

SENATE FINANCE COMMITTEE
MINUTES OF MEETING
FEBRUARY 8, 1977

The meeting was called to order at 4:00 p.m.

Senator Floyd R. Lamb was in the chair.

PRESENT: Senator Floyd R. Lamb, Chairman
Senator James I. Gibson, Vice-Chairman
Senator Eugene V. Echols
Senator C. Clifton Young
Senator Norman D. Glaser
Senator Norman Ty Hilbrecht

EXCUSED

ABSENCE: Senator Thomas R.C. Wilson

OTHERS: Ron Sparks, Chief Deputy Fiscal Analysis
Howard Barrett, Budget Director
Dr. Gwen O'Bryan, Assistant Administrator,
Division of Mental Health
Chuck Dickson, Division of Mental Health
Bill Hancock, Public Works Board
Jack Meddleton, Administrator Mental Retardation
Warden Wolff, Nevada State Prison
Mike McDamar, Business Manager, Nevada State Prison
Senator Faiss

Dr. Gwen O'Bryan state that S.B. 99 allows the Division of Mental Hygiene and Mental Retardation to acquire real property on which to construct facilities in the event that they are successful in getting funds from the Fleischmann Foundation. Dr. O'Bryan said in a grant process when applying for funds they do not go through the procedure of requesting approval for a certain aspect of it from the legislature. She said this is a bit different in that the statutes give legislative authority clearly to the Public Works Board, once there is concurrence from the Interim Finance Committee to construct public buildings. Dr. O'Bryan said it does not speak specifically to the acquisition of land. Dr. O'Bryan said we also met with Mr. Daykin and again it was felt that while there was a number of statutes which give us authority to receive gifts and bequest and authority to construct facilities, and to have the facilities designed, there is nothing that speaks specifically to the acquisition of land.

Dr. O'Bryan said in the event that we are successful in our proposal to the foundation and did receive money from them, we want to be sure we had the required authority to get the land to build the buildings on.

Dr. O'Bryan said in the past the Fleischmann Foundation had made a number of contribution to the Division of Hygiene and Mental Retardation. The latest was when they funded a Needs Assessment Study, by the Rand Foundation, for what the needs for Mental Health and Mental Retardation were in the State of Nevada. Dr. O'Bryan said they also funded some of the summer camps that we have had. She said they are anticipating and developing additional grant requests to the foundation. Dr. O'Bryan said in the event we are successful, we want to be able to buy the land to build facilities on it.

Senator Lamb asked who would establish the criteria as to your need.

Dr. O'Bryan said this would go through a review process. She said the application itself will go to the Department of Human Resources. She said it will go to the Public Works Board for confirmation as to the figures on the application.

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Dr. O'Bryan said it will go to the Department of Administration so they will check to make sure that it is not committing the state to additional funding that we are not already committed to. She said it will go to the Governor's planner and back to the Department of Human Resources to establish the priorities from the application. She said if the grant does go to the Fleischmann Foundation and we receive the funds from the foundation or approval for the funds again, Interim Finance must accept the funds from the foundation.

Senator Young asked what the magnitude of the on going future obligations were. He asked what are we committing the state to by way of operation expenses. Is this a question of priorities? He said this program as opposed to the Community College, CETA and other programs.

Senator Lamb gave a case in point. He said let's say we authorized you to make application and you got money to buy land to build buildings. Senator Lamb said this is where we get nervous. He said it costs a lot of money to administer these buildings and who is to say whether you really need this or don't need this.

Dr. O'Bryan said as she saw the proposals, the construction would involve building buildings for programs that already exist. She thought there are a number of checks and balances. It takes the scrutiny of the Department of Administration.

Mr. Hancock said before Dr. O'Bryan could use the grant she would have to go to the Interim Finance Committee and get their approval. Mr. Hancock said we can't build a building not approved by the legislature that a grant has been given for, unless we have the Interim Finance Committee's approval.

Mr. Hancock said it is set up in NRS 341 that Interim Finance can approve the use of grants for buildings that were not approved by the legislature or for increasing the scope of buildings.

Senator Young said he thought the Interim Finance Committee couldn't consider requests for programs already in existence.

Senator Lamb asked if that wasn't also for new construction. Mr. Hancock said no, Interim Finance can approve the use of grants for projects that were not authorized by the legislature.

Senator Young wanted to know about the publicity. He said apparently the Fleischmann Foundation has been extremely sensitive about any publicity attending application for grants. He said the way the bill is worded there is certainly no effort to be discrete. He said it could be all over the news media.

Dr. O'Bryan said she agreed with Senator Young. She said we don't want to publicize that we are applying to the foundation. The reason we specify the foundation specifically in this bill, is so we are limiting the scope of authority. It does not mean we have authority to buy land regardless of who the grant comes from. She said we are talking about a specific project, and the authority to do so is limited.

Senator Young asked what difference did it make where it came from. He said if the money came from one of ten different foundations it would still be the same program. Senator Young said there should be some idea of the program. He couldn't help but think there isn't some financial impact that is relative to the size of the request and the grant that might eventually be approved.

Senator Gibson asked Dr. O'Bryan if she was able to answer Senator Young's question of the size of the grant.

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Dr. O'Bryan said we have an idea but these grants are with the Public Works Board. Dr. O'Bryan said Mr. Hancock and staff are going through it on the specific application to confirm the various estimates. Dr. O'Bryan said she wouldn't be particularly comfortable in releasing estimates at this time.

Senator Young wondered how this would be explained on the floor if someone asked a question.

INSTITUTE LAND EXCHANGE (page 351)

Dr. O'Bryan said in 1975, the Legislature through S.B. 358, authorized the State Land Registor to exchange or sell some land up at the Nevada Mental Health Institute and the proceeds from that sale and exchange were to be used to purchase a sight for the Childrens Behavioral Services in Washoe County and for Capital Improvements at the Nevada Mental Health Institute.

Dr O'Bryan said the land exchange was completed. The Childrens Behavioral Services in Washoe County is currently under construction north of the University of Nevada. She said the difference between the amount that the states land was valued at and the exchange property left \$31,337 to the State of Nevada.

Dr. O'Bryan said in addition, at the same time the exchange was going through the same parties who exchanged the land also took the lease option out to buy on 2.65 acres at the Institute. The sale has not been completed but on May 14, 1977 we are anticipating to receive another \$114,000 less \$6,870 for the Real Estate Commission. She said we are currently requesting that this money, which comes to a total of \$138,967 be used for the development of a recreation complex at the Nevada Mental Health Institute.

Dr. O'Bryan said some of you may recall the public controversy at the time we made the land exchange, and you will remember the property we exchanged at that time had a park located on it that was being used by the City of Sparks, known as Stempeck Park. Dr. O'Bryan said at the time we made the exchange, we had mentioned to the city that we would like to work with them and develop another park location that would be mutually advantageous to the institute and the City of Sparks, and to the general community. She said they have not said they would not cooperate with us but then they have not come forward with a great deal of money to do so.

Dr. O'Bryan continued with the original concept - to develop a park complex at the institute. Dr. O'Bryan said we need a recreational complex which is part of the long range planning process and design at the institute. She said we have put in the request as part of the 1977 Capital Improvement request and it was not approve. She said what is occuring at this point in time is the land that we were using for recreation at the institute is now being used for the construction of the neurpsychiatric units so we have no outdoor recreation al all. Dr. O'Bryan said we did have a tennis court but now on the tennis court is the new day activity center. She said what we did have there in terms of recreation has been totally removed by the new construction.

Senator Lamb asked Dr. O'Bryan if she received another \$144,000 and if she could tell the committee where that came from.

Dr. O'Bryan said at the time we exchanged the property for the Childrens Behavioral Services, we also had included the option to people who were making exchange for them to purchase an additional 2.6 acres that was adjacent to the property that they exchanged, the Stempeck Park property. She said it was a small 2.6 acre sight and its appraised value is \$114,000. She said they signed the option to buy and they have met so far all the obligations as far a putting cash into the fund and the sale should be completed in May.

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Dr. O'Bryan said we have had a preliminary design done as to what the park may look like in the event we develop it.

Dr. O'Bryan proceeded to pass out a handout of Phase II on the map.

Mr. Hancock said the first phase would develop the entire design. We would be able to construct the volleyball and basketball courts. The estimated cost of the entire facility would be \$341,000. The first phase would be about 1/3 of the total complex. There are occasional grants made from service organizations to do improvements at the institute and it would give them a chance to get involved.

Senator Gibson asked if the park would be used by Sparks or by the institute.

Dr. O'Bryan said it would be totally under the control of the institute's programs. It would be however one of the things we would invite the whole community and certain portions for Washoe County to use.

Dr. O'Bryan emphasized that on the long range projections, we are not talking about state monies. We are talking about getting a master plan for a park complex so we would have an idea about how much it would cost if we could get contributions in the future. She said we would have an idea what we could discuss with people when they would make a donation to the institute. Dr. O'Bryan said at the same time with the monies we currently have, we would be able to purchase at this time a fairly complete portion of the recreational complex.

Senator Young asked if there weren't some problems by making a recreational facility a state facility for community use. He said he could see some maintenance use and liability use. He didn't think the state ought to be in business in maintaining a facility used by local residence.

Senator Lamb asked if someone got hurt or killed would the state be liable.

Senator Young said it is possible that there could be some defect in the grounds.

Dr. O'Bryan said problems could occur but there are advantages in sharing with the community.

Mr. Barrett said they have the authority by law to do it now but we put it in the budget because we wanted you to know about it.

Senator Gibson said there should be a bill that would accomplish it.

Mr. Barrett said he didn't think a bill was needed. They have sufficient authority. If you don't want them to do it you should make it a law.

Mr. Hancock said from our stand point a letter of intent would be enough. There is already a bill for Capital Improvement. We don't know what Capital Improvements. That is what we are in essence asking you to say, to designate the Capital Improvement.

Senator Echols asked how the Real Estate Commission got involved.

Dr. O'Bryan said there were real estate brokers involved. They got involved by the transfer of property.

Senator Echols asked who employed them.

Dr. O'Bryan said we paid our share and the other party involved in the transaction paid their share. She said we employed the broker and the other party employed the broker. It was a very large transaction and there was complications in the exchange and zoning changes that had to be made.

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Senator Echols asked who was the broker?
Dr. O'Bryan said Lingenfelter and Doering Realty.

Senator Young asked if they were going to exercise the options.
Dr. O'Bryan said on May 14, 1977 the transaction will take place.

DENTAL HYGIENE: S.B. 177

Mr. Jack Meddleton said two years ago we came before you to establish a mental retardation facility in Las Vegas, known as the Desert Developmental Center. He said that facility is currently under construction and is scheduled to be completed in May of 1977. Mr. Meddleton said there are two proposals: 1.) supplemental equipment request for \$40,000 which will purchase two vans, approximately \$11,000 each, a hydrolic lift, a tractor that will take care of 10.2 cares and some other specialized medical equipment for the clients. 2.) a start-up budget so we can start hiring some staff and purchase additional office and maintance equipment not included in the construction budget and minimal operating for three months of operation.

Senator Lamb asked how many people he was going to hire.
Mr. Meddleton said about 33 people which would be for a portion of the facility.

S.B. 50:

Warden Wolff said that S.B. 50 appropriates an amount of \$5,242,200 and specifically that is for two projects, Phase I of Southern Nevada Correctional Center at Jean, in the amount of \$3,212,000.

Senator Lamb asked if that was a different amount than what was anticipated.
Warden Wolff said no.

Mr. McCamar said that when completed, it would house 350 inmates.

Warden Wolff said in addition to that there is a laundry and automative center for an amount of \$268,200. This is also at Jean.

Warden Wolff said an additional amount of \$1,762,000 is for the fifth and final housing unit for the Medium Security Facility located in Carson City. That will raise the population of that facility by an additional 90 beds.

Senator Lamb asked what was the rational for increasing the size of that facility.

~~Warden Wolff said he understood~~ that Jean was scheduled for 250 beds and subsequently there would be a Phase II when needed for an additional 100 beds. That was in the basic design concept which was part of the prison master plan.

Warden Wolff said the problem is basically population. He said the coming biennium was to have an increase in population of 70. That had already been doubled. Based on current projection, it is uncertain where it might level off. More people are being convicted and being sentenced into the prison system.

Senator Gibson asked what the time frame on the bill was and when will the basic facility be ready.

Mr. Hancock said in this multi building structure, which consists of three seperate buildings and additions to other buildings, we anticipate this will be ready by August of 1978 if we get the authority to proceed in March. Most of the design work has been completed.

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Senator Gibson said somewhere there is a bill floating around on Maximum Security. How many slots will that deprive you while doing Maximum Security?

Mr. Hancock said we are talking about making the Maximum Security into a 250-500 man unit. There are approximately 400 men there now.

Senator Gibson asked if he would lose all of those while under construction.

Mr. Hancock said no. A dormitory will probably be built to house these men.

Senator Gibson said the reason he was asking was because he saw some figures out of Clark County. He said the facilities are full and wondered how this was going to affect the situation.

Warden Wolff said he wasn't sure. If both phases of the Jean Facility are completed, add unit five at the Medium Security facility, renovate Maximum Security, as anticipated, estimates show about 50 beds short at the end of the coming biennium.

Senator Gibson said we had a suggestion to dismantel the prison in Carson City. There are some problems in the scheduling and capital costs. Senator Gibson asked what the schedule on the renovation of Maximum Security was?

Mr. Hancock said we anticipate getting the approval in May of this year and start the design and then bidding in May of the following year, to be completed in October of 1979. He said we haven't gotten it nailed down as of yet. He said the Warden has a scheme that we have worked on and it appears feasible that we can keep the prison in operation.

Mr. Hancock said he wanted to emphasize on S.B. 50, regarding the fifth housing unit. Project 77-2 is needed to make the fifth housing unit work.

Mr. Hancock said the mechanical boiler that provides the heat, and the program facility necessary that can reach capacity, are in the project 77-2 which is not part of this \$5,242,000 figure. If the housing unit is approved, the other must also be approved.

Senator Young asked if S.B. 50 should be amended.

Mr. Barrett said those two projects are in a separate bill because the Governor wanted them as top priority.

Senator Lamb said there is conflicting testimony on the Jean facility. He asked if there was a period of time that there could be 25-30 Maximum Security prisoners in that prison. S.B. 50. The two projects in that bill are by

Senator Gibson said we understand that there is to be a holding area at the Jean facility.

Mr. Hancock said the individuals coming out of Clark County would be transferred to that facility and at that time until they get initial classification which is a two to three week period, they would be in that facility in that one building.

S.B. 51: See attached.

Mr. Hancock said this is a request for an appropriation for \$294,233. \$21,068 of that amount is the amount of money that will be needed to transfer 33 full time payed employees for the Northern Nevada to Southern Nevada. He said there would be specific personnel that can be identified that would train the staff to assist in operating that institution when it is ready to admit inmates.

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Mr. Hancock said another amount of \$273,165 is for equipment that will be required for the start up of the Southern Nevada Correctional Center.

Senator Lamb asked who was going to run the Southern Nevada Correctional Center.

Warden Wolff said Ed Pogue.

Senator Gibson asked Mr. Barrett why the money for the 33 employees is in a special place in the budget. He said he understands that this is going to take place before December.

Mr. Barrett said yes, it is an unusual item for the budget. It is not to be included in the ongoing budget.

Senator Young asked what the 22 long rifle lazer machine gun was.

Warden Wolff said it is a specific weapon designed for rapid fire that has been tested and used within this system as well as other systems. It is a small caliber that can shoot around 1500 round a minute.

Senator Young asked what a lazer was.

Warden Wolff said it points your target for you a night. Presently there are two.

ACCOUNTING PROCEDURES: S.B. 114 See attached.

Recommends the prisons submit legislation to clarify and modernize its accounting procedures.

Prison Warehouse: It allows us to have a warehouse in which we buy goods centerally because of price brake. They are then sold to the institutions internally and are charged. This allows us to process to the State Controllors System, eliminating hand posting out of the prison.

PRISON SUPPLEMENTAL: S.B. 175 See attached.

The 1976-77 budget is in the amount of \$400,481.

\$160,000 has been spent in medical costs not including salaries of the medical staff.

Senator Lamb asked Mr. McDeamer what the costs were contributed to.

Mr. McDeamer said a higher increase in medical service. He said one individual who was hospitalized cost over \$25,000 and he eventually died.

Senator Lamb asked what he died of.

Mr. McDeamer said an over dose of drugs.

Senator Gibson asked the explanation of the salary supplement program and the overtime pay. He asked if there was a different catagory.

Mr. McDeamer said the overtime payed was on the October 10th incident. He said if there is a riot at the prison, N.R.S. provides for the Board of Examiners Emergency fund to reimburse us for unusual costs. One application has been made for which they have approved. \$14,000 identified is for overtime as a result of the incident. The \$84,627 is the overtime obligation accured on the books but has not been paid at the present time. This would pay in our opinion, the overtime down to 10 and give us a clean start for the next biennium.

Senator Gibson asked if he had an overtime budget.

Mr. McDeamer said a certain amount but not the amount that has been generated.

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Warden Wolff said it is normally projected on the basis that you would have normal operation and would not incur any emergency incidents.

Senator Young asked Mr. McDeamer how is the overtime handled in the Retirement System. Do you pay a percentage for the overtime and does that increase the salary for which retirement would be based.

Mr. McDeamer said once an employee incurs 120 hours of overtime, we have to pay them for any overtime over and above that. If an employee is called in on an emergency basis, rather than give him credit for cop time earned, we pay him. If not, all you are doing is sustaining a larger debt because you will have to call another guy in to cover his normal shift. It does increase his pay check and his retirement money is held from that.

Senator Young asked if retirement benefits were increased.

Mr. McDeamer said yes.

S.B. 17:

Senator Faiss said that camping is one form of recreation that is available to seniors at a minimum cost. Senior Citizens are on a limited income, for the most part, and are unable to avail themselves because of the two dollar fee for overnight camping.

There was discussion to what a bonafide resident of the state was.

COMPREHENSIVE STATEWIDE PLANNING (page 6)

Mr. Barrett said this is a necessary agency and there is a recommendation for the continuation of the existing one. He felt the agency was providing a necessary function.

Senator Lamb asked if these people were used in administration.

Mr. Barrett said no, there is no reason to use them.

Senator Gibson: Moved to go with the Governor

Senator Young: 2nd
Motion carried.

COMPREHENSIVE STATEWIDE PLANNING FEDERAL FUNDS (page 8)

Senator Young: Moved to go with the Governor

Senator Gibson: 2nd
Motion carried.

EXTRADITION CLERK (page 15)

Senator Hilbrecht: Moved to go with the Governor

Senator Young: 2nd
Motion carried.

ATTORNEY GENERAL (page 18)

Senator Young said he indicated he wanted another deputy in Carson City.

Mr. Barrett said they indicated they wanted a deputy if it was funded by LEAA. Because it wasn't going to be funded by LEAA, it was assumed they didn't want another deputy.

Senator Hilbrecht said his first two priorities for deputies were in the gaming and tax area.

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Mr. Sparks said the testimony from Mr. Bennett indicated the fact that he is using a deputy about half time. The general fund is subsidizing the retirement system. What could be done is reduce the general fund money and increase agency payments.

Senator Hilbrecht: Moved to go along with the Governor reading last year's law.
Senator Gibson: 2nd
Motion carried.

ATTORNEY GENERAL SPECIAL FUND (page 22)

Senator Gibson: Moved to go with the Attorney General
Senator Young: 2nd
Motion carried.

ANTI-SHOPLIFTING (page 23)

Senator Young: Moved to go with the Governor
Senator Gibson: 2nd
Motion carried.

PRIVATE DETECTIVE (page 24)

Senator Gibson: Moved to go with the recommendation
Senator Young: 2nd
Motion carried.

STATE TREASURER

Hold pending reorganization.

DEPARTMENT OF TAXATION (page 99)

Senator Hilbrecht moved to accept recommendation of the Director by restoring a Tax Examiner Trainee and eliminating the Property Appraiser II and to eliminate Tax Examiner III and adding the unclassified deputy.

Senator Echols: 2nd
Motion carried.

S.B. 125

Senator Young: Do Pass
Senator Echols: 2nd
Motion carried.

BDR 1246

Senator Gibson: Moved to introduce
Senator Young: 2nd
Motion carried.

This bill refers to the Armory and Supreme Court Building so they can have a T.V. monitor.

BDR 28-1251

Senator Gibson: Moved to introduce
Senator Echols: 2nd
Motion carried.

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S.B. 99

Senator Gibson said he thought we should amend this to say they are authorized to submit one or more applications for a donation or a grant.

~~Senator Hilbrecht~~

Mr. Barrett said that you have another general statute prohibiting all agencies from acquiring land. A bill was requested in order to get it before the Legislature. A request for projects individually to be interviewed by the interim finance was submitted. It did not get in to the bill.

Senator Gibson suggested that it ought to be written in.
The committee decided to hold the bill.

S.B. 50

Senator Gibson: Amend and do pass
Senator Young: 2nd
Motion carried.

S.B. 51

Senator Gibson: Moved to amend the figure to \$289,233
Senator Young: 2nd
Motion carried.

S.B. 114

Senator Young: Do Pass
Senator Gibson: 2nd
Motion carried.

S.B. 175

Senator Young: Do Pass
Senator Gibson: 2nd
Motion carried.

S.B. 17

Senator Gibson: Hold the bill to study it longer
Senator Young: 2nd
Motion carried.

Mr. Richardson said at the present time he was not sure how they checked the identification of people to determine if they were a resident of Nevada. It would probably be a drivers license.

Senator Hilbrecht said the only thing the bill does is to reduce the age from 62 to 60 years.

Mr. Richardson said we are not collecting two dollars from everyone for camping.

Senator Lamb said this will cost \$8,500 a year.

Senator Hilbrecht said he didn't think that a bonafide resident is an enforceable provision. ~~He felt like we~~

CLARK COUNTY COMMUNITY COLLEGE

Use of excess construction funds.

\$331,800 Building, ground, maintenance shop, storage etc.

\$257,200 Site improvements - fence, vehicles, shelter, lighting etc.

\$ 55,000

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Senator Hilbrecht: Amend and remove the \$18,800 for the child care center.
Senator Gibson: 2nd
Motion carried.

The meeting adjourned at 6:00 p.m.

RESPECTFULLY SUBMITTED:


HENRI VALENTA, SECRETARY

APPROVED:


FLOYD R. LAMB, CHAIRMAN



STATE OF NEVADA
DIVISION OF MENTAL HYGIENE
AND MENTAL RETARDATION

4600 KIETZKE LANE, SUITE 108
RENO, NEVADA 89502
(702) 784-4071

MIKE O'CALLAGHAN
Governor

CHARLES R. DICKSON, Ph.D.
Administrator
MENTAL HYGIENE AND
MENTAL RETARDATION

JACK MIDDLETON
Associate Administrator for
Mental Retardation

February 7, 1977

The Honorable Floyd Lamb
Legislative Building
Carson City, Nevada 89701

Dear Senator Lamb,

Senate Bill 99 empowers the Division of Mental Hygiene and Mental Retardation to accept funds from the Max C. Fleischmann Foundation for purchases of real property on which to build facilities. After consultation with our Deputy Attorney General (attached memorandum) and Frank Daykin of the Legislative Legal Division, it was determined that Senate Bill 99, in conjunction with present law, provides sufficient authority for the Division to accept funds for the purchase of property and to construct facilities. Mr. Daykin indicated that Senate Bill 99 should be seen as supplemental to other existing law which is cited in Deputy Attorney General Smith's memorandum which is attached.

Sincerely,

Charles R. Dickson, Ph.D.
Administrator

By

A handwritten signature in cursive script that reads "Gwen O'Bryan".

Gwen O'Bryan, Ph.D.
Assistant Administrator
and Program Coordinator

CRD:GO:ve
enclosure

STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL
DIVISION OF MENTAL HYGIENE
AND MENTAL RETARDATION

4600 KIETZKE LANE, SUITE 108
RENO, NEVADA 89502
(702) 784-4071

ROBERT LIST
ATTORNEY GENERAL

SHIRLEY SMITH
DEPUTY ATTORNEY GENERAL

January 25, 1977

MEMORANDUM

To: Ken Sharigian, Ph.D., Special Administrative Assistant
Division of Mental Hygiene and Mental Retardation.

From: Shirley Smith, Deputy Attorney General
Division of Mental Hygiene and Mental Retardation. *SS*

Subject: Senate Bill 99.

NRS 433A.100 authorizes the Division, through its appropriate agents, to accept gifts and bequests to be used for Division mental health facilities:

433A.100 Gifts, bequests to mental health facilities.

1. The administrative officer of each division mental health facility is authorized to accept gifts or bequests of money or property to such facility.
2. A mental health facility gift fund is hereby created for each division facility, and monetary gifts or bequests to the respective facilities shall be deposited in the state treasury to the credit of the appropriate fund. Amounts in the fund shall be paid out on claims as other claims against the state are paid. All claims shall be approved by the administrative officer before they are paid.
3. Gifts or bequests of property, other than money, may be sold or exchanged when it is deemed by the administrative officer and the administrator to be in the best interest of the division mental health facility. The sale price shall be not less than 90 percent of the value determined by a qualified appraiser appointed by the administrative officer. Moneys realized from the sale shall be deposited in the state treasury to the credit of the appropriate mental health facility gift fund and shall be spent for division mental health facility purposes only. Such property shall not be sold or exchanged if to do so would violate the terms of the gift or bequest.

Ken Sharigian, Ph.D.
January 25, 1977
Re: Senate Bill 99
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NRS 341.121 authorizes the state public works board to utilize grant monies for construction, with the approval of the interim finance committee, where there has been no legislative appropriation.

341.121 Usage of grants. The board may, with the concurrence of the interim finance committee, use grants of money received under authority of this chapter, unless otherwise limited by the conditions of any such grant, for:

1. The design and construction of public buildings or projects for which no appropriation has been made by the legislature.
2. Additional design and construction costs on public buildings or projects, through appropriate contract procedures, for which the original legislative appropriation made no provision.

NRS 341.180, subsection 1, mandates cooperation by the public works board with other state agencies in their planning efforts.

341.180 Cooperation with state agencies, local planning commissions.
The board shall:

1. Cooperate with other departments and agencies of the state in their planning efforts.

It would appear that the combination of authorities granted by existing statutes and Senate Bill 99 would authorize the Division to accept Fleischmann funds, to purchase real property, and to construct mental health facilities thereon, with the concurrence of the interim finance committee and the public works board.

SS/jq

STATE OF NEVADA
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING
CAPITOL COMPLEX
CARSON CITY, NEVADA 89710



LEGISLATIVE COMMISSION (702) 885-5627

JAMES I. GIBSON, *Senator, Chairman*
Arthur J. Palmer, *Director, Secretary*

INTERIM FINANCE COMMITTEE (702) 885-5640

DONALD R. MELLO, *Assemblyman, Chairman*
Ronald W. Sparks, *Senate Fiscal Analyst*
John F. Dolan, *Assembly Fiscal Analyst*

ARTHUR J. PALMER, *Director*
(702) 885-5627

FRANK W. DAYKIN, *Legislative Counsel* (702) 885-5627
EARL T. OLIVER, *Legislative Auditor* (702) 885-5620
ANDREW P. GROSE, *Research Director* (702) 885-5637

February 14, 1977

Senator Eugene V. Echols
Senate Chamber
Legislative Building
Carson City, Nevada 89710

Dear Gene:

You have submitted for my review what appears to be an informal report of the exchange of certain lands pursuant to chapter 350, Statutes of Nevada 1975 (Senate Bill No. 348 of that session). This report shows payment of a real estate commission amounting to about \$22,914 (which may or may not include appraisal fees) on the exchange of a parcel appraised at \$363,500 and contemplates payment of a commission upon sale or exchange of the remaining parcel appraised at \$114,000. You ask whether the payment of such commissions is warranted.

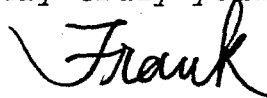
The statute (a special act) places no limitation upon exchanges except the receipt of equal value. If the land is sold, it must be sold at public auction or by sealed bids. Such a sale certainly should not involve a real estate broker. According to the report, however, an option was granted to the other party to the exchange, to buy the remaining land at the appraised value, and it appears there is an agreement to pay a real estate commission if this purchase is made.

There is no general statute governing the sale or exchange of state-owned land of this sort, such as there is for school districts, for example, in NRS 393.220 et seq. and NRS 393.326 et seq. These statutes (by way of comparison only) provide for the employment of a real estate broker only in case of sale, not exchange. The special act refers only to "such arrangements as may be made by the director of the department of human resources." Under this language, it cannot be said

Senator Eugene V. Echols
February 14, 1977
Page 2

that the payment of commission was or will be unlawful, but the burden seems to be upon the director to show why it was appropriate.

Very truly yours,

A handwritten signature in cursive script that reads "Frank".

Frank W. Daykin
Legislative Counsel

FWD:jll

NEVADA STATE PRISON

BOARD OF PRISON COMMISSIONERS
MIKE O'CALLAGHAN, GOVERNOR
ROBERT LIST, ATTORNEY GENERAL
WM. D. SWACKHAMER, SECRETARY OF STATE



CHARLES L. WOLFF, JR.
WARDEN
P.O. BOX 607
CARSON CITY, NEVADA 89701

NEVADA STATE PRISON
P.O. BOX 2247
CARSON CITY, NEVADA 89709

NEVADA WOMEN'S
CORRECTIONAL CENTER
P.O. BOX 2247
CARSON CITY, NEVADA 89709

NORTHERN NEVADA
CORRECTIONAL CENTER
P.O. BOX 97
STEWART, NEVADA 89437

SOUTHERN NEVADA
PRE-RELEASE CENTER
301 SOUTH HIGHLAND DRIVE
LAS VEGAS, NEVADA 89100

MEMORANDUM

TO: JUDY MATTEUCCI, BUDGET ANALYST

FROM: MIKE MEDEMA, BUSINESS MANAGER

SUBJECT: 1976/77 BUDGET SUPPLEMENTAL

DATE: 12/3/76

The Prisons request for a supplemental appropriation to the 1976/77 Budget is:

SB 175

Overtime paid - Oct. 10 incident, not reimbursement from Board of Examiners	-	\$ 14,796
Salary Supplement for overtime accrued	-	84,627
Salary Supplement for 10 temporary Correctional Officer positions	-	34,920
Utility costs over budget	-	70,518
Medical costs over budget	-	<u>195,620</u>
Total Requested		<u>\$ 400,481</u>

The overtime paid for Oct. 10 incident has accrued since our last request for reimbursement. The figure for overtime accrued is based upon the leave records as of 11/30/76. The utility and medical costs have been projected for the year based upon the costs to date.

Mike Medema
Business Manager

237

The Prisons opened a federally funded Pre-Release center in Las Vegas in September, 1975. Eight staff were transferred to the center from Northern Nevada at State expense. The costs of the transfers was \$5,843.00. The "average" employee transfer cost was \$730.00.

The Prisons needs experienced officers in Southern Nevada Correctional Center. The staffing requested is for 33 experienced officers. Seven officers are now stationed at the Pre-Release Center. The funding for the Pre-Release Center expires in August, 1977. These officers will then be given the opportunity to transfer to Southern Nevada Correctional Center. The Prisons is requesting sufficient money to fund 26 transfers at \$730.00 with the Western Regional transportation increase factor of 21½ added.

The one shot moving request is \$22,966.00.

NEVADA STATE PRISONS
ONE-SHOT REQUEST - SOUTHERN NEVADA CORRECTIONAL CENTER
DETAIL JUSTIFICATION

ITEMS

AMOUNT

ADMINISTRATION

The 23 executive positions needing equipment are: Program Director, Dentist, Chaplain, Teachers, Physical Education Specialist, Vocational Trainees, Psychologist, 4 Counselors, Physician, Registered Nurse, Transportation Officers, Captain, Administration Lieutenant, Food Manager, Culinary Manager and one space for the Office of Director personnel. The 8 clerical positions needing equipment are: Administration Secretary, 2 Principal Clerk Typists, 2 Licensed Practical Nurses, Storekeeper and the Senior Account Clerk. Note: The Storekeeper and the Senior Account Clerk position salaries are funded in the Office of Director's budget.

\$ 31,278

Sedan for Superintendent

\$ 5,000

COMMUNICATIONS

Base Stations with antenna, 4 frequency with telephone control set installed.

\$ 6,010

Base paging system with .. 855

3 Remote micro mobile units 4,500

10 hand held radios single frequency 7,500

5 pager units 1,250

Radio Charger - 12 unit capacity 325

Pager Charger - 5 single units 100

\$ 20,540

The costs are Motorola estimates for the Las Vegas area. The Prisons selected Motorola due to the dependability and durability of the equipment.

CULINARY

Kitchen Tools - See Appendix I \$ 30,000

Dining Equipment - 30 Tables with 152 chairs 10,430

Bakery Storage Units 6,600

\$ 47,030

CUSTODY

AMOUNT

Perimeter Patrol Vehicle	\$ 7,500
12 riot shotguns	1,920
12 30-60 rifles	1,560
24 .38 handguns	3,600
20 sets of handcuffs	300
20 sets of belly chains	680
20 sets of leg irons	440
22 long rifle laser machine gun	700
Flashlights and related security items	2,800
	<u>\$ 19,500</u>

EDUCATION

Garden Tools - rakes, shovels, rototiller, water hoses, sprinklers, etc.	\$ 4,600
Auto maintenance - tools to supply a minor tune-up shop.	1,300
Janitorial Equipment - buffers, wax machine and related equipment	3,400
Household tools	700
	<u>\$ 10,000</u>

MAINTENANCE

2 ton dump truck	\$ 12,000
2 3/4 ton pickups	10,000
Cushman scooter with trailers	4,750
Forklift - all terrain	15,000
Small tractor with blade	12,500
Maintenance tools - See appendix II	12,933
Mechanic tools - See appendix III	630
	<u>\$ 67,817</u>

300

MEDICAL

AMOUNT

The medical equipment needed for the hospital and the dental area was estimated by the Prisons physician to cost at a minimum \$21,000. This does not include any x-ray capacity at the institution.

\$ 21,000

RECREATION

Universal Gymnasium

\$ 3,000

Gymnastic equipment - horse, rings, and parallel bars.

2,100

Gymnastic mats

1,500

Boxing Ring

2,000

Game room equipment

800

Miscellaneous equipment - bats, balls, nets, and etc.

600

\$ 10,000

SUPPLY

Truck chassie with refrigerated delivery box

\$ 8,000

Electric forklift

6,700

Hand truck, scales and storage units

300

\$ 15,000

TRANSPORTATION

General use automobile

\$ 5,000

Transportation van

8,500

Emergency vehicle (transportation van equipped with emergency equipment)

12,500

\$ 26,000

TOTAL EQUIPMENT

\$ 273,165

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

S. B. 125

SENATE BILL NO. 125—COMMITTEE ON COMMERCE
AND LABOR

JANUARY 24, 1977

Referred to Committee on Finance

SUMMARY—Creates special revenue funds for thrift company section and credit union division of department of commerce. (BDR 56-226)

FISCAL NOTE: Local Government Impact: No.
State or Industrial Insurance Impact: Yes.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to the department of commerce; setting apart certain of its revenues for the use of the department; revising the fee requirement for examination of business of certain licensees; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly,
do enact as follows:*

1 SECTION 1. NRS 677.390 is hereby amended to read as follows:
2 677.390 All fees and charges collected under the provisions of this
3 chapter shall be [paid into the general fund] *deposited* in the state treas-
4 ury [.] *to the credit of the appropriate account within the state general*
5 *fund for the use of the department of commerce. At the end of a fiscal*
6 *year the unused balance of any amounts collected pursuant to this chapter*
7 *shall not revert to the general fund.*

8 SEC. 2. NRS 677.430 is hereby amended to read as follows:
9 677.430 1. At least once each year, the director or his duly author-
10 ized representatives shall make an examination of the place of business
11 of each licensee and of the loans, transactions, books, papers and records
12 of such licensee so far as they pertain to the business licensed under this
13 chapter.

14 2. For each examination the director shall charge and collect from
15 the licensee a [fee of \$10] *reasonable fee* for each man-hour expended
16 in conducting the examination and preparing and typing the examination
17 report.

18 SEC. 3. NRS 678.260 is hereby amended to read as follows:
19 678.260 The commissioner shall:

20 1. Adopt a regulation establishing the minimum surety bond cover-
21 age required of credit unions in relation to the amount of property
22 under their control [:].

- 1 2. Maintain the original application of every credit union in a
2 permanent file [;].
- 3 3. Maintain for at least 6 years, every report filed by a credit union
4 with the division [;].
- 5 4. Deposit all fees, charges for expenses, assessments and other
6 moneys which are collected pursuant to the provisions of this chapter
7 or any regulation promulgated thereunder, [into the general fund] in
8 the state treasury [; and] *to the credit of the appropriate account within*
9 *the state general fund for the use of the department of commerce. At the*
10 *end of a fiscal year the unused balance of any amounts collected pursu-*
11 *ant to this chapter shall not revert to the general fund.*
- 12 5. Prepare copies of articles of incorporation and bylaws consistent
13 with the provisions of this chapter which may be used by persons inter-
14 ested in organizing a credit union.

(REPRINTED WITH ADOPTED AMENDMENTS)

SECOND REPRINT

S. B. 50

SENATE BILL NO. 50—COMMITTEE ON FINANCE

JANUARY 19, 1977

Referred to Committee on Finance

SUMMARY—Appropriates money to state public works board for capital improvements in correctional institutions. (BDR S-469)

FISCAL NOTE: Local Government Impact: No.
State or Industrial Insurance Impact: Executive Budget.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT making an appropriation from the state general fund to the state public works board for capital improvements to correctional institutions.

*The People of the State of Nevada, represented in Senate and Assembly,
do enact as follows:*

- 1 SECTION 1. The sum of \$5,821,800 is hereby appropriated from
2 the state general fund to the state public works board for the following
3 capital improvements:
4 1. Additional master-planned housing and program facilities for
5 the southern Nevada correctional center.
6 2. A laundry and automotive garage for the southern Nevada cor-
7 rectional center.
8 3. A fifth housing unit at the northern Nevada correctional center
9 in Carson City.
10 4. Additional improvements at the northern Nevada correctional
11 center.
12 SEC. 2. The state public works board shall prepare the plans,
13 specifications, and contract documents necessary for the construction
14 set forth in section 1 of this act.
15 SEC. 3. The state public works board shall insure that competent
16 architects, engineers and other qualified persons are employed to pre-
17 pare the plans and specifications for the work and assist in the prepara-
18 tion of contract documents.
19 SEC. 4. All work authorized by section 1 of this act shall be
20 approved by the state public works board, and each contract document
21 shall be approved by the attorney general.
22 SEC. 5. Except as provided in section 6 of this act, the state public
23 works board shall advertise for sealed bids for each project listed in
24 section 1 in a newspaper of general circulation in the State of Nevada.

- 1 Approved plans and specifications shall be filed at a place and time
- 2 stated in the advertisement for inspection by interested persons. The
- 3 board may accept bids on the whole or parts of each project, and let
- 4 separate contracts or combination contracts for structural, mechanical
- 5 and electrical construction if savings will result. Any and all bids may
- 6 be rejected for any good reason.
- 7 SEC. 6. The state public works board may solicit bids from two
- 8 or more contractors doing business in the area of a project for projects
- 9 with an estimated cost of less than \$5,000 without advertising, and
- 10 may award the contract to the lowest bidder or reject all bids.
- 11 SEC. 7. This act shall become effective upon passage and approval.

(REPRINTED WITH ADOPTED AMENDMENTS)
FIRST REPRINT

S. B. 51

SENATE BILL NO. 51—COMMITTEE ON FINANCE

JANUARY 19, 1977

Referred to Committee on Finance

SUMMARY—Makes appropriation to Nevada state prison to equip southern Nevada correctional center and to pay employees' transfer expenses. (BDR S-528)

FISCAL NOTE: Local Government Impact: No.
State or Industrial Insurance Impact: Contains Appropriation.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT making an appropriation from the state general fund to the Nevada state prison for the purchase of certain equipment and for the payment of transfer expenses of certain employees.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

1 SECTION 1. There is hereby appropriated from the state general
2 fund to the Nevada state prison the sum of \$289,233 to purchase equip-
3 ment for the southern Nevada correctional center and to pay the trans-
4 fer expenses of experienced employees who are assigned to the center
5 from northern Nevada.

6 SEC. 2. After June 30, 1979, the unencumbered balance of the
7 appropriation made in section 1 shall not be encumbered and shall
8 revert to the state general fund.

9 SEC. 3. This act shall become effective upon passage and approval.

20

SENATE BILL NO. 114—COMMITTEE ON EDUCATION,
HEALTH AND WELFARE AND STATE INSTITUTIONS

JANUARY 21, 1977

Referred to Committee on Education, Health and Welfare and
State Institutions

SUMMARY—Revises certain administrative and accounting procedures pertaining
to the state prison. (BDR 16:195)

FISCAL NOTE: Local Government Impact: No.
State or Industrial Insurance Impact: No.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to the state prison; revising administrative practices and account-
ing procedures; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly,
do enact as follows:*

- 1 SECTION 1. NRS 209.115 is hereby amended to read as follows:
2 209.115 1. In addition to the salary provided by NRS 209.110, the
3 warden [shall be] is entitled to:
4 (a) The use of a residence on the grounds of or near the state prison,
5 which shall be maintained by the state.
6 (b) Heat, electricity and water for the residence.
7 (c) [The use of an electric or gas cooking stove, a refrigerator and
8 an automatic washing machine.
9 (d)] Meals at the state prison without charge when supervising
10 personnel or inmates.
11 [(e)] (d) The services of convicts as household servants.
12 2. [Any furnishings or appliances in use in the residence of the
13 warden on July 1, 1960, may be continued in use in the discretion of
14 the warden, but no replacements of such appliances or furnishings except
15 the appliances referred to in subsection 1, may be made at state expense.
16 3.] The warden [shall receive no] is not entitled to any perquisites
17 except those provided for in this section.
18 SEC. 2. NRS 209.130 is hereby amended to read as follows:
19 209.130 1. The warden [shall have] has the general superin-
20 tendence of prison discipline and prison labor.
21 2. He shall:
22 (a) Appoint, pursuant to chapter 284 of NRS, such officers and
23 employees as the board determines to be necessary for the operation of
24 the prison.

1 (b) Engage a matron [, who may be his wife,] whenever there
2 [shall be] are female prisoners confined in the prison.

3 3. Every regular employee employed under the provisions of this
4 section [shall be] is entitled to 2 days off [in] during each week of
5 service.

6 SEC. 3. NRS 209.190 is hereby amended to read as follows:

7 209.190 1. The prison revolving [fund] account in the sum of
8 \$1,500 is hereby created, and may be used for the payment of small
9 prison bills and bills requiring immediate payment, and for no other
10 purposes.

11 2. The warden [is authorized to] may deposit the prison revolving
12 [fund] account in one or more banks of reputable standing.

13 3. Payments made from the prison revolving [fund] account shall
14 be promptly reimbursed from appropriated funds of the prison on
15 claims as other claims against the state are paid.

16 SEC. 4. NRS 209.193 is hereby amended to read as follows:

17 209.193 1. The prison residence [improvement] fund is hereby
18 created [.] as a special revenue fund.

19 2. The prison residence [improvement] fund [shall consist] con-
20 sists of all receipts of rents charged for occupancy of prison residences.

21 3. Subject to the approval of the board, the warden may expend
22 the [moneys] money in the prison residence [improvement] fund for
23 the purchase of materials and equipment, but not for furniture or fur-
24 nishings, to improve existing prison residences and for the construction
25 of new residences by prison labor.

26 SEC. 5. NRS 209.195 is hereby amended to read as follows:

27 209.195 1. The prisoners' store fund is hereby created [.] as a
28 trust fund. All [moneys] money received for the benefit of prisoners
29 through contributions, percentages from sales of goods manufactured
30 by the prisoners, and from other sources not otherwise required to be
31 deposited in another fund, shall be deposited in the prisoners' store
32 fund.

33 2. The warden shall deposit the prisoners' store fund in one or more
34 banks of reputable standing, shall keep, or cause to be kept, a full and
35 accurate account of such fund, and shall submit reports to the board
36 relative to such funds and valuables as may be required from time to
37 time.

38 3. [Moneys] Money in the prisoners' store fund shall be expended
39 for the welfare and benefit of all prisoners.

40 SEC. 6. NRS 209.197 is hereby amended to read as follows:

41 209.197 The warden may accept [funds] money and valuables
42 belonging to prisoners for safekeeping pending their releases, and shall
43 deposit such [funds in insured banks or in insured savings and loan
44 associations which are stock companies and not mutual associations.]
45 money in the prisoners' personal property fund, which is a trust fund.
46 He shall keep, or cause to be kept, a full and accurate account of such
47 [funds] money and valuables, and shall submit reports to the board
48 relating to such [funds] money and valuables as may be required from
49 time to time.

1. SEC. 7. NRS 209.230 is hereby amended to read as follows:
2 209.230 The expenses to be paid under NRS 209.220 shall be:
3 1. The actual expenses of the officer in charge of the convict or
4 convicts in traveling to and from the state prison.
5 2. The necessary expense of transporting the convict or convicts,
6 and [the] a sum [of \$5 per diem] *not to exceed the per diem expense*
7 *allowance authorized for state employees* to the officer in charge; but in
8 all cases where an appeal [shall have] *has* been sustained by the
9 supreme court, further transportation of the convict or convicts shall
10 be at the expense of the county in which the convict or convicts were
11 convicted, at the same per diem and expense as previously provided in
12 this section.

13 SEC. 8. NRS 209.390 is hereby amended to read as follows:
14 209.390 All [sums that are now or may hereafter become] *money*
15 due to the state for any manufactured articles sold, or for labor per-
16 formed either within or without the prison walls or enclosures, shall be
17 certified to under oath by the warden to the board, who shall receive and
18 receipt for the same. All [moneys] *money* thus received shall be paid
19 into the state treasury, and the state treasurer shall place [the same]
20 *it* to the credit of the [state prison fund.] *appropriate account within*
21 *the state general fund for the use of the state prison.* The secretary of the
22 board shall make a report thereof to the state controller on or before
23 the 10th day of each month.

24 SEC. 9. NRS 209.500 is hereby amended to read as follows:
25 209.500 Whenever any prisoner [shall be] *is* released from the
26 state prison [, either] by expiration of his term of sentence, [or] by
27 pardon, or by parole, the warden may:
28 1. Furnish him with a sum of money not to exceed \$50, the amount
29 to be based upon the prisoner's economic need as determined by the
30 warden, which shall be [allowed and] paid out of the [state prison
31 fund] *appropriate account within the state general fund for the use of*
32 *the state prison* as any other claim against the [fund.] *state is paid.*
33 2. Give him notice of the provisions of NRS 202.360, forbidding
34 ex-felons to possess or have custody of concealable weapons and the
35 provisions of NRS 207.080 to 207.150, inclusive, relating to the regis-
36 tration and fingerprinting of convicted persons.
37 3. Require him to sign an acknowledgment of the notice required
38 in subsection 2.

39 SEC. 10. Chapter 209 of NRS is hereby amended by adding thereto
40 a new section which shall read as follows:
41 1. *The prison warehouse fund is hereby created as an intragovern-*
42 *mental service fund. The warden shall administer this fund.*
43 2. *Purchases for the use of the state shall be made from the fund,*
44 *and as each item purchased is distributed to one of the institutions into*
45 *which the state prison is administratively divided, its cost shall be charged*
46 *to the budget of that institution and credited to the fund.*
47 3. *Claims against the fund, approved by the warden, shall be paid*
48 *as other claims against the state are paid.*

49 SEC. 11. Chapter 213 of NRS is hereby amended by adding thereto
50 the provisions set forth as sections 12 to 19, inclusive, of this act.

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1 SEC. 12. 1. The state board of parole commissioners, through the
2 chief parole and probation officer shall establish and administer a work
3 release program under which a person sentenced to a term of imprison-
4 ment in a penal or correctional institution may be granted the privilege
5 of leaving secure custody during necessary and reasonable hours to:

6 (a) Work in this state at gainful private employment that has been
7 approved by the state board of parole commissioners for such purpose.

8 (b) Obtain in this state additional education, including but not limited
9 to vocational, technical and general education.

10 2. The work release program may also include, under rules developed
11 by the chief parole and probation officer and approved by the state board
12 of parole commissioners, temporary leave for the purpose of seeking
13 employment in this state.

14 3. The state board of parole commissioners is responsible for the
15 quartering and supervision of prisoners enrolled in the work release
16 program.

17 SEC. 13. 1. The warden of the state prison shall, by appropriate
18 means of classification and selection, determine which of the prisoners,
19 during the last 6 months' confinement, are suitable for the work release
20 program, excluding those sentenced to life imprisonment who are not
21 eligible for parole and those imprisoned for violations of chapter 201 of
22 NRS who have not been certified by the designated board as eligible
23 for parole.

24 2. The warden shall then submit to the state board of parole com-
25 missioners the names of those prisoners he determines to be eligible for
26 the work release program, and such board shall select from such names
27 the prisoners they consider to be suitable for the program.

28 3. Before work release privileges are granted to any prisoner so
29 selected, the sentencing court shall be notified of the intent to take such
30 action. If such court does not object within 10 judicial days of such
31 notice, the state board of parole commissioners may proceed to enroll
32 such prisoner in the work release program.

33 4. In enrolling a prisoner in the work release program, the state
34 board of parole commissioners shall delegate full authority to the chief
35 parole and probation officer to take all necessary action to enforce rules
36 relating to the general procedures and objectives of the program.

37 SEC. 14. 1. The chief parole and probation officer shall administer
38 the work release program. In addition to the other duties assigned by
39 the state board of parole commissioners, the chief parole and probation
40 officer shall:

41 (a) Locate employment for qualified applicants;

42 (b) Effect placement of prisoners under the work release program;
43 and

44 (c) Generally promote public understanding and acceptance of the
45 work release program.

46 2. All state agencies shall cooperate with the state board of parole
47 commissioners in carrying out this section to such extent as is consistent
48 with their other lawful duties.

49 3. Subject to the approval of the state board of parole commissioners,

1 the chief parole and probation officer shall adopt rules for the administer-
2 ing of the work release program.

3 SEC. 15. 1. The salaries or wages of a prisoner employed pursuant
4 to the work release program shall be disbursed in the following order:

5 (a) To pay the cost of quartering, feeding and clothing the prisoner.

6 (b) To allow the prisoner necessary travel expense to and from work
7 and other incidental expenses of the prisoner.

8 (c) To support the prisoner's dependents.

9 (d) To pay, either in full or ratably, the prisoner's obligations which
10 have been acknowledged by him in writing or which have been reduced
11 to judgment.

12 2. Any balance of a prisoner's wages remaining after all disburse-
13 ments have been made pursuant to subsection 1 shall be paid to the
14 prisoner upon his release from custody.

15 SEC. 16. 1. The state board of parole commissioners through the
16 chief parole and probation officer may contract with the governing bodies
17 of political subdivisions in this state for quartering in suitable local
18 facilities of prisoners enrolled in work release programs. Each such
19 facility must satisfy standards established by the state board of parole
20 commissioners to assure secure custody of prisoners quartered therein.

21 2. The state board of parole commissioners may not enroll any
22 prisoner in the work release program unless it has been determined that
23 suitable facilities for quartering the prisoner are available in the locality
24 where the prisoner has employment or the offer of employment.

25 SEC. 17. 1. A prisoner enrolled in the work release program is not
26 an agent, employee or servant of the Nevada state prison or the state
27 board of parole commissioners of this state:

28 (a) While working in employment under the program, or seeking such
29 employment, or

30 (b) While going to such employment from the place where he is
31 quartered, or while returning therefrom.

32 2. A prisoner enrolled in the work release program is considered
33 to be a prisoner in the state prison.

34 SEC. 18. 1. The chief parole and probation officer may immediately
35 terminate any prisoner's enrollment in the work release program and
36 transfer him to the Nevada state prison if, in his judgment, the best
37 interests of the state or the prisoner require such action.

38 2. If a prisoner enrolled in the work release program is absent with-
39 out a reason acceptable to the state board of parole commissioners from
40 his place of employment or his designated quarters, such absence:

41 (a) Immediately terminates his enrollment in the work release program.

42 (b) Constitutes an escape from the Nevada state prison, and such
43 prisoner shall be punished as provided in NRS 212.090.

44 SEC. 19. 1. There is hereby created in the state treasury the prison-
45 er's work release revolving loan fund in the sum of \$2,500.

46 2. The fund shall be used to make loans to prisoners to pay their
47 expenses for food, quarters and clothing while participating in the work
48 release program and provision shall be made for repayment.

49 3. To the extent that the total cash balance of the fund exceeds

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1. \$2,500 at the end of each fiscal year the excess cash shall revert to the general fund in the state treasury.

3. SEC. 20. NRS 213.1095 is hereby amended to read as follows:

4. 213.1095 The chief parole and probation officer shall:

5. 1. Be responsible for and supervise the fiscal affairs and responsibilities of the department.

7. 2. Present, in conjunction with the budget division of the department of administration, the biennial budget of the department to the legislature.

10. 3. Establish, consolidate and abolish sections within the department.

11. 4. Establish, consolidate and abolish districts within the state, to which assistant parole and probation officers are assigned.

13. 5. Appoint, in accordance with the provisions of chapter 284 of NRS, the necessary supervisory personnel and other assistants and employees as may be necessary for the efficient discharge of the responsibilities of the department.

17. 6. Be responsible for such reports of investigation and supervision and other reports as may be requested by the board or courts.

19. 7. Direct the work of all assistants and employees as may be assigned to him.

21. 8. Formulate methods of investigation, supervision, record keeping and reporting.

23. 9. Develop policies of parole and probation work, including the work release program, in the light of other acceptable and recognized correctional programs and conduct training courses for the staff.

26. 10. Furnish or cause to be furnished to each person released under his supervision a written statement of the conditions of parole or probation, instruct or cause to be instructed any parolee or probationer regarding the same, and advise or cause to be advised the board or the court of any violation of the conditions of parole and probation.

31. 11. At the close of each biennium, submit to the governor and the board a report, with statistical and other data, of his work.

33. 12. Perform such other duties as the board may prescribe. [and as provided in NRS 209.483 to 209.497, inclusive.]

35. SEC. 21. NRS 209.080, 209.150 to 209.180, inclusive, and 209.483 to 209.497, inclusive, are hereby repealed.

37. SEC. 22. The inventory of the state prison warehouse on July 1, 1977, constitutes the opening balance of the prison warehouse fund.

SENATE BILL NO. 175—COMMITTEE ON FINANCE

FEBRUARY 2, 1977

Referred to Committee on Finance

SUMMARY—Makes additional and supplemental appropriation from state general fund for support of Nevada state prison. (BDR S-615)

FISCAL NOTE: Local Government Impact: No.
State or Industrial Insurance Impact: Contains Appropriation.



EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT making an additional and supplemental appropriation from the state general fund for the support of the Nevada state prison; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

1 SECTION 1. There is hereby appropriated from the state general fund
2 to the Nevada state prison the sum of \$400,481 for the fiscal year ending
3 June 30, 1977, as an additional and supplemental appropriation to those
4 allowed and made by section 35 of chapter 679, Statutes of Nevada
5 1975.

6 SEC. 2. After June 30, 1977, any unencumbered balance of the
7 appropriation made by subsection 1 shall not be encumbered and shall
8 revert to the state general fund.

9 SEC. 3. This act shall become effective upon passage and approval.

*

S. B. 17

SENATE BILL NO. 17—SENATORS FAISS, ECHOLS,
HERNSTADT; NEAL, WILSON AND SHEERIN

JANUARY 18, 1977

Referred to Committee on Environment, Public Resources
and Agriculture

SUMMARY—Permits free use of state parks by Nevada residents over 60
years of age. (BDR 35-482)

FISCAL NOTE: Local Government Impact: No.
State or Industrial Insurance Impact: Yes.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to state parks and monuments; providing for free use of state
parks by Nevada residents over 60 years of age; and providing other matters
properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly,
do enact as follows:*

- 1 SECTION 1. NRS 407.065 is hereby amended to read as follows:
2 407.065 The system is hereby authorized to:
3 1. Designate, establish, name, plan, operate, control, protect, develop
4 and maintain state parks, monuments and recreation areas for the use
5 of the general public.
6 2. Protect state parks and property controlled or administered by it
7 from misuse or damage and to preserve the peace within such areas. At
8 the discretion of the administrator, rangers and employees of the system
9 shall have the same power to make arrests as any other peace officer for
10 violations of law committed inside the boundaries of state parks or real
11 property controlled or administered by the system. The administrator
12 may appoint or designate certain system employees to have the general
13 authority of peace officers as provided in NRS 169.125, but such
14 employees shall not be police officers or firemen for the purposes of
15 NRS 286.510.
16 3. Allow multiple use of state parks and real property controlled or
17 administered by it for any lawful purpose, including but not limited to,
18 grazing, mining, development of natural resources, hunting and fishing,
19 and subject to such rules and regulations as may be promulgated in
20 furtherance of the purposes of the system.
21 4. Conduct and operate such special services as may be necessary for

1 the comfort and convenience of the general public, and collect reason-
2 able fees therefor, which shall be deposited in the general fund. *No fees*
3 *for special services shall be collected from bona fide residents of this*
4 *state who are more than 60 years old. Reasonable proof of age and resi-*
5 *dence may be required for free use of special services.*
6 5. Rent or lease concessions located within the boundaries of state
7 parks or of real property controlled or administered by the system to
8 public or private corporations, to groups of individuals, or to individuals
9 for a valuable consideration upon such terms and conditions as the sys-
10 tem deems fit and proper, but no concessionaire shall be permitted to
11 dominate any state park operation. Rental and lease payments shall be
12 deposited in the general fund.