

Assembly Bill No. 239–Committee  
on Government Affairs

CHAPTER.....

AN ACT relating to governmental administration; creating the Merit Award Account in the State General Fund for purposes of funding awards to certain state employees; eliminating the limitation on awards to certain state employees from being paid from money in the State General Fund; requiring, under certain circumstances, the Advisory Council for Family Engagement to submit to certain appointing authorities a list of persons qualified for membership on the Council; revising the membership of the Committee for the Statewide Alert System; authorizing the Committee on Testing for Intoxication to study, make certain recommendations to the Director of the Department of Public Safety and take certain action relating to driving under the influence; revising the authority of the Committee to adopt certain regulations; revising the term of membership of the Chair of the Appeals Panel for Industrial Insurance; authorizing the Commissioner of Insurance to perform certain actions relating to meetings of the Appeals Panel; revising provisions relating to vacancies in the membership of the Medical Laboratory Advisory Committee; revising provisions relating to meetings of the Credit Union Advisory Council; eliminating the requirement that members of the Advisory Council receive a salary for attendance at meetings; making appropriations; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law creates the Merit Award Program and requires that the Merit Award Board investigate, review and evaluate the merits of certain proposed suggestions of any state employee or group of state employees. (NRS 285.020, 285.030, 285.040) Existing law provides that an award made from the Program must, insofar as is practicable, be paid from money other than money in the State General Fund. (NRS 285.070) **Section 1** of this bill creates the Merit Award Account in the State General Fund, to be administered by the Board. **Section 2** of this bill eliminates the limitation on money from the State General Fund being used to pay for an award. **Section 15** of this bill makes an appropriation to the Board for the purpose of funding the administration of the Board during the 2023-2025 biennium. **Section 16** of this bill makes an appropriation to the Merit Award Account to provide funding for merit awards to state employees from the Program during the 2023-2025 biennium.

Existing law requires the Superintendent of Public Instruction to establish an Advisory Council for Family Engagement, composed of 11 members, that has various duties relating to parental involvement and family engagement in schools. The members of the Advisory Council are appointed by the Superintendent,



Speaker of the Assembly and Majority Leader of the Senate. (NRS 385.610) **Section 3** of this bill requires the Advisory Council, at least 30 days before the beginning of any member's term, or within 30 days after a position on the Advisory Council becomes vacant, to submit to the relevant appointing authority the names of at least three persons who are qualified for membership on the Advisory Council.

Existing law creates the Statewide Alert System for the Safe Return of Abducted Children, which is composed of a voluntary partnership among certain law enforcement agencies and broadcasters to assist in the search for and safe return of abducted children. (NRS 432.340) The System is overseen, supervised, evaluated, monitored and tested by the Committee for the Statewide Alert System, in consultation with the Attorney General. (NRS 432.360) The Committee consists of 15 members, including, in relevant part, 5 members who represent local law enforcement agencies, appointed by the Governor and 5 members who represent state law enforcement agencies, appointed by the Governor. (NRS 432.350) **Section 4** of this bill provides instead that the Committee consists of 11 members, including, in relevant part, 3 members who represent local law enforcement agencies, appointed by the Governor from among a list of nominees from the Committee and 3 members who represent state law enforcement agencies, appointed by the Governor from among a list of nominees from the Committee.

Existing law creates the Committee on Testing for Intoxication, consisting of five members. (NRS 484C.600) The Committee has various duties relating to certifying devices that test a person's breath to determine the concentration of alcohol in the person's breath. (NRS 484C.610) **Section 8** of this bill authorizes the Committee to also: (1) study and make recommendations to the Director of the Department of Public Safety regarding the best practices, technologies and methods of detecting and determining the concentration of alcohol or the presence of a controlled substance or another prohibited substance and the effect of driving under the influence of alcohol, a controlled substance or other prohibited substance; (2) determine and certify whether a device or method is accurate and reliable for the purpose of testing a sample to determine the concentration of alcohol or the presence of a controlled substance or another prohibited substance; and (3) create, maintain and make available to the public a list of those devices and methods certified by the Commission. **Section 8** further provides that if a device or method has been certified by the Committee to be accurate and reliable for the purpose of testing a person's blood, urine or other sample to determine the concentration of alcohol or the presence of a controlled substance or another prohibited substance. **Section 9** of this bill makes a conforming change to clarify that evidence of certain tests are not admissible in a criminal proceeding unless it is shown that the device for testing a person's breath or other sample was certified by the Committee and was calibrated, maintained and operated as provided in such regulations.

Existing law creates the Appeals Panel for Industrial Insurance, consisting of seven members, to hear certain grievances related to industrial insurance. (NRS 616B.760-616B.787) The Appeals Panel must meet at the times and places specified by a call of the Chair of the Appeals Panel, and the Chair must: (1) schedule meetings and hearings of the Appeals Panel; (2) establish the agenda for each such meeting and hearing; and (3) ensure that such meetings are conducted in an efficient manner. (NRS 616B.765, 616B.767) **Sections 11 and 12** of this bill provide instead that the Chair or Commissioner of Insurance is required to carry out these duties.

Existing law creates the Medical Laboratory Advisory Committee to advise the State Board of Health on matters of policy concerning medical laboratories, qualifications of laboratory directors and personnel and certain other matters. The



Board is required to appoint various persons to the Advisory Committee. (NRS 652.030, 652.160, 652.170) **Section 13** of this bill: (1) provides that if a vacancy in the membership of the Advisory Committee occurs, the Advisory Committee is required to submit a letter to the Board with a recommendation to fill the existing vacancy; and (2) requires the Advisory Committee to determine at least once per year whether any vacancy in its membership exists. **Section 13** also requires the Advisory Committee to meet at least once every year.

Existing law creates the Credit Union Advisory Council, consisting of five members appointed by the Governor, to consult with, advise and make recommendations to the Commissioner of Financial Institutions in all matters pertaining to credit unions. (NRS 672.061, 672.290) **Section 14** of this bill: (1) clarifies that the Advisory Council may meet at least once every 6 months; and (2) eliminates the existing provision that council members are entitled to receive a certain salary for attendance at meetings.

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

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

**Section 1.** Chapter 285 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. The Merit Award Account is hereby created in the State General Fund.*

*2. The Board shall administer the Merit Award Account.*

*3. The money in the Merit Award Account may be expended only for the purposes of the Merit Award Program established by NRS 285.020.*

*4. The interest and income earned on the money in the Merit Award Account must be credited to the Account.*

*5. The balance remaining in the Merit Award Account that has not been committed for expenditure on or before June 30 of an odd-numbered year reverts to the State General Fund.*

**Sec. 2.** NRS 285.070 is hereby amended to read as follows:

285.070 1. Except as otherwise provided in this section, after reviewing and evaluating an employee suggestion, the Board, in consultation with the Budget Division of the Office of Finance, may make an award to the state employee or to each state employee of a group of state employees who submitted the employee suggestion.

2. If the amount of a proposed award will exceed \$5,000, the award must be approved by the Interim Finance Committee. On a quarterly basis, the Board shall transmit any proposed awards that exceed \$5,000 to the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee. In acting upon such an award, the Interim Finance Committee shall consider, among other things:



(a) The reduction, elimination or avoidance of state expenditures or any improvement in the operation of the State Government made possible by the employee suggestion; and

(b) The intent of the Legislature in enacting this chapter.

3. An award made pursuant to this section may not exceed:

(a) Ten percent of the amount of any actual savings to the State, as determined at the end of the second fiscal year after the adoption of the employee suggestion; or

(b) A total of \$25,000,

↳ whichever is less, whether distributed to an individual employee or to a group of state employees who submitted the employee suggestion.

4. Awards to employees arising out of adopted employee suggestions must, ~~[insofar as is practicable,]~~ be paid from money ~~[other than money]~~ in the ~~[State General Fund.]~~ *Merit Award Account created by section 1 of this act.*

5. The total amount of an award made pursuant to this section must be paid in two equal installments. The first installment must be paid not later than 90 days after the end of the fiscal year during which the State realized a reduction, elimination or avoidance of state expenditures or any improvement in the operation of State Government as a result of the adoption of the employee suggestion. The second installment must be paid not later than 90 days after the end of the fiscal year immediately following the fiscal year during which the first installment was paid.

6. A former state employee is eligible to receive an award pursuant to this section if the person was a state employee at the time he or she submitted an employee suggestion, or was a member of a group of state employees who submitted an employee suggestion, that is subsequently adopted.

7. An award may not be made for an employee suggestion pursuant to this section until the State has realized a reduction, elimination or avoidance of state expenditures or any improvement in the operation of the State Government as a result of the adopted employee suggestion.

8. Any actual savings to the State resulting from the adoption of an employee suggestion that remains after an award is made pursuant to this section must be distributed as follows:

(a) Fifty percent must be transferred to the State General Fund; and

(b) After a revision to the appropriate work program pursuant to NRS 353.220, the remaining balance must be used by the state agency that employs the state employee or the group of state



employees who submitted the employee suggestion for one-time, nonoperational expenses which do not require ongoing maintenance, including, without limitation, training and equipment.

**Sec. 3.** NRS 385.610 is hereby amended to read as follows:

385.610 1. The Superintendent of Public Instruction shall establish an Advisory Council for Family Engagement. The Advisory Council is composed of 11 members.

2. The Superintendent of Public Instruction shall appoint the following members to the Advisory Council:

(a) Two parents or legal guardians of pupils enrolled in public schools;

(b) Two teachers in public schools;

(c) One administrator of a public school;

(d) One representative of a private business or industry;

(e) One member of the board of trustees of a school district in a county whose population is 100,000 or more;

(f) One member of the board of trustees of a school district in a county whose population is less than 100,000; and

(g) One member who is the President of the Board of Managers of the Nevada Parent Teacher Association or its successor organization, or a designee nominated by the President.

↳ The Superintendent of Public Instruction shall, to the extent practicable, ensure that the members the Superintendent appoints to the Advisory Council reflect the ethnic, economic and geographic diversity of this State.

3. The Speaker of the Assembly shall appoint one member of the Assembly to the Advisory Council.

4. The Majority Leader of the Senate shall appoint one member of the Senate to the Advisory Council.

5. The Advisory Council shall elect a Chair and Vice Chair from among its members. The Chair and Vice Chair serve a term of 1 year.

6. After the initial terms:

(a) The term of each member of the Advisory Council who is appointed by the Superintendent of Public Instruction is 3 years.

(b) The term of each member of the Advisory Council who is appointed by the Speaker of the Assembly and the Majority Leader of the Senate is 2 years.

7. *The Advisory Council shall, at least 30 days before the beginning of any member's term, or within 30 days after a position on the Advisory Council becomes vacant, submit to the relevant appointing authority, as set forth in subsection 2, 3 or 4, as*



*applicable, the names of at least three persons qualified for membership on the Advisory Council.*

8. The Department shall provide:

- (a) Administrative support to the Advisory Council; and
- (b) All information that is necessary for the Advisory Council to carry out its duties.

~~8.1~~ 9. For each day or portion of a day during which a member of the Advisory Council who is a Legislator attends a meeting of the Advisory Council or is otherwise engaged in the business of the Advisory Council, except during a regular or special session of the Legislature, 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 generally; and
- (c) Travel expenses provided pursuant to NRS 218A.655.

↳ The compensation, per diem allowances and travel expenses of the legislative members of the Advisory Council must be paid from the Legislative Fund.

~~9.1~~ 10. A member of the Advisory Council who is not a Legislator is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally for each day or portion of a day during which the member attends a meeting of the Advisory Council or is otherwise engaged in the business of the Advisory Council. The per diem allowance and travel expenses for the members of the Advisory Council who are not Legislators must be paid by the Department.

~~10.1~~ 11. Any costs associated with employing a substitute teacher while a member of the Advisory Council who is a teacher attends a meeting of the Advisory Council must be paid by the school district or charter school that employs the member.

**Sec. 4.** NRS 432.350 is hereby amended to read as follows:

432.350 1. There is hereby created the Committee for the Statewide Alert System consisting of ~~15~~ 11 members as follows:

(a) ~~Five~~ Three members ~~{appointed by the Governor}~~ who represent local law enforcement agencies ~~{}~~, *appointed by the Governor from among the names of nominees provided to the Governor pursuant to subsection 5;*

(b) ~~Five~~ Three members ~~{appointed by the Governor}~~ who represent state law enforcement agencies ~~{}~~, *appointed by the Governor from among the names of nominees provided to the Governor pursuant to subsection 5;*

(c) One representative of this State's Emergency Alert System, appointed by the Nevada Broadcasters Association or its successor;



(d) One representative of the Nevada Broadcasters Association or its successor, appointed by that Association;

(e) One representative of the Department of Transportation, appointed by the Director of the Department of Transportation;

(f) The Advocate for Missing or Exploited Children, appointed pursuant to NRS 432.157; and

(g) One representative of the public at large, appointed by the Governor from among the names of nominees provided to the Governor pursuant to subsection 5.

2. The Governor shall select a Chair and Vice Chair of the Committee.

3. After the initial terms, each member of the Committee serves a term of 3 years. A vacancy on the Committee must be filled in the same manner as the original appointment.

4. Members of the Committee serve without salary or compensation, except that, while engaged in the business of the Committee, each member who is not an officer or employee of the State may receive the per diem allowance and travel expenses provided for state officers and employees generally, to the extent that money is available in the Account for that purpose.

5. The Committee shall, at least 30 days before the beginning of the term of any member appointed pursuant to paragraph (a), (b) or (g) of subsection 1, or within 30 days after such a position on the Committee becomes vacant, submit to the Governor the names of at least three persons qualified for membership on the Committee pursuant to paragraph (a), (b) or (g), *as applicable*, of subsection 1. *In making a list of names, the Committee shall provide nominees who represent the demographic diversity of this State.* The Governor shall appoint a new member or fill the vacancy from the list, or request a new list. The Governor may appoint any qualified person who is a resident of this State to the position described in paragraph (g) of subsection 1.

**Secs. 5-7.** (Deleted by amendment.)

**Sec. 8.** NRS 484C.640 is hereby amended to read as follows:

484C.640 1. The Committee on Testing for Intoxication may

**[adopt]:**

*(a) Study and make recommendations to the Director of the Department of Public Safety regarding the best practices, technologies and methods of detecting and determining the concentration of alcohol or the presence of a controlled substance or another prohibited substance and the effect of driving under the influence of alcohol, a controlled substance or another prohibited substance;*



*(b) Determine and certify whether a device or method is accurate and reliable for the purpose of testing a person's blood, urine or other sample to determine the concentration of alcohol or the presence of a controlled substance or another prohibited substance;*

*(c) Create, maintain and make available to the public, free of charge, a list of those devices or methods certified by the Committee;*

*(d) Adopt regulations that ~~require:~~*  
~~—(a) The~~ :

*(1) Require the calibration or verification of devices or methods which are used to test a person's blood, ~~or~~ urine or other sample to determine the concentration of alcohol or the presence of a controlled substance or another prohibited substance in the person's blood, ~~or~~ urine ~~;~~ or other sample;*

~~[(b) The]~~

*(2) Require the certification of persons who make those calibrations ~~;~~ or verifications;*

~~[(c) The]~~

*(3) Require the certification of persons who operate devices or methods for testing a person's blood, ~~or~~ urine or other sample to determine the concentration of alcohol or presence of a controlled substance or another prohibited substance in the person's blood, ~~or~~ urine ~~;~~ and or other sample;*

~~[(d) The]~~

*(4) Require the certification of persons who examine those operators ~~;~~ and*

~~[(2) The Committee may adopt regulations that prescribe]~~

*(5) Prescribe the essential procedures for the proper operation of the various types of devices ~~used~~ or methods to test a person's blood, ~~or~~ urine or other sample to determine the concentration of alcohol or the presence of a controlled substance or another prohibited substance in the person's blood, ~~or~~ urine ~~;~~ or other sample.*

*2. If a device or method has been certified by the Committee to be accurate and reliable pursuant to this section, it is presumed that the device or method is accurate and reliable for the purpose of testing a person's blood, urine or other sample to determine the concentration of alcohol or the presence of a controlled substance or another prohibited substance.*

*3. This section does not preclude the admission of evidence of the concentration of alcohol or the presence of a controlled substance or another prohibited substance in a person's blood,*





*urine or other sample where the information is obtained through the use of a device or method other than one certified by the Committee.*

**Sec. 9.** NRS 488.480 is hereby amended to read as follows:

488.480 1. If a person refuses to submit to a required chemical test provided for in NRS 488.450 or 488.460, evidence of that refusal is admissible in any criminal action arising out of acts alleged to have been committed while the person was:

(a) Operating or in actual physical control of a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance; or

(b) Engaging in any other conduct prohibited by NRS 488.410, 488.420 or 488.425.

2. Except as otherwise provided in subsection 3 of NRS 488.450, a court may not exclude evidence of a required test or failure to submit to such a test if the peace officer or other person substantially complied with the provisions of NRS 488.450 to 488.500, inclusive.

3. If a person submits to a chemical test provided for in NRS 488.450 or 488.460, full information concerning that test must be made available, upon request, to the person or the person's attorney.

4. Evidence of a required test is not admissible in a criminal proceeding unless it is shown by documentary or other evidence that the device for testing *a person's breath or other sample* was certified pursuant to NRS 484C.610 *or 484C.640, as applicable*, and was calibrated, maintained and operated as provided by the regulations of the Committee on Testing for Intoxication adopted pursuant to NRS 484C.620, 484C.630 or 484C.640.

5. If the device for testing *a person's breath or other sample* has been certified by the Committee on Testing for Intoxication to be accurate and reliable pursuant to NRS 484C.610 ~~§~~ *or 484C.640*, it is presumed that, as designed and manufactured, the device is accurate and reliable for the purpose of testing a person's breath *or other sample* to determine the concentration of alcohol , *a controlled substance or another prohibited substance* in the person's breath ~~§~~ *or other sample*.

6. A court shall take judicial notice of the certification by the Director of a person to operate testing devices of one of the certified types. If a test to determine the amount of alcohol *a controlled substance or another prohibited substance* in a person's breath *or other sample* has been performed with a certified type of device by a person who is certified pursuant to NRS 484C.630 or 484C.640, it is presumed that the person operated the device properly.



7. This section does not preclude the admission of evidence of a test of a person's breath *or other sample* where the:

(a) Information is obtained through the use of a device other than one of a type certified by the Committee on Testing for Intoxication.

(b) Test has been performed by a person other than one who is certified by the Director.

8. As used in this section, "Director" means the Director of the Department of Public Safety.

**Sec. 10.** NRS 616B.762 is hereby amended to read as follows:

616B.762 1. ~~{At its first meeting of each year, the}~~ *The Appeals Panel shall elect a Chair from among its members.*

2. The Chair shall hold office for 1 year ~~{}~~ *and until his or her successor is elected.*

3. If a vacancy occurs in the office of the Chair, the members of the Panel shall elect a Chair from among its members for the remainder of the unexpired term of the Chair.

~~{4. Unless the members agree unanimously to a different date, the first meeting of each year must be as soon as practicable after July 1.}~~

**Sec. 11.** NRS 616B.765 is hereby amended to read as follows:

616B.765 1. The Chair of the Appeals Panel *or the Commissioner* shall:

(a) Schedule the time and place of the meetings and hearings of the Appeals Panel;

(b) Establish the agenda for each meeting and hearing of the Appeals Panel; and

(c) Ensure that the meetings of the Appeals Panel are conducted in an efficient manner.

2. The Chair of the Appeals Panel may appoint from the membership of the Appeals Panel a secretary to whom the Chair may delegate his or her administrative functions.

**Sec. 12.** NRS 616B.767 is hereby amended to read as follows:

616B.767 1. The Appeals Panel shall meet at the times and places specified by a call of the Chair ~~{}~~ *or the Commissioner.*

2. Four members of the Appeals Panel constitute a quorum to transact all business, and a majority of those present must concur on any decision.

**Sec. 13.** NRS 652.170 is hereby amended to read as follows:

652.170 1. The Board shall appoint the members of the Medical Laboratory Advisory Committee.

2. After the initial terms, members shall serve for 3-year terms.



3. A member may not serve for more than two consecutive terms. Service of 2 or more years in filling an unexpired term constitutes a term.

4. The Advisory Committee is composed of:

(a) Two pathologists, certified in clinical pathology by the American Board of Pathology.

(b) Two medical technologists.

(c) One bioanalyst who is a laboratory director.

(d) One qualified biochemist from the Nevada System of Higher Education.

(e) One licensed physician actively engaged in the practice of clinical medicine in this State.

5. No member of the Advisory Committee may have any financial or business arrangement with any other member which pertains to the business of laboratory analysis.

6. The Chief Medical Officer or a designated representative of the Chief Medical Officer is an ex officio member of the Advisory Committee.

*7. If a vacancy occurs in the membership of the Advisory Committee, the Advisory Committee shall submit a letter to the Board with a recommendation to fill the existing vacancy. The Advisory Committee shall, at least once per year, determine whether any vacancy in the membership of the Advisory Committee exists.*

*8. The Advisory Committee shall meet at least once every year.*

9. Each member of the Advisory Committee is entitled to receive:

(a) A salary of not more than \$60, as fixed by the Board, for each day's attendance at a meeting of the Committee; and

(b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Committee. The rate must not exceed the rate provided for state officers and employees generally.

~~8.~~ 10. While engaged in the business of the Committee, each employee of the Committee is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

**Sec. 14.** NRS 672.290 is hereby amended to read as follows:

672.290 1. The Credit Union Advisory Council, consisting of five members appointed by the Governor, is hereby created to



consult with, advise and make recommendations to the Commissioner in all matters pertaining to credit unions.

2. The Governor shall appoint members who have tested credit union experience from a list of recommended names submitted by the Nevada Credit Union League.

3. After the initial terms, members serve terms of 4 years, except when appointed to fill unexpired terms.

4. The Chair of the Advisory Council must be elected annually by and from the members thereof.

5. The meetings of the Advisory Council may be held at such times and places as the Chair or Commissioner determines and may ~~be held regularly~~ meet at least once every 6 months.

~~[6. Council members are entitled to receive a salary of \$60 for each day's attendance at a meeting of the Council.]~~

**Sec. 15.** 1. There is hereby appropriated from the State General Fund to the Merit Award Board described in NRS 285.030 the sum of \$3,000 for the purpose of funding the administration of the Board during the 2023-2025 biennium.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

**Sec. 16.** 1. There is hereby appropriated from the State General Fund to the Merit Award Account created by section 1 of this act the sum of \$25,000 for the purpose of providing merit awards during the 2023-2025 biennium pursuant to the Merit Award Program established by NRS 285.020.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.



**Sec. 17.** 1. This section and sections 1, 15 and 16 of this act become effective upon passage and approval.

2. Sections 6 to 9, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

3. Sections 2 to 5, inclusive, 10 to 14, inclusive, of this act become effective on July 1, 2023.

