

SENATE BILL NO. 174—SENATORS HUTCHISON, GUSTAVSON,
SPEARMAN, CEGAVSKE, HAMMOND; FORD, KIHUEN AND
SETTELMAYER

FEBRUARY 20, 2013

JOINT SPONSORS: ASSEMBLYMEN PAUL ANDERSON,
FIORE, DUNCAN; AND STEWART

Referred to Committee on Government Affairs

SUMMARY—Creates the Citizen Commission on Veterans
Memorials. (BDR 27-853)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: 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 public property; authorizing the Governor to
require the naming of a state building, park, highway or
other property after a deceased member of the Armed
Forces of the United States under certain circumstances;
creating the Citizen Commission on Veterans Memorials;
setting forth the membership and duties of the
Commission; and providing other matters properly
relating thereto.

Legislative Counsel's Digest:

1 This bill provides for the naming of a state building, park, monument, bridge,
2 road or other property after certain deceased members of the Armed Forces of the
3 United States. **Section 9** of this bill creates the Citizen Commission on Veterans
4 Memorials to operate with the support of the Office of Veterans Services. **Section**
5 **10** of this bill requires the members of the Commission to recommend to the
6 Governor for the naming of certain state buildings or properties the names of
7 deceased members of the Armed Forces of the United States who were residents of
8 Nevada and were killed in action in Operation Enduring Freedom or Operation
9 Iraqi Freedom. **Sections 1, 5 and 7** of this bill authorize the Governor to direct the
10 Administrator of the State Public Works Division of the Department of
11 Administration, the Administrator of the Division of State Parks of the State
12 Department of Conservation and Natural Resources and the Director of the
13 Department of Transportation, respectively, to name various state buildings and



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other properties after those deceased members of the Armed Forces of the United States whose names are recommended by the Commission. **Section 11** of this bill creates the Nevada Will Always Remember Veterans Gift Account and authorizes the Executive Director for Veterans Services and the Deputy Executive Director for Veterans Services to accept donations, gifts and grants of money to be deposited in the Account. **Sections 1, 5 and 7** authorize the Administrator of the State Public Works Division, the Administrator of the Division of State Parks and the Director of the Department of Transportation, respectively, to use funds from the Account for the design, procurement and installation of markers, plaques, statues or signs bearing the names of the selected deceased members of the Armed Forces of the United States at or upon the buildings or other properties chosen to be named. **Section 9** provides that the members of the Commission serve without compensation, except that each member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally to attend meetings of the Commission.

WHEREAS, Many sons and daughters of the State of Nevada, imbued with the love of their country and the courage born in the desert, hills, sage and pines of Nevada, have entered into the Armed Forces of the United States; and

WHEREAS, Some of those sons and daughters have made the ultimate sacrifice and given their lives as their last full measure of devotion in defense of our country in Afghanistan and Iraq; and

WHEREAS, The State of Nevada and Nevadans can honor those brave sons and daughters and offer them the thanks of a grateful state by attaching their names to state-owned buildings, parks, monuments, bridges, roads and other properties; and

WHEREAS, Nevadans Will Always Remember Veterans; now, therefore,

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

Section 1. Chapter 331 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Governor may, upon receiving a recommendation from the Citizen Commission on Veterans Memorials created by section 9 of this act, direct the Administrator to name a building, ground or property over which the Administrator has supervision and control pursuant to NRS 331.070 after a deceased member of the Armed Forces of the United States.

2. The Administrator shall, as soon as sufficient money is available from the Nevada Will Always Remember Veterans Gift Account created by section 11 of this act, cause to be designed, procured and installed an appropriate marker, plaque, statue or sign bearing the name of the deceased member of the Armed Forces of the United States at or upon the respective building,



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1 *ground or property as directed by the Governor pursuant to*
2 *subsection 1.*

3 **Sec. 2.** NRS 331.010 is hereby amended to read as follows:

4 331.010 As used in NRS 331.010 to 331.145, inclusive, *and*
5 *section 1 of this act*, unless the context otherwise requires:

6 1. "Administrator" means the Administrator of the Division.

7 2. "Buildings and Grounds Section" means the Buildings and
8 Grounds Section of the Division.

9 3. "Department" means the Department of Administration.

10 4. "Director" means the Director of the Department.

11 5. "Division" means the State Public Works Division of the
12 Department.

13 **Sec. 3.** NRS 331.080 is hereby amended to read as follows:

14 331.080 1. ~~The~~ *Except as otherwise provided in section 1*
15 *of this act, the* Administrator may expend appropriated money to
16 meet expenses for the care, maintenance and preservation of the
17 buildings, grounds and their appurtenances identified in NRS
18 331.070, and for the repair of the furniture and fixtures therein.

19 2. The Administrator shall take proper precautions against
20 damage thereto, or to the furniture, fixtures or other public property
21 therein.

22 **Sec. 4.** NRS 331.101 is hereby amended to read as follows:

23 331.101 1. The Buildings and Grounds Operating Fund is
24 hereby created as an internal service fund.

25 2. ~~The~~ *Except as otherwise provided in section 1 of this act,*
26 *all* costs of administering the provisions of NRS 331.010 to
27 331.145, inclusive, *and section 1 of this act* must be paid out of the
28 Buildings and Grounds Operating Fund as other claims against the
29 State are paid.

30 **Sec. 5.** Chapter 407 of NRS is hereby amended by adding
31 thereto a new section to read as follows:

32 *1. The Governor may, upon receiving a recommendation*
33 *from the Citizen Commission on Veterans Memorials created by*
34 *section 9 of this act, direct the Administrator to name, subject to*
35 *the provisions of NRS 407.065, a state park, monument or*
36 *recreational area after a deceased member of the Armed Forces of*
37 *the United States.*

38 *2. The Administrator shall, as soon as sufficient money is*
39 *available from the Nevada Will Always Remember Veterans Gift*
40 *Account created by section 11 of this act, cause to be designed,*
41 *procured and installed an appropriate marker, plaque, statue or*
42 *sign bearing the name of the deceased member of the Armed*
43 *Forces of the United States at or upon the respective state park,*
44 *monument or recreational area as directed by the Governor*
45 *pursuant to subsection 1.*



Sec. 6. NRS 407.065 is hereby amended to read as follows:

407.065 1. The Administrator, subject to the approval of the Director:

(a) Except as otherwise provided in this paragraph ~~H~~ **and section 5 of this act**, may establish, name, plan, operate, control, protect, develop and maintain state parks, monuments and recreational areas for the use of the general public. The name of an existing state park, monument or recreational area may not be changed unless the Legislature approves the change by statute.

(b) Shall protect state parks and property controlled or administered by the Division from misuse or damage and preserve the peace within those areas. The Administrator may appoint or designate certain employees of the Division to have the general authority of peace officers.

(c) May allow multiple use of state parks and real property controlled or administered by the Division for any lawful purpose, including, but not limited to, grazing, mining, development of natural resources, hunting and fishing, in accordance with such regulations as may be adopted in furtherance of the purposes of the Division.

(d) Shall impose and collect reasonable fees for entering, camping and boating in state parks and recreational areas. The Division shall issue, upon application therefor and proof of residency and age, an annual permit for entering, camping and boating in all state parks and recreational areas in this State to any person who is 65 years of age or older and has resided in this State for at least 5 years immediately preceding the date on which the application is submitted. The permit must be issued without charge, except that the Division shall charge and collect an administrative fee for the issuance of the permit in an amount sufficient to cover the costs of issuing the permit.

(e) May conduct and operate such special services as may be necessary for the comfort and convenience of the general public, and impose and collect reasonable fees for such special services.

(f) May rent or lease concessions located within the boundaries of state parks or of real property controlled or administered by the Division to public or private corporations, to groups of natural persons, or to natural persons for a valuable consideration upon such terms and conditions as the Division deems fit and proper, but no concessionaire may dominate any state park operation.

(g) May establish such capital projects construction funds as are necessary to account for the parks improvements program approved by the Legislature. The money in these funds must be used for the construction and improvement of those parks which are under the supervision of the Administrator.



(h) In addition to any concession specified in paragraph (f), may establish concessions within the boundaries of any state park to provide for the sale of food, drinks, ice, publications, sundries, gifts and souvenirs, and other such related items as the Administrator determines are appropriately made available to visitors. Any money received by the Administrator for a concession established pursuant to this paragraph must be deposited in the Fund for State Park Interpretative and Educational Programs and Operation of Concessions.

2. The Administrator:

(a) Shall issue an annual permit to a person who pays a reasonable fee as prescribed by regulation which authorizes the holder of the permit to enter each state park and each recreational area in this State and, except as otherwise provided in subsection 3, use the facilities of the state park or recreational area without paying the entrance fee; and

(b) May issue an annual permit to a person who pays a reasonable fee as prescribed by regulation which authorizes the holder of the permit to enter a specific state park or specific recreational area in this State and, except as otherwise provided in subsection 3, use the facilities of the state park or recreational area without paying the entrance fee.

3. An annual permit issued pursuant to subsection 2 does not authorize the holder of the permit to engage in camping or boating, or to attend special events. The holder of such a permit who wishes to engage in camping or boating, or to attend special events, must pay any fee established for the respective activity.

4. Except as otherwise provided in subsection 1 of NRS 407.0762 and subsection 1 of NRS 407.0765, the fees collected pursuant to paragraphs (d), (e) and (f) of subsection 1 or subsection 2 must be deposited in the State General Fund.

Sec. 7. Chapter 408 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Governor may, upon receiving a recommendation from the Citizen Commission on Veterans Memorials created by section 9 of this act, require the Director to name, subject to the provisions of this chapter, a highway, road, bridge or transportation facility of this State after a deceased member of the Armed Forces of the United States.

2. The Director shall, as soon as sufficient money is available from the Nevada Will Always Remember Veterans Gift Account created by section 11 of this act, cause to be designed, procured and installed an appropriate marker, plaque, statue or sign bearing the name of the deceased member of the Armed Forces of the United States at or upon the respective highway, road, bridge



1 *or transportation facility as required by the Governor pursuant to*
2 *subsection 1.*

3 **Sec. 8.** Chapter 417 of NRS is hereby amended by adding
4 thereto the provisions set forth as sections 9, 10 and 11 of this act.

5 **Sec. 9. 1.** *The Citizen Commission on Veterans Memorials*
6 *is hereby created, consisting of the following nine members*
7 *appointed by the Governor:*

8 *(a) Three members of the Governor's own selection;*

9 *(b) Two members nominated by the Majority Leader of the*
10 *Senate;*

11 *(c) One member nominated by the Minority Leader of the*
12 *Senate;*

13 *(d) Two members nominated by the Speaker of the Assembly;*
14 *and*

15 *(e) One member nominated by the Minority Leader of the*
16 *Assembly.*

17 **2.** *After the initial term, the term of each member is 3 years.*
18 *A member continues to serve on the Commission until his or her*
19 *successor is appointed. A vacancy on the Commission must be*
20 *filled in the same manner as the original appointment. Upon the*
21 *expiration of a term of a member, the member may be*
22 *reappointed. There is no limit on the number of terms that a*
23 *member may serve.*

24 **3.** *The Commission shall annually choose one of its members*
25 *to serve as Chair and one of its members to serve as Vice Chair.*

26 **4.** *The Commission shall hold at least two regular meetings*
27 *each year and may hold special meetings at the call of the Chair.*

28 **5.** *A majority of the Commission constitutes a quorum for the*
29 *transaction of any business.*

30 **6.** *A vacancy on the Commission does not impair the right of*
31 *the remaining members to perform any of the duties of the*
32 *Commission.*

33 **7.** *The members of the Commission serve without*
34 *compensation, except that for each day or portion of a day during*
35 *which a member of the Commission attends a meeting of the*
36 *Commission, the member is entitled to receive the per diem*
37 *allowance and travel expenses provided for state officers and*
38 *employees generally. The per diem allowances and travel expenses*
39 *must be paid by the Office of Veterans Services.*

40 **8.** *The Office of Veterans Services shall provide*
41 *administrative support, equipment and office space as is necessary*
42 *for the Commission to carry out its duties.*

43 **Sec. 10. 1.** *The Citizen Commission on Veterans*
44 *Memorials created by section 9 of this act shall recommend to the*
45 *Governor:*



(a) *The names of deceased members of the Armed Forces of the United States to be honored pursuant to the provisions of section 1, 5 or 7 of this act. Each deceased member must have been:*

(1) A resident of this State; and

(2) Killed in action in:

(I) Operation Enduring Freedom; or

(II) Operation Iraqi Freedom.

(b) The building, ground, property, park, monument, recreational area, highway, road, bridge or transportation facility of this State which may be named after a deceased member recommended to the Governor pursuant to paragraph (a).

2. The Commission shall develop criteria to be used in determining the names to be recommended to the Governor pursuant to subsection 1.

3. As used in this section, the terms "killed in action," "Operation Enduring Freedom" and "Operation Iraqi Freedom" have the meanings ascribed to them by the United States Department of Defense.

Sec. 11. *1. The Nevada Will Always Remember Veterans Gift Account is hereby created in the State General Fund.*

2. The Executive Director and the Deputy Executive Director may accept donations, gifts and grants of money from any source for deposit in the Account.

3. The money deposited in the Account pursuant to subsection 2 may only be used to pay for the design, procurement and installation of markers, plaques, statues or signs bearing the names of deceased members of the Armed Forces of the United States pursuant to the provisions of section 1, 5 or 7 of this act.

4. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.

5. Any money remaining in the Account at the end of the each fiscal year does not revert to the State General Fund, but must be carried over to the next fiscal year.

Sec. 12. NRS 417.220 is hereby amended to read as follows:

417.220 1. The Account for Veterans Affairs is hereby created in the State General Fund.

2. Money received by the Executive Director or the Deputy Executive Director from:

(a) Fees charged pursuant to NRS 417.210;

(b) Allowances for burial from the Department of Veterans Affairs or other money provided by the Federal Government for the support of veterans cemeteries;

(c) Receipts from the sale of gifts and general merchandise;



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(d) Grants obtained by the Executive Director or the Deputy Executive Director for the support of veterans cemeteries; and

(e) Except as otherwise provided in subsection 6 and NRS 417.145 and 417.147, *and section 11 of this act*, gifts of money and proceeds derived from the sale of gifts of personal property that he or she is authorized to accept, if the use of such gifts has not been restricted by the donor,

➔ must be deposited with the State Treasurer for credit to the Account for Veterans Affairs and must be accounted for separately for a veterans cemetery in northern Nevada or a veterans cemetery in southern Nevada, whichever is appropriate.

3. The interest and income earned on the money deposited pursuant to subsection 2, after deducting any applicable charges, must be accounted for separately. Interest and income must not be computed on money appropriated from the State General Fund to the Account for Veterans Affairs.

4. The money deposited pursuant to subsection 2 may only be used for the operation and maintenance of the cemetery for which the money was collected. In addition to personnel he or she is authorized to employ pursuant to NRS 417.200, the Executive Director may use money deposited pursuant to subsection 2 to employ such additional employees as are necessary for the operation and maintenance of the cemeteries, except that the number of such additional full-time employees that the Executive Director may employ at each cemetery must not exceed 60 percent of the number of full-time employees for national veterans cemeteries that is established by the National Cemetery Administration of the United States Department of Veterans Affairs.

5. Except as otherwise provided in subsection 7, gifts of personal property which the Executive Director or the Deputy Executive Director is authorized to receive but which are not appropriate for conversion to money may be used in kind.

6. The Gift Account for Veterans Cemeteries is hereby created in the State General Fund. Gifts of money that the Executive Director or the Deputy Executive Director is authorized to accept and which the donor has restricted to one or more uses at a veterans cemetery must be accounted for separately in the Gift Account for Veterans Cemeteries. The interest and income earned on the money deposited pursuant to this subsection must, after deducting any applicable charges, be accounted for separately for a veterans cemetery in northern Nevada or a veterans cemetery in southern Nevada, as applicable. Any money remaining in the Gift Account for Veterans Cemeteries at the end of each fiscal year does not revert to the State General Fund, but must be carried over into the next fiscal year.



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7. The Executive Director or the Deputy Executive Director shall use gifts of money or personal property that he or she is authorized to accept and for which the donor has restricted to one or more uses at a veterans cemetery in the manner designated by the donor, except that if the original purpose of the gift has been fulfilled or the original purpose cannot be fulfilled for good cause, any money or personal property remaining in the gift may be used for other purposes at the veterans cemetery in northern Nevada or the veterans cemetery in southern Nevada, as appropriate.

Sec. 13. 1. As soon as practicable after July 1, 2013, nominations for the membership of the Citizen Commission on Veterans Memorials created by section 9 of this act must be conducted as follows:

(a) The Majority Leader of the Senate shall nominate two members pursuant to paragraph (b) of subsection 1 of that section;

(b) The Minority Leader of the Senate shall nominate one member pursuant to paragraph (c) of that subsection;

(c) The Speaker of the Assembly shall nominate two members pursuant to paragraph (d) of that subsection; and

(d) The Minority Leader of the Assembly shall nominate one member pursuant to paragraph (e) of that subsection.

➔ The Governor must be notified of each nomination made pursuant to this subsection.

2. As soon as practicable after receiving the nominations required pursuant to subsection 1, the Governor shall appoint to the Commission:

(a) Three members to terms that expire on June 30, 2014;

(b) Three members to terms that expire on June 30, 2015; and

(c) Three members to terms that expire on June 30, 2016.

Sec. 14. This act becomes effective on July 1, 2013.

