

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:

- 1 Existing law requires the Director of the Department of Administration to
 - 2 establish a telephone hotline at which a person may report to the Division of
 - 3 Internal Audits of the Department information relating to abuse, fraud or waste with
 - 4 respect to public money received and used by an Executive Branch agency or
 - 5 certain contractors. (NRS 353A.049) **Section 1** of this bill designates as
 - 6 confidential any information reported at the telephone hotline, including the
 - 7 identity of the person who reported the information. **Section 1** further prohibits the
 - 8 Division from disclosing the confidential information with certain limited
 - 9 exceptions. **Section 1** also requires the Division to perform a review upon receipt of
 - 10 any information reported and prepare a report of its findings from the review.
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* S B 8 3 R 1 *

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 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 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



1 *any duty of the Director or Administrator prescribed by this*
2 *chapter;*

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

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

8 **6.** As used in this section:

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

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

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

20 239.010 1. Except as otherwise provided in this section and
21 NRS 1.4683, 1A.110, 49.095, 62D.420, 62D.440, 62E.516,
22 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 76.160,
23 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413,
24 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345,
25 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270,
26 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280,
27 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130,
28 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057,
29 127.130, 127.140, 127.2817, 130.312, 159.044, 172.075, 172.245,
30 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801,
31 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450,
32 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662,
33 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140,
34 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464,
35 217.475, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350,
36 228.270, 228.450, 228.495, 228.570, 231.069, 233.190, 237.300,
37 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140,
38 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020,
39 241.030, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140,
40 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350,
41 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025,
42 289.080, 289.387, 293.5002, 293.503, 293.558, 293B.135,
43 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070,
44 338.1379, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205,
45 **353A.049**, 353A.085, 353A.100, 353C.240, 360.240, 360.247,



1 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180,
2 372A.080, 378.290, 378.300, 379.008, 386.655, 387.626, 387.631,
3 388.5275, 388.528, 388.5315, 388.750, 391.035, 392.029, 392.147,
4 392.264, 392.271, 392.652, 392.850, 394.167, 394.1698, 394.447,
5 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403,
6 408.3885, 408.3886, 412.153, 416.070, 422.290, 422.305,
7 422A.320, 422A.350, 425.400, 427A.1236, 427A.872, 432.205,
8 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560,
9 433.534, 433A.360, 439.270, 439.840, 439B.420, 440.170,
10 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665,
11 445B.570, 449.209, 449.245, 449.720, 453.1545, 453.720,
12 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866,
13 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240,
14 463.3403, 463.3407, 463.790, 467.1005, 467.137, 481.063, 482.170,
15 482.5536, 483.340, 483.363, 483.800, 484E.070, 485.316, 503.452,
16 522.040, 534A.031, 561.285, 571.160, 584.655, 598.0964,
17 598A.110, 603.070, 603A.210, 604A.710, 612.265, 616B.012,
18 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310,
19 623.131, 623A.353, 624.110, 624.265, 624.327, 625.425, 625A.185,
20 628.418, 629.069, 630.133, 630.30665, 630.336, 630A.555,
21 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524,
22 634.212, 634.214, 634A.185, 635.158, 636.107, 637.085, 637A.315,
23 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075,
24 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190,
25 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524,
26 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082,
27 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135,
28 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945,
29 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110,
30 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310,
31 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243,
32 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690,
33 680A.270, 681A.440, 681B.260, 681B.280, 683A.0873, 685A.077,
34 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010,
35 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.420,
36 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325,
37 706.1725, 710.159, 711.600, sections 35, 38 and 41 of chapter 478,
38 Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of
39 Nevada 2013 and unless otherwise declared by law to be
40 confidential, all public books and public records of a governmental
41 entity must be open at all times during office hours to inspection by
42 any person, and may be fully copied or an abstract or memorandum
43 may be prepared from those public books and public records. Any
44 such copies, abstracts or memoranda may be used to supply the
45 general public with copies, abstracts or memoranda of the records or



1 may be used in any other way to the advantage of the governmental
2 entity or of the general public. This section does not supersede or in
3 any manner affect the federal laws governing copyrights or enlarge,
4 diminish or affect in any other manner the rights of a person in any
5 written book or record which is copyrighted pursuant to federal law.

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

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

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

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

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

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

