

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON ELECTIONS, PROCEDURES, ETHICS, AND
CONSTITUTIONAL AMENDMENTS**

**Seventy-Third Session
May 17, 2005**

The Committee on Elections, Procedures, Ethics, and Constitutional Amendments was called to order at 3:57 p.m., on Tuesday, May 17, 2005. Co-Chairwoman Ellen Koivisto presided in Room 3142 of the Legislative Building, Carson City, Nevada. [Exhibit A](#) is the Agenda. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Mrs. Ellen Koivisto, Co-Chairwoman
Mr. Harry Mortenson, Co-Chairman
Mr. Marcus Conklin, Co-Vice Chairman
Mr. Bob McCleary, Co-Vice Chairman
Mrs. Sharron Angle
Mr. Mo Denis
Mrs. Heidi S. Gansert
Mr. Brooks Holcomb
Ms. Kathy McClain
Mr. Harvey J. Munford
Mr. Bob Seale
Mr. Scott Sibley

COMMITTEE MEMBERS ABSENT:

Ms. Chris Giunchigliani (excused)

GUEST LEGISLATORS PRESENT:

Ms. Sheila Leslie, Assembly District No. 27, Washoe County
Mr. David Parks, Assembly District No. 41, Clark County
Mr. Bernie Anderson, Assembly District No. 31, Washoe County

STAFF MEMBERS PRESENT:

Michelle Van Geel, Committee Policy Analyst

Sarah Gibson, Committee Attaché

OTHERS PRESENT:

Rob Joiner, Planning Manager, City of Sparks, Nevada
Hank Cavallera, Elder Law Attorney, Reno, Nevada
Tony Ramirez, Reno Field Office Director, United States Department of Housing and Urban Development
Pat Hines, Private Citizen, Advocate for Criminal Justice Reform, Yerington, Nevada
Amy Wright, Chief, Division of Parole and Probation, Department of Public Safety, State of Nevada
Dorla Salling, Chairman, State Board of Parole Commissioners, Department of Public Safety, State of Nevada
Fritz Schlottman, Administrator, Offender Management Division, Department of Corrections, State of Nevada
Greg Cox, Assistant Director, Operations, Department of Corrections, State of Nevada

Co-Chairwoman Koivisto:

[Called the meeting to order. Roll taken.] Today's hearing will decide what we will recommend as interim studies for this House.

Assembly Bill 306 (1st Reprint): Directs Legislative Commission to conduct interim study of feasibility of consolidating certain local governmental entities and services. (BDR S-892)

Assemblywoman Kathy McClain, Assembly District No. 15, Clark County:

I brought A.B. 306 for discussion, because—especially in southern Nevada and, I suspect, in some parts of Washoe County around Reno and Sparks—so many different jurisdictions overlap. They all have different tax rates; they all have different public works departments, different fire departments, et cetera. The way southern Nevada has grown, I thought it was time we looked at a consolidated authority rather than five cities and a county that also serves as a metropolitan-type jurisdiction.

Opposition to the bill was way beyond what one could imagine, even though I placed stringent conditions on when consolidation could occur. An urban area was defined. When new growth occurred and got to a certain point, it would automatically be melded into the urban area. It would have a large board, made

up of elected people from defined districts, with a strong-mayor form of government.

[Assemblywoman McClain, continued.] Since Nevada is made up of two large urban areas with the balance of the state being rural, it is time we looked at consolidated government in these larger urban areas. I believe an interim study over a two-year period would be the best way to look at it. We could get lots of input and get people into the mindset that this is something coming in the future and we really should be thinking about it. That is the reason for the request for the interim study.

Assemblyman McCleary:

Is Clark County itself, the county portion, larger than the city of Las Vegas as far as the urban areas?

Assemblywoman McClain:

Landwise, yes. Populationwise, they are very similar.

Assemblyman McCleary:

Are counties supposed to be rural in nature?

Assemblywoman McClain:

Probably. In the old days, when it was agricultural country, it was rural. As we industrialized, we had pockets of population. That is when cities became incorporated all across the country. When you think about it, a city is a special improvement district. County government is the only kind of government identified in the *Constitution*.

Co-Chairwoman Koivisto:

How long ago were the Clark County Sheriff's Office and the Las Vegas Police Department consolidated?

Assemblywoman McClain:

I think it was in 1975. That consolidation involved only the County police force under the Sheriff and the City of Las Vegas' police force. The City of North Las Vegas has their own police department, as do Henderson and Boulder City. Mesquite is actually Metro [Las Vegas Metropolitan Police Department], as are some of the more rural communities like Searchlight, Overton, and Laughlin.

Co-Chairwoman Koivisto:

Do you know whether fire department consolidation has ever been discussed?

Assemblywoman McClain:

It was in the middle of being consolidated, but someone took the process to court. As a result, there are separate fire departments in all the jurisdictions. There are also different public works departments, business licenses, zoning, animal control, and parks departments. The only things the County has that the cities don't are social services. That is a County function. It would be very easy to consolidate all those other areas and eliminate a lot of administration, which would save a lot of money and confusion. If your cat gets loose on Sahara Boulevard, do you call the city or the County?

Assemblyman Munford:

You are speaking of a study just to see the outcome and make recommendations. Naturally, something of this nature would be up to the people to decide; don't you agree?

Assemblywoman McClain:

I would think so.

Assemblyman Munford:

One of the recommendations would probably be that the people would have to determine if this is going to be done.

Assemblywoman McClain:

If you had a really good, productive study, portrayed as it should be, and people were open to it and reasonable about the kinds of things that could be done, I think it would be passed easily by the people.

Assemblyman Munford:

The school districts are going the opposite way. The schools might be affected by this also. I'm sure that would be taken into account by the study.

Assemblywoman McClain:

It should not affect school districts at all; they're a separate entity. However, we have approximately 380 different taxing districts, which would be consolidated.

Assemblyman Holcomb:

Do you know of any other communities, counties, or areas that have consolidated as you're proposing?

Assemblywoman McClain:

Yes, there have been several across the country. Some have been very successful, and some haven't been too successful. Athens, Georgia, and its county have been pretty successful with their consolidation. I have a lot of information that I can provide to you.

Assemblyman Denis:

Have we done this type of study in the past?

Assemblywoman McClain:

I think there was an attempt to do a study in the 1980s, but it never got approved.

Assemblyman Denis:

So, we've never had a study.

Assemblywoman McClain:

Not that I'm aware of.

Rob Joiner, Planning Manager, City of Sparks, Nevada:

The City of Sparks passed a resolution several years ago in opposition to any consolidation. We don't feel it serves the purposes of the citizens of Sparks. Because of that, we are in opposition to A.B. 306.

Assemblywoman Angle:

I am aware of that resolution, and I believe Reno and Washoe County also believe consolidation wouldn't be in the best interests of their citizens. Could you explain some of the reasons why you don't believe consolidation is a good idea?

Rob Joiner:

I know Sparks' resolution is in place, but I can't speak for Reno or Washoe County. Reno and Washoe County do have consolidated fire services. When that occurred, the studies Sparks conducted showed it was not in their best interests financially. We also have joint operation of our water facilities and our wastewater reclamation and recharge facilities with the City of Reno. We have a lot of intergovernmental relations, but full consolidation is something that has been opposed by prior and existing city councils. I don't think your study is a bad thing and it could change people's minds in the future, but at this time, it is not in the best interests of the citizens of Sparks to enter into a consolidation.

Assemblyman Holcomb:

The City of Sparks, along with the City of Reno, opposed the bill I introduced merely to recognize a water plant. We have heard testimony that A.B. 306 is merely a study and that consolidation was successful in other areas. If it is successful in other areas, why would anyone be opposed to having a study?

Rob Joiner:

That's a very good point. I am just reading into the record that there is a resolution by the council that they are opposed at this time to any consolidation.

Assemblyman Holcomb:

I know they opposed merely recognizing there are water constraints with the regional water plant, so I am not surprised.

Co-Chairwoman Koivisto:

We will close the hearing on A.B. 306 and open the hearing on A.C.R. 20.

Assembly Concurrent Resolution 20: Directs Legislative Commission to appoint committee to conduct interim study on assisted living facilities and long-term care financing. (BDR R-491)

Assemblywoman Sheila Leslie, Assembly District 27, Washoe County:

This interim study joins two separate issues. These issues do not have to have their own interim study, but if you could accommodate them in some way, we would be grateful.

The first issue has to do with assisted living facilities related primarily to people with Alzheimer's. Last year we had two defendants—one was 82 years old, and the other was 94—and between them they spent 6 months in the Washoe County jail because there was no appropriate placement for them. They were people who had been arrested for battery on a spouse and had dementia or Alzheimer's. Our state's resources for this population are pretty much nonexistent.

One in ten people over 65 years of age have Alzheimer's; five in ten people over 85 have Alzheimer's. One in ten people in Washoe County in the 2000 Census are over age 65, and that population is growing. Major increases in the elderly population are happening in the southern and western United States. Nevada statutes exempt our adult mental health services and private hospitals from accepting Alzheimer's and dementia patients for civil commitment, absent

another medical diagnosis. You can receive services if you have schizophrenia and Alzheimer's or if you have heart disease and Alzheimer's, but if you have Alzheimer's or dementia, you don't qualify for mental health services, so there is a gap in the law.

[Assemblywoman Leslie, continued.] Dementia and Alzheimer's are considered to be diseases of the brain that are not fixable. Schizophrenia and all the other mental illnesses can be treated with drugs and therapy. With Alzheimer's, the damage to the brain is basically permanent, so our statutes do not recognize Alzheimer's as a mental illness. Therefore, all the mental health services and placements are not available to those folks.

At the same time, in the latter stages of the disease, paranoia and suspicion often develop. This often leads to outbursts by the afflicted individual, and it's commonly directed at his or her caretaker, often a spouse. What is troubling us is that this latter group is starting to show up in the criminal justice system, usually charged with domestic battery or assault with a deadly weapon, which are both very serious charges. When the caregiver calls the police for help, a cycle is set in motion that can be very expensive and time-consuming. The Alzheimer's patient is typically arrested. The arrest then disqualifies the person for several Medicare services that are unavailable to someone who has been arrested. The patient is usually classified as incompetent and, in legal terms, unlikely to regain competence, so the charges are dismissed and the person is supposed to be released from jail. In order to adequately protect the patient and their caregiver, they usually can't go home. That's why the 94-year-old gentleman spent months in the Washoe County jail, because there was no other place to take him.

Agencies impacted by cases like these are law enforcement and the jails, the district attorney's office, the public defenders, the public guardians, hospitals and care facilities like Lake's Crossing, et cetera. It is very unethical to incarcerate a person who does not know he or she has done anything wrong. Conversely, many of us do believe that government has a responsibility to protect its citizens, both the Alzheimer's sufferer and the caregivers.

The first part of this interim study is designed to focus on that population, people with dementia and people with Alzheimer's. It will study the problem within our own state, look at the resources, and try to come up with a funding mechanism to deal with this population, so we aren't housing people with Alzheimer's in our jails.

[Assemblywoman Leslie, continued.] It doesn't necessarily need to be its own study. If this Committee thinks there is a better place to put the issue, I'm more than happy to work with whatever interim study you think. I'm sure it's an issue that is just as difficult in Clark County, because of the numbers of people in this age group down there. We need to bring everyone to the table, study this issue, and get a handle on it.

The second part of the issue has to do with long-term care. If this could be studied during the interim, it would be great.

Hank Cavallera, Elder Law Attorney, Reno, Nevada:

You can't get into my office until you are 75, so almost all of my clients are in their mid-seventies and really dealing with the end stages of life, which can be very expensive. We are spending somewhere around 61 percent of our Medicaid budget on long-term care costs, even though the percentage of seniors on Medicaid is probably less than that. Forty-three percent of all persons, once obtaining the age of 65, can expect to spend some portion of their lives in an intermediate-care facility, a nursing home.

My wife has a long-term care policy she bought before her fifty-fifth birthday. The premium we pay on that policy is less than \$600 per year. In my mind, that is a model policy, and we were lucky we bought it when she was younger. We also bought it because of the business I am in. Without that knowledge, I don't know if we would have explored this kind of policy for our own family.

Another issue concerns the increase in value of a person's home over the years, assuming a 3 percent increase per annum, over a 25-year time period. The real issue—how to survive retirement and pay for long-term care—introduces a concept of partnering with the private long-term care insurance industry, lenders, and the State Medicaid program to come up with a public policy that would encourage more people to buy long-term care insurance. The plan would work something like this: Let's assume the pre-retiree buys the insurance at age 54 or 55 and has a premium of \$850 every year. The person can pay the premium because they are still working. They retire at 65, but two years later, they discover they can't pay this particular premium. To keep the insurance, my thought is to help them unlock the equity in their home. If we can help them do that, they can continue to make the premium payments on their long-term care insurance. The way to do that is to come up with some kind of specialized, reverse mortgage that would pay the premiums for them on their long-term care insurance.

[Hank Cavallera, continued.] We calculated that if you were paying \$850 a year on this kind of a premium, the cost would be \$17,000 over the life of the loan. If that same family didn't have that insurance and the individual went into a nursing home, Medicaid would request an estate recovery and hand that family a bill for approximately \$230,000. If we come up with a model policy that would run for a minimum of three years, since most people are in a care facility for 22 to 28 months, Medicaid would be put back one further step as the payer of last resort. I'm trying to encourage more people to buy long-term care insurance, help them unleash the equity in their home to purchase it, and I think this might be something we might want to study.

One of the things we have to do is start educating our populace when they turn age 50 to look at the issue of long-term care insurance. Our budget is driven by Medicaid. I don't know if it's number one or number two in the budget. That's what this is about: educate people, try and unlock the equity in their home, encourage them to buy long-term care insurance, and possibly give them incentives to buy long-term care insurance.

One incentive could be a small discount on property taxes if they have insurance in place. Maybe we can encourage the industry to give someone a small discount, because we're creating a market for the industry. Third, we could restrict the Medicaid estate recovery on those people who have insurance. I know that in 2001 this Body and the Governor signed a bill that, if you bought insurance, the State would not seek Medicaid estate recovery. The federal government shot that down, but I think I've solved that, and it is in my materials ([Exhibit B](#)).

Assemblyman Seale:

Most of the things you're talking about are already available. Reverse mortgages are handy, but I don't know that a lot of people use them. What is the most salient point? Do you think the tax credit is going to be the issue that drives this process?

Hank Cavallera:

I think it's the restricted Medicaid estate recovery process. Whether we like it or not, in my office what happens is, mom comes in. Her husband is going into a nursing home, and I tell her how Medicaid spousal support works. Medicaid will file a lien against the house. She says that it's okay, because she's so thankful there is some way to help pay for her husband. The children, sitting right there, then ask about their inheritance. That is the dynamic that occurs sometimes. Or, mom will say she had never planned to sell the family home because they were hoping to leave it to the kids. These issues really affect these people.

[Hank Cavallera, continued.] When I do an estate plan for someone, I always encourage them to buy long-term care insurance. By the time they are in my office though, they're either uninsurable, or the premiums are so high they can no longer afford it.

We need some education to encourage people to buy this insurance at an earlier age so the premiums aren't so great, and then give them the alternative of having some kind of mechanism where, if they actually reach their retirement years and can't pay the premiums anymore, we give them some alternative through this reverse mortgage.

I agree that all these things are on the market, but I'm not sure they're in a bundle of information readily accessible or available to retirees. I think we ought to be encouraging people to start looking at this. Perhaps the way to do it is giving them an incentive. The tax code can sometimes be a way to get people to look at something. I am just offering that alternative because we owe it to ourselves to try and start dealing with the fiscal issues that are involved in all this.

Assemblyman Seale:

I bought a long-term care program myself and now have to figure out how to keep it when I am no longer employed.

Hank Cavallera:

We are just trying to find an alternative way of paying. An article in the *Wall Street Journal* from 2004 said that there are 13.2 million reverse-mortgage candidates in the country. There is an incredible amount of equity in some people's homes, and they aren't using it to take responsibility for their own needs. This is a critical issue.

Assemblywoman Leslie:

After I served on the interim committee on long-term care, I bought long-term care insurance because I finally understood what the alternative might be. There are so many great products on the market.

When you look at the population of elderly in Nevada and the growth that is expected, as a legislative Body, we need to get a grip on this. It is going to be driving our Medicaid budget. The costs we're paying in that area are skyrocketing and have the potential to bankrupt that budget.

Assemblyman Mortenson:

Out of an average population, how many people might need long-term care for one year in their lifetime? Is it a big percentage? I don't know a single person who is in long-term care, and I know a lot of old people.

Hank Cavallera:

In my handout ([Exhibit B](#)) I have offered the statement that 43 percent of persons age 65 or older spend some portion of their lives in an intermediate-care facility. That comment was made by a gentleman who came out with a book about buying long-term care insurance. This is pretty well recognized as the initial consumer book looking at long-term care insurance. The actual number of people now in long-term care facilities has somewhat declined because there has been growth in alternative facilities such as group homes, assisted living, et cetera.

You can buy a policy that provides in-home health care. You can buy a policy that allows for assisted living care, and then you can have nursing home care. You can cover all these different options with one policy. Those policies will defer people's access to very scarce state and federal dollars.

Assemblywoman McClain:

Because people are living so much longer, we are going to have a huge 85-plus population who will be candidates for nursing home facilities. There is going to be a demand in the future for more long-term care facilities. There is a facility in North Las Vegas that is fantastic. It has an assisted living portion, where you have your own apartment that transitions into a nursing home if you ultimately need it. Facilities like this are the wave of the future, and I would like to see a lot more of them happen. With your suggestions about the different kinds of long-term care insurance, it would probably cover that kind of transitional option, right?

Hank Cavallera:

When living in a quasi-independent situation, I don't think the insurance is going to cover. Once your doctor certifies that you're now going into assisted living, then, under that criteria, your policy could pay.

Assemblywoman McClain:

In the discussion about an interim committee on assisted living, we have the Health Committee that goes on all the time. We have the Task Force for the Fund for a Healthy Nevada, which deals with senior issues. We have the Commission on Aging, the Silver Haired Legislative Forum, and the Accountability Committee for the Division on Aging Services for Senior

Services. I would like to see a similar committee, much like the ongoing Health Committee, for senior services. This is only going to become a larger and larger issue year after year. If we could get ahead of the curve, we could do our citizens a whole lot more good than waiting to react. I really think that's something we need, and we probably need to start one this next interim.

Assemblywoman Leslie:

I like Ms. McClain's suggestion. Maybe the time has come that we have a set committee on aging issues. If you wanted to use A.C.R. 20 to incorporate that thought, that would be fine with me.

Co-Chairwoman Koivisto:

Michael Hackett from the Nevada State Medical Association would like it known that he is in support of A.C.R. 20. We will close the hearing on A.C.R. 20 and open the hearing on A.C.R. 11.

Assembly Concurrent Resolution 11: Directs Legislative Commission to conduct interim study on availability and inventory of affordable housing in Nevada. (BDR R-848)

Assemblyman Bernie Anderson, Assembly District No. 31, Washoe County:

Something that is a continual concern in our community and throughout the state is the availability of affordable housing. The purpose of this proposed study is to put together a database in one place that would identify where affordable housing is located.

Tony Ramirez, Reno Field Office Director, United States Department of Housing and Urban Development:

The Nevada Housing Database Partnership is looking for ways to fill the gaps in housing throughout Nevada ([Exhibit C](#)). It started in the Reno-Sparks area because there were many opportunities to apply for grant monies or other types of assistance to address perceived housing needs. When looking for funding sources or completing funding applications, what is needed is hard data to back up any claim for a need for certain types of housing. In talking with the different groups, they say that is the key component missing across the state.

There have been interim studies taking place every four or five years, but the way growth has occurred within Nevada, a study that is five years old is basically worthless. An idea was conceived to create a partnership, the Nevada Housing Database Partnership, to look for ways to fund some sort of

mechanism to consolidate and collect housing data throughout the state in an unbiased format.

[Tony Ramirez, continued.] Market-driven studies have been done that tell a developer or community something the developer wants to see happen, which points out the need for an unbiased format of information. This information would be available for affordable housing, as well as all types of housing, like the long-term assisted housing we just heard about. Basically, the database would be looking to cover a spectrum of housing needs from the homeless population up through transitional housing, apartments, home ownership, and on into helping people age in place or move into assisted-living facilities.

In addition to looking at the existing housing inventory, it would also do projections based on demographics—not just in the urban areas, but also in the rural areas. We receive many inquiries from developers looking to develop certain types of housing, but without the information, it is difficult to base your decision on a particular market study done by a market-driven developer.

Another thing we're trying to accomplish with this housing database is to consolidate resources. Interim studies have been done by a lot of different groups—cities, the state, and the rural areas. They all conduct their own studies and expend a number of resources doing so. This concept could consolidate resources to make a more efficient and more effective format for collecting this information. Other states are currently doing this. Our research looked at two different models. One is from Washington State, which is mandated by their legislation to have a planning process in place that looks at the housing needs of their communities on a countywide basis. We're not looking at that, but we're looking at the model they used for collecting their information.

The other model we looked at was from the state of Wyoming. It has a much smaller population base, but they go about the same process of inventorying, collecting, and projecting housing needs in the state.

Needs in Nevada go beyond just the housing equation. With the growth that has taken place—especially employment in Las Vegas, Reno, and now creeping into less urban areas—those jobs are creating demands for housing. One thing we're trying to understand is the type of housing being demanded by the jobs being created and what type of impact the lack of housing has on attracting new businesses and industry to the state. In Washoe County, one of the main obstacles is the price of housing. If you're looking at a company paying an average wage of \$15 to \$20 an hour, one of their employees wouldn't be able to afford to purchase a home in Washoe County, even if the spouse worked for

a similar wage. There is a similar situation in Clark County and the Las Vegas area.

[Tony Ramirez, continued.] One of the things we really wanted to do was try to get our heads together, pool resources, and find an effective, efficient way to consolidate and get this information.

Co-Chairwoman Koivisto:

Mr. Anderson, have you given any thought to including transitional and affordable housing in this study?

Assemblyman Anderson:

The Nevada Housing Database Partnership, which is made up of several different groups, put together a document relative to the scope of the work. It deals with public housing units; age; multi-family; new construction; available mobile homes; resales; population groups by age, race, ethnicity, and household size; low-income housing; and other subsidized units. I don't think I have seen that particular group as a subgroup of these.

Tony Ramirez:

Transitional housing is one of the components we would be trying to collect data on. We are looking at collecting data on a full spectrum of housing from homelessness and homeless facilities through transitional housing, permanent housing, multi-family developments, assisted living, and senior housing. It covers the full gamut. The previous speakers were talking about assisted living facilities. We'd be looking at those aspects as well—the overall umbrella or spectrum of housing needs across the state.

Assemblyman Anderson:

I don't think you could leave it out. To copy the model utilized in either of the two states, we would have to do just about everything out there. There is a need and there are entities that wish to do this. They just need the emphasis from the Legislature to get it accomplished and the support to bring all the players to the table at the same time. One of the great advantages of doing an interim study would be setting up part of this database, so there will be a permanent sample to work from. Since there is no baseline to begin with, it's hard to keep it up to date.

Assemblyman Holcomb:

I've heard the term "low-cost housing." Is that synonymous with "affordable housing," or is that just one aspect of low-cost housing?

Tony Ramirez:

I think it is one aspect. With the way prices are going in this state, affordable housing is a moving target.

Assemblyman Holcomb:

Is the federal government involved? I know in California there was a requirement that communities have a certain number of low-cost housing units.

Tony Ramirez:

There are several different programs. One is through the Department of Housing and Urban Development, and another is through Rural Housing, a USDA [United States Department of Agriculture] program. Through the Community Development Block Grant Program, most major cities in Nevada receive block grant funds. As a result, they are required to go through a planning process to assess their housing needs. They are not required to provide X number of units; they just need to assess what their housing needs are. Those studies are done every five years. In a state like Nevada, the last time those plans were updated was in 1999—using 1990 Census data—so I’m not sure how much use those plans would be.

Assemblyman Denis:

You mentioned that we would be looking at assisted living facilities’ costs when we heard A.C.R. 20 and that perhaps, there was another mechanism. Would we be getting the same type of information that we were looking at getting with A.C.R. 20?

Tony Ramirez:

This housing database would cover that aspect of it, the service portions.

Assemblyman Denis:

That’s what I meant—the housing and not the financial aspect.

Co-Chairwoman Koivisto:

If we want to move A.C.R. 11, we need to make certain there is something in the language that says “transitional housing” or “assisted living,” because my experience with interim committees has been that their reports are very specific to what is asked for in the legislation.

Assemblyman Anderson:

I have a document from the Nevada Housing Database Partnership that describes the scope of their work and what essential elements are necessary to compile their database. I could get copies made, if it would help the Committee.

Co-Chairwoman Koivisto:

Having served on interim committees, when the committee has its final meeting and forwards recommendations, they are pretty specific to the legislation. That is why I'd like to see something in the legislation to address transitional and other types of housing.

Assemblyman Conklin:

I have no problem with adding that language in. Sometimes I think the clearer we are, the better we are.

Assemblyman Anderson:

I'm not sure how you want to amend A.C.R. 11 to include that specific group not already addressed: "elderly households," "persons with disabilities," or "special needs." If you like, I could make copies of their document for the Committee.

Co-Chairwoman Koivisto:

All right; that would work.

Several people have signed up in support of A.C.R. 11 but no one has signed up in opposition. Does anyone wish to talk? [There was no response.] I will close the hearing on A.C.R. 11 and open the hearing on A.C.R. 17.

Assembly Concurrent Resolution 17: Directs the Legislative Commission to conduct an interim study of pardons, parole and probation in this State. (BDR R-954)

Assemblyman David Parks, Assembly District No. 41, Clark County:

I am asking the Committee's consideration of A.C.R. 17. After serving two terms as co-chair of an interim subcommittee that handled public safety, corrections, and some other functions, I saw a very great need to look at our corrections programs, as well as our parole and probation functions. We spend a tremendous amount of money, and those programs should be looked at periodically for any possible cost savings.

A number of programs have been put in place around the country in past decades, and a number of states have enjoyed great success with the changes they have made, including Kansas, New Jersey, New York, Ohio, and Texas. That was the impetus for my requesting this interim study.

Co-Chairwoman Koivisto:

Would you be amenable to this study also including gender and ethnic sentencing parity and juvenile sentencing?

Assemblyman Parks:

I would be very amenable to that.

Assemblyman Holcomb:

The purpose of this study is cost-effectiveness—to save money—is that correct? We are talking about \$500 million on the prison system, and we're going to build eight new prisons within the next ten years; is that correct?

Assemblyman Parks:

I don't have the details, but I know there are plans to expand the capacity of the Department of Corrections. Also, there are many practices currently in place that probably need to be reviewed. A good example might be risk-based guidelines that help parole boards decide how to handle an inmate approaching a parole date.

Assemblyman Holcomb:

I visited a prison approximately six years ago. Jackie Crawford was the warden and showed me around. I was amazed at the number of male prisoners just standing around. As I was being shown around, a prisoner walked up to Ms. Crawford and begged her for something to do. Now that she is Director of the Department of Corrections, Ms. Crawford has instituted training inmates in practical skills. There has been testimony that giving inmates marketable skills has reduced the recidivism rate. Could that aspect be incorporated in your study? There has been a study or graph that shows that one of the basic characteristics of the inmate population is a lack of marketable skills.

Assemblyman Parks:

I think that is an important aspect. I know for a fact that, at the moment, we don't have programs for inmates, so most inmates have nothing to do. Even when they are assigned to the correction camps, a lot of times there are no work crews for them to join. As a result, they cannot build up the work credits that might earn them an earlier release. All of these issues need to be addressed.

It has only been a couple of years since we changed it from the Department of Prisons to the Department of Corrections, and I think we really need to look at naming it the Department of Corrections and Rehabilitation. If we don't have any rehabilitation programs, obviously our inmates are going to reoffend.

Assemblyman Holcomb:

Yes. From what I've heard, fewer come back when they do have those marketable skills, so I'd like to see that incorporated in the study. Also, what I'd like to see incorporated in the study is the cost per inmate for providing the marketable skills. That would be valuable information.

Assemblywoman Gansert:

I think this is a great idea. I serve on the Ways and Means Joint Subcommittee and I know that we do not put as many people on parole as we probably could, but we do have a very low recidivism rate. Trying to educate or provide technical [training] is not actually in this draft, so we might want to amend A.C.R. 17.

Assemblyman Holcomb:

We had testimony that it did make a difference in the recidivism rate.

Co-Chairwoman Koivisto:

"...Provided with more rehabilitative services to promote their reintegration to society and maintenance of a crime-free life..." I think would pretty well cover that.

Assemblyman Munford:

What they are required to go through concerning their civil rights is a big problem once they are paroled. They are expected to do certain things once they are paroled, but it is difficult to get a job. If you can get a job, you can't adhere to some of the requirements expected of a parolee. You are saying marketable skills are important. In addition, maybe there should be a job bank when someone is paroled—somewhere they can go for direction and rehabilitation.

Assemblywoman McClain:

I am co-chair on the subcommittee for the Public Safety budget, and over the past few years, since Jackie Crawford became Director of Corrections and George Togliatti became Director of Public Safety, they have moved light years ahead of where they were even four years ago. If this study goes forward, I don't want it to start from scratch, but to take a historical view of where prisons and parole was, where they are now, and go from there. I don't want to see something really, really good undone by an interim study.

Assemblyman Holcomb:

Page 1, line 11 of A.C.R. 17 reads, "Whereas, High-risk offenders must be closely supervised and provided with more rehabilitative services to promote

their reintegration to society..." Then, page 2 reads, "Resolved, That the study must include, without limitation, an evaluation of..." and then lists items. I am concerned about your comment that studies are very specific and cover only what is included in the legislation. I'm asking that the resolution be amended to include that area of the study dealing with marketable skills.

Pat Hines, Private Citizen, Advocate for Criminal Justice Reform, Yerington, Nevada:

I am very definitely in support of A.C.R. 17 from the perspective of families who have people incarcerated. I am concerned about adding too much into one interim study. I think this study was intended to be mostly about probation and parole, and adding things related to what occurs in the prison system may be a big burden for another interim study.

I have been involved in the prison system since 1984 and heartily agree with what Jackie Crawford has done since she became the Director. Copies of information I developed for you have just now been distributed ([Exhibit D](#)). In 1997 there was a study called "Systems of Parole and Probation in Nevada, Legislative Counsel Bureau Bulletin No. 97-6." That study was done between the 1995 and 1997 Legislative Sessions. It was so informative and had so many good suggestions, which is one of the reasons I would like to see another interim study on these issues. So many issues mentioned in that interim study need to be reactivated, and some need to be updated.

My biggest concern is number 6 on my paper, "Why are so many parole plans being denied by our P & P [Parole and Probation]?" ([Exhibit D](#)) This involves the NDOC [Nevada Department of Corrections], P & P, and the Parole Board. I believe the place for this to be really discussed, and better solutions resolved, is an interim study where these three agencies can give their input. It needs to be done as a legislative committee. The reason I'm saying this is because we have so many people who are still incarcerated beyond their parole eligibility date. I'm speaking for the NDOC, because it is their budget that is affected by this. If some of the expense was coming from the Parole and Probation and Parole Board's budgets, they would be more expeditious and see that these people get out of prison on time.

The other point I wanted to make concerns number 8, on the second page of my exhibit: "Most of the bills related to criminal justice reforms this session all appear to address the punitive issues. Something is lacking here. Little is done to prevent it or educate communities toward prevention." ([Exhibit D](#)) If you want to add something to this interim study, maybe we should see what is being done for more rehabilitation and reentry, like marketable skills.

[Pat Hines, continued.] There are two things not in this report that are food for thought. The pre-release person in the NDOC who deals with inmates who are prospective releasees should be handed back to P & P, since they are the people who do the supervision. The other item concerns tier level determination for community notification of those with sex offender convictions. That should be reassigned back to P & P, because those are the people who deal with community supervision—not only for sex offenders, but for all people who are released.

A lady called me this morning, saying she would like to see the restitution center set back up in southern Nevada. We still have one in northern Nevada, but the one in the south has been closed for years, and no one knows why.

Something in the interim study that has now been done away with is the community resource center that was in Las Vegas. This was a one-stop place where ex-felons could go and get the help they needed. I'd like to close with a statement from a now-retired district judge. It's in regard to the community resource center: "When offenders have no hope or guidance, they continue to commit crimes. Ultimately, the price we pay for sustaining them behind bars is a tremendous waste of human assets and finances."

Assemblyman Holcomb:

After this meeting, I would like to see that interim study. You said there were some excellent recommendations from it. How much was introduced as legislation by the Assemblymen or Senators?

Pat Hines:

I can't give you a percentage, but I think there were about six changes for the better. They were not just cost savings; there were more parole releases. But we have fragmented departments doing this. You spoke about it now being the Department of Corrections rather than the Department of Prisons. I think that is just in name only: "It's not in my backyard; it's not my job." We don't have the cooperation, coordination, or communication that these agencies should have for better re-entry, less recidivism. There were good plans in that interim study, and that's why I mentioned the restitution center and the community resource center. They were in that study and workable at one time, and why they are not active today, I do not know.

Assemblyman Holcomb:

So, there are a number of good recommendations that came out of that interim study that were not followed up on with legislation.

Pat Hines:

Probably. There are some. A copy of the study is located in the Research Library.

Co-Chairwoman Koivisto:

I would like to remind the Committee that we are not doing the study here today; we are simply deciding whether to proceed.

Assemblyman Munford:

I think what Ms. Hines presented is very interesting. I would like to see a copy of that earlier interim study and also meet with you. You have information I am not aware of and many people also may not be aware of. It would help to deal with some of the problems that face ex-felons.

Co-Chairwoman Koivisto:

If Committee members are interested in having a copy of that report, we can get copies for you.

Amy Wright, Chief, Division of Parole and Probation, Department of Corrections, State of Nevada:

We welcome any study of our Division, our processes, our procedures, and what part we play in the criminal justice system. During this Legislative Session, I requested technical assistance from the National Institute of Corrections. We received the okay for them to come in and look at our Division with reference to the high incarceration rates, the sentencing tools we use in determining sentencing recommendations, our responses to violation practices, and also to look at the use of probation in the state of Nevada. This study would be timely.

I also want to indicate that we have partnered with the Parole Board in a grant to also look at building a response-to-violation matrix regarding parole revocations. We want you to know we are looking forward to this study if you choose to approve A.C.R. 17. I would also indicate to you that we are a cog in the wheel of the criminal justice system. We take what is delivered to us from the court system, so I would suggest that, possibly, the courts should also be involved in this study. The practice of parole, incarceration, and probation affect the court system also, and they ultimately make the first decision on the front end. We then work through the process of community supervision on probation. NDOC works with incarceration. The Parole Board considers parole, and then we work in parole supervision.

Dorla Salling, Chairman, Board of Parole Commissioners, State of Nevada:

I second everything Chief Wright said. I agree with her that a review of the entire system would be in order. To simply look at parole or probation would be shortsighted. We had Dr. Jim Austin, a Ph.D. and the foremost authority on sentencing, testify in the Ways and Means Committee. He indicated Nevada's sentencing judges, perhaps, are not using probation as much as they could. In order to look at something like this, we need to start at the beginning and then look at the entire process. Sometimes the Parole Board is criticized for not paroling enough people.

There was mention made that we needed guidelines. The Nevada Parole Board has had guidelines that were legislatively mandated in 1995. Three years ago I received a \$50,000 grant from the National Institute of Corrections, and we had the foremost authority study, validate it, and create a new one, so we now have two risk instruments that evaluate different things. We're looking at a third instrument just to identify sex offenders. Some of the best practices and studies now show that they should perhaps have their own instrument, so I have applied for a grant to deal with that.

In terms of technical violations and revocation issues that are addressed in A.C.R. 17, we have applied for and received a grant to have that study done as well. We have our first meeting with the statistician from the National Institute of Corrections later this month, so we have instituted best practices. We are certainly open to having anyone look at new ideas. We are aware of what Kansas, Texas, and several other states are doing, and we are enacting those as fast as we can, but we always are open to great ideas.

Regarding mandatory parole mentioned here, there are some real problems with that in the states that have instituted it. If we have this study, I will be happy to provide all that data.

Fritz Schlottman, Administrator, Offender Management Division, Department of Corrections, State of Nevada:

The Department of Corrections is in support of A.C.R. 17. The Department always invites legislators to take a look at our business, go through our facilities, and look at our practices. We are open to this study and more than happy to provide information that would facilitate it.

Greg Cox, Assistant Director, Operations, Department of Corrections, State of Nevada:

For the Director, I would like to reiterate what Mr. Schlottman has said. The Department welcomes this study and will provide any information you request.

Co-Chairwoman Koivisto:

We will close the hearing on A.C.R. 17 and open the hearing on A.C.R. 28.

Assembly Concurrent Resolution 28: Urges Commission on Economic Development to develop programs to stimulate economic development in certain areas. (BDR R-1015)

Assemblyman Harvey Munford, Assembly District No. 6, Clark County:

I have been part of the community this resolution is directed at for many years. This area has experienced a time of slight economic growth and prosperity, but it seems to go through stages. Our community is not participating in the development occurring in the rest of Clark County. I wanted to see if there was some way I could help stimulate or address this problem that seems to exist in my district. I have no incentive programs or projects. I want from the Legislature and the State of Nevada nothing more than for you to recognize the need.

We lack that economic development which, in turn, would give our area some type of new, positive image, a sense of pride, positive direction, and improvement. So many residents in my district feel as though it has been a long time since we experienced any economic growth. Economic growth does produce jobs, and when you have jobs, your community is able to expand, grow, and gain capital. Recently, my district lost its only grocery store. The closest retail grocery store is now five miles away. When that happened it was a real blow, a real crushing experience, for my district and my constituents.

Right now we are in the process of working on solving that problem. My intent with A.C.R. 28 is to let the Legislature know our situation. Just by getting their support and having the members realize our need and that something must be done, it might, in some way, send a message to various entities at the county, city, or state government level, which could direct some type of retail or commercial businesses to look in our direction in a positive way. I don't know if we'll get immediate results, but we would like to be considered as this new revitalization is taking place in Clark County. It just seems as though we have been overlooked.

One positive thing is occurring this weekend. Senator Horsford and I, and possibly Morse Arberry and some others, have scheduled a meeting with some of the people involved with the convention of the International Organization of Shopping Centers, which is being held in Las Vegas. At that convention will be all the retail businesses, so we'll have an opportunity to sit down and talk with

many different businesses. This is one thing we've been looking for to help bring a grocery store back to our community. We hope this meeting will spark something.

Assemblywoman McClain:

It is not necessarily just your area, though I have to admit it is the core and has been hit harder than any other district. We are seeing that same phenomenon as you spread out from that core. Assemblyman Arberry is working very hard on that and doing some budget arm twisting, too.

One of my constituents is on the board of a credit union. In our area, grocery stores are the first to go, and then you lose every little business that was around them. We're going to try to form a neighborhood redevelopment area so we can put pressure on the local governments. Grassroots action works every time, so I encourage you to do that, too.

Assemblyman Munford:

A grocery store is like an anchor. It holds a community together and keeps a shopping center together.

Assemblyman Holcomb:

Last week the president of a large manufacturing company relocated his entire company to Douglas County. He said that one of the big problems, complaints, or needs that they had was skilled workers. I want to compliment you in lighting that candle and attempting to get a career/technical school in your community.

It's a step in the right direction, and companies like this one will go where the skilled workers are.

Co-Chairwoman Koivisto:

What is the pleasure of the Committee?

ASSEMBLYMAN McCLEARY MOVED TO ADOPT
ASSEMBLY CONCURRENT RESOLUTION 28.

ASSEMBLYMAN SIBLEY SECONDED THE MOTION.

THE MOTION CARRIED. (Assemblywoman Giunchigliani was not present for the vote.)

Assembly Committee on Elections, Procedures, Ethics, and Constitutional
Amendments
May 17, 2005
Page 25

Co-Chairwoman Koivisto:

With no further business to come before the Committee, we are adjourned [at
5:42 p.m.].

RESPECTFULLY SUBMITTED:

Terry Horgan
Transcribing Attaché

APPROVED BY:

Assemblywoman Ellen Koivisto, Co-Chairwoman

DATE: _____

EXHIBITS

Committee Name: Committee on Elections, Procedures, Ethics, and Constitutional Amendments

Date: May 17, 2005

Time of Meeting: 3:57 p.m.

| Bill | Exhibit | Witness / Agency | Description |
|-------------|----------------|--|--|
| | A | | Agenda |
| ACR 20 | B | Hank Cavallera, Elder Law Attorney | Statistics and system for financing long-term care |
| ACR 11 | C | Tony Ramirez, U.S. Department of Housing and Urban Development | Explanatory information concerning the Nevada Housing Database Partnership |
| ACR 17 | D | Pat Hines, Private Citizen | Letter in support of A.C.R. 17 |