

SENATE BILL NO. 263—SENATOR JACOBSEN

FEBRUARY 26, 1999

Referred to Committee on Human Resources and Facilities

SUMMARY—Creates office of veterans’ services and changes name of certain other offices.
(BDR 37-1046)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: Yes.

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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 veterans; creating an office of veterans’ services; changing the name and transferring the offices of the executive and deputy executive directors for veteran affairs from the office of the military to the office of veterans’ services; and providing other matters properly relating thereto.

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

- 1 **Section 1.** NRS 417.010 is hereby amended to read as follows:
- 2 417.010 As used in this chapter:
- 3 1. “Deputy executive director” means the deputy executive director for
- 4 ~~{veteran affairs.}~~ ***veterans’ services.***
- 5 2. “Executive director” means the executive director for ~~{veteran~~
- 6 ~~affairs.}~~ ***veterans’ services.***
- 7 **Sec. 2.** NRS 417.020 is hereby amended to read as follows:
- 8 417.020 ***1. The office of veterans’ services is hereby created.***
- 9 ***2. The office consists of the*** offices of the executive director for
- 10 ~~{veteran affairs}~~ ***veterans’ services*** and the deputy executive director for
- 11 ~~{veteran affairs are hereby created within the office of the military.}~~
- 12 ***veterans’ services.***
- 13 ***3. The executive director shall serve as the director of the office of***
- 14 ***veterans’ services and is responsible for the performance of the duties***
- 15 ***imposed upon the office, and for such other duties as may be prescribed***
- 16 ***by this chapter.***
- 17 ***4. The executive director may adopt such regulations as are***
- 18 ***necessary to carry out the provisions of this chapter.***

1 **Sec. 3.** NRS 160.040 is hereby amended to read as follows:

2 160.040 1. Except as otherwise provided in this section, it is
3 unlawful for any person to accept appointment as guardian of any ward if
4 ~~{such}~~ **the** proposed guardian is at that time acting as guardian for five
5 wards. In any case, upon presentation of a petition by an attorney of the
6 Department of Veterans Affairs ~~{under}~~ **pursuant to** this section alleging
7 that a guardian is acting in a fiduciary capacity for more than five wards
8 and requesting his discharge for that reason, the court, upon proof
9 substantiating the petition, shall require a final accounting from ~~{such}~~ **the**
10 guardian and shall discharge ~~{such-guardian}~~ **him** in the case.

11 2. The limitations of this section do not apply where the guardian is a
12 bank or trust company acting for the wards' estates only.

13 3. An individual may be guardian of more than five wards if they are
14 all members of the same family.

15 4. The limitations of this section do not apply to the executive director
16 for ~~{veteran-affairs}~~ **veterans' services** or to a public guardian.

17 **Sec. 4.** NRS 160.090 is hereby amended to read as follows:

18 160.090 1. Before making an appointment under the provisions of
19 this chapter the court shall establish to its satisfaction that the person whose
20 appointment as guardian is sought is a fit and proper person to be
21 appointed.

22 2. Upon the appointment being made the guardian shall, except as
23 otherwise provided in this section, execute and file a bond to be approved
24 by the court in an amount not less than the value of the personal property of
25 the estate plus the anticipated annual income. Thereafter the amount of
26 ~~{such-bond-shall}~~ **the bond must** be equal to the total value of the personal
27 estate plus the annual income. The bond ~~{shall}~~ **must** be in the form and be
28 conditioned as required of guardians appointed ~~{under}~~ **pursuant to** the
29 provisions of chapter 159 of NRS. The premiums on all such bonds ~~{shall}~~
30 **must** be paid from the estate.

31 3. If a banking corporation as defined in NRS 657.016, or a trust
32 company, as defined by NRS 669.070, doing business in this state is
33 appointed guardian of the estate of a ward, no bond is required of ~~{such}~~
34 **the** guardian unless the court by specific order requires a bond. If the
35 executive director ~~{for-veteran-affairs}~~ **veterans' services** is appointed
36 guardian, no bond is required.

37 4. If the court orders that the estate and income, or a part thereof, be
38 deposited in a banking corporation, as defined in NRS 657.016, or trust
39 company, as defined by NRS 669.070, doing business in this state and that
40 such estate and income, or any part thereof, ~~{shall}~~ **must** not be withdrawn
41 without authorization of the court, then the amount of the guardian's bond
42 ~~{shall}~~ **must** be reduced in an amount equal to the amount of the estate and
43 income on deposit ~~{with-such}~~ **the** banking corporation, and the surety on

1 ~~{such bonds shall}~~ *the bonds must* be exonerated from any loss to the estate
2 in connection with ~~{such}~~ *the* deposit.

3 5. Where a bond is tendered by a guardian with personal sureties,
4 ~~{such}~~ *the* sureties shall file with the court a certificate under oath which
5 describes the property owned, both real and personal, and contains a
6 statement that they are each worth the sum named in the bond as the penalty
7 thereof over and above all their debts and liabilities and exclusive of
8 property exempt from execution.

9 **Sec. 5.** NRS 233B.039 is hereby amended to read as follows:

10 233B.039 1. The following agencies are entirely exempted from the
11 requirements of this chapter:

12 (a) The governor.

13 (b) The department of prisons.

14 (c) The University and Community College System of Nevada.

15 (d) The office of the military.

16 (e) The state gaming control board.

17 (f) The Nevada gaming commission.

18 (g) The welfare division of the department of human resources.

19 (h) The state board of examiners acting pursuant to chapter 217 of NRS.

20 (i) Except as otherwise provided in NRS 533.365, the office of the state
21 engineer.

22 *(j) The office of veterans' services.*

23 2. Except as otherwise provided in NRS 391.323, the department of
24 education, the committee on benefits and the commission on professional
25 standards in education are subject to the provisions of this chapter for the
26 purpose of adopting regulations but not with respect to any contested case.

27 3. The special provisions of:

28 (a) Chapter 612 of NRS for the distribution of regulations by and the
29 judicial review of decisions of the employment security division of the
30 department of employment, training and rehabilitation;

31 (b) Chapters 616A to 617, inclusive, of NRS for the determination of
32 contested claims;

33 (c) Chapter 703 of NRS for the judicial review of decisions of the public
34 utilities commission of Nevada;

35 (d) Chapter 91 of NRS for the judicial review of decisions of the
36 administrator of the securities division of the office of the secretary of state;
37 and

38 (e) NRS 90.800 for the use of summary orders in contested cases,
39 prevail over the general provisions of this chapter.

40 4. The provisions of NRS 233B.122, 233B.124, 233B.125 and
41 233B.126 do not apply to the department of human resources in the
42 adjudication of contested cases involving the issuance of letters of approval
43 for health facilities and agencies.

1 5. The provisions of this chapter do not apply to:

2 (a) Any order for immediate action, including, but not limited to,
3 quarantine and the treatment or cleansing of infected or infested animals,
4 objects or premises, made under the authority of the state board of
5 agriculture, the state board of health, the state board of sheep
6 commissioners or any other agency of this state in the discharge of a
7 responsibility for the preservation of human or animal health or for insect
8 or pest control; or

9 (b) An extraordinary regulation of the state board of pharmacy adopted
10 pursuant to NRS 453.2184.

11 6. The state board of parole commissioners is subject to the provisions
12 of this chapter for the purpose of adopting regulations but not with respect
13 to any contested case.

14 **Sec. 6.** NRS 244.401 is hereby amended to read as follows:

15 244.401 1. The board of county commissioners of any county may
16 create by ordinance the office of coordinator of services for veterans. If
17 such an office is created, the board shall appoint a qualified veteran to hold
18 the office and the board shall establish his compensation.

19 2. The coordinator of services for veterans shall:

20 (a) Assist a veteran or his spouse or dependent, if the person requesting
21 assistance is a resident of the county, in preparing, submitting and pursuing
22 any claim that the person has against the United States, or any state, to
23 establish his right to any privilege, preference, care or compensation to
24 which he believes that he is entitled;

25 (b) Aid, assist and cooperate with the executive director for ~~{veteran~~
26 ~~affairs}~~ **veterans' services** and the deputy executive director for ~~{veteran~~
27 ~~affairs}~~ **veterans' services** and with the Nevada veterans' services
28 commission;

29 (c) Disseminate information relating to veterans' benefits in cooperation
30 with the executive director for ~~{veteran-affairs}~~ **veterans' services** and the
31 deputy executive director for ~~{veteran-affairs;}~~ **veterans' services;** and

32 (d) Perform such other services related to assisting a veteran, his spouse
33 or his dependent as requested by the board of county commissioners.

34 3. Two or more counties jointly may create one office of coordinator of
35 services for veterans to serve those counties.

36 **Sec. 7.** NRS 244.406 is hereby amended to read as follows:

37 244.406 1. Except as otherwise provided in this section, the office of
38 coordinator of services for veterans must be supported from money in the
39 county general fund and from any gifts or grants received by the county for
40 the support of the office.

41 2. The board of county commissioners of a county that creates the
42 office of coordinator of services for veterans is authorized to accept funds

1 from the executive director for ~~{veteran affairs}~~ **veterans' services** pursuant
2 to subsection 8 of NRS 417.090 for the support of the office.

3 3. The board of county commissioners of a county that creates the
4 office of coordinator of services for veterans may enter into an agreement
5 with the health division of the department of human resources for the
6 purpose of obtaining federal matching funds to contribute to the salaries
7 and expenses of the office of coordinator of services for veterans for its
8 activities which are reasonably related to the programs of the health
9 division of the department of human resources and which benefit or result
10 in cost avoidance for the health division.

11 4. The board of county commissioners of a county that creates the
12 office of coordinator of services for veterans shall, on or before February 1
13 of each odd-numbered year, submit a report to the director of the legislative
14 counsel bureau for distribution to each regular session of the legislature
15 describing the efficiency and effectiveness of the office. The report must
16 include, without limitation, the number, total value and average value of the
17 benefits received by the office on behalf of veterans, their spouses and their
18 dependents.

19 **Sec. 8.** This act becomes effective on July 1, 1999.

20 **Sec. 9.** The legislative counsel shall, in preparing the reprint and
21 supplements to the Nevada Revised Statutes, with respect to any section
22 that is not amended by this act or is further amended by another act,
23 appropriately change any reference to the:

24 1. "Executive director for veteran affairs" to "executive director for
25 veterans' services"; and

26 2. "Deputy executive director for veteran affairs" to "deputy executive
27 director for veterans' services."