

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON WAYS AND MEANS**

**Seventy-Fourth Session
May 22, 2007**

The Committee on Ways and Means was called to order by Chair Morse Arberry Jr. at 8:08 a.m., on Tuesday, May 22, 2007, in Room 3137 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/74th/committees/. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblyman Morse Arberry Jr., Chair
Assemblywoman Sheila Leslie, Vice Chair
Assemblywoman Barbara E. Buckley
Assemblyman Mo Denis
Assemblywoman Heidi S. Gansert
Assemblyman Tom Grady
Assemblyman Joseph P. (Joe) Hardy
Assemblyman Joseph Hogan
Assemblywoman Ellen Koivisto
Assemblyman John W. Marvel
Assemblywoman Kathy McClain
Assemblyman David R. Parks
Assemblywoman Debbie Smith
Assemblywoman Valerie E. Weber

GUEST LEGISLATORS PRESENT:

Senator Valerie Wiener, Clark, District No. 3
Assemblyman Pete Goicoechea, District No. 35
Assemblyman John C. Carpenter, District No. 33

STAFF MEMBERS PRESENT:

Mark W. Stevens, Assembly Fiscal Analyst
Steve Abba, Principal Deputy Fiscal Analyst
Carol Thomsen, Committee Secretary
Patricia Adams, Committee Assistant



Chairman Arberry indicated that the Committee would hear testimony regarding A.B. 144.

Assembly Bill 144: Establishes a formula for determining the maximum rate for interruptible service that a public utility may charge for electricity for irrigation pumps. (BDR 58-1017)

Assemblyman Pete Goicoechea, District No. 35, referenced Exhibit C, which included his written testimony for the current meeting of the Committee on Ways and Means, his written testimony from the March 9, 2007, meeting of the Assembly Committee on Commerce and Labor, the fiscal note for the bill, and a letter from Doug Busselman, Nevada Farm Bureau Federation.

Mr. Goicoechea said that A.B. 144 was passed by the Assembly Committee on Commerce and Labor on April 13, 2007; there was no fiscal note attached to the bill. Mr. Goicoechea stated that the bill would require every public utility or cooperative to provide their lowest charge under any rate schedule to the Public Utilities Commission (PUC), so that a formula could be established in determining the maximum rate for interruptible service for irrigation pumps.

Mr. Goicoechea stated that there were several irrigators from rural Nevada who would be willing to testify about the impact of the bill. The bill was an attempt to establish parity in the rate charged by Sierra Pacific Power for interrupted service, which impacted many small, independent businesses, particularly small agricultural producers.

Assemblyman John Carpenter, District No. 33, testified that the bill would aid small farmers and would impact the upcoming discussion about Sierra Pacific Power Company rates. Mr. Carpenter did not believe the bill would impact any other ratepayers. He noted that many of the lines had been in service for many years and had depreciated.

Sam Routson, representing U.S. Foods—Winnemucca Farms, stated that U.S. Foods was a major agricultural producer in northern Nevada. He voiced support for A.B. 144 on behalf of U.S. Foods—Winnemucca Farms, and noted for the record that other major agricultural producers in northern Nevada joined with U.S. Foods in support of A.B. 144.

Mr. Routson indicated that the bill would impact the future of agriculture in Nevada. Agriculture had to compete in a global economy for commodity markets, and surrounding states were competitive because of the lower cost of production. Mr. Routson indicated that the focus on the lower cost of production was the cost of energy. Nevada agricultural communities were at a serious competitive disadvantage because of the substantially higher rates charged for agricultural irrigation pumping by Sierra Pacific Power Company.

Mr. Routson explained that U.S. Foods—Winnemucca Farms currently used approximately 9 megawatts of energy in its overall operation, with approximately 7 megawatts used in its irrigation pumping. The IS-2 interruptible rate for irrigation was at 8.2 cents per kilowatt, and the GS rate at the processing facility had increased to 12 cents per kilowatt.

According to Mr. Routson, U.S. Foods also had agricultural operations in the state of Idaho, where competitors were paying 3 cents to 6 cents per kilowatt. Agricultural producers served by Sierra Pacific Power in Nevada were at a disadvantage when compared to producers served by other utilities. Other utilities in Nevada charged substantially less for agricultural irrigation

pumping that was noninterruptible service, and producers served by Sierra Pacific Power Company could not pass the additional costs on to customers.

Mr. Routson indicated that interruptible service was not a subsidized service, and Winnemucca Farms had its service interrupted in the past during the critical pumping period in August. Sierra Pacific Power Company's higher rates reflected the management practice of the company and the unrealistically high business overhead of over 100 percent.

Mr. Routson indicated that the bill would not have a fiscal impact on the State, and because of that, U.S. Foods hoped that the Committee would pass the bill. The agricultural sector paid approximately the same energy rate as all other classes, but it was not the general rate. Agriculture had its infrastructure in place and was not growing, but it paid for line extensions and infrastructure for other entities.

Andy Aldax stated that he was a rancher from Minden, Nevada and used interruptible power for irrigation. For many years, the Sierra Pacific Power Company rates were very reasonable. However, over the past two years, the rates had more than doubled, which impacted Mr. Aldax's ranch financially. Mr. Aldax believed that A.B. 144 would assist the ranchers and farmers in Nevada, and he asked that the Committee support the bill.

Kyle Davis, Policy Director, Nevada Conservation League, pointed out that the bill dealt with interruptible rate service. One of the challenges facing Nevada was dealing with its peak power load, and interruptible service allowed the power companies to manage those peak times without worrying about generating capacity. Mr. Davis said that the Nevada Conservation League would support the bill to the degree that it increased the ability for more people to use interruptible service.

Chairman Arberry asked whether there was further testimony to come before the Committee regarding A.B. 144, and there being none, the Chairman declared the hearing closed.

The Chairman opened the hearing on A.B. 510 (R1).

Assembly Bill 510 (1st Reprint): Makes various changes concerning credits earned by offenders and the incarceration and supervision of offenders. (BDR 16-1377)

Assemblyman David Parks, Chairman of the Select Committee on Corrections, Parole and Probation, explained that A.B. 510 (R1) increased the credits earned by offenders to reduce the length of the sentence that the offender must serve. The increases included:

- The credit for good behavior would increase from 10 days to 20 days.
- The credit for earning a General Education Development (GED) certificate would increase from 30 days to 60 days.
- The credit for earning a high school diploma would increase from 60 days to 90 days.
- The credit for the first associate degree would increase from 90 days to 120 days.
- The credits that could be earned by certain parolees for remaining current with fees to defray the cost of supervision and restitution payments increased from 10 to 20 days.

Mr. Parks stated that A.B. 510 (R1) required the Director of the Nevada Department of Corrections (NDOC) to adopt standards making offenders ineligible for residential confinement if the offender was convicted of a violent felony within the immediate preceding three years, a felony sexual offense, or a Category A or Category B felony. According to Mr. Parks, A.B. 510 (R1) also eliminated certain requirements that an offender must meet to qualify for residential confinement.

Mr. Parks indicated that the date for the application of credits to minimum sentences would be retroactive to July 1, 2000. The legislation would assist with the overcrowding conditions that currently existed within the NDOC's facilities.

Assemblywoman Buckley said she had heard various reports about A.B. 510 (R1), and she asked whether the bill would only allow good-time credits to be applied to the minimum, which would give offenders the opportunity to apply for parole earlier and allow the Nevada Board of Parole Commissioners (Parole Board) to ascertain whether the inmate was a candidate for parole release. Ms. Buckley said it appeared that there would be no "wholesale" release of inmates, and she asked whether that was correct.

Mr. Parks said that was correct. He indicated that the bill made no attempt to shortcircuit established requirements, and the action taken by the respective bodies would occur only after a full review of the offender and the offender's suitability for parole release.

Ms. Buckley said there had been discussion of allowing persons under supervision to enter transitional housing facilities for technical violations of parole or probation and that the transitional housing statutes would be modified so that an offender could be given a "dose" of prison while maintaining employment and living in transitional housing. That would provide additional options and would help ease the overcrowding at the prisons. Ms. Buckley asked Mr. Parks to explain how that provision would work.

Mr. Parks explained that NDOC currently had 400 beds available in its Casa Grande Transitional Center in Las Vegas, as well as the Restitution Center in Reno. The bill would allow those two facilities to be utilized by the Division of Parole and Probation when a person had technically violated the conditions of supervision, rather than revoking parole or probation. Mr. Parks indicated that violators could then retain their jobs while remaining under more intensive supervision for a limited period of time. It was believed that utilizing the transitional housing in that manner would assist with prison overcrowding and also assist the parolee or probationer in remaining in the community.

Assemblyman Marvel asked about the eventual savings within the NDOC anticipated by the bill. Mr. Parks replied that the savings was somewhat of a "moving target." It was difficult to determine the exact number of inmates that would be affected by the legislation, but several estimates indicated that the bill would impact approximately 1,200 inmates initially; he noted that the legislation would produce long-term affects, as well.

Mr. Parks stated that what was really important was that the bill would provide an opportunity for release for inmates who had earned the credits. Mr. Parks indicated that he had received many complaints from offenders who indicated they had lost credits over the years for such things as minor write-ups. The bill would be helpful to inmates in retaining their earned credits.

Mr. Marvel noted that there would also be future budget savings, and Mr. Parks believed that was correct. Mr. Parks indicated that LCB Fiscal Analysis Division staff and staff from the NDOC had run projections, but the range of numbers was broad, and it was difficult to produce precise numbers.

Assemblywoman Leslie noted that the Joint Subcommittee on Public Safety, Natural Resources, and Transportation had recently closed the budget for the NDOC, and the budget closures included funding based on passage of A.B. 510 (R1). The budget closing included 50 percent projected savings in inmate-driven costs and also reserved funding for allocation by the Interim Finance Committee (IFC). Mr. Parks stated that was correct, and the savings were anticipated at approximately \$6 million.

Ms. Leslie commented that the Council of State Governments had previously presented testimony to the Committee that money should be reserved and reinvested in the treatment system within the NDOC and also in community treatment programs.

Ms. Leslie also noted that the Joint Subcommittee budget closings also added funding to the budget for the Division of Parole and Probation to address the need for additional officers.

Mr. Parks concurred that funding had been placed in the Contingency Fund under the control of the IFC, and the bill would allow the Division of Parole and Probation to approach IFC to request an increase in funding.

Ms. Leslie stated that it was her understanding that offenders would apply for parole, and each case would be reviewed by the Parole Board, who would then determine which inmates would be released under supervision. Once released, the offender would be under supervision and might actually access treatment in the community that would help the offender reintegrate, thereby reducing the recidivism rates. Ms. Leslie said the potential for long-term savings was tremendous. Mr. Parks concurred that the long-term savings would be substantial.

Assemblyman John Carpenter, District No. 33, indicated that he had read reports that the bill would allow the release of thousands of inmates without supervision, which was not the purpose of the bill. Mr. Carpenter stated that A.B. 510 (R1) would allow offenders to earn additional good-time credits. Mr. Carpenter said if persons in prison were attempting to gain an education, they should be encouraged by earning credits for that education. That might allow the person to be released earlier from prison and placed under supervision. Mr. Carpenter indicated that the Select Committee had heard a great deal of testimony, but it had never considered the release of a large number of inmates without supervision. The bill provided a long-term "fix" that would only help the situation.

Mr. Carpenter pointed out that the NDOC conservation camps were very beneficial to the rural communities, and if additional beds were available in the camps, more inmates could be moved from the overcrowded institutional facilities. Mr. Carpenter said perhaps additional camps should be constructed to allow inmates to work in the community and hopefully build a better life.

Mr. Carpenter emphasized that the bill would not allow the release of a huge number of inmates into the community without supervision. Undoubtedly, there would be inmates who were immediately eligible for parole consideration, but supervision would be provided if those inmates were released.

Justice James W. Hardesty, Nevada Supreme Court, stated it had been his privilege to work with representatives from the NDOC, the Parole Board, and LCB staff in reviewing ways to effectuate an impact on prison overcrowding. Justice Hardesty believed that through A.B. 510 (R1), the Select Committee and those involved in the system had produced a responsible plan to effectuate a reduction in prison overcrowding, done in a way that would produce a staged release for those who had earned the right to seek release.

Justice Hardesty indicated that A.B. 510 (R1) addressed good-time credits going forward, but by allowing good-time credits against minimum sentences only in retroactive consideration increased parole eligibility, which meant that an inmate would have the right to apply for parole. Additionally, through that process, the Parole Board would be in a position to screen each inmate to determine those that might be acceptable for parole consideration, those that might have demonstrated some effort toward rehabilitation, and those that might continue their rehabilitation process after release under supervision.

Justice Hardesty commented that the plan contained in A.B. 510 (R1) had tremendous opportunity, and providing that the Legislature approved funding for additional resources for the Parole Board and the Division of Parole and Probation to supervise the inmates who were released, there would be a staged, systematic release of the inmates from the NDOC.

Justice Hardesty opined that the plan should also include specialty courts, which would be involved in supervising those individuals who were in need of treatment, whether for mental health needs or help with addiction.

According to Justice Hardesty, A.B. 510 (R1) was a very responsible approach by the Legislature, because the approach was careful and took into consideration the rights of victims to comment in cases in which there were victims. Oftentimes, many crimes were victimless in the sense of a third-party victim.

Justice Hardesty said he had spoken with Dr. Carlos Brandenburg, Administrator, Division of Mental Health and Developmental Services, and the judges within the specialty courts, and he believed it was critical that the Division of Mental Health and Developmental Services triage the inmates and provide some input on those cases that would be considered for parole. Justice Hardesty stated that would provide some degree of evaluation and would also determine what type of aftercare might be appropriate.

According to Justice Hardesty, Dr. Brandenburg advised that it was the position of the Division of Mental Health and Developmental Services to evaluate inmates prior to release and to establish a plan for those who were in need of mental health aftercare.

The specialty courts were in a position to conduct evaluations, but Justice Hardesty pointed out that the courts could not provide treatment because of the lack of funding and resources. The aforementioned plan to divert funds into the Contingency Fund controlled by the IFC from the savings realized in the NDOC budget was a very smart approach, and Justice Hardesty

pointed out that would allow the specialty courts to approach the IFC for the necessary resources to effectuate that plan.

Justice Hardesty mentioned three *Nevada Revised Statutes* (NRS) that he believed should be amended to allow the NDOC some additional flexibility in dealing with the issues:

- NRS 209.4887: Amend paragraph (c) of subsection 3, to change the language from "5 years" to "3 years," regarding the eligibility for reentry from the drug court.
- NRS 209.392: Amend subsection 1 to make the requirements prospective.

Justice Hardesty stated that it was almost impossible for inmates to show proof that they had a job when they had been incarcerated, and yet subsection 1 of NRS 209.392 currently required that to be considered for release to residential confinement, an inmate had to show proof of employment. Justice Hardesty pointed out that the language of that statute prevented people from being able to meet the appropriate requirements for residential confinement and residential release.

- NRS 209.392: Delete paragraph (a) of subsection 3, and change the wording in paragraph (d) of subsection 3 to, "Has been convicted in the last three years of:"

That statutory change alone would have a dramatic impact on the residential confinement statute. Judge Hardesty said the statute currently indicated that no inmate who had ever had a threat of violence in his past could ever be considered for residential confinement. That could go back as far as 25 or 30 years to a person's juvenile history, and Justice Hardesty said that by changing the language of the statute to, "Has been convicted in the last three years of:" would give the NDOC greater flexibility in examining those individuals.

Justice Hardesty noted that another issue which had to be addressed was intake. If persons under supervision who committed a technical violation of their supervision or otherwise frustrated the drug court judges could be incarcerated, not in prison for a lengthy prison sentence, but in a facility such as Casa Grande or some other transitional-housing environment for a period of three or four months, which restrained their liberty while allowing them to work, that policy would make a significant difference in gaining the attention of those persons to deal with their addiction problems. Justice Hardesty commented that would result in a huge savings for the NDOC, because it cost NDOC \$8,000 to complete the intake process for one individual.

Oftentimes, Justice Hardesty said, the trial judge had already imposed a very harsh sentence, thinking that the court had the individual's attention by having that sword hanging over the person's head. However, quite often the addiction under which a person was suffering was so compelling that the prospect of a harsh sentence did not make much difference. Justice Hardesty indicated that it was when a person's liberty was confined for an extended period of time, such as six months, that the court really had the individual's attention, and that caused the person to be more motivated to address ongoing addiction problems.

Justice Hardesty suggested that the Committee consider his modifications to A.B. 510 (R1), which would accomplish a careful, thoughtful, responsible, systematic release of the prison population.

Assemblywoman Leslie endorsed Justice Hardesty's comments and the suggested changes to NRS. She believed that Justice Hardesty's comments about mental health clients were particularly important, because the Washoe County Mental Health Court had been attempting to coordinate the needs of inmates who were released with the mental health system, and quite often, those people were lost. Ms. Leslie said that when inmates were released without mental health support, they were often released without their medication, they lost their housing, and their families became frustrated with them. Those persons often committed another crime and, because of their lengthy criminal history, would once again be sentenced to prison, which did nothing to help the inmate with mental health needs.

Ms. Leslie said that to reduce the population of inmates with mental health needs, the connection between the NDOC and the mental health system had to be forced, because most of those people would require lifelong treatment. There had to be a connection between release from NDOC and treatment, and the best way to accomplish that connection would be through District Court supervision and by assigning a probation officer who was trained to work with mentally ill offenders, forcing the person to see his psychologist, making sure the person had the appropriate medication, and checking up on the person every day, if that was necessary to keep that person sober and in compliance with the terms of release. Ms. Leslie believed that then the cycle could be broken, which could happen with the prison population as well. There were a significant number of persons in prison with mental health problems, and the savings would be huge if the NDOC used the approach suggested by Justice Hardesty.

Justice Hardesty commented that the concern was not only the coordination between mental health and the district courts and carrying out the long-term supervision but also the availability of resources. There were currently only 75 slots in the Clark County Mental Health Court program. The budget for the Division Mental Health and Developmental Services requested an additional 75 slots, and he hoped that the Legislature added those 75 slots to that budget account. Justice Hardesty admonished the Committee to be mindful that even if the 75 additional slots for the Clark County Mental Health Court program were approved, the program would still be 450 slots below the number of slots that were needed.

Justice Hardesty stated that with the additional 75 slots available in Clark County, the Legislature would have a good test of what the program could accomplish over the course of two years, and during the 2009 Session, the court would again be asking for additional slots.

Justice Hardesty commented that the Legislature had to address the intake portion of the system. The Advisory Commission on Sentencing might be the most appropriate source to evaluate the alternatives, and Justice Hardesty stated that he was not suggesting that the Legislature modify mandatory sentences. Justice Hardesty pointed out that not every case in the criminal justice system was a cookie-cutter case and there were exceptions. Justice Hardesty believed it would be responsible to allow judges to deviate in some cases where special findings had been made and to allow the district attorney and the public defender to appeal those cases for review by the Supreme Court in appropriate circumstances.

While that might not be possible during the 2007 Session, Justice Hardesty hoped that the Advisory Commission on Sentencing would look at that process. If the Legislature failed to address the intake issue, it could not accomplish

the necessary reduction in the prison population. Justice Hardesty opined that prison overcrowding was not simply an issue of release, but was also a front-end issue.

Howard Skolnik, Director, NDOC, stated that with the modifications to the bill that had been discussed during the current meeting, the NDOC would thoroughly support A.B. 510 (R1). Mr. Skolnik believed that without some type of intervention, the NDOC was "a train wreck looking for a spot to happen." The NDOC population could not continue to grow at the current rate. Mr. Skolnik said he was also a citizen of Nevada, and he would like to see other services funded within the State besides the NDOC. The legislation provided for a long-term impact on the system without "dumping" inmates into the community; he pointed out that the Parole Board would provide the safety net under the modifications discussed earlier in the meeting.

Florence Jones stated that she had initially spoken out against A.B. 510 (R1), and she wanted to recant her previous comments. She stated that with the comments from Justice Hardesty and Assemblyman Parks, it appeared that the bill would truly help the NDOC get on the right track.

There were two issues Ms. Jones would like to address, and the first was that mandates of the bill would only apply to inmates sentenced after 1997. She wondered whether those sentenced prior to 1997 would benefit from the bill.

Chairman Arberry instructed Ms. Jones to discuss the aspects of the bill with Assemblyman Parks.

Larry Struve, representing the Religious Alliance in Nevada (RAIN), said that A.B. 510 (R1) was the third bill in a trilogy that RAIN had supported: A.B. 416 (R1), A.B. 508 (R2), and A.B. 510 (R1). The RAIN organization applauded the efforts of the Select Committee on Corrections, Parole and Probation in beginning the process. Mr. Struve said the faith communities sensed that a paradigm shift was beginning in Nevada to take a serious look at the back end of the prison system.

Mr. Struve indicated that 97 percent of the people in prison would ultimately be released, and currently many of those released from prison reoffended, which was not acceptable to the faith community. The \$1.9 billion in spending facing the State for new prison construction over the next ten years was also unacceptable to the faith community. Mr. Struve said that by considering bills such as A.B. 510 (R1) and working with the Supreme Court, the NDOC, and community support groups, which were an important component in the supervision of offenders, the Legislature would help offenders released on supervision find jobs and remain in the community.

Ultimately, Mr. Struve said, the State would need the assistance of community support groups to help offenders released on parole find employment. Mr. Struve noted that simply using government programs would be quite expensive, and RAIN hoped that there would be continuing discussions with legislative leaders, the NDOC, and the Supreme Court so that groups like the faith community involved in RAIN could begin an educational process of how to better address the issue of offenders released on parole. Clearly, what was currently being done was not working.

Mr. Struve stated that RAIN would support the amendments offered by Justice Hardesty, and RAIN hoped that the Committee would act favorably regarding A.B. 416 (R1), A.B. 508 (R2), and A.B. 510 (R1) and begin the paradigm shift.

Chairman Arberry noted that Mr. Struve stated in his comments, that offenders who were released to the community often reoffended and that the State would need the assistance of community groups. He asked whether the faith communities associated with RAIN would help offenders secure employment, which appeared to be a major roadblock in successful supervision. Chairman Arberry noted that offenders often lied on an application for employment and indicated that they had never been arrested so they could be hired and could take care of their families.

Mr. Struve said his comments referred to testimony he had heard before the Senate Committee on Finance during its consideration of an appropriation to help the Ridge House program, which did not yet exist in southern Nevada. Mr. Struve stated that the Ridge House program began from a faith-based organization and had evolved into a program in which released inmates could receive job counseling and other support services that were not provided through the Division of Parole and Probation. Of the approximately 100 inmates who had utilized the program over the past few years, there had been only a 9 percent recidivism rate.

Mr. Struve explained that such programs often involved people from faith communities who worked one-on-one with offenders in an attempt to reestablish some type of a community-support system. Mr. Struve noted that RAIN had not explored the potential of the Ridge House program, but RAIN was aware that employment was a significant problem.

Mr. Struve indicated that one of his after-session projects was to contact the faith communities represented in RAIN to explain the opportunities available to those communities in making a difference in the lives of offenders attempting to reenter society.

According to Mr. Struve, the Ridge House program offered job counseling, health and treatment options, and referrals for offenders attempting to reenter their communities. Mr. Struve stated that was the model that RAIN believed held promise for involving faith communities and involving others in establishment of community-support systems.

Assemblywoman Weber stated that with all the collaboration, the legislation had the momentum to start capacity building, and it would take the government, the faith communities, and nonprofit organizations to address the needs. Ms. Weber indicated that southern Nevada relied on the Community Interfaith Counsel, which was assisting the City of Las Vegas, and she believed that if everyone continued to work together, positive steps forward would be realized.

Assemblyman Denis asked whether the inmates who earned the extra credits would, upon release, be more responsible for their family obligations. Mr. Denis noted that there were also social issues involved that were quite costly to the State, and he wondered whether A.B. 510 (R1) would help those inmates better accept their responsibilities.

Mr. Struve said the best response to Assemblyman Denis' inquiry was that the legislation would help offenders be more responsible for their family obligations. Mr. Struve said the question on which the legislation regarding prison reform was based was how to deal with the offenders who were released and whether state and community entities would make a conscious effort, as a matter of policy, to reintegrate offenders into the community. If the answer to that question on the part of the State was yes, Mr. Struve believed that the community would have to respond in a positive way.

Mr. Struve noted that when the community reached out and provided a very strong reason for offenders to discard their past behavior and become responsible members of society, the offenders would often take their family responsibilities more seriously and become self-sufficient. Mr. Struve said that the community had to encourage offenders who chose that path to continue on that path and not raise barriers that would prevent offenders from continuing down that positive course.

Mr. Struve pointed out that it was a significant problem and the proposed legislation included small, initial steps in addressing those problems, but those steps had to be taken to avoid the consequence of spending \$1.9 billion on future prison construction and continuing to incarcerate thousands of citizens, believing that doing so would solve the serious problems.

John Emerson stated that he represented three agencies of the United Methodist Church involved in social justice advocacy. Mr. Emerson stated that his organization was very much in favor of A.B. 510 (R1).

By way of background, Mr. Emerson indicated that he had worked with community support groups that assisted offenders upon release. He stated that he had been active in the Kyros Prison Ministry Program for many years, where teams of persons worked regularly to help bring transformation to the lives of inmates. Mr. Emerson explained the workings of the Kyros program to benefit inmates and to offer support upon release to the community. Mr. Emerson stated that he had played a part in launching the Ridge House program in Reno, which assisted offenders in reentering society.

For the reasons stated by Assemblywoman Leslie in her earlier comments, and the testimony given by Justice Hardesty, Mr. Emerson stated that his organization was very supportive of A.B. 510 (R1), along with A.B. 508 (R2) and A.B. 416 (R1), which he believed were the three missing pieces in the correctional system "jigsaw puzzle."

Mark Woods, Acting Deputy Chief for the Division of Parole and Probation, indicated that with the recommended changes, the Division was in full support of A.B. 510 (R1).

Dorla Salling, Chairman of the Nevada Board of Parole Commissioners, stated that the Parole Board was in support of A.B. 510 (R1). Ms. Salling pointed out that there would be 1,200 additional inmates eligible for parole consideration, which would cause a possible fiscal impact for the Board. Ms. Salling advised the Committee that the Parole Board might need to approach the Interim Finance Committee (IFC) for additional funding to deal with the additional caseload.

Tonja Brown of Carson City, discussed the credits available in the legislation, and asked about credits for partial days. Chairman Arberry explained that the method of crediting days would be determined by the policy committee. The Committee on Ways and Means discussed the fiscal impact of the bill.

Patricia Hines of Yerington, Nevada, asked that members of the Committee review [Exhibit D](#), "Amendment for A.B. 510 (R1)," which referenced page 6, section 4, and page 7, section 5. She discussed the bill and the credits that should be provided to inmates. Ms. Hines believed that A.B. 510 (R1) was to rectify the credits that had not been given to date.

Chairman Arberry stated that the Committee on Ways and Means did not establish policy, but rather looked at the fiscal impact of the bill. Any question regarding the contents of the bill should be discussed with Assemblyman Parks.

Ms. Hines believed that when the bill was being considered by the Committee on Ways and Means, that Committee became the decision-maker. Ms. Hines stated that perhaps the NDOC should be asked whether or not it intended to rectify the problem, and she believed that question should come from the Committee.

Donald Hinton, representing the Spartacus Project, which was an advocacy program for inmates in Nevada, stated that the Committee was in receipt of is testimony and proposed amendments, [Exhibit E](#). Mr. Hinton stated that he would like to add his voice to those that had spoken earlier in support of A.B. 416 (R1), A.B. 508 (R2), and A.B. 510 (R1). Mr. Hinton complimented those persons who had worked very diligently on the bills.

Mr. Hinton said that he had been involved in prison and parole reform since 1969, and one of the things addressed in the bill was the \$21 that was given to an inmate upon release, regardless of the number of years the inmate had spent in prison. Mr. Hinton believed that should be addressed, as \$21 was simply not sufficient.

Mr. Hinton explained that the prison system took approximately 80 percent of the money that was sent to inmates from their families for institutional fines, and he believed that should also be addressed.

Mr. Hinton opined that an oversight committee was sorely needed, because the prison system and parole system should be brought under control. Mr. Hinton said he was disgusted with the action taken by the State, not only to inmates, but also to taxpayers.

Constance Kosuda stated that she was a retired trial lawyer, advocate, and activist for inmates and their families. Ms. Kosuda voiced support for A.B. 510 (R1) and applauded those who had testified earlier in favor of the bill.

Ms. Kosuda believed that the mental health treatment system should also apply to inmates while they were incarcerated, because the NDOC had a constitutional obligation to provide medical treatment to inmates, which included treatment for mental illness, drug addiction, and alcoholism. Ms. Kosuda also believed that treatment programs should be in place within the communities to help people remain in the community rather than being initially sent to prison.

Ms. Kosuda indicated that inmates should be able to earn the right to obtain education credits and good-time credits for working. For inmates to do that, the NDOC had to provide adequate educational programs so the inmates could earn the credits.

Ms. Kosuda referenced a letter dated April 6, 2007, from John Witherow, inmate in the NDOC, regarding good-time credits and her statement for the record, [Exhibit F](#), which she provided to the Committee.

Chairman Arberry informed persons who had questions about the contents of [A.B. 510 \(R1\)](#) that Assemblyman Parks, Chairman of the Select Committee, would be happy to address any and all concerns after the current meeting of the Committee on Ways and Means was adjourned.

Raymond Flynn, Assistant Sheriff, Las Vegas Metropolitan Police Department, also testifying on behalf of the Nevada Sheriffs' and Chiefs' Association, said that many of the earlier comments made both organizations a bit more comfortable with the bill. Mr. Flynn explained that the organizations were not against good-time credits, and were in favor of rehabilitation, but what was troubling was the retroactive date to 2000. Mr. Flynn believed that the retroactive date would produce a "surge" of parolees entering into the communities, which would impact not only law enforcement entities, but also social services entities.

Lieutenant Tim Kuzanek, Washoe County Sheriff's Office, echoed the concerns voiced by Mr. Flynn, in that the law enforcement community in northern Nevada was certainly taxed at the present time and resources were limited. Lt. Kuzanek stated that he wanted to express the concerns of the law enforcement community regarding the possible "surge" of inmates entering the communities.

Assemblyman Parks assured the law enforcement community that there would not be a "surge" of inmates entering the communities; there would not be an "opening of the gates" to allow a wholesale departure of inmates from the NDOC. Mr. Parks emphasized that every inmate would be reviewed by the Parole Board, and for those granted parole, the proper paperwork would be completed and the inmate evaluated prior to release. Mr. Parks stated that, while there might be an increase in the number of parolees entering the communities, there definitely would not be a "surge."

Gayle Farley stated that she was present for personal reasons and on behalf of the Alliance for Victim's Rights. Ms. Farley said that earlier testimony talked about the fiscal impact that [A.B. 510 \(R1\)](#) would have on the State, but she wanted to talk about the cost of a person's life, and there was no monetary value that could be placed on a person's life.

Ms. Farley indicated that, currently, the Parole Board reviewed inmates for parole 12 months prior to expiration of sentence, and the bill would allow that review to occur 18 months prior to expiration. Ms. Farley stated that offenders could rob, steal, commit domestic violence, or endanger a child, and now with [A.B. 416 \(R1\)](#), that offender would be rewarded with additional credit.

Regarding the mandates of the Open Meeting Law, as contained in [A.B. 416 \(R1\)](#), Ms. Farley said she was unable to sleep when she heard about the bill. She asked whether Committee members thought about retribution from the families of future parolees against the victim or the surviving family members of the victim. Ms. Farley indicated that she had already suffered

retribution from the family of the man who murdered her daughter, which continued to this very day.

Ms. Farley asked that when she appeared at parole hearings to inform the Parole Board why she believed the man should not be paroled, whether the Committee believed her statement should become public record and that her daughter's murderer had a right to hear her testimony.

Ms. Farley stated that the man who murdered her daughter showed no remorse, nor did his family. She asked the Committee to think about the retribution to the family members of the victim should the inmate be released on parole. Ms. Farley said that such things occurred in real life and not simply on television.

Ms. Farley indicated that she always believed that when a person broke the law, that person lost his rights, but it appeared that prisoners had more rights than citizens. She stated that today's enabling society was flowing into the prison system. Ms. Farley commented that prisoners were released before serving their sentences, and the man who murdered her daughter had been placed on probation several times prior to committing the murder. He was a walking time bomb, but because the system enabled such people, they still walked the streets and were released from prison early. Ms. Farley commented that she had a friend who was murdered a few years ago by a jealous ex-husband who was a sterling member of his church.

In 2001, Ms. Farley stated that she was one of many persons who successfully fought for an amendment to change the statute pertaining to assault with a deadly weapon. The offense was a misdemeanor at that time, and it was changed to a felony offense. Ms. Farley stated after her daughter was murdered, she fought very hard for that amendment. Had that law been amended in 1999, Ms. Farley said she might still be talking to her daughter on the phone every night. Before that change, the *Nevada Revised Statutes* (NRS) were very lax in certain areas, and many innocent people had been murdered by persons who had been paroled or persons who had never served a day in prison because of prison overcrowding.

Ms. Farley stated that if the Committee determined to lessen the time that inmates had to serve in prison, she believed they should first serve the full minimum sentence. Ms. Farley did not believe that the legislation would serve the public and law enforcement officers who put their lives on the line every day to put offenders in prison and protect the public. Nevada currently had the highest rate of crime in its history, and it would be totally irresponsible for the Committee to pass A.B. 510 (R1).

Ms. Farley realized that the bill was directed at minor offenders, but what type of offenders—wife or husband beaters, robbers of senior citizens, drug offenders, child abusers—were considered minor offenders. Ms. Farley believed that if such offenders were released before they had sufficient time to understand their crime and the damage that the crime inflicted, the offender would simply adopt the same attitude, because most offenders had no conscience.

Ms. Farley said that until a person served the sentence handed down by the courts, rather than looking for an earlier out, the punishment should be taken seriously. Ms. Farley stated that she was also concerned about parole supervision.

Ms. Farley stated that she was a mother who had survived her beautiful, loving, and talented daughter, and the grandmother of her daughter's son, who was left behind, and she respectfully asked Committee members to please take a moment and put themselves in her shoes.

Ms. Farley indicated that the offender who murdered her daughter would be eligible for parole consideration in two years, and if he was released, she would forever be "looking over her shoulder." Ms. Farley said that she and her grandson were victims along with her daughter, and she asked why the Committee would again victimize her and her grandson by passage of the legislation.

Chairman Arberry asked Ms. Farley to submit the written testimony from Cathy Atchian, and her written testimony, for inclusion in the record of the meeting. Ms. Farley submitted [Exhibit G](#), written testimony from Cathy Atchian.

Sandy Heverly, Executive Director and Victim Advocate for Stop DUI, explained that she had been involved in the anti-drunk driving movement and had worked with thousands of DUI victims, along with other crime victims, for over 24 years. Ms. Heverly stated that Stop DUI opposed passage of A.B. 510 (R1) because it did not believe that additional good-time credits should be available to anyone who caused death or injury to innocent victims. Ms. Heverly said Stop DUI was also concerned about the effect that A.B. 510 (R1) would have on truth-in-sentencing statutes.

Ms. Heverly said she would soon be in Carson City to attend a parole hearing on behalf of one of Stop DUI's victim families. The offender killed a father and son with his 3,000 pound "weapon" while he was driving under the influence. The offender was sentenced to 8 to 20 years, but in reality, the offender would serve less than one-half of the 20-year maximum. Ms. Heverly emphasized that Stop DUI did not believe that additional good-time credits should be applicable to offenders who caused such death, injury, and carnage to families in Nevada's communities.

Chairman Arberry asked whether there was further testimony to come before the Committee regarding A.B. 510 (R1), and there being none, the Chairman declared the hearing closed.

[[Exhibit H](#): Letter of May 22, 2007, opposing A.B. 510 (R1) submitted by Bill Parker for inclusion in the official record.]

Chairman Arberry announced that the sponsor of A.B. 613 had asked the Committee to reschedule the bill; therefore, the Committee would not hear testimony on A.B. 613 at the present hearing.

The Chairman stated that he intended to hear further testimony on A.B. 416 (R1) at the end of the agenda.

Chairman Arberry opened the hearing on A.B. 614.

Assembly Bill 614: Makes an appropriation to Build Nevada for career and technical programs. (BDR S-1449)

Danny Thompson, Executive Secretary-Treasurer, American Federation of Labor and Congress of Industrial Organizations (AFL-CIO), indicated that Committee members were in receipt of [Exhibit I](#), "Build Nevada Technical Academy:

A Construction High School Partnership," and [Exhibit J](#), "Career Academies." Mr. Thompson said that [A.B. 614](#) requested a \$2 million allocation to the Build Nevada Technical Academy, which would be created in southern Nevada as a pilot program.

Mr. Thompson offered some statistics about Clark County. He stated that 40 percent of all ninth grade students did not complete the twelfth grade in the time allotted; 49 percent of African-American students did not complete high school; and 60 percent of Hispanic students did not complete high school. Mr. Thompson informed the Committee that the Hispanic population in Clark County represented the majority in the Clark County School District, and 60 percent of Hispanic students failed to graduate.

According to Mr. Thompson, 80 percent of the inmates incarcerated in Nevada's prison system were high school dropouts. The Build Nevada Technical Academy was designed to help alleviate that problem.

Mr. Thompson explained that the pilot program would be fashioned after the Academy of Career Education (ACE) Charter High School in Reno. The Build Nevada Technical Academy would be a career high school for students who did not plan to attend college, or who were seeking to enter apprenticeship programs in the building trades.

Currently, Mr. Thompson stated, three of the largest private projects in the world were under construction in Las Vegas, and the AFL-CIO workers were all working on those lengthy construction jobs. Those three large construction projects would employ 10,000 workers in the building trades industry.

Mr. Thompson explained that the funding from [A.B. 614](#) would be used to enhance an existing vocational school located in Las Vegas. The existing school would be retrofitted by using the union's apprentice programs that included sheet metal workers, iron workers, electricians, and other standard building trades, to pattern the school in Las Vegas after the ACE Charter High School in Reno.

Mr. Thompson indicated that charter schools provided students with an education along with vocational training in the building trades. Hopefully, the Build Nevada Technical Academy would graduate students who would not otherwise graduate and who would then embark upon a career that paid decent wages and offered real benefits.

Mr. Thompson stated that the \$2 million from the State was a portion of the overall budget for Build Nevada, and additional funding would be realized from existing programs and the building industry.

Jeanette Belz, Associated General Contractors (AGC), Nevada Chapter, voiced support for [A.B. 614](#). The AGC was fortunate in starting a career technical high school in northern Nevada, the ACE Charter High School, which graduated students who normally would not graduate. Ms. Belz stated that ACE was attracting students into other programs, such as the CAD drafting software program. She pointed out that not all construction related careers involved "wielding a hammer," but also involved working with computer programs. Ms. Belz also stated that the number of female students at ACE Charter High School had increased.

According to Ms. Belz, the collaborative effort between industry and the school district was exactly what had already occurred in northern Nevada. She commented that it was the collaborative effort that helped the programs get started. Ms. Belz explained that there were not enough qualified workers in the Reno area in the building trades, which was why the ACE Charter High School was opened.

Ms. Belz said the AGC was very excited to see the industry in southern Nevada offering to assist in construction of the same type of school, and AGC would assist in any way possible.

Assemblyman Denis asked whether the students who originally did not intend to attend college changed their mind after graduation from ACE Charter High School and entered college.

Ms. Belz said that many students who graduated from ACE did attend college, including millennium scholars. The charter school also met the requirements of the federal No Child Left Behind Act.

Chairman Arberry asked whether there was further testimony to come before the Committee about A.B. 614, and there being none, the Chairman declared the hearing closed.

The Chairman opened the hearing on S.B. 453 (R1).

Senate Bill 453 (1st Reprint): Revises the provisions relating to problem gambling. (BDR 40-1410)

Laura Hale, Social Services Chief 3, Grants Management Unit, Department of Health and Human Services (DHHS), introduced herself and Denise Quirk, Vice Chair of the Advisory Committee on Problem Gambling, DHHS, and therapist for problem gambling, to the Committee.

Ms. Hale explained that S.B. 453 (R1) would remove the sunset clause for funding of problem gambling prevention and treatment programs. The bill also increased the administrative cap and clarified funding for evaluation and other program functions.

Ms. Hale noted that there had been one amendment to the bill, which allowed some flexibility in appointing alternate members to the Advisory Committee on Problem Gambling, if the members who held restricted or nonrestricted gaming licenses were unable to attend meetings or perform their duties.

Ms. Hale stated that the 2005 legislation contained a sunset clause that would end funding on June 30, 2007. She explained that S.B. 453 (R1) would remove the sunset clause and continue the funding of \$2 for each slot machine subject to licensing fees to be deposited by the Nevada Gaming Commission in the Revolving Account to Support Programs for the Prevention and Treatment of Problem Gambling.

Ms. Hale indicated that the administrative cap was originally established at 1 percent; however, that cap would increase to 10 percent, with DHHS funding a half-time person in the Grants Management Unit to administer the grants and provide support to the Advisory Committee.

According to Ms. Hale, the bill would also allow the DHHS to provide technical assistance, evaluations, needs assessments, or other critical functions in operation of the programs.

Assemblywoman Leslie asked whether S.B. 453 (R1) would primarily remove the sunset clause on the funding. Ms. Hale stated that was correct.

Chairman Arberry asked whether the programs were also operational in southern Nevada. Ms. Hale said the programs were operating on a statewide basis, with nine treatment programs available throughout the State. There were also online programs available statewide. Ms. Hale said the half-time position would be located in Las Vegas.

Assemblywoman McClain asked whether information about the program was available on Dial 2-1-1, which provided free information about basic services. Ms. Hale said the program was listed on Dial 2-1-1.

Denise Quirk, Vice Chair of the Advisory Committee on Problem Gambling, and also a mental health practitioner serving problem gamblers, stated that she was very excited about the forward movement of S.B. 453 (R1), and she appreciated the Committee's support.

William "Bill" Bible, representing the Nevada Resort Association, expressed the Association's strong support for S.B. 453 (R1). The most important thing the bill would do was put the program on stable and consistent financial footing by providing permanency in the stream of revenue that supported the program.

Assemblywoman Leslie asked whether Mr. Bible felt the program should be expanded. Mr. Bible replied that expansion of the program was not needed during the current biennium, but he suspected that an increase would be requested during the 2009 Legislature.

Tom Clark, Vice Chair, Bristlecone Family Resources, advised that in addition to the drug and alcohol treatment programs offered by Bristlecone Family Resources, it also operated the Gambling Addiction Treatment Education (GATE) Program, as depicted in [Exhibit K](#), which included a pamphlet outlining the GATE program and the written testimony of Tammra Pearce, Executive Director of Bristlecone Family Resources.

Mr. Clark stated that during the first year, Bristlecone Family Resources treated approximately 246 clients for gambling addiction and the program was operating very well. Mr. Clark stated that Bristlecone Family Resources supported S.B. 453 (R1).

Assemblywoman Smith noted that she had not seen Bristlecone Family Resources listed on Dial 2-1-1, and she advised Mr. Clark to contact the DHHS and have the program added to the list. Mr. Clark thanked Assemblywoman Smith and stated he would contact DHHS.

Larry Struve, representing the Religious Alliance in Nevada (RAIN), indicated that the RAIN Board had asked him to state that RAIN strongly supported S.B. 453 (R1). Making the program permanent was a significant accomplishment for the state of Nevada. Mr. Struve stated that the gambling industry was providing the funds to support a program that dealt with a problem that had long been ignored in Nevada. Mr. Struve indicated that RAIN was part of the initial discussion several years ago to try and address the problem.

Now that the program was underway, RAIN hoped that the Legislature would make the program permanent.

Chairman Arberry asked whether there was further testimony to come before the Committee regarding S.B. 453 (R1), and there being none, the Chairman declared the hearing closed.

The Chairman opened the hearing on S.B. 557.

Senate Bill 557: Extends the reversion date of an appropriation made in the 22nd Special Session to the Advisory Council on the State Program for Fitness and Wellness. (BDR S-1466)

Senator Valerie Wiener, Clark Senate District No. 3, stated that S.B. 557 would extend for an additional two years the remainder of the funding that was allocated to the Advisory Council on Fitness and Wellness, which provided recommendations to the State Program for Fitness and Wellness.

Senator Wiener explained that the legislation was passed by the 2005 Legislature and part of the money had been allocated. There were other plans under consideration by the Advisory Council, but additional time was needed to appropriately allocate the remaining funds.

Senator Wiener introduced Dr. Bradford Lee, the State Health Officer and Chairman of the Advisory Council, to the Committee.

Assemblywoman Leslie asked how much money remained in the fund. Senator Wiener said that funding had been allocated to the Nevada Department of Education (NDE) because one of the strong considerations and part of the jurisdiction of the Advisory Council dealt with education to create a healthier youth population. The Advisory Council was working with the NDE on a statewide project. Senator Wiener believed there was approximately \$61,000 remaining, and the Advisory Council was considering other projects.

Chairman Arberry asked whether there was further testimony to come before the Committee about S.B. 557 and, there being none, the Chairman declared the hearing closed.

The Chairman opened the hearing on S.B. 463 (R1).

Senate Bill 463 (1st Reprint): Makes an appropriation to the Department of Taxation for continued development and implementation of the Unified Tax System. (BDR S-1238)

Dino Dicianno, Executive Director, Department of Taxation, voiced support for S.B. 463 (R1). Mr. Dicianno explained that the bill contained a one-shot appropriation to the Department of Taxation for the continued development and implementation of the new Unified Tax System (UTS). The bill also included an appropriation for the cost of replacement servers, computer hardware and software, and office equipment.

Mr. Dicianno believed it was important to note that a portion of the \$3,674,059 was a one-shot appropriation, and \$2,326,063 related to hold-backs and contractual obligations of the Department with the contractor for completion of the UTS.

Assemblyman Marvel asked whether the one-shot funding contained in S.B. 463 (R1) would completely finish the UTS. Mr. Dicianno replied that it would finish the program.

Chairman Arberry asked whether there was further testimony to come before the Committee about S.B. 463 (R1) and, there being none, declared the hearing closed.

The Chairman apologized to those persons who did not have the opportunity to provide testimony at the original hearing for A.B. 416 (R1), and indicated that the Committee would accept further testimony regarding the bill.

Assembly Bill 416 (1st Reprint): Makes various changes to provisions concerning the Department of Corrections. (BDR 16-190)

Tonja Brown stated that she would like to offer a proposed amendment for A.B. 416 (R1), Exhibit L, dealing with the death penalty and DNA testing for death penalty cases. Ms. Brown stated that Nevada only had a law that applied for postconviction DNA testing if the inmate had received the death penalty. The law did not apply to sentences of life with or without parole.

Ms. Brown asked that the proposed amendment be added to the bill, and she explained the details of the amendment (see Exhibit L).

Ms. Brown stated that there had been much publicity about DNA testing for persons on death row. She explained a case that had occurred a few years ago where the convicted offender was retried and his sentence from the second trial was life without parole rather than the death sentence, but later DNA testing proved him innocent of the offense. Ms. Brown said that case occurred in Nevada, because DNA testing was only available for persons under the death penalty, that offender would have remained in prison because DNA testing would not have been available. Ms. Brown stated there were many persons incarcerated in prisons throughout the country who were innocent.

Ms. Brown remarked that she had contacted the Legislative Counsel Bureau (LCB) during the past interim regarding other states that provided postconviction DNA testing, and received a memorandum from LCB, which was also contained in Exhibit L.

Florence Jones urged the Committee to positively consider A.B. 416 (R1) and offered a packet of information containing a proposed amendment, Exhibit M. Ms. Jones referenced the *Nevada Administrative Code* (NAC) currently used by the Parole Board, and asked that Committee members consider making those codes part of the *Nevada Revised Statutes* (NRS) so that changes could not be made without legislative approval.

Ms. Jones stated that college students no longer received work-time credit from the NDOC, which was based on a decision made by the NDOC in 2006. Ms. Jones asked that the Committee review that situation and allow work-time credits for college attendance.

Ms. Jones indicated that the Parole Board's "guideline recommended months" document had caused the back-up in the prison system. She explained that the months that an inmate was required to serve had doubled, and even when an inmate was eligible for parole, the inmate was not actually considered until he had served the number of months stipulated on the "guideline recommended months" document.

Ms. Jones indicated that [Exhibit M](#) contained copies of information that outlined the situation. She opined that legislative direction to the Parole Board would make a significant change in the NDOC and the release mechanism.

Another issue Ms. Jones believed should be addressed was the “likelihood of success” worksheet utilized by the Parole Board. The NAC stated that the Parole Board had been granted the authority from the Legislature to create such worksheets, and she believed that the Committee should look closely at that worksheet.

Howard Skolnik, Director, NDOC, stated that the NDOC was opposed to [A.B. 416 \(R1\)](#). Mr. Skolnik believed that the substantive issues in the bill could be better addressed by the Advisory Commission on Sentencing that would be established by [A.B. 508 \(R2\)](#). Much of the language of [A.B. 416 \(R1\)](#) was duplicative and unnecessary.

Mr. Skolnik indicated that he had recently spoken with Supreme Court Justice James Hardesty, who agreed that much of [A.B. 416 \(R1\)](#) could be deferred to the Advisory Commission on Sentencing, as identified in [A.B. 508 \(R2\)](#).

Dorla Salling, Chairman, Nevada Board of Parole Commissioners (Parole Board), indicated that the Parole Board was opposed to [A.B. 416 \(R1\)](#). She echoed the comments made by Mr. Skolnik. There were so many elements that would impact the Parole Board in [A.B. 416 \(R1\)](#), not the least of which would be the requirement that went even beyond the mandates of the Open Meeting Law, which would have a dramatic fiscal impact on the Parole Board and the State. Ms. Salling did not believe that passage of [A.B. 416 \(R1\)](#) would be in the best interest of the State, either fiscally or for public safety.

Chairman Arberry asked whether there was further testimony to come before the Committee regarding [A.B. 416 \(R1\)](#), and there being none, the Chairman declared the hearing closed.

[Forwarded to the Committee to be made part of the public record was a letter voicing support for [A.B. 416 \(R1\)](#) from Rich Lamb, [Exhibit N](#).]

Chairman Arberry declared the Committee recess at 9:48 a.m., and reconvened the hearing at 10:07 a.m.

Chairman Arberry informed the Committee that it would consider budget closings for the Legislative Counsel Bureau (LCB).

LEGISLATIVE COUNSEL BUREAU (327-2631)
BUDGET PAGE—LCB-1

NEVADA LEGISLATURE INTERIM (327-2626)
BUDGET PAGE—LCB-7

LEGISLATIVE COUNSEL BUREAU
PRINTING OFFICE (741-1330)
BUDGET PAGE—LCB-10

Lorne Malkiewich, Director, Legislative Counsel Bureau (LCB), stated that he would review [Exhibit O](#), “Proposed closing of the budget of the LCB,” which had been presented to the Committee.

Mr. Malkiewicz indicated that a communication had recently been received from the Governor's Office requesting that agencies trim their budgets, and LCB had replied that it would make whatever cuts were necessary in its budget. A revised proposal was received from the Governor's Office stating that the amount of the reduction would be smaller, and agencies would be allowed to make an adjustment for utilities.

Mr. Malkiewicz stated that LCB could not approach the Personnel Commission over the interim like other Executive Branch agencies for positions and had to approach the Legislature for reclassifications.

Mr. Malkiewicz referenced [Exhibit O](#), and indicated that the first budget cut was to eliminate Enhancement Unit 806 (E806), and require that LCB divisions pay for reclassification of existing positions from salary savings. The upgrades were approved, but divisions would not receive additional funding; however, divisions would be allowed to utilize salary savings to fund the upgrades.

Mr. Malkiewicz stated that other budget issues included an increase in utilities for inflation and reinstatement of two proposed communication technician positions in the Legislative Police budget. Mr. Malkiewicz pointed out that those two positions had been discussed during previous budget hearings, and they would allow the Legislative Police to provide 24-hour coverage.

Mr. Malkiewicz stated that the budget subcommittees had cut nine positions from the requested LCB budget and the proposed budget closing ([Exhibit O](#)) would reinstate the technical communications specialist for the Broadcast and Production Services Unit. Mr. Malkiewicz said that position would allow LCB to support interim committee meetings held at a locations other than Carson City or Las Vegas. The Broadcast and Production Services Unit would provide a sound system for those meetings, which were very popular with interim committees. Without that position, it would be difficult for the Unit to accommodate off-site meetings. Mr. Malkiewicz also pointed out that the Broadcast and Production Services Unit was one of the fastest growing units in LCB as far as workload was concerned. The second position to be reinstated would be a customer support position for Information Technology Services.

Continuing his presentation, Mr. Malkiewicz indicated that the budget closure also included delaying the start of several new positions until October 1, 2007, which provide a savings during the first year of the biennium. Savings in the second year would allow LCB to purchase additional furniture and equipment for the new warehouse. Mr. Malkiewicz explained that the warehouse would also include offices for LCB staff.

Mr. Malkiewicz stated that [Exhibit O](#) depicted the net impact of the changes, which exceeded the requested reductions by the Governor's Office in both fiscal years. The exhibit also included the cost for establishing a gift shop in the Las Vegas Office. If the Committee wished to provide additional funding for the gift shop, the cost would be approximately \$110,000 for construction during the first year of the biennium and approximately \$80,000 for the staff person. Mr. Malkiewicz emphasized that the request had not been made by LCB, but if the Legislature wished to establish a gift shop in Las Vegas, the exhibit included the anticipated costs.

Assemblywoman Leslie was not aware of the request for a gift shop in Las Vegas but believed that it would be a good idea. She asked whether the proceeds from the Carson City gift shop paid for the operation of the shop and whether the shop in Las Vegas would eventually be self-supporting.

Mr. Malkiewich stated that the Carson City gift shop was part of the LCB Legal Division because that division included the Publications Unit that sold copies of the NRS, the "Nevada Report" on behalf of the Supreme Court, and other publications. Because the Legal Division already handled the money from the sales of publications, the gift shop was added to that budget. The gift shop portion was handled through a revolving fund and proceeds from sales were placed back into that fund and used to purchase new inventory. Mr. Malkiewich said the employee cost was not covered by the proceeds because the gift shop did not clear sufficient money. The workers in the gift shop were actually part of the Publications Unit, and the person in the Las Vegas gift shop would also be an employee of the Publications Unit.

Assemblywoman Leslie asked whether the gift shop would be located in the Grant Sawyer Office Building in Las Vegas, and Mr. Malkiewich replied that was correct. He stated that LCB had worked with the Public Works Board (PWB) and the Division of Buildings and Grounds about the cost of installing the gift shop. There were two locations under consideration in the Grant Sawyer Building.

Assemblywoman Leslie stated that she would defer to her colleagues from Las Vegas, but stated that the gift shop in Carson City was very popular and she would support the idea of a gift shop in Las Vegas.

Chairman Arberry said that he also liked the idea of a gift shop in Las Vegas, and commented that the Carson City gift shop remodeling project had turned out very well with the glass front. He believed it would be very easy to construct a similar gift shop in Las Vegas at a minimum cost.

Assemblywoman McClain stated that she also liked the idea of a gift shop in Las Vegas.

Assemblyman Hogan asked about the estimated costs, and whether those costs included the cost for a full-time position or whether the gift shop would only be open part-time.

Mr. Malkiewich said the cost included a full-time position, and LCB would utilize current staff in the Grant Sawyer Building to assist the person in the gift shop. If the person who staffed the gift shop was absent, the shop might need to be closed part-time on occasion.

Chairman Arberry said he would accept a motion, including funding for the gift shop.

ASSEMBLYWOMAN McCLAIN MOVED THAT THE COMMITTEE APPROVE THE BUDGET CLOSING FOR THE BUDGETS WITHIN THE LEGISLATIVE COUNSEL BUREAU INCLUDING THE PROPOSALS DEPICTED BY [EXHIBIT O](#) AND INCLUDING FUNDING FOR THE ESTABLISHMENT OF A LEGISLATIVE COUNSEL BUREAU GIFT SHOP IN THE GRANT SAWYER OFFICE BUILDING IN LAS VEGAS.

ASSEMBLYMAN DENIS SECONDED THE MOTION.

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

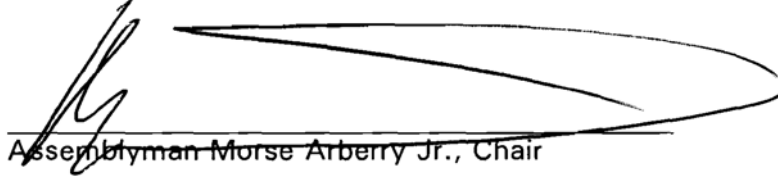
* * * * *

With no further business to come before the Committee, Chairman Arberry declared the hearing adjourned at 10:16 a.m.

RESPECTFULLY SUBMITTED:

Carol Thomsen
Committee Secretary

APPROVED BY:



Assemblyman Morse Arberry Jr., Chair

DATE: _____

<u>EXHIBITS</u>			
Committee Name: <u>Committee on Ways and Means</u>			
Date: <u>May 22, 2007</u>		Time of Meeting: <u>8:00 a.m.</u>	
Bill	Exhibit	Witness / Agency	Description
****	A		Agenda
****	B		Attendance Roster
AB 144	C	Assemblyman Goicoechea	Packet of information
AB 510	D	Patricia Hines	Amendment
AB 510	E	Donald Hinton	
AB 510	F	Constance Kosuda	Packet of information
AB 510	G	Gayle Farley	Packet of information
AB 510	H	Bill Parker	Letter in opposition
AB 614	I	Danny Thompson/AFL-CIO	“Build Nevada”
AB 614	J	Danny Thompson/AFL-CIO	“Career Academies”
SB 453	K	Tom Clark/Bristlecone Family Resources	Pamphlet and written testimony
AB 416	L	Tonja Brown	Packet of information
AB 416	M	Florence Jones	Packet of information
AB 416	N	Rich Lamb	Letter of 5/22/07
****	O	Lorne Malkiewich	Proposed budget closing