

Amendment No. 73

Assembly Amendment to Assembly Bill No. 239	(BDR 23-896)
<b>Proposed by:</b> Assembly Committee on Commerce and Labor	
<b>Amends:</b> Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION	Initial and Date		SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/>	Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/>	Lost <input type="checkbox"/>
Concurred In <input type="checkbox"/>	Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/>	Not <input type="checkbox"/>
Receded <input type="checkbox"/>	Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/>	Not <input type="checkbox"/>

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.





ASSEMBLY BILL NO. 239—COMMITTEE  
ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE SUNSET SUBCOMMITTEE  
OF THE LEGISLATIVE COMMISSION)

MARCH 2, 2023

Referred to Committee on Commerce and Labor

SUMMARY—Makes various changes relating to government administration.  
(BDR 23-896)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: Contains Appropriation not included in  
Executive Budget.

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

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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; ~~requiring~~ **authorizing** the Committee on Testing for Intoxication to study ~~and~~ 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 5** ~~8~~ of this bill ~~requires~~ **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 ~~intoxicating liquor,~~ **alcohol**, a controlled substance or other prohibited substance ~~[-Section 5 revises the existing duties of the Committee to include certifying certain devices]~~ ; **(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 ~~[-Sections 6-8 of this bill revise the authority of the Committee to adopt certain regulations relating to calibrating certain devices and the certification of persons to operate certain devices to test the concentration of alcohol in a person's body to include]~~ ; **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 ~~sample for~~ **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-

59 616B.787) The Appeals Panel must meet at the times and places specified by a call of the  
60 Chair of the Appeals Panel, and the Chair must: (1) schedule meetings and hearings of the  
61 Appeals Panel; (2) establish the agenda for each such meeting and hearing; and (3) ensure that  
62 such meetings are conducted in an efficient manner. (NRS 616B.765, 616B.767) **Sections 11**  
63 **and 12** of this bill provide instead that the Chair or Commissioner of Insurance is required to  
64 carry out these duties.

65 Existing law creates the Medical Laboratory Advisory Committee to advise the State  
66 Board of Health on matters of policy concerning medical laboratories, qualifications of  
67 laboratory directors and personnel and certain other matters. The Board is required to appoint  
68 various persons to the Advisory Committee. (NRS 652.030, 652.160, 652.170) **Section 13** of  
69 this bill: (1) provides that if a vacancy in the membership of the Advisory Committee occurs,  
70 the Advisory Committee is required to submit a letter to the Board with a recommendation to  
71 fill the existing vacancy; and (2) requires the Advisory Committee to determine at least once  
72 per year whether any vacancy in its membership exists. **Section 13** also requires the Advisory  
73 Committee to meet at least once every year.

74 Existing law creates the Credit Union Advisory Council, consisting of five members  
75 appointed by the Governor, to consult with, advise and make recommendations to the  
76 Commissioner of Financial Institutions in all matters pertaining to credit unions. (NRS  
77 672.061, 672.290) **Section 14** of this bill: (1) clarifies that the Advisory Council may meet at  
78 least once every 6 months; and (2) eliminates the existing provision that council members are  
79 entitled to receive a certain salary for attendance at meetings.

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

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

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

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

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

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

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

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

13 285.070 1. Except as otherwise provided in this section, after reviewing and  
14 evaluating an employee suggestion, the Board, in consultation with the Budget  
15 Division of the Office of Finance, may make an award to the state employee or to  
16 each state employee of a group of state employees who submitted the employee  
17 suggestion.

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

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

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

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

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

4 (b) A total of \$25,000,  
5 **↳** whichever is less, whether distributed to an individual employee or to a group of  
6 state employees who submitted the employee suggestion.

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

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

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

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

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

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

30 (b) After a revision to the appropriate work program pursuant to NRS 353.220,  
31 the remaining balance must be used by the state agency that employs the state  
32 employee or the group of state employees who submitted the employee suggestion  
33 for one-time, nonoperational expenses which do not require ongoing maintenance,  
34 including, without limitation, training and equipment.

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

36 385.610 1. The Superintendent of Public Instruction shall establish an  
37 Advisory Council for Family Engagement. The Advisory Council is composed of  
38 11 members.

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

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

42 (b) Two teachers in public schools;

43 (c) One administrator of a public school;

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

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

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

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

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

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

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

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

10    6. After the initial terms:

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

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

15    7. *The Advisory Council shall, at least 30 days before the beginning of any*  
16 *member's term, or within 30 days after a position on the Advisory Council*  
17 *becomes vacant, submit to the relevant appointing authority, as set forth in*  
18 *subsection 2, 3 or 4, as applicable, the names of at least three persons qualified*  
19 *for membership on the Advisory Council.*

20    8. The Department shall provide:

21    (a) Administrative support to the Advisory Council; and

22    (b) All information that is necessary for the Advisory Council to carry out its  
23 duties.

24    ~~8.~~ 9. For each day or portion of a day during which a member of the  
25 Advisory Council who is a Legislator attends a meeting of the Advisory Council or  
26 is otherwise engaged in the business of the Advisory Council, except during a  
27 regular or special session of the Legislature, the member is entitled to receive the:

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

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

31    (c) Travel expenses provided pursuant to NRS 218A.655.

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

34    ~~9.~~ 10. A member of the Advisory Council who is not a Legislator is entitled  
35 to receive the per diem allowance and travel expenses provided for state officers  
36 and employees generally for each day or portion of a day during which the member  
37 attends a meeting of the Advisory Council or is otherwise engaged in the business  
38 of the Advisory Council. The per diem allowance and travel expenses for the  
39 members of the Advisory Council who are not Legislators must be paid by the  
40 Department.

41    ~~10.~~ 11. Any costs associated with employing a substitute teacher while a  
42 member of the Advisory Council who is a teacher attends a meeting of the  
43 Advisory Council must be paid by the school district or charter school that employs  
44 the member.

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

46    432.350 1. There is hereby created the Committee for the Statewide Alert  
47 System consisting of ~~15~~ 11 members as follows:

48    (a) ~~Five~~ Three members ~~appointed by the Governor~~ who represent local  
49 law enforcement agencies ~~3~~, *appointed by the Governor from among the names*  
50 *of nominees provided to the Governor pursuant to subsection 5;*

51    (b) ~~Five~~ Three members ~~appointed by the Governor~~ who represent state law  
52 enforcement agencies ~~3~~, *appointed by the Governor from among the names of*  
53 *nominees provided to the Governor pursuant to subsection 5;*

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

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

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

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

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

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

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

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

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

30 **Sec. 5. [NRS 484C.610 is hereby amended to read as follows:**

31 ~~484C.610 1. The Committee on Testing for Intoxication shall:~~

32 ~~(a) Study and make recommendations to the Director of the Department of~~  
 33 ~~Public Safety regarding the best practices, technologies and methods of detecting~~  
 34 ~~and determining the presence of and the effect of driving under the influence of~~  
 35 ~~intoxicating liquor, a controlled substance or other prohibited substance;~~

36 ~~(b) In the manner set forth in subsection 2, certify a device that the Committee~~  
 37 ~~determines is designed and manufactured to be accurate and reliable for the purpose~~  
 38 ~~of testing a person’s breath or other sample to determine the concentration of~~  
 39 ~~alcohol, a controlled substance or other prohibited substance in the person’s~~  
 40 ~~breath [.] or other sample; and~~

41 ~~[(b)] (c) Create, maintain and make available to the public, free of charge, a list~~  
 42 ~~of those devices certified by the Committee, described by manufacturer and type.~~

43 ~~2. To determine whether a device is designed and manufactured to be~~  
 44 ~~accurate and reliable for the purpose of testing a person’s breath or other sample to~~  
 45 ~~determine the concentration of alcohol, a controlled substance or another~~  
 46 ~~prohibited substance in the person’s breath [.] or other sample, the Committee~~  
 47 ~~may:~~

48 ~~(a) Use the list of qualified products meeting the requirements for evidential~~  
 49 ~~[breath testing] testing devices of the National Highway Traffic Safety~~  
 50 ~~Administration; or~~

51 ~~(b) Establish its own standards and procedures for evaluating those devices and~~  
 52 ~~obtain evaluations of the devices from the Director of the Department of Public~~  
 53 ~~Safety or the agent of the Director.~~



1 ~~— 3. If such a device has been certified by the Committee to be accurate and~~  
2 ~~reliable pursuant to this section, it is presumed that, as designed and manufactured,~~  
3 ~~the device is accurate and reliable for the purpose of testing a person's breath or~~  
4 ~~other sample to determine the concentration of alcohol, a controlled substance or~~  
5 ~~another prohibited substance in the person's breath [.] or other sample.~~

6 ~~— 4. This section does not preclude the admission of evidence of the~~  
7 ~~concentration of alcohol, a controlled substance or another prohibited substance~~  
8 ~~in a [person's breath] person's body where the information is obtained through the~~  
9 ~~use of a device other than one of a type certified by the Committee.] (Deleted by~~  
10 ~~amendment.)~~

11 **Sec. 6.** ~~[NRS 484C.620 is hereby amended to read as follows:~~

12 ~~— 484C.620 1. The Committee on Testing for Intoxication shall adopt~~  
13 ~~regulations which:~~

14 ~~— (a) Prescribe standards and procedures for calibrating devices used for testing a~~  
15 ~~person's breath or other sample to determine the concentration of alcohol, a~~  
16 ~~controlled substance or another prohibited substance in the [person's breath.]~~  
17 ~~person's body. The regulations must specify the period within which a law~~  
18 ~~enforcement agency that uses such a device must calibrate it or have it calibrated by~~  
19 ~~the Director of the Department of Public Safety or the agent of the Director.~~

20 ~~— (b) Establish methods for ascertaining the competence of persons to calibrate~~  
21 ~~such devices and provide for the examination and certification of those persons by~~  
22 ~~the Department of Public Safety. A certificate issued by the Department may not be~~  
23 ~~made effective for longer than 3 years.~~

24 ~~— (c) Prescribe the form and contents of records respecting the calibration of such~~  
25 ~~devices which must be kept by a law enforcement agency and any other records~~  
26 ~~respecting the maintenance or operation of those devices which it finds should be~~  
27 ~~kept by such an agency.~~

28 ~~— 2. The Director of the Department of Public Safety shall issue a certificate to~~  
29 ~~any person who is found competent to calibrate such a device or examine others on~~  
30 ~~their competence in that calibration.] (Deleted by amendment.)~~

31 **Sec. 7.** ~~[NRS 484C.630 is hereby amended to read as follows:~~

32 ~~— 484C.630 1. The Committee on Testing for Intoxication shall adopt~~  
33 ~~regulations which:~~

34 ~~— (a) Establish methods for ascertaining the competence of persons to:~~

35 ~~— (1) Operate devices for testing a person's breath or other sample to~~  
36 ~~determine the concentration of alcohol, a controlled substance or other prohibited~~  
37 ~~substance in the [person's breath.] person's body.~~

38 ~~— (2) Examine prospective operators and determine their competence.~~

39 ~~— (b) Provide for certification of operators and examiners by the Department of~~  
40 ~~Public Safety. A certificate issued by the Department may not be made effective for~~  
41 ~~longer than 3 years.~~

42 ~~— A person who is certified as an examiner is presumed to be certified as an~~  
43 ~~operator.~~

44 ~~— 2. The Director of the Department of Public Safety shall issue a certificate to~~  
45 ~~any person who is found competent to operate such a device or examine others on~~  
46 ~~their competence in that operation.~~

47 ~~— 3. A court shall take judicial notice of the certification of a person to operate~~  
48 ~~devices of one of the certified types. If a test to determine the concentration of~~  
49 ~~alcohol in a person's breath or other sample has been performed with a certified~~  
50 ~~type of device by a person who is certified pursuant to this section, it is presumed~~  
51 ~~that the person operated the device properly.~~

~~4. This section does not preclude the admission of evidence of a test of a person's breath or other sample where the test has been performed by a person other than one who is certified pursuant to this section.~~ **(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, ~~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, ~~urine~~ ~~person's body~~ or other sample;

~~(b) The~~

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

~~(c) The~~

(3) Require the certification of persons who operate devices or methods for testing a person's blood, ~~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, ~~urine~~ ~~person's body~~ and or other sample;

~~(d) The~~

(4) Require the certification of persons who examine those operators ~~or~~ ; 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, ~~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, ~~urine~~ ~~person's body~~ 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

1 criminal action arising out of acts alleged to have been committed while the person  
2 was:

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

5 (b) Engaging in any other conduct prohibited by NRS 488.410, 488.420 or  
6 488.425.

7 2. Except as otherwise provided in subsection 3 of NRS 488.450, a court may  
8 not exclude evidence of a required test or failure to submit to such a test if the  
9 peace officer or other person substantially complied with the provisions of NRS  
10 488.450 to 488.500, inclusive.

11 3. If a person submits to a chemical test provided for in NRS 488.450 or  
12 488.460, full information concerning that test must be made available, upon  
13 request, to the person or the person's attorney.

14 4. Evidence of a required test is not admissible in a criminal proceeding  
15 unless it is shown by documentary or other evidence that the device for testing *a*  
16 *person's breath or other sample* was certified pursuant to NRS 484C.610 *or*  
17 *484C.640, as applicable,* and was calibrated, maintained and operated as provided  
18 by the regulations of the Committee on Testing for Intoxication adopted pursuant to  
19 NRS 484C.620, 484C.630 or 484C.640.

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

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

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

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

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

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

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

42 616B.762 1. ~~[At its first meeting of each year, the]~~ *The* Appeals Panel shall  
43 elect a Chair from among its members.

44 2. The Chair shall hold office for 1 year ~~or until his or her successor is~~  
45 *elected.*

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

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

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

52 616B.765 1. The Chair of the Appeals Panel *or the Commissioner* shall:

- 1 (a) Schedule the time and place of the meetings and hearings of the Appeals  
2 Panel;  
3 (b) Establish the agenda for each meeting and hearing of the Appeals Panel;  
4 and  
5 (c) Ensure that the meetings of the Appeals Panel are conducted in an efficient  
6 manner.

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

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

11 616B.767 1. The Appeals Panel shall meet at the times and places specified  
12 by a call of the Chair ~~or~~ *or the Commissioner.*

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

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

16 652.170 1. The Board shall appoint the members of the Medical Laboratory  
17 Advisory Committee.

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

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

21 4. The Advisory Committee is composed of:

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

24 (b) Two medical technologists.

25 (c) One bioanalyst who is a laboratory director.

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

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

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

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

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

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

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

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

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

46 ~~8.~~ 10. While engaged in the business of the Committee, each employee of  
47 the Committee is entitled to receive a per diem allowance and travel expenses at a  
48 rate fixed by the Board. The rate must not exceed the rate provided for state officers  
49 and employees generally.

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

51 672.290 1. The Credit Union Advisory Council, consisting of five members  
52 appointed by the Governor, is hereby created to consult with, advise and make  
53 recommendations to the Commissioner in all matters pertaining to credit unions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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