

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

**LCB File No. R061-06**

August 18, 2006

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

AUTHORITY: §§1-5, NRS 179A.080 and 179A.310.

A REGULATION relating to background checks; revising the provisions relating to fees for background checks on volunteers of nonprofit agencies; 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 Central Repository.]~~

2. A 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 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.160 is hereby amended to read as follows:

179A.160 ~~[-]~~ Upon receipt of a request for a background check that complies with NAC 179A.150, the Central Repository shall:

~~[(a) Except as otherwise provided in subsection 2, conduct]~~

**1. Conduct** a background check of state records pursuant to NRS 179A.210; and

~~[(b)]~~ **2.** If the request includes a request for a national background check, send the FD-258 fingerprint card to the Federal Bureau of Investigation for a search of the criminal history records of the Federal Bureau of Investigation.

~~[2.—If the Central Repository denies a request for an award of money from the Revolving Account, the Central Repository shall not conduct a background check pursuant to NRS 179A.210 and shall return the fingerprint card to the nonprofit agency.]~~

**Sec. 3.** NAC 179A.180 is hereby amended to read as follows:

179A.180 ~~[-]~~ The Central Repository ~~[shall not award a grant of]~~ *may use* money from the Revolving Account ~~[unless:~~

~~—(a)]~~ *to offset the cost of obtaining a national background check pursuant to subsection 2 of NAC 179A.160 if:*

1. The nonprofit agency that requested the *national* background check:

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

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

~~—(3) as a nonprofit agency that is recognized as exempt from taxation pursuant to 26 U.S.C. § 501(c)(3);~~

(b) Provides a service in this state which involves working with persons who are less than 16 years of age; and

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

~~[(b)]~~ 2. The person about whom the *national* background check is made:

~~[(1)] (a) Is a volunteer for the nonprofit agency who requested the *national* background check; and~~

~~[(2)] (b) 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 to nonprofit agencies in that region in the order that requests are received.]~~

**Sec. 4.** NAC 179A.190 is hereby amended to read as follows:

179A.190 1. When the Director receives money *in the form of gifts, donations, bequests or grants* for deposit in the Revolving Account and when redistributing money in the *Revolving*

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 *donations and grant* money will be allocated for ~~award to~~ requests from nonprofit agencies in Clark, Nye and Lincoln counties;
- (b) Twenty-seven percent of the *donations and grant* 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 *donations and grant* 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.

**Sec. 5.** NAC 179A. 033 and 179A.170 are hereby repealed.

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### TEXT OF REPEALED SECTIONS

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**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.