

Members Present:

Chairman Hayes
Vice Chairman Stewart
Mr. Banner
Mr. Brady
Mr. Coulter
Mr. Fielding
Mr. Horn
Mr. Malone
Mr. Polish
Mr. Prengaman
Mr. Sena

Members Absent:

None

Guests Present:

Paula Fitzgerald	Department of Prisons
Samuel Frankovich	Protestant Episcopal Church
Lloyd Mann	Assemblyman
Russell McDonald	Former Legislative Counsel
Michael L. Medema	Department of Prisons
Gene Milligan	Nevada Association of Realtors
Eric Moon	American Friends Service Committee
Gary L. Smith	Washoe Legal Services
Don Rhodes	Legislative Counsel Bureau

Chairman Hayes called the meeting to order at 8:07 a.m.

ASSEMBLY BILL 228

Removes distinctions based on sex from NRS 82.310.

Mr. Frankovich said that he was an attorney and chancellor of the Nevada Protestant Episcopal Church. He said that he found no fault in the bill presently being considered by the Legislature.

Mr. Frankovich said he had heard of the concern of the Committee that this church has benefited from the fact that statutes have been written to address the incorporation of the church. He said that the church has in fact benefited from this legislation through present litigation. He said the statute relating to the church has been helpful incident to that litigation.

Mr. Brady said the present language did not concern him, but the fact that this law regarding the church could be changed against the will of the church. He said this statute should raise the question of separation of church and state.

Mr. Frankovich said that if the Legislature imposed doctrinal type statutes, there could be problems created. He said the present statute in the law is merely for incorporation in the State of Nevada. He said the church wanted these statutes to remain in the NRS.

Mr. Brady asked if there would be any opposition to taking these statutes out of NRS completely with a rider saying that the present litigation the church is involved in would not be affected. He said that it had been noted that the churches in Nevada presently do not hold their elections as stated in the statutes. Mr. Frankovich said he would be willing to take out the provision regarding the time of the elections.

Chairman Hayes said she felt this provision should be repealed, but she said she did not want to change something the church did not want changed.

ASSEMBLY BILL 346

Requires establishment of program for training and employment of most offenders in state prison.

ASSEMBLY BILL 446

Provides for establishment of private industry at state prison and application of wages therefrom.

Mr. Stewart, prime sponsor of A.B. 346, presented a film regarding work programs at prisons in the Texas Department of Corrections. He said the purpose of showing the film was to review the industry involved in the Texas system.

The film was shown at this point in the meeting.

Mr. Stewart said that both bills being considered gave the authority or direction to the Department of Prisons to use to the extent possible industry in the prisons. He said that there should be some way for prisoners to help make up the \$8,000 annual cost per individual for upkeep in the prisons. He said that the states of Connecticut, Minnesota, Illinois, Florida, Texas, and California have been involved in revamping their systems and providing for industry in the prisons.

Mr. Stewart read from an article in Business Week. He said that the Texas prison system through their industries grossed \$24,689,000 in one year. The inmates work a 40-hour week. If the prisoners work, it helps bear the burden for the taxpayers, and it is beneficial to the prisoners.

Mr. Brady asked how much the prisoners would make and where the money would go. Mr. Stewart said that the bills being considered allow wages to be paid and allows that the money from the wages be used for board and keep for the prisoners while they are in the prison system.

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Mr. Brady asked if the money could be used for restitution purposes. Mr. Stewart said that A.B. 446 provided that funds could be used for the support of family in some cases where the family may be on welfare, and the money could also be used for restitution. He said he thought A.B. 346 should be amended to include this type of provision.

Mr. Coulter asked if it was perceived that work programs would be for all of the prisoners. Mr. Stewart answered that there would be some prisoners that could not take part in this program because they would be considered a danger working outside of the prison.

Mr. Prengaman said that A.B. 446 calls for creation of an advisory board to carry out the provisions of the bill. He asked if it would be better to hire somebody full time to begin to implement this program. Mr. Stewart said that in his bill, A.B. 346, there was no advisory board by his choice. He said he agreed with Mr. Prengaman.

Mr. Rhodes said that the intent concerning the advisory board from the interim subcommittee was to have those involved in industry, labor, and the private sector to participate in a process of making sure the industries are current and using modern thinking from the outside world. He said A.B. 446 was patterned after a similar bill in Iowa.

Mr. Medema said that A.B. 346 had a fiscal note shown. He said that there should be no fiscal note on the bill with adoption of a suggested amendment in a letter (Exhibit A) from Prison Director Wolff that would create a prison enterprise fund to be administered by the Department of Prisons. He said A.B. 346 fits entirely within the philosophy of the Department in teaching job skills to prisoners.

Mr. Medema said that industries within the prison should not be competing with private industry. He mentioned that the prison system had purchased a mattress-making machine, and using this machine, mattresses for the new prison were made. He said that some of the prisoners have become involved in a work program with manufacturers in Carson City. They pay 25% of their gross income to the prison. He said this has generated \$40,000 which pays the salary of a correctional officer and for clothing and food for the inmates while they are on the job. He said that in the last six months, prisoner savings accounts have increased \$60,000.

Chairman Hayes asked if there should be some provision in A.B. 346 that this money go to savings, family support, or restitution. Mr. Medema said that if Section 4 of A.B. 446 was added to A.B. 346, it would be an outstanding bill.

Chairman Hayes said there might be some conflict for the prisoners who might be required to get an education to be eligible for parole and who also might be involved in a work program because of the time necessary for each program.

Chairman Hayes asked how many prisoners would not be able to participate in a work program. Mr. Medema answered that probably 100 out of 1500 inmates would not be able to participate in a work program.

Mr. Sena asked how a prisoner that refused to work might be handled. Mr. Medema said that operating a prison is by incentives. He said the prison works on offering progressive programs that help an inmate get out of prison.

Assemblyman Mann, prime sponsor of A.B. 446, said that the major difference in the two bills was that his bill would provide for restitutions and letting the inmates pay part of their upkeep. He said that the present program in Carson City has seen a vast majority of the money earned go into savings accounts of individual prisoners. He said he did not want to set up a fund that allowed prisoners to collect money and not meet their obligations to society.

Mr. Moon said that it was the general philosophy of his organization that prisons are the least effective tools of the criminal justice system. He said that a dollar spent in any other phase of the system is a dollar which will prevent more crime in the long run. He also said there seemed to be a contradiction in trying to bring private industry into the prison that would not compete with other industry. He asked why a prisoner should be trained in a job area that is not available in the outside vicinity of the prison. He also said that organized labor has fought this type of proposal in the past because of taking jobs from people on the outside of the prisons. He said that this is not the problem now because employers are looking for help, but he said this could become the case down the road.

ASSEMBLY BILL 449

Requires substantial relationship to profession or occupation to deny or revoke license on account of commission of public offense.

Mr. Milligan stated that Title 54 of this bill included NRS 645 which has to do with real estate licensing procedures. He said the board over this licensing has the power now to review a person's record when applying for a real estate license. They can also suspend or revoke a person's license upon conviction of a crime. He said that Section 2 of the bill being considered takes away that power.

Mr. Milligan said he felt the real estate industry was unique in that almost any type of crime that can be committed would in some way relate to that industry. He said he did not support or oppose the bill, but he felt there should be some discretion allowed in this regard to the real estate licensing board.

Mr. McDonald said he felt this bill was incomplete. He said that throughout Title 54 of NRS there are provisions allowing various boards or commissions to discipline their members. He felt that if Title 54 were to be amended as proposed by this bill, each of the statutes should be amended individually.

Mr. Smith said that the most obvious case where this type of provision would have applied was the Rosenthal case. He said this would make the law much more clear than it was when Mr. Rosenthal applied for his gaming license.

Mr. Smith suggested that in the discussion held earlier regarding prison industry, there were parks and lakes owned by the State where inmate labor could be used for maintenance.

Mr. Smith said that one thing irrational about the present prison system was requiring an individual to have known a prisoner for at least one year before his incarceration to visit him.

Mr. Smith also stated that he hoped the Committee would consider the Administrative Procedures Act.

Chairman Hayes appointed a subcommittee on the spouse abuse bills consisting of Mr. Horn, chairman, Mr. Banner, and Mr. Prengaman.

The meeting was adjourned at 9:53 a.m.

Respectfully submitted,



Carl R. Ruthstrom, Jr.
Secretary

STATE OF NEVADA
DEPARTMENT OF PRISONS

BOARD OF PRISON COMMISSIONERS

ROBERT LIST, GOVERNOR

RICHARD BRYAN, ATTORNEY GENERAL

M. D. SWACKHAMER, SECRETARY OF STATE



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March 12, 1979

Assemblyman Hayes
Chairman of Committee on Judiciary
Legislative Building
Carson City, Nevada 89710

Dear Assemblyman Hayes:

The Department of Prisons fully supports A.B. 346 regarding the establishment of programs for training and employment of most offenders in the state prison. One of the greatest causes of concern to the Department of Prisons is the present inmate idleness within the institutions. The idleness is a direct result of the lack of meaningful work programs to employ the inmates. One of the basic philosophies that the Department has as an operating policy is that it should teach the persons incarcerated respect for the work ethic. One of the best methods to do so would be to provide meaningful employment in the manufacturing or prison industries type of programs. The essence of A.B. 346 addresses this particular need. I would like to respectfully request that a section 3 be added on page 3 which would state:

"There is hereby created in the State Treasury an enterprise fund for Prison Industries to be administered by the Department for the support of industries within the Nevada Department of Prisons. Receipts from the sale of articles manufactured must be deposited in this fund and expenses related to their manufacture paid from it."

The establishment of an enterprise fund for prison industries would eventually permit the Department to fund the entire program from the proceeds of the industries program thus reducing the burden of operation of the prison system on the tax payers. It is my firm belief that this program can be started without an appropriation from the state general fund. The fiscal note indicated is the estimated costs of an immediate, full scale implementation of the requirements of A.B. 316.

Sincerely,

Charles L. Wolff, Jr.
Director