

**LCB File No. R099-00**

**PROPOSED REGULATION OF THE  
DEPARTMENT OF MOTOR VEHICLES AND PUBLIC SAFETY  
RECORDS AND IDENTIFICATION SERVICES BUREAU**

**NOTICE OF INTENT TO ADOPT REGULATIONS**

**NOTICE OF WORKSHOP TO SOLICIT COMMENTS  
ON PROPOSED REGULATIONS**

**NOTICE OF HEARING TO ACT UPON PROPOSED REGULATIONS**

NOTICE IS HEREBY GIVEN that the Department of Motor Vehicles and Public Safety, Records and Identification Services Bureau ("Bureau") will hold a **WORKSHOP at 2:00 p.m. on Monday, July 3, 2000** at the Legislative Building, Room 2135, 401 S. Carson Street, Carson City, Nevada 89701, which will be videoconferenced to the Grant Sawyer Building, Room 4412 BC, 555 East Washington Avenue, Las Vegas, Nevada 89101. Interested persons may appear and be heard at this time at either location. The purpose of this workshop is to receive comments from all interested persons regarding the adoption of a regulation that pertains to Chapter 179A of the Nevada Administrative Code ("NAC").

NOTICE IS ALSO GIVEN that the Bureau will hold a **HEARING at 3:00 p.m. on Monday, July 24, 2000**, at the Legislative Building, Room 2135, 401 S. Carson Street, Carson City, Nevada 89701, which will be videoconferenced to the Grant Sawyer Building, Room 4412 BC, 555 East Washington Avenue, Las Vegas, Nevada 89101. Interested persons may appear and be heard at this time at either location. The purpose of the hearing is to receive all comments from all interested persons regarding the adoption of a regulation that pertains to Chapter 179A of the NAC.

The following information is provided pursuant to the requirements of Nevada Revised Statutes ("NRS") 233B.0603:

The Bureau is required to adopt regulations pursuant to the provisions of NRS 179A.310, which provides for the creation of a revolving account in order to pay the costs of the central repository to process requests from nonprofit agencies to determine whether a volunteer who works directly with children has committed a sexual offense. The purpose of the proposed regulation is to establish (i) the procedure by which a person may apply for a grant of money from the revolving account; (ii) the criteria that the department will consider in determining whether to award such a grant; and (iii) the procedures to distribute the money in the account in a fair and equitable manner.

The provisions of the proposed regulation will have no adverse economic effects, either immediate or long-term on the nonprofit agencies affected by the regulation. However, they will experience a beneficial economic effect upon receiving an award from the revolving account to pay the costs of the \$15 fee when making a request for a background check to be conducted by

the Bureau for a volunteer working with children. There will be no economic effect, either immediate or long-term, on the public.

At this time the Bureau does not envision any increased costs associated with enforcement of this proposed regulation. This regulation does not overlap or duplicate any other state or local government regulation, nor does it establish any new fee or increase an existing fee.

Persons wishing to comment on the proposed action of the Bureau may appear at the workshop or public hearing or may address their comments, data, views or arguments, in written form, to Jennifer Guinn, Records and Identification Services Bureau, 808 W. Nye Lane, Carson City, Nevada 89703. Written submissions for the WORKSHOP must be received by the Bureau on or before Tuesday, June 27, 2000. Written submissions for the HEARING must be received by the Bureau on or before Tuesday, July 18, 2000. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Bureau may proceed immediately to act upon any written submissions, including the adoption of the proposed regulation.

A copy of this notice and the regulation to be adopted will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be adopted will be available at the Department of Motor Vehicles and Public Safety, Records and Identification Services Bureau at 808 W. Nye Lane, Carson City, Nevada 89703 and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the Bureau, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has also been posted at the following locations:

**Department of Motor Vehicles & Public Safety**  
555 Wright Way  
Carson City, Nevada 89711

**Department of Motor Vehicles & Public Safety**  
3505 Construction Way  
Winnemucca, Nevada 89445

**Department of Motor Vehicles & Public Safety**  
973 W. Williams St.  
Fallon, Nevada 89406

**Department of Motor Vehicles & Public Safety**  
215 West Bridge St.  
Yerington, Nevada 89447

**Department of Motor Vehicles & Public Safety  
305 Galletti Way  
Reno, Nevada 89502**

**Department of Motor Vehicles & Public Safety  
1694 County Road  
Minden, Nevada 89423**

**Department of Motor Vehicles & Public Safety  
8250 W. Flamingo  
Las Vegas, Nevada 89117**

**Department of Motor Vehicles & Public Safety  
178 Avenue F  
Ely, Nevada 89301**

**Department of Motor Vehicles & Public Safety  
3920 Idaho Street  
Elko, Nevada 89801**

**Eureka Branch Library  
P.O. Box 293  
(10190 Monroe Street), Nevada 89316**

**Goldfield Public Library  
P.O. Box 430  
(Fourth & Crook Street)  
Goldfield, Nevada 89013**

**Lincoln County Library  
P.O. Box 330  
(93 Main Street)  
Pioche, Nevada 89043**

**Mineral County Library  
P.O. Box 1390  
(First & A Street)  
Hawthorne, Nevada 89415**

**Pershing County Library  
P.O. BOX 781  
(1125 Central Avenue)  
Lovelock, Nevada 89419**

**Battle Mountain Branch Library  
625 Broad Street  
Battle Mountain, Nevada 89820**

**Nevada State Library  
401 North Carson  
Carson City, Nevada 89710**

**Storey County Library  
P.O. Box 14  
(95 South R Street)  
Virginia City, Nevada 89440**

**Records and Identification Services Bureau  
808 W. Nye Lane  
Carson City, NV 89703**

**PROPOSED REGULATION  
DEPARTMENT OF MOTOR VEHICLES AND PUBLIC SAFETY  
RECORDS AND IDENTIFICATION SERVICES BUREAU**

**AUTHORITY:** NRS 179A.310 and 179A.315

**GENERAL INFORMATION:**

NRS 179A.310 creates a revolving account within the state general fund in order to pay the costs incurred by the central repository, as well as, reduce the fees charged to the agency, associated with a request for a background check received from a nonprofit agency. The purpose of such background checks will be to determine if a prospective or current volunteer who will be or is working directly with children has committed a sexual offense.

**Section 1.** Chapter 179A of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this regulation.

**Section 2:** *Procedure for a nonprofit agency to request a background check on a volunteer or prospective volunteer using the revolving account to reduce the related fee :*

- 1. The request for such background checks must be submitted by a nonprofit agency for which the fingerprint applicant is volunteering to work with children.*
- 2. Prior to submitting any such requests, a nonprofit agency shall establish an account and have an executed memorandum of understanding on file with the central repository in order to be eligible for a grant of money from the revolving account established under NRS 179A.310*
- 3. The nonprofit agency shall advise the person for whom the check is requested that he or she shall obtain a non-criminal fingerprint impression card at a county sheriff's office, municipal police department, or any other entity with the ability to make fingerprint impressions.*
- 4. Prior to submitting a request, the nonprofit agency shall call the central repository's revolving account status line in order to confirm sufficient funds exist within the account to process their request. (Need extension for recorded message) If there is less than a \$15 balance in the account, the nonprofit agency shall refrain from submitting any request against the revolving account.*
- 5. The nonprofit agency may elect to have only the Nevada state check conducted or both a state and national check conducted.*
- 6. If a national check is requested, the nonprofit agency shall submit a fee of \$18.00, as well as, an additional FD-258 fingerprint card for the volunteer or prospective volunteer. The central repository will forward that card to the Federal Bureau of Investigation for a search of its criminal history records.*
- 7. Upon receipt of a fingerprint card(s) submitted by the nonprofit agency, the central repository shall conduct a background check of state records pursuant to NRS 179A.210.*
- 8. Within 30 days after receipt of a request by a nonprofit agency for notice of information relating to sexual offenses, the central repository shall send a report of the*

- results of the search pursuant to NRS 179A.210 (4)(a) and (b).*
- 9. If a request is received by the central repository for which there are no funds in the revolving account, the central repository shall return the fingerprint card(s) to the nonprofit agency.*
  - 10. Upon return of the fingerprint card(s) from the central repository, the nonprofit agency may choose to immediately resubmit the cards with a check for \$15.00 or wait until funds exist in the revolving account.*

**Section 3:** *The following are criteria for eligibility necessary for the agency, as well as, the individual to meet in order for an award of grant money to be made from the revolving account:*

- 1. Criteria for eligibility of the nonprofit agency:*
  - A. The agency is a nonprofit agency registered with the Nevada secretary of state;*
  - 1. The agency provides a service within the State of Nevada;*
  - 2. The agency's activities involve working with children; and*
  - 3. The agency has established an account with the central repository as prescribed under Section 2.2 under which these background checks will be conducted.*
- 2. Criteria for eligibility of the individual for which the fingerprint card(s) is submitted:*
  - 1. The individual is a volunteer or prospective volunteer with the nonprofit agency;*
  - 2. The volunteer will have access or direct contact with children, meaning persons under the age of 16 years; and*
  - 3. The volunteer will provide services primarily to children residing in the State of Nevada.*

**Section 4:** *Procedures to distribute the money*

- 1. The Director shall allocate money in the revolving account for three separate regions in order to assist with the cost of conducting a state background check based on the following formula:*
  - 1. Seventy percent of the money will be allocated to requests originating in Region I, which will consist of Clark, Nye, and Lincoln counties.*
  - 2. Twenty-seven percent of the money will be allocated to requests originating in Region II, which will consist of Washoe, Douglas, Lyon, Churchill, Humboldt, Pershing, Lander, Mineral, Storey, Esmeralda counties, and Carson City.*
  - 3. Three percent of the money will be allocated to requests originating in Region III, which will consist of Elko, White Pine, and Eureka counties.*
- 2. Withdrawals will be made from the particular region's allocation of the revolving account as requests for background checks are received by the central repository on a "first come, first serve" basis.*

3. *In order that funds are distributed in a fair and equitable manner, no single nonprofit agency can utilize more than 50% of the region's available funds within a 30-day period.*
4. *Upon depletion of a particular region's allocation, no award from the revolving account will be made until sufficient funds are received through either gift, donation, bequest, grant or other source, thereby replenishing that particular region's allocation of funds.*

**Section 5:**     *Procedures for a person to donate money*

1. *Any individual can give money by gift, donation or request to the revolving account established by NRS 179A.310.*
2. *The contribution shall be accompanied by a cover letter indicating:*
  1. *The contribution is being made towards the revolving account to offset the costs of background checks of volunteers who work with children; and*
  2. *The name of the individual making the contribution.*
3. *The contribution shall be made payable to the Nevada State Treasurer.*
4. *The Director shall deposit the contribution in the revolving account to be administered in accordance with Section 4.1.*