

**PROPOSED REGULATION OF THE
DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY**

LCB File No. R063-07

September 14, 2007

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

AUTHORITY: §§1-3, NRS 179A.080 and 179A.310.

A REGULATION relating to public safety; revising provisions concerning the fees that the Central Repository of Nevada Records of Criminal History charges a nonprofit agency for providing certain information relating to the records of criminal history of certain persons who work with children; revising the criteria for eligibility for a nonprofit agency for a grant of money from the Revolving Account to Investigate the Background of Volunteers Who Work With Children; and providing other matters properly relating thereto.

Section 1. NAC 179A.150 is hereby amended to read as follows:

179A.150 1. Before submitting a request to the Central Repository for a background check of a volunteer, a nonprofit agency must open an account with the Central Repository . ~~[and enter into a memorandum of understanding with]~~ *The nonprofit agency must submit, on a form prescribed by the Central Repository [A], an application to open an account. If the Central Repository determines that the nonprofit agency is eligible to receive a grant of money from the Revolving Account, the Central Repository shall open the account.*

2. ~~[A]~~ *An eligible* nonprofit agency that requests a state background check of a volunteer must submit to the Central Repository a noncriminal fingerprint impression card that contains the fingerprints of the volunteer about whom the request is made. The card must be completed by an entity that has the ability to record fingerprint impressions . ~~[such as a county sheriff's office or~~

~~municipal police department. In addition to the fingerprint card, the nonprofit agency that requests a background check must:~~

- ~~—(a) Pay \$15 to the Central Repository for each background check requested; or~~
- ~~—(b) Submit a request to the Central Repository for an award of money from the Revolving Account pursuant to NAC 179A.170 to pay the cost of the background check.]~~

3. ~~[A]~~ *Blue eligible* nonprofit agency that submits a request for a background check of a volunteer may request a national background check in addition to a state background check. An agency that requests a national background check must ~~[-~~

~~—(a) In], in~~ addition to the fingerprint card required pursuant to subsection 2, submit an FD-258 fingerprint card to the Central Repository . ~~[-; and~~

~~—(b) In addition to the fee described in subsection 2, pay \$18 to the Central Repository for each background check requested.]~~

Sec. 2. NAC 179A.180 is hereby amended to read as follows:

179A.180 1. The Central Repository shall not award a grant of money from the Revolving Account unless:

(a) The nonprofit agency that requested the background check:

(1) ~~[Has not received money from the Revolving Account within the 30 days immediately preceding the date the request is processed;~~

~~—(2)]~~ Is registered as a nonprofit agency with the Secretary of State;

~~[(3)]~~ (2) Provides a service in this State which involves working with persons who are less than 16 years of age; and

~~[(4)]~~ (3) Has complied with NAC 179A.150;

(b) The person about whom the background check is made:

- (1) Is a volunteer for the nonprofit agency who requested the background check; and
- (2) Has direct contact with and provides services primarily to, or will have direct contact with and will provide services primarily to, persons who are less than 16 years of age and who are residents of this State; and

~~[(c) The amount of the request is less than or equal to 50 percent of the total amount of money available in the Account for award in the region in which the agency is located.]~~

2. The Central Repository shall award money ~~{allocated to a region pursuant to NAC 179A.190}~~ *from the Revolving Account* to *eligible* nonprofit agencies ~~{in that region}~~ in the order that requests are received.

Sec. 3. NAC 179A.033, 179A.170 and 179A.190 are hereby repealed.

TEXT OF REPEALED SECTIONS

179A.033 “Region” defined. (NRS 179A.080, 179A.310) “Region” means a group of counties for which a certain percentage of the money in the Revolving Account has been allocated pursuant to NAC 179A.190.

179A.170 Verification of availability of money in Account. (NRS 179A.080, 179A.310)

1. Before submitting a request for an award of money from the Revolving Account, a nonprofit agency must check the balance of available money in the Account for the region in which the agency is located by calling the account status telephone number established by the Central Repository.

2. A nonprofit agency shall not submit a request for an award of money in the Revolving Account in an amount of more than 50 percent of the total amount of money available in the Account for award to nonprofit agencies in the region in which the agency is located.

179A.190 Allocation of money in Account. (NRS 179A.080, 179A.310)

1. When the Director receives money for deposit in the Revolving Account and when redistributing money in the Account pursuant to subsection 2, the Director will allocate money in the Revolving Account for award in the following manner:

(a) Seventy percent of the money will be allocated for award to requests from nonprofit agencies in Clark, Nye and Lincoln counties;

(b) Twenty-seven percent of the money will be allocated for award to requests from nonprofit agencies in Washoe, Douglas, Lyon, Churchill, Humboldt, Pershing, Lander, Mineral, Storey and Esmeralda counties, and Carson City; and

(c) Three percent of the money will be allocated for award to requests from nonprofit agencies in Elko, White Pine and Eureka counties.

2. Biannually, the Director will determine the total amount of money in the Revolving Account and redistribute the money in accordance with subsection 1.