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EXEMPT

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ASSEMBLY BILL NO. 4—COMMITTEE ON WAYS AND MEANS

PREFILED JANUARY 11, 2001

(ON BEHALF OF PRISON INDUSTRIES (NRS 209.4813))

Referred to Committee on Ways and Means

SUMMARY—Makes various changes concerning prison industries. (BDR 16-680)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to prison industries; allowing money in the fund for new construction of facilities for prison industries to be used to expand existing industries; creating the committee on industrial programs; specifying the powers and duties of the committee on industrial programs; repealing the statutes creating and governing the advisory board on industrial programs; 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.** Chapter 209 of NRS is hereby amended by adding thereto
2 the provisions set forth as sections 2 and 3 of this act.
3 **Sec. 2. 1. *The committee on industrial programs is hereby created.***
4 **2. *The committee on industrial programs consists of the director of***
5 ***the department of prisons, the chief of the purchasing division of the***
6 ***department of administration and eight members appointed by the***
7 ***interim finance committee as follows:***
8 ***(a) Two members of the senate.***
9 ***(b) Two members of the assembly.***
10 ***(c) Two persons who represent manufacturing in this state.***
11 ***(d) One person who represents business in this state.***
12 ***(e) One person who represents organized labor in this state.***
13 **3. *The members of the committee on industrial programs shall select***
14 ***a chairman from among their membership.***
15 **4. *Each member of the committee on industrial programs appointed***
16 ***by the interim finance committee must be appointed to a term of 2 years***
17 ***and may be reappointed.***



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1 5. Except during a regular or special session of the legislature, each
2 legislator who is a member of the committee on industrial programs is
3 entitled to receive the compensation provided for a majority of the
4 members of the legislature during the first 60 days of the preceding
5 regular session for each day or portion of a day during which he attends
6 a meeting of the committee on industrial programs or is otherwise
7 engaged in the work of the committee on industrial programs. Each
8 nonlegislative member appointed by the interim finance committee is
9 entitled to receive compensation for his service on the committee on
10 industrial programs in the same amount and manner as the legislative
11 members whether or not the legislature is in session. Each nonlegislative
12 member of the committee on industrial programs is entitled to receive the
13 per diem allowance and travel expenses provided for state officers and
14 employees generally. Each legislator who is a member of the committee
15 on industrial programs is entitled to receive the per diem allowance
16 provided for state officers and employees generally and the travel
17 expenses provided pursuant to NRS 218.2207. All compensation,
18 allowances and travel expenses must be paid from the fund for prison
19 industries.

20 Sec. 3. 1. The committee on industrial programs shall:

21 (a) Be informed on issues and developments relating to industrial
22 programs for correctional institutions;

23 (b) Submit a semiannual report to the interim finance committee
24 before July 1 and December 1 of each year on the status of current and
25 proposed industrial programs for correctional institutions;

26 (c) Report to the legislature on any other matter relating to industrial
27 programs for correctional institutions that it deems appropriate;

28 (d) Meet at least quarterly and at the call of the chairman to review
29 the operation of current and proposed industrial programs;

30 (e) Recommend three persons to the director for appointment as the
31 assistant director for industrial programs whenever a vacancy exists;

32 (f) Before any new industrial program is established by the director in
33 an institution of the department, review the proposed program for
34 compliance with the requirements of subsections 2, 3 and 4 of NRS
35 209.461 and submit to the director its recommendations concerning the
36 proposed program; and

37 (g) Review each industry program established pursuant to subsection
38 2 of NRS 209.461 to determine whether the program is operating
39 profitably within 3 years after its establishment. If the committee on
40 industrial programs determines that a program is not operating
41 profitably within 3 years after its establishment, the committee on
42 industrial programs shall report its finding to the director with a
43 recommendation regarding whether the program should be continued or
44 terminated.

45 2. Upon the request of the committee on industrial programs, the
46 director and the assistant director for industrial programs shall provide
47 to the committee on industrial programs any information the committee
48 on industrial programs determines is relevant to the performance of the
49 duties of the committee on industrial programs.



1 **Sec. 4.** NRS 209.011 is hereby amended to read as follows:
2 209.011 As used in this chapter, unless the context otherwise requires,
3 the terms defined in NRS ~~209.015~~ **209.021** to 209.085, inclusive, have
4 the meanings ascribed to them in those sections.

5 **Sec. 5.** NRS 209.192 is hereby amended to read as follows:

6 209.192 1. There is hereby created in the state treasury a fund for
7 new construction of facilities for prison industries as a fund for
8 construction of capital projects. The director shall deposit in the fund the
9 deductions made pursuant to paragraph (c) of subsection 1 or paragraph (b)
10 of subsection 2 of NRS 209.463. The money in the fund must only be
11 expended to house new industries *or expand existing industries* in the
12 industrial program ~~which will~~ *to* provide additional employment of
13 offenders. The money in the fund must not be expended for relocating an
14 existing industry in the industrial program ~~+~~ *unless the existing industry*
15 *is being expanded to provide additional employment of offenders.*

16 2. Before money in the fund may be expended for construction, the
17 director shall submit a proposal for the expenditure to the state board of
18 examiners. Upon making a determination that the proposed expenditure is
19 appropriate and necessary, the state board of examiners shall recommend
20 to the interim finance committee, or the senate standing committee on
21 finance and the assembly standing committee on ways and means when the
22 legislature is in general session, that the expenditure be approved. Upon
23 approval of the appropriate committee or committees, the money may be so
24 expended.

25 3. The interest and income earned on the money in the fund, after
26 deducting any applicable charges, must be credited to the fund.

27 **Sec. 6.** NRS 209.459 is hereby amended to read as follows:

28 209.459 The director shall present the recommendations of the
29 ~~advisory board~~ *committee* on industrial programs to the board of state
30 prison commissioners and, with the approval of the board of state prison
31 commissioners, establish and carry out a program for the employment of
32 offenders in services and manufacturing conducted by institutions of the
33 department or by private employers.

34 **Sec. 7.** NRS 209.015, 209.4813 and 209.4814 are hereby repealed.

35 **Sec. 8.** This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTIONS

209.015 "Advisory board" defined. "Advisory board" means the advisory board on industrial programs.

209.4813 Advisory board on industrial programs: Creation; members; chairman; term of appointed members; payment of compensation, allowances and travel expenses.

1. The advisory board on industrial programs is hereby created.

2. The advisory board consists of the director of the department of prisons, the chief of the purchasing division of the department of



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administration and eight members appointed by the interim finance committee as follows:

- (a) Two members of the senate.
- (b) Two members of the assembly.
- (c) Two persons who represent manufacturing in this state.
- (d) One person who represents business in this state.
- (e) One person who represents organized labor in this state.

3. The members of the advisory board shall select a chairman from among their membership.

4. Each member of the advisory board appointed by the interim finance committee must be appointed to a term of 2 years and may be reappointed.

5. Except during a regular or special session of the legislature, each legislator who is a member of the advisory board is entitled to receive the compensation provided for a majority of the members of the legislature during the first 60 days of the preceding regular session for each day or portion of a day during which he attends a meeting of the advisory board or is otherwise engaged in the work of the advisory board. Each nonlegislative member appointed by the interim finance committee is entitled to receive compensation for his service on the advisory board in the same amount and manner as the legislative members whether or not the legislature is in session. Each nonlegislative member of the advisory board is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally. Each legislator who is a member of the advisory board is entitled to receive the per diem allowance provided for state officers and employees generally and the travel expenses provided pursuant to NRS 218.2207. All compensation, allowances and travel expenses must be paid from the fund for prison industries.

209.4814 Advisory board on industrial programs: Duties. The advisory board shall:

1. Be informed on issues and developments relating to industrial programs for correctional institutions;
2. Submit a semiannual report to the interim finance committee before July 1 and December 1 of each year on the status of current and proposed industrial programs for correctional institutions;
3. Report to the legislature on any other matter relating to industrial programs for correctional institutions which it deems appropriate;
4. Meet at least quarterly and at the call of the chairman to review the operation of current and proposed industrial programs;
5. Recommend three persons to the director for appointment as the assistant director for industrial programs whenever a vacancy exists;
6. Before any new industrial program is established by the director in an institution of the department, review the proposed program for compliance with the requirements of subsections 2, 3 and 4 of NRS 209.461 and submit to the director its recommendations concerning the proposed program; and
7. Review each industry program established pursuant to subsection 2 of NRS 209.461 to determine whether the program is operating profitably within 3 years after its establishment. If the advisory board determines that



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a program is not operating profitably within 3 years after its establishment, the advisory board shall report its finding to the director with recommendation regarding whether the program should be continued or terminated.

