

SENATE BILL NO. 3—COMMITTEE ON LEGISLATIVE
OPERATIONS AND ELECTIONS

(ON BEHALF OF THE LEGISLATIVE COMMITTEE ON HEALTH CARE)

PREFILED NOVEMBER 19, 2008

Referred to Committee on Legislative Operations and Elections

SUMMARY—Creates the Legislative Committee on Child Welfare
and Juvenile Justice. (BDR 17-213)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: 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 legislative affairs; creating the Legislative
Committee on Child Welfare and Juvenile Justice;
prescribing the powers and duties of the Committee; and
providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 **Section 3** of this bill creates the Legislative Committee on Child Welfare and
2 Juvenile Justice and provides for the appointment of its membership by the
3 Legislative Commission. **Section 4** of this bill prescribes the manner in which
4 meetings must be conducted by the Committee and provides for the compensation
5 of its members. **Section 5** of this bill prescribes the duties of the Committee,
6 including the evaluation and review of issues relating to child welfare services and
7 juvenile justice in this State. **Sections 6 and 7** of this bill authorize the Committee
8 to conduct investigations and hold hearings and provide for the administration of
9 oaths, the deposition of witnesses and the issuance of subpoenas in connection with
10 those investigations and hearings.



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

Section 1. Chapter 218 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. *As used in sections 2 to 8, inclusive, of this act, unless the context otherwise requires, "Committee" means the Legislative Committee on Child Welfare and Juvenile Justice.*

Sec. 3. 1. *The Legislative Committee on Child Welfare and Juvenile Justice is hereby created. The membership of the Committee consists of three members of the Senate and three members of the Assembly, appointed by the Legislative Commission.*

2. The Legislative Commission shall select the Chairman and Vice Chairman of the Committee from among the members of the Committee. After the initial selection of those officers, each of those officers holds the position for a term of 2 years commencing on July 1 of each odd-numbered year. The Chairmanship of the Committee must alternate each biennium between the houses of the Legislature. If a vacancy occurs in the Chairmanship or Vice Chairmanship, the vacancy must be filled in the same manner as the original selection for the remainder of the unexpired term.

3. A member of the Committee who is not a candidate for reelection or who is defeated for reelection continues to serve until the convening of the next regular session of the Legislature.

4. A vacancy on the Committee must be filled in the same manner as the original appointment.

Sec. 4. 1. *The members of the Committee shall meet throughout the year at the times and places specified by a call of the Chairman or a majority of the Committee.*

2. The Director of the Legislative Counsel Bureau or his designee shall act as the nonvoting recording Secretary of the Committee.

3. Four members of the Committee constitute a quorum, and a quorum may exercise all the power and authority conferred on the Committee.

4. Except during a regular or special session of the Legislature, for each day or portion of a day during which a member of the Committee attends a meeting of the Committee or is otherwise engaged in the work of the Committee, the member is entitled to receive the:

(a) Compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session;



(b) *Per diem allowance provided for state officers and employees generally; and*

(c) *Travel expenses provided pursuant to NRS 218.2207.*

↪ *The compensation, per diem allowances and travel expenses of the members of the Committee must be paid from the Legislative Fund.*

Sec. 5. *The Committee shall evaluate and review issues relating to:*

1. *The provision of child welfare services in this State, including, without limitation:*

(a) *Programs for the provision of child welfare services;*

(b) *Licensing and reimbursement of providers of foster care;*

(c) *Mental health services; and*

(d) *Compliance with federal requirements regarding child welfare; and*

2. *Juvenile justice in this State, including, without limitation:*

(a) *The coordinated continuum of care in which community-based programs and services are combined to ensure that health services, substance abuse treatment, education, training and care are compatible with the needs of each juvenile in the juvenile justice system;*

(b) *Individualized supervision, care and treatment to accommodate the individual needs and potential of the juvenile and his family, and treatment programs which integrate the juvenile into situations of living and interacting that are compatible with a healthy, stable and familial environment;*

(c) *Programs for aftercare and reintegration in which juveniles will continue to receive treatment after their active rehabilitation in a facility to prevent the relapse or regression of progress achieved during the recovery process;*

(d) *Overrepresentation and disparate treatment of minorities in the juvenile justice system, including, without limitation, a review of the various places where bias may influence decisions concerning minorities;*

(e) *Gender-specific services, including, without limitation, programs for female juvenile offenders which consider female development in their design and implementation and which address the needs of females, including issues relating to:*

(1) *Victimization and abuse;*

(2) *Substance abuse;*

(3) *Mental health;*

(4) *Education; and*

(5) *Vocational and skills training;*

(f) *The quality of care provided for juvenile offenders in state institutions and facilities, including, without limitation:*



- (1) The qualifications and training of staff;
- (2) The documentation of the performance of state institutions and facilities;
- (3) The coordination and collaboration of agencies; and
- (4) The availability of services relating to mental health, substance abuse, education, vocational training and treatment of sex offenders and violent offenders;
- (g) The feasibility and necessity for the independent monitoring of state institutions and facilities for the quality of care provided to juvenile offenders; and
- (h) Programs developed in other states which provide a system of community-based programs that place juvenile offenders in more specialized programs according to the needs of the juveniles.

Sec. 6. 1. The Committee may:

- (a) Conduct investigations and hold hearings in connection with its duties pursuant to section 5 of this act;
- (b) Request that the Legislative Counsel Bureau assist in the research, investigations, hearings and reviews of the Committee; and
- (c) Propose recommended legislation concerning child welfare and juvenile justice to the Legislature.

2. The Committee shall, on or before January 15 of each odd-numbered year, submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report concerning the evaluation and review conducted pursuant to section 5 of this act.

Sec. 7. 1. If the Committee conducts investigations or holds hearings pursuant to section 6 of this act:

- (a) The Chairman of the Committee or, in his absence, a member designated by the Committee may administer oaths;
- (b) The Chairman of the Committee may cause the deposition of witnesses, residing within or outside of this State, to be taken in the manner prescribed by rule of court for taking depositions in civil actions in the district courts; and
- (c) The Chairman of the Committee may issue subpoenas to compel the attendance of witnesses and the production of books and papers.

2. If any witness refuses to attend or testify or produce any books and papers as required by the subpoena, the Chairman of the Committee may report to the district court by petition, setting forth that:

- (a) Due notice has been given of the time and place of attendance of the witness or the production of the books and papers;
- (b) The witness has been subpoenaed by the Committee pursuant to this section; and



1 (c) *The witness has failed or refused to attend or produce the*
2 *books and papers required by the subpoena before the Committee*
3 *which is named in the subpoena, or has refused to answer*
4 *questions propounded to him,*

5 *↳ and asking for an order of the court compelling the witness to*
6 *attend and testify or produce the books and papers before the*
7 *Committee.*

8 3. *Upon such petition, the court shall enter an order directing*
9 *the witness to appear before the court at a time and place to be*
10 *fixed by the court in its order, the time to be not more than 10 days*
11 *after the date of the order, and then and there show cause why he*
12 *has not attended or testified or produced the books or papers*
13 *before the Committee. A certified copy of the order must be served*
14 *upon the witness.*

15 4. *If it appears to the court that the subpoena was regularly*
16 *issued by the Committee, the court shall enter an order that the*
17 *witness appear before the Committee at the time and place fixed in*
18 *the order and testify or produce the required books or papers, and*
19 *upon failure to obey the order, the witness shall be dealt with as*
20 *for contempt of court.*

21 **Sec. 8.** *Each witness who appears before the Committee by*
22 *its order, except a state officer or employee, is entitled to receive*
23 *for his attendance the fees and mileage provided for witnesses in*
24 *civil cases in the courts of record of this State. The fees and*
25 *mileage must be audited and paid upon the presentation of proper*
26 *claims sworn to by the witness and approved by the Secretary and*
27 *Chairman of the Committee.*

28 **Sec. 9.** *This act becomes effective upon passage and approval.*

