

Amendment No. 63

Senate Amendment to Senate Bill No. 83	(BDR 31-288)
Proposed by: Senate Committee on Government Affairs	
Amends: 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.

EMR/HAC



Date: 3/25/2015

S.B. No. 83—Designates as confidential certain information that is reported to the Division of Internal Audits of the Department of Administration.
(BDR 31-288)



SENATE BILL NO. 83—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE DIVISION OF INTERNAL AUDITS)

PREFILED DECEMBER 20, 2014

Referred to Committee on Government Affairs

SUMMARY—Designates as confidential certain information that is reported to the Division of Internal Audits of the Department of Administration. (BDR 31-288)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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

AN ACT relating to state accountability; designating as confidential certain information that is reported to the Division of Internal Audits of the Department of Administration relating to abuse, fraud or waste with respect to public money; prohibiting the disclosure of such information by the Division with limited exceptions; requiring the Division to review information that is reported and prepare a report of its findings; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Director of the Department of Administration to establish a telephone hotline at which a person may report to the Division of Internal Audits of the Department information relating to abuse, fraud or waste with respect to public money received and used by an Executive Branch agency or certain contractors. (NRS 353A.049) **Section 1** of this bill designates as confidential any information reported at the telephone hotline, including the identity of the person who reported the information. **Section 1** further prohibits the Division from disclosing the confidential information with certain limited exceptions. **Section 1 also requires the Division to perform a review upon receipt of any information reported and prepare a report of its findings from the review.**

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

Section 1. NRS 353A.049 is hereby amended to read as follows:
353A.049 1. The Director shall:
(a) Establish a telephone number at which a person may *confidentially* report *to the Division* information relating to abuse, fraud or waste with respect to public money received and used by an agency or contractor; and
(b) Create a written notice that:

(1) Clearly identifies the telephone number established pursuant to paragraph (a); and

(2) Contains a statement directing any person with any information relating to abuse, fraud or waste with respect to public money received and used by an agency or contractor to report the information at the telephone number established pursuant to paragraph (a).

2. The written notice created pursuant to paragraph (b) of subsection 1 must be posted conspicuously:

(a) In each public building of an agency; and

(b) On the Internet website maintained by the Department of Administration.

3. Upon receipt of information from a person calling the telephone number established pursuant to paragraph (a) of subsection 1, the Division shall perform a review and prepare a report of its findings. The report is a public record and:

(a) Must include, without limitation, an explanation of:

(1) The purpose of the review; and

(2) Any resolution or corrective action taken by the Division that resulted from the review.

(b) Must not include the identity of the person who reported the information.

4. ~~Except as otherwise provided in subsection 4,~~ subsections 3 and 5, any information reported to the Division at the telephone number established pursuant to paragraph (a) of subsection 1, including, without limitation, the identity of the person who reported the information, is confidential.

~~5.~~ The Division shall not disclose information that is confidential pursuant to subsection ~~3~~ 4 except:

(a) Pursuant to NRS 239.0115;

(b) For the purpose of carrying out any duty of the Division prescribed by NRS 353A.031 to 353A.100, inclusive, or for the purpose of assisting the Director or Administrator in carrying out any duty of the Director or Administrator prescribed by this chapter;

(c) Upon the lawful order of a court of competent jurisdiction; or

(d) To the Office of the Attorney General or the office of a district attorney within this State for the purpose of investigating the alleged abuse, fraud or waste reported to the Division.

~~5.4~~ 6. As used in this section:

(a) "Contractor" means any person, business, organization or nonprofit corporation that contracts with an agency to receive public money. The term includes a subcontractor or a third party who receives any portion of the public money from the contractor to carry out any obligation pursuant to a contract between the contractor and the agency.

(b) "Public money" means any money deposited with a depository by the State Treasurer and includes money which is received by an agency from the Federal Government for distribution and use in this State pursuant to a federal law or federal regulation.

Sec. 2. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1A.110, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801,

1 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160,
2 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925,
3 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105,
4 217.110, 217.464, 217.475, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350,
5 228.270, 228.450, 228.495, 228.570, 231.069, 233.190, 237.300, 239.0105,
6 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230,
7 239C.250, 239C.270, 240.007, 241.020, 241.030, 242.105, 244.264, 244.335,
8 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105,
9 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025,
10 289.080, 289.387, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110,
11 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1725, 338.1727,
12 348.420, 349.597, 349.775, 353.205, **353A.049**, 353A.085, 353A.100, 353C.240,
13 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160,
14 368A.180, 372A.080, 378.290, 378.300, 379.008, 386.655, 387.626, 387.631,
15 388.5275, 388.528, 388.5315, 388.750, 391.035, 392.029, 392.147, 392.264,
16 392.271, 392.652, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465,
17 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 412.153,
18 416.070, 422.290, 422.305, 422A.320, 422A.350, 425.400, 427A.1236, 427A.872,
19 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560,
20 433.534, 433A.360, 439.270, 439.840, 439B.420, 440.170, 441A.195, 441A.220,
21 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720,
22 453.1545, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866,
23 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407,
24 463.790, 467.1005, 467.137, 481.063, 482.170, 482.5536, 483.340, 483.363,
25 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160,
26 584.655, 598.0964, 598A.110, 603.070, 603A.210, 604A.710, 612.265, 616B.012,
27 616B.315, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.353,
28 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 629.069, 630.133,
29 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283,
30 633.301, 633.524, 634.212, 634.214, 634A.185, 635.158, 636.107, 637.085,
31 637A.315, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220,
32 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090,
33 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625,
34 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130,
35 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945,
36 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105,
37 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430,
38 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159,
39 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.280,
40 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115,
41 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.420,
42 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725,
43 710.159, 711.600, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011
44 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise
45 declared by law to be confidential, all public books and public records of a
46 governmental entity must be open at all times during office hours to inspection by
47 any person, and may be fully copied or an abstract or memorandum may be
48 prepared from those public books and public records. Any such copies, abstracts or
49 memoranda may be used to supply the general public with copies, abstracts or
50 memoranda of the records or may be used in any other way to the advantage of the
51 governmental entity or of the general public. This section does not supersede or in
52 any manner affect the federal laws governing copyrights or enlarge, diminish or

1 affect in any other manner the rights of a person in any written book or record
2 which is copyrighted pursuant to federal law.

3 2. A governmental entity may not reject a book or record which is
4 copyrighted solely because it is copyrighted.

5 3. A governmental entity that has legal custody or control of a public book or
6 record shall not deny a request made pursuant to subsection 1 to inspect or copy or
7 receive a copy of a public book or record on the basis that the requested public
8 book or record contains information that is confidential if the governmental entity
9 can redact, delete, conceal or separate the confidential information from the
10 information included in the public book or record that is not otherwise confidential.

11 4. A person may request a copy of a public record in any medium in which
12 the public record is readily available. An officer, employee or agent of a
13 governmental entity who has legal custody or control of a public record:

14 (a) Shall not refuse to provide a copy of that public record in a readily
15 available medium because the officer, employee or agent has already prepared or
16 would prefer to provide the copy in a different medium.

17 (b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare
18 the copy of the public record and shall not require the person who has requested the
19 copy to prepare the copy himself or herself.

20 **Sec. 3.** This act becomes effective upon passage and approval.