

Amendment No. 518

Assembly Amendment to Assembly Bill No. 58

(BDR 37-303)

Proposed by: Assembly Committee on Government Affairs**Amendment Box:** Replaces Amendment No. 106.**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) *green bold italic underlining* is new language proposed 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 that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

SHORT FORM AMENDMENT

Sections 8, 9, 10, 35, 36, 38 and 56 of this act are
the only sections affected by this amendment.

EGO



Date: 4/17/2013

A.B. No. 58—Revises various provisions relating to veterans. (BDR 37-303)



The Title of Assembly Bill No. 58 is hereby amended as follows:

1 AN ACT relating to veterans; making the Office of Veterans Services the
2 Department of Veterans Services; creating the Office of Veterans Policy
3 and Coordination in the Office of the Governor; creating the Interagency
4 Council on Veterans Affairs; revising provisions relating to donations for
5 veterans homes; ~~providing exceptions to provisions governing public~~
6 ~~works and lease purchase agreements with respect to certain projects of~~
7 ~~the Department of Veterans Services;~~ requiring the Division of State
8 Parks of the State Department of Conservation and Natural Resources to
9 issue annual permits for the free use of state parks and other recreational
10 areas to certain veterans; and providing other matters properly relating
11 thereto.

If this amendment is adopted, the Legislative Counsel's Digest will be changed as follows:

Legislative Counsel's Digest:

12 Under existing law, the Office of Veterans Services has various duties and powers
13 relating to veterans and servicemen and servicewomen and their dependents in Nevada,
14 including assisting them with obtaining benefits to which they are entitled and any services
15 that they require and providing administrative oversight of veterans homes and veterans
16 cemeteries in Nevada. (Chapter 417 of NRS) **Section 14** of this bill changes the Office to the
17 Department of Veterans Services, a state department. Accordingly, the Executive Director and
18 Deputy Executive Director of the Office become the Director and Deputy Director of the
19 Department, respectively. The Nevada Veterans Services Commission will now advise the
20 Department instead of the Office. (NRS 417.190) **Sections 1-7, 13, 15-33, 45 and 48-50** of
21 this bill make conforming changes.

22 **Sections 8 and 9** of this bill create the Office of Veterans Policy and Coordination in the
23 Office of the Governor. This Office is headed by an Executive Director who is in the
24 nonclassified service. The Office of Veterans Policy and Coordination is charged with
25 developing policies, initiatives and strategies concerning services provided to veterans and
26 servicemen and servicewomen and their families and coordinating those services.

27 In 2012, the Governor established by executive order the Interagency Council on
28 Veterans Affairs. (Executive Order 2012-15 (7-3-2012)) The Council was charged with
29 identifying and prioritizing the needs of Nevada's veterans, working toward increasing the
30 coordination of the efforts of public and private agencies to meet those needs and preparing a
31 report of its findings and recommendations by December 31, 2013, for submission to the
32 Governor. **Section 10** of this bill creates the Council in statute ~~and~~ and prescribes its
33 membership, which includes ex officio members and members appointed by the
34 Governor. **Section 11** of this bill provides that the Executive Director of the Office of
35 Veterans Policy and Coordination serves as the Chair of the Council. ~~and the Governor~~
36 ~~appoints the other members.~~ **Section 11** also requires the Council to hold meetings at least
37 once every 3 months. **Section 12** of this bill prescribes issues for the Council to study and
38 requires the Council to submit a report of its findings and recommendations to each regular
39 session of the Legislature.

40 The Gift Account for Veterans Homes is established under existing law to receive gifts of
41 money or personal property which a donor has restricted to one or more uses at a veterans
42 home. (NRS 417.145) As a result of the authorization of the creation of a veterans home in
43 northern Nevada in **section 55** of this bill, **section 23** of this bill changes the existing Gift
44 Account for Veterans Homes to the Gift Account for the Veterans Home in Southern Nevada
45 to be used for the deposit of gifts which donors have restricted to use at that home. **Section 23**
46 also creates the Gift Account for the Veterans Home in Northern Nevada to be used for the
47 deposit of gifts which donors have restricted to use at this new veterans home. **Sections 37-44**
48 **and 47** of this bill make conforming changes.

~~Under existing law, public agencies, with certain exceptions, are mandated to comply with certain requirements relating to their public works projects. (Chapter 238 of NRS) Similar to the exception for the Nevada System of Higher Education, section 35 of this bill exempts the Department of Veterans Services from those requirements if at least 75 percent of the funding for the project is not money appropriated by the State or federal money, including, for example, private donations.~~

~~Certain state agencies are authorized under existing law to enter into lease purchase agreements to acquire real property, an interest in real property or an improvement to real property under certain circumstances. (NRS 253.500-253.630) The Nevada System of Higher Education is not subject to the requirements relating to lease purchase agreements unless it is anticipated that payments under the agreement will be made with state appropriations. (NRS 253.540) Section 36 of this bill extends this same exemption to the Department of Veterans Services for lease purchase agreements for which the payments will not be made with state appropriations, but instead with money from private donations, for example.)~~

Under existing law, the Division of State Parks of the State Department of Conservation and Natural Resources is required to issue an annual permit for the free use of all state parks and recreational areas in this State to persons who are 65 years of age or older and who meet certain residency requirements. (NRS 407.065) **Section 46** of this bill extends this same benefit to a veteran with a permanent service-connected disability of 10 percent or more who received an other than dishonorable discharge from the Armed Forces of the United States and who is a resident of Nevada.

Section 8 of Assembly Bill No. 58 is hereby amended as follows:

Sec. 8. 1. There is hereby created within the Office of the Governor the Office of Veterans Policy and Coordination.

2. The Governor shall propose a budget for the Office of Veterans Policy and Coordination.

3. The Governor shall appoint the Executive Director of the Office of Veterans Policy and Coordination. To be eligible for appointment as the Executive Director, a person must:

(a) Be an actual and bona fide resident of the State of Nevada; and

(b) Possess an honorable discharge from a branch of the military and naval service of the United States.

4. The Executive Director is not in the classified or unclassified service of this State and serves at the pleasure of the Governor. The Executive Director shall devote his or her entire time to the duties of his or her office and shall not engage in any other gainful employment or occupation.

~~5.~~ 5. The Office of Veterans Policy and Coordination shall consist of the Executive Director and not more than 10 employees.

6. Employees of the Office of Veterans Policy and Coordination are not in the classified or unclassified service of this State and serve at the pleasure of the Executive Director.

Section 9 of Assembly Bill No. 58 is hereby amended as follows:

Sec. 9. The Executive Director:

1. Shall direct and supervise the administrative and technical activities of the Office of Veterans Policy and Coordination.

2. As directed by the Governor, shall identify, recommend and carry out policies, initiatives and strategies relating to the provision of services to veterans

1 and servicemen and servicewomen and their families in Nevada, including,
2 without limitation, the funding, delivery and coordination of those services.

3 3. Shall work in coordination with the Department and the Interagency
4 Council on Veterans Affairs to carry out the policies, initiatives and strategies
5 described in subsection 2 ~~4~~ and to communicate those policies, strategies and
6 initiatives to veterans and servicemen and servicewomen and their families.

7 4. Shall work to increase collaboration and coordination between the State
8 of Nevada and veterans and veterans organizations.

9 5. Shall collaborate and coordinate with the Federal Government and the
10 appropriate officials of other states to develop best practices for the provision of
11 services to veterans and servicemen and servicewomen and their families.

12 6. Shall develop recommendations for proposed legislation regarding
13 veterans and servicemen and servicewomen and their families.

14 7. On or before February 15 of each year, shall submit a report concerning
15 the activities of the Office of Veterans Policy and Coordination during the
16 preceding calendar year to the Nevada Veterans Services Commission, the
17 Governor and the Director of the Legislative Counsel Bureau for transmittal to:

18 (a) If the Legislature is in session, the standing committees of the Legislature
19 which have jurisdiction over the subject matter; or

20 (b) If the Legislature is not in session, the Legislative Commission.

21 8. May apply for and accept any gift, donation, bequest, grant or other
22 source of money to assist the Executive Director in carrying his or her duties.

23 ~~5-9~~ 9. May adopt such regulations as may be necessary to carry out the
24 provisions of this section.

Section 10 of Assembly Bill No. 58 is hereby amended as follows:

25 Sec. 10. 1. The Interagency Council on Veterans Affairs is hereby
26 created. The Council consists of:

27 (a) The Executive Director of the Office of Veterans Policy and
28 Coordination;

29 (b) The Director of the Department of Business and Industry;

30 (c) The Director of the Department of Corrections;

31 (d) The Director of the Department of Employment, Training and
32 Rehabilitation;

33 (e) The Director of the Department of Health and Human Services;

34 (f) The Director of the Department of Public Safety;

35 (g) The Director of the Department of Veterans Services;

36 (h) The Adjutant General;

37 ~~(i)~~ (i) The Chancellor of the Nevada System of Higher Education;

38 ~~(j)~~ (j) The Executive Director of the Office of Economic Development;

39 ~~(k)~~ (k) The Executive Director of the Nevada Indian Commission; and

40 ~~(l)~~ (l) Any other persons appointed by the Governor, including, without
41 limitation, representatives of federal and local governmental agencies and private
42 entities that provide services to veterans. Members appointed pursuant to this
43 paragraph serve at the pleasure of the Governor.

44 2. A member of the Council set forth in paragraphs (b) to ~~(g)~~ (l), inclusive,
45 may designate a person to represent him or her at any meeting of the Council.
46 The person designated may exercise all the duties, rights and privileges of the
47 member that he or she represents.

Section 35 of Assembly Bill No. 58 is hereby amended as follows:

1 **Sec. 35.** ~~NRS 338.010 is hereby amended to read as follows:~~
2 ~~338.010 As used in this chapter:~~
3 ~~1. "Authorized representative" means a person designated by a public body to~~
4 ~~be responsible for the development, solicitation, award or administration of~~
5 ~~contracts for public works pursuant to this chapter.~~
6 ~~2. "Contract" means a written contract entered into between a contractor and~~
7 ~~a public body for the provision of labor, materials, equipment or supplies for a~~
8 ~~public work.~~
9 ~~3. "Contractor" means:~~
10 ~~(a) A person who is licensed pursuant to the provisions of chapter 624 of NRS.~~
11 ~~(b) A design build team.~~
12 ~~4. "Day labor" means all cases where public bodies, their officers, agents or~~
13 ~~employees, hire, supervise and pay the wages thereof directly to a worker or~~
14 ~~workers employed by them on public works by the day and not under a contract in~~
15 ~~writing.~~
16 ~~5. "Design build contract" means a contract between a public body and a~~
17 ~~design build team in which the design build team agrees to design and construct a~~
18 ~~public work.~~
19 ~~6. "Design build team" means an entity that consists of:~~
20 ~~(a) At least one person who is licensed as a general engineering contractor or a~~
21 ~~general building contractor pursuant to chapter 624 of NRS; and~~
22 ~~(b) For a public work that consists of:~~
23 ~~(1) A building and its site, at least one person who holds a certificate of~~
24 ~~registration to practice architecture pursuant to chapter 623 of NRS.~~
25 ~~(2) Anything other than a building and its site, at least one person who~~
26 ~~holds a certificate of registration to practice architecture pursuant to chapter 623 of~~
27 ~~NRS or landscape architecture pursuant to chapter 622A of NRS or who is licensed~~
28 ~~as a professional engineer pursuant to chapter 625 of NRS.~~
29 ~~7. "Design professional" means:~~
30 ~~(a) A person who is licensed as a professional engineer pursuant to chapter 625~~
31 ~~of NRS;~~
32 ~~(b) A person who is licensed as a professional land surveyor pursuant to~~
33 ~~chapter 625 of NRS;~~
34 ~~(c) A person who holds a certificate of registration to engage in the practice of~~
35 ~~architecture, interior design or residential design pursuant to chapter 623 of NRS;~~
36 ~~(d) A person who holds a certificate of registration to engage in the practice of~~
37 ~~landscape architecture pursuant to chapter 622A of NRS; or~~
38 ~~(e) A business entity that engages in the practice of professional engineering,~~
39 ~~land surveying, architecture or landscape architecture.~~
40 ~~8. "Division" means the State Public Works Division of the Department of~~
41 ~~Administration.~~
42 ~~9. "Eligible bidder" means a person who is:~~
43 ~~(a) Found to be a responsible and responsive contractor by a local government~~
44 ~~or its authorized representative which requests bids for a public work in accordance~~
45 ~~with paragraph (b) of subsection 1 of NRS 338.1372; or~~
46 ~~(b) Determined by a public body or its authorized representative which~~
47 ~~awarded a contract for a public work pursuant to NRS 338.1375 to 338.139,~~
48 ~~inclusive, to be qualified to bid on that contract pursuant to NRS 338.1379 or~~
49 ~~338.1382.~~

~~10. "General contractor" means a person who is licensed to conduct business in one, or both, of the following branches of the contracting business:~~

~~(a) General engineering contracting, as described in subsection 2 of NRS 624.215;~~

~~(b) General building contracting, as described in subsection 3 of NRS 624.215.~~

~~11. "Governing body" means the board, council, commission or other body in which the general legislative and fiscal powers of a local government are vested.~~

~~12. "Local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, 309, 318, 379, 474, 538, 541, 543 and 555 of NRS, NRS 450.550 to 450.750, inclusive, and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision. The term includes a person who has been designated by the governing body of a local government to serve as its authorized representative.~~

~~13. "Offense" means failing to:~~

~~(a) Pay the prevailing wage required pursuant to this chapter;~~

~~(b) Pay the contributions for unemployment compensation required pursuant to chapter 612 of NRS;~~

~~(c) Provide and secure compensation for employees required pursuant to chapters 616A to 617, inclusive, of NRS; or~~

~~(d) Comply with subsection 4 or 5 of NRS 338.070.~~

~~14. "Prime contractor" means a contractor who:~~

~~(a) Contracts to construct an entire project;~~

~~(b) Coordinates all work performed on the entire project;~~

~~(c) Uses his or her own workforce to perform all or a part of the public work; and~~

~~(d) Contracts for the services of any subcontractor or independent contractor or is responsible for payment to any contracted subcontractors or independent contractors.~~

~~→ The term includes, without limitation, a general contractor or a specialty contractor who is authorized to bid on a project pursuant to NRS 338.139 or 338.148.~~

~~15. "Public body" means the State, county, city, town, school district or any public agency of this State or its political subdivisions sponsoring or financing a public work.~~

~~16. "Public work" means any project for the new construction, repair or reconstruction of:~~

~~(a) A project financed in whole or in part from public money for:~~

~~(1) Public buildings;~~

~~(2) Jails and prisons;~~

~~(3) Public roads;~~

~~(4) Public highways;~~

~~(5) Public streets and alleys;~~

~~(6) Public utilities;~~

~~(7) Publicly owned water mains and sewers;~~

~~(8) Public parks and playgrounds;~~

~~(9) Public convention facilities which are financed at least in part with public money; and~~

~~(10) All other publicly owned works and property.~~

~~(b) A building for the *Department of Veterans Services or the Nevada System of Higher Education* of which 25 percent or more of the costs of the building as a whole are paid from money appropriated by this State or from federal money.~~

~~17. "Specialty contractor" means a person who is licensed to conduct business as described in subsection 4 of NRS 624.215.~~

~~18. "Stand alone underground utility project" means an underground utility project that is not integrated into a larger project, including, without limitation:~~

~~(a) An underground sewer line or an underground pipeline for the conveyance of water, including facilities appurtenant thereto; and~~

~~(b) A project for the construction or installation of a storm drain, including facilities appurtenant thereto;~~

~~→ that is not located at the site of a public work for the design and construction of which a public body is authorized to contract with a design build team pursuant to subsection 2 of NRS 338.1711.~~

~~19. "Subcontract" means a written contract entered into between:~~

~~(a) A contractor and a subcontractor or supplier; or~~

~~(b) A subcontractor and another subcontractor or supplier;~~

~~→ for the provision of labor, materials, equipment or supplies for a construction project.~~

~~20. "Subcontractor" means a person who:~~

~~(a) Is licensed pursuant to the provisions of chapter 624 of NRS or performs such work that the person is not required to be licensed pursuant to chapter 624 of NRS; and~~

~~(b) Contracts with a contractor, another subcontractor or a supplier to provide labor, materials or services for a construction project.~~

~~21. "Supplier" means a person who provides materials, equipment or supplies for a construction project.~~

~~22. "Wages" means:~~

~~(a) The basic hourly rate of pay; and~~

~~(b) The amount of pension, health and welfare, vacation and holiday pay, the cost of apprenticeship training or other similar programs or other bona fide fringe benefits which are a benefit to the worker.~~

~~23. "Worker" means a skilled mechanic, skilled worker, semiskilled mechanic, semiskilled worker or unskilled worker in the service of a contractor or subcontractor under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed. The term does not include a design professional. (Deleted by amendment.)~~

Section 36 of Assembly Bill No. 58 is hereby amended as follows:

Sec. 36. ~~NRS 253.540 is hereby amended to read as follows:~~

~~253.540 "State agency" means an agency, bureau, board, commission, department, division or any other unit of the government of this State that is required to submit information to the Chief pursuant to subsection 1 or 6 of NRS 253.210. "State agency" does not include the *Department of Veterans Services or the Nevada System of Higher Education* unless it is anticipated that payments under the agreement will be made with state appropriations. (Deleted by amendment.)~~

Section 38 of Assembly Bill No. 58 is hereby amended as follows:

Sec. 38. NRS 361.0905 is hereby amended to read as follows:

361.0905 1. Any person who qualifies for an exemption pursuant to NRS 361.090 or 361.091 may, in lieu of claiming the exemption:

(a) Pay to the county ~~assessor~~ tax receiver all or any portion of the amount by which the tax would be reduced if the person claimed the exemption; and

(b) Direct the county ~~assessor~~ tax receiver to deposit that amount for credit to the Gift Account for *the* Veterans ~~Home~~ Home in Southern Nevada or the Gift Account for the Veterans Home in Northern Nevada established pursuant to NRS 417.145.

2. Any person who wishes to waive his or her exemption pursuant to this section shall designate the amount to be credited to ~~the~~ a Gift Account on a form provided by the Nevada Tax Commission.

3. The county ~~assessor~~ tax receiver shall deposit any money received pursuant to this section with the State Treasurer for credit to the Gift Account for *the* Veterans ~~Home~~ Home in Southern Nevada or the Gift Account for the Veterans Home in Northern Nevada established pursuant to NRS 417.145. The State Treasurer shall not accept more than a total of \$2,000,000 for credit to ~~the~~ a Gift Account pursuant to this section and NRS 371.1035 during any fiscal year.

Section 56 of Assembly Bill No. 58 is hereby amended as follows:

Sec. 56. On or before October 1, 2013, the Governor shall appoint the members of the Interagency Council on Veterans Affairs pursuant to paragraph ~~(c)~~ (l) of subsection 1 of section 10 of this act.