

SENATE BILL NO. 399—COMMITTEE ON FINANCE

MARCH 12, 1999

Referred to Committee on Finance

SUMMARY—Establishes legislative committee on correctional institutions. (BDR 17-1662)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: Yes.

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

AN ACT relating to the state legislature; establishing a legislative committee on correctional institutions and providing its duties; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE
AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** Chapter 218 of NRS is hereby amended by adding thereto
2 the provisions set forth as sections 2 to 7, inclusive, of this act.
- 3 **Sec. 2.** *As used in sections 2 to 7, inclusive, of this act, “committee”*
4 *means the legislative committee on correctional institutions.*
- 5 **Sec. 3. 1.** *There is hereby established a legislative committee on*
6 *correctional institutions consisting of seven legislative members and five*
7 *ex officio, nonvoting members. The membership of the committee*
8 *consists of:*
- 9 *(a) Three members of the senate standing committee on finance,*
10 *appointed by the majority leader of the senate;*
- 11 *(b) Four members of the assembly standing committee on ways and*
12 *means, appointed by the speaker of the assembly; and*
- 13 *(c) The following ex officio, nonvoting members:*
- 14 *(1) The director of the department of prisons;*
15 *(2) The medical director of the department of prisons;*
16 *(3) The director of the department of administration;*
17 *(4) The state forester firewarden, or a person designated by him*
18 *who has responsibility within the division of forestry of the state*
19 *department of conservation and natural resources for the program of*
20 *conservation camps established pursuant to chapter 209 of NRS; and*

1 (5) *The assistant director for industrial programs within the*
2 *department of prisons.*

3 2. *The legislative members of the committee shall select a chairman*
4 *from one house of the legislature and a vice chairman from the other.*
5 *After the initial selection of a chairman and a vice chairman, each such*
6 *officer shall hold office for a term of 2 years commencing on July 1 of*
7 *each odd-numbered year. If a vacancy occurs in the chairmanship or*
8 *vice chairmanship, the legislative members of the committee shall select*
9 *a replacement for the remainder of the unexpired term.*

10 3. *Any legislative member of the committee who is not a candidate*
11 *for reelection or who is defeated for reelection continues to serve until*
12 *the convening of the next regular session of the legislature.*

13 4. *Vacancies on the committee must be filled in the same manner as*
14 *original appointments.*

15 **Sec. 4.** 1. *The members of the committee shall meet throughout*
16 *each year at the times and places specified by a call of the chairman or a*
17 *majority of the legislative members of the committee. The director of the*
18 *legislative counsel bureau or a person he has designated shall act as the*
19 *nonvoting recording secretary of the committee. Four legislative*
20 *members of the committee constitute a quorum, and a quorum may*
21 *exercise all the power and authority conferred on the committee.*

22 2. *Except during a regular or special session of the legislature, the*
23 *legislative members of the committee are entitled to receive the*
24 *compensation provided for a majority of the members of the legislature*
25 *during the first 60 days of the preceding regular session of the*
26 *legislature, the per diem allowance provided for state officers and*
27 *employees generally and the travel expenses provided pursuant to NRS*
28 *218.2207 for each day of attendance at a meeting of the committee and*
29 *while engaged in the business of the committee. Per diem allowances,*
30 *compensation and travel expenses of the legislative members of the*
31 *committee must be paid from the legislative fund.*

32 3. *The ex officio, nonvoting members of the committee are entitled to*
33 *receive the subsistence allowances and travel expenses provided by law*
34 *for their respective positions for each day of attendance at a meeting of*
35 *the committee and while engaged in the business of the committee, to be*
36 *paid by the respective agencies by which they are employed.*

37 **Sec. 5.** 1. *The committee may:*

38 (a) *Review and comment on any program, and any administrative*
39 *policy, rule or regulation, of the correctional institutions in this state;*

40 (b) *Conduct investigations and hold hearings in connection with its*
41 *review, including, without limitation, investigating the effect of those*

1 *programs, policies, rules, regulations and related laws on this state and*
2 *the residents of this state, and on persons incarcerated in correctional*
3 *institutions in this state;*

4 *(c) Direct the legislative counsel bureau to assist in its research,*
5 *investigations, review and comment;*

6 *(d) Recommend to the legislature as a result of its review any*
7 *appropriate state legislation; and*

8 *(e) Apply for any available grants and accept any gifts, grants or*
9 *donations to aid the committee in carrying out its duties.*

10 *2. The advisory board on industrial programs shall report to the*
11 *committee on a regular basis, as directed by the committee.*

12 **Sec. 6. 1. In conducting the investigations and hearings of the**
13 **committee:**

14 *(a) The secretary of the committee, or in his absence any member of*
15 *the committee, may administer oaths.*

16 *(b) The secretary or chairman of the committee may cause the*
17 *deposition of witnesses, residing either within or without this state, to be*
18 *taken in the manner prescribed by rule of court for taking depositions in*
19 *civil actions in the district courts.*

20 *(c) The secretary or chairman of the committee may issue subpoenas*
21 *to compel the attendance of witnesses and the production of books and*
22 *papers.*

23 *2. If any witness refuses to attend or testify or produce any books and*
24 *papers as required by the subpoena, the secretary or chairman of the*
25 *committee may report to the district court by petition, setting forth that:*

26 *(a) Due notice has been given of the time and place of attendance of*
27 *the witness or the production of the books and papers;*

28 *(b) The witness has been subpoenaed by the committee pursuant to*
29 *this section; and*

30 *(c) The witness has failed or refused to attend or produce the books*
31 *and papers required by the subpoena before the committee that is named*
32 *in the subpoena, or has refused to answer questions propounded to*
33 *him,*

34 *and asking for an order of the court compelling the witness to attend and*
35 *testify or produce the books and papers before the committee.*

36 *3. Upon such petition, the court shall enter an order directing the*
37 *witness to appear before the court at a time and place to be fixed by the*
38 *court in its order, the time to be not more than 10 days after the date of*
39 *the order, and then and there show cause why he has not attended or*
40 *testified or produced the books or papers before the committee. A*
41 *certified copy of the order must be served upon the witness.*

1 **4.** *If it appears to the court that the subpoena was regularly issued by*
2 *the committee, the court shall enter an order that the witness appear*
3 *before the committee at the time and place fixed in the order and testify*
4 *or produce the required books or papers, and upon failure to obey the*
5 *order the witness shall be dealt with as for contempt of court.*

6 **Sec. 7.** *Each witness who appears before the committee by its order,*
7 *except a state officer or employee, is entitled to receive for his attendance*
8 *the fees and mileage provided for witnesses in civil cases in the courts of*
9 *record of this state. The fees and mileage must be audited and paid upon*
10 *the presentation of proper claims sworn to by the witness and approved*
11 *by the secretary and chairman of the committee.*

12 **Sec. 8.** This act becomes effective on July 1, 1999.