
ASSEMBLY BILL NO. 12—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 relating to veterans.
(BDR 37-195)

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; 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:

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



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

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

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

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

25 Existing law requires the Director to establish, operate and maintain a veterans'
26 cemetery in northern Nevada and a veterans' cemetery in southern Nevada.
27 Existing law additionally requires a person who desires to provide voluntary
28 services to further the establishment, maintenance or operation of either of the
29 cemeteries to submit a written offer to the cemetery superintendent which describes
30 the nature of the services. (NRS 417.200) **Section 6** of this bill removes these
31 requirements. **Section 7** of this bill makes conforming changes.

32 Existing law: (1) authorizes the Director to employ such clerical and
33 stenographical assistance as necessary; (2) authorizes the Director to purchase
34 necessary office equipment and supplies; and (3) provides that the Director is
35 entitled to receive reimbursement for necessary travel and miscellaneous
36 administrative expenses. (NRS 417.080) Existing law further authorizes the
37 Director and each deputy director to administer oaths to certain persons and certify
38 certain documents. (NRS 417.100) Existing law additionally provides that a
39 majority of the Nevada Veterans Services Commission constitutes a quorum for the
40 purpose of transacting any business. (NRS 417.180) Existing law also sets forth
41 certain legislative declarations concerning veterans who are women. (NRS
42 417.300) **Section 10** of this bill repeals these provisions. **Section 8** of this bill
43 makes conforming changes.

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

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

3 417.0185 1. No veteran may be denied eligibility for any
4 program, service, benefit, activity or facility of a department,
5 division, board, bureau, commission or agency of this State or any
6 political subdivision of this State which provides a program, service,
7 benefit, activity or facility to veterans for which the veteran would
8 otherwise be eligible solely on the basis of the veteran's status as a
9 discharged veteran who is lesbian, gay, bisexual or transgender.

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



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

3 **Sec. 2.** NRS 417.0194 is hereby amended to read as follows:

4 417.0194 1. Each state agency and regulatory body identified
5 in subsections 2 to 16, inclusive, shall report, subject to any
6 limitations or restrictions contained in any state or federal law
7 governing the privacy or confidentiality of records, the data
8 identified in subsections 2 to 17, inclusive, as applicable, to the
9 Interagency Council on Veterans Affairs. Each state agency and
10 regulatory body shall submit such information for the immediately
11 preceding fiscal year to the Council not later than November 30 of
12 each year and shall provide the information in aggregate and in
13 digital form, and in a manner such that the data is capable of
14 integration by the Council.

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

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

19 (b) The number of veterans who receive care ~~[or other services]~~
20 at a veterans’ home operated by the State;

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

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

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

28 (f) The amount of annual payments in the form of disability
29 compensation and pension benefits made to veterans and the family
30 members of veterans in this State as a result of claims filed by *any*
31 veterans service officers ~~[;]~~ *employed or managed by the*
32 *Department of Veterans Services;*

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

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

39 (i) The number of events *sponsored or supported by the*
40 *Department of Veterans Services* held in this State to provide
41 outreach to veterans regarding benefits, claims and services,
42 segregated by the geographical location of each event.

43 3. The Department of Administration shall provide:

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



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

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

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

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

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

15 5. The Department of Corrections shall provide:

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

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

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

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

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

30 (a) The average number of veterans served by a veteran
31 employment specialist of the Department *of Employment, Training*
32 *and Rehabilitation* per week;

33 (b) The average number of initial and continuing claims for
34 benefits filed per week by veterans pursuant to NRS 612.455 to
35 612.530, inclusive;

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

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

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

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



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

3 10. The Department of Motor Vehicles shall provide:

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

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

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

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

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

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

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

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

21 13. The Department of Taxation shall provide the total number
22 of veterans receiving tax exemptions pursuant to NRS 361.090,
23 361.091, 361.155, 371.103 and 371.104.

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

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

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

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

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

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

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

38 (c) Renewed a license with the regulatory body.

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



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

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

8 (c) "Have you ever served the Commissioned Corps of the
9 United States Public Health Service or the Commissioned Corps of
10 the National Oceanic and Atmospheric Administration of the United
11 States in the capacity of a commissioned officer while on active
12 duty in defense of the United States and separated from such service
13 under conditions other than dishonorable?"

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

19 19. As used in this section:

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

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

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

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

29 **Sec. 3.** NRS 417.030 is hereby amended to read as follows:

30 417.030 1. The office of Director of the Department of
31 Veterans Services is hereby created.

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

34 3. The Director shall appoint such deputy directors as are
35 necessary to assist the Director in performing the duties prescribed
36 in this chapter, including, without limitation, a Deputy Director for
37 Programs and Services and a Deputy Director for Health and
38 Wellness.

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

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

42 (b) Possess an honorable discharge from some branch of the
43 military and naval service of the United States; and

44 (c) Have at least 4 years of experience in management or
45 administration.



1 5. Except as otherwise provided in this subsection, any person
2 to be eligible for appointment as the Deputy Director for Health and
3 Wellness must:

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

5 (b) Possess an honorable discharge from some branch of the
6 military and naval service of the United States; and

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

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

14 **Sec. 4.** NRS 417.093 is hereby amended to read as follows:

15 417.093 1. The Director shall ~~⌋~~

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

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

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

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

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

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



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

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:

170.200 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.



- 1 2. Money received by the Director from:
2 (a) Fees charged pursuant to NRS 417.210;
3 (b) Allowances for burial from the United States Department of
4 Veterans Affairs or other money provided by the Federal
5 Government for the support of veterans' cemeteries;
6 (c) Receipts from the sale of gifts and general merchandise;
7 (d) Grants obtained by the Director for the support of veterans'
8 cemeteries; and

9 (e) Except as otherwise provided in subsection 6 and NRS
10 417.115, 417.145, 417.147 and 417.410, gifts of money and
11 proceeds derived from the sale of gifts of personal property that he
12 or she is authorized to accept, if the use of such gifts has not been
13 restricted by the donor,

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

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

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

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

39 6. The Gift Account for Veterans Cemeteries is hereby created
40 in the State General Fund. Gifts of money that the Director is
41 authorized to accept and which the donor has restricted to one or
42 more uses at a veterans' cemetery must be accounted for separately
43 in the Gift Account for Veterans Cemeteries. The interest and
44 income earned on the money deposited pursuant to this subsection
45 must, after deducting any applicable charges, be accounted for



1 separately for a veterans' cemetery in northern Nevada or a
2 veterans' cemetery in southern Nevada, as applicable. Any money
3 remaining in the Gift Account for Veterans Cemeteries at the end of
4 each fiscal year does not revert to the State General Fund, but must
5 be carried over into the next fiscal year.

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

15 **Sec. 8.** NRS 417.310 is hereby amended to read as follows:
16 417.310 As used in *this section and* NRS ~~417.300 to~~ **417.320**
17 **and** 417.330, ~~[inclusive,]~~ unless the context otherwise requires,
18 "Committee" means the Women Veterans Advisory Committee
19 created by NRS 417.320.

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

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

27 **Sec. 11.** This act becomes effective upon passage and
28 approval.

LEADLINES OF REPEALED SECTIONS

417.080 Employees, equipment and supplies;
administrative expenses and salaries.

417.100 Administration of oaths; certification of document.

417.180 Quorum; effect of vacancy.

417.300 Legislative declaration.



