

The Senate Committee on Legislative Functions was called to order on Thursday, May 10, 1979, in Room 243 at 2:45 p.m. Senator Gene Echols in the Chair.

PRESENT: Chairman Echols  
Vice-Chairman Close  
Senator Ford  
Senator Gibson  
Senator Young

ABSENT: Senator Wilson (excused)

GUESTS: Assemblyman Sue Wagner  
Assemblyman Chaney  
Assemblyman Westall  
Roger Trounday, Gaming Control Board  
Sam Mamet, Clark County  
Terry Reynolds, Supreme Court, AOC  
Chuck King, Central Telephone  
Vince Laveaga, Sierra Pacific Power Company  
Bill Swackhammer, Secretary of State  
Tom Huddleston, State Fire Marshal  
Elmer Rusco, American Civil Liberties Union  
Eric Moon, American Friends Service Committee  
David Anderson, Minister, Stewart Community Baptist Church  
Michael Medema, Department of Prisons

The Committee met in the Senate Lounge at 2:15 p.m. for a short slide presentation by Eric Moon on "Alternatives to Incarceration". Following the slide presentation, the Committee met in Room 243 for their meeting.

ACR-41 - Directs legislative commission to study Nevada prison system and alternatives to incarceration.

Assemblyman Sue Wagner testified in favor of ACR-41 and informed the Committee that this study is not like the study that was done during the last interim which studied the Nevada prison system. She said it is clearly spelled out, on the bottom of Page 1 and the top of Page 2 of ACR-41, what this study would involve. Assemblyman Wagner stated that there has been a lot of money spent in the area of prison construction in the past. She said this needs to be examined carefully in terms of whether there are alternatives and what the reasons are that this state needs to appropriate that much money every two years.

Chairman Echols asked if SCR-52 and ACR-41 are identical resolutions.

Assemblyman Wagner stated that SCR-52 was drafted because at one time ACR-41 had been indefinitely postponed in the Assembly Legislative Functions Committee. She said the resolution has been resurrected and it passed the Assembly unanimously.

\* \* \* \* \*

203

ACR-42 - Directs legislative commission to conduct interim study of means of employing continuous recipients of welfare.

Assemblyman Chaney testified in favor of ACR-42. He said this resolution was drafted to study some alternatives for welfare recipients. Assemblyman Chaney stated that something needs to be done to get welfare recipients out of their "rut", to motivate them to get a meaningful job.

\* \* \* \* \*

ACR-22 - Directs legislative commission to study public service commission of Nevada.

Assemblyman Westall testified in favor of ACR-22 and stated that there were two requests for this type of study so one was amended into ACR-22. She stated that there are many unanswered questions as to why there is always such a problem between the public service commission and the people and the utilities. She said this needs to be studied as well as if the rates are being constructed economically. Assemblyman Westall informed the Committee that a limited study was done 4 or 5 years ago by Theodore Barry and possibly some of his comments could be used in this study. She stated that ACR-22 would be a very broad study, it would go over different areas.

\* \* \* \* \*

ACR-31 - Adopts Joint Rules of the Assembly and Senate for 60th session.

Assemblyman Westall testified on ACR-31. She stated that this resolution follows the guidelines set up by the research division so that is the reason for it being concurrent.

\* \* \* \* \*

Chairman Echols asked Assemblyman Westall if she could submit to the Senate Legislative Functions Committee a list of the Assembly Legislative Functions Committees' studies that they consider to be priorities.

Assemblyman Westall stated that she would do so.

\* \* \* \* \*

SCR-49 - Directs legislative commission to study gaming industry.

Roger Trounday, Gaming Control Board, stated that in 1965 there was a similar study done by a private firm. He stated that the Gaming Control Board did most of the work for that study and if SCR-49 is passed, they would be willing to work with the Legislative Commission in conducting this type of a study. Mr. Trounday informed the Committee that a lot of computer runs would have to be made

in order to come up with an accurate analysis of the statistics and the computer time is costly. He suggested that some thought be given to giving the Legislative Commission some funding, as necessary, for analysis work. Mr. Trounday added that the Gaming Control Board staff would have to provide most of the information so they also have some concerns about the financial cost.

Senator Young asked if there is a need to study gaming. He said there was not much that came out of the last study.

Mr. Trounday said he did not think there was a need for this study and he does not know where this bill came from.

Senator Gibson stated that the bill came out of the Judiciary Committee because the committee felt they needed a more thorough insight to the gaming industry, what was needed and how it could be used.

Chairman Echols asked Mr. Trounday how much it would cost to fund this study.

Mr. Trounday stated that he does not know because he is not sure of the scope that would be involved.

\* \* \* \* \*

SCR-50 - Directs legislative commission to study proposals for full state funding and unitary budgeting for the court system of the state.

Sam Mamet, representing Clark County, testified in favor of SCR-50 and added that Clark County feels strongly about this because of the possibility of Proposition 6. Mr. Mamet stated that Clark County is concerned about some of the state mandated programs being placed upon them, particularly in the judicial area so they are very supportive of turning over any funding responsibility to the state to relieve them of this. Mr. Mamet informed the Committee that Clark County would work very closely with the judicial system in this study as they have done in the past.

Senator Gibson asked if this study would come up with any other conclusion than the study that was done two years ago.

Mr. Mamet stated that this study can help.

Senator Ford stated that the Judiciary Committee asked for this study because what was instructed two years ago in the study was partially done but not in a manner the committee could act on this session. She said the Judiciary Committee felt they should be in charge of the study this time to work with the courts to come up with something that could be implemented in terms of budgets and statutory changes.

\* \* \* \* \*

Terry Reynolds, Judicial Planner of the Supreme Court stated that they would be glad to assist the Legislative Commission in this study. He stated that in the last few years the Supreme Court has gathered tremendous amount of information on the courts and they have found that certain things were lacking. Mr. Reynolds stated that in instituting state funding, the system of accountability needs to be looked at.

\* \* \* \* \*

SCR-51 - Directs legislative commission to study problems of solid wastes.

There was no testimony at this time.

\* \* \* \* \*

AB-145 - Reduces age of eligibility of state senators and assemblymen.

There was no testimony at this time.

\* \* \* \* \*

Continuation of testimony on ACR-22.

Chuck King, Central Telephone Company, stated that he is neither for nor against the bill. He informed the Committee that on Lines 16 through 25 of ACR-22 it indicates that the utilities are not required to use competitive bidding. He stated that Central Telephone does do competitive bidding and wanted to get the record straight.

Senator Young asked Mr. King if he feels the study would help the legislature.

Mr. King stated that Central Telephone feels that the public service commission is doing a very good job of regulating them at the present time. He said their last full rate increase of their local services was fourteen years ago.

\* \* \* \* \*

Vince Laveaga, Sierra Pacific Power Company, stated that Sierra Pacific Power Company is not opposed to the passage of ACR-22. He stated that there are concerns at Sierra Pacific Power Company for cost-cutting wherever it may be accomplished without affecting the quality of service to the public.

\* \* \* \* \*

SJR-26 - Proposes to amend Nevada constitution to permit 2-day organizational session of legislature before each biennial session.

There was no testimony at this time.

\* \* \* \* \*

AB-706 - Creates legislative interim committee for continuing review of state agencies.

There was no testimony at this time.

\* \* \* \* \*

Bill Swackhammer, Secretary of State, stated that he had a couple of items to bring to the attention of the Committee regarding lobbyist registration problems, both in the statute and administration. Mr. Swackhammer stated that the matter of the lobbyists being required to wear a badge with their picture on it has been a disappointment to some people. He said this procedure was followed because the statute says that "the Secretary of State shall furnish an appropriate identification badge to each lobbyist." Mr. Swackhammer stated that there are only two ways to identify a person, either by picture or fingerprint so they chose the more logical of the two. He informed the Committee that if they want the lobbyists to wear a badge, they could use the wording "name plate badge" instead of "identification badge" which would alleviate the problem of the picture being required.

Mr. Swackhammer stated that there is a problem in registration in that when a person comes in to register he is asked on who's behalf is he registering. He stated that many people give the name of a law firm as the person by whom they are employed and when they are asked upon who's behalf they are going to appear, they say they do not have a client. Mr. Swackhammer stated that that is covered in a regulation which says "you are required to file a supplementary registration on any changes that would require a filing of the original registration" and that means an addition of a new employer or principle. He stated that every person who registered received this book but he said they must not read it.

Mr. Swackhammer stated that since a lobbyist now only has to register when they want to contact a member of the legislature and not the executive branch, he said it would be appropriate to have the administration in the legislative branch itself rather than the Secretary of States' office. He said it would be more convenient for the lobbyists to register at the building where they are going to be lobbying.

\* \* \* \* \*

Senator Gibson stated that the Committee concurs with Mr. Swackhammer and they are in the process of having an amendment drawn that would transfer the administration back to the Legislative Counsel Bureau.

\* \* \* \* \*

SCR-23 - Directs legislative commission to study and develop statewide master plan for fire protection and control.

Tom Huddleston, State Fire Marshal, testified in support of SCR-23. He stated that the public is demanding more and more accountability and efficiency from the fire service and he said the fire service is doing it without being given any additional funds. He said it is absolutely essential that somebody take a look on a statewide basis as to what can be done to come up with a master plan for fire services.

Senator Young asked Mr. Huddleston if this study could be done in his own agency. He stated that the executive branch, with 6,000 people and various agencies, ought to be able to get together some representatives if there is a need and desirability for a plan like this.

Mr. Huddleston stated that from a personal point of view as it deals with his agency, he would like somebody that is objective and not involved to take a look at their operation and give them new ideas or new approaches.

Senator Ford suggested that SCR-23 could be amended to charge a particular portion of the executive branch to be the lead agency in bringing the state, federal and local agencies together to examine the question since there is not a coordinated agency to do it. Then prior to the next session they could make a presentation before the standing committee that would be dealing with the legislation.

Chairman Echols stated that he believes the public is interested in their government and is willing to get involved. He asked Mr. Huddleston to look into the possibility of setting up a pilot project to involve private citizens who are willing to serve without compensation. He said they would meet periodically to discuss amongst themselves the different problems they see in government.

\* \* \* \* \*

ACR-41 and SCR-52 - Directs legislative commission to study Nevada prison system and alternatives to incarceration.

Michael Medema, Department of Prisons, testified in support of ACR-41 and SCR-52. Mr. Medema stated that the Department of Prisons has made significant progress in the last two years on some of their criminal problems, but they do not have the time to look at some of the broad policy decisions in the proper manner. He stated that according to the population projection, the prison the

legislature is planning on building this session will be full in two years and so another one will have to be built next biennium also.

Chairman Echols asked Mr. Medema if it would be possible for him to prepare for the Committee a report on all the formally structured organizations or individuals that are involved in prison ministry.

Mr. Medema stated that this information is not confidential but the information is not entirely available to the Department of Prisons because the only people they hear from are the people who have a cause. He said it would be tough to get a report together, but they would make an effort to put one together.

Chairman Echols stated that the society must start finding some answers to "cope" with the prison problem or it is going to destroy the state economically.

Senator Ford asked Mr. Medema why Las Vegas no longer has the pre-release center.

Mr. Medema stated that the pre-release center did not prove cost effective so it was discontinued. He informed the Committee that Assembly Bill 804 is in the Senate Finance Committee and if passed, it would establish two restitution centers in the State of Nevada. He said the restitution centers would be much like the pre-release center and there should not be any problem with the funding and keeping the center full because of the way the legislation is written.

Chairman Echols read to the Committee members and the audience an article from the "Friends Committee on Legislation" dated March 1979 and asked that it be entered in the record (See Exhibit "A").

Senator Young asked what other alternatives there are besides restitution centers.

Mr. Medema stated that the Senate Finance Committee has chosen to increase the honor camp programs in this state rather than build a prison. He added that another alternative would be to have work release centers in a community for the non-violent type of criminals, to get them working at a job to make restitution for their crime.

Elmer Rusco, representing the American Civil Liberties Union of Nevada, stated that they participated in the Mann study and have come to the conclusion that there are some people that have to be kept in prison indefinitely, but the majority of the people can be reformed through work. He added that money can be saved by cutting down systematically on incarcerations. Mr. Rusco said he feels the legislature, through the Legislative Commission, is the only one in a position to make this study.

Chairman Echols read a letter to the Committee from Mr. Ralph Veerman, Vice-President, Prison Ministries, dated March 16, 1979, and asked that it be entered in the minutes for the record (See Exhibit "B"). Chairman Echols added that he, as a Senator and private citizen, has committed himself to make the prison fellowship a reality if the support can be generated.

Eric Moon, representing the American Friends Service Committee, said they are in favor of ACR-41 and SCR-52 and urge the Committee's attention to them. Mr. Moon stated that the study should include the problem of the rising population in the prison system.

Senator Young stated that he feels the prison system itself should be able to come up with most of the study and then present it to a legislative committee as a sounding board.

Chairman Echols suggested the possibility of having private citizens volunteer to do this study as opposed to legislators.

Mr. Moon stated that that is a possibility but the study becomes more of a reality when a legislative committee conducts the study because the legislature has the ability to make statutory changes as well.

Senator Ford concurred with Senator Young in that legislators can not be available to do a comprehensive study, but they could be available to talk with those people who can do a comprehensive study and then weigh whether it fits into the political system or not.

David Anderson, Minister, Stewart Community Baptist Church, stated that he has become involved in prisons as a private citizen. He informed the Committee that he also represents the Nevada Conference of Churches and The Denominational Executive Ministers of Nevada. Mr. Anderson stated that according to studies, the longer a person is in prison, the greater the likelihood he will again commit a crime when he is released. He said the State needs to stop talking about being tough on crime and criminals and start talking about being effective. Mr. Anderson read to the Committee an article from the "National Council on Crime and Delinquency". He quoted from the article, "Two-thirds of all jail inmates and one half of all prison inmates could be construed as non-dangerous, non-assaultive property offenders, or victimless offenders whose function should be restitution for community service."

Senator Young asked what can be done with people who keep writing checks on a bank account that does not have any money. He stated that some of the worst offenders are the check forgers. He said they tend to repeat and if you let them out of prison, they pass more bad paper.



Chairman Echols stated that there is an organization, M-2, which is lining up private citizens to lend support, counsel, and guidance to inmates. He said he has brochures and documentation on half a dozen organizations that do this and if they can be combined under one "umbrella" situation, the number of inmates may be reduced in the prisons.

Mr. Anderson stated that studies are very important and he feels it is important that this study be done by an independent agency rather than by the people involved in the system. He said that way, the legislators would not have to be involved.

Senator Young stated that many studies have been made at the expense to the legislature. He added that the majority of those studies have been ignored because the "outside expert" had no real concept of the problem or the solution that might be politically acceptable.

Mr. Anderson stated that if the National Conference on Crime and Delinquency conducted the study, that the people involved in the study would be professionals who have their degrees in criminology.

Senator Close stated that when a mix of legislators and interested people who live in Nevada (people who realize the problems of Nevada) conduct a study, it is much more effective.

Mr. Anderson stated that he hoped the study would include pre-trial diversion.

Senator Close stated that pre-trial diversion is done in the Municipal Courts now and it works successfully. He said maybe it could be successful in the District Courts with felons also.

There being no further testimony, the hearing was closed on the prison study.

Chairman Echols requested that it be entered in the record that there were three ladies in the audience who concurred with Mr. Anderson's testimony.

Senator Echols asked that his following statement be entered into the record. He said, "Personally, my wife, Wanda, and I have been involved on a one-to-one basis with prisoners over the last couple of years and it is nothing that a public official is the reason for. Right now there are at least four (4) prison beds empty in this state because of our personal involvement. Those people are now taxpaying families and it can be multiplied if private citizens are sincere and willing to help, to become involved. People can change, but to determine when that actually happens is the problem as far as releasing those people. I agree there are those who cannot be released under any condition and I strongly support that. The problem we have is sorting those out, only keeping the ones that really fit that category and I think it can be done."

Minutes of the Nevada State Legislature

Senate Committee on Legislative Functions

Date: May 10, 1979

Page: Ten

There being no further business, the meeting was adjourned at 5:00 p.m.

Conni J. Horning  
Respectfully Submitted By:  
Conni J. Horning, Secretary

Gene Echols  
Approved By:  
Senator Gene Echols  
Chairman

**PRISONS**

Budgets for the past three years have proposed funds to build more prisons. This year continues that trend.

In 1977, the Governor asked for \$94 million for four new 600 bed prisons. The legislature, noting a lack of evidence of any need for expansion of the prison system, turned down the request. Instead, it allocated \$375,000 to the Department of Corrections to do a "program study" to define the functions that would be served by any new prisons. It also commissioned an independent study by a consulting firm to determine the need, if any, for new prisons (the ACR 78 or "Approach Associates" study).

In 1978 the Governor asked for \$100 million for six new prisons, thus implementing his "small is beautiful" credo. The Department of Corrections' study was completed; it concluded that there was a need for six new prisons (at 400 beds each). The independent study was also completed; it found that there was no need at all for new prisons, noting that there were 4500 empty and usable spaces available within the CDC system. The two studies disagreed sharply on their projections of the future prison population. The CDC predicted a sharp rise in population from 20,000 at the end of 1977 to 26,245 by 1983. The independent study predicted a much slower rise; its "worst case projection" placed the population at 22,800 in 1983.

The governor's expanded prison proposal was turned down a second time in 1978. Instead the legislature approved \$7.6 million for a feasibility study on the razing and replacement of San Quentin and Folsom.

This year the Governor is asking for the same \$100 million but now he proposes to build eleven new prisons, or 4400 new spaces. The most recent estimate by Corrections officials actually places construction costs at \$50,000 per cell or a total real cost of \$220 million. It is clear that the governor's budget figure is only the beginning of a high cost, low return investment.

**Prison Terms**

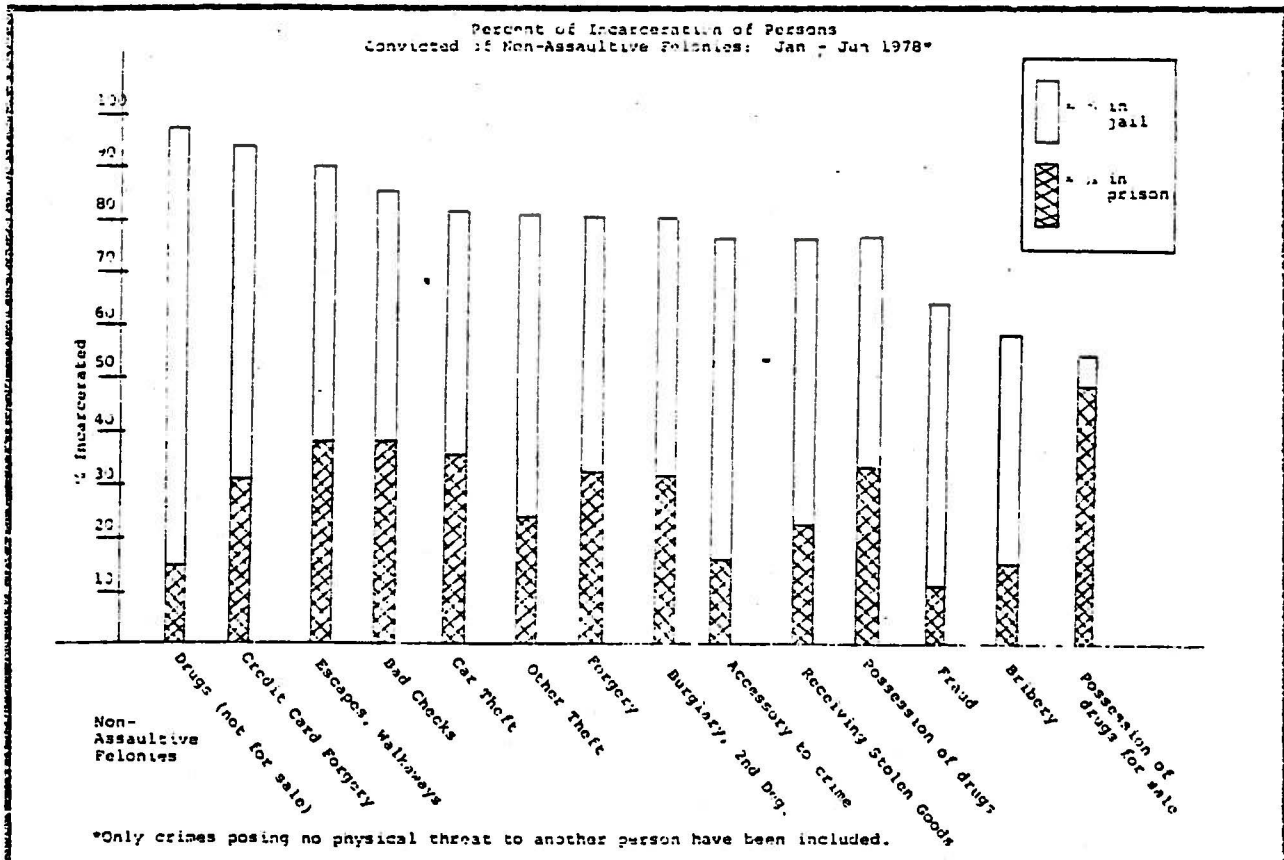
**For Non Assaultive Crimes Skyrocket**

The legislature passed SB 709 last year. It raised the base terms for 41 common crimes and pumped up the pressure for more prisons. Correctional officials say that these longer sentences make massive expansion unavoidable. In fact, they say that the prisons will have to house 10,000 more inmates in the next ten years, bringing the population of the prisons to more than 34,000 by 1989.

These ominous predictions underscore the need for a closer look at the state prisons. Who is in prison? What for? Is there any class or group of inmates for whom we can begin to use other solutions?

Internal and independent studies of recent prison commitments reveal the following:

1. Courts, operating under the determinate sentencing law, are sending more people to prison for "property" or "non-assaultive" crimes. For example, 28% of those convicted of car theft in the first half of 1978 went to prison. By way of contrast, in 1977 only 13% were imprisoned and, in 1976, 11%. Between 30 and 40% of all convicted burglars now go to prison; in 1977 it was 19%, in 1976, 15%.



213

EXHIBIT "B"  
Page 1 of 2  
prison fellowship

POST OFFICE BOX 40562  
WASHINGTON, D.C. 20016  
703-790-0110

March 16, 1979

Dear Gene,

Dr. Paul Morris and I greatly appreciate the interest expressed by you in having Prison Fellowship come to Nevada to possibly establish our ministry there. As a result of our recent phone conversations and continued dialogue by our staff here in Washington, we'd like to propose to you the following course of action.

We'd like to suggest that within the next two months, a representative of Prison Fellowship spend two days in Carson City researching the feasibility for Prison Fellowship throughout the state. At a later date we will designate which staff person will be there for those two days. This will have a lot to do with travel schedules and time availability.

During that two day visit it would be very important to have some quality dialogue with you and with representatives from the following groups: Correctional personnel and chaplains from the state of Nevada, representatives of other agencies that are already involved in prison ministry, representatives from the ministerial association in Carson City, several representatives from Christian businessmen groups in Carson City, those politicians in the state government that have some interest or present involvement with criminal justice, and any other key individuals that you feel would be necessary for us to talk with. It's very important that if Prison Fellowship is to come into Nevada that we have a broad base of church backing and support from the criminal justice system itself. We're very sensitive about trying to force our program onto a given area without prior discussion and endorsement from the community.

Attached is a copy of a paper on Prison Fellowship which might give you a better overall feel for our ministry. If we were to summarize our major concerns, it would be the fear of creating momentum for our ministry but not having the manpower to follow through on the interest. Presently our field organization is stretched to the limit, so we want to thoroughly assess this possible opportunity.

We sincerely appreciate your desire to see Prison Fellowship consider Nevada as a possible area of involvement. Prior to pinning down the exact dates for our representative to visit Carson City we would need some ideal times from you, and a

Senator Gene Echols

list of those key individuals you think we need to be talking to while there, and then a willingness on your part to help set up our schedule for that intensive two day period. Thanks again for your interest and support.

Sincerely,



Ralph D. Veerman  
Vice President  
Prison Ministries

Senator Gene Echols  
Legislative Building  
401 Carson  
Carson City, Nevada 89701

Enclosure

cc: Charles W. Colson

RDV:lrb