

ASSEMBLY BILL NO. 448—COMMITTEE ON WAYS AND MEANS

(ON BEHALF OF THE DEPARTMENT OF ADMINISTRATION)

MARCH 25, 2013

Referred to Committee on Ways and Means

SUMMARY—Revises certain provisions concerning the state militia. (BDR 36-1142)

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 the state militia; authorizing the Adjutant General to accept certain property; revising certain provisions relating to the rental of an armory or facility of the Office of the Military; revising certain provisions relating to the Patriot Relief Account; repealing certain provisions concerning the state militia; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill authorizes the Adjutant General to accept federal funding for personnel support and equipment supplies, arms and facilities through the United States Property and Fiscal Officer for Nevada, and requires deposit of any money received in the State Treasury.

Sections 5 and 6 of this bill revise the provisions relating to the rental of a facility or an armory or space within an armory to allow a security deposit to be required. **Section 5** also authorizes the use of the money generated from the rental of an armory or space within an armory to make repairs, construct new facilities, fund various activities and further state and governmental relations.

Existing law authorizes the payment of various benefits to members of the Nevada National Guard from the Patriot Relief Account in the State General Fund. (NRS 412.1435) **Section 7** of this bill revises certain provisions concerning authorized uses of money in the Patriot Relief Account.

Section 8 of this bill repeals the existing law that provides certain allowances for military uniforms and equipment under certain circumstances. (NRS 412.184)



* A B 4 4 8 R 1 *

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

Section 1. Chapter 412 of NRS is hereby amended by adding thereto a new section to read as follows:

The Adjutant General may accept through the United States Property and Fiscal Officer for Nevada such equipment, supplies, arms, facilities and funding for personnel support as may be authorized and appropriated by federal law. All federal money received by the Adjutant General under this section must be deposited in the State Treasury.

Sec. 2. NRS 412.092 is hereby amended to read as follows:

412.092 The word "armory" as used in NRS 412.092 to 412.109, inclusive, *and section 1 of this act*, means any building, together with the grounds upon which it is situated, used for the storage and maintenance of military property or the training of troops, and in addition real property acquired or held in contemplation of such use.

Sec. 3. NRS 412.098 is hereby amended to read as follows:

412.098 The construction, expansion, rehabilitation or conversion of armories and arsenals in this State shall be accomplished by the State Public Works ~~Board~~ *Division of the Department of Administration*, subject to the inspection and approval of the Secretary of Defense, as prescribed by 10 U.S.C. § ~~2237~~ *18237* when federal funds have been allocated to the State for such work.

Sec. 4. NRS 412.102 is hereby amended to read as follows:

412.102 1. The Office shall provide and maintain armories suitable for conducting drills and the safekeeping of federal military property, with light, water and heat, for the units of the Nevada National Guard organized in the several counties of the State.

2. The expenses of procuring and maintaining the armories, and the monthly allowance to cover incidental expenses which may be incurred by each unit, ~~must~~ *may* be paid from the appropriation for the support of the Nevada National Guard ~~or~~ *or from other available money*.

Sec. 5. NRS 412.108 is hereby amended to read as follows:

412.108 1. The person or governmental entity applying for the rental of an armory or space within an armory must execute and deliver a written agreement which must include among its provisions ~~this, her or its~~ :

(a) *The* full name and address ~~the~~ *of the applicant*;

(b) *The* purpose for which its use is desired ~~the~~ ;

(c) *The* nature and manner of the intended use of the space ~~it~~ ;



(d) A reasonable rental , which may include a security deposit, to be paid for that use ; and ~~the~~

(e) The amounts to be paid for heating, lighting, janitorial and other services connected with its use.

2. The terms and provisions of the agreement must be governed by Office regulations issued pursuant to this chapter, which regulations must include provisions designed to prevent unfair competition with privately owned property and business.

~~12-1~~ 3. No agreement for use made pursuant to ~~this section~~ subsection 1 is effective until the agreement or lease has been approved and executed by the officer in charge of the armory or the officer's authorized representative, and has been approved by his or her military superiors as prescribed by Office regulations issued pursuant to this chapter.

~~13-1~~ 4. No agreement or lease made pursuant to ~~this section~~ subsection 1 may be assigned in whole or in part nor may space be sublet to or used by a person or entity not a party to the agreement, unless each assignment, subletting or use is first approved in writing by the officer in charge of the armory or the officer's authorized representative.

~~14-1~~ 5. All money paid or given, directly or indirectly, for the rental of an armory or to obtain an agreement or permission to use the armory are use fees within the meaning of this section and must be paid to the officer in charge of the armory or the officer's authorized representative. Any person other than the officer in charge of the armory or the officer's authorized representative who receives that money shall immediately pay over the money to the officer in charge of the armory or the officer's authorized representative, who shall immediately forward ~~one-half of~~ the money to the office of the Adjutant General to be placed in an account in the State General Fund entitled the Adjutant General's Special Armory Account, to be used by the Office ~~for~~ to:

(a) Make necessary repairs and improvements of state armories ~~and construction of~~ ;

(b) Construct new facilities ~~in the manner prescribed by Office regulations. The remainder of the money must be placed in an armory account to be kept by the officer in charge of the armory or the officer's authorized representative, and used for military activities and affairs and to further relations with the community in which the armory is located. These~~ ;

(c) Fund military activities and affairs;

(d) Further relations with the community in which the armory is located; and

(e) Further relations with the State.



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6. *The* expenditures *made pursuant to subsection 5* must be made according to Office regulations and must be approved by a board of three persons appointed by the Adjutant General.

~~15-1~~ 7. When the use of an armory is by a federal, state, county or municipal bureau, agency or department or by any of the Armed Forces of the United States or any of the reserve components thereof, or by any unit of the reserve officers training corps, the Adjutant General may require the execution of a contract or agreement for that use, upon such terms and conditions as he or she prescribes.

Sec. 6. NRS 412.109 is hereby amended to read as follows:

412.109 1. Except as otherwise provided in NRS 412.108, the person or governmental entity applying for the rental of any facility of the Office must execute and deliver a written agreement which must include among its provisions ~~this, her or its~~ :

(a) *The* full name and address ~~the~~ *of the applicant*;

(b) *The* purpose for which its use is desired ~~the~~ ;

(c) *The* nature and manner of the intended use of the space ~~a~~ ;

(d) *A* reasonable rental , *which may include a security deposit*, to be paid for that use ; and ~~the~~

(e) *The* amounts to be paid for heating, lighting, janitorial and other services connected with its use.

2. The terms and provisions of the agreement must be governed by Office regulations issued pursuant to this chapter, which regulations must include provisions designed to prevent unfair competition with privately owned property and business.

~~12-1~~ 3. No agreement for use made pursuant to ~~this section~~ *subsection 1* is effective until the agreement or lease has been approved and executed as prescribed by Office regulations issued pursuant to this chapter.

~~13-1~~ 4. No agreement or lease made pursuant to ~~this section~~ *subsection 1* may be assigned in whole or in part nor may space be sublet to or used by a person or entity not a party to the agreement, unless each assignment, subletting or use is first approved in writing by the Office.

~~14-1~~ 5. All money paid or given, directly or indirectly, for the rental of a facility or to obtain an agreement or permission to use the facility are use fees within the meaning of this section and must be paid to the Office to be deposited in the State General Fund for credit to the Office.

~~15-1~~ 6. When the use of a facility is by a federal, state, county or municipal bureau, agency or department or by any of the Armed Forces of the United States or any of the reserve components thereof, or by any unit of the reserve officers training corps, the Adjutant General may require the execution of a contract or



1 agreement for that use, upon such terms and conditions as he or she
2 prescribes.

3 **Sec. 7.** NRS 412.1435 is hereby amended to read as follows:

4 412.1435 1. The Patriot Relief Account is hereby created as a
5 special account in the State General Fund.

6 2. The money in the Patriot Relief Account does not lapse to
7 the State General Fund at the end of any fiscal year. The interest and
8 income earned on the sum of:

9 (a) The money in the Patriot Relief Account, after deducting any
10 applicable charges; and

11 (b) Unexpended appropriations made to the Patriot Relief
12 Account from the State General Fund,

13 ➔ must be credited to the Account. All claims against the Patriot
14 Relief Account must be paid as other claims against the State are
15 paid.

16 3. The Office may accept gifts, grants and donations from any
17 source for deposit in the Patriot Relief Account.

18 4. The money in the Patriot Relief Account may only be used
19 to provide:

20 (a) Reimbursement to a member of the Nevada National Guard
21 for the cost of:

22 (1) Premiums on a policy of group life insurance purchased
23 pursuant to the provisions of 38 U.S.C. §§ 1965 et seq.; ~~and~~ *or*

24 (2) Textbooks required for a course of study in which the
25 member is enrolled at an institution within the Nevada System of
26 Higher Education; *and*

27 (b) Monetary relief from economic hardships experienced by a
28 member of the Nevada National Guard who has been called into
29 active service. ~~;~~ *and*

30 ~~—(c) A payment of \$100 to a member of the Nevada National~~
31 ~~Guard who:~~

32 ~~—(1) Returns from deployment in a combat zone;~~

33 ~~—(2) Was on active service for 45 days or more in full time~~
34 ~~National Guard duty, as defined in 10 U.S.C. § 101(d)(5); and~~

35 ~~—(3) Not more than 90 days after returning from deployment~~
36 ~~in the combat zone, attends a course on reintegration into the~~
37 ~~community with his or her spouse, an adult member of his or her~~
38 ~~immediate family or an adult with whom he or she cohabits.]~~

39 5. The Adjutant General shall adopt any regulations necessary
40 to determine eligibility for reimbursement or monetary relief from
41 the Patriot Relief Account and to carry out a program to provide
42 such reimbursement and monetary relief.

43 ~~†6.—As used in this section:~~



~~1 (a) "Combat zone" means any area which the President of the~~
~~2 United States has designated by executive order as an area in which~~
~~3 the Armed Forces of the United States are engaged in combat.~~

~~4 (b) "Course on reintegration into the community" means a class~~
~~5 designed to provide a member of the Nevada National Guard who is~~
~~6 returning from deployment in a combat zone with skills and training~~
~~7 to enable the member more easily to adapt to life outside of the~~
~~8 combat zone.~~

Sec. 8. NRS 412.184 is hereby repealed.

Sec. 9. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTION

412.184 Allowances for uniform and equipment.

1. A person who, on or after July 1, 1973, has completed 2 years of service as a commissioned officer or warrant officer of the Nevada National Guard, shall receive an allowance of \$100 at that time for uniforming and equipping himself or herself. Thereafter he or she shall receive, on completion of each 2 years of service, an additional allowance of \$100 to assist him or her in meeting the uniform requirements necessary to continued service in the Nevada National Guard.

2. The allowances set forth in subsection 1 must be paid from money available to the office only after the officer has furnished satisfactory evidence to the Adjutant General that he or she is properly entitled thereto.

