

**MINUTES OF THE
SENATE COMMITTEE ON JUDICIARY**

**Eighty-second Session
March 8, 2023**

The Senate Committee on Judiciary was called to order by Chair Melanie Scheible at 1:31 p.m. on Wednesday, March 8, 2023, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Melanie Scheible, Chair
Senator Dallas Harris, Vice Chair
Senator James Ohrenschall
Senator Marilyn Dondero Loop
Senator Rochelle T. Nguyen
Senator Ira Hansen
Senator Lisa Krasner
Senator Jeff Stone

GUEST LEGISLATORS PRESENT:

Senator Dina Neal, Senatorial District No. 4

STAFF MEMBERS PRESENT:

Patrick Guinan, Policy Analyst
Jan Brase, Committee Secretary

OTHERS PRESENT:

John J. Piro, Clark County Public Defender's Office
Erica Roth, Washoe County Public Defender's Office
Jodi Hocking, Return Strong
Caitlin Gwin, Nevada Attorneys for Criminal Justice
Justin van Wijk
William Ledford, Lutheran Engagement and Advocacy in Nevada

Senate Committee on Judiciary
March 8, 2023
Page 2

Yesenia Moya
Jagada Chambers, Silver State Voices
Eric Garcia
Brock Wade
Tracy Thomas
Bill Quenga, Deputy Director, Prison Industries, Nevada Department of Corrections
Justin Pope, Supervisor, Prison Industries, Nevada Department of Corrections
Harold Wickham, Deputy Director, Industrial Programs Division, Nevada Department of Corrections
Mercedes Maharis

CHAIR SCHEIBLE:

We will begin the meeting with a presentation of Senate Bill (S.B.) 187.

SENATE BILL 187: Revises provisions related to the employment of offenders.
(BDR 16-376)

SENATOR DINA NEAL (Senatorial District No. 4):

I will begin my discussion of S.B. 187 with a clip from a video titled *Slavery by Another Name*. The video aired on Public Broadcasting Service on February 2, 2012; the clip is narrated by historian Khalil Muhammad who explains the convict leasing period and what it meant to be a convict in the prison system. Convict leasing in this period became a new means of racial control among white Southerners who attempted to limit African-American economic independence and freedom in general. State officials would sell the labor of African-American prisoners to private contractors who exercised full custody of the prisoners. The terms of the agreement were usually a specified period, perhaps ten days for a minor sentence and up to a full year. The state received revenue in exchange for the prisoners' labor. African Americans under the convict leasing system might work in any industry, whether working for a private farmer, in a brick-making factory or in a coal mine, and for that period of time every aspect of their lives was dominated by their "employers." Once people were in the system, they could spend the rest of their lives there. It was a direct consequence of the convict lease program, and inmates had to fight to survive day by day in incredibly brutal conditions.

The video provides a foundation for my motivation in submitting S.B. 187 and addressing the issue for a second time. Before former Governor Steve Sisolak

left office, his staff reached out to me and requested I propose another bill with the understanding the bill would address serious issues. There is a place, time and history we would like to forget, but whether we want to acknowledge it or not, there are remnants of slavery with us today. It may not be government-sanctioned convict leasing, but inmates must have a right to human dignity and a right to some measure of self-determination.

Our prison system allows for slavery by another name when inmates are paid as little as 35 cents or 50 cents an hour for their labor as illustrated in Silver State Industries (SSI) wage table ([Exhibit C](#)). Some say it is allowed because a constitutional amendment and resolution said that slavery was constitutional if it was set up for punishment. The punishment is finding yourself in prison. The question raised by S.B. 187 is whether inmates have the right to earn a minimum wage for the 18 months they may be in a prison employment program. Should they be entitled to that right? We intend to release them and allow them to live in the community. We are spending reentry dollars on these individuals to place them in workforce programs and to place them in halfway housing. Yet, when they leave prison with no money in their pockets, they may leave in debt for room and board. We need to examine this concern.

As an African-American Legislator, I never imagined I would come into the Legislature and speak the words convict leasing or the word slavery. When I served in 2011 as the first African-American female to be elected to the Assembly, I was told I could do much more if I stopped focusing on minority issues. If I do not focus on minority issues, who would? How do I respond to my constituents who expect me to address minority issues? Do I tell them I am afraid to mention convict leasing or black codes? During the Seventy-sixth and Seventy-seventh Sessions, I knew that if I used those words, I would be marginalized even more than I am today. I decided that as a representative of Assembly District No. 7 and now, Senatorial District No. 4, I refuse to surrender my identity or marginalize my district and its residents by not having a conversation about a policy or issue that may only be discussed in the Legislature. There is no other place we can examine the issues raised in S.B. 187.

People oppose this policy, but we need to consider the institutional attitude that it is acceptable to pay inmates 35 cents an hour for their work as clerks, carpenters or welders. A private industry is requesting a service or asking for a supply of marketable products, all on the backs of a prisoner.

The question is, how should we invest our dollars? We should make certain inmates will not be homeless following release. When former Senator Tick Segerblom was arguing for inmate identification cards, I was watching from the Assembly and wondering why we needed to have this conversation. Of course, a person should be provided identification when they leave prison. Are we seriously having a conversation about whether a person is entitled to Medicaid when they are released from prison? If prisoners do not have enough money to take care of themselves, the burden will fall to the rest of us. When they exit prison, they should have enough cash in their pockets to pay rent or go home and be able to offer family or friends payment for food. They do not have those resources when they leave prison.

Today, we are telling inmates who have been released they owe money, and if they fail to pay, the case will be referred to a collection agency, which may charge interest on fees for room and board, medical and miscellaneous accrued expenses. That is a debtor's prison.

How do we break the cycle? Senate Bill 187 is meant to prepare inmates for life outside of prison by earning wages that allow for building a savings account while in prison. Inmates reentering society want the dignity of a job, the ability to take care of themselves and stabilize their lives. Senate Bill 187 requires minimum wage for inmates employed while incarcerated and the establishment of an offenders' release fund. The bill further requires prospects for employment in positions that utilize skills aligned with workforce opportunities. Why is this provision important? It is a waste of government funds to train someone in a skill not transferable outside the prison environment.

In my review of a Nevada Department of Corrections (NDOC) budget report, I find reentry programs are inadequately funded: fiscal year (FY) 2018–2019, \$0; FY 2019–2020, \$24,216; and FY 2020–2021, \$33,650.

We ask prisoners to work for private companies and accept payment of 35 cents to 50 cents an hour and yet, we are not adequately funding their release. We all want to ensure ex-offenders are happy, healthy individuals who do not need to apply for Medicaid, supplemental nutrition assistance program or temporary assistance for needy families. When a released prisoner requires public assistance and social services to survive, not only are public funds expended, but individuals are left with a lack of dignity at a time they most need to feel confidence in themselves. Data suggests families typically support

released prisoners for 24 months. We know a released prisoner who is in a stable environment is less likely to reoffend. It makes sense to do all we can to provide prisoners with the skills and wages they need to succeed. If we do not, the financial costs to society will continue.

Opponents of S.B. 187 argue that prisoners do not have a right to earn wages while incarcerated, but not all prisoners are accepted into positions with SSI, also referred to as Prison Industries. The process is selective, and the positions are short-term, generally beginning 18 months prior to release.

Section 4 addresses the Prisoners' Personal Property Fund and medical copay requirements.

The proposed amendment ([Exhibit D](#)) eliminates assignment of fees or debts after release from prison and eliminates collection agencies' ability to assess fees and interest on debt accrued while incarcerated. Without income, released prisoners do not have needed resources to repay debt. The amendment addresses Offenders' Store Fund (OSF) and requires NDOC to reduce the 40 percent markup on most sales to 20 percent. The Governor's Office of Finance, Division of Internal Audits report ([Exhibit E](#)) recommends developing OSF markup limits and the adoption of pricing that ensures prisoners can purchase necessities at a reasonable cost.

Senate Bill 187 does not negate Marsy's Law. The proposed amendment restores page 14, lines 40 through 43, thus restoring the prisoners' fee requirement for conducting genetic marker analyses.

CHAIR SCHEIBLE:

I want to set a couple of ground rules before we start. I want to remind those who testify or ask questions, this is not a money committee. This is a policy committee. We can discuss fiscal issues generally and the values that we have as a government and as Legislators and where we should and should not be spending money. We will not discuss the State budget, specific expenditures, the loss of specific revenues or budget line items. We can discuss costs and savings generally, but we are considering a policy question of whether we want to move forward by adopting the policy proposals in S.B. 187.

SENATOR OHRENSCHALL:

The proposed language in section 9, subsection 8, reads:

The Director shall, to the extent practicable, provide for the placement of an offender in a program for reentry of offenders or other like program that facilitates the employment of an offender upon his or her release from prison in a position that utilizes skills similar to those used by the offender in a program for the employment of offenders while incarcerated.

If S.B. 187 is enacted, do you envision NDOC developing programs and training geared toward emerging technological industries and other marketable occupations?

SENATOR NEAL:

There are potential interpretations of the term "extent practicable." Training should align with existing statewide workforce needs, while preparing exiting prisoners for future independence. Alignment is important particularly when State and federal funds are expended. For example, a prisoner who acquires carpentry skills while incarcerated may be able to join a union, earn a living wage and begin to rebuild a life. We need to do all we can to ensure prisoners do not move from prison into poverty.

SENATOR DONDERO LOOP:

You mentioned Prison Industries a couple of times. Does that include prisoners who work on forest and wildland fires?

SENATOR NEAL:

Firefighting positions are managed by the Division of Forestry (NDF), Nevada Department of Conservation and Natural Resources. In S.B. 187, I have included firefighters in the minimum wage requirement. Conversations are underway with NDF for increasing firefighters' wages and providing job placement assistance following release from prison.

SENATOR KRASNER:

What percentage of inmates are allowed to work while in the prison?

SENATOR NEAL:

I do not have that number. Nevada Department of Corrections would be best positioned to answer the question. I have provided information regarding the industries and time periods in which prisoners work.

SENATOR KRASNER:

Do you know how much those who work are paid, or whether they are paid anything at all?

SENATOR NEAL:

The wage table, [Exhibit C](#), specifies information ordered by industry and wage range compared to certification pay. The Prison Industry Certification Program under the Federal Bureau of Justice Assistance provides that those who are incarcerated be paid prevailing wages, but this requirement is not always applied.

SENATOR HANSEN:

You have more support than you realize. Regarding the inmate ID issue, Senator Carrie Buck and I are coordinating with the Nevada Department of Motor Vehicles and investigating workable processes. Are private industries employing inmates required to pay them minimum wage? If not, private industry employers would enjoy a competitive advantage over other employers.

SENATOR NEAL:

My understanding is private entities contracting with Prison Industries are required to pay at least the minimum wage. Upon investigation, I have not found clear documentation of wages paid to inmates employed by private entities, though I am certain payment does not equal certification pay. This is an open question.

SENATOR HANSEN:

In low-security camps such as Lovelock and Winnemucca, prisoners work on Bureau of Land Management fences and other projects. In some cases, the projects may have been bid to private contractors for higher cost. You want to ensure that inmates completing government projects while employed by private contractors earn more than 35 cents an hour. Is that correct?

SENATOR NEAL:

I do, but I want more from the private side.

SENATOR HANSEN:

I agree. If inmate wages are increased, what protections will they have against rising prices within the correctional system? For example, inmates are required

to pay for phone calls, the cost of which is deducted from inmate accounts. Are there protections against unjustified inflation in S.B. 187?

SENATOR NEAL:

Section 8 of S.B. 187 removes a series of deductions from inmates' wages allowed at the discretion of the Director of NDOC. The Legislature has passed legislation the NDOC does not necessarily implement. The audit I discussed earlier, [Exhibit E](#), found some legislation passed during the Eighty-first Session has not been fully implemented. Senate Bill 187 is designed to protect inmates' funds.

SENATOR HANSEN:

You are attempting to provide some reasonable accountability measures. We will have an opportunity to speak with representatives of NDOC today.

CHAIR SCHEIBLE:

We can request an update from the Legal Division, Legislative Counsel Bureau, on the status of legislation enacted in the Eighty-first Session which was intended to provide checks and balances and guardrails on deductions from inmate accounts.

SENATOR STONE:

In reviewing [Exhibit C](#), I see several SSI shops and factories. Can you clarify the structure of these entities, who they are, the type of work they perform and their relationship to NDOC and inmate employees?

SENATOR NEAL:

My understanding is that private companies contract with Prison Industries for specific projects. Nevada Department of Corrections could speak to the details.

CHAIR SCHEIBLE:

The Joint Interim Standing Committee on Judiciary heard a presentation from Silver State Industries on April 8, 2022, which provides additional information.

SENATOR STONE:

When an inmate welder is paid 35 cents an hour and Prison Industries is contracting with an auto shop, is the auto shop paying the State more than 35 cents an hour? If so, are these funds applied to the \$20,629 required to

house an inmate for a year? What type of charges are inmates responsible for when they leave our institutions?

SENATOR NEAL:

As outlined on pages 8 and 9 of [Exhibit E](#), the offenders' debt owed to NDOC following their release may include restitution, fines, room and board, child support, court fees, medical costs and other assessments, which are not explicitly explained. There is also a collection process to ensure the debts are paid.

SENATOR NGUYEN:

Some of the incarcerated individuals convicted of felony DUI, pursuant to statute, are not housed with the general prison population. Those who are employed during their "prison sentence" work in the community. Do they have personal banking accounts, or are they required to hold an account administered by NDOC?

SENATOR NEAL:

Nevada Department of Corrections can provide information.

JOHN J. PIRO (Clark County Public Defender's Office):

We support any measure that facilitates inmate rehabilitation and reduces recidivism and support [S.B. 187](#).

ERICA ROTH (Washoe County Public Defender's Office):

We have heard through other committees and testimony that an individual exiting NDOC leaves with about \$25 in one's pocket. That is simply not enough to ensure individuals do not come back. This is the first step in setting our community members up to succeed and reduce recidivism.

JODI HOCKING (Return Strong):

I am the founder and executive director of Return Strong. We are an organization that works specifically with incarcerated people, their families and formerly incarcerated people. We hire people who are formally incarcerated, and one of our staff members is on the 184 Program for nonviolent offenders under Nevada State Police Parole and Probation. She received a six-month grant for housing, but she is obligated to pay parole fees. There is not any specific cost for her.

In terms of S.B. 187, when we discuss the values our State endorses, we need to include fair compensation for the work our residents perform. We work with people who were employed while in custody but have struggled to save enough money to survive once released. There are inmates who use their wages, even the pennies that they receive to help support their families, to stay in contact with their children, to do a wide variety of activities that help build skills and life values that will aid in their reentry process.

CAITLIN GWIN (Nevada Attorneys for Criminal Justice):

We support S.B. 187. We believe that incarcerated people have a right to be properly compensated for their labor as a matter of dignity, equity and human rights. We support efforts to help reintroduce our community members upon their release.

JUSTIN VAN WIJK:

I am a conservationist. I support this bill because I provide a living wage to hundreds of incarcerated conservation workers across Nevada. Inmate conservation workers do not get praise or career advancement upon release. Conservation workers perform a crucial role in the health of the State. Though the workers have consistent on the ground experience, the NDF will not hire them again upon release. They will not hire them because they would rather pay someone else a low wage and are legally able to do so. But we can change that. Please pass S.B. 187.

WILLIAM LEDFORD (Lutheran Engagement and Advocacy in Nevada):

I agree with testimony supporting S.B. 187. I have done some chaplain work with inmates, and they have expressed how difficult it is to be dropped off outside of their prison with no money in their pockets and given directions to the nearest bus stop. This is exactly the type of legislation we need to reduce recidivism and enhance the dignity of those trying to reenter society.

YESENIA MOYA:

I support of S.B. 187 because I believe everybody deserves dignity and decency. Providing fair wages for the work and skills of incarcerated people is the right thing to do. A person's success and survival in the community after release from prison may depend on one's wages.

JAGADA CHAMBERS (Silver State Voices):

We at Silver State Voices support S.B. 187. I echo the sentiments that have been relayed to the Committee. There is a layer of incarcerated individuals in this situation who can understand they are being exploited. This exploitation lingers after release. We know that it is already a challenge to secure gainful employment after incarceration. There is a stigma people carry when they reenter society, and they should not be exploited ever again. They do not want to work on that plantation. This is a measure that can help us get dignity back and work for our formerly incarcerated brothers and sisters. I do want to highlight people are exploited during incarceration, especially as it pertains to workforce. It is going to be beneficial to all our folks who are ending their time in prison and coming back to society.

ERIC GARCIA:

I am a community worker and a formally incarcerated individual. I was incarcerated from 2006 through 2012. I support S.B. 187. I would have been able to benefit from this legislation, and my life may have been different. I worked in the kitchens in the prison system and was a firefighter in the prison system. The low wages, the ways we were exploited and the way we were made to feel at the end of the day combined to create a difficult experience. When I was released, it felt like nobody was there. At the time of my release, I had \$130, which is \$70 below the cap of \$200. That is what I had to go home with, nothing else. There was no support, no system to help me get a job. I am still unemployed. Hopefully in the future, there will be a change.

BROCK WADE:

Thank you for proposing S.B. 187, though I am opposed. I am a former incarcerated inmate. I worked in Prison Industries ten years. Oddly enough, I was hired on as a sawyer, and I can tell you what that is. We cut the lumber, took dimensions and ensured that the product met standards. I was paid \$5.15 an hour and produced piecework, meaning as we got the product in, it came with a certain number of hours on the job. I later advanced to carpenter II and advanced to supervising the shop for eight years.

During my tenure, budget reductions lowered my wages from \$5.15 an hour to \$3 an hour. The program is mandated to produce a profit, and wage reductions were necessary to sustain operations. In Prison Industries I learned how to be a leader. I learned how to budget my money. I learned how to work with others. I learned an excellent skill and trade. I did not take that skill and trade with me

when I was released, but I did take those leadership skills with me. I am a lead production associate with Tesla. I have been at Tesla since I was released four years ago. Review cycles at Tesla are every six months. The top score is five, and it is supposed to be unattainable. I have received a five, five times in a row. The reason I am opposed to S.B. 187 is because the policy as written would mean the program could not be sustained. I am worried the system would implode on itself. It would not be able to sustain itself beyond a certain amount of time.

TRACY THOMAS:

I do not oppose reasonable wages for work performed or vendor markups. I do have a problem with the unreasonable and disproportionate health benefits between criminals and law-abiding employees. Taxpayers should not be added to the list of victims of criminals, bear the financial burdens of criminals or have their insurance premiums increased to compensate for the health care of criminals. This must be reexamined. Inmates are not receiving any lower quality or quantity of services than the law-abiding population. The employed population pays anywhere from \$30 to \$50 for medical copays. At a minimum, criminals should be paying at least \$20. If prisoners have debts to the community, they should be held accountable for that debt before being released from incarceration. They are receiving more comfort than our homeless population. Proponents argue for preparation for success in society. Part of that success is learning and exhibiting financial accountability.

Leviticus 19:35-36 teaches us business dealings must be fair and says that you should not cheat; you should measure accurately length, weight and volume; and your scales must be accurate, your weights true and your container standard. Those who have demonstrated disregard for our laws should not be given advantage over those who demonstrate respect for our laws.

BILL QUENGA (Deputy Director, Prison Industries, Nevada Department of Corrections):

We stand neutral on S.B. 187; however, we are working on a fiscal note with our Department and the Governor's Office of Finance.

SENATOR HANSEN:

Does NDOC still have a restitution program? I hired inmates who were working their way out of the prison system. They were hired as plumbers and paid wages equal to my other plumbers. They would work, submit reports and be

tested daily for drugs and alcohol. Is that program still in existence? Did the State take a portion of their wages? How was the money administered?

MR. QUENGA:

That is our transitional housing, which was known as a restitution center. Inmates qualify for transitional housing after moving from medium to minimum and then to community trustee, and they go out to the transitional housing. Because I oversee Prison Industries, I am not familiar with the fiscal process.

SENATOR HANSEN:

The concept is: as inmates integrate back into society, there is a transitional window near the end of their sentences. How are inmates' finances and earnings administered during this period? I have never understood the process. I would appreciate your providing me with information.

It was worthwhile hearing from the young man who had served time and successfully reintegrated into society. We can all agree with Senator Neal that we want to do all we can to prevent recidivism. I have never heard of anyone leaving the prison system and successfully joining a union apprenticeship program. Can you share your experiences?

MR. QUENGA:

Our Re-entry Program at NDOC aligns with the Prison Industries program in working with organized labor to provide offenders with jobs when they leave prison.

A similar program at High Desert State Prison, through the adult education programs and unions, provides training to operate heavy equipment. Because their training is coordinated with the unions, upon release former inmates go to the front of the union lines. They have gainful employment, and their wages are superb.

SENATOR HANSEN:

When inmates work at minimum security forest camps, are they paid? If so, how are those funds managed?

MR. QUENGA:

The NDF administers the program, so I cannot speak accurately. In talking with some inmates, I understand they earn from \$1 to \$2 per day. I cannot speak on behalf of NDF, but I can gather information and get back to you.

SENATOR STONE:

Do you oversee Silver State Industries mattress factory and print shop?

MR. QUENGA:

Yes, sir. That is correct.

SENATOR STONE:

In the case of an inmate who is paid 35 cents an hour as a welder, who is the beneficiary of the service or product? Is it a private company? Is it a public company?

MR. QUENGA:

The welding positions are part of an internal State-run program. Eligible offenders who qualify work within Prison Industries. The program is housed in the Northern Nevada Correctional Center, and starting pay is 35 cents an hour. Every Wednesday, a professor from Western Nevada College provides training, and successful inmates earn certification from the American Welding Society. Upon release, certified welders can earn from \$18 to \$55 an hour. Wages depend on the inmates' level of skills and experience. It is one of the most successful programs in the Prison Industry program.

SENATOR STONE:

This is an excellent program. How are professors compensated?

MR. QUENGA:

We assist the offenders in the laboratory and provide all services at no charge. If offenders have resources, they pay for their credits. Western Nevada College collaborates with us to assist offenders in paying for credits. There are approximately ten inmates in the welding program. They do not work directly for the prison but for subcontractors.

Under *Nevada Revised Statutes* 209.461, SSI is required to report an analysis of existing contracts with private employers for the employment of offenders and the potential impact of those contracts on private industry in this State. Our

mission is not to put the private sector out of business. We are required to pay within the tenth percentile of the prevailing wage for each Standard Occupational Classification code. The Department of Employment, Training and Rehabilitation provides an annual wage study, and we are required to establish updated wage rates. In 2023, welders make \$14 an hour.

SENATOR STONE:

Is it fair to say offenders are paid low wages as part of an on-the-job training program? They are learning skills which will prepare them for returning to society and reducing recidivism.

MR. QUENGA:

The programs are stepping stones. Inmates are incentivized to learn silk-screening, carpentry, welding and auto body repair among other skills. We are working with colleges that provide training and professional certifications. We work with private companies to provide postincarceration job placement. For example, a major clothing manufacturer in Sparks employs several former inmates. Thirty days prior to release, inmates complete an application and schedule a telephone interview. One former inmate, trained as a sewing machine mechanic while incarcerated, was hired by the manufacturer and is now earning \$18 an hour. We try to prepare inmates for gainful employment.

SENATOR NGUYEN:

Inmates who have been convicted of DUI and are not housed with the general population may be gainfully employed outside the prison system. How is their income administered? I would appreciate your providing additional information.

I appreciate the opportunity to hear former inmates' SSI success stories which contribute to my understanding of recent testimony regarding budget concerns and requests. If we want to pay a living wage for their work, I want to make certain participating inmates realize we will endeavor to maintain those programs. Director James Dzurenda is trying to develop more work programs with transferable skills. I am looking forward to hearing about more of these partnerships.

Can you provide more information about some of these partnerships with private employers? Who do you contract with, and how are the relationships established?

MR. QUENGA:

For example, we have a contract in place with a major trust company in Reno. Unfortunately, the company has closed operations because of the slowdown in building activity. When we generate contracts, private employers pay the costs of offender wages. Pay is generally minimum wage, State or federal, whichever is higher. Those offenders working at the trust company earned \$9.25 an hour because they had health benefits. There will be an increase July 1, 2023.

Again, our mission is not to displace the private sector. We want to give offenders every opportunity to succeed following release. Our program is mandated to be profitable and does not receive any General Fund disbursements. Our earnings support the program. If we do not have enough funds, we will not exist, and that will limit the opportunities for a lot of offenders, which saddens me.

SENATOR NGUYEN:

That is because of existing statute. Is that correct?

MR. QUENGA:

Yes.

SENATOR HANSEN:

Does the prison system still train wild horses?

MR. QUENGA:

Yes. We have a contract with the Bureau of Land Management.

JUSTIN POPE (Supervisor, Prison Industries, Nevada Department of Corrections):

That is correct. We still manage the program. It is a Division of SSI, operated through the Department of Corrections. I oversee ranch operations at Northern Nevada Correctional Center, Stewart Conservation Camp. The program is successful. Typically, we adopt out about 60 horses through 3 public adoptions each year. We also have requests from agencies, such as U.S. Customs and Border Protection, U.S. Marine Corps, Washoe County and the Nevada Department of Wildlife. The Division of Forestry utilizes horses as pack animals and other programs. Inmates are responsible for training and caring for these animals, and the program is both beneficial and therapeutic.

SENATOR HANSEN:

It is a win-win all the way around. There are advantages for the inmates, the horses and the public image of the program.

CHAIR SCHEIBLE:

Senate Bill 187 addresses wages for inmates. Inmates work in SSI and inmates work outside of the SSI business program. Is that correct?

MR. QUENGA:

Silver State Industries manage all outside contracts. Employers pay SSI, and we pay the offenders.

CHAIR SCHEIBLE:

Anybody who has a job within the Nevada Department of Corrections is working for SSI? Correct?

MR. QUENGA:

No. We have a workforce of approximately 560 out of a prison population of almost 10,000. Inmates are also employed with the Division of Forestry. Inmates work as porters, culinary workers, commissary workers and others. There is a distinct difference.

CHAIR SCHEIBLE:

A person who is incarcerated and has a job may or may not work for SSI?

MR. QUENGA:

That is correct. Silver State Industry employees must meet certain qualifications and behavior criteria. We look for those who have skills, but we also offer positions to those who do not have skills. We ensure they get high school diplomas or GEDs. Importantly, we offer employment if inmates are trying to obtain an education. An educated offender is a much more successful offender.

CHAIR SCHEIBLE:

Was Mr. Wade employed in Prison Industries?

MR. QUENGA:

Yes, Mr. Wade did work for me. I was his supervisor, and he did an excellent job as a carpenter. I am proud he is gainfully employed and successful with

Tesla. Several former offenders wanted to be here, but because they are working, they could not attend.

CHAIR SCHEIBLE:
Did you invite Mr. Wade to testify today?

MR. QUENGA:
I spoke to several former offenders who asked whether there was any way to contribute to today's meeting. They are concerned about the program. I told them they need to speak on their own behalf. I cannot tell them what to say. We are in the neutral position on S.B. 187.

CHAIR SCHEIBLE:
I want to confirm whether S.B. 187 would apply to people who are employed by SSI as well as those employed in prisons in other capacities and will request information from our Legal Analyst.

SENATOR DONDERO LOOP:
Offenders are paid for their labor. How is the amount of their take-home pay determined?

MR. QUENGA:
Deductions are statutorily determined. Every offender who works with SSI is in the position voluntarily. I emphasize it is voluntary. When there is an opportunity, I encourage offenders to apply. Existing statute provides the Director may make deductions from wages earned by an offender from any source during the offender's incarceration. Deductions include a 5 percent allocation to the victims of crimes fund, a 5 percent allocation to capital improvement for Prison Industries and a 24.5 percent allocation to room and board. Capital improvement funds are reserved for enhancing, improving and supporting the program. We use capital improvement funds to establish new industries, purchase equipment, and provide safety and security. Offenders are issued a pay stub reflecting net wages, and the amount is electronically transferred to Inmate Services, NDOC.

SENATOR DONDERO LOOP:
It is a percentage regardless of the amount earned hourly. Is that correct?

MR. QUENGA:

Yes. The total deduction is 34.5 percent.

HAROLD WICKHAM (Deputy Director, Industrial Programs Division, Nevada Department of Corrections):

We are neutral on S.B. 187. Offenders who work in the community and are incarcerated at Casa Grande and Northern Nevada Transitional Housing Center conduct their banking through Inmate Banking Services as do offenders housed in prison facilities. The deductions are the same—34.5 percent. They are paid through their employers. We have excellent community partners that assist with job placement, vocational training, commercial driver's license training and other projects throughout the community.

SENATOR NGUYEN:

A deduction for room and board is statutorily required. If you voluntarily choose to work for Prison Industries or take one of these jobs that is contracted with a private industry, you are charged for room and board. If you sit in the prison and do nothing, your room and board is free of charge. Is that correct?

MR. WICKHAM:

That is correct.

CHAIR SCHEIBLE:

We have additional questions for the Legal Division. I will speak with the Legislative Counsel Bureau regarding the proper process for reporting the details of our inquiry.

MERCEDES MAHARIS:

I have submitted written remarks ([Exhibit F](#)). I am a Nevada chaplain who has worked with prisoners for over two decades. I am also a member of the Nevada Silver Haired Legislative Forum, Senate District No. 3. I am less than neutral at this point because there will never be enough jobs. I do not believe the Legislature will ever provide enough funds for individuals to work. I have expressed several issues in writing because this is too difficult for me to discuss.

We are continuing to release individuals who cannot support themselves when they leave the prison system. There are probably only 1,500 or fewer jobs out of 10,000 inmates. I do not agree with confiscating funds from prisoners for

new prison construction. It is not the prisoners' responsibility. First and foremost, it is our responsibility to provide education, though it is important the State examine education program management. Prisoners are not properly allocated educational credits. This needs to be addressed because it causes difficulties for prisoners and administrators.

Senate Bill 187 does not provide a definition of a living wage. It is unfortunate, but it is difficult to determine a true living wage.

CHAIR SCHEIBLE:
Please clarify your position on S.B. 187.

MS. MAHARIS:
I am marginally neutral. I want jobs for prisoners.

CHAIR SCHEIBLE:
Are you more for or more against the bill?

MS. MAHARIS:
As written, I oppose S.B. 187. Please read the details in my written submission, [Exhibit F](#).

SENATOR NEAL:
Thank you for hearing S.B. 187. Living wage is defined in section 7, subsection 9, paragraph (a). It is minimum wage. We have had a philosophical discussion. You have the wisdom to decide what to do with this bill and whether it is worthy of moving forward.

CHAIR SCHEIBLE:
We have received one letter ([Exhibit G](#)) in support of S.B. 187.

Senate Committee on Judiciary
March 8, 2023
Page 21

CHAIR SCHEIBLE:

Having nothing further to come before the Senate Committee on Judiciary, we are adjourned at 2:57 p.m.

RESPECTFULLY SUBMITTED:

Jan Brase,
Committee Secretary

APPROVED BY:

Senator Melanie Scheible, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit Letter	Introduced on Minute Report Page No.	Witness / Entity	Description
	A	1		Agenda
	B	1		Attendance Roster
S.B. 187	C	3	Senator Dina Neal	Wage Table/Silver State Industries
S.B. 187	D	5	Senator Dina Neal	Proposed Amendment
S.B. 187	E	5	Senator Dina Neal	Audit Report/State of Nevada/Governor's Office of Finance, Division of Internal Audits/Department of Corrections
S.B. 187	F	19	Mercedes Maharis	Written Testimony
S.B. 187	G	20	Senator Melanie Scheible	Letter of Support / Christine Saunders