

ASSEMBLY BILL NO. 13—COMMITTEE
ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE DEPARTMENT OF VETERANS SERVICES)

PREFILED NOVEMBER 15, 2018

Referred to Committee on Government Affairs

SUMMARY—Revises provisions concerning veterans' homes and veterans' Adult Day Health Care facilities. (BDR 37-197)

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 veterans; requiring the Director of the Department of Veterans Services to appoint an administrator or contract with a management company that must appoint an administrator for each veterans' home in this State; authorizing the Director to establish veterans' Adult Day Health Care facilities in this State; removing certain requirements regarding the locations at which veterans' homes must be established in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Director of the Department of Veterans Services to appoint an administrator for each veterans' home in this State. (NRS 417.147) **Section 9** of this bill requires the Director to: (1) appoint such an administrator; or (2) contract with a management company that must appoint such an administrator. **Section 5** of this bill clarifies that an administrator is one who is appointed pursuant to **section 9**. **Sections 7, 10 and 11** of this bill make conforming changes by clarifying what type of administrator is affected by those sections.

Existing law authorizes the money deposited in the Veterans Home Account to be spent to establish, manage and operate veterans' homes in this State. (NRS 417.145) **Section 8** of this bill authorizes the money deposited in the Veterans Home Account to be expended for the establishment, management, maintenance and operation of veterans' Adult Day Health Care facilities, if the Director chooses to establish such facilities. **Sections 6 and 8-10** of this bill make conforming changes. **Section 6** requires the Department of Veterans Services to provide annual



statistics regarding the number of veterans who receive care or other services at: (1) a veterans' home operated by the State; and (2) if applicable, a veterans' Adult Day Health Care facility operated by the State. **Section 8** requires money received from certain sources for funding a veterans' Adult Day Health Care facility to be deposited with the State Treasurer for credit to the Veterans Home Account. **Section 9** requires the Director, if the Director has established a veterans' Adult Day Health Care facility, to: (1) appoint a manager for each veterans' Adult Day Health Care facility in this State; (2) take such other actions as are necessary for the management, maintenance and operation of the veterans' Adult Day Health Care facility; and (3) recommend a schedule of rates to the State Board of Examiners for the use of services at each veterans' Adult Day Health Care facility. **Section 10** creates a revolving account up to the amount of \$2,000 for each veterans' Adult Day Health Care facility, if the Director has established such facilities, and provides for the management of the revolving account.

Existing law requires the first veterans' home that is established in this State to be established at a location in southern Nevada and requires that certain other conditions be met in determining the location in southern Nevada. Existing law further requires an additional veterans' home, if authorized, to be established in northern Nevada. (NRS 417.147) **Section 9** removes these requirements, leaving the Director with existing general authority to establish veterans' homes in this State.

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

Section 1. Chapter 417 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***“Manager” means the manager of a veterans’ Adult Day Health Care facility in this State who is appointed pursuant to paragraph (b) of subsection 1 of NRS 417.147.***

Sec. 3. ***“Veterans’ Adult Day Health Care facility” means an establishment operated and maintained by the Director to provide care during the day on a temporary or permanent basis for aged or infirm persons who are veterans.***

Sec. 4. NRS 417.009 is hereby amended to read as follows:
417.009 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 417.010 to 417.014, inclusive, ***and sections 2 and 3 of this act*** have the meanings ascribed to them in those sections.

Sec. 5. NRS 417.010 is hereby amended to read as follows:
417.010 “Administrator” means the administrator of a veterans’ home in this State ***who is appointed pursuant to paragraph (a) of subsection 1 of NRS 417.147.***

Sec. 6. NRS 417.0194 is hereby amended to read as follows:
417.0194 1. Each state agency and regulatory body identified in subsections 2 to 16, inclusive, shall report, subject to any limitations or restrictions contained in any state or federal law governing the privacy or confidentiality of records, the data



identified in subsections 2 to 17, inclusive, as applicable, to the Interagency Council on Veterans Affairs. Each state agency and regulatory body shall submit such information for the immediately preceding fiscal year to the Council not later than November 30 of each year and shall provide the information in aggregate and in digital form, and in a manner such that the data is capable of integration by the Council.

2. The Department of Veterans Services shall provide annual statistics regarding:

(a) The distribution of expenditures in this State by the United States Department of Veterans Affairs;

(b) The number of veterans who receive care or other services at a veterans' home *and, if applicable, at a veterans' Adult Day Health Care facility* operated by the State;

(c) The number of interments and other services provided by the veterans' cemeteries in this State;

(d) The total number of veterans service officers who are located in this State, by zip code;

(e) The number of claims filed on behalf of veterans and the family members of veterans by veterans service officers in this State;

(f) The amount of annual payments in the form of disability compensation and pension benefits made to veterans and the family members of veterans in this State as a result of claims filed by veterans service officers;

(g) The number of persons who participate as advocates for veterans in this State in a volunteer program sponsored by the Department of Veterans Services, by zip code;

(h) The number of employers in this State who participate in a program sponsored by the Department of Veterans Services that facilitates the employment of veterans; and

(i) The number of events held in this State to provide outreach to veterans regarding benefits, claims and services, segregated by the geographical location of each event.

3. The Department of Administration shall provide:

(a) Descriptions of and the total amount of the grant dollars received for veteran-specific programs;

(b) The total combined number of veterans and, to the extent the information is available, widows and widowers of persons killed in the line of duty while on active duty in the Armed Forces of the United States, who are employed by each agency in the State; and

(c) The total number of veterans with service-connected disabilities who are seeking preferences through the Purchasing Division and the State Public Works Division of the Department of Administration pursuant to NRS 333.3366 and 338.13844.



4. The State Department of Conservation and Natural Resources shall provide the total number of veterans receiving:

(a) Expedited certification for the grade I certification examination for wastewater treatment plant operators based on their military experience; and

(b) Any discounted fees for access to or the use of state parks.

5. The Department of Corrections shall provide:

(a) An annual overview of the monthly population of inmates in this State who are veterans; and

(b) The success rates for any efforts developed by the Incarcerated Veterans Reintegration Council.

6. The Office of Economic Development shall provide an overview of the workforce that is available statewide of veterans, organized by O*NET-SOC code from the United States Department of Labor or the trade, job title, employment status, zip code, county, highest education level and driver's license class.

7. The Department of Education shall provide the distribution of dependents of service members enrolled in Nevada's public schools.

8. The Department of Employment, Training and Rehabilitation shall provide a summary of:

(a) The average number of veterans served by a veteran employment specialist of the Department per week;

(b) The average number of initial and continuing claims for benefits filed per week by veterans pursuant to NRS 612.455 to 612.530, inclusive;

(c) The average weekly benefit received by veterans receiving benefits pursuant to chapter 612 of NRS; and

(d) The average duration of a claim by claimants who are veterans receiving benefits pursuant to chapter 612 of NRS.

9. The Department of Health and Human Services shall provide:

(a) The total number of veterans who have applied for and received certification as an Emergency Medical Technician-B, Advanced Emergency Medical Technician and Paramedic through the State Emergency Medical Systems program; and

(b) A report from the State Registrar of Vital Statistics setting forth the suicide mortality rate of veterans in this State.

10. The Department of Motor Vehicles shall provide:

(a) The total number of veterans who have declared themselves as a veteran and who applied for and received a commercial driver's license;

(b) The average monthly total of veteran license plates issued; and



(c) An overview of the data on veterans collected pursuant to NRS 483.292, 483.852 and 483.927.

11. The Adjutant General shall provide the total number of:

(a) Members of the Nevada National Guard using waivers for each semester and identifying which schools accepted the waivers;

(b) Members of the Nevada National Guard identified by Military Occupational Specialty and zip code; and

(c) Members of the Nevada National Guard employed under a grant from Beyond the Yellow Ribbon.

12. The Department of Public Safety shall provide the percentage of veterans in each graduating class of its academy for training peace officers.

13. The Department of Taxation shall provide the total number of veterans receiving tax exemptions pursuant to NRS 361.090, 361.091, 361.155, 371.103 and 371.104.

14. The Department of Wildlife shall provide the total number of:

(a) Veterans holding hunting or fishing licenses based on disability; and

(b) Service members holding hunting or fishing licenses who are residents of this State but are stationed outside this State.

15. The Commission on Postsecondary Education shall provide, by industry, the total number of schools in this State approved by the United States Department of Veterans Affairs that are serving veterans.

16. Each regulatory body shall provide the total number of veterans and service members who have:

(a) Applied for a license from the regulatory body.

(b) Been issued a license by the regulatory body.

(c) Renewed a license with the regulatory body.

17. Each state agency and regulatory body identified in subsections 2 to 16, inclusive, shall ensure that the form used to collect data from a veteran, including, without limitation, a digital form posted on an Internet website, includes the following questions:

(a) "Have you ever served on active duty in the Armed Forces of the United States and separated from such service under conditions other than dishonorable?"

(b) "Have you ever been assigned to duty for a minimum of 6 continuous years in the National Guard or a reserve component of the Armed Forces of the United States and separated from such service under conditions other than dishonorable?"

(c) "Have you ever served the Commissioned Corps of the United States Public Health Service or the Commissioned Corps of the National Oceanic and Atmospheric Administration of the United



1 States in the capacity of a commissioned officer while on active
2 duty in defense of the United States and separated from such service
3 under conditions other than dishonorable?”

4 18. The Council shall, upon receiving the information
5 submitted pursuant to this section and NRS 612.237, synthesize and
6 compile the information, including any recommendations of the
7 Council, and submit the information with the report submitted
8 pursuant to subsection 8 of NRS 417.0195.

9 19. As used in this section:

10 (a) “License” has the meaning ascribed to it in NRS 622.030.

11 (b) “Regulatory body” has the meaning ascribed to it in
12 NRS 622.060.

13 (c) “Service member” has the meaning ascribed to it in
14 NRS 125C.0635.

15 (d) “Veterans service officer” means a person who is accredited
16 or otherwise officially recognized by the United States Department
17 of Veterans Affairs to assist veterans with filing claims for benefits
18 and related matters.

19 **Sec. 7.** NRS 417.090 is hereby amended to read as follows:

20 417.090 1. The Director shall:

21 (a) Assist veterans, and those presently serving in the military
22 and naval forces of the United States who are residents of the State
23 of Nevada, their spouses, widows, widowers, children, dependents,
24 administrators ~~of~~ *of their estates*, executors and personal
25 representatives, in preparing, submitting and presenting any claim
26 against the United States, or any state, for adjusted compensation,
27 hospitalization, insurance, pension, disability compensation,
28 vocational training, education or rehabilitation and assist them in
29 obtaining any aid or benefit to which they may, from time to time,
30 be entitled under the laws of the United States or of any of the
31 states.

32 (b) Aid, assist, encourage and cooperate with every service
33 organization recognized nationally or in this State insofar as the
34 activities of such organizations are for the benefit of veterans,
35 servicemen and servicewomen.

36 (c) Give aid, assistance and counsel to each and every problem,
37 question and situation, individual as well as collective, affecting any
38 veteran, serviceman or servicewoman, or their dependents, or any
39 group of veterans, servicemen and servicewomen, when in their
40 opinion such comes within the scope of this chapter.

41 (d) Coordinate activities of veterans’ organizations.

42 (e) Serve as a clearinghouse and disseminate information
43 relating to veterans’ benefits.

44 (f) Conduct any studies which will assist veterans to obtain
45 compensation, hospitalization, insurance, pension, disability



1 compensation, vocational training, education, rehabilitation or any
2 other benefit to which veterans may be entitled under the laws of the
3 United States or of any state.

4 (g) Aid, assist and cooperate with the office of coordinator of
5 services for veterans created in a county pursuant to NRS 244.401.

6 (h) Pay to each county that creates the office of coordinator of
7 services for veterans, from state money available to him or her, a
8 portion of the cost of operating the office in an amount determined
9 by the Director.

10 (i) Take possession of any abandoned or unclaimed artifacts or
11 other property that has military or historical value for safekeeping.
12 The Director may:

13 (1) Transfer such an artifact or other property to:

14 (I) The Nevada State Museum or the Nevada Historical
15 Society, upon its written request, if the artifact or other property has,
16 in the opinion of the requesting institution, historical value and is
17 worthy of preservation; or

18 (II) Any other governmental agency or nonprofit entity,
19 including, without limitation, a veterans' organization and the
20 United States Department of Veterans Affairs, upon its written
21 request, if the artifact or other property was not requested by the
22 Nevada State Museum or the Nevada Historical Society; or

23 (2) Destroy or otherwise dispose of the artifact or other
24 property.

25 ➤ An action may not be maintained by any person against the
26 holder or former holder of an artifact or other property because of
27 the transfer, destruction or other disposal of the artifact or other
28 property pursuant to this paragraph.

29 (j) Develop plans and programs to assist veterans who have
30 suffered sexual trauma while on active duty or during military
31 training.

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

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

40 (m) Ensure that each generation of veterans is recognized
41 annually through a ceremony, information campaign or other form
42 of public acknowledgment.

43 2. The Director shall:

44 (a) Establish an internal policy for guidance to employees of the
45 Department regarding the transfer, destruction or other disposal of



artifacts and other property pursuant to paragraph (i) of subsection 1; and

(b) Post the policy on the Internet website maintained by the Department.

Sec. 8. NRS 417.145 is hereby amended to read as follows:

417.145 1. The Veterans Home Account is hereby established in the State General Fund.

2. Money received from:

(a) Payments made by the United States Department of Veterans Affairs for veterans who receive care in a veterans' home ~~or~~ *or in a veterans' Adult Day Health Care facility;*

(b) Other payments for medical care and services;

(c) Appropriations made by the Legislature for veterans' homes;

(d) *Appropriations made by the Legislature for veterans' Adult Day Health Care facilities;*

(e) Federal grants and other money received pursuant to paragraph ~~(e)~~ (d) of subsection 1 of NRS 417.147;

~~(e)~~ (f) Money collected pursuant to the schedule of rates established pursuant to ~~subsection~~ :

(1) *Subsection* 2 of NRS 417.147 for occupancy of rooms at veterans' homes; *or*

(2) *Subsection 3 of NRS 417.147 for the provision of care at veterans' Adult Day Health Care facilities;* and

~~(f)~~ (g) Except as otherwise provided in subsections 7 and 8, gifts of money and proceeds derived from the sale of gifts of personal property for the use of veterans' homes ~~or~~ *or of veterans' Adult Day Health Care facilities,* if the use of those gifts has not been restricted by the donor,

➤ must be deposited with the State Treasurer for credit to the Veterans Home Account.

3. Interest and income must not be computed on the money in the Veterans Home Account.

4. The Veterans Home Account must be administered by the Director, with the advice of the administrators ~~and~~ *and, if applicable, managers,* and except as otherwise provided in paragraph ~~(e)~~ (d) of subsection 1 of NRS 417.147, the money deposited in the Veterans Home Account may only be expended for:

(a) The establishment, management, maintenance and operation of veterans' homes;

(b) *Pursuant to the discretion of the Director, the establishment, management, maintenance and operation of veterans' Adult Day Health Care facilities;*

(c) A program or service related to a veterans' home ~~or~~ ;

~~—(e)~~ *or, if applicable, a veterans' Adult Day Health Care facility;*



(d) The solicitation of other sources of money to fund a veterans' home ~~H~~ *or, if applicable, a veterans' Adult Day Health Care facility;* and

~~H(d)~~ (e) The purpose of informing the public about issues concerning the establishment and uses of a veterans' home ~~H~~ *or, if applicable, of a veterans' Adult Day Health Care facility.*

5. Except as otherwise provided in subsections 7 and 8, gifts of personal property for the use of veterans' homes ~~H~~ *or, if applicable, of veterans' Adult Day Health Care facilities:*

(a) May be sold or exchanged if the sale or exchange is approved by the State Board of Examiners; or

(b) May be used in kind if the gifts are not appropriate for conversion to money.

6. All money in the Veterans Home Account must be paid out on claims approved by the Director as other claims against the State are paid.

7. The Gift Account for the Veterans Home in Southern Nevada is hereby established in the State General Fund. Gifts of money or personal property which the donor has restricted to one or more uses at the veterans' home in southern Nevada must be used only in the manner designated by the donor. Gifts of money which the donor has restricted to one or more uses at this veterans' home must be deposited with the State Treasurer for credit to the Gift Account for the Veterans Home in Southern Nevada. The interest and income earned on the money in the Gift Account for the Veterans Home in Southern Nevada, after deducting any applicable charges, must be credited to the Gift Account for the Veterans Home in Southern Nevada. Any money remaining in the Gift Account for the Veterans Home in Southern Nevada at the end of each fiscal year does not lapse to the State General Fund, but must be carried forward into the next fiscal year.

8. The Gift Account for the Veterans Home in Northern Nevada is hereby established in the State General Fund. Gifts of money or personal property which the donor has restricted to one or more uses at the veterans' home in northern Nevada must be used only in the manner designated by the donor. Gifts of money which the donor has restricted to one or more uses at this veterans' home must be deposited with the State Treasurer for credit to the Gift Account for the Veterans Home in Northern Nevada. The interest and income earned on the money in the Gift Account for the Veterans Home in Northern Nevada, after deducting any applicable charges, must be credited to the Gift Account for the Veterans Home in Northern Nevada. Any money remaining in the Gift Account for the Veterans Home in Northern Nevada at the end of



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

9. The Director shall, on or before August 1 of each year, prepare and submit to the Interim Finance Committee a report detailing the expenditures made from the Gift Account for the Veterans Home in Southern Nevada and the Gift Account for the Veterans Home in Northern Nevada.

Sec. 9. NRS 417.147 is hereby amended to read as follows:

417.147 1. The Director shall:

(a) Appoint *or contract with a management company that must appoint* an administrator for each veterans' home in this State. Each administrator must be licensed as a nursing facility administrator or health services executive pursuant to NRS 654.170.

(b) *If the Director establishes a veterans' Adult Day Health Care facility pursuant to paragraph (b) of subsection 4 of NRS 417.145, appoint a manager for each veterans' Adult Day Health Care facility in this State.*

(c) Take such other actions as are necessary for the management, maintenance and operation of veterans' homes *and, if applicable, veterans' Adult Day Health Care facilities* in this State, including, without limitation, establishing and implementing rules, policies and procedures for such management, maintenance and operation.

~~He)~~ (d) Apply for federal grants and other sources of money available for establishing veterans' homes ~~H~~ *and, if applicable, veterans' Adult Day Health Care facilities.* A federal grant must be used only as permitted by the terms of the grant.

2. With the advice of the Nevada Veterans Services Commission, the Director shall, on or before April 1 of each calendar year, recommend to the State Board of Examiners a schedule of rates to be charged for occupancy of rooms at each veterans' home in this State during the following fiscal year. The State Board of Examiners shall establish the schedule of rates. In setting the rates, the State Board of Examiners shall consider the recommendations of the Director, but is not bound to follow the recommendations of the Director.

~~3. [The first veterans' home that is established in this State must be established at a location in southern Nevada determined to be appropriate by the Interim Finance Committee. The Interim Finance Committee shall give preference to a site that is zoned appropriately for the establishment of a veterans' home, that affords minimum costs of maintenance and that is located in an area where the members of the families of the veterans can easily visit the veterans' home. The site for the construction of the veterans' home in southern Nevada must be:~~



~~(a) Located in reasonable proximity to:~~
~~(1) A public transportation system;~~
~~(2) Shopping centers; and~~
~~(3) A major hospital that has a center for the treatment of trauma which is designated as a level II center by the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services.~~

~~(b) Not less than 5 acres in area.~~

~~4. If an additional veterans' home is authorized, it must be established in northern Nevada.]~~ *If the Director establishes one or more veterans' Adult Day Health Care facilities pursuant to paragraph (b) of subsection 4 of NRS 417.145, with the advice of the Nevada Veterans Services Commission, the Director shall, on or before April 1 of each calendar year, recommend to the State Board of Examiners a schedule of rates to be charged for the use of services provided at each veterans' Adult Day Health Care facility in this State during the following fiscal year. The State Board of Examiners shall establish the schedule of rates. In setting the rates, the State Board of Examiners shall consider the recommendations of the Director, but is not bound to follow the recommendations of the Director.*

4. As used in this section, "management company" means the company which manages and administers a veterans' home in this State.

Sec. 10. NRS 417.148 is hereby amended to read as follows:

417.148 1. A revolving account up to the amount of \$2,000 is hereby created for each veterans' home ~~and~~ *and, if applicable, veterans' Adult Day Health Care facility*, and may be used for the payment of bills of the veterans' home *or the veterans' Adult Day Health Care facility, as applicable*, requiring immediate payment and for no other purpose. The administrator ~~of a veterans' home~~ *or manager, as applicable*, shall deposit the money for the revolving account for the veterans' home *or veterans' Adult Day Health Care facility, as applicable*, in a bank, credit union, savings and loan association or savings bank qualified to receive deposits of public money. The revolving account must be under the control of the administrator of the veterans' home for which the account was created ~~or the manager of the veterans' Adult Day Health Care facility for which the account was created.~~

2. The Director may transfer such amounts of money from the Veterans Home Account to a revolving account as the Director determines necessary provided that the balance in the revolving account does not exceed \$2,000.



Sec. 11. NRS 417.149 is hereby amended to read as follows:

417.149 1. An administrator ~~{for a veterans' home}~~ may accept money belonging to the residents of the veterans' home and, except as otherwise provided in this section, shall deposit that money in a trust fund which is established in a bank, credit union, savings and loan association or savings bank qualified to receive deposits of public money. The administrator shall account for all such money of the residents separately. Interest and income earned on the money in the trust fund, after deducting any applicable charges, must be accounted for separately and credited to the appropriate accounts in the trust fund.

2. The administrator shall:

(a) Keep a separate account for each resident who entrusts his or her money with the administrator for deposit into the trust fund.

(b) Keep, or cause to be kept, a full and accurate written account of the money of each resident of the veterans' home accepted pursuant to this section.

(c) Pay any remaining balance in the account of a resident, including an amount equal to that portion of money in the reserve cash fund maintained pursuant to subsection 3 that is attributable to the resident:

(1) If the resident leaves the veterans' home, to the resident or his or her legal guardian; or

(2) Upon the death of the resident, to the person administering the estate of the resident.

3. From the money in the trust fund, the administrator shall maintain a sum not to exceed \$3,000 in a reserve cash fund at the veterans' home for immediate use by the residents of the veterans' home who have an account in the trust fund. The administrator shall not keep an amount in the reserve cash fund attributable to a specific resident that is in excess of \$50. If a resident withdraws money from the reserve cash fund, the administrator shall deduct the amount of the withdrawal from the resident's account in the trust fund.

Sec. 12. This act becomes effective upon passage and approval.

