

Amendment No. 68

Assembly Amendment to Assembly Bill No. 22 (BDR 37-123)

Proposed by: Assembly Committee on Government Affairs

Amends: Summary: No Title: No 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) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.

JFD/EGO



Date: 4/6/2017

A.B. No. 22—Revises certain provisions relating to veterans. (BDR 37-123)



ASSEMBLY BILL NO. 22—COMMITTEE
ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE DEPARTMENT OF VETERANS SERVICES)

PREFILED NOVEMBER 16, 2016

Referred to Committee on Government Affairs

SUMMARY—Revises certain provisions relating to veterans. (BDR 37-123)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Executive Budget.

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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; revising provisions relating to the position of deputy director of the Department of Veterans Services; requiring the Director of the Department to create and maintain a statewide database of information relating to veterans and a registry of certain entities that provide services and resources to veterans; requiring the Director to ensure that each generation of veterans is recognized annually; removing provisions relating to the provision of guardianship services by the Director; removing the requirement that certain offices of the Department be located in certain cities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Director of the Department of Veterans Services to appoint one Deputy Director of the Department, who must be a resident of Nevada, possess an honorable discharge from some branch of the military or naval service and have at least 4 years of management or administration experience. (NRS 417.030) **Section 2** of this bill: (1) authorizes the Director to appoint additional deputy directors as needed to assist the Director in performing his or her duties ~~for~~ ***including a Deputy Director for Programs and Services and a Deputy Director for Health and Wellness***; and (2) ~~removes the requirement that a deputy director be a resident of Nevada, possess an honorable discharge and have at least 4 years of management or administration experience~~ ***prescribes the qualifications of the Deputy Director for Programs and Services and the Deputy Director for Health and Wellness***. **Sections 1, 3 and 5** of this bill make conforming changes to account for the appointment of additional deputy directors. **Sections 4, 6, 7 and 11** of this bill eliminate references in existing law to certain powers and duties of the Deputy Director, thereby leaving the Director with the discretion to assign those powers and duties to a deputy director.

Section 4 of this bill requires the Director to: (1) create and maintain a database containing information on veterans residing in Nevada; (2) ensure that each generation of veterans receives recognition annually; and (3) create and maintain a registry of organizations that provide services and resources to veterans, service members and their families and publish the registry on the Department's Internet website.

In 2011, the Legislature eliminated the provision of guardianship services by the Office of Veterans Services, which is now known as the Department of Veterans Services. (Section 29 of chapter 372, Statutes of Nevada 2011, p. 2194) Sections 9, 10 and 12 of this bill remove provisions inadvertently remaining in existing law related to the previous role of the Director as guardian of the estates of certain veterans and their dependents.

Section 12 of this bill removes the requirement in existing law that the office of the Deputy Director be maintained in Las Vegas and the office of the Director be maintained in the same city as the state regional office of the United States Department of Veterans Affairs. (NRS 417.070)

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

Section 1. NRS 417.013 is hereby amended to read as follows:

417.013 “Deputy ~~Director~~ *director*” means ~~the Deputy Director~~ *a deputy director* of the Department ~~appointed pursuant to NRS 417.030.~~

Sec. 2. NRS 417.030 is hereby amended to read as follows:

417.030 1. The office of Director of the Department of Veterans Services is hereby created.

2. The Director must be appointed by and serves at the pleasure of the Governor.

3. The Director shall appoint ~~one Deputy Director of the Department, who shall~~ *such deputy directors as are necessary to* assist the Director in performing the duties prescribed in this chapter ~~including, without limitation, a Deputy Director for Programs and Services and a Deputy Director for Health and Wellness.~~

4. Any person to be eligible for appointment as the Director ~~or the Deputy Director for Programs and Services~~ must:

(a) Be an actual and bona fide resident of the State of Nevada;
(b) Possess an honorable discharge from some branch of the military and naval service of the United States; and

(c) Have at least 4 years of experience in management or administration.
5. Except as otherwise provided in this subsection, any person to be eligible for appointment as the Deputy Director for Health and Wellness must:

(a) Be an actual and bona fide resident of the State of Nevada;
(b) Possess an honorable discharge from some branch of the military and naval service of the United States; and

(c) Have at least 4 years of experience in health care management or administration.

↪ If no person is available for appointment who possesses all the qualifications required by this subsection, the Director may waive the qualification set forth in paragraph (b) for a person who is otherwise qualified for appointment pursuant to paragraphs (a) and (c).

Sec. 3. NRS 417.060 is hereby amended to read as follows:

417.060 The Director and ~~the Deputy Director~~ *each deputy director* are in the unclassified service of the State. Except as otherwise provided in NRS 284.143, *the Director and each deputy director* shall devote his or her entire time and attention to the business of his or her office and shall not pursue any other business or occupation or hold any other office of profit.

Sec. 4. NRS 417.090 is hereby amended to read as follows:

417.090 The Director ~~and the Deputy Director~~ shall:

1 1. Assist veterans, and those presently serving in the military and naval forces
2 of the United States who are residents of the State of Nevada, their wives, widows,
3 widowers, husbands, children, dependents, administrators, executors and personal
4 representatives, in preparing, submitting and presenting any claim against the
5 United States, or any state, for adjusted compensation, hospitalization, insurance,
6 pension, disability compensation, vocational training, education or rehabilitation
7 and assist them in obtaining any aid or benefit to which they may, from time to
8 time, be entitled under the laws of the United States or of any of the states.

9 2. Aid, assist, encourage and cooperate with every nationally recognized
10 service organization insofar as the activities of such organizations are for the
11 benefit of veterans, servicemen and servicewomen.

12 3. Give aid, assistance and counsel to each and every problem, question and
13 situation, individual as well as collective, affecting any veteran, serviceman or
14 servicewoman, or their dependents, or any group of veterans, servicemen and
15 servicewomen, when in their opinion such comes within the scope of this chapter.

16 4. Coordinate activities of veterans' organizations.

17 5. Serve as a clearinghouse and disseminate information relating to veterans'
18 benefits.

19 6. Conduct any studies which will assist veterans to obtain compensation,
20 hospitalization, insurance, pension, disability compensation, vocational training,
21 education, rehabilitation or any other benefit to which veterans may be entitled
22 under the laws of the United States or of any state.

23 7. Aid, assist and cooperate with the office of coordinator of services for
24 veterans created in a county pursuant to NRS 244.401.

25 8. Pay to each county that creates the office of coordinator of services for
26 veterans, from state money available to him or her, a portion of the cost of
27 operating the office in an amount determined by the Director.

28 9. Take possession of any abandoned or unclaimed artifacts or other property
29 that has military value for safekeeping. The Director ~~for Deputy Director~~ may
30 transfer such property to a veterans' or military museum.

31 *10. Create and maintain a statewide database of information relating to*
32 *veterans to assist the Department in identifying and communicating with veterans*
33 *and connecting veterans with benefits and opportunities for which they are*
34 *eligible.*

35 *11. Create and maintain a registry of governmental agencies and private*
36 *entities that provide services and resources to veterans, service members and their*
37 *families and publish a digital copy of the registry on the Internet website*
38 *maintained by the Department.*

39 *12. Ensure that each generation of veterans is recognized annually through*
40 *a ceremony, information campaign or other form of public acknowledgment.*

41 **Sec. 5.** NRS 417.100 is hereby amended to read as follows:

42 417.100 The Director and ~~the Deputy Director~~ *each deputy director* may:

43 1. Administer oaths to any person whose acknowledgment may become
44 necessary in the prosecution of any claim for compensation, hospitalization,
45 insurance or other aid or benefits.

46 2. Certify to the correctness of any document or documents which may be
47 submitted in connection with any such application.

48 **Sec. 6.** NRS 417.190 is hereby amended to read as follows:

49 417.190 The Nevada Veterans Services Commission shall:

50 1. Advise the Director. ~~and Deputy Director.~~

51 2. Prepare and submit a report, on or before November 1 of each year, to the
52 Interagency Council on Veterans Affairs. The report must, without limitation:

1 (a) Summarize the activities of the Commission during the preceding fiscal
2 year.

3 (b) Make recommendations to the Governor, the Legislature ~~††~~ and the
4 Director ~~for the Deputy Director~~ regarding issues relating to veterans.

5 3. Make recommendations to the Governor pursuant to NRS 417.400.

6 **Sec. 7.** NRS 417.220 is hereby amended to read as follows:

7 417.220 1. The Account for Veterans Affairs is hereby created in the State
8 General Fund.

9 2. Money received by the Director ~~for the Deputy Director~~ from:

10 (a) Fees charged pursuant to NRS 417.210;

11 (b) Allowances for burial from the United States Department of Veterans
12 Affairs or other money provided by the Federal Government for the support of
13 veterans' cemeteries;

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

15 (d) Grants obtained by the Director ~~for the Deputy Director~~ for the support of
16 veterans' cemeteries; and

17 (e) Except as otherwise provided in subsection 6 and NRS 417.115, 417.145,
18 417.147 and 417.410, gifts of money and proceeds derived from the sale of gifts of
19 personal property that he or she is authorized to accept, if the use of such gifts has
20 not been restricted by the donor,

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

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

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

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

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

51 7. The Director ~~for the Deputy Director~~ shall use gifts of money or personal
52 property that he or she is authorized to accept and for which the donor has restricted
53 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. 8. NRS 417.410 is hereby amended to read as follows:

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

2. The Director ~~and the Deputy 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 must 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 NRS 331.125, 407.066 and 408.119.

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 each fiscal year does not revert to the State General Fund, but must be carried forward to the next fiscal year.

Sec. 9. NRS 160.040 is hereby amended to read as follows:

160.040 1. Except as otherwise provided in this section, it is unlawful for any person to accept appointment as guardian of any ward if the proposed guardian is at that time acting as guardian for five wards. In any case, upon presentation of a petition by an attorney of the Department of Veterans Affairs pursuant to this section alleging that a guardian is acting in a fiduciary capacity for more than five wards and requesting his or her discharge for that reason, the court, upon proof substantiating the petition, shall require a final accounting from the guardian and shall discharge the guardian in the case.

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

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

4. The limitations of this section do not apply to ~~the Director of the Department of Veterans Services or to~~ a public guardian.

Sec. 10. NRS 160.090 is hereby amended to read as follows:

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

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

3. If a banking corporation as defined in NRS 657.016, or a trust company, as defined by NRS 669.070, doing business in this state is appointed guardian of the estate of a ward, no bond is required of the guardian unless the court by specific order requires a bond. ~~If the Director of the Department of Veterans Services is appointed guardian, no bond is required.~~

4. If the court orders that the estate and income, or a part thereof, be deposited in a banking corporation, as defined in NRS 657.016, or trust company, as defined by NRS 669.070, doing business in this state and that such estate and income, or

any part thereof, must not be withdrawn without authorization of the court, then the amount of the guardian's bond must be reduced in an amount equal to the amount of the estate and income on deposit with the banking corporation, and the surety on the bonds must be exonerated from any loss to the estate in connection with the deposit.

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

Sec. 11. NRS 244.401 is hereby amended to read as follows:

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

2. The coordinator of services for veterans shall:

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

(b) Aid, assist and cooperate with the Director ~~and Deputy Director~~ of the Department of Veterans Services and with the Nevada Veterans Services Commission;

(c) Disseminate information relating to veterans' benefits in cooperation with the Director ~~and Deputy Director~~ of the Department of Veterans Services; and

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

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

Sec. 11.5. Notwithstanding the provisions of NRS 417.030, as amended by section 2 of this act, any person who, on July 1, 2017, is serving as the Deputy Director for Health and Wellness of the Department of Veterans Services may continue to serve in that position until the Director of the Department appoints a different person to that position pursuant to NRS 417.030, as amended by section 2 of this act.

Sec. 12. NRS 417.035 and 417.070 are hereby repealed.

Sec. 13. This act becomes effective on July 1, 2017.

TEXT OF REPEALED SECTIONS

417.035 Director: Official bond. The Director shall execute and deliver to the Secretary of State his or her official bond in the penal sum of \$500,000 with a corporate surety licensed to do business in this State, conditioned to ensure his or her faithful discharge of responsibilities as guardian of the estates of those veterans and dependents for whom he or she acts. A separate bond for each estate is not required.

417.070 Location of offices.

1. The office of the Director must be located in the same city where the state regional office of the United States Department of Veterans Affairs maintains its

state administrative bureau, and if that office is discontinued in the State of Nevada, then at such place as the Governor may designate.

2. The office of the Deputy Director must be maintained at Las Vegas, Nevada.