

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON WAYS AND MEANS
AND THE
SENATE COMMITTEE ON FINANCE
JOINT SUBCOMMITTEE ON HIGHER EDUCATION/CIP**

**Seventy-Fourth Session
March 2, 2007**

The Assembly Committee on Ways and Means and the Senate Committee on Finance, Joint Subcommittee on Higher Education/CIP was called to order by Chairman Morse Arberry Jr. at 8:17 a.m., on Friday, March 2, 2007, in Room 3137 of the Legislative Building, 401 South Carson Street, Carson City, 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).

ASSEMBLY COMMITTEE MEMBERS PRESENT:

Assemblyman Morse Arberry Jr., Chairman
Assemblywoman Sheila Leslie
Assemblywoman Barbara E. Buckley
Assemblywoman Heidi S. Gansert
Assemblyman John W. Marvel
Assemblywoman Debbie Smith

SENATE COMMITTEE MEMBERS PRESENT:

Senator William J. Raggio, Chair
Senator Barbara K. Cegavske
Senator Bernice Mathews

COMMITTEE MEMBERS EXCUSED:

Senator Bob Coffin

STAFF MEMBERS PRESENT:

Mark W. Stevens, Assembly Fiscal Analyst
Gary Ghiggeri, Senate Fiscal Analyst
Tracy Raxter, Senior Program Analyst
Eric King, Program Analyst
Patricia Adams, Committee Assistant
Connie Davis, Committee Secretary

Chairman Arberry recognized Howard Skolnik, Director of the Nevada Department of Corrections (NDOC).

Mr. Skolnik provided opening remarks in conjunction with a PowerPoint presentation ([Exhibit C](#)) that summarized issues related to the increase in the Department's inmate population.



Mr. Skolnik reported that current inmate projections exceeded year 2000 projections by 1,000 and that there was not enough staff to manage the increase. The shortage of space had brought about plans to house inmates in gymnasiums, dayrooms, rotundas, and areas used for inmate programs. The NDOC was waiting for final approval from the Fire Marshal to convert some gymnasiums into living space for approximately 420 male and 100 female inmates. Mr. Skolnik predicted that the loss of recreation and exercise space would create tension on the part of inmates and place additional pressures on staff. Additionally, Mr. Skolnik advised that a recent study by the Pew Charitable Trusts projected that Nevada's prison population would continue to dramatically increase in coming years.

Mr. Skolnik reported, however, that Nevada's parole grant rate of 50 to 55 percent was the highest in the nation, and the recidivism rate for both inmates who were paroled and for those who were discharged was at 27 percent, the lowest in the nation. Mr. Skolnik also reported the possibility of the early release of some inmates to Immigration and Customs Enforcement (ICE) for deportation. However, Mr. Skolnik explained that the process of releasing inmates to ICE could take up to a year, and illegal immigrants did not always return to their country of origin. Additionally, he said that illegal immigrants were frequently in court claiming legal status and were occasionally released on their own recognizance only to disappear into surrounding communities.

Mr. Skolnik advised that if the Legislature wanted to more quickly release inmates, sentencing and good-time laws would have to be revised and become effective retroactively for application to Nevada's existing inmate population.

Mr. Skolnik indicated that the NDOC currently had 225 male and 15 female inmates awaiting transfer to minimum-security facilities. He said that the majority of inmates, who might be released early, would fall into the camp category freeing up to 240 beds throughout the system.

Mr. Skolnik advised that the NDOC had taken steps to house additional inmates by double-bunking and adding 192 more beds at the Ely State Prison (ESP). Mr. Skolnik expressed concern that the number of additional inmates increased the number of visitors to the institution, placed pressure on gatehouse staff, increased the likelihood of contraband entering the institution, and jeopardized staff as incident rates rose.

Mr. Skolnik asked for the Subcommittee's favorable consideration of the NDOC CIP construction requests in view of current and projected overcrowding conditions at the various prison institutions.

In response to questions Chairman Arberry asked regarding the inmate population projections and current sentencing laws, Mr. Skolnik advised that the projections did not include the addition of 1,500 police officers in Clark County. Mr. Skolnik explained that currently Clark County police officers averaged three arrests per officer per year. Mr. Skolnik said that without a change in current sentencing laws, and even assuming that the increased number of officers in Clark County reduced the number of arrests per officer, even one and a half arrests per new officer per year would increase the prison population by 6,000 inmates within four years. Mr. Skolnik told the members of the Subcommittee that although the NDOC could not choose the inmates that entered their

institutions, or the length of time they were incarcerated, a safe environment had to be provided for staff and inmates.

In response to questions Chairman Arberry asked regarding the disposition process for illegal immigrants, Mr. Skolnik advised that there were currently 152 illegal aliens who, although paroled, remained within the system waiting release to ICE. Mr. Skolnik advised that although NDOC had no control over the release process, ICE officials had recently provided assurance that they would attempt to speed up the procedure. Mr. Skolnik pointed out that they were only speaking about several hundred inmates, the bulk of whom were from the camps, which would provide the 240 beds mentioned earlier in the presentation. Mr. Skolnik further advised that many illegal immigrants had prior felony convictions and were serving multiple sentences.

Senator Raggio expressed support for Supreme Court Justice Hardesty's proposal to deport Nevada prison inmates who were in the country illegally at the time they committed their crimes. Senator Raggio questioned why convicted felons who were also illegal immigrants should be housed at State expense whether or not they had attained parole status.

Mr. Skolnik discussed the complexities involved in the deportation of illegal immigrants and explained that those individuals who were serving sentences, had to be willing to be deported, and their countries of origin had to agree to take them. Mr. Skolnik pointed out, for example, that Cuban illegal immigrants could not be deported to Cuba since an agreement to do so did not exist. Mr. Skolnik indicated that although 300 to 400 illegal immigrant inmates could face deportation, it would not happen immediately.

Senator Raggio expressed support to further explore the proposal to deport illegal immigrants, especially those who were drug offenders, whether or not they were eligible for release.

Mr. Skolnik provided the following information relative to documented illegal immigrants, ICE, and Justice Hardesty's proposal:

- 152 paroled inmates remained within the system waiting action by ICE.
- 271 inmates, who were denied parole on at least one sentence, might have consecutive sentences or other holds and detainers.
- 303 inmates who had not appeared before the Parole Board could be released through a pardon system because they were generally non-violent and not sex offenders.

Assemblywoman Buckley also agreed that the State should not bear the responsibility to house illegal immigrants and indicated that ICE action could substantially reduce the crowded prison conditions. Assemblywoman Buckley recalled hearing that action, as a result of Justice Hardesty's proposal, could take place within the next few months. Additionally, Assemblywoman Buckley pointed out that illegal immigrants who were deported and apprehended attempting to re-cross the border into the United States would be sent to a federal prison, placing the burden on the federal government. Although the proposal to deport illegal immigrants would not provide a complete solution to overcrowding issues, Assemblywoman Buckley agreed with Senator Raggio's recommendation to aggressively pursue the proposal.

Assemblywoman Buckley pledged to work with NDOC representatives to address prison problems and needs, which she said would be carefully evaluated with the harshest sentences reserved for those who committed violent crimes.

Mr. Skolnik reiterated his concern for staff safety and indicated that the NDOC construction projects were submitted in an effort to avoid a long-term housing crisis. Additionally, Mr. Skolnik commented on several other issues, including the cost to the State of \$120 a day per inmate if inmates were housed in out-of-state facilities. He also pointed out that the crowded conditions had an impact on the provision of health care and that actions resulting from a federal class action lawsuit in California regarding the delivery of inadequate health care to inmates had been estimated as high as \$11 billion. Mr. Skolnik said that even with less than a tenth of California's population, Nevada would also experience a huge financial impact if the delivery of health care to inmates was determined to be inadequate.

In response to Assemblywoman Buckley's remarks in support of Justice Hardesty's plan, Mr. Skolnik advised that a draft of the memorandum of the agreement with ICE had been provided to the Subcommittee's staff.

In response to questions Chairman Arberry asked regarding the pursuit of federal funds to house illegal immigrants, Mr. Skolnik advised that the availability of federal grant funds to states for housing illegal immigrants had steadily declined over the past few years.

In response to the concern Senator Mathews expressed regarding prison rehabilitation programs, Mr. Skolnik advised that most of the programs had been maintained, but housing inmates in program space would impact the administration's ability to operate the programs.

Maud Naroll, Chief Assistant, Planning, Budget Division, Department of Administration, drew the Subcommittee's attention to the chart, entitled Projected Ten-Year Growth with Correctional Capacity ([Exhibit C](#)). Ms. Naroll noted that in 2005, Dr. Jim Austin, a nationally recognized prison system expert, projected that Nevada's inmate population would be increased by 4,000 over the next ten years. Ms. Naroll pointed out that the current ten-year projection had doubled the earlier projection to 8,000 inmates over the next ten years and, as previously indicated by Mr. Skolnik, did not include how 1,500 new Clark County police officers would impact the projections.

CAPITAL IMPROVEMENT PROGRAM DETAIL BY PROJECT –
BUDGET PAGE APPENDICES 7, 8, 9, 10 & 11

Gustavo Nunez, Interim Manager, State Public Works Board (SPWB), distributed a document entitled, *Department of Corrections Facilities Schedule* ([Exhibit D](#)), which reflected information on project management and inspection fees, project manager duties, projects for which early funding authorization was anticipated, requested completion dates by the Nevada Department of Corrections (NDOC), and SPWB proposed completion dates.

Mr. Nunez proceeded with a slide presentation ([Exhibit E](#)) that reflected the 1997 Master Plan for the High Desert State Prison and Southern Desert Correctional Center. The first slide showed the locations of Prison 8, Prison 9, Prison 10 and the regional medical facility to the east of Prison 9, Southern Desert Correctional Center, and the waste water treatment facility.

In response to questions Chairman Arberry asked regarding the availability of water for the planned construction projects, Mr. Nunez advised that while the water supply was currently sufficient, additional tanks would be required for Prisons 8, 9, and 10. Additionally, he said that the sewage facility would require enhancements. An additional slide reflected an aerial photograph of the High Desert State Prison, Southern Desert Correctional Center, and the Indian Springs Correctional Center Work Camp to the west of the Southern Desert Correctional Center.

Other slides reflected new projects proposed for the Indian Springs Correctional Center Work Camp, two additional housing units for the High Desert State Prison, Prison 8, and two additional housing units for the Southern Desert Correctional Center.

PROJECT NUMBER 07—C03 – SOUTHERN NEVADA WOMEN'S
CORRECTIONAL CENTER EXPANSION (05-P05) - \$66,965,003

Gustavo Nunez, Interim Manager, State Public Works Board (SPWB), began his presentation on the expansion of the Southern Nevada Women's Correctional Center (SNWCC) with slides of the vicinity map and the site plan ([Exhibit C](#)). The site plan reflected the 200- and 100-bed additions, the medical addition, the 100-bed transitional center, and the 10-bed family reunification center.

In response to a question Senator Mathews asked regarding the current number of beds at the SNWCC, Mr. Nunez said there were currently 600 beds, but the facility was only designed for 492 beds.

Mr. Nunez testified that Project 07-C03, a continuation of Project 05-P05 recommended funding for 87,323 square feet of new space that included a 100-bed transitional center, a 10-bed family reunification center, and a 300-bed correctional center. The expansion, which was projected to open in January 2009, was 100 percent State funded and would be constructed on State-owned land.

Chairman Arberry referenced the reunification center and noted that at the September 12, 2006, IFC meeting, changes were requested to convert the reunification center to additional beds for female inmates. Chairman Arberry asked how many additional inmate beds could be included in the facility for the space proposed for the reunification center.

Mr. Nunez responded that 10 beds were proposed for the family reunification center, and 100 beds were proposed for the transitional center that would be located in the area outside of the SNWCC fence.

In response to questions Senator Raggio asked regarding the cost of the reunification center, Mr. Nunez advised that \$2.5 million in construction costs had been budgeted.

Senator Raggio noted that according to information provided to the Subcommittee, the project cost estimate indicated that the construction cost for the proposed reunification center was approximately \$3.2 million.

Mr. Nunez pointed out that even \$3.2 million would not be enough to build another prototype with additional beds.

In response to Senator Raggio, who asked whether \$3.2 million would be enough to enlarge the proposed facility, Mr. Nunez explained that the expansion project had already been designed under the 2005 CIP and was ready to go to bid. Mr. Nunez advised that a redesign would delay the completion of the project.

In response to questions Chairman Arberry asked regarding the status of the planning and programming that would be necessary for a reunification center operation, Mr. Nunez reiterated that the project was designed, ready to go to bid, and the plan check was scheduled for April.

Gary Ghiggeri, Senate Fiscal Analyst, Fiscal Analysis Division, questioned whether NDOC had budgeted for operating costs.

Howard Skolnik, Director, NDOC, advised that funding for operating the reunification center had not yet been requested. Mr. Skolnik advised, however, that one of the wardens had traveled to other states to review reunification programs.

Chairman Arberry noted that the 2007 CIP recommended \$4.6 million for risk management and asked the SPWB representatives to explain the benefits of the recommended funding.

Mr. Nunez explained that the risk management funding for the SNWCC project totaled only \$531,321 and that the \$4.6 million was a recommendation for risk management services for those projects in the 2007 CIP that totaled over \$40 million. Mr. Nunez explained that the fee would provide for construction documentation and the ability to hire an attorney familiar with construction law.

Chairman Arberry asked the SPWB representatives why funding was needed to hire an attorney when the SPWB had the services of a deputy attorney general.

Mr. Nunez advised that after meeting with the Attorney General, it was determined that the Office of the Attorney General did not currently have the specific type of legal expertise the SPWB needed.

Chairman Arberry pointed out that the Office of the Attorney General should be able to find a qualified attorney for \$4.6 million.

Mr. Nunez explained that although other options were being explored, attorney services would be outsourced on a project-by-project basis. Mr. Nunez discussed an enhancement unit in which \$200,000 would be transferred to the Office of the Attorney General to provide for legal services, and with the provision of software requested in the budget, the funding request for legal services could be reduced to approximately \$500,000.

In response to questions Chairman Arberry asked regarding the \$389,880 recommended for construction phasing, Mr. Nunez explained that the 300-bed expansion within the fence of the existing SNWCC was the most critical part of the project. Mr. Nunez explained that to meet the January 2009 opening date, the contractor would be requested to concentrate on the beds inside the fence before proceeding with the 100 beds for the transitional center, which were considered a lesser priority.

In response to questions Chairman Arberry asked relative to the beds all being operational at the same time, Mr. Skolnik explained that the beds within the

fence were considered critical and would be the first to be constructed since those beds could accommodate any female inmate. Mr. Skolnik indicated that a number of problems had occurred as a result of crowded conditions including female inmates currently being housed at the Southern Nevada Correctional Center (SNCC), a male facility. Additionally, Mr. Skolnik indicated that extra beds had been placed in cells throughout the SNWCC, in the rotundas, and space within the gymnasium was being reviewed as a possible location.

In response to questions Assemblywoman Smith asked regarding the funding recommendation for construction phasing, Mr. Nunez explained that the \$389,880 was an estimate on a fee used to provide for a realistic schedule that could help ensure the project was completed on time and within budget. Mr. Nunez advised that the exact amount of the fee would be determined on the day bids were opened.

In response to questions Chairman Arberry asked regarding the \$110,582 recommended for local government requirements, Mr. Nunez advised that the planning process required compliance with all local zoning requirements. He explained that the \$110,582 was estimated based on previous experience with the cost of conditions local governments placed on projects, such as landscaping a facility.

Chairman Arberry asked the SPWB representatives to provide information to the Subcommittee's staff on how the funding was projected to comply with local government requirements.

Chairman Arberry referenced the \$1,658,733 funding recommendation for furniture, fixtures, and equipment (FF&E) and noted that NDOC's operating budget also included funding for some furnishings for the facility. Chairman Arberry asked for information relative to the furnishings and equipment to be purchased using funding from the recommended project.

Mr. Nunez indicated he would provide a list of the furnishings and equipment to be purchased to the Subcommittee's staff.

In response to questions Chairman Arberry asked regarding the necessity for construction of the sally port, Mr. Skolnik explained that the existing sally port was inadequate for the current operation of the institution since it was also used by Prison Industries. Mr. Skolnik explained that the sally port had been underbuilt, and if it were to be used for construction access, the current operating function would be lost. Mr. Skolnik advised that if the new sally port was constructed properly, the current sally port could be shut down after construction.

In response to questions Chairman Arberry asked regarding the recommendation to increase square footage for the culinary, warehousing, and laundry, but not for the dining areas, Mr. Nunez explained that the NDOC had not requested an increase in dining area space.

Mr. Skolnik explained that dining times would be expanded to provide the ability to feed additional inmates, a pattern that he said had been established in almost every other institution in the State. Although not an ideal situation, Mr. Skolnik indicated that in view of the large sum of money being requested, the dining area could remain as it was.

Chairman Arberry asked for information regarding the recommendation to expand the size of an existing sally port to provide for the simultaneous closure of both the forward and rear gates.

Mr. Skolnik explained the requirements for securing and inspecting trucks entering and leaving the facility. He indicated that the existing sally port was inadequately built for the Prison Industry operation, and expanding the existing sally port was needed to accommodate the amount of goods entering and leaving the facility.

In response to questions Chairman Arberry asked regarding the recommendation for the installation of a dedicated construction sally port in conjunction with the existing sally port, Mr. Nunez explained that the construction sally port would be installed in the first phase of the project to provide access to the site inside the fence where the expansion was to take place.

Chairman Arberry closed the hearing on CIP 07-C03.

PROJECT NUMBER 07—C04 – HIGH DESERT STATE PRISON PHASE V –
PAGE 8

Gustavo Nunez, Interim Manager, State Public Works Board (SPWB), provided a slide presentation ([Exhibit C](#)) of the High Desert State Prison (HDSP) Phase V Project, which was a continuation of CIP 05-C20b. Mr. Nunez reported that two "T" housing units totaling 105,520 square feet would be constructed with 100 percent State funding on State-owned land at Indian Springs. Additionally, Mr. Nunez reported that the Nevada Department of Corrections (NDOC) requested project completion by January 2009.

In response to questions Chairman Arberry asked relative to sole source contracting, Mr. Nunez explained that the two "T" housing units for Phase V were designed using plans for units designed under Phase IV, Project 05-C20b. Mr. Nunez further explained that Phase IV would be under construction as soon as funding allowed, and since two separate contractors were not permitted in the same area at the same time, the construction of the two "T" units for Phase V would be negotiated with the low bidder for Phase IV.

Assemblywoman Leslie noted that according to information provided to the Subcommittee, it appeared that the bids received for Phase IV construction had exceeded the approved funding by approximately \$14 million.

Mr. Nunez advised that to proceed with Phase IV, approval would be requested from the Interim Finance Committee (IFC) at their March 21, 2007, hearing to delete approximately \$12 million from the scope of the 2005 Capital Improvement Program (CIP) and request the funding in the 2007 CIP.

In response to questions Assemblywoman Leslie asked regarding the shortfall in construction funding, Mr. Nunez advised that the shortfall would be addressed by either deleting projects or modifying existing projects. Mr. Nunez indicated that he would provide information on the modification plan to the Subcommittee's staff that afternoon.

In response to questions Senator Mathews asked regarding the current number of beds being utilized at the HDSP, Howard Skolnik, Director, Department of Corrections (NDOC), advised that although the HDSP was constructed for a capacity population of 2,137, currently 2,400 inmates were being housed there.

In a review of major issues, Chairman Arberry noted that the recommended project narrative indicated that the two housing units needed to be operational by September 2008, but information from the NDOC indicated that the housing units needed to be operational by January 2009.

Mr. Nunez clarified that because early funding would not be provided for the project and construction would begin after July 2007, the SPWB projected that the housing units would be operational by January 2009.

Chairman Arberry noted that the 2007 Phase V Project did not clearly indicate that the two new housing units would be constructed using existing designs and plans. The Chairman asked for confirmation that the 2005 Phase IV Project design would be used for the 2007 Phase V Project.

Mr. Nunez clarified that the construction for the two new units at HDSP would use a "T" unit prototype, designed under Phase IV. The design would also be used in the construction of housing units at Southern Desert Correctional Center (SDCC) and Northern Nevada Correctional Center (NNCC).

Chairman Arberry noted that the recommended project included \$893,370 for furnishings, fixtures, and equipment (FF&E) and requested information regarding the furnishings and equipment that were proposed to be purchased.

Mr. Nunez advised that cell bunks, shelves, day-room tables, and cameras and monitors were proposed to be purchased for a total of \$898,370, which included an inflationary adjustment.

In response to questions Chairman Arberry asked regarding the risk management and extended project management fees for Phases IV and V, Mr. Nunez indicated the fees could be reduced if funding was received for requested software and for the services of an additional deputy attorney general.

Senator Mathews noted that the 2007 Phase V Project included approximately \$1.1 million for risk management and extended project management services, and asked for clarification regarding an earlier reference to \$4.6 million.

Mr. Nunez explained that the \$4.6 million referred to in earlier testimony was a total for risk management services covering nine separate projects.

In response to questions Chairman Raggio asked regarding the proposed \$4.6 million and the cost of the software that might reduce the need for outside legal counsel, Mr. Nunez advised that \$30,000 was recommended for the software and \$36,000 for two servers for a total cost of \$66,000. Mr. Nunez advised that the funding for risk management services might be reduced if the funding for the software, servers, and the additional deputy attorney general position was approved.

In response to questions Assemblywoman Gansert asked regarding the costs for extended project management services, Mr. Nunez advised that large projects required the onsite services of a full-time project manager. Mr. Nunez further advised that because the project was not budgeted for a full-time project manager, the position would be outsourced.

In response to questions Assemblywoman Gansert asked regarding possible cost savings associated with the construction of a prototype unit, Mr. Nunez advised that a reduction in cost would be realized for the Phase V Project as a result of using the Phase IV design and plans. Additionally, Mr. Nunez explained that using a comparison of recently received bid results to estimates for Phase IV, it was determined that construction funding was adequate to cover the construction costs for Phase V.

Chairman Arberry asked the SPWB to comment on whether the HDSP core support facilities, such as culinary, laundry, and wastewater treatment could support the addition of the two new housing units and the increase in inmate population.

Mr. Nunez responded that food would be prepared at the existing culinary to be delivered to the new "T" housing units for both Phase IV and Phase V projects. Mr. Nunez explained that the new housing units provided areas for programs and dining.

Mr. Skolnik advised the Subcommittee that the NDOC would be operating two institutions inside the perimeter of the HDSP. He explained that the existing institution was constructed using maximum-security standards for a "hardened" inmate population. The newer units would be constructed for inmates, who, it was anticipated, would participate in programs, school, Prison Industries, and the industrial park. Mr. Skolnik further advised that the two populations were to be maintained separately to ensure that the new units could continue to operate even if problems occurred in the older part of the institution.

In response to questions Chairman Arberry asked regarding additional costs for the preparation and delivery of hot meals, Mr. Skolnik advised that additional costs for meals was not anticipated. Mr. Skolnik further advised that meals were currently being moved throughout the institution including the Prison Industries area and lockdown units. Additionally, Mr. Skolnik indicated that once the two new housing units in the 2007 Phase V Project were opened, cells in other HDSP units would be converted to maximum security beds.

Chairman Arberry noted that the 2005 Phase IV Project included \$66,667 for cameras and monitors, and the 2007 Phase V Project included \$180,000 for cameras and monitors. Chairman Arberry asked the SPWB representatives to explain the difference in the costs for the two projects.

Mr. Skolnik advised that the NDOC institutions were currently operating with outdated equipment and requested the Subcommittee's favorable consideration in funding technologically advanced cameras and monitors that would allow the staff to record and respond to incidents in real time.

Mr. Nunez advised that the SPWB would provide a breakdown on the Phase IV and Phase V cost of cameras and monitors to the Subcommittee's staff.

Chairman Arberry noted that the 2007 Phase V project cost estimate included costs for 180 day-room tables for two housing units while the 2005 Phase IV project included funding for 36 dayroom tables for two housing units. The Chairman requested an explanation regarding the difference in the number of day-room tables between the two projects.

Mr. Nunez responded that each housing unit had 90 tables that would accommodate programming and dining needs.

Chairman Arberry noted that construction management fees increased from 1.84 percent in the 2005 Phase IV Project to 2.4 percent in the 2007 Phase V Project and asked SPWB representatives to provide information to the Subcommittee's staff on what appeared to be a large difference.

Senator Raggio questioned the availability of water for the HDSP Phase V Project, the Indian Springs Correctional Center Work Camp, and Prison Number 8, which was also contemplated for construction at Indian Springs.

Mr. Nunez responded that the availability of water was adequate for the currently planned projects but indicated that an additional tank would most likely be installed for Prison Number 8. Mr. Nunez also indicated the possibility existed that additional wells would be required.

Mr. Skolnik indicated water was available through the construction of Prison 9.

Chairman Arberry closed the hearing on CIP 07—C04.

PROJECT NUMBER 07—C05 – INDIAN SPRINGS CORRECTIONAL
CENTER/WORK CAMP – PAGE 10

Gustavo Nunez, Interim Manager, State Public Works Board (SPWB), began his presentation of the Indian Springs Correctional Center/Work Camp with a series of slides, ([Exhibit C](#)). Project 07-C05 was a continuation of Project 05-P28, which provided design through construction documents for the new Indian Springs Correctional Center. The slides included a vicinity map; a master site plan showing the camp located south of the Southern Desert Correctional Center (SDCC); and a work camp site plan that included the Nevada Division of Forestry (NDF) Building, Administration Building, Inmate Services, two housing units, a Driving Under the Influence (DUI) and boot camp housing facility renovation, programs building renovation, and the structures slated for demolition.

Mr. Nunez reported that the 2007 Capital Improvement Program (CIP) recommended funding to construct a new 112,955 square-foot facility that would add 384 minimum-security beds, remodel 18,723 square feet of existing space to house 168 DUI and boot camp beds, and convert 80 existing minimum-security beds to program space. The construction would be entirely State funded and would be constructed on State-owned land. Phase I was projected to be completed in June 2009 and Phase II in October 2009. Mr. Nunez indicated that as a result of the overlap in construction dates, the project would be bid to have the same contractor construct both Phase I and Phase II.

Senator Raggio noted the \$68,165 construction cost per inmate bed and asked why security measures that included an electronic detection system and a continuous three-feet-below-grade beam along the fence line were required for a minimum-custody facility.

Howard Skolnik, Director, of the Department of Corrections (NDOC), reported that an average of two inmates a month escaped from the conservation camps. Mr. Skolnik indicated that issues contributing to the need for a secure perimeter included the large area the Indian Springs Correctional Center covered, limited general staffing, and violent offenders who were transferred to conservation camps after being more than a year away from their last act of violence.

Mr. Skolnik pointed out that the camp was in close proximity to a major metropolitan area, and the NDOC had to ensure the community's protection.

Senator Raggio recalled that in September 2006, the Interim Finance Committee (IFC) authorized increasing the square footage of the new construction with construction costs estimated at \$37.6 million. Senator Raggio asked for information relative to why the project was currently projected to cost \$57.2 million.

Mr. Nunez reported that the estimated cost in 2006 was \$37.6 million, and the current estimated cost was projected to be in the area of \$48.9 million on bid date.

In response to a request for clarification from Senator Raggio, Mr. Nunez provided the following information:

- estimated construction cost was \$37.6 million in 2006
- estimated total project cost was \$44.5 million in 2006
- total project cost was estimated at \$57.2 million in 2008

In response to questions Senator Raggio asked relative to how the inflation factor had increased the cost of the project, Mr. Nunez reported that the inflation rate currently being experienced in southern Nevada ranged from 12 to 18 percent. Mr. Nunez explained that a mid-range 14 percent inflation factor was used based on the size of the project and length of the construction period.

Senator Raggio expressed concern regarding the travel factor increasing the cost of projects and asked for information relative to the percentage by which projects were increased as a result of contractors being required to travel over 25 miles to a project. Senator Raggio pointed out that Indian Springs was no longer considered a long distance from Las Vegas.

Mr. Nunez advised that the Indian Springs project would be "competitively bid," and the percentage the project costs were increased by the travel factor was estimated from recent bids and applied to the project.

In response to questions Senator Raggio asked regarding the number of contractors who might be expected to bid on the Indian Springs' project, Mr. Nunez indicated that a number of qualified bidders were expected to bid on the project.

In response to questions Chairman Arberry asked regarding the inclusion of the cost of furnishings, fixtures and equipment (FF&E) for the project, Dan Daily, Project Manager, SPWB, advised that the FF&E was included in the \$37.6 million in construction costs estimated in 2006.

In response to Chairman Arberry, who asked for an itemized breakdown of the costs of items recommended to be purchased, Mr. Daily advised that he would provide the requested information to the Subcommittee's staff.

Chairman Arberry recalled that in September 2006, the Interim Finance Committee had approved use of the construction manager at risk (CMAR) project delivery methodology. Chairman Arberry asked whether a contract had been executed for CMAR services for the Indian Springs project.

Mr. Nunez advised that the project would be competitively bid and open to all contractors and would not include CMAR services. Mr. Nunez explained that the CMAR methodology was most beneficial when the contractor was included in the design process, and as previously indicated, the Indian Springs project had been designed under CIP 05-P28.

Chairman Arberry pointed out that the IFC had approved the use of CMAR services for the project at the September 2006 meeting.

Mr. Nunez agreed to Chairman Arberry's request to discuss the use of CMAR services with the Subcommittee's staff although he indicated he did not recall that CMAR services had been requested for the Indian Springs project.

Chairman Arberry closed the hearing on the Indian Springs Correctional Center Work Camp.

PROJECT NUMBER 07—C07 – STEWART CONSERVATION CAMP #2
PAGE 12

Gustavo Nunez, Interim Manager, State Public Works Board (SPWB), began his presentation of the Stewart Conservation Camp with a series of slides that included a vicinity map that reflected the location of the camp; an aerial photograph of the proposed site; and the site plan showing the camp located near the Northern Nevada Correctional Center (NNCC) and adjacent to the existing Stewart Conservation Camp.

Mr. Nunez reported that the 2007 Capital Improvement Program (CIP) recommended funding to construct a new 111,360 square-foot conservation camp that would add 384 minimum security beds. The project, which was projected for completion by May 2010, would be entirely State funded and constructed on existing State-owned land.

Senator Raggio asked SPWB representatives to comment on why the Stewart Conservation Camp #2, projected at \$69,943,920, would cost more than the Indian Springs Correctional Center Work Camp.

Mr. Nunez explained that the Indian Springs Correctional Center Work Camp had been designed and would be bid upon approval of the 2007 Capital Improvement Program. Mr. Nunez referred to the NDOC Facilities Schedule ([Exhibit D](#)) and provided the following schedule for the design through construction process for the Stewart Conservation Camp:

- design phase to begin July 2007
- notice to proceed September 2008
- construction to be completed May 2010

Senator Raggio expressed concern over what appeared to be an "inordinate" length of time to design and bid a project so similar to conservation camps that had already been designed and built.

Mr. Nunez explained that the same process had to be followed for each CIP project, including design, plan checking, consultant selection, Public Works Board and Board of Examiners (BOE) approval, contract negotiation, and BOE contract approval.

In response to concerns Senator Raggio raised relative to the inflation rate, Mr. Nunez said the inflation factor had been calculated into the \$69,943,920 projection to the mid-point of construction. Mr. Nunez indicated he could not explain the fact that Nevada was continuing to experience a 12 percent per year inflation rate while the remainder of the country was experiencing a 3 percent per-year inflation rate.

Senator Raggio expressed concerns relative to what he indicated appeared to be an expensive level of conservation camp construction and asked SPWB representatives to address the construction costs with the Subcommittee's staff.

Mr. Nunez agreed to discuss the costs with staff but advised that the construction costs utilized in the conservation camp construction were not considered unusual.

Senator Raggio noted that \$532,590 was recommended for furniture, fixtures, and equipment (FF&E), including the purchase of bunks and shelves. Senator Raggio questioned whether bunk-style beds were appropriate for a conservation camp facility.

Mr. Skolnik explained that spring-style beds had been eliminated from all NDOC facilities because of the potential that inmates would manufacture weapons. Mr. Skolnik indicated that steel bunks had replaced spring-style beds, and steel was an expensive commodity.

In response to questions Assemblyman Marvel asked regarding how Prison Industries might benefit from the construction projects, Mr. Skolnik indicated that Prison Industries would manufacture the bulk of the furnishings used in the facilities.

In response to an earlier question Senator Raggio asked regarding construction methods used in building conservation camps, Mr. Nunez reported that the conservation camp buildings were economically built with concrete masonry on slab-on-grade foundations, using steel trusses, single-ply roofs, and roof-top mounted heating and cooling units. Mr. Nunez reiterated that the 12 percent per year inflation rate was a large factor in construction cost increases, which should be reduced at some point in the future.

Mr. Nunez pointed out that although the bid for the cells at the High Desert State Prison that used the same concrete masonry, slab-on-grade construction was \$12 million over budget, the cost estimate for the Stewart Conservation Camp matched the bid results just received for High Desert.

Assemblywoman Smith expressed concern regarding the \$3,117,658 design fee costs for the project, which she noted appeared to be based on a percent of the construction cost. Assemblywoman Smith also noted that an existing design was being used for the project and asked SPWB representatives to justify the cost of design fees with the Subcommittee's staff.

Chairman Arberry closed the hearing on CIP 07—C07.

PROJECT NUMBER 07—MO1 HVAC REPAIRS TO EVAPORATIVE MEDIA,
ELY STATE PRISON – PAGE 76

Gustavo Nunez, Interim Manager, State Public Works Board (SPWB), reported that the 2007 CIP had recommended \$2.2 million to replace 22 existing roof-mounted air handling units at the Ely State Prison. The request had been reduced to approximately \$500,000, and with approval of a bill for early funding, the majority of the work would be completed by June 30, 2007. The funding for the remaining work would be requested in the 2007 CIP and would be completed by July 2007.

Specifically, Mr. Nunez advised that the early funding bill requested \$341,525 for the purchase of all 22 air handlers and to provide for the installation of 11 units before June 30, 2007. The remaining \$143,288 would be requested in the 2007 CIP bill for the installation of the 11 remaining units.

Senator Raggio noted that the early funding bill would be heard by the Senate Committee on Finance on Monday, March 5, 2007.

In response to a request from Chairman Arberry, Mr. Nunez confirmed that the majority of the work to replace 22 existing air handling units would be completed before June 30, 2007, and the remainder of the work would be completed by July 2007. Mr. Nunez clarified, however, that the work could only be completed before June 30 if the early funding bill was approved and authorization was received to proceed with a sole-source contractor. Mr. Nunez explained that authority was needed to proceed with simply hiring a contractor to immediately begin work since there was not sufficient time to request and award a bid.

In response to Chairman Arberry who asked for a specific date early funding was needed to ensure completion of work before June 30, 2007, Mr. Nunez indicated the contractor needed to begin work the first week in April.

Chairman Arberry closed the hearing on CIP 97-M01.

MISCELLANEOUS MAINTENANCE PROJECTS M09; M10; M14; M15; M16;
M17; M19; M26

Senator Raggio opened the hearing on miscellaneous maintenance projects which included the replacement of air conditioning control valves, heat pumps, water heaters, storage tanks, and circulation pumps at the Lovelock Correctional Center, the Southern Desert Correctional Center (SDCC), the Northern Nevada Correctional Center (NNCC), Warm Springs Correctional Center, and High Desert State Prison (HDSP). Senator Raggio asked whether inmates would be relocated during the maintenance process.

Howard Skolnik, Director, Nevada Department of Corrections (NDOC), advised the members of the Subcommittee that the maintenance projects could be completed without displacing inmates.

In response to Chairman Arberry's request for a summary, Mr. Nunez defined the projects as "critically deferred" maintenance needed to keep the facilities operational.

Chairman Arberry noted that Projects M10 (SDCC) and M26 (HDSP) included a 20 percent remote site allowance totaling \$336,240. The Chairman asked whether a remote-site allowance could be justified because, as previously mentioned by Senator Raggio, the distance to the Indian Springs facilities was less than 25 miles from the Las Vegas area.

Mr. Nunez advised that most public works projects were constructed in Las Vegas, Reno, Sparks, and Carson City, and a 20 percent remote-site allowance was the estimated percentage the bids were expected to reflect.

Chairman Arberry noted that M14 (NNCC) and M26 (HDSP) projects included a 20 percent security-access allowance totaling \$150,300, which would compensate contractors for the additional time required to access worksites in secured areas. Chairman Arberry asked SPWB representatives to comment on how the 20 percent security-access fee was determined.

Mr. Nunez advised that the security-access allowance was an estimated amount a contractor would charge to gain entrance to a secured facility. The fee was charged for the extra time it took contractors to enter and depart a secured area.

Chairman Arberry noted, however, that some of the construction activities were to be conducted in non-secured areas, such as the warehouse.

Mr. Nunez indicated he would review the security allowance cost for Projects M14 and M26 but explained that if the work areas had to be accessed through the sally port, the additional 20 percent for security-access allowance would be included in the recommended funding.

Mr. Skolnik advised that the warehouse was a small part of Project M14 (NNCC), but the majority of the work would take place within the secured perimeters of the facility. Additionally, the work on the smoke alarms and the telephone system for Project M26 (HDSP) would take place within the perimeter of the facility while the wells and the warehouse were outside of the perimeter.

Mr. Nunez agreed to Chairman Arberry's suggestion to review the projects to determine whether any of the security access allowance cost could be reduced based on the work that would be conducted outside of the secured perimeter.

In response to questions Senator Raggio asked regarding whether public information regarding the security-access allowance would invite contractors to automatically add 20 percent to their bid proposals, Mr. Nunez indicated that the competitive bid process, through which contractors determined a job could be done for less with a profit, took care of the problem.

Chairman Arberry closed the hearing on Miscellaneous Maintenance Projects M09; M10; M14; M15; M16; M17; M19; and M26

PROJECT NUMBER 07-M37 - EROSION REMEDIATION, HIGH DESERT STATE PRISON – PAGE 146

Gustavo Nunez, Interim Manager, State Public Works Board (SPWB) reported that Project 07-M37, a continuation of CIP 05-P03, recommended funding to construct erosion remediation measures at the High Desert State Prison (HDSP).

Chairman Arberry noted that \$2,737,564 was recommended to fund the erosion remediation project and asked the SPWB representatives whether the erosion problem was the result of an error in the original site design or construction of the facility. Additionally, Chairman Arberry asked whether the companies that designed and constructed the facility could be held liable for the costs of erosion remediation.

Mr. Nunez indicated that while it was possible the companies involved in the site design and construction of the HDSP could be held liable for the remediation, the cost and risks involved in pursuing recovery should be discussed with the Office of the Attorney General.

Mr. Skolnik requested that any cost-recovery action be pursued after the fact. Mr. Skolnik explained that rainstorm runoff damaged the security fencing, and he preferred not to defer the remediation project until litigation efforts had been completed.

Chairman Arberry closed the hearing on CIP 07-M37.

PROJECT NUMBER 07-M48 – SURVEILLANCE AND CAMERAS NNCC
PAGE 168

Chairman Arberry opened the hearing on Project 07-M48, which recommended funding to install video monitoring and recording equipment at the Nevada State Prison (NSP) and the Northern Nevada Correctional Center (NNCC).

Howard Skolnik, Director, Nevada Department of Corrections (NDOC), reported that the cameras were to be installed in housing units and blind spots throughout the institutions to compensate for limited staffing and an increased inmate population. Mr. Skolnik described the NSP as an old institution that was not designed for its current population and NNCC as a facility made up predominantly of dormitories that created safety and security concerns.

Chairman Arberry asked for the status of an application for federal funding that had been submitted to the United States Department of Justice to install surveillance equipment.

Mr. Skolnik indicated that although the grant had been turned down, the application would be resubmitted.

In response to Chairman Arberry, who asked whether a portion of the project could be funded using federal money, Mr. Skolnik indicated he would check and provide the information to staff that afternoon.

Chairman Arberry asked for information related to the operational costs of adding cameras and monitors to the two facilities and whether additional staff would be needed to operate the camera monitors.

Mr. Skolnik indicated that the cameras would record information, and both facilities had control centers in which the monitors would be placed. Mr. Skolnik said, however, that if the NDOC was fortunate enough to receive additional staff, the personnel would be more effectively placed in the yards rather than watching monitors.

In response to questions Chairman Arberry asked regarding the useful life and maintenance costs for the camera systems, Mr. Nunez indicated he would provide the information to the Subcommittee's staff.

Chairman Arberry closed the hearing on CIP 07-M48.

PROJECT NUMBER 07-P02 ARSENIC REDUCTION IN DOMESTIC WATER,
PLANNING, HUMBOLDT CONSERVATION CAMP & SILVER SPRINGS
CONSERVATION CAMP – PAGE 176

Chairman Arberry opened the hearing on Project 07-P02, which recommended funding to conduct remediation pilot testing that would evaluate the treatment options available to reduce arsenic levels in the drinking water at the Humboldt Conservation Camp (HCC) and the Silver Springs Conservation Camp (SSCC).

Gustavo Nunez, Interim Manager, State Public Works Board (SPWB) proceeded with a slide presentation ([Exhibit C](#)) beginning with a vicinity map showing the location of the Humboldt and Silver Springs Conservation Camps. The next slide provided justification for the evaluation of options to reduce the arsenic level of the drinking water that included:

- Arsenic levels were higher than drinking water standards.
- The Environmental Protection Agency's Bureau of Safe Drinking Water required funding of pilot testing by July 23, 2007.
- Future extensions to begin treatment to reduce arsenic levels were available if the planning project was funded and pilot testing completed in 2008.

In response to questions Chairman Arberry asked regarding the status of the exemption approval, Mr. Nunez reiterated that future extensions for treatment were available if the project was funded by July 2007 and pilot testing completed in 2008.

Senator Raggio questioned what he indicated appeared to be the high cost of testing since options to reduce arsenic levels in drinking water were already well-known.

Mr. Nunez indicated the \$500,000 was recommended to conduct additional testing on the chemistry of the water with some testing already having been conducted.

In response to Senator Raggio, who asked how the \$500,000 estimate was determined, Mr. Nunez advised that CIP 07-P02 was a continuation of CIP 05-P01, and the cost estimate for CIP 07-P02 was developed in conjunction with the consultant for CIP 05-P01.

Assemblywoman Buckley pointed out that the arsenic problem was not a new issue and that state and federal officials had been working to resolve the problem with previously allocated funding. Assemblywoman Buckley suggested that staff, at their earliest convenience, work with SPWB representatives to determine how to cost-effectively comply with requirements to reduce the arsenic levels at Humboldt and Silver Springs Conservation Camps.

In response to questions Assemblyman Marvel asked regarding arsenic problems in the Winnemucca area, Mr. Nunez explained that the arsenic levels at SSCC and HCC exceeded the U.S. Environmental Protection Agency's arsenic standard for drinking water at 10 parts per billion. Mr. Nunez pointed out that the standard previously had been established at 50 parts per billion but was recently reduced to 10 parts per billion. The wells at HCC and SSCC currently were producing water with at least between 15 and 20 parts per billion.

Mr. Marvel suggested that perhaps some experience could be gained from the way in which government officials in Fallon handled arsenic in their drinking water.

Mr. Nunez indicated that the best solution for treatment depended on testing the chemistry of the water, which varied from one water source to another. Additionally, he explained that many options were available at varying degrees of cost. One option he discussed was blending water without arsenic with water that contained arsenic, which he indicated required infrastructure.

Chairman Arberry closed the hearing on CIP 07-P02.

PROJECT NUMBER 07-P03 PRISON 8 – PLANNING – PAGE 178

Chairman Arberry opened the hearing on CIP 07-P03.

Gustavo Nunez, Interim Manager, State Public Works Board (SPWB), provided a slide presentation on Prison 8, CIP 07-P03. The project recommended funding for the advance planning and design through construction documents of a new men's prison at Indian Springs in Clark County, northwest of the High Desert State Prison (HDSP). The facility was proposed to include six housing units, 1,680 minimum security beds, a 120-bed regional medical center, and core support facilities. Mr. Nunez indicated that if the project was funded for construction in 2009, Prison 8 would be opened to meet Nevada Department of Corrections' (NDOC) requirements in January 2012.

Chairman Arberry noted the cost of the proposed facility was recommended at \$179.6 million, or approximately \$350 a square foot, the same cost per square foot as the Stewart Conservation Camp expansion (CIP 07-C07).

Mr. Nunez advised that the recommended funding for Prison 8 was estimated in 2006 with the best information available, and it was anticipated that the actual costs incurred in the 2007 to 2008 time frame would vary from the 2006 estimate.

Chairman Arberry asked why Prison 8 was projected to cost \$179.6 million, or approximately \$350 a square foot, the same cost per square foot as the Stewart Conservation Camp expansion (CIP 07-C07).

Mr. Nunez explained that the estimated costs for construction were inflated to mid-point of construction based on 2006 dollars. The estimate for architectural and engineering (A/E) fees was based on the 2006 cost estimate rather than the cost in 2010 dollars.

Maud Naroll, Chief Assistant, Planning, Department of Administration, Budget Division, testified that the long-range cost for the Prison 8 construction totaled approximately \$360 million.

In response to Assemblywoman Gansert, who asked how fees were determined in planning for prisons and conservation camps versus higher education buildings, Mr. Nunez advised that the SPWB utilized Marshall & Swift, a building cost data and methodology resource, to estimate costs.

Assemblywoman Gansert reiterated a concern expressed earlier in the hearing that a high line-item estimate appeared to provide an opportunity for the State to be taken advantage of by contractors.

Mr. Nunez indicated that the SPWB had typically been "fairly accurate" using the Marshall & Swift methodology, and while an advantage would be gained by not having to reflect the line-item estimates, the public process required the SPWB to do so.

In response to questions Assemblywoman Gansert asked relative to using estimates based on historical experience, Mr. Nunez explained that estimates were based on historical data using the Marshall & Swift method of cost estimating. Mr. Nunez indicated that while construction cost estimates in southern Nevada were adjusted using a 14 percent inflation factor, A/E estimates were adjusted using an 8 percent inflation factor and that typically the proposed projects received bids from 8 to 12 good firms.

In response to Chairman Arberry, who noted that a breakdown of the square footage for each area of the 513,000 square-foot facility had not been provided to the Subcommittee's staff, Mr. Nunez indicated he would provide the information. Additionally, Mr. Nunez advised that the same modified Arizona "T" housing units that were being used at the High Desert State Prison for Phases IV and V would be used for Prison 8, but the medical facility would be newly designed.

Chairman Arberry asked for comments relative to the level of inmate custody that was being planned for the facility.

Howard Skolnik, Director, NDOC, advised that Prison 8 was designated as a medium-security prison. Mr. Skolnik also indicated that the SPWB had been requested to reduce the size of the High Desert State Prison perimeter to provide for more timely staff response to problem situations.

In response to Chairman Arberry, who asked whether planning for the proposed facility included consideration for phasing the construction of inmate housing units, Mr. Skolnik advised that construction could be phased in and occupancy per cell could be doubled as the 168 cells per unit were constructed.

Chairman Arberry noted that the project cost estimate included \$26,622 to complete an update of the Bureau of Land Management (BLM) Master Plan. The Chairman indicated that, according to information he had received, the Master Plan would have been completed when the land for the High Desert State Prison was acquired and asked why it had to be updated so soon.

Mr. Nunez advised that the Master Plan was last updated in 1997, and, according to the Division of State Lands, the Master Plan had to be updated each time a change occurred.

In response to Chairman Arberry, who asked why a \$79,866 environmental mitigation study was necessary, Mr. Nunez indicated the study had to be conducted to comply with BLM requirements.

Chairman Arberry closed the hearing on CIP 07-P03.

CIP 07-P07, SOUTHERN DESERT CORRECTIONAL CENTER; PAGE 186
CIP 07-P29, JEAN CONSERVATION CAMP NO. 2; PAGE 188
CIP 07-P30, NORTHERN NEVADA CORRECTIONAL CENTER; PAGE 190

In the interest of time, Chairman Arberry said that the Subcommittee's staff would forward a letter to the SPWB requesting information on CIP 07-P07; CIP 07-P29; and CIP 07-P30.

Chairman Arberry opened the hearing to public comment and recognized Richard Siegel of the American Civil Liberties Union of Nevada.

Richard Siegel, President, American Civil Liberties Union of Nevada, provided a report entitled "Another Nevada Prison Boom: The ACLU Response" ([Exhibit F](#)) and spoke to the Subcommittee on a number of issues contained within the report that included:

- Recommendations by the Legislative Commission's Subcommittee to Study Sentencing and Pardons, and Parole and Probation (A.C.R. No. 17 of the 73rd Legislative Session).
- Recommendations relative to the Nevada Department of Corrections and the Department of Education budgets.

Mr. Siegel pointed out that between 1985 and 2001, the Nevada Department of Corrections' budget increased from an 8.8 percent to an 11.6 percent share of the State budget, a difference of 2.8 percentage points. During the same period, funding for K-12 decreased from 36.1 percent to 33.3 percent of the State budget, a decline of 2.8 percentage points.

Mr. Siegel attributed the State's standing at 47th in per student funding of K-12 education to prison expansion and expressed concern that the commitment to fund prison expansion projects would impact the future of Nevada public education, the ability of the State to maintain even the current number of Medicaid nursing home beds, and the ability to increase the number of children covered by health insurance to the 200 or 300 percent of poverty level.

Additionally, Mr. Siegel indicated that future lawsuits brought against the State, especially with an increased inmate population, would, most likely, concern medical and mental health services, which were currently inadequately staffed and delivered. Mr. Siegel pointed out that the Division of Mental Health and Developmental Services was currently experiencing difficulty in recruiting nurses and psychiatrists to their rural area facilities.

Mr. Siegel discussed proposed alternative solutions to prison overcrowding outlined in the document ([Exhibit F](#)) that included options advocated by the A.C.R. 17 Committee and the Austin Report, authored by James Austin, Ph.D. Those options included:

- reducing the length of sentences for less serious crimes
- ending mandatory minimum sentences for some crimes
- earlier eligibility for parole hearings
- increasing the rate of paroles granted
- additional use of compassionate release for sick and aged inmates

- speedier release of paroled inmates
- alternatives to return to prison for parolees responsible for "technical" violations of their parole

Additionally, Mr. Siegel discussed a recent Select Committee on Corrections, Parole, and Probation hearing that was attended by state public defenders, who he indicated unanimously voiced a need for drug treatment programs as a solution to reducing prison overcrowding.

Mr. Siegel pointed out that Nevada had serious sentences for murder and homicide without a weapons enhancement, but legislation had been drafted to amend *Nevada Revised Statutes* (NRS) to permit the court discretion to increase the sentences by one to ten years if the crime was committed with the use of a deadly weapon.

Additionally, Mr. Siegel discussed parole revocations and moving undocumented individuals out of the system, 90 percent of whom would be deported, an issue for which he indicated there was little disagreement.

Mr. Siegel also discussed the unnecessary incarceration of low-risk offenders and inmates incarcerated for driving under the influence (DUI). Mr. Siegel indicated that while DUI was a serious offense for which offenders should be deprived their liberty, many did not require incarceration in a full prison setting. Additionally, Mr. Siegel discussed the need for Casa Grande type transitional housing for inmates being released from prison, which he indicated would build the probation system.

Mr. Siegel expressed the ACLU's intent to work with legislators in both houses to develop solutions for quality education and to reduce prison overcrowding.

Chairman Arberry extended his appreciation to Mr. Siegel for his testimony but reminded him that the legislators had constituencies whose concerns also had to be addressed. Chairman Arberry indicated that legislators of both parties in the Senate and the Assembly were deeply concerned about education issues that would require difficult decisions.

Senator Raggio expressed agreement with Mr. Siegel's statement regarding the failure of the probation system but pointed out that most offenders, with the exception of those incarcerated on a mandatory first-offense, were multiple offenders. Senator Raggio indicated that if those offenders committed a "heinous crime" after being released on early discharge, the blame would be placed on the Legislature or the courts and not on the ACLU. Senator Raggio indicated that although he did not disagree with the proposed alternative solutions, they would be difficult to implement and to justify to constituents and to the public.

Chairman Arberry extended his appreciation to Mr. Siegel for meeting with Assemblyman Parks, the Chairman of the Select Committee on Corrections, Parole and Probation and indicated that legislative committees could take their lead from that committee.

Chairman Arberry adjourned the hearing at 11:00 a.m.

RESPECTFULLY SUBMITTED:

Connie Davis
Committee Secretary

APPROVED BY:

Assemblyman Morse Arberry, Chairman

DATE: _____

Senator William Raggio, Chairman

DATE: _____

<u>EXHIBITS</u>			
Committee Name: <u>Assembly Committee on Ways and Means/Senate Committee on Finance Joint Subcommittee on Higher Education/CIP</u>			
Date: <u>March 2, 2007</u>		Time of Meeting: <u>8:00 a.m.</u>	
Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
	C	Howard Skolnik, Director, Department of Corrections	PowerPoint Presentation Entitled Presentation to Senate Finance/Assembly Ways and Means Joint Subcommittee on Higher Education and Capital Improvements
	D	Gustavo Nunez, Interim Manager, State Public Works Board	Department of Corrections Facilities Schedule
	E	Gustavo Nunez, Interim Manager, State Public Works Board	HDSP/SDCC 1997 Master Plan
	F	Richard L. Siegel, President, American Civil Liberties Union of Nevada	Another Nevada Prison Boom: The ACLU Response