- Marshall L. Turner, Jr., Chief, Census 2000 Redistricting Data Office, U.S. Department of Commerce, Census Bureau, has indicated that a decision regarding the use of sample-adjusted data will be made in late February 2001.
- On January 20, 2001, the U.S. Senate confirmed President Bush's appointment of Donald Evans as the nation's new Secretary of Commerce. During Secretary Evans' confirmation hearings before the U.S. Senate, he was asked whether he would allow the Census Bureau to release sample-adjusted population data if the committee of Census Bureau professionals deemed the adjusted numbers to be most accurate. Responding, Secretary Evans stated that there is some question as to whether legal authority exists to delegate the U.S. Secretary of Commerce's decision-making powers to the Director of the Census Bureau, and he indicated that he is working to clarify this issue. He also commented that the regulation may change before a decision is made regarding which set of numbers to release as the official P.L. 94-171 census data.

Assemblywoman Giunchigliani questioned whether the sample-adjusted population data will be used for purposes of apportioning Congress if both the committee of Census Bureau career professionals and the Director of the Census Bureau deem the adjusted numbers to be most accurate. Mr. Wasserman explained that if the committee of Census Bureau career professionals decides that an adjustment to the traditional head count is not necessary, Nevada will receive only unadjusted numbers. However, if the committee determines that an adjustment is necessary in order to achieve the most accurate census, the states will receive both sample-adjusted and unadjusted data. In the absence of clarification from the U.S. Supreme Court, if the Census Bureau releases both adjusted and unadjusted data, the legislatures must decide which set of numbers to use for redistricting. Continuing, Mr. Wasserman noted that the apportioning of Congress was based on the state population totals released by the Census Bureau on December 28, 2000, and this apportionment would not be impacted by the release of sample-adjusted numbers as the official P.L. 94-171 census data.

Chairwoman O'Connell asked for Mr. Wasserman's guidance regarding the appropriateness of the Committee making a recommendation to the Legislature as to whether the adjusted or unadjusted data should be used for Nevada's reapportionment and redistricting task. Mr. Wasserman noted that the topic of sample-adjusted population data has been discussed a number of times, and the Committee did not direct him to address this issue in the proposed rules for redistricting. He recollected that Senator Titus specifically asked if the proposed rules address the potential use of adjusted versus unadjusted data, and he had indicated to her that they did not. Concluding his comments, Mr. Wasserman indicated that if the Census Bureau provides states with both sample-adjusted and unadjusted data, the Legislature must determine which set of data—adjusted or unadjusted—Nevada will use for in its reapportionment and redistricting task.

**DISCUSSION AND ACTION ON PROPOSED RULE IV,
"PROCEDURES OF REDISTRICTING COMMITTEES,"
OF THE RULES FOR REAPPORTIONMENT AND
REDISTRICTING BY THE 2001 NEVADA LEGISLATURE**

Scott G. Wasserman

Mr. Wasserman, previously identified on page 14 of these minutes, reminded the Committee that at its September 29, 2000, meeting, it had adopted the "Proposed Rules for Reapportionment and Redistricting by the 2001 Nevada Legislature," with the exception of Rule IV regarding procedures of the redistricting committees. At the Committee's

direction, he prepared a draft of alternatives to proposed Rule IV for discussion purposes. Mr. Wasserman provided the Committee with the following documents:

1. “Alternative Proposed Rule IV for Reapportionment and Redistricting by the 2001 Nevada Legislature” (Exhibit G); and
2. An excerpt from Senate Bill 647 (Chapter 493, *Statutes of Nevada 1991*) (Exhibit H), which “[r]edistricts legislative districts of Nevada Legislature.”

The options set forth in “Alternative Proposed Rule IV for Reapportionment and Redistricting by the 2001 Nevada Legislature” appear below in italics and precede the actions and discussion of the Committee.

Original proposal:

IV. PROCEDURES OF THE REDISTRICTING COMMITTEES

1. *Legislative measures relating to redistricting of the state legislative districts, congressional districts, districts for the Board of Regents or districts for the State Board of Education may only be requested by the chairmen of the redistricting committees (the committee in each house having jurisdiction over legislative measures relating to redistricting).*
2. *The chairmen of the redistricting committees shall be limited to one request each for a bill draft for the redistricting of the state legislative districts, one request each for a bill draft for the redistricting of the congressional districts, one request each for a bill draft for the redistricting of the districts for the Board of Regents, and one request each for a bill draft for the redistricting of the districts for the State Board of Education.*

Mr. Wasserman reminded the Committee that discussion of the original Proposed Rule IV at the September 29, 2000, meeting focused on the first sentence of subsection 1 and the scope of the proposed rule. The alternatives offered below address this issue.

ALTERNATIVE #1

IV. PROCEDURES OF THE REDISTRICTING COMMITTEES

1. *A legislator or member of the public may present to the redistricting committees any plans or proposals relating to redistricting, including proposals for redistricting specific districts or all of the state legislative districts, congressional districts, districts for the Board of Regents or districts for the State Board of Education for consideration by the redistricting committees.*
2. *Bill draft requests (including bills in skeletal form) setting forth specific boundaries of the state legislative districts, congressional districts, districts for the Board of Regents or districts for the State Board of Education [and amendments affecting a majority of the state legislative districts (?)] may only be requested by the chairmen of the redistricting committees (the committee in each house having jurisdiction over legislative measures relating to redistricting).*
3. *The chairmen of the redistricting committees shall be limited to one request each for a bill draft setting forth the specific boundaries of the state legislative districts, one request each for a bill draft for setting forth the specific boundaries of the congressional districts, one request each for a bill draft for setting forth the specific boundaries of the districts for the Board of Regents and one request each for a bill draft for setting forth the specific boundaries of the districts of the State Board of Education.*

Summarizing the provisions of Alternative 1 of Proposed Rule IV, Mr. Wasserman indicated that only the chairmen of the redistricting committees may request bill draft requests (BDRs) setting the specific boundaries of the state legislative districts, congressional districts, districts for the Board of Regents, and districts for the State Board of Education, and further, that they each are limited to one request for each of these four categories. He noted that subsection 1 codifies the Committee’s intent to allow any person to present a redistricting plan before a redistricting committee in the form of general ideas, maps, or a written plan.

Directing the Committee’s attention to the excerpt of S.B. 647 of the 1991 Session (Exhibit H), Mr. Wasserman

explained that redistricting plans are not discussed by legislators and other interested parties in the same terms set forth in the formal “nuts and bolts” legislation. Once legislators agree upon a redistricting plan, they submit it to LCB’s Legal Division in the form of ideas and maps. Staff then translates the redistricting plan into the same type of language and form set forth in S.B. 647.

Senator Rhoads questioned whether Rule IV as proposed in Alternative 1 would allow a legislator to submit an amendment to a redistricting bill from the floor of each house. Mr. Wasserman explained that subsection 2 limits the number of statewide redistricting BDRs that may be requested by the chairmen of the redistricting committees. Subsection 2 also includes bracketed language that would prohibit amendments affecting a majority of the state legislative districts. This provision is intended to enable a legislator who wishes to propose some changes that affect his or her district, and perhaps the neighboring districts, to offer an amendment on the house floor while ensuring that the Committee’s intent in limiting the number of statewide redistricting BDRs that may be requested is not circumvented. Chairwoman O’Connell stressed that the alternatives offered by Mr. Wasserman were for discussion purposes, and the Committee was not limited to considering only the alternatives included in Proposed Rule IV.

Assemblywoman Giunchigliani commented that the term “specific boundaries” was not used in the original Proposed Rule IV, and she questioned the reason for the revision. Mr. Wasserman indicated that the language was changed in order to make it clear that only statewide redistricting plans were being limited and that, for example, a resolution suggesting that the Legislature consist of a certain number of legislative seats is a separate issue that may be brought before the Legislature. Ms. Giunchigliani questioned whether Rule IV as proposed in Alternative 1 would prevent the redistricting committees from requesting one bill to address the reapportionment and redistricting requirements of the Legislature, Nevada’s congressional delegation, the UCCSN’s Board of Regents, and the State Board of Education. Mr. Wasserman stated that he would ensure that the proposed rule does not limit the ability of the redistricting committees to request one bill to address all statewide redistricting requirements.

ALTERNATIVE #2

IV. PROCEDURES OF THE REDISTRICTING COMMITTEES

- 1. A legislator or member of the public may present to the redistricting committees any plans or proposals relating to redistricting, including proposals for redistricting specific districts or all of the state legislative districts, congressional districts, districts for the Board of Regents, or districts for the State Board of Education for consideration by the redistricting committees.*
- 2. Legislative measures (and amendments thereto) relating to redistricting of the state legislative districts, congressional districts, districts for the Board of Regents or districts for the State Board of Education may only be requested by the chairmen of the redistricting committees (the committee in each house having jurisdiction over legislative measures relating to redistricting).*
- 3. The chairmen of the redistricting committees shall be limited to one request each for a bill draft for the redistricting of the state legislative districts, one request each for a bill draft for the redistricting of the congressional districts, one request each for a bill draft for the redistricting of the districts for the Board of Regents and one request each for a bill draft for the redistricting of the districts for the State Board of Education.*

Mr. Wasserman pointed out that under proposed Rule IV as set forth in Alternative 2, only the redistricting committees would be allowed to request statewide redistricting BDRs and amendments pertaining to redistricting.

ALTERNATIVE #3

Delete proposed Rule IV

Senator Rhoads opined that proposed Rule IV as set forth in Alternative 2 is too restrictive.

SENATOR RHOADS MOVED THAT THE COMMITTEE ADOPT PROPOSED RULE IV AS SET FORTH IN ALTERNATIVE 1. THE MOTION WAS SECONDED BY ASSEMBLYWOMAN BUCKLEY.

Responding to a question from Senator Raggio, Senator Rhoads stated that his motion includes adoption of the

bracketed language contained in subsection 2 of proposed Rule IV, Alternative 1. Assemblywoman Buckley reiterated for the record that Mr. Wasserman is to ensure that the language of proposed Rule IV does not preclude the redistricting committees from requesting one bill draft to address all statewide redistricting requirements.

Referencing the bracketed language contained in subsection 2 of proposed Rule IV, Alternative 1, Assemblyman Hettrick pointed out that multiple legislators could request amendments that separately would not affect over half of the legislative districts but combined would impact the majority of districts. Given such an instance, he questioned whether it is possible that an amendment that alone does not impact over half of the legislative districts could be ruled as affecting a majority due to the cumulative effect of other pending amendments. Mr. Wasserman reminded the Committee that at its September 29, 2000, meeting, some members had expressed concern that individual legislators have an opportunity to offer amendments to statewide redistricting plans on the floor of each house. He stated that the intent of the revised proposed rule is to allow each amendment to be considered individually.

THE MOTION PASSED UNANIMOUSLY.

PUBLIC COMMENT

Lonnie Feemster

Lonnie Feemster, President, Reno-Sparks Chapter, NAACP, Reno, observed that there was a shift in the Census Bureau's approach to conducting the 2000 census from prior censuses. A concerted effort was made to ensure greater census participation from traditionally undercounted segments of society, in particular the African-American and Hispanic populations. With the assistance of Nevada's Secretary of State, members of the Northern Nevada Complete County Committee utilized creative target marketing techniques to achieve greater census participation among ethnic minorities. These efforts resulted in a considerable increase in the census questionnaire return rate from low income, ethnic minority neighborhoods.

Mr. Feemster sought clarification regarding the allocation of population to congressional and state legislative districts. Referencing Exhibit D (population estimates of Senate legislative districts), Mr. Erickson explained that based on the "one person, one vote" principle, LCB staff have estimated that the average population of each Senate district will need to be approximately 95,000 for one-member districts or 190,000 for two-member districts. He noted that these estimates are based on the Census Bureau's final statewide, unadjusted population total and assume that the number of Senate seats remains the same. He assured Mr. Feemster that the district boundaries will be redrawn based on the final census count and will reflect changes in reported population.

Sally Devlin

Sally Devlin, a resident of Pahrump, Nevada, provided the Committee with a letter dated January 2, 2001, which sets forth the views and objectives of the 2001 New Assembly District Formation Group (Exhibit I). The primary goals of the group are to:

1. Create a new county to be known as Mercury County from portions of Nye County, Nevada. The new county would include the unincorporated Nevada towns of Amargosa, Crystal, Johnnie, and Pahrump.
2. Facilitate the formation of an Assembly district to represent the residents of the new county.

In Ms. Devlin's view, the needs of Pahrump are not being addressed, and she sought direction from the Committee regarding how to accomplish the formation group's goals. She also expressed concern regarding the availability of intra and intercommunications in Nevada. Chairwoman O'Connell pointed out that the Census Bureau has not yet delivered the detailed census data to Nevada, and she assured Ms. Devlin that her concerns would given consideration once this information is available. Further, Chairwoman O'Connell encouraged Ms. Devlin to share her concerns with Senator Mike McGinness and Assemblyman Roy Neighbors. Ms. Devlin stated that she had already contacted both of these legislators and that both had expressed a desire to maintain the status quo.

Responding to a question from Chairwoman O'Connell, Ms. Devlin reported that Nye County's commissioners are elected from districts. Mr. Erickson observed that after the detailed census data becomes available, Nye County will be required to redraw the boundary lines of its commission districts based on the "one person, one vote" principle.

He noted that once this task is completed, Pahrump should have a greater voice in county government. Ms. Devlin emphasized that the formation group is seeking autonomy as a county.

ADJOURNMENT

There being no further business to come before the Committee, Chairwoman O’Connell adjourned the meeting at 2:58 p.m.

Exhibit J is the “Attendance Record” for this meeting.

Respectfully submitted,

Susan Furlong Reil
Principal Research Secretary

Robert E. Erickson
Research Director

APPROVED BY:

Senator Ann O’Connell, Chairwoman
Date: December 18, 2001

LIST OF EXHIBITS

Exhibit A is a document titled “Statement From U.S. Congressman Jim Gibbons, Presented by Communications and District Director Robert Uithoven,” provided by Robert S. Uithoven, District Director for U.S. Representative Jim Gibbons (R-Nevada), Reno, Nevada.

Exhibit B is a verbatim transcript of the testimony of Robert S. Uithoven, District Director for U.S. Representative Jim Gibbons (R-Nevada), Reno, Nevada, before the Committee regarding the reapportionment and redistricting of Nevada’s congressional districts.

Exhibit C is a verbatim transcript of the testimony of U.S. Representative Shelley Berkley (D-Nevada), Las Vegas, Nevada, before the Committee regarding the reapportionment and redistricting of Nevada’s congressional districts.

Exhibit D consists of two tables titled “Senate Legislative Districts—Population Estimates,” and “Assembly Legislative Districts—Population Estimates,” provided by Robert E. Erickson, Research Director, and Vance A. Hughey, Principal Research Analyst, both of the Research Division, Legislative Counsel Bureau, Carson City, Nevada.

Exhibit E is a booklet titled “Current Legislative Districts & Population Projections” dated January 2001, consisting of maps of legislative districts and projected population estimates, provided by Kathy L. Steinle, Geographic Information System (GIS) Specialist, Information Systems Unit, Legislative Counsel Bureau, Carson City, Nevada.

Exhibit F is a copy of a letter dated December 28, 2000, from Marshall L. Turner, Jr., Chief, Census 2000 Redistricting Data Office, United States Department of Commerce, Census Bureau, Washington, D.C., to Scott G.

Wasserman, Chief Deputy Legislative Counsel, Legal Division, Legislative Counsel Bureau, Carson City, Nevada, provided by Mr. Wasserman.

Exhibit G is a document titled “Alternative Proposed Rule IV for Reapportionment and Redistricting by the 2001 Nevada Legislature,” provided by Scott G. Wasserman, Chief Deputy Legislative Counsel, Legal Division, Legislative Counsel Bureau, Carson City, Nevada.

Exhibit H is an excerpt from Senate Bill 647 (Chapter 493, *Statutes of Nevada 1991*), provided by Scott G. Wasserman, Chief Deputy Legislative Counsel, Legal Division, Legislative Counsel Bureau, Carson City, Nevada.

Exhibit I is a copy of the January 2, 2001, correspondence from the 2001 New Assembly District Formation Group, Pahrump, Nevada, provided by Sally Devlin, a resident of Pahrump, Nevada.

Exhibit J is the “Attendance Record” for this meeting.

Copies of the materials distributed in the meeting are on file in the Research Library of the Legislative Counsel Bureau, Carson City, Nevada. You may contact the library at (775) 684-6827.