

Assembly Bill No. 12–Committee
on Government Affairs

CHAPTER.....

AN ACT relating to veterans; replacing certain regulatory authority of the Department of Veterans Services with the authority to adopt policies and procedures; making various changes to the requirement for the Department to provide certain annual statistics; revising the requirements a person must possess to be appointed the Deputy Director for Health and Wellness of the Department; removing the requirements for the Director of the Department to provide certain assistance and materials to veterans and members of the military who are lesbian, gay, bisexual or transgender; removing requirements for the locations at which meetings of the Veterans Services Commission must be held; removing certain requirements concerning veterans' cemeteries; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Director of the Department of Veterans Services to adopt such regulations as are necessary to carry out the provision that no veteran is denied eligibility for any program, service, benefit, activity or facility of a department, division, board, bureau, commission or agency of this State on the basis of the veteran's status as a discharged veteran who is lesbian, gay, bisexual or transgender. (NRS 417.0185) **Section 1** of this bill removes this regulatory authority and instead authorizes the Director to adopt such policies and procedures necessary to carry out the provision that no such denial of eligibility occurs.

Existing law requires the Department of Veterans Services to provide annual statistics regarding certain information. (NRS 417.0194) **Section 2** of this bill makes various changes to this requirement.

Existing law requires that a person of the Department must have at least 4 years of experience in health care management or administration to be eligible for appointment as the Deputy Director for Health and Wellness. (NRS 417.030) **Section 3** of this bill provides that such a person must have at least 4 years of experience in health care management or health care administration.

Existing law requires the Director to provide certain assistance to and develop and distribute certain informational materials to veterans and members of the military who are lesbian, gay, bisexual or transgender. (NRS 417.093) **Section 4** of this bill removes these requirements.

Existing law requires the meetings of the Veterans Services Commission be held: (1) in Las Vegas; (2) in Reno; or (3) at any other location if conducted by teleconference. (NRS 417.170) **Section 5** of this bill removes the requirement for meetings to be held at certain locations.

Existing law requires the Director to establish, operate and maintain a veterans' cemetery in northern Nevada and a veterans' cemetery in southern Nevada. Existing law additionally requires a person who desires to provide voluntary services to further the establishment, maintenance or operation of either of the cemeteries to submit a written offer to the cemetery superintendent which describes



the nature of the services. (NRS 417.200) **Section 6** of this bill removes these requirements. **Section 7** of this bill makes conforming changes.

Existing law: (1) authorizes the Director to employ such clerical and stenographical assistance as necessary; (2) authorizes the Director to purchase necessary office equipment and supplies; and (3) provides that the Director is entitled to receive reimbursement for necessary travel and miscellaneous administrative expenses. (NRS 417.080) Existing law further authorizes the Director and each deputy director to administer oaths to certain persons and certify certain documents. (NRS 417.100) Existing law additionally provides that a majority of the Nevada Veterans Services Commission constitutes a quorum for the purpose of transacting any business. (NRS 417.180) Existing law also sets forth certain legislative declarations concerning veterans who are women. (NRS 417.300) **Section 10** of this bill repeals these provisions. **Section 8** of this bill makes conforming changes.

EXPLANATION - Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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

Section 1. NRS 417.0185 is hereby amended to read as follows:

417.0185 1. No veteran may be denied eligibility for any program, service, benefit, activity or facility of a department, division, board, bureau, commission or agency of this State or any political subdivision of this State which provides a program, service, benefit, activity or facility to veterans for which the veteran would otherwise be eligible solely on the basis of the veteran's status as a discharged veteran who is lesbian, gay, bisexual or transgender.

2. The Director may adopt such ~~regulations~~ *policies and procedures* as are necessary to carry out the provisions of this section.

3. As used in this section, "veteran" means a resident of this State who meets the qualifications of subsection 1 of NRS 417.005.

Sec. 2. 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 ~~for other services~~ at a veterans' home 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 *any* veterans service officers ~~in~~ *employed or managed by the Department of Veterans Services;*

(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 *sponsored or supported by the Department of Veterans Services* 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 *of Employment, Training and Rehabilitation* 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 States in the capacity of a commissioned officer while on active duty in defense of the United States and separated from such service under conditions other than dishonorable?"

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

19. As used in this section:

(a) "License" has the meaning ascribed to it in NRS 622.030.

(b) "Regulatory body" has the meaning ascribed to it in NRS 622.060.

(c) "Service member" has the meaning ascribed to it in NRS 125C.0635.

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

Sec. 3. 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 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 *health care* 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. 4. NRS 417.093 is hereby amended to read as follows:

417.093 1. The Director shall ~~[-~~

~~—(a) Conduct]~~ *conduct* outreach to, and provide assistance designed for the unique needs of, veterans and members of the military who are lesbian, gay, bisexual or transgender and their spouses and dependents ~~[-~~

~~—(b) Provide assistance to a veteran who is lesbian, gay, bisexual or transgender]~~, *including, without limitation, providing assistance* in applying for an upgrade to the character of the veteran's discharge from service or a change in the narrative reason for the veteran's discharge from service.

~~[(c) Provide assistance in applying for and obtaining benefits which are available through agencies and programs that provide services and resources to veterans and members of the military who are lesbian, gay, bisexual or transgender and their spouses and dependents.~~

~~—(d) Provide assistance to veterans and members of the military who are lesbian, gay, bisexual or transgender in applying for, and in appealing any denial of, federal and state benefits for veterans and members of the military and aid to which those veterans, members of the military and their spouses and dependents may be entitled.~~

~~—(e) Develop and distribute informational materials to veterans and members of the military who are lesbian, gay, bisexual or transgender and their spouses and dependents regarding benefits which are available through agencies and programs that provide services and resources to veterans and members of the military who are lesbian, gay, bisexual or transgender and their spouses and dependents.]~~

2. As used in this section, "veteran" means a resident of this State who meets the qualifications of subsection 1 of NRS 417.005.

Sec. 5. NRS 417.170 is hereby amended to read as follows:

417.170 1. The Nevada Veterans Services Commission shall meet at least four times and not more than eight times every fiscal year.



2. Meetings of the Veterans Services Commission may be held at the call of the Chair whenever the Chair determines that there is sufficient business to warrant action by the Veterans Services Commission or whenever five members of the Veterans Services Commission submit a written request for a meeting.

3. ~~[Meetings of the Veterans Services Commission must be held:~~

~~—(a) In Las Vegas;~~

~~—(b) In Reno; or~~

~~—(c) At any other location if conducted by teleconference.~~

~~—4.]~~ Notice of the time, place and purpose of all meetings must be given in writing to each member at least 5 days before the meeting.

Sec. 6. NRS 417.200 is hereby amended to read as follows:

417.200 1. ~~[The Director shall establish, operate and maintain a veterans' cemetery in northern Nevada and a veterans' cemetery in southern Nevada, and may, within the limits of legislative authorization, employ personnel and purchase equipment and supplies necessary for the operation and maintenance of the cemeteries.]~~ The Director shall employ a cemetery superintendent to operate and maintain each *veterans'* cemetery.

2. The cemetery superintendent shall, if a veteran does not indicate by testamentary instrument that the veteran desires to have the area immediately above and surrounding the interred remains of the veteran landscaped with xeriscaping, or if an application for interment submitted pursuant to NRS 417.210 does not indicate that the veteran desires to have the area immediately above and surrounding the interred remains of the veteran landscaped with xeriscaping, ensure that the area immediately above and surrounding the interred remains of the veteran in the veterans' cemetery is landscaped with natural grass.

~~[3. A person desiring to provide voluntary services to further the establishment, maintenance or operation of either of the cemeteries shall submit a written offer to the cemetery superintendent which describes the nature of the services. The cemetery superintendent shall consider all such offers and approve those he or she deems appropriate. The cemetery superintendent shall coordinate the provision of all services so approved.]~~

Sec. 7. 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 Director from:

(a) Fees charged pursuant to NRS 417.210;



(b) Allowances for burial from the United States 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;

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

(e) Except as otherwise provided in subsection 6 and NRS 417.115, 417.145, 417.147 and 417.410, 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~~ **required** to employ pursuant to NRS 417.200, the 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 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 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 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.

7. The 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. 8. NRS 417.310 is hereby amended to read as follows:
417.310 As used in *this section and* NRS ~~417.300 to~~ **417.320 and** 417.330, ~~inclusive,~~ unless the context otherwise requires, "Committee" means the Women Veterans Advisory Committee created by NRS 417.320.

Sec. 9. Any regulations adopted by the Department of Veterans Services that conflict with the amendatory provisions of this act are void. The Legislative Counsel shall remove those regulations from the Nevada Administrative Code as soon as practicable after the passage and approval of this act.

Sec. 10. NRS 417.080, 417.100, 417.180 and 417.300 are hereby repealed.

Sec. 11. This act becomes effective upon passage and approval.

